

The Case Against UK Trident

A Naval Officer's Perspective

*Commander Robert
Forsyth RN (ret'd)*

*Commander Forsyth was
Executive Officer (XO) of
the Polaris Missile
Submarine HMS Repulse
in the mid-1970s and, as
such, was one of the front
line custodians of the UK's
nuclear weapons at the
height of the Cold War
confrontation between the
Soviet Union and the West.*

In common with a number of my peers, I have in recent times grown increasingly concerned about the state into which the Royal Navy has declined.

It now seems to be so small that it will be unable to offer much more than an escort group for one of the new strike carriers. This will severely affect its ability to conduct Anti-Submarine Warfare (ASW) and other operations at a time when Russian activity is returning to Cold War levels. There are also numerous other demands on its people and units, not least in the waters of Arabia, Asia-Pacific and around UK sovereign territories scattered across the globe.

The RN's decline has unquestionably been caused by successive cuts in public spending. Yet it is noticeable that there is one part of the defence budget that is not only protected but continues to grow – the proportion devoted to the Continuous at Sea Deterrent (CASD). The UK's conventional war-fighting capability is being sacrificed to preserve its nuclear one. Some £2 billion a year is needed to maintain CASD and the cost of the four new Dreadnought Class ballistic submarines (SSBNs) will likely exceed £40 billion.

For the same money the UK could have had at least another eight attack submarines (SSNs) or – better still – a mix of conventional and nuclear boats and 15 (or more) extra frigates.

However, the issues at stake stretch beyond the numbers game and also include the worrying state of the UK Government's strategic nuclear defence policy.

Some serious questions need to be asked (and answered) by the national political and

military leadership about not only the affordability of CASD, but also its necessity at all and/or – if it is retained – the moral context of its use. It is often said that the UK retains its nuclear weapons to remain one of the five nuclear weapon power players – colloquially known as the P5 – and to retain the UK’s seat at the United Nations Security Council (UNSC). The reality is that, as a signatory to the 1968 Nuclear Non-Proliferation Treaty, each of the ‘P5s’ retains their seat even if they give up nuclear weapons.

Also, just whom is the UK trying to deter? Where is the massive state based strategic threat to Europe today that replicates the Cold War Soviets? Where is the nuclear-armed rogue state with direct hostile military intent towards the UK? Neither Iran, North Korea nor Syria currently have military designs on the UK and no one in their right mind would consider Trident an appropriate weapon to use against terrorist organisations such as ISIL. The logic of spending £2 billion a year to sustain Trident on CASD duties ‘just in case’ therefore has to be questioned, especially when the patrolling submarine’s missiles are not targeted, nor are they even held at 15 minutes to fire. It also uses scarce ships, submarines and air assets to sustain its invulnerability.

Also, is it really independent? When we purchased and managed our own Polaris missiles, the UK could make some claim to possessing an independent deterrent in that the weapons could be deployed and fired under total UK control; albeit we were heavily dependent in the long run on US support for supply of spares (and also for missile testing and satellite guidance facilities).

Today the UK uses the shared Trident missile facility at Kings Bay, Georgia and is even more heavily dependent on the USA. The American Security Information Council (ASIC) report to Parliament in 2014 pointed out: “If the US were to withdraw their cooperation completely the UK nuclear capability would probably have a life expectancy measured in months...”

The UK remains closely integrated with the US Navy’s nuclear propulsion and weapon programmes – even to the point of the Royal Navy and US Navy today designing a common submarine missile module for their respective next generation ballistic missile submarines (SSBNs). I cannot conceive Britain would ever fire its Trident missiles without the Americans’ political support and, if they so wished, I am fully confident they would find a way to frustrate the UK. The Government assertion that the UK operates an independent deterrent is no more than national hubris.

The next item of intellectual ‘emperor’s new clothes’ frequently worn by avid supporters of maintaining and replacing the UK’s CASD is the

contention that ‘you cannot un-invent nuclear weapons’. Neither can you uninvent chemical weapons of course, but they are internationally outlawed as unacceptable Weapons of Mass Destruction (WMD). That is why the USA, UK and France attacked Syrian chemical warfare facilities in April 2018. Chemical or biological weapons are so stigmatised that there is no thought of using them by the UK to deter. Ironically, nuclear weapons, which are orders of magnitude more destructive, lethal and longer lasting in their poisoning effects, are also called WMD but are not banned. Where is the logic in that?

But war is an ugly business, some would say, to which rules do not apply. The legendary WW2 submarine captain Alastair Mars, on patrol in the Java Sea in his boat *HMS Thule* in 1945, would have disagreed. For example, on the occasion that he had an enemy hospital ship in his sights - an easy kill after many frustrating weeks trying to sink warship targets - he simply lowered *Thule’s* periscope. He later wrote of this moment that he made the decision not to attack because ‘if a man is to remain civilised he must have rules’.

As a former captain of both a diesel-electric patrol submarine and nuclear-powered hunter-killer, and a one-time teacher of the perisher course, I found what Mars wrote a good example of fine moral judgement in a situation where temptation may have been great. To that end, in the process of investigating the current state of affairs with regard to the UK’s nuclear deterrent force, I took a close look at how national nuclear policy conforms to International Humanitarian Law.

The Nuremberg Charter and Geneva Conventions have long governed the conduct of war and, before the first of my four Polaris patrols, my Commanding Officer and I formally discussed whether we were totally in agreement that an order to fire our missiles as a SECOND strike was lawful – i.e. enacting the policy of Mutually Assured Destruction (MAD).

We agreed it was, but we added that, if there was no other indication that a nuclear attack by the foe was under way, we would pause the countdown, discuss and even possibly phone home (so to speak). Since 2002 the UK has followed a policy of sub-strategic, so-called Flexible Response, that entails potentially using a single warhead – this being still eight times the power of the Hiroshima bomb – on each Trident missile. The UK has also reduced the number of missiles/warheads embarked in an SSBN.

This at least shows willingness by the UK to take the lead in reducing weapons stocks; but not all is as it seems. Various statements have made it clear that the policy is now one of deliberate uncertainty as to when and how the UK’s nuclear missiles would be used. For example:

- “[The] UK is prepared to use nuclear weapons against rogue states such as Iraq if they ever used weapons of mass destruction against British troops in the field.”

Defence Secretary’s statement to MPs, March 20, 2002

- “ ...the Government) will not rule in or out the first use of nuclear weapons.” Government White Paper, May 8, 2015

That represents a significant shift away from the certainty of last resort/second strike of my days at sea. It also seems to ignore the fact that the Geneva Conventions and the more recent International Criminal Court Statute (2002) of Rome - which refers to their use as a ‘war crime’ – do not countenance the use of any form of WMD and certainly not in first use. I was therefore concerned as to how the Prime Minister could provide certainty to SSBN Commanding Officers that they would not be called upon to carry out what might be viewed as a war crime. A CO has a personal responsibility under Military Law to assure himself he is not obeying an illegal order. This is a matter a number of US senior officers have publicly addressed, stating that they may not obey an order to fire if they think it might not be legal.

So, earlier this year, I wrote to the UK Ministry of Defence (MoD) Nuclear Policy department and asked them the legal position for British SSBN captains. I received a response in writing that stated, among other things: ‘Our nuclear Deterrent is fully compliant and compatible with our international treaty and legal obligations’. More surprising were actions the UK Government has taken to enable the MoD to say that.

In 1977 the UK signed a new Protocol attached to the Geneva Conventions. It contained stringent provisions for the protection of civilians from the use of WMD. In 1998 the Government attached a Reservation to this Protocol which stated ‘the rules ...do not have any effect on and do not regulate or prohibit the use of Nuclear Weapons’. They repeated this Reservation again in 2002.

So, while on the one hand the UK was actively negotiating international agreements outlawing chemical and biological weapons, on the other hand it was absolving itself from any restriction on using nuclear ones. I wonder just how many people know about this?

Certainly the vast majority of the general public are probably unaware of it and I wonder if SSBN Commanding Officers are too?

As further support for legality, in its response to me the MoD selectively quoted the 1996 International Court of Justice’s Advisory Opinion on a

question from the UN General Assembly (as to whether the threat or use of nuclear weapons complied with International Humanitarian Law). The MoD suggested it ‘was not necessarily unlawful in extreme circumstance’.

In fact, the 14 Judges that sit on the Court were evenly divided in their opinion as to whether, in the very extreme circumstance of the existence of a state being threatened, their use in self-defence – i.e. second use – might be justified. France, the USA and UK voted for it being lawful but, interestingly, Russia and China voted it unlawful.

The President of the court made a separate Declaration that this vote should not be interpreted as leaving the door open to an interpretation that their use *was* lawful.

Also, what the MoD did not mention to me was that all 14 Judges had, in a previous opinion, unanimously confirmed that ‘the threat or use of nuclear weapons should be compatible with the requirements of international law applicable in armed conflict’ e.g. The Geneva Conventions.

On the face of it this means that the threat of second use, never mind first, would always require considerable debate and legal consideration beforehand.

In its response to me the MoD also said that legality could, in the end, only be decided on a case-by-case basis. This further underscored my concern for the position of SSBN captains – the MoD seems to be trying to ensure the buck stops with the submarine captain, who may well be the person least qualified to decide that firing nuclear missiles is appropriate. Last year the UK Government took a further step away from being accountable for its own nuclear policy by revising the declaration, which accepts the compulsory jurisdiction of the International Court of Justice. According to BASIC ‘the revised Declaration also includes a reservation excluding from the Court’s jurisdiction any cases related to Nuclear Weapons and/or nuclear disarmament unless the other four Nuclear Non-Proliferation Treaty (NPT) nuclear-weapons States also accept the Court’s jurisdiction with respect to the case’. The chances of all P5 states agreeing to accept jurisdiction simultaneously is, of course, just about zero.

The UK holds itself up as a protector of international standards – even to the extent of going to war in Iraq and supporting strikes on Syrian chemical weapon sites. The current Prime Minister, in justifying the bombardment of Syria in Parliament on April 16 this year, echoed Alastair Mars when she said, “we need to stand up for the global rules and standards that keep us safe”.

Should not the standards that legislate against us (or anyone else) using

chemical and biological WMD also apply against us (or anyone else) using nuclear WMD?

The rest of the non-nuclear weapons world certainly thinks this should be the case. One hundred and twenty-two nations, fed up with the lack of action by the P5, last year put in place a Treaty to Prohibit Nuclear Weapons. The UK chose not to be associated with this in any way, nor did the UK send a senior government representative to the Nobel Peace Prize ceremony last year to honour the *International Campaign to Abolish Nuclear Weapons* group who were largely responsible for achieving the Treaty. SSBN operators France and the USA also only sent junior officials, though Russia and China did send senior representatives.

It's worth noting that in its letter to me, of April 12 this year, the MoD stated: 'We consider the step by step approach to multilateral nuclear disarmament delivered through the Nuclear Non-Proliferation Treaty (signed 1968) as the cornerstone of efforts to pursue the goal'.

Actually, the UK has not actively participated in or encouraged multilateral disarmament negotiations since the Comprehensive Nuclear Test Ban Treaty in 1996 – 22 years ago. Why does the UK ignore treaty obligations, reject International Humanitarian Law, and follow a policy of uncertainty as to when and in what circumstances it might use nuclear weapons? Could it be because the weakness of UK conventional forces is recognised and possessing the nuclear deterrent force is seen to be a counter-balance to such inferiority? Why else would the UK Government take all these actions – or not take in the case of multilateral negotiations – all while simultaneously insisting that other countries observe the ban on the lesser evil of chemical and biological weapons?

I think the UK should immediately do the following:

- Say NO to First Use under any circumstances.
- Revoke the Reservation regarding use of nuclear weapons placed on Protocol 1 to The Geneva Conventions.
- Recognise the authority of the International Court of Justice on all matters relating to the use of nuclear weapons.

These actions would re-establish the moral standing of the UK in world affairs and, in so doing, resolve the problem for today's SSBN captains whom, I believe, could otherwise be placed in legal jeopardy. In addition we can stand down from CASD.

There is no threat that justifies such an aggressive posture at present. The immediate cost benefit would be only three boats required to maintain

the operational capability and still be capable of reverting to CASD if an existential threat appears.

Taking the argument in an even more radical direction, as there is no credible strategic threat to our nation – and the UK cannot afford CASD anyway and would not actually lose its seat on the UNSC – it should offer to cancel the Dreadnought submarine programme as a significant bargaining tool in multilateral negotiations.

For it is now clear that the 1968 Nuclear Non Proliferation Treaty, far from limiting the spread of nuclear weapons is actually having the reverse effect – they are proliferating at an alarming rate in the hands of states not signed up to the NPT. There must be a major global multilateral disarmament initiative. UK support for the Treaty to Ban Nuclear Weapons would be a good start to the process. This would also demonstrate to the rest of the world that UK is taking multilateral disarmament seriously – for the first time in more than two decades.

Once the decision has been taken to denuclearise the UK then scarce surface warship, submarine and air assets could be usefully deployed elsewhere. There would be the funds to construct UK Armed Forces of sufficient size and capability to play a key role in conventional deterrence in NATO.

In 2016, during a Parliamentary debate on replacing the current Trident submarines, Prime Minister Theresa May stated that anyone who did not support the national deterrent was a traitor. I would suggest that is far from being the case. This patriot – who has served at the coal face of the at-sea deterrent – is merely asking the UK's leaders to start thinking hard about the nation's strategic choices and introduce some bold moves. The UK would be showing true global leadership at a time when the whole of humanity could so easily topple over the edge into a nuclear annihilation abyss.

(First published in Warship International Fleet Review June 2018)