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**Critical Study for the American National Strategy: Bush's
National Security Strategy**

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ABSTRACT

This study examines the changes that have been taking place in the American non-proliferation policy under President W. Bush. The traditional non-proliferation policy which was characterized by diplomacy and Treaty regime has been substituted by the military counter-proliferation policy which focused on the extreme use of force against “rogue regimes”. The American preeminence in the post-Cold War led it to search for an absolute security in order to preserve the American vital interests in the world. The American search for an absolute security was culminated in George W. Bush presidency, in which the U.S put the focus on just “rogue states” that were considered as major threat to the American security. Threats of Proliferation of WMD and terrorism were considered as so risky to the American and global security. Putting the focus on Iraq as the most dangerous “rogue state” was not for the sake of disarmament in the Middle East region, but mainly for changing Saddam Hussein regime which started to be a serious enemy to the American vital interests from the end of the Gulf War. This work focuses on elucidating the misleading points which coincided with the “preemptive” counter-proliferation when implemented against Iraq in 2003. Under the pretext of disarming Iraq and diminishing the threat of proliferation of WMD in the Middle East, the US embarked on an aggressive preventive war as an appropriate tool to seek its objectives of regime change and controlling Iraq. After the 9/11 attacks, it seems appropriate to declare Iraq as a state sponsoring terrorism to prove the alleged imminence of the threat. This study, therefore, reveals how the American war against Iraq 2003, was waged according to assumptions and miscalculations prepared by extremist neo-conservatives. It reveals how it is illegal to wage a war against an adversary without clear evidence for the threat. This paper examines the role of the extremist doctrine of neo-conservatives to open the door for the use of force to deal with Iraq, through conspiracy and over-estimating the Iraq Weapons of Mass Destruction (WMD) proliferation threat. It also shows how the war against Iraq did not fall in the justified preemptive self-defense criteria, but instead it fell in the illegal preventive war. The study focuses on showing the misleading points of the American “preemptive” counter-proliferation policy. It shows how the war against Iraq did not fall in the justified preemptive self-defense criteria, but instead it fell in the illegal preventive war. As a central conclusion, the study reveals how it was misleading the American “preemptive” counter-proliferation which seemed not to focus on the disarmament of Iraq, but rather on exercising unlimited hegemony in Iraq and the Middle East. It also elucidates how the American “preemptive” counter-proliferation policy will work as a “carte blanche” not just for imitating the U.S unjustified use of force, but also on marginalizing the international norms governing the use of force. Through its implementation to the “preemptive” counter-proliferation towards Iraq, the U.S may face much more anti-Americanism, and this may make its attempt to reshape the Middle East, for the sake of preserving its interests, a lost quest.

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Résumé

Cette étude examine les changements qui ont eu lieu dans la politique américaine de non-prolifération sous la présidence de George Walker Bush. La politique traditionnelle de non-prolifération qui a été caractérisé par le régime de la diplomatie et du Traité a été remplacé par la politique militaire de la contre-prolifération qui a porté sur l'utilisation extrême de la force contre les proliférateurs, plus particulièrement les « Etas voyous ». La prééminence américaine juste après la Guerre Froide a conduit à une recherche d'une sécurité absolue qui a été couronné dans la présidence de George W. Bush, dans laquelle les États-Unis mettent l'accent sur les « états voyous » qui ont été simplement considérés comme une menace majeure pour la sécurité américaine. Les menaces de prolifération des armes de destruction massive et le terrorisme ont été considérés comme un risque énorme pour la sécurité américaine et mondiale. Mettre l'accent sur l'Iraq comme « Etat voyou », le plus dangereux, n'était pas pour les raisons de désarmement dans la région du Moyen-Orient, mais surtout pour changer le régime de Saddam Hussein qui a commencé à apparaître comme un ennemi sérieux pour les intérêts Américains vitaux à la fin de la guerre du Golfe. Ce travail se concentre sur l'élucidation des points trompeurs qui a coïncidé la stratégie « préemptive » de contre-prolifération vers l'Irak en 2003. Sous le prétexte de désarmer l'Irak et en diminuant la menace de la prolifération des Armes de destruction Massive au Moyen-Orient, les États-Unis a entrepris une guerre préventive agressive comme un outil approprié de chercher ses objectifs de changement de régime et de contrôler L'Irak. À la suite des attentats perpétrés aux États-Unis le 11 Septembre 2001, l'Iraq de Saddam se retrouve au centre de la guerre

contre le terrorisme internationale menée par le président américain George W. Bush pour prouver l'imminence de la menace alléguée. Donc, cette étude révèle que la guerre américaine contre l'Irak en 2003, a été menée selon les hypothèses et les erreurs calculs établies par les extrémistes néoconservateurs. Il révèle comment il est illégal de mener une guerre contre un adversaire sans une preuve claire de la menace. Cette étude examine le rôle de la doctrine extrémiste de néoconservateurs pour ouvrir la porte de l'usage de la force pour faire face à l'Irak, par la menace de complot et de surestimer la prolifération des armes de destruction massive en Iraq .il montre également comment les événements d'attaques du 9/11 prévus pour les néoconservateurs du moment on or pour faire leurs objectifs mis en ouvre. L'étude se concentre sur l'indication des points trompeurs de la stratégie « préemptive » de contre-prolifération. Il montre comment la contre l'Iraq ne tombe pas dans les critères de justification légitime de la défense préventive illégale. En conclusion centrale, l'étude relève à quel point il est trompeur la stratégie américaine « préemptive » de contre-prolifération, qui semblait de ne pas se focaliser sur le désarmement de l'Iraq, mais plutôt sur l'exercice de l'hégémonie illimitée en Iraq et au Moyen-Orient. Il éclaire aussi comment cette nouvelle stratégie de contre -prolifération fonctionne comme une « carte blanche », non seulement pour imiter les États-Unis injustifiée usage de la force. Grâce à sa mise en ouvre de la stratégie « préemptive » de contre –prolifération vers l'Iraq, les Etats –Unis peuvent faire face à beaucoup plus anti-américanisme, ce qui peut rendre sa tentative de remodeler le Moyen-Orient, dans un souci de préserver ses intérêts, une quête perdue.

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LIST OF ABBREVIATIONS

ABM	Anti-Ballistic Missile Treaty
CIA	The Central Intelligence Agency
DCI	Defense Counter-proliferation Initiative
DIA	The Defense Intelligence Agency
DOD	Department of Defense
IAEA	International Atomic Energy Agency
INC	The Iraqi National Congress
ISG	Iraq Survey Group
MESA	The Middle East Association Studies
NBC	Nuclear, Biological and chemical Weapons
NIE	The National intelligence Estimate

NPT	Nuclear Non-proliferation Treaty
NSS	National Security Strategy
PNAC	The Project for the New American Century
UNMOVIC	United Nations Monitoring Verification and Inspection
UNSC	United Nations Security Council
UNSCOM	United Nations Special Commission on Iraq
WMD	Weapons of Mass Destruction

INTRODUCTION

After the terrorist attacks of September 11, 2001, the Bush administration embarked on a radical non-proliferation policy towards Iraq. The new non-proliferation policy marked a departure from diplomacy and the international nuclear non-proliferation treaties mainly the 1968 Nuclear Non- Proliferation Treaty (NPT) which is the cornerstone of the Treaty Regime. The “preemptive” counter-proliferation policy called for an ultimate use of military force against Iraq as to dismantle it from weapons of mass destruction. In its war against Iraq, the Bush Administration declared that the main aim for waging war was Iraq’s possession to weapons of mass destruction (WMD). But the United States knew very well that Iraq’s nuclear and biological capabilities were extremely destroyed during the Gulf War. It seemed clear that Saddam Hussein regime was considered by the US as a dangerous and serious threat in front of

the American economic and political interests more than the threat of proliferation. If the US main end was to establish a zone free from weapons of mass destruction in the Middle East, why then it did not demand from Israel to destroy its nuclear programs?

The American “preemptive” counter-proliferation policy towards Iraq was based on unilateral perceptions of unreal threats and personal interpretations, headed by President Walker Bush and group of neo-conservatives, rather than real facts. The US waged its war against Iraq, simply because it had a “bad faith image” about Saddam Hussein who was considered as “irrational”. For President George W. Bush and neo-conservatives, the “irrationality” of Saddam Hussein was a sufficient cause for the US to prove the undeterrability of Iraq and to give the US the ultimate right to use military force to intervene in the country and to change its regime without an imprimatur of the international community and the United Nations. The US claimed that its war against Iraq fell in the self defense case, but how can a war based on a “bad faith image” of an adversary and unreal threat to be a self-defense war? The American “preemptive” counter-proliferation policy which focused just on “bad guys” and “rogue states” lacked credibility. The proliferation of Weapons of Mass Destruction (WMD) is an international serious threat, for that purpose the non-proliferation policies should be directed to all countries that have or engage in developing WMD either “bad guys” or “good guys”.

The US, in its non-proliferation policy, focused on “rogue regimes” simply because they opposed its interests while it turned a negative attitude towards its allies who were considered as “good guys” because they accept to serve the American interests. The implementation of the “preemptive” counter-proliferation policy in Iraq showed how the US was so concerned about protecting its interests in keeping control on the Middle East more than countering the threat of proliferation of WMD. When Saddam Hussein served the American interests in the 1980’s, through his attempt to stop the Iranian ambitions in the region, he was not considered as a threat to the US although he used biological weapons in his war against Iran. In 1982, The US dropped

Iraq from the list of countries that supported international terrorism or possessed WMD, simply because Iraq was deemed to be an appropriate ally that could stand against the spread of the Iranian dominance in the Gulf region. But after the Iraq invasion to Kuwait, human rights and a concern of Iraq possession of WMD had crept back onto the American agenda.

Taking the invasion of Iraq as a case study, the dissertation attempts to demonstrate how the American “preemptive” counter-proliferation policy was implemented through the use of an aggressive preventive war which was based on assumptions and personal calculations rather than facts. This policy which was characterized by an ultimate use of military force against Iraq was illegal as well as dangerous policy. The dissertation focuses on showing the conspiracy of group of policymakers that played essential role in the implementation of this radical non-proliferation policy. It also endeavors to answer a number of questions about the goals that might be achieved when implementing the “preemptive” counter-proliferation policy in Iraq, especially for neo-conservatives. The dissertation endeavors how it is illogical and illegal to intervene and to change the regime of an independent country according to illogical assumptions of unreal threats that lacked the imminence of the threat.

The dissertation also proves how the so called “preemptive” counter-proliferation was misleading and lacking credibility through proving the following facts: the failure to locate weapons of mass destruction to Iraq, the use of preemption instead of prevention to gain public and international support and legitimacy. Another misleading conflation of issues is the linking of terrorism and proliferation agenda; the adoption of the preemptive strategy with the attempt to alter the standards justifying the use of force in self defense which has an extremely risky precedent for international politics. The misuse and the politicization of intelligence by the Bush Administration to seek its political ends also prove how the counter-proliferation policy was misleading. Also the use of force against Iraq proved that the American military counter-proliferation towards Iraq was a departure from the goal of disarmament to regime change.

The importance of this study is to show how it will be so dangerous for the security of the world when countries will launch wars against each other simply because they have “bad faith image” about each other. It also clarifies how the American unilateral actions against Iraq which was against the international law will give other countries; especially neighbouring ones a green light to imitate the American preventive war example in dealing with conflicts. Imitating the American “preemptive” counter-proliferation policy will create for sure a world of chaos and anarchy. So, instead of preventing threats of proliferation of WMD to reach a secure world, the US creates serious threats of breaching international law and dividing the world into “good” and “evil” which will give the right to some countries to launch preventive wars under the pretext of preventing proliferation of WMD. So, this proves that the American national security strategy 2002 was not directed for protecting the world, but rather it was for exercising the America power; especially militarily.

This dissertation, which aspires to be an original research, endeavours to examine the American “preemptive” counter-proliferation policy as a misleading policy in a study that is based on analysis and argumentation. The study also relies on historical reviewing to document the origins of the “preemptive” counter-proliferation policy, and the American-Iraqi relations in pre-Gulf War era and post-Gulf War to understand the change in the American policy towards Iraq; especially when it came to threats directed to the American vital interests.

Chapter One indicates how the situation following the Cold War gave way to American overextension and even hegemony to prevent any peer or real competitor from arising to the global system. It covers how the American interests increased in the Gulf region and the Middle East after the Cold War. The chapter also elucidates how the end of the Gulf War increased the American serious concern about the spread of unconventional weapons to Iraq. The US considered this as a serious threat to its security, as well as the world’s security. Proliferation of Nuclear, Biological and Chemical (NBC) weapons to regional powers, such as Iran and Iraq,

was deemed to be the major challenge to the American interests and mainly to preserve its access to the Persian Gulf oil. The chapter shows that the American quest for the absolute security led it to think about a radical non-proliferation plan through encouraging an ultimate use of force against Iraq and the other “rogue states”.

Chapter two elucidates the main factors that helped in implementing the so-called “preemptive” counter-proliferation policy in which the use of military force was its core dimension. The chapter also illustrates the role of neo-conservatives conspiracy to reach the American military supremacy and preeminence through moving away from the ‘traditional non-proliferation policy’ to adopting an aggressive counter-proliferation policy. Neo-conservatives struggled to make their principles be adopted by the American foreign policy to make them universal ones. They focused on the Middle East and considered it as an appropriate region for the American vital interests. This chapter also exemplifies how the 9/11 attacks created an important occasion for neo-conservatives to implement the “preemptive” counter-proliferation policy towards Iraq.

Chapter three is dealt with the American implementation of the “preemptive” Counter-proliferation policy. It proves that the American War against Iraq was not a preemptive war, but rather a preventive war. The US “preemptive” war did not match with Daniel Webster’s four criteria for a justified preemptive self defense. The Chapter also clarifies how president George W. Bush Administration put itself in another controversial and critical situation when its “preemptive” counter-proliferation policy did not meet the rules set by Barry Schneider, the American Director of the United States Air Force Counter-proliferation, to achieve a successful counter-proliferation policy. The absence of the legitimate justification for launching a preemptive self-defense war against Iraq confirmed that the US implemented a counter-proliferation policy through illegitimate preventive war.

In this research paper, we will depend on original documents provided by the White House Washington about America's International Strategy of 2002, and the National Strategy to Combat Weapons of Mass Destruction. Primary sources also consist of original reports from think tanks, as the Project for the New American Century, and Cato institute about the American defense strategy. The primary sources include speeches and announcements delivered by the American administration, investigative studies elaborated by government and non-governmental organizations, especially reports about the American Non-proliferation policy provided by the Carnegie Endowment for International Peace.

The thesis also focuses on official reports provided by Dr. Barry R. Schneider, the director of the US Air Force Counter-proliferation who set some criteria for the adoption of preemptive counter-proliferation to deal with the threat of WMD. In addition to UN special reports as the Task Force on Peace and Security: United Nations Association "the U.S Doctrine of preemptive Attack-Real problem, Wrong Answer. The latter shows how the United Nations sets the clear points in declaring the preemptive strike in the UN Article 51. The dissertation also focuses on press releases, historical books written by American officials, mainly the book of *American Foreign Policy: Current Documents 1990* which includes official reports from the American Department of State concerning the American foreign policy in the Post-Cold War era.

Besides this, we will rely on secondary resources, such as essays, reports, and interviews written by politicians, concerning the American National Security and the American Intelligence about the Iraq war. Robert S. Litwak illustrates more about the preemptive strategy and the conditions under which it would be undertaken "the New Calculus of Preemption". In addition to books which analyse the neo-conservatives conspiracy to reach their goals in Iraq through an American military intervention, the research also focuses on books that set clear lines on the cases and conditions under which leaders declare the preventive war.

CHAPTER I

PREEMPTIVE COUNTER-PROLIFERATION ORIGINS

The US emerged from the Cold War as a superpower culturally, economically and militarily. This supremacy led it to look for an absolute security which is different from the limited security of the Cold War. The success of the National Security Council strategy (NSC 68), with its focus on the containment policy, preserved the United States' national security and gave birth to its emergence as a single power in the world.¹ The world entered a period of unilateralism in which the United States faced no specific adversary and started its quest for an absolute security to deny any new competitor the fact to stand against the American power.

Maintaining a global presence appeared to have become an end in itself for the American national security strategy rather than maintaining security. But preserving global presence was

not merely an end in President George W. Bush's national security strategy. After the end of the Cold War, the American Administration embarked on the use of military force to preserve the American national security. On 16 January 1991, President George Bush stated that military action against Iraq would make a possible "New world order where the rule of law, not the law of the jungle, governs".² The situation following the Cold War gave way to American overextension and even hegemony to prevent any peer or real competitor from arising to the global system.

After the Cold War, the American interests of preserving US' access to the Persian Gulf oil as well as countering the proliferation of Weapons of mass destruction (WMD) increased in the Gulf region and the Middle East. The US was always looking for its interests, when it chose to support Iraq against Iran; this was to stop the Iranian ambitions in the region. When it was convinced that Iraq was not available to serve its interests in the region, especially after the Iraq invasion to Kuwait, it started to consider Iraq as a real foe to the American interests and the security of its allies.³

The Gulf War came at the end of the Cold War in which it increased the international concern about the spread of unconventional weapons to regional powers. The US considered this as a serious threat to its security, as well as the world's security. Proliferation of Nuclear, Biological and chemical (NBC) weapons to regional powers such as Iran and Iraq was deemed to be the major challenge to the American interests, and mainly to preserving US' access to the Persian Gulf oil. As a reaction, The Clinton administration proposed a new non-proliferation plan in September 1993. In December 1993, Les Aspin, the Secretary of Defense enunciated the Defense Counter-proliferation Initiative (DCI) as a response to proliferation of WMD in the post-Cold War era. So, the idea of using military force to counter the proliferation of WMD has already been pointed out since the end of Gulf War.

The Iraq regime was considered as an obstacle to the American interests after the Iraqi invasion to Kuwait. But using military force to change the Iraqi regime and to stop its nuclear ambition was thought to be a 'negative' objective during the Clinton Administration.⁴ Many reasons stood behind the American non-use of military force to change Saddam Hussein regime as one of the WMD proliferators in the 1990's. Among these reasons was that the US' trepidation from the Iranian increased hegemony after Saddam led it to avoid regime change plan; in addition to the instability that the country would witness with the new regime because of the nature of the Iraqi society. Each ethnic group wanted to serve its own interests, Kurds in the North and Shiites in the south. There was also a fear from a reformed Iraqi-Iranian new relation that might harm the American political and economic interests in the region. Besides these facts, proposals for using military force against Iraq brought about an opposition from the international community, especially after the launched American-British air strikes against Iraq in 1998.

1-American Global Preeminence as the Major Interest

It is said that no period has offered the US the opportunity to enjoy its freedom in shaping international politics with an American vision than the period following the end of the Cold War. Though the US emerged from World War II as a superpower, its interests became threatened by the emergence of the Soviet Union which started its great influence in the Eurasian sphere. The balance of power with the Soviet Union led the US to think about a restricted and limited security. The American thinking about its security during the Cold War was restricted by the Mutual Assured Destruction strategy.⁵ President Reagan, in his Inaugural address 1985, showed how the US was facing a greatest military buildup that conducted by the Soviet Union. So, there was no way for the United States to act freely in maintaining its security. (Bode 290)

The demise of the Soviet Union increased the opportunity for the US to be a global superpower. In the post-Cold war era, the world was characterized by the unipolar moment

which had exclusively consequences, especially concerning the use of military force. This unipolarity led the United States to be more willing to act unilaterally and to use force abroad to save its interests.⁶ (Kagan) The triumph of the United States on the Soviet Union, led the US to consider its values and principles as universal ones “to say that America is the world – or, at least, is what the rest of the world aspires to be”. Patrick Thaddeus Jackson illustrated how the US also intended to link its security to the world security and how, “it is often used to conflate the US and the world in the protection of liberal democracy and liberty”.⁷ (Jackson 146)

The United States preeminence in the world affairs derives from the fact that the US was the only responsible for the western bloc victory. For that purpose, the US considered itself as a guardian of liberal states’ norms and rules and the only responsible for world stability. But maintaining world stability was considered by US National Security Adviser Anthony Lake, during the Herbert. W. Bush administration, as dangerous engagement embraced by the US administration; “It is a dangerous hubris to believe we can build other nations. But where our own interests are engaged, we can help nations build themselves –and give them time to make a start at it.” (qtd in Hippel 1).

G. John Ikenberry a Professor of Politics and International Affairs at Princeton University considered that maintaining global stability is difficult and costly. As a reaction to president George W. Bush use of military force against Iraq, Ikenberry commented that: “the Bush administration is correct that the current international system is unipolar and that the US primacy is uncontested ...it is misguided however, to assume that America’s preponderant power, when combined with an assertive unilateralism, promotes stability as a matter of course” (Ikenberry, *Liberal Realism: the Foundations...*). It was often thought by American officials that the American security would be best preserved by using military power to spread “democracy” and “freedom” but of course with an American vision and standard.

The idea of using military force became much more exacerbated in the post-Cold War; it was terribly escalated during president George Walker Bush years through the so called “preemptive” military counter-proliferation strategy. President Walker Bush in his National Security Strategy (NSS) 2002 made it explicit that the US will focus on the use of military force in countering the threat of WMD, President Walker Bush elaborated:

Our comprehensive strategy to combat WMD includes: Proactive counter-proliferation efforts. We must deter and defend against the threat before it is unleashed...we must also be integrated into the doctrine, training, and equipping of our forces and those of our allies to ensure that we can prevail in any conflict with WMD-armed. (The White House, “The National Security...”14).

Diane B. Kunz wrote about the relation between the military power and the economic power in an illustration of the Paul Kennedy’s book, *The Rise and the Fall of the Great Powers*. According to her, the book articulates that there is a linkage between the economic and the military power and that “there is a very clear connection in the long run between an individual Great Power’s economic rise and fall and its growth and decline as an important military power (or world empire)”. Kunz, in her explanation, considered that the great power is always in need for maintaining its defense through spending great sums. But despite this fact, it finds itself very cautious about its security simply because the world is less secure and other powers have grown faster.

The United States in the post-Cold War sought to defend its supremacy through its “uncontested” military existence and power in the whole world. (Kunz 537) Jeremy Shapiro and Lynn E. Davis considered that the National Security Strategy (NSS) 2002 made it clear that the United States maintained its position of preeminent economic and military power as the means of promoting a balance of power. It also emphasized US’ departure from the past strategies to act

militarily and preemptively against terrorist groups or rogue states developing weapons of mass destruction. (Shapiro 8)

The period following the early beginning of the post-Cold War witnessed the emergence of new world powers like: Russia, China and India; etc; that would compete with the US. Henriksen wrote in *Confronting the Post-Post –Cold War World* that; “neither Russia nor China views itself as solely a regional power. Both seek to compete globally with the United States” (Henriksen) China was considered as an emerging power with its growing economy that led it to be the largest energy consumer in the world. Iran was also deemed to be the one that controlled the “world’s energy heartland”. In this new era, the US believed that its military preeminence was compulsory to face the challenge of “rogue states”, who may threaten the American preserving access to areas of vital interests such as the Persian Gulf, as well as great powers that may contest the American economic hegemony. (Ellsworth)

But, the United States remains a superpower that can work unilaterally to preserve its interests. In the post-Cold war era the United States emerged as a hyper power in economy. This reality leads the US to increase its spending on defense; especially during Walker Bush presidency. The NSS 2002 came to illustrate the fact that the US tried to make a balance of power between the military strength and the great economic and political influence that the US enjoys. Charles V. Peña illustrated that the US defense budget in 2001 was nearly \$ 348 billion exceeded of the next 13 nations combined most of whom are allies or friendly to the United States. The US’ military is technologically superior to that of any other country. This illustrated that the US with the end of the Cold War no longer faces a serious military challenger. (Peña)

To preserve this superiority, the US became much more prudent to its national security, giving attention to vital interests rather than “sentimental or moralistic impulses”. Preventing, deterring, and reducing the threat of nuclear, biological, and chemical weapons attacks on the US

were considered as vital interests. Ivan Eland summed up the definition of the US vital interests as it was included in the National Security Strategy for a Global Age document as:

Those directly connected to the survival, safety and vitality of our nation. Among these are the physical security of our territory and that of our allies, the safety of our citizens both at home and abroad, protection against WMD [Weapons of Mass Destruction] proliferation, the economic well-being of our society, and the protection of our critical infrastructures.(qtd in Eland 25-6)

In this new international environment which was characterized by uncertainty, the US national security was ambiguous and uncertain so, “America’s concept of national security today is infinitely more complex than at any time in its history. The same is true for the relationship between the foreign and domestic components of national security.”⁸ Its uncertainty about the threats of the Post-Cold War era led it to look for an absolute security, mainly to safe its vital interests. The absolute security that the United States looked for in the post-Cold War, exemplified that the appropriate way to save the American superiority was to put a great emphasis on the use of force and the enhancement of the role of military. Sam C. Sarkesian and John Allen Williams illustrated that: “national security by definition involves military force [...] in the new era, international terrorism, WMD have become increasingly important dimensions of national security” (Sarkesian)

The American preference to use military power against proliferators was a major phase for its pursuit for the absolute security. For the US, this period was witnessing the emergence of new threats, especially the transformation of WMD to regional powers and to non-state groups which were different from those of the Cold War, “New deadly challenges have emerged from “rogue states” and terrorists. President Walker Bush demonstrated: “None of these contemporary threats rival the sheer destructive power that was arrayed against us by the Soviet Union. (The

White House, “The National Security...”).The US pursuit for the absolute security pushed it to feel that the world was less secure, and this would harm its interests.

The NSS of 2002 emphasized the fact that the United States must act unilaterally in an era of unipolarity and work according to international frameworks, but only if they cope with its interests. President Walker Bush wrote: “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.” (The White House, “The National Security...”)The US was free to choose either diplomacy or military force in grappling threats that it faced after the Cold War. But in its choice, the US was very cautious to choose the appropriate strategy which will be successfully matched with its interests (Allen). Madeleine Albright illustrated more about this idea:

[w]hen threats arise to us or to others, we will choose the course of action that best serves our interests. We may act through the UN, we may act through NATO, we may act through a coalition, we may sometimes mix these tools or we may act alone. But we will do whatever is necessary to defend the vital interests of the United States. (qtd in Christopher)

2 - Listing Iraq among the Dangerous WMD Proliferators

During the Cold War, the Middle East was one of the most strategic regions that both the US and the Soviet Union wanted to control. In the Eisenhower administration, the Middle East witnessed the rise of the Iraq Revolution, in 1958, in which a group of army officers who modeled themselves after the group that had brought President Nasser to power in Egypt took power in Iraq. The Middle East witnessed the rise of an Arab nationalism that opposed western military establishments and threatened to undermine western hegemony in the Middle East. That call from Arab nationalists seemed to jeopardize the pro-western regimes in the region.

During Eisenhower presidency, American officials debated seriously the possibility of invading Iraq and toppling the new government of Iraq, but the Eisenhower administration chose restraint. The US thought that the military intervention would undermine American efforts to win friends and allies in the Middle East. (Osgood 4-27) The Eisenhower administration explored the possibility that it could achieve its goals in Iraq by working covertly with Iraqi Opposition groups. It was prudent and restrained in its application of military power. Even during Eisenhower administration the US warned about the hostility of the Iraq regime in threatening the American interests, especially after the Iraq Revolution and the rise of Arab nationalism. John Foster Dulles Stated; “if the oil fields of Iraq and Kuwait fell under hostile control, the financial impact on the United Kingdom might be catastrophic.” (Osgood 7)

The Iraq regime headed by Abd al- Karim Qasim ruptured from nationalists and moved to cooperate with the Soviet Union. So, the American strategy towards the Middle East evolved into a form of “dual containment” to confront the spread of communism and to limit the appeal of Arab nationalism. In 1968, the British government announced that it would withdraw all its military forces from the Persian Gulf by the end of 1971. The US felt confident that the Shah was well positioned to replace Great Britain as a chief pillar of pro-western stability in the Persian Gulf. But when Iran turned to be anti-American country, the US improved its relations with Iraq, especially in the 1980’s. (Kiely 38-39)

The 1990’s witnessed an increase in the American dependence on the Persian Gulf oil. Kelly, the American Assistant Secretary of State for the Near Eastern; South Asia and African Affairs stated in February 1990: “we do not expect major new oil finds outside the Gulf to reverse this trend in the foreseeable future.”⁹ According to him, the Gulf was an important world oil place that the US should depend on especially that since 1983 there had been a 66 percent increase in the American net oil imports. Approximately 53 percent of the increase in total US imports of crude and petroleum products, since 1985, had come from the Persian Gulf .For that

purpose the United States mulled its position over in the region and it came to consider itself as the only responsible for providing stability and peace. The US gave itself the right to be the Persian Gulf policeman that could detect any threat that might threaten or harm its interests (Mallon, “US Oil Dependency ...” 431).

In the aftermath of the Iran Iraq war, the US tried to enhance its military existence in the Gulf region in which it seemed to be affected by its instability. This meant that the US gave much more importance to the political issues in a region where its interests began to be increased. It was ready and it had the intention to make good relations with the Gulf regimes, especially with oil producing countries. Since Iraq had appeared from its war with Iran as militarily strong , the US found in Iraq the strongest ally that could counter the Iranian threats; especially that there was a possibility for Iranian-Russian cooperation at the military level. (Kemp 35, Mallon, US Policy and the Aftermath of the Iran –Iraq ...433).

Although the Report of the Department of State which was submitted to the Congress January 31, 1990 showed that human rights in Iraq still not improved; the US did not mention any coercive measures towards Iraq violation to human rights. The main reason was that the US chose Iraq to be America’s candidate for policeman of the Persian Gulf. The Iraq’s human rights report came to announce: “the civil rights of Iraqi citizens continue to be sharply limited, and Iraqis do not have the right to change their government... [The Government] continued to violate the human rights of elements of the Kurdish population.”¹⁰ (Mallon, “Iraq’s Human Rights ...”436)

The US’ preeminence and leadership in the post-Cold War era seemed to be clearer in the Persian Gulf than any other place. There were two reasons that led the US to consider its existence in the Persian Gulf as essential. The first reason was its great dependence on the Persian Gulf oil in the coming decade; and the second reason was the proliferation of Nuclear,

Chemical and Biological weapons. So, the US should be there to preserve its access to Iraq as well as the Persian Gulf region oil and to combat any threats of WMD proliferation to its interests. The US wanted to reshape and to lead the region according to an American vision and policy. At that period, American policymakers predicted good diplomatic relations between the US and Iraq. They thought that Iraq would take new directions towards its recognition to human rights as well as its disarmament of chemical weapons.

But the American attitude towards Iraq started to be changing after the Iraqi criticism to the American naval presence in the region. On April 2, 1990, President Saddam Hussein threatened to use chemical weapons to retaliate against Israel. Saddam Hussein statements were considered by American officials as starting point to new Iraqi policy. Kelly, the American assistant Secretary of State for Near Eastern and south Asia stated that: "Iraq is an important and difficult country which poses a challenge to American foreign policy. Our policy must consider a complex number of elements involving regional security considerations, human rights concerns, and the proliferation threat." Iraq was supposed to be an important country politically through its role in the Middle East peace process, and economically through its oil and its strategic position in the Persian Gulf. (Mallon, "Iraq Is an Important ..."438.)

Another Report prepared by Kelly in June, 1990, was different from the previous ones; it emphasized Saddam's Hussein opposition to the US and the West in general. Kelly mentioned Iraq's new intentions in the Persian Gulf and the Middle East. The report showed that Iraq under Saddam Hussein gave itself the responsibility for protecting the Arab countries. Iraq believed that this would not happen unless it would be a nuclear power in order to stand against the Israeli ambitions and aggressions. Although Kelly put his emphasis on Iraq's new intentions, he did not consider the Iraq nuclear threat as imminent since the Iraq missile material was under the International Atomic Energy Agency (IAEA) control. (Mallon, "Iraq's Intentions ..." 444)

Saddam Hussein ambitions for controlling the Gulf region influenced the American Reports concerning the issue of terrorism. The US changed its attitude towards Iraq from a moderate country that had no relation with terrorism since 1982 to a state that sponsored terrorism. After Saddam Hussein threatening to Israel and his refusal to the American existence in the Middle East, the US started to consider the Iraqi threat of non-conventional weapons as a fact that it would face in the coming days. This was obvious when Kelly moved to speak about the Iraq nuclear capabilities and not just its intentions to possess those weapons. Kelly argued that Iraq could develop its nuclear and chemical capabilities with the help of other countries. The US believed that Iraq posed a dangerous threat to the American interests through its possession to nuclear weapons in which it used in its war with Iran. (Mallon, "Terrorism, Chemical weapons ..."446)

President Herbert Bush, in his address to a joint session of the congress on January 1990, mentioned changes that the world as well as the US witnessed in the post-Cold war. He spoke about new challenges that the US would face in the new era in which the world is in need for leadership and that the US is the only power that could carry this responsibility. President Herbert Bush in his address considered that the post-Cold War era witnessed a radical change in the international order which coincided with many uncertainties. When Iraq invaded Kuwait on August 2, 1990 this action created a serious challenge to the American interests in preserving western access to Gulf region oil.

In his Address before the Los Angeles World affairs Council October 29, 1990 Secretary of State John Baker addressed the new challenges and threats facing the US as well as the whole world. Proliferation of Nuclear, biological and chemical NBC weapons was put on top of those threats. ("Mallon, Saddam Hussein's warnings..."448) So; the end of the Cold War coincided with a war that the US and the world did not expect. The Iraq invasion to Kuwait sent a message to the US and the whole world that the post-Cold war would witness new challenges coming

from regional powers; not from superpowers. John Baker stated: “Saddam Hussein’s aggression shatters the vision of a better world in the aftermath of the Cold War ...Iraq’s aggression is a regional challenge ...it is especially dangerous in the Middle East.”. (Mallon, “Why America Is...”525)

Iraq was deemed to be strategic country in the Persian Gulf and Iraqi domination to Persian Gulf resources was supposed to be harmful to the international economy. The US considered Saddam Hussein regime as an obstacle for preserving Gulf oil access. (“Mallon, US Objectives in the Crisis...”493) The US felt disillusionment after the Iraq invasion to Kuwait; especially that it calculated that the Persian Gulf was an essential region for its oil control in the following decade. In 1990, the Iraq invasion to Kuwait led the US to be much more cautious about its vital interests in the region. As a result, The Gulf war played a role in directing America’s view towards new challenges to its vital interests; especially in maintaining its control on Iraq’s oil. The transformation of WMD to regional powers in the Persian Gulf became a reality that disturbed the American hegemony which would harm its interests. So the US’ new attitude towards Iraq was to consider the Iraqi regime as a serious danger to its interests in the Middle East. (Litwak)

The question of the proliferation of non-conventional weapons to regional powers was thought out to be the major threat facing the international community in the post-Cold War. Sarah J. Diehl and James Clay Moltz illustrated that the US came to consider the transformation of WMD to regional powers, such as Iraq and Iran, as a bitter fact facing its interests in the Persian Gulf; especially after the Iraq invasion to Kuwait. The war illustrated Saddam Hussein’s ambitions for having nuclear arms and standing against Israel and the American military existence in the Gulf. (Diehl 18) As a result, the United States came to divide the world between “good” and “evil”, “friends” and “enemies”; “good guys” and “evil guys”. Any country that stands against the American interests is considered as America’s foe. Here it seems that the

American interests play an important role in its distinction between “good” and “evil”. During the 1980s, the US supported Iraq against Iran. But all this changed when Iraq invaded Kuwait in 1990. (Ryan, David 56-59)

During the Clinton administration the US came to consider the threat of WMD as a major issue; and that the US should play a leadership role in countering WMD proliferation threat.

President Clinton, in his speech 27 November 1995, said:

We are all vulnerable to the organized forces of intolerance and destruction, terrorism....the spread of organized crime weapons of mass destruction...Just as surely as fascism and communism, these forces also threaten freedom and democracy, peace and prosperity and they too demand American leadership. (Bill Clinton, sur le leadership américain)

It was during the Clinton Administration where the term “rogue states” was invented and used by the US to define those countries that broke the international law. But, In fact “rogue states” are called “rogues” simply because they refuse to live under the American umbrella. (Chomsky, Rogue States) The Clinton administration followed a strategy of ‘Dual containment’ to deal with Iraq and Iran.¹¹ What the Clinton Administration did in dealing with Iraq and Iran was different from the previous administration. The Clinton administration, as opposed to the previous one, did not support one country against the other; instead it attempted to weaken the military power of both countries (Kemp 6-8).

Saving access to the Persian Gulf oil and preventing the proliferation of weapons of mass destruction were considered as vital interests to the US’ national security, especially by neo-conservatives. But identifying the American vital interests was controversial. Barbara Corny a foreign policy analyst at the Cato Institute considered that saving access to the Persian Gulf oil should not be a vital interest to US national security. Barbara suggested that regional powers,

like Iran and Iraq could not threaten US' access to Persian Gulf oil the same as what the Soviet Union did in the Cold War.

Concerning the threat of the proliferation of WMD, Barbara deemed to prove that there was no success from the international community during the Cold War to prevent proliferators from stopping their ambition and possession of the nuclear weapons. About this idea Alexander Siedschlag said: "Cold War history already in the 1970s saw the failure of a collective control of the Bomb-as primarily envisaged in the Baruch plan of 1946, as genuine trigger for the nuclear arms race". It became a hard task to prevent proliferation of WMD after the demise of the Soviet Union and the end of the Mutually Assured Destruction. (Siedschlag) Policymakers, mainly; neo-conservatives concluded that prevention of WMD is a vital interest to US national security. They emphasized on the use of military force to achieve the non-proliferation policy.

3- Les Aspin's "Preemptive" Counter-proliferation Policy Proposal

During the Cold War, the role of the 1968 Nuclear Non-proliferation Treaty was to combat the spread of nuclear, biological and chemical weapons. This treaty is considered as bargain between the countries that already had nuclear weapons and those that did not. The Soviet Union and the United States wanted to maintain controlled stability on the rest of the world. Through arms control regime, the nuclear- weapon states were asked to eliminate their nuclear, biological and chemical (NBC) weapons. Contrary to arms control, the non-proliferation policy came to put the focus on the non-nuclear weapon states. So, the non-proliferation differed from arms control to be designed to constrain the rest of the world.

Hence, for many years, there was a link between disarmament as concerned with nuclear-weapon states and non-proliferation as concerned with non-nuclear weapon states. Nuclear – weapon –states considered that the main threat was not weapons but their spread especially to the have-nots. According to them, weapons were very necessary to maintain deterrence and

security for existing nuclear weapons states. So, nuclear weapons were justified as an appropriate way for deterring anyone from using them; but dangerous when they spread to other countries. The non-nuclear weapon states rejected nuclear weapon states' claim that weapons are necessary to maintain deterrence and security. They believed that security could be maintained only if the world reached a complete elimination of those weapons which should not be just a monopoly for the nuclear-weapon states. The outcome of those negotiations between the haves and the have-nots was Article VI for three purposes of the elimination of arms race, reaching nuclear disarmament and complete disarmament.¹²

But, the 1990's witnessed the fact that nuclear weapons were the major threat facing the international community. The end of the Cold war did not put an end to the threat of WMD proliferation; instead it accelerated the transformation of these weapons to regional powers. This was considered as the major threat facing the American security as well as its interests. For that purpose secretary of defense Les Aspin, proposed a substitute to non- proliferation policy in case diplomacy and other non-military means failed to counter the proliferation of WMD. The Defense Counter-proliferation Initiative (DCI) with its call for the use of military force against proliferators was deemed to be a rupture from traditional non-proliferation (Litwak).

The American pursuit for the absolute security led it to put the international security environment under microscope. The US tried to emphasis and to exaggerate the new emerging non-state as well as state threats. It came to consider the transformation of the non-conventional weapons to regional powers or "rogue states", as well as the non-state groups as a major threat to its security and its national interests in the post-Cold War era. The Gulf war and the Iraq invasion to Kuwait in 1990, pushed the US to put Iraq among the dangerous "rogue states" which have and develop WMD. But, one may ask: which policy the US considered as vital to deal with the question of proliferation? In fact its supremacy makes it think that the appropriate way to deal

with the new threats is through the ultimate use of military force towards Iraq which is the first test for its military counter-proliferation (Chomsky, Hegemony or survival... 5).

So, after the Gulf War, the American secretary of Defense enunciated the Defense Counter-proliferation Initiative (DCI) in 1993 to deal with the new threats of WMD. Les Aspin counter-proliferation policy was a call from him and his policymakers to enhance the use of military force towards proliferators like: Iraq, Iran, and North Korea. Les Aspin observed that "the new nuclear danger we face is perhaps a handful of nuclear devices in the hands of rogue states or even terrorist groups". (qtd in Rebolledo) . Les Aspin's new policy was deemed to be a shift from the traditional non-proliferation policy which depended on diplomacy and Treaty Regime. He illustrated that the US would use military force against proliferators in case diplomacy and other non-military policies were not useful.

The Non-proliferation Treaty Regime is mainly based on international treaties like Nuclear Proliferation Treaty (NPT), or economic sanctions as what the US did with Iraq after the Gulf War. Both inspections and economic sanctions were considered as important and suited instruments for non-proliferation policy for many years. The US followed a coercive diplomacy towards Iraq through the economic sanctions, No- Fly Zone, air strikes, and the UN inspections .The US depended on deterrence in which it tried to prevent any Iraqi dominance or aggression in the region.

Compellence also was another phase of the American coercion towards Iraq in which the US tried to reverse Iraq's NBC programs through convincing it to abandon its nuclear weapons program. The limited use of force is the main component of coercion. Conversely, the "preemptive" counter- proliferation policy called for unlimited use of military force to prevent proliferators from developing or transferring WMD, "While nonproliferation is primarily a diplomatic approach, counter-proliferation has a strictly military focus". (Sokolski) Counter-proliferation expert Barry Schneider, from the United States Air Force Counter-proliferation

Center contended that the basic difference between nonproliferation and counter-proliferation is that the former features are “the velvet glove of the diplomat” whereas the latter features are “the iron fist of the military”.(Schneider, Military Responses ...)

Although many of its proponents considered that the counter-proliferation strategy is also depending on diplomacy and the other non-military means, it came to make a radical change from the traditional non-proliferation strategy. Les Aspin defined the counter- proliferation strategy as: “the full range of military preparations and activities to reduce, and protect against the threat posed by nuclear, biological, and chemical weapons and their associated military means.”¹³ What led Les Aspin to adopt the new strategy was the belief that the transformation of non-conventional weapons to regional powers was a fact illustrated by the Gulf War.

To put an end to the development of unconventional weapons to regional powers and mainly Iraq, Les Aspin proposed the DCI in 1993 to be matched with the new post-Cold War threats. The DCI came as a reaction to the new threats facing the US, “as a drive to develop new military capabilities to deal with this new threat.” Using military strategy against proliferators was considered as a shift from the previous non-proliferation strategies. According to Litwak, Les Aspin policy made a shift in which “the US would add a military dimension to fight against the spread of weapons of mass destruction.”¹⁴

The DCI was interpreted as an attempt from the US to work unilaterally through launching “preemptive” military wars against proliferators. Les Aspin considered that ‘preemption’ is not equivalent to the counter-proliferation initiative, but it is a part of it. Les Aspin came to clarify that the ‘preemptive counter-proliferation’ can be applied just in case diplomacy and other non-military strategies had failed. When President Walker Bush tried to apply the “preemptive” counter-proliferation policy, he tended to put Iraq in a situation that posed imminent threat which exclusively demanded the application of “preemption” strategy, while he chose diplomacy with Iran and North Korea. Some top Defense Department leaders

have called the 2003 war a logical conclusion to the 1991 campaign; “Arguably, the 2003 war in Iraq is rooted in the most prominent recent case where the political order did not change—the 1991 Gulf War.” (Schadlow)

Jason D. Ellis elucidated that the National Security Strategy of 2002 came as a reaction to the post-proliferated security environment in which the WMD have already reached America’s enemies. According to him, the non-proliferation, with diplomacy as its core character, was not effective in dealing with WMD. Ellis believed that counter-proliferation is the appropriate substitute for non-proliferation (Ellis). The major thing that counter-proliferation called for was the American military preponderance and readiness to face future threats. American policymakers considered that the US possibility to enter a war against the threat of proliferation is closer and it will be a real fact because of the change of the international security environment which witnesses the transformation of WMD and missiles to “radical regimes”. “Radical regimes” and their attention to have WMD were the major reason behind the enunciation of the Defense Counter-proliferation Initiative during the Clinton administration. The counter-proliferation policy embarked on the offensive and defensive in order to counter the transformation of WMD to “rogue states”. It also embarked on altering the Anti-Ballistic Missile Treaty (ABM) to be matched with the American military preeminence.

Having WMD, by those countries in which they were listed as “rogue states”, could harm the US’ role in international politics; especially in the most important international issues. Barry R. Schneider illustrated that: “the acquisition of WMD also can provide a security blanket in a risky and uncertain world, and be used as means of acquiring more status and prestige, which in turn can lead to being included in important decision-making meetings in the region and in the world arena” (Schneider, *Future War...*) According to Schneider, the DCI came to show that the US would act unilaterally and use military preemptive strategy against Iraq if the other non-military means failed to put an end to its NBC weapons and missiles. Schneider limited the

“preemptive” counter-proliferation in cases where non-proliferation did not succeed.

“Preemptive” counter-proliferation actions should be considered only in the most extreme cases, where all other options appear to be ineffective, and where the conditions favor success.

Schneider gave an importance to the appropriate conditions that could help for using military force against proliferators; “The United States should not seriously consider a disarming operation unless it encounters such a danger in the rare case where good conditions exist for military Success.” According to him, before a country engages in the “Preemptive” counter-proliferation policy, policymakers should take into consideration main conditions under which the “preemptive” counter-proliferation policy can be applied. He limited the extreme cases in which the “preemptive” counter-proliferation can be adopted to the undeterrability of the regime that have WMD, the accuracy of intelligence, especially in convincing the evidence of the possession of WMD; the imminence of the threat and the assurance of the US’ first strike capability. He also came to consider that preemptive strikes against states not at war are illegal in international law for both countries that are members or not members of the NPT. In “preemptive” counter-proliferation cases, he showed that the US should work according to “the United Nations Charter and the law of nations”. He also gave importance to the sovereignty of states that should be respected. (Schneider, *Radical Responses to Radical Regimes* ...)

The National Security Strategy (NSS) 2002 illustrated explicitly that the major aim of the US in waging its war against Iraq, was the risk that it would encounter from WMD proliferation. From this point, one may conclude that using military force against proliferators was not the president George W. Bush creation. The use of military force against the threat of Iraq’s proliferation was a major perspective in Les Aspin Defense Counter-proliferation Initiative. President Walker Bush in his NSS 2002 announced that the US would not use the “preemptive” strategy towards the other proliferators. This was obvious in his non-military strategy with North

Korea and Iran. But the main difference was that the Iraq case did not meet the criteria set by Les Aspin, and it did not demand the use of military force and intervention.

Tom Sauer showed that the main difference between the Clinton administration and George Walker Bush administration laid in the application of the “preemptive” counter-proliferation policy after the 9/11 attacks. The war against Iraq entered in the category of using military force towards proliferators. Eradicating Iraq WMD was deemed to be the explicit purpose for this war (Sauer). But did President George Walker Bush in his “preemptive” counter-proliferation policy towards Iraq take into consideration the conditions under which this strategy should be undertaken? Did the Iraq case fall in the ‘extreme cases’ set by Barry Schneider in which the other non-military options appear to be ineffective?

President George Walker Bush transformed the Iraq case into an ‘extreme case’ where all non-military measures failed to stop the Iraq nuclear threat. Jeffrey Record, a former professional staff member of the American Senate Armed Services Committee, showed that counter-proliferation policy came to face the threat of WMD through counter-force capability, and that the “preemptive” counter-proliferation should be a last resort which is limited by certain conditions . He illustrated this in the following:

The common view was that counter-proliferation activities should remain within the bounds of international law, which prohibits military strikes against states not at war except in circumstances of imminent and indisputable enemy attack.

(Record)

The 1990’s witnessed the emergence of the “new unilateralism” which was characterized by the American willingness to violate international treaties.¹⁵ The unipolar moment that characterized the post-Cold War coincided with an American unilateralism mainly in the use of force and arms control. Ikenberry illustrated that the United States, through working unilaterally in the areas of arms control and through its use of military force against proliferators, challenged

the international community and its allies. All this was culminated by the US withdrawal from Anti-Ballistic Missile Treaty in December 2002, the cornerstone of the arms control, to be followed by its use of military force against Iraq without the United Nations imprimatur. Ikenberry came to conclude that unilateralism is not an unavoidable result to the emergence of the US as a superpower.

It would be a beneficial opportunity for the US if it acted multilaterally in sensitive areas as proliferation of WMD and the arms control. By adopting multilateralism in its foreign policy and its counter-proliferation policy, the US would avoid resistance of other great powers to its unipolar hyper-power. (Ikenberry, Is American Multilateralism...?) Multilateralism is necessary in order to maintain the stability of the international order. It is also needed to counter the proliferation of Nuclear, Biological and Chemical weapons and to maintain cooperation between countries among them the weak powers, "The United States may be preeminent but it is not omnipotent. Thus, the United States and the other major states will seek bargains that allow them to achieve mutual gains" (Ikenberry, Strategic Reactions...)

4- Reasons Stand Against the "Preemptive" Counter-Proliferation Implementation

The use of "preemptive" military force against proliferators was an idea that came as reaction to the proliferation of WMD, with chemical, biological and nuclear weapons in the aftermath of the Gulf war. What made the US as not to use this strategy against Iraq before the 9/11 was again its caution about its vital interests, especially in the Persian Gulf. Another point standing behind the US confusion to use military force against Iraq, was the American public opinion with its important role in determining the American national interests. The American

public started to consider that having access to Persian Gulf oil was coincided with risks, hence engaging in war against Iraq could deplete the American economic and military energy.

What is necessary was that there were no appropriate circumstances during the Clinton administration that proved the American vulnerability in order to implement this strategy. President Clinton preferred the diplomatic attitude towards North Korea and Iraq rather than the use of military force. The use of military force as an instrument to counter the proliferation of WMD also provoked a contention among the international community. The German scholar, Harald Müller pointed out that many European governments opposed Les Aspin counter-proliferation Initiative. The German Foreign Minister Klaus Kinkel replied to Les Aspin's proposals as:

Military enforcement measures against proliferators, pursuant to Chapter VII of the UN Charter, can only be conceived of as ultimate ratio in case of a threat to international security and peace. Military measures necessitate-except in the case of defense against armed attack-always the legitimization by the UN Security Council. (qtd in Rebolledo)

When the US attacked Iraq through air strikes in order to destroy its nuclear weapons in 1998, this provoked a disagreement between the NATO allies and the UN. Hence, the major constraint to the US use of force against Iraq in order to degrade it from WMD was the opposition of the allies towards that action. For that purpose as Byman Daniel illustrated: "the US should consider reducing its reliance on multinational coalitions and focus instead on retaining the support of a core group of states." According to Byman Daniel, retaining the support of core group could enable the United States to conduct more sustained strikes against the [Iraqi] regime when necessary". This was obvious when the US made an air strike against Iraq in 1998. It intended to work unilaterally with Britain as its core ally. (Byman)

Many factors stood behind the US confusion to use force against Iraq, especially its tendency to change the Iraq regime. Since the Iraq regime became no longer trustworthy, the Clinton administration main objective was to get rid of the Iraqi regime. But many analysts warned from the miscalculation of the regime change in Iraq. They intended that it was against the American interests to support the disintegration of Iraq. The US was so hesitating in its policy towards Iraq. Geoffrey Kemp clarified this point: "Similarly there is ambiguity as to whether it is in US interests to continue to support Iraq's territorial integrity and central control by Baghdad rather than work for looser Iraqi confederation with autonomy for the Kurds and possibly the Marsh Arabs."¹⁶ (Kemp 71)

Another reason that led the US so as not to trust regime change in Iraq was that the new regime which would be an anti-western would go ahead to improve Iranian –Iraqi relations than ever before. The US believed that it would be confronted by Gulf countries if it took massive operations against Iraq regime. Instability and chaos in Iraq would open doors for Iran which was the most country that might benefit from the demise of the Iraqi regime. The US feared that a new Iraqi leadership would succeed in influencing the international community to put an end to sanctions against Iraq and this would re-establish new Iranian-Iraqi relations and create a serious threat to the US interests.

Iran remained the most important threat to the American interests through its enmity to Israel and pro-western Arab regimes, as well as its threat of WMD proliferation. Those assumptions were raised by those who criticized Clinton's Dual containment, especially its 'negative' objective of changing the Iraq regime. During the Clinton administration there were efforts for applying the military counter-proliferation against proliferators with an attempt for changing the regime. In case of Iraq, the British American attacks of 1998 were just air strikes that were not capable for undermining the regime. Changing the regime needs intervention on the ground, but this was not possible. Besides this, intervention in Iraq to change Saddam

Hussein regime would provoke more international contention and criticism to American counter-proliferation policy. (Finel)

Although the Clinton Administration took a negative attitude towards arms control and showed a tendency to use military force against proliferators, the military counter-proliferation was not applied until the coming of the next administration. Militarists and Neoconservative Republicans who called for an American absolute military preeminence, during the Clinton administration, also called for using military force against the Iraqi regime and removing Saddam Hussein from power. So, the project for using military force against proliferators and mainly Iraq had already been planned. The only job left was to wait for an appropriate condition that might make it easier for the US to apply its military counter-proliferation without an opposition from the international community or the American public.

The 9/11 made it appropriate for the US to launch a war against Iraq which supposed to be a “rogue state” that developed WMD. With such adoption to the “preemptive” Counter-proliferation policy rather than the non-proliferation policy, Bush proved that he followed a unilateral coercive strategy rather than multilateral diplomatic strategy towards Iraq. The 9/11 attacks that were considered as the second “Pearl Harbor” gave the US the opportunity to link two major threats that it faced in the post-Cold War era. The US found it appropriate to link terrorism and WMD proliferation in order to legitimize the war against Iraq.

President George Walker Bush did not make a radical change in the US national security strategy. The international system remained the same as it was established in the post- Cold War. We may say that the “preemptive” strategy that President Walker Bush embarked on was a part from the counter-proliferation that Les Aspin enunciated in 1993. What was new was the transformation of the American security strategy after the attacks of the 9/11 that showed how the US was vulnerable to new threats of terrorism.

The warnings that were raised from Conservative Republicans during the Clinton administration about the vulnerability of the US became a fact after those attacks. Neo-conservatives considered that staying Saddam in power after the Gulf war was a great danger that would face the American interests in the region. That is why they conspired to reach their goals in the Middle East, taking the trauma of the 9/11 as the major pretext for waging war Against Iraq.

ENDNOTES

¹ Robert McNamara in studying the US policy in 1968 explained that the Mutually Assured Destruction is the cornerstone of the US strategic policy in deterring deliberate nuclear

attack upon the United States or its allies. He also considered that the Assured destruction is the very essence of the whole deterrence concept. For more details see: Robert S. McNamara, *The Essence of Security* .New York: Harper and Row, 1968. 52-53.

George Kennan who proposed the containment policy considered that military forces were important diplomatic tools, but he warned against excessive reliance on armed strength. In 1949, the Soviet Union tested an atomic device and as a reaction to that, Truman initiated the National Security Council (NSC) 68. The NSC 68 argued that the historic and traditional role of the US was to provide world leadership and to forestall wars, not to start them. Some initiatives to counter the communist danger were full and active membership in UN Marshall Plan, the Greek-Turkish aid program, and NATO. Read Steven L. Rearden; "Paul H. Nitze and NSC 68: "Militarizing" the Cold War". *The Policy Makers Shaping American Foreign Policy from 1947 to the Present* .Ed Anna Kasten Nelson. New York. Rowman and Little field Publishers. 2009.5-27.

² Read more about the new world order, by consulting George Herbert Bush Quotes "Toward New World Order". Liberty-Tree.ca. 11 Sept 1990. 12 December 2008. <http://quotes.liberty-tree.ca/quote/george_bush_quote_2cc0>.

³ We may say that after the Cold war the United States changed its direction to the Middle East or became much more cautious about its interests in the Middle East. The US considered Iran as the major power in the Persian Gulf and a major threat to its interests in the region; especially after the Iranian revolution which marked the end of the pro-western regime. During the Iran- Iraq war the US had supported Iraq against Iran and regarded Iraq as a strongest ally for the US interests in the region. But when the American ally transformed its ambition to invade Kuwait, this led the US to re-think its calculation concerning the threat that encountered its interests in the region from both ambitious countries. It considered Iraq regime as a dictatorship regime and attacked Iraq to withdraw from Kuwait. For further details about the American-Iraqi relations before the Iraq invasion to Kuwait see: Geoffrey Kemp. *Forever Enemies? American Foreign policy and the Islamic Republic of Iran*. Washington D.C: A Carnegie Endowment , 1994.

⁴ There was a disagreement about the American vital interests among policymakers; especially the safe access to the Persian Gulf oil and the prevention of nuclear, chemical and biological weapons. See Barbara Conry, "America's Misguided Policy of Dual Containment." 10 November 1994. 9 September 2008. [Cato Foreign Policy Briefing](http://www.cato.org/pubs/fpbriefts/fpb-033.html). <<http://www.cato.org/pubs/fpbriefts/fpb-033.html>>.

⁵ The Mutual Assured Destruction was a strategy that characterized the American and the Soviet relations during the Cold War. Since it is mutual then both actors must be rational. They must recognize that the opposing state has the capability and intent to use nuclear weapons against them. Under this condition neither side can escape retaliation and destruction should it go first. For further details on the topic read Glenn Hastedt. *Encyclopedia of American Foreign Policy*. New York: Facts On File, Inc., 2004.

⁶ For more details try to read more about the American use of force in four cases (Panama, Somalia, Haiti, and Bosnia) illustrated by Karin von Hippel . *Democracy by Force: US Military Intervention in the Post-Cold War World*. New York: Cambridge University Press , 2004.

⁷ For more details on how the US considered that its values and principles as universal ones and how the US wanted to define democracy according to the American standard, consult

John Edwards, 'After the Fall', *Discourse and Society*, 15/2–3 (2004): 157. You may also read about the topic by consulting Trevorb McCrisken, "George W. Bush, American exceptionalism and the Iraq War". *America and Iraq: Policy-making, intervention, and Regional Politics*. David Ryan and Patrick Kiely Eds. New York: Taylor and Francis Group. 2009. 181.

⁸ For further details on the American national security strategy in the 21st century and its ambiguity, try to consult David Jablonsky, "The State of the National Security State," in David Jablonsky, Ronald Steel, Lawrence Korb, Morton H. Halperin, and Robert Ellsworth, *US National Security: Beyond the Cold War*. 26 July 1997. 13 January 2009. Strategic Studies Institute: US Army War College. <<http://www.dtic.mil/cgibin/GetTRDoc?AD=ADA331409&Location=U2&doc=GetTRDoc.pdf>>.

⁹ For more information on the US oil dependency on the Persian Gulf, see the statement by the Assistant Secretary for Near East Kelly by consulting : Gabrielle S. Mallon, "US Oil Dependency and the Persian Gulf." Sherrill Brown Wells, ed. *American Foreign Policy Documents 1990*. Washington, D.C: Department of State, 1991. 431-433.

¹⁰ Read more about the Report of the Department of State: Gabrielle S. Mallon "Iraq's Human Rights Record Remained Abysmal in 1989", Sherrill Brown Wells. Ed. *American Foreign Policy Current Documents 1990*. Washington, D.C: Department of State. 436.

¹¹ For further details on the president Clinton Dual Containment, see Geoffrey Kemp. *Forever Enemies? American Foreign policy and the Islamic Republic of Iran*. Washington D.C: A Carnegie Endowment , 1994 6-7.

¹² For more details, see Arms Control Association, "Nuclear Non-proliferation Treaty" 12 February 2009. <<http://www.armscontrol.org/documents/npt>>.

¹³ For more details, see Presidential Decision Directive PDD/NSC. "Counter-proliferation Initiative." 18 December 1993. 12 February 2008. <<http://fas.org/irp/offdocs/pdd18.htm>>.

¹⁴ See "Policy Shift : The Defense Counter-Proliferation Initiative" . 14 January 2009 <<http://www.au.af.mil/au/awc/awcgate/mcnair41/41pol.htm>>.

¹⁵ According to Ikenberry the American foreign policy witnessed a kind of unilateralism in the past, where the United States tried to bypass international treaties and violate international law. For more details see G. John Ikenberry, "Is American Multilateralism in Decline?" September 2003. 18 March 2008. <<http://www.princeton.edu/~gji3/Decline.pdf>>.

¹⁶ Read more on the American policymakers' dilemma for using military force to change the Iraq regime during the Clinton Administration, see Geoffrey Kemp. *Forever Enemies? American Foreign policy and the Islamic Republic of Iran*. Washington D.C: A Carnegie Endowment , 1994. 71.

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CHAPTER II

VULCANS' EMPHASIS ON IMPLEMENTING THE "PREEMPTIVE" COUNTER-PROLIFERATION

After Iraqi invasion to Kuwait in 1990 and the end of the Gulf War, Iraq was supposed to be a dangerous enemy that could harm the United States interests in the Gulf region. The 1990's witnessed the emergence of neo-conservative organizations that put the focus on the US military supremacy and the use of military force as an appropriate tool for achieving the American goals in foreign policy.¹ These neo-conservative organizations were marked by its radical ideas, especially in the non-proliferation. Its authors rejected the Non-proliferation Treaty Regime with its diplomatic and non-military measures. The neo-conservatives supported a "preemptive" counter-proliferation policy which, according to them, should be based mainly on attacking proliferators and changing regimes of "rogue states". Neo-conservatives played an important role in implementing the "preemptive" counter-proliferation policy in which the use of military force is its core dimension. Neo-conservatives tried to reach the American military supremacy and preeminence through moving away from the traditional non-proliferation policy.

Neo-conservatives struggled to make their principles be adopted by the American foreign policy through making them universal ones. During the Clinton administration, they tried to convince the administration that the US should give priority to develop its military as well as its missile defense system. They even criticized President Bill Clinton policy and mainly the American non-proliferation policy towards Iraq. They believed that deterrence and containment were inappropriate tools to fight against the new threats that differed from those of the Cold-War. They even focused on the Middle East and considered it as an appropriate region for the American vital interests. Neo-conservatives were also against remaining Saddam Hussein in

power along with his attempts to develop nuclear weapons, considering this as the main threat to face the American interests.

The 9/11 attacks created an important occasion for neo-conservatives to implement their policies of using force against Iraq and changing Saddam Hussein regime. The attacks created an excellent moment for neo-conservatives to change radically the American non-proliferation policy. The 9/11 attacks helped for gaining the American public and international support for implementing the “preemptive” counter-proliferation policy because they proved the American vulnerability to non-conventional weapons attacks.

II.1- Neo-conservatives’ Radical Doctrine and the Call for Military Preeminence

Think tanks like the Project for the New American Century (PNAC), which was formed in 1997 by the neo-conservatives and representatives of the military-industrial complex, tried to influence the Clinton Administration to develop the American military defense.² During the Clinton administration, the PNAC architects warned about the vulnerability of the United States to attacks from ‘rogue states’. They emphasized that: “The current American peace will be short-lived if the United States becomes vulnerable to rogue powers with small, inexpensive arsenals of ballistic missiles and nuclear warheads or other weapons of mass destruction”.³ The (PNAC) authors played an essential role in changing the American non-proliferation policy in the post-Cold War.

If Clinton Administration was characterized by its multilateral perspective in foreign policy; President Walker Bush doctrine was characterized by its realpolitik which was a main perspective to the PNAC.⁴ The PNAC authors believed that the US must strive for its own interests through the development of military, the enhancement of defense and the implementation of the “preemptive” counter-proliferation policy. According to them, if

necessary, the US must embark on an ultimate development of its military to be matched with its world leadership. (Dalby 39-40)

The PNAC report which is called “Rebuilding America’s Defenses Strategy, Forces and Resources for a New Century” demonstrated that the American military improvement is a necessary condition for the continuation of the unipolar moment and the prevention of the emergence of any peer rivals to the US. The report focused on the age of unipolarity in which the US faced no global rival. It is an explicit call to preserve the American unipolarity and supremacy. (The Project for the New...) Neo-conservatives considered that “the unipolar moment may pass and America face rivals for its hegemony if military readiness slips further”. (Dalby 40)

The pursuit for an absolute security and the role of military in the American national security strategy were important components for the PNAC, in which the military force is a priority for self-defense. The report showed that the best way through which the US could preserve its preeminence and supremacy is via the enhancement of strong military and defense. The report stated the following:

As the 20th century draws to a close, the United States stands as the world preeminent power. Having led the west to victory in the Cold War, America faces an opportunity and a challenge...what we require is a military that is strong and ready to meet both present and future challenges. (The Project for the New...).

Neoconservatives, among them the PNAC founders, considered military supremacy as a priority which serves the interests of preserving the long-established hegemony. They were so revolutionary in the sense that they wanted to change the US’ global strategy as “to bring its long-held hegemony”. They wanted to illustrate that America’s acting unilaterally was an inevitable reaction to the age of unipolarity in which the US is the leader of the world. For them,

the success of American military technology in the 1990's could make it easy for the United States to intervene wherever and whenever it want without any difficulties; taking its success in the Gulf war as the best exemplar.⁵ Charles Krauthammer, the Right-wing columnist stated:

The United States should not hesitate to use military power to get whatever it wanted. The Europeans and Japanese should be treated with contempt and compelled to recognize that they had to approach the United States as supplicants. While it might be politically advisable for US leaders to pay lip service to multilateralism, that policy was, in reality dead. The time had come for the United States to exercise its power unilaterally, unashamedly laying down the rules of world order and being prepared to enforce them (Krauthammer 33).

Neoconservatives are characterized by their adoption to moral democratic realism theory which believes on the centrality of power.⁶ Robert G. Kaufman one of the realists who emphasized that the use of force is necessary to deal with threats, "the potential for war will always exist in a world of sovereign states, each of which claims the right to take justice into its own hands and to be the sole arbiter in the decision to fight or not to fight" (Kaufman 87). According to this theory Kant's notion of perpetual peace is a dangerous 'illusion'. It also diminishes Woodrow Wilson belief of the maintenance of peace through the international organizations; such as the UN. Neo-conservatives took the proliferation of WMD as a justification for their rejection to the "democratic peace theory" that Kant enunciated when he illustrated that democratic countries will not fight each other. They follow the theory of Thomas Hobbes which illustrated that the world should be maintained against anarchy and chaos through using force. Subsequently, neo-conservatives believe that; "arms control is a dangerous illusion in a world where peace is a pause for rearming between wars."⁷ (Gallagher)

Robert G. Kaufman put power in the center of international relations and politics. Power is the pivotal, inescapable dimension of international politics. He also expressed his rejection to the international institutions, which considered as obstacle in front of exercising power. According to Kaufman, the US should enhance liberal democracy that should be based on 'higher realism' rather than ideals. He did not support humanitarian interventions that he considered as an obstacle in front of the American vital interests. On the other hand Kaufman supported the use of military force against proliferators like the Israeli preventive strike against the Iraqi nuclear reactor "Osiraq." (Kaufman 32-8)

Neo-conservatives struggled to build a new world order in which force is the only determining factor. For them, military power is indispensable to a strong foreign policy in which they secure America's control of the oil of the Persian Gulf and maintaining its dominant position by guaranteeing the security of the pro-American Arab states. They struggled to preserve the American supremacy in the world. For neo-conservatives, those who accepted to live under the American umbrella were considered as friends and those who resisted the American hegemony were considered as "rogues" and "outlaws". Preserving the security of US and its allies was considered by them as an important task for America's grand strategy. (Norton179).

Paul Wolfowitz one of the PNAC major founders showed that the Middle East is a strategic region for the American vital interest, especially preserving Israel secure existence in the region. Stefan Halper and Jonathan Clarke stated that; "Neo-conservatism attracts adherents from a wide variety of religious backgrounds and commitment to Israel's security has been a core principle of all American administrations ever since Harry Truman's recognition of Israel in 1949".⁸ They even linked their security to the security of Israel. Some neo-conservatives claimed that the hostility to them is simply hostility toward Israel. Wolfowitz also spoke about the US

unsuccessful attempts to intervene in the Middle east, emphasizing that the US is in need for new policies and approaches to enhance its existence in the region. (Halper, Clarke 58)

In waging war against Iraq, they deemed to justify it for the sake of moral purpose in order to transform tyranny to democracy. But why neo-conservatives gave themselves the right to spread democracy along the world, and to divide the world between two powers of “evil” and “good”? Neo-conservatives attempt to divide the world between “evil” and “good” was a misleading policy; “that the neo-conservative claim of having uniquely placed the ambitions around the world into categories of good and evil is thus, without foundation.” (Halper, Clarke 23). What neo-conservatives claimed in dominating the world by force was illegitimate and so risky, “indeed, by making special claims about their own moral virtue, the neo-conservatives tread on dangerous ground?”(23). consequently, neoconservatives considered force as an end in itself to face threats directed to the US. But choosing military force as an appropriate tool instead of the other non-military means would be a devastating engagement. War cannot settle political problems, what can maintain an immense power is the use of non-military instruments of foreign policy as diplomatic and allied cooperation. (Halper, Clarke 28)

The Clinton administration followed a strategy of containment towards Iraq and considered it as an appropriate policy to deal with the Iraq’s proliferation of WMD.⁹ The containment policy sought to keep Baghdad weak. It included sanctions, diplomatic isolationism which had discredited Saddam Hussein at home and prevented him from exercising non-military influence on his neighbors. President Clinton containment policy towards Iraq also included United Nations (UN) inspections, in addition to the no fly zone and a large presence of American forces in the Gulf. (Byman 39-64) It was announced that the containment policy was a successful policy in countering Iraq’s threats. In August 2000, Department of Defense Spokesperson Kenneth Bacon proclaimed that Saddam Hussein was “no longer a threat to his

neighbors and was not seen as a threat to his neighbors. That's largely because of the containment that we have carried out.”¹⁰

President Clinton's containment policy was harshly criticized by neo-conservatives. They considered it as a failed policy because of its ineffectiveness to face the serious threat from Iraq WMD. For neo-conservatives, staying Saddam Hussein in power would create a dangerous threat in which he will get the opportunity to make Iraq a nuclear power. Neo-conservatives like William Kristol, Wolfowitz and Robert Kagan criticized President Clinton's multilateralism. The containment policy which was considered as a successful strategy of the Cold War was met by rejection from neo-conservatives who stressed that the international security was characterized by the emergence of new threats, and called for an explicit policy of regime change.

Due to neo-conservatives criticism, the Clinton administration announced the “containment-plus” policy which came to include a policy of regime change in Iraq through supporting the Iraqi Opposition mainly the Iraqi National Congress (INC). This was culminated in signing the Iraq Liberation Act 1998. The Clinton administration considered that Iraq regime change should be within Iraq through supporting the Iraqi Opposition (Shapiro 23). Assistant Secretary of State Edward Walker insisted that the US must assist the Iraqi Opposition which would have the role to determine the future of Iraq; “but we will not, indeed should not, be the ones to decide who will be the next leader of Iraq”, he stated.¹¹ The policy of regime change did not come into birth because of many reasons among them the US involvement in the Kosovo war and President Clinton compliance with the Israeli-Arab maintaining peace which made it impossible for him to use military force to change the Iraqi regime.(Ritchie 19-31)

2-Neo-conservatives Insistence on “Preemptive” Counter-proliferation towards Iraq

The history of the US in countering proliferation of WMD showed how the US followed a double standard policy in dealing with proliferation of WMD. This double standard seemed

clear when the US used two different ways: one was to deter strategic threats through superior nuclear arms and the second was to cement the world recognition that general use of these weapons in war would be disastrous for civilization as a whole. The first American official plan which focused on disarmament was presented by US Representative to UN 1945-6, and named in honor of Bernard Baruch, a trusted adviser of President Harry Truman. The plan focused that processing technologies should be secured under international authority and mainly under the International Atomic Energy Agency. The UN supported international controls in 1948. But during the Eisenhower presidency, the US veered away from the Bernard Baruch to support nuclear superiority. (Coletta 271)

The two pillars for containing the nuclear horror are the doctrines of strategic deterrence and the Non-proliferation regime. The doctrines of strategic deterrence prevented the use of nuclear weapons among those who had them. Nuclear states showed good faith efforts for the reduction of their nuclear complexes which meant that nuclear states should not transfer nuclear weapons and technology to aspiring states. Non-proliferation regime which centered on the NPT outlawed the spread of nuclear weapons to others, and non-nuclear states at the same time pledged to cooperate with the International Atomic Energy Agency (IAEA).

The Non-proliferation policy came into existence in 1970 as centerpiece of the global non-proliferation regime. The NPT regime also includes number of treaties that restrict nuclear testing like the partial Test Ban Treaty (1963) which outlawed atmospheric space and under water nuclear testing. The elusive goal of total ban on nuclear testing was seemingly realized in 1996 with the endorsement by UN general Assembly of Comprehensive Test Treaty. (Coletta 277-8)

Neoconservatives were skeptical about the non-proliferation strategy and the Nuclear Non-proliferation Treaty (NPT) in dealing with the threat of WMD proliferation, and prudent

about the vulnerability of countries to nuclear attacks.¹² They were against the mutual assured destruction that characterized the US and the Soviet Union relations during the Cold War.¹³ The Bush administration along with neoconservatives believed that the NPT failed to stop the threat of proliferation to regional powers among them “rogue states”. Hence, it came to think out that preventive war or the application of military counter-proliferation was an appropriate way to deal with the threat of WMD.

The Bush administration was characterized by its departure from the traditional non-proliferation policy. The September 11 was an appropriate occasion for neoconservatives to show that the time is suitable to apply their “radical anti-proliferation strategy” which was different from the past. It was a radical change from ‘Treaty regime’ that characterized the non-proliferation policy for many years. Joseph Cirincione director of the Nonproliferation Project at the Carnegie Endowment for International Peace came to consider that what revolutionaries wanted to bring in the non-proliferation policy was a “fatal change”. So, this change from traditional non-proliferation policy would accelerate the wave of proliferation more than before. Cirincione showed his opposition to revolutionaries and their new policy and he supported the treaty regime. (Cirincione)

President Walker Bush and neoconservatives, who stood behind the change in the American traditional non-proliferation policy, showed that the rationale behind the new course in the non-proliferation policy was the threat of WMD proliferation and their transformation to terrorists. They tried to take the attacks of September 11 as the main proof that illustrates the vulnerability of the US; hence they gave themselves the right to link the threat of proliferation to the threat of terrorism. They believed that the non-proliferation treaties were not effective to combat the threat of WMD. John Bolton, US Under Secretary for Arms Control and International Security rejected multilateral system like Test Ban Treaty and the NPT.

So, the “preemptive” counter-proliferation policy was supposed to be a current answer to the shortfalls of arms control. James Traub, in the New York Times Magazine, wrote:

Of course, treaties and norms [do not] restrain the outlaws. The prohibition on territorial aggression enshrined in the UN Charter [did not] faze Saddam Hussein when he decided to forcibly annex Kuwait ... When it comes to military force, the United States can, and will, act alone.”(qtd in Chomsky, “What We Say...”¹)

American Realists also believed in the ineffectiveness of the international treaties to counter the threat of proliferation, Kenneth Waltz, an exponent of structural realism cautioned that enhancing the WMD non-proliferation regime through international institutions and mainly the UN would be a counter-productive because “non-proliferation is a matter of bargaining over security interests, and this bargaining can never be based on a collective security system or any universal concept”(qtd in Siedschlag). For neo-conservatives, Non-proliferation policy was unneeded strategy that took much time and resources. So, for them; the US needed a serious and strong policy to reduce the threat, and this would be possible only through the use of military force.

Neo-conservatives considered that the preventive war against Iraq even it was waged unilaterally was “a valid and necessary response”. Therefore, the counter-proliferation with its use of military force and its emphasis on the development of missile defense “has captured the lion’s share of the Bush administration’s attention and funding.” Neo-conservatives who tried previously to influence the Clinton administration to initiate severe measures against Iraq and emphasized on a preeminent strong America, especially militarily, came into power during the Bush administration and supported the “preemptive” doctrine and the US’ acting unilaterally without the constraints of the international treaties. (Halper, Clarke 13)

The change that the US witnessed in its foreign policy in the aftermath of the September 11 attacks was not a creation of President Walker Bush; instead it was due to the neoconservative doctrine influence on President W. Bush presidency. It was often committed that President Bush was “the callow instrument of neoconservative ideologues.” All neo-conservatives’ calls came into practice during the Bush presidency. Neoconservatives who took power into the Bush administration were the main responsible for America’s waging war against Iraq. Fukuyama one of the ex-neoconservatives considered that: “[They]...are largely responsible for getting us into the war against Iraq.” (Fukuyama 12).

Both Ivo H. Daalder and James M. Lindsay regarded that neoconservatives were not the only revolutionaries in US foreign policy. Nationalists like Dick Cheney and Defense secretary Donald Rumsfeld also influenced the American President in implementing his new foreign policy to deal with proliferators and non-state terrorists. Although there were points in which neoconservatives and nationalists differ, especially concerning the spread of the American values abroad; they share common themes such as “overthrowing the Cold- War approach to foreign policy”, mainly international treaties and organizations (16)

From its establishment in 1997, the Project for the New American Century showed its opposition to Iraq regime. Paul Wolfowitz one of its major founders was among the first who declared the link between Saddam Hussein and Bin Laden. It was the first association that supported the Iraqi regime change and proposed the Iraqi Liberation Act in 1998. Paul Wolfowitz called for supporting the Iraqi opposition without the military intervention which considered as a dangerous step in the Clinton Administration. Though, the post-9/11 war on terrorism put Wolfowitz and other neo-conservatives back in the driver’s seat of US foreign policy. After the attacks of the 9/11, the PNAC authors insisted on attacking the Iraq regime more than attacking Al-Qaida. Sheldon Rampton and John Stauber state the following; “Nine days after the September 11 attacks, PNAC sent an open letter to President Bush, calling not only

for the destruction of Osama bin Laden's Al Qaeda network, but also to extend the war to Iraq" .(49)

The majority of the members of the Committee for the Liberation of Iraq that started working with the American congress in November 2002 were from PNAC. They worked with the American Enterprise Institute (AEI) in order to replace Saddam Hussein regime. (Rampton 53) .After the 9/11 attacks they came to consider the threat of Iraq's supposed WMD as an imminent threat. Paul Wolfowitz deemed to show that the only way to free the region from the threat of WMD was to change the Iraqi regime.

Fukuyama mentioned that the idea of regime change had already existed and proposed by neoconservatives among them Deputy Secretary of Defense Paul Wolfowitz, who called for regime change of tyrannical regimes into democratic ones during the previous administration. Deterrence, for neo-conservatives, was ineffective to counter threats in the "second nuclear age" in which nuclear weapons had already reached proliferators.¹⁴ They put the focus on the undeterrability of "rogue states", and the irrationality of the Iraqi regime. Neo-conservatives came to exaggerate the threat which was posed by non-state groups and considered it as undeterrable because it was unknown and uncertain.

The American intelligence assessments showed that the real enemy which the United States would face in the post-Cold war would be unknown and uncertain. Fukuyama illustrated that the US may use military force just in one case where it can identify the real foe which may be responsible for the attacks that threaten its security. But how can the US identify its enemies at the same time when the American intelligence convinced the uncertainty of the American adversary in an uncertain era? (Fukuyama 90)

On [May 29, 1998 the PNAC called on Republican Congressional Leaders to assert US interests in Persian Gulf](#). It published a letter addressed to Congressman Newt Gingrich and

Senator Trent Lott. The letter argued that the Clinton administration capitulated to Saddam Hussein and called on the two legislators to lead Congress to “establish and maintain a strong US military presence in the region, and be prepared to use that force to protect [US] vital interests in the Gulf—and, if necessary, to help removed Saddam from power.”(qtd in Ritchie 50-51). The letter also argued that , “[T]he only way to protect the United States and its allies from the threat of weapons of mass destruction was to put in place policies that would lead to the removal of Saddam and his regime from power.

Albert Wohlstetter was one of the neoconservatives who supported the American military superpower. Kristol and Kagan also were among the neoconservatives who believed in the supremacy of the American military power, and supported the idea of regime change in Iraq during the Gulf war. Paul Wolfowitz deemed to show that the only way to free the region from the threat of WMD is to change the Iraqi regime. He emphasized on attacking Iraq rather than Afghanistan, “attacking Afghanistan would be uncertain... Iraq was brittle oppressive regime that might break easily”. (qtd in Sniegowski 139).

Podhoretz, Kirkpatrick, Perle, Kristol, and Charles Krauthammer stressed on removing Saddam Hussein from power. Through sending a letter to the White House, they warned the president that any hesitation to attack Iraq “will constitute an early and perhaps decisive surrender in the war on international terrorism” (139) .They believed that the adoption of their war plans would lead the US to success in its war against terrorism. So, the US’ new approach of counter-proliferation moved from eliminating threats of proliferation to eliminating regimes that develop or have WMD.

Neo-conservatives also considered that the major threat that might encounter the US security and interests was the threat of proliferation and possession of NBC weapons mainly to the ‘axis of evil’: North Korea, Iran and Iraq. Those regimes were argued to pose a serious threat

to US national security interests. Iraq was the first test in order to apply their ambitions for disarming Iran and Syria. The neo-conservative Laurent Murawiec proposed ‘ a grand strategy to the Middle East’ which focused on Iraq : “ the United States needs to go to war with Iraq because it needs to go to war with someone in the region and Iraq makes the most sense...Iraq is the tactical pivot” (qtd in Buchanan 142) . Neo-conservatives requested to change certain regimes in the Middle East, Ledeen in his book: *The war Against the Terror Masters*, showed his intention for regime change in the Middle East: “We do not want stability in Iran, Iraq, Syria, Lebanon, and even Saudi Arabia; we want things to change. The real issue is not whether, but how to destabilize... [We] must destroy them to advance our historic mission.”(qtd in Sniegowski 140.)

Changing the Iraq regime also deemed to be a strategic objective to preserve Israel security in order to spread its hegemony all over the Middle East.¹⁵ The main neo-conservative draftsman of this strategy was Richard Perle who supported Israel interests in the region. Michael Lind wrote that “the chief concern of many such “neoconservatives” is the power and reputation of Israel.” (144). Wurmser who was a resident scholar at AEI urged the US and Israel to launch strikes against ‘radical regimes’ in the Middle East, and Iraq should be the first test.

Proponents of the war against Iraq were mainly supporting the Iraq regime change, because they considered Saddam Hussein as a main threat to the existence of Israel which is the main American ally in the region. This enmity was increased when Saddam threatened to use nuclear weapons against Israel and not Iran.¹⁶ Most of the neo-conservatives who stood as defenders of American and Israeli interests in the Middle East came to power during the walker Bush presidency and started to shape the American foreign policy with their vision.

So, the key themes of the American supremacy to maintain overwhelming military superiority over potential threats from even emerging were all outlined in the period following

the war with Iraq in 1991. (Dalby 34) The National Security Strategy 2002 did not bring a radical change; it rather echoed the views and the interests of neoconservatives in the previous administration. The limited experience of the president Walker Bush in international affairs led neo-conservatives to dominate the American foreign policy decisions.¹⁷ (Halper, Clarke 131) What was really new in the Walker Bush presidency was the implementation of the military counter-proliferation against proliferators as a reaction to the change of the international security environment after the 9/11 attacks, in addition to altering the Iraq situation into an imminent threat that demands military intervention. So, there was a continuation in the American principles; concerning the use of military force against proliferators' regimes.

Neo-conservatives drew the lines of the American interests and values of the Global War on Terrorism and the counter-proliferation policy. Those neoconservatives wanted to see the United States shaping the world according to its values and principles. So, it is not surprising that one of the major neoconservative organizations is labeled 'the Project for the New American Century', since they wanted to create a 'new world' with an American vision. Consequently, as a reaction to the attacks of the 9/11, the United States responded with the proposed neo-conservative policies. Among those policies was that the United States announced a "preemptive" counter-proliferation policy which was obvious in its invasion to an independent country along with the implementation of regime change.

3- "Preemptive" Counter-proliferation and the Focus on "the Bad Guys"

Contrary to Nuclear Non-proliferation Treaty which put the focus on the nuclear-weapon states as well as the non-nuclear weapon states in countering the spread of WMD, the preemptive counter-proliferation policy focused on "bad guys" and "rogue states". President Bush Administration believed that the major threat came not from all countries that have nuclear capabilities, but from those it considered as "rogue states". Bush administration considered that

Iraq's violation of arms control was an opportunity for waging military war. Saddam Hussein, for President Bush and his partners, did not give a strong proof for his country disarmament. So, the main negative side of the counter-proliferation policy appears, as Rebecca Johnson shows, "in its main goal which portrays weapons as security problems only if sought or acquired by terrorists as "the wrong states".

Michael A. Levi and Michael E. O'Hanlon showed that the non-proliferation strategy should not be focused just on "bad guys", but also on great powers among them the American allies. In recent years, the focus was just on "rogue states" who openly suspected of advanced attempts to acquire nuclear weapons—Iran, Iraq, and North Korea—simply because they are viewed as "evil countries". (11) Focusing on "rogue states" as the only responsible for the proliferation of WMD was not right. Both the American passivity to counter the threat of proliferation especially towards its allies and the weakness of the NPT, which was marginalized by great powers particularly that some proliferators were not signed members of the Treaty, were in some part responsible for the WMD proliferation.

Non-nuclear countries criticized the NPT on how this treaty gave the right to great powers to have nuclear capabilities; however they deny this fact to non-nuclear countries especially that they saw on it a way to secure themselves from the nuclear threat. For them the Treaty was characterized by the monopoly of great powers. They later have denied the non-nuclear countries the right to develop their nuclear program. The US and its allies used the NPT review mechanism for bargaining and national interests' purposes. (Siedschlag).

The NPT was criticized for many things; first it was considered to be just applied to states but not to non-state groups; "in the 21st century, non-state actors like Al-Qaida now pose even a graver proliferation threat than outlier states like North Korea or Iran, Yet the NPT applies only to states." (Traub) The Treaty also cannot be applied to non-signatories like India, Pakistan and

Israel.¹⁸ The existing nuclear weapons states which covered by this Treaty are also showing negative attitudes towards it. All this criticism that was directed to the effectiveness of the NPT to prevent proliferation in the Post- Cold war era showed that there was a gap between theory and practice in the NPT.

The US in its non-proliferation policy focused just on “rogue states”, however it turned to take inactive reaction towards India, Pakistan and Israel. So, as a reaction to the Indo-US Nuclear Deal in which the US gave assistance to India in the nuclear studies, china condemned the exception of India and considered the attempt as the one that would bring negative impacts; especially on the “Iranian and Korean issues” .So, the Indo-US Nuclear Deal was a violation of the Nuclear Non-proliferation Treaty laws which existed between nuclear power and another. This harmed the multilateral efforts to reduce and to eliminate weapons of mass destruction.

The American policymakers should ask themselves whether the American nuclear cooperation with India, through the Indo-US Nuclear Deal, would contribute to the prevention of the proliferation of the nuclear weapons, or instead it accelerated this threat? As a reaction to that, the president Bill Clinton posed sanctions against India’s nuclear tests in 1998. But when President Walker Bush came to presidency, he repealed these sanctions simply because India was considered as an ally to the US in its war against terrorism. (Etzioni 234-5)

So, it will be a failed attempt to stop the proliferation of nuclear weapons at the time when the US the powerful country demanded a restrictive compliance from “rogues”, and took a flexible reaction to its friends that save its interests and who accepted to act under the American umbrella. Pervaiz Iqba Cheema , the President of the Institute for Policy Research Islamabad illustrated that: “successful efforts to stop and reverse proliferation face many odds when the world's most powerful country does not think highly of treaties and verification.” He also showed that the US through the use of its military power cannot maintain security; “military

power cannot convince others to adhere to the norms or obligations that Washington itself refuses to accept.” (Cheema)

The NPT was also ratified in a period of bipolarity; before the emergence of the US as a single dominant military power. This treaty cannot be matched with the new era in which the US is the dominant power. When the world became characterized by the American military dominance and nuclear superiority, the non-nuclear international treaties became a burden to this military hyper-power. The US controlled the international institutions and treaties to be matched with its interests. So, the great powers tended to show that the NPT is not of a great concern. The substitute for the international non-nuclear treaties and nonproliferation regime was through the American adoption to “the counter-proliferation policy along with the “good guys” and “bad guys” approach. The American adoption to the military counter-proliferation policy; “ [was] eroding the very rationale of NPT restraint regime and making the world more dangerous place than what was the situation during the Cold War days”.(Cheema)

The US also was in some part responsible for the proliferation of WMD to regional powers. During the Cold War and mainly under Carter Administration, the US increased its transfer of civilian nuclear technology to third world countries.¹⁹ During President Reagan Administration, the US adopted a passive attitude towards the Pakistani nuclear program despite the fact that Pakistan was engaged in nuclear weapons development. The US turned a blind eye towards Israel, Pakistan and India nuclear programs. However it put Iraq, Iran and North Korea among its extreme enemies whose regimes are “radical ones”; simply because their regimes are against the American foreign policy. In this point Rebecca Johnson shows that:

US allies in the “war on terror”, which include the three states that have pursued nuclear weapons outside the NPT, have been given a relatively easy ride,

notwithstanding Israel's violation of Security Council resolutions, India's provocative nuclear tests and role in driving a regional arms race, and Pakistan's record on terrorism and Dr Khan's nuclear black market (74)

So, the US played a role in the world's proliferation of WMD, since it was skeptical in taking serious measures concerning the issue of non-proliferation policy. In September 1998, the US refused to ratify the Comprehensive Test Ban Treaty. During the Walker Bush presidency, the ABM Treaty of 1972 witnessed the withdrawal of the US which was an already prepared step for declaring the American so called "preemptive" strategy. (Ritchie 153) After the 9/11 attacks, neoconservatives moved forwards to harm the usefulness of the NPT and to violate its diplomatic measures which are its cornerstone. The Bush administration along with the neo-conservatives considered that the evil came from countries that have WMD, and not from weapons themselves. They considered that weapons are necessary to maintain deterrence and security. (Bennett). The American counter-proliferation policy was so illusive, it encouraged the American allies to have nuclear weapons; conversely it declared a war against Iraq which suffered from the American-British sanctions for a decade.

Neo-conservatives among them the PNAC contributors showed another contradiction in the American counter-proliferation through focusing on the maintenance of the American nuclear power. However, they denied the other countries the right to develop or have nuclear capabilities even for peaceful purposes Deputy Secretary of Defense Paul Wolfowitz, a major architect of Middle Eastern policy, put it this way: "Our only hope ... of achieving the peaceful disarmament of Iraqi weapons of mass destruction is by having a credible threat of force behind our diplomacy."²⁰ The war against Iraq was considered as a great war against proliferation. But instead of deterring certain countries that aspired to have nuclear weapons, it encouraged them to move in developing their nuclear capabilities to stand against the American threat and to secure themselves from possible American attacks.

What is vital to have a serious non-proliferation policy, is to move away from what neo-conservatives called for and to put the focus on the other proliferators like Israel, India and Pakistan so as to have an 'agreed nuclear world', and to move towards multilateralism to have a world safe from the monopoly of nuclear powers. Among Wilson fourteen points for lasting peace, was his call to nations to reduce their military forces armaments. But all this was marginalized by President G. W. Bush and neo-conservatives. Stefan Halper and Jonathan Clarke, showed how the neo-conservatives took American international relations on "unfortunate detour, veering away from the balanced consensus-building, and resource-husbanding approach that has characterized traditional Republican internationalism" (9).

4- The 9/11 and Neo-conservatives' Opportunity to implement their radical policy

The Middle East Association Studies (MESA) and the neo-conservative association are two different communities that had made studies about the political change in the Middle East after the end of the Cold War.²¹ The MESA considered that 'the Islamic Terrorism' is just an exaggeration from neo-conservatives and Israel. This association blamed the American foreign policy for its support to Israel which provoked an 'Islamic radicalism' in the Middle East. One of its leading scholars, Richard W. Bulliet who considered that the definition of 'democracy' is shaped according to the American standard to serve its interests in the world; "[democracy] is a part of hegemonic discourse of western cultural imperialism." (qtd in Seliktar19) .Contrary to that, neo-conservatives measured that the major threat to the American interests in the Middle East came from the "Islamic terrorism".

The MESA association doctrine was criticized in the aftermath of the 9/11 attacks. Martin Kramera scholar at the Moshe Dayan Center for Middle East and African Studies at Tel Aviv University produced a comprehensive critique of MESA; "Worse, the failure to predict the September attack was driven by a willful denial of the dangers of Islamic fundamentalism and

the rush to “obscure Islam.”(Seliktar 18) Neo-conservatives made commissions to study the issue of ‘Islamic terrorism’ during the Clinton administration. They focused on the ‘democratization’ of the Middle East as a substitute for the Middle East conflict, chaos and instability. The neo-conservative community criticized the passivity of the president Clinton in taking serious measures towards Bin Laden and ‘Islamic terrorism’ in the 1990’s.

The 9/11 was considered as an appropriate occasion that brought the time to neo-conservatives to implement their ideology, despite the fact that there was no clear idea about the real responsible for the attacks. Bill Bennett urged the congress to declare war against “militant Islam”. The 9/11 attacks made it possible for both “neo-conservatives” and “Sharonistes” to implement their policy of using military force against Iraq to seek their purpose of the attainment of ‘the American supremacy’ and to seek Israel hegemony over the Middle East. The 9/11 was a juncture for attacking “Arab regimes”; even though they have no relation to the attacks (Buchanan 138).

The NSS of president Walker Bush 2002 was deemed to be the strategy of the dismissed proposals planned by Wolfowitz in the 1990’s. Buchanan showed that what neo-conservatives urged President Clinton for in using military force against Iraq and changing its regime went into practice in the aftermath of the 9/11, “four years before 9/11, the neo-conservatives had Baghdad on their minds” (144). The 9/11 was an opportunity for neo-conservatives to translate their interest of the American global dominance from just a theory to a practice, especially after the vulnerability of the US (Mitchell).

Robert G. Kaufman considered that the 9/11 was a “pivotal day”. Kaufman meant that the 9/ 11 was a turning point in the international security strategy because it proved the vulnerability of the US. The 9/11 illustrated the idea of declaring war against terrorists and ‘sponsors’ of terrorism. So, this made disillusionment for those who considered that the post-

Cold War would be an era where there would be no conflicts and wars. (Kaufman 1).

Krauthammer showed that deterrence of the 1990's has no longer existed when the US was vulnerable to terrorist attacks of 9/11:

Throughout the 1990 s, it had been assumed that WMD posed no emergency because traditional concepts of deterrence would hold. September 11 revealed the possibility of future WMD-armed enemies being both undeterrable and possibly undetectable. The 9/11 suicide bombers were undeterrable... The possible alliance of rogue states with such undeterrables and undetectables—and the possible transfer to them of weapons of mass destruction—presents a new strategic situation that demands a new strategic doctrine.²²

The terrorist attacks against the American interests in the 1990's, like the Cole attacks in Yemen which happened outside the American territory and the failed World Trade Center attacks of 1993 were considered as “a myth more than reality”; however the 9/11 attacks demonstrated how the US was vulnerable in this era. The World Trade Center and the Pentagon were considered as the prime symbols of American power, economically and militarily and striking them established America's vulnerability.²³

Americans came to interpret the attacks of the 9/11 as a serious threat to their security. Those attacks demonstrated the vulnerability of the US. The Trauma of the 9/11 had a great impact on the Americans who were persuaded that the warnings of neo-conservatives about the American vulnerability to terrorist threats became real. In the aftermath of the 9/11 attacks, Americans showed explicitly their opposition to the Iraqi regime which they considered as the main responsible for the attacks. The vulnerability of the US led Americans to accept the argument that regime change in Iraq was necessary, and the unprecedented power of the United States, together with the historical optimism of Americans was necessary. (Gordon 8)

Following the attacks, the Bush administration declared a war against terrorism which was different from previous American wars. The new war was different from the US “humanitarian” intervention during the Clinton administration and from its intervention to liberate Kuwait during the Gulf war 1991. The attacks also led the US to escalate the war on terrorism to include not just terrorist groups, but also to touch states who intended to be sponsoring terrorism. The US turned its war to be directed to states who supposed to be sponsors of terrorism to make it more legitimate in front of the international community. Dominic Mc Goldrick showed how the US shifted its focus from a war against non-state groups to a war against Iraq. It also moved to link the proliferation of WMD threat to terrorism threat. (McGoldrick 11)

Despite the fact that there was no evidence for the Iraq relation to Al-Qaeda, the US used its Propaganda to attract the international community and the American public attention. Robert F. Ellsworth wrote about the role of the American public opinion and the international support in reaching the goals of the American National security:

America’s national security in the early 21st century can be protected only if our presidents and congress are able to define, decide and persuade the American public...and the leading powers of the world’s other civilization...of our vital national interests, and our determination to advance and defend them.(Ellsworth)

Robert F. Ellsworth deemed to prove that the best way for the US to defend its national security was to influence the American public opinion and the other leading powers in order to achieve its global interests. This suggestion was more illustrated in president Walker Bush’ National Security Strategy 2002. Walker Bush formulates his strategy so explicit publicly, with intention of the American public and international support; especially for his “preemptive” strategy and the war against terrorism. In his attempt to attract the American people, president Bush tried to show that the US has been attacked because it is a country that supports liberty and

freedom; “America was targeted for the attack because we [a]re the brightest beacon for freedom and opportunity in the world”. (The white House, ‘Statement by the President...’)

The attacks arose to both the American president and his policymakers a kind of American nationalism to gain the American public support to the war against terrorism. Neo-conservatives called for a new nationalism which should be based on muscular military power and considered that the global security and order were the task of the United States which was based on universal values. They called for “National greatness conservatism,” which would include “a neo-Reaganite foreign policy of national strength and moral assertiveness abroad.” (qtd in Ryn 67) Trevor B. Mc Crisken illustrated more about President W. Bush attempt to gain the American public support for the war against Iraq:

The terrorist attacks were perceived by the Bush administration as being an attempt to bring down the whole fabric of American society – international terrorism was portrayed as an existential threat to the United States that must be met with all the resources the US has at its disposal. (187)

In turning the focus on Iraq and attempting to prove its possession to WMD and sponsoring terrorism, the British intelligence played an important role. Both the US and Britain considered Iraq’s weapons of Mass Destruction as an imminent threat which gave the US the right to initiate a “preemptive” war against. For them Iraq’s alleged WMD represented a clear and Present danger, if not necessarily an imminent one”.²⁴ The Bush administration came to prove the linkage between Iraq and Al-Qaida, despite the fact that The American intelligence proved that there was no relation between the two. Neo-conservatives denied that fact which they considered as a failure from the American intelligence to prove Iraq sponsorship of the terrorist group -Al-Qaida.

The NSS 2002 came to put the focus on “rogue states” that the president claimed their possession to NBC weapons. Iraq was considered as the most dangerous “rogue state” that sponsored terrorism. President Walker Bush declared the imminence of Iraq threat of WMD attacks, and tried to confirm Iraq’s possession to nuclear weapons, giving the example of Iraq use chemical weapons against Iran and Kurds; “At the time of the 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” (The White House, “The National Security...” 14). President Bush also considered the threat of WMD as more dangerous since it would be through terrorist acts. The link between Iraq and the attacks of the 9/11 was explicitly declared by president walker Bush and his policymakers; “The attacks of September 11th, 2001 showed what the enemies of the United States did with four airplanes. We will not wait to see what terrorists or terrorist states could do with weapons of mass destruction.” (qtd in McGoldrick 18)

The 9/11 attacks came to exemplify that WMD threat became undeterrable. The attacks presented a new “strategic situation concerning a change in the international security environment.” in his January 2003 State of the Union address, the president declared:

Today, the gravest danger in the war on terror, the gravest danger facing America and the world, is outlaw regimes that seek and possess nuclear, chemical, and biological weapons. These regimes could use such weapons for blackmail, terror, and mass murder. They could also give or sell those weapons to terrorist allies, who would use them without the least hesitation.²⁵

The National security to Combat Weapons of Mass Destruction also was another official document that came to existence in December 2002, showed that the US would not depend on traditional policies to contain the proliferation of WMD, “As with the war on terrorism, our strategy for homeland security, and our new concept of deterrence, the US approach to combat

WMD represents a fundamental change from the past.” It emphasized that the US must follow a strategy of integrating three policies: the counter-proliferation policy, non-proliferation policy and defensive policy to defend the American homeland. This seemed clear in choosing a “preemptive” counter-proliferation with Iraq through military invasion and regime change, and a non-military strategy towards North Korea and Iran. In the National Strategy to Combat Weapons of Mass Destruction, the president mentioned that the threat which came from non-conventional weapons became much more dangerous in the hands of terrorist groups; “Militarily useful weapons of choice intended to overcome our nation’s advantages in conventional forces and to deter us from responding to aggression against our friends and allies in regions of vital interest.”²⁶ (The National Security to Combat...)

President Walker Bush tried to confirm the Iraq possession to WMD, taking its use of chemical and biological weapons against Iran as great evidence. President Bush argued that; “The Iraqi regime possesses biological and chemical weapons. The Iraqi regime is building the facilities necessary to make more biological and chemical weapons... The regime is seeking a nuclear bomb, and with fissile material, could build one within a year.”²⁷ The US moved away from traditional policies of diplomacy and Treaty regime in dealing with the proliferation of WMD to adopt the military counter-proliferation which was implemented when the US invaded Iraq March 20, 2003. George Perkovich explained that the Non-proliferation Treaty regime in the aftermath of the 9/11 was facing a real problem of marginalization ; “Prior to September 11, 2001, the nuclear nonproliferation regime was like an aging but functioning dam in need of patching, refurbishment, and capital investment....Since September 11, the cracks in the nuclear nonproliferation regime have widened”²⁸ (Perkovich)

Both the National Security Strategy (NSS) and the National Strategy to Combat Weapons of Mass Destruction showed a new direction in the American non-proliferation policy. The American use of military force against Iraq to counter proliferation of WMD proved that the US

chose a military war as an appropriate strategy to contain the proliferation of WMD threat. The implementation of the military counter-proliferation policy came to illustrate that the Non-proliferation Treaty regime was no longer effective in the new American strategy to combat proliferation of NBC weapons. One may say that the non-proliferation policy in the last decade of the 21st century is facing a serious challenge of using military force instead of the non-military means and tactics. The major principles of the Treaty regime of diplomacy and cooperation have been fading recently and replaced by the use military force and the monopoly of great powers.

The US in its choice for using force as a means to pursue the counter-proliferation goal violated the non-proliferation significance. The US' military counter-proliferation was an aggressive policy to prevent the proliferation of WMD. In its attempt to link terrorism to proliferation threat, the US made the counter-proliferation a global policy. The new policy was directed against non-state actors-Al-Qaida, and states that supposed to be the sponsors of terrorism. The US linked Iraq to the terrorist attacks of the 9/11, in order to justify its declaration of war against Iraq in front of the international community. The 9/11 attack was one of the major factors that make the international community much more pre-occupied with the threat of WMD proliferation to non-state groups.

Through their use of propaganda and the exaggeration of Iraq's nuclear threat, neo-conservatives who are considered as 'the brain trust' for Walker Bush administration's Foreign policy, succeeded in implementing what they have dreamed for in using force against Iraq and toppling Saddam Hussein regime. The US came to link the objectives of counter-proliferation to terrorism objectives to demonstrate the imminence of the Iraq threat to find legitimacy to the so called "preemptive" strategy. The United States declared that Iraq's nuclear weapons were serious and imminent threat. The American strategy for the Iraqi regime change was already prepared by neo-conservatives about a decade before. So, there was no way for the US to declare

the imminence of Iraq WMD threat in the aftermath of the 9/11. Thus, what the US labeled as “preemptive” war does not reflect the case of the war against Iraq.

ENDNOTES

¹ Neo-conservatism is a political philosophy that emerged in the US from the rejection of social liberalism and new left counter-culture of 1960's. The term neo-conservative entered the modern American lexicon in 1970's. Neo-conservatives are considered as men who are changing America's politics. They give importance to foreign policy as the paramount responsibility of government, and that the American supremacy is necessity that provides global order. Among the neo-conservatives founders are: Irving Kristol, Norman Podhoretz, Daniel Bell, Daniel Patrick Moynihan. Read more about the history of neo-conservatism in Stefan, Halper. Jonathan Clarke. *America Alone : The Neo-Conservatives and the Global Order*. New York: Cambridge University Press, 2004.40-73

² For further details on how neo-conservatives urged President Clinton to develop the American military through calling for the development of the Missile Defense System see, Timothy M. Beard and Ivan Eland. “Ballistic Missile Proliferation Does the Clinton Administration Understand the Threat?” 11 February 1999. 15 October 2008 .Cato Foreign Policy Briefing. <<http://www.cato.org/pubs/fpbriefs/fpb51.pdf>>.

³ For further details on the PNAC warnings about expected vulnerability of the U.S to attacks from rogue states read, The Project for the New American Century “Rebuilding America's Defenses Strategy, Forces and Resources for a New Century”. September

2000.December 14, 2008.

<<http://www.newamericancentury.org/RebuildingAmericasDefenses.pdf>>

⁴ Concerning the idea of multilateralism, President Clinton told Dan Rather of CBS News in a conversation that he was “convinced that anything we do would have to be done through the United Nations “Interview with Dan Rather of CBS News.” Weekly Compilation of Presidential Document United States Gov printing office, Vol. 29.no.12 29 March 1993: 478-501.

⁵ Read more on the American intervention in the Post-Cold war era in Karin Von Hippel. *Democracy by force: U.S military interventions in the Post-Cold war world*. New York: Cambridge University Press, 1999.

⁶ For further details on the topic see, Charles Krauthammer, “Democratic Realism: An American Foreign Policy for a Unipolar World.” American Enterprise Institute. February 2004. 15 April 2008. < http://www.semp.us/publications/biot_reader.php?BiotID=141>.

⁷ For more details on the infringement of arms control see; Nicole Deller and John Burroughs, “Arms control Abandoned: the case of Biological weapons.” World Policy Journal. 2003. 15 December 2008.
<<http://worldpolicy.org/journal/articles/wpj03-2/deller-burroughs.pdf>>

⁸ Read more on how neo-conservatives reached their current positions of influence and how their beliefs have evolved over the years in Stefan Halper and Jonathan Clarke, *America Alone: The Neo-conservatives and the Global Order*. New York: Cambridge University Press, 2004.40.

⁹ The Containment policy in Iraq sought to keep Baghdad weak. It included sanctions to keep Iraq weak, UN inspections to search for Iraq NBC weapons, diplomatic isolation through supporting the Iraqi opposition and a large western military presence in the Gulf. Read more on the topic in, Daniel L. Byman, Matthew.C Waxman. *Confronting Iraq: U.S policy and the Use of Force since the Gulf War*. Research Paper. Santa Monica: National Defense Research Institute RAND, 2000.

¹⁰ For more details on the topic read Kenneth H. Bacon, Department of Defense News Briefing. 1 August 2000. 11 December 2008.
<<http://www.defense.gov/transcripts/transcript.aspx?transcriptid=1794>>

¹¹ Read more on the topic in Edward Walker, “Testimony before Senate Committee on Foreign Relations”. Global Securirty.org 22 March 2000. 11 January 2008.
< <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=1794> >

¹² Non-proliferation regime was established in the 1968. It shows that the world will be secure if WMD does not extend the other countries beyond the five states; the US, SU, UK, France, China. .Nuclear Non-proliferation Treaty is an essential mechanism of control over nuclear weapons. From its establishment, it is to combat the spread of nuclear, biological and chemical weapons. The NPT has three principles. 1) no new states may develop nuclear weapons.2) Existing nuclear weapons states must disarm .3) All states have a right of access to nuclear energy for peaceful purposes, not military ones. Read more on the topic in James Traub, “At the world Summit: How Will Leading Nations Lead? Stanly Foundation.Org. 11 March 2008.

<<http://www.stanleyfoundation.org/publications/pab/TraubPAB609.pdf>>.

¹³ In the 1970's, neo-conservatives stood against the new East West détente rather than containment and armed coexistence (two pillars of US strategy in the Cold war). They also preferred active measures designed to induce a collapse of the Soviet system. For further information see Joshua Muravchik, *"The Imperative of American Leadership: A Challenge to Neo-Isolationism."* Washington: AEI Press, 1996:163.

¹⁴ For more details on how the proliferation of nuclear weapons to regional powers has illustrated the idea of the Second nuclear age see Noah Feldman, "Islam, Terror and the Second Nuclear Age." The New York Times Company. 29 October 2006. 12 January 2008 <<http://www.gees.org/documentos/Documen-01754.pdf>>.

¹⁵ for further details on the relation between the Iraq war and the preservation of Israel's interests in the Middle East see Joel Beinin, "Pro-Israel Hawks and the Second Gulf War". Middle East Report Online. 6 April 2003. 12 January 2008. <<http://www.merip.org/mero/mero040603.html>>.

¹⁶ Read more about how Iraq threatened to use force against Israel in Gabrielle S. Mallon, "Iraq's Threat to use Poison Gas against Israel." Sherrill Brown Wells. Ed. *American Foreign Policy Current Documents 1990*. Washington, D.C: Department of State 1991.438.

¹⁷ For more details on the president walker Bush little knowledge about foreign affairs when interviewed by WHDH-TV in Boston in early 1999. See Ivo H. Daalder and James M. Lindsay, *America Unbound: the Bush Revolution in Foreign Policy*. Washington D.C. Brookings Institution Press. 2003. 17

¹⁸ Read more about Israel's strategic aims and nuclear weapons in Israel Shahak. *Open Secrets : Israeli Nuclear and Foreign Policies* . London: by Pluto Press, 1997.

¹⁹ For further details see Stephen Zunes, "Undermining the Nuclear Non-proliferation Treaty: It didn't start with Bush administration." Foreign Policy in Focus. 8 June 2005. 20 April 2008. <<http://www.fpif.org/pdf/papers/0506undermine.pdf>>.

²⁰ For more details see Huck Gutman, "Iraq and the unhappy lessons of history." Common Dreams.org. 7 February 2003. 9 December 2008. <<http://www.commondreams.org/views03/0207-01.htm>>.

²¹ For further details on the Middle East Association reconstruction try, see Ofira Seliktar. *The Politics of Intelligence and American Wars with Iraq* .New York: Palgrave Macmillan, 2008.17.

²² Read more on how neo-conservatives tried to prove the undeterrability of the rogue states and their threats that the US face in the post-Cold War Charles Krauthammer, 'the Unipolar Moment Revisited: America, the Benevolent Empire'. All Business. 1 January 2003. 9 March 2009. <<http://www.allbusiness.com/government/3584023-1.html>>

²³ Read more on how the 9/11 attacks marked the vulnerability of the US, and how the attacks are differed from terrorist attacks of the 1990's, check Richard Falk, "Encroaching on the rule of law: Post- 9/11 policies within the United States". 21 March 2009.
<<http://www.usal.es/~iberoame/publicaciones/National-Insecurity.pdf#page=24>>

²⁴ For more details on how the British intelligence proved the imminence of the Iraqi threat. See "Iraq's Weapons of Mass Destruction: the Assessment of the British Government." 24 September 2007.
<<http://www.uk.gov/files/pdf/iraqdossier/pdf>>.

²⁵ For more details see, "the National Strategy to Combat Weapons of Mass Destruction" .United States, White House, National Strategy to Combat Weapons of Mass Destruction .December 2002. 12 October 2008.
<<http://www.whitehouse.gov/news/releases/2002/12/WMDStrategy.pdf>>.

²⁶ Read more on the topic, by consulting George Walker Bush, "President Bush Discusses Iraq with Congressional Leaders", White House Office of the Press Secretary, Press Release. 26 September 2002. 3 February 2009.
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²⁷ for more details see, George W. Bush, "2003 State of the Union Address". January 28, 2003. 11 April 2008.
<<http://www.americanrhetoric.com/speeches/stateoftheunion2003.html>>.

²⁸ For more details on preventing weapons of mass destruction in the aftermath of the 9/11 read, George Perkovich, "Lip Service is not enough: Take Responsibility for the Non-proliferation Regime". Center for Non-proliferation Studies. May 2002. 9 March 2008
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CHAPTER THREE

THE IMPLEMENTATION OF THE MISLEADING PREEMPTIVE COUNTER- PROLIFERATION POLICY

After the 9/11 attacks, it seemed appropriate for President Walker Bush and the “Vulcans” to implement the “preemptive” counter-proliferation policy. In his NSS 2002, President Walker Bush embarked on a so called “preemptive” war to deal with Iraq’s WMD proliferation. President W. Bush declared that the Iraqi threat was so imminent and dangerous to both the American and global security and that the use of military force was the only means to counter the Iraqi WMD threat. For President W. Bush, diplomacy, deterrence; and containment were failed measures in front of the Iraqi threat. Preemptive strikes also seemed not effective because the American real objective was the departure of Saddam Hussein from Iraq and this could not happen unless there was an intervention under the Iraqi ground.

After the Cold War, the US showed its tendency to use a preemptive military force instead of diplomacy to counter the proliferation of WMD. American policymakers set some criteria for the implementation of the preemptive counter-proliferation to be lawful and successful. Those criteria can be concluded in the evidence of the undeterrability of the enemy, the evidence of the imminence of the threat of using WMD against the US; the accuracy of the intelligence information, and that all the non-military means should be exhausted before engaging in preemptive use of force. Another criterion is that the use of force should be justified in front of the international law. The Caroline case was the first case that illustrated preemptive self-defense conditions. According to the Caroline case, a justified and legal preemptive attack had to be “overwhelming” in its necessity; leaving “no choice of means”, and facing so imminent threat that there was “no moment for deliberation”.

Focusing on the definition of the preemptive war and the conditions under which this strategy can be undertaken is essential to differentiate between self-defense war and illegal war. Showing also the conditions under which leaders may launch illegitimate preventive war can help us in identifying the American counter-proliferation war against Iraq whether it was a

justified preemptive war as what the Bush Administration pretended to declare, or unlawful preventive war.

1-Classic justification for Preemptive Self-defense Attack

The US declared that its war against Iraq fell in the preemptive self-defense. The declaration of the preemptive strategy to counter the proliferation of WMD created controversial debate about the conditions under which this strategy would be undertaken. After the 9/11 attacks, The American “preemptive” counter-proliferation policy was explicitly coincided with contradictions and misleading facts which seemed more clear in the National Security Strategy (NSS) 2002. In order to sort through these conflicting claims and arguments, we need to begin with clear definitions to the preemptive war. The Pentagon defines “preemptive” war as; “an attack initiated on the basis of incontrovertible evidence that an enemy attack is imminent.”¹

The preemptive use of force can be launched in case country A convinced that country B is preparing for an armed attack against it and there is a clear evidence for the attack. The ‘classic model’ for preemptive self defense is the Caroline case. Clarifying the conditions under which the preemptive strategy can be taken in case of self-defense was set by Secretary of State Daniel Webster in 1837. In Webster’s words, a justified preemptive attack had to be: first, “overwhelming” in its necessity; second, leaving “no choice of means”; third, facing so imminent a threat that there is “no moment for deliberation”; and fourth, proportional.² According to Webster, ‘necessity’ should be present when a country decides to adopt a preemptive-self defense. Daniel Webster in 1837 clarified that; “necessity of that self-defense is instant, overwhelming, and leaving no choice of means, and no moment of deliberation.” (qtd in Guoliang 76) Webster meant that there must be a strong fact that proves the danger and the harm of an imminent threat. These four criteria set by Daniel Webster were existed before the United

Nations Article 51 declaration. The UN Article 51 stated in which cases a state has the right of self defense;

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. (qtd in Arend 22-23)

Article 51 linked the evidence of threat to the ‘occurrence’ of an armed attack. The UN restricted the use of preemptive force in self defense to an only circumstance which was an actual armed attack.³ So; the preemptive force in self defense can be undertaken if “the Caroline criterion of imminence was met”. According to George P. Fletcher and Jens David Ohlin, preemptive self-defense means that; “the defender used force before it was faced with an ‘armed attack’”. They considered that the “occurrence” of an “armed attack” is evidence to prove the legitimacy of the preemptive attack. They clarified the word “occur” as to be meant “actually present”; and the word “present” means that the threat is imminent. Adopting a preemptive self-defense strategy in case there is an evidence for the imminence of the threat is legal in front of the international law. The imminence of the threat should be justified with clear and strong evidence. (158)

The preemptive strategy was not a new policy; there were cases that illustrate in which conditions this policy was undertaken and whether it was authorized by the UN security Council or not. In the Cuban Missile Crisis 1962, the US declared that it had a clear and incontrovertible evidence for the imminent attack from Cuba. The US gave a proof that Castro was installing Soviet –supplied potentially aggressive land to land ballistic missiles capable of delivering nuclear bombs to American soil. The American evidence was through photographs that were sent to the UN General Assembly. The evidence was about the presence of missiles, not just an

‘assumption’ that the US would be attacked. Although the evidence seemed to be strong and to some extent proved the imminence of the threat to the American security, some Security Council representatives declared that the American evidence was not incontrovertible in addition to the absence of ‘necessity’ criterion.⁴ (Arend 25-26)

The Israeli attack against Iraq’s nuclear reactor at Osiraq was justified by Israel as self-defense. However, it was considered by the international community as illegal because it was not in self-defense. Israel claimed that the attack was a preemptive strategy which found a justification in the UN Article 51. Weakening and marginalizing the criterion of imminence came from the fear of nuclear proliferation, and this was against international law. When Israel attacked the Iraq nuclear reactor Osiraq in 1981; the UN condemned those attacks because there was no imminent threat. A country can declare its right for self-defense in one case where there is an imminent threat of harm and this ‘scenario, “... is the only case of legitimate and properly defined self-defense.” (Fletcher 161) The use of force in self defense can be applied when the, “defender reasonably believes that such force is immediately necessary for the purpose of protecting himself against the use of unlawful force ... on the present occasion.”⁵ (Fletcher 163)

The preemptive strategy is also legitimate when there is only one side that has the right for self-defense. Israel claimed that it had the right for self-defense because of the Iraq nuclear threat. Iraq also could declare that it had the “reciprocal” right to attack Israel reactors which Iraq also considered as a threat to its security. There are observable facts in determining the imminence of the threat as the following: The standard of imminence works properly when the threatened aggression is manifested in publicly observable facts. When the facts are laid bare—when the threatened attack is manifested in troop movements, missile deployments, and the like—the world will know which side to support in the struggle. (Fletcher 169). The evidence of the threat should be clear to the whole world and accepted by international bodies as so overwhelming, not just declared by unilateral side; “The better reading of the statute is that the

justification of self-defense depends on whether the defense is reasonably directed against an actual threat—not merely a perceived one” (Fletcher 88)

2- Misleading Facts in the American “Preemptive” Counter-proliferation Policy

After the Gulf War, the US declared that it had the right for self-defense to use preemptive military force against proliferators. This policy was known as the “preemptive” counter-proliferation policy. In 1995, Dr Barry R Schneider, the director of the US Air Force Counter-proliferation Center, set some criteria for the adoption of “preemptive” counter-proliferation policy to deal with the proliferation of WMD. He stated that;

Preemptive attack, as a last resort, in an extremely dangerous and unique situation, makes sense ... preemptive counter-proliferation actions should be considered only in the most extreme cases, where all other options appear to be ineffective, and where the conditions favor success.⁶

Schneider showed that the United States should use military force to destroy “rogue states” weapons of mass destruction that pose an imminent danger to US security. Schneider’s principles for the use of “preemptive” force were classified as: First, there should be an evidence to prove the undeterrability of the enemy. Second, an evidence of the threat of using WMD against the US should be imminent; third, the intelligence information should be accurate. Fourth, all non-military means should be exhausted before engaging in “preemptive” use of force; and finally the use of force should be justified in front of the international law. (Schneider)

We try to apply these principles of the “preemptive” counter-proliferation set by Schneider to the case of Iraq. Concerning the criterion of undeterrability, there were official declarations which proved the deterrability of Iraq from using chemical weapons after the Gulf War. Charles A. Duelfer, deputy Chairman of the UN special commission on Iraq United Nations Security

Council (UNSC) from 1993 until 2000, issued a report that concluded that Iraq had disarmed by summer of 1991. (Cirincione, "The Greatest Con...."xvi) .There was evidence that the Iraqi nuclear program was destroyed during the Gulf War. Charles Knight, the co-director of the Project on Defense Alternatives at the Commonwealth Institute emphasized that: "Given the rather stringent containment of Iraq of the last decade it is fair to say that Iraq is probably years away from nuclear capability- a categorically different situation than about to acquire." Iraq did not test a substantial arsenal of medium range missiles without detection; the Iraqi missiles were not capable to strike Israel. After the Gulf War, Saddam Hussein offered to make peace with Israel. He proposed to meet Yitzhak Rabin in order to talk about the interests of both states in the region.⁷

Jeffery Record a former professional staff member of the Senate Armed Services Committee deemed to say that deterrence was always effective with rogue states, "No rogue state has ever used WMD against an enemy capable of such retaliation." Unlike non-state groups which seemed more undeterrable, Saddam Hussein was deterred after the Gulf war. The period extended between the Gulf War and the Operation Iraq Freedom, proved how Saddam Hussein was contained from reinitiating his attempts to develop chemical or biological weapons. Jeffrey Record proved that Saddam Hussein was really deterred; "Indeed, there is no evidence to suggest that Saddam Hussein was anything other than successfully deterred and contained during the 12 years...Unlike fanatical, shadowy terrorist organizations, which are relatively undeterrable."

Iraq suffered from UN- sponsored sanctions more than a decade which made it weak as to rethink to initiate its WMD. These Sanctions extended under Resolution 687 and considered by China and Russia as so harsh.⁸ Iraq was affected negatively by the UN sanctions.⁹ The nuclear program was the most affected by "the long application" of sanctions. (Graham Xviii). Joseph Cirincione a Senior Associate and Director of the Non-Proliferation Project at the Carnegie Endowment for International Peace stated that, "[Iraq's WMD programs] did not, however, pose

an immediate threat to the United States, the region, or global security.” (Cirincione, “WMD in Iraq: Evidence and Implications...” 47). Iraq posed no imminent threat to the US and never threatened to attack the American homeland. There was no American evidence that proved that the failure of acting against Iraq would lead to catastrophic results. Iraq situation, according to Knight, was not so dangerous to threaten the American security and the American interests. The real threat that faces the American vital interests is the threat that the American military might face through its regional intervention. (Knight)

Another guideline for the adoption of the “preemptive” counter-proliferation is the accuracy of intelligence which could provide whether a country is going to acquire WMD and use them against its adversaries or not. This guideline cannot be applied to the case of Iraq because of the uncertainties of the American intelligence in proving the Iraq possession to WMD. Half of the fact provided by the American intelligence was not a strong guideline to launch a “preemptive” war against Iraq; the Bush administration may believe that “part of the picture “was sufficient evidence to justify war, but it should also be convincing that “part of the picture” did not measure up the standard of extremely convincing evidence proposed by Barry Schneider. The intelligence should provide exact information about the location of the enemy’s WMD so as not to harm civilian populations and this is what the American intelligence failed to prove.

The American intelligence was marked by its politicization; it was used by American officials to reach specific goals. The Central Intelligence Agency (CIA) was ordered by the Bush administration to carry out secret and dangerous actions in places where the US was cautious about its interests. Intelligence was used by President Walker Bush as main body to seek the American goals;

The CIA acted, as it constantly acts, as an agency of the White House to carry out actions with what's called "plausible deniability." The CIA is assigned the responsibility of committing the crimes and atrocities, and then if anything goes wrong, you can blame it on "rogue" elements at the agency" (Chomsky, *Hegemony or Survival*... 104)

Director of Central Intelligence George J. Tenet was under pressure from the Bush administration to prove the Iraq possession to WMD. The CIA appeased the walker Bush Administration through changing assessments that did not prove the Iraq WMD threat; "The CIA as an institution desperately sought the White House's attention and approval. It did so by telling the president what he wanted to hear." (Weiner 490) Both the American and British intelligence were tools used to hinder UN inspections in Iraq through not giving adequate and accurate information that could help the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) to complete its works. According to Trevor Findlay UNMOVIC appeared at all times to act professionally and efficiently, despite the adverse conditions. Among these were at the time perceived failures by the Western states to provide adequate, reliable intelligence information that could help inspections to move more quickly. He also added retrospect that no reliable intelligence information was available from both the United States and the United Kingdom. (Findlay 149)

The information provided by the intelligence is secret that is why it may be politicized. However the information provided by arms control inspections is not covert and it is given to all states involved, even including the inspected state. Major Richards J. Heuer, Jr, wrote that "intelligence failures are usually caused by failures of analysis, not failures of collection. Relevant information is discounted, misinterpreted, ignored, rejected, or overlooked because it fails to fit a prevailing mental model or mind-set." (qtd in Lewis170.)

There was no clear evidence provided by the intelligence, but instead unclear assessment was presented. The 1997 and 1999 CIA reports did not mention any nuclear program in Iraq. The reports of the first half of 2001 stated that Iraq “has probably continued at least low-level theoretical R and D associated with its nuclear program...the intelligence community remains concerned that Baghdad may be attempting to acquire materials that could aid in reconstituting its nuclear weapons program.” The Defense intelligence Agency (DIA) estimate of September 2002 did not confirm that Iraq was producing or possessing chemical weapons; “there is no reliable information on whether Iraq is producing and stockpiling chemical weapons, or where Iraq has or will establish its chemical warfare agent production facilities.” (Iraq_Key WMD Facilities_An Operational Support Study)

The intelligence reports moved from just assessing that Iraq might have nuclear weapons to a confirmation that Iraq was going to acquire nuclear weapons. This was clear in the report of January – December 2002, “all intelligence experts agreed that Iraq remained intent on acquiring nuclear weapons.” So, there was a shift in the intelligence assessment about Iraq’s WMDs after September 2002. An inaccurate information replaced the previous information; “this shift does not appear to have been supported by new, concrete evidence from intelligence community reports” (Cirincione, “WMD in Iraq: Evidence ...” 22-16)

The National Intelligence Estimate (NIE) October 2002 brought the change from previous assessments of September 2002. The NIE October 2002 dropped statements that express ‘probability’; a shift from ‘could’ expression to a confirmation through using the present simple. The shift in the intelligence assessments was remarked after the 9/11. There was also contradiction between some intelligence assessments and President Bush declarations. The US administration statements confirmed that Iraq imported uranium from Niger. The NIEs showed that Iraq began to obtain uranium from Niger, but they did not confirm that uranium

became in the hands of Saddam Hussein; “we cannot confirm whether Iraq succeeded in acquiring uranium ...from these sources.” (qtd in Cirincione, “WMD in Iraq : Evidence ...” 24)

The lack of clear information between the intelligence and the American administration statements proved the lack of finding clear evidence about the presence of WMD in Iraq. Bush administration selected the assessments that can be matched with its goals. It accepted the information that came from the NIE 2002 and the statements of the administration officials concerning Iraq’s nuclear weapon program. Administration assessments about Iraq’s WMD depended on the information that came from Iraqi opposition and defectors as the Iraqi National congress (INC) who wanted Saddam to be removed.¹⁰ Several information provided by defectors of the Iraqi National Congress headed by Ahmad Chalabi judged to be not credible after the war began. (Borger)

The intelligence was used as a tool that helped for applying what was already prepared previously by neo-conservatives. Former British foreign secretary Robin Cook spoke about this, “I fear we got into position in which the intelligence was not being used to inform and shape policy, but to shape policy that was already settled.” (Wintour) Another guideline set by Schneider was that the US should exhaust all non-military options to deal with Iraq issue. Even if the US tried the non-military options with Iraq; but it did not emphasize to use them. Republican Senator Arlen Specter stated that the US should exhaust all non-military means- economic sanctions, inspections and diplomacy before engaging in” preemptive strategy.”(qtd in Renshon 1). Scott Ritter who worked as inspector of the United Nations Special Commission on Iraq (UNSCOM) played important role in convincing Saddam Hussein to allow the United Nations weapons inspectors to return to Iraq.¹¹ Saddam Hussein allowed the inspectors to return to Iraq without any preconditions. On 13 November 2002, Iraq informed the council of its decision to comply with the UN resolution. Ritter interference was criticized by his government as attempt to stop the war.

President Bush and his policymakers justification for the war against Iraq was the Iraq possession to WMD. But there was a difference between the Iraq threat description pre 9/11 attacks which mainly focus on ‘disarmament’ and what was proclaimed after the attacks. By 2002, the debate over Iraq was about war and regime change and not the disarmament of Iraq’s WMD. Secretary of State Powell, in his Speech to Center for Strategic and International Studies on March 5, 2003 stated that;

[Inspectors] were not intended to be detectives that went around seeking out things in the absence of genuine Iraqi cooperation. Inspections cannot work effectively as long as the Iraqi regime remains bound and determined to hold on to its weapons of mass destruction instead of divesting itself of these terrible items.” (qtd in Cirincione, WMD in Iraq : Evidence... 46)

IAEA inspectors between 1991 and 1998 showed that Iraq before 1991; “had secretly constructed industrial-scale facilities for production of uranium compounds.” (International Atomic Energy Agency) While the intelligence assessments showed that Iraq attempted to purchase uranium from Niger, IAEA Director General Mohamed El Baradei reported to the UN Security Council on March 7, 2003, that: There is “no indication of resumed nuclear activities... nor any indication of nuclear-related prohibited activities at any inspected sites.” (El Baradei). There was a misrepresentation for the information given by the UN inspectors by the W. Bush administration.

The Bush administration did not distinguish between the expressions that Iraq ‘has’ WMD and ‘Iraq might have’ imported enough growth media to produce these amounts. Bush claimed that:

Intelligence gathered by this and other governments leaves no doubt that the Iraq regime continues to possess and conceal some of the most lethal weapons ever

devised...The danger is clear: using chemical, biological or, one day, nuclear weapons, obtained with the help of Iraq, the terrorists could fulfill their stated ambitions and kill thousands or hundreds of thousands of innocent people in our country or any other. (Bush, “Address to the Nation on....”)

Executive Chairman of United Nations Monitoring, verification and inspection (UNMOVIC) Hans Blix explained to the UN Security Council in December; “About anthrax—well, Iraq declared earlier that they had produced 8,500 liters of anthrax and there was not sufficient evidence.” (Blix) The American official statements announced that Iraq had weapons of mass destruction. Colin Powell asserted in January 2003 that; “Iraq continues to conceal quantities, vast quantities, of highly lethal material and weapons to deliver it.”(Powell) .The UN inspectors did not claim that they found WMD in Iraq. David Kay, Director of the Iraq Survey Group showed in his report to the congress that they did not yet find weapons in Iraq. (Kay). Subsequently, there was a difference between the declarations of UN inspectors and the American official announcements about the Iraqi WMD.

Bush administration did not accept the information given by the UN inspectors about Iraq’s weapons program. Hans Blix stated that; “he felt that the administration “gave up on inspections in early 2003”. This was an attempt from the Bush Administration to prevent the work of inspectors in Iraq. Cheney declared that the US through returning inspectors to Iraq, could not reach the “disarmament” of Iraq, “I am not sure they would be able to guarantee us and our friends in the region that he had, in fact, complied. He is gotten very good at denial and deception.” He also said, “There is a great danger that it would provide false comfort that Saddam was somehow “back in his box.”. He tried to confirm that containing Saddam Hussein was not effective, because deterrence and containment were not appropriate for the ‘irrational man’.

Blix showed to the UN Security Council on February 5, 2003 how Bush administration did not trust the information provided by UN inspectors. Bush administration dismissed the IAEA conclusion that Iraq aluminum tubes were not destined for Iraq's nuclear enrichment program. Iraq Survey Group (ISG) Chief David Kay demanded from the Bush administration to give them time to reach a complete disarmament in Iraq. In October 2003 he stated that "It is far too early to reach any definitive conclusions, and, in some areas, we may never reach that goal." (qtd in Cirincione, "WMD in Iraq : Evidence..." 45-46). It seemed clear that the US did not want inspectors to succeed in their work in Iraq; Scott Ritter said; "I came up against the fact that whenever we were close to a breakthrough on Iraq's final status, the USA would withdraw its support...they did not want us to offer a definitive assessment of Iraq's weapons status." (Ritter 290) Through its war against Iraq and after a decade from the Gulf War, the US illustrated that disarmament was not the principal objective in Iraq, but "regime change" was the chief end.

It seems clear that the US did not want to follow non-military measures towards Iraq. The US wanted to hinder the work of UN inspections to demonstrate that the threat of Iraq was dangerous and this authorized for it the right to use force instead of depending on non-military means. Chomsky said; "Washington opposed inspections, because it feared that nothing much would be found". (Chomsky, *Hegemony or survival...* 15) Bush administration succeeded to convince the American public that the Iraq threat was so grave. In this case, the non-military measures seemed not effective. Hence; the information given by the UN was not just unaccepted by American officials but also by the American public. After the declaration from Iraq Survey Group (ISG), that there was no WMD in Iraq, poll results showed that 50 percent support the war against Iraq which created another contradiction; "Essentially, people believe the propaganda, even after it was disproved" (Chomsky, *Imperial Ambitions...*136).

While the US was blaming Iraq for its non-compliance with UN resolutions, the US refused the primary condition of resolution 687. Resolution 687, called for ending sanctions

when Iraqi compliance was determined by the Security Council, and moving on to eliminate WMD and delivery systems from the Middle East. The American refusal to end sanctions in case Iraq complied with UN inspections was evidence that the US preferred military force than any other solutions. Disarmament through international inspectors was not the objective of the US; “It was clear enough throughout, however, that disarmament through international inspectors was not the US-UK objective and that the two warrior states would not comply with the relevant UN resolutions” (Chomsky, *Hegemony or Survival*... 23) .

The US and UK prepared reports that declared that Iraq in material breach of Resolution 1441 and authorizing the use of force. Resolution 1441 that announced a use of force against Iraq in the event of non-compliance and that force could only be used when inspectors had reported back to the security Council for a further decision. (Gordon123) UN Resolution 1441 was the Security Council Saddam’s last chance to comply before the UN would sanction the use of force to oust him. On December 7, 2002, Iraq submitted its weapons declaration about 12.000 pages. The declaration denied that Iraq possessed any weapons of mass destruction. The US considered that this declaration was a failed one, and it was an evidence for Iraq non-compliance. The US initiated a Second Resolution which confirmed that Saddam Hussein was in defiance of 1441.¹² (Gordon150) President Bush considered that the US has the right to use force against Iraq under UN Resolution 678; “Under Resolutions 678 and 687—both still in effect—the United States and our allies are authorized to use force in ridding Iraq of weapons of mass destruction. This is not a question of authority; it is a question of will.”

On March 2003, the US ordered the inspectors to leave Iraq. UNMOVIC and IAEA withdrew from Iraq. 20 March US, UK aircraft began and the coalition invasion began soon after. There was a condemnation from France, Russia and china for not giving the UNMOVIC enough time to fulfill its mandate. (Findlay 148.) In any event, the Security Council did not make any determination that Iraq had not taken advantage of that final opportunity. The US relied on

the Security Council 678 as authority to use force. Although Resolution 1441 did not authorize the use of armed force against Iraq for violation of Security Council disarmament decisions; the US and UK considered it as an authority to declare Iraq a case of self defense.¹³ (Report of the Task Force on Peace ...)

President W. Bush stated that; “the US will institute the regime of its choice even if Saddam disarms completely, and even if he and his cohorts disappear, as underscored at the Azores summit.” (Excerpts from Bush’s News...). The information offered by UN about the disarmament of Iraq was considered as irrelevant. White House spokesman Ari Fleischer informed the press that "the policy of the United States is regime change, with or without inspectors" (qtd in Chomsky, Hegemony or Survival... 25). The withdrawal of UNMOVIC was caused by the United States and the United Kingdom, not by Iraq. Iraq complained and worked with both UNMOIC and IAEA;

Although Iraq had not been proactive in assisting the inspectors and continued to prevaricate about its past [programs], it had nonetheless cooperated sufficiently to permit UNMOVIC and the IAEA to carry out their tasks unhindered and had consistently backed down on specific issues when pressure was applied by the Council.” (Findlay 148)

The main purpose of the US was to remove Saddam Hussein; “disarmament was merely a vehicle for achieving the larger US objective of regime ...and not to make the Middle East a free zone”. (Ritter 4) In 2002 NSS, the proliferation of Weapons of mass destruction was regarded as a serious increasing threat to the world. But If the US was so concerned about disarmament in the Middle East, why then it did not claim this fact against its “ally” Israel? Ritter said that; “there was never any intention on the part of the US to pursue paragraph 14”.¹⁴ Through its

rejection to international treaties and unlimited support to Israel illegal acts, the US itself is increasing Proliferation; about this idea Chomsky commented that:

Yes, it [is] increasing. Why? There are many reasons, but one of them is that Israel has hundreds of nuclear weapons, as well as chemical and biological weapons, which is not only a threat in itself but encourages others to proliferate in response and in self-defense.” (Chomsky, *Imperial Ambitions...* 83)

Another propaganda to prove the Iraqi noncompliance was that the US attempted to prove that the Iraqi regime did not distribute medicines and food to the Iraqi people .UN diplomats Denis Halliday and Hans von Sponeck described the American British sanctions against Iraq as “genocidal” and denied the American claim, describing the Iraqi system "as the best distribution system that he had ever seen... as a World Food Program official." One may say that the reason behind Saddam Hussein non -compliance was the attempt of the US to change the role of inspections from providing accurate information to spying. (Halliday)

After the war against Iraq where all the American pretexts for war, especially the possession of WMD were absent, the Bush Administration put the blame on the intelligence for providing inaccurate information. Again this was a pretext from the Bush administration to cover its illegal war against a defenseless state. It is unacceptable idea that the American Intelligence work alone without the authorization of Walker Bush and his policy-makers; “It is very hard to find a case in which the CIA acted outside presidential authority.” (Chomsky, *Imperial Ambitions*104)

Acting according to the international law is another pre-condition for the right of self-defense. This pre-condition was absent when the US launched its so-called “preemptive” counter-proliferation policy towards Iraq. Attacking Iraq was against the international law. The US under the presidency of W. Bush gave itself the opportunity to alter the traditional

‘imminence’ of the threat, and made it explicit that it must act before threats “are really formed”. The US also displayed its tendency to disregard the international law because it considered that the UN cannot provide the security of the US. President Walker Bush’s new strategy dismissed the role of UN in promoting international peace and security, “In fact, the UN does not appear to have any role at all in the new US strategy”. (Ryan 173).

President Bush came into office with a strong “ideological bias” against the United Nations and other international organizations such as the International Criminal Court. (Fukuyama 6). In his NSS September 2002, President Bush stated the following:

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. [New adversaries] 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. (White House, the National Security...15)

Consequently; The US considered that states have the right to use military force “preemptively” to deal with threats of terrorism and WMD proliferation. This claim was rejected by the UN because of its unilateral nature which erodes the international law. Former UN Secretary General Kofi Annan spoke against the American unilateralism;

[I]t is not enough to denounce unilateralism, unless we also face up squarely to the concerns that make some States feel uniquely vulnerable, since it is those concerns that drive them to take unilateral action. We must show that those concerns can, and will, be addressed effectively through collective action.

(Adoption of Policy of Pre-emption)

The US announced that threats of terrorism and proliferation of WMD can substitute the traditional sense of “an armed attack”. According to the US, Article 51 authorizes for it the use of force in self defense. On 19 September 2002, five days after Bush addressed the UN, the White House presented a draft resolution to the Republican and Democrat leaders of the House and Senate to authorize the President to use military force against Iraq .The US started its invasion against Iraq with an authorization from Congress’s Joint Resolution of October 2002. Conversely; there was an absence for an authorization from the UN, the international lawful body. The Congress’s Joint Resolution mandated to use military force to eliminate Iraq’s supposed military threat and to force the country to comply with UN resolutions 687. On May 22, 2003, UN Security Council Resolution 1483 confirmed Britain and the United States as official occupying powers. (Haas177). Launching a war against Iraq without the authorization of the UN was illegal, a large majority of the UN members made it clear that no attack on Baghdad would be legitimate in the absence of an authorizing vote in Security Council. Secretary General of the United Nations unequivocally characterized the US action as illegal. (Holsti 31)

For any use of force to be legitimate it must have ‘the imprimatur’ of an international organization preferably the United Nations. According to the US, mere suspicion of potential threats is adequate justification for launching a military attack. Attacking Iraq which was based on suspicion contradicted with the essential norms governing the use of force in the UN charter. The American marginalization to international law seemed clear in Walker Bush National security Strategy NSS 2002. The American Academy of Arts and Sciences criticized the American NSS of Walker Bush as not giving importance to international law; “The primacy of law over force [that] has been a major thread in American foreign policy since the end of World War II" disappears from the new strategy” (qtd in Chomsky, Hegemony or survival 22)

When it came to defend its national interests, The US chose force over law. The US used the UN as a tool to exercise its unilateralism. As Francis Fukuyama illustrated, the UN may be

used as the primary mechanism through which the “American unilateralism will be exercised in the future.” And in case the UN refuses to appease the American unilateral acts; the US dismisses the UN resolutions, giving it trivial role. He added; “what is less clear was the legal right under international law of two permanent members of the UN Security Council, the United States and Britain, to enforce UN resolutions on their own. (Fukuyama 96).

The US also worked unilaterally through marginalizing the UN efforts to stop the weaponization of space which has great dangerous effects. At the same time it declared that it should prevent a biological war from happening through using force against Iraq. Through the NSS 2002, Bush administration intended to illustrate that threats of terrorism and proliferation of WMD are the most dangerous to American as well global security. Through authorizing the use of military force to deal with those threats, President Bush intended to illustrate that his “project for the new American age” can be applied without any consideration to the rest of the world, in view of the fact that the US is the only super-power which has the right to act freely. By using force instead of non-military strategies and the marginalization of international law, and treaties to deal with ‘immanent’ threats; the US proved that it intends to do all it can to maintain its preeminence.

The previous discussed guidelines set by Schneider cannot be applied to the case of Iraq. Actually, what has been discussed has proven that the “preemptive” counter-proliferation policy against Iraq was not necessary. So, there was an inadequate case for using “preemptive” counter-proliferation against Iraq.

3- The “Preemptive” Counter-proliferation Policy Breach to International Law

The president Bush doctrine 2002, and its call for the adoption of the preemptive war against proliferators and mainly Iraq, was so dangerous in which it opened the way to claims either to abandon international law or modify it to be matched with states’ personal objectives

and interests .The role of international institutions is important in creating a balance between weak and powerful states. But the American unilateral policy with its erosion to the international law led some professors and politicians to consider that the international law governing the use of force cannot be matched with the new threats. At the same time, other professors of international law called for the reformation of the international law to be harmonized with what is happening in the recent moment and according to states' interests. Some of them saw in the US avoidance to international law and its attempt to change the nature of Article 51 an illustration for how the role of UN is ineffective in drawing the lines for the use of force to fight against threats. Professors Michael Glennon and John Yoo stated that; “the lesson of history demonstrate that strong nations simply do not accept legal or institutional restraints on their power to use force to protect what they consider their own vital interests.”(qtd in Lobel) .

Michael Glennon of the Fletcher School of Law and Diplomacy in US intended to say that the international system is divided between two systems; one is theoretical and abstract and the other is concrete. What is theoretical is concerned with the rules that govern the use of force and what is practical is concerned with to what extent states would apply those rules in reality. For Glennon, there is a conflict between Article 51 and the reality of ‘state behavior’. The source for such conflict is the ambiguity of Article 51. Glennon considered that the problem in Article 51 is not the drafting of ambiguous words, but the problem is that there is no consensus in international community as to what “constitutes aggression “. What needs definition is “aggression” and this has been missed in the international community. For him what is considered “justified humanitarian intervention” in one part of the world is seen as a “violation of state sovereignty” in another. What is self-defense to one state is “aggression”, or intervention to another. For this reason, Professor Glennon considered that the UN charter failed to control states practice because of its “illusory nature.”

Professor Mark Weisburd noted that, “State practice simply does not support the proposition that the rule of the UN Charter can be said to be a rule of customary international law.” (Weisburd) According to Professor Glennon, the use of force regime should not depend on international law which is theoretical and do not serve what is in reality. The use of force regime should rely on “actual patterns of practice that reveal, with solid empirical evidence, what regulation of force is possible and what is not.” This reflects the fact that many members of the Bush administration believed that the legitimacy is sometimes “rewarded by the international system ex post rather than ex ante, and that owing to weaknesses of the collective decision-making institutions in world politics, the United States would have to act first and receive approbation later”. (Fukuyama 95-6) According to Professor Glennon’s view ‘legitimacy’ is not what UN charter announced, but it is the reaction of states to actions they saw as appropriate for their security. Professor Michael J Glennon who supported President W. Bush aggressive doctrine stated that:

In the meantime, however, states will continue to judge for themselves what measure of force is required for their self-defense --action that is appropriate, it must always be borne in mind, not because defense is permitted by the U.N. Charter, but because defense is necessary for survival and survival is intrinsic in the very fact of statehood.

This is an invitation to states especially powerful ones to abandon the international law and to work according to what is appropriate for their actual position and interests even if it is an act of aggression. For President W. Bush and neo-conservatives, the use of force regime set out in the UN Charter failed because the Charter sought to impose rules that are out-of-sync with the way states actually behave. President Bush neo-conservative hegemonic point of view was that international institutions were ineffective to maintain American national interests. Neo-conservatives were so disdainful to international law which is, according to them, incapable to

enforce rules to fight against aggression. (Ryan 177). Professor Anthony Clark Arend, a director of the Institute for International Law and Politics at Georgetown University, considered that the existing international law relating to the use of force is problematic and outdated. So, the US as a leading state should go further in developing a legal regime that would be “truly authoritative and controlling of state behavior”. He called for the United States leadership in improving it. Arend stated that:

if the legal regime for the recourse to force is to return to something more closely resembling a stable order, the United States—as the superpower in the international system— needs to take the lead both in acknowledging the deficiency in the current legal structure and in pointing the way to its improvement (35)

Michael Doyle argued that the traditional international law orthodoxy is unrealistic and excessively constraining given the conditions that now confront world leaders, including the new threats posed by non-state actors such as terrorist networks and the states that support them. He called for strengthening international law by asserting standards which, if also recognized in international law, can improve political deliberation about decisions to make war on anticipatory or preventive grounds. Michael Doyle summed up that:

The problem with existing international law and standards are fourfold: first, the substantive rules are inadequate; second, the Bush Doctrine was subjective and dangerous; third, United Nations procedural rules do not adequately fill the subsequent gap; and fourth, unlike domestic emergencies, breaking the law in the international context—and relying on excuse and mitigation as a framework for order—does not serve well (Doyle 22)

The real failure of the international law fell in the UN inability neither to ratify the US decision to go to war nor to Stop Washington from acting on its own. The UN should independent from the monopoly of great powers that use the Veto power to seek their own interests. Fukuyama, the ex-neoconservative, wrote about the American control on international institutions, and how the Security Council would never act contrary to American national interests. (Fukuyama 155). The US also breached the UN resolutions through using its veto to cover its illegitimate acts like its use of veto to deny Israel non- compliance with UN Security Council resolutions. So, the extreme non-compliance with international law is the use of vetoes to support certain subjective interests. (Chomsky, Hegemony or survival... 24)

Reciprocity which means equality in front of the international law is an important criterion to identify 'real threats'. American focus on "bad guys" and the ignorance of the threat that come from "good guys" is an evidence for the absence of reciprocity in the US foreign policy. There should be no distinction between "bad guys" and "good guys" in countering the proliferation of WMD. The international legal system must treat everyone equally and should "be applied generally." Through implementing the "preemptive" counter-proliferation policy, the US violates the international law George P. Fletcher and Jens David Ohlin said;

We take for granted that the United States, the United Kingdom, and Israel can rightly protect themselves by military means because they are peace-loving democracies and that rogue states must not acquire nuclear reactors or nuclear weapons because they are presumed to have aggressive intentions."(169)

The proliferation of WMD cannot be taken as a justification for "the preemptive strategy". The idea that WMD proliferation can replace the historical threats of an "armed attack" which would justify an act of preemptive self defense is not accepted and is so misleading. Considering the possession of WMD as imminent threat is dangerous. So, the American "preemptive counter-

proliferation approach was so problematic. Given the current realities in the international system, India would be able to use force against Pakistan, and vice versa. The American “preemptive” counter-proliferation turned to be a model to many states to launch wars according to each other. (Arend 29- 30)

The international Court of justice interpreted Article 51 as a reaction to the Nicaragua versus the US case.¹⁵ The American justification was that Nicaragua provided weapons and other support to rebels seeking to overthrow the Salvadorian government. The international Criminal Court concluded that providing weapons and logistical support to terrorists does not constitute an “armed attack”; “the supply of arms and other support to such bands cannot be equated with armed attack.”. According to the international court, “The concept of an armed attack includes the dispatch by one State of armed bands into the territory of another State,” (Mueller).

4-A Reinforced Counter-proliferation Policy through Preventive War

With the absence of the criterion of an imminent threat, the American invasion to Iraq was a preventive war not “preemptive war”. The US argued that its war against Iraq was to degrade Iraq stockpiling weapons of mass destruction. The American use of force against Iraq neither matched the rules of preemptive self-defense set by Daniel Webster, nor reflected the rules set for implementing “preemptive” counter-proliferation policy set by Schneider in the post Gulf War. Although the UN Charter provides no descriptive definition to both “preemption” and “prevention”, it put restrictions on the use of military force even in cases of self defense. Preemption is a lawful and moral use of force when a clear evidence accompanies preemptive action to prove that the threat is both certain and imminent. Conversely, the preventive war did not find any justification in the international law. The UN forbade waging preventive war because it is based on suggestions and causes grave damage. Preventive war is defined by the

Department of Defense as; “the belief that military conflict, while not imminent, is inevitable, and that to delay would involve greater risk.”¹⁶

The NSS 2002 was based on assumptions in which Bush administration believed that new threats could emerge to threaten the security of the US. So, President Bush chose the use of military force against Iraq as the best tool to prevent those predicted threats. The threat of using nuclear biological and chemical weapons against the US and its allies was just an assumption and a prediction from neo-conservatives and the politicized intelligence. Consequently, it cannot prove the incontrovertibility of the evidence of the threat. The Carnegie Endowment for International Peace prepared a report called: WMD in Iraq evidence and implication. The report concluded that the National Security Strategy’s new doctrine of preemptive military action is actually a loose standard for preventive war under the name of legitimate preemption. (Cirincione, WMD in Iraq: Evidence... 60) President W. Bush’s use of force against Iraq fell in the case of preventive war. One may say that the unknown threat which moved the US to launch a military action against Iraq cannot be considered as incontrovertible evidence of attack.

President Bush Official statements showed how he based his justification for Iraq’s war on assumptions rather than proved facts. President Bush in his NSS 2002 said; “as a matter of common sense and self-defense, America will act against such emerging threats before they are fully formed. He also added ; “ the greater the threat, the greater the risk of inaction and more compelling the case for taking anticipatory action to defend ourselves, even if in uncertainty remains as to the time and place of the enemy’s attack” . In his Address on Iraq, Cincinnati, Ohio October 7, 2002, Bush stated that; “Knowing these realities, America must not ignore the threat gathering against us. Facing clear evidence of peril, we cannot wait for the final proof- the smoking gun-that could come in the form of a mushroom cloud.”¹⁷

Walker Bush and his policymakers were not sure where and when those attacks would happen. It was declared by the US that the Post-Cold War era is an age of uncertainty. The term “uncertainty” contradicts with “incontrovertibility” of the threat. It contradicts with Department of Defense (DOD) definition of preemption in which the threat is both certain and imminent. Certainty of the threat is a determining criterion for the right of self-defense. So, a war based on assumption rather than a clear evidence of the imminence of threat is a preventive war. (Barela)

For more than a decade the US considered the threat from Iraq WMD as a serious threat to its vital interests. And from the period of the Gulf war to the coming of President W. Bush to presidency, the idea of using military force against the Iraqi regime was presented. Fukuyama gave a clear definition to preventive war; “[as] a military operation designed to head off a threat that is months or years away from materializing.”(83). According to Juan Carlos Iscara preventive war;

[is] the unilateral attack that neutralizes what is, at present, only the mere possibility of the future attack by a potential adversary, in other words, military force is brought to bear upon a country to prevent a threat that such a country may or may not pose in the future, but which we fear it may. Thus the rationale for war is not the adversary’s actual threat, but our assessment of his possible future intentions” (217)

The preventive war is not defensive because there is no “actual attack”. Modern threats in the post-Cold War do not justify it because the threat in this period, as Iscara showed, came from terrorist groups not from states. Expert George Weigel stated; “no visible signs of imminent attack, no authority of a hostile state who assumes responsibility for the attack.” (Weigel). Preventive war is not defensive, so it is not “a just war” because the latter is a defensive one. The right of defense is a reaction to an “actual attack” which was missed in president’s Bush war; “...

yet the war on terror will not be won on the defensive_ we must take the battle to the enemy, disrupt his plans and confront the worst threat before they emerge.” (qtd in Barela) The preventive war is problematic because it is based on predicted threats that might happen in the future; “even under post-September 11 conditions, preventive war remains far more difficult to justify prudentially and morally than preemptive war and ought properly to be used in a far more restricted number of cases.”(Fukuyama 84) For Lobel, the war against Iraq was a preventive war because Iraq had not planned to attack the US imminently. The war against Iraq was based on suggestions and calculations. So; this can reflect a preventive war rather than a preemptive war which should be based on real fact and evidence to prove the real imminence of the threat.

In his book, *Why Leaders Choose War: The Psychology of prevention*, Jonathan Renshon tried to analyze four cases that may contribute to declaring preventive war. First, a country may launch a preventive war against another country when its power started to be declining in relation to an adversary. Second, an inherent bad faith image of the adversary also led leaders to adopt preventive wars against their adversaries. The third case is when the attacker has the belief that the war is inevitable. The fourth case is that leaders believed that the situation favors the offensive and not the non-military means.

We try to analyze which cases contribute to declaring American war against Iraq. The first case cannot be applied to the case of Iraq. Iraq is not so powerful to say that the American power is shrinking relative to the Iraqi power. In this case country A may act militarily to prevent country B to increase its relative power. So, country A lunches “a preventive war” against B. This preventive war is the classic sense of the “preventive war”, a war fought to preserve the status quo balance of power. Preventive war as defined by Samuel Huntington in 1957, “[is] a military action initiated by one state against another for the purpose of forestalling a subsequent change in the balance of power between the two states which would seriously reduce the military security of the first state”(qtd in Renshon 3). Preventive wars could be launched said, Jack S

Levy and Joseph Gordan , “[if democratic state leaders anticipated a decline in relative power with respect to a rising adversary that posed significant threats to its vital interests or those of its allies.” An example for the classic motivation of preventive war was when Japan felt that the American military power was a fact that would threaten its military balance. Hence Japan believed that war was inevitable.

The shift in the balance of power was considered as determining factor in the Israel preventive strike against Iraq nuclear Reactor Osiraq in 1981. The Israel attempt to alter the balance of power, to keep itself the only powerful state in the region, illustrates one of the conditions under which the preventive war could be launched. The Israeli attack was based on the perception that the threat came from Iraq nuclear capabilities. Saddam Hussein was considered as responsible for the Iraqi development of nuclear weapons. In 1978 Iraqi official stated that; “if Israel has nuclear weapons, the Arabs too must acquire them. The Arab countries must possess all the means necessary for their defense.” In 1979 when Israel was convinced that Iraq is going really to have nuclear weapons, its Prime Minister Menachen Begin had received a report which called for attacking the Iraqi nuclear reactor. (Renshon 50)

But, even if Iraq moved forward to have nuclear weapons, it did not justify the Israel choose of the preventive strike. Israel considered that its inaction towards Iraq nuclear program could give the Arabs the strong hand to dominate the Persian Gulf. Israel believed that Iraq is a serious threat which cannot be deterred especially that Iraq is led by an “irrational dictator” Saddam Hussein. Israel tried to prove the ineffectiveness of deterrence; especially after Iraq declaration to attack Iran. (Levy) But “not all preventive actions are wars to maintain the balance of power.” The American motivation in waging war against Iraq was not to maintain the balance of power.

The American bad faith image about Iraq as a “rogue state” and Saddam Hussein as “irrational man” played essential role in the American military intervention against Iraq. President Bush and his policymakers considered that Iraq is a mortal enemy to the American security and interests. The Iraq-American relations started to be bad and based on black image after the Iraq invasion to Kuwait. There was no trust between the two countries and this falls in the “security dilemma”. Even actions taken in “good faith” were considered as untruthful.

The Bush administration tried to divide the world between two groups. Those who serve the American interests are deemed to be friends, however those who stand against the American interests are considered as enemies. Renshon showed how this belief helped for launching or adopting a preventive policy. Individual leader’s “world view” plays an important role in the black and white thinking. President Walker Bush and neo-conservatives believed that the world is divided between “good” and “evil” and there is nothing else between the two;

A worldview/belief system is, in essence, a leader’s assumptions about the nature of the world that operate as a cognitive filter ‘black-and-white thinking... as one that sees the world as divided into two camps, with all morality on one side, all evil on the other, with two possible outcomes—to win or to lose. There is no political middle ground.’ (19)

Leaders that have this black and white thinking thought that their belief is correct; “this self-confidence allows leaders to make difficult decisions that are sure to provoke heavy criticism, such as initiating preventive action.” (19). Leaders’ world view plays important role in choosing which strategy to follow, either diplomatic policy or military force. Iraq was put on top of the “axis of evil”. Consequently, President Walker Bush policy was characterized by his black and white world view. (20).

In a good examination both Ivo H. Daalder, James M. Lindsay, in their book *America Unbound: the Bush Revolution in Foreign Policy*, showed how President Bush's world view had an important role in the American foreign policy. President Walker Bush foreign policy was characterized by the neo-conservatives hegemonist believe in which using power was core to securing America's interests in the world. Ivo H. Daalder, James M. Lindsay stated that; "What made Bush's proposed foreign policy different _and potentially even radical _were not its goals but its logic about how America should act in the world." (Daalder 40)

The black and white world view of Begin Menchem about Iraq in the 1980's, led to an Israeli preventive strike against the Iraq nuclear reactor "Osiraq". Iraq was believed to be as different Arab country which refused any kind of agreement with Israel. An Israeli official said that; "Iraq is, therefore, from the practical and legal point of view the only Arab state in permanent state of war with Israel." Israel considers Iraq as a dangerous enemy to its security in the region. All these had implications for the Israeli Preventive strike against Iraq.

President Walker Bush's personal world view that the world is "dangerous place", and his attempt to divide the world between "good" and "evil" played important role in adopting preventive war against Iraq. In his address to the Nation on War with Iraq on March 17, 2003; President Bush said that " [Iraq] has a deep hatred of America and our friends." He also labeled Saddam Hussein among the " evil men" in the world that seek to destroy the world through using biological chemical and nuclear weapons; " in this century, when evil men plot chemical, biological and nuclear terror, a policy of appeasement could bring destruction of a kind never before seen on this earth."¹⁸ President Walker Bush was influenced by the belief that the American power is a force for "good" in the world, and the US used its powerful position to spread its democracy and values; "Bush's confidence in his own decisions is consistent with his character, which draws sharp lines between good and evil, black and white." (Renshon 113)

Preventive war can be launched when a country decides that the threat is inevitable, and when it has in its interest to launch military action since it has the advantage, in which it is more powerful than the attacked country. The country that adopts the preventive war to fight against threats declares that deterrence failed to deal with those threats. A country and through making clear commitment to defend its interests deters another country from a given action to retaliate and to punish. The US in its war against Iraq claimed that deterrence failed to stop Iraq from developing its WMD. President George W. Bush in his NSS 2002 showed that deterrence was ineffective strategy towards rogue states; “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.”

The failure of deterrence opens the way for launching preventive war. The US intended to declare that deterrence in dealing with new threats lacked credibility. That is why it moved towards the use of military force. Renshon considered that the lack of credibility in deterrence led to preventive war. But the idea of inevitability of the enemy's threat is also based on subjective interpretation that proved a communication failure. (9) Saying that the threat from Iraq was inevitable was just an American pretext to go further in applying its objective of regime change. In October 2002 When Iraq accepted the return of inspectors, the US and the UK refused that saying that the war was inevitable. If the US truly communicated its warnings through letting inspectors complete their work, then war would not be inevitable, and it would not occur for sure.

The president W. Bush belief that war was inevitable was based on assumption not on fact. The US knew very well that Iraq had already disarmed from WMD after the Gulf War. Some politicians came to illustrate that preventive war may be launched if the attacker be acquainted with the fact that the adversary is so weak when compared to the attacker's strong capability. Democracies may fight preventive wars against weak states, this is what Schweller

Randall L stated and what both Jack S. Leny and Joseph R Godral agree with him. The US in its counter-proliferation policy chose to use military force against Iraq and not Iran or North Korea. The US knew very well that Iraq was weak and it would not face a strong reaction from Iraq; “one of the major factors that held the US back in the 1994 Korean nuclear crisis was the fear that a preventive military strike would precipitate a North Korean invasion of the south and a war that could cost up to 100,000 American casualties.”

The American belief that war against Iraq was inevitable was based on ambiguity and doubt not on fact. Although the inevitability of the war was surrounded by uncertainty, it correlates closely with decisions to initiate “preventive war”. The United States also believed that the case of Iraq favored the offensive rather than deterrence or containment. This belief that the case of the Iraqi threat demanded the offensive was also based on perceptions and self-interpretations. After the attacks of the 9/11, the US confirmed that it entered in a war against terrorism and WMD proliferation, and there was no policy that would succeed in fighting these threats other than the offensive. Renshon said about this: “President Bush’s [doctrine] is testament to his perception of the necessity of taking the offensive in certain cases. After September 11, the presumption of the importance of offensive thinking became quite clear.”

(108)

Preventive war is based on assumptions and personal interpretations because threats involved in this war lie in the future; “such decisions necessarily rely on interpretation of the available evidence”. Evidence in “preventive war” is rooted in interpretations of the threat, not what really is; “it is the perception of a specific threat cannot be deterred that leads decision makers to consider preventive action.” This is what happened in the case of Iraq in which the US tried to interpret the Iraqi threat in way of exaggeration that helped for applying its “preemptive” counter-proliferation and regime change. (Cirincione, WMD in Iraq: Evidence ... 58)

5-Conflation between Preemptive War and Preventive War is Misleading

There is no way to conflate “preemptive war” with “preventive war” because the justifications for “preemptive” war do not hold for preventive war. The “preventive war” is a war of aggression. It is based on imagined and supposed threats rather than facts. It is: “the use of military force to eliminate an imagined or invented threat.” Three characteristics were given by Chomsky to the target of the Preventive war. The target should be defenseless. It must attract the public and international attention in which it creates a serious danger. The target also must be showed as an imminent threat. (Chomsky, “Hegemony or Survival...”14-15)

To cover its unjustified preventive war, the Bush Administration claimed that the war fought against Iraq is a “preemptive” war for self-defense. And to make this claim seem more real, it linked Iraq to the 9/11 attacks and attempted to show that there was a historical tie between Saddam Hussein and Osama Bin laden. The 9/11 led Americans to believe that the threat from Iraq was immediate. The American propaganda succeeded in convincing the American public that Saddam had relation with al-Qaida; “It is immaterial that the alleged link between Saddam Hussein and Osama bin Laden, in fact, his bitter enemy, was based on no credible evidence and largely dismissed by competent observers.”(Chomsky, “Hegemony or Survival...” 16)

In 2003, President Bush announced that; “the battle of Iraq is one victory in a war on terror that began on September the 11, 2001, and still goes on.” This statement is surprising because many people considered Iraq to be something separate from the government’s declared “war on terror.” The US claimed that Iraq was a part from its global war on terrorism, but reality shows that the US war turned Iraq from a non-terrorist country to an extremely terrorist one. Linking Iraq to terrorism was a conspiracy done by the politicized American intelligence.

Concerning the idea of attacking terrorists and those sponsoring them, the US had an experience in sponsoring terrorists; even the biological weapons used by Iraq against Iran and

Kurds was delivered to Iraq by the US during the Reagan Administration . So, the most “rogue state” in the world is the US.¹⁹ (Chomsky, *Imperial Ambitions...*73) There was a big difference between Saddam Hussein who was a leader of democratic country and Bin Laden who is a leader of a non-state terrorist group. Let us say that the mistake of the 9/11 attacks was done by the American intelligence when they turned their focus from Osama Bin Laden, that the intelligence assessments showed in 1996 that there was a sense that he might start taking aim at American targets abroad, to Saddam Hussein who posed no threat to the US. (Weiner 462- 463)

American administration officials announced the Iraqi relation to terrorism, US Secretary of State Colin Powell in his address to the UN Security Council on February 5, 2003 stated that; “My second purpose today is to provide you with additional information, to share with you what the United States knows about Iraq’s weapons of mass destruction as well as Iraq’s involvement in terrorism, which is also the subject of Resolution 1441 and other earlier resolutions”. Director of Central Intelligence George Tenet who depended on one source from the Iraqi opposition, before the Senate intelligence committee on September 17, 2002, stated that: “Iraq provided with various kinds of training—combat, bomb-making, and chemical, biological, radiological and nuclear.” (Weiner 486) Vice President Dick Cheney said on August 26, 2002 : “There is no doubt that Saddam Hussein now has weapons of mass destruction...There is no doubt he is amassing them to use against our friends, against our allies, and against us.” Secretary of Defense Don Rumsfeld also said the same: “We know they have weapons of mass destruction,” he said. "There is[not] any debate about it.”

Al-Qaeda members showed that there was no agreement between Saddam Hussein and Al-Qaeda to make terrorist attacks against the US. The New York Times reported in June that; “two of the highest-ranking leaders of Al Qaeda in custody, Abu Zubaydah and Khalid Sheikh Mohammed, both told interrogators that Iraq and Al Qaeda did not carry out operations together.”(qtd in Cirincione, *WMD in Iraq: Evidence ...*44)

The UN also proved that there was no tie between Saddam Hussein and Al-Qaeda. The UN Monitoring Group on Al Qaeda released a draft report in June that found no link between Iraq and the terrorist group. The committee's chief investigator said, "Nothing has come to our notice that would indicate links . . . that [does not] mean to say it doesn't exist. But from what we've seen the answer is no." (Iraq 'Had No Links to al-Qaeda)

The American war against Iraq was not a part of the global war on terrorism; it was rather a deviation from it because Iraq had nothing to do with terrorist attacks. The US attempted to make the Iraq war as a part from an already launched war against terrorism. But this conflation was wrong. Iraq was not the first case in which the US applied its strategy of 'regime change'; however, it was the first test for the US "preventive war".²⁰ In its NSS 2002, President Walker Bush declared that Iraq, North Korea and Iran are "axis of evil". So, the US put them under one category, but it did not choose the same policy towards them. In fact, Iraq was weak and defenseless when compared with North Korea and Iran. North Korea's nuclear capability is more dangerous to the American interests. Hence, the US feared that North Korea would attack its troops at Seoul, the capital of South Korea. North Korea has a deterrent, but Iraq has nothing. The Bush administration knew perfectly well that Iraq was defenseless because it suffered from international sanctions for more than a decade. (Mearsheimer, Stephen M 229)

It is said that the preventive war is the one that fought to forestall a grave national security threat such as the threat of the proliferation of WMD. But national defense through preventive war is so risky. The war in this modern age is waged through modern weapons. When the US engaged in an aggressive war against Iraq under the name of democracy, its war did not distinguish between combatants and non-combatants. It is true that war cannot damage a part of the world without damaging all of it. The American second war against Iraq was surrounded by a language of propaganda. The US proclaimed its war against Iraq as a war to end the dictatorship of Saddam Hussein use of WMD against his people and neighbors. The US

considered the weak and defenseless country which was devastated by sanctions as the extreme danger of proliferation of Weapons of mass destruction.

Hypocrisy was inescapable in President Walker Bush and his policy makers' behavior because they showed no opposition to violence, instead they covered this violence by metaphysical concepts of peace, freedom and democracy. Iraq's nuclear weapons or Saddam Hussein ties to Al-Qaeda were just the "con" of the twenty first century. After the war, there was no evidence for Iraq's weapons existence or that they were destroyed shortly. All what was claimed by President Walker Bush and the "Vulcans" was just a lie that misled the international community and even the American people themselves. The real fact is that Iraq weapons and facilities had been destroyed by the United Nations inspectors and US bombing strikes in the 1990s, and there was no evidence of Iraqi efforts headed by Saddam Hussein to restart the program.

But it seemed well that the US was ready to reply to those criticizing its foreign policy. It was the case when American policymakers declared that the war against Iraq was not directed only to degrade Iraq from WMD, but to bring democracy to a country suffered from tyranny and the dictatorship of its leader for a long time. This was again another lie in the name of democracy to cover its illegitimate war against Iraq. It was also one of the plenty contradictions in the American foreign policy. The American overt objective for the war against Iraq which was explicitly declared by President W. Bush was the disarmament of Iraq. And this seemed clear from the reports prepared by both the US and UK that tried to confirm the Iraq biological, chemical and even nuclear threat. So, democracy was not a strong reason before the war. This pretext also was faded in front of the fact that the US chose the preventive war as the best tool for its non-proliferation policy.

Military intervention and regime change in Iraq were new phases in the American non-proliferation policy. The US thought that toppling Saddam Hussein and enhancing its military existence in the region were appropriate tools to prevent the proliferation of WMD in the Middle East; especially to stand against rogue states like Iran and Iraq. The Counter-proliferation policy through preventive war against Iraq was illegitimate because Saddam Hussein was really deterred from developing WMD, and it is against the international law to change the Iraq regime and to declare the war for just suggestions and predictions rather than facts. It is also counter-productive because the US failed to deter both Iran and North Korea from ending their nuclear program.

ENDNOTES

¹ For more information See, “The definition of preemptive war “United States Joint Chiefs of Staff, Department of Defense Dictionary of Military. 18 September 2009. <<http://www.answers.com/topic/preemptive-war>>

² For more details on the Caroline international law limits on resort to force see, Doyle, Michael W Doyle . *Striking First : Preemption and Prevention in International Conflict*, New Jersey: Princeton University Press, 2008.24-29.

³ Article 51 was characterized by its ambiguity because it was put under different interpretation. There are those who consider that the real evidence of the threat is the actual occurrence of an armed attack. The other group headed by the US considers that an armed attack is just only one case among other circumstances; Article 51 does not say “if, and only if, an armed attack occurs.” Said by Stephen Schwebel. The US. judged on the International Court of Justice in the case of Nicaragua. For an excellent review of how Article 51 was considered as ambiguous and put under subjective interpretations see Anthony Clark Arend, “International Law and the Preemptive Use of Military.” Eds, Alexander T. J. Lennon, Camille Eiss. *Reshaping Rogues: Preemption, Regime Change and U.S. Policy Toward Iran, Iraq, and North Korea*. Cambridge: The MIT Press, 22-23. 2004.

⁴ Still there was no proof that Cuba would attack the US, contrary it was intended to change the balance of power between the two blocks. There was a secret bargain between the US and the USSR to remove their missiles from Cuba as well as Turkey and Greece. For added information see George P Fletcher. Jens David Ohlin *Defending Humanity: When Force Is Justified and Why*. New York: Oxford University Press, 2008.161

⁵ This explanation is according to the Model Penal Code. US criminal law anticipates that some otherwise illegal acts are justified if the actor believes them to be necessary to avoid an equal or greater harm to himself or another. See, George P Fletcher. Jens David Ohlin *Defending Humanity: When Force Is Justified and Why*. New York: Oxford University Press, 2008.

⁶ See Barry R. Schneider, “Radical Responses to Radical Regimes: evaluating preemptive counter-proliferation”, McNair Paper 41, Institute for National Strategic Studies, National Defense University. Washington, DC, May 1995. 19 September 2008. <<http://www.ndu.edu/inss/macnair/mcnair41/mcnair41.pdf>>.

⁷ The idea of meeting was shelved , and tension between Israel and Iraq came again. Read about the topic in: Israel Shahak. *Open Secrets: Israeli Nuclear and Foreign Policies*. Israel Shahak . Pluto Press 1997. London.

⁸ Although the UN sanctions against Iraq was legitimate; but since they were elapsed the international support became to erode .Russia, china showed their tiredness of the lengthy disarmament process and began to challenge UNSCOM and question its work and credibility see, Patricia Lewis . “Why we got it wrong: Attempting to unravel the truth of bioweapons in Iraq.” Eds : Waheguru Pal Singh Sidhu, Ramesh Thakur. *Arms control after Iraq: Normative and operational challenges*. New York: United Nations University Press, 2006.95.

⁹About the damage sanctions see William Blum . *Rogue State: A Guide to the World's Only Superpower*. South Africa: Zed Books Spearhead, a division of New Africa Books.New updated edition, 2002.25-26.

¹⁰Ahmed Chalabi called for the removal of Saddam's regime, and considered that military strikes are ineffective See Noam Chomsky "Rogue States". 8 November 2008. Google book Search. <http://books.google.com/books?id=4ErRaUQhb8C&printsec=frontcover&dq=chomsky:+rogue+states&hl=fr&source=gbs_similarbooks_s&cad=1#v=onepage&q&f=false>.

¹¹There are four phases in searching for WMD Investigations carried out by small terms of experts on behalf of the UN Secretary – General who visited Iran-Iraq 1984-1988.2) UNSCOM United Nations Special Commission on Iraq.(1991-1998).3) UNMOVIC United Nations Monitoring, verification and inspection (from November till March 2003. 4) ISG Iraq Survey Group June 2003. For more details read Graham S. Pearson. *The Search for Iraq's Weapons of Mass Destruction: Inspection, Verification and Non-Proliferation*. New York: Palgrave Macmillan, 2005.

¹²On February 24, the US, Britain and Spain introduced a Second Resolution declared that Iraq had failed to meet UN Resolution 1441. The UN did not make any subsequent determination that Iraq had not taken advantage of the final opportunity given to it. The U.S and Britain made that judgment themselves and relied on the Security Council's November decision Resolution 678 as authority to use force. Read Stephen Ryan, "The United Nations." Eds, Mary Buckley, Robert. *The Bush Doctrine and the War on Terrorism: Global responses, global consequences*. New York: Routledge Taylor and Francis e-Library, 2006. 179.

¹³On January 7, president Chirac reiterated his insistence that Iraq fully comply with the UN Resolution 1441 and reminded Iraq it had the final opportunity to disarm. President Chirac made it clear that France would only support the use of force after an explicit decision by the Security Council, but not from one side. For more details about the French opposition the British American unilateral use of force against Iraq see Philip H Gordon. Jeremy Shapiro. *Allies At War: America, Europe and the Crisis Over Iraq*. New York: The McGraw-Hill Companies, 2004.10-11.

¹⁴Paragraph 14 is about disarming the Middle East from WMDs. The goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery and the objective of a global ban on chemical weapons as referred to in paragraph 14 of resolution 687 (1991) read, Graham S. Pearson. *The Search for Iraq's Weapons of Mass Destruction: Inspection, Verification and Non-Proliferation*. New York: Palgrave Macmillan, 2005. 289.

¹⁵When Nicaragua brought to the court a dispute against the US the latter withdrew from the litigation and revoked its acceptance of the court's jurisdiction under the 'optional clause'. The US rejected to have the court adjudicate a specific use of force. The US is not a party to any treaty that would compel it to submit a dispute involving the use of force to the ICJ. The US no longer accepts jurisdiction under the 'optional clause'. The International Court of Justice may have the power to rule on the legality of the use force, when state A and state B accept Court's jurisdiction. There are three ways in which states accept jurisdiction: 1) country A and B (parties

of the dispute) conclude a special agreement in which they submit the particular controversy to the court. 2) They are parties to a treaty that provides for the court to resolve disputes under the treaty. 3) both have accepted the “optional clause” which declares that a state accepts the jurisdiction of the court as a compulsory for dispute with another state. The US refused the Court’s jurisdiction under the optional clause. The sole way to make a state comply with ICJ is through the Security Council. But the US could veto any attempt to enforce ICJ ruling against it. See, Karl. P. Mueller et al, “*Striking First : Preemptive and Preventive attack in U.S.National Security Policy.*” 2006. Rand Project Air Force. 19 February 2008
<http://www.rand.org/pubs/monographs/2006/RAND_MG403.pdf>.

¹⁶ for more details see the Definition of the Preventive War. United States Joint Chiefs of Staff, Department of Defense Dictionary of Military. 18 September 2009.
<<http://www.answers.com/library/US%20Military%20Dictionary-cid-2781666>>

¹⁷ For more details see George W. Bush, “Address on Iraq,” Remarks in Cincinnati, Ohio. 7 October 2002. 12 September 2008. <www.whitehouse.gov/news/releases/2002/10/20021007-8.html> .

¹⁸ For more details see; George W. Bush, “Address to the Nation on War with Iraq” Remarks in Washington, D.C, 17 March 2003. 21 October 2007
<www.whitehouse.gov/news/releases/2003/03/20030317-7.html> .

¹⁹ For more information about how the US considered as the most rogue state in the world; read William Blum . *Rogue State: A Guide to the World's Only Superpower*. South Africa: Zed Books Spearhead, a division of New Africa Books.New updated edition, 2002.

²⁰ for more details on how the US engaged in changing the Iranian regime in 1953, and its attempt to make Iran a pro-western state to save the American interests in the region read, Barry Rubin. “*Lessons from Iran.*” Eds, Alexander T. J. Lennon, Camille Eiss. *Reshaping Rogues: Preemption, Regime Change and U.S. Policy Toward Iran, Iraq, and North Korea*. Cambridge: The MIT Press 2004. 141.

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CONCLUSION

The American radical departure from the traditional non-proliferation policy and the Treaty Regime to a radical military counter-proliferation policy is misleading. The US so called “preemptive” war did not match with Daniel Webster’s four criteria for a justified preemptive self defense. The president W. Bush’s Administration put itself in another controversial and critical situation when its “preemptive” counter-proliferation policy did not meet the rules set by Barry Schneider, the director of the US Air Force Counter-proliferation Center. The American war against Iraq was a war based on assumptions and subjective interpretation of predicted threats rather than facts. So, the American use of “preventive” and “preemptive” terms interchangeably was so misleading. President Bush’s use of the term “preemptive” was to find a justification to his aggressive war in front of the international community.

Indeed the American “preemptive” counter-proliferation main aim was the Iraq regime change more than disarmament which must be the real objective of the counter-proliferation policy. The US Knew very well that Iraq had been disarmed after the Gulf war and weakened due to sanctions. The President W. Bush’s focus was the departure of the “evil man” who would create serious threat to the American vital interests through his long existence.

The real and the covert objective of the “preemptive” counter-proliferation policy was not disarmament, but rather maintaining a safe road for the American access in the Middle East. This secure access is especially for securing Israel WMD proliferation. The US under the Presidency

of W. Bush made it explicit that unilateralism is inevitable result to the age of unipolarity. This seemed clear in its unilateral use of force against Iraq without any consideration to international law institutions that were established to govern the use of force. The W. Bush administration gave an example for an extreme breaching to international law in history, in which it tried to cover its aggression to Iraq by its foolish justification of the emergence of uncertain and unknown threats. The American hegemony in the Middle East seemed clearer than any place in the world. The unlimited support to Israel and its violent treatment to the Palestinians, the strong military existence, and the support of the pro-American Arab regimes; all proved its covert policy of the “positive anarchy” in the Middle East to reach its objectives.

Neither “preemption” nor “prevention” policies actually were necessary to counter the pretended threat from Iraq. Iraq was not a strong power. Its nuclear capability neither posed a threat nor used to attack the American invulnerability to be taken as a justification to the case of “preemptive” self defense. The “preemptive” counter-proliferation towards Iraq was a failed policy which coincided with many contradictions. The US neither disarms Iraq through its new policy, nor deters the other non-proliferators. Through its war against Iraq the US wanted to send a warning message to both Iran and North Korea that they will have the same destiny if they continue their nuclear programs. But contrary to what the US was planning, both Iran and North Korea go ahead in their nuclear programs. Both countries believe that they should speed up their nuclear programs not abandon them.

The “preemptive” counter-proliferation eroded the traditional core of Treaty Regime through concentrating just on “rogue regimes” and dismissing the main aim of preventing the proliferation of WMD. It failed to reduce the proliferation of WMD threat which deemed to be the most challenge to the world security in the post-Cold War era. Instead, this new policy encouraged some countries to go further in developing their nuclear weapons to stand against any threat from the US which might bring a similar Iraq fate down upon them.

It also opened the door for other countries to adopt the preventive war against each other like Pakistan and India. Preventive wars will be much more affordable and the US will find it difficult to criticize other countries for preventive war adoption, and this for sure will create more instability in the world. Adopting a policy of preventive war is so risky in its consequences which for sure will lead other countries to more proliferation or adopting the same policy to materialize potential threats.

Through conflating terrorism to proliferation of WMD, the US intended to end or reduce the threat of terrorism; however its implementation to the “preemptive” counter-proliferation through preventive war has turned Iraq from a non-terrorist country to a terrorist one. All this proved how the American “preemptive” counter-proliferation is so misleading and how the American hegemony turned to be so aggressive in Walker. Bush presidency. As general conclusion what the US sought in the Middle East through transforming the Middle East into a region of participatory “self-government” and economic opportunity was all a hopeless pursuit for an absolute security.

The preventive war against Iraq was an attempt to maintain the Middle East Paradigm, in which the US sought a strong American presence in the Middle East. The American intervention in Iraq was a phase of growing American hegemony in the post-Cold war era. It was an attempt from the hegemonic power to transform Iraq and the entire Middle East in which the US would be the only leader. The counter-proliferation policy towards Iraq through an aggressive preventive war will be also more risky through increasing an anti-American thought in the region which will affect its goal for transforming the Middle East into a region of participatory “self-government” to be matched with the American interests and economic opportunity. So this would create a hopeless pursuit for an absolute security and strong hegemony in Iraq as well as the Middle East.

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