

NFU: Impact on Proliferation and Nuclear Stability

Farzana Siddique

Introduction

Advent of nuclear weapons have irrevocably changed warfare. These weapons of mass destruction have also deeply impacted threat perception of states forcing reorientation of their security doctrines. A number of states have developed nuclear weapons since they were first used in 1945. Rationale generally offered for acquisition of nuclear weapons by states is that they provide security, particularly, if the opponent is also equipped with the same kind of weapons.

Because of lethality of their effect and universal opposition to their use, the task for a state to rationalize the use of nuclear weapons at doctrinal level is a complex one. The stated purpose of nuclear weapons is to deter possible aggression. To meet this challenge a nuclear weapon state has to build a narrative that addresses security needs of that state besides projecting its intention of being a responsible member of the international community. The existing international order demands of states that their nuclear policy supports non-proliferation and disarmament and arms control goals.

A number of measures have been taken at multilateral level and also unilaterally by certain states to stop nuclear proliferation, exercise arms control and to achieve disarmament. But the graph of both horizontal and vertical proliferation is rising continuously. At collective level NPT which is the only legally binding international framework on nuclear non-proliferation has failed to achieve its stated objectives. Options like No First Use (NFU), minimizing strategic stockpiles, redefining strategic force structure are available to states but their implementation poses complications due to states' commitments to their nuclear policies.

Globally the term 'Outlawing'¹ is used for nuclear weapons which denies their use under all circumstances, be it a preventive war, a preemptive strike or a retaliatory action. This is a universal pledge to eliminate use of such weapons in future.² NPT

¹George Perkovich and James M. Acton, "Outlaw Use of Nuclear Weapons," *Carnegie Endowment for International Peace*, April 21, 2010. Available at, <http://carnegieendowment.org/2010/04/21/outlaw-use-of-nuclear-weapons/1mvy>

² In contemporary strategic thinking a preemptive strike usually means a strike at an opponent ready for and obviously intending to attack. Preventive strike is designed to prevent an opponent from some undesirable action, aside from a direct aggression. Retaliation is usually interpreted as a second or responsive strike after an opponent's first strike.

article VI mentions nuclear disarmament, which is relevant to outlawing of nuclear weapons, but NPT, does not place a legal ban on their use. At the same time NPT supports the notion of nuclear deterrence which creates space for states for possession of nuclear weapons. Prima facie the universal NFU pledge can be a viable option to minimize the chances of nuclear weapon use, but the relation between NFU concept and international arrangements for elimination of nuclear weapons has not received sufficient attention from scholars. This article will study NFU and explore its impact on disarmament and arms control.

Why states go nuclear?

An ultimate determinant of a state's security arrangements is the threat which it perceives from its adversaries. Regional security arrangements and global security trends are also reflected in states' security policies and doctrines. It is commonly believed that states seek to develop nuclear weapons when they face a military threat to their security that cannot be met through alternative means. But this may not be true in all cases.

Considerable scholarship exists which indicates that security is not the only reason for the acquisition of nuclear weapons by states. There are a number of other reasons which determine states' decision to go nuclear. In Scott D. Sagan's perspective there are three models for understanding nuclear motivations of states; security, prestige and domestic politics.³ We can also add security dilemma and world political order in this list. Another aspect of states' motivation to acquire nuclear weapons is given by William Potter, where he sees deterrence, warfare advantage, weapons of last resort, bureaucratic and domestic politics, technological momentum, weakening of security guarantee, as the objectives of states for seeking nuclear weapon status. These factors also impact on the formulation of states' nuclear doctrines and policies.⁴

What is a Nuclear Doctrine?

Nuclear doctrines reflect strategic force posture of a state at declaratory policy level. Doctrines in general refer to a set of principles that a country employs to conduct its security strategy in pursuit of its national objectives. The nuclear doctrine spells the

³ Scott D. Sagan, "The Origins of Military Doctrine and Command and Control Systems," quoted in Dr. Rifaat Hussain, "Nuclear Doctrines in South Asia," SASSU Report No. 4, 2005. Available at, kms1.isn.ethz.ch/serviceengine/Files/ISN/99918/.../RR+No+04.pdf

⁴ Adil Sultan, "Pakistan's Emerging Nuclear Posture: Impact of Drivers and Technology on Nuclear Doctrine," *Institute of Strategic Studies Islamabad (ISSI)*. Available at http://www.issi.org.pk/publication-files/1340000409_86108059.pdf

following in a state's policy guidelines for military and political decision and policy makers;

- Rationale of states nuclear program
- Objectives of states security policies
- Nuclear capability and credibility
- Nuclear employment, deployment and infrastructure mechanism

According to Scott D. Sagan there are three different approaches that help in understanding the rationale of nuclear doctrine of states.⁵ First is interest of a state's organizational and security establishments. According to organizational theory strategic doctrines reflect objectives of the military. Therefore to protect their own interests, prestige and autonomy militaries prefer offensive strategies, preventive wars, and decisive military options in their doctrines.

Second approach is the nature of international order which is chaotic according to the realist perspective. States are sensitive to the security environment in which they exist. In order to maintain their sovereign identity states cheat, lie, and use force against their adversaries. National security being the principal aim of the state these objectives are reflected in its policies and strategic doctrines.⁶

Third is a state's strategic culture. According to this perspective states' strategic and security policies are driven by their historical experiences, and religious and cultural norms. Their strategic culture leads to a security dilemma which is also reflected in their nuclear policies. One may infer from this argument that the doctrinal arrangement of the state, in terms of security and formation of its doctrinal beliefs, reflects organizational structure of the military and its approach towards the security challenges arising from the anarchic nature of international order.⁷

Although many factors are responsible for a state becoming a nuclear weapon state as discussed earlier, security and prestige are dominant among them, which are also reflected in their nuclear doctrines, and force postures. The USA was the first country to acquire nuclear weapons. Not faced with any external security threat US still maintains one of the largest nuclear weapons arsenals as a symbol of power and prestige.

⁵Scott D. Sagan, "The Origins of Military Doctrine and Command and Control Systems," quoted in Dr. Rifaat Hussain, "Nuclear Doctrines in South Asia," *SASSU Report No. 4*, 2005. Available at, kms1.isn.ethz.ch/serviceengine/Files/ISN/99918/.../RR+No+04.pdf

⁶ Ibid

⁷ Ibid

During the Cold War, a major challenge for US and NATO was to provide extended “nuclear umbrella” for protecting their allies against possible Soviet aggression. NATO then mainly relied on nuclear weapons to compensate for conventional force inadequacies. Soviet Union with an edge in conventional weapons over US also developed nuclear weapons to achieve balance of power.

Similarly Britain and France who were threatened by erstwhile Soviet Union during the Cold War are no longer threatened by any power. Both these countries now maintain their nuclear arsenals for prestige. Same is the case with India in South Asia. It is believed by many analysts that India’s great power ambition rather than security imperatives drives its nuclear weapons program.

There are two options for a state to declare the use of its nuclear weapons in certain circumstances. Most states have first use policy. Only India and China have adopted policy of No First Use. First use policy is a weapon of a weaker state with weak conventional force whereas NFU is a tool of a militarily strong state possessing a second strike capability.

Evolution of Different Nuclear Weapon States Doctrines

Declaratory policy of a state reflects war planning, procurement procedures, and operational use of its forces. The main objective of declaratory nuclear policy of a state is deterrence stability.⁸ Nuclear weapons also have psychological impact on a state’s enemies therefore declaratory policy of a state reflects its intentions and capabilities of nuclear weapon use during crisis. It also helps to shape the intellectual atmosphere in which nuclear weapons policy is formulated.

As the history of nuclear weapons originates from US and the Soviet Union’s acquisition of nuclear weapon, same is true of the policies of nuclear use. As noted earlier during the time of Cold War United States retained its policy of nuclear first use because of its weak conventional weapon force against the Soviet Union. At the end of Cold War US was no longer facing a threat from conventional force imbalance, its policy makers, however, found it necessary to assign a role to nuclear weapons in its declared policy.

⁸ Malcolm Chalmers, “Nuclear Narratives Reflections on Declaratory Policy,” *Royal United Services Institute (RUSI)*, White Hall Report 1-10, 2010. Available at, http://www.rusi.org/downloads/assets/WHR_Nuclear_Narratives.pdf

End of Cold War brought changes in international order. A direct consequence of this change was a softer stance and policies pursued, by the United States. The US had modified its nuclear policies while keeping intact its security assurance to its allies. Allies of US had wanted guarantees of their security against the use of nuclear weapons. The matter was therefore pursued in UN outside the NPT but in close conjunction with it.⁹

US reviewed its nuclear posture in Nuclear Posture Review (NPR) of 2010. According to the US NPR US policy of non-use will continue. It also mentioned that US could use nuclear weapons in certain circumstances. The policy thus effectively maintains ambiguity on NFU pledge; “US will continue to strengthen conventional capabilities and reduce the role of nuclear weapons in deterring non-nuclear attacks. It would only consider the use of nuclear weapons in extreme circumstances to defend its vital interests or of its allies. And maintain its pledge of negative security assurance to non nuclear weapons states in certain conditions.”¹⁰ According to NPR 2010, US declared that;¹¹

- The United States will continue to strengthen conventional capabilities and reduce the role of nuclear weapons in deterring non-nuclear attacks, with the objective of making deterrence of nuclear attack on the United States or our allies and partners the sole purpose of US. nuclear weapons.
- The US would only consider the use of nuclear weapons in extreme circumstances to defend the vital interests of the US or its allies/partners.
- The US will not use or threaten to use nuclear weapons against non-nuclear weapons states that are party to the NPT and in compliance with their nuclear non-proliferation obligations.

In 1982, the Soviet Union undertook a unilateral pledge not to resort to first use of nuclear weapons but it did not last long. Disintegration of Soviet Union at the end of Cold War forced Russia to review its policy and made changes in Russian pledge of NFU. Russia changed its NFU policy maintaining an option to use nuclear weapons

⁹Jean du Preez , “Security Assurances Against the Use or Threat of Use of Nuclear Weapons: Is Progress Possible at the NPT PREPCOM?” *Center for Non-proliferation Studies, Monterey, Institute of International Studies*, Monterey, CA, April 28, 2003 Available at, http://cns.miis.edu/treaty_npt/pdfs/security_assurances.pdf

¹⁰ US Nuclear Posture Review (NPR) 2010. Reproduced from original

¹¹ Ibid

against a nuclear aggressor, including non-nuclear states that are allied with nuclear weapon states. According to Russian Military Doctrine of 2010;

Russia reserves the right to utilize nuclear weapons in response to the utilization of nuclear and other types of weapons of mass destruction against it and (or) its allies, and also in the event of aggression against the Russian Federation involving the use of conventional weapons when the very existence of the state is under threat.¹²

France has non-use policy according to which France considers its nuclear weapons as weapons of last resort. Nuclear weapons, however, form an essential part of its security policy. France's non-use policy does not mean No First Use. It shows confidence in the reliability of its nuclear deterrence posture and rejection of a nuclear war fighting strategy. Like other states France also gives negative security assurance to non nuclear weapon states signatory to NPT. According to French nuclear policy:

France's nuclear deterrence protects it from any aggression against its vital interests emanating from a state-wherever it may come from and whatever form it may take. France's vital interests, of course, include the element that constitutes its identity and its existence as a nation-state, as well as the free exercise of its sovereignty.¹³

Britain has aligned its nuclear policy with US and NATO allies. According to British 2010 Strategic Defense and Security Review;

The UK will not use or threaten to use nuclear weapons against non-nuclear weapon states parties to the NPT. In giving this assurance, we emphasize the need for universal adherence to and compliance with the NPT, and note that this assurance would not apply to any state in material breach of those non-proliferation obligations'.¹⁴

On nuclear use against chemical and biological attack British policy stance differs from the US.

¹² Russian Military Doctrine: White Paper 2010. Available at, http://merln.ndu.edu/whitepapers/Russia2010_English.pdf

¹³ Speech by Nicolas Sarkozy, President of the French Republic: Presentation of le terrible submarine in Cherbourg, on March 21, 2008. Available at, http://www.diplomatie.gouv.fr/en/IMG/pdf/Speech_by_Nicolas_Sarkozy__presentation_of_Le_Terrible_submarine.pdf.

¹⁴ Strategic Defence and Security Review (SDSR) 2010. Available at, http://www.direct.gov.uk/prod_consum_dg/groups/dg_digitalassets/@dg/@en/documents/digitalasset/dg_191634.pdf

It is mentioned in SDSR that, “while there is currently no direct threat to the UK or its vital interests from states developing capabilities in other weapons of mass destruction, for example chemical and biological, and it reserves the right to reassurance if the future threat, development and proliferation of these weapons make it necessary’. The UK’s nuclear deterrent supports collective security through NATO for the Euro-Atlantic area; nuclear deterrence plays an important part in NATO’s overall strategy and the UK’s nuclear forces make a substantial contribution’.¹⁵

China maintains a policy of NFU. China is the only country which has not changed its stance over unconditional NFU pledge.

According to Indian Draft Nuclear Doctrine of 1999 India has conditional NFU policy. “The fundamental purpose of its nuclear weapons is to deter the use and threat of use of nuclear weapons by any state or entity against India and its forces, but will respond with punitive retaliation should deterrence fail”.¹⁶ It has also maintained negative security assurance to non-nuclear weapon states.¹⁷

Contrary to India, Pakistan has adopted no NFU nuclear policy against Indian aggression due to its weaker military strength which cannot counter India’s conventional force superiority during an aggression. Pakistan’s case of first use declaratory policy is in line with other states like Russia, and NATO which also have weak conventional war fighting capabilities in comparison to their potential adversaries. Pakistan like other nuclear states has also maintained negative security assurance pledge.

NATO is the only example of security alliance in the world. NATO’s security policy is a reflection of importance given by its member states to nuclear weapons in their security calculus. NATO’s security policy is mainly focused on Euro-Atlantic security pledge. It is agreed by all NATO states that as long as there are nuclear weapons in the world, NATO will remain a nuclear alliance. NATO still maintains its nuclear posture of extended deterrence, adopted during the Cold War. Its member states believe that NFU is incompatible with the commitments which were made to provide the security to its allies.

According to NATO 2010 Summit in Chicago,” the circumstances in which any use of nuclear weapons might have to be contemplated are extremely rare.” NATO also “is

¹⁵ Ibid

¹⁶ Indian Draft Nuclear Doctrine, 17 August, 1999. Available at, *Arms Control Association*, http://www.armscontrol.org/act/1999_07-08/ffja99

¹⁷ Ibid

resolved to seek a safer world for all and to create the conditions for a world without nuclear weapons.¹⁸

This declaration by NATO contradicts its member states' declaratory policies. With this contradiction and gap between the two stances, NATO's desires regarding disarmament and non-proliferation initiatives, outlined in the policy review of 2010 cannot get a practical shape.

The case of Israel is different from all other nuclear weapon states. Israel does not declare its nuclear weapons as part of its official deterrence policy at doctrinal level,¹⁹ but its nuclear use policy is based on imminent existential threats posed by neighboring states. North Korea also has NFU but its position and postures do not support its declaratory nuclear use policy.

No First Use Policy

There are two types of NFU policies. A nuclear state declares NFU unconditionally against all states, whether they are nuclear or nonnuclear weapon states. Second is the NFU assurance to non-nuclear weapon states signatory to NPT, which is internationally recognized as Negative Security Assurance (NSA). Seemingly main objective of NFU is to minimize the role of nuclear weapons in states' security policies which might lead towards disarmament initiatives in addition to placing these countries on a high moral ground. This view however, glosses over the fact that no country would sacrifice its core security interests for moral reasons.²⁰

UN recognizes the possibility of nuclear threat to states. UN resolution 225²¹ (1968) stipulates that the "Security Council would have to act immediately to provide

¹⁸ Official text Issued by the Heads of state and Government participating in the meeting of the NATO in Lisbon, 2010. Available at, http://www.nato.int/cps/en/natolive/official_texts_68828.htm. Also see NATO 25th Summit Meeting Chicago 20-21 May 2012. Available at,

http://www.nato.int/nato_static/assets/pdf/pdf_publications/20120905_SummitGuideChicago2012-eng.pdf

¹⁹ George Perkovich, "Reducing the Role of Nuclear Weapons: What the NDPI can do," *Carnegie Endowment for International Peace*, November 27, 2012. Available at, <http://carnegieendowment.org/2012/11/26/diminishing-role-of-nuclear-weapons-non-proliferation-and-disarmament-initiative-s-good-beginning/emyn#>

²⁰ Ken Berry, "Draft Treaty on Non-First Use of Nuclear Weapons Ken Berry," *International Commission on Non-Proliferation and Disarmament(ICNND)*, June 2009, Available at, http://icnnd.org/Documents/Berry_No_First_Use_Treaty.pdf

²¹ Quoted in Jean du Preez, "Security Assurances Against the Use or Threat of Use of

assistance, in accordance with its obligations under the United Nations Charter, to a state victim of an act of nuclear weapons aggression or object of a threat of such aggression.” This positive security assurance was welcomed by all states but states also demanded negative security (NSA) to ensure legally binding commitment by the nuclear weapon states (NWS) not to use their arsenals against non-nuclear weapon states (NNWS).²²

The first legally-binding NSA was contained in the Treaty of Tlatelolco (1969), which made Latin America and the Caribbean a nuclear weapon free zone.²³ In 1995 during the NPT negotiations NNWS were given NSAs as a reassurance to show that their decision to give up nuclear options would not expose them to nuclear coercion.²⁴ In connection with the NPT, nuclear weapon states provided assurances on non-use of nuclear weapons to NNWS. Such assurances are usually referred to as “negative security commitments” (I will not attack you) as opposed to “positive security commitments” (I will defend or help you if you are attacked).²⁵

The NPT Review and Extension Conference decided the same year that further steps were necessary to assure NNWS against nuclear threat. The idea of signing a convention legally fixing full-scale commitments of NWS to non-nuclear NPT states was supported in 1995 by Russia and Britain, but was not endorsed by other NWS who claimed that such a commitment would contradict the doctrine of nuclear deterrence. The 2000 NPT Review Conference stated that legally binding assurances were needed.²⁶

To date there are only two countries, China and India having declared NFU pledge, but their commitment is not recognized by other nuclear weapon states. Apart from China, the negative security assurances given by the other nuclear weapon states (NWS) under the NPT to non-nuclear weapon states (NNWS) are also left less reliable due to their conditional commitments and ambiguous nuclear use doctrines.

Nuclear Weapons: Is Progress Possible at the NPT PREPCOM?” *Center for Non-proliferation Studies, Monterey, Institute of International Studies, Monterey, CA, April 28, 2003* Available at, http://cns.miis.edu/treaty_npt/pdfs/security_assurances.pdf

²² Ibid

²³ White paper of Treaty of Tlatelolco, Available at

<http://www.reachingcriticalwill.org/images/documents/Resources/Treaties/Tlatelolco.pdf>

²⁴ Malcolm Chalmers, “Nuclear Narratives Reflections on Declaratory Policy,” *Royal United Services Institute (RUSI)*, White Hall Report 1-10, 2010. Available at,

http://www.rusi.org/downloads/assets/WHR_Nuclear_Narratives.pdf

²⁵ Alexie Arbatov, “Non-First Use as a Way of Outlawing Nuclear Weapons,” *International Commission on Non-Proliferation and Disarmament (ICNND)*, November 2008. Available at, icnnd.org/Documents/Arbatov_NFU_Paper.doc

²⁶ Ibid

NFU and Nuclear Proliferation

In the doctrines of all nuclear weapon states the main purpose of nuclear weapons is to deter threat of adversary's use of nuclear weapons. NFU is one of the options available to states to base their doctrine on. NFU commitment means that the country undertaking such commitment will plan not to use nuclear weapons first, but other countries will never be quite sure that their potential adversary will not use nuclear weapons. So, nuclear use remains an existential deterrent regardless of a country's declaratory policy.

Most countries of the world adhere to nuclear first use policy. China and India are the only exceptions as stated before. But China's NFU pledge is not recognized internationally. It is perceived that in a crisis China will not refrain from first use of nuclear weapons. India has in fact premised its nuclear program by declaring China's NFU as non-credible. Similarly Pakistan does not recognize India's NFU pledges.

There are two types of proliferation horizontal and vertical. Horizontal proliferation refers to proliferation to other states while vertical proliferation refers to increase in the existing stockpiles of nuclear weapon states. It includes researching and developing new types of nuclear weapons, materials and means of delivery systems. NPT only focuses on horizontal proliferation and ignores impact of vertical proliferation on non-proliferation and disarmament process. Proliferation has taken place both horizontally and vertically even after NPT came into force. India, Pakistan Israel and North Korea which did not possess nuclear weapon before 1968 when NPT was opened for signature are now nuclear weapon states. As noted above P5 countries have proliferated vertically and improved the design of the weapons and delivery systems during the last four decades or more.

NFU works both ways; it might prove helpful in non-proliferation efforts or vice versa. It is often considered a first step towards a comprehensive ban and complete elimination of nuclear weapons. To some extent it can prove helpful in stabilizing relationship between two states but believing it to lead to complete disarmament seems to be a distant dream for now. Some states however, believe that NFU is a ruse to infuse complacency in the adversary and therefore doubt its credibility. They think that no guarantees can be placed about a provocation by an adversary that remains below the threshold of a nuclear response. That is the reason, why in the real world states neither compromise nor sacrifice their security.

Conclusion

No nuclear weapons state would commit itself to non-use of nuclear weapon at least as long as such weapons are possessed by other states. If a state does so it would not be considered credible by other states. Under the circumstances, the threat of nuclear retaliation is perceived as the most reliable deterrent against a nuclear attack by another country. Goals of disarmament and non-proliferation as outlined in NPT seem unachievable due to existing dichotomy between the commitments which the treaty calls for and the policies of nuclear weapons states. The salience of nuclear weapons in military doctrine of NWS requires a comparative analysis to arrive at a better understanding of the relationship between the imperatives of disarmament and the determinants of military doctrines. The doctrinal complexity of nuclear weapon states complicates purposes and objectives of their use and acquisition respectively.

NFU, considered by some scholars as the only practical strategy to minimize if not completely eliminate the role of nuclear weapon in states' security policies, is itself contrary to international law and UN charter²⁷. NFU is at variance with ICJ's 1996 advisory opinion on the legality of the threat or Use of Nuclear Weapons. According to ICJ opinion states could use nuclear weapon "in extreme circumstances of self-defense, in which the very survival of a state would be at stake."²⁸ The Court however did not explain kind of circumstances which a state may consider extreme before deciding to use nuclear weapons. The concerned state would therefore decide whether threat to its security is so extreme that it warrants the use of nuclear weapons. In any case ICJ's opinion allows the option of nuclear weapons possession by states.

For these reasons NFU policy appears to be a failure, showing that it would only be practical if measures are taken at operational level by altering force postures of NWS. If NFU is to be more than a declaratory policy, then it must be meaningfully reflected in the war planning and force postures of a nuclear weapons state.

*Farzana Siddique is a
CISS Research Associate*

²⁷ UN Charter Article 51, "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence 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. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

²⁸ Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion of ICJ, 8 July 1996. Available at, <http://www.icj-cij.org/docket/files/95/7497.pdf>