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POL 33-5

154165

OUTGOING TELEGRAM Department of State

INDICATE: COLLECT
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Classification

11 SEP 69 21 32

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Origin ACTION: USMission NATO IMMEDIATE
ALL NATO CAPITALS IMMEDIATE
Info: USMission GENEVA IMMEDIATE

INFO: Amembassy CANBERRA
Amembassy MOSCOW
Amembassy TOKYO
USMission USUN NEW YORK

STATE

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DISTO

SUBJECT: Soviet Seabeds Proposal

REF: State 150814 (NOTAL)

1. USNATO should circulate to other delegations on Sept/12 text of seabeds arms control treaty (septel), which has been formulated as a response to the Soviet August 19 draft. In view of fact that there already has been extensive discussion in NATO on this subject, we would hope to get green light, if possible at special Council meeting on Sept ~~XXXXXX~~ 15, to negotiate with Soviet Co-Chairman of CCD to achieve a draft to be submitted on behalf of US and USSR to CCD.

154165

(7)

Drafted by: ACDA/IR:CGleysteen:mew 9/11/69 23612
Classification approved by: ACDA/D - Gerard Smith

- DOD/OSD - Mr. Packard (draft) *ey*
- AEC - Mr. Labowitz (draft) *ey*
- ACDA/GC - Mr. Hancock (draft) *ey*
- L - Mr. Stevenson (draft) *ey*
- EUR - Mr. Hillenbrand (draft) *ey*
- IO - Mr. Greene (draft) *ey*
- J/PM - Mr. Shaw (draft) *ey*

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2. To expedite consideration of our counter-draft by NATO Governments, Embassies at NATO capitals should convey this draft with following explanatory points to Foreign Ministries on Sept. 12.

~~xxx~~ These points will also serve as basis for explanatory material to be circulated with draft text by Ambassador Ellsworth to NATO Delegations.

(1) US considers Soviet August 19 counter-proposal to our May 22 seabeds draft a substantial move toward our position. This move suggests that Moscow wishes to demonstrate its support for NPT, and in particular Art. VI of that treaty, by a concrete arms control measure which is realistic and attainable. Move can also be interpreted as support for CCD as forum for working out arms control measures relatively free from extraneous political pressures which exist at the UNGA.

(2) Soviet counter-proposal was made late during current CCD session and it has been difficult for US Govt to respond rapidly because of important issues involved. In seeking NAC

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_____ as soon as
green light/~~this week~~ possible, we are motivated by fact
that other CCD delegations have been standing by beyond normal
recess date to learn US response to Soviet proposal which has
become widely known. Seabeds arms control already has been subject
of extensive discussion in NATO in connection with tabling our
May 22 draft and possible British draft. We therefore would hope
to obtain green light to new US draft, having in mind that this
draft will be subject to negotiation not only with Soviet
Co-Chairman in effort to present joint recommendation to CCD,
but also with other delegations of that Conference after and
if a Co-Chairman recommendation can be achieved. As has been
our past practice, we shall keep NATO promptly advised of
significant developments in Co-Chairmen negotiations and will
consult NAC further before any Co-Chairmen draft ~~is~~ is presented
to CCD.

(3) When Soviet Co-Chairman presented Soviet draft on

Aug. 19, he said Soviet consent to prohibit emplacement of

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Authority NND 969000
By WDP NARA Date 11/2/01



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to, or resting on, the bottom. (On an if-asked basis only you may say submersibles exclude vehicles which can navigate only when in contact with the seabed.) We are prepared to accept the view already expressed by some of our Allies in Geneva and Brussels that

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the prohibition in this Article should be as broad as possible provided that our security interests are not affected. We also would want to have it made part of negotiating history of treaty that prohibitions under Art. I(1) are not intended in any way to affect conduct of peaceful nuclear explosions or applications of nuclear reactors, scientific research, or other non-weapons applications of nuclear energy.

(6) To meet problem of a gap between outer limits of a 12-mile zone and narrower territorial seas, we propose addition of new paragraph 2 to Article I. Paragraph 2 of Soviet draft would become paragraph 3 of our draft.

(7) Paragraph 1 of Art. II is drafted to insure that treaty would cover seabed under large bodies of water claimed by some states as historic waters in order to have the treaty cover as wide an area as possible and to provide for balanced obligations. When U.S. draft treaty tabled at ENDC on May 22, U.S. stated readiness to accept baselines drawn in manner

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specified in 1958 Convention provided appropriate interpretations would be agreed on with respect to certain marginal seas claimed as internal waters. Soviets have not been forthcoming on issue of historic waters and under their formulation of Article II we believe they would treat extensive waters along virtually entire coast as internal waters not subject to treaty prohibition or verification. Such treatment would not result in balanced obligations, and is therefore unacceptable. U.S. draft would establish low water line as single baseline, resulting in uniform obligations for all.

(8) We are prepared to accept words "right to verify" in Art. III only if it is clearly established in negotiating history that in actual implementation this does not go beyond the US concept of non-interfering "right to observe" under international law, and that this does not imply either right of access to seabed installation, or any obligation to disclose

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activities on the seabed which are not contrary to the purposes of this treaty. We would number second paragraph of Soviet Article III as paragraph 3, and add paragraph 2 as follows: "The right of verification recognized by the States Parties in paragraph 1 of this Article may be exercised by any State Party using its own means or with the assistance of any other State Party." This is designed to meet desire expressed by various CCD members that each party should have right to carry out verification with assistance of another state, but does not create an obligation to provide such assistance in verification.

(9) In Art. IV, a comma is inserted after "possessing nuclear weapons."

(10) In the preamble we have deleted the second and fourth paragraphs of the Soviet draft. The third paragraph would become second paragraph. A third preambular paragraph would read "Convinced that this treaty constitutes a step toward a treaty on general and complete disarmament under strict and

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effective international control, and determined to continue negotiations to this end." This approach is consistent with NPT precedent and is designed to satisfy other CCD delegations which view collateral measures as ~~xxx~~ steps toward GCD.

(11) Third preambular paragraph from US May 22 draft is reinserted as new preambular paragraph four.

(12) We are agreeing to deletion of our previous Article on review conference.

3. You should add footnote after Article VI(1) of partial text to explain that US does not plan to agree to tabling in CCD of joint Co-Chairmen draft containing "all states" accession clause until all other articles of joint draft worked out with Soviets. If accession formula question raised by FRG or others during NATO discussion, you should be guided by exchanges reported in State 144450 and 145271 (NOTAL).

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4. FOR GENEVA: You should call meeting Western Five plus Japan to make US draft and explanations available to CCD Dels of our Allies.

5. FOR CANBERRA: Copies principal cables related to Soviet draft treaty being repeated for your information. We are giving Soviet draft and our response to Australian Embassy Washington and plan to consult here regularly on further seabeds developments.

END

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ROGERS