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REVIEW AUTHORITY: Paul Hilburn, Senior Reviewer

Department of State

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INFO	LOG-00	AMAD-01	CEQ-01	CIAC-00	CFE-00	C-01	DODE-00
	DOEE-00	CISA-02	EB-00	EUR-00	HA-00	H-01	INRE-00
	HR-01	10-19	L-00	ADS-00	NRC-03	NRRG-00	NSAE-00
	HSCE-00	OES-09	OIC-02	OMB-01	PA-01	PK-00	PRS-01
	P-01	SB-00	SOEL-00	SNP-00	SP-00	SSO-00	SS-00
	TRSE-00	T-01	USIE-00	TSKY-01	EPAE-00	/085R	

EFFECT OF BRINGING THE TREATY TO AN END -- AS THE PAPER PUTS IT, "THE TREATY TERMINATES IF THE (EXTENSION) CONFERENCE FAILS." OUR READING OF ARTICLE X.2 OF THE TREATY IS SQUARELY IN ACCORD WITH THE ALTERNATIVE INTERPRETATION OFFERED IN PARAGRAPH 28 OF "EXTENSION OPTIONS" -- NAMELY, THAT THE TREATY GIVES NO AUTHORITY TO THE EXTENSION CONFERENCE TO TERMINATE THE TREATY, (OTHER THAN, IN EFFECT, BY MEANS OF EXTENDING IT FOR A FIXED PERIOD OF VERY SHORT DURATION) AND THAT THE CONFERENCE MAY ONLY DECIDE EITHER TO CONTINUE THE TREATY IN FORCE INDEFINITELY OR EXTEND IT FOR AN ADDITIONAL FIXED PERIOD OR PERIODS. IT HAS NO OTHER CHOICES, AND UNTIL IT MAKES ONE OF THOSE CHOICES -- EVEN IF IT BECOMES NECESSARY TO ADJOURN THE EXTENSION CONFERENCE -- THE TREATY REMAINS IN FORCE.

DRAFTED BY: ACDA/GC/MHOINKES/NF:JSWIECICKI (NFT/1601)  
APPROVED BY: ACDA/GC/NWULF  
S/NP:LGALLINI OES/WEP:FMCGLDRICK PM/PNW:SDODSON  
EUR/RPM:RBOWNSHORE L/OES/M:TPEREZ T:STOMCHIK  
DOE/DAC:LEVANSON OSD/ISA:GBRUBAKER JCS:GROBERTS  
ACDA/NP/INA:MROSENTHAL/SBURK S/S:WITOH S/S-O:HWARLTICK  
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FM SECSTATE WASHDC  
TO AMEMBASSY LONDON IMMEDIATE  
MISSION OSVIENNA PRIORITY  
INFO AMEMBASSY MOSCOW PRIORITY

D. AGAIN, WE APPRECIATE YOUR SHARING OF YOUR VIEWS AND LOOK FORWARD TO A FURTHER DISCUSSION WITH YOU IN THESE MATTERS. ACDA PRINCIPAL ASSISTANT DIRECTOR NORMAN WULF WILL HEAD THE U.S. DELEGATION TO THE SEPTEMBER DEPOSITARIES MEETING, AND WOULD BE PREPARED TO DISCUSS THIS WITH BRIAN DONNELLY IN VIENNA.

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FOR UNVIE

E.O. 12356; DECL: OADR  
TAGS: PARM, KNNP, NPT  
SUBJECT: 1995 NPT CONFERENCE -- OPTIONS FOR EXTENSION

E. WHEN YOU PRESENTED YOUR PAPER ON EXTENSION OPTIONS TO US IN MOSCOW DID YOU ALSO PASS A COPY TO THE RUSSIANS?

~~1. CONFIDENTIAL ENTIRE TEXT.~~

F. WHILE IN LONDON IN JUNE, WE PROMISED TO PROVIDE TO YOU OUR OWN VERSION OF A PAPER OUTLINING POSSIBLE EXTENSION OPTIONS. HOWEVER, WE BELIEVE YOUR OPTIONS PAPER -- ASIDE FROM THE DISCUSSION IN PARAGRAPH 28 -- PRESENTS THE VARIOUS OPTIONS QUITE SATISFACTORILY. WHAT

2. BACKGROUND

THE UK HAS PROVIDED US WITH TWO PAPERS, "OPTIONS FOR RECORDING AND MAKING THE EXTENSION DECISION" (ATTACHED TO E. BUCHANAN'S LETTER OF 9 JULY 1992 TO J. SWIECICKI) AND "EXTENSION OPTIONS: THE LEGAL POSITION" THAT WAS PASSED TO ACDA ASSISTANT DIRECTOR BRAD GORDON BY BRIAN DONNELLY, FCO, DURING THE JULY NPT DEPOSITARIES MEETING.

ARE YOUR INTENTIONS WITH REGARD TO THE PAPER? IF THE POINT ON WHICH WE DISAGREE COULD BE ELIMINATED, WE BELIEVE THIS PAPER COULD SERVE AS A USEFUL BASIS FOR DISCUSSION AT THE UPCOMING DEPOSITARIES MEETING.

END TALKING POINTS.

WE HAVE REVIEWED THESE PAPERS AND HAVE FOUND THEM TO BE FOR THE MOST PART HELPFUL CONTRIBUTIONS TO THE ANALYSIS PROCESS THAT FACES US FOR THE NPT EXTENSION CONFERENCE, SCHEDULED TO TAKE PLACE IN 1995. THESE PAPERS HAVE FOCUSED NEEDED ATTENTION ON MANY OF THE QUESTIONS THAT NEED TO BE ANSWERED BEFORE WE CAN MOVE TO THE NEXT STAGES OF PREPARATION FOR THE CONFERENCE. EMBASSY IS REQUESTED TO RAISE FOLLOWING POINTS WITH BRIAN DONNELLY SOONEST.

4. FOR UNVIE: MISSION IS REQUESTED TO PASS OVER THE POINTS SET FORTH ABOVE TO PETER BATEMAN, FCO WHO IS WITH THE UK DELEGATION TO THE BOARD OF GOVERNORS. EAGLEBURGER

3. BEGIN TALKING POINTS:

A. OUR THINKING AT THIS POINT TRACKS MUCH OF THAT SET FORTH IN THE TWO PAPERS YOU KINDLY PROVIDED ON "OPTIONS FOR RECORDING AND MAKING THE EXTENSION DECISION" AND "EXTENSION OPTIONS: THE LEGAL POSITION."

B. THERE IS ONE POINT TO WHICH WE WOULD LIKE TO DRAW YOUR ATTENTION AS WE APPEAR TO HAVE A QUITE DIFFERENT

VIEW. THIS IS A POINT THAT WE BELIEVE IS QUITE IMPORTANT, AND CONSEQUENTLY WOULD WELCOME AN OPPORTUNITY TO DISCUSS WITH YOU BEFORE THERE WAS ANY WIDESPREAD DISSEMINATION OF YOUR PAPER.

C. WITH REFERENCE TO PARAGRAPH 28 OF "EXTENSION OPTIONS," WE DISAGREE THAT THE INABILITY TO REACH A DECISION AT THE EXTENSION CONFERENCE COULD HAVE THE

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