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House of COMMONS

MINUTES OF EVIDENCE

TAKEN BEFORE

DEFENCE COMMITTEE

THE FUTURE OF THE UK'S STRATEGIC NUCLEAR DETERRENT:
the white paper

Tuesday 16 January 2007

MS SIAN JONES, MR BRUCE KENT, MS DI McDONALD and MR JOHN AINSLIE
Evidence heard in Public Questions 1 - 134

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Oral Evidence

Taken before the Defence Committee

on Tuesday 16 January 2007

Members present

Mr James Arbuthnot, in the Chair

Mr David S Borrow

Mr David Crausby

Linda Gilroy

Mr Mike Hancock

Mr Dai Havard

Mr Adam Holloway

Mr Bernard Jenkin

Mr Brian Jenkins

Mr Kevan Jones

Robert Key

Willie Rennie

John Smith

**Memoranda submitted by Aldermaston Women's Peace Campaign,
Campaign for Nuclear Disarmament and Scottish Campaign for Nuclear
Disarmament**

Examination of Witnesses

Witnesses: **Ms Sian Jones**, Aldermaston Women's Peace Campaign, **Mr Kent Bruce**, Campaign for Nuclear Disarmament, **Ms Di McDonald**, Executive Director, Nuclear Information Service, and **Mr John Ainslie**, Co-ordinator, Scottish Campaign for Nuclear Disarmament, gave evidence.

Q1 Chairman: Good morning. Could I begin by welcoming you to this evidence session. It is about the future of the UK strategic nuclear deterrent and it is focusing on the White Paper. Welcome to our witnesses as well as to those in the public gallery. This is the third inquiry in our series of inquiries into the future of the deterrent. I should emphasise that this is a parliamentary inquiry; it is not a government consultation exercise on the White Paper. We intend to publish our findings before the House of Commons discusses and votes on the White Paper in March or whenever that happens. I will ask you individually to introduce yourselves and then we will come on to some substantive questions about the White Paper. Mr Ainslie, would you like to begin.

Mr Ainslie: I am employed as the Co-ordinator of the Scottish Campaign for Nuclear Disarmament. In that capacity I have done quite a lot of research work into British nuclear weapons systems, particularly Trident. I have a bit of an academic background from a long time ago in that area.

Ms McDonald: I work for the Nuclear Information Service, which gathers information and shares it particularly about Aldermaston and the nuclear warhead convoys.

Mr Kent: I am Bruce Kent. I have been secretary of the Campaign for Nuclear Disarmament (in the 1980s) and then chair. I have been associated with that for a long time. I am also much engaged as a vice-president with the Catholic peace movement Pax Christi, and I am an active member of the United Nations Association.

Ms Jones: I am Sian Jones. I am a member of Aldermaston Women's Peace Campaign. We are based around a peace camp that meets outside the fence of AWE Aldermaston once a month, from where we observe what is going on at AWE Aldermaston and protest against it.

Q2 Chairman: Thank you. This is a rather egocentric beginning but a question which I asked when the White Paper was first announced in the House of Commons was related to the fact that this appeared to be a decision that was to be made not about Trident missiles, which would remain roughly the same, but about the platform on which those Trident missiles were deployed. Would you care to comment about that?

Mr Ainslie: I was looking at the 1980 decision and the way that was done and the relationship between the announcement in Parliament and the exchange of letters. In a sense, the exchange of letters between Tony Blair and George Bush three days after the decision was announced may be an interesting area. The key thing that was in that exchange of letters was participation in the missile life extension programme. That is one of the key things that is driving the time scale, in a sense. I am not certain that is right, but it is a possible explanation as to why it has been done at this point.

Q3 Chairman: Most of the focus, would you not agree, of the Government's White Paper is aimed at the building of submarines and the expense of submarines and whether it is worthwhile doing that and not at that life extension programme.

Mr Ainslie: Yes, I think that is right. Basically, when you replace the submarine, the American Trident system is only around until 2040 and therefore you have to look even beyond Trident to the new missile system beyond it.

Q4 Chairman: Thank you. Do any of the rest of you have any comments about it?

Ms Jones: The focus of the White Paper is very much on the delivery platform and tends to be less specific on the missiles and presumably less specific on the warheads. Chapter 7 suggests that a decision on the exact nature of the warhead will be made "in the next Parliament" and the evidence that we will present in written form to the Committee and have in the past suggests, in effect, that the building work at Aldermaston is evidence that to a certain extent very much of that decision has actually been made, so we would suggest that the White Paper is not transparent about decisions that are being made at this very time about the

warhead itself.

Q5 Chairman: Ms McDonald, you would agree.

Ms McDonald: Yes.

Q6 Mr Hancock: As somebody who watches Aldermaston, when they gave evidence here they told us that the buildings there, many of which are now nearly 50 years old, needed major works carried out on them. A lot of the work going on at Aldermaston was not about the future of another form of warhead but was simply to enable the maintenance to continue of the existing warhead programme and because many of the buildings there were now in such a bad state that they had to spend substantial sums of money on them. Do you share that view? If you are there already, you must have contact with people there. The union representative who represents the people there bore witness to that fact and did not dissent from that line at all. I am interested that you think the contrary to that.

Ms Jones: It is true that a large number of buildings have been demolished and that there are buildings being refurbished. Some 59 buildings have been demolished across the whole site at Aldermaston since, say, 2003. It is about keeping the place up to standards which comply with NII and Health and Safety Standards - which we know there were questions raised about. But the majority of the work, in terms of capital investment in the number of contracts issued and in the scale of the work itself, has been taking place, for example, on the Orion laser facility, and the construction of various other buildings, on which previous committees will have heard evidence from John Ainslie, from Greenpeace and from various other organisations, are all integral to the design, development and construction of a new system. So the two things are happening: bringing it up to current standards but also a considerable amount of investment, and we detailed that in our previous submission. I was at Aldermaston this weekend. The laser building is now rising to about four metres and additional pieces of infrastructure were being delivered over the weekend. They are working very hard there at the moment on the laser building.

Mr Ainslie: There may be a parallel position with the 1970s, when there was a lot of concern about safety. A report was drawn up which said there were various safety issues at Aldermaston which resulted in a construction programme. That was also parallel to the decision to build Trident. They have a history of operating for decades with facilities that were really not very safe. It seems that, when they are thinking of a new system, that is the time when they rebuild everything.

Q7 Mr Jones: All conspiracy theories have a kernel of truth in them but one of the issues that was put by both the unions and management when they came before us was not just what Mr Hancock said in terms of buildings but was in terms of the age profile of the workforce: that it was getting old. Ms Jones, you say that you think the decision has already been taken but they were saying

that if we wanted to take that decision in the future we would not have the personnel there if that investment did not take place now. What do you say to those arguments?

Ms Jones: With due respect, the evidence that we present is not alleging that there is a conspiracy theory, we are just giving information.

Q8 Mr Jones: You are, because you are saying that the decision has already been taken.

Ms Jones: I am going to read something out that would suggest that but I am not presenting a conspiracy theory. We are just presenting you with information that is available in the public domain and asking you to add that up. We have discovered that when AWEML took over the contract in April 2000, Dr John Rae, the chief executive, as part of the preparation to working at Aldermaston, met with the local Liaison Committee, which consists of representatives of trade unions, various other organisations and local persons. I am quoting from the minutes of a meeting of March 2000. In 2000 the Government's position was: "Having decided to make the UK deterrent smaller, the MoD expects a lower cost. Therefore the funding from MoD will come down to a level which allows the programme to be delivered. As a rough guide, there will be a one-third reduction in staff, and funding will be reduced on a similar basis." The situation by the time the site development strategy plan was published in July 2002 and made public in August 2002, was very different. That is the time that coincides with the extension of AWEML's contract to 25 years which was announced in early 2003. That would suggest that sometime in that two-year period a decision was made to have substantial investment in Aldermaston.

Q9 Mr Jones: I do not disagree with that. That is fact but the point that both the unions and management were making was that, if we were to take the decision in future to have the open debate about whether we should have a new generation of warheads, you could not do that without investment in not only, as Mr Hancock has said, the buildings, for safety reasons, but also in personnel, on the basis that the average age of the workforce there was getting near to the retirement age. That investment is needed, if in the future we are going to take the open debate rather than get a situation whereby we could not extend the life or have a new generation because we would not have the people there to do it.

Ms Jones: Yes, but I would suggest that there is a difference between maintaining the scientific, intellectual and other capacity to be able to develop nuclear weapons and a decision that we will develop nuclear weapons.

Q10 Mr Jones: That has not been taken yet but I am saying that if you do not have the scientists and the people with the intellectual know-how to do it in the future, you cannot take the decision to extend the life or create a new generation. You do not have the people there if they have all retired.

Ms Jones: I think we are probably going to be at cross-purposes here, but I would refer you to one of the recommendations previously made by this Committee in the last report, that said you were not convinced that the building work on the Orion laser and various other things should have gone ahead before a parliamentary decision was made.

Mr Jones: That is a bit of selective quoting, I think.

Q11 Chairman: Do you agree that the decision in 2000 to reduce the number of workers that you referred to is not, of itself, incompatible with the need to change the age profile that the Government has talked about in recent months?

Ms Jones: Yes.

Q12 Chairman: Thank you. Mr Kent?

Mr Kent: I would just like to say that the reason I am silent about this is I would like an opportunity to challenge some of the fundamental assumptions.

Q13 Chairman: Yes, you will get the opportunity.

Mr Kent: I not just concerned about the nuts and bolts. Indeed in section 6.3 it talks about building the submarines abroad as a possibility, if the submarines want the warheads. Missiles we already buy. So there are wider issues in the nuts and bolts than perhaps come out about what is or is not happening at Aldermaston.

Q14 Chairman: You will have that opportunity. We do not worry about witnesses being silent because they will usually get opportunities later during the course of the evidence session. Let us give it to you now. I will give each of you the opportunity to do this, but perhaps we could start with you, Mr Kent. I wonder if you could briefly summarise your reaction to the White Paper, please.

Mr Kent: I think it is very disappointing. I think it is unimaginative. I do not think it faces the threats that this country and the world face in the next century in any evaluative way. It assumes things which it fails to prove. It constantly talks about deterrents: who is being deterred, how they are being deterred and with what they are being deterred. It slips in somewhere the old reference to "nuclear first-use" which is not nuclear deterrence, it is nuclear war fighting but that has just sort of slipped through without comment. It uses terms like "recognised" in a praiseworthy or commendable sense: "we are a **recognised** nuclear power". That is a sleight of hand because we are only recognised in the sense that when the NPT was signed there were five countries with nuclear weapons. It was simply a matter of fact. It was stated. It gave no approval to those. In fact it required those to negotiate in good faith to get rid of them. So there are a number of problems and there is also a complete misrepresentation. I am not a lawyer and I believe you will be seeing lawyers but there is a complete misrepresentation about what the International Court of Justice said about nuclear weapons. It said that in only one particular circumstance they

could not make up their minds: in the extreme circumstances of self-defence in which the very survival of the state would be at stake. Only in those circumstances were they unable to make up their minds. Everything else, they said, including the survival of the state, had to conform to humanitarian law, but here in the White Paper there is a statement that the ICJ had rejected the idea that nuclear weapons had been illegal. It did not reject. It did not make a decision on that point. That is really rather important. Most of all, I think it is the insurance argument and the sense that somehow Britain just sits and watches - says Blair: "in the absence of an agreement to disarm multilaterally". It is our obligation to promote such activities and we are not doing that. The bit of the ICJ that was not quoted in the White Paper is the second section in 96: "There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control." In good faith. We do not believe that to continue with British nuclear weapons, while not negotiating, can possibly be construed as being in good faith. We think there are other much more important threats to our security than the remote possibility that somebody sufficiently irrational to use nuclear weapons but sufficiently rational to be deterred by our possession of them might at some stage appear on the future world map affecting us. In the context of a world of nine countries with, there are 182 countries that do not have nuclear weapons, which are not living in terror and fear that they are about to be attacked by somebody. I think we should listen to Dr Blix and listen to Kofi Annan. For us to pursue nuclear security is a green light to other countries to take the same road. I hope that was brief enough. Thank you for giving me the chance to speak.

Q15 Chairman: It was a great pleasure. Ms McDonald.

Ms McDonald: Right from the beginning I find the White Paper confusing. I think the title should be "The Future of Nuclear Weapons in the United Kingdom". I cannot cope with this idea of the words "deterrence" and "weapon" being interchangeable because they are not. Deterrence is not a weapon, it is an unproven theory. It is a past doctrine that has many elements. I think it is essentially flawed and to keep promoting it as an idea - 170 times the word "deterrence" is used in the White Paper - is to confuse people and to make assumptions that cannot really be made. A useful analogy perhaps might be capital punishment. We used to have capital punishment as a deterrent, as I understand it - and shall I say that it was before my time - but when it was abolished there was not a rush of murders on the street. It had been theory, its time had come and it was abandoned as a way of running our affairs. And so it is the same with this idea about nuclear weapons. It cannot be proved that they are a deterrent. We do not expect that we would have been attacked if we did not have them. There is no proof that we would have been. The other thing in the White Paper concerns the offer, it seems, to reduce nuclear weapons from the current number of about 200 or below 200 to 160. I do not see that that is any offer at all because the number of

warheads going into Aldermaston, coming back from Scotland for servicing, and the number of warheads being serviced and going back to Scotland do not match. I think it is about 120 warheads have come back from Scotland since 2000 over a six-year period, and in the same period 88 warheads have gone up. These figures obviously are not guesses; they are estimates on evidence that is taken by Nukewatch, which monitors the warhead delivery up and down the country. It is certainly clear from their data that the warheads have already been reduced and probably for logistical, operational or manufacturing reasons, but, in common with other MoD announcements, any announcement is always made long after the event and so I think that is the case here.

Q16 Chairman: Mr Ainslie.

Mr Ainslie: I think, basically, the White Paper is an attempt to try to get Parliament and the public to agree to this proposal, which is to spend £75 billion on weapons of mass destruction that no civilised country would ever use. I am particularly concerned from a Scottish perspective that it will result in continuing to have these dreadful weapons in Scotland for the next 50 years. The second thing, from my point of view, is that, in trying to sell that particular point, which it is very difficult to do, it is patchy and not very coherent in terms of how it is presenting its arguments. One key issue is the whole question of the extent to which these are weapons under NATO, independent or - which I think is what it is really about - bilateral Anglo-American use. There are references to NATO but not put very strongly. In the exchange of letters, Bush's letter only refers to it being assigned to NATO. Tony Blair's letter has the standard proviso: in extreme circumstances used in defence of our own vital interests. If this is about NATO, then it should be saying what NATO's nuclear policy is. NATO nuclear policy has always been rather incoherent because it is perched between different views either side of the Atlantic. It is particularly problematical at the moment. It is not really saying, "Here is what NATO believes and here is how we fit into this" which Rifkind's statement in 1993 did start with. That is about the last policy document we have. When Malcolm Rifkind was speaking in November 1993 he did start off with saying, "NATO has this view and here is how we fit in with it." This does not do that. My own feeling, basically, is that NATO use has a fundamental problem, because you need agreement in the consultation process. That agreement, in most circumstances, is unlikely to be there, so the allies are unlikely to agree in the NATO consultation process to authorise nuclear use. I have real problems with any concept in independence, partly in trying to see how they work politically, but the other side is that I have done a lot of work on the software and the software is a critical vulnerability. The operational independence is potentially undermined by reliance on the American software. That is not to say that it definitely is, but it potentially is. If use under NATO is not very likely and independent use is not very likely, where you can see this system working is in a bilateral Anglo-American operation. Then it will work quite well. But this is not

saying that and it is not presenting the case for that.

Q17 Chairman: Sian Jones.

Ms Jones: My colleagues have made most of the remarks, so I will keep my comments very brief. It is very interesting that the White Paper was published before the Prime Minister announced that he wanted a further debate on whether we are a war-fighting or peace-keeping country because surely the possession and deployment of nuclear weapons is actually crucial to that debate as to what sort of country we are. The White Paper itself is really looking back to a time that we lived through and a time where we worked towards what is now enshrined in the 1997 INF Treaty, the ridding of US cruise missiles from British soil. It is that whole Cold War argument and the outmoded concept of deterrence that is repeatedly referred to throughout the White Paper. The security agenda has changed. There is some admission of that but there is a failure in the White Paper to explore the real security needs that are being increasingly defined by people from outside of the nuclear weapons' countries. That is a security agenda which is based on the need for food, for shelter, for water, for the right to education, for the right to adequate hospital treatment, the sort of agenda that is coming from the peoples of the global south and the sort of agenda that is not even mentioned in the White Paper. We believe that the White Paper should have been extended to discuss what we mean by security without making a decision. The only other point I would make is that the possibility of other options really are dismissed within the White Paper itself. In particular, the option to not replace Trident is not even mentioned. On the point that was made about legality, I would just add that the White Paper continuously refers to the need for nuclear weapons to safeguard our vital interests. It does not once mention "to be used in self-defence", which, as we have heard, is the only point on which the ICJ were unable to reach a unanimous decision as to whether the use of nuclear weapons would be unlawful. Therefore, this whole paper is without the commitment made by the UK to the NPT. Finally, on the question about warheads I would refer you to Tony Blair's speech, that the apparent cut in the number of warheads is not really an example of the commitment to a peaceful, fairer and safer world, it is a matter of expediency. In Tony Blair's speech he refers to it as a measure of efficiency.

Q18 Chairman: Thank you. Mr Kent, do you want to add something?

Mr Kent: I would like to add to what I previously said. First of all, technically there is nothing in the document which raises the question that submarines might become vulnerable within the next 40 years. I do not think it is at all inconceivable that the seabed will be sufficiently monitored to know where people are. That is a possibility. Secondly, there is nothing in the document that really would inspire anybody to think treaties have the slightest effect in getting rid of weapons. We have a bacteriological convention; we have a chemical convention. They are not perfect at all. They need to be hardened up in all sorts

of ways. There is no reference to the fact that there is a draft treaty on the table at the UN, lodged by Costa Rica, with an enormous amount of technical expertise in it which covers inspection, verification, criminality, satellite observation and all the things that will be required. None of that is there at all. It is just: "We are here in this world. There is no disarmament - too bad - so we are going to have Trident." I think that is a pretty weak sort of way of dealing with such a serious issue.

Q19 Linda Gilroy: I would like to follow through on a couple of points from the statements that have been made. First of all, to Mr Ainslie. The statement you made about the software, you have also made in one of the papers you have submitted to us, that reliance on American software for all aspects of targeting undermines nuclear independence. Can you tell us a bit more about what your research has shown and the sort of questions you think we ought to be putting to the industry people and academics when we question them about that?

Mr Ainslie: There are two sides of the software system. There is the shore-based bit of the software and the submarine end. At the submarine end it is clearly entirely American. At the shore-based end some of the key components come from the United States. In some of the American contracts is an insight into the process. The Americans produce software models for their own Trident system. Those models include information which is classified to such a level that it cannot be given to Britain, so those bits are then taken out and that reduced version is given to Britain as the software models. These are then assessed in the software facility that Britain has to see if they will work and there are other things added. My point is that, although there is access to the process, because the gaps are there, for reasons of security, I do not believe they can then assess it to the extent of being certain that that software has not been crippled in such a way that would reduce restricted use in particular circumstances. The background to this is that the software is extremely complex. In order to get the accuracy that Trident requires, there is a very large software infrastructure in America that supports this. We have not duplicated that. You have talked about what we build and what we do not build. We have some ability to check the software; we have not duplicated it. We do not have our own experts who can do all these tasks.

Q20 Linda Gilroy: Is the point you are making that somewhere in that software is the capacity to stop in fairly short order the ability of the United Kingdom to target and operate missiles?

Mr Ainslie: There is a number of ways, if the intention was there, that from the United States end they could do it. The system can almost certainly distinguish between a plan which is produced only within the British system or a plan which is produced within the American system. There are all sorts of levels going in, so they can probably distinguish between those two.

Q21 Linda Gilroy: Those are assertions and statements. Can you

source those for us in some further note?

Mr Ainslie: Yes. I have written something on this recently, so I can give you a copy of that.

Q22 Chairman: You say the potential exists for that to happen rather than your having any evidence.

Mr Ainslie: Precisely. It is a potential vulnerability. Clearly, at levels of classification involved in this it would be very difficult to verify.

Q23 Mr Hancock: Have you read the previous evidence we have had at the Committee?

Mr Ainslie: Yes.

Mr Hancock: We were assured that the guidance and targeting mechanisms were wholly British and were unstoppable if a British Prime Minister gave authorisation for their use - their independent use. When the questions were put to the panel on that day, a number of members seriously questioned whether that was an accurate interpretation. The answer came back that, irrefutably, there was no possibility whatsoever, once the command to fire a missile from a British submarine was given, that firing could in any way be impeded by a source outside of the summary or outside of the chain of command in the United Kingdom. I am a little surprised, to say the least, that you believe there is evidence - not just the possibility but the evidence - to suggest that is a possibility. We were given a cast-iron assurance. It was the only thing that determined whether or not we had an independent deterrent.

Chairman: I think you said there was not evidence that it was possible but that it was a potential.

Q24 Mr Hancock: We were told it was not possible. That is different from potential. When somebody says, sitting where you are, that it is impossible to do that, then we have to either prove them wrong by saying this is how it can be done or we have to accept that. I am thinking that there is a real difference between possible and potential.

Mr Ainslie: If I could explain in terms of the authorisation process. In terms of a decision being made by the Prime Minister, all the way down to some form of instruction reaching a missile technician in front of his computer, I would quite happily believe that is an entirely British process that cannot be interfered with. Through the missile technician or electronically or however it goes, once the authorisation message goes into the fire control system computer, it is then running. There is no doubt about this: there is no end of contracts. The fire control system software is purchased from the United States and the shore-end stuff that processes the target data is also reliant on American computer models. I have no doubt about that at all. Whether there is the potential for them to change it is a more complex issue. I have no doubt about that at all.

Q25 Linda Gilroy: I am interested in whether you think built into

the ownership and operation of the software by the United Kingdom is the capacity in short order to interfere in a short space of time, rather than years, with the ability of the Prime Minister to issue an order to fire a missile and for that to happen.

Mr Ainslie: There are ways of doing it. One is in terms of the difference between a Co-ordinated plan or a uniquely British plan. The second, certainly in terms of the Russian scenario, is dependent on 12-hourly weather data from the United States and whether that 12-hourly weather data could be used as an on/off switch. In order to get the accuracy, they have to have the weather over the target area and that is transmitted every 12 hours from America.

Q26 Mr Jones: Do you have any evidence that this is the case? I am a very simple soul myself: I tend to go on facts and things put in front of me rather than suppositions. You say you have a paper. In that, is there some evidence?

Mr Ainslie: It is a vulnerability. The thing that flagged this up to me was the Audit Office report in 1998. The UK should have the ability to produce targeting and effectiveness to set the software. They were having difficulties doing that. I basically have been told from America, from the analysts, that the British expertise was negligible. The official MoD line is: "No, we have sorted those problems and brought in contractors." It was being flagged up at those early stages in the giant process that this is maybe a key probability.

Q27 Mr Jones: There is a big jump from what you have just said to then saying that somehow America has a technological veto or electronic veto over the independence.

Mr Ainslie: I am saying: Why is it considered essential for the United Kingdom to have that independent targeting capability? Why was that considered essential in the 1980s? Because we do not have it.

Chairman: I think we have taken this as far as we can. Do any of your further questions arise under later aspects?

Linda Gilroy: I will come back to them at the end. They possibly do, about the impact of the non proliferation treaty.

Q28 Chairman: That certainly does come back at the end. I have a quick question - with I hope a quick answer - about openness and the openness of the decision-making process that we are currently going through. The Prime Minister says that it has never been as open a process as this: everything in the past has been conducted behind closed doors and perhaps not even getting as far as the Cabinet. What would your comment be on this?

Mr Kent: My comment would be that I could understand that the technical details may have to be discussed behind closed doors but I can see absolutely no reason why the major principles of the issue should not be discussed as widely as possible in a democracy. Is this the right way to proceed for our security? It is not a closed-door issue. It should be an open-door issue.

Q29 Chairman: That is what we are doing now.

Ms Jones: That is exactly what is going on now.

Q30 Chairman: Ms McDonald.

Ms McDonald: As I understand it, in the White Paper it says the Government decision to replace Trident has been taken. All the supporting views that they give are to saying that this is what we want to do. That is their position. In the White Paper there is no mention of consultation. Although it says the Prime Minister said in a parliamentary answer on 28 June that there would be an announcement of the means of consultation when the White Paper was published, we are still awaiting those means, and there is no consultation as far as I understand it in the normal sense and the understood meaning of the word.

Linda Gilroy: The White Paper sets out the Government's position on it.

Q31 Chairman: Sian Jones.

Ms Jones: You opened that by saying we are discussing it, but we are discussing this in a separate process which began before the publication of the White Paper. This was an initiative of the Defence Select Committee. We know that the Government decided at the beginning of that process not to engage in it and issued a statement and then said that they would not be attending to produce evidence. Our questions would be very much around the failure of the Government to be transparent and to come before you and inform you - and I am speaking, as always, about Aldermaston, because it is the only area in which I have any expertise - of the measures they have taken to date that take us down the road towards the fact - in our understanding and belief - that very many aspects of that decision are being made and that what is going to be put before Parliament is the end of a process of decision-making that has resulted in the preparation of the options that are included in the White Paper. One of the other things I would add is that, because our colleagues in the US have far more freedom of information under their Freedom of Information Act, they are able to find out details of the US and UK collaboration and various other processes involved under mutual defence agreements between the US and the UK. In a way the evidence that John has cited in some respects and that we cite in our submission does not come from transparency and openness by our Government; it comes from a process with the American Freedom of Information Act that allows people to find out what is going on at Los Alamos, Livermore, Sandia and the other laboratories with which Aldermaston works.

Mr Jones: Will you give any credit to the Government, who are going to have a vote for the first time on this in Parliament?

Mr Jenkin: That is not quite correct. There was a vote in 1982.

Q32 Mr Jones: Is it not a major step forward? The supposition is that Parliament is going to vote for this. What happens if we vote against it? If you are to give politicians options or people

options to do something, surely you have to do the preparation beforehand - which is what is happening at Aldermaston.

Mr Kent: It is an advance on 1947, undoubtedly, where the decision was taken secretly and announced about two years later. It is an advance but it is still not what is needed in a democracy.

Q33 Mr Jones: In the Bruce Kent world, what would be the perfect way of dealing with this?

Mr Kent: I think to open some of the issues which are simply missing in the paper: to discuss the things that we are all concerned about - and not just us but Greenpeace, Friends of the Earth and the rest of them - on the threats that face our planet. That discussion is not being conducted. The assumption is: deterrence works, full stop, and we do not have to do anything else except rely on it.

Q34 Mr Hancock: The Prime Minister, probably going back in his own short memory to the time when he supported the campaign you were leading, said that he fully accepted that people had a different view from the one he now holds about this issue, but he also stated quite clearly in the White Paper that those who hold that view and who question the decision, need to explain why disarmament in itself by the UK would help our security. I think that is a question he would pose to all of us who would believe that replacement of the submarines is not in the best defence interests of the country. I would be interested to know your views on that. The Prime Minister invited us to give our views and today we are giving you the opportunity.

Mr Kent: If I may speak on this, I think disarmament by ourselves alone would put us into the position of Sweden or New Zealand or other countries who are not at immediate threat of some awful enemy with nuclear weapons. Disarmament on its own would be a positive step, but it is not disarmament on its own we are calling for. We are calling for multilateral negotiations aimed at the elimination of nuclear weapons from the world surface and that requires a completely different kind of political and security structure and an awful lot of new thinking which is completely absent. Mr Blair has changed his mind; many people have. That is up to them. They have to face the issues of today and to answer the kind of questions we are asking.

Q35 Mr Hancock: Does your response to my question not beg the question: Over how long would you say that process takes? In the meantime, do you secure your own security by maintaining what you have until the climate is right for multilateral disarmament?

Mr Kent: First of all, there is no process. Despite the fact that there is a clear legal obligation, the 2005 NPT review conference ended in complete failure. The 2000 conference produced some sensible proposals which have not been operated on. There are no meetings in the Geneva Committee on disarmament. There is no proposal anywhere. Despite Blix's call for a world summit on nuclear disarmament, no response from this Government. I cannot say there is an indefinite long process because the process has

not started. It could be quite quick, like a landmines treaty, if we wanted to make it quick, but we have not wanted to make it quick. The assumption behind your question is that nuclear weapons do defend us interim while this is going on. I do not believe they do any more.

Q36 Mr Hancock: The Prime Minister's question, Mr Kent, was quite specific. He said in the foreword in the White Paper: "Those who question this decision need to explain why disarmament by the UK would help our security." By that, he means the argument over yes or no to the replacement of his submarines. It is not about global disarmament; he is talking about the United Kingdom. That is the question that a lot of people out there would like to have answered.

Mr Kent: We do not believe it gives us security, it is an illusion of security, but it helps our security because, if we signal up that in 20 years we will not have them, there is the chance of serious negotiations with other countries that might start to take a different road, including, of course, the existing nuclear powers. It is not a tomorrow security but it is a process that has to begin.

Q37 Chairman: Would any of you like to add anything to that.

Ms McDonald: Yes, we would be safer to give up nuclear weapons because we would then not be a potential threat for starting a nuclear war. That is what other countries see Britain as, and that would be something to undo if we are serious about building a world that meets everyone's real security needs.

Q38 Mr Hancock: Do you seriously believe, Ms McDonald, that there are countries which believe the United Kingdom would start a nuclear war?

Ms McDonald: We do not have a policy of no first-use, so we must be prepared to start one.

Q39 Mr Crausby: The CND's alternative White Paper: *Safer Britain, Safer World* effectively argues that there is no current nuclear threat faced by the United Kingdom. In fact it opens up with the fact that the most pressing threat currently in the UK is that of international terrorism. The Government's White Paper tries to counter that in the sense that it says some companies might seek in future to sponsor nuclear terrorism from their soil. It goes on to say, "We can only deter such threats through the continued possession of nuclear weapons." It effectively says that conventional capabilities cannot have the same deterrent effect. How do you answer that argument, that there really is a terrorist-linked nuclear threat that can only be countered by a nuclear deterrent of our own?

Mr Kent: I think they are scratching around to try to find a way of justifying the threat of nuclear weapons against a territorial entity. Since they clearly cannot do that against the terrorists, they try to find a state that is harbouring terrorists to do that to. Not many terrorists are going to have a flag up in a state saying, "We are now harboured by X country or Y country" so it is

a bit tenuous as a reason. Why we cannot deal with countries that are supporting terrorism, let alone nuclear, in other ways that are non nuclear, I do not know. Economic, political, even military pressure or conventional military pressure are all ways in which we can deal with such states.

Q40 Mr Crausby: You go on in your White Paper to say that the money could be spent on conventional defence. Do you really take that position? To be fair, you mention that it should be spent on other things as well, but does CND take the view that there is a real alternative on conventional defence and that this £70-odd million that you calculate should be spent on conventional defence?

Mr Kent: CND is a broad church. It includes pacifists and it includes people who are highly just war and ex military. There is an air commodore member of CND who would certainly take the position that we should be spending more money on conventional military defence. There would be Quaker members of CND who would say, "No, not at all." It is a wide open field, really, in that respect. It is certainly not excluded.

Q41 Mr Crausby: I accept there are different views, but I am asking for yours. What do the witnesses feel about that? Do they see that as a real argument, that the money should be spent on conventional defence or is it a throwaway remark?

Mr Kent: My own view is that I am a citizen of a country which believes in military defence and I feel I have to conform to the situation we are in and I would not want to see young British troops, or old British troops, being sent anywhere not properly equipped. That is my position, even though I do not believe in warfare and I believe we should be looking for non violent solutions to problems. In the interim, the people who are engaged in this sort of thing on our behalf should be properly protected. That is my position and I am sure many within CND would agree with it.

Q42 Mr Crausby: What about other witnesses, do they believe that the money would be better spent on conventional defence?

Mr Kent: Then they would have no argument with my air commodore. I cannot nail down everybody in CND to a particular point of view on this. There are different views.

Mr Ainslie: Representing the Scottish CND, it is the same. There is a range of views and they would keep that in as an option. Personally, I am a conscientious objector, so I am not in favour of military expenditure. But that is a personal view. I am just stating what my personal position is.

Q43 Mr Crausby: I was trying to establish whether that is a serious argument, that we should not spend the money on a replacement for the Trident platform but we should spend the money and replace that by conventional defence. Or is it just a command that is inserted in the alternative White Paper to strengthen the argument. Does anybody think that we should not spend the money on a Trident replacement but spend all of the money or part of the

money on conventional defence?

Mr Kent: Some people in the country certainly think that.

Q44 Mr Crausby: Do any of the witnesses believe that?

Ms Jones: That is the sort of discussion that we would have if we were to have a meaningful debate - as suggested by Tony Blair, I do not know how meaningful that debate would be - about whether we want to be a war-fighting or a peace-keeping country and then that would be integral to it. It would be one of the issues that was discussed. It is not really being put forward to us as an option and the Government have not put it forward as an option in the White Paper. It is something that could be discussed, whatever our personal or political situation is on the use of armed force. It is something that should be discussed and people should be given the opportunity to make decisions about that with all the information available to them about what the amounts of money would buy in terms of nuclear defence, conventional defence or other things that we might think it would be more worthwhile to spend that money on.

Q45 Mr Crausby: It is reasonable to argue for a debate, but, as leading members of the peace movement, how would you plead that debate? Would you argue that the money should be spent on conventional defence rather than on nuclear defence or would you simply argue that we should not spend the money?

Ms Jones: I personally would argue that that money would be invested in working out how we can resolve conflict internationally without drawing on recourse to violence. £76 billion worth of investment on how to keep the peace would be a wonderful way to spend that money.

Q46 Mr Crausby: That is a perfectly reasonable position. I just want to know whether members of the peace movement are arguing not to spend the money on nuclear but to spend the money on conventional, or whether they are arguing in general not to spend the money on either nuclear or conventional.

Mr Kent: I am just saying to you that there are differences of opinion. Some would be for spending it on conventional weapons, some would be for spending it on non violent security measures. I think we are entitled to have a difference of opinion on the expenditure.

Q47 Mr Crausby: I am asking these witnesses. Do any of these witnesses believe that this money, as opposed to being spent on the Trident replacement, should be spent on conventional defence?

Mr Kent: Certainly there are. I mentioned an air commodore - and I am not going to give his name. There are a number of people in CND who would certainly take that position, and in the wider peace movement. CND is not the only part of the peace movement. You refer to the "peace movement". There are Generals for Peace - God knows, there are all sorts of different organisations included under the "peace movement".

Ms Jones: I think we need a far more rigorous analysis of what our

security needs are and then to develop strategies that are appropriate to addressing the particular security needs of the United Kingdom but also the more general security needs of the community of which we are a part.

Q48 Mr Hancock: Surely the White Paper and the Prime Minister's statement have attempted to divorce the two issues. It is not even the latest debate that is initiated. The deterrent is taken out of that debate. You would agree with that.

Ms Jones: It is extremely surprising that you can talk about Trident without actually talking about it in the context of security more generally. It seems really strange that there should be two separate discussions going on about whether we want nuclear weapons and whether we want to be war-fighting or peace-keeping. For me, they are all part of the same thing.

Mr Hancock: We are a war-fighting country and the debate, I am sure, will end up coming to that conclusion. But there is also this debate about whether or not a nuclear deterrent in fact secures you from a nuclear attack. The Prime Minister is of the opinion that that is still a legitimate threat to the United Kingdom.

Chairman: I would like to move on to Robert Key on that issue.

Q49 Robert Key: Could I reassure Sian Jones that all of the members of this Committee have for many years been looking at all aspects of security. I was a member of the Defence Committee ten years ago that produced a report on the southern flank of NATO when we were saying that issues such as economic migration, the use of water, of food, and security issues were integral to the security of our nation. I think it is wrong of you, if I may say so, to assume that we are only interested in nuclear, but this inquiry is into a very particular, very narrow aspect of our defence. Could I broaden the questioning now to inquire of your views on the insurance policy aspect here, that the nuclear deterrent is seen as an insurance policy as part of our defence system. Do you think that maintaining a deterrent is in fact a useful insurance policy?

Mr Kent: I think it is an insurance policy that ensures greater danger for this country because you do not take out an insurance policy against house subsidence that contributes to the subsidence of your house. It would be a bit peculiar if you did. I think possessing and continuing nuclear weapons into the middle of this century is a recipe for further danger and threat from other countries who take the same position about us, about security. I think it is not an insurance policy that is valid.

Q50 Robert Key: Who is going to change their aggressive stance towards us and the international community if we do not renew Trident? Will al-Qaeda be impressed and change their ways if we do not replace Trident?

Ms McDonald: I do have the view that nuclear weapons are irrelevant to terrorists. The nuclear weapons based in the UK are the easiest target and pose the real risk of terrorist attack

involving nuclear weapons. That should be eliminated as a risk if we are serious about the security of citizens in the UK. On the question of the insurance policy, I agree with what Bruce says, that it is a simile that falls as soon as you look at it, but there is an insurance policy that we could take up - that we are already signed up to and other countries are too - and that is the non proliferation treaty. But of course it only works if you read the small print and comply with it. That is what we need to be doing.

Q51 Robert Key: Which of course the Government says it is. I do not think there is any question that the Government says the non proliferation treaty is extremely important and they are moving towards that. But you contest that.

Ms McDonald: I do.

Mr Kent: You must ask the Government where they are doing their negotiating.

Q52 Robert Key: What do you think public opinion says about their insurance policy argument? I think most people would say that the British public believes there is value in having a nuclear deterrent. Do you think the British public is wrong?

Mr Kent: Yes. I think public opinion is in two minds. If you put to public opinion, as we have done: "Should you spend £75 billion or £25 billion and not spend it on the Post Office or National Health or whatever?" then overwhelmingly they say we should spend it on social needs. If you say: "Should we be the only country to get rid of nuclear weapons while others still have them and therefore be under threat?" then, indeed, public opinion will go in the other direction. But public opinion has to rely on what it gets in terms of information. When you get documents like this, which assume 110 per cent the validity of nuclear deterrence, the public are going to believe it, and I do not believe it to be true.

Q53 Robert Key: Chairman, for 30 years Bruce Kent and I have been arguing about these things. I am afraid I still think of you as a parish priest in Camden. When I was fighting Frank Dobson for his seat there in the 1979 elections, we used to meet in your parish church kitchen, I recall, from time to time.

Mr Kent: I was of great political advantage to you, really! I assisted you in your career.

Q54 Robert Key: Thank you very much. I believe you did, sir. But I still think of you, if I may say so, as a parish priest, as a Christian, and I am very interested in this Christian point of view and I think it is very important. I would like to ask you this: I think I am right in saying that Pax Christi takes the view that nuclear weapons are morally and theologically wrong and it is a very simple issue, therefore, if you take that on board. I, of course, as a member of the Church of England, have a rather more difficult problem because the Archbishop of Canterbury says, "Yes, they are wrong" but on *Thought for the Day* on the *Today* programme the other day the Bishop of Liverpool said that the genie cannot

be put back in the bottle and we have to live in the real world and we have nuclear weapons. Who is right? The Archbishop of Canterbury or the Bishop of Liverpool? Can you help me?

Mr Kent: Yes, I commend you to the Pope. It is time you raised your sights! You said at the beginning of this year that nuclear weapons were fallacious and nuclear policies were painful, and that is the strongest position from any Christian leader so far. John can say the entire Scotch hierarchy and the Church of Scotland are totally opposed to it, many Church of England bishops are opposed to it. I am sure you will be able to convert the Bishop of Liverpool in due course

Mr Ainslie: Certainly the Church of Scotland's position is very strong on this, that is it morally and theologically wrong. In addition, Colonel Ryan, the leader of the Scottish Catholic Church, his line, in slogan terms, is to replace Trident with projects that bring lives to the poor.

Q55 Robert Key: That is an aspiration to which I am sure we all live up. Can I pursue the Scottish dimension to this? In your evidence to the Committee the Scottish Campaign for Nuclear Disarmament made very interesting points about the Scottish dimension and pointed out that the Scottish National Party and Liberal Democrats in the Scottish Parliament were opposed to the replacement and that the Labour Party in the Scottish Parliament only won a motion by five votes, but, right at the end, you said this: "The plan to replace Trident and keep nuclear weapons in Scotland for 50 years will not improve the relationship between Edinburgh and London. It is likely to be a growing point of contention", and, today of all days, commemorating the Act of Union, is an important point, I think, to pursue this for a little bit. It seems to me quite extraordinary that we are about, apparently, to have a Scottish Prime Minister, we have a United Kingdom Government with Scottish members of Parliament in extremely powerful positions in the Cabinet - John Reid, Alistair Darling, Douglas Alexander and, indeed, others. Why do not the Scottish people trust Scottish MPs and a Scottish Prime Minister on this issue?

Mr Ainslie: The opinion polls show quite clearly that there is a stronger opposition to nuclear weapons in Scotland than south of the border by about ten per cent, so the anti-nuclear feeling is basically stronger. There is simply a difference between the two political processes, I think, between Westminster and the Scottish Parliament. The Scottish Parliament is more varied and there you are going to work with coalitions.

Q56 Robert Key: That is not my question at all. You are side-stepping it. The question is: why do not the Scottish electors who would put Gordon Brown in the position of being the Prime Minister of the United Kingdom trust him and his judgment and the judgment of his fellow Scots elected MPs when it comes to this decision?

Mr Ainslie: An anonymous survey of all the Scottish MPs by the BBC found that 30 out of the 59 were saying that they were definitely

opposed.

Q57 Robert Key: This is the Westminster MPs?

Mr Ainslie: The majority of the Westminster MPs. I am not totally convinced whether that will materialise when it come to the vote.

Q58 Robert Key: It would not be enough to change the mind of the Government, would it?

Mr Ainslie: No, but I think what is a real prospect is that the Scottish Parliament, at some point in the future, in the longer term, is going to turn round and say, "No, we are opposed to this." The current position is that the Scottish Parliament maybe does not have much power and is looking at ways it might do something about it, but is that then making life more difficult? I am sure Jack McConnell would far rather he did not have this situation and being put in the position of forcing one of his ministers to resign over this issue.

Chairman: I think we had better move on. I am relieved we have got off the theological basis for violence and nuclear weapons and everything. Let us move on. David Crausby.

Q59 Mr Crausby: Thank you, Chairman. Proliferation for me is the more serious threat, on the face of it. Given that countries like Iran and North Korea at least appear to be interested in developing nuclear weapons, some people would argue that this is completely the wrong time for us to reduce our commitment to nuclear defence. How would you respond to that?

Mr Kent: It is exactly the right time to start getting those countries round the table. How can we possibly lecture those countries about acquiring nuclear weapons while we are in the process of saying that we think they are essential for our security. I think it is exactly the right time to begin international negotiations involving those countries, because at the moment they are extremely cynical about our performance.

Q60 Mr Crausby: Do you really think that it would have any impact on Iran and North Korea whether we abandoned or not. Quite a small proportion of the world has nuclear weapons, and I should imagine that Iran and North Korea very much see that America is the major threat from their point of view, and they may well be justified in that. Do you really believe that our decision to abandon nuclear weapons would have any impact at all on their decisions?

Mr Kent: I repeat, our decision, I think, should be in the context of calling for global nuclear abolition negotiations. If someone like Henry Kissinger, not exactly a dove, starts saying now is the time to begin this, I think we should start listening and sitting up and taking notice. It is not just us, we should be promoting this globally while we are saying that in 20 years' time we will not have them.

Q61 Mr Crausby: Do other witnesses want to comment on that? It is quite an important issue, this beginning of non-proliferation.

Mr Ainslie: The way to deal with this proliferation problem is

internationally via the global community. It is not Britain alone trying to say how we deal with this; we want to be doing what we can to strengthen the international moves. At the end of the day, the fundamental question is: why do people not use nuclear weapons? You make this argument about it being a deterrent, but I think the main reason people do not use nuclear weapons in any sort of military sense is because they are taboo against their use, it is generally considered not to be the done thing to do, and the important thing is to strengthen the extent to which it is unacceptable for any country to use nuclear weapons. That global general consensus and feeling we want to make stronger, and us using the arguments that are in the White Paper is undermining that.

Ms Jones: I would concur with what both Bruce and John have said about this being an opportunity for us to take a different road, and I would refer you to the International Crisis Group's summary of threats to the world that was published in December. They noted that the UK, in publishing the White Paper and in failing as a nuclear weapons state to take the opportunity to take a lead on disarmament at this particular time, was one of the things that they counted as a threat to world security. I would also add a very tangential remark. When we protest at Aldermaston we send press releases to local press and to news feeds, and we have this thing called Google Search which sends us little ticks when we appear in various publications, and it is very interesting, the number of publications in Iran which seem to be interested in the fact that people are demonstrating outside Aldermaston against the development of new nuclear weapons. This may be propaganda, I do not know what these newspapers are, but it is not that these people are unaware of the potential for developments here and it is time to start extending out, opening out and saying that there are people here who are questioning the need for new weapons, as there are in countries throughout world, and there is a significant block within the non-nuclear weapons states who have been trying to push for some meaningful process to come out of the NPT.

Q62 Chairman: Ms McDonald.

Ms McDonald: Firstly, I think that the British Government is responsible for what Britain does. You mention what threats other countries may pose, such as the United States' stockpile of nuclear weapons. We are not responsible for those, so I do not think we can speak to that, but what we are responsible for is trying to influence our own Government, as you are, and it seems to me that nuclear disarmament is the only action that will remove the justification for countries to waste billions of their money, even if they can develop, produce and maintain such weapons. So, that is our responsibility and that is what we need to remove, the justification from the British point of view.

Q63 Mr Crausby: I want to know what effect this would have on governments, not the good people of Iran. I accept that the good people of Iran, just as the good people of this country, would be

happy to see the elimination of nuclear weapons without the threat. Anyone right-minded would want to see a non-nuclear world, but what effect would our decision to abandon Trident have on the Government of Iran and, indeed, those countries sitting there waiting in the wings to see whether there is going to be any real proliferation?

Mr Kent: It entirely depends on what goes with that decision. We would perhaps invite a delegation from Iran to come and talk with us about non-nuclear progress on both sides. I think it would be very helpful. It is not just a question of us saying "No", it is a question of the political context into which it fits. Nobody expected a Landmines Treaty to come about, but it did come about. You say everyone wants a nuclear-free world. I am afraid that is really, up until quite recently, not true. A large number of people in America and this country believe absolutely implicitly that nuclear weapons for ever and ever are the answer to our security, and now that is changing. So a nuclear-free world is not something that everyone has been about in different ways.

Q64 Mr Crausby: I think I said "all right-minded people would want a nuclear-free world"?

Mr Kent: Thank you. All right.

Q65 Linda Gilroy: It sounds to me very much as if Bruce Kent is taking a multilateral approach towards disarmament. Is that how you would characterise the statement you have just made?

Mr Kent: Absolutely. I think it is a wonderful opportunity to point out that in 1978 this country and the world at large, in the first special session, called on all countries to proceed to disarmament unilaterally, bilaterally, regionally and multilaterally, and that has been the CND's position from the beginning. Nevertheless, it has been polarised by the media into, "We are only unilateral and you are only multilateral - "you" being anybody who is opposed to the CND - and that is nonsense.

Q66 Linda Gilroy: Can I pursue that a little further in terms of how long you would see this process taking. You have said we could say to people that we will not renew our deterrent in 20 years' time, but if I can just take you back to the opening statement, or proposition, which the Chairman put where we are really talking about a submarine platform. I am sure you have read the evidence we took in our last inquiry and we have a very short window of time, according to the evidence we took and accepted, in terms of maintaining our ability to produce a submarine that will carry the deterrent. If you accept that, then surely you also would have to accept that we would have to make a unilateral commitment to disarmament, because we would, in the course of the process you have just described, almost certainly lose our ability to produce the platform.

Mr Kent: In terms of the timetable, the Mayor of Hiroshima's campaign is based on the famous 2020, that it is going to take until that sort of time to bring a treaty, observable, monitored, effective, controlling fissile material, inspections and all the

rest of it, so it is a long lead-time. You are pointing out that we have got a short time to make a decision. I do not know the technicalities, but I point out what I said in the beginning, that there is even a hint in this document that we could buy the submarines from somebody else.

Q67 Linda Gilroy: I do not think so. I think that is purely and simply saying that we may need to maintain the sovereign capability. There are only three countries in the world that can produce platforms, and I am sure we would not be buying them from Russia.

Mr Kent: No, but we buy them from the United States, as we buy a lot of the other equipment from the United States. I think that we should not be pushed by the technicalities of our industrial base, as it were. There are other ways of nuclear deterrents, apart from a Trident equivalent submarine, if we wanted to continue.

Q68 Willie Rennie: I have sympathy with what you are saying about the negotiations because I think the Government has fallen short in terms of pushing for a new round of negotiations; but do you really think, with the reputation of George Bush and Tony Blair abroad just now and international relations, that this is the right time to start those negotiations? Do you really think that Iran and North Korea would come to the table and start negotiating?

Mr Kent: I do not think those two gentlemen are the right people to put forward as the pioneers of negotiation, and I think that it is an open field on both sides as to who might best do it. It is not your subject, but I was quite surprised that Gordon Brown hung his hat on the British independent nuclear deterrent post in the way that he did. He had an opportunity to wait a bit before doing something else. So, no, I do not think those two are very attractive, and they are not here forever, are they?

Q69 Willie Rennie: But they are the main players just now and you are talking about negotiations?

Mr Kent: One is going to go quite quickly, the other is going to go fairly quickly, so I think that it is a good opportunity.

Ms McDonald: I was going to add, this is exactly the problem that has been identified. There is a rush to make a decision whilst the present Prime Minister is in position, and so on, and yet there is the long timescale of building submarines, by which time George Bush will have gone, and so on. Some reasonable delay at this stage may clear the water for a safer world.

Q70 Chairman: I have a quick proposition. Would you agree that the decision by South Africa to abolish its nuclear weapons has had no observable impact on proliferation attempts by countries like North Korea?

Mr Ainslie: Basically, no. My understanding is that, having got rid of nuclear weapons, South Africa then played an important role in the subsequent rounds of the NPT Conference. The old South African regime could never have done that. At the end of the day,

there is a primary focus for how nuclear proliferation is dealt with. I think the next one is 2010, and South Africa was able to play a more substantial role in that having made that decision.

Q71 Chairman: The ability of South Africa to play that role in those negotiations, though, does not seem to have had an observable impact on North Korea, does it?

Mr Ainslie: The 13 steps, which is what we are talking about, was the result of the NPT process - that was the 1995 thing - so it is a step forward. We then took a step back in the 2000 NPT Review Conference. That is the problem.

Q72 Chairman: Two thousand or 2005?

Mr Ainslie: Two thousand and five.

Q73 Chairman: Because I thought 2000 produced what for you would be the welcome news that the decision to get rid of nuclear weapons should be within a short timescale?

Mr Ainslie: I am sorry; I am getting the two dates mixed up.

Mr Kent: Two thousand is the steps.

Q74 Chairman: Two thousand good, 2005 bad.

Mr Kent: Two thousand and five is a failure.

Q75 Mr Borrow: Perhaps I can move on to the issue of what disarmament has already taken place. Certainly since the end of the Cold War the number of warheads that the UK has stockpiled has been reduced by about 75 per cent and, certainly if the further reduction anticipated in the White Paper goes ahead, that will be a 50 per cent reduction in the ten years since 1997. Are those reductions welcomed by yourselves?

Mr Kent: Certainly they are welcomed, and, if they were pointing towards nuclear disarmament globally, even more welcome, but what we are talking about, is it not, is 48 warheads at sea at any one time, each one of which, potentially, is ten times the size of the Hiroshima bomb? I think talking about the reduction of warheads is a kind of good housekeeping. There is no point spending fortunes on thousands of violent weapons when you can do it with 50 or five. Actually one, I think, if it could be deliverable, is a sufficient deterrent, if you believe in nuclear deterrents; so it is welcome, certainly.

Q76 Mr Borrow: Would you accept then that of the five major nuclear powers the stockpile in the UK is the least, with perhaps one per cent of the world's stockpile, and that, despite the reductions in the UK stockpile or since the end of the Cold War, those sorts of reductions have not been seen by the other four major powers and, therefore, there has not been, if you like, a multilateral response to reductions in nuclear weapons by the UK Government which could lead to a new round of further reductions if we are seeking a multilateral nuclear disarmament as the end result? Are you as disappointed as I am that my government over the last ten years has made reductions and got rid of one whole weapons system and yet other nuclear powers have made very little

progress in that direction?

Ms McDonald: The thing is they will not have seen them as disarmament measures because they have not been disarmament measures, they have been measures to remove old weapons that have become obsolete and they have been measures of efficiency, measures of logistical arrangements that make sense in the military. There was never any stage that we reached the original 512 capability number of warheads for Trident because it was actually impossible in the way that Aldermaston is configured. So all the reductions that there have been so far have been for logistical reasons, and I do not think they have been identified by informed observers in other countries, and certainly by NucWatch, as being disarmament. We do have to look for real disarmament measures because it has got to come with the language of disarmament. We have not used the language, we are not in negotiations, we are not working for disarmament. For politicians it is language than counts, and that is where there is a huge gap.

Q77 Mr Borrow: Are you saying, in fact, that reducing the number of warheads does not lead to multilateral disarmament and non-proliferation and that the only thing that the UK can do to assist the process of getting rid of nuclear weapons in the world is to unilaterally get rid of these nuclear weapons and then Trident: that there is no way in which the UK can reduce the number of weapons whilst still retaining nuclear weapons but reduce them to a minimum amount in the hope of getting a positive response from other nuclear powers and potential nuclear powers? Are you saying there is no halfway house? We either stick with what we have got, which is a minimum amount of nuclear weapons, or we get rid of them and there may be a response? Is that the position that you take?

Mr Kent: I am saying that "minimum" is a completely confusing word. What does "minimum" mean with nuclear weapons? I think getting rid of nuclear weapons and making steps towards negotiation is the way forward. It is not insignificant that Britain has cut down; it is highly significant if it is pointing in that direction.

Q78 Mr Hancock: They are not significant, are they, to take your point, because if Britain has a nuclear submarine which has 16 silos, only one ship at sea, one boat at sea at any one time, the maximum number of missiles available to be fired would be 16 plus how many warheads? A maximum of four per missile. You have got 48 missiles actively. To service its need, Britain would need barely 100. Would you agree with that statement?

Mr Kent: I did not get the end of it. I agree with your numbers of warheads.

Q79 Mr Hancock: You would have one ship at sea with 16 silos, with a maximum of 48 warheads, sixteen missiles, four per missile. I am sorry, 64 on board. So you would have a situation where you would only need 128 warheads maximum anyway.

Mr Kent: Yes.

Q80 Mr Hancock: So the numbers are irrelevant really, it is the way you deliver them that is the issue, and we are not taking that down?

Mr Ainslie: If I could answer you on what disarmament has taken place or will take place, I think numbers is only one measure. The MoD will assess the effectiveness and the performance and, if they are doing an effectiveness assessment, the system that we have today is a lot more capable than what we had in the early 1990s, without a doubt, in terms of the numbers of targets and accuracy, and so on, and that capability increase is continuing to move forward. They upgraded the system in 2002 to make it more flexible. They are going to upgrade it again. Apart from this thing, in a couple of years' time they are replacing the computer system, so that will make it more flexible again, and so there are at least qualitative improvements without the change in quantity.

Mr Borrow: I need to pursue this issue in terms of whether a nuclear power that reduces the number of warheads or gets rid of a system whilst still retaining a nuclear power is a positive move and a move towards disarmament.

Q81 Chairman: Do you think it is a positive move?

Mr Kent: It can be. It depends if the actual aim is nuclear disarmament or the aim is good housekeeping and a so-called on-going minimum deterrent.

Q82 Mr Borrow: So if the French got rid of one of their systems, would that be a positive move in your view?

Mr Kent: It would be, in terms of saving money they could spend on something else, but I would not be praising the French unless they are heading towards the goal of nuclear disarmament. The Chinese should get some praise out of all this, they are the least aggressive in terms of numbers of warheads and delivery systems, but they do not get figured very much in the disarmament process, but I am saying, "Yes", to your question.

Q83 Chairman: Might that be because they are building more submarines than the whole of the rest of the world put together?

Mr Kent: It could well be.

Q84 John Smith: We do not know, incidentally, whether the Chinese are continuing to develop their capability. They have always been considered a regional nuclear threat and not a strategic nuclear threat. Just on the argument about reducing stockpiles, do our witnesses accept that we have not just reduced warheads, we have also reduced capability. We have removed platforms in the last eight years, we have removed the airborne capability. So it is not just how many angels on the---

Mr Ainslie: There is a point in Di's argument of these being logistical changes. I think in one sense the big disarmament decision was probably the scrapping of the Tactical Air to Surface Missile (TASM). The W177 had to go anyway because it was getting very old, so the decision was for that to go simply because they could not keep it going any longer, but they had made this

decision a few years earlier to scrap the Tactical Air to Surface Missile. Why did they make that decision? The Americans scrapped them. It was their project. It was not an option. They looked at the possibility of doing a joint project with the French and they could not do it. It is very difficult to say are these logistical decisions or are they disarmament decisions. It is a step forward. The arms control approach is part of it. You bring the numbers down. It is what has happened between America and Russia. It is better to have lower numbers.

Chairman: Let us move on to the deterrent options, solutions and costs and whether we should have aircraft with cruise missiles, surface ships, land-based systems, submarines. Adam Holloway.

Q85 Mr Holloway: Mr Kent, I appreciate you are frightfully opposed to nuclear weapons full-stop, but you did say that there are other ways other than subs. Of the other options, have you any comments to make?

Mr Kent: Of deterring countries?

Q86 Mr Holloway: No, the other options, the other platforms, so land, air, ship based systems.

Mr Kent: They have aircraft or cruise missiles on submarines. These are all options that are possible, I presume, though I do not claim to be an expert, and I have not come here to be an expert, on the different systems. Perhaps my colleagues know more about the other systems.

Mr Ainslie: I will maybe make two points. There is a problem in the paper. Section 3 gives you three scenarios: a re-emerging major nuclear power, an emerging nuclear state and state sponsored terrorism. I think there is a disconnect between that and the principles that they then require. The scale and the invulnerability only apply to Russia and, if you translate that into options, there is a sense in which Trident is particularly inappropriate for anything other than Russia. It is worth watching what is happening in America at the moment. General Cartwright, Head of Strategic Command, is very keen that he has Trident missiles with conventional warheads on them. Congress has been hesitant about this because they are by no means convinced that firing any type of missile anywhere is immediately perceived by Russia as an attack on them and the old system goes off, and so there is quite a strong argument for saying that, if you are concerned about these other things, Trident is not the way to do it. The second point is an option that the Committee raised - strictly it is not a CND line, but it is worth pursuing, I think - which is, yes, have submarines but take them off patrol. Why are we fixated with this thing of keeping them on patrol? They are allocated to NATO. NATO substituted nuclear forces. In other words, the bombs sitting in Germany and other places, are on a state of alert measured in months. NATO has no standing nuclear plans. Why does this part of the NATO force have to be on a state of alert measured in days while the other parts of the NATO force are on a state of alert measured in months? I think it is almost

the core of this mentality - "This is the way we have always done it" - and they cannot bring themselves to take it off patrol. If you take Trident off patrol, your whole urgency and everything else goes. However long it takes them to build a submarine, you can add another five or ten years into the process if you do not have them on patrol.

Q87 Chairman: Would you then comment on the Government's point that the continuous at-sea-deterrent notion reduces the risk of increasing tension when you actually decide to send a submarine to sea?

Mr Ainslie: These are arguments that they are basically picking up from America. They are used in a Russian/American context, in terms of the balance between Russia and America: if America were to do this, Russia would do that. Does it really apply between Britain and Russia that this is what would happen? I find it scarcely credible that that whole scenario would happen. It basically increases the risk. Having the thing out at sea on patrol is perceived as being a potential risk. If you bring it into port, and particularly if you bring it into port and then separate the components and the other side can then see those components are not put together, you are then sending out a very clear message: "We are not threatening you." There is a slight thing about: is there a risk involved in this escalation, but the beneficial effect of not presenting that threat, you know, does that then mean the Russians can have a few fewer missiles? However dramatic that reduction is, you are removing a few targets out of their target plan.

Q88 Linda Gilroy: I am a bit confused and I would just like to go back and ask a question that I asked just now. This White Paper is predominantly about the need to take a decision in relation to maintaining the platform and the skills base that will otherwise, it is claimed, no longer be there to build the platform unless we make a decision in very short order. Is not the argument you have just put forward one that you could certainly go on and have, but unless we do take that decision, we will not have any options to maintain the deterrent of a future platform to carry the deterrent at all, and so you have taken a unilateral decision?

Mr Ainslie: I am certainly not convinced by those arguments. We are saying at the moment it is lock, stock and barrel about North Korea and Japan. The general thing is that Japan could get into the nuclear weapons business very quickly if it wanted to, and then we seem to take a very different line when it comes to Britain, that if we do not build a new submarine now we will never ever be able to have a nuclear weapons capability again.

Q89 Linda Gilroy: That is related to the cost of doing so and of reconstituting the base with which to do it. You obviously do not accept those arguments. Have you done any analysis of it?

Mr Ainslie: In terms of the skills base side?

Q90 Linda Gilroy: Yes, of the arguments which have been put fairly forcefully and clearly within particularly the last evidence

inquiry that we did on maintaining the skills base?

Mr Ainslie: Not particularly. I think the only other point is the extent to which we depend on the Americans anyway. We go to the Americans for some critical skills anyway, and so, if there was that problem further down the line, it may just be an issue of how far we go to the Americans for help.

Chairman: Moving on to the costs, if we may, Willie Rennie.

Q91 Willie Rennie: You mentioned the cost of £76 billion. The White Paper states between 15 and 20 billion. What is the reason for the difference?

Mr Ainslie: I think there is a major problem with the White Paper in terms of trying to sell this. It does not give the full figures. Not only does it not give the full figures, I have been involved in helping to draft some of the PQs and they are not giving the replies back to questions to fill in some of the gaps that appear. So, clearly, they are not giving the total cost of the whole thing. The big gap is really the cost of Aldermaston. They are saying Aldermaston costs this amount at particular points. There is no figure there for the total Aldermaston development plan, which is there as a plan probably from now until the early 2020s. The other thing is when they are talking about this five to six per cent in service costs, is that an average? I am sure there was a question down saying, "What is the average operating cost?" and we did not get an answer to it. That figure is two billion a year. So if you have a current expenditure of two billion a year, you are saying that when the new system is in service it is around two billion a year. During the period 2020, 2024 it will be higher. They are saying Aldermaston is going to be up. You have got the major costs of the submarine platform coming in there, so you have got a minimum level of two billion a year, probably more than that. Over a 50-year period, that is 100 billion.

Mr Kent: With a question mark over decommissioning.

Mr Ainslie: Then you have to say, if there is 100 billion, how much of that is for the existing system and how much of that is for the new one? Clearly they are saying Aldermaston is for both, so how do you divide it up? By just very roughly saying maybe 25 going into the existing system and the other 75 going into the new one?

Q92 Willie Rennie: What do you think the Government have included? How have they come up with the 15 to 20 billion figure?

Mr Ainslie: That is including the submarine and a couple of other components, and it includes the cost of building the new warheads, or refurbishing the warheads, but not the cost of the infrastructure.

Q93 Willie Rennie: Okay.

Ms Jones: If you start to look at the costs, this was something that was actually quite difficult when we began to look at the White Paper and, looking very specifically at the estimates based

around the refurbishment or replacement of the warheads, you get a figure in section 5.11 which says two to three billion, but it is not actually clear how that two to three billion would differ if the decision was refurbishment or replacement. So, there is a lack of accuracy there. Also, it is not clear whether that is not only in addition to the current operating costs of Aldermaston but also the programme of investment in sustaining capabilities at Aldermaston that was announced in 2005 ostensibly as a one-off thing over three years. It is very clear, if you look at the White Paper, that there will be further year on year on investment, and they quote it as the equivalent of about of three per cent of the current defence budget. In addition to that, we also have the £5.3 billion contract which AWEML have to run Aldermaston on behalf of the Government. In addition to that we have ambiguity about whether it includes maintaining the current weapons stockpile, transporting the current warheads back and forth and, presumably at some point, decommissioning those warheads if new warheads are decided upon. So, as far as we can see from looking at the industry side of this (and I think we have only tangentially mentioned the big influence on maintaining both the capacity for building the submarines and maintaining the skills base at Aldermaston, which you mentioned earlier on), basically industry analysts have expected investment of around £12 billion over the next 12 years, so they obviously know something that we do not know from the White Paper, and, as has already been mentioned, we are not going to get any comprehensive figures until after the Comprehensive Spending Review. So, one of the things that we would encourage you to do when you speak to representatives of the Government or the companies concerned is actually to give you a much more detailed break-down of what these costs actually mean, over what period of time they will need to come on line and what the whole budgeting exercise for this is. Clearly, from section five we can see that they have gone for the cheapest option, but it would still be quite nice to see how they have done their sums.

Q94 Willie Rennie: Do you think that affordability alone is a basis for opposing the replacement of nuclear?

Ms Jones: It is irrelevant, is it not?

Q95 Willie Rennie: Why do you spend so much time on the costs?

Mr Ainslie: Clearly, from our point, if it cost nothing it would still be wrong. It is wrong to have weapons of mass destruction that kill thousands of people. When you look at world opinion and you look at the polls, it is a factor. There are obviously some people out there for which cost is a key issue, so it is a factor in the judgment.

Q96 Willie Rennie: Put yourself in the public shoes then. At what point would you think that the public would find it unacceptable or acceptable to have a deterrent? What cost would that figure be? I know you would not accept any cost, but at what point do you think the public would accept?

Mr Ainslie: It is difficult to say that. It is an insurance policy. What premium do you pay?

Q97 Willie Rennie: Would you take a stab at it?

Mr Kent: It has got to be a lot less than at the moment. We can keep the post offices going for 125 years on the money spent, and these are figures that people understand, and we can deal with global warming, plus, plus, with these figures. I do not know what the lowest figure would be that would stop disquiet, but it would have to be very much lower than this.

Q98 Linda Gilroy: Do you think it would be reasonable, before working out what else it might be spent on, to consider the costs of three things in particular: one would be the decommissioning costs, the second, and you might take a different view from others, but I am sure people would wish to consider having a look at the programme of maintaining nuclear powered submarines not carrying nuclear weapons, and there would be a cost to maintain the skills base for that purpose; and, in addition to that, you would have to look at the impact on the local economies, particularly, if not in the fast-lane most certainly in Barrow in Cumbria, an area where I would hazard a guess that it would be very substantial, and in Plymouth, where it would have a devastating effect on the local economy, not just in the city of Plymouth but on the neighbouring objective-one area where about a third of the dockyard workers are coming from in Cornwall. If you are going to start saying this is an amount that we can spend on post offices and health, the simple question I am asking you is would you agree that it would be reasonable to factor in all of those significant costs?

Mr Kent: Absolutely. Decommissioning we are into anyway, are we not, because we already have the submarines. We are going to decommission them sooner or later, so that is not an extra expense.

Q99 Linda Gilroy: It would be a very substantial extra expense, I would suggest, to decommission the entire strategic facility at Davenport dockyard. It is not the same thing to talk about the decommissioning of the submarines.

Mr Kent: Granted, but surely part of the process of moving to nuclear disarmament is actually looking at the present workforce and how they can be used and deployed, and that is one of the factors that is lacking. You could actually see a deeded brief for Barrow called *Oceans at Work* some time ago in 1985. I think it was the first study that anybody had presented.

Ms McDonald: I am sure you will correct me, Ms Gilroy, but, as I understand it, the numbers of jobs involved in refitting Trident is in the region of 300. Other submarine work goes on there, and, as you know, a great deal of it now is to do with decommissioning and laid up submarines. When DML were here giving evidence I heard their managing director say they were already working with the NDA in terms of looking for contacts for decommissioning, so I think there will be plenty of work in Davenport for a long time. On the

question of Barrow, it is a different matter. I think that if this £76 billion, or whatever, could be saved, then certainly putting money into Barrow in terms of investment for new jobs, because certainly the Cumbrian isolation and the need for jobs there is very clear, people need support there. I do not think they should be confined and constricted for ever to be building nuclear submarines, there should be something else there for them, and that is government business.

Q100 Chairman: Let us move on. I think you agree that that sort of cost should be factored in but it is not something you would say would lead to a deficit. It could be beneficial.

Mr Kent: Yes.

Chairman: I want to move on to the legalities of it. By the way, we did promise Kate Hudson she could have the opportunity to talk about international treaty obligations and legalities. So that is why we are getting into this now, and it is going to be our final area of questioning.

Q101 Mr Jenkin: The burden of legal opinion against the replacement of Trident - and I use that shorthand expression whether it has been replaced or not - is first that the possession of nuclear weapons is intrinsically illegal because obviously possession conveys an intent that the host nation is prepared to use them; and, secondly, possession of nuclear weapons or the replacement of Trident represents a failure to disarm which is in breach of the Nuclear Proliferation Treaty. Do you agree with that?

Mr Kent: Failure to negotiate in good faith. It really does not qualify any individual country to disarm *per se* but it calls upon them to negotiate in good faith, and that is what the ICJ held up in 1996.

Q102 Mr Jenkin: Returning to the question of possession and preparedness to use, what is the legal basis or legal authority on which your opinion rests?

Mr Kent: The International Court of Justice 1996, to which the only exception was that they could not make up their minds about the issue of use where the actual survival of a state is in question, the only exception that was allowed at that time. They said, "We do not have the facts", and probably the facts relate to the amount of contamination from even a low-yield nuclear weapon that would affect civilian populations. That is probably the reason why they did not come to a conclusion on that point, but everything else, they said, was bound by humanitarian law and that possession and use was illegal, and that was their advice.

Q103 Mr Jenkin: They did not exactly say that, did they? I am quoting from the judgment: "In view of the current state of international law and of the elements of fact at its disposal, the Court cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence which is the basis of the survival of the state"?

Mr Kent: That is just what I have been quoting. That is the one exception.

Q104 Mr Jenkin: Exactly. You said they would be illegal, but that is not correct, is it?

Mr Kent: I said "with the one exception that Court ruled", and that is the one exception that you have just read out. They could not make up their minds.

Q105 Mr Jenkin: So, it is possible that the use of nuclear weapons would be legal under international law?

Mr Kent: It is possible or it is impossible, we do not really know. It is certainly not, as the White Paper said, allowed, or whatever the expression was.

Mr Ainslie: I think the other point is that, if you are accepting that ICJ judgment, it would be conceivable to see that in the White Paper it actually saying Britain is only going to use nuclear weapons in the extreme circumstance where the survival of the state is at risk. It does not. It uses this term "vital interest", which is far broader.

Q106 Mr Jenkin: I think the term "vital" in respect of interests is an interesting one, and I think that is a grey area, but who would make that judgment at that particular time? It would have to be a state, would it not? It would have to be the Government. It could not be an international court.

Mr Ainslie: There is more in there in terms of when the ICJ was mulling this over. My recollection of it is really in this Cold War scenario where there are all these missiles coming in and there are mass casualties and the state could quickly be annihilated. It is not saying in that scenario it is okay, it is saying that in that scenario the judges between them could not reach a clear agreement, but that is quite different from vital interests where something is happening and it is in our vital interests to protect something.

Q107 Mr Jenkin: The point is that the judgment did not say that the use of nuclear weapons would be illegal, did it?

Mr Kent: In all circumstances, it did not.

Q108 Mr Jenkin: It did not say that. Thank you.

Ms Jones: Can I just say that the only part where the ICJ could not reach a unanimous decision was --- Anyway, counter to your argument, they could not decide amongst themselves, though there are dissenting opinions, but they could not be lawful except in the self-defence situation. Self-defence is not, as John has said, in the White Paper. I would refer you to the 1998 Strategic Defence Review and the subsequent December 2003 document where the words "vital interest" are played out and explained, and in no way does that equate with self-defence. So, we are looking at a situation where the only thing the ICJ gave us was use in self-defence, and that is not our claim to be able to use them.

Q109 Mr Jenkin: Except that I have looked at the Opinion to which

the CND paper refers, and it does not refer to any of that. I have also looked at the Opinion prepared on behalf of Greenpeace by Philippe Sands, and it is interesting the caveats that are entered. It says, "The use or the threat of use of nuclear weapons in self-defence would be unlawful where it fails to meet the requirements of necessity and proportionality." That is quite a strong caveat. It goes on, "We are of the view that the proportionality test is unlikely to be met." It does not say it cannot be met. It goes on to say, "It is difficult to conceive of any circumstances." It does not rule out circumstances. I think we have established, have we not, that the possession of nuclear weapons with the intent to use them under unspecified circumstances is actually legal.

Mr Kent: Very specified. The survival of the state is a specification.

Q110 Mr Jenkin: Even the legal opinions chosen by anti-nuclear organisations actually do not rule out the legal use of nuclear weapons?

Mr Kent: No, that is quite right.

Ms Jones: Can I follow up on that. What would have been interesting in the White Paper would be to see from the Government an answer to your question: under what circumstances would they feel that their decision to use nuclear weapons would pass those two fundamental tests of international humanitarian law which are applicable to all forms of war: necessity and proportionality? Those are the things that maybe you should ask the Government: where do they feel that it would have both necessity and proportionality were they to use nuclear weapons, and allow people to understand under what circumstances those decisions would be made. The last statement we had from the Government, although I understand his position is slightly different now, is Geoff Hoon saying he would have been willing to use them in a conflict situation in Iraq, and he said that in 2003.

Q111 Mr Jenkin: I have to confess that I was a little surprised by his utterance on that point.

Ms Jones: The question should be asked again.

Mr Jenkin: I would share your opinion that it would be useful for the Government to give us their legal opinion about their possession for potential use but without necessarily giving away the circumstances in which they might use them, because obviously that would undermine their effectiveness, as it has done.

Linda Gilroy: The Strategic Defence Review did, however, highlight the limitations placed on the use of British nuclear weapons, including the restrictions in place in the three nuclear-free zones around the world, and the Government did state some limitations: "We will not use nuclear weapons against a non-nuclear weapons state not in material breach of its nuclear non-proliferation obligations unless it attacks us, our allies, or a state to which we have a security commitment in association or alliance with a nuclear weapons state", and that is where the Iran

situation came in. That quote is often used selectively without also referring to that, and I am sure you have noticed that part of the Strategic Defence Review statement as well.

Chairman: Thank you. That puts that in context.

Q112 Mr Jenkin: Turning to the other main burden of your collective presentation, which is that the failure to disarm is somehow in breach of the nuclear proliferation treaty - and I correct myself because you did correct me, failure to negotiate in good faith - but where is your legal authority for arguing that somehow the Government is not negotiating in good faith even if we are replacing Trident?

Mr Kent: I think it is for you to tell me where the Government is negotiating nuclear abolition.

Q113 Mr Jenkin: We have already heard that the Government has substantially reduced its stocks and capabilities of nuclear weapons. In fact, the end of the Cold War resulted in just such a negotiation with the Soviet Union, a broad agreement.

Mr Kent: It is all perfectly explicable in terms of retaining a minimum nuclear deterrent; it is nothing to do with nuclear---

Q114 Mr Jenkin: Where does it say retaining a minimum nuclear deterrent is contrary to negotiating in good faith?

Mr Kent: Where is the negotiation in good faith? That is what I am asking. There is not any at the moment.

Ms McDonald: The negotiations we are looking for is to restart the conference on disarmament in Geneva. If that were going on, then I would understand your point, but I am not sure what you are referring to. There is no negotiation.

Q115 Mr Jenkin: I do not think this is a illegal question, I think it is fundamentally a political question. Let me put it to you. If the Government believed that unilaterally disarming our nuclear weapons was actually going to contribute to less security and more instability globally, that would be an irresponsible thing to do, would it not?

Mr Kent: The two issues are separate. I can conceive of people saying we should retain British nuclear weapons and even renew Trident, but we are obliged to negotiate the abolition of all nuclear weapons.

Q116 Mr Jenkin: But if the number of states possessing nuclear weapons is actually on the increase, it is quite respectable to argue that abandoning our own nuclear deterrent would actually contribute to global instability and a reduction in global security. It is an argument, is it not?

Mr Kent: Yes, it is an argument.

Q117 Mr Jenkin: So if that is a respectable argument, there is no legal basis for saying we have got to negotiate now, with a deadline, to get rid of our nuclear weapons, is there?

Mr Kent: The argument comes from quite a different source. The

United States called on us to negotiate in good faith, and that is not going on. I am boring myself and, very probably, boring the Committee.

Mr Ainslie: I wonder if I can put it in a different way. The NPT arose in this climate when there was a lot of concern that lots of nations were going to get nuclear weapons, and it is a deal basically. The nations that did not have nuclear weapons said, "No, we are not trying to get them", and the nations that did have nuclear weapons said, "We will try to make progress towards disarmament." So there are two sides of that. Basically, if we are not keeping outside of the deal, if we are saying we are going to keep nuclear weapons for the next 50 years, then there is a sense in which the other side can say, "Hang on, why do you expect us to keep our part of the deal?"

Q118 Chairman: Mr Ainslie, is not that confusing the issue of negotiations with the issue of whether you are keeping nuclear weapons. Let us suppose that the Government is frightfully keen on negotiating on non-proliferation and the reduction of nuclear weapons but everybody else's negotiation desk is closed, they are not interested in negotiations. Is the Government, because it is not negotiating with anybody because there is nobody else interested in negotiating, thereby in breach of the Non-Proliferation Treaty?

Mr Kent: I do not think so. It is for a lawyer to say, but I would think probably not in a situation where no other country wanted to negotiate, but until we have tried that out we are not in a position to say.

Q119 Chairman: If not, Mr Kent, then surely the answer to your question, "Where are these negotiations going on?", is that the Government is doing its best, it is ready and willing to negotiate, but it is not its fault if nobody else is taking it up.

Mr Kent: It is a totally passive role, is it not. Active action is called for to start negotiations. The commitment to disarm in Geneva is in complete collapse.

Q120 Mr Hancock: If there was a definitive clause in the White Paper which said, "Under no circumstances would the United Kingdom use a nuclear weapon as a first strike device", would any of you then suggest that it was right to maintain it as a deterrent? Is there any proof that we have breached any of the non-proliferation treaties that we have signed up for? I do not believe we have. We have not assisted any country in manufacturing a nuclear weapon. Thirdly, under what circumstances would it be conceivable, in your view, for Britain to retain a nuclear deterrent?

Mr Kent: In my view, I think the British nuclear deterrent is quite unacceptable, for all sorts of reasons. I do not think it gives us any security.

Q121 Mr Jenkin: So these legal arguments are completely irrelevant?

Mr Kent: No, they are highly relevant.

Q122 Mr Jenkin: But your position does not rest on the legal argument.

Mr Kent: We are talking about two things. One is British nuclear weapons and the other is the obligation to negotiate.

Q123 Mr Hancock: We have not breached any treaty, have we, because we have not assisted any country - unless you have evidence to the contrary - to develop a nuclear weapon of their own?

Ms McDonald: I think we have to look at how we collaborate with the United States over nuclear weapons, and that was done by undermining the commitments already made by both countries to the NPT, by setting up the Mutual Defence Agreement in 1958 to change that; so I think we have reneged on our commitment not to work with another government on nuclear weapons. The other thing about this is that it comes back to this idea of an insurance policy. An insurance policy must be recommended for all, everyone, not just for a few, and so to pursue that insurance analogy would be to accept that every country was entitled to have it. There are big problems by not giving the recognition and the weight that is due to the NPT and to the countries who have tried to maintain it, the countries who have set up the 13 steps, the whole NPT meetings that there have been over the last ten years. Being an initiator and supporter of disarmament negotiations, it seems to me, would give a very big signal to the rest of the world of Britain's intentions, and those are the intentions we wish to foster. Of course it would take quite a long time to disarm the present nuclear system anyway, and taking them off patrol would be the first step. These things are all staged, but I would like to go back, since you ask questions about the law. The ICJ 1996 judgment came out of previous law, and I am not a lawyer, but the previous law, the Geneva Convention and all the other laws that they looked at to come to their conclusion, was to do with not threatening or killing non-combatants, and the whole point about nuclear weapons (perhaps we just take it for granted) but which needs to be said so any times in the public domain, is that it kills everybody and for a long time afterwards with the radiation effects as well and you would only need four to completely obliterate what is presently a 'rogue state'. So it is a very dangerous game that is being played out, and it is getting more dangerous and, with the more complicated computer controls and the size of the chips getting smaller and smaller, the potential for mistake or accident, apart from all the other accidents, for example on the M6, with nuclear weapons outside Preston, people are very well aware if they know about it, but it is not common knowledge, and one of the things that the Government, and certainly this Committee, perhaps can help do is to educate the public more about what nuclear weapons mean.

Chairman: I am grateful to you because you have brought us back to the legality issue which I want to concentrate for the moment on through Bernard Jenkin, then Mr Ainslie, I will call on you, then John Smith, then Linda Gilroy. We were getting a little away from it.

Mr Jenkin: I want to make one last point. To quote from the Rabinder Singh and Professor Chinkin Opinion, which has been obtained for CND, paragraph 74: "Enhancing nuclear weapons systems, possibly without going through Parliamentary processes, is, in our view, not conducive to entering into negotiations for disarmament as required by the NPT Article 6 and evinces no intention to 'bring to a conclusion negotiations leading to nuclear disarmament' in all its aspects." I would submit that that is a political opinion. That is not a legal opinion, that is a political judgment, and it is perfectly arguable for the Government to say that the best way of bringing to a conclusion disarmament negotiations is for us to maintain a minimum deterrent so that we have a chip on the table to negotiate with. The point is that this is not a legal question; it is a political question.

Q124 Chairman: Mr Ainslie, would you like to comment.

Mr Ainslie: The point I was going to make was to reinforce Di's thing about the legal and moral issues. The two are not separate; the legal thing is based on the same fundamental point. The ICJ Opinion includes Judge Weeramantry's long dissenting Opinion. That is going through how different cultures, different religions are all pointing to the same conclusion that say the threat of the use of nuclear weapons is illegal. It is not just using the legal arguments, it is also using the moral arguments, and it is there in the ICJ Opinion itself.

Q125 Chairman: Except the ICJ Opinion does not actually say that upgrading a nuclear weapons system is in breach of the obligation to negotiate---

Mr Ainslie: When I am saying "Opinion", the Opinion includes all the dissenting opinions.

Ms Jones: May I make a couple of remarks about this. One is that the NPT, although it is a treaty, is a very weak instrument, and, of course, it was politically constructed at a very specific time.

Q126 Chairman: As treaties tend to be.

Ms Jones: As treaties tend to be. It is also a treaty without a treaty body where states are under no obligation to report on their performance. Some of the questions that we have raised previously in this debate about can we show whether Britain has progressed towards negotiating good faith towards nuclear disarmament are not actually set against any standards to which all states are required to respond, both nuclear weapons and non-nuclear weapons; so maybe it would be a useful thing if we were to try and measure this progress that the UK is apparently making towards disarmament. The other thing is a mixture of politics and semantics. When you say "enhancing a nuclear weapon therefore cannot be seen as a violation of the treaty", because the treaty is loosely worded and because we use words like "enhancement" or "replacement", the image that is given here is of somebody who is just popping out to get a new car which has got the latest refinements in it, and that argument is so disingenuous. What we are going to have to do is to get rid of one nuclear weapons

system and replace it with another. It is a new generation of nuclear weapons. Whatever the language they use, it will be able to do its job more efficiently, it will be better targeted, it will have a higher efficiency, it will be apparently safer, we understand, which seems to be a contradiction in terms of nuclear weapons. The net result is the same. We will have a "better" weapons system for the indiscriminate use against civilians, which is a fundamental prohibition under any form of international law. So we can use the semantics, we can use the arguments, but basically this needs testing in some legal form, and we know the only way of testing the legality of nuclear weapons would be *post facto*, and I certainly do not want to see an International Criminal Court addressing the issue of whether it was unlawful for us to use nuclear weapons because I think we might not be in a position to make reasoned and legal judgments, and so we have to look at the law in advance acknowledging the political context in which that law has been constructed.

Linda Gilroy: The whole tenor of the way in which we have been discussing this issue and the most recent debate about the legalities has been very pessimistic, perhaps understandably so given the pressure that the NPT is under, but I wonder if at this stage in our proceedings you would want to express any positive views towards what the Non-Proliferation Treaty has been able to achieve, and may yet still be able to achieve, given that countries in the beginning were so pessimistic about the possibility of it succeeding that there was difficulty in them signing up, that there was a 25-year time limit on it so that people could have a get-out clause and in 1995 it was renewed, and that perhaps we should have just a little bit of trust that Britain, having reached a minimum deterrent status, should not at this stage express a unilateral commitment to disarm against the background of the debate we are having; and that is very important to the way in which we look at the legal issues that Bernard Jenkin has been putting before you.

Q127 Chairman: That is a long question. Can you try to make it a snappy answer?

Mr Kent: I think, certainly, the NPT has probably prevented other countries from developing nuclear weapons. That is very positive. It is under great threat. The Americans have just signed a treaty negotiating nuclear technology with India, though India has never signed the NPT and it has now got nuclear weapons. So there are grave threats going on to the NPT but its positive achievements, I think, have to be acknowledged.

Q128 Linda Gilroy: It has been far more successful than most people thought it could be at the time that this was all started.

Mr Kent: Indeed, so.

Q129 Chairman: Can I ask you one final question about legality. Accepting your view for the purposes of this argument that Britain is in breach of its duties already to negotiate and to disarm generally and accepting your view that there is a different issue

about the life extension of Trident, if this decision by the Government were limited to the replacement of the submarines, the platform from which these weapons are fired, is that any reason to suggest that that decision itself would be illegal?

Mr Ainslie: I can answer this probably in terms of the timescale that we are talking about here. We are extending our nuclear capability for a long time into the future, and that is really sending this message.

Chairman: That is a different issue, sending messages and all of that. Is it illegal to replace a submarine?

Mr Hancock: There are two things, not the missile, the weapons.

Q130 Chairman: What is the answer?

Mr Kent: I would think probably not, but the legality requires the negotiations. That is where the issue is.

Q131 Chairman: And that is a different issue, but replacing the submarines as such is not illegal?

Mr Kent: I am not a lawyer, but I would think that a case could be made that it was not illegal, just the submarine.

Q132 John Smith: You are all experienced campaigners. The White Paper has now been published. The Government has clearly declared its preference. Are you winning the argument? Are you winning the hearts and minds of people following publication of this White Paper or are you disappointed in the level of public interest and support. I must tell you that, as far as I understand it, this is the first formal public hearing since the White Paper was published and the attendance is very sparse.

Mr Kent: I am disappointed and encouraged. We have been through a period where nobody was interested at all in these matters. I spoke in Hexham on Saturday to 250 people, in Dorchester to 250 people. There is an interest. I have never been asked to write for the Yorkshire Post before and I am doing a feature article. There is a growing interest in this issue. We are nothing like "Make Poverty History" of two years ago, nothing like it, but there is a serious interest growing.

Q133 John Smith: And the CND of the 1980s?

Mr Kent: Not quite, no, not yet.

Mr Ainslie: I think in terms of the Scottish perspective, I always wear two hats. I am involved with the Scottish Campaign for Nuclear Disarmament but there is another group, which is Scotland for Peace, which is a joint initiative involved with trade unions, and that joint group has taken this issue on and there have been three debates in the Scottish Parliament.

Q134 Chairman: As I understand it, this session has been live on Sky, so we have reached an audience of billions. If there are no further questions, may I say thank you very much indeed to the witnesses and to the Committee for becoming genuinely engaged in what has become a very interesting issue.

Mr Kent: Can we thank you for the opportunity.