

CIPL Discussion Group

# The Pre-emption of Nuclear Weapons

**Professor Tim Bakken**  
**United States Military Academy at West Point**

**Thursday 24 May 2007, 1.00pm** (Sandwiches served from 12.45pm)

**Staff Library** Level 1, ANU College of Law, Cnr Fellows & East Roads, The ANU

**RSVP to:** [cipl@law.anu.edu.au](mailto:cipl@law.anu.edu.au) by 21 May 2007

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A question for the international community is whether the prohibition on the use of force against Iran for its development of nuclear weapons has increased the risk of war. The danger inherent in Iran's possession of nuclear weapons, although their use is not imminent, probably exceeds the risks associated with an imminent armed attack by a nation with only conventional weapons, which was the greatest threat when the international community adopted the UN Charter in 1945. A doctrine of nuclear preemption would authorize force based upon the danger that a nation presents rather than how soon it might attack. Such a doctrine would recognize that nations developing nuclear weapons and committing grave crimes, such as aggression, crimes against humanity, genocide, or war crimes, are more dangerous than a nation with conventional weapons planning an imminent attack.

Tim Bakken is a Professor of Law at the United State Military Academy at West Point. He is also a Research Scholar at the New York Law School and a Visiting Scholar at Columbia University School of Law. He has recently helped to create a department of law at the National Military Academy of Afghanistan. He has written several books on criminal law as well as many articles on areas such as military law and the psychology of law.