

SND 76

**Memorandum submitted by Sir Michael Quinlan**

The Annex herewith, an extract from a 1997 monograph, examines the general concept of independence in relation to UK nuclear-weapon capability.

The UK's present force comprises submarines, missiles and warheads. The submarines and warheads were designed in the UK - the latter in cooperation with US laboratories and with some components bought from the US, but design remained ultimately in UK hands. Both submarines and warheads were manufactured in the UK. Trident missiles were bought (not leased) from the US and are periodically serviced there, but the UK has full ownership of the number bought. Nothing in this means that the US controls the UK force operationally, any more than in normal use of language the fact of owning a Focus and having it serviced at the local Ford dealer makes it appropriate to assert that the Ford Motor Company controls my motoring. If the US chose to default on its agreements it would be able ultimately (over an extended period) to make it difficult for the UK to maintain the force, but it can neither dictate that the force be used if HMG does not so wish, nor apply any veto - legal or physical - if HMG were to decide upon use. If it were true that the US controls UK capability, the entire point of having it, as explained by successive UK governments for nearly fifty years, would be void. It is presumably not suggested that all these governments have been either grossly deceived or relentlessly mendacious.

## NPT ARTICLE VI

It is sometimes contended that extension or renewal of UK nuclear-weapon capability would be in breach of the UK's obligations under Article VI of the 1968 Nuclear Non-Proliferation Treaty. That Article commits the five nuclear-weapon powers recognised in the Treaty to the eventual total elimination of nuclear weapons; and the commitment has since been underlined at regular review conferences of Treaty parties, as well as *obiter* by the International Court of Justice in the course of an advisory opinion in 1996. But several considerations tell against claims that the commitment entails a categorical bar to the UK's continuing to possess nuclear weapons:

a. The Article says nothing about the speed at which, or the conditions under which, eventual elimination is to be achieved. No state has maintained, nor could any reasonably do so, that the commitment is to be interpreted regardless of the world's political and security environment.

b. The Article sets the elimination of nuclear weapons alongside "general and complete disarmament" by all parties. Nothing in the text puts the two obligations on different footings. We are not remotely in sight of "general and complete disarmament".

c. There is neither evidence nor likelihood that all the other four recognised nuclear-weapon states (to say nothing of non-recognised ones) will be willing to abandon their armouries in the foreseeable future. It would be wholly unreasonable to interpret Article VI as imposing unilateral and total obligations upon the UK regardless of what others do.

d. HMG has made it clear, for example in the 1998 Strategic Defence Review, that it stands ready to give up its armoury as soon as everyone else does.

e. The UK has almost certainly already the smallest and least diverse armoury among the Five (China discloses virtually nothing official about its capability). The UK has been more transparent than any of the others in making information public about its holdings.

Given all this, while Article VI is undoubtedly in a general way a consideration weighing against renewal, especially at the current scale, and should be taken into account accordingly, it is nowhere near constituting an unconditional imperative in either legal or political terms.

#### ANNEX

Extract from Appendix 1 of "THINKING ABOUT NUCLEAR WEAPONS"

by Michael Quinlan, RUSI Whitehall Paper No. 41, 1997

From early in the nuclear age the US armoury was more than adequate in material terms - numbers, diversity, reach and technical and operational quality - for the needs of any alliance or coalition to which the United States was committed. The security case for any of its partners to spend scarce resources on providing an independent supplement could rest only on hypotheses that in some scenario or other the US armoury might be thought not available, or not reliably available; for example, that in the situation of effective nuclear parity between East and West, with the United States itself inescapably under mortal threat, the Soviet Union might calculate (or, as British spokesmen were usually careful to say, miscalculate[1]) that when real operational decisions had to be faced US nuclear power would not be used, or not fully and promptly used, in the defence of Western Europe. The existence of independent nuclear capability in Western Europe, far more directly



threatened by possible Soviet aggression, was seen as a useful added insurance against any such assessment.

Given such a premise, what independence needed to mean in practice (at least from the standpoint of security rationale; cloudier considerations of political posture or national image are not addressed here) depended on what were the scenarios of perceived US non-availability to be insured against. These scenarios could be of two kinds. The first postulated that the United States, while still politically committed to its allies, might hold back when faced with the nuclear decision amid the heat and fear of war. The second postulated a deeper and longer-term estrangement from Europe - a radically-changed environment in which the United States had disengaged from European security, and in particular had withdrawn its cooperation and abrogated any obligations to European allies in nuclear procurement and support. If it were desired to cater just for the first sort of scenario, what was needed was simply operational independence (call it Mark I): the capability to press nuclear buttons whether or not the United States so chose. But to insure also against the second sort - long-term US estrangement - required procurement independence (Mark II). It is unilluminating to argue about which Mark is "real" independence; the practical point is that they are alternative insurance policies. As in most insurance situations, the wider the cover required, the higher the premium. The United Kingdom chose, from the beginning of the 1960s, to take out the Mark I level of cover; and this cost around five percent, and indeed often much less, of the defence budget. French experience appeared to suggest three or four times as much for Mark II. The difference in insurance cover was also a major difference in long-term opportunity cost elsewhere in defence provision, as comparative contribution to Alliance non-nuclear capability and in the Gulf War may illustrate.

*12 March 2006*

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