

January 27, 1989

**E. Shevardnadze, D. Yazov, and V. Kamentsev to
Comrade M.S. Gorbachev**

Citation:

"E. Shevardnadze, D. Yazov, and V. Kamentsev to Comrade M.S. Gorbachev", January 27, 1989, Wilson Center Digital Archive, Vitalii Leonidovich Kataev papers, Box 13-14, 'Military-technical cooperation with foreign countries: Developing countries: Information on relations with India,' Hoover Institution Archives.
<https://digitalarchive.umd.edu/document/134408>

Summary:

Minister of Foreign Affairs E. Shevardnadze, Minister of Defense D. Yazov, and Deputy Chairman of the Council of Ministers V. Kamentsev discuss Soviet military commitments in the Warsaw Pact and various bilateral agreements on friendship, cooperation, and mutual assistance in a letter to Mikhail Gorbachev.

Credits:

This document was made possible with support from Carnegie Corporation of New York (CCNY)

Original Language:

Russian

Contents:

Translation - English

To Comrade M.S. GORBACHEV

In connection with your directive from January 27, 1989 in a memo from Comrade V.V. Zagladin on the USSR's obligations to provide military assistance to foreign governments, including in crisis situations, we present the following considerations.

Military and political obligations, which also include conditions for providing military assistance in crisis situations, are contained in the Warsaw Pact, bilateral agreements on friendship, cooperation, and mutual assistance between the USSR and the countries of the Warsaw Pact, three other Socialist countries (the DPRK [Democratic People's Republic of Korea], the MPR [Mongolian People's Republic], and the SRV [Socialist Republic of Vietnam]), as well as the Accord on Friendship, Cooperation, and Mutual Assistance with Finland.

It is necessary to keep in mind that crisis situations, which could entail providing military assistance, are understood only to be those related to an external threat, i.e. situations in which it becomes necessary to exercise the right of individual or collective self-defense in accordance with Chapter 51 of the UN Charter. Domestic situations in countries connected to us by the aforementioned agreements are not included in the category of crisis situations and therefore do not require us to take any measures because of obligations to which we have agreed. Actually, in two agreements, with the CSSR and the GDR, there are statutes on the defense of Socialist conquests, which are interpreted in the West as a fortification of the right to collective defense of Socialism as from external as well as domestic threats, up to and including the application of military force. However these formulations are of a rather general nature and do not necessarily obligate the provision of military assistance.

Our obligations according to the Warsaw Pact and bilateral agreements with allies occupy a central place for the USSR militarily and politically. Providing military assistance in these agreements is directly required only in the case of armed attack. From the text of the Warsaw Pact it follows that in the case of an armed attack on one or several of its members, any other allied state may actually determine for itself the nature of the assistance offered. The appropriate position is flexible and precludes automatism in providing military assistance. This is comparable to the obligations of the USA according to the North Atlantic Treaty. In all bilateral agreements the obligation to assist has a more defined character, requiring "immediate provision of any assistance, including militarily."

As for the other Socialist countries, the obligation to provide military assistance, including the use of our armed forces, is only required in the Soviet-Korea Pact on Friendship, Cooperation, and Mutual Assistance. Considering the situation on the Korean peninsula and the details of the political course of the KPDR's leadership in the international arena, it is impossible to ignore the fact that under certain conditions the statutes of the Soviet-Korean Pact could be used by the KPDR to drag the USSR into a conflict. In such a case it would be necessary to presume that our actions in fulfilling our obligations according to the Pact would first and foremost be conditional on the concrete circumstances and the cause for the conflicts outbreak.

The USSR's treaties with the MPR and SRV do not contain statutes requiring immediate provision of military assistance, although they also allow for a broad interpretation that provides a basis for our actions to ensure the security, independence, and territorial integrity of these countries.

The military assistance offered by the Soviet Union to Finland according to the 1948 Treaty is not automatic and requires the achievement of additional agreements.

The majority of treaties on friendship and cooperation with allied developing countries (Angola, Afghanistan, India, Iran, Mozambique, Congo, the PDRY, Syria, and Ethiopia) in the event of situations that create a threat to peace or violation of peace require a consultative mechanism for the purpose of agreement or coordination of positions in the interest of removing the threat or restoring the peace. Their formulation in this case must be qualified not as obscure and subject to various interpretations, but as providing both sides the possibility of agreeably selecting a wide circle of means that are compatible with other existing obligations, and first and foremost with the statutes of the UN Charter. The most important point here is that without our participation not one of our treaty partners has any justified basis to use bilateral documents with for the purposes of involving the USSR in action that damages our country.

In this plan the Treaty between the RSFSR and Iran from February 26, 1921 occupies a special place among other treaties. Articles 5 and 6 of this Treaty expressed the effort of the Soviet state to guarantee its security in this period from any armed interference from the territory of Iran, and not to allow the transformation of this country "into a base for military attacks against Russia." In this relation the right of the Soviet side was stipulated to temporarily deploy troops onto the territory of Iran in emergency situations for the purposes of self-defense. In 1941 troops were temporarily deployed to Iran with the use of this statute.

In 1979 the Iranian side unilaterally declared these articles of the 1921 Treaty void. No response was given from our side to these actions by Iran. Moreover, at the present time in the context of obligations according to the UN Charter, particularly Article 51, these articles are actually in contradiction with a number of principles and norms of modern international law as it presently stands.

An important part of our obligations to provide military assistance to foreign governments consists of obligations to reinforce the defense capability of these governments. These obligations are put into practice in accordance with intergovernmental agreements, which require: the supply of weapons and military equipment for furnishing national armies, providing technical cooperation to produce weapons with Soviet licenses, as well as in the creation of military units; sending Soviet military advisors and specialists to allied countries; preparation of national military cadres in higher education institutions of the USSR's Ministry of Defense; and conducting training and combat shooting for divisions of allied armies at Soviet military bases, etc.

Together with this, in accordance with intergovernmental agreements (SRV, Ethiopia, and the PDRY) or so-called oral agreements with the leadership of a number of countries (Cuba, Syria, and Libya), aircraft from the USSR's navy use air bases on the territory of these countries. Moreover, Soviet air transport subdivisions are located in Angola, Vietnam, Mozambique, and Ethiopia for the completion of tasks that may arise in the interest of their armed forces, and in Syria, there is a helicopter squadron. In some countries material and technical supply bases have been created for ships and aircraft from the USSR's navy (SRV, Ethiopia, Angola, and Syria). The aforementioned agreements and accords do not contain any obligations to use military detachments from the Soviet armed forces in emergency conditions, including our ships and aircraft based in foreign countries.

Agreements on the delivery of weapons occupy a special place in the system of our obligations on military technical cooperation, from the point of view of their impact on interstate relations. Although these agreements cannot in themselves involve the Soviet Union in an armed conflict, in a number of cases they are factors that enable the dangerous development of the strategic situation in one or another region, or the intensification of the military political conditions in general.

Such a situation could arise in the event of deliveries of the most dangerous forms of offensive weapons and military equipment--ballistic missiles, as well as the transfer of the technology for their production, atomic submarines, which could tighten the arms race to a significantly higher level, and provoke other countries to take responsive measures and lead to a dangerous destabilization of the situation fraught with conflict.

In connection with the new initiatives laid out by the USSR at the UN to more quickly stabilize the conditions in the world, it would be expedient to again consider our obligations for military technical cooperation with India in creating nuclear powered submarines for them.

It is thought that a reliable guarantee of making the most optimal decisions on deliveries of military equipment, as well as providing military assistance to foreign governments, could come from a control system specially created for just this purpose to govern the passing of resolutions and signing and implementation of the relevant treaties and agreements by the USSR's Supreme Soviet. Only a rendering of the legislative basis for the statutes on military technical cooperation can guarantee we will avoid involvement in conflicts that threaten our interests and security.

Based on the considerations above it is possible to assume the following:

1. The statutes of the Warsaw Pact relating to the provision of military assistance are appropriate for the present situation in the world and do not require the introduction of any changes in them.

As for the USSR's bilateral treaties with allied governments, although the obligations they contain are formulated more strictly, or allow an interpretation that is undesirable for us, it does not appear to be the right time to take the initiative from our side to modify them or reconsider the treaties, considering the difficulties these countries have experienced and the complicated processes occurring in them. Such an initiative could lead to the weakening of allied relations, play into the head of the centrifugal tendencies in cooperation, and facilitate the destabilization of conditions in a number of countries.

In this case, it is understood that if the question of reconsidering bilateral treaties is raised by an ally themselves, as is occurring now with the PRB [People's Republic of Bulgaria], it will be possible to work to refine its statutes, but without damaging the allied obligations they contain. Concretely, it is a question of reproducing the statutes contained in the Warsaw Pact on providing assistance within the new bilateral treaty.

2. Treaties on Friendship, Cooperation, and Mutual Assistance with other Socialist countries, excluding the KPDR, do not contain statutes on providing them any direct military assistance in the event of aggression against them and cannot in themselves be a cause for the USSR's involvement in armed conflict. As for the Treaty with the KPDR, should there be any danger of a such a conflict breaking out on the Korean peninsula we must follow a course that will regulate it by political means and not allow the USSR to be dragged into resolving the problem militarily.

3. The existing treaties of the Soviet Union with developing countries provide enough flexibility to allow us to focus efforts on crisis situations and avoid involvement in possible conflicts.

4. Considering that the regulations in Articles 5 and 6 of the Soviet-Iranian Treaty of 1921 contain language that does not correspond to modern international reality, the fact that their implementation is neither practically possible nor politically desirable, and that the lack of our agreement on their cancellation creates a negative

background for the development of good neighborly relations and trust in the region, it is possible to consider the question of whether it would be expedient to change our approach to these articles, or the entire treaty, at the appropriate time.

5. In determining the nature and amount of military technical cooperation with allied countries it is expedient to start with the highest priority foreign political interests of the USSR and the principle of reasonable sufficiency for the defense of these countries. Military technical cooperation obviously must continue, however it is necessary to implement it on the basis of precise and reasonable criteria. In a quantitative sense our assistance should not lead our friends to be highly armed in comparison to their neighbors. In a qualitative sense, it is necessary to refrain from supplying weapons and military equipment that have a great destructive power and are non-selective in effect, first and foremost ballistic missiles, nuclear-powered submarines, and forms of weapons that could have a negative impact on the strategic situation in the region. Delivering or renting some forms of military equipment is all the more impermissible in a circumstance where other countries in corresponding regions do not possess that type of weapon or equipment. It is clearly necessary to more attentively evaluate our long term programs for military technical cooperation with other countries, first and foremost those such as India and the KPDR. At the same time it is necessary to actively begin talks on limiting the sale of weapons in the world, particularly in their most destabilizing forms.

In the area of organizing the production of weapons and military equipment in allied countries under Soviet license, we must make an effort to restrict this type of cooperation. In doing so, it is necessary to consider the political and economic expedience of making such agreements, generally doing so under commercial conditions. It is necessary to also strengthen control over the transfer of special equipment received from the USSR and licenses for its production to our partners in third countries without agreement from the Soviet side. In preparing relevant draft agreements we must toughen requirements in regulations related to this matter.

6. As for the idea expressed by Comrade V.V. Zagladnin on confidentially discussing these or other obligations on providing military assistance to allies with the Americans, from our point of view, this idea appears doubtful.

First of all, the USA will immediately inform its allies about such a type of discussion. Otherwise they would be unable to act, especially after the meeting in Reykjavik in 1986, which caused a severe negative reaction from the USA's allies, and this reaction up to now is still not "dissolved."

Second of all, under conditions of unavoidable publicity we also will look to our allies as if we talked behind their backs with the Americans about our obligations to our allies. The political effect would certainly be negative.

It appears the most realistic and firm guarantee that conflicts that break out in the world will not lead to confrontations between the USSR and the USA is to reinforce the unfolding practices of a constructive approach to regulating existing and newly appearing concrete problems in various parts of the world, as well as the positive development of Soviet-American dialogue.

7. It is expedient to develop and establish a mechanism to guarantee reliable control by the USSR's Supreme Soviet over the lawfulness of the resolutions it passes and the signing and implementation of treaties and agreements on military cooperation with foreign governments, as well as over the use of Soviet armed forces beyond the borders of the USSR.

In the event that you agree with the foregoing considerations and conclusions they

will be kept in mind during the preparation of a concept paper on military cooperation with foreign (non-Socialist) countries which should be presented to the CPSU Central Committee by the appropriate agencies by March 31, 1989.

At the present stage it would be expedient if the CPSU Central Committee's plan for further elaboration of questions gave the following directions to the appropriate Ministries and agencies:

-To evaluate from all sides the amount of our obligations to provide technical cooperation to India in the construction of atomic submarines. To present considerations of this question to the CPSU Central Committee within two months (the USSR Council of Ministers State Commission on Military-Industrial Questions, the Ministry of Medium Machine Building, and the Ministry of Shipbuilding, along with the Ministry of Defense and in agreement with the USSR Ministry of Internal Affairs). Until the conclusion of this consideration, to refrain from bringing to the attention of the Indian side the resolution from March 11, 1988 on the possibility of our delivering nuclear power technology for submarines to India;

-To develop proposals on the passing of legislation regulating the use of the USSR's Armed Forces beyond the borders of its territory (USSR Ministry of Justice along with the USSR Ministry of Defense, the USSR Ministry of Internal Affairs, and the USSR KGB with the participation of the USSR Academy of Sciences (IGPAN));

-To develop proposals on the passing of legislation considering implementation of control by the USSR's Supreme Soviet over the signing of international treaties by the USSR in the area of providing military assistance to foreign governments (USSR Ministry of Justice along with the USSR Ministry of Foreign Economic Connections, the USSR KGB, USSR Ministry of Internal Affairs, USSR Ministry of Defense, and with the participation of the USSR Academy of Sciences (IGPAN)).

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March 25, 1989

No. 242/OS

35 copies

10.VI.89