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Date: 19 July 2005

Dear [REDACTED]

**YOUR FREEDOM OF INFORMATION REQUEST ABOUT THE UK NUCLEAR
DETERRENT**

I am responding to your Freedom of Information request of 21 June for information about various aspects of the 'independent use and control of Britain's nuclear arsenal'.

In line with the approach I proposed in my e-mail to you of 28 June, I have focused on the specific questions you set out, as your broader request for documentation raises difficult issues, in terms of the amount of research required, the consequent cost (which would rapidly reach the £600 cost limit), and the likely engagement of some exemptions under the Act. As I noted, the information you are seeking is highly classified and we would generally regard information of this kind as coming within the exemptions I have mentioned. As I also noted, no other state with nuclear weapons discloses very much information on such subjects. As a result, it was possible that after expending effort up to the appropriate limit we would find little, if any information in the form of copies of original documents that could be disclosed. I took your response of 30 June to be agreement that I should proceed on that basis.

Turning now to your specific questions:

1. Can I be provided with information which gives me the protocols, rules and regulations under which the British government is able to use its nuclear deterrent?

The detailed procedures for the use of UK nuclear weapons are highly classified and their disclosure would prejudice the effectiveness of the UK's deterrent by giving an adversary an insight into UK decision-making processes, hence damaging UK defence interests. This information is therefore exempt information under section 26 of the Freedom of Information Act. We have considered whether it would be in the public interest nonetheless to disclose the information, but have concluded that it would not, given the substantial prejudice that could flow from disclosure of such information..

However, I can confirm that UK political control is maintained over the UK nuclear deterrent at all times, and that in particular only the Prime Minister can authorise the use of UK nuclear weapons. As the Prime Minister has explained in a Parliamentary Answer

(*Official Report*, 9 March 2004, col 1434w), the use of nuclear weapons would be subject to the application of the general rules of international law, including those regulating the inherent right of self-defence and the conduct of hostilities.

2. Does the government of the United States of America have any involvement in the use of nuclear weapons by the British government?

No. But in the event of the contemplated use of UK nuclear weapons for NATO purposes, procedures exist to allow all NATO Allies, including the US, to express views on what was being proposed. The final decision on whether or not to use nuclear weapons in such circumstances, and if so how, would, however, be made by the nuclear power concerned.

3. Can the government of the USA prevent, veto or forbid the UK to use its own nuclear weapons?

No.

4. Does the British government have to tell the US government if it intends to use nuclear weapons?

No. But the US would be involved in any consultation process at NATO as described in the answer to your second question.

5. If the British government plans to change, modify or alter either its arsenal, or the rules under which the arsenal operates, does the US government need to be informed?

No, but the UK services and maintains the Trident missiles it draws from the commingled US/UK pool of missiles to precisely the same standards as does the US. The UK would not seek to modify any of its Trident missiles so that they were different from others in that commingled pool.

In line with the understanding between Prime Minister Macmillan and President Kennedy which is recorded in the *Statement on Nuclear Defence Systems, December 21, 1962* (published at the time as Cmnd 1915), which led to the US/UK Polaris Sales Agreement of April 1963 (Cmd 2108), the UK nuclear forces delivered by missiles procured from the US under the Agreement (including as modified for Trident) are all assigned to NATO, subject to the right of the UK Government to use them for non-NATO purposes in circumstances of supreme national emergency. The 1962 statement to which I refer says on this point (paragraph 9): 'The Prime Minister made it clear that except where Her Majesty's Government may decide that supreme national interests are at stake, these British forces will be used for the purposes of international defence of the western Alliance in all circumstances.' In July 1980, Mrs Thatcher stated in an exchange of letters with President Carter that 'The successor to the Polaris force will be assigned to the North Atlantic Treaty Organisation, like the Polaris force; and except where the United Kingdom Government may decide that supreme national interests are at stake, the successor force will be used for the purposes of international defence of the Western alliance in all circumstances.' This exchange of letters was published as Cmnd 7979. Likewise, in an exchange of letters in March 1982 dealing with the procurement of the Trident II missile (published as Cmnd 8517), Mrs Thatcher said: 'Like the Polaris force, and consistently with the agreement reached in 1980 on the supply of Trident I missiles, the United Kingdom Trident II force will be assigned to the North Atlantic Treaty Organisation; and except where the United

Kingdom Government may decide that supreme national interests are at stake, this successor force will be used for the purposes of international defence of the Western alliance in all circumstances.’

The declaration of these weapons to NATO does not change the fact that UK nuclear weapons remain under UK national control, and subject to the authority of the Prime Minister, at all times.

6. Does the British government have any control, say, veto or advisory role in the rules under which the USA's nuclear arsenal is governed and operated?

No. But the UK would be involved in any consultation process at NATO as described in the answer to your second question.

I hope that this information is helpful.

I will be arranging for a copy of this letter, with your details and mine redacted, to be placed in the FOI Reading Room on the MoD's website.

If you are dissatisfied with the information I have provided or you wish to complain about any aspect of the handling of this request, then please contact me in the first instance. Should you remain dissatisfied, then you may apply for an internal review by contacting the Director of Information Exploitation, 6th Floor, MOD Main Building, Whitehall, SW1A 2HB.

If you are still unhappy following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.informationcommissioner.gov.uk>. The Information Commissioner can be contacted at:

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