

Human Rights Perspectives on the Arms Race

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The International Bill of Human Rights enunciates norms placing upon governments the political and legal responsibility to promote minimum standards of freedom, security and material comfort. The author argues that many governments have failed to meet this solemn responsibility, in part because of the massive diversion of material and human resources to the pursuit of enhanced military power. There is an intrinsic incompatibility between the goals of human rights protection and the arms race, an incompatibility which, strangely, has been neglected by most academics as well as the media. After reviewing briefly the nature of the present arms race and consequent violation of international human rights norms, the author suggests a reorientation of non-proliferation policy. He concludes that only the exertion of sustained political pressure by national populations will persuade governments to seek alternatives to the present system of international relations, a system which desecrates basic humanitarian norms.

La Charte internationale des droits de l'homme prescrit des normes imposant aux gouvernements une responsabilité légale et politique de promouvoir des standards minima de liberté, de sécurité et de confort matériel. Selon l'auteur, plusieurs gouvernements n'ont pas su remplir cette solennelle responsabilité, en partie à cause du détournement important de ressources humaines et matérielles dans la poursuite du pouvoir militaire accru. Il y a incompatibilité intrinsèque entre les buts de la protection des droits de l'homme et la course aux armements, incompatibilité qui, étrangement, est restée négligée par la majorité des auteurs et par les médias. Après une brève revue de la course aux armements contemporaine et de la violation des normes internationales des droits de l'homme qui en découle, l'auteur suggère une réorientation de la politique de non-prolifération. Il conclut que seule une pression politique soutenue de la part des populations nationales saura persuader les gouvernements à chercher des alternatives au système de relations internationales existant, un système qui souille les normes humanitaires fondamentales.

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On the day when crime dons the apparel of innocence — through a curious transposition peculiar to our times — it is innocence that is called upon to justify itself.

— Albert Camus¹

Introduction

In a recent letter sent on behalf of the Reagan Administration to the National Conference of Catholic Bishops Committee on War and Peace, National Security Adviser William Clark maintained that:

our decisions on nuclear armaments, and our defense posture are guided by moral considerations as compelling as any which have faced mankind. The strategy of deterrence on which our policies are based is not an end in itself but a means to prevent war and preserve the values we cherish: individual liberty, . . . respect for the sanctity of human life and the rule of law through representative institutions.²

The vortex of competitive militarization has absorbed steadily a growing number of states, wealthy and poor, into a world in which preparedness for mass destruction is deemed a guarantee of human freedoms. In the name of “national security”, many governments undermine the political, social and economic foundations of their own countries — and some barely possess such foundations — as they wrestle with those who supposedly threaten their sovereignty. If “compelling” moral considerations have persuaded governments to adopt strategies of deterrence and counterforce, nuclear warfare may even be justified as a moral imperative. Such is the logic of the arms race.

This study is intended to call attention to an area of the international law of human rights inexplicably neglected by academics and the media, though understandably ignored by most politicians. On the assumption that the intrinsic incompatibility between the goal of human rights protection and the arms race is too obvious to be overlooked, the absence of commentaries on the subject in leading law journals and in otherwise comprehensive texts on

¹*The Rebel* [:] *An Essay on Man in Revolt* (New York: Knopf, 1956) 4.

²*Text of Administration's Letter to U.S. Catholic Bishops on Nuclear Policies*, *The New York Times* (17 November 1982) B 4.

human rights is a serious omission.³ It should be pointed out that this relationship is properly distinguished from the body of humanitarian law concerned with standards in the actual conduct of war. The premise is that human rights advocacy must find a voice in efforts to avert the potential disaster threatened by ascending levels of militarization, not least in challenging the erosion of those rights that has occurred even without a conflagration. An exhaustive analysis of the relationship between the arms race and human rights violations would demand empirical and other research beyond the scope of this paper. Rather, the focus here is upon the cardinal elements of the relationship, which, in turn, suggest the areas in need of detailed exploration.

International human rights norms, particularly as set forth in The International Bill of Human Rights,⁴ place upon governments the political and legal responsibility of ensuring the implementation of minimum standards of freedom, security and material comfort, and a duty constantly to improve those standards. In addition, numerous resolutions of the United Nations General Assembly have drawn the attention of states to the incompatibility of the arms race — in its conventional and nuclear aspects alike — with human rights norms.⁵ The failure to discharge these fundamental duties calls into question the commitment of many governments both to principles of international law and to national well-being. Populations that endorse the continuation of such governmental policies share in the moral responsibility for resulting violations.

³In their recent, authoritative treatise, M. McDougal, H. Lasswell & L. Chen, *Human Rights and World Public Order* [:] *The Basic Policies of an International Law of Human Dignity* (1980) 236, the authors make passing reference to the relationship — in the context of the defence of human rights through the legitimate use of force. More generally, at 33, 42 and 433, the authors decry massive military spending, but their analysis is not developed further.

⁴Encompassing the *Universal Declaration of Human Rights*; the *International Covenant on Civil and Political Rights*, United Nations G.A. Res. 2200, 21 U.N. GAOR, Supp. (No. 16) 52, U.N. Doc. A/6316 (1967), reprinted in (1967) 6 I.L.M. 368; the *International Covenant on Economic, Social and Cultural Rights*, United Nations G.A. Res. 2200, 21 U.N. GAOR, Supp. (No. 16) 49, U.N. Doc. A/6316 (1967), reprinted in (1967) 6 I.L.M. 360; and, to a lesser degree, the *Optional Protocol to the International Covenant on Civil and Political Rights*, United Nations G.A. Res. 2200, 21 U.N. GAOR, Supp. (No. 16) 59, U.N. Doc. A/6316 (1967), reprinted in (1967) 6 I.L.M. 383.

⁵See, e.g., the *Charter of Economic Rights and Duties of States*, United Nations G.A. Res. 3281, 29 U.N. GAOR, Supp. (No. 31) 50, U.N. Doc. A/9631 (1974) (referring to the link between disarmament and socio-economic development); *Resolution on Effective Measures to Implement the Purposes and Objectives of the Disarmament Decade*, United Nations G.A. Res. 31/68, 31 U.N. GAOR, Supp. (No. 39) 34, U.N. Doc. A/31/39 (1976) (deploring the meagre achievements of the Disarmament Decade and calling upon member-states to put their human and material resources to better use); and *Resolution on Effective Measures to Implement the Purposes and Objectives of the Disarmament Decade*, United Nations G.A. Res. 32/80, 32 U.N. GAOR, Supp. (No. 45) 47, U.N. Doc. A/32/45 (1977) (reiterating the concerns expressed in Resolution 31/68).

The first Part of this paper outlines some of the relevant factual background in surveying the implications of the arms race, demonstrating its derogation from the political and economic health of nations. In the second and third Parts, the interaction of military policies and human rights norms is analysed, and suggestions made for policy objectives and public action which would reinforce human rights principles in their confrontation with the arms race.

I. The Nature of the Arms Race: Of Guns and Butter

The fact that world military expenditures in 1981 amounted to U.S. \$518.7 billion,⁶ or that global nuclear arsenals contain the equivalent of three tons of TNT for every inhabitant on earth, appears in an age of information saturation as just another statistic. So does the World Bank's estimate that 780 million people live in absolute poverty in the Third World.⁷ Yet no cogent alternative to assessing the meaning of numerical data in terms other than further numerical data is discernible. Conventional statistical juxtapositions do offer, nevertheless, some perspective on the opportunity cost of contemporary military expenditures. In 1977, the world's industrialized countries spent an average of 5.6 *per cent* of Gross National Product on defence, and a meagre 0.33 *per cent* on foreign assistance. Indeed, the world's developing countries expended 5.9 *per cent* of GNP on defence, and 1.0 *per cent* on health.⁸ Still more poignantly, the World Health Organization's campaign to eradicate smallpox cost U.S. \$83 million over a period of ten years — considerably less than the price of a single B-1 strategic bomber.⁹ The campaign against malaria, a disabling disease afflicting millions in developing countries, is faltering through inadequate funding. The required amount of U.S. \$450 million is but 33 *per cent* of the price of a Trident nuclear submarine.¹⁰

In terms of vital natural resources consumed by expanding military establishments, the United Nations has calculated that 5 to 6 *per cent* of global petroleum demand in the midst of the energy crisis was diverted to national

⁶At 1979 prices and exchange rates. Stockholm International Peace Research Institute [SIPRI], *Yearbook 1982* [:] *World Armaments and Disarmament* (1982), Appendix 5b, 140 [hereinafter *SIPRI Yearbook 1982*].

⁷The World Bank, *World Development Report, 1980* (1980) 33.

⁸*Ibid.*, 29.

⁹See United Nations, *Economic and social consequences of the arms race and of military expenditures*, U.N. Doc: A/32/88/Rev. 1, para. 66 (an updated Report of the Secretary-General).

¹⁰*Ibid.*

defence;¹¹ the figure is currently higher. Land use for artillery and bombing ranges, nuclear weapons test areas and training grounds is a growing usurpation of a limited resource, as is the absorption of 25 *per cent* of the world's highly qualified scientists and engineers into military research during the 1970s¹² — a trend accentuated in the 1980s. It has been calculated that the average Western military product is twenty times as research-intensive as its civilian counterpart.¹³ Arguments with regard to the civilian spin-off from military research and development appear unconvincing in view of the demonstrably superior returns which result from direct civilian activity.¹⁴ Such spin-offs provide, at best, incidental benefits and can scarcely justify investing society's most advanced scientific resources in the pursuit of enhanced military might. The ends, quite simply, condemn the means.

Appendix 1 illustrates the gravity of the socio-economic conditions which presently beset the Third World. Six of the selected countries feature on the World Bank's list of the world's poorest nations.¹⁵ Possessing an average literacy rate of 37 *per cent*, and an average life expectancy of forty-six years, the six persist in expending as much on defence as on education, and significantly more than on health. The Middle East remains the dominant Third World armoury, with Israel and Syria devoting several times as much to defence as to education and health.

The picture for the industrial world is no less an indictment of governmental policies. Most NATO and Warsaw Pact member-states evince predictably distorted social priorities in dedicating between 12.1 and 24.7 *per cent* of central government expenditure to defence — Canada, Denmark and Belgium being exceptions on the lower end and the U.S.S.R. on the higher end of the scale. As already mentioned, the ratio of defence expenditure to development assistance is extraordinarily high. Economic recession is cited frequently as a justification by industrialized nations for the diminishing rate of Overseas Development Assistance [ODA], representing another instance of misplaced priorities when compared to the current rate of increase in military expenditures.

¹¹ United Nations, *The Relationship between Disarmament and Development* [:] *Report of the Secretary-General*, U.N. Doc. A/36/356 (1982), para. 140, reprinted as United Nations, *Disarmament Study Series No. 5* (1982) [hereinafter *Disarmament and Development*].

¹² See *supra*, note 9, para. 67. In *Disarmament and Development*, *ibid.*, para. 191, the Group of Experts was slightly more conservative, placing the absorption of scientific research personnel into the military structure at roughly twenty *per cent*.

¹³ SIPRI, *Yearbook 1981* [:] *World Armaments and Disarmament* (1981) 7 [hereinafter *SIPRI Yearbook 1981*]. Furthermore, the extent of wastage in research and development efforts within the context of military procurement has been monumental, at least in the United States. See *The Winds of Reform*, Time [Magazine] (7 March 1983) 10-24.

¹⁴ See *supra*, note 11, paras 188-91.

¹⁵ World Bank, *World Development Report, 1982* (1982) 110.

The foregoing review illustrates what SIPRI describes as “the other side of the weapon coin: that, even if the arms are not ultimately used in war, they ‘kill’ indirectly by diverting scarce economic resources from basic development needs such as nutrition, medical care, housing and education.”¹⁶ But, of course, weapons continue to kill directly as well. Since 1945, approximately 133 armed conflicts have been fought, almost exclusively in the Third World, and with a few exceptions, the weapons have been supplied by the industrialized nations.¹⁷ The Third World share of total arms imports for the period 1979-81 was approximately 62 *per cent*, of which the Middle East accounted for 27.3 *per cent*, and North Africa 9.2 *per cent*. The Soviet Union and the United States together exported 70.1 *per cent* of all major weapons exported in the same period.¹⁸

Trends in nuclear weapon proliferation are even more disturbing. Notwithstanding the ratification of the *Non-Proliferation Treaty*¹⁹ by 114 countries,²⁰ several states with a proven nuclear weapons manufacturing capacity — including two major powers — are conspicuously absent from the list of contracting parties. The relatively easy conversion of nuclear technology from civilian to military uses has rendered policy distinctions enunciated by many governments of rather dubious value in practice. Canadian experience in this regard, witnessed by “Candu” reactor sales to Argentina, India, Pakistan, South Korea, and Taiwan, offers a lesson in technological misappropriation.²¹

The combination of strategic and economic interests of arms suppliers on the one hand, and of the perceptions of “national security” by arms importers on the other, has aggravated what was already a complex and unstable situation. Regional tensions exacerbate the problem.

Requirements of national security, as interpreted by national governments, constitute the classic justification for arms spending. States have the right in international law to provide for individual and collective self-

¹⁶ *SIPRI Yearbook 1981*, *supra*, note 13, 117.

¹⁷ *Ibid.*, 105.

¹⁸ *SIPRI Yearbook 1982*, *supra*, note 6, 176.

¹⁹ *Treaty on the Non-Proliferation of Nuclear Weapons*, 1 July 1968, 21 U.S.T. 483, T.I.A.S. 6839, 729 U.N.T.S. 161 [hereinafter *Non-Proliferation Treaty*] (entered into force 5 March 1970).

²⁰ As of 31 December 1981. See United Nations, *The United Nations Disarmament Yearbook* (1981), vol. 6, Appendix I, 399-412.

²¹ Noble, *Canada's continuing search for acceptable nuclear safeguards* [1978] Int'l Perspectives, *passim*, especially 43-4 (July/August) (a publication of the Dep't of External Affairs, Canada). See also United Nations Association in Canada, *Canada the Arms Race and Disarmament* (1980) 15-7.

defence,²² and under the prevailing international system, they also enjoy the exclusive privilege of judging the degree of actual and potential threat to their sovereignty. The concept of national security connotes not only physical survival, but also the desire to safeguard particular values and modes of social ordering. Between the superpowers, mutual suspicion engendered by conflicting values and social structures has prompted the notion that mere coexistence may be incompatible with the national security of either side. Accordingly, the doctrine of deterrence has developed, with periodic variations in strategy depending on current nuclear capability. From "massive retaliation" in the 1950s, to "flexible response" and finally "mutually assured destruction", the nuclear strategy of the major powers has evolved into defence based on the threat of collective annihilation.²³ The latest variation on deterrence was articulated in the Carter Administration's Presidential Directive 59, of 1980, contemplating selective nuclear strikes as a means of rendering nuclear warfare winnable. The Reagan Administration's emphasis on first-strike nuclear weapons heightens the dangers inherent in the Carter initiative, and subjects mankind to the paradox of self-defence through offensive targeting.

The simple *possession* of armaments has seldom been judged the sole or even the principal cause of war; the peculiarity of the contemporary arms race lies in the possibility that mere possession may stimulate conditions that generate conflict. When the price of national security is the sacrifice of socio-economic development, the abridgement of civil and political rights, and an escalation in the level of international insecurity, one is entitled to question existing governmental priorities.

A second major justification for arms spending centres on the contention that a positive correlation between economic growth and expanding military sectors has boosted employment and industrial development, not least in the fragile economies of the Third World.²⁴ The issue has been analysed elsewhere in this special issue. Suffice it to point out here that, on balance, available empirical evidence seems to fall short of supporting such a

²² See *United Nations Charter*, art. 51. For general discussion, see D. Bowett, *Self-Defence in International Law* (1958).

²³ See Keeny & Panofsky, *MAD versus NUTS [:] Can Doctrine or Weaponry Remedy the Mutual Hostage Relationship of the Superpowers?* (1981) 60 *Foreign Affairs* 287; Falk, Meyrowitz & Sanderson, *Nuclear Weapons in International Law* (1980) (Occasional Paper No. 10, Princeton World Order Studies Program), reprinted in (1980) 20 *Indian J. Int'l L.* 541 (for a succinct appraisal of United States doctrines and strategy); and Bundy, Kennan, MacNamara & Smith, *Nuclear Weapons and the Atlantic Alliance* (1982) 60 *Foreign Affairs* 753.

²⁴ See, e.g., G. Kennedy, *The Military in the Third World* (1974); and E. Benoit, M. Millikan & E. Hagen, *Effect of Defense on Developing Economies* (1971), vols 1 and 2.

correlation.²⁵ Indeed, as the 1980 North-South Report argues, the basic problem of disparity between wealthy and underdeveloped regions is compounded by military spending and the resulting diversion of scarce resources.²⁶

H. The Violation of International Norms of Human Rights

A. Civil and Political Human Rights

It is axiomatic that the right to life underlies the entire corpus of international human rights law. Solemn proclamations of this right are contained, *inter alia*, in the *Universal Declaration of Human Rights*²⁷ and the *International Covenant on Civil and Political Rights*.²⁸ The *Universal Declaration*, proclaimed by the United Nations General Assembly in 1948 "as a common standard of achievement for all peoples and all nations", has gradually gained recognition as customary international law.²⁹ In furtherance of the *Declaration* and the *Charter*, the *International Covenant on Civil and Political Rights* and on *Economic, Social and Cultural Rights* represent specific formulations of human rights standards, to which parties are legally bound.³⁰ What practical meaning can these individual and collective human rights have when threatened by the prospect of extinction of the species?

The atrocities committed during the Second World War, particularly the Nazi persecution of the Jews, motivated the adoption of the *Genocide Convention*.³¹ It is somewhat improbable that a legal post-mortem of a nuclear war, with Nuremberg-style trials, will be feasible. Rather, the spirit and the letter of the *Genocide Convention* require application to thwart the escalation of the arms race into a third world war. The *Convention* defines genocide as comprising "acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such",³² declaring it a

²⁵ See, e.g., *Disarmament and Development*, *supra*, note 11; and Center for Policy Alternatives, *Disarmament and Development: The Case of Relatively Advanced Developing Countries* (1980).

²⁶ The Independent Commission on International Development Issues, *North-South: A Program for Survival* (1980) 124-5 [hereinafter *North-South Report*].

²⁷ Article 3.

²⁸ *Supra*, note 4, art. 6.

²⁹ See, e.g., Humphrey, "The World Revolution and Human Rights" in A. Gotlieb, ed., *Human Rights, Federalism, and Minorities* (1970) 147, 149.

³⁰ Under the principle of *pacta sunt servanda*. See *Vienna Convention on the Law of Treaties*, U.N. Doc. A/CONF. 39/27, 289 (1969), reprinted in (1969) 8 I.L.M. 679.

³¹ *Convention on the Prevention and Punishment of the Crime of Genocide*, 78 U.N.T.S. 277 (adopted by the U.N. General Assembly 9 December 1948; entered into force 12 January 1951).

³² *Ibid.*, art. II.

crime under international law "whether committed in time of peace or in time of war".³³ Nuclear strategy involving the targeting of hundreds of large population centres runs counter to the most fundamental objective of the *Convention*. It also violates a cardinal principle of the laws of war — contained in the Declaration of St Petersburg and *Hague Convention No. IV* of 1907 — that "[t]he right of belligerents to adopt means of injuring the enemy is not unlimited".³⁴

The contention that the most recent targeting theory — counterforce — seeks to minimize civilian casualties by concentrating on military and administrative centres utterly lacks cogency as a stance for humanitarian values. In practical terms, target-discrimination with regard to military-related industrial concentrations that are close to population centres would be virtually impossible to achieve.³⁵ Furthermore, the strategic value of targeting military installations in a retaliatory strike is sufficiently questionable as to suggest that massive strikes against civilian centres are, in fact, envisaged.³⁶ The argument that deterrent strategy seeks to avert and not to precipitate warfare is at best circular. Worse, it seems to place the sanctity of life at the mercy of a doctrine of mutual destruction.

The preservation of international peace is recognized as the most fundamental norm in the *United Nations Charter* which expresses in its Preamble the determination of the contracting parties "to save succeeding generations from the scourge of war" and the desire "to ensure the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest". Article 1 of the *Charter* proclaims, among the purposes of the United Nations, the maintenance of international peace and security. Article 2 expresses the principle of the non-use of force in international relations. Two resolutions passed by the General Assembly in 1981 reflect the long-standing opinion of the community of nations that "the use of nuclear weapons would be a violation of the UN Charter and a crime against humanity"³⁷ and that "states and statesmen that resort first to the use of nuclear weapons will be committing the gravest crime against humanity".³⁸

³³ *Ibid.*, art. I.

³⁴ Article 22 of the 1907 Hague Regulations Respecting the Laws and Customs of War on Land, Annex to the 1907 *Hague Convention [No. IV] Respecting the Laws and Customs of War on Land*, 18 October 1907, 36 Stat. 2277, T.S. No. 539, 1 Bevans 631.

³⁵ See, e.g., Keeny & Panofsky, *supra*, note 23, 293-304.

³⁶ *Ibid.*

³⁷ *Resolution on the Non-use of Nuclear Weapons and Prevention of Nuclear War*, United Nations G.A. Res. 36/92I, 36 U.N. GAOR, Supp. (No. 51) 64, U.N. Doc. A/36/51 (1981).

³⁸ *Declaration on the Prevention of Nuclear Catastrophe*, United Nations G.A. Res. 36/100, 36 U.N. GAOR, Supp. (No. 51) 76, U.N. Doc. A/36/51 (1981).

Inevitably, norms designed to protect life and international peace are the first casualties of the arms race. The threat to use force has been fashioned into a foreign policy instrument of the major powers despite such declarations as that contained in the 1975 *Helsinki Final Act* which states that “[n]o consideration may be invoked to serve to warrant resort to the threat or use of force in contravention of this principle”.³⁹ But even the *Final Act* is symptomatic of the tendency, noted at the beginning of this paper, to subordinate human rights, including the right to life, to the goals of national security. It is more often the case that the intimate nexus between these two objectives is not even recognized. Governments continue to perceive national security in narrow military terms as the overriding imperative in international relations, irrespective of the price. While “the inherent right of individual or collective self-defence”⁴⁰ in the event of an armed attack constitutes a reasonable limitation of the principle of the non-use of force, military strategy based upon the employment of nuclear weapons, as we have seen, exceeds greatly any rational interpretation of the concept of “self-defence”.

It was foreseeable that the growing militarization of national life would have a negative impact upon civil and political rights such as free expression and privacy. Proliferation of military and defence-related facilities and the expanding and increasingly assertive national security apparatus in many countries, are creating conditions highly inimical to the advancement of civil liberties and human rights.⁴¹ Electronic surveillance of employees’ activities, the recording of the most private biographical data of personnel, and restrictions upon the free expression of opinion steadily are becoming “standard procedure” even in traditionally open societies.⁴² Security constraints will almost certainly escalate, ostensibly to forestall espionage and other threats to national security. As the global arms build-up continues and expectations of violence grow, the prospect of the Orwellian construct as the dominant form of organized community becomes progressively less fanciful.

B. *Economic and Social Human Rights*

Human rights norms designed to enhance respect for life and a peaceful environment have an essential counterpart in the right to minimum socio-

³⁹ Conference on Security and Co-operation in Europe, *Final Act*, 1 August 1975, Principle II, reprinted in (1975) 14 I.L.M. 1292.

⁴⁰ *United Nations Charter*, art. 51.

⁴¹ See, e.g., Sieghart, *Nuclear Power and Human Rights* (1977) 18 I.C.J. Rev. 49; and Halloran, *Pentagon to Give Polygraph Tests to Personnel to Fight Disclosures*, *The New York Times* (10 December 1982) A 1.

⁴² Sieghart, *ibid.*, and sources cited therein.

economic conditions promoting human well-being. Thus, in accord with the *Universal Declaration*, the *International Covenant on Economic, Social and Cultural Rights* recognises in its Preamble that healthy socio-economic conditions as much as civil and political rights, are a prerequisite for "the ideal of free human beings enjoying freedom from fear and want". The implementation of the normative regime of socio-economic rights set forth in the *Covenant* and *Declaration* constitutes not only a treaty obligation upon the parties to the *Covenant*, but also a moral obligation upon all states. Furthermore, in so far as the relevant provisions in the *Declaration* — such as the right to an adequate standard of living and the right to education — have attained the status of international customary law, all states are under a clear obligation to act accordingly.

The limits upon permissible derogation from the regime of rights provided for in the *Covenant on Economic, Social and Cultural Rights* are circumscribed clearly:

[T]he State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.⁴³

The negative impact of current levels of military expenditure upon the performance by states of their obligations under the regime of socio-economic rights is well illustrated by a brief examination of three basic provisions of the *Declaration* and the *Covenant*. The right to education is recognised in art. 26 of the *Declaration* to be "directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms".⁴⁴ Article 13 of the *Covenant* is framed in similar terms. The right to an adequate standard of living is established in art. 25 of the *Declaration*, to which art. 11 of the *Covenant* adds "the continuous improvement of living conditions". Finally, art. 23 of the *Declaration* recognizes the right to work, with states undertaking, under art. 6 of the *Convention*, to adopt appropriate "policies and techniques" for "the full realization of this right".

Appendix 1⁴⁵ demonstrates that the much-vaunted limitations on the capacity of Third World states to discharge these international obligations are at least compounded, if not caused, by their pursuit of national defence priorities. Equally, as Appendix 2⁴⁶ indicates, neither "the continuous improvement of living conditions" nationally, nor the promotion of transnational stability, is facilitated by the policy priorities of industrialized states. A

⁴³ *Supra*, note 4, art. 4.

⁴⁴ *Universal Declaration of Human Rights*, art. 26(2).

⁴⁵ *Infra*.

⁴⁶ *Infra*.

United Nations report states that “[t]he challenge of nation-building, which involves the function of providing socio-economic content to political freedom, has been accentuated for most of the newly-independent countries by an adverse strategic environment”.⁴⁷ The report recognizes that “an overriding preoccupation with national security” constitutes “for all societies, irrespective of their level of development . . . the strongest single stimulus for military spending”.⁴⁸

Prevailing high rates of illiteracy, poverty leading to starvation and worldwide problems of unemployment have failed to reverse the defence-related priorities of states. The subordination of socio-economic needs to perceived security requirements has only accentuated the global economic and political imbalance, thus escalating the level of insecurity.⁴⁹ The appreciation that radical disparities in standards of living in an interdependent world are a serious political and security hazard was not lost on the United Nations General Assembly which adopted, by a consensus, the 1974 *Declaration of a New International Economic Order*,⁵⁰ aimed at redressing existing injustices and achieving greater “effective” equality. Whereas states ought to enjoy equal opportunities to determine the course of their national development, “in a system characterized by radical inequality of condition, equality of opportunity would only lead to discrimination in favour of the stronger”.⁵¹ Progress on the implementation of the New International Economic Order — envisaging affirmative action in favour of underdeveloped nations — has been minimal in the eight years that have elapsed since the adoption of the *Declaration*. By contrast, military expenditures have risen substantially in the industrialized and Third World alike, with governments paying scant attention to their legal and moral obligations.

The threat to socio-economic rights posed by the arms race is not confined solely to the costly diversion of resources, nor even to the wasteful depletion of non-renewable natural resources by the military sector. Activities which undermine the integrity of the human environment ultimately jeopardize the elemental means of support for human society and are an encroachment upon the collective as well as the individual right to improved

⁴⁷ *Disarmament and Development*, *supra*, note 11, para. 218.

⁴⁸ *Ibid.*

⁴⁹ For general expressions of the same sentiment, see *North-South Report*, *supra*, note 26; and United States, Council on Environmental Quality, *The Global 2000 Report to the President: Entering the Twenty-First Century* (1980), vols I, II and III.

⁵⁰ *Declaration on the Establishment of a New International Economic Order*, United Nations G.A. Res. 3201, 6 (Special) U.N. GAOR, Supp. (No. 1) 3, U.N. Doc. A/9559 (1974); and *Programme of Action on the Establishment of a New International Economic Order*, United Nations G.A. Res. 3202, 6 (Special) U.N. GAOR, Supp. (No. 1) 5, U.N. Doc. A/9559 (1974).

⁵¹ *Disarmament and Development*, *supra*, note 11, para. 80.

living conditions. As the 1972 *Declaration* of the United Nations Conference on the Human Environment recognised, the right to life itself is at stake:

[T]hrough the rapid acceleration of science and technology, man has acquired the power to transform his environment in countless ways and on an unprecedented scale. Both aspects of man's environment, the natural and the man-made, are essential to his well-being and to the enjoyment of basic human rights — even the right to life itself.⁵²

The environmental devastation that can be caused by conventional weaponry has been well documented, particularly with reference to the Vietnam War.⁵³ It has been estimated that over fourteen million tons of munitions were directed against South Vietnam by the United States, converting to "more-or-less permanent craters" approximately 100,000 hectares of the country's surface area.⁵⁴ The use of defoliants altered the natural landscape beyond recognition. More recently, within the span of a few weeks, several major urban centres in Lebanon, including its capital, have been devastated and tens of thousands made homeless.

Nuclear weapons would inflict environmental damage immeasurably greater and more persistent than anything witnessed previously. Nuclear weapons tests in the atmosphere have proven to be a major environmental hazard, offering an insight into the potential destruction that might result from full-scale nuclear warfare. Numerous resolutions of the United Nations General Assembly have censured these tests on grounds of environmental abuse.⁵⁵ The 1963 *Treaty Banning Nuclear Weapons Tests in the Atmosphere*,

⁵² *Stockholm Declaration of the United Nations Conference on the Human Environment*, in *Report of the United Nations Conference on the Human Environment*, U.N. Doc. A/CONF. 48/14, and Corr. 1, reprinted in (1972) 11 I.L.M. 1416 [hereinafter *Stockholm Declaration on the Human Environment*]. Principle 26 of the *Declaration* accordingly provides: "Man and his environment must be spared the effects of nuclear weapons and all other means of mass destruction. States must strive to reach prompt agreement, in the relevant international organs, on the elimination and complete destruction of such weapons."

⁵³ See UNESCO, *The Dangers to Man and his Environment Inherent in Modern Armaments and Techniques of Warfare: An Introduction and Descriptive/Annotated Bibliography* (1978).

⁵⁴ Chapter 3, The military impact on the human environment, in SIPRI, *Yearbook 1978* [:] *World Armaments and Disarmament* (1978) 43, 44. See further, ch. 11, The environmental aftermath of warfare in Viet Nam, in SIPRI, *supra*, note 6, 363-87.

⁵⁵ See, e.g., *Resolution on the Continuation of Suspension of Nuclear and Thermo-nuclear tests and Obligations of States to refrain from their Renewal*, United Nations G.A. Res. 1648, 16 U.N. GAOR, Supp. (No. 17) 3, U.N. Doc. A/5100 (1961); *Resolution on the Urgent Need for Suspension of Nuclear and Thermo-nuclear Tests*, United Nations G.A. Res. 2604B, 24 U.N. GAOR, Supp. (No. 30) 18, U.N. Doc. A/7630 (1969); and *Resolution on the Urgent Need for Cessation of Nuclear and Thermo-nuclear Tests and Conclusion of a Treaty Designed to Achieve a Comprehensive Test Ban*, United Nations G.A. Res. 3257, 29 U.N. GAOR, Supp. (No. 31) 20, U.N. Doc. A/9631 (1974).

in *Outer Space and Under Water*⁵⁶ has made a salutary contribution to environmental conservation, despite its small impact upon the arms race as such. The 1972 Stockholm Conference on the Human Environment also censured nuclear weapons tests, resolving:

- (a) To condemn nuclear weapons tests, especially those carried out in the atmosphere;
- (b) To call upon those States intending to carry out nuclear weapons tests to abandon their plans to carry out tests since they may lead to further contamination of the environment.⁵⁷

It is not surprising, then, that the *use* of nuclear weapons would also seem to run counter to peremptory environmental protection norms. The law of armed conflict, as expressed in the 1977 Geneva Protocol I Additional,⁵⁸ contains a prohibition against the use of weapons which cause massive environmental damage: "It is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment."⁵⁹

Nuclear weapons are by no means the only grave threat to the human environment. Research into biochemical warfare is currently undergoing a period of significant expansion. The 1975 *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction* has not prevented states from employing these particularly abhorrent weapons.⁶⁰

The environmental consequences of the arms race, ranging from the present squandering of scarce resources to the potential devastation of population centres and entire nations, including the spectre of human extinction, constitute the ultimate denial of human rights. Jonathan Schell sums up our predicament thus:

The peril of human extinction, which exists not because every single person in the world would be killed by the immediate explosive and radioactive effects of a holocaust — something that is exceedingly unlikely, even at present levels of armament — but because a holocaust might render the biosphere unfit for human survival, is, in a word, an *ecological* peril. The nuclear peril is usually seen in isolation from the threats to other forms of life and their ecosystems, but in fact it should be seen as the very center of the ecological crisis — as the cloud-covered Everest of which the more immediate, visible kinds of harm to the environment are the mere foothills.⁶¹

⁵⁶ 14 U.S.T. 1313, T.I.A.S. 5433, 480 U.N.T.S. 43, reprinted in (1963) 2 I.L.M. 889.

⁵⁷ *Report of the United Nations Conference on the Human Environment*, *supra*, note 52.

⁵⁸ Geneva Protocol I Additional Relating to the Protection of Victims of International Armed Conflicts, U.N. Doc. A/32/144, Annex I, reprinted in (1977) 16 I.L.M. 1391.

⁵⁹ *Ibid.*, art. 35, para. 3.

⁶⁰ A decade after the use of napalm in Vietnam, biological warfare has reportedly been conducted in Afghanistan. See *U.S. Assails Soviet for Reported Use of Toxin Weapons*, *The New York Times* (30 November 1982) A 1. See also Wolfe, *Chemical and Biological Warfare: Medical Effects and Consequences* (1983) 28 McGill L.J. 732. For the text of the *Convention*, see 26 U.S.T. 583, T.I.A.S. 8062, reprinted in (1972) 11 I.L.M. 310.

⁶¹ J. Schell, *The Fate of the Earth* (1982) 111 [emphasis in original].

III. Asserting Human Rights Priorities: From Norms to Imperatives

A. *Human Rights and Non-Proliferation Policy*

The export of weapons and weapon technology has developed in the last two decades into a significant component of industrialized nation-Third World diplomacy, thus expanding the dimensions and the sphere of the arms race. Global arms exports now exceed an estimated U.S. \$2.5 billion *per annum* for initial transfers alone; follow-up sales of spare parts, maintenance, support, and training triple those earnings.⁶² The volume of weapon exports to the Third World in 1980 was nearly twice the volume of world trade in general.⁶³

Respect for human rights can scarcely prosper in a system of transnational relations dominated by the impulse to sell arms to nations which threaten to use them upon the slightest potential breach of perceived national security. United States Senator William Proxmire warns that "arms trafficking has become a new international currency" prompted by "short-term greed":

Under the justification of business is good for our balance of payments or if we do not sell weapons someone else will and that will cost us jobs and we are just supplying a self-defense need, the arms merchants and their government spokesmen are turning the world into a vast armed camp. . . . The world is too populated by irrational concepts and intemperate leaders to long avoid a series of local conflagrations.⁶⁴

Large-scale transfers of conventional weaponry into particular regions has also increased the pressure on states to "go nuclear", with the potential for triggering regional nuclear competition. The proliferation of nuclear technology has effectively circumvented the 1968 *Non-Proliferation Treaty*,⁶⁵ as well as the 1977 guidelines of the "London Club".⁶⁶ While art. I of the *Non-Proliferation Treaty* prohibits nuclear weapons or weapon-technology transfers to non-weapon states, art. IV recognizes the "inalienable right" of states to peaceful uses of nuclear technology.⁶⁷ But available evidence permits little

⁶² See *World Arms, The Scramble to Cash in on Weapons Exports*, Business Week [Magazine] (24 March 1980) 62.

⁶³ See *SIPRI Yearbook 1982*, *supra*, note 6, XXVII.

⁶⁴ 126 Cong. Rec. S3507, S3518 (daily ed. 3 April 1980) (Statement of Senator Proxmire).

⁶⁵ *Supra*, note 19.

⁶⁶ International Atomic Energy Agency, Doc. INFCIRC/254 (1978). The Guidelines for Nuclear Transfers were agreed to by the Nuclear Supplier Group (the "London Club" consisting of sixteen nations, including the superpowers), and attached to communications addressed in January 1978 to the Director-General of the International Atomic Energy Agency.

⁶⁷ Article IV, para. 2 of the *Non-Proliferation Treaty*, *supra*, note 19, obliges parties to undertake "to facilitate and . . . to participate in the fullest possible exchange of equipment, materials and scientific information for peaceful uses of nuclear energy".

justification for the conceptual distinction between civilian and military uses of nuclear technology. The otherwise laudable articulation of the right to peaceful uses of nuclear energy in fact creates a paradox whereby the ratification of the *Treaty* facilitates the availability of nuclear materials for prospectively swift conversion to military purposes. Furthermore, art. X provides for withdrawal from the *Treaty* upon advance notice of three months. Hence the conversion to military ends may even be achieved without contravening the letter of the *Treaty*.

By virtue of art. VI, the *Non-Proliferation Treaty* commits the major nuclear-weapon powers — with the important exceptions of China and France — to disarmament, especially nuclear disarmament. This commitment is reciprocated by non-weapon states in their renunciation of the “nuclear option”. The continuation of the nuclear arms race, which could potentially result in the extinction of the human race, is tantamount to legal contempt for an essential obligation under the *Treaty*.

The ominous expansion of nuclear weapons technology in Asia, the Middle East, Southern Africa, and Latin America is, in part, a consequence of the failure of non-proliferation policies.⁶⁸ Those regions pay a high price for the acquisition of this technology in terms of political stability, economic development and the observance of civil liberties. Neither the demands of geopolitical security of arms suppliers nor those of national security or domestic stability of arms importers are satisfied in the long term by the proliferation of sophisticated and dangerous arsenals. On the other hand, writing human rights criteria into effective policy decisions on economic and military assistance and weapons sales requires more than unilateral goodwill, and considerably more than a rhetorical commitment to humanitarian principles.⁶⁹

The United States rejected U.S. \$1 billion worth of arms contracts in the initial fifteen month period of the Carter Administration, and slashed military aid to Argentina, Ethiopia and Uruguay, all on grounds of human rights abuses.⁷⁰ Yet, despite their unseemly records, Iran, the Phillipines and South Korea were exempted from the restrictions. Even prior to the abandonment of

⁶⁸ See generally, E. Lefever, *Nuclear Arms in the Third World: U.S. Policy Dilemma* (1979) (a Brookings Institute monograph); and SIPRI, *Yearbook 1977* [:] *World Armaments and Disarmament* (1977) 6-14, particularly the tabular summary at 8-11.

⁶⁹ See Tonelson, *Human Rights: The Bias We Need* (1982) 49 *Foreign Policy* 52; and R. Falk, *Human Rights and State Sovereignty* (1981), *passim*.

⁷⁰ See Cohen, “Human Rights Decision-Making in the Executive Branch: Some Proposals for a Co-ordinated Strategy” in D. Kommers & G. Loescher, eds, *Human Rights and American Foreign Policy* (1979) 216.

President Carter's constructive policy in the wake of sustained domestic opposition and the Soviet invasion of Afghanistan, the Administration was accused of inconsistency in dividing the world into "countries unimportant enough to be hectored about human rights and countries important enough to get away with murder".⁷¹ The Reagan Administration runs no such risk in its arms policy, having negotiated substantial weapons sales with Saudi Arabia, Israel, Jordan, Pakistan, El Salvador, and Guatemala, among others. In professing to "deal with the world as it is, rather than as we would like it to be",⁷² this Administration has apparently subordinated human rights and non-proliferation to "realpolitik".

France and the Soviet Union have long pursued vigorous arms-export policies, exhibiting little regard for human rights criteria in seeking to further their geopolitical interests or to increase revenue. In the period 1979-81 the Soviet Union acquired the largest share of the export market in major weapons, predominantly by selling to the Third World.⁷³ French defence policy actually depends on weapons exports to justify its "autonomous" stance which has resulted in an enormous military-industrial complex; an estimated forty *per cent* of its national arms production is exported.⁷⁴

Two conclusions may be drawn from these facts: *coordination* of weapons-supply restraints has been minimal, and the persistently one dimensional definition of "security" has afforded no inducement to suppliers or importers to reduce transfers. If the experience of the Carter Administration illustrates the acute difficulty of translating human rights concerns into viable national policy without multilateral cooperation, President Reagan's weapons transfer policy reveals total indifference toward both legal and moral obligations under international law.

The redefinition of both national and international "security" to encompass legal, political and socio-economic values inspired by the *Universal Declaration*, is an urgent imperative if states are to restrain proliferation and the arms competition between the superpowers. On the premise that neither the Soviet Union nor the United States could conceivably favour an increase in the number of states capable of launching conventional or nuclear war, the coordination of weapons-supply policies is of mutual as well as global interest. But the record of bilateral arms negotiations and prevailing arms

⁷¹ Barnett, *U.S. Needs Modest, Uniform Standard on Human Rights*, Los Angeles Times (12 March 1977), cited in Cohen, *ibid.*, 224.

⁷² Quoted in Pierre, *Arms Sales: The New Diplomacy* (1981) 60 Foreign Affairs 266, 277. See also Blechman, Nolan & Pratt, *Pushing Arms* (1982) 46 Foreign Policy 138.

⁷³ The Soviet share was 36.5 *per cent*, with the U.S. obtaining 33.6 *per cent*, and France, 9.7 *per cent*. SIPRI Yearbook 1982, *supra*, note 6, 176.

⁷⁴ See Pierre, *supra*, note 72, 273-5.

transfer policies of the major powers offers neither evidence of the existence, nor the imminent emergence, of such a perception of mutuality. The necessary reorientation in the outlook and operation of the system of transnational relations will require the application of organized pressure upon governments at the national and international levels, rather than the traditional public abdication of foreign policy responsibility to national governments. Private individuals and non-governmental agencies have a duty to see that international norms are enforced.

B. *Public Opinion and Human Rights Activism*

The arms race is, in effect, a process of progressive militarization, not simply between governments but between states. It is conducted in the name of “national interest”, “national security” and “national sovereignty”. Implicitly, the responsibility for its consequences, in terms of growing insecurity, the erosion of human rights and the threat of total destruction, rests ultimately with national populations. Certainly in democratic states, this responsibility is political as well as moral, and citizens are therefore as much actors as they are victims and spectators in the arms race. Public inertia can be explained perhaps as a combination of political apathy, a sense of helplessness and ignorance of the facts. However, recent developments in the West — such as the deployment of “theatre” nuclear weapons in Europe and the cruise and MX missile programmes — have succeeded in arousing public protest in the NATO countries to an appreciable degree, holding out the prospect of a potent “grass-roots” international movement for disarmament.

This movement may receive impetus from the deteriorating economic conditions in Western and East Bloc countries. Shrinking social welfare programmes — exemplified by the Reagan Administration’s slashing of multiple public benefits, from child care to food stamps — accompanied by rising unemployment, cannot but provoke public opposition to growing military appropriations. East Bloc citizens undergo the additional strain of “bridging the competition gap” in military technology, foregoing a larger proportion of GNP in the process than do their Western counterparts.⁷⁵

At the First Special Session on Disarmament of the United Nations General Assembly in 1978, member-states concurred on the need to develop “an international conscience” through the dissemination of information on the arms race.⁷⁶ The Second Special Session in June 1982 launched a World

⁷⁵See *U.S. leading Soviets 15-1 in arms know-how: Report*, The [Montréal] Gazette (3 March 1983) B-16.

⁷⁶*Final Document* of the United Nations General Assembly First Special Session on Disarmament, United Nations G.A. Res. S-10/2, 10 (Special) U.N. GAOR, Supp. (No. 4) 3, U.N. Doc. A/S-10/2 (1978), reprinted in (1978) 17 I.L.M. 1016.

Disarmament Campaign, "recognizing that world public opinion may exercise a positive influence on the attainment of meaningful measures of arms limitation and disarmament" and "aware of the public concern at the dangers of the arms race . . . and its negative social and economic consequences".⁷⁷ The failure of the Second Special Session to agree on a comprehensive programme of disarmament and on most other agenda items serves to highlight the urgent importance of mobilizing public opinion as a "positive influence" on national governments.

An aroused public opinion can also promote compliance with international human rights norms which protect life and international peace by furnishing cogent evidence of the prevailing common morality on permissible conduct in war. The "Martens Clause" in the 1907 *Hague Convention No. IV* provides that in situations lacking precisely determinable rules of warfare, general principles of international law derived "from the usages established among civilized peoples, from the laws of humanity, and the dictates of the public conscience" are to be applied.⁷⁸ The crystallization of principles of morality into principles of law can hardly occur without unequivocal and public manifestation. Silent opposition to the arms race, particularly the nuclear arms race, may well be interpreted as tacit endorsement of governmental policies, promoting relentless accumulation of armaments and preparations for war. Historical evidence is not lacking to demonstrate the potency of public opinion in the shaping of both national foreign policy and international law. For instance, public reaction to United States involvement in Vietnam, and more recently in El Salvador, and the pressure of the disarmament lobby in the 1960s for serious bilateral negotiations with the Soviets achieved tangible policy results.⁷⁹ Also, it is arguable that worldwide public outrage against the atrocities committed by the Nazis formed an important background to the judgments at Nuremberg, particularly in the interpretation of "crimes against humanity".⁸⁰ While less responsive to public pressures than its counterparts in Western democracies, the Soviet Government is by no means immune to domestic and international pressure.

Public awareness and activism concerning nuclear issues has found expression in the United States through two traditional outlets: national debate and legal action. Referenda on a weapons freeze and reactions to the

⁷⁷ *Concluding Document of the United Nations General Assembly Second Special Session on Disarmament*, U.N. Doc. A/S-12/32 (1982).

⁷⁸ *Hague Convention No. IV*, *supra*, note 34, Preamble [emphasis added]. See also Falk, Meyrowitz & Sanderson, *supra*, note 23, 22-3.

⁷⁹ See Voorst, *The Critical Masses* (1982) 48 *Foreign Policy* 82; and Sigal, *Kennan's Cuts* (1981) 44 *Foreign Policy* 70.

⁸⁰ See D. O'Connell, *International Law*, 2d ed. (1970), vol. 2, 744.

MX missile offer evidence of public concern with military affairs. A lawsuit by 1,192 plaintiffs in a Utah Federal District Court on grounds of governmental negligence in atomic testing between 1951 and 1963 allegedly resulting in over 300 cases of cancer, could be particularly relevant in the context of the nuclear arms race.⁸¹ The trial is expected to be long and drawn-out, but worth noting is the refusal of the judge to dismiss the case on the basis that the "discretionary function exemption" provides immunity when orders leading to injury originate at high levels of government.⁸² The outcome of the trial may have a significant bearing on the possibilities of advancing the cause of peace and nuclear disarmament through the machinery of the courts.

Judicial perception of fundamental human rights imperatives in relation to military policies would probably be assisted by the exposition of the ethical-legal context of these rights. Weapons-deployment decisions, for instance, may be viewed in terms of the immunity of the individual or group from acts that threaten the right to life. Nuclear weapons tests could be interpreted as violating the claim against the state for the provision of reasonable security of life. National constitutional provisions,⁸³ as well as international conventions and declarations safeguarding fundamental human rights, provide a sound legal basis for anyone wishing to challenge governmental priorities which exacerbate the arms race.

Conclusion

There is no dearth of international law in general, or of human rights law in particular, applicable to the conduct and the socio-economic implications of the arms race. Nuclear war, as well as preparations for it, constitute a flagrant defiance of the basic tenet of human rights: the right to life. Data on current world military expenditures, the relentless qualitative up-grading of ever more destructive weapons by the major powers⁸⁴ and the conduct of the arms race by proxy in the Third World, present a grim picture. Negotiations

⁸¹ See *Expert Calls Fallout Probable Cause of Leukemia*, The New York Times (21 September 1982) A 13.

⁸² See *Milieu of Cold War is Recalled at Fallout Trial*, The New York Times (14 November 1982) 32.

⁸³ See, e.g., *The Canadian Charter of Rights and Freedoms*, Part I of Schedule B, *Canada Act 1982*, 1982, c. 11 (U.K.), which states in s. 7: "Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice."

⁸⁴ See Halloran, *U.S. Plans Big Spending Increase for Military Operations in Space*, The New York Times (17 October 1982) A 1; and Boffey, *Pressures are Increasing for Arms Race in Space*, The New York Times (18 October 1982) A 1.

for arms control continue to postulate "bargaining from strength" which implies the perpetuation of the arms race in the cause of peace. But, peace, as Joyce comments, means more than the absence of war:

It is not the "peace" unilaterally proclaimed by sovereign states intent on leaving their erstwhile enemies under threat of further hostility. It is not a compromise between rivals who cannot get what they want by war. . . It is certainly not the spurious doctrine of deterrence, which drives on the arms race to excesses and perils.⁸⁵

In the short term, the assertion of human rights criteria in determining national policies must aim primarily at the prevention of nuclear conflict. However, attention must be directed as well to the urgent non-military threat to peace posed by economic deprivation and inequality, a situation which is aggravated by the arms race, and which demands immediate and systematic reallocation of resources in accordance with international socio-economic rights.⁸⁶ The fostering of a world system that caters concurrently to global security and to the implementation of basic human rights will require a sustained effort of immense magnitude, an effort for which contemporary national governments exhibit neither the inclination nor the capacity.

Opinion, said Pascal, is the sovereign of the world. The momentum of public opinion and activism probably represents, in the final analysis, the greatest prospect for the reversal of the arms race and the protection of human rights. If preserving the *status quo* persuades governments to continue the arms race, then self-preservation should persuade populations to seek an alternative to a system which desecrates the most basic humanitarian norms.

⁸⁵ J. Joyce, *The New Politics of Human Rights* (1978) 232.

⁸⁶ Proposals have been advanced by United Nations member-states suggesting mechanisms for resource reallocation from the military to the civilian sector, a summary of which appears in *Disarmament and Development*, *supra*, note 11, paras 337-70. Action has yet to be taken upon any of these proposals.

APPENDIX 1
SOCIAL DEVELOPMENT AND MILITARY EXPENDITURE INDICATORS
SELECTED THIRD WORLD COUNTRIES^a

(1) Country	(2) GNP per capita [1978 \$]	(3) Literacy Rate (%) [1975]	(4) Life Expectancy (Years) [1978]	(5) Central Government Expenditure per capita on Education (\$) [1979] ^b	(6) Central Government Expenditure per capita on Health (\$) [1979] ^b	(7) Central Government Expenditure per capita on Defence (\$) [1979] ^b	(8) Defence Expenditure as % of GDP [1979]	(9) Defence Expenditure as % of Central Government Expenditure [1979]
Ethiopia	120	10	39	2 ^c	1 ^c	N.A.	8.8	35.1
Somalia	130	60	43	5 ^d	2 ^d	16	7.0	24.2
Mali	120	10	42	5	1	4	2.9	23.7
Tanzania	230	66	51	7	3	15	6.6	18.7
Kenya	330	40	53	13	5	13	4.2	15.6
Zambia	480	39	48	24 ^d	11 ^d	N.A.	9.0	15.3
Mauritania	270	17	42	12	3	35	11.6	10.9
Morocco	670	28	55	39	7	35	5.6	17.5
India	180	36	51	N.A.	N.A.	4	2.8	16.9
Pakistan	230	21	52	1	1	9	5.0	21.7
China	230	N.A.	70	7	N.A.	12	8.8	54.3
Malaysia	1,090	60	67	50	15	38	5.6	14.3
Egypt	390	44	54	24 ^d	8 ^d	17 ^d	9.6	24.8
Syria	930	53	57	22 ^d	3 ^d	115 ^d	21.0	36.4
Iraq	1,860	N.A.	55	N.A.	N.A.	N.A.	8.0	13.4
Israel	3,500	88	72	246	141	1,083	18.3	39.2

^a Sources: Stockholm International Peace Research Institute [SIPRI], *Yearbook* (1982); The World Bank, *World Development Report* 1982 (1982).

^b In 1975 dollars.

^c 1977 figure.

^d 1978 figure.

APPENDIX 2
SOCIAL AND MILITARY EXPENDITURE AND OFFICIAL DEVELOPMENT ASSISTANCE [ODA]
INDICATORS — SELECTED INDUSTRIAL AND OIL-EXPORTING, CAPITAL SURPLUS
COUNTRIES^a

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Country	GNP per capita [1978 \$]	Central Government Expenditure per capita on Education (\$) [1979] ^b	Central Government Expenditure per capita on Health (\$) [1979] ^b	Central Government Expenditure per capita on Defence (\$) [1979] ^b	ODA as a % of GNP [1980]	Defence Expenditure as a % of GDP [1979]	Defence Expenditure as a % of Central Government Expenditure [1979]
United Kingdom	5,030	45	219	249	0.52	4.7	12.8
Japan	7,280	N.A.	N.A.	N.A.	0.27	1.0	5.4
France	8,260	255 ^c	406 ^c	190 ^c	0.59	4.0	20.0
Netherlands	8,410	540	19	234	0.94	5.4	8.8
Belgium	9,090	527	65	212	0.56	3.3	9.1
Canada	9,180	72	126	131	0.46	1.8	8.6
West Germany	9,580	21	437	222	0.44	3.3	21.3
United States	9,590	51	183	376	0.19	5.8	24.7
Sweden	10,210	412	92	292	0.94	3.3	7.7
Poland	3,670	N.A.	N.A.	N.A.	N.A.	2.7	15.2
Czechoslovakia	4,720	N.A.	N.A.	N.A.	N.A.	3.1	15.8
U.S.S.R.	3,700	N.A.	N.A.	N.A.	N.A.	9.1	51.0
East Germany	5,710	N.A.	N.A.	N.A.	N.A.	4.2	12.1
Iran	2,160	80 ^c	23 ^c	169 ^c	0.03	14.6	27.4
Saudi Arabia	7,690	N.A.	N.A.	N.A.	3.15	16.5	27.7
Kuwait	14,890	311	196	432	5.14	5.0	16.4

^a Sources: Stockholm International Peace Research Institute [SIPRI], *Yearbook* (1982); The World Bank, *World Development Report* 1982 (1982).

^b In 1975 dollars.

^c 1978 figure.