The Limitations
of Bilateral Peace Treaties

Brian Martin

The Bilateral Peace Treaties proposal is an idea that, for anyone in the peace movement, is hard to oppose. Yet, while supporting the beneficial aspects of this proposal, it is important to be aware of intrinsic limitations which can undercut its effectiveness. Bilateral Peace Treaties assume and may even reinforce the very structures which are the driving forces behind war.

On the surface, the BPT proposal has many strengths. It is simple and easy to understand. For a government to offer to another government a treaty is certainly less involved than complicated multilateral negotiations. The best part of the proposal is the simple and direct nature of the two points in the treaty. The first, "We will settle all disputes between us by negotiation or other peaceful means", sounds like something anyone should support. To refuse to agree to this would put a government in a bad light. The second point, "We will never be the first to resort to force, violence or war", would be unnecessary if the first point were adhered to. It is even harder to attack, and indeed most governments today say that their military forces are only for defence, not attack.

The proposal has been initiated by the United Nations Association of Australia. This has several advantages. Coming from a body independent of the government, the proposal is unlikely to be stigmatised as a partisan effort to gain political advantage. The network of United Nations associations around the world provides a valuable basis for promoting the proposal.

Australia is not perceived as a particularly aggressive state, though it has participated in the wars in Korea and Vietnam and is linked to United States military planning to fight a nuclear war. Because Australia is not involved in a 'hot' war, is not a major military power, and is not a military dictatorship, it seems a good place from which to launch the BPT initiative.

The proponents of BPTs do their best to sell the idea while not making exorbitant claims. The key document, "Australia declares peace on the world", states "Bilateral Peace Treaties will not create world peace all by themselves, nor are they so intended. It is no panacea for the world's ills." The proposal is presented as one initiative among many, as something that can build trust and establish structures for conflict resolution. Furthermore, the goal of social justice is not overlooked; it is stated as something that can be sought both alongside and through BPTs.

BPTs seem to be relatively 'safe'. The proponents point out that BPTs are compatible with the ANZUS Treaty and with the whole framework of the United Nations.

The main danger with BPTs is that people may obtain an exaggerated idea about their impact. My aim here is to spell out some of the limitations of

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BPTs, not in order to discredit them, but to put them into perspective.

The limitations of agreements

Governments have negotiated and signed treaties and agreements for centuries. One of the most infamous was the 1939 non-aggression pact between Germany and the Soviet Union. This provided an opportunity for the Nazi regime to attack in the west before breaking the pact and attacking the Soviet Union in 1941.

Aside from blatant violations of treaties, another problem is changes in governments. Treaties are normally negotiated and signed by governments. If a government changes, for example by military coup, it may feel it is not bound by agreements made by its predecessor. Likewise, a government may not feel bound by an agreement if the government in the *other* country changes.

War itself often leads to changes in governments. Did the United States government feel bound by treaties made with the South Vietnamese government after the latter was conquered by the North Vietnamese government?

The BPT proposal includes a "Call to higher statesmanship". It states "This proposal is completely *multi-partisan* and represents the whole of Australia. It is made on behalf of all the political parties — and members of none." This is nice sentiment but has little practical impact. Even if any proposal could in principle represent "the whole of Australia", there is no mechanism for determining the possibility. The only way might be a referendum with a unanimous result. Even if support from all political parties were obtained, this would hardly represent "the whole of Australia", since few parties strictly follow the dictates of the majority of their own members, much less the majority of popular opinion. In countries without representative democracy, and this means the majority of countries, the achievement of "multipartisan" support is even less meaningful.

The most likely pattern will be for BPTs to appear to be working fine during times of relative calm and to fall by the wayside during times of high tension and war.

The failures of treaties between governments are paralleled by failures of statements of intent by individuals and groups. Before 1914, socialist parties passed resolutions committing themselves to oppose aggressive actions by their governments. The idea was that the working classes would refuse to fight each other. But with the outbreak of the First World War, the resolutions were forgotten as governments were able to mobilise their citizens to fight each other.

The Peace Pledge Union, formed in Britain in 1936, quickly obtained the signatures of over 100,000 men on a war resistance pledge. But this had little impact on recruitment for the 'higher cause' of fighting in the Second World War.

Governments and individuals don't like to break commitments, or rather they don't like it when others draw attention to this. The usual way to get around this problem is to reinterpret events. The second point of the BPT, "We will never be the first to resort to force, violence or war" is unfortunately open to manipulation in a variety of ways. A minor incident by the 'other side' can be interpreted as the use of

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violence and as justifying retaliation. If necessary, an incident can be staged or manufactured, as in the case of the Tonkin Gulf incident which was used to justify United States military involvement in Vietnam.

The rhetoric of 'retaliation' has reached absurd heights in the Middle East. What in an ordinary context might be seen as a blatant military attack on civilians is routinely called 'retaliation for terrorist violence'.

The first point of the BPT seems less open to abuse: "We will settle all disputes between us by negotiation or other peaceful means". Unfortunately, it is easy for a government to claim that the other side has used violence and hence reneged on the treaty by failing to use negotiation or other peaceful means. Then, using typical self-serving logic, if the other side is not following the treaty, then it is no longer binding on 'us'.

The power of the BPT proposal is its simplicity. But even seemingly obvious statements are always open to interpretation. The treaty banning work on biological weapons has been undercut by 'defensive' research on biological agents in a situation when the distinction between defence and offence is dubious at best. Likewise, valiant attempts have been made to justify star wars research and development as compatible with treaties limiting the military use of outer space. Another way to avoid treaty obligations is to wage war by proxy, as in the case of United States government support for the Contras against Nicaragua.

The lesson of all this is that treaties may sound good and seem to work in times of less stress, but they are most likely to be discarded when they are most needed. Treaties are essentially symbols, and like all symbolic statements can have a powerful effect on behaviour. But treaties should not be relied on, especially when they are confronted by other symbols linked to more powerful material interests.

Treaty-building as disempowerment

Bilateral peace treaties are agreements between governments. The key people involved in deciding to make the treaty, organising protocols and monitoring implementation are politicians and top bureaucrats. The main role of the citizenry is to stand at the sidelines and cheer. The very nature of the proposal puts elites at the centre and disempowers people at the grassroots.

Social action can be classified according to whether people act directly for their goal or whether people act to get someone else to achieve their goal. Sitting in the middle of a street to block a military convoy can be classified as direct action; writing to a politician to oppose the convoy can be classified as indirect action. Admittedly, many actions serve both purposes: one purpose in sitting in a street can be to justify media releases and coverage

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aimed at influencing politicians. But the distinction remains an important one.

For most people, pushing for BPTs is a form of indirect action. There is no suggestion that groups of people independently might negotiate BPTs on behalf of their communities or their entire country. This role is allocated exclusively to the state. The United Nations Association of Australia gives a number of suggestions for implementing BPTs. These suggestions fall into two categories. The first is promoting the idea at the individual and community level: "Endorse the proposal"; "Talk about it among friends and colleagues"; "Put it on the agenda for the next meeting of each organisation to which you belong". The second way to "implement" BPTs is by lobbying, in the general sense of directly trying to influence politicians: "Write to: your local Member, the Minister for Foreign Affairs, the Prime Minister"; "Be available for delegations to political leaders".

The BPTs proposal includes encouragement for mass mobilisation. People are encouraged to spread the idea through friendship networks, all sorts of organisations, and the media. The purpose of this activity is to apply pressure to politicians. In other words, people are encouraged to act not to achieve their goal autonomously, but to persuade or pressure a key handful of figures in high positions.

This is a fundamental shortcoming of the BPT proposal. The types of elites who are the target of the activity are among the least reliable figures on whom to depend for implementation. Among them, around the world, are numerous dictators and autocrats and others with a history of the sort of corruption and backstabbing which often is involved in getting to and exploiting these positions. Authoritarian tendencies are not unknown among elected politicians, who often toss aside their stated high principles in the quest for power.

Even the more high-minded political figures are under strong pressures in the international arena not to act against dominant interests. In the case of Australia, this means subservience to the Western 'line' in international politics. The Australian government turned a blind eye to the Indonesian government's genocidal invasion of East Timor, and until 1981 supported the claims of the Pol Pot grouping in Kampuchea, *perpetrators of incredible killings,* to the country's seat in the United Nations. These stands could hardly be justified on the basis of principles of human rights but rather are accommodations to power politics. The same sort of people who have persisted in these policies over many years are the ones that the BPT proposal is ultimately relying on in order for 'Australia' to "declare peace on the world".

BPTs can easily become victims of this sort of power politics. Would not a BPT between the Australian and Indonesian governments reinforce the legitimacy of the Indonesian military occupation of East Timor?

Reluctant governments can easily deflect or undercut pressures to implement BPTs. The easiest way is simply to ignore the issue. Although opinion polls have shown that a majority of people in the United States have supported the nuclear freeze proposal, it was never acted upon by the government. Governments can also attack proposals they dislike, and their great influence over the political agenda makes this hard to counter.

Although there are great problems in relying on national 'leaders' to implement BPTs, a larger drawback in my opinion is the way the orientation towards elite action disempowers the grassroots. Campaigning for BPTs reinforces the idea that real advances towards peace happen at the government level. Once the issue is taken up at that level, there seems little to do at the community level. This is especially true when treaties are actually implemented. The atmospheric test ban treaty in 1963 helped take the wind out of an already declining peace movement. This treaty removed a prime focus for citizen action, namely nuclear explosions causing atmospheric fallout, without really affecting the overall dynamics of military policy or armaments development. A similar co-optive process seems underway at the moment with the agreement to remove intermediate range missiles from Europe.

In principle, agreements at the top are all for the better, and should allow grassroots activists to proceed to other campaigns to pursue the advantage. In practice, a continual focus on getting elites to take action often has the effect of removing an ongoing incentive to keep working. Those actions by the peace movement which are oriented towards getting others to act do not lay the basis for continuing action. The process is quite similar to electoral politics. Political organising to get people to vote throws attention towards those who are elected and provides a poor basis for ongoing direct action. Elections are often the occasion for a decline in grassroots action, especially as failure by politicians to carry out their promises leads to disillusionment.

Campaigning for BPTs is not incompatible with direct action. One alternative or supplement to BPTs is direct treaties or agreements between individuals in different parts of the world. In a "BPT update", this approach is supported: "Citizen diplomacy consists of constructive, informal contacts between citizens of differing nations. It can act as an essential 'second track' to official nation-to-nation diplomacy." This interpretation could be turned around to say that BPTs should be considered to be a 'second track' to the more immediately meaningful person-to-person agreements. Already a number of individuals around the world have made 'personal peace treaties', pledging not to participate in war towards each other (see appendix).

The BPT material does not refer to the possibility of personal peace treaties. Rather, the orientation is on promoting friendships through penfriend organisations, in order to "help create a climate for Bilateral Peace Treaties". But whatever the motivation, promotion of direct contact between individuals is a positive step.

The trouble with even this sort of people's 'action' is that it does not in itself challenge the driving forces behind war.

Structures

Most modern wars are fought between states, or more precisely on behalf of the dominant groups within states. The exceptions that prove the rule are civil wars, which are struggles to capture 'state power', namely to control the leading positions in the state. In the world today, there are over a hundred states, each claiming its own monopoly over violence within a territory. (Some states are pawns of others, complicating the picture.)

A state is made up of the government, government bureaucracies, the legal system, military, police and various other bodies. It is sustained by extracting resources from the society, typically in the form of taxes or direct labour in the case of state enterprises. There is no overarching control over the relations between states. The United Nations is not a world government, but rather a negotiating organisation which completely accepts the legitimacy of the system of states.

The normal justification for military forces is to protect against foreign enemies, typically the forces of another state. While this is a role of the military, it is also vital in propping up the particular ruling body, namely the group or groups which control and benefit from state power. In what can be called state socialist societies, the ruling group is the communist party; the military is brought in to crush challenges to the party. In capitalist societies, the key structure is private property; the military is used against challenges to key propertied interests.

In many countries, military forces take over direction of the state themselves, and use this position to reward themselves as well as other favoured groups. Militaries are found even in countries where the risk of foreign invasion is miniscule, such as Fiji.

Only a few hundred years ago, few societies were organised with anything resembling the modern state. The feudal system, for example, was much more decentralised; there was no standing army and no apparatus of bureaucrats collecting taxes. Indeed, the organisational form called bureaucracy, which is based on hierarchy and a division of labour in which people are treated as interchangeable cogs, is also a modern phenomenon which is closely linked to the rise of the state.

In societies such as contemporary Australia, most people look to the state for the solution to social problems while at the same time complaining about problems caused by the state. The problem of unemployment is addressed by payments from the state and by government economic policy. The problem of ill health is addressed by state-licensed medical professionals and state-organised insurance. Formal education is funded by the state. Disputes between people often end up in the legal system. Therefore it is not surprising that peace groups have often looked to the leaders of states to provide a solution to the problem of war. This includes writing letters to politicians, lobbying, working through political parties, and organising demonstrations to apply pressure on politicians. This activity does seem to make sense, since governments make decisions about military spending, declare or withdraw from wars, make treaties and sometimes impose sanctions against other governments.

The difficulty is that appealing to the state for the solution to the problem of war is contradictory if the state system is also a key root of war. Appealing to state elites to stop war is similar to appealing to capitalists to stop producing inferior products. If a key driving force behind capitalism is profits, then any company which ignores this will go bankrupt and leave the field for others. Likewise, any state elite which proceeds too drastically with disarmament or with *rapprochement* with 'enemy' states will quickly be challenged, often by a military coup.

At this point in the analysis, the concept of the state must be opened up. The state is not unitary; it contains differing interests and competing groups. The groups which negotiate peace treaties are usually different from those which push for higher military spending. There can be conflicts over foreign policy, as in the United States government policy-making on Vietnam. Nevertheless, there are some basics which are challenged only in revolutionary times, such as the inviolability of private property or the leading role of the communist party.

One way to judge an action for peace is in terms of whether it provides any challenge to the social structures underlying war. If, as I have argued, the system of states is a key root of war, then BPTs provide little challenge. BPTs are essentially a reform which assumes the state system rather than one which questions or undercuts it. People are requested to write letters, lobby and mobilise community groups to apply pressure on governments. This is another example of grassroots action being channelled to reinforce the role of elites.

BPTs are grounded in systems of national and international law. The trouble here is that laws are creatures of states. Laws, to be enforced, ultimately depend on the monopolies of violence vested in police and militaries. BPTs thus are grounded in the systems of violence which they hope to constrain.

Conclusion

Although Bilateral Peace Treaties offer little challenge to the roots of war, that does not automatically mean that promoting them is a waste of time. BPTs may require appeals to elites, but even the process of doing this can mobilise people. Note the enormous signature drives and demonstrations associated with the United Nations Special Sessions on Disarmament in 1978 and 1982. Note also that these sessions led nowhere; the failures of appeals to elites seem unremitting.

BPTs may assume the existence of states, but states are not conscious entities which always act to preserve themselves. If some BPTs are agreed to, they then become resources which can be used to push in other ways for peace. The trouble is that treaties are usually interpreted by 'experts' and insiders, and thus as resources are hard to use by social movements. The Nuclear Non-Proliferation Treaty, which includes a demand that nuclear weapons states reduce their arsenals as well as strictures against acquisition of nuclear weapons by non-nuclear states, is a typical example of a treaty that has been used more effectively by the powerful than the weak. The same is likely to be true of BPTs.

The value and strength of BPTs lies in their link to popular support, including support within states. As long as peace movements remain strong, it will be much easier to push for and implement BPTs. One way to interpret this is that BPTs are an institutionalisation of a popularly proposed peace process. But as such, they are pretty poor vehicles, because they provide no further reinforcement for popular action but on the contrary siphon energy away from communities towards the state. BPTs are a distraction from initiatives which build involvement and challenge social structures linked to war.

The value and strength of BPTs lies in their link to popular support.

PERSONAL PEACE TREATY

HANS SINN   **MICHAEL KLEIM**
Canada   **and**   **German Democratic Republic (GDR)**

Dear Michael;
I hereby promise never to raise a weapon against you or your children. I promise to you that I shall raise my children in the spirit of peace, friendship and cooperation between nations and their members, regardless of race, religion or class. I also promise you that I shall energetically resist in Canada all war preparations against the GDR regardless if these preparations are made with forethought or in ignorance.
Jan. 14. 1987.

Hans Sinn, R.R. 4, Perth, Ont. K7H 3C6 Canada

I promise to you dear Hans,
never to raise a weapon against you, your children or your country. I promise that when the time comes I shall raise my children in the spirit of peace, tolerance, friendship and cooperation between people and nations, regardless of their race, religion or class. I promise you that I shall energetically resist in the GDR all preparations of war against Canada, irrespective if such preparations are premeditated or inadvertent. I promise to work for solidarity across the power blocs and within my own country for disarmament, democracy and human rights.
Feb. 8. 1987.

Michael Kleim, W. Pieck Platz 11
48 Naumburg, GDR