MEMORANDUM FOR DR. KISSINGER

FROM: Spurgeon Keeny, Morton Halperin

SUBJECT: Seabed Nuclear Arms Control Item for RG Meeting April 25

ACDA would like to table a draft US treaty on seabed nuclear arms control at the ENDC before it recesses on or about May 22. ACDA believes that this is the only effective response to the unacceptable Soviet draft treaty calling for prohibition of all military activities on the seabed which was tabled at the beginning of this ENDC session.

As a result of the NSC meeting on March 12, ACDA was given authority to take a forthcoming posture on this subject at the ENDC and to indicate our interest in working out an agreement in due course. The issue was not resolved at the NSC meeting as to whether we are in fact prepared to negotiate a specific treaty at this time. The NSSM 41 study, therefore, has re-examined the desirability for such a treaty to over-all US interests and the specific alternative formulations of such a draft treaty.

The JCS will take the position that such a treaty is not in our over-all interest, while State will support ACDA's position that the treaty is in our over-all interest at this time. The JCS staff anticipates that the JCS will be over-ruled in this matter and is recommending that the JCS oppose the ACDA position on the following four specific points of treaty language (see summary paper for more detailed explanations):

1. ACDA believes the treaty should cover all nuclear weapons on the seabed, while the JCS believes it should cover fixed-only nuclear weapons.

2. ACDA believes the prohibition should extend beyond a narrow band up to the coast of any other state, while the JCS believes it should extend beyond a narrow band up to a corresponding band adjacent to the coast of any other state.

3. ACDA believes the width of the narrow band beyond which the prohibition would apply should be 12 miles, while the JCS believes it should be 3 miles.

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4. ACDA believes the treaty should formally provide for inspection, while the JCS believes there should not be such a provision. None of these issues is of overriding importance. Whatever position we initially put forward we will almost certainly find ourselves compromising later. The Soviets have proposed that there be inspection, but they and others would almost certainly accept our proposal to drop inspection clause. The key issue here is whether we want to be in the position of asking for less inspection than the Russians are prepared to accept, balanced off against the military's desire not to give the Soviets the right to examine U.S. military installations on the seabeds.

The Soviets have proposed that the ban apply only up to a corresponding band adjacent to the coast of any state and this appears logical since in effect we would be banning these weapons from international waters.

With regard to the 12 versus 3 mile limit the Chiefs are concerned about the impact on other negotiations in which we are prepared to accept the 12 mile limit but only in return for innocent passage through straits. State does not feel that our position in these other negotiations would be jeopardized by listing 12 miles in this draft.

The Chiefs would like the added flexibility of banning only fixed installations. If we start out with this position we will almost certainly end up agreeing to ban as well mobile systems which move along the seabeds in return for Soviet willingness to drop a ban on other military activities.

There seems to be general agreement that, if we decide to table a treaty it should be done as soon as consultation with our allies will permit so that we can improve our negotiating posture at the ENDC and keep the UN Seabeds Committee from taking over the issue.