

CND BRIEF

A response to the PLP brief: ‘Maintaining the UK’s Nuclear Deterrent’

From:

**Kate Hudson, Chair of CND and
Jeremy Corbyn MP, Chair of Parliamentary CND**

15 February 2007

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For more information contact:

Campaign for Nuclear Disarmament on 0207 700 2393

Summary

- Labour has been electorally successful with manifestos opposing the idea of an 'independent' British nuclear weapons system, including in the General Elections of 1964, 1966 and both in 1974.
- We have to balance our duty to the security of the UK, with our duty to contribute towards global disarmament. The decision of the UK to replace Trident would undermine the confidence of other states in the UK's commitment to the Non-Proliferation Treaty, potentially contributing to proliferation.
- The legality of any decision to maintain and renew the UK's nuclear weapons system has been questioned by many senior barristers, including Rabinder Singh QC and Professor Philippe Sands QC.
- The need to take a decision now has been questioned by many senior technical experts, including Professor Richard Garwin, former Chair of the Arms Control and Non-Proliferation Advisory Board of the US State Department and a consultant to the U.S. government on matters of military technology. Elements of the White Paper itself raise questions as to whether the decision is necessary now.
- It is very difficult to predict how the global security environment is likely to develop over the next fifty years. It is reasonable to argue that the development of new nuclear weapons systems by nuclear weapons states will encourage international proliferation. Now is the time for the UK government to lead on genuine multilateral disarmament negotiations. To encourage international proliferation would be to gamble with the nation's security – a gamble we are not prepared to take.
- The government has stated that a replacement will cost £15-20 billion to procure but the recent history of Ministry of Defence procurements suggests the cost could eventually be significantly higher. The cost of a replacement system for Trident, including running costs, could be as much as £76 billion over its lifetime, whilst the inclusion of the remaining maintenance and, ultimately, decommissioning costs of the existing Trident system could mean the UK spends over £100 billion on maintaining a nuclear weapons system over the next half century.
- The independence of the UK nuclear weapons system remains a matter of debate, not only politically but also in terms of operational targeting.
- The investment required to maintain a nuclear weapons system can only come at the expense of other military spending or other areas of public spending.
- Any decision to maintain our nuclear deterrent should not be dictated by a need to protect jobs. Those workforces that would be affected should be offered re-employment through defence diversification initiatives.
- Whilst welcoming the government's stated commitment to a full debate, followed by a vote in Parliament, the minimal time allotted to the decision and the failure to widely consult even its own party means that this commitment has not been realised.

History

Key message: The government has not widely consulted the public, or even its own party, before announcing its decision to pursue a replacement for Trident.

- Labour has been electorally successful with manifestos opposing the idea of an 'independent' British nuclear weapons system, including in the General Elections of 1964, 1966 and both in 1974.
- The National Policy Forum report to Labour Party Conference 2006 stated, 'The question of the replacement for the Trident system is one of central importance to our future defence and security requirements and we have said that there should be a full debate on the issue.' Under Labour Party rule 3C2.3 which prevents conference debating matters 'substantively addressed' in the NPF report, this sentence was used to rule out of order seventeen constituency resolutions on the replacement of Trident, preventing any debate on the topic by conference delegates.
- A consultation carried out by Compass in December 2006 found that, of 1090 responses, 916 (84%) opposed retaining a nuclear weapons system after Trident reached the end of its life, with 167 (15%) in favour.
- The National Policy Forum in London in February 2007 saw :
 - NEC members Peter Wheeler and Ellie Reeves announce that of 201 party members consulted, 114 opposed a replacement and 87 were in favour.
 - Having consulted CLP secretaries in London, NPF representative Alon Orbach announced that of 41 responses, 31 opposed a replacement and 7 were in favour.
- When asked by a delegate at the Young Labour national conference on 16th February 2007 why the Labour Party had not fully debated the replacement of Trident, Tony Blair said "I don't really know the answer to be frank."

Do we need to take a decision now?

Key Message: A decision is not yet necessary. The current Vanguard submarines will last until at least 2022. Some experts argue they can be extended for up to a further 15 years from that date. Other experts also question whether a replacement system would require seventeen years to design, build and deploy, given the shorter lead time of equivalent projects.

- Some military experts argue that the life of the Vanguard submarines can be extended for many years past the date announced in the White Paper. Professor Richard Garwin, a consultant to the US government on matters of military technology, recently stated: 'Given that the service lives of US *Trident* submarines were extended in 1998 from 30 to 44 years, one obvious question is whether the UK could do the same. Also the US *Tridents* spend approximately two thirds of their lives at sea with two crews for each submarine while the UK requires that only one out of four of its *Tridents* be at sea at any time. The lower usage rate of the UK *Tridents* might be expected to *increase* their life expectancy relative to the US *Tridents*.'
- Even in a scenario where the lives of the Vanguard submarines could not be extended, it is questionable whether seventeen years is necessary to design, manufacture and deploy replacement submarines. The design and development of the current Vanguard-

class submarines were a major generational leap from the previous Resolution-class submarines yet took less time to design and build than that quoted by the government for a Trident replacement. These were designed at a time of competition with other powerful nuclear weapons states and their anti-submarine warfare forces and thus required advancements unnecessary in today's climate.

- Other expert opinions believe much less time would be necessary to design and deploy a replacement. The British American Security Information Council suggest it might be as low as eight years, allowing any final decision to be delayed.
- The White Paper itself states, 'We envisage that the design of the new SSBNs will maximize the degree of commonality with other in-service submarines...however, some changes to the design of the Vanguard-class will be required', suggesting any replacement would not be a fundamental re-design.

Do we need to maintain a nuclear weapons system?

Key Message: We live in an uncertain world and we cannot guarantee we will not face the threat of a nuclear attack in twenty or thirty years' time. The Prime Minister has stated that terrorism is the greatest threat of the 21st century, yet has also stated 'I do not think that anyone pretends that the independent nuclear deterrent is a defence against terrorism'. But if Britain and other nuclear weapons states pursue new nuclear weapons systems this will increase the likelihood of proliferation and the likelihood of nuclear threats for years to come.

We must prioritise international disarmament negotiations, and pursue a Nuclear Weapons Convention, to complement Chemical and Biological Weapons Conventions to prevent further proliferation.

- The threats we face have changed since the Cold War. The main threats to our security – terrorism and climate change – cannot be deterred by nuclear weapons.
- The government's Strategic Defence Review stated in 1998 that 'there is today no military threat to the United Kingdom or Western Europe. Nor do we foresee the re-emergence of such a threat.'
- Without progress towards nuclear disarmament globally, the number of nuclear-armed states has grown and is likely to continue to grow. The Prime Minister's argument that nuclear weapons are 'vital to our national security' can, and is likely to be, adopted by other current non-nuclear weapons states worldwide.

Disarmament

Key Message: The White Paper states that the government will make a further 20% cut in the number of warheads, from 200 to 160.

- According to the position set out in the 1998 Strategic Defence Review and reaffirmed to Parliament on the 21st July 2005, the maximum deployable number of warheads (given the number of missiles and boats available at any one time) would currently be 144, meaning that this reduction does not effect the level of force that can be deployed.
- A reduction in warheads is a welcome step. However, the PLP brief stated, 'We will retain the deterrent we need – and no more of a deterrent than we need,' making clear

that this decision was a technical one, and not solely reliant on disarmament commitments.

- In launching the White Paper, the Prime Minister stated ‘no present nuclear power is, or is even considering, divesting itself of its nuclear capability unilaterally.’ However failure to prioritise real international disarmament negotiations in the near future can only contribute to the ongoing problem of proliferation.
- The Prime Minister’s argument that nuclear weapons are ‘vital to our national security’ can, and is likely to be adopted, by other current non-nuclear weapons states worldwide.

See Fact Sheet on Disarmament pg. 10 for further details.

How does this fit with our stance on counter-proliferation?

Key Message: A decision to maintain and renew the UK’s nuclear weapons system is incompatible with all our international legal obligations.

- The nuclear Non-Proliferation Treaty (NPT) describes the UK as a nuclear weapon state merely because it was one of the five states that had already acquired nuclear weapons by that stage. Those states without nuclear weapons agreed not to acquire them in exchange for those with nuclear weapons agreeing to disarm. The UK does not have the right to possess nuclear weapons under the treaty; instead it is legally bound to disarm.
- It is inconsistent to cite other states as pursuing nuclear weapons programmes and feeding regional tensions and arms races, whilst justifying UK maintenance of nuclear weapons for decades to come, when the government’s Strategic Defence Review stated in 1998 that ‘there is today no military threat to the United Kingdom or Western Europe. Nor do we foresee the re-emergence of such a threat.’
- Citing the impossibility to predict future threats as a basis for replacing Trident is the basis for arguing the UK will never be in a position to rule out the need for a nuclear weapons system. This leads to an obvious conflict with the UK’s obligations under Article VI of the NPT – that the UK is required to negotiate in good faith on effective measures to achieve nuclear disarmament.

See Fact Sheet on Legal Obligations pg. 11 for further details.

How truly independent is our deterrent?

Key Message: The UK nuclear weapons system is reliant on the research and technical expertise of the USA, and dependent on US satellite data for accurate use.

- In the current system, the missiles which carry the nuclear warheads are American-built and maintained. The decisions set out in the White Paper are to replace the submarines to join the American programme to extend the life of the missiles, and to maintain the current warhead.
- The UK is reliant on research and technical expertise from the USA, provided for by the 1958 US-UK Mutual Defence Agreement. The agreement enables the US and the UK to

exchange information with the objective of improving each party's "atomic weapon design, development, and fabrication capability". This includes development of defence plans; training personnel in the use of nuclear weapons; evaluation of enemy capabilities; development of nuclear delivery systems; and research, development and design of military reactors.

- UK reliance on the USA for assistance in maintaining its nuclear weapons system is in conflict with Article I of the Non- Proliferation Treaty which states, 'Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.'
- It was argued in July 2004 by Rabinder Singh QC and Professor Christine Chinkin of Matrix Chambers that 'It is strongly arguable that the renewal of the Mutual Defence Agreement is in breach of the Nuclear Non-Proliferation Treaty' due to the NPTs prohibition on transferring nuclear technologies between states.
- To accurately target a Trident missile, up to date atmospheric data is required from US satellite systems. Other systems required for accurate positioning of submarines, such as GPS, can also be denied to the UK at any time.

Costs

Key Message: The investment required to maintain a nuclear weapons system will come at the expense of other areas of public spending.

- The government has stated that a replacement will cost £15-20 billion to procure but the recent history of Ministry of Defence projects suggests the cost could eventually be significantly higher. The cost of the new Astute class submarine has already doubled, even before a single boat has been launched.
- The cost of a replacement system for Trident, including running costs, could be as much as £76 billion over its lifetime, whilst the inclusion of the remaining maintenance and, ultimately, decommissioning costs of the existing Trident system could mean the UK spends over £100 billion on maintaining a nuclear weapons system over the next half century.

Jobs

Key message: Any decisions on the future of the UK's nuclear weapons system should be taken on the strategic defence needs of the country. Industrial and employment factors should not be decisive in the debate on the future of the nuclear weapons system.

- Any decision to maintain a nuclear weapons system must be based on the strategic defence needs of the country. It must not be based on protecting UK jobs. In any case, the government appears prepared to have replacement submarines built abroad, dependent on 'proposals from [UK] industry that provide the right capability at the right time and offer value for money.'

- The White Paper confirmed that parts of any Trident replacement scheme would be sourced from abroad, stating 'We will also seek to bear down on the costs by sourcing some sub-system elements from overseas in line with the policy set out in the Defence Industrial Strategy'.
- The possibilities for re-employment and use of transferable skills in growth industries are numerous. The DTI projects that renewable energy sector employment will rise from the current figure of 8,000 to 35,000 jobs by 2020. Even just a Round Two development of offshore wind farms could bring a further 20,000 jobs for Britain, according to DTI estimates.

The TUC Congress in September 2006 said:

From the General Council statement: 'we believe that the issue of diversification to protect the jobs of those engaged in work that could be affected by this decision needs to be fully explored, as does the alternative defence initiatives'.

From the adopted resolution: 'Congress urges the Government not to reach a final decision on Trident replacement before issuing a consultative Green Paper on all the options for replacement, including non-replacement and a policy of arms diversification ... Congress calls upon the Government not to replace Trident.'

See Fact Sheet on Jobs pg. 8 for further details.

Process

Key message: Whilst the government's stated commitment to a full debate, followed by a vote in Parliament is welcomed, it has in fact failed to facilitate open debate and contributions to policy-making and has attempted to rush the decision through Parliament.

- The Prime Minister said to the Commons in June 2006 'We will announce the means of consultation when we publish the White Paper. Of course, we believe it is extremely important to have the fullest possible debate on the subject.'
- On launching the White Paper in December, the Prime Minister stated, 'Rather than endlessly sidetracking ourselves into questions of process, we should just come to a judgment; and when asked about a consultation, the Ministry of Defence said, 'Consultations happen after a Green Paper – this is a White Paper – just contact your MP'.
- Within the Labour Party, the National Policy Forum report to Labour Party Conference 2006 stated, 'The question of the replacement for the Trident system is one of central importance to our future defence and security requirements and we have said that there should be a full debate on the issue.' Under Labour Party rule 3C2.3 which prevents conference debating matters 'substantively addressed' in the NPF report, this sentence was used to rule out of order up to seventeen constituency resolutions on the replacement of Trident, preventing any debate on the topic by conference delegates.

FACTSHEET 1: JOBS IN THE UK

Any decisions on the future of the UK's nuclear weapons system should be taken on the strategic defence needs of the country. Industrial and employment factors cannot be decisive in the debate on the future of the nuclear weapons system.

- Any decision to maintain a nuclear weapons system must be based on the strategic defence needs of the country. It must not be based on protecting UK jobs. In any case, the government appears prepared to have replacement submarines built abroad, dependent on 'proposals from [UK] industry that provide the right capability at the right time and offer value for money.'

KEY FACTS:

The PLP Brief listed over 20,000 jobs at military or civilian sites linked to the Trident system and likely to be crucial to any replacement system. However it would be entirely incorrect to infer that all employment at these sites relied upon UK possession of nuclear weapons. As can be seen below, the jobs listed are not exclusively related to nuclear weapons.

- 4,000 jobs at the Atomic Weapons Establishment in Aldermaston. At Aldermaston they specialise in nuclear weapon research and development. Key skills - scientists, engineers and technicians. Several argue that Aldermaston Atomic Weapons Establishment could become a centre of expertise for issues of verification, decommissioning and the dismantling of nuclear facilities and secure disposal of weapons-usable materials. Dr Stuart Parkinson of Scientists for Global Responsibility argues that the change in role could mirror that of Porton Down's when the UK signed up to the Chemicals Weapons and Biological Weapons Conventions.
- 5,200 jobs at Devonport Management Ltd, Devonport. Here they carry out submarine refits, maintenance and disposal. Key skills - mechanics, electricians, fabricators and logistics engineers. The number of jobs stated in the PLP brief refers to all staff at Devonport, which provides through-life support for submarines, surface ships and equipments, the majority of which are not related to nuclear weapons.
- 6,500 jobs in HM Naval Base, Clyde. Key skills - engineers, mechanics and safety expertise. As well as servicing the Vanguard-class nuclear-weapons submarines, employees at HMNB Clyde also service the current Swiftsure-class submarines and a squadron of Mine Countermeasure Vessels. HMNB Clyde will be the home of the new Astute-class submarines.
- 3,500 jobs at BAE, Barrow in Furness. Key skills – naval architects, designers, engineers and mechanics. BAE's shipyards at Barrow will be responsible for manufacturing the second and third Astute-class submarines and will build a 'super block' for the Future Aircraft Carriers (CVF) programme.
- 900 jobs at Rolls Royce Submarines Marine Power Operations Ltd in Derby deals with processing of uranium fuel and the fabrication of nuclear reactor cores for Royal Naval submarines.

KEY QUOTES

The TUC at Congress in September 2006 said:

From the General Council statement: 'we believe that the issue of diversification to protect the jobs of those engaged in work that could be affected by this decision needs to be fully explored, as does the alternative defence initiatives.'

From the adopted resolution: 'Congress urges the Government not to reach a final decision on Trident replacement before issuing a consultative Green Paper on all the options for replacement, including non-replacement and a policy of arms diversification ... Congress calls upon the Government not to replace Trident.'

FACT SHEET 2: DISARMAMENT AND NON-PROLIFERATION

The UK must be genuinely and actively committed to working towards a safer world in which there are no nuclear weapons. This requires progress in the fields of both non-proliferation and nuclear disarmament.

UK Nuclear Disarmament

The government must support and act on the disarmament obligations set out in Article VI of the Nuclear Non-Proliferation Treaty (NPT) which says: *“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 must also act on the obligations contained in the Decisions and Final Document at the NPT Review Conferences in 1995 and 2000, including the “13 Practical Steps” towards the implementation of Article VI agreed in 2000. These are available at: <http://disarmament.un.org/wmd/npt/2000FD.pdf>. In Step 6 the UK agreed to “an unequivocal undertaking...to accomplish the total elimination of their nuclear arsenal”.

A recent legal opinion, from Philippe Sands QC and Helen Law, released in November 2006 stated:

‘The UK has not, as yet, sought to justify retention of a nuclear deterrent on the basis of any *specific* threat or act of aggression. Instead, it appears to be predicated in part on an inability to rule out any future threats. The difficulty with this rationale is that we cannot now and will not in the future be able to predict what threats the UK will face 20-50 years hence. If this inability to predict future risks forms the basis of the Government’s policy on upgrading or replacing Trident, we will never be in a position to rule out the need for a nuclear deterrent. This leads to an obvious conflict with the UK’s obligations under Article VI NPT ... the UK is required to negotiate in good faith on effective measures to achieve nuclear disarmament.’

Non Proliferation

The UK government is working with the EU to encourage and help all countries accede to both the Chemical Weapons Convention and the Biological and Toxin Weapons Convention and fully to implement their obligations. However the government has stated that it does not support any new process, including a Nuclear Weapons Convention, which it states could risk cutting across the existing NPT regime.

- A recent poll conducted by YouGov showed that 64% believed that the government should support an international Convention to ban all nuclear weapons, with only 18% against.

National security

- The government’s Strategic Defence Review stated in 1998 that ‘there is today no military threat to the United Kingdom or Western Europe. Nor do we foresee the re-emergence of such a threat.’ The Prime Minister has repeatedly said that terrorism is the greatest threat of the 21st century, but has also stated ‘I do not think that anyone pretends that the independent nuclear deterrent is a defence against terrorism’.
- The Prime Minister’s view that nuclear weapons are ‘vital to our national security’ can, and is likely to, be adopted by other current non-nuclear weapons states worldwide.

FACT SHEET 3: INTERNATIONAL LEGAL OBLIGATIONS

The UK's retention of a nuclear weapons system is not consistent with our international legal obligations.

The Nuclear Non Proliferation Treaty (NPT)

- The nuclear Non-Proliferation Treaty (NPT) describes the UK as a nuclear weapon State. The UK was one of the five states that had already acquired nuclear weapons by that stage and those states without nuclear weapons agreed not to acquire them in exchange for those with nuclear weapons agreeing to disarm. The UK does not have the right to possess nuclear weapons under the treaty; instead it is legally bound to disarm.
- The NPT seeks to facilitate 'the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery'. As a nuclear weapons state, the UK has committed, under the NPT, 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'.
- Whilst the NPT does not establish a timetable for disarmament, it does require the signatories to ensure the cessation of the nuclear arms race and to [achieve] nuclear disarmament 'at an early date'. Since the treaty came into force in 1970, the maintenance of a UK nuclear weapons system until the 2050s suggests a failure to achieve the commitment as agreed.

More recent legal opinion

- The International Court of Justice ruled in 1996 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.'
- A legal opinion by Rabinder Singh QC and Professor Christine Chinkin, Matrix Chambers, in December 2005 on 'The Maintenance and Possible Replacement of the Trident Nuclear Missile System' affirmed that the replacement of Trident is not only likely to constitute a breach of Article VI of the NPT but would also be a material breach of the treaty itself.
- A further legal opinion, from Philippe Sands QC and Helen Law, released in November 2006 stated:
'The UK has not, as yet, sought to justify retention of a nuclear deterrent on the basis of any *specific* threat or act of aggression. Instead, it appears to be predicated in part on an inability to rule out any future threats. The difficulty with this rationale is that we cannot now and will not in the future be able to predict what threats the UK will face 20-50 years hence. If this inability to predict future risks forms the basis of the Government's policy on upgrading or replacing Trident, we will never be in a position to rule out the need for a nuclear deterrent. This leads to an obvious conflict with the UK's obligations under Article VI NPT ... the UK is required to negotiate in good faith on effective measures to achieve nuclear disarmament.'