



**New Zealand Centre
for Global Studies**

Te Pokapū Akoranga Aorere o Aotearoa

GLOBAL STUDIES RESEARCH SERIES

Research Report 15

AUGUST 2023

No-First Use:
Current status, contemporary misconceptions

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First published in New Zealand 2023 by:
NZ Centre for Global Studies Publications
New Zealand

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National Library of New Zealand
ISBN 978-1-99-118754-3

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Acknowledgement:

The report was financed through grant funding from the NZ Disarmament Education United Nations Implementation Fund (DEUNIF). The report benefitted from consultations with a list of experts and authorities on the subject. The content of the report, however, remains exclusively with the author, in an individual capacity.

Abstract

The aim of this paper is to explore the merit of, and the competing argumentation around, the strategic policy of ‘no-first-use’ of nuclear weapons.

- The paper renews the analysis which I undertook some years ago, in light of the intensifying geo-strategic tension unfolding in the 2020s.
- I suggest, at the outset, that the deterioration of trust among the major powers over the past decade is affecting global political stability and military strategy.
- I then review the argumentation for and against the non-first-use policy, and the extent to which these have been influenced by recent developments.
- In my analysis, I critique the ‘traditional’ rationale of first-use policy (‘calculated ambiguity’), and then consider how a ladder of non-use confidence might be constructed.
- My conclusion, which I judge to be derived from the application of geo-strategic logic, is comprised of a lesson in political psychology: the need for moral courage in global politics of the contemporary era.

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1. Introduction: The question of trust in the contemporary era

Promoting NFU is seen by some experts as a way to find common ground between the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the Treaty on the Prohibition of Nuclear Weapons (TPNW), partly because NFU policies that ascend higher up the ladder of non-use confidence are recognised as having genuine potential to reduce the chances of further nuclear use.

That helps explain why in early 2021, just after the TPNW came into force, an international NFU campaign was launched to encourage the nuclear-armed and umbrella states to adopt NFU policies as a moral and practical imperative. The prospect of resumed US leadership on this issue (President Biden was thought to be sympathetic), added to the perception that the time was ripe, as did the fact the new US administration was reviewing the US' nuclear posture, and seemed open to change.

It was around that time that NZCGS launched a research project exploring NFU in the context of the Asia-Pacific. Those of us involved were aware that US alliances and extended deterrence arrangements had prevented earlier US movement on NFU under President Obama, so our goal was to try to gain a better understanding of how NFU is perceived among Asia-Pacific experts and practitioners and to gauge whether those perceptions were changing.

The outputs of that research project were published in the US-based academic journal *Asian Security* (volume 18, issue 3) and highlighted the difficulties involved in getting new traction on NFU among nuclear-reliant states even at that time – i.e. *before* Russia's invasion of Ukraine and the UN's lacklustre response profoundly influenced thinking on nuclear deterrence and disarmament. Equally, questions about the credibility and longevity of Beijing's NFU doctrine were already multiplying before the revelations about the Chinese missile silos and before China and Russia announced their closer strategic partnership.

Since that time, the conditions for NFU uptake have deteriorated, but my point is that they did not look promising back in 2021 either. It was already clear that getting traction on NFU and keeping disarmament hopes alive would require moral courage from political and military leaders in nuclear-armed and umbrella states, backed up by support from enlightened publics in those countries. Both were lacking, so despite the wider NFU campaign, what looked like an opportunity to be seized in early 2021 soon fizzled.

Virtually every relevant development in the nuclear field since 2021 adds to a sense of growing strategic and diplomatic dysfunction: divisions between TPNW advocates and holdouts have become more entrenched; nuclear salience among the nuclear-armed states and their nuclear-reliant allies is getting stronger; the nuclear non-proliferation regime is getting weaker; nuclear arms control has all but collapsed; and according to some experts, the threat of an unstoppable tripolar nuclear arms race is looming.

Against this backdrop, debates over the role and legitimacy of nuclear weapons have become more significant than at virtually any other time in history, with the exception of the secretive US debates that preceded the nuclear attacks on Hiroshima and Nagasaki. These debates include the resurrection of discussions among political and military leaders and deterrence experts on countervalue targeting (targeting cities with nuclear weapons), fighting limited nuclear wars, and resuming nuclear testing. These are just a few of the many disturbing developments that have been spawned by the war in Europe and rising strategic tensions in the Asia-Pacific.

How, then, might the aspiration of achieving universal, or widespread, agreement on a NFU policy appear to policy-makers as this current decade unfolds? In this contribution to our symposium, I aim to reconsider, in light of the most recent developments, the arguments for and against NFU policy, and arrive at some reflective conclusions.

2. Review

(a) *Arguments in Favour of NFU Policy*

There are many different ways to define NFU policies, but it is best to think of them as having different levels that go up a ladder of non-use confidence. At the lower end of the ladder are declaratory statements: pledges not to be the first to use nuclear weapons. These pledges can be informal or formalised in strategic doctrines. They can be qualified, as in the case of India's nuclear NFU doctrine, or unconditional, as in China's. And they can be voluntary and unilateral, or they can be negotiated and bilateral or multilateral. So even at the lower end of the ladder, there are different policy options.

Most discussions of NFU focus on this declaratory dimension of nuclear doctrine, but NFU policies could potentially include concrete measures that move us higher up the ladder of non-use. For example, as part of its NFU policy, a state could adopt a nuclear force posture that has little or no capacity to be used first. And it could take steps to demonstrate this via transparency measures. States could further bolster their NFU commitments by ensuring that their entire defence posture - war planning, military exercises, military spending, public communication, force composition and deployment - rules out first-use missions for their nuclear weapons. This would be logical, because if first-use is ruled out, nuclear forces need only to survive a nuclear attack and be capable of retaliation. For some nuclear-armed states, adopting a nuclear posture of this kind would mean the deep de-alerting of strategic weapons, the complete abandonment of non-strategic nuclear weapons, the removal of forward deployed nuclear weapons, the 'de-mating' of nuclear warheads from delivery systems, and the removal of warheads from regular deployment. These steps would dramatically reduce nuclear risks and lead a fair way down the road towards nuclear disarmament. In this sense, NFU policies can go well beyond the declaratory statements that we often associate with the NFU debate.

Based on this definition of NFU policies as an ascending ladder of non-use confidence, the principal strategic arguments in favour of NFU doctrines and postures are three-fold.

- First, they reduce the risks of nuclear use by helping reduce threat perceptions and constrain conflict escalation.
- Second, they reduce arms racing dynamics, potentially putting the brakes on a three-way nuclear arms race between the US, Russia and China.
- Third, they improve the prospects for reviving disarmament momentum and eventually help open the door to irreversible nuclear disarmament (or IND).

(b) *Arguments against NFU*

There are, of course, arguments against NFU and these are not new. It is important to reflect on why what seems to many as a logical approach to help prevent nuclear war and an ethical approach to uphold international humanitarian law, is not seen that way by all. In Western nuclear-armed and nuclear-reliant states especially, NFU has had a long history of rejection. In fact, even within the nuclear disarmament activist movement, it has had a mixed reception, with some arguing it smacks of hypocrisy, allowing nuclear-armed states to present their nuclear doctrines as 'responsible' despite the threat they pose to humanity. Other disarmament advocates argue that any focus on NFU distracts from the urgent goal of nuclear abolition: given that the TPNW has already prohibited nuclear possession, NFU is seen by some as a step backwards. The strongest critics, however, have always been nuclear weapons proponents who believe NFU policies are simply dangerous, that their advocates fail to understand basic deterrence logic and, worse still, overstate the ethical case against first use. Because these are the dominant arguments that prevent NFU getting traction in most of the nuclear-armed and nuclear umbrella states, it is worth delving into them more deeply.

At the most basic level, critics of NFU point out that no-first use declarations can be used to deceive. Unfortunately, they are not wrong about that. During the Cold War, the USSR's official policy was that it would not strike first, and yet we now know that if a hot war had broken out in Europe, it planned to use nuclear weapons early to try to gain the upper hand. These revelations have done huge damage to NFU as a concept, which helps to explain why the NFU doctrines of China and India do not instil confidence in the other nuclear-armed states (or their allies).

There are more sophisticated criticisms, as well. The crux of these is that no-first-use policies limit nuclear options so much that they undermine deterrence (both conventional and nuclear), thereby making major war, including catastrophic nuclear war, more and not less likely. *Not* ruling out first use is stabilising, this argumentation runs (and because its stabilising, it is ethical). In taking this position, the following scenarios tend to be cited by NFU critics:

- *Not ruling out pre-emptive use:* nuclear weapons need to be available for use in a pre-emptive strike if a nuclear-armed adversary appears to be preparing a nuclear attack (or an attack using other WMD). Striking first could force the adversary to rethink and backdown for fear of annihilation.
- *Not ruling out limited tactical first use in a conflict:* nuclear weapons need to be available for use in various conventional conflict scenarios to signal resolve and limit and even terminate an escalating conventional conflict that might otherwise cause suffering on a horrific scale (such as the world wars).
- *Not ruling out preventive first use:* third, nuclear weapons need to be available for preventive use, to destroy clandestine nuclear weapons programmes that threaten international stability. Conventional weapons can also play this role, but strategists argue nuclear weapons have a role to play in targeting deeply buried targets.

In all the above cases (there are more, but these suffice for the purpose) it is not actual first use, but rather the refusal to completely rule it out, that is supposedly stabilising. Calculated ambiguity – leaving others thinking you *might* use nuclear weapons first – is intended to induce caution in adversaries and make them more risk adverse.

Strategists have therefore long argued that it is better *not* to rule out first-use (unless one lacks the escalation capability to see it through). So, the logic supporting first-use doctrines and postures is that it is better to maintain ambiguity and ensure the threat of nuclear use is credible enough to deter and limit aggression and coercion and prevent major war.

It then follows, so the contention runs, that the basic argument against NFU declarations is that they would remove too much of this ambiguity and, because of this, they increase the scope for coercion, aggression and risk-taking by states with the most powerful military capabilities.

3. Analysis

What, then, might one make of the above competing argumentation, for and against NFU policies? I advance the following thoughts in response.

(a) Calculated Ambiguity: A greater risk in the contemporary era

Although NFU criticisms can easily be challenged from an ethical standpoint, not all critics' reservations can be completely dismissed out of hand. Nevertheless, it is getting harder to convincingly argue that first-use postures and doctrines provide the best chance of preventing, limiting and terminating conflict in an increasingly complex and unpredictable strategic environment characterised by multipolarity combined with rapid and disruptive technological, societal and climate change.

First-use postures and doctrines exacerbate security dilemmas, increase nuclear arms racing dynamics, heighten nuclear dangers and are known to have led to close calls during the Cold War, in a strategic environment that was far less complicated than today's.

The following trends are especially disturbing amid the development of new nuclear warheads, faster delivery systems, and the rollout of new disruptive technologies (such as satellite meshes and space-based sensors, which will be able to track nuclear submarines in real time):

- The collapse of arms control;
- Dangerous nuclear rhetoric;
- Horizontal and vertical nuclear proliferation, including the prospect of an unstoppable tripolar nuclear arms race;
- Renewed interest in - and expansion of - nuclear sharing arrangements;
- The return to the strategic mainstream of nuclear war-fighting arguments;
- Discussions on resuming nuclear testing;
- A return to secrecy (including in states that have been pushing for nuclear transparency); and
- Permissive reinterpretations of the laws of war.

(b) Climbing the Ladder of Non-Use Confidence

Even those responsible for the regressive developments noted above are endangered by them. More than half a century of norm-building, arms control, non-proliferation and disarmament is being eroded, and in an environment in which they are needed more than ever before. Many non-nuclear weapons states are doing everything they can to stop this slide, but as can

be seen in the TPNW, the Conference on Disarmament, and the NPT, even when working together, their power to halt this regression is limited. Even modest initiatives, such as the Working Group on strengthening the NPT Review process, are struggling.

This brings one back to the NFU debate and why influential thinkers and leaders in the nuclear-armed and umbrella states need to assess it anew, without the baggage it carries from the Cold War. With the multilateral level blocked, arms control vanishing, and strategic dialogue faltering or non-existent, unilateral and voluntary measures of restraint could become critical tools for holding the line in the global non-proliferation regime, reducing nuclear arms racing pressures and promoting international stability. There are numerous measures that potentially fall into this category, including unilateral commitments to freeze numbers of nuclear weapons and delivery systems, and commitments to place unilateral controls on disruptive technologies. Ascending the rungs of the NFU ladder – starting with unilateral, voluntary NFU declarations, including among umbrella states – should be included on this list.

4. Conclusion:

The need for moral courage

This is not a popular argument to make in most policy circles. Even open-minded experts point out that states' policy options are diminishing as war rages in Europe, the UN system remains paralysed by the P5 veto, and regional and global power balances shift.

In this environment, nuclear deterrence, including first-use doctrines, have gained new levels of acceptance, new proponents and new converts, with pathways to nuclear use expanding and pathways to nuclear disarmament shrinking.

Speaking out against this regression is becoming more difficult - in particular, making policy recommendations that call for greater self-reflection, restraint, strategic empathy, and moral courage – all of which are needed to put the brakes on nuclear-arms racing, reduce nuclear risks and regenerate disarmament momentum – is increasingly dismissed as being unrealistic at best, and even as naively serving the interests of autocratic leaders. In Canberra, for example, a common response to those who question current nuclear policies and the strategic arms build-up is to quip *“let's all join hands and sing Kum Ba Yab”* – an attitude that encourages conformity, discourages frank debate, and is leading us deeper into deterrence dogma and danger.

There are no easy paths forward, and no clear answers for how we can stop the descent into a new and even more dangerous nuclear arms race.

It will take increasing levels of moral courage to prevent it amid the collective clamour for military might.

Climbing a ladder of NFU policies that build non-use confidence provides a possible pathway out of the cascading security dilemma for leaders in nuclear-armed and umbrella states. But it will not be easy to take or stay on the path, and if the dynamics of the arms race are allowed to intensify, it is likely to get even harder.