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REVIEW AUTHORITY: Frank Perez, Senior Reviewer

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C O N F I D E N T I A L STATE 036296

STADIS////////

FROM EUR ACTING A/S KORNBLUM

E.O. 12958: DECL:02/20/96

TAGS: PREL, NATO, MARR

SUBJECT: RUSSIAN ASSERTIONS ABOUT TWO-PLUS-FOUR AGREEMENT

USVIENNA FOR USDEL OSCE

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1. (U) CLASSIFIED BY EUR ACTING A/S KORNBLUM;  
REASON 1.5 (D).

2. (U) THE FOLLOWING IS THE TEXT OF AN EUR AND S/NIS  
JOINT MEMORANDUM WHICH WE RECENTLY SENT TO ACTING SECRETARY  
TALBOTT. I WANTED AMBASSADORS, DCMS AND POLITICAL/  
ECONOMIC OFFICERS TO HAVE IT AS BACKGROUND IN CASE THE  
TWO-PLUS-FOUR ISSUE COMES UP DURING YOUR DISCUSSIONS WITH  
HOST GOVERNMENTS OR WITH YOUR RUSSIAN EMBASSY COUNTERPARTS.  
I WOULD ALSO URGE AMBASSADORS TO SHARE THIS TELEGRAM WITH  
YOUR PUBLIC AFFAIRS OFFICERS FOR THEM TO DRAW ON IN  
RESPONSE TO PRESS OR PUBLIC INQUIRIES. FOR ADDITIONAL  
BACKGROUND, I HIGHLY RECOMMEND EMBASSY BONN'S RECENT  
ANALYSIS OF THE QUESTION (REFTEL).

3. (C) BEGIN TEXT OF MEMORANDUM:

TO: THE ACTING SECRETARY

FROM: EUR - JOHN C. KORNBLUM, ACTING  
- S/NIS - JOHN HERBST, ACTING

SUBJECT: NATO ENLARGEMENT: RUSSIAN ASSERTIONS REGARDING  
THE TWO-PLUS-FOUR AGREEMENT ON GERMAN UNIFICATION

SUMMARY  
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SENIOR RUSSIAN OFFICIALS HAVE BEEN ASSERTING THAT THE  
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PROHIBITION ON STATIONING NON-GERMAN (I.E. NATO) FORCES ON  
THE TERRITORY OF THE FORMER GDR CONTAINED IN THE  
"TWO-PLUS-FOUR AGREEMENT" (THE TREATY ON THE FINAL  
SETTLEMENT WITH RESPECT TO GERMANY) SOMEHOW APPLIES TO AND  
THEREFORE LIMITS (OR EVEN PRECLUDES) NATO EXPANSION TO THE  
OTHER STATES OF CENTRAL AND EASTERN EUROPE. REGARDLESS OF  
HOW THIS ASSERTION IS FORMULATED -- AND THE RUSSIANS HAVE  
USED SEVERAL VARIANTS -- IT IS A SPECIOUS ARGUMENT WHICH  
WE SHOULD REFUTE DEFINITELY.

THE TREATY'S PROHIBITION DOES NOT APPLY TO TERRITORY OUTSIDE GERMANY. THE TREATY PERMITS THE STATIONING OF NATO-INTEGRATED GERMAN FORCES IN THE EASTERN LAENDER (NOW THAT SOVIET/RUSSIAN TROOPS HAVE DEPARTED). WHILE FOREIGN FORCES AND NUCLEAR WEAPONS SYSTEMS MAY NOT BE STATIONED OR DEPLOYED IN THOSE LAENDER, QUESTIONS CONCERNING THE IMEANING OF "DEPLOYMENT" ARE LEFT IN THE HANDS OF A SOVEREIGN GERMANY.

IN BROADER TERMS, WE SHOULD ALSO REMIND MOSCOW THAT ITS TWO-PLUS-FOUR INVOLVEMENT IN INTERNAL GERMAN AFFAIRS (I.E. PROHIBITING CERTAIN FORCE DEPLOYMENTS) WAS UNIQUE, ARISING FROM THE POST-WAR SETTLEMENT, AND DID NOT SET ANY LEGAL OR POLITICAL PRECEDENTS; RUSSIA DOES NOT HAVE A SIMILAR RIGHT TO DEFINE OR DICTATE THE SECURITY ARRANGEMENTS OF OTHER SOVEREIGN STATES. IF THE RUSSIANS SEEK TO ADVANCE ANY SORT OF TWO-PLUS-FOUR PRECEDENT (I.E. NATO MEMBERSHIP WITH LIMITATIONS), WE SHOULD IMMEDIATELY REJECT ANY "DEALS" OVER THE HEADS OF THE CENTRAL AND EASTERN EUROPEANS.

RUSSIAN ASSERTIONS

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IN RECENT YEARS, RUSSIAN OFFICIALS HAVE MADE SPORADIC CLAIMS THAT THE TREATY ON THE FINAL SETTLEMENT WITH

RESPECT TO GERMANY (COMMONLY REFERRED TO AS THE "TWO-PLUS-FOUR AGREEMENT"), WHICH PROHIBITS STATIONING OR DEPLOYMENT OF FOREIGN TROOPS AND NUCLEAR WEAPONS SYSTEMS IN THE EASTERN LAENDER OF THE FRG, ALSO EXCLUDES -- AS PRESIDENT YELTSIN WROTE PRESIDENT CLINTON IN 1993 -- "BY ITS MEANING THE POSSIBILITY OF EXPANSION OF THE NATO ZONE TO THE EAST."

BEG INNING IN LATE-NOVEMBER WITH THE 16 QUESTIONS THE RUSSIANS PUT TO NATO ASSISTANT SECRETARY GENERAL VON MOLTKE, THE RUSSIANS HAVE MADE THIS CLAIM A STAPLE ELEMENT OF THEIR PUBLIC AND PRIVATE ARGUMENTS AGAINST NATO ENLARGEMENT. IN A RECENT MEETING WITH AMBASSADOR COLLINS,

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FOR EXAMPLE, A SENIOR KREMLIN OFFICIAL ARGUED THAT NATO  
TROOP DEPLOYMENTS EAST OF NOW-UNITED GERMANY WOULD  
"VIOLATE THE SPIRIT OF THE TWO-PLUS-FOUR AGREEMENT." THE  
SAME OFFICIAL ALSO ASSERTED THAT THIS INTERPRETATION WAS  
SUPPORTED AT THE TIME BY "DECLARATIONS OF EASTERN EUROPEAN  
LEADERS, WHICH CONSTITUTED LEGAL COMMITMENTS FROM THE  
POINT OF VIEW OF INTERNATIONAL LAW."

SENIOR RUSSIAN OFFICIALS USED SIMILAR TWO-PLUS-FOUR  
ARGUMENTS DURING GERMAN FOREIGN MINISTER KINKEL'S RECENT  
TRIP TO MOSCOW, AND BOTH OFFICIAL AND UNOFFICIAL RUSSIAN  
SPOKESMEN CONSISTENTLY MAKE THE SAME ASSERTIONS ON THE  
EUROPEAN THINK-TANK CIRCUIT AND WITH THE MEDIA. YOU ASKED  
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US TO REVIEW THESE RUSSIAN ASSERTIONS, WHICH WE HAVE DONE;  
THEY ARE COMPLETELY UNFOUNDED.

TREATY PROHIBITIONS APPLY TO EASTERN GERMANY

THE SEPTEMBER 12, 1990, TREATY PRECLUDED THE STATIONING  
OF NATO-INTEGRATED GERMAN FORCES ON THE TERRITORY OF THE  
FORMER GDR UNTIL AFTER THE WITHDRAWAL OF SOVIET FORCES  
FROM THOSE LAENDER. HOWEVER, ONCE THE SOVIET (LATER  
RUSSIAN) TROOP WITHDRAWAL WAS COMPLETED, ARTICLE 5 OF THE  
TREATY EXPLICITLY ALLOWED UNITS OF THE GERMAN ARMED FORCES  
ASSIGNED TO MILITARY ALLIANCE STRUCTURES (I.E. NATO) TO BE  
STATIONED IN GERMANY'S EASTERN LAENDER (BUT WITHOUT  
"NUCLEAR WEAPON CARRIERS"). FOREIGN (I.E. OTHER NATO  
MEMBERS') MILITARY FORCES, AS WELL AS NUCLEAR WEAPONS AND  
THEIR CARRIERS, COULD NOT BE STATIONED OR DEPLOYED ON THE  
TERRITORY OF THE FORMER GDR UNDER THE TERMS OF THE  
TREATY. UNDER AN AGREED MINUTE TO THE TREATY, QUESTIONS  
CONCERNING APPLICATION OF THE WORD "DEPLOYED" ARE TO BE  
DECIDED BY GERMANY.

ALTHOUGH THEN-FOREIGN MINISTER GENSCHER MADE A UNILATERAL  
STATEMENT THAT NATO "OFFENSIVE FORCES<sup>11</sup> WOULD NOT BE MOVED  
EASTWARD, THIS WAS A UNILATERAL COMMITMENT AND --  
REGARDLESS -- APPLIED ONLY TO THE FORMER GDR LAENDER. THE  
TREATY MAKES NO MENTION OF NATO DEPLOYMENTS BEYOND THE

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THE TREATY AND ITS RELATED PROVISIONS ALSO CONTAIN NO  
REFERENCES TO EXERCISES INVOLVING FOREIGN FORCES ON  
EASTERN GERMAN TERRITORY. THE DECISION WHETHER TO HOLD  
SUCH EXERCISES REMAINS THE PREROGATIVE OF A SOVEREIGN,  
UNITED GERMANY. HOLDING FIRM ON THE DIFFERENCE BETWEEN  
"STATIONING," "DEPLOYMENT" AND "EXERCISES" WAS, IN FACT, A  
KEY FINAL POINT IN THE TWO-PLUS-FOUR NEGOTIATIONS, AND THE  
U.S., GERMANY, AND OUR ALLIES HAVE INTERPRETED THIS TO  
MEAN THAT EXERCISES ARE ALLOWED. THAT SAID, GENSCHER ALSO  
UNILATERALLY COMMITTED GERMANY NOT TO HOST SUCH EXERCISES  
IN THE EASTERN LAENDER, AND THE GERMANS HAVE NOT DONE SO.

WE SHOULD ALSO REMEMBER THAT MOSCOW'S RIGHT TO INVOLVE  
ITSELF IN SETTING THE TERMS OF GERMAN UNIFICATION (WHICH,  
IN EFFECT, IMPOSED LIMITS ON GERMAN SOVEREIGNTY) GREW OUT  
OF THE UNIQUE POST-WAR ARRANGEMENTS UNDER WHICH A DEFEATED  
NAZI GERMANY WAS ADMINISTERED. IT DID NOT SET A PRECEDENT  
FOR RUSSIAN OVERSIGHT OF THE OTHER STATES IN CENTRAL OR  
EASTERN EUROPE. WE CONTINUE TO BE WILLING TO ENGAGE THE  
RUSSIANS IN A DIALOGUE ABOUT THE IMPLICATIONS OF  
ENLARGEMENT FOR THE CENTRAL AND EASTERN EUROPEAN STATES,  
BUT THE TREATY NEITHER APPLIES TO SUCH A DISCUSSION NOR  
SETS ANY PRECEDENTS BINDING ON NATO OR THE CENTRAL OR  
EASTERN EUROPEANS.

STATEMENTS BY EASTERN EUROPEAN LEADERS?  
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REGARDING THE RUSSIAN ASSERTION ABOUT CONTEMPORANEOUS,  
LEGALLY-BINDING DECLARATIONS BY EASTERN EUROPEAN LEADERS,  
NEITHER INR NOR THE HISTORIAN'S OFFICE HAVE BEEN ABLE TO

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IDENTIFY ANY SUCH STATEMENTS. WITHOUT SPECIFIC REFERENCES, IT IS IMPOSSIBLE TO COMMENT DEFINITELY, BUT -- AS MOST VIVIDLY EVIDENCED BY THEIR ACTIVE PURSUIT OF NATO MEMBERSHIP -- NONE OF THE CENTRAL OR EASTERN EUROPEAN GOVERNMENTS APPEAR TO SHARE THE RUSSIAN VIEW.

IN FACT, ONE OF THE BASIC PRINCIPLES UNDERLYING THE TREATY, THE SUBSEQUENT CHARTER OF PARIS, AND THE CFE TREATY (ALL SIGNED BY THE SOVIETS AND SUBSEQUENTLY ENDORSED BY THE RUSSIANS) IS THE SOVEREIGN RIGHT OF EVERY STATE TO CHOOSE ITS OWN SECURITY ARRANGEMENTS. THIS PRINCIPLE WAS AGAIN REAFFIRMED IN THE 1994 OSCE BUDAPEST SUMMIT DECLARATION AND THE DECEMBER 1995 OSCE MINISTERIAL STATEMENT, BOTH WHICH THE RUSSIANS THEMSELVES SIGNED. IF THE RUSSIANS RAISE THESE SUPPOSED EAST EUROPEAN UNILATERAL DECLARATIONS AGAIN, WE SHOULD INSIST ON SPECIFIC CITATIONS REGARDING ANY ALLEGED LIMITATIONS, WHICH WOULD ALLOW US TO REFUTE THE ASSERTION ONCE AND FOR ALL.

A CONCERN WE CAN ADDRESS  
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DURING GERMAN FOREIGN MINISTER KINKEL'S RECENT TRIP TO MOSCOW, THE RUSSIANS ALSO EXPRESSED CONCERNS THAT NATO MIGHT USE ENLARGEMENT AS A PRETEXT FOR BREAKING SOME OF THE ORIGINAL TWO-PLUS-FOUR COMMITMENTS, ESPECIALLY REGARDING NUCLEAR DEPLOYMENTS ON THE TERRITORY OF THE FORMER GDR. ON THIS POINT, WE CAN REASSURE RUSSIA THAT GERMANY HAS STATED REPEATEDLY THAT IT WILL COMPLY FULLY WITH ALL COMMITMENTS IN THE TREATY, INCLUDING PROVISIONS REGARDING BOTH CONVENTIONAL AND NUCLEAR FORCES; THERE IS

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ABSOLUTELY NO EVIDENCE OF ANY GERMAN PLANS TO THE CONTRARY. MOREOVER, AN ENLARGED NATO AND ALL ITS MEMBERS WILL ALSO FULLY RESPECT THE TREATY.

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IF THE RUSSIANS HAVE SOMEHOW READ ANY AMBIGUITY ON THIS  
POINT INTO THE ENLARGEMENT STUDY, WE SHOULD IMMEDIATELY  
DISABUSE THEM OF SUCH A NOTION. THE NATO ENLARGEMENT  
STUDY MAKES CLEAR THAT "THERE IS NO A PRIORI REQUIREMENT  
FOR THE STATIONING OF NUCLEAR WEAPONS ON THE TERRITORY OF  
NEW MEMBERS" AND THERE IS "NO NEED NOW TO CHANGE OR MODIFY  
ANY ASPECT OF NATO'S NUCLEAR POSTURE OR POLICY." WE HAVE  
REPEATEDLY REVIEWED THIS ISSUE WITH SENIOR RUSSIAN  
OFFICIALS. UNFORTUNATELY, SOME MEDIA REPORTS AND SOME  
STATEMENTS BY RUSSIAN COMMENTATORS HAVE SIGNIFICANTLY  
MISTATED THIS ISSUE.

THE BROADER QUESTION OF PRECEDENTS  
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MORE BROADLY, THE RUSSIANS MAY BE GROPING TOWARDS A  
SOMEWHAT MORE SUBTLE OUTCOME: SINCE KEY MEMBERS OF NATO  
HAVE, IN GERMANY'S CASE, ACCEPTED A LEGALLY-BINDING  
ARRANGEMENT WHICH PROHIBITS THE STATIONING OR DEPLOYMENT  
OF FOREIGN FORCES OR NUCLEAR WEAPONS ON SOVEREIGN  
TERRITORY OF AN ALLY, RUSSIA MIGHT HOPE EVENTUALLY TO

EXTRACT A SIMILAR LIMITATION FROM NATO ITSELF WITH REGARD  
TO AN ENLARGED ALLIANCE. THIS INTERPRETATION WOULD BE  
CONSISTENT WITH RECENT STATEMENTS THAT MOSCOW COULD ACCEPT  
NATO SECURITY GUARANTEES TO CENTRAL EUROPE, BUT NOT THE  
EXTENSION OF "INFRA- STRUCTURE" (I.E. STATIONED FORCES,

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NUCLEAR WEAPONS FACILITIES).

IN ESSENCE, WHAT FOREIGN MINISTER PRIMAKOV SET FORTH IN  
MINSK AND KIEV MAY HAVE REPRESENTED AN EMERGING FORMULA:

- ILL-DEFINED "SECURITY GUARANTEES" BY THE WEST TO THE  
CENTRAL AND EASTERN EUROPEANS WOULD BE ACCEPTABLE;
- NATO MEMBERSHIP FOR THE CENTRAL AND EASTERN EUROPEANS  
REMAINS ANTI-RUSSIAN AND UNNECESSARILY PROVOCATIVE (BUT  
MIGHT PROVE ULTIMATELY ACCEPTABLE IF SOMEHOW LIMITED);
- THE EXTENSION OF NATO "INFRASTRUCTURE" INTO CENTRAL AND

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EASTERN EUROPE WOULD BE IMPOSSIBLE FOR RUSSIA EVER TO  
ACCEPT AND WOULD DOOM OUR EFFORTS TO CREATE A COOPERATIVE,  
COMPREHENSIVE EUROPEAN SECURITY SYSTEM.

THUS, IF NATO ENLARGEMENT ULTIMATELY PROVES INEVITABLE,  
PRIMAKOV MAY BE POSITIONING RUSSIA TO PURSUE A DEAL IN  
WHICH NEW ALLIES WOULD HAVE TO ACCEPT LIMITATIONS ON THEIR  
MEMBERSHIP EQUIVALENT TO THE TWO-PLUS-FOUR RESTRICTIONS ON  
GERMANY. IN THE MEANTIME, CONSISTENT WITH RUSSIA'S  
FUNDAMENTAL OPPOSITION TO NATO ENLARGEMENT, PRIMAKOV  
CONTINUES TO PORTRAY ALLIANCE PLANS AND ACTIONS AS  
UNNECESSARY, PROVOCATIVE, AND INCONSISTENT WITH  
TWO-PLUS-FOUR COMMITMENTS.

NATO HAS REPEATEDLY MADE CLEAR TO THE RUSSIANS THAT THE  
ENLARGEMENT STUDY DOES NOT FORESHADOW CONVENTIONAL  
STATIONING OR NUCLEAR DEPLOYMENTS IN CENTRAL OR EASTERN  
EUROPE, AND -- IN RESPONDING TO RUSSIA'S 16 QUESTIONS --  
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VON MOLTKE HAS REJECTED ANY NOTION THAT TWO-PLUS-FOUR  
APPLIES TO THE ENLARGEMENT PROCESS. NEVERTHELESS, RUSSIAN  
TACTICS WILL LIKELY CONTINUE TO BE TO USE THESE ISSUES TO  
SEEK TO CREATE DIVISIONS BOTH WITHIN NATO AND BETWEEN THE  
ALLIANCE AND THE CENTRAL AND EASTERN EUROPEANS.

OUR MESSAGE IN RESPONSE

ON THE BASIC QUESTION OF WHETHER THE "TWO-PLUS-FOUR  
AGREEMENT" APPLIES TO THE STATES EAST OF GERMANY, WE  
SHOULD BE VERY DIRECT:

-- THE TREATY PROHIBITS THE STATIONING OR DEPLOYMENT OF  
NON-GERMAN FORCES AND NUCLEAR WEAPONS SYSTEMS ONLY ON THE  
TERRITORY OF THE FORMER GDR.

-- THESE TREATY LIMITATIONS DO NOT APPLY TO THE STATES  
EAST OF GERMANY, AND THUS HAVE NO BEARING ON NATO  
ENLARGEMENT.

-- JUST LIKE TODAY'S ALLIANCE, AN ENLARGED NATO (AND ALL



ON THE BROADER ISSUE OF RUSSIA'S EMERGING EFFORT TO  
POSITION ITSELF FOR POSSIBLE DEAL-MAKING BASED ON THE  
TWO-PLUS-FOUR PRECEDENT OF "ENLARGEMENT WITH LIMITS," WE  
SHOULD FORCEFULLY REMIND MOSCOW THAT WE ARE NOT PREPARED  
TO CUT ANY DEALS OVER THE HEADS OF THE CENTRAL AND EASTERN  
EUROPEANS. BECAUSE OF THE UNIQUE NATURE OF THE POST-WAR  
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SETTLEMENT, MOSCOW HAD A LEGAL ROLE IN GERMAN UNIFICATION,  
GERMANY HAD A COMPELLING REASON TO PURSUE A DEAL WITH THE  
RUSSIANS, AND THE GERMANS (ON BOTH SIDES OF THE BORDER)  
WERE FULL PARTIES TO THE NEGOTIATIONS. THE SITUATION  
VIS-A-VIS THE CENTRAL AND EASTERN EUROPEANS IS VASTLY  
DIFFERENT. ANY SUGGESTION THAT WE WERE PREPARED TO  
COUNTEANCE SUCH DEAL-MAKING "ABOUT THEM, BUT WITHOUT  
THEM" WOULD BE DEVASTATING TO OUR POLITICAL POSITION AND  
CREDIBILITY THERE AND WOULD UNDERCUT FIVE YEARS OF  
EFFECTIVE OUTREACH. END TEXT.  
CHRISTOPHER