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Why, How, Who, and When: A Lithuanian Perspective on NATO Membership

Oskaras Jusys*

KSadauskas†

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Oskaras Jusys and KSadauskas

Abstract

Part I of this Essay discusses the reasons for Lithuania to join the NATO, Part II lays out the costs of doing so, Part III reflects on what that would mean for Lithuania's position in the EU, and Part IV suggests a two-pronged solution to include Lithuania in NATO

ARTICLES

WHY, HOW, WHO, AND WHEN: A LITHUANIAN PERSPECTIVE ON NATO ENLARGEMENT

*Dr. Oskaras Jusys & Kęstutis Sadauskas**

INTRODUCTION

A number of nations around the world, and the majority of those in Europe, claim to live in “a” or “the” “crossroad” of various commercial, cultural, historical, and strategic routes. For a crossroad to function properly, it must be regulated by a traffic light or traffic cop. In addition, an effective traffic crossroad requires a consensus among interested parties to abide by commonly recognized and reasonable traffic rules and regulations. Such is also the case of countries that lie at a crossroads. Conditions affecting these countries must be stable and internationally respected so as to enable those countries to serve as crossroads, which, in times of peace, can provide a great benefit to all neighboring countries.

Lithuanians have always discerned themselves as inhabitants of such a crossroad. Since Lithuania established statehood in 1230, it has hoped to become an integral, peaceful, and orderly part of Europe. Sadly, history has been cruel to Lithuania’s corner of the globe. In ancient times, it was the Lithuanians themselves who asserted super-national authorities. For the past several centuries, however, their neighbors have had the upper hand. In ancient times, the rule of force dominated international relations in this part of the world. Today, the rule of international law governs the Lithuanian crossroad, and is the predominant principle of domestic and international policy.

* Dr. Oskaras Jusys is Ambassador Extraordinary and Plenipotentiary of the Republic of Lithuania to the United Nations. Kęstutis Sadauskas is the First Secretary of the Lithuanian Mission at the United Nations and the former head of the Division of Multilateral Relations of the Lithuanian Ministry of Foreign Affairs. This article represents their own thoughts. The authors also express their sincere appreciation of the invaluable contribution from their fellow countryman Mr. Linas Kojelis, President of the U.S.-Baltic Foundation.

The Chairman of the Lithuanian Parliament, Professor Vytautas Landsbergis explained:

One could see Lithuania's name on maps of the old Europe, and, at times, inscribed in rather large letters. Lithuania adopted the oldest in the region legal code, the Statute of Lithuania, initiated the Union of the Eastern and Western churches, the present Greek Catholic Church. In the cultural and confessional divisions of Europe, she is the easternmost point of Rome's influence. It is an ancient state and not some kind of "new democracy" which has allegedly emerged from the ruins of the Soviet Union and which may just be as it is or may disappear again When stood on the shore of the Baltic sea, a Lithuanian always gazes Westwards Lithuania is a part of Europe, and, if the need arises, will defend Europe once again, even if alone.¹

The fifty years of recent occupation, which the West never recognized as an occupation, are an irony of history for Lithuanians. Having survived the failed experiment of communist "rule by brutality," Lithuanians are now attempting to enforce appropriate rules rendering their crossroads stable, prosperous, and beneficial for themselves and others. Since the re-establishment of independence, Lithuania has enforced these universally recognized rules while striving to promote a market economy, rule of law, separation of power, and other international principles of behavior. These are the crossroad rules Lithuanians are living under. Accordingly, Lithuanians expect other states to abide by the same rules.

I. THE CROSSROAD OF THE MODERN AGE

History has taught the Lithuanian people the indispensable lesson that Lithuania must be a part of Europe in every way. In many respects, it already functions as an integral part of Europe. It has opted to be a member of institutions that embody and protect Europe's identity and well-being. Lithuania is a member of the United Nations,² the Council of Europe,³ the Organiza-

1. Lithuanian Parliament Chairman Professor Vytautas Landsbergis, Lecture at the Royal Institute of International Relations of Belgium (Mar. 6, 1997).

2. See U.N. CHARTER (1945). The U.N. Charter committed member nations "to reaffirm faith in fundamental human rights." *Id.*, art. 1. The purposes for founding the United Nations include the maintenance of "international peace and security," the development of "friendly relations among nations based on respect for the principles of

tion for Security and Cooperation in Europe⁴ ("OSCE"), the Council of the Baltic Sea States,⁵ and other smaller or more specialized pan-European and regional institutions. The embrace of the North Atlantic Treaty Organization⁶ ("NATO") and the

equal rights and self-determination of peoples," the achievement of "international cooperation in solving international problems of an economic, social, cultural, or humanitarian character," and the "promotion of human rights." *Id.*, pmb. The United Nations is the "dominant intergovernmental organization on our planet . . ." Michael J. Reppas, *The Lawfulness of Humanitarian Intervention*, 9 *ST. THOMAS L. REV.* 463, 463 (1997).

3. See DR. KLAUS-DIETER BORCHARDT, *EUROPEAN INTEGRATION, THE ORIGINS AND GROWTH OF THE EUROPEAN UNION 6-7* (1995) (describing Council of Europe). On May 5, 1949, leaders of European nations met at the Hague and founded the Council of Europe in order to foster political cooperation between its Member States and serve as an instrument of intergovernmental cooperation, separate from the European Community, that pursues closer links between the countries of Europe and promotes their economic and social progress. *Id.* The Council of Europe oversees a wide range of economic, cultural, social, and legal conventions. *Id.*

4. Conference on Security and Cooperation in Europe: Final Act, Aug. 1, 1975, 14 *I.L.M.* 1292. The Organization for Security and Cooperation in Europe ("OSCE"), formerly the Conference on Security and Cooperation in Europe ("CSCE"), is a multilateral forum of which all European states, the United States, Canada, and several Central Asian states are participants. Bonnie Jenkins, *The Enhancement of Political and Military Stability in the Former Yugoslavia Through the Use of International Law: Annex 1-B of the General Framework Agreement*, 19 *FORDHAM INT'L L.J.* 1920, 1922 n.6 (1996). Thirty-five leaders from Europe and North America signed the Helsinki Accords in Helsinki, Finland on August 1, 1975, which formalized the original CSCE. *Id.* The Helsinki Accords contain a commitment composed of three major parts addressing military, economic, and human rights, while the Vienna Document 1994 contains enhanced confidence-building measures, adding to the Vienna Document 1992, which encompassed the enhanced provisions of the Helsinki Accords. *Id.*; see James C. Hathaway & R. Alexander Neve, *Making International Refugee Law Relevant Again: A Proposal for Collectivized & Solution-Oriented Protection*, 10 *HARV. HUM. RTS. J.* 115, 200 (1997) (explaining process for conflict resolution of OSCE). The OSCE's mechanism for cooperation and consultation was developed at the "Valletta Meeting on Peaceful Settlement of Disputes, and endorsed by the Berlin Meeting of the then-CSCE Council in June 1991." *Id.* This procedure provides that if a member state concludes that there is a developing emergency situation, such member state may demand immediate clarification from other involved states. *Id.* "The strength of the OSCE mechanism is its ability to get a disparate group of states to come quickly to the negotiating table. It shows that states can agree to formalize a duty to consult with each other within tightly defined time limits in response to a perceived crisis." *Id.*

5. Information provided by the Council of the Baltic Sea States (on file with the *Fordham International Law Journal*). The Council of the Baltic Sea States was established at a conference of Ministers of Foreign Affairs in Copenhagen in March 1992. *Id.* Its objectives are to strengthen the existing cooperation among the Baltic Sea States, and to serve as a forum for intensified cooperation and cooperation on key issues, such as democratic consolidation, development of infrastructure, trade, economy, and the protection of the environment. *Id.*

6. North Atlantic Treaty, Apr. 4, 1949, 63 *Stat.* 2241, 34 *U.N.T.S.* 243 (1949) [here-

European Union⁷ ("EU" or "European Union"), however, are the unchallenged top priorities and ultimate goals of sovereign Lithuania. Irrespective of what political parties and personalities ruled the independent state, Lithuania has continuously declared these goals, and eagerly anticipates the launch of negotiations with the European Union, most likely in early 1998. It would be hard to find a country that has a more genuine desire, or a more eager readiness, to enter NATO and the European Union than Lithuania.

A. *Goals of An Independent Lithuania*

The road leading to these goals is winding and bumpy for various reasons. Criteria for EU membership are specific, economically and internally oriented, and technically complex, thus making it difficult for an aspiring Member State to comply with them. Based on objective criteria, the preparedness of candidates can be deducted easily. Membership in the European Union is seen almost entirely as dependent on the "homework" accomplished by an associated country⁸ and no more than that. There are few apparent geopolitical stakes involved in EU enlargement.

By contrast, it is the geopolitical dimension of NATO enlargement that is critical. Superficially, NATO poses fewer requirements for membership, however, such requirements are strategic. The whole process is destined to be oriented to the security and interests of not only the entire European continent, but that of North America as well. Decisions on NATO enlargement is, at this moment, the most important variable in the formula that will determine Europe's political future. NATO enlargement must be carefully crafted, or future generations may be paying for fatal errors committed by contemporary politicians.

inafter the North Atlantic Treaty] (governing North Atlantic Treaty Organization ("NATO")).

7. See GEORGE A. BERMAN ET AL., *CASES AND MATERIALS ON EUROPEAN COMMUNITY LAW* 18 (1993) (explaining difference between European Union and European Community). The European Community, as a subset of the European Union, remains the entity responsible for most European Union activity and, therefore, most references should be to the European Community rather than the European Union. *Id.*

8. See MARTIN WESTLAKE, *THE COUNCIL OF THE EUROPEAN UNION* 390 (1995) (discussing EU association agreements).

Lithuanian officials have been repeatedly asked by non-Lithuanian citizens, especially current members of the Commonwealth of Independent States⁹ ("CIS"), about Lithuania's motivation for membership in NATO. Most of these questions are often colored with undisguised dissent or, at least, a cool attitude. A full list of reasons would be unbearably lengthy and not appropriate for this Article. A good answer to this inquiry, however, has been repeatedly stated by the Polish President Alexandre Kwasniewski, who stated that his country wants to enter NATO for the same reasons that NATO members do not want to leave it.

It is a universally recognized presumption of international politics that national security is an essential element of statehood that is normally defended at almost any cost. The preamble of the North Atlantic Treaty¹⁰ confirms this by stating that NATO defends "peace with all peoples and all governments . . . freedom, common heritage and civilization of its peoples, founded on the principles of democracy, individual liberty, the rule of law . . . , stability and well-being in the North Atlantic area . . . peace and security."¹¹ Those are universal values upon which any healthy state must be based. Nobody could convince Lithuania that yearning for peace or stability is desiring too much.

There will be no stability in Europe if the sovereignty of states is not ensured by appropriate and legitimate means. Various international documents, including the most recent 1996 OSCE Lisbon Declaration,¹² enshrine the right of sovereign states to choose their security arrangements, including the right to belong to defense alliances. History shows us that the best way to secure Lithuanian statehood, proceed with reforms, and make our own contribution to the building of a new Europe is by becoming a member of a united family, instead of passively observing the transition of the continent as an outsider. This "European family" is "married" through several institutions, of which NATO and the European Union are the most important.

Some global political leaders, such as Russian President Bo-

9. The former Soviet republics now comprise the Commonwealth of Independent States ("CIS").

10. North Atlantic Treaty, *supra* note 6, Apr. 4, 1949, 63 Stat. 2241, 84 U.N.T.S. 243 (1949).

11. *Id.*, pmbi.

12. It is called "The OSCE Lisbon Document of 1996," 36 I.L.M. 486 (1997).

ris Yeltsin,¹³ support the Baltic States' neutrality. Neutrality, however, is not a solution for Lithuania, and in fact would perpetuate Lithuania as an outsider to the European family. The events of the 1930s, such as the declarations of neutrality by a number of Central European states including Lithuania, and their subsequent occupation either by Nazi Germany or the Soviet Union, shows that the neutrality of the Baltic States is incompatible with their national security goals. This is true even in the light of present differences with the World War II era. The costs of a fully independent but truly neutral state, such as Switzerland and Sweden, is prohibitive. Sharing common security expenses would be advantageous. It would cost less, thus allowing the spared resources to boost development, and creating genuine security by intertwining states' interests and, hence, eliminating motives for selfish behavior. Lithuania fully agrees with the U.S. Secretary of State Madeline Albright's statement that "[t]he costs [of NATO enlargement] are reasonable and many would arise whether NATO expands or not. Countries aspiring to membership will have to modernize their armed forces whether they are really in or out of NATO - if anything, military spending would be higher in an insecure, unattached Central Europe."¹⁴

Lithuania sees NATO as the best tool of security. NATO has proven its efficiency throughout the Cold War and has demonstrated its potential to adapt to present circumstances. NATO is neither a shield from, nor a weapon against, any specific target. Rather, it is an assurance of security from all threats, including internal ones. The aspirations for NATO membership are already boosting reforms in Central Europe, especially with respect to the civil control of the military, improving neighborly relations, protecting minority rights, and locking in investments in the area. The assumption follows that, if properly managed, NATO enlargement will expand the zone of stability and prosperity eastwards.

Replying to the skepticism voiced by some of his fellow countrymen about NATO enlargement in general, and referring to the present security situation in Europe, U.S. Deputy Secre-

13. Russia's long-term strategy toward the Baltics was designed primarily in the second half of 1996 by the Security Council of the Russian Federation as well as a circle of top Russian foreign policy experts.

14. *Enlarging NATO: Why Bigger is Better*, THE ECONOMIST, Feb. 15, 1997, at 21, 22.

tary of State Strobe Talbot described NATO's historic significance, for both current and aspiring members:

NATO has never been solely a military instrument; it has always served a political function as well. After World War II, the alliance helped Italy and Germany become part of the trans-Atlantic community. It promoted the consolidation of civilian led democracy in Spain. It spurred reconciliation between France and Germany laying the ground for the European Union. Its unified command removed the incentive for military competition among West European powers. It helped keep the peace between Greece and Turkey In the past, particularly in the 19th century, alliances not only served to wage or deter war, they also helped manage relations among their member-states. Insofar as NATO follows in this tradition, the end of the cold war has actually buttressed its rationale — and should make it easier for those who earlier regarded the alliance as a necessary but temporary evil to see it instead as a lasting good.¹⁵

Lithuanians agree with Mr. Talbot that it would be the height of injustice and irony if the Baltic nations were, in effect, blacklisted from NATO membership for the next fifty years because they had been, against their own free will, part of the anti-Western Warsaw Pact¹⁶ for the past fifty years.

Extension of NATO's zone of peace, stability, and prosperity is crucial to Central Europe which now lies in the gray zone of a security vacuum. Rightly or wrongly, everything that is considered "gray" today is conceptually placed in the East, and assumed to be under the domination from the East. At best, "gray" invokes the notion of buffer zones, and is a tribute of a faltered security system that Lithuania least desires. The security vacuum and gray-buffer zones exist as a result of the unmet security needs of the Central European countries, including the

15. Strobe Talbot, *Russia Has Nothing to Fear*, N.Y. TIMES, Feb. 18, 1997, at A19.

16. The Warsaw Pact unites the Soviet Block, Eastern Europe, and the Soviet Union against the West, and has been described as:

[A] carbon copy of the North Atlantic Treaty . . . [having] much the same scope as the North Atlantic Treaty and [binding] as firmly. Its key, the restorative clause (Article 4), strides along, idea by idea, almost work by work, with the North Atlantic counterpart, Article 5. In both cases, the *casus foederis* is an armed attack; in both cases, the commitment is to render such assistance, including armed assistance, as the committee deems necessary.

WILLIAM WELCH, *SOVIET COMMITMENTS TO COLLECTIVE ACTION, IN ALLIANCE POLICY IN THE COLD WAR* 271, 278 (Arnold Wolfers ed., 1959).

previously flip-flopping Bulgaria, whose intention to seek full membership in NATO is a logical addition to Europe's democratic map.

NATO enlargement, moreover, will extend universal democratic values beyond Europe's limits. Most importantly, enlargement gives a chance to contribute to the development of democracy in Russia itself, which struggles to find sound justification for her reluctance to see democracy and stability in her Western neighborhood. Coexistence of NATO and Russia in a wider neighborhood would be a sign of new times for which the Baltic States have long hoped.

B. *Russia's Concerns Regarding NATO Enlargement*

Russia is the most severe headache for NATO enlargement strategists.¹⁷ In particular, Russia has spoken out against the Baltic States' membership in NATO, and has voiced concerns about NATO as a military threat to Russia. Many of these concerns, however, stem from Russian misperceptions.

Russia is a major power with superfluous conventional forces and an excess nuclear weaponry, which is being neither properly cared for nor controlled. In addition, Russia is still undecided about its political orientation. The West seeks to keep Russia in its good graces, lest it regress again into an actively anti-Western military threat. The legacy of the Soviet past, with Moscow as its heart, coupled with the reality of Russia as the successor of the obligations and rights of the former USSR, makes this power the potential embryo of a future military opponent to NATO. That is the reason why the triple task strategy of NATO, consisting of adaptation, enlargement, and relations with Russia, focuses predominantly on the last task.

1. The Legitimacy of Russia's Concerns

Russian opposition to NATO enlargement is based on several potentially valid arguments. Such opposition, though limited, also exists in some states neighboring Russia, and even among some of the NATO Allies themselves. Western critics re-

17. See Mikhail A. Alexseev, *Russia's Cold Peace Consensus: Transcending the Presidential Election*, 21 S.P.G. FLETCHER F. WORLD AFF. 33 (1997) (discussing NATO enlargement). "President Yeltsin has repeatedly underscored that NATO's enlargement would 'spread the flames of war across Europe.'" *Id.* at 39.

peat the Russian arguments, raising the financial implications of expansion, which the Allies would be expected to bear. It would be erroneous to ignore Russia's legitimate security interests. The question, however, is where these interests cross over the Russian border, and infringe upon the legitimate interests and sovereign rights of other states, and how to face the dilemma of prudently balancing these interests.

Russia's dislike of NATO is mainly a result of decades of Soviet anti-NATO propaganda. Russian domestic opinion-makers feed images of the Alliance as an evil force that is attempting to take over the area which was formerly dominated by the "benevolent mother Russia." Central and Eastern European countries are criticized as ungrateful "children" throwing themselves into the arms of a new, richer sponsor, for venturing out into international alliances alone, and for not joining any Eastern military alliance.

2. NATO as a Military Threat to Russia

From another angle, Russia points repeatedly to the potential of NATO's military capacity, both nuclear and conventional, that touches Russia's borders. Russia ignores the NATO commitment to reduce its nuclear capacity by roughly eighty percent throughout this decade, and the leveling off of NATO's conventional capacity. NATO's opponents in Russia argue that, despite the end of the Cold War, NATO has not transformed itself. They also contend that NATO still represents the residue of an era of confrontation between the East and the West. They do not find persuasive the statements from the West that NATO is shrinking its military might in Europe. The assurances that NATO neither needs, plans, nor intends to deploy nuclear weapons or station NATO troops in the new Member States in the foreseeable future does not persuade Russian opponents either. They claim that the promise of non-deployment is not legally binding and could be easily interpreted as deliberately omitting circumstances such as armed conflicts, thus circumventing the legal promise.

The strongest resistance to NATO enlargement comes from Russia's military. Former Russian Minister of Foreign Affairs Andrey Kozyrev explained that officials of his armed forces perpetuate an evil image of NATO in order to justify their positions and

negotiate larger budgetary allocations. The discontent about NATO's conventional superiority has inspired demands from Russia that no NATO military installations be erected on the territory of new NATO members and that no foreign forces ever be deployed there. If this particular demand is honored in practice, the security guaranties from NATO would be worthless, and NATO "enlargement" would be a fraud.

3. Russia Against the Baltics in NATO

The West seeks to accommodate Russia's fears through a dialogue which will hopefully lead to compromise. In spite of Russia's objections, the question for Moscow is not "if" but "how much" NATO will expand. While there is some tolerance for the wording which favors admission of Poland, Hungary and the Czech Republic, Russian officials are tough about the aspirations of the Baltic States.

Russia seems to be categorically incapable of conceptualizing a scenario in which former parts of the USSR, such as the militarily occupied Baltic States, could become NATO members. The Kremlin reacted to the visit of Javier Solana, NATO Secretary General to Moldova, Georgia, Armenia, and Azerbaidjan in February 1997 and later to the Central Asian states by warning that this region is not NATO's responsibility.¹⁸ NATO, thus, realized Russia's true, centuries-old feelings about "spheres of influence." Why are the Baltics Russia's responsibility, rather than Turkey's or Romania's, for example? Is it because the CIS structures have more expertise in conflict prevention and providing security than NATO? Why is Moscow jealous of NATO's close contacts further abroad, with members of Partnership for Peace¹⁹ ("PFP")? There is no need to articulate an answer, but a

18. Those trips were planned visits by the Secretary General of NATO, Javier Solana, to the countries that participate in the Partnership for Peace ("PFP"), with the aim of promoting the objectives of the PFP.

19. Partnership For Peace Invitation Issued by Heads of State and Government participating in the Meeting of the North Atlantic Council, Jan. 11, 1994, *reprinted in* NATO Partnership For Peace 1 (NATO, 1994). The Heads of State of NATO nations created the PFP as an "immediate and practical program that will transform the relationship between NATO and participating states. This new program goes beyond dialogue and cooperation to forge a real partnership - a Partnership for Peace." Captain Davis Brown, *The Role of Regional Organizations in Stopping Civil Wars*, 41 A.F.L. REV. 235, 254 (1997). The objectives of the PFP were to commit to openness of national defense planning and budgeting, to keep the military under "democratic," or "civilian" control,

need to assess this reaction in proposing arguments for NATO enlargement.

The meeting between Solana and the President of Georgia and the last Foreign Minister of the former USSR, Eduard Shevardnadze, during one of those visits was especially revealing. The Georgian leader affirmed that the West, when negotiating the unification of Germany in the late 1980s, made no promise not to enlarge NATO east of Germany. NATO was enlarged when the former German Democratic Republic transformed into NATO territory. What was agreed upon was that NATO's enlargement to East Germany would be militarily limited, for example, non-deployment of nuclear weapons, similar to a currently envisaged enlargement into Central and Eastern Europe.²⁰ The Russian Government often employs a misinterpreted version of this alleged promise. A neutral observer must carefully weigh all of Russia's arguments, not just in terms of their compatibility with common sense but, more difficultly, with hard facts.

Russia's arguments regarding the Baltic States lack logic, if juxtaposed against Russia's general position against enlargement which, in some instances, may make sense. In fact, Russia does not provide any arguments for its stance which can be reasonably approached in an open discussion. This was exemplified when Russia loosened its tough stand on the NATO membership of most of the Visegrad states.²¹ The Russian negotiating team reiterated its inflexible dissent to NATO over the possibility of NATO seizing the military infrastructure that the Soviet army built in the Baltic States.²² This call was conceded by U.S. President Bill Clinton at the Helsinki Summit,²³ appeared in the Joint

to maintain the capability and readiness to contribute to operations, to develop military relations with NATO, and to promote long-term development of interoperability with NATO forces. *Id.* (citing NATO Partnership For Peace 1 (NATO, 1994)).

20. Michael R. Gordon, *The Anatomy of a Misunderstanding*, N.Y. TIMES, May 25, 1997, at 3.

21. See Melchior Wathelet, *The Case Law of the European Court of Justice and Nationals of Non-European Community Member States*, 20 *FORDHAM INT'L L.J.* 603, 611 (1997) (discussing Visegrad agreements between Poland, Czech Republic, Hungary, and Slovakia).

22. Michael R. Gordon, *Russia Accepts Eastward Growth of NATO, but Only Inch by Inch*, N.Y. TIMES, Mar. 4, 1997, at A1.

23. Russia-United States: Joint Statements Concerning Anti-Ballistic Missile Treaty, Chemical Weapons, Cooperative Economic Initiative, European Security, and Parameters of Future Reductions in Nuclear Forces, 36 *I.L.M.* 1025 (1997).

Statement on European Security²⁴ by the two presidents, and later was incorporated into the Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation,²⁵ signed in Paris, in May 1997. In that act, NATO agreed to replace the concept of permanent deployment on the territories of new members with a clause of rapid reinforcement in cases of crisis. For that, Russia gave its consent to the development of an infrastructure in new NATO members to ensure necessary interoperability, integration, and capability for reinforcement.

Ironically, Russia left the bases in Lithuania so run-down that they would hardly fit strict NATO requirements. Lithuania had to invest significantly to restructure and rebuild them. This explanation cannot be taken seriously, apart from the absence of other explanations why for Poland, the Czech Republic, and Hungary it is "maybe," and for the Baltics it is "definitely no." Russia's complaints about being pushed out of Central Europe pose the question of whether the Russian Government pictures itself virtually present there now.

Russia's method of preventing the Baltic States' membership in NATO is similar to that used when the Baltic States sought their independence. Russia threatened that, in order for the Baltics to leave, they had to win a decision by all of the USSR republics in support of their secession, because secession affected the entire republic. Through such demands, Russia demonstrated that its understanding of the very concept of sovereignty was incompatible with that of other democratic countries, not to mention the incongruence of this concept when applied to the USSR's forced annexation of the Baltic States in 1945 in the first place. Fortunately, this argument lacked common sense all too evidently and did not ultimately prevent the dissolution of the USSR. Today it is Russia who downgrades the

24. Joint U.S.-Russian Statement on European Security, 36 I.L.M. 1033 (1997).

25. Treaty on the Formation of the Community of Belarus and Russia [Russian Federation], done at Moscow, April 2, 1996, 35 I.L.M. 1190 (1996).

The treaty addresses economic ("the unification of monetary, credit and budgetary systems"), social ("equal rights of the Parties' citizens to receive an education, find work, receive pay or be granted other social guarantees"), and institutional (a Supreme Council to act by consensus, a Parliamentary Assembly to adopt model acts by qualified majority, and an Executive Committee) regional cooperation.

Marsha A. Echols, *Regional Economic Integration*, 31 INT'L LAW. 453, 462 n.8 (1997).

sovereign right of the Baltic States to seek membership in NATO. If this somehow affects Russia's interests it must be discussed rather than Russia using total resistance and political blackmailing. Lithuanian leaders have always emphasized the need to seek appropriate international arrangements which would facilitate Russia's involvement in European affairs in order to conduct an open discussion among equal partners.

One can only wish that the vigor with which Russia attempts to compromise the aspiration of the Baltic States would be directed to its internal reforms. The best evidence is Russia's fury addressed at Estonia and Latvia regarding minority issues. While there are some problems with integrating minorities in these two Baltic States, they pale by comparison to those faced to the south of Russia, for example, in Tajikistan, or in the Russian Federation itself, as in Chechnya. Russia did everything to make the Russian minorities in Estonia and Latvia a hurdle to those Baltic States' aspiration for NATO membership in the West's eyes.²⁶ Studies of the RAND corporation²⁷ have already mentioned the presence of the huge Russian minorities in the Baltic States as a major cause of Allied unwillingness to commit to defending the Baltic States under the NATO umbrella. Lithuania, however, only has a fully integrated Russian minority of 8.3% of the entire population.

Russia's reliance on the "minority card" is evident in its most senior level long-term policy statements on the Baltics. The Washington-based journalist and scholar Paul Goble noted, "while the statement claims that Moscow 'seeks to fully realize the potential of good neighborliness' between Russia and the Baltic States, few people in both the Baltic countries and the West will see Yeltsin's statement as pointing in that direction."²⁸ The strategy mainly concentrates on minority issues not applica-

26. The important factor is not the percentage but the actual integration of minorities. The assumption here is that the situation of Russian minorities in Tajikistan, or other ethnic groups in Russia itself, such as Chechens, is much worse than that of Estonia or Latvia. In any case, 8.3% of Lithuania's population is Polish, 7% is Russian, and 4% is comprised of many other ethnic minorities. In Latvia and Estonia, Russian minorities compose roughly 35% and 45% of the total population, respectively.

27. See Norwood S. Wilner, *A Smoker's Victory: Carter v. Brown and Williamson*, 44 *FED. LAW.* 33, 35 (1997) (describing RAND Corporation as free world's premier think tank).

28. Paul Goble, *Russia: Analysis from Washington—Putting Pressure on the Baltics*, Feb. 14, 1997 (RFE/RL).

ble to, but still affecting Lithuania. Although the policy must be regarded as a mere tactical move with the aim of intimidating those who will influence the decisions to enlarge NATO, there are some worrying signs in its content. It hints about Russian opposition to Baltic membership in the Western European Union²⁹ ("WEU" or "Western European Union"), a European version of NATO comprised of ten members. Russia previously did not regard the Western European Union as a threat. This poses some somber thoughts, as the role of the Western European Union in European security is still undecided. With its growing appetite for obstruction, it can only be anticipated that Russia would use the same arguments against Baltic entry into the European Union after an announcement of their exclusion from NATO. In doing so, Russia might not make its views *de jure*, but would incorporate its position through concrete actions.

Another Russian tactic to block the Baltic States' entry into NATO is the delay of settlement of border disputes. Because NATO membership requires candidates to have border agreements between themselves and their neighbors, Russia appears to hold a very strong card on this issue. One could further presume that the economy is likely to be seen as another means of pressure with the aim of satellitization or "Finlandization." Today, banks are more powerful weapons than tanks. Such a stance seems to only further isolate Russia and cloud its future, rather than damage the Baltics' chance to join NATO.

Despite these tactics, Lithuania has good and stable relations with all neighbors. The most recent heightening of already strong relations with Poland shows that the two countries have formed a strategic partnership based on a mutual understanding of Europe's security, stability, and prosperity, as well as the means for achieving them. Lithuania's relations with the Russian Federation are also friendly and neighborly. The only significant difference is in their views on NATO enlargement.

Another chronic although refutable Russian claim is that by

29. See Davis Brown, *The Role of Regional Organizations in Stopping Civil Wars*, 41 A.F. L. REV. 235, 245 (1997). The Western European Union ("WEU") was the result of a political movement to strengthen European integration within NATO, and is a spin off of the arrangement created in the Brussels Treaty. *Id.* The WEU was created by the 1954 Paris Protocol. *Id.* The WEU's role in the Inter-European system is subservient to NATO, however, it is also the defense component under the European Union. *Id.* at 246.

expanding eastward, NATO is shamefully taking advantage of Russia's weakness. It is not NATO's eastward expansion which is driving this process, rather, it is the desire of the Baltic States, Poland, and other countries long dominated by Russia to go westward. Most analysts foresee that Russia's internal problems, including a stumbling economy, democratic reforms, internal instabilities, and unpaid troops and workers, will take decades, if not much of the next century to solve. Is it reasonable, therefore, that Russia's own inability to turn itself around should give it yet another veto on the sovereign decisions of the Baltic countries? Is it not this same instability, and the likelihood of it spilling over into Central and Eastern Europe, that is a legitimate reason for expanding the NATO umbrella?

The aspiration of the Baltic States to become NATO members is raised at nearly every meeting between Russian and Allied officials. These discussions are highly relevant to the Baltic States, as they concern their vital interests. Whatever Russia's tactics are, the Baltics deserve to be involved in these discussions. Professor Landsbergis, during his visit to Warsaw in February 1997, emphasized that the Baltic States must make sure that when Russia talks with the West, it talks with Baltic States rather than about Baltic States. The Baltic States also appeal to the West for transparency of discussions which affect the Baltic States' security.

4. Russia's Misperception

Everyone who disagrees with Russian officials and opinion-makers is likely to be astonished about the perception, or rather, misperception of the reality in Europe. U.S. Secretary of State Madeleine Albright once concluded that "the NATO Russia claims to oppose bears little resemblance to the alliance we are actually building. NATO does not need an enemy. It has enduring purposes."³⁰ During the February 18, 1997 NATO ministerial meeting in Brussels, she clearly underlined that NATO no longer is arrayed in opposition to any one enemy. President of the Czech Republic Vaclav Havel likes to repeat that in the Cold War the threat to NATO "was not dangerous because it was Russian. It was dangerous because it was Communist and totalitar-

30. *Enlarging NATO: Why Bigger is Better*, THE ECONOMIST, Feb. 15, 1997, at 21, 22.

ian.”³¹

It is doubtful that these arguments are taken into consideration by those who design strategies for NATO. Russian interests and concerns must be respected, however, considering the amount of influence this country has on European security. It does not logically follow, however, that the size of a country directly corresponds to the degree of legitimacy and importance of its desires. Russia's fear of NATO is largely its own problem. As the cartoon character Pogo once lampooned the internal weaknesses of the United States, stating “[w]e have met the enemy and it is us,” similarly, Russia is its own enemy. The West must do its utmost to correct the distorted image of NATO in Russia. It is obvious, however, that the main responsibility for this assignment lays with the Russian Government itself.

Supporters of NATO enlargement question why expansion should be held hostage to the ignorance of the Russian people and the connivery of Russian politicians who, too often, seek to bamboozle their own people with imaginary foreign enemies for short term, domestic, political gains. It has been stated:

[it] is an issue of perception, of political sensitivities, not one of military reality [Enlargement] has become a target of convenience for Russian fears and resentments rooted in uncertainties over Russia's post-Soviet identity and role in the world This is not to dismiss the importance of perceptions as a factor in politics and diplomacy. But those Russians who are currently lashing out against an anachronistic stereotypes of NATO [what Talbott called “Alarmism”] have it within their power to bring perceptions more in line with reality.³²

Even respected Russian leaders are not above such games. For example, in a Russian television appearance on February 16, 1997, Russian Minister of Foreign Affairs, Yevgeny Primakov, theatrically asked who NATO is against, if alliances are always against someone. China? Iran? Such rhetoric is almost too easy to counter. For example, the Western European Union is also a collective defense alliance. Who does it oppose? Who does the European Union oppose? More relevantly, the CIS, of which Russia is the chief architect, and the creation of which has not

31. Vaclav Havel, *NATO's Quality of Life*, N.Y. TIMES, May 13, 1997, at A21.

32. Strobe Talbott, *Russia Has Nothing to Fear*, N.Y. TIMES, Feb. 18, 1997, at A19.

been objected to by the international community, also has an arrangement for collective defense, but against whom? Is the CIS common defense "NATO's enemy?" If the logic of the Russian arguments against NATO enlargement is followed, the CIS then poses a grave danger to Europe. In the Lithuanian logic, CIS is not a threat but rather a benign commonwealth of sovereign states. It is hard, therefore, for a Lithuanian politician, a diplomat, or an ordinary citizen to understand why Russian officials see no possibility of a peaceful and mutually beneficial co-existence of NATO and Russia.

5. Winds of Change: An Indication of Russian Reform-Minded Political Support of NATO

NATO's image was significantly improved by the signature of the Founding Act on Mutual Relations, Cooperation and Security³³ (the "Founding Act") between NATO and the Russian Federation in Paris, on May 27, 1997. In the Founding Act's preamble, NATO and Russia denounced that each see an adversary in the other. In the Founding Act, NATO repeatedly pledged to amend its strategic doctrine of 1991 and strike Russia off the list of top threats, again demonstrating its willingness to reform. Unfortunately, the image of a malicious NATO is now rooted in, if not designed by, official Russian minds and yesterday's leaders. The indecisiveness of the West in enlarging NATO in the first place has made Russia question whether NATO enlargement may cause damage to Russia. Even those Western politicians who argue that the Baltic States are indefensible admit by this that a potential aggressor does exist. The Czech President Vaclav Havel warned that "[t]he subtle, instinctive transfer of the old way of thinking into the present is perhaps even more dangerous than the endurance of the clearly anachronistic idea of two powerful systems."³⁴ He even applied that label on NATO itself, stating that "[i]f old thinking prevails, it will turn alliance into a hopelessly antiquated club of Cold War veterans."³⁵ Consequently, a ghost image of NATO is an easy scheme to depict.

With all of this fog being spread around the issue, it is as-

33. The NATO-Russia Founding Act on Mutual Relations, Cooperation and Security, 36 I.L.M. 1006 (1997) [hereinafter Founding Act].

34. Vaclav Havel, *NATO's Quality of Life*, N.Y. TIMES, May 13, 1997, at A21.

35. *Id.*

tounding that some Russian reform-minded politicians actually see it clearly. Political leaders and opinion-makers like the reform-minded Grigori Yavlinski or Kozyrev see no threat in NATO. It is natural, therefore, that the West identifies the pro-NATO forces as reform-oriented. Kozyrev himself sees the NATO enlargement as a crucial battle for democracy in Russia and calls on the West not merely to watch this battle from aside and to wait for a winner that deserves to be heard in the West. Even Russian National Security Advisor and retired General Alexander Lebed has argued both ways, but his stand is not unconditionally stiff.

By the same token, the results of the public opinion poll in Russia on Lithuania's membership in NATO conducted in March 1997 by the Moscow-based Center of International Sociological Investigations revealed striking facts. It showed that 70.4% of the respondents believe that this is Lithuania's own internal affair, 59% were of the opinion that assigning to Lithuania a function of a buffer zone is a bad idea, and only 22% thought that extension of NATO to Lithuania would worsen Lithuanian-Russian relations. The previously claimed unanimity of Russian people in opposition to NATO enlargement thus becomes less credible. This public persuasion works best on its authors rather than widely targeted groups.

C. Kaliningrad: Europe's Headache, or Hidden Asset?

The issue of the Kaliningrad district has been on the agenda of various international security fora. Kaliningrad is a small Russian administrative district commonly referred to as "Oblast," located on the Baltic Sea coast between Lithuanian and Poland. It is an area of high sensitivity, because of the many battles fought there during World War II. Its final legal status was never determined during the post-war peace conference, thus, leaving the notion of "unfinished history" alive. Today it is Russia's westernmost military outpost. With the universal adherence to the principles of inviolability of borders, the historical feature of the district is rapidly declining. No government in Europe is likely to be in a position to challenge the rights of Russia over this land, however unjust its history may have been. The strategic value of Kaliningrad has been involved in an increasingly high-stakes deliberations. The enlargement of NATO is likely to prompt a cul-

mination of defense analysts' activities attempting to assess the impact of the district's existence in the future NATO territory which will be close to, border, or possibly even encircle the district.

Indeed, there have already been attempts to launch such analyses by respectable institutions, including the RAND corporation. One could hardly, if at all, find a beneficial purpose of this territory for European security. Today it only serves as a base for an exaggerated concentration of Russian conventional weaponry, wholly disproportional to that of almost any other place in Europe. If asked about the threat which is supposed to explain the military concentration levels, Russian military officials are unlikely to point to one right away. Rather, the first explanation they normally offer is lack of resources to relocate the forces from Kaliningrad. Russian officials either implicitly hint or explicitly state that Kaliningrad could serve as a means to slow down or even stop NATO expansion, demonstrating military analysts' deliberations about NATO enlargement.

Russia's determination to maintain an enhanced force strength in Kaliningrad, regardless of the status of its relations with NATO, indicates that it never intended to lower its military presence there. Russia's financial arguments do seem credible, but the Western fear of Kaliningrad's perceived military might was the best incentive for Russia to develop Kaliningrad's factor by simultaneously targeting two crucial economic and military aims. Russia first argued that removing the army from the district would be cost prohibitive. Russia then used its presence as an iron fist to wave before the NATO's nose. These tactics play into hands of the opposition to NATO enlargement process. There is sufficient ground to doubt the sincerity of those in the West who also use the situation in Kaliningrad to slow or stop the process.

Lithuania views the Kaliningrad district from a different perspective. Those who see Russia as a future economic power, with its rich natural resources and large markets, pray for a common border with it. Today, the only border shared between Lithuania, Poland, and Russia is in Kaliningrad. It is its economic, rather than its military significance, that makes Kaliningrad important for Russia. It is the only ice-free Russian sea port on the Baltic sea coast and the closest shortcut to the West from the hinterland rich in resources. The area has fertile soils and unex-

plored deposits of oil. The Russian Government has been keen to present the district to foreign investors and even introduced significant tax exemptions, such as an exemption from the profit tax enjoyed by foreign capital firms for several years from the start of their operation. Lithuanian leaders have been forthcoming to these initiatives. Today, we have facilitated a trade visa-free-regime between Lithuania and the Kaliningrad district. Contacts between the Lithuanian Government, local authorities, businesses, and cultural institutions have increased so that there is a new understanding between the people of Kaliningrad and Lithuania.

Poland, which developed similar relations with Kaliningrad, apparently shares the Lithuanian approach. The latest development has been one of trans-frontier cooperation. The Kaliningrad district administration, together with local bordering authorities of Lithuania, Poland, and Belarus, launched the project of the Nemunas (Neman) Euroregion. This project aims at cooperation between the bordering local authorities in areas such as civil protection, small and medium-sized businesses, education, cultural links, transportation, and cross-border movement of people. This international regional entity is based on the existing practice of vast trans-frontier cooperation, first started by the European Union, and later introduced in many other regions of Europe. Lithuania has been deliberately involving the Kaliningrad district in international cooperation. Although the willing Kaliningrad authorities have not joined the project yet, the explanation for that has been the absence of permission from Moscow. Kaliningrad's involvement in the project seems to be only a matter of time-consuming bureaucracy in the Kremlin's long corridors.

The Lithuanian policy demonstrated that there are ways to accommodate Russia's military interests in Kaliningrad. Russia conducts its military transit to and from Kaliningrad district through the territory of Lithuania. The transit is governed by the rules unilaterally adopted by Lithuania and accepted by the Russian Government. This procedure has existed for more than three years with no unsolved disputes. Lithuania retains the sovereign right to cancel permission for transit rules but no such plans have been deliberated. Had Lithuania disagreed to grant the transit, the only option for Moscow would have been seaways

along the Baltic sea, or airways, as Poland would most certainly not grant that right in the case of refusal by Lithuania.

The understanding between Lithuania and Russia of the Kaliningrad district's strategic importance to Russia guaranteed smooth conduct of military transit. Although such a policy was adopted partly owing to the pressure from the West, Lithuania recognizes the legitimacy of some of Russia's interests. If it becomes clear that the Russian military transit to Kaliningrad is an obstacle for Lithuania to join NATO, however, it is very likely that Lithuania's foreign policy priorities, one of which is NATO membership, will then prevail.

Lithuania, Kaliningrad, and Poland can be seen as a single geopolitical unit with its own, unique needs. Thus, relations among the three parts of the unit are such that any decisions that would affect one part will affect the other parts as well. If the NATO enlargement process leads Russia to conclude that Lithuania is not to be included, Lithuania will be facing tremendous pressure and responsibility for satisfying Russian military interests in Kaliningrad, including transit. There will, consequently, be a great danger of instability in the region. It will virtually be the West's decision which will determine the future role of Kaliningrad in European stability, rather than Russia's decision. It is up to the West to decide whether it wants Kaliningrad as a headache for another decade to come, or as a regional asset with vast economic opportunities.

D. America's Efforts to Increase Russian Global Political Presence

In Helsinki, President Clinton happened to be in possession of additional means, wanted by President Yeltsin, for NATO enlargement. Both leaders reiterated their determination to become original state-parties to the Chemical Weapons Convention³⁶ before it entered into force on April 29, 1997, yet only the United States lived up to this commitment. This was, however, an important political statement by the leaders of the two major possessors of chemical weapons stocks, especially on behalf of the Russians.

In order to upgrade Russia's political stance in global politics and economics, President Clinton promised President Yelt-

36. The U.N. Chemical Weapons Convention, 32 I.L.M. 800 (1993).

sin that he would press for greater Russian involvement in the Group of Seven³⁷ ("G-7"), the Organization for Economic Cooperation and Development³⁸ ("OECD"), the World Trade Organization³⁹ ("WTO"), and some other exclusive economic fora. Given the current condition of the Russian economy, which is today a mere twentieth of that of the U.S. economy and equal to the performance of the considerably smaller South Korea, it is difficult to comprehend in what ways Russia could contribute to, or formally qualify for, membership in these institutions. One should also be anticipating harsh pressure from China to follow the precedent of expanding G-7 to G-8. Admittedly, President Clinton did not explicitly offer membership in G-7, but rather to substantially increase Russia's role, beginning from the next annual meeting of the seven global leaders, and to call the summit held in Denver, on June 20-21, 1997, G-8. As for WTO or OECD, Yeltsin could expect success in pressing for real membership.

Russia has been offered additional cash in blunt terms as well. Clinton promised an increase in direct assistance to Russia as well as support from American investors. It is a commendable step as long as it is a move that heavily pushes Russia towards democracy and a free economy.

Above all, no country in Europe will appreciate concessions to Russia if such concessions do not benefit everyone's security. The current slogan "Security for Russia" must never transform into "Russia First." Professor Landsbergis assertively pointed out that security for all must emphasize the protection of smaller and more vulnerable states, and must prevent bigger, more powerful states from abusing their bargaining positions, much like Russia did when bargaining with NATO.

II. *The Price of NATO Enlargement*

Having identified Russian concerns about NATO enlargement and discussing their legitimacy, it is worthwhile to determine a reasonable price, other than that of internal adaptation

37. The Group of Seven ("G-7") is comprised of the United States, Japan, the United Kingdom, France, Canada, Italy, and Germany. When Russia is in attendance, it is sometimes referred to as G-8.

38. G-7 is a Paris-based Organization for Economic Cooperation and Development, formerly known as G-24, now having 27 member-states.

39. Geneva-based, World Trade Organization, formerly known as General Agreement on Trade and Tariffs ("GATT").

of NATO after enlargement to bring new members up to NATO standards, that could be offered against reasonable opposition. Deliberations about this crucial question seek to establish a regional balance of power. Such an arrangement should seek to foster regional stability and strengthen the political framework of pan-European consultations by increasing the transparency of discussions between Russia and western political and security structures. In terms of balance of power, the two crucial factors that politicians and analysts most frequently ponder are conventional forces, the deployment of which the Treaty on Conventional Forces in Europe⁴⁰ ("CFE") largely determines, and strategic/tactical weapons. In terms of political consultations, the bargaining was crowned with the establishment of the NATO-Russia Permanent Joint Council.⁴¹ The Helsinki Summit, regarded as a meeting of revisiting powers' bilateral commitments, also showed that "basket of carrots, which could be offered to the anti-NATO opposition is far from being depleted.

A. *Political Mechanisms For Cooperation and Consultation*

Worried about losing its influence over the developments in European security, Russia wanted to be involved, through a legally binding agreement, in an effective and influential arrangement for political and military consultations. It has tried to accomplish this through attempts at a legally binding charter on European security, the proposal of a NATO-Russian agreement, and the establishment of a NATO-Russian Permanent Joint Council.

1. The Organization for Security and Cooperation in Europe

Russia has been pursuing the policy of upgrading the role of the OSCE⁴² with the intention of giving this institution a mandate overriding NATO's authority. The consensus procedures

40. Treaty on Conventional Armed Forces in Europe, Nov. 19, 1990, 30 I.L.M. 1 (1991) [hereinafter CFE Treaty]. A goal of the CFE Treaty is to "enhance stability by ending force disparities and limit the capability for launching surprise attack on initiating large-scale, sustained, offensive action in Europe." Jenkins, *supra* note 4, at 1922 n.6. The CFE Treaty sets ceilings from the Atlantic to Urals on key armaments essential for conducting surprise attack and initiating large scale offensive operations. *Id.*

41. The NATO-Russia Permanent Joint Council, 36 I.L.M. 1006, 1010 (1997).

42. Organization for Security and Cooperation in Europe, OSCE Lisbon Document of 1996, 36 I.L.M. 486 (1997) [hereinafter OSCE].

required in the OSCE make this change unlikely. Subsequent Russian efforts were addressed in a legally binding charter on European security, which would somehow prevail over the North Atlantic Treaty. While this attempt was supported by French leadership, however, the French did not specify its vision of such a charter's hierarchy in the European security system. A legally binding character of any pan-European agreement, dealing with the broadest security aspects, turned out to be unacceptable for most of Western and Central Europe. Mere political commitments, as suggested by the many nations that were opposed to a legal treaty, did not satisfy Russia.

2. U.S.-Russian Joint Statement on European Security

Russia then proposed a NATO-Russian agreement with the purpose of setting up a standing bilateral institution for consultation and cooperation. NATO did not reject it. The Joint Statement on European Security⁴³ of the U.S. and Russian Presidents, issued after their Summit on March 21, 1997, in Finland, foresaw that the NATO-Russian agreement would be signed by the highest political leaders of the NATO member-states and Russia.

Before the talks between Russia and NATO began, Russian President Boris Yeltsin insisted that a legally binding agreement come before NATO enlargement. At that point, both NATO member-states and aspiring members were cautious about this tactic, fearing that Moscow envisioned an agreement which would effectively block NATO enlargement. Russia wanted agreements with individual NATO member-states in order to negotiate possibly different provisions with each of them, some taking more account of Russian demands, some taking less. Individual agreements would take more time thus delaying the process of NATO enlargement, or at least trying to win Russia's consent to it. NATO accepted neither a legally binding agreement nor their multiplicity.

3. The Founding Act and the NATO-Russian Permanent Joint Council

The Founding Act⁴⁴ ("Founding Act") was signed by the heads of Russia and NATO member-states in Paris on May 27,

43. Joint U.S.-Russian Statement on European Security, 36 I.L.M. 1033 (1997).

44. Founding Act, *supra* note 33, 36 I.L.M. 1006 (1997).

1997. The Founding Act achieved its main purpose, namely to lay grounds for the NATO-Russia Permanent Joint Council ("Council"). The Council is mandated with issues that are already covered by OSCE and the Euro-Atlantic Partnership Council.⁴⁵ The only difference that mattered for Russia is having a private table with NATO for all those issues, without "biased" NATO aspirants. Yeltsin celebrated a tactical victory since the Founding Act came before Madrid Summit on July 8-9, 1997. Many greeted the Founding Act warmly, because it repeated the same OSCE principles of interstate relations, including the states' "inherent right to choose the means to ensure their own security," and established a relatively neutral Russia-NATO consultation mechanism.

In the course of negotiating the Founding Act, U.S. Secretary of State Talbott described the purpose of the process as an attempt to avoid errors that were made at the end of both World Wars, such as the punitive measures of Versailles and the permissive measures of Yalta.⁴⁶ At the founding ceremony, its host, French President Jacques Chirac contemplated that "built on the ruins of World War II, the order that came out of Yalta led to peace that was unfair, preserved by the balance of terror," or what Havel calls the lasting fight between Europe's two still colliding forces "tribal passions and civic principles."⁴⁷ Chirac also noted that the Founding Act ended half a century of misunderstanding, confrontation, and division, and that Europe had at last reconciled with itself. A similar sentiment was echoed by almost all European leaders.

The crucial question is how loud the Russian voice will be in the Council. Some international personalities voiced their reservations about the Council. Nearly all of those doubts can be found in the thoughts expressed by Friedbert Pfluger, a member of the foreign affairs committee in the German Parliament. Fearing that the Council is "a backdoor way for Russia into

45. The Euro-Atlantic Partnership Council is an outcome of the merger between the PFP and the North Atlantic Cooperation Council ("NACC"). The NACC is a forum in which Allies can offer their experience and expert advice to partner countries on security issues. S. TREATY DOC. No. 25, 103d Cong., 2d Sess., at V-VII (1994).

46. R.W. Apple Jr., *NATO Expansion: Rocky Road to Approval for Risky Gamble*, N.Y. TIMES, May 15, 1997, at A1.

47. Barry Bearak, *Havel Wants NATO to Welcome Democracies*, N.Y. TIMES, May 15, 1997, at A18.

NATO,"⁴⁸ he suspects that, "with the creation of the new council, Moscow will be included in NATO decisions at least a year and half earlier than the candidates for membership."⁴⁹ "Even though Russia will formally lack the power to block any NATO action, the alliance will feel obliged to consult Kremlin first . . . the pressure for reaching consensus will be great . . . Russia will possess not *de jure*, but *de facto* veto."⁵⁰ He was also dissatisfied that, during negotiations, "Russia was not asked to concede on its tactical weaponry in Kaliningrad . . . where Russia has a very big advantage in tactical nuclear weapons."⁵¹ Responding to fears from NATO aspirants about Russia's power to block NATO enlargement through the Council, Pfluger wrote that reducing the anxieties of Central and Eastern European countries is a precondition for a real partnership with Moscow.

Although Moscow interprets its mandate differently from other signatories and deems that the Council is also eligible to discuss NATO enlargement as an issue of common interest related to security and stability in the Euro-Atlantic area, NATO reserved the right of independent decision-making on issues which Russia would disapprove and/or are NATO's internal issues. Enlargement is obviously one of those issues, and it will most likely be absent from the Council's agenda, the adoption of which requires consensus. Havel, although referring to the general assumption of Russia never becoming a part of NATO, said that "it is hard to imagine it [Russia] could become an intrinsic part of NATO without flooding the alliance with the busy agenda of Russian interests."⁵² This fear equally applies to the Council's operation.

Another merit of the Council is that it does not offer Russia a wider menu of topics than the aspirants now have themselves. Yet if, in the course of the Council's growth, this would appear to be true, it would paradoxically mean that Russia confronting NATO would pay off better than aspirant's more cooperative attitudes. For the time-being, Pfluger's and others' fears can be relatively quieted.

Certain facts were leaked to the public about the NATO-

48. Friedbert Pfluger, *NATO's Bad Bargain*, N.Y. TIMES, May 16, 1997, at A29.

49. *Id.*

50. *Id.*

51. *Id.*

52. Vaclav Havel, *NATO's Quality of Life*, N.Y. TIMES, May 13, at A21.

Russian negotiation on the Founding Act and, in particular, with regard to the number of deployable NATO troops in new members' territories. It is somewhat alarming that, before Russia dropped its demands to limit the deployment of Allies' troops in new members to five percent of all troops present in the country, the West conceded to twenty percent.⁵³ Eventually the figures were abandoned, but the NATO's acquiescence to a very low number of twenty percent gives an approximate idea about the Alliance's understanding of mutual reinforcement arrangements. In any case, numbers could come up at negotiations for future waves of enlargement, and, once conceded, the twenty percent would doubtfully go up. If so, this could seriously undermine the guaranties NATO seeks to extend eastwards and would even pose a risk of creating a second category of membership. Based on a scrutiny of the birth of the Founding Act and the Council, the idea of a pan-European charter on European security is unlikely to be pursued vigorously until the first wave of enlargement regresses. After the Madrid Summit, the bid for a charter might increase and become of special relevance to subsequent waves of NATO enlargement.

B. The CFE Treaty, NATO Military Forces, and NATO Enlargement

The CFE Treaty, which was agreed to during the Cold War, established "zone limits" as the modality for the balancing of forces. Modifications to the CFE Treaty are, by far, the major price paid to Russia for NATO enlargement. Russia's main concern is that the positioning eastward of NATO forces which would result from accession of Central and Eastern European countries would pose a threat to Russia's security. Although Russia would obviously prefer that NATO forces not be positioned eastwards at all, Russia could not reject consideration of compromise proposals to adapt the CFE Treaty off-hand. At the Helsinki Summit on February 20-21, 1997, President Clinton admitted that there is no current need to deploy NATO forces on the land of NATO newcomers in a foreseeable future, but he refused to make a perpetual non-deployment promise. Later, as was mentioned under the Founding Act, NATO took into account Russia's demands not to deploy conventional forces on the terri-

53. Michael R. Gordon, *Decision for NATO: The Overview; Russia Agrees to NATO Plan Pushed by Clinton to Admit Nations From Eastern Bloc*, N.Y. TIMES, May 15, 1997, at A1.

ories of new NATO members, but refused to give up its military infrastructure which could be used for rapid conventional reinforcements in critical situations. It is unfortunate that the CFE Treaty adjustments made during the May 1996 Review Conference, which allowed Russia to keep higher levels of conventional weaponry in the flanks east of the Baltic States and north of Caucasus, were conceded to Russia without a linkage to NATO enlargement. Not only were these negotiations conducted clandestinely without the transparency which would have enabled the non-CFE Treaty states affected by these decisions to voice their concerns, but they also resulted in a wasteful one-way concession by the West.

The first publicly known move by the West was a proposal brought to Kremlin by the U.S. Secretary of State Madeline Albright on February 20, 1997. She proposed to lower the ceilings set by the CFE Treaty for current and aspiring members of NATO who are also parties to CFE Treaty. The strength of the move is both its relevance to NATO enlargement and, more broadly, its contribution to the overall conventional disarmament in Europe, a goal which Lithuania wholeheartedly supports.

NATO and Russia agreed to adopt the CFE Treaty, but this time the principle of transparency seems to have reigned. The signatories recognized the importance of the adaptation of the CFE for the broader context of security in the OSCE area, as well as the legitimate security interests of all OSCE participating States, not only CFE Treaty States-Parties. During negotiations on the CFE Treaty, however, this very same Founding Act calls for restraints from the States-Parties to the CFE Treaty to avoid diminishing the security of any State-Party, not of any OSCE states. Despite these ambiguities, the Founding Act agreed to permit the possible accession by new States Parties.

Conceptual discussions about modifications of the CFE Treaty inevitably focus on alternatives to the existing structure of control moving from "zone limits" to national force levels. A state-by-state, national approach would reflect the new political realities in Europe, the limits coinciding with state borders, and would significantly contribute to the elimination of the notion of opposing military blocks. Furthermore, lower national ceilings, if combined with sufficient limits for an outside assistance in

cases of crisis, would emphasize the cooperative spirit of the arrangement.

New NATO members could increase the legally allowed capacity of NATO to supplement their conventional forces. Ironically, Poland's 2000 tanks already outnumber American tanks presently stationed in Europe, although the latter are far superior. The fundamental assumption in all these deliberations is that, in the case of a hypothetical conflict between NATO and any outside adversary, the aspirant member-states will fight on the side of NATO anyway. Therefore, Russia should not demand unrealistic restraints on NATO conventional forces because they would not change the political and military reality.

Lithuania will not accept the lengthy process of further reductions of the CFE Treaty, even in her surrounding area, as a legitimate argument for delayed NATO membership. Today, no country exceeds the limits set by the Treaty on Limited Equipment⁵⁴ ("TLE"), therefore, new limits will not really perform a function of constraint but rather will be an adaptation of the limits to new realities of a lesser need to rely on conventional forces. The West could agree to lower weapon allotment under the CFE treaty without actually cutting their forces as the actual deployment is already considerably lower than the TLE ceilings allow. A move in this direction was agreed upon by U.S. President Clinton and Russian President Yeltsin, apart from the handshake about freezing the ceilings for the Central Europe. The general merit of such adaptation would be an incentive, according to a still undefined time-schedule, to require further reductions in conventional weapons.

C. *The Nuclear Bargaining Chip*

New agreements on strategic nuclear weapons are also being considered in the NATO enlargement debate. The value of nuclear weapons in this bargain is predetermined by the deterioration of Russia's conventional forces while the nuclear power has hardly diminished. The long declared policy of no-first-use in the 1980s was gradually denounced in the 1990s in favor of Russian military doctrines which contemplated a nuclear retaliation against conventional attack.

54. At least no violations of the CFE Treaty have been detected by the verification missions.

The likelihood that NATO's nuclear ghost, which has already been abruptly slashed since the Cold War, would come closer to the former USSR's borders. This caused concern for NATO opponents not only in Russia but also in Ukraine, Belarus, and Kazakhstan, all of which have become nuclear weapon-free states by giving up their nuclear arsenals to Russia. Ukraine and Belarus have been active proponents of the idea of a nuclear weapon-free zone in Central and Eastern Europe. The idea, however, has not received much support, mostly owing to the fear of NATO aspirants to assume pre-commitments that might jeopardize their eligibility for membership.

The initiative came from NATO, first, in the Berlin Ministerial meeting on December 10, 1996, and then in the Founding Act. Such initiative pledged, albeit with no legal commitment, not to deploy nuclear weapons on the territories of new NATO members and not to establish new nuclear storage sites or use old ones. The explanation for this move is a generally understood absence of the need of greater stationing of nuclear weapons around Europe. NATO, at least under the present circumstances, affirms that it has neither plans nor intentions to do so. Lithuanian officials support this position. Article 137 of the Lithuanian Constitution *a priori* prohibits deployment of weapons of mass destruction on its territory. Theoretically, however, this clause could be amended as the constitutional article on land purchase and ownership, which impeded signing the Association Agreement with the European Union, was amended.⁵⁵

As with conventional forces, the West has plunged in the revision of existing commitments on strategic nuclear forces as part of its NATO enlargement strategy. The treaty between the United States and the Soviet Union on the reduction and limitation of strategic offensive arms⁵⁶ ("START I"), signed on July 31, 1991, is a remnant of the recent past, and is the most important present bilateral commitment between the United States and

55. Previously prohibitive, Article 47 of the Lithuanian Constitution now allows, under certain conditions, land ownership by foreign citizens. This amendment allowed the Association Agreement to be compatible with the Lithuanian Constitution. The Lithuanian Constitution was established in 1992, and Article 47 was amended in 1996.

56. START I Treaty, 31 I.L.M. 246 (1992). The Protocol to the Start I Treaty is located at 31 I.L.M. 1600 (1992).

Russia. The follow-up, START II,⁵⁷ is half-completed. The most austere opponents of NATO enlargement in Russia, especially among the legislators, urge their Government to send a message westwards that, in case NATO expands its nuclear coverage, Russia will relinquish its policy of nuclear disarmament, and the first target of the new policy will be present and future START commitments. The ratification of START II is stuck in the Russian legislature ("Duma") due to technical reasons predominantly accounting to the lack of resources to build nuclear single-warheads and destroy multiple-warheads. The possibility of hearing new excuses, however, should not be ruled out.

It is of utmost importance that bilateral nuclear disarmament does not become a hostage to political blackmail. By offering its offset modification in substance and implementation time-table through START III,⁵⁸ which advances a further progress in reductions, the Helsinki meeting preserved START II before the Russian Duma and U.S. Senate begin scrambling over ratification.

With the possible failure of the START II ratification by Moscow, Russia would still end up with fewer nuclear weapons than the United States (at present, 6700 and 8100 warheads respectively), as many Russian missiles are rusting and aging and have to be phased out anyway. Yet even with START III, if it is ever to come into force, the number of the remaining Russian and U.S. nuclear war-heads will remain in the thousands - more than needed even for Cold War containment policies. If a benign spirit prevails after the first wave of NATO enlargement, it would be feasible to predict a continuing strategic nuclear disarmament. A future START IV could then expand its scope to include other NATO nuclear powers such as the United Kingdom and France, in spite of the latter's absence from the NATO military structures.

Apart from these commitments and in response to NATO's pledge of non-deployment, the geographical deployment of strategic weapons, especially in Russia, somehow ought to be addressed as a response to a greater security from a nuclear threat,

57. Treaty between the United States and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (Jan. 3, 1993).

58. Treaty between the United States and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, to be signed following the ratification of START II by the Russian Federation.

even if theoretical. This need is of paramount relevance to the Helsinki deal on interpretation and possible amendments of the Treaty between the United States and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems ("ABM Treaty").⁵⁹ Because Lithuania, like any other NATO aspirant, remains within the reach of Russia's unprohibited short-range missiles that are able to carry weapons of mass destruction, it is only natural to wish to be protected by a counter-balancing missile defense system that is compatible with ABM Treaty provisions. No individual Central European state, without the collective defense of NATO, could afford an adequate defense of that kind.

Bilateral nuclear disarmament must not be prejudiced by multilateral commitments, especially under the Non-Proliferation Treaty⁶⁰ ("NPT"). Lithuania welcomes the further denuclearization of Europe and the rest of the world through gradual steps. Such steps would include implementation of the Comprehensive Test-Ban Treaty⁶¹ ("CTBT") strengthening of the NPT and International Atomic Energy Agency⁶² ("IAEA") safeguards, and proceeding with negotiations on a treaty effectively banning production of missile material and dual use technologies for military use, or the so-called "Cut-off Treaty."

D. *Fear of Lines of Division in Europe*

One of the dilemmas which was stunningly exaggerated and misinterpreted when pondering a new European security system,

59. Treaty between the United States and Soviet Union on the Limitation of Anti-Ballistic Missile Systems, 11 I.L.M. 784-803 (1972) [hereinafter ABM Treaty]. A Protocol to the ABM Treaty entered into force on May 24, 1976. 13 I.L.M. 904 (1974).

60. The Non-Proliferation Treaty, 729 U.N.T.S. 161 (1970). This treaty stemmed from concern about the possible proliferation of nuclear weapons beyond those states which already had them. 35 I.L.M. 809, 855 n.31. The United States and the Soviet Union designed it to prevent the spread of nuclear weapons, while promoting the peaceful uses of nuclear energy. *Id.* The Final Document on Extension of the Treaty on the Non-Proliferation of Nuclear Weapons was signed on May 11, 1995. *See* 34 I.L.M. 959 (1995).

61. The Comprehensive Test-Ban Treaty, 35 I.L.M. 1439 (1996) (designed to ban all testing of nuclear weapons and explosives).

62. International Atomic Energy Agency: Convention on Nuclear Safety, 33 I.L.M. 1514 (1994) [hereinafter IAEA]. The Vienna-based IAEA is entrusted with verification of compliance with the NPT as well as other regional treaties on nuclear weapons-free zones (Pelindhaba, Rarotonga, Tlatelolco). The verification system is called "IAEA safeguards."

and NATO's role in it, is the fear of new dividing lines, such as iron curtains, walls, or, in Havel's terminology, tectonic cracks.⁶³ The notion of such lines frightens nearly everyone and is widely rejected as being unacceptable to either large or small scale maps of Europe. Such an oversimplified quest for an ideal solution, however, only exists in science fiction, and practically, leads nowhere. The deadlock is based on the wrong presumption that lines are always harmful and that there can be a world without them.

In reality, lines do exist and they can be useful. Lines denoting interests are as inevitable as the "thickest" dividing lines, those of state borders. Ironically, the inviolability of state borders is a universal principle of international law. Throughout history, the role of state borders has been diverse. Frontiers can both divide and unite. Similarly, so may new lines drawn by NATO enlargement. It is crucial to design patterns of lines that will be the most capable of contributing to international unity and security, and the least likely to be divisive. NATO enlargement is confronted with the same reality which, if perceived distortedly, will hamper attempts to allow NATO to conduct its true mission. Whatever NATO's decision will be, lines will exist anyway. The primary question is whether these lines are natural or arbitrary. This issue must be at the heart of NATO's deliberations on enlargement.

Natural lines will bring and contribute to stability. They will be the lines of common values, based on the criteria that are voluntarily endorsed by the community of democratic states. Many of Clinton's speeches about world politics declare that freedom's boundaries now should be defined by new behavior, not old history nor old thinking. At the North Atlantic Council Ministerial Meeting in Sintra, Portugal, on May 29, 1997, Madeleine Albright said that a Europe without divisions is not a Europe without distinctions. Such distinctions, however, must be based on new behavior and evolving realities, rather than old history or geography. With respect to NATO, the lines of new behavior should be lines of democracy, freedom, stability, and security, because these are the values that NATO defends. What side of those lines to support will be every sovereign nation's choice. Natural lines will be a stabilizing element of newly cre-

63. Vaclav Havel, *NATO's Quality of Life*, N.Y. TIMES, May 13, 1997, at A21.

ated political reality in Europe, gradually vanishing as Europe integrates.

On the other hand, forcibly imposed arbitrary lines will encounter the same end as did the Berlin Wall. Anxiety and instability will increase if democratic states are not allowed to make their own choice, or this choice is not respected, and they are arbitrarily forced out of the space that they would like to share with others. If we want to avoid the emergence of arbitrarily manufactured and destabilizing lines, the genuine desire of the Central European nations to be NATO members⁶⁴ and their recent behavior to facilitate their acceptance into NATO, all point toward such acceptance.

III. TOWARDS A FUTURE LITHUANIAN NATO MEMBERSHIP

Lithuania's interest in NATO membership does not come at the expense of its desire to enter the European Union, rather, the two are coexisting, independent, and primary goals. Recognition of an existing link between NATO and the European Union might facilitate the processes that contributes to the unification of Europe. One of the possibilities is the preservation of equal treatment of NATO and EU aspirants, avoiding double standards regarding requirements for admission. Such conduct would be essential in avoiding artificial dividing lines, and would be mutually conducive to the evolution of both processes.

A. *Lithuania's Actions Demonstrate Its Commitment to NATO*

The basic criteria for membership could be drawn from the North Atlantic Treaty, and were more broadly outlined in the Study on NATO enlargement officially released by NATO in September 1995. Only a country that adheres to the universal values that NATO defends can aspire for admission into the alliance. Those are the values of democracy, individual liberty, rule of law, market economy, determination to protect peace, stability, good neighborly relations, and well-being of allies. New members are expected to strengthen the organization and contribute to the achievement of its goals. In particular, new members must be able to comply with the organization's military standards.

64. NATO applicants are Poland, Hungary, Czech Republic, Slovak Republic, Slovenia, Lithuania, Latvia, Estonia, Bulgaria, Romania, Albania, and the former Yugoslav Republic of Macedonia.

"NATO enlargement is not a scholarship program," said Albright at the Sintra NATO ministerial meeting. The organization is declared open to every state which meets those criteria.

Lithuania's authorities and citizens are well aware of those criteria. After the relatively short period since re-establishing its independence, Lithuania has made stunning progress towards meeting NATO standards. Lithuanians re-built a democratic state based on universal and European standards of law, and human, civil, and minority rights. Minorities of Lithuania not only enjoy formal rights which are protected by a government committed to international rules, but there exists centuries' long traditions of tolerance and co-habitation that enables minorities to regard Lithuania as their true homeland. Ethnic Lithuanians regard Lithuanian citizens of other native backgrounds as assets, enriching the culture of their State.

One of the assurances of Lithuania's security and well-being is good relations with neighbors. All of Lithuania's neighboring countries regard it as a peace-loving and friendly nation. Lithuania has neither border problems nor disputed territories. Its commitment to free market reforms is evident from the Lithuanian political parties' consensus about Lithuanian membership in the European Union.

As a member of the international community, Lithuania is deeply committed to the universal goals enshrined in the U.N. Charter. Lithuania has always been an inseparable part of the European culture and history, and shares in the European dream of a united and prosperous Europe. Lithuania assumes her fair share of responsibility for that goal by contributing her peacekeeping troops to the common effort in Bosnia-Herzegovina under the command of NATO. Together with other Baltic States and Poland, Lithuania is preparing for an increased contribution to international peacekeeping by establishing joint peacekeeping units.

Lithuania is restructuring its military forces as well as its civil infrastructure, which will form an integral part of NATO assets. This restructuring includes the development of a civilian controlled military and adjustment of command and improved control and communication systems to achieve interoperability with those of NATO. Our military staff participates in the Planning

and Review Process⁶⁵ ("PARP") and follows NATO defense planning standards. Our troops have been cited for professional performance in numerous activities undertaken within the PFP.⁶⁶ Every third Lithuanian officer has participated in various short training courses and peacekeeping exercises at NATO military training grounds. The Lithuanian army is modernizing its hardware. The defense budget has been doubled with the intention to spend the entire increase for continued participation in the PFP. All of these developments demonstrate Lithuania's determination to comply with NATO standards.

B. *Avoiding A Double Standard*

The indispensable boundaries of NATO encircle those countries that share the same values. Admitted adherence to these values is determined by a formal decision based on certain criteria. A fair and objective judgment about a candidate country's eligibility for NATO membership is a crucial prerequisite for the credibility of the organization itself. Otherwise, a perceived double standard would raise serious doubts about the genuine goals of the alliance in the eyes of all states, including Russia.

The completion of all undertakings aimed at membership in NATO now depends on the prospect of the membership itself. NATO's history shows that membership standards were sometimes met only after a country's admission, as was the case in the acceptance of Spain, Portugal, and Turkey. NATO did not require perfection of democratic development in these cases. Rather, the admission accelerated development of their democracy and contributed to the development of friendly relations, or at least those that exclude any chance of armed conflict, as in the case of Turkey and Greece. Even now Lithuania's relations with neighbors are more constructive than those between Greece and Turkey. The elimination of a threat cannot be ensured by unilateral actions and concessions. Even the presup-

65. The Planning and Review Process is a politico-military arrangement in the framework of the PFP that is designed to achieve a greater interoperability between NATO and partner states, furthering the purposes of PFP.

66. See *supra* note 19 (discussing PFP). The PFP was originally an initiative by U.S. President Clinton, institutionalized in 1994, aimed at bringing together the NATO member-states and Central and Eastern European states for cooperation in security issues.

posed situation where a country is threatened by anyone when a threatened nation has done everything to avoid such situation cannot be honestly regarded as an obstacle for membership in NATO. U.S. Secretary of State Albright rightly noted that if NATO were open only to countries menaced by aggressive neighbors, virtually no current ally would qualify.⁶⁷ Although this was her response to an argument that perspective members need no NATO umbrella because none of them faces an immediate military threat, it is also consistent with the general discussion about the membership criteria.

Official and unofficial assessments of an aspirant's compliance with NATO membership criteria are always carefully noted and analyzed. No one has argued that Lithuania or the Baltic States do not meet the requisite political criteria. Yet already the U.S., Danish, German, and Norwegian defense ministers implicitly or explicitly mentioned on various occasions that the Baltic States are not yet prepared for membership. Because these officials are competent to speak about the military rather than the political side of preparedness for NATO membership, one could conclude that the Baltic States are not ready militarily. That is weighted against the increasing feeling among the Allies' military that the front-runners for NATO seats, the Czech Republic, Hungary, and Poland, will be fully adapted and integrated into NATO's defense systems within ten years after their admission. One could further comprehend that it is only the technical side which should be tackled in order to ensure preparedness for membership in NATO.

The issues which sometimes result in these assessments are often unrelated to NATO membership standards or requirements. One issue is the defendability of the Baltic States, negative conclusions about which are inherently dangerous if they are ever taken as a basis for a decision on admission of the Baltic States. This would not only produce double standards but would send the signal of a mediocre approach toward assessment in a case where objectivity and sincerity are necessary.

NATO has a history which resolutely refutes such arguments of indefensibility. If the alliance was determined and able to defend West Berlin, Northern Norway, Denmark (Bornholm), or Turkey during the Cold War, indefensibility of the Baltic States

67. *Enlarging NATO: Why Bigger is Better*, THE ECONOMIST, Feb. 15, 1997, at 21, 22.

could only mean that either NATO has lost its essential capabilities, or lacks political will. Hawaii in the Second World War, Kuwait in the Gulf War, and the Federal Republic of Germany in the event of a break-out of European conflict during the Cold War, were all arguably undefendable in the first phase of conflict. The issue of defendability must be based on the question of what is worth defending, rather than what is easy to defend.

A similar question is often asked about the willingness of Americans to have their sons die for Vilnius, Warsaw, or Ljubljana. Just as the United States understood its international interests and obligations in the 1950s differently than it did in the 1920s, so it is that the new generation in Europe and North America of the 2000s will also redefine their interests. How many Americans in the 1920s would have linked their national security to that of Brussels, Rome, or Oslo? The failure of the United States, and, more poignantly, the failure of most of Europe, to link their interests in the 1930s to that of Prague, or to the Baltic States, resulted in calamity. Are Americans ready to defend Athens, Ankara, or Reykjavik but not the Baltic States? In the light of ample assurances by American leaders to their public that extension of security guaranties, for example, in Article 5 of the North Atlantic Treaty, to the Central and Eastern Europe will actually reduce the risk that American troops will again be called to fight in Europe, where and why does this line of doubt cut Europe in two? Is it not the purpose of international statesmen and leaders to see above and beyond parochially interpreted national interests?

There is also a danger involved in applying geopolitical criteria as requirements for NATO membership. The credibility of NATO would be seriously undermined if a prospective member's eligibility is judged depending on whether it has a common border with Germany or Russia, in other words, whether it lives in a "good" or "bad" neighborhood. Yet, when Poland is named as the most likely candidate for the first wave, the geopolitical arguments are the most likely to back such statements. Without prejudice to the eligibility of Poland, and the vital interest of Lithuania that Poland is among the first new members of NATO, such statements pose natural question for Lithuanians. These questions include whether Poland's location is strategically better than Lithuania's location. Both countries are on the Baltic sea coast, both share borders of a similar length with Russian Kalin-

ingrad's region and Belarus. Geographically Lithuania's eastern border is not further to the East than the eastern Polish border. The main difference is that Poland borders with Germany, the ultimate supporter of Poland's membership in NATO. If geographical location is among the criteria, then ideas about a united Europe and Western pledges for democracy will be distant dreams to states that are currently disadvantaged by God's will. On the other hand, failure to see the strategic importance of the Baltic state's location for NATO would be a short-sighted view.

Thus, instead of defendability, the true argument at the heart of NATO enlargement must be over standards, either single or double. Is NATO an alliance of Western democratic states, sharing common traditions or values, or does it only represent the dated interests of its current members, as defined by the international conditions of the 1950s and 1960s? Will anyone dare say in the Madrid Summit that Europe's future has been predetermined by Reich Germany's Foreign Minister Herr Ribbentropp?

A single standard must be applied in negotiations and decisions about new NATO entrants. Lithuania expects that the decisions will be taken by a competent body of the organization upon objective and transparent criteria. No nation that is not bound by the North Atlantic Treaty should have a veto or any "droit de regard" in determining the fate of other nations. A strong "no" on the Russian veto was reaffirmed by the Founding Act, stating that the provisions of the Act would not provide NATO or Russia, in any way, with a right of veto over the actions of the other nations, nor would they infringe upon or restrict the rights of NATO or Russia to independent decision-making and action. The provisions must not be used as a means to disadvantage the interests of the other states affected by them. Lithuania wishes to have, in reality, a constant ground to believe in the sincerity of numerous declarations by the West that there is no right of veto by non-NATO countries.

C. The Relationship Between NATO Enlargement and EU Enlargement

There is no formal link between the two processes that will plot Europe's future, namely, NATO and EU enlargement. Until

recently, the headquarters of both institutions intentionally avoided close contacts. The relationship had even long been denied. Reality, however, is gradually forcing the skeptics to either see the obvious existence of this relationship or deny it, which could result in failed strategies about Europe future.

There is an inherent political logic for the two processes to be dependent on each other. They will both shape the future of the continent. Both institutions are simultaneously approaching the deadline for crucial decisions surrounding their adaptation and enlargement. They are on the very top of political agendas in every European state and across the Atlantic. Both processes encompass a similar geographic scope. In terms of security, both institutions have converging directions of evolution. NATO is developing its European identity of union. The concept of a Common Joint Task Force⁶⁸ is a sign that the European Union is pondering its future defense identity. However thin, the Western European Union is an institutional link between the two structures. Furthermore, it is widely acknowledged and contained in every textbook on international politics that the European Union provides soft security guarantee, which complements the hard security provided by NATO. Countries of Central Europe cooperate on equal footing in all three organizations, thus preserving the congruence of the overall European integration process. Last but not least, the study on NATO enlargement itself contains a clause that the most anticipated perspective members of NATO are those that are parties to the Association Agreements with the European Union, and are thus prospective EU members.

The absence of the United States from the European Union has been the main factor for denying a formal relationship between NATO and the European Union, however, this separating factor has faded away to become its antithesis. The United States is now one of the main, centripetal forces of European convergence. Although some U.S. politicians support membership of NATO aspirants in the European Union as a precondition to

68. A common joint task force is an arrangement that allows the European members of NATO, including members of the Western European Union, to use NATO assets, for their own collective purposes, without involvement of United States and Canada.

NATO membership, the American administration is not willing to do so.

The linkage of NATO and EU enlargement mostly has been regarded as mutually complementary in some aspects, and viewed, by some politicians, as mutually reinforcing processes. There have been interpretations of one-direction linkage, the most frequent of which is understanding that NATO aspirants' membership in the European Union would facilitate NATO enlargement. The case of Turkey defies guaranties in the opposite direction, demonstrating that membership in NATO does not secure a place in the European Union. This approach can be detected in the United States where a significant number of politicians support the fastest possible EU enlargement. A similar approach, although for different motives, can be observed in the EU Member-States that are not NATO members, most notably Sweden and Finland. These two Nordic countries cannot formally push the membership of the Baltic States in NATO, however, they declared their respect for the choice of the sovereign Baltic States to seek security assurances as considered best suitable for themselves. The strength and frequency of such arguments has aroused a somewhat irritated reaction in the European Commission,⁶⁹ which has established its own modalities, criteria, and logic of EU enlargement. Its members, including the Commissioner for External Relations, Hans van den Broek, have repeatedly made a firm point that the European Union cannot be regarded as a shelter for those who will be left out of NATO enlargement.

IV. A Two-Pronged Solution to Include Lithuania in NATO

Some Europeans perceive NATO enlargement as the price to keep the United States engaged in Europe. The U.S. role, seen by Lithuanian politicians, is not so narrow or simplistic. Baltic nations need continuing U.S. support of Baltic determination to be full fledged members of the democratic, stable, and prosperous Euro-Atlantic space without which the United States itself cannot prosper. It is, therefore, not only for the benefit of Lithuania that NATO commit to include the Baltic States in the

69. See GEORGE BERMAN ET AL., *CASES AND MATERIALS ON EUROPEAN COMMUNITY LAW* 57-63 (1993) (discussing Commissions's composition and duties).

first waves of admission, but rather, for the benefit of all NATO members.

A. *A Strong NATO Commitment to Include the Baltic States*

Professor Landsbergis vividly rebuffs the special case notion that:

Lithuania seeks to be seen as an individual country, not as a kind of mushroom in a basket which is now called "the Baltic States." Now here they are, all three of them, and either we allow all three of them get out or let all three stay in that basket and wait for better times. No, the unfortunate "special case" of the Baltic States must be reversed and made a "normal case." We are a "regular case," normal countries, and we are Europe. Let somebody explain to us why should it be otherwise.⁷⁰

Treating the Baltic countries separately from other Central European countries is counterproductive with respect to their interests. It would be an attempt to draw an artificial line between the countries that were incorporated into the Soviet Union and those that have not been, and would subsequently lead to doubling the standards for NATO admission. Although the Baltic States' struggle for statehood was a special case, today there should not be any special Baltic case with regard to NATO enlargement. All applicant countries share the same values and all must have a level playing field. There is no exclusive or special role of NATO for the Baltic States, rather, there is the single common role of the Alliance to consolidate democracies, and promote the stability, security, and prosperity of Central European countries, including Lithuania.

Trying to avoiding the notion of a special case, Lithuanian diplomats and politicians are cautious about initiatives for various special agreements and charters. Caution accompanied the news in Vilnius about the so-called Baltic Action Plan⁷¹ elaborated by the U.S. State Department or the need of a special rela-

70. Chairman of the Seimas of the Republic of Lithuania, Vytautas Landsbergis, lecture at the Estonian Parliament, Jan. 21, 1997; Chairman of the Seimas of the Republic of Lithuania, Vytautas Landsbergis, lecture at the Royal Institute of International Relations of Belgium, Mar. 6, 1997.

71. The Baltic Action Plan is an initiative by the U.S. administration, officially aimed at cooperation in the field of security. Presently, the Baltic Action Plan is unofficial and incomplete.

tionship or charter between the Baltic republics and NATO, as conveyed by French diplomats. Lithuanian officials endorse the idea of any special relationship on the essential condition that it must be conducive to a shortcut to NATO admission, and not a detour or alternative, whether temporary or permanent. This is where Lithuania will draw a hard-line, because any trade-off on this stand will compromise the security of the State.

On September 6, 1996, when visiting Stuttgart, Germany, the former U.S. Secretary of State Warren Christopher came forward with the idea of an Atlantic Partnership Council ("APC"). Now, since its foundation in Sintra on May 29, 1997, it is known as Euro-Atlantic Partnership Council⁷² ("EAPC"). It merged PFP and the North Atlantic Cooperation Council ("NACC"), thus combining practical and political areas of cooperation that were accessible to partner States.

Lithuania sees merits in this creation because the creation reflects various aspirations of partners. APC is not an alternative to NATO membership, but a means of cohesion with NATO through advanced interoperability, the development of national military forces, and an instrument to prepare technically for NATO membership and consolidate the entire process of NATO enlargement. The Council, therefore, must be based on the principle of self-differentiation, that is, a choice of each partner within the EAPC for an individual menu of cooperation with NATO, depending on whether a partner is willing to join NATO or has other plans. EAPC will fail if it is regarded as an alternative for those who will not be invited to become NATO members in Madrid.

With the establishment of the EAPC with such a broad mandate, Europeans should now ponder on the role of the OSCE. The latter could, of course, retain with its current mandate, but it will lose its relative political significance. Having similar membership and goals, a merger of the EAPC and the OSCE could, perhaps, be one of the choices on the table of the discussion about a pan-European security architecture.

Furthermore, in the search for consistent and optimal solutions, Lithuania has been pursuing its foreign policy, advocating the equal treatment of all applicants for NATO membership.

72. The Euro-Atlantic Partnership Council [hereinafter EAPC] is composed of the North Atlantic Cooperation Council [hereinafter NACC] and the PFP.

The idea behind this policy is keeping all aspirants on the path of those reforms required by NATO membership. The crucial element of such equal treatment would be recognition of all applicant countries as potential allies in NATO. It is understandable that membership in the alliance could be granted on the strict condition of the merits that each applicant country demonstrates. Although the final accession of all countries may and probably will differ in timing, the pre-accession treatment of applicant countries must not differ.

In light of the realities and the dominating opinion that the Baltic States cannot be in the first wave of NATO enlargement, it is of utmost importance to ensure that such statements do not prejudice objective decision-making on what countries will be the first to be invited to join the alliance. If a prejudicial policy of acceptance succeeds, serious doubts about NATO's open-door policy will arise. From a Lithuanian perspective, in order to avoid such outcomes, at least one Baltic state must be included in the first wave. Such a victory for one Baltic state would be a victory for all of the Baltic States.

In a less desirable but more realistic chain of events, the Baltic States will not be invited to join NATO in the Madrid Summit on July 8-9. In this case, the first wave must be followed by a strong NATO commitment to include Baltic States in following waves of admission, best of all, before the actual first-wave enlargement takes place. This move would demonstrate that NATO remains open, and eliminates the impression of a fluctuating NATO enlargement by opening and closing NATO's door. If the Summit appears to be the only chance for admission, Albright's prediction that there would be a mad scramble to get on board in Madrid with a crushing sense of disappointment among those left behind, and her prediction that those states that are permanently shut out would be tempted to search for security by other means, including arms build-ups and other destabilizing behavior, might come true. Perhaps, not in such a direct sense of these words, but the situation might deteriorate along similar lines.

Throwing the Baltic States off the boat headed for NATO will result in predictable consequences, including worsening relations with Russia, and danger to the present pace of democratic reforms. It will definitely draw new artificial and hardly erasable lines, which will remain as ugly scars on Europe's face

and signs of big mistakes committed before the very dawn of a new millennium.

B. Support of the United States of America

In this century, the fate of the Baltic States has been directly connected to the United States. This is so because the United States plays a vital role in the history of Europe, of which the Baltic States have always been an integral part, linked through history, culture, and thinking. Lithuania has an undisputed record of loyalty to the United States, and the United States has always responded with the same attitude toward Lithuania.

The greatest and most appreciated testimony of U.S. devotion to the Baltic States was the policy of non-recognition of the Baltic States' annexation by the Soviet Empire, which disrupted the existence of the three states, which were members of the League of Nations, in the 1920s and 1930s. When the world was divided into the United Nations and the Captive Nations supervising the process of decolonization of Western empires, Americans have consistently shown justice to the European nations that were victims of World War II. On all occasions, the American leaders and the American people supported the Baltic people by the uninterrupted preservation of their embassies in Washington, by leading the CSCE Helsinki Process⁷³ which paved the way for the Baltic independence day, and now by supporting the aspirations of the Baltic nations to belong to the family of like-minded European nations.

Numerous statements by the U.S. President and the leaders of the U.S. administration prove the sincerity of the U.S. position. The legislators that represent wide layers of the American society have also lent their support to the Lithuanian, Latvian, and Estonian people. Bills and resolutions passed by Congress and the Senate indicate that U.S. support is united, and is not a pawn of internal politics. Such steps are awaited by Vilnius, Riga, and Tallinn from other European capitals.

America's support for the Baltic States is wholly consistent with its support for the Euro-American values that flow from Voltaire, Hobbes, Locke, and Smith to Jefferson, Hamilton, Madison, and Lincoln. The United States has traditionally

73. Conference on Security and Cooperation in Europe: Madrid Session, 22 I.L.M. 1395 (1983)[hereinafter CSCE] (defining and describing Helsinki Process).

avoided long-term strategic commitments to international partners. As the world shrinks, however, the United States will define and design its international role in the twentieth century, and should build upon this common European-American heritage it shares with the Baltic States. Lithuanians fought with Americans during her revolution, with the forces of the Union during the Civil War, and in all services of all twentieth century wars and battles. At the turn of the century, Lithuanian immigrants built up the United States industrial base that is so vital to its world leadership. After World War II, Lithuanian refugees helped build the United States high-tech, aerospace, computer, and information industries to prepare her for the next millennium.

CONCLUSION

If there are lines to be drawn across or between continents, certainly they should not be drawn between the United States and the Baltic States. Since the Baltic States' accession to the United Nations, few countries have supported the U.S. positions as closely as the Baltic States. This support is not out of blind loyalty or appreciation, but derives from the sharing of common values, principles, and beliefs.

On the issue of NATO enlargement, Lithuania does not look to either NATO or the United States for favors. We do not seek to conspire against any third party. We seek nothing more and nothing less than to be a part of a global alliance of democracies.