

Related Brookings Resources

- *Protecting the American Homeland*
Michael E. O'Hanlon,
Peter R. Orszag, Ivo H. Daalder, I.M. Destler,
David L. Gunter,
Robert E. Litan,
James B. Steinberg
(2002)
- "The Bush Administration's National Security Strategy: An Evaluation"
Policy Brief #109
Ivo H. Daalder,
James M. Lindsay, and
James B. Steinberg
(October 2002)
- *Defense Policy Choices for the Bush Administration, 2001-2005*
Michael E. O'Hanlon
(2002)
- *Terrorism and U.S. Foreign Policy*
Paul R. Pillar
(2001)
- *Preventive Defense: A New Security Strategy for America*
Ashton B. Carter and
William J. Perry (1999)
- Brookings Project on Homeland Security
<http://www.brookings.edu/fp/projects/homeland/assess.htm>



1775 Massachusetts Ave., N.W.
Washington, DC 20036

The New National Security Strategy and Preemption

MICHAEL E. O'HANLON, SUSAN E. RICE, JAMES B. STEINBERG

Building on a concept he articulated in a June 2002 speech at West Point, President George W. Bush has adopted a new emphasis on preemption in his administration's National Security Strategy (NSS), issued September 20, 2002. Preemption, defined as the anticipatory use of force in the face of an imminent attack, has long been



President George W. Bush with National Security Advisor Condoleezza Rice, who has played a central role in articulating the Bush administration's stance on preemption.

accepted as legitimate and appropriate under international law. In the new NSS, however, the administration is broadening the meaning to encompass preventive war as well, in which force may be used even without evidence of an imminent attack to ensure that a serious threat to the United States does not "gather" or grow over time. The strategy also elevates preemption in importance, and visibility, within the tool kit of U.S. foreign policy.

This policy brief examines the implications of this policy shift as well as under what circumstances preemption, including the possibility of preventive action, might actually be applied.

The new shift in emphasis on preemptive and preventive uses of force is a response to the terrorist attacks of Sept. 11, 2001, which brought home the necessity to address potentially catastrophic threats before the country can be attacked. The first manifestation of this more forceful attitude was the president's seminal Sept. 20, 2001, speech to a joint session of Congress vowing to hold responsible

the terrorists as well as those who harbor them. It paved the way for a largely successful military campaign in Afghanistan and sent a clear warning to other state sponsors of terrorism.

The preemption concept was further elaborated in the president's West Point speech and then more formally in the National Security Strategy. It threatens



Michael E. O'Hanlon is a senior fellow in Foreign Policy Studies at the Brookings Institution.



Susan E. Rice is a senior fellow in Foreign Policy Studies and Governance Studies at the Brookings Institution.



James B. Steinberg is vice president and director of Foreign Policy Studies at the Brookings Institution.

to attack so-called rogue states, which pose a danger to the United States, whether or not they are demonstrably linked to terrorist organizations of global reach. The administration argues that the continued spread of weapons of mass destruction (WMD) technology to states with a history of aggression creates an unacceptable level of risk, and presents “a compelling case for taking anticipatory actions to defend ourselves, even if uncertainty remains as to the time and place of the enemy’s attack.”

However, a broad-based doctrine of preemption carries serious risks. The Bush administration was right to take a strong stand against terrorists and extremist states, but it had already accomplished this goal with its early words in the period after the September 11 attacks and its actions in Afghanistan. It did not need a formal doctrine of preemption to drive the point home. Rather than enunciate a formal new doctrine, it would have been better to continue to reserve the preemptive military tool for a narrow, rare class of situations where inaction poses a credible risk of large scale, irreversible harm and where other policy tools offer a poor prospect of success. Given that the doctrine has now been promulgated, the Bush administration should clarify and limit the conditions under which it might be applied.

Elevating the preemptive option to a policy doctrine can have serious negative consequences. For one, it reinforces the image of the United States as too quick to use military force and to do so outside the bounds of international law and legit-

imacy. This can make it more difficult for the United States to gain international support for its use of force, and over the long term, may lead others to resist U.S. foreign policy goals more broadly, including efforts to fight terrorism. Elevating preemption to the level of a formal doctrine may also increase the administration’s inclination to reach for the military lever quickly, when other tools still have a good chance of working.

Advocating preemption warns potential enemies to hide the very assets we might wish to take preemptive action against, or to otherwise prepare responses and defenses. In this tactical sense, talking too openly about preemption reduces its likely utility, if and when it is employed. Finally, advocating preemption may well embolden other countries that would like to justify attacks on their enemies as preemptive in nature.

One can argue that a more explicit policy of preemption actually reinforces deterrence by putting other countries on notice about America’s seriousness of purpose in addressing threats such as the possession of weapons of mass destruction by rogue regimes. It also allows the administration to argue that its focus on Iraq is part of a broader security concept and does not represent preoccupation with a specific regime. However, linking the real problem of Iraq’s weapons of mass destruction (WMD) to a broader doctrine of preemption (defined to include preventive war) complicated the administration’s task in gaining international support for its preferred policy, and may do so again if the administration chooses to use force

against Iraq. Many countries worry that the Bush administration will take a similar approach in dealing with other cases such as North Korea or Iran or Syria. Further, other countries' frustration with the United States' decision to grant to itself, (though not to others), a right of preemption may chill their willingness to cooperate fully with the United States in the war on terrorism.

THE STRATEGY'S CONCEPT OF PREEMPTION

President Bush's cover letter to the September 2002 National Security Strategy describes the most serious threats facing the United States and the means that will be used to address them. Notably, he writes, "...as a matter of common sense and self-defense, America will act against [such] emerging threats before they are fully formed."

Although the Strategy also discusses nonproliferation efforts, missile defenses, and other protective measures for thwarting enemies of the United States, it is clear from the cover letter and the text of the Strategy that preemption is an important element of the administration's overall approach to U.S. security in the post-September 11 environment. The concept is not limited to the traditional definition of preemption—striking an enemy as it prepares an attack—but also includes prevention—striking an enemy even in the absence of specific evidence of a coming attack. The idea principally appears to be directed at terrorist groups as well as extremist or "rogue" nation states; the two are linked, according to

the strategy, by a combination of "radicalism and technology."

The administration asserts that deterrence of the kind that prevailed during the cold war is unlikely to work with respect to rogue states and terrorists—which the administration claims are not risk-averse—and which view weapons of mass destruction not as weapons of last resort but as weapons of choice.

In the Strategy, the administration argues that the classic doctrine of preemption must be enlarged to deal effectively with these new threats:

"For centuries, international law recognized 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. Legal scholars and international jurists often conditioned the legitimacy of preemption on the existence of an imminent threat—most often a visible mobilization of armies, navies, and air forces preparing to attack.

"We must adapt the concept of imminent threat to the capabilities and objectives of today's adversaries. Rogue states and terrorists do not seek to attack us using conventional means...Instead, they rely on acts of terror and, potentially, the use of weapons of mass destruction—weapons that can easily be concealed, delivered covertly and used without warning.

"The United States has long maintained the option of preemptive actions to counter a sufficient threat to our national security. The greater the threat, the greater is the risk of inaction—and the more compelling the case for taking anticipatory action to defend ourselves, even if the

"The National Security Strategy of the United States of America" was issued by President George W. Bush on September 20, 2002. This Strategy, the first by the Bush administration, is issued in accordance with the Goldwater-Nichols Department of Defense Reorganization Act of 1986, which mandated an annual report to Congress detailing the National Security Strategy of the United States. A copy of the Strategy is available at www.whitehouse.gov/nsc.



“Elevating the preemptive option to a policy doctrine can have serious negative consequences. For one, it reinforces the image of the United States as too quick to use military force and to do so outside the bounds of international law and legitimacy.”

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.

“The United States will not use force in all cases to preempt emerging threats, nor should nations use preemption as a pretext for aggression. Yet in an age where the enemies of civilization openly and actively seek the world’s most destructive technologies, the United States cannot remain idle while dangers gather.”

Although overlooked by many critics, the strategy does not abandon the notion of deterrence. For example, one of the four key purposes of U.S. military forces is to “deter threats against U.S. interests, allies, and friends.” The role of overseas American forces in preserving stability is also emphasized, at least in a section that focuses on more conventional military threats.

ASSESSMENT OF THE PREEMPTION CONCEPT

Despite the National Security Strategy’s ambiguity on the relative roles of deterrence and preemption in current U.S. security policy, the clear intent of its authors was to elevate the importance of preemption and broaden its scope to include preventive action as well. The rationale for the shift appears to be twofold: to deal with actors who cannot be reliably deterred, and to address the enormous threat posed by the spread of WMD.

Preemption, narrowly defined, has long been an important and widely accepted policy option for the United States. But

the Bush administration argues that preemption must be extended to include “preventive” attacks even in the absence of an imminent threat. Prevention is a far less accepted concept in international law, even though the United States has threatened or utilized it in previous eras as well, and even though it may be a necessary tool at times. For example, in 1994, then-Secretary of Defense William Perry stated publicly that the United States would not allow North Korea to develop a nuclear arsenal (although the administration issued no explicit threat to use force). Pyongyang’s awareness that the United States might destroy North Korea’s capacity to produce fissile materials may have contributed to the subsequent Agreed Framework by which North Korea capped its large-scale nuclear program. But such threats are more problematic in the case of a concealed “basement bomb” program that U.S. intelligence could not easily locate—and in fact, it is precisely such a smaller, yet still dangerous, type of nuclear program that North Korea later initiated.

The United States has engaged in preventive strategies on a number of occasions in recent history, including the 1983 invasion of Grenada and, less successfully, the Bay of Pigs invasion of Cuba in 1961. U.S. efforts to use covert means to unseat foreign leaders, such as Mossadegh in Iran in 1953 and Lumumba in the Congo in 1961, achieved their immediate goals of limiting Soviet influence in those countries but with mixed long-term results.

Today, the application of a preventive

strategy to known terrorist groups is relatively uncontroversial. Given the stealthy nature of the actors, it is unlikely that specific attacks can be identified in advance. So these groups' past practices and explicit statements provide an adequate substitute for the traditional doctrine's requirement for imminent threat.

Less clear is the need for an expanded approach with respect to rogue states. One problem is that the Strategy fails to distinguish between eliminating dangerous capabilities and overthrowing dangerous regimes. Even the unilateral use of force to eliminate dangerous WMD is controversial, as can be seen from the broad international condemnation of Israel's attack on Iraq's Osirek nuclear reactor in 1981. Pursuing regime change has broad consequences for the overall stability of the international system and is thus even less accepted as a legitimate objective than eliminating weapons of mass destruction. And a preventive regime change strategy may trigger the very use of WMD that the strategy seeks to preclude. But going after capabilities under many circumstances is likely to achieve limited results at best, as can be seen in the Clinton administration's "Desert Fox" attack on Iraq's WMD infrastructure in 1998 after weapons inspections were impeded by Saddam Hussein. On balance, policy should not rule out regime change in extreme cases, but it should only be considered when there are no alternative means of eliminating unusually dangerous capabilities.

In this regard, the administration's shift of

focus from overthrowing Saddam Hussein to disarming Iraq has substantially increased international support for U.S. policy, and may well lead in the end to support for regime change if he does not clearly comply with the relevant Security Council Resolutions.

There are two other important concerns raised by the adoption of a formal doctrine of preemption. First, it undervalues the still important role of deterrence, even against so-called rogue states such as Iraq and North Korea. Second, it legitimates a wider scope for the use of force—preemption without a clear, imminent, and widely accepted threat—that in general the United States should discourage.

Deterring Rogue States

Deterrence appears to have a considerable effect even against rogue states. As the State Department's annual report on terrorism makes clear, for example, most rogue states are actually diminishing their active support for terrorism, perhaps partly in response to President Bush's recent threats. That is not because they have all reformed their ways, but because deterrence tends to work against even brutal autocrats, who tend to value highly their hold on power and their lives—as National Security Advisor Condoleezza Rice herself wrote in the January/February 2000 issue of *Foreign Affairs*: "These [rogue] regimes are living on borrowed time, so there need be no sense of panic about them. Rather, the first line of defense should be a clear and classical statement of deterrence—if they do acquire WMD, their weapons will be

"The Bush administration argues that preemption must be extended to include 'preventive' attacks even in the absence of an imminent threat."



“The weight of the evidence concerning Saddam Hussein’s past behavior suggests that he is difficult to deter...but not that he is undeterrable.”

unusable because any attempt to use them will bring national obliteration.”

North Korea illustrates both the potential and the limits of deterrence in dealing with rogue states. It clearly has shown a willingness to flout international norms and agreements, as underscored by its recent admission of a secret nuclear weapons program. But that program probably reflects an effort either to extort money from the outside world or to deter attack. It does not appear to be designed to help North Korea undertake aggression, as further suggested by the fact that North Korea may have had one or two nuclear weapons for a decade without going on the offensive. Indeed, on the whole, its external behavior has improved substantially in recent years. Its support for terrorism is virtually non-existent, according to U.S. government sources; its missile testing moratorium continues, and its arms exports have declined substantially; it is coming clean on its history of kidnapping Japanese citizens decades ago. It is also engaging with South Korea, Japan, the United States, and the outside world in general, albeit fitfully and slowly. Certainly it is not attacking the United States or its allies. North Korea also signifies that, at least to date, Bush does not reach for the preventive option indiscriminately.

The case of Iraq is particularly significant, since it lies at the heart of the administration’s argument for adopting a broad approach to preemption. The weight of the evidence concerning Saddam Hussein’s past behavior suggests that he is difficult to deter, and that strong U.S.

credibility is needed to accomplish that—but not that he is undeterrable. In 1990, the United States was unclear about its commitment to Kuwait prior to Iraq’s decision to invade; since Desert Storm, the United States has been clear, and Saddam has not again attacked a U.S. ally in the region.

The administration argues that Saddam Hussein might support a terrorist group such as al Qaeda and not be caught doing so. But he also knows, particularly since September 11, that there is enough of a risk he will be found out that he is not likely to gamble his survival to benefit a terrorist group he cannot control and whose agenda he does not share. While it cannot be dismissed categorically, such an action seems highly unlikely.

The strongest argument for making sure that Saddam Hussein never acquires nuclear weapons is that, if he possessed them, he would be less constrained and therefore would become much more dangerous in the region. He might, for example, attack the Kurds or seize oil fields on his disputed border with Kuwait, believing that his weapons of mass destruction protected him from a U.S. response (or at least from a U.S. invasion to overthrow him). He might still be deterrable even with the bomb, but certainly the risks of deterrence failure could be expected to increase.

For that reason in particular, there is a good case that Saddam Hussein is too dangerous to be allowed to develop WMD, particularly nuclear weapons. The case is buttressed by virtue of 1991 UN Security

Council resolutions, which reflected a collective judgment that as a price for staying in power under the post-Desert Storm ceasefire, he must disarm—a judgment reinforced by Resolution 1441, adopted unanimously by the Security Council on November 8, 2002. But the presence of these resolutions obviates the need for a more expansive doctrine of preemption.

The Dangers of Legitimizing Preemption

A final concern relates to the impact of the precedent set by the United States legitimating action that others might emulate, at the same time reducing its leverage to convince such countries not to use force. This concern is theoretical at one level, since it relates to stated doctrine as opposed to actual U.S. actions. But it is very real at another level. Today's international system is characterized by a relative infrequency of interstate war. Developing doctrines that lower the threshold for preemptive action could put that accomplishment at risk, and exacerbate regional crises already on the brink of open conflict.

Of course, no country will embark suddenly on a war of aggression simply because the United States provides it with a quasi-legal justification to do so. But countries already on the brink of war, and leaning strongly towards war, might use the doctrine to justify an action they already wished to take, and the effect of the U.S. posture may make it harder for the international community in general, and the U.S. in particular, to counsel delay and diplomacy.

Potential examples abound, ranging from Ethiopia and Eritrea, to China and Taiwan, to the Middle East. But perhaps the clearest case is the India-Pakistan crisis. Last spring, India was poised to attack Pakistan, given Pakistan's suspected complicity in assisting Islamic extremist terrorists who went from Pakistan into the disputed territory of Kashmir. A combination of U.S. pressure on both countries, with some last-minute caution by the leaders of Pakistan and India, narrowly averted a war that had the potential to escalate to the nuclear level once it began. Although India might have intended to limit its action to eliminating terrorist bases in Pakistan-held Kashmir and perhaps some bases inside Pakistan, nuclear-armed Pakistan might well have believed that India's intentions were to overthrow the regime in Islamabad or to eliminate its nuclear weapons capability. That situation would have further exacerbated the risks of escalation. Unfortunately, the terrorist infiltrations from Pakistan to Kashmir that did much to spark the earlier crisis appear to be resuming. Kashmir's status remains contentious, meaning that the risk of conflict remains.

Should the crisis resume, a U.S. policy of preemption may provide hawks in India the added ammunition they need to justify a strike against Pakistan in the eyes of their fellow Indian decision-makers. Recently, India Finance Minister (and former Foreign Minister) Jaswant Singh welcomed the administration's new emphasis on the legitimacy of preemption.

Brookings gratefully acknowledges the generosity of the Virginia Wellington Cabot Foundation for its support of the Policy Brief series.



Recent Policy Briefs

- “The Telecommunications Crash: What To Do Now?”
Robert E. Litan
(December 2002)
- “The IMF’s Dilemma in Argentina: Time for a New Approach to Lending?”
Carol Graham and Paul Robert Masson
(November 2002)
- “Kashmir: Redefining the U.S. Role”
Navnita Chadha Behera
(October 2002)
- “The Bush National Security Strategy: An Evaluation”
Ivo H. Daalder, James M. Lindsay, and James B. Steinberg
(October 2002)

Editor
Elana Mintz

Production/Layout
Mary Liberty

Vice President of Communications
Ron Nessen

Senior Director of Communications
Robert Dabrowski

The Brookings Office of Communications
202/797-6105
communications@brookings.edu

The views expressed in this Policy Brief are those of the authors and are not necessarily those of the trustees, officers, or other staff members of the Brookings Institution.

Copyright © 2002
The Brookings Institution

Cover Photo by AP/Wide World Photos

Russia’s recent threats against the sovereign state of Georgia, which it accuses of harboring or at least failing to pursue Islamic extremists tied to the Chechen war, also illustrate the dangers of legitimating an easy and early recourse to preemption.

To the extent that raising the possibility of preemption can intimidate countries into avoiding hostile actions they might otherwise consider, President Bush’s less formal comments—in his September 20, 2001, address to Congress and in the June 2002 West Point speech—probably achieved the desired effect. At this point, formal codification of the concept may do little more than give some countries warning to hide their most valued assets from the United States, and give other countries an excuse for undertaking their own preemptive actions.

Now that the administration has included its expanded concept of preemption in the National Security Strategy, the guidelines offered by Condoleezza Rice in an Oct. 1, 2002, Manhattan Institute speech are helpful steps in the right direction. She emphasized that pre-emption should be used only after other remedies have been exhausted and principally in cases where a grave threat could arise. She also indicated that “the risks of waiting must far outweigh the risks of action.”

These principles should be reinforced by President Bush when opportunities arise in the coming months and should guide the administration in any application of the doctrine in the future. B

Tell us what you think of this Policy Brief.
E-mail your comments to yourview@brookings.edu.

The Brookings Institution

1775 Massachusetts Ave., N.W.
Washington, D.C. 20036

NONPROFIT ORG. U.S. POSTAGE PAID FREDERICK, MD PERMIT NO. 225
