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DEPARTMENT OF STATE

Washington, D.C. 20520

NB

May 1, 1978

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MEMORANDUM

TO: ACDA - Ambassador Warnke
FROM: PM - Jerry Kahan *g 12 by JRP*
SUBJECT: SCC Meeting on CTB

Attached for your information is a copy of the briefing memo we have prepared for the Secretary for tomorrow's meeting. If verification is discussed we hope that you will take the lead.

Attachment - a/s

cc: ACDA - Mr. Keeny

PM/DCA:HRPhelps:bdb 5/1/78

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: WILLIAM J GEHRON
DATE/CASE ID: 21 JAN 2004 200302337

*cc. Sork
Adm. Davis*

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BRITISH EMBASSY,

WASHINGTON, D.C.

26 April 1978

THE HONORABLE CYRUS R. VANCE
SECRETARY OF STATE
DEPARTMENT OF STATE

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Dear Mr Secretary,

I had hoped to have a quick word with you today on CIE, but I fully recognise that you have been wholly preoccupied. David Owen has told me that Kingman Brewster had a word with Michael Falliser on this subject on Tuesday; and he has asked me to give you an exposition of his views.

I have therefore prepared the attached note, which amplifies the points made by my staff to Les Galt earlier this month. The note reflects David's personal view point, in response to Kingman Brewster's request, and he hopes you will find it useful for your meeting tomorrow.

yours sincerely,

Peter Jay

PETER JAY

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: WILLIAM J GEHRON
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COMPREHENSIVE TEST BAN

1. If the stockpile maintenance arguments have to be accommodated in our position in the negotiations, we must find a way which does not involve our abandoning the public commitment of the US and UK to a comprehensive (repeat comprehensive) ban. The solution must also preserve a reasonable chance that the cause of non-proliferation will be advanced by the adherence to the CTB treaty of key non-nuclear weapons states which have refused to sign the NPT.

2. A threshold treaty allowing a few tests to nuclear weapon states would not be a truly comprehensive test ban. Like the NPT it would discriminate in favour of nuclear weapon states. So the important non-nuclear weapons states like India would refuse to adhere. Because such a treaty would have little or no value for non-proliferation the Russians, who probably reckon they could conduct occasional low-yield tests clandestinely, might not want a treaty on this basis. Alternatively, they might argue that if there were to be exceptions for weapons tests, PNES also should be exempted in view of their importance to the Soviet economy. In due course it would become widely known that it was the US and UK who had proposed a threshold treaty and this would attract severe criticism from the non-aligned.

3. On the other hand a short-term CTB treaty with no exceptions, lasting perhaps 5 years, would be most unlikely to involve us in stockpile problems, yet would accord with our commitment to a comprehensive test ban. That is why we regard it as the most satisfactory compromise. Being non-discriminatory it should have a reasonable chance of attracting key non-nuclear weapon states. The latter might be encouraged to adhere by our suggestion that a conference confined to treaty parties should have the role of deciding in the fifth year what should follow the expiry of the 5 year treaty.

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4. This preferred solution should also help solve two important problems in the tripartite negotiations. The Russians have been insisting on a 3-year treaty which would lapse unless France and China had adhered before the end of that period, and that a moratorium on PNE should last at most 3 years. The Russians could probably be brought to accept a 5-year treaty banning weapon tests and PNE moratorium, although if necessary we could accept a lesser period. The decision by the US and UK could be presented to the Russians as a concession to their position on duration.

5. A 5-year treaty and PNE moratorium could be presented publicly and especially to the non-nuclear weapon states as the longest initial duration negotiable between the nuclear weapon states (given the Soviet position) who would be committing themselves to a comprehensive ban.

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Non-Proliferation Benefits of a CTB

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The direct non-proliferation benefits of a comprehensive treaty are considerable; a five year ban would have such benefits:

- If they join, it would place treaty commitments not to test nuclear weapons on key non-nuclear weapon states (NNWS), and particularly non-proliferation treaty (NPT) holdouts (e.g., India, South Africa).
- Parties or potential parties (i.e., Argentina and Brazil) to the Treaty of Tlatelolco (which establishes a nuclear-free-zone in Latin America) who adhered to a CTB could not exercise the PNE loophole in Tlatelolco.
- Indian adherence to a CTB would formalize Desai's promise not to explode any more nuclear devices and extend this pledge beyond his term in office; only within the context of a comprehensive and non-discriminatory treaty would we expect India to adhere to a CTB.
- A CTB would support our efforts to resolve the proliferation danger in South Africa, whether or not we succeed in obtaining Pretoria's adherence to the NPT; South African adherence to a CTB would translate into a treaty obligation their assurances to President Carter that they would not explode a nuclear device.

A CTB would also contribute indirect non-proliferation benefits:

- It would be a further step toward de-emphasizing the role of nuclear weapons in world politics and reducing the prestige motives nations might have for acquiring a nuclear explosives capability.
- It would reinforce the NPT regime by providing concrete evidence of our dedication to fulfilling obligations we have incurred under Article VI of the NPT.
- A CTB would reaffirm commitments by the nuclear weapons states to stop "vertical proliferation"; by removing this element of perceived discrimination from the NPT and our other non-proliferation policies (e.g., acceptance of full scope safeguards), non-nuclear weapons states are more likely to accept non-proliferation constraints. A CTB would fulfill one of India's pre-conditions for adoption of safeguards on all its nuclear facilities.

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A treaty which permits low-yield testing by nuclear weapons state but not by non-nuclear weapons states would be perceived by many such states as discriminatory. These states could use this as a rationale for non-participation in the treaty itself and for rejecting other non-proliferation measures.

The behavior of some non-nuclear weapons states may be unaffected by a CTB, whatever its form. Even with a comprehensive ban which treats nuclear weapons states and non-nuclear weapons states alike, some NPT holdouts may still refuse to accede to the test ban treaty (as well as to the NPT).

Some countries posing proliferation problems might actually prefer a five year test ban treaty over an indefinite duration test ban. India, for example, has recently expressed this preference. A country like Brazil, interested in keeping long-term nuclear explosives options open, might also find it easier to join a five year treaty. Compared with a comprehensive ban of indefinite duration, some non-nuclear weapons states may criticize a five year CTB as representing insufficient responsiveness by the nuclear weapons states to the NPT commitment for greater "vertical disarmament." But the net effect of the five year test ban treaty in supporting our non-proliferation objectives would undoubtedly be positive.

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