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Master Thesis

**The UK's Nuclear Deterrent and Post-Devolution Scotland:
Legal, Political and Economic Implications**

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List of Abbreviations

- BASICBritish American Security Council
- FCO Foreign and Commonwealth Office
- HMNB Her Majesty’s Navel Base
- ICJ International Court of Justice
- MoDMinistry of Defence
- MP Member of the UK Parliament
- MSP Member of the Scottish Parliament
- NATO North Atlantic Treaty Organisation
- NGO Non-Governmental Organisation
- NPTTreaty on the Non-Proliferation of Nuclear Weapons
- NWS Nuclear-Weapon State
- SCANAScottish Clergy against Nuclear Arms
- SCND Scottish Campaign for Nuclear Disarmament
- SDR Strategic Defence Review
- SNP Scottish National Party
- SSP Scottish Socialist Party
- STUCScottish Trades Union Congress

[...] A seal would lift its head
and a basking-shark its sail,
but today in the sea-sound
a submarine lifts its turret
and its black sleek back
threatening the thing that would make
dross of wood, of meadows and of rocks,[...]

from "Screapadal" (1982) by Sorley MacLean

Introduction

Seventeen years ago the Scottish poet Sorley MacLean commented on the presence of nuclear-armed submarines at the Scottish west coast and their possible destructive power. Today the entire UK nuclear force continues to be based at Her Majesty's Naval Base (HMNB) Clyde at Faslane and the Royal Navy Armament Depot at Coulport, both not far from Glasgow.¹ The stationing of the UK's nuclear deterrent in Scotland presents an affront to many. As an issue of emotive and controversial explosiveness it constantly resurfaces in the Scottish public debate. What has changed, however, is that with the devolution settlement of 1998 and the establishment of a Scottish Parliament Scotland has gained considerable autonomy. The Scotland Act established a new Scottish Parliament and Executive and set out its legislative competencies while maintaining the sovereignty of Westminster (cf. Keating 2005: 20; Lynch 2001: 15). The Scottish National Party (SNP), which has managed to expand its number of Scottish Parliament seats with every election, together with various disarmament groups continuously opposes the basing of nuclear weapons on the Scottish west coast.

Despite the fact that devolution sought to have no implications for the UK's defence strategy and most matters relating to defence and nuclear weapons remain reserved to Westminster or the Ministry of Defence (MoD), the last ten years of devolution have proved the contrary. Due to the fact that the UK's nuclear deterrent is deployed in Scotland, it requires a substantial amount of administrative and operational cooperation between the two governments. This master thesis argues that the situation of the UK's nuclear deterrent needs to be reviewed against the various developments which characterise post-devolution Scotland.

Although less acute, this so-called "Scottish Question" (Chalmers and Walker 2002) arose initially when both Westminster and Holyrood were governed by the Labour party. The topic gained further significance when a vote by the Westminster

¹ See appendix p. 62 for a detailed map of the area. The bases will hereafter be referred to as Faslane and Coulport.

Parliament in March 2007 backing the UK Government plans to renew the Trident nuclear missile system coincided with the election victory of the SNP in Scotland. In an earlier discussion of the issue this had been anticipated as adding to the vulnerability of Trident (cf. Chalmers and Walkers 2001: 66). For this reason this paper will in particular reflect on the current political developments with regard to Trident.

In his essay “Frontline Scotland”, which assesses the Scottish involvement in British military operations, Trevor Royle concludes that “defence cannot be compartmentalised; it intrudes into too many aspects of political life.” (Royle 2002: 141). The same can be applied to the present topic. The deployment of the UK’s nuclear forces in a devolved Scotland not only has far-reaching political, but also legal and economic ramifications and the focus of this paper will therefore extend beyond a mere political perspective. This approach will allow for a comprehensive discussion of the topic and thus convey a better understanding of its complexity.

To begin with, chapter 1 of this paper will give a brief overview on the deployment of the UK’s nuclear weapons in Scotland. The decisions to base them at Faslane and Coulport were taken in the 1960s, a long time before the devolution settlement was reached in 1998. It will explain why relocating the nuclear force may not be as easy as it sounds. Subsequently, chapter 2 will outline the legal perspective by firstly addressing the legality of the possession of nuclear weapons according to international public law. Additionally, this section seeks to explore the extent to which devolution arrangements impacted on the UK’s nuclear deterrent by locating the Scottish Parliament’s powers with regard to nuclear weapons in the Scotland Act. As the Defence Concordat adds to the devolved framework it will also be discussed.

Dealing with the political implications of the topic in chapter 3 will clarify the role of the Scottish Parliament in the debate. It demonstrates that even though the Scottish Parliament has no immediate competence to legislate in the area of nuclear policy, it serves as a forum for discussion on Trident. In 2007 the Scottish Parliament took a very distinctive position on the matter. Although it “recognise[d] that decisions on matters of defence are matters within the responsibility of the UK Government and Parliament”, it dared to “call[s] on the UK Government not to go ahead at this time with the proposal in the White Paper” (Motion S3M-169 lodged by Patrick Harvey MSP on 12 June 2007). How it came to this intrusion of UK nuclear policy shall be discussed in the evaluation of Scottish Parliament and UK Parliament debates. Furthermore the discussion of the political perspective will pay particular

attention to the role of the SNP, a party with a strong centre of opposition towards the basing the nuclear weapons in Scotland. This section will be completed by exploring the role of other contributors to the Scottish political debate on Trident, such as the public, the media and nuclear disarmament campaigns.

Chapter 4 seeks to explore the economic dimension of the presence of the UK's nuclear weapons in Scotland by trying to answer the question whether it really contributed to the Scottish economy in terms of employment. It differs from chapter 2 and 3 inasmuch as it also relates to the situation before devolution. Last but not least chapter 5 approaches the set of complex questions that would emerge with regard to the basing of Trident in the case of Scottish independence. In doing so it addresses the possible legal, political as well as economic ramifications and thus extends the remit of all three previous chapters beyond the post-devolution context.

Within the framework of an internship in the Parliamentary office of Jackie Baillie MSP, I first came across the topic and subsequently discovered that the questions evolving around Trident in relation to post-devolution Scotland comprised a number of different legal, political and economic issues. Numerous academic works have addressed the UK's nuclear deterrent (e.g. Paterson 1997; Stoker 2007; Milne 2003) and frequently these considerations involve a discussion on the viability of nuclear weapons in general (e.g. Holdstock and Barnaby 2003; MccGwire 2006). However, comparatively little research has so far been done on the set of questions arising from its location in Scotland. Similarly the numerous publications on Scottish devolution (e.g. Bogdanor 1998; Lynch 2001; Keating 2005; Cairney and McGarvey 2008) have understandably omitted this issue because it would go beyond the scope of their work. Nevertheless consulting them was helpful for establishing an understanding of the general context.

The most comprehensive and unbiased overview on the subject has been composed by Malcolm Chalmers and William Walker in their publications *Uncharted Waters* (2001) and "The United Kingdom, Nuclear Weapons, and the 'Scottish Question'" (2002). Although throughout this thesis their observations will be referred to, a more up to date perspective will be achieved by including more recent information. Therefore a consultation of primary sources such as legal documents, parliamentary debates and economic reports was vital for developing the argument. Given the currency of the topic the evaluation of press articles was also crucial for complementing the picture. Moreover, the publications of Brian Jamison (2006; 2007; 2008) are concerned with the relationship between Scotland and the

UK's nuclear deterrent but not always in an objective manner. Another factor which sometimes obstructed the research is the natural level of secrecy evolving around the deployment of nuclear weapons. Furthermore the fact that the subject is of course highly politicised sometimes leaves one doubting the objectivity of sources. This is especially true with regard to reports on the economic impact of Trident in chapter 4 and 5.

In the end headlines like "Scotland's Opposition to Trident May Be 'Insurmountable' for Westminster" in *The Herald* on 19 December 2007 (Bruce 2007) and "Whitehall and Scotland in 'Nuclear War'" of *The Scotsman* on 17 October 2008 (Brown 2008) demonstrate the ever present relevance of the topic. By including up to date material and considering the topic from various perspectives this thesis thus seeks to contribute to the discussion on the relationship between the UK's nuclear deterrent and Scotland after devolution and beyond.

1 The UK's Nuclear Deterrent and Scotland: From the Cold War to Post-Devolution

Scotland's involvement with nuclear weapons began long before devolution settlements took place. Before considering the possible implications of devolution on the area of nuclear policy a brief historical overview provides the necessary background information. It is by no means comprehensive but it aims to give a general overview of the scope of Britain's nuclear deterrent and its current state. Subsequently a summary of the basing decisions will explain why the UK's nuclear forces are located in Scotland. Assuming that the political tensions between the rest of the UK and Scotland will rise in the future, it will lastly be explored whether there are any possibilities of relocating Trident.

1.1 The UK's Nuclear Policy: Continuity and Change

Historically, the UK's nuclear policy is shaped by a remarkable continuity despite the international political changes which took place after the Cold War came to an end. Although the justifications for maintaining nuclear weapons and also the scale of the nuclear programme changed over time, to this day today UK Governments have insisted on retaining them.

Britain acquired its first airborne atomic weapon between 1955 and 1958. Apart from serving to safeguard Britain's national survival and protect its strategic interests against Soviet aggression (cf. MccGwire 2006: 771; Paterson 1997: 37), the strategic aim of nuclear-armed states, including Britain, was not to gather military strength to win a war but rather to prevent it (cf. Goldstein 2000: 42). The acquisition of Britain's own nuclear weapons programme was justified by the need to create a 'second centre of decision' independent of the United States (cf. Milne 2003: 18). In this respect the UK's nuclear deterrent also served as a contribution to the defence strategy of the North Atlantic Treaty Organization (NATO), which Britain joined in 1949 (cf. Stoker 2007: 18). All in all, the UK's initial procurement of nuclear weapons has been described as inevitable under the conditions of the time (cf. Milne 2003: 20).

Following improvements in nuclear weaponry, Britain adopted the sea-based delivery system Polaris in 1969, which seemed to best suit Britain's geographical position as an island state (cf. Stoker 2007: 18). Furthermore a submarine delivery system seemed to be the preferred solution, as the UK realised that for economic reasons it was unable to keep its nuclear deterrent on a military power level (Paterson

1997: 55f). Britain signed the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in 1968, which posed a legal commitment to nuclear disarmament (cf. Milne 2003: 12). The subsequent significant reduction of the nuclear arms was, however, rather due to economic constraints (cf. Stoker 2007: 18).

Britain thus focused on a policy of “minimum deterrence” by assembling a small yet sufficient nuclear force (cf. Goldstein 2000: 173). With the end of the Cold War and the crumbling of the Soviet Union in 1989 old power structures disappeared. Although the possession and purpose of nuclear weapons came to be questioned by many, Britain continued to believe in their value, albeit on rather vague terms (cf. Witney 1994: 100; Milne 2003: 17). However, even before the Cold War came to an end, in 1980, the decision of the Thatcher government to replace Polaris with Trident caused a political controversy in the UK (cf. Paterson 1997: 170). Therefore a strong belief in the utility of nuclear deterrence remained and a four boat submarine force entered service between 1994 and 2001 (cf. Stoker 2007: 23ff).

The new system held two major advantages: the technology was more efficient and was identical with the United States’ system, helping to counter financial uncertainties (cf. Witney 1994: 97). This, on the other hand, also meant that Britain became more dependent on the US on an operational level: the missiles were bought from the US and were regularly serviced there (cf. Quinlan 1997: 628).

Currently, Britain relies on just a single nuclear delivery system which constitutes a substantial reduction. Yet the purpose of this minimum deterrent stays rather unspecified and vague after the threat of the Soviet power ceased to exist. One critic argues that “if Britain needed Trident, this had more to do with a combination of historical precedence and political influence than operational necessity” (Paterson 1997: 170). Milne concludes that essentially maintaining the nuclear deterrent is now justified with the need for “insurance against an uncertain future” (Milne 2003: 17)

Altogether, UK Governments from the end of WWII onwards have been in favour of the nuclear weapons programme and opinions have remained conservative despite the increasing difficulties in justifying their possession. Although the Labour Party in opposition had in the past embraced the concept of unilateral disarmament (cf. *ibid*: 19), the 2006 White Paper *The Future of Our Nuclear Deterrent* published by the UK Labour Government highlights the enduring importance of a nuclear deterrent capability “for deterring blackmail and acts of aggression against our vital interests by nuclear-armed opponents.” (UK Government 2006: 7).

The British government's position on the nuclear deterrent therefore remains essentially unchanged to this day and with Parliament support determined to renew the Trident programme. At the same time the 2009 policy publication *Lifting the Nuclear Shadow – Creating Conditions for Abolishing Nuclear Weapons* the UK Foreign and Commonwealth Office (FCO) emphasises the UK's willingness under the NPT "to accelerate disarmament amongst possessor states, to prevent proliferation to new states, and to ultimately achieve a world that is free from nuclear weapons." (Gordon Brown quoted in FCO 2009: 5). However, this paper might just be born out of the necessity to demonstrate a determination to achieve multilateral nuclear disarmament, when on the other hand a Trident renewal is pursued.

Though the overall prospect of the UK decommissioning nuclear weapons seems rather dire (cf. Milne 2003: 17), a challenge to an imminent renewal of Trident is certainly brought forward by the fact that the UK's nuclear force is based in Scotland.

1.2 Scotland as the Home of the UK's Nuclear Force: Geography Matters

1.2.1 The US Base at Holy Loch

Even though few texts about the UK's nuclear deterrent explicitly address its geographic location, the history of the Scottish base is about as old as the history of the UK's nuclear weapons. The first basing of nuclear forces in Scotland dates back to 1961 when the US was in need of a suitable location for basing their Polaris submarines in the UK (cf. Chalmers and Walker 2001: 12). The following requirements were requested: "a sheltered anchorage with access to deep water and situated near a transatlantic airfield and a centre of population in which the US-American service personnel and their families could be absorbed" (cf. *ibid*: 13). Possible locations were examined against these criteria by the UK Admiralty and the UK Atomic Energy Authority. Safety issues were also debated (cf. *ibid*).

Out of this selection process the Holy Loch in the Clyde area in the west of Glasgow emerged as the most advantageous (cf. *ibid*). Nevertheless, the proximity to Glasgow was not seen as favourable by Prime Minister Macmillan, as he suspected that placing a nuclear site there would cause major political difficulties. President Eisenhower, however, could not be persuaded to consider alternatives. Not to endanger the special relationship with the US Macmillan finally agreed under the condition that the US would not launch any nuclear missile without the UK's consent (cf. *ibid*: 15f).

The arrival of the US navy and nuclear weapons in Scotland was met with protest by some anti-nuclear groups but also welcomed by the local business community (cf. McGinty 2007: 10). Residents had, of course, no opportunity to exercise any influence on the decision. Despite the fact that this controversy was ended when a withdrawal of US nuclear weapons was reported in 2008 (cf. Pykett 2008: 10), their deployment at Holy Loch marked the beginning of a persisting relationship between Scotland and nuclear weapons.

1.2.2 Polaris and Trident at Faslane and Coulport

When in 1963 the UK started to consider options for a site to base its new Polaris submarines, Scotland again came to the centre of attention once more. Again, the decision was made according to several criteria, most importantly operational aspects², safety and cost (cf. Chalmers and Walker 2001: 17f). Faslane in the Clyde area was eventually chosen because it offered sufficient shelter and access to deep water (cf. *ibid*: 18). The ability to conceal the base from enemy observation was an especially crucial criterion during the Cold War. Nearby Coulport was at the same time selected for storage of operational equipment. The other locations where the rest of the UK's nuclear-weapons' infrastructure is based, mainly Aldermaston, Barrow, Derby, Devonport, and Northwood, are in England (cf. Stoker 2007: 78). The use of separate sites has become necessary due to historical developments but also physical conditions at each of the locations (cf. *ibid*: 27).

The first Polaris boats entered service in 1968 (cf. Chalmers and Walker 2001: 22). Assuming the US base at Gareloch as well as the HMNB Faslane were sufficient reasons to make Scotland a target for Soviet military planning during the Cold War, one might expect that Scotland or at least the region would have had a say in the decision. This, however, was not the case.

When Polaris was replaced by Trident after 1980, which is still in deployed today, choosing an appropriate location was less complicated. The existing facilities at Faslane and Coulport underwent substantial construction work to match the larger size of the boats and crucial changes in nuclear safety standards (cf. *ibid*: 23f). Faslane continues to serve as the submarine port, while the missiles and warheads are stored in Coulport. Whereas the Polaris missiles were also serviced at Coulport, Trident missiles are now serviced in the US to reduce costs (cf. Stoker 2007: 28).

² This included safe navigation and berthing, and secure approaches (cf. Chalmers and Walker 2001: 17f).

Relocating the nuclear deterrent was not considered an option, despite the fact that in the 1970s Scottish devolution was a much debated issue (cf. Chalmers and Walker: 23). One possible reason for leaving the nuclear force where it was is of course financial considerations as developing alternative sites would have been considerably more expensive.

Although “the most powerful submarine weapons platform in the world was to be based in the west of Scotland with noticeable apprehension” (Jamison 2006: 20), Scottish people had no possibility to effectively oppose the decision. The view of local authorities did not have to be considered by the UK authorities and the outcome of a subsequent public inquiry could simply be ignored by the Secretary of State for Scotland (cf. Spaven 1983: 43). Consequently, Scotland had no means to participate in the decision process even though basing Polaris and later Trident in the Clyde area of course brought significant changes to the region.

Not only did the construction of the bases significantly alter the area’s natural environment, it also created health and safety risks for the local residents, e.g. by accidental radiological contamination (cf. Holdstock and Barnaby 2003: 8). Jamison furthermore observes that although the bases created employment in an economically vulnerable part of Scotland, it also increased the danger of a possible terrorist attack with an unforeseeable outcome (cf. Jamison 2006: 22ff).

In any case, obviously very little thought was given to the possible legal and political implications that basing nuclear forces in Scotland would have in the future. However, geopolitical aspects will probably play a vital role in any further decisions. As the next section will show, at least for the time being the UK Government appears to be determined to maintain its nuclear deterrence.

1.3 Current Capabilities and Trident Renewal

The Strategic Defence Review 1998 (SDR) published by the MoD sets out Britain’s current defence policy and its capabilities. According to the review, Trident, the UK’s continuous at sea-deterrent, now operates under a reduced state of alert (cf. MoD 1998: para 66) but is still maintained “to deter any threat to [the UK’s] vital interests” (ibid: para 61). At the moment each of the four submarines can carry up to sixteen Trident D5 missiles. 44 of these are available to Britain at the moment. Furthermore the number of warheads is to be reduced from 200 to 160 (cf. Stoker 2007: 26). All in all, the UK nuclear force has been reduced since the end of the Cold

War by more than 70% (MoD 1998: para 64), in part also to fulfil international obligations under the NPT.

Since the submarine class will be unable to be kept in service after 2020 (UK Government 2006: 6), decisions about a possible replacement are due within the next four to six years. In the 2006 White Paper *The Future of Our Nuclear Deterrent* the UK Government under Tony Blair announced its plans to prolong the Trident system for at least another 50 years (cf. Hammick and Scott 2008: 24). As already outlined in the SDR, maintaining an independent nuclear deterrent is justified as being the ultimate protection of national security and the UK's vital interest (cf. UK Government 2006: 6). It is supposed to safeguard the UK against future insecurities, which could emanate from a nuclear North Korea, Iran or states which might sponsor nuclear activities of non-state actors (cf. *ibid*: 5).

The intention described in this White Paper to maintain the UK's nuclear deterrent was backed by a controversial parliamentary vote in March 2007, where the majority of MPs supported a future renewal (cf. "Scots Labour MPs Rebel on Trident" 2007).³ Although this does not yet mean that the outlined government policy will eventually be put into practice early concept work has already been initiated on the design of the new ballistic missile submarines, and the involved industries as well as the MoD seemed to have welcomed this (cf. Hammick and Scott 2008: 25f). On the other hand the decision provoked a considerable amount of negative response from Scotland as chapter 3 of this thesis will further explore.

Although the White Paper is remarkably concrete and transparent about the nature and scope of the replacement with regards to the three components of the operational deterrent – submarines, warheads and missiles – it completely neglects to address the location of the supporting infrastructure. At no point does it reflect on the implications of what Chalmers and Walker termed the "Scottish Question" (Chalmers and Walker 2002). The question is whether the final, also called "main gate" decision (cf. Hammick and Scott: 27), can this time be made without political opposition from Scotland.

Through the devolution settlement of 1998 Scotland was equipped with its own devolved administration and gained considerable political powers (cf. Bogdanor 1999: 288). Although it was not intended that this would have implications for the UK's defence and nuclear policy, it seems highly unlikely that future plans for the

³ The vote was backed by 409 to 161 votes (cf. "Scots Labour MPs" 2007).

nuclear deterrent are possible without involving Scottish authorities in the decision making process.

As disarmament appears to be an improbable option in the near future the UK Government and also this paper could stop here and simply evade this difficulty by settling on the re-location of Trident. Before considering in the next chapter the complexities that arise on a legal level, it will firstly be discussed why this is not as easy as it appears. Since the UK Government appears to be determined to retain its nuclear deterrent in the future, why not solve the existing difficulties and simply place Trident somewhere else? In fact, Trident's opponents have continuously demanded a closure and relocation of the base (Royle 2002: 140). Chalmers and Walker have devoted an entire chapter to finding a possible answer to the relocation option. In their opinion the drawbacks of this seemingly easy solution are of course numerous and their arguments for arriving at this conclusion appear plausible. To begin with, the requirements for a suitable site would probably not have changed significantly over the years. However time, cost, the political climate and a more demanding regulatory framework could substantially challenge a smooth relocation, if not thwart it altogether (cf. Chalmers and Walker 2001: 100ff).

First of all, timing issues could become a problem. The construction work to build the facilities at Faslane and Coulport lasted for five years, while it took another nine years to refurbish them for the more advanced Trident system (cf. *ibid*: 100). Secondly, an alternative location would need to be found. In this respect the Naval Base in Devonport in the south-west of England and Milford Haven Sound in south-west Wales are discussed. Whereas Devonport would be difficult in terms of space, the latter option should also be viewed with sufficient scepticism considering the devolved Welsh government creating a situation similar to that in Scotland (cf. Chalmers and Walker 2002: 5). Apart from timing and location issues the cost of undertaking such a project would of course be enormous and thus be difficult to justify to the public.⁴ Keeping in mind that the costs for building HMNB Clyde amounted to £1.9 billion at the time (Royle 2002: 140) a re-location would require considerable financial efforts.

Withdrawing the nuclear force from Scotland and establishing a new site at a different area in the UK would therefore be extremely difficult (cf. Chalmers and Walker 2002: 4f) and consequently highly unlikely. Avoiding the problems in this

⁴ This might be particularly true at times of an economic recession.

manner offers no easy solution and future British governments would probably have to consider different options, should the “Scottish Question” ever impose an urgent need for action.

2 The Legal Perspective

Although Trident is usually perceived as a political issue, there are important legal matters to consider (cf. Lord Murray quoted in Morgan 2007). First of all, the discussion brought forward on the legality of nuclear weapons will be examined as this is an argument often raised in the discourse on Trident, in Scotland and the rest of the UK alike. Secondly, a closer examination of the Scotland Act helps to clarify the legal matters which evolve around Trident, although it is important to keep in mind that the political reality in this respect is often significantly different from the legal theory (cf. Chalmers and Walker 2001: 50). Nevertheless, by considering the legal situation one is able to approach the subject from a rights-based perspective. In this context, discussing the nature of *The Concordat between the Scottish Ministers and the Secretary of State for Defence*, although not legally enforceable, will add to an understanding of the domestic legal perspective on nuclear weapons. This chapter will establish the legal context before subsequently the political difficulties, which arise around Trident in the devolution arrangement, are examined.

2.1 The Legality of Trident under International Law

The Scottish opposition to Trident in and outside the Holyrood Parliament frequently argues that the possession and use of nuclear weapons is unlawful under international law and these weapons therefore need be decommissioned (cf. Chris Ballance MSP in the Scottish Parliament Official Report 4 May 2006: col 25218; Morgan 2007). Although the UK Government reaffirmed in its 2006 White Paper that “renewing our minimum nuclear deterrent capability is fully consistent with all our international obligations” (UK Government 2006: 7), the legality of the possession and use of nuclear weapons under international law has been more controversial than this statement might suggest. Basing their reference on the Advisory Opinion by the International Court of Justice (ICJ) (cf. *Legality of the Use by a State of Nuclear Weapons in Armed Conflict*, Advisory Opinion 1996: 226ff), the Scottish High Court of Justiciary furthermore declared in their headnotes “(11) that the continuing deployment of nuclear weapons as a deterrent in times of peace did not constitute a threat in international law” (Lord Advocate’s Reference No. 1 of 2000 2001 SC (JC) 143). In fact, in this legal dispute arguments for either side can be found.

To begin with, Article 38 1 of the *Statute of the International Court of Justice* cites various sources of international law, most importantly in the present context international treaties and international custom (cf. Statute of the International Court of Justice 1945: art 38 1a/b). Additionally judicial decisions like the advisory opinion mentioned above can be applied “as subsidiary means for the determination of the rules of law.” (cf. *ibid*: art 38 1d). Although they are not legally binding, they may influence states. One treaty specifically refers to nuclear weapons. The NPT, joined by the UK in 1968, prohibits the proliferation of nuclear weapons and commits all signing parties to a disarmament of these weapons. Other relevant sources with regard to the possession, use or threat of use of nuclear weapons by a state are the UN Charter, treaties and customary international law forming international humanitarian law, which addresses the conduct of states in armed conflicts (cf. Cryer 2008: 614).

It is helpful to understand in what way international law forms part of UK municipal law⁵. Whereas the UK Parliament needs to pass legislation to give effect to international treaties, international customary law is automatically incorporated into the common law of England and Wales, Scotland and of Northern Ireland (cf. O’Keefe 2008: 618f). Nevertheless the doctrine of parliamentary supremacy remains intact and an unambiguous Act of Parliament may bypass international treaty or customary law, even if this led to a breach of international obligations by the UK (cf. *ibid*: 619). Assuming that the possession of nuclear weapons would become illegal under international law this would not necessarily mean that it was illegal under UK law (cf. Wallace 1999: 2) but this breach of international law would of course affect the UK’s reputation and could not be upheld for long.

Under article I of the NPT the UK is recognised as a nuclear-weapon state (NWS) (cf. NPT 1968: art I). Article VI commits all parties to the treaty to “pursue negotiations in good faith on effective measures relations to cessation of the nuclear arms race at an early date and to nuclear disarmament [...]” (*ibid*: art VI). While it is argued that this does not demand a unilateral disarmament by the UK and therefore justifies a renewal (cf. Stoker 2007: 36), legal advice given to the NGO Peacerrights, who was involved in discussions on Trident within the Select Committee on Defence, holds that the implementation of the NPT requires “positive action” (Select Committee on Defence 2006: para 60). In its Advisory Opinion the ICJ further

⁵ Including English law, Scots law and the law of Northern Ireland.

emphasises this obligation for positive action by all parties to the NPT (cf. *Legality of the Use by a State of Nuclear Weapons in Armed Conflict*, Advisory Opinion 1996: para 103).

In summary this would lead to the conclusion that the UK's renewal of Trident poses a material breach of the treaty (cf. Select Committee on Defence 2006: para 80) and is therefore illegal. Haines, however, is together with the UK Government of the opinion that as Britain is explicitly endorsed as a NWS by the NPT it is permitted to possess nuclear weapons and sufficient efforts have been undertaken to reduce the UK's nuclear arms arsenal (cf. Haines 2006: 50/56)

Additionally the legality of deploying Trident can be questioned under the requirements of *jus ad bellum* and *jus in bello*. Article 2 IV of the UN Charter prohibits "the threat or use of force against the territorial integrity or political independence of any State" (Charter: art 2 IV). Even though article 51 of the UN-Charter allows for the use or threat of force for self-defence, the indiscriminate nature of nuclear weapons fails to distinguish between civilians and combatants and thus violates a crucial principle of international humanitarian law at times of armed conflict (cf. Grief 2006: 41). A similar answer was brought forward by the judges in the ICJ Advisory Opinion despite their general hesitation to offer a conclusive statement as to the legality of the use of nuclear weapons (cf. *Legality of the Use by a State of Nuclear Weapons in Armed Conflict*, Advisory Opinion 1996: para 95). The only situation in which their use by state was viewed as legal by the ICJ was as a weapon of last resort to avoid annihilation (cf. *ibid*: para 97).

When three anti-nuclear activists were charged with the malicious damage to a naval craft and its equipment, which was used to conduct research on Trident submarines at Coulport, the ICJ's Advisory Opinion was considered by the Scottish legal jurisdiction. In a trial on indictment before a sheriff and jury the accused pleaded that the alleged illegality of nuclear weapons in international law justified their criminal action and they were consequently acquitted on this basis⁶ (cf. Lord Advocate's Reference No. 1 of 2000, 2001 SC (JC) 143, para 1ff). As this was a jury trial no appeal was possible but the Lord Advocate seized the opportunity to refer the legal question to the High Court of Justiciary. The High Court rejected the previous ruling on various grounds and in consideration of the legally non-binding Advisory Opinion concluded that nuclear weapons are not illegal per se but it all depends on

⁶ The trial itself is unreported.

the circumstances (cf. Lord Advocate's Reference No. 1 of 2000, 2001 SC (JC) 143, para 86). Moxley discovers several flaws in this reasoning because the court fails to reflect the indiscriminate effect of Trident and he argues that a de-targeting, thus not threatening deployment of the weapon is impossible (cf. Moxley 2001: 337). He essentially criticises that "the Scots High Court [...], purporting to apply the ICJ decision, emasculates it" (ibid). However, from a legal perspective the Scots High Court cannot be accused of weakening the position of the ICJ. The ICJ's opinion offered no definite conclusion "whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake." (cf. *Legality of the Use by a State of Nuclear Weapons in Armed Conflict*, Advisory Opinion 1996: para 105 2E). Analysing the considerations of the ICJ the High Court declares in line with existing international law that any breach of international law by the threat or use of nuclear "will depend on the circumstances" (Lord Advocate's Reference No. 1 of 2000, 2001 SC (JC) 143, para 93). Their possession by a state can thus not be labelled illegal per se.

All in all, although the legality of the possession thus Trident is disputed in international law to this day no legal source explicitly prohibits the use of a nuclear deterrent. Even though doubts have been expressed as to the legality of nuclear weapons under international law, renewing Trident is consistent with the international obligations of the UK Government. Even under the NPT there seems to be no obligation for the UK to disarm unilaterally (cf. Stoker 2007: 38). Consequently a decommissioning of Trident could be evoked on the grounds of international law. Thus the decision to renew Trident was based more on political than legal concerns as the witnesses to the Select Committee on Defence in the House of Commons accepted (cf. Select Committee on Defence 2007: para 115f). However, the new FCO policy paper *Lifting the Nuclear Shadow – Creating Conditions for Abolishing Nuclear Weapons* outlines measures for nuclear disarmament (cf. FCO 2009). Together with the 2010 NPT review conference it might give a fresh impulse to the commitment towards international nuclear disarmament.

After having discussed the international legal framework, the focus shall return to the national level where devolution has shifted legal responsibilities between Scotland and the UK. To what extent did this change affect the policing of Trident?

2.2 The Effects of Devolution on Trident

2.2.1 The Scotland Act and Defence as a Reserved Power

“Scottish devolution was meant to have no implications for the defence of England or Scotland. Think again.” demands an Economist article dated February 1999 (“Scotland. On the Defensive” 1999: 59). It had already anticipated in advance that devolution would also inevitably affect the UK’s defence policy. The creation of a new Scottish Parliament and Executive by the Scotland Act 1998 coincided with Trident becoming the UK’s only nuclear deterrent after the last WE 177 bombs were scrapped (cf. Stoker 2007: 78). Through the devolution settlement Scotland became substantially more autonomous. Executive competencies and legislative authority were transferred from Westminster to the Scottish Executive and the Scottish Parliament. Although the Scotland Act lists defence as a reserved matter (Scotland Act 1998: Schedule 5, part I, section 9), the topic has emerged as highly controversial from the beginning.

To begin with, the Scotland Act distinguishes between devolved and reserved powers. Whereas the Scottish Parliament receives full legislative competence in some areas, the UK Parliament reserves the right to legislate in the latter. Generally it is crucial not to forget that the UK Parliament even under the Scotland Act always remains sovereign and in theory it has the formal competence to amend or repeal it (cf. Himsworth and O’Neill 2003: 164). Additionally to this retention of legislative power, the UK Government is also authorised to repeal or amend the reserved matters by an Order in Council (cf. Scotland Act 1998: part I, section 30). This provision may be used to decide on legislative areas where the boundary of a reserved matter is not sufficiently clear (cf. Page et al. 1999: 54).

The Scotland Act as such specifies the legislative competencies reserved for Westminster rather than listing those which the Scottish Parliament controls and thus negatively defines the devolved matters. Defence as one of the “classic state functions” (Keating 2005: 20) is retained by Westminster. The Defence Concordat further specifies that this reservation is necessary “to provide for a strong integral defence policy and seamless and effective defence capability for the UK as a whole,…” (Concordat 1999: para 6). After all, considering the exceptional nature of nuclear weapons it seems only comprehensible that their control is reserved to UK institutions.

The following reservations most notably impact on nuclear weapons and are mentioned as such in Schedule 5 of the Scotland Act:

- Defence of the realm (cf. Scotland Act 1998: Schedule 5, part I, para 9)
- National security (ibid: part II, section B8)
- Control of nuclear weapons (ibid: part II, section L3)

Accordingly the transport of radioactive material (ibid: part II, section E5) remains for example also reserved.

The comprehensive scope of Schedule 5 part I para 9 encompasses all matters related to the equipment, resources and deployment of the armed forces, defence policy, strategy and intelligence (cf. Page et al. 1999: 66). These reservations allow no or only very limited exceptions. Defence is placed in the same category as foreign policy and national security, which are also reserved to central legislation. The reasons for this appear to be twofold: first of all, these policy areas are at the core of every statehood. Secondly, keeping them reserved reduces complications on an administrative level (cf. Lynch 2001: 17). Many commentators regard a general reservation for defence as unproblematic (cf. Himsworth and O’Neill 2003: 171) and devolving this area indeed would not make sense as the UK needs to have a unitary policy on it in order to keep it effective. The fact that even post-devolution Scotland is “no nation-state”, i.e. there is no correspondence between the geographic territory and the UK state, (Cairney and McGarvey 2008) further explains why defence stays a reserved matter.

The reservations on defence, national security, nuclear weapons and the transport of radioactive material as laid out in the Scotland Act are thus comprehensive and therefore also encompass all legislation related to basing Trident in Scotland. In this respect nothing has changed with devolution and all decisions concerning Trident remain with the UK Parliament and Government. Furthermore, foreign policy, national security and also defence would probably be among the last areas to be devolved as “even in federal systems they are reserved to the centre” (Keating 2005: 20). The restraint of the Scottish Parliament not to legislate on matters of defence does, however, not put limits on what can be discussed in the Parliamentary sessions (cf. Himsworth and O’Neill 2003: 165). In this respect, Cairney even detects an influence of UK foreign policy by the Scottish Executive through informal channels (Cairney 2006: 435).

All in all, the system of the Scotland Act does formally not allow for the Scottish Parliament to decide on legislation concerning defence or more specifically Trident.

On the other hand the operation of nuclear bases in Scotland requires of course the cooperation of local authorities and the MoD which is the responsible UK institution for all defence matters. Thus, formally the division between reserved and devolved areas seems clear-cut but in practice they are not (cf. *ibid*: 430) and boundaries are often blurred. This is especially true for defence matters as they also touch environmental, transport and planning issues; areas in which the Scottish Parliament enjoys a considerable autonomy.

An overview supplied by the Scottish Government Legal Directorate supplied to the Working Group *Scotland Without Nuclear Weapons* established under the SNP Government⁷ provides information on the current licensing and regulatory framework in HMNB Clyde and environmental, planning and transport issues in relation to the stationing of nuclear weapons are discussed (cf. Scottish Government Legal Directorate 2008: para 7). Although most legislative competences in the field of environmental policy have been devolved to the Scottish Parliament, Westminster remains responsible for nuclear safety issues (cf. *ibid*: para 11). Nevertheless a potential relevance for the regulations concerning HMNB Clyde is recognised (cf. *ibid*: para 15) although it is not further specified how this could possibly aid the group's remit to rid Scotland of nuclear weapons. Transport and planning issues are presented as further points of application (cf. *ibid*: para 21) but the reasoning appears relatively weak if one considers the general reservations attached to nuclear weapons in the Scotland Act.

Nevertheless it is obvious that defence matters, and with it nuclear weapons, are affected by devolution arrangements. In order to avoid intergovernmental disputes created as a by-product of the devolution process creates concordats set out ground rules for difficult areas such as defence.

2.2.2 Operating Within a Devolved Framework: 'The Concordat between the Scottish Ministers and the Secretary of State for Defence'

Before examining *The Concordat between the Scottish Ministers and the Secretary of State for Defence* in more detail it is useful to know a bit more about concordats as a mechanism to facilitate the intergovernmental cooperation between the UK and Scotland (cf. Keating 2005: 23f). A strict separation of powers as provided in the Scotland Act 1998 therefore lacks practicality and grey areas become inevitable.

⁷ The remit of the SNP Working Group will be discussed in greater detail in chapter 4.

The formalities of the Scotland Act 1998 do not offer sufficient solutions for the practicability of intergovernmental relations. Based on the Memorandum of Understanding⁸ a number of concordats were therefore published between October and November 1999 to set out rules for mutual relations (cf. Lynch 2001: 148). According to Scotland's first First Minister Donald Dewar concordats "as non-statutory agreements [...] ensure that the business of government in Scotland and at the UK level is conducted smoothly" (Dewar quoted in Lynch 2001: 150). They were agreed between the Scottish Executive and the UK Government without any involvement of either of the two Parliaments (cf. Lynch 2001: 151). At the time the drafting process was facilitated by the fact that both governments were led by Labour (cf. *ibid.*). Intergovernmental relations are in practice thus almost entirely left to the efforts of the executives (cf. Cairney 2006: 432). In the past they were therefore often criticised as being opaque as their content was not discussed publicly (cf. Lynch 2001: 150).

Most importantly, however, concordats are not legally binding, entirely informal and their major aim is to prevent awkward surprises on either side of the border (cf. Cairney and McGarvey 2008: 164). From a formal legal perspective they might appear rather weak but their practical importance and value should not be underestimated. Despite the fact that they do not allow for decisions (cf. Lynch 2001: 154), concordats foster a policy discussion and therefore develop a strong political appeal. As a result they also impact on reserved areas. To what extent this is true for the concordat relating to defence will be the subject of the next section.

From the early days of devolution defence was recognised as an area with sensitive overlaps. Chalmers and Walker establish that in "reality [...] the UK nuclear force cannot now be operated without the cooperation of a wide range of public authorities in Scotland, including the Scottish Executive and Parliament." (Chalmers and Walker 2001: 55). This fact is mirrored in the 1999 *Concordat between the Scottish Ministers and the Secretary of State for Defence*. The aims of this concordat are outlined as addressing the interests of both parties, the UK and Scotland. First of all, it wants to ensure an "unimpeded conduct of defence of the UK". Secondly, it recognises the "interests, rights and responsibilities of Scottish Ministers" as far as "UK defence policy and activities [are] likely to have an impact in Scotland."

⁸ The Memorandum of Understanding sets out the principles for the relations between the UK Government and the devolved administrations in Northern Ireland, Scotland and Wales. It is not a legally binding agreement (cf. Memorandum of Understanding 1999: para 1f)

(Concordat 1999: para 3). The situation is, however, somewhat complicated by the fact that the MoD, the Secretary of State for Defence and the Armed Forces enjoy a considerable number of exemptions, privileges and powers, which need to be observed and taken into account by the Scottish as well as the UK Parliament (ibid: para 7f).

The concordat envisages that Scottish Ministers inform the Secretary of State for Defence of all relevant future legislation, executive functions they want to perform and policy developments and vice versa (cf. ibid: para 10ff). These consultation arrangements extend to all areas mentioned in Section 2 of the Annex, in the respect of nuclear weapons infrastructure most notably a cooperation is set out in the fields of radioactivity, explosives and other dangerous materials (use, storage, carriage, disposal); nuclear accident response, re-organisation of defence establishments; environmental issues; land-use planning; building control and safety (cf. ibid: Annex, Section 2). An agreement on regular contact and meetings for the exchange of information, e.g. policy paper, (cf. ibid: para 16f) seeks to avoid disputes before they arise. If, nevertheless disputes arise they are to be resolved in a Joint Ministerial Committee and “neither party will proceed with the action in dispute if it is reasonable for such action to be delayed until a solution is found.” (ibid: para 22f).

None of the assertions mentioned above are of course legally enforceable and they establish no authorisation for the Scottish Executive to have a say in the UK’s nuclear policy. Despite it being based in Scotland all matters relating to the UK’s nuclear force Trident thus remain reserved and the concordat changes very little about this. The publication of the 2006 White Paper *The Future of Our Nuclear Deterrent* by the UK Secretary of State for Defence and the Secretary of State for Foreign and Commonwealth demonstrated in fact, just how easily the agreement on a mutual cooperation in defence matters is ignored. Within the length of 40 pages no mention is made of the consequences this might have for Scotland. The locations of the nuclear force in Faslane and Coulport are not once considered in their specific ‘Scottish context’. There is substantial evidence that the intergovernmental relations exhibit a UK dominance over Scottish interests with regard to nuclear weapons policy.

From a legal perspective an exception to this rule is the regulation of radioactive emissions from nuclear sites which underlie the Scottish Environment Protection Agency (cf. Chalmers and Walker 2001: 57). In order to make this happen the MoD has to waive its autonomy to some degree as a result of a devolved regulatory

responsibility (cf. *ibid*: 58). Regardless of this minor legislative concession formally no legislative competence in the field of nuclear policy is granted to either the Scottish Parliament or the Scottish Executive.

These legal limits have not kept the Scottish Parliament from engaging in lively debates on the basing of Trident in the west of Scotland. From a political perspective however, “devolution places a powerful weapon in the hands of the Scots.” (Bogdanor 1999: 287). Informal means of working relations between the UK and Scotland might have worked well while both were governed by the Labour Party but the concordat’s ability to serve as a conflict solving mechanism could be strongly tested due to the change of government following the 2007 Scottish elections. Now the Scottish Government under the SNP strongly opposes the deployment of nuclear weapons in Scotland. Shortly after being voted into office, the SNP assured that it would “use every power available to stop the nuclear warheads being based north of the Border.” (Gray 2007). Even though prolonging the nuclear deterrent programme might thus not encounter any legal barriers it could turn out to be politically challenging as the next chapter will examine. Is it possible to ignore Scotland’s interest in any future decisions about Trident?

3 Nuclear Weapons and Scottish Politics after Devolution

The fact that foreign and security policy are reserved matters appears to be rather unproblematic (cf. Chalmers and Walker 2002: 6) and these issues are therefore almost absent from Scottish political discourse. Political differences between Holyrood and Westminster, however, are more pronounced in the area of nuclear policy. Devolution impacted on the implementation of UK nuclear policy in two major ways. First of all, the deployment of Trident in Scotland requires the cooperation of Scottish authorities in devolved areas, such as land-use planning, policing and environmental protection (cf. *ibid*: 5). Secondly, although these legislative responsibilities do not endow the Scottish Parliament or Executive to scrap Trident, the creation of the Scottish Parliament opened up a new forum for debate on nuclear weapons.

Even before devolution Scottish MPs in Westminster could also exercise influence in the formulation of nuclear policy. Yet Chalmers and Walker recognise that in a political and psychological sense the Scottish Parliament is ascribed a much more important position for protecting Scottish interests than the Scotland Act envisages (cf. *ibid*: 6). Harvie even suggests that the Trident issue is powerful enough to be used by Scotland to blackmail Westminster (cf. Harvie 1998: 255). The fact is that it is a controversial issue which causes substantial political turmoil. The next section will outline the different parties' positions in Scotland and analyse the relationship of Holyrood and Westminster on the issue before exploring the influence of public opinion, disarmament campaigns and the media.

3.1 Trident and Multi-Level Governance: Westminster vs Holyrood.

3.1.1 Trident and the UK Parliament: Scottish MPs without Power?

As defence is a reserved matter all policy decisions regarding Trident are taken in London. It is the responsibility of the UK Parliament and not the Scottish Parliament to scrutinise the policy formation of the UK Government and the MoD. The Westminster Parliament is elected to represent the interests of people all across the Union. However, from a Scottish perspective the UK Parliament "often seem[s] like a distant place" (Chalmers and Walker 2001: 63). This impression has been intensified since the number of MPs representing Scottish constituencies has now been reduced to 59 and a general decline in the preoccupation with Scottish Affairs in the UK Parliament has been taking place since devolution (cf. *ibid*).

In terms of party membership, the section of Scottish MPs currently splits into 39 Labour Party seats, 12 Liberal Democrats seats, seven SNP seats, one Conservative Party seat and one speaker (cf. House of Commons Information Office 2009). The Green Party, which is a very strong advocate of nuclear disarmament in the Holyrood Parliament, is not represented. Another interesting fact is that some Scottish MPs are at the same time MSPs, probably the prominent example of this being the Scottish First Minister Alex Salmond.

Most recently the House of Commons 2007 vote on the UK Government's White Paper on Trident renewal can be seen as an example of Scottish interests being touched in the area of a reserved matter. Although the White Paper considerably deals with Scottish interests, the location is nowhere discussed as problematic. Preceding the debate the Prime Minister was asked by an SNP MP if "he will respect the Scottish Parliament when it votes against the stationing of nuclear weapons in Scotland" (Angus Robinson MP in the UK Parliament Hansard 4 December 2006: col 32). The evasive answer was: "I always respect the Scottish Parliament because it is part of the devolution settlement within the United Kingdom." This exchange depicts that although the UK's nuclear force is stationed in Scotland, the reserved nature of nuclear policy does not require the UK Parliament to go anywhere beyond respect for any decisions made on the stationing by the Scottish Parliament. Scottish MPs should be conscious of this but nevertheless such questions might help to remind the Parliament of their responsibility towards Scotland.

The controversial debate on the White Paper took place with a disproportionately high number of speeches by Scottish MPs across all Parties. Although not all of them explicitly addressed the geographical location of Trident, one crucial argument which was brought up by a member of the Labour Party as well as by a member of the SNP was that the majority of Scottish people oppose the basing of nuclear weapons in Scotland (cf. Alex Salmond MP in the UK Parliament Hansard 14 March 2007: col 350; Katy Clark *ibid*: col 391).

As a result of the strong consensus on opposing a Trident replacement among the majority of Scottish MPs, fifteen Scottish Labour MPs rebelled against the Labour government and all SNP and Liberal Democrats MPs voted against the White Paper (cf. "Scots Labour MPs Rebel on Trident" 2007). This was depicted as a major defeat of the Labour government because the renewal was only backed with the help of Conservative MPs (cf. *ibid*). The vote took place a few weeks before the Holyrood elections. The loss of seats for Scottish Labour and the success of the SNP

respectively in these elections might also be a result of unpopular decisions of the UK Labour Government such as this one. Trident was certainly an issue in the run-up to the elections even though it lies within the field of reserved responsibilities (cf. “Upheaval in the North” 2007).

Scottish interests were voiced by Scottish MPs at the Westminster Trident debate but without the backing of other MPs, they could not sway the vote. Nonetheless by raising their voice Scottish MPs can ensure that their perspective on Trident remains on the agenda and is discussed in the UK Parliament. Furthermore it enables them to deliver this view to the public. By means of a Select Committee they are given another tool to hold the MoD and the UK Government accountable for their actions, which has already been made use of in the past (cf. Chalmers and Walker 2001: 63). Yet the Scottish MPs are denied a real level of influence with regard to nuclear weapons despite the fact that they are based in Scotland.

The discussion on the UK Government’s White Paper also demonstrates that better solutions for the multilevel governance relationship between London and Edinburgh in such grey areas as nuclear policy still need to be found. If special Scottish concerns on reserved matters such as Trident fail to be represented satisfactorily through the UK Parliament, they may increasingly become a topic of debate in the Scottish Parliament even though they lie outside its responsibility. To what extent this is already the case will be demonstrated in the next section.

3.1.2 Trident in the Scottish Parliament: A Debate without Effects?

The new political developments in Scotland took place under the New Labour Government of Tony Blair. Devolution for Scotland was therefore brought about by the same government which also re-examined Britain’s nuclear capabilities in the 1998 SDR and unequivocally decided on the retention of Trident (cf. MoD 1998: para 60ff). Although it agreed on significant reductions in the size of the nuclear force and operational posture to meet obligations under the Treaty on Non-Proliferation, and committed itself to the goal of multilateral disarmament (cf. Chalmers 1999: 61ff), for Scotland it meant that nuclear weapons would continue to be based in Faslane and Coulport in the future. However, unlike when the nuclear force was first stationed there, Scotland was now furnished with a democratic forum, where such issues could be discussed albeit not decided on.

Despite the possibility of debating Trident in the Scottish Parliament, in the first few years the subject was hardly ever touched. This was probably due to the fact that

the Scottish Labour Party did not want to interfere with the policy of the Labour Government in London in such a sensitive political area (cf. Chalmers and Walker 2002: 7). Although the issue was never fully debated until 2002, questions over possible environmental and public safety risks were first raised by Labour as well as SNP MSPs in 1999 in relation to expected computer problems at the turn of the millennium, which might also affect Trident (cf. Written Question S1W-2228 lodged by Cathy Jamieson MSP on 28 October 1999; Written Question S1W-2326 lodged by Sandra White MSP on 3 November 1999). In relation to this safety concern parties were still predominately consensual and there was no notion of questioning the stationing of nuclear weapons in Scotland altogether. In subsequent years when the debate became more pronounced the different party positions and interests emerged as being more controversial.

The Scottish Parliament first became involved when the activities of anti-nuclear campaigns put the topic back on the top of the agenda in January 2002. Back then, a majority of Labour, Liberal Democrat and Conservative MSPs managed to outvote a motion which opposed nuclear weapons in every aspect. Tommy Sheridan of the Scottish Socialist Party (SSP) wanted the Scottish Parliament to

believe[s] that nuclear weapons pose a very real threat to humanity and accordingly should be opposed on moral, social, political and economic grounds; oppose[s] the possession of nuclear weapons; support[s] unilateral disarmament in Scotland and across the UK in pursuit of a non-nuclear world, free of the threat of destruction by nuclear weapons
(Motion S1M-02633 lodged by Tommy Sheridan MSP on 22 January 2002).

His position was only backed by the one member of the Scottish Greens and the SNP (cf. Scottish Parliament Official Report 24 January 2002: col 5819ff). The motion went clearly beyond general safety concerns and posed an outright opposition to Westminster nuclear policy.

In the years to come the implicit agreement between Holyrood and Westminster not to engage in a debate on Trident was further challenged by two major developments: firstly, by the announcement of the UK Government's plans to replace Trident; secondly, by the SNP emerging as the largest party in the 2007 Scottish Parliament election. When the plans for a Trident renewal were brought forward in 2005 the reactions in the Scottish Parliament to New Labour's nuclear policy were manifold. While being conscious that it was debating a matter of reserved responsibility, it was not put off addressing Trident and its bases in Coulport and Faslane in its sessions from 2005 to 2007. The represented lines of argument vary across parties.

In all examined debates on Trident the SNP, the Scottish Greens and the Scottish Socialist party generally oppose the deployment of nuclear weapons, whereas Scottish Labour, the Scottish Liberal Democrats and the Scottish Conservative and Unionist Party mostly argue in their favour, albeit for different reasons. Moreover not all parties always demonstrate consensus within their party. Especially in the Scottish Labour Party the views did not always match the attitude towards Trident which was purported by their colleagues in the UK Government. For example Marilyn Glen, the Scottish Labour MSP for South East Scotland, chairs the Cross Party Group on Nuclear Disarmament, which acts as “a policy forum for discussion and updating on how policy impacts on Scottish nuclear issues” (“Cross Party Group Nuclear Disarmament”). Furthermore Malcolm Chisholm MSP had to resign as the Communities Minister for Labour when he, along with the SNO, opposed the UK Government’s White Paper on Trident in December 2006 in a Scottish Parliament vote (cf. Cairney and McGarvey 2008: 113f). Even though this vote had no formal weight, it demonstrates the serious character of the debates. Furthermore a consensus within the party cannot be taken for granted.

The arguments on either side of the debate are complex. Not denying that there are nuances in opinion as to why they arrive at the conclusion why the UK should retain Trident, those Scottish parties which argue in its favour mainly stress the persisting threats that exist because states such as Iran still maintain their programme (cf. for example Robert Brown MSP in Scottish Parliament Official Report 24 March 2005: col 15701; Jim Wallace MSP in Scottish Parliament Official Report 21 December 2006: col 30785). That is why all three parties, Scottish Labour, the Scottish Liberal Democrats and the Scottish Conservatives, therefore purport that multilateral disarmament is the only solution if the UK wants to get rid of its nuclear force (cf. Mike Rumbles MSP and George Foulkes MSP in Scottish Parliament Official Report 14 June 2007: col 699ff; Lord James Douglas-Hamilton MSP in Scottish Parliament Official Report 4 May 2006: col 25236). Furthermore they continuously highlight its positive impact on the Scottish economy and the possible loss of employment should Trident be removed (cf. Jackie Baillie MSP in Scottish Parliament Official Report 24 March 2005: 15703; Jackie Baillie MSP in Scottish Parliament Official Report 28 September 2006: col 28057). The opinions of these Scottish parties align them very much with their Westminster party colleagues.

On the other hand members of the SNP, the Scottish Green Party and the Scottish Socialist Party⁹ oppose a retention of the UK's nuclear force for mainly moral reasons and because they believe that they are illegal under international law (cf. Chris Ballance MSP in Scottish Parliament Official Report 4 May 2006: col 25217ff). Patrick Harvie MSP from the Scottish Greens thus argued that he is "not prepared to accept that jobs alone justify an immoral act" and accordingly the money should be better invested elsewhere (cf. Patrick Harvie MSP in *ibid*: col 25242). As they are not represented in the UK Parliament, the Greens have the opportunity to enter the debate in Holyrood.

The only time when a consensus in a debate on a motion concerning nuclear weapons has so far been reached was during the Parliament's third session in 2007. All the well-rehearsed arguments were brought forward when the topic was raised by the Scottish Greens shortly after the UK Parliament voted in favour of a Trident renewal. It moved the Scottish Parliament to

congratulate[s] the majority of Scottish MPs for voting on 14 March 2007 to reject the replacement of Trident and [to] call[s] on the UK Government not to go ahead at this time with the proposal in the White Paper"
(Motion S3M-00169 lodged on 12 June 2007 by Patrick Harvie MSP).

The motion won with 71 votes to 16, with 39 abstentions (cf. Scottish Parliament Official Report 14 June 2007: col 842). The wording "at this time" was deliberately chosen to achieve a larger possibility of consensus among the members (cf. *ibid*: col 699ff). Amendments to the motion were proposed by Scottish Labour, the Scottish Liberal Democrats and the Scottish Conservatives deferring the issue to Westminster as it was in their view touching reserved matters. But is it true that as Murdo Fraser MSP put it "no matter what the Parliament resolves [...], it will mean nothing whatsoever." (Murdo Fraser MSP in *ibid*: col 704)?

It is true that a decision of the Scottish Parliament under the current devolution settlement could never prevent the Trident renewal. Yet by expressing its views "it can ask questions with the UK. It can raise a voice of dissent from an important new institution within a nuclear weapon state. This could have effect internationally." (Walker quoted by Patrick Harvie in Official Report 14 June 2007: col 702). The Scottish Parliament therefore creates a forum for opposition which was previously non-existent. In doing so it can raise awareness for the subject among the Scottish public and encourage a debate which could have disadvantageous effects on the way the UK Government's position is perceived. Small parties, like the Greens, are able

⁹ This party is no longer represented in the current (third) session of the Scottish Parliament.

to have their say and establish an alternative point of view. This can be evaluated as an obvious strength of the Scottish electoral system. The variety of party perspective certainly makes the opposition against Trident more powerful.

Moral objections also raised by Labour MSPs demonstrate how disunited the party is on the issue. Although this and previous debates were not openly considered by the UK Government or Parliament, the MoD recognises that the Scottish Parliament's opposition could cause problems in the deployment of the new Trident weapons system (cf. "Devolution May Scuttle" 2007: 37). These questions cannot easily be overlooked in the planning and design process. After all, although the provisions of the Scotland Act do not provide for the Scottish Parliament to decide on matters of defence, in practice the opposition cannot simply be disregarded. As Dr. Nick Ritchie, a researcher from the Bradford University's Disarmament Research Centre correctly assesses the situation: "If the SNP remains the dominant force in Scotland, it has the power to create major political headaches for Westminster on this issue." (Ritchie quoted in Bruce 2007).

The decision on a Trident renewal affects Scottish interests and the Scottish Parliament's consent might in practice be vital for its implementation. In this regard Walker recognises the danger of developing a "how dare you" mentality in Holyrood as well as in Westminster: "How dare you Scots attempt to exercise a veto over a decision to deploy a nuclear force [...]? How dare you English impose this dangerous, undesirable and immoral weaponry on the people of Scotland [...]?" (Walker 2007: para 23). In a worst case scenario this would of course impede any diplomatic solution to the conflict.

The political relationship between Scotland and the rest of the UK is even more put to a test by since the electoral victory of the SNP in 2007. The SNP vowed to "thwart the progress of Trident with the legislative tools at our disposal." (Sandra White MSP in Scottish Parliament Official Report 14 June 2007: col 712). Unlike their predecessors the SNP-led Scottish Executive is determined to embark on a collision course with the UK Government and the MoD over the issue. The possibilities and realities of the SNP implementing this party policy on nuclear weapons therefore deserves a more detailed consideration in the following section.

3.2 Trident and the SNP

The establishment of the SNP administration in 2007 was a case which previously commentators projected to bring about a situation "in which the Scottish Parliament

could be inexorably drawn into nuclear politics” (Chalmers and Walker 2002: 7). To what extent this is really the case will be explored in the following section. At the core of the SNP’s programme and ideology lies the demand for an independent Scotland (cf. Lynch 2002: 9f; Cairney and McGarvey 2008: 47). The SNP also has a long history of rejecting the UK’s approach towards its nuclear deterrent (cf. John Swinney MSP in Scottish Parliament Official Report 4 September 2003: col 1501); Chalmers and Walker 2001: 37f). Perhaps not surprisingly from the SNP’s perspective these two positions are inevitably connected. In its 2007 election manifesto it envisages a Scotland “free to remove nuclear weapons from [its] shores” (SNP 2007: 7). However, unlike in previous election manifesto in which the SNP either wanted to “order” or “negotiate” a withdrawal of Trident (cf. Chalmers and Walker 2001: 38f), nothing is said about how this will be achieved.

In Scottish Parliament debates on Trident the party repeatedly ties independence to nuclear disarmament. In a 2005 Scottish Parliament debate on nuclear weapons the SNP therefore portrayed itself in one and the same sentence as “a party that is committed to delivering an independent, nuclear-free Scotland.” (Roseanna Cunningham MSP in Scottish Parliament Official Report 24 March 2005: col 15691). This position has been maintained since the party achieved governmental status. Thus, the 2007 policy paper *Choosing Scotland’s Future – A National Conversation* stated that “an independent Scotland could accede to the Nuclear Non-Proliferation Treaty as a non-nuclear weapon state.” (Scottish Executive 2007: para 3.24).

After breaking away from the Union with the UK the SNP has plans to establish a Scottish defence force. Details what this force will look like were not outlined in its 2007 said policy paper but different suggestions for security alliances were made (cf. Scottish Executive 2007: para 3.21). However unlike in previous manifestos it seems no longer to withdraw from NATO as a nuclear-armed alliance (cf. *ibid*; Chalmers and Walker 2001: 38f). Even though the SNP has never shifted its aim of nuclear disarmament it has made concessions on its implementation. Especially its new role as the Scottish Executive seems to have demanded policy clarifications on the issue.

It is suggested that the party’s policy on nuclear weapons originates in the nationalist claim that England’s basing of nuclear weapons on Scottish territory is a demonstration of its superiority and Scotland’s inferiority in this relationship (cf. Lindsay 1983: 134ff; Chalmers and Walker 2001: 27f). Carter also identifies Scottish nationalism as having played a major role in gathering support for nuclear

disarmament (cf. Carter 1992: 258f). The SNP argument for a removal of nuclear-armed submarines from Scotland is thus influenced by nationalist feelings.

On the other hand, Scottish national identity seems to be less important as regards the UK's armed forces. The SNP's approach towards defence collides with the fact that Britain's armed forces apparently are "one of the strongest sources of political unity in the UK" (Chalmers and Walker 2001: 35). They do not perceive themselves as specifically Scottish but rather as British. This seems to be one reality which makes it more difficult for the SNP to advocate that Scotland would be better off with a conventionally-armed independent defence force. Furthermore critics claim that this policy is created in complete disregard of the "sophisticated and hugely expensive operations" (Jamison 2008: 7) this would require. The UK Defence Secretary John Hutton has been reported as describing the SNP plans as an "incredible folly" and "national vandalism" (Hutton quoted in Brown 2008).

In order to add authority to their goal to rid Scotland of nuclear weapons and to explore the course of action for this enterprise, the SNP Executive convened the Scotland Without Nuclear Weapons Working Group in 2008. It does not occupy itself with issues arising from independence but rather considers possible options within the devolved competencies of the Scotland Act. The Group is chaired by Bruce Crawford MSP, the Minister for Parliamentary business and religious institutions like the Church of Scotland, interests groups like WWF Scottish and Scotland4Peace as well as academics are represented among its members.

Five key themes make up the Group's remit. They are: to examine the economic implications of a Trident removal, to evaluate international legal opinions on nuclear weapons, to explore the implications of becoming an observer at Non-Proliferation Treaty meetings, to scrutinise the existing legislative framework and to develop ideas on Scotland's contribution to peace (cf. Scotland Without Nuclear Weapons Working Group "Planned Work Programme" 2008). No members of other parties were asked to join the Group although in principle the Scottish Greens for example share its objectives. Thus one of the reasons for its foundation is therefore evidently the implementation of SNP policy.

The Group has so far met three times with the aim of publishing a comprehensive report on the Group's progress in April 2009 (cf. *ibid* "Minutes – August 27, 2008") it. Although it is still too early to assess the produced results, the following observations can be made: with regard to the first theme the Group has considered the STUC/Scottish CND report *Cancelling Trident: the Economic and Employment*

Consequences for Scotland (cf. *ibid* “Minutes – April 9, 2008”). The objective character of this report can be challenged however as chapter 4 of this paper will further discuss. It can be stressed positively that the Group aims to question the MoD on figures concerning the economic impact of the bases. This might encourage absolutely essential cooperation on the issue.

A statement of the Group’s view on the legality of nuclear weapons is still to be published but it has been communicated that it supports multilateral disarmament (cf. *ibid*), a position which digresses from the SNP policy of unilateralism. Furthermore it has established that not all states under the NPT are aware that the entire nuclear force of the UK is based in Scotland (cf. *ibid*). Thus it engaged with representatives of the NPT and plans have been made to seek observer status at upcoming meetings of the NPT in 2009 and 2010 (cf. *ibid*). In a legislative overview environmental, planning, transport issues were identified as areas where the Scottish Ministers had “wide-ranging responsibilities” (cf. *ibid* “Minutes April 9, 2008”). Additionally, an examination of the current regulatory regime showed that it could still be improved as its implementation is often poor (cf. *ibid* “Minutes November 12, 2008”). This circumstance might lead the Scottish Executive to introduce harsher legislation in this area.

The remit of the Group constitutes an attack on the UK’s nuclear force from many different angles. At this point of course only guesses can be made as to its future success. Reactions to the setting up of this Working Group were mixed. Campaigners saw it “as an ‘historic’ move towards ridding Scotland of nuclear weapons, whereas Labour and Liberal Democrat MSPs decided it was a “waste of time” as it addressed a matter of reserved responsibility (cf. Gray 2007).

To some extent the Working Group nevertheless serves to demonstrate the SNP administration’s willingness to convert words into action and its determination to live up to its promises. In the Group members from all across Scottish civic society are joined together adding impetus to the overall aim to rid Scotland of nuclear weapons. The influence of non-governmental institutions in anti-nuclear campaigning within the nuclear weapons’ discourse in Scotland will be considered in the subsequent section.

3.3 Scottish Public Opinion, the Media and Anti-Nuclear Campaigns

In many of the debates on Trident SNP and Green MSPs have justified their argument against nuclear weapons by claiming that the overwhelming majority of

Scottish people opposes them (cf. Patrick Harvie MSP in Official Report 14 June 2007: col 701). Likewise nuclear disarmament campaigns prefer to provide evidence that most Scots reject Trident (Scottish CND 2007). However, polls prepared in the post-devolution period offer a less consistent picture. A teletext poll carried out in the run up to first the Scottish Parliament elections in 1999 still showed that 85% of the Scottish people disapproved of Trident (cf. Jamison 2006: 86). This impression was confirmed in a 2006 ICM poll on behalf of the CND, albeit with a less distinctive result, when 61% gave a negative answer to the question of whether the UK should replace its nuclear weapons (cf. ICM 2006). This figure contrasts with the results of a YouGov survey, in which only 39% of the Scottish respondents said Britain should not continue to possess its own nuclear weapons but 48% favoured a replacement (YouGov 2007). Paterson points out obvious sources of error in opinion polls which range from the “wording of the question” to the respondent’s “reaction to a particular event” (Paterson 1997: 127). Therefore it is difficult to find a final answer to the question of whether the Scottish public in reality thinks that Trident should be scrapped or retained. In any case it challenges the arguments of those politicians which claim to be guided by public opinion in their opposition of nuclear weapons (cf. Jamison 2006: 87).

The existing ambivalence towards the subject is also reflected in the media coverage which of course is essential in forming public opinion. One of the local newspapers from the Clyde area, the *Helensburgh Advertiser*, reports a balanced view. The article “Faslane talks sparks anger” (cf. McElroy 2008) stresses the economic benefits of Trident and the dangers of potential job losses if it were to be removed, it also acknowledges safety hazards. Yet it is conspicuous in its negative reporting of anti-nuclear campaigns which are mirrored as too expensive for the taxpayer (Carmichael 2006) and as an annoyance for road users (cf. Lamb 2007).

The topic also continues to occupy other Scottish newspapers, such as the *Daily Record*, *The Herald* and the *Scotsman*. Acknowledging that “the Scottish print media has had a notoriously unionist bias” (McCairney and Garvey 2008: 42) it is perhaps unsurprising that although the view is mostly balanced, Trident’s advantages in terms of security and employment are repeatedly emphasised. Jamison suggests that as Scottish newspapers are also very hesitant to take sides on the issue of independence they also refuse to take a stance on Trident (cf. Jamison 2006: 81). Recently the public opinion may have been swayed by the publication of a letter in which three retired military commanders called for a Trident cancellation because it has become

“irrelevant” (“UK Does Not Need” 2009). Whether or not the public will play a decisive role in a Trident cancellation or retention still remains to be seen. The polls seem to suggest a divided opinion. Although Chalmers and Walker argue that it has so far not been a crucial topic for the outcome of a Scottish election (cf. Chalmers and Walker 2001: 42), the SNP made use of its stance in the 2007 election campaign. Apparently for Labour voters switching to the SNP, the party’s stance against Trident was accounted for as a major factor (cf. Zelter 2008: 13). Nonetheless this seemed to have not affected the vote within the constituency of Faslane as the Scottish Labour Jackie Baillie MSP was re-elected despite her unequivocal opposition towards the removal of Trident for economic reasons (cf. Jackie Baillie in Official Report 21 December 2006: col 30795; Gilmour 2006).

Even though the media coverage and polls might imply the opposite, anti-nuclear sentiments are postulated by various Scottish interest groups, which seek to influence public opinion. The spectrum of members participating in the SNP Working Group Scotland Without Nuclear Weapons is representative of the level of anti- nuclear activism which exists north of the border.¹⁰ Thus an opposition to nuclear weapons is thus not only voiced by the political parties in the Scottish Parliament and Executive.

Firstly, all Scottish churches, which still maintain a considerable political influence, have continuously opposed the retention of nuclear arms (cf. Chalmers and Walker 2001: 40). In a joint statement of the Church of Scotland and the Scottish Catholic Church they expressed their deep concern that Trident was renewed as they “consider these weapons of mass destruction to be immoral, inhumane, and contrary to the teachings of all the world's major faiths.” (Mackay 2007). This commitment is for example sought to be translated into action by the Scottish Clergy Against Nuclear Arms (SCANA).

Secondly, numerous other Scottish protest groups have also directed their attention towards the subject or solely exist for the purpose of freeing Scotland from all nuclear weapons. Most prominent examples are the Scottish Campaign for Nuclear Disarmament (SCND), which has existed since the first US nuclear submarine was stationed in Scotland in 1958 (cf. McGinty 2007: 10) and Trident Ploughshares founded in 1998, which received a lot of media attention when some of its members became involved in a court case on the legality of nuclear weapons in 1999 (cf. Chalmers and Walker 2001). The initiative Faslane 365 sought to revive the

¹⁰ See appendix p. 63-65 for samples of leaflets distributed by anti-Trident groups at the Scottish Parliament building.

disarmament movement with protests every day for a year and blockades at HM Naval Base Clyde. However, the daily reporting about protesters' arrests (in total 1,110) was scolded by the press for the £5 million which were spent on police and the impediments which the blockades meant for the daily lives of local residents (cf. Brown 2007). Even though it certainly raised public awareness for the issue, it did not always do so in favourable terms.

Furthermore the Scottish Trades Union Congress (STUC), also represented in the SNP Working Group, has in the past shown its commitment to a Trident removal by focusing on exploring alternative employment opportunities in the area. A 2007 report jointly commissioned by the STUC and SCND thus finds that a Trident cancellation could generate more jobs (cf. SCND/STUC 2007). The details and the viability of this report will be discussed in the next chapter.

The conclusion which emerges from the above considerations is that while Scottish public opinion on Trident is more divided than it is sometimes depicted by anti-nuclear groups and parties, there is also evidence for a substantial public awareness on the issue. Together with political support which has become more powerful since devolution, the action of these civil groups increases the pressure exerted on Westminster to cancel a Trident renewal. While Mr. Ritchie observes that it is difficult for these groups to influence the UK Government's policy, he also establishes that as a long process will be involved in renewing the nuclear programme, there will be several opportunities for change (cf. Ritchie 2007: 397).

In this regard opposition in Scotland definitely profits from an increased "political potency [...] that is largely absent south of the Border" (Chalmers and Walker 2001: 42). This may also become more pronounced if a political shift occurs in the next UK general election. Uniting members from all groups in the SNP Working Group naturally gives impetus to the anti-nuclear movement as it provides a forum for channelling concerns and attacking UK nuclear policy on a broad range of issues. This might increase their potential to achieve change when "Scotland's political *and* [my emphasis] civil opposition to replacement [...] could prove insurmountable to a future Westminster government" (Bruce 2007).

4 An Economic Perspective on Trident in Post-Devolution Scotland

As the section above demonstrates, the discourse on the UK's nuclear weapons' policy in Scotland can be characterised as highly controversial. Apart from legal and political disputes, there also are economic aspects to the deployment of the UK's nuclear deterrent programme in Scotland, which cannot be ignored and are often part of the public debate. Trident's opponents stress the immense cost of the programme, money that could easily be spent elsewhere, whereas its supporters highlight the benefits for the local economy and Scotland.

Stoker acknowledges that there are substantial differences in the estimation of costs for continued Trident deployment. Accounting for differences in the calculation of either the absolute cost or opportunity cost they range at £10 billion to £75 billion (cf. Stoker 2007: 40). In its White Paper *The Future of the UK's Nuclear Deterrent* the UK Government assessed the cost with £15 to £20 billion (cf. UK Government 2006: 26), although this is by no means a fixed sum and will probably need to be adjusted after the concept and design work has begun (cf. *ibid*). The SCND/STUC report *Cancelling Trident* estimates that Scotland would have to contribute to the renewal with at least £85 million a year (cf. SCND/STUC 2007: 11). The funding is therefore substantial and it is often claimed that it would be better spent elsewhere, e.g. on conventional defence programmes or other civil measures (cf. Hartley 2006: 680). Nonetheless, by investing part of its expenditure and tax base Scotland also receives something in return: employment and an increased spending power. In this chapter it will be discussed whether this logic constitutes a fair payoff by comparing reports on the economic impact of Trident as far as the existent reports on the matter allow. Last but not least, a consideration of alternative employment options will conclude this chapter.

4.1 The 'Jobs for Scotland' Mantra

To begin with, Trident and its predecessor system were of course not acquired on the basis that they would generate employment or solve economic difficulties. Rather they were deployed for reasons of national security and status as explained above. Nevertheless a discourse that sought to stress Trident's economic benefits can be observed. Thus there is evidence to suggest that the UK Government, regardless of whether Conservative or Labour, has continuously presented the basing of Trident in Scotland in terms of the major contribution it makes not only to the local economy but also to the economic performance of the whole of Scotland (cf. Jamison 2006:

65ff). Jamison argues that in order to pacify the controversy to its opposition it was praised for its economic benefits and in the past this was especially the case when replacement decisions had to be made (cf. Jamison 2007: 449).

When due to deindustrialisation the Scottish economy underwent profound structural changes and suffered from economic depression in the late seventies and early eighties this was a welcomed opportunity for the Westminster government to stress the economic benefits the system would have to the area (cf. *ibid*: 458). It was, however, concealed that much of the employment connected with Trident was carried out outside Scotland (cf. *ibid*). Consequently, Jamison argues that although “the MoD had in 1984 stressed the importance of Faslane as a source of regional employment”, there is no evidence that “new jobs had been created as a result of the decision to opt for Trident.” (*ibid*: 459). Reality seems to digress from the UK Government’s mere rhetoric of Trident bringing jobs to Scotland. To what extent these hopes were disappointed is demonstrated in the example of the Rosyth Royal Dockyard, where warheads were refitted until 1993. Promises of economic benefits for Scotland were met with reality when it was estimated that 10,000 jobs were lost at this facility as a result of relocating refitting operations to the south in the course of a system replacement (cf. *ibid*: 465). Although Jamison does not fail to recognise that Trident also helped to create jobs (cf. *ibid*: 460), he nevertheless remains convinced that the potential was exaggerated to “overwhelm its controversy in Scotland.” (*ibid*: 465).

Nevertheless, the assumption that Trident generates employment and spending power is upheld as an argument in defending the deployment and renewal of the nuclear deterrent in the post-devolution era. Newspapers repeatedly feature the potential job losses a Trident removal would entail for the area. Worrying headlines can be found in newspapers prior to the 2007 Scottish Parliament elections. For example an article featured in the *Daily Telegraph* proclaimed that an “SNP victory ‘will cost thousands of defence jobs’.” (Devlin 2007) and the Aberdeen Press and Journal titled “Independence Means Defence Jobs Cuts” (Gallagher 2007: 14).

Equal signs of concern about employment in the area were represented in the Scottish Parliament. Quoting a 2003 report commissioned by Scottish Enterprise and assembled by EKOS consultancy, Jackie Baillie, the MSP for the constituency where Trident is based, repeatedly asserted that a removal of the UK’s nuclear deterrent from Scotland would cost about 11,000 direct and indirect jobs (cf. Jackie Baillie MSP in Scottish Parliament Official Report 24 March 2005: col 15703 and 21

December 2006: col 30795). It therefore was “the largest source of jobs in the local economy.” (cf. Jackie Baillie MSP in Scottish Parliament Official Report 24 March 2005: col 15703). Hence, the notion that Trident is significantly positive for the area in economic terms remains part of the political agenda. It was not only a mantra repeated by the Westminster government to quiet down Scottish opposition as Jamison suggested but it is also a stance taken by the political representative of the area. Is Trident’s economic impact a fact or just a construed narrative? Fears that a cancellation will lead to a loss of jobs exist. But the next section seeks to explore whether they are justified.

4.2 The Importance of Trident to the Scottish Economy: An Approximation

The expressed concern that a substantial amount of jobs would fall victim to a decommissioning of Trident has been backed by the Scottish Enterprise report. On the other hand, a 2007 report carried out on behalf of the Scottish CND and STUC claims the opposite. According to its findings, a continuation of Trident “will cost Scotland more jobs than it will provide.” (SCND/STUC 2007: 3). Similarly a report by the British American Security Information Council (BASIC) affirms that a Trident cancellation would have “no significant impact on the economy” (Dunne et al. 2007: v). The different conclusions that were drawn are due to the varying scopes and objectives of the reports. Therefore it is difficult to reach a definite answer as to the impact of Trident on the Scottish economy and a comprehensive study would yet need to be accomplished.

Various sources agree that the defence industry as such is vital to the Scottish economy. Thus, a report assembled by the Scottish Affairs Committee thus arrives at the conclusion that the Scottish aerospace, defence and naval industry together with the MoD account for almost 50,000 jobs (cf. Scottish Affairs Committee 2008: 3). The economic contribution is substantial but is the same true for specifically Trident-related employment? Evaluating the reports mentioned above it is difficult to get a straight-forward response.

The Scottish Enterprise report examines the economic impact of the Royal Navy’s bases on the Clyde on the economies of Scotland and Dunbartonshire (cf. Scottish Enterprise 2003: 1). It therefore incorporates operations at various other locations apart from those related to Trident, i.e. in Faslane and Coulport. Adding up RN and civilian personnel a total of 10,857 direct jobs earning £186 million in gross wages and salaries is estimated for the bases (cf. Scottish Enterprise 2003: 3ff). As some of

the employees would be made redundant with a Trident cancellation the figures would certainly drop but it is impossible to extract from the report to what extent. Furthermore, as it was commissioned by the Scottish development agency Scottish Enterprise it could be biased as a possible removal of the UK's deterrent would be against their interests of developing and encouraging the Scottish economy (cf. Cairney and McGarvey 2008: 152). In any case the report lacks a consideration of alternative employment possibilities.

On the other hand, one of the strength of the SCND/STUC report is that it constructively addresses redeployment opportunities for the workforce. The study also explicitly focuses on Trident-related employment which accordingly would shrink the total possible unemployed to about 2,191 people (cf. SCND/STUC 2007: 22). Nevertheless one has to keep in mind that it was commissioned by two organisations which unequivocally favour a cancellation and consequently needed a more positive result with regard to a Trident cancellation to sustain their position. A cancellation of Trident thus looks economically less threatening from the perspective of this report. Additionally, due to fact that the report is based on the assumption that the operations at the Faslane base would be continued for conventional weapons (cf. SCND/STUC 2007: 3), one should remain critical of the outcome of the study. Doubts arise as to the precondition and there are indications that the MoD at least in relation with a possible Scottish independence would be unwilling to allocate a significant amount of UK naval work to Scotland (cf. Scottish Affairs Committee 2008: 21). Stressing another flaw of the research, the Labour MSP John Parks remarked that the report failed to consider the impact a removal of Trident not only from Scotland but from the UK would have (cf. John Parks MSP in Scottish Parliament Official Report 14 June 2007: col 714). A considerable larger amount of jobs would possibly be lost if this was the case. Consequently one has to be careful when considering the results the SNCD/STUC report offers. However, its suggestions in terms of conversion will still be examined with regards to their viability in the subsequent section.

Equally hopeful is the report by BASIC, which claims to offer "independent research" (Dunne et al. 2007: i). Its drawback in terms of comparability with the two other studies is that it not only considers a reversion of the decision to renew Britain's nuclear weapons' programme but also of the plans to procure two new aircraft carriers (cf. *ibid*: 1f). While it delivers no comprehensive figures with regard to the impact of Trident on the local or the Scottish economy respectively, in adding

up its findings, it decides that “there would be no significant negative impact on the economy” but rather “that economic performance would be improved if military spending were allocated to other forms of government expenditure.” (ibid: v). Consequently, it does not only explore the outcome of a decommissioning of the nuclear deterrent for Scotland but for the whole of the UK which again allows for no final statement on the significance of Trident for Scotland and the local economy alone.

The conclusions which can be drawn from a consideration of all three reports that the economic aspect adds to the debate on nuclear weapons in Scotland and is frequently used as an argument against their removal. On the one hand Trident was never deployed to foster economic improvement in the first place. It is judged as not being capable of “consistently deliver[ing] high employment and a positive image of the region” (Jamison 2008: 66).

In the past the increasing privatisation of the bases and the transfer of Trident servicing and refit work to Devonport and the United States already amounted to a decreased impact of Trident-related work on the Scottish economy. In this regard it is probably also revealing that in the most recent census, which was carried out 2001, defence is not listed as a separate industry section when evaluating the Scottish labour market (cf. Paterson et al. 2004: 47). Additionally, it has been asserted that expenditure on defence and Trident is accordingly very capital intensive in relation to the low output of jobs generates (cf. Spaven 1983: 32f; Dunne et al. 2007: 21).

On the other hand, a Trident cancellation could probably, as Royle puts it, “never be achieved without financial penalties affecting many hundreds of working people.” (Royle 2002: 141). Although it is not transparent how many jobs in total would be lost, solutions would need to be found to encounter this. The next section shall explore suggested alternatives for job conversion and future employment.

4.3 Conversion and Future Solutions

As economic issues are central to the debate on the UK’s nuclear weapons’ programme any considerations concerning a cancellation of Trident can only be empowered when accompanied by an analysis of possible opportunities for the Scottish economy. With regard to removing the nuclear deterrent from Scotland there seem to be two scenarios which would have very distinct economic consequences. Firstly, Trident could be withdrawn from the Clyde bases while they could continue to serve for British conventional defence operations. Secondly, a removal would be

implemented by the SNP in the course of a Scottish independence. In the case of constitutional change any future use by the rest of the UK's military establishments appears to be unlikely (cf. Scottish Affairs Committee 2008: 21). From this scenario follows a number of complex questions and will therefore be dealt with in greater details in chapter 5 of this paper.

However, assuming that Scotland would stay in the union with the other parts of the UK, but that Trident was nevertheless removed; highly-skilled jobs would be made redundant. The SCND/STUC report argues that the work skills could be used for new jobs in the industry section of energy efficiency, energy conversion and renewables could be created (cf. SCND/STUC 2007: 3). This is due to the fact that the study identifies energy as an area in which Scotland will continue to have potential (cf. *ibid*: 45). The funding for this conversion project would be taken from the savings made through a non-replacement of Trident (cf. *ibid*: 47). These suggestions can of course only remain hypothetical but they demonstrate that possibilities exist. As opportunities for a job conversion exist, the resources used to renew Trident could also be invested in the civil sector and possibly create more sustainable jobs. In any case, as it has been correctly concluded for defence export reductions decisions whether to remove Trident or not should "be based on non-economic considerations." (cf. Chalmers et al. quoted in Dunne et al. 2007: 21).

5 The Future? Scottish Independence and the British Nuclear Deterrent

The last three chapters have dealt with the impact of Trident in post-devolution Scotland with regard to legal, political and economic issues. This chapter will now give an outlook on the possible implications the end of the Union would have for the deployment of Trident. With independence defence, a policy area now reserved to Westminster, would come under the responsibility of the Scottish state. Although a comprehensive exploration of all three areas would go beyond the scope of this paper it will address crucial aspects that could arise. As this chapter does not want to make any predictions as to the likelihood of independence, there is only so much to say: The SNP has announced plans to hold a referendum on independence in 2010 (cf. SNP 2007: 8) but despite its confidence of winning the vote the outcome appears to be insecure. At least recent polls suggest that a majority of Scots seem to reject the idea of Scotland becoming independent (cf. “Upheaval in the North” 2007; YouGov 2008)¹¹; opposition might grow further due to current economic instabilities.

Unlike in its current constitutional status an independent and sovereign Scotland would have the exclusive power to decide on its own defence policy. In the following the position of a Scottish state and of the rest of the UK under the NPT will be considered. Furthermore it will be discussed how realistic the implementation of SNP policy on Trident within an independent Scotland would be or whether political realities would force the party to reshape its policy. Last but not least economic consequences will be addressed. The explanations are of course highly hypothetical and all issues will remain unresolved until the Union would officially come to an end and Scotland and the rest of the UK had to enter into negotiations over the future of Trident and the bases.

5.1 The End of the Union and the NPT

At the break-up of the Union between Scotland and the rest of the UK the NPT would prove as a helpful instrument to determine rights and duties of each party. In its policy paper *Choosing Scotland's Future – A National Conversation* the SNP-led Scottish Government claims that an “independent Scotland could accede to the [NPT] as a non-nuclear weapon state” and that consequently “all nuclear-armed submarines of the Royal Navy would have to be removed from Scotland” (Scottish Government 2007: para 3.24). While academics agree that the first contention is relatively unproblematic, the latter is not as straight forward as the present Scottish

¹¹ These surveys suggest that only about 30 per cent of the Scottish people support independence.

government assumes. The situation of the break-up of a nuclear weapon state, whose entire nuclear force is deployed outside its territory has no precedent. Although a similar set of questions needed to be addressed at the break-up of the Soviet Union in the early 1990s, the situation between Scotland and the rest of the UK would be characterised by three major differences (cf. Chalmers and Walker 2002: 8f). First of all, unlike in the case of the Soviet Union the UK's entire nuclear arsenal is located in Scotland. As it was discussed in chapter 1, a relocating of Trident to the rest of the UK is difficult if not impossible. Secondly, the overall political, social and economic condition in the UK can be described as much more stable than that of the Soviet Union at the time. There is little danger of Scotland seizing the weapons and chances are slim that independence would cause a security risk. Lastly, the UK's nuclear arsenal is rather small compared to that of the Soviet Union. Problems arising from a Scottish independence are thus *sui generis* and will have to be dealt with in this way.

In public international law the legal provisions concerning state succession with regard to treaties mainly have its source in customary law.¹² Since the NPT makes a substantial contribution to safeguarding of international security, the international community has in the past been eager to ensure a succession of new states to the treaty (cf. Zimmermann 2000: 858). If Scotland became independent, solutions would need to be found for both states, Scotland and the rest of the UK.

Within the framework of the NPT the distinction between nuclear and non-nuclear weapon states is essential. According to article IX 3 NPT only states which have "manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967" (NPT 1968: art IX 3) can be considered nuclear weapon states under the treaty. As regards a new Scottish state this would not be the case. The acceptance of Scotland to the NPT as a non-nuclear weapon state seems therefore likely (cf. Chalmers and Walker 2002: 9; Murkens 2002: 87). It would not imply any major disadvantages for the parties to the treaty but only assure that a new Scottish state would refrain from acquiring nuclear weapons.

Somewhat more complicated is however the question whether nuclear weapons could remain on Scottish territory after it had joined the NPT. Despite the fact that

¹² The Vienna Convention on Succession of States in Respect of Treaties entered into force in 1978. Its provisions sought to codify customary law but its success and recognition by the international community has so far been limited (cf. Zimmermann 2000). The treaty has presently been ratified by 20 states; the United Kingdom not being one of them. Given the case of Scottish independence all decisions concerning the succession of the Scottish State and the rest of the UK in respect of international treaties would thus be taken on the basis of customary law.

the rest of the UK would not automatically succeed the UK as a nuclear weapon state to the NPT, this seems to be the likely scenario. It would be the result of the rest of the UK taking over the international personality of the UK and thus assuming all its international rights and obligations as it was the case of the Russian Federation continuing the international personality of the Soviet Union (cf. Zimmermann 2000: 729).

Yet a controversy might arise on the issue of Trident's location. The NPT does not explicitly prohibit the stationing of nuclear weapons of a nuclear weapon state on the territory of a non-nuclear weapon state given that "the nuclear weapon state retains sole and control over them" (Murkens 2002: 88). Given that the rest of the UK becomes a NWS with all their arsenal stationed in Scotland, the NPT states would want to ensure that UK adheres to their obligation under article 1 NPT which commits them "not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly" (NPT 1968: art 1). As a result certain conditions could be imposed on the UK to guarantee the compliance with the provisions of the NPT. Considering how this was handled in the case of the break-up of the former Soviet Union, this might include that a decision regarding the use of Trident by the rest of the UK could only be made with the approval of the Scottish Government (cf. Zimmermann 2000: 731).

However, unlike the SNP policy paper suggests, with Scottish independence and a succession to the NPT as a non-nuclear weapon state there is no definite right for the Scottish state to impose disarmament on the rest of the UK. On the other hand the UK cannot force an independent Scotland to accept the stationing of nuclear weapons on their territory (cf. Chalmers and Walker 2002: 9). Thus the situation would be a lot more complicated and complex. Consequently many of the issues will need to be solved, as Murkens correctly argues, "on a political rather than a legal basis as part of the overall negotiations." (Murkens 2002: 88). The legal provisions of the NPT can only give initial guidance but the particular situation that would arise with a Scottish independence would need more than that. Essential to the process would definitely be a close cooperation between the Scottish state and the rest of the UK.

5.2 The SNP Vision of a Scotland Free of Nuclear Weapons vs Post-Independence Political Realities

In a Scottish Parliament debate on Trident replacement the SNP MSP Sandra White showed herself convinced that “only an independent Scotland can get rid of Trident” (Sandra White MSP in Scottish Parliament Official Report 4 May 2006: col 25233). Similarly, in its 2007 election manifesto the SNP envisages an independent state “free to move nuclear weapons from Scotland’s shores.” (SNP 2007: 7). The two quotations demonstrate how the SNP’s promise to rid Scotland of nuclear weapons is obviously tied in with the implementation of Scottish independence. As it was discussed in chapter 2 of this paper the current constitutional arrangements do not allow for any decisions by Scottish parliament with regard to the basing of nuclear weapons in Scotland. The report by the Commission on Scottish Devolution which explored the usefulness of extending the range of powers devolved to Scotland concludes that “national defence [...] [is an] irreducible function[s] of the State, and therefore of the Union.” (Commission on Scottish Devolution 2008: 32). It is therefore impossible that any powers over nuclear weapons could be devolved in the present constitutional arrangements. The only way to ban nuclear weapons from Scotland in a continuing Union would consequently be to ban them from the whole of the UK. This decision would need to be taken in Westminster not in Holyrood. Nuclear disarmament before or at Scottish independence would of course ease the political issues that otherwise might occur. It might therefore be a preferable option but it would require a major policy shift.

Should this not be the outcome, even with independence, the SNP vision of a Scotland free of nuclear weapons cannot easily be successfully implemented without mastering major political challenges. Any withdrawal of Trident cannot happen overnight. Even though under the NPT a continued stationing of Trident in a Scotland, which would then be a non-nuclear weapon state, is not prohibited, several problems are bound to occur.

To begin with, a continued stationing of nuclear weapons on Scottish territory would present a major intrusion of Scottish sovereignty (cf. Murkens 2002: 89). The Scottish state would have to tolerate the stationing of nuclear weapons on their territory but they would no longer be in charge of any of the operations connected with those weapons (cf. *ibid*; Chalmers and Walker 2001: 122). This premonition has also been pointed out by the Liberal Democrat MSP Iain Smith who sensed that if Scotland were to leave the Union “we would not have a say whether [nuclear

weapons] should be replaced” (Iain Smith MSP in Scottish Parliament Official Report 14 June 2007: col 722). A concession would of course need to be accepted by the government of an independent Scotland. At least if one considers the context of current SNP policy and its most recent activities centred on the issue of expelling nuclear weapons from Scotland this appears to be a prerequisite which would be difficult to attain.

On the other hand, an overnight removal of Trident is impossible to achieve and SNP policy might therefore be forced to become more flexible. The participation in NATO would be only one of the conditions which would make the stationing of the nuclear deterrent in Scotland acceptable for the achievement of common security interests (cf. Chalmers and Walker 2001: 123). In this respect current SNP policy exhibits some willingness to accommodate this condition. With the announcement that NATO membership is considered an option after independence (cf. Scottish Government 2007: para 3.23) the party has now adopted a position which it used to reject categorically (cf. Chalmers and Walker 2001: 44f). A more pragmatic position might also become necessary regarding Trident.

In fact, for a Scotland outside the Union some advantages could emanate from a prolonged short-term or long-term basing of nuclear weapons on their territory. Not only could it serve to prevent people from losing their jobs but also could it be used a bargaining tool in the post-independence negotiations with rest of the UK and other international bodies (cf. *ibid*: 122; Murkens 2002: 89). Scotland could gain in the distribution of economic resources and demand from the rest of the UK that it supports them in their membership application to such organisations as the EU or NATO (cf. Chalmers and Walker 2002: 9f). One can also expect a considerable amount of pressure exercised by the US to force Scotland to an amicable cooperation with the rest of the UK in all matters relating to the nuclear deterrent. These factors might inevitably contribute to a reshaping of SNP policy. If this, however, would be enforceable politically for the SNP is another question. The answer would certainly be weighed in relation to the amount of advantages which could be drawn from a continuing basing of Trident on Scottish territory (cf. *ibid*: 11).

All in all, while the NPT would only be helpful for providing for determining Scotland’s status as a non-nuclear weapon state and that of the rest of the UK as a nuclear weapon state respectively, the fate of Trident would crucially depend on political decisions. Under the special circumstances that the entire UK nuclear arsenal is located in Scotland, a close cooperation between Scotland and the rest of

the UK would be decisive for finding possible solutions after the end of the Union. Though it would not be the only issue which needed to be negotiated between Scotland and the rest of the UK it would certainly be one of the most difficult and complicated ones. However, there is no reason to believe that a mutual agreement could not be reached peacefully.

5.3 Financial and Economic Aspects

Without any doubt would financial aspects constitute a central issue of the negotiations between an independent Scotland and the remainder of the UK. Although Scotland would be entitled to a share in the military assets and liabilities, it would make no sense for it to claim ownership for the nuclear weapons. Nevertheless Chalmers and Walker agree that it would probably be successful in making demands for a sufficient financial compensation (cf. Chalmers and Walker 2001: 143ff). Should there be a consensus about a continuing basing of Trident on Scottish territory, be it over the short or long term, then Scotland might expect some kind of financial settlement. This could be in the form of a rental agreement, whereby the rest of the UK would pay an annual rent for as long as Trident stayed on Scottish territory (cf. *ibid*: 143). Alternatively, the deterrent could be traded for a single financial compensation or ulterior entitlements to assets (cf. *ibid*: 145). The rest of the UK would probably prefer the latter as it would lessen the chance of future Scottish interference. If, however, the rental costs, which Chalmers and Walker estimate with about £100 million a year (cf. *ibid*: 143), became too costly for the rest of the UK this might lead its Government to consider a relocation or possibly even a complete disarmament. Taking into account the number of voices, which acknowledge an overstretch of UK military resources (cf. “Ticking Time Bomb” 2007; Dombey 2008: 32), the likelihood of this happening might grow. Nonetheless this would of course need to be judged against the present circumstances if Scotland became independent. In any case Scotland’s contribution to the deterrent in financial terms would cease if the Union came to an end.

Apart from intergovernmental negotiations about a financial settlement, independence could have also an impact on Scotland’s defence industry and thus lead to decreasing employment figures in the sector. To what extent a loss of jobs would encompass Trident-related employment is unclear. Yet Jamison points out that under the provisions of the NPT probably no Scottish national would be allowed “to assist in the process of launching a British Trident missile” (Jamison 2008: 9).

Opponents of Scottish independence see a danger in the demise of defence industry jobs, which in their eyes would lead to high-skilled Scottish employees migrating to the rest of the UK for work (cf. Cahill and Johnstone 2008: 29). The SNP expectation is less worrying as it anticipates a cooperation in defence matters among the two states (cf. *ibid*). Clearly a loss of employment could not be ascribed to a cancellation of Trident alone but also the loss of other jobs related to the British military and defence industry.

Conclusion

The aim of this thesis was to consider in which regards Scottish devolution has affected the deployment of the UK's nuclear deterrent. It was established that there is a considerable amount of opposition to the presence of nuclear weapons in Scotland, especially by the SNP, which is now the governing party. As the issue is anything but one-dimensional it was regarded necessary to examine "the Scottish Question" (Chalmers and Walker 2002) from a legal, political and economic perspective. However, as the examination has demonstrated there are areas of overlap between the different aspects. For this reason, the political debate on Trident reflects discussions on its legal status and economic importance.

Chapter 1 demonstrated that the stationing of nuclear weapons in Scotland started long before the devolution settlement and basing decisions were not influenced by the possibility of Scotland gaining more autonomy. The situation of the UK among other nuclear weapon states is therefore unique in that its entire nuclear force is based in Scotland, a region which now has its own Parliament and Executive. In a 2006 White Paper, which was approved by the UK Parliament in 2007, the UK Government expressed its determination to renew Trident. Additionally, it has been discovered that a relocation of the bases would be cost, time and labour intense and is therefore unlikely to be considered as a possible solution by the MoD and the UK Government. Assuming that Scotland became independent this may change. As long as the UK adheres to the concept of nuclear deterrence their continuing presence in Scotland seems therefore certain.

Subsequently, chapter 2 began by substantiating the position of nuclear weapons and their possession by states in international public law. It has been shown that against other claims Britain's replacement of Trident agrees with its international obligations and its status as a NWS under the NPT. This position has been asserted by the Scottish High Court in a reference supplied to the trial of three anti-nuclear campaigners. Opponents of nuclear weapons can consequently not expect to have the nuclear deterrent removed from the Scottish coast because it is illegal under the provisions of international law as was proclaimed by Chris Ballance MSP of the Scottish Greens for example (cf. Chris Ballance MSP in Scottish Parliament Official Report 4 May 2006: col 25218). The chapter then moved on to pinpoint that the Scotland Act reserves legislative decisions with regard to nuclear weapons to Westminster. However, on an administrative and operational level a substantial contribution of Scottish authorities is needed to safeguard the unhindered functioning

of Faslane and Coulport and several grey areas exist in relation to nuclear weapons. For this reason a legally non-binding concordat between the Scottish Ministers and the Secretary of State for Defence was intended to prevent conflicts and smooth mutual cooperation on the matter. However its effectiveness in settling serious differences between the two may indeed be tested in the future. As Scotland and the UK are governed by two different political parties and a consensus on issues relating to Trident cannot always be expected, it might become necessary for the UK Parliament to codify the cooperation arrangements. Although from constitutional perspective the UK Parliament remains sovereign and could reverse decisions of the Scottish Parliament, it would in practice be politically difficult to reverse devolution.

Chapter 3 showed that devolution increased the political power of Scotland with regard to nuclear weapons. Scottish interests in Trident are represented by Scottish MPs in the UK Parliament but in terms of numbers they can never sway the vote. Their level of influence in Westminster is thus relatively weak. Despite the fact that it has no legislative competence in the matter the Scottish Parliament can debate nuclear weapons and as chapter 3 demonstrated it frequently made use of this ability in the past. Devolution and the creation of a Scottish Parliament as a forum for debate on reserved matters like Trident make it much more difficult for Westminster to neglect Scotland's position. Consequently devolution has, if not legally, has significantly enforced Scotland's voice in the debate on nuclear weapons politically. As the governing party the SNP has a serious interest in removing nuclear weapons from Faslane and Coulport, as do a number of other groups. Public opinion and the media have been anything but consistent with regard to the issue and often figures are (ab)used to suit a particular political opinion. The SNP claims that by removing nuclear weapons from the Clyde the party would only implement the will of the majority of the Scottish people. Reliable polls, however, do not exist. Nonetheless, it can be envisaged that public support for a nuclear deterrent further declines when one considers its enormous costs. At times of economic recession people may wish to have their tax money spent elsewhere.

With regard to the economic perspective it is uncovered in chapter 4 that in the past Trident was often promoted as a creator of a substantial number of jobs. Nevertheless, this position is difficult to sustain as privatisation has led to the loss of many defence-related jobs in the past. Furthermore it appears that only few jobs are immediately connected to Trident. Yet a comparison of three different economic reports also demonstrated that comprehensive and independent research on this issue

would still be needed. As economic issues are central to any discussion on the removal of Trident from Scotland, those who advocate the abolition of the nuclear deterrent also need to consider future employment opportunities. In any case, the nuclear deterrent was, of course, initially not created to strengthen the economy. The fact that actually only very few jobs rely on Trident adds weight to the arguments of its opponents. In the end, a decision on Trident future should not be based primarily on economic considerations (cf. Chalmers et al. quoted in BASIC 2001: 21).

Presently the SNP conveys the idea that a removal of nuclear weapons could be achieved quasi automatically with Scottish independence (cf. Scottish Government 2007: para 3.24). Chapter 5 explained that the situation would prove to be somewhat more complicated and would introduce a set of new questions, which this thesis is unable to solve conclusively. Additionally, the SNP might be forced to become a lot more pragmatic in their aspirations, not least for financial reasons. As was explored in chapter 1, a relocation would be difficult to achieve. Scottish independence could mean that the rest of the UK decommissions their nuclear force but not necessarily. A rental agreement between an independent Scotland and the rest of the UK also seems possible. Nevertheless it may be certain that the future Trident would assume a key role in post-independence negotiations between Scotland and the rest of the UK. Ironically, at the moment the deployment of the UK's nuclear weapons in Scotland is perhaps one of the reasons "that make[s] the Union still worthwhile" (Chalmers and Walker 2001: 160). Most importantly, should Scotland become independent all future decisions on the nuclear force would essentially require a close cooperation between the two states.

All in all, an exploration of the topic has shown that the developments succeeding Scottish devolution could play a decisive role in the future of the UK's nuclear deterrent and should be taken into account by decision makers. This thesis has of course fallen short of considering the moral dimension which is attached to any discussion of nuclear weapons. After all, it would be desirable not only to rid Scotland of nuclear weapons but the whole of the UK and the entire world. The aim of this paper, however, was to explore how devolution affected the deployment of nuclear weapons in the UK and what this could imply for their future basing in Scotland. From these considerations no moral judgement can naturally follow.

Even though the design and planning phase has already begun, a final decision on a Trident renewal is still four to six years away (cf. Hammick and Scott 2008: 25). The SNP-led Scottish Parliament might want to use all its powers to challenge and

undermine this development. In the present context of devolution it is impossible that nuclear policy will ever be devolved to Scotland (cf. Commission on Scottish Devolution 2008: 32). The future will show whether it remains possible for Westminster to ignore its position. Moreover, it should be obvious that the US and NATO would also want to have their say in any decisions regarding Trident. Devolution was of course never intended to have an impact on the UK's nuclear deterrent, yet it is an aspect which needs to be included into the discussion. It remains to be seen to what extent post-devolution Scotland will influence any future decisions on the UK's nuclear force and its bases at Faslane and Coulport.

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Appendix

1. Location of Faslane and Coulport

Map 1:



Map 2:



Source: "Google Maps." <http://maps.google.de/maps?hl=de&tab=w1>. Last viewed 28 February 2009.

2. Sample of Leaflets Handed out in Front of the Scottish Parliament building by Nuclear Disarmament Campaigns Collected in 2008

Leaflet 1 – SCANA:

SCANA

Scottish Clergy Against Nuclear Arms



The majority of people in Scotland do not want nuclear weapons here.

All the mainline churches have voiced their opposition to Trident replacement.

The issue of converting from Trident-related jobs is not as complicated as some politicians try to suggest. The vast majority of people at Faslane are employed in non-nuclear related work.

As signatories to the Non-Proliferation Treaty we have an obligation to take steps to remove these weapons – not build a new generation of bombs.

It is hypocrisy to tell other nations they cannot have a nuclear programme when we are increasing and developing our own.

Peace will not come through threatening others with annihilation.

Nuclear weapons are about posturing - not about defence. Trident is unusable. Most countries do not rely on nuclear weapons for their defence.

Rev Ainslie Walton (Secy): 0141 420 3327 New Web: www.scana.org.uk



WE ARE THE EARLY BIRDS:

WE start the day the Disarmament Way!

contact@peaceandjustice.org.uk

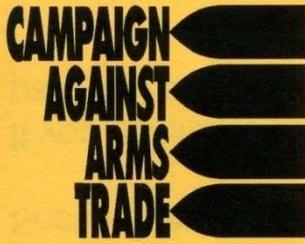
The Scottish Government is in a unique position. It opposes Nuclear Weapons in a country that hosts them.

We are here to say good morning, and let you know how much and how many of us want our Government to act against Trident and that we will support them by keeping the focus on, and backing up their actions on topics like:

- conversion of Trident related jobs to socially useful work
- stopping the dangerous nuclear convoys on the roads
- how Scotland can uphold international law and help make the world safer
- any other aspect of what could be done to make Scotland Nuclear weapon free

Early birds are individuals and groups who have signed up to take one morning to visit the Parliament and take part in the vigil. They are not just nuclear disarmament single issue campaigners, but come from all walks of life and represent all sorts of groups who want to see Trident out of Scotland and nuclear weapons banned for good.

If you would like to know more about any groups taking part, just ask... It's good to talk!



Edinburgh local group

contact: caatedinburgh@live.com

In June 2007 the Scottish Parliament voted against the replacement of Trident, and set up a working group on Scotland Without Nuclear Weapons (SWNW). CAAT members in Edinburgh wish to remind our Scottish Parliamentarians and their staff that we are waiting to hear of the outcome of the SWNW working group.

We would like to ask you to use your influence to help to redirect the £1 billion annual costs of Trident replacement to invest in the development environmental technologies of wind and wave power.

With more investment in this area, Scotland, with its long coastline and powerful seas, could become a world leader in the production of renewable energy, creating hundreds of high-value jobs to contribute to strengthening our economy and slowing down climate change.

The small country of Denmark, invested heavily in the development of wind power technology and 60% of the world's wind turbines are produced in Denmark. With more investment, Scotland could emulate this success in wind and wave technology, creating even more jobs. **Please act now before other countries take a leading role in this area.**

For more information see: *Making arms, wasting skills: Alternatives to militarism and arms production* by Steven Schofield, CAAT: London, 2008.

Statutory Declaration

I hereby declare that I have written this thesis on my own, without anyone else's help. I have also, to the best of my knowledge, acknowledged the sources of all passages and ideas used, and have placed in quotation marks all quotes used verbatim. I have used no other sources or aids than those indicated.

This thesis contains 22,607 words excluding appendix.

Berlin, 6 March 2009

Julia Floren