

No First Use: The Time Has Come

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March 27, 1998

The Nuclear Non-Proliferation Treaty (NPT) is the cornerstone of international security. The existence of this Treaty is the reason that, contrary to predictions in the 1960s, we do not live today in a world with scores of nations with nuclear weapons fully integrated into their military arsenals with the survival of civilization in doubt from day to day.

The NPT defined a balance of obligations between the nuclear weapon states and the non-nuclear weapon states. The non-nuclear weapon states agreed to never acquire nuclear weapons. The nuclear weapon states agreed to engage in nuclear disarmament negotiations with the ultimate objective of the elimination of nuclear weapons and also to share the benefits of peaceful nuclear technology. This is the essential bargain that is the basis of world security today and which made all subsequent nuclear arms control possible.

The 1995 NPT Review and Extension Conference did more than extend the NPT indefinitely. It adopted a Statement of Principles and Objectives on Nonproliferation and a framework for a strengthened review process that will

guide our future efforts. The victory in New York in May 1995 was a common victory. It established a permanent landmark on the arms control horizon that we will be blessed to have in years to come. It represents a change in the conditions under which multilateral discussions on security will occur; broadening the responsibility for security but also the opportunities for international leadership. It also re-committed, pursuant to the Statement of Principles, the nuclear weapons states to vigorously pursue nuclear weapon reductions with the ultimate objective of zero. If this commitment is not met, the all-important NPT regime will be in jeopardy. In 1995 a number of prominent third world countries privately said they would reexamine their commitments to the NPT if significant progress toward nuclear disarmament is not achieved in the short to medium term. More specifically there could be real trouble if there is continuing dissatisfaction with the nuclear weapons states' compliance with their disarmament commitments at the 2000 NPT Review Conference. In order to avoid disastrous consequences for the NPT regime and for international security on the whole, all the states parties to the NPT must fulfill their commitments; the nuclear weapon states will continue to be scrutinized and the health of the regime will be indivisibly linked with continuing progress toward the ultimate goal of a world free of nuclear weapons.

During the Cold War, the era of thermonuclear confrontation between the superpowers, not much could be accomplished to redeem the commitment of the nuclear weapon states. Since the end of the Cold War, much has been accomplished but much more must be accomplished if the NPT regime is to be

preserved as the results of the 1995 Conference made clear. Also during the Cold War, the massive conventional superiority of the Warsaw Pact in Central Europe was offset in part with United States and NATO nuclear weapons. This was the rationale of the retention by the United States and NATO of the right to use nuclear weapons first in the case of an overwhelming Warsaw Pact conventional force assault in Europe. But this confrontation and the rationale for the first use of nuclear weapons has long since passed into history. It is NATO that has the preponderance in Europe now -- at a two to one margin over the East.

During the Cold War, in part because of the situation in Europe, the political value of nuclear weapons was very high. Now, years after the end of the Cold War, this value remains very high. If our non-proliferation objectives as set forth in the NPT and the 1995 Statement of Principles and Objectives are to succeed, we, as a world community, simply must reduce the political value of nuclear weapons. Otherwise they will, over the long run, be too attractive (and the fifty-year old technology involved too simple) to control.

A striking example of the kind of thinking that could ultimately threaten the NPT regime was recently given by a Conservative party defense spokesman in the British Parliament when during a debate last fall regarding the future of the U.K.'s Trident program it was said "If we are talking about a half-hearted approach to our nuclear deterrent, how seriously will the UN take our continued claim to permanent membership of the Security Council?" Clearly, the belief in some non-nuclear weapon states that some in the nuclear weapon states cling to nuclear weapons as their claim to great power status is not without foundation. However, the survival of the NPT regime will depend on lessening the perception of the political utility of nuclear weapons. No first use is a good beginning whose time has come.

The U.S. National Academy of Sciences has suggested important practical steps that the United States should take to de-emphasize the role of nuclear weapons and minimize the risk they constitute in a 1997 report entitled "The Future of U.S. Nuclear Weapons Policy." The report recommends that nuclear forces be reduced far more and limited to the "core deterrence" role of simply deterring the use of nuclear weapons by others. The report urges that the United States and Russia reduce as soon as practicable to 1,000 total nuclear weapons -- as opposed to 3,500 strategic weapons each under START II and 2,000 contemplated under START III. It also encourages that promptly thereafter the other three nuclear weapon states should be engaged in negotiations aimed at a residual level of 200 - 300 total weapons for the United States and Russia (less for the other three) until the world has changed sufficiently for the ultimate abolition of nuclear weapons to become possible. The Academy further recommends that the United States adopt a "no first use" policy with regard to nuclear weapons as part of the limiting of nuclear weapons to the "core deterrence" function and downgrading their political value. No first use is a particularly significant issue to focus on because it is very important and it could be implemented immediately.

An explicit, clearly enunciated, United States policy of not using nuclear weapons first would go a long way to proving good faith with the nuclear arms control and disarmament commitments set forth in Article VI of the NPT and the statement of Principles and Objectives. Such a policy would reinforce the defensive posture of U.S. nuclear forces, making it clear that the sole purpose of the nuclear arsenal is to deter the use of nuclear weapons by others.

In the past, the possibility that close U.S. allies, especially those considered to be under the U.S. "nuclear umbrella" such as Germany and Japan, might consider their own nuclear weapons option has been used as a rationale for not adopting a no first use policy. It has been suggested publicly by at least one former senior official that this is the reason that no first use was not made part of the Nuclear Posture Review in 1994. Late last year I led delegations to Japan and Germany to discuss nuclear disarmament including

the issue of likely reactions to the adoption by the United States of a no first use policy. In both cases, government officials were reluctant to make strong statements about what they viewed to be the strategic business of the United States, but they indicated that neither the adoption of a no first use policy nor the negotiation of deep cuts in a balanced context with the other nuclear weapon states would undermine their confidence in the commitment of the United States to their defense. Both governments were absolutely adamant that under no conditions would they ever consider the acquisition of nuclear weapons. Quite the contrary, it seems clear that efforts to reduce the political significance attached to nuclear weapons, such as the adoption of a no first use policy, would serve as an added reinforcement to these countries' firm nuclear non-proliferation commitments.

A no first use agreement among the five nuclear weapon states would be an even more important step because it would reinforce national political statements and end any dispute over whether or not the first use of nuclear weapons violates international law. Such an agreement would go a long way to demonstrating to the non-nuclear weapon states parties to the NPT that the nuclear weapon states take their disarmament commitments seriously.

Recent suggestions that nuclear weapons should be used to explicitly deter chemical or biological attacks should not be allowed to justify failure to adopt a no first use policy. Not only would such a strategy be inappropriate and disproportionate, it would endanger the NPT regime. The 1978 pledge (made by the United States, the United Kingdom, and the Soviet Union at the first United Nations Special Session on Disarmament) not to use or threaten to use nuclear weapons against non-nuclear weapon states party to the NPT unless they attack the United States in alliance with a nuclear weapon state is an important element of the NPT regime. There is no exception in this commitment for chemical or biological weapons. Numerous non-nuclear weapon states made their decision to join the NPT after this commitment was announced. This commitment (referred to as a negative security assurance) was reaffirmed in April 1995 by the nuclear weapon states in the context of the 1995 NPT Review and Extension Conference. Without it, the indefinite extension of the NPT might not have taken place and the then 178 (now 185) state parties to the NPT agreed to its indefinite extension relying on this reaffirmation.

The way to deal with threats of the use of chemical and biological weapons is with the overwhelming conventional power of the United States and NATO. It should be ensured in the future that any state that resorts to chemical or biological weapons will pay an unbearable price. However, to threaten retaliation with nuclear weapons would only encourage countries who are threatened by chemical or biological weapons to seek their own nuclear weapon capability. Were countries to begin to do this, the NPT would fail and the existing conventional superiority of the United States and NATO would be neutralized by the widespread proliferation of nuclear weapons.

We all must do everything we can to support and enhance the NPT regime. If nuclear deterrence is somewhat underemployed, let it remain so. The less dependent we are on nuclear weapons for our defense the more secure we will be. The World Court ruled in 1996 that the threat of use and use of nuclear weapons must be subject to international law which includes the 1995 negative security assurances made by the nuclear weapon states in association with the indefinite extension of the NPT. The World Court also ruled in 1996 that any use of nuclear weapons would generally contravene the principles and rules of humanitarian law -- except possibly in a circumstance (the Court was divided on this) of extreme self-defense. Such a circumstance could not occur for a nuclear weapon state in the absence of a threat of use or use of nuclear weapons. Religious leaders have denounced the doctrine of nuclear deterrence in today's world. For example, Archbishop Martino of the Holy See said at the United Nations last fall that "nuclear weapons are incompatible with the peace we seek for the 21st century." No rationale remains for the nuclear weapon states to retain the right to introduce nuclear weapons into a

conflict. Clinging to the doctrine of the past supports the political value of nuclear weapons and undermines the NPT. No first use is an idea whose time has come.

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