OPEN LETTER TO THE RIGHT HONOURABLE BORIS JOHNSON MP, THE PRIME MINISTER, FROM TRIDENT PLOUGHSHARES

RESPECT THE LAW: DISMANTLE THE UK'S NUCLEAR WEAPONS

30th November 2020

Dear Prime Minister,

On 18th March 1998 Trident Ploughshares wrote an Open Letter to the Prime Minister (then Tony Blair)[1] asking that his government respect the law and dismantle Trident. We explained that by refusing to disarm its nuclear weapons the UK was not fulfilling its obligations under the NPT and we suggested 9 steps that the UK could take that would provide visible and verifiable elements towards a process of denuclearisation. That was 22 years ago.

We are writing to you now at a time when humanity and the integrity of our planet are under unprecedented threat. Day by day the visible effects of the climate crisis are multiplying, together with a calamitous decline in bio-diversity. Our impact on the non-human world, which we need for our very survival, is proving disastrous. The ongoing risk of horrific nuclear war is intensified by the collapse of arms control measures and dangerously unpredictable leadership in the nuclear-armed states. The conflict and insecurity created by the climate emergency, left unattended will precipitate nuclear war or accident. Any measures taken to ameliorate the impact of climate change, or to restore biodiversity, will be irreversibly sabotaged by nuclear weapons use or accident.

This duality of existential risk was referenced by the Bulletin of Atomic Scientists when they brought the hands of their Doomsday Clock closer to midnight than at any time in the history of its existence. It is not for nuclear-armed states alone to dictate the action to be taken.

Yet it is also a time of opportunity to build a safer, sustainable and more wholesome world.

Global understanding of the catastrophic impact of nuclear weapons and uncontrollable risks led to the creation of the Treaty on the Prohibition of Nuclear Weapons (TPNW) in 2017, with two thirds of the UN member states in favour. On the 23rd January 2021 this Treaty will become binding on those 50 states who first ratified it and brought it into legal force[2]. Other states are continuing to join in and ratify the treaty. The permanent and credible threat of nuclear weapons use is exacerbated by the increasing number of nuclear actors, rapidly increasing global tensions and threats to the environment. The non nuclear-armed states were galvanised to take action because the nuclear-armed states have shown themselves to be unable or unwilling to take this step on their own.

The voices of those at the sharp end of the crises we face are beginning to be heard. In the case of nuclear weapons this has meant that people outside the nuclear-armed corridors of power can assert their stake in a nuclear-free future. International conferences[3] drawing on the direct testimony of survivors of the attacks on Japan and nuclear weapon testing mean that their voices are now part of the discourse.

The TPNW is based on the conviction that only the complete elimination of nuclear weapons can offer a guarantee that they will never be used. It is founded on the cardinal principles of international humanitarian law, *"in particular the principle that the right of parties to an armed conflict to choose methods or means of warfare is not unlimited, the rule of distinction, the prohibition against indiscriminate attacks, the rules on proportionality and precautions in attack, the prohibition on the use of weapons of a nature to cause superfluous injury or unnecessary suffering, and the rules for the protection of the natural environment."* While the clear import of these principles is that nuclear weapons have been unlawful since their inception, the TPNW fills a gap in the law by joining the dots and specifically proscribing nuclear weapons. It prohibits the developing, testing, producing, manufacturing, otherwise acquiring, possessing, stockpiling, transferring, using or threatening to use nuclear weapons, assisting other states with these prohibited activities, stationing, deployment or installation of nuclear weapons belonging to other states on a state party's territory.

---

1 Copies of the Open Letter were also sent to HM Queen Elizabeth; Sec.of State for Foreign and Commonwealth Affairs; Secretary for Defence; Attorney General; Lord Advocate, Chief of Naval Staff and First Sea Lord Admiral, all Captains of the Trident Submarines and rear Admirals of FOSNNI and FOSM.

2 On October 24, 2020, the UN Treaty on the Prohibition of Nuclear Weapons reached the required 50 states parties for its entry into force https://www.icanw.org/historic_milestone_un_treaty_on_the_prohibition_of_nuclear_weapons_reaches_50_ratifications_needed_for_entry_into_force

3 Since the 2010 Review Conference of the Parties to the Treaty on the Non- Proliferation of Nuclear Weapons (NPT), the international community has refocused its attention to the humanitarian dimension of and the risks associated with nuclear weapons. This evolution was reflected through cross-regional humanitarian statements in United Nations fora and culminated in the organisation of three Conferences on the Humanitarian Impact of Nuclear Weapons in Oslo (March 2013), Nayarit (February 2014) and Vienna (December 2014).

All of the inhumane weapon prohibition treaties and conventions have an effect on the global understanding and interpretations of international humanitarian law. They have created stigma and they change the global perception of what is acceptable. This norm shift is significant in a world in which even authoritarian states guard their global reputations as they attempt to expand or protect their spheres of influence. There are already signs that the TPNW is following the pattern of other treaties and conventions on other inhumane weapons such as poison gas, chemical weapons and landmines and producing a similar effect.

In a globalised economy physical resources and the capital for investment in production are cross-border factors and the production of nuclear weapon systems and delivery platforms requires enormous sums. A number of significant international investment corporations, being risk adverse, have noted the emergence of the TPNW and have already decided to cease investment in nuclear weapons. This is a significant practical factor for any nuclear-armed state that refuses to accede to the TPNW. The most recent example is the giant Japanese finance company MUFG which now classes nuclear weapons along with other inhumane weapons. The Treaty will also affect nuclear-related transit through territorial airspace or seas. Crucially, the US is fully aware of these impacts which is the only explanation for the negative pressure they have exerted[4], particularly on NATO states, on the basis that the TPNW will hamper the US in maintaining what they call their "extended deterrence" - the nuclear "umbrella".

The current pandemic emergency has surely shown us that change in the way we live together as fragile humans on a fragile planet is both possible and necessary. People can change their behaviour and act for the common good if they understand why it's necessary. It is time to prioritise something more effective than a toxic and absurd commitment to weapons of mass destruction. Why cling to this inhumane and illegal anachronism at a time of budgetary crisis? Why wait for an independent Scotland as a TPNW ratifying state to expel the UK nuclear weapons with no feasible relocation?

It is time for governments to relinquish the expectation that nuclear disarmament will only be delivered at a time of the nuclear-armed states' choosing, because the global effect of their use is now unassailably on the security agenda of every member state in the UN, and to recognise that the TPNW provides the missing legal instrument that can ensure progress instead of stalling on the NPT Article VI[5]. We consider the impact of the TPNW, and the global welcome for it, to be inevitable.

There is an obvious challenge to the UK state and its Ministry of Defence. There is also your own individual part in it all. The Nuremberg Principles make it plain that responsibility to abide by international humanitarian law and refuse an unlawful order rests with the individual – you cannot rely on 'only obeying orders from higher up'. There is the direct corollary - the responsibility to be proactive within one's own sphere in promoting compliance with the law. Our appeal to you is not only on the grounds of law but of our common humanity.

Our overriding demand is for the UK to join the TPNW, and comply with its obligation to encourage all UN member states to do the same. In preparation for this, we ask the UK government to prepare to participate in a first meeting of state parties and take immediate steps to fulfil its objects through ending operational deployment of the submarines and removal of triggers and keys. We ask operational commanders and others in the nuclear weapon chain of command to recognise and respond to the serious criminal nature of threats and preparations to inflict the unspeakable horrors of nuclear conflict on humanity and the world.

In peace. Trident Ploughshares.

Signed by Angie Zelter, David Mackenzie, Janet Fenton and Marc Morgan
on behalf of all members of Trident Ploughshares.
Any responses should be sent to Trident Ploughshares at tp2000@gn.apc.org

---

4 In October 2016, as preparations were in hand to prepare negotiations for the TPNW, the US, in a leaked letter, wrote to all NATO states asking them not to engage with the negotiations on the basis that it would hamper the ability of the US to maintain its "extended deterrence". More recently the US has written to all the states which have signed or ratified the TPNW, urging them to withdraw.

5 Article VI: "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."