

# Comment

## Some Lessons from Iraq:

### International Law and Democratic Politics

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"Whatever is not nailed down is mine," reportedly said Colis P. Huntington, one of the great nineteenth century robber barons. "Whatever I can pry loose is not nailed down." In any community, there are two basic ways of dealing with the generic problem of robber barons, freebooters, and pillagers. The first, the "individual method," leaves responsibility for protection to each individual or family unit, which must then maintain its own operational arsenal, adequate for the dangers it anticipates. This method is inherently inefficient, for a pillager will always find some target that is weaker, while fear of the pillager will cause all others to over-invest in defense in order to ensure their security. The second, the "collective method," involves pooling the resources of the entire community and establishing a credible system in which an attack on any one member will be viewed as an attack on all -- an attack to which all will respond.

The collective method is more efficient, for if there is a general pooling of resources and the commitments are credible, the collective strength of the whole is always greater than any of its parts. "Bad men," to paraphrase Holmes, people untroubled by the law and prepared to use violence to enrich themselves or aggrandize their power, will think twice and desist. The collective method deters freebooters.

For almost a century, the international political system has sought to install the collective method as its way of maintaining security. With the awful experience of the Second World War fresh in their minds, the victors sought to create a workable system of collective security in which all states would agree beforehand to cooperate in resisting aggression. Under the United Nations Charter, the Security Council, with a core permanent membership of the strongest states of the world, was assigned the task of determining when the world community had to resist aggression by force. Chapter VII of the Charter authorized the Security Council to decide in each case which measures, whether involving the use of armed force or not, might be necessary to restore or maintain international peace. Article 43(1) provided that:

All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements,

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armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.<sup>1</sup>

Planning for these contingencies was to be undertaken by a Military Staff Committee, comprised of the Chiefs of Staff of the permanent members of the Council. Article 48 required members of the United Nations to carry out the collective security decisions of the Security Council.<sup>2</sup>

The UN Charter also contemplated contingencies in which the Security Council would be unable to operate and provided for a backup collective security system, based on customary international law. Article 51 provided:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.<sup>3</sup>

Under article 51, states were still authorized to respond to the request of a beleaguered state and to participate in its self-defense, but, obviously, the clarity of international authority and condemnation would always be less in actions authorized under article 51 than in actions taken under Chapter VII. If the primary system for collective self-defense could work, it was obviously preferable to the backup system.

The term "collective security" may sound rather bellicose but, in fact, it is a precondition of many of the benefits we associate with peace. Only when a collective security system works do other peaceful measures become feasible: genuine arms control, varying degrees of disarmament, the prohibition of certain types of weapons, such as chemical and biological weapons, and "peace dividends" for taxpayers. All of these measures presuppose the operation of a system of collective security. If this type of system does not work, every nation must look to its own resources. Arms races, weapons proliferation, shifting alliances, and the expectation of violence will increase.

The Cold War, with its rivalry between the United States and the Soviet Union, paralyzed the institutional collective security system of the United Nations. Collective security actions under article 51 were always, by their very nature, controversial. But with the end of the Cold War and the beginning of an *entente* between the United States and the Soviet Union, high hopes were expressed in many parts of the world that the United Nations would finally function as originally intended. It was neither grandiose nor foolish to believe, as George Bush said, that this was an opportunity to begin to build a new world order.

The Emirate of Kuwait and many other relatively small and weak states rely, in some measure, on the expectation that the United Nations Charter and its collective security system will protect their territorial integrity and political

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1. U.N. CHARTER art. 43, para. 1.

2. *Id.* at art. 48.

3. *Id.* at art. 51.

independence. The dictator of Iraq and others like him rely on exactly the opposite expectation, that the collective security system of the United Nations exists only on paper, in large part because the remaining superpower, the United States, irremediably traumatized by the experience of Vietnam, may have the military power, but will be politically incapable of undertaking the military operations necessary to make the United Nations work. Although President Bush mobilized the United Nations and placed an imposing and apparently adequate military force in Saudi Arabia, the evidence is that Saddam Hussein still believes that his expectation is well-founded. Hussein seems to believe that no one will try to oust him militarily or, if they try, will stay the course.

The outcome of the Iraqi aggression is uncertain. But whatever happens, some important lessons can already be learned. Some are clear, while others only direct us to further study.

### I. LESSON ONE

The system of world order, as conceived in the United Nations Charter, continues to depend centrally on the United States. The UN Charter provides the authority and the framework for a collective security system, but it cannot yet provide the energy or resources to make it work. In September 1990, the Secretary-General himself, on his own initiative, undertook a diplomatic *démarche* visiting Amman, Jordan in order to meet with the Iraqi Foreign Minister, Tariq Aziz. After two days of fruitless talks, Perez de Cuellar left, announcing that his effort failed and that the matter now rested in the hands of the superpowers.

What he meant was that it was in the hands of the United States. World politics is still marked by a number of power centers, most of which apparently still see their own interests served by accommodating international aggressors (except when aggression is targeted at them) rather than by trying to protect the collective security system itself. With the exception of the United Kingdom, no other major state -- be it the Soviet Union, China, France, Japan, or Germany -- saw the Iraqi aggression as a systemic crisis. While some permanent members of the Security Council may have initially viewed the Iraqi action with alarm, none were able or willing to assume leadership and to spur the Council into action. Two permanent members, the Soviet Union and the People's Republic of China, while willing to join in verbal condemnation, were openly reluctant to allow the Security Council to undertake or to authorize coercive responses. On November 29, 1990, when the Council finally decided,

in Resolution 678,<sup>4</sup> thanks in no small part to United States' side-deals with the Soviet Union and China, to authorize the use of force after January 15, 1991, both China and the Soviet Union made clear that they were willing to vote but would not participate in any military action.

Were it not for United States initiatives and a commitment by President Bush to use the United Nations, the Security Council could have been expected to pass an anodyne resolution, condemning Iraq and perhaps calling for sanctions, but doing little more. Iraq would have hunkered down and waited for the dust to settle or attention to be diverted to some more current crisis while it consolidated its control over Kuwait. It was only because of the United States initiative that the United Nations became a significant force in countering the Iraqi aggression.

Everyone likes to criticize U.S. pretensions to being the constable of the world. But when people need the cops, guess who they call? The international security system depends centrally on the United States. The burden this places on the United States periodically prompts various American leaders to ask themselves whether the certain sacrifice of treasure and the potential sacrifice of life, not to speak of the din of criticism at home and abroad, is worthwhile, or whether the United States should just pack up once and for all and retreat to Fortress America.

In a simpler world, President Washington counseled against entangling alliances. Through the years and crises, many Americans have proclaimed "America First" and have urged us to avoid the corruptions of the rest of the planet and concentrate instead on perfecting our own democracy. Since the time of Woodrow Wilson, however, mainstream America has accepted the fact that the world has become interdependent, that we are inextricably part of a larger industrial and increasingly democratic civilization, and that if we do not play an active and leading role in crafting and maintaining world order, none will exist, and we will be major losers.

What this has meant in practical terms is that Americans have died trying to free countries that were targets of aggression, such as France, Belgium, the Netherlands, Korea, and Vietnam, whose peoples were either unable or unwilling to pay the cost of freeing themselves. Throughout the Cold War, Americans served in many other nations in order to deter aggression. The costs have always been heavy, in life, treasure, and our own internal political stability, and the results have not always been successful. Each time we make such a commitment, some voices, sometimes strident and sometimes cynically exploiting prejudices, draw attention to the unequal distribution of costs -- in NATO, in the UN budget, in Operation Desert Shield -- and not to the inter-

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4. S.C. Res. 678, \_\_ U.N. SCOR \_\_ (1990), U.N. Doc. S/PV.\_\_, reprinted in *N.Y. Times*, Nov. 30, 1990, at 10, col. 1.

ests involved. They are often correct. But that is not the point. In every social arrangement, some people do more than they must and others not as much as they should. One should seek fairer allocations, but it would be self-destructive to disrupt an arrangement if it serves one's indispensable purposes just because there are some "free-riders."

The Iraqi aggression has provoked this familiar chorus. Surely the most extreme manifestation has been an article in the *Wall Street Journal* by Arthur Schlesinger, in which Schlesinger seems to go out of his way to stir latent racial hostilities, by purporting to quote an unnamed Gulf Arab who is supposed to have said gloatingly that nonwhite Arabs have hired "white slaves" to protect them.<sup>5</sup> Others have written that Americans should not fight for cheap oil or that Kuwait is not democratic or not important. These neo-isolationists would be right if the United States had no interest of its own at stake when acts of aggression occur in distant places. However, since Wilson's vision and Roosevelt's implementation, we have actively worked to maintain world order because we have deemed it to be in our vital interest.

### II. LESSON TWO

If our strength and treasure stand behind the collective security system of the United Nations, why should we bother with the United Nations at all? Why not simply maintain a *Pax Americana*? After all, when we use the United Nations, other members of the Security Council who are not willing to act will gain a measure of influence in the operations, incommensurate with their contributions. In some cases, they may even be able to extract concessions from us in return for their support.

So far, however, the lesson of the Iraqi aggression is that we should continue to use the United Nations. The world order envisioned in the Charter is still incomplete. There is a close link between the strength of the Charter system and the quality of democratic and popular government in the UN's constituent members. There is also a close link between the robustness of the Charter system and the level of the general expectation of unlawful violence. Every triumph of popular government and each collective resistance to aggressive tyranny increases the vigor of the UN system. Working through the United Nations reinforces it.

While the United States remains an indispensable player behind the United Nations, the UN is, in turn, useful to the United States. It is important that actions in the common interest be as collective as possible. In each case, we must test our vision of the common interest against others' views and we must

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5. Schlesinger, *White Slaves in the Persian Gulf*, *Wall St. J.*, Jan. 7, 1991, at A14, col. 3.

work to build and institutionalize a genuine collective security system. These are the responsibilities of leadership. Although the UN symbol carries a heavy price tag, it also carries major benefits. United Nations' authorization is an inclusive symbol of authority and, as such, enhances any power used under its aegis.

### III. LESSON THREE

But there are ironies in using the United Nations. The world organization may be a symbol of virtue, but many of the leaders of its most prominent member states are brutal despots. Because of the structure of decision-making in the United Nations, if the United States wants to use the United Nations framework rather than act unilaterally, we will often have to engage in a type of *realpolitik* which will be offensive to the very same constituency within the United States that presses for using the United Nations. Certain permanent members of the Security Council are not as committed to the major policies of the UN as the United States. Thus, whenever the United States uses the UN as a policy instrument, it will have no choice but to secure the cooperation of others by trading in whatever is the coin of exchange of the moment, namely, the material concessions the other states seek. It is no secret that a number of symbolic and material concessions were made to the People's Republic of China and substantial financial concessions were made to the Soviet Union at about the same time that these countries indicated that they would not oppose a Security Council resolution authorizing military force against Iraq. When this *realpolitik* requires the executive to ignore human rights violations that have been condemned by Congress, it will repel some members of Congress and the general public. Many have noted the bitter irony of having to embrace the butchers of Tiananmen and the butcher of Hama so that the United Nations can repel the butcher of Baghdad.

International law has no choice but to be realistic. In the real life of which law is a part, evil abounds in all shapes and sizes and one has to assign priorities. The international political system condemns unlawful violence within as well as between states, but the system is still most threatened by transboundary violence, the destruction of one territorial unit by another. In the UN Charter, as well as in interstate practice, this type of violence has been the major concern. The deals the United States has cut to create and maintain the international coalition against the Iraqi aggression have involved overlooking or downplaying unlawful violence within states (e.g., internal human rights violations in China and Syria, and Soviet suppression of Lithuanian self-determination). Such bargains are consistent with an old international practice which tries to distinguish domestic from international matters, but we should not fool ourselves. In an interdependent world, the line between internal and external

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is porous. We will pay a price for these compromises, just as we are now paying for having supported Saddam Hussein, the then lesser-of-evils, when he opposed Ayatollah Khomeini. We may have had no other choice at the time. As far as I can see, we have no other choice now.

### IV. LESSON FOUR

Congress is a major architect of this international system and an indispensable player in U.S. operations within it. The internal constitutional implications of an international collective security system are radical and far-reaching.

A collective security system is supposed to be prospective and deterrent rather than retrospective and corrective. In other words, a collective security system works best when the credible prospect that it will respond to acts of aggression leads a would-be aggressor to reconsider its plans in advance and to abort them. Given the centrality of the United States in the international collective security system, it is necessary for the system that U.S. participation be assured and credible. But this means that in order to support collective security, the fundamental function for Congress is to support the executive in ways that send a clear message of national resolve, so unequivocal and unmistakable that international pillagers and those who advise them can have no doubts.

Meanwhile, in the nature of diplomacy, the president may have to construct fragile coalitions, shift stances rapidly, bluff until sufficient force is in place, and then threaten credibly when it is. A congressional resolution at one moment may become irrelevant or even harmful, and a hearing, in which a spectrum of views is expressed, may send a message of lack of resolve, precisely when an image of resolve is sought by the executive. Collective security may not offer many public opportunities for Congress, even though public airing of views is central to the legislature's role in a constitutional democracy.

When the Constitution was written, the entire conception of international collective security did not exist. War was then a discretionary strategic option, available to any nation. War could be pursued to give effect to the legal rights of a state when it felt that these rights were being violated or withheld by another state, or it could be used to change those rights. It could be used to expand a territorial base by seizing the territory of others. War did not have to be just. War, writ large or small, was lawful. It was also lawful for a state to authorize private citizens to seize the vessels of other states on the high seas.

Article I, section 8, clause 11 of the Constitution was conceived in this context. It assigns to Congress the power "to declare War, grant Letters of

Marque and Reprisal, and make Rules concerning Captures on Land and Water."<sup>6</sup> It is plain from contemporaneous documents that the drafters of the Constitution wanted to assign the competence to engage in these particular discretionary types of offensive violence to the legislative branch. But such discretionary offensive violence is no longer legitimate as a matter of international law. It would be as antiquarian and bizarre for Congress to declare war in 1991 as it would be for it to issue Letters of Marque and Reprisal.

The Constitution does not speak of the allocation of competence within the United States with regard to the discharge of obligations in a collective security system. That is a competence which has been assigned, since our participation in the UN action in Korea, to the president. And even that innovation may have been more apparent than real. Despite the explicit language of article I, section 8 of the Constitution, other language in article II assigns broad powers to the president. Constitutional practice over the history of the Republic has acknowledged the competence of the executive, on its own constitutional authority, to engage in the threat, demonstration and application of coercion abroad under a wide range of contingencies, recognizing that, alas, coercion is still a part of international politics. Certainly, since Woodrow Wilson's campaign, our living Constitution -- the constitutive process -- has adjusted to that reality, for a major issue in each subsequent presidential election has been the comparative quality of the candidates as managers of our international security. I do not have the impression that most candidates for Congress run or are perceived as important in such a role.

The evolution of international collective security does not mean that the executive can act without restraint. Quite the contrary. It is clear beyond cavil that no president can or should conduct an extended military action abroad without wide popular support, which Congress reflects, and, in part, shapes. Our constitutive process has developed numerous restraints on executive action, consistent with our historic principle of limitation of power, yet compatible with participation in an international collective security system.

In the past twenty-five years, Congress has sought to extend its role in the formation and implementation of foreign policy and, in certain areas such as human rights, has performed an important function. No doubt some members of Congress will chafe under a limitation on their public debate when the issue concerns collective security actions. But in matters concerning collective security, Congress has two alternatives. It can either: (1) support executive action in the diplomacy and repositioning that is so important if a collective security system is to avoid overt conflict; or (2) withhold support, thereby reducing the credibility of the collective security system, resulting in a corre-

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6. U.S. CONST. art. I, § 8, cl. 11.

sponding increase in the need for the development of national and foreign armaments as the world turns to a system of individual security.

This does not remove Congress from the picture. Congress' legitimate role will still loom large in clarifying key policy issues. The collective security system itself will continue to require the maintenance of an arsenal and a high level of readiness. The historic pattern of consultation between the branches will continue to be an important conduit of influence, which will vindicate Congress' role but not undermine the credibility of collective security. Joint resolutions of authorization may be necessary. The decisions of the Senate and House on January 12, 1991,<sup>7</sup> demonstrate that a majority in each House clearly understands this.

## V. LESSON FIVE

The courts and the legal profession must also address the lessons in constitutional law posed by a changed world order in which we have decided to play a central role in collective security. In *Dellums v. Bush*,<sup>8</sup> fifty-five members of Congress sought an injunction to prevent President Bush from "initiating an offensive attack against Iraq unless [he] obtains a declaration of war or other explicit congressional authorization."<sup>9</sup> Wholly aside from constitutional issues, I would agree that a president, whatever his authority, would be ill-advised to engage the nation in major coercion abroad without wide and deep popular support, expressed through the Congress. But an amicus brief, submitted by a pride of professors of constitutional law, goes even further than the plaintiffs and pronounces solemnly that the language of article I, section 8 on declarations of war is dispositive of the issue in the case of the Iraqi aggression and that without such a declaration by Congress, the president is unable to act. It is not only that "[t]he President may not invoke that authority to make war without consulting with and gaining the genuine approval of Congress."<sup>10</sup> Beyond that, "Congress must manifest its genuine approval through formal action, not legislative silence."<sup>11</sup> Why? Essentially because that is the language of the Constitution. All one has to do is read the Constitution.

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7. Authorization for Use of Military Force Against Iraq Resolution, Pub. L. No. 102-1 (Jan. 14, 1991).

8. No. 90-2866 (D.D.C. Dec. 13, 1990).

9. Memorandum in Support of Motion for Preliminary Injunction at 45, *Dellums v. Bush*, No. 90-2866 (D.D.C. Dec. 13, 1990).

10. Amicus Curiae Brief for Law Professors at 3, *Dellums v. Bush*, No. 90-2866 (D.D.C. Dec. 13, 1990).

11. *Id.* at 7.

It is clear that the complex collective security diplomacy whose effectiveness is based on the credibility of American commitments cannot be pursued if every step is subject to legislative discussion, vote and revote as the situation develops. And it cannot succeed if "legislative silence" is construed as the withholding of authorization. This is a prescription for changing the Constitution to fetter the president in the contemporary discharge of the foreign affairs power, forcing the United States into isolation.

There have always been groups in the United States who have opposed any international role for us and who genuinely believe we can stand aloof and concentrate on perfecting our own democracy. That is a personal political choice with which I disagree, but which I respect. My difficulty with the professors is not their choice but their constitutional methodology and their system of finding authority. Curiously, it is my impression that many of the authors of the amicus brief in *Dellums* were among the most vocal critics of Judge Bork's nomination to the Supreme Court, ridiculing Bork's supposed reliance on the explicit language and original intention of a 200-year-old document. At that time, most of the professors insisted that constitutional law required a more complex methodology, which took account of changing structures, changing social values, and changing needs. Ironically, on this issue, Judge Bork is closer to these views than his critics. In a foreword to *The Fettered Presidency: Legal Constraints on the Executive Branch*, Bork wrote that:

[The constitutional] text is by no means all that counts. There is history, and that history was shaped by what in constitutional law is called structural reasoning. Reasons drawn from structure are as much a part of the Constitution as is the text . . . The respective roles of Congress and the president developed according to their structural capacities and limitations. Congress, consisting of 535 members assisted by huge staffs, is obviously incapable of swift, decisive, and flexible action in the employment of armed force, the conduct of foreign policy, and the control of intelligence operations.<sup>12</sup>

Constitutional law involves more than reading one passage from a document and grandiloquently repeating it again and again. The Constitution is part of our constitutive process in which we determine how to establish and maintain our fundamental decision-making institutions so that they can provide liberty, security, and the fulfillment of other constitutional goals in ways optimally consistent with historic values but responsive to contemporary exigencies. If it were simply a matter of reading a short document, we could dispense with constitutional lawyers and professors and the matter could be left to the clerk-typist.

In his judgment of December 13, 1990, in the *Dellums* case, Judge Green seemed to have operated with a very simple conception of the problem. The

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12. Bork, *Foreword* to *THE FETTERED PRESIDENCY: LEGAL CONSTRAINTS ON THE EXECUTIVE BRANCH*, at x (L. Crovitz and J. Rabkin eds. 1989).

plaintiffs in their brief repeatedly emphasized that they were against an offensive military action (as if United Nations and United States' responses to Iraqi aggression in Kuwait were themselves offensive, a species of that eighteenth century war concept on which article I, section 8 was based), rather than an implementation of defensive collective security obligations under international law. Judge Green found that the subject of the petition was not inherently political and could be decided by a court and that, while there was legal substance to the petition, scarcely one-tenth of Congress could not represent Congress and the matter was therefore not ripe. Nowhere in his opinion does Judge Green take any cognizance of the role of collective security in international law and its relation to constitutional law. His judgment may be contrasted with that of Judge Lamberth in *Ange v. Bush*,<sup>13</sup> decided the same day, which would remove the courts from this type of confrontation between Congress and the executive precisely because of the rapidly shifting political complexities involved in the leadership of a collective security system. Until a higher court reviews the issues, we will not know the outcome of this lesson.

### VI. LESSON SIX

One of the more painful lessons of the Iraqi aggression is that the conclusion of the Cold War does not mean an end to savagery and violence in international politics. If United States participation in a United Nations collective security system is the best way for the United States to pursue its vital security interests, and if U.S. participation in such a system is still of central importance, that yearned-for day of beating swords into plowshares must be deferred once again. While the contours of the U.S. arsenal in the last decade of this century will necessarily be different from the strategic arsenal that was developed to confront a superpower adversary, the arsenal itself must remain adequate to the new tasks. Serious weapons may still be required because tinhorn dictators do not always have tinhorn arsenals. Given the inclination of contemporary tyrants to nuclearize, I believe the United States may be able to reduce drastically the size of its own nuclear arsenal, but it must continue to maintain an evolving, sophisticated nuclear and counter-nuclear capacity.

A comparable lesson has been learned with regard to chemical and biological weapons. President Bush was among those who sought to secure their universal abolition. But Saddam Hussein has demonstrated that a system in which no one has such weapons is one which rewards the first lawbreaker. In both offensive and defensive modes, the Gulf crisis has demonstrated that the

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13. No. 90-2592 (D.D.C. Dec. 13, 1990).

United States is not capable of deterring Saddam Hussein from the use of certain weapons. Hence, we may be obliged to continue to develop and maintain certain weapons and counter-weapons despite the fact that the weapons are loathsome and that we would have no intention to use them proactively.<sup>14</sup>

Another lesson, in this regard, concerns intelligence. As long as there are Saddam Husseins, a regular and reliable flow of intelligence about their plans and abilities is indispensable. Moreover, Saddam Hussein or his shade may reignite the national debate about the propriety of covert action. If the political structure of Iraq is, in fact, "a broad-based needle," efficiently and ruthlessly dominated by a single man of diabolical ability, world-class evil, and possibly clinical insanity, should possibly tens of thousands of Iraqis and Americans die in order to remove him? Or are there more economical methods to accomplish the task? To exclude other methods may mean death for many innocent people. To include other methods can itself lead to the sorts of terrible individual abuses and injury to our values that were exposed by the Church Committee.<sup>15</sup>

## VII. LESSON SEVEN

In an imperfect world, the remedy for an evil may not be its elimination. Because the international arena will continue to be violent, the United States' strategic objective in the Gulf cannot be the destruction of the military capacity of Iraq. Where law is ignored and power is a critical variable, it will only be restrained by countervailing power. The comparatively bloated Iraqi military capacity has proved to be at the heart of the problem. Whatever evil designs a dictator such as Saddam Hussein may harbor, he would have been unable to accomplish them if the balance of power in the region had been able to restrain him. Iraq was able to invade Kuwait because the regional balance of power -- which the Nixon administration built upon the Shah's government -- was disturbed in 1979. The Islamic Revolution effectively disrupted the Iranian army and air force. Hussein, in 1979, saw an opportunity to deal a death blow to Iranian power and to emerge as the regional hegemon. Concerns in other Gulf states and in Europe and North America about the extension of Islamic Fundamentalism to theretofore moderate Arab countries led outside states to support Hussein's war against Iran, because it appeared to serve their common interests. The world was even willing to turn a blind eye to Hussein's use of

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14. I have developed this proposition in Reisman, *Chemical Weapons: Designing Operable Systems for Enforcing Restraint*, 83 PROC. AM. SOC'Y INT'L L. 468 (1989).

15. These issues are explored in W.M. Reisman and J. Baker, *Covert Action* (1991) (forthcoming from Yale University Press).

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chemical weapons. By 1989, when the war had ended, there was no regional restraint on Saddam Hussein's pursuit of his larger political goals.

If Iraq is destroyed now, the power vacuum created will be filled by Syria and Iran. Each of these states has its own political agenda and each may, in the absence of restraint, prove as expansive as Iraq. Regional minimum order can be maintained only if a parity of forces in the Gulf area is restored. Iraq is a critical component of that regional balance of power. If Iraq is destroyed, dismembered, or its power is severely reduced, the regional system could become even more unstable. Hence there are compelling reasons for reaching some settlement that restores an independent Kuwait but retains a viable Iraq.

### VIII. LESSON EIGHT

But if Iraq and its military capacity cannot be destroyed, even if a negotiated settlement is achieved, Iraq will continue to disturb the regional balance and will be subject to no restraints on future adventures. Hence, in the foreseeable future, the regional balance can be redressed only through the presence of a strong outside force. This will probably require a continued on-ground military presence in the Arabian peninsula. But that, in turn, will accelerate modernizing pressures on those conservative Arab leaders who have been friendly to the United States. In the Arab world, rapid modernization has often stimulated Fundamentalist reactions, a by-product which could be costly to UN Charter values and U.S. interests.

### IX. CONCLUSION

On a number of occasions in the past half century, the United States has slipped into major conflicts. This is, I believe, the first time that we have experienced and consciously participated in a modern and effective democracy explicitly and soberly weighing whether to engage in major coercion, not for the extension of power, not for the seizure of territory, and not for the price of oil, but for the defense of world order. The potential costs of this commitment, in terms of life, treasure, our economy, and our political system, have been faced squarely, though it is far from certain that a democratic system such as ours, whatever its initial resolve, can stay the course. On January 12, 1991, it became clear that the United States had learned the lessons of collective security and will try to honor its commitment. Let us hope that Saddam Hussein can also learn that lesson and that he will desist from his aggression before it is too late.

