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By JP NARA Date 6/27/88

# OUTGOING TELEGRAM Department of State

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SUBJECT: Mexican Amendments to NPT

REF : USUN 5024; State 161473

1. Following paras contain our initial reactions to Mexican amendments which addressees may utilize in their discretion to illustrate unnecessary difficulties which would be created by their consideration. You should be most careful, however, in employing these comments to avoid implication that US has prepared negotiating position on these issues or is in any way proposing to negotiate. Rather, burden your comments should be that Mexican amendments are objectionable because they seek to change a delicate compromise worked out after months of arduous negotiations, in which Mexican views were fully taken into

(1)

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account, and in substantial measure reflected in NPT language. Specific language now proposed by Mexicans not only raises many complex problems, but will encourage outflow of additional amendment proposals to certain detriment NPT.

2. Suggested new preambular para is unnecessary insofar as it attempts to reaffirm UN Charter obligations, and perhaps harmful in that its insertion would encourage dealing with security assurances in NPT

itself and thereby upset ~~the~~ carefully considered arrangements on how to deal with question.

3. Amendment to first sentence of para 2 of Art IV would state right of all parties QTE to have access to scientific and technological information on peaceful uses of nuclear energy UNQTE. Such change is unnecessary, in view of fact that treaty already affirms right of all parties QTE to participate in the fullest possible exchange of ~~the~~ scientific and technological information for the peaceful uses of nuclear energy UNQTE and obliges parties in a position to do so QTE to cooperate in contributing ... to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty UNQTE. To provide for more than QTE the fullest possible exchange UNQTE of scientific and technological information would create problems in three ways. First, it would run counter to valuable practice that has evolved under ~~many~~ many international agreements dealing with

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which  
[scientific and technological information in the nuclear field/emphasize]  
the ~~import~~ importance of bringing about free flow of scientific information  
by calling for exchanges rpt exchanges of such information between parties,  
and not merely for unilateral grants of access to such information.  
Second, it could leave us open to argument that we are required  
to give same degree of access to unfriendly Communist countries as  
to our allies in Western Hemisphere. Third, it would appear to ignore  
limitation -- reflected in treaty's use of words QTE fullest possible UNQTE  
-- arising from such matters as inventors' rights to patents and  
protection of industrial property in countries all around world. While  
treaty would help insure continuation and <sup>more</sup> widespread adoption of policy  
of broadly disseminating information pertaining to peaceful uses of  
atomic energy, we do not believe it should be revised in a manner  
that would raise questions with respect to such legal rights.

4. Proposed Mexican amendment to second sentence para 2 of Art IV  
would require parties in position to do so to QTE contribute UNQTE to  
further development peaceful applications of nuclear energy in other  
countries. Treaty already requires such parties to QTE cooperate in  
contributing UNQTE to such development. Proposed change would create a  
new problem of treaty interpretation, since an obligation to "contribute"  
[might be read as an obligation to make financial donations, or to make ]

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services or materiel available without even recoupment of actual costs.

~~This reading would doubtless be objectionable to all parties whose obligations it would affect.~~

5. Rewrite of Art V appears to differ from substance of present draft in two respects. First, it attempts to elaborate upon the "appropriate international procedures" called for by present draft by specifying that there would be "adequate international observation" of nuclear explosions for peaceful purposes in territory of non-nuclear weapon parties. While we believe and have publicly stated that the international procedures worked out will include such international observation, we do not see what is gained by specifying one element of the procedures to be worked out and not others, nor do we wish to divert the UNGA to a discussion of additional elements. Suggested second change concerns special international agreement to be worked out in future covering provision of potential benefits of peaceful applications nuclear explosions through international body to non-nuclear-weapon parties. New language requires this agreement "be approved by UNGA as soon as possible". When peaceful applications of nuclear explosions become technically and economically feasible, and when agreement worked out, parties may wish to submit it to UNGA (though it seems <sup>possible</sup> ~~at least~~ ~~likely~~ that it will be handled entirely through the IAEA.)

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neither of these eventualities has occurred,  
 Since/ ~~devices not yet proved feasible and agreement not yet worked~~  
~~out~~, we believe premature and unnecessary to decide upon this detail  
 of procedure.

6. Amendment to Art VI would require negotiations in good faith  
 on effective measures to cease "manufacture and perfection" of nuclear  
~~weapons~~ weapons. US has proposed freeze on numbers and characteristics  
 of strategic delivery ~~vehicles~~ vehicles, and cut off of production of  
 fissionable material for use in nuclear weapons. Treaty preamble already  
 expresses desire to "facilitate the cessation of the manufacture of  
 nuclear weapons, the liquidation of all their existing stockpiles,  
 and the elimination from national arsenals of nuclear weapons and ~~of~~  
 the means of their delivery pursuant to a treaty on general and  
 complete disarmament under strict and effective international control",  
 and Art<sup>VI</sup> requires the parties to pursue negotiations in good faith  
 toward such a treaty. But short of GCD, it is not practical to halt  
 manufacture of nuclear ~~weapons~~ weapons or their improvement. Such  
 measures would require most extensive verification. As long as  
 nuclear weapons exist, there is no way to verify that they are not  
 being taken apart, remanufactured and improved without standing guard  
 over every ~~weapon~~ weapon -- which would be wholly unacceptable. Result

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[ of Mexican amendment would therefore be to focus negotiating efforts  
more  
more on GCD than on measures such as cut off and freeze which/~~may be~~  
achievable in  
/ ~~realistic~~ of today's world. ]

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END

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