



Ministry
of Defence

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Dear Sir,

Thank you for your letter of 7 March 2016 to the Secretary of State for Defence in which you raise a number of concerns about the UK's nuclear deterrent. As the official responsible for these topics I have been asked to reply.

In relation to your confusion as to the Government's final position on the application of Additional Protocol I to nuclear weapons, the position is that Additional Protocol I does not apply to nuclear weapons but to the extent that the rules therein reflect customary international law, the Government is bound by them as a matter of customary international law.

On the last occasion that the UK Government formally presented the case for maintaining a nuclear deterrent to Parliament in 2006, the International Legal Obligations factsheet that accompanied the White Paper stated as follows: We would only consider using nuclear weapons in self-defence (including the defence of our NATO allies), and even then only in extreme circumstances. The legality of any such use would depend upon the circumstances and the application of the general rules of international law, including those regulating the use of force and the conduct of hostilities. That remains the Government's position.

I hope this explains the position.

Yours sincerely,

Chris Clapham
CBRN Deterrence and Disarmament 1