



## **Campaign for Nuclear Disarmament**

### **Submission to the Defence Committee Inquiry *The Future of the Strategic Nuclear Deterrent: the Strategic Context* 7<sup>th</sup> March 2006**

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#### **Summary**

The decision on whether or not to replace Britain's nuclear weapons system must be taken on the basis of what will most contribute to the security of the British people. This paper suggests that non-replacement would best meet that requirement and would also make a significant contribution to international security by strengthening and advancing the disarmament and non-proliferation regime that is widely supported by states and civil society organisations globally. The requirements of the international treaty framework are outlined, together with the links between the failure of the nuclear weapons states to disarm and the dangers of nuclear proliferation. Legal opinion that a Trident replacement would be a material breach of the nuclear Non-Proliferation Treaty is noted. The strategic context in which Trident was bought is analysed, together with the factors that brought that period to a close, including the substantial nuclear disarmament that took place towards the end of the Cold War. It is noted that rather than disarming in the post-Cold War period, Britain adapted some of its weapons for sub-strategic use and in part restated the function of Britain's nuclear weapons as the defence of vital interests. In the current context it is noted that there is widespread opposition to a Trident Replacement, partly because it is generally thought to be irrelevant against the threat of terrorism. Britain's links with the US are considered, including nuclear sharing via the Mutual Defence Agreement, and policy similarities that include the abandoning of negative security assurances and the considering of nuclear weapons as part of a useable arsenal. The possible emergence of China as a nuclear threat is considered. The paper concludes that moves towards NPT compliance, exemplified by non-replacement of Trident, can help reverse the dangers of nuclear proliferation and prevent a new nuclear arms race. The current policy orientation of the British government is exacerbating these dangers and an urgent reversal is required to ensure Britain's security.

#### **The requirements of the international treaty framework: understanding the relationship between nuclear disarmament and non-proliferation**

1. Concerns about the possession and proliferation of nuclear weapons are not new. Indeed, the international desire for nuclear disarmament and non-proliferation has been manifested strongly – at both state and civil society levels – for many decades. The most significant legal expression of this is the nuclear Non-Proliferation Treaty (NPT), of 1968. The NPT was the result, in particular, of widespread international concerns about the dangers of proliferation and the spiralling weapons stocks of the nuclear weapons states. Prior to 1968, both Sweden and India had led attempts in the United Nations (UN) General Assembly to bring both of these under control. Whilst in 1965 the US and Soviet Union had put forward their own proposals for a treaty, these were rejected by the non-nuclear weapons states because the disarmament component was insufficient, only really limiting the nuclear club to its existing members. The perspective of much of the international community at that time can be summed up in the words of the former German Chancellor Willy Brandt: 'The moral and political justification of a non-proliferation treaty follows only if the

nuclear states regard it as a step towards restriction of their own armaments and toward disarmament and clearly state they are willing to act accordingly.<sup>1</sup> The resulting treaty inextricably linked disarmament and non-proliferation and provided a framework for the achievement of both. Article VI 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.' It can be argued that the non-proliferation pillar of the NPT has been relatively successful. Only three, possibly four, states possess nuclear weapons outside of the NPT framework despite fears in the early years that many nuclear weapons states would emerge. Rights under Article IV of the NPT, to the development of nuclear power for civilian purposes – which has been taken up by over forty countries – have not been used as a jumping off point for nuclear weapons proliferation. But the disarmament pillar of the NPT has not met with success. The five declared nuclear weapons states of the NPT still retain massive nuclear arsenals and are currently making no progress towards their NPT commitments. Indeed, there have been recent attempts to suggest that the nuclear weapons states are somehow legally entitled by the NPT to possess nuclear weapons. In November 2003, Defence Secretary Geoff Hoon stated: 'Under the terms of the Nuclear Non-Proliferation Treaty, the United Kingdom, the United States, France, China and Russia are legally entitled to possess nuclear weapons'.<sup>2</sup> In fact, what that the nuclear weapons states are actually legally obliged to do, under the NPT, is work towards the elimination of their nuclear weapons.

2. The twin requirements of the Treaty – disarmament and non-proliferation – are fundamental to the security of the world today. The understanding of the inter-relationship between the two – and the need for compliance in both areas is a perspective that continues to predominate within the international community. It is very clearly and regularly conveyed through, for example, speeches by numerous state representatives at UN meetings, such as the NPT Review Conference of 2005. This position was recently expressed by Kofi Annan, who linked the failure to disarm with the danger of nuclear proliferation, at the 60<sup>th</sup> anniversary of the UN: 'the more that those states that already have [nuclear weapons] increase their arsenals, or insist that such weapons are essential to their national security, the more other states feel that they too must have them for their security'.<sup>3</sup> The failure of the nuclear weapons states to comply with their obligations under the NPT – taken together with an apparent orientation towards nuclear use by some of these states – has real potential to create a tendency towards proliferation. The logic of the 'deterrent' notion is that all states need nuclear weapons to protect themselves. This point has also been made by Nobel Laureate Professor Sir Joseph Rotblat, 'If some nations – including the most powerful militarily – say that they need nuclear weapons for their security, then such security cannot be denied to other countries which really feel insecure. Proliferation of nuclear weapons is the logical consequence of this nuclear policy'.<sup>4</sup>
3. Concern about the failure to make progress on disarmament led to a further strengthening of the NPT's requirements. In 1998, Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden issued a declaration entitled: 'Towards a Nuclear-Weapons Free World'. Working together as the New Agenda Coalition (NAC) these countries demanded that the nuclear weapons states commit themselves to the elimination of their nuclear weapons and work on practical steps towards this goal. In the face of major opposition from the nuclear weapons states, the NAC received very strong support within the UN General Assembly, and their work resulted in the adoption of the '13 practical steps' by the NPT Review Conference in 2000. This included the commitment by the nuclear weapons states to 'an unequivocal undertaking to accomplish the total elimination of their nuclear arsenals'. The Review Conference of 2005 confirmed that the achievements of the 2000 Conference remained part of the NPT framework.

## Trident Replacement and the international treaty framework

4. Given the clarity of the NPT requirements on disarmament there is concern, not only that Britain is not making progress towards disarmament, but also that it may be seeking to engage in vertical proliferation through the replacement of Trident. Recent investments in, and building work at, AWE Aldermaston only serve to strengthen this fear. At a time when our government pursues the notion of 'counter-proliferation' against those thought to be pursuing horizontal proliferation, this would be a hypocritical step. Defence Secretary Dr John Reid has stated that 'anything we do in future will be fully consistent with our obligations under the NPT'.<sup>5</sup> However, recent legal opinion makes it clear that a replacement of Trident would not be acceptable under the NPT. In 2005, Peacerights sought a legal opinion from Rabinder Singh QC and Professor Christine Chinkin on 'The Maintenance and Possible Replacement of the Trident Nuclear Missile System'. In their opinion, the replacement of Trident is likely to constitute a breach of Article VI of the NPT:

'74. 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 and to bring them to a conclusion and is, in our view, thereby in violation of the NPT, article VI obligation'.<sup>6</sup>

Singh and Chinkin further hold the opinion that such a breach would be a material breach of the treaty:

'80. The linkage between the principles of non-proliferation and the obligation to negotiate towards disarmament shown by the negotiation history...indicate that Article VI is a provision *'essential to the accomplishment of the object or purpose of the treaty.'* The non-nuclear weapon states required commitments from the nuclear weapon states as part of their willingness to accept non-nuclear status under the NPT and failure to comply with article VI thus, in our view, constitutes material breach.'<sup>7</sup>

The final sentence quoted further indicates the significance of compliance with the disarmament requirements of the NPT. For the nuclear weapons states to do otherwise will have a negative impact on the compliance of non-nuclear weapons states with the non-proliferation requirements of the NPT.

## The strategic context in which Britain bought Trident

5. In July 1980, the British government announced the decision to buy the US C4 Trident missile system, as a replacement for the Polaris system, which was due to reach the end of its service life in the early 1990s. In March 1982, the order was changed to the Trident D5, a new development announced by the US in October 1981. Trident was not merely a replacement for Polaris, it was actually an expansion of Britain's nuclear force, in contravention of our stated commitment to disarmament. Polaris had three 200-kiloton warheads on each missile and had been modernised to have a number of dummy or decoy warheads on each missile as well, but each missile could only be used against one target. The advance of the Trident system was that the warheads were multiple independently targetable re-entry vehicles, which could be independently aimed to achieve the destruction of a much greater range of targets. The range of delivery was also increased from the 2,500 miles of Polaris to 6,000 miles. In other words, Trident has a longer range, greater accuracy, and can reach more targets than Polaris could and, in addition, can carry almost 200 warheads, each of which has around eight times the power of the Hiroshima bomb.
6. Trident was a system devised specifically for the Cold War context in which it was initially planned. It was part of the US shift towards 'counterforce' weapons, which would give it nuclear war-winning capabilities. The D5 system provided the US with the capability to destroy almost all Soviet land-based intercontinental ballistic missiles. Britain's move from the C4 order to the D5 order was explained by the need

to retain commonality with the US. But in the years between the decision to buy the D5 system and its arrival in the early 1990s, a change in the strategic context – of monumental proportions - occurred. Changes in the Soviet leadership in the mid-1980s led to substantial disarmament initiatives on the part of the Soviet Union, which received a positive response from the US leadership. The Intermediate Range Nuclear Forces Treaty (INF) Treaty was signed by Reagan and Gorbachev in 1987, eliminating a whole class of medium and shorter range nuclear weapons. The INF Treaty was the first nuclear arms control agreement to actually reduce nuclear weapons.

7. In July 1991, the Strategic Arms Reduction Treaty I (START I) was signed by the US and Soviet Union, reducing their deployed strategic arsenals to 1,600 delivery vehicles carrying no more than 6,000 warheads. Towards the end of 1991, Bush and Gorbachev each pledged to make further significant reductions in their nuclear weaponry. In December 1991, the Soviet Union was dissolved and the bipolar world of the Cold War ended. The Warsaw Pact was also dissolved and the western alliance no longer faced a hostile superpower and its bloc.
8. Despite this monumental change in the strategic context, the pace of disarmament faltered during the 1990s. START II, which sought to reduce deployed strategic arsenals to between 3,000 and 3,500 warheads and banned the deployment of multiple-warhead land-based missiles, was signed in 1993, but abandoned in 2002. In 1997, Clinton and Yeltsin agreed a framework for START III negotiations that included a reduction in deployed strategic warheads to between 2,000 and 2,500. Negotiations were supposed to begin after START II entered into force, but that didn't happen. In May 2002, Russia and the US signed the Strategic Offensive Reductions Treaty (SORT), limiting their operationally deployed warheads to between 1,700 and 2,200 each. But this Treaty has yet to be approved by the Senate or Duma.
9. Despite the demise of its superpower opponent, Britain pursued the procurement and deployment of the Trident nuclear weapons system – a system designed to confront a massive, enormously armed, hostile state actor. The first Trident submarine entered into service in 1994, and the other three joined it at regular intervals over the next few years. In the post-Cold War period, Britain had achieved a more formidable nuclear arsenal than at any previous point. Whilst weapons like Polaris and the WE 177 freefall bombs have been decommissioned it would be wrong to suggest that this constitutes a measure of disarmament, as these were aging weapons that have been replaced by an enhanced system. Furthermore, whilst Britain's tactical nuclear weapons were withdrawn, at the same time the number of warheads on some of the Trident missiles were reduced, thus becoming sub-strategic missiles. In this way Britain maintained a strategic and sub-strategic nuclear force, keeping its options open about where it wished to target its nuclear weapons. Indeed, in November 1993, Defence Secretary Malcolm Rifkind explained the need for Trident in the post-Soviet era in terms of securing Britain's 'vital interests'.<sup>8</sup> This was a significant shift from – and perhaps more accurate than - the previously stated position that Trident was necessary to deter nuclear attack. The role of Britain's nuclear weapons in defence of Britain's 'vital interests' – defined in part as economic interests - was subsequently restated in the British government's Strategic Defence Review of 1998.<sup>9</sup> Thus Britain pursued new roles for its nuclear weapons in the post-Cold War period, meeting neither the letter nor the spirit of its commitments under the NPT. This was particularly disappointing given the historic political changes and real disarmament achievements that could have been built upon to move towards the complete elimination of nuclear weapons. Four countries – South Africa, Belarus, Kazakhstan and Ukraine - did, however, give up their nuclear weapons. These countries, together with the path-breaking disarmament moves of the end of the Cold War, show that nuclear disarmament is not a utopian fantasy, but a realisable policy. The impetus towards nuclear disarmament must be recovered.

## Today's strategic context

10. Britain's greatest current security threat is generally accepted to be terrorism, perpetrated by non-state actors. It is very widely agreed that nuclear weapons are no use against such threats, and this point has certainly been made by the Prime Minister, who stated in October 2005: 'I do not think that anyone pretends that the independent nuclear deterrent is a defence against terrorism.'<sup>10</sup> Trident Replacement is also opposed by the former Conservative Defence Secretary Michael Portillo who has concluded that Trident should be scrapped, as did the late former Labour Foreign Secretary Robin Cook, and many others across a range of parties and civil society organisations. Indeed, a recent Greenpeace/MORI poll also indicated that 54% of those polled opposed a Trident replacement when they realised the likely cost.<sup>11</sup> However, the Prime Minister has also made it clear that he believes, as was outlined in the Labour Party Manifesto before the last general election, that Britain should maintain its 'independent nuclear deterrent'. It is this position that presumably determines government thinking on the question of the Trident Replacement. The thinking behind this was made clear by Dr John Reid in September 2005, who, on opening the public debate on the matter, appeared to suggest that Britain needed to replace Trident in case we face a nuclear enemy in the future. This position is a matter for serious concern. It would seem irresponsible to begin preparations now for a rerun of the edge of the abyss nightmare of the Cold War, where we genuinely feared nuclear annihilation, and terms like 'mutual assured destruction' and 'the balance of terror' were used to describe the military and political policies that shaped our world.
11. The fact that we currently face no nuclear threat, and there is no imminent danger of such a threat emerging, presents us with the opportunity to begin the process of negotiations towards disarmament as required under the NPT. A decision by Britain not to proceed with a replacement for Trident, together with a commitment to working for multilateral disarmament, could help break through the logjam that currently exists around this issue. Of course, Britain does not exist or act in isolation, and there are also treaties that tie us in to a nuclear framework, and the implications of these would have to be considered. Britain's membership of the nuclear-armed NATO is one such example. Another is the 1958 Mutual Defence Agreement between Britain and the US, most recently renewed for ten years in 2004, and believed to be the world's most extensive nuclear sharing agreement. We are dependent on the US for all three aspects of Britain's nuclear weapons – platform, delivery system and warheads – and the collaboration on these takes place under the MDA. In fact, there has been concern over many years from a number of states about the legality of this Agreement in the context of Article I of the NPT. In this regard, we note that a legal opinion sought from Rabinder Singh QC and Professor Christine Chinkin in July 2004 found it to be 'strongly arguable that the renewal of the Mutual Defence Agreement is in breach of the nuclear Non-Proliferation Treaty.'<sup>12</sup> This Agreement seems to be a significant component within the 'special relationship' between Britain and the US, and it is thought that it may underpin foreign policy cooperation as well as nuclear cooperation.
12. In this context, changing US policy on nuclear weapons and nuclear use is of considerable concern. The 2001 US Nuclear Posture Review spoke of nuclear weapons as part of a 'usable arsenal', and of the development of nuclear weapons for battlefield use. A draft revised Doctrine for Joint Nuclear Operations, which was revealed in *Arms Control Today* and *The Washington Post* in September 2005, described pre-emptive use of nuclear weapons in conventional wars and discussed battlefield scenarios, post-nuclear weapon use. Whilst this draft revision has been formally withdrawn by the Pentagon, other public documents from the Department of Defense and other sources say many of the same things. Furthermore, the 'negative security assurances' framework appears to have been abandoned; this was an addendum to the NPT agreed in 1978 by a number of the nuclear weapons states, which agreed not to use nuclear weapons against non-nuclear weapons states. This shift in policy could also contribute to a possible tendency towards proliferation

among non-nuclear weapons states. It is also apparent that British policy has turned in the same direction. Defence Secretary Geoff Hoon, prior to the war on Iraq, on 24<sup>th</sup> March 2002, stated that the British government 'reserved the right'<sup>13</sup> to use nuclear weapons in the event of Britain, or British troops, being threatened by chemical or biological weapons. Under international law, the use, or threat of use, of nuclear weapons, is illegal under virtually all conceivable circumstances. In 1996, the International Court of Justice ruled that 'the threat or use of nuclear weapons would be generally contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law.'<sup>14</sup> The circumstances under which currently the US and UK – and recently France also – have suggested they may be willing to use nuclear weapons, are not legal.

13. Given this policy orientation, it is of some concern that when Dr John Reid opened the public debate on Trident Replacement, he referred only to Britain's nuclear weapons as a 'deterrent', necessary against potential nuclear threats. This avoids the issue of nuclear use and the abandoning of negative security assurances. But it should be noted that public opinion is overwhelmingly against this turn in British policy. The Greenpeace/MORI poll of September 2005 found that when asked the question: 'Would you approve of using the nuclear bomb...against an enemy that does not possess it themselves?' 87% disapproved.<sup>15</sup> However, it is necessary to consider what type of future nuclear threats may be envisaged by those who perceive it as necessary to retain a nuclear 'deterrent'. Light may be shed on this by looking at the recently published US Quadrennial Defense Review Report. The Report describes the Pentagon's new perception of the 'long war' in which the US is engaged. It will be a war 'unlimited in time and space' against global Islamist extremism, fought in dozens of countries simultaneously and for years to come. But the Report also, in its section 'Shaping the Choices of Countries at Strategic Crossroads', identifies China as the one of the major and emerging powers that has 'the greatest potential to compete militarily with the United States and field disruptive technologies that could over time offset traditional U.S. military advantages absent U.S. counter strategies.'<sup>14</sup>
14. China is a rapidly growing economy. Starting from a very low level of output per head, it has enjoyed the fastest economic growth in the world for more than twenty five years, and if it continues to grow at this rate at some point the size of its economy will exceed that of the US. For this reason, the rise of China is a primary strategic concern of Washington. It is quite possible to see US moves to put weapons in space, to continue to develop a limited national missile defence system and to develop a similar system with Japan, Taiwan and Korea, as the beginning of a nuclear arms race against China. The presumed goal would be to maximise US military superiority and simultaneously force China to stall its economic growth by devoting more and more resources to arms. China is of course a declared nuclear weapons state, but of a very limited capacity and, whilst modernising its arsenal, is certainly at present incapable of destroying the US. China is estimated to have about 400 strategic and tactical nuclear weapons – fifty more than France, and almost 10,000 less than the United States. It seems extremely unlikely that China would want to invest huge amounts of money in a nuclear arms race, especially when it is aware that the Cold War arms race bankrupted the Soviet Union. We note, for example, that China has always supported - and actively tried to progress - discussions for a Treaty on the Prevention of an Arms Race in Outer Space. In October 2004, at the UN First Committee in New York, China submitted a draft treaty to prevent the placing of weapons in space. This attitude by China is to be welcomed and serious steps should be taken to prevent the development of an arms racing leading to a new nuclear superpower confrontation in years to come. But US policy does not seem to be orientated towards avoiding such a development – rather its actions may provoke it. Over the last few years, large numbers of US nuclear forces have been redeployed from the Atlantic to the Pacific; over two thirds of US nuclear missile carrying submarines are now located there, enabling accurate nuclear strike capabilities against Asia-Pacific targets. It is possible that John Reid sees China as the potential nuclear armed superpower threat that we may face in the future, but

there are many ways to avoid such a fear becoming a reality. Prevailing upon our ally the US to pull back from provoking a nuclear arms race with China would be a very constructive route.

## **Conclusion**

15. Britain currently faces no nuclear threat, and no other security threat that can be resolved through the possession or use of nuclear weapons. Possession of nuclear weapons does not deter terrorist attacks and the continued possession of them, in spite of NPT obligations, is more likely to lead to nuclear proliferation than to counter it. The current selective approach of the US and Britain towards nuclear weapons proliferation and treaty compliance – condoning and even encouraging states like Israel and India in their illegal possession – and attacking Iraq on unfounded suspicion of possession of weapons of mass destruction, can only turn countries away from NPT compliance. The orientation towards illegal pre-emptive war by both the US and Britain contributes to an increase in global tension and instability and can lead countries to think they need their own nuclear ‘deterrent’.
16. As new economic powers emerge, so there is the possibility that they may choose to develop large nuclear arsenals, capable of threatening or destroying other states. They are more likely to do so under political or military pressure from other nuclear-armed states, in response to a perceived threat to their own security. It is by no means a foregone conclusion that any emerging economic power would wish to invest large sums of money in arms, which could be profitably invested in other economic sectors, or in advancing the well-being of their populations.
17. A significant move to generate multilateral negotiations on disarmament could begin to resolve both the current danger of proliferation and global instability, which is exacerbated by the current policies of Britain and the US, and the possible longer term threat of the rise of a nuclear-armed superpower enemy. We have seen in the past how courageous initiatives can lead to substantial disarmament, and the international situation cries out for another such initiative. A decision by Britain not to replace Trident would be such a move. It would help to restore confidence in the possibility of NPT compliance and would demonstrate that relations between nations, and resolution of their security concerns, can be built in the framework of international law. In addition, Britain’s commitment to support and help bring into force the draft Nuclear Weapons Convention currently lodged with the UN would be a positive way of advancing towards multilateral disarmament. Noting the global tensions that exist currently, it is an urgent matter to embark on this process.

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### **Biographical Note**

Kate Hudson is Chair of the Campaign for Nuclear Disarmament (CND), a post she has held since September 2003. CND, founded in 1958, is one of Europe’s biggest single-issue peace campaigns, with over 32,000 members in the UK. CND campaigns for the abolition of nuclear weapons. Kate is also Head of Social and Policy Studies at London South Bank University, teaching Russian and East European politics and history. She is author of *European Communism since 1989*, *Breaking the South Slav Dream: the rise and fall of Yugoslavia*, and *CND – Now More than Ever: the story of a peace movement*. She is also editor of the international journal *Contemporary Politics*.

## Notes

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2. House of Commons, 20<sup>th</sup> November 2003.
3. Kofi Annan speaking at the UN 60<sup>th</sup> anniversary event, London, January 2006.
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5. House of Commons, 6<sup>th</sup> June 2005.
6. Peacerights, The Maintenance and Possible Replacement of the Trident Missile System, joint opinion, Rabinder Singh QC and Professor Christine Chinkin, 19<sup>th</sup> December 2005.
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8. 'UK Defence Strategy: A Continuing Role for Nuclear Weapons?', Malcolm Rifkind, London, November 1993.
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10. House of Commons, 19<sup>th</sup> October 2005.
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12. Peacerights, Basic and the Acronym Institute for Disarmament Diplomacy, The Mutual Defence Agreement and the Nuclear Non-Proliferation Treaty, joint opinion, Rabinder Singh QC and Professor Christine Chinkin, 20<sup>th</sup> July 2004.
13. Jonathan Dimbleby Show, 24<sup>th</sup> March 2002.
14. International Court of Justice, 1996, Legality of the Threat or Use of Nuclear Weapons, 105.2.E.
15. Greenpeace/MORI poll, op.cit.
16. US Quadrennial Defense Review Report, 6<sup>th</sup> February 2006, p.29.