

The US & No First Use

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Executive Summary

- The United States has initiated its fifth Nuclear Posture Review (NPR). The review is expected to be concluded in early 2022.
- The administration of Joe Biden is reportedly exploring the possibility of including a “sole purpose” declaration in the NPR that will state that the sole purpose of US nuclear weapons will be to deter or retaliate against a nuclear attack.
- A “sole purpose” declaration is similar to a declaration or pledge of no-first-use of nuclear weapons. At present, only India and China have made such pledges.
- Past US attempts at a “sole purpose” declaration have been resisted by US allies that fear such a declaration will embolden adversaries.
- US allies are primarily concerned that such a declaration will be seen as a sign of weakened American commitment to defending them.
- These concerns can be allayed by seeking a global no-first-use (GNFU) agreement.
- Such an agreement would help slow down nuclear competition and reduce alert levels. The result would be greater stability in peacetime, lower nuclear risks during crises, and less vertical and horizontal proliferation of nuclear weapons.
- As a strategic partner of the US that has made an NFU pledge, India is in a unique position to push the US towards joining it in pursuing a GNFU agreement.

Introduction

In July 2021, the Biden administration [initiated](#) the fifth US Nuclear Posture Review (NPR). The review is expected to be released in early 2022 and according to reports, the Biden administration is considering the adoption of a “sole purpose” declaration, which is similar to a nuclear no-first-use pledge. The development comes as a new Department of Defense (DoD) [report concludes](#) that China is engaged in a major effort to increase both the size and sophistication of its nuclear forces. The report concludes that China is either developing or has already developed a nuclear triad with sea, land, and air-based platforms. In order to produce warheads, the report says China is building fast-breeder reactors and reprocessing facilities giving it “at least 1,000 warheads” by 2030.

As part of its efforts to diversify its nuclear delivery platforms, China currently operates six ballistic missile nuclear submarines (SSBNs). It has developed the H-6N strategic bomber, built three new fields of ICBM silos that can house hundreds of missiles, and is developing solid-fueled missiles with multiple independently targetable re-entry vehicles (MIRVs). Besides this, China has recently [tested](#) a nuclear-capable hypersonic boost glide weapon and [wields](#) the DF-26 “hot-swappable” missile that can rapidly switch between conventional and nuclear warheads. The DoD report also concludes that China could greatly increase the alert levels of its nuclear forces by moving to a launch-on-warning (LOW) posture.

While some of these developments, especially the use of “hot-swappable” missiles and the potential for a launch-on-warning (LOW) posture could be destabilising, the expansion of China’s nuclear forces are largely along expected lines. China is unlikely to be seeking to win a nuclear war with the US. Its objective appears to be to enhance the survivability of its arsenal and thereby protect itself from US nuclear threats in the event of a crisis or conflict. Nevertheless, China’s growing nuclear forces are likely to have a knock-on effect on India, which recently [tested](#) its 5,000 kilometre range Agni-5 missile.

While concerns about the survivability of nuclear forces can persist even in a relatively benign international security environment, they are heightened by the existence of the threat of first-use of nuclear weapons. Therefore, the Biden administration should not put off consideration of a “sole purpose” declaration in response to China’s growing arsenal. Instead, it should seek to tackle the root of this problem by seeking a global agreement to not threaten the first use of nuclear weapons.

Biden's Nuclear Posture Review

In July 2021, the Biden administration [initiated](#) the fifth US Nuclear Posture Review (NPR). The exercise is to be completed in early 2022 along with the National Defense Strategy. NPRs [are](#) “the Pentagon’s primary statement of nuclear policy,” and a fresh review was widely expected under the Biden administration. The new NPR would be the fifth such document since the practice began in 1993-1994 following the election of Bill Clinton.

Earlier Nuclear Posture Reviews: Only portions of the 1994 NPR were made public. However, it appears to have [set the template](#) for the structure of US nuclear forces for at least the next two decades. The 2002 NPR took place under the shadow of the 9/11 attacks and [included contingencies](#) for the use of nuclear weapons against not just the so-called “axis of evil” states, Iran, Iraq, and North Korea, but also against Libya, Syria and China.

Shortly after becoming President in 2009, Barack Obama [made a speech](#) in Prague in which he reiterated the US commitment to abolishing nuclear weapons. Obama’s [2010 NPR](#) was born both in the context of that speech and the relatively benign international environment that the US faced at that time. It was also the first to be released as a publicly available document.

The 2010 review focused on the threat of nuclear terrorism, acknowledging that “Russia and the United States are no longer adversaries”. While the review stated that the “fundamental role” of US nuclear weapons was to deter nuclear attacks, it left room for “a narrow range of contingencies” in which nuclear weapons could be employed against conventional, biological and chemical weapons attacks.

In contrast, the 2018 [review document](#) emerged at a time when the US faced a more contested international environment, that included Russia and China, as well as North Korea’s rapidly expanding nuclear capabilities. It envisaged a greater role for US nuclear weapons, arguing that they “contribute uniquely to the deterrence of both nuclear and non-nuclear aggression,” since non-nuclear forces “do not provide comparable deterrence effects”. The review added that “conventional forces alone are inadequate to assure many allies who rightly place enormous value on U.S. extended nuclear deterrence for their security, which correspondingly is also key to non-proliferation.”

The 2018 review also set the stage for the development of new nuclear weapons that will among other things, “expand the range of credible U.S. options for responding to nuclear or non-nuclear strategic attack”.

The 2021 Nuclear Posture Review: The ongoing NPR under President Biden is likely to seek to move away from the 2018 NPR and build on Obama’s review. Evidence for this is

available from both Biden's own statements and subsequent reporting. In a 2020 [article](#) in the journal Foreign Affairs, Biden, who was then running for office, wrote that he would pursue an extension to the New START treaty and "use that as a foundation for new arms control arrangements." More significantly for our purposes, Biden reiterated his [previously stated](#) belief "that the sole purpose of the U.S. nuclear arsenal should be deterring—and, if necessary, retaliating against—a nuclear attack." He added that as President, he would "work to put that belief into practice, in consultation with the U.S. military and U.S. allies."

Biden's preferred "sole purpose" formulation is very similar to no first use (NFU) in its practical effect, notwithstanding [arguments](#) that there are some subtle differences. The administration is reportedly [planning meetings](#) in November to discuss the feasibility of a "sole purpose" declaration. While US discussions on the NPR will also encompass other important issues such as its large [nuclear modernisation](#) programme and modified W76-2 low-yield warheads, it is the question of a "sole purpose" or NFU declaration that offers an opportunity for India to push for a broad-based global nuclear no-first-use (NFU) deal.

The US and No-First-Use

Extended deterrence has been an enduring and defining feature of US nuclear policy since the dawn of the nuclear age. The US is tied into treaty systems in Europe and Asia that commit it to coming to the aid of allies. Under NATO's [Article 5](#), which invokes collective defence, the US must consider an attack on one ally as the same as an attack on all allies including itself. Provisions in bilateral treaties with [Japan](#) and [South Korea](#) also invoke mutual aid or defence, as does the [ANZUS Treaty](#) with Australia.

The US has long relied on nuclear weapons to meet these globe-spanning commitments. The challenge for US military strategy, diplomacy and declaratory policy has been to [simultaneously persuade](#) two very different audiences - adversaries and allies - that it will honour its treaty obligations. In 1954, the US [developed](#) a policy of 'massive retaliation', in which it threatened the use of nuclear weapons against Soviet or Chinese conventional forces if they mounted an attack on its allies. This policy had an obvious credibility problem: would the US [trade](#) New York for Paris? To address this, the US developed a policy of "flexible response" in the early 1960s that laid greater emphasis on conventional forces and battlefield nuclear weapons, though [scholarship has demonstrated](#) that this was largely an exercise in assuring allies rather than deterring adversaries.

To increase the credibility of its stated policies, the US [deployed](#) theatre and battlefield nuclear weapons on the territory of its allies, [engaged](#) in "nuclear-sharing" with five of those allies, and sought to [develop](#) "nuclear superiority," which would theoretically leave it better off than an adversary in the aftermath of a nuclear exchange.

Despite these measures, the US continued to engage in a Sisyphean struggle to establish the credibility of its threat of first use. As four veterans of US nuclear policy noted in 1982, the NATO alliance "kept itself together more by mutual political confidence than by plausible nuclear war-fighting plans."

The four veterans, McGeorge Bundy, George F. Kennan, Robert S. McNamara, and Gerard C. Smith, cautiously advocated the US move towards a no-first-use (NFU) policy. They argued that given "the appalling consequences of even the most limited use of nuclear weapons," as well as the escalation risks, there ought to be "the gravest doubt" about the utility of first-use.

The authors did acknowledge that allies could perceive a switch to no-first-use as a sign of reduced US commitment and recommended that the US strengthen conventional defences and clearly communicate its intentions.

They also argued that no-first-use would, in fact, increase the strength of the NATO alliance since it would reduce the risks of European NATO states like West Germany becoming the target of nuclear weapons.

The proposal for no-first-use made little headway in the last years of the Cold War. It took another three decades for a President to take up NFU seriously. In the final months of his presidency, Barack Obama [reportedly began to consider](#) a range of options including NFU that would encourage non-proliferation. However, there was [immediate pushback](#) from allies, specifically, Japan and South Korea in East Asia, and the UK and France in Europe. While Japan was reportedly concerned that NFU would weaken deterrence against states like North Korea, the UK and France - both of which are nuclear powers - were apparently concerned that an NFU declaration would create a divergence in nuclear policy between them and the US. A key reason cited for the concern among allies was that Obama was moving unilaterally without consulting them.

Soon after the Obama administration decided to forego its plans to declare NFU, President Donald Trump came to power, rejecting constraints on the US nuclear arsenal. It was during his presidency in 2019, that two Democrat lawmakers [introduced](#) a proposed legislation called the No First Use Act. The sponsors were Senator Elizabeth Warren, who was a member of the Senate Armed Services Committee (and a presidential candidate) and Representative Adam Smith, who was chairman of the House Armed Services Committee. They [re-introduced](#) the bill once again in April 2021. While it is unlikely to find political traction or legislative success in the near future, the bill serves as a means of encouraging discussion on NFU, especially during the Biden administration.

Why No-First-Use Works

Any declaration of no-first-use contains within it two commitments. The first commitment is to not be the first to strike with nuclear weapons. The second is a commitment to be able to carry out effective nuclear retaliation once an adversary has initiated the use of nuclear weapons.

With few exceptions, a no-first-use declaration also assumes that the state's nuclear forces and associated command and control structures can survive a first strike and inflict unacceptable costs on the adversary. Therefore, while a variety of force structures are possible under NFU, ideally such a state would have nuclear forces that are diverse and survivable but maintained at low alert levels.

Critics of NFU allege that adversaries will not believe any such commitment. Yet the burden of establishing credibility weighs far more heavily on any state making the threat of first-

use. Since even a limited first-use of nuclear weapons breaches critical physical and psychological firebreaks, it risks a much wider nuclear exchange, with potentially world-ending consequences for humanity. Any state threatening first-use has to convince an adversary that it is willing to run these risks. States can seek to do this in two ways. One, a first-use state can put some of its own nuclear weapons in harm's way, [creating](#) a "threat that leaves something to chance". For this kind of threat to be credible, the adversary must believe two unlikely things: that the first-use state has a much higher risk appetite and that such weapons cannot be withdrawn into safety once a conflict has begun. Two, a first-use state can pursue "nuclear superiority" - the idea that a state can dominate a nuclear exchange and emerge relatively better off compared to its adversary. Here, once again, the adversary must hold the unlikely belief that the first-use state will be willing to accept major nuclear devastation simply because it is at a lower level than what the adversary will suffer. Since nuclear weapons are fundamentally different from conventional weapons, firepower advantages achieve little in the nuclear realm..

The Benefits of NFU: It is easier to establish the credibility of an NFU pledge than it is to establish the credibility of a first-use threat. This is because such a pledge requires neither the risk-taking appetite of a first-use threat nor any of the presumptions of goodwill or humanitarian impulses with which NFU is sometimes associated. An NFU pledge simply codifies what is, to varying extents, de facto practice for nuclear powers.

Making an explicit NFU pledge has three key benefits. One, it frees up the declaring state from many aspects of nuclear competition. An NFU state does not need the extensive intelligence, surveillance, reconnaissance (ISR) architecture or highly-accurate missiles needed to degrade an adversary's nuclear forces in a first strike. It only needs to ensure the survivability of its own forces. This frees up resources for other defence or non-defence needs.

Two, an NFU pledge can enhance the credibility of the declaring state's conventional deterrence. Since an adversary has less fears about the use of nuclear weapons early in a conflict, the deterrent effect of potentially dual-use conventional weapons and platforms such as long-range cruise missiles and multi-role combat aircraft increases. This boost to conventional deterrence is especially useful in the limited conflicts and crises likely to be seen between nuclear powers. Additionally, in the context of extended deterrence, an NFU pledge combined with strengthened conventional deterrence not only increases the security of the allied states, it also reduces the likelihood that such states will become the targets of retaliatory nuclear strikes by an adversary.

Three, since a declaring state can avoid many aspects of nuclear competition including large arsenals and hair-trigger alerts, NFU pledges have the effect of slowing down vertical proliferation and injecting greater stability into relations between competing nuclear

powers. Furthermore, NFU pledges can help reduce the risks of accidents or misunderstandings both during crises and in peacetime. This effect, however, will be most pronounced when multiple states adopt NFU pledges,

Global No-First-Use: India's Opportunity

A global no-first-use (GNFU) agreement adopted by all eight overt nuclear powers would reduce both vertical and horizontal proliferation of nuclear weapons. As noted above, a GNFU would help slow down nuclear competition and reduce alert levels. Furthermore, such universally adopted pledges will provide reassurance to non-nuclear powers that they will not be subject to nuclear threats and have less need to develop nuclear deterrents of their own. In short, if a GNFU agreement is put in place, it is likely to bring some stability in political relations between nuclear powers and slow down the spread of nuclear weapons.

Traditional arms control agreements have failed more often than they have succeeded in recent times. These agreements focus on limiting or banning the deployment of specific capabilities, and often rely on the ability of states to verify adherence to a deal. They are also derived entirely from the technological and political contexts of the times in which they were put into place. As these contexts change, the agreements become less relevant. The last two decades have seen the effective end of the 1972 Anti-Ballistic Missile ([ABM](#)) Treaty, the 1987 Intermediate Range Nuclear Forces ([INF](#)) Treaty, and the 1992 Open Skies Treaty ([OST](#)). The prospects for the Non-Proliferation Treaty (NPT), which was opened for signatures in [1968](#), remains [uncertain](#) at best. As states incorporate emerging technologies like artificial intelligence (AI) into their nuclear forces, the challenges of proscribing specific capabilities and verifying adherence are only likely to increase, making future arms control agreements even harder to implement.

In contrast, a GNFU deal focuses on how states think about nuclear weapons. Rather than focus on capabilities, it only asks states to recognise the ineffectiveness of the threat of first-use of nuclear weapons and therefore pledge not to use them first. Nuclear powers that join such an agreement are not asked to forgo the development of specific weapons or platforms. A GNFU agreement therefore, provides a pragmatic way of reducing the role of nuclear weapons in international security.

Bringing India & the United States Together: A GNFU deal would help the US manage its adversarial relationships with China and Russia and achieve some of its state non-proliferation objectives. Such a deal is also likely to receive less pushback from non-nuclear US allies since

it is not a unilateral decision and is unlikely to be perceived as a sign of waning US commitment to the defence of its allies.

A GNFU deal would also help reduce Chinese concerns about the survivability of their nuclear forces and potentially slow down its expansion. This will, in turn allay India's own concerns. By limiting the growth of its own nuclear forces, India will not only free up resources for other defence needs, it will also provide Pakistan less reason to engage in its own nuclear expansion.

The task ahead for India is to convince the Biden administration to commit itself to exploring the feasibility of a GNFU deal. Regardless of whatever specifics the upcoming NPR may contain or new revelations about China's nuclear forces, the US should be willing to make a public proposal to discuss a GNFU deal. India must also reach out to Japan and Australia - its Quad partners - and US treaty allies and seek to allay their concerns about a GNFU agreement.

Conclusion

Recent evidence of the expansion of Chinese nuclear forces highlights the competitive pressures that push states towards expanding their capabilities to ensure survivability and thus shield them from nuclear threats. A GNFU deal has the potential to slow down such competition and encourage states to maintain their nuclear weapons at lower alert levels.

Since a GNFU agreement would benefit all nuclear powers and non-nuclear powers, the challenge for India and the United States would be to get other states to join them. Whatever the prospects of successfully putting together a formal deal, the very pursuit of such an agreement will help highlight issues relating to nuclear weapons, the perils of nuclear war, and the need to step back from the threat of first-use.

