

# Best Options for the Nuclear Posture Review

*Anna Péczeli*

## Abstract

The Obama administration's 2010 Nuclear Posture Review (NPR) represented a significant departure from previous reviews. It explicitly included the goal of "global zero," added nuclear security to the scope of the review, declared a negative security assurance with fewer exceptions than any previous administration, and reduced the role of nuclear weapons to a narrow range of contingencies. It is essential for the Trump administration to follow its predecessor and live up to US obligations under the Nuclear Non-Proliferation Treaty by recommitting to global zero as a long-term goal. At the moment, concerns of allies are still overriding the chances of a posture that would further limit the role of nuclear weapons by implementing a "sole purpose" posture or a "no-first-use" declaration. But these policies should remain long-term goals, and the administration should continue to work to create the conditions for implementation. This includes improving regional security architectures and increasing reliance on conventional capabilities. Strategic stability should remain the organizing concept toward Russia and China, and negative security assurances should be maintained to advance non-proliferation objectives. Altogether, continuity in declaratory policy is still in the best interests of the United States as it would strengthen relations with allies, mitigate the fears of Russia and China, and pave the way toward a more cooperative relationship based on dialogue instead of threats.

\* \* \* \* \*

Since the Obama administration issued its Nuclear Posture Review (NPR), the security environment has significantly deteriorated. The 2010 NPR stated, "Russia and the United States are no longer adversaries,

---

Anna Péczeli, PhD, is a recent Stanton Nuclear Security Fellow at the Center for International Security and Cooperation at Stanford University and a Research Fellow at the Centre for Strategic and Defence Studies, National University of Public Service, Budapest, Hungary.

and prospects for military confrontation have declined dramatically.”<sup>1</sup> After Russia’s annexation of Crimea and its infiltrations in Eastern Ukraine, it is clear the Obama administration’s assessment is no longer valid. Russia’s updated military doctrine clearly shows an increased reliance on nuclear capabilities; Moscow regularly intimidates NATO allies on the Eastern flanks by rhetorical threats, aggressive military drills, and airspace violations. Relations with China have also worsened due to Beijing’s ambitious modernization efforts and its increasing confidence in protecting its own zone of influence in the Pacific. During the eight years of President Obama’s administration, North Korea significantly enhanced its nuclear and ballistic missile capabilities. Its stated goal is to acquire an intercontinental ballistic missile that could provide the capability to launch a nuclear warhead against the US homeland. As a result of these developments, it is clear that the time is right to reevaluate the 2010 NPR and revisit the Obama administration’s policies.

On 27 January 2017, President Trump issued a memorandum on rebuilding the armed forces.<sup>2</sup> In it he mandated, “The Secretary [of Defense] shall initiate a new Nuclear Posture Review to ensure that the United States nuclear deterrent is modern, robust, flexible, resilient, ready, and appropriately tailored to deter 21st-century threats and reassure our allies.” According to a 17 April 2017 press release from the Department of Defense (DOD), “Secretary Mattis directed the commencement of the review, which will be led by the deputy secretary of defense and the vice chairman of the joint chiefs of staff, and include interagency partners. The process will culminate in a final report to the president by the end of the year.”<sup>3</sup>

In general, the main goal of the NPR is to assess the threat environment, outline nuclear deterrence policy and strategy for the next five to ten years, and align the country’s nuclear forces accordingly.<sup>4</sup> This document is essential for all aspects of nuclear strategy. First, it defines the role of nuclear weapons in US declaratory policy, which provides some context to the administration’s thinking on nuclear issues. It also supports presidential policy and assures allies of the US commitment to protect them so that they do not build their own nuclear arsenals. Second, the review contains key decisions on the future of the nuclear force structure and the prospect of modernization plans. Finally, it lays the groundwork for the president’s employment guidance document,

which is the highest political guidance provided to military planners on targeting policy and nuclear strike options.

Since the end of the Cold War, each administration has issued its own NPR, but the scope and the framework have been different in all cases. This article builds on the lessons of past NPRs and makes a strong case for maintaining continuity with President Obama's declaratory policy, in terms of both framework and content.

## **The Framework**

Compared to previous nuclear posture reviews, the 2010 NPR process was special as it included high-level representatives from all relevant agencies. The Clinton administration's 1994 NPR was the brainchild of secretary of defense Les Aspin. It was a rather internal bottom-up review process, focusing on a number of force structure decisions. The Office of the Secretary of Defense (OSD) took the leading role and co-chaired the working groups with the Joint Chiefs of Staff (JCS). The outcomes of the review process were announced in September 1994.<sup>5</sup>

The Bush administration's review was mandated by Congress, and due to the ongoing Quadrennial Defense Review (QDR) it had a much wider scope. The working groups were co-chaired by senior officials from the DOD and the Department of Energy (DOE), and the White House was also engaged in the process.<sup>6</sup> The Bush NPR was submitted to Congress 31 December 2001. Although it looked at nuclear weapons in a broader context, the main decisions still focused on deterrence and modernization.

Among the three reviews, the Obama administration's triggered the strongest interagency cooperation. The OSD and the JCS were leading the process jointly, but the Department of State, the DOE, the National Nuclear Security Administration (NNSA), US Strategic Command, the White House, and the intelligence community were also strongly engaged. In addition, the broad scope of the review made it necessary to involve the departments of Homeland Security (DHS) and Treasury, and there were extensive consultations with Congress and US allies as well. President Obama engaged the NPR process through National Security Council meetings and by separate meetings with his staff and others.<sup>7</sup>

The most important benefit of this framework was the broader scope that the other departments brought to the table. As opposed to the traditional focus on deterrence and nuclear modernization, the Obama ad-

ministration's NPR was the first to include nuclear security as an objective. Due to the State Department's involvement, the document also reflected several measures—such as the new negative security assurance—which helped strengthen the non-proliferation regime and advance US negotiating positions in global arms control forums.

This balanced approach to nuclear strategy and the involvement of the various departments helped build consensus around the document, which facilitated effective implementation. The regular consultations with allies ensured they understood President Obama's nuclear strategy goals and accepted that certain force structure decisions, for example the retirement of the Tomahawk nuclear sea-launched cruise missiles, were not meant to weaken the credibility of US assurances.

In light of all these benefits, the Trump administration should also make a strong effort to include all relevant departments and regularly consult with allies on the decisions that will affect their security as well. This will strengthen relations between the United States and its allies and also help in implementing the new strategy.

Besides the strong interagency cooperation, the Obama administration's NPR process was also unique in terms of transparency. In the case of the Clinton administration, the NPR was not released to the public; the DOD prepared a brief press release with slides on the most important conclusions of the review. In addition, the transcripts of the briefings to Congress and to the media were also released.<sup>8</sup>

The Bush administration followed this template and did not release its NPR. The document went to Congress on 31 December 2001 along with a very brief unclassified report.<sup>9</sup> A subsequent briefing to the press included public release of some slides on the NPR's main findings.<sup>10</sup> In addition to these sources, the *Los Angeles Times* and the *New York Times* acquired the full text in March 2002, and substantial excerpts of the NPR were published on the Internet.<sup>11</sup> The Bush administration's NPR contained many innovative ideas about the role of nuclear weapons, such as the concept of the new triad, but due to the high level of secrecy around the document, the White House and the DOD failed to explain this new approach to the public, to the military, or to Congress. After the main architect of the document, Keith Payne, left office, leadership was lacking, the administration could not defend its policy agenda, and it lost the support of Congress. This made procurement extremely difficult and caused many problems in implementing the strategy.<sup>12</sup>

In contrast to the first two reviews, the 2010 NPR report was the most substantial such write-up ever released. On 6 April 2010 the DOD published a 49-page summary of the results of the review, along with background briefing slides for the media, a fact sheet, and the release of the exact size of the US nuclear weapons stockpile as of September 2009.<sup>13</sup> This helped to articulate clearly the administration's thinking on nuclear issues to the public, to Congress, to allies, and to adversaries. If the Trump administration wants to prevent misunderstandings about its nuclear posture and does not want to be in the defensive about its new strategy, transparency can actually help to avoid the mistakes of past administrations.

### **The Role of Nuclear Weapons**

The last Nuclear Posture Review applied a comprehensive approach and took an integrated look at deterrence. The 2010 NPR named two primary threats to US national security: nuclear terrorism as the “most immediate and extreme danger” and nuclear proliferation.<sup>14</sup> These challenges made it necessary to broaden the traditional scope of the NPR, and the 2010 document became the first to include nuclear security in its priorities.

Besides the broadened scope, the Obama posture also presented a major shift regarding the role of nuclear weapons. The tone of the 2010 NPR was significantly different from previous documents. This was the first time the goal of global zero was explicitly included in an NPR. The administration, however, did not intend to alienate conservative circles, and it tried to guarantee a bipartisan support behind the new nuclear posture. To maintain cooperation between the left and right wings of Congress, the Obama administration brought together the long-term goal of eliminating all nuclear weapons and the near-term goal of maintaining a safe, secure, and effective nuclear arsenal.<sup>15</sup> The latter commitment laid the foundation for major modernization programs, and the administration pledged to put the necessary financial support behind it.

In this regard, Christopher Ford, the National Security Council's senior director for weapons of mass destruction and counterproliferation, said at the 2017 Carnegie International Nuclear Policy Conference that the Trump review will include an assessment of whether global nuclear disarmament is a realistic goal. He stated, “We are reviewing policy across the board . . . that necessarily includes reviewing, among many other

things, whether the goal of a world without nuclear weapons is in fact a realistic objective in the near-to-medium term in light of current trends in the international security environment.”<sup>16</sup>

The desire to move toward global zero and the need to maintain a safe, secure, and effective nuclear arsenal on the way to zero have been at odds for a long time. Regarding the second goal, during the 2016 presidential campaign candidate Trump made clear that the United States will not be second to any other nuclear power, and he committed to modernizing the entire nuclear weapons complex.<sup>17</sup> However, as of summer 2017, the administration still had not made a strong commitment to global zero. In the forthcoming Nuclear Posture Review, it would be crucial to strengthen the US commitment to this goal. At the May 2017 Nuclear Non-Proliferation Treaty (NPT) Review Conference (RevCon), statements by non-nuclear weapon states emphasized the continued importance of moving toward a world without nuclear weapons and the need for nuclear weapon states to live up to their disarmament pledge.<sup>18</sup> Besides, even after the annexation of Crimea and the dramatic deterioration of NATO-Russia relations, the 2014 Wales Summit and the 2016 Warsaw Summit both emphasized that NATO will continue to work “to create the conditions for a world without nuclear weapons in full accordance with all provisions of the NPT.”<sup>19</sup> Therefore, not including the goal of global zero in the next NPR would be an alarming step to adversaries and to some allies as well. The NPT obliges all nuclear weapon states (NWS) to conduct negotiations in good faith toward zero. Although there is no timeframe for implementation, and the actual meaning of this obligation continues to be debated, the NPT is still the only legally binding international agreement that obligates all five NWSs to move in this direction. Therefore, if the Trump administration decided not to recommit to this goal, it could be seen as a violation of the spirit of the NPT. Such a decision could be grounds for dangerous miscalculations about US intentions in the eyes of adversaries and may help them justify further quantitative and qualitative increases in their own arsenals. Furthermore, it could also undermine the entire NPT regime and validate the efforts of frustrated non-nuclear weapon states who already are looking for other ways to advance disarmament. Finally, the twin pillars of global zero and the promise to maintain a safe, secure, and effective nuclear arsenal were key to building bipartisan support behind the 2010 NPR. Therefore, if the Trump administration also aims to secure wide

support for its nuclear strategy, then continuity with the Obama posture is the best approach.

Besides the long-term goal of global zero, another important statement of the last NPR was that the use of nuclear weapons will only happen in “extreme circumstances to defend the vital interests of the United States or its allies and partners.”<sup>20</sup> Adding that “the fundamental role of U.S. nuclear weapons, which will continue as long as nuclear weapons exist, is to deter nuclear attack on the United States, our allies, and partners,” represented a different tone and a more limited role for nuclear weapons than in previous administrations.<sup>21</sup> The 2001 NPR stated that “nuclear weapons play a critical role in the defense capabilities of the United States, its allies and friends. They provide credible military options to deter a wide range of threats, including WMD and large-scale conventional military force. These nuclear capabilities possess unique properties that give the United States options to hold at risk classes of targets [that are] important to achieve strategic and political objectives.”<sup>22</sup> The 2001 document made a strong case that nuclear weapons had a “critical role” in deterring chemical, biological, and large-scale conventional attacks. In contrast, the 2010 NPR emphasized the limited role of nuclear weapons and the fact that they are maintained fundamentally to deter nuclear attacks. This was a significant shift from a wide range of scenarios to “a narrow range of contingencies in which U.S. nuclear weapons may still play a role in deterring a conventional or chemical-biological weapons (CBW) attack against the United States or its allies and partners.”<sup>23</sup> A fundamental role, however, does not mean “sole purpose,” which could have been a further step toward limiting the role of nuclear weapons. The Obama administration gave much consideration to implementing a sole purpose posture as the leadership of the Department of State was advocating in favor of this shift.<sup>24</sup> A sole purpose declaration would have meant that nuclear weapons only serve to deter or to respond to a nuclear attack by adversaries. But, according to experts and senior government officials from the Obama administration, this would not rule out the first use of nuclear weapons against nuclear powers.<sup>25</sup> This argument is based on the moral and legal tradition that if a threat is clearly imminent, it is just for a state to act to protect itself and not absorb an enemy’s first blow.<sup>26</sup> Accordingly, if deterrence fails and a nuclear attack appears imminent, then first use is (or should be) morally acceptable under the sole purpose posture.<sup>27</sup> The real restriction

a sole purpose posture implies is that nuclear weapons would only have a role in scenarios where the adversaries have nuclear weapons, thus it would automatically rule out the use of nuclear weapons against all non-nuclear weapon states. In this case, nuclear weapons would no longer have any role in scenarios involving chemical or biological weapons or a major conventional aggression by any state.

During the debate under the Obama administration, the DOD cautioned against dramatic changes in declaratory policy and emphasized the benefits of the long-standing tradition of the so-called calculated ambiguity strategy. The main idea behind this strategy is that the United States does not specify the nature of response to a non-nuclear aggression but at the same time it threatens with an overwhelming and devastating counter-attack. This could mean an asymmetric nuclear attack in response to the use of chemical or biological weapons.<sup>28</sup> Maintaining this option implies that the Obama administration still saw a few non-nuclear scenarios when the threat of a devastating nuclear response was deemed essential for the security of the United States or its allies and partners.

As a result, the 2010 NPR concluded that sole purpose was acceptable as a long-term goal but the current circumstances were not adequate to implement it immediately. The document stated, “the United States is therefore not prepared at the present time to adopt a universal policy that deterring nuclear attack is the sole purpose of nuclear weapons, but will work to establish conditions under which such a policy could be safely adopted.”<sup>29</sup> To create these conditions, the United States outlined two goals: first, it “will continue to strengthen conventional capabilities and reduce the role of nuclear weapons in deterring non-nuclear attacks, with the objective of making deterrence of nuclear attack on the United States or our allies and partners the sole purpose of U.S. nuclear weapons”<sup>30</sup> and, second, it will “continue efforts to strengthen regional security architectures and eliminate chemical and biological weapons, so that over time all states possessing nuclear weapons can be secure in making deterrence of nuclear attack the sole purpose of nuclear weapons.”<sup>31</sup>

It is very unlikely that the adversaries of the United States could pose an existential threat with conventional, chemical, or biological weapons (CBW). Taking into consideration the unquestionable conventional superiority of the United States, conventional weapons could provide an adequate response option in any of the above scenarios. However, a number of allies (such as the Baltic States or Israel) still believe that



their neighbors could actually threaten their existence with non-nuclear means. In these cases, US extended nuclear deterrence and calculated ambiguity are considered crucial to prevent such an attack. Therefore, declaring a sole purpose posture under the current circumstances would be seen by some allies as a weakening of US commitments. This, however, does not mean that the Trump administration should renounce sole purpose. It should, in fact, recommit to sole purpose as a long-term goal because it would be a demonstration of its intention to live up to its NPT commitments by reducing the role of nuclear weapons in the future. Just as during the 2010 NPT Review Conference, this could strengthen US negotiating positions at the 2020 RevCon by alleviating criticism from the non-nuclear weapon states.

The Trump administration should also continue efforts to create the conditions for a sole purpose posture by focusing on and investing in conventional capabilities and by strengthening regional security architectures through arms control measures in the field of CBW threats. As soon as allies believe these capabilities are no longer threatening their very existence, a sole purpose posture should be implemented.

The other issue where the Obama administration showed a rather cautious approach was the question of a no-first-use (NFU) policy. The benefits and costs of implementing this policy were also thoroughly examined during the 2009–2010 NPR process and during the later revisions as well. However, an NFU policy would be even more restrictive than a sole purpose posture. It would mean that the United States would only use nuclear weapons in response to a nuclear attack by its adversaries. By definition, it would entirely rule out the use of nuclear weapons against all non-nuclear weapon states and also would eliminate the option of nuclear use in response to major conventional or CBW attacks. In this case, both the Department of State and the DOD openly advocated against the introduction of such a policy. Adm Cecil D. Haney,<sup>32</sup> former commander of Strategic Command, and senior cabinet members including secretary of state John Kerry, secretary of defense Ashton Carter, and secretary of energy Ernest Moniz all openly stated that they did not support implementing a no-first-use policy.<sup>33</sup>

Again, allies' concerns were an influential factor. Compared to the early years of the Obama administration, today allies in Europe and Asia are even more worried about their security. A significant improvement in adversarial relations or additional US assurance measures, for

example increased conventional presence or ballistic missile defense deployments, would alleviate some of their concerns and create the conditions for reducing their reliance on extended nuclear deterrence. NFU was also dismissed because of concerns about the global benefits of such a policy. As this is not a legally binding guarantee and cannot be verified, a significant level of trust is needed to adjust force structures based on the promises of adversaries. Although China and India both declared a NFU policy, there are obvious exceptions in both cases that devalue their commitments. These factors were influential during the 2016 Prague legacy review and played an important role in the decision of the Obama administration to dismiss a NFU policy.<sup>34</sup>

Although the conventional superiority of the United States is unquestioned globally, it is not necessarily the case in every regional scenario. In the Eastern flanks of NATO, for example, Russia still has a competitive advantage that might create appetite to seize NATO territory if nuclear first use is off the table. China might also achieve such a capability in key regions of the Pacific. Therefore, as long as adversarial relations do not change for the better and allies continue to feel insecure, the time does not seem right for a no-first-use policy. However—just as in the case of sole purpose—the Trump administration should work in this direction. Following the recommendation of nuclear policy analyst James Acton, the United States should work cooperatively with Russia and China toward a “durable balance of conventional forces in key theaters” where neither side would worry about its own security and neither side had the impression that it might achieve some advantages by initiating a conflict. A further step in declaratory policy could include a promise that the United States would only consider the use of nuclear weapons if it faced an existential threat or if its allies and partners did.<sup>35</sup> It would maintain the option of nuclear use in response to a major non-nuclear aggression, but at the same time, this would still constitute a more limited role than the Obama doctrine of using nuclear weapons only in “extreme circumstances to defend the vital interests of the United States or its allies and partners.”<sup>36</sup> Most countries have their own idea about the vital interests of their nation. The core of this concept is territorial security and the security of the population. But in addition to these interests, it can include a broader set of issues: for many countries, the security of their forward-deployed troops and military bases would also belong here, or energy security, or access to global markets. Existential threats,

on the other hand, are threatening the territorial integrity and the very survival of a state. Therefore, declaring that the United States would only consider the use of nuclear weapons if it faces with an existential threat against itself, its allies, or its partners could be a small but meaningful step toward easing the paranoia of Russia and China about US intentions, and it could also help to rebuild a partnership with these states.

### **Strategic Stability vis-à-vis Russia and China**

Regarding the relations with Russia and China, the 2010 NPR was also different from its predecessors. In 2001, the Bush NPR recognized “the changed relationship with Russia” and stated that the “United States seeks a more cooperative relationship with Russia and a move away from the balance-of-terror policy framework.”<sup>37</sup> Beijing, at the same time, was handled in a different framework, as a state of concern and a potential conflict contingency: “Due to the combination of China’s still developing strategic objectives and its ongoing modernization of its nuclear and non-nuclear forces, China is a country that could be involved in an immediate or potential contingency.”<sup>38</sup>

In contrast, the 2010 NPR elevated China to the same category as Russia. It mentioned both Russia and China in the context of a more stable strategic relationship: “Russia and the United States are no longer adversaries, and prospects for military confrontation have declined dramatically. The two have increased their cooperation in areas of shared interest, including preventing nuclear terrorism and nuclear proliferation.”<sup>39</sup> Additionally, “The United States and China are increasingly interdependent and their shared responsibilities for addressing global security threats, such as weapons of mass destruction (WMD) proliferation and terrorism, are growing. The United States welcomes a strong, prosperous, and successful China that plays a greater global role in supporting international rules, norms, and institutions.”<sup>40</sup>

Instead of confrontation, the new organizing concept with these two states was strategic stability: “By promoting strategic stability with Russia and China and improving transparency and mutual confidence, we can help create the conditions for moving toward a world without nuclear weapons and build a stronger basis for addressing nuclear proliferation and nuclear terrorism.”<sup>41</sup> In this regard, the 2010 NPR implied that strengthening strategic stability with these two states and implementing

transparency and confidence building measures would lead to broader cooperation on arms control and nuclear security issues.

Although relations with both countries have worsened since 2010, it does not mean that the strategic stability concept was the wrong approach toward these states. Despite the geopolitical differences, there are still a number of areas where the United States needs cooperation from Russia and China. Arms control efforts, preventing the proliferation of weapons of mass destruction and their means of delivery, advancing nuclear security, resolving the crisis in Syria, and finding a diplomatic solution to the North Korea nuclear debate are all among these areas. Therefore, the Trump administration needs to invest in reviving the strategic stability dialogue with Moscow and Beijing. Finding common understanding of the capabilities that might upset stability can help normalize the relations and reduce the chances of miscalculation and unnecessary confrontations in the future.

### **Revisiting the Issue of Negative Security Assurance**

Another innovation of the 2010 nuclear strategy was the rhetoric toward other adversaries, be they non-nuclear weapon states like Syria or Iran, or nuclear powers like North Korea. In this regard, the Obama NPR declared a negative security assurance with fewer exceptions than any other administration before. The first articulation of a negative security assurance dates back to June 1978 when the Carter administration declared that “the United States will not use nuclear weapons against any non-nuclear weapons States Party to the NPT or any comparable internationally binding commitment not to acquire nuclear explosive devices, except in the case of an attack on the United States, its territories or armed forces, or its allies, by such a State allied to a nuclear-weapon State or associated with a nuclear-weapon State in carrying out or sustaining the attack.”<sup>42</sup> This basically excluded from the assurance any non-nuclear weapon state which was allied or associated with a nuclear weapon state (such as the Soviet Union)—the so-called Warsaw Pact exclusion clause.

Although the policy of a declared negative security assurance has been present in US nuclear policy since President Carter, the conditions of this assurance have significantly changed over time. After Ukraine acceded to the NPT in 1994 and transferred all of its (post-Soviet) nuclear warheads to Russia for elimination, the United States rephrased its

assurance and pledged to “reaffirm, in the case of Ukraine, their commitment not to use nuclear weapons against any non-nuclear weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an attack on themselves, their territories or dependent territories, their armed forces, or their allies, by such a state in association or alliance with a nuclear weapon state.”<sup>43</sup> This eliminated the reference to a “comparable internationally binding commitment not to acquire nuclear explosive devices”; thus the NPT membership (with some exceptions) remained the ultimate requirement of the US negative security assurance.

In April 1995, the Clinton administration went a bit further and in the NPT Review and Extension Conference declared that “the United States reaffirms that it will not use nuclear weapons against non-nuclear weapon states parties to the Treaty on the Non-Proliferation of Nuclear Weapons except in the case of an invasion or any other attack on the United States, its territories, its armed forces or other troops, its allies, or on a State toward which it has a security commitment, carried out or sustained by such a non-nuclear weapon State in association or alliance with a nuclear-weapon state.”<sup>44</sup> This added two new dimensions to the negative security assurance: first, the case of invasion, which was not included previously; and second, the term “any other attack” which meant to reflect the growing concerns about a chemical or biological weapons attack on the United States or its allies and partners.<sup>45</sup>

In comparison to these declarations, the 2010 assurance significantly limited the cases when the United States would consider the use of nuclear weapons against non-nuclear weapon states. The Obama NPR stated that “the United States will not use or threaten to use nuclear weapons against non-nuclear weapon states that are party to the Nuclear Non-Proliferation Treaty (NPT) and in compliance with their nuclear non-proliferation obligations.”<sup>46</sup>

Thus, the assurance became dependent on a single factor: NPT membership and compliance with nuclear non-proliferation obligations. If these criteria are met, non-nuclear weapon states are no longer threatened with US nuclear weapons, even if they attacked the United States or its allies and partners with biological, chemical, or conventional weapons. However, to maintain the credibility of US assurances, the NPR made it clear that in these cases, any CBW or conventional aggression by the adversaries would be responded with a devastating conventional attack. As Principal

Deputy Undersecretary of Defense for Policy James N. Miller stated at the 2010 Congressional hearing on the NPR, this “is a shift from calculated ambiguity” in the case of most non-nuclear weapon states.<sup>47</sup>

Although the administration maintained the right to revisit this assurance in case the threat posed by biological weapons increased, this was still an important rhetorical innovation in two regards. First, the number of contingencies and “threatened states” has been reduced. While previous administrations maintained the right to respond with nuclear weapons to any WMD scenario, the Obama team extended the negative security assurance to all states which are compliant with the NPT (even if they attacked the United States or its allies and partners with chemical or biological weapons). Second, the NPR provided a positive path for those states that—from a US perspective—are labeled as “non-compliant,” such as Syria or North Korea. If these states abandon their activities and come back into compliance with the NPT, the negative security assurance will be extended to them as well. Including an incentive in the NPR and approaching these proliferation challenges from a positive angle, not just threatening them with nuclear weapons but also offering a way out, was again a significant rhetorical departure from previous NPRs, and an important contribution to global non-proliferation efforts.

In its NPR, the Trump administration will need to address this issue and answer a number of questions. First, the White House should decide if it wants to maintain the same conditions as the Obama administration. Second, it needs to clarify the conditions on which it decides compliance. And third, it will need to make a judgment whether under the Joint Comprehensive Plan of Action (JCPOA) Iran qualifies for the assurance. If the administration declares Iran is in compliance with the NPT, then it is important to remember that the threat of nuclear weapons is no longer an option against Iran, and members of the administration can no longer claim that “all options are on the table” against Tehran.

In general, negative security assurances are important non-proliferation tools through which nuclear weapons states can assure non-nuclear weapon states that nuclear threats are off the table, if they hold on to their non-proliferation obligations. As a result of the implementation of the Biological and Toxin Weapons Convention (BTWC) and the Chemical Weapons Convention (CWC) the possible circumstances have been significantly narrowed in which enemies could jeopardize the vital interests of the United States or its allies and partners by non-nuclear

means. In this regard, the Bush administration's NPR named Russia, China, North Korea, Iran, Iraq, Syria, and Libya as potential countries against which it was planning nuclear contingencies. Nuclear options remain on the table in the case of Russia, China, and North Korea because they possess nuclear weapons. The proliferation concerns of Iraq and Libya were resolved under the Bush administration, and the Obama administration addressed the cases of Iran and Syria. With Iran's efforts to implement the JCPOA and Syria's accession to the CWC in 2013, it seems that these states no longer represent a WMD threat. This means that conventional weapons can actually provide all the guarantees that are needed to address the security needs of the United States and its allies vis-à-vis these states. Therefore, if the Trump administration decides to continue cooperation with Iran in the implementation of the JCPOA, then there is a window of opportunity to declare an "unconditional" negative security assurance that would cover all non-nuclear weapon states.

### **Consultation with Allies**

The last major innovation of the Obama posture was linked to the relations with allies. A 2006 SAIC study found that close US allies and friends would like to see the United States "smarter in dealing with other countries' perspectives on nuclear issues and to listen more to other countries' views."<sup>48</sup> In this regard, it was an important change of previous practices that during the drafting of the 2010 NPR, the United States consulted with its allies several times. For example, the retirement of the Tomahawk cruise missiles (which played an important role in US extended nuclear deterrence in East Asia) was discussed with South Korea and Japan in advance.<sup>49</sup>

The 2010 NPR further stated that any additional reduction in US nuclear forces would be pursued in consideration of the assurances toward the allies: "any future nuclear reductions must continue to strengthen deterrence of potential regional adversaries, strategic stability vis-à-vis Russia and China, and assurance of our allies and partners. This will require an updated assessment of deterrence requirements; further improvements in U.S., allied, and partner non-nuclear capabilities; focused reductions in strategic and non-strategic weapons; and close consultations with allies and partners."<sup>50</sup>

The question of reductions is specifically important in the case of NATO allies, which still host around 180 US non-strategic nuclear

weapons in their territory. Given this linkage, and as a result of a number of international events, such as President Obama's Prague address, the UN Security Council's nuclear summit in September 2009, the negotiations on the New START Treaty, the first Nuclear Security Summit, as well as the review of NATO's strategic concept, the 2010 NPR enjoyed greater attention in Europe than the previous NPR processes. Based on five different country case studies (France, Estonia, Poland, Germany, and Norway), Professor Harald Müller of the Peace Research Institute argued that depending on their security interests and preferences the document allowed each NATO member state to read into the NPR what they wanted. Nuclear weapon states welcomed continuities in the validity of nuclear deterrence, and the importance of a safe, secure, and effective arsenal. Eastern European countries were pleased by the reaffirmed nuclear assurances. And disarmament advocates were content with the inclusion of global zero as the ultimate goal. Although the issue of non-strategic nuclear weapons in Europe appeared to be the most important question to NATO members, the 2010 NPR avoided a clear position on it and linked any changes to a consensual decision by all NATO members.<sup>51</sup> "The United States will consult with our allies regarding the future basing of nuclear weapons in Europe, and is committed to making consensus decisions through NATO processes. . . . No changes to U.S. extended deterrence capabilities will be made without continued close consultation with allies and partners."<sup>52</sup>

Due to the alarming status of the security environment and to the heightened nuclear rhetoric of the past few years, allies are likely to be even more concerned about the outcomes of the Trump review. Therefore, the Trump administration should make every effort to conduct regular consultations with its allies about their security needs and adjust US posture and forces in a way that it would address their concerns without upsetting their adversaries.

### **Lingering Ambiguities**

Although the 2010 NPR included many innovations in nuclear posture, Scott Sagan and Jane Vaynman identified three "lingering ambiguities" which the NPR report failed to clarify and the Trump administration should consider. The first issue was the role of allies in supporting the United States for a greater reliance on conventional deterrence. The 2010 NPR recognized the improved conventional capabilities of allies that are



important assets in defending against regional conventional threats, but the document did not specify what role allies played in strengthening regional conventional capabilities or in the ability of the United States to “project those capabilities.”<sup>53</sup>

The second issue was the question of prevention and preemption. In this regard Sagan and Vaynman argued that the option to use nuclear weapons in prevention or preemption was ruled out in the case of non-nuclear weapon states which are parties to the NPT and are in compliance with their non-proliferation obligations. However, there was no discussion about the case of states that did not fall under this negative security assurance. While the Bush administration declared several times that all options (including the preventive use of nuclear weapons) were on the table in the Iran nuclear debate, the Obama administration’s nuclear posture did not clarify its position in the NPR.

The third ambiguity according to Sagan and Vaynman related to the policy toward biological weapons. Following the new negative security assurance, the 2010 NPR included a clause that “Given the catastrophic potential of biological weapons and the rapid pace of bio-technology development, the United States reserves the right to make any adjustment in the assurance that may be warranted by the evolution and proliferation of the biological weapons threat and U.S. capacities to counter that threat.”<sup>54</sup> According to this reservation, nuclear weapons did not have a role against biological weapons in the case of those states that were protected by the negative security assurance—but it might change in the future. Thus, the United States maintained a way out of this commitment. The Trump administration will need to decide if this clause is still necessary, and it should clarify what type of change in biotechnology would make the negative security assurance invalid.

## **Conclusion**

Whenever a new administration takes office, it must deal with the legacies of its predecessors. In this case, the Trump administration cannot avoid reflecting on the Obama administration’s nuclear strategy, and if it decides to abandon those policies, it will need to explain why those changes were necessary. It is clear that the security environment has turned for the worse since 2010, and maintaining an effective deterrence might necessitate some adjustments in the force structure. It might mean an increased need for new capabilities, or some modernization

plans might seem redundant and unnecessary under the current circumstances. The new NPR will have to address these issues and take stock of the security needs of the United States and its allies and partners.

But the NPR should not focus only on deterrence needs and modernization efforts. It is equally important to look at nuclear strategy in a comprehensive way and harmonize deterrence requirements with the goals of assuring allies, advancing nuclear security, and strengthening non-proliferation. To make sure all these goals are mutually reassuring, the NPR process needs to involve the Department of State, the Department of Energy, allies, and Congress. A highly transparent and inclusive process can facilitate implementing a new nuclear strategy, and it can also guarantee the necessary political and financial support for President Trump's vision of a "nuclear deterrent [which] is modern, robust, flexible, resilient, ready, and appropriately tailored to deter 21st-century threats and reassure our allies."<sup>55</sup>

In terms of rhetoric, the last NPR represented a significant departure from previous nuclear postures. It explicitly included the goal of global zero in the text of the nuclear posture, added nuclear security to the scope of the review, declared a more comprehensive negative security assurance than any previous administration, and significantly reduced the role of nuclear weapons to a narrow range of contingencies against fewer states. It placed strategic stability at the center of US-Russia and US-China relations, and involved the allies in the NPR drafting process to a greater extent. This puts a lot of pressure on the Trump administration because adversaries could see any limitation to this posture as a validation of their own aggressive behavior and a justification of their robust modernization efforts—which could put the blame on the United States for certain steps Moscow and Beijing were planning to do anyhow. In the meanwhile, non-nuclear weapons states could see any major shift from the Obama NPR as a violation of the spirit of the NPT and a sign that they need to look for other means to put pressure on nuclear weapon states. In this regard, it is essential for the Trump administration to recommit the United States to the long-term goal of global zero to show that it intends to live up to its commitments under the NPT.

As for US declaratory policy, it seems that the concerns of allies are overriding the chances of a posture that would further limit the role of nuclear weapons. As a result, the time does not seem right for a sole purpose posture or a no-first use declaration. However, the Trump

administration should emphasize that these remain long-term goals, and it should continue to work to create the conditions for implementing these policies. Improving regional security architectures and increasing reliance on conventional capabilities will remain important elements of this effort. Besides, additional reassurance measures by non-nuclear means can also reduce the reliance of allies on extended nuclear deterrence.

Regarding the relations with potential adversaries, strategic stability should remain the organizing concept in the US-Russia and US-China relations, and the Trump administration should work to reinstate these dialogues as there are a number of areas where mutual interests require cooperation with these states. In the relations toward other adversaries, negative security assurances proved to be a useful tool to advance non-proliferation objectives, and the administration should build on the positive results of previous administrations. In this regard, there is an important window of opportunity. If the Trump administration finds a way to continue the cooperation with Iran in the implementation of the JCPOA, an “unconditional” negative security assurance could be implemented.

Despite the dramatic changes in the security environment, it seems that continuity in declaratory policy is still in the best interests of the United States. Maintaining the most important building blocks of the Obama posture could strengthen relations with allies, mitigate the fears of Russia and China, and pave the way toward a more cooperative relationship based on dialogue instead of threats. It could strengthen the non-proliferation regime by bridging the alarming gap between the nuclear weapon states and the non-nuclear weapon states. A number of scholars have stated in the past that changes in US nuclear posture affect the thinking of other nuclear powers, and many of them are changing their own doctrines in response to the changes of US nuclear doctrine. Therefore, the Trump administration should keep in mind the tremendous responsibility it has while it is formulating the next nuclear posture review. **SSQ**

## Notes

1. Department of Defense, *Nuclear Posture Review Report* (Washington, DC: Office of the Secretary of Defense, April 2010), iv, [http://www.defense.gov/Portals/1/features/defenseReviews/NPR/2010\\_Nuclear\\_Posture\\_Review\\_Report.pdf](http://www.defense.gov/Portals/1/features/defenseReviews/NPR/2010_Nuclear_Posture_Review_Report.pdf).

2. President, Memorandum no. 2017-02282, “Rebuilding the U.S. Armed Forces,” 82 Fed. Reg. 8983 (27 January 2017), <https://www.gpo.gov/fdsys/pkg/FR-2017-02-01/pdf/2017-02282.pdf>.

3. Department of Defense, Press Release no. NR-138-17, “DOD Announces Commencement of the Nuclear Posture Review,” 17 April 2017, <https://www.defense.gov/News/News-Releases/News-Release-View/Article/1153992/dod-announces-commencement-of-the-nuclear-posture-review/>.

4. House, *National Defense Authorization Act for Fiscal Year 2008*, 110th Cong., 1st sess., Report 110-477, 6 December 2007, <http://www.gpo.gov/fdsys/pkg/CRPT-110hrpt477/pdf/CRPT-110hrpt477.pdf>.

5. Tom Sauer, *Nuclear Inertia: US Nuclear Weapons Policy after the Cold War* (New York: I. B. Tauris, 2005), 102–3.

6. Department of Defense, Nuclear Posture Review slides, 9 January 2002, 3, <http://www.bits.de/NRANEU/docs/NPRslides.pdf>. All nuclear Posture Reviews/slides/briefing documents were originally published by the Department of Defense. Online archives prior to 2006 are no longer available through the DOD website, thus, external links are provided for continued online access.

7. Interviews by the author with Bradley H. Roberts, 31 March 2014; Robert J. Einhorn, 26 March 2014; and James N. Miller, 7 April 2014, Washington, DC.

8. Department of Defense, NPR slides, 23 September 1994, <http://www.nukestrat.com/us/reviews/dodnprslides092294.pdf>. All nuclear Posture Reviews/slides/briefing documents were originally published by the Department of Defense. Online archives prior to 2006 are no longer available through the DOD website, thus, external links are provided for continued online access. Also see Office of Assistant Secretary of Defense (Public Affairs), News Release no. 541-94, “DOD Review Recommends Reduction in Nuclear Force,” 22 September 1994, <http://www.nukestrat.com/us/reviews/dodpr092294.pdf>; Senate, *Briefing on Results of the Nuclear Posture Review: Congressional Hearing before the Committee on Armed Services in the United States Senate*, 103rd Cong., 2nd sess., 22 September 1994, <http://www.nukestrat.com/us/reviews/sascnpr092294.pdf>; Office of Assistant Secretary of Defense (Public Affairs), News Release no. 546-94, “Press Conference with Secretary of Defense William J. Perry; General Shalikashvili, Chairman, JCS; Deputy Secretary of Defense John Deutch; and Mr. Kenneth H. Bacon, ATSD-PA,” 22 September 1994, <http://www.nukestrat.com/us/reviews/dodpc092294.pdf>.

9. Secretary of defense Donald H. Rumsfeld, foreword to *Nuclear Posture Review Report*, 31 December 2001, <https://fas.org/sgp/news/2002/01/npr-foreword.html>.

10. Department of Defense, Transcript, “Special Briefing on the Nuclear Posture Review,” 9 January 2002, <https://fas.org/sgp/news/2002/01/npr-briefing.html>; and Department of Defense, Nuclear Posture Review slides, 9 January 2002.

11. Department of Defense: Nuclear Posture Review excerpts, 8 January 2002, 1, [http://imi-online.de/download/Nuclear\\_Posture\\_Review.pdf](http://imi-online.de/download/Nuclear_Posture_Review.pdf).

12. John R. Harvey, interview by the author, 24 January 2014, Washington, DC.

13. Department of Defense, *Nuclear Posture Review*; Department of Defense, “Nuclear Posture Review Background Briefing for Media,” 5 April 2010, <http://www.defense.gov/Portals/1/features/defenseReviews/NPR/NPR101.pdf>; Department of Defense, “Nuclear Posture Review rollout briefing slides,” 6 April 2010, [http://www.defense.gov/Portals/1/features/defenseReviews/NPR/10-04-06\\_NPR\\_201\\_Briefing\\_-\\_1032.pdf](http://www.defense.gov/Portals/1/features/defenseReviews/NPR/10-04-06_NPR_201_Briefing_-_1032.pdf); Department of Defense, “Nuclear Posture Review fact sheet,” 6 April 2010, [http://www.defense.gov/Portals/1/features/defenseReviews/NPR/NPR\\_FACT\\_SHEET\\_April\\_2010.pdf](http://www.defense.gov/Portals/1/features/defenseReviews/NPR/NPR_FACT_SHEET_April_2010.pdf); and Department of Defense, Fact Sheet: Increasing Transparency in the U.S. Nuclear Weapons Stockpile, 3 May 2010, [http://archive.defense.gov/npr/docs/10-05-03\\_Fact\\_Sheet\\_US\\_Nuclear\\_Transparency\\_FINAL\\_w\\_Date.pdf](http://archive.defense.gov/npr/docs/10-05-03_Fact_Sheet_US_Nuclear_Transparency_FINAL_w_Date.pdf). Published by DOD Office of Public Affairs.

14. Department of Defense, *Nuclear Posture Review*, 3.
15. Harvey, interview.
16. Ford, “Morning Keynote with NSC Senior Director Christopher Ford” (address, Carnegie International Nuclear Policy Conference, Washington, DC, 21 March 2017), <http://carnegieendowment.org/2017/03/21/morning-keynote-with-nsc-senior-director-christopher-ford-pub-68162>.
17. Harper Neidig, “Brzezinski: Trump Told Me ‘Let it Be an Arms Race’ on Nukes,” *The Hill*, 23 December 2016, <http://thehill.com/blogs/blog-briefing-room/news/311614-morning-joe-cohost-trump-told-me-let-it-be-an-arms-race-on>.
18. Treaty on the Non-Proliferation of Nuclear Weapons, Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons First session Vienna, 2–12 May 2017, <http://papersmart.unmeetings.org/secretariat/unoda/npt/2017-first-session-of-the-preparatory-committee/statements/>.
19. NATO, Press Release no. 2016-100, “Warsaw Summit Communiqué: Issued by the Heads of State and Government Participating in the Meeting of the North Atlantic Council in Warsaw 8-9 July 2016,” July 2016, [http://www.nato.int/cps/en/natohq/official\\_texts\\_133169.htm](http://www.nato.int/cps/en/natohq/official_texts_133169.htm).
20. Department of Defense, *Nuclear Posture Review*, 16.
21. *Ibid.*, 15.
22. Department of Defense, *Nuclear Posture Review* excerpts, 3, [http://imi-online.de/download/Nuclear\\_Posture\\_Review.pdf](http://imi-online.de/download/Nuclear_Posture_Review.pdf).
23. Department of Defense, *Nuclear Posture Review*, 15.
24. Frank A. Rose, interview by the author, 1 December 2016, Washington, DC.
25. Interviews by the author with Elaine M. Bunn, 24 October 2016; Hans M. Kristensen, 1 December 2016; John R. Harvey, 2 December 2016; Jon B. Wolfsthal, 5 December 2016; Linton F. Brooks, 5 December 2016; Amy F. Woolf, 6 December 2016; and Bryan L. Fearey, 7 December 2016, Washington, DC; and with Bradley H. Roberts, 29 January 2017, Stanford, CA.
26. Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 4th ed. (New York: Basic Books, 2007), 74. As Walzer argues: “Both individuals and states can rightfully defend themselves against violence that is imminent but not actual; they can fire the first shots if they know themselves about to be attacked. This is a right recognized in domestic law and also in the legalist paradigm for international society.” Of course, there are several restrictions which apply: “In order to justify pre-emptive violence . . . there must be shown a necessity of self-defense . . . instant, overwhelming, leaving no choice of means, and no moment for deliberation.”
27. Roberts, interview.
28. Scott D. Sagan, “The Commitment Trap: Why the United States Should Not Use Nuclear Threats to Deter Biological and Chemical Weapons Attacks,” *International Security* 24, no. 4 (Spring 2000): 85–115, <http://www.jstor.org/stable/2539316>.
29. Department of Defense, *Nuclear Posture Review*, 31 December 2010, viii.
30. *Ibid.*, 17.
31. *Ibid.*, 47.
32. Bill Gertz, “Military Warns against Nuclear Policy Change,” *Washington Free Beacon*, 15 July 2016, <http://freebeacon.com/national-security/military-warns-nuclear-policy-change/>.
33. Paul Sonne, Gordon Lubold, and Carol E. Lee, “‘No First Use’ Nuclear Policy Proposal Assailed by U.S. Cabinet Officials, Allies,” *Wall Street Journal*, 12 August 2016, <http://www.wsj.com/articles/no-first-use-nuclear-policyproposal-assailed-by-u-s-cabinet-officials-allies-1471042014>.

34. In December 2014, the administration started an internal review process to explore if anything was left to strengthen the Prague agenda and the nuclear legacy of President Obama.
35. James M. Acton, "Policy Roundtable 1-4 on U.S. Nuclear Policy," International Security Studies Forum, 22 December 2016, <https://issforum.org/roundtables/policy/1-4-nuclear>.
36. Department of Defense, *Nuclear Posture Review*, 16.
37. Nuclear Posture Review Report excerpts, 5. [http://imi-online.de/download/Nuclear\\_Posture\\_Review.pdf](http://imi-online.de/download/Nuclear_Posture_Review.pdf).
38. Ibid.
39. Department of Defense, *Nuclear Posture Review*, 31 December 2010, iv.
40. Ibid., 5.
41. Ibid., vi.
42. Quoted from the official US declaration to the 1978 UN General Assembly special session on disarmament in George Bunn, "The Legal Status of U.S. Negative Security Assurances to Non-Nuclear Weapon States," *The Nonproliferation Review* 4, no. 3 (Spring/Summer 1997): 6, <http://doi.org/fpc2tk>.
43. Budapest Memorandums on Security Assurances, 1994, signed by the Presidents of Ukraine, Russian Federation and United States of America, and the Prime Minister of the United Kingdom (UN Document A/49/765) on December 5, 1994, [http://www.larouchepub.com/eiw/public/2014/eiv41n08-20140221/34-35\\_4108.pdf](http://www.larouchepub.com/eiw/public/2014/eiv41n08-20140221/34-35_4108.pdf).
44. Hans M. Kristensen, *Changing Targets II: A Chronology of U.S. Nuclear Policy against Weapons of Mass Destruction* (Washington, DC: Greenpeace International, April 2003), 22, <http://www.greenpeace.org/international/Global/international/planet-2/report/2003/4/changing-targets-ii-a-chronol.pdf>.
45. Ibid.
46. Department of Defense, *Nuclear Posture Review*, 15.
47. Statement of James N. Miller, principal deputy undersecretary of defense for policy, in Senate, *Hearing before the Committee on Armed Services on the US Nuclear Weapons Policy*, 111th Cong., 2nd sess., 14 April 2010, [https://fas.org/irp/congress/2010\\_hr/npr.pdf](https://fas.org/irp/congress/2010_hr/npr.pdf).
48. Lewis A. Dunn, Gregory Giles, Jeffrey Larsen, and Thomas Skypek, "Foreign Perspectives on the U.S. Nuclear Policy and Posture: Insights, Issues and Implications," SAIC for the Defense Threat Reduction Agency, DTRA01-03-D-0017, 12 December 2006, 3, [www.fas.org/irp/agency/dod/dtra/foreign-pers.pdf](http://www.fas.org/irp/agency/dod/dtra/foreign-pers.pdf).
49. Miller, interview.
50. Department of Defense, *Nuclear Posture Review*, xi.
51. Harald Müller, "Flexible Responses—NATO Reactions to the US Nuclear Posture Review," *The Nonproliferation Review* 18, no. 1 (February 2011): 103–24, <http://doi.org/cp56pd>.
52. Department of Defense, *Nuclear Posture Review*, 28.
53. Scott D. Sagan and Jane Vaynman, "Introduction—Reviewing the Nuclear Posture Review," *The Nonproliferation Review* 18, no. 1 (February 2011): 24, <http://doi.org/bprcz6>.
54. Department of Defense, *Nuclear Posture Review*, 16.
55. Presidential Memorandum no. 2017-02282, "Rebuilding the U.S. Armed Forces."

## Disclaimer

The views and opinions expressed or implied in SSQ are those of the authors and are not officially sanctioned by any agency or department of the US government. We encourage you to send comments to: [strategicstudiesquarterly@us.af.mil](mailto:strategicstudiesquarterly@us.af.mil).