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# OUTGOING TELEGRAM Department of State

INDICATE:  COLLECT  
 CHARGE TO

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Origin

ACTION: US Mission GENEVA IMMEDIATE  
USNATO IMMEDIATE  
Amembassy TOKYO IMMEDIATE  
ALL NATO CAPITALS IMMEDIATE

Info:

INFO: Amembassy MOSCOW  
USUN NEW YORK

DISTO

STATE

SUBJECT: Seabed Arms Control

1. This cable contains instructions regarding proposed US draft seabed arms control treaty (text sent septel). Consultations described below should focus on whether US language offers suitable basis for ENDC negotiations and not repeat not whether allies prepared sign such treaty as is. Draft text represents initial US position and it recognized that certain positions may be modified during course negotiations. Decisions whether to accept such modifications will be made as required on basis of evolving understandings and interpretations. Consultations should stress need to table US draft before end current ENDC session, in order offset growing focus on Soviet draft as only available basis for negotiations.

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Drafted by: ACDA/IR Durkee; Neidle		Tel. Ext.	Telegraphic transmission and classification approved by: ACDA/D Gerard Smith
Clearances:			
EUR-Mr. Springsteen	EA -Mr. Strauss	OSD/ISA-Col. Humphries	
L -Mr. Meeker	IO -Mr. McIntyre	White House	
J/PM-Mr. Farley	AEC-Mr. Labowitz	Mr. Kissinger	
J-Amb. Johnson (Subs)		JCS/SAAG-Col. Heiser	
S/S - Mr. Parker			

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2. For Geneva: You should consult with W-4 members ASAP in order draw on disarmament expertise that group. Immediately following W-4 consultation, you may give text and explain US position to outer six and indicate that consultations will take place shortly in NAC. FYI In order accommodate Japan, consultations will also take place in Tokyo, but we would prefer hold consultations primarily within ENDC and NAC frameworks. END FYI.

3. For NATO: You should give text to NAC members with request it be discussed initially at Wednesday NAC session, May 14. You should add that we are aiming to table text in ENDC on May 20. However, since ENDC recesses May 23, last possible date for tabling is May 22. We regret need to compress consultations but believe we should do everything possible to prevent ENDC session from closing with only Soviet draft on table. At May 14 meeting, we suggest that US Expert from Geneva (Fisher or Gleysteen) be present to answer questions. USNATO should propose second NAC session for May 19, at which time we should again be prepared have US expert present if this desired by others and at which time experts from other capitals could also be present. If third meeting necessary, this could take place at regular NAC on May 21, so that May 22 final deadline can be met in Geneva.

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4. For TOKYO: You may give text and explain US positions to appropriate GOJ officials.

5. For NATO capitals: You should transmit treaty text to FonOffs ASAP in order facilitate host governments consideration of questions which will be raised in Brussels and Geneva. If officials in capitals raise particular points, you ~~may~~ may draw on guidance provided below.

6. All action addressees should use following guidance to explain US position on draft seabed arms control treaty.

7. General considerations:

(a) US believes main task in field of seabed arms control is to prevent extension of nuclear arms race to seabed. Draft treaty designed accomplish this in simplest manner consistent with interests of US and allies. Ban would not repeat not affect such vital on-going activities as surveillance or deployment of missile submarines. In US view, treaty could be achieved without infringing freedom of seas and without prejudicing other law-of-sea questions.

(b) US convinced that agreement on treaty highly desirable, since it might be much more difficult, and perhaps not possible, to reach agreement once deployments had started. For this reason, draft treaty does not repeat not attempt to solve all problems at once, but would be realistic and important first step toward more comprehensive

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disarmament. Treaty would be subject to review and could be amended in light of experience gained in its operation and technological developments, for example, developments relating to verification.

8. Specific Provisions:

(a) Article I - Prohibition would apply to fixed weapons and associated fixed launching platforms, thus protecting option of deploying mobile systems if required in future. Restricting prohibition to fixed weapons systems would lessen verification problems in that it would eliminate problem of localizing and identifying mobile systems or equipment which could operate either on seabed or in superjacent waters, as opposed to those systems emplaced in seabed. Moreover, language of prohibition would be clear in its meaning and would thus minimize possibility of controversy over its application. Zone of prohibition would apply beyond band adjacent to coast of any state. FYI: This formulation also leaves open alliance option of deploying weapons in territorial waters of members, with consent of coastal state. If question raised by others, this may be confirmed. END FYI.

(b) Article II - Boundary of narrow band would be established for purpose of this treaty only. Three-mile band would provide adequate area for research and development purposes and would <sup>extend</sup> ~~broaden~~ prohibition

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to maximum practical area of seabed. Question of baselines arises as result claims to certain marginal seas as internal waters, for example, Soviet claim to White Sea. To establish ~~equitable~~ equitable boundaries and balanced obligations for all parties, agreement must be worked out, especially with Soviet Union, on how such seas to be treated. US prepared to <sup>accept</sup> ~~accept~~ baselines drawn in manner specified in Geneva Convention on Territorial Sea and Contiguous Zone if appropriate interpretations can be agreed. Para 3 of Article II suggested by similar provision of Antarctic Treaty and intended eliminate any legal effect of treaty on other law-of-the-sea questions such as breadth of territorial sea or right to exploit resources of seabed.

(c) Article III - US has consistently supported principle of adequate verification. <sup>For</sup> ~~However, for~~ near term, US believes verification should be based on present and developing capabilities, which would permit observation and detection adequate for the purposes of this treaty. Further, seabed differs from outer space situation because it involves existing claims of national jurisdiction and growing number scientific, commercial, and other uses. Therefore question of access for purpose of verification raises many difficult political and legal questions. In addition, there is immense technical problem of operating in difficult and hostile environment. For example, problem of observer

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entering installation on seabed at great depth and pressure is both difficult and hazardous, and its solution could require special equipment designed for that particular installation; thus entry of single installation, in addition to hazards, could take lengthy preparations and be extremely expensive. In order avoid complicated efforts to establish complete verification procedures at this time, US proposes simple and straight-forward provision. When review conference meets, technological or other developments may warrant revision of treaty regarding verification.

(d) Article IV - Amendment provision of Outer Space Treaty appears satisfactory.

(e) Article V - Provision for review conference included because US considers treaty as initial undertaking in complex environment. US believes all parties will have interest in assuring opportunity to consider effect of technological changes on operation of treaty.

(f) Article VI - Withdrawal provision of NPT appears to offer adequate protection.

(g) Article VII - Drawn from Outer Space Treaty. Entry into force after ratification by five governments including depositary governments would facilitate early entry into force.

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(h) Article VIII - Drawn from Outer Space Treaty. END

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