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Leading by Example

Reforming UK Nuclear Declaratory Policy

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In May 2017, BASIC and the United Nations Association-UK published Meaningful Multilateralism: 30 Nuclear Disarmament Proposals for the Next UK Government. The report outlined three historic forms of British leadership in multilateral nuclear disarmament: diplomatic leadership, technical leadership and leadership by example. By reforming its nuclear declaratory policy, the UK has an opportunity to demonstrate leadership by example on nuclear disarmament and non-proliferation without negatively impacting its established nuclear deterrent posture. This briefing offers a number of suggestions which involve strengthening negative security assurances to non-nuclear weapon states, committing never to use nuclear weapons first, stating explicitly that their sole use is to deter nuclear use or blackmail and clarifying that they are a weapon of last resort. These measures, each of which could be considered independently, would reduce nuclear tensions and breathe life into efforts to promote multilateral nuclear disarmament.

Optimising ambiguity to minimise nuclear risks

Debates around UK declaratory policy within the government centre around how much ambiguity and clarity is needed to clearly and credibly signal the circumstances in which the UK would resort to nuclear use. Ambiguity is attractive for a number of reasons, in particular to give the Prime Minister scope and freedom of future action as well as deny adversaries the comfort of pushing up against 'red-lines' and engage in nuclear brinkmanship. However, too much ambiguity can confuse the signalling at the heart of deterrence, throws into question assurances to states not intended to be targets of the UK's nuclear deterrent and can undermine the commitment of the UK to negotiate disarmament in good faith.

There have been deeply disturbing trends within some nuclear weapon states to weaken nuclear restraint and make open or veiled nuclear threats more frequently. President Putin has been accused of making regular nuclear threats

against NATO and President Trump and Kim Jong-un's nuclear sabre rattling on the Korean Peninsula has made nuclear use seem thinkable again. States are considering limited nuclear strike to control an escalating conflict, a dangerous proposition rightly abandoned during the Cold War. Even the UK and Russia exchanged nuclear threats during the 2017 General Election after the UK Defence Secretary asserted that the UK would consider a preemptive nuclear first strike.¹ Reform to the UK's declaratory policy would strengthen the UK's standing as a responsible nuclear weapon state in these circumstances.

It is often said that the UK cannot change its declaratory policy because of its nuclear commitments to NATO. The case for this is weak. NATO's three nuclear weapon states each have independent nuclear policies outside of their alliance commitments. NATO has, in fact, welcomed changes in Alliance states' declaratory policies – such as when France, the UK and the US issued new negative security assurances in 1995 – without integrating these changes formally into NATO's nuclear doctrine. Indeed, it is often said that NATO itself does not have a declaratory policy precisely because this is the preserve of its member states. In any case, Britain's responsibilities to its Alliance partners under Article 5 simply states that an attack on one will be treated as an attack on all. Nowhere is there any commitment on the Alliance or any member state to commit to use any or all of its weapons first. If the UK were to tighten its declaratory, such as by issuing a no first use policy regarding its own defence, it could easily do so in regards to the defence of its allies. In fact greater clarity in signalling could strengthen extended nuclear assurance and self-imposed UK restraint on nuclear use would also increase international trust and contribute to stability and to disarmament diplomacy.

What could the UK do?

In 2010, the United Kingdom announced that it would be adopting a 'minimum credible deterrent' based upon the deployment of four submarines on rotation and a maximum of 180 warheads in the stockpile. The UK's strategic planning is predicated on there being 40 operational warheads on each submarine and one boat on patrol at any one time, which is presumably deemed sufficient to successfully strike targets in Moscow and fully deter Russia. There are now no proposed further cuts to operational numbers in the current global strategic context.

Yet, this definition of minimum credible deterrence is narrow and only addresses warhead numbers. A truly minimum deterrent would also have a tighter declaratory policy that clarifies that nuclear weapons are only there to be used to deter nuclear use or blackmail, when the very survival of the state is in question. This would eliminate the possibility of Trident being used to coerce states (for example, to force adherence to the NPT), to facilitate foreign interventions, or being launched first in a crisis, and would demonstrate to the British public and the rest of the world that the United Kingdom possesses nuclear weapons for a very limited set of scenarios beyond which use would be illegitimate.

Declaratory policy reform is not nearly as divisive as decisions over Trident's future, and would not affect that decision, jobs or technological innovation. Similarly, it is not being 'soft' on Russia, but rather will deliver positive benefits for risk reduction.

Indeed, reform to declaratory policy comes at an opportune time in international diplomacy. The failure of the 2015 NPT Review Conference to agree a consensus has damaged the health of the regime, and it is imperative that progress is made in the 2020 Review Conference, without which the continued legitimacy of this approach might be called into doubt. Making clear moves to decrease the salience of nuclear weapons would show good faith to non-nuclear weapon states that support the Treaty on the Prohibition of Nuclear Weapons and build important bridges. It would show the UK concern for global governance, assurance and fairness.

¹ 'UK would be 'unable to withstand' nuclear strike, Russian senator warns,' The Independent, <http://www.independent.co.uk/news/uk/politics/uk-russia-nuclear-strike-not-withstand-weapons-senator-franz-klintsevich-michael-fallon-nato-western-a7707236.html>

1. Strengthen Negative Security Assurances

Negative security assurances (NSAs) are nuclear weapon states' guarantees to never use or threaten to use nuclear weapons against non-nuclear weapon states. Presently only China and India have issued such guarantees unconditionally. While the P5 nuclear weapon states issued NSAs in 1995 when the NPT was indefinitely extended in recognition of their responsibilities to non-nuclear weapon states, these pledges included important caveats that weakened them considerably in the eyes of many states, and recent events have put even these assurances under threat. The most recent US Nuclear Posture Review has expanded the role of nuclear weapons to include deterring 'non-nuclear strategic attacks' and claimed the 'right' to withdraw its assurances to any non-nuclear weapon states based on ambiguous future developments.²

Currently, the UK caveats its NSAs in two ways. First, the UK reserves the right to use nuclear weapons against states it judges to be in breach of their NPT obligations. But this exception legitimises nuclear weapons as a tool of statecraft and compellence internationally, contrary to the UK's restrained nuclear posture. If the UK is concerned to avoid weakening its nuclear deterrent against states with an advanced nuclear weapons programme involving suspected deployed nuclear weapons, it could explicitly use such a formulation within the principal declaration (giving the guarantee to states that do not have nuclear weapons or are not suspected of possessing them). Judgement of non-compliance with the NPT has other challenges: the UK itself stands accused on non-compliance in its Article VI obligations, for example.

Second, the UK retains the 'right' to use nuclear weapons against states that acquire chemical or biological weapons, should this technology develop sufficiently to have a strategic effect proportionate to the use of nuclear weapons. This has undesirable consequences, apparently putting potential chemical and biological weapons on a similar scale of effect to nuclear weapons (and thereby encouraging states to develop them and the justify possession to deter the nuclear threats). If it is the genuine opinion of strategists within the UK Government that such weapons could come to have similar destructive impact to nuclear weapons in the near future, they should explicitly say so. A vague reference to the possibility weakens declaratory policy when such policy could be changed in the future *should* such a possibility turn out to have concrete substance.

Perhaps more importantly, retaining nuclear weapons for the purpose of deterring potential chemical or biological weapons, or unspecified yet-to-emerge capabilities with strategic effect, sends a message that such a government has no intention of ever giving up its nuclear weapons. There will always be the possibility of such capabilities emerging on the strategic environment.

2. Adopt Nuclear No First Use (NFU)

Much of the UK general public could be forgiven for not realising that the UK maintains the right to launch a bolt-from-the-blue nuclear first-strike. For example, after Prime Minister Theresa May announced she would 'be prepared to authorise a nuclear strike that could kill 100,000 innocent men, women and children,' YouGov polling focused only on whether the public would support a *retaliatory strike* but did not look into public support for a nuclear *first-strike*.³

NFU is not a new concept. Both China and India have pledged never to use nuclear weapons first since the beginning of their nuclear programmes (though India's NFU policy has some ambiguities and exceptions, so the policy is questionable). These states have been able to issue these pledges because of the limited role assigned to their nuclear doctrines. For China, a credible nuclear deterrent relies solely on the assured second-strike capability, rendering the need to strike first obsolete. While adversaries of these states have called into question the credibility

² Nuclear Posture Review 2018, US Department of State, February 2018, p.21.

³ YouGov Survey Results, July 2016, https://d25dz506sfb94s.cloudfront.net/cumulus_uploads/document/sdchcopmmj/InternalResults_160727_Nukes_W.pdf



of these pledges, they still contribute positively to international stability by building trust and confidence. While it is conceivable that states could abandon these pledges in the fog of war or crisis, they would do so against all policy, planning, training and established command and control. In other words, for these states first-use, even in a crisis, is more difficult to execute, and an explicit threat to move first would carry significant reputational risk. Unilateral pledges bring benefits everyday they are in place; for instance, although the CTBT has not yet entered into force, states have independently maintained voluntary moratoria on testing that have lasted a quarter of a century and arguably taken on norm status. An explicit and responsible doctrine of restraint such as no first use could encourage others to consider doing the same.

Presently, the UK reserves its 'right' to engage in a nuclear first-strike on the assumption that NFU would 'simplify the calculations of any potential aggressor' and is incompatible with NATO's strategic ambiguity.⁴ Recently, government ministers have strayed from the UK's traditional position of restrained declaratory ambiguity in which the UK leadership does not comment on the conditions of use. During the 2017 General Election, then-Defence Secretary Michael Fallon explicitly stated the UK would engage in a nuclear first-strike against Russia under certain circumstances. This was interpreted by Russia as nuclear-sabre rattling and resulted in Russian officials warning that the UK would be 'wiped off from the face of the earth with a counterstrike.'⁵

As well as issuing its own NFU pledge, the UK could lead a diplomatic initiative among the P5 on a multilateral NFU norm or agreement. China previously led such a diplomatic initiative but was opposed by the United States and only able to agree a bilateral NFU agreement with Russia in 1995. More recently, China has restrained from pressing for this internationally and there have been voices within the Chinese military community calling for China to abandon its NFU pledge if others do not demonstrate the same level of restraint. A British NFU pledge would help reduce this risk.

⁴ National Security Strategy (NSS) and Strategic Defence and Security Review (SDSR) 2015, HMG Government, 2015, p.35.
⁵ 'UK would be 'unable to withstand' nuclear strike, Russian senator warns,' *The Independent*.

3. Issue Sole Purpose Declaration

A sole purpose declaration is a declaration that the ‘sole purpose’ of nuclear weapons is to deter nuclear attacks. This prevents states from using their nuclear weapons to compel and would essentially eliminate NSA caveats entirely. Such as pledge could be issued in parallel to bolster an NFU pledge, or be issued independently to voluntarily commit the UK to not launch nuclear strikes against non-nuclear-armed states in any circumstances, but still allow for a deterrence doctrine that permits preemptive strikes against nuclear weapon states in extreme circumstances.

It is generally expected that the UK does not seek to use or threaten nuclear weapons for means other than deterring nuclear threats. The UK maintains that the nuclear deterrent is ‘essential’ to ‘deter the most extreme threats to our security and way of life,’ but the only qualifying threats that the UK realistically experiences are nuclear threats.⁶ Future threats could include emerging technologies such as offensive cyber or extreme forms of chemical or biological attack, but extending nuclear deterrence to these threats would blur boundaries between nuclear and conventional use and legitimise nuclear (or chemical and biological) possession in other states.

4. Clarify Nuclear Weapons are only a Weapon of Last Resort

Presently, the modernisation of nuclear arsenals with highly accurate and low-yield nuclear warheads is lowering the threshold for nuclear use. In February 2018, the US Nuclear Posture Review outlined the need for ‘limited U.S. nuclear response options’ to respond to the belief that Russia or China is willing to engage in a limited nuclear first-strike.⁷ US analysts frequently cite a notional Russian doctrine of ‘escalate to de-escalate’ – a willingness to use limited nuclear options to force NATO to choose between a strategic nuclear exchange or capitulate to Russia, similar to NATO’s Cold War posture of flexible response. However, this doctrine has never been formally issued or adopted by Russia and has been called into question.⁸

In 1996, the International Court of Justice advised that ‘the threat or use of nuclear weapons would generally be contrary to the rules of international law, and in particular the principles and rules of humanitarian law’ but 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.’⁹ This has resulted in nuclear weapon states incorporating language like ‘extreme circumstances’ and ‘survival of the state’ into their nuclear doctrines and using such circumstances to justify continued possession. Russia, for instance, reserves the ‘right’ to use nuclear weapons to respond to a nuclear attack or ‘when the very existence of the state is under threat.’

Currently the UK justifies nuclear possession to ‘deter the most extreme threats to our security and way of life’ and would use them in ‘extreme circumstance of self-defence.’¹⁰ Yet this position is unnecessarily vague, out of line with ICJ’s Advisory Opinion and in fact weaker than Russia’s official declaratory policy. The UK could strengthen this policy by clarifying that extreme circumstances are those in which the very survival of the UK is at stake.

The UK could build on this clarification by stating that ‘nuclear weapons are only a weapon of last resort.’ This would bolster the UK’s current policy and strengthen the norm that nuclear weapons are not legitimate tools to exert international influence beyond defending the very existence of the state. Given the re-emergence of nuclear tensions within Europe, the UK could press the the United States and Russia to commit again to a clear statement that a nuclear war cannot be won and must never be fought. Even if the United States and Russia are expanding the scope of nuclear deterrence, such a statement would communicate that the threshold for nuclear use remains high.

6 NSS and SDSR p.34.

7 Nuclear Posture Review 2018, US Department of State, February 2018 p. 23.

8 Bruno Tertrais, “Russia’s Nuclear Policy: Worrying for the Wrong Reasons,” *Survival* 60, no. 2, 2018.

9 Legality of the Threat or Use of Nuclear Weapons, International Court of Justice, July 1996, paragraph 95 and 97.

10 NSS and SDSR p.34.

The UK leading by example

Reforming UK declaratory policy would reap a number of benefits, by demonstrating the UK's nuclear arsenal is not aimed at non-nuclear weapon states, is purely defensive in nature, exists for the sole purpose of deterring specific nuclear threats (rather than vague and emerging threats in a way that promotes indefinite nuclear possession), and has a high bar for nuclear use. These changes, which demonstrate responsible nuclear behaviour would have a positive effect on the current impasse in multilateral negotiations on nuclear disarmament, without weakening strategic deterrence. The UK is well positioned to show future leadership on declaratory policy.

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