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P. ON

10 DOWNING STREET

Prime Minister

You may like
to glance at the
records I made of
the two Foreign Policy
Seminars.

I have sent them
to Ministers and official
participants only.

Thanks on
my behalf C. D. P.
3/18

M. S.

SEMINAR ON CONFLICT OF PRINCIPLES, CHEQUERS, 1 OCTOBER 1984

This seminar - a list of the participants in which is attached - addressed the question: Is Intervention Ever Justified?

The most notable feature was the failure of participants to fulfil their stereotypes. Academics raged red in tooth and claw through the jungle of law and morality proclaiming the primacy of national interest. Politicians and civil servants pleaded for moral guidance and internationally accepted rules.

Discussion turned first to the legal aspects. It was noted that international law recognised a number of grounds for intervention (generally those listed in the paper circulated to the seminar). But there was disagreement as to how far these could or should act as a constraint on national actions. Some argued that the situations in which intervention in another state had to be considered were usually on the margins of international law. A great deal turned upon the precise construction put on the facts of a particular situation. Experience showed that these could easily be twisted to suit a convenient interpretation, for example, manufactured invitations to intervene. The only realistic course therefore was to determine where one's best policy interests lay. The law could not rule, though legal arguments could generally be developed to support decisions taken on policy grounds. If international law supported a decision taken on grounds of national interest, that was an uncovenanted bonus.

Others were more rule-oriented, while believing that existing international rules in fact permitted intervention in quite a wide range of situations, for instance intervention on request or with consent. It was important

not to flout these rules, indeed they should be strengthened. Otherwise carte blanche was given to the Soviet Union to intervene when and where it wanted. It was in our broader national interest that there should be a framework of international law, which was observed in practice.

A brave attempt was made to steer a middle course between these two views. This noted the ectoplasmic quality of international law in this area and the consequent ability of both the Soviet Union and the West to appeal to the law to justify what they chose to do for reasons of state. One had therefore to take account of the results of an intervention. Interventions should be carried out rapidly, successfully and leave a demonstrably better situation than existed before. Applying this to the American invasion of Grenada, one might say that in law the US action was wrong but that it would be hard in the light of the facts to get a jury to convict.

The only conclusion which could be reached was that we needed a respectable framework of international law which by and large we should observe unless there was very good reason not to do so.

The law not having provided much of a guide, discussion of moral aspects proceeded rather gingerly. Indeed the frontier between law, morals and realpolitik seemed at times invisible. One view seemed to be that there were virtually no relevant moral considerations, a situation which might be summed up as Thucydides rules OK: the strong do what they will, the weak suffer what they must. Various rights could be adduced, for instance a right of vicinage entitling a strong country to intervene in the affairs of a smaller neighbour if these were conducted in a way to pose a threat to its interests. Lord Salisbury's justification of the partition of Poland on the grounds that it was a ceremonious

anarchy and thus a danger to its neighbours was recalled. Both considerations were in practice no more than recognition of spheres of influence and large countries right to act as they will within them.

Against this it was represented that countries often believed themselves to be guided by moral considerations when intervening. Theodore Roosevelt's citation of "chronic wrongdoing" as grounds for intervention was quoted. More widely it was argued that the notion that a particular action was regarded internationally as "wrong" still carried force, even though situations which were plainly "wrong" - Amin's Uganda, Pol Pot, Bokassa's tyranny - had been tolerated and not led to intervention. It was also argued that there was a clear moral basis for international law in this field in the sovereign independence of each state and its right to self-determination. (This latter claim led to the usual fruitless argument about who is and is not entitled to self-determination).

A suggestion was made that a distinction could be drawn between interventions which occur as part of the global East/West conflict and others. There was a moral distinction between the US and Soviet systems. The US (or like-minded countries) was justified in intervening to sustain justice and democracy, while Soviet intervention could never be justified since its goal was to establish tyranny. It was recognised that these criteria were highly subjective. They also raised once again the mirror image problem: the Soviet Union could rely on the same body of international law and the same terms justice and democracy (though with different meaning) to justify its own interventions. Gromyko's proposal at the UN for a resolution demanding renunciation of "actions aimed at forcible change or undermining of the social systems of sovereign states" was a vivid illustration of this.

It was suggested that the UN Charter offered the best guide to what was and was not permissible. It was the only rule-book on which an international consensus existed. Condemnation by the UN remained a useful sanction, even against the Soviet Union (a view disputed by others).

Discussion moved on to practical measures to limit interventions. It was suggested that we confronted a new situation, with the existence of tiny sovereign states peculiarly vulnerable to subversion. The words of Lynden Pindling at the last CHOGM were recalled: if we don't have the capacity to defend ourselves, we don't deserve to be independent. The problem might be contained through encouragement of regional pacts. An alternative would be to follow the path of the Austrian State Treaty which set limits both on foreign policy and the level of armaments. Groups of small states might get together, accept such limitations and then seek specific guarantees from the super-powers. In considering remedies, it had to be borne in mind that smaller states, in particular, might be threatened with types of intervention other than straightforward armed intervention - for example, arms embargoes, selective trading embargoes, economic blockade, or 'political' intervention, i.e. internal subversion.

To meet the yearning for clarity an attempt was made - by the academic participants - to establish some guidelines thus:

(i) it is the policy of the UK to adhere to the rules of international law;

(ii) in applying these rules, the governing consideration will be the UK's commitment to democratic principles, the maintenance of democratic regimes and preservation of human rights;

(iii) at the same time, the UK recognises that there are limits beyond which these principles can be applied only at an unacceptable political price.

Held up to the light by the official participants, it was pointed out that 'Soviet Union' could be substituted for 'United Kingdom' throughout. Alpha for effort but only gamma for utility.

The main points noted in conclusion were:

- there was a framework of international law and most wanted to see it built on and reinforced;

- moral factors were subjective: in the end the only guidance was what you believed to be right;

- the burden of proof to justify an intervention lay with the protagonist. It needed to be justifiable when you did it not just post facto.

While it would be nice to have a clear set of rules, this was in practice all that was available.

At the subsequent restricted session there was some discussion of what UK policy should be, in the light of the previous discussion, in each of three possible scenarios affecting Nicaragua:

- an American airstrike to knock out MIG aircraft supplied to Nicaragua;
- a quarantine imposed on Nicaragua;
- a full-scale invasion

On the first, it was noted that MIG 23s would be too sophisticated for Nicaragua's real needs and could, with justification, be regarded as posing a threat to the security of the area. The Americans had already warned that supply of MIG 23s would be unacceptable. The Russians would probably be cautious about supplying them. If they did so, it would be an act of provocation and an American attack to eliminate the aircraft would be relatively easy to justify. But it was also argued that the Americans would suffer considerable damage internationally if they attacked the aircraft before the Nicaraguans had given evidence of intention to use them against other countries. It would also create an unhappy precedent, which might be used by the Soviet Union to attack American-supplied aircraft in Pakistan. Nonetheless, we should not condemn American action. We should say as little as possible, but point out that advance warning had been given.

Discussion of the implications of a quarantine was hampered by lack of precision as to what it would involve. Neither sanctions nor a blockade were thought at all likely to work. A blockade could cause us serious difficulties if, for instance, British ships were stopped and searched. The conclusion was that we should not want to take part in a quarantine but should not condemn it.

Full-scale military intervention was regarded as very unlikely. The risk of US forces being mired in a Vietnam-type situation would be high. The Pentagon were said to be against it. Our main problem was likely to be obtaining due warning of US intentions and obtaining due warning. It was suggested that we ought to speak to the American Administration after the Presidential elections with the aim of deterring them from any rash action. Against this, it was recognised that Central America was of crucial importance to them and we had little standing to

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contest their judgements. All that we could do was note that it was a situation of possible danger and keep as close as possible to American thinking. If the worst did happen we should try to avoid public condemnation of the Americans, while recognising that this would certainly mean distancing ourselves from most, if not all, other members of the European Community.

C.D.P.

3 October 1984

SEMINAR: IS INTERVENTION EVER JUSTIFIED?

MONDAY, 1 OCTOBER 1984

LIST OF PARTICIPANTS

Prime Minister

Rt. Hon. Sir Geoffrey Howe, MP
Foreign and Commonwealth Office

Rt. Hon. Michael Heseltine, MP
Secretary of State for Defence

Rt. Hon. Baroness Young
Minister of State, Foreign
and Commonwealth Office

Rt. Hon. John Stanley, MP
Minister of State for the Armed
Forces

Sir Robert Armstrong
Secretary of the Cabinet

Sir Antony Acland
Permanent Under Secretary
Foreign and Commonwealth Office

Sir Clive Whitmore
Permanent Under Secretary
Ministry of Defence

Field Marshal Sir Edwin Bramall
Chief of Defence Staff

Sir Percy Cradock
Foreign Affairs Adviser to the
Prime Minister

Mr. Bryan Cartledge
Deputy Secretary, Cabinet Office

Mr. Charles Powell
Private Secretary to the
Prime Minister

Mr. A.D.S. Goodall,
Deputy Under Secretary
Foreign and Commonwealth Office

Professor Derek Bowett
Professor of International Law, Cambridge

Dr. Elihu Lauterpacht
Reader in International Law, Cambridge

Sir Ian Sinclair
Former Foreign and Commonwealth Office
Legal Adviser

Colonel Jonathan Alford
Deputy Director, International Institute
for Strategic Studies

Professor Hedley Bull
Professor of International Relations, Oxford

Professor Elie Kedourie
Professor of Politics, London

Sir Anthony Parsons
Research Fellow, Centre for Gulf Studies,
Exeter

The Lord Thomas of Swynnerton
Centre for Policy Studies

Mr. Peter Calvocoressi
Author and former Reader in International
Relations, Sussex

Attending Dinner only

Professor Michael Howard
Regius Professor of Modern History, Oxford

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SEMINAR ON NATO STRATEGY: CHEQUERS, 1 OCTOBER 1984

The Seminar - a list of the participants in which is attached - discussed the viability of NATO's strategy of flexible response and ways in which it could be implemented more effectively.

Several factors were suggested which made it timely to take a fresh look at the flexible response doctrine. These included the progressive enhancement of the Soviet capacity to attack on short warning, reducing the warning time which NATO could expect from 5/6 weeks to 2/3 days; the increased vulnerability of the process of reinforcing Europe from the United States by sea, given the Soviet capacity to attack convoys from an 800 mile stand-off; Soviet superiority in chemical weapons; NATO's possible loss of escalation dominance in the theatre nuclear weapon band of deterrence; and, more generally, the fact that the flexible response strategy, as enshrined in the NATO document MC 14/3, was now 17 years old and arguably in need of review.

There was, however, general agreement that flexible response was not so much a strategy as a description of whatever force posture the Alliance chose to adopt. Much of the discussion concentrated on the balance between the nuclear and conventional elements in NATO's strategy and in particular the proposition that growing doubts about the credibility of a general nuclear response meant that more attention had to be given to the Alliance's conventional capability.

There was no dispute that the nuclear element was an essential part of the Alliance's strategy. A conventional response alone was not an option: there would not be the money to pay for an adequate capability and it would not make the other side dispense with their nuclear weapons.

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The Alliance's nuclear capability deterred not only nuclear war but conventional war. In this equation, the Russians were less impressed by Alliance doctrine than by Alliance capabilities. In the absence of a nuclear element in NATO's deterrent posture, the Soviet Union could contemplate waging a "limited liability" conventional war. In terms of military "prizes", 30 per cent of the Alliance steel producing capacity lay within two hundred miles of the East/West divide as compared with only 9 per cent of the steel producing capacity of the Warsaw Pact: considered on this basis, the Soviet Union might be prepared to take the risk of losing a conventional conflict in Central Europe if the deterrent element of intermediate range nuclear weapons did not exist. A strategy was needed which provided maximum uncertainty about Alliance intentions together with the flexibility not to use nuclear weapons if such use could be avoided. Flexible response provided this.

There was some discussion of the "nuclear winter" phenomenon. This was agreed to be plausible as a hypothesis but unproven: scepticism was expressed about the statistics on which the theory was based, with regard both to the megatonnage needed to produce the nuclear winter phenomenon and to the duration of the phenomenon itself. Although the possibility of self-destruction, through a shared nuclear winter, might constitute some inhibition against a nuclear first strike it was pointed out that the sheer number of nuclear explosions needed to produce a nuclear winter should in themselves act as a sufficient deterrent without the added threat of the phenomenon itself.

The credibility of controlled nuclear escalation was examined. The point was made that a Soviet attack against NATO was likely to be motivated either by the belief that NATO weakness or disunity made unprovoked aggression a low risk option; or by sheer irrational desperation which could result, for example, from a Soviet belief that the

United States was about to achieve a total military dominance in outer space which the Soviet Union could not challenge.

A danger was also seen in assuming too much rationality in nuclear exchanges: the decisions would be taken in conditions of extreme confusion and tension. Nice distinctions between the various rungs of the nuclear ladder might not be so relevant in actual practice. What mattered was that there should be a nuclear ingredient and a US readiness to risk all in the collective defence.

There was some divergence of view over the importance of readiness to envisage first use of nuclear weapons. Some saw this as a crucial element in deterrence. Others thought that too great a dependence on first use weakened flexibility. The political constraints on a decision to make first use affected its credibility. It was also divisive and caused alarm in public opinion. This was not an argument in favour of the Russian ploy of a no first use declaration. A no first use "agreement" would in any case increase the attraction to the Russians of a conventional surprise attack. It meant putting the emphasis in public discussion on deterrence rather than on threat of first use.

There was considerable debate on the utility of battlefield nuclear weapons. On the one hand it was argued that they would be useless in the likely circumstances of conflict in Europe in which Soviet and Alliance forces would be intermingled. It was doubtful that the Germans would ever be persuaded to agree to their use. Nor was there much likelihood of agreement in the Alliance on cross-border use. The dual capability of the weapons systems involved was a de-stabilising factor because it would be impossible to tell whether an enemy attack was directed at the nuclear or the conventional capability and thus what should be the appropriate response. If the military experts doubted the

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utility of battlefield nuclear weapons, why pay the high political price of maintaining them? Savings from removing them could be used to strengthen conventional forces. Before long the prime military objective of nuclear artillery, namely to inhibit Soviet troop concentrations forward, would in any case be attainable by the latest conventional artillery.

Against this it was argued that it would be a mistake to remove them altogether, though they might be further reduced. They were an essential link in the chain of flexible response. Removing them altogether would give the Soviet Union a licence to concentrate its forces in forward areas, a risk it could not otherwise take. Public opinion did not seem particularly concerned about these weapons and the considerable efforts already made to reduce them had earned little credit. Nor were the Germans pressing for their removal. This was a strong argument for maintaining the status quo. The weapons had been there a long time and caused no real problems, so why offer the Soviet Union a military bonus by withdrawing them? To do so might be regarded as evidence of the Alliance's vulnerability to pressures from the peace movement and would increase efforts to get rid of intermediate nuclear weapons. Any savings would be minimal since the warheads were American. An alternative would be to base the weapons further back, while still preserving the capability to use them on the battlefield.

All agreed that the effectiveness of the conventional arm of flexible response needed to be strengthened. Congress would insist on this and Lord Carrington was proposing to take an initiative. But views differed as to where the priority for improvements lay.

Some argued the need to put it all "up front". It was crucial for the Alliance to be able to do well in the first

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two weeks of a conflict and this offered the best chance of deterring the Russians from starting one. Resources should go to strengthening forces already in Europe rather than to preparing reinforcements. The psychology of Soviet Commanders was relevant. They were cautious about getting involved, but when they did so it was on a big scale. This strengthened the need for the Alliance response to be rapid, particularly to a Soviet probe out-of-area.

Others pointed out that the way in which resources were allocated was consistent with the shop window philosophy i.e. priority for hardware rather than sustainability. But as the use of nuclear weapons became more difficult to envisage extra days of sustainability became more important. A conflict was more likely to start on the flanks than on the central front, which again strengthened the argument for sustainability.

There were few specific suggestions for improving conventional defence. Full account needed to be taken of changes in Soviet military doctrine. The possibility of redeploying American Forces out of South Germany to a more central role was raised, as was that of encouraging the Germans to make a greater investment in fortifications. The Alliance must continue to press ahead with new technology. But it should not be obsessed with the most advanced kit at the expense of the rest. More than just technical improvements were needed, for instance improved training and tactics. There was likely to be a particular problem over manpower: in Germany the number of men of military age would decline by 30 per cent in the next 15 years. There were glaring weaknesses in the air defence of the UK. It was made clear, however, that there could be no question of driving up UK expenditure on defence further. It was up to the other allies to do more.

Great importance was attached to strengthening the political cohesion of the Alliance. Avoidance of war required not just a credible strategy for war itself but a demonstration of resolve and unity by all the members of the Alliance. The political battle, which was the decisive one, was being fought at the present time. This demonstration of will was also vital in order to preserve the US commitment to Europe's defence. A lengthening shadow over Western Europe of Soviet military superiority could lead to the establishment of a Soviet droit de regard over Western European policies and to a Soviet victory over the Alliance without a battle being fought. But if the political cohesion and confidence of the Alliance were to be maintained its military strategy, too, had to be credible and on two levels - those of its efficacy for the conduct of war and of its political cogency in time of peace. Particular attention was needed to the weaker brethren on the flanks.

It was as important to carry public opinion in the Alliance. Some thought that support for NATO in public opinion was as strong today as at any time in the Alliance's history. Others saw a risk of 'generational slip', because many of the issues and circumstances which originally shaped the Alliance seemed less relevant now. The problem was most acute in relation to the nuclear arm of deterrence. More needed to be done to bring home how dreadful conventional war would be and the role of the nuclear deterrent in preventing it. This could be done by portraying CND as 'conventional warmongers'. One should highlight the dangers of failure to deter rather than the risks of the deterrent. But a commitment to arms control was a necessary part of this.

Discussion of the role of chemical weapons was inconclusive. It was argued on the one hand that there was a tendency to over-estimate the military utility of such

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weapons. They were indiscriminating and therefore difficult to use. There was evidence that the Russians were interested in negotiating a ban. The Americans should be pressed to modify the verification measures they were demanding.

Others thought that, if a ban could not be negotiated quickly, the Alliance had no alternative but to acquire a chemical weapons capability of its own as a deterrent to Soviet use of such weapons. It was more credible to have a chemical deterrent to chemical weapons than to rely upon a nuclear one. This was an unfinished discussion.

It was pointed out that the main risk of conflict lay in Soviet probing of Western interests outside the main NATO area. This argued for a conventional capability able to undertake out of area operations. At the moment too much was left to the Americans. It was pointed out, however, that this would not be a NATO capability as such but one possessed by certain NATO members. The main scope for improvement lay in improved coordination of their activities.

There was some discussion of France's role, with the feeling that while France would not become reintegrated in the military structure of the Alliance, she was moving towards closer military cooperation, particularly with Germany. It was suggested that France's nuclear strategy was not credible even to the French military themselves.

No formal conclusions were drawn. But the Prime Minister noted a number of points which were not disputed. The concept of flexible response would remain viable and credible so long as the Alliance retained the full range of capabilities, including a nuclear capability, needed to defend itself and the will to use them. But the cohesion of the Alliance remained a worry. There was a risk of

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complacency about the situation on the flanks, about the Alliance's ability to reinforce the central front and sustain a long campaign, as well as about the absence of an Alliance capability for chemical warfare. There was no doubt that there would be pressure from the Americans to strengthen its conventional capability. But there were financial constraints for the UK in any further increases in spending on defence. There had been no consensus as to where this strengthening was most urgently needed or whether changes in the nature of the UK contribution were desirable.

At the subsequent restricted session attended by Ministers and officials only, discussion focussed on the Foreign Secretary's minute of 28 September, and in particular the implications for Britain of greater Franco-German cooperation.

The feeling was expressed that the UK was not getting credit for its contribution to Europe's defence; that the Germans had to be made to realise how much we did for them and that our contribution was vulnerable unless it produced more consideration for our political and financial interests; that Franco-German collaboration was giving France an undesirable hold over the FRG in a wide area of European affairs; that there was a growing instinct on the part of the US to look to France and Germany for discussion of Alliance matters; and that France derived unjustifiably large benefits from its fractional involvement in the NATO infrastructure programme. It was noted that France liked to keep Germany in a posture of penance and that the Germans for their part did not seem averse to this.

Against this it was argued that there was a strong element of rhetoric in the Franco-German relationship; that the French hinterland was of such great strategic importance to Germany that the latter needed constant reassurance about the role which France would play in a conflict; that the UK

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was obtaining a healthy share of European defence procurement and not being squeezed out; and that, rather than try to divide and rule, we should seek areas of constructive collaboration with both France and Germany.

It was agreed that the proposals in paragraphs 11 and 12 of the Foreign Secretary's minute needed further work by officials before consideration by Ministers. Doubts were expressed about a number of the proposals: in particular we should not give the impression of running after the French. The aim should be to ensure that the UK was not frozen out of Franco-German collaboration; to encourage the French back towards a more integrated relationship with the Alliance; and to ensure that the UK received not just credit for but business from collaborative projects. It would be essential to avoid anything, for instance in WEU, which undermined NATO; and to seek collaboration only in areas where we have identifiable interests in common.

C.D.P.

3 October 1984

SEMINAR ON NATO STRATEGY AT CHEQUERS
ON MONDAY, 1 OCTOBER 1984'

LIST OF PARTICIPANTS

Prime Minister

Rt. Hon. Sir Geoffrey Howe, MP
Foreign and Commonwealth Secretary

Rt. Hon. Michael Heseltine, MP
Secretary of State for Defence

Rt. Hon. John Stanley, MP
Minister of State for the Armed Forces

Sir Robert Armstrong
Secretary of the Cabinet

Sir Clive Whitmore
Permanent Under Secretary,
Ministry of Defence

Field Marshal Sir Edwin Bramall
Chief of Defence Staff

Sir Percy Cradock
Foreign Affairs Adviser to the
Prime Minister

Sir John Graham
UK Representative on the
North Atlantic Council

Mr. A.D.S. Goodall
Deputy Under Secretary,
Foreign and Commonwealth Office

Mr. Bryan Cartledge
Deputy Secretary, Cabinet Office

Mr. Charles Powell
Private Secretary to the Prime Minister

Professor Lawrence Freedman
Professor War Studies, Kings College
London

Professor Sir Hermann Bondi
Chairman, Natural Environment Research
Council

Sir Arthur Hockaday
Secretary and Director General,
Commonwealth War Graves Commission

Dr. Robert O'Neill
Director, International Institute for
Strategic Studies

Admiral Sir James Eberle
Director, Royal Institute of International
Affairs

Professor Peter Nailor
Professor of History, Chatham House,
Royal Naval College, Greenwich

Sir Clive Rose
Former UK Permanent Representative to
NATO

Professor Laurence Martin
Vice Chancellor, University of Newcastle
upon Tyne

The Lord Cameron of Balhousie
Principal, Kings College, London