

***“Strategies for Advancing Towards a
World Without Nuclear Weapons”***

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No-First-Use of Nuclear Weapons

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I imagine we are all struggling—racking our brains - for ways to protect and strengthen the Nuclear Non-Proliferation Treaty and to further the nuclear disarmament agenda. As we move forward to the 2020 Review Conference we find ourselves in a crisis situation with, conceivably, the most dire consequences for humanity - the situation “potentially more dangerous than at any point during the Cold War.”¹

We are faced with a new arms-racing, made more dangerous because of the increasingly blurred line between nuclear and conventional weapons; because of the ambiguity created by dual-use missiles, and because of emerging military weapon-related technologies and cyber-capabilities; all of which render the existence of nuclear weapons more threatening and further undermine strategic stability between the global military powers.

We are confronted with the potential disintegration of the arms control regime, of unacceptable and growing nuclear risks, toxic relations between Russia and the United States; and the possibility of no treaties governing nuclear weapons.

We are, also, having to deal with a “deteriorating international security environment,”² with attacks on multilateralism and on international institutions; the growth of authoritarianism; with a new strident nationalism, and the potential demise of democracy.

It becomes essential for the safety and security of humankind that we protect and strengthen the Nuclear Non-Proliferation Treaty, particularly to further fulfilment of the 13 Steps for Disarmament in Article VI and the 2010 NPT Review Conference Action Plan.

Since the advent of the Nuclear Ban Treaty – which is to be applauded – the nuclear disarmament agenda has fragmented – with a growing rift between the proponents of the Ban Treaty and the proponents of the Comprehensive Approach for a Nuclear Weapons Convention. And there is, perhaps, an unbreachable divide between these groups and those who advocate the Step-by-Step approach to disarmament - the nuclear weapon states who – except for China - adhere to a nuclear war-fighting/deterrence posture. These divisions weaken - and could ultimately destroy - the NPT; and are an obstacle to the nuclear disarmament agenda. ³

¹ Wolfgang Ishinger, *Epochal breaks*”, *The Security Times*, February 2019

² Randy Rydell, quoting Guterres, *The Guterres Disarmament Agenda, Arms Control Today, Vol. 49, p20*

³ Ramesh Balakrishnan Carleton University Ottawa, Canada, *The UN Secretary-General has announced a new Agenda for Disarmament and its Implementation Plan. Will the Agenda and its Implementation Plan work? How should Canada Engage with it?* Graduate Research Awards for Disarmament, Arms Control and Non-Proliferation, The Simons Foundation, Dept. of Global Affairs Canada. January 2019

The Entry-into-Force of the Comprehensive Test Ban Treaty, and the commencement of negotiations for the Fissile Material Cut-Off Treaty are stalled; and other Article VI commitments and the 2010 Practical Steps are ignored. I imagine that, in the near future, there will be little to no movement on these and on the majority of the commitments.

It is essential that we find avenues within the NPT to further nuclear disarmament in order to reduce the risk for humanity of accidental, mistaken or deliberate launch of nuclear weapons which could lead to a nuclear war.

One important step would be to support and actively promote **No-First-Use of nuclear weapons as a global norm**. A No-First-Use policy would reduce the risks of accidental, mistaken, or unauthorized use of nuclear weapons. This would strengthen the NPT's agenda by "reducing the role and salience of nuclear weapons in the security strategies of the nuclear-armed states".⁴ It would also reduce the number of nuclear weapons that would have been necessary for First Strike capability.

No-First-Use of nuclear weapons would further Step 9 in Article VI by promoting "de-alerting, "and other measures to ... reduce the operational status of nuclear weapons systems."⁵

Bruce Blair – who I consider to be the foremost expert on No-First-Use and the de-alerting measures needed to implement it - writes on its merits, and I intend to quote him at length:

"An NFU treaty or executive agreement," he says, "would stabilize crises by narrowing the scope for miscalculating intentions. Allaying fear of an adversary's first strike would relieve the pressure to strike pre-emptively or launch an attack immediately upon the receipt of initial indications of an enemy strike in progress. It would tend to establish a degree of trust between adversaries that should work to foster restraint."⁶

As Bruce Blair and General James Cartwright of Global Zero say "a no-first-use policy could catalyse multilateral negotiations to reduce nuclear arms, discourage non-nuclear states from developing them and reinforce the Nuclear Non-Proliferation Treaty."⁷

I propose that active measures be taken by governments and civil society to support and work with China on bringing into fruition an international legally binding instrument to

⁴ Bruce Blair, *The End of Nuclear Warfighting: Moving to a Deterrence Only Posture*, September 2018, p. 103.

⁵ NPT Article VI, Step 9.

⁶ Bruce Blair, *The End of Nuclear Warfighting: Moving to a Deterrence-Only Posture*. Sept 2018, p.102

⁷ James E. Cartwright and Bruce G. Blair, "End the First-Use Policy for Nuclear Weapons", *New York Times*, August 14th, 2016

prohibit No-First-Use of nuclear weapons, a treaty which China called for *first* in 1971; *then again* in 1994 when, once more, it was rejected but *did lead* to a bi-lateral agreement between Russia and China “committing them not to use nuclear weapons first against each other.”⁸

In 2010, at the NPT Review Conference China repeated its call for the negotiation of “an international legally binding instrument to prohibit first-use of nuclear weapons and use, or threat-of-use of nuclear weapons, against non-nuclear weapon states and nuclear-weapon free zones.”⁹

“China has always highlighted its no-first-use pledge as a first, significant, meaningful and readily workable step in the multilateral disarmament effort,”¹⁰ consistent with the NPT’s Article VI.

China detonated its first nuclear weapon in October 1964. And on the same day, China announced its unequivocal no-first-use policy, and “soon afterwards” committed to not use “or threaten to use nuclear weapons against non-nuclear states or nuclear –weapon-free-zones.”¹¹

China’s No-First-Use policy, together with its limited number of nuclear weapons for defensive purposes only, was a deliberate policy to “gain acceptance as a nuclear weapons state” by not challenging the nuclear dominance” of the U.S. and the Soviet Union.¹²

But China has since become an economic and military power, and has become both threatened and threatening. China has challenged International Law and claimed virtually all the South China Sea and contested islands and built military facilities on artificially created islands.

Because of its new status as a world power, China, until 1998, was targeted with nuclear weapons by the United States. The country is also surrounded by nuclear weapon states, India, Pakistan, North Korea and Russia (though Russia and China have a No-First-Use agreement).

China has been charged with a lack of transparency with regard to its nuclear policy which China justifies as the “price ... it pays for its no-first -use policy.” Because China’s nuclear

⁸ B. Blair, *The End of Nuclear Warfighting: Moving to a Deterrence-Only Posture*, 2018, p.103

⁹ [Kelsey Davenport ,www.armscontrol.org](http://www.armscontrol.org), March 2018

¹⁰ Pan, May, 2018, p.14

¹¹Zengqiang Pan, *A study of China’s No-First-Use Policy on Nuclear Weapons*, <http://doi.org/10.1080/25751654.2018.1458415>

¹² Pan, May 14, 2018, p.13

weapons are for defensive purposes only, China “must conceal its nuclear forces in terms of number, quality, and deployment locations” in order to protect its nuclear forces from attack and be positioned to strike back if attacked.

“So long as its nuclear arsenal remains in a defensive posture, China will continue to maintain its technical opacity.”¹³ As soon as there is an international legally-binding Treaty for No-First-Use, “the door will be open for China to offer greater transparency on its nuclear weapons.”¹⁴

At the Munich Security Conference, in February 2018, the Chair of the China National People’s Congress reiterated China’s commitment to the principle of no-first-use of nuclear weapons, and no-use of nuclear weapons against non-nuclear weapons state and nuclear weapons free zones.

Nevertheless, there have been calls within China to revoke its policy of No-First-Use. According to Chinese General Pan Zhenqiang, the No-First-Use policy is losing its appeal in China since the advent of the Nuclear Ban Treaty and China appears to be “more interested in maintaining strategic stability, based on the possession of nuclear weapons by a few, rather than implementing nuclear disarmament as required by the NPT.”¹⁵

So, it is imperative that every effort be made – before it is too late - to convince China to maintain its Declaratory policy and to work with China in a bid to transform its No-First-Use policy into an international legally binding instrument. We must keep China at its word and endeavour to commit all nuclear weapons states to sign and ratify a No-first-Use international legally-binding treaty.

Of the states possessing nuclear weapons - besides China’s and Russia’s bilateral agreement - India is the only other state to have a No-First-Use policy, albeit with a few reservations. India did consider negotiating a No-First-Use agreement with China, but ultimately considered it unnecessary because of China’s own declared No-First-Use policy.

India and Pakistan are not parties to the NPT and in all likelihood will not join until all nuclear weapons are eliminated and banned for all time. However, there is the possibility of a bi-lateral No-First-Use Agreement between them.

¹³Transparency is one of the Article VI commitments and Action 5 of the 2010 NPT Action Plan.

¹⁴ Pan, May 14,2018, p.16

¹⁵ Pan, May 2018, 24-25

During their recent conflict, Imran Khan, Prime Minister of Pakistan was very careful to ensure that the conflict did not become nuclear. Twenty-eight years earlier - in 1988 - the two countries signed a Non-Attack Agreement prohibiting attacks against Nuclear Facilities. Though this Agreement does not include nuclear weapons, it could, with encouragement, be seen as a first step - a basis for the inclusion of nuclear weapons - a bilateral No-First-Use agreement between the two countries.

North Korea is a pariah state possessing illegally-acquired nuclear weapons and has withdrawn from the NPT. It is highly unlikely that – currently – it would be party to a No-First-Use agreement and in fact, if fearing an attack by the United States it may attack first.

It is Russia’s view that North Korea’s denuclearization is an unrealizable goal. And if President Trump sidelines his current advisors and accepts the state into the so-called nuclear club - as he seems to want to do - we may see many nuclear capable states transform into nuclear weapons states and the demise of the NPT.

Israel remains an unknown.

Of the NPT-member nuclear weapons states only China has a No-First-Use- policy. The United States, the United Kingdom, Russia and France – have deterrence/nuclear war-fighting policies. Three of these five nuclear weapons states have signed mutual detargeting agreements between them – between China and Russia in 1994; between Russia and the United States, also in 1994¹⁶ ; and between China and the United States in June 1998.¹⁷

In April 2000, all five nuclear-weapon states issued a joint statement announcing that they would not target their nuclear weapons at any countries.¹⁸

¹⁶ *White House Statement on Mutual Detargeting*, January 14, 1994: United States and Russian experts have discussed for several months possible measures to improve strategic stability, increase mutual confidence, and step back from Cold War nuclear force postures. These discussions have included proposals for mutual **detargeting** of strategic nuclear systems. Based on these talks, the Presidents announced that they will direct the **detargeting** of strategic nuclear missiles under their respective commands. This means that by May 30, 1994, no country will be targeted by the strategic forces of either side. For the first time since the earliest days of the nuclear age, the two countries will no longer operate nuclear forces, day-to-day, in a manner that presumes they are enemies.

<https://fas.org/nuke/control/detarget/news/940114-331576.htm>

¹⁷Zhou Bo, “New Consideration of China’s No-First-Use of Nuclear Weapons is Needed.” *China US Focus*, June 7th, 2016

¹⁸ “In April 2000, the five nuclear-weapon states issued a joint statement announcing that they would not target their nuclear weapons at any countries.” *Report submitted by the People’s Republic of China, “Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons,”* 2005 NPT Review Conference N.Y. May 2005

France maintains a First Use – war fighting nuclear policy “to deter any type of attack on or invasion of France.”¹⁹ And may be the most resistant to joining an international legally-binding Treaty on No-First-Use of nuclear weapons.

The United Kingdom maintains a deliberately ambiguous nuclear policy, and “does **‘not rule in or out** the first use of nuclear weapons”²⁰ However, during the previous election campaign, in May 2017 – the Labour Government committed to a No-First-Use policy. So a change of government – which is quite likely – augers well for nuclear disarmament issues and No-First-Use of nuclear weapons.

Russia’s maintains a deterrence/war-fighting policy to “use nuclear weapons against attacks by conventional forces that represent an existential threat ... or in retaliation for a nuclear or WMD attack.”²¹

Russia does have a history of a No-First-Use policy. In “1993 Russia abandoned a 1982 Soviet Union No-First-Use pledge.”²² Russia - signatory to a bi-lateral No-First-Use Agreement with China and its 1993 de-targeting agreement with the United States - may be receptive, and could be given every encouragement to build on this and – at a minimum - enter into to a bi-lateral No-First-Use Agreement.

“Since the end of the Cold War, the United States has modified its declaratory policy to reduce the apparent role of nuclear weapons in U.S. national security, but it still has not declared that it would not use them first.”²³

The Obama Administration 2010 Nuclear Posture Review stated that “the United States reserved the right to use nuclear weapons to deter nonnuclear attacks.”²⁴ “The Trump Administration’s Nuclear Posture Review expands the possibilities in which nuclear first use would be considered to include a nuclear response to non-nuclear attacks.”²⁵ And “proposes the development of ‘more-usable’ low-yield nuclear weapons.”²⁶

¹⁹ Panda, July 17th, 2018, p.10

²⁰ Anrik Panda, “No First Use and Nuclear Weapons, *Council on Foreign Relations*, July 17,2018, p.9: 2010-2015 UK Ministry of Defense Policy Paper”

²¹ Panda, July 17,2018, p.9

²² Panda, July 17,2018, p.8

²³ Amy F. Woolf, “U.S. Nuclear Weapons Policy: Considering ‘No First Use’, *Congressional Research Service*, March 1, 2019, p.1

²⁴ Panda, July 17th,2018, p.5

²⁵ Bruce Blair, *Alternative Nuclear Posture Review*

²⁶ Daryl Kimball, *The Case for a U.S. No-First-Use Policy*, www.armscontrol.org, October 2018,p.2

In January of this year, “Senator Elizabeth Warren and House Armed Services Committee Chair Adam Smith introduced legislation that declared ‘It is the policy of the United States to not use nuclear weapons first.’”²⁷

As Global Zero’s Bruce Blair and Jon Wolfsthal say, this policy “faces a steep uphill battle to become law in the current political environment”²⁸ but, I imagine, if there is a change in the U.S. Presidency in 2020 it cannot be discounted.

A major thrust in Global Zero’s plan is to establish No-First-Use as a global norm. No-First-Use is an important component of the essential adjunct to the Global Zero Action Plan – parallel action to prevent use of nuclear weapons during the interim period between now and 2030, at which time, according to the Global Zero Action Plan, “all weapons will be transferred out of military service and into an inactive non-deployed status awaiting dismantling. By 2030 none of the nuclear weapons in the nuclear-possessor states will be operationally deployed or held in active reserve for military purposes.”²⁹

Bruce Blair’s intriguing premise is that a “No-First-Use treaty ... could ... accelerate nuclear disarmament by firmly establishing that the sole purpose of nuclear weapons is to deter their use by others, a principle that sets up the logic of ‘global zero’.”

“If all parties,” he writes, “limit their weapons’ role to deterring first use by threatening second use, then there is really no point in having them at all.

“If everyone sincerely vows never to use them first, and their operational postures align with a deterrence-only strategy, then logic suggests it is possible to give them up entirely if adequate monitoring arrangements can be instituted to guard against the possibility of a secret program or a breakout from the agreement.”³⁰

Global Zero will work with China and India, and possibly other nuclear-armed states, to achieve an internationally legally-binding treaty; or failing this, bi-lateral Agreements between nuclear-armed states, in order to build on what can be seen as a **historical pattern of nuclear weapons states of abjuring First-Use** through the utilization of bilateral de-targeting commitments between the U.S. and Russia, and the U.S. and China; the no-First-Use Bi-lateral Agreement between Russia and China; the Non-Attack on Nuclear Facilities Agreement between India and Pakistan; and the Declaration in 2000 by the P-5, that no NPT member state is targeted with nuclear weapons.

²⁷ Amy F. Woolf, “U.S. Nuclear Weapons Policy: considering ‘No First Use.’” *Congressional Research Service*, March 1, 2019

²⁸ Jon D. Wolfsthal and Bruce Blair, *Nuclear No First Use is an Idea Whose Time Has Come*, unpublished

²⁹ Bruce Blair, email re Draft Global Zero Action Plan, April 2019

³⁰ Blair, *The End of Nuclear Warfighting: Moving to a Deterrence-Only Posture*, Sept 2018, p.102

Since Hiroshima and Nagasaki there has been a taboo on nuclear weapon use. A No-First-Use Treaty would build on this already existing seventy-four year-old taboo. A No-First-Use Treaty would make concrete the actions *or better said non-action* on first use, and ultimately any of use, of nuclear weapons.

It is incumbent upon the United Nations member states commitments to the UN Charter, and for civil society to promote and support China in its call for negotiation of an international legally binding agreement to prohibit first use of nuclear weapons.

END

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