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**UNITED STATES DELEGATION  
TO THE NEGOTIATIONS ON NUCLEAR AND SPACE ARMS WITH THE SOVIET UNION**

Geneva, Switzerland

November 27, 1987

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MEMORANDUM

TO: Mr. William Webster, Director, Central Intelligence Agency

FROM: Ambassador Henry F. Cooper *H.F. Cooper*

SUBJECT: Framework Agreement: Problems for DST and Suggested Approach for Summit

I wish to add my voice to Ron Lehman's in expressing concern that we avoid a Summit Communique that amounts to a "framework agreement" -- whatever it may be called. And I wish to suggest tactics we might pursue not only to frustrate the Soviet agenda but to press our own in the DST negotiations.

The Problem: Soviet Press for Key Provisions

The longstanding Soviet objective of achieving a key provision (characterizing a 10-year nonwithdrawal commitment as a trade for key provisions of a START Treaty) for a framework agreement is undiminished as has been apparent from the intensity with which their negotiators have pursued it in Geneva over recent weeks. It was also evident in this week's Ministerial in Geneva; Shevardnadze and Akhromeyev both spoke of "instructions to delegations" regarding "a" treaty on START and adherence to the ABM Treaty. Akhromeyev dealt with specificity on some START issues, but simply shrugged off DST differences (except for the "7-10" years) and, consistent with recent Soviet tactics in Geneva, sought to paper over them by making only general statements linking continued adherence to the ABM Treaty to generalized START objectives.

Ron has explained how such generalized statements do not serve our interest in START. Neither do they serve our DST objectives. If there is to be a serious DST negotiation in our interest, it must focus on resolving substantive differences rather than papering over them and it should be focused on a DST agreement responsive to the concerns of both sides on its own merit -- it is not a trade for START. Moving in that direction should be a goal of the Summit Communique. At the same time, it is too much to seek to resolve all the differences at the Summit. So we need a game plan to put first things first.

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Ron's recommendation that the Communique direct negotiators to focus on the START Treaty Joint Draft Text is on the mark. Such bracketed text gives equal weight to areas of agreement and disagreement which reflects the accumulation of the last 33 months of negotiations -- and it keeps the focus on completing a START Treaty.

Unfortunately, I cannot recommend this same tactic for DST because we have not tabled our position in Treaty format. We can point to joint working papers from Rounds VII and VIII as elaborating the agreements and differences between the sides. But it does not make sense to direct negotiators to further elaborate those documents in Round IX, which should be our final round.

Recommended Objective for DST: Separate New treaty

I strongly urge that we seek, as the top priority DST objective, to have the Communique direct negotiators to expedite the elaboration of DST differences in Joint Draft Treaty format to enable the resolution of such differences on a time frame consistent with completing a START Treaty. We can legitimately argue that even though there is no U.S. Treaty now on the table, this can be quickly rectified (even if some new position emerges from the Summit) and, because of the Round VII and VIII joint working papers, bracketed Joint Draft Treaty Text can be quickly produced.

This directive would serve our interest in countering Soviet linkage between a START Treaty and a general statement regarding continued adherence to the ABM Treaty. It would help support the logic of our position that the START Treaty should stand on its own merits as equally benefiting both sides -- without further restraints on defensive arms. Similarly it would strengthen the basis for our argument that additional pledges to the ABM Treaty should also offer equal benefits to both sides -- predictability in response to Soviet stated concerns in exchange for our desire for an acknowledge right to deploy after the nonwithdrawal period if research proves advanced strategic defenses are feasible, preferably in the content of a cooperative transition to a new strategic regime.

As a treaty separate from the ABM Treaty, it would help to change the perception that stability depends on prohibiting defenses (as per the ABM Treaty) to a perception that stability is viewed in terms of the joint management of both offensive and defensive arms.

We can expect the Soviets to resist our pursuit of this objective because they want to preserve the argument that stability depends upon continued adherence to the ABM Treaty -- meaning no effective ABM deployment. Nevertheless, in Geneva,

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they have agreed (and recently reaffirmed) that a separate new agreement (as exemplified by their July 29 Draft Agreement) was appropriate. So it is reasonable to expect we could achieve such an outcome. (Their July 29 Draft Agreement was a comprehensive document, in every sense but name a treaty.)

Tactics: Maintain difference in nonwithdrawal period while pressing for separate new Treaty

In considering negotiating tactics for drafting a Joint Communique which achieves this objective without papering over differences, I believe we should resist the Soviet tactic of closing on the time period (6-10 years from 1988 when a Treaty could enter into force). The Soviets are obviously interested in settling this "final outstanding issue" for inclusion in their proposed "instructions to delegations." Without it, their attempt to get a framework agreement papering over substantive differences will continue to be frustrated. Thus, resisting closure on this issue will continue to constitute important leverage to us in pressing our agenda to gain clarity regarding the nature of the nonwithdrawal commitment and the right to deploy after the nonwithdrawal period.

Therefore, I believe we should preserve this as an unsettled issue after the Summit. Any offer we make involving movement toward closure (e.g., 8 years from 1988 -- to 1996, consistent with our Reykjavik offer) should include demands on the Soviets that press the most important aspects of our agenda. Our most important requirement would probably be the unfettered right to deploy after the nonwithdrawal period -- and this would probably be the most difficult for Gorbachev to accept. But if he did, then settling the time period might be a fair trade -- even if we agreed to disagree on most other issues.

At the same time, while we seek to frustrate the Soviet tactics, we should press our own agenda to insist on a separate new treaty. As a tactic for achieving this goal, I suggest we undertake to settle the issue of which treaty comes first, START or DST. The objective would be to conclude that there should be two separate treaties (satisfying our agenda for resisting linkage) entering into force at the same time (satisfying the Soviet desire for the appearance of linkage). This result could easily be converted into communique language which leaves the nonwithdrawal period unsettled, thereby maintaining our leverage for future negotiations.

Suggested DST Language for Joint Communique

Following Ron Lehman's model, I would suggest Communique language such as the following:

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The President and the General Secretary also discussed the status of the negotiations relating to a nonwithdrawal commitment to the ABM Treaty for a period of time. They agreed to instruct their negotiators in Geneva to expedite work on a Joint Draft Treaty Text incorporating such a commitment in a new separate Treaty which would enter into force at the same time as the Treaty on Strategic Offensive Arms. They also agreed to instruct their negotiators first to identify the areas of agreement and disagreement in the Joint Draft Treaty Text and then to accelerate work toward resolution of the areas of disagreement.

Such language incorporates only the general agreement to embody a nonwithdrawal commitment in a separate new Treaty to enter into force at the same time as the START Treaty. Avoiding the listing of more specific areas of agreement would frustrate Soviet attempts to formulate key provisions of a framework agreement that would imply specific U.S. commitments regarding the SDI program. This will also encourage the Soviets to drop their recent tactics of focusing only on general statements of potential areas of agreement while avoiding the hard problem of elaborating and resolving the areas of disagreement.



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