

Campaign for Nuclear Disarmament Submission to the Trident Commission

Reflecting on the current Strategic Context

January 2013

Summary

The Campaign for Nuclear Disarmament (CND) welcomes the formation of the Trident Commission and its detailed work on Britain's nuclear weapons system. At a time of intensifying debate on the future of the system, its work constitutes a major contribution to a vital discussion. Together with the findings of the government's Trident Alternatives Review, it will help to inform parliament and the public on this subject in an unprecedented fashion. As is to be expected, given our constitutional aims and longstanding record of activity, CND continues to advocate the scrapping of the Trident system and the cancellation of any replacement plans. The tenor of recent debate in the public sphere, taken together with opinion polling over a number of years, indicates that public opinion has shifted in the direction of CND's position, and that many from across the political spectrum are also questioning the relevance of maintaining a system of weaponry designed for the specific challenges of the Cold War. The huge cost of the Trident system at a time of extensive public spending cuts has made a considerable contribution to this shift in public and political attitudes. The opportunity costs of Trident spending need to be considered, whether for defence or social spending. Those arguments – and figures – are well-known, and it is not our intention to repeat them here. Rather we intend to look at the question of Trident replacement in the context of Britain's strategic security needs, and the impact that such a replacement would have on global security and nuclear proliferation.

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 submission 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. It is noted that there is an increasing trend within the international community favouring a global nuclear abolition treaty, with a new emphasis on the humanitarian consequences of nuclear use, including climate and agricultural impact. 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 (NPT) is noted.

It is noted that one of the most significant recent contributions to new thinking on Britain's strategic security needs has been the coalition government's National Security Strategy (NSS), published in autumn 2010. The findings of the NSS served to underscore a widespread popular sentiment that Trident is irrelevant against the threat of terrorism and other new and emerging threats.

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

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 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 General Assembly of the United Nations (UN) 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.’¹ 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 despite their legal obligation, under the NPT, to work towards the elimination of their nuclear weapons.

The twin requirements of the Treaty – disarmament and non-proliferation – are fundamental to the security of the world today. The understanding of the interrelationship 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 60th 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’.² 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’ concept 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.’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

Given the clarity of the NPT requirements on disarmament there is widespread concern that the British government is seeking to engage in vertical proliferation through the replacement of Trident. Recent spending on Trident replacement ahead of the Main Gate decision in 2016 only serves to strengthen this fear. At a time when our government vigorously and rightly opposes any nuclear proliferation, this is widely understood to be hypocritical. Successive governments (both Labour and Conservative) have affirmed Britain’s commitment to its NPT obligations and to a multilateral disarmament process, attempting to square those obligations with replacement of Trident. However, 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’.⁴

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.⁵ 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

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 individually 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.

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 (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.

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.

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. Ratified in 2003, it was subsequently superseded by the New START Treaty.

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 free-fall 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'.⁶

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 1998.⁷ 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 and the increasing extent of nuclear weapons-free zones across the globe, 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

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 was certainly made by the Prime Minister who oversaw the pro-Trident replacement White Paper in 2006, Tony Blair, who stated in October 2005: 'I do not think that anyone pretends that the independent nuclear deterrent is a defence against terrorism.'⁸ However, Blair also made it clear that he believed that Britain should maintain its 'independent nuclear deterrent'. Subsequent reading of Tony Blair's autobiography indicates that the former Prime Minister was more equivocal

about the case for Trident than he publicly stated, but that he was ultimately convinced by the status that he felt nuclear weapons endowed. Others such as Dr John Reid, on opening the public debate on the matter in September 2005, appeared to suggest that Britain needed to replace Trident in case we face a nuclear enemy in the future. In fact these two positions remain the chief arguments articulated in favour of Trident and its replacement – that without them our global standing would be downgraded and that we need them ‘just in case’. Such thinking seems much at odds with the more realistic and forward-looking analysis and assessment of the current government’s National Security Strategy, published in autumn 2010. Whilst identify a range of twenty-first century threats, including climate change, pandemics, organised crime and cyber warfare – as well as terrorism – the NSS downgrades the risk of state on state nuclear warfare to a tier two threat. At the same time, the government’s Strategic Defence and Security Review did not question the continued validity of the Cold War nuclear weapons system Trident and the enormous level of spending on it. The opportunity cost of such spending, which had by that time been assigned to the Ministry of Defence budget, was noted by many, from the military and beyond.

The fact that we currently face no nuclear threat, and that 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.’⁹ 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.

In this context, changing US policy on nuclear weapons and nuclear use is of considerable interest. 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. The election of President Obama, who entered office in 2008, did much to shift the tenor of debate around nuclear weapons, not least the President’s famous Prague speech with his commitment to a nuclear weapons-free world. His first administration saw the signing of the New START Treaty for bilateral reductions between the US and Russia, although the vexed question of US missile defence appears to be an obstacle to further progress. Critics of the President’s record on nuclear weapons point to continued commitment to spending on, and upgrading of, US nuclear arsenals. However, the President’s second

administration may yet present a renewed commitment to progress towards nuclear disarmament although there are political commentators who note the rise of global competitors, such as China, which may present a military threat in future decades. In 2006, the Department of Defense's Quadrennial Defence Review Report observed that China was 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.'¹⁰ China remains a rapidly growing economy despite some slowing of growth during the ongoing global economic crisis. For this reason, the rise of China remains a primary strategic concern of Washington. The cases of Iran and North Korea and their actual or potential nuclear proliferation are also of significance, not least because they are regularly used in arguments favouring the retention of nuclear weapons. Both countries were included in the United States' "Axis of Evil" and in the light of US war on Iraq, the third country in the so-called Axis, not surprisingly had concerns for the security of their countries. The response of North Korea was a very clear indication of how proliferation can be provoked: it withdrew from the NPT, saying that it had a deterrent need to develop nuclear weapons. Whether or not Iran has intentions to develop nuclear weapons is unknown. It may be that it wishes to maintain a deliberate ambiguity about its capacities, also for deterrent purposes. Certainly there are many observers who take the view that Iran might well note the double standards of the West with regard to nuclear weapons and note that although Iraq was accused of having nuclear weapons, in fact it did not and was subsequently attacked.

Increasing humanitarian concerns

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 (ICJ) 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.'¹¹ The ICJ went on to state that 'the radiation released by a nuclear explosion would affect health, agriculture, natural resources and demography over a very wide area.'¹²

This concern over the humanitarian impact of the use of nuclear weapons is shared by the International Committee of the Red Cross (ICRC), which has identified further humanitarian consequences, including widespread famine and the destruction of medical facilities and personnel. The ICRC stated in a 2011 report: 'The use of even a limited number of nuclear weapons would affect the environment for many years and render agriculture impossible in vast areas, most likely causing mass starvation and disruption of global food distribution.'¹³ The report goes on to cite the 'likely destruction of health infrastructure and widespread death and injury of health-care professionals in areas affected [which] would increase human suffering exponentially.'¹⁴

Indeed, such ramifications of a nuclear explosion were acknowledged as a core issue at the NPT Review Conference in 2010, with the outcome document expressing 'deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons'.¹⁵ This has led to the convening of an intergovernmental conference in Oslo in March 2013 to examine the 'immediate humanitarian impact of a nuclear detonation' and 'the possible wider developmental, economic and environmental consequences'.¹⁶ It is greatly to be hoped that the UK government will participate in this conference.

Conclusion

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 during the past decade 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’.

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.

A significant move to generate multilateral negotiations on disarmament, building on the New START Treaty and advancing President Obama’s orientation towards nuclear disarmament, could begin to resolve both the current danger of proliferation and global instability, which has been exacerbated by the recent 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.

Notes

¹ Lawrence S. Wittner, 1997, *The Struggle Against the Bomb: Volume Two: Resisting the Bomb: A History of the World Disarmament Movement 1954-70*, Stanford University Press, Stanford, California, p.433.

² Kofi Annan speaking at the UN 60th anniversary event, London, January 2006.

³ Joseph Rotblat, *Science and Nuclear Weapons: Where do we go from here?* The Blackaby Papers, no 5, Dec 2004, p.7.

⁴ Peacerights, *The Maintenance and Possible Replacement of the Trident Missile System*, joint opinion, Rabinder Singh QC and Professor Christine Chinkin, 19th December 2005.

⁵ *Ibid.*

⁶ ‘UK Defence Strategy: A Continuing Role for Nuclear Weapons?’, Malcolm Rifkind, London, November 1993.

⁷ UK Strategic Defence Review, July 1998.

⁸ House of Commons, 19th October 2005.

⁹ 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, 20th July 2004.

¹⁰ US Quadrennial Defense Review Report, 6th February 2006, p.29.

¹¹ International Court of Justice, 1996, Legality of the Threat or Use of Nuclear Weapons, 105.2.E.

¹² Ibid.

¹³ International Committee of the Red Cross – ‘Nuclear Weapons’ Report (2011)

¹⁴ Ibid.

¹⁵ Final Document, Vol. 1, 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

¹⁶ Norwegian Ministry of Foreign Affairs: http://www.regjeringen.no/en/dep/ud/selected-topics/humanitarian-efforts/humimpact_2013.html