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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 SPEIOUS ARGUMENT WHICH
   WE SHOULD REFUTE DEFINITIVELY.
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 MEANING 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."

BEGINNING 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,
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 CONFIDENTIAL

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US TO REVIEW THESE RUSSIAN ASSERTIONS, WHICH WE HAVE DONE; THEY ARE COMPLETELY UNFOUNDED.

TREATY PROHIBITIONS APPLY TO EASTERN GERMANY


ALTHOUGH THEN-FOREIGN MINISTER GENSCHER MADE A UNILATERAL STATEMENT THAT NATO "OFFENSIVE FORCES" 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
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 CONFIDENTIAL
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IDENTIFY ANY SUCH STATEMENTS. WITHOUT SPECIFIC REFERENCES, IT IS IMPOSSIBLE TO COMMENT DEFINITIVELY, 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.


A CONCERN WE CAN ADDRESS

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 CONFIDENTIAL

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ABSOLUTELY NO EVIDENCE OF ANY GERMAN PLANS TO THE CONTRARY. HOWEVER, AN ENLARGED NATO AND ALL ITS MEMBERS WILL ALSO FULLY RESPECT THE TREATY.
UNCLASSIFIED U.S. Department of State Case No. F-2008-02356 Date: 05/10/2012

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 GUARANTEE 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
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
UNCLASSIFIED U.S. Department of State Case No. F-2008-02356 Date: 05/10/2012
ITS INDIVIDUAL MEMBERS) WILL CONTINUE TO HONOR ALL
COMMITMENTS IN THE TREATY.

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
COUNTERENACE 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
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