

A Roadmap from Crawford to Baghdad

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Aug 20, 2002

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Brief Analysis

An uninvited guest -- Saddam Husayn -- may dominate the August 21 military planning session at President George W. Bush's ranch in Crawford, Texas. The publicized agenda for this session does not mention Iraq, but then again, neither did the Bush speech at West Point in June 2002. Nevertheless, the doctrine Bush set out in that speech -- the doctrine of preventive war -- will receive its first test case with Iraq. Bush's argument in June was that the United States must be prepared to take preemptive action against rogue states that acquire weapons of mass destruction (WMD), which could be transferred to terrorists if not used directly by such states.

Those who think that preventive war against Iraq is inappropriate argue that 1) such action would set a dangerous precedent, 2) America should use military force only if attacked or threatened with imminent aggression, and 3) the UN and Congress should authorize any preemptive use of force.

The case in favor of preemptive war rests on several propositions:

The threat from Iraq is high. National Security Advisor Condoleezza Rice outlined the case for regime change in an interview released by the BBC on August 15, 2002. She argued that Saddam developed biological weapons, lied repeatedly about stockpiles, and used chemical weapons against his own people and neighbors. She concluded that this evidence establishes a very powerful moral case for regime change.

If arms inspectors are not permitted reentry into Iraq and unfettered access to its facilities, the UN will have no reliable way of verifying Iraq's progress toward acquiring significant stocks of WMD. But given the tremendous lengths to which Saddam has gone in order to preserve his WMD programs in the past, it is only prudent to assume that he has made those programs a priority during the four years since UN inspections were halted.

It is disturbing to contemplate how readily Saddam could recruit operatives to strike the United States with the WMD he is developing. For example, consider that al-Qaeda has shown great interest in WMD. The recently publicized cache of videotapes uncovered in Afghanistan corroborates U.S. government charges that al-Qaeda developed and tested chemical agents. Moreover, Osama bin Laden has declared it his religious duty to acquire WMD, as Director of Central Intelligence George Tenet testified as early as 1999. The threat of Saddam's chemical, biological, and potential nuclear arms combined with bin Laden's assumed willingness to use them makes regime change a more attractive option.

There are several solid precedents for preemptive war. Consider the Israeli assault on the armed forces of Egypt and Syria in 1967, which was launched in order to preempt imminent attacks by Damascus and Cairo. Several Arab

nations were amassing their forces for an assault, and Israel could not afford to remain a passive spectator to its possible demise.

A more pertinent precedent involves Iraq itself. In 1981, Israeli intelligence indicated that Iraq was preparing to fuel a French-built nuclear reactor near Baghdad. The legitimate fear was that the reactor would be used to make weapons-grade nuclear material. At issue was whether Israel should allow the fueling to proceed or destroy the reactor; once Iraq placed fuel in the reactor, it could not be bombed without releasing lethal radioactive material. Israel resolved its dilemma by launching a preemptive strike, eliminating the reactor before it was too late. Given Saddam Husayn's record of seeking to acquire nuclear weapons, President Bush faces a similar decision.

Containment and deterrence are less effective against rogues, suggesting preemption may be necessary. During the Cold War, the United States could rely on the threat of nuclear retaliation against the Soviet Union to deter a nuclear attack. Even then, it was by no means clear that America could have survived a first strike; faced with the imminent threat of a nuclear attack, there would have been considerable pressure to preempt.

In any case, as President Bush said in his June West Point address, deterrence is not necessarily sufficient today. Although deterrence seems applicable against great powers with targetable assets, it is less appropriate against rogue states. Compared to the old Soviet Union, rogue regimes are more likely to strike first with nuclear weapons because they cannot match the United States in conventional firepower. Deterrence is even less likely to work against terrorist networks and suicide bombers. After all, they are not necessarily put off by the fear of losses, and in any case, the United States would have no obvious targets against which to retaliate.

UN authorization for preventive war against Iraq is unnecessary. Even without UN endorsement, international law recognizes that states have an inherent right to individual and collective self-defense, and that right surely extends to defense against imminent attack. Article 51 of the UN Charter itself makes this fact explicit. In addition, the 1990 Security Council resolutions adopted in light of Iraq's invasion of Kuwait remain in force. Those resolutions explicitly refer to the authority granted to the council by Chapter VII of the UN Charter, which authorizes the use of force to maintain or restore international peace and security. This provides the justification used by Great Britain and the United States for the no-fly zones they have established in Iraq. In a similar manner, the United States could read those resolutions as authorizing the use of force to effect regime change in Baghdad; Iraq's failure to submit to the international inspections mandated by the Security Council threatens global peace and security, and regime change is necessary to alleviate this threat.

More explicit authority for regime change would be politically prudent. Because Congress previously authorized the executive branch to take all necessary steps toward bringing Iraq into compliance with Security Council resolutions, one could argue that this authorization remains in effect as long as Baghdad remains noncompliant. That said, there is a powerful political case to be made for a simple reaffirmation of that 1991 authorization, which would provide the Bush administration with the legal and political cover essential to undertaking -- and gaining support for -- a war of liberation in Iraq.

At the very least, it would be useful to issue another formal presidential finding authorizing covert operations against Saddam. Such a finding would permit enhanced support to opposition forces inside Iraq, including money, weapons, equipment, and training; expansion of intelligence collection within Iraqi government and society; and increased authority for CIA and Special Forces operatives to use lethal force in self-defense. Of course, by its very nature, such a presidential finding would remain classified, so it is not known whether Bush has already taken this step.

Conclusion

The threat is clear: to sit idly by could jeopardize Americans' safety. The doctrine of preventive war offers a roadmap

from Crawford to Baghdad, and precedents provide an historical guide. Although UN authorization is unnecessary, congressional support and explicit presidential orders are advisable.

Raymond Tanter is a 2002 visiting fellow at The Washington Institute.

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