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E.O. 12356: N/A
TAGS: PARM, KNNP, NPT
SUBJECT: NPT DEPOSITARIES MEETING

FOLLOWING ARE CLEARED TALKING POINTS FOR THE USE OF THE
U.S. DELEGATION TO THE NPT DEPOSITARIES MEETING:

JULY 13-14, 1992, IN MOSCOW.

I. GENERAL TALKING POINTS

A. THE 1995 NPT CONFERENCE WILL BE THE MOST IMPORTANT
EVENT IN THE LIFE OF THE TREATY.

B. THE U.S. STRONGLY BELIEVES THAT THE INDEFINITE
EXTENSION OF THE NPT, ONE OF THE OUTCOMES PROVIDED
EXPLICITLY BY THE TREATY, IS THE MOST DESIRABLE OUTCOME
AND, OVERALL, RECENT EVENTS HAVE ENHANCED THE PROSPECTS
FOR SUCH AN EXTENSION:

-- THE END OF THE COLD WAR AND WITH IT THE END OF
THE NUCLEAR ARMS RACE BETWEEN THE TWO NUCLEAR
SUPERPOWERS;

-- THE DRASTIC REDUCTIONS IN NUCLEAR ARMS BETWEEN
THEM;

-- THE HEIGHTENED INTERNATIONAL CONCERN ABOUT THE
DANGERS OF NUCLEAR PROLIFERATION;

-- THE ENTRANCE INTO THE NONPROLIFERATION REGIME
OF LONGTIME HOLDOUTS, SOUTH AFRICA, ARGENTINA AND BRAZIL;

-- THE ADHERENCE OF FRANCE AND CHINA; AND

-- THE EFFORTS IN THE IAEA TO STRENGTHEN
SAFEGUARDS LARGELY IN RESPONSE TO IRAQ'S NPT VIOLATIONS.

C. THERE ARE A NUMBER OF ISSUES, HOWEVER, THAT COULD
COMPLICATE ACHIEVEMENT OF THIS OBJECTIVE, INCLUDING:

-- AN EFFORT, SUCH AS WE SAW AT THE 1990 NPT
REVCON TO HOLD THE EXTENSION OF THE NPT HOSTAGE TO A
CTB, OR ANY OTHER MEASURE. IN THIS CONNECTION, WE MIGHT

EXPECT TO SEE EFFORTS TO "MOVE THE GOALPOSTS", THAT IS
TO CONDITION THE TREATY'S EXTENSION ON FIRM COMMITMENTS
TO GLOBAL DISARMAMENT AND A UNIVERSAL NONPROLIFERATION
REGIME;

-- COMPLIANCE CONCERNS ABOUT THE ACTIVITIES OF NPT
PARTIES SUCH AS IRAQ WHICH MAY GENERATE INTEREST IN
AMENDING THE NPT; AND

-- POSSIBLE LINKAGE BY MIDDLE EAST STATES OF
DURATION AND EXTENSION OF THE NPT TO ISRAEL'S ADHERENCE.

D. FINALLY, UKRAINE, BYELARUS, AND KAZAKHSTAN HAVE
COMMITTED TO ADHERE TO THE NPT AS NON-NUCLEAR-WEAPON
STATES IN THE SHORTEST POSSIBLE TIME. IF THEY HAVE NOT
ADHERED BY THE TIME OF THE CONFERENCE, THIS COULD
COMPLICATE OUR EFFORTS IN 1995.

E. THE NPT PROVIDES A POLITICAL AND LEGAL BASIS FOR THE
INTERNATIONAL COMMUNITY TO INSIST ON PROGRESS IN NUCLEAR
DISARMAMENT. AT THE SAME TIME, OUR ARMS CONTROL AND
DISARMAMENT EFFORTS HAVE BEEN FACILITATED BY THE
EXISTENCE OF A STRONG NONPROLIFERATION REGIME.

F. WE BELIEVE THAT, IN THE FINAL ANALYSIS, THE PARTIES
WILL ENSURE THAT THE NPT IS EXTENDED. HOWEVER, THE
EXTENSION DECISION WILL CERTAINLY ENGENDER EXTENSIVE
DEBATE ON THE MERITS OF THE TREATY, ITS SUCCESSSES AND
ITS SO-CALLED-"FAILURES." WE MUST BE THOROUGHLY
PREPARED.

G. IN THIS CONNECTION, WE MUST GIVE SOME THOUGHT TO HOW
WE MIGHT ENCOURAGE OTHER PARTIES TO PUT THEMSELVES ON
RECORD AS SUPPORTING INDEFINITE OR OTHER LONG-TERM
EXTENSION OF THE TREATY. IT WILL BE IMPORTANT AS
PREPARATIONS PROCEED TO HAVE AS MANY COUNTRIES AS
POSSIBLE ON RECORD SUPPORTING THE LONG-TERM OR
INDEFINITE EXTENSION OF THE NPT.

II. THE FOLLOWING POINTS ARE ORGANIZED ALONG THE LINES
OF THE RUSSIAN-PROPOSED AGENDA FOR THE DEPOSITARIES
MEETING.

1. CONFERENCE FORMAT (REVIEW VS. EXTENSION CONFERENCE)

- QUESTION OF PARAGRAPH 3 ARTICLE VIII (REVIEW
CONFERENCE)

- QUESTION OF PARAGRAPH 2 ARTICLE X (EXTENSION
CONFERENCE)

(A) ARTICLE X (2) OF THE NPT PROVIDES ONLY FOR THE
CONVENING IN 1995 OF A CONFERENCE TO CONSIDER THE TERMS
OF THE NPT'S EXTENSION. REVIEW CONFERENCES ARE CONVENED
AT THE REQUEST OF A MAJORITY OF THE PARTIES. TO DATE,
NO SUCH REQUEST FOR A REVCON IN 1995 HAS BEEN MADE.

(B) WE EXPECT THAT THERE WILL BE MUCH INTEREST IN
"REVIEWING" THE NPT IN CONNECTION WITH THE EXTENSION
DECISION.

(C) WE HAVE NO OBJECTION TO THE PARTIES CONDUCTING A
REVIEW OF THE TREATY AT THE 1995 CONFERENCE, BUT WOULD
PREFER THAT ANY REVIEW EXERCISE BE LIMITED AND NOT OF
THE SCOPE OR DURATION CONDUCTED AT THE FOUR REVIEW
CONFERENCES.

(D) ALSO, THERE MIGHT BE SOME VALUE IN HAVING THE
REVIEW CONDUCTED AFTER THE FORMAL DECISION ON EXTENSION.

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: ROBERT O HOMME
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IN THE PARTIES WOULD AGREE TO SUCH A PROCEDURE.

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(E) COST AND PRACTICALITY ARGUE STRONGLY FOR HAVING A SINGLE CONFERENCE.

(F) THE PRINCIPAL PURPOSE OF THE 1995 CONFERENCE MUST BE TO EXTEND THE NPT. THE DECISION TO DO SO MUST NOT BE LINKED TO OR CONDITIONED ON ANY OTHER ASPECT OF THE CONFERENCE, E.G., A CONSENSUS OUTCOME FROM THE REVIEW PORTION OF THE CONFERENCE.

2. OFFICIAL START OF THE PREPARATORY PROCESS - UNGA

RESOLUTION

- CONTENTS
- CO-AUTHORSHIP

(A) LAST FALL'S INFORMAL MEETING OF NPT PARTIES TOOK A DECISION, REFLECTED IN THE RECORDS OF THE 46TH UNGA, TO ESTABLISH A PREPARATORY COMMITTEE IN 1993. AN ITEM ON THE 1995 NPT CONFERENCE AND ITS PREPARATORY COMMITTEE IS THEREFORE INSCRIBED ON THE PROVISIONAL AGENDA FOR THE 47TH UNGA.

(B) FOLLOWING PAST PRACTICE, THE DEPOSITARIES SHOULD AGREE ON A DRAFT RESOLUTION AND COORDINATE IT WITH PERU, WHO SHOULD CHAIR THE NPT CAUCUS THIS FALL.

(C) OUR INITIAL DRAFT SHOULD BE A MINIMALIST ONE. ALTHOUGH WE MUST BE PREPARED TO RESPOND TO PROPOSALS FOR MORE ELABORATE RESOLUTIONS, ALONG THE LINES OF THE DRAFT CIRCULATED BY MEXICO LAST FALL.

(D) WE HAVE PREPARED SUCH A DRAFT (TAB C) AS WELL AS AN ILLUSTRATIVE SCHEDULE OF EVENTS LEADING UP TO THE ADOPTION OF THE RESOLUTION FOR YOUR CONSIDERATION.

(E) THIS YEAR'S NPT CAUCUS SHOULD DISCUSS THE TEXT OF THE UNGA RESOLUTION, SITE/DATE OF THE EXTENSION CONFERENCE, DATE OF THE FIRST PREPCOM (NEW YORK IS THE AGREED SITE), POSSIBLY NUMBERS AND SITES OF OTHER PREPCOMS, AND, TO THE EXTENT POSSIBLE, CONFERENCE LEADERSHIP, INCLUDING THE PRESIDENT AND SECRETARY GENERAL OF THE CONFERENCE AND THE CHAIR OF THE FIRST PREPCOM.

(F) DISCUSSION OF CONFERENCE LEADERSHIP POSITIONS COULD BE COMPLICATED BY THE FACT THAT THE ISSUE OF REGIONAL

VS. GEOPOLITICAL GROUPINGS IS IN FLUX.

(G) WE ALSO EXPECT THERE MIGHT BE INTEREST IN DISCUSSING THE PREPCOM PROGRAM OF WORK THIS FALL AT THE NPT CAUCUS.

(H) THE DEPOSITARIES SHOULD HAVE THEIR OWN VIEWS ON THESE QUESTIONS.

3. PREPARATORY COMMITTEE

- DATE OF SESSION AND LENGTH OF MEETING
- PLACE OF MEETING
- CHAIRMANSHIP
- SECRETARIAT
- EXPENDITURES

(A) AT THE LAST DEPOSITARIES MEETING IN VIENNA

(FEBRUARY 1992), WE AGREED THAT WE SHOULD TRY TO LIMIT THE NUMBER OF PREPCOMS TO THREE (ONE ONE-WEEK MEETING AND TWO TWO-WEEK MEETINGS); IF THERE IS PRESSURE TO HAVE FOUR-PREPCOMS, THEN WE SHOULD SEEK TO LIMIT THEIR DURATION.

(B) THE NPT CAUCUS LAST FALL AGREED TO HOLD THE FIRST PREPCOM IN NEW YORK DURING THE FIRST HALF OF 1993. WE WOULD LIKE TO SEE THE PREPCOM HELD AS LATE IN THE FIRST HALF OF 1993 AS POSSIBLE.

(C) UNLIKE PREPCOMS FOR THE REVIEW CONFERENCES, THIS

TIME THERE WILL BE REAL WORK FOR THE PREPCOMS TO DO IN DETERMINING WHAT NEW PROCEDURES ARE NECESSARY FOR AN EXTENSION CONFERENCE AND WHAT IS RELEVANT FROM PAST REVIEW CONFERENCE PRECEDENTS FOR AN EXTENSION CONFERENCE.

(D) WE BELIEVE THAT THE SUBSEQUENT TWO PREPCOMS COULD BE HELD IN GENEVA WITH THE CONFERENCE ITSELF HELD IN NEW YORK TO ASSURE MAXIMUM PARTICIPATION BY THE PARTIES.

(E) THERE IS A STRONG INTEREST IN VIENNA FOR HOLDING ONE OF THE PREPCOMS THERE. WE WILL DO NOTHING TO ENCOURAGE THIS, AND WOULD RECALL THAT VIENNA HAS BEEN RULED OUT IN THE PAST BECAUSE IT WAS CONSIDERABLY MORE EXPENSIVE. MOREOVER, WE ARE NOT CONFIDENT THAT THERE WOULD BE ENOUGH REPRESENTATIVES EXPERIENCED IN NPT DIPLOMACY AMONG THE PERMANENT MISSIONS IN VIENNA. IT ALSO WOULD INCREASE THE FORA IN WHICH PREPARATIONS FOR 1995 ARE BEING DEBATED AND WE DO NOT THINK THIS WOULD BE WISE.

(F) IF THERE IS INTEREST IN MOVING TO FOUR PREPCOMS, THEN COST CONSIDERATIONS WILL BE IMPORTANT.

(G) WE OURSELVES MAY WANT TO CONSIDER WHETHER HAVING FOUR PREPCOMS HAS MERIT.

(H) WITH RESPECT TO PROSPECTIVE CHAIRMEN FOR THE PREPCOMS, THE PAST PRECEDENT OF SELECTING CHAIRMEN FROM THE TRADITIONAL POLITICAL GROUPINGS (WEOG, EASTERN EUROPE INCLUDING RUSSIA, AND NNA/G-77) MAY PROVIDE A BASIS FOR IDENTIFYING PREPCOM CHAIRMEN FOR THE UPCOMING MEETINGS.

(I) THE FRIENDS OF THE NPT USED THIS AS A POINT OF DEPARTURE FOR THEIR OWN DISCUSSIONS ON LEADERSHIP.

(J) WHAT ARE YOUR VIEWS?

(K) IF THE 1995 CONFERENCE DECIDES TO ORGANIZE ITSELF ALONG THE LINES OF THE THE THREE MAIN COMMITTEES USED AT PAST REVIEW CONFERENCES, WE BELIEVE IT WOULD BE APPROPRIATE TO HAVE THE PREPCOM CHAIRMEN SERVE AS CHAIRMEN OF THE MAIN COMMITTEES.

(L) IN ANY CASE, THE SELECTION OF CAPABLE AND EXPERIENCED INDIVIDUALS TO CHAIR THE PREPCOMS WILL BE VERY IMPORTANT.

(M) SIMILARLY, IT IS LIKELY THAT THE INDIVIDUALS THAT ARE PROVIDED BY THE UN TO STAFF THE SECRETARIAT WILL OCCUPY THOSE SAME SECRETARIAT POSITIONS AT THE CONFERENCE ITSELF.

(N) OUR INFORMAL CONTACTS WITH THE UN SECRETARIAT SUGGEST THAT PRBOSLAV DAVINIC AND DEREK BOOTHBY ARE CONSIDERED CANDIDATES FOR THE CONFERENCE SECRETARY-GENERAL AND SECRETARY RESPECTIVELY. IF THAT

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IS THE CASE, THEN WE EXPECT THEY WILL PLAY A ROLE IN THE
PREPCOMS.

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(D) DO YOU HAVE OTHER INFORMATION? WHAT ARE YOUR VIEWS
ON THE CAPABILITIES/APPROPRIATENESS OF THESE
INDIVIDUALS? ARE THERE OTHER POSSIBLE CANDIDATES?

(P) THE ADHERENCE SINCE 1990 OF A SUBSTANTIAL NUMBER OF
NEW NPT PARTIES, INCLUDING CHINA AND FRANCE, WILL
REQUIRE ADJUSTMENT OF THE SCALE OF ASSESSMENTS FOR THE
1995 CONFERENCE.

(Q) WE ARE TAKING A LOOK AT THIS. WE WOULD NOT WANT TO
SEE THIS BECOME A DIVISIVE ISSUE IN THE CONFERENCE
PREPARATIONS.

(R) AS A GENERAL RULE, WE WILL SUPPORT EFFORTS TO
CONTAIN COSTS ASSOCIATED WITH THE PREPCOM MEETINGS.

4. CONTENTS OF PREPARATORY WORK

- SUPPORTING DOCUMENTATION
- DRAFT AGENDA FOR THE CONFERENCE
- PROCEDURAL ISSUES
- CONFERENCE RULES

(A) SUPPORTING DOCUMENTATION FOR THE PREPCOM ALONG THE
LINES OF THE BACKGROUND PAPERS PREPARED FOR PAST REVIEW
CONFERENCES COULD USEFULLY FOCUS THE PARTIES' ATTENTION
ON DEVELOPMENTS OF IMPORTANCE TO THE NPT, E.G., IAEA
EFFORTS TO STRENGTHEN SAFEGUARDS AND TO RESPOND TO
TREATY VIOLATIONS.

~~(B) THIS COULD ALSO PROVIDE AN OPPORTUNITY TO HIGHLIGHT
THE DRAMATIC ARMS REDUCTIONS RECENTLY AGREED TO BY THE
U.S. AND RUSSIA.~~

(C) WE WOULD AGAIN BE PREPARED TO PROVIDE AN
INFORMATION PAPER DOCUMENTING USG VIEWS ON THE NPT AND
ITS EFFORTS TO FULFILL OUR NPT OBLIGATIONS.

(D) (IF A JOINT DEPOSITARIES PAPER IS RAISED) OUR
PREFERENCE IS FOR SEPARATE SUBMISSIONS.

(E) IF PRESSED, WE MIGHT TRY TO SHARE OUR INDIVIDUAL
PAPERS WITH EACH OTHER AT SOME POINT BEFORE THE
CONFERENCE TO DETERMINE THE EXTENT TO WHICH THERE IS
COMMON GROUND IN OUR PRESENTATIONS.

(F) THE DEPOSITARIES HAVE TRADITIONALLY COME UNDER
SCRUTINY AT PAST REVIEW CONFERENCES BECAUSE OF THE
EMPHASIS PLACED ON ARTICLE VI OF THE NPT. WE BELIEVE IT
COULD BE USEFUL IF OTHER PARTIES, IN CONNECTION WITH THE
1995 CONFERENCE, PROVIDED THEIR VIEWS ON THE NPT AND
THEIR EFFORTS TO IMPLEMENT ITS PROVISIONS.

(G) THERE ARE A NUMBER OF COUNTRIES THAT GENEROUSLY
SUPPORT TECHNICAL ASSISTANCE TO NPT PARTIES OR THAT ARE
ENGAGED IN VARIOUS OTHER ARMS CONTROL OR
NONPROLIFERATION ENDEAVORS, ALL SUPPORTIVE OF THE NPT'S
GOALS AND OBJECTIVES. THESE EFFORTS SHOULD BE
PUBLICIZED PRIOR TO THE CONFERENCE, NOT RESERVED FOR
GENERAL DEBATE STATEMENTS AFTER THE CONFERENCE HAS BEGUN.

(H) WHAT ARE YOUR VIEWS ABOUT ENCOURAGING OTHER PARTIES
TO SUBMIT SUCH DOCUMENTATION TO THE PREPCOM?

(I) IN DEVELOPING A DRAFT AGENDA FOR THE CONFERENCE, WE

COULD BE GUIDED BY THE AGENDAS OF THE REVIEW CONFERENCES.

(J) WE HAVE THIS ISSUE UNDER CONSIDERATION.

(K) ONE OF THE PREPCOM'S MOST IMPORTANT TASKS WILL BE
TO DEVELOP APPROPRIATE RULES OF PROCEDURE FOR THE 1995
CONFERENCE.

(L) THE 1995 CONFERENCE TO EXTEND THE NPT HAS NO
PRECEDENT AND THERE IS NO RULE IN EXISTING NPT REVCON
RULES OF PROCEDURE TO GOVERN THE TAKING OF A DECISION TO
EXTEND THE NPT PURSUANT TO ARTICLE X(2).

(M) THE FIRST PREPCOM IS LIKELY TO TURN TO THE
SECRETARY GENERAL FOR GUIDANCE ON RULES. THE
DEPOSITARIES SHOULD HAVE THEIR OWN VIEWS ON THIS
QUESTION.

(N) THE U.S. IS LOOKING AT THIS. WE HAVE BEGUN TO
IDENTIFY SOME KEY POINTS TO GUIDE OUR FURTHER THINKING.

(1) THE RULES OF PROCEDURE FOR PAST NPT REVIEW
CONFERENCES CAN SERVE AS THE BASIS FOR THE RULES USED
FOR THE 1995 NPT CONFERENCE.

-- THE EXISTING RULES ARE FAMILIAR AND PROVIDE A
BASIS FOR A 1995 CONFERENCE THAT INCLUDES A REVIEW OF
THE OPERATION OF THE TREATY IN CONNECTION WITH ITS
EXTENSION UNDER ARTICLE X(2). THERE IS CLEARLY A TREND
TOWARDS SUCH A SINGLE CONFERENCE IN 1995. THE U.S.
WOULD SUPPORT SUCH A CONFERENCE.

~~THE STRUCTURE OF THREE MAIN COMMITTEES
ESTABLISHED IN THE REVCON RULES OF PROCEDURE CAN BE USED
TO FACILITATE THIS REVIEW.~~

(2) THE RULES OF PROCEDURE FOR THE 1995 CONFERENCE
MUST PROVIDE FOR ADEQUATE SCREENING OF THE VARIOUS
EXTENSION PROPOSALS THAT MIGHT BE PUT FORWARD TO ENSURE
THAT THEY MEET THE CRITERIA SET OUT IN ARTICLE X(2),
I.E., PROVIDE FOR EXTENSION INDEFINITELY OR FOR A FIXED
PERIOD OR PERIODS.

-- THE JOB OF SCREENING EXTENSION PROPOSALS COULD
BE GIVEN TO THE GENERAL COMMITTEE, A BODY OF 26
REPRESENTATIVE VICE-PRESIDENTS UNDER EXISTING REVCON
RULES OF PROCEDURE.

-- ULTIMATELY, THE CONFERENCE SHOULD BE THE FINAL
ARBITER ON ANY PROPOSALS FOR EXTENSION.

(3) THE RULES OF PROCEDURE MUST CONTAIN A SEPARATE
RULE (S) FOR TAKING THE DECISION TO EXTEND THE NPT.

-- THIS RULE (S) SHOULD REFLECT ARTICLE X(2)'S
PROVIDO THAT THE DECISION TO EXTEND THE NPT SHALL BE
TAKEN BY A MAJORITY OF THE PARTIES TO THE TREATY.

(4) THE 1995 CONFERENCE MAY ONLY BE CONCLUDED
AFTER A DECISION ON EXTENSION IS TAKEN.

-- IF NO DECISION WERE TAKEN, THE CONFERENCE COULD

ONLY RECESS OR BE SUSPENDED WITH THE TREATY REMAINING IN
FORCE.

(O) WE SHOULD COME BACK TO THIS QUESTION AT THE NEXT
DEPOSITARIES MEETING.

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(P) ON A SEPARATE ISSUE, WE ANTICIPATE THAT THERE WILL BE INTEREST IN ENGAGING THE PREPCOM ON SUBSTANTIVE ISSUES.

(Q) THE PREPCOM WILL PROBABLY HAVE PLENTY TO DO IN CONNECTION WITH PROCEDURAL AND RULES ISSUES FOR THE 1995 CONFERENCE. WE MIGHT WANT TO CONSIDER, HOWEVER, WHETHER THE PREPCOM COULD PLAY A USEFUL ROLE IN CONNECTION WITH THE EXTENSION DECISION.

(R) IF STATES WERE WILLING TO COMMIT THEMSELVES TO A CERTAIN (ACCEPTABLE) EXTENSION OUTCOME, IT COULD BE USEFUL IF THE PREPCOM TRANSMITTED THESE VIEWS TO THE CONFERENCE, ITSELF, AS PART OF ITS REPORT TO THE CONFERENCE.

(S) THE PREPCOM COULD OFFER AN OPPORTUNITY TO VET VARIOUS EXTENSION PROPOSALS IN ADVANCE OF THE CONFERENCE SO THAT DELEGATIONS COULD BE BETTER PREPARED WHEN THE CONFERENCE WAS CONVENED.

(T) WHAT ARE YOUR VIEWS?

5. CONFERENCE ORGANIZATION

- LOCATION
- DURATION
- OPENING DATE
- NUMBER OF COMMITTEES
- REGIONAL GROUPS
- SCALE OF EXPENDITURES
- ASSURING PARTICIPATION BY A MAXIMUM NUMBER OF PARTIES

(A) WITH RESPECT TO LOCATION, THE U.S. IS PREPARED TO ACCEPT NEW YORK AS THE SITE OF THE CONFERENCE IN VIEW OF ITS POTENTIAL FOR GREATER PARTICIPATION BY NPT PARTIES. THIS IS IMPORTANT IN VIEW OF THE TREATY'S PROVISION THAT THE EXTENSION DECISION BE TAKEN BY A MAJORITY OF THE

PARTIES.

(B) ON DURATION, FOUR WEEKS WOULD SEEM ADEQUATE FOR A SINGLE CONFERENCE TO REVIEW THE TREATY AND TAKE THE EXTENSION DECISION.

(C) WE WOULD LIKE TO SEE THE OPENING DATE FOR THE CONFERENCE SET AS SOON AS POSSIBLE AFTER MARCH 5, 1995. WE WILL NEED TO CONSULT WITH THE UN SECRETARIAT EARLY ON TO DETERMINE AVAILABILITY OF FACILITIES.

(D) THE REVIEW PORTION OF THE CONFERENCE COULD BE CARRIED OUT BY THE THREE MAIN COMMITTEES THAT HAVE BEEN USED AT THE PAST TWO REVIEW CONFERENCES, THUS MINIMIZING THE NEED FOR EXTENSIVE CHANGES TO THE EXISTING CONFERENCE RULES OF PROCEDURE.

(E) THE GENERAL COMMITTEE COULD TAKE ON MORE IMPORTANCE IN 1995 IF IT WERE USED TO SCREEN EXTENSION PROPOSALS TO ENSURE THEY MEET THE CRITERIA SET OUT UNDER ARTICLE X(2), AS COULD THE DRAFTING COMMITTEE IF IT WERE USED AS THE VEHICLE TO DRAFT EXTENSION RESOLUTIONS (ALTHOUGH THIS COULD ALSO BE DONE BY THE GENERAL COMMITTEE OR SOME OTHER GROUP).

(F) THE LEADERSHIP OF THESE COMMITTEES WILL BECOME QUITE IMPORTANT.

(G) WITH RESPECT TO REGIONAL GROUPS, WE BELIEVE THAT GEOGRAPHIC GROUPS MAY BECOME MORE IMPORTANT IN MULTILATERAL FORA. IT MAY BE SIMPLER, HOWEVER, TO RELY ON TRADITIONAL GROUPS OF EAST, WEST AND NON-ALIGNED IN FILLING CONFERENCE POSTS. WHAT ARE YOUR VIEWS ON THIS QUESTION?

(H) SCALE OF EXPENDITURES: AS WE SAID EARLIER, WE WILL TAKE A LOOK AT THIS BUT DO NOT BELIEVE IT SHOULD BECOME A DIVISIVE ISSUE FOR THE CONFERENCE.

(I) IN VIEW OF THE TREATY'S PROVISIO THAT THE DECISION TO EXTEND THE NPT BE TAKEN BY A MAJORITY OF THE PARTIES, (I.E., A MAJORITY OF THE PARTIES TO THE TREATY, NOT SIMPLY OF THOSE PRESENT AND VOTING) IT WILL BE IMPORTANT TO OBTAIN THE PARTICIPATION OF ENOUGH PARTIES TO ENSURE THAT CRITERION IS MET.

(J) WE BELIEVE HOLDING THE CONFERENCE IN NEW YORK WILL CONTRIBUTE TO THIS GOAL.

(K) IF APPROPRIATE: WE HAVE NOT ASSUMED, HOWEVER, THAT IT WOULD BE NECESSARY TO OBTAIN THE VIEWS OF OR FOR EVERY PARTY TO CAST A VOTE ON THE EXTENSION DECISION.

(L) PROXY VOTING WOULD SERIOUSLY COMPLICATE EFFORTS TO REACH A DECISION ON EXTENSION AND WE DO NOT WISH TO ENCOURAGE IT; MOREOVER, NOTHING WE ARE AWARE OF IN THE TREATY'S LANGUAGE AND HISTORY SUGGEST THIS WOULD BE A PERMISSIBLE WAY FOR THE CONFERENCE TO TAKE THE DECISION REQUIRED BY ARTICLE X(2).

(M) DO YOU HAVE OTHER VIEWS?

6. CONFERENCE MANAGEMENT

- CHAIRMAN
- COMMITTEE CHAIRMAN
- GENERAL SECRETARIAT
- CHAIRMAN OF THE DRAFTING COMMITTEE
- FRIENDS GROUP OF CONFERENCE CHAIRMAN

(A) AT NO PAST REVIEW CONFERENCE HAS THE CONFERENCE LEADERSHIP BEEN MORE IMPORTANT THAN IT IS NOW.

(B) THIS CONFERENCE WILL BE QUITE DIFFERENT FROM THE FOUR REVIEW CONFERENCES THAT PRECEDED IT AND RAISES QUESTIONS ABOUT THE APPROPRIATE LEVEL OF REPRESENTATION. IN OUR VIEW, IT COULD APPROPRIATELY BE AT A LEVEL HIGHER THAN AT THE REVIEW CONFERENCES. WHAT

ARE YOUR VIEWS?

(C) THE EVENTUAL PRESIDENT OF THE 1995 NPT CONFERENCE SHOULD POSSESS INTERNATIONAL STATURE, EXEMPLARY LEADERSHIP QUALITIES, COMPETENCE, AND PROVEN ABILITY IN TOUGH NEGOTIATING SITUATIONS.

(D) IN THE BELIEF THAT THE 1995 CONFERENCE IS TOO IMPORTANT TO BE BOUND BY POLICIES OF REGIONAL OR POLITICAL ROTATION, WE HAVE BEEN GIVING SOME THOUGHT TO IDENTIFYING FOR CONFERENCE PRESIDENT AN INDIVIDUAL OF SUBSTANTIAL INTERNATIONAL STATURE AND REPUTATION E.G., ROLF EKEUS.

(E) WHAT ARE YOUR VIEWS?

(F) AT THE SAME TIME, AMBASSADOR STRULAK IS STILL

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INTERESTED IN SERVING IN THIS POST, AND WE UNDERSTAND THAT THERE IS SOME UNDERSTANDING THAT IT IS THE EASTERN EUROPEANS' TURN TO HOLD THIS POST.

(G) WE ALSO UNDERSTAND THAT JAYANTHA DHANAPALA IS LOBBYING FOR THE POSITION.

(H) ALSO NEED TO IDENTIFY CANDIDATES FOR OTHER POSITIONS; E.G., SECRETARY GENERAL AND SECRETARY. UNDERSTAND THAT THERE IS MUCH INTEREST IN THE FIRST TWO POSITIONS; HAVE HEARD PRBOSLAV DAVINIC (DAHVINEECH), OF FORMER YUGOSLAVIA, MENTIONED FOR SYG, AND DEREK BOOTHBY, UK, FOR SECRETARY. U.S. COULD SUPPORT THESE INDIVIDUALS.

(I) WE HAVE DETECTED AN INCLINATION TO DIVIDE UP

COMMITTEE CHAIRMANSHIPS, INCLUDING THE DRAFTING COMMITTEE, ALONG TRADITIONAL LINES.

(J) WHAT ARE YOUR VIEWS ON A FRIENDS GROUP OF THE CONFERENCE PRESIDENT?

7. CONFERENCE RULES

- ORDER OF DISCUSSING ISSUES
- THE POSSIBILITY OF (DEFERRING) A DECISION ON EXTENDING THE TREATY UNTIL A REVIEW OF ITS OPERATION HAS BEEN CONDUCTED.
- THE POSSIBILITY OF (DEFERRING) AN EXTENSION DECISION UNTIL AFTER A FINAL DOCUMENT ON THE REVIEW HAS BEEN APPROVED.

(A) ALTHOUGH IT WOULD BE HIGHLY DESIRABLE TO HAVE THE 1995 CONFERENCE TAKE A DECISION TO EXTEND THE NPT AS A FIRST ORDER OF BUSINESS AND THEN PROCEED TO A REVIEW OF THE TREATY, AS A PRACTICAL MATTER THIS COULD BE DIFFICULT TO ESTABLISH.

(B) IF IS DECIDED THAT THE ACTUAL DECISION TO EXTEND THE NPT WILL BE TAKEN FOLLOWING A REVIEW OF THE TREATY, IT WILL BE CRUCIAL TO ENSURE THAT THIS DECISION IS NOT CONDITIONAL ON ANY OTHER ACTION THAT THE CONFERENCE MIGHT SEEK TO TAKE OR ANY OTHER CONDITIONS, E.G., CTB.

(C) THE EXTENSION DECISION CANNOT, UNDER ANY CIRCUMSTANCES, BE HELD HOSTAGE TO THE RESULTS OF A REVIEW OF THE TREATY, IN PARTICULAR THE CONCLUSION OF A

CONSENSUS FINAL DOCUMENT. THIS WOULD BE COMPLETELY UNACCEPTABLE TO US.

(D) THE DEPOSITARIES MUST BE PREPARED TO MAKE THIS CLEAR TO OTHER PARTIES.

(E) MOREOVER, TO THE MAXIMUM EXTENT POSSIBLE, WE MUST

ASSURE BEFORE THE CONFERENCE BEGINS THAT THE OUTCOME OF THE EXTENSION QUESTION IS NOT IN DOUBT, I.E., WE NEED TO ASSURE THAT A STRONG MAJORITY OF DELEGATIONS IS INSTRUCTED TO VOTE AFFIRMATIVELY ON THE EXTENSION QUESTION.

8. EXTENDING THE NPT AGREEMENT

- INDEFINITE
- FOR A FIXED TIME FRAME (25 YEARS WITH A PROCEDURE FOR FURTHER EXTENSIONS).
- REACTIONS AND TACTICS REGARDING POSSIBLE PROPOSALS FOR EXTENDING THE AGREEMENT FOR SHORTER LENGTHS OF TIME.
- EVALUATION OF THE SITUATION WHICH WILL ARISE

IF THE DECISION ON EXTENDING THE NPT IS NOT ACCEPTED.

- THE POSSIBILITY OF SUPPORTING A DECISION ON EXTENDING THE NPT IN WRITTEN FORM WITHOUT PARTICIPATION IN THE CONFERENCE.

(A) THE U.S. STRONGLY SUPPORTS INDEFINITE EXTENSION OF THE NPT IN 1995. WE DO NOT UNDERESTIMATE THE DIFFICULTY

OF ACHIEVING SUCH AN EXTENSION. NEVERTHELESS, WE BELIEVE THAT IT IS THE BEST OUTCOME AND WE ARE PREPARED TO MAKE EVERY EFFORT TO ACHIEVE IT.

(B) THE NPT ALSO PROVIDES FOR EXTENSIONS FOR A "FIXED PERIOD OR PERIODS."

(C) A DECISION TO EXTEND THE TREATY FOR A SINGLE FIXED PERIOD ONLY WOULD BE UNACCEPTABLE SINCE THE TREATY WOULD TERMINATE AT THE CONCLUSION OF SUCH A PERIOD.

(D) EXTENSION FOR FIXED PERIODS PROVIDES A MEANS TO OBTAIN A SATISFACTORY OUTCOME. IT MIGHT ONLY BE NECESSARY TO DEFINE THE LENGTH OF THE INITIAL PERIOD WITH THE DECISION ON FUTURE PERIODS RESERVED FOR LATER.

(E) IF WE MUST RESORT TO SUCH A FALL-BACK, WE BELIEVE IT IS ESSENTIAL THAT THE INITIAL PERIOD BE A SUBSTANTIAL ONE, PREFERABLY NOT LESS THAN THE ORIGINAL PERIOD OF 25 YEARS.

(F) WE BELIEVE THAT THE DEPOSITARIES SHOULD PRESENT A UNIFIED FRONT ON THE ISSUE OF THE TERMS OF THE EXTENSION AND SHOULD VIGOROUSLY PROMOTE THE INDEFINITE EXTENSION OF THE NPT IN 1995.

(G) IF THERE ARE PROPOSALS FOR SHORTER EXTENSIONS, WE WILL BE PREPARED TO PROMOTE VIGOROUSLY OUR PROPOSALS FOR A SUBSTANTIAL EXTENSION IN VIEW OF THE NPT'S SUCCESS AND THE VIRTUALLY UNIVERSAL VIEW OF THE GRAVE SECURITY CONSEQUENCES FOR ALL STATES OF NUCLEAR WEAPONS

PROLIFERATION.

(H) WE ARE STILL IN THE EARLY STAGES OF PREPARATIONS AND THERE IS AMPLE TIME TO EXPLORE OTHER EXTENSION OUTCOMES.

(I) WE DEEM IT HIGHLY UNLIKELY THAT THE CONFERENCE WILL BE UNABLE TO TAKE A DECISION TO EXTEND THE NPT. IN THAT EVENT, HOWEVER, WE BELIEVE THAT THE CONFERENCE SHOULD BE RECESSED TO BE CONVENED AT A LATER DATE, PREFERABLY NOT MORE THAN A FEW MONTHS LATER.

(J) THERE WOULD BE NO EFFECT ON THE NPT AS IT WOULD CONTINUE UNTIL A DECISION WERE TAKEN. WE WOULD HAVE TO CONSIDER THE MODALITIES FOR RESUMING THE EXTENSION CONFERENCE AT A FUTURE DATE.

(K) AS WE HAVE ALREADY DISCUSSED, WE BELIEVE THAT THE DECISION TO EXTEND THE NPT SHOULD BE TAKEN BY THE CONFERENCE PARTICIPANTS. THUS, WE MUST MAKE EVERY EFFORT TO ENCOURAGE AS MANY PARTIES TO ATTEND AS POSSIBLE.

(L) WE SHOULD SEEK TO AVOID VOTING BY PROXY AS THIS WOULD INTRODUCE A VERY COMPLICATED ELEMENT INTO THE CONFERENCE AND COULD DELAY A DECISION ON THE EXTENSION; MOREOVER, NOTHING WE ARE AWARE OF IN THE TREATY'S LANGUAGE OR HISTORY SUGGESTS THIS WOULD BE A PERMISSIBLE WAY FOR THE CONFERENCE TO TAKE THE DECISION REQUIRED BY

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(M) WE TAKE THE POSITION THAT BY JOINING THE NPT, STATES HAVE AGREED TO BE BOUND BY ANY DECISION UNDER ARTICLE X.2. THEREFORE, THE EXTENSION DECISION IS FINAL, BINDING AND SELF-EXECUTING.

(N) WHAT ARE YOUR VIEWS ON THESE ISSUES?

9. OVERVIEW OF THE NPT

- LENGTH OF SCOPE (FIVE YEARS OR ENTIRE PERIOD)
- CONNECTION WITH THE DISARMAMENT PROCESS
- PERSPECTIVES ON THE DEVELOPMENT OF COOPERATION IN PEACEFUL USES OF NUCLEAR ENERGY

(A) WE DO NOT HAVE A FINAL POSITION WITH RESPECT TO THE SCOPE OF THE REVIEW.

(B) THE PERIOD 1990-95 WILL PRESENT A PARTICULARLY STRONG RECORD ON ARTICLE VI, WHILE A 25-YEAR RETROSPECTIVE ON ARTICLE VI MAY UNNECESSARILY DRAW ATTENTION TO THE GROWTH IN US AND SOVIET NUCLEAR STOCKPILES THROUGHOUT MUCH OF THE HISTORY OF THE NPT.

(C) AT THE SAME TIME, A 25-YEAR REVIEW WOULD DEMONSTRATE THE SUCCESS OF THE TREATY IN PREVENTING THE PROLIFERATION OF NUCLEAR WEAPON STATES. IN ADDITION, A REVIEW OF PEACEFUL NUCLEAR COOPERATION AND DEVELOPMENT AS A RESULT OF THE NPT WOULD ALSO PRESENT A COMPELLING PICTURE OF BENEFITS UNDER THE NPT.

~~(D) WE WOULD LIKE TO GIVE THIS FURTHER THOUGHT.~~

(E) WHAT ARE YOUR VIEWS?

10. PROPOSAL ON IMPROVING THE IMPLEMENTATION OF THE NPT FOR INCLUSION INTO THE FINAL DOCUMENT OF THE CONFERENCE

- STRENGTHENING THE SYSTEM OF GUARANTEES
- MECHANISM FOR RESPONDING TO VIOLATION OF OBLIGATIONS
- SPECIAL INSPECTIONS
- NEGATIVE ASSURANCES TO NON-NUCLEAR STATES
- SAFETY OF NUCLEAR FACILITIES
- PEACEFUL EXPLOSIONS

(A) AS AN INITIAL COMMENT, WE STRONGLY BELIEVE THAT THE ONLY DOCUMENT THAT NEEDS TO COME OUT OF THE 1995 CONFERENCE IS A RESOLUTION OR SOME OTHER DECISION DOCUMENT THAT REFLECTS THE PARTIES' LEGALLY-BINDING DECISION TO EXTEND THE NPT.

(B) IN VIEW OF THE OUTCOME IN 1990, WE SHOULD SEEK TO AVOID AN EFFORT TO DEVELOP A CONSENSUS FINAL DOCUMENT.

(C) THE REVIEW PORTION OF THE 1995 CONFERENCE PROVIDES AN APPROPRIATE OPPORTUNITY TO CONSIDER WAYS TO STRENGTHEN THE TREATY'S IMPLEMENTATION. WE SHOULD CONSIDER HAVING THE COMMITTEES, IF THEY ARE REESTABLISHED FOR 1995, SUBMIT SEPARATE, INDEPENDENT REPORTS.

(D) THAT WAY, THE FAILURE OF ONE COMMITTEE TO PRODUCE

AN AGREED REPORT WOULD NOT COMPROMISE THE SUCCESSFUL EFFORTS OF OTHER COMMITTEES.

(E) THE REPORTS WOULD NOT HAVE TO REFLECT A CONSENSUS, BUT COULD SIMPLY SUMMARIZE THE DISCUSSION INCLUDING AREAS OF DISAGREEMENT.

(F) AGAIN, IT WILL BE ESSENTIAL THAT THE EXTENSION DECISION IS TAKEN AND THE RESULTS REFLECTED SEPARATELY FROM ANY REPORT THAT MIGHT RESULT FROM A REVIEW OF THE TREATY.

(G) WITH RESPECT TO THE PROPOSALS THAT HAVE BEEN PUT FORWARD FOR THIS MEETING FOR STRENGTHENING THE TREATY'S IMPLEMENTATION, WE AGREE THAT VERIFICATION AND COMPLIANCE WITH THE NPT WILL BE AN IMPORTANT ISSUE.

(H) WE BELIEVE THAT VERIFICATION AND COMPLIANCE ISSUES CAN BE ADDRESSED THOROUGHLY WITHOUT MODIFYING THE NPT, FOR EXAMPLE BY STRENGTHENING IAEA SAFEGUARDS. IN FACT, WE BELIEVE THAT ANY EFFORT TO AMEND THE TREATY EVEN FOR THE LAUDABLE PURPOSE OF STRENGTHENING ITS VERIFICATION PROVISIONS WOULD RISK ITS COMPLETE UNRAVELING.

(I) ON COMPLIANCE ISSUES, WE BELIEVE THE DEPOSITARIES SHOULD BE PREPARED TO EXERCISE SOME LEADERSHIP IN DEALING WITH SUCH ISSUES. THIS COULD INVOLVE CONSULTATIONS AMONG THEM AS WELL AS WITH OTHER KEY PARTIES TO DETERMINE AN APPROPRIATE COURSE OF ACTION ON POSSIBLE VIOLATIONS.

(J) CLEARLY, THE IAEA WOULD ASSUME A MAJOR ROLE IN THE CASE OF A POSSIBLE VIOLATION OF AN NPT SAFEGUARDS AGREEMENT.

~~(K) CONTINUED EFFORTS BY THE IAEA AND ITS MEMBERS TO STRENGTHEN SAFEGUARDS WILL CONTRIBUTE SIGNIFICANTLY IN THIS AREA. IN THIS CONNECTION, APPROPRIATE USE OF SPECIAL INSPECTIONS OVER THE NEXT FEW YEARS COULD ESTABLISH SUCH INSPECTIONS AS AN ACCEPTED ADJUNCT TO ROUTINE IAEA INSPECTIONS.~~

(L) THE UN SECURITY COUNCIL IS THE ULTIMATE ENFORCEMENT MECHANISM WITH REGARD TO NPT COMPLIANCE; ITS ROLE WOULD DEPEND ON THE NATURE OF THE VIOLATION AND THE THREAT WHICH THE INFRACTION POSES TO INTERNATIONAL PEACE AND SECURITY.

(M) WITH RESPECT TO NEGATIVE SECURITY ASSURANCES, WE CONTINUE TO VIEW OUR 1978 ASSURANCE AS A FIRM AND

RELIABLE POLICY AIMED AT INCREASING THE SECURITY OF NPT PARTIES. THE GEOSTRATEGIC SITUATION ON WHICH THAT ASSURANCE WAS BASED, HOWEVER, HAS BEEN FUNDAMENTALLY ALTERED BY DEVELOPMENTS IN THE PAST YEAR.

(N) A REASSESSMENT OF THIS NSA MAY BE APPROPRIATE AT SOME TIME OVER THE COURSE OF THE THREE YEARS LEADING UP TO THE CONFERENCE.

(O) WITH REGARD TO PEACEFUL NUCLEAR COOPERATION UNDER ARTICLE IV OF THE TREATY, THE PERIOD BEFORE THE 1995

CONFERENCE IS LIKELY TO HAVE SEEN BROADENED EFFORTS AT THE IAEA AND ELSEWHERE TO ADDRESS THE ISSUE OF NUCLEAR SAFETY.

(P) WITH REGARD TO NUCLEAR SAFETY ASSISTANCE, MOST SUPPLIER NATIONS WILL CONDITION BROADENED EFFORTS ON THE RECIPIENT'S ACCEPTANCE OF STRONG NONPROLIFERATION COMMITMENTS, SUCH AS THOSE CONTAINED IN THE NPT. SOME STATES, INCLUDING THE U.S., ALSO IMPLEMENT AN

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(Q) ALSO TWO IMPORTANT INSTRUMENTS IN THE NUCLEAR
SAFETY FIELD ARE LIKELY TO HAVE BEEN COMPLETED BY 1995:
THE EUROPEAN ENERGY CHARTER NUCLEAR PROTOCOL AND THE
IAEA'S INTERNATIONAL NUCLEAR SAFETY CONVENTION.

(R) IN BOTH THE DEVELOPMENT OF INTERNATIONAL
INITIATIVES AND THE ELABORATION OF MULTILATERAL
INSTRUMENTS IN THE FIELD OF NUCLEAR SAFETY, OUR
GOVERNMENTS SHOULD KEEP THE 1995 NPT EXTENSION
CONFERENCE IN MIND.

(S) WE SHOULD ATTEMPT, INSOFAR AS POSSIBLE, TO CONDUCT
OUR NUCLEAR SAFETY ACTIVITIES IN A WAY WHICH
DEMONSTRATES THE VALUE OF THE COMMITMENT IN ARTICLE IV.

(T) IF GOVERNMENTS ARE CONVINCED THAT THE BROADEST
SAFETY COOPERATION WILL BE PROVIDED TO NPT PARTIES, THIS
COULD PROVIDE ANOTHER RATIONALE FOR LONG-TERM EXTENSION
OF THE TREATY.

(U) WE ARE INTERESTED IN YOUR VIEWS ON PEACEFUL NUCLEAR
EXPLOSIONS IN CONNECTION WITH MEASURES TO STRENGTHEN THE
NPT.

(V) NPT ARTICLE V HAS BEEN NONCONTROVERSIAL IN THE PAST
AND THERE HAS BEEN LITTLE IF ANY INTEREST IN OBTAINING
THE "BENEFITS" OF PNEs.

(W) RECENT PUBLICITY ABOUT THE RUSSIAN FIRM CHETEK'S
INTEREST IN MARKETING PNEs AS A WAY TO DISPOSE OF
NUCLEAR AND CHEMICAL WASTE MIGHT HAVE THE UNFORTUNATE
EFFECT OF REVIVING INTEREST IN PNEs.

(X) WE SEE NO BENEFIT TO THIS.

11. FORMAT AND STATUS OF THE FINAL DOCUMENT

(A) THE ONLY FINAL REPORT THAT WE BELIEVE SHOULD COME
FROM THE 1995 CONFERENCE IS A RESOLUTION OR OTHER
DOCUMENT THAT REFLECTS, AND RECORDS DEFINITELY, THE
DECISION OF THE CONFERENCE TO EXTEND THE NPT.

(B) WE EXPECT, NEVERTHELESS, THAT THERE MAY BE INTEREST
IN PRODUCING SOMETHING MORE DETAILED AND SUBSTANTIVE
SUCH AS A FINAL DOCUMENT.

(C) TO SATISFY THE DESIRE FOR SOME KIND OF FINAL
DOCUMENT, REPORTS OF THE COMMITTEES (ADOPTED EITHER BY
CONSENSUS OR REFLECTING DIFFERING VIEWS) COULD BE
APPENDED AS ANNEXES TO THE FINAL REPORT.

(D) AT THIS POINT, WE WOULD NOT OBJECT TO SUCH A FINAL
REPORT AS LONG AS THE RECORDING OF THE EXTENSION
DECISION WAS NOT MADE CONTINGENT, IN ANY WAY, ON SUCH A
REPORT.

(E) AGAIN, THE WAY TO MINIMIZE THE IMPACT ON THE
CONFERENCE OF SUCH A FINAL REPORT IS TO ASSURE THE
OUTCOME OF THE EXTENSION QUESTION IN ADVANCE OF THE
CONFERENCE.

12. PLAN FOR FUTURE JOINT ACTION OF THE DEPOSITORIES IN
PREPARING FOR THE CONFERENCE

(A) IN ANTICIPATION OF THE START OF THE NPT CAUCUS IN

OCTOBER IN NEW YORK WE BELIEVE IT IS NECESSARY TO MEET
IN SEPTEMBER TO FINALIZE OUR PLAN OF ACTION, MOST LIKELY
ON THE MARGINS OF THE IAEA BOARD OF GOVERNORS
(SEPTEMBER 16-18) OR GENERAL CONFERENCE --

(SEPTEMBER 21-25).

(B) WHAT ARE YOUR VIEWS?

(C) WE BELIEVE IT IS THE U.S. TURN TO HOST SUCH A
MEETING. IF YOU AGREE, WE WILL MAKE ALL NECESSARY
ARRANGEMENTS.

13. OTHER BUSINESS

- CONSULTATIONS/COORDINATION WITH OTHER NPT PARTIES

(A) CONTINUED CLOSE DEPOSITARY CONSULTATIONS WILL BE
IMPORTANT TO OUR PREPARATIONS.

(B) REGULAR CONSULTATIONS AMONG THE PARTIES WILL BE
ESSENTIAL TO IDENTIFY EARLY ON THEIR VIEWS ON THE
EXTENSION DECISION, AS WELL AS THE DIFFICULTIES WE MIGHT
ENCOUNTER IN ACHIEVING OUR OBJECTIVES.

(C) I RECENTLY HAD SOME CONSULTATIONS IN VIENNA ON THE
MARGINS OF THE BOG.

(D) WE SEE SOME UTILITY TO MAINTAINING CONTACTS WITH
NON-PARTIES AS PART OF OVERALL EFFORT TO IDENTIFY THE
ISSUES FOR 1995.

-- WE ARE NOT INCLINED, HOWEVER, TO SUPPORT ANY
FORMAL EFFORT TO ENGAGE NON-PARTIES IN CONSULTATIONS
RELATED TO THE ACTUAL PREPARATORY PROCESS.

(E) AUSTRALIA IS AGAIN CHAIRING A BROAD-BASED "FRIENDS
OF THE NPT" GROUP IN VIENNA; IT WILL BE IMPORTANT TO
COORDINATE CLOSELY WITH OUR REPRESENTATIVES THERE.
(CORE MEMBERS ARE AUSTRALIA, U.S., UK, RUSSIA, SWEDEN,
JAPAN, CSFR, MEXICO, EGYPT, POLAND, PHILIPPINES,
NIGERIA, AND ITALY.)

(F) WE BELIEVE THIS GROUP COULD BE USEFUL IN CONNECTION
WITH PREPARATIONS FOR 1995 BECAUSE OF ITS REPRESENTATIVE
CHARACTER. HOWEVER, WE BELIEVE THE VIENNA GROUP WOULD
BEST CONTRIBUTE BY FOCUSING ON ISSUES ARISING FROM

ARTICLE II AND ARTICLE IV WHICH INVOLVE THE PRIMARY
EXPERTISE AND EXPERIENCE OF THE VIENNA MISSIONS AND THE
IAEA.

FRANCE/CHINA:

(G) IN PAST DEPOSITARIES MEETINGS WE HAVE AGREED ON THE
NEED TO MAINTAIN THE CURRENT DEPOSITARY RELATIONSHIP BUT
TO FIND A WAY TO CONSULT WITH FRANCE AND PRC.

(H) THERE IS A NEED FOR FLEXIBILITY IN DEALING WITH
THESE STATES; PREVIOUSLY AGREED TO HOLD A LOW-KEY DINNER
WITH FRANCE AND PRC ON THE MARGINS OF THE IAEA BOG;
SHOULD REVISIT THIS PROPOSAL ONCE FRANCE HAS FORMALLY
ACCEDED; WE ALSO MAY WANT TO CONSIDER GENEVA OR NEW YORK
AS SITE FOR SUCH A MEETING.

CD DISCUSSIONS ON NONPROLIFERATION:

(I) WE SEE NO WAY THAT AN OPEN-ENDED CD DISCUSSION ON

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THE NPT EXTENSION COULD CONTRIBUTE TO ACHIEVEMENT OF OUR
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13) WE NEED TO DISCOURAGE THE USE OF MARIN-BOSCH'S
INFORMAL CONSULTATIONS ON NONPROLIFERATION MATTERS AS A
FORUM TO DISCUSS PREPARATIONS FOR NPT 95.

END TALKING POINTS. EAGLEBURGER

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Negotiating History Concerning the
"Manufacture" of Nuclear Weapons
Under Article II of the NPT

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Summary

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Under article II of the NPT, a nonnuclear-weapon state is obligated "not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices...." Neither this language nor the negotiating history provides hard and fast rules for determining precisely what constitutes "manufacture." However, the negotiating history demonstrates that "preparations" or "efforts to acquire the capability" to manufacture nuclear weapons are not alone sufficient to constitute a violation of article II. Such an approach was proposed and expressly rejected during the negotiation process.

Negotiating History

During the negotiation of the NPT, the Soviet Union proposed that nonnuclear-weapon states should undertake not to manufacture or "prepare for the manufacture" of nuclear weapons. The U.S. and other nations opposed this proposal, and the agreed text included only a prohibition against "manufacture" of nuclear weapons. Shaker, The Nuclear Non-Proliferation Treaty: Origin and Implementation 1959-1979, p. 249. Various representatives acknowledged during the negotiations the intended limited scope of the ban, but failed to clarify a precise standard for determining when an activity constitutes proscribed "manufacture." Thus, the negotiating history does not clarify precisely where manufacture begins. Shaker, pp. 249-251.

The U.S. view was expressed in a classified Aide Memoire given to the Australians in 1968:

The U.S. decided at an early stage that it would be impractical for the treaty to attempt to proscribe all research and development that might contribute to the manufacture of nuclear weapons or other nuclear explosive devices. Any such prohibition would have gone too far in restricting the development of peaceful uses of controlled nuclear energy and would have presented enormous verification problems.

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Some general observations can be made with respect to the question of whether or not a specific activity constitutes prohibited manufacture under the proposed treaty. For example, facts indicating that the purpose of a particular activity was the acquisition of a nuclear explosive device would tend to show non-compliance. Thus, the construction of an experimental or prototype nuclear explosive device would be covered by the term "manufacture," as would the production of components which could only have relevance to a nuclear explosive device. Again, while the placing of a particular activity under safeguards would not, in and of itself, settle the question of whether that activity was in compliance with the treaty, it would of course be helpful in allaying any suspicion of non-compliance.

It may be useful to point out, for illustrative purposes, several activities which the United States would not consider per se to be violations of the prohibitions in article II. Neither uranium enrichment nor the stockpiling of fissionable material in connection with a peaceful program would violate article II so long as these activities were safeguarded under article III. Also clearly permitted would be the development, under safeguards, of plutonium fueled power reactors, including research on the properties of metallic plutonium. Nor would article II interfere with the development or use of fast breeder reactors under safeguards.

See Aide Memoire, quoted in Classified Analysis of the Negotiation History of the NPT, prepared for ACDA by International Energy Associates Limited (IEAL), 1985, at p. 320. (A shorter, unclassified version of this view was presented by ACDA Director Foster in response to questions posed at 1968 Senate ratification hearings. This response is quoted in Shaker at p. 251.)

The U.S. made the following additional points in consultations with Japan during the negotiation process:

Basic scientific research would not be prohibited but manufacture and research on the component parts of atomic weapons were clearly military and would be banned.

Classified History of the NPT, p. 346.

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