

**The United States Approach to Negotiating Arms Limitation
Agreements with the Soviet Union**

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Arms control negotiations with the Soviet Union differ from United States arms control negotiations with all other states for three reasons: (a) the Soviet Union is an expansionist nation, whereas most other countries accept the state system as it is; (b) the Soviet Union's policy of indefinite territorial expansion is backed by enormous and growing military forces — perhaps the largest in the world; and (c) the Soviet Union does not accept the binding authority of the *United Nations Charter* as a codification of international law.** It regards itself as “exempt” in effect from the rules of the *Charter* which purport to confine the international use of force to individual or collective self-defense and the “enforcement” of Security Council “decisions”.

Since 1945, the Soviet Union has violated art. 2(4) of the *Charter* so often that the state system has come to take Soviet aggression for granted, or even to assume that it must have a kind of “legal” sanction. Over and over again the Soviet Union has used its own forces or those of its proxies, and has supported terrorists or armed bands in international attacks on the territorial integrity or political independence of states from one end of the earth to the other. The practice has become so common that it has spread outside the zone of the Cold War. The Secretary-General of the United Nations, Perez de Cuellar, has recently warned of the threat of world anarchy unless the nations — all the nations — recommit themselves to art. 2(4) of the *Charter*.

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**The orthodox view among Soviet legal scholars is that “general international law” is the binding norm, the *Charter* being only one among its possible sources. The Soviets profess to agree that the “use of force contravening the provisions of the United Nations Charter is not only a violation of the Charter but also of general international law”. See G. Tunkin, *Theory of International Law* (1974) 268. Tunkin, however, also defends, at 440, the so-called Brezhnev Doctrine under which “the might of the Soviet Union as the most powerful socialist power” has the unrestricted right to guarantee the socialist character of each socialist country. This constitutes a direct rejection of the provisions of art. 2(4) governing the use of force, and one of the basic purposes of the *Charter*. Cf. C. Jenks, *A New World of Law?* (1969) 294. See generally, Krauss, *Internal Conflicts and Foreign States: In Search of the State of Law* (1979) 5 Yale Stud. World Pub. Ord. 173; and Rostow, *Law and the Use of Force by States: The Brezhnev Doctrine* (1981) 7 Yale J. World Pub. Ord. 209.

President Reagan was the first among world leaders to support the Secretary-General's warning. And the analysis on which it rests is also the foundation for American arms control policy towards the Soviet Union. Like his predecessors, President Reagan has consistently rejected the claim that the Soviet Union is exempt from the rules of world public order which apply to other states. No nation can claim to be above the law. President Reagan has said that the world cannot live under a double standard regarding the international use of force, and has warned the Soviet Union that the *Charter* rules against aggression — the rules of arts 2(4) and 51 — must be respected reciprocally or they will lose all influence on the behavior of states. American spokesmen have said that the Soviet campaign of expansion has gone too far. It now threatens the balance of power on which the ultimate safety of the United States, its allies and its interests depend.

Since the early 1950s, at least, the primary strategic goal of Soviet expansion has been to change the world balance of power by separating Western Europe from the United States and Canada. To achieve this goal, the Soviet Union has been following an old and familiar strategic doctrine. It has been seeking to outflank Europe from the north and south, thus bringing the entire Eurasian land mass under Soviet control, and, on that basis, taking control of the Middle East and Africa. That done, the Soviet leaders believe, Japan and the other nations of the Pacific basin would accept Soviet suzerainty as inevitable; the peoples of Europe would lose hope; and an isolated United States would have no choice but to acquiesce in Soviet dominion.

Mr Andropov, the new Soviet leader, has defined the strategic goal of Soviet policy with refreshing candor in a speech he delivered on 5 August 1978, in Karelia, near Finland. The overriding task of foreign policy today, Mr Andropov said, is to make detente irreversible. That task is indispensable in the name of humanity. And the outcome is made inevitable by what the Soviets like to call "the correlation of forces", and especially the balance of nuclear forces. Confronting these objective facts, Mr Andropov says, the West has no alternative but to accept the Soviet conception of detente, which he defines in these terms:

Here in Karelia, one must stress the significance attached to the lengthy experience of neighborly, genuinely equal and mutually advantageous co-operation between the Soviet Union and Finland. Soviet-Finnish relations today form an integral and stable system of equal co-operation in various spheres of political, economic and cultural life. This is detente embodied in daily contacts, detente which makes peace more lasting and peoples' lives better and more tranquil. In the last analysis this is the highly humane meaning of the foreign policy of socialism and the foreign policy activity of our party and the Soviet state.

In calling for "detente", Soviet spokesmen have, in fact, asked the West to adopt a policy of neutrality. For the West as a whole, such a proposal is unthinkable. For geopolitical reasons which can never change, neutrality is not among the policy options available to the loose coalitions whose security

is vital to the security of the United States. That is one of the main lessons the nations learned — or should have learned — from the First and Second World Wars, from Korea, and from the innumerable skirmishes which have taken place along the frontier between the two systems during the last forty years.

The notion of neutrality as the general model for “detente”, Soviet-style, seems fantastic to the Western mind. But Soviet advocates of this view are entirely serious in putting it forward. The Soviet Union is striving to neutralize the West, not primarily by war, but by the political influence of credible military threats, multiplied to an overwhelming degree by the nuclear arms propaganda now bombarding the West.

This view of the present position is the basis for United States arms control policy, particularly with respect to negotiations with the Soviet Union about nuclear, chemical and biological weapons. A generation ago, it was understood almost universally that “arms control” and “collective security” were twin concepts. Arms control agreements might reinforce effective systems of collective security. But without collective security, arms control agreements were futile at best, and could be misleading and dangerous. The most fundamental aspect of U.S. arms control policy is that arms control must be viewed as an integral part of the system of collective security as a whole. It can never be a substitute for such a system, that is, it can never produce peace by magic.

The peculiarities of the Soviet Union’s basic attitude towards international law, particularly with regard to the legal status of the *United Nations Charter*, impose special limitations upon the Soviet-American negotiating process in the field of arms control. When negotiating parties use different vocabularies, or use words in different senses, the negotiators must speak and write with extreme care to make sure they are keeping the number of inadvertent ambiguities to a minimum. And they must at all costs avoid the most common and most important error of negotiation, the assumption that each side’s goals are the mirror image of the other’s.

From the beginning of the nuclear age, the United States has fully appreciated that nuclear weapons could revolutionize not only warfare but world politics, and that extraordinary steps would be required to protect civilization from the disaster of nuclear war. Conventional war has profoundly damaged the fabric of civilization during this turbulent century: the consequences of nuclear war are unthinkable.

The first major indication of the different Soviet attitude toward nuclear weapons was the Soviet rejection of the 1946 American offer to put the whole of nuclear science under international control. Looking back on the fate of the Baruch Plan, it is obvious that the Soviet refusal was one of the most

destructive turning points in the history of the Cold War. While a number of important agreements have subsequently been negotiated, such as the *Limited Test Ban Treaty*, the *Antarctic Treaty*, the *Nuclear Non-Proliferation Treaty* and, more recently, the SALT agreements which led to the present negotiations on START and INF, in major respects these agreements have not lived up to expectations. The U.S.-Soviet negotiating experience has not reduced the possibility of nuclear war. The United States is convinced that this fact must strengthen, not weaken, our efforts.

It is evident that an impregnable wall cannot be erected between nuclear and conventional war. A nuclear standoff is meaningless to the victims of the many eruptions of hostilities waged with conventional arms. Foreswearing the use of nuclear weapons, thereby increasing the possibility of ever more devastating conflicts with conventional arms, would be a mockery of arms control. In the final analysis, if we are to eliminate the possibility of nuclear war, we must tackle the underlying problem — war itself. The struggle to save mankind from nuclear catastrophe must be seen in the context of a wider struggle to establish world public order, based on the concepts set forth in the *United Nations Charter*. The issue is not “colonialism” or “capitalism” or “communism” or “democracy” or the so-called “arms race”. It is aggression. The motives for aggression are irrelevant. We live in a shrinking world, a world which is increasingly dangerous. The arms race is the symptom, not the cause, of the breakdown in world public order.

The United States must reluctantly accept the fact that Soviet objectives in arms control negotiations are not those of the United States and other Western nations. For the United States, the self-evident purpose of nuclear armament is defense, and the goal of nuclear arms agreements is to confine nuclear arsenals to a scale and structure which limit them to defense through deterrence, making it impossible to brandish them as weapons of political coercion and blackmail. While no one can guarantee the impossibility of nuclear war, it is apparent that the principal significance of nuclear weapons now — both in the Third World and in the industrialized world — is political, not military. The threat of such arsenals gives rise to currents of political fear, of nuclear anxiety, which are visible and influential in the West: in the impulse to withdraw, as if neutrality were a feasible choice; in impulses to surrender to the spectre of superior force; or in impulses to turn away from collective security to xenophobia, militarism and nuclear proliferation.

Accepting these facts, the United States has constructed its approach to the nuclear arms negotiations with the Soviet Union on a simple principle: the goal of the negotiators must be equality in deterrence — that is, in defensive nuclear power. The corollary of that principle is equally obvious: The agreed limits on nuclear arsenals must make impossible any Soviet nuclear blackmail based on the plausible threat of a successful aggressive first strike. Only this

approach, firmly rooted in the *Charter* of the United Nations, can promote the establishment of political security based on equal defensive power.

In the negotiations about intermediate range nuclear weapons [INF], the United States has proposed the complete elimination of all ground-based intermediate range ballistic missiles — those the Soviet Union has already deployed in Europe and Siberia, and those the United States is planning to deploy in Europe. And in the START negotiations, dealing with intercontinental nuclear weapons, the heart of the American proposal is that each side reduce the number of its ballistic missile warheads from about 7,500 to a first limit of 5,000, measured not only in numbers of weapons but in their destructive power as well. No more than half of each side's ballistic force could be ground-based. Agreement on these two points, accompanied by appropriate collateral agreements on related issues, would in itself do much to transform not only the military, but the political environment.

The two sets of nuclear negotiations at Geneva — INF and START — are closely linked, and they rest on the same analysis. They are linked because intercontinental range weapons fired from the Soviet Union can reach targets in France, Japan or the Middle East as well as the United States. Moreover, INF and START are linked by the political doctrine embodied in the *North Atlantic Treaty*: that an attack on one ally is an attack on all. In short, there is no such thing as a "balance" between intermediate range forces.

Viewing both sets of negotiations together, the pattern of development thus far is clear. The United States is seeking to eliminate the Soviet advantage in ground-based intermediate range and intercontinental ballistic missiles and to achieve deterrent equality between the Soviet and American nuclear forces in other respects. The Soviet Union has built up its formidable advantage in ground-based ballistic missiles during the last decade, while American governments hoped in vain that the Soviet Union would accept parity with the United States. The Soviet lead in ground-based ballistic missiles — heavy, swift, accurate, destructive, and beyond the reach of practical defenses — is the essence of the nuclear anxiety now agitating the Western world. If we are to have any hope of peace, that lead must be eliminated, either by appropriate Soviet reductions in force or by corresponding increases in the American arsenal. The United States strongly prefers to restore equilibrium by reductions.

The United States positions in the Geneva nuclear arms talks have been met thus far by Soviet proposals which would preserve, even enhance, the Soviet advantage in the most destabilizing class of nuclear weapons — the ground-based ballistic missile — and at the same time would deny the United States the opportunity to offset such deployments significantly. So far, the Soviet Union has insisted on the principle it calls "equal security", that is, the

view that it is entitled to have forces equal to the sum of all other nuclear forces in the world. It rejects the goal of equal limits, and insists that reductions to the levels indicated by the principle of equal security are the only equitable basis for a Soviet-American agreement. The Soviet Union has vehemently rejected a number of possible solutions based on the defensive principle of equal deterrence. It openly seeks not only to split the United States from its European and Asian allies, but to prevent the modernization of American forces. Clearly, the Soviet Union is trying through the negotiations to preserve its growing potential for nuclear coercion.

The choice between agreements which would permit equal nuclear defense and those which would permit Soviet nuclear blackmail is the main issue in the Geneva arms talks. The central question in these talks, therefore, is whether the United States will be able to maintain the foreign policy of collective security it has pursued since the time of President Truman, or whether the pressures of the Soviet nuclear advantage in ground-based ballistic missiles will force us to retreat to neutrality and isolation — that is, to the Soviet conception of detente.

The principle of equal deterrence, on which the American positions in the START and INF nuclear arms talks in Geneva are based, is a fair and equitable answer to the Soviet proposals for the neutralization of the West. The Soviet Union offers the world a *Pax Sovietica* based on Soviet military dominance and Western neutrality. The United States urges, on the contrary, a system of world public order based on the equality and inviolability of states — the system posited by the *Charter* of the United Nations. Such a system can be achieved only if all nations, and especially the great powers, respect and enforce the rules of the United Nations purporting to govern the international use of force.

The United States agrees with Soviet spokesmen that the great task set for mankind by history is “to make detente irreversible” — not detente Soviet-style, but the universal detente defined by the *United Nations Charter*.

Again, the importance of the recent warning by the Secretary-General of the United Nations should be stressed: The rules of the *United Nations Charter* regarding the international use of force are being weakened every year. As a result, the world political system is slipping towards a state of anarchy which can only result in war. No one can prevent the possible escalation of conventional war into nuclear war. The only way to prevent nuclear war, therefore, is for the nations to recommit themselves to the general and impartial enforcement of the rules of the *United Nations Charter* prohibiting both conventional and nuclear aggressive war.

The nuclear arms talks in Geneva are the most important instrument now available to us for negotiating seriously with the Soviet Union about this vital

series of issues. The INF talks about intermediate-range ballistic missiles have been going on for more than a year, the START talks on intercontinental weapons for over six months. As the Soviet Union concedes, those talks have made progress. They have advanced far enough for each side to understand the positions of the other, and to see possibilities for negotiation in the pattern of positions. What is not clear is whether the Soviet Union is interested in agreements based on the principle of defense through deterrence — that is, agreements which are incompatible with the possibility of nuclear blackmail and nuclear aggression. To date, the Soviet Union has turned down such possibilities out of hand, although the United States has said it would not view such rejections as final.

The principal achievement of the Geneva negotiations so far is that the differences between the United States and the Soviet Union on nuclear arms policy have never before been clarified so precisely. For that reason, it is now possible to envision a constructive agreement on the subject between the two sides. Those responsible for the national security policies of the United States approach the problem without the illusions which caused so much damage during the 1960s and '70s. And the serious and committed men who direct the affairs of the Soviet Union must thoroughly understand that the expansion of the Soviet empire has passed its zenith and that the troubles of the Soviet Union in Afghanistan, the Middle East and, above all, in Poland are incurable by the methods used since 1945. The constructive alternative of cooperation with the United States, based on the principles of the *United Nations Charter*, is always available.
