

Preventive War and Counterproliferation

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RECOMMENDATIONS OF THE WMD COMMISSION

The Commission finds that military doctrines providing for the first or preventive use of nuclear weapons, or for use in retaliation for attacks for weapons other than nuclear, all tend to widen the license in the doctrine of nuclear deterrence for actual nuclear war-fighting. (*Weapons of Terror*, 90)

Recommendation 15: All states possessing nuclear weapons should declare a categorical policy of no-first-use of such weapons. They should specify that this covers both pre-emptive and preventive action, as well as retaliation for attacks involving chemical, biological or conventional weapons.

In its September 2002 National Security Strategy, the White House announced a doctrine of war against “emerging threats” arising from possession or development of NBC weapons by states with links to terrorism, “even if uncertainty remains as to the time and place of the enemy’s attack.”¹ The doctrine was a primary rationale for the United States invasion of Iraq, based on wholly false premises regarding Iraqi NBC weapons programs. It is fundamentally contrary to UN Charter rules on use of force.² Under the Charter, military action is permissible under only two circumstances: when authorized by the Security Council in order to maintain international peace and security; or in individual or collective self-defense “if an armed attack occurs,” until the Security Council has taken appropriate measures. Some commentators interpret the Charter provision (Article 51) regarding self-defense to allow defensive action in anticipation of an *imminent* attack. Such action may properly be called *preemptive*. However, while the Bush administration attempts to claim this term, its doctrine is really one of *preventive war*—military action against “emerging threats” when it is unknown if or when an attack will actually occur. American diplomat and UN official Ralph Bunche denounced this doctrine upon receiving the Nobel Peace Prize in 1950. His remarks are as valid today as they were then:

There are some in the world who are prematurely resigned to the inevitability of war. Among them are the advocates of the so-called “preventive war,” who, in their resignation to war, wish merely to

select their own time for initiating it. To suggest that war can prevent war is a base play on words and a despicable form of warmongering. The objective of any who sincerely believe in peace clearly must be to exhaust every honourable recourse in the effort to save the peace. The world has had ample evidence that war begets only conditions which beget further war.³

The WMD Commission rightly, if diplomatically, condemns the U.S. policy of preventive war against alleged threats posed by NBC weapons or capabilities. The Commission states that it “shares” the view of “a large number of UN members” that “unilateral armed action” is legal only in response to “armed attacks when they are actually under way, or imminent”; otherwise, there is time “to submit the threat to the Security Council for it to judge the evidence and authorize—or not to authorize—armed action or decide on other measures.”⁴ What receives less attention from the Commission is the way that the identification of a category of “weapons of mass destruction” has stimulated and accompanied the development of that policy. What is particularly disturbing is that it has also supported expansion of options for use of nuclear weapons, including in preemptive attacks.

In his background paper for the Commission, “Deconflating ‘WMD,’” George Perkovich recognizes that “the acronym can be dangerous when political leaders, media and citizenry use it in assessing and acting against international threats,” and states that “‘WMD’ mixes threats that should be distinguished.”⁵ He warns that if people blur “the distinctions among ‘WMD’ and begin to see ‘WMD’ itself as the brand, then the heretofore less valuable chemical and biological categories begin to earn the same fear-respect-value as previously unrivalled nuclear weapons.”⁶ However, Perkovich fails to acknowledge the most dangerous element of this equation: by elevating chemical and biological weapons to the status of “weapons of mass destruction,” the evolution of United States “counterproliferation” policy has lowered the threshold for nuclear use in a very significant way.

Almost immediately after the fall of the Berlin wall, U.S. nuclear weapons strategists began justifying a continuing need for nuclear weapons by painting a picture of a world still full of dangerous adversaries. By 1990, the Joint Chiefs of Staff were invoking “increasingly dangerous Third World Threats” as a rationale for retaining both strategic and non-strategic nuclear weapons.⁷ By the mid-1990s, use of nuclear weapons against a broad range of potential WMD targets—nuclear, chemical and biological—was being discussed in detail in the nuclear weapons doctrine documents of the U.S. military services. For example, the 1996 Joint Chiefs of Staff *Doctrine for Joint Theater Nuclear Operations* stated:

As nations continue to develop and obtain WMD and viable delivery systems, the potential for US operations in such a lethal environment increases. In addition to proliferation of WMD among rogue states,

proliferation may also expand to include nonstate actors as well...⁸

Enemy combat forces and facilities that may be likely targets for nuclear strikes include WMD and their delivery systems, ground combat units, air defense facilities, naval installations, combat vessels, nonstate actors, and underground facilities.⁹

As the post-Cold War era took shape without any substantial national debate over the role of nuclear weapons in U.S. policy, nuclear weapons doctrine continued to drift towards broader definitions of the threats that must be deterred, and of the types of actions that “deterrence” might encompass:

While there will certainly be long-term effects from the use of a nuclear device against any target, counterforce strategy focuses on the more immediate operational effect. *Nuclear weapons might be used to destroy enemy WMD before they can be used*, or they may be used against enemy conventional forces if other means to stop them have proven ineffective. This can reduce the threat to the United States and its forces and could, through the destruction of enemy forces, bring an end to the conflict.¹⁰

This passage, from a 1998 Air Force planning document, foreshadows a passage in the Bush administration’s 2002 National Strategy to Combat Weapons of Mass Destruction:

Because deterrence may not succeed, and because of the potentially devastating consequences of WMD use against our forces and civilian population, U.S. military forces and appropriate civilian agencies must have the capability to defend against WMD-armed adversaries, *including in appropriate cases through preemptive measures*.¹¹

While the National Strategy does not declare that nuclear weapons could be used in a preemptive attack, it is not ruled out. Subsequent U.S. planning documents, like the 1990s documents, clearly contemplate such preemptive use. The 2004 Strategic Deterrence Joint Operating Concept states in relevant part:

Nuclear weapons threaten destruction of an adversary’s most highly valued assets, including *adversary WMD/E [weapons of mass destruction/effect] capabilities*, critical industries, key resources, and means of political organization and control (including the adversary leadership itself). This includes destruction of targets otherwise invulnerable to conventional attack, *e.g.*, hard and deeply buried facilities, “location uncertainty” targets, etc....

The use (or threatened use) of nuclear weapons can also

reestablish deterrence of further adversary WMD employment. Alternatively, *nuclear weapons can constrain an adversary's WMD employment through U.S. counterforce strikes aimed at destroying adversary escalatory options.*¹²

In a 1997 report, *The Future of U.S. Nuclear Weapons Policy*, a prestigious committee of the U.S. National Academy of Sciences warned, “the United States does not need and should not want to employ nuclear deterrence to answer CBW threats.” They explained how such a policy would actually encourage nuclear proliferation:

A policy of nuclear deterrence of CBW would provide incentives and an easy justification for nuclear proliferation, which is inimical to U.S. security.... If U.S. policy points to nuclear weapons as the ultimate answer to CBW, other states could have an increased motivation to acquire nuclear arsenals. Highlighting new or continuing missions for nuclear forces could damage the nuclear non-proliferation consensus throughout the world.¹³

Unfortunately, the advice given by the National Academy of Sciences was not heeded. It was largely during the Clinton years, following the window of unprecedented opportunity that appeared with the end of the Cold War, that the use of nuclear weapons to threaten nations suspected of possessing nuclear, biological, or chemical weapons became a central part of U.S. “counterproliferation” policy.¹⁴ Presidential Decision Directive-60 (PDD-60), signed by Bill Clinton in late 1997, recommitted the U.S. to nuclear weapons as the “cornerstone” of its national security and reaffirmed the U.S. policies of threatened first use and threatened massive retaliation. PDD-60 also further institutionalized a policy shift that had been underway for some time: nuclear weapons would now be used to “deter” a range of threats including not only nuclear, but also chemical and biological weapons.¹⁵ Although PDD-60 itself was secret, its existence and general focus were reported in the media. Robert Bell, special assistant to the President for national security, told the *Washington Post* that Clinton’s nuclear targeting directive reflects the “much greater sensitivity to threats” posed by chemical and biological attacks since the previous directive was first issued in 1981. Bell later rejected any possibility of pre-emptive nuclear weapons use against WMD storage or production facilities.¹⁶

Bell’s retraction, however, was made against the background of both the calculated ambiguity of the public face of U.S. nuclear weapons use doctrine and the recent history of U.S. threats to use nuclear weapons. It is generally acknowledged that the United States threatened to use nuclear weapons against Iraq in the 1990-91 Gulf War.¹⁷ The U.S. made ambiguous threats to use nuclear weapons against Iraq again in early 1998, in response to allegations by UNSCOM Chief Inspector Richard Butler that Iraq possessed

biological weapons.¹⁸ Defense Department officials also raised the possibility of nuclear weapons use against an alleged Libyan underground chemical weapons plant in 1996.¹⁹

Although both the 1996 and 1998 threats against Libya and Iraq were later disavowed (or, in modern spin-speak, “clarified”), in essence the damage had been done, and it became clear that the threat or use of nuclear weapons against the chemical, biological, and even conventional forces of regional adversaries was official U.S. policy. As U.S. Secretary of Defense William Cohen reported to President Clinton and the Congress in 2000:

Deterring aggression and coercion on a day-to-day basis requires the capabilities needed to respond to the full range of crises, from smaller-scale contingencies to major theater wars. It also requires the maintenance of nuclear forces sufficient to deter any potential adversary from using or threatening to use nuclear, chemical, or biological (NBC) weapons against the United States or its allies, and as a hedge against defeat of U.S. conventional forces in defense of vital interests....²⁰

When the substance of the December 2001 Nuclear Posture Review (NPR) was leaked to leading newspapers, the story that made the front page in papers across the country was the new U.S. plans to target, with U.S. nuclear weapons, countries that do not have nuclear weapons themselves. Also newsworthy were the plans for the military to develop nuclear weapons with new capabilities to be used for a wide variety of missions far beyond deterrence of nuclear attack. Analyst William Arkin noted that under the NPR nuclear weapons “‘could be employed against targets able to withstand non-nuclear attack,’ or in retaliation for the use of nuclear, biological, or chemical weapons, or ‘in the event of surprising military developments.’”²¹ This was the logical extension of the evolving U.S. counterproliferation policies, and should have come as no surprise.

Culminating this trend, at the highest level of official policy, the December 2002 National Strategy to Combat Weapons of Mass Destruction outlined the U.S. Government’s plan for protection against and response to chemical, biological, and nuclear weapons, which it fully equated as WMD. Described as an integral component of the National Security Strategy of the United States, published a few months prior, the strategy states that the U.S. “reserves the right to respond with overwhelming force—including through resort to *all of our options*—to the use of WMD against the United States, our forces abroad, and friends and allies.” “All of our options” include both “conventional and *nuclear* response and defense capabilities.”²²

On the flimsiest of pretexts and with war hanging in the balance, in late 2002 the president of the United States issued a warning: “America must not ignore the threats gathering against us. Facing clear evidence of peril, we cannot wait for the final proof—the smoking gun—that could come in the

form of a mushroom cloud.”²³ President Bush *didn't* tell us that the mushroom cloud was more likely to emanate from the U.S.

In the run up to the March 2003 U.S. invasion, a “Theater Nuclear Planning Document” was drawn up for Iraq. This plan was disclosed by military affairs analyst William Arkin in the *Los Angeles Times*, as part of a larger story describing how Strategic Command’s (STRATCOM’s) portfolio had been expanded, consistent with provisions of the NPR. Previously limited to nuclear weapons, STRATCOM’s role now encompassed all aspects of assessing and responding to nuclear, biological, and chemical weapons worldwide. Arkin warned that tearing down the firewall that has separated nuclear weapons from other weapons lowers the threshold for U.S. nuclear use, explaining that:

The use of biological or chemical weapons against the U.S. military could be seen as worthy of the same response as a Russian nuclear attack. If Iraq were to use biological or chemical weapons during a war with the United States, it could have tragic consequences, but it would not alter the war’s outcome. Our use of nuclear weapons to defeat Hussein, on the other hand, has the potential to create a political and global disaster, one that would forever pit the Arab and Islamic world against us.²⁴

Again, in the spring and summer of 2006, there were credible media reports that, until the Joint Chiefs of Staff insisted on their removal, U.S. civilian officials at the highest level wanted to keep nuclear use options in plans for counter-proliferation strikes on Iran.²⁵

The consequences of the U.S. policy of preventive war and counterproliferation strikes, not excluding nuclear strikes, and the policy of nuclear response to chemical and biological attacks, are extremely negative. They undermine the UN Charter, spur acquisition of nuclear weapons by other states, and increase the chance of nuclear conflict. What is less noticed is that they have served as a primary rationale for continued U.S. research and development of nuclear weapons (*see section 2.3*), and intensive modernization and improvement of delivery systems with both nuclear and non-nuclear payloads (*see section 2.4*).

Recommendation for U.S. policy

- The United States should renounce the doctrine of preventive war and the associated counterproliferation doctrine, in particular by rejecting the use of nuclear weapons in preemptive strikes and in response to chemical or biological weapons attacks. The United States should not treat biological and chemical weapons as “weapons of mass destruction” equivalent to nuclear weapons.