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FM PCO
TO IMMEDIATE WASHINGTON
TELNO 60
131300Z JANUARY 86

CHEMICAL WEAPONS

1. PLEASE PASS THE FOLLOWING MESSAGE TO SHULTZ :
2. 1986 COULD BE A WATERSHED IN THE CHEMICAL WEAPONS NEGOTIATIONS. WITH THE POTENTIAL LEVERAGE OF YOUR BINARY PROGRAMME, THE WESTERN CHAIRMANSHIP OF THE CW COMMITTEE, AND THE IMPETUS OF THE SUMMIT PROCESS, WE SHOULD TEST TO THE LIMITS SOVIET ATTITUDES TO A TOTAL, NEGOTIATED BAN.
3. AGAINST THE BACKGROUND OF OUR RECENT TALK IN BRUSSELS, I HAVE BEEN REVIEWING THE OVERALL WESTERN POSTURE WITH THE PRIME MINISTER. LIKE YOU, GEORGE BUSH AND THE PRESIDENT, SHE AND I ATTACH REAL IMPORTANCE TO A CW BAN.
4. VERIFICATION WILL BE THE KEY. WE HAVE MADE A LOT OF PROGRESS IN SOME AREAS TOWARDS A UNITED WESTERN POSITION, THE BEST BASIS FOR FURTHER PRESSURE ON THE SOVIET UNION. AS WE BOTH RECOGNISE, HOWEVER, AN EFFECTIVE REGIME FOR CHALLENGE INSPECTION WILL BE CRUCIAL. SO WILL ALLIANCE UNITY. WE MUST ALL BE ABLE TO CONVINCE OUR PUBLICS THAT THE WESTERN POSITION IS UNITED, SERIOUS AND EQUITABLE.
5. ON CHALLENGE INSPECTION I WAS HEARTENED BY THE AGREEMENT AMONG OUR EXPERTS LAST MONTH IN WASHINGTON TO BUILD ON THOSE ELEMENTS WHERE THERE IS ALREADY CONSENSUS. AND OVER OTHER, STILL UNAGREED ELEMENTS OF ARTICLE X OF THE DRAFT US TREATY, I RECOGNISE

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THERE HAS BEEN SOME MOVEMENT ON THE US SIDE, WHICH WE WELCOME. AS YOU KNOW, WE HAD EARLIER HAD VERY CONSIDERABLE PROBLEMS WITH ARTICLE X BECAUSE OF THE THREAT WE SAW IT POSING TO OUR OWN SECURITY. THE CONCEPT OF MANAGED ACCESS MAY TO SOME EXTENT HAVE EASED THESE SECURITY PROBLEMS.

6. DISAGREEMENT REMAINS, HOWEVER, IN ONE KEY AREA. THE US POSITION IS THAT EVEN AN INITIAL REFUSAL OF AN ON-SITE INSPECTION ON CHALLENGE MUST IP SO FACTO CONSTITUTE A DIRECT BREACH OF THE CONVENTION. IN CONTRAST, WE BELIEVE THAT THERE SHOULD BE AN INITIAL RIGHT TO REFUSE SUCH AN INSPECTION. WE ALSO BELIEVE THAT THIS RIGHT COULD ONLY BE EXERCISED IN EXCEPTIONAL CIRCUMSTANCES. MOST IMPORTANT, IT MUST BE SUBJECT TO THE CRUCIAL OBLIGATION ON EACH PARTY TO SATISFY OTHERS OF ITS COMPLIANCE. FAILURE TO PROVIDE SUCH SATISFACTION, BY REFUSING SUCH AN INSPECTION AND NOT PROVING COMPLIANCE IN SOME ALTERNATIVE WAY, WOULD IN OUR VIEW BE A BREACH. THE ISSUE TURNS ON A POLITICAL JUDGMENT : WHICH OF TWO OBLIGATIONS - EITHER TO DEMONSTRATE COMPLIANCE OR TO PROVIDE ACCESS - WILL PROVE A FIRMER DETERRENT AGAINST SOVIET CHEATING. (NEITHER OF COURSE WOULD PROVIDE THE 'SMOKING GUN': IT IS COMMON GROUND BETWEEN US THAT IF THE RUSSIANS WERE IN FACT CHEATING THEY WOULD NOT ALLOW US AN INSPECTION).

7. FOR OUR PART WE DOUBT WHETHER WE COULD COUNT ON THE ESSENTIAL SUPPORT IN THE WEST FOR THE ONLY REAL DETERRENT I E COUNTER-MEASURES, INCLUDING RESUMED WESTERN PRODUCTION OF CW - SIMPLY BY VIRTUE OF THE FACT THAT THE SOVIET UNION HAD FAILED TO ALLOW AN INTERNATIONAL TEAM TO VISIT A SUSPECTED SITE. ALL THE MORE SO AS THE RUSSIANS WOULD GIVE A PLAUSIBLE EXPLANATION FOR A REFUSAL, AND MAINTAIN STOUTLY THAT WESTERN ACCUSATIONS WERE FALSE. IN SUCH CIRCUMSTANCES AN AUTOMATIC RIGHT OF ACCESS (EVEN IF NEGOTIABLE) WOULD BE AN INADEQUATE DETERRENT TO CHEATING.

8. IN CONTRAST, A LEGAL OBLIGATION TO PROVE COMPLIANCE WITHIN A VERY LIMITED PERIOD - AN OBLIGATION WHICH WOULD PERSIST UNTIL OTHER PARTIES INCLUDING THE CHALLENGING STATE WERE SATISFIED - WOULD PROVIDE A SOUNDER DETERRENT. BEFORE DECIDING TO CHEAT THE RUSSIANS WOULD NEED TO SQUARE A VERY TRICKY CIRCLE : THEY WOULD

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HAVE TO BE VERY CONFIDENT THAT THEY COULD DEVISE MEASURES WHICH WOULD SATISFY OPINION IN THE INTERNATIONAL COMMUNITY, AND ABOVE ALL IN THE CHALLENGING STATE, THAT THEY WERE NOT CHEATING: BUT AT THE SAME TIME THEY WOULD HAVE TO BE EQUALLY CONFIDENT THAT SUCH MEASURES WOULD REVEAL NO EVIDENCE OF CHEATING. I AM FAR FROM SURE THAT THEY WOULD BE MORE ATTRACTED TO SUCH AN AMBITIOUS EXERCISE THAN TO A STRAIGHT REFUSAL OF A ONE-TIME INSPECTION.

9. THE PRESENTATION OF OUR POSITION IS ALSO IMPORTANT. THE INTERNATIONAL COMMUNITY, INCLUDING NATO ALLIES, PERCEIVES A MANDATORY RIGHT OF ACCESS TO ALL SITES AS AN EXCESSIVE DEMAND. THIS NOT ONLY REDUCES THE PRESSURE ON THE RUSSIANS. IT AFFECTS DIRECTLY THE PROSPECT OF GETTING THE BAN WE ALL WANT. THE SOVIET UNION CAN CONTINUE TO HIDE BEHIND THE MANY OTHER COUNTRIES (NOT MERELY IN THE SOCIALIST BLOC) WHO CANNOT ACCEPT SUCH AN OBLIGATION. UNDER PRESENT CIRCUMSTANCES THE CHANCE OF A TREATY BEING NEGOTIATED IS IN OUR VIEW VIRTUALLY NON-EXISTENT. THE OBLIGATION TO PROVIDE SATISFACTION OF COMPLIANCE MAY ALSO NOT PROVE NEGOTIABLE. BUT IT WILL IN OUR JUDGMENT BE MORE NEGOTIABLE THAN THE DEMAND FOR ACCESS. IT WOULD CERTAINLY BE SEEN BY OUR OWN PEOPLE AND THE REST OF THE WORLD AS MORE REASONABLE, AND THEREBY STRENGTHEN OUR HAND TO TAKE OTHER STEPS SHOULD A TREATY PROVE UNATTAINABLE.

10. I WOULD BE MOST GRATEFUL IF YOU WOULD LOOK AGAIN AT WHERE THE REAL BALANCE OF ADVANTAGE LIES. THE PRIME MINISTER ENDORSES THE APPROACH I HAVE OUTLINED ABOVE. I HOPE THAT IT WILL COMMEND ITSELF TO YOU AND YOUR COLLEAGUES.

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