



UNA-UK Submission of Evidence to the BASIC Trident Commission

**The United Kingdom's Nuclear Weapons Conundrum:  
Ethics, Threats, Aspirations & Democratic Accountability**

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**1. Should the UK remain a nuclear weapon state?**

The post Cold-War era has been characterised, variously, as multipolar<sup>1</sup>, strategically asymmetrical<sup>2</sup> and increasingly fragmented and evolving.<sup>3</sup> In such an environment, the justification for maintaining nuclear weapons as a deterrent is, at best, unclear. With the likelihood of a return to a strategically polarised world unlikely, UK nuclear weapons perform as much of a role today as a perceived 'international top-table guarantor' as they do as an insurance policy – not as the cornerstone of national security as they were at the height of the Cold War<sup>4</sup>. For this reason alone, Trident requires re-examination.

In addition, the UK has made commitments, under the auspices of the 1968 Non-Proliferation Treaty (NPT) – repeated and reinforced in 1995 when the Non-Proliferation Treaty was extended indefinitely – which the United Nations Association of the UK (UNA-UK)<sup>5</sup> urges the UK not only to uphold, but to promote internationally, particularly with other nuclear weapons states.

Article VI of the Treaty, for example, iterates that,

“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.”<sup>6</sup>

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<sup>1</sup> Kegley, C. W. & Raymond, G. A., 1992. Must We Fear a Post Cold-War Multipolar System? *Journal of Conflict Resolution*, 36.

<sup>2</sup> Paul, T. V., 1994. *Asymmetric Conflicts: War Initiation by Weaker Powers*. Cambridge: Cambridge University Press

<sup>3</sup> Kaldor, M., 2007. *New and Old Wars*. Stanford: Stanford University Press

<sup>4</sup> Ritchie, N., 2008. Trident and British Identity: Letting go of Nuclear Weapons. *Bradford Disarmament Research Centre Briefing Paper*, 3

<sup>5</sup> UNA-UK is the UK's leading source of independent analysis on the United Nations – see page 10 for further information.

<sup>6</sup> *Treaty on the Non-Proliferation of Nuclear Weapons*, 1968, Article VI. Available from <http://www.iaea.org/Publications/Documents/Treaties/npt.html/> [Accessed 25 July 2012].

Such responsibilities were further endorsed in B iii. (*Conclusions and recommendations for follow-up actions*) of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons Final Document:

“The Conference calls on all nuclear-weapon States to undertake concrete disarmament efforts and affirms that all States need to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons. The Conference notes the five-point proposal for nuclear disarmament of the Secretary-General of the United Nations, which proposes, inter alia, consideration of negotiations on a nuclear weapons convention or agreement on a framework of separate mutually reinforcing instruments, backed by a strong system of verification.”<sup>7</sup>

UNA-UK therefore calls on the UK, as a nuclear weapon state and as a permanent member of the UN Security Council, to demonstrate international leadership and urge all nuclear weapon states to engage in a process that will lead, eventually but irresistibly, to the removal of all nuclear weapons.

### **Ethics and Legality**

The UK has possessed nuclear devices for six decades, during which time the variety, configuration and complement of these weapons has varied greatly. From the full establishment of nuclear weapons, including thermonuclear by the late 1950s, the arguments for maintaining – to a larger or lesser degree – the arsenal in strategic form, have remained largely consistent. Such consistency of purpose, and justification for their maintenance would, it would be fair to speculate, reflect the nature of the perceived threats during that time, and allow for adaptation accordingly as threats changed.

Although the nature of the threats did indeed evolve somewhat between the 1950s and the 1990s, they remained essentially symmetrical, following a “bloc versus bloc” mould. That situation changed radically after the break-up of the Soviet Union and the end of the Cold War, and yet the justification for retaining nuclear weapons has remained constant with the

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<sup>7</sup> *2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons Final Document - Volume I (NPT/CONF.2010/50 (Vol. I))*. Available from: [http://www.un.org/ga/search/view\\_doc.asp?symbol=NPT/CONF.2010/50%20\(VOL.I\)](http://www.un.org/ga/search/view_doc.asp?symbol=NPT/CONF.2010/50%20(VOL.I)) [Accessed 25 July 2012]

arguments from the pre-1990 period, when the threat was largely represented by a Soviet first and second strike capability. For many, this not only points to the inflexibility of nuclear weapons, but also undermines their present underlying utility for the UK.

Many maintain that nuclear weapons are so indiscriminate that, morally and ethically, no country could justify their use under *any* circumstances. UNA-UK believes there is force in this argument. But the UK, by its very possession of strategic nuclear weapons in the form of its submarine-based arsenal, does not, and has not, subscribed to that viewpoint. Furthermore, international attempts to open the debate on the ethics and legality of nuclear weapons have, to date, achieved little. The 1996 advisory opinion delivered by the International Court of Justice (ICJ) on the legality of the threat or use of nuclear weapons provided unclear conclusions that added little to the debate other than showing that opinion is indeed divided on the matter:

“...in view of the current state of international law, and of the elements of fact at its disposal, the Court cannot conclude definitively whether the threat of use of nuclear weapons would be lawful or unlawful in an extreme circumstance or self-defence, in which the very survival of the State would be at stake.”<sup>8</sup>

The UK governmental view is that Trident represents the “ultimate means to deter the most extreme threats”<sup>9</sup>, and those threats justify the maintenance of strategic nuclear weapons. The problem is that this viewpoint not only perpetuates the justification for nuclear weapons, but risks encouraging it internationally.

## **Threat Perception**

The proclaimed threat for which the UK's strategic nuclear weapons are maintained has altered little in the past few decades. In 1954, a *memorandum by the Chiefs of Staff on the United Kingdom Defence Policy* assessed the nuclear deterrent component of UK defence policy in the following way:

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<sup>8</sup> *Legality of the Threat or Use of Nuclear Weapons: Advisory Opinion I*. International Criminal Court of Justice Report, 1996. Available at:

<http://www.icj-cij.org/docket/index.php?p1=3&p2=4&k=e1&p3=4&case=95> [Accessed 20 July 2012]

<sup>9</sup> Cabinet Office, 2010. *Securing Britain in an Age of Uncertainty: The Strategic Defence and Security Review*. London: HMSO, Cm. 7948

“The nuclear threat is the main deterrent to war. Moreover, an immediate and overwhelming counter-offensive with the most powerful nuclear weapons offers the only hope of preventing the enemy from completely devastating this country. We must contribute to the deterrent by producing a stockpile of nuclear, including hydrogen, weapons and the means of delivering them.”<sup>10</sup>

In the post Cold-War environment, where security threats increasingly manifest themselves asymmetrically, where security at home has become linked – rightly or wrongly – with military action and intervention on the global stage, and where direct military threat has ceased to be the main, immediate danger to citizens of the UK, one might suspect that the opinion expressed in 1954 would be radically different to that of recent years. Indeed, this is countenanced in *The 2008 National Security Strategy of the United Kingdom*:

“There is a very low risk of military attack on the United Kingdom in the foreseeable future. Our ability to forecast emergencies and catastrophic events, and reduce their impact, is improving. But the security landscape is increasingly complex and unpredictable, and we face a diverse and interconnected set of challenges.”<sup>11</sup>

That diminishing state-based nuclear threat is demonstrated most evidently in *Securing Britain in an Age of Uncertainty: The Strategic Defence and Security Review of 2010*:

“No state currently has both the intent and the capability to threaten the independence or integrity of the UK. But we cannot dismiss the possibility that a major direct nuclear threat to the UK might re-emerge – a state's intent in relation to the use or threat of use of its capabilities could change relatively quickly, and while we will continue to work internationally to enhance mutual trust and security, we cannot rule out a major shift in the international security situation which would put us under grave threat.”<sup>12</sup>

The paradox of nuclear weapons is that they have one impact-outcome which is unimaginably large, blunt and indiscriminate, and nuclear strategy must fall in line inevitably with that reality. In the absence of a direct nuclear threat to ‘deter’, nuclear weapons become a blunt hammer whose actual use is almost unimaginable and whose deterrent

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<sup>10</sup>The National Archives (TNA): Public Record Office (PRO) CAB 129/69, C. (54) 249. *United Kingdom Defence Policy: Memorandum by the Chiefs of Staff*, 23 July 1954

<sup>11</sup> Cabinet Office, 2008. *The National Security Strategy of the United Kingdom: Security in an Interdependent World*. London: HMSO, Cm. 7291

<sup>12</sup> Cabinet Office, 2010. *Securing Britain in an Age of Uncertainty: The Strategic Defence and Security Review*. London: London: HMSO, Cm. 7948

purpose is not very compelling. Additionally, if the argument for perpetuating a nuclear weapons capability is that “we do not know what may be around the corner”, then such an argument can, in theory, never be opposed logically.

### **National Memory, National Aspiration**

In the present environment, where the immediate utility of strategic nuclear weapons is, at best, vague, it is worth acknowledging that other factors exist which seemingly demand the retention of Trident. Although Britain played a key role initially in the development of nuclear weapons, losing out in the final development of the first functioning weapon caused a degree of consternation within UK governmental and military circles. The UK's independent nuclear weapons programme was launched wholeheartedly in 1947, but was famously given support in 1946 by the then foreign secretary, Ernest Bevin, who argued that “we have got to have this thing over here whatever it costs ... we have got to have [a] bloody Union Jack on top of it”.<sup>13</sup>

The 1954 Cabinet memorandum C. (54) 249 also characterised the aim of United Kingdom defence policy in the following manner:

“More than ever the aim of United Kingdom policy must be to prevent war. To this end we must maintain and strengthen our position as a world Power so that Her Majesty's Government can exercise a powerful influence in the counsels of the world.”<sup>14</sup>

With the UK's relative power diminishing steadily over a period of almost seven decades, the United Kingdom has, little by little, tempered its image as a nation that is capable and willing to wage war, with the countenance of a nation that is skilled diplomatically, and capable and willing to play an active role in the “counsels of the world”. Since the disintegration of the Soviet Union this image has been reinforced, and the period of the mid-to-late 1990s, into the new century in particular, saw a refining of this image and role. That role is seen by some – paradoxically – as strengthening the case for Trident as an underwriter of the UK's

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<sup>13</sup> Hennessy, P., 2007. *Cabinets and the Bomb*. The Inaugural Michael Quinlan Lecture, 2 February 2011, The Queen's Robing Room, House of Lords, London. Available from: <http://www.parliament.uk/documents/lords-information-office/2011%20Lord%20Hennessy%20Robing%20Room%20Lecture%20.pdf> [Accessed 11 July 2012]

<sup>14</sup> The National Archives (TNA): Public Record Office (PRO) CAB 129/69, C. (54) 249. *United Kingdom Defence Policy: Memorandum by the Chiefs of Staff*, 23 July 1954

permanent member status at the UN Security Council, and indeed, at other international fora.

As Ritchie states in *Trident and British Identity: Letting Go of Nuclear Weapons*:

“Britain's identity as an interventionist major power and number one ally of the United States is perceived to generate a national interest in possessing nuclear weapons. At the same time Britain's possession of nuclear weapons since the 1950s supports and facilitates the continuation of these aspects of British identity.”<sup>15</sup>

With a greatly diminished direct requirement for a strategic nuclear weapons capability – in the sense that Cold War dynamics no longer exist – the purpose of nuclear weapons as perceived guarantors of prestige, and as purveyors of membership to a unique group of world players, the perceived need for nuclear weapons as *status-reinforcers* is possibly as strong now as it has ever been.

The conundrum presented by possessing nuclear weapons for reasons other than defence is that it opens up questions regarding democratic accountability. Citizens in the UK cede certain rights to the state in exchange for protection and the opportunity to live secure, satisfactory lives. They forfeit a say in national defence and foreign policy on the assumption that actions are usually carried out in order to improve or bolster national security (and the economic lot of the nation).

However, if nuclear weapons are being maintained, not for security, but as perceived facilitators of international access, and that access provides, at best, an unclear benefit to the UK's population, it opens up the question of whether UK citizens should have the opportunity to debate such a justification for nuclear weapons within the current framework<sup>16</sup>.

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<sup>15</sup> Ritchie, N., 2008. *Trident and British Identity: Letting Go of Nuclear Weapons*. *Bradford Disarmament Research Centre Briefing Paper*, 3

<sup>16</sup> See Born, H., Bates, G. and Hanggi, H, eds., 2010. *Governing the Bomb: Civilian Control and Democratic Accountability of Nuclear Weapons*. Oxford: Oxford University Press

## **2) What more can and should the UK do to more effectively promote global nuclear disarmament, non-proliferation and nuclear security?**

### **UK Obligations to Multilateral Nuclear Disarmament Mechanisms**

UNA-UK endorses fully the UN Secretary-General's 5-point plan<sup>17</sup> – announced on 24 October 2008 – and urges the UK to lead internationally on its implementation, including by promoting the following:

- That all nuclear weapon states fulfil their obligation under the NPT to undertake negotiations on effective measurements leading to nuclear disarmament.
- The Security Council's permanent members should commence discussions on security issues in the nuclear disarmament process.
- New efforts should be made to bring the Comprehensive Test-ban Treaty (CTBT) into force and for the Conference on Disarmament to engage earnestly on negotiations on a fissile material “cut-off” treaty, without preconditions.
- Vis-a-vis accountability and transparency: the nuclear weapon states should send documentation relating to their respective nuclear arsenals to the UN Secretariat, and to encourage its wider dissemination. The nuclear powers could also expand the amount of information they publish about the size of their arsenals, stocks of fissile material and specific disarmament achievements (the United Kingdom's detailing of warhead numbers is a welcome beginning).
- Complementary measures to the above are required. These include the elimination of other types of WMD; new efforts against WMD terrorism; limits on the production and trade in conventional arms; and new weapons bans, including of missiles and space weapons.

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<sup>17</sup> UN Secretary-General Ban Ki-moon, 2008. The United Nations and Security in a Nuclear-Weapon-Free World. *Address to the East-West Institute*, 24 October 2008, New York, USA. Available from: [http://www.un.org/apps/news/infocus/sgspeeches/search\\_full.asp?statID=351](http://www.un.org/apps/news/infocus/sgspeeches/search_full.asp?statID=351) [Accessed on 26 July 2012]

The UK occupies a key position from which to promote these issues.

In addition, UNA-UK fully endorses Lord Hannay of Chiswick's 9-point plan (outlined at UNA Edinburgh's Conference on NATO's New Strategic Concept, 1 November 2010, Scottish Parliament)<sup>18</sup>, particularly on those issues not encompassed by the UN Secretary-General's plan.

In respect of this, we urge the United Kingdom to promote, where possible, the following:

- The United States and Russian Federation need to go deeper than current reductions and the smaller nuclear weapon states need to prepare to engage more generally in nuclear arms reduction.
- All parties should work towards the removal of sub-strategic nuclear weapons (tactical) from the European continent. The Russian Federation and the United States should seek to establish confidence-building measures including disclosing the role of sub-strategic nuclear weapons in their respective European defence strategies.
- Nuclear arsenals need to be de-alerted and nuclear weapon states should diminish the prominent role nuclear weapons currently play in security doctrines.
- Efforts must be made to move towards a nuclear-weapons-free zone for the Middle East, including working on fulfilling the NPT decision to hold a regional conference in late 2012.
- Vigorous support should be iterated for stronger IAEA safeguards, with the objective of making the Additional Protocol mandatory (perhaps through the UN Security Council) or at least making it a condition of nuclear technology supply through the Nuclear Suppliers Group (NSG).
- Countries (under approved IAEA schemes) should carry forward multinational fuel cycle schemes with assurances of supply.

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<sup>18</sup> Hannay, D., 2010. Following up on the May 2010 NPT Review Conference. *United Nations Association of Edinburgh: One Day Conference on NATO's New Strategic Concept and Global Zero*, 1 November 2010, Scottish Parliament, Edinburgh, Scotland. Available from: <http://unaedinburghtest.files.wordpress.com/2011/06/global-zero-and-nato-nsc-report22.pdf> [Accessed 5 July 2010]



- Countries should accelerate research work on technical requirements to verify nuclear disarmament.
- States should increasingly seek to involve pertinent civil society organisations in discussions vis-à-vis nuclear disarmament.

### **The UK's role as a leader on non-proliferation and disarmament**

The United Nations Association of the UK believes that the UK could, and should, be a leader, politically and practically, on all of the aforementioned issues,

We therefore call on the UK to build upon its recent history and move to announce under what conditions it would pursue disarmament further, and we encourage the UK to set an example to the international community by reducing significantly the prominence of nuclear weapons in UK security doctrine.

We also urge the UK to commit fully and consistently to the reality envisioned in *Lifting the Nuclear Shadow*:

“We need to build a global coalition around not only a shared vision of a world free of nuclear weapons but also of how we are going to work together to make it happen. We need to make a clean break from current perceptions that in this field everything is a zero sum game and instead work to establish virtuous circles in which progress on non-proliferation, disarmament and political and security conditions reinforce each other, enabling breakthroughs in areas which for many years have seemed intractable.”<sup>19</sup>

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<sup>19</sup> Foreign and Commonwealth Office (FCO), 2009. *Lifting the Nuclear Shadow: Creating the Conditions for Abolishing Nuclear Weapons*. London: FCO Policy Information Paper



**The United Nations Association of the UK (UNA-UK) is the UK's leading source of independent analysis on the UN, and a UK-wide grassroots movement. UNA-UK believes that a strong, credible and effective UN is essential if we are to build a safer, fairer and more sustainable world. We advocate strong government support for the UN and demonstrate why the UN matters to people everywhere.**

**One of our main campaigns – 'Towards Zero' – seeks to strengthen support for the international non-proliferation regime and encourages multilateral nuclear disarmament under the auspices of the United Nations and IAEA. Specifically, we try to foster support for nuclear weapons free zones, the reduction of nuclear arsenals worldwide, the implementation of the Comprehensive Test-Ban Treaty and the formulation of a treaty to end verifiably the production of fissile material for weapons.**

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