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FM WASHINGTON

TO PRIORITY FCO

TELNO 3255

OF 252200Z NOVEMBER 85

INFO PRIORITY CANBERRA, WELLINGTON, MODUK (FOR SEC (O) (C))

MY TELNO 3201: NEW ZEALAND SHIP VISITS

SUMMARY

1. US OFFER TO DISCUSS MODALITIES OF SHIP VISITS TO NEW ZEALAND, INCLUDING DRAFT LEGISLATION, ON CONDITION THAT NEW ZEALAND ACCEPT THAT THE GOAL SHOULD BE RESTORATION OF 'NORMAL PORT ACCESS', INCLUDING FOR CRUISERS.

DETAIL

2. LILLY (STATE DEPARTMENT), IN WOLFOWITZ'S ABSENCE, CALLED IN THE NEW ZEALAND AMBASSADOR LATE ON 22 NOVEMBER. HE REITERATED THE US GOVERNMENT'S POSITION THAT THE ENACTMENT OF LEGISLATION PREVENTING NORMAL PORT ACCESS BY US VESSELS TO NEW ZEALAND WOULD CAUSE THE US TO REDEFINE US DEFENCE COMMITMENTS TO NEW ZEALAND. FURTHER DISCUSSION OF THE CONDITIONS FOR PORT ACCESS, INCLUDING DISCUSSION OF ANY REVISED LEGISLATION, WOULD BE CONTINGENT ON NEW ZEALAND AGREEMENT THAT THE OBJECTIVE OF SUCH DISCUSSIONS SHOULD BE THE RESTORATION OF NORMAL ACCESS (WHICH STATE DEPARTMENT DEFINE AS INCLUDING THE OCCASIONAL CRUISER). WITHOUT SUCH NEW ZEALAND ACCEPTANCE, THE US GOVERNMENT WOULD NOT, DESPITE MR LANGE'S PUBLIC OFFER, BE PREPARED TO RECEIVE THE NEW ZEALAND MFA LEGAL ADVISER TO DISCUSS DRAFT LEGISLATION (THOUGH THEY WOULD BE PREPARED TO RECEIVE ANY REVISED NEW ZEALAND DRAFT THROUGH THEIR EMBASSY IN WELLINGTON). LILLY REHEARSED US OBJECTIONS TO THE CURRENT DRAFT-I.E. THE LINK BETWEEN PORT ACCESS AND THE PROHIBITION OF THE PRESENCE OF NUCLEAR WEAPONS, THE PROVISION FOR A CONSCIOUS DETERMINATION OF THEIR PRESENCE ON US VESSELS, AND THE POSSIBILITY OF REFUSALS.

3. STATE DEPARTMENT TOLD US THAT ROWLING REPLIED THAT HE WOULD NEED TO SEEK INSTRUCTIONS ON THE US PRECONDITION. THERE THEN WAS AN INCONCLUSIVE DISCUSSION ABOUT THE PROBLEM OF NUCLEAR-POWERED WARSHIP VISITS. BUT STATE SAY THAT LANGE HAS REACTED STRONGLY AND PUBLICLY IN WELLINGTON TO WHAT HE ALLEGED TO BE A 'US REFUSAL' TO RECEIVE HIS EMISSARY.

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4. ROWLING ALSO INFORMED LILLY THAT LANGE WOULD PRESENT THE PROPOSED LEGISLATION TO THE LABOUR PARTY CAUCUS ON 28 NOVEMBER, AND WOULD INTRODUCE IT INTO PARLIAMENT IN EARLY DECEMBER.

5. NEW ZEALAND CONTACTS HERE SAY THAT THE PROBLEM WITH THE CONCEPT OF 'NORMAL ACCESS' IS NOT SO MUCH THE SIZE OF THE VESSEL BUT THE FACT THAT SHULTZ TOLD PALMER THAT NORMAL ACCESS WOULD MEAN ACCEPTING THAT EVERY ONCE IN A WHILE VISITING US VESSELS WOULD BE CARRYING NUCLEAR WEAPONS. THEY BELIEVE THIS IS STILL BELOW LANGE'S BOTTOM LINE.

COMMENT

6. ALTHOUGH CONSISTENT WITH THE TERMS OUTLINED TO DAUNT HERE ON 12 NOVEMBER, THE US TALKING POINTS WERE COUCHED IN FAIRLY STERN LANGUAGE. STATE ARE HOWEVER SURE THAT ROWLING HAD CLEARLY UNDERSTOOD THAT THEY AMOUNTED TO A CONDITIONAL OFFER TO REOPEN DISCUSSIONS.

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