

Furthering 'No First Use' in India-Pakistan Context

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Pakistan has not subscribed to No First Use. That it could do so has been expressed informally by its President Zardari. India could take up the issue with Pakistan at a forum discussing Confidence Building Measures as and when the composite dialogue resumes. The Lahore Memorandum of Understanding posits such consultations. To get Pakistan on board, India may require initiating a strategic dialogue with Pakistan, outside of the existing composite dialogue framework. This would build trust that could impact other areas of the peace process positively.

A resumption of the peace process with Pakistan, 'paused' after Mumbai 26/11, is likely. A revival of the peace process would resurrect the talks mechanism on Confidence Building Measures as mandated by the Memorandum of Understanding arrived at between the two foreign secretaries at Lahore on February 21, 1999.¹ So far these talks have made progress on aspects such as hotlines between the foreign secretaries and a draft agreement on nuclear risk reduction. The proposal here is for expanding the ambit of these talks to include No First Use (NFU). The possibility was brought to fore recently by Pakistan's President Zardari indicating Pakistan's seeming amenability to it in his interface with Indian intelligentsia at a video conference in late 2008.² This commentary recommends taking up the issue, albeit raised as an 'out of the box' thought of its President with Pakistan through a dialogue posited by the very first point in the Lahore MoU: 'The two sides shall engage in bilateral consultations on security concepts, and nuclear doctrines, with a view to developing measures for confidence building in the nuclear and conventional fields, aimed at avoidance of conflict.'

Expert-level talks on nuclear and missiles related CBMs, begun in June 2004 as part of the Composite Dialogue process, have been held. The fifth and latest round was held in New Delhi on October 19, 2007.³ So far discussions have focused on a review of the implementation of existing agreements on CBMs and on disarmament and non proliferation related issues of mutual interest in multilateral forums. The forum therefore exists. Its agenda could be extended to include this issue of some import. While the schedule of the next meeting

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would be dependent on resumption of the wider peace process, the interim can be usefully taken advantage of in thinking through the implications of 'No First Use' afresh. For India, the advantage of a dialogue would be in assessing Pakistani position at the very least and attempting to persuade Pakistan of the nuclear stability that could result.⁴ For Pakistan, if the dialogue were to lead up to a treaty, then tying India down to a treaty would be an advance (from its standpoint) on what amounts to only a pledge currently.⁵

NFU in Context

Presently, India has explicated its NFU pledge in the press release following the review of operationalising of India's nuclear doctrine by the Cabinet Committee on Security of January 4, 2003. It reads, "A posture of 'No First Use' nuclear weapons will only be used in retaliation against a nuclear attack on Indian territory or on Indian forces anywhere."⁶ This is in keeping with its earlier formulation in the Draft Nuclear Doctrine of August 1999 in which the phrase 'policy of retaliation only' had been used and 'no first use' is described as 'India's basic commitment'.⁷ In light of the intent not to first to introduce nuclear weapons into a conflict, the Draft had required that 'highly effective conventional military capabilities shall be maintained to raise the threshold of outbreak both of conventional military conflict as well as that of threat or use of nuclear weapons.'⁸ With conventional capabilities well honed, India's NFU pledge makes military-strategic sense since it does not need to reckon with nuclear weapons to either gain its conflict ends or deny the adversary his ends. The larger political purposes are also met in that diplomatically it projects India as a responsible nuclear player, particularly in contrast to nuclear neighbours that do not ascribe to NFU or have a qualified NFU. Internally, it keeps the nuclear programme in sync with the first doctrinal precept of 'credible, minimum deterrence'.⁹ The NFU has thus been rightly termed a 'posture' that is required to impact the development of the nuclear capability, deployment and employment of nuclear weapons.¹⁰ A caveat to NFU in the doctrine is that India could consider retaliation with nuclear weapons as an option in case of a 'major' attack by chemical or biological weapons.¹¹

The importance India attached to NFU is evident from its earlier offer to Pakistan to enter into a mutual NFU treaty with it as also its willingness to join a multilateral NFU convention with other nuclear powers.¹² NFU has the major advantage of permitting strategic stability even in conflict. The pressures that would otherwise exist on decision makers confronting nuclear threats are alleviated to the extent the NFU pledge of the other side carries credibility. The 'use them-lose them' dilemma is diluted to an extent by the pledge. Where both sides subscribe to NFU, such as in the India-China dyad, strategic stability is considerably heightened.

Nevertheless, despite its centrality in India's nuclear doctrine on these counts, reflecting afresh on the utility of NFU for India is ironically necessary.

Questions have been raised on the NFU pledge within Indian strategic debate,¹³ the most important instance of this being the third National Security Advisory Board recommending rescinding of NFU by India in January 2003.¹⁴ These misgivings compel a re-examination. The key criticism is whether the Political Council of the Nuclear Command Authority can afford to be tied down by an NFU pledge in case of unambiguous indicators of an adversary readying for nuclear strike. Is there a moral obligation for the decision maker to pre-empt the nuclear strike? Is there a strategic necessity for him/her to disregard the pledge at the moment of reckoning?

Those against NFU answer these questions in the affirmative. Timely action, if necessary by nuclear pre-emptive action, against such a threat would preserve the people, military forces and nuclear assets from the apprehended nuclear danger. Given India's relative capacity with respect to Pakistan, it would be able to project in-conflict deterrence to manage escalation. It would also preclude the possibility of self-deterrence in case India waits to first absorb the developing nuclear strike before responding. It would signal resolve in conflict and as would moving away from the pledge transmit the same in peacetime. As it is, this argument maintains, the pledge is nothing but a pledge and is dependent on India's credibility. Given adversarial relations with Pakistan, it is unlikely that Pakistan's nuclear first use decisions are overly dependent on India's NFU doctrine. The NFU has already met with scepticism in Pakistan.¹⁵ In case of an adversary's attempt at first strike, defined as a bolt-from-the-blue attack to take out India's nuclear retaliatory capability, Indian security would be greatly jeopardised. Therefore, in this perspective, the logic of NFU is questionable and calls for revision.

Pakistani Nuclear First Use

Arguing against this can be along strategic, legal and moral planes. Basing an argument on the latter, two alone would be weak. These two planes can only enhance the argument resting on strategic grounds. Here the argument is that NFU is a strategic necessity for India. Firstly, a walkthrough of what could constitute rational nuclear first use for Pakistan; with a caveat acknowledging that strategic rationality has cultural and institutional specificities.

Relative conventional strengths read unfavourably for Pakistan. It therefore relies on nuclear weapons to also deter war, as against the Indian position that nuclear weapons deter only nuclear weapons. In light of India's recently acquired strategic doctrine of deterrence with an offensive bias verging on compellence, the decision to go to war may rest with a proactive India. Pakistan's unwritten nuclear doctrine is taken as one that contemplates nuclear first use since it has refused to rule out the possibility. This, of course, does not imply a policy of nuclear first use.¹⁶

Writings on nuclear use possibilities are in favour of an 'option enhancing'¹⁷ strategy in which Pakistan has options of increasing 'opprobrium quotient'.¹⁸ Deterrence can be expected to hold since it is unlikely either state would 'win' a nuclear war. Ideally, Pakistan would be deterred from resort to its nuclear card—an expectation enhanced by India's Limited War doctrine predicated on limitation in war aims.¹⁹ However, to assess the likely manner of nuclear resort, the primary consideration for Pakistani nuclear first use would be its assessment of Indian reaction. A first strike may be less likely since Pakistan does not have first strike capability. India maintains a credible second strike capability; one set to increase with the acquisition of a triad in the near future. First use then could likely be in a form short of first strike. Rationally this could be one having the least 'opprobrium quotient' in the hope of moderating India's retaliation, even if one of 'massive' dimensions as promised in India's nuclear doctrine. In case of an equivalent or equivalent plus response by India, in a departure from its stated doctrine, Pakistan would be recipient of the least possible damage in the circumstance. Though the damage itself would be considerable, it could only be worse in case of a higher order of nuclear first use. Therefore, the more likely manner of nuclear first use is of lower levels of nuclear use possibilities such as counter force as against counter value and in that against military forces as against nuclear assets.

The higher probability of nuclear first use by Pakistan at the lowest escalatory level has additional rationale. These include the fact that the post-conflict situation would be simpler to manage; India would be at liberty to consider a 'beyond massive' response in case of provocative and expansive first use; fear of the unknown dimension of nuclear war-fighting, reaction of civil society and global opinion; physical inability to exercise the option after suffering attrition; and apprehensions and values of the decision maker all conspire to keep first use limited. Lastly, a nuclear war would result in breakdown of the Pakistani state, to the advantage of Islamists.

Analysing NFU

Therefore, if Pakistani first use is more likely than not to be at a lower escalatory level, is departure from NFU warranted for India? In case India is to pre-empt receiving the nuclear strike, it would imply taking out the particular sets of nuclear sites activated for the purpose by Pakistan. Having intelligence of such an order is well nigh impossible in a conflict environment comprising the fog of war, misperception, pathologies known to attend intelligence input and deception. Reading of heightened alert status can also be mistaken for launch preparedness. The enemy may use visible alertness levels for nuclear signalling purposes that could be misread as activation for launch. Since pinpointing such sites would not be possible, a generalised pre-emption would virtually imply a pre-emptive attack barely short of first strike levels. A Pakistani counter, even if considerably denuded, can only be counter value.

Thus India would end up recipient of unacceptable damage. Even if Pakistan suffers more in the exchange, this would be counter productive. Since India has second strike capability; has identified an alternative chain of command; is constructing National Command Posts; and has an effective Strategic Forces Command, it is in a position to think through and execute its response to a nuclear strike.

Indian pre-emption of massive levels would only be warranted in case Pakistani preparation of an attempted first strike. Even in the extreme case of the Samson option, attrition suffered by Pakistan in the conflict till then would not permit exercise of its maximum capability. As a thumb rule: greater the preparatory levels of nuclear attack greater would be the need for pre-emption. This would be sustainable in international law being anticipatory self-defence in face of an imminent attack. But as has been seen, this would be least likely. Instead, the element of pre-emption that creeps in brings in what Thomas Shelling calls the 'reciprocal fear of surprise attack', produced by successive cycles of 'he thinks we think he thinks we think...he thinks we think he'll attack; so he thinks we shall; so he will; so we must.' This is entirely undesirable. Therefore, the case against NFU is strategically unsustainable.

Additionally, the danger in departing from NFU is in the operational and physical environment that pre-emption entails. Operationally, it tends towards hair trigger alertness, making for a launch on warning or launch through attack nuclear posture. Physically, this has implications for nuclear safety; an aspect also otherwise heightened in conflict. Developing a first strike capability would knock the 'minimum' out of 'credible, minimum deterrence' and prompt an arms race which India can ill afford; even if it is one Pakistan would find impossible to sustain.

The impact of any departure from NFU, even if restricted to an India-Pakistan context, cannot but impact the India-China nuclear dyad. While China abides by an NFU pledge—one that is qualified in the opinion of some analysts²⁰—nuclear weapons are unlikely to enter into any conflict with India in the near future. This owes to border wars being the only likely form of conflict occurring between the two, for which neither would contemplate escalating to the nuclear level.

Lastly, departing from NFU for lack of conviction would bring Indian credibility under cloud. Since credibility is central to nuclear deterrence the decision would require great deliberation. Presently, a certain understandable exasperation with Pakistan appears to under grid anti-NFU arguments. This was perhaps the case with the NSAB that recommended review of the NFU in that its tenure had coincided with Operation Parakram of 2001-02. It is also possible that the report was to send a signal to Pakistan simultaneously with official adoption of NFU by India that the posture was not immutable and could

change in case of continuing Pakistani provocation. Nevertheless, limiting emotions and muscular posturing is important in strategic thinking.

Conclusion

It follows therefore that NFU makes sense for India. What remains is to take up the issue with Pakistan. The aim should be to build the necessary trust and mechanisms to make the resulting mutual NFU pledge impervious to impact of future conflict. The manner of doing so could be through strategic dialogue. Indian discomfort with first use doctrines, such as that held by Pakistan, can be voiced through the dialogue mechanism. Such a mechanism is envisaged in the Lahore MoU that requires the two sides to 'periodically review the implementation of existing Confidence Building Measures (CBMs) and where necessary, set up appropriate consultative mechanisms to monitor and ensure effective implementation of these CBMs.'²¹

India's position on first use has been expressed earlier in the Draft thus, 'However, the very existence of offensive doctrine pertaining to the first use of nuclear weapons and the insistence of some nuclear weapon states on the legitimacy of their use even against non-nuclear weapon countries constitute a threat to peace and stability.'²² Since India sees nuclear first use postures as offensive, it would be appropriate to raise these concerns directly. The thinking aloud done by Zardari provides India an opportunity. While this direction is of advantage for India, it would be naïve to rely on President Zardari's 'off the cuff' remarks that Islamabad would 'most definitely' not be the first to use atomic weapons in a possible conflict.²³ The remark was dismissed by analysts such as Ambassador Arundhati Ghosh commenting, "It seems that it's a general answer and is not a change in the nuclear doctrine of Pakistan's establishment. He is not speaking of no first use policy, and by making it dependent on the South Asian treaty, its rhetoric."²⁴

But it does provide an opening for India to carry forward the dialogue either under the MoU or a fresh standing forum for a wider strategic dialogue. While the latter may be somewhat fanciful for the present, the discussion could begin in the former forum and then at an opportune juncture, depending on the trajectory of India-Pakistan relations graduate separately as a standalone strategic dialogue. Such a proposal is in keeping with India's declared intent of being 'fully committed to maintaining peace with its neighbours and stability in the region through a combination of defence preparedness and unilateral restraint, confidence building and dialogue and expanding bilateral interactions.'²⁵ The former aspects of preparedness and restraint stand demonstrated; the latter one of dialogue can be progressed further through this proposal. Incentivising Pakistan's participation would entail taking its caveats on board.²⁶ It deems it needs nuclear weapons to also deter Indian conventional forces. However, recent reports that Pakistan is building up a

second strike capability would bring about a great self-assurance in Pakistan, enabling it to participate in such a dialogue.²⁷ Pakistan has also confirmed that it does not keep its nuclear arsenal in a mated condition.²⁸ Thus, the similarities between the postures of the two sides can be taken further through dialogue. A discussion in such a forum with a wider agenda as proposed here would be a useful start point in not only arriving at a strategic understanding eventually but also furthering the peace process in the interim. 

Notes

1. MoU text is available at [http://www.indianembassy.org/South_Asia/Pakistan/mou\(lahore01211999\).html](http://www.indianembassy.org/South_Asia/Pakistan/mou(lahore01211999).html).
2. President Zardari made the announcement during the Hindustan Times Leadership Summit on November 22, 2008. Available at <http://www.expressindia.com/latest-news/Zardaris-no-first-use-of-nukes-remark-takes-Pak-by-surprise/389561/>.
3. Joint Statement on India-Pakistan expert-level dialogue on Nuclear Confidence Building Measures (CBMs), October 19, 2007. Available at <http://mea.gov.in/declarestatement/2007/10/19js01.htm>.
4. Jasjit Singh, On the value of NFU for stability, "Nuclear Stability in South Asia: Issues and Challenges", Ed. Amitabh Mattoo, Kapil Kak and Happyymon Jacob, India and Pakistan: Pathways Ahead, KW Publishers, New Delhi, 2007.
5. India would not be averse to a treaty not only on account of having itself suggested it before, but also because a treaty obligation can be rescinded in the 'supreme national interest' as per the international law.
6. MEA Press Release, The Cabinet Committee on Security Reviews operationalisation of India's Nuclear Doctrine, January 4, 2003. Available at <http://meaindia.nic.in/pressrelease/2003/01/04pr01.htm>.
7. Draft Report of National Security Advisory Board on Indian Nuclear Doctrine, available at http://www.indianembassy.org/policy/CTBT/nuclear_doctrine_aug_17_1999.html, para 2.3 and 8.2 of Draft Nuclear Doctrine.
8. Ibid, para 2.7.
9. Kanti Bajpai, "No First Use of Nuclear Weapons: No First Use in the India-Pakistan Context", Pugwash Papers 279, London, UK, November, 2002. Available at www.pugwash.org/reports/nw/bajpai.htm.
10. On the contrary, a 'first use' doctrine for instance is considered more expensive requiring ready to use weapons, better command and control and more alert readiness levels.
11. Press release on the Doctrine States—"However, in the event of a major attack against India, or Indian forces anywhere, by biological or chemical weapons, India will retain the option of retaliating with nuclear weapons," para (vi).
12. P. K. Ghosh, "India-Pakistan Nuclear Parity: Is it Feasible or Necessary?", Strategic Analysis, July 2001.
13. Gurmeet Kanwal, "Implementation of NFU Doctrine—Need for Some Qualifications", Strategic Analysis, XXVI (1), 2000, pp. 201-3.
14. Rahul Roy Chaudhury, "Nuclear Doctrine, Declaratory Policy and Escalation Control", available at <http://www.stimson.org/pub.cfm?id=105>.
15. Shireen Mazari, Pakistani strategist, "An Indian in Every Pakistani", The News, November 26, 2008 states "The problem is we have short memories and have forgotten that India has actually reneged on its limited NFU declaration it had made earlier in its overt nuclear life! When India declared its strategic doctrine and stated its intent of using nuclear strikes against any WMD threat from anywhere, it effectively adopted a 'first use' doctrine."
16. A National Intelligence Council and CIA Report, "Mapping The Global Future: Pervasive Insecurity" states, "Under plausible scenarios, Pakistan might use nuclear weapons to counter success by the larger Indian conventional forces, particularly given Pakistan's lack of strategic depth." PTI report 'Pak May Use Nukes Against India: CIA', February 20, 2005. Available at <http://www.expressindia.com/news/fullstory.php?newsid=42155>.
17. Sardar Lodhi, "Pakistan's Nuclear Doctrine", Defence Journal, April 1999. Available at <http://www.defencejournal.com/apr99/pak-nuclear-doctrine.htm>.
18. Term coined by General Sundarji in explicating his seminal "Nuclear Deterrence Doctrine for India", Part 1 and 2, Trishul, Vol. 1 and 2, 1992.
19. India's Limited War Doctrine was articulated by its Defence Minister Mr. Fernandes in January 2000. For elaborate version, Jasjit Singh, "Dynamics of Limited War", Strategic Analysis, October, 2000.
20. Manpreet Sethi, "Nuclear Strategies in the Age of Missile Defences", Journal of Airpower and Space Studies, Monsoon 2005.
21. Amit Baruah, "India, Pakistan May Discuss Nuclear CBMs", The Hindu, June 18, 2004. This is point six of the MoU, n. 2. Prior to the first round of talks under the MoU, it had been reported that NFU would form part of the talks: 'Asked whether India would restate its no-first use (NFU) posture in the talks with Pakistan, the officials said that the NFU was certainly one of the elements of the Indian position.'
22. Draft Nuclear Doctrine, para 1.5, n. 4.

23. These were made while addressing the Hindustan Times Leadership Summit via video-conference, New Delhi, November 23, 2008.
24. S. Roy, "Won't Use Nukes First, Says Zardari, But Adds A Rider", available at <http://www.expressindia.com/latest-news/Wont-use-nukes-first-says-Zardari-but-adds-a-rider/389304/>.
25. MoD website, <http://mod.nic.in/aforces/body.htm>.