

The Effect of the New Bush Doctrine of “Preemptive Action”
on U.S. Foreign Policy and Nonproliferation Efforts

Center for Defense Information and Physicians for Social Responsibility

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Bill Galston was scheduled to discuss the effect of the new Bush doctrine—the doctrine of taking “preemptive” action to prevent countries from acquiring weapons of mass destruction—on US security and foreign policy, and specifically on nonproliferation efforts. I am as disappointed as you are that Bill is unable to be here. Bill is far more eloquent, and far more knowledgeable particularly about questions of morality. I’ve heard Bill speak on this topic and I agreed with everything he had to say, and so I’ll try to cover some of points that I think Bill would make—indeed, I’ll use some of the same words that Bill has written.

One point that I’m sure Bill would make is that Bush administration is not really talking about “preemptive action” but “preventive war.” “Preemption” or “anticipatory self-defense” presumes that we know or are at least reasonably sure that another state is planning an attack, that such an attack would be devastating, and that waiting would greatly magnify the risk, or a preemptive strike would necessary to defeat or limit the consequences of such an attack.

In the current context, it would require knowing that another country has or is likely to acquire biological or nuclear weapons, that the country in question would be highly likely to use them against the US or transfer them to hostile countries or groups that would use them; and that a military strike is the only way or at least the best way to prevent such an attack.

Few people argue that Iraq poses a sufficient threat to justify, legally or morally, a preemptive strike. And proponents of the Bush doctrine have not argued that the US should be constrained by traditional legal or moral definitions of “preemption.”

Of course, a “preventive” war would be perfectly legal if authorized by the UNSC. The UNSC has ruled that the spread of WMD presents a grave threat to international peace and security, and it could, after examining the evidence, decide that a particular regime is so dangerous that the use of force is warranted to prevent it from acquiring WMD or to destroy any weapons it may already have acquired.

In the case of Iraq, the US has claimed that it already has authorization, under existing UNSC resolutions, to use force in a preventive war of disarmament. At the same time, however, the Bush administration has made it clear that its right to use force for such purposes is not limited by or subject to UNSC authorization.

A global strategy based on the new Bush doctrine of preventive war means the end of the system of international institutions, treaties, laws, and norms that we have worked for more than 50 years to build. It would reflect a fundamental shift in America’s place in the world. Rather than continuing to serve as first among equals, the United States would act as a law unto itself, creating new rules of engagement without the consent of other nations.

This is a curious development, because laws are generally regarded as benefiting the law-abiding. But the administration talks and behaves as though treaties and laws are tolerable only insofar as they accord perfectly with US policy, and international institutions are fine as long as they agree to go along with exactly what we want we want to do. And if others don't go along, the administration attempts to put the blame on them for undermining the credibility of international institutions and norms.

The administration bases its right to engage in preventive war on the US Constitution, which gives the president the duty and obligation to defend the lives and security of American citizens. The elimination of Saddam Hussein and any other anti-American regime that threatens to develop or share WMD with terrorists is an urgent part of this obligation. To let international law get in the way would be a dereliction of duty. Even if no other nation agrees, we have a duty to the American people to go it alone. The end justifies—even requires—the means.

These are powerful claims. But it is not clear whether a policy of preventive war will make us safer in the long run. What are the possible consequences of this policy? In particular, what are the consequences for the spread and use of nuclear and other WMD?

One especially important aspect of this question is whether preventive war might trigger the very disaster that we hope to prevent. And here the U.S. is in a double bind. On the one hand, we say preventive war is justified because we are sure that a country is developing WMD. But in the case of Iraq, the UN inspection agencies have not produced a smoking gun, and the US has been unable to the UN agency to existing stocks of chemical or biological agents or nuclear weapons or factories for producing them. If we are unsure that these exist, then the rationale for war is weak. But if are sure that they exist, then we have to worry about the possibility that they will be used.

Of course, one possibility is to destroy and WMD that exist before they be used, and this certainly would be a high priority in any preventive war. But this is possible only if we know exactly where they are, and if we know exactly where they are, why can't we point the UN to these stocks. If we can't destroy them, we can deter their use by threatening Saddam Hussein with a massive response—veiled nuclear threats. Indeed, many senior officials in the first Bush administration claimed that it was precisely these sorts of threats that deterred Saddam Hussein from ordering the use of WMD against Israel and US forces.

But here is the other half of the bind. On the one hand, our justification for preventive war rests on the premise that regimes like Saddam's are undeterrable—at best a questionable assumption in light of past experience. On the other hand, waging a war in which the announced goal is the elimination of the regime prevents deterrence from working—unless one believes that Saddam and other's like him would be deterred merely by the prospect of being tried before a war-crimes tribunal.

With little left to lose, Saddam Hussein might well order the launch of missiles armed with chemical or biological weapons against Tel Aviv. Indeed, we have to assume that Iraq has been undertaking such preparations over the last several months or even years. Senior Israeli military and intelligence officials doubt that Prime Minister Ariel Sharon would defer to US calls for restraint, as Yitzhak Shamir did during the Gulf War. Israeli retaliation easily could spark of wider regional war and destroy any hope of a stable security situation in the Middle East for decades. And if Israeli response involved nuclear weapons, the ramification for regional and global security are difficult to imagine. The security environment would change dramatically from Egypt to Iran to Saudi Arabia to Pakistan; and one would have to be extremely naive or optimistic to believe that they would improve the security of the United States.

And what would the US response be to Iraqi use of WMD, particularly if the US had already publicly issued threats which are widely understood to involve the use of nuclear weapons? Would we do it? I don't think so, because it wouldn't make any military or political sense. But the president might worry that, having threatened to respond with devastating force, US credibility would be on the line if he didn't order the use of nuclear weapons in response to a devastating attack on the US or one of its allies.

We may avoid the use of enemy WMD in a preventive war, either because no usable weapons exist, we are able to destroy them before they can be used, or the regime is somehow deterred from using whatever remains. In that case, what will be the longer term consequences of a preventive war for proliferation?

Proponents of the new doctrine see positive long-term effects. A preventive war would demonstrate the United States means business—that it won't tolerate the development of WMD by hostile regimes. This, in turn, would deter other countries from starting down this path in the first, or from challenging the US more generally.

Unfortunately, it doesn't take much imagination to foresee other possibilities. For example, if a preventive war against Iraq triggers a wave of public anger that helps Islamic radicals take control of the government of Pakistan, we would exchange a dangerous regime seeking nuclear weapons for an even more dangerous regime that possesses them. This also would present the very real danger that nuclear expertise, nuclear materials, and even assembled nuclear weapons to other radical states or terrorist groups.

It also is instructive to compare Iraq with North Korea, which I would argue poses a much greater and much more immediate threat to US security, the security of close US allies, and international peace and stability. North Korea has a nuclear weapons production infrastructure that Iraq could only dream of; it could separate plutonium in months, and in a few years could assemble dozens of nuclear weapons.

Despite this, and notwithstanding their rhetoric surrounding Iraq, the administration claims that it has no plans to attack North Korea to prevent it from acquiring nuclear weapons. Cynics don't believe it, they believe the administration is saying this merely as a delaying tactic, to keep North Korea on hold until it finishes off Iraq, and then North Korea will be next. But I believe them. North Korean officials have indicated that they have been watching the situation with Iraq very carefully, and that they are determined not to become another Iraq. North Korean threats to launch an all-out war against the South are very credible, and the administration understands that this would be a disaster for South Korea, and that a preventive war would destroy US relations thorough East Asia.

So one lesson that states might learn from a preventive war against Iraq is: make sure you get nuclear weapons, or at least make sure that you can take hostage as close US ally.

We must also recognize that nonproliferation regime, at heart, is a vast web of formal international agreements and informal cooperation. Despite a few notable failures, it has been incredibly successful, and has greatly benefited the security of the United States. We have to wonder whether this web of agreements and this level of cooperation can remain intact if the US chooses to ignore laws and norms which it finds inconvenient—particularly if we threaten to use nuclear weapons first, against non-nuclear weapon states, and begin developing special weapons for this purpose.

We must also consider the broader implications of a doctrine of preventive war for US security and international peace and stability.

This will depend partly on what US does after preventive war. If we simply remove the offending regime and then abandon the country, that is the worst outcome imaginable, and would destroy the reputation of the US and any credibility we have when we claim to be building a better world.

If, however, the US commits itself to the political, economic, and social reconstruction of the conquered nation, the local long-term consequences might be positive, at least within those borders. It is highly likely, however, that even if our intentions are admirable and our efforts at nation-building successful, that the long-term occupation of another country—particularly a Muslim country—would be viewed through the historical prism of colonialism and the crusades...

There is also the more general problem that when we cross line from leadership to bullying, when we tell other nations that it's "our way or the highway," that we are going to do what we wish regardless of existing laws, norms, and institutions, that this will breed resentment and reflexive anti-Americanism. A preventive war will likely produce a generation of young people around the world that will grow up resenting and resisting the United States. In democratic states, this could lead to elected governments that are less friendly to US, and diminish the intelligence sharing and cooperation that we need for our own security. In states that are already unfriendly, it will make it easier for terrorist groups to enlist new recruits for cause of opposing the "great Satan."

Rather than see the US as a benign, status-quo power, countries will likely begin to see the US as threatening—more threatening, perhaps, than the rogue regimes we are seeking to defeat—and this could cause them to together to oppose US power. We can already see the beginning of this in the UNSC deliberations over Iraq, where the Russia, China, and France are engaged in close consultations. An early manifestation of this behavior might also be apparent in the Kyoto Protocol, where many observers believe that US withdrawal actually saved the agreement.

We also must consider how other countries will use the new doctrine of preventive war for their own purposes. And in a world of sovereign nations, other nations will do so whatever we might say about how their situations are different from ours, however we might argue that we are somehow special. We saw how quickly Russia, India, and Israel adopted the new US terrorism doctrine of US for their own ends in Chechnya, Kashmir, and the occupied territories. What will we do when other countries engage in their preventive wars?

We are the most powerful nation on earth, but we must remember that we are not invulnerable. To safeguard our own security, we need the assistance of the allies whose doubts we scorn, and the protection of the international restraints against which we chafe. In the long run, our interests are best served by an international system that is as law-like and collaborative as possible, given the reality that we live in a world of sovereign states.