



NUCLEAR DETERRENCE: PROSPECTS FOR DISARMAMENT AND THE FUTURE OF TRIDENT

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On 20 November 2009 the Policy Foresight Programme and the Oxford Institute for Ethics, Law and Armed Conflict held a seminar on *Nuclear Deterrence: Prospects for Disarmament and the Future of Trident*. Sir Crispin Tickell and Dr David Rodin co-Chaired the event.

The main speakers were Lord Ramsbotham, Professor Nick Grief, Professor Henry Shue, Dr Patricia Lewis, Professor Kanti Bajpai, Professor Nick Wheeler, Rear Admiral Richard Cobbold, Professor Malcolm Chalmers and Dr Rebecca Johnson. A summary agenda and a full list of the participants can be found at the end of this note. The meeting was held under the Chatham House rule, with comments remaining unattributed.

SESSION 1

Deterrence: Strategic, Ethical and Legal Context

In opening the seminar, **Lord Ramsbotham** referred to an article on Trident in *The Times* of the previous week. The article had focussed on whether, if the United Kingdom chose to maintain the Trident system while reducing the number of submarines from four to three, it would be possible to maintain the current operating procedure of having one submarine on patrol at all times (known as “continuous at-sea deterrence”). But this was only one problem in the debate. We should, for example, also consider whether Britain could exercise leadership in current negotiations on non-proliferation if it chose a successor to Trident. We should also ask ourselves what were the reasons for continuing with a weapons system which had been adopted under totally different geopolitical circumstances. Who were the warheads aimed at?

He went on that as contemporary warfare was of a completely different character from war as it was traditionally understood, we should look at the role of nuclear weapons in any future conflict, including the ethical implications. It could be argued that any use of Trident in current methods of warfare would be “utterly disproportionate” and “morally unacceptable”. We should also bear in mind that the British nuclear deterrent was not entirely independent – missiles and technologies came from the United States – and constituted an extraordinary cost to the British taxpayer. If we did not bring these issues into the debate, then it could remain focussed on the more limited issue of whether we could maintain continuous at-sea nuclear deterrence if we reduced the number of submarines from four to three.

Professor Nick Grief raised the ethical and legal issues over nuclear deterrence in relation to international law. It was argued that any discussion over the legal implications should begin with Articles 2(4) and 51 of the United Nations Charter. Article 2(4) prohibited the threat or use of force against the territorial integrity or political independence of a state, or in any other manner inconsistent with the purposes of the United Nations. Article 51 preserved “the inherent right of individual

or collective self defence if an armed attack occurs against a Member of the United Nations". Professor Grief then turned to the 1996 Advisory Opinion from the International Court of Justice on the legality of nuclear weapons. The Court then held that there was a symbiotic relationship between the use of nuclear weapons and the threat of using them. In other words just as the act of using a nuclear weapon would be subject to international law, so the manner in which a state threatened to use nuclear weapons was subject to the same law.

Professor Grief said that the law set out in the UN Charter was not the only one applicable to nuclear weapons. Laws applicable to armed conflict generally – *jus in bello* – and in particular humanitarian law had a direct bearing on these issues. The proportionality principle itself might not exclude the use of nuclear weapons in all circumstances, but any such use or the threat of use had to be in accordance with international humanitarian law. Given that such law required military action to distinguish between military personnel and civilians, and given the exceptionally destructive and indiscriminate nature of nuclear weapons, the Court held in its 1996 Advisory Opinion that the use of nuclear weapons under any circumstances was "scarcely reconcilable" with such law. There was a misunderstood or misrepresented aspect of the 1996 Advisory Opinion: it was not that the Court had found the use of nuclear weapons justifiable in extreme circumstances, but rather that the Court could not come to a definitive conclusion whether such use was or was not in violation of international law. As such it was argued that the British government's claim that the Court's Advisory Opinion did not "require a change in the United Kingdom's entirely defensive deterrence policy" was questionable.

Professor Henry Shue looked into the ethical issues surrounding nuclear deterrence and disarmament. It had been argued that deterrence was analogous to a game of chicken, whereby the state that was prepared to take the biggest risk was the winner. However deterrence only worked when one side was prepared to back down, as Khrushchev had done in the Cuban missile crisis. Thus "to engage in nuclear deterrence is to put your life in the hands of adversaries, but if both you and your adversaries are not willing to back down, it is effectively a mutual murder pact". Accordingly it was folly to assess the success of nuclear deterrence in terms of such other considerations as the relative absence of warfare without taking account of the risks that were being taken: in other words the obliteration of entire cities and massive loss of human life.

Professor Shue said that states had to look at the wider implications of nuclear deterrence. It might seem an ethical choice for a state to renounce nuclear deterrence, but if this renunciation caused further nuclear proliferation because other states no longer felt covered by a nuclear umbrella, then risks of war might actually be increased. Whilst this was a dilemma that faced policy makers in the United States, the same could not be said for policy makers in Britain or France. Accordingly Britain was now in a position to re-examine its nuclear policy and consider unilateral nuclear disarmament as a means of promoting global nuclear disarmament.

Points made in discussion:

- ▶ We had to look at the relevance of the British Trident system to the current international debate. It was difficult to see that the British nuclear capability had made any difference to the conflicts in which Britain had been engaged. A successor to Trident could be irrelevant to the kind of dangers that Britain now faced, and the government might simply be unable to afford it.
- ▶ The reflections of Robert McNamara (US Secretary of Defense under the Kennedy and Johnson Administrations) were interesting. When he had been asked whether he thought that nuclear weapons had kept the peace during the cold war, he had responded that this was not the right question. Nuclear weapons had not actually deterred the Soviet Union because the Soviet Union had not had the aggressive plans that the United States thought it had. We had to be careful in our assessments of the function of nuclear weapons during the cold war as we could not claim to have deterred an adversary that had never had plans to attack.
- ▶ The future of Trident should not be considered only in military terms. It was suggested that Trident gave Britain an elevated status in international affairs as a Permanent Member of the Security Council, and had enabled Britain both to initiate conflicts and help resolve them. Others disagreed: permanent membership of the Security Council had been chosen to reflect the status of the victors of the Second World War at the time when only one state had nuclear weapons. Moreover with expansion of the Security Council on the international agenda, and the rise to prominence of such powerful international bodies as the G20, possession of nuclear weapons would have less relevance to international status in the future.
- ▶ On the role of weapons in British security policy, it was suggested that if we wanted to prevent further proliferation then all existing nuclear weapon states should work actively to reduce their prominence now.

- ▶ There was increasing recognition across the world that we no longer faced the possibility of giving low prominence to nuclear weapons with just a small number of established nuclear weapon states. The choice we faced was either moving towards a world free of nuclear weapons or moving towards one with a larger number of nuclear weapon states.
- ▶ There was a complex relationship between nuclear and conventional weapons. Nuclear weapons were often seen as a kind of equilibrer. In the strategic sense nuclear weapons compensated for a relative lack of conventional military power, but were also seen to give states a position in world affairs that they would not otherwise have enjoyed. In pursuing nuclear disarmament, we had to do so in a manner that did not fuel the demand for increased conventional capability or provide a stimulus for wider nuclear proliferation.
- ▶ One idea under discussion was that the United States and Russia could reduce their nuclear capability to round 500 weapons each, and that other nuclear weapons states should have no more than 1000 nuclear weapons between them. This would at least give a new vantage point from which to assess new prospects, and then consider how to move from there to a global zero.
- ▶ A question was whether the British Trident force provided a deterrent against use of chemical and biological weapons. Thus if Trident were not replaced, this could lead to exposing the British population to the threat of chemical or biological weapons. In these circumstances Britain might be abrogating its ethical responsibility to protect its citizens.
- ▶ How to cope with future uncertainty was often used as an argument to support maintaining a British nuclear capability. The future of Trident had to be seen in relation to the threats that Britain might face over the next half century. In a sense Trident was an insurance policy, and "if you want to have insurance, then you have to pay the necessary premium". On the other hand it could be argued that it was hard to justify such vast expenditure to cope with a threat that had not been clearly identified or assessed. Indeed it could be argued that nuclear deterrence was like a cowboy insurance policy in which there was no guarantee that the insurers could or would ever pay out.

SESSION 2

Recent developments in disarmament, proliferation and non-proliferation

Dr Patricia Lewis described recent developments over global nuclear non-proliferation. The current debate over the British nuclear deterrent represented a convergence of other factors. It had, for example, been suggested that such states as Britain and France had, through maintaining their nuclear capabilities with questionable strategic justification, consolidated the nuclear ambitions of some states (Israel, India and Pakistan) and ignited others (North Korea and possibly Iran). Furthermore through apparent lack of compliance with Article VI of the Non-Proliferation Treaty (which committed nuclear weapons states to pursue disarmament in good faith), the nuclear weapon states had lost credibility within the Non-Proliferation Treaty. The failure of the United States to ratify the Comprehensive Test Ban Treaty in 1996 had been a major blow to the Non-Proliferation Treaty. Although President Obama now wanted ratification, getting the test ban through the US Senate was going to be difficult.

Another major problem arising from the Non-Proliferation Treaty had been the refusal of the United States and France to accept the outcomes of previous review conferences as the basis for further action. Particularly important here were the disarmament measures agreed in 1995 and 2000 which had outlined realistic steps towards nuclear disarmament. Although the United States had agreed to recognize these decisions as the basis from which to move forward, France had not done so.

Professor Kanti Bajpai referred particularly to the positions of India and Pakistan. India possessed about 100 fission nuclear weapons, and Pakistan somewhere between 60 and 120. India had been developing longer-range ballistic missiles, and had launched its first nuclear-powered submarine (although this did not serve as a platform for missiles). Pakistan had nuclear-capable aircraft and was developing cruise missiles to take nuclear warheads. Neither India nor Pakistan counted as nuclear weapon states as defined in the Non-Proliferation Treaty, and as they, with Israel, had never signed it, they could not do so without relinquishing their nuclear weapons. Both states saw their nuclear capabilities as essential to their national security, and neither had responded positively to the recent momentum on nuclear disarmament.

Professor Bajpai said that India and Pakistan had nonetheless pursued measures to safeguard their nuclear materials from getting into the wrong hands. India had a no-first use policy but Pakistan did not. This was because India had superior conventional capabilities, and Pakistan saw its nuclear weapons as a deterrent against a conventional attack from India. In relation to broader arms control agreements, both states saw a ban on fissile material production as inevitable at some point in the future, and as such they were both stockpiling fissile materials in anticipation. In any case India was somewhat allergic to the idea of a Comprehensive Test Ban Treaty on the grounds that it was inherently discriminatory as the more technologically advanced nuclear weapon states could continue to develop warhead designs without recourse to testing.

As for a British decision on Trident, Professor Bajpai argued that it would make very little difference either way. If Britain decided to go ahead with replacing Trident, it would reinforce the existing justification for keeping a nuclear capability; and if Britain decided not to go ahead with Trident, it would be argued that this had no real bearing on its security.

Professor Nick Wheeler said there was a “trust deficit” in the Non-Proliferation Treaty, and that this in turn had led to a crisis of legitimacy. The trust deficit arose from the disillusion of the non-nuclear weapon states at the failure of the nuclear weapon states to carry out their Article VI obligations to pursue nuclear disarmament. The revitalization of the Treaty’s central bargain was essential if the non-nuclear weapon states were to accept more intrusive verification inspections and some degree of international control over the nuclear fuel cycle.

Professor Wheeler went on to examine some of the options available to Britain and their likely impact on the Non-Proliferation Treaty. Reducing the British capability in terms of fewer warheads and/or delivery vehicles would be positively received as a step in the right direction, but would not be enough to make the non-nuclear weapon states think that this time it would be different. Another option would be to extend the life of the Vanguard submarines (the platform of the British Trident system) by changing operating patterns and moving away from continuous at-sea deterrence. This would give Britain the chance to rethink its future as a nuclear weapon state, although there were various technical difficulties over extending the submarines’ service life. Another option available was unilateral nuclear disarmament. This would represent a leap of trust by Britain, and could have a positive impact on reducing the trust deficit in the Non-Proliferation Treaty. It would be most effective if it were to coincide with such other measures as further United States/Russian reductions in warhead numbers, a Comprehensive Test Ban Treaty, and a fissile material cut-off treaty. Such a step would represent a welcome rejection of the logic of nuclearism which was what drove proliferation.

Points made in discussion:

- ▶ In relation to the 1996 Advisory Opinion from the International Court of Justice, it was observed that any realistic disarmament required leadership from the nuclear weapon states. Fulfilment of the obligation to disarm could not be made contingent upon an obligation by the non-nuclear weapon states not to acquire nuclear weapons.
- ▶ When it came to assessing how much force was necessary to deter, it was as much about convincing oneself as it was about convincing others.
- ▶ In spite of President Obama’s positive intentions, the United States would not be able to make much progress on nuclear disarmament before the 2010 review of the Nuclear Non-Proliferation Treaty. There was no chance of the United States moving towards a no-first use declaration. An alternative was for an agreement on “core deterrence”, in other words a pledge that the only purpose of a nuclear weapon was to deter their use. There was little chance that the United States would agree to this either. At best the United States might offer a declaration on the lines of “the principal purpose of our nuclear weapons is to deter the use of nuclear weapons by others”.
- ▶ It was not clear why the nuclear weapon states were so much against no-first use. A possible response was that policy makers believed that such a pledge would not be credible. Whatever governments might say, few believed that countries would ever put their international commitments before their national interests.
- ▶ On the future British role in promoting disarmament and non-proliferation, Britain should not wait for US leadership. But it was doubtful whether Britain should take a leading role at all.
- ▶ In debate over the balance of non-proliferation and disarmament in the Non-Proliferation Treaty, some

thought that disarmament was being over-emphasized at the expense of non-proliferation. Yet disarmament had been central of the Treaty from the very beginning, and this had been reinforced in subsequent reviews.

- ▶ Japan wanted to reinvigorate discussions on a north-east Asian nuclear weapon-free zone and was open to the idea of having some form of non-nuclear extended deterrence. Pakistan did not see a ban on fissile material as inevitable, and in any case would not sign the Comprehensive Test Ban Treaty unless India signed first.

SESSION 3

Britain's Trident decision

Rear Admiral Cobbold said that the British nuclear weapon capability had four main components: the Trident missile which was procured from the United States; the platform, which consisted of four Vanguard class nuclear-powered ballistic missile submarines, built with some design help from the United States; the nuclear warhead, which was of British build but with some US design contribution; and lastly the infrastructure which was needed to maintain the warheads and submarines. Despite the level of the US contribution, operationally the British Trident system remained "independentish". Britain could not, and should not, try and develop an entirely independent system as it simply did not have the resources.

Whichever party won the next general election, it would probably seek to replace the current system with another submarine launch system. This could be a like-for-like replacement of Trident, or it could be one that adapted the Astute class submarines to launch nuclear-tipped cruise missiles (here an obstacle would be that new warheads would have to be developed). Whether Britain had three submarines or four would be based on whether the government believed that continuous at-sea deterrence should be maintained, or whether Britain wanted to take the lead in disarmament negotiations. For the moment a nuclear capability was a valuable hedge against an uncertain future, and the government would have to balance this with a need to give a positive contribution to disarmament.

Professor Malcolm Chalmers said that the cost of Trident should not be seen only in financial terms. The real cost was further nuclear proliferation across the world. This cost would still be incurred if Britain decided to cheese-paring its nuclear forces. For the vast majority of non-nuclear weapon states, the big debate was over the role and function of nuclear weapons and not the number of weapons held by each state.

To get out of the nuclear business could be a smart move for Britain, and would help the Obama Administration to rejuvenate the disarmament agenda. But any decision to get out would have to be seen to be for the right reasons. In terms of Britain's relationship with its allies, another important step would be to try and denuclearize NATO's strategic concepts in order to send out the signal that nuclear weapons had less prominence in NATO planning. In his view the best policy for Britain was to make a positive decision not to replace Trident and to use the moral capital thereby accrued to play a more leading role in a movement towards global nuclear disarmament.

Points made in discussion:

- ▶ Trident could be replaced by adapting British hunter-killer submarines to carry cruise missiles with nuclear warheads. This option would be much cheaper but would affect the whole British posture on deterrence, including targeting. If Britain wanted to maintain the same numbers of deployed warheads using this capability, and to maintain continuous at-sea nuclear deterrence, then a fleet of more than four submarines would be required. The positive implications of such a move would be that in the event of a crisis the government would have more time to consider the appropriate response. The negative implication would be that in the event of a crisis, sending submarines back on patrol might serve to escalate tensions.
- ▶ If the scaling down of the British nuclear capability were seen to be for financial reasons, it would reinforce the idea that nuclear weapons were a sign of major power status. Hence to maintain a scaled-down nuclear capability might be the worst of all worlds as Britain would have less of an impact in disarmament negotiations. Whether possession of nuclear weapons really put Britain at the top table was arguable. Even if this had been the case in the past, there was little to suggest that nuclear weapons gave Britain extra leverage now.
- ▶ The British decision on Trident had to be made as part of a judgment on the country's future role in world affairs. Could Britain send its armed forces into conflict with a nuclear-armed state if it did not have a nuclear capability to defend itself? At all events we should not assume that Britain would necessarily take the lead in

promoting global disarmament. Its decision on Trident might have little global impact.

- ▶ We should look at the role of Trident more in the role of its actual utility than as a hedge against potential threats in the future. It had little relevance today in reducing regional violence elsewhere. While there were always unknowns, some unknowns were more unknown than others, and the British public had a right to know what kind of assessments the government had made of how best to combat future threats to British national security, and the role of Trident in both this respect and in that of Britain's international position generally.

CONCLUSION

In concluding the seminar, Sir Crispin Tickell summed up some of the key themes arising from the discussion, and thanked the participants. The issues which had been discussed should be seen in the light of the changing global balance of power, the rise of China and India, the need for clearer definition of Britain's future role both as a nation and as part of the European Union, and the possibility of future Anglo-French nuclear collaboration. He urged participants to look to the future and make their views known to those who had to take the somewhat painful decisions which lay ahead.

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