

Memorandum from the World Disarmament Campaign

1. INTRODUCTION

1.1 The World Disarmament Campaign (WDC) was founded in 1979 to work for the implementation of the Final Document of the 1978 First Special Session on Disarmament of the UN General Assembly, which was signed by every then member of the UN. That remains our basic aim. Disarmament, both nuclear and "conventional", is an essential component of any progress towards long-term peace and security in a just and sustainable world community, which is surely what all right-thinking people desire.

1.2 We therefore welcome the decision of the Defence Committee to conduct an inquiry into the White Paper on the future of the UK's nuclear deterrent, which has pre-empted the Committee's previous planned series of inquiries into this contentious topic. Many of the questions asked by the report of the first of that series⁽¹⁾ have not, in our view, been adequately answered by the White Paper.

2. SUMMARY

2.1 WDC is totally opposed to all nuclear weapons, everywhere. We question the whole concept of "the deterrent", which contains within itself a fundamental contradiction. We believe that the threat or use of nuclear weapons is illegal under International Humanitarian Law, under all conceivable circumstances, since they are inevitably unpredictable and indiscriminate in their effects. We further believe, as argued by many authorities, that replacement of the Trident nuclear weapon system would be a clear breach of the Nuclear Non-Proliferation Treaty (NPT), with its

obligation on the nuclear weapons states to "pursue negotiations in good faith relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, ... ".They do not increase the security of the UK or of the world. On the contrary, they increase insecurity, both by their own existence and by the encouragement they provide for proliferation.

2.2 In short, in the words of General Lee Butler, former Commander-in Chief of the US Strategic Air Command, "Nuclear weapons are inherently dangerous, hugely expensive, militarily inefficient and morally indefensible."⁽²⁾

3 DETERRENCE

3.1 We begin by repeating the point we made in our submission to the previous Defence Committee inquiry. Any weapon *may* be a deterrent in particular circumstances, but to assume that it will always be so by virtue of its mere existence, as is implied by the conventional terminology, depends on many assumptions that in our view cannot be justified. Nuclear weapons are always referred to as the "Nuclear Deterrent", or even simply "the deterrent". We would challenge this. "Deterrence" may be a function of a weapon, but it cannot logically define the weapon itself. This (deliberately?) misleading terminology tends to pre-empt the whole debate.

3.2 Further, the concept of deterrence contains a fundamental contradiction. A "deterrent" can only be effective if it is recognised that there is a realistic possibility of its being used. As the White Paper rightly states: "... nuclear weapons pose a uniquely terrible threat ..." [page 17] If the consequences of its use would be so horrendous that it is inconceivable that any sane leader would sanction its use, then it cannot fulfil the alleged function of a deterrent. However, if it is ever used, it has clearly failed as a deterrent. The White Paper makes no attempt to face up to this dilemma, but simply evades the issue:

"we deliberately maintain ambiguity about precisely when, how and of what scale we would contemplate the use of our nuclear deterrent. We will not simplify the calculations of a potential aggressor by defining more precisely the circumstances in which we might consider the use of our nuclear capabilities. *Hence we will not rule in or out the first use of nuclear weapons.*" [page 18]
(Our emphasis)

3.3 This last sentence encapsulates the lack of logic in the whole

argument: First use would surely be the most abject admission of failure in history, and would be one of the worst crimes against humanity in the blood-stained history of the human race. Second use, in retaliation, would again be the result of the complete breakdown of the deterrent concept.

3.4 We conclude that the belief in the "nuclear deterrent" is an article of faith rather than a statement of fact or of logical analysis of the real world.

4. HISTORY

4.1. The article of faith referred to above is often expressed in the form: "nuclear weapons have kept the peace in Europe since 1945", i.e., throughout the Cold War. But detailed analysis shows this to be a very simplistic interpretation of the facts. There have been some 200 armed conflicts around the world in that period, many of them surrogate wars for the superpowers, and causing many millions of deaths. On a number of occasions, in Korea for example, nuclear weapons came very near to being launched.

4.2 The White Paper states that the original rationale for the UK's "nuclear deterrent" was to address the threat to the UK's vital interests from the Soviet Union. It repeats the commonly accepted justification that NATO did not possess sufficient conventional military forces to defeat an attack by the Warsaw Pact. However, although this is rarely questioned, it is not really so clearcut. In 1987 the American military analyst Tom Gervasi produced a commentary on the Pentagon's Guide to Soviet Military Power which went through that document page by page and point by point, showing that in almost every instance there was significant exaggeration of the capabilities of the Soviet forces, and that comparisons which would show the advantage held by the equivalent US forces were omitted. He concludes: "Both the nuclear and conventional balances of power in Europe have always heavily favored NATO and continue to do so." (3)

4.3 This is not to deny that the Soviet Union did possess huge quantities of arms, nuclear and conventional, and might have been prepared to use them. Had war broken out it would have been even more devastating than World War 2. But there is little or no evidence that there was ever any serious plan to overrun Western Europe. There were enough problems maintaining a grip on its satellites in Eastern Europe to inhibit such an adventure: East Germany in 1953; Hungary in 1956; Czechoslovakia in 1969 (the Prague Spring) and again in 1977 (Charter 77); Poland in 1980s, and, of course, the final break-up of the Soviet Union in 1991.

4.4 It is true that during the Cold War Soviet missiles were targeted on the UK (indeed, probably still are) and that they were never used. Would they have been used had the UK not had nuclear weapons? It cannot be proved either way, but it may be noted that since the demise of the Soviet Union, the revelations that have emerged have not included any that indicate either the intention or even contingency plans to do so except in the context of an all-out superpower conflict. The UK's primary role was always as an unsinkable aircraft carrier for the US, and it was this that made it a target, not any direct and irreconcilable conflict of interests between the UK and the USSR or Soviet plan to add Western Europe to its empire.

5. PRESENT AND FUTURE: UNCERTAINTY

5.1 We welcome the fact that the White Paper at least attempts to respond to some of the criticisms of the government's policies [Box 3.1, pages 20-21], although we find the arguments fairly weak.

5.2 Whatever one believes about the role of nuclear weapons in the past, there is no doubt that the situation today is totally different. The White Paper recognises this. "Currently no state has both the intent to threaten our vital interests and the capability to do so with nuclear weapons." [Para 3-8, page 19] Following this, however, it attempts to justify retaining nuclear weapons by projecting hypothetical threats that might emerge in the future. This is a counsel of despair and a complete contradiction of the NPT. So long as nuclear weapons exist, there will be a possibility that they will be used. The longer they continue to exist, the greater the probability that they will be used; in fact the scenario painted by the White Paper leads to the conclusion that their use will eventually become almost inevitable. As we will show below, there are better ways of preventing this than the UK's contributing further to the nuclear madness.

5.3 The real threat, not to the security of the realm, but to human security everywhere, is terrorism. That nuclear weapons are no defence against terrorism has been argued so many times by so many authorities and so cogently that there is no need to repeat the arguments here. It should be self-evident that "deterrence", whatever merit it may have in relation to potential conflict between states, is totally irrelevant to this particular threat by non-state actors. This is accepted by the White Paper. However, the argument of the White Paper that our nuclear weapons could influence the decision-making of any state that might consider transferring nuclear weapons or nuclear technology to terrorists

is naive, to say the least. Would any such state loudly proclaim to the world: "Yes, we have given six nuclear missiles to Osama bin Laden", and hence invite Armageddon to be rained on it? Or would the decision be based on "intelligence" such as that which was used to justify the attack on Iraq? How to respond to terrorism, and in particular the alternatives to the current "war on terror", are undoubtedly difficult questions, but certainly we believe that nuclear weapons have no useful part to play in protecting the people of the world from terrorist attacks.

5.4 That the future is uncertain is a truism. We have no crystal ball any more than the government. But that does not mean that nothing can be done to influence it in a favourable direction. On the other hand, the White Paper's argument would still be valid when a Trident Replacement needs replacing in 20 years, in 50 years, or 100 years; i.e., it is a recipe for the retention of nuclear weapons for ever. And that, as already noted above, is a recipe for almost certain disaster.

6 "MINIMUM DETERRENT"

6.1. The government claims, as it always has, that it maintains only a "minimum deterrent". This is currently assessed as 200 warheads, and the White Paper concedes that this could be reduced to 160. But the calculation on which this or any other number is based is never revealed. Each Trident submarine carries up to 48 warheads, each of explosive power 8-10 times that of the Hiroshima bomb. Can it be conceived that the threat of 48 Hiroshimas-plus is necessary to influence these hypothetical adversaries in the uncertain future? It could be argued that a single such warhead, with a guarantee that it would reach its major city target, would deter any state leader who was not completely mad. Conversely, any such leader would be unlikely to be deterred by any number.

7. LEGALITY OF NUCLEAR WEAPONS

7.1 The White Paper quotes the Advisory Opinion of the International Court of Justice (ICJ) regarding the legality or otherwise of nuclear weapons, but it does so selectively and misleadingly. The ICJ, in Paragraph 105 (2) E of its Advisory Opinion ⁽⁴⁾, stated 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." It also stated that if the use of any weapon is illegal under IHL, the threat of such use is also illegal. [Para 47] The Court could not '...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.' (our emphasis) This is very far from stating, as the White Paper does, that the Court "rejected the argument that such use would necessarily be unlawful" [section 2.11, page 14] In his Declaration, the then President of the Court, Judge Bedjaoui, emphasised that this possible reservation did not constitute an authorisation of use, and that any such use would still have to accord with IHL in respect of indiscriminate effects; i.e., it would have to be capable of distinguishing between military and civilian targets.

7.2 It should be noted that even this reservation did not receive unanimous backing from the members of the Court. A minority of judges disagreed, including Judge Christopher Weeramantry, then Vice-President of the Court. He entered a dissenting opinion which concluded that threat or use of nuclear weapons would be illegal in all circumstances.

7.3 It should also be noted that "... *the very survival of a State* ..." goes far beyond the formulation of "vital interests" consistently used by the government when challenged on this, and in the White Paper.

7.4 In the ten years since the Opinion was given, many international lawyers have further analysed the judgement and other information and concluded that nuclear weapons are indeed illegal in all circumstances. These include Judge Weeramantry again, Louise Doswald-Beck of the University Centre for International Humanitarian Law, Geneva, Professor Philippe Sands, QC, Rabinder Singh, QC, and Professor Christine Chinkin. (5) (6) (7)

(8) The reasons given are the unpredictability of the effects of nuclear weapons. Any use of nuclear weapons creates a highly radioactive fireball which generates an intense blast wave, a heat flash, 'prompt' radiation and radioactive fallout. The fallout in particular is very unpredictable. Any use is therefore likely to cause 'superfluous injury and unnecessary suffering' to targeted combatants and to expose non-combatants (civilians of an attacked state or of neutrals or even of the attacker) to the risk of radiation sickness, to leukaemia and other cancers for decades to come, and perhaps genetic change leading to harmful mutations in succeeding generations.

7.5 It is not only lawyers who have declared that nuclear weapons are illegal. Kofi Annan, recently retired UN Secretary-General, has stated "... by clinging to and modernizing their own arsenals, even when there is no obvious threat to their national security that nuclear weapons could deter, nuclear-weapon States encourage others -- particularly those that do face real threats in their own region - to regard nuclear weapons as essential, both to their

security and to their status. It would be much easier to confront proliferators, if the very existence of nuclear weapons were universally acknowledged as dangerous and ultimately illegitimate." (9)

7.6 When the government is challenged with these judgements, as it has been many times in recent years, it simply repeats its view that "... maintaining a minimum nuclear deterrent is fully consistent with all our international legal obligations ...". [Box 3-1 para 7, page 21] This would not be considered remotely good enough in any other legal situation. The government should publish in full whatever legal advice it has which purports to justify its position, and should be prepared to test this in an appropriate court. That court might be the International Court of Justice.

8. NON-PROLIFERATION TREATY

8.1 The NPT was opened for signature in 1968 and came into force in 1970. Article VI, as already noted, reads: "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." No such negotiations have ever taken place in the 37 years since then, and there are no proposals for such negotiations to start on the table at present.

8.2 ' In Para. 105 (2) F of its Advisory Opinion (4), the ICJ interpreted Article VI as an *obligation* to pursue such negotiations and *bring them to a conclusion*. (our emphasis) This obligation is simply ignored by the government.

8.3 In the years immediately following the introduction of the Treaty, not only were there no negotiations, but all the nuclear powers continued to develop their nuclear arsenals in both quantity and quality. In more recent years there has been some reduction in numbers, in the case of the UK to the present 200 Trident missiles, but to claim that this in some way fulfils the Article VI obligation is disingenuous, or worse. Exact comparisons, taking into account explosive power, range, accuracy, etc, are not available, but one may suspect that the actual destructive power of those 200 Tridents is greater than was the case in 1970, although less than the peak which occurred in the late 1980s. The US and Russia, of course, still have many thousands of nuclear weapons in their stockpiles, and they too are in flagrant breach of their obligations.

8.4 Throughout the White Paper, there are references to "the recognised nuclear weapon states", from the Prime Minister's Foreword to the attempted refutations of critics in Box 3-1. This phrase does not appear anywhere in the NPT. Article IX simply states: "For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosion device prior to 1 January 1967." This gives no special status to the earliest possessors of nuclear weapons, except in so far as it is they who have to disarm their weapons, whereas non nuclear-weapon states just have to maintain their existing situation. Again it must be emphasised that the basic obligation in the NPT is to pursue negotiations in good faith ... to nuclear disarmament.

8.5 The last clause in Article VI is sometimes interpreted as meaning that nuclear disarmament is dependent on a prior treaty on general disarmament. In Para 2.10, page 14, the White Paper states: "Article VI of the NPT does not establish any timescale for nuclear disarmament, nor for the general and complete disarmament which provides the context for total nuclear disarmament." While WDC is concerned with all types of weapon, from the small arms which actually do most of the killing around the world, to the nukes which are the subject of this paper, via all the high-tech weapons such as the Eurofighter which can themselves almost be categorised as Weapons of Mass Destruction, and which absorb so much of the world's resources, this again is disingenuous or worse. WDC would greatly welcome such a treaty, but the NPT is specifically aimed at nuclear weapons. The crucial word in the Article is "**and**" on a Treaty ...' There is a suspicion that this clause was included specifically to fudge the issue. But in any case, the ICJ judgement is categorical: "there is an *obligation* to pursue such negotiations and *bring them to a conclusion*."

8.6 It is, therefore, a legitimate question, which demands a clear and categorical answer from the government: When will these negotiations be started, who will take the lead, and when can the peoples of the world look forward to a world free from the threat of nuclear annihilation? The UK is in an ideal position to take the lead in this, if only it discards the faulty logic exposed in this paper.

8.6 As a basis for the negotiations, there is already in existence a draft Nuclear Weapons Convention, prepared by a wide range of legal and other civil society authorities, and deposited with the UN by Costa Rica. If there was a genuine desire for nuclear disarmament, which all the nuclear powers profess and are obligated to pursue, this could be converted into an effective treaty in far less than the 20 to 50 years perspective of the White Paper.

9. PROLIFERATION

9.1 Proliferation is undoubtedly a very serious problem, both that which has already happened and possible future. But it still does not constitute a direct threat to this country. The nearest to a nuclear conflict that has occurred since the end of the Cold War is the stand-off between India and Pakistan over Kashmir. Outright war has been avoided so far, and relations have improved to some extent, but it remains a potential flash-point.

9.2 Similarly, the Middle East is a powder keg. Israel's nuclear weapons, although not explicitly admitted by the Israeli government, are universally believed to exist and constitute a major destabilising factor in the region. Should Iran or any Arab countries obtain nuclear weapons, that would be a recipe for disaster, but none of these would be targeted on the UK. It is difficult to see in what way Britain's nuclear weapons contribute to preventing this development.

9.3 The same argument applies to North Korea. While it is deplorable that North Korea has withdrawn from the NPT and developed its own nuclear weapons, it has never been suggested that these are - or indeed could possibly be - aimed at the UK. It should be noted that all these developments have taken place while the UK has maintained its "minimum deterrent", and the superpowers have maintained their thousands. In fact, every state that has developed nuclear weapons, apart for the first, the US, has cited the existence of others as among the reasons for their doing so. In the case of North Korea, while again wishing them to return to the NPT and fulfil their obligations under it, it has been under nuclear threat from the US for many years. In the Nuclear Posture Statement submitted to Congress in December 2001, North Korea is still named as a potential nuclear target.

9.4 Iran, on the other hand, does not currently have nuclear weapons, and claims to have no intention of developing them. One may well be sceptical about this, and in the complex political scene that is Iran today it is almost certain that there are elements in favour of going nuclear. But there is also a strong element in the Islamic hierarchy that is opposed in principle to doing so. Whatever one's view of this, it is difficult to see how the UK's present or future nuclear weapons will influence Iran's policies. They are certainly not used by Iranians of any persuasion as reasons for not developing their own weapons. On the contrary, when one reads statements such as "Within the next 12 months, the Americans or the Israelis, possibly both, are likely to launch military strikes aimed at crippling Iran's nuclear ambitions. Those strikes may come sooner than later. And they will

probably be nuclear." (Douglas Davis, *The Spectator*, 6 January 2007) There could not be a stronger incentive for Iran to develop its own "deterrent".

9.5 The White Paper, again attempting to answer critics, says: "There is no evidence or likelihood that others would follow the UK down a unilateral route. There would need to be compelling evidence that a nuclear threat would not re-emerge in future before we could responsibly contemplate such a move. It would be highly imprudent to mortgage our long term national security against any such assumption." [Box 3-1, para 3, page 20] But that is not the question. Has the UK's possession of nuclear weapons influenced the proliferators listed above? Obviously not. So it may well be true that they would not follow the UK lead. But would the UK's giving up its nuclear weapons give it a stronger position to influence current non-nuclear states which are considering going nuclear? That is at least an arguable proposition; it would eliminate the charge of hypocrisy when attempting to put pressure on such potential proliferators.

9.6 It seems a strange argument that the UK's retention of its nuclear weapon system into the indeterminate future will have a significant influence on that future, while its abandonment and, hopefully, a start to the process of de-nuclearising the world will have no effect whatever.

9.7 It is also worth noting that most of the (small) advances that have been made have started as unilateral initiatives, such as the Soviet moratorium on testing which led ultimately to the Comprehensive Test Ban Treaty. And, of course, every escalation in the nuclear arms race has been a unilateral decision by one of the nuclear powers.

9.8 To sum up, the crucial step in preventing further proliferation and proceeding towards a nuclear weapon free world is for the major nuclear weapon states to fulfil their obligations under the NPT and start serious negotiations ("in good faith") towards their elimination.

10 GLOBAL SECURITY and HUMAN SECURITY

10.1 Why does any state believe that it needs nuclear - or, indeed, any other high-tech - weapons to ensure its security? In Para 3-7, page 18, the White Paper says: "Increasing pressure on

key resources such as energy and water (which could be driven by a range of factors, potentially including population growth, increasing global economic development and climate change) may increase interstate tension. Two points in response to this: (1) Most conflicts in recent years (apart from Iraq and Afghanistan) have been intrastate rather than interstate. Nuclear weapons are totally irrelevant to such conflicts; (2) If a small proportion of the resources currently devoted to producing weapons were to be applied to dealing with these problems, they would become much less significant. For example, an adequately funded UN Water Agency could probably provide almost every person in the world with clean water within ten years. The small scale technology exists, but relying on non-governmental agencies like Water Aid is totally inadequate. (The Millennium Development Goals are far too modest, yet even they are not being achieved.)

10.2 Putting Human Security at the top of the international agenda, rather than continuing the old, old ways of power politics and "peace through strength" would be a far more fruitful way to achieve a peaceful future for mankind.

11. PRACTICAL POLITICS

11.1 We recognise that MPs and political parties have to take cognisance of public opinion, and the vast majority of the electorate will never have access to the sort of detailed argument presented in this paper. The instinctive response of many people is likely to be: "We need our nuclear weapons so long as others have them." This is a recipe for nukes for ever and ever. So how can this be overcome?

11.2 Could a political party which proposed to do away with the UK's nuclear weapons, either immediately, or over a period by not replacing Trident, gain the support of the voters in doing so? Past evidence (1983, 1987 and 1992 in particular) would suggest not. But the situation is different today. We are not currently in an election period, so it can be debated without party point scoring (we hope). The cross-party Defence Committee, if it concluded, as we believe it should, that the case for Trident replacement has not been made by the government, this would carry great weight and remove much of the emotional baggage that has been invested in the issue in the past. It is understandable that MPs, and political parties, do not wish to espouse policies which they see as vote losers, whatever their objective merits. But we strongly urge the Committee, if our arguments are as convincing as we believe them to be, to make their decision based on these arguments and not on perceived political repercussions.

11.3 In his Foreword to the White Paper, the Prime Minister looks

forward to a substantial period of public and parliamentary debate in which the issues can be aired freely. But the timescale is far too short for this, and there is no mechanism for adequate public consultation. We urge the Committee to point this out to the government, and request that a proper consultation be put into operation. This should include provision for opponents of Trident renewal to put their case. Small organisations like WDC have no possible way of getting their case over to the public without such provision.

12 JOBS

12.1 Whenever cuts in public spending in any field are proposed, the workers affected are naturally concerned about their jobs. This is particularly true of the highly specialised shipyard workers who produce the submarines. Some of the workers in the Barrow shipyards have therefore campaigned for Trident replacement, in order to save their jobs. This may be understandable, but it is mistaken. Jobs cannot be the deciding factor, or even a major factor, in determining policy on such an important issue as nuclear weapons.

12.2 What should be done is tap into all the skills and knowledge of these workers to find alternative employment for those skills. For example, the impact of climate change is starting to generate a resurgence of interest in waterborne transport at all levels, as one of the most environmentally friendly ways of moving both goods and people around. Post 1945 millions of workers were redeployed from wartime industry and the services, with great success. What existed then and what is needed now is planning and the political will.

12.3 We would also suggest that the morality of jobs being dependent on producing weapons of mass destruction (see below) is also something to be considered.

13 COST

13.1 Many different figures have been suggested for the cost of replacing Trident, ranging from £15-20 billion in the White Paper, to £79 billion taking into account maintenance costs over its lifetime. But the precise figure is not important. Even £20 billion is a lot, which could and should be spent on constructive purposes rather than means of destruction. If the arguments in

this paper are valid, then one penny is too much. On the other hand, if nuclear weapons are essential to our security and survival, then money should be almost no object. But it is up to those who wish to spend money in this way to prove up to the hilt that this really is so. We do not believe they can.

14 MORALITY

14.1 Moral issues are not usually considered in matters of realpolitik, but surely they must come into play when dealing with weapons with such potentially catastrophic consequences. One does not have to be a Christian to recognise the importance of the sixth commandment, "Thou shalt not kill", as an essential foundation for any civilised society. So how can a "defence" policy predicated on the potential killing of millions, and even the destruction of the whole of civilisation, ever be justified? Such a policy must surely be abhorrent to any morally educated person.

15 TAILPIECE: THE SINNER THAT REPENTETH?

15.1 If all the eloquence and logic that has been mustered by the writer of this paper still fails to convince, may we appeal to authorities that might even be accepted by the most ardent of nuclear warriors.

15.2 "Nuclear weapons today present tremendous dangers, but also an historic opportunity. U.S. leadership will be required to take the world to the next stage -- to a solid consensus for reversing reliance on nuclear weapons globally as a vital contribution to preventing their proliferation into potentially dangerous hands, and ultimately ending them as a threat to the world. ... Reassertion of the vision of a world free of nuclear weapons and practical measures toward achieving that goal would be, and would be perceived as, a bold initiative consistent with America's moral heritage. ... We endorse setting the goal of a world free of nuclear weapons and working energetically on the actions required to achieve that goal, beginning with the measures outlined above."

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15.3 And who are these authorities? George P Schultz, William J Perry, Henry A Kissinger and Sam Nunn, former high level

architects of the Cold War.⁽¹⁰⁾

16. TAILPIECE 2: STOP PRESS

16.1 The Bulletin of the Atomic Scientists has just announced that the hand of the Doomsday Clock has been moved forward by two minutes, to five minutes to midnight. A decision not to replace Trident would be at least a glimmer of light in this Stygian scenario.

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