

Memorandum from Professor William Walker

1. Nuclear weapons give their possessors the ability to commit acts of indiscriminate annihilation of lives and worlds. For some, they are morally repugnant and no state, the UK included, is justified in acquiring and deploying them in any circumstance. This absolutist position is hard to sustain, however, if renunciation places a state and its people at the mercy of a nuclear-armed aggressor. Yet the possibility that some state might threaten nuclear attack sometime in the future does not warrant another absolutist conclusion - that all states have a right and responsibility, following the precautionary principle, to arm themselves with nuclear weapons. The consequences of a general international consent to deploy nuclear forces would be intolerable.

2. To justify the UK's retention of its nuclear deterrent, it follows that the Government should be able to present *particular* reasons, beyond simple legality, why the UK - rather than other states - should possess them. In addition, the risks invoked when applying the precautionary principle should be substantial and credible, and the means proposed for addressing them should be appropriate and give rise neither to other unacceptable risks and costs nor to the foregoing of major opportunity.

3. The decision on Trident cannot be straightforward as it requires the balancing of many judgements in conditions of uncertainty. In my view, the arguments presented in the White Paper *The Future of the United Kingdom's Nuclear Deterrent* are not persuasive enough to justify Trident's replacement. The Government has not identified the particular reasons why the UK should retain a nuclear deterrent, nor has it allayed concerns about the risks, costs and lost opportunities associated with its proposals. Furthermore, Mr Blair is incorrect in claiming in his Foreword that "the Government's decision followed a careful review of all the issues and options, which are set out in full in the White Paper". Important issues and options are omitted, evaded or receive inadequate attention in the White Paper.

4. After brief comment on the White Paper's observations about future threats and Trident's contribution to collective security, attention will be drawn here to two sets of issues. The first concerns the UK's treaty obligations and non-proliferation policies, and international ramifications of a decision to replace or not to replace Trident. Secondly, I wish to highlight a reality ignored by the White Paper: that the politics of Trident and its replacement are inextricably bound up with the politics of the Union, probably to the detriment of both. The White Paper only

considers external risks to the UK's survival. It does not consider the internal risk that Trident will contribute to the Union's disintegration, nor that its operation out of Scotland might become politically infeasible even under devolution during the 20 years of its replacement, let alone the 50 years over which the new system would be replaced and operated. If the Government had applied its own precautionary principle, it would have given greater weighting to military options that could be located in England.

5. My concluding point is that this is the worst of times to be making a decision of such gravity, given the current volatility of domestic and international politics.

Future threats and Trident's contribution to collective security

6. In the White Paper's paragraphs 3-9 to 3-11, the Government identifies three types of threat justifying possession of a nuclear deterrent between 2020 and 2050: the re-emergence of a "major threat" from an established nuclear weapon state; the emergence of nuclear-armed states with lesser capabilities that could "nevertheless pose a grave threat to our vital national interest"; and the sponsorship of nuclear terrorism by a nuclear-capable state. These paragraphs contain general descriptions of possible developments in the international arena which cannot be discounted. They are nevertheless extremely vague. Little effort is made to explain how and why they pose particular threats to the UK, and why - if the threats do not exist today - they are sufficiently tangible and probable to merit paying such a heavy insurance premium.

7. The Government may understandably hesitate in naming specific states as future threats. It should nevertheless have provided clearer indication of the kinds of future circumstance that would compel the UK to threaten nuclear attack in its own defence. Otherwise, Parliament is being asked to base its decision largely on conjecture and intuition, and there is danger that the debate will be steered by Pavlovian suggestion rather than by public reason. In this age of "evidence-based policy", the case for adopting such an extreme remedy should also be accompanied by evidence of specific occasions on which the deterrent has shown its worth, especially since the end of the Cold War. Have there been any such occasions if truth be told?

8. A more solid case for Trident's replacement might have been presented by stressing its contribution to collective security. Besides the transatlantic alliance, it could have been argued that the British and French deterrents together provide assurances that Europe could respond to threats levelled against it, and that Europe would not have to rely solely on the US deterrent which might turn out to be unreliable. Removal of the UK deterrent might, by the same token, be politically and strategically unsettling in Europe, with unpredictable consequences. These arguments are not made in the White Paper. Beyond vague allusion to collective security in the fourth bullet point in paragraph 3-4, there is silence.

9. Outside the White Paper, Mr Blair made the following statement in his letter of 7 December 2006 to President Bush: "a future UK deterrent submarine force ... will be assigned to the North Atlantic Treaty Organisation, and except where the United Kingdom Government may decide that supreme national interests are at stake, this successor force will be used for the purposes of international defence of the Atlantic Alliance in all circumstances". What does this familiar mantra mean in the post-Cold War environment, and is it credible to commit Trident to be so used "in all circumstances"? Could any UK Government credibly promise to sacrifice London or Glasgow to protect a distant ally in a conflict that did not involve the UK's survival?

Trident replacement, international nuclear order and the NPT

10. Although their predictions are cautious, the Government and White Paper's subliminal messages are that nuclear proliferation is accelerating, nuclear weapons are regaining salience in relations among great powers, and the NPT and other arms control institutions are eroding and may collapse. This depiction of the future rests on an extrapolation from the past decade's trends and events. Assessment of its validity has to rest on understands of why, after remarkable progress in the years following the end of the Cold War, so much has gone wrong.

11. There are two main reasons. Firstly, a handful of states which had nurtured nuclear weapon programmes during the Cold War either became less secure after its end (e.g. North Korea), or their governments became caught up in a nationalistic striving for great power status (notably India). Their behaviour and the clandestine character of Iraq, Iran and North Korea's weapon programmes exposed weaknesses in the NPT and its safeguards system and opened international divisions on how best to respond. Secondly, the United States' strategy for promoting international nuclear order took a disastrous turn. It brought punishment, regime change and counter-proliferation into the foreground of nuclear politics

without simultaneously deepening its own and everyone else's commitment to the norms and rules underpinning the international nuclear order, of which the non-proliferation regime was only part. Furthermore, it sought to free itself from external restraint by rejecting a swathe of arms control measures and proposals while expecting others to exhibit ever greater restraint. This behaviour tore the NPT and the political bargains upon which it rested.

12. Whether there is progress or regress in international nuclear relations therefore depends on much more than dynamics of armament that have been let loose in the post-Cold War environment. It depends crucially on the direction of US policy (which may be shifting despite the present confrontation with Iran) and whether, after a period of divergence, the policies of leading states will again converge on the achievement of order through international law and treaty processes accompanied by the prudent use of power. Above all, it depends on whether they recommit themselves to honouring the NPT and its Conference decisions. The decision on Trident and its supporting argumentation have to be viewed against this background.

13. Over the past decade, the UK's international nuclear policies have become increasingly confused. On the one hand, it has maintained its traditionally strong support for arms control and the NPT and, as the White Paper correctly observes, has gone further than any other nuclear weapon state in reducing its capabilities to the minimum necessary, honouring its international obligations and promoting measures to strengthen the non-proliferation regime. On the other hand, Downing Street has worked assiduously to prevent the opening of clear blue water between UK and US policies: it has discouraged criticism of US strategies, reined in its enthusiasm for multilateral arms control, and supported the Bush administration in its military action against Iraq and in the rationale underpinning it. The one exception has been its joining with France and Germany in the "E3" diplomatic initiative, in the teeth of US opposition, to bring Iran into compliance with its NPT obligations.

14. Although the shadowing of US policy has reflected various judgements about British interests and international security, the desire to maintain and replace the Trident force has been an important factor. This desire could not be satisfied without permanent US assistance. Looking to the future, Parliament should worry less in my view about the operational independence of the deterrent than about the independence of UK foreign and security policy. Trident replacement will inevitably extend the UK's political dependence on the US with a consequent loss of autonomy.

15. Regarding the effect of decisions concerning Trident on the non-proliferation regime, it can be stated emphatically that (a) a decision to replace the deterrent would injure the regime, and (b) a decision to abandon it would benefit it. The only question is how much injury and how much benefit.

16. A decision to replace Trident would injure the regime and thus UK interests for five main reasons:

- the UK is located in one of the most stable and secure parts of the world. The claim that simple uncertainty about the future justifies its retention of a nuclear deterrent will not gain international respect and sets an unfortunate example, providing easy political shelter to states seeking to justify acts of proliferation;
- the White Paper's claim that "the UK's retention of a nuclear deterrent is fully consistent with our international obligations" is contestable. Although the NPT provides the UK and four other nuclear weapon states with the *right* to hold nuclear weapons, that right is neither permanent nor unconditional. The nuclear weapon states' *obligation*, as elaborated in the 2000 NPT Conference's Final Document, is "to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all states Parties are committed under Article VI". Replacing Trident is not easily reconciled with that obligation;
- the steps indicating the UK's "Progress on Nuclear Disarmament" in Box 2-1 in the White Paper were set in train during the 1990s, particularly by the Strategic Defence Review of 1998. The White Paper presents no new proposals which might compensate for injury inflicted to the NPT. Nor does it convey any vision of how the UK will achieve further progress on arms control or disarmament at home or abroad. Experienced foreign diplomats are likely to interpret Box 2-1 as a dilution of UK policy on arms control and disarmament, for instance through its massaging of the above quotation from the 2000 NPT Final Document and the half-hearted reference to its "13 practical steps";
- the close cooperation in warhead design and nuclear weapon systems under the US-UK Mutual Defence Agreement of 1958 is anomalous. It increasingly offends against the effort, advanced through the Proliferation Security Initiative and UN Security Council Resolution 1540 among other things, to inhibit international transfers of weapon-related technologies and materials;
- through this cooperation, the UK may become associated with the Bush administration's exploration of new roles for and designs of nuclear weapons. Internationally, there is deep disquiet over where this exploration may lead.

17. The White Paper repeats the familiar assertion that the UK's unilateral disarmament would not encourage the disarmament of

other states. "There is no evidence or likelihood that others would follow the UK down a unilateralist route." Although this is probably correct, at least in the short term, it does not follow that their policies would be unaffected. The UK's announcement of its decision not to replace Trident would be a major international event with potentially wide consequences (my understanding is that the Government has not carried out studies of the consequences, which is regrettable):

- one of the five nuclear weapon states, and one of the NPT's three depositary governments, would have committed itself to eliminate its nuclear arms and to honour its Treaty obligations in full. This would provide the UK with opportunities to play a highly influential and prestigious if unfamiliar role in international nuclear relations;

- the nuclear weapon states' ability to act *en bloc* in international forums would be weakened, just as the non-nuclear weapon states' ability to shape agendas and influence outcomes would be strengthened. The unfortunate coincidence of permanent membership of the UN Security Council with membership of the NPT's nuclear club would also be broken (there are no grounds for fearing that the UK would lose its membership of the UNSC in consequence);

- the UK could offer to become a "nuclear disarmament laboratory" where the processes and techniques of eliminating a major weapon capability could be fully developed and demonstrated, greatly extending the experience of practical disarmament gained in South Africa, the Ukraine, Iraq and Libya and through the reductions of nuclear forces by the US, Russia, France and the UK itself. (It is regrettable that the White Paper contains no reference to Aldermaston's pioneering work on verifying the dismantlement of nuclear warheads.)

- especially in the US, a decision against Trident replacement would strengthen the hand of communities inside and outside the military who are pressing for a major re-examination of the future role of and reliance upon nuclear weapons. The article promoting 'A World Free of Nuclear Weapons' by George Schultz, William Perry, Henry Kissinger and Sam Nunn in *The Wall Street Journal* on 4 January 2007 indicates the direction in which the wind is beginning to blow in Washington.

Trident replacement, Scotland and the UK

18. Scotland is not mentioned in the White Paper as either the geographical place where Trident, and thus the entire UK deterrent, is located, or as home of a devolved Parliament and administrative system. This may be viewed as consistent with the Scotland Act of 1998 which reserves defence and foreign policy to London. The UK is a single state with a unified defence policy, allowing no region of the UK rights to obstruct the sovereign UK Parliament's decisions on defence.

19. Yet there is a Scottish dimension that politically cannot be ignored (I examined it in detail in a book co-authored with Malcolm Chalmers in 2001).[\[1\]](#) Beyond the immediate surroundings of Faslane and Coulport where Trident generates employment, there is a long tradition of Scottish opposition to nuclear weapons in general and their basing in Scotland in particular. It has been repeatedly expressed by the Churches, the Iona Community and civil society groups and runs across political parties. Furthermore, the Scottish National Party (SNP), which may lead a coalition in the Scottish Parliament after the approaching May elections and is pledged to hold a referendum on independence, has long placed Scotland's renunciation of nuclear weapons at the centre of its political programme.

20. There are difficulties even if independence is not in prospect. Trident cannot operate out of Faslane without the Scottish Parliament and Executive's close cooperation with the Ministry of Defence and other UK governmental bodies. This is because responsibility for policing, transport, land-use planning, emergency services and the regulation of radioactive emissions are devolved to Scotland. The commitment to cooperate on this and other matters is expressed in the 1998 Memorandum of Understanding between the UK Government and the representative Scottish, Welsh and Northern Irish administrative institutions, and by a Concordat on Defence which enjoins Scottish Ministers to "take account of the need for the unimpeded conduct of the defence of the UK". This MoU and Concordat are not legally binding: they are essentially gentlemen's agreements. With Labour administrations ensconced in both Holyrood and Westminster since 1998, the cooperation has run smoothly. It could no longer be taken for granted if different parties came to dominate the Parliaments. Indeed, the SNP has already signalled that it will frustrate cooperation on Trident by various political and legal means if it gains ascendancy in the Scottish Parliament.[\[2\]](#)

21. The SNP's policies and interests are nevertheless not straightforward. If it gains power in Holyrood in May, its primary concern will be to demonstrate competence and trustworthiness in government. It might then stand a chance of winning a referendum on independence and establishing credentials to bid for membership of the European Union and international recognition as a sovereign state. These interests might eventually draw it towards cooperation rather than obstruction of the deterrent (possible basing arrangements with an independent non-nuclear Scotland are discussed in the Chalmer/Walker book). For the moment, however, the SNP seems determined to oppose Trident and extract political capital from dissatisfaction with it.

22. As the Scotland Act allows, a debate on Trident's replacement

will probably be held in the Scottish Parliament before it is debated in Westminster. This will present acute difficulties for the Labour Party and administration in Scotland, and for officials in the Scottish Executive who will be loath to advise Scottish Ministers on such sensitive reserved matters. It is conceivable that the Scottish Labour Party will break ranks with the UK Party, declaring itself sceptical of the case for Trident's replacement if not in outright opposition to it. Come what may, a situation might well arise in which a UK decision to replace Trident lacks legitimacy in Scotland, especially if the vote in Westminster is won through support of a Conservative Party which has little sway in Scotland, and if the votes of Scottish MPs are divided and a majority is secured through Cabinet loyalty and overt use of the Labour whip.

23. My fear is that a mood of "how dare you" could develop on either side of the border which, combining with other political currents, would have serious consequences. How dare you Scots attempt to exercise a veto over a decision to deploy a nuclear force that is vital to the UK's defence and international standing? How dare you English impose this dangerous, undesirable and immoral weaponry on the people of Scotland when alternatives exist and the money can be better spent?

24. When the basing of Polaris was discussed by the MacMillan government in the early 1960s, ten possible sites were considered. Six were in Scotland, three in England (Devonport, Falmouth and Portland) and one in Wales (Milford Haven). The Ministry of Defence now accepts that there is no plausible alternative to the submarine base at Faslane, partly because it could not gain political consent for opening nearby a facility equivalent to the Royal Naval Armaments Depot at Coulport (a few miles from Faslane) where the Trident missiles and warheads are stored and loaded on to the submarines. The Government appears to have assumed, when considering options for replacing Trident, that political opposition in Scotland could be weathered and need not affect the relative valuation of the three other generic options (reviewed in Annex B) which could have been located in England or Wales. As an influential former senior official in the Ministry of Defence observed to me, it was being assumed that the situation in Scotland was tricky but could be managed through some "deft politics". This was complacent.

25. The White Paper extols prudence in the face of uncertainty. Is it prudent to advocate spending tens of billions of pounds on Trident's replacement in order to guard against an undefined future threat, when it is uncertain whether the deterrent could be operated reliably out of its base in Scotland and whether the Union will still exist when the new system is due to be installed?

The decision's bad timing

25. Whichever views are held on the UK deterrent's future, the Government's timing of the debate and decision is most unfortunate. A reliable conclusion is unlikely to be reached against the background of such domestic volatility north and south of the border and international volatility in the Middle East and elsewhere. In addition, US foreign and security policies may soon enter a period of major change, especially after the 2008 Presidential election, as the failings of its recent policies become more and more evident. Although I have not addressed the question of lead-times in this memorandum, I share the view that a decision on replacement in 2007 is unnecessary.

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[1] Malcolm Chalmers and William Walker, *Uncharted Waters: The UK, Nuclear Weapons and the Scottish Question* (Tuckwell Press, 2001).

[2] See 'SNP plan to criminalise pro-Trident politicians', *Sunday Herald*, 7 January 2007.