

USAWC STRATEGY RESEARCH PROJECT

**THE BUSH DOCTRINE: POWER CONCEPTS,
PREEMPTION, AND THE GLOBAL WAR ON TERROR**

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ABSTRACT

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The National Security Strategy of the United States (NSS) provides the strategic compass for U.S. global interaction. The current NSS, referred to as “The Bush Doctrine,” differs from previous published strategy documents in two ways. First, developed from the aftermath of ‘9/11’, it’s significantly threat-based, providing clear visibility on the primary dangers facing America—terrorist organizations with global reach, rogue regimes, and the proliferation of weapons of mass destruction (WMD). And secondly, it provides a stated use-of-force policy that addresses the requirement for offensive action to prevent threats from materializing on American shores. Referred to by critics as the ‘policy of preemption’, no other published NSS has received such tremendous negative attention from both domestic leaders and abroad. Policy critics, however, routinely focus on the controversial, neglecting the ‘whole picture’ perspective of policy intent. It’s here that actions speak louder than words—in the two-plus years of the declared ‘Global War on Terror’, the U.S. has yet to overtly execute the preemptive option. This paper outlines the threat, discusses both the preemptive ‘military arrow’ and the coercive power concepts associated with diplomacy, and attempts to provide policy clarity based on U.S. actions over the last several years. The intent is to illustrate the use of preemptive action as a marginalized option—it’s the seldom used event—and assert the central role of the diplomatic arm of power in the campaign on terror. And because diplomacy plays the key role for motivating international action, the political arena of the United Nations (UN) is integral to success. But until the UN, as an institution, discovers its place in the new post-Cold War security environment, the burden for generating a global response falls squarely on American shoulders. To remain a relevant institution for promoting peace and stability, the UN must redefine its role to meet the challenges of today’s threats.

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THE BUSH DOCTRINE: POWER CONCEPTS, PREEMPTION, AND THE GLOBAL WAR ON TERROR

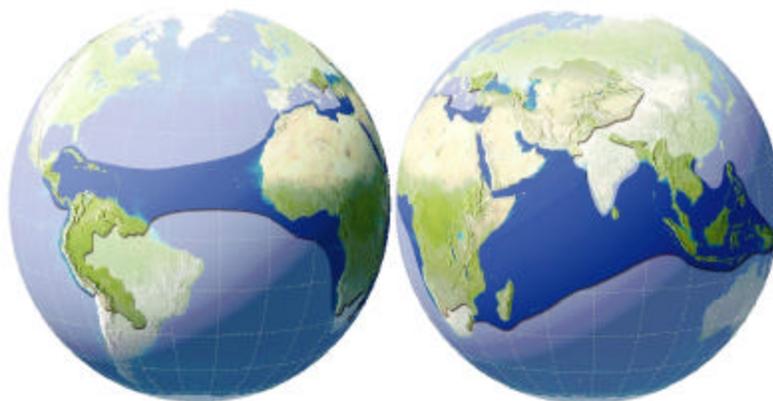
U.S. National Security Strategy (NSS) issues broad guidance and direction for U.S. global involvement and appropriate use of the instruments of power – diplomatic, economic, informational, and military. It provides threat definition to U.S. security and interests, re-enforces core values, and focuses global politics and relationships. America's most recent NSS, released in September 2002 and commonly referred to as the 'Bush Doctrine', represents a radical departure from previous policy in two ways. First, strongly influenced by events on 9/11, it's significantly 'threat-based', providing clear visibility on the primary threats facing America in the new millennium – transnational terrorist organizations, rogue regimes, and the proliferation of weapons of mass destruction (WMD). Secondly, it provides a stated use-of-force policy flavored with a willingness of unilateral action, use of preemptive strike, and hints of preventive war. While the new threats facing America are also of unquestionable global concern, a stated use-of-force policy that advertises preemptive and unilateral action is a target of criticism from political leaders both at home and abroad. The primary fears appear focused on a perception of U.S. hegemonic muscle flexing, a disregard of the United Nations (UN) multilateral consensus process, and blatant use of coercive language enforced by unmatched military might. Of immediate concern to American decision-makers is the increasing rift between the U.S. and other world-leaders on both the scope and severity of the threat. As a result, U.S. voice on how to combat the 'new global threats' is often blunted before the United Nations (UN) and world opinion on American policy turns negative.

In reply to the transnational threats that fully emerged on 9/11, America declared a 'Global War on Terror' (GWOT) that encompasses persistent application of all instruments of power in combined, simultaneous execution. Because a global effort of all nations is required, the diplomatic tool is the backbone of the overarching campaign, accompanied by significant emphasis on other than military means—economic, law enforcement, and intelligence tools—to crush terrorist capability.¹ However, in critical analysis of the current NSS, the focus of world opinion is centered on small passages dealing with the military instrument—specifically, what is coined the 'doctrine of preemption'.² This paper identifies and examines the basis for current U.S. policy—the threat—and discusses the relevance of the traditional power concepts—primarily coercive diplomacy—in countering the threat. In the context of both the NSS and National Strategy for Combating Terrorism (NS-CT), possible triggers for executing preemptive action are explored based off assumptions formulated on policy intent; actual intent is only truly known by those who framed the policy. The main goal of this paper is two-fold: first, to provide

clarity to the controversial rhetoric of the NSS on preemptive (or unilateral) action, illustrating its use as the exception to the norm; traditional concepts of power have greater applicability in achieving policy ends. And secondly, propose the need for institutional reform at the UN. The threat is truly global, aimed at serving indiscriminate mass murder and destruction to both the developed and developing world; to remain a relevant institution for promoting global peace and stability, the UN must remove the diplomatic gloves of politeness and directly engage Member-States with collaborating ties or a blind eye to terror.

UNDERSTANDING THE THREAT

To fully understand the threats facing America today, it's first necessary to capture an understanding of its origins, in terms of both geography and cause. Thomas P.M. Barnett, a professor at the U.S. Naval War College's Decision Strategies Department, proposes current day threats to the U.S., in particular that of radical Islamic fundamentalism, are direct by-products of the 'age of globalization'.³ Barnett's theory, based on world regions that required U.S. military intervention during the last 20-years, divides the globe into two primary groups of states, the 'Functioning Core' and the 'Non-Integrating Gap'. The 'Core' consists of "countries seeking to align their internal rule sets with the emerging global rule set (primarily Western democracies and emerging globalized economies)."⁴ The 'Gap' is the not so unique group of countries unable to conform to globalization due to poverty, dysfunctional political systems and cultural/ethnic strife.⁵ Figures 1⁶ and 2⁷ graphically depict the 'Core' and 'Gap'. While the basis

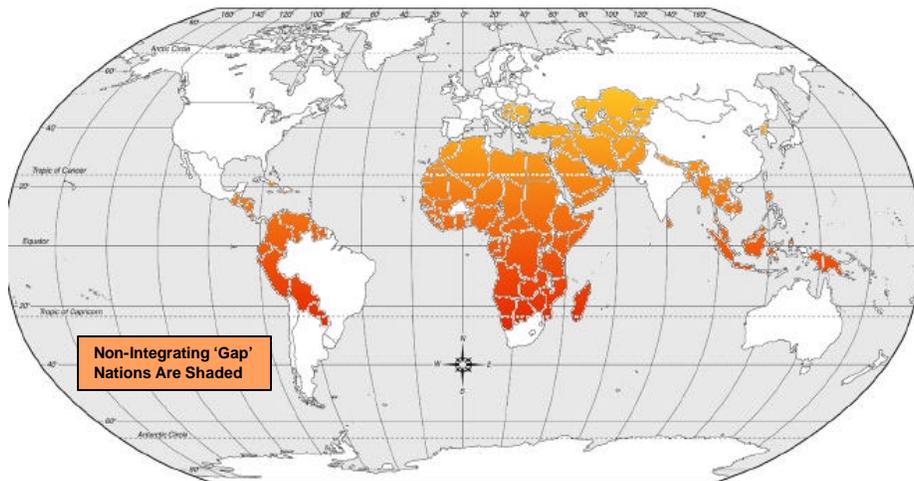


Highlighted Portions of the Globe Represent Non-Integrating Regions of the World Affected by the Absence of Globalization

FIGURE 1. GLOBAL DEPICTION OF 'THE GAP'

of his theory is to provide a region-based strategic blueprint for focusing U.S. threat engagement efforts, the following quote summarizes descriptions of the 'Core' and 'Gap':

"Show me where globalization is thick with network connectivity, financial transactions, liberal media flows, and collective security, and I will show you regions featuring stable governments, rising standards of living...these parts of the world I call the Functioning Core, or Core. But show me where globalization is thinning or just plain absent, and I will show you **regions plagued by political repressive regimes, widespread poverty and disease, routine mass murder, and—most important—the chronic conflicts that incubate the next generation of global terrorists. These parts of the world I call the Non-Integrating Gap, or Gap.**"⁸ (Emphasis added).



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FIGURE 2. THE GEOGRAPHY OF 'THE GAP'

The NS-CT indirectly makes reference to the 'Gap' region by describing the underlying conditions that allow terrorist organizations to rally support to 'the cause'—poverty, corruption, religious and ethnic conflict—all symptoms of 'non-integrating' countries.⁹ The Muslim regions of the world fall directly in this group. Lying directly in the geography of the 'Gap', this region predominately spans from North Africa through the Middle East and Central Asia, to Indonesia and the South Pacific. Referred to as the 'arc of chaos' or 'arc of instability', this region is, to a

great degree, a victim of the absence of globalization.¹⁰ The vast majority of Muslim nations of the world are represented by repressive governments, stagnant economies, poverty, and religious fanaticism, making the region ripe recruiting grounds of terror.¹¹ The Director of Central Intelligence (DCI), in his February 2003 worldwide threat briefing to Congress, emphasized the significant threat to national security percolating in this region, with two significant challenges requiring a high level of attention:

“Challenges such as the world’s vast stretches of ungoverned areas—lawless zones, veritable ‘no-man’s lands’ like some of the areas along the Afghan-Pakistani border—where extremist movements find shelter and can win the breathing space to grow.”¹²

“Challenges such as the numbers of societies and peoples excluded from the benefits of an expanding global economy, where the daily lot is hunger, disease, and displacement—and that produce large populations of disaffected youth who are prime recruits for our extremist foes.”¹³ He’s referring to ‘Gap Nations’ here.

The DCI further emphasized that while globalization is a ‘net plus’ for the global economy, in lesser developed countries it has become a disruptive force, especially in the politically and economically repressive Arab nations. Those populations receive the full brunt of cultural change that hitchhikes on the vehicle of globalization without gaining a share of the economic profits; coupled with a large, youthful, unemployed, poverty-ridden class of citizens creates a soft environment to radical influence.¹⁴ This region gave birth to ‘the new terrorism’.

THE NEW TERRORISM IS OPERATIONALLY GLOBAL

Usama bin Laden (UBL) and al-Qaeda (AQ) weren’t new phenomena to America prior to their 9/11 terror attacks on U.S. soil. In the last decade alone, AQ punctuated American history through violent attacks of increasingly organized and coordinated skill: the first World Trade Center bombing (’93); the Khobar Towers bombing (’96); the near simultaneous bombings of two U.S. embassies on the African continent (’98); and the assault on the USS Cole (’00).¹⁵ Unfortunately, it took a radical event like “9/11” to fully shake America awake to the evolution of terrorism, the ‘new terrorism’, where the “attacks were not only the acts of asymmetric warfare, they were the acts of an asymmetric foe.”¹⁶ As a result, the U.S. catapulted from a reactionary counterterrorism (CT) posture to an aggressive campaign focused on the offense; AQ, the most dangerous of this group, is now directly in American crosshairs. And AQ is perhaps an ideal model of ‘new terrorism’—as an umbrella organization, it merged with numerous Islamic terrorist groups around the globe, creating an “international, semicorporate amalgamation of terrorist cells, which grew to include nearly any Muslim affiliated terrorist group with a grudge against the

United States or its allies.”¹⁷ AQ has globalized their operations. Structural characteristics of the ‘new terrorist’ organizations include (see figure 3¹⁸):

Distributed, decentralized network structure of subnational terrorist elements or groups linked together to form a transnational capability.¹⁹ Groups are linked together by common ideology, enemy, sponsorship, shared resources, or mutual support.²⁰ This characteristic increases global reach capability and allows both “top-down” coordinated operations and autonomous initiatives by individual cells.

Relative independence from state sponsorship. Typically, the ‘new terrorism’ exploits the weaknesses of failed or failing states in order to exist.²¹ Becoming less dependent on state sponsorship (at least overtly), dovetails with the goal of attaining decentralized, less territorially defined networks capable of global operations.²² Funding is provided through illegal activities, sympathetic groups or businesses, front companies, misled and bogus charities, or covertly through a state sponsor. Failed or failing states provide the territory for performing ‘garrison’ functions.

Relative dependence on the ‘seams or gaps’ in international society to execute and support operations.²³ The seams facilitate transnational movement, logistics and acts.

Increased use of communication and information technologies; facilitates rapid, secure coordination of activity.²⁴

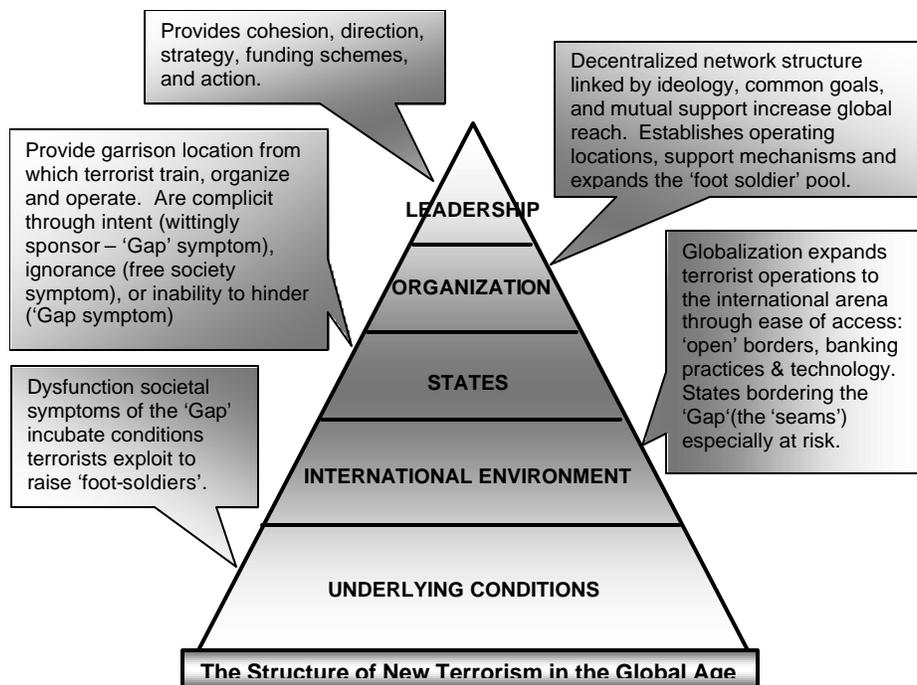


FIGURE 3. ELEMENTS THAT FACILITATE AND FEED TERROR

Organizational characteristics of global terrorist networks, especially those that are capable of decentralized, autonomous action, significantly increase the difficulty of successfully executing offensive counteractions. The opening remarks of the NSS reveal the ambiguous nature of task:

“Enemies in the past needed great armies and great industrial capabilities to endanger America. Now, shadowy networks of individuals can bring great chaos and suffering to our shores for less than it costs to purchase a single tank. Terrorists are organized to penetrate open societies and turn the power of modern technology against us.”²⁵

However, global terrorism is only one variable of the immediate threat calculus.

THE THREAT TRIAD AND WEAPONS OF MASS DESTRUCTION

The Bush Doctrine sounds the alarm on the potential of a threat triad: “...terrorist organizations with global reach; weak states that harbor and assist such terrorist organizations; and rogue states.”²⁶ Policy stance on state sponsors of terrorism is clear:

“We make no distinction between terrorists and those who knowingly harbor or provide aid to them.”²⁷

Adding the proliferation of WMD to the mix further compounds the threat equation. As early as 1998, AQ publicly expressed their desire for a WMD capability, with UBL declaring it a ‘religious duty.’²⁸ The dangerous nexus between terrorist networks, terrorist states, rogue states, and WMD, where the balance of power can be inappropriately tipped by impoverished states, or organizations like AQ, is captured by the NSS as the ‘new deadly challenges’ of the era.²⁹

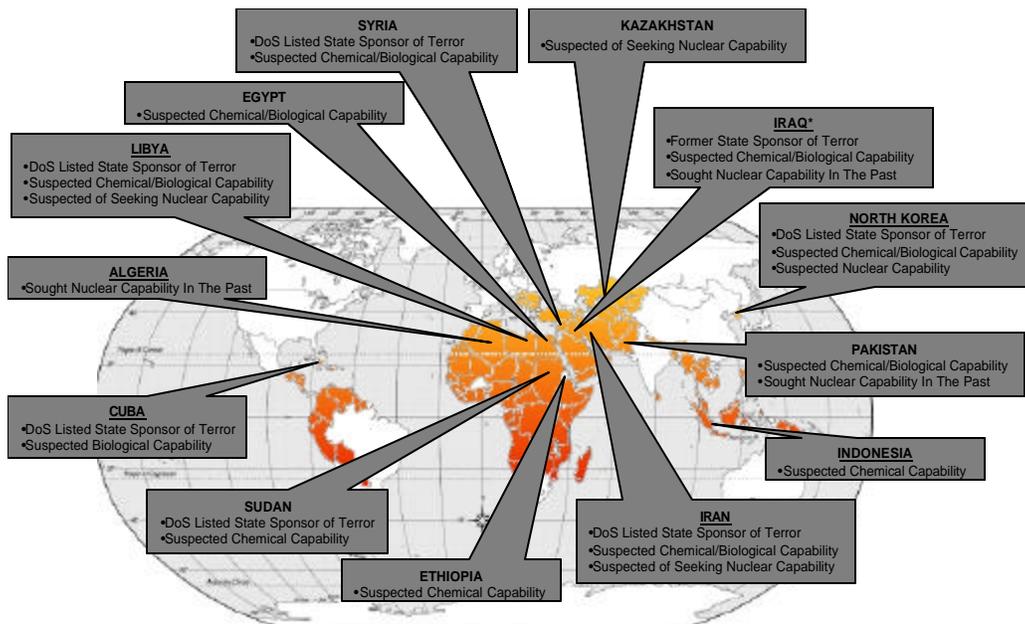
“...the nature and motivations of these new adversaries, their determination to obtain destructive powers hitherto available only to the world’s strongest states, and the greater likelihood that they will use weapons of mass destruction against us, make today’s security environment more complex and dangerous.”³⁰

Furthermore, the NSS is forthright on the ineffectiveness of a single defensive strategy founded on deterrence to counter such threats:

“...deterrence based only on the threat of retaliation is less likely to work against leaders of rogue states...” and, “...traditional concepts of deterrence will not work against a terrorist enemy whose avowed tactics are wanton destruction and the targeting of innocents.”³¹

The probability of WMD falling into the hands of global terrorist can not be over emphasized; it's not really a case of 'if' (probability), but one of 'when' (likely). The Cold War victory and subsequent breakup of the Soviet Union dramatically increased the potential availability of a nuclear weapon, or component materials, through criminal elements (black-market) and unemployed scientists. "The Center for Nonproliferation Studies has identified 13 confirmed instances of fissile materials trafficking in the newly independent states since the collapse of the Soviet Union."³² Perhaps of even greater concern is the likelihood of a chemical- or biological-based WMD. They're less expensive and easier to obtain than their nuclear cousins; their manufacturing can hide within legitimate appearing industries (pharmaceutical plants); and they're just as lethal. As a cost-effective WMD, "they are often called the poor man's nukes."³³ Figure 4³⁴ depicts non-integrating ('Gap') nations that are suspected of owning or developing nuclear, chemical, and/or biological WMD. Note that six of the nations shown are also on the Department of State's (DoS) list of state-sponsors of terrorism.³⁵

There-in lies the threat: terrorist organizations capable of global operations, harbored and/or assisted by nation-states (rogue, failed, or otherwise), united by a common hate of



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 FIGURE 4. NON-INTEGRATING 'GAP' NATIONS SUSPECTED OF WMD TIES

western values, and each, to varying degrees, unaffected by strategies of deterrence. To multiply the danger poised, each is also actively seeking to increase their destructive powers through WMD technology. President Bush, in his September 2003 address before the UN General Assembly, emphasized the merits of offensive action in the GWOT campaign and the flaws of a strategy built on 'hope':

“The deadly combination of outlaw regimes and terror networks and weapons of mass murder is a peril that cannot be ignored or wished away. If such a danger is allowed to fully materialize, all words, all protests, will come too late. Nations of the world must have the wisdom and the will to **stop grave threats before they arrive**.”³⁶ (Emphasis added).

In response, the Bush Doctrine puts in place a clear, declaratory use-of-force policy base on a strategy of preemption.³⁷

TRADITIONAL POWER CONCEPTS AND PREEMPTIVE ACTION

Before taking on the task of exploring the use-of-force concept of preemption—actual commitment of the military instrument to hostilities in 'first strike' fashion—it's important to understand the traditional power concepts that stem primarily from the diplomatic (and economic) instrument and structured towards the defensive arm of strategy. There are varying schools of thought on how the three primary and enduring power concepts of deterrence, compellence, and coercion differ. However, one common thread is they are all tools of “a political-military strategy for reconciling a conflict of interest with an adversary.”³⁸ Coercion is the attempt to influence behavior by using the 'stick and carrot' approach—with a strong emphasis on the negative aspects of the 'stick' (threatened penalties). The use of deterrence involves the attempt to prevent undesired action from an opponent by stating a resulting consequence to that action.³⁹ Compellence, on the other hand, involves an action or commitment to action to illicit a desired response from the opponent.⁴⁰ The important difference here is that compellence involves an action—getting a state to change ongoing behavior—while deterrence involves preventing an action—preventing a state from initiating an action.⁴¹ While the U.S. uses all three interrelated concepts, deterrence was the cornerstone to America's NSS for over 50-plus years. It's strongly based on the adversary's rational decision-making process to make a 'cost-benefit calculation'—what the aggressor gains in relation to the massive and punishing retaliatory strike he will incur.⁴² It's here that deterrence falls short when applied to a terrorist organization like AQ—they strike not only to murder innocents, but to

provoke an exaggerated military response that feeds their cause.⁴³ In regards to the 'threat triad', the historical power concepts of deterrence, compellence, and coercion, while lacking merit against terrorist organizations,⁴⁴ remain relevant against rogue regimes and state sponsors of terror⁴⁵—both have something tangible to lose. The question of concept relevance in today's security environment is directly related to the necessity of time—it may take months or years for the concepts of compellence and coercion to take effect. In the case of deterrence, it's never truly proven if the concept indeed prevented hostile action ... there's no way to measure what an adversary doesn't do. In context of today's 'imminent' threat—it can strike at anytime with questionable motive and incredible destruction—the time it takes for defensive strategies like coercion, compellence and deterrence to work is an unaffordable luxury in today's security environment. While defensive strategies remain the U.S. flagship for countering threats, a flexible offensive military tool is a necessity—"adding preemption to America's quiver made strategic sense."⁴⁶ The NSS is direct in stating the U.S. offensive response to the non-deterrable imminent threat:

A policy of "anticipatory action to defend ourselves, even if uncertainty remains as to the time and place of the enemy's attack...to forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively."⁴⁷

The NSS further emphasizes U.S. resolve to act alone:

"While the United States will constantly strive to enlist the support of the international community, we will not hesitate to act alone, if necessary, to exercise our right of self-defense by acting preemptively against such terrorists."⁴⁸

The theme of preemptive and unilateral action is routinely emphasized by the Bush Administration to both domestic and international audiences. And it's this theme that has provoked controversy and drawn criticism from political leaders at home and abroad.

BASIS FOR CRITICISM: THE 'RULE OF LAW'

Critics are quick to damn preemptive action as described by the NSS and NS-CT for a variety of reasons, but nearly all stress a common ground—in their view, it's not legal in terms of international law (custom/tradition based) and the UN Charter, Article 51 (institutional law). Traditional international law adopted the legitimacy of preemptive action as a concept of anticipatory self-defense, based on the *Caroline* incident of 1837, under two criteria: first,

immediacy of the threat—an attack by an adversary was so imminent that nothing could be done to stop it except attacking first; and secondly, proportionality—the defenders preemptive attack must be in proportion to the proposed threat of the attacker.⁴⁹ While traditional international law is normally accepted as legal basis for how nations interact, including the use of force, Article 51 of the UN Charter further restricts actions of self-defense by including the phrase “once an attack has already occurred.”⁵⁰ While the purpose of Article 51 is to deter Member-State aggression, the reality of waiting for an actual attack that’s imminent defies logic—a nation has the inherent right of self-defense without incurring an attack.⁵¹ The Bush Doctrine clearly makes reference to the legality of preemptive action:

“International law (tradition-based) recognize that nations need not suffer an attack before they can lawfully take action to defend themselves against forces that present an imminent danger of attack.”⁵²

However, the legal interpretation of imminent danger is based on threats of over a century ago—what the Bush Doctrine seeks is a revised definition based on the nature of today’s threats:

“Legal scholars and international jurists often condition the legitimacy of preemption on the existence of an imminent threat—most often a visible mobilization of armies, navies, and air forces preparing for attack...we must adapt the concept of immediate threat to the capabilities and objectives of today’s adversaries.”⁵³

The Bush Doctrine further emphasizes:

“In an age where enemies of civilization openly and actively seek the world’s most destructive technologies, the United States cannot remain idle while dangers gather.”⁵⁴

Without blurring the definition of imminent—redefining what constitutes an imminent threat based on today’s security environment—the preemptive stance taken by the Bush Doctrine hints of preventive action: “prevention involves fighting a winnable war now in order to avoid the risk of war later under less than favorable circumstances.”⁵⁵ And that is the very root of the controversy ... international law frowns on preventive war (action) and views it an act of naked aggression.

Criticism of the Bush Doctrine’s offensive stance of preempting today’s threats before they fully materialize span the full spectrum, from those that support the policy but disagree on

advertising it, to full tilt hostility of what is perceived as imperial arrogance of the Bush Administration. “Some analysts believe that it is counterproductive to make explicit the conditions under which America will strike first, and there are compelling reasons for blurring the line between preemption and prevention.”⁵⁶ Other “critics argue that this attempt to include preventive military action under the category of preemption has no legal basis,”⁵⁷ or, “goes well beyond even the right to anticipatory self-defense that has been commonly interpreted to flow from Article 51 of the UN Charter, and thus the Bush strategy will undermine international law and lead other states to use U.S. policy as a pretext for aggression.”⁵⁸ U.S. historical allies, most importantly France and Germany, voice concerns over the unilateral posture a strategy of preemption propagates, especially when overtly tied to a U.S. stated willingness to act alone. Perhaps of greater concern to European allies is that the U.S. declaratory use of a preemptive option to a category of generic threats lacks clarity and thus invites trouble.⁵⁹ That opens the door to this paper’s real purpose: what is policy intent in terms of criteria or triggers to implement its use?

PREEMPTIVE USE OF FORCE: POLICY INTENT

While many critics find a stated preemptive use-of-force option reckless, and for the incredible amount of controversy generated by an extremely small section of the NSS, the U.S. has yet to overtly exercise preemptive action in the GWOT campaign. Looking at specific examples of U.S.-led operations against terror since 9/11—Afghanistan, Iraq, Yemen—none involved preemptive action and none were executed entirely unilaterally. In Afghanistan, traditional power concepts of coercion and compellence were applied to influence the Taliban regime to expel AQ, whom the U.S. was already at war. When those concepts failed, the Taliban received the full brunt of the ‘stick’, resulting in Afghan regime change and a continuing AQ hunt.⁶⁰ Iraq fell to the same tactics, although over an expanded timeframe. Acts of coercion, compellence, and retaliatory strikes were applied to deter and contain Iraqi aggression and military capacity for 12-plus years. Due to their failure, and, more importantly, compounded by the renewed perception of threat generated by 9/11, the U.S. issued an ultimatum (required by compellence), which, when ignored, led to regime change. In Yemen, through a combined operation with the host nation (HN) government, the U.S struck a top AQ leader with a Hellfire missile fired from an Unmanned Aircraft Vehicle (UAV). The targeted personality was complicit in the USS Cole attack and a conspiring member of an enemy combatant force (AQ). On the strategic stage, nothing was preemptive in either of the cases. However, policy controversy arose during the road to Iraq—more over U.S. willingness to act without UN Security Council

consensus—and the Bush Doctrine language of preemptive action was caught in the crossfire. While difficult to outline an all-encompassing list of criteria to legitimize preemptive force, generalized clarity on policy intent could help alleviate UN concerns.

MAJOR ASSUMPTIONS FOR PREEMPTIVE ACTIONS

The Bush Doctrine doesn't provide clear guidance for use of preemptive force beyond generic statements of immediate threats, nor should it. The message delivered by the NSS instead addresses threat severity and unpredictability, calls for an international response, and speaks clearly of the willingness to engage it directly and, if required, preempt it. Policy interpretation, U.S. behavior since 9/11, and, to an even greater extent, common sense sets forth the following assumptions on U.S. use-of-force policy:

Assumption 1: The diplomatic instrument of power has primacy in GWOT; the U.S. preferred course of action for dealing with security threats is through diplomatic channels—the UN Security Council, multilateral approaches, and bilateral agreements—for international responses primarily centered on non-violent means and ways. The U.S., through the UN, energized incredible leaps in cooperation among Member-States at attacking terrorist funding (freezing finances, exposing charity schemes, and discovering front companies for money laundering); helping weak nations prevent terrorist sanctuary and operating bases (look at Pakistan and Yemen for examples); and international information sharing and collaborative law enforcement (cells have been corralled around the world due to intelligence sharing). Primary tools include persuasive and coercive diplomacy. The U.S. aggressively pursued this option in the months preceding Operation Iraqi Freedom (OIF), but with little success. However, the recent concessions from Libya serve as an important example of the primacy of the diplomatic arm of power. Following nine months of secret talks with U.S. and British officials, Libya, on 19 December 2003, publicly announced intent to dismantle its covert nuclear, chemical, and biological weapons programs; to open its borders to intense compliance inspections; and has not only denounce terrorism, but pledged participation in the international GWOT campaign.⁶¹ While the initial motivation behind the radical change in Libya's persona was most certainly influenced by events in Iraq, it was through 'quiet diplomacy' that brought them to proclaim desire to conform to international norms.⁶² Diplomatic crosshairs are currently focused on Iran, Syria, and North Korea to follow suit.

Assumption 2: When unable to garner multilateral support from the UN, the U.S. will engage in coalition building for purposes of burden-sharing and legitimacy. While UN authorized missions are considered integral for international legitimacy, it's not the only multilateral response option

to U.S. or international security threats. If UN support can not be mustered, America will attempt to form 'coalitions of the willing'. It should be noted the U.S. views UN multilateralism as a "means to the end"; this appears to differ from the majority of other Member-States who view UN Security Council consensus as an "end" to itself. This option, for example, was exercised through NATO in Kosovo and recently in OIF.

Assumption 3: If unable to build "coalitions of the willing", the U.S. may take unilateral action, normally following failed attempts of the traditional concepts of power. America will exercise her sovereign right to counter threats to vital interests if unable to marshal UN or coalition support. This is a highly unlikely scenario; due to globalization, interdependencies and common vital interests should guarantee participation of others.

Assumption 4: *The GWOT campaign will require use of U.S. military force, to include possible preemptive strikes.* The concept of preemptive strike is a historical option for defending America. Preemption, by definition, requires surprise, thus action is unilateral without prior UN notification. In context of use in GWOT, preemptive strikes are the exception rather than the norm and limited in scope; use of precision weapons and Special Operation Forces (SOF) in lieu of conventional brute force are preferred preemption tools. Actionable intelligence on terrorist planning operations and location is crucial. To re-emphasize, this option has not yet been executed in GWOT (at least overtly).

Applying the assumptions to the strategy put forth in the NS-CT, it becomes clearer that the use of preemptive action will be rare. The NS-CT focuses on four types of nation-states in relation to both their desire and capability for combating terror: 1) the "willing and able"; 2) the "weak, but willing"; 3) the "reluctant"; and 4) the "unwilling";⁶³ the NSS adds a fifth category, the "rogue regime". This section of the paper will explore policy intent in regards to the five nation-state types listed above. It must be emphasized that the risk associated with 'doing-nothing' increases dramatically with the introduction of WMD to the equation. If U.S. decision-makers catch wind of a possible or actual WMD transfer to terrorist organizations, they will strike it in quick, preemptive fashion. Furthermore, because the U.S. is currently at war with global terrorism, of which AQ is a primary adversary, all actions on global terrorism may not by definition be preemptive. However, problems will arise if the U.S. strikes AQ on the sovereign soil of an unwitting country or attacks a country deemed 'rogue' without UN Security Council consensus.

"Willing And Able Nations"

As stated in the NS-CT, “no support will be more important to success than that from the other nations that have the will and resources to combat terrorism with us at the state, regional, and even global level.”⁶⁴ The ‘willing and able’ represent the ‘integrating core’ nations, the regional leaders fully engaged in the global market economy. They have both the ‘will’—which stems from national interest—and the ‘means’—diplomatic, economic, informational, and military clout, or a combination of—to significantly contribute to the GWOT. These countries represent the ‘free-world’ and are the target of an aggressive U.S. persuasive diplomacy campaign to garner continued support. It’s the political leadership of these countries that may be critical of U.S. use-of-force statements. As such, these nations should be the target audience for U.S. clarification of use-of-force/preemptive policy intent; their support is integral to global CT operations. The NSS rhetoric illustrates U.S. resolve to act militarily in the GWOT campaign and demonstrates the seriousness of American intent to allies; the greater allied cooperation in the global CT arena, the less likely the U.S. military will need to unilaterally strike.⁶⁵ And as the memories of 9/11 fade, “ensuring that the current level of international cooperation is a lasting feature of our world will be a defining challenge of this era.”⁶⁶ Preemptive strike is not an option.

“Weak, But Willing Nations”

These nations represent states most at risk of becoming ‘safe-havens’ and operating bases for global terror. They have the ‘will’, but lack the ‘means’—economy, institutions, and infrastructure—to prevent infestation by terrorist organizations. While the vast majority of this group reside in the geography of the ‘Gap’, they represent those on the ‘seams’ attempting to develop and integrate with international norms. The Bush Administration’s goal is to “support them vigorously in their efforts to build the institutions and capabilities needed to exercise authority over all their territory and fight terrorism where it exists.”⁶⁷ This group represents a key goal in the overall GWOT strategy. Persuasive diplomacy is the primary tool for energizing action; these nations have much to gain through cooperation and are targeted for CT funding and programs, from improved legislation and judicial systems to law enforcement and armed forces training.⁶⁸ The recent concessions on the part of Libya, if proven genuine over time, will secure this state-sponsor of terror a place in this category. While not directly the focus of U.S. use-of-force policy, military strikes and raids may occur in these nations against terrorist organizations attempting to take root, subvert, or transit. These operations will normally be accomplished in a combined operation or through close coordination with the HN government. Examples include: Pakistan and U.S. partnership in countering AQ, both inside Afghanistan

and Pakistan; foreign internal defense CT training in the Philippines and Georgia by U.S. forces; U.S. basing rights in Djibouti for CT operations in the Horn of Africa; and the U.S.-Yemeni UAV Hellfire strike on AQ leadership. Coordinated actions with these nations, to include bilateral or HN-approved unilateral strikes and raids, should have minimal negative impact on the world stage. The primary risk involves secrecy—small factions within the HN government may be sympathetic to ‘the terrorist cause’ and provide early warning to the target. Preemptive strike is not a likely option.

“Reluctant Nations”

Reluctant nations are “difficult cases involving countries that, although capable, prove reluctant to comply with their responsibilities in the fight against terror.”⁶⁹ The Bush Administration provides a variety of reasons for state reluctance, from “internal schisms that enable one faction to use the state to extend tacit or active support to terrorists, or cultural or political differences that lead to disagreements over what constitutes “terrorist” or criminal activity.”⁷⁰ However, the general underlying premise is fear of becoming a target of terrorism. Also within the geography of the ‘Gap’, examples of reluctant nations include: pre-9/11 Pakistan and Yemen, Saudi Arabia, and Algeria. Again, in vague and ambiguous language, the NSS describes reluctant nations as the focus for “constructive engagement, with sustained diplomacy and targeted assistance used to persuade these regimes to become more willing and, eventually able, to meet their international obligations to combat terrorism.”⁷¹ This leads to the assumption that persuasive diplomacy is key to altering behavior, most-likely through the UN. It’s more likely coercive diplomacy is the primary tool, with targeted assistance in terms of funds, loans, and training as ‘carrots’, economic sanctions as the ‘stick’. ‘Preemptive-like’ strikes on terrorist training sites, leadership, and arms caches are available options if coercion, followed by compellence, fails to inspire nation action. These strikes would be last resort options and only executed via actionable intelligence on fleeting targets. Covert or clandestine use of SOF is the military tool of choice through short duration strikes and raids; small SOF teams inserted covertly will reduce possible contact with HN military forces, may be more effective, and should minimize collateral damage risk associated with conventional kinetic weapons.⁷² These strikes are considered ‘preemptive-like’ for two reasons: first, the U.S. is at war against global terrorist organizations, so any military action on their members, organization or infrastructure are simply strikes (battles) in an ongoing war (so not preemptive); but, while the strikes are not directly against the nation the terrorists are operating from, they are executed on the sovereign soil of an ‘un-witting’ nation, which could be termed a preemptive action against that nation. Strikes

conducted without HN approval will generate negative world opinion, especially at the UN. Traditional power concepts are more appropriate here and use of preemptive strike is a last resort option—the risk of doing nothing must significantly outweigh the risk of possible failure or post-strike political damage.

“Unwilling Nations And Rogue Regimes”

The policy on unwilling states is simple: “we will act decisively to counter the threat they pose and, ultimately, to compel them to cease supporting terrorism,”⁷³ and, “those states that continue to sponsor terrorist organizations will be held accountable for their actions.”⁷⁴ Example nations include the six DoS listed state sponsors of terror: Cuba, Iran, Libya, North Korea, Sudan, and Syria.⁷⁵ At least one of these states, North Korea, is still deemed rogue. Unwilling states are at greatest risk of receiving both ‘preemptive-like’ (against terrorist they harbor) and preemptive strikes (against the actual state) from the U.S. But again, the diplomatic instrument holds more weight with the use of strong coercive diplomacy, to include deterrence and compellence as vital tools; strong support from the UN needs marshalling. Actionable intelligence make them fair game for preemptive-like strikes on terrorists operating within their borders; preemptive strikes on their national military capabilities are possibilities through proven collaboration with targeted terrorist groups. Risk on the global stage is high in terms of negative world opinion. Once again SOF is the ideal tool for preemptive strikes on terrorist training sites or cells; however, this group is open for precision-guided weapon strikes with possible escalation to conventional war. The overthrow of the Iraqi regime serves the example. Preemptive strikes within ‘unwilling states’ is a feasible option; coercive diplomacy is more likely with rogues, unless intelligence indicates collaboration with terrorist organizations. It’s imperative for the UN to aggressively apply diplomatic arm-twisting to coercively pressure these nations to conform to accepted international norms.

UN REFORM

Non-execution of the preemptive strike option in the two-plus years of the ‘declared’ GWOT campaign clearly provides evidence that U.S. leadership understands both the political and physical limitations of the military instrument. Despite international and domestic controversy over its inclusion in the NSS document, preemptive action is a last resort option—its use is reserved for significant and/or fleeting threats. Dr Condoleezza Rice, through public speeches and interviews, often stresses U.S. caution in using preemptive action:

“The number of cases in which it might be justified will always be small. It does not give a green light—to the United States or any other nation—to act first without exhausting other means, including diplomacy. Preemptive action does not come at the beginning of a long chain of effort. The threat must be very grave. And the risks of waiting must far outweigh the risks of action.”⁷⁶

And on the merits of the diplomatic instrument:

“Anticipatory defense (preemption) should not be used as a cover for aggression. It really should be a rare occurrence. There are threats amenable to being dealt with in other ways, whether through diplomacy, or even coercive diplomacy....”⁷⁷

Yet the mention of preemptive action strikes a raw nerve with world leaders; that may very well be intentional by this Administration. The Bush Doctrine provoked both international debate and reevaluation of the global security environment. Threats today don't require the massing of armies and machinery, an event that can be observed, contained and deterred over time; today, terrorists are capable of striking with little to no warning using destructive force that's both indiscriminate and un-proportional.⁷⁸ A positive outcome spurred by U.S. policy, through international debate, is the need for institutional reform at the UN—the world body charged with promoting global peace and stability. While diplomatic politeness, accommodation, and consensual agreement play important roles in resolving 'issues' on the UN stage, threats to global security dictate those items be periodically shelved. When the UN does act—usually through resolutions tinted with a form of coercion—it's normally without teeth; resolutions are valueless without credible enforcement.

Before the dust of 9/11 settled, the UN quickly established several new initiatives to counter international terrorism, each showing merit but lacking substance due to political correctness:

Resolution 1373 (RES1373), created 28 September 2001, made great efforts towards directing Member-States to deny terrorist organizations financial support and safe haven; increase cooperative information and intelligence sharing; assist other nations with investigating, detecting, arresting and prosecuting terrorists; and establish domestic legislation criminalizing terrorist support and activities. However, while RES1373 includes the “inherent right of individual or collective self-defense,” it caveats it with “as recognized by the Charter of the United Nations.”⁷⁹ Taking the UN Charter in literal context, this still implies a nation must incur an attack before acting in self-defense.

RES1373 also created the UN Counter-Terrorism Committee (CTC), which includes the 15 members of the UN Security Council. It's charged with monitoring Member-State implementation of RES1373 and increasing Member-State CT capabilities.⁸⁰ While the CTC is an excellent mechanism for addressing the terrorist threat, it falls prey to the pitfalls of politeness. RES1373, which created the CTC, "imposes binding obligations on all states, with the aim of combating terrorism in all forms and manifestations."⁸¹ Yet the wording on how the CTC is to implement its duties indicates it has no real authority: RES1373 'requires' members to act through 'binding obligations,' the CTC duties are to 'ask' members to take action to meet resolution requirements and to 'request' reports on progress.⁸² CTC needs directive authority. Also in response to 9/11, Secretary-General Kofi A. Annan directed a Policy Working Group formulate recommendations on the UN role in international CT. The group's report, submitted 06 August 2002, is certainly a good start, but is severely lacking in simple areas:

"The Group has not attempted to devise a definition of terrorism, identify its diverse roots or address specific instances of terrorist activity."⁸³ If unable to define terrorism and its causes, how can the UN establish its role to counter? Until a UN accepted definition is established, the CTC is unable to create a list of acknowledged Global Terrorist Organizations, to include AQ.⁸⁴ Currently, the General Assembly's Sixth Committee may draft a Comprehensive Convention on International Terrorism that, if adopted by the UN, will contain a definition of terrorism.⁸⁵

"The Group does not believe the United Nations is well placed to play an active operational role in efforts to suppress terrorist groups, to preempt specific terrorist strikes, or to develop dedicated intelligence-gathering capacities."⁸⁶ While partly in agreement, what the UN can do is apply significant coercive diplomatic arm-twisting on Member-States complicit to terrorist activities. In regards to the Middle East, is there really any doubt that both Syria and Iran provide funding and sanctuary to terrorist organizations?

While diplomacy is a noble venture, in the context of international security threats, political correctness has no place. Consider the following cases where political politeness and accommodation over-ruled reality: Syria, a DoS targeted state-sponsor of terror, with overt ties to HAMAS and Hezbollah, of which both groups have office fronts in downtown Damascus, is a voting member on the 15-nation UN Security Council; Libya, a military dictatorship with a history of international terrorism, occupies a seat on the UN Commission on Human Rights.⁸⁷ Along with resolutions lacking enforcement, appointment of unsavory Member-States to positions of political recognition directly attacks UN credibility.

Hints of reform are in the winds. During his 23 September 2003 address to the UN General Assembly, Secretary-General Kofi A. Annan, speaking in regards to international

terrorism and WMD, proclaimed Member-States weren't in disagreement on the nature of the threats, but over how to deal with them. His speech, set against the backdrop of the UN's birth in 1945, the establishment of international behavioral norms, and the historical strategy of collective security based on containment and deterrence, brought to bear the changing security environment and the need for new direction, yet stressed his concerns over the use of preemptive and unilateral action. He also emphasized his concerns over the loss in credibility of the Security Council with Member-States and the loss of confidence by world public opinion as a whole. His message, though slightly veiled, called for reform:

"Now we must decide whether it is possible to continue on the basis agreed then (1945), or whether radical changes are needed. And **we must not shy away from questions about adequacy, and effectiveness, of the rules and instruments at our disposal.** Among those instruments, none is more important than the Security Council itself."⁸⁸ (Emphasis added).

And:

"The Council needs to consider how it will deal with the possibility that individual States may use force 'preemptively' against perceived threats. Its members may need to begin discussion on the criteria for an early authorization of coercive measures to address certain types of threats—for instance, terrorist groups armed with weapons of mass destruction."⁸⁹

Hopefully, in the face of an uncertain and ambiguous security environment, Member-States listened.

CONCLUSION

It took mass murder on 9/11 to alert the world to the decade long evolution of terrorism. Now, fully capable of global reach, terrorist ability to organize and leverage technology puts the entire free-world at risk. The threat is imminent—global terrorist organizations, like AQ, are currently marshalling forces and planning attacks; they can strike at a time and place of their choosing. The threat is capable of mass destruction—they will use technology to multiply effects. The threat is in search of WMD, either through black-market purchase or rogue state alliances. The threat receives sponsorship from nation-states or from sympathetic elements within their societies. In response, the Bush Administration shed the skin of reactive consequence management for a policy based on action. That policy emphasizes the diplomatic, economic, information, intelligence, and law enforcement tools; the cornerstone of U.S. policy

remains a global response. In the two-plus years since 9/11, the international initiatives energized by the Bush Administration have thwarted numerous terrorist plans, broken terrorist support cells across the globe, and taken hundreds of millions of dollars from the terrorist financial sheets. The major effort of this war is focused on the non-military means—influencing others to join the fight and conform to international norms. Traditional power concepts of deterrence and coercion play key roles, but are ineffective if wielded by America alone; a concerted effort by the UN to coerce reluctant, unwilling and/or rogue nations to alter behavior is mandatory. The shift by Libya to denounce terrorism, pledge dismantlement of its WMD programs, and open its borders to international inspections, serves as the groundbreaking example of winning GWOT through diplomacy. Iran's acceptance of UN International Atomic Energy Agency inspections, and to a lesser extent, hints from North Korea of acceptance to multilateral negotiations in lieu of bilateral talks with the U.S., indicate continued progress on the diplomatic front, albeit slow and tenuous. The diplomatic arm of U.S. GWOT strategy, while primary, is just one side of the coin. Every strategy has a military element. While NSS rhetoric on U.S. military ways and means, in particular the use of preemption in countering terror, is spoken in harsh language, U.S. actions certainly aren't indicative of policy intent. Preemptive action on terror is the exception to the norm ... the rare event. However, due to the nature of the threat—where indications and warnings are measured in days vice months, where an opportunity to strike is fleeting, where non-state actors seek WMD, and where a missed opportunity could result in American mass casualties—the U.S. is well within its rights of anticipatory defense. The usual list of suspect countries with ties to terror and/or other flagrant violations to international norms, should listen carefully to the Bush Administration words—they're most at risk. If they continue to harbor, aid, and abet terror, the door is wide open to preemptive strike. However, the preferred option is to push the full weight of the international community to influence rogue behavior. Until the international body at the UN assumes a strong CT leadership role, the U.S. is forced to assume that role and, as a result, receive negative world opinion; UN Security Council head-nod isn't required for the U.S. to prevent a replay of 9/11. The UN may be at a defining moment in its history as it figures out a post-Cold War role. Regardless, serious reform of UN CT effort is required. Most notably, the UN needs to acknowledge the existence of state-sponsors of terror, develop a list, and put those countries on notice. Resolutions must have teeth and be credible. Focusing international efforts to persuade and/or coerce states to alter behavior will limit terrorist global reach and help negate the need for military action.

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ENDNOTES

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⁶ Illustration taken from Barnett, "The Pentagon's New Map."

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¹⁸ Illustration extracted from Bush, *National Strategy for Combating Terrorism*, 6. Data for illustration extracted from Bush, *National Strategy for Combating Terrorism*, .6-7; Barnett, "The Pentagon's New Map;" and Conetta, "Dislocating Alcyoneus: How to Combat al-Qaeda and the New Terrorism."

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³⁸ Gregory F. Treverton, *Framing Compellent Strategies* (RAND Publication MR-1240-OSD, 2000), 4; available from <http://www.rand.org/publication/mr/mr1240/pdf>; Internet; accessed on 07 October 2003. Mr Treverton views coercion and compellence as "more or less interchangeable" concepts. Both involve an offensive act towards an opponent to coerce or compel a response. Deterrence is more defensive in nature; it normally involves a threat of reaction to an opponent's action.

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⁴⁴ Worley, "Waging Ancient War," 19.

⁴⁵ Richard K. Betts, "The Soft Underbelly of American Primacy: Tactical Advantages of Terror," in *Terrorism and Counterterrorism: Understanding the New Security Environment*, ed. Russell D. Howard and Reid L. Sawyer (Guilford, Connecticut: McGraw-Hill/Dushkin, 2003), 347.

⁴⁶ Richard H. Shultz and Andreas Vogt, "The Real Intelligence Failure on 9/11 and the Case for a Doctrine of Striking First," in *Terrorism and Counterterrorism: Understanding the New Security Environment*, ed. Russell D. Howard and Reid L. Sawyer (Guilford, Connecticut: McGraw-Hill/Dushkin, 2003), 386.

⁴⁷ Bush, *NSS*, 15.

⁴⁸ Ibid., 6.

⁴⁹ Anthony Clark Arend, "International Law and the Preemptive Use of Military Force," *Core Curriculum, Course 2: "War, National Security Policy & Strategy"* (Carlisle, PA.: U.S. Army War College, July 2003), 270. The *Caroline* incident of 1837 involved British troops (occupying force in Canada) crossing a river from Canada to the U.S. side to destroy an American ship (*The Caroline*) that was allegedly aiding Canadian insurgents. The Brits killed several Americans, destroyed the ship, and then claimed they were acting in self-defense (preventing the U.S. from supplying Canadian insurgents). Daniel Webster, then Secretary of State, lodged a complaint and, through the course of diplomatic negotiations with the British, established criteria for acts of self defense, of which the "necessity of that self-defense is instant, overwhelming, and leaving no choice of means, and no moment of deliberation." (Webster quote taken from Arend's article, 270).

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⁵¹ Wirtz and Russell, "U.S. Policy on Preventive War and Preemption," 117-118.

⁵² Bush, *NSS*, 15.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Worley, "Waging Ancient War," 20. Many U.S. scholars, statesmen, and leaders are beginning to view preemption and prevention as overlapping, mutually inclusive principles. As the Bush Doctrine points out, today's threat is asymmetric...the weapons once held only by nations may now make their way to the hands of individuals, who have no nation-state affiliation and are unpredictable in both their acts and motives. However, there is the other side of the coin; many critics of the Bush Doctrine are violently opposed to changing the traditional definitions and desire these principles to remain mutually exclusive.

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⁶⁷ Ibid., 12.

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⁷⁰ Ibid., 21.

⁷¹ Ibid., 21.

⁷² Posen, "The Struggle Against Terrorism," 397.

⁷³ Bush, *NSCT*, 12.

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⁸⁴ United Nations, "Press Release SC/7754," 05 June 2003; available from <http://www.un.org/News/Press/docs/2003/sc7754.doc.htm>; Internet; accessed 07 Sep 2003.

⁸⁵ United Nations Counter-Terrorism Committee, "A Definition of Terrorism," United Nations, 2003; available from <http://www.un.org/Docs/sc/committees/1373/definition.html>; Internet; accessed 05 Dec 2003.

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⁸⁷ Newt Gingrich, "Rogue State Department," *Foreign Policy*, July-August 2003; available from <http://www.mafhoum.com/press5/153C35.htm>; Internet; accessed 28 July 2003.

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