Strategy Research Project

ROGUE STATES AND DETERRENCE STRATEGY

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USAWC CLASS OF 2009

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REPORT DOCUMENTATION PAGE

Form Approved
OMB No. 0704-0188

1. REPORT DATE *(DD-MM-YYYY)*	**2. REPORT TYPE**	**3. DATES COVERED** *(From - To)*
02-04-2009	Strategy Research Project	

4. TITLE AND SUBTITLE

Rogue States and Deterrence Strategy

5a. CONTRACT NUMBER

5b. GRANT NUMBER

5c. PROGRAM ELEMENT NUMBER

6. AUTHOR(S)

Colonel Scott A. Enold

5d. PROJECT NUMBER

5e. TASK NUMBER

5f. WORK UNIT NUMBER

7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES)

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Department of Command, Leadership, and Management

8. PERFORMING ORGANIZATION REPORT NUMBER

9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES)

U.S. Army War College
122 Forbes Avenue
Carlisle, PA 17013

10. SPONSOR/MONITOR'S ACRONYM(S)

11. SPONSOR/MONITOR'S REPORT NUMBER(S)

12. DISTRIBUTION / AVAILABILITY STATEMENT

Distribution A: Unlimited

13. SUPPLEMENTARY NOTES

14. ABSTRACT

To effectively engage rogue states who have proliferated nuclear weapons or weapons of mass destruction or are attempting to proliferate them, the United States must develop and implement an effective policy designed to persuade, pursue and punish those governments and regimes. The United States government must possess extreme tactics and measures. Preemptive targeting must be available if rogue states or actors utilize nuclear terror tactics to seek political gains or to be recognized as a key participant in the world balance of power. It is imperative that rogue states or actors cannot employ nuclear weapons. As rogue states acquire nuclear technology, the United States must develop a range of policies to apply constant pressure on these states. The United States must be prepared to demonstrate resiliency to attacks should they occur. Presently, the United States National Security Strategy does not lay out a direct policy demonstrating an unconditional strategy to stop rogue state or actors from nuclear weapon employment. There must be actionable and if necessary violent steps available against rogue states and actors. They must to be aware of and understand the harsh retaliation should they chose to utilize a nuclear option.

15. SUBJECT TERMS

Nuclear Weapons, Proliferation

16. SECURITY CLASSIFICATION OF:			**17. LIMITATION OF ABSTRACT**	**18. NUMBER OF PAGES**	**19a. NAME OF RESPONSIBLE PERSON**
a. REPORT	**b. ABSTRACT**	**c. THIS PAGE**			**19b. TELEPHONE NUMBER** *(include area code)*
UNCLASSIFED	UNCLASSIFED	UNCLASSIFED	UNLIMITED	38	

USAWC STRATEGY RESEARCH PROJECT

ROGUE STATES AND DETERRENCE STRATEGY

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This SRP is submitted in partial fulfillment of the requirements of the Master of Strategic Studies Degree. The U.S. Army War College is accredited by the Commission on Higher Education of the Middle States Association of Colleges and Schools, 3624 Market Street, Philadelphia, PA 19104, (215) 662-5606. The Commission on Higher Education is an institutional accrediting agency recognized by the U.S. Secretary of Education and the Council for Higher Education Accreditation.

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ABSTRACT

AUTHOR: Colonel Scott A. Enold

TITLE: Rogue States and Deterrence Strategy

FORMAT: Strategy Research Project

DATE: 2 April 2009 WORD COUNT: 7955 PAGES: 38

KEY TERMS: Nuclear Weapons, Proliferation

CLASSIFICATION: Unclassified

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ROGUE STATES AND DETERRENCE STRATEGY

> The gravest danger to freedom lies at the crossroads of radicalism and technology. When the spread of chemical and biological and nuclear weapons, along with ballistic missile technology—when that occurs, even weak states and small groups could attain a catastrophic power to strike great nations. Our enemies have declared this very intention, and have been caught seeking these terrible weapons. They want the capability to blackmail us, or to harm us, or to harm our friends—and we will oppose them with all our power.[1]
>
> —President Bush
> West Point, New York
> June 1, 2002

To effectively engage rogue states who have proliferated nuclear weapons or weapons of mass destruction or are attempting to proliferate them, the United States must develop and implement an effective policy designed to persuade, pursue and punish those governments and regimes. The United States government must possess extreme tactics and measures. Preemptive targeting must be available if rogue states or actors utilize nuclear terror tactics as they seek political gains or to be recognized as a key participant in the world balance of power. It is imperative that rogue states or actors cannot employ nuclear weapons. As rogue states acquire nuclear technology, the United States must develop a range of policies to apply constant pressure on these states. The United States must be prepared to demonstrate resiliency to attacks should they occur. The United States government must prepare its citizens to accept the fact terrorist acts will occur on the continent. The citizens must understand that every effort is made to protect the population. Actors exist who seek to harm citizens or provide evidence of weak resolve or weak policies inside the United States. In doing so, rouge states or actors seek to secure a foothold for a continued exploitation of the United States. Presently, the United States National Security Strategy does not lay out a direct

policy demonstrating a complete and unconditional strategy to stop rogue state or actor nuclear weapon employment. There must be actionable and if necessary violent steps available to take against rogue states and actors. They must to be aware of and understand the harsh retaliation should they chose to utilize a nuclear option.

A Rogue State Defined

The United States government labels rogue states as dangerous to American interests and the interests of the free world. For the United States and its leadership, a rogue state is defined in the National Security Strategy of the United States of America released in September 2002, "In the 1990s we witnessed the emergence of a small number of rogue states that, while different in important ways, share a number of attributes. These states: brutalize their own people and squander their national resources for the personal gain of the ruler; display no regard for international law, threaten their neighbors and callously violate international treaties to which they are party; are determined to acquire weapons of mass destruction, along with other advanced military technology, to be used as threats or offensively to achieve the aggressive designs of these regimes; sponsor terrorism around the globe; and reject basic human values and hate the United States and everything for which it stands."[2]

In the National Strategy to Combat Weapons of Mass Destruction, President Bush says "Our enemies have openly declared that they are seeking weapons of mass destruction and evidence indicates that they are doing so with determination."[3] Our enemies, whether they are rogues states or actors have legitimate borders, a recognizable leadership foundation, territorial concerns with ideological desires and goals related to their standings in the international political system. Over the course of

history these states and actors have used terrorism as a means to convey their political positions. Bruce Hoffman, a professor at Georgetown University at the Edmund A. Walsh School of Foreign Service, in his study *Inside Terrorism,* provides insight on understanding the motives driving our enemies and the use of terrorist tactics in extreme cases: “is thus violence or equally important, the threat of violence used and directed in pursuit of, or in service of, a political aim.”[4] By possessing a nuclear weapons and having plans to utilize such a weapon places greater pressure on the United States leadership to develop and implement strategies to mitigate their use. Josiane Gabel, presently a member of The Cohen Group and previously worked in the International Security Program of the Center for Strategic and International Studies where she was responsible for initiatives including a study of U.S. defense reform, a military strategy forum, and high-level discussions of nuclear issues notes, “the threat of nuclear retribution by the United States, even with its existing force structure, can always deter another state because the costs are too high for even the most reckless regimes to risk an attack or transfer weapons of mass destruction to terrorist groups.”[5] Jasen Castillo, an assistant professor in the Bush School of Government and Public Service at Texas A&M University. Prior to joining the Bush School, he worked in the Department of Defense's Policy Planning Office and was an analyst at the RAND Corporation, where his research focused on military strategy, nuclear deterrence, and WMD terrorism. He supports this thought stating, “non-state actors may lack addresses and possess few if any assets that other countries can hold hostage in order to make deterrent threats, but the addresses of the rogue regimes are common knowledge and they possess a whole set of valuable assets, including the lives of the ruling elite.”[6]

Rogue states maintain a government which, in the view of the United States, does not abide by international norms of Westphalian type nation states or does not adhere to laws or codes of reasonable behavior.[7]

The term “rogue state” has been in the diplomatic lexicon since the Clinton administration. During the last six months of the Clinton administration, "rogue state" was temporarily retooled to "state of concern".[8] During the Bush administration, the term “rogue state” reemerged. With this reemergence, the United States leadership used the term in conjunction with the political ambitions of rogue state governments and their leaders to build United States national policy. The programs developed under the Bush administration were grounded in the concern that rogue states could not be deterred with the programs of the Clinton administration.[9]

A Rogue Regime Defined

In the Cold War era, the super powers dominated the world. After the Cold War, players from less powerful state began to rise. The international scene had new and different entities with which to content. There were no true checks and balances of the democratic order. There were no large totalitarian bureaucracies to slow progress. Rogue regimes driven by personalities, not governments began to appear.[10]
When thinking of rogue regimes, leaders such as Ayatollahs’ Khomeini and Khomeini of Iran, Saddam Hussein of Iraq and Hafez al-Assad of Syria are present.[11]

Rogue regimes also include contract terrorist such as Abu Abbas. He masterminded the October 7, 1985 hijacking of the *Achille Lauro,* an Italian cruise ship sailing off the Egyptian and Israeli coasts. He directed the operation at a distance by radio. Four Palestinian terrorists boarded the luxury liner and held 400 passengers

hostage for 44 hours. Leon Klinghoffer, a 69-year-old retiree and stroke victim from New York City, was shot to death, and then thrown into the Mediterranean with his wheelchair.[12]

Freelancers and their organizations are also categorized in the rogue regime group. Carlos the Jackel, (Ilich Ramírez Sánchezis) best known as being the mastermind behind the hostage crisis at the 1975 OPEC conference in Vienna. He became an infamous assassin and terrorist cell leader. Sánchezis joined the Popular Front for the Liberation of Palestine in 1970, and received training at their terrorist school in Amman, Jordan. There he received the pseudonym Carlos.[13] Osama bin Laden, founded Al Qaeda in 1988. His goal was to consolidate the international network he established during the Afghan war. Its goals were the advancement of Islamic revolutions throughout the Muslim world and repelling foreign intervention in the Middle East.[14]

The United States needs to be wary of in its pursuit to develop deterrence policies that will not only dissuade but punish if necessary. These few examples show how leadership personalities drive the politics and policies of rogue regimes. Violence is seen in the behavior of the leader which is then present and projected by the violent acts committed by the organization.[15]

Issues, Objectives and the Political Nature of Rogues States

Where nuclear proliferation is concerned, there are significant issues that surround rogue states. After the collapse of the Berlin Wall and the disintegration of the Soviet Union, there was an emergence of rogue states. As the Soviet Union crumbled, their ability to police the countries under their control diminished as well. With the

demise of the Soviet Union, came the demise of a “watch dog” type nation that kept the proliferation activities of the countries under its control. This simultaneously kept terrorist organizations at bay as well, albeit through extreme state measures. As a result, the global terrorist threat increased.[16] Since the fall of the Soviet Union the bipolar balance of power has shifted to a multipolar balance, the international security environment has undergone a profound transformation. The Evil Empire of the Reagan years disappeared. However, with that disappearance came the uncertainty and danger of weapons of mass destruction proliferation.[17] Rogue states are actively pursuing nuclear weapon capabilities and other weapons of mass destruction. Weapons of mass destruction are considered to be weapons designed to kill large numbers of people with the intent of making a violent statement. They are also known as weapons of indiscriminate destruction, weapons of mass disruption, and weapons of catastrophic effect. It is important for a potential enemy to understand that if a nuclear weapon or any weapon of mass destruction is employed, the end result may be of no benefit to their cause.[18]

Rogue states are linked to sponsoring terrorist and other criminal activities. Rogue states present a diplomatic challenge to the world and particularly of the United States. Generally speaking, they are ruled by authoritarian or totalitarian regimes that severely restrict what those in the West would regard as basic human freedoms and rights. They are generally hostile to the West and its allies like Japan and South Korea in the East, and are often accused of sponsoring terrorism or of seeking to acquire or develop weapons of mass destruction.[19]

In a world that is dominated by balance of power, diplomacy and politics, the rogue states are determined to obtain weapons of mass destruction (up to and including nuclear capabilities).[20] Their reasons for this pursuit include, but are not limited to, possession of weapons that could counter a potential attack from the United States and to justify leadership's legitimacy and recognition among the country's populous.[21] For the United States, this determination to pursue nuclear weapon technology represents a great threat. Rogue states are not bound by either international law or rational behavior. Therefore, there is a strong likelihood that rogue states might use weapons of mass destruction against any member of the international community, especially against the United States. However, a significant planning and preparation effort would need to occur in order to execute such an event.[22] As this situation continues and rogue states continue to develop a network for proliferation, the world security environment has become more dynamic and more complex. United States safety and homeland security are more questionable. Global safety and security is more questionable now than during the Cold War era.[23]

The first notable feature of the post-Cold War security environment was the introduction of a nuclear arms market. This included non-state actors. There has been a market for nuclear secrets and nuclear technology for buyers for as long as nuclear weapon programs have existed. As non-state groups willing to cause mass killings through indiscriminate attacks began to appear in the 1990's, this caused a ripple in demand that previously did not exist.[24]

Not only was there new demand for nuclear materials among non-state actors with evidence that groups such as Al Qaeda actively attempted to procure both nuclear

materials and complete nuclear weapons on the open market in the 1990's, but the supply side of the market developed as well. "The primary architect of Pakistan's nuclear program, A. Q. Khan, showed that people from inside a state weapons program can, in certain circumstances, exploit their expertise, access and control over equipment and material for considerable profit and personal aggrandizement."[25] The large weapons and materials inventory of the former Soviet Union became a potential source of supply in the 1990's as formerly tight Soviet controls eroded.

Iranian leadership, launched by President Dwight D. Eisenhower's Atoms for Peace program, in 1950 has worked to pursue nuclear energy technology. Iran's nuclear program made steady progress, with Western support and continued to develop through the early 1970s. However, as concerns grew over Iranian intentions following the upheaval with the Islamic Revolution in 1979 outside assistance was halted.[26] During the 1990's, Iran began reviving its civilian nuclear programs. In 2002 and 2003 clandestine research on fuel enrichment received international attention and concerns that over Iran's ambitions had grown in weapons production. Iran vehemently denied allegations it was seeking weapons development, despite United States intelligence findings, in November 2007 that concluded Iran halted its nuclear weapons program in 2003.[27] Nonproliferation experts noted that Iran still had the ability to produce enriched uranium. It is agreed that the process still continues. However, there is disagreement on how close Iran is to completing its capabilities.[28]

In 1981, Israel destroyed Iraq's nuclear facility which removed an immediate threat and sent Iran's nuclear program into a tailspin.[29] In February 2007, The Institute for National Strategic Studies at Tel Aviv University said that Iran will possess nuclear

weapons unless military action is taken against it and Israel would be capable of carrying out such an attack.[30]

As Israel makes statements of this nature, it is reasonable to believe that countries such as Iran, would seek to develop a nuclear weapons program or at least possess fissile material. Conversely, the United States concept of needing to control nuclear weapons proliferation, there are those who would contend that a need for everyone to possess a nuclear energy capability exists.[31] In doing so, all countries utilizing nuclear reactors would have access to materials, technologies and capabilities all of which could be exploited for the development of a nuclear weapon or "dirty bomb". If this example were to become a global state of existence, it is possible that a concept of mutually assured destruction might provide the underlying tone for politic agendas. Should a situation such as this be conceived and delivered, it then becomes paramount that the global community adopts the concept of "mutually assured trust."

Republicans George Shultz and Henry Kissinger and Democrats Sam Nunn and Perry have all expressed the world should be "nuclear weapon free."[32] It would be incumbent on every state and government to develop, enforce and maintain policies and regulatory programs to ensure nuclear equity across the geopolitical spectrum. There would be no negotiations. There would be no distinctions between the "haves and have nots." Any appearance of nuclear impropriety would need to dealt with swiftly, harshly and stand as an example to any other state contemplating such activities.[33]

Deterrence Theory: United States Response to Rogue State Proliferation

There is a difference between nuclear deterrence theory and nuclear deterrence strategy. Patrick Morgan who serves as Tierney Chair for Peace and Conflict,

Department of Political Science and is a professor in the Political Science Department, University of California, Irvine said, “deterrence strategy refers to the specific military posture, threats and ways of communicating them that a state adopts to deter, while the theory concerns the underlying principles on which any strategy is to rest.”[34] For the purposes of this paper, the 1994 Department of Defense dictionary definition of deterrence will be used. This dictionary states, “…the prevention from action by fear of the consequences. Deterrence is a state of mind brought about by the existence of a credible threat to unacceptable counteraction.”[35] In July 1982, Soviet Union Defense Minister Dmitri Ustinov may have had this definition in mind when he said “With the present-day state of systems of detection, and the combat readiness of the Soviet Union’s strategic nuclear means, the USA will not be able to deal a crippling blow to the socialist countries. The aggressor will not be able to evade an all-crushing retaliatory strike.”[36]

Today, it is difficult to say with any clarity that nuclear weapons and nuclear deterrence strategy were the only reasons major theater war was averted between the United States and the Soviet Union. However, many political scientists conclude that nuclear deterrence was a significant diplomatic tool during the Cold War. Morgan notes “without nuclear weapons and the Cold War, deterrence would have remained an ‘occasional stratagem.’ After World War II, for the first time, deterrence evolved into an elaborate strategy.”[37] Morgan goes on to state that nuclear deterrence “eventually became a distinctive way of pursuing national security and the security of other states or peoples.”[38]

Bernard Brodie is considered the father the nuclear deterrence theory. At that point in history, military theorists knew first hand of the significant difference between conventional and nuclear warfare. He said “thus far the chief purpose of our military establishment has been to win wars. From now on its chief purpose must be to avert them. It can have no other useful purpose.”[39] Brodie went on to say that because the United States possessed nuclear weapons “no belligerent would be stupid enough, in opening itself to reprisals in kind, to use only a few bombs” and that the consequences of nuclear war and retaliation would be too immense for a state to bear.[40] With this thought in mind, the deterrence theory is now a key concept in the nuclear weapon chess game. Carl von Clausewitz stated “war is a continuation of policy by other means,”[41] This statement was noted by Brodie as true and he believed that policy makers needed to be cognizant of nuclear war outcomes.

As the United States government nuclear deterrence strategy evolved, it “was geared to operating within a reasonably stable bipolar relationship within which deterrence seemed to be a natural approach.”[42] However, over time critics started to question the assumption of rational actors in the theory. They also questioned how useful the deterrence strategy had become. As the Cold War ended, Sir Lawrence Freedman, Professor of War Studies at King's College, London since 1982 and extensive writer and researcher on nuclear strategy, noted that the “the United States ‘overdosed’ on deterrence during the Cold War.”[43] From Freedman’s point of view, the deterrence strategy was over used. It went on to create an atmosphere of antagonism and was not beneficial to diplomacy of the time.

The difference between “deterrence” and “coercion” needs to be clarified as well. Deterrence is maintaining the *status quo* by means of threat. Coercion (often referred to as compliance) is concerned with producing a verifiable outcome. While both concepts run parallel within the nuclear deterrence strategy, their goals are different. Deterrence is a state of being. Coercion is an action. In maintaining the *status quo,* the means to do so is often viewed as more legitimate than changing it by forceful means. Therefore, a deterrence strategy is viewed as more sympathetic than a coercive policy.

Wyn Bowen, Professor of Non-Proliferation and International Security, and Director of the Centre for Science and Security Studies in the Department of War Studies at King’s College London, notes that there are two paths to go down when following deterrence. The first path is a dissuasive effect to punish. This is accomplished by “threatening an opponent with an unacceptable level of ‘punishment’, the impact of which would significantly outweigh the potential gains associated with pursing a particular course of action.”[44] The second path is denial. This is accomplished when “the possession and development of certain types of capabilities could potentially deter an opponent from pursuing a given objective or conflict strategy.”[45]

When deterrence is rooted in *status quo,* the nuclear deterrence theory has an ultimate goal of completely negating a nuclear exchange. William Kauffman, a RAND research (also associated with Brodie)[46] noted in 1954, that centered in any deterrence relationship was a necessity to persuade the opposition that: 1. you had an effective military capability, 2. it could impose unacceptable costs on him; and 3. you would use it if attacked.[47] Looking at all the types of nuclear deterrence strategy like Mutually

Assured Destruction, Countervailing Strategy and even Asymmetrical Deterrence as developed by French Nuclear Forces doctrine, one will find they are all based on Kaufman's criteria. However, in order for the deterrence to work correctly, two more elements must be added to the compound.

The first element: A rational decision must be made each actor assuming there is enough information from which to draw. If sufficient information is not available, the actors become unpredictable. Therefore, the logic in Kauffman's original three elements fails. The second element: it is imperative that each actor articulate their means and ends clearly. This will enable a stable relationship between actors. Through the Cold War, governments and policy makers promulgated these relationships through their deterrence strategies. The leadership of the Cold War era was acutely precise in making certain they had the means to demonstrate Kaufmann's "effective military capability." They were also equally precise in communicating the capabilities available, as well as what would provoke the use of them. As nuclear resources became more advanced, the policy and posturing of the superpowers also advanced. Looking back through nuclear history, no matter how complex the strategies and theories became, in the center of all deterrence relationships sat Kaufmann's three elements. It must be noted that fourth and fifth elements could be found as well: A deterrence relationship between rational actors capable of recognizing elements 1 through 3; and able to articulate their means and ends clearly and effectively.

In nuclear deterrence theory it is important to note the difference between general deterrence and immediate deterrence. These two concepts continue to influence even post Cold War strategy. Morgan states, "an immediate deterrence

situation is a crisis, or close to it, with war distinctly possible, while general deterrence is far less intense and anxious because the attack to be forestalled is still hypothetical."[48] Freedman states it slightly differently and draws the distinction between "broad deterrence" whose purpose is preventing war (An example of this a broad deterrence is the Cold War dyad of the United States and the Soviet Union at the time of *détente*)[49] and "narrow deterrence," whose purpose is a specific goal during a conflict. An example of this would be the same dyad at the time of the Cuban Missile Crisis when the specific threats aimed at a specific situation were communicated by both states.[50]

During the tenure of the Bush administration, the United States used the threat posed by rogue states to justify its diplomatic activity, foreign policy, and other initiatives. The response comes in the forms of economic sanctions (Iran, North Korea). The use of force (Afghanistan and Iraq) was implemented as seen during Operations ENDURING FREEDOM and IRAQI FREEDOM. The Anti Ballistic Missile (ABM) programs were introduced and funded to communicate a no nonsense stance with Russia. In the U.S., this program is the most prominent public statement of U.S. officials.[51] This is grounded in the concern that a rogue state may direct a weapon of mass destruction attack against the United States and not be deterred by the certainty of retaliation. Response has also included the invasion and occupation of Iraq and attempts to force North Korea, Iran and Libya to either give up their weapons of mass destruction programs or to negotiate. This attack has met with marginal success.[52] President Bush instituted the term Axis of Evil to denigrate rogues. This term was used to place blame and designate a "bad guy" upon which the United States could focus. The axis of evil is made up of "regimes that sponsor terror." The original states

President Bush labeled as the Axis of Evil were Iraq, Iran, and North Korea. He later added Syria to the list.[53] Finally, new doctrine and policies were created which promoted a proactive counterproliferation policy; strengthening nonproliferation activities to prevent rogue states and terrorists from acquiring the weapons of mass destruction.

The United States' position and response are not without its critics with regard to the tactics, techniques and procedures utilized in dealing with rogue states. There are those who charge that "rogue state" merely means any state that opposes the U.S. Other critics have launched allegations that the United States itself is a rogue state, whose foreign policy is sometimes accused of containing the same sort of brutality and capriciousness as those it considers to rogue states.[5455] In his book, Rogue Nation, Clyde Prestowitz criticizes President Bush's foreign policy as "unilateralist."[56] Prestowitz claims that the U.S. is as much of a rogue state as any other, even by its own standards.[57]

Challenges and Threats

No single tool exists to keep nuclear weapons or their critical components from being transferred into the hands of rogue states or non state actors. That being the case, the United States must have policies in place allowing the control of movement and procurement of nuclear materials and weapons, military power (and covert actions) to act when deemed necessary, diplomacy, intelligence, law enforcement, border security and consequence management available should an accidental loss or mishap occur.[58] Referencing Josiane Gable, "the concept of a 'second nuclear age' was born in the mid 1990s, referring to the emerging nuclear landscape replacing that of the bipolar era. In this second nuclear age, the greater number of nuclear players and their various

cultural differences complicated the traditional concept of deterrence."[59] Nuclear deterrence strategy has shown usefulness, however in examining the bipolar superpower issues between the United States and the Soviet Union in conjunction with other nuclear powers, the strategy revealed a lack of policy in dealing with rogue states proliferating weapons. This was due largely to the fact that the nuclear deterrence strategy of the time was state-centric based on credible retaliation. At that time, policymakers believed that deterrence strategy alone would be unable to guarantee a favorable or at least a stable outcome after the Cold War.

The Cold War is now a historical fact. Rogue states nuclear proliferation has replaced bilateral exchanges. During the decade following the Cold War, states and rogue states are making efforts to acquire nuclear technology and material. The nature of nuclear threat and the world security environment has changed significantly.

The first significant development after the Cold War was the emergence of a nuclear arms market. From this development, rogue states were provided access to nuclear materials and technologies. It must be noted that nuclear material and secrets were always "available." However, this nuclear arms market made access far more convenient. This in turn, then opened a proliferation door to rogue states and non-state groups who were willing to commit mass killings by indiscriminate attacks. Previously, this situation did not exist.[60] Organizations such as Al Qaeda and Aum Shinrikyo now have the ability to acquire weapons of mass destruction.

The Effectiveness Concerning Weapons of Mass Destruction Arms Control Policy

The United States government has a long standing commitment to limit, delay, stop, and reverse the proliferation of a variety of weapons of mass destruction. This

includes biological, chemical, radiological, and nuclear weapons and the delivery systems that make them viable. The National Security Strategy signed by President Bush, inadequately outlines the United States' strategy to predict, control and halt transfer of all possible hazardous material and technology related to weapons of mass destruction. As it stands, it is an ineffective arms control system.[61]

Given the fact that accountability for fissile material and other nuclear related items is not 100% verifiable, proliferation must be the paramount national security concern for the United States administration. Upon the dissolution of the Soviet Union, Russia obtained the largest stock pile of weapons-grade nuclear material. This consists of highly enriched uranium and plutonium. Joseph Cirincione, the Director for Non-Proliferation at the Carnegie Endowment for International peace in Washington D.C. as well as the president of the Ploughshares Fund, a global security foundation, stated that: "The actual amount of material produced and held by Russia will never be known with certainty since the production of plutonium and other materials cannot be fully accounted for even in the best of circumstances.[62]

Historically, the United States government has lacked a long-term arms control strategy that actively monitors and tracks the threat of weapons of mass destruction proliferation. Often, nonproliferation commitment has been compromised by short term oriented U.S. foreign policy.[63] Furthermore, globalization facilitates the transfer of technology. The complex international relationships between modern day countries, combined with the increasing number of countries possessing the materials needed to manufacture weapons of mass destruction, limits the United States' ability to prevent such weapons from falling into the hands of rogue states and non-state actors. Should

this occur, the security and stability of the world would be at risk. In order to prevent adversaries of the United States from proceeding with the proliferation of weapons of mass destruction and the associated knowledge, it is necessary for the United States government to reorganize and reestablish its arms control strategy. It can be argued that our nonproliferation and counterproliferation policies are flawed.

In keeping with the Dutch jurist Hugo De Grotius' development of his *jus ad bellum* (Just War) demonstration, the key objective for any weapons of mass destruction arms deterrence policy is for the United States to be able to protect itself, its borders and its allies. . In order to achieve the objective of combating weapons of mass destruction proliferation, the United States must first develop and propagate effective and flexible policy and doctrine of deterrence.[64] The United States must shift from a nonproliferation to a counterproliferation policy. Presently, the United States embraces a primarily diplomatic approach and attempts to prevent states from acquiring strategic weapons technology by promising rewards and threatening sanctions. One of the essential objectives in nonproliferation arms control is to create an international consensus against the possession of weapons of mass destruction. The Nuclear Nonproliferation Treaty (NPT) is the product of this course of action. Additional international agreements including the Chemical Weapons Convention and the Biological Weapons Convention have also developed as a result of nonproliferation.[65]

Issues with the Current United States Strategy to Combat Proliferation

It is difficult at best to combat weapons of mass destruction proliferation against rogue states by using diplomatic means. Often, officials from the nations that proliferate weapons publicly claim to support international arms control efforts. However, as they

placate the diplomats, they are also working with other nations possessing technology and supplies. They also work under the guise that their nuclear proliferation activities are for the social good and advancement of the country and its people.

George Perkovich, Vice President for Studies, director of Non-Proliferation Program, Carnegie Endowment for International Peace and an expert on Iran's nuclear program, says the United States and its negotiating partners need to establish a deadline for Iran to agree to negotiations on suspending its nuclear enrichment program. Should Iran continue to refuses, negotiators need to pull all incentive offered and seek tougher sanctions. Perkovich states "Each day that goes on, they get closer to achieving what we are trying to prevent. So we ought to set a deadline that says 'look, if we don't get a sign from you that you are prepared to negotiate on this term of suspension, then fine. We'll pull all the offers that we've offered and we can break off talks because there is nothing really to negotiate if you're not prepared to consider suspension."[66] He also is opposed to using a military threat unless it is proven Iran is developing nuclear weapons.

The European governments, who have met with Iran, note that there have been no real negotiations since 2005. The United Nations Security Council, of the International Atomic Energy Agency (IAEA), the United States, and other governments have demanded that Iran temporarily suspend its uranium enrichment program. During the suspension time Iran could therefore build confidence that its nuclear program in its entirety was peaceful. Iran rejected this proposal. This end, there has been no "give and take" in terms of negotiations.[67]

Essentially the United States leadership needs to recognize this recalcitrance- and stop condoning Iran's behavior. Perkovich added, "we need to stop chasing them

around the room saying 'if we increase the offer, if we give you more, will you then negotiate?'"[68] The longer Iran holds out on negotiating, the greater the offers become. The going in position of the incentives was to have Iran suspend its uranium enrichment program. Iran insists they have a right to conduct and continue this process. The longer negotiations stall, the closer Iran comes to achieving the ability to declare possession of a nuclear weapon. This is the instrument the United States, other countries and organization are trying to prevent. In this case, negotiations are failing.[69]

The United States and the IAEA react only based on indisputable evidence of proliferation activities.[70] They push the proliferators to pledge better future behavior. This is done in exchange for increased financial support, technology transfer and an improved political position. Another example of this activity can be seen in North Korea, China, Pakistan, and Russia.[71] In addition, the free world is reluctant to impose sanctions against proliferators such as China or Russia due to interests in trade. The reality on the ground proves that this is a losing strategy.[72]

The United States polices and strategies used to respond to rogue states actively pursuing the proliferation of nuclear weapons and who could possibly place those weapons into the terror networks must be clearly defined and understood by the world.[73] The present National Security Strategy (NSS) provides that the United States must "Prevent our enemies from threatening us, our allies, and our friends with weapons of mass destruction."[74] The NSS goes on to say in the summary of the National Security Strategy 2002, "To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively in exercising our inherent right to self-defense."[75] Finally, in the aforementioned summary, "We aim to convince our

adversaries that they cannot achieve their goals with weapons of mass destruction, and thus deter and dissuade them from attempting to use or even acquire these weapons in the first place."[76]

Developing a Winning Deterrence for Rogue State Proliferation

In 2003, Under Secretary of State John Bolton stated, "We aim ultimately not just to prevent the spread of weapons of mass destruction, but also to eliminate or 'roll back' such weapons from rogue states and terrorist groups that already possess them or are close to doing so."[77]

In order to develop a solid, obtainable deterrence strategy for the containment of proliferating nuclear weapons in this fast changing world, more than prevention is required. The strategy must be inclusive of the following: A counterproliferation policy that views the spread of weapons of mass destruction as inevitable. The objective must be stopping weapons of mass destruction proliferation. Therefore, a winning counterproliferation arms control strategy must aim for a complete elimination of proliferation activity and the dismantling of proliferated systems by all means. This includes the use of force as a last resort when other means have failed.[78] The free world must establish courses of action early in anticipation of proliferation threats. The United States must also be prepared to assume an acceptable level of violence not just in the world but in North America (England provides an excellent example of this during the height of the Irish Republican Army bombings and attacks in Northern Ireland). The United States must no longer assume that nonproliferation initiatives currently available are adequate enough or that good intention, such as civilian oriented nuclear activity is tolerable. The United States must take advantage of its political, economic and military

strength to counter the proliferation activities of the rogue states. While important, economic interests cannot be allowed to overshadow policy and strategy related to counterproliferation.[79]

Major Aspects for Effective Deterrence Policy

The United States must maintain international superiority in terms of definitive strategy and policy related to nuclear weapon capability and possession. Exploration of various methods to apply a competitive strategies approach in the pursuit of nonproliferation objectives must also be explored. The United States must continue to ensure its strength both diplomatically and militarily and exploit any weakness of a proliferating rogue state. To this end, the United States must be prepared to interdict and intervene (if only on a diplomatic scale) on the development and use of any nuclear weapon to include its allies (i.e. Israel or India). This encompasses the development of a long-term competitive strategy aimed at stopping the research and development of weapons of mass destruction around the world. Exploration of various methods to apply a competitive strategies approach in the pursuit of nonproliferation objective must also be explored. The United States must continue to ensure its strengths both diplomatically and militarily and exploit any weakness a proliferating rogue state. Only in this way can the United States dissuade hostile nations from developing and proliferating nuclear weapons. Thus, the United States will force hostile regimes to give up their weapons of mass destruction and nuclear programs.

The United States must seek to strengthen international cooperation on counterproliferation effort. A constriction and termination of all sales and transportation of nuclear technologies and equipment will ensure greater worldwide security. It must

be abundantly clear to proliferators that severe punishment by the United States and the international community will occur should proliferation activities not cease. Litigators and policymakers must close all of the loopholes in the nuclear nonproliferation treaties. This will prevent rogue states from pursuing nuclear weapons proliferation under the false veil of legitimacy. Existing international agreements such as the NPT must be improved and modernized in such a way as to address emerging and changing threats.

However, as the United States develops new deterrence policies and strategies to fight proliferation, the policy makers must also take into account policies which will hold rogue states arming terrorist groups or non-state actors accountable as well. In this particular case, the existing United States policy of massive retaliation for state sponsored terrorism is impeded. Philip Heymann, the James Barr Ames Professor of Law at Harvard Law School, provides the following questions to address targeting regimes which sponsor terrorists or provide those organizations with nuclear capability:

1. To what extent does a rogue state have control over a terrorist group?
2. What degree of support is a regime giving to a group?
3. Is territory being made freely available?
4. Is the rogue state providing resources such as money and weapons?
5. Is the rogue state merely providing sanctuary and nothing else?[80]

Clear answers to these questions would determine the extent of any response. However, it is important to understand that justification is paramount, but may be difficult to conclude. It is equally important to have credible evidence to support any retaliatory actions. Castillo provides an excellent example, “the current regime in Tehran maintains a close relationship with both the Lebanese group Hezbollah and the

Palestinian Hamas. These associations have aroused fears in Washington that, once Iran acquires nuclear weapons, it might also share them with its terrorist clients."[81] In the case of this scenario, the "rogue state" may coordinate this weapons transfer hoping that "after a nuclear terrorist attack, the United States will find it impossible to trace the weapons' original ownership."[82] It was a fear of this nature that was the impetus for the United States invasion of Saddam Hussein's Iraq in 2003.

Anders Corr, a Harvard PhD recipient in government studies, provides a solution that he feels could possibly resolve the stated scenario. Corr states "both nuclear terror and blind-side attacks can be deterred through international tagging and registration of fissile materials."[83] Corr's argument is that "the possibility of being falsely blamed for a blind-side or terrorist attack is an incentive for states to tag and register fissile materials as doing so would enable them to prove that their fissile material had not been used in an attack."[84] Another possible solution is already articulated by United States leadership to provide resolution to this scenario. Increased intelligence gathering and greater surveillance operations would significantly improve the tracking and accountability for nuclear weapons parts and technologies

Today, rogue states may be viewed by Washington policymakers and leadership as a new issue needing new solutions. Cold War or classical deterrence strategies are definitely one course of action available to alleviate nuclear intentions and especially nuclear arsenals of aspiring regional powers. Assuming the United States can irrefutably support whatever promises it makes to inflict punishment on a rogue state, the five elements needed for a deterrence relationship with that rogue state should suffice in promoting a stable deterrent relationship. As long as credible evidence is

available and retaliatory response is capable, rogue states will be dissuaded from providing nuclear weapons to state sponsored terrorists. Rogue states are beholden to the same rules as any other nation state with territory. As they have recognized leadership, structure and goals similar to other nations, classical nuclear deterrence can most likely be utilized with a successful outcome.

It is also important to explore the deterrence policy applications to non-state actors as well as rogue states. Osama bin Laden made this statement: "we (al Qaeda) have chemical and nuclear weapons and if America uses them against us we reserve the right to use them."[85] Al-Qaeda claims of actually possessing nuclear weapons is widely disputed, the general tone of the interview and language used suggests that Al-Qaeda does not consider nuclear weapons as solely an offensive option. Additionally, in another interview with Time magazine, Osama bin Laden asserted that "acquiring weapons for the defense of Muslims is a religious duty. …It would be a sin for Muslims not to try to possess the weapons that would prevent the infidels from inflicting harm on Muslims."[86]

In reviewing these statements as well as the five elements necessary for a deterrence relationship, it could be theorized that a nuclear deterrence relationship between the United States and a non-state actor could emerge in certain circumstances. An asymmetric case such as the United States and al Qaeda provides no surprises in that United States policy makers have a difficult time deducting and developing a stable deterrence relation. Gable concludes, "the decision making of leaders who are fanatical, willing to martyr themselves or incommunicado is not understood well enough to know what they may hold dear." The problem then becomes

that of retaliation. "Terrorist organizations govern no territory and their leadership is elusive."[87] The next issue then becomes the formation of a deterrence relationship.

With a non-state actor, the United States' relationship is precarious at best especially if the Cold War strategy is applied. However, the United States could apply the deterrence strategy (even a nuclear deterrence strategy) in its fight against terrorism. Of the five elements mentioned previously, the United States meets four of them for deterrence. This is supported by the National Strategy to Combat Weapons of Mass Destruction: "the United States will continue to make clear that it reserves the right to respond with overwhelming force, including through resort to all of our options, to the use of weapons of mass destruction against the United States, our forces abroad and friends and allies."[88] This statement makes it perfectly clear that the United States possesses both the means and the willingness to utilize all capability against any threat, including nuclear threats to secure the nation and its people. However, there is an issue with element (2). This requires the United States to place an unacceptable cost on a terrorist organization or non-state actor. As mentioned before, the terrorist organization or non-state actor has no legitimate territory of its own; therefore the traditional Cold War deterrence strategy is not practical. The threat of overwhelming violence may be enough to keep various organizations in hiding and well concealed for protection against retaliation. This can be seen in the case of al Qaeda.

While it is highly unlikely, if the United States were to be convinced that a non-state actor did in fact have a nuclear capability, and the potential for bargaining existed, all five elements for a deterrence relationship would exist and could be fulfilled. However, it must be noted that a formal arena in which both the state and non-state

groups could communicate must exist. The fact remains, that open negotiations rarely if ever exist, and such a relationship would be unstable at best.

Conclusion

The United States must continue to develop conventional nuclear arms deterrence strategies for states such as China, India and Pakistan and prevent rogue states from advancing capabilities. A two pronged approach that relies on Cold War deterrence strategies, rewarding those nations who cooperate in non-proliferation, building United States missile defense and homeland security. Mitigation procedures such as *jus ad jorum* may be the "absolute" solution. Jus ad jorum is a Roman law which could be utilized to punish rogue states harboring rogue actors or terrorist organizations. It essentially legitimizes a country's action to attack the harboring country's citizens. The goal, demonstrate harsh violence against a state supporting any efforts to further non state actors. This form of deterrence policy could possibly be worthy of consideration at some point in the future. If a *jus ad jorum* policy was developed, the ethical and moral fabric of the United States government and its people would need to change as well. It must be understood that to change the ideology of the government and population could take multiple generations to complete.

Nuclear deterrence strategy has progressed as nuclear technology has progressed. Today, new threats, challenges and issues are driving policy makers to develop a combination of nuclear deterrence strategy and other means as Cold War deterrence strategies erode away or are rendered useless when dealing with non-state nuclear threats. It must be said that Cold War era deterrence still offers well grounded and time tested guidance. However, this deterrence was based and developed with a

symmetric threat in mind. Cold War nuclear standoff is a historical fact. An asymmetric threat is now alive and policy must be implemented to counter such a threat.

Nuclear deterrence is no longer the key to super power diplomacy like it was during the Cold War. However, there are aspects of its application in the post Cold War. The new threats are unpredictable and policy makers must be prepared for Black Swans of. As noted in the national Strategy to Combat Weapons of Mass Destruction, the United States will use every means in its arsenal to protect and defend the nation and its allies. This sentiment must be projected to anyone challenging the country. Rogue States and non-state actor deterrence strategy may be little more that Morgan's "occasional stratagem" however, it is imperative to understand that when a theoretical criterion for a deterrence relationship is established, deterrence strategy and deterrence theory cannot be overlooked. In the case of traditional nation-state diplomacy, nuclear deterrence is the bulwark for policy makers driving for a stable international system. Specific strategies will evolve over time, like those that evolved from Bush's "Axis of Evil" or Reagan's "Evil Empire" to the rogue state of today, the theoretical framework for deterrence will stay linked with the destructive possibilities of nuclear arms well into the future. The combination will most likely never reach the heights of the Cold War the lessons learned and concepts hold great value.

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