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Recent Developments, Arms Control--Superpower Relations in the New Europe

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Recent Developments

ARMS CONTROL—Superpower Relations in the New Europe

The rapid process of political transformation in Eastern Europe, dubbed by President Bush the "Revolution of '89,"[1] has led to a radical reassessment of the superpower approach to arms control. This reassessment of arms control policy has, in part, been driven by the devolution of power within the Eastern and Western alliances. The rise of multilateralism has significantly complicated previous negotiating strategies.

Post-World War II policy has been dictated by hostile ideological conflict between the North Atlantic Treaty Organization (NATO) and the Warsaw Pact. This historical ideological conflict has been dramatically reduced: noncommunist governments are in place in the German Democratic Republic (GDR) (where re-unification with the Federal Republic of German (FRG) is impending), Poland, Hungary, Czechoslovakia, and Romania. The states of the Warsaw Pact, no longer acting in concert as a unified military bloc, are not considered interested in or even capable of mounting a surprise attack on Western Europe.[2]

Such a dramatic transformation, according to President Bush, "absolutely mandates new thinking," especially with respect to arms control.[3] Conventional and strategic arms control negotiations which have languished for over a decade might now yield agreements by the end of 1990. The impetus for this recommitment derives, in part, from decisions taken by President Bush and President Gorbachev at the December 1989, summit in Malta.[4]

The outlook for reduction in conventional forces in Europe has been brightened both by a superpower commitment to the Conventional

1. *State of the Union: Transcript of Bush's State of the Union Message to the Nation*, N.Y. Times, Feb. 1, 1990, at D22, col. 3.

2. Assessment made by the International Institute for Strategic Studies, *reported in Report Says Soviet Cuts Would Delay Attack*, N.Y. Times, Oct. 6, 1989, at A8, col. 3.

3. *Excerpts from Bush's New Conference After NATO Meeting*, N.Y. Times, Dec. 5, 1989, at A17, col. 1 [hereinafter *Excerpts*].

4. McNulty & Mosely, *Bush, Gorbachev Hail New Era: No Accords, But Talks End in Harmony*, Chicago Tribune, Dec. 4, 1989, at C1.

Armed Forces in Europe (CFE) negotiations[5] and, more importantly, by unilateral reductions. Even before the democratic revolution in Eastern Europe, Gorbachev had begun the trend toward unilateral reductions by announcing plans to reduce domestic Soviet armed forces by 500,000 men and Soviet forces based in Eastern Europe by 50,000 men.[6]

The new governments of Eastern Europe have quickened the pace of unilateral and bilateral reductions outside the framework of the CFE. Czechoslovakia and the Soviet Union have already signed an agreement mandating a complete withdrawl of Soviet troops from Czechoslovakia.[7] Hungary and the Soviet Union are negotiating toward a similar withdrawal of Soviet troops.[8] The Soviet Union has indicated a willingness to discuss removing its 40,000 troops from Poland.[9] And the impending reunification of Germany will almost certainly lead to the withdrawal of Soviet troops from the former German Democratic Republic.[10] President Gorbachev has indicated that all Soviet forces will probably be out of Eastern Europe by the year 2000.[11]

The new Eastern European governments are also unilaterally cutting their own armed forces and defense budgets. For example, Hungary will diminish its forces by 8.8% this year and by 20–25% next year; it will also scrap some 250 tanks and 430 artillery pieces.[12] Even deeper cuts are likely in most of the Warsaw Pact states as the agendas of the newly elected governments turn to desperately needed economic restructuring.

These unilateral reductions have led some to question the necessity and even the desirability of a CFE accord. Arguably, Soviet troop

5. The Conventional Armed Forces in Europe (CFE) negotiations began in March 1989, with the objective of reducing conventional forces throughout Europe, "from the Atlantic to the Urals." The CFE negotiations quickly made more progress than the Mutual and Balanced Force Reduction (MBFR) talks had made since beginning in 1973. The MBFR talks had only attempted to cover arms reductions in Central Europe, and they were officially ended on February 2, 1989. Sloan, *Conventional Arms Control in Europe: Prospects for Accord*, CONGRESSIONAL RESEARCH SERVICE ISSUE BRIEF, *updated* Feb. 16, 1990, at 4.

6. Gorbachev further outlined cuts of 50,000 tanks, 8500 artillery systems and 800 combat aircraft in the Atlantic-to-the-Urals region; withdrawl and disbandment of six tank divisions from Eastern Europe; and generally restructuring the Soviet forces in Eastern Europe toward an exclusively defensive posture. *Id.* at 6.

7. Herspring, *Reassessing the Warsaw Pact Threat: The East European Militaries*, ARMS CONTROL TODAY, Mar. 1990, at 6, 9. The Czech agreement was entered into on February 20, 1990, and calls for removal of all 73,500 Soviet troops by July 1, 1991.

8. *Id.*

9. *Id.*

10. Mendelsohn, *German Unification and European Security*, ARMS CONTROL TODAY, Mar. 1990, at 24, 26.

11. Herspring, *supra* note 7, at 12.

12. *Id.* at 8. Poland plans to reduce its troops by 33,000 men and to cut 850 tanks and 900 artillery pieces. The GDR will eliminate 10,000 men, 600 tanks, and a squadron of MIG-21 aircraft. Czechoslovakia has already eliminated 850 tanks, 165 armored personnel carriers, and 51 combat aircraft. *Id.*

withdrawal from sovereign nations need not be negotiated for by the United States; to do so may legitimize continued Soviet military presence in Eastern Europe.[13] Nevertheless, NATO and the Bush administration continue to support CFE as the best method of verifying reductions and limiting Soviet troop presence west of the Ural Mountains.[14]

The CFE negotiations were originally conceived of as an attempt to establish parity between NATO and the Warsaw Pact, which has an overwhelming quantitative advantage in its conventional forces.[15] The most recent progress in the negotiations goes beyond this principle of parity to establish an asymmetry in force strength that favors the United States.[16] The agreement's asymmetry underscores the perceived illegitimacy of the Soviet presence, as compared with the American presence, and it emphasizes that the presence of United States troops is not necessarily tied to that of the Soviet Union.[17] The extent of the Soviet change in attitude may be gauged by the fact that their acceptance of asymmetry was "a virtual admission of the fact that their forces are an army of occupation."[18]

The agreement reached at the Open Skies conference was initially designed to extend only to restrictions on Soviet and United States forces.[19] With an eye toward a reunified Germany, the Soviets are now, however, asserting the need for an overall central force limit of 700,000 to 750,000, which would constrain any growth by NATO forces.[20] The proposal would have the indirect effect of limiting the number of troops of a reunified Germany, a perceived necessity for the

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13. Garfinkle, *Why Deal When They'll Go Anyway; Conventional Forces: Bush's Plan will Give the Soviets a Role in Europe that the East European Revolutions Have Already Denied Them*, L.A. Times, Feb. 5, 1990, at B7.

14. Woerner, *We Still Need a Conventional Forces Treaty*, Wash. Post, Mar. 5, 1990, at A11.

15. Mendelsohn, *CFE and a United Germany*, ARMS CONTROL TODAY, Mar. 1990, at 2.

16. At the Open Skies Conference in Ottawa on February 13, 1990, the Soviet Union accepted President Bush's proposal to limit Soviet and American troops in Central Europe (the FRG, the GDR, Denmark, the Netherlands, Belgium, Luxembourg, Czechoslovakia, Hungary and Poland) to 195,000 each, while allowing the U.S. an additional 30,000 men in the United Kingdom, Portugal, Spain, Greece, and Turkey. *See* Friedman, *Upheaval in the East; Moscow Accepts U.S. Advantage of 30,000 Soldiers Across Europe*, N.Y. Times, Feb. 14 1990, at A1, col. 6. This view reflects American cognizance that Eastern European demands and German reunification may make it impossible for the Soviets to maintain any forces in Eastern Europe regardless of CFE allowances, and it establishes a precedent for the U.S. forces to remain in Europe even if the Soviets do not.

17. Feinstein, *U.S., Soviets Agree on Troop Limit; Talks Set for German Unity*, ARMS CONTROL TODAY, Mar. 1990, at 19, 19.

18. Friedman, *supra* note 16, at A1, col. 6.

19. Statement of Raymond Garthoff, Senior Fellow at the Brookings Institution and former Executive Director of the U.S. SALT I delegation, Feb. 21, 1990, press briefing, *reprinted in Ascent to the Summit: U.S.-Soviet Agreements in Moscow and Ottawa*, ARMS CONTROL TODAY, Mar. 1990, at 3, 6.

20. Mendelsohn, *supra* note 15, at 26.

Soviet Union and other countries concerned with restraining Germany's military potential.[21]

The Soviets' proposed overall force limit illustrates the increasingly appreciated potential of the CFE to be used "as a vehicle for imposing collective and multilateral . . . constraints on a resurgent Germany."[22] Initial Western reaction to the Soviet proposal has been negative, but the Soviets maintain that a final agreement is impossible until the German question is addressed, whether through the overall force proposal or some other means.[23] Consequently, it seems likely that "if no agreement is reached on indirect limits . . . within the CFE context, the issue of national limits on German forces will be brought up within the two-plus-four talks,[24] or in conjunction with the CSCE,[25] or both."[26]

A proposed "sufficiency" rule, under which no one state's forces could exceed a certain percentage, probably around sixty percent, of the total permitted to each alliance,[27] has the advantage of placing the question of German force limits within the larger pan-European context of the CFE negotiations. Neither the overall force limit nor the "sufficiency" rule single out Germany for inequitable treatment. FRG Chancellor Helmut Kohl has insisted upon this approach.[28]

Agreement in principle on the level of troop reductions, the most pivotal issue in the talks, spurred resolution of other undecided CFE issues toward reaching substantive accord by the fall 1990 date set by Bush and Gorbachev at Malta. In January 1990 NATO submitted proposals to the Warsaw Pact which addressed four key areas of concern: tanks, armored combat vehicles, aircraft, and helicopters.[29]

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21. Feinstein, *supra* note 17, at 20.

22. Mendelsohn, *supra* note 15, at 2.

23. Telephone Interview with Rob Leavitt, Institute for Defense and Disarmament Studies (Apr. 18, 1990).

24. The "two-plus-four" talks will discuss the form German reunification will ultimately take. The name derives from the fact that the participants in the negotiations will be the foreign ministers of the two Germanies plus those of the four victorious World War II allies: the U.S., the Soviet Union, Great Britain, and France. The negotiations began in April 1990. Friedman, *Moscow Reported to Yield on Neutrality of Germany; No Breakthrough on Arms*, N.Y. Times, Apr. 7, 1990, at A1, col. 6.

25. The Conference on Security and Cooperation in Europe (CSCE) comprises 35 states, including all the members of NATO and the Warsaw Pact plus the neutral and nonaligned European states with the exception of Albania. Its most well-known accomplishment is the 1975 Helsinki Accord on human rights and government relations. Sloan, *supra* note 5, at 4.

26. Mendelsohn, *supra* note 10, at 26.

27. Mendelsohn, *supra* note 15, at 2.

28. Mendelsohn, *supra* note 10, at 26.

29. Miller, *Revised NATO Proposals Narrow CFE Gap*, DEFENSE & DISARMAMENT ALTERNATIVES, Feb. 1990, at 6, 6. Disagreements over aircraft remain "the major issue holding up a landmark agreement," as the Soviet Union continues to insist on the total exclusion from calculation of bombers and land-based naval planes. Both sides, however, have been dropping hints, that the issue of aircraft reductions could be eliminated from the treaty altogether if it

Rapid negotiations in the first two months of 1990 have been followed by slowed progress on the remaining disputed issues, most notably the question of how to incorporate German military strength into an agreement. The lull is attributable most directly to Soviet unwillingess to make concessions beyond the overwhelmingly one-sided reductions to which they have already agreed.[30] While Soviet delays may be explained by the Kremlin preoccupation with the Lithuanian crisis, its deeper roots lie in a growing military anxiety about the great disparity in military strength that will result from the agreement.[31] Many of the Soviet Union's earlier concessions were predicated on the assumption of the continued viability of the Warsaw Pact as a military alliance.[32] Since this assumption no longer seems valid, the CFE treaty will leave the Soviet Union facing an array of NATO nations with vastly superior force projection capabilities.[33] Nonetheless, the CFE agreement seems likely to proceed, albeit at a somewhat slower pace.

The establishment of a comprehensive, reliable verification system is a fundamental objective of the CFE negotiations. While differences remain, the two sides agree on the basic approach to verification.[34] The greatest difficulty derives from the inherent complexity of "monitoring the deployment, storage, movement and destruction of tens of thousands of weapons and . . . tracking tens of thousands of troops . . . across the entire Atlantic-to-the-Urals region."[35] While unresolved verification questions alone might not impede completion of a treaty, the time constraints may lead to as simple an agreement as possible.[36] Nonetheless, "the rigorous, intrusive, permanent CFE ground-and air-inspection regime," monitored by a joint-consultative group, would constitute an important step in recent efforts to bolster confidence, cooperation, and transparency in the European security system.[37] The suggested joint-consultative group, in particular, "could be the first building block in the construction of a more cooperative European security system."[38]

Given the real possibility that a CFE treaty will be signed in the next year, the next question becomes whether a further round of

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proves too difficult to resolve by the tentative deadline of fall 1990. Friedman, *supra* note 24, at A1, col. 6.

30. Leavitt Interview, *supra* note 23.

31. *Id.*

32. *Id.*

33. *Id.*

34. *Verification Moves to the Fore*, VIENNAFAX, Mar. 21, 1990, at 1, 1 (R. Leavitt, ed.).

35. *Id.*

36. Sloan, *Verifying Compliance with a Conventional Arms Control Accord: Considerations for Congress*, CONGRESSIONAL RESEARCH SERVICE REPORT, *revised* Feb. 8, 1990, at 31.

37. Leavitt, *supra* note 34, at 1.

38. Sloan, *supra* note 36, at 38.

conventional negotiations will take place, either in the form of a CFE II or in some other context. Some Western defense experts and officials have recommended against having a second round of conventional cuts because it would make the NATO strategy of forward defense unrealizable.[39] President Bush has refused to commit himself to anything beyond the current negotiations.[40]

Nonetheless, many consider an additional round of negotiations likely and desirable. Political and budgetary pressures to decrease military spending intensify because of the atmosphere of increased cooperation and decreased military threat. Although the West should benefit politically from the economic boost the reductions will give to the fledgling Eastern European democracies, a CFE I accord will not yield the financial savings demanded because the bulk of the force reductions, and consequently the savings, are being made by the Warsaw Pact.[41] For a deeper and more permanent shift to a defensive orientation, the European security system, which would include not only stationed forces, but the forces of the basing states as well, many experts consider a second round of conventional cuts necessary.[42] Finally, additional conventional negotiations are considered by the FRG and other states to be the most promising framework within which to address growing anxiety about a unified Germany's military strength.[43]

A second set of conventional reductions might aim for cuts in forces of up to fifty percent, with an eye toward more dramatic goals including further reductions, the withdrawal of all foreign-stationed troops, and the creation of genuinely nonoffensive defense forces on all sides.[44] The framework of the negotiations would have to reflect the changes that have taken place since CFE I was initiated; as Hungary proposed in February 1990, the political and military independence of the Warsaw Pact nations could be recognized by a system based on individual states, and not simply allied blocs.[45] This approach could also help advance a transition from NATO in its present form to more Europe-based defense cooperation.[46] To this end, there is a growing

39. Leavitt & Miller, *Doctrine Seminar Looks Beyond the Cold War*, DEFENSE & DISARMAMENT ALTERNATIVES, Jan. 1990, at 1, 2.

40. *Excerpts*, *supra* note 3, at A17, col. 1 (President Bush stated, "I'd like to get a CFE I in the bank first, get it locked up . . . . We ought to manage that before we start the architecture of something else."). *Id.*

41. Leavitt & Miller, *supra* note 39, at 2.

42. Hans Dietrich-Genscher, Minister of Foreign Affairs of the Federal Republic of Germany, Address at the CFE talks in Vienna, Jan. 25, 1990, *reprinted in Genscher Champions CSCE as Framework for a New Euorpe*, DEFENSE & DISARMAMENT ALTERNATIVES, Feb. 1990, 5, 5.

43. Mendelsohn, *supra* note 10, at 28.

44. Forsberg & White, *1989-Ending the Cold War, 1990-Ending the Arms Race*, DEFENSE & DISARMAMENT ALTERNATIVES, Dec. 1989, at 2, 2.

45. *Can CFE Keep Pace?*, VIENNAFAX, Feb. 22, 1990, at 1, 2 (R. Leavitt, ed.).

46. Dean, *Planning for the Next Round of CFE Talks*, DEFENSE & DISARMAMENT ALTERNATIVES, Nov. 1989, at 1, 1.

feeling that confidence and security building measures (CSBMs) must be viewed as a crucial complement to disarmament and that any CFE negotiations should be part of the larger framework established by CSCE.[47]

In part because of recent changes in Eastern Europe, the Soviet Union and the United States have been rethinking their past adversarial positions regarding strategic nuclear weapons. This development has led to the potential for a new partnership in reducing the global nuclear threat.[48] Some experts attribute the recent breakdown in East-West political barriers in part to the recent elimination of intermediate-range nuclear missiles from Europe.[49]

During 1990 superpower discussions in the realm of strategic arms focused on a treaty to reduce strategic offensive weapons.[50] The current framework for the Strategic Arms Reductions Talks (START) was actually initiated by President Gorbachev and President Reagan at the 1986 Reykjavik summit. Both leaders agreed in principle to reduce their strategic nuclear arsenals by fifty percent. Although the foundation for START was laid in 1986, the greatest efforts to reach formal agreement have come during 1990 from Bush and Gorbachev.

The Malta Summit has been hailed by many as a turning point in superpower negotiations concerning START initiatives.[51] Bush committed himself to accelerating the pace of the strategic talks "in order to resolve all substantive issues and to conclude a treaty, if possible, by the 1990 summit."[52] While the fundamental issues addressed by START are relatively independent from the political developments in the Eastern bloc, the recent changes have affected the accelerated pace of negotiations.[53] In the past, bilateral arms control talks guided the pace and shape of East-West relations. By comparison, the joint commitment made by the United States and the Soviet Union at the

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47. Genscher, *supra* note 42, at 5.

48. Nye, *Arms Control after the Cold War*, FOR. AFF., Winter 1990, at 42, 46. ("As a pattern of reciprocity develops both sides begin to redefine their interests . . . . The opportunities presented by the current political climate and the possibility of a return to cold war relations reinforce the argument for reaching good agreements."). *Id.* at 46.

49. The Intermediate-Range Nuclear Forces Treaty (INF) was signed by the superpowers in 1987.

50. For further information about START see Sloan, *Arms Control: Negotiations to Reduce Strategic Offensive Nuclear Weapons*, CONGRESSIONAL RESEARCH SERVICE ISSUE BRIEF, *updated* Feb. 13, 1990.

51. Keeny, *Malta Meeting Charts a New Course for Arms Control*, ARMS CONTROL TODAY, Dec. 1989/Jan. 1990, at 11, 11. *See also US Ambassador on Malta Summit*, (TASS) (Dec. 7, 1989) (NEXIS).

52. Rubin, *Malta Summit Makes Waves: Leaders to Seek START, CFE Pacts in 1990*, ARMS CONTROL TODAY, Dec. 1989/Jan. 1990, at 21, 21.

53. Earle, *It's Time to Accelerate START*, Chicago Tribune, Dec. 5, 1989, at 21.

Malta Summit to accelerate START seems to be a response to the breakneck speed of the demise of communism in Eastern Europe.[54]

The Bush Administration has expressed a desire to move ahead with a treaty while President Gorbachev remains in power. If Gorbachev's leadership ends, the White House fears a corresponding cessation in Soviet reform efforts.[55] Furthermore, the extensive political reforms occuring in Eastern Europe diminish the likelihood of opposition within the Republican Party to a strategic arms treaty.[56]

But verification remains a major stumbling block to a START treaty. In order to test methods verifying the number of warheads each side's ballistic missiles carry, a cooperative inspection program was agreed to by the superpowers on January 22, 1990. The United States demonstrated verification methods on its Peacekeeper ICBM and Trident SLBM missiles; the Soviet Union utilized its heavy SS-18 ICBM and SS-N-23 SLBM.[57]

Although the START negotiations have moved rapidly, neither Moscow nor Washington has ever been certain about reaching final agreement in time for signing at the superpower summit in late May 1990. Instead, the overarching goal which guided START talks in Geneva, Moscow, and Washington during the months prior to the May summit, was to resolve all of the major outstanding issues surrounding the conclusion of a treaty.[58]

During talks held in Moscow in early February, Secretary of State James A. Baker III and Soviet Foreign Minister Eduard Shevardnadze made substantial progress in eliminating the major obstacles remaining to signing a treaty.[59] The Soviet Union tentatively accepted a United States-proposed counting rule, which would attribute 10 air-launched cruise missiles (ALCMs) to each United States bomber, although each plane will be permitted to carry as many as twenty.[60] Soviet bombers, for the purposes of verification, will count as carrying a load of eight ALCMs with a cap of 12 ALCMs.[61] Disagreement remained, however,

54. *Superpower Summit Marked by Caution and Small Steps*, (Reuters) (Dec. 4, 1989) (NEXIS).

55. McManus & Broder, *U.S. Fears End to Soviet Reforms*, L.A. Times, Jan. 24, 1990, at A1.

56. Gordon, *U.S. Shifts on Arms Talks*, N.Y. Times, Dec. 4, 1989, at 10, col. 1.

57. Dullforce, *Soviet-U.S. Agreement on Inspection of N-Warheads Prior to START*, Fin. Times, Jan. 23, 1990, at 2.

58. Interview with Ambassador Richard Burt, ARMS CONTROL TODAY, Feb. 1990, at 3, 4.

59. *See generally* Bunn & Feinstein, *Baker and Shevardnadze Clear START Roadblocks*, ARMS CONTROL TODAY, Mar. 1990, at 21, 21–22.

60. Previously, there was no agreement concerning the number of missiles to be officially attributed to U.S. bombers in compliance with a potential treaty because of the difficulty of verifying the exact number of warheads carried on each plane.

61. Bunn & Feinstein, *supra* note 59, at 21; *see also Soviet and American Joint Statement* (TASS) (Feb. 10, 1990) (NEXIS). The Soviet Union currently wants the right to carry up to 16 missiles on their bombers despite prior agreement with the U.S. on a maximum of 12. The U.S.'s initial proposal was also a 16 missile limit, so it is likely the U.S. will concede to such a request. Toth, *Soviets Raise Obstacles to New Arms Pacts*, L.A. Times, Apr. 17, 1990, at A1, col. 4.

after the February talks regarding the flight range under which ALCMs would be excluded from START; the Soviet Union wanted a range of 600 kilometers whereas the United States advocated a range of 1000 kilometers.[62]

Outside the direct scope of the treaty itself, the superpowers have also made progress on the issue of sea-launched cruise missiles (SLCMs). Because of fears over the impossibility of verification, the United States has consistently refused to include SLCMs within the START framework.[63] Instead of incorporating SLCM limitations within the treaty, Shevardnadze agreed to "politically binding" bilateral declarations in which each side would declare the number of SLCMs it intended to deploy over a five-year period with annual updates to follow.[64] The Soviet Union had made a similar concession in September, 1989, when it agreed to drop any linkage between the United States Strategic Defense Inititative (SDI) and START, though it retained the right to abrogate the treaty in the event that the United States violated the 1972 ABM Treaty through its implementation of SDI technology.

Despite the significant progress made during the February 1990 discussions in Moscow, several details necessary to a cohesive agreement remained unsettled. The Soviet Union continued to reject the demand that the treaty include a sublimit of approximately 3300 nuclear warheads carried on ICBMs. The United States has also attempted to include the Soviet Backfire bomber within the treaty, a position which Moscow rejects. The general issue of verification procedures was also left largely undefined.[65]

While February 1990 marked the high point in the United States-Soviet efforts to reach substantial agreement on START, the Baker-Shevardnadze meeting in Washington in April 1990 saw remarkably little progress in the strategic arms area. The slowdown in progress toward a START treaty can be attributed to concerns over German reunification and Soviet preoccupation with heading off the Lithuanian

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62. Bunn & Feinstein, *supra* note 59, at 21. At the February summit, the U.S. offered to lower the threshold of ALCMs to 800 kilometers. "U.S. officials believe that ALCMs should be treated differently from ballistic missiles [sic] warheads under START's overall warhead ceiling . . . their rationale is that ALCMs travel more slowly to their targets than ballistic missiles and therefore do not pose a threat as disarming first-strike weapons." Mann, *Soviets Ready to Resolve START Pact Despite Clash over Cruise Missiles*, AVIATION WK. & SPACE TECH., Apr. 23, 1990, at 66, 66.

63. The definition of SLCM also remains unresolved. "The United States defines them as nuclear-equipped only with a range in excess of 300 kilometers. The Soviets want them defined as both nuclear and conventionally armed with a range of 600 kilometers or more." Bunn & Feinstein, *supra* note 59, at 66.

64. *Id.* at 22.

65. Gordon, *Upheaval in the East: Arms Control; U.S. and Soviets Appear to Agree on Main Elements of Arms Treaty*, N.Y. Times, Feb. 11, 1990, at A1, col 4.

secession.[66] The major outcome of the April discussions was the fixing of an official date for the summit—May 30 through June 3, 1990 in Washington. At a press conference following his meeting with Baker, Shevardnadze pointed to the settling of an official date as a sign that relations between the superpowers had not deteriorated because of the sudden turmoil in Lithuania.[67] Also quite positive was the joint interest expressed in continuing bilateral negotiations after the conclusion of START, although a timetable for START II remained sketchy.[68]

The United States was the first to come forth with specific proposals for START II. Bush sent a letter to Gorbachev in early April 1990 detailing his proposal for the elimination of all land-based strategic missiles carrying multiple nuclear warheads. This proposal included two stages of reduction. The first phase, which would be incorporated into START, is the destruction of several dozen Soviet SS-24 missiles currently deployed on railroad cars. Simultaneously, the United States would scrap plans to shift fifty MX missiles from silos to railroad transports.[69] A subsequent accord would eliminate an estimated 2000 warheads in the United States and approximately 5930 warheads in the Soviet Union.[70] Although the implementation of a START treaty would decrease both nations' nuclear arsenal by approximately one-third, each state currently plans to develop and deploy more accurate land-based missiles carrying multiple warheads.[71] The potential elimination of missiles possessing multiple independently-targetable reentry vehicles (MIRVs) would lessen the shared fear of a preemptive strike.[72]

In the wake of Bush's one-sided proposal, the Soviet Union also renewed its call for legally binding limits on the number of SLCMs deployed by each nation, an area where the United States retains superiority.[73] Regardless of the final shape and substance of any START II negotiations, the open agreement between the superpowers to engage in such talks indicates that a mutual belief in completing START during 1990 still exists.

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66. *Soviets May be Backsliding in Arms Talks*, (UPI) (Apr. 12, 1990) (NEXIS); *see also* Grier, *U.S., Soviet Talks Mired in Details*, Christian Science Monitor, Apr. 9, 1990, at 1.

67. De Lama, *Scrap NATO, Warsaw Pact, Soviets Urge*, Chicago Tribune, Apr. 7, 1990, at 1.

68. De Lama, *Summit Dates Set, But Arms Pact Unlikely*, Chicago Tribune, Apr. 6, 1990, at 1, *see also* Shannon, *Soviets Looking Beyond START Nuclear Pact*, L.A. Times, Mar. 5, 1990, at 1.

69. Smith, *Soviets Cool to Land Based Proposals*, Washington Post, Apr. 9, 1990, at A1.

70. *Id.*

71. *On Arms: START and START Again*, N.Y. Times Editorial, Feb. 14, 1990, at A24.

72. Warnke, *Arms Control in a New Age*, ARMS CONTROL TODAY, Dec. 1989/Jan. 1990, at 4, 4.

73. *Why Risk START now, Needlessly?*, N.Y. Times Editorial, Apr. 12, 1990, at A22.

While the future of bilateral strategic offensive arms reductions has at least been delineated and formalized, the question of the continued presence of NATO's short-range nuclear forces in Western Europe remains unanswered. Notwithstanding implementation of the INF Treaty a variety of NATO short-range nuclear delivery systems (SNF), nuclear artillery shells, and an outmoded LANCE missile system remain.[74] The current prospect of the reunification of Germany raises many questions about the necessity of NATO's nuclear presence in Western Europe.[75]

NATO has in some respects adopted a wait-and-see approach to the changes in Eastern Europe and Germany in particular. On the issue of SNF, the United States still displays a reticence to move forward with reductions and will not commit to formal negotiations until the goals of CFE are achieved.[76] At the Vienna Military Doctrine Seminar in January 1990, the Chairman of the Joint Chiefs of Staff, Colin L. Powell, stated that the United States remained committed to a strategy of flexible response that required "a wide range of capabilities from conventional through nuclear."[77] The official reason for the continued presence of nuclear weapons in the European theater is to guarantee linkage to the wider spectrum of United States nuclear forces which compose the strategic triad.[78]

Furthermore, France and Great Britain are improving and expanding their strategic capabilities unhindered since none of their weapons are included in the INF agreement. It is estimated, for example, that by the late 1990's Britain will have expanded its arsenal from 62 to 512 warheads.[79] At some point, all powers negotiating must address the issues raised by these forces.

Although NATO is hedging on the issue of short range nuclear weapons, both the FRG and the Soviet Union have expressed a desire to eliminate SNF prior to the reunification of the two Germanys.[80] NATO has not committed itself to any official discussion with regard to reducing SNF, but a meeting of the Alliance's Nuclear Planning Group on May 9–10, 1990, established the preliminary groundwork

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74. Sloan, CONGRESSIONAL RESEARCH SERVICE ISSUE BRIEF, *NATO Nuclear Strategy, Forces and Arms Control, updated* Feb. 16, 1990, 1.

75. *Id.* at 8.

76. *Text of Press Conference* by U.S. Delegate to CSBM, Chairman Ambassador John J. Maresca and Lieutenant George J. Butler, Director within Joint Chiefs of Staff for Strategic Plans and Policies, at Vienna Military Doctrine Seminar, Jan. 16, 1990, at 5.

77. Powell, *Speech in Defense Issues*, at 3; *see also Text of Press Conference* by the Chairman of the Joint Chiefs of Staff Colin L. Powell, at Vienna Military Doctrine Seminar, Jan. 17, 1990, at 8.

78. Sloan, *supra* note 74, at 4.

79. *Id.* at 6.

80. *West German Conservative: Short Range Nuclear Weapons Will Go*, (UPI) (Apr. 3, 1990) (NEXIS).

for future bilateral discussions on the topic.[81] Essentially, NATO is gearing up for future talks in anticipation of a Conventional Forces Agreement.

The aspect of NATO's nuclear presence in Western Europe which has drawn the greatest dissent is the Bush administration's aborted plan to replace the outmoded Lance missiles with a new missile system, a Follow-on-to Lance (FOTL).[82] The FRG has consistently opposed NATO's plans to deploy FOTL. A United States-FRG debate during the spring of 1989 over the deployment of 995 FOTL launchers led NATO to table the decision until 1992.[83] Chancellor Kohl stated in early 1989 that an official decision would be delayed until after the German elections in 1990.[84] Other German officials articulated similar viewpoints, stating publicly that there was no need for nuclear modernization in light of the crumbling Warsaw Pact. FRG foreign minister Hans-Deitrich Genscher has also preferred to let the issue die its own death at the hands of the continued changes in Eastern Europe.[85]

When the United States formally announced in mid-April 1990 that it had dropped its plans for Lance modernization, it did appear as if FOTL's death had, in fact, occurred. Experts attribute the sudden halt in the design of the missile to Bush's "final realization" of the situation in Germany, where short-range nuclear weapons which are aimed at part of a soon to be unified nation no longer make sense.[86] Although the Lance modernization plan has been cancelled, it appears unlikely that NATO will agree to the complete elimination of nuclear forces from Western Europe. In particular, Great Britain and the United States remain committed to the development of a new nuclear-tipped tactical air-to-surface missile (TASM).[87]

A unified Germany's future role in Europe and particularly its relationship to NATO is another subject causing much debate between

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81. *NATO to Dearth Short-Range Missile Modernization Sources* (Reuters) (Apr. 26, 1990) (NEXIS).

82. Grier, *U.S. Debates New Missile*, Christian Science Monitor, Apr. 3, 1990, at 1. The current Lance systems were produced in 1971 and have a flight range of only 125 kilometers (75 miles). At present, 88 obsolescent Lance launchers coupled with 700 nuclear warheads are dispersed throughout West European NATO sites. Over two-thirds of these launchers are deployed in the FRG and targeted at the GDR. *Id.*

83. *Id.* at 1; *see also* Warnke, *supra* note 72, at 5.

84. Sloan, *supra* note 74, at 7.

85. Friedman, *Bonn Aides in Washington Say Modernizing Missiles is Dead Issue*, N.Y. Times, Nov. 21, 1989, at A8, col. 5; *see also* Grier, *supra* note 82, at 1; Barber, *Guarded Support by Baker for Lithuanian Vote*, Fin. Times, Apr. 5, 1990, at 5.

86. Interview with Stanley R. Sloan (Apr. 23, 1990); *see also* Gordon, *Bush Plans to Cut Short-Range Arms in Germany*, N.Y. Times, Apr. 19, 1990, at A12.

87. Gordon, *supra* note 86, at A12. "Moscow's tougher line on ALCMs ranges may stem indirectly from what some private analysts believe are Soviet suspicions that the U.S. has started or intends to start a black program for new nuclear armed air to surface missile with a range of 600 to 1000 kilometers." Mann, *supra* note 62, at 66.

the superpowers. In addition to seeing a nuclear free Germany, the Soviet Union would like to see Germany as a nonparticipant in NATO. At his April meeting with Baker in Washington, Shevardnadze dropped his explicit demand that a united Germany remain neutral. Instead, he suggested a variety of "creative options" for Germany's political and military future. At the top of his list was a proposal to expand the role of the thirty-five-nation CSCE to better incorporate the Warsaw Pact. In addition, he suggested that Germany might remain a member of both alliances; a proposal which both Germanies and the United States reject completely.

Against the Soviet view, the FRG and the United States would like a reunified Germany to retain its membership in NATO in order to preserve political stability in Europe.[88] The United States has recommended that the "two-plus-four" interalliance negotiations allow the two Germanys to collaborate on internal decisions about the substance and process of reunification. In conjunction with this internal housekeeping, both Germanies would consult France, Great Britain, the Soviet Union and the United States regarding external questions.[89] External questions would include discussion of Germany's future role in NATO.

Genscher, during a visit to Washington in April 1990 again stated that Bonn supported a united Germany's continued presence in NATO. To supplement such a membership though, Genscher called for a strengthened agenda for CSCE that included: a European center for the early detection and political settlement of conflicts, an expanded Council of Europe, and regular meetings of CSCE ministers. Although Genscher reaffirmed Germany's commitment to NATO, he also stated that a "two-plus-four" framework would not be an appropriate mechanism for deciding upon a united Germany's future.[90]

The United States' vision of a European security framework appears to embody a "parallel path" approach. The two "paths" consist of preserving NATO while simultaneously strengthening and expanding the CSCE. Such a dual emphasis would allow the United States to respond to whatever political and military posture the Soviet Union may adopt in the future—either retrenching and adhering to previous positions or reforming and increasingly embracing democratic structures.[91] This approach would be remarkably consistent with Genscher's vision of European security.

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88. Grier, *Germany Tops Bermuda Agenda*, Christian Science Monitor, Feb. 14, 1990, at 1.

89. Grier, *Alliance Plan for Life After German Unity*, Christian Science Monitor, Feb. 14, 1990, at 1.

90. Barber, *supra* note 85, at 4.

91. Interview with Stanley R. Sloan (Apr. 23, 1990).

In the future, the superpowers' ability to reach agreement on multilateral issues such as the role of a united Germany within European security frameworks is much more limited than their ability to effect change in the strategic arms arena, where the negotiations, for the most part, remain bilateral. But the rapid pace of political change in Europe has led the United States and the Soviet Union to become increasingly involved in multilateral decision making, where new actors such as the two Germanies have a more prominent voice. As a result, both the Soviet Union and the United States have adopted more of a wait-and-see approach to the European nuclear situation, where their activities have been in reponse to political changes rather than self-created initiatives.[92]

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92. *Id.* ("Politics in the street have set the pace of arms control. Political events have outrun bureaucratic mechanisms. The preferred approach of the Bush administration has been caution. The superpowers have adopted a more responsive approach rather than creative leadership.").