

THE CASE FOR NO FIRST USE OF NUCLEAR WEAPONS

Presentation by Professor the Hon Gareth Evans*, Chair, Asia Pacific Leadership Network for Nuclear Non-Proliferation and Disarmament (APLN), to GCSP/PNND International Webinar on *Is it Time for No First Use Policies in the USA and Globally?*, 29 April 2021

Adopting a No First Use (NFU) policy means a nuclear-armed state making an explicit declaration that it will not use nuclear weapons either preventively or pre-emptively against any adversary, nuclear-armed or not, keeping them available only for use or threat of use by way of retaliation following a nuclear strike against itself or its allies. A less robust, but still meaningful formulation of essentially the same idea would be a declaration to the effect that “the *sole purpose* of the possession of nuclear weapons is to deter the use of such weapons against one’s own state and that of one’s allies.” This was the formulation President Obama was prepared to sign up to in 2010, until, unhappily, he was dissuaded by some of his NATO and Asia Pacific allies – and which President Biden still seems to support.

We have a long way to go in getting universal buy-in to either of these formulations, given the present nuclear postures of all nine currently nuclear armed states. Only China and India currently claim to be committed to NFU. The United States, in its 2018 Nuclear Posture Review stated clearly that it does not maintain a NFU policy on the grounds that U.S. response options must remain flexible to deter both nuclear and non-nuclear attacks; Russia formally abandoned an earlier pledge in the 1990s; France has long maintained a first-use posture, and the UK, Pakistan and North Korea have not ruled it out; and Israel, as ever, continues to refuse to confirm that it even has nuclear weapons.

No First Use v No Use

In making the case for NFU, we should recognize at the outset that there will always be those in the peace movement for whom any talk of ‘No First Use’ of nuclear weapons is unconscionable. It’s not no *first* use that we want, they will say, but *no* use at all, under any circumstances: let’s put all our energy and resources into getting the Nuclear Weapons Prohibition Treaty (NWPT), which is already supported by the great majority of states, universally embraced, and not accept half-way measures which contemplate the possibility of something happening that must remain forever unthinkable.

In principle, this is a compelling argument. Nuclear weapons are not only the most indiscriminately inhumane ever devised, but any use of them is an existential risk to life on this planet as we know it. None of us should waver for an instant in settling, as an endpoint, for anything less than global zero - the total elimination of nuclear weapons from the face of this planet.

But we all have to be honest with ourselves and acknowledge that right now that end point is as far away as it has ever been, The NWPT has huge moral and emotional appeal, and remains very important in building and reinforcing the normative case against the legitimacy of nuclear weapon. But it has no buy-in whatever in from any of the nuclear armed states or those that think they benefit from their protection, and it won’t have for the foreseeable future, for reasons which are not just ideological, geopolitical, and psychological, but go to verification and, above all, enforcement.

As unpalatable as this will be to some, and as over-cautious as it will be to others, the only way forward, toward a nuclear-weapon free world – in this world as we find it, not what we would want it to be – is incremental, breaking the process into manageable steps, focusing in the first instance on serious nuclear risk reduction, decreasing the salience of nuclear weapons in countries' defence planning, and creating doubts in policymakers minds about not only the legitimacy but the utility of nuclear deterrence. If we want real-world progress, we should never make the best the enemy of the good – i.e. take the view that settling for anything less than perfection is not necessary compromise but capitulation.

What we should do now, as stated in the report of the International Commission on Nuclear Non-Proliferation and Disarmament, which I co-chaired in 2009, is put our immediate advocacy energy not into an elimination, but rather a "minimization", or risk reduction agenda, in which No First Use – achieving universal buy-in by the nuclear-armed states to embracing that doctrine – would be one of the four highest priorities.

Those priorities can be summarized as the '4 Ds': the first of them nuclear *Doctrine* – No First Use; with this declaratory commitment being given practical credibility by *De-alerting*, taking nuclear weapons off high launch-ready alert status; reduced *Deployment* – drastically downsizing the number of those actively deployed; and *Decreased* stockpiles – reducing overall numbers to around 2,000, down from the more than 13,000 now in existence.

A world with very low numbers of nuclear weapons, with very few of them physically deployed, with practically none of them on high-alert launch status and with every nuclear-armed state visibly committed to never being the first to use them, would still be very far from being perfect. But a world that could achieve these objectives would be a very much safer one than we live in now.

No First Use v No Limits

The case for NFU rests on two main pillars, that keeping the option of first use is *dangerous*, and that it is *unnecessary*. One could also conceivably invoke a further argument that any first use would be potentially *illegal* under international humanitarian law, but the relevant considerations here – necessity, proportionality and so on -- are just as applicable to retaliatory use as they are to first use, and as such don't advance the present argument.

No Limits Dangerous. Retaining a first use option is dangerous, both for wider global peace and security and often for nuclear-armed states' own interests, in five main ways:

A nuclear armed state that keeps open a first-strike option runs the risk of an adversary misreading its intentions and, fearing decapitation, launching a pre-emptive strike of its own, precipitating an otherwise wholly avoidable nuclear war.

A nuclear-armed state that fears a surprise first-use attack from another which has kept open that option is more likely to put its own forces on extreme launch alert, thereby increasing the risk of human or system error or miscalculation causing a launch which precipitates the very catastrophe it is trying to avert.

Refusing to adopt NFU encourages vertical nuclear proliferation - incentivising potential adversaries to upgrade their own nuclear forces to deny their opponents a first use advantage, or gain one themselves. That way lies nuclear arms races, with all the multiplication of risk these necessarily involve.

- Refusing to adopt NFU inherently encourages horizontal nuclear proliferation, with all the risks of both deliberate and accidental nuclear exchange that come with adding new nuclear-armed states to the mix – when a state with any kind of conventional capability insists that it needs nuclear weapons to deter or defeat non-nuclear attacks, it necessarily concedes that right to any other country fearing, or claiming to fear, such attack.
- Major-power refusal to embrace NFU can make it harder to wind back breakouts by others actually or apparently under way. Insisting that ‘all options are on the table’, as the Bush administration did with Tehran, clearly played into the hands of Iran’s domestic hardliners and made negotiated nuclear risk reduction much more difficult to achieve. Arguably a clear US NFU policy would also help alleviate at least some of the anxieties currently inhibiting progress on DPRK denuclearization

No Limits Unnecessary. The dangers and risks associated with retaining a first use option are not outweighed by any compelling security necessity, certainly for the major nuclear powers and those non-nuclear states who might believe they shelter under their protection.

- In the case of the major nuclear powers, especially the United States, they have immense conventional firepower, amply sufficient to deter or respond to chemical, biological or other non-nuclear attack
- In the case of US allies, it is also the case that for the indefinitely foreseeable future, US conventional capability will be amply sufficient, when combined with their own capabilities, to protect them against any non-nuclear threat contingency. What they want in these situations is certainly a continuation of US ‘extended deterrence’, on the availability of which some of them will no doubt need to be constantly further reassured, but that simply does not have to be extended *nuclear* deterrence.
- In the case of smaller nuclear powers who perceive themselves, accurately or otherwise, as facing threats from much larger neighbours (as with Pakistan against India) or from major powers bent on regime change (as the North Koreans), it will be harder to persuade te to give up the psychological comfort blanket their nuclear weapons provide, or to formally relinquish ambiguity as to when they would use them. But even in these cases keeping a first-use option makes little sense, given the intensity of the response, nuclear or otherwise, that this would generate. Kim Jong-un, for one, is acutely aware that to be homicidal would be suicidal.

NFU Credibility? The last-ditch argument usually made against NFU declarations are that they are simply not believable – that other states will behave as if they were never made, meaning that, if you believe in the dangers of ambiguity I described above, there will be no end to those dangers; and that in any event, *in extremis*, any state will simply do what it believes it has to do. But the first part of this critique understates the extent to which military leaders do in practice pay close attention to others’ declaratory policies, and the way in which these signals of intent do shape the expectations of allies and adversaries alike, in what can either be a virtuous or vicious cycle.

As to the argument that any state could reverse in an instant any NFU declaration it made, that would be much harder to do, and the credibility of the declaration much harder to question, if

the Doctrinal commitment were to be accompanied by other major risk reduction measures – in particular the other three Ds I referred to, De-alerting, reduced Deployments, and Decreased stockpile numbers.

The bottom line case for adopting NFU policies, or their 'sole purpose' functional equivalents, is not that they are an end in themselves, or will by themselves bring an end to the terrible existential risk to life on this planet that will continue so long as any nuclear weapons remain.

It is that they are an extremely important contributor to immediate nuclear risk reduction, to the necessary ongoing progress of delegitimising nuclear weapons in policymakers' thinking, and to maintaining a global commitment to non-proliferation, and are an absolutely necessary waystation on the road to ultimate elimination. We have a long way to go in achieving a safer and saner nuclear weapons free world, but getting the US and the other reluctant nuclear armed states to embrace No First Use would be a great place to start.

Sources: From the considerable literature on No First Use and related issues like Negative Security Assurances (most of it focused on the United States) I have drawn here particularly on Scott Sagan, 'The Case for No First Use', *Survival*, June-July 2009 ; Morton Halperin et al, 'The Case for No First Use: An Exchange', *Survival*, Oct-Nov 2009 ; *Eliminating Nuclear Threats* (ICNND Report, 2009); Evans, Ogilvie-White & Thakur, *Nuclear Weapons: The State of Play 2015* (CNND/ANU, 2015); Ramesh Thakur, 'Why Obama should declare a no-first-use policy for nuclear weapons', *Bulletin of the Atomic Scientists*, August 2016; and, more recently, John P Holdren, 'The overwhelming case for no first use', *BOAS*, January 2020; Stewart Praeger. 'A No-First-Use Policy', Physicians Coalition for Nuclear Threat Reduction, December 2020; Carlo Trezza, 'Mission Possible: Revisiting the No First Use of the nuclear weapon'. *ELN*, April 2021; and 'Global Zero Applauds Warren and Smith's "No First Use Act', Media Release 15 April 2021.

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