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 PA/HO, Department of State  
 E.O. 12958, as amended  
 Date: 8/6/87

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UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY  
 WASHINGTON

OFFICE OF  
 THE DIRECTOR

February 28, 1969

MEMORANDUM FOR THE ASSISTANT TO THE PRESIDENT  
 FOR NATIONAL SECURITY AFFAIRS

Subject: National Security Study Memorandum 20  
 - Preparations for ENDC Session

1. In response to National Security Study Memorandum 20 representatives of the addressees met and prepared a study on the full range of issues and proposals involved in the forthcoming session of the Eighteen Nation Disarmament Committee (ENDC), scheduled to open Tuesday, March 18, 1969, in Geneva.
2. The provisional agenda (TAB A) agreed at the last ENDC session, which recessed at the end of August, 1968, specifies that priority be given to measures relating to the cessation of the nuclear arms race, which include a Comprehensive Test Ban (CTB) and a Cut-off of Production of Fissionable Materials For Weapons (Cut-off). An Arms Control Measure for the Seabeds (Seabeds) was placed in the special category of "Other Collateral Measures" in order not to prejudge whether it should be primarily a nuclear arms control measure (US position) or a demilitarization measure (Soviet position).

When separated from TABS B, C, and D, this document should be handled as SECRET

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3. Representatives can be expected to place heavy stress on finding practical next steps to follow the Non-Proliferation Treaty (NPT) and to begin in earnest work towards nuclear arms limitation. Inevitably, most of the representatives will point to the US and USSR and challenge them to commence serious negotiations. Some may introduce new proposals, as well as renew initiatives already on the table.
4. Three measures, CTB (TAB B), Cut-off (TAB C), and Seabeds (TAB D) stand out in importance in terms of international interest and pressures for serious debate and require NSC policy decisions.
5. Negotiations toward a CTB were urged in a UN General Assembly resolution which we, as well as all other participants in the ENDC, voted for at the UN session last fall. The preamble of the NPT recalls the pledge in the Limited Test Ban Treaty to continue negotiations towards a CTB. The United Kingdom, Italy, the United Arab Republic and Sweden are all likely to renew their earlier proposals for reaching agreement on a CTB.
6. As to Cut-off, many ENDC delegations regard this long-standing US proposal as a logical measure to limit the nuclear states in a way roughly parallel to the limitations undertaken by the non-nuclear states in the NPT. Sweden and India in particular have promoted a Cut-off as a measure which would create significant nuclear arms control limitations. The measure is likely to be pressed even though it is widely known that it probably cannot be negotiated at this time because of Soviet objections.
7. The question of arms control for the seabeds is also currently active because interest in the peaceful exploitation of the seabeds has been greatly stimulated

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by recent UN activities in this field. The US and the USSR have taken the position that seabeds arms control should be dealt with by the ENDC, rather than the 42-member UN Seabeds Committee. Moreover, representatives of the USSR have indicated that seabeds arms control could be the next area of serious negotiations between the USSR and the US at the ENDC.

8. Other items before the ENDC do not require policy decisions at this time, since they can be dealt with adequately on the basis of existing positions. Some of these items are long-standing Soviet propaganda ploys, such as: Prohibition of the use of nuclear weapons; Ban on flights carrying nuclear weapons beyond national boundaries; Limitation of area of patrol for missile submarines carrying nuclear weapons; and Elimination of foreign military bases.

9. Although the British may take the lead on Chemical and Bacteriological Weapons (CBW), development of a new policy is not needed at this time since the UN Secretary General's study on the effects of CBW will not be completed until June 15, 1969.

10. Other current items are not likely to be pressed at this session. On Nuclear Free Zones (NFZ's), Mexico can be expected to urge the Soviets to accept the Latin American NFZ, but serious suggestions for new zones are not likely. ENDC members can be expected to stress the desirability of general and complete disarmament (GCD) and call for new approaches. But GCD will probably not receive substantially more attention than in past recent ENDC sessions. It is generally understood, though

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seldom publicly admitted, that in the absence of settlements of outstanding political problems, only partial measures offer realistic prospects for negotiation.



Gerard Smith

Attachments (4):

- TAB A - Provisional Agenda
- TAB B - CTB
- TAB C - Cut-off
- TAB D - Seabeds

COPIES TO:

- The Secretary of State
- The Secretary of Defense
- The Chairman, Joint Chiefs of Staff
- The Director of Central Intelligence
- The Chairman, Atomic Energy Commission
- The President's Science Adviser

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February 28, 1969

ISSUES PAPER

COMPREHENSIVE TEST BAN (U)

I. THE PROBLEM

What position regarding a Comprehensive Test Ban (CTB) should be taken by the United States at the ENDC in the light of:

- a) the long-standing international commitment of the USG, recalled in the preamble to the NPT, to negotiation of a CTB with adequate verification; and
- b) the importance of protecting our freedom of action to meet current stated nuclear weapons testing requirements.

II. ISSUE

In view of the problem stated above, should the U.S. maintain its public position in support of a CTB with adequate (i.e., on-site) verification?

PRO:

1. The U.S. has maintained its position in support of an adequately verified CTB for more than a decade. This position has had the formal endorsement of Presidents Eisenhower, Kennedy, and Johnson. A reversal of the U.S. CTB position would inevitably be seen throughout the world as an inauspicious beginning for the new Administration in the field of arms control.

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2. The U.S. has gone on record in the Limited Test Ban Treaty that it would pursue negotiations for a CTB. This obligation was recalled in the preamble to the NPT. Additionally, the NPT obligates the parties to work toward further nuclear disarmament. In the view of many important countries (e.g., U.K., Canada, India, Italy, and Sweden), this clearly includes a CTB. Reversal of our position would be used by opponents of the NPT to support their charges that the Treaty is aimed only at non-nuclear states and puts no meaningful obligations on the nuclear powers.

3. Although presently we are not pursuing negotiation of a CTB, such a ban in the future could have advantages for the U.S., including: (a) Gaining Soviet acceptance of on-site inspections; (b) reinforcing the NPT and serving as a more acceptable non-proliferation measure to some important states (e.g., India); (c) further widening the Sino-Soviet split; and (d) creating additional pressure on France and China to stop their testing. In addition, halting Soviet nuclear weapon testing would inhibit the Soviets' ability to develop new weapon systems or improve their existing systems. It would preclude Soviet use of new, tested warheads for MIRV's or for an advanced ABM system.



4. It is highly likely that low-key presentation of our present position would not trigger negotiations, and would preserve our freedom of action to meet our stated nuclear testing requirements. The Soviets have shown no real interest in recent years in pushing for a CTB, and we can work to focus attention on other arms control issues.

5. In the unlikely event that the Soviets accept on-site inspections, any resulting negotiations inevitably would be quite protracted. The difficult technical questions involved regarding the nature and procedures for

on-site inspection, and the role of nuclear explosions for peaceful purposes, could provide sufficient opportunity to control the pace of the negotiations so that our options in terms of nuclear testing would be preserved until such a time as it would be in our net security interest for both the U.S. and U.S.S.R. to forego nuclear weapons testing.

6. Reversing our long-standing position on the CTB would make it difficult to obtain the international cooperation required to amend the LTBT as necessary to carry out large-scale nuclear excavations.

CON:

1. U.S. military capabilities could be significantly reduced vis-a-vis potential enemies unless nuclear weapon testing is continued or additional delivery capabilities are acquired. If strategic arms limitations were to be adopted, the latter option could be foreclosed making continued testing even more important. Underground testing is necessary to accomplish development of some presently planned ABM and MIRV systems.

a. ABM

Underground detonations for testing SPARTAN and its warhead are necessary to determine that (1) the warhead functions properly, and (2) the missile is hardened sufficiently to withstand fratricide.

b. MIRV

Neither POSEIDON (MK3) nor MINUTEMAN (MK12) have yet achieved their hardness criteria. Underground detonation of nuclear devices is the only means of generating sufficiently high fluxes of hot X-rays to test hardness levels. Simulators have not yet been developed for this purpose, nor is it anticipated that such developments will materialize in the foreseeable future.

2. In order to maintain maximum confidence in stock-piled weapons, it is necessary to continue a quality surveillance program, preferably including underground tests as necessary to assess or correct deficiencies.

3. We should not subject ourselves to the possibility of any additional pressures to cease testing, which would result if the Soviets did make a significant move to accept our position on verification, or if advances in detection and verification capabilities make national means of verification acceptable.

4. If we continue to favor publicly a test ban, we will be subjected to increasing pressure to modify our own position on verification to permit achievement of agreement, because there is very little, if any, prospect at present that the U.S.S.R. will accept any form of on-site inspection.

5. The new Administration can reverse the U.S. position on the CTB with less political cost now, rather than after this position has been reaffirmed by Administration spokesmen in disarmament forums.

6. The advent of strategic arms limitation talks would, if started, do much to fulfill our NPT obligations to pursue further measures of nuclear arms control and to offset pressures for the maintenance of our position in support of a CTB.

7. It is not clear at this time what arrangements, if any, could be prescribed in a CTB treaty which would permit development (as opposed to applications) of nuclear explosive devices for peaceful purposes, and which, at the same time, would not create opportunities for obtaining weapons development data which otherwise would be unobtainable under the terms of the treaty.

ALTERNATE COURSES OF ACTION

Instead of either low-key reiteration or retraction of our CTB position, we could attempt to evade the problem by either

- (a) remaining silent on the CTB, or
- (b) stating that our CTB position was under review.

Neither of these alternate courses of action appears viable. If we remain silent, it is certain that we will be asked pointed questions at the ENDC about our CTB position, as the CTB is a high priority item on the ENDC agenda. Continued silence would then be interpreted as a reversal of our position and would incur similar costs.

If we were to state that our CTB position was under review, this would serve to focus even more attention on the CTB issue and would thus increase the costs of any eventual reversal of our position. Furthermore, an announcement of such a review would lead to widespread speculation that we were actually considering dropping our insistence on on-site inspections.

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ISSUES PAPER

CUTOFF OF FISSIONABLE MATERIAL  
PRODUCTION FOR WEAPONS PURPOSES (U)

In preparation for the Geneva Disarmament Conference in March, a decision should be made on whether the United States should reaffirm, modify or withdraw its long-standing proposals for a verified mutual cutoff of production of fissionable materials for use in nuclear weapons.

Background

For more than ten years the U.S. has been proposing that the nuclear weapon powers agree to halt production of fissionable material for nuclear weapons, and to transfer agreed quantities of weapons grade fissionable material to peaceful uses. We have also suggested that the transferred uranium-235 and plutonium could be obtained by "demonstrated" destruction of nuclear weapons. This package of proposals, referred to below as the "cutoff-transfer" proposal, is described in more detail at Tab A.

In 1966, the U.S. representative made a series of speeches in Geneva elaborating many details of our cutoff-transfer proposal. On February 15, 1966, an approved position paper was sent to the U.S. Delegation in Geneva entitled "Demonstrated Destruction of Nuclear Weapons to Obtain Fissionable Materials for Transfer to Peaceful Uses (U)". In 1968, the Atomic Energy Commission suggested that the impact of the cutoff-transfer proposal on the ability to meet U.S. military requirements for fissionable material be restudied before the U.S. reaffirms the cutoff-transfer proposal. The Joint Chiefs of Staff, in

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a memorandum dated 24 April 1968, which addressed the subject of cutoff-transfer, opposed a cutoff of production of fissionable materials for weapons use and recommended that "the future primary criterion for determining the feasibility of a cutoff would be the adequacy of the fissionable material available at the time of cutoff to meet the Nation's forecast weapon requirements." A review of the military requirements (through FY 71 with projections through FY 77) was completed by the Department of Defense and summarized in a Memorandum to the President on Nuclear Weapons Materials, dated January 17, 1969, part of which is quoted on page 3 below.

When the U.S. described the verification aspects of the cutoff proposal to the ENDC in 1964, it called for inspection of declared production facilities by the International Atomic Energy Agency. It also called for "a limited number of inspections of suspected undeclared facilities on an adversary basis." On July 2, 1968, ACDA proposed within the Government that we modify this latter aspect of our public proposal so as to rely on national capabilities. This would make the verification arrangements for the cutoff similar to those in the Non-Proliferation Treaty.

The Soviet Union has consistently opposed past U.S. cutoff-transfer proposals, and is expected to continue to oppose any form of such proposals.

### Issues

In these circumstances, the following issues should be examined in determining the U.S. position on the cutoff:

- (a) Would a cutoff-transfer agreement (Tab A) now be in the overall U.S. interest?
- (b) Should the U.S. cutoff-transfer proposal be modified so as to omit the demonstrated destruction of nuclear weapons, but retain the offer to transfer agreed amounts of uranium-235 and plutonium to peaceful purposes?
- (c) Should the 1966 U.S. cutoff-transfer proposal be modified to call for verification similar to that of the NPT?

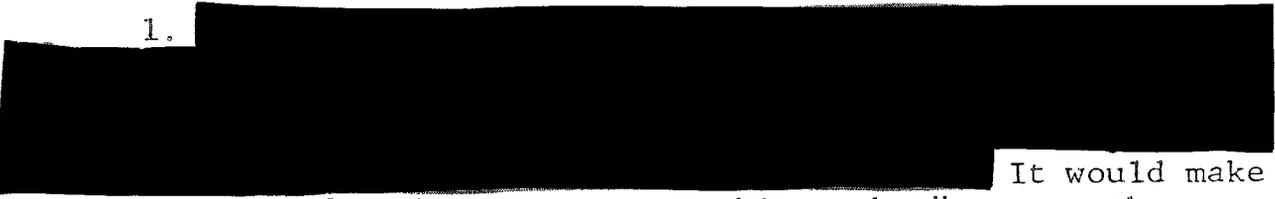
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(d) Should the 1966 U.S. cutoff-transfer proposal be modified to call for equal U.S. and Soviet transfer of fissionable material to peaceful use, instead of our previous proposal for asymmetric amounts?

The pros and cons on each of these questions can be summarized along the following lines.

A. Would a cutoff-transfer agreement (Tab A) now be in the overall U.S. interest?

PRO:

1. 

It would make it impossible for the Soviets to achieve the "greater-than-expected threat" to the U.S. which the DOD has used for U.S. strategic planning. The U.S., on the other hand, has available enough fissionable material to complete the currently planned Sentinel ABM program and the planned MIRV warheads for Poseidon and Minuteman III. Hence, an adequately verified cutoff-transfer agreement during the next several years would be to the net military advantage of the United States.

2. According to the Defense Secretary's Memorandum to the President on Nuclear Weapons Materials, dated January 17, 1969: "Our FY 69 inventories of uranium and plutonium and programmed tritium production are sufficient for our recommended nuclear warhead stockpile plus the options that may be needed to protect against the combined greater-than-expected Soviet offensive and defensive threats through FY 77. If we decided to defend Minuteman, we would need additional tritium production for Sprint warheads, but not before FY 74." See Note below.

NOTE: The AEC notes that this statement does not take into account requirements for plutonium to support the stockpile (i.e., weapons R & D, tests, and fabrication pipeline) or to support other, non-weapons programs; only by extreme measures, such as removing all weapons grade Pu from active non-weapons R & D activities at the time of a cutoff and virtual elimination of Pu for future weapons R & D, could sufficient Pu be made available to meet the combined greater-than-expected threats.



Accordingly, the U.S. has already unilaterally ceased production of all enriched uranium and of virtually all plutonium for weapons purposes.

3. Soviet acceptance of IAEA inspection, as required by this proposal, would involve a major, unprecedented opening up of the Soviet Union, particularly in its atomic energy programs.

4. Because the Soviets are continuing to produce fissionable material for weapons and the U.S. has virtually ceased, the Soviet Union is catching up to the U.S. in total stockpile size. By 1976 both countries will have accumulated such large stockpiles of fissionable material that any cutoff of production for weapons uses would be of little military significance.

5. If the Soviet Union agreed to the proposed transfer to peaceful uses of 60,000 kilograms of contained uranium-235 (at least 25% enriched) and agreed amounts of plutonium (up to 4000 kilograms) by the demonstrated destruction of nuclear weapons, the impact on U.S. programs would be far smaller than the impact on the Soviet program. As noted above, the Soviets could not achieve the DOD "greater-than-expected" threat even under a cutoff agreement, let alone if they also transfer fissionable materials to peaceful purposes.

6. The U.S. transfer proposal was first made by President Eisenhower in 1956 when the U.S. stockpile was much smaller than it is now. If the U.S. were to withdraw that proposal now, such retraction would be widely interpreted as indicating that the U.S. was no longer seeking progress toward nuclear disarmament.

7. While there is no known way to verify reliably that real nuclear weapons are being destroyed without compromising nuclear weapon design information, the cutoff-transfer proposal (Tab A) does not require such verification. The net U.S. security interest would be advanced by verifying that the agreed amounts of fissionable material are transferred to safeguarded peaceful uses, whether or not the Soviets destroy real nuclear weapons\*. This is because such transfers would limit Soviet military programs more than they would limit U.S. military programs.

\*The JCS does not concur on this point.

8. In the NPT, the U.S. and Soviet Union will undertake "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date . . ." It is clear from the negotiating history of the NPT that it will be hard to persuade many countries to sign, ratify, and remain parties to the NPT unless the superpowers demonstrate progress toward such measures. Many non-nuclear-weapon countries have urged the cutoff as a step which should be taken by the nuclear-weapon states to balance the renunciation accepted by the non-nuclear-weapon states in the NPT. A strong reaffirmation of our cutoff proposal would help to demonstrate U.S. sincerity in fulfilling its NPT pledge. On the other hand, if the U.S. were to back off from the cutoff proposals we have already made, the reactions of the non-nuclear-weapon states would be very unfavorable. Such action could seriously set back our efforts to achieve wide adherence to the NPT and the U.S. policy goal of preventing further proliferation of nuclear weapons.

9. If the Soviets oppose the cutoff, the political onus for doing so will fall on them.

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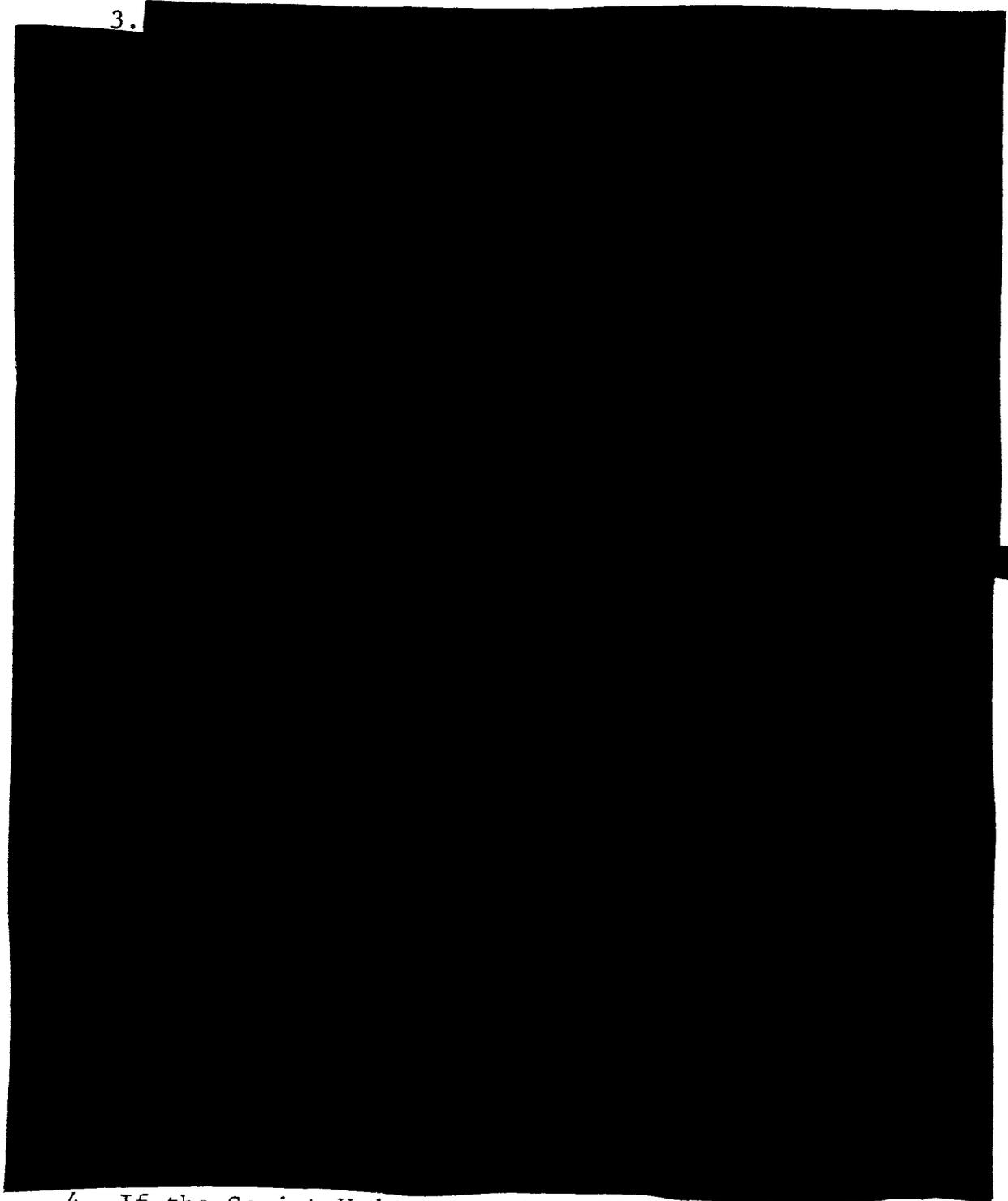
1. There is great uncertainty as to the future requirements for fissionable materials for weapons use. For example, in FY 1977 the JCS recommends a total nuclear warhead stockpile of nearly twice the size recommended by the Secretary of Defense. Therefore, it would be premature to foreclose on the JCS position by a cutoff of fissionable materials production.

2. There are possible errors as large as 30-40% in U.S. intelligence estimates of Soviet production of fissionable material, still larger uncertainties in the amount of fissionable material the Soviets plan to use in their weapons, and which of various possible options they are likely to select for weapons allocation. There are also large uncertainties in the effectiveness of Soviet defensive and offensive strategic weapons. Hence, it is difficult to make a reliable analysis as to if or when a cutoff would be to the advantage of the United States.

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4. If the Soviet Union agreed to the U.S. cutoff-transfer proposal, such an agreement would have little political impact

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on the non-nuclear-weapon states, because they would assume that both superpowers were sure they had more than enough fissionable material for all their foreseeable weapons needs. If the Soviet Union continues to reject the cutoff-transfer proposal, as expected, the proposal would have even less effect on the attitudes of non-nuclear-weapon states.

B. Should the U.S. cutoff-transfer proposal in Tab A be modified so as to omit the demonstrated destruction of nuclear weapons, but retain the offer to transfer agreed amounts of uranium-235 and plutonium to peaceful purposes?

PRO:

1.

However, the "greater-than-expected" threat by the Soviets could only be brought about by continued production on their part. Thus under a cutoff-transfer agreement, the requirement to meet such a threat might not exist.

2. If the demonstrated destruction proposal were agreed to, the U.S. would destroy real nuclear weapons, but we would not know whether the alleged Soviet weapons being destroyed were real or not.

3. Any negative political impact on non-nuclear-weapon states which might arise from U.S. withdrawal of the demonstrated destruction proposal could be minimized by skillful presentation.

CON:

1. The proposal for demonstrated destruction of weapons has been an effective answer to the Soviet and non-nuclear-weapon

countries' argument that the cutoff-transfer proposal is not disarmament but would only involve transfer of material that was intended for our peaceful uses program anyway.

2. If an agreement, including the demonstrated destruction of weapons were concluded within the next two years, present retirement programs would provide materials for the transfer and still allow sufficient material to meet currently planned U.S. weapon needs through FY 1972.

3. Regardless of how the U.S. explains withdrawal of its demonstrated destruction proposal, many countries will view it as a regressive step, calling into question how earnestly the U.S. is seeking progress toward nuclear disarmament.

4. Since the Soviet Union will almost certainly continue to reject the entire cutoff-transfer proposal anyway, it would be better to maintain the U.S. posture by not retracting any part of it at this time.

5. It is not necessary from a U.S. security point of view to be able to prove that real Soviet weapons are destroyed as long as we verify transfer of fissionable material to peaceful programs\*.

C. Should the 1966 U.S. cutoff-transfer proposal be modified to call for verification similar to that of the NPT?

PRO:

1. The U.S. now has the national capability which, combined with IAEA safeguards on the declared Soviet atomic energy facilities, would permit detection with confidence of any new fissionable material production facilities large enough or numerous enough to produce clandestinely sufficient additional amounts of fissionable material above those already in the Soviet stockpile to significantly affect U.S. security.

\*The JCS does not concur on this point.

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In regard to the proposed modification of the cutoff proposal, a JCS memorandum, dated August 24, 1968, states: "The Joint Chiefs of Staff do not object to the verification procedure proposed in the reference, providing the United States is prepared to exercise immediately the right to withdraw from the agreement in the event of detection of clandestine facilities and without compromise of U.S. detection methods." A memorandum on U.S. national detection capabilities in the absence of IAEA safeguards, prepared by the Joint Atomic Energy Intelligence Committee, states that ". . . we are confident that we have located all Soviet gaseous diffusion plants as well as reactor sites producing weapon-grade plutonium."

2. The proposed modification would remove a potentially troublesome discrepancy between the verification arrangements we would be willing to accept for the cutoff and those we have asked other countries to accept under the NPT. It is difficult to justify treaty rights to search for undeclared plants in a country which already has a large stockpile of fissionable material, when the NPT does not set forth such rights for nations in which a small clandestine plant might be significant.

3. If the Soviet Union should prove interested in a cutoff, elimination of a treaty requirement for inspections for undeclared facilities would make the measure considerably more negotiable, and yet would only be a minor reduction in the amount of inspection of the Soviet Union required by the treaty.

4. While the USSR has always resisted proposals for inspections on its own territory, the Soviets would find it difficult to explain why they are unwilling to accept relevant IAEA inspection for the cutoff which is essentially the same as that which they had urged other states to accept under the NPT.

CON:

1. If the U.S. should detect an undeclared clandestine plant for producing fissionable material, it may be difficult to justify U.S. withdrawal from the treaty to other countries.

2. U.S. efforts to justify such withdrawal might require revealing to the world at least some information on the existence of our sensitive detection methods.

3. The intelligence community believes that it is certainly possible that a gas centrifuge plant or plants could escape detection and they are unable to judge for how long. However, to operate a clandestine centrifuge plant under conditions which require IAEA inspections would also require clandestine feed materials facilities starting with ore concentration and running through uranium hexafluoride preparation along with the necessary clandestine transportation, storage and handling of thousands of tons of materials, all of which might not evade detection as easily as a gas centrifuge plant or plants.

D. Should the 1966 U.S. cutoff proposal be modified to call for equal U.S. and Soviet transfers of fissionable material to peaceful use, instead of our previous proposal for asymmetric amounts?

PRO:

1. In its 1966 proposal, the U.S. offered to transfer 60,000 kilograms of contained uranium-235 to peaceful use if the Soviet Union would transfer 40,000 kilograms. This offer was made because such a transfer would have been to the net military advantage of the U.S. in view of the relative sizes of the U.S. and Soviet stockpiles. Now that the Soviet stockpile has grown appreciably, it appears more appropriate to call for equal transfer by both countries.

2. 

3. Equal transfers might be more acceptable to the Soviet Union psychologically, since that would avoid an implied public admission on their part that Soviet stockpiles or production capabilities were inferior to those of the United States.

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CON:

1. 

2. It would be preferable not to harden the terms of our 1966 proposal unnecessarily, since that would open us to accusations by the non-nuclear-weapon states of failing to press in good faith for progress toward nuclear disarmament.

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Tab A

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TAB A

Elements of Proposed Cutoff-Transfer Agreement

(Proposed changes from 1966 US position are underlined.)

1. As of an agreed date, the U.S., U.K., and USSR would halt production of fissionable material (uranium enriched in U-235 and plutonium) for use in nuclear weapons. See Note.

NOTE: The 1966 Position Paper commented on tritium as follows:

"J. Discussion of the tritium problem should be avoided. The US position that tritium production would be for replacement only has been discussed with the UK. If progress in negotiations warrants it the Delegation may request approval to discuss it with the USSR. However, the disposition of tritium from weapons submitted for destruction should not be discussed.

"K. Tritium is not a fissionable material, but facilities for the production of tritium would be subject to inspection associated with verification procedures. It is the US position that production of tritium would continue under a cutoff to compensate for the radioactive decay of the tritium in the weapons inventory and the stockpile, and to provide for non-weapons uses. U-235 required to fuel reactors for producing tritium for weapons replenishment would be obtained from existing stockpiles.

\* \* \* \*

(Footnote)

\*FYI. A possible limitation on the amount of allowed production of tritium might be obtained by requiring that equivalent amounts of helium-3 be turned in. Preliminary results of an AEC study have shown that the decay of tritium is the only practical source of significant quantities of helium-3. However, tritium production rates are highly classified at this time and declassification would be necessary before any discussions that would reveal these rates could take place. END FYI."

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2. Production of fissionable material would be permitted to continue for purposes other than use in nuclear weapons, such as power and propulsion reactors and nuclear explosives for peaceful uses. The International Atomic Energy Agency would be asked to safeguard the nuclear material in each state's declared peaceful nuclear activities, and verify any declared shutdown facilities for production of fissionable material, to provide assurance of compliance with the agreement. National capabilities would be relied upon to detect any clandestine, undeclared production facilities. (There will not be any mention of reliance on national intelligence capabilities in the tabled draft agreement nor would it be referred to in public speeches. Prior to any private talks on this matter, the Delegation would request instructions).

3. 

4. This transferred material could be obtained by the agreed demonstrated destruction of nuclear weapons. The destruction procedures would be agreed in advance, and must not disclose classified weapon design information. (The demonstrated destruction of weapons was proposed to counter Soviet charges that the cutoff-transfer proposal was not "disarmament." The essential U.S. security interest would be satisfied by verifying that the agreed amounts of fissionable material are transferred to safeguarded peaceful uses, whether or not the Soviets destroy real nuclear weapons.)\*

\* The JCS does not concur on this point.



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ISSUES PAPER

SEABED ARMS CONTROL (U)

I. STATEMENT OF THE PROBLEM

A. Origin of the Seabeds Issue

In the past two years the international community has become increasingly interested in the possibilities of exploring and exploiting the resources of the seabed. Within the UN, it has been widely held that if such exploitation is to be in the interests of all mankind, the seabed beyond the limits of national jurisdiction should be reserved exclusively for peaceful purposes. A permanent seabed committee was established in December 1968 by UN Res. 2467A (XXIII). The committee is instructed, inter alia, to study the question of reservation exclusively for peaceful purposes of the seabed without prejudice to the limits which might be agreed. The first working session of this committee is scheduled for March.

Several countries, including the US and USSR, have proposed that the ENDC take up the question of arms control on the seabed. The item is on the ENDC provisional agenda for its next session commencing in March.

B. Present US Position

In a message to the ENDC on July 16, 1968, President Johnson proposed that the ENDC:

"Take up the question of arms control on the seabed with a view to defining those factors vital to a workable, verifiable, and effective international agreement which would prevent the use of this new environment for the emplacement of weapons of mass destruction."

In a speech in the UN Ad Hoc Committee on Seabed on August 23, 1968, the US Representative stated:

"We believe it is important to prevent the spread of the arms race to new environments. It is appropriate that the General Assembly should go on record in support of a resolution declaring that the deep ocean floor should

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downgrading and declassification.

be used exclusively for peaceful purposes. However, considering that the term "peaceful purposes" does not preclude military activities generally, specific limitations on certain military activities will require the negotiation of a detailed arms control agreement. Military activities not precluded by such agreements would continue to be conducted in accordance with the principle of freedom of the seas and exclusively for peaceful purposes.

"To that end, the United States proposes that the Eighteen Nation Disarmament Committee examine the question as to whether a viable international agreement may be achieved in which each party would agree not to emplace or fix weapons of mass destruction on the seabed or deep ocean floor. These discussions must also consider the need for reliable and effective means for verifying compliance with such an agreement."

The US repeated that proposal in the UN debate on seabeds on October 29, 1968. The US voted in favor of UNGA Res. 2467A.

The proposal approved by President Johnson, as outlined above, has not yet been taken up by the ENDC.

### C. The Position of the USSR and Others

The USSR has also indicated its willingness to discuss arms control for the seabed in the ENDC. It introduced a draft UNGA resolution which would have prohibited all military uses of the seabed beyond the limit of territorial waters. The Soviet Union abstained from voting for UN Res. 2467A.

As for the other nuclear powers, the UK will probably support US efforts. France has suggested that the seabed be "non-militarized." Communist Chinese participation in negotiations or signature of any agreement is not expected in the present time-frame.

A number of non-nuclear states have strongly supported reserving the seabed exclusively for peaceful purposes, and have advocated complete demilitarization of the seabed, perhaps for economic reasons. NAC has placed the question of seabed arms control on its agenda as a continuing item. Several of our NATO allies supported the US proposal of October 29, 1968, in the UN.

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II. THE PROBLEM

Should the US seek to negotiate an international agreement at the ENDC which would prohibit the emplacement or fixing of nuclear weapons or other weapons of mass destruction on the seabed or should we limit ourselves to discussing the factors vital to such an agreement?

The questions which must be examined in determining the US position on this problem are presented below. A summary statement of an illustrative proposal for negotiation is attached as Annex A. A summary statement of illustrative "vital factors" for discussion is attached as Annex B. The nature of a possible agreement and the options open to the US regarding its essential elements, e.g., the activities to be prohibited, the limit of the zone of application, verification, and inspection, are discussed in Annex C.

III. ISSUES

WOULD SUCH AN AGREEMENT BE IN THE NET US INTEREST?

1. Would it serve the interest of US military security?

Pro

a. Such an agreement would prevent the spread of the arms race to a new environment. Use of the seabed as an area for the deployment of nuclear weapons or other weapons of mass destruction would introduce additional complexities in the national security considerations which underlie US-Soviet relations. Such deployments would involve significant technological uncertainties, command and control difficulties, and problems of verification. As a consequence, the dangers of distorted threat perceptions and exaggerated or mistaken responses could increase.

An agreement accepted by the US and USSR would minimize an element of uncertainty, reduce the possibility of miscalculation, and thus help stabilize the US-Soviet strategic relationship. It would be easier to reach such an agreement now, before such weapons are actually deployed on the seabed.

b. The US has no present plans or programs for seabed deployment of nuclear weapons. An agreement along the lines envisioned here would prohibit only those weapons emplaced or fixed on the seabed

beyond some agreed line. Such an agreement would not prohibit other military uses of the seabed, nor would it limit the deployment of our SLBM forces.

c. Although at present cost-effectiveness factors do not appear to justify the deployment of weapons of mass destruction on the seabed, the US would still have many thousands of square miles of underwater area in the narrow band along its coasts within which it could carry on research and development and deploy such weapons, if required by some future situation.

d. While there seems to be little incentive at present for either the US or USSR to place weapons on the seabed, less advanced powers might be tempted to take advantage of the relatively low technological threshold for using crude nuclear devices on the seabed for the purpose of nuclear blackmail in local conflict situations. The existence of an agreement banning such weapons would help discourage states from this course, reducing the perceived utility of some forms of nuclear weapons deployment.

e. While it is unlikely that Communist China would sign any such agreement, this potential threat would not be any worse with an agreement than without. The US would not need to respond in kind to a ChiCom seabed deployment because our present weapon systems provide overwhelming retaliatory power. Moreover, such an agreement might facilitate international support for any US response.

f. According to a Special National Intelligence Estimate (SNIE 11-12-68, dated 15 August 1968), the US probably could verify by national means deployments of weapons of mass destruction under the open ocean, either individually encapsulated weapons or in missile-launching vehicles, before a substantial number became operational. It appears there is a reasonably good chance of detecting preparations to deploy, such as construction and testing, prior to actual deployment, but it would be difficult to identify a seabed weapons system as such prior to deployment. Once the approximate location of a deployment is known, the US has a limited capability to locate and examine or recover objects from the seabed, but such a process would be costly and time-consuming. All these capabilities must be maintained and improved whether or not an agreement is in effect. The SNIE also indicates that if any signatory decided that it could no longer tolerate the restrictions imposed by the agreement, it is believed that it would abrogate the agreement openly rather than try secret evasion, probably after making covert preparations for the prohibited emplacement in advance of the announcement.

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g. An agreement would not jeopardize existing or contemplated collective security arrangements. Those military uses of the seabed of significance to US allies would continue, and other military activities within a US ally's internal waters (such as bases or anchorages) would be unaffected.

Con

a. An agreement would deny the US the option of using wide areas of the seabed as a means of maintaining the security of its nuclear capability. If, in the future, the US nuclear capability were to depend in part on the emplacement of weapons and devices on the seabed in the area covered by the agreement, the option for their use would be politically foreclosed by this agreement. While it is premature to decide whether the US should emplace weapons on the seabeds in order to maintain the necessary strategic nuclear capacity in the future, such a requirement is a possibility. It is not a question of current programs but the risks to possible future US strategic nuclear programs that must be the primary consideration.

b. The US enjoys an advantage in marine engineering and technology. An agreement would deny the US the military benefit of applying its technological lead in this environment.

c. If pressures from other countries result in restrictions on seabed deployments, there may be concurrent or subsequent attempts to establish restrictions on military uses of the superjacent waters or the air space above, thus threatening the freedom of maneuver of US forces and other activities vital to US security.

d. An agreement, whether or not it includes an inspection clause, could be used to put public pressure on the US to reveal the nature or even the location of sensitive US installations.

e. The USSR has a land area over twice that of the US, giving it an obvious land-deployment advantage. However, the US has a conveniently located territorial base for the effective use and control of a wide range of deep seabed areas in both the Atlantic and Pacific oceans, whereas Soviet access to the deep oceans is relatively restricted and environmentally difficult. A seabed arms control agreement would clearly reduce this US geographic advantage.

f. The question of an arms control regime to be applied to the seabeds is one of great complexity and one which requires an acute awareness of the technological and scientific features of this

environment. In light of the current ignorance about the oceans and the seabeds, it is impossible to envision all the ramifications which an arms control regime could impose upon the security interests of the US.

g. According to a Special National Intelligence Estimate (SNIE 11-12-68, dated 15 August 1968), the chances of detection and identification of missiles either individually encapsulated or in missile-launching vehicles, would be considerably less in the case of deployment under enclosed seas covered by an agreement than in deployment of such missiles under the open oceans. The deployment of a small number of individually encapsulated missiles or of a few missile-launching vehicles probably would escape detection and identification for some time after initial operational capability. Our chances of detecting deployment of untended nuclear mines which did not make use of external command and control would be minimal. If construction of fixed missile installations on the seabed occurred under enclosed seas, or if the installations were tunnelled from shore, detection and identification might not occur before initial operational capability. In the unlikely event that submarines alone were used in the construction of fixed missile installations on the seabed detection and identification would be much more difficult.

2. Would the attempt to negotiate such an agreement at the ENDC serve US political interests?

Pro

a. US efforts to negotiate this agreement would demonstrate our willingness to cooperate in curbing the arms race by foregoing strategic options, and would help blunt criticism that the US is only interested in arms control for others. Such a demonstration would strengthen our ability to defeat proposals by the Soviet Union and others which would be incompatible with our national security. This would also help us in our efforts to gain further support for the NPT.

b. The US supported inclusion of this topic in the ENDC provisional agenda, and also worked in the UN to transfer arms control aspects of seabed questions to the ENDC. We will be expected to come forth with concrete suggestions. Failure to undertake serious negotiations would expose the US to a charge of bad faith and weaken our ability to influence the course of subsequent discussions.

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c. Given the existing range of possible arms control measures available for discussion, such an agreement is the most likely topic on which multilateral arms control discussions could be held and early progress could be expected. A possible seabed agreement would provide the ENDC with a suitable subject for debate and negotiation, and could reduce pressures for premature efforts to achieve agreement on more difficult issues, such as a CTB.

d. US willingness to negotiate on a seabed arms control agreement will strengthen public confidence in the ENDC and help keep these discussions in the forum which best serves US interests. Failure to act positively at the ENDC will not head off debate, but will allow the UN Seabeds Committee to seize control of the issue under conditions less favorable to the US. Moreover, this outcome could jeopardize the prospects of gaining agreement on other US objectives, such as legal principles for the seabed.

Con

a. The US has already proposed that the ENDC examine the question as to whether a viable international agreement may be achieved in which each party would agree not to emplace or fix weapons of mass destruction on the seabed. The ENDC has seabeds on its provisional agenda, and the US could be prepared and willing to undertake an examination of the vital factors without attempting to negotiate a specific proposal.

b. Such a measure, even if achieved, would not satisfy demands by other states for comprehensive arms control restrictions for the seabed. Unfriendly states may seize on the omission of conventional weapons and other military activities as evidence that the US intends to proceed with such operations. Such a limited agreement could also be portrayed as inconsistent with the principle of reservation of the seabed exclusively for peaceful purposes.

c. Even serious discussions on seabeds in the ENDC will not satisfy such members as India, Brazil, and Sweden, who can be expected to continue to insist on discussion of, and progress in, more difficult items, such as a comprehensive test ban and other proposals on which agreement is not likely at this session.

d. Regardless of what criterion might be used to limit the zone of application, some states will oppose such an agreement in order to

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protect their positions on questions of sovereignty and jurisdiction. The US risks raising a series of troublesome bilateral issues with other states.

3. Could ENDC consider the boundary beyond which the prohibition would apply without adversely affecting US attempts to negotiate a territorial sea agreement?

Pro

a. Discussions of a boundary for a seabed arms control agreement, held prior to conclusion of a new territorial sea agreement, would not have an adverse effect on US efforts to negotiate an agreement establishing a maximum territorial sea of 12 miles and providing for passage through or overflight of straits. Such discussions could not reveal any element of the US law of the sea position that is not already widely known; the law of the sea articles agreed ad referendum with the Soviet Union have been distributed to approximately 20 countries by the United States. In 1958 and 1960 we indicated willingness to agree to a broader territorial sea than 3 miles. When efforts to reach agreement failed, we stated that this willingness had been conditioned on such agreement and asserted that we would continue to recognize only 3 miles. Discussions of, or even agreement to, a boundary for an arms control agreement for the seabeds will have no practical effect upon our ability to reassert our present position if concurrent or subsequent efforts fail to establish an agreed territorial sea with concomitant acceptable provisions regarding straits. We have agreed to a 12-mile contiguous zone and a continental shelf boundary that is poorly defined, and have by legislation established a 12-mile fisheries zone without producing such an adverse effect. The international community is fully aware of the complex of marine boundary issues. Discussions of, or agreement to, a boundary for a seabeds arms control agreement will not be viewed as predetermining or prejudicing other boundary issues--such as territorial seas, continental shelf, or fisheries zone.

b. Our rights of passage through and overflight of straits would not be legally affected by an arms control agreement for the seabeds, just as they are not affected by several maritime boundaries in addition to the territorial sea.

c. As a practical matter, however, discussion of, or agreement to, a boundary for a seabeds arms control agreement could have beneficial effects upon our efforts to reach a satisfactory territorial sea and straits agreement.

Success on the straits issue is connected with our willingness to recognize 12-mile territorial sea claims and limited preferential fishing rights beyond 12 miles; it is probably not connected with seabed arms control. The impetus today for a broad territorial sea or fisheries zone stems from economic considerations, primarily fisheries. New claims are being asserted whose breadth is correlated to the continental shelf. A separate and much narrower limit for arms control purposes would, to the extent it has an effect, undercut rather than add impetus to these claims. Though it is not impossible that prior agreement to a 12-mile band of exception from a seabed arms control agreement could give impetus to international agreement to a 12-mile territorial sea without concomitant agreement on straits, as some have argued, it is much more likely that the territorial sea, straits, and fisheries would be seen as a separate set of interrelated issues that should be treated as such.

d. Our refusal to discuss a boundary for a seabeds arms control agreement will not preclude difficult issues from arising at any subsequent law of the sea conference called to adopt territorial sea and straits provisions. Earlier discussion of, or agreement to, a boundary for a seabeds arms control measure will not affect our decision on these issues.

e. Refusal to discuss a relevant issue such as the boundary issue could create suspicions regarding our motives that could make more difficult meaningful discussion in the ENDC. The UN resolution creating a seabeds committee envisions ENDC discussion of a boundary for an arms control agreement.

Con

a. The most difficult sea-related question facing the United States today is how to cope with the proliferation of territorial and other jurisdictional claims to the seas adjacent to other countries' coasts. This is so because there is no internationally agreed maximum limit to these claims, and, as they increase and become entrenched, they will enclose over 100 straits throughout the world. Those straits, when and if closed to the US will effectively impair the ability of the US forces to navigate by sea or air to various parts of the world unless they receive the permission of certain countries to fly over their territory. As overflight of territory becomes increasingly difficult on account of the reluctance of the subjacent state to allow nuclear armed aircraft to fly through their airspace, the right of passage over straits becomes correspondingly more important.

b. The US and USSR are now engaged in extremely delicate negotiations looking toward a worldwide law of the sea conference which would establish a 12-mile territorial sea and a right of free passage through and over straits. The traditional position of the US is that we do not need to recognize any claims to territorial seas in excess of three miles. While in practice this has become tenuous, it is nevertheless one of the few things which we have to concede in order to get other countries to agree to our straits proposal and a 12-mile limit. There is constant agitation in the international community with respect to territorial seas, fishing zones, and continental shelf boundary questions. As this agitation increases we run the risk of premature action in the UN on the territorial sea question before the USSR, and this Government can engineer what we hope will be a successful law of the sea conference. Discussion of the boundary for an arms control agreement will complicate these negotiations. If the US shows a willingness to go to a 12-mile limit, we will have once again demonstrated preparedness to use the 12-mile formula albeit for a special purpose. The US has already agreed to a 12-mile exclusive fishing zone and a 12-mile contiguous zone for customs, fiscal, immigration, or sanitary regulations. The 12-mile territorial sea is now claimed by approximately 40 nations. If the US now indicates willingness to use 12 miles for an arms control boundary we will have for all practical purposes conceded the very issue we are trying to negotiate with the rest of the world. If we are to be involved in boundary discussions we should confine them to forums where we can make concessions to get a properly protected territorial sea.

c. Since we will know where we are going with the Soviets in the course of the next year or so, we should wait to discuss the boundary question in the ENDC until after that time. There are several subjects which can be discussed in the ENDC relative to seabeds arms control without the question of boundaries being addressed. US interests would be better served if the boundary question were deferred.

d. The US could advise members of the ENDC when the boundary question arises in discussion that it prefers to discuss other subjects for now since there is a great deal of ferment world wide on the question of boundaries, which may be settled in other ways in the relatively near future. The US should not discuss a boundary

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until we know what activities will ultimately be prohibited and whether we will be able to verify compliance with an agreement. However, if pressured, the US delegation could discuss different methods for drawing a boundary as described in Annex C without discussing any precise mileage figure.

February 28, 1969

Attachments:

- Annex A: Summary Statement of Illustrative Proposal
- Annex B: Summary Statement of Illustrative Vital Factors
- Annex C: Essential Elements Paper

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Summary Statement of Illustrative Proposal

1. The United States should seek to negotiate an international agreement at the ENDC pursuant to which the parties would agree not to emplace or fix nuclear weapons or other weapons of mass destruction on the seabed or ocean floor.
2. The prohibition should extend to launching platforms and delivery vehicles. Any agreement should assure adequate verification of compliance.
3. The prohibition should apply to the seabed and ocean floor beyond a narrow band adjacent to the coast of each party and up to the coast of any other state. The narrow band should be measured as a specified distance from the coast of the parties, preferably to coincide with a wide agreement on a single-limit territorial sea but, failing that, a zone of special jurisdiction specifically for arms control purposes should be agreed which will provide adequate protection for other US interests.

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ANNEX B

Summary Statement of Illustrative Vital Factors

(Some of the factors listed below are more fully described in Annex C.)

The ENDC has been asked to examine the question as to whether a viable international agreement may be achieved in which each party would agree not to emplace or fix weapons of mass destruction on the seabed. The examination should focus but not be limited to the following vital factors of such an agreement:

1. What weapons should be included within the term "weapons of mass destruction"?
2. What relationship to the seabed is required to constitute "emplace or fix"?
3. What forms of verification are necessary for such an agreement?
4. To what areas of the seabed should the prohibition of the agreement apply? (D.O.D. believes the precise mileage for the coast should not be discussed until a decision can be made on whether to convene a Law of the Sea Conference to establish a limit for the territorial sea and all the above factors have been discussed and agreed. On the other hand D.O.D. would not object to a discussion of the problems inherent in the different methods of delimiting the areas which should be prohibited.)

ESSENTIAL ELEMENTS OF SEABED ARMS CONTROL:  
ISSUES AND OPTIONSI. PROBLEM

The preceding paper asks whether the us should seek to negotiate an international agreement at the ENDC which would prohibit the emplacement or fixing of nuclear or other weapons of mass destruction on the seabed. Whether or not the decision is affirmative, additional decisions must be taken concerning the essential elements of a possible agreement. This paper discusses the options available to the US with respect to subsidiary questions, such as the activities to be prohibited, the limit of the zone of application, verification, and inspection. It is possible to discuss these questions individually. However, decisions taken on one or more of these matters will necessarily affect the positions taken on some or all of the remaining questions.

II. DISCUSSION

Some of the essential elements to be considered include:

A. Activities to be prohibited: The basic US objective sought by the proposal is to prohibit the emplacement of nuclear and other weapons of mass destruction on the seabed. There are two ways in which this may be achieved.

1. Prohibition of Weapons Only

As used by the US, "weapons of mass destruction" are those weapons that are capable of a high order of destruction and/or of being used in such a manner as to destroy large numbers of people. They can be nuclear, chemical, biological, and radiological weapons, but excluding the means of transporting or propelling the weapon where such means is a separable and divisible part of the weapon.\* The language of the proposal should clearly apply to such weapons. Moreover, the prohibition should apply only to the emplacement or fixing of those weapons whose principal mode of deployment or operation requires the use of the seabed, and should not apply to other weapons. Indeed, the US should make clear throughout any discussions that such

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\* Joint Chiefs of Staff. Dictionary of U.S. Military Terms for Joint Usage, Washington, 1968.

a prohibition would apply only to the seabed, and would not limit the uses of the superjacent waters. Moreover, the definition of "weapons" would not apply to peaceful nuclear (Plowshare) explosive devices.

Pro

a. It avoids complicated negotiations by limiting the discussions of what is to be prohibited to weapons only.

b. It parallels the Outer Space Treaty's prohibition on nuclear weapons and other weapons of mass destruction.

c. It would provide greater latitude for US seabed operations and research.

Con

a. It permits states to make unrestricted preparations for the actual deployment of weapons.

b. It makes verification more difficult, since actual presence of weapons must be established.

2. Prohibition of Weapons, Launching Platforms, and Delivery Vehicles

In view of the possibility that some state might try to emplace launching platforms and delivery vehicles in advance of the deployment of weapons of mass destruction, the question arises whether the prohibition should also extend to such launching platforms and delivery vehicles.

Pro

a. It would limit the extent to which states could make preparations for weapons deployment before abrogating the treaty.

b. It would increase public confidence in the effectiveness of the measure by avoiding political problems, such as those which followed the introduction of FOBS.

c. It would decrease the likelihood of successful evasion, since existence of specific kinds of equipment would constitute evidence of a violation.

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Con

a. It might encourage other states to press for a description of prohibited equipment and installations, thus incurring the risk of making a public issue of sensitive US activities.

b. The negotiations on prohibited activities would be made more difficult because certain types of equipment can be adapted or designed to operate either from the seabed or in the superjacent waters.

B. Zone of Application: The issues involved in the decision to discuss a boundary for the prohibition are stated in the basic paper starting on p. 8. There are at least three possible definitions of the limit of the seabed beyond which the prohibition could apply. One approach uses a specified distance measured horizontally from the coast of a State; another uses an isobath or depth limit which would follow a prescribed contour of the submerged area along the coast of a state; the third approach would be based on the outer limited of national jurisdiction.

1. Specified Distance from Coast

It should be borne in mind that the US is currently seeking agreement on a single limit territorial sea of 12 miles, which, if successful, would be the recommended limit of the narrow band for arms control purposes as well. If such an agreement on a single limit territorial sea cannot be concluded, the US could consider a zone of special jurisdiction for arms control purposes only, which would not prejudice other US interests.

Pro

a. Of the three approaches, this limit would be the easiest to determine, non-discriminatory, and therefore more susceptible of wide agreement.

b. Such a limit could still provide a large submerged area for US research and weapons deployment, if necessary.

c. The establishment of such a zone could be more acceptable to the USSR and other states because no inspection provision would be applicable to the zone.

Con

a. Existing differences among states concerning the extent of national claims over coastal waters would complicate efforts to achieve agreement on a specified distance from the coast.

b. The US could be denied use of most of its continental shelf areas for purposes of weapons deployment.

2. Constant Depth Limit

The criterion for measuring the outer limits of the zone would be an isobath or line of uniform depth adjacent to the coast of the parties to the agreement.

Pro

a. This method would build on the precedent of the UN Convention on the Continental Shelf, signed by 39 states.

b. It would help disassociate the problem of seabed arms control from the issues relating to uses of the superjacent waters.

c. It would permit the US to use much more of the area off the East Coast for weapons deployment depending on the agreed depth limit.

Con

a. In practice, this method would result in wide variance among the submerged coastal areas to which the measure would not apply.

b. This method would infringe on the sovereignty of coastal states whose territorial waters extended beyond the agreed depth limit.

c. States with extensive shallow continental shelves might not be effectively restricted.

d. Both the negotiation and verification of any such agreement would be complicated by the lack of accurate bathymetric charts.

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### 3. The Outer Limits of National Jurisdiction

National jurisdiction over the seabed may be asserted either on the basis of sovereignty, as in the case of territorial seas, or on the basis of sovereign rights, as in the UN Convention on the Continental Shelf, whichever is greater.

#### Pro

a. This limit would permit each state to use that area of the seabed over which that state claims jurisdiction. For the US, this method could permit weapons deployment on the entire continental shelves.

b. Use of this method would not call into question claims of national jurisdiction, and would thereby facilitate agreement.

#### Con

a. This method would implicitly strengthen exaggerated claims of jurisdiction made by certain Latin American states and others. These claims are not recognized by the US.

b. This method would also result in wide variance among the limits imposed on different states, depending on the claims of jurisdiction advanced by those states.

c. Such a limit would not be convincing as an arms control measure because it would permit deployment in wide areas of the seabed.

d. This method might encourage states to impose additional restrictions on activities in the superjacent waters of the seabed areas over which they claim jurisdiction, thus further infringing on freedoms recognized under the law of the sea.

C. Verification and Inspection: The basic issue with respect to verification is whether the US believes its national verification capabilities are adequate to assure compliance with the agreement. If additional capabilities are desired, then the agreement could include a provision which would permit inspection of enclosed seabed

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installations. The agreement could adopt the precedent of the Outer Space Treaty regarding inspection on the basis of reciprocity.

Pro

- a. An inspection provision would enhance the confidence of all parties that violations could be detected.
- b. It would be consistent with the US position that compliance with arms control measures must be verifiable.
- c. Since the security of US underwater surveillance systems could be compromised by discovery, a request for inspection subsequent to that discovery would not significantly increase the risks of further compromise.
- d. As suggested in SNIE 11-12-68, inspection may be required to confirm the presence of weapons.

Con

- a. An inspection provision could increase the risk of compromise of existing US detection systems.
- b. An inspection provision might lead to the loss of industrial secrets stemming from non-military research and development on the seabed.

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