The recent US nuclear posture review was partly prompted by growing doubts about the effectiveness of nuclear deterrence against the current primary threat – extremists armed with weapons of mass destruction. These doubts surfaced during the Gulf War, when Israel was subjected to nearly 40 Iraqi Scud missile attacks, for which it was known a chemical warhead had been developed. Lack of a proportionate response has led several US nuclear weapons experts to argue that deterrence through threatened use of precisely targeted conventional munitions, rather than nuclear weapons, would be more credible and preferable in most cases.1 For neutralizing deeply buried targets, however, the head of nuclear weapons research at Los Alamos National Laboratory has recommended that the United States should develop a new generation of ‘small’ nuclear weapons.2

George W. Bush is the first US President to have publicly expressed lack of faith in nuclear deterrence against extremists, linking this to his emphasis on reviving ballistic missile defence. What is more, both his Vice-President Dick Cheney and Secretary of State Colin Powell rejected use of nuclear weapons against Iraqi forces in the Gulf War, which means that any future comparable US nuclear threat would lack credibility.4

‘SMALL’ NUCLEAR WEAPONS NO ANSWER

Those pressing for so-called ‘small’ nuclear weapons to be used against deeply buried targets need to be aware of the following drawbacks:

- In tests, the currently operational US B61-11 nuclear weapon penetrated only twenty feet into dry earth.
- Deeper penetration is impossible because the weapon casing cannot be made strong enough to withstand the impact and temperatures involved.
- Low-yield warheads are too sensitive to the massive shock.
- The heavy radioactive fallout cannot be contained.3

In addition, even the smallest nuclear weapon has such excessive explosive power that, when combined with its unique long-term poisoning effects from radioactive fallout, it would inevitably breach international humanitarian law on proportionality and discrimination.

The irresponsibility of calling for such a role for nuclear weapons was highlighted in 1998, when General Lee Butler, Commander-in-Chief US Strategic Command (in charge of all strategic nuclear weapons) from 1992-94, warned: ‘In a single act, we would martyr our enemies, alienate our friends, give comfort to the non-declared nuclear states and impetus to states who seek such weapons covertly’.3 Experience in Afghanistan has shown that the US has a growing choice of precision-guided conventional munitions, some of which are capable of disabling targets formerly thought vulnerable only to nuclear attack. However, the enormously indiscriminate ‘daisy cutter’ fuel-air munitions, and those using depleted uranium, probably violate international humanitarian law.

US NAVY CONVERTING TRIDENT TO CONVENTIONAL ARMAMENT

The START II Treaty limits US and Russian nuclear-armed ballistic missile-firing submarine (SSBN) forces to fourteen hulls each – so the US will have to decommission four of its eighteen Ohio class Trident-equipped submarines. Irrespective of this, Defense Secretary Donald Rumsfeld wants to accelerate US Navy plans to start work in October 2003 on a $2 billion project to con-

Commander Robert Green navigated Buccaneer nuclear strike aircraft and anti-submarine helicopters and served in Fleet Intelligence in the Royal Navy. Following retirement, he has been working as a consultant on alternative security thinking based in Christchurch, New Zealand.
vert the first two of them to carry a formidable mix of conventional armament as attack submarines (SSGNs). The twenty-four Trident missile launch tubes will be altered to accept canisters carrying seven Tomahawk cruise missiles, fitted with a variety of conventional warheads. With a full cruise missile conversion, each submarine will be able to launch up to 154 cruise missiles, compared with twenty-four such missiles in current US SSGNs. An alternative configuration allows for sixty-six special forces to access two midget submarines to carry out covert shallow water and amphibious operations. These are each attached to the SSGN’s deck over two launch tubes. The remaining tubes will be shared between special forces equipment stowage and cruise missile canisters, still enabling some ninety-eight Tomahawks to be carried.

US CONCERNS ABOUT UK TRIDENT

Ever since the US allowed the UK to acquire Polaris, Trident’s predecessor system, in 1962, it has had understandable concerns about the complications for its own nuclear strategy. Kennedy’s Defense Secretary, Robert McNamara, condemned small nuclear forces as ‘dangerous, expensive, prone to obsolescence and lacking in credibility as a deterrent’. The limitations of trying to encapsulate a credible capability in one system have become more apparent with Trident, now the sole delivery system for the UK nuclear arsenal. For example, the UK government felt the need to claim an added sub-strategic capability by a ‘degree of flexibility in the choice of yield for the warheads on its Trident missiles’. Apparently this has been achieved by fitting a single, lower yield warhead in some of the sixteen missiles carried by the four Vanguard class SSBNs.

Bearing in mind that sub-strategic nuclear weapons would be the first and most likely ones to be used, there is a risk that use of a UK Trident missile would be misidentified as a US Trident launch. Also, there is no way of distinguishing between sub-strategic and strategic use. NATO’s announcement in 1999 that ‘a small number of United Kingdom Trident warheads’ were part of NATO’s sub-strategic posture in Europe, therefore, was unconvincing. With British attack submarines now equipped with conventionally-armed cruise missiles, this would be a much more proportionate and lawful way to launch a sub-strategic strike.

UK TRIDENT AND NUREMBERG

The current UK government is widely acknowledged as the most constructive among the nuclear weapon states. In the 1998 Strategic Defence Review, it unilaterally cut its nuclear arsenal by a third – at 200 warheads, now the smallest of the five recognized nuclear states – and announced that it had relaxed Trident’s notice to fire from ‘minutes’ to ‘days’. It was credited with a key role in negotiating the May 2000 Non-Proliferation Treaty (NPT) Review final document that incorporated a plan of action on disarmament measures, by interceding with the other nuclear states and non-nuclear NATO member states.
However, the UK government is under pressure from the Trident Ploughshares non-violent direct action campaign, which is exposing the illegality of the current deployment of the single UK SSBN on so-called ‘deterrent’ patrol. Citing the 1996 World Court Advisory Opinion on the threat or use of nuclear weapons, the campaign has achieved sensational acquittals in jury trials of activists in both Scotland and England. The Court confirmed that any threat, let alone use, of nuclear weapons would generally violate international humanitarian law, of which the Nuremberg Principles are part. This has serious implications for all those involved in planning and deploying nuclear forces because, unlike hired killers or terrorists, military professionals and their political leaders must be seen to act within the law.

The campaign is gaining support among legislators and church leaders, particularly in Scotland where the UK Trident force is based. As with the campaigns to ban slavery, and now landmines, and to establish an International Criminal Court, it is drawing upon a deep and growing awareness that it is on the right side of morality, commonsense, the law and public opinion. The basic legal argument is as follows: Use of UK Trident nuclear weapons would be illegal, because the explosive power of each warhead (about 100 kilotons, equivalent to roughly eight times that of the weapon which devastated Hiroshima) plus radioactive effects make them incapable of use without violating international humanitarian law.

- In its Advisory Opinion the World Court stated: ‘If the envisaged use of force is itself unlawful, the stated readiness to use it would be a threat prohibited under Article 2, paragraph 4 [of the UN Charter]’. The UN Charter is applicable at all times.
- UK Trident is deployed under a policy of ‘stated readiness to use’, in order that nuclear deterrence is credible.
- Nuremberg Principle VI states: ‘The crimes hereinafter set out are punishable as crimes under international law: (a) Crimes against peace: (i) Planning, preparation…of a war… in violation of international treaties, agreements or assurances; (ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i); (b) War crimes… (c) Crimes against humanity…’.

Probably for the first time, the Nuremberg Principles are being brought to bear on the Royal Navy, which obviously does not want to be accused of crimes against peace and humanity, let alone war crimes. Vice Admiral Sir Jeremy Blackham observed: ‘I suspect we are all going to find international law, as it applies to conflict, a harsh taskmaster’. Yet the UK government prides itself as the only permanent member of the UN Security Council to recognize the World Court’s jurisdiction, and wishes to be seen to uphold international law and democracy as leader of the 54-member Commonwealth.

The Royal Navy’s leaders must be increasingly disturbed and frustrated by the legal challenge to Trident, and – especially after 11 September - by the reality that the weapon system of four of its most prestigious and costly ‘capital ships’ is currently impotent in responding to the most serious and intractable threat.

**Implications for UK Trident**

All this has serious implications for the UK’s four new SSBNs. Some former Royal Navy colleagues have indicated to the author that they would support getting rid of the nuclear weapons ‘provided that a conventional role is found for the submarines’. However, in the latest edition of Jane’s Fighting Ships, editor Captain Richard Sharpe RN (Ret.) reported: ‘The UK government has said it has no plans to deploy conventional warheads in Trident’.

With the increasing cost of high-technology warships, the Royal Navy is steadily shrinking. As it learned the hard way in the Falklands War, the vulnerability of surface ships to missile attack is extremely expensive and difficult to counter, and ever quieter submarines can now deliver them from stand-off range. If it wants to sustain a capability for rapid, substantive military reaction with global reach, it cannot afford to ignore the option of converting UK Trident to conventional armament – especially as the research, development and production of the modular systems are being done by the US, and their availability looks compatible with the deadline for the decision on whether to replace UK Trident. For the variety of reasons covered above, the US would probably welcome such a development in the US-UK special relationship.

**A New World Role for the UK?**

The decision apparently has to be taken by around 2007. This will offer the opportunity to renounce nuclear weapons, and replace them with a more credible, practical and lawful conventional deterrence system, which the US Navy is developing anyway – and which the US Defense Secretary, impressed by the performance of its SSGNs in countering terrorism, is raising to a top priority. With four conventionally-armed, multi-role Vanguard class SSGNs, the Royal Navy’s submarine
service - diverted since the Polaris era into the essential-
yly political power game of nuclear deterrence - would be
able to focus fully on what it does best: ‘precision
engagement’ to prevail in the three key military objec-
tives: deterrence, coercion and combat.

For maximum kudos, the UK government should
announce this step at the 2005 NPT Review Conference.
The first ‘breakout’ by one of the five recognized nuclear
states – and permanent members of the UN Security
Council - would be sensational, and would transform
the nuclear disarmament debate overnight. The UK would
gain a major new world role that would be enormously
popular, with its Prime Minister an immediate candidate
for the Nobel Peace Prize. In NATO, with Lord
Robertson as Secretary General, the UK would wield
unprecedented influence in leading the drive for a non-
nuclear strategy – which must happen if NATO is to sus-
tain its cohesion. It would create new openings for apply-
ing pressure, particularly to the US and France, and
heavily influence India, Israel and Pakistan, and others
intend on obtaining nuclear weapons. Moreover, it would
open the way for a major reassessment by Russia and
China of their nuclear strategies, for all nuclear forces to
be de-alerted, and for multilateral negotiations to start on
a Nuclear Weapons Convention.

WIDER IMPLICATIONS

Both the anti-nuclear movement and Trident advocates
have to confront difficult and challenging questions.
Acquisition by the five recognized nuclear states of their
nuclear arsenals involved probably the greatest invest-
ment in financial, political and human terms since the
Second World War. None of these states is likely to be
prepared to risk breaking out of the nuclear club without
finding a replacement system with clear advantages to
balance the perceived loss of security. Conversion of its
SSBNs to conventional, multi-role armament offers such
a system for the UK. France, Russia and China would
probably try to copy the US and UK, because the SSGN
would come into its own as one of the most potent, yet
invulnerable, maritime coercion platforms. Meanwhile,
the longer those who prefer to cling to the illusions of
nuclear deterrence do so, the more likely it becomes that
‘undeterred’ extremists will follow their irresponsible
example and obtain nuclear weapons.

CONCLUSION

Nuclear-armed Trident missiles in the Royal Navy’s
Vanguard class SSBNs are a major impediment to the
UK’s ability to contribute to deployment of rapid reaction
forces in support of the US, because they are mili-
tarily useless; and anyway their use - and therefore any
threat to use them - would be unlawful.

A confluence of developments in the US, driven by
a loss of faith in nuclear deterrence against the most seri-
ous threat of extremists armed with weapons of mass
destruction, points to a ‘win-win’ solution for the Royal
Navy, the US-UK special relationship, and the world-
wide anti-nuclear movement. Exploiting US plans for
some of its Ohio class Trident-armed submarines, a UK
decision to convert its four Vanguard class submarines to
carry a mix of precision-guided conventional armaments
and special forces would restore the Royal Navy’s erod-
ing position as a leading maritime force equipped to
work alongside the US Navy, and would probably be
encouraged by the US. In so doing, the UK government
would gain huge kudos as the first recognized nuclear
state to break out from reliance on nuclear weapons for
its security, and would position itself to take a leading
role in the struggle to secure an enforceable global treaty
with a verifiable plan to eliminate nuclear weapons.

NOTES


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