



U.S. NAVAL WAR COLLEGE  
Newport, Rhode Island



# SEAPOWER SYMPOSIUM

17-20 November 1969

Selected Readings



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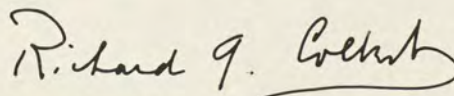
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MEMORANDUM FOR PARTICIPANTS AT THE SEAPOWER SYMPOSIUM

This collection, along with the additional books provided to you, is designed to support the Symposium discussions. Understandably, most of the selections represent viewpoints with U.S. orientation. In order to assist you in reviewing this collection, the title page of each selection contains a short abstract of that selection.

As is traditional with the selected readings used in most of our academic endeavors, the thoughts and opinions expressed in this material are not necessarily those of the U.S. Navy Department nor of the U.S. Naval War College. In fact, in some cases, opposite positions may be included to stimulate thought and discussion.

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RICHARD G. COLBERT  
Vice Admiral, U.S. Navy  
President, Naval War College



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1969-1970

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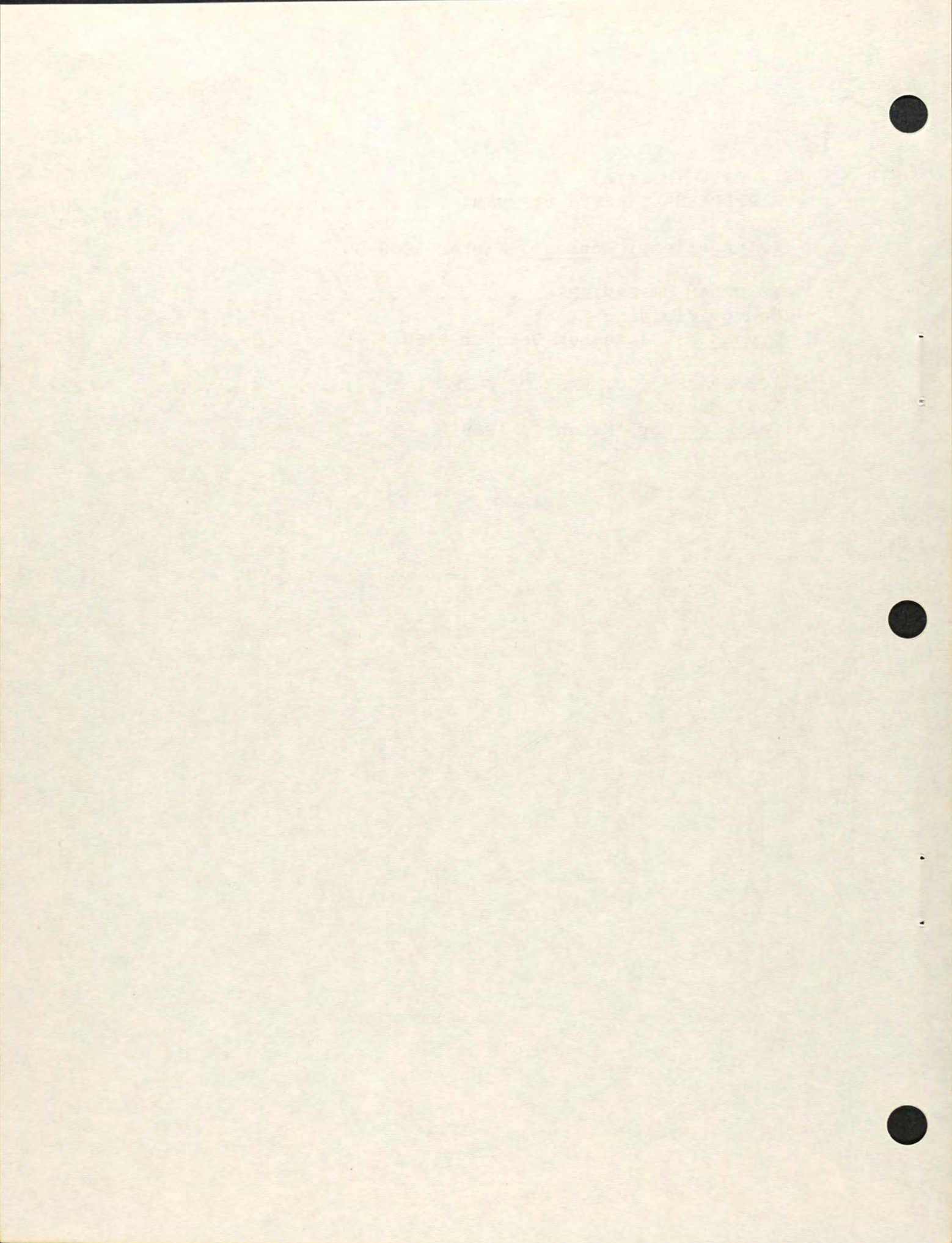
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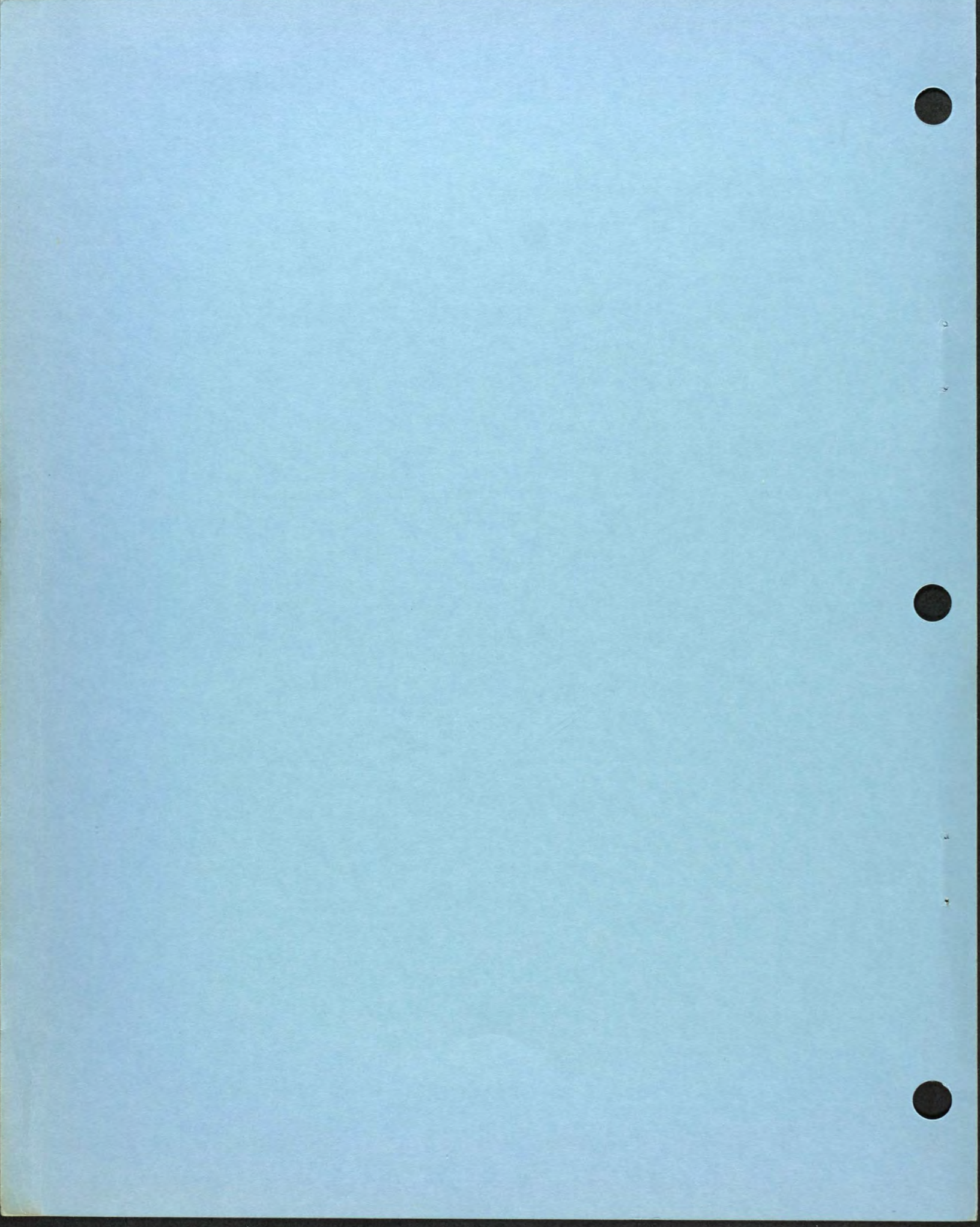














THE POLITICAL OCEAN

by E.W. Seabrook Hull

As the ocean is exploited for its food, water, energy, and mineral resources and used for defense, nations will ask for rights to specific areas of the sea floor or volumes of sea space. Regional cohesiveness and cooperation leading to an international global administration of the World Ocean will become necessary.

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## THE POLITICAL OCEAN

*By E. W. Seabrook Hull*

**T**HROUGHOUT written history the ocean has been a chancy source of food, a highway for trade and conquest, a battleground and a source of pleasure and recreation. It has been mostly a two-dimensional environment for which there has grown up a respectable body of law and precedent whose geopolitical significance and diplomatic utility are clearly understood. But now man is extending his reach into the third dimension, and traditional concepts of freedom of the high seas and of territorial waters are confounded by situations without precedent. Friend and foe alike join together at sea for common scientific purposes. Increasingly man is turning to the depths of the sea to meet the varied needs of his civilization ashore. International waters have become a matter of both national and private corporate interest. Conversely, private interests on and under the high seas have now become a matter of worldwide, multinational interest—as have those things that nations and individuals do along their own shorelines.

Looking just a little bit ahead, moreover, it is clearly evident that the things we now set out to do in the ocean will change the world as we know it—not so much geographically as economically, politically, demographically, climatologically and technologically. It is an alchemy, in fact, that has already begun and the rate of reaction is itself accelerating. Thus it is that in the world of international affairs, as well, the ocean assumes new dimensions—involving new problems and opportunities.

Consider that whatever level of social, political, technological and industrial order we have achieved, indeed whatever we have wrought, is the result mainly of our efforts in exploring and utilizing the physical assets of rather less than a third of our planet's surface. For dry land—the continents and the islands—constitutes slightly less than 30 percent of the area of the earth. The rest is water—a rigorous and complex fluid continuum known as the World Ocean, which until recently man utilized only superficially. If in the past it served largely to separate peoples and their viewpoints, it is now about to bring them together in cooperation for common purpose, in inconsiderate dispute and in honest conflict of interest. For all over the world men now view



the ocean as a practical and exploitable resource with which to meet the needs of our advancing technological civilization.

The reasons man turns to the sea are axiomatic and incontrovertible; they stem from the sheer excellence of his technologies. Advances in medicine and public health have increased man's average life expectancy vastly. This, in turn, is producing a population growth of such magnitude that already it outstrips man's ability to derive sufficient food from the soil. Simultaneously, the galloping growth of his industries is depleting known reserves of critical raw materials—both mineral and energy resources—to a point where, in many cases, exhaustion is both predictable and imminent.

But, if demands spawned by his technological prowess now exceed his landborn resources, these very technologies also enable him to turn to the sea. Thus, while rising demand squeezes traditional supplies and pushes their prices up, a rapidly developing technology is pushing down the cost of working oceanic resources. Whenever these rising price and lowering cost curves cross, man turns to the sea. This happened hundreds of centuries ago with food, sponges, red coral, pearls and salt evaporated from seawater. More recently it has happened with petroleum, sulfur, magnesium, iodine, fluorine, coal, iron ore, tin, calcium carbonate (sea-shells as raw material for cement), sand, gravel and others.

Whenever someone talks enthusiastically and loosely about feeding the world's starving millions on plankton soup or about mining manganese nodules from the seafloor two to three miles down, the principle of the crossing curves must be kept in mind. There are many things we are doing now or starting to do in the ocean which a few years back would have been derided, but there are some which we will not be doing for some years yet to come. It is simply a matter of elementary economics—the natural relationship of need, technology and capability. And, from an engineering viewpoint, the ocean is the least known and harshest of all our major terrestrial environments.

To understand the political implications of the science and technology of oceanography, it is first necessary to know something of the nature of the ocean itself and its relationship to man and his objectives. For this is not a piece of real estate which belongs to this nation or that, or which has traditionally been subject to a multiplicity of private and sometimes conflicting interests. Indeed, not only is it the common property of all the



creatures of this earth, but it also provides the very basis of life as we know it. Thus, in developing the resources of the sea, consideration for the general welfare must be paramount.

## II

Geographically the World Ocean is one. Its waters are in constant and complex motion from the surface to the greatest depths. Its great currents move immense quantities of heat from one part of the world to another; the very fact of the ocean moderates climates from the equator to the poles. Indeed, the ocean is mainly responsible for the comparative gentleness of our terrestrial environment. Topographically, the ocean's basic features are the continental shelves extending nominally to a depth of 600 feet from the shore, the continental slopes which plunge sharply to depths of 8,000 to 12,000 feet, and the abyssal plains, the depth of which ranges generally from 12,000 to 16,000 feet. The deep ocean floor is variously characterized by broad plains, individual seamounts (some higher than Everest), the world's longest and most rugged mountain ranges, and deep trenches, one of which—the Marianas Trench—slices down to seven miles.

Chemically, the ocean contains in solution and/or in suspension virtually every element occurring naturally on earth and—since the proliferation of nuclear tests—several that do not. Some of these occur only in minute amounts. But, since the ocean in toto contains some 317,000,000 cubic miles of water, statistically even trace elements calculate out to vast resources. But theory and practice, though directly related, are often generations apart, and in the proximate future it will be practical to extract only a few of these materials directly from seawater. The normal ocean (if there is such a thing) contains about 34 parts per thousand by weight of dissolved salts. This makes it a fine electrolyte and a highly corrosive fluid, which is one of the main problems the ocean engineer faces. High pressures in the ocean's depths and high mechanical forces from the ocean in motion are others.

While the extraction of mineral wealth—apart from magnesium and a few others—directly from seawater may be slow in developing, exciting mineral resources do exist on and just under the ocean floor. Many of these occur in the relatively shallow waters of the continental shelves which together constitute an area roughly equal to that of Africa, and are well within our present technological reach. There is scarcely a shelf area in the world



today that is not now, or soon to be, subject to offshore petroleum exploration. Though less common and less readily exploited, sulfur is also a valuable shelf resource. The newest potential, however, is in the area of "hard minerals"—the ores of the metals and basic chemicals upon which our industries feed and with which we fertilize our fields. Since the shelves are part of the continental structure, they contain ore deposits in forms familiar to us. Also the action of coastwise currents has served, it now is evident, to concentrate extensive alluvial deposits of minerals—both those occurring originally on the shelves and those brought down by continental rivers. These heavy minerals include rutile, ilmenite, cassiterite, scheelite, monozite, zirconium, magnetite, glauconite, tin ores, gold, silver, platinum, diamonds and others. Deep beneath many continental shelves are rich deposits of coal, already mined by the United Kingdom and Japan. Japan is also mining iron-bearing sands from beneath its shelf waters, and diamonds are mined off the coast of South West Africa. Exploration vessels are currently searching for minerals off the coasts of Thailand, Malaysia, New Zealand, Tasmania, Australia and Alaska.

Along the shallow and middle-depth areas of the continental slopes, deposits of phosphorite are often found—in places where it is not readily available ashore. This is an essential fertilizer material and may shortly be extracted from untitled real estate by vessels on the high seas a mile or more above the "mine."

Biologically, the ocean is the most densely populated environment on earth and contains the greatest variety of species. Properly conserved and utilized, the ocean has the potential for closing the gap between foreseeable land-based resources of animal protein and the needs of an exploding world population. Today we catch and eat only a very small proportion of the edible species in the ocean. And, by and large, we still hunt—rather than husband. The sea can be a far greater source of food than it is today, but only if conservation is practiced, and this requires complete international coöperation. The fishing of some species is all too efficient, and there are signs that traditional fishing grounds are being "fished out." In the case of whales—particularly the blue whale, the largest mammal ever to live on earth—there is a real danger that the point of no return may already have been passed, and that some species may be doomed to extinction. (Incidentally, the high population density of the ocean is also the bane of the ocean engineer's existence—for sea



creatures will variously eat, nest on, colonize, dissolve and just plain attack any material man places in the ocean.)

The ocean, then, has a potential perhaps without precedent for providing the four basic categories of natural resources upon which the health, wealth and progress of modern man so greatly depend: food, water, energy and mineral resources. The geographical distribution of these resources conforms only in part to the pattern of comparable resources ashore. In some cases—marine life, for example—not only is there no conformity, but the resource is indeed migratory and ranges according to whim, instinct and changing oceanic conditions over many parts of the world. Consider the implications. A valuable species may spawn in one part of the world and graze in another. In both places and in between, it is fished and harvested. If that harvesting at any point is excessive or if the environment at any point is altered adversely, the impact of these acts may be felt thousands of miles away: an act by one nation, even within its own territorial waters, may destroy an asset upon which the very life of another nation depends.

Many “have-not” nations may soon become “have” nations as a result of finding nearby oceanic resources. Australia provides a striking example of just such a prospect. Traditionally a heavy net importer of both raw materials and energy sources, Australia has found oil and gas in her offshore waters. Early results of exploration for hard minerals on her shelf lands show considerable promise. Thus could a largely agrarian economy be transformed into one of vital industrial growth with implications extending far beyond her borders. Also, lower energy costs could speed the day when large-scale desalination plants become economic—when arid Australia becomes lush and verdant.

Australia is only one example of how the utilization of the ocean may redraw the economic map of the world. Since most nations border the sea, the implications of intelligent utilization of the ocean resources are far-reaching and their ramifications complex. The ocean and its incipient new relationship with man and his needs will become an increasingly vital element in international affairs. In some cases it facilitates the attainment of international policy objectives; in that role it is the implement, the tool. In other cases the interaction of man with the sea produces situations that can be resolved only in the international diplomatic arena. In this role the ocean is causative.



## III

There is no scientific or engineering discipline that is not, or will not soon be, applied in the ocean. Already the social and political sciences are becoming involved, and because of the ocean's growing economic and international significance, it presents a challenge such as the law has seldom encountered. It is a whole new world for the insurance underwriter. In fact, there is scarcely a thing we do in our land environment that we will not soon seek to do in the ocean. Already, we hunt on it and in it. We farm it. We mine it. We dump in it. We study it. And, in the case of hurricane control, at least, we may be about to try to change it. Indeed, we are even starting to live in it—initially as scientists and students studying it and as military men preparing to build permanent bases on the ocean floor. Less than a decade away is the resort "aquotel"—an idyllic "bubble on the bottom" resting on white sand midst the ever-changing beauty of some coral reef, a universe away from the harsh cry and stench of the megalopolises that now threaten our coastal areas like some deadly creeping mold. It does not stretch the imagination too far to visualize whole self-contained communities beneath the waters of the world's continental shelves. It has already started with liquid storage. Dry goods warehouses are not far off. The technologies are nearly here; economic justification is slightly more distant.

But man cannot do all of these things without generating conflicts. Sometimes these will be conflicts of interest contained entirely within a single national ecology. As often as not, however, the conflicts are international. Sometimes there is a conflict over whether it is one or the other. Among innumerable examples ranging over many fields, a few—both resolved and unresolved—may serve as illustrations and stimulate further thought.

Last fall a couple of entrepreneurs with more imagination than knowledge of the sea set out to build an artificial island on Cortes Bank—a seamount rising from depths of 10,000 feet to within a few feet of the surface of the Pacific about 110 miles west of San Diego. There were reports that they proposed to declare it a new and independent nation called Abalonia. The would-be island builders now deny this was their intention, but admit they hoped to build a processing plant on their island and harvest the rich crops of abalone and lobster that abound there. Their "island" was to have been a surplus World War II concrete troop carrier,



but the sea had other ideas, and before it could be safely grounded in the planned eight feet of water, wind and wave had dragged it to a greater depth where it now resides as a navigation hazard. Charges have been lodged.

Though Cortes Bank is beyond any conceivable three or even twelve mile limit and though geologically it cannot be construed as being part of any continental shelf, several U.S. Federal agencies (mainly the Army Corps of Engineers) claim jurisdiction. They cite the 1958 Geneva Convention on the Territorial Sea & Contiguous Zone and the 1958 Convention on the Continental Shelf, now duly ratified, as their authority. The Shelf Convention concedes a nation sovereignty over the benthic resources (those of the seafloor) of its entire continental shelf, without regard to any territorial sea limitation, to a depth of 600 feet "or beyond that limit to where the depth of the superjacent waters admits to the exploration of the natural resources of said areas." The implication here is, and the intent of the designers of the convention was, that of a continuum—*i.e.* benthic sovereignty may be exercised over a continuous stretch of seafloor starting with the beach and extending outwards and downwards to whatever depth the nation is able to work its benthic resources. Beyond that point sovereignty ceases, and there is nothing in the convention suggesting that jurisdiction may again be claimed at some point farther out in the ocean where it is once again shallow, as with the case of Cortes Bank.

This may seem like a fine point of law, but it is far from that. The Geneva Convention was concerned mainly with such things as lobster fishing and offshore oil exploration at a time when people still thought that everything man would do of this nature he would do mainly from the surface of the sea, and before there was such an "ocean-awareness" as there is now. The Geneva Convention is not sufficient to the times, and one or several more comprehensive conventions will have to be designed, negotiated and ratified before many more years pass.

There are several current cases in point. One is the North Sea, which is almost entirely continental shelf by the simple 600-foot definition. The exception is a deep trench bordering the southern tip of Norway. Legally this should have cut Norway off from participating in the North Sea petroleum development, but by the willingness of the other riparian states simply to ignore this trench, Norway got its share of the pie.



Not so simple, nor so pressing as yet, are the seamounts which in many places far from any sovereign shore rise to within a few feet of the ocean's surface. By any available legal definition the waters over these seamounts are "high seas," where freedom reigns, and their summits are indeed unclaimed territory. Our advancing ocean technology is already sufficient to enable anyone to establish high-and-dry platforms—even islands of rock and earth—in these shallows. As the case of Cortes Bank suggests, the builder could claim sovereign rights and establish a new nation, laying claim as well to the seafloor "to a depth of 200 meters or beyond that limit to where . . ." and so forth, according to the Geneva Convention.

Regardless of the frightening and perhaps not entirely realistic prospect of a proliferation of new and tiny nations all begging United Nations membership and perhaps deftly playing off East against West for profit and plenty, these seamounts present some real and present problems. Vema Seamount off the coast of South West Africa was discovered a few years ago by the U. S. Research Vessel, *Vema*. Its top covers a considerable area and comes to within a few feet of the surface. Originally its summit abounded with South African lobsters and other marketable sealife, but commercial fishermen quickly fished it out. Now they are busily seeking other seamounts. There are reports that some of them have been successful and are keeping the location strictly to themselves. It isn't hard to visualize a small shooting war developing among fishermen poaching on one another's private finds—all this on the "high seas" whose freedom is traditional, and over territory for which no body of international law exists.

This is the nub of the problem. As long as the high seas were used mainly as a fishing ground and primarily as a means of transport, and by fishermen whose range was relatively limited and whose catch was individually small, complex problems did not arise. There was little conflict of interest; in fact, there were no vested interests at all. But now a whole spectrum of overlapping interests is about to be imposed on the World Ocean, and it may be that they can be properly served only by granting rights and title to specific areas of seafloor or volumes of sea-space itself. In any event, the interested parties must have some kind of legal recourse, and the interests of the many must be protected from the depredations of the few.

Interests will often be in direct conflict. This can be seen al-



ready in the continental shelf areas where transoceanic telephone cables often encounter the trawls and nets of fishermen, with the subsequent loss of either or both. One sees it, too, in the rising incursion of foreign fishing fleets in waters that have traditionally supported populations of the contiguous landmass. Or again, the saltwater marshlands that line the coasts of much of the world are the maternity wards and nurseries of many species of fishes, including many of high commercial value. These species spawn and/or migrate into the marsh creeks to mature and then return to the sea. Yet the human predation of these marshes is proceeding at a frightening pace. Every year thousands of acres fall prey to the tailings of the channel dredge, the fill of the super coastal highway and the deadliest pollutant of all, the suburban development. An effort is now being made in the United States to give this resource some kind of survival priority. However, a good argument can be made that these marshlands are worldwide resources and should be subject to international protection. Regardless of the principle of sovereign lands and territorial waters, the marshlands are a key element of a safe and productive ocean.

Similar arguments can be made with respect to the age-old habit of using the ocean as a bottomless sink for sewage and waste; the damage that ocean miners may do to other benthic resources; the attempt, which is bound to come, to alter climate by diverting ocean currents; and the mounting conflict among the burgeoning commercial fisheries.

It is said that the international agreements relating to Antarctica and outer space provide precedents for establishing similar agreements with respect to the ocean. This is not entirely true; for, short of gaining scientific knowledge, we cannot see at present what can be done with outer space or with Antarctica that is productive. Conflicts of interest in the ocean have already manifested themselves in direct confrontations, though for the most part these have been resolved around the conference table by regional agreements. But the time is fast running out when this kind of "each case on its own merits" solution will serve, for soon solutions will conflict with solutions. Unlike Antarctica and outer space, the ocean is an intimate, human environment. Anyone can go down into the deep ocean, either to satisfy his curiosity or to do useful, productive work. Just as surely as the pioneers a century ago opened up the great American West, so man will open up the World Ocean to all of his dreams, exploits and endeavors.



Whether this exploration and exploitation is orderly or chaotic, whether we manage to wrest the needed riches from the sea and still leave its bounty for generations to come, depends in large measure on the acumen, foresight and dedication of what we do today.

## IV

One of the most obvious and traditional uses of the ocean is as a road to conquest and a buffer for defense. Today the submarine-launched ballistic missile is the most secure, perhaps the most deadly weapon in the world. The ocean highways are still man's primary means of transport between continents, and to keep them open for national use is a primary naval mission. A strong merchant marine continues to be a criterion of national power, and showing the flag in foreign ports is an old and still-valid instrument of foreign policy.

But now the ocean takes on new dimensions as an implement of foreign policy. Starvation and malnutrition are spectres that cast a shadow over the world's efforts to attain a lasting peace. The land fails to meet food needs today, and even the most conservative estimates of the population growth in the years just ahead spell catastrophe unless alternative sources are found. The ocean is just such a potential source if properly administered, properly conserved and properly husbanded.

The idea—at least in the minds of American policy-makers—is not merely that the food resources of the sea should be provided to the less developed and, for the most part, most populated nations, but rather that these nations should be given the technical ability to exploit this source of nutrition for themselves. Hence, the Agency for International Development is heavily engaged. The proper exploitation of fishery resources requires both a knowledge of the ocean and the creatures that can be harvested and a sound and growing capability in the design, construction and use of the equipment required for their exploitation. Thus, the ocean serves our national interest both in providing a source of food for the less developed nations and in building up their ability not only to feed themselves but to increase their technological competence.

As a bridge for friendly contact and common purpose between East and West, oceanography has proved highly successful—despite occasional ineptness by the State Department and retaliation in kind by the Soviet Union. There is something about the



ocean—it is massive, infinitely complex, powerful and impersonal—that seems to transcend specific national interests and temporal political considerations. As in other fields of international science, those who study the sea get along rather well, and international oceanographic expeditions are planned and participated in with little regard for ideological considerations. For example, scientists from 46 nations—East and West—participated in the recent Indian Ocean Expedition.

Such expeditions can be used effectively to promote regional cohesiveness and coöperation, especially among groups of less developed nations. In many cases oceanographic efforts sufficient to produce useful results exceed the capabilities of small nations to carry them out by themselves. Therefore it is only logical that they join forces to achieve a common objective. If this also serves the purpose of encouraging nations to work together or tends to formalize an obviously advantageous regional grouping, so much the better. The nations that ring the Pacific, for example, cooperate not only in scientific research, but also to protect themselves against the ravages of tidal waves and to conserve the Pacific fisheries. In some cases there have even been reasonably successful efforts to settle conflicts—as between high seas fishermen trawling for pelagic (free swimming) species and those using sea-bottom traps to catch Alaska king crabs. Less successful has been the International Whaling Commission, whose minutes read well but whose enforcement procedures leave much to be desired.

There are now at least half a hundred international bodies concerned with one or another aspect of oceanography, many of them under the auspices of the United Nations. In the end we will have to have a global administration of the World Ocean—an administration of laws and procedures and perhaps, even, of enforcement capabilities. Meanwhile, we are beginning to use the ocean in ways never heretofore anticipated and in ways which will increasingly impinge on the conduct of international affairs. What we do will determine whether the ocean draws nations together or expands the area of their conflicts. And everything we do with the ocean for our benefit will be to no avail if in the process we destroy it.







'NOTHING SHORT OF MIRACULOUS'

by Helen D. Bentley

Aggressively, the Soviet Union has developed a new, powerful, government-financed, -designed, and -controlled merchant fleet. It is not only trying to take over trade routes from other nations, but to carry missiles, gather intelligence, promote communism, and capture the underdeveloped nation trade with small tankers that can navigate shallow harbors and channels.

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# 'NOTHING SHORT OF MIRACULOUS'

*So Says Admiral Moorer in Describing Soviet Merchant Marine Expansion Drive and Its Military-Economic Importance*

By HELEN DELICH BENTLEY  
Contributing Writer

**A**DMIRAL THOMAS H. MOORER recently remarked that the Soviet Union is surging forth with a maritime program "nothing short of miraculous." From 21st position among the merchant fleets of the world in 1950, it had moved to fifth place by 1966 and continues to push ahead. It is reported that 24 per cent of the merchant shipping on order throughout the world (or more than 450 vessels) is for the Soviets.

About the same time that the Chief of Naval Operations issued these words of respectful praise in a warning to the United States and the other facts became known, it also was learned that:

1. The Soviet Hammer and Sickle begins sailing this month as a third-flag berth line operator between Japan and Vancouver, B.C.

2. The Western European nations finally are gravely concerned that the Russians will force themselves into many trades routes and cause chaos by disregarding freight rates and other competitive factors.

3. Some 435 Soviet ships were used in its military sealift to North Viet Nam last year.

4. A bitter rate battle is brewing between Soviet freighters and those of the Australian-Western European Conference, because the Soviets want to transport Australian wool on their homeward journey from North Viet Nam.

## Importance of Seapower

In his admonition, Admiral Moorer declared that by 1980, the Soviet Merchant Marine would comprise more than 20 million tons or about double what it is at the present time. He said there was no doubt in his mind that they would reach that goal,

since the Soviet Union understands the importance of sea power—every aspect of it.

"While it sits in the heart of the Eurasian land mass, has a long Arctic coastline, which is ice-bound most of the year and has no ice-free ports on the Atlantic or Pacific, this land-bound nation is embarked on a program which reveals a singular awareness of the importance of sea power and an unmistakable resolve to become the most powerful maritime force in the world," Admiral Moorer predicted.

"Obviously the Soviets demonstrate a thorough understanding of the basic elements of sea power: knowledge of the seas, a strong merchant marine, and a powerful Navy."

A recently declassified NATO secret briefing on the rapid upsurge of overall Soviet sea power—the main portions of which are published elsewhere in this issue—emphasizes the importance of absolute control exercised by the Kremlin over its merchant marine.

"Soviet merchant ships," said SACLANT, "though primarily built for normal economic purposes, are directly financed, designed, controlled and operated by the government, and can be used as an important adjunct to Soviet hot or cold war strategy. This centralized control will be enhanced by the construction of a large computer complex in Moscow with the stated mission of improving the efficiency and utilization of all Soviet merchant ships. The capacity of such a complex to provide absolute control over their merchant marine in time of tension or emergency should not be overlooked. They will have instant knowledge of where each ship is, its load and its destination, its course and speed. There is at present no sign

of the west matching this capability.

"The Cuban crisis in 1962 provided an excellent example of this governmental control. The large number of Soviet merchantmen in the Atlantic enroute to Cuba with missiles and aircraft turned back almost simultaneously, doubtless in reaction to a specific tactical signal. No other country has such positive control of their merchant fleet."

SACLANT also pointed out that Soviet merchantmen have many unusually large hatches and much heavy lift equipment. This enables them to carry large ballistic missiles and other heavy military equipment in their holds and frees them from reliance on shoreside cranes—unavailable in many underdeveloped ports for loading and unloading.

## Doubling the Tonnage

In 1950, the USSR had slightly more than 400 ships in her merchant marine or less than 2 million tons. Today the Soviet fleet numbers more than 1400 ships—over 10 million tons. That, of course, is what will be doubled in another decade.

Even more significant than these figures on the numbers of ships and the total tonnage is the fact that 90 per cent of the Soviet merchant fleet is less than ten years old, while 80 per cent of the American Merchant Marine is of World War II vintage—more than 20 years old.

Invasion of the Japan-Canada trade route is not setting well with the Japanese, who apparently never thought that the Soviets would ever have any direct effect on Japan's commerce. In fact, in the past few years, both the Western European nations and Japan have scoffed at fears expressed by those in the United States who are increasingly con-



cerned over the expansion of the Soviet Union on the high seas while the United States was on a program of retraction.

A third-flag means that ships are registered in a nation not directly on the trade route involved. The three Soviet-flag freighters—OSTROGOZH-SKA, ORSHA, and OLA—to be used on this run, ironically were all built in Japan by Hitachi Shipbuilding and Engineering Company between 1963 and 1964. The 12,200-deadweight ton, 18-knot cargo liners will be operated by the Far Eastern Steamship Company of the Soviet Union (FESCO).

For several months now, the Soviet Union has been engaged in a major battle with traditional steamship lines which have been transporting cargo between Australia and Western Europe for many years. This battle already has been debated on the floor of the British Parliament and has caused considerable consternation in Oslo, since British and Norwegian ships have been the prime operators on this long sea voyage. The Soviet Union wants to carry wool from Australia to Western Europe in ships returning home after discharging military supplies in North Viet Nam.

It is somewhat ironic indeed that the war in Viet Nam and the Middle East war which closed the Suez Canal should indirectly be the cause of the major Western World battle with the Soviet Union on the high seas. The situation has reached a grave stage in several countries. Political repercussions in Australia have been running so high that there have been threats of laws to prevent any Soviet vessel from calling at an Australian port.

#### The Empty Ships

The Soviet ships returning from North Viet Nam are empty. Since the closing of the Suez Canal, they have had to take the long voyage around the Cape of Good Hope which brings them closer to Australia. Now since there are more than 425 trips a year to North Viet Nam by Hammer and Sickle ships, it would seem only natural that they would want to pick up some cargos to help pay off some of the cost and collect Western World foreign exchange.

Therefore, the Soviet Union filed a request to join the Australian-Western Europe Conference. However, because she wanted her ships to have 36 of the presently scheduled 110 sailings in the Conference, the

members refused to consider the application. Why should they give away more than 30 per cent of the business in one cold swoop to a rough-and-tough competitor, particularly one who is expected to turn against them in any kind of emergency?

The Soviet Union then depressed the rates by 15 to 20 per cent (and in some areas to 35 per cent, it is said), creating a rate war and consternation in the Houses of Parliament in London and Sydney. Naturally, shippers are inclined to send their goods by the cheapest method, regardless of flag and regardless of implications.

#### Why Small Tankers?

Certainly it can be expected that as the Soviet Union builds many more freighters than are needed in its own trade, they will be routed on other third-flag trade routes!

At the same time, the Soviet Union is still building many small tankers and not too many supertankers at a time when Western shipowners have ships up to 370,000 tons under construction.

Experts believe that the Soviet Union's interest in "helping" the underdeveloped nations of the world is, in part, responsible for the smaller tankers. Few of these lesser or dependent nations have deep harbors nor are they expected to have particularly deep channels into their main ports for years to come. Therefore, Russia feels she will be able to hold them most dependent upon her if she is able to "sell" her petroleum products to them at whatever price she desires, and if she is able to deliver these products aboard her own ships. With the whole world rushing to the supertanker era of 150,000 deadweight tons and up, it is highly conceivable that the Soviet Union will have both ships and oil products (priced right) to attract more of the underdeveloped nations to her fold.

The same thinking is believed behind the Soviet's vast program of passenger ship expansion. The Russians want to get their students and party members into the smaller nations, and likewise want to take students from those countries back to the Communist world. Therefore, they find it much more convenient to do this with passenger ships than with air transport. For one thing, they can handle many more passengers at one time—and it is cheaper. Also, some underdeveloped nations do not have big jet airfields.

There seems to be little other explanation at a time when every other

nation is cutting back drastically on passenger ships or eliminating them altogether if they are operated strictly as a business venture.

As the Chief of Naval Operations puts it:

"This merchant fleet is a major instrument of Soviet national power. These ships flying the Red Flag do more than just transport cargo. Theirs is a strategic function as well. Soviet merchant ships now visit 600 ports in over 90 different countries—and never lose sight of the fact that—at every port which a Russian merchant ship visits, there must be some form of Russian trade organization and Soviet consular representation. As the USSR's merchant fleet expands, and her commercial dealings with the world expand, Soviet commercial and consular penetration of the nations of the world must also expand."

#### Fleets Have Dual Purpose

Admiral Moorer and other Soviet ship-watchers feel that the Soviets are using their mushrooming fishing and oceanographic fleets in similar fashions—for political advantage as much as for food from the seas or sciences of the oceans.

Among the Soviet sea-watchers are Representative Edward A. Garmatz (D., Md.), Chairman of the House Merchant Marine and Fisheries Committee; Representative Mendel Rivers (D., S. C.), Chairman of the House Armed Services Committee; Senator Warren G. Magnuson (D., Wash.), Chairman of the Senate Commerce Committee, and Senator E. L. Barlett (D., Alaska), Chairman of the Senate Merchant Marine Subcommittee.

"The modern and growing Russian fishing fleet also serves a strategic political function," the Navy boss said. "Every month, Soviet fishing vessels unload thousands of tons of fish in the harbors of developing nations along Africa's Atlantic coast. The increasing numbers of Soviet trawlers on the high seas throughout the world symbolize, for underdeveloped nations, the progress attainable through communism. In addition, the trawler fleet also provides a significant worldwide intelligence gathering potential, a potential which the Soviets exploit in many ways—including surveillance of our missile range operations and our fleet operations."

On the matter of Russia's vigorous, co-ordinated national effort in the ocean sciences, and her oceanographic assistance to several countries, Admiral Moorer remarked,



"You don't make such a heavy investment in oceanographic research unless you expect to use the sea for commercial and military purposes."

Testifying before the Special Subcommittee on Seapower of the House Armed Services Committee, Admiral Moorer stated that between 50 to 100 of the fishing trawlers are dedicated primarily to the collection of intelligence—giving the Soviets a worldwide presence on the oceans and adding to their overall sea power.

The Russians "certainly recognize what the oceans have to offer, both militarily and economically, and they are going after it tooth and nail," was his blunt summary of the growing takeover on the sea lanes of the world.







IS 'EUROPE' OBSOLETE?

by Miriam Camps

"In the next decade or two the process of institutionalizing relationships among states, is likely to be carried furthest among those countries whose economies are becoming more closely interwoven. This is likely to happen whether or not the Western European countries pursue their own unity. But the process is likely to be a better balanced one . . . and a more rapid one if the Western European countries can organize themselves to act collectively."

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## IS 'EUROPE' OBSOLETE?

*Miriam Camps*

ONE of the inevitable consequences of the near stagnation that the policy of the present French Government has imposed on the European Community is to raise doubts on the Continent, in the United Kingdom, and in the United States about the continuing relevance of the concept of a 'uniting Western Europe' to the problems of the present and the future. Some people, including some who are not Gaullists, will already have reacted to the first sentence: she has the cart before the horse; the Community is in the doldrums because it has become irrelevant, and General de Gaulle is simply one of the far-sighted who has perceived the irrelevance more quickly than those who are blinded by an emotional attachment to an idea that has had its day.

Whether or not a 'uniting Western Europe' still makes sense clearly depends on what one believes the purpose of the process to be, on what one thinks are likely to be the major problems of the rest of the twentieth century, and on the relationship between the two.

On July 1, the final reduction of internal tariffs, and the final alignment of the separate national tariffs with the single common external tariff is due to be made by the six countries of the European Community. At the same time the common agricultural policy is due to come into force for the last 10 per cent. of agricultural products still subject to national control. A start has been made on tax harmonisation: thus, in February 1967, the ministers of the Six decided to adopt the added-value tax system in all the countries of the Community by January 1, 1970, although the rates of tax will still differ from country to country. Common policies for transport and energy will doubtless some day be agreed, notwithstanding the long and, thus far, unimpressive record of efforts to find policies all members could accept. Short and longer-term policies on monetary, budgetary, and general economic policy are regularly discussed, but Community action is still limited to exchange of information with somewhat spasmodic co-ordination. There is enough restraint on independent action to keep disagreements from reaching the point of imperilling the Common Market, but not yet a firm enough commitment to common action, and only common action, to make it impossible for the members to follow quite different policies. The behaviour of the Six Governments during the gold crisis in the spring demonstrated both the leeway for disagreements and the presence of—at the limits—an ultimate restraint.



A European Community on the present pattern—that is, an arrangement that goes appreciably beyond a simple customs union but stops short of a full economic union—has proved to be economically advantageous for all its members, and has obviously exerted a strong pull on the members of the less ambitious EFTA. But it is not unreasonable to hope that within, say, the next decade the economic relationships among most of the highly-industrialised countries of the world will be very similar to the kind of economic integration the Six have attained, or will shortly attain. Provided the trends set in the Kennedy Round and in the Rio agreement on Special Drawing Rights can be maintained, the highly-industrialised countries should, by the late seventies, have substantially freed their trade with one another; hopefully, although less predictably, they should have extended these benefits to the developing countries as well. They should also be on their way to a monetary system in which international credit is created, not haphazardly by trade deficits and South African gold miners but by some process of rational and collective decision. Accordingly, if the European Community is not to become obsolete, in the sense of being overtaken, and therefore probably subsumed, by similar types of arrangements among a larger group of industrialised countries, it must develop beyond the point now reached, or even the stage that it can today be predicted with some confidence to reach in a few years' time: it must develop common policies in new fields and act collectively as a unit for more than trade questions, and, very likely, for more than economic questions broadly defined.

When one begins to look at the rationale and role of this more unified, more structured, more political 'Europe' another kind of obsolescence seems to some people to attach to the concept of a 'uniting Western Europe'. Or, to put it more precisely, two similar but distinguishable arguments are put forward to show that the goal of a united Western Europe is no longer a particularly relevant one. One line of argument runs as follows: the idea of European unity was a cold war phenomenon; Western Europe should respond to the decline in tension and increasing liberalism in Eastern Europe, not by increasing its own cohesion but by extending its co-operation eastward. The second, rather different, line of argument also reflects the more relaxed atmosphere of Europe in the mid-sixties, but maintains that the concept of a 'Europe' able to play a role on the world stage is simply nineteenth-century nationalism writ large, and that sixteen or seventeen 'Swedens' taking their UN responsibilities seriously is a better prescription for both Europe and the world than is one European 'super-Power'.

One need not agree with either of these lines of argument to recognise that they raise fundamental questions. Would a more highly integrated, more structured, more political Western European group advance, or



hinder, or be neutral in its effect on, relations between Western and Eastern Europe? What is the relevance of a 'uniting Western Europe' to the wider problems of the world of the 1970s and 1980s? Unless a reasonably convincing case can be made, *first*, that a 'uniting Western Europe' will, at the least, not hinder but may well make some positive contribution to a settlement in central Europe, and, *second*, that the development of such a 'Europe' will not make our already fragile international system any more precarious, but, hopefully, rather less so, I, too, should be inclined to feel that the European idea had had its day and might well become obsolescent in the next decade. The European Community would still have an honourable place in history. It clearly helped to stimulate the very high level of European growth rates during the last decade, and, of far greater importance, it played an indispensable part in overcoming Franco-German hostility and in giving the Federal Republic a satisfactory role at a crucial period in post-war history. However, unless one can see the relevance of a 'uniting Western Europe' to the problems of the seventies and eighties, a strong case can undoubtedly be made that there is little reason for the principal European governments to expend the effort and, perhaps even more difficult, to summon up the creative imagination which will be required if the process of European unity is not now to mark time waiting for the rest of the industrialised world to catch up.

Before attempting to indicate why a 'uniting Western Europe' seems to me to be likely to be relevant to the world of the seventies, and beyond, I should make it plain that the 'uniting Western Europe' I have in mind would be one that included the United Kingdom and also any other European country that is prepared to participate in an open-ended process of integration, that is, a process that, starting with the existing commitments in the Treaties of Paris and Rome (Coal and Steel Community; EEC; EURATOM), would be expected to extend, over time, not only to other aspects of economic life but to other aspects of foreign policy, including the organisation of common defence arrangements. In short, membership in the 'uniting Western Europe' would be open to any European country, but no country could become a member unless it were willing to participate in a process that, although gradual and evolutionary, might eventually end in federation.

Such a conception is, of course, very different from that of General de Gaulle: he has opposed any encroachment on French national freedom of action, and therefore he has opposed—and must logically continue to oppose—any appreciable delegation of authority to central institutions, the taking of any important decisions by voting methods that might override French opposition, and the undertaking of obligations that have a dynamic of their own and tend progressively to fetter national freedom of action. General de Gaulle's 'Europe' must, therefore, either remain



weak and incapable of acting collectively for many purposes, or be one whose members, in effect, accept French hegemony.

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How might the relationship with Eastern Europe develop if—after a change of government in France—the United Kingdom becomes a member of the Community and the process of integration regains momentum? It has frequently been asserted that further integration in Western Europe would make an eventual settlement in Central Europe more difficult by perpetuating the division of Germany. Further integration would doubtless rule out certain types of settlement in Eastern Europe, but not, I should think, various forms of settlement that seem likely to satisfy the very diverse interests involved.

A satisfactory settlement in Central Europe would seem to require agreement on an arrangement between the Federal Republic and East Germany which is acceptable to the Germans, both East and West, acceptable to Germany's neighbours, both East and West, and also acceptable to the Soviet Union and the United States. In other words, the arrangement must be one that either removes or makes tolerably permeable the frontier between East and West in Germany without at the same time arousing fears of German domination, and without drastically shifting the balance of power in Central Europe.

An alliance-free, reunited Germany in a Europe which was otherwise still divided would probably be regarded by Germany's neighbours, by the United States and by the Soviet Union as a dangerously unstable arrangement, whether or not Germany was technically neutralised; for Germany is too large and too powerful to be another Austria.

A reunified Germany within a European confederation that included both the Western and the Eastern European countries has seemed to some to be an attractive solution. However, given the differences in economic system and political structure between the countries of Western Europe and Eastern Europe, a broad European grouping of this kind would inevitably be a good deal looser and less integrated than is the Community even today. A reunified Germany would be by far the most powerful member of a system which would be characterised by a large retention of national sovereignty and a low degree of effective integration. This is not likely to seem an agreeable prospect to the other European countries. It is scarcely surprising, therefore, that in General de Gaulle's conception of a loosely-linked Europe from the 'Atlantic to the Urals', the Federal Republic is apparently expected to accept a subordinate position to France, particularly with regard to nuclear weapons, as the 'price' for eventual reunification within such a system. Moreover, the extension to 'the Urals' is presumably a shorthand way



of indicating some form of Russian participation to help France counterbalance Germany.

Russian participation in a European confederation would alter the balance of power in Central Europe in too drastic a way to be acceptable to most of the Western European countries, or the United States. It is also difficult to see the Federal Republic, and even harder to see a reunified Germany, being willing to accept indefinitely limitations on its freedom of action that do not apply to other European states of comparable, or inferior, size and power. Integration with other states on a non-discriminatory basis has, in the past, seemed the best means of control. In the future it is probably the only possible means of control. But if it is to be effective the integration must be fairly far-reaching, extending well beyond the 'customs union plus' of today's European Community.

A 'uniting Western Europe' extending beyond a customs union into the wider economic and foreign policy fields would clearly exert a strong pull on some of the smaller Eastern European countries, even assuming that this 'uniting Western Europe' were still linked to the United States in a defensive alliance and still sheltered, in the last resort, by the U.S. nuclear guarantee. What kind of relationship can one see eventually developing between the countries of Eastern Europe and this kind of Western European group?

It is worth noting that during the past few years there has been a noticeable change in the attitude of the Eastern European countries towards the European Community: whereas the Community used to be condemned without qualification as an instrument of the cold war, a vehicle for rebuilding a *revanchiste* Germany, and a creature of American capitalism, Eastern attitudes today are much less categorical. None of the Eastern European countries has yet opened a mission to the EEC—although the Yugoslavs are now showing interest in doing so—but a number of them have sent delegations to Brussels to discuss commercial questions, and those that are members of GATT (Czechoslovakia, Poland and Yugoslavia) did, of course, accept the Community as a negotiating entity in the Kennedy Round. There is criticism of the common agricultural policy and fear that other Community policies may harm trade, but these are similar to the concerns of other third countries; there is not today the same hard, doctrinal opposition to the Community that there was earlier. On the contrary, the Common Market seems to be exerting an increasingly strong pull on the Eastern European countries.

The process of change that is so visible today in most of the Eastern European countries seems likely to continue. There will doubtless be setbacks but the trend seems reasonably clear: one does not have to be more than a moderate optimist to expect that the political régimes in



these countries will gradually become less repressive and their economies more market-orientated. Trade between East and West thus seems likely to expand, and all forms of communication to become easier, whether or not Western Europe becomes appreciably more united than it is today. The closeness of the economic relationship that develops between the Western European group and the Eastern European countries seems much more likely to be limited by the rate of economic progress and the pace of liberalisation in the East than it does by further consolidation in the West. But the more prosperous Western Europe becomes, the stronger the magnet will be.

It seems reasonable to anticipate that, over time, a 'uniting Western Europe' might find ways of institutionalising its economic links with some at least of the countries of Eastern Europe, even though the latter would doubtless retain defence arrangements with the Soviet Union. And it is perhaps not very fanciful to think that some such form of 'association' might eventually become possible for East Germany, thus giving the Germans many of the practical advantages of reunification without raising the spectre of the re-creation of a single German state. The further the process of integration has gone among the countries of Western Europe the easier it becomes to find forms of 'association' which give the associated country most of the economic advantages of membership without undermining the political cohesion of the 'inner' group. Moreover, an association between East Germany and the European Community would seem far more likely to be acceptable to the Soviet Union, and also to the smaller countries in both Eastern and Western Europe, once the Western European group had developed far enough so that 17 million East Germans were, in fact, simply becoming linked with a Community of 250 million Europeans, and not, as would be the case today, taking a step which would be seen as the prelude to the re-creation of a single German state as the most powerful unit within a very weak system.

Some form of arrangement between East Germany and a European Community also seems more likely eventually to become acceptable to the Soviet Union if Atlantic defence arrangements can be restructured on a 'two pillar' basis with a 'uniting Western Europe' assuming a larger share of its own defence than it would in the present situation when such a link would more clearly upset the delicate balance in Central Europe to the disadvantage of the Eastern Group.

The formation of a European Defence Community by the Western European countries would doubtless set off new alarms about the imminence of German fingers on the nuclear trigger. It is easy enough to frighten oneself with visions of a 'uniting Western Europe' dominated by the Germans, brandishing nuclear weapons and risking the security of the world. But the nightmare tends to get caught in its own



contradictions. There will be no 'European' voice in defence matters unless and until the principal countries—the United Kingdom, France, the Federal Republic—see the problems of their own security in similar terms. (The real danger is not that a 'uniting Western Europe' would use its latent power irresponsibly but that it would remain paralysed by disagreement.) A European Community might well be more independent of the United States than some European countries are today, but it could not afford to be as irresponsible as any individual European country can be today: France takes risks with the U.S. nuclear guarantee precisely because it knows the United Kingdom and the Federal Republic will not follow suit.

Moreover, both the British and French Governments, rightly or wrongly, have shown themselves adamantly determined to maintain discrimination in the nuclear field. Eventually, if the process of unification goes far enough, this form of discrimination would become anomalous, as the discussion on the 'successor state' principle at the time of the negotiations on the non-proliferation treaty made clear. But this is looking not one but several generations ahead. For the foreseeable future, the Germans would presumably participate in contingency planning concerning the use of any 'European' deterrent, but their role would not be very different from the one they already have in the Nuclear Planning Group in NATO.

It is possible that the formation of a European Defence Community might accelerate somewhat the withdrawal of U.S. troops from Europe. This prospect may account for some of the British reluctance to take the initiative in proposing such arrangements. However, given an atmosphere of *détente* in Europe, and American concern with developments elsewhere in the world, a continuing gradual loosening of the present NATO arrangements seems probable whether or not the Western European countries begin the process of organising their own defence arrangements. Any danger of accelerating a physical U.S. withdrawal from Europe that may be latent in the construction of a European Defence Community would seem to be more than counterbalanced by the probability that a restructured NATO—in which an organised European group would play a larger role—would have a longer life-expectancy than the present structure. This seems likely to be true because the main source of tension in the existing alliance stems from European resentment at American preponderance and its mirror image, the American feeling that the Europeans are not pulling their weight.

Moreover, again looking some distance ahead, an eventual settlement in Central Europe seems likely to involve both the withdrawal of Russian troops from East Germany and of American troops from West Germany, but with the Soviet Union and the United States maintaining certain mutual defence arrangements with their present European allies.



On the Western side it is easier to see the outlines of a satisfactory arrangement if the NATO arrangements have been restructured to link an integrated Western component with the North Atlantic countries than it would be if the present pattern persists.

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If, then, a 'uniting Western Europe' need not impede, but might well assist progress towards better all-European relations, is it nevertheless likely to be an anachronistic development in the wider world setting at the end of the twentieth century? Is a 'uniting Western Europe' likely to be a positive factor, a negative factor or simply irrelevant to the larger purposes of making a shrinking world a safer, saner world in which to live?

Those who maintain that a more unified Western Europe is likely to be a negative factor on the world scene usually argue that the much-abused bipolarity that has characterised international relations for the last twenty years has, in fact, ensured the peace, and that the growth of a European power-centre would tend to upset this precarious but indispensable balance. Those who argue that a 'uniting Western Europe' would simply be irrelevant, maintain that the countries of Western Europe are a consumption-orientated, inward-looking group content to leave their security to the United States, and uninterested in making the effort required to organise themselves sufficiently to act as a unit politically. Both arguments thus rest on judgments about how a 'uniting Western Europe' would act externally: the negative verdict assumes it would pursue policies that would be dangerously destabilising; the second verdict assumes that Western Europe would be incapable of, or simply disinterested in, pursuing any policy.

Can a more attractive, but still plausible, picture of the kind of role a 'uniting Western Europe' might play be envisaged? This question cannot really be answered without some conception of the kind of international structure we should be trying to move towards over, say, the next decade.

So far as economic questions are concerned, the desirable and not too improbable picture for the seventies would seem to be that suggested at the beginning of this article: a relationship among the highly-industrialised countries which is marked by great freedom of movement for goods, capital and people; fairly strict codes of good conduct restraining enterprises and states from distorting competition or acquiring 'unfair' advantages; close co-ordination of fiscal and monetary policies and, very probably, the extension of the Special Drawing Rights scheme (or an improved version) into something close to a real reserve bank. A 'uniting Western Europe', acting collectively, would, of course, carry great weight in the management of such an economic system, as would the United States. But the system would not be an exclusive



one. Not only would other highly-industrialised countries—Canada, Japan, Australia—are today simply the most obvious ones—be full participants in the network of economic arrangements, but other industrialised countries in Eastern Europe, South America and, later, in other parts of the world, would be progressively drawn into the system.

Whether or not the Western European countries participate collectively or individually in the more structured international economic system that seems in prospect is irrelevant in some respects, but not, of course, to the weight they would carry in determining the rules and in the management (both overt and subtle) of the system. Does a larger European voice matter? The European countries themselves will have to decide whether the added influence is worth the effort, but looked at from the viewpoint of one who believes that international life must progressively be disciplined by international agreements and collective mechanisms it is very much to be hoped that they will have the wisdom and the will to maximise their power and act as one; for the United States must have an incentive if it is to accept restraints on its own freedom of action. In the economic field only a 'uniting Western Europe' is—in the near future—able to offer the kind of reciprocal action that makes 'interdependence' a politically realisable goal. It seems probable, therefore, that the process of institutionalising a rational economic international system will go rather faster if there is a Western European economic union than it will if there is not. Moreover, wholly apart from the fact that the advantages of 'interdependence' become more attractive to the dominant Power once it loses its preponderant position, the possession of power tends to stimulate creative action on the part of governments: those who are able to exert influence have an incentive for innovation that others lack. Much of the apparent 'inwardness' of the European countries today is simply the inevitable result of concentration on little things that can be affected rather than on big things that cannot.

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It is obvious that the process of effective international organisation has already been carried much further in the economic field—at both the regional and the global level—than it has in other fields. This trend seems likely to continue for another decade. In the last two decades the UN was paralysed, above all, by the cold war. In the next decade it is also unlikely to be effective in any save the rather unusual situation, although its impotence seems likely to stem more clearly than it has in the past from structural weaknesses: its size, the vast disparity in power and maturity among the member states, the anachronistic composition of the Security Council, the veto.

For a time the answer to the impotence of the UN seemed to lie in regional security pacts: NATO, SEATO, CENTO, etc. But the



security pact system as it was conceived in the fifties was a product of the cold war and essentially an aspect of the American policy of containment. What is the probable character of the 'security problem' in the next decade, and has the unity of Western Europe any relevance here?

The possibility of some direct overt attempt by either the Soviet Union or China to shift the balance of power decisively in its favour which would bring a response from the United States cannot be ruled out. However, the much more probable outlook would seem to be for an absence of direct conflict between the major Powers but growing turbulence in the developing countries. Much of this strife and bloodshed will undoubtedly be an almost inescapable by-product of social change and political evolution, which third countries may deplore but should do little about. Some of it may, however, be of a kind which, if it is disregarded, simply breeds worse trouble. Two kinds of situation come immediately to mind: blatant aggression which violates express commitments; warfare which shows signs of spreading to the point where the central balance of power is jeopardised. But simply to cite these two cases is enough to make it clear that no general proposition can be a sufficient guide to action. Many will say that the world has suffered enough from the moralistic impulse to 'punish aggression' and the propensity to see rows of dominoes falling when some jungle erupts. And who is to judge whether these or any other tests of intervention are met?

It is possible that the reaction, not simply in Europe but also in the United States, to the long involvement in Vietnam will be to define the responsibilities of power very narrowly in the future, and to maintain that only an indisputable direct threat to national security should warrant action. But can the dominant Power in a rapidly-shrinking world escape at least a minimum commitment to try to advance the rule of law among nations? And can it ignore the fact that turbulence in some areas may be too tempting for potential adversaries to let alone? Given the record of the last thirty years, and the moral streak in American policy which is both its greatest strength and its greatest weakness, the United States is not likely to interpret its role for very long in such narrow terms of national interest that there is little room for controversy, whatever the immediate reaction to Vietnam and the promises of aspirants to the presidency.

Several things would seem to follow from this probability. First, if the United States makes unilateral judgments on when it must intervene to 'uphold the law' or to forestall greater dangers, even if, as may be hoped, this is done with greater prudence and sophistication in the future than in the past, it will increasingly alienate other countries. Second, this alienation is a far more serious phenomenon than a passing



difference of view that can be shrugged off. As the Vietnam experience has shown, the Western European countries will accept no part of obligations which they do not share in defining. But, as it has also shown, they cannot wholly escape the results of an American decision to assume obligations, nor can the United States wholly escape the consequences of their opprobrium. The economic net has already been drawn too tight. And as economic interdependence grows, as it most surely will, there will be an overspill into the political field. The history of the European Community has shown that the process of economic integration does not spill over into the political fields as rapidly, or as automatically, or in as far-reaching a way as many had predicted. But it has also shown that economic integration does affect national reactions in other fields. The acceptance (twice) by the five of the French veto on the British application for membership in the EEC was, of course, a supremely 'political' act. The interactions between the economic and the political in the wider system of the industrialised world are obviously less powerful, but they are not, even now, non-existent, and they are likely to grow as economic interdependence grows.

Even those countries of the Western world—the United States, Canada, Western Europe—that are closest together and have been most closely linked in the OEEC-OECD-NATO complex for twenty years are obviously not ready for anything approaching a political union. The failure of the process of political consultation in NATO to develop into a NATO consensus on world problems has shown that reluctance on the American side to limit its own freedom of action, and on the European side to be drawn into extra-European commitments, are today's realities. But can either attitude persist? Must not the economic pattern soon be followed, albeit more slowly, and more cautiously in the political-security field? Can Western Europe, apart or together, opt out? It may not see any immediate interest to be preserved in Vietnam, in Thailand or elsewhere. But it cannot isolate itself from inflation or rioting in the United States. And if it cannot escape the consequences of American actions in other parts of the world, must it not find a way of affecting the taking of the key decisions to become involved?

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Both Western Europe and the United States are now approaching a watershed in their external relationships. We can try to escape the restraints that arise from our growing interdependence by trying to put a brake on the process itself: this has been the road General de Gaulle's Government has sought to take in the context of the European Community, in NATO, and in the wider framework by its insistence on the sovereignty of gold. Or we can, quite consciously, choose to



accelerate the process of interdependence and with it the multiplication of restraints on national freedom of action. The second looks the harder way, but it is the path down which we are being pushed, whether we like it or not, by science, by technology, by the banker, by the industrialist, and even by the dissatisfied university students in Berkeley and Berlin.

Today a curious combination of General de Gaulle, a post-imperial psychology in the United Kingdom, a school of American academics which has rediscovered power politics and the national interest, and disenchantment—on both sides of the Atlantic—with the American involvement in Vietnam have made a rather old-fashioned kind of nationalism newly fashionable. However, the spectacular internationalising of ordinary life that has occurred since the war is the more important, and probably more durable, phenomenon.

In the next decade or two the process of institutionalising relationships among states is likely to be carried furthest among those countries whose economies are becoming most closely inter-woven. This is likely to happen whether or not the Western European countries pursue their own unity. But the process is likely to be a better balanced one, probably a more open one which is easier for other countries—particularly those in Eastern Europe—to be drawn into, and very likely a more rapid one if the Western European countries can organise themselves to act collectively, and thus to provide both the carrot and the stick the dominant Power in the world needs if it is to share its power. A 'uniting Western Europe' would also help remove the emotion-provoking shadow of 'Americanisation' from the sensible process of increasing interdependence. And, not least, it would give the European countries the incentive to become, again, innovators in the continuing process of international organisation.

*Mrs. Camps is a Research Fellow working on European-Atlantic affairs for Chatham House, and for the Council on Foreign Relations in New York. Author of: 'Britain and the European Community 1955-1963', 'What kind of Europe? The Community since de Gaulle's Veto' and 'European Unification in the Sixties: From the Veto to the Crisis'.*











WHAT IS INTERNATIONAL LAW?

by Professor James F. Hogg

International law is not made by a congress or enforced by a judicial system. It is based on treaties, agreements, and customary, or "common" international law; for instance, the United Nations Charter's provisions and standards are useful and valid only when nations adhere to them and set an example.

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### WHAT IS INTERNATIONAL LAW?

A lecture delivered  
at the Naval War College  
on 25 August 1966

by

Professor James F. Hogg

The words "international law" are apt to draw a wry smile from the man in the street--and our present involvement in Vietnam merely gives more twist to the smile which would have been there before. To the layman, to the reader of newspapers and reporters of international events, international law conjures up a mature legal system--one in which an established legislature makes laws, an executive carries them out, a judiciary presides over trials of persons charged with infractions of those laws, and a sheriff stands ready to place a convicted violator in jail and keep him there. The layman knows that no such system or its counterpart exists in the international arena, controlling the relationships of state and state. He is reminded almost daily of the essentially lawless behavior of certain states in the international community, and accordingly (and for this purpose this probably means most of you in the audience) he comes to think of international law as a lot of words and academic concepts and arguments unrelated to the realities of world



forces and power politics. He tends to dismiss this material as having no significant effect or impact, as providing no significant assistance towards or guarantee of peace, or of a context in which the individual states can go about the business of government. He thinks of international relations basically as a function or problem in the exercise of power, and in comparative power, with spheres of particular interest or influence.

One of the objectives of this study is to suggest to you that such a layman's view may be somewhat out of focus, and that military planning and strategy demand an understanding and appreciation of the real strengths and utility of international law as well as of its real weaknesses and shortcomings.

But, as a preliminary step to embarking on any analysis of international law, it is necessary to establish what it is not. When we think of a legal system (and the words "international law" suggest a reference to such a system), we are almost certain to borrow from the legal system we know and project it as far as possible into the next context. The essential flaw in a layman's approach to an appreciation of international law frequently lies in such an extension. The legal system we know constitutes the backbone of our society, and without it none of us would have any security or freedom of the person or of our property. Personal freedom would be meaningless and property would be useless to us without a system of protection and vindication of our rights. The existence of a mechanism for vindication presupposes a tribunal with authority to adjudicate the existence and extent of such rights as well as of a system for enforcement of any rulings made by such a tribunal. It is usually said that the maturity of a society, and the rod for measuring the progress made from the primitive state, is found in its legal system and its operational efficacy. What comparable institutions currently exist in the international arena?

There is no organization comparable to the Congress having substantial legislative competence with right to pass laws binding upon the individual states of the world. And we are a long way from the type of international consensus or common ground which would constitute a necessary prerequisite for the creation of any such organization. Just ask yourselves how much agreement it would be possible



to muster among states at the present time on such an organization's authority to legislate on allocation of world resources and materials, including water, distribution of population surpluses, and foodstuffs. The present chances of a significant number of states agreeing to confer such legislative authority on an international organization must be slight indeed. The European Community, or Common Market, represents a remarkable step in that direction taken by the six West European states involved. But the successes as well as the difficulties of that union indicate the scope of problems confronting efforts to extend such a union further.

How does the United Nations compare to an international legislature? Some critics of our participation in the United Nations have charged that our membership in and adherence to that organization amount to giving up national sovereignty and control in significant areas. Were that charge true, then the United Nations might be, at the present time, a form of international legislature of limited authority--but it is not. In ratifying the Charter of the United Nations, we undertook to conform our conduct to the standards and requirements of that landmark treaty, but it does not commit us to acceptance of binding decisions in significant areas without our own future consent. The authority of the General Assembly, at least as illustrated by the 20 years of its practice, is advisory rather than binding. Actions such as the U.N. intervention in the Congo might suggest a greater authority, but reflection will suggest that participation by the states supplying troops was dependent on their individual willingness so to do. In an advisory opinion, the International Court of Justice ruled in 1962 that other members of the United Nations were obliged to contribute their rated share to the cost of such operations. Subsequent political decision in the Assembly, however, has undercut the judgment handed down by the Court, and it would seem that a political compromise has been achieved falling short of adherence to any compulsory duty to contribute in such a case.

The Security Council, on the other hand, is provided with authority to hand down binding rulings in certain limited situations. On paper, this authority of the Security Council appears to give it limited legislative competence. In practice, the well-known veto power insisted on by the Russians (and equally essential to original participation by



the other great powers), reduces that binding authority to nearly zero so far as the five powers with a veto are concerned. For states other than the big five, it might be thought that the Security Council possesses significant legislative authority. In fact, international disputes involve two or more parties--it usually takes two to tango. This being the case, the likelihood of both or all participants finding a friend among the veto powers is rather substantial.

For these reasons, in terms of a realistic appraisal, we cannot regard the United Nations as having significant obligatory legislative authority. We are parties to a variety of other treaties which create organizations with special limited authority to make binding rules. But the limit of competence of these organizations is specialized and narrow, not touching the major issues of international peace.

Just as there is no real international counterpart for Congress, so there is no real counterpart for our courts or judicial and law enforcement system. The International Court of Justice is a unique institution. If I wish to sue my neighbor because he damaged my property, I can invoke the assistance of a court without his consenting to be sued by me in that court. This is not so with the International Court. In suits between individual states, the ICJ authority is dependent upon agreement by *both* or *all* parties that the Court hear the case. The Statute of the Court makes provision for states to indicate in advance of any particular dispute that they accept the compulsory jurisdiction of the Court. Most such acceptances, however, have been rather carefully qualified by the states filing them. Thus, in the celebrated Connolly amendment to the United States declaration concerning the jurisdiction of the Court, it is provided that the United States reserves the right itself to decide whether certain types of suit are within or outside the jurisdiction of the Court. This gives us in many cases the ability to decide, after suit has been brought, whether we will allow it to continue. Pretty smart, you say. Well, unfortunately, this means that if we wish to sue any other country in that Court, it gets the benefit of a similar veto over the Court's jurisdiction. If the United States is not prepared to make a more general commitment to the authority of the International Court, it goes without saying that a number of other states are even less prepared.



True, the International Court does have another kind of jurisdiction: its so-called advisory jurisdiction. The General Assembly, the Security Council, and certain other organs of the United Nations can ask the Court for an opinion on an allegedly hypothetical question. The Court's opinion on whether the Soviet Union and other countries were obligated to contribute towards the cost of the Middle East and Congo operations came before the Court under this authority. The opinion given under such jurisdiction is advisory in name as well as in political reality; the organ requesting it is not bound to follow it, nor are the individual states.

In sum, it is clear that in the international context not only is there no substantial counterpart to the Congress, but there is also no substantial counterpart to our judicial system. How then can we speak of a subject called "international law"? Austin once defined law as the command of a sovereign. By this he meant that before you could have law you must have a body with authority to make law or rules of conduct, and, in addition, you must have the machinery necessary to enforce those rules when so made. Clearly, in the Austinian sense, we have no such thing as international law. What then, do we have, and why is it called "international law"?

To work towards answers to these questions, it is necessary to go back to our domestic concept of a legal system. We have laws prohibiting one person from assaulting another or taking his property by force. We have laws requiring automobiles to be driven according to specified requirements. The existence of these laws does not guarantee that certain individuals will not break them and thereby expose themselves to prosecution. For most of us under most circumstances, however, what is important in terms of the way we live our everyday lives is that most people do obey the requirements of these laws. Most people do drive on the right side of the road (with the notable exception of the English) and most people do not assault others or attempt to take their property away by force. If a significant number of the people in this country began to steadily violate these laws, our system of order would break down, notwithstanding the backup threat of prosecution of the violators. Laws or rules are significant in our daily lives, therefore, because we can safely predict that others *will* obey them, and we can plan our own actions and lives on the



premise that they *will* be broadly obeyed. For these reasons one school of thought defines law as a system of rules and orders for the mutual benefit of the members of society, which rules and orders are generally followed and obeyed. *In this sense*, we have a significant amount of international law but it is of the utmost importance to bear in mind that the reason why there is habitual behavior consistent with the rules is mutual benefit and not the threat of a policeman or a sheriff. You have the international rules of navigation--what would happen to navigation of shipping without habitual observance of those rules? If you think of international law as that body of custom and experience which has grown up or evolved from consideration of regulation required for the common benefit and estimate the strength of any particular rule in any particular case in terms of the reciprocal interest of the other state or states in maintaining adherence to that rule, you will come closer to an understanding and appreciation of what international law means, to what extent it can be relied upon, and to what extent it must be taken into account in planning action or strategy. If, at the same time, you bear in mind the old adage about the importance of acting consistently, you will come even closer. If the United States takes the position today that the rule of conduct in a particular situation is one thing, and tomorrow takes an entirely different and possibly inconsistent position from that taken the day before, you can easily see that other states are less likely to be prepared to follow or accept either yesterday's statement of the rule or today's. The importance of acting *consistently* therefore requires each state in any particular situation to think not only of the immediate problem and what might be done with it, but also to think of the precedent (as lawyers call it) which any particular action might create. In analyzing action in any particular situation, it is most important to put ourselves in the shoes of the other state or states involved, and then ask how the particular rule we urge might be used by them in another context. Let me give you an illustration. If we claim that it is permissible to stop shipping on the high seas to see whether arms are being carried to the Viet Cong aboard the vessels stopped, what happens if the Russians claim to have a reciprocal right to stop our shipping in the Caribbean area to see whether it is carrying supplies useable by revolutionaries seeking the overthrow of the Castro regime? It is



obviously difficult for us to assert a right to stop and search shipping on the high seas for particular purposes without according a similar right in similar situations to other states. This element in analysis we sometimes call mutuality or reciprocity, and, if you stop to think for a moment, you can see that a similar concept underlies many of our own everyday dealings.

The importance and significance of this element of reciprocity or mutuality in international affairs is most easily seen in the more mundane transactions and events of everyday affairs. Suppose that a U.S. corporation is thinking of establishing a fairly large business in Venezuela or Brazil, of building a factory, of establishing a stock of merchandise for sale and distribution from there through other Latin-American countries. Among the things it must consider are the following: Can it get permission to come in? Will its personnel be allowed to enter and leave the country and travel freely? Will their lives and safety be assured? Will the company's capital investment be fairly protected? And, nowadays, will a fair method of taxation be used and applied both to the corporation and its personnel by the host state? American companies are going abroad every day and setting up such establishments precisely because rather precise rules of international law apply to regulate the rights and duties of the corporation and the rights and duties of the host country. The element of mutuality and reciprocal interest for the host country as well as for the United States is clear.

What, then, is the source of international law which provides this measure of assurance and predictability? If there is no international legislature, where does this law come from and how is its content ascertained? The answer is from at least two more or less distinct sources: treaties or agreements entered into between states, and the so-called general, customary, or "common" international law.

Customary international law claims to be a distillation of the experience of states over at least the last 500 years. It purports to have as its core or basis those practices, those rules, which have been habitually observed and followed by states in their dealings with other states. Now you will notice that in talking about international law I am talking about a state dealing with another state. I



am not talking about an individual of one state dealing with an individual of another state, and there is a reason for this. International law says (right or wrong and for whatever reason) that this whole body of learning has to do with the relationships of state and state, not individual and individual. This approach is beginning to break down, but at least the historical material emphasizes heavily, just as the International Court Statute emphasizes, that the parties who are concerned with international law are the states of this world, not their individual citizens as such.

Let me give you a couple of illustrations of rules of customary international law. Castro broke one of them in confiscating American property in Cuba. There is a rule of general international law that it is unlawful to take someone's property without paying just compensation for it. There is another standard which says (these are generalizations, the rules are more precise than this) that a state is required to provide minimum acceptable levels of protection for visiting aliens--not less than national standards, and sometimes more.

Now you may think this pretty nebulous stuff: states change, governments change, and governmental attitudes to these rules doubtless change, too. As a matter of fact, one of the biggest problems at the present time is that many of the new nations do not think very highly of many of the standards established by the older nations, primarily from western Europe. A considerable argument is going on concerning just how sound and how good and how reliable for purposes of prediction some of these rules of international law are. But one of the interesting features of customary international law is the flexibility that it has.

Now, as you know, many of the rules of law which govern your everyday lives--for instance, the law which governs your protection against people negligently injuring you--are general rules not to be found in statutes at all. They are found in the decisions of courts, built up into a consistent body of practice through case by case adjudication. They are an important part of our domestic legal system and provide some analogy for customary international law.

The second, and probably the far more important source of international law rules, is the treaties or agreements which states make. The United States



is a party to some 6,000 treaties with the other countries of the world. These treaties, of which the U.N. Charter is one, run the gamut from broad political treaties, including military defense agreements, through trade and commerce treaties, through tax agreements, to agreements fixing the size and nature of visiting military missions. Obviously, these treaties are of greatly varying importance to our national interest. Less obviously, but equally clearly, these treaties are negotiated and worded with widely differing standards of precision and clarity of meaning. A treaty establishing the appropriate taxing power of the two countries party to it can be expected to be drawn with technical precision and detail. A political treaty expressing friendship between two countries and suggesting that they will take a common view and common policy in matters of military action and defense will use broad and nebulous standards. And, if you have any question, look at the language of the SEATO treaty and the statements there about the circumstances under which one party may come to the defense of another.

In other words, some kinds of treaties establish a relatively clear and definite list of rights and duties for both or all parties, and the statement leaves little room for interpretation or difference of opinion about the scope and extent of those rights and duties. Others are deliberately framed in language so general as in reality to create no rights or duties.

Where, in this scale of things, does the U.N. Charter fall? Article 51 of the Charter provides that:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security

. . . .

Our position in Vietnam is in part, premised on this article; we are engaging in collective self-defense of the Republic of Vietnam against external aggression. But the Communist countries take a different view of the meaning of this article, as do some writers and speakers in this country, including



some of those critical of our current policies. In the event of disagreement over the meaning of article 51, where do we go to find the "true" meaning of the Charter? If you and I sign a contract for the sale of my house to you, and we disagree as to the meaning of one of its terms, we go to Court to find out which of us is right. In the absence of an International Court of binding jurisdiction, where do we go for an authoritative interpretation of our treaty commitments? Are we forced to the conclusion that our 6,000-odd treaties and agreements are useless because there is no tribunal with compulsory jurisdiction to interpret and apply them? Common sense suggests the answer is no-- otherwise why would our State Department so sedulously go about negotiating new ones, like the Test Ban Treaty?

Once again, the answer comes back to practicalities and not theoretical possibilities. In everyday international life states usually, and in fact almost invariably, keep those treaty commitments of the kind which get framed with some degree of precision. And the reason is clearly one of mutual interest. Cuba violated treaties as well as customary law in confiscating American property interests without compensation. She is paying the price by finding out how difficult it is for her now to get development capital.

But it must be realized that as the subject matter of a given treaty approaches more nearly to the vital interests of a country, so increases the unwillingness of the country to make a precise binding commitment for the future, and so increases the danger of any commitment receiving a forced interpretation to suit the particular tastes of the interpreter. The degree of security, certainty, and predictability found in commercial matters between states on friendly terms diminishes sharply when the treaty is one between less friendly states and involves more vital interests or subject matter. Many of the commitments set forth in the U.N. Charter do involve vital national interests. Accordingly, competing and divergent interpretations are frequently urged as to the nature and content of those obligations. The issues creating the problems of interpretation are more apt to arise between relatively hostile states or groups of states so that the factors of mutuality and reciprocity are likely to be minimized. Threats or acts of reprisal by the Russians are unlikely



to influence our action or interpretation of a particular Charter provision. The *quid pro quo* or mutuality is here hardest to see. In this context of divergent claims and interpretations of the Charter, what good does law or legal interpretation of the Charter as a treaty do us? Does the Charter have any real meaning, any real significance, if the different protagonists can interpret it to suit themselves?

Let me illustrate this problem. In 1956 an Emergency Force for the Middle East was set up pursuant to U.N. resolutions. In 1960 a somewhat similar force was dispatched to the Congo likewise pursuant to U.N. resolutions. The Soviet Union refused to make any contribution to the large costs of either force as did a number of other members. France refused to pay a nickel towards the costs of the Congo operation. The U.S.S.R. gave as its reason that these forces were illegally constituted, since only the Security Council had authority to use force or direct the use of force and only the Security Council had authority to allocate any consequent expenses. We advanced the legal argument that article 17 of the Charter gave the General Assembly the necessary authority to, in effect, tax the members to cover the costs of these operations. Here, then, you had the interesting situation of both the United States and the Soviet Union earnestly advancing and pressing detailed legal arguments as to the meaning of the Charter. Why should *either*, why should *both* have been concerned to advance arguments of this sort? What did either hope to gain or stand to gain? Eventually, the General Assembly, by majority vote, requested the advisory opinion of the International Court on this issue. What was the supposed object of this move? Who would stand to gain from such an opinion, whichever way it went? The Court finally decided by a 9-5 majority that our interpretation was correct. Who then gained from this decision? As far as I know, the Russians have still to pay their first nickel towards the costs of those operations. In problems of this importance and complexity, affecting vital national interests, the answer appears to be that a complicated game of chess is being played. Obviously both sides feel that something is to be gained by making as persuasive an argument as possible; obviously both feel that there is a market to be persuaded; obviously both see goals or objects the attainment of which merits investing in the best available legal argument in



order to maximize the persuasiveness of their particular position. And yet this species of psychological warfare leaves the layman or newspaper reader somewhat confused. He clings tenaciously to the belief or hope that law, treaties, and the meaning of treaty commitments are immutable of fixed, definite, and precise meaning. That hope or belief is just as false in the international arena as it is in the domestic arena, as illustrated by some of the landmark disputes of recent years which tested the meaning of our own Constitution.

In the context of Vietnam this aspect of psychological warfare is being played and *played hard* by both sides. It is being played hard by forces of differing viewpoints right within this very United States, as you all know. And so you are apt to conclude: this is a business for experts, for legal officers of senior rank responsible for advising our government and the President. What does it have to do with the military officer, even of most senior rank?

The answer to that question varies through something like the same spectrum as treaties vary, as I suggested earlier. Rather clearly, it is a matter of interest but not of professional responsibility for the senior military officer to be well informed about the legal basis of our position in Vietnam. The Legal Adviser to the State Department has issued a lengthy paper on that subject which may provide guidance. The military officer is entitled to rely on the task being done well by that office. But suppose that the question is: May I or should I, as commanding officer of a destroyer, intercept shipping on the high seas destined, as I believe, for the Viet Cong? Here, you may say, there is another answer available to relieve the commanding officer. Either the problem may be covered by orders, issued from above, or such orders may quickly be obtained by single sideband. Once again, someone with authority and legal experience will have considered the international law problems, if any, and will have supplied adequate guidance for the destroyer skipper. The large element of truth in this last answer cannot be denied. The problems of a commanding officer which can be foreseen in advance are fairly easily answered by preestablished orders or guidelines. Trouble is apt to come, however, in those situations which have not been foreseen, or are not



covered in orders, or as to which a measure of discretion (large or narrow) is left within the orders. In this context, as in any other executive situation, the officer or person charged with carrying out policy or orders must have some substantial appreciation of the policy underlying his orders in order to be in a position to implement them as well as possible. And the skipper here, as in other situations, has little room for error. As commander of a commissioned naval vessel, his acts may directly engage the responsibility of the United States whether or not his actions are within or beyond the scope of his orders. Failure to act may be just as bad as acting too vigorously, particularly in circumstances where, under Navy Regulations, he is charged with the duty of protecting American lives and commercial interests. But this, and other provisions of Navy Regulations, would seem to require the skipper to be a "sealawyer." Confronted with what may seem an impossible burden requiring legal skills you have not received, you may throw up your hands. You may regard these regulations as a basis for charging a scapegoat if the necessity for finding one arises. There may be a scintilla of truth in both these propositions. Certainly, no one imagines that you can be given a serious foundation in the substantive content of international law in the course of this seven-day study. Former classes have experienced a measure of frustration over this--some have felt that the instructors and the College have presented international law as something which the officer is required, by appropriate regulations, to have a working knowledge of, and yet he cannot possibly obtain that knowledge from the brief time allotted to its study. The consultants who have come for this program, in government service and academics both, have invested a goodly number of years in studying this material. You, as classes before you have discovered, will find that they have a great fondness for argument and little comparable fondness for clear and direct answers. Blame this on their legal training and experience. But don't go away thinking that the uncertainties, the doubts, and the large scope for argument make this subject a matter of debate only. It is quite unrealistic to suppose that, in the space of this short study, you can become international lawyers; and you should not be disconcerted when, at its end, you decide that you have mastered little, if any, of the substance of international law.



What you should derive from this study is an introduction or background, a viewpoint or perspective, of what international law is all about, how it can affect and does affect national policy, the kinds of influence it can exert on policy and strategy, and some feel for the varying significance of international law inputs in varying situations. As background, this study is certain to be of significance to future work you may do in planning operations. Many of you, in the near future (or indeed in the immediate past), will be preparing operational plans, and your choices or alternatives and the reasons for choosing between them may well be affected by considerations of international law. In short, you have been or will be responsible for initial preparation of the plans which carry with them the instructions to the skipper or other commander on the line. Here, your interest in this subject matter becomes much more obvious and direct. Suppose, for instance, that you had been assigned to work on preparation of orders covering Operation Market-Time. You could not have escaped considering many of the issues which are stated as questions in Seminar Problem 5 to be taken up next week. While you would expect to go to JAG for help on available international law, you would still want to be in a position yourself to appraise and orient the advice you receive and correlate it to your operational plan.

Let me summarize for a moment. The international law which you are most likely to be concerned with in planning is the body of material affecting rather vital national interests. This is the material, within the broad field of international law, which is most volatile and relatively uncertain, in which approaches and attitudes may be more important than knowledge of specific treaty provisions or precedents from the past, in which balanced consideration of varying arguments may be required. This aspect of international law does contain great uncertainty, as well as great capacity for flux and change. It is worthwhile remembering that other areas of international law, less closely identified with basic national interest and peace but fundamentally important to everyday international exchange and trade, are much more certain in their content and much more reliable in state conformity of conduct to those standards. Status-of-forces agreements, for instance, are carried out every day--many of you will be familiar with some of the details of cases involving members of a crew or other contingent



involved with local authorities in another country. By the way, is it really true that fliers have more fun?

If this is the realistic expectation for this study, how, then, can you get the most mileage out of it? First, read as much of the reference material as possible before the seminar discussions. Approach your reading from a critical point of view --ask yourselves, who is the author trying to convince? What kinds of argument or considerations of policy or other factors is he resorting to for purposes of convincing the reader? What use is he making of interpretation of treaties, and how is he approaching the function of interpretation? What are the sources of customary international law or common law he is referring to? Is the argument reciprocal, that is to say, if the shoe were on the other foot, would we be prepared to concede the same right or position to a foreign, and perhaps hostile, country?

And then, perhaps, you will come to ask yourselves, of what use are the provisions and standards of the U.N. Charter, of what use are the concepts and rules of customary international law when an emerging great power, Red China, is not a member of the United Nations, denies any validity to the standards of conduct therein prescribed, and cares not one whit for customary international law? If one of the other guys shows no intention of playing by the rules, what good does it do us to stick to them? In thinking of an answer to these questions, ask yourselves to what extent the moral or ethical content of international law functions to limit our own formulation and execution of policy regardless of observance of these standards by other people. Consider, for instance, the current issue of the treatment of our captured fliers in the hands of the Viet Cong or of North Vietnam. What can we do if North Vietnam proceeds, as threatened, to try them as "war criminals" in violation of the 1949 Geneva Conventions? Would we consider taking reprisals against Viet Cong prisoners in our custody or in the custody of the Republic of Vietnam? Would our action be influenced by the prohibition in the Geneva Conventions of taking such reprisals against captured prisoners of war from the other side? Would public opinion in this country and support for government policies be significantly influenced and altered if, in clear violation of the Geneva Conventions, we took such reprisals against captured



POW's in our hands? And this regardless of violations of those same conventions by the Viet Cong and North Vietnam? You may perhaps conclude that, somewhat paradoxically, the standards of international law, both customary and treaty-made, play an important part in the planning and execution of our own national policy regardless of the behavior for the time being of adversary states. If we are fighting for a peaceful world, for a world order in which states habitually conform their conduct to rules and standards necessary for the mutual welfare of all, do we advance our cause if we use methods or formulate plans which are inconsistent with legal standards and treaty provisions to which we have committed ourselves? Here, perhaps, consistency of action makes its greatest contribution. If we expect that some time in the future states will be persuaded to observe standards of conduct such as those prescribed in the U.N. Charter, the example we ourselves set at the present time may be a most important factor.

I hope you will find the next seven days of study interesting and ultimately valuable. Some of you may find this material of sufficient interest and challenge to consider writing your research paper on a related topic. Others may already be enrolled in the Seminar which Professor O'Connor is offering. But whether or not this subject matter works its way into any part of the rest of your year at the War College, I would claim with some confidence that it will work itself into the professional experience of many of you after you leave this place.



## WHAT IS INNOCENT PASSAGE?

by Peter B. Walker

Tells the origin and status of international law involving the innocent passage of ships through the territorial seas of foreign nations. The rights and duties of ships and states, the status of warships, wartime passage, and recent incidents during the 1967 Israel-Arab War and in the Vilkitsky Straits are explored.

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A research paper prepared by  
Commander Peter B. Walker, JAGC, U.S. Navy

### INTRODUCTION

Although international law text writers, as well as the delegates to the conferences for the codification of international law, are in general agreement that foreign ships may pass freely through the territorial waters of a state, unanimity is lacking as to the specific rules which apply. For example, in May and June 1967, a major issue in the Arab-Israeli war was the matter of innocent passage of Israeli and Israeli-bound ships through the Gulf of Aqaba. In August 1967 the Soviet Union denied the right of innocent passage through the Vilkitsky Straits to two U.S. Coast Guard icebreakers.

It is the purpose of this paper to explore the origins, status, and recent developments in the international law of innocent passage of ships through the territorial seas of foreign countries. It is a timely subject, as the two incidents cited above attest. In view of the modern trend among many countries in the world to claim increasingly wide territorial seas, innocent passage is taking on growing importance in the maritime intercourse of nations. With the background of the current international law of innocent passage established, this paper will then analyze the conflicting national claims in the Gulf of Aqaba and Vilkitsky Straits incidents to determine whether the current concepts re-



main valid or whether new usage is developing, which usage may in time be accepted as customary international law.

### I--FREEDOM OF THE SEAS

The concept that the seas should be open to the free use of all peoples is hardly a new one. From ancient Roman times on, such an idea has been proclaimed. Practice, however, has varied considerably from the theory, and for the last 400 years mankind has been attempting to reconcile the competing interests of states into a workable set of customs and rules.

The Middle Ages saw the development of the laws of Oleron and the *Consolato del Mare*. Although these codes restated the commonality of rights under a law of the sea, individual states adopted a position that continual use gave them rights over particular sea areas. Thus the Adriatic was claimed by Venice, the Ligurian Sea by Genoa, and the four surrounding seas by England.

The problem of sovereignty over the seas, however, did not arise until 1455 when Pope Nicholas V granted Portugal exclusive rights of navigation, fishing, and trading in the African waters beyond Capes Boyador and Non. On Columbus' return from his first New World voyage, the Portuguese king maintained that his discovery was in Portuguese waters. Ferdinand and Isabella appealed to Pope Alexander VI, who granted to Spain rights in western oceans similar to those already held by Portugal. While the papal division of the world's oceans between Spain and Portugal was disputed, those two nations finally agreed that the dividing line should be 340 leagues west of the Cape Verde Islands and should circle the globe.

It appears that this partition went unchallenged by most European countries, with the noteworthy exception of France whose Francis I championed the

free use of the seas for French mariners.

Maritime practices during the 16th century ranged from exploration and trade--with the claims of competing countries to exclusive enjoyment of portions of the seas sometimes observed--to outright piracy. Elizabeth I of England ordained that "The use of the sea and air is common to all; neither can any title to the ocean belong to any people or private man, forasmuch as neither nature nor regard to the public use permitteth any possession thereof."<sup>1</sup> Having the greater maritime power to bring to bear, England's use of the seas was more readily enforceable than France's. Drake's Caribbean victories in 1586 effectively terminated Spanish hopes for an exclusive use of western seas, although Spain did cling to her claims to exclusive trade rights with her colonies and exclusive navigation of colonial waters. Although England and France attempted by treaty to acquire trade concessions, they never did acknowledge that Spain had the power to bar ships of other nations from American waters.<sup>2</sup>

Simultaneous with England's termination of Spanish exclusivity in western oceans, the Netherlands was attempting to destroy Portugal's monopoly in the east. In support of Dutch claims to trade in the East Indies, Hugo Grotius, in 1605, wrote a learned treatise on the law of prize. One chapter was published separately under the title *Mare Liberum* in 1609. In this brief work Grotius made the first formal statement of freedom of the seas as a general principle of international law.<sup>3</sup> Grotius' basic premise was that "every nation is free to travel to every other nation, and to trade with it," which he amplified with the observation, "nature has made neither sun nor air nor waves private property; they are public gifts . . . the sea is common to all, because it is so limitless that it cannot become a possession of any one, and because it is adapted for the use of all. . . ."<sup>4</sup>



These views were soon contested by the British who claimed and enforced exclusive fishing rights in "British Seas." Supporting such claims were jurists William Welwood and John Selden. Welwood saw the intimacy of the land with its adjacent sea as requiring national retention of the sea and its use for the benefit of the people. Selden amplified on Welwood's work and validly noted that nothing in the nature of the seas prevented either their appropriation or claims to sovereign rights therein.<sup>5</sup> Thus is presented the origin of a conflict in the interests of nations which exists to this day: the interests in the free use of the world's oceans which all nations share versus the individual interest of a state in protecting its security as well as economic marine resources by exercising sovereignty and, thereby, exclusive control over a belt of water adjacent to its shores.

An accommodation between such competing positions was attempted in 1702 by Cornelius van Bynkershoek, a judge of the Supreme Court of Appeal of Holland, who asserted that "the dominion of the land ends where the power of arms ends," or, "so far as cannon balls are projected."<sup>6</sup> The cannon shot distance was specified at one sea league by Galiani, an Italian jurist, in 1782. The following year Secretary of State Jefferson noted in diplomatic correspondence that the limit which had gained recognition among nations was the *maximum* range of a cannon ball. Thereafter the United States recognized the sea league, or "three geographical miles" as the extent of its territorial sea. Such limit was also recognized by Great Britain, although her early 19th century "hovering acts" (which authorized her to arrest ships outside her territorial waters, on the high seas, on suspicion of smuggling) ran counter to such position. By the late 19th century the hovering acts had been done away with, and Britain unqualifiedly accepted the 3-mile limit of her territorial sovereignty

in the marginal sea.<sup>7</sup>

From the time of Grotius into the present century, the free use of the seas by ships of all countries has developed into an internationally accepted legal principle. Concomitant with that principle, and developing as a matter of customary practice, is the right of ships to pass through the territorial waters of foreign countries without interference by, or subjection to the jurisdiction of, the littoral state. Although the concept of innocent passage is universally accepted as an abstract principle, the practice of states has not been uniform, and disagreements exist today on its implementation.

Efforts to codify international law began in the 19th century in various fields, but it was not until the 1920's, under the direction of the League of Nations, that an effort was made to codify the Law of the Sea in time of peace. The Conference for the Codification of International Law, held at The Hague in 1930, culminated several years of scholarly preparation. Although a reasonable degree of agreement was reached on other matters, including innocent passage, adoption of a convention failed because the delegates were unable to agree on an internationally acceptable width of the nations' territorial seas.<sup>8</sup>

The 1958 Geneva Conference on the Law of the Sea, however, profiting from the experience of the 1930 Codification Conference, did reach sufficient accord to adopt four conventions, including a Convention on the Territorial Sea and Contiguous Zone. It still failed to reach agreement on a standard width for the territorial sea, as did its successor conference in 1960.

From these international conferences for the codification of international law one particular trend is apparent: a growing number of nations are claiming territorial waters greater in breadth than 3 miles. A U.S. proposal at the 1960 Hague Conference which would ha.e



established a 6-mile limit to territorial waters with an additional 6-mile contiguous zone for enforcement of fishing and other laws failed of adoption by one vote.<sup>9</sup> Most of the new, so-called "emerging nations" have proclaimed their territorial waters to be 12 miles wide.<sup>10</sup>

How does this affect the maritime nations of the world? Cannot their ships still transit territorial waters of foreign nations in innocent passage? As will be demonstrated in later chapters, a nation may deny innocent passage to foreign ships under certain circumstances. The maritime nations, and especially their shipowners and shippers of cargo, would prefer to sail entirely on the high seas where ships have an absolute right of passage than to rely on innocent passage through territorial waters where the littoral state may, they fear, act capriciously in denying innocent passage. With many nations now claiming territorial waters out to a limit of 12 miles (or more), the area of the high seas available to such unrestricted, unqualified passage—near the shelter and navigational reference points of land—has been significantly reduced. It is for this reason that the attributes of innocent passage have become increasingly important to the maritime world.

## II—NATURE AND ATTRIBUTES OF INNOCENT PASSAGE

The nature of innocent passage (absolute or qualified right) is dependent upon the legal status of the waters which border the maritime states. Historically, there has been disagreement on such matters. Relying on the Roman and Grotian concepts that the seas are incapable of appropriation by anyone or any nation, one school postulated that all of the oceans constitute the high seas and that the littoral states had only limited claims in their marginal waters. The opposing school held that the marginal waters were as much property of

the littoral states as their land territory, fully subject to their sovereignty (i.e., exclusive power to control and regulate).<sup>1</sup> International law developments of the 20th century, however, have resolved such conflict. The discussions at the 1930 Codification Conference, the work of the International Law Commission preparatory to the 1958 Geneva Conference on the Law of the Sea, as well as the latter Conference itself, produced a statement expressive of customary international law,<sup>2</sup> which is embodied in article 1 of the Convention on the Territorial Sea and the Contiguous Zone: "Article 1. 1. The sovereignty of a State extends, beyond its land territory and its internal waters, to a belt of sea adjacent to its coast, described as the territorial sea. 2. This sovereignty is exercised subject to the provisions of these articles and to other rules of international law."<sup>3</sup>

It is thus apparent that the sovereign rights of a coastal state in its marginal waters are not absolute. They are subject to limitations imposed by the community of nations by means of international law. One of these is innocent passage, which can be characterized as a qualification of the coastal state's jurisdiction and sovereignty in its territorial waters. Although the draft articles ("Harvard Research") presented to the 1930 Codification Conference did not characterize innocent passage as a right, the accompanying commentary did,<sup>4</sup> and the draft articles produced by the Conference specified innocent passage as a right.<sup>5</sup> The 1958 Conference made clear in its discussions and in the Convention on the Territorial Sea and Contiguous Zone that it was indeed a *right* enjoyed by ships. Articles 14 through 23 in section III of the 1958 Convention represented the agreement of the 1958 Conference as to the criteria of innocent passage.

To determine the specific legal attributes of innocent passage, the balance of this chapter will examine the provi-



sions of the 1958 Convention and the legislative intent behind them. While this Convention may be considered as a recent authoritative statement of international law, some shortcomings must be borne in mind. The provisions of the 1958 Convention on the Territorial Sea and Contiguous Zone do not necessarily restate customary international law. Neither the International Law Commission, which drafted a proposed convention, nor the Conference attempted a mere restatement of existing custom, but rather undertook to codify a set of realistic rules for the regulation of international intercourse in the territorial seas and the contiguous zone. The Convention does, of course, embody some rules of customary international law, and to the extent that it does it is binding upon all states whether they be parties to the Convention or not. Those provisions which do not represent prior international law are binding only upon the parties to the Convention (until those provisions receive such general acceptance among the states of the world as to achieve the status of customary international law).

Another shortcoming of the Convention is that it fails to cover several situations of importance such as the width of the territorial sea, whether warships have an unlimited right of innocent passage, and a provision specifically applying to multinational bays such as the Gulf of Aqaba.

**Rights of Ships.** Basically, ships of all states may exercise the right of innocent passage through the territorial seas of foreign states. Such a provision was included in the International Law Commission's draft articles which were submitted to the Conference for consideration. The original proposal was adopted as article 14, paragraph 1, with only one change.<sup>6</sup> The words "whether coastal or not" were added to describe further "all states."<sup>7</sup> This action emphasized that innocent passage was a right accorded to

ships, rather than one which depended upon the reciprocity between coastal states.

In the debates of the Conference, concern arose over the transit of fishing boats and warships in innocent passage. In question was not whether such vessels had the right of innocent passage, but rather the conditions surrounding such passage and the restrictions which the coastal state might place on it.

Having stated the general principle of the right of innocent passage, the Convention goes on to define "passage" in article 14, paragraph 2, as "navigation *through* the territorial sea for the purpose either of traversing that sea without entering internal waters, or of proceeding to internal waters, or of making for the high seas from internal waters." [Emphasis added.] Such action rejects an earlier view that the aims of a foreign vessel transiting the territorial sea for the purpose of entering internal waters are inconsistent with the basis of the right of innocent passage because, it was argued, the status of that vessel was deemed assimilated to that of a ship in port where the jurisdiction of the coastal state is subject to no restriction.<sup>8</sup>

The extension of innocent passage to a ship transiting the territorial sea after leaving internal waters is indicative of development in international law. Although the Harvard Research in International Law, which drafted articles of the law of the sea for presentation to the 1930 Hague Codification Conference, had rejected the concept that vessels entering or leaving a port of the coastal state could be in innocent passage,<sup>9</sup> the Codification Conference finally adopted the same provision as the 1958 Conference.<sup>10</sup>

Thus the basic criterion for innocent passage is movement, and to this extent article 14(2) reflects customary international law.<sup>11</sup> The delegates to the Conference were in agreement with the long-established principles that anchor-



ing or "hovering" in the territorial sea broke innocent passage and subjected a ship to the jurisdiction of the coastal state.<sup>12</sup> A specific provision to that effect was introduced in the Conference but was rejected as unnecessary. The exception to the rule that stopping and anchoring, except as incidental to ordinary navigation, will break innocent passage is that of *force majeure*, as embodied in article 14, paragraph 3.<sup>13</sup> The humanitarian principle that a ship in distress from a *force majeure* may enter foreign territorial waters and anchor or may put into port with complete immunity from local jurisdiction has been long recognized in international law.<sup>14</sup>

The most extended discussions at the Conference related to the problem which is basic to all considerations of innocent passage in its relationship to freedom of the seas: the proper balance between the security interests of the coastal state and the overseas states' need to navigate through territorial seas without undue impediment. Such debates centered around the Convention provisions which defined "innocent" and those which spelled out the rights and duties of the coastal states.

Article 14, paragraph 4, first sentence, provides the basic definition: "Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State." The article which the International Law Commission originally proposed had read: "Passage is innocent so long as a ship does not use the territorial sea for committing any acts prejudicial to the security of the coastal State or contrary to the present rules or to other rules of international law."<sup>15</sup> The proposed amendments to this original provision as well as the ensuing debates are enlightening as to the legislative intent behind the adopted provision.

An amendment proposed by India would have added the words "peace, good order or" prior to "the security,"

since coastal states had greater interests than merely security, which the United States characterized as comprehending only military security.<sup>16</sup> Such additional interests include control of imports, exports, customs and immigration, navigation, and crime.

Romania introduced an amendment which, had it been adopted, would have provided that "Passage is innocent as long as it is for the *normal* course of the ship . . ." [emphasis supplied], expressing the view that departure from such a course was sufficient reason for the coastal state to exercise control. Of particular concern to Romania was the preservation of economic (fishing) interests against the "practice of some fishing vessels of putting nets down illegally while traversing the territorial sea."<sup>17</sup> Against this proposal the argument was raised by several countries that there was no such thing as a "normal" course for a ship, since its exact course was determined by variable factors, including weather, loading conditions, and destination.

The United Kingdom expressed what appeared to be the majority view, that the test of innocence of passage was not the passage itself, but rather the manner in which that passage was carried out. The debates centered on whether particular proposed language adequately conveyed this idea or, instead, permitted the coastal state to claim arbitrarily that the *fact* of passage was prejudicial to its interests. The Chilean delegate's view was that the language finally adopted created a presumption of innocence.<sup>18</sup> In any event, the determination of such issue initially rests with the coastal state. It is in the best position to judge the question of prejudice to its "peace, good order and security." Safeguards against a capricious claim include the reciprocal action that other coastal states may take as well as world public opinion.

The second sentence of article 14, paragraph 4, provides that "[innocent]



passage shall take place in conformity with these articles and with other rules of international law." The reason for the split of the International Law Commission's originally proposed single sentence into two separate sentences was to deal with two separate issues: the conditions which had to be fulfilled for innocent passage; and the extent of jurisdiction of the coastal state. A further assurance was desired that a violation of a rule of international law (such as the requirement for smokeless fuel) which did not prejudice the security of the coastal state could not be made the ground for denial of innocent passage.<sup>19</sup> Therefore, the innocence of passage is not determined by the ship's compliance with *all* applicable provisions of international law.

A further concern of the Conference was to insure that fishing boats be permitted innocent passage, but that the coastal state be empowered to prohibit fishing by a ship purporting to pass innocently through the territorial sea. Proposals for a specific paragraph covering fishing vessels were offered. One which would have required that fishing gear be "stowed away" was criticized as placing a burden on fishing vessels which was not required by all countries.<sup>20</sup> Further, "stowed away" is ambiguous in that it does not specify where or how gear is to be stowed, and a ship may not have time, before entering territorial waters, to do more than bring its gear aboard.

The United States and United Kingdom felt that a specific provision on fishing vessels was superfluous, since a ship illegally fishing in territorial waters could not be in innocent passage. The provision adopted article 14, paragraph 5, conditions the innocence of passage of fishing vessels upon their observance of "such laws as the coastal state may make and publish in order to prevent these vessels from fishing in the territorial sea."

The final paragraph of article 14 was

an embodiment of the prevailing views on submarines, as reflected in the 1930 Codification Conference: in order to be in innocent passage, "submarines are required to navigate on the surface and to show their flag."<sup>21</sup> In such manner, submarines can give evidence of the innocence of passage and not constitute a danger to other ships in the territorial sea by proceeding beneath the surface where they cannot readily be seen. It is significant to note the position of this paragraph among the "Rules Applicable To All Ships," so that all submarines, both civilian and warships, are included.

**Duties of Ships.** Where rights exist in favor of a party, there exist also commensurate duties, and innocent passage is no exception. Article 17 restates preexisting international law in requiring ships in innocent passage to comply with the laws and regulations enacted by the coastal state.<sup>22</sup> The balancing of interests between ship and coastal state is found in the provision that "the laws and regulations enacted by the coastal state [be] in conformity with these articles and other rules of international law." Thus this article would not recognize a duty on ships in innocent passage to comply with a law which denied innocent passage in contravention of international law. Lest coastal states be tempted to require, by law or regulation, levies of duties to be paid by ships in innocent passage, article 18, paragraph 1, specifies that "no charge may be levied upon foreign ships by reason only of their passage through the territorial sea." Paragraph 2 recognizes the inherent right of a coastal state to make charge, without discrimination, for services actually rendered (such as pilotage, towing, et cetera).

**Rights of States.** The rights of coastal states with respect to ships in innocent passage are set forth in article 16 of the Convention.<sup>23</sup> The first two paragraphs, which recognize a state's power to "take the necessary steps in its territorial sea



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to prevent passage which is not innocent" and to deal with ships proceeding to internal waters did not engender controversy at the conference.

Paragraphs 3 and 4, however, revealed differences of opinion of what the law should be with respect to a state's suspension of innocent passage in territorial waters, generally, and in straits, in particular.

The principal international legal precedent for discussion of these points is the decision of the International Court of Justice in the Corfu Channel case.<sup>24</sup> The facts of the controversy were as follows: on 22 October 1946, the British destroyers *Saumarez* and *Volage*, in company with two cruisers, left the port of Corfu and proceeded northward through a channel in the North Corfu Strait. *Saumarez* struck a mine, sustaining heavy damage and personnel casualties. While assisting *Saumarez*, *Volage* likewise struck a mine. On 13 November 1946 the British found a moored minefield in Albanian territorial waters, where its two ships had been damaged, and swept it. Earlier, in May 1946, two British cruisers had traversed the strait, and Albanian guns had fired upon them.

The legal issues presented were whether warships could transit the strait lying in Albanian territorial waters in innocent passage without the permission of Albania, whether the fact of their passage prejudiced Albania's security, what duties were incumbent upon Albania to give notice of the navigational hazard (although Albania disclaimed any knowledge of the mining or perpetrator thereof, the Court found constructive knowledge), and whether the United Kingdom violated Albania's sovereignty by resorting to self-help in clearing the minefield without Albania's permission.

Albania contended that the North Corfu Channel did not belong to the class of international maritime channels through which a right of passage existed, since it was a route of secondary

importance and not even a necessary route between two portions of the high seas.

The Court held that the determinative factor was the strait's geographical situation as connecting two portions of the high seas and the fact of its use for international navigation. It specifically rejected the contention that the strait must be a necessary route between two portions of the high seas to establish an international right of passage. After noting the considerable use which had been made of the channel, the court decided that the "North Corfu Channel should be considered as falling under the category of international maritime thoroughfares, through which passage cannot be prohibited in time of peace by a coastal state."<sup>25</sup>

Albania contended further that the destroyers' passage on 22 October 1946 was not innocent and therefore violated Albanian sovereignty. In support Albania argued, *inter alia*, that the passage took place not for ordinary navigation but in a political mission. Evidence from the United Kingdom had showed that one of the purposes of the passage was to test Albania's attitude (Albania had fired on passing British warships on 15 May 1946); ensuing diplomatic correspondence had revealed Albania's view that warships might not transit her territorial sea without prior notification. The Court therefore analyzed the manner in which the passage was performed. The ships' guns had been placed in their normal stowage position. Personnel, however, were at action stations. Finding that the latter precaution was reasonable, the Court held that the United Kingdom did not violate Albania's sovereignty by sending her ships through Albanian territorial waters on 22 October 1946.<sup>26</sup>

The Court found, however, that the United Kingdom's "self-help" of sweeping the minefield on 13 November 1946 against the expressed will of the Albanian Government could not be justified.



This show of force by a number of warships, which remained in Albanian territorial waters for some time, could not constitute innocent passage and therefore violated Albanian sovereignty. No payment of damages was required of the United Kingdom, however.

Conversely, the Court found Albania liable in damages to the United Kingdom for breach of its coastal state's duty to warn of a known navigational hazard.

The Court held that warships might enjoy the right of innocent passage without first obtaining permission from the coastal state. Thus the two passages of British warships, in May and October 1946, were innocent inasmuch as the ships were navigating through the strait without prejudicing Albania's security. The British warships' actions of remaining within Albanian waters while sweeping mines in November 1946 were prejudicial to Albania, hence there was no innocent passage.

A further holding was that Albania could not restrict passage through a strait connecting two portions of the high seas.

Thus the Conference had before it a judicial decision which it might confirm by codification or overrule by failing so to do. It chose to codify the decision, in part, in article 16, paragraph 4, which prohibits "suspension of the innocent passage of foreign ships through straits which are used for international navigation between one part of the high seas and another part of the high seas. . . ."

The draft proposal of the International Law Commission would have limited the prohibition on suspending innocent passage to "straits normally used for international navigation between two parts of the high seas." The Commission commented that inclusion of the word "normally" reflected the thrust of the ICJ decision in the Corfu Channel case.<sup>27</sup> The Conference, however, did not so read the Corfu Channel decision and rejected such wording. The

Netherlands representative explained that "normally" had been dropped because it was considered that "paragraph 4 should apply to sea-lanes actually used by international navigation."<sup>28</sup> The Conference's other change was to expand on the Corfu Channel case and to extend the prohibition on suspending innocent passage through straits to those connecting the high seas and the territorial waters of another state. The explanation given was that this "reflected existing usage safeguarding the right to use straits linking the high seas with the territorial sea of a State."<sup>29</sup>

Saudi Arabia strongly dissented to deletion of the word "normally," maintaining that "innocent passage could be exercised only in recognized international seaways; it could not . . . be invoked by ships using the North-West Passage, which had never been used for regular international navigation."<sup>30</sup>

Saudi Arabia further contested the proposition that international law provided a right of innocent passage through straits connecting the high seas with an internal sea or the territorial sea of a particular state, citing the Corfu Channel case for support.<sup>31</sup> The weakness of such argument is that the Court was only dealing with a strait linking two portions of the high seas, therefore had no need to face the further question of straits connecting high seas with territorial seas. The Saudi Arabian delegate concluded: ". . . the amended text no longer dealt with general principles of international law, but had been carefully tailored to promote the claims of one State."<sup>32</sup> When article 16 came up for discussion later in plenary session, the United Arab Republic delegate attempted unsuccessfully to obtain a vote on article 16, paragraph 4, separately, in an effort to reinstate the International Law Commission's original draft wording. Such effort was concurred in by the Saudi Arabian delegate, who reiterated his charge that "paragraph 4 had been drafted with one particular case in



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view."<sup>33</sup> He obviously was referring to the Israeli claim of innocent passage through the Straits of Tiran and Gulf of Aqaba.

Notwithstanding the Arab challenge, paragraph 4 of article 16 was adopted in the First Committee by a close vote, 31 to 30, with 10 abstentions. Voting against were the Arab countries of North Africa and the Middle East, as well as Communist bloc countries. In plenary session, article 16, as a whole, was adopted by a 62 to 1 vote, with 9 abstentions.<sup>34</sup>

With regard to paragraph 3 of article 16 (suspension of innocent passage in territorial waters), there was a disagreement over the word "temporarily." Romania introduced a proposal to delete it; the effect would thus have been to give the coastal state latitude in denying innocent passage through its territorial waters without any time constraint. This proposal was not put to a vote; "temporarily" therefore remained.<sup>35</sup>

The International Law Commission draft of article 16, paragraph 3, was extensively reworded, but such changes merely constituted improvements in the wording and did not make any changes of substance. As adopted, it provides for the temporary suspension of innocent passage by the coastal state in the territorial sea if such action is "essential for the protection of its security." In the First Committee the United Kingdom delegates noted the desirability of wording this provision in such a way as to create an "objective" standard for the determination of prejudice to the security of the coastal state. In reply, the Indian delegate noted that security questions should be determined by the coastal state, since it is in the best position to have access to and to evaluate the relevant evidence. This view prevailed, and although there was some further disagreement on the question of which wording best accommodated the interests of coastal states and interna-

tional shipping, the present wording of article 16, paragraph 3, was adopted by the First Committee by a vote of 31 to 27, with 5 abstentions.<sup>36</sup>

Thus it can be seen that article 16, while stating the rights of coastal states to protect their security interests with respect to innocent passage, does limit such rights: innocent passage cannot be suspended through straits connecting the high seas with either the high seas or the territorial waters of a foreign state; in other territorial waters, it may only be temporarily suspended in specified areas, and due publication of such fact must be made.

**Duties of States.** The legislative effort of the Conference regarding the duties of the coastal states served to limit their liability. The International Law Commission's draft proposal, which represented an effort to codify a novel area of international law, would have required the coastal states to "ensure respect for innocent passage through the territorial sea and . . . not allow the said sea to be used for acts contrary to the rights of other states."<sup>37</sup> This provision was seen as placing the coastal state under a duty to police its territorial waters so that one foreign state might not impinge upon the rights of another, and to remove obstacles to innocent passage. The International Law Commission believed that that provision reflected the International Court of Justice ruling in the Corfu Channel case, but such view was contested by the United States as *obiter dictum* and not intended to state a codifiable rule of law.<sup>38</sup>

Fearing an absolute liability which could impose an undue economic burden on coastal states, the United States proposed deletion of this provision. The U.S. proposal was adopted,<sup>39</sup> and the first paragraph of article 15, dealing with duties of coastal states, reads simply: "The coastal State must not hamper innocent passage through the territorial sea."



The second paragraph of article 15, as proposed by the International Law Commission reads, "The coastal State is required to give due publicity to any danger to navigation of which it has knowledge." The Conference feared that this requirement, as well, was too broad and imposed the duty on coastal states to give notice of dangers no matter where they be located. Such a burden was deemed inordinate and the limitation "within its territorial sea" was added.<sup>40</sup>

The Conference thus incorporated the thrust of the Corfu Channel decision into the Convention, as the International Court of Justice had in large measure predicated the Albanian liability on the failure to give appropriate publicity to a known danger to navigation within its territorial waters.

Article 18, which prohibits coastal states from levying charges on ships in innocent passage except for services actually rendered, is identical to the article drafted by the Second Committee at the 1930 Codification Conference.<sup>41</sup> It acknowledges the economic value of the right of innocent passage to the commercial ships of the world and emphasizes again the policy that coastal states not interfere with passing ships.

Warships. May warships enjoy the right of innocent passage in time of peace? Is such right dependent on either prior notification to, or the permission of, the coastal state? No other aspect of innocent passage is more controversial. One view is that warships should "not enjoy an absolute legal right to pass through a state's territorial waters any more than an army may cross the land territory." The rationale behind this view is that foreign warships by their very nature pose a threat whereas merchant ships do not, and that the world interests which exist in the case of freedom of the seas for merchant ships are absent in the case of passage of

warships.<sup>42</sup>

The opposing view, espoused by the United States and less than a majority of the states represented at the Conference, is that warships do have a right of innocent passage, as was held in the Corfu Channel case.

The 1930 Codification Conference draft proposals on warships reflected the more liberal view;<sup>43</sup> the International Law Commission, however, proposed an article which would have made the passage of warships "subject to previous notification or authorization," and the First Committee reported such a provision.<sup>44</sup> The words "or authorization" were deleted from the article by separate vote, with the U.S.S.R. voting to retain them on the basis that every state, in the exercise of its sovereignty, should be able to require prior authorization of foreign warships.<sup>45</sup> Saudi Arabia voted to retain the requirement for prior authorization of warship passage, noting that "a warship could not be regarded as a vehicle of peaceful communication, and unauthorized passage was tantamount to violation of the rights of coastal states and to aggression against them." The proposed article 24, as amended to require only prior notification for the innocent passage of warships, failed of adoption (43 for, 24 against, 12 abstentions) because it did not receive the requisite two-thirds majority. The "no" votes included the Communist bloc and Arab countries, which had so vociferously supported the requirement for prior authorization. Thus the Convention contains no provision according states the right of innocent passage for their warships.

(Article 23, originally article 25 of the International Law Commission's draft convention, is the only rule applicable specifically to warships. It requires warships to comply with the regulations of the coastal state. For failure of compliance with such regulations and the coastal state's request for compliance, the warships may be



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ordered to leave the territorial sea. This provision was adopted by a 76-0-1 vote.)

However, the International Court of Justice based its Corfu Channel case holding that warships do enjoy a right of innocent passage, without the necessity for either prior notification to or authorization from the coastal state, upon evidence that such was the general practice of states.<sup>46</sup> Notwithstanding the failure of the 1958 Law of the Sea Conference to include prior notification or permission as a prerequisite to the innocent passage of warships, a considerable number of states favor such a rule. Included in this group are the Soviet bloc and Arab states, as demonstrated by the vote on the International Law Commission's proposed article 24 and the reservations lodged by several states at the time of signing the Convention.<sup>47</sup>

Accordingly, it would appear that the present attitude of a majority of states accepts a right of innocent passage for warships—but only if it be subject to a greater measure of regulation than is the case with nonwarships.

**Coastal State Sovereignty, Flag State Jurisdiction, and Ship Immunity.** Like the 1930 Codification Conference, the International Law Commission in its draft articles 20 and 21 (criminal and civil jurisdiction) sought not to promulgate specific rules resolving the conflict between the inherent jurisdiction of the coastal state over its territorial waters and the jurisdiction of the flag state over its ships while they transit foreign territorial waters. Instead, established principles were set forth for guidance: that the coastal state would, as a general rule, refrain from exercising criminal jurisdiction over a passing ship unless the impact of the crime affected the coastal state or disturbed its peace, order, and tranquility, or unless its assistance was requested by the ship captain or consul of the flag country. A

new provision was included for the suppression of drug traffic. These rules recognized, however, the power of the coastal state to exercise its jurisdiction and in no way restricted it. The same philosophy applied to the exercise of civil jurisdiction: the coastal state *should not* (but still may) stop or arrest foreign ships except insofar as civil obligations attach to the *current* voyage, or in the case of a ship leaving internal waters or lying in the territorial sea (article 20).

Government civilian vessels in commercial service are assimilated to the status of merchant vessels by article 21; Government civilian vessels not operated for commercial purposes are governed by the provision of articles 14 through 19 but are not subject to the civil jurisdiction of article 20 (articles 21, 22).

In sum, the 1958 Convention recognizes the jurisdiction of the littoral sovereign over vessels in his territorial sea and, consistent with an accommodation between that sovereign's power and the free use of the seas, does not forbid the littoral state to exercise jurisdiction, but merely exhorts him not to do so—in accordance with the stated guidelines.

**Innocent Passage in Time of War.** The 1958 Convention fails to state whether it is applicable in both war and peace. The International Law Commission's commentary on its draft Convention on the Law of the Sea stated that the draft articles it developed were to apply only in time of peace.<sup>48</sup> Although there was some discussion at the Conference to the effect that the articles considered had only peacetime application, the Convention on the Territorial Sea and Contiguous Zone is silent on this point.

It should be noted, however, that article 10 of Hague Convention XIII of 1907, concerning the rights and duties of neutral powers in time of war, recognizes that a right of passage of



belligerent warships through a neutral's territorial waters exists.<sup>49</sup> Although such passage is not qualified with the adjective "innocent," the construction placed upon "mere passage" indicates that it is intended to apply as "innocent passage."

The *Altmark* incident in World War II illustrates the problems and some practice with regard to innocent passage in time of war.<sup>50</sup>

In 1940 the *Altmark*, a German naval auxiliary, was returning to Germany from the South Atlantic with about 300 British prisoners of war. She took a circuitous route which brought her within Norwegian territorial waters for a distance of several hundred miles. The *Altmark* was hailed by a Norwegian torpedo boat and in reply to inquiry stated that it had no citizens or members of armed forces of any belligerent aboard. Subsequently, still within Norwegian waters, a British destroyer boarded the *Altmark* and liberated the prisoners. Norway protested the infringement of her sovereignty and violation of her neutrality.

This situation presented the issues of whether a belligerent warship enjoys a right of innocent passage through neutral waters and, if so, whether such passage is subject to any restrictions. In exchanges of diplomatic correspondence,<sup>51</sup> Britain contended that the *Altmark* was making belligerent use of Norway's territorial waters and therefore could not have been in "mere passage" and that Norway had a duty to ascertain whether the *Altmark's* passage constituted belligerent activity in violation of Norway's neutrality. Norway had respected the immunity enjoyed by the foreign warship and took no action to impede its passage beyond verifying its character as a warship.

Britain conceded that "mere passage" in article 10 of Hague Convention XIII denoted innocent passage but construed the distance and duration involved in *Altmark's* passage as defeating

its innocence, inasmuch as this Convention prohibits belligerents from engaging in military operations in neutral territorial waters. Britain contended that the result of *Altmark's* choice of route was to obtain a shield against attack by virtue of Norway's neutrality.

Notwithstanding the different inferences drawn by Britain and Norway from the factual situation presented by the *Altmark's* passage, both agreed that customary international law permitted a belligerent warship to navigate in innocent passage through neutral territorial waters.<sup>52</sup> Despite the provisions of article 12 of Hague Convention XIII,<sup>53</sup> neither Britain nor Norway regarded the fact that *Altmark's* passage through territorial waters exceeded 24 hours as a violation of the Convention but rather as evidence bearing on the innocence of the passage.

Since learned writers on international law accord to the coastal neutral state the right to deny innocent passage in its territorial waters to all belligerents without discrimination if it so chooses, and Hague Convention XIII is inexplicit, it appears that belligerent warships enjoy only a conditional right of innocent passage.<sup>54</sup> The position of the U.S. Navy on this matter appears in article 443 of the *Law of Naval Warfare*: "a. Passage Through Territorial Sea. A neutral state may allow the mere passage of warships, or prizes, of belligerents through its territorial sea."<sup>55</sup> The amplifying footnote to this provision reads, in part:

... Thus, the 'mere passage' that may be granted to belligerent warships through neutral territorial waters must be of an innocent nature, in the sense that it must be incidental to the normal requirements of navigation and not intended in any way to turn neutral waters into a base of operations. In particular, the prolonged use of neutral waters by a belligerent warship either for the purpose of avoiding combat with the enemy or for the purpose of evading capture, would appear to fall within the prohibition



against using neutral waters as a base of operations.<sup>56</sup>

With respect to the passage rights of belligerents *inter se*, a belligerent is entitled, as a matter of customary international law, to prevent the passage of an opposing belligerent's ships or of cargo destined for him.<sup>57</sup>

### III-RECENT INCIDENTS INVOLVING INNOCENT PASSAGE

With the recent legal history of innocent passage thus set forth, this chapter will undertake an analysis of the two 1967 events of international significance in which the issue of the practical application of the foregoing rules and principles arose: the United Arab Republic's denial of innocent passage to Israeli shipping through the Straits of Tiran and Gulf of Aqaba, which proved to be a *casus belli* for the ensuing war, and the Union of Soviet Socialist Republic's denial of innocent passage through the Vilkitsky Straits to two U.S. Coast Guard icebreakers.

**Straits of Tiran and Gulf of Aqaba.** On 22 May 1967, President Nasser of the United Arab Republic announced that his country would prevent Israeli ships and other ships carrying strategic cargo from transiting the Straits of Tiran at the entrance to the Gulf of Aqaba.<sup>1</sup> This action followed withdrawal of the United Nations Expeditionary Force (UNEF) from the Egypt-Israel border and from Sharm-El-Sheikh, a fortification overlooking the Straits of Tiran from which that waterway can be militarily controlled.<sup>2</sup> (Previously, Egypt had blockaded the Gulf of Aqaba to Israeli shipping from 1948 to 1957.)

This action by Egypt, which had been coupled with a massing of armed forces along her border with Israel, evoked consternation and protest from the major maritime nations of the world, the United Kingdom and the United States, and the issues were de-

bated in the Security Council of the United Nations in late May 1967.<sup>3</sup> The basic issue posed by the Egyptian blockade was the legality of such action, in opposition to the claim of Israel to the right of innocent passage through the Straits of Tiran and Gulf of Aqaba to her southern port of Elath.

The legal arguments of the United Arab Republic and Israel were expressed in the U.N. debate. As will be seen, they are based upon two different sets of operative facts.

The position of the United Arab Republic is twofold. First, the Gulf of Aqaba is an Arab "closed sea" and therefore constitutes internal waters of the littoral states. International law recognizes a right of innocent passage through the territorial sea, but no such right exists as to a state's internal waters. Apparently aware of the provisions of article 16, paragraph 4, of the Convention on the Territorial Sea and Contiguous Zone, prohibiting the suspension of innocent passage through international straits connecting the high seas with the territorial sea of another state, the United Arab Republic maintains that Israel has no territorial sea in the Gulf of Aqaba because her presence at Elath was the product of aggression. Such aggression, it is argued, occurred after the Egypt-Israel Armistice Agreement in 1949, and the applicable international law doctrine is that belligerent occupation cannot be legally converted into sovereignty, unless the state of war was concluded by a peace treaty.

The second part of the U.A.R. position is that the Armistice Agreement of 1949 served only to end hostilities between Egypt and Israel and did not terminate the state of belligerency between the disputants. Therefore, Egypt was perfectly within her rights as a belligerent to blockade Israeli shipping and goods from the Straits of Tiran and Gulf of Aqaba, and Israel had no right of innocent passage therein.<sup>4</sup> This latter argument, if the underlying basic as-



sumption of continued belligerency since 1948 is accepted, does not depend upon the validity of the "internal waters" claim.

In support of its claim that the Gulf of Aqaba consists entirely of the internal waters of the three littoral states (U.A.R., Jordan, Saudi Arabia) having a *legitimate* sovereign presence on the gulf, the United Arab Republic cited the example of the Gulf of Fonseca and the judicial decision thereon.

The Gulf of Fonseca case was an action brought in the Central American Court of Justice to set aside a Nicaraguan grant to the United States of a 99-year right to operate a naval base on Nicaraguan territory bordering the Gulf of Fonseca.<sup>5</sup> El Salvador and Costa Rica, both littoral on the gulf, objected to the grant. Although there was no dispute between the parties that the waters of the gulf were jointly owned and were a "closed bay," Nicaragua claimed that they should be divided by extending the land boundaries, whereas Costa Rica claimed that the three states had joint, undivided ownership. In sustaining the Costa Rican claim, the Court determined that the Gulf of Fonseca "belongs to the special category of historic bays and is the exclusive property of El Salvador, Honduras and Nicaragua." Its rationale was that the Gulf of Fonseca

... combines all the characteristics or conditions that the text writers on international law, the international law institutes and the precedents have prescribed as essential to territorial waters, to wit, secular or immemorial possession accompanied by *animo domini* both peaceful and continuous and by acquiescence on the part of other nations, the special geographical configuration that safeguards so many interests of vital importance to the economic, commercial, agricultural and industrial life of the riparian States and the absolute, indispensable necessity that those States should possess the Gulf as fully as required by those primordial interests and the interest of national defense.<sup>6</sup>

The Court held that the gulf waters were jointly owned internal waters, subject to the territorial sea of each coastal state.<sup>7</sup>

Before the Security Council the U.A.R. related the historical facts that the Gulf of Aqaba had been under continuous Arab control for over 1,000 years and constituted an inland waterway subject to absolute Arab sovereignty, and argued that it therefore fell within the category of historical gulfs which are governed by national internal law rather than by international law. The Gulf of Fonseca decision was claimed to be in point, since it concerned a multinational bay; furthermore, the United States had not disputed the position that the Gulf of Fonseca is part of the internal waters of the littoral states and had accepted the Court's decision.

In support of its argument for a continuing status of belligerency, the United Arab Republic maintained that Israel had constantly violated the armistice agreement and had committed acts of aggression against the Arab states and that the 1956 war had not altered the U.A.R. rights in its waters; furthermore, Britain recognized the blockade in 1951, and U.S. ships observed it until 1956.

On the other side of the dispute, Israel claimed that the Gulf of Aqaba is an international waterway, and, consequently the Straits of Tiran are an international strait in which the right of innocent passage cannot be suspended. In addition, Israel saw the 1949 armistice agreements as terminating the belligerency between herself and Egypt and Jordan; therefore, Egyptian action to interfere with shipping in the Straits of Tiran violated international law.<sup>8</sup>

Supporting the Israel position on the juridical status of the waterway is an *aide-memoire* from U.S. Secretary of State Dulles to the Israeli Ambassador, Abba Eban, of 11 February 1957. In this document the United States recog-



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nized that Israel was still in occupation of areas stipulated by the armistice agreements to be occupied by Egypt but went on to declare that "... the United States believes that the Gulf [of Aqaba] comprehends international waters and that no nation has the right to prevent free and innocent passage in the Gulf and through the Straits giving access thereto."<sup>9</sup> Israel also contended that the international character of the gulf was attested to by its use by a significant amount of shipping under many different flags, and that such character had been confirmed in the General Assembly in March 1957.

With regard to the belligerency claim of the Arab states, Israel argued that the Security Council resolution of 1 September 1951 recognized that the armistice agreements had legally terminated the belligerency: "... since the armistice regime, which has been in existence for nearly two and a half years, is of a permanent character, neither party can reasonably assert that it is actively a belligerent. . . ."<sup>10</sup> Thus, disagreement centered on two issues that need further analysis: the status of the Gulf of Aqaba and the alleged status of belligerency. Concerning the first issue, the Arab claims to a closed sea (internal waters) in the gulf show several weaknesses. Although the Gulf of Aqaba had been under continuous Ottoman control for about 1,200 years, no joint closed-sea claim was made by the coastal Arab states at the time they gained sovereignty in the present century. Such a claim was apparently not asserted until 1957, by Saudi Arabia.<sup>11</sup> No Arab protest was heard against the use of the gulf by Israeli shipping during the period from 1957 to 1967. Nor have the Arab states agreed to a joint control over the gulf, as the coastal states had done in the Gulf of Fonseca. In any case, unlike the Gulf of Fonseca regime, the Arab closed-sea claims have not achieved general international acceptance. Moreover, Saudi Arabia and

Egypt claimed only 6-mile territorial waters until 1958, and an argument could have been made that, since the Gulf of Aqaba exceeded 12 miles in width, it contained portions of the high seas. In 1958 both countries extended their territorial sea claims to 12 miles, thus eliminating, from their standpoint, the possibility of a claim of high seas in the gulf.<sup>12</sup> Yet, throughout the disputes between Israel and Egypt (U.A.R.), the latter has pledged to guarantee [to the states of the world] "free and innocent passage according to international law," which does not include such a commitment to an opposing belligerent.<sup>13</sup> Such a position is, of course, inconsistent with a closed-sea claim.

Israel's legal position on the Gulf of Aqaba likewise contains some weaknesses. The Dulles *aide-memoire* cited above appeared to condition the recognition of the international character of the gulf upon Israel's withdrawal of troops from Egyptian territory. The 1 September 1951 Security Council resolution dealt with the Suez Canal only and could be characterized as political in nature and not intended to make a legal determination of the status of nonbelligerency. Finally, the Arab claim that Israel's presence at Elath on the Gulf of Aqaba lacks legitimacy fails to take into account the fact that such occupancy was clearly set forth in the Israel-Jordan Armistice Agreement, which followed the occupation in question.<sup>14</sup>

The U.S. position on the U.A.R.'s denial of passage through the Straits of Tiran was expressed both by President Johnson in a statement released 23 May 1967 and by Ambassador Goldberg in the Security Council debates. The President stated that:

... The United States considers the gulf [of Aqaba] to be an international waterway and feels the blockade of Israeli shipping is illegal... The Right of free, innocent passage of the international waterway is a vital interest of the entire international community.<sup>15</sup>



Ambassador Goldberg echoed these views, noting that the "rights of all trading nations under international law" were at stake and cited article 16, paragraph 4, of the 1958 Convention on the Territorial Sea and Contiguous Zone as expressive of that law.<sup>16</sup> Although the U.A.R. representative might have argued, in rebuttal to the U.S. position, that article 16, paragraph 4, had no applicability to the Arab states since they had not ratified the Convention, he instead argued that it was inapplicable to situations involving armed conflict.<sup>17</sup> Thus the U.A.R. appears to have conceded that article 16, paragraph 4, is expressive of customary international law in time of peace.

What then is the status of the Gulf of Aqaba? As noted in chapter II, the 1958 Conference on the Law of the Sea did not attempt to codify the law with respect to multinational bays. After extended debate on the wording of article 16-4, it set forth a general principle of freedom of international sea transit which guarantees innocent passage through straits connecting the high seas with a state's internal waters.

As to gulfs and bays bordered by more than one state, a rule of general acceptance has been that:

... all gulfs and bays enclosed by the land of more than one littoral State, however narrow their entrance may be, are non-territorial. They are parts of the open sea, the marginal belt inside the gulfs and bays excepted. They can never be appropriated; they are in time of peace and war open to vessels of all nations, including men-of-war, ...<sup>18</sup>

In light of this criterion, the recency of the Arab claim to a closed sea, and the lack of international recognition of such claim, it is submitted that the facts underlying the Gulf of Fonseca decision are distinguishable from the facts of the instant case. The waters of the Gulf of Aqaba do not constitute internal waters of the littoral Arab states, and the Straits of Tiran are not subject to

suspension of the right of innocent passage.

The final portion of the U.A.R. legal justification for blockading the Straits of Tiran to Israeli shipping was that a state of belligerency existed between that state and Israel, since the armistice agreements then effective merely terminated hostilities. This position does not depend upon the juridical nature of the waters of the gulf, since a belligerent is entitled to prevent the passage of the vessels of an opposing belligerent, or cargo bound for him. The opposing Israeli position--supported by the United States--hold that the armistice agreements of 1949 with Egypt and Jordan terminated belligerency as well as hostilities and that the U.N. Security Council had so recognized in its resolution of 1 September 1951 and discussions in 1957. In any event, it is beyond the scope of this paper to explore the merits of the conflicting views as to the legal effect of an armistice. That portion of the U.A.R. claim will be determined with reference to rules other than the Law of the Sea.

**Vilkitsky Straits Incident.** In August 1967 the United States announced a planned scientific expedition by two Coast Guard icebreakers, *Edisto* and *Northwind*, to circumnavigate the Arctic Ocean. The original itinerary would have taken the ships north of several Soviet islands, including Severnaya Zemlya, and they would thereby have traveled entirely on the high seas.

Ice conditions, however, prevented the icebreakers from going to the north of Severnaya Zemlya; the U.S. Embassy in Moscow so notified the Soviet Ministry of Foreign Affairs on 24 August, stating that it would be necessary for the two ships to transit the Vilkitsky Straits between Severnaya Zemlya and the mainland. The Soviet Ministry of Foreign Affairs replied to the U.S. Embassy that the straits were Soviet territorial waters.



On 28 August the Soviet Ministry, responding to a message from the U.S. ships to the Soviet Ministry of the Maritime Fleet, reaffirmed its earlier declaration and stated further that the U.S.S.R. would claim that transit of the ships through the Vilkitsky Straits would violate Soviet frontiers. The United States then determined not to send the icebreakers through the Vilkitsky Straits and changed their assignments. The U.S. Embassy in Moscow sent a note of protest on 30 August which stated, "that the Soviet law cannot have the effect of changing the status of international waters and the rights of foreign ships with respect to them. These rights are set forth clearly in the Convention on the Territorial Sea and Contiguous Zone . . . to which the Soviet Union is a party." The note apparently went on to point out that the right of innocent passage existed through straits used for international navigation between two parts of the high seas whether or not they be characterized as having overlapping territorial waters and that an unlimited right of passage exists in straits comprising both high seas and territorial waters.<sup>19</sup> (The Vilkitsky Straits are about 20 miles wide at the narrowest point; the U.S.S.R. claims a 12-mile territorial sea.)

From the cited State Department account, the Soviet legal position is not clear. It could have been based on any of the following three theories: the passage of the U.S. ships was prejudicial to Soviet peace, good order, or security; the ships in question being warships (within the definition of article 8 of the 1958 Geneva Convention on the High Seas), their passage would not be in conformity with the requirements of Soviet domestic legislation; finally, it might have been claimed that Vilkitsky Straits are not an international waterway, through which a right of innocent passage exists for foreign ships.

With regard to the possible prejudice

to Soviet security, it is difficult to envision how a scientific expedition would be thusly prejudicial absent some hostile action by the ships themselves. The fact of passage itself must not be sufficient ground for the coastal state to deny innocent passage.

At the time of signing the Convention on the Territorial Sea and Contiguous Zone, the Soviet Union entered two reservations, one of which concerned article 23: "The Government of the Union of Soviet Socialist Republics considers that a coastal state has the right to establish procedures for the authorization of the passage of foreign warships through its territorial waters."<sup>20</sup> In pursuance of such position, the U.S.S.R. has enacted laws which require prior consent for the innocent passage of warships. Such consent must be requested through diplomatic channels 30 days in advance.<sup>21</sup> Article 23 of the Convention provides that, "if any warship does not comply with the regulations of the coastal state concerning passage . . . the coastal state may require the warships to leave the territorial sea." The "regulations . . . concerning passage" are deemed to be rules of navigation.<sup>22</sup> Further, the Soviet regulations cannot be such as to deny innocent passage, in view of the provision of article 17 and discussions held thereon at the 1958 Law of the Sea Conference. In the present case, the United States did not and could not foresee, at least 30 days in advance, that its ships would be forced by ice to transit Soviet territorial waters. Hence, if noncompliance with the authorization provisions was part (or all) of the basis for denying passage, that denial was improper.

Whether the Vilkitsky Straits are an international strait, through which innocent passage cannot be suspended, is not free from doubt. The text writers generally agree that a strait in the geographical sense is not necessarily one in the legal sense.<sup>23</sup> The International



Court of Justice found the Corfu Channel to be legally an international strait on the bases that it connected two portions of the high seas and was used for international navigation. The Court rejected the idea that the strait be a necessary one for shipping. Though the Corfu Channel case decision is cited as the leading authority on the point, differing conclusions are drawn from it as to the legal test for an international strait. Oppenheim states that "It is sufficient that [the strait] has been a useful route for international maritime traffic."<sup>24</sup> Professor Baxter, concurring generally in the foregoing view, warns that "It is impossible to answer in the abstract how many straits meet the requirement of being 'useful' for international navigation, for the test applied by the Court lays more emphasis on the practices of shipping than on geographic necessities."<sup>25</sup>

A third view is that expressed by Judge Azevedo in his dissenting opinion in the Corfu Channel case: "... the notion of an international strait is always connected with a minimum of special utility, sufficient to justify the restriction of the rights of the coastal State--which rights must be assumed to be complete and equal to those of other States."<sup>26</sup> From this O'Connell deduces that the "correct approach is to balance the interest which the coastal state has in its own territorial sea against that which the international maritime community has in traversing that passage."<sup>27</sup>

In view of the location of the Vilkitsky Straits, north of Siberia, where they are closed by ice for most of the year, it is doubted whether the international maritime community has, in the past, made use of them. On the other hand, if the test be one of present usefulness, in times of icing to the north of Severnaya Zemlya the Vilkitsky Straits are indeed the only means of transiting the Arctic Ocean at that point. Applying the "balancing of inter-

ests" test, it is submitted that the interests of the maritime nations in navigating the Arctic regions, though possibly slight today, certainly outweigh the even slighter security interests of the U.S.S.R. in denying passage to ships which desire to pass peacefully.

When considering the foregoing, together with the action of the 1958 Law of the Sea Conference in expanding the rights of nations for their ships to pass innocently through straits in article 16, paragraph 4, of the Convention on the Territorial Sea and Contiguous Zone, it is concluded that the Vilkitsky Straits are international and that the U.S.S.R. should not have denied innocent passage through them on that account.

Whatever the Soviet legal theory may have been in its denial of usage, it should be noted that the United States preserved its legal position by its note of protest which asserted the international nature of the Vilkitsky Straits.

#### IV--CONCLUSIONS

The action of the United Arab Republic in denying Israeli shipping innocent passage through the Straits of Tiran and Gulf of Aqaba in no way detracts from the internationally recognized right of innocent passage. Arab declarations expressly recognized the existence of such right. Innocent passage was only denied by the U.A.R. insofar as it benefited a claimed opposing belligerent. Whether such denial comported with international law will depend solely on the legal effect one may attribute to the armistice agreements between Israel and Egypt and Jordan. If they terminated belligerency, as Israel and the United States claim, then Egypt was not legally justified in denying Israel the right of innocent passage. But at all times Egypt did recognize that a right of innocent passage through the Straits of Tiran and Gulf of Aqaba existed as to nonbelligerent nations.



The U.S.S.R. denial of innocent passage through the Vilkitsy Straits is consistent with the Soviet position regarding the innocent passage of warships. She has continuously maintained that such passage is subject to the prior approval of the littoral state, and her internal laws require her approval of 30 days in advance.

It is concluded that no new international legal usages have been initiated as a result of the denial of innocent passage to Israel in the Gulf of Aqaba and Straits of Tiran: the legal positions of Israel and the Arab states have remained materially unaltered for the last decade. With regard to the Vilkitsy Straits incident, it appears that the traditional Soviet position with regard to innocent passage of warships was maintained. There was one possibly novel aspect to that case, however. In attempting the passage of its ships through Vilkitsy Straits, the United States was asserting the international legal character of those waters, a position which the U.S.S.R. apparently contested. Although the author favors characterizing the Vilkitsy Straits as international straits in which the right of innocent passage exists, the issue is by no means free of doubt. If the Vilkitsy Straits are not deemed international straits, then the United States has taken the first step toward changing that regime.

The factor common to these two cases and reflected in the discussions at the 1958 Law of the Sea Conference is that the determination of the innocence of passage initially rests with the coastal state.

The discussions on the Convention on the Territorial Sea and Contiguous Zone demonstrated that each state approaches the codification and development of international law from the standpoint of promoting such legal rules or principles as will serve its own perceived best interests. Any specific national goal may not, however, be in accord with what the community of

nations conceives to be in the best interest of all states. One may expect that a state's natural, initial inclination, when judging possible prejudice to its peace, good order, or security, will be to apply a purely subjective standard. The discussions on the Convention recognized this situation and made it clear that the coastal state's determination of prejudice to its security will be subject to review by the flag state of a ship which suffers a denial of innocent passage and by world opinion. Diplomatic protest and the seeking of reparations (apology and/or compensation) are avenues by which a state may seek redress for a denial of innocent passage to a ship of its flag when it deems the denial to have been improper. Just such measures were taken by the United Kingdom in the Corfu Channel incident. The additional step of seeking redress before the International Court of Justice was undertaken in that case, and the Court then had occasion to hear evidence and render an objective judgment on the merits of the competing claims.

Thus the coastal state's determination of whether a particular passage is

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#### BIOGRAPHIC SUMMARY

Comdr. Peter B. Walker, JAGC, U.S. Navy, holds a bachelor's degree from Harvard University, a bachelor of laws degree from The George Washington University, and has done postgraduate work in the field of international affairs with The George Washington University. His previous legal duties include: Assistant Staff Legal Officer, Commander Service Force, U.S. Pacific Fleet; Senior Defense Counsel, 11th Naval District; and District Legal Officer, 17th Naval District. Commander Walker is a graduate of the Naval War College, School of Naval Command and Staff, Class of 1968, and is currently serving on the Naval War College faculty.

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prejudicial to its security must be made objectively: if it is challenged it will be subject to review in a manner similar to that in the Corfu Channel incident. A concern that the coastal state's basis for judgment be as objective as possible was amply demonstrated in the discussions of the Territorial Sea Convention. Even though each state's evaluation of its security will be a reflection of its individual personality, which in turn is the product of its historical heritage as well as present world conditions, the only workable standard for the deter-

mination of a state's denial or suspension of innocent passage in its territorial sea is one of objectivity: is such a denial really necessary, and are the circumstances such that the community of nations, in retrospect, would approve?

If there is not such an objective test to be applied to suspensions or denials of innocent passage in practice, the community of nations will be subject to the arbitrary denial of passage by states which consider, subjectively, only their own parochial interests.

## FOOTNOTES

### I-FREEDOM OF THE SEAS

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2. Louise F. Brown, *The Freedom of the Seas* (New York: Dutton, 1919), p. 3-17.
3. Smith, p. 59.
4. Hugo Grotius, *The Freedom of the Seas* (New York: Oxford University Press, 1916), p. 7, 32, 34.
5. Teruo Kobayashi, *The Anglo-Norwegian Fisheries Case of 1951 and the Changing Law of the Territorial Sea* (Gainesville: University of Florida Press, 1965), p. 6.
6. *Ibid.*, p. 7.
7. Philip C. Jessup, *The Law of Territorial Waters and Maritime Jurisdiction* (New York: Jennings, 1927), p. 6.
8. Conference for the Codification of International Law, "Report of the Second Committee," *The American Journal of International Law*, July 1930 Supplement, p. 234-239.
9. United Nations Conference on the Law of the Sea, 2d, 1960, *Official Records*, A/CONF. 19/8 (Geneva: 1960), p. 30.
10. *Ibid.*, p. 158-163.

### II-NATURE AND ATTRIBUTES OF INNOCENT PASSAGE

1. Jessup, p. 115-119.
2. Lassa F.L. Oppenheim, *International Law*, 8th ed. (London: Longmans, Green, 1955), v. I, p. 487; Smith, p. 46.
3. United Nations Conference on the Law of the Sea, 1st, 1958, *Official Records*, A/CONF. 13/L52 (Geneva: 1958), v. II, p. 132. [Note: Articles 14 through 22 of the Convention on the Territorial Sea and Contiguous Zone correspond to the International Law Commission's draft articles 15 through 23 respectively; article 23 of the Convention corresponds to the ILC draft article 25. For ease of reference, and unless otherwise specified, all references to both the draft articles and the Convention articles will use only the numbers of the articles as they now appear in the final Convention.]
4. "The Law of Territorial Waters," *The American Journal of International Law*, April 1929 Special Supplement, p. 295.
5. Conference for the Codification of International Law, "Report of the Second Committee (Territorial Sea), Annex 1." *The American Journal of International Law*, July 1930 Supplement, p. 240.
6. Article 14. 1. Subject to the provisions of these articles, ships of all States, whether coastal or not, shall enjoy the right of innocent passage through the territorial sea.  
2. Passage means navigation through the territorial sea for the purpose either of traversing that sea without entering internal waters, or of proceeding to internal waters, or of making for the high seas from internal waters.



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7. *First Conference on the Law of the Sea*, v. II, p. 259.
8. Jessup, p. 120, 123.
9. "The Law of Territorial Waters," p. 295 (article 14 and comment thereon).
10. Additional restrictions on the exercise of innocent passage in cases of ships proceeding to or from internal waters were, however, included in articles 17(2), 20(2), and 21(3). Article 14(2) reflects the basic policy behind according a right of innocent passage: the desirability of promoting the widest and freest use of the seas for all nations, while maintaining in proper balance the interests of coastal states.
11. Smith, p. 46.
12. Jessup, p. 123.
13. "3. Passage included stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary for *force majeure* or by distress."
14. *Force majeure* may be a storm, action of mutineers or pirates, or shortage of food or other essential supplies not caused by the ship's own improvidence. "Judicial Decisions Involving Questions of International Law; General Claims Commission--United States and Mexico, Kate A. Hoff v. United Mexican States," *The American Journal of International Law*, October 1929, p. 860.
15. United Nations, International Law Commission, *Yearbook*, 1956, A/CN.4/Ser.A/1956/Add.1 (New York: 1957), v. II, p. 272.
16. *First Conference on the Law of the Sea*, A/CONF. 13/39, v. III, p. 85.
17. *Ibid.*, A/CONF. 13/C.1/L.23, p. 76.
18. *Ibid.*, p. 83.
19. *Ibid.*, p. 85.
20. *Ibid.*, p. 87, 229.
21. "Report of the Second Codification Committee," p. 241, 246.
22. International Law Commission, *Yearbook*, 1956, v. II, p. 274. "Article 17. Foreign ships exercising the right of innocent passage shall comply with the laws and regulations enacted by the coastal State in conformity with these articles and other rules of international law and, in particular, with such laws and regulations relating to transport and navigation."
23. Article 16. 1. The coastal State may take the necessary steps in its territorial sea to prevent passage which is not innocent.
  2. In the case of ships proceeding to internal waters, the coastal State shall also have the right to take necessary steps to prevent any breach of the conditions to which admission of those ships to those waters is subject.
  3. Subject to the provisions of paragraph 4, the coastal State may, without discrimination amongst foreign ships, suspend temporarily in specified areas of its territorial sea the innocent passage of foreign ships if such suspension is essential for the protection of its security. Such suspension shall take effect only after having been duly published.
  4. There shall be no suspension of the innocent passage of foreign ships through straits which are used for international navigation between one part of the high seas and another part of the high seas or the territorial sea of a foreign state.
24. The Hague, International Court of Justice, *Reports of Judgments, Advisory Opinions and Orders* (Leyden: Sijthoff, 1949), p. 4.
25. *Ibid.*, p. 29. English translation by the author.
26. *Ibid.*, p. 32.
27. International Law Commission, *Yearbook*, 1956, v. II, p. 273.
28. *First Conference on the Law of the Sea*, v. III, p. 94.
29. *Ibid.*
30. *Ibid.*
31. *Ibid.*, p. 93, 95.
32. *Ibid.*, p. 96.
33. *Ibid.*, v. II, p. 65.
34. *Ibid.*, v. III, p. 100; v. II, p. 65.
35. *Ibid.*, v. III, p. 100; A/CONF. 13/C.1/L.44, p. 222.
36. *Ibid.*, p. 95, 100.
37. International Law Commission, *Yearbook*, 1956, v. II, p. 273.
38. *First Conference on the Law of the Sea*, v. III, p. 77-78.
39. *Ibid.*, p. 220.
40. *Ibid.*, p. 218. "Article 15. 2. The coastal State is required to give appropriate publicity to any dangers to navigation, of which it has knowledge, within its territorial sea."



41. "Report of the Second Codification Committee," p. 243.
42. Jessup, p. 120.
43. "Report of the Second Codification Committee," p. 243.
44. International Law Commission, *Yearbook, 1956*, v. II, p. 256.
45. *First Conference on the Law of the Sea*, v. II, p. 67.
46. The Hague, International Court of Justice, *The Corfu Channel Case* (Hague: 1950), v. II, p. 292-293.
47. U.S. Treaties, etc., *United States Treaties and Other International Agreements* (Washington: U.S. Govt. Print. Off., 1964), v. XV, pt. 2, p. 1645, 1646, 1655, 1665, 1669, 1670.
48. International Law Commission, *Yearbook, 1956*, v. II, p. 256.
49. U.S. Naval War College, *International Law Situations, 1908* (Washington: U.S. Govt. Print. Off., 1909), p. 216.
50. U.S. Naval War College, *International Law Situations and Documents, 1956* (Washington: U.S. Govt. Print. Off., 1957), p. 4-48.
51. *Norway No. 1 (1950), British Command Paper No. 8012*, reproduced *Ibid.*, p. 30-48.
52. Hague Convention XIII has generally been held to express the customary international law applicable to World War II. *Ibid.*, p. 11-12.
53. "Article 12. In the absence of special provisions to the contrary in the legislation of a neutral power, belligerent warships are not permitted to remain in the ports, roadsteads, or territorial waters of the said power for more than 24 hours, except in the cases covered by the present Convention." U.S. Naval War College, *International Law Situations, 1908*, p. 216.
54. U.S. Naval War College, *International Law Situations and Documents, 1956*, p. 15.
55. U.S. Naval War College, *International Law Studies, 1955*, p. 383.
56. *Ibid.*, p. 391.
57. Richard R. Baxter, *The Law of International Waterways*, (Cambridge: Harvard University Press, 1964), p. 205.

### III--RECENT INCIDENTS INVOLVING INNOCENT PASSAGE

1. United Nations, Security Council, *Official Records, Debates of 24 May 1967*, S/PV. 1342 (New York: 1967). (In the Security Council debates this action was referred to as a "blockade.")
2. The Gulf of Aqaba is a long, narrow gulf on the east side of the Sinai Peninsula, bordered by the United Arab Republic on the west, Saudi Arabia on the east, and by Israel and Jordan at the northern end. Length of the gulf is about 96 miles; breadth at entrance, about 5-¾ miles; maximum width, about 15 miles. Entrance is by means of two navigable channels through the Straits of Tiran, of maximum widths of about 1,300 yards and 950 yards. *First Conference on the Law of the Sea*, v. I, p. 208.
3. United Nations, Security Council, *Official Records, Israel and United Arab Republic*, S/PV. 1341 through S/PV. 1345 (New York: 1967).
4. *Ibid.*, S/PV. 1343, p. 31-38.
5. "The Republic of El Salvador v. the Republic of Nicaragua (1917)," *The American Journal of International Law*, July 1917, p. 674-730.
6. *Ibid.*, p. 705.
7. *Ibid.*, p. 700.
8. United Nations, Security Council, S/PV. 1343, p. 67-68.
9. "Department Announcement, February 17." *The Department of State Bulletin*, 11 March 1957, p. 392-393.
10. United Nations, Security Council, *Official Records, Resolutions and Decisions of the Security Council 1951*, S/INF/6 Rev. 1 (New York: 1956), p. 11.
11. Charles B. Selak, Jr., "A Consideration of the Legal Status of the Gulf of Aqaba," *The American Journal of International Law*, October 1958, p. 676-677, 692.
12. *Second Conference on the Law of the Sea*, A/CONF. 19/4, p. 162.
13. United Nations, Security Council, S/PV. 1343, p. 41.
14. Selak, p. 680.
15. "The United States Calls for Restraint in the Near East," *The Department of State Bulletin*, 12 June 1967, p. 870-871.
16. United Nations, Security Council, S/PV. 1343, p. 17.
17. *Ibid.*, S/PV. 1344, p. 47.
18. Oppenheim, v. I, p. 508-509; Leo Gross, "The Geneva Conference on the Law of the Sea and the Right of Innocent Passage through the Gulf of Aqaba," *The American Journal of International Law*, July 1959, p. 576.



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19. "Soviet Union Bars Completion of U.S. Scientific Voyage," *The Department of State Bulletin*, 18 September 1967, p. 362.

20. U.S. Treaties, etc., *U.S. Treaties and Other International Agreements* (Washington: U.S. Govt. Print. Off., 1964), v. XV, pt. 2, p. 1670.

21. William E. Butler, "The Legal Regime of Russian Territorial Waters," *The American Journal of International Law*, January 1968, p. 68.

22. Baxter, p. 168.

23. Baxter, p. 3; Daniel P. O'Connell, *International Law* (Dobbs Ferry, N.Y.: Oceana, 1965), p. 563.

24. Oppenheim, p. 512.

25. Baxter, p. 9.

26. International Court of Justice Corfu Channel Decision, p. 106.

27. O'Connell, p. 563.



AUTHORITY TO USE FORCE ON THE HIGH SEAS

by Myres S. McDougal

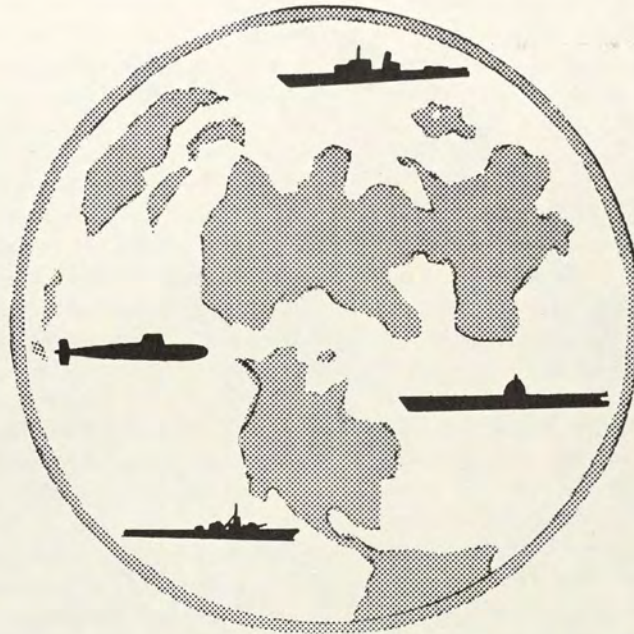
It is lawful for states to employ force on the oceans, in contexts short of war, for military use and maintenance of order in times of peace, for self-help in protecting national interests, and for self defense of national territorial integrity and political independence. Examples are the Gulf of Tonkin incident and the Cuban quarantine.

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## **AUTHORITY TO USE FORCE ON THE HIGH SEAS**

**Professor Myres S. McDougal**

A lecture delivered to the  
Naval War College  
on 19 September 1967

Professor Spencer, Captain Lewellen, Captain Chase, and friends. Under ordinary circumstances I would say that it's a very great pleasure to be with you. I've been coming to the War College for some 15 years and have made many warm and continuing friendships here. I know and honor the tremendous contribution that the College has made

to the clarification and development of international law over the years.

On this particular occasion, however, I'm somewhat embarrassed. When Professor O'Connor telephoned some months ago and invited me to talk to you, I very happily accepted — without paying very much attention to the subject he suggested. A few weeks ago I



got out the materials, read the topics, and suddenly discovered that the topic he had given me was the only one on the long list that I didn't know anything about. I'd assumed that the topic would be something like "aggression and self-defense," the stuff Jim Hogg was talking to you about the other day and about which I had written a book. I telephoned Professor O'Connor and asked him what he was doing to an old friend and colleague. He just laughed and said, "Well, the people over at the College have been assigned so much of your stuff to read they should at least have a chance to see you and take a few cracks at you." After several day's work on this topic I discovered to my satisfaction that nobody knows very much about it. Hence I appear before you in much more comfort than I had expected to.

I propose to organize my remarks in this way: First, we will consider an appropriate delimitation or clarification of the general problem before us. I begin this way because I don't trust my civilian predecessors: I'm not quite sure that they have properly clarified international law, the law of the sea, aggression, self-defense, and so forth for you. After this clarification of the general problem, we will devote ourselves to four major types of specific problems. The first involves simply the military use or enjoyment of the oceans in times of peace. The second will relate to the maintenance of order upon the oceans in times of peace — the implementation of claims to jurisdiction. The third will relate to extraordinary measures in self-help for the protection of national interests. The fourth will relate to self-defense of national territorial integrity and political independence.

You will observe that the latter two types of problems are very closely related. Self-defense is merely a dramatic form of self-help. The latter two types

of problems, taken together, differ sharply from the first two in that their occasion is a prior unlawful use of force by somebody other than the party claiming to employ force in self-help. The first two types of problems are independent of anybody's unlawful use of force. The latter two are dependent upon somebody else's unlawful use of force. The reason I reorganize the problems in your syllabus in this way is to attempt to clarify the fundamental community policies that are at stake in each type of problem. The common interest of peoples differs considerably about these different types of problems. I propose to cover everything in your syllabus but in a slightly different order.

Now let's proceed to our first task, the more precise delimitation of the general problem with which we are concerned. This does call for a realistic understanding of international law in general and of the law of the sea in particular.

If we look about us on a global scale today, I think we can all see that all peoples are caught in a world process of effective power. The interdeterminations, the interdependences of peoples are such that we today have a power process, an effective power process, which is global in its reach. The decisions that are taken in Peking affect what's done in Washington or Moscow and vice versa. No state has complete freedom of effective choice today. We are all scorpions in the same bottle.

When we look more closely at these effective power decisions I think we can see that they are of two different kinds. There are some choices that are made and enforced by simple naked power or by calculations of expediency. There are, however, other decisions that are taken from perspectives of authority. By this I mean that they are made by the people who are expected



to make them; that they're made in accordance with community expectations about how they should be made; that they're taken in structure of authority, courts, or legislatures, or interactions between foreign offices; that the people who make such decisions have enough effective power to put them into practice in a consequential number of instances; that the decisions are taken by employment of authorized procedures; and that the different types of decisions taken embrace the whole gamut necessary to ordering the larger community in which we live.

It is these latter decisions, those that are taken from perspectives of authority, that we appropriately call international law. International law is something more than the words that you read in all these books. It's not simply, as in the traditional definition, a body of rules that governs the relations of states. It is much more. It is the process of actual decision by which the affairs of the world are ordered in an effort to clarify and implement the common interests of the peoples of the world.

If, further, we look more closely at these decisions taken from perspectives of authority, as contrasted with those taken by naked power, I think that we can see that they too are composed of two different kinds of decisions. The first we call the constitutive or "constitutional decisions—the decisions which establish the process of authoritative decision. These are the decisions which determine who the authorized decision-makers are; what the appropriate basic community policies are; what the established structures of authority are; what far-reaching decisions are authorized procedures what bases of power are to be put at the disposal of decisionmakers for the enforcement of their choice; and so on.

The second type of decision we call the public order decisions. These are

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#### BIOGRAPHIC SUMMARY

Professor Myres S. McDougal received his A.B., A.M., and LL.B. from the University of Mississippi, his B.A. and B.C.L. from the University of Oxford; and his J.S.D. from Yale University.

Presently Sterling Professor of Law at Yale University Law School, Professor McDougal has been Assistant Professor at the University of Illinois, Attorney and Assistant General Counsel for the Lend-Lease Administration, General Counsel for the Office of Foreign Relief and Rehabilitation Operations, and Counsel to the Royal Government of Saudi Arabia in Aramco Arbitration at Geneva. He was Vice President and later President of the American Society of International Law.

Professor McDougal has published several law books and articles in many legal journals.

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the decisions which establish the protected features of all value processes other than power — which affect the production and distribution of wealth, the sharing of enlightenment, respect (civil liberties, human rights), health, freedom of association, and so on through all the values we cherish in contemporary society. These are the decisions which establish the protection that the nation-states — or international governmental organizations, or private business associations, or the individual human being — get out of the larger constitutive process. Similarly, they are the decisions which determine the protection afforded peoples in the use of resources — the landmasses, the ocean areas of the world, the airspace over the ocean, outer space, and the polar areas. In these terms, you see, the law of the sea — the public order of the oceans — is simply a part of the larger global public order protected by world constitutive process.



If I had time I would spell out for you some of the principal features of this world constitutive process. It parallels, and is entirely comparable to, that which prevails in our more mature nation-states. For the moment, there are just a few points I would emphasize. The first is that the principal authorized decisionmakers in this process are in the first instance the officials of nation-states, and these even include naval officers. There is, of course, a great range of authorized decisionmakers, including the officials of international governmental organizations as well as nation-state officials of many different types and degrees, but for our present purposes this range is not important.

The second point I would emphasize is that this process of authoritative decision, this constitutive process, is established and maintained by people who dispose of effective power in order to clarify and implement their common interests and to reject all claims of special interest against the community. In other words, international law is, as suggested above, a process by which the effective elites of the world clarify and implement their common interests. We will build on this in the description of the law of the sea.

Another feature of constitutive process which could be emphasized is the tremendous proliferation today of structures of authorities, the growth of international organizations and of arbitral tribunals, and the increase of interaction from foreign office to foreign office. We could also note the gradual putting into the hands of all these decisionmakers of enough effective bases of power to put their decisions into effect. In view of the shortness of the time, we should perhaps, however, turn immediately to the law of the sea.

The law of the sea is, as we have emphasized, an important part of the

public order that is protected by the larger global processes of constitutive decision. If we had a sharp focus on all the ocean areas of the world as in Admiral Hearn's famous map illustrating all the various zones, we would begin with the internal waters, the harbors and inland waters, and find that the authority of the nation-state is fully comparable to what it is on the landmasses, with relatively arbitrary control over access. Even here, however, we could observe that there is a shared competence, a shared authority — with the state of the flag being accorded a certain competence over events on board these vessels, and with government ships, military vessels in particular, being largely immune from coastal assertion. Moving outward to the territorial sea, we note that the competence of the coastal state is slightly less: It no longer has any right to preclude access; it may assert its authority to make and apply law to ships within this area, to events occurring within the area, but in practice it concedes a still larger competence to the flag ship. When we move out further into contiguous zones, we find that the coastal state may assert its authority to make and apply laws to the ships of other states, but here it has to show good cause, it has to have good reasons in the protection of its internal community processes. Within the territorial sea, the application by the coastal state of its law, if it demands such, is relatively automatic. Beyond the territorial sea, out in the high seas, we're supposed to have a domain of shared competence. This competence is established and maintained by the application of a few very simple rules, and we need these before us if we're to understand what comes after.

The first rule is that every state is entitled to the enjoyment of this great sharable resource. It can send its ships



out without interference by other states. It can make and apply law to its own ships for interactions within the shared domain. The negative counterpart rules are that no state may preclude another state from sending its ships out, and that no state may make and apply law to the ships of other states except for violations of the law of the claimant state and for violations of international law. This whole structure, for protecting relatively unorganized but shared enjoyment, is held together by another linchpin principle, that of the nationality of ships: No state may question the competence of another state to confer its nationality upon a ship. This is, of course, especially true with respect to military vessels.

As emphasized above, this structure of decision, this great inheritance of the law at sea in the time of peace, continues to be maintained because experience has demonstrated to the effective elites of the world that it is by this kind of shared use that they can best maximize the interests and values of all peoples. Only the willfully blind could fail to see that the production and distribution of goods and services and the movements of people about the world have been tremendously facilitated by the cooperative pooling of capital and the specialization in skills that the historic freedom in the enjoyment of a great sharable resource has afforded.

Thus far we have been speaking of the law of the sea in time of peace. In time of war, of course, the rules and practices are very different. As I indicated when I accepted this assignment, I thought that I would be talking to you about the use of force in time of war. The assignment actually made to me is, however, in what is commonly called the "gray area," beginning in time of peace and coming on to time of war. It is commonly called "gray area"

because peace and war are highly ambiguous terms. The word "war" in particular has no stable, factual reference. It's rather a legalistic term to describe certain consequences of intense coercion between states on certain types of problems. If we talked in terms of facts, we would talk in terms of varying expectations of violence and of varying applications of the military instrument with differing degrees of intensity in coercion from the most modest to the roughest. It is only the very rough extremes of coercion, and not in all instances of such rough extremes, that we get this word "war" applied.

Our assignment today is, hence, to consider when it is lawful for a state to employ force on the oceans in contexts short of the state of extreme violence to which the word "war" may be appended and in contexts of extreme violence when the word "war," for various reasons, is not appended. It has already been suggested that there are four major types of circumstances or problems under which this question of the application of force may become an issue. Let's examine each of these. Because of the shortness of time I will pass over rather quickly the problems that are relatively noncontroversial.

The first set of problems is the easiest. These relate simply to the military use or enjoyment of the oceans. With respect to any of the great sharable resources — the oceans, the airspace, outer space — there are certain basic, recurrent types of claims. There are claims to access for use and enjoyment; there are claims to jurisdiction, to make and apply law with respect to activities in use and enjoyment; and there are claims to the appropriation of particular resources found in the domain of shared enjoyment. Here we are concerned only with the first two of these recurrent types of claims. And



for the moment only with access for use and enjoyment.

You will remember that the basic policy of the law of the sea is to promote the utmost use and enjoyment of the oceans for the benefit of all peoples. Now think for a moment. This use couldn't possibly go on securely, with protection of the stable expectations necessary to initiative and development, without the use of the military instrument. Mankind has never yet been able to organize cooperative activity on a grand scale without some threat of force, some potentiality of force, in the background. The seas are no different from the landmasses in this respect. International law is no different from national law. Hence, it's not surprising that the military use of the oceans, the ordinary use of the oceans for military purposes, is one that's very highly honored in international law.

This commonsense policy is carried still further. Even the preparation for military use is highly honored. For centuries fleets have been given a special right of way. States have been permitted to set aside areas of the ocean for military maneuvers and exercises. Vast areas of the ocean are sometimes roped off for this purpose. There are no great difficulties about this. I'm sure that you're familiar with those procedures by which these uses are established and protected, and force is authorized and may be used to protect these uses. Former Assistant Attorney General Norbert Schlei, when he was one of your correspondent students, and I wrote an article on this in the *Yale Law Journal*. It's in the collection of essays we call "Studies in World Public Order" and collects the authorities on this in very great detail.

This article with Mr. Schlei, as a whole, is addressed to our next assigned problem, which cuts a little deeper.

This problem involves setting aside of areas of the oceans for weapons test purposes. The main issues were raised very acutely by our Bikini and Eniwetok tests. In this instance we set aside a large area of the ocean for nuclear tests. There was a tremendous cry from many quarters that this was unlawful. What Mr. Schlei and I set out to do in our article was to establish the lawfulness of these tests, and we proceeded in this way. We pointed out that the basic rules, the basic policies of the law of the sea, like those employed on the landmasses in any national community, travel in pairs of complementary opposites. This must always be true in a pluralistic society in which there are many claimants and many interests and a democratic preference for sharing and accommodation. Thus, there is one set of principles which protects the inclusive interests of people — the shared enjoyment in transportation, communication, cable laying, flying, and so forth comprising the "freedom" of the seas. Contraposed, there is another set of principles, mentioned earlier, that protects the exclusive interests of all people — their interests in their internal waters, the territorial sea, the contiguous zone, and the continental shelf. These exclusive interests are, of course, equally the common interests of all people. Though no two states have precisely the same internal waters, or precisely the same territorial sea or contiguous zone requirements, all states need to protect the activities on their landmasses from threats and dangers from the oceans. Hence, it is not surprising that we have a set of principles which honors and protects these exclusive interests which are entirely complementary to the principles designed to protect inclusive interests. The function of a decisionmaker in any particular instance in which these interests have come into conflict can only



be to accommodate and reconcile them in a way best to promote the long-term, common interests of the whole of mankind. We concluded, therefore, that the people who asserted that freedom of the seas was an absolute were simply deluding themselves. There are no absolutes in international law or any other law, at least in a democratic free society. In this instance the rational legal task was patiently to identify what exclusive interests the United States was trying to protect and what inclusive interests were being damaged by its activity. We found, of course, that practically no inclusive interests were being injured in the slightest by the United States tests. Ships would have to go 200 miles out of the way to get into the area. It was well off any of the beaten tracks for both navigation and flying. It would interfere with only an infinitesimal fraction of Japanese fishing. The exclusive interest of the United States, on the other hand, was to prepare weapons that could be used for the defense, not only of the United States but also of its allies — of what we chose to call the whole free world. From these perspectives we urged that our use of the ocean was clearly lawful within the compass of the inherited principles of international law.

I now think that we made an overkill. In putting our activities under the label of anticipatory self-defense, we made perhaps a stronger argument than we needed to make. As my studies deepened I discovered that the concept of self-defense is not necessary for this purpose. The concept of self-defense is more appropriately used with respect to an enemy who is immediate and specific, directly threatening with military force. In the Pacific tests the activity of the United States was not directed against any particular enemy. There was no threat to use the military instru-

ment against any other particular state. It was an effort simply to make an exclusive use of the ocean area for a particular purpose not explicitly forbidden by any inherited principle.

Since that time, of course, the Russians have made a comparable use of the oceans. The French have also made their tests. It gave me great pleasure to see that one might be able to argue that the French tests were unlawful. If one balances all the various interests carefully, the way Mr. Schlei and I recommended, it might be possible to give General de Gaulle a pretty hard time on the reasonableness of his particular activities.

Hence, I think we can conclude, with respect to our first major type of problem, that the states of the world are accorded a very broad authority to enjoy and use the oceans with the military instrument. It is interesting to contrast attitudes toward the use of the oceans with some attitudes toward the use of outer space. As a nonmilitary man I've wondered a little about this. People seem to get tremendously excited about the use of outer space for military purposes. You will remember that the Indian Government and a number of others tried to define the "peaceful" uses of outer space in a way to exclude the use of the military instrument. For a layman it seems just a little funny that people can get so excited about potential espionage and nuclear threats from space vehicles and yet pay very little attention to possible comparable threats from oceangoing vessels. Maybe some of you can explain the factors that make a difference.

Let's now turn to the second principal problem — the maintenance of order upon the oceans, the claims to jurisdiction. Had we spelled out the details of the world constitutive process mentioned earlier, one of its principal characteristics would have been ob-



served to be its decentralization — the absence of centralized legislative, judicial, executive, and enforcement agencies. International law has depended largely upon the unorganized, unilateral making and enforcement of law by nation-states. The principal authorized agents of international law are the officials of nation-states. If, thus, order is to be maintained in the beneficent, but highly complex, use of the oceans, then it is the officials of nation-states who must maintain it.

As suggested earlier, no community in modern times has been able to maintain order without having in the background either the threat, or use, of force. It is not surprising, therefore, that the officials of nation-states have been authorized to assert force upon the oceans in the maintenance of order upon two different grounds: First for the protection of their exclusive interests, and secondly for the protection of their inclusive interests.

In our discussion above we saw that states are authorized by international law to make law for their internal waters — to regulate the use of these waters, to decide who can come in, who has to keep out, what they can do while they're in there. For protecting the community processes on their landmasses, states are similarly authorized to regulate the use of their territorial sea, to control passage and interactions with their shores. Though there is a right of innocent passage, it has to be innocent and is subject to regulation. When necessary and reasonable, states may protect themselves still further by extending contiguous zones out beyond the territorial sea. During World War II we had a contiguous zone for security that went out as far as 1,200 miles. It was not protested by anybody. Today we assert air identification zones that go out as far as 600 miles or beyond. In addition, there are the recent

developments with respect to the continental shelf; the coastal state is entitled to the mineral resources of the shelf and certain fisheries.

The point to which I have been building up is this: The authority to prescribe law, to make law, if it is to have any meaning must carry with it the authority to apply the law, decide what it is in particular instances, and to enforce it. It would be utterly futile, of completely illusory consequence, if the coastal state were to be authorized to make law for all these areas and problems but be denied the competence to apply the law it makes. I say this with some vigor, because I think you have been misled by some of the writings to which you've been exposed. There is a suggestion, which stemmed originally from some unhistorical discussion in the International Law Commission, that states cannot employ force to protect their contiguous zones. This suggestion was carried over into one of your Blue Books, apparently written by one of my former students, Professor Carl Franklin of the University of Southern California, that states are not authorized to use force to protect weapons test areas. I submit to you that such limitation is contrary to the practice of several centuries with respect to all kinds of areas of exclusive interest and makes no sense by any rational standard of clarification of reciprocal common interests. I won't go into this in detail, but Mr. Burke and I have collected the authorities on this for every type of area. It is our conclusion that you can be reasonably sure that states are authorized by international law to employ force when it is necessary to apply any law which they are authorized to make for the protection of their various exclusive interests.

A comparable competence is, similarly, established for the protection of the inclusive interests. You will remember



that we found above that upon the high seas each state is authorized to apply law to its own ships for all purposes and to the ships of other states for violations of international law. There are a number of historic examples of this competence.

The simplest example derives from the policy of guaranteeing the nationality of ships — of making certain that every ship on the ocean is responsible to some state and that such state is responsible for the conduct of that ship. As you all know, you do have limited rights of inquiry to ascertain the nationality of a ship, to see that it has a nationality. If it turns out that a ship has no nationality, it gets very little protection under international law today.

This plight of the ship without nationality is illustrated in the famous case, discussed in your materials, of the *Naim Molvan* [1948 A.C. 351]. The British came upon the ship some miles off the coast of Palestine. It ran up several flags and ran them all down before the British warship could get to it, but when it was boarded, it was discovered that it had no nationality and was running refugees. It was held perfectly lawful for the British to treat the ship quite arbitrarily; it just got no protection from anybody.

This policy is carried out much more sharply with respect to pirates. The paramount policy in maintaining the public order of the oceans is that every ship must be responsible to some state which is in turn responsible for it. An implementing policy is that if a ship has no nationality it may be treated, as the *Naim Molvan* was treated, like a pirate ship which gets no protection. Anybody who catches pirates, people who are committing private depredation for private purposes upon the oceans, may apply force to them. There are conventions which

extend the same policy to slave trading and a few other relatively minor activities.

The principal point I wish to make, for the moment, is that, by and large, the maintenance of order upon the oceans is a function of the application of force by the ships of nation-states. Just as we don't have an international police force, we have no organized, comprehensive, collective enforcement agency for international law. All we have is the unorganized, unilateral competence and responsibility of individual states. Anybody who undercuts this, who says that it doesn't exist for any of these important purposes, is really striking at the stability of the order that can be maintained upon the oceans. I don't think that this kind of a strike can succeed.

We come next to the third major type of problem, that of self-help in the protection of national interests. To the facts that we have previously been considering we now add the new fact that some other state has already acted unlawfully toward the claimant state. Both self-help and its derivative, self-defense, are dependent for their legal characterization upon the prior fact that somebody else has acted unlawfully. With respect to these problems there have been, in recent years, great doctrinal developments and much contention among the doctors. Prior to the United Nations Charter, as you know, even major violence — war, aggression, breach of the peace — was not unlawful. By curious paradox, there grew up certain rules purporting to limit minor violence — minor coercion, reprisals, retaliations, retortions, et cetera. There are dozens of equivalent synonyms here. Self-help is perhaps the generic term that is more useful than any of the technical synonyms. For self-help, so generalized, the doctrine developed that it had to be necessary and proportional.



The limits, when spelled out, were cast essentially in the same terms that we will observe for self-defense. Before 1945 these limits didn't make much difference, because if one irritated the attacker enough, he'd simply declare war, and all limits would be off. Since states could easily transmute a minor coercion into a major coercion and escape the prescribed limits, the limits were relatively inconsequential.

In 1945, however, came the United Nations Charter with a series of new limitations upon the use of major coercion. Several clauses of the Charter are relevant. The principal clauses are articles 2(4) and 51. Article 2(4) reads this way: "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations." This is the principal prohibition.

The principal authorization of force is in article 51 which reads this way: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations . . ."

It has been argued, in the light of these and other articles, that only two kinds of uses of force, transnational force, are now authorized. One is the self-defense that is authorized under article 51, the other is the collective police action of the organization which is authorized in chapter VII of the Charter. I'm ashamed to confess that at one time I lent my support to the suggestion that article 2(4) and the related articles did preclude the use of self-help less than self-defense. On reflection, I think that this was a very grave mistake, that article 2(4) and article 51 must be interpreted differently. There is some evidence that it was

the intent of the framers of the Charter to achieve this prohibition. What are called the *travaux préparatoires* do contain some suggestion that self-defense and collective police action were intended to be exclusive, but the *travaux préparatoires* are not the only source of criteria for the interpretation of the Charter.

There are other principles of interpretation. One principle, perhaps the most honored among states, is that of interpretation in accordance with the major purposes of the parties, sometimes called the principle of effectiveness. Another principle is that of interpretation in accordance with subsequent conduct of the parties. It is not the preliminary negotiations, and not the words of the Charter only that create contemporary expectations about the prescriptions of the Charter, but the words of the Charter, the words that preceded it, and the whole subsequent flow of words and interpretation by conduct which are relevant to the interpretation of what the law is today.

From this perspective the first important fact is that the machinery for collective police action projected by the Charter has never been implemented. We don't have the police forces for the United Nations, the collective machinery that were expected to replace self-help. In other words, there has been a failure in certain of the major provisions for implementing the Charter.

If, in the light of this failure, we consider how we can now implement the principal purposes of minimizing coercion, of insuring that states do not profit by coercion and violence, I submit to you that it is simply to honor lawlessness to hold that the members of one state can, with impunity, attack the nationals — individuals, ships, aircraft, or other assets — of other states without any fear of response. In the absence of collective machinery to protect



against attack and deprivation, I would suggest that the principle of major purposes requires an interpretation which would honor self-help against prior unlawfulness. The principle of subsequent conduct certainly confirms this. Many states of the world have used force in situations short of the requirements of self-defense to protect their national interests. I think it can be said also that the International Court of Justice has put its approval upon this practice. In the *Corfu Channel* case the Court did hold that it was unlawful for Great Britain to sweep the channel of mines, but it didn't put much of a penalty on Britain even for that. And it further held that it was perfectly lawful for Britain to assert its rights by force, to send its warships through the straits with the guns mounted and ready for action if necessary.

Hence, if I had the opportunity to rewrite the book with Mr. Feliciano in which we mildly questioned the lawfulness of self-help less than self-defense, I think I would come out with a different conclusion, as many people have.

Such a conclusion would not mean that the use of force for self-help — to protect national interests, national ships, national individuals, and so forth against prior lawlessness — is without limits. Such use of force must be subject to limitations comparable to those that self-defense is subject to, with due allowance for the difference in context. It is subject to appropriate requirements of necessity and proportionality. One can find a great many historic examples for reading content into these requirements. One of the best recent expositions of this historic experience is by Professor and Mrs. A. J. Thomas of Southern Methodist University in their study on the Dominican crisis of 1965 for the Hammarskjöld Forum, published by the New York City Bar Association. This contains, I believe,

the presentation that best reconciles the common interests of all mankind in the regulation of these matters of self-help.

For final discussion we turn to the difficult problem of self-defense. Self-defense, properly understood, is but the most dramatic example of self-help. It involves a demand to use the military instrument against an alleged attacker for the protection of territorial integrity and political independence. The test for lawfulness commonly applied is that the target state may employ the military instrument when it reasonably feels, as third states may ultimately appraise reasonableness, that it is faced with a threat to its territorial integrity or political independence so imminent that it must itself immediately resort to the unilateral use of the military instrument in order to protect itself. This test involves two emphases. First, the attacker must have the subjectivity to attack the territorial integrity, the political independence, of the target. Secondly, it must engage in operations that are sufficiently consequential to put the target in reasonable apprehension of destruction.

Two of the cases upon which you have asked me to comment fall somewhere in the "gray area" between self-help, as indicated above, and self-defense, as now defined. Had we formulated for self-help the same kind of test that we have just formulated for self-defense, it would run something like this: If a state, an alleged target state, is subjected to a threat less intense than to its territorial integrity or political independence but to major exclusive interests — such as involving damage to its ships or other national assets — of such intensity that it reasonably thinks that it must employ the military instrument to protect such interests from destruction, it may do so as indicated. I believe this is the pre-



scription which is achieving a contemporary customary consensus.

Before addressing ourselves to the Gulf of Tonkin incident, we might look quickly at Operation Market Time. The regulation projected here was, I gather, framed to meet the requirements of a contiguous zone. You will recall that the convention on contiguous zones which came out of the Geneva Conference in 1958 attempted to confine states to a contiguous zone of 12 miles only and to limit the purposes for which contiguous zones can be established only to the protection of immigration, customs, fiscal, and sanitary regulations. The Convention deliberately left out security. This again, I think, was hopeless confusion. Some participants in the Conference insisted that security should be left out because self-defense was enough to protect states: States didn't need contiguous zones for security. On the face of the matter, this is largely nonsense. The requirement for establishing a contiguous zone for security, such as the one we had in World War II which went out 1,200 miles, has traditionally been only that the zone be reasonable. The requirements for self-defense are, as we have just seen, necessity and proportionality — much stricter requirements.

I do not believe that the states of the world can live with the contiguous zone provisions of the Geneva Convention. These provisions would repeal literally hundreds of statutes long regarded as of importance to national welfare, of the United States and of other states. Self-defense alone is not an adequate concept to serve the security needs of states in the contemporary world. Sooner or later we will wake up and get rid of these limiting restrictions on purpose and distance.

The Market Time provisions are the best demonstration of the unworkability of the Geneva Convention. Note first

this fantastic limitation to 3 miles; then one can go out for a few more purposes to 12 miles. It is incredible to me that this operation could be effective if it stops at 12 miles. It would appear an utterly futile thing within such limits. Rather than trying to live within the sort of straitjacket exemplified in these regulations, it would have been openly to invoke the doctrine of self-defense for exercises anywhere on the ocean. The requirements of necessity and proportionality would appear easily met.

The Tonkin Gulf incident came in 1964, as I recall. As a layman I'm not as familiar with the fact here as you may be, but it is my understanding that two of our warships were attacked upon the high seas some 30 miles off the shores of North Vietnam by torpedo boats in fog or darkness and that we responded in two ways. First, we struck back at the boats, the torpedo boats, and destroyed a number of them; secondly, we later bombarded certain parts of the North Vietnamese shore. All this was before we were as deeply involved in the hostilities as we now are. With respect to the immediate reaction to the torpedo boats, I don't think there can be the slightest doubt. This can be put under self-defense or even under self-help that we were discussing earlier. Here our assets, our bases of power are being attacked; hence, we can use such force as is necessary and proportional to protect them.

With respect to the bombardment of the shore, a question is raised comparable to that raised by the Israeli occupation of Syria: Whether in assertion of self-defense a state can go beyond the immediate repelling of the attack and prepare itself to prevent attacks in the future. I gather that our objective of bombarding the shore was simply to discourage future incidents of the same kind — to demonstrate our de-



termination to be there, to assert our rights both to enjoy the oceans and to assist South Vietnam if we chose to. The important question is: Was the bombarding that we did reasonably proportional to these perfectly lawful purposes? Subsequent events would appear to have answered very definitely in the affirmative. At that time we did not know how deeply China was involved or how deeply Russia was involved. We didn't really know who the enemy was. Extreme measures could reasonably be said to be necessary to discourage whoever was engaging in these attacks. Since that time the North Vietnamese, of course, have openly attacked South Vietnam, and we have gone to the defense of South Vietnam. The mere fact that the attacks have continued and intensified gives us, I think, an appropriate verdict of both necessity and proportionality.

Let me say just one or two words about a clear self-defense type of situation, the Cuban quarantine. Remember that the test for lawfulness here is whether or not Russia had the subjectivities of attack and was engaging in operations which reasonably put us upon apprehension of danger to our territorial integrity and political independence. Fully to make such a case would require a careful contextual examination of all the facts: Who the parties were, what their objectives were, what the time and geographic features of the situation were, what bases of power the parties were bringing to bear, what strategies they were employing, the intensities in expectations of violence, and so forth. As I said, the threat came from Russia — a state fully as powerful as we. Russia was moving into an area traditionally one of our defense areas. The Monroe

Doctrine had for decades asserted our special interest. Russia was moving with offensive weapons that would cut our reaction time down from 6 or 7 minutes to some 3 minutes. Her objectives were obviously expansive, not simply conservatory. This was an area in which she hadn't previously asserted a military presence of such magnitude. A disinterested observer could easily spell out the requirements for necessity and proportionality. The response that we made was as limited as it could possibly have been and still have used the military instrument. The use of the military instrument upon the oceans is much less grievous than its use on the landmasses; it can be used upon the oceans with much less destruction of the bases of power of other states. Hence, many observers have had no difficulty in finding the Cuban quarantine lawful.

If time permitted I would apply the fundamental policies relating to self-defense and aggression to other instances such as in the Arab-Israeli conflict or Vietnam. I'm sure that you're deeply engaged in such study. Perhaps I should now simply reemphasize that the basic policies that control all four types of problems with which we have been concerned are the common interests of the people who hold effective power in the larger arena. All claims must be made with a promise of reciprocity and mutuality. From this perspective a very broad and comprehensive use of force for the unilateral maintenance of public order upon the oceans can be justified in the contemporary world — especially in the light of the failure of the United Nations adequately to centralize an effective collective peace force.















## PEACEKEEPING AND PEACEMAKING

by Lincoln Bloomfield

Method of manning and financing UN emergency forces are presented. Mr. Bloomfield then states that UN prestige should not be at stake with each decision, that outside organizations' efforts should be enlisted, that the United States must realize that not all decisions will coincide with her interests, and that international peacekeeping activities must continue.

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## PEACEKEEPING AND PEACEMAKING

*By Lincoln P. Bloomfield*

**I**F conflict in Rhodesia or Viet Nam—or half a dozen other places—should develop in a way that makes a United Nations peacekeeping force desirable and even urgent, what would happen? Could such a force be organized? Would the Soviet Union and France try to block action if the force were created by the General Assembly? Where would the troops come from? Would they be authorized to use their weapons? Who would pay for the undertaking?

In the ten years since the creation of the first United Nations Emergency Force, no better alternative to U. N. peacekeeping operations has been devised for avoiding escalation at two danger points: violent small-power quarrels, and internal disorders of the Congo or Cyprus variety which threaten to draw in powerful outsiders. Regional organizations may offer an alternative in the future, but for today, U. N. peacekeeping seems the most likely method of dealing with potential crises at such points as Kashmir, if a third round ensues; Rhodesia, Angola or Mozambique; South West Africa; Guyana; Aden and South Arabia; any one of a dozen African states that are far from being nations and may have chronic border disputes; or South Africa, where the potential for violence is unlimited. Though without any fundamental consensus on political values, and lacking the firm foundation of community agreement about law and order, the United Nations may once more be expected to act as if it were a form of government. Diplomats gathered in alarm some midnight may once again ask, as Adlai Stevenson said Adam asked when Eve hesitated for a moment after his proposal of marriage, "Is there someone else?"

There will be no one else, but the sad fact is that the most important ingredients of effective peacekeeping—firm political support, a workable directive and consistent revenues—are likely to be missing. Their absence reflects the insufficient sense of community in a divided world, and as long as that situation persists, Dag Hammarskjöld's cautious ground rules for UNEF will remain generally valid. These rules called for at least a tacit agreement among the great powers; for the consent of the "host" government to be obtained, however prostrate the host might



be; for the force to be ad hoc in nature; and in general for the primary function of U. N. peacekeeping to be better comprehended by the word "police" than by the word "military."

Some elements of the ground rules have changed in the course of action. In the Congo, unlike Suez, the U. N. eventually reserved the right to decide the force composition without the detailed concurrence of a kaleidoscopically shifting government. Because British forces were already in position in Cyprus, they were absorbed into the U. N. force, without necessarily setting a precedent for great-power participation. In the Congo operation the U. N. developed a "sliding mandate" that in the end authorized the use of limited force.

It remains theoretically possible for a U. N. peacekeeping operation to be launched without the "host's" consent. The domestic jurisdiction barrier of the Charter has been crumbling since racial discrimination in the southern half of Africa began to be accepted by large U. N. majorities as a threat to international peace and security. But without United States financial and logistical support such operations seem remote, as does the possibility that any new U. N. mandate would authorize the initial use of force.

The chief difficulties today have to do with decision-making and financing. We do not know the thought processes that led Khrushchev to go along with U. N. peacekeeping efforts in Suez, Lebanon, the Congo and Cyprus, although undoubtedly one consideration was the generally favorable attitude of the Arab and African states. We can, however, comprehend the Soviet leaders' sense of outrage when in the late summer of 1960 they came to appreciate how damaging to their national purposes in central Africa a determinedly non-partisan U. N. operation could be. Above all, Moscow had not calculated that the U. N. Secretary-General could act as a genuine power factor in world politics, moving events in ways they could not control. Dag Hammarskjöld was thenceforth the target of savage attack and unrelenting opposition, as Moscow pressed for the same rules of control to be applied to the Secretariat as to all other international power structures into which the Soviet Union had entered. Soviet policy culminated in the adamant refusal to pay assessed shares of the cost of mounting the UNEF and Congo enterprises, retrospectively branded as "illegal."

It may be that if Moscow had stood alone its assault on peace-



keeping would not have made significant political headway. Coinciding as it did with General de Gaulle's sweeping *recul* of the French position in all international organizations which smacked of supranationalism, including a refusal to pay France's share of the Congo bill, the Soviet drive was potently reinforced. Isolated doctrinaire rigidity acquired the force of a movement.

Not surprisingly, the United States was also having second thoughts about the decision-making process in the U. N. Washington has increasingly favored the Security Council, where it retains the veto, over the "swirling majorities" of the Assembly, to the point of making unofficial suggestions that the Military Staff Committee be revived for peacekeeping direction. Nevertheless, in view of the cold war and the still-vivid memory of Korea, it reserves the right to mobilize the Assembly, and if Peking should gain entrance, the 1950 Uniting for Peace procedures would probably prove indispensable. The United States has lately reaffirmed the primary responsibility of the Council, while upholding the Assembly's authority to act when the Council is paralyzed.

The American stand on collective financial responsibility for peacekeeping reflected a steadfast posture of support, despite the sobering possibilities of U. N. troops engaged in actual combat, or of a U. N. operation some day running contrary to American wishes. The United States was prepared to support Article 19 and the principle of collective responsibility in spite of the fact that it could not be sure of keeping its "blocking third" vote in the General Assembly. But with a few notable exceptions there was little support either for a showdown on this issue or for the U.N.'s financial needs in general. As the crisis wore on, it became evident that Washington's options were in fact acceptance of a badly fractured world organization or the humiliation of backing down. It chose to back down, but exacted a price in terms of American support. Others had insisted on exemption from financial responsibility for activities anathema to them; henceforth the United States reserved for itself the same option, "if in our view, strong and compelling reasons exist for doing so." The sobering reality was that in one vital sense the United States had accepted the Soviet-French conception of a United Nations in which any member could "opt out" when a majority, however constitutional, set it on a course counter to what that member believed were its fundamental interests.



Even now, after the American retreat, there is total disagreement on how expenses should be apportioned. The Soviet Union insists that legal authority in this area lies only with the Security Council; Ambassador Goldberg assigns exclusive competence to the Assembly and supports apportionment in accordance with capacity to pay, with some kind of weighted influence for those countries that bear the principal load. (U Thant, perhaps because both Paris and Moscow were opposing his needed latitude in observing the Kashmir cease-fire, also strongly reasserted the Secretary-General's role as executive for U. N. peacekeeping—the role of "Secretary-Generalissimo," as some critics saw it in the most trying Congo days.)

Mandatory assessments are not the only way to pay for peacekeeping operations; the Yemen force was paid for by the two parties, the Cyprus force by voluntary contributions. Some proposals have called for centering the financial authority in the Council, as the Soviets and French wish, or for a mixed Council-Assembly decision. Canada has suggested fund-raising conferences such as those used for technical assistance. Other suggestions include special peacekeeping funds, an endowment fund, payment only by those who take part, and—the position favored all along by the Soviets—payment by the "aggressors" in each case.

The most interesting scheme has been generated by Ireland—one of that handful of small countries, predominantly Western, that has carried a disproportionate share of the burden of peacekeeping in terms of manpower, resources and inventiveness. The heart of the proposal is a reliable assessment system based on a special scale. In negotiating for the support of five co-sponsors, Foreign Minister Aiken reluctantly agreed to what became the proposal's most striking feature—the provision that only those of the Big Five who vote for a peacekeeping action need pay for it. In return for that unprecedented concession, they would still pay 70 percent of the bill for a field operation, while the 90-odd economically less-developed members would pay only 5 percent and the handful of developed countries other than the Big Five would divide up the remaining 25 percent. No member could be charged for more than 50 percent of the total.

The United States, consistent with its new position, has accepted this general principal of opting out as an "interim measure" (while reserving decision on the possibility of being as-



essed more than the one-third ceiling fixed by the Congress). This seems wise, permitting as it does peacekeeping operations that are approved by a substantial majority to be undertaken without precipitating a financial crisis each time.

The Soviet Union with characteristic intransigence has found the whole scheme "completely unacceptable." The majority being unwilling to do battle with Moscow, the Twentieth Assembly adjourned without acting on the Irish initiative (and without any trace of Soviet or French voluntary contributions). It remains to be seen whether the Special Committee on Peacekeeping Operations, to which the Assembly consigned the proposal before adjourning, will act upon it.

Meanwhile the worsened climate jeopardizes the chances of even modest proposals for non-standing U. N. forces. There is still no reliable supply of units skilled in the techniques of peacekeeping (crowd control, civic action, intelligence observation) and drawn from politically appropriate parts of the world. The U. N. Secretariat does not have a staff adequate to plan the logistics, deployment and support of possible future operations. For the commanders who have to make U. N. peacekeeping operations work, life would be easier with contingency planning, focused on ways of providing a diversified and skilled command, on schedule, wearing the right weight uniforms (and perhaps skins of the right color), equipped with rifles of uniform caliber and with wheels on their vehicles of uniform size.

Often over the years, the Secretary-General has encouraged member states to earmark units within their national forces for ready availability. The list of countries responding to the most recent appeal contains no surprises. Canada, which has supplied virtually all the communications units for U. N. field operations to date, reported that for several years it has had a stand-by battalion specially trained for peacekeeping duties. The Netherlands earlier designated a unit of 600 marines, and subsequently a supply ship with four helicopters, patrol and scout ships, a light armored carrier, an armored infantry battalion, a medical company, a transport plane and three jet helicopters. Iran, Italy and New Zealand have earmarked units. Britain under the Labor Government has taken some steps that perhaps mark the end of its post-Suez sulks in the U. N. Substantial military units have been pledged, though on a highly contingent basis, and there are indications of a willingness to provide significant logistical sup-



port. Perhaps most usefully, the British have led the way in contributing to a rescue fund to wipe out the existing deficit.

Consistent with their splendid record for enlightened international behavior, the Scandinavians have gone the furthest to build a more reliable international peacekeeping capacity. The parliaments of Denmark, Norway and Sweden, and Finland as well, have passed bills setting in motion a training program for approximately 1,000 men each, who could operate either jointly or separately. All four states now have officers working full time on technical planning, and their Defense Ministers meet twice a year. The training proceeds along the commonly accepted lines of riot control, communications and related skills (although Denmark does not normally train its soldiers in riot control, due to the persisting unpopularity of the regiment that put down Copenhagen's last riot, in 1895).

Earmarking, training and even organizing for prospective peacekeeping have thus increasingly acquired a do-it-yourself flavor. Initiatives that under different circumstances would be taken at U. N. headquarters have been taken outside the deadlocked U. N. setting. Several private conferences have been held among government and non-government specialists to help thinking and planning develop on an informal basis. The World Veterans Federation, accredited to the U. N. but privately supported, is undertaking to establish a clearing-house in Paris for the various efforts in international peacekeeping research and development.

The United States has not earmarked forces. A group of Republican Congressmen has proposed the creation of a small volunteer unit of 1,000 American servicemen to render "emergency technical support" for U. N. peacekeeping operations on a stand-by basis; it is styled the FIRST brigade (an acronym from "Forces for International Relief on Standby"). This notion of course runs the hazard of inviting an equivalent contribution by the Red Army (or perhaps eventually the Chinese People's Army)—which could end such neutral peacekeeping capacity as the U. N. has been able to muster. Still, it demonstrates a desire to contribute more to peacekeeping.

As the innovators of 1956 sensed, it probably continues to be true that the cause of peace will best be served by a maximum number of smaller, non-white countries that genuinely support the principle of responsible neutral behavior volunteering to



supply disciplined, technically-trained personnel. More than any other single development, this can prevent the realization of the nightmare recently conjured up by Prime Minister Wilson: a "Red Army in Blue Berets."

## II

No technical improvements in machinery can accomplish more than the peacekeeping function itself can do, especially in contributing to the resolution of conflict and the process of peaceful change. There is a growing awareness that the capacity to enforce a cease-fire, to suppress outbreaks of violence, to clamp a lid on explosive situations, to buy time, can have a negative effect, too. If no progress is made toward settling the dispute, peacekeeping may generate even more unmanageable conflict later. The lack of workable provisions for peaceful change stands indicted as perhaps the prime cause of major and minor wars in this century. The United Nations Charter recognized the problem but the U. N. has been far from solving it.

There are, of course, some conflicts for which no settlement is possible for an indefinite period. To keep a lid on the Palestine cauldron and thus to "buy time" has doubtless been the highest form of statesmanship. But when war broke out again in the fall of 1965 between India and Pakistan over Kashmir, it threw into vivid relief the direct relationship between continued violence and the paucity of means to achieve change through peaceful settlement. What was whispered of Palestine in 1948 and of Suez in 1956 was heard again: perhaps the fighting had been stopped prematurely.

U Thant in his 1965 Annual Report worried publicly that "the very fact that [these disputes] have become an accepted and semi-permanent part of the way of life in the areas has tended to . . . reduce the sense of urgency which might stimulate a search . . . for a basic and peaceful solution . . ." Adlai Stevenson was prophetic—but perhaps excessively hopeful—when he dubbed this "the Age of Cease-Fire and Peaceful Change."

The trouble is that settling disputes is an even more demanding task than pacifying them. One of the prime assumptions of those who believed in international organization was that measures for settling disputes would become habit-forming. No other area of multilateral diplomacy has been the object of such intensive and protracted study, from the League of Nations days to last year's



White House Conference on International Coöperation. The concrete proposals to emerge from two generations of research are not terribly revolutionary. By and large they are sensible enough to commend themselves to any rational man. But the sad truth is that virtually none of the recommendations has been put into effect. The sense of progress in peacemaking in fact declines with the passage of time. Obviously something is very wrong, and obviously it is not going to be fixed by one more study of procedures for pacific settlement.

Several explanations account for this monumental shortfall between expectation and reality. Is it possible that the trouble does lie somewhere in the institutional structure and procedures of the U. N. and the World Court? This seems implausible, given the ready availability of the devices mentioned in Chapter VI, the Security Council, the (gradually disappearing) Panel of Mediators, and the plethora of recommendations already made. Perhaps the answer lies in the relative lawlessness of the age, the preference for the unilateral pursuit of remedies. Russia, China, Britain, France and the United States have all contributed at one time or another since 1945 to the idea that for the really important issues a state may use force, and *raison d'état* over-rides all else. This is a way to account for everyone's sins, including one's own. More to the point, the Communists and nationalist revolutionaries aim to change the status quo and overturn one or another part of the established order—precisely that which law, peacekeeping and cease-fire diplomacy tend to protect. And yet—is this age really any more lawless than those preceding? Hardly.

Perhaps the truest explanation lies in the understandable proclivity of overworked statesmen to focus on the present, to approach cases ad hoc, to concentrate on the demanding crisis of the moment, to apply preventive diplomacy only when violence threatens. For American leaders today, all else is preempted by Viet Nam. But last year it was Article 19, the year before that the test ban, the year before that Cuba, and the year before that Berlin. When Quemoy and Matsu were under the gun the United States considered it unthinkable to negotiate a more durable status for them, even while hinting that common sense required it. When the guns fell silent—or relatively so—attention immediately wandered elsewhere. So with the Suez Canal, the Kashmir plebiscite and half a dozen other “dormant” disputes.



There is never a good time to plan ahead, always a good time to let sleeping dogs lie. Nothing can be done when the issue is acute; no one wants to do anything when it is quiescent.

Given this human tendency, and our particular pragmatic Anglo-Saxon style that generally discourages purposeful planning, it seems unhelpful to continue to urge other quarreling countries to have recourse to law and third-party procedures before they become subjects for peacekeeping. Some institutional reforms addressed to the central issue of peaceful change might be marginally useful, perhaps creating an equity tribunal, as some have suggested, or arranging to breathe real life into Article 14 of the U. N. Charter. They are at least worth study.

But to get at the core of the difficulty, the leading Western states with pretensions of being "law-abiding" probably would have to make a far more convincing demonstration than heretofore of their own *bona fides*. Perhaps they could agree to binding arrangements for compulsory arbitration or adjudication of all disputes that arise among themselves, including those affecting "national honor," or those judged unilaterally to be issues of domestic jurisdiction. Such a protocol among the like-minded could create a fragment of genuine international order. Without the responsible nations setting an example of purposive action, it will remain futile to hope that others will act as we would have them act.

### III

All in all, a number of sobering conclusions emerge. First, on the assumption that U. N. peacekeeping will be invoked in the future yet will continue to rest on a fragmented political foundation, common sense favors arrangements that do not put the existence of the organization at stake each time such a task must be undertaken. One means of achieving this decoupling lies in procedures enabling the great powers to stand aside from a given operation, both physically and financially. In some cases, their political resistance may still be formidable, and if one of the superpowers is adamantly opposed the U. N. probably should not be the peacekeeping instrument.

The American reservation of the right not to pay for U. N. activities of which it disapproves was distressing to friends of the United Nations. In fact, however, such explicit decoupling of decision-making and paying of costs may contribute to the



salvation of the organization. It could preserve the principle of apportioning expenses while avoiding the adoption of taxing policies enforceable only under a world government. At the same time, the possibility of finding independent sources of revenue for the U. N., through imposts on international mail or trade, or royalties on exploitation of resources beneath the sea or in outer space, should continue to be studied for the future.

The second conclusion is that the price of achieving genuine procedural reforms in U. N. peacekeeping would be to restrict to the Security Council the authority to launch such operations. This trade-off is unacceptable to the United States which, while having shed some unrealistic expectations about majority rule in the Assembly, wants an escape-hatch available in extreme situations, as well as the bonus of deterring the uninhibited use of the veto in the Security Council. So long as the United States supports emergency recourse to the Assembly, the Soviets and some others will also continue to oppose any significant strengthening of the Secretariat's capacity for contingency planning, stockpiling, training or other desirable preparations for peacekeeping.

Efforts outside the organization, limited as they are, should be encouraged. Work done now to assemble data, to encourage countries to earmark and specially train units, to plan the necessary logistics, and even to blueprint force structures and training programs, could one day prove vital for the success of one or another peacekeeping operation. And it cannot be repeated too often that American military assistance to underdeveloped countries might be far better invested if it emphasized the aim, already written into the legislation, of improving the capacity of international organizations to carry out peacekeeping functions. Such a shift in emphasis would strengthen those internal-security and civic-action functions that appear far more useful than the status-symbol types of weapons which with depressing frequency wind up being used against internal rivals or close neighbors.

The third conclusion is that the clear interest of the United States in supporting a U. N. capability for peacekeeping is tempered by the candid expectation that under some foreseeable circumstances we may interpret the action as running contrary to our interests. In the Dominican Republic in the spring of 1965 the United States resisted the Security Council's attempts to assert its competence (while France, with perhaps the merest *arrière*



*pensée*, assumed the pose of champion of U. N. peacekeeping). Looking ahead, a punitive U. N. expedition aimed at stripping political power from the whites of Rhodesia (or perhaps later, South Africa) may present Americans with a painful dilemma. A theoretical capacity exists now for mobilizing U. N. peacekeeping machinery at the service of a passionate Afro-Asian majority—an eventuality which might overcome Soviet (or later Chinese) aversion to enforcement actions by the General Assembly. And if the ominous General Assembly vote on bases on December 22, 1965, is prophetic, it may be on the basis of a simple rather than two-thirds majority.

The role of the O. A. S. in the 1965 Dominican episode raises a final point that belongs on the agenda. As of today, regional organizations are an inadequate substitute for the U. N. in terms of capacity to mount and execute effective peacekeeping operations. One reason is that such organizations are characteristically incomplete, excluding Israel in the Middle East, the southern part of Africa in the case of the Organization of African Unity, even, one might say, Eastern Europe on the part of NATO. The O. A. S. operates in the shadow of one dominant country. The majority of Latin American states appear to have resisted recent American efforts to make an institution out of the figleaf the O. A. S. spread over American troops in the Dominican Republic. Even overlooking this recent history, collective operations of the sort the United States envisages run against the traditions and beliefs of most Latin American states, evoke fears of American intervention, and smack, whether justly or not, of counter-revolutionary purposes.

In Africa the O. A. U. continues to show itself incapable of replacing the U. N., however much some of its members would wish it to. Even so, several interesting things have been done in its two-year history: three disputes have already been settled under O. A. U. auspices, and in Tanganyika, Nigerian and Ethiopian troops replaced those Britain had earlier sent on request. In time, the so-far meaningless resolutions which the O. A. U. has voted for enforcement action against Portugal and South Africa might really be implemented. As for the Middle East, the Arab League actually did provide a mixed force of 3,000 to replace British units in Kuwait in 1961 (although it did not work any better than most other Arab League collective efforts). In NATO, Harlan Cleveland, the new U. S. Ambassador, called last fall for



“new ways of relating the peacekeeping forces on duty within NATO to the flexible call-up system which the United Nations has been developing for peacekeeping duties elsewhere.”

All things considered—including the likelihood that most regional organizations would employ such power as they developed against their own intraregional enemies—the wisest policy would be to begin now to work out formulas to encourage regional organizations to act in close coordination with the U. N. in the settlement of disputes, including negotiation, mediation, arbitration, observation, and even small-scale policing. The connection with the U. N. is extremely important both in terms of legitimacy and of vesting ultimate responsibility in the larger body of states neutral to the particular conflict. Yet there are valid reasons to strengthen the regional means, not only because this may be an inevitable development, but also because of the positive desirability of giving more effect to still-sensible provisions of Article 33 of the U. N. Charter, according to which regional agencies are expected to aid in trying to work out disputes before they become formalized as U. N. “cases.” Such a division of labor might well contribute to making disputes more manageable.

Security, we were told in 1945, was indivisible. As of the late 1960s, however, our best bet may be to divide security up into smaller pieces in order to keep the larger structure from being overloaded. The 1970s may see a resurgence of regional arrangements whether we favor them or not. The task for the foresighted is to see that they perform constructively, so that peacekeeping may ultimately be synonymous with peacemaking.

In the end, the reasons why the world needs international peacekeeping, global or regional, for secondary and internal explosions, are akin to the reasons for America’s policing the peripheries of the Communist heartlands. It is not because the U. N. is ideally equipped to do its job—clearly it is not—any more than American power is an ideal substitute for real collective security. However much their actions are flawed and justly criticized in detail, both fill a void in the absence of an effective world political authority. The price can be heavy in political, moral and human terms, but it is less than the price of uncontrolled violence, unpoliced disorder, unlimited war. On balance, it seems not too great to pay.



THE STATE OF THE HEMISPHERE

by Galo Plaza

The Secretary General of the OAS reports on a fact-finding mission to member nations. Accomplishments in education, economics, and international cooperation (with comment on the Latin American Common Market) are noted. The need for sustained United States interest, friendliness and aid to prevent "other Cubas" is reiterated.

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# The State Of The Hemisphere

## LATIN AMERICA

By GALO PLAZA, *Secretary General of the Organization of American States*

*Delivered at the National Press Club, October 22, 1968*

I HAVE BEEN LOOKING forward to this opportunity to start a dialogue with the U. S. press. In the last three and a half months I have met your colleagues in twenty Latin American countries. I came out of the encounter with many new friends. Perhaps their reception was warm because I'm still new at the job, and they have a wait-and-see attitude.

Most news from Latin America is bad news, because bad news seems to travel faster than good news. This tends to give us an erroneous picture of the Latin American reality. For that reason, I would like to report to you today about the positive side of the quiet revolution in economic and social development, which is the most important and least reported news from south of the border.

The main purpose of my trips was to take the pulse of the progress and problems of the OAS member states in Latin America. I met with chiefs of state, other government officials, and leaders of the private sector to find out how the OAS could serve them better. This orientation was indispensable; I felt I could not properly perform the duties of my office without it. A related purpose was to visit OAS field offices and meet representatives of other international organizations to see how coordination of our programs could be improved. Finally, I wished to reassure the press and people of Latin America that the OAS is totally committed to support national and regional efforts to narrow the gap between abundance and poverty.

It is hard to generalize about Latin America because of the great geographical, economic, and social diversity found in that part of the globe. Despite many similarities and common goals, no two countries are alike. There is no "typical" Latin American country. With this note of caution, I am going to make some generalizations.

Latin America is on the move. Its problems are enormous, but so too are the efforts being made to solve them. In every country leaders are working to accelerate the pace of their nation's economic and social development to meet the cre-

scendo of rising expectations. In some countries the progress is more striking, but all, without exception, are moving ahead.

Some of the most significant strides of the Latin American countries are not reflected in the traditional yardsticks of growth, such as gross national product. GNP does not tell how the national income is divided among the people, how public administration is being improved or what is being done to achieve Alliance for Progress goals in education, health, housing, land reform, and employment.

There has been great progress in expanding and improving elementary education. This is a sound investment in the future. There have also been striking developments in physical infrastructure and prefeasibility studies that are setting the stage for rapid growth.

Great importance is assigned to coordination of national development programs. Each country has a blueprint for action, drafted and coordinated by a planning officer at the ministerial level or in the office of the President.

The Central American nations are welding a Common Market that is setting the example for the rest of Latin America in the irreversible historical process of economic integration. In the Latin American Free Trade Association, which includes Mexico and the South American countries, slow progress has been made in spite of serious difficulties. In two subregional groups, the Andean and the River Plate Group, significant steps have been taken. The sense of urgency about integration is not uniform, however, and there are a number of formidable obstacles. The obstacles include the lack of a tradition of intraregional trade, the inadequacy of transportation and communication facilities, the predominantly agricultural orientation of the economies, and great differences in the level of development of the various countries. Special arrangements are being worked out to protect the relatively less developed member states in the integration process.

With this general backdrop, let me cite a few specific examples of the types of progress that I found in Latin America.



Argentina is showing spectacular results in its battle against inflation. Last year the cost of living rose twenty-seven per cent. This year it is expected to go up only six per cent.

Brazil's huge industrial complex in São Paulo continues to grow at an impressive pace. In the Brazilian Northeast both industry and agriculture are being strengthened as a result of a well planned regional program.

Venezuela, Colombia, and Ecuador are taking concrete steps to diversify their economies and reduce their respective dependence on oil, coffee, and bananas.

Mexico is well along the road to development, with the impetus of a class of sophisticated and farsighted entrepreneurs.

The new highway under construction on the eastern side of the Andes in Colombia, Ecuador, Peru, and Bolivia is already starting to infuse life in previously inaccessible areas.

Another development of multinational importance is the Acaray Dam hydroelectrical complex in Paraguay. When completed it will supply Paraguay's needs for electric power with enough left over for export to Brazil and Argentina.

I could go on, from country to country, but I think you have an idea of the kinds of progress that I am talking about.

With all the encouraging developments we cannot ignore the problems, because the problems persist. Some I have already touched upon.

The goals of the Alliance for Progress are not being achieved as fast as was expected. This has naturally caused some disillusion. Part of the problem is that the original timetable for the Alliance was overoptimistic. Part of it is that some Latin Americans are resisting change. They have the mistaken idea that they can stop the clock and preserve the status quo. Another part of the problem is that external aid of all types has fallen short of expectations.

According to the terms of the Alliance for Progress set forth in 1961, Latin America agreed to invest eighty billion dollars in economic and social development in the next decade. With seven years gone by, it has already exceeded the goal with domestic investment of over one hundred and fifteen billion dollars. During the same period, the United States Government has exceeded its own commitment to provide one billion dollars each year for the Alliance. Due to the unexpectedly large Latin American investment, however, U. S. support represents a smaller percentage of the total effort than was anticipated.

Most Latin Americans do not understand the Alliance for Progress. Many mistrust it because they think it is a tool of U. S. foreign policy. One of my main tasks was to reaffirm that the Alliance is their program—that they are participants, not spectators, and that the greatest part of the effort is theirs. A well planned information program must correct the false impressions about the Alliance.

Everywhere I found great concern with the deterioration in Latin America's terms of trade. In country after country I heard that to import a tractor they must export twice as many sacks of coffee or tons of ore as they did a few years ago. This grim economic reality spurs concerted efforts for diversification, but diversification takes time. It is also spurring efforts to find a mechanism to compensate for sudden drops in the prices of basic exports.

Another problem is the scarcity of social capital—public funds to meet vital needs in health and education. The scarcity exists in spite of improved tax laws and tax collection procedures in most of the countries.

Education needs a radical change in orientation. We are shaking off the traditional concept of culture for culture's sake and substituting the concept of education at the service of the community. The fact that universities and secondary schools are not giving the students what they need is one of the causes of student unrest. Until higher education is reoriented

to meet development needs, progress will be forced to continue in low gear.

Unfortunately, throughout Latin America today there is profound disenchantment with the United States. There is a fear that recent cutbacks in U. S. aid to the Alliance for Progress are symptomatic of a general downgrading of interest in Latin America. This will be a difficult impression for the United States to correct.

In the early days of the Alliance for Progress it was said that it is "one minute to midnight" in Latin America. The word midnight suggested the imminence of violent revolution and communist takeover. Although the possibility of another Cuba will continue to plague us, we must not be alarmists, but realists. I do not believe that it is one minute to midnight today. I believe instead that we are in the forenoon of a struggle that may last for many years. The goal is clear: social and economic development within a framework of freedom and justice. What is not clear is how long it will take to reach that goal, and whether at some point frustration may invite alternative and less desirable solutions.

The pace of Latin American development depends primarily on the resolve of the Latin American countries themselves. They do *not* have a "mañana" attitude. They are not putting off until tomorrow the planning and the reform that must be done today. They are out to win their war on poverty and they don't expect anyone else to win it for them.

You ask then, where does the United States come in? It complements the self-help efforts of the Latin American countries. This country by itself cannot cause the Alliance for Progress to succeed or to fail, but it can have a great effect on the pace of the Alliance. It can retard development through quotas and tariffs on Latin American exports, and it can accelerate development by removing or reducing these restrictions. It can retard development by cutting back on loans and investments, and it can accelerate development by stepping up these types of cooperation.

President Johnson has said that the United States is "committed by history, by national interest, and by simple friendship to the cause of progress in Latin America." Unfortunately, there are people in the United States who believe that Latin America's progress is of slight importance to this country, and that the United States may safely neglect its commitment to the Alliance for Progress. This view is extremely short-sighted and dangerous.

I do not suggest that aid will buy friends. It won't. Latin America wants to be master of its own destiny and to make its presence felt in the world political arena. This is a logical exercise of responsible sovereignty, not an indication of a desire to flirt with communism or to renounce democratic values.

But if historical friendship and geographical proximity alone do not justify support for Latin American development, there are two more obvious reasons, one political and one economic.

The political reason is that the United States wants to prevent other Cubas and other Vietnams in Latin America, and the best way to do this is to help the countries win the quiet revolution and eliminate the conditions that invite violent revolution.

The economic reason is that the United States needs additional trading partners. Trade is a two-way street. The greatest trade potential in the developing world lies in the Latin American countries.

In other words, cooperation with Latin America is not only vital for security but good for the economy. By helping to strengthen the Latin American countries the United States is also helping itself.

The expression "foreign aid" has the unfortunate and mis-



leading connotation of a hand-out. Mutual assistance might be a happier term. Aid is certainly not a give-away. It is an investment in the future that pays daily dividends.

Critics of assistance to Latin America fail to mention that most of it is in the form of loans, not grants. They fail to mention that most of it is spent buying equipment and services from the United States. And they fail to mention that it finances only about one-tenth of the cost of each project, with most of the rest coming from the Latin American countries

## VITAL SPEECHES OF THE DAY

themselves, at great sacrifice.

I hope that you gentlemen of the press will help to get this message across to the American people, and that you will tell them more about Latin America's quiet revolution. Only if they understand it will they support it, and only if they support it will the United States fulfill its commitment to the Alliance for Progress.

Latin America is doing more than its share. Can the United States afford to do less?







THE UNITED STATES AND WESTERN EUROPE:

THE VITAL PARTNERSHIP

by Nicholas deB. Katzenbach

The author says that internal problems are forcing America to reexamine her external priorities. The resulting decisions will be greatly influenced by Western European events; Western Europe must be America's first-priority interest. Major-power confrontations must be avoided and the Western Alliance must be strengthened.

Reprinted from The Department of State Bulletin, 11 November 1968.

SELECTED READINGS FOR THE SEAPOWER SYMPOSIUM







## The United States and Western Europe: The Vital Partnership

*by Under Secretary Katzenbach<sup>1</sup>*

I am honored to address the Assembly of Western European Union. During more than 14 years of creative activity you have earned a well-deserved reputation for the high quality of your debate and the wisdom of your proposals.

Let me also congratulate your General Affairs Committee and Mr. Kirk for the superb report on "Co-operation between Europe and the United States." I have seldom seen as good an analysis of the elements of our transatlantic partnership or a more eloquent statement of the need for change if that partnership is to continue strong. It is, in a way, far too good a report, since it leaves very little that I can talk about without being accused of plagiarism.

I come before you today as a member of an American administration heading into its closing months. That, however, is more significant for me than for you; because there is much continuity in American foreign policy, and no matter who our next President is, I am confident that there will be no radical or sudden departures.

But at the same time, the fast-paced events of recent years, and even of recent weeks, leave many complex questions unresolved. The next administration, whether it is Republican or Democratic, will be wrestling with these questions. Its approach will set the tone for the 1970's, as the administration of John Kennedy did for the 1960's.

I would like to talk with you today about that coming decade and about the problems our new President and your own leaders will face in carrying forward our single most important task

in the field of foreign affairs: the management of the vital partnership between Western Europe and the United States.

I regret that we could not meet last May as originally planned. My task, at least, would have been easier, for I could have talked about the steady progress we were making in East-West relations and about our developing dialog with the Soviets.

But the Soviet-led invasion of Czechoslovakia has changed much of that. Last August 20 we were unceremoniously dumped back into an atmosphere of fear and distrust reminiscent of the dark days of the early 1950's.

The Soviets have now demonstrated for all to see how little they value world opinion or, indeed, the opinion of the major Western European Communist parties. Much more important to the Kremlin, apparently, is the preservation of their system. They fear that a breath of freedom—be it political, economic, or intellectual—in Eastern Europe must inevitably lead to the collapse of their empire and to irresistible demands for change within the Soviet Union itself.

We must not make the mistake of looking on the Czech adventure as an "aberration" in Soviet policy. Rather, it was true to type. Stalin is dead, and the Soviet leadership is not what it once was. But the deep-seated distrust of the West, the intense fear of even the most moderate moves toward internal liberalization, and the basic lack of confidence in their own system remain. Apparently they could no more understand or accept the Czech desire for change than could Khrushchev understand or accept the same yearnings in Hungarian hearts a decade ago. And so they responded in the

<sup>1</sup>Address made before the Assembly of Western European Union at Paris on Oct. 16 (press release 236 dated Oct. 15).



only way they knew. The hand in Prague and Bratislava may have been less heavy than it was in Budapest, but it was the same hand.

### Eastern and Western Views of Détente

What can we learn from the experiences of the past several months?

Perhaps the most fundamental lesson of all is that many in the West had a very different view from the Soviets of what *détente* was all about. The lesson is a hard one, for some saw great promise for East and West alike in their view of *détente* and hoped that the Soviet Union was coming to share our vision.

In the past few years Russian leaders were wise enough to recognize the dangers of world holocaust inherent in continued cold-war confrontation. Thus, in recent times they have been prepared to join with us, and I believe sincerely, in seeking to cope with some of the crucial questions at issue between East and West. We reached agreement on a nuclear test ban treaty; we had finally come to grips with the issue of nonproliferation and were close to discussions on strategic missile systems.

But in retrospect it is clear that *détente* had a narrow meaning for the Soviets. It meant a willingness to work at the resolution of outstanding issues between what they regarded as blocs, not a real change in the rigidities of a system which they believed to be in permanent confrontation with the West.

In contrast to what the Soviets expected or wanted, the rigidities of the Eastern bloc did begin to give way. The natural desire for national independence can more easily flourish as international tensions diminish and the need for loyalty to a powerful ally is less obvious. And as contacts with the West increase, it will almost inevitably mean increased striving for greater economic and political freedom—not only within the satellite nations of Eastern Europe but within the Soviet Union itself.

The desire for increased freedom and national expression of the type that flourished so poignantly and so briefly in Czechoslovakia cannot be suppressed indefinitely. It can be set back; but once born, it cannot be buried forever. This, in the long run, is a dilemma which the Soviet leadership cannot escape.

In any event, we in the West looked on *détente* as more than simply a means of settling some of the immediate problems of the day. Important though this was, we hoped for more.

What we sought was the creation of an atmosphere in which East and West could begin to resolve the central issue of our time: the division of Europe. In President Johnson's words, we were looking toward the day when we could "heal the wound in Europe which now cuts East from West and brother from brother."<sup>2</sup>

If there was anything in your report which I might quarrel with, it is the contention that the United States viewed what was going on in Czechoslovakia as, in the words of your report, "a change in the world balance of forces at the expense of Communism. . . ." Rather, we looked upon internal change within the Soviet bloc as an important part of the process of *détente*. We believed that as Eastern European governments were able to relax controls and break with the unreasoning attitudes of the past, the prospects for cooperation to reach an acceptable accommodation in Europe would be enhanced.

But the invasion of Czechoslovakia has shown how deeply the Soviets fear the breakdown of the institutionalized rigidity of their system. Plainly, they do not want a freer and more open relationship between the nations of Eastern and Western Europe. Plainly, for them, dealings on issues between blocs are one thing; liberalism, independence, and an increased European orientation within the Soviet bloc are something very different.

### Reexamination of Priorities

Before I try to apply what Czechoslovakia teaches us about the future course of the Western alliance, let me review with you for a moment the changes taking place in America today. These changes, I believe, will have a substantial effect on America's role in the coming years. For the United States of the 1970's will not be the United States of the 1950's and 1960's. This must have a profound effect on how Europe and America jointly approach the tasks of the next decade.

The United States is entering—indeed, is already well into—a period of self-examination, self-criticism, and some self-doubt. We face internal problems which, despite our general prosperity, are in urgent need of solution:

We can no longer tolerate islands of poverty in a sea of wealth.

<sup>2</sup>For President Johnson's address at New York, N.Y., on Oct. 7, 1966, see BULLETIN of Oct. 24, 1966, p. 622.



Black America will not wait much longer for white America to honor the promises it has for so long made but for so long failed to keep.

Our cities face problems not even imagined 10 years ago, problems which can only be solved at the cost of billions of dollars.

Our youth, some of them estranged from the values of their parents, have come to question many of the assumptions that have for so many years been a part of our lives.

And the war in Viet-Nam, rightly or wrongly, has led many Americans to question both our right and our obligation to play a major part in world affairs.

I have not the slightest doubt that we in the United States will meet these challenges. We will keep our promises to the Negro. We will solve the problems of our cities, America's youth will find its place in our society, and we will reach an honorable peace in Viet-Nam.

But if we are to succeed, it will require a great expenditure of both resources and attention for some years to come. And thus I believe it almost inevitable that the role we will be willing or able to play in the world will have to change.

I do not fear that we will return to isolationism. But we will be forced to reexamine our priorities and to weigh the costs more closely. From this reexamination will come a recognition that our involvement must be less widespread and more selective than has been characteristic of the past 20 years.

We are already well into this reexamination. Its final conclusions will be influenced in important ways by developments in Europe. Where we put our effort around the world and, indeed, how we look at world problems will depend to a large degree on how Europe comes finally to see its role in world affairs. We are, after all, not the only ones engaged in a process of reassessment; Europe itself has been feeling its way toward a new status and a new set of priorities. Our real task—yours and ours—is to find the institutional means and the political will to see jointly that our scarce resources are properly and economically allocated.

A crucial fact of the postwar period has been Europe's decision to divest itself of its colonial holdings. This withdrawal from many parts of the globe, as it has helped the less developed world move toward independence and self-fulfillment, is something in which Europe can take great pride. But with this withdrawal there has been a tendency to give a great sigh of relief as burdens have been put aside. The end

of European colonialism has been accompanied by a shift of attention from world problems to European problems.

But as your committee report indicated, European leaders now see that this trend toward a kind of European isolationism must be reversed and a new set of relationships established with the outside world.

Europe is bound by history and self-interest to many of the newly independent states of Asia and Africa. And these nations, most of them underdeveloped, need the help in aid, trade, and technical advice that Europe is so well equipped to provide. Western Europe, for its part, has an interest in seeing that they develop—both economically and politically—free of turmoil and violence.

Nor can Western Europe forget that its future is to some degree mortgaged, as is ours, to the peaceful resolution of the many conflicts which now trouble our world. To take but one example, the spread of Soviet influence in the Mediterranean and the Middle East, and the ever-present danger of another flareup between Jew and Arab, are of as much concern to you as to us. Your advice and active participation in efforts to help the parties resolve that tragic conflict will be welcomed by all who truly seek a peaceful settlement.

As Europe expands its horizons to encompass more of the world, it will make it easier for the United States—which is pressed from all sides for political, economic, and military assistance—to rethink its priorities in a reasonable and responsible manner. And it will make it easier for us to continue our commitment to Western Europe as our first-priority interest, which it is and clearly should remain.

### Issues Confronting the West

The manner of realizing the well-founded policies of both Western Europe and the United States is thus destined to change in the next decade. And the questions posed by Czechoslovakia must be examined in the light of this newly shaped situation. Simply stated, how do we in the West apply what Czechoslovakia has taught us to the course that must now be charted for the decade ahead?

The major issues which confronted us before the August invasion remain and will be with us for years to come. Central among these issues and of vital concern to the Western alliance in the 1970's are two basic questions:



—How do we reduce the possibilities of major-power confrontation?

—How do we see to the security of the Western alliance?

### *Major-Power Confrontation*

Despite Czechoslovakia, the West must not—in a fit of pique or from a sense of frustration—quit the search for ways to eliminate the dangers of a major war with the Soviet Union. While the threat of nuclear destruction continues, so long as we face the very real possibility of an expensive and fruitless missile race, and so long as there remains the danger of a major-power confrontation in the Middle East, we must—for the sake of all humanity—continue our dialog with the Soviet Union.

Over the years the United States has kept its Western European allies informed of our negotiations with the Russians and consulted with them on the course of these negotiations. But the advice we have received from our allies has at times been contradictory. At other times it has appeared to us to be based more on a fear that the two superpowers would divide the world than on a realization that a way must be found to end an arms race which could destroy us all.

The United States does not seek to negotiate over the heads of Western Europe. But neither can we be asked to subordinate what we consider to be interests vital to world peace and stability to the divided councils of an often uncertain Western Europe.

What, then, is the answer? It is, of course, a unified and powerful Western Europe whose voice cannot be ignored by the superpowers. I recognize that this is “conventional wisdom” and that many of us, on both sides of the Atlantic, have been saying precisely this for years. But unfortunately the ingenuity of man has thus far found no other solution.

I can think of no better way to put the issue than to quote from your own report, which says in part:

... there is a definite need for closer, more organized and more permanent consultations than in the past. If such consultations are to be a true dialogue between Europe and the United States, there must be cohesion in Europe if it is to be a true partner for the United States. The United States will probably consider it less important to obtain the agreement of one or another of its European allies if it feels that this agreement does not commit the other allies, but it would certainly be prepared to make many concessions to obtain the agreement and cooperation of a united Europe.

### *Security of the Western Alliance*

It is regrettable that it took the tragedy of Czechoslovakia to bring immediacy to our concern for a strong and united Western alliance. Hopefully, the Soviet invasion will put to rest the claim prevalent in some circles over the past few years that there no longer is a “Soviet threat” and that NATO stands in the way of better relations between East and West. Assuredly, 1968 is not 1948; but the Soviets still dispose of massive military power in the heart of Europe, and we can legitimately ask whether they will always be cautious in its use.

I have heard it argued that Czechoslovakia shows only that the Kremlin uses its military power to maintain hegemony in Eastern Europe. But given the Russian sense of insecurity that was so much a factor in the invasion, we must ask whether this same insecurity could not someday lead the Soviets to take a more rash step.

The lesson for us is evident. We must maintain defensive forces at a level which will impel the Soviets to conclude that no political objective could possibly be worth the risk of an armed clash with the West.

But there are those who tell us that NATO's military arrangements are no longer appropriate to the situation in Europe. True, this kind of talk was more in vogue before Czechoslovakia, but the same view continues to be held by some, even today.

Yet it was to NATO that we all looked for reassurance in the days immediately following the Czech invasion. And this, I contend, was a revealing reaction. Most Western Europeans, as most Americans, still turn to NATO in time of trouble. We no longer look upon threats to the peace in Europe as matters to be handled by each of us as best we can. Instead, we react in terms of the common defense.

It would be a major tragedy should this concept be lost, for it is in the area of defense that Western Europe and the United States have progressed farthest down the road to common action and unity of purpose.

We in the Atlantic alliance have committed ourselves to the common defense in the event of attack. But we have gone farther. In order to give that commitment meaning, in order to make it clear to any aggressor that we mean what we say, we have established a unified command system and an elaborate structure for joint planning and consultation. As an earnest of our own intentions, the United States has for more



than 20 years kept hundreds of thousands of American troops in Europe.

America's commitment to Western Europe remains as firm today as it ever was. It is a commitment which will remain as firm in 1978 as it is in 1968.

But what about America's role in Europe's defense in the coming years? As your own report indicates, many Americans, some of them in our Congress, have begun to question the need for the continued presence of more than 200,000 American troops in Europe. These people have long argued that if Western Europe is not prepared to do more in its own defense, we cannot be expected to carry our present burden. The Czech crisis has silenced them for the moment but not forever.

I happen to believe that those who hold this view are very wrong. But I also recognize that as my countrymen reexamine their role in the world, this counsel may well receive more general acceptance. I am not prepared to argue that this is a just view, but it is likely to be a practical political problem both here and in my country.

If America is to do what it must for our common defense in the 1970's, the United States and Western Europe will have to arrive at a common assessment of our political and security interests and decide just how far each of us is prepared to go in meeting the costs of defending those interests.

Western Europe has the resources to do what is necessary. But what we Americans often feel is lacking is a Western European unity of will and purpose to allocate those resources in a more efficient manner. Until Western Europe summons this will and the institutions to turn this will into purpose, it will remain dependent to an excessive degree on the determination of the American people to carry what they are coming to believe is more than their share of the burden for the common defense.

To many, what I have said today will be but another example of a naive American who has totally ignored the practical realities of political life in Western Europe—realities which for the moment, they say, preclude further moves toward Western European unity.

I recognize that the hopeful progress toward

a more unified Western Europe has for a time been slowed. But I also believe that the progress made over the past two decades is an amazing accomplishment of significant and lasting historical importance. Rather than despair at temporary setbacks, we should take confidence from the fact that Europe has moved so far in so short a time. History is, I believe, on the side of unity. The promise of the future is a new Europe in which the past 20 years is but prolog to the realization of the hopes of the Adenauers, De Gasperis, Schumans, and Monnets.

Our obligation is to keep the vision of a United Europe alive so that the new generation, less committed to the ideas of the past, can carry forward the work already so well begun.

Now let me say one final word about why so many Americans hope for the day when Western Europe can speak with one voice.

Most of us, I think, recognize that a unified Western Europe will not come without cost to the United States. But it is a price we are prepared to pay; for the benefits would exceed the costs. What we seek—for our own sake as well as for that of all free peoples—is a responsible friend and critic who shares our commitment to the democratic process and whose view of the world is much like ours, a friend and critic whose experience and sense of history provide a view of the world similar to, but not exactly like, our own. We need a partner who can share our worries, responsibilities, and opportunities. For no nation should too long—for the sake of its own soul—be so largely responsible, as we have been forced to be, for the fate of the world.

But responsibility cannot really be shared unless the partnership is one in which the partners are close to parity in power. For power carries with it its own responsibilities and colors the way in which those who carry it look at problems. So long as power is held disproportionately, burdens and decisions will be carried disproportionately as well.

This, then, is how we must address the next decade. We can remain passive in the face of the atavism of a passing generation, or we can fight—as you in the Assembly of Western European Union are fighting—to bring new meaning to our vital partnership.







U.S.-EAST EUROPEAN RELATIONS: STRATEGIC ISSUES

by John R. Thomas

The United States must accept the fact that Soviet strategic dominance obtains in Eastern Europe. Changes could come, however, should Russia believe the area's importance there was lessening. Some of these possibilities are considered along with policies America could pursue to take advantage of them. But recognizing limitations is vital.

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SELECTED READINGS FOR THE SEAPOWERS SYMPOSIUM







## U.S.-EAST EUROPEAN RELATIONS: STRATEGIC ISSUES\*

*by John R. Thomas*

THE Soviet invasion of Czechoslovakia has strikingly demonstrated the limits on the United States' ability to expand its influence in Eastern Europe and pursue a policy of "building bridges" to the East. If Washington underestimated these limits prior to the invasion because of misconceptions as to the nature and rapidity of political change within the Soviet Union and in Soviet-East European relations, U.S. policy should now be reviewed so that we can avoid future miscalculations.

The most important limit can be clearly and explicitly stated: U.S.-East European relations must be considered in the context of the dominant Soviet role in these relations. Whatever the validity of the assumption of Soviet dominance in Eastern Europe's political and economic spheres, the overriding Soviet role in the strategic context of U.S.-East European relations is beyond argument.

In turn, the key assumption about Soviet dominance requires that several other major points be taken into account. First, Soviet policy in Eastern Europe is governed by parameters of changing political, military and economic factors outside Eastern Europe (i.e., within the Soviet Union and beyond the bloc).

Second, lest there be any confusion about cause and effect in Soviet-East European relations or any tendency to overestimate the degree of Eastern Europe's freedom of action, it should be noted that the Soviets can—if they choose to ignore factors external to Eastern Europe and are willing to pay the price—reimpose their one-time harsh control over these states.

And, third, the United States, in developing an effective policy toward the area, must take into account these broader external factors shaping Soviet policy.

### EASTERN EUROPE'S STRATEGIC DEPENDENCE ON THE SOVIET UNION

Eastern Europe today is composed of small and regionally

\*This article was originally presented to an American Assembly Conference on Eastern Europe, held at Airlie House in May 1968. It has been adapted for publication at this time to take into account the Soviet occupation of Czechoslovakia in August.



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nonintegrated nations caught, as they have been traditionally, between major powers and dominated by two immutable facts: first, because of direct presence or proximity Soviet military influence is decisive; second, this influence is reinforced by the area's overall weakness in relation to its giant eastern neighbor. These factors indicate why changes in Eastern Europe to date have occurred in response to changes in the Soviet Union and within parameters set by the Soviets, rather than as an exercise of initiative in advance of changes in the Soviet Union. It should be recalled that ferment in Eastern Europe, especially in Hungary and Poland, began *after* de-Stalinization was initiated in the Soviet Union by Khrushchev in February 1956.

In the same vein, American economists specializing in Soviet and East European affairs inform us that now it is the Soviets—as much as the East Europeans—who seek to renegotiate bloc trade and aid relations. The days when the Soviets gained significantly by material contributions from their satellites or by unequal economic arrangements, such as the joint stock companies of the 1940's and the 1950's, are gone; today Eastern Europe is a drain on the Soviet economy. Thus, Soviet initiative or permissiveness has enabled Eastern Europe to expand its economic contacts with the West.

Even the current political changes, as in Czechoslovakia and Rumania, are taking place within limits tolerable to the Soviets: for example, neither the Czechoslovaks nor the Rumanians, in asserting greater freedom of action within the bloc, have sought to withdraw from the Warsaw Pact, and both seem bent on preserving the key role of communist parties internally.

But whatever the possibilities of greater freedom in political and economic affairs, these should not be confused with the almost total lack of East European freedom vis-à-vis the Soviets in national security matters, particularly with regard to meeting a potential German threat or resisting a determined Soviet military effort. The lack of freedom can be illustrated by the following: (1) The negative Polish response to de Gaulle's appeal to Poland in 1967 to loosen its ties with the Soviets.<sup>1</sup> (2) The recognition by the Czechoslovaks this year—even prior to the Soviet invasion—that their country is too small to defend itself and must rely on Soviet assistance (the ease with which the Soviets and other bloc armies occupied Czechoslovakia in August underscored this

<sup>1</sup>Ties that Polish Foreign Minister Rapacki acknowledged most recently in a February 1968 *Réalités* interview.



reliance). (3) Eastern Europe's recognition since 1956 that it cannot rely on others, including the United States, to free it of dependence on the Soviets; this reinforces the feeling, as in the case of the Czechs, that they were sold out by the West in the 1930's and again in the 1940's and should not count on Western support in the future. And (4) a *Realpolitik* view that, in the long run, Eastern Europe can look only to the Soviets for protection against a German threat; the United States may soon weary of its commitments abroad and reduce or withdraw its forces from Europe, whereas the Soviets will remain permanently on the European continent and have a common interest with the East Europeans in preventing the rise of a future West, or even East, German threat.<sup>2</sup>

Furthermore, there is an important unacknowledged consideration that points up Eastern Europe's dependence on the Soviets and illuminates the strategic aspects of the Soviet Union's role there. From a position external to Eastern Europe, the Soviets have provided the cement for whatever regional unity obtains. However regrettable and oppressive the Soviet presence has been, it must be viewed against a historical background that has, over the centuries, seen the forces for disunity in Eastern Europe prove stronger than the forces for unity. This situation has been symbolized by "Balkanization" and the conflicts that have perennially torn Eastern Europe apart. The Soviets have "remedied" this situation insofar as they have diverted the East European nations from intraregional conflict by establishing bilateral or multilateral links among them, e.g., the Warsaw Pact and the Soviet-bloc Council for Mutual Economic Assistance (COMECON).

It may be argued, therefore, that the degree of stability and unity now prevailing in Eastern Europe would be difficult to maintain without the Soviet cement. More important from Eastern Europe's viewpoint is the probability that any attempt to achieve unity independently of the USSR could be frustrated by Soviet exploitation of divisive issues, including such competing territorial claims as the Polish-held German land, Teschen, and Transylvania. Such exploitation would affect the ability of the East European nations to band together against an external threat. Only the Soviets would be strong enough to resolve the territorial

<sup>2</sup>For example, in the spring of 1968, East Germany apparently considered threatening the Czechoslovaks, beginning with economic retaliation, for their liberalization measures which severely hurt Ulbricht's Stalinist regime. See *New York Times*, April 6, 1968.



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disputes or keep them from getting out of hand in open intraregional conflict. For instance, the strong Soviet hand to date has imposed peace between Rumania and Hungary on the Transylvanian issue. Should the Soviets ease their hold, the possibility of intraregional strife might increase and other major powers might intrude into the area, leading to competition and perhaps eventually to a direct confrontation between the great powers. Whether anyone—including the East European nations themselves—would benefit from developments of this sort is at least open to question.

Eastern Europe's dependence on the Soviets and the Kremlin's policy toward Eastern Europe are governed not only by factors directly related to the region but also by factors external to it. Indeed, the latter have primary influence on Soviet-East European relations, as an examination of some of these external factors will show.

First, concern over a potential German threat clearly dominates Soviet thinking, given the devastation suffered by the Russians at the hands of the Germans in two world wars. But this Soviet view of a direct military threat from West Germany may be subject to change because of political developments in West Germany, where some officials are advocating a conciliatory policy toward the Soviets. Even Chancellor Konrad Adenauer, shortly before his death, signaled a radical change in his thinking by noting the Soviet Union's interest in peace in Europe. (This was a drastic departure for the architect of the uncompromising postwar West German policy toward the Soviets, epitomized by his view of West Germany as the European defender of Christianity against atheistic communism.) These tentative changes in Bonn's attitude toward the Soviets may undermine the long-standing Soviet view of the West Germans as revanchists bent on recovering the eastern territories lost in the wake of World War II. However, offsetting this development and compounding the German threat in Soviet eyes has been the Sino-Soviet dispute, which has given the Germans an ally in the East. Together, they have the potential for exerting pressure on the Soviets from both the West and the East.<sup>3</sup>

<sup>3</sup>For objective observers in the West, it may be difficult to envision the depth of Soviet concern over a possible German threat, combined with a hostile China, in view of the current disparity between Soviet military power and West German and Chinese capabilities. But those who have personally sampled Soviet feelings toward the Germans and the Chinese can vouch for their depth, and even their irrationality.

The Soviet attitude toward the Germans may be described—to paraphrase



Second, the post-Stalin changes in the Soviet Union's economy, its own technological advances and expanding foreign economic obligations (e.g., growing foreign aid programs), have reduced the contribution that the bloc countries can make to the Soviet economy. The East Europeans are currently less capable of contributing effectively to the Soviets' advanced technological requirements; they must borrow technological advances from the Soviets and not vice versa—a situation quite different from the early postwar period. Moreover, the East European economies are slowing down and proving inefficient, thereby retarding rather than aiding Soviet economic progress.

Third, the disunity of the communist world is forcing the Soviet Union to act increasingly like a great power with a pragmatic outlook; it now weighs Eastern Europe's contribution as it affects the Soviet Union's own national interest and not on the basis of common ideology entailing mutual sacrifice for the advancement of world revolution.

Fourth, the U.S. role in Viet Nam has affected the Soviet Union's East European policy. The Soviets have exhibited extreme sensitivity—as reflected by their defensive tone and lame logic in explaining their power play of August 1968—to having their action in Czechoslovakia compared with U.S. policy in Southeast Asia, for they have regularly berated the U.S. government for its "imperialist" behavior in Viet Nam.

Fifth, Soviet policy in the Middle East has increasingly unsettled USSR-East European relations. Moscow seems insensitive to the negative impact on Eastern Europe of its continued backing for "two-time loser" Nasser in the wake of his defeat by Israel in

Walter Laqueur—as one of love-hate, i.e., fear of the Germans combined with admiration for their culture and awe for their technological capabilities and achievements. That this attitude still retains its grip on the current Soviet leadership can be best illustrated by reference to Premier Kosygin. He is considered by most observers to be the most rational of Soviet leaders on many matters; yet he also holds the most vehement attitude toward the Germans. This is explained by the key role he played during the German siege of Leningrad, which saw the starvation of over one million inhabitants. Such an experience could not but affect even the most hardened leader.

Similar Soviet love-hate feelings apply to the Chinese. Soviet concern is inspired by the recent hostility of the Chinese toward the Soviets and the evidence of Chinese spartan sacrifice, which has surpassed even that made by the Soviets themselves. This Chinese sacrifice, in the Soviet view, is the down payment on ultimate Chinese ambitions against others, including the Soviets, and is most menacingly illustrated by the Chinese nuclear-missile program. The Soviets are acutely aware that long before Chinese military power can "span the ocean" against the United States, it could be used against the Soviets by an irrational or miscalculating Chinese leadership.



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June 1967. Not only does the post-June Soviet policy seem questionable—throwing good money after bad—but it runs contrary to the great sympathy in Eastern Europe toward Israel following its successful pre-emption of an Arab threat to its existence. The East European attitude has even surfaced at the official level, symbolized by Rumania's open opposition to the Soviet policy. In June 1968 Rumania refused to join the rousing condemnation of Israel by the Warsaw Pact countries and ostentatiously announced trade agreements with the Jewish state.

External factors exert even greater force in shaping the strategic aspects of Soviet-East European relations than they do in the political-economic sphere. Before addressing these external strategic constraints, it should be noted that if the Soviets chose to ignore them, they could once more—despite the changing climate in Eastern Europe—pursue a harsh policy in the area because they still have tremendous military, political and economic leverage. In brief, this leverage consists of the following: militarily, the USSR, in lieu of an ironclad U.S. guarantee, is the only power that could defend Eastern Europe against a resurgent German threat; economically, the East Europeans have fallen far behind the West and may have trouble fitting back into the world-trade pattern, so that they may have to look to the Soviet Union to bail them out in the event of further economic deterioration; and politically, the East European communist regimes, fearing that the people of Eastern Europe may be driven to dispense with them, depend on the Soviet Union for their survival.

### STRATEGIC PROBLEMS SHAPING SOVIET POLICY IN EUROPE<sup>4</sup>

One of the most important factors impinging on the USSR's policy in Europe is its geopolitical situation. The Soviet Union, permanently pinned on the Eurasian continent, where U.S. and Soviet interests have their main focus, is saddled by disadvantages as well as advantages of location. In a balance of power context, it lacks the advantage of being able to play an offshore role as the

<sup>4</sup>Many of the USSR's political and strategic problems and opportunities treated in this section and the next have been discussed in greater detail in other studies of mine: "The Role of Missile Defense in Soviet Strategy and Foreign Policy," RAC-P-1, Research Analysis Corporation, March 1965; a chapter in John Erickson, editor, *The Military-Technical Revolution: Its Impact on Strategy and Foreign Policy* (New York: Praeger, 1966); "Limited Nuclear War in Soviet Strategic Thinking," *ORBIS*, Summer 1966; "The Role of Soviet Military in Soviet Policy in Asia," *Wehrkunde*, January 1967; and "The Impact of Technology and Nationalism on Soviet Policy," *Survey*, October 1967.



United States has done in the past and can do in the future, e.g., in any future Sino-Soviet armed confrontation. Nor does the Soviet Union have the U.S. option of detaching itself from Europe or Asia. Even in comparison with Western Europe, it suffers disadvantages arising from its two-continent location: whereas Western Europe faces a direct threat only from the East, the Soviet Union must consider a potential challenge from both the East and the West. The magnitude of Soviet capabilities cannot be measured by simply matching them against those of the United States and Western Europe. The capabilities of Western Europe alone (population, economic strength, military potential) are, or will soon be, equal to those of the Soviet Union, and the former's potential advantage may be greater if Soviet strength has to be divided between the West and the East to meet a threat from both sides.

The USSR is disadvantaged also as a landlocked power. Because of geography, Czarist and Soviet Russia have traditionally been bottled up even along their sea perimeter with the exception of the Arctic Ocean, and this is ice-locked for most of the year. The Soviets are at a disadvantage in trying to match U.S. amphibious capabilities and experience. Their performance in the Cuban crisis demonstrated that they are severely limited in carrying out air and naval operations beyond their immediate periphery.

The Soviet Union's geopolitical situation is exacerbated and its freedom of action in Europe is limited by several strategic problems. The Soviets face a traditional continental rival, West Germany, whose strength, in their view, is likely to be enhanced in the future by possession of nuclear weapons and missiles. Even if there is no objective basis for assuming that West Germany will in the future acquire its own nuclear-missile capabilities, the Soviets assume this will, or at least may, occur and they are undoubtedly already using this possibility as the basis for contingency planning. They also assume that West Germany by its size and strategic location alone will dominate any future alliance arrangements in Western Europe.

In the Soviet view, Germany will secure access to nuclear weapons either as an alliance partner or on its own. Soviet leaders consider the current U.S. and West German dual consultative arrangements on the use of nuclear weapons as giving the Germans a finger on the nuclear trigger. Moreover, they believe that the Germans already have the capabilities for independent production



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of missile weapons<sup>5</sup> and are constrained at present only by political expediency. As the Soviets see it, this German attitude is susceptible to change and will change. Yet even in the worst case, namely, national acquisition of nuclear-missile armaments, West Germany would offer relatively little concern to the Soviets if, *alone and unaided*, it posed the only threat. They could face down such a threat by virtue of their superior ground forces, nuclear-missile capabilities, and greater resources.<sup>6</sup>

But the potential threat posed by Red China has added another dimension to their strategic problems on the Eurasian continent. With the defeat of Japan in 1945 and the communist victory in China in 1949, the Soviets assumed that they had permanently solved the two-front threat posed before World War II by Germany and Japan. Now, in their contingency planning for the future, they must assume a hostile Red China, either alone or in implicit collusion with West Germany. Indeed, they already view the two to be anti-Soviet allies insofar as both have designs on Soviet-held territory.<sup>7</sup>

On top of the traditional Eurasian threat, the postwar period has brought a gigantic new threat, the United States, which differs as an adversary on three counts: the United States (1) is a non-continental power and hence beyond the reach of Soviet ground forces; (2) currently has a greater nuclear-missile arsenal than the Soviets; and (3) has the resources to enlarge its military capabilities beyond the ability of the Soviets to match them in the foreseeable future—unless the United States deliberately permits the USSR to get the edge. Consequently, the U.S.-USSR confrontation poses almost insoluble problems for the Soviets. Unlike a German attack on the Soviet Union, which at worst could be blunted by the traditional Russian strategy of trading space for time, a U.S. missile attack cannot be met by the space-for-time solution. For the first time Soviet political centers can be threatened without the need to invade Soviet territory.

<sup>5</sup>Even in 1964 the Soviets interpreted West Germany's manufacturing of missiles for meteorological use by non-German consumers as masking capabilities for producing combat missiles. (See the Soviet protest contained in *Pravda*, February 4, 1964.) By implication, the Soviets were suggesting a parallel with German manufacture of weapons in the interwar period in violation of the Versailles Treaty. They conveniently omitted the fact that in the 1920's they gave the Germans a big start by allowing the latter to manufacture tanks, aircraft and other weapons on Soviet soil.

<sup>6</sup>For Soviet confidence in their ability to handle a threat by West Germany without the United States, see Party Secretary Leonid Brezhnev's declaration to the 23rd Party Congress, *Pravda*, March 30, 1966.

<sup>7</sup>See *Mezhdunarodnaya Zhizn (International Life)*, No. 10, 1964.



The impact of such a possibility must be viewed against the background of the 1941 Nazi attack. Even without the capture of such key centers as Moscow and Leningrad, the German invasion revealed the depth of the people's disloyalty to the Soviet system and almost led to its collapse. The Soviet leadership will not lightly subject the Soviet system to the far graver test of nuclear war. Its apprehension is reflected in discussion of the political and military consequences of nuclear war, especially concern over panic and political immaturity that could affect Soviet capabilities to fight such a war and survive. To avoid such consequences and to meet a U.S. missile threat, the Soviets have devoted great effort to developing a missile defense, an entirely new strategic weapons system with ramifications for escalating the U.S.-Soviet arms race. For the Soviets to deploy missile defense on a massive, area-defense basis, however, will require sizeable resources; this may be beyond the capability of their economy in the near future, unless they abandon other priorities. In the absence of an effective missile defense, the Soviets are likely to be constrained from even low-level probing by their own forces around their periphery if this threatens to involve the United States.

The requirements of support for "national liberation" wars confront the Soviet Union with a third—and another new postwar—strategic problem: how to project its military power beyond its periphery. As in the case of missile defense to meet the U.S. "threat," a capability different from that represented by traditional ground forces is essential. The Soviets are trying to solve the problem by developing airlift and sealift capabilities as well as trained amphibious and airborne forces, but this task adds another burden to the already overheated Soviet economy. Although they may provide equipment, training and advisers to "national liberation" forces, their willingness to use their own military capabilities directly in combat in national liberation wars will depend on the inherent risks to Soviet national security.<sup>8</sup>

In sum, the Soviets face the gigantic problem of developing

<sup>8</sup>Soviet caution in Viet Nam to date regarding the direct employment of Soviet forces suggests they are not eager to meet the United States in direct combat in the underdeveloped world. In this context they exhibit sensitivity to the fact that their forces have not had combat experience since 1945. (Their operations in Hungary in 1956 were primarily "counterinsurgency" and cannot be placed in the category of combat against a modern army such as that of the United States.) In particular they lack the U.S. postwar experience of combined amphibious operations, e.g., Lebanon in 1958. Even in Viet Nam the Soviet military have enviously noted that the United States is acquiring valuable experience in third-area operations and by implication bemoan the increasing gap between U.S. and Soviet experience in this regard.



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separate and relatively noninterchangeable capabilities for countering a U.S. missile attack, stopping a ground attack on the Eurasian continent from the East or the West or both, and supporting nonperipheral national liberation wars. Given the limitation on their resources and the rising demands of domestic needs, they cannot hope to acquire in the near future capabilities adequate to meet all the strategic threats and requirements. Should they opt for the simultaneous development of these capabilities, they could be successful only—if at all—at the expense of other important priorities such as long-term economic growth.<sup>9</sup>

Of these problems, the one most directly relevant to Eastern Europe is the Soviet concern with political-military pressure from the East and West. The Soviets believe that both Red China and West Germany are seeking to enlist Eastern Europe as part of a potential two-front coalition against them. Thus, in the early 1960's Peking attempted to exploit the dissatisfaction of East Germany's leaders with Khrushchev's wavering on the Berlin question and with the Soviet disinclination to push the West to a satisfactory "solution" of the issue. Moreover, it should be recalled that Chou En-lai, during his trip through Eastern Europe in 1956, attempted to play the role of mediator between the East Europeans and the Soviets. With the benefit of hindsight and the exacerbation of the Sino-Soviet dispute, the Soviets now view Chou's efforts in 1956 as the first Chinese effort to secure a foothold in the West in order to apply two-front pressure on the Soviets and advance Chinese interests against them. Albania's role as China's satellite symbolizes for the Kremlin Mao's ambitions in Europe.

At the same time, the Soviets see West Germany pursuing a parallel course. Thus, West Germany's current "opening-to-the-East" policy is viewed as an attempt to recapture the prewar German influence in this politically sensitive and militarily strategic area, particularly in Rumania and Hungary, and to squeeze out Soviet influence, while Bonn expands its contacts with Red China and encourages a "second front" in the East.<sup>10</sup>

Soviet concern over a two-front threat would be confirmed by

<sup>9</sup>For discussion of economic limitations on the development of Soviet military forces, see Joint Economic Committee of Congress, *New Directions in Soviet Economy* (Washington: GPO, 1966).

<sup>10</sup>The most recent confirmation, for the Soviets, of the expanding Sino-German threat is the reported West German contacts with Peking and the assertions by Chancellor Kiesinger's supporters that formal relations between Red China and West Germany should be established to benefit West German economic interests and, implicitly, West Germany's political objectives. *New York Times*, April 12, 1968.



any Sino-German efforts to encourage the East European nations, at a minimum, to leave the Warsaw Pact, and, at a maximum, to join the Germans and Chinese in pressing their territorial claims against the Soviets. Moscow believes Mao has already started along this path. In 1964 he explicitly included the Germans, the Poles and the Rumanians among those who, along with the Chinese, had unsettled territorial bills to present to the Soviets. The Rumanians, it should be noted, have since then expressed their views on the need to reopen the question of Bessarabia, now occupied by the Soviets. It is these developments that feed Soviet anxiety over a two-front threat and could act as a brake against letting Eastern Europe take "its own road to socialism."

#### POSSIBLE CHANGES IN SOVIET POLICY IN EASTERN EUROPE

The possibility of significant changes in the Soviet Union's policy toward Eastern Europe should not be excluded, although a drastic change in the near future is unlikely. The area may become less important to the Soviets in the long run, because of changing military, political and economic considerations on the Soviet side.

Soviet thinking on the strategic importance of Eastern Europe will certainly be influenced by the rapid changes in military technology (e.g., Soviet acquisition of nuclear-missile weapons and their possible possession by the Germans in the future) which may make ground warfare obsolete or irrelevant to the kind of conflict the Soviets may have to fight. As a result, the need for Eastern Europe as a buffer zone or an area for ground-force operations may be reduced, a possibility that could be reinforced by the current Soviet belief that limited war in Europe is not possible, given the vital interests involved on both sides.<sup>11</sup>

The Soviet need for Eastern Europe as a military buffer zone may also be lessened by enhanced airborne capabilities allowing the Soviets to "leap over" Eastern Europe in the event a possible conflict involving West Germany went beyond a nuclear-missile exchange. Some of these capabilities have been demonstrated dur-

<sup>11</sup>The unlikelihood of limited war in Europe, particularly if it involves nuclear powers such as the Soviet Union and the United States, has been reaffirmed in the latest Soviet appraisals of recent military developments; e.g., see *50 Let Vooruzheniykh sil SSSR (Fifty Years of the Armed Forces of the USSR)* (Moscow: Military Publishing House [Voenizdat], 1968). This work, issued with the participation of top-ranking Soviet military leaders, reaffirms the Soviet belief that a local war would escalate into general war if it involved direct conflict between two nuclear powers.



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ing recent Soviet maneuvers in Eastern Europe and the Soviet Union.

Soviet views on the strategic importance of Eastern Europe might be modified in the future by the younger Soviet military leaders. The latter are more attuned to advancing technology, e.g., nuclear-missile weapons, which makes modern warfare less and less relevant to the World War II ground-combat experience that still dominates the thinking of the older marshals.

The Soviets' evaluation of Eastern Europe's strategic role may also be influenced by their attempts to weaken the U.S. posture in Europe. Thus, they may well consider reduction of their forces in Eastern Europe as a means of exerting pressure on Washington to do the same, in the belief that they could return their forces to Eastern Europe faster than the United States could redeploy its forces to Europe from the American continent.

Soviet views on Eastern Europe might also be changed in response to political and economic considerations. Eastern Europe is already proving to be an economic drain on the Soviets that could be relieved by permitting the area to re-establish some of its economic ties with the West.

Even eventual political change should not be ruled out. The Soviets know that they have paid a heavy price for maintaining control over Eastern Europe, a price driven higher by their occupation of Czechoslovakia. (The strong action taken against Czechoslovakia pointed up the bankruptcy of the USSR's policy in Eastern Europe; further widened the schism within the communist world; demonstrated once again that the Soviet Union is willing to use brute force to ensure the solidarity of the bloc; and ended the fiction that the USSR is that new form of socialist state which deals with its allies on the basis of equality and common ideology.) Moscow is aware that the East European nations have in the past tried to play off others, such as the Chinese, against the Soviets in order to lighten the Soviet grip. In the future, the Soviets, seeking to reduce the incentive to play this game and to spare themselves the embarrassment of using naked force in their relations with their own allies, may agree to limited liberalization within Eastern Europe. Such a policy of accommodation is unlikely to be pursued by the current neo-Stalinist leadership, although the fact that the Soviets did not resort to open force until some eight months after the Czechoslovaks initiated their experiment in "democratizing" socialism indicates that some of the current



Soviet leaders must have argued for caution in strangling the Czech experiment. A new leadership, with less direct ties with Stalinism, may eventually prove amenable to modifications in Soviet-East European relations, as a reflection of political change within the Soviet Union itself. Such an accommodation, if it occurs, will be due to hardheaded recognition that political repression and use of naked force may be counterproductive in the long run for Soviet interests at home and abroad.

Future political changes in Soviet-East European relations may be motivated by intrabloc military considerations. Warsaw Pact ties today are strained. Relations between Rumania and the Soviet Union are tense in view of the Rumanians' recent protests against Soviet domination of the Warsaw Treaty Organization and their demand for a greater role in the pact's military command. The Soviet occupation of Czechoslovakia over the opposition of General Svoboda, the past symbol of close ties between the Czechoslovak and Soviet military, has raised doubts about the loyalty of the Czech army to the Soviet cause. Despite their participation in the occupation of Czechoslovakia, the reliability of other East European armies may be in question, particularly in any possible moves to advance Soviet interests outside Eastern Europe, e.g., open and unprovoked Soviet aggression against Western Europe. Even a more ambiguous conflict situation, i.e., one in which it was difficult to identify the real aggressor, would still pose problems for the Soviets. Thus, in the event of a conflict involving West Germany, the Czechs and the Poles would undoubtedly fight on the Soviet side, but the same might not be true of the East Germans, the Rumanians and the Hungarians. In the event of a U.S.-Soviet conflict, all East European nations, with the possible exception of Bulgaria, might be suspect from the Soviet viewpoint. As a result, the Soviets might encourage a reduction of East European armies to lessen the political problems that such large forces could pose for them. This might be accompanied by a loosening of the Soviet grip on Eastern Europe to inspire greater good will toward the Soviets and span the "reliability gap" in Warsaw Pact relations.

Finally, the Soviets may, in pursuit of their own interests, decide to make a deal with West Germany at the expense of Eastern Europe—as they did in 1939 over Poland. This could be triggered by a Soviet decision to head off West German nuclear acquisition or exploit U.S.-German differences. West Germany's in-



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trinsically greater importance than Eastern Europe would justify concessions to the Germans in order to draw them into the Soviet fold—or at a minimum away from the United States. Conciliatory Soviet moves toward the Germans have been a possibility throughout the postwar years, as witnessed by Beria's apparent moves in 1953 to modify Stalin's policy in Germany, the unsigned Moscow memo to Bonn in 1961, and Khrushchev's moves (through Adjubei's visit to Bonn) in the spring of 1964. All these gestures had the common theme of suggesting to the Germans that they had more to gain by dealing with the Soviets than in maintaining their alliance with the Americans. The theme was most recently repeated in early 1968. Soviet-East European relations would be severely affected by a Moscow-Bonn rapprochement.

### EAST EUROPEAN LEVERAGE ON THE SOVIET UNION

In a negative sense, Eastern Europe can limit Soviet policy options. If political ferment continues in these countries, it could undercut the ideological unity which is so important to the Soviet effort to prove that communism is the wave of the future. Conversely, the absence of turmoil in Eastern Europe could enhance Soviet ability to use these countries as proxies to advance Soviet interests. Moreover, by soft-peddalling bloc disunity, Eastern Europe could thwart U.S. efforts to exploit these differences. The primary constraint of East European nations on the Soviets in the near future is their location in the heart of Europe. Soviet leaders continue to be Europe-firsters. In their view, any problem in Europe requires more attention and restraint than problems in any other region of the world, as illustrated by the successive Berlin crises.

The East European nations could also make a positive contribution to a Soviet position of strength. By supporting the Soviet leadership in the communist world, they could help Moscow restore the unity that has been challenged by Red China, Castro and others. In earlier days, Eastern Europe acted as the stalking horse for Soviet plans in Europe, including those measures designed to reduce U.S. influence. For example, the Rapacki Plan to ban the stationing of nuclear weapons in West Germany, Czechoslovakia, Poland and East Germany was designed to advance Soviet interests by weakening U.S. deterrence and defense capabilities. The U.S. nuclear presence in the heart of Europe was to be eliminated, while Soviet capabilities were to be pulled back



only a few hundred miles. When the nuclear ban was first proposed in the late 1950's, the Soviets claimed they were making the greater contribution to European security by denuclearizing three countries on their side as opposed to only one in the West.

These claims have now been undercut by Eastern Europe because it is no longer willing to serve as a proxy for the Soviets. In fact, East European national requirements are disrupting the harmonization of overall Soviet strategy in Europe. For example, the Czechs, Poles and Rumanians have hinted that they want a finger on the Soviet nuclear trigger—a rather strong indication that they do not trust the Soviet Union to meet their security needs. Red China has exploited their distrust by pointing to the fact that the Soviets have not used their own capabilities to deter U.S. military action in Viet Nam, including bombing of the North at will. Aware that the Soviets may some day make a deal with West Germany at the expense of their bloc allies, the East Europeans are unlikely to rely solely on the Soviet Union, especially if they have other alternatives. Nor would they allow themselves to be used by the Soviet Union to advance its interests without requiring it to pay an appropriate price—perhaps an East European finger on the Soviet nuclear trigger. In a related development, the Rumanians have already demurred against the nonproliferation treaty being promoted by the USSR. The East European nations will undoubtedly require a *quid pro quo* for any strategic measures they undertake at Moscow's request.

#### U.S. LEVERAGE ON THE SOVIET UNION: LIMITS AND OPPORTUNITIES

The strategic problems facing the Soviets offer the United States opportunities for new policy approaches in Eastern Europe, but there are limits on *direct* U.S. action. In a strategic context, the United States cannot totally guarantee Eastern Europe's military security against a German threat, even though Washington can offer some alternatives which would strengthen its security. In the economic field the United States cannot take care of the region's total economic needs, although it can alleviate some problems by increasing trade through an easing of restrictions and tariff discrimination. Politically, the United States cannot massively intrude into Eastern Europe to reduce the Soviet presence or influence or change the communist character of the regimes.

However, the United States can offer an outlet for popular pro-



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Western feeling in Eastern Europe, thereby undermining the Soviet effort to maintain ideological unity in the area and to use it to advance Soviet interests in Europe. Thus the United States should continue to try to erode the remaining elements of the Soviet-imposed closed system by means of trade, cultural exchanges, and the like, especially in the "southern tier" (Hungary and Rumania). It can use its economic, political and military presence in Europe to dilute Eastern Europe's dependence solely on the Soviets.

The continuation of the postwar U.S. presence in Europe can provide the alternative to Eastern Europe that did not exist before 1939. In the prewar period the East European nations depended on France and England for their security and were let down. Therefore they were forced to look primarily to the Soviets for security against the German threat. The United States can alter this outlook. By maintaining its presence in Europe and declaring its intention to preserve the peace against any violator in any part of the continent, it can create the climate for an eventual security arrangement safeguarding all of Europe against a possible German resurgence. In this way it could undermine the USSR's ability to keep the East Europeans in line by exploiting their fears of West Germany, and could knock down the Soviet claim to be the sole or main guarantor of Eastern Europe's security against German resurgence.

Because of the Soviet Union's proximity, the United States cannot expect to become Eastern Europe's sole protector, nor should it seek this role in view of its own commitments elsewhere. It might accord with U.S. interests to get the Soviets to share the burden of preserving peace in Europe rather than to try to displace the Soviet presence; success in riveting the Soviet Union's attention to Europe might divert it from other parts of the world.

The United States has opportunities to gain greater influence in Eastern Europe not only by means of its presence in Europe but also by pursuing certain policies in and beyond Europe of direct concern to the USSR. Thus, if the United States maintains its strategic superiority over the Soviets, it may continue to deter the Soviet Union from trying to advance its interests abroad by the use of its own forces in combat and from initiating new probes and crises in Europe. It may also allow other factors—such as the Soviet concern with a possible German and/or Chinese threat—to come



into play, thus reducing the Soviet ability to damage U.S. interests. A few years hence, the Soviets may be forced to deal seriously with explicit or implicit Sino-German collusion.

The activation of a two-front political or military threat may drive the Soviets to seek the cooperation of the United States—on a selective basis—as they did in World War II. However, a Soviet move in this direction should not be confused with détente or convergence, for these would require such major internal changes in the USSR as to give rise to common Soviet and American social and political values. Such a qualitative change in the Soviet Union is unlikely because Soviet leadership within the next decade will still be tainted by Stalinism. Rather, a Soviet “opening to the United States” will probably be due to a hardheaded appraisal that greater threats to its national security may be posed by nations other than the United States and that Soviet interests may be better served by cooperating with the ideological adversary. Such a radical reversal in the Soviet attitude toward the capitalist world has occurred on numerous occasions. In World War II, Stalin even went so far as to shut down the Comintern (the Moscow-dominated world communist organization) when this served the Soviet national interest, even though this action placed in abeyance the Soviet commitment to promote world communism.

Although history does not repeat itself precisely, the Soviets see evidence of a possible Sino-German threat.<sup>12</sup> Materialization of this threat could force the Soviets to seek U.S. assistance. Washington would then have to examine, in the light of its own interests, whether and to what extent it should cooperate with the Soviet Union. In recent statements by Soviet political and military leaders, the Kremlin has hinted that a basis for cooperation exists. As far back as 1961, Soviet Foreign Minister Gromyko indicated that U.S.-Soviet collaboration could enable the two to withstand any challenge. Since this pronouncement was made just as Sino-Soviet differences came to light, it can be inferred that Gromyko had a potential Chinese threat in mind. In June 1967 Kosygin declared that the United States and the Soviet Union, as great powers, had a responsibility to police the world. General Talensky, a Soviet military spokesman, has suggested that, despite their current ideological differences, the U.S.-Soviet World War II military coalition might have to be revived because of common

<sup>12</sup>See, e.g., *Afrika i Aziya Segodnya* (*Africa and Asia Today*), No. 7 (1967).



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threats facing them. A political spokesman, Yuri Zhukov, has indicated that the Soviets did not want to exclude the United States from a European security conference. In 1967 Soviet Defense Minister Grechko and party boss Brezhnev grudgingly acknowledged the U. S. role in World War II in meeting a common threat and implied that a similar common threat could arise again.<sup>13</sup>

In the context of a Sino-German threat against the USSR, the United States could cooperate with West Germany and/or post-Maoist China against the Soviets, or "selectively" join the Soviets to help them solve their German and/or Chinese problems. In either case Washington may be in a position to extract Soviet concessions that, at the minimum, might include an agreement to cease undermining U.S. interests in Europe, Asia, or elsewhere.

In summary, the United States may be able to exert more influence on Soviet policy in Eastern Europe by relying on factors and forces outside the area than it could by intruding directly into the area; the latter might provoke the Soviets into an irrational response against Eastern Europe and possibly against the West.

### SUMMARY AND CONCLUSIONS: IMPLICATIONS FOR THE UNITED STATES

U.S.-East European strategic relations are dominated by the Soviet Union's overwhelming military power and proximity to Eastern Europe and the latter's impotence and fragmentation. These factors make it impossible for Eastern Europe to be truly independent of the Soviet Union unless it can rely on another great power. But neither the United States, by virtue of its distance from and periodic flagging interest in Europe, nor Germany, by virtue of its history of attempted conquests, offers Eastern Europe an alternative protector.

If Eastern Europe can find no alternative arrangement for its security and the United States and West Germany refrain from trying to pry the East European nations away from the Warsaw Pact, changes in future Soviet policy may permit Eastern Europe greater freedom of action. The U.S. government should be prepared to encourage—with discretion—such a development. Specifically, Eastern Europe might be encouraged to restore old or develop new economic and diplomatic links with the West but

<sup>13</sup>For a discussion of Soviet views on a U.S.-Soviet "division of the world" to keep Red China (among others) in check, see John R. Thomas, "Sino-Soviet Relations After Mao and Khrushchev," *ORBIS*, Fall 1963.



## ORBIS

not to enter into security arrangements that seem threatening to the Soviets. The United States should not press the East Europeans to break up or leave the Warsaw Pact, for Washington is not prepared to fight the Soviets to secure Eastern Europe's independence and to preserve it thereafter against Soviet influence or control. However, the United States might encourage the East Europeans to reduce their forces and to decrease the defense burden on their people by offering them economic incentives, e.g., greater trade with the West.

Insofar as the Soviets find Eastern Europe to be an economic drain, they may look with favor on a reduction of defense expenditures and forces throughout the area if this will release resources for shoring up East European economies and reducing their dependence on the Soviets. The Soviets might also welcome a reduction in East European forces in view of heightened nationalist feelings in Eastern Europe and the possibility that indigenous forces could create military problems for them. The Kremlin undoubtedly still remembers that Gomulka threatened to use the Polish army to resist Soviet demands in 1956 and that Hungarian army units joined the freedom fighters against Soviet forces in 1956. It is worth noting, in this regard, that in October 1968 the Soviets were reported pressing for a one-third reduction in Czechoslovak armed forces.

Eastern Europe would be unlikely to reduce its defense capabilities unless certain other steps were taken: for example, (1) an explicit or implicit U.S.-Soviet agreement "to keep the peace" in Europe against a potential German threat; (2) a tacit U.S. agreement not to seek strategic advantage from Eastern Europe's reduction of forces, demonstrating this by pressing for a stabilization or reduction of West German forces; and (3) a U.S. indication that it was prepared to scale down its own forces in Europe if the Soviets reciprocated such a move.

A new U.S. policy toward Eastern Europe has to be developed in full knowledge that the key to fundamental change in Europe lies in Moscow. Whenever this fact of Eastern Europe's dependence on the Soviets has been ignored, it has led to problems or embarrassment for Western capitals, e.g., the abortive attempts to undermine the Soviets by "rollback" campaigns and sponsorship of "captive nations' rights." Indeed, the failure of these policies points up the unrealistic nature of the U.S. hope that Eastern Europe can free itself on its own from the Soviet grip. On the con-



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trary, genuine independence for the East European nations can be secured only if the United States or some other great power is willing to help them. The history of 1956 bears witness to this fundamental fact. If Eastern Europe is ever to attain a sizeable degree of political or economic freedom, it will have to come primarily through Soviet acquiescence.

The United States should encourage this acquiescence by a selective and sophisticated policy that exploits new trends in the Soviet Union and Eastern Europe without provoking an irrational Soviet response. These trends offer attractive, even though restricted, opportunities as long as Washington recognizes the limits on its ability to influence directly the events in the area. Should it overstep the limits, the United States could discredit itself by subsequent timidity or create a dangerous conflict situation.



## NATO AFTER THE INVASION

by Harlan Cleveland

The major questions raised by Russia's invasion of Czechoslovakia--the future predictability of her behavior and the extent of the "socialist commonwealth" which she intends to defend--remain largely unanswered. In the meantime, the need for defense-cum-detente in East-West relations persists. The author concludes that if each step toward liberalization or closer relations with the West produces another turn of the repressive screw in the East, the NATO allies will be faced with an excruciating policy dilemma: whether or not to pursue valuable peacemaking efforts in view of growing political criticism at home.

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## NATO AFTER THE INVASION

*By Harlan Cleveland*

IT was the third week in August 1968 and the North Atlantic allies were relaxing on their beaches, in their mountains and in their chancelleries too. There was plenty to relax about, for 1968 had started as a big year for détente in Europe. The East-West exchange in political leaders was at an all-time high; a Western leader who had not recently been in Poland or Rumania was hardly alive politically unless he was home preparing to receive his opposite number from Hungary or Bulgaria. The Mayor of Moscow was in The Hague; the Red Army Choir was about to entertain in the concert halls of England; the University of Minnesota Band was practicing for its trip to the Soviet Union. The John F. Kennedy Airport was braced for the second ceremonial Aeroflot flight, part of the new nonstop service between Moscow and New York. In Moscow, carpenters were hammering together a big Italian trade fair. And in Washington, the White House was working hard on the possibility of talks with the Soviet Union about strategic nuclear missile and anti-missile systems.

The atmospheric improvement in East-West relations was matched by a growing clarity in the West that making peace with the Russians would require a judicious mix of collective desire and collective defense. In May 1968 the NATO Defense Ministers, meeting in Brussels, "reaffirmed the need for the Alliance to maintain an effective military capability and to assure a balance of forces between NATO and the Warsaw Pact in Europe and elsewhere. . . . Ministers endorsed the proposition that the overall military capability of NATO should not be reduced except as part of a pattern of mutual force reductions balanced in scope and timing."

Then in June at the Reykjavik meeting, NATO's Foreign Ministers signed a Declaration which, in effect, invited the Soviets and their Warsaw Pact allies to negotiate about mutual and balanced force reductions in Europe—while repeating their determination to maintain NATO's defensive capability. NATO was so credibly anxious to move beyond static peacekeeping to dynamic peacemaking that in the Norwegian Storting an anti-militaristic Left could without embarrassment join a Conserva-



tive government in passing a pro-NATO measure by a vote of 144 to 6. The Western democracies, their competitive spirit aroused, had dipped their toes in "coexistence" and found they could live with it. Defense and détente had been glued together for the difficult period of "peaceful engagement" assumed to be just around the corner.

Then the Warsaw Five moved into Czechoslovakia, and showed that the Soviet leaders are no longer so sure they can live with competitive coexistence themselves.

## II

Very few Europeans or Americans can honestly say they correctly predicted this enormous event. Most of them were holding in their heads two propositions we now perceive as contradictory: first, that the Czechoslovak liberalization program would be fatal to the communist system; second, that the Soviets would inveigh but not invade.

The experts and intelligence analysts soon testified that the Russian move was perfectly rational and indeed inevitable from the Soviet point of view. Being professionals, most of them could even point to passages in their own writings which "did not exclude" an invasion. But the truth is that few experts really thought of invasion as a rational move before the event; Budapest 1956 was regarded as one of a kind. Perhaps Western experts should be excused for underrating the will of the Soviets to use force in Czechoslovakia; so did Ceaucescu and Tito—not to mention Alexandre Dubček.

Why did the Russians do it? Because they decided that their hold on the Warsaw Pact countries had first priority—ahead of East-West relations in Europe, ahead of Soviet-American relations, even ahead of Russian leadership in the world communist movement.

"The defense of socialism in Czechoslovakia is not only the internal affair of the people of that country," said *Pravda* on August 22. "Can a country wrested from the socialist community really safeguard its genuine sovereignty?" asked *Izvestia* on August 24. The Warsaw Pact nations "have the right of self-defense," Poland's Gomułka argued on September 8, "when the enemy mines our own house, the community of socialist states, with dynamite." "Marxism is irreconcilable with nationalism no matter how 'just,' 'clean,' fine or civilized the latter may be,"



*Soviet Russia* declared on September 11. "Neutrality for the socialist countries means alienation from the socialist camp," said *Pravda Ukrainy* on September 14.

Sovereignty has thus been collectivized—at least for the purpose of justifying, *ex post facto*, the invasion and occupation of Czechoslovakia. It took until September 26 for the Soviets to work out a full-blown intellectual defense of their August 20 action, but when it appeared in *Pravda* it was nothing if not perfectly clear. The particular must give way to the "general" (read Soviet) interest; "the sovereignty of each socialist country cannot be opposed to the interests of the world of socialism." Sovereignty, as preached and practiced by unidentified anti-socialist elements in Czechoslovakia, would have enabled NATO troops to "come up to the Soviet border, while the community of European socialist states would have been split." In such conditions "law and legal norms are subordinated to the laws of the class struggle."

An older Soviet adage said it less bureaucratically and more frankly: "Law is like the tongue of a wagon—it goes in the direction in which it is pointed."

### III

The forces of the Warsaw Pact began moving at 11 p.m. the evening of August 20. A couple of hours later, in Paris, London, Washington and some other capitals, Soviet Ambassadors hastened to deliver assurances that the tanks and planes were in Prague by invitation, and were not directed against the "state interests" of the United States or other allies. At 2 a.m., August 21, Prague radio aired news of the invasion; at 2:09 the Associated Press carried its first "flash," based on the Prague broadcast. Meanwhile some of NATO's air defense radars were partially jammed—a by-product of Soviet jamming in Czechoslovakia, as it turned out. By breakfast time in Europe, the NATO "crisis-consultation" machinery was in high gear.

The first big debate inside NATO was not about long-term policy but on a disturbing tactical question: Why didn't we know the invaders were going to move before they moved?

For NATO strategists, the question is no side issue. NATO's flexible strategy rests heavily on the assumption that the West would have two kinds of warning of any move by the Warsaw Pact against NATO. We would have political warning, because



a surprise attack not preceded by a build-up of political tensions seems almost inconceivable. We would have strategic warning, because we would see and sense the build-up of forces the Soviets would require to undertake a serious military operation against the NATO defense system. But it has always seemed unlikely that we could tell in advance the precise moment at which an attack by those built-up forces would be launched. So the doctrine has been: There shouldn't be any such thing as political surprise or strategic surprise, but tactical surprise is always possible.

In the first shock of seeing Russian troops just across the Bavarian border, this whole set of assumptions was called into serious question. But if anything, the events of August show that our warning doctrine stands up pretty well. We (and the Czechoslovaks) had eight months of quite visible political warning—the Soviets had been visibly distressed ever since Dubček came into power. We had a number of weeks of strategic warning, as the Soviet forces got into position to threaten the Czech leaders with a military invasion.

As far as it went, therefore, our analysis in NATO was about right: the Soviets, we thought, were massing most of their strength in Eastern Europe on the Czech border. NATO correctly guessed that these very large military movements—the largest in Europe since the Second World War—were not aimed against NATO; they were designed either to pressure the Czechs or, if the pressure failed, to be ready for invasion. What we didn't know was whether they *would* invade—until they started to move, and told us they were moving. Certainly the military plan was laid long before all the negotiating and palavering in Warsaw, Cierna and Bratislava. But the political decision was evidently taken quite late in the game.

The Soviet military move was impressively rapid, well planned and well executed. It was of course massively overdone to meet the contingency of armed resistance: more than one-third of a million men, more than twenty-five ground divisions, some airlifted from as far away as the Baltic regions, and the occupation of all the large airfields in Czechoslovakia. Yet this efficient operation was in the service of an almost childishly sloppy political scenario.

The Soviets' poor political planning, and the passive but remarkable resistance of the Czechs, made quite a drama for a few



days. The first quick assumption was that once the Soviets set their mind to it, the deed was as good as done. The troops rolled in, the airfields were taken, the borders sealed; then something went wrong. If the Soviets achieved tactical military surprise, the Czechs achieved a tactical political surprise by keeping their government in being and in motion—and in communication with the outside world. Czech diplomats remained busy and at work at the U.N. and in foreign capitals, still in touch with a government in Prague which astonishingly was neither controlled nor swept aside by the otherwise efficient Soviet forces. The Czechoslovak radio and press networks went underground, and the world could actually witness the arrival of Soviet tanks filmed by Czech television cameramen and relayed by the Czech television network to Eurovision.

In the end, that much power was bound to prevail—for the time being—over the stubborn, resourceful and embarrassing passive resistance of the Czech leaders and people. In a quick change of plans, the Soviets “negotiated” with their prisoners and elicited what amounted to an “invitation”—retroactively, with duress, in a communiqué issued not from Prague but from Moscow. Another arm-twisting negotiation in October confirmed Prague’s agreement to a Soviet garrison of indefinite duration. Just how many Soviet troops will stay is not important: whatever troops the Soviets keep in Czechoslovakia will be enough to make sure they can bring more in whenever necessary. And they will stay as long as Moscow pleases.

#### IV

What does all this mean for Western security? The quick answer—too quick—is that détente is dead and the cold war is back on. Once again at a moment of doubt and disarray, the Soviets have done something to illustrate for the doubters the case for hanging together. Their take-over of Czechoslovakia in 1948 helped pass the Marshall Plan; the invasion of 1968 sidetracked the Mansfield Resolution and the Symington Amendment, which called for pulling U.S. troops out of Europe. But 1969 is not 1949 all over again.

In 1949 the communists thought one big war was inevitable. The Soviets were just testing their first atomic bomb, and thought they were in an arms race against us; now they (and we) find the race was really against time, and we both won it in the sense



of achieving a capability for Assured Destruction no matter who strikes first. Then (in 1949), a would-be monolithic movement, run by one dictator, was promoting and presiding over world communism; now (in 1969) a collective leadership is busy trying to hang onto a dependable socialism-in-one-region. Then the Soviet empire was expanding; now its rulers are trying by force to prevent it from coming apart.

In short, the invasion of Czechoslovakia can be read as the latest and most dramatic spasm in the nervous decomposition of the "socialist commonwealth" and the attempt by its bosses to arrest the rot by repression. The result is a range of dangers, but also some opportunities, which are neither the cold war of our bygone fears nor the warm *détente* of our recent dreams.

The East-West military confrontation in Europe is certainly more acute than it was before. There are, quite simply, more Soviet troops, farther west, in a higher state of readiness than before last summer. It is true that the large Soviet troop movements were directed against their own allies and not against ours. But there is more to intentions than current plans of action. There are many ways in which turbulence and terror inside the Warsaw Pact area could spill over onto NATO's frontiers.

The collective decision to beef up NATO's military strength, and the national decisions to invest more men and money in NATO-committed forces, were caused less by the sudden rise in Soviet military readiness than by the quantum jump in uncertainty about Soviet behavior. If the Soviet leaders could misread as badly as they did their near neighbors, the Czechs, how well are they reading us today?

The disturbing fact is that we do not really know what the Soviet leaders have in mind. They have said all too clearly that they propose to hang onto their empire no matter what. But how big is the empire they have chosen to "defend"? How far beyond the Warsaw Pact does the "socialist commonwealth" extend? Rumania is hard-line communist on the inside; how independent an external policy can Bucharest get away with? Is Yugoslavia a link in the "chain of socialist states"? In whose "camp" do the Soviet leaders place Albania today—or will they tomorrow? Beyond communist rule there are other European lands not part of the NATO defense system which we have been assuming were safe from Soviet "protection" but where new anxieties have arisen.



On the first day of the Czechoslovak crisis, a perceptive European made this relevant comment in a NATO meeting: "The Russians have said they're serious about protecting their harem, but they haven't said how big it is." Trying to limit it by preventive diplomacy, fifteen Foreign Ministers, meeting as the North Atlantic Council on November 16, warned the Soviets that any more interventions "would create an international crisis with grave consequences."

## v

The first reaction of the North Atlantic Alliance to the mounting Czech crisis—before the invasion—was to watch carefully but lie low. Despite the big build-up of Warsaw Pact forces around Czechoslovakia, despite their vigorous manœuvres not far from NATO's borders, the political judgment (that this threat was directly against a Pact ally, not against the NATO alliance) led to agreed Allied policy: scrupulously to avoid giving the Russians any Western excuse to move into Czechoslovakia.

This restraint was not, as restraint so often is, the paralysis of timidity. It was a conscious policy consensus in the North Atlantic Council. It did not save the Czechs, of course; nor was it intended to. But the policy "worked" in the sense of helping to make ridiculously unbelievable the pathetic attempts to pin the ideological "crimes" of the Czechoslovak leaders on "imperialists" and other dark forces of external subversion.

When the Russians struck, NATO was readier for round-the-clock crisis management than it had ever been before. For one thing, when NATO's political headquarters was moved from Paris to Brussels in October 1967, the Council decided to build into the new headquarters a modern Situation Room, complete with up-to-date visual aids and serviced by a new NATO-wide communication system. And the Council's Committee of Political Advisers, in earlier times a once-a-week mutual information society, had been converted to an every-day "watch committee" producing overnight political assessments to guide NATO's military commanders. These facilities proved their value as the allies turned immediately to consulting together about what had happened, and what it meant for Western security.

The Council's first political decision after the invasion was to continue to lie low—to take some obvious precautions but not to imply by a noisy alert or mobilization that there was a sudden



danger to the West. Nothing, it was felt, should be done to distract from the efforts to condemn the Soviet invasion in the U.N. Security Council.

But behind the scenes the invasion had brought into being a NATO work program of impressive and exhausting scope—a book of lessons learned from the invasion about Soviet logistics and mobility and tactics, a special inquiry into the “warning” issue, a reestimate of Soviet intentions, a complex consultation about the dampening of East-West contacts, a study on the economic implications, a revision of plans for regional arms-control proposals, and a new look at NATO’s force plans in the light of the new uncertainties. The first product of the intensive daily work—“drafting by night and tearing it to pieces by day”—emerged on September 4, when NATO’s Defense Planning Committee (a euphemism for the North Atlantic Council when it meets without France) published a declaration marking the end of the “lie-low” policy. The statement reminded a suddenly attentive world of the defense-cum-détente policy formalized by NATO Ministers at their May and June meetings. Prospects for mutual force reductions having “suffered a severe setback,” the NATO nations said they proposed to maintain their military capabilities, and announced a thorough assessment of NATO’s forces in the light of “recent developments in Eastern Europe.”

In effect, this was a pledge that there would be no reduction of forces pending comprehensive analysis and deliberate decision-making by the Council. It was needed as a stopgap policy because many of the allies were well into a process of trimming defense budgets, shaving their contributions to NATO, relaxing their readiness levels and neglecting standards for weapons and stocks. The natural urge to save money on the defense establishment had been reinforced by apparent symptoms of a growing détente.

## VI

To shift gears, from reverse to forward, is hard enough inside a single government; in an international organization the task is compounded by a factor somewhat greater than the number of its members. An international organization moves by fits and starts, and the fits are called Ministerial meetings. Western Europe’s first reaction to the Czech invasion was to assume that NATO would call a special meeting of Foreign and Defense



Ministers—Chancellor Kiesinger even suggested a meeting at summit level—to stress Alliance solidarity and rebuild the Western defense system.

The other NATO nations began by looking to Washington for a cue. Somewhat to their surprise, Washington passed the initiative back to them: a great gathering of NATO Ministers would be useful only when each government had had time to give its allies “concrete indications” of what it thought it could do to enhance its contribution to the NATO defense system. We should know the denouement before turning on the drama.

None of the other potential leaders—the Germans, the British, the Italians—quite felt able to step forward and break the multilateral game of “Après vous, Alphonse.” And the smaller allies, considering it a big crisis, thought the big countries should take the lead. Thus for a variety of reasons—all related to their internal politics—none of the members wanted to blow the opening whistle and suggest a new target for NATO-after-Czechoslovakia. Yet most said privately that they could do more for NATO if NATO asked for more to be done. The problem was to put together concrete national steps in the form of a “collective initiative” in which no member seemed to be out in front, and to which each member could respond. This was a job for the Council in Permanent Session. In time, with mutual prodding, there were enough “concrete indications” of added defense efforts to justify moving up to mid-November the regular December meeting of NATO Ministers.

It was a foregone conclusion that the collective Western defense system would have to be strengthened. As the meetings were held, the deficiencies unveiled, the plans for improvement laid and the cost of alertness calculated, a wide consensus was soon evident on what kind of collective response NATO should make. (The question of exactly who should do exactly what, for how much, at whose expense, naturally took a little longer.) Before the end of September, NATO’s fourteen active defenders had decided that what was needed was not so much *more*, as *better* forces. If the Soviets are readier, NATO had better be readier. If Soviet behavior is less predictable, then NATO needed an even more flexible “flexible response” strategy, with all that implies for mobility and trained reserves and speed of reaction in a crisis.

NATO’s force goals—part of a five-year defense-planning sys-



tem to accompany the "flexible response"—are a blend of military requirements and the resources likely to be available. They have a built-in "carrot factor," or incentive gap, of about 10 percent between the feasible and the desirable. The post-Czechoslovakia plans are, by and large, to try to meet the full force goals immediately. Every NATO ally has latterly been below NATO standards of manning, equipment and training; the allies quickly agreed that each of them should try to meet the agreed standards. The Mobile Force that serves Allied Command Europe is to be enlarged. NATO-committed tactical air forces, which have been too largely reserved for the "least likely eventuality" of general nuclear war, are to be converted more rapidly for use in less glamorous but more relevant conventional roles—tactical bombing, close support, air defense, reconnaissance. And the much-discussed "transatlantic bargain," whereby the Europeans improve their capacity to mobilize ready reserves in a hurry and the North American members improve their capacity to provide air and ground reinforcements in a hurry, is also part of the "collective response."

Some of the new effort is being applied outside of Central Europe, which naturally got most of the attention at first because that was where Czechoslovakia happened to be. NATO was already planning, for example, to take on as an alliance responsibility the surveillance of Soviet naval activities in the Mediterranean and to organize an "on call" NATO naval unit for special exercises and limited emergencies. New anxieties about the future of Yugoslavia and Albania stirred in NATO's Mediterranean allies an even livelier interest in organizing NATO-committed naval power so that it would be usable in something short of a general war. A NATO Command of Maritime Air Forces for the Mediterranean was officially established in November; its program will include use of some planes newly based by the United Kingdom in Malta, as well as those provided by the Italian and U.S. forces in the area.

Beefing up the NATO defense system is going to cost money, and much of the manœuvring by each ally to get the others to speak up first was occasioned by the enormous difficulty each government perceived in reversing a budget-cutting trend already well started between 1967 and 1968. In reporting their defense plans to NATO, the twelve participants other than the United States said last year they expected to spend upwards to \$90 bil-



lion over the five-year period 1968-72. Taken together, they have been using just under 5 percent of their Gross National Product for defense purposes. (We spend about 10 percent of our GNP for defense, but that of course includes the heavy budgetary burden of the war in Viet Nam; the "pure" U.S. contribution to NATO would run well under 2 percent, even if our Atlantic Navy and all our nuclear weapons in the theater are included.) But in 1968 our allies' spending was down to 4.5 percent of GNP. The first essential will be to turn this allied spending curve back up; for the allies other than the United States, a total expenditure of \$100 billion, rather than \$90 billion, might be a reasonable target over the next five years.

The new pledges of men, matériel and money, announced at the November 14 Ministerial meeting of NATO, were a big step in this direction. And for the first time in Alliance history, the lion's share—80 to 90 percent of the new effort—was contributed by the Europeans.

#### VII

The Soviet action in Czechoslovakia was a deep wound to the agreed Western policy of pursuing détente between East and West. During the last ten days of August every NATO country hastened to dampen contacts, postpone political visits and generally defer the building of East-West bridges. The Minnesota Band did not visit the Soviet Union, and the Red Army Choir was not heard in England. The Mayor of Moscow was shipped hurriedly out of The Hague. Ministers in half a dozen Western countries who had been preparing trips designed to bolster their personal contributions to peace, suddenly discovered urgent business at home. Diplomatic parties celebrating Polish Army Day, the Bolshevik Revolution and the like were boycotted by all but minor Western officials. The Italian fair in Moscow went on, but when in a show of business-as-usual the top Soviet leaders turned up as visitors, they found no Italian official of comparable rank had made the trip.

All these moves were the product of quick, instinctive agreement, made explicit in political consultations at NATO headquarters in Brussels; nobody wanted to be accused of acting chummy with the Warsaw Five in the fall of 1968. But how long should the period of mourning be? The more difficult policy choices are in the longer range.



The rationale for all this East-West bridge building, all these cultural exchanges and reciprocal political visits, has been the underlying assumption that the limits of tolerance in Moscow would permit the highly differentiated impulses in Eastern Europe toward independence, toward internal reform, toward easier and closer relations with the West to help bring about gradually, and perhaps erratically, a sea change in the climate of East-West relations. This process was seen as a prerequisite for a renewed approach to the fundamental issues which have divided Europe for more than two decades; and it is only by resolving these fundamental issues that one can begin to think seriously about a "European security system" that is any improvement over a stalemated balance of military forces.

Assumptions of this sort were fundamental to West Germany's *Ostpolitik*, to France's decision to pull out of NATO's military work, to the British interest in an East-West "code of conduct," to the beginning of "special relationships" between several pairs of states on opposite sides of the dividing line, and to the Group of Ten—an informal small-country forum of NATO countries, Warsaw Pact members and European neutrals. The sense that things were loosening up in the East was equally fundamental to President Johnson's bridge-building policy; in a major policy speech October 7, 1967, he pressed Congress to act on U.S.-Soviet consular relations, loosened controls on East-West trade, allowed the Export-Import Bank to guarantee commercial credits to more East European countries and spoke of easing the Polish debt burden, helping the Fiat auto plant in Russia, liberalizing travel, completing the U.S.-Soviet civil air agreement and exchanging photographs taken from weather satellites.

The Russian leaders have now made it brutally plain that the efforts of the Dubček régime to create a "socialist humanism" went well beyond the limits of their tolerance for change in Eastern Europe. If each step toward liberalization or closer relations with the West produces another turn of the repressive screw in the East, the NATO allies are face-to-face with an excruciating policy dilemma. Peacemaking efforts by Western leaders will run into more political criticism at home; "détente politics," which assisted many European Ministers to power, will lack the thrust it had in European politics before August 20.

The new obstacles to disarmament dealings with the communists are especially obvious. On August 20 NATO's hand was



outstretched, holding a proposal to talk seriously with the Eastern allies about arms control in Europe. The desire for détente is so deep, in the domestic politics of the NATO allies, that this welcoming hand will probably not be clenched into a fist. But the staff work on "balanced and mutual force reductions," the building of models, the development of concrete proposals, are bound to be accorded a low priority within Western governments and in NATO until the Soviets give some sign that they are thinking hard about them too.

The sharpest dilemma of all presented itself when the Johnson Administration had to face the question of whether and when to talk to the Soviets about the limitation of strategic nuclear missiles and anti-missile systems. Before the invasion, Canada and our European partners were unanimous in urging us to get on with strategic arms limitation talks. Immediately after the invasion, just to set a date and begin such talks with the Soviets would have been widely resented. And it was not in the U.S.—or allied—interest to help the Soviets wipe out the stain of Czechoslovakia by conducting business as usual.

On the other hand, the case for trying to do something about the nuclear missile race, and do it soon, is simply overwhelming; subjects that even possibly bear on survival cannot long be postponed for the sake of appearances. We are at one of those historic moments when technology has made possible another great leap in history's costliest and most terrifying arms race: we have learned how to shoot at incoming missiles, and at the same time we have learned how to multiply the number of warheads in each offensive missile. If both the United States and the Soviet Union exploit to the limit the known technologies, the mutual escalation will add enormously to the cost, while if anything subtracting from the security each side would be trying to buy with the extra billions of dollars and rubles. We cannot know, from their mere agreement to talk, whether the Soviet leaders have at last concluded, or are open to persuasion, that the next phase of this arms race makes no more sense for them than it does for us. But if there is even a fractional possibility that we could get some agreement on this cosmic complex of life-and-death issues, it would be madness to pass it up.

#### VIII

It is too early to judge what the new Soviet doctrines, backed by Soviet forces, may do to the Western Alliance system in the



long run, but it is already clear that the long run has been lengthened. Even before the invasion of Czechoslovakia, it was apparent that no NATO ally was seriously proposing to avail itself of the provision by which signatories of the North Atlantic Treaty can, after the twentieth birthday of its coming into force—that is, after August 24, 1969—give one year's notice of withdrawal from its obligations and protections. The betting was that even France, which participates in political consultation while standing aside from the NATO defense system, would stay in the Alliance in its special way. Now, at a stroke, the Warsaw Five have solved what remained of the much-debated question: After 1969, what of NATO?

The authoritative answer was provided by the Foreign Ministers of NATO in the communiqué issued after their moved-up annual meeting. Skirting the kind of formal commitment that would constitute an amendment to the withdrawal clause of the Treaty (and would therefore have to be ratified by legislatures), the Ministers declared on November 16, 1968:

“The North Atlantic Alliance will continue to stand as the indispensable guarantor of security and the essential foundation for the pursuit of European reconciliation. By its Constitution the Alliance is of indefinite duration. Recent events have further demonstrated that its continued existence is more than ever necessary.”

In what amounted to a concurring opinion, French Foreign Minister Michel Debré adapted some 1966 language of General de Gaulle to add that “unless events in the years to come were to bring about a radical change in East-West relations, the French Government considers that the Alliance must continue as long as it appears to be necessary.” And Secretary of State Dean Rusk let it be known that the U.S. intention to stick with NATO “for the foreseeable future” was bipartisan U.S. policy checked out earlier that week with President-elect Nixon.

It also seems probable that this Alliance will continue, despite Czechoslovakia, to consider its task to be defense-cum-détente—the preservation of Western security as the essential basis for making peace with the East. In the midst of all the autumn talk about beefing up European defenses, the NATO allies had no difficulty at all in agreeing that “the only political goal consistent with Western values is that of secure, peaceful and mutually beneficial relations between East and West.”



But peacemaking takes two or more. The prospect for getting back on the road toward détente in Europe is deeply shadowed by the very fact of the Soviet invasion, no matter what happens next in Czechoslovakia itself. The Soviet fear of man's natural instinct for freedom will for some little time force NATO to concentrate, more than its members would prefer, on the peacekeeping side of its dual personality—while its latent peacemaking function awaits better days and brighter prospects.

The Russians may have the raw power to contain with tanks and terror the growing desire of the East Europeans for the decencies of freedom and the niceties of life. But repression cannot indefinitely smother expectations in the East which are produced, not by NATO's machinations but by the yearnings of people for a more humane society—nourished, to be sure, by the lively example of more liberal life in the West. A cartoon in a European newspaper last fall managed to say it all in a single caption. It showed a group of students and workers standing on a street corner, discussing politics with animation. In the background, two Russian commissars are wringing their hands, and one of them is saying to the other: "The trouble with all these people's democratic republics is that they seem to be producing democratic republican people."







MOSCOW AND THE MEDITERRANEAN

by Curt Gasteyger

"The greatest danger in the Mediterranean is not a direct clash between the superpowers but their lack of control over local conflicts, and the possibility of their eventually being drawn into them. Even more than in Europe they will sooner or later have to evolve a modus operandi. . ."

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MOSCOW AND THE BRITISH EMERALD

by Capt. G. G. ...

The first lesson in the Mediterranean is that the  
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## MOSCOW AND THE MEDITERRANEAN

*By Curt Gasteyger*

“THE Russians seem to me more bent on taking ports in the Mediterranean than in destroying Bonaparte in Egypt.” So wrote Horatio Nelson in 1799. Whether “Bonaparte” is regarded as a synonym for President Nasser or for the Sixth Fleet, these words could hardly be improved upon as a reflection of the present state of Western consternation about Soviet objectives in the Mediterranean. Do the beginnings of a Soviet naval presence there mark the end of an era during which the Mediterranean has been dominated by a succession of single powers?

The Mediterranean, the meeting place of three continents and the melting pot of even more civilizations, has, unlike continental Europe, never enjoyed a lasting power balance. The Pax Romana was followed by centuries of Islamic rule, which in turn was gradually replaced by an uneasy relationship between the Porte and the emerging British Empire, occasionally challenged by France. The opening of the Suez Canal changed the Mediterranean from an inland sea to the main link between the Atlantic and the Indian Oceans, and thus made it an important commercial and military artery. After World War II the importance of the Mediterranean as a strategic nexus between East and West was further enhanced. As a key area in the Western system of deterrence which encircled the communist world from the North Cape to Okinawa, it remained under the influence of the Atlantic powers; for the first time it was an external power, the United States, which provided the principal instrument of dominance, the Sixth Fleet.

It now seems that this fourth phase of one-power predominance in the Mediterranean may also be the last. Since the Arab-Israeli war in June 1967 the Soviet Union has established a political and military presence on a larger scale than before, and shows no intention of withdrawing. It has thus succeeded in escaping from the role of a distant observer who could defend or promote its interests in the area by verbal declarations only. Much of the West's alarm seems either excessive or premature; but it would certainly be shortsighted to deny that the new Soviet presence will have considerable political and military effect.



The importance of the new Soviet engagement in the Mediterranean is magnified for two reasons: it can be related to a change in Soviet strategy and it is taking place in an especially sensitive area of the world. Quite apart from the third Arab-Israeli war, a number of other recent developments make the Mediterranean vulnerable to a Soviet challenge. They include the imminent British withdrawal from "East of Suez;" the military coup in Greece; the still unsettled Cyprus crisis, with its attendant Greco-Turkish tensions; Britain's dispute with Spain over Gibraltar; France's withdrawal from NATO, her withdrawal from naval bases in Tunisia and Algeria, and her attempt at "reëngagement" in the Middle East; the uncertainties of Italian domestic politics; and the manifold tensions between the West and the Arabs. In theory each of these situations could be exploited by the Soviet Union. But this is to assume that the Mediterranean littoral is a political and strategic unit which a great power like the U.S.S.R. can influence according to its own will. At present there is no evidence that such a possibility exists, as the United States found out in the 1950s after bitter experience.

The fifteen Mediterranean countries have little in common. They have widely different political backgrounds and are at varying stages of economic development. Consequently, they are less likely to form a distinct community of interest than almost any other constellation of states, except perhaps the countries bordering the Indian Ocean. It is, therefore, doubtful if any external power could hope for more than a modest degree of influence in the entire Mediterranean area. It is true that there are communist observers who see events like the fall of Ben Bella, Sukarno or Nkrumah, the Arab defeat of June 1967 and the military putsch in Greece as part of a "CIA conspiracy," aimed at weakening the "progressive" forces in the world, and more especially in the Mediterranean area. President Tito seems to have been influenced by this theory when he came out so strongly for President Nasser during the June war. Fearing that his last and best friend in the nonaligned world was in danger, Tito took the unusual step of urging the Soviet leaders to come to Nasser's defense. To achieve this, he was even prepared to grant overflight rights to the Russians and accept an almost complete alignment with their Middle East policy. In so doing Tito may have helped to save President Nasser. At the same time he undoubtedly helped to bring the Soviet Union into the Mediterranean even more quickly



and on a larger scale than he could have wished and the Russians could have expected.

## II

The Russian drive for warm-water ports and outlets to the oceans, including the Mediterranean, has a long history. Although the recent rapid build-up of the Soviet presence in the Eastern Mediterranean is more the result of exploiting a series of accidental events than the execution of a master plan, this is not to say that the Soviet Union came to the Mediterranean by accident. Its present policy had its origins in the mid-fifties when, after several years of relative inactivity, it resumed, but with different methods, a policy unsuccessfully followed by Stalin both during and shortly after the war. The Russian Navy had, in fact, a submarine base in Albania until 1961; and the present naval build-up goes back to 1964 when a special Mediterranean unit was formed as a part of the Soviet Black Sea Fleet.

More important than the much publicized build-up of the Soviet navy is the fact that the U.S.S.R. has obviously decided to commit itself to the Mediterranean on both a politically and strategically important scale and to stay there for good—with all the consequences this may entail. It seems to reflect an important change in Soviet strategic thinking. Following World War II Soviet strategists were confronted with “worldwide Western encirclement.” For almost two decades their strategy was designed for the defense of their “inner front.” Western, and especially American, defense policies relied on a series of distant bases that were both politically and militarily vulnerable, while the Soviet Union could organize its defense on its own territory or within its immediate sphere of influence. Humiliating experiences in Cuba and during the June war demonstrated the importance of having a naval force that was both mobile and credible. This may have convinced Soviet strategists that the long-term advantage of an “inner front” had gradually changed into a net disadvantage. For concentration on the “inner front” had prevented the Soviet Union from developing a powerful navy, which in the light of the growing importance of both seaborne strategic deterrence and a capability for long-range intervention has now become an essential attribute of great-power status.

There are many indications that the U.S.S.R. is now developing a strategy better suited to its ambitions as a superpower and



to the support of its friends in time of crisis. A consequence may be that it will feel increasingly tempted to deploy its newly acquired military capabilities in areas where it has not previously made its presence effectively felt. By breaking the American naval hegemony in most maritime areas, including the Mediterranean, the Soviet Union may try to establish regional balances in strategically important areas so as to complement, at lower levels, the existing global balance between itself and the United States. In this way, the Soviets would hope to prevent their opponent from taking unopposed actions against what they could consider their own interests or those of their client states. Clearly, the United States today could not, with the same equanimity, undertake an action similar to its intervention in the Lebanon in 1958, even if it wished to do so.

Before examining the political and strategic implications of the Soviet effort to establish a strategic balance in the Mediterranean we may appropriately look at the three forms which the Soviet military presence has assumed in the eastern part of the Sea and the adjacent Middle Eastern area.

First, there is the remarkable expansion of Soviet arms deliveries to the Arab and other Mediterranean countries, ranging from such "traditional customers" as the United Arab Republic, Syria, Iraq, Sudan and Algeria to South Yemen, the Yemen Republic and, surprisingly, Morocco, which (to Algeria's embarrassment) is reportedly to receive light weapons from Czechoslovakia. Further, the Soviet Union has since 1958 replaced the United States as Yugoslavia's main source of supply. The case of Jordan, which briefly appeared on the list of new Soviet customers, shows, however, that Moscow is more cautious than it sometimes appears. In refraining from delivering arms to Jordan it was moved less by ideological reasons than by a sober assessment of the undesirable consequences such a step could have: Israel and Saudi Arabia would find themselves hemmed in by countries dependent on Soviet assistance, while the United States would lose one of the few remaining possibilities of exerting influence on Israel's neighbors. This could lead only to a further polarization of forces and thus render still more difficult a viable coexistence between Israel and its Arab neighbors.

Second, the Soviet Union has noticeably increased its technical-military assistance to certain Arab countries, particularly as regards the number of instructors, technicians and engineers sent



to the U.A.R. Exact figures are not available, but estimates vary from 1,000 to 2,000 men. More important than the correctness of these figures, however, is, as we shall see, the way this Soviet commitment is affecting relations between the two countries.

Finally, the Soviet Union now has a navy of some 45 ships in the Mediterranean, which constitutes its most conspicuous presence in the area and is intended to have the greatest possible psychological effect. In mere numbers it may be compared with the 50 to 60 ships in the U.S. Sixth Fleet. But it has nothing to compare with the two powerful American aircraft carriers, each with 100 strike aircraft, or with the Polaris submarines. (Incidentally, it is often overlooked that the Italian navy exceeds the Soviet Mediterranean fleet in terms of both numbers and modern ships.) Above all, the Soviet fleet in the Mediterranean still lacks any kind of sustained air cover, having neither an aircraft carrier nor an airfield sufficiently near. In the Mediterranean, with its relatively short distances, this may not be as disadvantageous as it could be elsewhere; however, it is an unsatisfactory situation which the U.S.S.R. will probably try to rectify.

One way of achieving this is to establish permanent naval and air bases in friendly countries. The Soviet Union has made some progress in both respects. At present, it uses three ports of call—Alexandria and Port Said in the U.A.R., and Latakia in Syria. There is no evidence, however, that it has taken over the Algerian port of Mers-el-Kebir from the French, and, barring a major change in the politico-military situation, there is little likelihood of this occurring in the foreseeable future. One cannot say that the Soviets are using the above ports as permanent military bases or are in fact pressing to take them over. The term "base" has often been misused in this context; given the greater mobility of modern navies and their increasing self-sufficiency both in terms of supply and communications, the importance of highly complex bases has decreased. Therefore, it is more appropriate to talk about technical facilities. And no doubt the Soviet navy is increasing its use of these harbors for refueling, refitting and repairs. In so doing it has been careful to avoid assuming the appearance of a neo-colonial power. But it is difficult to see how it can escape this charge if it simultaneously reëquips its client states with modern weapons and acts as their overall protector.

At this early stage the greatest effect of the Soviet build-up in the Eastern Mediterranean is psychological. Looking further



ahead, however, we can see a number of developments which may affect the political and military situation of the entire area. The Soviet presence is likely to arouse diametrically opposite reactions on the part of the countries involved. They may readjust their foreign and defense policies, either because they see the Soviet presence as a threat to their own position or because it seems to strengthen it. Whether such a polarization will actually take place will depend on Soviet behavior, as well as on the reactions not only of the local countries but of the external powers to what could become another area of great-power confrontation. NATO or some of its members may well react or even over-react to a further growth of Soviet influence by increasing their own forces, by reinvigorating the present alliance systems or creating a new inter-allied force.

The fear that the Soviet Union could "outflank" NATO seems exaggerated, for it is difficult to see what the U.S.S.R. would achieve by such an attempt, let alone how it could carry it out with the present capability of its Mediterranean fleet. One could, however, argue that during a crisis its present position would make it easy for it to cut important supply lines to Europe. Thus the possibility of a new front in the south of Europe cannot be altogether dismissed. In particular it is a contingency that Turkey must take into account; it has always had the Soviet navy on its northern coast, but now it must reckon on being threatened also from the south. The U.S.S.R. might also be able to interfere, in time of crisis, in Western air communications between NATO and CENTO. And so long as there are British troops East of Suez, this could also affect British positions in Asia.

Thus the U.S.S.R. is in process of obtaining new strategic options, which it may be able to use better once its presence in the Mediterranean has become firmly established. How far it can get is a different question. The Soviet navy will for a long time remain vulnerable in at least two respects: its inferiority to NATO's Mediterranean fleets and the vulnerability of its supply lines. The Sixth Fleet, originally linked to the American strategic deterrent and gradually turned into a powerful instrument of American diplomacy, is well equipped to check a Soviet threat. It is difficult to see what the Soviet Union might expect to achieve under these circumstances without risking a major confrontation.

A further consideration is that the Soviet Union has no direct control over Gibraltar and the Dardanelles. The new Soviet pres-



ence in the Mediterranean does lend added importance to the question of who controls these two main access routes. Precisely at this moment, too, Britain and Spain are at odds over the future status of Gibraltar, with the United States as an uneasy observer wishing to maintain its close relationship with the former and also anxious to prolong its base rights in Spain. The Soviet Union, on the other hand, made no secret of its preference when it joined the curiously mixed group of countries which supported Spain's case in a U.N. resolution violently critical of British policy on Gibraltar.

In the case of the Dardanelles, Moscow has shown considerable restraint since its two abortive attempts to obtain a revision of the Montreux Convention at Yalta in 1945 and again in 1946. As long as the passage of its ships is in no way obstructed, the Soviet Union obviously prefers to improve its relations with Turkey rather than press for a change in the present status of the Straits, however inconvenient and unsatisfactory this may be. It even may not feel absolutely sure of retaining its hitherto unchallenged control over the Black Sea, where until now it has been able to use Bulgarian and Rumanian ports at will. Present developments in Rumanian policy suggest that this facility may not last forever. Although a further disintegration within the southern tier of the Warsaw Pact may not seriously affect the Soviet naval posture in the Black Sea, it may considerably hamper Moscow's further build-up in the Mediterranean.

Here, then, lies the other weakness of the Soviet position in the Mediterranean. As long as the U.S.S.R. has no military control over the two entrances to the Mediterranean, Gibraltar and the Dardanelles, and slight hope of ever getting it, Soviet supply lines remain vulnerable. Equally, political changes in Southeastern Europe may in one way or another weaken the Soviet position in the Black Sea.

### III

The greatest factor of uncertainty for the Soviet Union will be the future policy of her Arab client states. Though Yugoslavia's policy of nonalignment has lost much of its strength, being largely neutralized in the Mediterranean countries by Soviet presence, it would be wrong to pretend that the days of nonalignment or noncommitment in the area are over. If the Arab-Israeli conflict is ever resolved into a mutually acceptable coexistence, the desire



for a better-balanced relationship with each of the two super-powers may revive once more. There is already a growing uneasiness in some Arab countries about their one-sided relationship with, or even dependence upon, the Soviet Union. Algeria, the Sudan and the U.A.R. have reestablished diplomatic relations with Britain, and Cairo is cautiously moving toward a rapprochement with Washington. Nasser may also be willing to resume diplomatic relations with the Federal Republic of Germany if this does not raise the awkward question of recognizing East Germany—something the Soviet Union would no doubt press for. But no Arab country, and least of all the U.A.R., dares to antagonize the Soviet Union, let alone dispense with its support. This dependence is, of course, a function of their conflict with, and fear of, Israel. As long as this conflict lasts the Soviet Union has a welcome pretext for continuing both its presence in the Mediterranean and its influence in the Arab world.

The main focus of the Soviet objectives is the U.A.R., not only because it is the leader of the "progressive" Arab States, but because it provides a key to Africa and, via the Suez Canal, to the Indian Ocean. Without Cairo's consent the Soviet Union would otherwise find it much more difficult to maintain a permanent influence in Africa, and practically impossible to exert an influence in the Indian Ocean. Moscow is no doubt exploiting its present advantageous position to secure its rights to use Egyptian naval and air bases, which are also important for reaching destinations like Nigeria or Aden.

This brings us to the Suez Canal as the third door to the Mediterranean. Its closure has brought home different lessons to the various parties concerned. The European countries, with the possible exception of Britain, have realized that the Canal has lost most of its strategic and much of its economic significance for them; it will lose still more as long-range transportation costs around the Cape decrease, as the sources of oil become more diversified and as the increased size of both tanker and dry cargo vessels make their use of the Canal impossible. With the obvious exception of the U.A.R., the other Middle Eastern countries, including Israel, also appear to be little affected by the closure; some of them may even profit from it.

If, on the other hand, our assumptions about Soviet long-term strategy are correct, then the Canal must become an increasingly important factor in Moscow's future ability to implement it. Its



attempt to build up a long-distance capability to intervene may point to still more far-reaching objectives. The Soviet Union is already seeking closer relations with South Asian countries, in particular with India. Especially after Britain's withdrawal East of Suez, this could become an important Soviet asset if China's influence grows as a consequence of the changing politico-military constellation in Viet Nam. But besides the potential strategic threat from China, the Soviet Union seems increasingly worried about the possibility of Chinese infiltration of various liberation movements (such as Al-Fatah in Palestine and the newly created NLF-type underground organization in Kashmir) which are active in some of its client states.

As its ports on the Pacific coast are too far away and ice-blocked for several months each year, the Soviet Union will find it difficult to fulfill its commitments without freedom of manoeuvre in the Mediterranean and the Suez Canal. The Soviets thus seem about to repeat British history, which has shown that whoever wants to have a strategic relationship with India must ensure passage across the Middle Eastern landbridge—that is to say, through Suez. More than this, in order to secure both its supply lines and the permanence of its presence, the Soviet Union will have to dominate or seek good relations not only with Egypt, but also with the littoral states of the Red and Arabian Seas, and possibly also of the Persian Gulf. There are already indications that Moscow is in fact making its first probings in precisely that direction. For example, it has dispatched substantial air support to aid the Republican régime of Yemen against the Royalists. It has built a harbor at Hodeida on the Yemeni coast, and it is helping the Somalis to build a new port at Berbera. At the same time it is giving substantial military assistance to the newly created South Yemen Republic. It has also improved its relations with Iran and Pakistan, thus turning an area which used to be the northern tier of Western defense into an open field of East-West competition.

The realization of these far-reaching Soviet objectives still seems rather remote, if only because there is little chance of an early reopening of the Canal. Surprisingly enough, the Soviet Union has done little to change this situation, which, after all, must run against its own interests as well as those of the U.A.R., for which every day of closure means a financial loss. While Moscow may not be able or even willing to enforce a quick settlement



of the whole Arab-Israeli conflict, the present situation would certainly enable the U.S.S.R. to press for negotiations on the future of the Canal, perhaps offering its navy as "guarantor" of free passage; Israel would find difficulty in challenging such a proposal and many countries, above all Egypt, might welcome it.

But the realization of Soviet objectives may be obstructed by other obstacles. On the basis of available evidence we must assume that there are sharp differences within the Soviet leadership itself. The more cautious elements no doubt realize that pursuit of so far-reaching an aim as a permanent presence in the Mediterranean and the Indian Ocean will put a heavy strain on the Soviet economy, while adding many unknown risks and long-term commitments which no government can easily take upon itself without compelling reasons. In addition, such a policy develops its own momentum, which later Soviet governments might find difficulty in controlling, as the British and American governments have found. Armed with the recent lessons of American over-commitment in Asia, with Eastern Europe in ferment and with immense economic problems at home, the advocates of a cautious and pragmatic policy possess strong arguments. They can also point out that such wide commitments could easily be counterproductive: the Soviet Union might find itself with responsibilities it never sought, and whose only reward would be alienation from the countries it has tried to support. By now it may already have found out that tensions between Soviet instructors and Egyptian soldiers are the inevitable side-effect of its presence there—magnified by an Ambassador in Cairo who behaves like Lord Cromer in the 1890s.

Much, then, will depend on how Moscow defines and pursues its interests in the Mediterranean and the Middle East. Perhaps the Soviets merely want to have the best of all worlds, namely to gain influence by exploiting conflicts, to expand their presence and forward their own interests without taking on more responsibilities for the area itself; they may discover, however, that in a region as diverse as the Middle East and with partners as emotional as the Arabs they will get the responsibilities without the influence. Or their endeavor may generate a new cohesion in Western policy and evoke old resentments in the nonaligned world. But whatever Moscow does, it will find that taking over the British sphere of influence is hardly possible without also assuming the imperial burden.



## IV

The Soviet presence in the Mediterranean opens a new era for this region as well as for Soviet policy. It expands the confrontation of the superpowers beyond Europe, but on a different level and in a different way. There are various reasons why one must doubt whether this confrontation will eventually evolve into a more or less durable coexistence. In fact, the opposite could happen.

First, the Mediterranean area lacks the political, economic and ethnic homogeneity which is essential for a process of stabilization. There is no clear delineation of spheres of influence that either side might feel obliged to respect.

Second, the Arab-Israeli conflict is particularly dangerous because the nature and extent of the Soviet and American commitments are different. It is precisely this asymmetry and the imbalance in their influence which could lead to a serious miscalculation in times of crisis. As a result of the June war Soviet influence in Egypt has grown far beyond that of the United States in Israel. On the other hand, the Soviet leaders make no secret of their intention to keep careful control over the use of offensive weapons which they supplied to the U.A.R. With Soviet instructors throughout the Egyptian armed forces, it may be assumed that the Soviet Union demands a say in the planning of Egyptian strategy and diplomacy. This makes it difficult to see how the Russians could allow President Nasser to undertake a major military action against Israel without making sure in advance that such action, first, is successful and, second, does not lead to a direct confrontation with the United States. It may well be that when the reëquipment and reorganization of the Egyptian forces has been completed, Soviet direct control will again be reduced. But it remains true that for the foreseeable future the U.S.S.R. will exercise incomparably more influence on Egypt and, to a lesser extent, on Israel's other Arab neighbors than the United States can ever expect or indeed want to have vis-à-vis Israel. In such circumstances the danger of miscalculations as to the intentions and actions of the other side is considerable.

Third, there is no such thing as a "naval balance of power," as was shown by the experience of the European powers earlier in this century. Two rival navies must no doubt constitute a serious deterrent to one another, but because they do not establish a physical presence within the littoral countries they cannot



exert a significant influence there. Consequently, none of the Mediterranean countries feels either restrained or fearful of being dragged into a great-power conflict.

From this follows the fourth and probably most important difference between the superpower confrontations on the European continent and in the Mediterranean: now that the two superpowers confront each other on the sea they are partly neutralizing each other's influence on the surrounding territory. They must thus deter each other, but as long as they pursue conflicting interests they will hardly be able to deter the client states of the opponent. In consequence it is the small states of the area which gain a greater freedom of manoeuvre in the pursuit of their interests.

So, paradoxically, the confrontation of the superpowers in the Mediterranean could well have the opposite effect from that in continental Europe. The greatest danger in the Mediterranean is not a direct clash between the superpowers but their lack of control over local conflicts, and the possibility of their eventually being drawn into them. Even more than in Europe they will sooner or later have to evolve a *modus operandi* based on the understanding that neither side is ever likely to have as much control over events as it has had for the last twenty years on the European continent, and that their control will become even smaller if they fail to coördinate their basic interests.



THE ASIAN BALANCE OF POWER:

AN AMERICAN VIEW

by William Chapin

"Asia seems fated to be the main centre of world tension for years to come. . .The important task now is to work towards a limited regional balance of power in which Asian states assume greater responsibility for the peace of their continent. . ."

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## The Asian Balance of Power: An American View

Asia seems fated to be the main centre of world tension for years to come. Its political conflicts are as difficult to resolve as they are dangerous to peace, and Asia, unlike most of the rest of the world, has only an uncertain relation to the central balance of power in which the United States and the Soviet Union play the dominant roles. This central balance can never fully cover Asia (Asia is too big and too important for that). But it is also unlikely that Asia will develop any really independent balance system, for the United States as well as the Soviet Union will probably remain heavily involved in Asian affairs for a long time to come. The important task now is to work towards a limited regional balance of power in which Asian states assume greater responsibility for the peace of their continent and the freedom of the smaller states.

Today many of the Asian states are excessively dependent on an American military presence for their security. But if Communist aggression is defeated in South Vietnam, Asian states will probably take greater initiatives than they do today to achieve some economic and political cohesion, the lack of which has been one of Asia's chief weaknesses. And Asian states may also acquire greater confidence in their own ability to cope with security problems. As long as China is regarded as a serious threat, no arrangements that Asians can devise in the foreseeable future can be more than a partial substitute for American strategic power in the Far East. Nevertheless, growing Asian confidence might permit a considerable reduction of American military power in the area without arousing alarm among the states that regard it as the linchpin of their security.

In reviewing the power-balance problem of Asia, I shall leave out the Middle East, but include Australia and New Zealand as part of the Indo-Pacific area. I shall assume that

South Vietnam will remain an independent state and that the question of Nationalist China and Taiwan will not be a critical issue in the coming decade, although it will doubtless be a serious and troublesome one. These assumptions are probably not unreasonably optimistic.

Asia is a term the Europeans have used since classical times to designate the largely unknown lands stretching endlessly to the east of Europe's own limits, and Asians themselves at one time would have regarded the term as meaningless. The disparate cultures, vast distances and numerous racial groupings all seemed to demonstrate that Asia was at best only a loose geographic label, invented for Western convenience. The area has never known anything like the cultural unity of the Western world. Nevertheless, huge sub-regions of Asia have had many centuries of close cultural and political association. And Asians by now have come to regard themselves as having certain important things in common that distinguish them from other people. This has been stimulated in part by the example of the broad cultural base in the West, the common resentment against the Western domination of the past and a certain racist identification as a coloured people. But more important than any of these factors in making Asia a meaningful entity, in the past as today, is the enormous land mass and population of China. Almost all Asian countries border on China or are reasonably close to it, and with China's emergence as a united and strong power the Middle Kingdom has again become the country around which the politics of Asia revolve.

### **The China Problem**

China is a dynamic and ambitious Communist state, but she is probably not bent on aggression in the sense that Nazi Germany



and pre-war Japan were. Despite the talk of her coveting the rice bowls of South-East Asia, we have no good evidence that she wishes to occupy these lands either to control greater food resources or as an outlet for her surplus population. South-East Asia could not really alleviate her population pressure and could contribute only very marginally to her food needs. China apparently assumes, and has some good grounds for doing so, that she can continue for some time to meet most of the food needs of an expanding population if she applies more fertilizers and modernizes her agriculture. She is not at present pressing vigorously any of her border claims and seems disposed to raise them only when she judges that it would be expedient to do so. The short border war with India in 1962 seems to have been carried out as much to humiliate India, particularly in the eyes of the new nations, and to demonstrate China's strength as to gain control over disputed territory in a remote region. The repression in Tibet was a brutal example of repression, but again it cannot be considered aggression in the accepted sense of the term.

But if comparisons with Nazi Germany and Japan are misleading, China is still very much an expansionist state, much as the Soviet Union has been. Certainly the Asian states that live under China's huge shadow can be pardoned if they regard her as a threat to their security. For China seeks Asian hegemony not only as an end in itself, but as one means of establishing her claim to be the peer of the United States and the Soviet Union. And her ambitions go beyond that. China, with her still fanatic faith in the doctrines formed from her own revolutionary experience, believes she must bring down the decadent or heretical world around her by the militant spread of her credo. As this world collapses, she assumes, of course, that she will become the leader of a new revolutionary world order from which both capitalists and revisionists will be utterly banished.

The emphasis placed on this revolutionary or ideological objective has been so great as to suggest that it is her main foreign objective. Apparently it still ranks as one of her chief objectives, despite the discouraging record in the past two years of her efforts to foment rebellion in Africa, Latin America and South-

East Asia. And a state that regards a high degree of instability and political chaos in the rest of the world as a condition advantageous to its interests is a menace to world peace. So also is a state that rushes to intervene in the quarrels of Asian powers, as China did with its ultimatum to India in 1965, that is prepared to run the risk of war to advance ideological objectives, that actively supports or initiates subversive movements in other countries, and that openly supports the aggressive policies of one Asian state against another, as China did by encouraging Indonesia's 'confrontation' with Malaysia. And China's threat may become more serious as she acquires a strong nuclear capability.

As long as China places such great emphasis on ideological objectives, regarding national interests as complementary to, if not identical with, them, the rest of the world and Asia in particular are going to find it hard to reach an acceptable accommodation with her. This is not to say that the Chinese Communists are inflexible bigots. Indeed, they have shown much tactical flexibility. They have ably exploited local situations, reached understandings with 'imperialist' as well as neutral states and have made a virtue of retreating before superior pressure. But the present turmoil in China, as Red Guards exalt the ideal of continuous revolution, suggests that zeal in the pursuit of ideological objectives, external as well as internal, is the highest good.

This is a depressing but not hopeless outlook. Mao Tse-tung and his immediate successor may for a time succeed in keeping revolutionary fervour at a high pitch, but at some point dogma and zeal are no longer enough. In a Communist state, as in any other, policies will ultimately be judged by their results. And if the Communists do not succeed in South Vietnam, as we assume will be the case, the present priorities and emphasis in foreign policy should change, at least after Mao's retirement. A Communist failure in South Vietnam could indeed become the Chinese equivalent of the Soviet experience of October 1962 in Cuba, even though the Vietnamese issue might not assume such dramatic form. We should not expect China to abandon the objective of world revolution any more than we would expect the Soviet Union to abandon



her ultimate ideological objectives. But Soviet leaders do not appear disposed to run serious risks for the sake of remote ideological goals or to give them a high priority in the allocation of resources. Much has changed since October 1962 as tacit understandings about the use of force have been reached. Similarly, if China reduces the energy and resources that until now she has been committing to her ideological objectives and pursues them only as long-range goals, and then more from considerations of doctrine than from any sense of conviction, the prospects of reaching a reasonable and durable settlement in Asia might improve.

We can assume that at this point China's basic national interests and objectives as these affect foreign relations would not differ very much from those of a strong and united Chinese state under a non-Communist regime. They would include adequate protection for the nation's frontiers; the expulsion of American and other external military forces from the mainland of Asia and, somewhat less urgently, from the island periphery as well; world recognition of China as the peer of the United States and the Soviet Union; and the pre-dominant voice in Asian affairs.

China's ideological or revolutionary objective may parallel or further some of the narrower national interests, but they work against others. Ideological considerations were a decisive factor in the break with the Soviet Union, whose economic and technical aid could be of great help to China's own struggling industries. Furthermore, the championship of 'people's war' has brought a powerful American army to China's southern flank, and the quarrel with the Soviet Union may be drawing a large Russian force to its northern borders as well. Despite China's official position, such forces must appear to many Chinese as a threat to China's borders and as a challenge to her ambitions to become the dominant Asian power. And the basically cautious attitude China adopted when confronted with a large American force in Vietnam, despite the bluster, was a humiliating demonstration to the world of the country's considerable military limitations. Such considerations cannot have escaped the notice of many Chinese. Perhaps some of the revisionism denounced by the Red Guards is in fact criticism of a militant foreign policy

that has failed to advance or, worse, has worked against, the national interests.

A Chinese state that gave priority to national objectives in her foreign policy would not be easy to live with, and the changed emphasis would not necessarily lead to reduce tensions. Nevertheless, rulers who subordinate ideological considerations presumably are psychologically more capable of adjusting aims to political and strategic realities. In any case, objectives of the kind just listed are not so disturbing that the rest of the world cannot look for some accommodation with China over a period of years. No nation today has designs on China's territory. If conditions in Indochina improve, there will be no need for the indefinite presence of American troops on the mainland of South-East Asia. Although it remains to be seen whether China will become the peer of the United States and the Soviet Union, she is already a great power in many respects. There must be acceptance of her right to play a key role in Asian affairs as long as she leaves her neighbours in peace.

#### **The Area of Accommodation**

Containment of Chinese expansion has been the main theme of American policy towards China since 1950. An extensive system of alliances, including the South-East Asian Treaty, a powerful net of air, naval and logistic bases in the Western Pacific, the deployment of troops not only in Vietnam but elsewhere on the mainland, and the application of vigorous trade controls have all contributed to the containment of Chinese Communism in Asia. So, too, has the strong American opposition to Communist China's admission to the United Nations. The United States and other allies have generally supported containment as the most effective means of countering an ambitious and expansionist state, even though they criticize some of the means employed. Containment, however, has strict limitations as a long-term policy, and the United States and her allies should be looking for opportunities for reaching some accommodation as a complement to containment. At this point China is in no mood to be receptive to gestures from the United States, as her rejection of American proposals for limited contact has shown. But China is by no means closed to much



broader contacts and trade with neighbouring states than exist today. Accommodation, of course, is not appeasement. It implies reciprocity of concessions and a process of adjustment on both sides of ambitions to political realities.

A number of steps might be taken over the years by the United States and her Asian and European allies as a means of reaching accommodation with China. Some could be profitably considered now, whereas others could be considered seriously only after Asian fears of Chinese intentions have greatly subsided. Such steps could include relaxation of some of the trade restrictions that limit China's access to Western markets and sources of supply; gradual moves by Asian states to put their relations with China on a normal basis; the formation of regional groupings led by the stronger Asian powers; increased European and international aid programmes; and a gradual withdrawal of American forces from South-East Asia as the security outlook in that area improves.

Trade restrictions of the kind supported by the United States and some of her allies probably have not had much success as a means of limiting China's economic development. China's development, indeed, has been obstructed less by external economic restrictions than by her own decisions, e.g. the break with the Soviet Union and such follies as the 'Great Leap Forward'. Expanded trade could be a useful if limited means of broadening contact with China. Greater exposure to the outside world, even if it is only commercial, is something China badly needs, and trade with her, within the restrictive limits established by the main Western trading nations, should be encouraged.

Japan's trade with China will probably continue to expand rapidly, despite such limitations as the Japanese Government's refusal to finance long-term commercial credit and some concern about possible dependence on China's raw materials. The trade between the two nations has grown from an insignificant \$24 million in 1960 to more than \$600 million in 1966. This is a faster rate of growth than that shown by Japan's trade with other partners, but trade with China still accounts for only a quite minor share of Japan's total trade. However, Japan is already China's largest trading partner. As long as this condition

continues, it is unlikely that China will be able effectively to exploit Japanese trade for political purposes as she tried to do in 1958, when she stopped her trade with Japan. Indeed, it rather looks as though China were becoming heavily dependent upon her trade with Japan. Restricted as the commercial visits between Japan and China may be, they are increasing with the expansion of trade. About 4,000 Japanese businessmen and technicians visited China in 1965, although the number of Chinese visits to Japan was much smaller and declined somewhat from the previous year.

Putting relations with China on a better basis will prove to be a difficult and touchy thing for many Asian states. But eventually it may be done, even as the West European states have gradually improved their relations with the Soviet Union. This cannot come about very quickly, for mistrust on all sides is deep, and for some Asian countries the whole question of better relations with Communist China is closely tied to the recognition issue. But at some point in the next few years Communist China will probably take a seat in the United Nations despite the still strong opposition to her admission and her own contemptuous attitude towards the Organization. Whatever the drawbacks to China's admission may be, it will mark a step towards ending her semi-isolation and to some extent modify her outlook, just as participation in the affairs of the United Nations has modified every other member's.

#### Regional Sources of Strength

In a recent article (*Encounter*, December 1966) Alastair Buchan, the Director of the Institute for Strategic Studies, argued that a Japanese-Australian-Indian *entente* might form a countervailing force to China and thus provide the basis for an internal Asian power balance. He believed each of the three Asian powers could assume broad regional responsibilities while strengthening its military capability. He also thought that this essentially political approach would permit a limited withdrawal of American forces from Asia once the Taiwan question was more or less resolved (Taiwan would be regarded as an American responsibility). This is an interesting thesis. A proposal for any formal arrangement among these three powers probably would not find much support



at this point, although their close co-operation ought to be encouraged. But the possibility that regional political arrangements under the aegis of Asian powers might develop into a countervailing force against China deserves examination. Any state that attempts to assert regional leadership will face intimidating problems, perhaps the worst of which is the unhappy state of Asian relations at even the regional level; but the approach might hold some promise. It is one that can be undertaken by Asians themselves, and no serious consequences should follow from an unsuccessful attempt.

### Japan

Japan has been moving only slowly and hesitantly in assuming leadership in Asia, but she has the resources, the wealth and now apparently the inclination to take a leading role. Japan, whose recovery from the shambles of her defeat in 1945 has far exceeded anything that was expected twenty years ago, is today one of the world's richest nations, and her economic future looks better every year. But she owes much of her prosperity to the fact that only slight demands have so far been made on her resources for defence or for aid to the poor countries of Asia. Japan's alliance with the United States has sheltered her considerably from the many shocks of the outside world.

Disputes over foreign policy have had a divisive effect in Japanese politics, and Socialist criticism of the conservative governments and the close alliance with the United States have at times brought about internal crises. But unless there is a sharper shift in Japanese internal politics than most observers expect, it is probable that Japan will continue to regard her treaty with the United States as the keystone of her defence. However, she can and must assume a greater role in Asian and world politics if the alliance is to endure for many more years to come. It cannot be imagined that a people as vigorous and talented as the Japanese will be content for much longer to see other nations, even her mighty ally, take the initiative in the affairs of an area in which she should be assuming prime responsibility. Japan indeed could become the strongest power in Asia politically as well as economically. Fortunately,

she is not out to challenge Communist China, but is looking for ways of reaching at least a limited accommodation with China through broadened trade relations. The Japanese also assume that they have insights into China's behaviour and thinking that Westerners cannot hope to have and for that reason they are the people best qualified to act as a bridge between China and the Western world. At the same time Japan is moving cautiously to improve her relations with the Soviet Union, and she sees no conflict in her efforts to strengthen her ties with both nations simultaneously. Indeed, she seems to assume that the Soviet Union and Communist China may soon be competing for her favour. Her trade relations with China raise some problems with Taipei, another important trading partner, but in time she should be able to reach some acceptable understanding regarding her trade with all the nations concerned.

Japan's recovery of leadership in Asia can only be built up patiently over a period of many years. As her political influence and strength increase, the suspicion of South Korea and the Philippines may grow correspondingly. The harsh Japanese occupation of the Philippines and the long period of colonization in Korea are not likely to be soon forgotten. Nor should it be overlooked that the American defence agreements with Australia, New Zealand and the Philippines were reached with Japan rather than China as a possible future enemy in mind. On the other hand, Japan's reputation in Thailand, South Vietnam, Indonesia and much of Malaysia does not present a serious political liability.

Japan is only beginning to give serious thought to the long-range implications of her initiatives in economic assistance in Asia. But the Ministerial Conference for Economic Development on economic problems in South-East Asia, held in Tokyo in April 1966 (followed by the agricultural meeting sponsored by Japan in December), could become the basis of a useful economic grouping that in time may assume some political substance. Any regional grouping in which Japan asserts leadership should have an economic rather than a political basis, and this is the approach that Japan is taking. As the Prime Minister, Eisaku Sato, said at the time of the April conference, Japan is



'resolved to engage in positive co-operation for the development of South-East Asian countries'. We have no clear notions yet about the organizational form that this Japanese regional aid will assume, but it could conceivably be something along the lines of the former Organization of European Economic Co-operation (OEEC) and include a large number of states. Japan, as chief donor, could become its leader without arousing serious suspicion of her political ambitions, but an organization of this kind would, if successful, acquire its own political importance. It would not lead the Philippines and South Korea to cut the painter with the United States, but it should encourage them to look more and more to Japan for help. And if Japan out of fear of Chinese power should decide to expand her own military forces, she may be able to allay Asian suspicions by establishing beforehand her readiness to contribute to the economic development of her Asian neighbours.

#### **India and Other Asian Powers**

India is still suffering from the shock of her humiliating defeat in 1962 and the war with Pakistan in 1965. This is a state that is deeply disillusioned with the results of its efforts to assert moral and political leadership under Nehru and with the lack of sympathy it found during its quarrel with Pakistan. India's sense of dependence on foreign aid has been made all the more acute by the recent disastrous crop failures. As a consequence, she is turning in on herself and has shown little interest in asserting leadership or responsibility anywhere in Asia except in the areas along her north-east frontiers. But it is unlikely that she will indefinitely be content to play only a secondary role in Asian politics.

Although the expense of strengthening the armed forces has placed a heavy strain on her economy, India at least has the satisfaction of knowing she can rely basically on her own resources for the defence of her territory. Her defences against China are perhaps the most important element in the Asian power balance that is not dependent on American or other external support. Moreover, India through her defence system and her diplomatic efforts is also ensuring the protection of the smaller states. Nepal is today accepting Chinese

aid, but its independence is strengthened by the close presence of a strong Indian army. Limited as it is, the regional defence responsibility that India has assumed extends to one of the most exposed areas in Asia.

As time goes on, India may be able to assert some leadership in South-East Asia, perhaps in concert with Japan and Australia. She will become a source of attraction to the small South-East Asian states if it becomes apparent that she has in fact the military strength to resist Chinese encroachments on her frontiers. But if she is to assume some regional responsibility, she cannot take the approach she did under Nehru, when she saw as her main task the defence of the newly won independence of the smaller states against Western interference. This is not much of a concern in South-East Asia today. India must show more readiness to support the South-East Asian states, at least diplomatically, against foreign Communist pressure (as she did in her support of Malaysia in 1965). And this could mean resistance to Hanoi as well as to China.

Close co-operation between India and Japan, if it comes about at all, will develop very slowly. The differences in background, outlook and resources are profound, and the two countries are separated by an enormous distance. Before the Chinese invasion, the Indians rather haughtily regarded the Japanese as an aligned nation with whom they had little in common. But today Indians and Japanese are finding some common ground, and periodic sub-ministerial consultations appear to be useful. India wants Japanese economic and technical help. Both nations are concerned about South-East Asia's future. But if India no longer regards Japan's alliance with the United States as a serious handicap to co-operation, she still distrusts the external powers and may encourage Japan to take a more independent line in Asian affairs. The Japanese at some point might find such prompting useful. The problem of nuclear weapons is also a matter of great interest to both countries.

#### **Australia**

Despite her strong ties with the United Kingdom and the United States and her past traditions, Australia is becoming increasingly an Asian power. She occupies a huge land mass



only a short distance from Indonesia. She holds the largest remaining colony in Asia – North-East New Guinea and Papua – and bears a very heavy responsibility for the colony's future. Australia's relations with most Asian states are good. She retains Commonwealth ties with several of them, has actively supported the Colombo Plan and has developed her own Asian aid programme. Her rapidly developing trade with Japan will probably assume great political importance in the years ahead.

Australia can play a key role in contributing to an Asian power balance. Although her population is small, her resources are impressive by Asian standards, and she can assume modest regional responsibilities. As many Australians will acknowledge, the country's great economic growth since the war should enable her to increase her defence and aid budgets. One rationale for the relatively low defence budgets of the past was that the savings would stimulate development and thus provide a broader base later for heavy military and aid expenditures.

Indonesia, Malaysia and Singapore are the areas of South-East Asia where Australia's regional interests most clearly lie. Thus far Australia has worked closely with the British in shoring up Malaysia's own defences. Presumably she will continue to take an active part in Malaysia's defence, as she did during the 'confrontation' period, even though the British might later reduce their forces in Asia. It would not be in the interest of Australia, the rest of non-Communist Asia or Europe to see the responsibility for Singapore's and Malaysia's security pressed upon the United States.

Although 'confrontation' is now officially ended, Malaysia doubtless has reasons to be concerned about a restless Indonesia that lies only a few miles across the straits. Indonesia's vast internal problems will make her a difficult neighbour under the best of foreseeable conditions, but no country is in a better position to work closely and effectively with her than Australia. Good relations between Australia and Indonesia may help prevent another 'confrontation' and also act as a steadying force generally in Indonesian affairs.

Indonesia and Thailand are two other countries whose role as potential regional powers should be considered. Indonesia, which today is gradually recovering from her extended

binge under Sukarno and the bloody settling of accounts that followed the attempted Communist coup in the autumn of 1965, is a desperately poor country for all her potential wealth. Furthermore, she is perhaps more a Javanese empire than a nation, and the divisive regionalism that has plagued her in the past will prove to be troublesome for a long time to come.

Indonesia's vast population, her widely scattered island territory, the poverty of Java and the whole pointlessness of her recent history weigh heavily on her. Her new leaders have rejected Sukarno's antics in both internal and foreign politics, but the Indonesians are an intensely proud people who are eager to make Indonesia a leading power in Asia; their ambition may outrun their capabilities indefinitely. Indonesia is far too big to be merely an equal in any local Asian grouping, and yet her own weaknesses and the Malaysian memories of 'confrontation' will make it very difficult for the country to assume leadership of a Malayan grouping. Indonesia may, indeed, prove to be a chronically unstable power. Certainly neither the West nor the Asian states should underrate her problems.

Thailand, a country with a long history as an independent state, has an imperial tradition of her own, and had the French not intervened in Indochina in the nineteenth century, she would probably have absorbed much of Laos and Cambodia. For a long time a backwater of Asian politics, Thailand is today widening her horizons. With her thirty million people, she is rapidly moving away from a subsistence to a diversified economy. A broad educational system, hydro-electric projects and an expanded road network are transforming the country's economy and society. Her oligarchic government is in the Thai tradition, and she enjoys a greater degree of unity than most Asian countries. She has also had more success than others in integrating a large Chinese minority. The current insurgency in the north-east provinces, though serious, is not alarming, and it can probably be brought under control. Thailand has been very sensitive to the pressure of the North Vietnamese troops in Laos, who at times have pushed to the Mekong itself, and to that of her huge Chinese neighbour. She has relied heavily on her special ties with the United



States for her security and with American help has been strengthening her own military forces.

Thailand has already asserted some leadership in South-East Asian affairs. She took the lead in 1961 in forming the Association of South-East Asia (ASA), an informal and economic and political grouping of Thailand, Malaysia and the Philippines. With South Korea she is the most active supporter of the newly formed Asian and Pacific Council (see below). The Thais also played a useful role in bringing the confrontation between Malaysia and Indonesia to an end.

Thailand's relations with Cambodia and Laos, however, have not been good; indeed, in the case of Cambodia, they have been a highly disruptive element in Indochinese politics. Thailand is by no means entirely at fault, and she is working now to put her relations with her neighbours on a better footing. But she ought to be making still greater efforts to establish the closest relations with Laos, even though the latter is and should remain a neutralized state. Laos is a weak country occupying a strategic position in Asia and one of vital importance to Thailand. The Lao and the Thais have a similar cultural and ethnic background. But the Lao with some reason deeply distrust the Thais, whom they regard as exploiters. A number of gestures on Thailand's part, e.g. reducing the charges on Laos's overland transport, could do something to encourage the Lao to look more to their Mekong neighbour for support and to dispel some of the excessive distrust.

All regional or Asian-wide organizations have thus far relied chiefly on exchange programmes or aid as the basis for co-operation. Some of these organizational efforts, such as the Colombo Plan, the United Nations Economic Commission (ECAFE) and, more recently, the Asian Development Bank, rely heavily on Western financial support for their projects. The Association of South-East Asia, the Tokyo Conference proposal of April 1966 and the recently concluded Asian and Pacific Council (ASPAC) have thus far been limited to Asian participation and support. The Colombo Plan, which has co-ordinated Commonwealth aid programmes, has been one of the most successful regional and multilateral economic and technical aid programmes in

Asia. ECAFE is establishing a habit of limited co-operation among Asian countries and makes available much important statistical data. It is the sponsor of the Asian highway programme and, more important, the huge Mekong development project. The Asian Development Bank, which was formed in 1966 with a subscribed capital of \$1,000 million, may be the chief source of funds for major national or regional development projects.

The Association of South-East Asia was formed in 1961 largely through the efforts of Malaya and Thailand. It looked at first for a fairly broad regional association, but the Philippine Republic was the only other government to join it. It has some fairly ambitious common economic projects in mind, such as a jointly owned airline, but it also had a strong regional political orientation. It became moribund as an organization when the Philippines and Malaysia quarrelled over Sabah, an area of Borneo that formed a province of Malaysia. The collapse of confrontation, however, led to its revival, and it may yet move from its present shaky state to something more solid. There have been suggestions that ASA might later be expanded to include Indonesia. This is an approach that may prove to be practicable in the future, but at this point Indonesia would probably be far too much for an untried organization to handle.

ASPAC, an organization formed to further economic and social co-operation, was established largely at Korean initiative. With a membership consisting of Thailand, South Vietnam, Japan, South Korea, Nationalist China, Australia and New Zealand, it is perhaps too far-ranging to acquire importance as a regional organization. But there is more support for it than was expected, and the Thais in particular are trying to give the organization some substance.

Regional co-operation in South-East Asia has been disappointing so far and we certainly should not even look for development on the model of the European Common Market. But useful if more modest institutions should evolve from the current interest in co-operation. There are several elements that should improve the outlook: President Johnson's offer of 7 April 1965 to provide \$1,000 million for South-East Asian development, the growing interest in the development of the Mekong



and the likelihood of increased Japanese assistance. A heavy American commitment to regional projects – and the Mekong may be only the most important – may stimulate some closer regional economic ties. The Japanese aid offer at the Tokyo Ministerial Conference of April 1966, as well as the \$200 million subscription to the Asian Development Bank, should involve Japan more actively in South-East Asian affairs and prepare the way for her assumption of important regional responsibilities. She should be able to play an important role not only on the mainland of South-East Asia but in Indonesia as well. Here the interests of Japan and those of Australia should converge: it will be to both countries' advantage to help as well as to restrain Indonesia.

#### External Aid

Non-Communist Asia, except for Japan and a few other countries, has been almost as dependent on American economic help as on an American military presence. This is an unhealthy condition, which Western Europe, Japan and even the USSR and the East European states can rectify, for they all have a heavy stake in Asian security. The European countries have enjoyed steadily rising national incomes, and defence expenditures for most of them have not shown a corresponding increase. Some nations are already making generous contributions, but the amount of European aid over the next decade ought to increase greatly. A generous and intelligent European aid programme could become a key element in an Asian power balance, particularly if the remaining European military presence is reduced. Not only would it contribute to the economic health of the shaky economies of many Asian states; by broadening the sources of aid, it might also reduce some of the polarization of Asian politics that has developed from the Chinese-American rivalry. This is something that the Communist Chinese themselves probably would not resist, for it would to some extent reduce the dependence of non-Communist Asia on the United States.

The Lower Mekong cuts across or borders four countries in the most sensitive area of South-East Asia: Laos, Thailand, Cambodia and South Vietnam. Its development, which is being co-ordinated under United Nations

auspices, will be a costly programme, heavily dependent on foreign financing. Some of the projects have now been completed or are under construction, but the main ones are still in the study or planning stage. As the projects are completed, they will permit greatly expanded rice production, industrial development and flood control. The United States has offered large sums for the programme, but more than American and World Bank aid is needed. There is no area in Asia where heavy European aid can bring more promising benefits, for an important international presence associated with the Mekong's development should in time damp down the international conflict that has plagued the area for so many years.

The neutralization of all former French Indochina (and even all South-East Asia mainland states) is an approach towards a broad Asian balance of power that is often suggested, particularly in Europe. But the record of neutralization has not been encouraging. North Vietnam's invasion of South Vietnam and Laos, with the support or at least the acquiescence of China, upset the efforts of the great powers to neutralize Indochina through the agreements reached at Geneva in 1954 and 1962. Nevertheless, the United States has left open the possibility of a neutral or non-aligned South Vietnam. President Johnson's offer at the Manila conference in October 1966 to withdraw American forces from South Vietnam as North Vietnamese support for the Viet Cong subsided leaves the way open to meet a basic condition of neutralization. The United States continues her efforts to make the present nominal neutralization of Laos a reality and is sympathetic to Cambodia's wish to remain neutral. But the United States cannot endorse only a face-saving settlement over Vietnam, whether it is based on neutralization or some other arrangement. And no one should overlook the dangers of concluding agreements that would be as easy to violate as were the Geneva Agreements of 1954 and 1962.

Burma has established what seems to be a satisfactory neutral status, and suggestions for neutralization elsewhere in mainland South-East Asia apply apparently to Thailand. With the example of 'neutral' Laos before it, much of whose territory is today occupied by North Vietnamese troops, Thailand is not likely to



exchange her present security arrangements with the United States for the uncertainties of neutralization. It should be noted here that many units of the large North Vietnamese force in Laos are in the northern provinces, a region that has nothing to do with communications between North and South Vietnam. This strong presence in northern Laos therefore gives grounds for much concern about North Vietnam's intentions in Indochina generally. Thailand's disastrous failure to establish herself as a neutralized state just before the outbreak of the Pacific War is also still vivid in Thai memories. But if neutralization should prove to be workable in Indochina over an extended period, Thailand herself might later be prepared to consider neutralization seriously.

The position of the Soviet Union is a further important element affecting the Asian power balance. The Soviet Union's main interests are centred in Europe, but she is deeply concerned with Asian affairs by virtue of geography, her status as a major power and her ideological quarrel with China. Russia, after all, is by far the largest territorial power in Asia, and she has a long boundary with China that in the future may become a source of much political contention and even military concern. The proximity of her Pacific territories to Japan and Japan's increasing power make it likely that her relations with Japan will assume greater importance as time goes on. Moreover, the USSR almost touches the Indian sub-continent, and she has worked steadily over the years to increase her influence in India and Afghanistan, and more recently Pakistan. She also involved herself actively in the politics of Indochina and Indonesia, but gained little for her pains.

The Soviet Union views the Vietnamese war with deep misgivings. She wants to see the Americans suffer a setback, but a serious defeat for the United States would not necessarily further Soviet interests. The Soviet Union today enjoys a special position in Indochina by virtue of her position as a co-chairman of the Geneva Conferences of 1954 and 1962. Despite the treacherous politics of this area, which holds no vital interest for the USSR, she wants to keep that position. She perhaps recognizes that a serious defeat for the United States in Vietnam might mean the end of the Soviet as well as the American presence in Indochina

as China staked out the area as her sphere of influence. Furthermore, a serious defeat for the United States could also have the most serious repercussions for the Soviet Union's ideological quarrel with China. All this suggests that the Soviet Union would be pleased to see Hanoi modify its position on negotiations with the United States and South Vietnam and thus bring a messy war to an end before it leads to deeper Soviet involvement.

The Soviet Union's approach to Asia has changed considerably since the confident days of 1955 when Khrushchev and Bulganin started their tour of India. She has learned by now that her interests are not served by provoking unrest in an area where she has no vital concern, but where conflict of any kind might develop into something serious enough to involve her with the United States. She has also learned that the nations of South-East Asia are not easy targets for Communist subversion. It is probably too much to expect that Soviet interest in or concern about South-East Asia over the next decade will reach the point at which the USSR will participate in any multilateral economic assistance programmes such as the Asian Development Bank or ambitious programmes under United Nations sponsorship. But the Soviet Union cannot evade her great power responsibilities in Asia without running the risk of losing her influence in much of the continent. She may, therefore, increase her own Asian aid programmes, particularly for India and Hanoi. And when she can do so, let us hope that she will again use her influence to bring about the kind of constructive settlement she worked for and got at Tashkent in January 1966.

#### **The American Presence**

The presence of the vast American military force in the Far East is based formally on various agreements concluded with South Korea, Japan, the Philippines, Nationalist China, Australia and New Zealand, as well as on American obligations arising from the South-East Asia Treaty. These agreements are defensive only. Although, as we noted earlier, not all of them were concluded with a Communist threat in mind, the language has been broad enough to cover a changed situation. In a broader sense, however, the American



military position in the Far East is the outgrowth of the Pacific War, the collapse of Japan, the decline of European power in Asia, the threat of Communist aggression and the emergence of new and weak Asian states. American forces today are deployed from South Korea and Japan to South Vietnam and Thailand. Between these points there are American bases in Okinawa, the Philippines and Guam. The Seventh Fleet's operations cover the Western Pacific and the Indian Ocean. But the United States has been a Pacific power for many years. Her forces in the Philippines formed part of that impressive pre-war military power, centred largely on British bases but with Dutch and French positions as well, that controlled all Asia east of Suez to the islands and mainland of South-East Asia. Today Britain is the only other external power that retains a strong force in Asia. By supporting Malaysia against Indonesian aggressions, she recently played a key role in maintaining security in South-East Asia and could do so again. The British Government has stated its intentions to keep a strong military force in the Far East, but there is growing pressure in Britain to bring about not only a reduction but eventually a withdrawal of British forces in Asia.

The presence of American military power in Asia is both a source of tension and a source of stability or security. Tension is inherent in a power situation in which one of the main elements is expansionist, or is presumed to be, and the others resist it. It is the price that must be paid for security and it is something many nations have learned to live with. At this point many Asian nations, including some that might acknowledge it, see no substitute for the security provided by American military power. As long as China is regarded as a threat, it could not be withdrawn from the Western Pacific area without creating a highly unstable political situation. We noted earlier the lingering Asian suspicions of Japan. Here again American military forces may play an important role. The assurance to Asian states represented by the presence of these forces in the Far East will become more important if Japan strengthens her own military forces and assumes greater regional responsibilities. Indeed, a condition for Asian acceptance of a stronger Japanese role may be the presence of American military

power in the Far East for an indefinite period.

Although the United States has alliances with a number of Asian states, she does not see herself as the leader of a grand military coalition. She has asked her allies to contribute military forces and other aid to Vietnam, but she has not proposed a counterpart to the North Atlantic Treaty Organizations as a military instrument for China's containment. She is encouraging many of the Asian states to strengthen their own military forces, for at some point they ought to rely on themselves to a greater degree than they do today for their defence. If the strength of Communist Asian states is formidable, it is not irresistible.

If political arrangements of the type discussed earlier should lead to stronger concentrations of political power along China's periphery and as Asian states improve their military forces, American military power might be reduced. There is nothing eternal about the presence of American troops on the mainland of South-East Asia. Moreover, there is nothing immutable about the strength of the American force on the island bases. We can assume it might eventually be reduced if the political outlook in Asia justified it. There is an analogy here with Western Europe. The reduction of American forces in Europe would not cause the concern today that it would have a few years ago. The fear of Soviet aggression has diminished, and in the prosperous Europe of today the possibility of any state's turning to Communism seems remote. But the withdrawal of American military forces would be quite a different matter, for it would raise the gravest doubts about the American commitment to Europe's defence. Similarly, we can foresee a reduction of American military forces in Asia if the general political outlook improves, but not a move, such as withdrawal of American forces from the periphery of Asia, that would seriously call into question American defence commitments to Asia.

The war in Vietnam has centred the world's attention on the American might in South-East Asia, but this is only part of the American presence. As President Johnson emphasized in his speech of 12 July 1966, the United States is a Pacific power as well as an Atlantic power and has committed herself to helping Asia as she did to helping Europe. The responsibilities go far beyond military protection.



American economic aid to Asia since the end of the war totals billions of dollars, and aid will continue for an indefinite period. Bringing Asia out of its rut of poverty will be a task for generations to come, and the United States will be taking the lead in pressing the rest of the world to do its part.

### **Communist Military Strength**

China's chief threat to Asia is the subversive one and this will lose most of its force if the Communist rebellion in South Vietnam fails. China's offensive military capability today is a limited one, although China has shown that she can bring heavy and effective pressure against some countries along her borders. Her Navy and Air Force are too weak to ensure the success of an invasion against her island neighbours or Taiwan. Her ground forces number about 2,250,000 officers and men. She has an Air Force of about 100,000 men and 2,300 aircraft, only a few of which are late models. The Navy has only a limited defence capability, except for a growing submarine force. China's military pressure along the borders of her non-Communist neighbours is limited pretty much to the Indian border and the Himalayan border states, and India can now or should soon be able to meet this pressure without recourse to outside help. China does not seem disposed to place military pressure on Burma, whose neutrality seems to satisfy her, or on Laos, much of which is today burdened by a North Vietnamese occupation. Thailand has no common border with her. China may continue indefinitely a campaign of subversion against Thailand without fear of retaliation, but she would face a serious logistic problem if she invaded Thailand through either Burma or Laos and would certainly find herself at war with the United States. Thailand's position would become dangerous only if the Communists succeeded in gaining control of all Vietnam. All this suggests that the exposed area of South-East Asia will not require an American presence on the mainland once the Vietnamese question is settled. The growing American capability of rapid air deployment of ground troops from peripheral bases and from bases much further back can also justify a later withdrawal. American protection would thus become basically a strategic one.

As China's nuclear capability expands and as she acquires long-range missiles in the next decade, her threat may become more serious. She may then hope to neutralize American military power by threatening American cities. But she has much to learn about the uses of nuclear power. For one thing she will learn that the bomb does not confer the power to act with impunity. She will also learn that the ultimate weapon is almost useless as a means of achieving a limited objective and that she probably cannot use it to achieve a major objective without the grave risk of a war that will bring about her own destruction. The American strategic protection will probably suffice for an indefinite time for any non-nuclear Asian country that feels threatened by China's nuclear weapons. But China's growing nuclear capability may yet bring Japan and India into the nuclear weapons race. In India there is an active debate over the pros and cons of developing weapons. Although Japan does not regard China as the threat to her security that India does, she, too, is showing concern. Both countries clearly have the capability to develop such weapons and a decision by either to take the step could be decisive in persuading the other to do the same.

No one can now do more than suggest possible approaches towards the forming of an Asian power balance. Such a balance will not be reached through some broad understanding between the Soviet Union and the United States, although it cannot be formed without that. And we cannot count on any general settlement between China and the external powers. China may never take this approach, even though we should assume that there will be some accommodation. If an Asian balance is established, it will probably come about only gradually as numerous local political arrangements are worked out and consolidated, as the non-Communist states acquire strength and confidence, as rules of conflict are made, and as more understandings are reached about the use of political and military power. In the meanwhile the most external powers can do is to work to improve the political climate and encourage Asians to play a greater part in their continent's affairs.



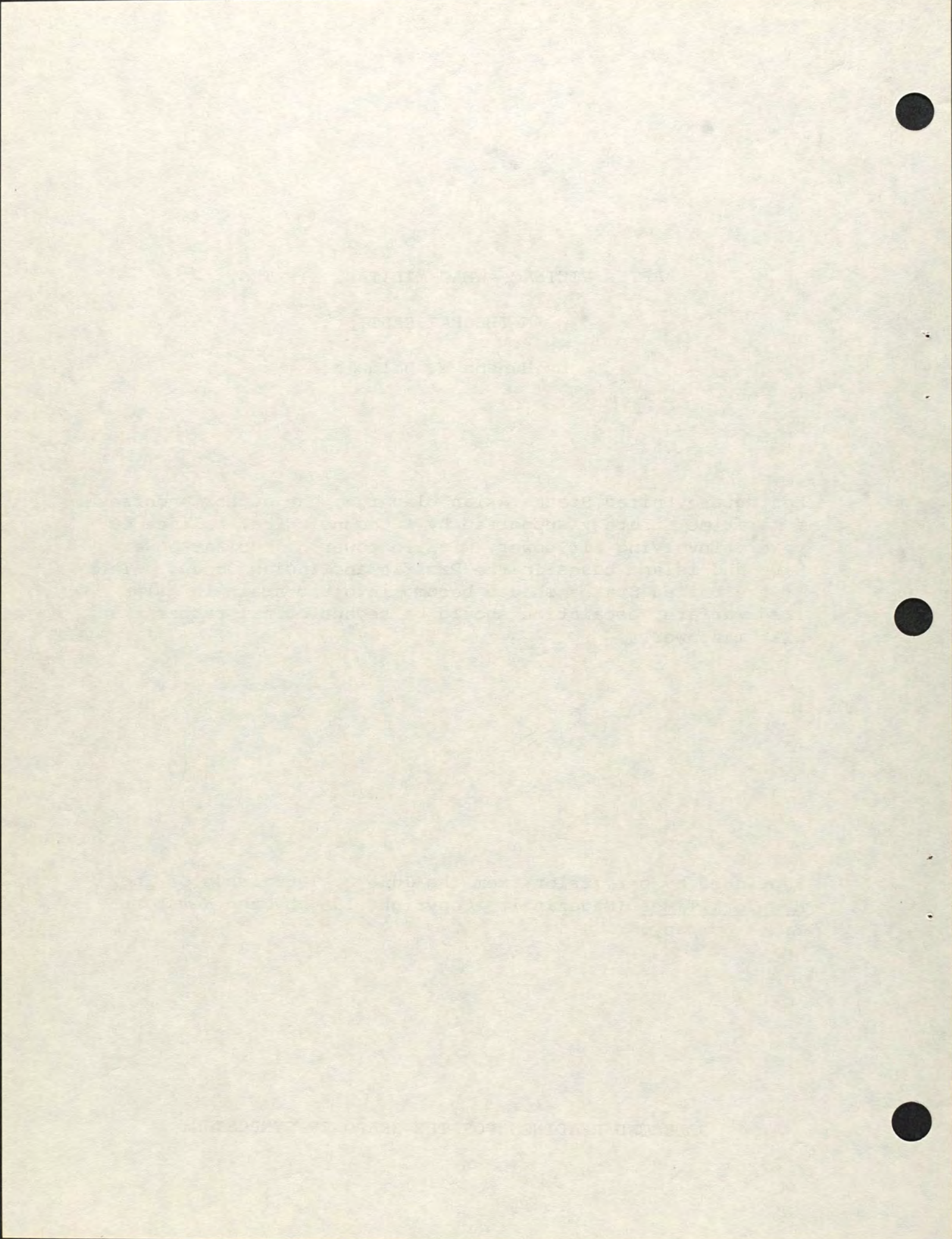
AFTER VIETNAM--WHAT MILITARY STRATEGY  
IN THE FAR EAST?

by Hanson W. Baldwin

For future United States Asian planning, the author endorses a maritime strategy supported by a technological balance of power, involving air power, missile power, a nuclear-powered Navy and island bases in the Pacific and Indian Oceans. Then if the United States should become involved again in Asian land warfare, escalation should be technological rather than with manpower.

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AFTER VIETNAM--WHAT MILITARY STRATEGY  
IN THE FAR EAST?

By Hanson W. Baldwin

No matter how the war in Vietnam ends, the continent of Asia and its bordering islands and surrounding seas and oceans will remain for decades the stage of political, economic or military conflict. Asia and the Western Pacific have become a new global power center which, in time will transcend Europe in importance, and the future--not alone of the United States, but of the world--will to an increasing degree depend upon what happens in Asia.

Unless one learns from history, one is condemned to repeat it. Which is to say that the United States should study the military lessons of Vietnam with an eye to determining what strategy we should evolve for the Far East in the future.

The war in Vietnam, when United States forces first entered it, was a guerrilla-type insurgency, a revolutionary war--what Premier Khrushchev called a "war of national liberation." President Eisenhower, President Kennedy, his brother and President Johnson all agreed that this was the kind of war the nation would have to face in the future: the planned exploitation of poor government and discontent by the Communists, the undermining of a government by political, economic and psychological attacks; the progression to terrorism and the slow destruction of the civic and administrative structure of the government under attack; the development of guerrilla war; an increasing tempo of assassinations and assaults; the expansion of guerrilla war into a kind of civil war, with, ultimately a Communist take-over--all sponsored and aided from outside the country by one or more of the world's Communist powers. There has been unanimity through three Administrations that the United States must face the challenge implicit in "wars of national liberation," and there is no reason to fault this judgment, for Mao Tse-tung's concept of a "countryside of the world" with whole continents won to Communism by peasant guerrillas, his policy of "destroying the enemy by drawing him in deeper to drown in the sea of people's war," is a definite prescription for future trouble.



A basic principle of politics and war is that a nation should lead from strength against an enemy's weakness--not from weakness against an enemy's strength. Manpower--the largest population in the world--is the strength of the Asiatic mainland. The Chinese Communist Army is an army of foot soldiers--tough, resolute, almost inexhaustible in numbers. Life is cheap in Asia, and the Communists do not measure victory or defeat by body counts. A conventional ground war on the continent of Asia implicitly involves too much of a man-against-man equation with the advantages on the side of the enemy. That we have been able to fight two conventional wars in Asia has been due to greatly superior United States firepower and mobility, plus air superiority and unchallenged naval superiority. Even so, United States casualties at the infantry battalion level have been very high in Vietnam. And in future years, as China becomes an industrial power and the underdeveloped nations turn some of their farmlands into factories, we shall no longer enjoy the same relative advantage in technology that has made the Korean and Vietnamese wars supportable.

Thus, the caveats about involvement in ground wars in Asia have very considerable logic; no military planner wants to become so engaged, except on his own terms. Yet generalized imperatives to govern all future conduct are impossible.

We are already involved in troop commitments in two places in continental Asia--in Korea, where two United States divisions still stand guard along the 37th Parallel 15 years after the fighting has ended, and in Vietnam. No matter how much we might want to do so, summary abandonment of either or both commitments is impossible without disastrous political and strategic consequences.

In addition to this actual deployment of military ground power on the continent of Asia, the United States has many political commitments to many of the nations of Asia and the Pacific area. None of these commitments promise the use of ground troops if a crisis comes to a crunch; nevertheless, they at least imply the use of U.S. military power to repel overt aggression.

In Britain's heyday, she maintained relative global stability and protected her own far-flung interests chiefly through an understanding of what Mahan called the "influence of sea power upon history." In the age before the plane and



the guided missile, her supremacy at sea enabled her to take as much or as little of a war as she wished. Those "far-distant, storm-beaten ships" that stood between Napoleon and the dominion of the world at Trafalgar protected Britain's island base from invasion and enabled her to carry any war to an enemy far distant from her own shores. Her naval power, of course, was backed by a judicious use of the British pound to support friends, punish enemies and hire mercenaries and by a small professional army capable of limited interventions in strategic areas at times and places of Britain's choosing. And her control of key nodal points along the world's maritime arteries multiplied her strength and maximized her influence. This military strategy was tied to a diplomatic policy dedicated to maintenance of the balance of power--i.e., to a system of shifting alliances that would balance or more than balance any one power or combination of powers that might threaten Britain's vital interests.

Today, in the era of supersonic planes and missiles, with the technological revolution still unfinished, any application of the maritime strategy of yesterday obviously must be undertaken with care. Nevertheless, the essential geopolitical parameters of today's confrontation are unchanged. We are faced basically with the outward thrust of what Mackinder called the great "heartland" of Eurasia toward the "rimlands," or coastal areas. It is these areas that require support; it is this thrust that must be countered.

This thrust--in the past limited to the mass movements of vast hordes by land--has assumed new dimensions with new technology. In most of Asia, it is still, largely, a ground threat. But since World War II, Soviet strategy has changed from this defensive, landlocked concept of the past to an offensive global goal. Soviet missile power--now rapidly achieving parity with that of the United States--has a worldwide capability. And one of the most important developments of our time--little noticed in the preoccupation with Vietnam--has been the massive development of Soviet naval and maritime power and its breakout from the narrow seas to the oceans of the world. It is a breakout that has been facilitated by Britain's abdication of empire and the withdrawal of British power from east of Suez.



Thus, the type of military threat confronting Asia in the immediate future ranges from the sophisticated technology--naval, amphibious, air, missile, ground--of the Russians to the mass ground armies of the Chinese Communists. And China--though riven by strife and in some ways reduced to a kind of war-lord factionalism--has detonated seven experimental nuclear devices in recent years and is developing modern air and missile power.

The late General of the Army Douglas MacArthur, a sound strategist and geopolitician, no matter how purple his rhetoric, believed that American power in the Western Pacific could be best deployed to meet any threat from the Asiatic mainland along the string of girdling islands that rim the eastern littoral of Asia--the Aleutians, the Japanese islands, Taiwan and the Philippines to the Malay barrier. Since his death, there have been innumerable suggestions and studies--anticipating what has now occurred, the end of British power--urging the establishment of a United States Indian Ocean naval force to fill the vacuum of power in that vast area of ocean from the Red Sea to Singapore.

The adaptation of a maritime strategy of the past to the technology of the present and its molding to fit the special security needs of Asia would require careful planning, some technological innovation and probably increased expenditures. In addition, any such strategy, to enjoy success, must be based on a maintenance of the balance of power in Asia. In the atomic age, this means, first of all, a technological balance of power--or, put more plainly, the continued capability of destroying by nuclear attack the organized society of the Soviet Union and Communist China, no matter what they do first. Without this deterrent, no balance of power is possible.

But in Asia, at least, such a strategic nuclear capability is not enough. A solid Moscow-Peking alliance would virtually ensure Communist domination--political if not military--over the Far East, with the possible exception of the island chain from Japan to Indonesia. A Japan allied with the two Communist powers might well mean the United States' defense line in the Western Pacific would have to be withdrawn to Hawaii or Guam.



United States diplomacy, therefore, should do whatever it can to encourage the Sino-Soviet rift; to keep the island positions in the Western Pacific (Japan, above all) independent of any combination of mainland powers, and to support what Dr. Coral Bell, an Australian scholar, describes (in a paper published by the Institute for Strategic Studies) as mainland "redoubts"--i.e., areas with enough economic and political strength and social stability to warrant military defense.

A modernized maritime strategy means air power and missile power as well as a nuclear-powered navy and secure bases for all forms of military power. The mobile, floating-base techniques, developed in World War II and modernized in the Vietnamese war, which enable fleets to remain at sea for long periods--with the help of ammunition ships, tankers, stores ships and other replenishment vessels--improve combat effectiveness and extend range, but they can be no full substitute for forward land bases.

So, if United States power is to be projected to the Pacific coast of Asia, the island bases in the Western Pacific must be retained, improved and made secure, and if United States power is to be substituted for British power in the Indian Ocean, a new base must be developed.

The most important island bases in the Western Pacific--bases without which the Vietnamese war probably could not have been fought--are Okinawa (with Japanese shipyards and repair facilities in important support), the Philippines, Guam and Taiwan, in that order. At least three of these--Okinawa, the Philippines and Guam--would be required in the troubled tomorrows for the projection of American power into the Western Pacific, and none of them can be permitted to fall into the hands of a potential enemy, lest the security of the others be breached.

The Indian Ocean area is a special case. The abrupt debouchment of American power into this area--which is not as immediately threatened as is the Southeast Asia area--could cause an unsettling political and psychological reaction. We cannot physically replace the British at Singapore; the security of this base would require too large a land garrison to make it economically attractive, and a large United States presence on the mainland might breed political troubles.



But the power of the United States dollar--properly applied--to the development, for instance of commercial shipyards, or the support of some Australian and New Zealand or Gurkha troops, might take up some of the economic slack in Singapore caused by the departure of the British raj.

In addition to bases on the West Coast of Australia, and modest refueling and air-staging facilities in the Australian-administered Cocos Islands, a suitable small base--relatively secure, and free, because of sparse population, of any serious political problems--could be developed in the British-owned Chagos archipelago, particularly around Diego Garcia, 1,200 miles northeast of the island of Mauritius and 1,090 miles south of the tip of India.

The facilities of most of the Western Pacific bases have been, of necessity, modernized because of the Vietnamese war. But to be secure in the tomorrows, these bases and any new ones developed in the Indian Ocean must have defenses against air and missile attacks, and against the threat of amphibious invasion. Island bases, in close proximity to a vast continent, as these are, can live under threat of modern attack through the air only if their defenses are uninhibited. In other words, there must be no hesitancy in equipping these bases with nuclear weapons for their own defense, and in letting it be known that these weapons would be used--not against mainland airfields or positions, but against any enemy attack.

There are nuclear weapons of limited range and power peculiarly suited for such defensive purposes--weapons such as the anti-aircraft Nike Hercules nuclear-tipped missile; air-to-air missiles with nuclear warheads launched by interceptor planes against enemy bombers, or nuclear artillery shells which could play havoc with an enemy amphibious attack. In the offshore-island crisis of 1958, President Eisenhower had United States 8-inch howitzers--capable of firing nuclear shells--emplaced on the island of Quemoy. Even though the nuclear weapons never followed the guns, the gesture was not lost on the Chinese Communists; the threatened invasion never materialized, and the blockade of the islands petered out.

From secure island bases such as these the air and naval and missile power of the United States could be deployed around the rim of the Asiatic continent. Naval task forces--aircraft carriers and missile ships, missile submarines, antisubmarine-warfare units, helicopter carriers and landing ships with



marines embarked, all backed up by long-range, high-speed land-based bombers--could provide visual evidence of ready support for threatened "rimland" nations and could help to maintain the balance of power.

Behind these forward outposts of American power--in a central strategic reserve in the United States, and perhaps aboard floating depot ships at sea--a highly mobile professional army, with overwhelming tactical air support, must be instantly available as a ready reaction force, its spearhead capable of being flown within days to any threatened area.

Yet, as Dr. Bell quite correctly notes in her recent paper, "no one has ever produced a convincing demonstration--or even a convincing theory--of precisely how influence may be wielded over the sort of small-scale actions which actually change the pattern of power in Asia, by lurking near the coast in the Seventh Fleet or equipping the island chain with Minuteman missiles. . . ."

As a matter of fact, it was the inability of sea and air power to meet successfully the Communist threat to South Korea and South Vietnam that led to the commitment of United States ground combat units in both places. It should be emphasized that sea and air power were called upon late in the game and, at least in Vietnam, were heavily restricted by political considerations. Nevertheless, it is ground power that ultimately controls land areas; sea and air power can devastate--and to some extent can deny and inhibit and blockade--but they cannot, per se, control peoples or areas--least of all in insurgency-type wars, where guerrillas swim among the people like fish in the sea.

Hence, a modernized maritime strategy alone is not adequate to support a stable balance of power in Asia. At times and in place, it may be necessary to commit United States ground power to meet what Dr. Bell describes as the "real problems on the mainland . . . military-territorial attrition."

But a maritime strategy does permit us to choose the time and place of ground intervention. And, as Vietnam has proved so heartbreakingly, such areas should offer--in Dr. Bell's words--"favorable conditions for resisting further encroachment . . . diplomatically, politically and morally,



as well as militarily." The dollar may substitute for the soldier if a decaying economic situation, for instance, is met in timely fashion. Or, if troops are needed, 1,000 in the very early states of an enemy insurgency are worth 20,000 two months later. If Vietnam has proved anything, it has proved that time lost is irretrievable in war, and that a policy of over-caution can doom the highest endeavor.

In May, 1954, in an article attempting to assess the lessons of the climatic battle of Dienbienphu, which doomed the French in Asia, I wrote a critique which could just as well be applied to Vietnam today as to Indochina yesterday:

"The history of our entire Indochina policy . . . is a history of little and late, of temporizing and compromise. Some knew what should be done; few insisted on doing it. A second lesson . . . is that the support of public opinion for 'hard' policies in time of crisis cannot be whipped up overnight when the public has been fed soothing syrup in the past. Tactics of secrecy are fatal to effective action. . . . Far more attention must be paid to the development of alternative strategies, to unconventional warfare, to the building up of mobile jungle commando units . . . to psychological and political measures, and to the proper long-range organization and utilization of Asian troops."

Vietnam has proved, too, if any proof were needed, that a policy of "gradualism"--the gradual increase of pressure against an enemy, the policy we have followed in Vietnam--cancels out any advantages of escalation the stronger power might enjoy. A slow buildup against a determined enemy enables him--as he has done in Vietnam--to match it relatively, whereas instantaneous and overwhelming application of superior power provides the greatest hope of scotching the insurgency in its initial stages. This, of course, was known long before Vietnam. The policies that have limited our actions and curtailed our strength there have been in direct variance with all the known principles of war.

In developing an Asian strategy, therefore, one must modify the desirable but pragmatically impossible goal of the "never again" school to "never again except under carefully chosen conditions and at times and places of our own choosing, and even then, within limits." The problem is to choose the times and places and set the limits.



If the crunch comes and military power is invoked, it must be used to maximum effectiveness, not handcuffed and hobbled, as it has been in Vietnam. Naval blockade, for instance, is an optimum type of military pressure; it costs us little and the enemy heavily. If it had been utilized long ago against Haiphong and other ports of North Vietnam, the United States would have been today in a far better military position.

If, despite our best endeavors, the United States should become involved again in a ground war in Asia, there must be a limit to our self-imposed limitations. The limited war--a war limited in means, methods and involvement, as well as objectives--has become a cult in many minds, and it has proved in Vietnam and elsewhere a greater handicap to the proper utilization of diplomatic and political pressure and military power than any other one factor. We have made ourselves prisoners of our own great power, we have hobbled our strength, awe-struck by visions of the atomic cloud.

And we appear to have forgotten that, in the atomic age, a limited war, a counterinsurgency war, a conventional war of any kind, can be fought only under the umbrella of a superior strategic nuclear-delivery capability. Unless the right fist of tremendous nuclear power is cocked, our conventional forces are hostages. If an enemy achieves nuclear superiority--and Russia has gone a long way indeed in the past three years in reducing our once-overwhelming superiority--the enemy will be able to choose the time and place and manner of conquest, and we shall be powerless to meet the challenge. The sina qua non of any sound United States political or military policy in Asia is a superior nuclear-delivery capability; only thus can a technological balance of power be maintained; only if we are prepared to fight World War III can we deter it.

This is never to say that if we become involved again in Asia we must, ipso facto, lay about blindly, smashing cities and destroying peoples. In the atomic age, a delenda est Carthago policy--never morally justifiable--would mean mutual destruction. The objectives of any war worth fighting must always be a more stable peace.

Yet we must learn to fight limited wars without limiting our power so greatly that we exhaust ourselves and defeat our objective. Power must have restraints, but once military power



is invoked it must be used rapidly, heavily, decisively, to achieve our objective, no matter how defined, or it becomes aimless violence. It is certainly true in the atomic age that war is too important to be left to the generals, but both Korea and Vietnam have shown that it is also too important to be left to the politicians and the computers. Whiz kids have their role--but not on the battlefield.

In the long view, there must be a finite limit to United States overseas commitments--political, economic and military. In the long view, as Asia grows in relative power and importance, a greater proportion of our total commitment must be applied to the Middle and Far East, less to Europe. In the long view, as Gunnar Myrdal, the Swedish economist, has pointed out in his monumental report on 11 nations from India to the Philippines, ultimate help for Asia must come from Asia itself; the major need is for a sweeping change in Asia's own attitudes and institutions. And, in the long view, the United States must make it clear that involvement with its own men in a continental ground war in Asia will not be unlimited and open-ended as to numbers while restricted as to weapons and methods.

If the United States cannot, in the future, bolster governments under attack and secure them against creeping Communism with a United States troop commitment of--for instance--fewer than 100,000 men, then it had better do one of two things: either call it quits, or escalate technologically rather than with manpower. Certainly any direct involvement with massed Chinese Communist ground forces on the Asiatic mainland should imply immediate technological escalation. Such escalation might involve the use of exotic new conventional weapons, or the utilization under carefully restricted conditions, where targets and geography are favorable, of small nuclear devices for defensive purposes.

The use of such devices obviously involves risks--the risk of an undesirable escalation of the war, the risk of a nuclear conflagration. However, in the immediate future, the likelihood of this would be less dangerous than the adverse political and psychological consequences. It will be some time before Communist China develops tactical nuclear weapons in any quantity, and it is highly unlikely that Soviet Russia would entrust such weapons to the Chinese, or to Communist insurgents in, say, Thailand.



On the other hand, the careful and precise use of an atomic shell, fired from an 8-inch howitzer, the utilization of atomic land mines to guard a frontier (as now proposed by Turkey), the creation of a restricted and carefully controlled radioactive belt in virtually uninhabited country through which any aid from outside the country would have to pass, or the use of atomic demolition devices in thick jungle areas or in precipitous defiles to cause tangled "blow-downs" or landslides to block trails, roads or natural approach routes could substitute for manpower and add great power to the defense.

Obviously, the use of such weapons--if only because of the psychological and political implications--represents a last resort. Public opinion would probably be adverse and any Administration in power would probably be torn by highly emotional debate. Today, even those in the Pentagon who hold that the atomic bomb--at least in its tactical version--is "just another weapon" agree that its employment postulates unknown dangers, and might invite response in kind. No one of responsibility advocates the use of any such weapons lightly, but, on the other hand, no one advocates wars of attrition on the Asiatic mainland.

Yet, well before the United States became involved in a large ground war in Vietnam, some military leaders and atomic physicists had emphasized the defensive utility of small nuclear weapons, in carefully restricted conditions, in uninhabited mountainous and jungle terrain. In any case, tactical atomic weapons cannot be automatically foresworn if Asia is to be stabilized, for even their tacit invocation contributes to the "balance of terror" which--whether we like it or not--now governs the world we live in. And in any case, it is only by technological escalation, rather than by manpower escalation, that United States military forces can, without excessive cost in United States blood, redress within the immediate time frame of the near tomorrows the unfavorable manpower balance in Asia. And only thus can the power of the deterrent to aggression be maximized.

To many Americans, heartsick about Vietnam, deeply concerned about domestic turmoil and social decay, and echoing the cries of other eras ("Bring the boys home"), any such prescription as this for Asian stability will have little appeal. It will inevitably mean continued involvement in the affairs of Asia, sizable investments in economic aid, continued,



though limited, commitments in the Far Pacific and new, though cautious ones, in the Indian Ocean, and high expenditures for constructing bases and maintaining the most advanced, powerful and mobile armed forces in the world. No such policy can be accomplished on the cheap; it will cost the taxpayer money, for this is the price of power.

There is an alternative: to withdraw as much as possible from overseas--but particularly Asiatic--involvement, to pull back to a defense line based on the Aleutians and Hawaii, to establish a "Fortress America," to abandon the collective security concepts of the postwar years upon which policies and strategies have until now been based and to build our future upon a kind of strategic isolationism.

This course has its psychic attractions; the imagined advantages of the United States as a kind of gigantic neutral Sweden appeal to many. But the pragmatic difficulties of such a course, and the certainty that the United States' abdication of power would foster--not dampen--world instability and facilitate the expansionist ambitions of Communism, particularly of Chinese Communism, make it a dangerous alternative. Neo-isolationism offers only a mirage of security in an age of insecurity, a head-in-the-sand attitude in an era of ICBM's, nuclear bombs, supersonic planes and nuclear-powered submarines.

We live in a "time of troubles," and we cannot make them go away by pulling the covers over our heads. The mantle of power--rarely in the affairs of nations deliberately assumed--is rarely deliberately dropped. We are in the Western Pacific and Asia to stay. The problem of tomorrow is to use our power beneficently to deter and, if need be, prevent the communization of a continent, and to stabilize and to construct a new Asia, less convulsed, more hopeful than the old.



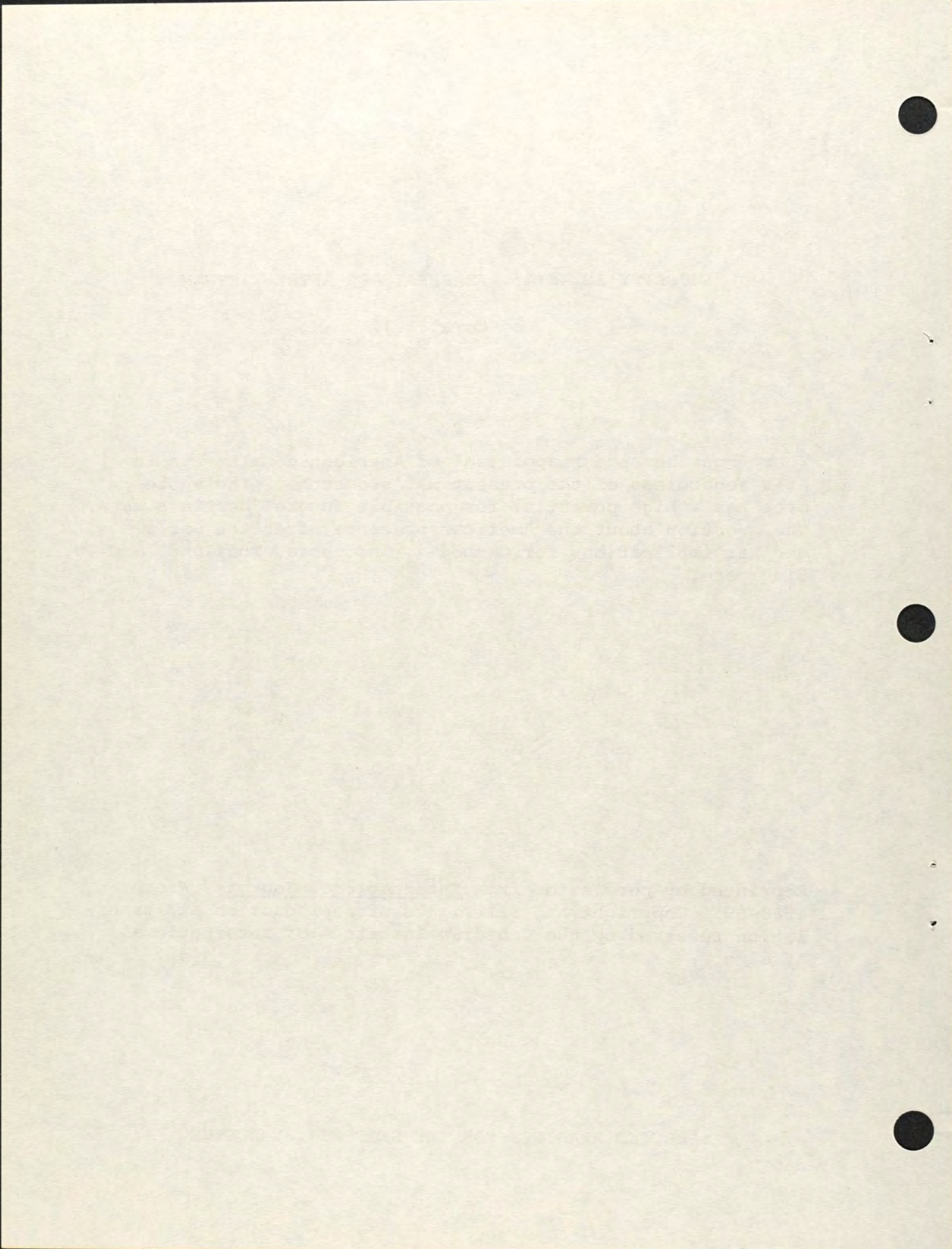
SECURITY IN ASIA: REAPPRAISALS AFTER VIETNAM

by Coral Bell

There must be some reappraisal of American commitments in Asia regardless of the present war's outcome. The whole area has a high potential for possible future "people's wars." The question about the American presence after the war's end has implications for Cambodia, Indonesia, Thailand, and Singapore.

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## Security in Asia: Reappraisals after Vietnam

Coral Bell\*

The present phase of the Vietnam war makes a sombre enough context for any attempt to forecast the future shape of security arrangements in Asia. Looking at the snail's pace of the negotiations in Paris, and the dogged, wearisome military attrition of both sides in the battle area (which stretches beyond Vietnam itself) one sometimes has a feeling that there could be a ring of desperate prophecy in a remark attributed to the chief of the CIA, that a war of this sort could go on for a hundred years. On the other hand, looking back over the past presidential election season one knows that this is not so: that the war at its 1968 level of moral and political costs for the United States cannot be maintained long into the next presidential term without disrupting American society more than it has already disrupted Vietnamese. Thus in a sense time is shorter for the United States than for Hanoi. Truong Chinh's perceptive statement, that time was their best strategist, has a political rather than a military meaning, and the politics are primarily those of the United States.

The present stage of the war is defined by the North Vietnamese themselves as the stage of "fighting while negotiating." The concept is one which has some interesting incongruities with the current apparent Maoist definition of the stages of "people's war," and these offer clues to present and future clashes of interest between the Chinese and North Vietnamese governments. The concept of "fighting while negotiating" as a defined phase of the war is long established in the minds of the North Vietnamese theorists. It appears in the 1946 *Primer for Revolt* by Truong Chinh.<sup>1</sup> Identification of the present phase of the war

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\* Reader in International Relations, London School of Economics, Dr. Bell was formerly a member of the Australian diplomatic service. Her most recent publications are *The Asian Balance of Power: A Comparison with European Precedents* (Institute for Strategic Studies, 1968) and *The Debatable Alliance* (Oxford, 1964).

<sup>1</sup> See Bernard Fall's edition (New York, 1963).



as moving towards this stage, as far as the North Vietnamese government is concerned, was established by the documents seized in Operation Cedar Falls in January 1967. One of these documents was a letter by Le Duan, the First Secretary of the Communist party; the other was a record of a policy discussion by General Nguyen Van Vinh, Chairman of the Reunification Commission of the North Vietnamese government. Vinh defines the concept thus: "Fighting continues until the emergence of a situation where both sides are fighting indecisively. Then a situation where fighting and negotiations are conducted simultaneously may emerge. In fighting while negotiating the side which fights more strongly will compel the adversary to accept its conditions. . . . Whether or not the war will resume after the conclusion of agreements depends on the comparative balance of forces. If we are capable of dominating the adversary the war will not again break out, and conversely. . . . The problem of choosing the opportunity and deciding to negotiate depends on the actual situation in the south and considering the opinions of friendly countries which have provided us with quite a large volume of assistance, in order to gain their maximum support."

It is clear from the timing of this exposition of current doctrine to cadres that the decision-makers in Hanoi have taken the view, since about the end of 1966, that there was impending a favourable moment for negotiation, based on "the actual situation in the south" and the views of "friendly countries which have provided us with quite a large volume of assistance." It is also clear that this latter reference is to the Soviet Union and the Eastern European countries, not to China, since the Chinese have made no secret of their view that negotiations would prove a "fraudulent trick." In the light of this situation, the North Vietnamese annoyance and resentment at the breakdown of the Kosygin-Wilson initiative of February 1967 (a resentment which led Ho Chi Minh to publish in March his correspondence with President Johnson) becomes quite understandable. It seems obvious now that on that occasion it was the Americans who drew back in military or political alarm from negotiations, resolving on a further effort to improve the situation by military means, and only the shock of the Tet offensive a year later reversed this decision in favour of one to enter negotiations even on the basis of the still more unsatisfactory military situation then prevailing in the south.



This 1968 change of mind constituted a major modification of the basic assumption on which American policy from early 1965 to early 1968 had been conducted, so it deserves further analysis. In a sense the whole period since 1965 has been for both sides one of fighting while preparing to negotiate. Few even of the most optimistic American policy-makers can really have thought that the North Vietnamese were going to suffer a straight military defeat, though some of them have spoken as if this was their expectation. What they really did expect was to create a more advantageous basis for settlement, with more of the country pacified, more of the population under Saigon influence, a more stable government in the South. The Hanoi decision-makers have long shown a Clausewitzian understanding of the relation between military means and political ends. To quote Le Duan: "We stand for joint political and armed struggle: that is to say, the armed struggle must be simultaneously conducted with the political one. Heavy emphasis is to be placed on the political struggle, which includes the diplomatic struggle which is of prime importance."

The difference between February-March 1967 (when a bid for negotiation was refused) and February-March 1968 (when a bid was initiated) is a difference in United States attitudes, not Vietnamese ones, and the change may be defined as one of reduced optimism in the United States. General Giap conducts a demonstrative strategy, and what his Tet 1968 offensive demonstrated was the precise cost to the United States of effecting any secure major improvement in the military situation in South Vietnam. One can even put a figure on this cost: an extra 200,000 United States troops, making 700,000 in all. When President Johnson refused General Westmoreland's request for this increase, and later replaced the General, he was indicating the political limit to the military costs that the United States was prepared to pay for such increment to its national security as may be held dependent upon the survival of a friendly government in Saigon.

Even those who would hold, like the author, that Western policy in Vietnam has compounded error with error ever since 1946, and more particularly since 1965, must concede that the costs now of relinquishing the policy of 1965-8 may be very extensive in terms of the future of American security arrangements in Asia. However the war is wound up, short of some quite



miraculous reversal of political prospects in South Vietnam, its outcome must provoke reappraisal of commitments not only in Washington but among the Asian and Pacific allies of the United States. For the hard fact is that the American military machine and all the apparatus of advanced weaponry, including a great deal of air power, have been harnessed for almost four years to the task of improving the military and political situation of a small ally, the government of South Vietnam. Yet it is exceedingly difficult to see that the prospects of that ally are better at the end of the process than at the beginning.

How, in the light of the Vietnam experience, ought one to define the West's security problem in Asia? If one had *only* Vietnam to reason from, one might have to say bluntly that the West has no cost-effective answer to the technique of people's war, and that moreover this applied not only to Asia but to most of the third world. To say this may seem to imply endorsement of the Chinese vision of the future of world politics, with the United States as the leader of the imperialist camp ultimately overcome by a sort of political and economic attrition as its resources are absorbed in combating insurgent movements everywhere in the "countryside of the world." The author does not in fact subscribe to this forecast, but is merely pointing out that if one were extrapolating *purely* from the Vietnam war, it might seem to accord with the evidence. For on the base of the military potential of a little peasant-subsistence society of seventeen million (North Vietnam) there has been balanced a great inverted pyramid of costs for the West: first the direct military and economic costs to the United States; secondly the domestic political costs in damage to the American consensus (surely nothing has done so much to shake American society since the Civil War); and thirdly the political and diplomatic costs within the alliance. Even in London, viewing the battles of Grosvenor Square and other street encounters which have been more violent than any since the 'twenties, or contemplating the desertion of the young from the doctrines of the Labour party to those of Trotsky, Mao, and Che Guevara, one has been obliged to see the Vietnam war as a catalyst which has transformed the politics of the 'sixties as the Spanish Civil War did that of the 'thirties, and always in the direction of disorder and alienation. It is rather an awe-inspiring achievement to stand to the name of Ho Chi Minh.

No one can pretend that the immediate aftermath of this



encounter is going to be an altogether propitious moment for interesting the powers in new formal security undertakings in South Asia. Yet if one compares the situation of 1969 with that in 1954, immediately after the last Vietnam political settlement, it is clear that at least the common apprehension of threat, which is probably the basic condition for a successful mutual defence arrangement, has shown a steady growth *vis-à-vis* China. The increment of Chinese military strength represented by its new power of nuclear strike and the uncertainties of policy during the Cultural Revolution have transformed the easy optimism with which many Asian powers, particularly India, Burma, and Indonesia, once regarded the new China. Thus it is not altogether impossible that now the actual winding up of the war is under way, there may be some recrudescence of interest in a system of guarantees in Asia.

The basic problem would remain: the powers concerned are not prepared to take responsibility for each other's security, and willingness to do so is the prime condition of a working defence alliance, whether bilateral or multilateral. Alliances of this sort are not part of their diplomatic tradition, at least in recent times. Moreover, these countries emerged into sovereignty during a period when the intellectual climate was befogged by the notion that non-alignment was in itself a source of security, and their governing élites cannot yet disavow this notion without repudiating the myths of their own heroic age, saying in effect that they were wrong. Thus a Western-style defence alliance in the manner of NATO would probably not, within the foreseeable future, be morally and politically acceptable to the major Asian powers: Japan, India, Indonesia. The security system most compatible with their moral assumptions about international politics would be one which could be regarded as a regional subdivision of the United Nations, in terms of article 52 of the charter. Reflecting on the contrast between the Korean War and the Vietnamese war, the legitimizing function of the United Nations appears a great deal more important than it has ever done before. There were many other differences between the situations in Korea and Vietnam than that the Korean War was fought under the aegis of the United Nations, but the greater moral acceptability of the earlier war has turned out to be one of the most vital elements in its comparative success, and this undoubtedly derived largely from the United Nations connection.



Let us assume, hopefully, that the talks in Paris may by 1969 develop into actual negotiations, with an ostensibly unilateral suspension of the bombing on the basis of some understanding like the "Phase A-Phase B" plan of February 1967. There will then presumably ensue military conversations between the North Vietnamese and United States commands about regroupment and withdrawal of their forces (on the analogy of 1954) and conversations between the National Liberation Front and the Saigon government about the political transition phase of coalition or elections in South Vietnam. This would probably be a suitable moment for supervision of arrangements to be handed over to the United Nations, preferably to the Security Council. For the mechanism of a Security Council resolution would appear to be the best available means of enlisting the interest of other Asian powers in the survival of whatever arrangements are reached, including preferably the neutralization of Vietnam as well as Laos and Cambodia.

However, even if the war can be wound up in this fashion, with a package deal which would establish Laos and Cambodia as buffer states between a reunified and Russian-oriented Vietnam on the one side and a Western-protected Thailand and Malaysia on the other, the real security dilemma of South Asia will remain almost untouched. This dilemma consists in the fact that the whole area from the Himalayas to the Annamite chain has high potential for the development of people's wars on the basis of ethnic minorities. The exemplar here is the Pathet Lao in Laos, with political consciousness depending almost entirely on the resentment of small tribal peoples, mostly hill-dwellers, against the oppressions of more powerful neighbours who constitute the dominant ethnic element in their respective states. The Nagas and the Mizos in India, the Kachins, Shans, and Karens in Burma, the disadvantaged peoples of the north and northeast in Thailand - all these are susceptible to the supply of Chinese rifles, elementary instruction in how to conduct guerilla operations, and the Maoist doctrine that "armed struggle is the only road." None of this has anything to do with communism, still less with Marxism proper. But the submerged nationalities who spread across all the borders of Asia, as they move beyond the tribal stage of political consciousness, have a powerful common interest with China in the destruction of the established order of things.



This is one of the points on which Vietnam differs from many other areas of South Asia. The Vietnamese have often been divided, and they have their *montagnard* minorities, but nevertheless Vietnam has a well-established historical identity as a separate sovereignty and has long asserted this identity against China, as well as more recently against France and the United States. In what might be called the prospective "people's war" belt of South Asia, the situation is far more fluid and uncertain.

It is often argued that China has no reason for undertaking adventures in this part of Asia. That might be true if one were thinking only of the sending of regular forces across accepted frontiers, though even here, it must be recalled, this is the one area since Korea in which China has used its regular army - in 1962 in the Ladakh and McMahon line sectors of this Himalayan region. One may agree that there is no strong incentive to the movement of conventional troops apparent at present. The process of military-territorial attrition does not in any way depend on their use. The Chinese do have strong incentives, both in the realm of ideology and in the realm of power politics, for offering substantial assistance to dissident ethnic minorities. On the ideological side, there is the Leninist doctrine that the future of the world will be decided by the weight of the great human masses of South Asia, particularly India (which means that the crumbling of the Indian state under various kinds of strain would be a profoundly important accomplishment for the revolutionary cause) along with the Maoist doctrine that armed struggle is the only road (that is, that revolution must proceed by revolutionary war) and the obvious analogy of these areas with Yemen. And from the power political point of view this is the one area in which China can, so to speak, defeat the United States and the Soviet Union simultaneously. For both have to some extent committed themselves to the defence of the *status quo* in the Indian subcontinent.

Thus low-risk methods of crumbling this *status quo* in the Indian subcontinent would seem a logically preferred option in Chinese diplomatic strategy towards both the dominant powers. Such low-risk options do exist. The most obvious are the undermining of Indian influence or control in the states of Nepal, Sikkim, and Bhutan, the encouraging of people's wars in Nagaland, Mizoland, and West Bengal, the tactical alliance with Pakistan, and the general encouragement of disruptive forces in the



Indian polity, such as the China-oriented wing of the Communist party. One would assume from the tone of Russian comment on Chinese policies in this part of the world that they also are strongly preoccupied with the options open to China. This concern does not always work out beneficially from the point of view of India, since one Soviet interest must be the detachment of Pakistan from China's diplomatic orbit. If the tacit China-Pakistan understanding were to grow into a full-scale military alliance, the fact that Pakistan could offer bases both on the Bay of Bengal and near the Persian Gulf would be of major concern to the Soviet Union. With the increasing deployment of the Russian navy as a long-range striking force in that part of the world, one must expect a growing interest in combating Chinese influence among local powers. Thus since Tashkent the Soviet wooing of Pakistan away from China with, among other things, the offer of arms has been quite demonstrative.

The Russian commitment against China in southern Asia might be regarded as more clearly motivated by traditional national interest than that of the United States. The United States does not actually share a land frontier with China, and there are no true irredentist claims between the two countries, though the situations of Taiwan and South Korea might be held to approximate to such claims. The Soviet Union however has more than four thousand miles of common frontier to be concerned about, and on some reckonings there is half a continent of potential irredenta between the heirs of the old Chinese empire and the heirs of the old tsarist empire. If the Russians have to contemplate (as judging by reports of their missile deployments they apparently do) the possibility of actual hostilities with China in central or northeast Asia, an ally in southern Asia will be of the utmost interest. The Soviet position in the Far East is a good deal more exposed than it used to be with the improvement of road and rail communications on the Chinese side of the border and the vulnerability of the long Soviet supply lines. Thus southern Asia would appear in the light of a potential second front. Even a revival of the old Russian interest in Tibet would not be altogether surprising. In a curious and fascinating way the Soviet Union is now cultivating a number of traditional British interests along with a concern for the security of the Indian subcontinent – the reopening of Suez, a predominant influ-



ence in Egypt, preoccupation with the Horn of Africa, an effort towards naval predominance in the eastern Mediterranean.

Yet unless Soviet relations with China worsen sharply, one would assume that its role in relation to South Asian states will continue to be mostly limited to arms and diplomatic manoeuvring of the sort already seen over Vietnam, Laos, Indonesia, India, and Pakistan. It is not impossible to imagine Soviet naval strength in the Indian Ocean being used to influence a local situation of crisis, as British naval forces were used in the East African mutinies of 1964, but it is very difficult to believe in Russian involvement to the degree in which America has become involved in Vietnam or Thailand. It is also difficult to believe that the Soviet Union's interest in the *status quo* in South Asia can be stretched into a commitment to help local governments to combat people's war.

Until March 1968 one would have said that the great power with the most obvious willingness and resources to undertake that task was the United States, and that it had indeed demonstrated not only willingness but even an eager determination to do so. But the characteristic pattern of American policy in Asia is one of ambivalence, of swinging between what may be called the assumption of an American protectorate in Asia, and a re-assessment of the costs of implementing that assumption. If one compares the prospective post-Vietnam calculation of costs with the earlier ones – *vis-à-vis* Japan in the 'thirties, China in 1947–9, Korea in 1951–3 – it is clear that the forthcoming reflections of policy-makers must be more anguished and doubtful than any in the past. The Korean effort, which is the nearest analogy, at least purchased a re-established *status quo ante* and the promise of some years' stability. Short of some just possible turn of events such as a much more visible schism between China and North Vietnam, it is difficult to see that the Vietnam settlement can ever come to seem to have warranted its costs, as far as the American electorate is concerned. And that in turn creates doubt as to whether the notion of the American protectorate in Asia can survive at all, and still more whether a Vietnam-style strategy could ever again be chosen to implement it.

This may seem no loss, since the most obvious verdict on the Vietnam engagement as a guide to combating people's war is that it is a case study in how not to do it, a warning in almost every sphere. The symbiotic process by which insurgency grows



through the very means used to suppress it has been depressingly well exemplified. The initial input of new weapons to local forces raises the level of military action by the insurgents, as a proportion of these weapons is captured or bartered by disaffected local troops. The input of Western funds strengthens the local urban middle class and creates or enlarges the group with an interest or commitment to continuation of the war - including of course a larger group of officers, as local forces rise in numbers. Avoidance of compromise with the insurgents becomes a life-or-death matter to the people thus involved. The process of inflation adds new modes of corruption to traditional and accepted ones, increasing resentments between those who are doing well out of the war and those who are not. Finally, the stage of input of large numbers of Western troops generates a nationalism that tends to see the people on the other side, the insurgents, as true patriots by contrast to those who have called in the visible outsiders. The concentrated firepower of Western forces and the movement of armies destroys the traditional structure of village authority to make way for revolutionary cadres. On the basis of two of the revolutionary wars, the Algerian and the Vietnamese, the analyst may argue that as this process gets under way it also creates a sort of bonus payoff in the politics of the metropolitan country. That is, the domestic dissent tends to call into power an alternative leader who cannot risk incurring in his own term of office the erosion of support which undermined his predecessors. M. Mendès-France in 1954 refused to contemplate continuation of the Indochinese engagement which had wrecked the previous administrations of the Fourth Republic, and so he made a settlement with the Vietminh. President de Gaulle could not allow the Fifth Republic to go the way of the Fourth, and so he made a settlement with the Algerian insurgents. As President-elect Nixon reflects on what the Vietnam involvement did to President Johnson's political life, it will be difficult for him to contemplate continuing it into his own, or entering a similar one.

It is easy enough to draw the reverse morals from the Vietnam war, but less easy to see substitutes for the prescriptions which are counterindicated. Avoid escalation, one may say: it dangerously reduces the options of the metropolitan power, and increases its costs. Avoid bombing: it is counterproductive when one takes into account political as well as military effects. Avoid



increasing the flow of weapons into the theatre of combat: it leads the other side to regard you as their transport corps. The minor wars of recent times in Asia which were won by the Western power involved (Britain), the Malayan emergency and the Malaysia-Indonesia confrontation, were both settled by a combination of low-level, small-scale, non-escalatory military action (spread over twelve years in the first instance and three years in the second) and a good deal of political jockeying towards a compromise settlement. But desirable though this combination of military restraint and political flexibility may seem, its application in the potential people's wars of the future is a matter of some uncertainty. It is an easier prescription for an imperial power than for a local government, precisely because the local government is a great deal more vulnerable, and has more at stake. Where the political structure of a country is fragile at best, conceding the right of secession to a particular area may be politically impossible, and even conceding a reasonable measure of autonomy may strike the governing élite as a form of suicide. Yet the countries concerned may be facing a period in which their only real choice is between reducing their expectations about the level of government control, or facing alone (except for Russian and American arms aid) the problems of enforcing a degree of centralization only feasible in communities with a strong consensus.

No early solution is likely for these dilemmas. To fight on unfavourable battlefields, like Vietnam, offers the risk of humiliating and dangerous failure, the painful cutting of losses, and subsequent crises of confidence. On the other hand, to abandon those battlefields which are judged unfavourable is not in itself a technique of victory. It may only be a mode of making defeat less expensive.

A good deal now will depend on whether the Vietnam war can be ended without on the one hand disastrously restricting the future options open to American decision-makers, and on the other hand disastrously lowering the credibility of American assistance towards maintaining stability in South Asia. The difficulties already encountered in Saigon in obtaining consent for the negotiations to move forward to their present stage have been quite severe: three weeks' negotiation with President Thieu before the bombing halt seem to have produced only the necessity for an American unilateral decision anyway. Yet the power of



the South Vietnamese government is limited: it has no control over the main point at issue, which is simply on what terms the American government will withdraw its own forces. The signals from neighbouring states like Cambodia, Indonesia, Thailand, and Singapore appear at the moment to indicate that some sort of American military presence in Southeast Asia, after the withdrawal from Vietnam, will not be difficult to arrange. The great uncertainties are in Washington itself.



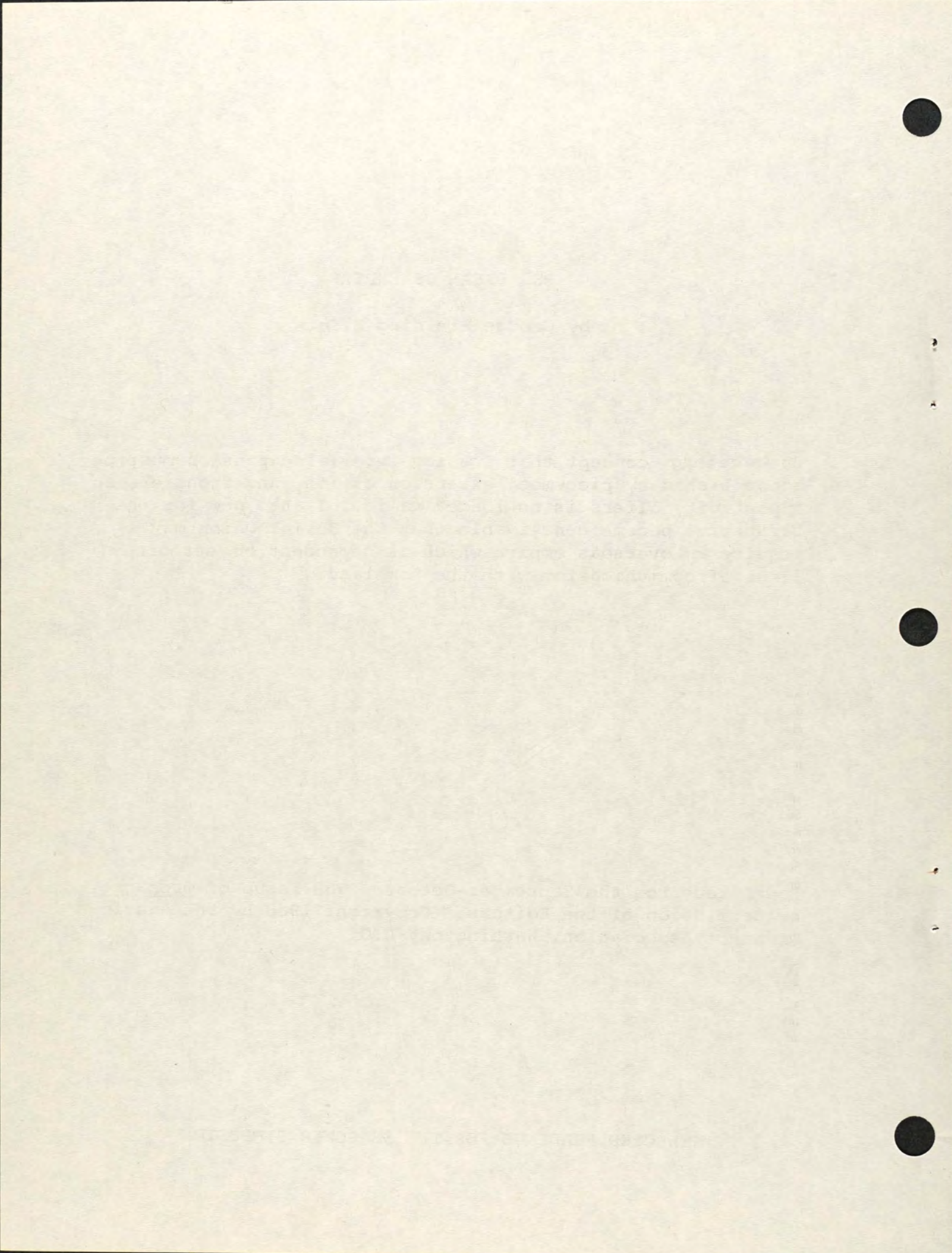
RED DREAM OF EMPIRE

by George Fielding Eliot

The age-long concept that Russian imperial expansion must be accomplished by piecemeal extension of its land frontiers as opportunity offers is no longer valid. It has now for the first time become conceivable that the Soviet Union may acquire an overseas empire which is dependent on seaborne lines of communication with the homeland.

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# Red Dream of Empire

*Russia long has looked toward the day when access to ice-free ports would give her ships the freedom of the seven seas, and never has the dawning of that day seemed so close — or so sure*

Maj. George Fielding Eliot

*Author, journalist, military analyst*

SINCE the days of Peter the Great, Russian rulers—czarist or Communist—have chafed under the restraints of a national geography which denies Russia free and convenient access to the world's major oceans or their connecting seas. Closely associated with this longing for access to warm (*i.e.*, ice-free) waters has been the long-standing claim of the Russian czars to be the legitimate successors of the Byzantine emperors of Constantinople.

As such, the Russians hold themselves to be the rulers of the Turkish Straits (the Bosphorus and Dardanelles), the strategic waterway which connects the Russian-dominated Black Sea with the Mediterranean. The latter, once the maritime center of the ancient world, is today the connecting salt-water link between the Atlantic and the Indian Oceans.

NO matter how desperate the immediate circumstances confronting a Russian government at any given time, these interwoven aims have been adhered to stubbornly. Thus in 1915, with German invading armies driving into the heart of Russia while Turkey was allied with Germany, the Anglo-French project for opening the Turkish Straits by amphibious assault offered the only chance of munitioning the Russian armies.

The brightest hope of seizing the

Straits came in early 1915, when the pro-Allied Greek government of Venizelos offered three Greek divisions to support the Allied fleets at a time when the Turks were hopelessly unprepared for effective resistance. But the Russians refused to envisage Greek soldiers in Constantinople whatever the consequences—for no more substantial reason than that a Greek king named Constantine seemed an embodiment of a rival imperial dream.

THE Communist rulers of Soviet Russia adhered as stubbornly to this concept as had the czars they had overthrown. The Soviet-Nazi agreement in the early days of World War II included, on Soviet insistence, recognition of Russian rights to a land and naval base at the Turkish Straits, and of "the area south of Batum and Baku in the general direction of the Persian Gulf as the center of the aspirations of the U.S.S.R."

It is precisely because of the exposed western frontiers of European Russia that the allocation of military expenditures between the Russian military services—a problem with which American military planners have long been acquainted—has until relatively recent times kept the Russian navy in a state of subordination to the army.

The defense of the Russian heartland against successive invasions by Swedish, French, and German armies

has centered control of military affairs in the Army leadership. The addition of long and distant Asian frontiers to be defended against Japan and, later, against a resurgent China, increased the army's responsibilities.

It is hardly to be wondered at that Soviet military policy after World War II confined promotion to the topmost rank—Marshal of the Soviet Union—not merely to Army officers, but to officers of the infantry arm of that service.

The navy mission remained the defense of the flanks of Russian armies wherever these flanks happened to rest on the sea. With territorial expansion, the navy became further subdivided among four widely separated sea frontiers—the Arctic, Baltic, Black Sea, and the Pacific—with no sufficient aggregation of naval strength anywhere to command major influence at the seat of political decision.

The exits to open water from these enclosed or icebound maritime frontiers remained in Western or in Japanese hands.

BUT during the past 3 years we have suddenly seen a Russian naval resurgence of massive proportions—not only in naval matériel but in naval influence within the decision-making area of Soviet military policy.

The key to this resurgence is technological progress, which is changing



the methods and techniques of national strategy in this nuclear age. The ancient and still valid principles of war must, as always, be accommodated to new means and new techniques in their application to changing circumstances.

The military strength of the Soviet Union now is expressed primarily in the Soviet status as one of the two principal nuclear powers of the world. Its land frontiers in Europe are primarily defended by this fact, and are no longer the sole responsibility of the Army.

**T**HE age-long concept that Russian imperial expansion must be accomplished by piecemeal expansion of its land frontiers as opportunity offers is no longer valid. *It has now for the first time become conceivable that Russia may acquire an overseas empire which is dependent on sea-borne lines of communication with the homeland.*

This is a wholly revolutionary concept within Russian military circles, and has been accepted only reluctantly. Probably many of the aging marshals who still occupy the top level of the Soviet military hierarchy do not accept it wholeheartedly even now.

It has taken a long time for Soviet military thought to move from the concept of nuclear power as a threat to restrain American freedom of action to the concept of nuclear power as a foundation for new forms of Soviet freedom of action.

Something like 2,300 years ago, the Greek strategist Xenophon—the leader of the famous Ten Thousand in their march to the sea—wrote of his experience: “The art of war is, at bottom, largely a matter of retaining one’s freedom of action.”

The Soviet Navy now emerges in a new and active role, applying this ancient principle to today’s Soviet aims—which unquestionably include the realization of the eternal Russian dream centering on the Turkish Straits, the Middle Eastern region, and the “warm waters” of the Indian Ocean.

Adm. Thomas H. Moorer, U.S.N., Chief of Naval Operations, commented on this Soviet naval resurgence in the May-June 1968 issue of *ORDNANCE*, when he noted that Fleet Admiral Gorshkov, the Chief of the Soviet

Navy, has “proudly stated” that the 1968 Russian navy has changed completely with the addition of new classes of ships, aircraft, and weapons.

Admiral Moorer laid emphasis on the claim of his Soviet opposite number to the effect that “because of increased capability, the Soviet Navy now has a greater role in the general system of the armed forces, and we can expect hereafter to see a greater number of Soviet ships in the Atlantic, Pacific, and Indian Oceans.”

It appears significant that the most visible extension of the newly developed Soviet sea power has appeared in the eastern Mediterranean as an obvious Soviet reaction to the stunning 6-day victory of Israel over the Soviet-equipped forces of three Arab states (Egypt, Syria, and Jordan) in June 1967.

If any military fact has been fully established by experience, it is that Arab military forces as they exist today are simply no match for those of Israel. The Soviet leadership, both civilian and military, has heretofore been curiously unwilling to accept this fact.

Despite the resounding defeat in 1948 of the armies of Israel’s Arab neighbors by Israeli forces which had to be hurriedly expanded and equipped at the very outset of the fighting, and despite what happened to Arab hopes for a “second round” in 1956, when the Soviet military mission to Egypt suffered the humiliation of having to flee the country by way of the Sudan and a trans-African airlift to avoid public embarrassment of its masters, the Soviets continue to back the Arab faction.

Soviet support for the Arab cause against Israel has been unswerving and continuous ever since the establishment of the Israeli state. It is curiously reminiscent of the consistent imperial Russian policy of assuming the role of self-appointed protector of Christian minorities within the former Ottoman Empire, which was used as a convenient and ever-ready excuse for pursuing Russian territorial ambitions having the glittering prize of Constantinople as their motivating objective.

The present Soviet role of supporting the Arabs of the Middle East appears

designed to seek similar opportunities for the spreading of Soviet influence, but the results of Soviet efforts to provide arms and military advice for the Arabs in their obsessive efforts to eliminate the state of Israel have not contributed greatly to Soviet prestige.

**T**HE results of the “third round” of Arab-Israeli fighting, in June 1967, cannot have contributed to the prestige of the military advisers of the Soviet Government, either. After 11 years of patient effort in rearming the Arab forces, Russia saw her pupil collapse like a pricked balloon when the Israeli leadership decided that it was a necessity of survival to teach the Arabs another lesson.

**T**HE Soviet military leaders are reported as being angry both with the Arabs for their incompetence and with the Israelis for giving Soviet military prestige a highly visible bloody nose. The anger is understandable—what was said to the marshals by their civilian superiors in the privacy of the Kremlin can be imagined—but the immediate Soviet reaction to the Arab disaster showed precious little imagination.

To pour in a flood of new weapons to replace those destroyed or captured by the Israelis and to send larger military missions and more instructors, are old-hat repetitions of a strategy which has not worked before. Such actions do little to eliminate the cause of the Arab debacle: the hard fact that the Arab soldier (except in a few battalions of the Jordanian Army) simply has no confidence in his officers for the excellent reason that they have never earned his confidence on the battlefield, or anywhere else for that matter.

Against the masterly planning of the Israeli high command and the magnificent split-second execution of those plans by all ranks of the Israeli forces, Arab resistance disintegrated—because it had no inner spiritual strength to hold it together in the face of adversity.

More Soviet advisers, echeloned all the way down to the battalion level, will not be a satisfactory answer to this problem. If an answer is to be found, it will have to be an answer which can



give the Arab rank and file a new source of confidence—and foreign officers will not serve that purpose.

A hint of what the answer may be appears in the activities of the Soviet Navy in recent months, and the very discomfiture of the hitherto all-powerful marshals may be the reason why the Soviet Navy has been able to gain acceptance for a new idea without precedent in previous Russian military history.

It has suddenly become public knowledge that the Soviet Black Sea Fleet has acquired an amphibious capability. It has two large new amphibious-assault ships in service, each with a troop capacity of two or three thousand marines of a new type—men trained as landing forces, in contrast to the old “naval infantry” which was simply a land-based coast-watching outfit.

The ships appear to have some resemblance to our LPH type, with helicopter decks and possibly also with well-decks for the use of small landing-craft, thus providing for both air-borne and water-borne assault operations. Of course these ships were designed, laid down, and completed well before the June 1967 Israeli victory.

The basic idea of creating an amphibious capability for the Black Sea Fleet—and the connection of that idea with the indestructible Russian dream of acquiring dominance in the Middle East—must have earned some measure of high-level acceptance along with other decisions which have resulted in the present resurgence of Soviet naval power.

More recent indications of the rising input of naval ideas into Soviet planning come to light with the publication of the Turkish Government's annual report on the passage of foreign warships through the Turkish Straits, as required by the terms of the Treaty of Montreux in 1936 which regulated the conditions under which Turkey resumed sovereign responsibility over the Straits, including their defense.

During the calendar year 1967, the report states, 167 Soviet warships passed through the Straits from the Black Sea to the Mediterranean; there

were 62 return passages. Of the outward-bound passages, 107 took place after the June 1967 Israeli-Arab war.

The outgoing passages included 3 cruisers, 11 destroyers, 2 submarines, 51 minelayers, 9 minesweepers, and 21 PT boats. The remainder were supply and repair ships, tenders, and other auxiliaries.

These figures are for single-ship passages in and out of the Black Sea. Some duplication is probably involved. Neither of the big LPH-types was included in the statistics.

Of the 51 minelayers outward bound, 30 are noted as returning; whether these are ships which have laid their eggs somewhere in the Mediterranean and are going back for another load remains conjectural, but with a navy as mine-conscious as the Soviet Navy, there is a suggestion in this item of operational planning.

It is also interesting that none of the outgoing PT boats are reported as returning. These may well include missile-armed craft.

**T**HERE are nothing like enough large ships—counting everything that went out—to take on the U. S. Sixth Fleet with any prospect of success. There is, however, a good solid supporting force for an amphibious operation of moderate dimensions if the two LPH-types were to come through the Straits some day.

It would be idle to try to fix a possible location for such an operation. Israel and the Israeli-occupied Sinai Peninsula have a long sea-front. The persistent talk of an upcoming “fourth round” of the Israeli-Arab conflict, and the persistence of the Soviets in pouring in more war matériel and more advisers, does suggest that something new may be added next time.

Indeed it is almost inconceivable that the Soviets would risk their prestige again by supporting an Arab-commanded attack against Israel without taking additional precautions against one more dreary Arab collapse.

A Soviet fleet with adequate surface-to-air defense, plus a capability of at-

tacking Israeli home-front targets with various types of missiles, plus a landing-force of 5,000 tough Soviet marines, might make a significant difference in the progress of any such “fourth round” and also might contribute to some extent to the confidence of the Arab forces.

Yet all this does not seem quite enough to be really tempting to the cautious Soviet leadership. They would be taking at least a measurable risk of a confrontation with the United States if Soviet forces were used for direct attack on Israeli territory or Israeli armed forces.

There is another, longer range possibility which might prove much more tempting (and also safer) provided that the political leadership is persuaded, against all Russian military precedent, that the shield of mutual nuclear deterrence makes it possible for distant empire-building operations to be undertaken safely with the support of sea-based logistics only.

Should that be the case, Soviet Middle Eastern ambitions may find encouragement in reflecting on the opportunities afforded by the British evacuation of Aden and their coming withdrawal from the Persian Gulf as well.

These opportunities—if patiently pursued without accepting major risks—might seem dazzling indeed to Soviet leaders. The Turkish Straits are open to the passage of their ships of war—the Montreux Treaty places no limit on the number of ships belonging to riparian states of the Black Sea which can pass the Straits.

The Suez Canal is blocked at present, but by Israel, not Egypt. The British are already out of Aden and the Red Sea area. And eastward from Aden lies the Indian Ocean—which, with the announced British withdrawal from Singapore and the Persian Gulf in 1971, will become a vacuum of Western power.

**I**NTO this prospective vacuum the Soviet Navy already is probing. Warships of the Soviet Pacific Fleet recently have visited Bombay in India and Iraqi ports on the Persian Gulf. If the Suez Canal were open, the Black



Sea Fleet could provide a Soviet naval presence in these waters much more conveniently.

The Soviet Navy may well be urging upon the Kremlin chiefs this highly interesting question: *What is to prevent the establishment of a Soviet Indian Ocean Fleet to fill the naval vacuum which will be created by the departure of the British?*

The permanent presence of such a fleet in the northwestern waters of the Indian Ocean—the Arabian Sea and the Persian Gulf—would be a major advance toward the realization of the persistent Russian dream of dominating the Middle East.

Such a fleet would vastly increase Soviet prestige and influence throughout the Middle East and along the east coast of Africa. It could enable Moscow to bring increased pressure on Iran to accept Soviet arms and economic aid rather than American.

And it could be the opening move in a decisive development of Soviet influence in India—with the eventual purpose of balancing and outflanking Red China on the Asian Continent—



which would mean the Soviet brand of Communism extending its power over 500,000,000 Indians who are now groping their way toward the evolution of a viable democracy.

The international situation seems favorable for initiating such a move. The United States is heavily involved in Southeast Asia. The Suez Canal is no longer the lifeline of a powerful British Empire and has lost much of its economic importance with the development of giant tankers which cannot transit the Canal fully loaded but nevertheless can haul oil around the Cape of Good Hope more economically than less capacious tankers using the Suez route from the Persian Gulf to western Europe.

Reopening Suez, however, would be highly valuable to Mediterranean and Black Sea maritime states (including the Soviet Union) whose sea trade moves in smaller bottoms for which the dimensions of the Canal are adequate. (This fact, incidentally, would

probably bring strong international support to a Soviet demand that Israel cease interference with the use of the Canal—a demand which it would not be easy for the United States to oppose.)

Yet in the long run, it would assuredly be extremely dangerous to the United States, and to the nations of the free world as a whole, to allow the Soviet Union to establish itself astride the Middle Eastern crossroads, with unchallenged naval dominance of the Indian Ocean. Soviet expansion on the continents of Asia and Africa would be an almost inevitable consequence.

In the historic confrontations between sea power and land power, the former—enjoying the advantage of superior strategic mobility—normally has been able to make the best use of the decisive military asset of time. The Soviet Navy appears to have convinced its masters in the Kremlin that this Western advantage must be challenged on its own element.

But this new and expanding Soviet Navy is far from strong enough to develop a really serious challenge to the control of the oceanic areas of the world and the air spaces above them which is presently enjoyed by the United States—provided that the American people recognize the need for timely countermeasures.

One underlying strategic purpose of our defense of South Vietnam against Communist conquest is to deny Communist control of the Strait of Malacca, which links the Indian and Pacific Oceans. One underlying strategic purpose of our Middle Eastern policy is to deny Soviet dominance of the Suez Canal; and we have not had serious anxiety as to Communist activities at the Cape of Good Hope.

**T**HERE has been much talk of creating a U. S. Indian Ocean Fleet, a proposition which would be far more costly, and probably less effective, than an American-British-Australian agreement of which one element would be continuance of the British base at Singapore and of the British Far Eastern Fleet (to include an attack carrier division and an amphibious assault force).

We need not go to war with the Soviet Union to deny that country unchallenged control of any of the entrances to the Indian Ocean, or to deny the Soviet Navy the sole dominance of that ocean or a free hand in the use of naval forces along its shores.

We simply have to be there ourselves—preferably in company with our British and Australian friends, whose interests in that region are identical with our own.

But we do have to make up our minds that realization of the unchanging Russian dream is inconsistent with the unchanging American dream of a free world.



HIGH STAKES SOUTHEAST OF SUEZ

by Noel Mostert

British withdrawal east of Suez may have its greatest repercussions in sub-Saharan Africa. The emergence of Soviet seapower to fill the resulting vacuum might well provide a stepping stone to considerable Russian influence in the internal affairs of the countries in that area--especially in South Africa.

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THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT  
5712 S. DICKINSON DRIVE  
CHICAGO, ILLINOIS 60637  
TEL: 773-936-3700

PHYSICS DEPARTMENT  
5712 S. DICKINSON DRIVE  
CHICAGO, ILLINOIS 60637

PHYSICS DEPARTMENT FOR THE PERIODS 1980-1981



# High Stakes Southeast of Suez

NOEL MOSTERT

THE SCHEDULED British withdrawal East of Suez by 1971 raises questions of the utmost relevance for the West along a wider range of fronts than was immediately apparent. While the main impact of this military economy will fall on Southeast Asia, the Arabian Sea, and the Persian Gulf, the consequences south of Suez are already considerable and will probably get worse. It could well be that Africa will ultimately be the area most affected.

The prospect of an unprecedented power vacuum in the Indian Ocean alone is a matter of the first order; more to the point is the influence it will have upon the delicate balance of political order in Eastern and Central Africa. Then there is the question of South Africa. The East of Suez economies and the soul-searching they induced have practically swept away Britain's traditional calculation of strategic dependence on that nation, always a major factor in Whitehall's defense calculations.

The removal of this bond has profound implications. It represents in a very real sense the removal of one of the subtlest and strongest western psychological underpinnings of the South African status quo. Britain's dependence was what has made the South Africans feel wanted, even when they least were.

The knowledge that this dependence would go indubitably influenced the British government's decision in December, a month before the Suez announcement, to retain its embargo on arms sales to South Africa. As the London *Observer* remarked at the time of the arms debate: "The abandonment of Britain's present East of Suez role would destroy one of the main arguments which have influenced the Government in its attitude towards South Africa: the fact that we need South African help to supply our bases in the Far East. The attempt to maintain a strategic presence East of Suez forces us into dependence on South Africa. Scrap the East of Suez policy, and there would no longer be any strategic reason for seeking to maintain South Africa's good will."

## Sudden Departure

This, however, had introduced an entirely new element: the emergence of a formidable French role in South African affairs. France became the immediate beneficiary of British political morality, and is now the main supplier of arms to South Africa. But dangerous as this association might prove to be, what happens in the Indian Ocean will ultimately be the key to everything, including the status quo in South Africa.

It seemed ironic that the withdraw-

al East of Suez should finally come virtually because of Suez itself. The closing of the canal is costing Britain an estimated £240 million a year (Prime Minister Wilson's own estimate to Parliament). Coupled with a crippling dock strike that left exports lying uselessly upon the London and Liverpool wharves, its impact upon the balance of payments helped undermine confidence in sterling and bring on the run on the pound. Devaluation followed, and the decision to be out from East of Suez by 1971 was part of that package.

Despite the steady decline of British power in recent years and the series of defense cuts instituted by the Labour Party since it came to power, the retirement from the Indian Ocean, especially from the Persian Gulf, was a surprise. It was expected eventually but not so soon, nor with such disregard of the niceties of disengagement. Only weeks ago, British envoys were around the Gulf states telling the feudalistic, and fabulously rich oil sheiks there that they should not be alarmed at the withdrawal from Aden—Britain would be in the Gulf for a long time yet.

There was no reason for them to doubt Britain's word, since it looked very much as though there was no alternative. The Labour cabinet it-



self has recognized that trouble in the Gulf could cause millions of unemployed in Britain. The Gulf supplies something close to eighty per cent of Western Europe's oil needs, and forty-five per cent of this production is controlled by British or British-Dutch companies and earns the British treasury £150 million a year. But most important is the fact that the oil sheiks invest their revenues in London. Kuwait is the largest single overseas holder of sterling, having recently passed Australia. The £15 million a year that the military presence in the Gulf costs Britain seemed cheap insurance. The government reasoning, however, apparently was to the effect that if major users such as Germany and Japan can buy oil from the Gulf without a military establishment there, why shouldn't Britain? There was also great fear of another Aden.

The Gulf nonetheless does represent the last British standing military and naval presence on the vast and vital Indian Ocean—qualities obvious to those who scanned their atlases to find Mauritius when that island sprang into the headlines in January and British troops and naval forces from the Gulf and Singapore were called in to quell local political troubles. This action itself served to underscore the absence that is to be.

The Royal Navy's heavy guns and senior admirals took over when you got to the Deccan Peninsula and to Singapore, where the sophisticated problems of Asian politics began, but the junior commanders on the Indian Ocean guaranteed the indispensable shipping routes that brought the trade west. The Indian passage was so much the private preserve of the Royal Navy that its peace and serenity have become taken for granted, with the ocean's real value neatly excised from the general public awareness.

The Mauritius operation was a typical Indian Ocean watchkeeping duty of the sort that has kept the balance of power there. The same sort of forces went into action a few years ago when the Kenyan and Tanzanian governments asked for British help to subdue army mutinies. To whom would any such request be addressed in the future?



A traditional presence leaves an implicit residue of power and respect, however minimal it becomes. In Britain's case, this has been of tremendous effect. Its actual forces on the Indian Ocean were meager but they could be reduced or expanded as required. It is this accepted presence more than power that is being lost.

#### Raised Expectations

The importance of this loss is best judged if you consider that the Indian Ocean really starts at the Horn of Africa, washing all down the east coast of the continent to the Cape of Good Hope, which was a main base along with Aden and Trincomalee in Ceylon. During the four years between now and the British departure date these waters will be up for strategic auction, as it were. The Soviet Union almost certainly will move in to complement the position it has consolidated in the eastern Mediterranean. This is assumed by several of Britain's leading naval thinkers. Moreover, they believe, as they conveyed to me during recent interviews in London, that the Soviets will make a bid for as many of the former British bases

as possible, probably starting with Aden itself.

Such an advance into the Indian Ocean has long been included in Soviet calculations, their diplomatic probes having been heavily concentrated along the Horn of Africa and immediately south from there, but it has not until now been wholly within their expectations. The June war brought them a position whose advantages and implications may not be properly assessed for years; but from what one can see so far, it gives them exactly what the British sought when they originally secured the Mediterranean and the Middle East in order to hold their prime positions in Africa and Asia. The Middle East, after all, is where Europe, Africa, and Asia meet.

The Soviets now have a naval force of about fifty vessels in the Mediterranean and access to bases that give them a vital command of the North African coast. Egypt, of course, is the keystone, and the pretext for the Soviet presence there is the reconstruction of the Egyptian forces to meet any Israeli threat. But the mere fact that Russia's place in the Mediterranean is now generally accepted as permanent means



that this immediate local purpose has been served. The longer-range purpose lies beyond the Suez Canal, and the pressure to serve that is clearly going to accumulate, especially since the Soviet Air Force already has refueling and repair facilities at Hodeida and Sana in Yemen. A large number of the estimated six thousand Soviet military advisers in the Mediterranean and the Middle East are in Yemen, Iraq, the Sudan, and Egypt. As if to link all this together with the ultimate point of penetration desired, Russia's Aeroflot is scheduled shortly to open service between Moscow, Cairo, Hodeida, and Dar es Salaam.

A functioning Suez Canal is a necessary complement. The Russians very much want it open. Reports that the United States finds the closing of the canal convenient are logical. Most Russian seaborne aid for North Vietnam must travel the long route around the Cape. Between sixty and seventy Soviet ships used to pass through the canal each month. A navigable canal also means that those fifty warships in the Mediterranean or their companion squadrons could operate out of Alexandria or Suez into the Red Sea and the Indian Ocean—at first as flag-showing sorties and eventually as task forces from fully operational bases.

**E**VEN had the British decided to stay in the Indian Ocean, their policy had become vulnerable because of the decision to phase out aircraft carriers, upon which all strategic planning had centered in the past twelve years, and replace them with an "island-hopping" plan dependent upon the American F-111 strike aircraft with its transoceanic radius. This plan was to have come into effect in 1970 and entailed the use of various Indian Ocean islands to reach Asia.

The F-111 (the order for which was canceled) was, in effect, a substitute for sea power. Since Middle Eastern overflight could not be completely guaranteed, then the only sure alternative was down the South Atlantic via Ascension Island and South Africa.

This situation, together with last June's diversion of world shipping via the Cape, brought the South

Africans to the dangerous presumption that they could wield a strategic leverage over the West—and over Britain and the United States in particular. This, they have felt, might give them backstage power in future dealings with critics of their domestic policies. It has intensified their self-righteousness at home, and doubtless their attitudes on matters such as Rhodesia and South-West Africa too. That it will leave them intractable on any suggestion of fundamental domestic change in the near future is evident. "World opinion is moving steadily in South Africa's favor," Prime Minister B. J. Vorster said in the New Year.

#### **Poor, but Not That Poor**

The proper occasion for acting on this presumption seemed to have arrived when last December South Africa presented Britain with a "shopping list" of armaments. Britain needed cash, and also the Cape route for its shipping and planes.

The list was a whopper, with an estimated value of £200 million (the biggest foreign order ever offered the British arms industry). It included sixteen Buccaneer strike aircraft, four missile frigates, eight jet patrol aircraft, and British Sea Dart missiles.

Back in mid-1964, however, Britain had accepted the United Nations resolution calling on all members to stop arms sales to South Africa. It did so (on instructions from the then Conservative government) with the proviso that South Africa had a right to external defense and Britain retained the right to judge whether any arms order fell into this category. The U.N. resolution was not mandatory, but when Labour took office later that year it promptly acted as though it were and banned all arms to South Africa. The South Africans went out and bought French—they have acquired forty-five French Mirage IIIs, with French missiles and a large number of helicopters, and they have three submarines under construction in French yards.

The December arms order would have been a windfall for a British exchequer that sorely needed it. To refuse seemed a form of madness, as the opposition and much of the press said it was. The cabinet itself was

divided. But it was rejected, and the South Africans immediately turned again to France. Vorster also announced that his country's agreement with Britain for use of the Simonstown naval base at the Cape would be reviewed—a pointless retaliation since its value depends on the security of the Indian Ocean.

#### **A Friend Indeed**

Gold therefore remains the single hold that South Africa retains upon the non-Gaullist West. But it is a powerful one. South Africa produces more than seventy-five per cent of the world's gold. Russia is the only other major producer. Conflicting rumors declare that Soviet gold mining has stopped because of the cost and that Russia has increased production on speculation.

The manipulation of gold is becoming steadily a more dangerous pastime; at this point few could be immune to its consequences. South Africans are shrewd businessmen and economists who understand the ramifications. But where they might hesitate, the French would not. And if France is working for this greater gain rather than mere arms sales (and no one can seriously doubt it), then the circumstances have been propitious. South Africa's dependence upon France can only increase. South Africans would not forget the friends who were supplying their needs. Vorster said in his New Year's message.

France really is the only friend he can have meant. Devaluation and the gold rush re-emphasized the common interest France and South Africa have in seeing a rise in the price of gold. Their collaboration to ensure this could be twofold: reducing the supply of gold in the world market, and selling gold through Paris instead of London.

South Africa's Finance Minister has already warned that on the basis of the present gold price, "... South Africa may not be able to make gold available on the same level as in the past." And Harry Oppenheimer, who through his vast interests is spokesman for the industry, has said that mining would have to end if the gold price remains fixed and mining costs go up as they continue to do. The implication of this scarcity of gold



is a persistent limiting of liquidity and its inevitable restraint upon world trade.

London is the traditional world center for gold transactions. South Africa's exports go there and are handled by the Bank of England, acting as agent for the International Gold Pool. There were rumors earlier this year that South Africa had in fact already made a shift from London to Paris; shipments to London had fallen dramatically. But this change was finally attributed to improvement in South Africa's own reserves. The governor of the South African Reserve Bank commented then, "Although South Africa is not bound to sell in London, she will continue to do so since it suits us."

**I**N JANUARY, 1967, France allowed free trade in gold, including imports and exports. This action was generally regarded in South Africa as the first big step in attracting the world's gold market to Paris. The danger was emphasized last year when it became apparent that in 1966 the International Gold Pool had a net loss of gold for the first time in its history. This meant that the central-bank reserves could not increase because of the rate of private buying and speculation in gold. Figures for 1967, although incomplete, indicate that the demand for private uses and holdings is absorbing not only the entire new gold output but also very substantial amounts out of monetary gold stocks of governments and central banks.

Marketing gold through Paris would vastly aggravate this shortage (and hence the pressures for an increase in price) because, unlike in London, anyone can buy gold freely there. A combination of these selling procedures and a deliberate withholding of gold would force a crisis that might give France and South Africa what they want or backfire and force the demonetization of gold.

Any such connivance between South Africa and France on gold, with its repercussions on shaky economies, would be greeted with particular outrage by the nations of Black Africa, most of which, with the exception of France's tame African franc bloc, are tied to the sterling area. Their development future is

more uncertain than ever anyway, British aid having become static and American more selective; and they are likely to be the main sufferers from trade restrictions applied by the developed industrial nations because of the balance-of-payments problem. Nothing affecting South Africa leaves them indifferent, but the devil's hand upon their currencies and economic survival would loose a terrible storm.

Left free of outside interference, South Africa could easily dominate the continent south of the Sahara. It has the riches and the expertise, and the narrow Calvinism that has directed apartheid could easily transfer at least some of its zeal to a sense of outward mission, which it has shown signs of doing. Other black nations would have followed Malawi in diplomatic contact and trade. One compromise would have led to another and apartheid itself would have rattled loose. At least all this seemed a possibility a year ago.

### Help Wanted

But a renewed air of uncertainty hovers over Africa. Rhodesia has exacerbated feelings and brought signs of a new militant unity in East and Central Africa. The occupation of extensive areas of Rhodesia by "freedom fighters" last year and the need of the Rhodesians to call in South African "police" aid was something quite new: it was the first time since the great tribal-settler wars of the nineteenth century that white men had died in defense of Southern African territory.

This and its new sense of power have settled South Africa deeper into its convictions and provoked it into



a new concentration on external defense, thus reinforcing its isolation. Instead of fading, the lines seem more clearly drawn than ever. There is apprehension: it is significant that both Rhodesia and South Africa have become increasingly wary about

applying the death penalty in trials of political terrorists.

But the steady accumulation of South Africa's military and economic power on a continent more sensitive than ever to its collective and individual weaknesses and its general have-not status is producing its own traumas. The African states are stung by the fact that the white citadels of the south now appear inviolable—except through outside assistance.

It is here that the U.S.S.R.'s penetration of the Indian Ocean re-enters the picture. Why shouldn't it do in East Africa what it has done in Egypt? Tanzania, which has become the main guerrilla training ground and revolutionary center of Africa, would seem the likeliest candidate for Russian "advice." And Russian thinking might well be that if *they* don't offer it, the Chinese will. The Chinese already sit in strength in Dar es Salaam. Their railway-building projects to Zambia are carrying them into ever deeper and closer contact with the African interior. The Russians, who have learned a lot from their previous and somewhat crude experiments in aid, have cultivated a new style—gestures of disinterest, smiles, a bit of culture, even teaching English and French. They behave like men who intend to make their mark this time.

Africa is not ready for or even willing to wage a holy war against the south. But it would certainly sanction sophisticated assistance in mounting a new scale of guerrilla offenses against Angola, Mozambique, Rhodesia, South-West, and, ultimately, South Africa itself. As the prompt South African support to the Rhodesians showed, this whole issue is of such paramount importance to everyone involved that escalation is automatic. The facilities that the "advisers" for such a project would need have their own ramifications. The moderately stable and fundamentally western-oriented states such as Kenya, Uganda, Malawi, and Zambia would probably discover that advice penetrating segments of their own political life. "The coming year might prove to be a turning point in the country's history," Vorster said optimistically in his New Year message. So it might: but in a different sense. And for Africa as a whole.



