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THE ROLE OF THE BUSH DOCTRINE IN THE FAILURE OF US OPERATIONS IN AFGHANISTAN

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Abstract

The American invasion into Afghanistan in 2001 as a part of the ‘War on Terror’ post 9/11 terrorist attacks against the United States in September 2001 is a widely debated topic with a plethora of literature supporting and critiquing the mission. The Bush Administration’s decision to view the incident as an act of war and the subsequent American foreign policy and national security policy changes along with the theory of ‘pre-emptive action’, collectively known as the ‘Bush Doctrine’, played a pivotal role in influencing the degree and style of American intervention in Afghanistan; implicitly influencing the socio-political situation in Afghanistan. This paper aims to critique the Bush Doctrine introduced by the Bush Administration as a response to 9/11, and analyse the consequences of adopting the Bush Doctrine.

The failure to prevent 9/11 and the aggressive Bush Doctrine

The United States faced a major setback a decade after the victory in the cold war in the form of 9/11 that exposed the weakness of American security and strategy. The 9/11 commission report suggested that the inefficiency of Civil Aviation Security Forces to identify the terrorists who were disguised as civilians that had daggers and other life-threatening weapons while boarding the aircrafts was a key reason behind the failure of the United States to prevent the terrorist attacks. The report outlines the failure in civil aviation protocols, especially the protocol post the detection of passengers by CAPPs (Computer-Assisted Passenger Pre-screening System), a counter-terrorism intelligence system used to detect passengers of potential security threat, that was introduced in the 1990s.¹ The hijack of four civil aircrafts from three different airports on the same morning seriously maligned the credibility of American security and intelligence, as scepticism increased across the international community about the security of nations amidst the growing ability of terrorist outfits to cause mass destruction and casualty.

¹ “Chapter 1: We have some planes,” *The 9/11 Commission Report* (2004) – *The National Commission on Terrorist Attacks*, pp. 1-16. <https://www.9-11commission.gov/report/911Report.pdf>

The Bush Administration had two possible approaches: to declare the situation as an act of crime against humanity and pursue the American mission entirely through the framework of the United Nations Security Council and International Law; or to declare this as an act of war and sanction the use of force against unidentified opposition.² The Bush Administration and the Americans felt humiliated by the inability to prevent 9/11, and considered the act of terrorism as a push back to the growing American influence across the globe. As an effort to resurrect global hegemony under the pretext of enhancing global governance, the United States under Bush Administration adopted the Bush Doctrine of pre-emption. The doctrine of pre-emption advocated for American action against rogue states and terrorists that may pose a threat to the United States, not necessarily in the present, but also in the future. At a time when there was a growing consensus amongst American congressmen about the necessity to abandon Cold War strategies of containment and adopt post-Cold War philosophies to enhance American global hegemony, the Bush Doctrine was viewed as an effort to integrate post-Cold War strategies into American security and foreign policies while with an intention of penalising those actors that tarnished the credibility of the United States as a global hegemon along with causing massive economic and civil casualties; a change that was promptly welcomed by American public as well as policymakers with negligible resistance.³

Critical Analysis of the Doctrine – Examining the Far-Reaching Effects of the American Ideology in Afghanistan

While the National Security Strategy of the United States post 9/11 was right in defining its objectives to be “defending the citizens and the interests of the United States at home and abroad,” the approaches employed for its defence was problematic.⁴ Destroying or incapacitating potential threats by the use of force has proven to be inefficient and

² Leoni Connah, (2021). “US Intervention in Afghanistan: Justifying the Unjustifiable?” *South Asia Research* (2021) – SAGE Publications, vol 41(1), pp. 70-81.

³ Dale T. Snauwaert,(2004). “The Bush Doctrine and the Just War Treaty,” *The Online Journal of Peace and Conflict Resolution* (2004), pp. 121-135. www.trinstitute.org/ojpcr/6_1snau.pdf

⁴ Ibid

unsustainable as terrorism, as explained by various scholars and researchers, is a tactic or a strategy used by actors dissatisfied with the overarching influence of the United States in this case, and not an actor by itself. Terrorism is often driven by ideological and religious perceptions, and the use of force can only put down or suppress those who employ terrorism in their strife, but not terrorism itself. Moreover, while the United States stood firmly against terrorism regardless of the terrorist outfit that commits acts of terrorism or the entities that stand in solidarity with the terrorist outfits, U.S' support to the Northern Alliance in Afghanistan to fight against the Taliban in the early 2000s, which by itself qualified as a terrorist organisation while applying the principles and identifiers laid out by the National Security Strategy, undermined the American commitment to end terrorism to a great extent. Selectively classifying organisations as terrorist factions based on self-interests exposed the duplicitous nature of the United States. In addition, the United States backed the Pashtun-fighters of the Afghan Mujahideen against the Soviets in Afghanistan in the 1970s. Several reports hint that the American training to Afghan Mujahideen fighters in some way or the other aided the formation of terrorist organisations in Afghanistan such as the Al Qaeda and the Taliban, along with significant support from local powerhouses such as Pakistan and Saudi Arabia, who were close U.S. allies in Asia. With that being said, the United States slowly shifted its support towards the Northern Alliance, which consisted of non-Pashtun warlords and fighters, against the Pashtun factions such as the Al Qaeda and the Taliban in 2000-01. The everchanging support of the United States based on its self-interests not only resulted in the formation of the most troublemaking and notorious terrorist factions in the world, but also in a way resulted in the 9/11 terrorist attack.⁵

Another common misconception of U.S. leaders was that if the leader of a terrorist organisation is killed or captured, the organisation ceases to function. Connah argued that the assassination of the leader of the Al Qaeda, Osama bin Laden, did not result in the cessation of the terrorist outfit; in fact, it resulted in the scattered leadership of the organisation that resulted in more terrorist activities and civilian assaults across the world. Therefore, he argued that the targeted assassination of Osama bin Laden only served the purpose of fuelling American narratives that desperately tried to glorify American military capabilities and reiterate the muscle power of the U.S. in the aftermath of the 9/11 attacks along with trying to convince the weary international

⁵ Andrew Cottey, (2003). "Afghanistan and the new dynamics of intervention: counter-terrorism and nation building," *SIPRI Yearbook (2003) – Armaments, Disarmaments and International Security*.
<https://www.sipri.org/sites/default/files/167-194Chapter4.pdf>

community about the success of its ‘War on Terror’.⁶ With that being said, contrary to Connah’s argument, the Al Qaeda’s 9/11-level abilities shrunk when the leadership was passed on to Ayman al Zawahiri, an Egyptian jihadist, post bin Laden’s assassination. Zawahiri had to remain dormant for a few years as the United States’ next target was to assassinate him. Many experts also claimed that the Al Qaeda had lost its ability to attack the United States and had lost its clout in the Islamic World to its rival outfit, the Islamic State (IS). However, it has to be noted that the Al Qaeda branched out to different countries in the Middle East and Africa such as Somalia, Maghreb, Iraq and Syria while continuing its operation in Afghanistan and Pakistan.⁷ Even within Afghanistan and Pakistan, the Al Qaeda is said to have strong connections with regional terrorist outfits such as the Taliban and Haqqani Network who have helped Al Qaeda re-emerge post the assassination of bin Laden. Right from the drawdown of troops in Afghanistan in 2011 under President Barrack Obama, the Al Qaeda has slowly started regaining lost ground in Afghanistan.⁸ There is a significant increase in Al Qaeda’s presence in Afghanistan ever since the re-emergence of the Taliban in Afghanistan; with the situation threatening to become similar to that of 2001 before American intervention. Therefore, while the United States did decimate the ability of Al Qaeda to orchestrate an attack as deadly as the 9/11, the U.S. intervention failed to contain the functioning of the Al Qaeda and the threat it poses to the rest of the world, thereby partially reaffirming Connah’s argument.

While the Bush Administration and the subsequent administrations repeatedly condemned the organisations and factions that involved in terrorism, it is hard for one to deny the disproportionate use of force by the United States in Afghanistan against the terrorist outfits. Jordan J. Paust, writing for the Cornell International Law Journal, clarifies that the right to use force as self-defence for a state against damages caused due to terrorist activities by non-state actors is permissible under the UN Charter only if the state against which the use of force is being sanctioned had directly participated or involved in the terrorist activities against the former state. The precedent for the judgment on the use of force as self-defence was laid by the

⁶ Leoni Connah, (2021). “US Intervention in Afghanistan: Justifying the Unjustifiable?” *South Asia Research* (2021) – SAGE Publications, vol 41(1), pp. 70-81.

⁷ AFP, (2021) “Al-Qaeda ‘shadow of former self’ decade after Osama bin Laden death,” *The Economic Times* (2021). <https://economictimes.indiatimes.com/news/defence/al-qaeda-shadow-of-former-self-decade-after-osama-bin-laden-death/articleshow/82291352.cms>

⁸ Lauren McNally & Marvin G. Weinbaum, (2016). “A Resilient Al Qaeda in Afghanistan and Pakistan,” *Middle East Institute* (2016).

International Court of Justice while ruling on the *Nicaragua vs. United States* in 1986.⁹ Therefore, while the United Nations and the International Law permitted U.S.’ decision to target the head of Al-Qaeda, the terrorist faction responsible for 9/11, the UN Charter does not permit the United States to occupy Afghanistan and sanction the use of force in the region albeit inability of the existing government’s inability to contain terrorist operations in the region regardless of its recognition as it violates article 2(2) and 33 of the UN Charter.¹⁰

One should note that the principles of the United Nations, especially article 33 of the charter that urges member-nations to settle disputes by seeking solutions through “*negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other “peaceful” means of their own choice,*”¹¹ is in disagreement with the Bush Doctrine’s key principle- ‘pre-emptive action through the use of force’. John Quigley argues that with right to use force in self-defence sanctioning pre-emptive action, or using force against any entity or organisation that might “potentially” pose a threat in the future, will give scope for states to launch pre-emptive strikes against one another without a legitimate reason by merely citing potential threats in future as a reason.¹² Therefore, it is imperative to note that the Bush Doctrine’s emphasis on ‘pre-emptive action’ involving the use of force not only went against the Charter of the United Nations, but also set a wrong precedent to the international community, especially to non-state actors and terrorist organisations who have no obligation to follow international law nor are they accountable to the United Nations.

Did the United States commit terrorism in Afghanistan?

While 9/11 still remains to be the deadliest terrorist attack ever orchestrated by terrorist factions and no state condones such terrorist activities, it is imperative to note that the American and NATO operation in Afghanistan has resulted in the loss of approximately twenty times more

⁹ Jordan J. Paust, (2002). “Use of Armed Force against Terrorists in Afghanistan, Iraq and beyond,” *Cornell International Law Journal* (2002), Vol. 35, Issue 3, Article 6. <http://scholarship.law.cornell.edu/cilj/vol35/iss3/6>

¹⁰ Ibid

¹¹ See “Article 33 of the United Nations Charter,” *Repertory of Practice of United Nations Organs*.

¹² John Quigley, (2003). “The Afghanistan War and Self-Defense,” *Symposium on Operation Enduring Freedom and the War on Terrorism* (2003) – *Valparaiso University Law Review*, Volume 37, Number 2, pp. 541-562. <https://scholar.valpo.edu/vulr/vol37/iss2/7>

American lives than the number of lives that was lost during the 9/11 attacks. Statistically speaking, Watson Institute of Brown University reported that about 7,057 U.S. service personnel to Afghanistan were killed during post 9/11 operations while more than 30,000 U.S. service personnel and veterans to Afghanistan committed suicide, with the total casualty reaching close to 37,000 deaths;¹³ one the other hand, the total number of civilian casualty due to 9/11 was reported to be 2,977.¹⁴ While analysing the statistics vis-à-vis civilian casualties in Afghanistan, the number is nearly twenty times more than the casualty count due to 9/11, with 46,319 deaths being the exact number reported by Watson Institute.¹⁵ As mentioned earlier, one cannot deny that NATO and the United States employed force disproportionate against the Afghans. With that being said, one has to be deliberate in detail to evaluate whether the military operations and activities of NATO and the U.S. in Afghanistan qualify as terrorism by itself.

The question of legality and war ethic behind the drone strikes of the United States is a main factor that'll help determine the answer to the question. Rosa Brooks adeptly noted that the use of unmanned aerial vehicles (UAVs), commonly referred to as the drones, is not unethical in nature because it is just the continuation of ever-evolving technology of launching attacks from a safe distance, continuing the lineage of crossbow and similar weapons. However, the disproportionate use of drone attacks in Afghanistan and across Afghan border is problematic and questionable. It is to be noted that the United States is restricted by the international law from launching attacks across Afghan borders; however, it was reported that 122 drone strikes were launched against Pakistan from Afghanistan in 2010. Somalia, Mali and Syria are also reported to have been attacked by the United States through aerial drone strikes; completely violating international law related to war and armed conflicts.¹⁶ It is imperative to note that around 400 drone strikes were launched into the FATA (Federally Administered Tribal Areas) region of Afghanistan which were semi-autonomous regions that did not entirely come under the jurisdiction of the Afghan national government during American invasion. Connah reconfirms the claims of scholars such as Rosa Brooks that the use of drones by the United

¹³ "U.S. & Allied Killed" (2021). *Watson Institute of International & Public Affairs (2021) – Brown University*. <https://watson.brown.edu/costsofwar/costs/human/military/killed>

¹⁴ Staff, (2021). "Sept. 11 by the numbers: Facts from a tragic day in American History," *USA Today* (2021). <https://www.usatoday.com/in-depth/news/nation/2021/09/02/september-11-facts-by-the-numbers/5453956001/>

¹⁵ Neta C. Crawford & Catherine Lutz, (2021). "Human Cost of post-9/11 Wars: Direct War Deaths in Major Warzones," *Watson Institute of International & Public Affairs (2021) – Brown University*. https://watson.brown.edu/costsofwar/files/cow/imce/papers/2021/Costs%20of%20War_Direct%20War%20Deaths_9.1.21.pdf

¹⁶ Rosa Brooks, (2013) "Drones and the International Rule of Law," *Georgetown University Law Centre* (2013). <https://scholarship.law.georgetown.edu/facpub/1287>

States violates the principle of ‘proportional use of force during armed conflicts’. Another major issue with the usage of drones is the lack of accurate target precision while using them. Connah noted that in 2010, a military strike in Afghanistan resulted in the death of 23 civilians as the drone operators in Nevada mistook the civilians to be suspected members of a terrorist faction. He further notes that this incident was not an isolated incident with many such errors happening during aerial drone attacks in Afghanistan and Pakistan.¹⁷

While there is no universally accepted definition for terrorism yet, the Secretary General’s High Level Panel on Threats, Challenges and Change in 2004, defined terrorism as “*any action that is intended to cause death or serious bodily harm to civilians or non-combatants, when the purpose of such an act, by its nature or context, is to intimidate a population, or to compel a Government or an international organisation to do or to abstain from doing any act.*”¹⁸ Although the intent of the United States is not to harm the civilians, refusing to abandon the deployment of UAVs and drones in counterterrorist and counterinsurgent operations notwithstanding the risks it poses to the lives of civilians can be classified into criminal negligence which can further be considered as an act intended to harm the civilians. It is evident that the United States has been carrying out sustained military operations in Afghanistan with the rationale of warning the Taliban and other network of terrorist organisations to stop acting as safe haven to Al-Qaeda. On top of that, from an ethical point of view, the United States supporting the Northern Alliance, which is also notorious terrorist network, against the Pashtun-dominated Taliban in Afghanistan dismantles the credibility of U.S. counterterrorist operations in Afghanistan as the United States’ interpretation of terrorism and identifying terrorist facts is plagued with their own self-interests, as proved earlier. Therefore, through the analysis presented in this paper, one may arrive at a strikingly different conclusion about the actions of the United States in Afghanistan and whether they can be claimed to be legitimate or illegitimate.

¹⁷ Leoni Connah, (2021). “US Intervention in Afghanistan: Justifying the Unjustifiable?” *South Asia Research* (2021) – SAGE Publications, vol 41(1), pp. 70-81.

¹⁸ “Human Rights, Terrorism and Counter-terrorism” (2008). *Office of the High Commissioner for Human Rights (OHCHR)* (2008), Fact Sheet 32. <https://www.ohchr.org/documents/publications/factsheet32en.pdf>

Conclusion

The United States traded off long-term stability and tranquillity in Afghanistan for short-term successes and securing national interests. While the United States are proudly attributed to the assassination of Osama bin Laden, the temporary weakening of the Al Qaeda helped in the formation of a more radical opponent, the caliphate-oriented Islamic State (IS). While the Al Qaeda, with the help of regional terrorist networks such as the Haqqani in Pakistan, marched back to its stronghold of Afghanistan while also expanding their bases outside Afghanistan as stated earlier. The Bush Doctrine was not only questionable under legal and ethical contexts, but also systematically redefined the rationale behind the invasion of Afghanistan, ultimately denting the credibility of the United States and resulted in the failed military operations. With the Taliban regaining Afghanistan in 2021, the big picture for the United States turned out to be highly unfavourable for the Americans as not only is the scenario in Afghanistan and along with the activities of terrorist factions threatening to go back to pre-9/11 situation, but the the U.S.' credibility was also severely dented in the process. America's excessive use of drone strikes and air strikes during their operations in Afghanistan albeit the risks posed to the lives of civilians along with their biased approach of identifying problematic terrorist factions could've been considered as acts of terrorism perpetrated by the United States. The U.S. in a few aspects has acted hypocritical, with their self-interests defining every move of theirs in Afghanistan.

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