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SECRETARY OF STATE FOR DEFENCE

SDI Participation: Legal and European Angles

1. At our meeting yesterday of OD which considered participation in the SDI research programme, there was no opportunity to discuss in detail the legal and European aspects. Since I believe that these will continue to be crucial factors in any decisions on participation, I would like to make it plain that I endorse the relevant sections of the MISC 117 paper which covered these issues.

only 1 copy - with Policy Unit.

2. In particular, I consider it important that we should continue to discuss with the Americans the legal implications. These include:

- (a) The effect of the ABM Treaty provisions which are relevant to collaboration with third parties; and
- (b) the crucial distinctions and definitions in the research and development area.

We shall obviously need to satisfy ourselves that these do not present significant obstacles to our participation; and that in participating we shall not be liable to be criticized for assisting the US to breach their own obligations.

3. I must also express my reservations about the inclusion on the list of 18 projects of what is described as the "European

/Architecture

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Architecture Study". I see in this considerable scope for further difficulties, not least in terms of misunderstandings among our European partners and public opinion in this country. In the light of the sensible points made about this Study in the MISC 117 paper, I believe that it would be sensible to drop it from the list. My understanding is that, unlike other items on the list which are closer to pure research, this Study is more a form of strategic analysis. Its deletion should therefore not result in any significant loss to the UK of any input from the US technology base.

4. I am sending copies of this minute to other members of OD, and to Sir Robert Armstrong.

A handwritten signature in dark ink, appearing to be 'G. Howe', written in a cursive style.

(GEOFFREY HOWE)

Foreign and Commonwealth Office

29 October 1985

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