



HOUSE OF LORDS

International Agreements Committee

2nd Report of Session 2024–25

**Scrutiny of International
Agreements:
Amendment to the
UK-US Agreement for
Cooperation on the Uses
of Atomic Energy for
Mutual Defence**

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International Agreements Committee

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See Appendix 1.

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SUMMARY

This report addresses the following Agreement, laid before Parliament in accordance with section 20 of the Constitutional Reform and Government Act 2010 (CRAG),

- Amendment to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes (CP 1135, 2024)

The UK-US Cooperation Agreement on the Uses of Atomic Energy for Mutual Defense Purposes, also known as the “Mutual Defence Agreement” (MDA), entered into force in August 1958. It has been amended numerous times since then, mostly recently in 2014. It underpins the defence nuclear relationship between the UK and US in the maintenance and development of their respective nuclear weapons programmes. The MDA allows for the exchange of nuclear materials, technology and information.

The Amending Agreement laid before Parliament on 26 July contains 14 articles and proposes a series of amendments to the MDA. Most of the amendments are minor but Articles 4 and 5 of the amending treaty make significant changes to the text of Article III and Article III bis¹ of the MDA.

We welcome the expectation that ratification of the Amending Agreement by the US will be completed within the terms of the current administration and Congress. We note that the Amending Agreement will receive greater scrutiny in Congress than is possible in Parliament due to the limitations of the CRAG process and recall the Committee’s view that CRAG is insufficient to ensure robust and effective treaty scrutiny. In light of the Mutual Defence Agreement’s role in forming the cornerstone of the UK-US defence and security relationship, we regret the lack of sufficient time to take evidence on this important agreement.

The requirement to approve Article III bis on a ten-year cycle provided an opportunity to make further amendments to other sections of the MDA. Removing this provision within the Amending Agreement means that the MDA will not return to Parliament for periodic scrutiny as it has done since the Agreement came into force. Given the strategic importance of UK-US relations at this critical time in replacing the UK’s nuclear deterrent and ensuring the country’s security, we regret the subsequent lack of routine parliamentary oversight of the MDA. We therefore call on the Government to update Parliament on the operation and progress of the MDA at ten-year intervals.

We report the Amending Agreement to the House for special attention and debate on the grounds that collaboration between the UK-US on nuclear deterrent capabilities is politically significant and that the removal of certain provisions means that the MDA will not be subject to routine parliamentary scrutiny in future.

1 In treaties, ‘bis’ refers to a second article with the same number as an existing article.

Scrutiny of International Agreements: Amendment to UK-US Mutual Defence Agreement

AGREEMENT REPORTED FOR SPECIAL ATTENTION AND DEBATE

Amendment to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes (CP 1135, 2024)²

1. The Amending Agreement was laid on 26 July 2024, and the CRAG scrutiny period is scheduled to end on 23 October 2024. It was considered by the Committee on 15 October.
2. We held one oral evidence session on the Amending Agreement with officials from the Ministry of Defence on 8 October. We would like to thank Claire Mills, senior library clerk, House of Commons, for providing assistance to the Committee on their scrutiny work of this Agreement.

Background

3. The Agreement between the UK and the United States for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes, also known as the Mutual Defence Agreement (MDA), entered into force in August 1958.³ It has been amended numerous times since then, most recently in 2014. The MDA is of indefinite duration but Article III bis, which was added in 1959 to provide for the transfer of nuclear material and the non-nuclear parts of atomic weapons, is time limited and has been periodically renewed. Article III bis will expire on 31 December 2024 unless extended by the Amending Agreement.
4. The MDA essentially underpins the UK-US ‘special relationship’. Alongside the 1963 Polaris Sales Agreement, which set out the terms and conditions under which the Polaris nuclear missile system was provided to the UK by the US, the MDA has been described as “the cornerstone” of UK-US relations on nuclear matters.⁴ The MDA allows for the exchange of nuclear materials, technology and information.

2 Foreign, Commonwealth and Development Office, *Amendment to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes*, CP 1135 (July 2024): <https://www.gov.uk/government/publications/ukusa-amendment-to-the-agreement-for-cooperation-on-the-uses-of-atomic-energy-for-mutual-defense-purposes-cs-usa-no12024> [accessed 10 October 2024]

3 United Nations Treaty Collection, *Agreement between the Government of the United Kingdom and Great Britain and Northern Ireland and the Government of the United States of America for Co-Operation on the Uses of Atomic Energy for Mutual Defense Purposes*, No. 4707 (July 1958): <https://treaties.un.org/doc/Publication/UNTS/Volume%20326/volume-326-I-4707-English.pdf> [accessed 10 October 2024]

4 UK Government, *The History of the UK’s Nuclear Weapons Programme*, CM6994: https://assets.publishing.service.gov.uk/media/5a7987e840f0b642860d8d88/Cm6994_Factsheet5.pdf [accessed 10 October 2024]

5. The MDA provides the basis for mutual cooperation on the maintenance of the UK's nuclear deterrent and makes arrangements for the following aspects:
- control and transmission of submarine nuclear propulsion technology, atomic information and material between the UK and US; and
 - the transfer of non-nuclear components to the UK.⁵

The MDA does not provide for the transfer of nuclear weapons themselves.

6. The Amending Agreement should be considered in the context of significant developments to the UK's nuclear weapons programme. The UK operates a submarine-launched nuclear weapons system, provided by four Vanguard-class ballistic missile submarines (SSBN) which house the Trident II D5A missile and associated Mk4A/Holbrook warhead. The UK is currently in the process of modernising its nuclear capabilities and nuclear-powered submarines. The UK aims to replace its four Vanguard-class SSBNs with its new Dreadnought-class from the early 2030s. A programme to replace the UK's nuclear warhead was also confirmed in February 2020.⁶ In March 2024, the previous Government published a new Defence Nuclear Command Paper which sets out the long-term approach to investing in and developing the UK's nuclear deterrent.⁷ The United States is also currently modernising its strategic nuclear capabilities.⁸

UK-US nuclear cooperation

7. Historically, nuclear cooperation between the UK and US began with the Manhattan Project during the Second World War. However, shortly after the war, the US passed the 1946 McMahon Act, which prohibited the US from sharing information about nuclear weapons with other countries. The UK decided to develop its own nuclear weapons programme and successfully tested a fissile atomic weapon by 1952 and thermonuclear weapon by 1957.⁹ As the Cold War intensified, the US amended the McMahon Act in 1958 to allow nuclear cooperation with other states under the terms of an international agreement¹⁰ and the UK and US were able to resume nuclear collaboration.
8. Since the original MDA was adopted in 1958, the UK has relied on US technological support and expertise for maintaining its nuclear deterrence capabilities. American nuclear warhead design information, passed on under the terms of the MDA, has been crucial in the development of the UK's own warhead designs and production of its stockpile of weapons. The UK

5 Foreign, Commonwealth and Development Office, *Explanatory Memorandum on the Amendment to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes* (July 2024): <https://www.gov.uk/government/publications/ukusa-amendment-to-the-agreement-for-cooperation-on-the-uses-of-atomic-energy-for-mutual-defense-purposes-cs-usa-no12024> [accessed 10 October 2024]

6 HC Deb, 25 February 2020, vol 672 [Commons Chamber]

7 Ministry of Defence, *Delivering the UK's Nuclear Deterrent as a National Endeavour*, CP 1058 (25 March 2024): <https://www.gov.uk/government/publications/defence-nuclear-enterprise-command-paper> [accessed 10 October 2024]

8 House of Commons Library, *Amendments to the UK-US Mutual Defence Agreement*, Research Briefing, 10086, 6 September 2024

9 *The History of the UK's Nuclear Weapons Programme*

10 United States Nuclear Regulatory Commission, *Nuclear Regulatory Legislation*, NUREG-0980 (September 2013): <https://www.nrc.gov/docs/ML1327/ML13274A489.pdf> [accessed 10 October 2024]

first purchased its Polaris submarine-launched ballistic missile (SLBM) system from the US under the 1963 Polaris Sales Agreement. In the 1980s, the UK acquired the Trident missile system,¹¹ which replaced Polaris, from the US and continues to rely on the US for many aspects for maintenance. The UK leases Trident II D5 missiles from the US and British submarines regularly visit the US base in Kings Bay, Georgia, for the maintenance and replacement of those missiles.¹² Moreover, the reactors that power the UK's four submarines carrying nuclear weapons are largely based on US designs, and the pressurised water reactor (PWR3) that will be used in the forthcoming Dreadnought submarines are also primarily based on a US design.

9. Some commentators have criticised the MDA as it risks the UK appearing to become over-dependent on the US in relation to developing an independent nuclear weapons programme.¹³ Joe Pitt-Rashid, Director of Strategy and Policy for the Defence Nuclear Organisation, Ministry of Defence, told us that the MDA is the “cornerstone of the special relationship and creates the framework for a huge part of our close collaboration with the United States, as it has done for over 65 years now.”¹⁴ He stressed that the framework of cooperation with the US is based on the understanding that the UK's strategic nuclear deterrent remains independent, although the partnership with the US has provided “strategic strength” for the UK as well as “very pragmatic support” to develop the UK's nuclear capabilities.¹⁵

Commitments under the Nuclear Non-Proliferation Treaty (NPT)

10. For years anti-nuclear arms campaign groups and some parliamentarians have argued that being a party to the MDA is inconsistent with the UK's membership of the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT).¹⁶ The NPT aims to prevent the dissemination of nuclear weapons and weapons-related technology, promote nuclear disarmament and cooperation in the peaceful uses of nuclear energy. Under the treaty, the five recognised nuclear weapon states (US, UK, Russia, France and China) are permitted to possess nuclear weapons provided they commit to the principles of nuclear arms control and the eventual goal of disarmament.
11. The MDA does not provide for the transfer of nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices, and the Government states in the Explanatory Memorandum that “the MDA is consistent with the UK's obligations under the Nuclear Non-Proliferation Treaty and commitments under the Comprehensive Nuclear-Test-Ban-

11 Foreign and Commonwealth Affairs, *Exchange of Notes between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America concerning the Acquisition by the United Kingdom of the Trident II Weapons System under the Polaris Sales Agreement, signed on 6 April 1963*, Cm 8821 (March 1983): <https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=68129> [accessed 10 October 2024]

12 Campaign for Nuclear Disarmament, [US-UK Mutual Defence Agreement](#), March 2024

13 British Pugwash ‘New Briefing: Aspects of UK Nuclear Weapons Possession’ (15 December 2023): <https://britishpugwash.org/new-briefing-aspects-of-uk-nuclear-weapons-possession/> [accessed 17 October 2024]; Campaign for Nuclear Disarmament, [US-UK Mutual Defence Agreement](#), March 2024

14 [Q 2](#) (Joe Pitt-Rashid)

15 [Q 15](#) (Joe Pitt-Rashid)

16 United Nations, Office for disarmament Affairs, [Treaty on the Non-Proliferation of Nuclear Weapons](#)

Treaty.”¹⁷ However, critics of the MDA argue that Article III bis contravenes Article I (banning the transfer of nuclear weapons to anyone and helping non-nuclear weapons states manufacture nuclear weapons) and Article VI (pursuing negotiations for nuclear disarmament) of the NPT.

12. Article I of the NPT commits the parties to:

- not transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and
- not assist, encourage or induce, any non-nuclear weapon State to manufacture or otherwise acquire or gain control over nuclear weapons or other nuclear explosive devices.¹⁸

13. Article VI of the NPT commits the parties to:

- pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament; and
- pursue negotiations on a treaty on general and complete disarmament under strict and effective international control.¹⁹

14. There has been widespread commentary that the MDA goes against the spirit of the NPT, as one of the key aims of the Agreement (set out in Article III bis) is to improve the UK’s atomic weapon design, development and fabrication capability, as opposed to seeking a diminishing role for nuclear weapons.²⁰

15. Joe Pitt-Rashid assured us that the Government views the commitments in the MDA and NPT as “entirely consistent” and are committed to pursue negotiations towards nuclear disarmament. Nevertheless, he also acknowledged a “wider global challenge” on proliferation and disarmament at present.²¹

Defence expenditure

16. The renewal of the MDA comes at a time when the costs of the UK’s nuclear deterrent, as well as overall defence spending, are increasing. On 23 April, former Prime Minister Rishi Sunak announced that the UK would increase defence spending to 2.5% by 2030, an additional £75 billion over the next

17 Foreign, Commonwealth and Development Office, *Nuclear Non-Proliferation Treaty* (2 November 2021): <https://www.gov.uk/government/collections/nuclear-non-proliferation-treaty-npt> [accessed 10 October 2024]; CTBTO, *Comprehensive Nuclear Test-Ban-Treaty*: https://www.ctbto.org/sites/default/files/2023-10/2022_treaty_booklet_E.pdf [accessed 10 October 2024]

18 United Nations, Office for disarmament Affairs, [Treaty on the Non-Proliferation of Nuclear Weapons](#), Article I

19 United Nations, Office for disarmament Affairs, [Treaty on the Non-Proliferation of Nuclear Weapons](#), Article VI

20 BASIC, *US-UK nuclear weapons collaboration under the Mutual Defence Agreement* (1 June 2004): <https://basicint.org/publications/nigel-chamberlain/2004/usndashuk-nuclear-weapons-collaboration-under-mutual-defence-agr> [accessed 17 October 2024]; Campaign for Nuclear Disarmament, [US-UK Mutual Defence Agreement](#), March 2024; Nuclear Information Service, *US-UK Mutual Defence Agreement: A Nuclear Information Service Briefing* (July 2024): <https://www.nuclearinfo.org/wp-content/uploads/2024/07/MDA-Briefing-digital.pdf> [accessed 17 October 2024]

21 [Q 14](#) (Joe Pitt-Rashid)

six years.²² In its assessment of the MOD's Equipment Plan, which sets out intended investment in equipment and support projects for the next ten years, the National Audit Office stated:

“the costs of delivering major priorities have increased significantly as the MoD has sought to show more clearly the gap between the available budget and the ambitions expressed in the 2023 update of the Integrated Review and the associated Defence Command Paper, the consequences of which MoD is still working through.”²³

17. The nuclear modernisation programme has been beset by rising costs, with the National Audit Office (NAO) reporting that the costs to support the nuclear deterrent were £7.9 billion above budget for 2023.²⁴ According to the NAO, “the MOD’s decision to prioritise delivering the replacement nuclear deterrent on schedule has brought forward costs at the DNO [Defence Nuclear Organisation]”, increasing the DNO budget over the next decade by £38.2bn (62 per cent) to £99.5bn compared with last year’s plan.²⁵ Inflation has been a major factor in rising costs, but does not account for everything, as the MOD estimated that inflation would add £10.9bn to the Equipment Plan. The delivery of key parts of the nuclear deterrent programme, including the nuclear reactors that power the new submarines, have been rated “red” by the Infrastructure and Projects Authority, meaning their successful delivery on time “appears to be unachievable”.²⁶
18. Regarding the MDA, the MOD states in the Explanatory Memorandum that it has helped keep down costs: “Cooperation under the MDA has been of considerable mutual benefit, allowing the UK to significantly reduce costs while maintaining an operationally independent nuclear deterrent.”²⁷ The then Minister for Europe, David Lidington, argued in 2014 that the MDA “helps to provide the maintenance and servicing required to ensure the safety, security and reliability of the system, and at a substantial reduction on the costs that would otherwise be incurred”.²⁸ Regarding the financial implications of the Amending Agreement, the EM states, “There will be no direct financial implications beyond those needed to cover the process of ratifying this Treaty.”²⁹
19. In supplementary written evidence, the Ministry of Defence confirmed that the proposed amendments do not involve “any financial commitment by the UK, nor do they commit the UK to purchase any goods or service from the US”.³⁰

22 Prime Minister’s Office, Press Release: *PM announces ‘turning point’ in European security as UK set to increase defence spending to 2.5% by 2030* on 23 April 2024: <https://www.gov.uk/government/news/pm-announces-turning-point-in-european-security-as-uk-set-to-increase-defence-spending-to-25-by-2030> [accessed 10 October 2024]

23 National Audit Office, *Value for Money Report: The Equipment Plan 2023 to 2033*, HC 315, Session 2023–24 (4 December 2023): <https://www.nao.org.uk/reports/equipment-plan-2023-to-2033/> [accessed 10 October 2024]

24 *Ibid.*

25 *Ibid.*

26 Infrastructure and Projects Authority, *Annual Report on Major Projects 2022–23*, p 69: <https://assets.publishing.service.gov.uk/media/64c91eae8b1a71e86b05df3/IPA-Annual-report-2022-2023.pdf> [accessed 10 October 2024]

27 *Explanatory Memorandum*

28 HC Deb, 6 November 2014, [col315WH](#) [Commons Chamber]

29 *Explanatory Memorandum*, para 7

30 Supplementary written evidence from Joe Pitt-Rashid, Ministry of Defence ([MDA0001](#))

Ratification of the Amending Agreement by the US

20. The US began their process of ratification earlier than the UK. Details of congressional review of the Amending Agreement is found below:

“Under the Atomic Energy Act, Congress has the opportunity to review a nuclear cooperation agreement for two time periods totalling 90 days of continuous session. The President must submit the text of the proposed agreement along with supporting documents to the House Foreign Affairs Committee and the Senate Foreign Relations Committee.”³¹

21. Following a period of consultation between the President and Committees of at least 30 days of continuous session, the President is to submit the proposed agreement to Congress, along with the classified annex to the NPAS and a statement of the President’s approval of the agreement and determination that it will not damage US national security interests.³² On 29 July 2024, President Biden sent a letter to the Speaker of the House and President of the Senate to express his approval of the Amending Agreement as “it is in the national interest of the United States to continue to assist the United Kingdom in maintaining a credible nuclear deterrent, which will further improve our mutual defense posture and support our collective interests under NATO.”³³
22. The second period of 60 days continuous session then follows whereby the President submits the text of the agreement along with a letter of support with a national security determination, the unclassified NPAS, its classified annex, and letters of support for the agreement from the Secretary of State and the Nuclear Regulatory Commission. The agreement may then enter into force following the 60-day period unless Congress adopts a joint resolution of disapproval and the resolution become law.³⁴
23. Supplementary written evidence from the Ministry of Defence stated:

“We understand the current Congressional review period for the MDA has concluded. The MDA is an agreement for nuclear cooperation pursuant to Sections 91(c), 123, and 144(c) of the Atomic Energy Act of 1954, as amended (AEA). The AEA defines substantive and procedural requirements for proposed agreements for nuclear cooperation. We understand that Congress will use its ordinary oversight for activities associated with the MDA moving forwards. In the UK, any further amendments to the MDA within scope of the Constitutional Reform and Governance Act 2010 would be subject to Parliamentary scrutiny in the usual way.”³⁵

31 Congressional Research Service, *Nuclear Cooperation with Other Countries: A Primer*, RS22937 (July 9 2024): <https://crsreports.congress.gov/product/pdf/RS/RS22937> [accessed 10 October 2024]

32 *Nuclear Cooperation with other countries*

33 The White House, Press Release: *Letter to the Speaker of the House and President of the Senate on the Amendment to the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3 1958, as Amended on 29 July 2024*: <https://www.whitehouse.gov/briefing-room/statements-releases/2024/07/29/letter-to-the-speaker-of-the-house-and-president-of-the-senate-on-the-amendment-to-the-agreement-between-the-government-of-the-united-states-of-america-and-the-government-of-the-united-kingdom-of-grea/> [accessed 10 October 2024]

34 *Nuclear Cooperation with other countries*

35 Supplementary written evidence from Joe Pitt-Rashid, Ministry of Defence ([MDA0001](#))

24. **We welcome the expectation that ratification of the Amending Agreement by the US will be completed within the terms of the current administration and Congress. We note that the Amending Agreement will receive greater scrutiny in Congress than is possible in Parliament due to the limitations of the CRAG process and recall the Committee’s view that CRAG is insufficient to ensure robust and effective treaty scrutiny. In light of the Mutual Defence Agreement’s role in forming the cornerstone of the UK-US defence and security relationship, we regret the lack of sufficient time to take evidence on this important agreement.**

AUKUS defence and security partnership

25. On 5 August 2024, Australia, the UK and the US signed a trilateral agreement on co-operation related to naval nuclear propulsion. It was laid in Parliament on 2 September.³⁶ The Agreement will allow the UK and the US to support Australia in acquiring its first conventionally armed, nuclear-powered submarine fleet from the 2030s.³⁷
26. The AUKUS submarine fleet will incorporate designs and technology from both the UK and the US, and therefore the MDA could have a key role in enabling the exchange of nuclear propulsion technologies and information-sharing between the parties.³⁸ The AUKUS submarine will be based on the UK’s next generation nuclear powered submarine design. It will also include US technology, based largely on the Virginia-class SSN, including nuclear propulsion technologies and components, a common vertical launch system and weapons.³⁹
27. Australia is a non-nuclear weapon state party to the NPT and the agreement states that it will not involve the transfer of nuclear weapons to Australia. It also rules out enriching uranium or reprocessing spent nuclear fuel in Australia or activity that would contravene the parties’ non-proliferation obligations under the NPT.⁴⁰
28. In oral evidence, Commodore Paul Carter, Deputy Director of the AUKUS programme at the Ministry of Defence, acknowledged that although they represent two separate agreements, the MDA did add value to the AUKUS trilateral agreement:

“Without the MDA and the bilateral change, we could not be doing AUKUS pillar 1. We need the US technology. The future SSN that is going to be built in two countries, with probably a single supply chain,

36 Foreign, Commonwealth and Development Office, *Agreement among the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of Australia, and the Government of the United States of America for cooperation related to Naval Nuclear Propulsion*, CP 1148 (September 2024): <https://www.gov.uk/government/publications/agreement-among-the-united-kingdom-of-great-britain-and-northern-ireland-australia-and-the-united-states-of-america-for-cooperation-related-to-naval> [accessed 10 October 2024] See: International Agreements Committee, *The AUKUS Naval Nuclear Propulsion Cooperation Agreement* (3rd Report, Session 2024-25, HL Paper 21)

37 Australian Government, Press Release: *AUKUS agreement for cooperation on naval nuclear propulsion* on 1 October 2024: <https://www.asa.gov.au/aukus/aukus-agreement-cooperation-related-naval-nuclear-propulsion> [accessed 10 October 2024]

38 House of Commons Library, *Amendments to the UK-US Mutual Defence Agreement*, Research Briefing, 10086, 6 September 2024

39 Australian Government, Press Release: *AUKUS agreement for cooperation on naval nuclear propulsion* on 1 October 2024: <https://www.asa.gov.au/aukus/aukus-agreement-cooperation-related-naval-nuclear-propulsion> [accessed 10 October 2024]

40 *AUKUS Agreement related to Naval Nuclear Propulsion*, Preamble

more or less, has trilateral technology. US technology is being inserted into our design to support AUKUS and make it a much more ambitious and lethal capability. That is the value. Without the MDA, we would not have the ENNPIA or AUKUS pillar 1.⁴¹

Key provisions of the UK-US MDA

Article III Transfer of Submarine Nuclear Propulsion Plant and Materials

29. Article III allows for the transfer of submarine nuclear propulsion plant and materials from the US to the UK. Under this provision, the US can provide information to the UK necessary for the design, manufacture and operation of submarine nuclear propulsion plants.⁴²
30. The provision also allows the US to sell to the UK submarine nuclear propulsion plants and parts, including spare parts, replacement cores, and fuel elements.⁴³ The original 1958 agreement authorised the sale to the UK of a complete nuclear submarine propulsion plant as well as the uranium needed to fuel it over a ten-year period. Article III also allows for the further sale of enriched uranium to the UK as needed for use in submarine nuclear propulsion plants.⁴⁴
31. In 2014, Article III of the MDA was amended for the first time since it entered into force. Changes were made to the language to allow for any possible future transfer to the UK of submarine nuclear propulsion plants and/or parts, including replacement cores and fuel elements, as well as any associated information.⁴⁵

Article III bis Transfer of Materials and Equipment

32. One of the most significant amendments in the history of the MDA was the addition of Article III bis in 1959. This provision allows the US to transfer to the UK the following (Article III bis A, B, C):
 - non-nuclear parts of atomic weapons and atomic weapons systems involving Restricted Data which are for the purpose of improving the UK's state of training and operational readiness;
 - source, by-product and special nuclear material, and other material for research on, development of, or use in atomic weapons when the US determines that the transfer of such material is necessary to improve the UK's atomic weapon design, development or fabrication capability;
 - enriched uranium, as well as the enrichment services for the UK for military applications; and
 - special nuclear material and other material for research on, development of, production of, or use in utilisation facilities for military applications.
33. Article III bis D allows the UK to transfer source, by-product and special nuclear material and equipment to the US.

41 [Q 21](#) (Commodore Paul Carter)

42 *Amending Agreement to UK-US MDA*, Article III paragraph A

43 *Amending Agreement to UK-US MDA*, Article III paragraph A

44 *Amending Agreement to UK-US MDA*, Article III paragraph B

45 House of Commons Library, [Amendments to the UK-US Mutual Defence Agreement](#), Research Briefing, 10086, 6 September 2024

34. Article III bis is time limited and has been renewed every ten years since the 1980s. The requirement to approve revisions to Article III bis has also provided the opportunity for both parties to make further amendments to other parts of the MDA. The amendments were proposed via amending agreements which required ratification, and therefore they have been subject to treaty scrutiny by Parliament.
35. Most historical amendments have been of a technical nature, but they have also demonstrated how UK-US relations on nuclear cooperation have evolved since 1958. For example, in 1985, an amendment was added to allow for the transfer of enriched uranium to the UK for any military purpose, a few years after the decision of the UK Government to purchase the Trident missile system from the US. The last extension was agreed in 2014 and is due to be renewed at the end of 2024.

Content of the Amending Agreement

36. The Amending Agreement laid before Parliament on 26 July contains 14 articles and proposes a series of amendments to the MDA. Most of the amendments are minor but Articles 4 and 5 of the amending treaty make significant changes to the text of Article III and Article III bis of the MDA.

Article 4: Amendment to Article III Naval Nuclear Propulsion Plants and Related Equipment, Information and Materials

37. Article 4 of the Amending Agreement amends Article III of the MDA to allow reciprocal cooperation in relation to naval nuclear propulsion. This is an extension of the existing provisions which apply only to the transfer of submarine nuclear propulsion plant and materials from the US to the UK. The proposed text allows the UK to:
- transfer to the US naval nuclear propulsion plants and or parts, including reactor cores, fuel elements and spares;
 - provide or exchange information with the US that is necessary for the research, development, design, manufacture and disposal of naval nuclear propulsion plants;
 - transfer materials to the US, including enriched uranium required for nuclear propulsion plants, and reprocess that material which may be purchased or returned; and
 - provide or exchange information on methods of reprocessing fuel elements of the type utilised in any naval nuclear propulsion plant.
38. The EM states that the amendments “reflect the scale and scope of submarine nuclear propulsion cooperation under the MDA, including maintenance and regulation.”⁴⁶ The amendments extend the provisions to apply to naval vessels more broadly, beyond submarines.
39. Joe Pitt-Rashid told us that the amendment to this article may “appear more significant at first than it is,” and entails future-proofing the agreement to acknowledge that the UK is already engaged in programmes that will continue over the coming years. He added:

“That reciprocity provision, as you describe, enables the provision of nuclear propulsion technology from the UK to the US, should we judge that as something we want to pursue, but does not reflect any current programmatic intent to make use of that provision.”⁴⁷

40. On the provisions in relation to extending submarine technology to broader naval technology, he stated that the amendment highlights the nature of US infrastructure which has “wider naval purposes” and is not “solely submarine specific.”⁴⁸

Article 5: Amendment to Article III bis

41. We have two comments on the amendments. First, Article 5 of the Amending Agreement amends Article III bis so that its provisions are extended indefinitely. The EM states that this provision allows for “securing continuing cooperation with the US.”⁴⁹ However, as there will no longer be a requirement to renew this article at ten year intervals, concerns have been raised by disarmament advocates about the level of parliamentary scrutiny of the MDA.⁵⁰ Joe Pitt-Rashid stated that the Government has a “firm commitment” to ensure “transparency and accountability to Parliament within the limits of national security.”⁵¹ He added:

“The judgment that has been made between us and the US is that we retain discretion to review the agreement as required, should our Administrations so wish. Aligning Article III bis with the rest of the treaty to reflect the fact that there is no programmatic reason why we need to revisit or review those clauses, while retaining discretion to do so should we need to, is the kind of balanced judgment we have come out with.”⁵²

42. **The requirement to renew Article III bis on a ten-year cycle provided a periodic opportunity for Parliament to consider the operation of the MDA. The effect of the amendment to remove this provision means that the MDA will not return to Parliament for periodic scrutiny as it has done over the years since its adoption. Given the strategic importance of UK-US cooperation at this critical time in replacing the UK’s nuclear deterrent to maintain the country’s security, we regret the consequential loss of routine parliamentary oversight of the Mutual Defence Agreement. We therefore call on the Government to commit to providing a report to Parliament on the progress and operation of the MDA every ten years.**

Article 14

43. Secondly, the MDA does not include an amendment article but it may be further amended subject to terms agreed by the UK and US. The EM states

47 [Q 3](#) (Joe Pitt-Rashid)

48 [Q 3](#) (Joe Pitt-Rashid)

49 *Explanatory Memorandum*

50 Campaign for Nuclear Disarmament, [US-UK Mutual Defence Agreement](#), March 2024; Nuclear Information Service, *US-UK Mutual Defence Agreement: A Nuclear Information Service Briefing* (July 2024): <https://www.nuclearinfo.org/wp-content/uploads/2024/07/MDA-Briefing-digital.pdf> [accessed 17 October 2024]; Georgetown Security Studies Review, ‘Why U.S.-U.K. Nuclear Cooperation is More Important than Ever’ (20 March 2024): <https://georgetownsecuritystudiesreview.org/2024/03/20/why-u-s-u-k-nuclear-cooperation-is-more-important-than-ever/> [accessed 17 October 2024]

51 [Q 8](#) (Joe Pitt-Rashid)

52 [Q 9](#) (Joe Pitt-Rashid)

that the Government will adhere to commitments under the Constitutional Reform and Governance Act should any future amendments require ratification.⁵³

44. In 1994, 2004 and 2014, amendments to the agreement were not subject to debate in Parliament or the subject of a select committee report. External stakeholders have raised concerns about the lack of parliamentary scrutiny of previous amendments to the MDA. However, on 10 September 2014 the Rt Hon Jeremy Corbyn MP argued on the floor of the House for a debate, as the MDA had been discussed in the US Congress.⁵⁴

Other amendments

45. Many of the other proposed amendments to the MDA are minor and technical, including updated language, terminology and definitions as well as details on the nature of information that may be exchanged between both parties:
- Article 1 amends the preamble of the MDA;
 - Article 2 amends Article I (General Provisions) of the MDA;
 - Article 7 amends Article V (Conditions of the Agreement) of the MDA;
 - Article 9 amends Article VII (Dissemination) of the MDA; and
 - Article 12 amends Article XI (Definitions) of the MDA.
46. **We report the Agreement to the House for special attention and debate on the grounds that UK-US defence nuclear relations are strategically significant and of public policy interest, together with our comments in paragraphs 24 and 42.**

53 *Explanatory Memorandum*

54 HC Deb, 6 November 2014, [c291WH](#) [Commons Chamber]

APPENDIX 1: LIST OF MEMBERS AND DECLARATIONS OF INTEREST

Members

Lord Anderson of Swansea
Lord Boateng
Lord Etherton
Lord Fox
Lord German
Lord Goldsmith KC (Chair)
Lord Grimstone of Boscobel
Lord Hannay of Chiswick
Lord Howell of Guildford
Baroness Kingsmill
Lord Marland
Lord Udney-Lister

Declarations of Interest

Lord Anderson of Swansea
No relevant interests

Lord Boateng
*Independent non-executive director, at the Ghana International Bank
Board member, Syngenta Foundation*

Lord Etherton
TBC

Lord Fox
No relevant interests

Lord German
No relevant interests

Lord Goldsmith KC
Partner, Debevoise & Plimpton LLP (International law firm)

Lord Grimstone of Boscobel
No relevant interests

Lord Hannay of Chiswick
*Member, advisory board of the Centre for European Reform
Member, European Leadership Network
Chair, European & International Analysts Group*

Lord Howell of Guildford
No relevant interests

Baroness Kingsmill
No relevant interests

Lord Marland
Director, Janspeed Technologies Ltd (manufacturer of motor parts)

Lord Udney-Lister
Advisor to the Group Chairman of HSBC

APPENDIX 2: LIST OF WITNESSES

Evidence is published online at <https://committees.parliament.uk/work/8516/amendment-to-ukus-mutual-defence-agreement/publications/> and available for inspection at the Parliamentary Archives (020 7219 3074).

Evidence received by the Committee is listed below in chronological order of oral evidence session and in alphabetical order. Those witnesses marked with ** gave both oral and written evidence. Those marked with * gave oral evidence and did not submit any written evidence. All other witnesses submitted written evidence only.

Oral evidence in chronological order

- * Commodore Paul Carter, Deputy Director AUKUS Programme, Ministry of Defence [QQ 1-25](#)
- * Roland Knott, Deputy Director Warhead Capability, Defence Nuclear, Ministry of Defence [QQ 1-25](#)
- ** Joe Pitt-Rashid, Director of Strategy and Policy for the Defence Nuclear Organisation, Ministry of Defence [QQ 1-25](#)

Alphabetical list of all witnesses

- * Commodore Paul Carter, Deputy Director AUKUS Programme, Ministry of Defence ([QQ 1-25](#))
- * Roland Knott, Deputy Director Warhead Capability, Defence Nuclear, Ministry of Defence ([QQ 1-25](#))
- ** Joe Pitt-Rashid, Director of Strategy and Policy for the Defence Nuclear Organisation, Ministry of Defence ([QQ 1-25](#)) [MDA0001](#)