



# Ministry of Defence

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Telephone: [REDACTED]

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Commander (Rtd) Forsyth

Via email: [REDACTED]

13 February 2020

Dear Commander Forsyth,

Thank you for your most recent letter, dated 9 January 2020, regarding comments made by Rear Admiral John Gower (Rtd) in relation to the legal standing of a submarine commander given the order to fire a Trident missile.

Rear Admiral Gower, since he has retired from the Royal Navy, is not a Government spokesperson and is entitled to express his own views as he wishes, whether they are in agreement or not with the Government's position.

In our previous correspondence we have outlined the Government's position on various aspects relating to the legality of the nuclear deterrent and the use of our nuclear weapons should we ever be required to do so. This position has not changed. While we do not intend to repeat all of that previous detail here, we will summarise again the key points.

We hope never to employ nuclear weapons but to deliver a deterrent effect under all circumstances. We would only consider using our nuclear weapons in the most extreme circumstances of self-defence, including the defence of our NATO allies.

The Government is clear that the use of nuclear weapons - like all weapons - would be subject to the requirements of international law. The 1996 International Court of Justice Advisory Opinion could not reach a definitive conclusion on the legality or illegality of the use of nuclear weapons by a state in an extreme circumstance of self-defence, in which its very survival would be at stake. It concluded that legality could only be determined in light of the specific circumstances applying when such use is being contemplated and the application of the general rules of law, particularly those regulating the use of force and the conduct of hostilities. Should the circumstances arise in which use of nuclear weapons needs to be considered, legal aspects would be a contributing factor in the decision-making process.

In our last letter to you, dated 7 November 2018, we suggested that, while we appreciate that you hold strong views on this matter, further correspondence would serve no purposeful outcome as we had already written to you on several occasions. There is no further information to add on this topic beyond what has already been communicated to you. Therefore, no further purpose will be served by continuing the correspondence.

Yours sincerely,

Defence Nuclear Organisation Secretariat