



International Legal Obligations

Summary

- The UK's retention of a nuclear deterrent is fully consistent with our international legal obligations.
- The Nuclear Non-Proliferation Treaty (NPT) recognises the UK's status as a nuclear weapon State. The NPT remains the principal source of international legal obligation relating to the possession of nuclear weapons. We are fully compliant with all our NPT obligations.
- The NPT does not establish any timetable for nuclear disarmament. Nor does it prohibit maintenance or renewal of existing capabilities. Renewing the current Trident system is fully consistent with the NPT and with all our international legal obligations.
- The use of nuclear weapons is governed by the same principles of law that govern the use of other weapons, namely principles of international humanitarian law. In 1996, the International Court of Justice delivered an Advisory Opinion which confirmed that the use, or threat of use, of nuclear weapons is subject to the laws of armed conflict, and rejected the argument that such use would necessarily be unlawful in all circumstances.
- The threshold for the legitimate use of nuclear weapons is clearly a high one. We would only consider using nuclear weapons in self-defence (including the defence of our NATO allies), and even then only in extreme circumstances. The legality of any such use would depend upon the circumstances and the application of the general rules of international law, including those regulating the use of force and the conduct of hostilities.
- We will continue to press for multilateral negotiations towards mutual, balanced and

verifiable reductions in nuclear weapons and to work towards total elimination of our own nuclear arsenal and all others.

The Nuclear Non-Proliferation Treaty (NPT)

- The UK is recognised as a nuclear weapon State under the NPT. It is therefore entirely lawful for the UK to possess nuclear weapons.
- The NPT was signed on 1 July 1968. It defined 'nuclear weapon State' as applying to all states which had manufactured and exploded a nuclear weapon or other nuclear explosive device before 1 January 1967. In addition to the UK, this is limited to China, France, Russia and the US.
- Recognition as a nuclear weapon State under the NPT comes with certain obligations including:

Article I states that each nuclear weapon State Party to the Treaty "*undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non nuclear weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices*".

Article IV refers to the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes in conformity with Articles I and II of the Treaty. All Parties must also facilitate and have the right to receive exchanges of equipment, materials and

scientific and technological information for the peaceful uses of nuclear energy.

Article V states that all Parties must ensure that potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear weapon States on a non-discriminatory basis.

Article VI requires all Parties to "*pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.*"

- The UK is fully compliant with the above Articles and all its other obligations under the NPT.
- In addition to these obligations, the UK also supports the further measures that were adopted at the 1995 NPT Review and Extension Conference, and in the outcome document from the 2000 NPT Review Conference to take forward the implementation of the Treaty. These include the "13 Practical Steps for systematic and progressive efforts to implement Article VI". These are available at: <http://disarmament.un.org/wmd/npt/2000FD.pdf>

UK Support for the NPT and for Disarmament

- The UK fully complies with its obligations under Article VI of the NPT. The UK shares the goal of a world free from nuclear weapons. We continue to press for multilateral negotiations towards mutual, balanced and verifiable reductions in nuclear weapons.
- The UK continues to support the disarmament measures contained in the "13 Practical Steps", and has an excellent record on meeting the priorities they set out:

- the UK stands by its **unequivocal undertaking to accomplish the total elimination of its nuclear arsenal**. The number of nuclear weapons in the world has considerably decreased since the NPT came into force and the UK's contribution to this reduction, by way of the disarmament measures we have taken and plan to take, as set out in the White Paper, is significant;
- the UK has become increasingly **transparent** with regards to its nuclear weapons holdings;
- the **operational status** of our nuclear weapon system has been **significantly reduced**;
- the **UK has not conducted a nuclear test explosion**, or any other nuclear explosion, **since 1991**. We ratified the Comprehensive Nuclear Test Ban Treaty in 1998 and continue to push for its early entry into force;
- the UK made it clear in 1995 that we had **ceased the production of fissile material** for nuclear weapons and other nuclear explosive devices. We also continue to press for the immediate commencement of negotiations on a Fissile Material Cut-Off Treaty at the Conference on Disarmament in Geneva.

- Renewing the Trident system does not reverse or undermine the positive steps outlined above. It is simply about **maintaining no more than the very minimum nuclear capability judged necessary for our security**, whilst we pursue the right security conditions for complete, multilateral disarmament.