

PRIME MINISTER

YOUR TALKS WITH MR. CYRUS VANCE

You will be meeting Mr. Vance first at the American Ambassador's dinner party (1900 for 1930) on Monday 21 May; and again, if you agree with the suggestion which I have put to you separately, at No. 10 on Wednesday 23 May at 1000.

The briefs have purposely been confined to the three important subjects which you and Mr. Vance will wish to discuss in depth, namely SALT and other strategic matters; Rhodesia and other Southern African issues; and the Middle East. Mr. Vance may raise Northern Ireland, and a defensive brief is included in case he does so. A short brief is to follow on the Tokyo Economic Summit.

Lord Carrington mentioned to you today the paper on SALT which he had sent over by Ambassador Gerard Smith, the SALT negotiator. I attach this immediately below, together with the text of a recent speech by Mr. Vance on a number of foreign policy issues and in which I have sidelined the SALT passage.

I also attach, inside the folder at Flag A, the text of the SALT Protocol (we cannot be certain that it is the final text) in which I have sidelined the passage about the transfer of weapons or technology which includes the word "necessarily". You agreed that Lord Carrington might give some indication to Mr. Vance of the reasons for our concern for this passage.

Ghd.

① Would Francis Pym ask Geoffrey Pathe to see me before Wednesday about SALT II

18 May 1979

② Could there be original Namibia UN committee

Papers
reference:
SALT:
May 79

① No - circumvention? What was it
mean?

SECRET

6/2/58

INTERPRETIVE STATEMENT ON NON-CIRCUMVENTION

Protocol 1971 -
change (around) para. 1
due. -> can?
para. 11

Trident
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The following is a revised text of the US interpretive statement, incorporating three additional changes.

In the view of the United States, the non-circumvention provision in the SALT agreement simply makes explicit the inherent obligation any state assumes when party to an international agreement not to circumvent the provisions of that agreement. It is a basic tenet of international law that agreements once entered into are to be carried out and not circumvented, and the United States would be so obligated with or without a non-circumvention provision. It is the position of the United States that the non-circumvention provision does not impose any additional obligation whatever on it beyond the specific obligations of the provisions of the treaty and, for the period of its effectiveness, the protocol, nor does it broaden the interpretation of those obligations.

informed?

The United States has consulted intensively with the Alliance throughout the SALT II negotiations, recognizing the important Alliance interest in the SALT II agreement which deals only with the strategic relationship between the United States and the Soviet Union. In view of the possible implications of the non-circumvention clause for Alliance cooperation, the United States reiterates what it has specifically stated in Alliance consultations during the negotiations, that is, the non-circumvention provision will not affect existing patterns of collaboration and cooperation with its allies, nor will it preclude cooperation in modernization. The United States believes that, in practice, the non-circumvention provision, which it will apply as stated below, will not interfere with continued nuclear and conventional cooperation with its allies.

As to the issue of transfers, the United States has consistently rejected the inclusion of a provision on non-transfer in the SALT agreement. We have made clear in the negotiating record that transfers of weapons or technology to our allies will continue and cannot, ipso facto, constitute circumvention. The United States will deal with future requests for transfers of weapons systems and technology on a case-by-case basis under the SALT II agreement, as it has done in the past. The transfer of weapons systems or technology for systems which were not numerically limited or prohibited by the agreement would be unaffected by the agreement. With respect to systems numerically limited in

Ground Launch
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the agreement, as under the interim agreement, transfers would not be necessarily precluded by the agreement. Of course, requests for such transfers would have to be dealt with in light of the circumstances of the situation and the particular request. This would also be the case if there were no agreement.

The United States will not be able to transfer to its allies or other states those weapons systems or technology uniquely related to such systems, which are prohibited to the United States itself by the agreement. The United States fully accepts its responsibility not to circumvent the agreement. For the United States to supply to other states systems of a type that is prohibited to the United States itself by a provision of the agreement would be a circumvention of the agreement, even if there were no non-circumvention provision.

In accordance with recognized international practice, no third party can be bound or legally affected by the obligations the United States assumes under the SALT agreement. The United States would reject and would view as inconsistent with the political and strategic purposes of the agreement any attempt by the Soviet Union to raise, on the basis of the non-circumvention provision, questions concerning the activities of states not party to the agreement. In both a legal and practical sense, only the United States is subject to challenge in connection with questions raised by the Soviet Union with respect to the SALT agreement.

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Frank
F-111
Korner*

*Any ...
SS 20
Pud ...*

Florida
T.N.F.

Pushing II
G.L.

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SS 16
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