Political Consultation Agreements in Soviet-West European Relations

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PREFACE

This Note is adapted from a larger study of Soviet-West European relations between 1953 and 1989. It was begun in 1987–1988 at the Kennan Institute for Advanced Russian Studies, Woodrow Wilson International Center for Scholars, Washington, D.C., and completed at The RAND Corporation, with support from the Corporation's own funds.

It will be of interest to officials and analysts concerned with Soviet-West European relations.
SUMMARY

Agreements between states to consult on matters of mutual interest first were concluded in the late eighteenth century and were an important instrument of Tsarist diplomacy. In the interwar period, the Bolshevik state concluded several agreements that contained such clauses, for instance the 1926 Treaty of Berlin and the 1939 nonaggression pact with Germany. Different clauses provided for consultation as a means of dispute resolution, for emergency consultation in the event of threats or international crises, or for ongoing peacetime consultation as a means of concerting policy.

After World War II, the Soviet Union continued to press for the conclusion of consultation agreements with Western countries. Not until 1970, however, did it manage to conclude its first bilateral consultation protocol: an agreement with France signed by Presidents Pompidou and Podgorny. In the course of the next 18 years, it concluded similar agreements with Canada, Italy, Britain, Denmark, Greece, and West Germany. These agreements all provide for regular ministry-to-ministry discussions of various topics.

The Soviet Union also has proposed making institutionalized multilateral consultation an element of the Conference on Security and Cooperation in Europe (CSCE) and of various arms control agreements. The Western powers have resisted proposals for multilateral political consultation under CSCE auspices; but in the concluding document of the Vienna review conference, they did negotiate a system of obligatory consultation regarding possible violations of the human rights provisions of CSCE agreements.

The motives behind the Soviet interest in concluding consultation agreements are not fully clear and may have changed over time. Soviet policymakers may have regarded obligatory consultation as an instrument of pressure against smaller states. Over time, however, this element of Soviet thinking appears to have declined. Consultation now is seen in Moscow primarily as a way of gathering information, concerting policy, and promoting Soviet initiatives.

West European foreign ministries have been wary of Soviet proposals for consultation agreements. Many countries refuse to sign such agreements. Those that
have signed have been careful to avoid language that would imply a Soviet right to
demand consultations unilaterally. Increasingly, however, West European governments,
including those that have not signed consultation agreements, have come to regard
regular subministerial meetings with the Soviet foreign ministry as useful. Topics
covered in these talks include arms control, CSCE and UN affairs, regional issues, and
human rights. Consultations now are seen as a two-way street and a way of helping to
resolve concrete bilateral and international problems and presenting Western views to a
Soviet government that seems more willing than its predecessors to listen to what other
countries have to say.
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POLITICAL CONSULTATION AGREEMENTS IN SOVIET-WEST EUROPEAN RELATIONS

With the virtual collapse of Communist rule in Eastern Europe, the Soviet leadership is understandably concerned about maintaining Russia's traditional presence and political influence on the European continent. Already in his July 1989 speech to the Parliamentary Assembly of the Council of Europe, President Mikhail Gorbachev remarked that "there are some who are not averse even to placing the USSR outside Europe from the Atlantic to the Urals, restricting its area to that between Brest and Brest," and warned that the Soviet Union was, like the United States, "a natural part of the European political structure."\(^1\) As the dramatic events unfolded in Eastern Europe later in the year, Gorbachev and other Soviet officials returned to this theme on many occasions, stressing the historical, cultural, political, and even legal bases of the Soviet presence in Europe.\(^2\)

In attempting to maintain a degree of political influence in Europe, the Soviet leadership is banking heavily on a continuation of the Conference on Security and Cooperation in Europe (CSCE) process, as well as promoting new links between NATO and the Warsaw Treaty Organization and the European Community and the Council for Mutual Economic Assistance (CMEA). It also is working to expand the traditional diplomatic, parliamentary, economic, and cultural ties between the Soviet Union and individual West European countries.

\(^1\) Pravda, July 7, 1989. For an even earlier warning against efforts to "expel" the USSR from Europe, see Aleksandr Jakovlev's March 1989 speech in Rome: "Throughout the centuries a united Europe without Russia was not imagined. The cultural, political and economic ties of Russia with the rest of Europe go back to the times of Kievian Rus', if not earlier... [S]triving to place Russia outside the political bounds of Europe is unattainable. Russia invariably returned to the lap of European politics as soon as there was a switch from artificial exacerbation of the confrontation to the normal course of events." Pravda, March 21, 1989. Deputy Foreign Minister Petrovskii essentially repeated these lines in remarks to the French Senate in November 1989. See "Obshcheevropeiskii protsess," Vestnik Ministerva Inostrannykh Del SSSR [hereinafter, Vestnik MID], No. 24, 1989, p. 71.

This Note deals with one of the less visible but increasingly important aspects of Soviet-West European relations: the network of consultation agreements that Gorbachev and Foreign Minister Eduard Shevardnadze inherited from the Brezhnev period and that they have worked to expand and deepen. These agreements provide for institutionalized political contact at the subministerial level; they thus supplement contact through traditional diplomatic channels and summit and foreign ministerial meetings. The Note briefly examines the traditional role of obligatory consultation in European diplomacy, traces important antecedents to the current wave of Soviet interest in consultation agreements, analyzes the likely reasons for the Soviet interest in concluding such agreements, and outlines the prospects for this evolving diplomatic institution.  

HISTORICAL ANTECEDENTS

Obligatory consultation is a recent development in international law and diplomacy. The earliest legally enshrined rights to consultation were established in riparian law in the late eighteenth century, when several German principalities and the Netherlands agreed to consult each other before making unilateral changes affecting navigation on the Rhine. At about the same time, Russia and the Ottoman Empire concluded the Treaty of Kuchuk-Kainardji (1774), under which Russia gained certain rights in the Principalities of Moldavia and Wallachia, which remained under Ottoman sovereignty. Among these rights was that of consultation. The Porte "consented that the Russian Ambassador at Constantinople might advocate the cause of the Principalities, if circumstances required it; and promised to listen to him with respect and favour."  

The other important pre-Soviet precedent was the system of obligatory consultation established by the Congress of Vienna in 1815. In the Treaty of Vienna, the

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3 The Soviet Union also conducts regular consultations or has consultation agreements with the East European states, the United States, and many third world countries. Those arrangements are not discussed here. A USSR-Canada agreement closely resembling several USSR-West European agreements is discussed.


eight signatory powers agreed that all of the territorial arrangements worked out at the Congress were to be considered as parts of a general European settlement and that no power or group of powers could attempt to modify any particular territorial arrangement without consulting all the others. The treaty thus guaranteed to the great powers a right of consultation by conference. These rights were strengthened in the November 1815 Treaty of Alliance and Friendship among Austria, Russia, Prussia, and Great Britain, in which the signatories agreed

to renew their Meetings at fixed periods, either under the immediate auspices of the sovereigns themselves, or by their respective Ministers, for the purpose of consulting upon their common interests and for the consideration of the measures which at each of the periods shall be considered the most salutary for the repose and prosperity of Nations and for the maintenance of the Peace of Europe.  

France was invited to join the congress system in 1818, and four congresses were held between that year and 1822.

The congress system ended in 1822 when Britain, which objected to its use to suppress domestic change throughout Europe, refused to take part in further congresses. The system was superseded by a system of ad hoc consultations through ambassadorial conferences. Between 1822 and 1913, 26 five-power conferences were held to address specific European and colonial issues.  

THE INTERWAR PERIOD

The founders of Soviet diplomacy certainly were familiar with these nineteenth century practices, which served Tsarist Russia well. G. V. Chicherin was a professional diplomat who had worked in the Tsarist Foreign Office and whose maternal grandfather had been the Russian ambassador in Vienna at the time of the Congress of 1815.  

Maxim Litvinov, an old Boshevik of petty bourgeois background, had little in common

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8 Chicherin’s early work in the Foreign Office was as an archivist and scholar specializing in Russian foreign policy between the Crimean War and the Congress of Berlin. According to von Laue, Chicherin even acknowledged a certain affinity for
with Chicherin, but served as his deputy for 12 years and undoubtedly learned something of his craft. Under these two men, consultation became an increasingly prominent element in Soviet diplomacy in the 1920s and 1930s.

The earliest international agreements concluded by the Bolshevik regime—the 1920 treaties of peace with the Baltic states and Finland; the 1921 treaties with Turkey, Persia, and Afghanistan; and the 1922 Rapallo treaty with Germany—did not provide for obligatory consultations under any circumstances. But the outlines of a consultation diplomacy could be seen in the nonaggression and neutrality pacts concluded between 1925 and 1927 with Lithuania, Turkey, Persia, and Afghanistan.

These treaties did not explicitly provide for ongoing consultation but mandated political contact for the resolution of bilateral disputes. All of these treaties had protocols appended to them in which the sides agreed to refer any bilateral dispute arising between the parties to a joint conciliatory commission composed of two nationals from each country. Similar provisions were included in the 1932 neutrality and nonaggression treaties with France, Poland, Finland, Latvia, and Estonia.

The first real consultation clause in a Soviet treaty with a Western country appeared in Article 1 of the Treaty of Berlin, which was concluded with Weimar Germany in 1926. Chicherin's main objective in negotiating this agreement was to secure a pledge that in no circumstances would Germany participate in economic sanctions against the Soviet Union, as provided for in Articles 16 and 17 of the League


12 For texts, see LNTS: Turkey, Vol. 157, No. 3610; Lithuania, Vol. 60, No. 1410.

Covenant. But the Stresemann government was unwilling to jeopardize its relations with the Western powers by agreeing to such a provision and countered by proposing to include in the preamble a pledge that the two countries would remain in "continued friendly consultation" and "strive for mutual agreement" in all political questions. After unsuccessfully trying to secure a no-sanctions pledge, the Soviet negotiators managed to strengthen the commitment to consult by moving it from the preamble to Article 1 and sharpening the language. In the final version of this article, it was agreed that the parties "will maintain friendly contact for the purpose of coordination on all questions of a political or economic nature concerning equally both parties."  

In 1935, the Soviet Union concluded its first treaties with European states obliging both parties to consult in response to actions by a third power. Article 1 of the May 1935 Franco-Soviet collective security pact required the signatories to undertake immediate consultations in the event that either was threatened by attack from any other European power. However, this obligation was heavily qualified by the stipulation, insisted upon by the French, that the object of the consultations should be to bring into force Article 10 of the League of Nations Covenant. A Czechoslovak-Soviet treaty concluded in the same year had a similar clause.  

The March 1936 pact of mutual assistance with the Mongolian People’s Republic contained an even stronger clause and presaged the Warsaw Treaty concluded with the countries of Eastern Europe almost two decades later. Under Article 1, the sides agreed that:

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14For accounts of the negotiations, see Gustav Hilger, Incompatible Allies, New York, Macmillan, 1953, p. 138; and Boris Ponomarev et al., History of Soviet Foreign Policy, Vol. 1, Moscow, Progress, 1969, pp. 239–242. Hilger noted that the consultation provisions "did little more than state the actual habits of Berlin and Moscow," which were already in close and continuous contact on matters of common concern (p. 151).


17Ibid., p. 333.
in case of the threat of an attack on the territory of the USSR or the
Mongolian People’s Republic by a third country, the Governments of the
USSR and the MPR undertake to consult each other immediately regarding
the situation and to adopt all measures that may be necessary for the
protection and safety of their territories.\textsuperscript{18}

THE HITLER-STALIN PACT

The last and most interesting prewar treaty to contain a consultation clause was
the Hitler-Stalin Pact of August 23, 1939, which built upon but went beyond the Treaty
of Berlin. Under Article 3, the two governments agreed to "in future maintain contact
with one another for the purpose of consultation in order to exchange information about
questions that touch their common interests."\textsuperscript{19}

How this clause was negotiated is of some interest, in that it parallels fairly closely
the broad consultation agreements the Soviet Union has sought to conclude with Western
governments since the mid-1960s. The initial draft of the treaty was provided by the
Soviet side.\textsuperscript{20} Article 3 of this draft made no mention of regular consultation on matters
of common concern but simply treated consultation as a possible means of dispute
resolution.\textsuperscript{21} Molotov transmitted this draft to the German ambassador in Moscow, who

\begin{itemize}
\item \textsuperscript{18}English text in Degras, \textit{Soviet Documents on Foreign Policy}, Vol. 3, pp. 168–170;
Russian in \textit{Dokumenty vneshei politiki SSSR}, Moscow, Politizdat, 1974, Vol. 19, p. 136. For reasons that are not clear, this agreement uses \textit{obsudit’ sovmestno} rather than the usual \textit{konsultat’}.
\item \textsuperscript{19}"Dogovor o nenapadenii mezhdu Germaniei i Sovetskim Soiuizom," \textit{Pravda}, August 24, 1939.
\item \textsuperscript{20}See also Hilger, \textit{Incompatible Allies}, p. 303. Soviet historians recently granted
access to the Soviet archives have acknowledged that Molotov produced the first draft.
See Vilnis Sipols, "A Few Months Before August 23, 1939," \textit{International Affairs}, No. 6,
1989, p. 134. According to Sipols, "no records were kept of the drafting of either the
treaty or the supplementary protocol. There are no such records in either Soviet or
German archives" (p. 135). (In his memoir, Ribbentrop claimed that he and a colleague
"sketched a draft for the envisaged non-aggression pact while we flew to Moscow, and
this turned out to be useful at the conference in the Kremlin, as the Russians had not
prepared a text of their own." \textit{The Ribbentrop Memoirs}, trans. by Oliver Watson,
London, Weidenfeld and Nicolson, 1954, p. 110. It is difficult to know what to make of
this statement.)
\item \textsuperscript{21}"Should disputes or conflicts arise between the contracting parties over questions of
one kind or another, both parties undertake to settle these disputes and conflicts
exclusively by peaceful means through mutual consultation or, if necessary, through the
creation of suitable arbitration commissions." "Soviet Draft for a Non-aggression Pact
\end{itemize}
immediately cabled it to Berlin.\textsuperscript{22} Hitler then dispatched a personal telegram to Stalin in which he stated that he "accept[ed] the draft of the non-aggression pact that your Foreign Minister, M. Molotov, handed over, but consider[ed] it urgently necessary to clarify the questions connected with it as soon as possible."\textsuperscript{23}

Historians generally agree that the outstanding questions needing clarification concerned the disposition of territories in Eastern Europe that were covered by secret protocols to the treaty. But the subsequent negotiations also must have dealt with the dispute resolution provisions proposed by Molotov, which in the final version of the text were moved to a new location and substantially reworded. (The parties agreed to settle disputes "by the friendly exchange of views, or if necessary by setting up conciliation commissions."). And, as noted, the revised Article 3 stipulated obligatory consultation on questions of common interest, using language reminiscent of the 1926 Treaty of Berlin.

Although not in the original Molotov draft, the article on consultations appears to have been included at Soviet rather than German request. According to Hilger's account, Ribbentrop came with no new proposals and desired only to nail down as quickly as possible an agreement that had already been approved in principle by Hitler.\textsuperscript{24} The most likely explanation for the inclusion of the new clause is that the sides, realizing that they had failed to solve all outstanding territorial issues, saw value in committing themselves in advance to consultation on questions that they knew were certain to arise.

In the 22 months between the conclusion of the treaty and the German attack on the USSR, the consultation provision appears to have had some effect on diplomatic practice. Khrushchev recalled:


\textsuperscript{24}Hilger noted the differences between the draft and final versions, but did not explicitly discuss the positions of the sides. See \textit{Incompatible Allies}, p. 303. Paul Schmidt's account (\textit{Hitler's Interpreter}, New York, Macmillan, 1951, pp. 164–168) sheds no additional light on the negotiations, except to confirm Ribbentrop's great impatience. In my interview with Molotov's interpreter Valentin Berezkhov in November 1989, he recalled only that the changes in the consultation provisions were done "at the staff level."
During the period immediately after the treaty was signed, Stalin and Hitler fulfilled—or at least pretended to fulfill—their obligations to each other as stipulated by the treaty. There was an exchange of fairly detailed information, as I recall, with Molotov reporting to Stalin, "Schulenberg [the German ambassador] has said . . . Schulenberg has transmitted . . . " and so on.\(^{25}\)

According to Hilger’s account, it was in fulfillment of this agreement that on May 7, 1940, Schulenberg informed Molotov of the impending German attack on Belgium and Holland, three days before it began.\(^{26}\) Subsequently, alleged German violations of this clause further contributed to the deterioration of relations between the two countries. After Germany and Italy settled a territorial dispute between Romania and Hungary without consulting the Soviet Union, Molotov sharply protested what he claimed was a violation of Article 3, first to embassy officials in Moscow and later to Hitler.\(^{27}\)

**POSTWAR DEVELOPMENTS**

On the eve of World War II, the USSR had concluded international treaties containing three kinds of obligations to consult. First, the treaties of 1925–1927 and of 1932 obliged the parties to a form of consultation as a means of bilateral dispute resolution. Second, the 1935 collective security treaties provided for emergency consultation in the event of a threat to either party. Third, the Treaty of Berlin and the Hitler-Stalin pact stipulated ongoing peacetime consultation on questions of mutual interest.

In the postwar period, all three kinds of commitments have played a role in Soviet diplomacy. Until the Gorbachev period, the USSR was among the states most reluctant to agree to binding dispute resolution mechanisms and often proposed consultation about resolution as an alternative to more binding methods. Article 11 of the 1958 Antarctica Treaty, which the USSR insisted upon with the support of some Latin American countries, stipulates that "if any dispute arises between two or more of the Contracting Parties . . . [they] shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, juridical settlement

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\(^{27}\) Ibid., pp. 320, 324.
or other peaceful means of their own choice." According to Grzybowski, this article was "an example of a distinct reluctance on the part of the Soviet Union to commit itself beforehand to dispute resolution by arbitration or juridical decision."

The tendency to rely on consultation as a means of dispute resolution carried over into Soviet and Warsaw Pact arms control policy of the 1970s and 1980s. The Soviet Union's first proposal at the 1973 Mutual and Balanced Force Reduction (MBFR) talks contained no substantive verification provisions but called for a system of obligatory consultations to ensure compliance. Similarly, at the Stockholm Conference on Disarmament in Europe (CDE), Soviet negotiators initially responded to Western demands for binding, on-site inspection of suspicious activities with proposals for obligatory consultation.

This aspect of Soviet consultation diplomacy declined in importance after Gorbachev's accession to power, as the Soviet Union accommodated itself to on-site inspection and other intrusive verification measures (in the 1986 CDE agreement and the 1987 INF treaty) and revised its views on the juridical settlement of international disputes. Nonetheless, the USSR remains a party to agreements in which consultation is

29 Kazimierz Grzybowski, Soviet Public International Law, Leiden, A. W. Sijthoff, 1970, p. 454. The Soviet Union has rarely invoked consultation provisions related to dispute resolution, even when there have been conflicts over the meaning and implementation of treaties. Article 5 of the Final Quadripartite Protocol to the Berlin agreement gives the signatories the right "to conduct the requisite quadripartite consultations in order to ensure the observance of commitments undertaken." (Charles I. Bevans, United States Treaties and Other International Agreements, Washington, D.C., 1969, Vol. 24, Pt. 1, p. 350.) Although the Soviet Union routinely protests alleged violations of the agreement to the three Western powers and to West Germany, it has not invoked this provision. This would support the suggestion that consultations as a means of dispute resolution have been regarded chiefly as a device enabling the USSR to retain its freedom of action while appearing cooperative.
30 According to a semi-official Soviet account of the proposal, each party "could have an established right to ask about the implementation in bilateral or multilateral consultation between the interested sides and if need be demand consultation between all states party to the agreement." K. Borisov, "Vienna: Two Positions," New Times, No. 50, 1973, p. 5.
stipulated as a necessary first step toward the resolution of disputes and on occasion continues to reserve its position on binding means of dispute resolution.32

Securing commitments to consult under emergency circumstances also has been a major theme of postwar Soviet diplomacy. The first such commitment with a Western country was spelled out in the April 1948 Treaty of Friendship, Cooperation and Mutual Assistance with Finland, Article 2 of which stipulates that "the high contracting parties will consult each other in the event of the existence of a threat of military attack provided for under Article 1."33 This article refers to an attack by Germany on Finnish territory or on Soviet territory via Finland.

At the February 1954 Berlin four-power foreign ministers conference, Molotov proposed a General European Treaty on Collective Security in Europe, which stipulated that "whenever, in the view of any party to the treaty, there is a danger of an armed attack in Europe against one or more of the parties to the Treaty, the latter shall consult one another in order to take effective steps to remove the danger and to maintain security in Europe."34 Bulganin presented essentially the same draft treaty to the July 1955 four-power summit and forcefully argued in the plenary sessions for the creation of a consultation regime.35 Bulganin’s other major proposal at Geneva, a NATO-Warsaw Pact treaty of nonaggression, also stipulated that the parties to the treaty would "undertake to consult one another in the event of differences and disputes which might constitute a threat to the maintenance of peace in Europe."36

32See, for example, the Conventions on Early Notification of a Nuclear Accident and on Assistance in the Case of a Nuclear Accident or Radiological Emergency, adopted at the September 1986 Special Session of the International Atomic Energy Agency following the Chernobyl disaster. Article 11, Paragraph 1 of the notification convention (13:1 of the assistance convention) obliges states to consult in the event of a dispute; Paragraph 2 of the same article provides for settlement through arbitration or the International Court of Justice. The Soviet Union and the United States both reserved their positions on these paragraphs. See UN/IAEA/INFCIRC/335/Add.1 and UN/IAEA/INFCIRC/335/Add.2, May 1987.


36Ibid., p. 54. Bulganin’s 1955 proposals followed the 1949 NATO Treaty, which obligated the parties to "consult together" under certain circumstances. For the NATO treaty, see Bevans, Treaties and Other International Agreements of the United States of America, Vol. 4, pp. 828–831.
As will be seen, the Soviet Union also has managed to include fairly weak emergency consultation clauses in bilateral agreements with West European states. However, none of these agreements are as concrete as the 1973 U.S.-Soviet Agreement on the Prevention of Nuclear War, which obliges the sides to "immediately enter into urgent consultations with each other" in the event a risk of nuclear conflict involving either party should arise.37 Like Article 1 of the 1926 Treaty of Berlin, this agreement came about largely because the Western partner saw consultation as a low-cost way of satisfying Soviet pressures for an agreement, while avoiding making more concrete commitments. According to Henry Kissinger, who negotiated the agreement and subsequently came to regard it as a mistake, the Soviet Union had been proposing a bilateral U.S.-Soviet nuclear nonaggression agreement, which the United States sought to render innocuous by agreeing to consult.38 The Soviet Union later made private but unsuccessful initiatives to Britain and probably France suggesting that they accede to this agreement.39 "Urgent consultations" in the event of a postulated nuclear war danger were also the centerpiece of the multilateral "peace code," which Konstantin Chernenko proposed in 1984 and made a focal point of his diplomacy.40

The third class of consultation agreements concluded by the Soviet Union encompasses those stipulating ongoing peacetime consultation on the model of the 1926 and 1939 agreements with Germany. The first such agreement relevant to the postwar period was contained in the final declaration of the Yalta conference and was adopted more at Western than Soviet instigation. Concerned about maintaining big-three cooperation into the postwar period (and perhaps with heading off the emergence of a special big-two relationship that would exclude Britain), Churchill proposed that the British, American, and Soviet foreign ministers meet every three months. Stalin appears to have been neither strongly in favor of nor opposed to this proposal, while Roosevelt was for a somewhat looser arrangement, and "felt it would be best to say [the foreign

39 Garthoff, Detente and Confrontation, p. 351.
40 See his speech to the voters of the Kiubyshev electoral district, Pravda, March 3, 1984; and Vladen Kuznetsov, A Nuclear Age Peace Code is Needed, Moscow, Novosti, 1984.
ministers) would meet when necessary and not fix any definite period for meetings."\textsuperscript{41} Accordingly, it was agreed that the ministers would "meet as often as may be necessary, probably about every three or four months."\textsuperscript{42} This agreement lapsed during the cold war, but it did provide the basis for one very important meeting, the December 1945 Moscow foreign ministers' conference.\textsuperscript{43}

In the 1950s, the Soviet Union made regular peacetime consultation an element of its all-European collective security proposals. Molotov’s 1954 draft treaty, for example, proposed the creation of permanent institutions "to implement the provisions of the treaty concerning consultation among its parties." The 1955 Warsaw Treaty, which was put forward as a multilateral collective security treaty providing for accession by other states, included a similar clause stipulating that the contracting parties "shall consult with one another on all important international issues affecting their common interests, guided by the desire to strengthen international peace and security."\textsuperscript{44}

**BILATERAL AGREEMENTS**

As East-West détente gathered momentum in the late 1960s and early 1970s, the Soviet Union was able to move beyond its sweeping all-European proposals of the 1950s and to begin concluding concrete if modest agreements providing for regular and in some cases emergency consultations. During President de Gaulle’s June 1966 visit to the Soviet Union, France reportedly came under strong Soviet pressure to conclude a separate consultation protocol.\textsuperscript{45} The French resisted these pressures, but de Gaulle and President Podgorny signed a separate political declaration in which France and the Soviet Union agreed to "consult regularly on European and international issues of mutual interest" as well as on bilateral issues. The agreement did not spell out any set period between consultations, nor did it mention crisis situations.\textsuperscript{46}


\textsuperscript{42}Ibid., p. 975.


\textsuperscript{44}The text appears in *New Times*, No. 21, 1955, pp. 201–205.


\textsuperscript{46}"Sovetsko-frantsuzskaia deklaratsiia," *Pravda*, July 1, 1966. The agreement also provided for the establishment of a Franco-Soviet hotline. For French views, see Andre
In October 1970, Presidents Pompidou and Podgorny signed a special Joint Protocol spelling out more concrete obligations. Three of the four operative provisions in the agreement dealt in one way or another with consultation. The first provision obliged the two sides to "immediately contact each other with the object of concerting their positions" in the event of situations arising "which, in the opinion of both sides, would create a threat to peace, a violation of peace, or would cause international tension." In the second provision, the two countries agreed to "extend and deepen political consultations on major problems of mutual interest." Four specific areas were spelled out: détente in Europe; "the situation in all regions of the world where international security is threatened"; topics of mutual interest under discussion at "multilateral international talks," including at the UN; and "any other questions concerning which the sides may find it useful to have an exchange of views." The fourth point of the protocol stipulated that the consultations "should be held regularly." In specific terms, "the ministers of foreign affairs or representatives especially appointed for these purposes will meet whenever necessary, and, in principle, twice annually." In his report to the 24th Party Congress in 1971, Brezhnev singled out this protocol as an important step that "expanded the possibilities" for Soviet-French cooperation.

The 1970 Franco-Soviet protocol was unusual and precedent-setting in that it was aimed at bringing the foreign ministers of the two countries into regular contact for purposes of planning, policy concertation, and exchange of information. In previous collective security, nonaggression, and other political agreements going back to the Congress of Vienna, the emphasis was on the obligation of states (or "sovereigns" in older agreements) to consult in certain circumstances. In practice, this usually meant


47"Sovetsko-frantsuzskii protokol," Pravda, October 14, 1970. For an account of the extreme care taken on the Soviet side in the negotiation of the agreement (chiefly by A. N. Kovalev), see Nicolas Polianski, M.I.D.: 12 ans dans les services diplomatiques du Kremlin, Paris, Belfond, 1984, p. 65. Soviet sources denied that they had taken the initiative in proposing this agreement but nevertheless spoke about it in more enthusiastic terms than the French, expressing their desire for a "pact" or a "treaty" and placing emphasis on foreign policy concertation rather than on consultation as such. "Le voyage de M. Pompidou en U.R.S.S.," Le Monde, October 13, 1970; and Alain Jacob and Andre Passeron, "Paris et Moscou se concertent sur 'tous les situations créant une menace contre la paix,'" Le Monde, October 14, 1970.

consultation through ambassadors, supplemented on occasion by meetings at the political level. In the 1970 agreement, in contrast, it was stipulated that the foreign ministers or "representatives especially appointed for these purposes"—i.e., not ambassadors in the normal performance of their duties—would meet. In practice this opened the door to regular meetings between subministerial officials from the Soviet and French foreign ministries. ⁴⁹ The shift from ambassadorial to ministry-to-ministry consultations was of particular interest to the centralized Soviet bureaucracy, but it also reflected the general trend in contemporary diplomacy away from reliance on ambassadors and toward increasingly direct exchanges between capitals.

Although the French appeared to believe that the 1970 agreement was an expression of the privileged political dialogue between Paris and Moscow, shortly after its conclusion the Soviet Union began efforts to sign similar agreements with other European (as well as third world) states, often by pointing to the agreement with France as a precedent. ⁵⁰ The first such agreement was concluded in May 1971 with Canada and was signed in Moscow by Prime Ministers Kosygin and Trudeau. According to the Canadian ambassador in Moscow, Gromyko presented the draft of the protocol to him two weeks before the summit. The Canadians also were under the impression that they were to play a special role in Soviet foreign policy, as they were told by Soviet officials that the USSR saw Canada playing a role in North America analogous to that of de Gaulle's France in Europe. ⁵¹

The agreement with Canada was somewhat less detailed about agenda topics than the Franco-Soviet protocol and stipulated that consultations would be held in principle once each year, as well as in situations that, in the opinion of both sides, endanger peace. The Canadians were somewhat more reserved than the French about the object of these emergency consultations and agreed only to "exchange views on what might be done to improve the situation," rather than to work, as the French had agreed, at "concerting

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⁴⁹ In reporting on these consultations during the 1970s and 1980s, the Soviet press often stated that the consultations took place "within the framework" of the two foreign ministries involved. The wording seemed to indicate a subtle distinction between government-to-government communication (in which foreign ministers and ambassadors are agents of their respective governments) and ministry-to-ministry consultations with a distinct identity of their own.


⁵¹ Robert A. D. Ford, Our Man in Moscow, Toronto, University of Toronto Press, 1989, p. 118.
positions." A Soviet-Italian protocol, signed in Moscow in October 1972, also at the prime minister level, was closer to the Canadian than to the French agreement. It specified only that talks will be held "regularly" at times "established by mutual consent." 

A protocol with Britain was concluded by Prime Minister Wilson during his March 1975 visit to Moscow and was the first such agreement to be signed by General Secretary Brezhnev rather than by Prime Minister Kosygin. The text followed the basic formula of the other protocols in providing for both emergency and regular consultations, but a few new elements were introduced, the most notable of which was the explicit emphasis on reciprocity.

The consultations will be carried out on the basis of reciprocity at all appropriate levels and will have a regular character. Either side is free to recommend the holding of such consultations, including the time and the level at which they should be held. The Ministers of Foreign Affairs or their representatives will meet whenever the need arises and in principle at least once a year.

A 1976 Danish-Soviet protocol more or less followed the British and Italian models in providing for annual consultations on a range of subjects and emergency consultation by mutual agreement. This protocol was not signed in Moscow at the summit level, but by Gromyko on a visit to Copenhagen. As the first "post-Helsinki" protocol concluded, it provided for consultations on implementing the CSCE Final Act. Greece signed a similar agreement in February 1985, during Papandreou's visit to the Soviet Union.

In the 1970s, West Germany and Belgium did not sign separate consultation protocols but merely agreed to the incorporation of language on consultations in other


54"Sovetsko-angliiskii protokol o konsul'tatsiiakh," in Dokumenty i materialy sovetsko-angliiskii peregovorov v Moske, Moscow, Politizdat, 1975, pp. 45–48; English text in Cmdn. 5924.


56For reasons that are not clear, the text of the Greece-USSR protocol did not appear in Pravda or Izvestiia, or in Vneshniaia politika Sovetskogo Soiuza: Sbornik dokumentov for 1985.
documents. In the Joint Declaration issued at the conclusion of Chancellor Schmidt's 1974 visit to Moscow, the sides agreed to "conduct regular consultations on important questions concerning bilateral relations as well as on international problems of mutual interest." The timing and level of the consultations would be determined by mutual agreement through diplomatic channels. The foreign ministers or their representatives would meet "whenever the sides considered it necessary," and, in principle, not less than once each year. There was no allusion to consultation in emergency situations. The declaration that was signed at the time of President Brezhnev's 1978 visit to Bonn strengthened this commitment. In it the sides pledged "to consistently continue [an] exchange of views, including in the form of regular consultations, and at all suitable levels, with the aim of expanding the basis for agreement."

An agreement with Belgium also was contained in a political declaration rather than a separate protocol. In the declaration signed by Prime Minister Tindemans during the 1975 royal visit to Moscow, the sides agreed to "broaden the practice of regular consultations at various levels on all problems of mutual interest" and pledged that the object of these consultations was to further the goals of the CSCE. There was no "emergency clause" in the Soviet-Belgian declaration.

West Germany and the Soviet Union finally signed a free-standing consultation protocol in January 1988, during Foreign Minister Shevardnadze's first visit to Bonn. Soviet-West German consultations were already fairly well institutionalized, but there was considerable reluctance on the German side to sign a formal agreement out of concern about a "possible droit de regard." The 1988 agreement stipulated that the foreign ministers or their representatives will meet at least once each year to discuss significant international and bilateral questions. Topics singled out for discussion included disarmament, regional conflicts, "global problems," and cooperation in the fields

61One of the factors that tipped the internal German debate in the direction of accepting the Soviet proposal was the extreme activism of the United States toward the Soviet Union in this period. According to a German foreign ministry official, "with Shultz having monthly meetings with Shevardnadze, and even the U.S. and Soviet defense ministers starting to meet, West Germany could afford to sign an agreement providing for annual meetings between the foreign ministers." (Interview.)
of economics, science, environmental protection, culture and humanitarian relations. The protocol also contained an emergency clause, stipulating immediate contact in the case of a crisis situation.⁶²

The Soviet Union has continued to urge other countries in Western Europe to sign consultation agreements, but many are reluctant to do so. The foreign ministries of such countries as Norway, Sweden, and the Netherlands have traditionally been wary of political agreements with the Soviet Union, which they fear could open the door to a partial Soviet droit de regard over their policies.⁶³ However, those states that have been or remain reluctant to conclude a formal consultation agreement have not been opposed to the practice of holding subministerial consultations with the Soviet Union. Norway and the Soviet Union have had fairly regular consultations on UN and CSCE issues. Spain began a pattern of consultations in 1985, even though no formal agreement was concluded. Austria and Finland do not have political consultation agreements with the Soviet Union, but the foreign ministries of both countries maintain regular contact with their Soviet counterpart. Even in these cases, however, the Soviet side has continued to press for the conclusion of formal agreements.

CONSULTATION WITHIN THE CSCE

Since the launching of the CSCE process in late 1972, the Soviet Union and its allies periodically have put forward ideas for an all-European system of consultation recalling the Molotov proposals of 1954 and 1955. In his opening speech to the July 1973 Helsinki conference, Foreign Minister Gromyko stated that "the expansion of


⁶³According to reports in the Norwegian press, the USSR has been pressing hard for the conclusion of a "special consultation agreement" with the Oslo government. "Soviet Arrogance" (editorial), Aftenposten, August 15, 1987, in Foreign Broadcast Information Service [FBIS], Daily Report: West Europe, August 21, 1987. Information regarding Sweden is based on interviews. According to an official Dutch source, "the Netherlands in principle does not enter upon any agreements concerning consultation meetings. It has always resisted initiatives from Eastern European countries to establish institutionalized consultations. It is consequently out of the question that any such protocol ever would have been concluded with the Soviet Union." Letter from the head of the East European desk at the Ministry of Foreign Affairs to Stephan De Spiegeleir of the RAND/UCLA Center for Soviet Studies, whom I would like to thank for obtaining this information.
cooperation in the interests of peace would be served by the development of political consultations and exchange of information between States in Europe." He went on to argue that consultations among states "seeking a better understanding of their respective positions with a view to bringing them closer together broaden possibilities for actions to consolidate peace."

At the same session, Czechoslovakia submitted a draft proposal for the creation of an Advisory Committee on Security and Cooperation in Europe. In addition to arranging future all-European conferences, the committee would "undertake periodic exchanges of views and information on questions of general interest relating to the strengthening of security and the development of cooperation in Europe." It would also, "as the need arises and as may be agreed in each particular case . . . convene meetings of experts or set up working groups to prepare practical measures relating to the strengthening of security and the development of cooperation between States in Europe." The committee would be composed of "representatives of all the interested States of Europe, the United States and Canada."

As the drafting of the Final Act dragged on for more than two years, the Soviet Union put all plans on hold for the establishment of a permanent CSCE body, which it feared might become a standing tribunal for the condemnation of Eastern human rights violations and in any case was unacceptable to the West. In April 1974 the Warsaw Pact endorsed the creation of a "permanent security council for Europe aimed at building new relations between all states," but this was the last time a permanent CSCE organ was mentioned in a Pact document. The Soviet Union then agreed to the Western idea of periodic CSCE review conferences and expert meetings.

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65 CSCE/I/5.

66 According to an Italian participant, the Soviets pressed for the establishment of a pan-European organ, "reviving a recurrent element in Soviet thinking, according to which political consultation (bilateral and in this case multilateral) constituted the cornerstone of peaceful coexistence and detente." Luigi Vittorio Ferraris et al., Testimonianze di un Negoziatore, Padua, CEDAM, 1977, p. 488.

Having dropped its insistence on a permanent consultative body within the CSCE, the Soviet Union increasingly came to see multilateral consultations as a means to counter pressures from some countries, notably Switzerland, to establish a binding dispute resolution mechanism within the CSCE. Almost to the very eve of the 1975 Helsinki summit, the Swiss doggedly promoted a draft Convention on a European System for the Peaceful Settlement of Disputes. This was an arbitration scheme that could have provided a means for independent jurists or other outside parties to be called upon to resolve disputes between the Soviet Union and its East European allies. Not surprisingly, the Eastern delegations refused to consider any dispute resolution mechanism other than mandatory consultations. The Soviet Union and its allies eventually agreed to a provision in the Final Act mandating the convening of a meeting of experts to discuss methods for the peaceful resolution of disputes and specifically the Swiss proposal.

Subsequently, conferences on dispute resolution took place in Montreux in 1978 and Athens in 1984. These meetings produced little practical result, but they are noteworthy for the light they shed on Soviet thinking regarding both the "defensive" and "offensive" potential of multilateral consultation agreements. At the Montreux meeting, the Swiss again introduced a draft convention on the creation of a binding dispute resolution mechanism. For disputes involving the interpretation of existing agreements, the Swiss proposed that all states submit to a mandatory court of arbitration, whose decisions would be binding. In disputes of a more political nature, the Swiss proposed that states be required to submit the dispute to an independent investigation, mediation, and settlement commission. The decisions of this commission would not necessarily be binding, but participation in its work would be mandatory. The Swiss further proposed that both bodies be composed of independent individuals rather than state representatives, who would hold office for a fixed and lengthy term.

The Warsaw Pact countries rejected the Swiss proposal and, consistent with previous behavior in arms control negotiations, introduced their own draft proposal for a system of institutionalized consultation. The proposed regime was to be multilateral, but only in the sense that all 35 signatories would undertake an identical obligation. In practice, the agreement could be invoked on a bilateral basis. In the event of a "dispute"

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68CSCE/II/B/1.
(not otherwise defined), any state party to the agreement could ask for consultations with any other state, which would not have the right to refuse the request. The consulting states then would be obliged to settle the dispute, "while taking into account their lawful rights and interests." Third states could be invited to take part in the consultations, but only if all states party to the dispute agreed. This last provision would allow the Soviet Union in a "dispute" with a West European country (e.g., with the FRG over INF deployments) to isolate it from its allies and above all from the United States.\footnote{For the English text of this treaty, see Adam Daniel Rotfeld (ed.), \textit{From Helsinki to Madrid: CSCE Documents}, Warsaw, Polish Institute of International Affairs, 1985, pp. 334–337.} The Eastern proposal thus was both "defensive," in that it aimed to counter the unacceptable Swiss proposal, and "offensive," in that it pointed to a possible long-term Soviet interest in using consultations as a means of pressure over Western states. The Montreux meeting ended without producing any agreement on matters of substance, but it did result in a formal report to the Madrid conference in which the participants recommended the convening of a second such meeting to continue discussion of the issue.\footnote{Report of the Meeting of Experts Representing the Participating States of the Conference on Security and Co-operation in Europe, Foreseen by the Final Act of the CSCE in Order to Pursue the Examination and Elaboration of a Generally Acceptable Method for Peaceful Settlement of Disputes Aimed at Complementing Existing Methods," December 9, 1978, in U.S. Department of State, \textit{The Conference on Security and Cooperation in Europe: Public Statements and Documents}, Washington, D.C., 1986, pp. 158–160.}

The Athens meeting was even less productive than its predecessor. The Soviet and East European delegations basically adhered to the stance they had adopted at Montreux and called for a system of obligatory consultation.\footnote{Rudolf Dolzer, "Moskau will allenfalls Konsultationen," \textit{FAZ}, September 18, 1984.} They proposed that two states in a dispute could agree between themselves, on the basis of the required consultations, to bring in a third country mediator, but that setting up such machinery in advance was impermissible. Many of the smaller countries, notably Switzerland and Austria, were deeply suspicious of the Soviet proposal for obligatory consultation, which they feared could open the way for small states to be bullied by the Soviet Union.\footnote{See the report by Radio Free Europe correspondent Roland Eggleston, in Mastny, \textit{Helsinki, Human Rights and European Security}, pp. 188–189.} The Athens meeting did succeed in adopting a formal report noting that "some progress was
made" and called for further discussions "in an appropriate framework within the CSCE process," but did not recommend another meeting of experts.\footnote{Report of the Meeting of Experts Representing the Participating States of the Conference on Security and Co-operation in Europe, Foreseen by the Final Act of the CSCE and the Concluding Document of the Madrid Meeting, in Order to Pursue the Examination of a Generally Acceptable Method for Peaceful Settlement of Disputes Aimed at Complementing Existing Methods," April 30, 1984, in CSCE: Public Statements and Documents, pp. 269–270.}

The Athens meeting marked the end of CSCE involvement in dispute resolution schemes patterned after the Swiss proposal of 1973. Nonetheless, there has been further movement within the CSCE toward the establishment of an all-European system of consultations. At the 1986–1989 Vienna review conference, the Western delegations proposed several different schemes for monitoring Eastern compliance with the human rights provisions of the Final Act and other CSCE documents. The Soviet Union and its allies initially were opposed to such an approach but eventually agreed, in the concluding document of the review conference, to a series of monitoring measures, including the holding of "bilateral meetings with other participating States that so request, in order to examine questions relating to the human dimension of CSCE."\footnote{U.S. Department of State, CSCE Vienna Follow-Up Meeting, Washington, D.C., 1989, p. 37.} The dates and places of such meetings are to be arranged "by mutual agreement through diplomatic channels," but participating states are guaranteed the right to report on responses to their requests for meetings to CSCE follow-up meetings and to meetings of the Conference of the Human Dimension.\footnote{This refers to a series of three meetings the Vienna document stipulated would take place in Paris in 1989, Copenhagen in 1990, and Moscow in 1991.}

The negotiation of these provisions was a victory for Western human rights diplomacy, but it also marked a long step away from the West’s traditionally cautious stance regarding permanent institutionalization of the CSCE (other than through periodic follow-up meetings) and its tendency to reject automaticity in consultation agreements, both of which were seen as desirable in some areas (e.g., human rights) but potentially dangerous in the field of security.

The Soviet Union and other Eastern states continue to favor the creation, under CSCE auspices, of a system of all-European consultations on matters relating to security. The Jaruzelski plan, an arms control scheme for Central Europe that the government of Poland introduced at the Vienna conference, called for the establishment of a "procedure
of bilateral and multilateral consultations" as part of a broader scheme of arms control verification. In his July 1988 speech to the Polish parliament, Gorbachev endorsed the Jaruzelski plan and also called for the creation of a European risk reduction center. In its October 1988 Statement on Confidence and Security Building Measures and Disarmament in Europe, the Committee of Foreign Ministers of the Warsaw Pact elaborated on the idea of a European risk reduction center, which it suggested could be used to exchange information and maintain contacts, as well as to "hold consultations primarily for the operative settlement of events which give rise to concern of suspicion." The Eastern CSBM proposal, tabled by Bulgaria in March 1989, took an even broader approach, and called for "holding on a regular basis (or at the request of any participating State) of bilateral and multilateral consultations on matters under consideration within the context of the objectives and purposes" of the CSBM negotiations. Soviet authors also have written about the need to establish "permanent bilateral consultations between foreign policy organs" as part of the future political structure of the "all-European process." 

With the momentous changes in Eastern Europe, it is unclear how much support remains among the non-Soviet members of the Warsaw Pact for an all-European system of political and security consultations. But for its part, the Soviet Union appears more interested than ever in further institutionalizing the CSCE, in part through a system of regular and obligatory consultation. In his December 1989 speech to the Political Commission of the European Parliament, Shevardnadze proposed the establishment of "permanent structures of working parties" that would remain in session between CSCE follow-up meetings. Shevardnadze has not yet spelled out his proposal in detail, but it seems quite similar to the Advisory Committee scheme introduced by Czechoslovakia in July 1973.

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77"Memorandum of the Government of the Polish People's Republic on Decreasing Armaments and Increasing Confidence in Central Europe," July 17, 1987 (draft circulated by the Polish delegation).
80CSCE.WV.2.
SOVIET INTERESTS

The motives underlying the Soviet interest in concluding consultation agreements are not entirely clear and may well have evolved over time. One of the few explicit Soviet treatments of this subject appeared in the 1986 Dictionary of International Law, which defined international consultation as "an institution of international law which has developed over recent decades" and distinguished between two types of consultations: those "held to coordinate positions," and those "intended to resolve international controversies."\(^{83}\) The "resolution of international controversies" is a vague term that could apply to situations in which the Soviet Union was on the defensive and seeking to avert sanctions or pressures exerted upon it by the outside world, or to situations in which it was involved in a dispute with a smaller neighbor, and wanted to "consult" as a means of exerting pressure.

There is precedent in both Russian and Soviet history for using consultation provisions to bring pressure on weaker neighbors. At the Balta-Liman Convention of May 1849, which was convened at Russia's behest, Russia and the Ottoman Empire jointly invoked the Treaty of Kuchuk-Kainardji and its Explanatory Convention to suspend the existing constitution of the Principalities of Wallachia and Moldavia. In its place was established a joint Protectorate, backed up by occupying Russian troops, that in effect abolished the sovereignty of the Porte. The Russian government denied that it was changing the legal status quo or assuming any rights formerly held by the Porte and claimed that the two powers were adopting "by common agreement extraordinary and effectual measures for the protection of those immunities and privileges" that the Principalities were said to have been guaranteed by antecedent treaty obligations between Russia and the Porte.\(^{84}\)

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\(^{83}\) B. M. Klimenko (ed.), Slovar' mezhdunarodnogo prava, Moscow, Mezhdunarodnaia otnosheniiia, 1986, pp. 138–139. Western authorities are much less definite about the legal status of consultation agreements. Cf. Lauterpacht's Oppenheim: "The legal effect of [consultation] provisions is not always clear. These undertakings occasionally refer to consultation as a means of framing a common policy or attitude irrespective of any controversy between the parties. In so far as provisions for consultation are intended to facilitate the settlement of disputes between them, the legal effect of such provisions is indistinguishable from that resulting from the obligation to enter into negotiations." (Under Article 40 of the UN Charter, parties to a dispute must attempt to negotiate before invoking the jurisdiction of the Security Council.)

In the Soviet period, there were also incidents in which consultations apparently were used as a means of pressure. As the Tito-Stalin split came to a head in 1948, Edward Kardelj was summoned to a midnight meeting in Molotov’s office, handed two sheets of paper, and ordered to sign. The agreement imposed upon the Yugoslavs, which allegedly was in response to their unauthorized conversations with Bulgaria regarding the formation of a Balkan federation, obliged them to undertake mutual consultations on foreign policy questions. According to Yugoslav sources, the Soviets denounced the agreement several months after it was signed.85

Since World War II there has been one incident in which Moscow invoked a consultation clause with the object of interfering decisively in the internal affairs of a sovereign non-Communist country. On October 30, 1961, the Soviet government presented a note to the Finnish foreign ministry in which it asked for joint military consultations under the 1948 treaty, "in view of the threat from Western Germany." The immediate background to this request was the formation in Finland of an anti-Kekkonen coalition, which announced plans to contest the presidency in the elections scheduled for January 1962. Although tensions in Europe were running high at the time over the Berlin crisis, the Soviet Union apparently used the broader international situation as a pretext to interfere in a purely domestic matter.

In an effort to forestall the Soviet request, the Finns postponed a reply and dispatched Foreign Minister Karjalainen to Moscow on November 11 for informal discussions of the Soviet request with Gromyko. As the talks concluded on November 14, it was announced in Helsinki that President Kekkonen was dissolving the Finnish parliament and calling for new elections. Kekkonen’s action was aimed at weakening the alliance of challengers and assuring continuity in Finland’s policy.

The Soviet side refused to be placated, however, and on November 16 it reminded the Finnish government that it had received no reply to its note. This second note and the continuation of the crisis prompted the Finnish president to make an unusual trip to

Novosibirsk for personal talks with Khrushchev. After the meeting between the two leaders, it was announced on November 24 in a joint communiqué that "the Soviet Government found it possible to postpone for the time being the consultations it had suggested." 86

While the Finns emerged from this crisis with their domestic autonomy intact, a strong case can be made that this autonomy was preserved at the cost of adjusting Finland’s peacetime foreign policy in an actively pro-Soviet direction. This interpretation is supported by the wording of the communiqué, which dealt not only with Fenno-Soviet relations and the alleged problem of Germany, but with developments in the Nordic area as a whole and Finland’s future relationship to them. After noting Khrushchev’s request for consultations under the 1948 treaty, the communiqué proceeded to the following denouement:

President Kekkonen agreed that the arguments advanced with regard to the possibility of a war breaking out in Europe were well founded. However, he drew attention to the fact that by beginning consultations a certain uneasiness might be aroused, leading to war hysteria in the Scandinavian countries. The President therefore suggested that the USSR should not insist on its proposals for consultations, and expressed the opinion that such a settlement of the question would help to calm public opinion throughout Scandinavia and lessen the need for military preparations, not only in Finland and Sweden but also in the NATO member-countries of Norway and Denmark.

This most unusual international agreement then recorded Khrushchev’s assent to postpone the consultations, and concluded: "Mr. Khrushchev emphasized that the Soviet Government hoped that the Finnish Government would closely follow developments in Northern Europe and the Baltic area and, if necessary, would bring its considerations on

86 "Soobshchenie o besedakh Predsedatel’ia Soveta Ministrov SSSR N. S. Khrushcheva s Prezidentom Finliandskoi Respubliki I. K. Kekkonenom," Pravda, November 26, 1961. The wording of the communiqué was clearly intended to convey an impression of Soviet magnanimity and to keep a threat hanging over the Finns. It is worth quoting from at length: "The Head of the Soviet Government noted . . . that the present tense international situation compelled the Soviet Union to use all means and possibilities at its disposal to ensure its security and, in particular, to take measures needed to repel a possible attack by German militarists from the direction of the Baltic Sea or across the territory or airspace of Finland. Mr. Khrushchev pointed out that the Soviet Government felt it necessary to hold military consultations between the Soviet Union and Finland in conformity with the treaty of 1948."
taking appropriate measures to the notice of the Soviet Government.\textsuperscript{87} Although the
communiqué did not explicitly state that Kekkonen acceded to Khrushchev’s request
(“hope”), the implication of the document clearly was that the Soviet Union had agreed
to ease its direct pressures on Finland in exchange for Finland’s undertaking certain
foreign policy actions directed at its neighbors. Perhaps with the Finnish example in
mind, West European governments negotiating consultation agreements invariably have
rebuffed Soviet efforts to adopt language that would allow the Soviet Union to call
unilaterally for consultations or to make consultations mandatory under specified
circumstances.\textsuperscript{88}

The stress on mutuality in Soviet-West European consultation agreements
contrasts markedly with the thrust of Soviet-third world agreements. It is noteworthy
that 11 of the 13 "friendship and cooperation" treaties concluded between the Soviet
Union and friendly third world countries between 1971 and 1984 contain consultation
clauses.\textsuperscript{89} Whereas in Soviet-West European agreements consultation is mandatory only
when both sides agree on the existence of a threat to peace or crisis situation, all but one
of the agreements between the Soviets and third world countries fail to explicitly mention
such a requirement and thus seem to provide for unilateral Soviet invocation.\textsuperscript{90}

Although there clearly are grounds for suspicion that the Soviet foreign policy
establishment has had in the back of its collective mind the idea that obligatory and
especially emergency consultations could be used to exert pressure on smaller states,

\textsuperscript{87}For background, see D. G. Kirby, \textit{Finland in the Twentieth Century}, Minneapolis,
University of Minnesota Press, 1979, pp. 181–187; and James H. Billington, "Finland," in
C. E. Black and T. P. Thornton, \textit{Communism and Revolution: The Strategic Uses of
that Kekkonen did echo the Soviet claim that Norwegian policy had helped to bring on
the crisis.

\textsuperscript{88}For an exception, see the 1986 IAEA convention, according to which a state must
agree to consultations if another state is unsatisfied with the information it provides
regarding a nuclear accident. Needless to say, after Chernobyl Western governments
came to see a strong obligation to consult as in their own interests.

\textsuperscript{89}For the list of treaties and dates of publication, see Wolfgang Berner, "The Soviet
Treaties of Friendship and Cooperation with Developing Countries," in Berner et al.

\textsuperscript{90}The one exception is in the May 1971 treaty with Egypt, a country that always
maintained considerable independence with regard to the Soviet Union. The clause with
India, another state that has guarded its independence, is not really comparable, as it
mandates mutual consultations in a highly specific situation—i.e., in the event of an
attack on either party. The 1978 Soviet draft for a Soviet-Japanese Treaty of Good
Neighborliness and Cooperation stipulates that crises must be regarded as such in "the
opinion of both sides."
other evidence suggests that the Soviet interest in consultation agreements has changed over time, and it is now directed almost exclusively toward expanding bureaucracy-to-bureaucracy contacts to obtain information, advance Soviet arms control and foreign policy proposals, and ensure that a Soviet "voice" is heard on issues of interest to Moscow, especially when intra-EC and intra-NATO consultations also are expanding rapidly. Indeed, a case can be made that since the 1950s, Soviet consultation diplomacy has undergone a basic shift and its emphasis is no longer on binding states with legal obligations (and on avoiding the imposition of such obligations on the Soviet Union) but on getting inside national bureaucracies to a greater extent than is possible by relying strictly on embassy contacts.

Regular consultations may be seen as useful to the Soviet Union in promoting its numerous arms control and foreign policy initiatives. They do so not so much by providing channels through which Soviet officials can promote these initiatives on their merits (if this occurs, so much the better) as by enabling the Soviet Union to call for multilateral consultations as the "next stage" following extensive and virtually automatic bilateral discussion of any Soviet proposal.91 For example, in January 1983 the Warsaw Pact Political Consultative Committee (PCC) put forward its Prague Political Declaration calling for the conclusion of a NATO-Warsaw Pact treaty on the mutual nonuse of military force. In May 1984 the PCC sent a follow-up message to NATO member states in which it noted that the Pact proposal "held an important place in the consultations that were held on a bilateral basis" in the previous year and that the time had come to take "a new step in examining the treaty proposal—to commence consultations on a multilateral basis."92 The Soviet Union has adopted a similar approach in trying to launch negotiations on short-range nuclear forces in Europe.93

93See, for example, Shevardnadze's interview with Soviet journalists, Pravda, June 3, 1989.
Arms control consultations with France and Britain also proceed somewhat in the direction of the bilateral negotiations on arms control that the Soviet Union has repeatedly proposed but that these countries have rejected. Indeed, in April 1986 the British received a bit of a surprise when they learned that Viktor Karpov, at the time the Soviet Union's chief negotiator at the U.S.-USSR nuclear weapons talks in Geneva, would head the Soviet team coming to London to conduct consultations on arms control. Karpov had never played this role before with Britain or any other country, and his selection was seen as an attempt to foster the impression of a bilateral UK-USSR nuclear weapons negotiation, as Gorbachev had proposed in October 1985 but Britain had rejected.  

WEST EUROPEAN INTERESTS

If the Soviet attitude regarding the value and role of institutionalized consultation has changed, West European thinking also has evolved. Many West European countries remain opposed to separate consultation agreements, but most foreign ministries have come to value the practice of regular consultations.

    West European diplomats point out that the consultation process works two ways: It gives the Soviet Union an added channel of communication, but it also obliges the Soviet bureaucracy to listen to other countries' points of view. For example, in March 1980 under the terms of its 1970 agreement, France requested that the two sides have talks on Afghanistan.

    As CSCE and arms control issues have become increasingly complex and technical, West European governments have seen a greater need for direct contacts between working level officials, rather than contact through embassies or on the margins of multilateral forums. Moreover, as consultations have embraced new functional areas such as humanitarian issues, press and information, and legal affairs, they have come to

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94 In advance of the talks, the Foreign Office issued a statement emphasizing that Britain's nuclear deterrent would not be a subject for discussion. London Press Association, April 18, 1986; in FBIS, Daily Report: West Europe, April 18, 1986.

95 This section is based in part on interviews with West European diplomats.

96 However, in reporting the outcome of the consultation, the Soviet media failed to mention Afghanistan, which from French accounts had been almost the sole topic of discussion, and stated instead that "a wide range of matters of mutual interest were discussed from the viewpoint of the importance of continuing the policy of detente." Izvestiia, March 7, 1980.
be seen as useful mechanisms for resolving concrete bilateral problems. In advance of summits, consultations, particularly those at the political director level, have been used to negotiate key documents, such as the Soviet-West German joint declaration signed by Gorbachev and Chancellor Kohl during the Soviet leader’s 1989 visit to Bonn.

Many West European diplomats also see themselves as net gainers from consultations on UN and extra-European regional affairs (e.g., Asia, Latin America). As a global power, the Soviet Union tends to be more directly involved (politically and militarily, if not economically) in these regions than its West European interlocutors and thus has more policy-relevant information to impart. France, which of all the West European countries most strongly resists being classed as a "regional" power, sets particular store by its consultations with the Soviet Union on extra-European issues.97 Some diplomats also acknowledge that a kind of one-upsmanship goes on within Western Europe, particularly among the EC countries. Working level officials from these countries are in frequent contact with each other, and individuals have an understandable desire to impart to their Western colleagues information gained in meetings with the Soviets.

Consultations between the Soviet Union and West European foreign ministries have covered virtually all regions and functional topics but have tended to reflect areas of special national interest. The appendix lists the announced agenda of consultations with the largest West European governments having consultation agreements with the Soviet Union. With France, there has been a stress on extra-European as well as European issues, along with disarmament.98 Britain and the Soviet Union have tended to discuss arms control and many extra-European issues. With Italy, there has been some concentration on the Middle East. West Germany and the Soviet Union appear to have used these consultations to help resolve some of the human rights, legal, and consular problems growing out of the presence of German minorities in the USSR. With virtually all countries, the USSR has been eager to have a round of consultations devoted to the UN General Assembly (either in July or in late August to early September, before the

97 Chad, Lebanon, and Cambodia are crisis areas in which France has asserted a special role. France and the Soviet Union held crisis consultations on Lebanon in August 1989, during which they reached an understanding to continue such consultations and to "give them a more regular character." Vestnik MID, No. 15, 1989, p. 26.
98 See "Vazhnoe sobytie mirovoi politiki (K itogam sovetsk-frantsuzskoi vstrechi na vysschem urovne)," Mirovaja Ekonomika i Mezhdunarodnaja Otnoshenia, No. 6, 1979, pp. 8–9, for the 1970s.
opening of the fall session), and before new stages in the CSCE process, such as the opening of a review conference. West European officials have come to regard these sessions as helpful for understanding Soviet approaches and priorities. They are aware, however, that one of the Soviet objectives in holding bilateral consultations before multilateral meetings is to probe for differences between and within Western governments that Soviet diplomacy can then exploit.

West European foreign ministries initially preferred to conduct these consultations at the political director level, but as the number of consultations and the specificity of their agendas have increased, talks between political directors have been supplemented by talks involving lower-ranking officials with particular regional and functional areas of responsibility. Annual meetings between the planning staff of the Soviet Ministry of Foreign Affairs (MFA) and its counterparts in the major Western countries also take place under the aegis of these agreements. On the Soviet side, these consultations usually are conducted by one or more members of the Soviet MFA Collegium (usually a First Deputy or Deputy Foreign Minister). Many of the Soviet participants (e.g., Petrovskii, Adamishin, Bessmertnykh, Vorontsov) are highly regarded in the West and seen as close advisers to Shevardnadze. The ambassador accredited to the consulting country also may participate.

PROSPECTS

Throughout the Brezhnev period and into the first several years of Gorbachev's leadership, political consultations between the Soviet and various West European foreign ministries took place routinely as stipulated in the various protocols and agreements but played only a minor role in the development of bilateral relations. The Soviet government seemed more interested in concluding consultation agreements as visible symbols of detente than in the actual conduct of the consultations themselves, which often were sterile and perfunctory. For their part, many West European governments tended to hold the Soviet Union at arm's length. Even those countries that signed


100For titles and areas of responsibility of these officials, see Central Intelligence Agency, Directory of USSR Ministry of Foreign Affairs Officials, Washington, D.C., July 1987.
consultation agreements tended to fulfill their provisions only minimally, holding
meetings the required one or two times each year.

But since 1987 and the quickening pace of change in Soviet policy, the
consultation process has been invigorated. There has been an explosion of mid-level
consultations with European governments, as foreign ministries have reacted to the
improved East-West atmosphere as well as to the increased activism of Soviet policy in
arms control, regional, global and European issues. One Soviet official claimed that in
1988 Britain, which along with France has been the most active Soviet partner, had 18
rounds of political consultations with the Soviet Union.101

In Gorbachev’s 1989 meetings with the leaders of West Germany, France, Italy,
Canada, and Finland, as well as in Shevardnadze’s meetings with his Western
counterparts, the Soviet Union expressed strong interest in stepping up political ties at all
levels. In their joint declaration, Gorbachev and West German Chancellor Kohl pledged
support for “intensive dialogue embracing both traditional and new subjects of bilateral
relations.”102 In the Soviet-Italian declaration, the signatories “agreed in particular to
invigorate—on the basis of the 1972 protocol on consultations, which has fully proved its
worth as a foundation for bilateral dialogue—political contacts at all levels.”103 Canada
and the Soviet Union agreed to “develop a political dialogue at various levels, including
the practice of regular consultations between foreign ministries, the subject matter of
which will be extended.”104

More important than these high level endorsements has been an evolution toward
the institutionalization of foreign ministry consultations through the establishment of
permanent working groups or what Soviet writers sometimes refer to as consultation
commissions.105 France and the Soviet Union now have eight working groups that deal

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101 Interview with N. N. Uspenskii, chief of the USSR MFA Second European
Department, in Sovetskija Rossija, March 25, 1989; in FBIS, Daily Report: Soviet
Union, March 29, 1989.
105 Published Soviet-West European consultation agreements do not specifically
provide for the establishment of “consultative commissions.” But the idea is broached
from time to time in Soviet sources. See, for example, Klimenko, Slovari
mezhdunarodnogo prava, which states that parties to consultation agreements may “set
up permanent consultative commissions.” It also was reported in the Greek press on the
eve of Prime Minister Papandreou’s 1985 trip to Moscow that establishment of such a
with such matters as disarmament, European affairs, North-South relations, the rule-of-law state, the Near East, Latin America and other regions. West Germany and the Soviet Union also agreed to set up five permanent working groups: for bilateral issues, arms control, humanitarian affairs, regional issues and economics. During Petrovskii’s November 1989 visit to Paris, France and the Soviet Union further agreed to an unspecified arrangement intended to "impart a systematic character to a dialogue between the foreign policy agencies of the two countries, specifically in the settlement of regional conflicts." In the words of one Soviet writer, Franco-Soviet consultations "are now almost as intensive as those that France has with its allies." This is clearly an exaggeration, but it would be fair to say that bilateral consultations between the Soviet Union and France are developing rapidly, as both countries look to increasingly frequent contacts among experts and mid-level officials as a way of helping their governments to deal with commission was high on the list of Soviet objectives for the visit. (Kiriakatiki Eleftherotipia, January 27, 1985, in FBIS, Daily Report: West Europe, January 29, 1985.) In practice, the regular meetings between representatives of foreign ministries have resulted in the de facto formation of such commissions. These bodies parallel in the diplomatic sphere the kinds of commissions used to administer Soviet-West European economic, cultural, and other cooperation agreements.

These groups apparently grew out of the temporary groups that were used during Foreign Minister Shevardnadze’s meetings with his French and West German counterparts. Following a pattern established in U.S.-Soviet talks, during Shevardnadze’s January 1988 visit to Bonn he and West German Foreign Minister Genscher agreed to expedite their work by setting up working groups concerned with bilateral affairs, questions of security and disarmament, and for humanitarian problems ("Zavershenie peregovorov," Pravda, January 20, 1988). A similar procedure was following during Shevardnadze’s October 1988 visit to Paris. He and Foreign Minister Dumas agreed to set up four working groups to discuss disarmament, regional problems, various aspects of humanitarian and cultural cooperation, and bilateral relations ("Sovetsko-Fransuzskii dialog," Pravda, October 11, 1988). These were temporary groups set up for the duration of these visits. However, in November 1988 the French and Soviet foreign ministries apparently reached an understanding regarding the establishment of the first permanent working group, with a standing mandate from the ministers. (See the report of the legal affairs working group session in Vestnik MID, No. 23, 1989, p. 50.) The West Germans followed shortly thereafter (communication from a West German official).


Izvestia, November 14, 1989.

France participates in the EC's classified teletype network, over which some 17,000 messages reportedly passed in 1989. In the same year, West European foreign ministers met on average every 11 days. EC political directors meet once each month.
rapid change in Europe, multilateral disarmament, change in the status of the two
Germanies, and global issues. In varying degrees, the same pattern is evident in Soviet
dealings with the other major countries of Western Europe, and to a lesser extent with the
small countries as well.

If Soviet foreign policy planners ever hoped to use consultation agreements to
exert a droit de regard over West European policies, such hopes probably have fallen
victim to the objective weaknesses of the Soviet Union's position in Europe. At the same
time, however, the Soviet foreign policy establishment can take some comfort from the
fact that with the consultation agreements of the 1970s, Brezhnev and Gromyko
strengthened the basis for an ongoing Soviet voice in the affairs of Europe.

For their part, West European governments are likely to remain cautious about
concluding agreements or institutionalizing practices with the Soviet Union that could
expose them to Soviet pressure in the future. At the same time, they see regular talks
with working level Soviet officials as a useful device for coping with the rapid changes
underway throughout the continent. Consultations are seen as a two-way street: a way
of helping to resolve concrete bilateral and international problems and presenting
Western views to a Soviet government that is more willing than its predecessors to listen
to what other countries have to say.
Appendix

CONSULTATIONS WITH SELECTED NATO COUNTRIES, 1980–1989

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\[1\]Compiled from Western and Soviet press accounts. Some meetings may not be reported; the list therefore is not necessarily comprehensive.
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**West Germany (1988–1989)**

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