



Preemptive Strike: Will it Secure Indian Interests?

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"India has a much better case to go for preemptive action [against Pakistan]" announced Yashwant Sinha the Indian External Affairs Minister during the first week of April. He also made a statement in the Rajya Sabha, "If lack of democracy, possession of weapons of mass destruction and export of terrorism were reasons for a country to make a preemptive strike in another country, then Pakistan deserved to be tackled more than any other country." (*The Hindu*, 10 April 2003) Later, George Fernandes, agreeing with Yashwant Sinha, stated, "Pakistan is a [more] fit case than Iraq for a preemptive strike." (*Hindustan Times*, 13 April 2003)

Three questions need to be answered from an Indian perspective ; Is there a case for preemptive strike against Pakistan? how would it be executed and for what purposes? and, would such a strike serve India's interests and bring stability to the region?

Towards understanding preemptive strike

Preemptive strike can be defined as use of force by a state against its adversary so as to prevent an attack or to protect its security; it would otherwise be disastrous, if it waits for its adversary to take the first step. According to its advocates, preemption is a strategy to protect a state if there is an 'imminent threat' to its security. Mobilization of the adversary's army, navy and air force has generally been defined as an imminent threat, for which, it is argued, preemptive force is permissible as an act of self defence.

Though Article 2(4) of the UN Charter prohibits the "threat or use of force against the territorial integrity or political independence of any State," Article 51 says, "nothing in the present Charter

shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in exercise of this right of self defence shall be immediately reported to the Security Council."

There should be an armed attack prior to the preemptive strike for Article 51 to be applied. However there is no unanimous interpretation of this provision. The advocates of preemption say there is no explicit mention of any prohibitions and the states have the right to act. Since there is no unanimous acceptance or rejection of whether an armed attack is a necessary pre-condition for preemption, it has generally been accepted that a preemptive strike can be launched irrespective of a prior armed attack.

Two events in the post World War II period have been considered to be the classic cases of preemptive strike. First, the Six Day War in 1967, in which Israel used military force to preempt an "imminent" attack by the Arab States. Second a preemptive strike was carried out again by Israel, when it attacked the Osirak reactor in Iraq in 1981. Whereas the term "imminent" was used to justify Israel's 1967 preemption, by its supporters, the 1981 attack could not be so justified. Despite this, Israel could get away with the attack due to the support it enjoyed in the UN Security Council.

While there is no universally accepted explanation or justification for preemptive strike and what constitutes "imminent threat," it has been interpreted differently. The US National Security Strategy 2002 has expanded this 'imminent threat' to include rogue states and terrorists who do not

use conventional means. A rogue state is defined as one that brutalizes its own people, displays no regard for international law, threatens its neighbours, is determined to acquire weapons of mass destruction, sponsor terrorism and hate the United States and everything for which it stands. Indian perceptions of preemption have been greatly shaped by the American strategy and policy and, in fact, the concept of preemption in India has gained importance ever since the September 11 attacks and the evolving US National Security Strategy.

Is there a case for preemptive strike against Pakistan?

If one goes by this US definition of a rogue state, then one must agree with our Defence and External Affairs Ministers, and there is a case for preemptive force against Pakistan. Besides acquiring weapons of mass destruction, Pakistan has also been accused by western sources of proliferating them and there have been a number of American reports linking Pakistan with North Korea. Besides, it has been adequately proved, that a section inside Pakistan both within and outside the government, has been actively involved in exporting terrorism to Afghanistan and India. Despite the military regime's support to the US, there is wide spread hatred towards the US in Pakistan and the emergence of the MMA is only a

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against Pakistan to carryout a preemptive strike? No doubt, Pakistan possesses nuclear weapons and the militant attacks were carried out against India from Pakistani soil. Even if one is to believe the Pakistani version of the Kargil War, that the intrusions were carried out by mujahideens, India

manifestation of this statement. Thus Pakistan would present a fit case for the US to carryout a preemptive strike, if it goes by its own National Security Strategy 2002.

The critical question would be, does India have a case

has a clear case for carrying out a preemptive strike, as armed attacks have taken place and continues to take place. The international community is aware that those who carryout these armed attack are either overtly or covertly supported by Pakistan. If Pakistan is to claim that it does not support the mujahideens and that their activities are autonomous, then India has an even better case. This would show that the adversary is incompetent or ineffective to control the armed groups that impinge on the security of a neighboring state; hence, the victim has every right to take action in "self defence." It is immaterial, whether such an armed attack is to be carried out by regular troops or irregular troops. India has a strong case therefore to carry out a preemptive strike against Pakistan.

Preemptive strike by whom, against whom and for what?

Since the US has been making so much noise and justifying its offensive in Afghanistan and Iraq as preemption, India has been trying to project that Pakistan deserves the same treatment. Another section prefers independent action against Pakistan by India, irrespective of what might be the US response. Hot pursuit, surgical strikes and limited war are the various strategies that this group has been advocating in recent years, especially since the nuclear tests and the Kargil War. These strategies have been advocated in India before and during the US war against the Taliban.

What would be the aims of such an Indian preemptive action against Pakistan? In Afghanistan and Iraq, the US had the clear objective of toppling the existing regimes and physically eliminating certain individuals from the scene. What would India like to achieve by way of preemptive force on Pakistan? Over throw General Musharraf? Alter the LoC in India's favour? Attack all militant camps and eliminate its militant and *jihadi* leadership? The first two objectives will simply not figure in these calculations, as they are too large to be achieved by a mere preemptive strike. If the objective is only to wipe out terrorist camps in PoK, then India should have carried out such a strike during the Kargil War or immediately after the attack on the Indian Parliament. If the objective is to alter the LoC, India should have done that during the Kargil

war itself, when there was widespread internal support for it. India would have been fully justified and supported internationally and the pressure would have been on Pakistan not to react had India decided to cross the LoC then.

Secondly, since India's case is based on armed attacks by militants on its territory, anything beyond attacking the militants would not be perceived as being "proportional" to the "imminent" threat. If the objective is to engage Pakistan politically by applying military pressure, then preemptive strike becomes meaningless, as the Pakistani regime has repeatedly called for a political dialogue.

Will a preemptive strike ensure India's security?

Whether it is a limited war or surgical strike or hot pursuit, Pakistan's response would be equally serious. If one goes by the statements of its important actors and by Pakistani counter mobilization all along the border in 2002, any such action by India would only aggravate its security situation rather than addressing it. Given the internal political conditions in Pakistan, the military would be compelled to 'perform' against India, if the latter decide to escalate the situation.

After the US war against terrorism and the military regime's support for it, the calculated and carefully cultivated Afghan policy of Pakistan is in shambles today. General Musharraf is under enormous pressure to reshape his foreign policy, especially his support to the US. Given this regional backdrop, the military in Pakistan will not give up its Kashmir policy. Hence it is unlikely that any aggressive action by India would deter General Musharraf to abandon Kashmir. In fact, he did not do this during his the year long border confrontation across the border.

Secondly, will preemptive strike secure Indian interests against a nuclear Pakistan? Presuming that the preemptive strike seeks to destroy Pakistan's nuclear weapons or its missiles, will an attack be able to destroy all of them? If any such strike is undertaken, Pakistan would not hesitate to escalate the conflict into a nuclear one. If its nuclear weapons cannot guarantee its security, then why should it not decide to use them? Also, if Pakistan is sure of any such Indian strike against its own weapons systems, conventional and otherwise, will it not be justified to undertake a

preemptive strike as part of a use-them-or-lose-them strategy? Either way, whether on conventional or nuclear targets, an Indian preemptive strike would only escalate the conflict, even up to the nuclear level.

Another factor which would not help any aggressive Indian action is the political equation inside Pakistan which is unstable, both inside and outside its parliament. Both the LFO and Iraq war has distanced the military regime from the main opposition party, the MMA. Any military option adopted by India would bring these two groups together inside Pakistan. Qazi Hussain Ahmed, Amir of *Jamaat-e-Islami* had already announced that in case of any threat from India, it would stand by the military regime.

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It should be understood, that inside Pakistan, India has been bracketed with the US and Israel as being entities opposed to the Ummah. This feeling has been fuelled throughout the War against terrorism and now against Iraq. Given these realities inside Pakistan, any military adventure by India would bring the regime and the rightist parties together at the cost of alienating the liberal parties. Such a course would, in the long run, only increase the violence in Jammu and Kashmir. Hence, a preemptive strike would not fulfill any of India's objectives, but also destabilize the region further.

Instead, India should seriously pursue the recently announced dialogue offer by the Prime Minister in Srinagar. India should enter into a sustained and structured dialogue with the democratically elected leadership on all issues including Jammu and Kashmir. This would strengthen the democratic forces and the liberal society in Pakistan which yearns for peace. This would serve Indian interests better than letting the rightist

forces and the military come together.

Until all peaceful/political options are exercised, there should be no contemplating of a military strike. There is an immediate need to discuss the objectives of the use of preemptive force by India, and initiate a debate to discuss whether this option would really serve India's security interests, irrespective of whether there is a case against Pakistan or not. The US formulated its National Security Strategy in September 2002, providing in detail what the government sees as a threat and how it would like to meet them. Following its publication there has been widespread debate amongst its strategic community on whether it is feasible or not. It was through this debate that the US managed to garner support for its war effort against Iraq, despite criticism and condemnation at the global level. India could very well initiate such a process with the much publicized but never published White Paper on ISI activities in India.

To conclude, there may well be a case for a preemptive strike against Pakistan by India; however such a strategy would be too dangerous, as it would escalate the conflict between the two countries. Any such attack on conventional or nuclear forces in Pakistan by India would not succeed in destroying all its nuclear weapon and missile systems. The attack on militant targets inside Pakistan or in PoK would only aggravate the conflict situation and violence in Jammu and Kashmir. A preemptive strike against Pakistan would not achieve any tangible military or political objectives for India.



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