
KEYNOTE ADDRESS

“Preemption as an Element of President Bush’s Larger National Security Strategy”

Keynote address by

The Honorable John R. Bolton

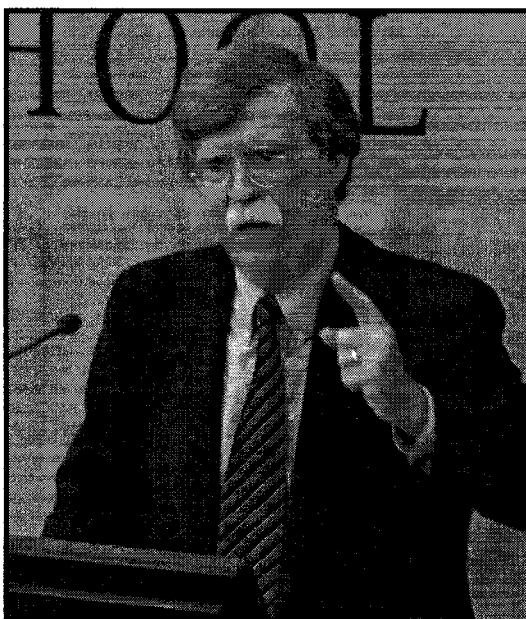
Under Secretary for Arms Control and International Security

U.S. Department of State

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Good evening. Thank you for inviting me to Boston to open up this conference on preemption, an issue that has generated its fair share of controversy.

Let’s understand our strategic environment. The United States is strengthening alliances to defeat global terrorism and prevent attacks against us and our friends. We are working with others to defuse regional conflicts. We are promoting a new era of global economic growth through free markets and free trade. We are championing global aspirations for human dignity. And finally, we are preventing our enemies from threatening us, our allies, and our friends, with weapons of mass destruction. That is what I am going to talk about tonight.



Reasonably and appropriately, the Bush Administration has a comprehensive strategy for dealing with the proliferation of weapons of mass destruction and

their delivery systems. In that comprehensive strategy, preemption has a part—a small part.

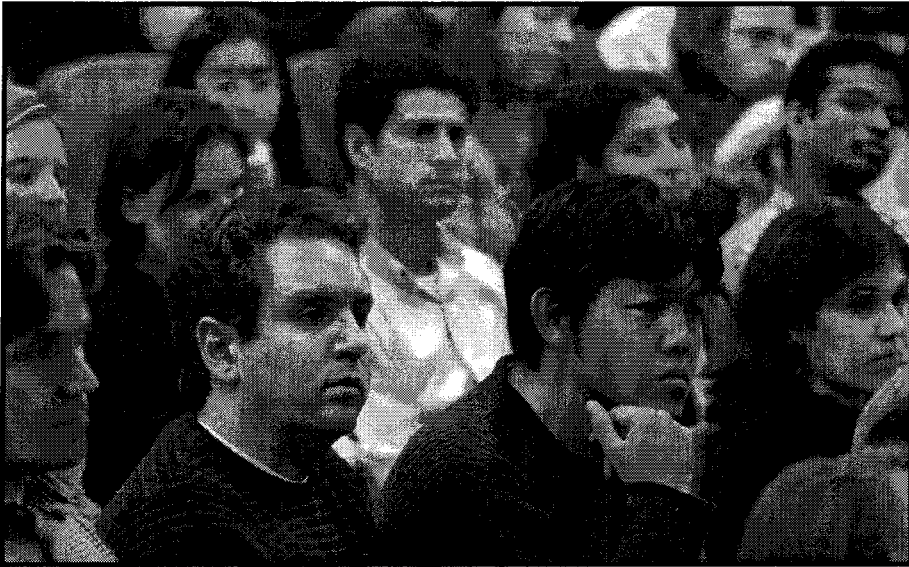
President Bush first articulated the Administration's approach to preemption in his 2002 West Point speech. It was then formally laid out in the September 2002 *National Security Strategy* and in the *National Strategy to Combat Weapons of Mass Destruction* issued three months later. The approach asserts that, as a matter of common sense and self-defense, America will act against emerging threats before they are fully formed—in other words, to forestall or prevent the acquisition of potentially catastrophic WMD capabilities by rogue states and terrorist groups so that they will not be used against the United States or against our allies. Preemption should not be considered a doctrine or strategy, but a tool that we may require in the context of our broader strategy to prevent, protect against, and respond to the WMD threats we face.

We need to understand that this instrument, to be employed in very constrained circumstances, is based on new strategic realities. Stateless terrorists have no homeland, no armies, and no natural resources or civilian populations to defend, and are therefore unpersuaded by the logic of deterrence. Weapons of mass destruction are no longer weapons of last resort, but are instead weapons of choice among terrorist groups and rogue states. Unlike a conventional assault, there may be little or no warning in the case of a terrorist attack, and the potential destruction and loss of life caused by the use of weapons of mass destruction could be on a scale never before seen.

For all these reasons, the Bush Administration has asserted its right to take justifiable preemptive action in cases where our national security is sufficiently threatened. As the President said, "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 uncertainty remains as to the time and place of the enemy's attack."

The recent articulation of this long-established principle has caused much hand-wringing among the President's detractors. Although the Administration has made clear that preemptive force is only one tool among many, to be used very selectively, deliberately, and only where necessary to eliminate a specific threat against the United States or our allies or friends, critics have labeled it a "dangerous" and "radical" idea that rejects established foreign policy and international legal norms. Far from being new or radical, however, the idea of preemptive action has a long pedigree in international policy and history.

International legal scholars (Grotius and de Vattel) recognized centuries ago that nations have a right to defend themselves not only after they have been attacked, but in anticipation of an attack. In the 1830s, U.S. Secretary of State Daniel Webster provided the classic formulation of when preemptive force may be justified: where the threat is imminent, action is necessary, the proposed response is proportionate, and peaceful means have been exhausted or would be unavailing.



Franklin Delano Roosevelt, warning of Nazi aggression in 1941, framed the issue as one of common sense: “When you see a rattlesnake poised to strike, you do not wait until he has struck before you crush him.”

And John F. Kennedy reportedly came very close to considering striking Cuba in 1962 to prevent the basing of Soviet weapons there. His rationale was this: “We no longer live in a world where the actual firing of weapons represents a sufficient challenge to a nation’s security.”

Thus, preemptive use of force is not a new idea, but has a long tradition in American foreign policy and practice. What is new is the adaptation of the traditional concept of “imminent threat” to address modern WMD capabilities. Capabilities such as these are spreading to rogue states, and are at risk of being passed to terrorist groups such as al-Qaeda.

No longer will armies mobilizing at the border warn us of an upcoming attack. The more likely scenario is that we will have little or no warning of a WMD strike. And the means of the attack may escape notice too: just a single vial of biological agent concealed on an enemy with deadly intentions could inflict mass murder on our cities.

As President Bush said at the National Defense University, “In the past, enemies of America required massed armies, and great navies, powerful air forces to put our nation, our people, our friends and allies at risk. In the Cold War, Americans lived under the threat of weapons of mass destruction, but believed that deterrents made those weapons a last resort. What has changed in the twenty-first century is that, in the hands of terrorists, weapons of mass destruction would be a first resort—the preferred means to further their ideology of suicide and random murder.”

The United States must be prepared to take action before catastrophic threats materialize. This does not give the United States—or any other country—the green light to act first without attempting other solutions, including diplomacy. Preemptive action should come at the end of a long chain of effort, not the beginning, and the threat posed must be very grave. But the new strategic realities of weapons of mass destruction (WMD) and terrorism have required some new thinking about when a threat is imminent and preemptive action necessary.

We are often asked about the legal basis for preemption. In the end, as the State Department's Legal Adviser has said, each use of force must find legitimacy in the facts and circumstances that the state believes have made it necessary, and each such use of force should be judged not on abstract concepts, but on the particular events that gave rise to it. In the case of Iraq, the United States had ample authority under pertinent Security Council resolutions to use force to compel compliance in the face of material breaches of Iraqi obligations under relevant resolutions of the Security Council. This is not to say, of course, that Security Council action is a *sine qua non* for the use of force in a manner that might be termed *preemptive*, as the doctrine of self-defense may be available to justify use of force in cases where the Council has not acted. Each case must be judged on the particular facts.

“FORWARD” POLICY ON PROLIFERATION

While the concept of preemptive use of force made all the headlines, it is only one component of the Administration's comprehensive strategy to combat the spread of WMD. On February 11, at the National Defense University, President Bush detailed a number of proposals that made clear the Administration's overarching approach to preventing proliferation: the frontlines in our nonproliferation strategy must extend beyond the well-known rogue states to the trade routes and entities that are engaged in supplying the countries of greatest proliferation concern. This is a “forward” policy, which can properly be described not as “nonproliferation,” but as “counterproliferation.” In addition to maintaining the option of preemptive action when appropriate, the Bush Doctrine employs a number of forward measures to thwart WMD and missile programs, including export controls, sanctions, and interdiction. Let me take a moment to discuss the latter two in detail.

SANCTIONS

Economic penalties or sanctions are an essential tool in the Administration's comprehensive counter-proliferation strategy. Prior to September 11, there was great debate as to whether nonproliferation sanctions that were not “multilateral” should be imposed at all. The imposition or even the mere threat of sanctions by

sovereign states can be a powerful lever for changing behavior, as few countries wish to be labeled publicly as irresponsible. Sanctions not only increase the costs to suppliers, but also encourage foreign governments to adopt more responsible nonproliferation practices, and ensure that entities within their borders do not contribute to WMD programs.

This Administration imposed WMD-related sanctions 26 times last year, 34 the year before that, and has already done so 28 times this year. That's an average of more than 29 per year since we got rolling in 2002. Compare that with the average number of nonproliferation sanctions passed per year during the last Administration—eight—and you will see that this Administration is very serious about using sanctions as a nonproliferation tool.

We recently imposed sanctions on 14 foreign entities for WMD or missile trade with Iran. These included sanctions against companies and entities from Russia, Belarus, China, Ukraine, North Korea, India and Spain. As you can see by the range of countries whose entities were involved in sanctions, we are not just increasing the numbers but also looking for proliferation wherever it exists.

These sanctions under the Iran Nonproliferation Act illustrate our efforts to utilize U.S. statutory authorities to the fullest extent to advance our nonproliferation goals. Under Bush Administration policy, the State Department is reviewing every known transfer to Iran—not only of those items controlled under U.S. export regimes, but also of those items that have the potential to make a material contribution to WMD or missiles.

Our perspective on sanctions is clear and simple. Companies around the world have a choice: trade in WMD materials with proliferators, or have normal trade with the United States, but not both. Where national controls fail, and when companies make the wrong choice, there will be consequences. U.S. law is clear, and we are committed to enforcing these laws to their fullest extent.

THE PROLIFERATION SECURITY INITIATIVE (PSI)

Most aspiring proliferators are still dependent on outside suppliers and technology. Thus, we can slow down and even stop their weapons development plans by disrupting their procurement efforts.

Last May, in Krakow, Poland, 61 countries gathered to mark the PSI's one-year anniversary, which President Bush had announced there in May 2003. PSI, a muscular enhancement of our ability collectively to halt trafficking in WMD components, is among the most prominent of this Administration's innovations. In developing PSI, our main goal has been a simple one—to create the basis for practical cooperation among states to help navigate this increasingly challenging arena. We often say, "PSI is an activity, not an organization." This is not hard to understand, but it is unusual. We think it is a fundamental reason for PSI's success to

date. PSI is not diverted by disputes about candidacies for Director General, agency budgets, agendas for meetings, and the like. Instead, PSI is almost entirely operational, relying primarily on the activities of intelligence, military and law-enforcement agencies. PSI reflects the reality that, even as we continue to support and strengthen the existing nonproliferation regimes, proliferators and those facilitating the procurement of deadly capabilities are circumventing existing laws, treaties, and controls against WMD proliferation. Through PSI, we create a mechanism for action to ensure that we can stop proliferators in their tracks.

When PSI first emerged, it was criticized inaccurately as an initiative with a shaky legal underpinning. In fact, PSI's foundation is the respective national legal systems and other relevant authorities of those participating in the initiative. These provide ample authority to support interdiction actions at sea, in the air, and on land. States around the world have concurred with this fact and made political commitments to the PSI Principles. Importantly, the unanimous passage of UN Security Council Resolution 1540 establishes clear international acknowledgement that active cooperation, such as PSI, is both useful and necessary. Specifically, paragraph 10 of the Resolution calls upon all states to "take cooperative action to prevent illicit trafficking in nuclear, chemical, and biological weapons, their means of delivery and related materials."

Despite PSI's infancy, there already have been notable successes. The interception, in cooperation with the United Kingdom, Germany and Italy, of the *BBC China*, a vessel loaded with nuclear components for Libya, helped convince Qadhafi that the days of his accumulation of the instruments of destruction were over.

This interdiction also helped unravel the A.Q. Khan nuclear black-market network. Our citizens now understand the stunningly extensive nature of Khan's trafficking in nuclear technology and materials. These revelations, combined with invaluable information from Libya's program, have knocked the legs out from under an especially insidious international black market in nuclear weapons technology. We're now in the process of unraveling that network, although much work remains to be done, in Pakistan and elsewhere.

Let me also discuss Coalition actions to disarm Iraq. After more than a decade in which Saddam flouted UN Security Council resolutions designed to ensure that Iraq ended its WMD programs in a verifiable way, the United States led a coalition of countries to enforce those resolutions and remove a serious threat to peace and security in this critical region of the world.

Now making the rounds is the view that the United States has lost credibility around the world due to our policy there. I suggest the exact opposite is true. Many Administration critics have characterized the successful military operation against Iraq as a preemptive attack—an example of Bush Administration preemption policy at work. In fact, the United States did not need to rely on any preemption policy to justify the use of force in this case. Remember that the war

to disarm Iraq was not a precipitous action but one that occurred after 12 years of Iraqi defiance of UN resolutions, Iraqi lack of cooperation with UN inspectors, and Iraqi attacks on coalition aircraft conducting UN-mandated patrols over Iraqi no-fly zones. Iraq's repeated and flagrant breaches of operative Security Council resolutions—which were cease-fire conditions, if the truth be told—provided ample justification for the coalition's response.

In the WMD field, we, in fact, have gained enormous, immensely valuable and even decisive credibility from our actions there. We have also learned that we need to fear in WMD proliferation not only pieces of metal and stocks of supplies, but intellectual capital. It is the capability and knowledge to create successful nuclear, chemical, biological and missile programs that is the hardest to cultivate but once gained, a continuing salient danger.

Coupled with money, like seeds and water, intellectual capital is what Saddam was preserving for the WMD-filled future he sought. Eliminating his regime, and redirecting his WMD scientists and technicians, also eliminated that future.

Our actions have made a difference. This is not theory. We have proof in the real world. Muammar Qadhafi's decision to surrender his weapons of mass destruction programs came in direct consequence of our actions in Iraq and the successful operation of the Proliferation Security Initiative, and the broad political and economic pressures we brought to bear over the preceding years in favor of our counterterrorism and counterproliferation objectives. And it's a powerful precedent that a state can surrender these weapons without a regime change. Our intervention in Iraq has made this seminal message both possible and credible for the first time.

Moreover, none of this has been lost on the North Korean or Iranian regimes. Our demonstrated willingness to act decisively provides the decision-makers in Pyongyang and Tehran with useful instruction in the rules—and consequences—of this new world.

CONCLUSION

While we will pursue diplomatic solutions whenever possible, the United States and its allies must be willing to deploy more robust techniques, such as the interdiction and seizure of illicit goods, the disruption of procurement networks, sanctions, or, when necessary and appropriate, the use of force. To forego this option would mean living at the mercy of terrorists or terror regimes. Retaining the option of preemptive action as a defense against dangerous WMD-armed adversaries is therefore just common sense.

Let there be no doubt that this Administration is determined to use every resource at our disposal to stem WMD proliferation. We use diplomacy regularly, economic pressure when it will make a difference, active law enforcement when appropriate, and military force when we must. ■

