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AUSTRALIAN POLICY IN THE COMMITTEE ON DISARMAMENT

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by

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Eighteen Nation Disarmament Committee (1962-1979)	ENDC
Conference of the Committee on Disarmament (1969-1979)	CCD <i>January 1980</i>
Committee on Disarmament (1979-)	CD <i>Canberra</i>
United Nations Special Session on Disarmament (1978)	UNSSD
Indian Ocean Zone of Peace	IOPE
Comprehensive Test Ban Treaty	CTBT
Strategic Arms Limitation Talks or Treaty	SALT
Weapons of Mass Destruction	MDW
Mutual and Balanced Force Reductions Talks	MBFR
Nuclear Non-Proliferation Treaty	NPT
Confidence Building Measures	CBM
Conference on Security and Cooperation in Europe	CSCE
Chemical Weapons	CW



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AUSTRALIAN POLICY IN THE COMMITTEE ON DISARMAMENT

INTRODUCTION

Australia became a member of the Committee on Disarmament in 1979. The Committee (CD), which meets in Geneva, is the principal international forum for negotiating disarmament treaties. Its predecessors have played a major part in negotiating the Nuclear Non-Proliferation Treaty (1968), the Seabed Treaty (1971), the Biological Weapons Convention (1972), and other arms control agreements. The Prime Minister, Mr Fraser, told the UN Special Session on Disarmament (UNSSD) in June 1978,

Australia takes a most active interest in arms control and disarmament. Like other middle and small powers, Australia's fate can be decided by the contest between the major powers ... Separately, middle and small powers are in no position to decide global issues of war or peace. But collectively we can do much to foster a climate of international cooperation and practical arms control. ¹

Apart from its contribution to fostering this collective climate what individual contribution can a power of Australia's dimensions and with Australian skills and expertise make to the negotiations in the CD?

The Origins of the Committee on Disarmament

The roots of the CD stretch back to 1959 when the Ten Nation Disarmament Committee, made up of five NATO and five

Warsaw Pact nations, was established. Two years later the USA and the USSR bowed to non-aligned pressure and agreed to invite eight non-aligned states to become members of an Eighteen National Disarmament Committee (ENDC). Pressure for increases in membership continued, however, and in 1969 seven more countries were invited to participate. Simultaneously the ENDC changed its name to the Conference of the Committee on Disarmament (CCD). In 1974 the two Germanies, Iran, Peru and Zaire also joined, bringing the Committee's theoretical membership to 31. But only 30 states actually participated as France refused to take the seat which had been kept vacant for it since 1962.

When the UN Special Session on Disarmament met in New York in May 1978 it was clear that there would be pressure to reform the Committee.² The non-aligned countries objected to the fact that the representatives of the two Super Powers acted as the Committee's chairmen and that the Committee was not formally linked to the UN although it met in the UN building in Geneva. There was also pressure, from Australia amongst others, for a further increase in the CCD's membership.

Mr Fraser told the UNSSD that the CCD should reflect,

a wider spread of geographical, political and security interests. The CCD's structure and membership has been too closely tied to the European context and a modest increase in membership would result in a more representative body. This could be achieved by including states from outside Europe which have demonstrated an active interest in arms control and disarmament questions. Australia stands ready to participate in a reformed CCD.³

A major aim of those who wished to reform the CCD was to encourage France and China to participate. However France refused to take part unless a new Committee were established, while the Soviet Union insisted that the CCD should continue. In the end a compromise was negotiated by the British representative, Sir Derick Ashe, under which a Committee on Disarmament should meet in Geneva. The French could regard this as a new Committee, while the Russians could regard it as the CCD under an abbreviated name. The co-chairmanship of the USA and the USSR was abolished, the number of members was increased to forty and the Committee was said to be linked more closely to the UN.

The CCD was often regarded as ineffective because the USA and the USSR negotiated the substance of many of the arms control treaties in bilateral discussions and then took the treaties to the Committee for its approval.⁴ However, agreement between the Super Powers is necessary on most disarmament issues and they have found it easier to reach agreement in bilateral discussions rather than in larger bodies. Moreover, the CCD and the UN persuaded the Super Powers to introduce substantial amendments into the Nuclear Non-Proliferation Treaty (NPT), the Seabed Treaty and other agreements.⁵ Unfortunately, the larger the CCD became, the less efficient it was for negotiating treaty language and the more inclined the Russians and Americans were to reach agreement in their bilateral negotiations, not only on the substance of a disarmament measure, but on the precise language in which

it was phrased. Thus, while Argentina and other countries have argued that the CD 'should not be a mere intermediary between the negotiating parties and the General Assembly',⁶ there is a real danger that it might be effectively bypassed by the Super Powers. Australia can play a part, with other medium-sized members of the CD, in moderating this tendency and in stressing the importance for the Super Powers of carrying the international community with them if they are to achieve their aims and particularly if they are to inhibit the spread of nuclear weapons.

Constraints on Australian Policy in the Committee on Disarmament

Like most other international bodies, the CD is divided between the non-aligned, the West (usually known as the Western Europeans and others Group) and the Warsaw Pact countries. When China joins the CD early in 1980 this will add a fourth dimension to the controversies there. Up to now these divisions have not led to violent polemics. The Eighteen Nation Disarmament Committee was established after the worst of the East-West cold war was over, while the issues which excite the Third World (such as the policies of Israel and South Africa) rarely intrude on the Committee's business. Not all the members of the Committee like the unhurried and relaxed atmosphere. The First Iranian Ambassador to the CCD argued that 'unfortunately the "clubby" atmosphere does not facilitate the course of the discussions, nor does it help to bring the positions closer together.'⁷ However, it is unlikely that the introduction of vituperation and polemics would speed up the process of the negotiations.

Whether China will use the same language about the Soviet Union in the CD as it uses in the UN remains to be seen. In the UN it puts the primary blame for the arms race on the Soviet Union which it claims is behaving in much the same way as Hitler's Germany behaved in the 1930s. The worst that could happen from the CD's point of view is that its work could be interrupted by polemics between Russia and China and that the 'technical' atmosphere which has been so carefully maintained for many years could be shattered. China has criticised all the arms control agreements negotiated in recent years on the grounds that they tend to strengthen the dominance of the Super Powers. Chinese spokesmen have described the negotiations on ending nuclear tests and other current discussions as frauds and have warned the Europeans against being deceived by the USSR's protestations about its peaceful intentions. On some arms control issues the recent Chinese stance has closely resembled the Western position; in particular, a Chinese spokesman told the UN on 15 May 1979 that 'although nuclear disarmament is important, conventional disarmament should be given equal importance, and that the two should be carried out in conjunction'. On other issues, however, the Chinese position has been closer to the policy of the non-aligned and it has called, for example, on the Super Powers to 'unconditionally undertake not to use or threaten to use nuclear weapons against the non nuclear weapons states and nuclear weapon free zones'.

The constraints imposed on Australia by its membership of the Western group in the CD are less than the constraints imposed on the members of the other two groups. The Warsaw Pact invariably votes as a body and the non-aligned also usually conform to a rigid pattern; on many issues the West is the most flexible of the three groups. Nevertheless, Australia is limited by its treaty relationships with the other Western states. For example, the meeting of the Littoral and Hinterland states of the Indian Ocean area in July 1979 called for the abolition of all foreign military bases in the region. As a member of ANZUS and with important US military facilities on its territory, Australia could not accept this appeal and dissented from the meeting's final document.⁸

Yet, under both Labor and Liberal governments, Australia has by no means always followed the line which the US Administration wanted it to take on disarmament questions. The Whitlam government supported the idea of establishing a zone of peace in the Indian Ocean (IOPZ) and consequently opposed the development of a US military facility on Diego Garcia. Mr Whitlam told reporters, 'I know of no country around the Indian Ocean which has welcomed [the construction of the US facility]'.⁹ The Liberal government has pushed harder for a Comprehensive Test Ban Treaty (CTBT) than the British and Americans would like and it supported the call by India at the 1978 General Assembly for a moratorium on

nuclear weapons tests, although this was contrary to Anglo-American policy.¹⁰ Thus, within the bounds delineated by its membership of ANZUS and of the Western group as a whole, Australia has a good deal of scope for an independent policy.

A more important constraint is imposed on the policy of the states participating in the discussions at the CD by the conservative nature of the negotiations and the finite resources of the governments involved. It is very rare for an initiative which has been espoused by any of the major groups at the UN to disappear from the disarmament agenda. Year after year almost identical resolutions are passed at the General Assembly and year after year the CD struggles to solve the same disarmament problems. It might well be wise, for example, for the CD to abandon temporarily its search for a ban on the production of chemical weapons (CW) and to concentrate on other issues where the prospects are brighter. But the idea of such a ban has been enshrined in so many UN resolutions and Ministerial statements that it would be very unlikely that any state would call on the CD to drop the issue even for a few years.

Yet there are now so many disarmament negotiations in progress that the bureaucratic resources of even the largest states have become stretched. The Americans and Russians are involved in the Strategic Arms Limitation Talks (SALT) and in discussions on more restricted measures. These include

limitations on the transfer of conventional weapons, force limitations in the Indian Ocean area, and prohibitions on the production of chemical weapons, anti-satellite weapons and new weapons of mass destruction (MDW). They are also involved in negotiations with the British on a Comprehensive Test Ban Treaty (CTBT) and with several of the European nations in negotiations on Mutual and Balanced Force Reductions (MBFR) in central Europe. Outside the CD over eighty nations are involved in negotiations designed to limit the use of certain conventional weapons in warfare and the Littoral and Hinterland Nations of the Indian Ocean area are involved in discussions about the establishment of a zone of peace in that region. The parties belonging to most of the existing arms control treaties, including the NPT, the Seabed Treaty and the Biological Weapons Convention will hold review conferences over the next few years to examine their implementation and during the same period there will be a further UNSSD. Any lack of progress in disarmament is not due to a shortage of negotiations.

The major stumbling block in the way of progress on most of the current negotiations is the question of verification. None of the arms control agreements negotiated in the 1960s and early 1970s required verification on Soviet territory and the Russians have, to say the least, been very reluctant to permit such verification. The Partial Test Ban Treaty banning nuclear tests under water or in the atmosphere could be verified from outside the Soviet Union. The Seabed Treaty banned the

emplacement of weapons of mass destruction on the seabed more than twelve miles from the shore of the coastal states and inspection would therefore take place more than this distance away from the shore. The Biological Weapons Convention banned the production of weapons which many believed (rightly or wrongly) were not very useful and therefore they were prepared to accept the word of governments that they were abiding by the Convention. The Strategic Arms Limitation agreements are verified for the most part by satellites. However this strain of easily verified agreements appears to be coming to an end. The negotiations now under way on chemical weapons and on banning nuclear weapons tests underground brings us back to the sort of problems which stymied the negotiations in the 1950s.¹¹

Possible Australian Initiatives in the Committee on Disarmament

The subjects currently under discussion in the CD include chemical weapons, nuclear weapons, new weapons of mass destruction, the reduction of military budgets and security assurances to states without nuclear weapons. Given the constraints imposed on Australia by its membership of the Western group, by the conservative nature of the negotiations, by the limited resources of manpower available to states and by the intractable nature of many of the verification problems involved in the current negotiations, what scope is there for Australian initiatives in the CD?

Chemical Weapons

The Geneva Protocol of 1925 prohibited the use in warfare of 'asphyxiating, poisonous or other gases and of all analogous liquids, materials and devices'. It also banned the use of biological weapons. The Protocol was breached by the Italians during their invasion of Abyssinia in 1935 and the Japanese also used chemical weapons (CW) against the Chinese during the Second World War. There has therefore been constant pressure to strengthen the Protocol and many have argued that this could best be achieved by banning the production of chemical and biological weapons and the retention of stockpiles of such weapons. In 1968 Britain proposed that biological weapons should be dealt with separately from CW. At first the Russians opposed this but in 1971 they accepted the British proposal and consequently the Convention banning the production and stockpiling of biological weapons was opened for signature in 1972.

Mr Peacock told the CD on 24 January 1979 that 'a chemical weapons convention would be the logical extension of the Biological Weapons Convention and the Geneva Protocol of 1925.'¹³ But it is not certain that a ban on the production of CW would strengthen the Geneva Protocol. It is generally agreed that CW were not used by the major combatants in World War II because of the fear of retaliation. According to recent Soviet writers, for example,

The fear of retribution prevented the Nazi aggressors from using toxic agents in the course of the Second World War although intensive preparations for this were made.

A CW Convention might therefore actually weaken the constraints on the use of the toxic gases since an aggressor might hope to bring a war to an end before its victims could produce CW and use them in retaliation. It is also notable that in almost every case where allegations have been made that CW have been used in recent wars, the alleged victims have been in no position to retaliate.

Chemical weapons present greater problems than biological weapons from an arms control point of view because they have already been extensively used in warfare and because some modern developments - and particularly the production of 'super toxic' nerve agents - have made CW even more effective. Moreover, many legitimate industrial processes, such as the production of insecticides, involve machinery and methods closely analogous to those used in the production of nerve agents. Of the less toxic CW agents, phosgene is widely used in making insecticides, plastics and paint; hydrogen cyanide is used in making several organic compounds including dyes; mustard gas can be produced easily from ethylene oxide which is used in vast quantities in disinfectants and detergents.¹⁴ There is therefore a direct and unavoidable connection between a country's chemical industry and its capacity to produce CW.

Even this problem might be overcome in designing a Convention banning the production of CW if the society of nations were made up of open democratic states. Despite their sensitivity to industrial espionage, leading industrial

nations, including the Federal Republic of Germany and Britain, have indicated that they would be willing to permit international inspection of their civilian chemical industry to ensure that it was not being used to make chemical warfare agents. Not surprisingly however, the Soviet Union has shown no willingness whatsoever to allow inspection on its territories. It is known to possess very large CW stockpiles¹⁵ but it is most unlikely to allow international inspection to ensure that these have been destroyed. In contrast to the Strategic Arms Limitation agreements where satellites can give a very good idea whether the Treaty is being breached, external monitoring outside the Soviet Union would not even necessarily show whether the Russians were using CW on a massive scale in their manoeuvres, let alone whether they were manufacturing chemical weapons.

An unverified Convention banning the production of CW is attainable but there would be no way of ensuring that the Russians were abiding by it and there have been repeated suggestions that they are already in breach of the Convention banning the production of Biological Weapons. According to Reuter, US satellites have located mysterious factories in six locations in the Soviet Union. The Reuter reports said that these were 'heavily guarded complexes with equipment necessary to grow biological agents in cultures and railway lines containing specially designed tanker waggons'.¹⁶ The

point is that satellites may sometimes raise suspicions but that these cannot be verified except by on-site inspection.

In these circumstances it would seem advisable to search for some other way of strengthening the Geneva Protocol. There have been numerous allegations since 1945 that chemical and biological agents have been used in warfare. In the late 1940s there were allegations that gas had been used in the Chinese civil war, by the French in Indo-China, by Israel against Egypt and by the government forces in Greece.¹⁷ More importantly there were allegations that the UN forces had made use of chemical and biological weapons in Korea in 1951-2 and that the Egyptian forces fighting in the Yemen between 1963 and 1967 used poisonous gases. Critics of US policy in Vietnam attacked the use of irritants and defoliants and claimed that they could have lethal effects. In recent months there have also been allegations that Vietnamese forces have been using highly toxic agents against their opponents in Laos and Kampuchea.¹⁸

Most of these allegations were probably false and based either on rumours and misunderstandings or deliberately spread to blacken the reputation of one or more of the combatants. But some may have been accurate. There have been a number of attempts to establish impartial investigations of such allegations. During the Korean war these attempts were blocked by disagreements over the part which the Chinese

should play in investigations. Subsequently, reports by the International Committee of the Red Cross appeared to substantiate claims that agents, such as mustard gas and phosgene, had been used in the Yemen. The obloquy with which these reports were received makes it unlikely that the Red Cross would want to carry out similar investigations in future.

There is therefore a need for an international tribunal to investigate alleged breaches of international arms control conventions. Australia could propose that such a body should be established by the CD. The members of the Committee and other states should be asked to pledge themselves to allow the tribunal to investigate any charges made against them by another state that they were in breach of the Geneva Protocol. It is possible that the Conference which the UN is to hold in Geneva in September 1980 may add further weapons to the list of those whose use in warfare is prohibited.¹⁹ In that case the proposed tribunal could also investigate allegations that any agreements signed in 1980 had been breached.

Opponents of the idea of establishing such a tribunal can point out that it will inevitably be divided on political lines. It is inconceivable that any member of the Warsaw Pact would admit that another member was in breach of international agreements, or that investigations would be allowed inside communist territory. Black African states were very open to the suggestion that Portugal had used CW to

maintain control over its colonies in Mozambique and Angola²⁰ and any future allegations against South Africa would be given similar credence. Furthermore, it seems unlikely that any state would accept an international investigation if it had in fact been in breach of a convention. Agreement would therefore have to be reached that a refusal to permit an investigation would be prima facie evidence of guilt. Admittedly this would lead states to delay investigations rather than refuse them outright. Reasons for such delays could often be found. In the current case in Laos and Kampuchea, for example, the Vietnamese could, if they wished, claim that the areas concerned were unsafe for an investigating team. But states would not always be in a position to delay investigations, particularly if they had lost control of the areas where the alleged incidents took place.

Even the threat of an investigation might act as a deterrent to the use of chemical and biological weapons in limited wars, since states which have breached the Geneva Protocol, such as Italy in 1935, have tried to avoid publicity. The tribunal should be organised so that it could respond quickly to appeals. A two tier arrangement would probably be necessary. The tribunal made up of representatives of all members of the CD could receive notification of any allegation and could then appoint a small team of investigators, composed of scientific and medical experts, representing the

three main groups in the CD. Such an arrangement stands more chance of success and is likely to be more useful than the current attempts to negotiate a ban on the production of CW.

Nuclear Weapons

According to Mr Peacock, the central issues of nuclear arms control are the achievement of universal adherence to the Nuclear Non-Proliferation Treaty (NPT), the conclusion of a Comprehensive Test Ban Treaty (CTBT) and continued progress by the US and Soviet Union in their negotiations on strategic arms limitation (SALT).²¹ On none of these issues can Australia make a major contribution.

Now that Indonesia has become a party to the NPT, all the main potential proliferators in Australia's immediate area have adhered to the Treaty.²² Australia can exert little pressure on the major near-nuclear countries, such as India, Pakistan, Israel or South Africa, to persuade them to adhere to the Treaty. It has already announced that it will not supply uranium to states which are not NPT parties but none of the near-nuclear countries listed above are dependent on Australian uranium. Australia can also refuse to supply uranium to governments which show any signs of breaching the NPT or which are threatened by civil strife which could jeopardise the security of fissionable material. Taken seriously however, the second condition would rule out supplies of uranium to any country in the Third World. Until a few years ago, Chile appeared the most stable country in Latin America and Iran

seemed one of the most stable in the Middle East. Neither of these states are stable today. Moreover, the developing countries already resent measures taken by the nuclear supplier nations to inhibit the spread of nuclear weapons.²³

Australia and other like-minded governments can continue to exert pressure on the nuclear weapons states to negotiate a CTBT. A CTBT could be agreed at any time with inadequate verification provisions. But some sort of on-site inspection within the nuclear weapon states including the Soviet Union would be needed to distinguish between earthquakes and underground nuclear explosions. It is more important that a satisfactory agreement should be reached than that it should be achieved in the near future. Pressure for a moratorium may also be counterproductive. Such a moratorium was in existence from 1958 until 1961 when it was suddenly denounced by the Soviet Union which immediately began a new series of nuclear tests. To prevent the Russians stealing a similar march over the West in future, Western governments have refused to accept a moratorium in place of a more stable and verified treaty.

Mr Fraser has accepted the idea that the NPT is a bargain by the non nuclear states that they will not acquire nuclear weapons, in return for an agreement by the nuclear weapon states that they will work for nuclear disarmament.²⁴

Article VI of the Treaty states,

Each of the parties ... undertakes to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament...

Apart from the SAL negotiations which deal with delivery systems, two schemes of nuclear warhead disarmament are currently under discussion. The Soviet Foreign Minister Mr Gromyko, called at the UNSSD for discussions on the 'cessation of the production of all types of nuclear weapons and gradual reduction of their stockpiles until their complete destruction'.²⁵ He suggested that all nuclear weapon states should participate in talks on these measures and that it would be useful if some states without nuclear weapons also participated. It is difficult to believe that the Soviet proposal was intended to do any more than burnish the Soviet image. As the US representative pointed out to the CD on 29 March 1979,

there is little evidence that the sponsors have given much thought to the verifiability of their proposal. The cessation of the production and the elimination of even the smallest nuclear weapons implies a pervasive verification mechanism which would far surpass anything contemplated so far in arms control agreements.²⁶

Tactically it might have been wiser for the Americans to point out that the two verifiable steps on the road to nuclear disarmament have been repeatedly rejected by the Soviet Union. These are a cutoff in the production of fissile material for weapons purposes and token reductions of nuclear weapons under international control.

The Canadians revived the first of these proposals at the UNSSD. However, India and the Soviet Union have opposed the proposal on the specious grounds that it would not halt the production of nuclear weapons.²⁷ But, as these states are well aware, there is no way that states can be prevented from making nuclear weapons out of the fissile material that they already have in their nuclear arsenals or of assessing accurately how much fissile material they have. The most comprehensive study, which has been published of the problem, was presented to the ENDC by Britain in August 1962. It concluded that

much of the fissile material so far made in the world has been intended for the manufacture of nuclear weapons; and the total quantity of fissile material made for such purposes is now enormous. The Control Organisation would be attempting in several countries to estimate the total past production ... of plants of various ages, all of which have been improved substantially by a sequence of small modifications ... Arguing from our experience with our plants in the United Kingdom, we have reached the conclusion that the Control Organisation would not be able to guarantee with better than 10-15 per cent accuracy a correct declaration by us about our total past production of plutonium. ²⁸

British scientists therefore estimated that between 10 and 15 per cent of British nuclear weapons could be hidden away without this being obvious to international inspectors. Undoubtedly the problems will have increased since then with the spread of nuclear plants and the extension of the time over which they have been operating. Thus a cutoff in production of fissile material for nuclear weapons is the furthest we can go

towards verified nuclear disarmament.²⁹ Under such a cutoff agreement, the nuclear weapon states would have to accept inspection by the International Atomic Energy Agency of all their nuclear plants.

Australia has already given support to the idea of a cutoff. It could supplement this by reviving a US proposal, made in 1965, for verified reductions in token numbers of nuclear weapons.³⁰ Many states have complained about the unfairness of the NPT which allows continued production of nuclear weapons by existing nuclear weapon states but prohibits it for others. Agreement by the United States and the Soviet Union to undertake token reductions in their nuclear stock would help to reduce such criticism. It would be particularly timely if they could announce their agreement to such a measure at the NPT review conference which is scheduled for 1980 and where there is certain to be harsh criticism of the United States, Soviet Union and Britain for failing to negotiate disarmament measures sufficiently rapidly.

Security Assurances to Non Nuclear Weapon States

Since the very beginning of the nuclear era, some of the non nuclear weapon states have pressed the nuclear weapon states to increase their security against nuclear attack.³¹ Such 'security assurances' take two forms; negative assurances that nuclear weapons will not be used against them and positive assurances that, in the event of a nuclear attack by one state, other nuclear weapon states will come to their defence.

Just before the NPT was signed, the Security Council passed a resolution recognising 'that aggression with nuclear weapons or the threat of such aggression against a non nuclear weapon state would create a situation in which the Security Council, and above all its nuclear weapon state permanent members, would have to act immediately in accordance with their obligations under the UN Charter'.³² However, as the resolution's critics have pointed out, it adds very little to the obligations which the Super Powers have already undertaken under the UN Charter. The problem is that a firm positive security assurance is indistinguishable from an alliance of the NATO type. The Super Powers are naturally unwilling to give guarantees of this type to all who seek them and many of the non nuclear weapon states would in any case not welcome such guarantees.

Negative security assurances have caused even more dispute than positive ones. The non-aligned countries have pressed the UN to declare any use of nuclear weapons to be a 'crime against humanity' and they have called on the nuclear weapon states to declare that they would never use their weapons. Since 1954 the Western countries have stated that they would not use their nuclear weapons unless they were the victims of aggression. At the UNSSD the USA and Britain qualified their position even further by saying that they would not use their nuclear forces against a country which did not possess nuclear weapons unless it were engaged in an armed attack

against them in association or alliance with a nuclear weapon state. In other words, if a non nuclear state attacked them with chemical or other types of weapons, they would not use nuclear weapons in retaliation, unless the non nuclear state were cooperating in the attack with a nuclear power.

The Russians rejected the negative security assurances made by the West in 1954 in the grounds that there was no clear agreement on the definition of aggression. Instead they have proposed that all nuclear weapon states should say that they would not use nuclear weapons against a state which did not have nuclear weapons on its territory. On the other hand, as soon as the Chinese developed nuclear weapons, the Chinese government declared that China would never be the first to use nuclear weapons in any conflict. The Western states dislike the Chinese 'no-first-use' formula because they wish to be free to threaten to use nuclear weapons against a Soviet attack whether it is carried out with nuclear or conventional weapons. They also dislike the Soviet formula because of the difficulty of being certain which states have nuclear weapons stationed on their territory and because they wish to be free to make use of nuclear weapons in the event of a Warsaw Pact attack on NATO. Such nuclear attacks could be mounted against Soviet supply lines running through Eastern Europe whether or not the East European countries denied that they had Soviet nuclear weapons stationed on their territory. The Soviet formula also appears to be designed to dissuade NATO states from having US nuclear weapons on their soil.

Of course, it is easy to argue that the whole idea of security assurances is absurd. Mr Khrushchev, when he was Soviet leader, made clear his belief that in a war between the nuclear powers, nuclear weapons would be used when one side found itself losing whatever security assurances had been given beforehand.³³ Whether they were used on the territory of non nuclear weapon states would depend on tactical exigencies not on international agreements. Short of a war between the nuclear weapon states it is most unlikely that any nuclear weapon state would attack, or threaten to attack, a non nuclear weapon state with nuclear weapons. Nevertheless, the idea has been assiduously proagated by some Third World states. According to one of the leading Indian strategists, for example,

No one seriously believes that the industrial countries are going to fight a nuclear war among themselves ... Today the real danger is not that of a nuclear war between nuclear powers but a nuclear threat to a non nuclear power.³⁴

In fact, if nuclear threats against non nuclear states were credible, the US Administration would only have had to announce in November 1979 that it would use nuclear weapons against Iran unless its diplomats were released and the Chinese would only have had to announce that they would use their weapons against Vietnam unless Vietnamese forces pulled out of Kampuchea, in order to achieve their goals. Merely to give such examples underlines the absurdity of allegations about nuclear threats. At most, if strengthened assurances were

given by the nuclear weapon states, this might make it marginally more difficult for a state proposing to develop nuclear weapons to explain this policy in terms of the threat from existing nuclear powers.

The Russians have recently proposed that the nuclear weapon states should sign a treaty embodying the Soviet negative security assurance formula. However, since no agreement could be reached on that formula, the Russian proposal seems to be connected with their desire to improve their image rather than with any hope of negotiating a treaty. An alternative possibility would be a single treaty condemning the use of nuclear weapons on the lines of the Geneva Protocol on CW. Each nuclear power could then make its own interpretative statement on the conditions in which it would still feel free to make use of nuclear weapons. Interpretative statements have already been made in connection with the Geneva Protocol on the circumstances in which many of the parties would use CW. They have also been made in connection with the additional protocols to the Geneva Conventions of 1949 on the protection of victims of international armed conflicts which were signed in December 1977.³⁵ According to the United Kingdom, for example, 'the new rules introduced by Protocol [which are designed to protect the civilian population in wartime] are not intended to have any effect on and do not regulate or prohibit the use of nuclear weaponry'. However, a blanket treaty condemning the use of nuclear weapons, even if it were qualified

by interpretative statements would undoubtedly be opposed by the nuclear weapon states, it might weaken the idea of deterrence and its legality might also be questioned. Under international law statements of this kind must not undermine the agreement which they qualify and some might argue that they would do so in the case of a treaty banning the use of nuclear weapons.

In view of the danger that negative security assurances would reduce the power of nuclear weapons to deter the outbreak of war between the nuclear weapon states, an alternative which might be worth consideration is a further strengthening of the positive assurances given by the Security Council. Evidently these could not be set out in the sort of form embodied in the NATO alliance but they could follow Article 16 of the League of Nations Covenant:

Should any member of the United Nations use or threaten to use nuclear weapons, except in defence against aggression by another nuclear weapon state it shall ipso facto be deemed to have committed an act of war against all other Members of the United Nations, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the nuclear weapon state, and the prevention of all financial, commercial or personal intercourse between the nationals of the nuclear weapon state and the nationals of any other state.

Such a formula would be opposed by the non-aligned who would dislike the suggestion that nuclear weapons could be used even to combat aggression. But is the furthest the nuclear weapon states are likely to go in advancing positive security assurances.

New Weapons of Mass Destruction

The Soviet Union called in 1975 for the negotiation by the CCD of a treaty banning the development and production of new weapons of mass destruction.³⁶ Weapons of mass destruction were defined by the UN's Commission for Conventional Armaments in 1948 as nuclear, radiological, chemical and biological weapons. Western representatives therefore asked the Russians what weapons they would envisage coming under the label new weapons of mass destruction (MDW). Soviet responses have been bifurcated. On the one hand, they have put forward a number of weapons of a futuristic sort, none of which appear to have any capacity for mass destruction, while, on the other hand, they have listed radiological and neutron weapons which are merely developments of existing weapons.

East European representatives told the CCD that electro-magnetic rays, lasers or infra-sound weapons might lead to mass destruction. However, Western technical experts pointed out that, in order to focus infra-sonic rays, immense arrays would be needed and destruction would still only be possible in a very small area. Similarly, laser weapons and electro-magnetic rays, if they are produced, would be weapons of precision rather than mass destruction. Unable to specify any new developments of this type, East European representatives then argued that genetic engineering might lead to the creation of new biological weapons. However, if this is true, such weapons would already be covered by the

to the international community. Much would depend on the type of facilities needed to produce the new weapon and hence on the possibility of verifying the treaty. Accordingly, Western representatives at the CD have proposed that, if any developments of this nature do appear on the horizon, the Committee should consider banning the production of the individual new weapons. It seems unlikely that there is any room for an Australian initiative in this area, although it should send technical specialists to any discussions which the CD decides to hold on specific weapons.

Reduction of Military Budgets

The idea of limiting the budgets of the major military powers is superficially one of the most attractive disarmament proposals. It would allow states to allocate their remaining funds to maximise their security and it would not run into the problems of comparability which efforts to limit force numbers or equipment encounter. On the other hand, critics of the idea of reducing military budgets can point out that it might not lead to any disarmament at all. States, such as Britain, Australia or the United States, which rely on very expensive professional armies could place greater reliance on conscript or part-time volunteer forces and achieve the same level of defences with less expenditure. Conversely, states, such as the Soviet Union or China, which already pay their conscripts derisory wages, could still further decrease these. As a result of these considerations,

there has been a traditional reluctance to enter into military expenditure limitations because of the fear that expenditure comparisons obscure real military relationships. The problem of specifying and ordering the contribution to real military power made by the various components of military expenditure is a very large one. 39

It is difficult to be sure whether an agreed reduction in military budgets would have more impact on the defence postures of the democratic or totalitarian states. The defence budgets are already under great pressure in the democracies because of the desire to release resources for social purposes. The longer peace lasts, the greater this pressure will be. The Russians are not under comparable pressure and therefore there might seem to be some advantage in an international agreement imposing limitations on the Soviet budget. On the other hand, the Russians may find it easier to allocate residual resources to maximise their defence potential than the democracies would.

As on so many issues, the real obstacle to agreed reductions on military budgets is presented by verification. The published Soviet military budget is usually thought to be about half of its actual expenditure on defence. The published figures are also manipulated for political reasons. Novosti claimed in 1978, for example,

an indication of the USSR's commitment to peaceful development is to be seen in the fact that its 1978 defence spending is being kept at the 1977 level of 17,200 million roubles ... At present the USSR is spending a quarter of what the USA does on defence, both in overall and per capita expenditure. 40

Thus Soviet defence spending is supposed to be static or even falling at a time when it is rearming its conventional forces, introducing a whole new range of missiles and sending aircraft carriers for the first time on to the high seas. It is, moreover, most unlikely that the Russians would open any of their accounts to any international inspectors. Yet,

no significant improvement in the credibility of the estimates of Soviet defence spending can be expected until the Soviet Union makes available officially, data on rouble expenditure, how these are distributed through the state sector and how research organisations and defence industries fit into the total picture. 41

Attractive as this method of disarmament is therefore, it is difficult to see how Australia can do more at this stage than continue the present Western policy of exerting pressure on the Soviet Union to be more open about its expenditure.

Restraining the Transfer of Conventional Arms

Attempts to restrain the transfer of conventional weapons from one country to another go back to the League of Nations. After the Second World War Britain, France and the USA tried to limit conventional arms supplies to the Middle East and the USA tried to limit supplies to Latin America. All these efforts eventually failed and attempts even to discuss the problem at the CCD and the UN have been bitterly criticised by the non-aligned countries and particularly by India. Until the Third World ceases to regard such attempts as interference in its internal affairs, neo-imperialism or 'disarmament of the disarmed' there seems little prospect for movement in this area and Australia would merely evoke Third World resentment by encouraging the discussion of the issue in the CD.

World-Wide Confidence Building Measures

The term confidence building measure (CBM) entered international parlance in the Final Act of the Conference on Security and Co-operation in Europe in August 1975. The CBMs agreed at the CSCE included prior notification of military manoeuvres involving over 25,000 troops, the exchange of observers at manoeuvres and the (discretionary) notification of major military movements. These measures have not been notably successful at increasing confidence in Europe but several states, including the Federal Republic of Germany, have suggested that CBMs of one sort or another could help to improve relations in other regions of the world.⁴² It is unlikely that such CBMs would have prevented any of the major wars in recent years or that they would be acceptable to many Third World states. But they could be the symbol and the cement of improvements in relations, for example, between Egypt and Israel. However limited in their effects such measures would be, they could be important in the Third World because it is there that most of the wars for the last 25 years have been fought and where most wars seem likely to be fought in the future.

Australia could suggest that the ASEAN countries consider negotiating CBMs with some of their Communist neighbours. The Thai and Kampuchean and the Thai and Laotian governments might, for example, see some advantage in informing each other in advance if they were going to make major military movements on their frontiers. Such advance notification, together with an explanation for troop movements, could help to reduce tension

and friction. CBMs have to be closely tailored to local conditions and any agreed for South-east Asia would be very different from European CBMs designed for an area where large standing armies are located and massive manoeuvres are held. Of course, CBMs could not prevent the outbreak of war if one country were determined on aggression. But the negotiation of such measures in South-east Asia might encourage states in other regions to follow suit and it would demonstrate that the countries in the region were taking a constructive interest in arms control and, unlike the rest of the world, were not merely criticising the Americans and Russians for failing to make progress in their negotiations whilst taking no action whatsoever themselves.

Conclusions

Despite the constraints upon its policy, Australia can make a number of original contributions to the negotiations in the CD. In general it can offer its technical expertise (often a commodity in short supply in the Committee) and can participate in the meetings of technical experts which the Committee has increasingly convened in recent years. In particular it can

1. advocate the establishment of a tribunal to investigate alleged breaches of the Geneva Protocol and other treaties banning the use of particular weapons in warfare.
2. call for verified token reductions in the nuclear stockpiles of the Super Powers to coincide with or precede the NPT review conference.

3. suggest that consideration should be given to the possibility of strengthening the positive security assurances advanced by the nuclear weapon states.
4. suggest that the ASEAN nations consider the possibility of negotiating appropriate CBMs with their Communist neighbours.

An idealist might argue that these recommendations are much too cautious and that Australia could take a more radical stance in the CD. He could point out that states as small as Malta have made radical proposals which have led to major international discussions on the Law of the Sea and other issues. But, given the current intensity of the arms control negotiations, it is doubtful whether a radical proposal would be followed up by the major powers, even if they regarded it as promising. Conversely, a realist might argue that, since the negotiations in the CD are likely to lead to such minor agreements and to have so peripheral an effect on major issues, they are hardly worth pursuing. But agreements of this type have a cumulative effect on the international system and however minor they might seem to be, in the long run they may make an important contribution to peace and stability.

FOOTNOTES

1. See United Nations General Assembly Special Session on Disarmament. Report of the Australian Delegation, Australian Government Publishing Services, Canberra, 1978, p.70.
2. For a description of the UNSSD, see P. Towle, 'The UN Special Session on Disarmament - Retrospect', The World Today, May 1979.
3. Report of the Australian Delegation, p.75.
4. See however the statement by Ghana at the 1702 meeting of the UN First Committee, 27 November 1969.
5. For a summary of the negotiations on the Seabed Treaty see Documents on Disarmament 1969, ACDA, Washington, 1970, pp.524-5. For the negotiations on the NPT, see Further Documents on Disarmament 1967, Cmnd 3767, HMSO, London, 1968, pp.5-20.
6. 42 meeting of the UN First Committee at the 33 Session of the General Assembly, 17 November 1978.
7. M. Fartash, "The 'Disarmament Club' at Work", Bulletin of the Atomic Scientists, January 1977.
8. 'Indian Ocean Points Rejected by Australia', Canberra Times, 16 July 1979.
9. 'Whitlam to raise Diego Garcia Issue with Ford', Australian, 3 October 1974.
10. 48 meeting of the UN First Committee at the 33 Session of the General Assembly, 22 November 1978.
11. Don Westervelt, 'Candour, Compromise and the Comprehensive Test Ban Treaty', Strategic Review, Fall 1977.
12. Report to Parliament on the 1979 session of the Committee on Disarmament, p.32.
13. 'Progress on Banning Chemical Weapons Can Give Impetus to Disarmament', Soviet News, 7 August 1978. This admission represents a remarkable change in Soviet attitudes since the 1950s when they claimed that the Geneva Protocol prevented German use of CW, see Documents on Disarmament 1945-1959, Volume I, Department of State, 1960, p.375.

14. These examples are taken from 'A Little Light in the Fog', editorial in The Times, 19 February 1973.
15. John Marriott, 'Chemical Warfare', NATO's Fifteen Nations, June-July 1977. Lt Colonel H. Bay, 'Chemical Warfare and the Military Balance', Parameters, Volume VII, No.2, 1977.
16. "Germ Plant 'Seen by Satellite'", The Guardian, 31 January 1978; "New War Germs 'Bred in Russia'", The Times, 31 January 1978; 'Soviet World Under Germ Suspicion', Daily Telegraph, 16 June 1976; "Tass Ridicules 'Germ Weapon' Reports", Daily Telegraph, 1 February 1978.
17. SIPRI, The Problem of Chemical and Biological Warfare, Volume I. The Rise of CB Weapons, Humanities Press, New York, 1971, pp.157-212.
18. Henry Bradsher, "Poison Gas 'Used against Two Tribes'", Canberra Times, 26 November 1979.
19. See Strategic and Defence Studies Centre, Working Paper No.9, P. Towle, Limiting The Use of Conventional Weapons. Prospects for the 1979 UN Conference.
20. SIPRI op.cit., pp.210-211.
21. Report of the Australian Delegation, p.52.
22. Loc. cit., p.81.
23. See note 6 supra.
24. Report of the Australian Delegation, p.73.
25. Loc. cit., p.79.
26. Speech by Ambassador Fisher at the CD, 29 March 1979.
27. 59 meeting of the UN First Committee at the 33 Session of the General Assembly, 1 December 1978.
28. Documents on Disarmament 1962, Volume 11, ACDA, Washington, 1963, p.850.
29. Most work on the 'cut off' has been done in the United States, see particularly, 'US Working Paper on Inspection of a Fissionable Material Cut-Off', Further Documents Relating to the Conference of the Eighteen-Nation Disarmament Committee, Miscellaneous No.8, Cmnd 2595, HMSO, London, .
30. Further Documents on Disarmament 1965, Cmnd 3020, HMSO, London, 1966, p.189.

31. For non-aligned views on this and other issues see Strategic and Defence Studies Centre, Working Paper No.14, P. Towle, 'Non-Aligned Criticisms of Western Security Policies', p.5 and p.12 passim.
32. Documents on Disarmament 1968, ACDA, Washington, 1969, pp.444 and 511.
33. See note 31 supra.
34. Subrahmanyam, 'Indian Nuclear Policy', in C. Marwah and A. Schulz, Nuclear Proliferation and the Near Nuclear Countries, Ballinger Publishing, Cambridge, Mass., 1975, p.135.
35. Colonel G.I.A.D. Draper, 'The New Law of Armed Conflict', RUSI Journal, September 1979.
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39. Ron Huisken, 'The Soviet Military Expenditure Muddle', Australian Journal of Defence Studies, April 1978.
40. Soviet News, 10 January 1978, p.9.
41. See note 39 supra.
42. See note 37 supra.

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