

Prior to the signing of the Treaty in November, it became evident that the USSR was transferring large numbers of tanks and other equipment beyond the Ural mountains. While not strictly speaking a violation, the action quickly generated concern about Soviet intentions, specifically those of the Soviet military establishment.

The Soviet government said the transfers were part of previously announced planned withdrawals from Eastern Europe and that much of the equipment was slated for destruction. The US, too, has removed equipment from Europe which it planned to destroy, and has also moved equipment and troops from Europe to the Persian Gulf. However, in contrast to the Soviets, the Americans said that all of this equipment will be counted against the treaty ceilings.

The second area of concern surfaced after the initial exchange of data. The information provided by the Soviet Union differed significantly from US intelligence estimates of Soviet holdings: the Soviets' numbers were much lower than expected in each category. Subsequent revisions to US estimates brought the differences down to more reasonable levels, although they did not eliminate discrepancies.

PROBLEMS WITH DATA SETS OF THIS KIND ARE not unusual and the treaty gives states ninety days to correct their initial submissions – Germany and the UK have also submitted such corrections. However, in conjunction with the large-scale transfer of equipment out of the zone, the Soviet submission came as a particular shock to the West, indicating that total Soviet reductions would be on the order of three to four times less than preliminary NATO estimates in January 1990. A number of Western government officials involved in the treaty process have speculated that the data submitted by the Soviet Union was based on the levels it expected to be able to achieve – but that for various reasons failed to meet – by 19 November or by the beginning of the initial inspections.

Where the agreement threatened to come unstuck was over the question of treaty interpretation: dubbed a "treaty-buster" by some. The Soviet Union has recategorized three motorized rifle divisions, previously under the jurisdiction of the army, as naval "coastal defence" units and claim that

the equipment associated with these units is not "treaty-limited-equipment" (TLE) subject to the numerical restrictions in the treaty.

Similarly, the Soviets claim that equipment held by the Strategic Rocket Forces and naval infantry divisions are not subject to the treaty's terms. The equipment now claimed to be outside the limits includes an estimated 800 tanks, 900 armoured combat vehicles and some 800 artillery pieces – with some estimates putting the total number of pieces at 3,500.

THE PROBLEM OF INTERPRETATION CENTRES ON Articles II and III, which provide definitions of terms used in the treaty, and establish the rules for counting pieces of military hardware. Article III outlines the only instances in which equipment within the zone may be exempt from the treaty's ceilings. The view held by other governments is that all equipment (as defined by Article II) within the zone of application, is subject to the limits of the treaty, with the specific exceptions outlined in Article III. Article III does not give naval forces an exemption. Alone in its position, the Soviet Union argues that the treaty can indeed be interpreted as excluding these forces.

This final matter led to the postponement of the ratification process in the US and put other arms control negotiations on hold. The Soviet Union has been so intransigent on this question that their behaviour suggests that it is not treaty interpretation which is at issue, but rather that the Soviet military has simply decided not to give up those forces. There are several possible motives for Soviet actions.

The Soviets may be seeking to avoid the high cost of destroying the equipment, or, for domestic political purposes of saving face, they may be trying to minimize the political impact of dramatically disproportionate reductions. In addition, during the negotiations the Soviet Union sought NATO agreement to allow equipment to be converted to civilian or paramilitary use rather than destroyed outright. NATO aversion to this idea (although the West eventually agreed to limited arms conversion) may have

prompted the Soviets to begin moving the equipment to avoid its demolition.

More ominously, it is evident that there is a split between the political and military elements of the government. The Soviet military has made it clear that it believes that Gorbachev and the Soviet Foreign Ministry have simply given up too much in negotiations with the West. One Soviet diplomat stated that the decision to move equipment beyond the Ural mountains was taken by military authorities and "came as a surprise to us diplomats." Other diplomatic observers have speculated that the event was one of the contributing factors in Soviet Foreign Minister Shevardnadze's decision last December to resign.

This experience makes clear that the internal problems in the Soviet Union are extensive enough to affect the arms control process. In this instance, the Soviet Union has interpreted the treaty to its own advantage, and played fast and loose along the margins of the agreement. The US attempt to salvage the treaty by developing a compromise solution, which at least in part accepts some of these Soviet actions, is exceptional, but then so are the circumstances.

WHEN THE TREATY EVENTUALLY ENTERS INTO force, NATO will not only benefit from Warsaw Pact reductions, it will also gain an ability to monitor conventional Soviet military activity in an "on-site," close-up way that has been impossible heretofore. In the bargain, the US and the West are helping to shore up Gorbachev at a time of great domestic crisis by accepting certain actions of the Soviet military as water under the bridge, thereby avoiding a messy dispute which would cast a pall over arms control talks at all levels.

Even if the attempt at compromise succeeds, the treaty will not yet be out of the woods. Before entering into force, it will need to pass through the very difficult ratification processes in the US and the Soviet Union – not to mention all the other signatories. Even then, and especially in light of its difficult start in life, its ultimate success will depend on strict compliance by all parties.

The advantages of the treaty, considerable as they are, will not sustain indefinitely a willingness in the West to accept Soviet behaviour that skirts the edges of legality. A healthy and successful life for CFE may depend as much on internal events in the USSR, as on international desire to see the treaty through. □

