

support for the traditional or narrow interpretation: "... Any unilateral action by either party to the Treaty that could have a negative impact on the current strategic balance would be regarded by Canada with profound concern..."

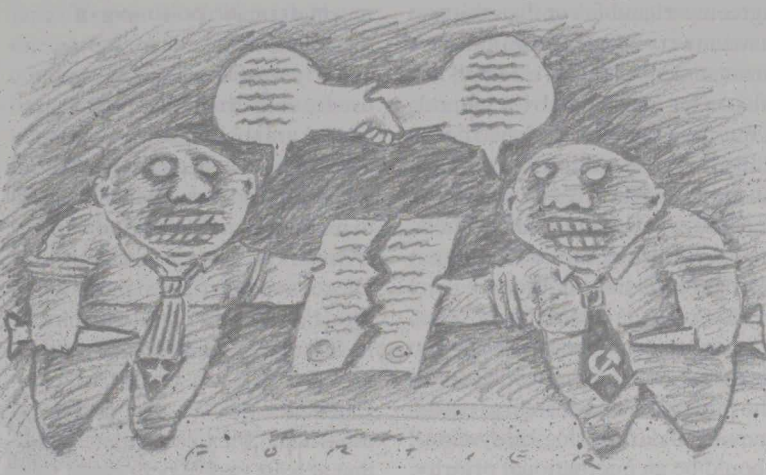
FROM THE BEGINNING THE SOVIETS have insisted that cuts in strategic nuclear forces can only be undertaken if limits on SDI are agreed. The USSR's position has been that the traditional interpretation is the only valid one and that both parties should continue to abide by its terms. At Geneva they have asked for a ten-year commitment of non-withdrawal from the Treaty as part of their negotiating position. Recently, the Soviets revised their position somewhat and now appear willing to allow some space-based testing as long as specific limits are negotiated and the ABM Treaty as a whole remains intact.

Within the US Administration the proposal received a mixed response. Paul Nitze advocated a positive response to the proposal. He apparently lost out to other Reagan advisors (including Weinberger) who argued that such limits (or any limits) would hamper progress on SDI. These same actors in the Administration have consistently refused Soviet offers to discuss what the Treaty does and does not allow and refuse any sort of discussion on the issue in the Standing Consultative Commission (SCC), the treaty mechanism established precisely for this purpose. They believe that participating in any form of discussion of the issue would give undue credence to the traditional interpretation and threaten the viability of the broad interpretation.

In the midst of this debate, the ABM Treaty Review Conference has become something of a lost issue. The US is not anxious to have its intentions with respect to the ABM Treaty subject to more than the usual public attention and the State Department has said little about plans for the conference. Secretary of State Shultz has said that the review could be anytime in the next year. The Soviets, by contrast, have suggested that the review conference be chaired by

the defence ministers of the two countries giving it more formal standing than previous sessions.

When the review conference does take place, three alternative scenarios seem possible: first, the US might use the review conference as an occasion to withdraw from the Treaty. A report prepared by the US Congressional Research Service in September 1987 stated that while there was no evidence of imminent withdrawal, the groundwork for withdrawal had been laid.



Withdrawal from the ABM Treaty would not be simple. Article XV of the Treaty allows for withdrawal on six months notice if "... extraordinary events related to the subject matter of the Treaty have jeopardized [a party's] supreme interests." Notice of withdrawal must be accompanied by a statement outlining those extraordinary events. The Soviet Union has gone a long way in recent months to make it very difficult for the US to find "extraordinary events" that jeopardize supreme American interests. The only significant potential Soviet violation of the ABM Treaty has been construction of a large phased-array radar at Krasnoyarsk. In September a team of US Congressmen inspected the radar at the invitation of the Soviet Union. Since then Gorbachev has announced a unilateral one-year moratorium on construction and has invited inspection of two other small radars that have become the subject of US concerns.

In sum, it would be very difficult for the US to justify withdrawal from the Treaty on the basis of Soviet activities. Withdrawal from military treaties of this kind with-

out a threat to supreme interests is traditionally interpreted by the other parties as an act of hostility.

A second scenario is that the US could take up the Soviet offer to discuss what is and is not permitted by the Treaty. Specifically, the issue of mutually-agreed technical limits on testing in space could be negotiated. Again, the US has been unwilling to agree to such discussions because it would be interpreted as an admission of the validity of the traditional interpretation. The prime opponent of dis-

ussion of any kind on limits was Secretary of Defense Weinberger who has now left the scene. His absence, coupled with significant cuts in the SDI budget, may have created a situation in which this option could be pursued. Lack of progress on this issue at the summit need not be interpreted as failure. Under heavy pressure from his right wing about being co-opted by Gorbachev, Reagan may have postponed moves that could be interpreted as concessions until they can be pursued in a more distant forum.

Finally, the review conference might simply be a quiet exchange of well-worn positions. Under these circumstances, with no movement from the US, it would be unlikely that any kind of a joint statement would be issued.

WHETHER THERE IS A REVIEW conference or not, its absence as a serious mechanism of negotiation is an important indication of the changes wrought by the Reagan Administration in American thinking about nuclear weapons. A consistent theme can be traced through events on the bilateral arms con-

trol agenda: that the Soviets can not and must not be trusted on arms control. The Administration says that Soviet violations of arms control treaties prove this. The answer, according to Reagan and his advisors when they first obtained power, was not to develop more or better treaties but to ensure that national security was no longer dependent on the effectiveness of arms control treaties. Decisions about numbers and kinds of nuclear weapons should not be limited or dictated by arms control treaties with a country that would not abide by the rules.

These ideas have taken form most obviously in the creation of the SDI programme. They are also evident in the end of adherence to existing strategic arms limitation agreements, the refusal to allow limits on underground testing and, with respect to the ABM Treaty, an apparent decision to proceed with SDI whatever the cost.

In this perspective, it is not clear whether December's Washington summit treaty is a breakthrough or an aberration from the basic thrust of the Reagan policy. Reagan's use of the Russian phrase "trust but verify" may indicate a change of heart has occurred. On the other hand, the INF Treaty may simply have been a low-cost concession to arms control.

Up to now, Reagan Administration activities have been tempered by an overriding political reality. Congress, the allies and at this point the Soviet Union care too deeply about arms control to allow it to be pushed aside as a mechanism for dealing with the nuclear threat. Progress on the ABM issue would indicate that these forces have driven home their point. It is surely not beyond the ingenuity of the US Administration to construct a rationale for entering ABM negotiations without seeming to back away from previous positions. □

#### Further Reading

William J. Durch, "The Future of the ABM Treaty," *IJSS, Adelphi Paper 223*, Summer 1987.

Sam Nunn, "The ABM Reinterpretation Issue," *Washington Quarterly*, Autumn 1987.

Abraham D. Sofaer, "Legal Debate in the Political Cauldron," *Washington Quarterly*, Autumn 1987.