The National Security Strategy of the United States of America

President George W. Bush
THE WHITE HOUSE (Sept. 17, 2002)
<www.whitehouse.gov/nsc/nss.pdf>

[Cover Letter]

Today, the United States enjoys a position of unparalleled military strength and great economic and political influence. In keeping with our heritage and principles, we do not use our strength to press for unilateral advantage. . . .

Defending our Nation against its enemies is the first and fundamental commitment of the Federal Government. Today, that task has changed dramatically. Enemies in the past needed great armies and great industrial capabilities to endanger America. Now, shadowy networks of individuals can bring great chaos and suffering to our shores for less than it costs to purchase a single tank.

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The events of September 11, 2001, taught us that weak states, like Afghanistan, can pose as great a danger to our national interests as strong states. Poverty does not make poor people into terrorists and murderers. Yet poverty, weak institutions, and corruption can make weak states vulnerable to terrorist networks and drug cartels within their borders.

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We are also guided by the conviction that no nation can build a safer, better world alone. Alliances and multilateral institutions can multiply the strength of freedom-loving nations. The United States is committed to lasting institutions like the United Nations, the World Trade Organization, the Organization of American States, and NATO as well as other long-standing alliances. Coalitions of the willing can augment these permanent institutions. In all cases, international obligations are to be taken seriously. They are not to be undertaken symbolically to rally support for an ideal without furthering its attainment.

I. Overview of America's International Strategy

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The U.S. national security strategy will be based on a distinctly American internationalism that reflects the union of our values and our national interests. The aim of this strategy is to help make the world not just safer but better. Our goals on the path to progress are clear: political and economic freedom, peaceful relations with other states, and respect for human dignity.

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III. Strengthen Alliances to Defeat Global Terrorism and Work to Prevent Attacks Against Us and Our Friends

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We will disrupt and destroy terrorist organizations by:

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• defending the United States, the American people, and our interests at home and abroad by identifying and destroying the threat before it

reaches our borders. While the United States will constantly strive to enlist the support of the international community, we will not hesitate to act alone, if necessary, to exercise our right of self-defense by acting preemptively against such terrorists, to prevent them from doing harm against our people and our country; and

• denying further sponsorship, support, and sanctuary to terrorists by convincing or compelling states to accept their sovereign responsibilities.

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While we recognize that our best defense is a good offense, we are also strengthening America's homeland security to protect against and deter attack.

In the war against global terrorism, . . . we are forging new, productive international relationships and redefining existing ones in ways that meet the challenges of the twenty-first century.

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IV. Work with others to Defuse Regional Conflicts

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No doctrine can anticipate every circumstance in which U.S. action–direct or indirect–is warranted. We have finite political, economic, and military resources to meet our global priorities.

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V. Prevent Our Enemies from Threatening Us, Our Allies, and Our Friends with Weapons of Mass Destruction

The nature of the Cold War threat required the United States–with our allies and friends–to emphasize deterrence of the enemy's use of force, producing a grim strategy of mutual assured destruction. With the collapse of the Soviet Union and the end of the Cold War, our security environment has undergone profound transformation.

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[N]ew deadly challenges have emerged from rogue states and terrorists. None of these contemporary threats rival the sheer destructive power that was arrayed against us by the Soviet Union. However, the nature and motivations of these new adversaries, their determination to obtain destructive powers hitherto available only to the world's strongest states, and the greater likelihood that they will use weapons of mass destruction against us, make today's security environment more complex and dangerous.

In the 1990s we witnessed the emergence of a small number of rogue states that, while different in important ways, share a number of attributes. These states:

• brutalize their own people and squander their national resources for the personal gain of the rulers;

• display no regard for international law, threaten their neighbors, and callously violate international treaties to which they are party;

• are determined to acquire weapons of mass destruction, along with other advanced military technology, to be used as threats or offensively to achieve the aggressive designs of these regimes;
• sponsor terrorism around the globe; and
• reject basic human values and hate the United States and everything for which it stands.

At the time of the [1991] Gulf War, we acquired irrefutable proof that Iraq's designs were not limited to the chemical weapons it had used against Iran and its own people, but also extended to the acquisition of nuclear weapons and biological agents. In the past decade North Korea has become the world's principal purveyor of ballistic missiles, and has tested increasingly capable missiles while developing its own WMD arsenal. Other rogue regimes seek nuclear, biological, and chemical weapons as well. These states' pursuit of, and global trade in, such weapons has become a looming threat to all nations.

We must be prepared to stop rogue states and their terrorist clients before they are able to threaten or use weapons of mass destruction against the United States and our allies and friends. Our response must take full advantage of strengthened alliances, the establishment of new partnerships with former adversaries, innovation in the use of military forces, modern technologies, including the development of an effective missile defense system, and increased emphasis on intelligence collection and analysis.

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It has taken almost a decade for us to comprehend the true nature of this new threat. Given the goals of rogue states and terrorists, the United States can no longer solely rely on a reactive posture as we have in the past. The inability to deter a potential attacker, the immediacy of today's threats, and the magnitude of potential harm that could be caused by our adversaries' choice of weapons, do not permit that option. We cannot let our enemies strike first.

In the Cold War, especially following the Cuban missile crisis, we faced a generally status quo, risk-averse adversary. Deterrence was an effective defense. But deterrence based only upon the threat of retaliation is less likely to work against leaders of rogue states more willing to take risks, gambling with the lives of their people, and the wealth of their nations.

• In the Cold War, weapons of mass destruction were considered weapons of last resort whose use risked the destruction of those who used them. Today, our enemies see weapons of mass destruction as weapons of choice. For rogue states these weapons are tools of intimidation and military aggression against their neighbors. These weapons may also allow these states to attempt to blackmail the United States and our allies to prevent us from deterring or repelling the aggressive behavior of rogue states. Such states also see these weapons as their best means of overcoming the conventional superiority of the United States.
• Traditional concepts of deterrence will not work against a terrorist enemy whose avowed tactics are wanton destruction and the targeting of innocents; whose so-called soldiers seek martyrdom in death and whose most potent protection is

statelessness. The overlap between states that sponsor terror and those that pursue WMD compels us to action.

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. They know such attacks would fail. Instead, they rely on acts of terror and, potentially, the use of weapons of mass destruction–weapons that can be easily concealed, delivered covertly, and used without warning.

The targets of these attacks are our military forces and our civilian population, in direct violation of one of the principal norms of the law of warfare. As was demonstrated by the losses on September 11, 2001, mass civilian casualties is the specific objective of terrorists and these losses would be exponentially more severe if terrorists acquired and used weapons of mass destruction.

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 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. We will always proceed deliberately, weighing the consequences of our actions.

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VIII. Develop Agendas for Cooperative Action with the Other Main Centers of Global Power

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The attacks of September 11 were also an attack on NATO, as NATO itself recognized when it invoked its Article V self-defense clause for the first time. NATO's core mission–collective defense of the transatlantic alliance of democracies–remains, but NATO must develop new structures and capabilities to carry out that mission under new circumstances. NATO must build a capability to field, at short notice, highly mobile, specially trained forces whenever they are needed to respond to a threat against any member of the alliance.

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The presence of American forces overseas is one of the most profound symbols of the U.S. commitments to allies and friends. Through our willingness to use force in our own defense and in defense of others, the United States demonstrates its resolve to maintain a balance of power that favors freedom. To contend with uncertainty and to

meet the many security challenges we face, the United States will require bases and stations within and beyond Western Europe and Northeast Asia, as well as temporary access arrangements for the long-distance deployment of U.S. forces.

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We will take the actions necessary to ensure that our efforts to meet our global security commitments and protect Americans are not impaired by the potential for investigations, inquiry, or prosecution by the International Criminal Court (ICC), whose jurisdiction does not extend to Americans and which we do not accept. We will work together with other nations to avoid complications in our military operations and cooperation, through such mechanisms as multilateral and bilateral agreements that will protect U.S. nationals from the ICC. We will implement fully the American Servicemembers Protection Act, whose provisions are intended to ensure and enhance the protection of U.S. personnel and officials [§9.5].

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Today, the distinction between domestic and foreign affairs is diminishing. . . . The characteristics we most cherish–our freedom, our cities, our systems of movement, and modern life–are vulnerable to terrorism. This vulnerability will persist long after we bring to justice those responsible for the September 11 attacks. As time passes, individuals may gain access to means of destruction that until now could be wielded only by armies, fleets, and squadrons. This is a new condition of life. We will adjust to it and thrive–in spite of it.

In exercising our leadership, we will respect the values, judgment, and interests of our friends and partners. Still, we will be prepared to act apart when our interests and unique responsibilities require. When we disagree on particulars, we will explain forthrightly the grounds for our concerns and strive to forge viable alternatives. We will not allow such disagreements to obscure our determination to secure together, with our allies and our friends, our shared fundamental interests and values.

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, ***Notes and Questions*** (all rights reserved)

National & International Security Exercise

The class is about to convene the 200_ Global Security Conference on the 2002 United States National Security Strategy (NSS). Assigned class members will assume the following roles: (a) US President; (b) US Secretary of Defense; (c) Russian President; (d) Chinese Premier; (e) Iraq's President; (f) Afghanistan's President; (g) Usama bin Laden's spokesperson; (h) UN Secretary-General; (i) UN Security Council President; (j) your International Law professor; and (k) the conference moderator.

First, each representative will give a one-minute summary of his/her nation/entity's position on whether the US NSS will help or hinder global security, and whether this policy complies with International Law. These participants will take into consideration the materials presented below in paragraphs (1)-(12).

Second, upon conclusion of these brief presentations, the moderator will then ask the panelists whether: (i) any panelist has a question for any other panelist; (ii) any non-

participating class member has a question for a panelist or the entire panel; and (iii) your course professor has any questions for the above representatives.

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1. The above Cover Letter for the US National Security Strategy (NSS) states: "Poverty does not make poor people into terrorists ... [but] can make weak states vulnerable to terrorist networks." Is the President claiming that a weak State like Afghanistan is more of a security threat than poverty-stricken masses? That all weak States are thus a serious security threat to the US and the international community? That a redistribution of global wealth should be a major objective in the war on terror?

2. The NSS Cover Letter also states that "no nation can build a safer, better world alone." This means that the US does not intend to act unilaterally in the pursuit of its foreign affairs. The materials in Chapter 2 on State sovereignty and Chapter 3 on the UN addressed the US invasion of Iraq, without the benefit of a UN Security Council resolution authorizing the use of force. The materials in Chapter 9 on the International Criminal Court demonstrated why and how the US is taking all possible steps to avoid the application of the International Criminal Court treaty to US soldiers, officials, and citizens. That chapter also mentions the US legislation that unmistakably signals the US intent to invade any location where US citizens might be held for ICC prosecution. In Part VIII of the NSS, the President affirms the US opposition to the ICC. Do these examples–as well as others in the book, such as §1.1 on "Unipolarity"–indicate that the new US defense strategy is consistent with the claim that that "no nation can build a safer, better world alone?"

3. The Cover Letter also mentions that the "United States is committed to lasting institutions like the United Nations." That would presumable include adherence to UN Charter principles. This section of the book presents the three phases through which Article 51 self-defense has evolved: (1) the 1945 Charter, arguably drafted not only in, but by, the US authorizes self-defense in in cases of "armed attack;" (2) anticipatory self-defense, as asserted by the US during the 1962 Cuban Missile Crisis; and now (3) the 2002 pre-emptive first strike application of self-defense in the 2002 National Defense Strategy. Is this new "pre-emptive first strike" strategy: (a) a commitment to the UN and its Charter principles: (b) a rewriting of the Charter to reflect twenty-first century reality; or (c) a veiled, unilateral rejection of Article 2.4 (prohibiting the State use of force) and its companion Article 51 (authorizing self-defense during an armed attack)?

4. Part III of the President's NSS states that other nations should anticipate the US "identifying and destroying the threat before it reaches our borders . . . [and the] exercise [of] our right of self-defense by acting preemptively against such terrorists, to prevent them from doing harm against our people and our country." Part IV states: "No doctrine can anticipate every circumstance in which U.S. action–direct or indirect–is warranted." Do either of these intended messages convey an objective standard, against which a foreign nation can measure the likelihood of US countermeasures? Would it be foolish for the US to provide such a shopping list? Would it also be foolish for the US to retain the sole discretion to "pick and choose" what constitutes a threat to national security and when to launch a pre-emptive response?

5. The term "rogue" State is mentioned on multiple occasions–in this edited version of the original National Defense Strategy, and again in the full version. Iran, Iraq, and North Korea were designated the "Axis of Evil" by President Bush. Was that

sufficient to make them subject to US pre-emptive strikes? Should such declarations be, instead, determined by the UN Security Council?

6. Part III also states that the US plans on "denying . . . sanctuary to terrorists by convincing *or compelling* states to accept their sovereign responsibilities" (italics added). Assume that you are the leader of a so-called *Axis of Evil* country, such as Iran and North Korea–who are specifically mentioned in the President's NSS, what would be your reaction to this feature of the US National Security Strategy? Assume, instead, that you are the leader of a *western* power–such as France or Germany, or a *non*-western power–such as China or Russia. All four are permanent members of the UN Security Council. They did not support the Iraq War. Would all of these diverse sovereigns be likely to have similar reactions? Would their reactions be irrelevant?

Note that this US defense strategy does not address "necessity" or "proportionality." Customary International Law, however, would continue to restrain future uses of US force.

7. Part III further provides that "our best defense is a good offense." Arguably the prominent writer in the history of International Law was the seventeenth-century Dutch writer Hugo Grotius. His relevant statement was that:

> Fear with respect to a neighboring power is not a sufficient cause. For . . . self-defense to be lawful it must be necessary; and it is not necessary unless we are certain, not only regarding the power of our neighbor, but also regarding his intention; the degree of certainty which is required is that which is accepted in morals.
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> That the possibility of being attacked confers the right to attack is abhorrent to every principle of equity. Human life exists under such conditions that complete security is never guaranteed to us.

H. Grotius, THE LAW OF WAR AND PEACE, Bk. V, Chap. 22. *Id*., Bk. II, Chap. 1, XVII. This sentiment was echoed in the textbook §10.1 *Caroline* discussion (1837), the UN Charter's Article 51 "armed attack" limitation (1945), and arguably in the anticipatory self-defense articulations during the Cuban Missile Crisis (1962).

8. Part V warns that "the United States can no longer solely rely on a reactive posture as we have in the past . . . [and that] [w]e cannot let our enemies strike first." *Proposition*: As new threats emerge in the twenty-first century, the safest security environment for the international community would be as follows: (a) the most powerful nation effectively takes over world, by force if necessary; (b) all nations would enjoy a future wherein there be no more 9-11s, no more 2004 Madrid bombings, no more 2005 London bombings; and (c) the 1648 Westphalian State-centric system would be eliminated. Assume that some nation has the military and economic strength to so administer the world. Do you agree with the above proposition? Disagree? Why?

9. Part V of the National Security Strategy states as follows: "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." Article 51 of the 1945 UN Charter requires an "armed attack" for a nation to exercise its inherent right of self-defense. Are these two provisions consistent?

10. Part VIII states: “The presence of American forces overseas is one of the most profound symbols of the U.S. commitments to allies and friends . . . [and that] the United States will require bases and stations within and beyond Western Europe and Northeast Asia . . . .” Perhaps the main claim of the lingering Iraq insurgency is that the US has supposedly transferred sovereignty to Iraq, yet it has long term plans to maintain military bases in Iraq–which thus defeats or greatly ameliorates the degree of sovereignty that the Iraqi people will ultimately experience. The US claims that 9-11 and ensuing terrorist events necessitated a reorientation of International Law, to reflect today’s realities. Are the Iraqi insurgents wrong about their claim that Iraq will never have full sovereignty as long as: (a) US troops remain on the ground; or (b) there are US military bases in Iraq?

11. Has the US National Security Strategy redefined the very core of “sovereignty” that you studied it in the earlier chapters in this book?

12. Is it possible that the international community will accept pre-emptive first strikes, but *only* in the context of the War on Terror?