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MEMORANDUM FOR THE VICE PRESIDENT
THE SECRETARY OF STATE
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF ENERGY
THE DIRECTOR OF CENTRAL INTELLIGENCE
THE CHAIRMAN, JOINT CHIEFS OF STAFF
THE DIRECTOR, ARMS CONTROL AND DISARMAMENT AGENCY

SUBJECT: Nonlethal Weapons Policy Issues and Options (U)

Nonlethal weapons (NLW) may expand policy choices by providing a credible capability to use discriminate, measured force to influence conflict and pre-conflict situations. They can potentially: (a) "buy time" in crises while other instruments (diplomatic, military, economic, law enforcement, etc.) are engaged; (b) control conflict escalation; and (c) minimize self-deterrence (the choice between benign acceptance of a crisis situation and the use of lethal force). NLW (conceptually and in reality) may be suited to some situations where large-scale deaths and infrastructure or environmental damage are to be avoided and could provide decisionmakers increased options for resolving vexing political dilemmas resident in some military and humanitarian operations. (U)

Major decisions and policy guidance already exist for certain classes of nonlethal technologies. For example:

- (1) in a June 23, 1994 letter to the Senate that describes the Administration's interpretation of the Chemical Weapons Convention's impact on Executive Order 11850, the President stated that upon receiving the Senate's advice and consent to ratification of the CWC, he will direct OSD to "accelerate efforts to field nonchemical, nonlethal alternatives to RCAs for use in situations where combatants and noncombatants are mingled;"

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Classified by: Andrew D. Sens
Reason: 1.5(a)(c)
Declassify on: 11/15/06

- (2) in August 1995, the Secretary of Defense prohibited the use of lasers specifically designed to cause permanent blindness of unenhanced vision and announced the U.S. Government's support for negotiations prohibiting the use of such weapons; and
- (3) on May 16, 1996, the President directed DoD to research and develop alternative technologies to replace antipersonnel landmines -- technologies "that will not pose new dangers to civilians." (U)

A review of NLW and technology issues and options will increase interagency awareness and permit the U.S. Government to:

- (a) develop appropriate policies, commensurate with our strategic needs, to guide development and employment of various NLW and technologies;
- (b) anticipate future public debates either for, or against, NLW and accommodate likely public reaction; and,
- (c) coordinate internal USG arms control discussions and NLW development. ~~(S)~~

Scope of the Review

The IWG will review and assess a broad range of current and future NLW technology and policy issues and options. Specific areas for review will include but are not limited to:

- the potential for expanding policy options and flexibility;
- types of crisis and conflict situations where NLW may significantly contribute, and occasions when more robust nonlethal options may have provided greater decisionmaking flexibility;
- legal, arms control and ethical considerations of fielding and employing various categories of NLW;
- mechanism(s) to examine compatibility of various categories of NLW with the Chemical Weapons Convention and Biological Weapons Conventions (and also the possibility of making sharper distinctions between "permitted" and "prohibited" activities involving biological or chemical NLW);
- mechanism(s) to ensure potential NLW and technologies are factored into internal USG arms control discussions (so that arms control decisions do not inadvertently constrain or prevent NLW development before they are adequately understood);

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- prominence of role NLW should play in our overall defense posture (high-profile to maximize deterrent effects, or low-profile to prevent countermeasures and possible proliferation);
- extent of foreign and criminal NLW threats (both real and potential), capabilities and nonlethal technology proliferation potential. (S)

Tasking

The NSC Senior Director for Defense Policy and Arms Control shall chair an ad hoc interagency working group to review nonlethal policy issues and options. The IWG shall complete its review by May 1, 1997. (U)



Anthony Lake
Assistant to the President
for National Security Affairs

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