

OxfordResearchGroup
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In collaboration with **Beyond Trident**

THE FUTURE OF BRITAIN'S NUCLEAR WEAPONS: EXPERTS REFRAME THE DEBATE

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Dr. Liam Fox MP
Dr. Caroline Lucas MEP

Admiral Sir Raymond Lygo
General Sir Hugh Beach

Professor Nick Grief
Dr. Steven Haines

Rt. Hon. Clare Short MP
Commodore Tim Hare

Dr. Julian Lewis MP
Dr. Mary Midgley

"I welcome a debate on the future of Britain's nuclear weapons. The military case has gone with the end of the Cold War. The issue is now the political one – whether or not France should be the only nuclear power in Europe."

Rt. Hon. Lord Healey of Riddlestone,
Secretary of State for Defence (1964 – '70);
Opposition Spokesman of Foreign & Commonwealth Affairs (1980 – '87)

"A powerful, balanced and informative contribution to a vital debate. Both sides of the argument combine passion, conviction and knowledge. They share a desire for a peaceful world. The challenge is how we get there."

Rt. Hon Sir Malcolm Rifkind,
Secretary of State for Defence (1992 – '95) and
Foreign Affairs (1995 – '97)

Edited by **Professor Ken Booth** and **Dr. Frank Barnaby**

With a foreword by Dr. John Sloboda

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About the “Beyond Trident” initiative

Oxford Research Group is a partner in a new initiative called “Beyond Trident”, a strategic alliance of four independent UK-based non-governmental organisations (NGOs) over a period of one year to conduct new and in-depth research, foster debate in Parliament and among stakeholders, raise public awareness at all levels, and create pressure for a high level, non-partisan investigation and inquiry into UK nuclear weapons policy in the context of actual security needs and objectives.

More information about the Beyond Trident project can be found on the ORG website or the websites of our partner organisations:

The Acronym Institute for Disarmament Diplomacy www.acronym.org.uk

The British American Security Information Council (BASIC) www.basicint.org

The WMD Awareness Programme www.comeclean.org.uk

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Our deep appreciation goes to our eminent (and extremely busy) contributors for their enthusiastic engagement with this project, and especially to Professor Ken Booth for taking on the daunting task of analysing the many complex arguments and counter arguments put forward in these essays. With consummate skill, he synthesises the widely differing perspectives of the contributors, drawing from their points of concurrence a powerfully persuasive conclusion.

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Current Decisions Report

The Future of Britain's Nuclear Weapons:
Experts reframe the debate

Edited by Professor Ken Booth and Dr. Frank Barnaby

March 2006

OxfordResearchGroup

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Foreword

By Dr. John Sloboda



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elected to the
Fellowship of the
British Academy.

The British Government has announced that a decision on the replacement of Trident (the UK's nuclear deterrent) is likely to be taken during the lifetime of the current Parliament (that is, before 2010). This volume is a contribution to the public debate that has to precede a decision of such magnitude and importance, both to Britain and the rest of the world.

Can the possession of nuclear weapons by a nation enhance its national security? This question has split world opinion since 1945. This split divides governments from one another. It also divides citizens and political parties within countries.

How do governments line up on the issue?

This question is easy to answer in relation to the relevant international treaty framework. On one side are the vast majority (184) of the world's nations who, by ratifying the *Non-proliferation Treaty* (NPT) as "non-nuclear-weapons states" (NNWS), in several cases bolstered by membership of regional Nuclear Weapons Free Zones, have formally and publicly renounced nuclear weapons as a means of achieving their national and regional security goals.

On the other side are nine nuclear weapons states: the USA, Russia, China, France and the UK are parties to the NPT and as such are formally recognised as "nuclear weapons states"; and four other nations possess nuclear weapons outside any framework of international agreements (India, Pakistan, Israel and probably North Korea). About 30 NPT member states, including Japan and Iran, are widely perceived to have (or to be about to acquire) the capacity to make a nuclear weapon. The alarm with which the international community is viewing Iran's nuclear activities is a very strong signal of international accord. The prospect of more states acquiring nuclear weapons than already possess them is anathema to the vast majority of governments.

How do citizens line up within countries?

This is harder to answer, because there is no agreed international framework for monitoring public opinion in a reliable and comprehensive way. One way of answering the question for democracies would be to examine the formal manifesto commitments of political parties within each country and estimate proportional popular support for these positions from voting patterns at elections.

However, drawing firm conclusions from electoral behaviour is not straightforward. One of the problems is that political parties often fail to honour electoral pledges once elected to power. This is particularly relevant to the UK. Whilst in opposition the Labour Party has often opposed Britain's possession of nuclear weapons. However, after election, all Labour governments have acted in strong support of the nuclear status-quo, regardless of the prior positions of its leaders.

Another problem is that electors will have to balance their assessment of a party's nuclear policies against other policies on the slate, and may select a party for a whole range of reasons (both principled and tactical) which are unconnected to its nuclear policies. As a UK elector I may believe that the Green Party has the nuclear policy that most closely

reflects my views. This does not mean that I will vote Green in any given election (even if there is a Green candidate on the slate in my parliamentary constituency, which is by no means to be assumed).

This leaves research into public opinion, including opinion polls. Unfortunately there are no worldwide polls which have examined opinions towards nuclear weapons in a consistent and unbiased way, asking the same questions of people in every country, repeated across time. The available data is marred by patchiness and insufficiently detailed questioning. UK polls, such as they are, suggest a 2:1 pro-anti split which has remained pretty consistent over time (see the contribution to this volume by Julian Lewis). However, the inner makeup of these large groups is not uniform, and some exploration of what lies behind this simple dichotomy is vital.

There are no worldwide polls which have examined opinions towards nuclear weapons in a consistent and unbiased way

One thing we know is that nuclear-weapons nations with strong traditions of open public debate, of whom Britain is one, contain vocal, well-organised and persistent champions for both positions, nuclear retention and nuclear renunciation. These camps are usually sustained by quite a small number of “enthusiasts” who are ideologically, emotionally, and intellectually committed to their positions, positions which have been established over decades, and in whose service they have invested much political and organisational capital. For convenience we could call these enthusiasts the “nuclear lobby” and the “anti-nuclear movement”. They perhaps account for no more than 5% of the population all told (for instance, attendance at CND’s largest ever anti-nuclear London rally in 1983 was 400,000, representing just under 1% of the population). Each camp is overwhelmingly populated with honest, dedicated, and idealistic individuals whose over-riding concern is the security of country and planet, and the avoidance of global war. But they appear to have arrived at diametrically opposite conclusions about the means by which these agreed ends are best achieved.

These are the people who have the energy and persistence to engage repeatedly in debate. It is probable that most contributors to this volume would see themselves as coming from one or other of these two camps. Their positions are often well-known (at least within the fields in which they work), and have remained consistent in broad outline for many years. The debate is somewhat clouded by a history of mutual incomprehension and mistrust between these two camps. The fact that both positions have “held up” so firmly over decades does suggest that the difficulties inherent in either position are not trivial or easily demonstrable. If they were, one or other position would have collapsed a very long time ago. The debate has, in that sense, resolved little. That observation is, in itself, a very strong reason for continuing the debate.

In the middle (possibly constituting the great majority of the population) are relatively uninformed voters, who have not invested time and energy in acquiring close knowledge of the detailed elements of the debate, and who derive their views largely from individuals, groups, or media sources that they trust or with whom they identify. Some of these may borrow the position of whatever political party they feel is their “natural” party, or take the editorial line of whatever their favoured newspaper or media source happens to be.

Their views may shift over time, but not so much as a result of engagement in analytical debate as a generalised consequence of what they may perceive as “the mood of the nation”. Yet it is the view of this “majority middle ground” which will, at the end of the day, prevail in the determination of national policy. No enthusiast, however compelling and well-articulated his or her argument, will ever prevail in a democracy unless they can capture the mood of the nation, sway it and retain it. For the duration of the Cold War there was never any realistic possibility of centrist British public opinion revising its view on nuclear weapons. The pro-nuclear lobby held largely unchallenged sway over the centre-ground.

The period since the end of the Cold War has been a period of great uncertainty in the mood of the nation. Britain has been searching for a new role and identity, which for so long was identified with its imperial past as a great power, and as a bulwark of the free world against totalitarianism (whether Naziism, Fascism, or Soviet Communism). New security threats, including global warming, accelerated resource depletion, Islamist terrorism, new trends in transnational flows of people and capital, have made it less clear in the public mind what makes us secure. “Shocks” such as 9/11, 7/7, Katrina, the Tsunami, and the Iraq debacle, add to the sense of insecurity and uncertainty. New developments such as “mini-nukes” make people more uncertain that nuclear weapons have purely deterrent purposes. Unacknowledged undercurrents in the various ethnic strands that make up British society are also bubbling in unpredictable ways. Even those in Westminster whose job it is to read the mood of the nation are showing again and again their signal inability to do so. In this context, shifts of public view about international affairs are increasingly frequent and likely. It is of significance that a very considerable proportion of the British public, including key opinion formers, have dramatically shifted their view on the Iraq War since 2003. Shifts of this magnitude are unusual in British post-war history. And these shifts have not always been predictable from prior political allegiance. In this fluid environment, a significant shift in public opinion on nuclear weapons cannot be ruled out.

New security threats ...have made it less clear in the public mind what makes us secure.

For me, tectonic plates never shifted so abruptly as when I picked up my copy of the *Sunday Times* on June 19 2005 to find an article by Michael Portillo, a Cabinet member of the Conservative Government from 1986 - 97, headed “*Does Britain need nuclear weapons?: No: scrap them.*” This was shortly followed by an equally unexpected piece in the *Guardian* of 4 July 2005, authored jointly by Dr. Julian Lewis MP, a long-time advocate of nuclear deterrence, and Marjorie Thompson, a former Vice-Chair of CND, issuing a joint call for a public debate, and both equally critical of government unclarity about what decision it would be making and how.

The Lewis-Thompson piece appeared just prior to a major conference hosted on 6 July 2005 by the *Royal United Services Institute* in London on “*The Future of Strategic Deterrence for the UK*”, which reflected a hunger for a renewed and deep debate among politicians, military and other professionals, academics, press and media. The meeting highlighted some of the parameters along which that debate might profitably be pursued. The events of 7 July forced the focus of public attention elsewhere, although the irrelevance of a nuclear deterrent to those events were noted by many, as was the unexpectedly forthright contribution of the late Robin Cook (*Guardian*, 29 July 2005), his last publication before

his tragic death on 6 August. One way and another, the nuclear debate seems to have been firmly established on the public agenda, and is unlikely to move off that agenda any time soon, not least because of the parallel debate on the role of nuclear power in Britain's future energy mix.

On 20 January 2006, the All Party Defence Committee of the House of Commons announced a series of inquiries on *The Future of the Strategic Nuclear Deterrent: The Strategic Context*. It wrote:

"With the intention of informing the public debate on the future of the UK's strategic nuclear deterrent, the Defence Committee has decided to hold a series of inquiries over the course of the current Parliament.

It was a deliberate editorial decision to bring both sides of the debate together within the covers of a single volume.

*The first inquiry will focus on the strategic context and the timetable for decision making. It will consider the threats which the strategic nuclear deterrent is currently intended to combat and how this context might change over the next two decades. It will consider what other states or organisations could develop nuclear weapons capabilities by 2025, and how this might affect the strategic context in which decisions on the UK deterrent will be made. And it will consider the timetable in which these decisions will have to be taken and implemented."*¹

It is in this context that Oxford Research Group publishes this report. It does so as a partner in a new initiative called "Beyond Trident". This is a strategic alliance with four other established UK-based peace and security organisations to conduct new and in-depth research, foster debate in Parliament and among stakeholders, raise public awareness at all levels, and create pressure for a high level, non partisan investigation and inquiry into UK nuclear policy in the context of actual security needs and objectives.

In keeping with *Oxford Research Group's* longstanding tradition of fostering dialogue between people of differing views and backgrounds, it was a deliberate editorial decision to bring both sides of the debate together within the covers of a single volume.

The core chapters of this report present elements of the debate in the form of pairs of contributions from individuals who take differing positions on the British strategic nuclear deterrent. The chapters focus, in turn, on the political rationale, the military rationale, the legal rationale, the rationale for public and parliamentary debate, and the ethical rationale. Authors shared drafts with each other, and have had the opportunity to refine their own contributions in response to the arguments of their opposite number. The volume begins with a technical and scientific account of Britain's actual current nuclear weapons capacity written by one of the report's co-editors, Dr. Frank Barnaby, who also outlines the technical issues which are behind the government's statement of the need to take decisions about future capacity at this particular point in time. The report concludes with an integrative assessment and conclusions by the report's other co-editor, Professor Ken Booth.

Oxford Research Group is grateful to our eminent (and extremely busy) contributors for their enthusiastic engagement with this project, and hopes that the resulting report will be of interest and value to parliamentarians, officials involved in decision-making, and concerned citizens, both in Britain and in countries affected by Britain's foreign policy.

1. http://www.parliament.uk/parliamentary_committees/defence_committee/def060120__no__18.cfm

Background

By Dr. Frank Barnaby

What is 'Trident'? The facts and figures of Britain's nuclear force.



Frank Barnaby is Consultant on Nuclear Issues to Oxford Research Group. He is a nuclear physicist by training and worked at the Atomic Weapons Research Establishment, Aldermaston between 1951-57. He was Executive Secretary of the Pugwash Conferences on Science and World Affairs in the late 1960s, and Director of the Stockholm International Peace Research Institute (SIPRI) for ten years. Frank became involved in nuclear disarmament issues after witnessing nuclear explosions during the British nuclear weapons tests in Australia in the 1950s.

What is meant by 'the Trident system'?

The British Trident strategic nuclear weapon system has three components – the nuclear-powered submarine, the submarine-launched ballistic missiles (SLBMs), and the nuclear warheads for the missiles. The submarines are Vanguard S28 submarines; the SLBMs are UGM-133A Trident D-5 ballistic missiles; and the nuclear warheads are a mixture of strategic nuclear warheads and what are called 'sub-strategic' nuclear warheads.

The British Navy operates four Vanguard-class nuclear ballistic missile submarines: HMS Vanguard; HMS Victorious; HMS Vigilant; and HMS Vengeance, all built by Vickers shipbuilding and Engineering Ltd (now BAE Systems Marine). Vanguard, Victorious, Vigilant and Vengeance were commissioned in 1993, 1995, 1996 and 1999 respectively. Displacing 16,000 tonnes they are twice the size of the four Resolution-class Polaris strategic nuclear submarines they replaced. The Vanguard submarines will probably come to end of their operational lives in about the year 2020.

The word Trident is often used to describe the whole system. This can be misleading because when it is said that "Trident will come to the end of its life" this really only applies to the submarine. The warheads are routinely maintained and refurbished when necessary and the SLBMs can be replaced separately from a stockpile.

Table 1. Comparison of Polaris and Trident SLBMs

	Polaris (1982 - 1984)	Trident (1994 -)
missiles /sub	16 A3-TK	16 D-5
warheads /missile	2	1 to 3
no. of submarines	3	4
maximum warhead no.	96	192
yield per warhead	40 kt	100 kt
type of warhead	MRV(man.)	MIRV
range (km)	4,700	7,400
CEP (m)	900	120

Notes

Polaris was first deployed in 1968

MIRV = multiple independently-targetable re-entry vehicle

MRV = manoeuvrable re-entry vehicle

kt = 1,000 tonnes (kiloton) of TNT equivalent

The British Trident strategic nuclear arsenal is almost entirely dependent on US technology and support.

The warhead

The British Trident nuclear warhead is based on the American W-76 warhead design, used on American Trident II D-5 missiles. The British nuclear warheads are built at the Atomic Weapons Establishment (AWE) at Aldermaston, using British materials. Because the materials are different from the American materials, the design of warheads built at AWE will almost certainly have been modified to take into account of these differences.

The Americans are currently modernising the Mark 4 re-entry vehicles that carry the W-76 warheads by equipping them with a modified fuse designed to give the warhead a capability to explode on the surface. The accuracy of the delivery of the warhead is also being improved using the Global Positioning System (GPS). This may reduce the Circular Error Probable (CEP) to less than 10m. The CEP is the radius of the circle centred on the target in which one half of a large number of warheads fired at the target will fall.

US assistance

Under the Mutual Defence Agreement (MDA), the British may be assisted in making similar improvements to their Trident warheads. The UK is, however, not known to be currently significantly modernising its Trident D-5 warheads.

Although the US does not provide the British with nuclear warheads, the British Trident strategic nuclear arsenal is almost entirely dependent on US technology and support. Trident is an American missile system. The UK does not manufacture or purchase its own Trident missiles but leases missiles from the US missile stock. The US also supplies: highly enriched uranium to fuel British Trident submarines; the storage, assembly and servicing of the missiles; US facilities at Kings Bay, Georgia, for the preparation for entry into service of British Trident missiles and their refurbishment during each major submarine refit; and the information for the targeting and guidance of the missiles. The British nuclear deterrent is, therefore, not an independent one.

Trident sub-strategic warheads

The UK government has announced that it will not deploy more than 48 Trident II D-5 Submarine Launched Ballistic Missile (SLBM) warheads on each Trident submarine. The 1998 *Strategic Defence Review* (SDR) says: “We will have only one submarine on patrol at any one time, carrying a reduced load of 48 warheads”. This implies that each of the sixteen missiles will carry on average three MIRVs (Multiple Independently-targetable Re-entry Vehicles).

The SDR states that Trident “covers both strategic and sub-strategic requirements”. Exactly what sub-strategic means is not clear – it would be less confusing to call them tactical warheads. Trident strategic warheads are generally assumed to have an explosive yield equivalent to that of 100,000 tonnes of TNT (100kt). The Ministry of Defence (MOD) keeps the yield secret but independent experts assume that the strategic warhead is similar to the American W76 warhead carried on the American Trident I C-4 SLBM, which has an explosive power of 100kt.

Presumably a single “sub-strategic” warhead will be carried on a Trident SLBM. The yield of the “sub-strategic” warhead to be carried on British Trident SLBMs has not been announced. It may well be about 1kt. This could be achieved by removing the tritium bottle from the boosted fission trigger in the warhead, a simple operation. The yield of the trigger without boosting is probably about 1kt; with boosting it is probably 10kt. The thermonuclear stage will then give a thermonuclear yield of 100kt. The warhead could then have variable yields between about 1kt (achieved by removing the tritium bottle), 10kt (by ‘switching out’ the thermonuclear stage), and 100kt (using the total fission plus fusion yield).

The effects of the explosion of a Trident warhead with a yield of 1, 10 or 100kt

The energy of a nuclear explosion is given off as blast, heat and radiation. Typically, about 50 per cent of the total energy goes into the blast effect, 35% is in the heat effect, 5% appears as initial radiation (given off within a minute of the detonation), and 10% as residual radiation, given off by the decay of radioactive isotopes in the fallout.

The magnitude of the effects will depend on a number of factors. These include: the medium in which the weapon is exploded, underwater, underground or in the air; the weather; and the altitude of the explosion. Radiation effects, for example, will be much greater for explosions on the surface or at low altitudes.

To maximise the death and destruction from, say, a 20kt explosion, it will be exploded at a height of about 600m, the height at which the Nagasaki bomb was exploded. The Hiroshima bomb (12.5kt) was exploded at an altitude of about 500m. The number of deaths at Hiroshima and Nagasaki is not known with any accuracy, but it was roughly 150,000 for the former and 100,000 for the latter – a death rate of about 40%.

Air-bursts are significantly more damaging locally than ground bursts of the same yield; much of the energy of a ground burst goes into creating a large crater. Ground bursts, however, produce much larger amounts of fallout and, therefore, of residual radiation.

A 1kt nuclear explosion

The British Cabinet Office has calculated the effects of a (terrorist) nuclear explosive detonated at ground level in a typical city. Although the study involves a primitive nuclear weapon, its conclusions apply to a military weapon of the same explosive yield.

The explosion was equivalent to that produced by 1,000 tonnes (1kt) of TNT, a possible explosive yield from a sub-strategic Trident warhead. Within one minute, people outdoors or near windows inside houses would be killed by thermal radiation (heat) up to a distance of 200m from the point of detonation. Within one minute, blast would kill people up to a distance of 800m, and initial nuclear radiation would kill people up to a distance of 1km.

People within 2km would be injured by blast and those within 1km would be injured by heat. Communications equipment would be damaged by the nuclear electromagnetic pulse up to a

distance of about 2km and electronic equipment would be damaged or disrupted up to a distance of about 10km, with severe consequences for fire services, police headquarters, and hospitals. The electromagnetic pulse would affect motor vehicles out to about 10km.

Assuming a 24km per hour wind, ionising radiation levels from radioactive fallout within an area of about 15km² would be high enough to cause radiation sickness in the short term to those exposed in the open, and in some cases to those in buildings. This area would extend to some ten kilometres downwind and would have a maximum width of about 2km. Furthermore, radiation levels in an area of about 400 km² would be such that certain counter-measures would have to be taken to protect people from the long-term effects of exposure to radiation – for example, fatal cancers. This area would extend some 80km downwind.

The most serious source of radioactive contamination from any crude nuclear explosive device is likely to arise from the dispersal of plutonium. If 1kg of plutonium is uniformly distributed it will contaminate about 600 km² to a level of 1 micro-curie per square metre, the maximum permissible level allowed for plutonium by international regulations. This means that a very large area will have to be evacuated and decontaminated, an expensive procedure that could take years.

Areas of lethal damage blast, heat and radiation (excluding residual radiation) for nuclear weapons exploded at low heights above the ground with yields of 1, 5 and 100kt are shown in Table 2. It shows that for a 1kt explosion there is a very high probability that people within about 1km of ground zero will be killed. For a 10kt explosion, the lethal distance becomes about 2km. For a 100kt explosion, the lethal distance becomes about 5km. For a 1kt explosion, radiation is more lethal than blast and heat (a person cannot be killed twice). For a 10kt and 100kt explosion, heat is more lethal than either blast or radiation.

Table 2. Areas of lethal damage from blast, heat and radiation (in km²)

	Explosive yield (kt)		
Type of damage	1	10	100
Blast	1.5	4.9	17.7
Heat	1.3	11.2	74.2
Radiation	2.9	5.7	11.5

New nuclear weapons are back on the agenda

The *US Nuclear Policy Statement*, completed at the end of 2001, describes the role of nuclear weapons well into the future, not as part of a nuclear deterrent policy but as part of America's war-fighting strategy. Apparently, the Pentagon is preparing contingency plans to use nuclear weapons against targets in seven or more countries – including China, Iran, Iraq, Libya, Russia and Syria. And in March 2002, the British Minister of Defence announced, for the first time ever, that British nuclear weapons could be used in a first strike and against countries that used biological or chemical weapons against British forces or targets in the UK. Such use would be a breach of the 'negative security commitments' of the NPT – in which the nuclear-weapon states agreed not to use nuclear weapons against non-nuclear-weapon states.

Helen and Orion

Here in Britain, some people believe that the fact that the installation of a new laser system is planned at Aldermaston is evidence that one or more nuclear weapons are being developed. The new system, called Orion, will replace the existing laser system, called Helen – High Energy Laser Embodying Neodymium. Orion will consist of 12 laser beams, 2 of which have very short pulse lengths and very high power. Both systems allow scientists to study fundamental physics in a regime that replicates the temperatures and densities produce in a thermonuclear explosion and in the stars.

It will create, albeit in a very small volume (1mm²), hot, dense matter, called a high energy density plasma. (In the explosion of a thermonuclear weapon, most of the energy is released when it is the plasma state.) Physicists can then study the physics of the plasma even though it is very short lived. Temperatures of up to three million degrees and pressures of millions of atmospheres will be produced in the tiny volume. This will enable computer code calculations to be verified and data generated that can be used in supercomputing simulations. Orion will enable studies to be made at higher temperatures and densities than Helen. The plan is for Orion to be operational by the end of 2007. The long-pulse beams will compress a sample and the short-pulse beams will heat it.

Aldermaston scientists argue that, in the absence of nuclear testing, the laser system is essential to their ability to maintain and enhance their understanding of nuclear-weapons physics. This is presumably the main purpose of the system. It cannot contribute directly to maintaining confidence in the reliability and safety of British nuclear weapons (so-called Stockpile Stewardship).

With or without nuclear test explosions, reliability is maintained by dismantling weapons taken at random from the stockpile, inspecting their components, and replacing parts that have deteriorated. Nuclear parts that cannot be tested without a nuclear explosion must be replaced with parts whose essential properties replicate those of the parts being replaced.

The laser system is designed to achieve temperatures and pressures that approach those reached in a nuclear explosion. Therefore, if the advanced nuclear-weapons codes now under development are able to predict correctly the behaviour of the small nuclear explosions produced by the laser system, there will be more confidence in the correctness of their predictions for actual nuclear weapons. Although it could be argued that, in this sense, the laser system indirectly contributes to the design of new nuclear weapons, it will not directly contribute to it.

Official statements about activities at Aldermaston

The purpose of the new laser facility was officially set out by Lord Bach, Defence Procurement Minister, in answer to a Lords Parliamentary Question on 12 July 2004. Lord Stoddart of Swindon asked Her Majesty's Government, *"Whether the proposed replacement laser facility at the Atomic Weapons Establishment, Aldermaston, will be capable of testing and certifying a new generation of nuclear warhead; and, if so, whether this complies with the Nuclear Non-Proliferation Treaty"*. Lord Bach responded, *"The purpose of the proposed ORION facility is to contribute towards ensuring that the United Kingdom nuclear warhead capability remains safe and reliable. The use of such technology with respect to nuclear warheads and nuclear material does not contravene the Nuclear Non-Proliferation Treaty."*

The Minister of State at the Ministry of Defence, Adam Ingram, added to this in March 2005: *"A key objective of the proposed Orion Laser project is to have the ability to conduct our nuclear warhead assurance programme in compliance with the Comprehensive Test Ban Treaty and the project will achieve this. The use of the Orion Laser would not conflict with Article VI of the Nuclear Non- Proliferation Treaty."*

In so far as the development of new nuclear weapons is concerned, Foreign Office Minister Mike O'Brien was asked in a Parliamentary Question in June 2003: *"What the Government's policy is on the development of a new generation of tactical nuclear weapons"*. He replied: *"The Government has no plans to develop new nuclear weapons. In line with the policy set out in the Strategic Defence Review, it is the Government's policy to maintain a minimum capability to design and produce a successor to Trident should this prove necessary."*

In May 2004 Adam Ingram said, *"The research and development activities undertaken at AWE are designed to ensure the safe stewardship of the UK's stockpile of Trident warheads and our ability to maintain the capability necessary to meet the policy described in the 1998 Strategic Defence Review. As indicated in Paragraph 3.11 of the Defence White Paper of December 2003 (Cm 6041-1), this includes the need to take appropriate steps to ensure that the range of options for maintaining a nuclear deterrent capability is kept open until decisions are required on whether to replace Trident. This policy is consistent with our international treaty obligations. Research and development activities fall under four principal headings: computer simulation; hydrodynamics; high energy density plasma physics; and materials ageing."*

One possible way to avoid breaching the NPT would be a significant reduction in the number of warheads deployed

Adam Ingram was asked in mid-2005 about the relationship between the new building programme at Aldermaston and the next generation British nuclear weapons. He responded: “Developments at the AWE Aldermaston are consistent with the policy set out in the 1998 Strategic Defence Review and in the December 2003 Defence White Paper (Cm 6041-1). Such developments include the sustainment of the capabilities necessary to meet safety, environmental and operational requirements and to keep open options in respect of any decision on whether or not to replace Trident.”

In spite of these official statements, many believe that new nuclear weapons are being developed at Aldermaston. According to a very recent report published in March 2006 by the Foreign Policy Centre, AWE Aldermaston scientists are secretly designing a new nuclear warhead in collaboration with American nuclear-weapon scientists, even though the government claims that no decision has yet been made on a successor to the UK Trident nuclear deterrent. The British may, it is reported, be designing their own RRW.

The aim is to produce a simpler warhead, known as the Reliable Replacement Warhead (RRW), using proven components. The idea is to trade off features that were important in the Cold War – such as high yield and low weight – in favour of features that are more relevant to today’s world – such as lower cost, easier manufacture, and increased confidence in the stockpile.

The RRW is being designed so that it can be tested in the laboratory rather than by detonation to avoid the need for a full-scale nuclear test that would breach the ban on nuclear testing. Critics argue that developing a new nuclear warhead would be a violation of the NPT. One possible way to avoid breaching the NPT would be a significant reduction in the number of warheads deployed.

Be this as it may, the fact is that if the UK fulfilled its obligations under the *Non-Proliferation Treaty* and abolished its nuclear weapons, the atomic weapons establishments at Aldermaston and Burghfield would become redundant.

The Debate

About the authors



Dr. Liam Fox has been MP for Woodspring since 1992, and Shadow Defence Secretary since December 2005; he was previously Shadow Foreign Secretary from May to December 2005. As a senior member of the Shadow Cabinet, Liam Fox has spoken frequently on issues relating to the strategic choices facing Britain, including the special relationship between the UK and the US, as well as an examination of the growing strategic prominence of China. He is a member of the *Royal College of General Practitioners*. He has worked as a Civilian Army Medical Officer and also worked in the voluntary sector as a divisional surgeon for St. John's Ambulance, before working as a general practitioner in Buckinghamshire and Somerset. One of the motivating factors that drew him into the Conservative Party was the strong position that it took in the Cold War against potential Soviet domination and its willingness to face down the unilateral disarmers of the *Campaign for Nuclear Disarmament*.



Dr. Caroline Lucas is the Green Member of the European Parliament for South-East England, and principal Speaker for the Green Party. She is President of the Globalisation Intergroup, Vice President of the Peace Intergroup, and is a member of the European Parliament's delegation to Palestine. Caroline is Vice President of the Stop the War Coalition, a CND National Council Member and Director of the International Forum on Globalization. Her recent publications include the pamphlet *Taking the Cons out of the Constitution* and *Green Alternatives to Globalisation: a manifesto*, co-authored with Mike Woodin. Fears over the use of nuclear weapons helped shape Caroline's political beliefs and she joined the Green Party in 1986, realising that Green politics was the only way to bring together her commitment to the environment, women's issues and the peace movement. Caroline was born in Malvern and misses the rolling English countryside when she is in Brussels. She lives with her husband and their two sons, Theo and Isaac.



General (retired) Sir Hugh Beach joined the army in August 1941 in the Corps of Royal Engineers. He saw active service in France 1944 and in Java 1946. He was Deputy Commander-in-Chief United Kingdom Land Forces 1976-77 and Master General of the Ordnance (Army Board member for Procurement) 1977-81. Retiring from the army in the latter year, he was Warden of St. George's House, Windsor Castle 1981-86, and Director of the Council for Arms Control 1986-89. He lectures and has contributed chapters to over two dozen books as well as publishing a number of monographs, articles and book reviews mainly on defence policy, arms control and disarmament, also on ethical issues concerning peace and war. He co-authored, with Nadine Gurr, a book on British nuclear weapons policy. While never having technical responsibility for them during his army career, (since all the British Army's nuclear delivery means – landmines, mortars, shells, rockets – had American warheads), nuclear matters were necessarily built into the tactical planning and exercises for which Hugh was responsible, where he found them a distraction from sensible military affairs. Hugh went along with Polaris at the time, but opposed Trident from the beginning, as money spent to no useful purpose, and better directed in his view to usable military forces or (more likely) on schools, hospitals, motorways or whatever.



Admiral Sir Raymond Lygo, was born in Ilford, Essex, in 1924. He left school at 14, joined the Navy at 18 as a Naval Airman 2nd Class and 36 years later retired as a full Admiral, having been both Vice Chief and Chief of the Naval Staff. On retirement from the Navy, he joined British Aerospace (then a nationalised company), took it into privatisation, and rose to Chief Executive before retiring 12 years later. Sir Raymond's 36 years in naval service, most of them at sea, including a period of command of the carrier striking force with a nuclear capability, shaped his ideas on the role of the Navy both within and outside NATO, and also the power and effectiveness of the nuclear deterrent. As ex-Chief Executive of the largest armaments company in Europe, he also has a good insight into the way in which procurement is conducted in the UK and of the ability of politicians to satisfy their own requirements and perceptions, rather than the actual requirements for the defence of this country. He is a firm believer in Naval power and a supporter of the Government's intention to build two new aircraft carriers. In his book, *Collision Course*, he covers most of the political and military shenanigans of the past thirty years. He is a widower with three grown up children and five grandchildren. He owns a Cessna 206 Stationair and, apart from flying, is interested in gardening, building and joinery.



Dr. Steven Haines MA, PhD (Aberdeen), LL.M (London) is Head of the Department of Politics and International Relations in the University of London's Royal Holloway College and an Associate of the Oxford Research Group. He is currently also Visiting Fellow in Law, Strategy and Military Operations at Cranfield University, Shrivenham and, in 2001, was the Hudson Senior Visiting Fellow at St. Antony's College, Oxford. He is a former Royal Navy officer whose operational deployments from the early 1970s included Northern Ireland, Kosovo and Sierra Leone. Between 1999-2003 he chaired the Editorial Board of the United Kingdom's Manual of the Law of Armed Conflict (published by Oxford University Press, 2004) and co-authored its chapter on "Maritime Warfare". While a staff officer within the Policy Area of the Ministry of Defence's Central Staff, he also wrote the UK's current strategic doctrine (British Defence Doctrine, UK MoD, 2001). Steven has thought a great deal about nuclear weapons and the legality and morality of nuclear strategy since the 1970s when, as a young Royal Navy Lieutenant, he was one of four officers onboard a British destroyer who would have been responsible for 'releasing' nuclear depth bombs; happily, he never had to do so! He believes that 'great power war' has been avoided since 1945 largely because nuclear weapons have been a stabilising influence and that Britain, as a responsible power, should not abdicate its nuclear role until the prospect of 'great power war' ceases to be a feature of the international system.



Commodore (retired) Tim Hare A career naval officer, Tim clocked up over thirty years in the submarine service with operational appointments in HMS OSIRIS and HMS RESOLUTION, a Polaris SSBN where he was responsible for the safe custody and launch of nuclear weapons. The latter half of his military career was spent in the MOD in procurement and policy appointments. Throughout he has been closely linked with the UK strategic deterrent programme: initially Polaris and later Trident where he was part of the procurement team responsible for commissioning the Vanguard Class SSBNs in the 1990s. Tim's last service job was as Director Nuclear Policy in the MOD (1999 - 2002) where he managed the implementation of the revised UK Nuclear Policy described in the 1998 Strategic Defence Review and represented the UK in nuclear issues at NATO and in the USA. He retired from the Royal Navy in 2002 and now works for an international defence company. He remains engaged in the nuclear debate, offering an "insider's" policy perspective on this vital issue. He lives near the site of the Glastonbury Festival in Somerset with his wife, dogs and visiting sons.



Professor Nick Grief is the Steele Raymond LLP Professor of Law at Bournemouth University and a practising barrister – an associate tenant at Doughty Street Chambers, London. He specialises in international law, human rights and EU law. His engagement with the issue of the future of Britain's nuclear weapons is strongly influenced by his Christian faith. He has been speaking and writing on the legal status of nuclear weapons since the early 1980s, when he was a lecturer in public international law at the University of Exeter and a member of *Christian CND*. Over the last 20 years he has appeared in several cases concerning the legality of Trident or related matters, such as legal challenges to military expenditure, mostly as an expert witness. He was closely involved in the *World Court Project* (notably as the author of a legal memorandum entitled "*The World Court Project on Nuclear Weapons and International Law*") which led to the ICJ's advisory opinion on the Legality of the Threat or Use of Nuclear Weapons in July 1996. In November 2004 he was counsel to the *Peacerights* Inquiry into the legality of nuclear weapons. He is co-editor of the "*European Human Rights Reports*" and a major contributor to the Government Legal Service's EU law training programme. He has also delivered EU law training for the Environment Agency and the Financial Services Authority and human rights training for the Cabinet Office, the Sovereign Base Areas Administration (Cyprus) and the States of Guernsey Civil Service Board and Education Council. He is an Associate of *Oxford Research Group* and an Adviser to the *British American Security Information Council* (BASIC).



Rt. Hon Clare Short MP was Secretary of State for International Development from 1997 to May 2003, a new Ministry created after the 1997 general election to promote policies for sustainable development and the elimination of poverty. In November 2004, her book "*An Honourable Deception? New Labour, Iraq, and the Misuse of Power*" was published as an attempt to explain why Tony Blair did what he did on Iraq so that the lessons can be learned and things put right. She previously worked as a Civil Servant at the Home Office, as a Director of *Youthaid* and the Unemployment Unit and as a Director of AFFOR, a community based organisation promoting racial equality in Birmingham. She entered the House of Commons in 1983 as the Member of Parliament for Birmingham Ladywood, which she has held since then, and is the area where she was born and grew up. She was Shadow Minister for Women from 1993 – 1995 and Shadow Secretary of State for Transport from 1995 – 1996. She has also been Opposition spokesperson on Environment Protection, Social Security and Employment. She has been a member of the *Helsinki Process on Globalisation and Democracy* and member of International Advisory Board, *Geneva Centre for the Democratic Control of Armed Forces* (GDAF). Since 2004, she has been an Associate of *Oxford Research Group*. She believes that the world is in trouble and the UK is part of the problem. She argues that UK commitment to a nuclear weapon provided by the US ties us to US policy and prevents us from working for a more just and equitable international order.



Dr Julian Lewis is the Shadow Defence Minister dealing with nuclear deterrence and Royal Navy issues. He has served on the Defence Select Committee and was Shadow Minister for the Cabinet Office in the run-up to the 2005 General Election. He has been the Conservative MP for New Forest East since 1997, and was a Deputy Director of the Conservative Research Department from 1990 to 1996. In the 1980s, he was a leading campaigner against the CND and in favour of the decisions to acquire Trident and deploy NATO cruise missiles. A second edition of his book, *“Changing Direction: British Military Planning for Post-war Strategic Defence, 1942-47”*, was published by Frank Cass in 2003. It was the issue of Britain’s retention of a nuclear deterrent which ‘politicised’ him as a youngster in the early 1960s, when the then Labour Opposition under Harold Wilson proposed to abandon the plan to build the Polaris fleet. He saw this as a failure to learn any of the lessons of disarmament in the 1930s and its deadly contribution to the coming of World War II.



Mary Midgley D.Litt. (Dunelm) is a professional philosopher whose special interests are in the relations between humans and the rest of nature, and in the troubled frontier between science and religion (particularly in cases where science becomes a religion). She strives to bring academic philosophy back into connexion with life, rather than becoming a form of highbrow chess for graduate students. Among her books, the most relevant to this debate include *“Evolution As A Religion”* (Methuen 1985), *“Science As Salvation”* (Routledge 1992), *“Science and Poetry”* (Routledge 2001) and *“The Myths We Live By”* (Routledge 2004). Her most recent book is a memoir called *“The Owl Of Minerva”* (Routledge 2005). Mary is working at present on the concept of Gaia. Born in 1919, she took her university degree in Classics, Philosophy and Ancient History at Oxford, during the war. After graduate work, she lectured in Philosophy, first at the University of Reading, then (having married another philosopher, Geoffrey Midgley) at the University of Newcastle on Tyne, where she became a Senior Lecturer. Besides miscellaneous broadcasting and book-reviewing, Mary has campaigned for the anti-nuclear movement which concerned her deeply from its earliest days, and for various causes on behalf of animals. For some years she chaired the RSPCA’s Advisory Committee on Animal Experimentation and also the Forum for Science and Religion. Mary lives in Newcastle, and has three sons.



Professor Ken Booth, Co-editor

Ken Booth is E.H. Carr Professor in the Department of International Politics at the University of Wales, Aberystwyth, the world’s first university department in the subject. He was Head of Department between 1999-2005. He is an Academician of the Academy of Learned Societies for the Social Sciences, and a former Chair of the British International Studies Association (and presently Vice-President). In 2004 he received the Susan Strange Award from the (US) International Studies Association for his contribution to the discipline. Previous positions include Scholar-in-Residence at the US Naval War College in Newport RI; Senior Research Fellow, Dalhousie University in Halifax, Canada; and Macarthur Professor in Global Security and Visiting Fellow at Clare Hall, Cambridge. He has written on war and peace, disarmament and arms control, nuclear strategy, naval policy, the Cold War, regional security, strategic culture, ethics, human rights, critical security studies, and international relations theory. He is presently working on two books: *“The Security Dilemma: Fear, Cooperation, and Trust in World Politics”* (with Nicholas J. Wheeler) and *“Theory of World Security”*.

The Debate

1 *Is there a sound political rationale for the UK retaining its nuclear weapons?*

Dr. Liam Fox argues that without a fundamental revolution in the behaviour of mankind the risk of nuclear blackmail will continue to exist, therefore the UK needs the power of nuclear deterrence.



Dr. Liam Fox MP
Shadow Secretary
of State for Defence

The distinction between a political and a military rationale for the UK retaining its nuclear weapons, is fundamentally unreal. It is often said that the first duty of any government is the defence of the country, and this is no less valid for being a truism. The primary reason that politicians choose to support the maintenance of a British nuclear deterrent is because, in our judgement, such a policy helps to protect the United Kingdom. Thus, the political rationale and the military rationale are one and the same.

Some may argue that there are purely political reasons for keeping such a capability which have no military significance at all. Examples would be questions of relative prestige possibly conferred on a country by possession of the ultimate weapon, or – most commonly – the suggestion that Britain's nuclear status helps us to retain our seat as a permanent member of the United Nations Security Council. These are, frankly, secondary issues – little more than by-products of a decision taken for much more important reasons. Those reasons are not just the preserve of military chiefs.

Let us take an example from history. Given the lack of any obvious potential enemy in the 1920s, each of the three Armed Services was preparing its contingency plans against an entirely different potential enemy. Ultimately, though, it was down to the government of the day to take the decision as to what Britain's defence priorities should actually be. That is why the politicians of that era will always be tainted by their imposition of the planning assumption which took it for granted that war would not break out for at least ten years, and then carried this assumption forward every twelve months until 1933.

What the politicians of today have to decide, on the basis of the best military advice they can get, is whether there is a need to retain the ability – which Trident will give us for at least another fifteen years – to inflict unacceptable devastation on any state attacking this country with mass-destruction weapons. It involves making a decision about what the world may be like between the years 2020 and 2050, the likely life-span of the next generation of the nuclear deterrent. Yet, all history tells us that the outbreak of conflicts is seldom accurately anticipated. Therefore, the onus must be on the nuclear abolitionist, not on the believer in deterrence, to explain why one can be confident that no nuclear, or major chemical or biological threat will be posed to the United Kingdom during this long period so far ahead. I doubt if any such explanation will carry much conviction.

In one respect our task is easier than that which faced the Chiefs of Staff and their political masters after the First World War. True, both in the 1920s and in our present post-Cold War environment, there is no obvious state enemy in sight. (I exclude the looming terrorist threat, which is in a category of its own.) However, whereas the choice of an enemy 80 years ago had huge implications for the shape and size of the Armed Forces of the day, the task is much simpler in the nuclear age. Intercontinental ballistic missiles like Trident are sufficiently flexible, given their range and invulnerability, to deter any state which may seek to use or threaten the United Kingdom with mass-destruction weapons at any time in the future. In short, it would not have mattered which was the real threat out of the three different potential enemies identified in the 1920s. Each would face unacceptable retaliation from a modern strategic missile system like Trident.

The versatility of a policy of minimum strategic nuclear deterrence makes up for our inability to anticipate future enemies or predict future threats.

The versatility of a policy of minimum strategic nuclear deterrence makes up for our inability to anticipate future enemies or predict future threats. Conversely, any decision to deprive ourselves of the deterrent would leave the country open to future aggressors whom we would be able to identify only when it was too late to try and rebuild our nuclear forces so recklessly discarded. Needless to say, any attempt to re-acquire a nuclear deterrent once a threat was beginning to emerge, would immediately generate storms of protest on the basis that it would constitute an arms race and make a tense situation even more febrile.

Advocates of British nuclear disarmament often refer to Article VI of the *Non-Proliferation Treaty*, but nearly always quote it selectively. The full text of the Article states:

“Each of the Parties to the Treaty undertakes 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.”

As can be seen, the Article covers three topics. The first requires the end of the nuclear arms race “at an early date”, while the second and third express little more than an aspiration for the ultimate achievement of a world which is completely disarmed both of nuclear and all other weapons too (“general and complete disarmament”). Nothing in the Article requires worldwide nuclear disarmament to be achieved prior to worldwide conventional disarmament. This is just as well: to abolish all nuclear weapons in a world left bristling with all sorts of other deadly armaments would be to make the world safe again for the disastrous conflagrations which killed millions between 1914 and 1918 and between 1939 and 1945.

Only when there is a fundamental revolution in the behaviour of mankind, so that states no longer begin conflicts with one another, will a totally disarmed world become feasible. It is as well to be honest and to accept that such a state of affairs may never exist in our lifetimes, or at all.

Like France and China, Britain has never engaged in a nuclear arms race. All three countries have contented themselves with nuclear arsenals which are much smaller than those of any superpower, but which are large enough to inflict unacceptable levels of damage nevertheless. This policy of ‘minimum strategic nuclear deterrence’ means that we have never fallen foul of the NPT requirement to cease engaging in the nuclear arms race “at an early date”, as we have never sought to match the weapons totals of the United States or Russia. Replacing our deterrent with a successor system will not breach the NPT either.

Sometimes it is claimed that, even if one believes in a policy of nuclear deterrence overall, it is pointless for the United Kingdom to have a separate system rather than rely on the protection of an American nuclear umbrella. This takes us back to the arguments of the Cold War years about whether it would have been possible for NATO to use battlefield nuclear weapons to thwart a mass conventional attack from the East without the exchanges escalating into all-out nuclear war. Whatever the wisdom or otherwise of NATO’s defensive plans, we now know from documents released by the Federal German Government

*a hostile Power
might overrun
the European
Continent*

in 1992, that nuclear weapons would have been used by the Warsaw Pact in their offensive plans. According to David Miller's study of *The Cold War: A Military History*:

"In these plans it was intended to use nuclear weapons as an integral part of the attacks, even if NATO did not use them first, and many targets had already been selected ... Yields would have varied between 3kt and 100kt, and the weapons would have been targeted on NATO nuclear-weapons and nuclear-support facilities, air bases, headquarters and communication centres, troop concentrations and naval bases." (p. 362)

It is always possible to argue, when a war does not break out, that this happy state of affairs was not the result of deterrence, because (it is suggested) the war would not have happened anyway. Short of dismantling our defences and waiting to see if we are attacked, it is impossible for national politicians ever to prove beyond doubt the necessity of keeping a nuclear deterrent. All we can do is to apply common sense leavened with an understanding of the lessons which history seems to offer. The fact that the Cold War antagonists, despite their intense rivalry and hostility, felt it necessary to draw back from a full-scale military showdown is at least prima facie evidence that the so-called nuclear balance of terror was a major, and probably decisive factor. This also explains the phenomenon of 'proxy wars' where the Cold War superpowers pushed forward client states to do their fighting for them in limited theatres, rather than tackling each other directly.

Nevertheless, the prospect could not be ruled out then, and cannot be ruled out for the indefinite future, that a hostile Power might overrun the European Continent without a global nuclear conflict resulting. In such circumstances, assuming that the United Kingdom and the United States were still in alliance, the victorious Power on the Continent would have to decide what to do about Britain. If we still had our own strategic nuclear force, there would be no doubt that the use of enemy nuclear weapons against us would be unlikely, in view of our ability to mount deadly, if unequal retaliation. If, by contrast, we had been foolish enough to relinquish our own deterrent, then the aggressor would have to decide whether the Americans would be likely to risk a global nuclear war by retaliating for an attack on one or more British cities.

There are two possibilities: either the Americans would not take such a step, thus allowing the United Kingdom to be attacked with impunity, or they really would retaliate on our behalf. Yet, even if the latter were true, the possibility would still remain that the enemy would miscalculate, launch a strike against the United Kingdom, and then find out his mistake about US determination to respond only when it was much too late for all concerned. An independently-controlled British nuclear deterrent would remove from an aggressor's mind almost all uncertainty about the consequences which would follow nuclear, chemical or biological aggression against the United Kingdom. The only way then to eliminate the British from the conflict would be to mount a hazardous and complex conventional attack with no certainty of success.

No doubt, it will be argued that such set-piece scenarios are anachronistic or fanciful in this day and age. Yet the notorious unpredictability of human affairs and the speed with which new threats and enemies can unexpectedly materialise, mean that we can have no assurance of escaping the attention of a major militaristic state in the future merely because the threat facing us at present is from amorphous international terrorism. Any country which purports to take its duty of national defence seriously must prepare a range of capabilities to meet a wide spectrum of possible dangers.

Whenever long periods of international peace occur, democratic states tend to reduce the size of their armies, navies and air forces. What they do not do, if sensible, is to eliminate any of these fighting arms completely. The same must apply to our nuclear deterrent in peacetime. We cannot scale it down, as it has always been set at the minimum deemed necessary to overcome possible countermeasures and be able to inflict unacceptable damage if used in retaliation for a WMD attack.

nuclear weapons show any enemy that an attack on Britain with mass-destruction weapons will lead to retaliation in kind.

Either we continue to possess a nuclear retaliatory capability or we renounce it completely. My view is that unilateral renunciation would be on a par with a decision to dismantle one or more of our conventional Armed Services. Indeed, no amount of conventional forces could compensate for the lack of a minimum strategic nuclear deterrent, if we ever found ourselves facing a hostile Power armed with mass-destruction weapons. When all these issues were being debated at the height of the final phase of the Cold War in the 1980s, it was sometimes suggested by the anti-nuclear lobby that the Falklands conflict illustrated the uselessness of our nuclear weapons since they did not prevent the invasion of those islands. Yet, there was never the slightest prospect of democratic Britain cold-bloodedly mounting a nuclear strike against Argentina under these circumstances. What the critics should have considered was the position in which we would have been if the Argentines had possessed even a few mass-destruction weapons and we had renounced ours before the Falklands were invaded. Whether we would then have dared to re-take the Islands with our conventional forces is very much open to doubt.

To sum up, nuclear weapons are not a panacea. They cannot deter every type of threat; nor can they necessarily prevent attacks on our interests by conventional forces. What they do is to show any enemy that an attack on Britain with mass-destruction weapons will lead to retaliation in kind. Their possession removes any risk of miscalculation which might otherwise be made if we relied on another country for our nuclear protection. They do not remove the need to maintain conventional forces as well, but they cover a crucial part of the spectrum of threats which no amount of soldiers, sailors or airmen could possibly fill without them.

The political rationale, therefore, for the retention of UK nuclear weapons is the need to prevent any other state at any time in the future from thinking that it could blackmail or attack this country without itself being liable to comparable devastating loss.

Afterword

Advocates and opponents of nuclear deterrence seldom manage to convert each other, since they generally take up their positions according to judgements based upon articles of faith. Thus, Caroline Lucas has faith in what she describes as the “taboo on the use of nuclear weapons” which has built up since 1945, and faith in the prospect of Iran being likely to “negotiate away” any nuclear weapons capacity. By contrast, she has no faith at all in the foreign policy of our US allies nor in the restraining effect on a potential aggressor, at any time in the decades to come, of Britain’s ability to threaten nuclear retaliation.

On all these points, my judgement is at odds with hers; but I am genuinely intrigued by her concluding argument – that New Labour will probably decide to replace the deterrent because of the disastrous effect on Labour’s results in the 1983 and 1987 General Elections. Here, at least, we can both agree: the political rationale for replacing or abandoning Britain’s nuclear deterrent should focus upon the likely consequences for the security of the country – and not upon the likely electoral consequences for the Government in three or four years’ time.

The Debate

1 *Is there a sound political rationale for the UK retaining its nuclear weapons?*

Dr. Caroline Lucas argues that to relinquish Trident would strengthen the Nuclear Non-proliferation Treaty, reassert the nuclear taboo, and de-link the UK's foreign policy from the Whitehouse.



Dr. Caroline Lucas MEP
Principal Speaker
for the Green Party

Let us escape the mistakes and constraints of the past. Let us base the critical decisions of our time upon the needs of the present and future, not the fears of the past, be they Cold War attitudes or divisive domestic political debates.

Given our current position in the world, with no clear external military threat and a positive relationship with the world's only super-power, if Britain cannot contemplate renouncing its nuclear weapon status today, it never will. And with the non-proliferation regime under severe strain as a result of the exit of North Korea from the NPT, a spat over Iran's nuclear power programme, and the nuclear weapon states' failure to disarm, it is more important than ever that we act to uphold its principles. If we invest in a new nuclear weapon system, we will be abandoning the government's legal commitment to negotiate in good faith towards disarmament. We will be responsible for legitimising permanent nuclear weapon possession, and encourage others with greater real threats to their territory than ours to go down the nuclear route. In threatening nuclear attack against civilian populations, we are perhaps no better than the terrorists.

It is true to say that the most important political rationale for, or against, our possession of nuclear weapons must be the security of the people of Britain as well as of the world. However, the debate in past decades has been dominated by a partial view of our military security; a view that places the need to threaten annihilation in response to any possible and unspecified overwhelming military challenge above the consequent impacts upon global security and risks to our health and lives.

It appears that we in Britain cannot give up our 20th century addiction to the illusory security provided by nuclear weapons, even though we face no clear external threat. It is said that if we did not have our nuclear deterrent, we would be subject to blackmail. But there are 184 other countries on our planet that exist without nuclear weapons, most of whom have entirely escaped the addiction or temptation, and many of whom face much greater direct military security threats and have worse relations with nuclear weapon states who could conceivably blackmail them.

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Nuclear deterrence contains a contradictory logic that contains the seeds of its own destruction. The use of nuclear weapons is unthinkable, for it would endanger the planet, in their immediate and long-term destruction, in the likely retaliation, and in letting the genie out of the bottle. Yet any adversary has to believe that it is likely we will use them if they are to be deterred. We have to give the impression that we are prepared to use the nuclear option, even if it were to mean our own destruction. So credible deterrence demands a kind of delicate and unstable dance with any potential adversary, and thus undermines the prospect of trust and reconciliation.

The taboo on the use of nuclear weapons that has built up since 1945 itself undermines credible deterrence. Indeed, it is largely the desire to shore up the reduced confidence in deterrence that is driving the Bush Administration's desire to undermine the taboo

by acquiring new smaller and 'useable' nuclear weapons. Following on from the *National Security Strategy* document of 2002, the Administration has recently developed the classified US *Joint Doctrine for Nuclear Operations* that envisages the use of nuclear weapons against non-nuclear states considering the use of chemical or biological weapons against US forces. In crossing the line, this dramatic and illegal move totally threatens the non-proliferation regime and fuels the sense of injustice and 'West versus the rest' sentiment which is widely held outside the United States.

*we have
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Britain is currently trying to persuade the Iranians to give up the nuclear power technologies that they have a legal right to under the non-proliferation treaty (NPT) but that could also give them threshold status, the capability of making a nuclear warhead. A nuclear-capable Iran, run by militaristic Islamist regime with a poor human rights record and association with terrorism abroad, is not a pleasant prospect.

But let us for a moment consider the situation from their perspective. Iran is surrounded by US bases in eleven neighbouring countries, with US nuclear-capable B2 bombers based on British Diego Garcia, and the mighty Fifth fleet touring the Persian Gulf. The US is pursuing a policy of regime change in Iran, and has demonstrated a willingness to invade a neighbour, Iraq, to achieve it there. If the British decision-makers currently planning the replacement of Trident were running Iran, they would have developed nuclear weapons years ago.

However, the Iranians are far from mastering the nuclear fuel cycle, and their Supreme Leader has declared nuclear weapons incompatible with Islamic Law. They have expressed a willingness to be bound by the IAEA's Additional Protocol, and would probably negotiate away any ambitions to develop the reprocessing back-end of the nuclear cycle. The opportunities are there for a negotiated settlement to the dispute.

While we condemn Iran's ambitions – and indeed the similar ambitions, fulfilled or unfulfilled, of any government – to manufacture their own nuclear fuel, the US government is sanctioning the export of nuclear technology to India, even though the Indian government has not signed the NPT, has no safeguards agreement with the IAEA, and has developed nuclear weapons, thus undermining the non-proliferation regime. We can only draw one conclusion, that non-proliferation policy is now simply about determining who are the good guys and who are the bad, and who can be bullied or bought.

The US Administration is right in one thing: we cannot passively cling to the increasingly discredited and sinking life raft of the NPT. But this is not because treaties are useless. It is because we have punctured the treaty by abusing it to justify our indefinite nuclear weapon possession and maintain a world where access to technology is discriminatory. British diplomats at the NPT review conferences of 1995 and 2000 played an important positive role in patching up the NPT. Our representative at the NPT Review Conference in New York in May 2005, Ambassador John Freeman, restated the UK commitment: "We re-affirm our unequivocal undertaking to accomplish the total elimination of nuclear arsenals..." But Tony Blair's declaration that he remains committed to retaining our

We appear to have a blind spot when it comes to our own use of terror

nuclear deterrent shows the extraordinary hypocrisy of the Government's position. We have all along intended to keep our nuclear arsenals. We have negotiated in bad faith, we have lied to the world, and they are waking up to the fact.

Let us at least attempt a foreign policy based upon fairness, honesty and international law.

We do not live in a world where perils arise from nowhere. Our actions influence the risks with which we live. Our profligate use of fossil fuels drives climate change and brings closer the inevitable end to the lifestyles to which we have become accustomed. Our economic systems drive inequality and lead directly to the poverty and misery we see in Africa today. Our support to the US in its invasion of Iraq has directly contributed to the terrorist threat faced by Britons at home and abroad.

The logic that points to potential future threats as a reason to replace Trident is related to the neo-conservative thinking that military action is justified against countries that might, in future, acquire the capability to threaten American interests. It is beyond respect for the law. It is a recipe for anarchy, proliferation, war and perpetual terror.

The issue is not whether Britain will face unclear nuclear threats in the future, but how best we can act today to build a secure world where such threats do not arise, and how best our security can be strengthened if we fail in this endeavour. There are already enough hard and known critical threats to our security today that demand our attention without the distraction of vague threats that we may well create ourselves by our precipitous actions.

The tens of billions that will be ploughed into any replacement is money desperately needed to secure the Cold War legacy of aging nuclear, chemical and biological weapons in the former Soviet Union, as well as our own polluted nuclear sites, and to strengthen safeguards against nuclear proliferation. It is needed for investment into energy conservation and clean renewable energy technologies, essential if we are to avoid the very worst impacts of climate change and provide more appropriate solutions to the energy insecurity that is undoubtedly round the corner for our planet as fossil fuels begin to run out. These solutions are also essential to prevent the proliferation of nuclear power technologies, linked inextricably to their military applications.

It is self-evident that nuclear weapons are no defence in the so-called 'war on terror'. Moreover, the extent to which they make nuclear terrorism more likely is underplayed. Their deployment makes it more probable that fissile material, or the technologies of nuclear weapon manufacture, are more easily acquired. It deepens the sense that certain states use their overwhelming power to impose their will at the expense of the weaker; the powerless are bound to respond using violent asymmetric means (otherwise known as terrorism). It also legitimises the targeting of mass civilian populations. We appear to have a blind spot when it comes to our own use of terror.

Much is made of the importance of our independent nuclear forces that clearly demonstrate the autonomous deterrent capability necessary to persuade any future aggressor of our determination to protect particular British interests. This neglects the fact that British

nuclear systems are no more independent of the United States than your left arm is of your body. In return for essential US assistance for our nuclear deterrent under the Mutual Defence Agreement – the leasing of the Trident missiles, the blueprints for the submarines and collaboration on the warhead designs – we are beholden to the United States not only for targeting, but also in our broader foreign and defence policies. Far from our nuclear weapons giving us independence, they underpin our status as pillion passenger to US foreign policy goals, pursued for immediate (and frequently sectional) US interests. If we abandon our nuclear deterrent we take one crucial step towards reclaiming our foreign policy, so that we can use it to be a genuine and recognized force for good in the world.

it will only be a minority of Labour MPs that will be prepared to engage in any debate at all

Public opinion over Britain's place in the world has changed dramatically in recent years. The Iraq war has driven a wedge between public opinion on both sides of the Atlantic. Many more Britons see the US Administration as the principal cause of global insecurity rather than the world's protector. Government actions prior to the war, and its continuing close relationship to the Bush Administration, were prime issues in last year's general election campaign. With a million people on the streets of London on 15 February 2003, we now know that the British people are keenly aware of international issues not directly connected with British status or global power. They care about world poverty, climate change, global oil and gas shortages, nuclear proliferation, possible attacks with WMD. In the post Cold War environment, the hypocrisy of the government in retaining nuclear weapons while proposing severe actions against others that may be acquiring them is well understood. Our government may talk about being the changemaker, but increasingly it is the British public that shows a willingness to contemplate change where the government is not.

So, why then, given the overwhelming reason to abandon nuclear weapons, and the potential public support there would be for such a move, has this government such confidence that it will be able to rubber stamp a replacement for Trident sooner rather than later?

The key lies in the Labour Party itself. The 1980s debate over nuclear disarmament, characterised by the introduction of cruise missiles at Greenham Common, and the demonisation of those taking part in large CND marches and women's peace marches, is burned upon the memories of those within the Labour Party. Whatever the truth of the matter, the Party mythology is that their policy of unilateralism, and the media image of the Party created as a result, was directly responsible for their extended years out of government. It was the reaction to this perception that originally gave birth to New Labour. Much opinion in Parliament remains stuck in the past; MPs are unlikely to give sufficient credence to the fact that the Cold War is over and that public opinion has changed dramatically. It has become one of New Labour's most closely guarded principles, that the Party has to appear 'strong' on defence if it is to remain in power.

As a result it will only be a minority of Labour MPs that will be prepared to engage in any debate at all. Despite the public government declaration welcoming a debate, Tony Blair and Jonathan Powell, his Chief of Staff, have locked down the debate over whether to replace Trident before it has even started. The civil service has clearly been instructed to avoid any discussion involving Trident replacement, the Ministry of Defence, in a decision of

questionable legality, has refused to answer any Freedom of Information questions relating to Trident. The majority of Labour MPs will follow this line if they know what is good for their careers.

Now Tony Blair, in the twilight of his premiership, sees an opportunity to smoke out the opposition within his Party with little risk, and destroy them once and for all. He is looking to entrench his legacy. He knows that with the memories of eighteen years of opposition still fresh in the collective Party consciousness, there is little chance of effective internal opposition, no matter how strong public opposition might be, nor how compelling international law.

The result will not only be one of the biggest and most horrifying missed opportunities for a major step towards a nuclear-weapon free world. It will be yet another a travesty of British democracy executed by a Party that has no moral right to stay in office.

Afterword

The last time Britain considered a new nuclear weapons system – Trident’s replacement of the Polaris – it spawned a massive resurgence in the *Campaign for Nuclear Disarmament* and the largest demonstrations in this country for some time. The issue took centre stage and defined much of the political landscape in Thatcher’s first term. The debate was highly polarised, and the two sides were separated by a chasm across which they shouted at each other. There was little real listening. This situation may appear attractive, enabling us to cling on to past certainties, but the world has moved on.

Contrary to Liam Fox’s assertion, I am not willing to compromise Britain’s security on some ‘faith’ that the nuclear taboo, which has undoubtedly strengthened, will hold back the desires of dictators and ambitious imperialists. The chances of our survival as a country, and indeed as a species, depends upon us building a co-operative international security without nuclear weapons, policed by international organisations such as the IAEA with strong verification powers. Such a situation would be more secure if we were also to give up nuclear power technologies to overcome the dual-use ambiguities. The only alternative to a nuclear weapon-free world, in the longer run, is a world awash with nuclear weapons, one where their use by accident or in a hostile act, is almost inevitable.

As a country within the alliance that has overwhelming conventional and nuclear superiority, the responsibility to move towards such a goal lies full square with us. Our nuclear deterrent could, in some future scenario, restrain a potential aggressor; but the likely cost of retaining that insurance policy could be our very existence.

The Debate **2** *Are there realistic security and military rationales for the UK retaining its nuclear weapons?*

Sir Raymond Lygo argues that nuclear deterrence is a prudent insurance policy in a world where future threats are real and uncertain; and deterrence is militarily preferable to waging war.



Admiral Sir Raymond Lygo KCB
former Chief of the Naval Staff; and former CEO, British Aerospace

The reason for any nuclear deterrent capability must be political and the decisions to use such a weapon must also be political, based on military advice.

From the military viewpoint, any effective deterrent, nuclear or not, is better than the alternative of waging war. An effective deterrent must be secure, must be capable of achieving the aim and be as invulnerable as possible to a counter strike. To be militarily effective a deterrent's owner must be prepared to use it, and be believed to be prepared to use it.

When we first acquired our nuclear deterrent we lived in an extremely dangerous world with unknown parameters. Not much has changed. At that time only four countries had a nuclear attack capability. Now there are at least seven and maybe even more than that. Did it work? At the outset the reason for our nuclear deterrent was to provide an insurance that if the Soviet Union (as it then was) felt that it was necessary either to threaten to use or actually be prepared to use nuclear weapons against the United Kingdom for whatever purpose, then if the United States decided that it was not in their interest to try to protect the United Kingdom by the use of its own nuclear deterrent, then we would be able to strike back at Russia so as to make the attempt extremely expensive to both sides. In as much as we never were threatened by the Soviet Union to that extent, clearly it has worked. Whether it worked by default or not, in other words had we not had it would the United States have actually provided sufficient protection for us, we shall never know. The fact is we were not attacked and, as far as I know, we were not threatened with attack, and the fact that we had a nuclear deterrent was widely known. In addition, our submarines through the continuing use of technology, remain as invulnerable to counter-attack today as they were at the beginning, so in that respect little has changed.

There seems to be no military case for not having a nuclear deterrent if so many other countries of varying political stability have or are developing a nuclear attack capability. Certainly to abandon our own capability, or fail to maintain it would, from a military viewpoint, be very stupid and make us extremely vulnerable. Do we know enough about the future to discount the possibility of nuclear, or economic, blackmail from whomsoever? The unknown threat must be very real in a very uncertain world, as all history shows us.

to abandon our own capability, or fail to maintain it would, from a military viewpoint, be very stupid

It seems to me, therefore, that the military case for having a nuclear deterrent capability would be a wise insurance in the changing world in which we find nuclear proliferation a fact of life. Furthermore, if not impossible, a lost capability is extremely difficult and expensive to recreate or reprovide, and the time may not be available in which to do so, thus from a military point of view there is an overwhelming case for maintaining our nuclear capability and upgrading it or modifying it to the extent that is necessary to counter the threats that might emerge. To abandon it could send the wrong message to possible aggressors or fanatics.

In the military we are constantly faced with the possibility of failure by the politicians to resolve matters peacefully. The last thing we want is an engagement of any kind.

The greater the deterrent and the greater the deterrent capability, the better it is from the military point of view and to fulfil the requirements for a viable deterrent a ballistic system must be the most reliable from the perspective of vulnerability. It should be submarine based. Only four countries at present have the ability to build nuclear submarines: the US, Russia, France and the UK, but others such as Korea, Japan or China could develop such a system if they wanted to.

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We have created at Faslane an extraordinarily competent and capable support structure for the present Trident system. In addition it supports all the other nuclear submarines which we have, or have had, or are likely to have for the more conventional submarine role which includes the capability to launch Cruise missiles, so we have a support structure for a nuclear deterrent based largely but not exclusively upon the Trident and the cost of replacing it by some other system must inevitably be extremely large.

Are there alternatives to a ballistic system and how might they be used? It is perfectly possible to deliver nuclear weapons by air, either by conventional aircraft or by Cruise missiles which have proved highly accurate in the recent wars. It could be argued that the amount of nuclear damage that would be required as a deterrent could be measured by the threat that arose, or by the need to safeguard some vital interest.

It is extremely difficult to measure this and be certain that such a system would prove effective as a deterrent. Cruise missiles and aircraft delivered attacks are extremely vulnerable to any sophisticated defence, and the guarantee of success must be regarded as questionable. The vulnerability of any system must be taken into account and the submarine based system we know from experience is capable of remaining undetected and of detecting alternative nuclear submarine capabilities. It would be important to retain this capability and that of course would be part of the rationale for the existing nuclear submarine force other than the 'bombers'.

Would a lesser system deter and under what circumstances? I personally doubt it. Thus a massive overkill as a deterrent is not from the military point of view a disadvantage, and from the political point of view it also provides an enormous strength to any arguments that might ensue in an international arena.

There is a further point. I find it difficult to believe that we could entertain conventional military action against countries that have a nuclear capability, if we did not possess one ourselves. Having a nuclear deterrent does give us the freedom to operate at lower levels of conventional military capability should we be required to do so politically.

Hugh argues that in the previous US threats to use the massive nuclear deterrent they have in the event failed to carry out the threat. Well this is obvious because if they had we should have all known about it! The point he is making is whether the governments concerned realised that the massive overkill is not a real deterrent in certain circumstances. If one accepts this argument and takes it to its conclusion, you then have to decide what degree

of nuclear deterrent is adequate in the circumstances and as I have pointed out before, from a military point of view this is an extremely difficult thing to determine.

Hugh has also stated that it would be extremely difficult to detect who had effectively launched a strike against the UK, but this is just not so. As long as we maintain a close relationship with the US and have access to their intelligence, there is no reason to believe that we should not be fully aware of where a strike came from. After all, despite the proliferation of nuclear capability there are still a relatively small number of countries capable of launching a strike against us. However the point is, would one have enough time to launch a deterrent strike against the possible adversary? Very difficult to believe and in this event your deterrent, as such, has failed, although retribution would be on hand.

President Chirac has recently brandished the possibility of the use of nuclear weapons by France as a deterrent. It must be recognised that their system is based on a fairly obsolete capability with a limited number of warheads, and whether these might be considered strategic or not depends on the French point of view, which is not always entirely logical or practical. Could we, or should we attempt to scale down the capability of Trident in such a way as to make it less overwhelming in capability and enter into the realms of a limited attack cap – whatever that might mean. This would depend entirely on how the Americans view the development of the system which, in itself, is capable of outlasting our existing submarine force.

Would it be sufficient to rely on the US in countering any threat? Would it always be in their own interest? Could we rely on it? It is difficult to be certain of any action in a scenario of such horrendous possibilities.

It is interesting for someone of my age to read some of the discussion points that have been made in the recent debates, and to make from my experience of history a couple of simple observations: the League of Nations totally failed to prevent the last world war. Its inability to do anything about Italy and Germany in the build-up to that war is a matter of record. The United Nations seems to be following the same trend. It's great for philosophers and conscientious objectors, whatever they may call themselves, to talk about international collaboration and general agreement on nuclear non-proliferation but the evidence of the negotiations with North Korea and Iran do not seem to be very supportive of this. Does having a nuclear deterrent capability make it more or less likely that one would be vulnerable to a nuclear attack? It seems unlikely that the absence of a nuclear deterrent capability would deter a potential fanatical adversary from using nuclear weapons, or threatening to use them, in this event. Indeed, it would be much more simple for him so to do.

From a purely military point of view, I think it important to continue to emphasise the question of deterrents against what and whom. As I have said already, there is no over-riding military case for the use of nuclear weapons except perhaps in the battlefield sense or as a nuclear depth bomb, but these eventualities now seem remote. We are forced back onto the question of deterrence as such. Whether we need to have one or don't need to have one and whether (if the answer is 'yes') it is capable of deterring or not. If we did not have

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a nuclear deterrent of some form, would we be more safe or less safe? Again, from a military point of view one could not argue other than that we would be in a weakened position but only of course if we had the will to use any deterrent that we might have at our disposal. That is the crux of the question. Is it adequate and do we have the will, or the courage, or the desperation to use it in this event? From a military point of view, one must look at the aim as set out by the political masters and whether that is achievable or not. Unless we have a clear idea of what the threat might be, and from whom it might come, it seems that this is an almost impossible question to answer and therefore it is best to rest on what we know to be a deterrent rather than what might be.

It might in this case be useful to dwell for a moment upon the ability of Iran to develop a nuclear weapon capability. It is easy to forget in the West, and particularly for Western politicians, that if the aim or part-aim of any Iranian aggressive intent is to be based on Muslim law, then it is wise to remember that deception should not be discounted if the means justify the end or vice versa. Thus to say, or to deny, that one has a nuclear capability until at the last moment revealing it, should come as no surprise.

There is nothing unusual or strange about Mr. Hoon's statement about deterrents and the importance of maintaining in a potential adversaries mind uncertainty. This is the whole hard-core of deterrence and it is a purely political matter in the first instance.

There is one possible military concern which involves the domestics supporting a nuclear deterrent. It is possible, although maybe remotely so, that a future government might believe that all we needed to defend ourselves was a nuclear deterrent. This would, of course, severely inhibit our ability to exercise in what the present government considers to be its role in 'policing' certain parts of the world, when we are called upon to do so. The military capability to support this present strategy is fairly well established, but the cost of the nuclear deterrent when it falls upon one service can have an effect on its capability to perform its purely military role. Thus there is a case for making the funding of the nuclear deterrent quite separate from the individual military budgets. This would make more visible the amount of money allocated to it, and for the three services to perform their traditional tasks.

In summary, our existing deterrent is probably the best that exists at the present time, or for the foreseeable future. Is it an overkill for the likely requirements? Is it more than we are likely to need? Could, or would a likely aggressor be as rational in their deliberations as we, the US or the Russians may have been? Who knows? Given that the cost of a deterrent compared with its effectiveness is bound to be high, the advantage of overkill must be worth it unless its bill is out of all proportion to the threat.

All in all, therefore, from a military point of view the maintenance of a nuclear deterrent capability must be regarded as a prudent and cost effective political option but it must presuppose a political understanding of the realities involved.

The Debate **2** *Are there realistic security and military rationales for the UK retaining its nuclear weapons?*

Sir Hugh Beach argues that all scenarios for UK nuclear weapons use are incredible, in so far as such action would most likely be counter-productive to UK and global security.



**General (retired)
Hugh Beach**
former Master
General of the
Ordinance, and
former Director,
Council for Arms
Control

Tim Hare, the former Director for Nuclear Policy in the British Ministry of Defence has recently commented on UK nuclear policy as set out in the 1998 *Strategic Defence Review*.¹ He says:

“The policy makes it clear that the role of nuclear weapons is fundamentally political and that therefore any rationale for their retention is political. The UK does not possess nuclear weapons as part of the military inventory, they have no function as war fighting weapons or to achieve lesser military objectives. ... They are indeed ‘special’ and reason enough not to put them into the hands of generals and admirals for the achievement of military goals.”

Coming from such a well informed source this statement seems to dispose finally of the question posed in the title of this paper. But not everyone takes so dismissive a view. In July 2005 a Chinese General spoke publicly and matter-of-factly about the likelihood that if the United States interfered in a clash between China and Taiwan, nuclear weapons would be used.² More to the point, if Hare is right, why are NATO doctrine and deployment still based on a quite different hypothesis: why are the Americans apparently moving back towards a policy of the greater usability of nuclear weapons to fulfil military objectives?

NATO nuclear doctrine and forward basing

The classical NATO nuclear policy emerged in a series of ‘guidelines’ put out between 1967 and 1972.³ The aim was to defend at three levels: direct defence (which meant conventional defence) against a non-nuclear attack for as long as possible; controlled escalation through the use of Tactical Nuclear Weapons (TNW); and finally general nuclear response if all else failed. These guidelines, under the general rubric of ‘flexible response’ coupled with the overt acceptance of ‘first use’ by NATO as a last resort, were given substance by the development of weapons systems to match. Air forces were equipped with free-falling and guided bombs and air-to surface guided missiles. Navies, in addition to aircraft bombs, developed nuclear depth charges and anti-submarine rockets. Armies were equipped with nuclear artillery of various calibres and free-flight rockets. Ground-launched cruise missiles, land-mines and surface-to-air defence missiles were all given nuclear warheads. This force posture was developed at a time when Soviet conventional forces in western Europe outnumbered NATO’s by a factor of three to one or more.⁴ The dismemberment of the Warsaw Pact and of the Soviet Union, followed by the expansion of NATO, has meant that the ratio of conventional forces as between Russia and NATO has been more than reversed. Most of the TNW systems have been mothballed or destroyed. It might have been expected that these facts would lead to some reconsideration of the doctrine. But no such change has taken place. Thus Mr Hoon, British Secretary of State for Defence, in a written answer to a parliamentary question on 11 July 2002, said: “A policy of no first use of nuclear weapons would be incompatible with our and NATO’s doctrine of deterrence, nor would it further nuclear disarmament objectives. We have made clear, as have our NATO allies, that the circumstances in which any use of nuclear weapons might have to be contemplated are extremely remote. Our overall strategy is to ensure uncertainty in the mind of any aggressor about the exact nature of our response, and thus to maintain effective deterrence.”⁵ This makes it clear that NATO’s policy still remains one of flexible response, involving the possibility of first use of nuclear weapons as a last resort.

It would be more rational to argue that Europe and the US share a common interest in reducing the thousands of tactical nuclear warheads in Europe

Even more surprising is that, as a counterpart to this doctrine, American TNW are still held ready for use on the territory of six non-nuclear members of NATO and in the UK. These arrangements date from the late 1950s and early 1960s when bi-lateral Programs of Cooperation were concluded between these countries and the US, most of which remain in force today. The weapons are stored in specially constructed vaults on twelve airfields: three each in Germany and Turkey; two in Italy, and one each in Belgium, the Netherlands, Greece and the UK. The weapons are B-61 gravity bombs, delivered by strike aircraft. All the aircraft are dual capable, being specially equipped for nuclear munitions in addition to their normal role. The crews are trained and exercised in peacetime for their possible nuclear missions. The nuclear weapons are all owned by the US and in peacetime they remain under the sole control of the US Air Force. In most cases (but not the UK) they would be transferred to the partner nations in the event of war. The vaults have a total capacity of 360 weapons but it is believed that the holding of live weapons is about half this, say 150-180 bombs. The vaults are being refurbished in 2005 to keep them operational till 2018. The costs to the US Air Force of providing and storing the weapons and to the allied air forces of owning and operating the aircraft are said to be 'extraordinarily high'.⁶

Common sense would suggest that both the policy and practice of 'nuclear sharing' are out of date and should be scrapped. Why has this not happened? It seems clear that the continued presence of American TNW in Europe is due more to institutional paralysis than to logic: the desire to demonstrate America's continued commitment to European security, some vague concept of risk and burden sharing among NATO allies, or, most absurdly, adherence to the simplistic concept 'no nukes, no troops'. As Mr. Hoon said, in a written answer to the House of Commons on 1 February 2002: "Some US nuclear weapons remain based in the UK in accordance with long-standing NATO policy. Nuclear forces based in Europe and committed to NATO provide an essential political and military link between the European and North American members of the Alliance".⁷ It would be more rational to argue that Europe and the US share a common interest in reducing the thousands of tactical nuclear warheads in Europe left over from the cold war. Nearly all of these are Russian. As long ago as 1997, in Helsinki, Russia and the US mooted further measures to reduce tactical nuclear systems, but nothing has come of them. If the six non-nuclear members of NATO who currently train for a tactical nuclear role were ready to give this up it could open the way for repatriating all the remaining American TNW. This would meet Russia's long-standing wish to rid European territory of nuclear weapons within range of her territory. It could act as an important confidence building measure, and encourage further mutual reductions in TNW. In view of America's acute reluctance to enter into fresh treaty commitments, an exchange of unilateral announcements might be the best method. Meanwhile increased transparency in this area is a necessary first step.

The US Nuclear Policy

Great concern has been aroused by the American *Nuclear Posture Review* (NPR) submitted to Congress on 31 December 2001, of which excerpts have become publicly available.⁸ It establishes a New Triad consisting of:

- offensive strike systems, both nuclear and non-nuclear

- defences, both active and passive; and
- a revitalised defence infrastructure

bound together with enhanced command, control and information systems. In his covering letter to Congress Secretary of Defence Donald Rumsfeld said that the result would be to make the US less dependent than it has been in the past on nuclear forces to provide its offensive deterrent capability. But several of the proposals in the report suggested, on the contrary, a greater emphasis on nuclear weapons.

1. The report gave examples of 'immediate contingencies' for which the US must be prepared in setting requirements for nuclear strikes. These included a North Korean attack on South Korea or a military confrontation over the status of Taiwan. It listed also Iran, Syria and Libya among countries that could be involved in such contingencies, on the grounds that all sponsored or harboured terrorists and all had active programmes to develop weapons of mass destruction and missiles.

2. Under the heading of an 'Advanced Concepts Initiative' proposals were made for modifying existing nuclear weapons to provide additional yield flexibility, improved earth penetrating weapons and reduction of collateral damage.

Taken together these clearly implied a renewed willingness to regard nuclear weapons as useful and indeed usable weapons. Even more alarmingly, a draft document, the *Doctrine for Joint Nuclear Operations JP 3-12*, appeared on the Pentagon web site in the summer of 2005.⁹ This relates specifically to the use of nuclear weapons within a theatre, i.e. tactically. It says that such use requires that nuclear and conventional plans must be coordinated to the greatest extent possible. And it gives examples of conditions under which theatre commanders can request Presidential authority to use nuclear weapons.

These include:

- an adversary using or intending to use WMD against US or allied forces or civilian populations
- imminent attack from adversary biological weapons that only nuclear weapons can safely destroy
- attacks on adversary installations including WMD, deep hardened bunkers containing chemical or biological munitions or the command infrastructure required to attack the US or its allies
- to counter potentially overwhelming adversary conventional forces including , mobile and area targets (troop concentrations)
- for rapid and favourable war termination on US terms
- to ensure success of US and multinational operations
- to demonstrate US intent and capability to use nuclear weapons to deter adversary use of WMD
- to respond to adversary-supplied WMD use by surrogates against US or allied forces or civilian populations.

The Pentagon has now formally withdrawn this document but this is simply to remove it from the public domain and from the Pentagon's internal reading list.¹⁰ The point is that this document represents an explicit and internally coherent doctrine for the tactical use of nuclear weapons, which has found favour at a senior level. Those who regard this as a disastrous way of thinking have focussed on two projects in particular: 'bunker-busting' and 'mini-nukes'.

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'Bunker-busting'

The case for developing a nuclear warhead specifically for the defeat of hardened and deeply buried targets (HDBTs) rests on the alleged existence of over 1400 underground facilities, known or suspected, for use by potential enemies as command centres, refuges or stores for missiles and nuclear, biological or chemical weapons.¹¹ We are told that the depth of these structures, together with their steel and concrete reinforcement, call for highly accurate intelligence and precise weapon delivery. They may defeat any attack by conventional weapons. In 1997 the US added an earth-penetrating version of the B61 bomb to its nuclear arsenal. But tests have shown that it could penetrate only about 20 feet into dry earth when dropped from 40,000 feet. This means it could not destroy very deeply buried bunkers or caves. Nor is there any prospect that the radioactivity of the weapon's nuclear burst could be contained.¹² According to one well-founded calculation, a weapon twice the length of the B61, even if accelerated by a rocket, could not penetrate more than about 80 feet. The fallout produced by a 1kt warhead at that depth would kill everyone on the surface within a radius of about half a mile in still air. Wind could carry it for tens of miles.¹³ The new warhead would apparently be designed "with a much lower yield ... producing less fallout by a factor of ten or twenty".¹⁴ But immense lethal fallout would still be bound to result.

In any case the notion of 'bunker-busting', is beset with practical difficulties. How is one to determine the location of such bunkers with the necessary pinpoint accuracy – unless of course our own troops are already there, in which case better methods suggest themselves? What is to be done if the bunkers have been thoughtfully located under schools, hospitals or apartment blocks? How can one be sure which bunkers are occupied anyway? If the target to be attacked is believed to contain chemical, biological or nuclear weapons material, how can one be sure of incinerating it all, rather than distributing it in active form over a large area. It is therefore welcome news that funding for this project has been dropped from the Fiscal 2006 budget at the request of the *National Nuclear Security Administration* of the Energy Department. It looks as though this project may now be dead since the statement added that the Defence Department will now focus its research into earth-penetrating technology using conventional weaponry.

'Mini-nukes'

The case for 'mini-nukes' is less well defined. The Pentagon is said to be seeking a completely new warhead design with a yield of five kilotons or less. This could address one or more of the requirements set out in the NPR 'to attack mobile and re-locatable targets, to defeat chemical or biological agents, to improve accuracy and limit collateral damage'.¹⁶

It is said that to rely on high-yield strategic weapons for such purposes would be self-detering and the development of mini-nukes could ensure flexibility in decision making. In particular, America has wanted to keep its opponents guessing as to how it would respond to chemical or biological attack. As an official explained in 1996: “we think the ambiguity involved in the issue of nuclear weapons contributes to our own security, keeping any potential adversary who might use either chemical or biological [weapons] unsure of what our response might be”.¹⁷

More recently it seems that the veil of ambiguity has been to some extent set aside. According to a report in *The Washington Times* (31 January 2003) a classified document signed by President Bush on 14 September 2002 said: “The United States will continue to make clear that it reserves the right to respond with overwhelming force – including potentially nuclear weapons – to the use of [weapons of mass destruction] against the United States, its forces abroad, and friends and allies”.

Congress has recently voted the sum of \$25m, in the Financial Year 2006, for a project known as the Reliable Replacement Warhead (RRW).¹⁸ The idea is to redesign new parts for America's ageing stockpile that would make the warheads more reliable, longer-lived and safer to maintain. But if there are to be new designs of warhead, might not these be built with new missions in mind – for example mini-nukes or even bunker-busters re-introduced by the back door?¹⁹

Is the increased usability of NW for real?

During the hey-day of tactical nuclear planning in NATO (during the 1950s and 60s) target analysis for TNW concentrated on the blunting of dangerous enemy thrusts, the attack of troop concentrations (where the ability of neutron flux to penetrate armour and dug-in infantry positions with overhead cover was particularly useful), the destruction of bridges and the blocking of defiles (all but impossible by conventional weapons before the arrival of precision guidance) and the attack of dispersed relatively soft targets such as formation headquarters, anti-aircraft sites, supply dumps and communication nodes.²⁰ The draft doctrine quoted above seems to be harking back to Cold War as critics have been quick to point out.

The idea of using nuclear weapons against such targets today is highly implausible. This is not because the wars of today do not present such targets. The Taliban blocking approaches to Kabul, and the Iraqi Republican Guard defending Baghdad could certainly have been suitable for attack by F-15 or F-16 aircraft using B61 bombs; or by the mini-nukes said to be under consideration for attacking mobile and re-locatable targets, with improved accuracy and less collateral damage. But in every such case modern precision weapons coupled with carpet bombing by B-52s, tank-busting runs by A-10 and the use of C-130 gun-ships offer a far more cost-effective solution, ‘minus the fallout’. And it need hardly be pointed out that the capture of a city that is being defended from house to house is as unsuitable a task for TNW as it is possible to imagine.

As many people have pointed out Nukes are the only weapon that could pose a threat to US survival. Why would you want to open Pandora's box?

Still more implausible is the notion of using TNW in response to enemy use, or intending use, of chemical or biological weapons. If the aim were to retaliate upon the source of these weapons one would either have to trace the missile launchers (a notoriously difficult task) or, in the case of bombs or crop-spray aircraft, to attack their bases, which are not a lucrative target for TNW. If, more plausibly, the aim is simply to punish the regime by 'making the strongest possible response' then of course anything goes. There is no call for accuracy or minimal fallout – why not a megaton strike on the seat of government or the power base of the ruler?

But simply to say this is to show why such a concept lacks all contact with reality. Frank von Hippel has pointed out that American presidents have in the past threatened to use nuclear weapons in situations which did not threaten the existence of the nation; Truman to force an armistice in Korea; Eisenhower to stop Chinese bombardment of islands in the Taiwan strait; Nixon to obtain a face-saving exit from the war in Vietnam. In the end they all realised that the political costs of breaking the nuclear taboo "vastly outweighed the military benefits from nuclear weapon use".²¹ Today these political costs would be certain to include converting the whole of the third world into violent revulsion against the US; greatly encouraging recruitment into anti-American terrorist organisations; destroying NATO; discrediting the United Nations beyond repair and fatally undermining the nuclear non-proliferation regime as more and more countries came to regard a nuclear insurance policy as indispensable in a world become radically more unpredictable. As many people have pointed out 'Nukes are the only weapon that could pose a threat to US survival. Why would you want to open Pandora's box?'²²

The UK

These arguments apply all the more strongly to the UK. The Ministry of Defence, in its Report and Accounts, 2004-5, says:

*"The UK's nuclear weapons have a continuing use as a means of deterring major strategic military threats, and a continuing role in guaranteeing the ultimate security of the UK."*²³

The reference to 'major strategic military threats' carries a whiff of cold-war thinking, in line with the ossified NATO doctrine referred to above. No one can pretend to foresee with any precision the geo-political context of the mid-twenty first century, but even as a worst case it is hard to envisage any power but Russia able to pose such a threat. Be that as it may, the 'use' and 'role' foreseen in this statement clearly refer to a deterrent at the political level rather than as a means of fighting a war. The British Government has not, since the end of the cold war, claimed any military use for its nuclear weapons. All battlefield or theatre nuclear weapons in British hands have been disposed of. The government then announced a 'sub-strategic' role for Trident in the following terms:

"The ability to undertake a massive nuclear strike is not enough to ensure deterrence. An aggressor might, in certain circumstances, gamble on a lack of will ultimately to resort

to such a strike. We also need the capability to undertake nuclear action on a more limited scale in order to demonstrate our willingness to defend our vital interests to the utmost, and so to induce a political decision to halt aggression without inevitably triggering strategic nuclear exchanges".²⁴

so far as this government is concerned, the question is not whether to replace Trident but in what form

Malcolm Rifkind, then Defence Secretary, made it plain that this involved no concept of fighting and winning a war. It remained a question of deterrence, albeit at a slightly lower level than all-out retaliation.²⁵ As Richard Hatfield, then MOD Director of Policy explained, [the substrategic role] "is a form of deterrence, not necessarily a specific weapon".²⁶ This concept has much in common with the French notion of 'Pre-Strategic' use, as a shot across the bows of any intending aggressor or last-but-one resort. More recently President Chirac has expanded this concept to include use against 'the leaders of states who use terrorist methods against us'. He said that French nuclear warheads had already been 'reconfigured' to deal with the new threat and identified 'power centres' in hostile countries as potential targets. But he restated his opposition to the use of battlefield nuclear weapons and vowed not to change France's policy of no 'first strike'.²⁷

As regards British use of nuclear weapons in response to an enemy who used chemical or biological weapons the British Government has spoken with forked tongues. For example in 2002 the then Defence Secretary, Geoff Hoon said in a television interview "if there is a threat to our deployed forces, if they come under attack by weapons of mass destruction and by that specifically chemical, biological weapons, then we would reserve the option, in an appropriate case, ... to use nuclear weapons".²⁸ However eighteen months later Foreign Office Minister Dennis MacShane, told Parliament: "The United Kingdom remains fully committed to the Negative Security Assurance we gave in 1995."²⁹ On the face of it, this Assurance applies to any non-nuclear weapon state which possesses other weapons of mass destruction, i.e. biological and/or chemical weapons, even if those weapons were acquired in violation of commitments under the Biological and/or Chemical Weapons Conventions, and even if those weapons were used to attack the UK or UK forces.³⁰ But in any case, as explained above, a nuclear response to enemy use of chemical or biological weapons is most unlikely to take the form of battlefield use. It would represent a major escalation of the conflict and would be so clearly disproportionate and clearly illegal as to be barely credible. The apparently deliberate ambiguity on this point must contain a large element of bluff.

In replying to a parliamentary question Defence Secretary John Reid has said that the "Labour Party's manifesto for the 2005 general election made clear [its] commitment to retain the UK's independent nuclear deterrent. Although decisions on any replacement for Trident are likely to be taken in the current Parliament, it is too early to rule out, or rule in, any particular option".³¹ It is clear, therefore, so far as this government is concerned, that the question is not whether to replace Trident but in what form. One such option is clearly to follow the Americans by stretching the operational life of the existing four Trident submarines and replacing the existing D5 missiles by the upgraded version known as D5A. The life of these systems could apparently be extended to 2040. An alternative solution, apparently much cheaper, might be to upgrade Tomahawk cruise missiles for long-range delivery and fit them with a new British built nuclear warhead, to be launched from aircraft.

The argument in this paper has no bearing on the pros and cons of this issue save in one crucial respect. Buying a cruise missile version of the deterrent could be seen as lowering the nuclear threshold to the tactical level by giving the weapon a military function. As Michael Meacher has pointed out – reflecting what seem to be widespread misgivings in the Parliamentary labour party – “Frankly this is a neo-con idea for using tactical nuclear weapons rather than the massive Trident system”.³² The question might then become not whether ministers wish to retain an independent British deterrent but whether they agree – or even half-agree – with the developing American doctrine of usable pre-emptive nukes.³³

In the quotation at the beginning of this article Tim Hare asserted that “the UK does not possess nuclear weapons as part of the military inventory, they have no function as war fighting weapons or to achieve lesser military objectives”. It is greatly to be hoped that this statement continues to hold good.

Notes

1. Tim Hare “What Next for Trident?”, *RUSI Journal*, April 2005, p. 30.
2. Max Hastings, “New Weapons, Old Wars”. *The Sunday Telegraph*. 31 July 2005.
3. Hugh Beach and Nadine Gurr, “Flattering the Passions: Or, the Bomb and Britain’s Bid for a World Role”, I.B.Tauris London, 1999, p. 78.
4. Fred Mulley, “The politics of Western Defence”, Thames and Hudson, London, 1962, pp. 45 and 123.
5. Hansard, Column 1133W.
6. Otfried Nassauer, “NATO’s Nuclear Posture Review: Should Europe End Nuclear Sharing”, *BITS Policy Note 02.1*, April 2002. *Berlin Information Centre for Transnational Security*. The costs of the weapons, aircraft and bunkers are, of course, ‘sunk’, unless the plan to refurbish the bunkers goes ahead. Costs of training and custody are recurrent.
7. Hansard, Column 602W.
8. “Nuclear Posture Review” [Excerpts], see www.globalsecurity.org/wmd/library/policy/dod/npr.htm
9. See www.globalsecurity.org/wmd/library/policy/dod/jp3_12fc2.pdf
10. The Nuclear Information Project, Nuclear Brief February 2, 2006. See <http://www.nukestrat.com/us/jcs/canceled.htm>
11. “Nuclear Posture Review”, (see above, note viii)) pp. 16,17.
12. Mark Bromley, David Grahame and Christine Kucia, “Bunker Busters: Washington’s Drive for New Nuclear Weapons”, *BASIC Research Report 2002.2*, July 2002, p.43, <http://www.basicint.org/pubs/Research/2002BB.pdf>
13. Steven Weinberg, “The Growing Nuclear Danger” *The New York Review of Books*, 18 July 2002. www.nybooks.com/articles/15604
14. “Nuclear Posture Review” (see above, note viii), p.17.
15. Senator Pete Domenici, (Republican, New Mexico), chair of the subcommittee that oversees the Energy Department’s budget, quoted by CNN on 25 October 2005, posted: 10:39 p.m. EDT.
16. “Nuclear Posture Review” (see above, note viii). pp. 16-18.
17. Steven Weinberg, ‘The Growing Nuclear Danger’ *The New York Review of Books*, 18 July 2002. www.nybooks.com/articles/15604 p. 38
18. “Rethinking the unthinkable”. *The Economist*. 28 January 2006. pp. 51,2.
19. Dr. Robert Civiak, “The Reliable replacement Warhead Programme: a Slippery Slope to New Nuclear Weapons”. Tri-Valley Cares, January 2006. See www.basicint.org Washington Nuclear Update, 9 February 2006.

20. "Flattering the Passions" (Note iii), Chapter 2, *passim*.
21. Frank N. von Hippel, "Does the US need new Nuclear Weapons". *Physics and Society*, Vol.31. No.3, July 2002, p.4.
22. Nicholas D. Kristof, "Flirting with Disaster: Nuclear talk harms the US", *International Herald Tribune*, 15-16 February 2003.
23. MOD Report and Accounts 2004-5 para 75. October 2005. See www.mod.uk/publications/modara04-05/index.html
24. Statement on the Defence Estimates 1994
25. Malcolm Rifkind, "UK Defence Strategy: a Continuing role for nuclear weapons", speech to the *Centre for Defence Studies*, London on 16 November 1993.
26. Minutes of Evidence taken before the Defence Committee, HC 138-II, of session 1998-99, p.16, para. 180.
27. *The Week*. 28 January 2006. p.7.
28. *Jonathan Dimbleby Programme*, London Weekend Television, 24 March 2002. Media Transcription Service.
29. Written Answer. 17 November 2003
30. The assurance reads as follows: "The United Kingdom will not use nuclear weapons against non-nuclear weapon states party to the Treaty on the Non-Proliferation of Nuclear Weapons except in the case of an invasion or any other attack on the United Kingdom, its dependent territories, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear weapon state in association or alliance with a nuclear-weapon state". See UN Security Council resolution 984 dated 11 April 1995
31. Written Questions, 20 Jun 2005 : Column 666W
32. Colin Brown, Deputy Political Editor *The Independent*, 1 November 2005
33. Andrew Gilligan, *The Spectator*, 29 October 2005.

The Debate

3 *Is Britain's continued possession and threatened use of nuclear weapons illegal?*

Professor Nick Grief argues that due to the indiscriminacy of nuclear weapons, their threat or use is illegal under international humanitarian law and international customary law.



Professor Nick Grief

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For nuclear weapons there is no treaty of general prohibition as there is for biological and chemical weapons. Save where nuclear weapons are prohibited by particular treaties, such as those creating Nuclear Weapons Free Zones,¹ the legality of their use and threatened use must be determined with reference to the UN Charter and the law of armed conflict.

The UN Charter

Art 2(4) of the Charter provides:

“All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations.”

That prohibition is *jus cogens*, a peremptory norm of general international law from which no derogation is permitted.² Furthermore, the notions of “threat” and “use” stand together in the sense that if the use of force in a given case is illegal for whatever reason, the threat to use such force is likewise illegal.³ A Scottish court has rejected the “contention that the general deployment of Trident in pursuit of a policy of deterrence constitutes a continuous or continuing ‘threat’ of the kind that might be illegal as equivalent to use”.⁴ However, that analysis is inconsistent with the *Nuclear Weapons Case* where the International Court of Justice (‘ICJ’) accepted that “a signalled intention to use force if certain events occur” constitutes a “threat” and was concerned rather with the question of its legality.⁵ The Court stated that possession of nuclear weapons may justify an inference of preparedness to use them⁶ and held that a declared readiness to use force must be a use of force that is compatible not only with the Charter but also with international humanitarian law.⁷

One exception to the prohibition of the use or threat of force is the right of self-defence under Art 51 of the Charter:

“Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security...”

The exercise of the right of self-defence is subject, in particular, to the conditions of necessity and proportionality. In the *Nuclear Weapons Case*, the ICJ observed that “the very nature of all nuclear weapons and the profound risks associated therewith are further considerations to be borne in mind by States believing that they can exercise a nuclear response in self-defence in accordance with the requirements of proportionality”.⁸ The Court also held that “[s]tates must take environmental considerations into account when assessing what is necessary and proportionate in the pursuit of legitimate military objectives.”⁹ As that reference to “legitimate military objectives” implies, the conduct of military operations is governed by a body of legal prescriptions. A use of force that is necessary and proportionate under the law of self-defence must also meet the requirements of the law applicable in armed conflict, in particular the principles and rules of humanitarian law.¹⁰

This reflects the distinction between *jus ad bellum*¹¹ and *jus in bello*¹². Because of the symbiotic relationship between “use” and “threat”, if an envisaged use of weapons would not meet the requirements of humanitarian law, a threat to engage in such use is also contrary to that law.¹³

International humanitarian law

The cardinal principles of international humanitarian law are: (i) States must never make civilians the object of attack and must consequently never use weapons that are incapable of distinguishing between civilian objects and military objectives;¹⁴ and (ii) it is prohibited to cause unnecessary suffering to combatants.¹⁵ Those principles must be “observed by all States whether or not they have ratified the conventions that contain them, because they constitute intransgressible principles of international customary law”.¹⁶ In the *Nuclear Weapons Case*, the ICJ found no need to decide whether these principles of humanitarian law are *jus cogens*.¹⁷ In view of its description of them as “intransgressible”, however, it would seem justified to treat them as peremptory.¹⁸

Art 35 of Protocol I of 1977 Additional to the Geneva Conventions of 1949, and *Relating to the Protection of Victims of International Armed Conflicts* (‘Protocol I’) lays down in treaty form the basic rules concerning methods and means of warfare:

- “1. In any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited.
2. It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.
3. It is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment.”

Arts 35(3) and 55¹⁹ of Protocol I together “embody a general obligation to protect the natural environment against widespread, long-term and severe environmental damage; the prohibition of methods and means of warfare which are intended, or may be expected, to cause such damage; and the prohibition of attacks against the natural environment by way of reprisals.”²⁰

Art 48 of Protocol I sets out the basic rule about protection against the effects of hostilities:

“In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.”

That rule is expanded in Art 51 of Protocol I, headed “Protection of the civilian population”. Art 51(4) provides:

- “Indiscriminate attacks are prohibited. Indiscriminate attacks are:*
- (a) those which are not directed at a specific military objective;*
 - (b) those which employ a method or means of combat which cannot be directed at a specific military objective; or*

*attacks on
civilians by
way of
reprisals can
never be
justified*

*(c) those which employ a method or means of combat the effects of which cannot be limited as required by this Protocol; and
(d) consequently, in each case, are of a nature to strike military objectives and civilians or civilian objects without distinction.”*

Protocol I is binding upon the United Kingdom and was given effect in domestic law by the Geneva Conventions (Amendments) Act 1995.²¹ According to s 4(7)(b) of the Act, Protocol I “shall... be construed subject to and in accordance with any reservation or declaration [made]”. On ratifying Protocol I, the United Kingdom declared:

“It continues to be the understanding of the United Kingdom that the rules introduced by the Protocol apply exclusively to conventional weapons without prejudice to any other rules of international law applicable to other types of weapons. In particular, the rules so introduced do not have any effect on and do not regulate or prohibit the use of nuclear weapons.”²²

That declaration, which is arguably a reservation,²³ applies only to “the rules introduced by the Protocol”.²⁴ It does not (and could not) affect those provisions of Protocol I which were declaratory of customary international law, such as the prohibition against causing unnecessary suffering and the requirement to distinguish between civilian objects and military objectives: “Additional Protocol I in no way replaced the general customary rules applicable to all means and methods of combat including nuclear weapons. In particular, ... all States are bound by those rules in Additional Protocol I which, when adopted, were merely the expression of the pre-existing customary law”.²⁵

The United Kingdom has accepted the obligations of Arts 51 and 55 of Protocol I on the basis that any adverse party against which the UK might be engaged will itself scrupulously observe those obligations:

“If an adverse party makes serious and deliberate attacks... against the civilian population or civilians or against civilian objects..., the United Kingdom will regard itself as entitled to take measures otherwise prohibited by the Articles in question to the extent that it considers such measures necessary for the sole purpose of compelling the adverse party to cease committing violations under those Articles, but only after formal warning to the adverse party requiring cessation of the violations has been disregarded... Any measures thus taken by the United Kingdom will not be disproportionate to the violations giving rise thereto...”²⁶

With regard to Art 51(6), which prohibits attacks against the civilian population by way of reprisals, Dr Haines argues that, by virtue of this reservation, the UK would be entitled to use nuclear weapons “as a form of legitimate reprisal” against a State which used them against the UK. However, attacks on civilians by way of reprisals can never be justified²⁷ so to that extent, at least, the reservation is impermissible.²⁸ This is underlined by the fact that, under the law of treaties, the doctrine of material breach does not apply to “provisions relating to the protection of the human person contained in treaties of a humanitarian character, in particular to provisions prohibiting any form of reprisals against persons protected by such treaties”.²⁹

The applicability of international humanitarian law to nuclear weapons is accepted by the United Kingdom.

The Nuclear Weapons Case

The ICJ delivered its advisory opinion on 8 July 1996 at the request of the UN General Assembly, which had asked: “Is the threat or use of nuclear weapons in any circumstance permitted under international law?”³⁰ Although an advisory opinion is not technically binding upon any State, it constitutes an authoritative pronouncement by the UN’s principal judicial organ.

The ICJ unanimously held that there is in neither customary nor conventional international law any specific authorisation of the threat or use of nuclear weapons;³¹ and by eleven votes to three that there is no comprehensive and universal prohibition of the threat or use of nuclear weapons as such.³² It went on to hold, again unanimously, that a threat or use of force by means of nuclear weapons that is contrary to Art 2(4) of the UN Charter and that fails to meet all the requirements of Art 51 is unlawful;³³ and that a threat or use of nuclear weapons must be compatible with the requirements of the international law applicable in armed conflict, particularly the principles and rules of international humanitarian law, as well as with specific obligations under treaties and other undertakings expressly dealing with nuclear weapons.³⁴ By seven votes to seven, by the President’s casting vote, the Court then held:

*“It follows from the above-mentioned requirements that the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of international humanitarian law; However, 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, in which the very survival of a State would be at stake”.*³⁵

It should be noted that three of the judges who dissented from that part of the ruling did so because they considered the threat or use of nuclear weapons to be unlawful in all circumstances.³⁶ This indicates that the Court was more united on this point than the need for a casting vote by its President suggested.

The legality of Trident

The applicability of international humanitarian law to nuclear weapons is accepted by the United Kingdom. During the ICJ proceedings, the Government stated: “So far as the customary law of war is concerned, the United Kingdom has always accepted that the use of nuclear weapons is subject to the general principles of the *jus in bello*”.³⁷ According to the Government, however, the fact that recourse to nuclear weapons is regulated by the law of armed conflict does not necessarily mean that it is prohibited: “nuclear weapons might be used in a variety of circumstances with very different results in terms of likely civilian casualties. In some cases, such as the use of a low yield nuclear weapon against warships on the High Seas³⁸ or troops in sparsely populated areas, it is possible to envisage a nuclear attack which caused comparatively few civilian casualties. It is by no means the case that every use of nuclear weapons against a military objective would inevitably cause very great collateral civilian casualties.”³⁹

The text and tenor of the Court's opinion suggest a strong inclination towards illegality

Guidance on the law of armed conflict for the UK's armed services is provided in *The Manual of the Law of Armed Conflict*,⁴⁰ which states:

*"There is no specific rule of international law, express or implied, which prohibits the use of nuclear weapons. The legality of their use depends upon the application of the general rules of international law, including those regulating the use of force and the conduct of hostilities. Those rules cannot be applied in isolation from any factual context to imply a prohibition of a general nature. Whether the use, or threatened use, of nuclear weapons in a particular case is lawful depends on all the circumstances. Nuclear Weapons fall to be dealt with by the same general principles as apply to conventional weapons."*⁴¹

The Government's reaction to the advisory opinion was as follows: "The ICJ opinion does not require a change in the United Kingdom's entirely defensive deterrence policy. We would only ever consider the use of nuclear weapons in the extreme circumstance of self-defence which includes the defence of our NATO allies."⁴² However, this assumes that there is an exception to the general prohibition of threat or use, something which the ICJ did not recognise. With reference to point 2E of the formal ruling, the President of the Court stated: "I cannot sufficiently emphasise that the Court's inability to go beyond this statement of the situation can in no way be interpreted to mean that it is leaving the door ajar to recognition of the legality of the threat or use of nuclear weapons".⁴³ Indeed, if the second paragraph of point 2E is read in the light of all the legal grounds set forth by the ICJ, as it must be,⁴⁴ even *in extremis* threat or use would appear to be unlawful. The text and tenor of the Court's opinion suggest a strong inclination towards illegality in all circumstances. In view of "the unique characteristics of nuclear weapons, and in particular their destructive capacity, their capacity to cause untold human suffering and their ability to cause damage to generations to come", and having regard to "intransgressible principles of international customary law", the Court observed that the use of such weapons "seems scarcely reconcilable" with respect for the law of armed conflict, "at the heart of which is the overriding consideration of humanity".⁴⁵

Furthermore, statements by the Secretary of State for Defence in March 2002⁴⁶ indicate a willingness to use Trident in response to a non-nuclear attack involving chemical or biological weapons against British troops in the field, and even pre-emptively. Even if the ICJ had ruled that nuclear weapons may be used "in an extreme circumstance of self-defence, in which the very survival of a State would be at stake", the scenario referred to would not qualify.

As for the Government's assertion that the legality of the use or threatened use of nuclear weapons in a particular case depends on all the circumstances, it may theoretically be possible for a single Trident missile to be used against a remote military target with only slight 'collateral damage'. However, we must consider whether, bearing in mind the danger of escalation to full-scale nuclear war, this justifies maintaining or replacing the present system. In any event, given the blast, heat and especially the radiation effects, which could not be limited as required by the law applicable in armed conflict, it is strongly arguable that the use of Trident in any realistic scenario would be illegal.⁴⁷ Nuclear weapons are

considerably more destructive than chemical or biological weapons, and the willingness to use them pre-emptively lowers the use threshold to new and dangerous levels.⁴⁸

The Non-Proliferation Treaty 1968

It is also important to consider the legal implications of the *Non-Proliferation Treaty* (NPT). The Government claim that the NPT allows the UK to possess nuclear weapons since the treaty recognises the UK as “a nuclear-weapon State”.⁴⁹ However, while it is true that Art IX.3 of the NPT defines such a State as “one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967”, this is purely a factual and terminological definition. It does not legitimise the possession of Trident as a means of warfare. To construe the NPT as if it did is not “good faith” interpretation or performance as required by the law of treaties.⁵⁰ The same applies to the Government’s reading of Art VI of the NPT, which provides:

“Each of the Parties to the Treaty undertakes 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 Government maintain that the United Kingdom is fulfilling all of its obligations under the NPT, including those under Art VI which according to the Foreign Secretary requires “gradual but multilateral progress towards full-scale nuclear disarmament”.⁵¹ In the *Nuclear Weapons Case*, however, the ICJ emphasised that Art VI does not merely impose an obligation of conduct: “the obligation involved here is an obligation to achieve a precise result – nuclear disarmament in all its aspects – by a adopting a particular course of conduct, namely, the pursuit of negotiations on the matter in good faith.”⁵² The Court went on to observe that fulfilling the objective expressed in Art VI “remains without doubt an objective of vital importance to the whole of the international community today”.⁵³ It then concluded the advisory opinion by unanimously holding: “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.”⁵⁴

If Art VI of the NPT creates obligations towards the international community as a whole (*erga omnes*),⁵⁵ as the advisory opinion suggests, it is arguable that it also has *jus cogens* status.⁵⁶ If so, the 2004 treaty amending the Mutual Defence Agreement (MDA), purporting to extend Art III bis of the MDA to allow the UK and the USA to exchange nuclear materials and equipment until December 2014, does not merely breach Art VI;⁵⁷ it is void.⁵⁸ In any event, the ICJ’s reasoning and conclusions in the advisory opinion certainly raise serious legal questions about the continued possession of Trident and its future upgrading or replacement.⁵⁹

Notes

1. See <http://www.basicint.org/nuclear/NPT/2005rc/brief02.htm>. In general, a treaty does not create rights or obligations for a third State without its consent.
2. *Nicaragua Case* (Merits), ICJ Reports 1986, p 14, para 190.
3. *Legality of the Threat or Use of Nuclear Weapons*, ICJ Reports 1996, p 226, para 47 ('Nuclear Weapons Case').
4. *Lord Advocate's Reference (No 1 of 2000)*, 2001 SCCR 296, para 98. The High Court of Justiciary's opinion was sought on points of law relating to charges upon which the accused had been acquitted, arising from non-violent direct action against a vessel which supported submarines carrying Trident nuclear missiles.
5. *Nuclear Weapons Case*, para 47.
6. *ibid*, para 48.
7. *ibid*, paras 47 and 78.
8. *ibid*, para 43.
9. *ibid*, para 30.
10. *ibid*, para 42.
11. Governing resort to armed force.
12. Governing the conduct of armed conflict.
13. *Nuclear Weapons Case*, para 78.
14. The principle of discrimination. The use of the term "never" is significant: in no circumstances may a State use an inherently indiscriminate weapon.
15. The prohibition against causing unnecessary suffering, i.e. harm greater than that unavoidable to achieve legitimate military objectives.
16. *Nuclear Weapons Case*, para 79. In *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, ICJ, 9 July 2004 ('Wall Case'), Judge Higgins observed that "the protection of civilians remains an intransgressible obligation of humanitarian law". Also relevant are the principle of neutrality (i.e. the territory of non-belligerent States is inviolable and attacks on their ships or aircraft are prohibited), the prohibition against environmental damage (see below) and the Martens Clause. A modern version of the latter can be found in Article 1(2) of Protocol I: "In cases not covered by this Protocol or by other international agreements, civilians and combatants remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience." The clause confirms that international humanitarian law applies to nuclear weapons.
17. *Nuclear Weapons Case*, para 83.
18. James Crawford, *The International Law Commission's Articles on State Responsibility* (CUP, 2002), p 246. There is support for this view in the *Wall Case*, para 157, where the ICJ held that the rules of international humanitarian law "incorporate obligations which are essentially of an erga omnes character". See further notes 54 and 55 below and accompanying text.
19. Art 55(1) provides: "Care shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage. This protection includes a prohibition of the use of methods or means of warfare which are intended or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population." Art 55(2) prohibits attacks against the natural environment by way of reprisals.
20. *Nuclear Weapons Case*, para 31.
21. The Act incorporates the Protocol's 'grave breach' provisions. While any breach of humanitarian law would engage the responsibility of the UK, grave breaches are international crimes for which there is individual responsibility.
22. See The Geneva Conventions Act (First Protocol) Order 1998 (SI 1998 No 1754) and The International Criminal Court Act 2001 (Reservations and Declarations) Order 2001 (SI 2001 No 2559).
23. Art 2(1)(d) of the Vienna Convention on the Law of Treaties 1969 defines a reservation as "a unilateral statement, however phrased or named, made by a State, when signing, ratifying...or acceding to a treaty whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State".
24. e.g. the rule requiring the protection of the environment in Arts 35(3) and 55.
25. *Nuclear Weapons Case*, para 84.
26. See the Orders cited in note 22 above.
27. See e.g. ICTY, Trial Chamber, 14 January 2000, Case No IT-95-16, *Prosecutor v Kupreskic*, Part V, paras 520-533.
28. Reservations which are incompatible with the object and purpose of Protocol I are impermissible under Art 19(c) of the Vienna Convention on the Law of Treaties.

29. Art 60(5) of the Vienna Convention. According to the ICJ, the Convention's rules concerning the termination and suspension of the operation of treaties are in many respects declaratory of customary international law. See e.g. *Gabcíkovo-Nagymaros Project (Hungary / Slovakia)*, judgment of 25 September 1997, paras 46, 99.
30. The ICJ was not asked about the legality of possession.
31. *ibid*, para 105, point 2A of the Court's formal conclusions.
32. *ibid*, point 2B.
33. *ibid*, point 2C.
34. *ibid*, point 2D.
35. *ibid*, point 2E.
36. Judges Shahbuddeen, Weeramantry and Koroma. Judge Weeramantry observed: "Humanitarian law reveals not a paucity, but rather an abundance of rules which both individually and cumulatively render the use or threat of use of nuclear weapons illegal."
37. *Nuclear Weapons Case*, para 86.
38. In Lord Advocate's Reference (No 1 of 2000), lawyers for the Crown envisaged the use of a low yield nuclear weapon against a fleet of Chinese warships steaming across the Pacific to attack New Zealand. But would a nuclear response to such a threat be necessary?
39. *Nuclear Weapons Case*, para 91.
40. UK Ministry of Defence (OUP, 2004).
41. *ibid*, 6.17 (footnotes omitted). The Secretary of State for Defence referred to this passage in Parliament when asked what measures he had taken since the advisory opinion to make those who operate Trident aware of their obligations under international law: see Hansard HC Debates, 10 January 2000, Col 95W.
42. Hansard, HL Debates, 26 January 1998, Col 7.
43. ICJ Reports 1996, pp 226, 270.
44. *Nuclear Weapons Case*, para 104.
45. *ibid*, paras 36, 79 and 95.
46. In evidence to the Defence Select Committee (20 March) and in a television interview with Jonathan Dimpleby (24 March).
47. See further the Report of the Inquiry into the Legality of Nuclear Weapons, Peacerights, March 2005 ('Peacerights Inquiry Report').
48. See <http://www.basicint.org/nuclear/NPT/2005rc/brief03.pdf>.
49. Hansard, HC, 1 March 2005, Col 805.
50. Arts 26 and 31(1) of the Vienna Convention on the Law of Treaties 1969.
51. See note 49.
52. *Nuclear Weapons Case*, para 99.
53. *ibid*, para 103.
54. *ibid*, para 105, point 2F of the Court's formal conclusions.
55. In the *Barcelona Traction Case*, ICJ Reports 1970, p 3, para 33, the ICJ distinguished between obligations of a State vis-à-vis another State and obligations towards the international community as a whole. One of the implications of obligations erga omnes is the legal interest of all States in compliance.
56. See Crawford, op cit, p 244: "[w]hether or not peremptory norms of general international law and obligations to the international community as a whole are aspects of a single basic idea, there is at the very least substantial overlap between them."
57. In July 2004, Rabinder Singh QC and Professor Christine Chinkin advised that it was "strongly arguable" that renewal of the MDA would violate the NPT, since the MDA implied continuation and enhancement of the UK's nuclear weapons programme, not progress towards its discontinuation as required by Art VI.
58. See Art 53 of the Vienna Convention on the Law of Treaties: "A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law..."
59. See the Peacerights Inquiry Report. In December 2005, in an opinion for Peacerights concerning the maintenance and possible replacement of Trident, Rabinder Singh QC and Professor Chinkin concluded: "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 VI and evinces no intention to 'bring to a conclusion negotiations leading to nuclear disarmament in all its aspects'. It is difficult to see how unilateral (or bilateral) action that pre-empts any possibility of an outcome of disarmament can be defined as pursuing negotiations in good faith..."

The Debate

3 *Is Britain's continued possession and threatened use of nuclear weapons illegal?*

Dr. Steven Haines argues that Britain's nuclear weapons policy is legal under international law because it is not directly threatening a specific state and use would be governed by proportionality.



Dr. Steven Haines
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It has always been possible to be as morally and ethically committed to nuclear deterrence as it has been for others to be morally and ethically committed to unilateral nuclear disarmament. The ultimate motives of those of us at opposite ends of the spectrum of opinion have almost invariably been identical – the prevention or avoidance of war. Our ways of achieving it were and are based, of course, on fundamentally different assumptions about human nature. It is important to make this point because it is an essential backdrop to what follows. Rigorous legal arguments can be formulated in support of both positions – as is hopefully well demonstrated by the two legal contributions in this collection.

In the case of British nuclear weapons, if we take it that Professor Grief has produced in his paper the 'case for the prosecution', what follows may be regarded as the 'case for the defence'. Ordinarily the onus would be for the prosecution to prove 'guilt', the defendant being assumed to be innocent until proved otherwise. This may well be a good way to proceed in this instance also. In considering the legality of British nuclear weapons, the case for the defence will do more than merely refute the case for the prosecution; it will clearly demonstrate the legality of the British position.

The Scope of the Question

In looking at the legality of British nuclear weapons one needs first to identify the nature of the weapons we are considering and the likely uses to which they are to be put. Britain no longer has tactical nuclear weapons and is unlikely to procure them again. So the nuclear weapons we need to consider are not tactical – they are strategic in nature. Indeed, it is the future of the Trident strategic system that has prompted this collection of essays and it is on the legality of strategic systems that I shall concentrate.

At the heart of British strategic thinking is the notion of deterrence (which has both nuclear and conventional dimensions). *British Defence Doctrine*¹ distinguishes between deterrence and coercion. The former is about persuading an opponent (either actual or potential) not to follow a course of action that they may be considering. Coercion is about persuading an opponent to take action that they might otherwise not consider. Essentially, deterrence is by its nature principally defensive – the aim being to persuade an opponent not to take military action against you – while coercion is understandably assumed to be rather more offensive in character (though it is by no means exclusively so).² Britain has long regarded its nuclear weapons as a means of deterrence and not as a means of coercion. They are maintained for defensive purposes rather than offensive ones. So the basic assumptions concerning British nuclear weapons are that they are strategic systems used for defensive purposes. There are two legal questions we need to address. The first is to do with the legality of the possession of strategic nuclear systems. The second is to do with the legality of their use. However, the question of 'use' needs to be considered on two levels. The first of these is their use in deterrence by the *threat* they pose, a threat which itself needs to be broken down into inherent and specific forms. The second is the *actual* physical use of the weapons against strategic targets. Possession and use are linked, in the sense that the very fact of possession creates the inherent threat – and the specific threat is only meaningful because it is backed up by the possession of a system actually capable of delivering the destructive power being threatened.

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The Legality of Possession

As Professor Grief has acknowledged in the very first sentence of his 'case for the prosecution', "there is no treaty of general prohibition (of nuclear weapons) as there is for biological and chemical weapons."³ Unfortunately, in his second sentence, he immediately goes on to imply that the possession of nuclear weapons is generally prohibited within various so-called 'nuclear free zones'. Although this issue is not currently of major significance in relation to British nuclear weapons, it is essential that this be refuted. It is, quite simply, not true. The only states that are legally prohibited from possessing nuclear weapons in such areas are those that are parties to the treaties establishing them.⁴

Customary Law and Possession

During its deliberations in the *Nuclear Weapons Case*, the International Court of Justice (ICJ) found no evidence of a customary norm containing the essential element of *opinio juris* necessary for there to be an established customary prohibition.⁵ The only conclusion that one can possibly reach is that the possession of nuclear weapons is not forbidden under international law. Indeed, while the ICJ addressed the specific issue of possession within the main text of its Advisory Opinion, it did not bother to include a statement on possession in the formal *dispositif* (summary of its opinion), presumably because the members of the Court found no need even to vote on the matter. Indeed, possession was not something on which the Court had been asked to express an opinion.

Obligations under the Nuclear Non-Proliferation Treaty

There is, of course, treaty law dealing with both possession and acquisition, in the form of the *Nuclear Non-Proliferation Treaty* (or NPT). Possession of nuclear weapons by the established nuclear powers is expressly permitted under the NPT. The established nuclear powers are defined as those that had tested a nuclear device prior to 1 January 1967. Britain meets that condition. The only caveat that one ought to acknowledge is that, as parties to the NPT, even the nuclear powers are under an obligation to move towards disarmament. Article 6 places an obligation on the parties to "...undertake 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... under strict and effective control". As a party, the UK accepts this and I shall return to this obligation once I have addressed the legality of 'use'.

The General Inherent Threat of Use

Professor Grief has quoted Article 2(4) of the *UN Charter* and in so doing has implied that the threat or use of nuclear weapons would contravene it.⁶ It is my contention that this is by no means necessarily so – and is emphatically not the case in relation to Britain's position. Article 2(4) provides that:

"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations."

In the particular sense of a general inherent deterrent threat, achieved in substance by the mere possession of a strategic nuclear capability, there is no necessary consequent threat against the territorial integrity or political independence of any state. Britain is not now threatening, nor ever has threatened, the territorial integrity or political independence of any state by the mere possession of such systems. To do so there would need to be or have been an intention either to seize territory from another state or to reduce that state to a condition of subservience. Arguably, at no time during the atomic/nuclear era has Britain ever had designs of that nature on other states' territory or political independence – it has certainly never pursued such aims by threatening the use of nuclear weapons.⁷ Indeed, far from posing a threat to the territorial integrity and political independence of other states during this period, Britain has in fact been a strong proponent of the principle of self-determination as a major pillar of its grand strategic posture.⁸

As this is being written, Britain's nuclear deterrent is deployed on patrol and is therefore actively maintaining an inherent deterrent posture. However, no single state is being directly threatened and it would be nothing short of absurd to suggest, for example, that Britain has designs on any territory as a consequence. One can only conclude that, despite the presence at sea of British strategic nuclear weapons at a reasonably short state of readiness, there is no breach of Article 2(4) of the UN Charter.

The regular deployment of the strategic nuclear deterrent force, far from threatening the degree of instability within the international system that a breach of another state's territorial integrity or the denial of its political independence would represent, is maintained as a means of ensuring general stability. Indeed, far from applying nuclear pressure, even in the face of an opponent's actual seizure and determination to establish control of British territory (the Falkland Islands) against the legitimate wishes of that territory's inhabitants, Britain emphatically rejected the use of nuclear weapons against Argentina as a means of restoring the sovereignty of its temporarily lost territory.⁹

Nothing, of course, should be taken for granted in this sense and, in order to challenge this view, Professor Grief refers to comments made by Secretary of State for Defence, Geoff Hoon, during evidence given to the House of Commons Select Committee on Defence on 20 March 2002, and subsequently during a television interview with Jonathan Dimbleby four days later.¹⁰ It is suggested that this is evidence of the British Government's willingness to countenance the use of nuclear weapons in response to either the use or expected use of chemical or biological weapons – which implies, in the most extreme interpretation, a willingness to use them pre-emptively against non-nuclear states.

Hoon's answers to both sets of questions admittedly provoked some controversy at the time and have been quoted often since. However, those who do quote them as evidence of such pre-emptive intent are either being deliberately mischievous or are desperately clutching at straws. The Secretary of State chose his words carefully and did not go beyond stating that Britain would use them "in the right conditions" and as "an appropriate proportionate

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response”.¹¹ By stating as much he was maintaining the credibility of deterrence. His responses were not clear evidence of an intention to use nuclear weapons illegally; quite the opposite, in fact. The “right conditions” for their use as an “appropriate proportionate response” would presumably only be determined after due consideration of all relevant factors – including, of course, the legality of use in the circumstances prevailing at the time. None of this is evidence of a British willingness to use nuclear weapons. Indeed, it arguably demonstrates the extent to which the whole issue of use is circumscribed by considerations of legitimacy. One could go on hypothesising about circumstances that might occur. However, this would not necessarily be very helpful. However, one final point on this may be persuasive. The Hoon comments were made in the context of possible future operations against Iraq and, although he crafted his comments in a manner which attempted to avoid specific reference to Iraq, the issue certainly on everyone’s mind at the time was Saddam’s behaviour and the likely Anglo-American response. At the time of the invasion of Iraq, a year later, there was a tangible expectation within the British Ministry of Defence, and the British Armed Forces generally, that chemical weapons were likely to be deployed by Saddam during the campaign that was about to be launched. Despite that, I am personally not aware of even a hint that Trident was in the armoury as a probable weapon for actual use at that time.¹² Britain is, I believe, responsibly reluctant even to threaten, let alone actually use such weapons.

A Specific Threat of Use

Since the end of the Cold War, Britain has made it clear that it no longer regards its previous specific threat against Russia (more correctly the erstwhile Soviet Union) as any longer as necessary as it was during the Cold War. However, since Russia and other nuclear weapon states retain nuclear weapons, Britain has not ruled out the possibility that at some point in the medium to long term future the current general condition of relative stability in ‘great power’ relations may change for the worse. This brings us on to the central question of the legality of mutual nuclear deterrence.

The ICJ in its Advisory Opinion in the *Nuclear Weapons Case* did not state clearly what its view was as to the legality of mutual nuclear deterrence. Indeed, it completely dodged the issue, first by stating that it did “not intend to pronounce... upon the practice known as the ‘policy of deterrence’”¹³ and then by going on to state that:

“...in view of the current state of international law, and of the elements of facts 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, in which the very survival of the state would be at stake.”¹⁴

This statement was added to the Advisory Opinion by the President's casting vote. Two of those judges who felt unable to support it appended dissenting opinions to the Court’s opinion. Judge Higgins, in particular, objected to the Court’s unwillingness to reach a conclusion on the matter, arguing that despite the apparent paucity of law on the subject the Court had a responsibility to use its collective judgement as to how the law should be applied in relation to the facts at its disposal and that “the concept of *non liquet* – for that is what we have here - is no part of the Court’s jurisprudence...”.¹⁵ Vice-President Schwebel

went on in his own Dissenting Opinion to argue forcefully that the evidence associated with ‘deterrence’ rendered it inconceivable that it could be regarded as contrary to customary law and that the Court should have stated as such.¹⁶

Since the Court abdicated its responsibility in this important respect, it is worthwhile examining briefly why it is that ‘nuclear deterrence’ is a legitimate strategic option. Essentially we are here concerned with the law relating to self-defence, since that is the purpose of ‘nuclear deterrence’.

Deterrence and the Law relating to Self Defence

Article 51 of the UN Charter states that:

“Nothing in the present Charter shall impair the inherent right of individual or collective self defence if an armed attack occurs against a Member...”

There is an anticipatory element contained in this Article in that the “inherent right” referred to in Article 51 is a right established in customary law. This means that states are under no absolute obligation to wait until an attack has actually occurred to take action in their defence, especially if to do so would have the catastrophic consequence of effectively depriving them of the ability to exercise that right. This is, of course, especially relevant in relation to the threat of a strategic nuclear strike, the purpose of which is to be an effective deterrent threat in response to a similar perceived threat posed by a potential adversary.

Self defence has attached to it two essential conditions: necessity and proportionality. No action should be taken unless it is necessary to give effect to the right of self defence. In other words, if there is no threat of attack and no likelihood of it occurring it would be demonstrably unlawful to respond with either force or the threat of its use using self defence as a justification. It would be unlawful, therefore, for a state to threaten to use nuclear weapons against another particular state if that state was not posing a threat to it.

There is also an obligation on states either threatening the use or deploying actual force in self-defence to limit their response to what would be proportionate under the circumstances. It is not unreasonable to argue that the threat of the use of nuclear weapons should not be employed to counter a mere conventional threat – for reasons of proportionality. However, if a state is threatened by nuclear weapons itself, it is also not unreasonable for it to counter that threat with its own nuclear threat. This is the essence of nuclear deterrence. One state possessing nuclear weapons and apparently posing a threat to another is legitimately countered by an opposing nuclear threat. There is nothing necessarily disproportionate about this. Indeed, there is an essential symmetry about it. Beyond that, the threat of nuclear retaliation made by a state may be its only realistic means of ensuring that a nuclear opponent does not use its nuclear weapons against it. Here there is the essential component of necessity. The only sure way of defending oneself from attack or the threat of attack by nuclear weapons is to possess those weapons oneself and offer a corresponding counter threat. In the case of a mutual threat – a significant feature of nuclear strategy during the Cold War resulting in the so-called condition of Mutual Assured

what is not true is that the actual use of nuclear weapons would necessarily breach that body of law in every case.

Destruction (or MAD) – each side is justified in threatening in anticipation of attack in order to deter that attack from materialising. Although it is entirely understandable for this mutually influencing combination of opposing nuclear threats to be regarded as an extremely unfortunate aspect of the modern strategic environment, it may be an absolute necessity if nuclear powers are to be effectively deterred from actually using their weapons against those with whom they have profound disagreement.

Nuclear Weapons and the Law of Armed Conflict

Professor Grief argues that the threat of the use of a weapon must be unlawful if the actual use would lead to an essential breach of the laws of armed conflict (or international humanitarian law).¹⁷ This is certainly true. However, what is not true is that the actual use of nuclear weapons would necessarily breach that body of law in every case.

There is a fundamental requirement in the laws of armed conflict to distinguish between civilians and combatants, the latter being legitimate targets of attack, the former not. Clearly, the sheer destructive potential of nuclear weapons is such that distinguishing between civilians and combatants is virtually impossible (except in the case of tactical nuclear devices deployed at sea – which are not the subject of this paper). However, there are two ways in which civilian casualties are permitted in the law.

The first is when a military objective is targeted and there are civilians killed as a consequence. This is permitted if the civilian casualties are of a proportionate scale to the expected military advantage. However, this is by no means the most important exception in relation to strategic nuclear weapons. Indeed, it is extremely difficult to imagine any real military advantage to be gained as a consequence of a strategic nuclear exchange. Nuclear weapons are not regarded as militarily useful in ‘war-fighting’ terms. The second instance in which civilian casualties are permitted – the more important in this context – is in the case of reprisals.

The first point that needs to be made about reprisals is that they are profoundly controversial and the undeniable trend in international law in recent years is towards their abolition as a legitimate method of ensuring compliance with the law. One should also distinguish between ‘armed defensive reprisals’ used to deter states from illegal resort to force and ‘belligerent reprisals’ employed during conflict. The former (which should also be distinguished from lawful measures of self defence) are generally regarded today as unlawful.¹⁸ The latter remain lawful in certain circumstances. It is emphatically not the case that reprisals are already manifestly unlawful.

Reprisals are not, it should be stressed, about either revenge or retribution; they are not punishment. Rather, they are about the use of otherwise illegitimate means of warfare as a method of ensuring compliance with the law following the breach of that law by an opposing belligerent. Although Article 51(6) of the *1977 Additional Protocol I to the 1949 Geneva Conventions* forbids the targeting of civilians in reprisal, Britain, in ratifying the protocol, stated that it reserved the right to use reprisals involving the targeting of civilians in response to breaches of Article 51(6) by an opposing belligerent “to the extent that it

Britain has an inherent right to exercise proportionate and necessary measures in pursuit of its own and collective self defence

considers such measures necessary for the sole purpose of compelling the adverse party to cease committing violations” under that Article.¹⁹ In relation to nuclear weapons, if a state were to use them against Britain, the British government would in turn regard it as lawful to use them against that state as a form of lawful belligerent reprisal. Of course, there remains absolutely no intention on the part of Britain to launch a strategic nuclear attack on anyone – but if others launch a strategic nuclear attack on Britain then they must consider the consequences of so doing, which might include the use of nuclear reprisals by the British as a means of dissuading the belligerent from further use.

Conclusions

To where does all this lead? Possession of nuclear weapons is not contrary to international law, although the nuclear weapon states are under an obligation to move towards disarmament. Britain is not threatening the territorial integrity or the political independence of other states through its possession of nuclear weapons or through its policy of deterrence. It is, therefore, not guilty of a breach of Article 2(4) of the *UN Charter*. Britain has an inherent right to exercise proportionate and necessary measures in pursuit of its own and collective self defence, in accordance with Article 51 of the *UN Charter*. The only possible rational response to a threat posed to Britain by another state with nuclear weapons is for Britain to possess a capability itself. The threat of use that sits at the heart of the policy of deterrence is fully in accordance with Article 51 of the *UN Charter*. While the use of nuclear weapons as a war-fighting weapon seriously risks the breach of the law of armed conflict relating to the principle of distinction, if another state so breaches Britain might legitimately use nuclear weapons in the context of belligerent reprisals in order to persuade its opponent to comply with the law. It follows from all of this that the British strategic nuclear deterrent capability is lawful; it is fully in accordance with international law and does not represent a breach of that law in any way. There has never been a persuasive argument deployed to establish illegality. The ICJ did not declare nuclear weapons illegal and Professor Grief’s paper has failed in its attempt so to do.

There is, of course, one other question that might usefully be considered. In deciding on the future of its nuclear strategic capability, what might the British Government consider it to be under an obligation to do that is different from what it is doing at present? This is not the place to go into the political and strategic options; they are covered by others in this volume. However, I thought it may be useful to close with a very brief foray into these areas in order to place the continuing legality in some strategic context. I am as convinced as I can be that the reasons for the absence of great power war in the sixty years since the end of the Second World War include the presence of an atomic or nuclear dimension to the strategic environment. Nuclear weapons have made a major contribution to maintaining relatively stable conditions as between the ‘great powers’. Other factors are, of course, also clearly of some significance, not least the vast array of developments that are collectively described by the word ‘globalisation’. States are becoming more interdependent and this has to be a significant influence, as too must be the development of global institutions including the United Nations. Arch-Realists may dismiss the UN as an ineffective product of idealist thinking, but they are wrong entirely to dismiss its impact on the development of norms of behaviour and the need for some measure of international

accountability. I am sure that as the processes of globalisation and interdependence continue and as international institutions come to play a greater role within the international system, the chances of great power conflict will further recede. But the possibility has not yet disappeared altogether and, until we can be sure that it has, I feel there will be a need for the precautionary retention of some measure of nuclear capability to balance that of others who may have less benign objectives. That is not to say that Britain's needs are as great today as they were two decades ago when Trident D5 was chosen as a successor system to Polaris. Trident has many years of operational potential and no decision on a successor system is absolutely essential as this volume is being put together.

What is necessary very soon is a decision on whether to replace the submarines that carry the system to sea. It now seems probable that other options are being considered on grounds of financial cost. Whatever the outcome of the deliberations within Whitehall on the future of the British nuclear strategic deterrent, one option that ought to be considered very seriously indeed is a scaling down of capability. Britain might sensibly reduce, for example to just two submarines and a longer period of readiness, to fewer missiles and to a downgraded (if modernised²⁰) warhead arrangement. This would go some way to meeting the obligations on disarmament contained in the NPT – but it would also ensure the maintenance of a legitimate strategic deterrent for the foreseeable future, as the international system develops further and we become increasingly confident of the likely absence of great power conflict.

Notes

1. UK Ministry of Defence, *British Defence Doctrine* (2nd Edition), Joint Warfare Publication 0-01, October 2001.
2. The definitions of 'deterrence' and 'coercion' are not unambiguous. Some argue that 'coercion' is an overarching phrase encompassing both 'deterrence' and 'compellance' (see, for example, G Schaub, "Compellance: Resuscitating the Concept" in L Freedman (Ed) *Strategic Coercion: Concepts and Cases*, Oxford University Press, 1998, pp.37-60). In that contrasting approach, compellance is synonymous with 'coercion' as used in this paper. Both approaches are acceptable, but it is important to appreciate which approach is being adopted when the word 'coercion' is being used. This paper uses the words 'deterrence' and 'coercion' in the same way they are used in British Defence Doctrine, as Note 1, pp.5-1 to 5-2. One important respect in which 'coercion' can make a defensive contribution is at the tactical or operational levels, at which offensive action is required in order to achieve strategically defensive objectives.
3. N Grief, "Is Britain's continued possession and threatened use of nuclear weapons illegal?" In, *Current Decisions Report: The Future of Britain's Nuclear Weapons: Experts Reframe the Debate*. Oxford Research Group. March 2006. p. 41-48
4. Nuclear weapons free zones have been established by the 1967 *Tlatelolco* (Latin America and the Caribbean) the 1986 *Treaty of Rarotonga* (South Pacific), the 1995 *Treaty of Bangkok* (Southeast Asia) and the 1996 *Treaty of Pelindaba* (Africa). Of course, if states party to such treaties do not wish to have nuclear weapons on their territory they have the right in law to exclude them absolutely. However, nuclear weapons free zones typically include areas of the high seas. The treaties establishing such zones, while binding on their parties, cannot be regarded as constraining nuclear weapons states from their lawful use of their freedom to operate on the high seas. Non-parties are not bound by such treaties, although they may choose in practice to respect the non-nuclear aspirations of those who have agreed to the ban. Importantly, a willingness to comply with the spirit of a nuclear free zone is not evidence of any acceptance of a legal obligation to do so. So not only are non-parties to nuclear free zone treaties not bound by them, they are arguably also not constrained by any customary obligation in relation to the zones themselves. That said, those five nuclear weapons states recognised in the NPT have all become parties to binding protocols additional to the treaties of Tlatelolco, Rorotonga and Pelindaba. By these protocols they are committed never to use or threaten to use nuclear weapons against the parties to the treaties.
5. *Legality of the Threat or Use of Nuclear Weapons Case*, Advisory Opinion (1997), in *International Legal Materials*, Vol.35 at pages 809-1343. See in particular Paras.57-63

6. N Grief, "Is Britain's continued possession and threatened use of nuclear weapons illegal?" In, *Current Decisions Report: The Future of Britain's Nuclear Weapons: Experts Reframe the Debate* Oxford Research Group. March 2006. p. 44
7. The only possible exceptions to this have been 1) the decision made by the Eden Government in 1956 to invade the Suez Canal Zone, a decision that had profound consequences for the UK's reputation and which placed British Foreign Policy under something of a cloud for some time thereafter; and 2) the decision in 2003 to invade Iraq, although the eventual aim of this operation is to re-establish the political independence of Iraq as a responsible member of the international community.
8. In the last fifty years Britain has been relinquishing territory, not acquiring it. Most recently, in 1982, Britain stood full-square in favour of self determination in relation to its remaining possessions in the South Atlantic.
9. In that instance the use of nuclear weapons would have represented a grossly disproportionate response in self defence. Importantly, the non-use of nuclear weapons against Argentina in 1982 is also sound evidence of Britain's clear reluctance to employ nuclear weapons against non-nuclear powers.
10. N Grief, "Is Britain's continued possession and threatened use of nuclear weapons illegal?" In, *Current Decisions Report: The Future of Britain's Nuclear Weapons: The Experts Debate the Issues*. Oxford Research Group. March 2006. p. 45
11. The comments are contained in the minutes of the House of Commons Select Committee on Defence for 20 March 2002. They and the additional comments Geoff Hoon made during the Dimpleby interview on 24 March are quoted in P. Rogers, *Iraq: The Consequences*, Oxford Research Group, Briefing Paper, October 2002.
12. I was a MoD staff officer at that time. Iraqi chemical weapons were certainly a major concern for our deployed forces, as they were for the US force commander. Right up to 2 April 2003, for example, General Tommy Franks was grappling with the problem of potential WMD attacks (see T Franks, *American Soldier*, Regan Books, 2004, various references but, in particular, the comments at p.515). Despite this obvious and feared threat, I was never aware of any 'talk/internal gossip' within the MoD policy community about there being a nuclear dimension to the conflict – although I was, admittedly, certainly not likely to have been privy to any serious substantial discussions of that nature given my own clearly marginal position.
13. *Nuclear Weapons Case*, Advisory Opinion Paragraph 67.
14. *Nuclear Weapons Case*, Advisory Opinion, Dispositif Paragraph 2E.
15. *Nuclear Weapons Case*, Judge Higgins, Dissenting Opinion, Paragraph 36. A *non liquet* is the absence of law on which a court or tribunal can rule, leading to that court or tribunal failing to reach a judgement as to the law. What Judge Higgins was saying is supported by the view expressed in Sir R Jennings and Sir A Watts (Eds) *Oppenheim's International Law*, 9th Edition, Longman, 1992, p.13: "It is....not permissible for an international tribunal to pronounce a *non liquet*". In essence, the Court should have employed its collective jurisprudential skills to reach a judgement as to the law relating to nuclear weapons used as deterrence; that it did not do so was an abdication of its responsibility.
16. *Nuclear Weapons Case*, Vice-President Schwebel, Dissenting Opinion, Paragraphs 5 and 6.
17. N Grief, "Is Britain's continued possession and threatened use of nuclear weapons illegal?" In, *Current Decisions Report: The Future of Britain's Nuclear Weapons: Experts Reframe the Debate*. Oxford Research Group. March 2006. p. 42
18. The UN Security Council has even declared them "incompatible with the purposes and principles of the United Nations" in UNSC Resolution 188 (1964). This was in relation to a complaint brought by Yemen against the United Kingdom, which resulted in British military action taken against Yemen being deplored by the Council. Interestingly, the UK could have vetoed this Resolution but chose instead merely to abstain. In so doing, it presumably had no fundamental objection to the Security Council's condemnation of reprisals contained therein. Intriguingly, the issues surrounding the legality of reprisals in this context probably render a 'first use' nuclear option illegal unless war/armed conflict is already underway – in which case a first use of strategic nuclear weapons may be interpreted in law as a lawful escalation beyond conventional force....but only if used against military objectives through 'counter-force' targeting in circumstances (admittedly difficult to imagine) where civilian casualties were regarded as proportionate in relation to any military advantage obtained. It is extremely difficult indeed, if not impossible, to conjure up in one's mind today any first use through 'counter-value' targeting that would be lawful.
19. UK Ministry of Defence, *The Manual of the Law of Armed Conflict*, Oxford University Press, 2004, pp.420-421 (Paragraph 16.19.1). Professor Grief argues that the reservation made by the UK on ratification of Additional Protocol I is impermissible. However, as the UK stressed, the rules contained in the protocol "apply exclusively to conventional weapons without prejudice to any other rules of international law applicable to other types of weapons. In particular, the rules so introduced do not have any effect on and do not regulate or prohibit the use of nuclear weapons." (See A Roberts and R Guelff, *Documents on the Laws of War*, 3rd Edition, Oxford University Press, 2000, p.510.) This reservation is not incompatible with the object and purpose of Protocol I.
20. The modernisation of the warhead should not be assumed to result in an enhancement of capability. On the contrary, the warhead arrangement may well need to be modernised as a part of the process by which the overall capability is reduced. For this reason, investment in and developments at Aldermaston should not be assumed to signal a determination on the part of HM Government to somehow increase the UK's nuclear capability.

The Debate 4 *Should the decision on Trident replacement be a subject of public and parliamentary debate?*

Rt. Hon. Clare Short argues that an intelligent decision regarding Trident cannot be made without public and parliamentary debate about Britain's international role in the world.



Rt. Hon. Clare Short MP
former Secretary of State for International Development (1997 – May 2003)

The Government has made clear that a decision on whether to replace Trident will be made during this parliament. The Secretary of State for Defence has promised a debate. But when challenged to commit to a vote in the House of Commons, the Prime Minister studiously refused to answer the question. It is pretty clear that Blair has already made his decision and John Reid, now Secretary of State for Defence, said when giving evidence to the Defence Select Committee in on 1 November 2005 that the UK will retain its nuclear capability for as long as any potential enemy anywhere in the world has them. He argued that the fact that they were useless against international terrorism was no reason for Britain to get rid of its nuclear weapons when other countries were acquiring them. Given that the Conservative Party will obviously support the retention of nuclear weapons, it is almost inevitable that a decision will be made to retain a nuclear capability.

There are various replacement options, which could be submarine, land or air based, but one of the most likely is to extend the service life of the existing submarines which could bring the UK's procurement cycle in line with that of the US which produces and services the Trident missile system. The US is currently planning to retire the last of these missiles from service in around 2040. The reason why a decision has to be made soon is that although the UK Vanguard-Class submarines will not have to retire until 2024-2030, work on a replacement will have to begin in the next 3-4 years and development work would have to start by 2010-2015. So if a decision is taken now to build new submarines in 2025-2030, it could not guarantee that its Trident missiles would be available after 2040. Extending the life of the present submarines would enable the UK to buy into the future US replacement system. The long term planning required for these decisions means that although there is an air of inevitability about the decision, the timescales are so long that there will be many opportunities to challenge and seek to reverse it.

I believe that it is impossible to make an intelligent decision about the replacement of Trident without debate about Britain's role in the world. And given the disastrous mistakes that have been made in Iraq and the Middle East, it is imperative that we seek to learn the lessons of successive British Prime Ministers' obsession with the "special relationship". There is a strong case to be made that the relationship with the US is a comfort blanket for a UK "which lost an empire but has not yet found a role". The UK role seems to be that of being best friends with the world's greatest power in order that we can pretend that this somehow makes the UK great. But as we have seen over Iraq, the belief that this was the UK's crucial international alliance led our Prime Minister to privately promise that the UK would accompany the US to war in Iraq and then engage in a trail of deceit to get us there. And it was the deceit and secrecy that explains the failure to prepare properly for the post invasion period and thus for the continuing mayhem and suffering in Iraq. Obviously the imperative now is to find ways forward in Iraq but we must also learn lessons. The case of Iraq surely demonstrates that the obsession with the "special" relationship led the UK Prime Minister into a terrible error. This involved a failure to act as an honest friend of the US and abject loyalty helped lead the US into a foreign policy error, more serious even than Vietnam.

There are powerful arguments against replacing Trident because it will encourage proliferation and is a waste of money but the most important argument is political. The UK's

sense of itself as a nuclear power is a delusion. Trident is supplied and serviced by the US. It is currently untargeted and there is no prospect that the UK would ever use it without US approval. It is therefore nothing more than a very expensive symbol – a military version of bling. All it does is cement us to the US and an idea of ourselves as an important player because we are so close to the world's greatest power. It locks us into an image of ourselves that means we end up as little more than the US's poodle and that both humiliates us, makes us a poor friend of the US and prevents us from playing a more useful role on the world stage.

There is little doubt that the most serious threat to our future is climate change.

We should therefore begin the discussion on the replacement of Trident by asking what our foreign policy is for and where our interests lie. There is little doubt that the most serious threat to our future is climate change. The “war on terror” is the immediate preoccupation but as the UK Chief Scientific Adviser, Sir David King has said on more than one occasion, climate change is a much bigger threat to our future than international terrorism. This does not mean of course that we can ignore the threat of terrorist attacks in our country and across the world but we need to make progress in bringing peace to the Middle East and combating global warming. Instead current UK/UK policy is both inflaming the anger and bitterness that is spreading across the Arab and Moslem world and undermining international law and respect for the multilateral institutions that we need in order to create a world order capable of resolving both the conflict in the Middle East and the problems of poverty, population growth, environmental degradation and global warming that threaten the future of the whole of humanity. This is an enormously important argument to which of course the replacement of Trident is irrelevant except insofar as it ties the UK to US policy and thus distracts us from putting forward the important lesson from Northern Ireland that a security response alone cannot defeat entrenched resistance built on a deep sense of oppression and injustice, but that a commitment to justice alongside an intelligent security and political response can bring such violence to an end.

The tragedy of the current situation in the Middle East is that there is a just peace available that would move the whole region forward. It would entail the establishment of a Palestinian state alongside Israel on pre 1967 borders, a negotiated end to the occupation of Iraq and the removal of all WMD from the region, including Israel's nuclear weapons. Unfortunately, there is no immediate prospect of the US supporting such a settlement as it is tied to Israel's plans for its expansion of its borders. This means that continuing bitterness and conflict are almost inevitable. This is a terrible threat to the future and the UK should be working with the rest of the EU for a peace in the Middle East based on the principles of international law. Instead, the Prime Minister's attachment to the special relationship has led to an unwillingness in the UK to take a different position on Middle East policy to that of the US administration and despite Prime Ministerial rhetoric about Two States and the Road Map whenever it comes to the crunch, the UK stands with the US on Middle East policy.

Perhaps even more serious in the long term is the fact that the climatologists of the world are now predicting with some certainty the prospects of a process of lingering death that could bring an end to our civilisation. They say it will start with rising intensity and frequency of hurricanes, floods and droughts that we are experiencing now. Famine and chaos will then increase in the poorest and most unprepared countries. This will kill thousands and

*the UK role as
automatic ally
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later millions of people as systems collapse and civil wars spread. Some countries will see their coastlines erode and countries like Bangladesh will lose a large part of their territory to the sea. Small island nations will disappear. Other areas will become deserts. There will be massive refugee movements. Major wars are likely over oil and water. The consequence will lead to destruction, disorder and the breakdown of society. At the same time, sea life will be dying as the oceans are poisoned, taking away a major source of protein for billions of people, crops will fail and more people will starve. And of course, by 2030-50, world population will have grown to 8-9 billion people. And 90 per cent of the new people will be born in the poorest countries.

The UK Government calculated in 2003 that if carbon dioxide concentrations in the atmosphere are to be stabilised at twice pre-industrial levels, industrialised countries will need to reduce their emissions by at least 60 per cent by the middle of the century. And in the view of the President of the Royal Society ... "even then, such a stabilisation level might be associated with a degree of climate change which will be judged to be too dangerous for the world to bear." To achieve these levels of reductions in Carbon Dioxide emissions will require massive change in our current model of economic and social organisation.

In preparation for the G8 leaders' meeting at Gleneagles in July, the national science academies of the G8 nations plus China, India and Brazil called on the leaders to initiate a scientific study of stabilising levels of greenhouse gases at various concentrations in the atmosphere. Such a study was intended to help all the countries that have signed the United Nations Framework Convention on Climate Change agree on the targets that are needed to secure the future of the planet. At Gleneagles, the US was not willing to agree to such a study or the UK to challenge and thus little progress was made. Since then our Prime Minister has twice cast doubt on the value of targets to help reduce carbon dioxide emissions and said we should instead rely on new technologies. There is no doubt that renewable technologies have an important part to play in reducing carbon dioxide emissions, but without targets we are unlikely to create the incentives necessary to drive progress. And thus on global warming, despite the Prime Minister's claim that the UK is taking a leadership position, it appears that the special relationship has led to us compromising our position on the most important issue for the future of our civilisation. Of course, a replacement for Trident will contribute nothing to the prevention of global warming. But UK determination to remain a nuclear power makes us dependent on US favour in a way that prevents us from playing a more useful role on the world stage.

Similar questions need to be asked about the purpose of the European Union Foreign and Security Policy and how the UK should square up its relationship with the US and the EU. Some suggest that the EU must act as a counterweight to the US, and the UK must therefore choose between the special relationship and the EU. The traditional answer to that is that the UK should seek to act as a bridge between the two, a role that clearly failed spectacularly in the case of Iraq. In my view the EU aspiring to a great power/counterweight role is neither practical nor desirable. But the EU could and should make the centrepiece of its Common Foreign and Security Policy the building of a new world order based on strong multilateral institutions capable of spreading security and greater equity within which we could

co-operate to reduce the risks from climate change. But the UK role as automatic ally of the US undermines the capacity of the EU to stand together for a different and more intelligent world order.

The reality is that it is current levels of poverty, population growth, environmental degradation combined with weak states experiencing growing conflict, disorder and suffering that is the greatest threat humanity faces. Current development in China and India suggest that in thirty years time these two massive countries will be economically and politically much stronger players on the world stage. The developments taking place in India and China demonstrate how the forces of globalisation can be harnessed to the sharing of technology and the reduction of poverty. But they also show the limits to the economic growth, the planet can bear. According to Lester Brown of the *Earth Policy Institute* in Washington DC, who is one of the leading US environmental analysts, if growth in China continues at 8% a year, by 2031 China's income per head for its 1.45 billion people will be equal to that of the US today. He said:

“China's grain consumption will then be two thirds of the current grain consumption of the entire world. If it consumes oil at the same rate as the US today, the Chinese will be consuming 99 billion barrels a day – and the whole world is currently producing 84 billion barrels a day, and will probably not produce much more. If it consumes paper at the same rate that we do, it will consume twice as much paper as the world is now producing. There go the world's forests. If the Chinese then have three cars for every four people – as the US does today – they would have a fleet of 1.1 billion cars compared to the current world fleet of 800 million. They would have to pave over an area equivalent to the area they have planted with rice today, just to drive and park them.”

Mr Brown, who has been tracking and documenting the world's major environmental trends for 30-years then said:

“The point of these conclusions is simply to demonstrate that the western economic model is not going to work for China. All they're doing is what we've already done, so you can't criticise them for that. But what you can say is, it's not going to work. And if it does not work for China, by 2031 it won't work for India, which by then will have an even larger population, nor for the other three billion people in the developing countries. And in some way it will not work for the industrialised countries either, because in the incredibly integrated world economy, we all depend on the same oil and the same grain.

The bottom line of this analysis is that we're going to have to develop a new economic model. Instead of fossil-fuel based, automobile centred, throwaway economy, we will have to have a renewable-energy based, diversified transport system, and comprehensive reuse and recycle economies. If we want civilisation to survive, we will have to do that. Otherwise civilisation will collapse.”

Africa was the second priority of our Prime Minister for the Gleneagles summit. The Make Poverty History campaign made many headlines, but in practice little was achieved. There was an announcement of more debt relief for the countries who are already receiving debt relief paid for out of existing aid. In addition, there were non-binding commitments to more

If the UK case for a new weapon system is justified then many other nations can claim an equal entitlement

aid for Africa. But the reality is that Africa is still getting poorer. Two million people remain displaced in Darfur, Niger has lived through its famine, Zimbabwe and Côte d'Ivoire are living with disaster and there is little international attention to supporting existing peace processes. What is holding Africa back is conflict and disorder and lack of adequate international effort to drive forward peace processes in the large potentially rich countries like the Democratic Republic of Congo, Sudan and Angola. The exploitative state structures and unnatural national boundaries imposed on Africa in the colonial era, followed by Cold War manipulation, have held back the development of the continent. But now the threat is weak states and the consequent disorder which makes development impossible. This means great suffering for the people of Africa, but also a massive unstable continent on Europe's borders where criminality and violence can thrive. The same dangers exist in Afghanistan where the failure to plan for the development of the nation after a short military conflict has left a desperately poor state dominated by warlords, with an economy based on narcotics which could destabilise the wider region. The disorder in the Middle East has the potential to continue to spread and its possible consequences for the Horn of Africa and North Africa could impose further barriers to development in the poorest continent.

This short account of the threat to our future and the future of our civilisation demonstrates the irrelevance of the plans for a new weapon to replace Trident. It is clear that UK determination to have such a weapon ties us into a role of automatic ally of the US and thus prevents us playing a more useful role in the world. It is also clear that this UK role undermines the ability of the EU to take forward an agenda that grapples with the major problems of the future. But in addition to this, we are living at a time when there is a very real danger of a proliferation of nuclear weapons that will make the prospects of nuclear war very much more likely. In recent years India, Pakistan and North Korea have announced their possession of nuclear weapons. Israel refuses to publicly acknowledge that it is a nuclear state, but is in practice the fourth largest nuclear power. It was little noticed that during the summer of 2002 there was a real prospect of war between India and Pakistan that would have run a high risk of leading to a nuclear exchange. This led the UK to withdraw large numbers of staff from the region, after taking expert advice on the extent of the likely fallout. The lesson for Iran in comparing US policy towards Iraq and North Korea is quite obvious. And the fact that the US is willing to co-operate with India on civil nuclear power shows a willingness to accept that the *Nuclear Non-Proliferation Treaty* (NPT) is breaking down. A UK decision to invest in a new weapons system would further breach the principles of the NPT and send out the message that if a nation wishes to be considered powerful and secure in an increasingly unstable world, it needs a nuclear weapon. If the UK case for a new weapon system is justified then many other nations can claim an equal entitlement and the likely proliferation massively increases the risk of a nuclear exchange.

The case against the replacement of Trident goes beyond the narrow arguments about the morality and risk of nuclear weaponry. Those arguments remain, but as the military experts always argue, the case for the UK continuing as a nuclear state, is political and not military. My submission is that the political case against replacing Trident is overwhelming. It could free us from the close reliance on the US which prevents us adopting a more useful role on the world stage. This does not of course mean that we should move to a position of hostility to the US. We have deep ties of history and language and at least half its population are unhappy with its current foreign policy. But the UK as a non nuclear power, with the moral authority that we would gain by giving up our nuclear weapons, could become a leading player working to renew a commitment to non-proliferation and help to generate the ideas and build the alliances necessary to create the new global settlement necessary to save the future of human civilisation.

The right course would be to take Trident off patrol and store its warheads, to cancel plans for a new weapon and to work with others to strengthen existing disarmament treaties and negotiate new ones. Alongside this, we should use our influence in the UN, World Bank and IMF, the G8, EU and the Commonwealth to start to build the new world order. Our military will be kept busy helping to strengthen the UN's capability to resolve and prevent conflict and help the African Union to build its capacity to help weak and fragile states to create security for themselves just as we did so proudly in Sierra Leone. If the UK was not tied up currently in Iraq and Afghanistan we could make a major contribution to peace and development in countries like the Congo, Sudan, Nepal and in supporting the peace agreement that needs to be put in place in the Middle East.

All of this needs passionate and urgent debate. A quietly managed process of legitimising a decision that has already been made, to continue as a nuclear power, will entrench the UK into a continuation of the errors that led us to Iraq and have so terribly dishonoured our country, further destabilised the Middle East and distracted us from attending to the most important threats we face.

The Debate 4 *Should the decision on Trident replacement be a subject of public and parliamentary debate?*

Commodore (retired) Tim Hare argues that the extent of the forthcoming decision regarding Trident is largely technical, and so at this stage a public and parliamentary debate is not warranted.



Commodore (retired) Tim Hare
former Director
Nuclear Policy, UK
Ministry of Defence

Nuclear issues were once central to the UK domestic political agenda and indeed shaped opposing defence manifestoes in defining the nature and rationale underpinning our nuclear capability. However, since the demise of the cold war – by which time the UK's Trident ballistic missile submarine programme was well underway and most of the arguments for and against exhausted – nuclear issues have not featured as a topic of major concern amongst the electorate. This may change as over that past year or so there have been mutterings in the relatively small world of committed NGOs and defence academic circles, over a forthcoming “decision” on Trident that might serve to ignite a wider public and parliamentary debate on the wisdom of the UK's continuing nuclear capability. The catalyst for all this has been a recognition by government that the matter of what might come after the current Trident system runs out of operational life should be the subject of “... consideration during the next parliament.” (Which we should take to mean before 2009.)

One could be forgiven for wondering what all the fuss is about when there is no momentum behind any significant shift in UK nuclear policy nor is there any immediate worry over the efficacy of the Trident system that hosts the UK's minimum deterrent capability. Indeed the last of the four Vanguard Class submarines (known in jargon as SSBNs) was declared fully operational as recently as 2000 and the 1998 *Strategic Defence Review* declared that the system would “...remain an effective deterrent for up to 30 years.” That the government will have to commission some high-level study work to explore possible future capability options quite soon and modest expenditure will be sought to support this activity is the only issue on the table. No major decisions are imminent and therefore any immediate need for a public debate is indeed questionable. Why then all the excitement?

To understand this, we need to be clear as to the exact nature of the nuclear capability and the related issues confronting the UK in 2005. Firstly: Capability. The infrastructure – that is the shore based support element of Trident – is fine as are the related command and control facilities. These remain effective through regular maintenance regimes that can continue indefinitely at relatively low cost and well within the current budgetary allocation. The US Trident missile system itself – that is the D5 missiles and the launch support systems housed on the Vanguard Class SSBNs – is underwritten by the US well into the foreseeable future (beyond 2040) and we can safely assume that the current arrangements for support and missile “pooling” will continue. It is the UK elements of the front line capability – that is the submarine platforms themselves and the nuclear warheads integrated with the (US) Trident D5 missile – that will require some attention towards the end of the next decade. It is what to do here that is the subject of current scrutiny. Like any other piece of high tech equipment nuclear submarines and warheads consist of piece parts that have a finite life. Through maintenance and obsolescence anagement regimes, such systems can remain safe and operational for a long period; however – rather like a car – there comes a time when one has to acknowledge that piece part replacement is no longer the most expedient answer and that a new model should be sought. What the government needs to look at is just what those timelines are and when decisions have to be made if a continuing capability is required. Thus all we are talking about today is the commissioning of some study work for decisions that will not have to be taken for some time yet and certainly not before 2010. However capability is not really the issue, yet, and indeed will only become so if costs spiral

and affordability becomes the central focus. What has traditionally driven the nuclear debate in the UK are policy issues and in particular the fundamental of whether the UK should possess any form of nuclear weapon capability at all. Supplementing this are key questions such as: What is the UK's role in the post cold war security environment? What is the role of nuclear weapons? Are we doing enough to reduce the risk of nuclear war? Are we living up to our responsibilities under the NPT?

UK nuclear policy was reviewed in depth during the *1998 Strategic Defence Review (SDR)*. The review resulted in some major changes in the UK's position and went some way in responding to pressures to reduce nuclear capability and generate confidence and security building measures along the lines called for in the *Non Proliferation Treaty (NPT)* action plan. The following key measures summarise what was a dramatic change in policy:

- Reduction to a minimum nuclear deterrent force – Indeed the smallest amongst the so-called Nuclear Weapon States (NWS) with a total of 200 operationally available warheads only.
- De-targeting and reduced alert of the UK deterrent force. A major shift away from the cold war force status. UK missiles are not targeted on anybody. The force is at some days or hours readiness as opposed to the immediate notice during the Cold War.
- Openness and transparency on a wide range of nuclear related data from deployed force status, plutonium stock levels to detail on the cost of our nuclear capability.

it is hard to understand why the UK posture should be singled out for criticism

These measures were very much in the spirit of the NPT and have yet to be matched by not only the declared NWS but those countries that have an acknowledged nuclear capability such as Israel, India and Pakistan. Furthermore the UK has declared explicitly that it will introduce its nuclear capability into full disarmament talks once other countries have reduced their force levels to the same order.

With this exemplary policy shift, it is sometimes hard to understand why the UK posture should be singled out for criticism by interested NGOs. Certainly there are those who continue to strive for a nuclear free Britain who will grasp every opportunity to express their opposition to the current policy. However no UK political party has ever achieved electoral office under such a banner and indeed voting evidence suggests that the nation remains comfortable with the UK's current position of retaining an affordable minimum nuclear capability in a very uncertain world whilst at the same time striving to progress global multilateral disarmament measures. That the recent NPT review was a failure cannot be lodged at the UK's door and perhaps others should be invited to at least catch up with the UK's record before bringing the UK's policy under further critical scrutiny. Focus should be more on countering proliferation and persuading the major NWS – Russia, US and China – to constrain their nuclear arsenals to figures that approach the UK's stockpile level in the low 100s rather than 1000s. Also those states that possess nuclear weapons but are either not members of the NWS "club" or have failed to sign up to the NPT should be the target of major diplomatic and NGO efforts to restrain their activities and reduce world tension through disarmament measures.

there would appear to be no real grounds for a major debate on the UK's nuclear capability at this time.

Could the UK do more? Of course and this will become evident in the range of options to be presented to government when the “What after the Vanguard Class?” decision becomes timely. One will be to give up the capability all together. There remains a view that this latter option would set a strong example to the world community which others would then follow. Whilst indeed such a measure would put the UK on the moral high ground, that others would adhere to a similar policy is highly unlikely. The common rationale for the possession of nuclear weapons is for deterrence against regional threats. Just because the UK decides unilaterally to give up its capability does not mean that these regional threats suddenly disappear. The likely response to such action would thus be laudable praise in diplomatic circles but no real change in levels of disarmament. Notwithstanding this, there is a range of interim options defining the size and nature of a UK minimum capability that can be considered and offered for public scrutiny.

To summarise therefore, there would appear to be no real grounds for a major debate on the UK's nuclear capability at this time. There are no impending policy or capability imperatives. Decisions on whether to and how to replace the Vanguard class SSBNs is some way off. Other NWS and nations possessing a nuclear capability have much to do to match the UK's position on minimising their capability, implementing transparency measures and reducing tension through de-alerting and de-targeting. Worries over the lack of progress of the NPT disarmament objectives remain very real and it is suggested that the focus should be on these rather than singling out the UK

Logic however has never governed the public agenda and it may be that the topic of UK nuclear weapons capability somehow fires the public imagination. If so could it be influenced? Since the heydays of the Cold War, nuclear weapons have not featured as an issue of major debate in the UK or indeed within NATO. Whilst there is a vociferous and articulate minority who argue strongly against nuclear weapons in general, and any UK capability in particular, that minority has struggled to be heard and indeed has displayed some frustration at public apathy towards an issue which is perceived as one of such fundamental importance to world security that it warrants a much higher level of media attention. Two factors might change all this: one political, the other practical. In political terms nuclear weapons have a strong symbolic role and are perhaps the ultimate expression of military power. A continuing capability is therefore reflective of the UK's perceived role in the world and it is in this area that perhaps a wider discussion is both timely and welcome. Ever since the end of the Second World War Britain has “punched above its weight” in terms of foreign policy and international security. After the end of the cold war and the adoption of a worrying strategy of extraordinary sycophancy towards the most right wing US administration that one can remember, it is perhaps timely to reconsider Britain's role in the world and call our policy makers to task. Maintaining strong ally status with the US whilst at the same time participating as a responsible member of the EU has always been Britain's dilemma. Since 1997, UK foreign policy has been in the hands of ministers largely inexperienced in diplomacy and international affairs and has developed serious flaws – crystallised by the dangerous and misguided foray into Iraq and seeming unequivocal support for US neo-conservative policy, in particular for the so called “War on Terror”

*there is no
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certainly no
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launch
command*

(a misnomer if ever there was one) – with which the country at large appears uncomfortable. If a view prevailed that Britain should perhaps take a more reduced role in world affairs and act responsibly as “medium sized European power” then this indeed might influence UK nuclear policy. However even in this context the net impact on capability is unlikely to be significant as the argument for the retention of a minimum nuclear deterrent alongside France (where there is no question of disarmament) as the ultimate guarantor of European security remains compelling.

Alongside this wider security debate sits the issue of the “independence” which will continue to attract scrutiny and criticism. Just how far should the UK’s deterrent capability be dependent on the US? There is much nonsense talked here. Whilst there is indeed dependence for the design, procurement and support of the Trident delivery system there is no oft quoted “US launch key” and certainly no veto over launch command and control which remains firmly in UK hands. UK nuclear weapons are declared to NATO and the decision to launch remains sovereign. In the highly unlikely event that US/UK relations fall to such a low ebb that the US decides to cut off support to Trident, there would be no immediate effect. Indeed the system could be sustained for some time until obsolescence, essential spares and design issues had a direct impact on the efficacy of the system. This small “risk” therefore has to be balanced against the huge advantage of “going US” in terms of cost. One has only to look at the enormous sums spent on France’s indigenous capability to understand that the UK system is acquired on the cheap. Furthermore whilst France might claim that its nuclear weapon system is truly “independent”, there is actually no such beast as a truly independent military capability – where literally every part is made in the sovereign country – as we live in an age where capability is supplied through large international companies who obtain materials, piece parts and sub systems from all over the world.

Notwithstanding these factors there are political limits to US dependence and to date the UK has prided itself on provision of independent warhead, reactor, platform and C3 systems. It will be in these areas that further integration with the US would call into question the true “independent” nature of the UK capability and its desirability.

The more practical issue that might spark public concern is that of affordability. Whilst there appears to be general acquiescence of the UK’s current position this is only because expenditure on the UK independent nuclear deterrent is acceptable at some 2% of the defence budget. There will be recognition that major expenditure will be required to sustain that capability in the long term – it is the level of that expenditure and its impact on other areas of the defence and perhaps domestic budgets that will determine continued acceptance of current policy. Should costs spiral – above say an overall total of £10BN (an enormous sum but in defence expenditure terms comparable to other weapons systems such as the Eurofighter aircraft programme) – then questions on the UK’s continuing capability would arise. The government will be very sensitive to this and will strive for options that balance cost, co-operation with the US, assurance of delivery of the necessary level of effectiveness to meet a defined minimum deterrence criteria against the corresponding political implications at home and with allies.

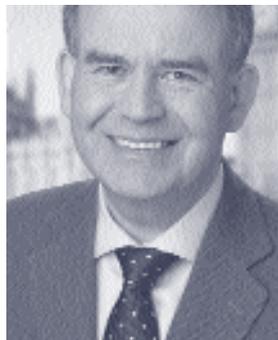
*there remains
a strong public
will for the
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minimum
capability*

Will parliament become engaged in all this? Perhaps. Whilst current nuclear policy is largely accepted by both major opposition parties, it remains a highly sensitive issue for Labour. Indeed there are those in the party, already angry at being duped over Iraq and who have traditional sympathies with the anti-nuclear cause for whom this just might be the issue to tip the balance into open revolt against the party leadership. It is this fear that will cause government ministers to approach the whole issue with some caution and minimise parliamentary debate to ensure it is given only limited visibility in the commons agenda. Indeed it will probably require coordinated strong pressure from the backbenches to ensure appropriate exposure. If parliament is unlikely to lead, it will be up to the media, defence and foreign policy institutions and academia to rise to the occasion. There also remains the question of public mood and whether it is receptive to this serious debate whilst other worries of Iraq, internal security and domestic issues appear paramount in today's press.

Indeed, with no pressing policy changes and only very modest expenditure to explore future options, costs and decision points there is no immediate reason for the issue of nuclear weapons generally and the UK capability in particular to grab the headlines. A wider debate on Britain's role in the new security environment in the context of worries over the Iraq war and a too closer a relationship with the Bush regime might be more apposite. A welcome outcome might be a stronger realignment to Europe and the UN however this is unlikely to serve the abolitionist cause which continues to solicit only very limited support in the country. Cost is perhaps the one issue that might change hearts and minds. However there remains a strong public will for the retention of our minimum capability as the ultimate guarantor of our security in an uncertain and scary world and this is unlikely to change in the foreseeable future.

The Debate 5 *Can the retention of British nuclear weapons be justified ethically in today's world?*

Dr. Julian Lewis argues that retaining Trident is ethically justifiable if possession helps to prevent a future conflict between nuclear powers.



Dr. Julian Lewis
MP
Shadow Defence
Minister for
nuclear deterrence
and Naval Affairs

The purpose of Britain's strategic nuclear deterrent is as it has always been: to minimise the dreadful prospect of the United Kingdom being attacked by mass-destruction weapons. This is a supremely ethical objective. Weapons in themselves are morally neutral. Ethics enter the equation only when one considers the motivation for possessing weapons and the uses to which they are put.

The use to which a minimum strategic deterrent like Britain's is put is to create a feeling of certainty in the mind of a potential aggressor that any attack on the United Kingdom will lead to retribution on an unacceptable scale. Thus, the use of the deterrent lies not in its actual military employment, but in its ability to be the ultimate 'stalemate weapon'. Even before the explosion of the first atomic bomb in the New Mexico desert, British military scientists had worked out its main implication. In a top secret report for the Chiefs of Staff in June 1945, Professor Sir Henry Tizard wrote that the only answer which he and other senior defence scientists could see to the atomic bomb was to be prepared to use it in retaliation:

*"A knowledge that we were prepared, in the last resort, to do this might well deter an aggressive nation. Duelling was a recognised method of settling quarrels between men of high social standing so long as the duellists stood twenty paces apart and fired at each other with pistols of a primitive type. If the rule had been that they should stand a yard apart with pistols at each other's hearts, we doubt whether it would long have remained a recognised method of settling affairs of honour."*¹

This argument was only the latest in a long line of similarly hard-headed but hopeful views. The motto: "If you desire peace, be prepared for war" was essentially the same, as was the statement in the early days of aviation: "When German bombers can destroy London and British bombers can destroy Berlin, Germany and Britain will never again go to war". Nor is it realised by the world at large that Alfred Nobel – of Peace Prize fame – was actually the inventor of dynamite. He felt that, such was the destructive power of this new explosive, war would become too costly for countries to contemplate.

Why the Tizard scenario of peace through mutually assured destruction stood the test of time better than the earlier arguments was the factor of certainty (or 'assuredness') which atomic weapons for the first time guaranteed. Earlier explosives, like dynamite, and earlier means of delivery, like manned bombers, still left the outcome of the encounter in doubt. Even where both sides were similarly armed, there remained enough of a chance that one of them would suffer total defeat whilst the other enjoyed total victory, to make the gamble of waging war seem worthwhile. There was, in short, too much uncertainty as to what the outcome would be. This changed virtually overnight with the dawning of the atomic age. Once a country possessed more than a relatively small number of nuclear weapons and unstoppable ballistic missiles to carry them accurately to their targets, the outcome of any conflict in which both sides used them was indisputable – levels of mutual destruction far greater than any civilisation could be expected to tolerate.

*no weapon is
moral or
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itself*

Despite attempts such as the Strategic Defence Initiative to put the nuclear genie back in its bottle, Tizard's statement remains as true today as it was sixty years ago. The only answer to the threat that one may be attacked with a substantial number of nuclear weapons is to demonstrate to a potential enemy that he will face certain and comparable retaliation.

What is the moral case against this? Usually, it lies in emotion rather than reason. Simply because nuclear weapons, if used, would cause hideous destruction and loss of life, it is argued that there is something immoral in their very possession. However, as already indicated, no weapon is moral or immoral in itself. If the consequence of possessing a lethal weapon is that nobody uses lethal weapons, whilst the consequence of not possessing a lethal weapon is that someone else uses his lethal weapons against you, which is the more moral thing to do: to possess the weapons and avoid anyone being attacked, or to renounce them and lay yourself open to aggression? I have no doubt about the answer, and neither has a consistent majority of British public opinion.

Twenty-five years ago, when working professionally against the campaign for British unilateral nuclear disarmament, I began commissioning professional polling firms to ask the following question: "Do you think that Britain should continue to possess nuclear weapons as long as other countries have them?" Year after year the result showed a remarkable consistency – two-thirds of the British people thought we should keep them under these circumstances and one-quarter thought that we should renounce them unconditionally. These proportions did not change even after the end of the Cold War and I doubt if they have changed today.

If possession of nuclear weapons is inherently unethical, it is surprising (to put it mildly) that such a large majority of civilised British citizens should time and again endorse it. Without wishing to be presumptuous, I suggest that the reason for their doing so is the accurate belief that it is both sensible and ethical to hold on to these weapons in a dangerous world, if the most likely outcome is a decrease rather than an increase in the probability of war breaking out.

In this chapter, we are asked to consider whether the retention of British nuclear weapons can be justified ethically "in today's world". So, are there any changes which might persuade people that the morality of the policy of nuclear deterrence, though previously valid, no longer holds sway? Three possible factors suggest themselves: the end of the Cold War; the increase in proliferation; and the boost to international terrorism since 11 September 2001. Let us consider these in turn.

First, does the ending of the Cold War render a previously ethical policy of nuclear deterrence immoral? (I am assuming that I have carried the reader with me to the point of acknowledging that there is a moral case to be made for possessing mass-destruction weapons during a confrontation with a totalitarian state which is similarly armed.) In order to claim that it was morally acceptable for Britain to possess nuclear weapons when confronting a Soviet empire armed to the teeth with them but that this is now no longer the case, one

would have to argue that the morality or otherwise of retaining such weapons is related to the apparent imminence of a military threat. Thus, the proposition would run, now that the only nuclear superpower is democratic America, it is not only unnecessary but actually immoral to hold on to a nuclear arsenal. This brings us to the central problem of predictability.

The lesson of history is that onset of armed conflicts is inherently unpredictable.

From time to time wars break out in circumstances which were anticipated; but, more often than not, they arise totally unexpectedly. The Yom Kippur War in 1973 took even hypersensitive Israel by surprise. The Falklands War, nine years later, took Britain by surprise. The invasion of Kuwait in 1990 took everyone by surprise. And the attacks of 11 September 2001 took the world's only superpower by surprise. There was nothing new in any of this – as a detour into the archives strikingly illustrates: from August 1919 until November 1933 British foreign and defence policy was hamstrung by a prediction that the country would not be engaged in a war with another major Power for at least a decade. This had a dangerously adverse effect on necessary rearmament when the international scene darkened. Arguing against the continuation of this so-called 'Ten Year Rule' in January 1931 Secretary of the Committee of Imperial Defence, Sir Maurice Hankey, observed:

“As a nation we have been prone in the past to assume that the international outlook is in accordance with our desires rather than with the facts of the situation. ... We are also apt to forget how suddenly war breaks out. In 1870, a fortnight before the event, we were not in the least expecting the outbreak of the Franco-Prussian War. The same was true in 1914. A fortnight after the murder of the Austrian Archduke, a debate took place in the House of Commons on foreign affairs. The European situation was hardly referred to at all. More attention was given to the preparations for the next Peace Conference! ... There was no statement made on the subject of the European crisis in Parliament until July 27 ... We really had, at the outside, not more than ten days' warning. ... How foolish a Government would have looked that had reaffirmed an assumption of ten years of peace during the early part of 1914!”²

The lesson of history is that onset of armed conflicts is inherently unpredictable. This is why it makes sense to keep in being an army, a navy and an air force during long periods of peace. The same applies *a fortiori* to the nuclear deterrent. Investment in armed forces in apparently peaceful times is analogous to the payment of premiums on insurance policies. No one knows when the accident or disaster may happen against which one is insuring: if one did, one could probably avoid it and save oneself the cost of the premiums! It is rare indeed, in terms of international politics, that one can rule out the recurrence of a major military threat from any quarter just because it has receded from a particular potential enemy.

If it is ethical to retain an army, a navy and an air force in present circumstances, then it is not immoral to retain a nuclear deterrent as well. If it is ethical to retain such major conventional forces against an as yet unforeseeable conventional threat, there can be no moral basis for arguing it to be unethical to retain some nuclear forces to counter an as yet unforeseeable nuclear, biological or chemical threat – especially as we no longer possess stocks of chemical and biological weapons for retaliatory purposes.

*A quixotic
renunciation by
democratic
Britain is not
very likely to
encourage any
undemocratic
state to
follow suit.*

By now, it should not surprise the reader to learn that, I and the very considerable segment of British society which thinks like me on these life-and-death matters, would regard it as profoundly immoral and unethical to leave our population vulnerable to attack by the first major power hostile to us which managed to acquire a stock of mass-destruction weapons for use before we could restore our abandoned means of retaliation.

There may be a case for arguing that scarce resources could be better spent on things other than a nuclear deterrent. Indeed, there are those who regard most if not all expenditure on defence as immoral. However, we are not concerned with the pure pacifist position here. It has been debated for generations and most people have a clear idea as to whether they are willing to accept it or not. Our purpose is to examine the moral issues specific to the possession of nuclear weapons in this day and age, and it is my contention that the prospect over any reasonably long timescale of Britain facing a nuclear-armed adversary is sufficiently great not only to justify the retention of a nuclear deterrent, but to make it essential.

Secondly, does proliferation make Britain's continued possession of nuclear weapons unethical? There might be a case for arguing this if it could be shown that there were a causal link between our continued possession of a strategic nuclear deterrent and the decision of one or more named countries to acquire nuclear weapons. During the Cold War era, the proliferation argument was often used by one-sided nuclear disarmers in their campaign against Polaris, Trident and the deployment of cruise missiles. Yet, whenever asked to name a specific nuclear or near-nuclear country which would be likely to abandon its nuclear ambitions if we unilaterally renounced ours, the CND and its fellow-travellers were notably unforthcoming. Countries make the decision whether or not to seek to acquire mass-destruction weapons according to hard-headed calculations of their own strategic interests. A quixotic renunciation by democratic Britain is not very likely to encourage any undemocratic state to follow suit. On the contrary, it is more likely to encourage any such state which views Britain as a potential enemy to redouble its efforts to join the WMD club, given that we would no longer have the means to threaten retaliation against nuclear, biological or chemical aggression.

Thirdly, do the events of September 2001 render continued possession of British nuclear weapons immoral? It is probably the case that intercontinental ballistic missiles have no role to play in the fight against fundamentalist suicide terrorism. It could, therefore, be argued that it would be unethical to spend money on such weapons if that led to neglect of investment in the more mundane military capacities needed to tackle the terrorists. This is a non-sequitur. There is no more reason to force a choice to be made between the nuclear deterrent and resources to counter terrorism, than between the latter and any other form of competing public expenditure.

If it is the case that there is a significant chance that a threat could arise in future from a country possessing weapons of mass destruction, then the moral choice is to allocate resources to the maintenance of a deterrent which could prevent that threat from being turned into actuality. Indeed, if such a threat is at all feasible, it would be quite immoral to commit the sin of omission by failing to prepare against it when it is well within our power to

do so. Likewise, if we also face the new hazard of suicide terrorism requiring intelligence-led countermeasures and long-term counter-insurgency campaigns, then these are burdens which must be borne as well.

This leads me to the final argument of the anti-militarist: why should Britain undertake such burdens when so many other modern democratic countries do not? It is certainly the case that many such countries do take the chance of incurring the consequences of being unable properly to defend themselves. This is a choice which is open to the government of every nation on earth; but what it really is a gigantic gamble. It is a gamble which may well pay off as the months or even years go by and the undefended country is not attacked. It is also a gamble that may prove to be profitable in the short or medium term. Yet it is a gamble which is profoundly immoral for a responsible government to take with the safety and security of its people.

Notes

1. CAB 80/94: COS(45)402(0), *Future Development in Weapons and Methods of War*, 16 June 1945
2. (CAB21/2093: 19/10/201, *The Basis of Service Estimates*, 9 January 1931)

*The Debate***5** *Can the retention of British nuclear weapons be justified ethically in today's world?*

Mary Midgley argues that the exceptionally indiscriminate nature of nuclear weapons makes them ethically unjustifiable, and that the causes of conflicts are knowable and can be addressed directly.



Mary Midgley
D.Litt (Dunelm),
professional
philosopher and
author

The project of replacing Trident is usually justified as being a necessary measure to defend Britain's populace from some possible nuclear aggressor. But this aim cannot be understood in a vacuum. To grasp our situation fully, we need to consider also the possible impact that our armaments may have on the rest of the world. It is especially important here to note the cumulative provocation that the nuclear arms race has already offered to other nations and the efforts that are being made to limit that proliferation.

Provocation is an essential element here, though it is often neglected by those who argue (with the Romans) that "if you want peace you must prepare for war". Other countries do not see a particular nation's increase of weaponry just as a private means of self-protection, like buying an umbrella, but as a threat – a sign of hostile intent. This is very clear from the alarm which Western powers are now showing about the nuclear ambitions of small countries like Iran and North Korea. Indeed, it became clear much earlier, during the Cold War, from the way in which the two nuclear powers continued to escalate their arsenals indefinitely, never accepting parity, since each was secretly convinced that the other had still not really been discouraged from using them. Inevitably, our own nuclear activities too strike other nations in this way. Indeed, it is surely extremely strange to describe things like nuclear weaponry as 'defence' at all.

This weakness vitiates all systems of security which rely centrally on deterrence. Making others feel threatened does not at all necessarily deter them. It may just as well provoke them to retaliate, thus building an endless arms race. Nuclear weapons cannot, then, be seen as an inoffensive general defence against misfortunes that might come upon us from anywhere. Wars are not unpredictable catastrophes like earthquakes. They arise out of existing disputes. We ourselves therefore always have an influence on the build-up that produces them. In particular we – the main existing nuclear powers – are at present among the most active and influential agents present on the international scene. The right way for us to defend ourselves against possible wars is to pursue a wise and far-sighted foreign policy which will prevent them.

Morally speaking, this blindness to our own provocative posture seems to be a prime example of what Sartre rightly called bad faith – denying one's own responsibility by refusing to admit that one is a free agent. It tells us to rely only on frightening all possible aggressors into submission. It ignores the option that we might instead deal with conflicts actively by handling their possible causes in advance.

It is true that many people have long believed that the only defence against nuclear weapons is reliable, mutual deterrence between two opponents. Yet it actually emerged very early that no such system could be workable for long. As just noted, the opponents themselves constantly escalated their arsenals in a way that showed how little they trusted each other and how easily they might decide (as nearly happened in the Cuban Missile Crisis) to break their bargain and risk a pre-emptive strike. What is more serious, however, is that many other nations naturally wanted to share the extra security and authority that nuclear status was supposed to confer. Indeed, in 1964 China already performed a nuclear test. It became evident that a promiscuous arms race was imminent between numerous governments, some of whom would certainly not be careful and rational in their responses.

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What distinguishes nuclear weapons among other armaments is simply their exceptional indiscriminacy.

That is why, early in the 1960s, thoughtful people began to devise ways of limiting the spread of nuclear weapons by drastically reversing the arms race – by running down the nuclear arsenals instead of escalating them. In 1968, therefore, Britain and the other established nuclear powers (China, France, the Soviet Union and the U.S.A) signed the *Nuclear Non-Proliferation Treaty (NPT)*, which “obligates all its parties to pursue negotiations in good faith on effective measures relating to nuclear disarmament”. The British Government accepted a review of this treaty in 1995, in which indeed it actually promised to abolish its own missiles. Yet it has already violated the terms of the treaty by raising the quality (accuracy and reliability) of the Trident warheads. It would violate them still more flagrantly if, today, it decided actually to acquire a new nuclear weapons system, a procedure that would in fact be illegal. This point ought surely to be considered if we are discussing the ethics of the proposal.

Today, then, we are at a cross-roads. The enhanced sense of security which the NPT did undoubtedly generate for a time has been somewhat undermined by the slowness of the nuclear powers in approaching disarmament, and still more gravely of late by the reverse movement of the US towards further escalation. More and more nations are therefore beginning to join in the new nuclear arms race, accepting from those already in it the bizarre notion that this is indeed their only road to security.

If we now replaced Trident we would be endorsing this movement. We would commit ourselves, and the civilised world, to an endless, many-sided escalation which could surely only end in disaster. If, on the contrary, we now let it drop, we shall be making it clear to the world that we regard the whole tradition of nuclear weapons as simply a bad habit resulting from the Cold war – a dangerous mistake whose last justification has now vanished. This is an opportunity that we surely ought to grasp with both hands.

Finally, a word on why all this matters so much. It is sometimes said that there is nothing morally special about nuclear weapons, that the objection to them is merely emotional. Emotion is of course a perfectly appropriate accompaniment of moral judgment, but the judgment does not depend on it. What distinguishes nuclear weapons among other armaments is simply their exceptional indiscriminacy. They have no limited strategic aim. Their only possible function is as weapons of mass destruction. In this they resemble land-mines but on a vastly larger scale. This feature cannot be sanitised by claiming that their owners are obviously never going to use them. To say nothing of the fact that they have actually once already been used in combat, the mere act of threatening others with an abomination is itself already abominable. How should we respond to someone who collected instruments of torture and told his neighbours that he would use them on anyone who interfered with him? What do we think of Victorian landowners who sowed their estates with man-traps? Like man-traps and land-mines, but to an incomparably greater degree, nuclear weapons are weapons which ought never to exist at all. To buy any of these things is to encourage an inexcusable trade. Instead, we need to do all that we can to put an end to it.

Conclusion

By Professor Ken Booth

Debating the future of Trident: Who are the real realists?



Professor Ken Booth

is E.H. Carr Professor in the Department of International Politics at the University of Wales, Aberystwyth. He is an Academician of the Academy of Learned Societies for the Social Sciences.

Here we go again. Over 20 years after first debating Trident, and now over 40 since Polaris, the British political community is again brushing up its arguments about the pros and cons of an 'independent nuclear deterrent'. The dividing lines in this new debate are already familiar, but some things are new. Britain is not the same country as it was in the 1980s or 1960s, the world situation has moved on, and the threat of nuclear proliferation now includes the risk of spectacular terrorism. Each of these changes impinges on the old arguments, as the contributions to this Report have shown; my role in this concluding essay is to comment on the previous essays, and offer my own views.

Decision-time or a 'done deal'?

The spur for the present debate, of course, is the government's view that because of the lead-times involved in planning the Trident system's replacement (2020-25), a decision is likely to be required in this parliament (2010 at the latest).¹ The Prime Minister has said he will take the matter to parliament before any "irrevocable decisions" are made, and the Defence Secretary has promised an open debate in the country, the parliamentary Labour Party, and parliament: "It is not only a good thing that there will be such a discussion", John Reid said, "it is an inevitable thing."

Many people – myself included – believe that the government has already taken the key decisions on replacement, though not yet the 'irrevocable' formal one. In these circumstances consultation is quintessential British political theatre. New Labour, after all, leaves us in no doubt about its commitment to keeping a nuclear deterrent, while the new Conservatives, no less than the old, are solidly behind the policy. The 2003 Defence White Paper *Delivering Security in a Changing World* affirmed continuity: "Our minimum nuclear deterrent capability, currently represented by Trident, is likely to remain a necessary element of our security." This view was strengthened in the Labour manifesto for the 2005 general election, with the commitment "to retaining the independent nuclear deterrent". Tony Blair, as his time in office comes to an end, has made it clear that he believes that a nuclear deterrent capability is "an important part of our defence"; and John Reid repeats his confidence in the policy's soundness: "My track record and that of the government on nuclear weapons – maintaining while insuring it is the minimum – is one for all to see, as well as being a good one." Meanwhile, a new research and development programme has been initiated at the AWE at Aldermaston (relevant for both the present system, and possible replacements) and in 2004 President George W. Bush agreed to renew the Mutual Defence Agreement (MDA) which ensures US support to help Britain maintain 'a credible nuclear force' until 2014.

The government may be offering us a 'listening exercise', but the writing is clearly on the wall.

The evidence is compelling that it is a 'done deal'.² Indeed, Robert Fox reported in the *New Statesman* in mid-2005 that he was told as much in Whitehall, privately, adding that "you will not find anyone prepared to admit it" publicly. Several contributors to this Current Decisions Report believe the same. General Hugh Beach thinks that the issue for the government is not whether to replace Trident, "but in what form". For Caroline Lucas, this episode is typical of a government that ignores a public opinion that is ahead of it on many international issues (such as Iraq and the environment). But is the British public necessarily at odds with

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the government over its nuclear deterrent policy? Tim Hare claims that there is no public momentum for change, and Julian Lewis is confident that public opinion is against unilateral nuclear disarmament.

If indeed it is a done deal, does an 'open debate' have any meaning? Clare Short thinks so, despite believing that presently there is 'an air of inevitability about the decision'; the timescales are so long, she insists, that there will be many opportunities in future "to challenge and seek to reverse it". On the other side, Hare wonders "what all the fuss is about", suggesting that no major decisions are imminent or necessary, nor is there therefore the need for an immediate public debate.

Despite believing that key decisions have been taken, committing Britain to maintaining a nuclear weapon capability to the middle of this century, I think the pros and cons must be aired. After all, circumstances might change, as Short points out, and to fail to debate this matter would be another nail in the coffin of British democracy. This view is likely to attract a consensus, especially after the erosion of trust in government since the war against Iraq. One token of this potential consensus was a jointly-written article last year by Marjory Thompson and Julian Lewis, sworn enemies in the 1980s, when they occupied the positions of Chair of CND and Director of the Coalition for Peace Through Security respectively.³ They remain just as convinced as they were 20 years ago that they would be unable to agree on a single point of policy on nuclear weapons, but they were at one in 2005 in asserting that the Trident replacement issue should be publicly debated. "If, as is claimed, we are bringing democracy to Iraq," they argues, "we should not be stifling it in the most important and controversial area of British military policy".

Given the momentum that has developed on an issue, it is right that there now be an open debate – wide-ranging, long, inclusive, and sophisticated – before the 'irrevocable' decision is taken. Whether that decision should be taken in this parliament is another matter entirely. Commodore Hare, the former Nuclear Policy Director in the Ministry of Defence does not think there is a need for an immediate decision, and I believe he is right. I hope that the discussion that follows persuades readers that an irrevocable decision be postponed until at least after the 2010 NPT Review Conference.

No risk-free futures

Those who endorse the old and honourable pacifist tradition will claim that ethics must be the heart of the replacement debate. They will agree with Mary Midgley's view that nuclear weapons ought not to exist at all. Many who are not pacifists might also agree, but nevertheless think that because these devices do exist, the heart of the debate must be risk assessment: what are the likely consequences of different courses of action? What is more, the essays by Midgley and Lewis suggest there is unlikely to be a consensus about ethical issues. Lewis, the Shadow Defence Minister argues that weapons are neither moral nor immoral in themselves; what counts is the motivation behind them, and since the purpose of Britain's nuclear deterrent is to minimise the prospect of Britain being attacked by WMD, it is "a supremely ethical objective". Midgley, the philosopher, argues to the contrary that nuclear weaponry is intrinsically a threat system rather than 'defence', may provoke as well as deter, and "the mere fact of threatening others with an abomination is itself already

abominable". The gulf between these positions is probably unbridgeable. Nor is there an escape through law. Nick Grief and Steven Haines disagree, as lawyers are wont to do, on most key issues. The legal arguments that most contributors bring to the debate about nuclear policy will primarily derive from their views about politics, strategy, the lessons of history, forecasts of the future, and – if Haines is right – ‘human nature’, rather than from legal assessments as such. Law is invariably a continuation of security policy by other means, not the other way around.

All the protagonists in this debate, whatever their particular remit, were drawn to speculate about consequences, and here there is some room for dialogue, as the priority for all is to prevent the catastrophe of nuclear war. In this regard, the first point to stress is that there can be no risk-free futures, for uncertainty is the existential condition of international politics.⁴ The challenge then is to find the optimum means of controlling the nuclear risks of whatever policy prescription one advances.

There has always been a tendency when debating nuclear weapons for proponents of particular policies to best-case their own risk assessments, while worst-casing those of their opponents. This is evident in some of the earlier essays. Those contributors who argued in favour of nuclear weapons retention, for example, strongly appeal to the lessons of history, pointing to the frequency of states being caught out by the unexpected, and to the disasters that followed military unpreparedness. Liam Fox, Shadow Secretary of State for Defence, warns us that history records that the outbreak of conflicts is seldom accurately anticipated, and Admiral Sir Raymond Lygo follows with the view that “The unknown threat must be very real in this very uncertain world, as all history shows us.” The lesson we are asked to draw from these views is that the nuclear deterrent should be retained. It is important however to recognise that such conclusions rest on best-casing the lessons of history. We are not told that history also warns that states have sometimes suffered disasters when they have committed themselves to continuity in a changing world. If the present British government announces that it will retain nuclear weapons until about 2050, and if this contributes to the erosion of the norms so far sustaining the NPT (and history shows the fragility of international regimes when key states ignore their obligations) then what might British security look like, even if it possesses nuclear weapons, in a world of 20-plus nuclear powers? Change rather than continuity may sometimes be the rational response to the inevitability of future uncertainty.

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Those who appeal to history as proof of the prudence of nuclear weapons, or to the need for nuclear weapons as a hedge against the vagaries of human nature need to be aware of two logical implications. First, if human nature is so flawed, then surely nuclear disaster is at some time inevitable. If it is, would it not then be wise to press for immediate abolition, and take the risks that go with it, rather than risk the great catastrophe of an inevitable nuclear conflagration? Second, if history shows that nuclear deterrence was the cause of the ‘long peace’ since 1945, should we not help disseminate nuclear capabilities globally, in order to spread their peaceful properties? The proponents of Trident replacement ignore these implications of their views about history, uncertainty, and human nature. By only best-casing the arguments and risks on behalf of nuclear weapons continuity, they silence contending ideas about the lessons of history, the implications of uncertainty, and the dangers of

nuclear retention. Nonetheless, retaining nuclear weapons as a hedge against uncertainty is a powerful argument – and a very convenient one. As a rationale for nuclear weapons, ‘uncertainty’ is timeless in a way the Soviet Union was not; this rationale offers a permanent case for retention, one that transcends the threat posed by any particular enemy.

Supporters of nuclear deterrence demand to be convinced about scenarios that “cannot be ruled out”

It is equally common to find proponents of nuclear abolition best-casing the future of their prescriptions. The danger of nuclear blackmail, for example, is often advanced in the case for retention, but its risks are rarely interrogated in detail; more often than not they are brushed aside, as in Lucas’s essay. Similarly, the danger of other states ‘going nuclear’ after Britain has eliminated all its nuclear weapons – a fear of supporters of Trident – tends to be slid over. What should be done in such a scenario? Should Britain just live with it and hope for the best, or try to stop it by active counter-proliferation measures? And what about the threat of an actual attack on the British homeland at some time in the uncertain future? Is it really too unthinkable to be discussed? These are the sorts of scenarios on which those with faith in nuclear deterrence seek reassurance before they will contemplate any further reductions in Britain’s capability. Those advocating retention do not have the confidence of Lucas and Short in workable international cooperation, or of Grief in international law, or of Hugh Beach in non-nuclear military planning for defence. Supporters of nuclear deterrence such as Fox demand to be convinced about scenarios that “cannot be ruled out”. The problem with this attitude, of course, is that if we lived our lives according to what “cannot be ruled out”, we would never get out of bed in the morning.

A serious discussion of nuclear risks for Britain must begin with an assessment of what in the mid-1990s Michael Quinlan – who in retirement still has the reputation of being Whitehall’s nuclear weapon guru – termed a low-salience nuclear (LSN) world.⁵ This implies a situation in which: the major nuclear powers are not engaged in (Cold War-style) arms racing; technological innovation is stabilising; second-rank nuclear powers are satisfied with minimum (even minimal) deterrent postures; and confidence in the NPT regime will avoid further nuclear proliferation. Such an LSN world is implicitly the desired future of those in Britain committed to a nuclear replacement for Trident. But is an LSN world sustainable, or is it inherently unstable? Critics of the Quinlan scenario, notably Michael MccGwire, have argued for 10 years that a LSN world is inherently unstable, and that moves should be quickly undertaken towards complete nuclear elimination.⁶ Events have largely vindicated MccGwire’s arguments. Nuclear risks proliferated in Quinlan’s ostensibly LSN world almost from the start: rivals weaponised in flash-points in South Asia and the Korean peninsula; talks on limiting strategic weapons entered an impasse; black-market nuclear entrepreneurs appeared; the NPT came to look increasingly sickly; the White House encouraged engineers and strategists to devise usable nuclear options; innovation in Ballistic Missile Defences (BMD) led the United States to abrogate the ABM Treaty; and even the lesser nuclear powers, Britain and France, thought the zeitgeist allowed them to make public declarations about nuclear use.⁷ All this suggests that a LSN world cannot be regarded as the default position for nuclear weapons in the international system.

Unless there is a radical change of direction, necessarily led by the most powerful states, the predictably tempestuous decades ahead will not be characterised by nuclear tranquillity.

*NWS
perpetuate
nuclear
deterrence as
strategic
common sense*

First, there are no decisive obstacles to prevent nuclear arms competitions developing between existing nuclear weapons states (NWS), or those on the brink of acquisition. The Cold War showed how quickly minimum levels of deterrence can escalate to massive 'overkill', including ideas of nuclear 'superiority' and 'victory'. The period ahead could see a similar logic of escalation. Second, the NWS perpetuate nuclear deterrence as strategic common sense, and this is a sure invitation to others to join the club. If we in Britain – with greater territorial security than ever – argue for a nuclear deterrent on the grounds of some unspecified future uncertainty, we cannot be surprised if those states today facing clear and present dangers demand the same. In this vein, who could disagree with Lucas when she suggests that if British decision-makers currently planning to replace Trident were running Iran “they would have developed nuclear weapons years ago”? And three, the very existence of nuclear weapons perpetuates the risks of nuclear accidents, inadvertent nuclear war, 'loose nukes' (and hence the increased risk of nuclear terrorism), and the possibility in some crises that deterrence might not be credible, might be irrelevant, or might not work. For many in Britain, a sort of nuclear amnesia set in following the end of the Cold War, but there is an extensive literature showing that there was much more luck to surviving the Cold War than the essays by Hare and Haines suggested.

While proponents of Trident replacement argue that nuclear weapons offer the promise of continuing security, others, with an even less rosy image of the global nuclear future, are not convinced. Consequently, those arguing the pro-nuclear case must take seriously – as seriously as proponents of abolition must deal with the risks of a denuclearising world – that there will be grave dangers of another era of high nuclear salience, and possibly in more difficult global conditions than the Cold War. Without the superpower discipline of that time (and the nuclear learning that took place between Moscow and Washington) the global nuclear future contains great risks: arms competition between China and the United States (not to mention the risk of a hot war over Taiwan); nuclear crises in the Middle East and South Asia; a chain reaction of proliferation following the erosion of the NPT; the spread of less sophisticated nuclear weapons technology and command and control systems; a continuing trend to the 'conventionalisation' of nuclear weapons as complacency grows with the fading of the memory of Hiroshima and the weakening of the power of the nuclear taboo; new opportunities for private enterprise nuclear weapons entrepreneurship; crisis naivety rather than crisis management skills; new threats of spectacular nuclear terror; and on and on. Nuclear business-as-usual for Britain, in short, may not contribute to nuclear tranquillity, but to a world in which nuclear weapons are ever more salient, and in which the nuclear risks expand. There have been 'nuclear optimists' for a long time, especially in the United States, claiming 'more nuclear states the better'. None of the contributors to this Report have argued this, yet those seeking to replace Trident, so making Britain a NWS for another half-century, need to explain how such a posture contributes to the goal of fewer nuclear states the better.

Risk management through cooperation?

No policy can eliminate uncertainty from international politics, but a prudent long-term strategy will seek to minimise the chance of threats (“that can never be ruled out”) becoming active risks. This means that the anti-nuclear case must convince a largely cautious British public that a combination of nuclear abolition and multilateral institution building will be

security enhancing. Such a case must inevitably take a long-term perspective, and Lucas and Short in particular attempts to shift the debate from the focus on weaponry to the big questions of global security and the basic aims of British external policy. Short argues that it is “impossible” to make an intelligent decision about the replacement of Trident without debating Britain’s role in the world, and Lucas wants to know “how best we can act today to build a secure world”. They point to the varied challenges Britain faces (note the Prime Minister’s prioritising of climate change and Africa) and conclude that a nuclear capability will be irrelevant in some issues and a distraction in others.

Such arguments are all very well, argue supporters of nuclear deterrence, but they miss the central point, namely that a nuclear deterrent is necessary for one critical job only: the basic protection of the homeland. This task, they believe, is carried out by the present Trident system uniquely well, and both relatively cheaply and with at least the passive backing of the British people. Nuclear weapons are not a panacea for all the challenges facing Britain, as Fox says, but they will deter any other state from thinking that it could blackmail or attack Britain without suffering ‘devastating loss’. Supporting the replacement of Trident, according to this view, in no way undermines other aims in British foreign policy, such as helping Africa; what it does is establish the basis of the nation’s security – without which nothing else makes sense.

All the contributors to this Report would concur with Midgley that the ‘right way’ to defend ourselves against possible wars is to pursue “a wise and far-sighted foreign policy which will prevent them”, but then they will disagree about key elements of that policy. Even if greater international cooperation were possible in the short- and medium-term, can it be guaranteed indefinitely? The Concert of Europe collapsed in the 19th century, the League of Nations in the 1930s, and superpower détente in the 1970s – to name but three cases of cooperation ending in ruins. And when cooperation collapses, is there any security short of a nation’s own military power?

Prudent supporters of nuclear abolition accept the risks of failed cooperation, but they believe that constructing norms and rules for a legitimate international order offers more promise of avoiding a nuclear catastrophe than replicating a system of relations in which nuclear weapons will again come to have high salience. If British policy on nuclear weapons continues on its present path, it will have a deleterious effect on the future fabric of order-building (the view of Lucas, Grief, Short, and Midgley): by not living up to commitments under the NPT; by pursuing policies that undermine international law; by declarations that contribute to the normalising of the military rationale for nuclear weapons; by stressing the utility of nuclear weapons as ultimate guarantors of national security; by complacency about the dangers of a more nuclearised world; and by having its nuclear strategy and foreign policy identified with a US administration that is careless about global security.

If these are indeed some of the risks of British governments keeping ‘ultimate’ weapons in their own hands, the advantages of abolition for international security are fourfold. First, it would do something to de-link the idea that nuclear weapons confer political status (notably a seat as a Permanent Member in the Security Council). Second, it could help empower anti-nuclear opinion in states contemplating weaponising. Three, the abolition of nuclear

weapons, in parallel with other policies (on aid, the environment, and the global economy for example) might weaken the image of a two-class world (the rich West and the poor South) which fuels so many grievances. Finally, a commitment to near-term abolition would energise the non-proliferation regime at a time when it is threatened.

An additional advantage of denuclearisation specifically for British foreign policy, it is argued, is the scope it offers for Britain to become more independent of the White House. Because of the secrecy surrounding nuclear issues, it is difficult to gauge exactly how far Britain's nuclear dependency breeds general political subservience to Washington, but the corollary is obvious: the more British governments are independent of the White House on nuclear matters, the more flexible British governments can be in their relations with their European partners and the rest of the world. Short's essay points to the advantages of more independence in the political field, and Beach's to the case for distance in military affairs. Radical denuclearisation by Britain might promote a more positive national image, from that of US 'poodle' or 'pillion' to producer of global security. This might enhance British prestige, and therefore influence in international negotiations, not least within the EU.

Such arguments do not convince those arguing for nuclear-business-as-usual. They worry about the costs if Britain were no longer the favourite ally of the White House. They do not believe that a non-nuclear Britain would positively influence other states. And they have deep doubts about Britain placing long-term confidence in international cooperation, at a time when so many international institutions (the UN, EU, NATO, WTO) seem to be weakening?¹⁰

Issues on search of a consensus

Several persistent themes run through the essays by the contributors:

1. Does Trident have military uses beyond deterrence?

A sharp difference of opinion is evident on the issue of the military rationale of Trident. While Hare and Fox accepts the position of the 1998 *Strategic Defence Review* (that the role of nuclear weapons is fundamentally political) critics argue that the situation is more complex than was presented. It is left largely to anti-nuclear opinion (Grief and Beach for example) to remind those stressing that Trident's role is only political that the Minister of Defence, Geoff Hoon, publicly declared in 2002 that Britain might use nuclear weapons against a non-nuclear state threatening chemical or biological weapons. (This is both a military rationale and a breach of the NPT.) Beach points to the slippery slope of nuclear war-fighting more generally in the world. Not only has there been some talk of possible nuclear use in regional crises (notably Taiwan) but NATO doctrine and deployment is still nuclear (committed to flexible response and first use), and the United States seems to be moving to a policy of the greater usability of nuclear weapons to fulfil military objectives (especially 'mini-nukes'). Add to this Fox's understanding that the political and military rationale are "one and the same", Lygo's view that Britain could not "entertain" conventional military action against countries with a nuclear capability if we did not possess one ourselves, the government's announcement in 1994 of a 'sub-strategic' role for Trident, and the statements on nuclear use by President Chirac and Geoff Hoon (the latter's described by Lygo as "nothing unusual or strange") and we see plenty of straws in the wind to justify Lucas's concern that the nuclear taboo that has operated since 1945 is under threat.

Is global security on a slippery nuclear slope, and would the replacement of Trident threaten to make matters worse?

2. *How useful are nuclear weapons in the War on Terror?*

On this issue, at first sight, there is some consensus. None of the contributors think nuclear weapons have a role in combating terrorism, but opponents of Trident replacement argue once more that the situation is more complex than it first appears. In particular, they argue that the very existence of such weapons increases the likelihood that, some day, a terrorist group will be able to gain access to them.

Is denuclearisation the best defence against nuclear terrorism?

3. *Should we fear nuclear blackmail?*

Those who recall the debates of the 1980s will remember the prominence of this issue. Pro-nuclear opinion argued that unilateral nuclear disarmament would leave Britain exposed to coercion by the Soviet Union. Lewis, then as now, believes that disarmament in face of such dangers would be immoral. Future blackmailer(s) cannot now be identified, but this did not negate concern. Lygo for example argues that we do not know enough about the future ever to discount the possibility of “nuclear, or economic, blackmail from whomsoever”. Against this, Lucas thinks the threat of blackmail always a “dubious” one. Critics of nuclear deterrence want to know who the blackmailer might be, and how exactly nuclear blackmail might work. Lygo’s answer is to emphasise the inevitable uncertainty of the future; because of this, he says, to consider abandoning nuclear weapons would be “very stupid and make us extremely vulnerable”; they are an “insurance” against the unknown.

But precisely what sort of ‘insurance’ do they offer? Nuclear weapons are not like home insurance, which compensates for loss after a burglary or fire. Instead nuclear weapons ‘insure’ against uncertainty by warning potential burglars and arsonists of the consequences of illegal behaviour by threatening their houses and families; at the same time they risk spreading concern across other households in the neighbourhood, who must also insure against those who have the capability to hurt them and whose future intentions are uncertain. Nuclear insurance, therefore, is of a very peculiar type; it operates by spreading fear in the neighbourhood, not reassurance.

How much weight should be given to Midgley’s argument that what nuclear deterrers call ‘insurance’ is really “blindness to our own provocative posture”?

4. *Is there a continuing political rationale for nuclear weapons?*

According to Hare, British nuclear weapons are “fundamentally political” in rationale. Nonetheless, the nuclear slippery slope (what Beach calls the increased willingness “to regard nuclear weapons as useful and indeed usable weapons”) meant that opponents of nuclear retention are not sanguine about such reassurances; nor do they welcome the political rationales for nuclear weapons offered by Fox and Lewis. Instead of seeing nuclear weapons as a capability that helps secure Britain’s position in the world, Short for example argues that they lead British governments into a false sense of their own importance. Those advocating nuclear continuity disagree. Nuclear weapons help Britain to “punch above its weight” internationally (though this view cannot be much advertised, in case it encourages aspiring nuclear powers too much). For both sides in the debate, running through almost all aspects of the political rationale for nuclear weapons, is the vexed issue of Britain’s nuclear relationship with the US piper.

Does staying in the nuclear business compel British governments to play too many US tunes?

*is the truly
unthinkable
nuclear
scenario for
British
governments
the prospect
of a
post-nuclear
Britain leaving
France to be
the only
nuclear power
in Western
Europe?*

5. *Can Britain be a nuclear weapons state and independent?*

There is no consensus on Britain's relationship with the United States, save that it is significant. Short says that it is impossible to have an intelligent discussion about replacing Trident without a debate about Britain's role in the world, and that the relationship with the United States is key to this because of British dependence on US nuclear technology and support. This relationship impacts negatively on British interests, with Downing Street's complicity in the war in Iraq being one reminder of what this relationship entailed.

Contributors are split between those who think relations with the United States are essential and should be close (and that the nuclear dimension bought the UK influence in Washington), and those who think they are essential but should be at arms-length (and that the nuclear dimension resulted in British deference). They differ also on the actual degree of independence Britain can enjoy in practice. Supporters of Trident are more confident about independence; indeed, Fox argues that it is important for Britain to have an independent nuclear deterrent, separate from the United States, and Hare insists that this is indeed the case, with Britain presently enjoying operational independence. Critics dismiss all this. The so-called independent deterrent is seen as what Dan Plesch calls a 'political myth' – and one that goes back to the 1960s.¹¹ How can such a US-controlled weapons system be meaningfully independent? And is British blood in foreign wars the price for the Mutual Defence Agreement? Is it desirable for British weapons innovation to have one-third of AWE managed by a US firm? And how far does the special UK-US nuclear relationship force British governments to play the role of Washington's pliant friend?

Are the security advantages of the nuclear relationship with the United States (whatever they are) worth the political price (whatever it is)?

6. *Where is Europe in all this?*

Silences often speak louder than words, and few voices are raised in this debate about Britain's relations with the rest of Europe. Short is an exception. She rejects the idea of the EU attempting to become a counterweight to the United States in world affairs, but thinks that the building of a "new world order" based on strong multilateral institutions should be the centrepiece of the EU's Common Foreign Security Policy. The UK's role as the "automatic ally" of the United States is seen as undermining the prospects of the EU building such a future. For Short the EU is a springboard to constructing a more secure international order, but to Hare the continent is the route for an invasion "which cannot be ruled out". British opinion at all levels remains divided about 'Europe', but we must consider a related question that so far has been hidden under the table: is the truly unthinkable nuclear scenario for British governments the prospect of a post-nuclear Britain leaving France to be the only nuclear power in Western Europe?

Can Britain ever sort out its relationship with its offshore continent as long as it puts faith in a 'special relationship' with the world's most powerful country across the Atlantic?

7. Does the law matter?

International crises in recent years suggest that while legal issues matter a great deal, they are never decisive. Law is made to fit policy, not vice versa. Over the years, nuclear weapons have undoubtedly become the subject of greater legal attention, so that today we are in a position Haines describes as one in which rigorous legal arguments can be put by both sides of the debate. And they are, in the different interpretations given in the essays offered by Grief and Haines himself (and it is no coincidence that their essays are longer than those of other contributors). The lawyers agree that there is no treaty of 'general prohibition', but disagree on most other issues. According to Grief, except for Nuclear Weapon Free Zones (NWFZs), the legality of nuclear weapons must be determined by reference to the *UN Charter* and the *Law of Armed Conflict*, together with the 1996 ruling of the ICJ in the *Nuclear Weapons Case* (which he thinks indicates more unity against nuclear weapons than the final verdict suggested). Collectively, these agreements contribute in his view to a picture of growing legal constraints on the possession, threat, and use of nuclear weapons. He concludes therefore that these constraints, together with specific issues relating to the NPT and the ICJ "certainly raise serious legal questions about the continued possession of Trident and its future upgrading or replacement". Grief's arguments are challenged, one by one, by Haines: from the relevance of NWFZ provisions for Britain (and other non-signatories) to the significance of the *UN Charter*; from the *law of Armed Conflict* to the conclusions of the ICJ (and the significance of its dissenting voices). Haines, who explicitly bases his policy prescriptions on the significance of human nature and the lessons of history, emphasises the permissive character of the present legal situation, concluding that "the possession of nuclear weapons is not forbidden under international law".

The legal complexities suit governments, of course. It allows them wriggle room, such as that exhibited over the years by the UK and US governments in relation to the NPT. The Iranian nuclear position is complex, but is comprehensively attacked in relation to the NPT (its clandestine activities are contrary to NPT norms, though enriching uranium as part of developing a 'peaceful' nuclear policy is not); at the same time the UK/US position is comprehensively defended (despite a continuing commitment to nuclear strategies that are contrary to NPT norms, and the MDA which some states argue is not permitted under the Treaty). It was always thus in diplomacy. One does not have to be on the anti-nuclear side of this debate, however, to be disappointed about UK and US behaviour on matters of international law.

Should the democracies prioritise the development of international law concerned to restrict the possession, threat, and use of nuclear weapons, or should they seek whatever flexibility there is within the current law for their own military and political purposes ("innocent until proved otherwise" the phrase Haines uses to describe the government's present approach)?

the NPT is not in healthy shape, leading many observers to worry whether it will outlast its next Review Conference in 2010

8. *Can the NPT survive?*

All the contributors seem to agree, implicitly or explicitly, that nuclear proliferation is one of the great issues of our time, but they disagree about how best to respond to the risks it entails.

The NPT regime has been at the heart of the global regime seeking to control nuclear proliferation since the late 1960s. It has been very successful, when measured against contemporary fears of up to 40 new nuclear powers by the late 1970s. As long as the regime stayed healthy, anti-nuclear norms became embedded. In particular: there should be no more nuclear powers, the NWS should drive down their arsenals, nuclear use is taboo, and the ultimate objective is a nuclear weapons-free world. These norms are reflected in the legal momentum against nuclear weapons, as argued by Grief (but contested by Haines). Today, the NPT is not in healthy shape, leading many observers to worry whether it will outlast its next Review Conference in 2010.

Supporters of nuclear retention (Haines, Hare, and Lewis for example) are clearly convinced that the UK government has been a responsible member of the international community in relation to the NPT (though Haines does recommend a further scaling down of Britain's nuclear capability as a helpful gesture). If there are problems with the NPT at the present time, in Hare's view, then the British government is not to blame. Opponents of Trident replacement argue the opposite. They fear that if the British government replaced Trident, it would be a body blow to the NPT; they also express concern about the government's attitude and behaviour to date. Lucas and Grief says the British government had two standards, a criticism that has been expressed by many Non-Nuclear Weapons States (NNWS); South Africa and others, for example, claimed in 2004 that the renewal of the MDA violated the NPT.

Clearly, if the British government is serious about nuclear non-proliferation, the NPT must be made to work; this in turn requires key members to refrain from playing fast and loose with its norms and rules, and to stop being complacent. For Lygo, nuclear proliferation is already "a fact of life" however, and so another justification for Trident replacement. For Midgley the important consideration is the interaction of attitudes and behaviour between states, and with it the possibility that a British commitment to denuclearisation might encourage others to strengthen anti-proliferation norms under the NPT. Such a policy, believed by nuclear disarmers to be setting an example of what is sometimes known as 'good international citizenship', is seen by Lygo as giving an encouraging signal to possible aggressors.

Can proponents of Trident replacement square their prescription (making the UK a nuclear power until at least 2050) with the spirit and letter of the only near-universal anti-proliferation regime? Can opponents of renewal persuade pro-nuclear opinion that nuclear abolition by Britain would influence other states to exercise comparable restraint?

9. *Are the costs of replacement justified?*

Given that everything has a price tag, remarkably little is said by the contributors about the financial costs of replacing Trident. Perhaps the pro-nuclear side has won this particular debate over time, in the sense that while the costs of a nuclear weapons system are fabulous

in most human terms, in relation to defence budgets they are not. Naturally, those who think nuclear possession is neither militarily nor politically justifiable dismiss the weapons as a 'waste of money'. When Short makes this criticism, she is probably mindful of what comparable sums could do in her former field of international development, together with the Prime Minister's frequently-declared concern for Africa. Only one contributor (Hare) thinks the cost issue might become a political football for public opinion.

Does the general silence about the potential price-tag mean that any public debate on the replacement of Trident will be determined primarily by strategic and foreign policy priorities and implications, and not by opportunity costs in terms of hospitals or tax cuts (or even more conventional military capabilities)?

10. What does public opinion want?

As mentioned earlier, nuclear amnesia has afflicted most people in the UK since the end of the Cold War. People stopped telling pollsters in large numbers that they expected a nuclear war within their lifetimes; anti-nuclear demonstrations lost their appeal; and the unilateralist Labour Party of the early 1980s became the robust pro-nuclear government of the late 1990s and beyond. Clearly, the advocates of nuclear deterrence won the great nuclear public debate of the 1980s, in the sense that government policy did not change, but that of the main Opposition party of the day did; and there is little sign today that anti-nuclear voices will swell into a decisive majority. This pro-nuclear triumph is welcomed by Hare and Lewis, and their opponents offer no compelling evidence that British public opinion is about to change radically (especially in the context of a Trident replacement consensus among the two main parties in Westminster). Without influential political leadership, the anti-nuclear case is going nowhere (except, perhaps, in the devolved parts of the UK). Having said that, there is nothing as predictable in politics as a few surprises, and what lies immediately ahead in Westminster is a change in Prime Minister.

Will the Blair years come to an orderly conclusion, with his agenda largely intact, and his Party gathering loyally around him to provide a strong foundation for the next leader, or will they end in tears, in the bickering and turmoil that often accompanies long periods in office?

11. What will Labour do?

The mood of the Labour Party will be crucial to the outcome of the Trident replacement debate. The Labour Party alone could be the focus for any radical push against the nuclear policy of the Blair government, its successor this parliament, and its future Conservative replacement. But is there any reason to suppose that anti-nuclear opinion can look towards the Labour Party for support and leadership? Following the ideological wars in Britain in the 1980s, many in the Party (individuals who were formerly 'unilateralists' and CND members) thought they had learned that to become electable they had to be 'robust' on defence, and that the nuclear issue was the litmus test. Are there any signs of change? Beach seems to think not, noting the nuclear credentials of the present Labour Party, but Lucas speculates about the possibility of this issue causing a revolt; the latter is an outcome Hare thinks wishful thinking. The question is whether the attitude of the Labour Party, on this issue, can simply be extrapolated from the position its leadership has determined over the last decade? Perhaps it cannot be, any more so than some of New Labour's attitudes in the

1990s could have been extrapolated from the previous decade. Some observers believe that Blair's last years as Prime Minister might see major disagreements in the Party on this issue. Nigel Morris, writing in *The Independent* in October 2005, suggested that Blair's determination to ensure that Britain's independent nuclear deterrent will be retained well into the middle of the 21st century "is set to provoke the most ferocious row yet in his increasingly fraught third term."¹² If this is so, there might be something in the suggestion of Thompson and Lewis, in the article mentioned earlier, to the effect that Blair and Reid are trying to circumvent an unpalatable debate for the Labour Party.

Is there any possibility that a generally uninterested or negative public and parliament can be encouraged to engage again with the issue of nuclear weapons and especially in a vociferously anti-nuclear manner?

12. How should we act?

It was suggested earlier that consequences (the balance of risks) were likely to have more influence on peoples' thinking about nuclear weapons than ethics. Nobody wants nuclear war; the question is how best to minimise the risks? Having said that, there can be no doubt that ethics will shape the passion and commitment with which cases will be advanced. According to Lewis, the moral case rests on "emotion rather than reason". Midgley's counter was that emotion is a "perfectly appropriate accompaniment of moral judgment", but that her judgment against nuclear weapons does not depend on it; what distinguishes nuclear weapons is their "exceptional indiscriminacy". It was this unique quality of nuclear weapons, a half-century ago, that led Winston Churchill to describe the nuclear stand-off between the superpowers as "the sturdy child of terror". It is through terror – the scale and indiscriminacy of potential destruction – that nuclear weapons exert their political influence. If we take seriously the goal of eradicating terror from international politics, should we seek not only to eradicate small-scale indiscriminacy (the strategy of individuals and groups who strap explosives to their bodies or leave bombs in public places) but also the whole panoply of terror devices and strategies in world politics?

Should victory in the War on Terror also include seeking to wean some states away from their attempt to promote 'security' by means of the ultimate terror weapon?

13. Does Britain matter?

An important part of the Trident replacement debate revolves around the signal the British government gives to other states, and to the extent of resulting British influence. Among the contributors, there is no agreement on these issues. Lewis, for example, argues that states make their decisions in their own contexts, and that what Britain does will not be decisive for them; Hare agrees, suggesting that a British decision to abolish nuclear weapons would not change anybody else's minds. Opponents of Trident replacement on the other hand argue that if a major NWS such as Britain rejects nuclear weapons, it could help sustain the NPT. To replace Trident, on the other hand, will replicate the attitudes and behaviours of the past, which in turn will encourage others to follow suit (and especially if the erosion of the NPT continues). The latter means that the world will be taking a big step down the slippery slope towards a return to a high salience nuclear environment, and in the context of an increasingly overheated, fractious, and overpopulated world.

Britain's global significance can easily be exaggerated, but it is certainly not zero.

Britain's global significance can easily be exaggerated, but it is certainly not zero. Does Britain not punch above its weight? What is more, one cannot be sure what might have an effect, unless one tries. Nelson Mandela, who knows something about these things, offers the general advice that "the time is always ripe to do right". And, of course, if doing right is done with skill, positive results will be maximised. In this respect, if Britain ever were to move towards complete nuclear elimination, how it chose to proceed would be at least as significant as the initial decision. An opportunity would be wasted if the Trident system were simply allowed to rust away. Any decision to denuclearise should therefore be positive, and part of a diplomatic initiative to rescue the NPT and help rebuild the weakening structures of international cooperation. Such an approach would increase the effect of whatever degree of causal power Britain does possess. In the first instance, the British government could work with a coalition of the nuclear unwilling. Britain could, for example, help mobilise an already active group of NNWS: the New Agenda Coalition and the Vienna Ten. This is a potential grouping of fourteen states from various regions, with varied political leanings, which could form a critical mass promoting non-proliferation. More specifically, Britain could help promote confidence in future international inspection and verification regimes by using its own denuclearisation to assist international learning. At the same time, untied from complicity in the Bush doctrine on pre-emption and counter-proliferation, Britain could play a role not only in underlining the dangers of nuclear proliferation, but also in showing the potentialities of a law-governed world. Seen in this way, the process of the elimination of nuclear weapons by Britain could be used to stimulate a comprehensive set of approaches promoting multilateral international security. It is too soon to jump ship on international cooperation. There are opportunities, but they may not last long.

If positive steps are not taken now by Britain to strengthen anti-nuclear norms, will they ever be?

A new generation of weapons or a new era of world politics?

The world faces a momentous period in its history over the next half century, with the convergence of a massive population increase, an unprecedented environmental challenge, the dynamics of globalisation, deep social divisions, and all the other problems inflicting our anxious times. Decisions taken in the next few years in many areas will determine whether global security is enhanced or threatened. Will we suffer 'climate chaos'? Will there be a 'clash of civilizations'? Will we (nationally and globally) face a more dangerous nuclear future?

Without doubt, the nuclear weapons policies that are decided upon by a dozen or so key states between now and a couple of years after the next NPT Review Conference (2006-2012) will determine whether regional and global security regimes are strengthened, or whether we will enter an era in which nuclear weapons knowledge and technology spreads more quickly than any period since 1945. If the latter happens, then undoubtedly the risks will grow of nuclear confrontations, nuclear accidents, inadvertent nuclear conflict, and nuclear terrorism – not to mention an increasing possibility of some conventional wars leading to nuclear escalation. The world might be lucky, of course, and escape all these outcomes; but the odds against escaping them for ever are very high.

Those who believe that the British nuclear deterrent has done a good job over the past five decades or so will endorse Fox's view that "the onus must be on the nuclear abolitionists" to explain why Britain should change its policy.

Those who believe that the British nuclear deterrent has done a good job over the past five decades or so will endorse Fox's view that "the onus must be on the nuclear abolitionists" to explain why Britain should change its policy. Can we be confident, this position asks, that no nuclear or other WMD threat would be posed to a non-nuclear United Kingdom? It is a strong point, but it can be turned on its head. If Britain were not today a nuclear weapons power, how many would be pressing the government that it become so? Certainly one former Conservative Minister of Defence has become a critic.¹³ If Britain did not already possess Trident, I cannot imagine any British government today contemplating expending the resources and effort to create a replacement. The strongest card for pro-nuclear opinion is the fact that Britain is already a nuclear power, and it is always easier to do tomorrow what one did today.

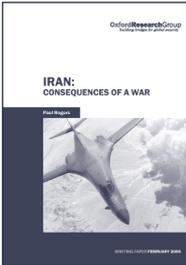
All the contributors to this Report have a claim to being realists in their approach to the issues; what divides them is the character of that realism. Being realistic in the short-term might seem to favour nuclear-business-as-usual: but what about the long-term balance of risks? If, as predicted, the years ahead will be difficult and dangerous, with a unique convergence of global threats, is the real realist an advocate of nuclear-business-as-usual, continuity, and the lessons of the Cold War, or somebody who asks us to question whether prevailing institutions and power relationships are the problem not the solution, questions whether the agendas of Downing Street are the true necessities (as opposed to those for the next election), and challenges us to decide whether future threats are optimally faced by continuity or radical change?

Nuclear continuity risks the destructive outcome Midgley warns about – a worst-case ignored by those favouring the nuclear replacement of Trident. Her argument points to nuclear continuity being a recipe for a continuing nuclear weapon chain-reaction through the international system. The anti-nuclear alternative is not risk-free, as was suggested earlier. What if a British commitment to denuclearisation (as a step to building a more effective global nuclear security regime) does not work? Such a regime requires that individual states and groups of states must: take the long view; develop a holistic conception of security; seek to achieve consistency in word and deed; promote law-building, democracy, economic justice, human rights, environmental sustainability, and the delegitimation of the use of force in international politics; and understand that actions speak louder than words. Sovereign states are not famous for such attitudes and behaviour. That said, the dangers of a world in which nuclear weapons are in more hands and may be thought more usable is a very powerful incentive to change. Success in international institution-building, functional cooperation, and shared norms – which can help change the identities and interests of states and people(s) – cannot be guaranteed, but there can be little doubt that this path offers the promise of a more realistic long-term basis for peace than one permanently animated by the international politics of fear and the instrumentality of the ultimate terror devices. The challenge to all of us, governments and civil society alike, is immense: but so is the prize. Nuclear weapons can never be disinvented, of course, but history shows that military rivalries can be, and when this happens, weapons become essentially irrelevant.

Notes

1. Unless stated otherwise, the quotations in this section are taken from: Patrick Wintour and Martin Kettle, 'Britain faces long-term nuclear threat and must plan for it, says Reid', *The Guardian*, 13 September 2005; Nigel Morris, 'Is this a sensible way to spend £20 million?', *The Independent*, 31 October 2005; Colin Brown, 'Ministers may save cash by replacing Trident with air-launched missiles', *The Independent*, 1 November 2005.
2. Robert Fox, 'Trident: The Done Deal', *New Statesman*, 13 June 2005.
3. Marjory Thompson and Julian Lewis, 'A new Generation of nuclear weapons? Let's talk about it' *The Guardian*, 4 July 2005.
4. This is the theme of Ken Booth and Nicholas J. Wheeler, *The Security Dilemma: Fear, Cooperation, and Trust in World Politics* (London: Palgrave Macmillan, forthcoming). I wish to thank him for comments on this essay, and Alistair Finlan for assistance in an earlier stage of my research on the topic.
5. Michael Quinlan, 'The future of nuclear weapons: policy for Western possessors', *International Affairs*, Vol.69(3), pp.485-96.
6. Michael MccGwire, 'Is there a future for nuclear weapons?' *International Affairs*, 1994, Vol.70(2) pp.211-28; see also his article 'The rise and fall of the NPT: an opportunity for Britain', *International Affairs*, 2005, Vol. 81(1). I have greatly benefited from conversations with him on these matters for nearly 40 years.
7. In 2002 the British Minister of Defence, Geoff Hoon, indicated British willingness to use nuclear weapons against non-nuclear states "in the right conditions". In January 2006 President Chirac said that France was prepared to use nuclear weapons against any state that backed a terrorist attack against it (see 'Chirac's atomic bombshell', editorial, *The Guardian*, January 2006).
8. See, inter alia, Bruce G. Blair, *The Logic of Accidental War* (Washington DC: Brookings Institution, 1993); Scott D. Sagan, *The Limits of Safety: Organisations, Accidents, and Nuclear Weapons* (Princeton NJ: Princeton University Press, 1993); Aleksandr Fursenko and Timothy Naftali, "One Hell of a Gamble": *Khrushchev, Castro & Kennedy, 1958-1964 - The Secret History of the Cuban Missile Crisis* (New York: Norton, 1997); Robert S. McNamara and James G. Blight, *Wilson's Ghost. Reducing the risk of conflict, killing, and catastrophe in the 21st century* (New York: Public Affairs, 2001), esp. pp.188-91; Joseph Cirincione, 'Lessons lost', pp.42-53, *Bulletin of the Atomic Scientists*, November/December 2005, Vol.61(6).
9. Most notably Kenneth Waltz, 'More may be better', pp.3-45 in Scott D. Sagan and Kenneth N. Waltz, *The Spread of Nuclear Weapons: A Debate Renewed* (New York: Norton 2003).
10. G. John Ikenberry, 'A weaker world', *Prospect*, November 2005 (116), pp.30-33.
11. Dan Plesch, 'Britain's independent deterrent is purely a political myth', *The Independent*, 31 October 2005.
12. Morris, op cit.
13. Michael Portillo, *Sunday Times*, 19 June 2005, in The Editor briefing: 'Trident's expiry fuels nuclear debate', *The Guardian*, 20 June 2005.

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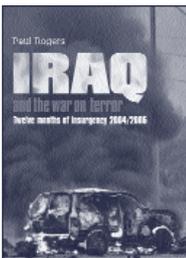
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About this report

This report is published in the context of a series of inquiries taking place within the Defence Committee of the House of Commons on “*The Future of the Strategic Nuclear Deterrent: the Strategic Context*”. All the contributors to the debates published within the covers of this report are prominent experts who take very differing views about what British nuclear policy should be at the beginning of the 21st century. The report provides a platform for the authors to set out their contrasting positions on key aspects of the debate, and respond to each other’s concerns.

The report opens with a technical and scientific account by Dr. Frank Barnaby, one of the report’s co-editors, of Britain’s current nuclear weapons force, including comments on possible future nuclear weapons developments, and concludes with an integrative assessment and conclusions by Professor Ken Booth, the report’s other co-editor.

ORG offers this report as a partner in a year-long collaborative initiative called “Beyond Trident” with three other independent UK-based non-governmental organisations (NGOs), whose shared purpose is to raise public awareness at all levels, foster public and parliamentary debate, and create pressure for a high-level, non-partisan investigation into nuclear weapons policy, placed in the context of Britain’s current and future security needs, and our global security and international legal obligations. In particular, a key objective of Beyond Trident is to ensure the process is open, informed and accountable. We hope this report will make a positive contribution to this process.

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“This report covers the nuclear debate comprehensively from all sides of the argument. Regardless of their convictions, the authors make a compelling case for a wider debate in Britain about the future of our nuclear weapon capability. They also show that there is plenty of time to come to a considered decision. Every Member of Parliament should read it.”

Air Marshal The Lord Garden KCB, Liberal Democrat Spokesperson on Defence, House of Lords; author of *Can Deterrence Last?*

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