

Redefine Cooperative Security, Not Preemption

Asymmetric warfare launched by terrorist groups is correctly defined in the 2002 U.S. National Security Strategy (NSS) as “today’s most urgent threat” to the United States. Strategists define asymmetric warfare as conflict deviating from established norms in which a potential opponent—a state, a transnational group (such as an international terrorist organization or a drug cartel), or various other types of players—seeks to counter the superior capabilities of a superpower or regional power with unconventional, asymmetric means.¹ Unfortunately, President George W. Bush’s strategy of preemption is not the solution to the problem; in practice, it won’t work and, in principle, it breaks all existing rules. Rather, preemption only diminishes the role of diplomatic cooperation and nonproliferation regimes, weakening their effectiveness against terrorism and the proliferation of weapons of mass destruction (WMD).

It Won’t Work

Preemption is not a new strategy. What is new is Bush’s emphasis on this strategy since September 11 and its emergence as the nameplate for U.S. national security strategy. In a speech to the Veterans of Foreign Wars in Nashville on August 26, 2002, Vice President Dick Cheney cited Israel’s June 7, 1981, attacks on Iraq’s Osirak nuclear facility near Baghdad as an example of the ability of preemptive strikes to set back Saddam Hussein’s nuclear ambitions.² The strategy of preemption, however, is a risky option that can backfire. Politically, a government needs a legal basis and moral grounds to support preemptive attacks; technically, it needs reliable intelligence about

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the rival nation's capabilities and intent as well as assurances that attacks on the targets will be accurate. Otherwise, the consequence of violating other countries' sovereignty and hurting innocent people will be significant. Beyond these practical concerns, other historical examples show that the strategy of preemption has empirically proven ineffective at preventing or deterring either WMD use or even WMD-capability acquisition in the first place.

CAN'T PREVENT WMD USE

In 1994 the Clinton administration threatened to launch preemptive strikes against North Korea but refrained because it feared serious consequences. In mid-June 1994, the Senate passed a resolution urging President Bill Clinton to take action to prepare U.S. troops "to deter and, if necessary, repel an attack from North Korea."³ Secretary of Defense William Perry asked Gen. John M. Shalikashvili to prepare a contingency plan for a preemptive strike against North Korea's nuclear facilities to be included in Operation Plan 5027—a U.S. plan for defeating a North Korean attack.⁴ Both Pentagon officials feared, however, that such an attack would incite the North Koreans to launch a military attack on South Korea; even though North Korea would surely lose any subsequent war, war between the North and the South would kill hundreds of thousands, perhaps millions, before it was over. According to Perry, the two sides were on the brink of a war that might involve WMD. Nevertheless, through the mediation of former president Jimmy Carter, the North Korean and U.S. governments began to negotiate and finally signed the Agreed Framework in Geneva on October 21, 1994, a pact that "drew the region back from the brink of conflict."⁵

CAN'T PREVENT WMD PROLIFERATION

The strategy of preemption also cannot prevent the so-called rogue states from acquiring WMD in the first place. Although Bush rhetorically dubbed Iraq, Iran, and North Korea as the "axis of evil," in practice the administration has taken different approaches in dealing with each of these countries. While planning to launch preemptive strikes against Iraq, the United States is not planning any risky attacks against North Korea or Iran, although the U.S. government suspects and has even provided evidence that North Korea and Iran are developing WMD.

At a November 2002 briefing at the Foreign Press Center in Washington, D.C., James Kelly, U.S. assistant secretary of state for East Asian and Pacific affairs, told reporters that Bush had "made clear that we have no intention or plans to attack or invade North Korea."⁶ One U.S. official told me during

his recent trip to Beijing that the United States fears the possibility of North Korea's heavy artillery attacks against South Korea more than it fears North Korea's use of WMD because the potential of artillery attacks is more realistic and serious.⁷ In the case of Iran, the Bush administration does not seem to have come up with an established policy to deal with that government's development of a WMD capability.

Although preemption may be the theoretical basis for U.S. attacks against Iraq, the goal of potential U.S. preemptive attacks against Iraq is unclear. Is the objective to eliminate Iraq's WMD or to change the country's regime? The Bush administration has changed statements about its goal several times. On one hand, the White House recognizes that it should use force only as a last resort.

The NSS states clearly that "[t]he United States will not use force in all cases to preempt emerging threats, nor should nations use preemption as a pretext for aggression."⁸ On the other hand, the Bush administration is preparing for a war against Iraq, with or without the mandate of the United Nations, that may not, once and for all, prohibit Iraq from developing WMD in the future.

Moreover, preemption is not the answer to the war on terror precisely because it cannot eliminate all nonstate terrorists. Neither the superior military power of the United States nor its preemptive strikes can deter terrorist groups from launching suicide attacks. Former U.S. secretary of defense William Cohen once warned that "American military superiority actually increases the threat of nuclear, biological, and chemical attack against us by creating incentives for adversaries to challenge us asymmetrically."⁹ Preemption cannot keep terrorist groups from using trucks, container ships, civilian airliners, private planes, and subway cars to attack the United States anywhere they choose. With the military operation in Afghanistan at an end and Osama bin Laden and other Al Qaeda leaders still at large, how can the strategy of preemption help the United States to wipe out terrorist groups in the near future?

Preemption
cannot eliminate
all terrorists.

It Breaks All the Rules

Preemption is not only ineffective in deterring or preempting terrorists or states attempting to acquire or use WMD; it also undermines existing strategies to combat WMD cooperatively. A national security strategy of preemption poses a serious challenge to the existing tenets of international law and to the framework of the UN—the single institution founded with the

objective of collectively maintaining world peace. Article 2.4 of the UN Charter states, “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.” Under international law, the United States is entitled to attack Iraq only as an act of self-defense unless otherwise authorized by the Security Council. According to the definition of self-defense proposed by U.S. secretary of state Daniel Webster in 1837 and universally accepted ever since: “There must be a necessity of self-defense, instant, overwhelming, leaving no choice of means, and no moment for deliberation.”¹⁰ Thus far, although Iraq has not fully complied with UN resolutions,

no imminent military threat to the United States has been detected. Therefore, the United States cannot legitimately attack Iraq.

Furthermore, Article 33 of the UN Charter clearly stipulates that international disputes should be handled through peaceful means. Not only is the very definition of what justifies a preemptive strike at stake but also who has the right to make that judgement. Even European nations—longtime U.S.

allies—consider preemption “as a sign of a permanent break by the United States from the international system ... [and as] the assertion of supremacy unburdened by international laws or institutions.”¹¹ No country is entitled to deprive the UN of its right to judge whether or not a war is justified. The international community as a whole, therefore, cannot accept preemption as the national security strategy of one single nation. Otherwise, any single nation may become the judge and jury of international law.

**In practice,
preemption
won't work...**

CATALYZING A CHAIN REACTION

Adopting a preemptive strategy sets a bad example for other governments and could have a seriously negative global impact. If the U.S. example were to be followed, Israel could launch preemptive attacks against Palestine or other Arab countries, and India and Pakistan could launch preemptive strikes against each other. By acting on its goal of eliminating the supposed threat of Iraqi WMD, therefore, the United States would increase the potential for more military conflicts, making the world even more insecure and unstable.

Moreover, if the United States were to use missiles or tactical nuclear weapons to strike deep underground bunkers or bioweapon facilities in its preemptive attacks, on what moral grounds could the U.S. government justify prohibiting other nations from acquiring or using WMD? Such action would only demonstrate the power afforded by WMD and, therefore, fur-

ther inspire others to acquire them. An old Chinese adage says, “Do not unto others as you would not have them do unto you.”

FROM MUTUALLY TO UNILATERALLY ASSURED DESTRUCTION

Traditional arms-control theory aims to avoid and decrease the danger of preemptive attacks and war between major powers through negotiations and arms regulation. But this notion should also apply to relations between major powers and small powers. Bush’s new emphasis on preemption does not abandon deterrence but instead attempts to change its nature. His administration has simply replaced mutually assured destruction with unilaterally assured destruction.

In his May 1 speech at the National Defense University, Bush made it clear that “Cold War deterrence is no longer enough. ... Deterrence can no longer be based solely on the threat of nuclear retaliation.”¹² The Bush administration has shifted the target of deterrence from Russia to rogue states and nonstate terrorist groups, stating that “today’s most urgent threat stems not from thousands of ballistic missiles, in Soviet hands, but from a small number of missiles in the hands of these states, states for whom terror and blackmail are a way of life.”¹³ Thus, the Bush administration has extended the implications of deterrence strategy from deterring others from using WMD to attack the United States to deterring others from acquiring WMD in the first place.

...In principle,
preemption breaks
all the existing rules.

Finally, preemption reflects the Bush administration’s penchant for unilateralism. Bush has made it clear that the United States “will not hesitate to act alone, if necessary, to exercise our right of self-defense by acting preemptively against such terrorists.”¹⁴ Since Bush assumed the presidency, his administration has taken a number of unilateral steps to remove the United States from international arms-control and nonproliferation regimes. Bush announced the formal U.S. withdrawal from the Anti-Ballistic Missile (ABM) Treaty on December 13, 2001, stating, “I have concluded that the ABM Treaty hinders our government’s ability to develop ways to protect our people from future terrorist or rogue-state missile attacks.”¹⁵ The Bush administration has shelved the ratification of the Comprehensive Test Ban Treaty (CTBT), and the U.S. Department of Defense’s 2002 Nuclear Posture Review stated that “[t]he DOD and [Department of Energy] will reassess the need to resume nuclear testing and will make recommendations to the president.”¹⁶ The administration has also refused to comply with the protocol of the Biological Weapons Convention (BWC). These unilateral

steps taken by the U.S. government not only weaken some of the arms control and nonproliferation regimes it has worked to help establish but also blatantly contradict its own goal of stemming WMD proliferation.

A Better Alternative: Getting Everyone on Board the Same Plan

International terrorism and WMD proliferation are global problems; only the global community as a whole can effectively act to resolve them. Achieving that solution is only possible by redefining cooperative security and bolstering the existing international arms-control regime—not writing it off.

REDEFINE COOPERATIVE SECURITY

At the outset, it is essential to address the root causes of WMD proliferation, meaning that nations' incentives to acquire, distribute, and use WMD must be eliminated. That Brazil, South Africa, and other nations have voluntarily forfeited their nuclear capabilities proves that, if a nation feels it has no need for nuclear capability and it is secure with the security guarantees provided by the international system, then WMD proliferation can be contained. The 2002 U.S. NSS rightly acknowledges the need to address the causal factors by noting the importance of "diminishing the underlying conditions that spawn terrorism."¹⁷ But effectively diminishing those conditions requires redefining cooperative security—to feature mutual trust, mutual benefits, equality, and cooperation—so that it yields greater benefits for all nations.

To help establish and maintain a stable international order in which people of all nations can live free from the kinds of poverty, disparity, discrimination, and resentment that so often yields terrorist activity and the pursuit of WMD proliferation, a credible guarantee of security should be provided to those countries that have given up their aspirations to acquire WMD. Specifically, the nuclear-weapon states should give unconditional security assurance to the non-nuclear-weapon states. The existing positive and negative security assurances, as expressed in the P-5 declarations, are not enough.¹⁸ The Conference on Disarmament, the international community's single multilateral disarmament negotiating forum, should negotiate an internationally legally binding instrument that will assure non-nuclear-weapon states protection against the use or threat of use of nuclear weapons.

Meanwhile, nations that have already developed nuclear capabilities should continue the process of nuclear disarmament and make a commitment not to resume nuclear testing (or use), thus maintaining the credible bargain made with nonnuclear states under the Nuclear Non-Proliferation

Treaty (NPT). Treaties declaring nuclear weapon-free zones, such as the Antarctica Treaty, the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), the South Pacific Nuclear-Free Zone Treaty of Rarotonga, the Southeast Asian Nuclear-Weapon-Free-Zone Treaty (Bangkok Treaty), the Central Asia Nuclear-Weapon-Free Zone Treaty and the African Nuclear-Weapon-Free-Zone Treaty (Pelindaba Treaty), should be fully implemented.

As the world's only superpower, the United States plays the leading role in maintaining world peace and order and has the capability to solve numerous global issues, including WMD proliferation. In the case of North Korea, for example, if the United States were willing to sign a mutual nonaggression and security agreement and give North Korea a credible guarantee of security and survival, North Korea would be ready to give up its nuclear and missile programs.¹⁹ It is doubtful whether the United States can achieve its narrow goal of solving the issue of North Korea's nuclear and missile program without addressing the broader issue of a general improvement in political relations between the two countries. What North Korea wants is not just economic aid or commercial bargains but concrete political and security guarantees, which the Bush administration is not ready to offer. Only through peaceful negotiation; the cooperation of the United States, South Korea, China, Russia, Japan, and other countries; and a return to a low-tension political atmosphere in Korea as seen in the late 1990s can the issue of North Korea's nuclear and missile programs be effectively addressed.

Other examples besides Osirak show that preemption has empirically proven ineffective.

BUILD ON—DON'T WRITE OFF—NONPROLIFERATION AGREEMENTS

Currently, most countries—including Iraq, North Korea, and Iran—have acceded to the NPT, the BWC, the Chemical Weapons Convention (CWC), and other arms control and nonproliferation treaties. The existing international nonproliferation regime has been effective and should be enhanced, not weakened, in light of today's threats. Although today's headlines are driven by the absence of inspectors in Iraq since 1998, significant positive steps had been taken after the UN Security Council's adoption of Resolution 687 on April 3, 1991, demanding that Iraq eliminate unconditionally its WMD under international supervision. After visits by more than 400 UN inspections over seven years, according to a UN assessment in 1998, "the bulk of Iraq's proscribed weapons programs has been eliminated" by the inspections regime.²⁰

The first half of the 1990s clearly witnessed significant achievements in the field of arms control and nonproliferation: the CWC was concluded in November 1992, the NPT was indefinitely extended in May 1995 at the UN's NPT Review Conference, and the CTBT was concluded in September 1996. But when the Republican-dominated U.S. Congress refused to ratify the CTBT in October 1999 and accelerated the pace of the development of a ballistic-missile defense program in January 1999, all momentum was brought to a halt.

Preemption
undermines existing
strategies to combat
WMD cooperatively.

Since the Bush administration entered office, its apparent belief that arms control and nonproliferation regimes inhibit U.S. power has further contributed to the failure of global nonproliferation efforts. Military buildup, a missile defense program, and preemption have become the key components of the Bush administration's national security strategy. U.S. military buildup and the ambitious

U.S. ballistic missile program have negatively impacted the global strategic balance as well as international arms control by causing other countries to lose faith in the international nonproliferation regime. Now, the U.S. turn toward preemption may incite other countries to aspire to acquire or modernize WMD.

The international community cannot afford to lose confidence in international nonproliferation regimes, treaties, and agreements because of recent failures to enforce these regimes. The facts show that UN-led efforts toward nonproliferation have delivered results—if not solved the problem entirely; it is, after all, under a UN mandate that weapons inspectors are leading inspections in Iraq. The United States should take the lead in setting a good example in supporting these efforts and enforcing and abiding by international arms-control and nonproliferation treaties and not use them as the justification for preemptive strikes.

Furthermore, national governments cannot choose to adhere to the NPT but neglect nuclear disarmament and the CTBT regimes. The NPT requires that nuclear states also fulfill their obligations toward disarmament. Article VI of the NPT stipulates that “[e]ach of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.”²¹ The fact that the Bush administration continues to delay ratification of the CTBT and plans to develop tactical nuclear weapons only provides greater reason for currently nonnuclear states to seek WMD.

Under the framework and guidance of the UN, the existing international nonproliferation regime, including the NPT, BWC, CWC, and CTBT, should be enforced with full compliance. The export control system and verification regime should also be enhanced. Existing institutions such as the Nuclear Suppliers Group, the Australia Group, and the Missile Technology Control Regime have played positive roles in preventing WMD proliferation. Nevertheless, their roles are limited by their limited membership. Universal participation in nonproliferation regimes is essential so that those countries that violate the norms of the regime can be punished effectively.

WMD proliferation is a global problem and one of the greatest dangers that all nations will face in the twenty-first century. Therefore, it is not a problem that the United States can solve on its own, especially with threats of preemptive attacks. Rather, international cooperation, particularly among the five permanent members of the Security Council, is essential for dealing effectively with this issue.

Cooperative measures designed to prevent nuclear materials, including plutonium, highly enriched uranium, and nuclear technology, from falling into the hands of terrorists have produced positive results. The Nunn-Lugar Cooperative Threat Reduction program has made significant progress in dismantling WMD and WMD materials in the Commonwealth of Independent States countries since the disintegration of the Soviet Union. International cooperation in freezing the assets of terrorist groups and in sharing intelligence have contributed to the success of the international campaign against terrorism. A universally accepted nonproliferation regime would also prove more effective against nonstate actors. With all countries—not just a few—committed to nonproliferation treaties and regimes, nonstate actors would lose their bases for political, financial, and logistical support. Without the base and backing of a state, nonstate terrorist organizations will find it very difficult to get the materials or technologies needed to develop weapons of mass destruction.

It is essential to address the root causes of WMD proliferation.

Conclusion

Preemption reflects the Bush administration's perception of a changed threat facing the United States and is an extension of the U.S. government's unilateral foreign policy; this strategy proceeds entirely from the security interests of the United States. It implies that, with the end of the Cold War, because "the United States possesses unprecedented—and unequalled—

strength and influence in the world,”²² the U.S. government is now entitled to do whatever it sees fit in pursuit of its own national interests. The United States seeks to establish a new international order, guided by U.S. interests and values. But the world is diverse, composed of countries with distinct systems, religions, and cultures. The United States should instead work with other powers to address this threat, heightened in everyone’s eyes after the tragic attacks on September 11, cooperatively.

Notes

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