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# THE SEABED ARMS CONTROL ISSUE 1967-1971

# A SUPERPOWER SYMBIOSIS?

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Advances in marine engineering, life support, and other technologies are continuing to render the ocean floor at increasing depths accessible for resource exploitation, scientific research, and, potentially, military uses. The availability of high-strength steels and aluminum alloys, fiberglass reinforced plastic, titanium, and beryllium could presage the construction of submarine hulls for operation at 20,000 feet—far deeper than the record depth attained by the bathyscaphe "Trieste." Nuclear energy could enable such vehicles to operate at maximum depth for extended periods. The application of high-strength materials to undersea structures coupled with new developments in remote sensing and manipulation (telechirics) could, in the foreseeable future, render the ocean floor open to both economic and military exploitation. The U.S. Navy's Sealab experiments, as well as similar programs by the Soviet Union, suggest that it may soon be possible for men to work for extended periods of time at great depths. In short, the seabed is becoming a tempting area for future military and economic expansion by the technologically advanced powers, an unclaimed domain of increasing salience in the relations between the superpowers.[1]

Since 1967 the international community has demonstrated more and more concern for the future of this vast domain, comprising some 70 percent of the earth's surface. Although some of the advanced nations had shown interest in establishing control over the seabed since World War II, it remained for tiny Malta to bring the seabed issue to the forefront of international politics with impassioned pleas to the United Nations

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to prevent a mad scramble for the ocean floor. Since that time there has been some moderate progress toward asserting international control over the unclaimed reaches of the ocean bottom, but to many this has amounted to nothing more than tokenism.

Thus, despite some accommodation, the seabed issue remains a perplexing political and technological problem. It is a nexus of difficulties—security interests, participation of noncoastal states in decisions, preservation of existing claims to territorial seas, and freedom of navigation are but a few of the seemingly insurmountable problems which the international community faces in trying to unravel this issue.

Given these difficulties, it is of great interest that in the past few years a large number of states, including the United States and the Soviet Union, have been able to reach an accord on banning nuclear weapons and other weapons of mass destruction from the seabed. The negotiations provide an excellent case study of the machinations of international politics.

The birth of the seabed issue and the acceptance of the treaty banning weapons of mass destruction also can be seen as a microcosm of superpower relations. The seabed arms control treaty, perhaps better than any other international agreement in recent history, illustrates the shifting power relationships which have accompanied the waning of the bipolar, cold war relationship of the immediate postwar years. It is a prime example of what we might call, for lack of a better term, "superpower symbiosis," i.e., a relationship in which advanced states with divergent goals temporarily join forces to achieve a specific end. They eschew collision policies for collusion even, as in this case, when the net result is a treaty which neither state favors in its entirety.

The seabed arms control issue, then, is important for a number of reasons. In itself it is a prime example of the sort of technology-dependent issue which is likely to occur with increasing frequency in the relations of nations. But more important, it is a useful vehicle for the study of changing superpower relations and the burgeoning of a multipolar international political system. This paper examines the seabed arms control treaty negotiations from 1967 to 1971 and the treaty's relationship to changing United States-Soviet relations.

The military and economic potential of the seabed was recognized as far back as World War II. In September 1945 President Truman issued a proclamation declaring that the United States regarded the natural resources of the seabed and subsoil of the Continental Shelf beneath the high seas but contiguous to the coasts of the United States as appertaining to this country's jurisdiction and control. Other states, notably the United Kingdom, Australia, and the oil-rich Trucial States of the Persian Gulf followed suit. A number of Latin American States, particularly Ecuador, Brazil, and Peru, claimed exclusive jurisdiction not only over the seabed and its subsoil to a distance of 200 miles, but in some cases to the high seas above. These rapidly escalating claims alarmed many members of the international community, especially when they infringed on traditional concepts of freedom of the seas. In an attempt to head them off, the United Nations General Assembly referred the issue to the International Law Commission in 1951. The Commission refused to sanction the unilateral claims of states as a basis for an international law of the seabed, but agreed to prepare a draft set of rules which eventually evolved into the 1958 Geneva Convention on the Continental Shelf. This provided the only constructive set of rules on the seabed to which the international community had given its assent when the seabed arms control issue was raised in 1968.

The 1958 Convention is extremely

limited in scope. It deals only with the Continental Shelf and not the seabed as a whole. The Continental Shelf is defined as:

> . . . the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 meters or, beyond that limit, to where the depth of the superadjacent waters admits of the exploitation of the natural resources of the said areas.[2]

The Continental Shelf Convention confers on the coastal state exclusive rights over the Continental Shelf for the purposes of exploring it and exploiting its natural resources and, by implication, for military purposes as well. It provides, however, that this jurisdiction shall not extend to the high seas and airspace above the shelf, a provision which has not induced some states to abandon their previously claimed 200 mile limits nor deterred others from advancing similar claims. The Continental Shelf Convention states that occupation or explicit proclamation is not required to make the coastal state's jurisdiction effective, thus leaving open the possibility of emplanting secret facilities while remaining within the letter of the law.

The 1958 Continental Shelf Convention was successful in constraining the rising tide of excessive claims to submarine lands. But it was a compromise document hammered out over a period of months to accommodate the interests of some 66 states which rarely saw eye to eye on the important issues. It was a stopgap measure and, like all stopgap measures, it has deficiencies. As we have seen, it leaves the door open for clandestine military operations on the ocean floor. Its scope is extremely limited. Further, it fails to set up any international machinery to oversee the operation of the convention.

But the most glaring deficiency of the Continental Shelf Convention, when applied to the problem of regulating the use of the seabed, is its failure to define the precise limits of national jurisdiction. It provides a definition of the Continental Shelf that is technology-dependent, thus increasing the temptation to the developed states that they intrude into the unclaimed domain of the seabed. In effect, the convention provides that any action which a state is technologically capable of carrying out is legal and, further, that that action can have the side effect of appropriating submarine lands to national jurisdiction.

The situation under the 1958 convention is analogous to that faced by the international community a few years ago when a few advanced states were on the threshold of developing space weapons. Today, marine science and technology are opening an entirely new and unclaimed world—a domain that not long ago was every bit as remote as the outer planets. Just as international machinery was established to define the status of heavenly bodies and to prohibit certain military actions, the need has been perceived to regulate the actions of states in exploiting the ocean floor for military and economic purposes.

This need has been forcefully highlighted by the Maltese Ambassador to the United Nations, Avrid Pardo. In 1967 he outlined to the General Assembly his view of the dangers inherent in the lack of international controls over the seabed.[3] In addition to citing military dangers, Ambassador Pardo expressed concern that the developed countries would appropriate vast areas of the seabed, thus shutting out the poorer nations from a source of great revenue and an opportunity to upgrade their technical capabilities. Such developments, he said, would further increase friction not only among the advanced nations, but between the developed and less developed countries as well.

Motivated by his concern over the military potential of the seabed, but

more immediately by the prospect of raising revenue by developing the ocean floor, Pardo proposed that the international community declare the seabed, beyond the limits of national jurisdiction, to be the common heritage of all mankind. This concept has become a central theme in discussions of the seabed issue and has increased the pressures on the superpowers to negotiate away their technological advantages.

Spurred on by the Pardo speech, the United Nations General Assembly voted, on 18 December 1967, to establish an ad hoc committee "to study . . . the reservation exclusively for peaceful purposes of the seabed."[4] Both the United States and the Soviet Union were made members of this body. The United States sponsored the resolution, together with a number of other states. The Soviets, however, declined to act as cosponsors. In fact, the Soviet delegate to the General Assembly indicated that his government felt that it was risky to create a new body. The issue was, in his view, too complex to attack without further study. Further, he felt, "Disarmament, and, primarily, nuclear disarmament, would preclude the ocean-bed from being militarily exploited."[5]

The work of the ad hoc committee was taken over a year later by a permanent, 42-member committee.[6] This organization has been the focus for much of the discussion on limiting military uses of the seabed, but, as the Soviet U.N. delegate predicted, it has complicated the issue more than it has clarified it. All of the productive work on the seabed arms control question has been accomplished under the auspices of the Conference of the Committee on Disarmament (CCD), formerly the Eighteen Nation Disarmament Conference (ENDC). Both superpowers have preferred to concentrate their seabed arms control efforts in this body, possibly for the sake of a better coordinated overall arms control policy.

This, then, is the formal organizational framework in which the seabed arms issue was worked out. There are also, of course, a host of informal relationships and communications channels which are more difficult to discern. Obviously, the superpowers engaged in some private consultations with each other and, probably to a lesser extent, with their allies. Nevertheless, the agreement reached bears the unmistakable stamp of the United Nations, and its negotiation in this forum is one of the primary factors which helped to fashion the final shape of the treaty.

Despite the progress made by modern science in exploiting the ocean depths, the seabed remains a hostile environment. The greatest achievements of technology must be brought to bear in order to achieve any measurable degree of success in harnessing its potential as a location for military operations. Most obvious, of course, is the requirement for life support systems for men working on the ocean floor, a prerequisite for many operations. Further, structures emplanted on the seabed must be able to withstand tremendous pressures and must be secured against shifting currents. Ordinary sensing devices, such as radar, are virtually useless under water. Only sound has proved to be a reliable undersea sensor, and even it is extremely limited in range. Wholly new methods of communications and control must be worked out for military structures on the ocean floor. Thus it is evident that the use of this environment for military purposes is difficult and, as a consequence, expensive.

Nevertheless, it appears that the momentum of technology has driven military strategists of both the East and West to consider placing military-related structures on the seabed. For example, the U.S. Defense Science Board has considered mounting large missiles in silos on the ocean floor. Such installations, like ballistic missile submarines, would be relatively invulnerable to attack but could carry much larger

missiles than subs can. The United States has also proposed huge self-propelled vehicles which would crawl along the ocean floor, carrying missiles.[7] These "crawlers" would be controlled by umbilical cords, a concept which has been proven out by the deep submergence vehicle CURV III. Also discussed have been nuclear mines situated in strategic ocean areas.[8]

In addition to such offensive weapons, there are a variety of defensive systems which could be installed on the ocean bottom. According to *The New York Times*, the United States has an extensive series of ocean-floor-mounted sensing devices designed to pick up sounds emitted by passing submarines in the Atlantic and Pacific. The U.S. Navy is also said to have similar devices in key narrows; for example, the Straits of Malacca and Gibraltar. Although the Soviet Union does not discuss such devices directly, we can infer from certain of their public statements that they too have seabed installations, at least close to their own shores. One Soviet commentator, for example, has stated that "modern naval defense includes coastal fortifications and various defensive installations sited on the seabed off shore."[9] Some observers have suggested that the Soviets are far behind the United States in the development of underwater detection devices,[10] but the public literature on the seabed problem is insufficient to draw any firm conclusions as to who is ahead. It is significant, however, that both superpowers are apparently actively pursuing the emplacement of defensive installations on the seabed.

The difficulties of operation in the deep ocean environment suggest that the installation of military devices on the seabed would be an extremely expensive undertaking. One scientist has stated that the cost of a complete underwater defense system would "make the space program budget look miniscule by comparison."[11] It is hardly surprising, then, that the United States and the Soviet Union, which have both been concerned about the impact of expensive military programs on their economies, would show interest in limiting what could become history's most expensive arms race. Typically, however, the two states have approached the issue of controlling military programs on the ocean floor from different points of view. Nevertheless, it is evident that the seabed issue has the potential to serve as the catalyst for what may be termed a "superpower symbiosis," in view of the vested interest of both powers in maintaining an acceptable rate of economic growth in the face of escalating arms costs. Thus, despite the military potential of the seabed, there are powerful pressures which tend to drive the superpowers toward accommodation.

After some initial reluctance to endorse the formation of the Seabed Committee, the Soviet leadership apparently arrived at the conclusion that the control of arms on the ocean floor was an issue worth exploring. It was the Soviet U.N. Representative Yakov A. Malik who first broached the question of demilitarizing the seabed in an international forum. In June 1968 he called for outlawing the use of the ocean floor for military purposes as a prerequisite to any agreement on the exploitation of subsurface resources.[12] That same month the Soviet delegate to the ad hoc Seabed Committee proposed a draft resolution which called on all governments to utilize the seabed and ocean floor beyond the limits of national jurisdiction exclusively for peaceful purposes. He also suggested that the Eighteen Nation Disarmament Conference be requested to consider the question of prohibiting the use of the sea and ocean floors beyond territorial waters for military purposes. During these early months of seabed discussions, most of the other committee members focused their attention on the matter of regu-

lating economic exploitation.[13]

Only a few days later the Soviet Government issued a statement which helps to place the seabed issue in perspective. On the occasion of the signing of the Non-Proliferation Treaty, Premier Kosygin submitted to the United Nations a nine-point proposal entitled "Urgent Measures for Ending the Arms Race."[14] The Soviets memorandum called for negotiations on the following points:

1. Banning the use of nuclear weapons.
2. Ending the manufacture of nuclear weapons and the destruction of existing stockpiles.
3. Limiting and then reducing the means of delivering nuclear weapons.
4. A ban on flights of nuclear weapon-carrying bombers outside national airspace.
5. A ban on underground nuclear tests.
6. Outlawing biological and chemical weapons.
7. Liquidation of foreign military bases.
8. Regional disarmament.
9. Banning the establishment of fixed military installations on the seabed and also any other military activity.

Of course, the Soviets no doubt realized that many of these topics were simply not negotiable in the present political context. It is unlikely that they seriously considered that such a comprehensive package could ever be adopted, but they no doubt saw considerable propaganda value in making the proposal. In addition, they probably hoped that some of the points could be discussed, since each of them could benefit the U.S.S.R., either by constraining Western military capabilities, and thus improving the Soviet Union's net security posture, or by narrowing the realm of strategic competition, thereby freeing resources for the development of nonmilitary sectors of their economy.

The seabed arms control proposal fits both of these criteria. The Soviet Union, with the world's largest submarine force, is no doubt greatly concerned about the effectiveness of U.S. undersea surveillance. If they could succeed in demilitarizing the seabed, the Soviets could force the United States to dismantle its antisubmarine listening devices, thus reducing Western defenses against submarines. If, as noted earlier, the Soviets are indeed behind the West in this aspect of military technology, they would have less to lose from a defensive standpoint and more to gain by enhancing the safety of their submarines in the open ocean. Failing this, the Soviets could also benefit from any measure which could reduce the pressure probably being exerted by some groups within the U.S.S.R. to expand the arms race to the ocean floor. Although there is no direct evidence to support the assessment, it seems reasonable to suppose that there are those in the Soviet Navy and the defense-related ministries who would favor such a move. While the pressure for adopting such a course might not have been great in 1968, it is more likely to grow than to decline with the passing of time. In view of the enormous expenditures which would probably be required for an effective seabed strategic weapon system, it is not surprising that some elements of the Soviet leadership would be interested in foreclosing the seabed option not only for the West, but for their own military establishment.

Not surprisingly, Washington viewed the Soviet nine-point proposal as unacceptable. In July of 1968, however, President Johnson responded by urging the Disarmament Conference to adopt a "workable, verifiable and effective agreement to bar the use of the seabed for the emplacement of weapons of mass destruction."[15] Thus he declined to consider demilitarizing the ocean floor in favor of a limit on the deployment of nuclear weapons and other

(unidentified) weapons of mass destruction.

The remainder of the year saw little progress on the seabed arms control issue. The Soviet delegates to the Seabed Committee and the Disarmament Conference continued to stress demilitarization, while other nations called for the use of the seabed for "peaceful purposes," not excluding defensive military operations.[16] In December the General Assembly created a permanent Seabed Committee, but this development received scant attention in the Soviet press.[17]

The Soviets seized the opportunity afforded by the change of U.S. administrations in January 1969 to reiterate their nine-point proposal to the United States.[18] They followed it up with the submission, on 18 March of a draft treaty on the demilitarization of the seabed to the Disarmament Conference at Geneva. The Soviet treaty would have banned nuclear weapons and military installations of any kind on the ocean floor beyond a 12-mile limit. It provided for inspection of underwater structures on the basis of "reciprocity," apparently meaning that only nations which had seabed structures could inspect those of other nations. A number of nations were not satisfied with this method and asked for clarification. In addition, the conference split on the scope of the ban. A majority of the members supported the U.S.S.R.'s call for total demilitarization, while the United States and its allies "maintained that a total ban on military activity on the seabed, particularly the emplacement of equipment for tracking potentially hostile submarines would not permit coastal states to take necessary and vital measures for defence and would also be unverifiable in the difficult marine environment."[19] U.S. officials also feared that a ban on all military activity could be interpreted to include communications and navigation equipment used by both civilian and naval vessels and the participation of military personnel in scientific research projects on the ocean floor. Other states expressed doubts about the proposed 12-mile limit.[20] As a consequence of these disagreements, the United States submitted its own draft on 22 May prohibiting nuclear weapons, weapons of mass destruction, and associated fixed launching platforms on the seabed beyond a 3-mile limit, with verification by observation and consultation.[21]

It is interesting to note that, in the days immediately preceding the Soviet proposal, there was no hint in the press that such a move was forthcoming. In fact, on the day before the draft was presented at Geneva, the Soviet representative to the Conference was quoted as saying, "The question of banning the use of nuclear weapons is being placed in the foreground." He also mentioned barring the manufacture and stockpiling of nuclear weapons, bans on foreign bases, chemical and biological weapons, and nuclear bomber flights as well as regional disarmament.[22] The seabed issue was conspicuous by its absence. We might speculate that the details of the proposal were still being worked out at the highest levels and that Soviet representative Roschin was not free to discuss it even though he probably knew that the move was forthcoming. This view tends to be confirmed by the fact that it was Kosygin himself who made the first announcement of the draft treaty to the press.[23] It is possible then, that some interests in the Soviet Union were opposed to any proposal, which foreclosed the possibility of future Soviet military exploitation of the ocean floor.

At about this time there began to be hints that some states were wary of what could turn out to be superpower collusion to block arms control progress. The British, Canadian, and Nigerian representatives at Geneva urged that the seabed issue be shelved temporarily in favor of a ban on underground nuclear

testing. The implication was that the United States and the U.S.S.R. were deliberately placing an issue of little consequence—the seabed—ahead of more vital issues. These fears were to become more pronounced as the negotiations proceeded.[24]

Over the next few months the principals exchanged views on the treaty, with the United States maintaining that a complete demilitarization would be both impractical and unenforceable. The Soviet Union clarified its proposal somewhat by conceding that devices such as navigation beacons could be exempt, but insisted on including antisubmarine devices.[25] Further, the Soviets maintained, a complete ban on military installations would actually be easier to police than one which prohibited only certain kinds of activities. States began to identify themselves with the proposals, with Sweden backing the U.S.S.R. and Japan and some of the NATO countries siding with the United States. Canada proposed a compromise which would bar "undersea weapons, military activities, bases or fortifications from which military action could be undertaken."[26] However, neither major protagonist showed a willingness to accept the Canadian proposal.

Finally, in August, the superpowers began to move closer together. Informed sources in Geneva suggested that a compromise could be reached. The United States and the U.S.S.R., who as cochairmen of the Disarmament Conference had extended its deliberations for several weeks beyond the scheduled adjournment, agreed on a draft early in October. In exchange for a widening of the exempted zone to 12 miles, Moscow agreed that the treaty should encompass only nuclear weapons and other weapons of mass destruction.[27] The Soviet press played down the compromise aspect. In a statement on 7 October, Roschin said that the treaty would solve "the most important part of the problem . . ."[28] but he also stressed that this was, in the Soviet view, only a step toward the eventual demilitarization of the ocean floor.

The agreement appears to have been a rather straightforward case of compromise. The Soviets gained U.S. assent to a 12-mile limit, which they probably saw as a valuable bit of leverage for the U.N.-sponsored Law of the Sea Conference to be held in 1973. In addition, by banning nuclear weapons, they would still have some hope of avoiding the most costly of the potential seabed military systems. The United States, on the other hand, succeeded in excluding its antisubmarine devices from the ban. This must have caused some concern among those in the Soviet Union who are responsible for submarine operations, but it does suggest that immediate military utility can give way to pragmatic economic considerations in the Soviet approach to international negotiations.

October 1969 marked a crucial turning point in the negotiations. With the United States and the U.S.S.R. both backing the treaty, passage seemed to be virtually assured, but even more important than the issue itself was the pattern of interplay among the principal international actors which evolved from the compromise. From that point forward, the two superpowers adopted a symbiotic relationship, abandoning or submerging their differences in order to present a united front to opponents of the proposed treaty. The opponents were many and, interestingly, included allies of both the United States and the U.S.S.R., as well as nonaligned nations. Over the next months, charges of superpower collusion and obstructionism were heard more and more frequently. In many ways the two giants stood almost alone against their many detractors.

Criticisms of the treaty proposal centered around three issues: verification, rights of coastal states, and the veto power accorded to nuclear weapon

states. Article III of the draft stated that "states parties to the treaty shall have the right to verify . . . using their own means or with the assistance of any other state party."[29] A number of states, including Canada, Italy, and Sweden, considered these provisions to be inadequate. Canada submitted proposed changes in the form of a working paper which recommended that the Secretary General of the United Nations be given the power and the means to assist in supervising compliance if requested by states which lacked the technical resources to carry out such operations themselves.[30] Both the United States and the U.S.S.R. were reluctant to endorse this proposal, but probably for different reasons. The United States no doubt realized that the major burden of financing an extensive U.N. verification capability would fall squarely on the shoulders of the United States and that it would be extremely difficult, to say the least, to get such expenditures appropriated. The Soviet Union, on the other hand, was probably motivated primarily by its traditional reluctance to upgrade the powers of the Secretary General.

Coastal states objected to the draft for several reasons. First, the status of the region between the 12-mile limit and the outer boundary of territorial waters was obscure. It appeared to some as if one state could legally emplant weapons between 3 and 12 miles from the coast of another state. A number of nations also objected to referring to the 1958 Geneva Convention, which nearly one-third of the U.N. members had not ratified. Finally, Canada demanded that verification operations within the 12-mile limit of a coastal state be approved by that state in advance, thus presenting an apparent limitation on traditional freedom of the seas.

The other major objection was an outgrowth of article IV of the draft, which specified that amendment required a majority vote, including an affirmative vote by all nuclear powers.[31] Fears that this would lead to a nuclear power monopoly were widespread and were apparently voiced outside of the U.N. forum. A Soviet broadcast to China on 24 October took pains to deny that the seabed treaty was an "attempt to deceive the peace-loving people and to legalize the arms race." It further declared that "No anti-Soviet slander is of any help in the matter."[32] Apparently the Soviets were quite sensitive to criticism on this issue from the other major Communist power.

As a result of these pressures, the United States and the Soviet Union presented a revised treaty on 24 October. The revision clarified the status of the area between the 3-mile limit and the 12-mile contiguous zone and deleted the nuclear power veto provision. It restored a requirement for a review conference every 5 years which had been dropped in the first joint draft at the insistence of the U.S.S.R. It also provided that disputes could be taken to the Security Council and inserted a new article in the preamble assuring that the previous rights of coastal states would not be altered by the treaty.[33]

These concessions, with the possible exception of giving up their veto power, were not critical to the superpower duopoly. It is interesting, however, that they were able to agree on a revised draft within 3 weeks after having submitted the initial proposal. Evidently the pressure from allies and competitors alike forced them to act in concert once again in order to safeguard their common interest in having the document approved.

These revisions, however, did not satisfy the critics. Brazil reserved its position on the treaty. Canada and others, including Yugoslavia, vowed to continue to voice their objections in the General Assembly. The Seabed Committee complained that it had not been given enough time for a proper review of the treaty.[34] While the two co-

sponsors pleaded for endorsement, smaller nations, including members of the Atlantic Alliance, charged that the superpowers were making their own deals at the expense of the rest of the world.

As a result the U.N. General Assembly First (Political) Committee voted to send the treaty back to Geneva for revision and resubmission at the next General Assembly session.[35] The Soviets played down the rebuff. Five days after the treaty was rejected by the U.N., Radio Moscow called the seabed negotiations the highlight of the session. It mentioned suggestions by Sweden, Canada, and Brazil but failed to report the First Committee's action.[36]

No further action was taken until the Disarmament Conference reconvened in April 1970. But in March, Rumania called for deferring the seabed issue in favor of general disarmament. Now formal allies of both superpowers had joined the opposition.[37]

On 21 April the sponsors offered more concessions. The latest revision to the treaty required that if any party should decide to conduct verification operations within the Continental Shelf of a coastal state, it must notify that state and invite its participation. It also expressly stated that the treaty would not prejudice the claims of any nation under "international law," a concession to those who objected to using the 1958 Geneva Convention as a basis for the treaty.[38] This latest version of the joint United States-U.S.S.R. draft treaty, however, still failed to provide a means of verification for those states who lacked the capability themselves. Objections were raised about this point, but the superpower coalition was clearly willing to concede points in order to enhance the treaty's chances of gaining endorsement.

Then, on 24 August, the Soviet Union made a surprise move by submitting a proposal for complete demilitarization of the ocean floor to the Seabed Committee.[39] This turn of events can be explained partly in terms of the Soviets' continuing interest in eventually forcing the West to give up its lead in antisubmarine devices, but more importantly their actions were related to the timing of the announcement. The United States was making preparations to dump a quantity of obsolete nerve gas in the Atlantic, and the Soviets probably saw a clear chance for making substantial propaganda gains by playing up the U.S.S.R.'s peace-loving position on the seabed. This estimate is borne out by the considerable press coverage given to the Seabed Committee's condemnation of the U.S. action.[40]

In September the superpower partners made more concessions. They added a provision which required the parties to continue negotiations in good faith aimed at ending the seabed arms race, with the obvious aim of placating Sweden. Incidentally, of course, this bolstered the Soviet Union's initial position. The latest draft made it mandatory that any state initiating verification procedures notify all other parties of the beginning of such operations and the results of the inspection. Finally, it added the provision that verification could be accomplished "through appropriate international procedures within the framework of the UN and in accordance with its charter, as well as through bi-lateral arrangements."[41] Thus the proposal placated Canada, while not committing the United States to fund a separate U.N. verification effort. The language was also vague enough so that the Soviet Union could, if it desired, read it to include only the Security Council and not the Secretary General. As a result of these concessions, the Disarmament Committee approved the draft on 4 September by a vote of 24 to 1. Only Mexico demurred, contending that the superpowers had retained the option of installing weapons on their allies' territory.[42]

With the Disarmament Committee's approval, the treaty breezed through the U.N. On 17 November the First Committee endorsed it by a vote of 91 to 2, with 6 abstentions. Peru and El Salvador, who claim 200-mile territorial seas, voted against the resolution, while Ecuador, France, Indonesia, Kuwait, Senegal, and Thailand abstained. Tanzania expressed concern that the treaty did not include nuclear submarines.[43]

The treaty then passed to the General Assembly. While it was being considered, the Soviet Union showed great sensitivity to charges of collusion with the United States. A *Pravda* article on the treaty stressed that it was considered to be only the first step toward demilitarizing the seabed and that certain (unspecified) Western Powers "have overtly attempted to hamper constructive discussions of the disarmament issue."[44] This was apparently directed at those who felt the Russians and the Americans were getting too cozy, while remaining oblique enough so as not to upset the burgeoning "era of negotiations."

In December the General Assembly adopted, by a vote of 104 to 2, with 2 abstentions, a resolution commending the Treaty Banning the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and Ocean Floor and the Subsoil Thereof for signature and ratification. Again, Peru and El Salvador opposed the treaty, while France and Ecuador abstained.[45]

On 11 February 1971, the treaty was signed in Washington, London, and Moscow, climaxing over 2 years of negotiation.[46] The Soviet ceremony was attended by, *inter alia*, Marshall of the Soviet Union Yakubovskiy and navy commander in chief, Admiral of the Fleet of the Soviet Union S.G. Gorshkov.[47] This high ranking military delegation suggests that the military in general, and the navy in particular, had a great deal of interest in the negotiations and may have had a hand in the formulation of the Soviet position. Kosygin's statement on signing the treaty emphasized the difficulty of the negotiations and repeated the assertion that the Soviet Government regarded it as only the initial step toward complete demilitarization of the ocean floor.[48] One Soviet commentator expanded slightly on the theme that denuclearization was the most important aspect of seabed arms control when he stressed that utilization of the seabed for military purposes is limited not by economic considerations, but by technological possibilities and "military-strategic purposefulness."[49] This statement provides more indirect evidence that in the U.S.S.R., as well as in the West, there are pressures from the "military-industrial complex" to develop and deploy seabed military systems. Similarly, in both countries, the governments appear to be anxious to head off another round of expenditures on such systems before it gets out of hand.

To the end, the Soviets tried to fend off accusations that they were collaborating with the United States for self-serving purposes. On the eve of the signature ceremony, TASS broadcast an *apologia* for the Soviet position.

> It is well known that after the development of science and technology made it possible to start practical use of the seabed and the ocean floor, the aggressive imperialist circles started making plans for using in military purposes these spaces that take up over two-thirds of the earth's surface . . . It is the Soviet Union that proposed to use the seabed and ocean floor only in peaceful purposes. . . . It is no secret that imperialism placed many blocs [sic] on the road to . . . disarmament.[50]

One wonders if the commentator doth not protest too much!

Now that the treaty has been signed,

its significance lies not merely in the fact that nuclear weapons have been banned from the seabed. More importantly it is a symbol, a symptom of changing power structures in an evolving international system. Together with similar ventures, such as SALT, it marks the dissolution of the "zero sum" approach to East-West negotiations.

Analysis of the treaty in its final form, however, reveals several shortcomings. Obviously, it does nothing to change the present balance of strategic forces. Conceivably, complete demilitarization could have altered the East-West strategic balance by neutralizing whatever strategic antisubmarine detection systems the United States might have deployed. This might well have been stabilizing in the long run, since it would have brought the survivability of the Soviet ballistic missile submarine force to a level equal to that of our POLARIS force, thus giving both sides an assured destruction capability. This, in turn, would have increased the deterrent value of both forces, all the more so since, with present technology, ballistic missile submarines are probably better suited for use as countervalue rather than counterforce systems. The combination of assured destruction with the lack of a first strike system on both sides would seem to suggest a high degree of mutual deterrence.

In addition to its failure to demilitarize the seabed the treaty also fails to prohibit some kinds of nuclear weapon installations as well. Article I prohibits a state only from "emplanting or emplacing" a nuclear weapon, launcher, or storage facility. It does not prohibit mobile installations such as a nuclear submarine resting on the bottom. Further, it apparently permits the deployment of "crawlers," mobile missile platforms which move along the ocean floor. To prohibit such vehicles, it has been argued, would be to limit freedom of navigation.[51]

Perhaps the treaty's greatest deficiency, however, is that it leaves the thousands of square miles of ocean floor between the coast and the 12-mile limit free of any restriction whatsoever. There is some merit to the initial U.S. argument that this area is the most likely region for the deployment of seabed weapons, given its relative accessibility.[52] Thus the treaty has not prohibited the emplacement of weapons of mass destruction on the ocean bottom; it has merely narrowed the area available for deployment by coastal states, including those states most likely to develop such weapons.

It would be a mistake, however, to deduce from these shortcomings that the treaty is worthless. It has done what any arms control measure must do—narrow the scope of strategic competition. In this regard it would have been valuable even if it had exempted a 25 or a 50-mile contiguous zone. What the treaty has accomplished, providing it is carried out in good faith, is to decrease the temptation to develop exorbitantly expensive weapon systems, those intended to carry nuclear weapons to the deep ocean floor. Its major value may well have been to the signatory governments in their internal budget squabblings, for it has effectively undercut those who would argue that permanent nuclear weapon installations on the deep seabed are "essential to national survival." The treaty's real importance, then, as a substantive arms control measure, may not be fully realized until such time as these costly installations become technically and economically feasible. At that time it might be useful for the administration or Politburo to have a legal excuse for saying *no* to its military-industrial lobbyists.

Beyond its substantive value, the seabed treaty is important as a symbol of the phenomenon we have called "superpower symbiosis." During the course of the negotiations, we have seen the two major protagonists move from contention to collusion. This action has

its parallel, of course, in SALT, but also in economic relations and in those difficult international situations which involve restrained competition—the Middle East and Vietnam, where both powers have a common interest in avoiding a direct conflict.

Whether or not this symbiotic relationship can continue depends, of course, on a myriad of factors, both internal and external to each superpower's political structures, but the successful negotiation of the seabed treaty is in itself a hopeful sign. During the intense rivalry of the fifties, when East-West relations were seen in terms of a zero-sum game, few would have predicted that the United States and the U.S.S.R. would someday find themselves defending a draft treaty against attacks from members of both NATO and the Warsaw Pact. The fact that they have now done so and that they have accommodated to pressures from their critics suggests that all concerned have realized the vastly altered rules of international conduct which have been imposed by nuclear parity between the superpowers as well as by the emergence of a multipolar political world. Today's world, with its vast network of communications and interdependencies, has forced all states into a kind of symbiosis, and as long as the spirit of common interest and mutual collaboration evident in the seabed negotiations can be maintained, that relationship is more likely to evolve into a force for stability and progress.

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