

**UNIVERSITY OF NAIROBI**

**THE PROBLEM OF DISARMAMENT  
THE WAY TO ITS SOLUTION**

**Gandhi Memorial Lectures (6th Series)  
23rd June 1988**

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**by J. Maximian Nazareth, Q.C.**

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**This Lecture was made possible by a grant from  
the Gandhi Memorial Academy Society to the  
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Printed by afropress Ltd., Lusaka Close, off Lusaka Road.,  
P.O. Box 30502, Nairobi, Kenya.

## JOHN MAXIMIAN NAZARETH

Born 1908, Nairobi; 1929: graduated at St. Xavier's College, University of Bombay with first class, first in the College, awarded St. Francis Xavier Gold Medal for best curricular and extra-curricular performance, appointed Dakshina Fellow of the College; 1931: awarded Special Prize in Criminal Law of the Council of Legal Education and the Poland Prize of the Inner Temple, London; 1932: awarded a Profumo Prize of the Inner Temple; 1935: enrolled as an advocate of the Supreme Court of Kenya; 1950-52: President, East African Indian National Congress; 1953: appointed temporary judge of the Supreme Court of Kenya; 1954: President of the Law Society of Kenya; 1955: President of the East Africa Goan National Association; 1955: appointed Queen's Counsel; 1956-60: Elected Member of the Kenya Legislative Council; 1956-59 and 1973-79: President of the Gandhi Memorial Academy Society; 1956-76 and 1981-82: Member of the University of Nairobi Council and since 1956—Chairman, Gandhi Smarak Nidhi Fund Trustees at the University; 1978: delivered the 4th series of the Gandhi Memorial Lectures on "Today's Challenge to the Students"; 1980: appointed a conciliator under the Vienna Convention on the Law of Treaties; 1981: author of *Brown Man Black Country: On the Foothills of Uhuru*.

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This lecture, the sixth in the series of the Gandhi Memorial Lectures, on "*The Problem of Disarmament: The Way to its Solution*", was delivered at the University of Nairobi, on 23rd June 1988. The first lectures were given by P.B. Gajendragadkar, Vice-Chancellor of the University of Bombay and former Chief Justice of India (*The Constitution of India: Its Philosophy and Basic Postulates*, Oxford University Press, Nairobi, Bombay and London, 1969). The second series of lectures was delivered by Lord Patrick M.S. Blackett of the Imperial College of Science and Technology in London, winner of the 1948 Nobel Prize for Physics (*Reflections on Science and Technology in Developing Countries*, East African Publishing House, Nairobi, 1969). The third series of lectures was given in January 1972 by Dr. Clark Kerr, Chairman, Carnegie Council on Policy Studies in Higher Education and President

Emeritus of the University of California (*Education and National Development: Reflections from an American Perspective During a Period of Global Reassessment*, Afropress, Nairobi, 1979). The fourth series was given in October 1978 by Mr. J.M. Nazareth, Q.C. (*Today's Challenge to the Students: The Problems That Face Us, and Facing Up to the Problems*, Afropress, Nairobi, 1979). The fifth series was given by Judge T.O. Elias, then Vice-President, later President, of the International Court of Justice at the Hague, in January 1981 (*Africa Before the World Court*, Afropress, Nairobi, 1982).

NATO allies attained their objective and got what they had demanded, the NATO allies had really no alternative except publicly to support the treaty and to call for its ratification. The American public and the senators, both Republicans and Democrats, gave it full support, and the Senate ratified it by a vote of 93 to 5. The last New York Times/CBS News poll taken before the signing of the treaty found that Republicans approved the prospective treaty by as wide a margin as did the public at large, 2 to 1, and even Republican conservatives approved it by 5 to 3. The opposition to the treaty by the far right is remote from what the rest of America thinks.

Since I am no more than an amateur in this field, it is desirable and, it seems to me, even necessary that I place before you a picture of the reactions to the treaty largely through quotations from experts and commentators. In an article in this year's Spring issue of *Foreign Affairs* Lynn Davis says: "The ... INF treaty ... is certainly a success if measured against the West's proclaimed arms control objectives during the 1980s ... NATO carried out its 1979 decision to deploy intermediate-range nuclear missiles in five West European countries. Later, after the deployment was completed, NATO succeeded in securing Soviet agreement to all its arms control goals, including the global elimination of SS-20 missiles and acceptance of very intrusive verification measures."<sup>1</sup> Taking a broad view of the treaty she later says: "Over the course of the negotiations the West accomplished all its objectives. ... To reject the treaty now would risk undermining the public support which the West achieved for its strategic arms control policies; that public support is far more important to the credibility of the West's strategy than any INF missiles. Nevertheless the worry now is that the net effect of the INF treaty may serve the longer-term strategic goals of the Soviet Union more than those of the United States—hence the sense of unease."<sup>2</sup> But the Soviets also, she says, succeeded ultimately in their objectives: "After 1979 the Soviets undertook a varied but sustained campaign to prevent the U.S. deployment and, although their initial tactics failed, the Soviets

1. Lynn E. Davis, *Lessons of the INF Treaty*, *Foreign Affairs*, Spring 1988, p. 720; a visiting Research Fellow at King's College, London; Deputy Assistant Secretary of Defence for Policy Plans from 1977 to 1981.
2. *Ibid.* p. 731.

succeeded in the end through the INF treaty. What changed was not their objective, but their willingness to pay the U.S. price.”<sup>3</sup>

Strobe Talbott, in his article published in *Time* magazine in the week after the treaty was signed, considers the treaty a success for the Soviets also: “It will leave the United States,” he says, “without any ground-based missiles in Europe capable of hitting Soviet territory—and without the right to deploy any such weapons in the future. That is every bit as much a mission accomplished as the accompanying elimination of the SS-20s is a consummation of Reagan’s and Perle’s original zero option.”<sup>4</sup>

World reaction showed wide approval of the treaty. “The European governments,” said Lord Carrington, NATO’s Secretary-General, “are all in favour of the treaty.”<sup>5</sup> But in France, conservative criticism in the newspapers continued unfavourable. In *Le Figaro*, Francois Leotard, the Minister of Culture, described the treaty as “useless and even dangerous for European security.”<sup>6</sup> *Le Monde* said that the treaty “made Europe the guinea pig for an accord between the Superpowers.”<sup>7</sup> In West Germany, Jurgen Todenhofer, who had resigned in November as spokesman for the Christian Democrats disarmament committee, said soon after the treaty was signed: “Nuclear arms were brought in in the first place in the 1950s to act as a shield against a conventional war of swords, as a deterrent. Now we are laying down the shield without having blunted the sword.”<sup>5</sup>

The approval given to the treaty by the West European allies publicly is not to be taken at face value. Robert Hunter, who directs European studies at the Centre for Strategic and International Studies at Georgetown University, expressed the opinion in the week the treaty was signed that, though the European allies had “formally blessed the INF treaty, their words disguise misgivings about American attitudes and actions. West European doubts about American steadfastness did not begin with this administration but have steadily increased in recent years. The critical event was last year’s summit meeting at Reykjavik, when

3. *Ibid.* p. 722.

4. Strobe Talbott, *The Road to Zero—Behind the scenes of a surprising but potentially troubling triumph.* *Time* magazine, Dec. 14, 1987, p. 11.

5. *International Herald Tribune*, Dec. 11, 1987, p.5.

6. *Ibid.*

7. *Ibid.*, Dec. 10, 1987, p. 4.

President Reagan seemed ready to trade away nuclear weapons that have symbolized America's commitment to European security. Europeans view the treaty eliminating medium-and shorter-range missiles as compounding their security problem."<sup>8</sup>

Even European strategists who supported the treaty were saying privately that they were disturbed by the way in which the medium-range treaty negotiations were expanded in a few months of hectic diplomacy to include shorter-range nuclear weapons. The double-zero had been a long-standing proposal of Reagan. The Western position, however, had called for both sides to agree on equal low ceilings (not zero) in the category of shorter-range missiles. "Gorbachev brilliantly seized an opportunity," said a French official, "for a political wedge in the alliance—the permanent overriding objective of Soviet arms control diplomacy."<sup>9</sup> At a meeting with U.S. Secretary of State Schultz in the Kremlin Gorbachev said to him: "Why not eliminate the lot? The President has said he wants an end to nuclear weapons." But Schultz reserved any U.S. response until the allies could be consulted. Zero solutions had a fascination for Reagan as can be seen from Strobe Talbott's account of the origin of the first zero in his article *The Road to Zero*<sup>10</sup>. Haig and other arms control advocates had two reasons for seeking a deal that would reduce missiles in Europe rather than eliminate them entirely: 1) such an outcome seemed realistic and "negotiable" in that the Soviets might accept it; 2) leaving a few missiles in place would reinforce the credibility of the U.S. promise to defend its allies in the event of a Soviet attack. But the State Department's plan was not good enough for the President; he told Richard Allen he wanted a proposal "that can be expressed in a single sentence and that sounds like real disarmament." Perle had just what Reagan was looking for: the "zero option". He proposed a straightforward, all-or-nothing package—zero American missiles in exchange for zero SS-20s. Administration officials privately conceded that the zero option was not intended to produce an agreement before NATO deployment began in late 1983. Rather, it was a gimmick. Few strategic experts in the West expected—or, more important—wanted NATO to be

8. *Ibid.*, Dec. 11, 1988, p. 6.

9. *Ibid.*, Feb. 5, 1988, p. 1..

without any nuclear missiles at all." That is Talbott's account of the origin of the first zero.<sup>10</sup>

Proceeding to the story of the second zero, it seems that, after Gorbachev made the offer to Schultz, apparently ill-considered and indecisive allied consultations took place. Conservative West Germans say that their bid to block the second zero was ended by Prime Minister Margaret Thatcher when she announced in May just before elections that she would accept it. Britain came out in mid-May in support of Gorbachev's double-zero offer at a NATO meeting in Stavanger, Norway. The episode soured relations between West Germany and Britain and provides an example how NATO should not proceed in disarmament talks. The West German conservatives, in addition to feeling that the second zero would create psychological pressure for a third zero to eliminate battlefield nuclear weapons also, felt betrayed. In August, West German Chancellor Kohl announced that West Germany would end its nuclear cooperation in the Pershing-1 As, which were owned by it but which were under U.S. control, three weeks before the last intermediate-range missiles were dismantled.<sup>11</sup> But his dissatisfaction with the situation in which West Germany had been placed was shown in a speech he delivered in Hannover at a civil servants union meeting on September 23 when he declared that West Germany could not be content with a Superpower ban on medium-range nuclear missiles because the Soviet Union posed a serious military threat. Moscow, he said, had a 3-1 advantage over NATO in conventional forces, a 10-1 lead in chemical weapons, crushing superiority in shorter-range nuclear weapons and 10,000 long-range nuclear warheads that could be aimed at West Germany. "This agreement," he said, "is a significant step in the right direction. But we need further progress in disarmament. Our security remains threatened by Soviet military potential."<sup>12</sup> The Soviets then created a hitch by asking that Moscow be allowed to maintain some of its shorter-range missiles until West Germany eliminated the 72 Pershing-1A missiles, a demand which the U.S. negotiators promptly rejected.<sup>13</sup> The Soviets then insisted that "All types of shorter-range missiles,

10. Strobe Talbott, *op. cit.*, p. 10.

11. *International Herald Tribune*, Feb. 5, 1988, p. 3.

12. *Ibid.*, Sept. 24, 1987, p. 7.

13. *Ibid.*, Oct. 10-11, 1987, p. 1.



including German Pershing-1A missiles, should be included in the agreement. "We think it is a reasonable position."<sup>14</sup> The Soviet Union declared that elimination of the Pershing-1As was a "condition" of an INF treaty. Thus the Soviets ultimately had their way on this point, and West Germany was left with only a few battlefield nuclear weapons against the vastly greater numbers of the Warsaw Pact and the Pact's great superiority over NATO in conventional forces, and with the strong feeling among Germans across the spectrum that they had been betrayed and pressured into this situation by their NATO allies and thus "singularised".

As early as the middle of May 1987 Kohl had said that battlefield nuclear weapons must be included in the East-West talks on the Soviet proposals to rid Europe of shorter-range missiles. Kohl's conservative Christian Democrats were saying that the Soviet proposal to eliminate shorter-range weapons would leave Western Europe vulnerable to Soviet superiority in conventional weapons and would leave West Germany as the sole European NATO country with nuclear warheads in the battlefield category. Kohl said that Washington's European allies needed to develop a common position at the U.S.-Soviet talks in Geneva, but the Europeans could not be rushed.<sup>15</sup> At all times after the INF treaty was signed West Germans called for early talks, some insisting that the battlefield weapons should be eliminated and others that the Soviet overweight be reduced to equal ceilings. Foreign Minister Genscher stated that he had a commitment from NATO ministers that the alliance would expeditiously press for follow-on talks on these short-range systems.<sup>16</sup> Shultz, however, in mid-December was indicating that despite West Germany's desire to see talks on the removal of battlefield nuclear weapons he would continue to put a low priority on that topic in negotiations.<sup>17</sup> West Germany, however, rejected this notion of a sequence. "Any chance of a breakthrough on short-range systems should not be held hostage to progress on all the other negotiations," said a spokesman for Genscher. A leading West German for the governing

14. *Ibid.*, Oct. 12, 1987, p. 4.

15. *Ibid.*, May 16-17, 1987, p. 2.

16. *Ibid.*, Dec. 22, 1987, p. 6.

17. *Ibid.*, Dec. 16, 1987, p. 3.

Christian Democrats said: "NATO cannot say: 'We will address this problem once the conventional imbalances are removed.' By then it will be too late." The Foreign Office spokesman added, "It is not German hysteria, it's an alliance problem."<sup>18</sup> Chancellor Kohl's government had then agreed to a common NATO position that put negotiations on long-range strategic weapons, conventional forces and chemical weapons ahead of short-range battlefield nuclear weapons.<sup>19</sup> If, as Genscher stated, he had a commitment from NATO ministers for early U.S.—Soviet talks on these battlefield weapons, it would seem that West Germany was badly let down by her NATO allies. Robert Blackwill, former U.S. ambassador to the conventional forces negotiations in Vienna, stated in late December 1987 that "significant progress in conventional arms control negotiations in the next several years is quite unlikely."<sup>20</sup> NATO's Secretary-General Lord Carrington in early November 1987 expressed a similar opinion on account of the problem of conventional arms reductions being "infinitely more complex. ... I don't expect a breakthrough on conventional arms control soon," he said.<sup>21</sup>

The two major events that took place after the signing of the INF treaty on December 8 were the NATO summit meeting at the beginning of March 1988 and the NATO defence ministers meeting near the end of April. The historic achievement of the INF treaty in eliminating the intermediate -and shorter-range weapons was in effect nullified or eroded by the decision of the NATO summit meeting to replace the eliminated weapons by new weapons for the same purpose as was performed by those weapons. "Mrs. Thatcher summed up the summit meeting with the observation that despite the basically semantic compromises in the summit statement, NATO leaders all agreed basically on the need to develop new nuclear weapons to match Soviet arms."<sup>22</sup> At the Nato defence ministers meeting they "pledged to press ahead with plans to modernize short-range nuclear forces",<sup>23</sup> "modernize" meaning they would develop new weapons supposed to be better

18. *Ibid.*, Dec. 21, 1987, p. 1.

19. *Ibid.*, Dec. 16, 1987, p. 3.

20. *Ibid.*, Dec. 22, 1987, p. 6.

21. *Ibid.*, Nov. 9, 1987, p. 2.

22. *Ibid.*, Mar. 4, 1988, p. 7.

23. *Ibid.*, Apr. 29, 1988, p. 5

to replace the eliminated weapons. The arms race was off again. The two meetings and the Superpowers and their allies over the course of the previous 10 to 15 years thus emulated the historic achievement of the famous Duke of York:

He had ten thousand men  
He marched them up to the top of the hill  
And he marched them down again.

Actions speak louder than words. The NATO leaders by planning to replace what the INF treaty had removed were contradicting the verbal approval they had given to the treaty. In fact that contradiction had taken place even before the treaty was signed in December when the NATO defence ministers had met at Monterey, California in the United States about a month earlier at the beginning of November to consider plans for deploying new nuclear forces after U.S. and Soviet leaders signed the prospective treaty eliminating intermediate-range nuclear forces. In regard to that meeting *The Observer* (London) in an editorial headed "*And Then Off We Go Again*" at the beginning of November had said: "To those not privy to the arcane calculus of nuclear deterrence it may seem odd—not to say absurd—to remove nuclear weapons with one hand only to replace them with the other. Yet that is exactly what NATO intends to do" after the signing of the arms elimination treaty in December. The new deployments are known in the trade as "compensatory adjustments" ... "if the West is entitled to 'compensatory adjustments' is not the Soviet Union entitled to them, too? It would be the ultimate irony if an agreement that for the first time reduced the nuclear arsenals should prove the signal for a new buildup. That is the way to give disarmament a bad name."<sup>24</sup>

Unofficial criticism in the months following the signing of the treaty pointed out other basic defects in it. In the middle of January William Pfaff pointed out that Europeans went along with the treaty in order to accommodate Reagan but that they did not like it because it implied Europe's eventual denuclearisation which they saw as opening the door to conventional war—plausible war—and to the forms of political intimidation attached to

24. *Ibid.*, Nov. 2, 1987, p. 6

plausible threats of war. "Western Europe and the United States on these matters," said Pfaff, "are headed with mounting speed in opposite directions. The United States wants disarmament and/or invulnerability on the one hand and nuclear war-fighting forces on the other. The West Europeans think that disarmament/invulnerability is unattainable and that nuclear war-fighting weapons weaken deterrence by restoring plausibility to the use of the nuclear weapons.<sup>25</sup> In the middle of February Pierre Lellouche, deputy director of the Institut Francais de Relations Internationales, indicated that by removing longer-range nuclear systems, while leaving the shorter-range nuclear arms in West Germany, the INF treaty had destroyed the political and military legitimacy of nuclear weapons in Europe.<sup>26</sup> In an article "Defending Post-INF Europe," in the Spring 1988 issue of *Foreign Affairs* Jeffery Record and David Riffkin wrote: "A substantial denuclearisation is at hand.... The treaty has profound implications for conventional deterrence and defence on the Continent. It is also likely to have repercussions for NATO'S cohesion, arms control negotiations and the future of U.S.-European relations."<sup>27</sup>

"Critics and sceptics, among them Richard Nixon, Henry Kissinger, Alexander Haig, Congressman Jack Kemp (R-N.Y.), recently retired NATO Supreme Commander General Bernard Rogers and House Armed Services Committee Chairman Les Aspin (D-Wis.), contend that any degree of denuclearisation of Europe not tied in some way to a redress of the conventional military balance, which continues to favour the Soviet Union, could make Europe safe for conventional warfare on a scale not witnessed since 1945.<sup>27</sup>

"Even partial denuclearisation, it is asserted, would work against NATO by removing many of the very weapons that the alliance for almost forty years has judged an effective and comparatively cheap means of deterring the Soviet Union's use of its numerically superior and geographically advantaged conventional forces in Europe."<sup>27</sup>

25. *Ibid.*, Jan. 15, 1988, p. 4.

26. *Ibid.*, Feb. 17, 1988, p. 4.

27. Jeffery Record and David B. Riffkin Jr., "Defending Post-INF Europe", *Foreign Affairs*, Spring 1988, p. 735.

In the course of this article the writers state some facts and reach certain conclusions which are relevant to the proposition I seek to put before you that there have to be radical changes and improvements in our current forms or ways of negotiations for an adequate solution of the problem of disarmament and arms control. Some of these facts or conclusions I will now proceed to state:

NATO has heavily relied on nuclear weapons and its European members have inadequately funded conventional force improvements and it is improbable that NATO will sufficiently improve its conventional force posture. "General Rogers has declared that NATO's conventional forces probably could not mount an effective defence of the Alliance's central front for more than a few days."<sup>28</sup> There is reason to believe that Europe's denuclearisation will not stop with the treaty."<sup>29</sup> "Nuclear deterrence, even in a weakened state, will endure as long as nuclear weapons exist."<sup>30</sup> "The INF treaty does indeed mark a watershed for NATO's nuclear deterrent: the longstanding deficiencies in NATO's conventional posture are no longer tolerable."<sup>30</sup> "It is highly likely, for reasons having little to do with the INF treaty, that the non-nuclear military balance in Europe in the post-treaty era will be even more unfavourable to NATO than it is today."<sup>31</sup> "To restore NATO's theatre nuclear forces to a pre-INF treaty level is probably an impossible order to fill given the treaty's elimination of NATO's most deterring theatre weapons."<sup>32</sup> "Bonn's apparent yearning for the "third zero" [the elimination of battlefield weapons] cannot be allowed to become the fulcrum for Germany's eventual denuclearisation via the old ideas of a nuclear-free zone in central Europe."<sup>33</sup> "NATO's overall focus in the years ahead should be on maintaining a smaller modernized force of tactical nuclear weapons and on bolstering its long-range nuclear systems which are not covered by the INF treaty."<sup>34</sup> "NATO is highly unlikely to make the conventional force improvements seemingly dictated by the INF treaty."<sup>35</sup> "It is most unlikely that Moscow, even though it decided to

28. *Ibid.*, p. 736.

29. *Ibid.*, p. 738.

30. *Ibid.*, p. 739.

31. *Ibid.*, p. 740.

32. *Ibid.*, p. 744.

33. *Ibid.*, p. 745-6.

34. *Ibid.*, p. 746.

35. *Ibid.*, p. 749.

forgo some of its nuclear options, is now prepared to relinquish its conventional warfighting options as well.”<sup>35</sup> It is difficult to believe that Moscow would now be ready to rely indefinitely on a deterrence only posture, with no provision made for the failure of deterrence.”<sup>36</sup> “Even a sincere Soviet rejection of nuclear warfighting does little to alter the threat posed by Moscow’s conventional military superiority on the Eurasian landmass. Moreover, Soviet force procurement trends suggest a determination to retain the necessary flexibility to implement both nuclear and conventional options.”<sup>37</sup> As regards the proposed deep reductions proposed by the Soviets in April and June of 1986 and replacing or supplanting the moribund Mutual and Balanced Force Reductions (MBFR) talks with new talks, the Atlantic-to-the-Urals talks, “the net effect of these proposals would preserve the present military balance in Europe, which favours the Warsaw Pact, albeit at lower force levels.”<sup>38</sup> Shevardnadze has “made clear that Moscow envisions an explicit link between conventional reduction and further denuclearisation of Europe.”<sup>39</sup> “There are several fundamental reasons to doubt the chances of success in the Atlantic-to-the-Urals talks”<sup>39</sup>. Robert Blackwill, the former U.S. representative to the MBFR talks, has observed that “to believe that Gorbachev will rescue the West from its conventional inferiority is to be on the lookout for Santa.”<sup>39</sup> “It is likely that the Soviets, for the foreseeable future, will merely seek to “repackage” their military superiority in Europe.”<sup>39</sup> “The anticipated Soviet European arms control offensive will fall upon a vulnerable and divided NATO .... Thus [for the reasons just given] negotiations could become an alibi for not implementing conventional force improvements.”<sup>39</sup> “The alliance has painted itself into a corner, and the paint will not dry .... Nor can NATO expect the Soviet Union to offer a way out.”<sup>40</sup>

36. *Ibid.*, p. 749.750.

37. *Ibid.*, p. 750.

38. *Ibid.*, p. 752.

39. *Ibid.*, p. 753.

40. *Ibid.*, p. 754.

From the quotations made from this article "*Defending Post-INF Europe*" you will see what a formidable task and what increased difficulties NATO faces in consequence of the double-zero solution on which the INF treaty is based and the gaps it has created. I have quoted these passages in support of the view that the current wholly confrontational form of negotiations, whether conducted through delegations or through summitry or meetings between ministers of foreign affairs or of defence, is wholly inadequate for our need and that it ought to be replaced by a radically improved form of negotiations through a mediation commission as set out in a resolution on Achieving World Disarmament through Mediation passed on February 24, 1981 by the World Constitution and Parliament Association at its 4th World Session held in New Delhi, India, which I will now proceed to deal with. It was quite an elaborate resolution consisting of 12 paragraphs; and at the same time the meeting adopted a Statement in Support of the resolution. The preamble to the resolution stressed the need to achieve progress in achieving disarmament between the Superpowers, the United States and the Soviet Union, before progress could be made towards achieving the Association's objective of a democratic federal world government and that substantial progress was unlikely to be made except by resort to mediation somewhat on the lines of the Conciliation Commissions appointed under the Vienna Convention on the Law of Treaties (1969).

Accordingly WCPA's resolution proposes that a Mediation Commission be established by the two Superpowers to make proposals to them for achieving disarmament and arms control as between them. The Commission is to consist of five members including its chairman. Two of the members are to be nationals of the United States and the Soviet Union and the other two members are to be non-nationals of either Superpower or of any State allied or aligned with them. As to the chairman, he is to be appointed by the four members unanimously. As regards composition you will see that the resolution places the two Superpowers on a footing of strict equality, a point to which they each, and particularly the Soviet Union, attach great importance. The chairman, too, is appointed in a way that avoids leaning towards one side or the other.

To appoint the four members of the Commission, each party is required to submit to and exchange with the other party the

names of not less than four and not more than eight persons, half of them to be nationals and half to be non-nationals of either Superpower or of any State allied or aligned with either of them. From the persons proposed each Superpower is to select one national and one non-national to be members of the Commission. The Commission will thus have two members who are nationals of the Superpowers respectively and who can be expected to have a natural sympathy with their own country and to a limited extent to be representative of it. The other two members and the chairman will have no ties to either Superpower and can be regarded as representative of the interests of the rest of the world not allied or aligned with either Superpower. It is right and highly desirable that the rest of the world should be represented on the Commission, for the interests of the rest of the world are deeply involved in the problem of disarmament. It is wrong and highly undesirable that the Superpowers should be sole judges in their own cause and allowed to have a free hand to cause vast damage to the rest of the world by their actions or inaction, specially when they are, as I will mention in some detail later, in breach of a pledge in the field of disarmament they have given to the rest of the world or a large part of it. Having these non-nationals as members of the Commission, while allowing the Superpowers the final say in deciding whether or not to accept the Proposals of the Commission, is the most practical and perhaps the only sensible and effective way of giving the rest of the world a voice, though not a decisive voice, in matters deeply affecting their interests. Where lies the power there must lie the responsibility and the right and burden of final decision. That right and responsibility of the Superpowers is recognised and accepted by the resolution, for it provides in paragraph 12 that the Proposals of the Commission "shall not have binding force on the Superpowers". But the way provided in the resolution for giving the rest of the world a voice, though not the real power, in the making of the final decision is, as just noted, the most practical or the only sensible and effective way of doing so. To have greatly enlarged the membership of the Commission by giving the various continents or various groups or organisations representation without an effective vote in the making of the final decision on the Commission's Proposals, would have made the Commission an ineffective body, a mere talking shop like the many Commissions or Committees we have or we had, the Mutual and Balanced Force



Reductions Commission or the UN 40-nation Committee on Disarmament, which have deliberated for years, extending even beyond a decade, without reaching agreement or making worthwhile progress. The more the number of members, the greater the chances of disagreement—in geometrical progression. The resolution avoids that situation, fraught with the likelihood of no significant progress, while at the same time not allowing a veto to either of the national or to the non-national members of the Commission in matters of substance or in the making of the Commission's Proposals to the Superpowers. That is provided for by paragraph 7 of the resolution which provides "That no proposals may be made unless at least four out of the five members of the Commission shall assent thereto in writing."

Paragraph 8 of the resolution provides that "the members of the Commission shall be regarded as having a primary obligation to have due regard to world interests and the aim of world disarmament." This is a major obligation of the Superpowers which undoubtedly exists but which tends to be overlooked by them in their concentration on their own interests. Paragraph 9 is a particularly important paragraph. It debars individual members of the Commission from separately holding or receiving any communication directly or indirectly with or from either Superpower (or State allied or aligned with either Superpower) and requires every member of the Commission to act judicially and collectively with the other members, but the Commission as a body, it is expressly provided, is entitled to communicate freely with any person or body, as it may think fit. That provision prevents the members individually, and particularly those who are nationals of either Superpower, from being reduced to the level of being mere agents or tools of the Superpower which nominated him. It is a particularly important feature of the Commission and I will refer to it again later.

Paragraph 10 confers on the Commission a full right of inspection in the territory of each Superpower, while preserving the confidentiality of all information obtained from such inspection as also the confidentiality of the proceedings of the Commission. Paragraph 11 provides for the expenses of the Commission to be paid by the two Superpowers in equal shares and brings in the Secretary-General of the United Nations to supervise the machinery for payment of these expenses. This paragraph thus links the

Commission with the United Nations, while at the same time leaving it in its mediating, quasi-judicial, proposals-making capacity completely independent of it.

There are two provisions of the resolution which seem to require further consideration. One is paragraph 4, which provides that the process of nomination by each Superpower of persons for membership of the Commission for the other Superpower's acceptance shall continue until the four members of the Commission shall have been agreed upon between the Superpowers. Lest the process of agreeing upon the four members be prolonged indefinitely, it seems desirable to provide that, if the four members have not been agreed upon within a period of (say) two months from the date of the first submission of names by one Superpower to the other, all places remaining unfilled shall be filled by the Secretary-General of the United Nations with all practicable speed by nationals or non-nationals, as the case may require. The same power should be conferred on the Secretary-General in the event of the four members failing to appoint a chairman within a period of (say) one month from the completion of the appointment of the four members of the Commission.

The other part of the resolution which may call for further consideration is the limitation of the total membership of the Commission to five members, including the chairman, limiting the Superpowers each to only one member. It may be thought that placing so heavy a burden on a single national member of each Superpower, with no fellow-national member with whom he could discuss matters would be placing much too heavy a burden on him in such a highly responsible, important and complex task. It may, therefore, be thought desirable to enlarge the membership of the Commission so as to allow the Superpowers two national members each. In doing that, it will be necessary to preserve the present balance or proportion between national and non-national members. Accordingly, the membership of the Commission would need to be enlarged to eight members in addition to the chairman, making a total membership of nine members, four of whom would be nationals and the remaining five, including the chairman, non-nationals. With a membership of nine, matters of procedure would be decided by a bare majority, but matters of substance would require a majority of seven out of the nine members (in place of four out of the five members, as provided in WCPA's resolution).

In considering what I am urging before you that the form of negotiation proposed in WCPA's resolution is a far better form of negotiation for solving the problem of disarmament and arms control, I must remind you briefly of the position left by the INF Treaty, which was based upon what an aide to Prime Minister Margaret Thatcher called the "damn fool zero option".<sup>41</sup> With the Warsaw Pact possessing a great superiority over NATO in conventional forces and with NATO's strategy of flexible response and nuclear deterrence greatly weakened by the elimination of its intermediate- and shorter-range arms NATO was reduced to replacing the eliminated arms as far as it could and demanding that the Soviet Union unilaterally scrap "tens of thousands" of tanks and artillery weapons to reduce its advantage over NATO ground troops, an unsatisfactory situation, for the Soviet Union would then be free to unilaterally return what it had unilaterally removed. A Soviet Deputy Minister on the 11th of this month unveiled details of a proposal for a reduction of conventional forces in Europe at a conference in East Germany on East-West security. But U.S. officials viewed the proposal as propaganda that did not deserve serious consideration.<sup>42</sup> Those of you, who have seen the heading in the *Kenya Times* on Tuesday "Nato Not Keen on Troop Plan" and who noted the remark of Lord Carrington in connection with it, "clearly idiotic", and that Western officials said "it was Moscow's failure to produce convincing information that made previous talks on troop cuts in central Europe drag on for 14 years with no result", may well have concluded that Gorbachev has given NATO a glimpse of the long and dreary road ahead of it in negotiations on reductions in conventional forces. Having regard to the views of Lord Carrington and Robert Blackwill, which I have placed before you, negotiations in the highly complex field of conventional forces under the present form of wholly confrontational negotiation would take years. NATO is thus in a very difficult position. As Robert Gilpin writes: "The crisis in alliance relations ... arises from the fact that postwar Western security and disarmament policies have been based on a fundamental contradiction. On the one hand, the defence of the American System,

41. *Time* magazine, Dec. 14, 1987, p. 14.

42. *International Herald Tribune*, June 13, 1988, p. 1.

primarily for economic reasons, has been based on the use of nuclear weapons to counter the Soviet geographical advantage and its perceived superiority in conventional forces. On the other hand, the highest priority in disarmament and arms control negotiations from the Baruch Plan (1946) to the present has been the elimination of this deterrent. This inherent conflict between Western security needs and arms control policies was of little consequence when the Soviet Union engaged in meaningless propagandistic proposals for total disarmament. However, Gorbachev's shift (now that his concern over SDI has apparently diminished) to a strategy of eliminating specific nuclear systems, beginning with intermediate-range missiles in Western Europe, confronts the West with the consequences of this contradiction."<sup>43</sup> Reagan, having undermined nuclear deterrence by his March 1983 speech, declaring it was his policy to make nuclear weapons "impotent and obsolete", and by his readiness to trade them away at Reykjavik in October 1986, nevertheless at the NATO summit in March this year affirmed that nuclear deterrence continues to be the corner stone of alliance doctrine.<sup>44</sup> NATO, with its great inferiority in conventional forces, is now faced with the danger of denuclearisation and is, as Pierre Lellouche says, in a "political mess created in West Germany by the INF Treaty's double zero."<sup>45</sup>

In the present situation there is a desperate need of a radical transformation of our current unpromising form of negotiations. WCPA's resolution proposes that radical transformation and a much more promising form of negotiations. I must first emphasise that what WCPA's resolution proposes is a form of negotiations, for the proposed Commission has no power to deliver a binding, let alone an enforceable, judgment. The work of the Commission is to result ultimately in non-binding Proposals submitted to the Superpowers for their acceptance, they, however, being at liberty to reject them. But, unlike the current wholly confrontational form of negotiations which are subject to delays, halts and stalemates, what we will have under WCPA's proposed form of negotiations is a steadily-moving, quasi-judicial

43. Robert Gilpin, *American Policy in the Post-Reagan Era*, Daedalus Summer 1987, pp. 58-59; Eisenhower Professor of International relations at Princeton University.

44. *International Herald Tribune*, Mar. 4, 1988, p. 1.

45. *Ibid.*, Feb. 17, 1988, p. 4.

process culminating in carefully considered, reasoned, well-founded, fair proposals. A process for settling differences which is rather like a chancy trial by battle or prolonged market-haggling will be replaced by a discussion or debate before persons who will endeavour to bring about an agreement between the parties and who, where they do not succeed in achieving agreement, will make comprehensive proposals well-deserving of acceptance for the settlement of the parties' differences. Since these will be proposals made by reasonable, fair-minded persons of high integrity and competence, chosen by the parties themselves, covering all points at issue between the parties in the field of disarmament and arms control, the Commission's proposals, made after a full consideration of all relevant factors with the aim of reducing armaments and promoting stability and peace, should stand a very good chance of acceptance by the parties. By contrast, what we have had in the past, under the wholly confrontational, merely bargaining, struggle is that each party kept what is considered important and gave up what it considered unimportant. In only one case, the Anti-Ballistic Missile Treaty, it has been said, has any arms control treaty resulted in a decrease in expenditure.

I will place before you a view taken by an observer of the last few years of negotiations. In an article in February this year John Ullman says that the American obstacle course has six stages and that Americans have overworked each of them to their detriment. First, an agreement to enter negotiations is itself a concession; second, the U.S. side drafts an agreement, incorporating all the points that the other side has said it would not accept; third, when the other side says yes, Americans think there must have been something wrong with their own proposal and it is withdrawn; fourth, when the U.S. side can't stall any longer, an agreement is signed. It is, however, not ratified; fifth, if at long last a treaty is ratified, it is festooned with "reservations" and "understandings" If these cannot kill it or force its renegotiation, they open the door for later "reinterpretation", amid loud protestations that the other side has been cheating; sixth, a duly ratified treaty then serves as a vaccine against further progress—that is, logical second steps are not taken; thus, the partial test ban treaty was never followed by a total test ban.<sup>46</sup>

46. *Ibid.*, Feb. 19, p. 4; John E. Ullman is Professor of Management at Hofstra University.

After John Ullman's study of the stages of negotiations of treaties, let us take a look at some history of events. In July 1986, Stephen Cohen writes: "if we view the period from the prelude to last year's Geneva summit to Zakharov's arrest through Soviet eyes, it has been a year of major Soviet ventures and concessions met by a succession of American "rebuffs and provocations". After referring to the rebuff to Gorbachev's August 1985 moratorium on tests and Secretary of Defence Caspar Weinberger's letter to Reagan opposing any arms control agreement, which was made public as Reagan and Gorbachev arrived in Geneva in November 1985, Cohen continues: "The pattern continued after Geneva amid expectations of another summit. Between January and July, Mr. Gorbachev extended his last moratorium, made concessions on European and Asian missiles, abandoned opposition to on-site treaty verification and to star wars research; offered to reduce offensive nuclear weapons unilaterally in return for a U.S. extension of the 1972 ABM treaty, announced a symbolic reduction in Soviet forces in Afghanistan.

"During those same months the Reagan administration ordered a large reduction in the Soviet UN mission in New York; sailed U.S. warships in Soviet waters; linked U.S. military actions against Nicaragua and Libya to Soviet "support" for those countries; decided to give advanced anti-aircraft missiles to the Afghan rebels; repudiated the 1979 SALT provisions; threatened to jettison the ABM treaty; continued to test nuclear devices for its star wars programme. Nevertheless, on August 18, Mr. Gorbachev again extended the Soviet moratorium."<sup>47</sup>

The INF agreement was concluded by the Reagan administration despite views against the double-zero option, on which the agreement was founded, expressed by concerned parties immediately after the offer of double zero was made by Gorbachev in April 1987, months before agreement was reached. The Republican Party leans towards isolationism and unilateralism, and Reagan himself was far too much disposed to act or negotiate unilaterally without consulting the European allies or in disregard of their

47. *Ibid.*, Octo. 7, 1988, p. 6; Stephen Cohen is Professor of Politics at Princeton University.

views. In his Star Wars speech in March 1983 he had overturned the NATO doctrine of nuclear deterrence without any recent previous study and without consulting leading members of his Administration, let alone the European allies. He rejected the Nitze walk-in-the-woods deal without consulting West German Chancellor Helmut Schmidt who has said he was entirely satisfied with it. When Gorbachev made his offer, West German and NATO opinion was immediately and emphatically expressed against it. The West German spokesman Volker Ruehe said: "The goal must be equal ceilings at a low level. To maintain our security we do not want a zero-option in this category." NATO officials said the Gorbachev proposal would place the alliance at a serious disadvantage in conventional weapons and that it would place in doubt the alliance's long-standing strategy of flexible response, which depends on having an appropriate reply to any level of Soviet attack. "The Europeans would prefer the status quo," said Josef Goldblat, a policy analyst with the Stockholm International Peace Research Institute (SIPRI) ... What we are seeing is not a European crisis of confidence in the Soviet Union but a crisis of confidence in the United States." Richard Burt, the U.S. ambassador to West Germany, previously Assistant Secretary in the State Department, agreed that Soviet military strategy appeared to be shifting away from nuclear weapons and towards superior conventional forces as a means of what he called "holding the Europeans hostage."<sup>48</sup> One cannot conceive a commission like the proposed Commission recommending or agreeing to a treaty eliminating the intermediate-and shorter-range nuclear weapons without tying it to reductions in conventional forces in which the Soviets have a great superiority.

It is to be noted that NATO's negotiations with the Soviet Union are conducted by the United States, and that the American leadership in foreign affairs is a personal responsibility of a single individual, the president, while in the Soviet Union the leadership is essentially collective, the Politburo, which controls the General Secretary. Of American leadership Sir Michael Howard, the Oxford historian, dealing with the consequences of Reagan's leadership and of his unilateralism writes that, in spite of the tendency in Europe towards the right, "the year 1987 saw relations

48. *Ibid.*, Apr. 16, 1987, p. 6.

between the governments of the United States and its European allies reach a nadir for which it would be difficult to find an equal—the Suez crisis of 1956 excepted—during the whole of the postwar period. The Reykjavik summit meeting of October 11-12, 1986, between President Reagan and Soviet General Secretary Mikhail Gorbachev succeeded in alienating virtually every sector of European public opinion. The forces of the right were everywhere horrified by the president's declared objective of "eliminating all ballistic missiles from the face of the earth" by 1996 and his aspiration to create "a world without nuclear weapons." Moderates of all countries, including most political leaders and government political leaders were deeply disturbed by what James Schlesinger has so rightly called the "casual utopianism and indifferent preparation of the whole exercise." But the sheer unprofessionalism of the whole enterprise shocked European governments deeply and reinforced the opinion, especially common in France, that American leadership was no longer to be trusted. ... European defence experts, especially those in Bonn, did not conceal their fears that the security of Western Europe was being sacrificed to an unholy alliance of their own countries' peace movements and an irresponsible American president concerned only to leave a pleasant image in the history books, and they found support in the valedictory comments of SACEUR, General Bernard Rogers." .... "until that credibility [of the United States, struck by Irangate] has been restored, the United States will be unable to exercise an influence anywhere in the world commensurate with its political aspirations or its military capacity." .... The first [lesson that remains] is about the whole system that made Irangate possible: a system that can bring to power a president quite ignorant of the world outside the United States and enable him to delegate immense authority to others yet more ignorant, but which makes him solely responsible for the conduct of foreign affairs." From these quotations from Howard's article, *A European Perspective on the Reagan Years*,<sup>49</sup> you will see that NATO was and can be under most inadequate, unenlightened, "irresponsible" personal leadership and direction in the conduct of negotiations

49. Michael Howard, *A European Perspective on the Reagan Years*, America and the World 1987/88, pp. 479, 480, 481, 484.



with the Soviet Union as compared with the present formidable and shrewd collective leadership and direction headed by Gorbachev of the negotiations on behalf of the Soviet Union. The "broad" reinterpretation by the Reagan Administration of the 1972 ABM Treaty, interpreting the treaty, or its main purpose, out of existence against the traditional, restrictive interpretation placed on it by the Senate and the administration of the day, by the negotiators of the treaty, by all three presidents since its signing, by Congress and by the Reagan Administration itself during its first years of office, and the appeal by the Reagan Administration to its own hired gunman as authority for the reinterpretation to support the President's Star Wars dream, show how little reliance can be placed on American leadership in the conduct and direction of disarmament and arms control negotiations. This remarkable reinterpretation irresistibly reminds us of Alice and Humpty Dumpty: "When I use a word," Humpty Dumpty said in rather a scornful tone, "it means just what I choose it to mean—neither more nor less," "The question is," said Alice, "whether you *can* make words mean different things." "The question is," said Humpty Dumpty, "which is to be master—that's all."<sup>50</sup> That shows what the leadership of the West has been like.

In a paper I circulated in 1983, "Disarmament: Case for a Mediation Commission," I had a lot to say about the conduct and direction of negotiations by the Soviet leadership, showing that that leadership, too, is no more to be relied upon when seeking a solution to the problem of disarmament than what recent history and the American System of the personal leadership of the president shows American leadership to be. Getting an abler man now heading the Soviet collective leadership does not mean that the United States or the world is going to be led in the right direction or that the Soviet Union's policies will be less designed to suit Soviet interests or the Soviet Union's long-term objectives.

There are other serious defects in the current wholly confrontational form of negotiations which make it clearly necessary to radically improve or transform it. In her book *Nuclear Arms Control* Julie Dahlitz sets out some of these defects. "Negotiating patterns," she says, "reveal the presumption by each power block

50. Lewis Carroll, *Through the Looking Glass*, Everyman's Library, (No. 836), p. 159.

that any negotiating pattern acceptable to the others is likely to be disadvantageous to itself. Whatever sense there may be of common purpose to escape the physical danger and economic and social burdens posed by the nuclear arms race appears to be outweighed by the presumption of implacable hostility. This could be the paramount reason why the rate of negotiations is so slow. The distrust between states is compounded by the technical complexity of the issues being negotiated. Neither concessions nor demands can be evaluated in their true colours."<sup>51</sup> Though these statements are made in regard to multilateral negotiations, which resolve themselves into three power blocks, NATO, the Warsaw Pact and the Non-aligned, these observations appear equally applicable to the bilateral negotiations between the United States and the Soviet Union. In regard to bilateral negotiations she says: "In a situation of overall confrontation, every concession is interpreted as a sign of weakness. Yet nuclear arms control consists of reciprocal concessions. Both Superpowers have great difficulty with the above-mentioned contradictions. The United States finds it specially burdensome to adjust to the loss of its outright nuclear weapons superiority. Restraint in the nuclear arms competition is particularly irksome in view of the overall technological superiority enjoyed by the United States and its allies, and because the arms race is financially rewarding to some sections of the private sector. Another more aggressive strand in the United States anti-SALT syndrome is motivated not so much by concern about ultimate defeat but rather by expectations of imminent victory over the Soviet Union ... that a continuing strategic nuclear arms race with the Soviet Union would soon exhaust the lesser resources of the country, leading to its spontaneous disintegration" .... So long as the confrontation mentality exists, the contradictions in the bilateral nuclear arms control process are likely to persist."<sup>52</sup> "There has been so little trust between the two States that it sometimes appears that they are hardly discussing the same problems."... "The partners in the bilateral dialogue have had negative attitudes towards each other regarding negotiating style as well as credibility."<sup>53</sup>

51. Julie Dahlitz, *Nuclear Arms Control*, London, George Allen & Unwin, 1983, p. 69.

52. *Ibid.*, p. 153.

53. *Ibid.*, p. 157.

I have not spent much time in this lecture on the Soviet side of the picture, since, as a result of Gorbachev's skilful and subtle manoeuvring and Reagan's desire for a place in history, the INF Treaty, not tied to any agreement on conventional forces, has served the Soviets' long-term objectives far better than it has served NATO's. My attitude towards Soviet diplomacy and Soviet conduct of negotiations, which basically there is no reason to change except that, with the need for domestic reform and consequently for détente, it has, with abler and more vigorous leadership, become much subtler and more flexible and forthcoming, has been made quite clear in the above-mentioned paper which I circulated in 1983, *Disarmament: Case for a Mediation Commission*, and in which I quoted McGeorge Bundy with approval. It may be desirable that I set out that passage here:

"But in all the debates and discourses which have followed Mr. Baruch's opening speech (in support of U.S. proposals made after most searching study and with genuine goodwill when the U.S. had a monopoly of atomic weapons) there has never been real sign that agreement was remotely likely. There has never been any genuine negotiation. The representatives of the Soviet Union have increasingly used this subject and forum as opportunities for propaganda and, as its hopes of a genuine negotiation have failed, the United States has sometimes seemed to follow suit" (McGeorge Bundy, *Early Thoughts on Controlling the Nuclear Arms Race, International Security*, Fall 1982, Vol. 7 No. 2, p. 6).

"There can be little doubt that the principal cause of difficulty here, as in many other places in the postwar world, has been the nature of Soviet politics and the behaviour of Soviet representatives. Over and over again, in the discussions of arms regulation as elsewhere, it has been demonstrated that the Soviet concept of negotiation in good faith is entirely different from that which is followed, or at least honoured, in the West. The general record of the Soviet Union in diplomacy is one in which the meaning of words has been distorted, the privacy of discussion violated, and trust repaid by trickery .... It is clear beyond the need of argument that Soviet behaviour has been a major obstacle to the international regulation of armaments (*ibid.*, p. 6).

"Those attitudes apparently still continue, to judge from a recent congressional report, which considered that the United States and the Soviet Union had "lost an important opportunity

for a mutually beneficial agreement” by rejecting the Nitze-Kvitsinsky deal. “The staff members reported that the Soviet negotiators in the intermediate force talks were “belligerent” and “nasty as hell” during the last round early this year, in an effort to ensure that there was no sign of any progress being made” (I.H.T., 6 June 1983, p.2). The result of experience has been that the Reagan administration has apparently decided that the U.S. negotiators “should advance their proposals with the same kind of iron-pants stubbornness that Moscow’s men have traditionally shown”. (*Time*, 31 May 1982, p. 28). The Reagan administration, it is claimed, acts on the principle that “a negotiable agreement is, almost by definition, a bad agreement.” (*Time*, 15 April 1983, p. 14).

Thus the difficulties in the way of successful negotiations come from both sides. Some of the strictures, which have been passed on Soviet negotiators in the past, may perhaps now be applicable to American negotiators acting under the orders of the Reagan administration. The general attitude of the Reagan administration also underlines the need for a mediation commission.”

It is, therefore, not surprising that with the wholly confrontational form of negotiations SALT I took three years to negotiate and SALT II seven years. How long under that confrontational form would the various necessary treaties, and particularly a conventional forces treaty, with the complexities involved in it, take to negotiate so as to produce balanced, comprehensive and enduring results, not opening a new hole for every hole plugged, not going off again (to use the words I have quoted of *The Observer* editorial’s heading) on a new arms race to replace arms eliminated, substituting for the sense of comparative safety we have felt under the doctrine of nuclear deterrence a lurking fear that with the Soviet superiority in conventional forces there is an increased risk of conventional war or a serious risk of intimidation or “Finlandization” of Western Europe by the Soviet Union?

As against the great likelihood of failure to solve or of excruciating delay in progress towards solving the problem of disarmament and arms control or of producing only lopsided solutions of that complex problem, if the current wholly confrontational form of negotiations is followed, whether through delegations meeting in Geneva (which has been defined, says John Ullman, “as

the world's most pleasant place for diplomats to get nowhere")<sup>54</sup> or through meetings of foreign or defence ministers or through summit meetings (occasions more suited for signing treaties or agreements than for reaching them), there is, I venture to say, a great likelihood of achieving success through the form of negotiations proposed in WCPA's resolution. That form of negotiations possesses necessary or highly useful features lacking in the current form of negotiations and much less of the confrontational element so heavily loading the current form. These features present in WCPA's form of negotiations I will now proceed to put before you.

With three out of the five members being non-nationals, the Commission will have a strong mediatory element, introducing into a totally confrontational or heavily bargaining process the missing but very necessary cooperative element to mitigate the highly competitive, abrasive, adversarial U.S.-Soviet relationship, and at the same time bringing into the process a problem-solving approach in place of the present seeking-to-get-the-better-of-your-opponent approach, and with the problem-solving approach bringing in the diplomatic approach that searches for areas of common interests instead of engaging in a zero-sum game. In their article of July 1987, *Arms Control: A New Way of Thinking, Plus 'True Zero'*, Anders Boserup and Robert Nield say: "What is needed is a new, more cooperative form of dialogue" ... "This approach has a considerable following in West Germany, Denmark and the Netherlands, but it has not yet gained official support in NATO."<sup>55</sup> That need will be found to be fulfilled in the form of negotiations proposed in WCPA's resolution.

Under WCPA's proposed form of negotiations a comprehensive approach will replace the present fractionised, compartmental approach, which leaves out of the negotiations or deliberately ignores important or material factors in the arms control equation and thus inevitably leads to a lopsided solution, like the solution in the INF Treaty with the important conventional forces factor left out of the equation. The importance of including in the same forum important factors like conventional forces in negotiations for reductions even of nuclear weapons was stressed by Lord Chalfont, former British Minister of State for Foreign Affairs,

54. *International Herald Tribune*. Feb. 19, 1988, p. 4.

55. *Ibid.*, July 10, 1987, p. 4.

when he said in London in July last year: "To anyone who has been involved in these matters [the total elimination of nuclear weapons à la Reagan] it seems strange that the West should now be embracing the very concept which we have always firmly rejected as dangerous and destabilising, namely, the elimination of one category of weapons—the nuclear weapon—without simultaneous reduction of conventional forces."<sup>56</sup>

*De Standaard* (Brussels) similarly, in September last year, referring to the prospective INF Treaty, stressed the need of a comprehensive approach on arms control: "The accord will have value only if it is part of a coherent strategy for overall arms control and especially if it brings about a thaw in East-West relations. For the latter we need a grand design, badly missing now, which suits not only the superpowers but also the Europeans, specifically the Germans."<sup>57</sup> The comprehensive unrestricted jurisdiction over the whole field of disarmament and arms control of the proposed Commission would not allow such yawning gaps in its Proposals, whereas they have been a constant feature of the current form of negotiations.

A similar view to that of *De Standaard* has been expressed by William Hyland in the Fall 1987 issue of *Foreign Affairs*: "Standing alone, unlinked to the other components of arms control, the new INF agreement will be hostage to the outcome of further negotiations and vulnerable to new military decisions on both sides .... This isolation from other points at issue is a major defect of the new agreement."<sup>58</sup>

Hyland then proceeds to stress the comprehensive approach that is needed in dealing with arms control: "Reducing or even eliminating a category of weapons cannot in itself be the basis for a durable strategic relationship. An arms control agreement must meet the broad criteria of long-term stability—a formidable task if only because there is no agreement either in the United States or between the United States and the Soviet Union on what constitutes stability. It has become far more difficult in light of the revival of strategic defence: creating a durable balance between offensive and defensive weapons is the very essence of stability."<sup>59</sup>

56. *Ibid.*, July 23, 1987, p. 4.

57. *Ibid.*, Sept. 21, 1987, p. 6.

58. William G. Hyland, *Reagan-Gorbachev III*, *Foreign Affairs*, Fall 1987, p. 19; editor of *Foreign Affairs*.

59. *Ibid.*

It is plain that such a balancing between offensive and defensive weapons or balancing of the asymmetrical structures of the armed forces of the two sides is impossible under the current form of negotiations whereas, though very difficult, it is within the reach of the proposed Commission. Arms control, it should be realised, is a single problem, and you cannot get anywhere near its correct solution if you exclude or ignore important factors in the equation. If you negotiate in parts, in separate fora, when you plug one hole you open another.

WCPA's proposed form of negotiations has other great merits. The members of the Commission, as shown by paragraph nine of WCPA's resolution, will not be like the present negotiators, mere agents and subordinates of the Superpowers, bound to carry out their orders. The members will be more like judges, bound to exercise an independent, impartial judgment in making their Proposals. They will not carry into the negotiations blindly the prejudices, weaknesses or views of their appointors. At the same time they will be trusted mediators, chosen by the Superpowers themselves, and thus to be regarded as possessing the confidence of the Superpowers.

Being free to make their own rules of procedure and not being bound by strict rules governing their proceedings, though having a judicial approach, the Commission's flexibility will give it great advantages. In consultation with but not needing the consent of the two parties, it can settle the agenda and the order in which it will deal with the different areas or topics, as may be desirable in all the circumstances. It can meet the parties together or, unlike judges, separately in private. It can ask the parties to exchange their respective proposals across the table, so that they do not merely react to the other party's proposals, but act creatively. In addition to the experts which each party may call in support of its proposals or contentions, the Commission could consult neutral experts to assist it in technical matters.

In calling upon the parties to frame their proposals the Commission might, after discussion with the parties, settle in a meeting the general line the parties' proposals are expected to follow or areas they should cover. Gorbachev has said publicly that the doctrine of the East bloc nuclear forces must be defensive. The Warsaw Pact countries declared that to be their position in

June 1986.<sup>60</sup> NATO's consistent position has been that it is a defensive alliance. Accordingly the proposals of the parties could be guided by the Commission to bear in mind the principles that emerge from what Boserup and Nield say in the article I have mentioned: "What matters for security is that the doctrine, structure, training and other characteristics of the forces of each side should be such that the ability to take the offensive is minimised and the ability to defend and hold an attack is maximised. If that strategy were successfully adopted, each side would find its defensive capability exceeded its opponents' offensive capability. The military postures of each side would be reassuring, not threatening, and consistent with the peaceful political aims that each side professes."<sup>61</sup>

Proceeding to more concrete matters they say: "What this means in Europe is that the Soviet Union and the Warsaw Pact countries should shape doctrine away from the notion that the best form of defence is retaliatory attack, and reduce their large tank armies and other features of their nonnuclear forces, that frighten NATO, in favour of a more defensive posture.

"And NATO should eschew those features of its nonnuclear forces that frighten the Warsaw Pact—e.g. the planned introduction of high technology, nonnuclear missiles, which the Warsaw Pact countries view as a threat to their command structure and other important targets.

"How should a change in this direction be achieved? It requires a reduction in reliance on mobile armoured forces with high potential to attack; a greater concentration on dispersed anti-tank forces, earthworks, mine fields and other less mobile, defensive forces; and a reduction in the capacity to attack concentrated forces and other vital targets."<sup>62</sup>

This approach of Boserup and Nield deals with arms control and disarmament from the defence viewpoint, while Jim Hoagland approaches it from the deterrence angle when he says: "Instead of seeking to negotiate the impossible dream of a nuclear-free world, the United States and the Soviet Union should be attempting to identify and achieve the minimum deterrent nuclear force that

60. *International Herald Tribune*, July 10, 1987, p. 4.

61. *Ibid.*, July 10, 1987, p. 4.

62. *Ibid.*



each side needs to deter the other from attacking.”<sup>63</sup>

These tasks set by Hoagland and by Boserup and Nield, though difficult, can with expert assistance be very satisfactorily performed by the proposed Commission but are clearly out of the reach of wholly confrontational negotiations, such as the current form at any level—summit, ministerial or delegatory. In line with the approaches I have just set out would be the approach that would require the Commission to reduce each side’s first-strike capability to the lowest practicable level while maintaining its defensive or retaliatory capability at a level that would give each side an effective, assured defence.

Another great advantage that negotiations conducted with the assistance of a Commission such as the proposed Commission is that proposals and contentions of the parties will not have that finality or commitment that proposals made by one Superpower to the other now have: for, currently, if the proposal is accepted, it results in an agreement binding on both of them. There is consequently great difficulty or inordinate delay or frustration in framing such negotiating proposals. In his article, “*U.S.–Soviet Negotiations: A View from the Insiders*”, Ernest Conine says: “... former negotiators generally agreed that the frustrations in arms control negotiations are not all generated by intransigence or stonewalling on the Soviet side. Some suggested, in fact, that negotiating with the Soviet Union can be duck soup for a diplomat—compared to dealing with his own government.”<sup>64</sup> In his article in October 1986, “*The Iceland Summit–Danger at the Summit*”, Henry Kissinger says: “Negotiating positions emerge from interdepartmental contests that focus on defending entrenched positions rather than defining national goals. Relations between the State and Defence Departments, rarely cordial in any administration, are at their nadir. The Pentagon is ingenious in developing proposals the Soviets cannot accept and in advancing unfulfillable criteria of progress. In response, the State Department focuses on negotiability; in other words, on what the Soviet have said they will accept.”<sup>65</sup> Caspar Weinberger, the recently retired Secretary of Defence, writing in the Spring 1988 issue of *Foreign Affairs*, is equally emphatic about internal difficulties: “... our

63. *Ibid.*, Oct. 3-4, 1987, p. 6.

64. *Ibid.*, Aug. 2-3, 1986, p. 4.

65. *Newsweek*, Oct. 13, 1986, p. 26.

many competing agencies can rarely make up their minds as to what they really want; the Soviets talk openly with one voice—since other voices are crushed, literally or figuratively. We have no desire to emulate such a system. But we should be able to come to decisions, after debate, that will enable the United States to negotiate successfully with such a foe.”<sup>66</sup> Of course with a president and a secretary of defence both unknowledgeable in the field of arms control and lacking advisers to fit the bill, who were really interested in arms control, the difficulties became insurmountable.

Unlike the current negotiations with each party having a veto all along the line, negotiations in the form proposed by WCPA’s resolution would proceed smoothly without stalemates or long halts for, during the course of the proceedings before the Commission, the members of the Commission will take their decisions in procedural matters by a bare majority of the members; and the veto of the Superpowers will remain suspended until the Commission submits its Proposals to them for their acceptance or rejection, after which, if rejected, the Superpowers are to use the Proposals as a basis for negotiations. But, as the Proposals are likely to be a sort of package deal to promote stability and maintain peace, broadly satisfying what they respectively desire, quite possibly alongside some unwelcome items, taking the rough with the smooth, the chances of acceptance should be very great, seeing they are the Proposals of competent, fair-minded persons of high integrity and good judgment chosen by themselves.

The Commission could substantially increase the chances of acceptance by submitting to the Superpowers tentative proposals marked “For Comment Only”, signed by only a minority of the members, thus not constituting formal “Proposals” which the Superpowers could accept or reject. The formal Proposals could then be finalised by the Commission in light of the comments made. If in the course of the proceedings substantial agreement was achieved in any field e.g. chemical weapons, that area could then be delinked, embodied in the form of a treaty drawn by the Commission’s draftsmen and, on acceptance by the Superpowers’ delegations, it could be submitted to the Superpowers themselves

66. Caspar Weinberger, “Arms Reductions and Deterrence,” *Foreign Affairs*, Spring 1988, p. 709.

for signature. Drafting done by the Commission's draftsmen would be much faster, being merely a competent job embodying the Commission's decisions done by neutral experts and not a confrontational process carried out by experts acting under instructions from their own governments.

Not least among the virtues of the Commission would be that it would iron or level out inequalities in leadership as between the two parties, like litigants of unequal ability being represented by advocates of high but equal ability or opposing armies led by generals of equal ability. Thus difference in quality of leadership as between the two Superpowers would not have the decisive impact it now has under the current wholly confrontational form of negotiations. With the equalisation of leadership what is right would tend to prevail.

The presence of non-national members on the proposed Commission fills an important gap in the current form of negotiations. We live in an interdependent world, where the policies of the Superpowers have a major impact on the rest of the world. It is right and highly desirable, as I have said, that the rest of the world should be represented on the Commission in such form and manner as may be practicable and beneficial. It seems to me that there is no better way of bringing the rest of the world into the negotiations between the Superpowers in a way that is practical, effective and beneficial than that chosen in WCPA's resolution.

Arms control, it must be remembered, is not an end in itself, but only a means to an end, the end being stability and peace. Not less important in foreign policy towards this end are what are called "regional issues", e.g. problems connected with Nicaragua or the Middle East. In negotiations between the Superpowers, these problems have received far less time and attention than they deserve. With the establishment of a Commission such as the proposed Commission, the problem of disarmament and arms control with all its complexities would make a much smaller call on the time and attention of the head of government or the minister or secretary of foreign affairs and leave him more time to attend to other no less important problems. In the field of regional issues a commission such as the proposed Commission would be inappropriate, whereas on the problem of disarmament and arms control, with all its technical and other complexities, such a Commission is not

only appropriate but highly desirable.

It is for the Superpowers themselves to choose for membership of the Commission fit and proper persons for this difficult, important and highly responsible task: competent, fair and independent-minded persons of high integrity and good judgement, sometimes referred to as "wise men". Each Superpower has a veto on the nominations made by the other. So between them the Superpowers have it in their hands to establish a Commission equal to the task.

As those in the seats of power are generally reluctant to part with any particle of power, even though very temporarily and even not decisive power, it would probably be necessary, if the Superpowers show no signs of establishing such a Commission, that the United Nations General Assembly pass a resolution at its forthcoming Session this September calling upon the Superpowers to establish such a Commission within a period fixed by the General Assembly and, in default of their doing so, empowering and directing the Secretary-General to establish such a Commission. The Superpowers have been in breach over the years of the Non-Proliferation Treaty of 1968, which requires "negotiations in good faith" on measures to halt the nuclear arms race, which has been interpreted as a direct plea to the Superpowers to cease vertical proliferation as a *quid pro quo* to non-nuclear-weapon States for their renunciation of nuclear weapons."<sup>67</sup> The prolonged breach over the years of their pledge by the Superpowers to take significant and effective steps towards disarmament, and their proceeding during all those years in a contrary direction towards increased armaments, would fully warrant the United Nations in taking steps to move towards stability, the prevention of war and the maintenance of peace in the way best designed to achieve those ends by means that put the solution of the problem more on a rational basis and prevent it from remaining merely a power struggle.

American foreign policy has been notoriously inconsistent generally, but particularly on changes of the administration on election of a president. Under the Constitution of the United States, ratification of a treaty signed by the president can be vetoed

67. Julie Dahlitz, *op. cit.*, p. 20.

Conciliators to be nationals of such Superpower and half to be non-nationals of such Superpower or of any State allied or aligned with such Superpower.

4. That each of the two Superpowers shall select from the Conciliators proposed by the other Superpower one Conciliator who is a national and one Conciliator who is not a national as above defined to be members of the Commission. That if either Superpower is unable to select one or two Conciliators, additional names of the relevant category or of both categories (that is, nationals and/or non-nationals) shall be proposed to such Superpower by the other Superpower, and such process shall continue until each Superpower shall have nominated two Conciliators as above to be members of the Commission and that any casual vacancy in the Commission shall be filled by a member having the same qualifications and selected in the same manner as the member whose place he is to fill.
5. That the Commission by majority shall make its own rules and adopt its own procedure for the performance of its work.
6. That the Commission, after hearing the representatives of, and considering the papers submitted by each of the Superpowers, with all practicable speed shall make proposals, or from time to time make proposals for disarmament not merely for halting any increase of armaments but for substantially and progressively reducing the present level of armaments with the aim of achieving an even overall balance of power between each of the Superpowers (with its allied or aligned States) and the other Superpower (with its allied or aligned States).
7. That no proposals may be made unless at least four out of the five members of the Commission shall assent thereto in writing.
8. That the members of the Commission shall be regarded as having a primary obligation to have due regard to world interests and the above aim of world disarmament.
9. That no member of the Commission shall separately hold or receive any communication directly or indirectly with either Superpower (or State allied or aligned with either Superpower) and every member shall act judicially and collectively with the other members, but he shall not thereby be taken to be acting

arbitrally or in any capacity other than as a mediator collectively with the other members. The Commission, however, as a body shall be entitled to communicate freely with any person or State, as it may think fit.

10. That the Commission shall have a full right of inspection in the territory of each of the Superpowers, all information thus obtained to be strictly confidential to the members of the Commission only. The proceedings of and the papers submitted to the Commission shall be strictly confidential to the Commission, and each member of the Commission shall take an oath or make an affirmation that he will keep all such proceedings and papers and information obtained by him as a member of the Commission strictly confidential.
11. That the expenses of the Commission shall be borne and paid in equal shares by the two Superpowers, which shall each pay its own costs and expenses; that the expenses of the Commission shall be on the same scale and dealt with in the same manner as the expenses of Commissions appointed by the United Nations Organisation and shall be dealt with by and through the Secretary-General of the United Nations Organisation who shall at the expense of the Superpowers provide the Commission with such assistance and facilities as it may require and who may require the estimated expenses to be deposited with him in equal shares by the two Superpowers, and that his decision on any question connected with the matters in this paragraph shall be final and conclusive and shall be carried out faithfully by the Superpowers or the affected Superpower.
12. That the proposals of the Commission shall not have binding force on the Superpowers, but each Superpower shall use its best endeavours to accept and implement them, or, if unacceptable, shall undertake to use them as a basis for negotiations.

(This Resolution, along with a Statement in Support, was passed on 24 February 1981 by the World Constitution and Parliament Association at its Fourth World Meeting held in New Delhi, India.)

the two parties, so that there is seen to be a practical certainty that neither party can achieve victory in a war between them.

(This statement in support of a Resolution on achieving world disarmament through mediation was adopted along with the Resolution by the World Constitution and Parliament Association on 24 February 1981 at its Fourth World Meeting held in New Delhi, India.)