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**TOP SECRET**  
THE SECRETARY OF DEFENSE  
WASHINGTON, THE DISTRICT OF COLUMBIA



03 AUG 1980

MEMORANDUM FOR THE ASSISTANT TO THE PRESIDENT FOR NATIONAL  
SECURITY AFFAIRS

SUBJECT: Pakistan Nuclear Program and Pressler (S)

(S) The attached paper addresses this very important issue in what I believe is a much more effective way than other approaches currently under consideration. I suggest that you and I discuss it with the President at his earliest convenience. The matter is of some urgency in view of the imminent recess of Congress.

Attachment  
as stated

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INFORMATION PAPER

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SUBJECT: Pakistan Nuclear Program and Pressler (S)

SITUATION: (TS) The President will be unable to make the Pressler certification this year. Pakistan will not take the necessary steps on its nuclear program. Failure to certify -- and the resultant termination of our defense relationship--will have dire consequences for U.S. interests and seriously increases the possibility of open warfare between India and Pakistan this fall, a war that could well go nuclear. Our best hope lies in finding a way to remain engaged with both India and Pakistan.

CONCLUSION: (TS) There must be changes in both the status of Pakistan's nuclear program and in the Pressler Amendment in order to reconcile the two so we can continue to remain engaged with both India and Pakistan.

ACTION: (TS) The Administration should immediately agree on a course of action that combines a major diplomatic initiative with supporting legislative change.

Step 1: President consults with key Congressional leadership and non-proliferation players to explain the situation and the consequences of proceeding on the path to non-certification. Extensive Administration efforts to date to hold back war and current thinking about a new regional approach covering both India and Pakistan are explained. No commitments are sought, but point is made that Congressional support will be required.

Step 2: Amb Oakley (or special envoy) advises GOP that we will not be able to certify this year and lays out the consequences. He expresses deep regret, anguish, and suggests that there may be a way out: the President is willing to undertake a major diplomatic initiative to address nuclear proliferation in South Asia as a whole, removing the discriminatory nature of past USG approaches. However, before he commits the prestige of his Administration to this effort, the President requires steps showing good faith of the GOP. Specifically, we require GOP agreement to return to the previously-agreed "red-lines" on enrichment, conversion to metallic form, and possession of machined HEU components. (Note: We are seeking agreement and are not insisting on overt verification -- as in the past, we would accept the GOP's statement that they are confident that the USG has its own means to verify compliance.) We tell the GOP that this agreement is also necessary if we are to get support from an angry Congress for the President's diplomatic initiative through a temporary waiver of Pressler requirements. Our basic message: we need movement from you in order to get movement on the Hill.

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Step 3: When Congress returns, the Administration reports to the leadership on its efforts with Pakistan, obtains agreement on new legislation granting a temporary waiver to Pressler (sample at Tab A), and then, in coordination with Congress, announces the broad scope of our diplomatic initiative. We would work with staffers before Members return.

Step 4: Begin diplomatic initiative:

- Presidential envoy goes to New Delhi and Islamabad seeking reciprocal agreements from both for such nuclear-related confidence building measures as: no-first-use pledges, implementation of no-attack agreement, agreement not to proliferate nuclear weapons or technology, etc. We would encourage both countries to propose a "Tlatelolco-like" arrangement to prohibit nuclear weapons in South Asia and publicly seek superpower support for such a treaty (see Tab B).

- We re-engage the Soviets with our concern over the threat of a new Indo-Pak war and to convince them that it is in their interest to lessen tensions in South Asia and prevent nuclear war on their southern borders. We would seek their active involvement to encourage a positive response to our initiative from New Delhi.

- Likewise, we engage the Chinese with our concern over the threat of a new Indo-Pak war and attempt to convince them that it is in their interest to lessen tensions in South Asia. We would also focus on the threat that the Indians perceive from China to justify its nuclear weapons program. We would raise the concept of a "Tlatelolco-like" arrangement prohibiting nuclear weapons in South Asia. We would seek their active involvement to encourage a positive response to our initiative from the Pakistanis.

- We seek support throughout the region for the new treaty if agreement can be reached by India and Pakistan. We also seek agreement of the nuclear powers for an additional protocol a la Protocol II of Tlatelolco (the PRC's agreement on this is the crucial point).

Step 5: President submits report to Congress (probably first of many) on his progress in preserving peace and democracy in South Asia. At some point, the Administration recommends that Pakistan-specific nuclear legislation be repealed and that assistance to the states of South Asia be continued on a routine basis.

CSO

5 U.S.C. § 552 (b)(6)

Prepared by: [REDACTED]  
August 1, 1990 10:23 AM

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**TAB A**

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**"THE SOUTH ASIA PEACE AND DEMOCRACY ACT  
OF 1990"**

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**The Congress finds that:**

- 1. The current tensions over Kashmir between India and Pakistan pose the danger of war in South Asia;**
- 2. The United States, through its assistance to both countries and diplomacy is playing a crucial role in reducing those tensions, helping to avert the risk of war;**
- 3. The United States, must, if at all possible, remain in a position to continue in that role during the next six months while the parties seek to achieve a lasting resolution of their differences;**

**Accordingly, for the next six months following enactment of this provision, the United States may continue to furnish assistance and to sell or transfer military equipment or technology to India or to Pakistan of the character provided and under the terms applied during the preceding calendar year, notwithstanding the provisions of any other law. However, before any such assistance is provided to either country, the President shall certify to Congress that to do so is important to the continuation of U.S. efforts to prevent a war between India and Pakistan over Kashmir, to preserve democracy in the recipient country, and to reduce the risk of the proliferation of nuclear weapons in the region.**

The President is directed to report to the Congress, not later than six months from the enactment of this provision, on his progress toward reducing the risk of war and nuclear proliferation in South Asia.

The authority to continue to furnish assistance and sell or transfer military equipment or technology to India or Pakistan is automatically extended for additional six month periods so long as the the President continues to report that progress is being made to limit the dangers of war and nuclear proliferation in South Asia,

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**TAB B**

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## **Treaty for the Prohibition of Nuclear Weapons in Latin America**

The Treaty for the Prohibition of Nuclear Weapons in Latin America, like the Antarctic Treaty and the Outer Space Treaty, seeks to limit the spread of nuclear weapons by preventing their introduction into areas hitherto free of them. Unlike the other treaties, the Latin American Treaty concerns itself with a populated area—over 7½ million square miles, inhabited by nearly 200 million people. Besides the agreement among the Latin American countries themselves, there are two Additional Protocols dealing with matters that concern non-Latin American countries. Protocol I involves an undertaking by non-Latin American countries that have possessions in the nuclear-free zone. Protocol II involves an undertaking by those powers which possess nuclear weapons. The United States is a party to both Protocols.

The United States has favored the establishment of nuclear-free zones where they would not disturb existing security arrangements and where provisions for investigating alleged violations would give reasonable assurance of compliance. It has also considered it important that the initiative for such zones originate in the geographical area concerned and that all states important to the denuclearization of the area participate. Considering that Soviet proposals for the denuclearization of Central Europe and other areas did not meet these criteria, the United States opposed them. From the start, however, the United States gave support and encouragement to Latin American countries in this undertaking.

Even before the Cuban missile crisis, the Brazilian representative to the U.N. General Assembly had suggested making Latin America a nuclear-weapon-free zone. During the crisis, he submitted a draft resolution calling for such a zone. While asserting support for the principle, Cuba stipulated certain conditions, including the requirement that Puerto Rico and the Panama Canal Zone be included in the zone, and that foreign military bases, especially Guantanamo Naval Base, be eliminated. The draft resolution was not put to a vote at the General Assembly that year.

The Cuban missile crisis of October 1962 brought home to Latin American countries the dangers of nuclear war, and in April 1963 the Presidents of five Latin American countries—Bolivia, Brazil, Chile, Ecuador, and Mexico—announced that they were prepared to sign a multilateral agreement that would make Latin America a nuclear-weapon-free zone. On November 27, 1963, this declaration received

the support of the U.N. General Assembly, with the United States voting in the affirmative.

The Latin American nations followed this initiative by extensive and detailed negotiations among themselves. At the Mexico City Conference (November 23-27, 1965) a Preparatory Commission for the Denuclearization of Latin America was created, with instructions to prepare a draft treaty. Important differences among the Latin American countries emerged over questions of defining the boundaries of the nuclear-weapon-free zone, transit, guarantees, and safeguards on peaceful nuclear activities. Most of these differences were eventually resolved.

On February 14, 1967, the treaty was signed at the regional meeting of Latin American countries at Tlatelolco, a section of Mexico City. On December 5, 1967, the U.N. General Assembly endorsed the Treaty of Tlatelolco by a vote of 82-0 with 28 abstentions, the United States voting in support of the treaty. Thus far Cuba has refused to sign. (A question has been raised as to whether Guyana is eligible to sign.) Argentina has signed the treaty and publicly announced its intention to ratify. Although Brazil and Chile have ratified, the treaty is not yet in force for them because they did not waive the entry-into-force provision which, *inter alia*, requires ratification by all eligible countries.

The basic obligations of the treaty are contained in Article I:

1. The Contracting Parties hereby undertake to use exclusively for peaceful purposes the nuclear material and facilities which are under their jurisdiction, and to prohibit and prevent in their respective territories:
  - (a) The testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons, by the Parties themselves, directly or indirectly, on behalf of anyone else or in any other way, and
  - (b) The receipt, storage, installation, deployment and any form of possession of any nuclear weapons, directly or indirectly, by the Parties themselves, by anyone on their behalf or in any other way.
2. The Contracting Parties also undertake to refrain from engaging in, encouraging or authorizing directly or indirectly, or in any way participating in the testing, use, manufacture, production, possession or control of any nuclear weapon.

Important provisions of the treaty deal with verification. Treaty parties undertake to negotiate agreements with the International Atomic Energy Agency for application of its safeguards to their peaceful nuclear activities. In addition, the treaty requires

organization to ensure compliance with treaty provisions—the Agency for the Prohibition of Nuclear Weapons in Latin America. The Council, one of the principal organs of the Agency, is empowered to perform "special inspections."

Of the accompanying protocols, Protocol I calls on nations outside the treaty zone to apply the denuclearization provisions of the treaty to their territories in the zone. All four powers having such territories have signed—the United Kingdom, the Netherlands, France, and the United States. All except France have ratified.

Within the Latin American nuclear-weapon-free zone lie the Canal Zone, the Guantanamo Naval Base in Cuba, the Virgin Islands, and Puerto Rico—four areas with differing relationships to the United States. For some time, the United States had indicated that it would be prepared to have the Canal Zone included in the treaty, subject to a clear understanding that the well-established rights of transit through the zone would not be affected, and to have Guantanamo included if Cuba joined the treaty. It had not been prepared to include Puerto Rico and the Virgin Islands. President Carter decided that it was in the net interest of the United States to allow these areas to be included, and he signed Protocol I in 1977. President Reagan also supported U.S. adherence to Protocol I. In November 1981, the Senate gave its advice and consent to ratification, President Reagan ratified it, and Secretary of State Haig deposited the U.S. instrument of ratification in Mexico City.

Senate advice and consent to ratification of Protocol I was made subject to three understandings:

- That the provisions of the Treaty made applicable by the Protocol do not affect the rights of the Contracting Parties to grant or deny transport and transit privileges to their own or other vessels or aircraft regardless of cargo or armaments;
- That the provisions of the Treaty made applicable by the Protocol do not affect the rights of the Contracting Parties regarding the exercise of freedom of the seas or passage through or over waters subject to the sovereignty of a State;
- That the understandings and declarations the United States attached to ratification of Protocol II apply also to its ratification of Protocol I.

In Protocol II, nuclear-weapons states undertake (1) to respect the denuclearized status of the zone (2) not to contribute to any

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or threaten to use nuclear weapons against the Contracting Parties. France, the United Kingdom, the United States, the People's Republic of China, and the Soviet Union have adhered to Protocol II.

When President Nixon transmitted Protocol II to the Senate on August 13, 1970, he recommended that the Senate give its advice and consent to ratification subject to a statement containing the following understandings and declarations:

- The Treaty and its Protocols have no effect upon the international status of territorial claims.
- The Treaty does not affect the rights of the Contracting Parties to grant or deny transport and transit privileges to non-Contracting Parties.
- With respect to the undertaking in Article 3 of Protocol II not to use or threaten to use nuclear weapons against the Treaty parties, the United States would "have to consider that an armed attack by a Contracting Party, in which it was assisted by a nuclear-weapon state, would be incompatible with the Contracting Party's corresponding obligations under Article I of the Treaty."
- Considering the technology for producing explosive devices for peaceful purposes to be indistinguishable from that for making nuclear weapons, the United States regards the Treaty's prohibitions as applying to all nuclear explosive devices. However, the Treaty would not prevent the United States, as a nuclear-weapon state, from making nuclear explosion services for peaceful purposes available "in a manner consistent with our policy of not contributing to the proliferation of nuclear weapons capabilities."
- Although not required to do so, the United States will act, with respect to the territories of Protocol I adherents that are within the treaty zone, in the same way as Protocol II requires it to act toward the territories of the Latin American treaty parties.

The statement was slightly revised by the Senate Foreign Relations Committee during its hearings on the Protocol in September 1970 and February 1971. The Senate made its consent to ratification subject to the statement, which was included in the U.S. instrument of ratification. The President ratified the Protocol and the United States deposited the instrument of ratification in May 1971.

This was the first time the United States had ever entered into an obligation that restricted the use of nuclear weapons. The Treaty, however, significantly enhances U.S. national security. It includes an undertaking by the Latin American countries party to the treaty to prevent the type of deployment of nuclear weapons in their territory that occurred in the Cuban missile crisis. It provides for verification of compliance with this undertaking not only by the parties themselves, but by the regional organization they have established and given the right to make special inspections. It requires IAEA safeguards on all nuclear materials and facilities under the jurisdiction of the parties. And this regional initiative to curb the spread of nuclear weapons gave important support to efforts to obtain a universal non-proliferation treaty.

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# Treaty for the Prohibition of Nuclear Weapons in Latin America

Signed at Mexico City February 14, 1967  
Entered into force April 22, 1968

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## Preamble

In the name of their peoples and faithfully interpreting their desires and aspirations, the Governments of the States which sign the Treaty for the Prohibition of Nuclear Weapons in Latin America,

*Desiring* to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on the sovereign equality of States, mutual respect and good neighbourliness,

*Recalling* that the United Nations General Assembly, in its Resolution 808 (IX), adopted unanimously as one of the three points of a coordinated programme of disarmament "the total prohibition of the use and manufacture of nuclear weapons and weapons of mass destruction of every type,"

*Recalling* that militarily denuclearized zones are not an end in themselves but rather a means for achieving general and complete disarmament at a later stage,

*Recalling* United Nations General Assembly Resolution 1911 (XVIII), which established that the measures that should be agreed upon for the denuclearization of Latin America should be taken "in the light of the principles of the Charter of the United Nations and of regional agreements,"

*Recalling* United Nations General Assembly Resolution 2028 (XX), which established the principle of an acceptable balance of mutual responsibilities and duties for the nuclear and non-nuclear powers, and

*Recalling* that the Charter of the Organization of American States proclaims that it is an essential purpose of the Organization to strengthen the peace and security of the hemisphere,

## Convinced:

That the incalculable destructive power of nuclear weapons has made it imperative that the legal prohibition of war should be strictly observed in practice if the survival of civilization and of mankind itself is to be assured,

That nuclear weapons, whose terrible effects are suffered, indiscriminately and inexorably, by military forces and civilian population alike, constitute, through the persistence of the radioactivity they release, an attack on the integrity of the human species and ultimately may even render the whole earth uninhabitable,

That general and complete disarmament under effective international control is a vital matter which all the peoples of the world equally demand,

That the proliferation of nuclear weapons, which seems inevitable unless States, in the exercise of their sovereign rights, impose restrictions on themselves in order to prevent it, would make any agreement on disarmament enormously difficult and would increase the danger of the outbreak of a nuclear conflagration,

That the establishment of militarily denuclearized zones is closely linked with the maintenance of peace and security in the respective regions,

## LATIN AMERICAN NUCLEAR-FREE ZONE

65

That the military denuclearization of vast geographical zones, adopted by the sovereign decision of the States comprised therein, will exercise a beneficial influence on other regions where similar conditions exist.

That the privileged situation of the signatory States, whose territories are wholly free from nuclear weapons, imposes upon them the inescapable duty of preserving that situation both in their own interests and for the good of mankind,

That the existence of nuclear weapons in any country of Latin America would make it a target for possible nuclear attacks and would inevitably set off, throughout the region, a ruinous race in nuclear weapons which would involve the unjustifiable diversion, for warlike purposes, of the limited resources required for economic and social development,

That the foregoing reasons, together with the traditional peace-loving outlook of Latin America, give rise to an inescapable necessity that nuclear energy should be used in that region exclusively for peaceful purposes, and that the Latin American countries should use their right to the greatest and most equitable possible access to this new source of energy in order to expedite the economic and social development of their peoples,

## Convinced finally:

That the military denuclearization of Latin America—being understood to mean the undertaking entered into internationally in this Treaty to keep their territories forever free from nuclear weapons—will constitute a measure which will spare their peoples from the squandering of their limited resources on nuclear armaments and will protect them against possible nuclear attacks on their territories, and will also constitute a significant contribution towards preventing the proliferation of nuclear weapons and a powerful factor for general and complete disarmament, and

That Latin America, faithful to its tradition of universality, must not only endeavour to banish from its homelands the scourge of a nuclear war, but must also strive to promote the well-being and advancement of its peoples, at the same time co-operating in the fulfilment of the ideals of mankind, that is to say, in the consolidation of a permanent peace based on equal rights, economic fairness and social justice for all, in accordance with the principles and purposes set forth in the Charter of the United Nations and in the Charter of the Organization of American States,

## Have agreed as follows:

### Obligations

#### Article I

1. The Contracting Parties hereby undertake to use exclusively for peaceful purposes the nuclear material and facilities which are under their jurisdiction, and to prohibit and prevent in their respective territories:

(a) The testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons, by the Parties themselves, directly or indirectly, on behalf of anyone else or in any other way, and

(b) The receipt, storage, installation, deployment and any form of possession of any nuclear weapons, directly or indirectly, by the Parties themselves, by anyone on their behalf or in any other way.

2. The Contracting Parties also undertake to refrain from engaging in, encouraging or authorizing, directly or indirectly, or in any way participating in the testing, use,

*Definition of the Contracting Parties*

## Article 2

For the purposes of this Treaty, the Contracting Parties are those for whom the Treaty is in force.

*Definition of territory*

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## Article 3

For the purposes of this Treaty, the term "territory" shall include the territorial sea, air space and any other space over which the State exercises sovereignty in accordance with its own legislation.

*Zone of application*

## Article 4

1. The zone of application of this Treaty is the whole of the territories for which the Treaty is in force.

2. Upon fulfillment of the requirements of article 28, paragraph 1, the zone of application of this Treaty shall also be that which is situated in the western hemisphere within the following limits (except the continental part of the territory of the United States of America and its territorial waters): starting at a point located at 35° north latitude, 75° west longitude; from this point directly southward to a point at 30° north latitude, 75° west longitude; from there, directly eastward to a point at 30° north latitude, 50° west longitude; from there, along a loxodromic line to a point at 5° north latitude, 20° west longitude; from there, directly southward to a point at 60° south latitude, 20° west longitude; from there, directly westward to a point at 60° south latitude, 115° west longitude; from there, directly northward to a point at 0 latitude, 115° west longitude; from there, along a loxodromic line to a point at 35° north latitude, 150° west longitude; from there, directly eastward to a point at 35° north latitude, 75° west longitude.

*Definition of nuclear weapons*

## Article 5

For the purposes of this Treaty, a nuclear weapon is any device which is capable of releasing nuclear energy in an uncontrolled manner and which has a group of characteristics that are appropriate for use for warlike purposes. An instrument that may be used for the transport or propulsion of the device is not included in this definition if it is separable from the device and not an indivisible part thereof.

*Meeting of signatories*

## Article 6

At the request of any of the signatory States or if the Agency established by article 7 should so decide, a meeting of all the signatories may be convoked to consider in common questions which may affect the very essence of this instrument, including possible amendments to it. In either case, the meeting will be convoked by the General Secretary.

*Organization*

## Article 7

1. In order to ensure compliance with the obligations of this Treaty, the Contracting Parties hereby establish an international organization to be known as the "Agency for the Prohibition of Nuclear Weapons in Latin America," hereinafter referred to as "the Agency." Only the Contracting Parties shall be affected by its decisions.

2. The Agency shall be responsible for the holding of periodic or extraordinary consultations among Member States on matters relating to the purposes, measures and procedures set forth in this Treaty and to the supervision of compliance with the obligations arising therefrom.

3. The Contracting Parties agree to extend to the Agency full and prompt cooperation in accordance with the provisions of this Treaty, of any agreements they may conclude with the Agency and of any agreements the Agency may conclude with any other international organization or body.

4. The headquarters of the Agency shall be in Mexico City.

*Organs*

## Article 8

1. There are hereby established as principal organs of the Agency a General Conference, a Council and a Secretariat.

2. Such subsidiary organs as are considered necessary by the General Conference may be established within the purview of this Treaty.

*The General Conference*

## Article 9

1. The General Conference, the supreme organ of the Agency, shall be composed of all the Contracting Parties; it shall hold regular sessions every two years, and may also hold special sessions whenever this Treaty so provides or, in the opinion of the Council, the circumstances so require.

2. The General Conference:

(a) May consider and decide on any matters or questions covered by this Treaty, within the limits thereof, including those referring to powers and functions of any organ provided for in this Treaty.

(b) Shall establish procedures for the control system to ensure observance of this Treaty in accordance with its provisions.

(c) Shall elect the Members of the Council and the General Secretary.

(d) May remove the General Secretary from office if the proper functioning of the Agency so requires.

(e) Shall receive and consider the biennial and special reports submitted by the Council and the General Secretary.

(f) Shall initiate and consider studies designed to facilitate the optimum fulfillment of the aims of this Treaty, without prejudice to the power of the General Secretary independently to carry out similar studies for submission to and consideration by the Conference.

(g) Shall be the organ competent to authorize the conclusion of agreements with

3. The General Conference shall adopt the Agency's budget and fix the scale of financial contributions to be paid by Member States, taking into account the systems and criteria used for the same purpose by the United Nations.

4. The General Conference shall elect its officers for each session and may establish such subsidiary organs as it deems necessary for the performance of its functions.

5. Each Member of the Agency shall have one vote. The decisions of the General Conference shall be taken by a two-thirds majority of the Members present and voting in the case of matters relating to the control system and measures referred to in article 20, the admission of new Members, the election or removal of the General Secretary, adoption of the budget and matters related thereto. Decisions on other matters, as well as procedural questions and also determination of which questions must be decided by a two-thirds majority, shall be taken by a simple majority of the Members present and voting.

6. The General Conference shall adopt its own rules of procedure.

#### *The Council*

#### Article 10

1. The Council shall be composed of five Members of the Agency elected by the General Conference from among the Contracting Parties, due account being taken of equitable geographic distribution.

2. The Members of the Council shall be elected for a term of four years. However, in the first election three will be elected for two years. Outgoing Members may not be re-elected for the following period unless the limited number of States for which the Treaty is in force so requires.

3. Each Member of the Council shall have one representative.

4. The Council shall be so organized as to be able to function continuously.

5. In addition to the functions conferred upon it by this Treaty and to those which may be assigned to it by the General Conference, the Council shall, through the General Secretary, ensure the proper operation of the control system in accordance with the provisions of this Treaty and with the decisions adopted by the General Conference.

6. The Council shall submit an annual report on its work to the General Conference as well as such special reports as it deems necessary or which the General Conference requests of it.

7. The Council shall elect its officers for each session.

8. The decisions of the Council shall be taken by a simple majority of its Members present and voting.

9. The Council shall adopt its own rules of procedure.

#### *The Secretariat*

#### Article 11

1. The Secretariat shall consist of a General Secretary, who shall be the chief administrative officer of the Agency, and of such staff as the Agency may require. The term of office of the General Secretary shall be four years and he may be re-elected for a single additional term. The General Secretary may not be a national of the country in which the Agency has its headquarters. In case the office of General Secretary becomes vacant, a new election shall be held to fill the office for the remainder of the term.

2. The staff of the Secretariat shall be appointed by the General Secretary, in accordance with rules laid down by the General Conference.

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3. In addition to the functions conferred upon him by this Treaty and to those which may be assigned to him by the General Conference, the General Secretary shall ensure, as provided by article 10, paragraph 5, the proper operation of the control system established by this Treaty, in accordance with the provisions of the Treaty and the decisions taken by the General Conference.

4. The General Secretary shall act in that capacity in all meetings of the General Conference and of the Council and shall make an annual report to both bodies on the work of the Agency and any special reports requested by the General Conference or the Council or which the General Secretary may deem desirable.

5. The General Secretary shall establish the procedures for distributing to all Contracting Parties information received by the Agency from governmental sources and such information from non-governmental sources as may be of interest to the Agency.

6. In the performance of their duties the General Secretary and the staff shall not seek or receive instructions from any Government or from any other authority external to the Agency and shall refrain from any action which might reflect on their position as international officials responsible only to the Agency; subject to their responsibility to the Agency, they shall not disclose any industrial secrets or other confidential information coming to their knowledge by reason of their official duties in the Agency.

7. Each of the Contracting Parties undertakes to respect the exclusively international character of the responsibilities of the General Secretary and the staff and not to seek to influence them in the discharge of their responsibilities.

#### *Control system*

#### Article 12

1. For the purpose of verifying compliance with the obligations entered into by the Contracting Parties in accordance with article 1, a control system shall be established which shall be put into effect in accordance with the provisions of articles 13-18 of this Treaty.

2. The control system shall be used in particular for the purpose of verifying:

- (a) That devices, services and facilities intended for peaceful uses of nuclear energy are not used in the testing or manufacture of nuclear weapons,
- (b) That none of the activities prohibited in article 1 of this Treaty are carried out in the territory of the Contracting Parties with nuclear materials or weapons introduced from abroad, and
- (c) That explosions for peaceful purposes are compatible with article 18 of this Treaty.

#### *IAEA safeguards*

#### Article 13

Each Contracting Party shall negotiate multilateral or bilateral agreements with the International Atomic Energy Agency for the application of its safeguards to its nuclear activities. Each Contracting Party shall initiate negotiations within a period of 180 days after the date of the deposit of its instrument of ratification of this Treaty. These agreements shall enter into force, for each Party, not later than eighteen months after the date of the entry into force of this Treaty.



*Reports of the Parties*

## Article 14

1. The Contracting Parties shall submit to the Agency and to the International Atomic Energy Agency, for their information, semi-annual reports stating that no activity prohibited under this Treaty has occurred in their respective territories.

2. The Contracting Parties shall simultaneously transmit to the Agency a copy of any report they may submit to the International Atomic Energy Agency which relates to matters that are the subject of this Treaty and to the application of safeguards.

3. The Contracting Parties shall also transmit to the Organization of American States, for its information, any reports that may be of interest to it, in accordance with the obligations established by the Inter-American System.

*Special reports requested by the General Secretary*

Page determined to be Unclassified  
Reviewed Chief, RDD, WHS  
IAW EO 13526, Section 3.5  
Date: FEB 17 2014

## Article 15

1. With the authorization of the Council, the General Secretary may request any of the Contracting Parties to provide the Agency with complementary or supplementary information regarding any event or circumstance connected with compliance with this Treaty, explaining his reasons. The Contracting Parties undertake to co-operate promptly and fully with the General Secretary.

2. The General Secretary shall inform the Council and the Contracting Parties forthwith of such requests and of the respective replies.

*Special inspections*

## Article 16

1. The International Atomic Energy Agency and the Council established by this Treaty have the power of carrying out special inspections in the following cases:

(a) In the case of the International Atomic Energy Agency, in accordance with the agreements referred to in article 13 of this Treaty;

(b) In the case of the Council:

(i) When so requested, the reasons for the request being stated, by any Party which suspects that some activity prohibited by this Treaty has been carried out or is about to be carried out, either in the territory of any other Party or in any other place on such latter Party's behalf, the Council shall immediately arrange for such an inspection in accordance with article 10, paragraph 5.

(ii) When requested by any Party which has been suspected of or charged with having violated this Treaty, the Council shall immediately arrange for the special inspection requested in accordance with article 10, paragraph 5.

The above requests will be made to the Council through the General Secretary.

2. The costs and expenses of any special inspection carried out under paragraph 1, sub-paragraph (b), sections (i) and (ii) of this article shall be borne by the requesting Party or Parties, except where the Council concludes on the basis of the report on the special inspection that, in view of the circumstances existing in the case, such costs and expenses should be borne by the agency.

3. The General Conference shall formulate the procedures for the organization and execution of the special inspections carried out in accordance with paragraph 1, sub-paragraph (b), sections (i) and (ii) of this article.

4. The Contracting Parties undertake to grant the inspectors carrying out such special inspections full and free access to all places and all information which may be necessary for the performance of their duties and which are directly and intimately connected with the suspicion of violation of this Treaty. If so requested by the authorities of the Contracting Party in whose territory the inspection is carried out, the inspectors designated by the General Conference shall be accompanied by representatives of said authorities, provided that this does not in any way delay or hinder the work of the inspectors.

5. The Council shall immediately transmit to all the Parties, through the General Secretary, a copy of any report resulting from special inspections.

6. Similarly, the Council shall send through the General Secretary to the Secretary-General of the United Nations, for transmission to the United Nations Security Council and General Assembly, and to the Council of the Organization of American States, for its information, a copy of any report resulting from any special inspection carried out in accordance with paragraph 1, sub-paragraph (b), sections (i) and (ii) of this article.

7. The Council may decide, or any Contracting Party may request, the convening of a special session of the General Conference for the purpose of considering the reports resulting from any special inspection. In such a case, the General Secretary shall take immediate steps to convene the special session requested.

8. The General Conference, convened in special session under this article, may make recommendations to the Contracting Parties and submit reports to the Secretary-General of the United Nations to be transmitted to the United Nations Security Council and the General Assembly.

*Use of nuclear energy for peaceful purposes*

## Article 17

Nothing in the provisions of this Treaty shall prejudice the rights of the Contracting Parties, in conformity with this Treaty, to use nuclear energy for peaceful purposes, in particular for their economic development and social progress.

*Explosions for peaceful purposes*

## Article 18

1. The Contracting Parties may carry out explosions of nuclear devices for peaceful purposes—including explosions which involve devices similar to those used in nuclear weapons—or collaborate with third parties for the same purpose, provided that they do so in accordance with the provisions of this article and the other articles of the Treaty, particularly articles 1 and 5.

2. Contracting Parties intending to carry out, or to cooperate in carrying out, such an explosion shall notify the Agency and the International Atomic Energy Agency, as far in advance as the circumstances require, of the date of the explosion and shall at the same time provide the following information:

- The nature of the nuclear device and the source from which it was obtained,
- The place and purpose of the planned explosion,
- The procedures which will be followed in order to comply with paragraph 3 of this article,
- The expected force of the device, and
- The fullest possible information on any possible radioactive fall-out that may result from the explosion or explosions, and measures which will be taken to avoid

3. The General Secretary and the technical personnel designated by the Council and the International Atomic Energy Agency may observe all the preparations, including the explosion of the device, and shall have unrestricted access to any area in the vicinity of the site of the explosion in order to ascertain whether the device and the procedures followed during the explosion are in conformity with the information supplied under paragraph 2 of this article and the other provisions of this Treaty.

4. The Contracting Parties may accept the collaboration of third parties for the purpose set forth in paragraph 1 of the present article, in accordance with paragraphs 2 and 3 thereof.

Page determined to be Unclassified

Reviewed Chief, RDD, WHS

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Date: FEB 17 2014

#### *Relations with other international organizations*

#### Article 19

1. The Agency may conclude such agreements with the International Atomic Energy Agency as are authorized by the General Conference and as it considers likely to facilitate the efficient operation of the control system established by this Treaty.

2. The Agency may also enter into relations with any international organization or body, especially any which may be established in the future to supervise disarmament or measures for the control of armaments in any part of the world.

3. The Contracting Parties may, if they see fit, request the advice of the Inter-American Nuclear Energy Commission on all technical matters connected with the application of this Treaty with which the Commission is competent to deal under its Statute.

#### *Measures in the event of violation of the Treaty*

#### Article 20

1. The General Conference shall take note of all cases in which, in its opinion, any Contracting Party is not complying fully with its obligations under this Treaty and shall draw the matter to the attention of the Party concerned, making such recommendations as it deems appropriate.

2. If, in its opinion, such non-compliance constitutes a violation of this Treaty which might endanger peace and security, the General Conference shall report thereon simultaneously to the United Nations Security Council and the General Assembly through the Secretary-General of the United Nations, and to the Council of the Organization of American States. The General Conference shall likewise report to the International Atomic Energy Agency for such purposes as are relevant in accordance with its Statute.

#### *United Nations and Organization of American States*

#### Article 21

None of the provisions of this Treaty shall be construed as impairing the rights and obligations of the Parties under the Charter of the United Nations or, in the case of States Members of the Organization of American States, under existing regional treaties.

#### *Privileges and immunities*

#### Article 22

1. The Agency shall enjoy in the territory of each of the Contracting Parties such

legal capacity and such privileges and immunities as may be necessary for the exercise of its functions and the fulfillment of its purposes.

2. Representatives of the Contracting Parties accredited to the Agency and officials of the Agency shall similarly enjoy such privileges and immunities as are necessary for the performance of their functions.

3. The Agency may conclude agreements with the Contracting Parties with a view to determining the details of the application of paragraphs 1 and 2 of this article.

#### *Notification of other agreements*

#### Article 23

Once this Treaty has entered into force, the Secretariat shall be notified immediately of any international agreement concluded by any of the Contracting Parties on matters with which this Treaty is concerned; the Secretariat shall register it and notify the other Contracting Parties.

#### *Settlement of disputes*

#### Article 24

Unless the Parties concerned agree on another mode of peaceful settlement, any question or dispute concerning the interpretation or application of this Treaty which is not settled shall be referred to the International Court of Justice with the prior consent of the Parties to the controversy.

#### *Signature*

#### Article 25

1. This Treaty shall be open indefinitely for signature by:

- (a) All the Latin American Republics, and
- (b) All other sovereign States situated in their entirety south of latitude 35° north in the western hemisphere; and, except as provided in paragraph 2 of this article, all such States which become sovereign, when they have been admitted by the General Conference.

2. The General Conference shall not take any decision regarding the admission of political entity part or all of whose territory is the subject, prior to the date when this Treaty is opened for signature, of a dispute or claim between an extra-continental country and one or more Latin American States, so long as the dispute has not been settled by peaceful means.

#### *Ratification and deposit*

#### Article 26

1. This Treaty shall be subject to ratification by signatory States in accordance with their respective constitutional procedures.

2. This Treaty and the instruments of ratification shall be deposited with the Government of the Mexican United States, which is hereby designated the Depositary Government.



3. The Depositary Government shall send certified copies of this Treaty to the Governments of signatory States and shall notify them of the deposit of each instrument of ratification.

#### Reservations

#### Article 27

This Treaty shall not be subject to reservations.

#### Entry into force

#### Article 28

1. Subject to the provisions of paragraph 2 of this article, this Treaty shall enter into force among the States that have ratified it as soon as the following requirements have been met:

(a) Deposit of the instruments of ratification of this Treaty with the Depositary Government by the Governments of the States mentioned in article 25 which are in existence on the date when this Treaty is opened for signature and which are not affected by the provisions of article 25, paragraph 2;

(b) Signature and ratification of Additional Protocol I annexed to this Treaty by all extra-continental or continental States having *de jure* or *de facto* international responsibility for territories situated in the zone of application of the Treaty;

(c) Signature and ratification of the Additional Protocol II annexed to this Treaty by all powers possessing nuclear weapons;

(d) Conclusion of bilateral or multilateral agreements on the application of the Safeguards System of the International Atomic Energy Agency in accordance with article 13 of this Treaty.

2. All signatory States shall have the imprescriptible right to waive, wholly or in part, the requirements laid down in the preceding paragraph. They may do so by means of a declaration which shall be annexed to their respective instrument of ratification and which may be formulated at the time of deposit of the instrument or subsequently. For those States which exercise this right, this Treaty shall enter into force upon deposit of the declaration, or as soon as those requirements have been met which have not been expressly waived.

3. As soon as this Treaty has entered into force in accordance with the provisions of paragraph 2 for eleven States, the Depositary Government shall convene a preliminary meeting of those States in order that the Agency may be set up and commence its work.

4. After the entry into force of this Treaty for all the countries of the zone, the rise of a new power possessing nuclear weapons shall have the effect of suspending the execution of this Treaty for those countries which have ratified it without waiving requirements of paragraph 1, sub-paragraph (c) of this article, and which request such suspension; the Treaty shall remain suspended until the new power, on its own initiative or upon request by the General Conference, ratifies the annexed Additional Protocol II.

#### Amendments

#### Article 29

1. Any Contracting Party may propose amendments to this Treaty and shall submit

all the other Contracting Parties and, in addition, to all other signatories in accordance with article 6. The Council, through the General Secretary, shall immediately following the meeting of signatories convene a special session of the General Conference to examine the proposals made, for the adoption of which a two-thirds majority of the Contracting Parties present and voting shall be required.

2. Amendments adopted shall enter into force as soon as the requirements set forth in article 28 of this Treaty have been complied with.

#### Duration and denunciation

#### Article 30

1. This Treaty shall be of a permanent nature and shall remain in force indefinitely, but any Party may denounce it by notifying the General Secretary of the Agency if, in the opinion of the denouncing State, there have arisen or may arise circumstances connected with the content of this Treaty or of the annexed Additional Protocols I and II which affect its supreme interests or the peace and security of one or more Contracting Parties.

2. The denunciation shall take effect three months after the delivery to the General Secretary of the Agency of the notification by the Government of the signatory State concerned. The General Secretary shall immediately communicate such notification to the other Contracting Parties and to the Secretary-General of the United Nations for the information of the United Nations Security Council and the General Assembly. He shall also communicate it to the Secretary-General of the Organization of American States.

#### Authentic texts and registration

#### Article 31

This Treaty, of which the Spanish, Chinese, English, French, Portuguese and Russian texts are equally authentic, shall be registered by the Depositary Government in accordance with article 102 of the United Nations Charter. The Depositary Government shall notify the Secretary-General of the United Nations of the signatures, ratifications and amendments relating to this Treaty and shall communicate them to the Secretary-General of the Organization of American States for its information.

#### Transitional Article

Denunciation of the declaration referred to in article 28, paragraph 2, shall be subject to the same procedures as the denunciation of this Treaty, except that it will take effect on the date of delivery of the respective notification.

**IN WITNESS WHEREOF** the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Treaty on behalf of their respective Governments.

**DONE** at Mexico, Distrito Federal, on the Fourteenth day of February, one thousand nine hundred and sixty-seven.

## Additional Protocol I to the Treaty for the Prohibition of Nuclear Weapons in Latin America

*Signed by the United States at Washington May 26, 1977*

*Ratification advised by U.S. Senate November 13, 1981*

*Ratified by U.S. President November 19, 1981*

*U.S. ratification deposited at Mexico City November 23, 1981*

*Proclaimed by U.S. President December 4, 1981*

Page determined to be Unclassified

Reviewed Chief, RDD, WHS

IAW EO 13526, Section 3.5

Date: FEB 17 2014

The undersigned Plenipotentiaries, furnished with full powers by their respective Governments,

Convinced that the Treaty for the Prohibition of Nuclear Weapons in Latin America, negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVIII) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons,

Aware that the non-proliferation of nuclear weapons is not an end in itself but, rather, a means of achieving general and complete disarmament at a later stage, and

Desiring to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on mutual respect and sovereign equality of States,

Have agreed as follows:

**Article 1.** To undertake to apply the statute of denuclearization in respect of warlike purposes as defined in articles 1, 3, 5 and 13 of the Treaty for the Prohibition of Nuclear Weapons in Latin America in territories for which, *de jure* or *de facto*, they are internationally responsible and which lie within the limits of the geographical zone established in that Treaty.

**Article 2.** The duration of this Protocol shall be the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this Protocol is an annex, and the provisions regarding ratification and denunciation contained in the Treaty shall be applicable to it.

**Article 3.** This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

**IN WITNESS WHEREOF** the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Protocol on behalf of their respective Governments.

## Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America

*Signed by the United States at Mexico City April 1, 1968*

*Ratification advised by U.S. Senate April 19, 1971*

*Ratified by U.S. President May 8, 1971*

*U.S. ratification deposited at Mexico City May 12, 1971*

*Proclaimed by U.S. President June 11, 1971*

The Undersigned Plenipotentiaries, furnished with full powers by their respective Governments,

Convinced that the Treaty for the Prohibition of Nuclear Weapons in Latin America, negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVIII) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons,

Aware that the non-proliferation of nuclear weapons is not an end in itself but, rather, a means of achieving general and complete disarmament at a later stage, and

Desiring to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards promoting and strengthening a world at peace, based on mutual respect and sovereign equality of States,

Have agreed as follows:

**Article 1.** The statute of denuclearization of Latin America in respect of warlike purposes, as defined, delimited and set forth in the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this instrument is an annex, shall be fully respected by the Parties to this Protocol in all its express aims and provisions.

**Article 2.** The Governments represented by the undersigned Plenipotentiaries undertake, therefore, not to contribute in any way to the performance of acts involving a violation of the obligations of article 1 of the Treaty in the territories to which the Treaty applies in accordance with article 4 thereof.

**Article 3.** The Governments represented by the undersigned Plenipotentiaries also undertake not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty for the Prohibition of Nuclear Weapons in Latin America.

**Article 4.** The duration of this Protocol shall be the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this Protocol is an annex, and the definitions of territory and nuclear weapons set forth in articles 3 and 5 of the Treaty shall be applicable to this Protocol, as well as the provisions regarding ratification, reservations, denunciation, authentic texts and registration contained in articles 26, 27, 30 and 31 of the Treaty.

**Article 5.** This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

**IN WITNESS WHEREOF** the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Additional Protocol on behalf of their respective Governments.

# Proclamation by President Nixon on Ratification of Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

Considering that:

Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America, done at the City of Mexico on February 14, 1967, was signed on behalf of the United States of America on April 1, 1968, the text of which Protocol is word for word as follows:

[The text of the Protocol appears here.]

The Senate of the United States of America by its resolution of April 19, 1971, two-thirds of the Senators present concurring, gave its advice and consent to the ratification of Additional Protocol II, with the following understandings and declarations:

That the United States Government understands the reference in Article 3 of the treaty to "its own legislation" to relate only to such legislation as is compatible with the rules of international law and as involves an exercise of sovereignty consistent with those rules, and accordingly that ratification of Additional Protocol II by the United States Government could not be regarded as implying recognition, for the purposes of this treaty and its protocols or for any other purpose, of any legislation which did not, in the view of the United States, comply with the relevant rules of international law.

That the United States Government takes note of the Preparatory Commission's interpretation of the treaty, as set forth in the Final Act, that, governed by the principles and rules of international law, each of the Contracting Parties retains exclusive power and legal competence, unaffected by the terms of the treaty, to grant or deny non-Contracting Parties transit and transport privileges.

That as regards the undertaking in Article 3 of Protocol II not to use or threaten to use nuclear weapons against the Contracting Parties, the United States Government would have to consider that an armed attack by a Contracting Party, in which it was assisted by a nuclear-weapon state, would be incompatible with the Contracting Party's corresponding obligations under Article I of the Treaty.

## II

That the United States Government considers that the technology of making nuclear explosive devices for peaceful purposes is indistinguishable from the technology of making nuclear weapons, and that nuclear weapons and nuclear explosive devices for peaceful purposes are both capable of releasing nuclear energy in an uncontrolled manner and have the common group of characteristics of large amounts of energy generated instantaneously from a compact source. Therefore, the United States

## LATIN AMERICAN NUCLEAR-FREE ZONE

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Government understands the definition contained in Article 5 of the treaty as necessarily encompassing all nuclear explosive devices. It is also understood that Articles 1 and 5 restrict accordingly the activities of the Contracting Parties under paragraph 1 of Article 18.

That the United States Government understands that paragraph 4 of Article 18 of the Treaty permits, and that United States adherence to Protocol II will not prevent, collaboration by the United States with Contracting Parties for the purpose of carrying out explosions of nuclear devices for peaceful purposes in a manner consistent with a policy of not contributing to the proliferation of nuclear weapons capabilities. In this connection, the United States Government notes Article V of the Treaty on the Non-Proliferation of Nuclear Weapons, under which it joined in an undertaking to take appropriate measures to ensure that potential benefits of peaceful applications of nuclear explosions would be made available to non-nuclear-weapon states party to that treaty, and reaffirms its willingness to extend such undertaking, on the same basis, to states precluded by the present treaty from manufacturing or acquiring any nuclear explosive device.

## III

That the United States Government also declares that, although not required by Protocol II, it will act with respect to such territories of Protocol I adherents as are within the geographical area defined in paragraph 2 of Article 4 of the treaty in the same manner as Protocol II requires it to act with respect to the territories of Contracting Parties.

The President ratified Additional Protocol II on May 8, 1971, with the above-recited understandings and declarations, in pursuance of the advice and consent of the Senate.

It is provided in Article 5 of Additional Protocol II that the Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

The instrument of ratification of the United Kingdom of Great Britain and Northern Ireland was deposited on December 11, 1969 with understandings and a declaration, and the instrument of ratification of the United States of America was deposited on May 12, 1971 with the above-recited understandings and declarations.

In accordance with Article 5 of Additional Protocol II, the Protocol entered into force for the United States of America on May 12, 1971, subject to the above recited understandings and declarations.

NOW, THEREFORE, I, Richard Nixon, President of the United States of America, proclaim and make public Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America to the end that it shall be observed and fulfilled with good faith, subject to the above-recited understandings and declarations, on and after May 12, 1971 by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have signed this proclamation and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this eleventh day of June in the year of our Lord one thousand nine hundred seventy-one and of the Independence of the United States of America the one hundred ninety-fifth.

(SEAL)

**Treaty for the Prohibition of Nuclear Weapons in Latin America**

Country	Date of Signature	Date of Deposit of Ratification
Argentina	9/27/67	
Bahamas, The		7/16/76 <sup>a</sup>
Barbados	10/18/68	4/25/69
Bolivia	2/14/67	2/18/69
Brazil	5/ 9/67	1/29/68 <sup>b</sup>
Chile	2/14/67	10/ 9/74 <sup>b</sup>
Colombia	2/14/67	8/ 4/72
Costa Rica	2/14/67	8/25/69
Dominican Republic	7/29/67	6/14/68
Ecuador	2/14/67	2/11/69
El Salvador	2/14/67	4/22/68
Grenada	4/29/75	6/20/75
Guatemala	2/14/67	2/ 6/70
Haiti	2/14/67	5/23/69
Honduras	2/14/67	9/23/68
Jamaica	10/26/67	6/26/69
Mexico	2/14/67	9/20/67
Nicaragua	2/15/67	10/24/68
Panama	2/14/67	6/11/71
Paraguay	4/26/67	3/19/69
Peru	2/14/67	3/ 4/69
Suriname	2/13/76	6/10/77
Trinidad & Tobago	6/27/67	12/ 3/70 <sup>c</sup>
Uruguay	2/14/67	8/20/68
Venezuela	2/14/67	3/23/70
Total	24	24

<sup>a</sup>This is date of notification of succession. The declaration of waiver was deposited 4/26/77, which is date of entry into force for The Bahamas.

<sup>b</sup>Not in force. No declaration of waiver under Art. 28, para. 2.

<sup>c</sup>The declaration of waiver was deposited 6/27/75, which is date of entry into force for Trinidad and Tobago.

**Additional Protocol I to the Treaty for the Prohibition of Nuclear Weapons in Latin America**

Country	Date of Signature	Date of Deposit of Ratification
France	3/2/79	
Netherlands	4/ 1/68	7/26/71
United Kingdom	12/20/67	12/11/69
United States	5/26/77	11/23/81

**Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America**

Country	Date of Signature	Date of Deposit of Ratification
China, People's Republic of	8/21/73	6/12/74
France	7/18/73	3/22/74
Union of Soviet Socialist Republics	5/18/78	1/ 8/79
United Kingdom	12/20/67	12/11/69
United States	4/ 1/68	5/12/71

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# DATA AUTHORIZATION INPUT

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## SECTION I --- MISC CONTROL DATA

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COVER MEMO: ORIG 1 RCY(S) 1 PG(S) 1, CY NO 1 THRU 1 OF 1 CYS, ENCL(S) 1

REPLY TO:           . INTERIM REPLY TO:           . REF(S)           

DESTRUCTION DATA:            EFA: ( )

## SECTION II --- MICROFICHE & FILE DATA

MICROFICHE: YES NO MF: 151307 FICHE NO: B

FILE NUMBER:            IMAGE(S): T2 A4

## SECTION III --- ACTION/SUSPENSE STATUS

ACTION:            FOR:            SUSPENSE DATE:            COORD:           

SUSPENSE STATUS:           

COMMENTS: CAF.

## SECTION IV --- DISTRIBUTION

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USA		PA		MAD	
C3I		RA		MAS	
PRL		GC		ADD	CIWI
RET		OTE		CC	
DRE		PAE		DIA	
USP	CICWI	SA		AE	
DUP		CSA		NSA	
ISA	CIDWI	SN			
ISP		SAP		SGN	CIWI
SOL		JCS		SDR	
S+R		IPO		DSR	

OSD Control Number

58/55

Signed 8/2/90

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Signers ✓

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5 U.S.C. § 552 (b)(6)

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OFFICE OF THE SECRETARY OF DEFENSE

EXECUTIVE SECRETARY

NOTE FOR C&D

Please SOM attached package

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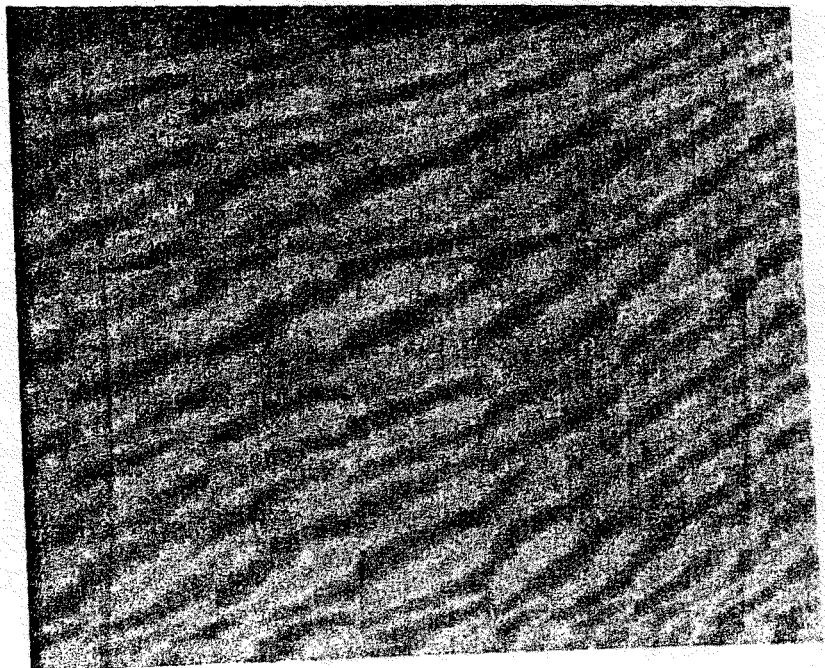
Thanks. (Sorry over ran my head!!)

Pey

George P. Cole, Jr.  
Colonel, USAF

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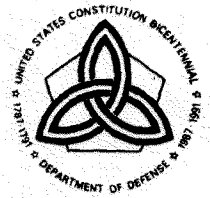
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~~TOP SECRET~~  
THE SECRETARY OF DEFENSE  
WASHINGTON, THE DISTRICT OF COLUMBIA



MEMORANDUM FOR THE ASSISTANT TO THE PRESIDENT FOR NATIONAL  
SECURITY AFFAIRS

SUBJECT: Pakistan Nuclear Program and Pressler (S)

(S) The attached paper addresses this very important issue in what I believe is a much more effective way than other approaches currently under consideration. I suggest that you and I discuss it with the President at his earliest convenience. The matter is of some urgency in view of the imminent recess of Congress.

Attachment  
as stated

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Date: FEB 17 2014

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Upon removal of attachments, this document becomes SECRET



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Date: FEB 17 2014

Office of the Secretary of Defense  
Chief, RDD, ESD, WHS  
Date: 17 Feb 2014  
Declassify in Part: X  
Declassify in Full: 5 U.S.C. 552  
Reason: 5 U.S.C. 552(a)(1)  
MDR: 11-M-1305

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THE UNDER SECRETARY OF DEFENSE  
WASHINGTON, D.C. 20301-2000

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14 September 1990

MEMORANDUM FOR SECRETARY OF DEFENSE  
DEPUTY SECRETARY OF DEFENSE

*has copy*

SUBJECT: Pakistan Nuclear Program and Pressler (S)

(C) Attached is a memo I have sent to Bob Gates, information to Bob Kimmitt, Dave Jeremiah and Dick Kerr. It emphasizes several key points of our position which were not clear in the State submission.

(S) FYI, Bob Kimmitt agrees with our approach. Although he is not sanguine that we will be successful, he believes that, at a minimum, it should make it easier to obtain a fall back position of a simple one - year extension extension of Pressler. It also has the advantage of demonstrating that we have thought through the situation and are not merely buying time.

*Paul W.*  
Paul Wolfowitz

*i.e., "Pressler Amendment" (see highlight, next page), which prohibits aid to Pakistan unless President certifies that Pakistan "does not possess a nuclear explosive device"*

Attachment

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Date: FEB 17 2014

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*050*  
5 U.S.C. § 552 (b)(6)

*Foreign Assistance Act of 1961, as amended*

(1) the Government of Afghanistan has apologized officially and assumes responsibility for the death of Ambassador Adolph Dubs; and

(2) the Government of Afghanistan agrees to provide adequate protection for all personnel of the United States Government in Afghanistan.

(b) The provisions of subsection (a) shall not apply if the President determines that such assistance is in the national interest of the United States because of substantially changed circumstances in Afghanistan.

**Sec. 620E.<sup>702</sup> Assistance to Pakistan.**—(a) The Congress recognizes that Soviet Forces occupying Afghanistan pose a security threat to Pakistan. The Congress also recognizes that an independent and democratic Pakistan with continued friendly ties with the United States is in the interest of both nations. The Congress finds that United States assistance will help Pakistan maintain its independence. Assistance to Pakistan is intended to benefit the people of Pakistan by helping them meet the burdens imposed by the presence of Soviet forces in Afghanistan and by promoting economic development. In authorizing assistance to Pakistan, it is the intent of Congress to promote the expeditious restoration of full civil liberties and representative government in Pakistan. The Congress further recognizes that it is in the mutual interest of Pakistan and the United States to avoid the profoundly destabilizing effects of the proliferation of nuclear explosive devices or the capacity to manufacture or otherwise acquire nuclear devices.

(b) The United States reaffirms the commitment made in its 1959 bilateral agreement with Pakistan relating to aggression from a Communist or Communist-dominated state.

(c) Security assistance for Pakistan shall be made available in order to assist Pakistan in dealing with the threat to its security posed by the Soviet presence in Afghanistan. The United States will take appropriate steps to ensure that defense articles provided by the United States to Pakistan are used for defensive purposes.

(d) The President may waive the prohibitions of section 669 of this Act at any time during the period beginning on the date of enactment of this section and ending on April 1, 1991,<sup>703</sup> to provide assistance to Pakistan during that period if he determines that to do so is in the national interest of the United States.

(e) <sup>704</sup> No assistance shall be furnished to Pakistan and no military equipment or technology shall be sold or transferred to Paki-

<sup>702</sup> 22 U.S.C. 2375. Sec. 620E was added by sec. 736 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1561). The President exercised his authority under subsec. (d) on Feb. 11, 1982.

<sup>703</sup> The date "April 1, 1991" was substituted in lieu of "April 1, 1990" by sec. 591 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167; 103 Stat. 1253).

Presidential Determination No. 88-5 of January 15, 1988, 53 F.R. 3325, certified that the provision of assistance to Pakistan through April 1, 1990, is in the national interest and waived the prohibitions of section 669 of this Act.

<sup>704</sup> Subsec. (e) was added by sec. 902 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 2681). Presidential Determinations No. 86-3 of November 25, 1985; No. 87-3 of October 27, 1986; No. 88-4 of December 17, 1987; 89-7 of November 18, 1988; and 90-1 of October 5, 1989, 54 F.R. 43797; certified that Pakistan does not have a nuclear explosive device and that U.S. assistance would reduce significantly the risk that Pakistan will possess a nuclear explosive device.

stan, pursuant to the authorities contained in this Act or any other Act, unless the President shall have certified in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, during the fiscal year in which assistance is to be furnished or military equipment or technology is to be sold or transferred, that Pakistan does not possess a nuclear explosive device and that the proposed United States assistance program will reduce significantly the risk that Pakistan will possess a nuclear explosive device. \*

## Chapter 2—Administrative Provisions

**Sec. 621.<sup>705</sup> Exercise of Functions.**<sup>706</sup>—(a) <sup>707</sup> The President may exercise any functions conferred upon him by this Act through such agency or officer of the United States Government as he shall direct. The head of any such agency or such officer may from time to time promulgate such rules and regulations as may be necessary to carry out such functions and may delegate authority to perform any such functions, including, if he shall so specify, the authority successively to redelegate any of such functions to any of his subordinates. In providing technical assistance under this Act, the head of any such agency or such officer shall utilize, to the fullest extent practicable, goods and professional and other services from private enterprise on a contract basis. In such fields as education, health, housing, or agriculture, the facilities and resources of other Federal agencies shall be utilized when such facilities are particularly or uniquely suitable for technical assistance, are not competitive with private enterprise, and can be made available without interfering unduly with domestic programs.<sup>708</sup>

(b) <sup>707</sup> The President shall issue and enforce regulations determining the eligibility of any person to receive funds made available under this Act. A person may be suspended under such regulations for a temporary period pending the completion of an investigation and any resulting judicial or debarment proceedings, upon cause for belief that such person or an affiliate thereof probably has undertaken conduct which constitutes a cause for debarment; and, after an opportunity has been afforded to such person for a hearing, he may be debarred for an additional period, not to exceed three years. Among the causes for debarment shall be (1) offering or accepting a bribe or other illegal payment or credit in connection with any transaction financed with funds made available under this Act; or (2) committing a fraud in the procurement or performance of any contract financed with funds made available under this Act; or (3) acting in any other manner which shows a lack of integrity or honesty in connection with any transaction financed with funds made available under this Act. Reinstatement of

<sup>705</sup> 22 U.S.C. 2381.

<sup>706</sup> Sec. 302(a) of the FA Act of 1962 struck out subsection designation "(a)" and repealed subsecs. (b), (c), (d), and (e).

<sup>707</sup> Subsec. designation "(a)" and subsec. (b) were added by the sec. 302(a) of the FA Act of 1968.

<sup>708</sup> Sec. 302(a) of the FA Act of 1963 inserted the last two sentences in lieu of a former sentence, which read as follows: "In providing technical assistance under this Act in the field of education, health, housing, or agriculture, or in other fields, the head of any such agency or such officer shall utilize, to the fullest extent practicable, the facilities and resources of the Federal agency or agencies with primary responsibilities for domestic programs in such fields."

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POLICY

THE UNDER SECRETARY OF DEFENSE

WASHINGTON, D. C. 20301-2000

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Authority: EO 13526

Chief, Records & Declass Div, WHS

Date: FEB 17 2014

14 SEP 1990

I-04693/90

MEMORANDUM FOR THE DEPUTY ASSISTANT TO THE PRESIDENT FOR  
NATIONAL SECURITY AFFAIRS

SUBJECT: Pakistan's Nuclear Program and Pressler (S)

(S) Harry Rowen and Art Hughes gave me a full debrief on last week's Deputies meeting, and I have been following the development of the talking points for use with the Hill. We are moving in the right direction, but there are a couple of points I want to bring to your attention directly.

(TS) I believe that we would be making a mistake by going to the leadership with a single focus on a Pressler suspension. We need to change the subject away from Pressler and onto the more important and pressing issue of preventing war on the Subcontinent. For a number of reasons, both tactical and policy, we should go to the Hill with a range of options for legislative relief and seek the advice of the leadership on their preferred approach. Restricting our request to a year's suspension of Pressler--with no more than a throw-away line that we will come back in a year with new ideas-- does not strike me as the best way to show the Congress that we are very serious and have thought through the issues involved and have come up with some solutions.

(TS) Our initiative to revise the rules we are operating under regarding Pakistan might well generate prolonged and divisive debate, but we should allow the leadership to tell us that now is not the time, the calendar is too short, whatever. I believe we appear far too shortsighted if we go to the Congress with nothing more than a one-year suspension proposal. More importantly, we need to be seen as advancing non-proliferation interests. The ideas set out in Secretary Cheney's August memo to General Scowcroft (attached) do promote these objectives and would have some appeal to the non-proliferation activists in the Congress. It also seems to me that we should at least ask for remedies with renewable options rather than one-time relief.

Attachment  
as stated

*Paul Wolfowitz*  
Paul Wolfowitz

cc: ADM Jeremiah (VCJCS)

Mr. Kerr (CIA), Mr. Kimmitt (State)

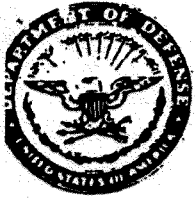
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THE SECRETARY OF DEFENSE

WASHINGTON, THE DISTRICT OF COLUMBIA



03 AUG 1990

MEMORANDUM FOR THE ASSISTANT TO THE PRESIDENT FOR NATIONAL  
SECURITY AFFAIRS

SUBJECT: Pakistan Nuclear Program and Pressler (S)

(S) The attached paper addresses this very important issue in what I believe is a much more effective way than other approaches currently under consideration. I suggest that you and I discuss it with the President at his earliest convenience. The matter is of some urgency in view of the imminent recess of Congress.

Attachment  
as stated

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INFORMATION PAPER

DECLASSIFIED IN FULL  
Authority: EO 13526  
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Date: FEB 17 2014

SUBJECT: Pakistan Nuclear Program and Pressler (S)

SITUATION: (TS) The President will be unable to make the Pressler certification this year. Pakistan will not take the necessary steps on its nuclear program. Failure to certify -- and the resultant termination of our defense relationship--will have dire consequences for U.S. interests and seriously increases the possibility of open warfare between India and Pakistan this fall, a war that could well go nuclear. Our best hope lies in finding a way to remain engaged with both India and Pakistan.

CONCLUSION: (TS) There must be changes in both the status of Pakistan's nuclear program and in the Pressler Amendment in order to reconcile the two so we can continue to remain engaged with both India and Pakistan.

ACTION: (TS) The Administration should immediately agree on a course of action that combines a major diplomatic initiative with supporting legislative change.

Step 1: President consults with key Congressional leadership and non-proliferation players to explain the situation and the consequences of proceeding on the path to non-certification. Extensive Administration efforts to date to hold back war and current thinking about a new regional approach covering both India and Pakistan are explained. No commitments are sought, but point is made that Congressional support will be required.

Step 2: Amb Oakley (or special envoy) advises GOP that we will not be able to certify this year and lays out the consequences. He expresses deep regret, anguish, and suggests that there may be a way out: the President is willing to undertake a major diplomatic initiative to address nuclear proliferation in South Asia as a whole, removing the discriminatory nature of past USG approaches. However, before he commits the prestige of his Administration to this effort, the President requires steps showing good faith of the GOP. Specifically, we require GOP agreement to return to the previously-agreed "red-lines" on enrichment, conversion to metallic form, and possession of machined HEU components. (Note: We are seeking agreement and are not insisting on overt verification -- as in the past, we would accept the GOP's statement that they are confident that the USG has its own means to verify compliance.) We tell the GOP that this agreement is also necessary if we are to get support from an angry Congress for the President's diplomatic initiative through a temporary waiver of Pressler requirements. Our basic message: we need movement from you in order to get movement on the Hill.

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Step 3: When Congress returns, the Administration reports to the leadership on its efforts with Pakistan, obtains agreement on new legislation granting a temporary waiver to Pressler (sample at Tab A), and then, in coordination with Congress, announces the broad scope of our diplomatic initiative. We would work with staffers before Members return.

Step 4: Begin diplomatic initiative:

- Presidential envoy goes to New Delhi and Islamabad seeking reciprocal agreements from both for such nuclear-related confidence building measures as: no-first-use pledges, implementation of no-attack agreement, agreement not to proliferate nuclear weapons or technology, etc. We would encourage both countries to propose a "Tlatelolco-like" arrangement to prohibit nuclear weapons in South Asia and publicly seek superpower support for such a treaty (see Tab B).

- We re-engage the Soviets with our concern over the threat of a new Indo-Pak war and to convince them that it is in their interest to lessen tensions in South Asia and prevent nuclear war on their southern borders. We would seek their active involvement to encourage a positive response to our initiative from New Delhi.

- Likewise, we engage the Chinese with our concern over the threat of a new Indo-Pak war and attempt to convince them that it is in their interest to lessen tensions in South Asia. We would also focus on the threat that the Indians perceive from China to justify its nuclear weapons program. We would raise the concept of a "Tlatelolco-like" arrangement prohibiting nuclear weapons in South Asia. We would seek their active involvement to encourage a positive response to our initiative from the Pakistanis.

- We seek support throughout the region for the new treaty if agreement can be reached by India and Pakistan. We also seek agreement of the nuclear powers for an additional protocol a la Protocol II of Tlatelolco (the PRC's agreement on this is the crucial point).

Step 5: President submits report to Congress (probably first of many) on his progress in preserving peace and democracy in South Asia. At some point, the Administration recommends that Pakistan-specific nuclear legislation be repealed and that assistance to the states of South Asia be continued on a routine basis.

OSD  
5 U.S.C. § 552 (b)(6)

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Prepared by: [REDACTED]  
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**TAB A**

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**"THE SOUTH ASIA PEACE AND DEMOCRACY ACT  
OF 1990"**

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Date: FEB 17 2014

The Congress finds that:

1. The current tensions over Kashmir between India and Pakistan pose the danger of war in South Asia;
2. The United States, through its assistance to both countries and diplomacy is playing a crucial role in reducing those tensions, helping to avert the risk of war;
3. The United States, must, if at all possible, remain in a position to continue in that role during the next ~~six~~ twelve months while the parties seek to achieve a lasting resolution of their differences;

Accordingly, for the next ~~six~~ twelve months following enactment of this provision, the United States may continue to furnish assistance and to sell or transfer military equipment or technology to India or to Pakistan of the character provided and under the terms applied during the preceding calendar year, notwithstanding the provisions of any other law. However, before any such assistance is provided to either country, the President shall certify to Congress that to do so is important to the continuation of U.S. efforts to prevent a war between India and Pakistan over Kashmir, to preserve democracy in the recipient country, and to reduce the risk of the proliferation of nuclear weapons in the region.

The President is directed to report to the Congress, not later than ~~six~~ twelve months from the enactment of this provision, on his progress toward reducing the risk of war and nuclear proliferation in South Asia.

The authority to continue to furnish assistance and sell or transfer military equipment or technology to India or Pakistan is automatically extended for additional ~~six~~ twelve month periods so long as the the President continues to report that progress is being made to limit the dangers of war and nuclear proliferation in South Asia,

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**TAB B**

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IAW EO 13526, Section 3.5  
Date: FEB 17 2014

## **Treaty for the Prohibition of Nuclear Weapons in Latin America**

The Treaty for the Prohibition of Nuclear Weapons in Latin America, like the Antarctic Treaty and the Outer Space Treaty, seeks to limit the spread of nuclear weapons by preventing their introduction into areas hitherto free of them. Unlike the other treaties, the Latin American Treaty concerns itself with a populated area—over 7½ million square miles, inhabited by nearly 200 million people. Besides the agreement among the Latin American countries themselves, there are two Additional Protocols dealing with matters that concern non-Latin American countries. Protocol I involves an undertaking by non-Latin American countries that have possessions in the nuclear-free zone. Protocol II involves an undertaking by those powers which possess nuclear weapons. The United States is a party to both Protocols.

The United States has favored the establishment of nuclear-free zones where they would not disturb existing security arrangements and where provisions for investigating alleged violations would give reasonable assurance of compliance. It has also considered it important that the initiative for such zones originate in the geographical area concerned and that all states important to the denuclearization of the area participate. Considering that Soviet proposals for the denuclearization of Central Europe and other areas did not meet these criteria, the United States opposed them. From the start, however, the United States gave support and encouragement to Latin American countries in this undertaking.

Even before the Cuban missile crisis, the Brazilian representative to the U.N. General Assembly had suggested making Latin America a nuclear-weapon-free zone. During the crisis, he submitted a draft resolution calling for such a zone. While asserting support for the principle, Cuba stipulated certain conditions, including the requirement that Puerto Rico and the Panama Canal Zone be included in the zone, and that foreign military bases, especially Guantanamo Naval Base, be eliminated. The draft resolution was not put to a vote at the General Assembly that year.

The Cuban missile crisis of October 1962 brought home to Latin American countries the dangers of nuclear war, and in April 1963 the Presidents of five Latin American countries—Bolivia, Brazil, Chile, Ecuador, and Mexico—announced that they were prepared to sign a multilateral agreement that would make Latin America a nuclear-weapon-free zone. On November 27, 1963, this declaration received

the support of the U.N. General Assembly, with the United States voting in the affirmative.

The Latin American nations followed this initiative by extensive and detailed negotiations among themselves. At the Mexico City Conference (November 23-27, 1965) a Preparatory Commission for the Denuclearization of Latin America was created, with instructions to prepare a draft treaty. Important differences among the Latin American countries emerged over questions of defining the boundaries of the nuclear-weapon-free zone, transit, guarantees, and safeguards on peaceful nuclear activities. Most of these differences were eventually resolved.

On February 14, 1967, the treaty was signed at the regional meeting of Latin American countries at Tlatelolco, a section of Mexico City. On December 5, 1967, the U.N. General Assembly endorsed the Treaty of Tlatelolco by a vote of 82-0 with 28 abstentions, the United States voting in support of the treaty. Thus far Cuba has refused to sign. (A question has been raised as to whether Guyana is eligible to sign.) Argentina has signed the treaty and publicly announced its intention to ratify. Although Brazil and Chile have ratified, the treaty is not yet in force for them because they did not waive the entry-into-force provision which, *inter alia*, requires ratification by all eligible countries.

The basic obligations of the treaty are contained in Article I:

1. The Contracting Parties hereby undertake to use exclusively for peaceful purposes the nuclear material and facilities which are under their jurisdiction, and to prohibit and prevent in their respective territories:
  - (a) The testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons, by the Parties themselves, directly or indirectly, on behalf of anyone else or in any other way, and
  - (b) The receipt, storage, installation, deployment and any form of possession of any nuclear weapons, directly or indirectly, by the Parties themselves, by anyone on their behalf or in any other way.
2. The Contracting Parties also undertake to refrain from engaging in, encouraging or authorizing directly or indirectly, or in any way participating in the testing, use, manufacture, production, possession or control of any nuclear weapon.

Important provisions of the treaty deal with verification. Treaty parties undertake to negotiate agreements with the International Atomic Energy Agency for application of its safeguards to their peaceful nuclear activities. In addition, the treaty establishes an

organization to ensure compliance with treaty provisions—the Agency for the Prohibition of Nuclear Weapons in Latin America. The Council, one of the principal organs of the Agency, is empowered to perform "special inspections."

Of the accompanying protocols, Protocol I calls on nations outside the treaty zone to apply the denuclearization provisions of the treaty to their territories in the zone. All four powers having such territories have signed—the United Kingdom, the Netherlands, France, and the United States. All except France have ratified.

Within the Latin American nuclear-weapon-free zone lie the Canal Zone, the Guantanamo Naval Base in Cuba, the Virgin Islands, and Puerto Rico—four areas with differing relationships to the United States. For some time, the United States had indicated that it would be prepared to have the Canal Zone included in the treaty, subject to a clear understanding that the well-established rights of transit through the zone would not be affected, and to have Guantanamo included if Cuba joined the treaty. It had not been prepared to include Puerto Rico and the Virgin Islands. President Carter decided that it was in the net interest of the United States to allow these areas to be included, and he signed Protocol I in 1977. President Reagan also supported U.S. adherence to Protocol I. In November 1981, the Senate gave its advice and consent to ratification, President Reagan ratified it, and Secretary of State Haig deposited the U.S. instrument of ratification in Mexico City.

Senate advice and consent to ratification of Protocol I was made subject to three understandings:

- That the provisions of the Treaty made applicable by the Protocol do not affect the rights of the Contracting Parties to grant or deny transport and transit privileges to their own or other vessels or aircraft regardless of cargo or armaments;
- That the provisions of the Treaty made applicable by the Protocol do not affect the rights of the Contracting Parties regarding the exercise of freedom of the seas or passage through or over waters subject to the sovereignty of a State;
- That the understandings and declarations the United States attached to ratification of Protocol II apply also to its ratification of Protocol I.

In Protocol II, nuclear-weapon states undertake (1) to respect the denuclearized status of the zone, (2) not to contribute to acts involving violation of obligations of the zone.

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or threaten to use nuclear weapons against the Contracting Parties. France, the United Kingdom, the United States, the People's Republic of China, and the Soviet Union have adhered to Protocol II.

When President Nixon transmitted Protocol II to the Senate on August 13, 1970, he recommended that the Senate give its advice and consent to ratification subject to a statement containing the following understandings and declarations:

- The Treaty and its Protocols have no effect upon the international status of territorial claims.
- The Treaty does not affect the rights of the Contracting Parties to grant or deny transport and transit privileges to non-Contracting Parties.
- With respect to the undertaking in Article 3 of Protocol II not to use or threaten to use nuclear weapons against the Treaty parties, the United States would "have to consider that an armed attack by a Contracting Party, in which it was assisted by a nuclear-weapon state, would be incompatible with the Contracting Party's corresponding obligations under Article I of the Treaty."
- Considering the technology for producing explosive devices for peaceful purposes to be indistinguishable from that for making nuclear weapons, the United States regards the Treaty's prohibitions as applying to all nuclear explosive devices. However, the Treaty would not prevent the United States, as a nuclear-weapon state, from making nuclear explosion services for peaceful purposes available "in a manner consistent with our policy of not contributing to the proliferation of nuclear weapons capabilities."
- Although not required to do so, the United States will act, with respect to the territories of Protocol I adherents that are within the treaty zone, in the same way as Protocol II requires it to act toward the territories of the Latin American treaty parties.

The statement was slightly revised by the Senate Foreign Relations Committee during its hearings on the Protocol in September 1970 and February 1971. The Senate made its consent to ratification subject to the statement, which was included in the U.S. instrument of ratification. The President ratified the Protocol and the United States deposited the instrument of ratification in May 1971.

This was the first time the United States had ever entered into an obligation that restricted the use of nuclear weapons. The Treaty, however, significantly enhances U.S. national security. It includes an undertaking by the Latin American countries party to the treaty to prevent the type of deployment of nuclear weapons in their territory that occurred in the Cuban missile crisis. It provides for verification of compliance with this undertaking not only by the parties themselves, but by the regional organization they have established and given the right to make special inspections. It requires IAEA safeguards on all nuclear materials and facilities under the jurisdiction of the parties. And this regional initiative to curb the spread of nuclear weapons gave important support to efforts to obtain a universal non-proliferation treaty.

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Date: FEB 17 2014

# Treaty for the Prohibition of Nuclear Weapons in Latin America

Signed at Mexico City February 14, 1967  
Entered into force April 22, 1968

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IAW EO 13526, Section 3.5  
Date: FEB 17 2014

## Preamble

In the name of their peoples and faithfully interpreting their desires and aspirations, the Governments of the States which sign the Treaty for the Prohibition of Nuclear Weapons in Latin America,

Desiring to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on the sovereign equality of States, mutual respect and good neighbourliness,

Recalling that the United Nations General Assembly, in its Resolution 808 (IX), adopted unanimously as one of the three points of a coordinated programme of disarmament "the total prohibition of the use and manufacture of nuclear weapons and weapons of mass destruction of every type,"

Recalling that militarily denuclearized zones are not an end in themselves but rather a means for achieving general and complete disarmament at a later stage,

Recalling United Nations General Assembly Resolution 1811 (XVIII), which established that the measures that should be agreed upon for the denuclearization of Latin America should be taken "in the light of the principles of the Charter of the United Nations and of regional agreements,"

Recalling United Nations General Assembly Resolution 2028 (XX), which established the principle of an acceptable balance of mutual responsibilities and duties for the nuclear and non-nuclear powers, and

Recalling that the Charter of the Organization of American States proclaims that it is an essential purpose of the Organization to strengthen the peace and security of the hemisphere,

## Convinced:

That the incalculable destructive power of nuclear weapons has made it imperative that the legal prohibition of war should be strictly observed in practice if the survival of civilization and of mankind itself is to be assured,

That nuclear weapons, whose terrible effects are suffered, indiscriminately and inexorably, by military forces and civilian population alike, constitute, through the persistence of the radioactivity they release, an attack on the integrity of the human species and ultimately may even render the whole earth uninhabitable,

That general and complete disarmament under effective international control is a vital matter which all the peoples of the world equally demand,

That the proliferation of nuclear weapons, which seems inevitable unless States, in the exercise of their sovereign rights, impose restrictions on themselves in order to prevent it, would make any agreement on disarmament enormously difficult and would increase the danger of the outbreak of a nuclear conflagration,

That the establishment of militarily denuclearized zones is closely linked with the maintenance of peace and security in the respective regions.

That the military denuclearization of vast geographical zones, adopted by the sovereign decision of the States comprised therein, will exercise a beneficial influence on other regions where similar conditions exist.

That the privileged situation of the signatory States, whose territories are wholly free from nuclear weapons, imposes upon them the inescapable duty of preserving that situation both in their own interests and for the good of mankind.

That the existence of nuclear weapons in any country of Latin America would make it a target for possible nuclear attacks and would inevitably set off, throughout the region, a ruinous race in nuclear weapons which would involve the unjustifiable diversion, for warlike purposes, of the limited resources required for economic and social development.

That the foregoing reasons, together with the traditional peace-loving outlook of Latin America, give rise to an inescapable necessity that nuclear energy should be used in that region exclusively for peaceful purposes, and that the Latin American countries should use their right to the greatest and most equitable possible access to this new source of energy in order to expedite the economic and social development of their peoples.

## Convinced finally:

That the military denuclearization of Latin America—being understood to mean the undertaking entered into internationally in this Treaty to keep their territories forever free from nuclear weapons—will constitute a measure which will spare their peoples from the squandering of their limited resources on nuclear armaments and will protect them against possible nuclear attacks on their territories, and will also constitute a significant contribution towards preventing the proliferation of nuclear weapons and a powerful factor for general and complete disarmament, and

That Latin America, faithful to its tradition of universality, must not only endeavour to banish from its homelands the scourge of a nuclear war, but must also strive to promote the well-being and advancement of its peoples, at the same time co-operating in the fulfilment of the ideals of mankind, that is to say, in the consolidation of a permanent peace based on equal rights, economic fairness and social justice for all, in accordance with the principles and purposes set forth in the Charter of the United Nations and in the Charter of the Organization of American States,

Have agreed as follows:

## Obligations

### Article I

1. The Contracting Parties hereby undertake to use exclusively for peaceful purposes the nuclear material and facilities which are under their jurisdiction, and to prohibit and prevent in their respective territories:

- (a) The testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons, by the Parties themselves, directly or indirectly, on behalf of anyone else or in any other way, and
- (b) The receipt, storage, installation, deployment and any form of possession of any nuclear weapons, directly or indirectly, by the Parties themselves, by anyone on their behalf or in any other way.

2. The Contracting Parties also undertake to refrain from engaging in, encouraging or authorizing, directly or indirectly, or in any way participating in the testing, use, manufacture, production, possession or control of any nuclear weapon.



## Definition of the Contracting Parties

### Article 2

For the purposes of this Treaty, the Contracting Parties are those for whom the Treaty is in force.

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## Definition of territory

### Article 3

For the purposes of this Treaty, the term "territory" shall include the territorial sea, air space and any other space over which the State exercises sovereignty in accordance with its own legislation.

## Zone of application

### Article 4

1. The zone of application of this Treaty is the whole of the territories for which the Treaty is in force.
2. Upon fulfillment of the requirements of article 28, paragraph 1, the zone of application of this Treaty shall also be that which is situated in the western hemisphere within the following limits (except the continental part of the territory of the United States of America and its territorial waters): starting at a point located at 35° north latitude, 75° west longitude; from this point directly southward to a point at 30° north latitude, 75° west longitude; from there, directly eastward to a point at 30° north latitude, 50° west longitude; from there, along a loxodromic line to a point at 5° north latitude, 20° west longitude; from there, directly southward to a point at 60° south latitude, 20° west longitude; from there, directly westward to a point at 60° south latitude, 115° west longitude; from there, directly northward to a point at 0 latitude, 115° west longitude; from there, along a loxodromic line to a point at 35° north latitude, 150° west longitude; from there, directly eastward to a point at 35° north latitude, 75° west longitude.

## Definition of nuclear weapons

### Article 5

For the purposes of this Treaty, a nuclear weapon is any device which is capable of releasing nuclear energy in an uncontrolled manner and which has a group of characteristics that are appropriate for use for warlike purposes. An instrument that may be used for the transport or propulsion of the device is not included in this definition if it is separable from the device and not an indivisible part thereof.

## Meeting of signatories

### Article 6

At the request of any of the signatory States or if the Agency established by article 7 should so decide, a meeting of all the signatories may be convoked to consider in common questions which may affect the very essence of this instrument, including possible amendments to it. In either case, the meeting will be convoked by the General Secretary.

## Organization

### Article 7

1. In order to ensure compliance with the obligations of this Treaty, the Contracting Parties hereby establish an international organization to be known as the "Agency for the Prohibition of Nuclear Weapons in Latin America," hereinafter referred to as "the Agency." Only the Contracting Parties shall be affected by its decisions.
2. The Agency shall be responsible for the holding of periodic or extraordinary consultations among Member States on matters relating to the purposes, measures and procedures set forth in this Treaty and to the supervision of compliance with the obligations arising therefrom.
3. The Contracting Parties agree to extend to the Agency full and prompt cooperation in accordance with the provisions of this Treaty, of any agreements they may conclude with the Agency and of any agreements the Agency may conclude with any other international organization or body.
4. The headquarters of the Agency shall be in Mexico City.

## Organs

### Article 8

1. There are hereby established as principal organs of the Agency a General Conference, a Council and a Secretariat.
2. Such subsidiary organs as are considered necessary by the General Conference may be established within the purview of this Treaty.

## The General Conference

### Article 9

1. The General Conference, the supreme organ of the Agency, shall be composed of all the Contracting Parties; it shall hold regular sessions every two years, and may also hold special sessions whenever this Treaty so provides or, in the opinion of the Council, the circumstances so require.
2. The General Conference:
  - (a) May consider and decide on any matters or questions covered by this Treaty, within the limits thereof, including those referring to powers and functions of any organ provided for in this Treaty.
  - (b) Shall establish procedures for the control system to ensure observance of this Treaty in accordance with its provisions.
  - (c) Shall elect the Members of the Council and the General Secretary.
  - (d) May remove the General Secretary from office if the proper functioning of the Agency so requires.
  - (e) Shall receive and consider the biennial and special reports submitted by the Council and the General Secretary.
  - (f) Shall initiate and consider studies designed to facilitate the optimum fulfillment of the aims of this Treaty, without prejudice to the power of the General Secretary independently to carry out similar studies for submission to any consideration by the Conference.
  - (g) Shall be the organ competent to authorize the conclusion of agreements with Governments and other international organizations and bodies.

3. The General Conference shall adopt the Agency's budget and fix the scale of financial contributions to be paid by Member States, taking into account the systems and criteria used for the same purpose by the United Nations.

4. The General Conference shall elect its officers for each session and may establish such subsidiary organs as it deems necessary for the performance of its functions.

5. Each Member of the Agency shall have one vote. The decisions of the General Conference shall be taken by a two-thirds majority of the Members present and voting in the case of matters relating to the control system and measures referred to in article 20, the admission of new Members, the election or removal of the General Secretary, adoption of the budget and matters related thereto. Decisions on other matters, as well as procedural questions and also determination of which questions must be decided by a two-thirds majority, shall be taken by a simple majority of the Members present and voting.

6. The General Conference shall adopt its own rules of procedure.

#### The Council

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#### Article 10

1. The Council shall be composed of five Members of the Agency elected by the General Conference from among the Contracting Parties, due account being taken of equitable geographic distribution.

2. The Members of the Council shall be elected for a term of four years. However, in the first election three will be elected for two years. Outgoing Members may not be re-elected for the following period unless the limited number of States for which the Treaty is in force so requires.

3. Each Member of the Council shall have one representative.

4. The Council shall be so organized as to be able to function continuously.

5. In addition to the functions conferred upon it by this Treaty and to those which may be assigned to it by the General Conference, the Council shall, through the General Secretary, ensure the proper operation of the control system in accordance with the provisions of this Treaty and with the decisions adopted by the General Conference.

6. The Council shall submit an annual report on its work to the General Conference as well as such special reports as it deems necessary or which the General Conference requests of it.

7. The Council shall elect its officers for each session.

8. The decisions of the Council shall be taken by a simple majority of its Members present and voting.

9. The Council shall adopt its own rules of procedure.

#### The Secretariat

#### Article 11

1. The Secretariat shall consist of a General Secretary, who shall be the chief administrative officer of the Agency, and of such staff as the Agency may require. The term of office of the General Secretary shall be four years and he may be re-elected for a single additional term. The General Secretary may not be a national of the country in which the Agency has its headquarters. In case the office of General Secretary becomes vacant, a new election shall be held to fill the office for the remainder of the term.

2. The staff of the Secretariat shall be appointed by the General Secretary, in accordance with rules laid down by the General Conference.

3. In addition to the functions conferred upon him by this Treaty and to those which may be assigned to him by the General Conference, the General Secretary shall ensure, as provided by article 10, paragraph 5, the proper operation of the control system established by this Treaty, in accordance with the provisions of the Treaty and the decisions taken by the General Conference.

4. The General Secretary shall act in that capacity in all meetings of the General Conference and of the Council and shall make an annual report to both bodies on the work of the Agency and any special reports requested by the General Conference or the Council or which the General Secretary may deem desirable.

5. The General Secretary shall establish the procedures for distributing to all Contracting Parties information received by the Agency from governmental sources and such information from non-governmental sources as may be of interest to the Agency.

6. In the performance of their duties the General Secretary and the staff shall not seek or receive instructions from any Government or from any other authority external to the Agency and shall refrain from any action which might reflect on their position as international officials responsible only to the Agency; subject to their responsibility to the Agency, they shall not disclose any industrial secrets or other confidential information coming to their knowledge by reason of their official duties in the Agency.

7. Each of the Contracting Parties undertakes to respect the exclusively international character of the responsibilities of the General Secretary and the staff and not to seek to influence them in the discharge of their responsibilities.

#### Control system

#### Article 12

1. For the purpose of verifying compliance with the obligations entered into by the Contracting Parties in accordance with article 1, a control system shall be established which shall be put into effect in accordance with the provisions of articles 13-18 of this Treaty.

2. The control system shall be used in particular for the purpose of verifying:

(a) That devices, services and facilities intended for peaceful uses of nuclear energy are not used in the testing or manufacture of nuclear weapons.

(b) That none of the activities prohibited in article 1 of this Treaty are carried out in the territory of the Contracting Parties with nuclear materials or weapons introduced from abroad, and

(c) That explosions for peaceful purposes are compatible with article 18 of this Treaty.

#### IAEA safeguards

#### Article 13

Each Contracting Party shall negotiate multilateral or bilateral agreements with the International Atomic Energy Agency for the application of its safeguards to its nuclear activities. Each Contracting Party shall initiate negotiations within a period of 180 days after the date of the deposit of its instrument of ratification of this Treaty. These agreements shall enter into force, for each Party, not later than eighteen months after the date of the initiation of such negotiations except in case of unforeseen circumstances or force majeure.

## Reports of the Parties

### Article 14

1. The Contracting Parties shall submit to the Agency and to the International Atomic Energy Agency, for their information, semi-annual reports stating that no activity prohibited under this Treaty has occurred in their respective territories.
2. The Contracting Parties shall simultaneously transmit to the Agency a copy of any report they may submit to the International Atomic Energy Agency which relates to matters that are the subject of this Treaty and to the application of safeguards.
3. The Contracting Parties shall also transmit to the Organization of American States, for its information, any reports that may be of interest to it, in accordance with the obligations established by the Inter-American System.

Special reports requested by the General Secretary  
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### Article 15

1. With the authorization of the Council, the General Secretary may request any of the Contracting Parties to provide the Agency with complementary or supplementary information regarding any event or circumstance connected with compliance with this Treaty, explaining his reasons. The Contracting Parties undertake to co-operate promptly and fully with the General Secretary.
2. The General Secretary shall inform the Council and the Contracting Parties forthwith of such requests and of the respective replies.

## Special inspections

### Article 16

1. The International Atomic Energy Agency and the Council established by this Treaty have the power of carrying out special inspections in the following cases:
  - (a) In the case of the International Atomic Energy Agency, in accordance with the agreements referred to in article 13 of this Treaty;
  - (b) In the case of the Council:
    - (i) When so requested, the reasons for the request being stated, by any Party which suspects that some activity prohibited by this Treaty has been carried out or is about to be carried out, either in the territory of any other Party or in any other place on such latter Party's behalf, the Council shall immediately arrange for such an inspection in accordance with article 10, paragraph 5.
    - (ii) When requested by any Party which has been suspected of or charged with having violated this Treaty, the Council shall immediately arrange for the special inspection requested in accordance with article 10, paragraph 5.

The above requests will be made to the Council through the General Secretary.

2. The costs and expenses of any special inspection carried out under paragraph 1, sub-paragraph (b), sections (i) and (ii) of this article shall be borne by the requesting Party or Parties, except where the Council concludes on the basis of the report on the special inspection that, in view of the circumstances existing in the case, such costs and expenses should be borne by the agency.
3. The General Conference shall formulate the procedures for the organization and execution of the special inspections carried out in accordance with paragraph 1, sub-paragraph (b), sections (i) and (ii) of this article.

## LATIN AMERICAN NUCLEAR TREATY

4. The Contracting Parties undertake to grant the inspectors carrying out such special inspections full and free access to all places and all information which may be necessary for the performance of their duties and which are directly and intimately connected with the suspicion of violation of this Treaty. If so requested by the authorities of the Contracting Party in whose territory the inspection is carried out, the inspectors designated by the General Conference shall be accompanied by representatives of said authorities, provided that this does not in any way delay or hinder the work of the inspectors.

5. The Council shall immediately transmit to all the Parties, through the General Secretary, a copy of any report resulting from special inspections.

6. Similarly, the Council shall send through the General Secretary to the Secretary-General of the United Nations, for transmission to the United Nations Security Council and General Assembly, and to the Council of the Organization of American States, for its information, a copy of any report resulting from any special inspection carried out in accordance with paragraph 1, sub-paragraph (b), sections (i) and (ii) of this article.

7. The Council may decide, or any Contracting Party may request, the convening of a special session of the General Conference for the purpose of considering the reports resulting from any special inspection. In such a case, the General Secretary shall take immediate steps to convene the special session requested.

8. The General Conference, convened in special session under this article, may make recommendations to the Contracting Parties and submit reports to the Secretary-General of the United Nations to be transmitted to the United Nations Security Council and the General Assembly.

## Use of nuclear energy for peaceful purposes

### Article 17

Nothing in the provisions of this Treaty shall prejudice the rights of the Contracting Parties, in conformity with this Treaty, to use nuclear energy for peaceful purposes, in particular for their economic development and social progress.

## Explosions for peaceful purposes

### Article 18

1. The Contracting Parties may carry out explosions of nuclear devices for peaceful purposes—including explosions which involve devices similar to those used in nuclear weapons—or collaborate with third parties for the same purpose, provided that they do so in accordance with the provisions of this article and the other articles of the Treaty, particularly articles 1 and 5.

2. Contracting Parties intending to carry out, or to cooperate in carrying out, such an explosion shall notify the Agency and the International Atomic Energy Agency, as far in advance as the circumstances require, of the date of the explosion and shall at the same time provide the following information:
  - (a) The nature of the nuclear device and the source from which it was obtained.
  - (b) The place and purpose of the planned explosion.
  - (c) The procedures which will be followed in order to comply with paragraph 3 of this article.
  - (d) The expected force of the device, and
  - (e) The fullest possible information on any possible radioactive fall-out that may result from the explosion or explosions, and measures which will be taken to avoid danger to the population, flora, fauna and territories of any other Party or Parties.

3. The General Secretary and the technical personnel designated by the Council and the International Atomic Energy Agency may observe all the preparations, including the explosion of the device, and shall have unrestricted access to any area in the vicinity of the site of the explosion in order to ascertain whether the device and the procedures followed during the explosion are in conformity with the information supplied under paragraph 2 of this article and the other provisions of this Treaty.

4. The Contracting Parties may accept the collaboration of third parties for the purpose set forth in paragraph 1 of the present article, in accordance with paragraphs 2 and 3 thereof.

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#### *Relations with other international organizations*

##### *Article 19*

1. The Agency may conclude such agreements with the International Atomic Energy Agency as are authorized by the General Conference and as it considers likely to facilitate the efficient operation of the control system established by this Treaty.
2. The Agency may also enter into relations with any international organization or body, especially any which may be established in the future to supervise disarmament or measures for the control of armaments in any part of the world.
3. The Contracting Parties may, if they see fit, request the advice of the International Nuclear Energy Commission on all technical matters connected with the application of this Treaty with which the Commission is competent to deal under its Statute.

#### *Measures in the event of violation of the Treaty*

##### *Article 20*

1. The General Conference shall take note of all cases in which, in its opinion, any Contracting Party is not complying fully with its obligations under this Treaty and shall draw the matter to the attention of the Party concerned, making such recommendations as it deems appropriate.
2. If, in its opinion, such non-compliance constitutes a violation of this Treaty which might endanger peace and security, the General Conference shall report thereon simultaneously to the United Nations Security Council and the General Assembly through the Secretary-General of the United Nations, and to the Council of the Organization of American States. The General Conference shall likewise report to the International Atomic Energy Agency for such purposes as are relevant in accordance with its Statute.

#### *United Nations and Organization of American States*

##### *Article 21*

None of the provisions of this Treaty shall be construed as impairing the rights and obligations of the Parties under the Charter of the United Nations or, in the case of States Members of the Organization of American States, under existing regional treaties.

#### *Privileges and immunities*

##### *Article 22*

1. The Agency shall enjoy in the territory of each of the Contracting Parties such

legal capacity and such privileges and immunities as may be necessary for the exercise of its functions and the fulfillment of its purposes.

2. Representatives of the Contracting Parties accredited to the Agency and officials of the Agency shall similarly enjoy such privileges and immunities as are necessary for the performance of their functions.

3. The Agency may conclude agreements with the Contracting Parties with a view to determining the details of the application of paragraphs 1 and 2 of this article.

#### *Notification of other agreements*

##### *Article 23*

Once this Treaty has entered into force, the Secretariat shall be notified immediately of any international agreement concluded by any of the Contracting Parties on matters with which this Treaty is concerned; the Secretariat shall register it and notify the other Contracting Parties.

#### *Settlement of disputes*

##### *Article 24*

Unless the Parties concerned agree on another mode of peaceful settlement, any question or dispute concerning the interpretation or application of this Treaty which is not settled shall be referred to the International Court of Justice with the prior consent of the Parties to the controversy.

#### *Signature*

##### *Article 25*

1. This Treaty shall be open indefinitely for signature by:

- (a) All the Latin American Republics, and
- (b) All other sovereign States situated in their entirety south of latitude 35° north in the western hemisphere; and, except as provided in paragraph 2 of this article, all such States which become sovereign, when they have been admitted by the General Conference.

2. The General Conference shall not take any decision regarding the admission of political entity part or all of whose territory is the subject, prior to the date when the Treaty is opened for signature, of a dispute or claim between an extra-continental country and one or more Latin American States, so long as the dispute has not been settled by peaceful means.

#### *Ratification and deposit*

##### *Article 26*

1. This Treaty shall be subject to ratification by signatory States in accordance with their respective constitutional procedures.
2. This Treaty and the instruments of ratification shall be deposited with the Government of the Mexican United States, which is hereby designated the Depositary Government.

3. The Depositary Government shall send certified copies of this Treaty to the Governments of signatory States and shall notify them of the deposit of each instrument of ratification.

#### Reservations

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#### Article 27

This Treaty shall not be subject to reservations.

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#### Entry into force

#### Article 28

1. Subject to the provisions of paragraph 2 of this article, this Treaty shall enter into force among the States that have ratified it as soon as the following requirements have been met:

(a) Deposit of the instruments of ratification of this Treaty with the Depositary Government by the Governments of the States mentioned in article 25 which are in existence on the date when this Treaty is opened for signature and which are not affected by the provisions of article 25, paragraph 2;

(b) Signature and ratification of Additional Protocol I annexed to this Treaty by all extra-continental or continental States having *de jure* or *de facto* international responsibility for territories situated in the zone of application of the Treaty;

(c) Signature and ratification of the Additional Protocol II annexed to this Treaty by all powers possessing nuclear weapons;

(d) Conclusion of bilateral or multilateral agreements on the application of the Safeguards System of the International Atomic Energy Agency in accordance with article 13 of this Treaty.

2. All signatory States shall have the imprescriptible right to waive, wholly or in part, the requirements laid down in the preceding paragraph. They may do so by means of a declaration which shall be annexed to their respective instrument of ratification and which may be formulated at the time of deposit of the instrument or subsequently. For those States which exercise this right, this Treaty shall enter into force upon deposit of the declaration, or as soon as those requirements have been met which have not been expressly waived.

3. As soon as this Treaty has entered into force in accordance with the provisions of paragraph 2 for eleven States, the Depositary Government shall convene a preliminary meeting of those States in order that the Agency may be set up and commence its work.

4. After the entry into force of this Treaty for all the countries of the zone, the rise of a new power possessing nuclear weapons shall have the effect of suspending the execution of this Treaty for those countries which have ratified it without waiving requirements of paragraph 1, sub-paragraph (c) of this article, and which request such suspension; the Treaty shall remain suspended until the new power, on its own initiative or upon request by the General Conference, ratifies the annexed Additional Protocol II.

#### Amendments

#### Article 29

1. Any Contracting Party may propose amendments to this Treaty and shall submit its proposals to the Council through the General Secretary, who shall transmit them to

all the other Contracting Parties and, in addition, to all other signatories in accordance with article 6. The Council, through the General Secretary, shall immediately following the meeting of signatories convene a special session of the General Conference to examine the proposals made, for the adoption of which a two-thirds majority of the Contracting Parties present and voting shall be required.

2. Amendments adopted shall enter into force as soon as the requirements set forth in article 28 of this Treaty have been complied with.

#### Duration and denunciation

#### Article 30

1. This Treaty shall be of a permanent nature and shall remain in force indefinitely, but any Party may denounce it by notifying the General Secretary of the Agency II. In the opinion of the denouncing State, there have arisen or may arise circumstances connected with the content of this Treaty or of the annexed Additional Protocols I and II which affect its supreme interests or the peace and security of one or more Contracting Parties.

2. The denunciation shall take effect three months after the delivery to the General Secretary of the Agency of the notification by the Government of the signatory State concerned. The General Secretary shall immediately communicate such notification to the other Contracting Parties and to the Secretary-General of the United Nations for the information of the United Nations Security Council and the General Assembly. He shall also communicate it to the Secretary-General of the Organization of American States.

#### Authentic texts and registration

#### Article 31

This Treaty, of which the Spanish, Chinese, English, French, Portuguese and Russian texts are equally authentic, shall be registered by the Depositary Government in accordance with article 102 of the United Nations Charter. The Depositary Government shall notify the Secretary-General of the United Nations of the signatures, ratifications and amendments relating to this Treaty and shall communicate them to the Secretary-General of the Organization of American States for its information.

#### Transitional Article

Denunciation of the declaration referred to in article 28, paragraph 2, shall be subject to the same procedures as the denunciation of this Treaty, except that it will take effect on the date of delivery of the respective notification.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Treaty on behalf of their respective Governments.

DONE at Mexico, Distrito Federal, on the Fourteenth day of February, one thousand nine hundred and sixty-seven.



## Additional Protocol I to the Treaty for the Prohibition of Nuclear Weapons in Latin America

Signed by the United States at Washington May 26, 1977  
*Notarization advised by U.S. Senate November 13, 1981*  
*Notarized by U.S. President November 19, 1981*  
*U.S. ratification deposited at Mexico City November 23, 1981*  
*Proclaimed by U.S. President December 4, 1981*

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The undersigned Plenipotentiaries, furnished with full powers by their respective Governments,

Convinced that the Treaty for the Prohibition of Nuclear Weapons in Latin America, negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVIII) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons,

Aware that the non-proliferation of nuclear weapons is not an end in itself but, rather, a means of achieving general and complete disarmament at a later stage, and Desiring to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on mutual respect and sovereign equality of States,

Have agreed as follows:

**Article 1.** To undertake to apply the statute of denuclearization in respect of warlike purposes as defined in articles 1, 3, 5 and 13 of the Treaty for the Prohibition of Nuclear Weapons in Latin America in territories for which, *de jure* or *de facto*, they are internationally responsible and which lie within the limits of the geographical zone established in that Treaty.

**Article 2.** The duration of this Protocol shall be the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this Protocol is an annex, and the provisions regarding ratification and denunciation contained in the Treaty shall be applicable to it.

**Article 3.** This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

**IN WITNESS WHEREOF** the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Protocol on behalf of their respective Governments.

## Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America

Signed by the United States at Mexico City April 1, 1968  
*Notarization advised by U.S. Senate April 19, 1971*  
*Notarized by U.S. President May 8, 1971*  
*U.S. ratification deposited at Mexico City May 12, 1971*  
*Proclaimed by U.S. President June 11, 1971*

The Undersigned Plenipotentiaries, furnished with full powers by their respective Governments,

Convinced that the Treaty for the Prohibition of Nuclear Weapons in Latin America, negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVIII) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons,

Aware that the non-proliferation of nuclear weapons is not an end in itself but, rather, a means of achieving general and complete disarmament at a later stage, and Desiring to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards promoting and strengthening a world at peace, based on mutual respect and sovereign equality of States,

Have agreed as follows:

**Article 1.** The statute of denuclearization of Latin America in respect of warlike purposes, as defined, delimited and set forth in the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this instrument is an annex, shall be fully respected by the Parties to this Protocol in all its express aims and provisions.

**Article 2.** The Governments represented by the undersigned Plenipotentiaries undertake, therefore, not to contribute in any way to the performance of acts involving a violation of the obligations of article 1 of the Treaty in the territories to which the Treaty applies in accordance with article 4 thereof.

**Article 3.** The Governments represented by the undersigned Plenipotentiaries also undertake not to use or threaten to use nuclear weapons against the Contracting Parties to the Treaty for the Prohibition of Nuclear Weapons in Latin America.

**Article 4.** The duration of this Protocol shall be the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this Protocol is an annex, and the definitions of territory and nuclear weapons set forth in articles 3 and 5 of the Treaty shall be applicable to this Protocol, as well as the provisions regarding ratification, reservations, denunciation, authentic texts and registration contained in articles 26, 27, 30 and 31 of the Treaty.

**Article 5.** This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

**IN WITNESS WHEREOF** the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Additional Protocol on behalf of their respective Governments.

# Proclamation by President Nixon on Ratification of Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America

## BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

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Reviewed Chief, RDD, WHS

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## A PROCLAMATION

### Considering that:

Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America, done at the City of Mexico on February 14, 1967, was signed on behalf of the United States of America on April 1, 1968, the text of which Protocol is word for word as follows:

[The text of the Protocol appears here.]

The Senate of the United States of America by its resolution of April 19, 1971, two-thirds of the Senators present concurring, gave its advice and consent to the ratification of Additional Protocol II, with the following understandings and declarations:

I  
That the United States Government understands the reference in Article 3 of the treaty to "its own legislation" to relate only to such legislation as is compatible with the rules of international law and as involves an exercise of sovereignty consistent with those rules, and accordingly that ratification of Additional Protocol II by the United States Government could not be regarded as implying recognition, for the purposes of this treaty and its protocols or for any other purpose, of any legislation which did not, in the view of the United States, comply with the relevant rules of international law.

That the United States Government takes note of the Preparatory Commission's interpretation of the treaty, as set forth in the Final Act, that, governed by the principles and rules of international law, each of the Contracting Parties retains exclusive power and legal competence, unaffected by the terms of the treaty, to grant or deny non-Contracting Parties transit and transport privileges.

That as regards the undertaking in Article 3 of Protocol II not to use or threaten to use nuclear weapons against the Contracting Parties, the United States Government would have to consider that an armed attack by a Contracting Party, in which it was assisted by a nuclear-weapon state, would be incompatible with the Contracting Party's corresponding obligations under Article I of the Treaty.

## II

That the United States Government considers that the technology of making nuclear explosive devices for peaceful purposes is indistinguishable from the technology of making nuclear weapons, and that nuclear weapons and nuclear explosive devices for peaceful purposes are both capable of releasing nuclear energy in an uncontrolled manner and have the common group of characteristics of large amounts of energy generated instantaneously from a compact source. Therefore, the United States

Government understands the definition contained in Article 5 of the treaty as necessarily encompassing all nuclear explosive devices. It is also understood that Articles 1 and 5 restrict accordingly the activities of the Contracting Parties under paragraph 1 of Article 18.

That the United States Government understands that paragraph 4 of Article 18 of the Treaty permits, and that United States adherence to Protocol II will not prevent, collaboration by the United States with Contracting Parties for the purpose of carrying out explosions of nuclear devices for peaceful purposes in a manner consistent with a policy of not contributing to the proliferation of nuclear weapons capabilities. In this connection, the United States Government notes Article V of the Treaty on the Non-Proliferation of Nuclear Weapons, under which it joined in an undertaking to take appropriate measures to ensure that potential benefits of peaceful applications of nuclear explosions would be made available to non-nuclear-weapon states party to that treaty, and reaffirms its willingness to extend such undertaking, on the same basis, to states precluded by the present treaty from manufacturing or acquiring any nuclear explosive device.

## III

That the United States Government also declares that, although not required by Protocol II, it will act with respect to such territories of Protocol I adherents as are within the geographical area defined in paragraph 2 of Article 4 of the treaty in the same manner as Protocol II requires it to act with respect to the territories of Contracting Parties.

The President ratified Additional Protocol II on May 8, 1971, with the above-recited understandings and declarations, in pursuance of the advice and consent of the Senate.

It is provided in Article 5 of Additional Protocol II that the Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

The instrument of ratification of the United Kingdom of Great Britain and Northern Ireland was deposited on December 11, 1969 with understandings and a declaration, and the instrument of ratification of the United States of America was deposited on May 12, 1971 with the above-recited understandings and declarations.

In accordance with Article 5 of Additional Protocol II, the Protocol entered into force for the United States of America on May 12, 1971, subject to the above recited understandings and declarations.

NOW, THEREFORE, I, Richard Nixon, President of the United States of America, proclaim and make public Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America to the end that it shall be observed and fulfilled with good faith, subject to the above-recited understandings and declarations, on and after May 12, 1971 by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have signed this proclamation and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this eleventh day of June in the year of our Lord one thousand nine hundred seventy-one and of the Independence of the United States of America the one hundred ninety-fifth.

(SEAL)



Treaty for the Prohibition of Nuclear Weapons in Latin America

Country	Date of Signature	Date of Deposit of Ratification
Argentina	9/27/67	
Bahamas, The		7/16/76 <sup>a</sup>
Barbados	10/18/68	4/25/69
Bolivia	2/14/67	2/18/69
Brazil	5/ 9/67	1/29/68 <sup>b</sup>
Chile	2/14/67	10/ 9/74 <sup>b</sup>
Colombia	2/14/67	8/ 4/72
Costa Rica	2/14/67	8/25/69
Dominican Republic	7/29/67	6/14/68
Ecuador	2/14/67	2/11/69
El Salvador	2/14/67	4/22/68
Grenada	4/29/75	6/20/75
Guatemala	2/14/67	2/ 6/70
Haiti	2/14/67	5/23/69
Honduras	2/14/67	9/23/68
Jamaica	10/26/67	6/26/69
Mexico	2/14/67	9/20/67
Nicaragua	2/15/67	10/24/68
Panama	2/14/67	6/11/71
Paraguay	4/26/67	3/19/69
Peru	2/14/67	3/ 4/69
Suriname	2/13/76	6/10/77
Trinidad & Tobago	6/27/67	12/ 3/70 <sup>c</sup>
Uruguay	2/14/67	8/20/68
Venezuela	2/14/67	3/23/70
Total	24	24

<sup>a</sup>This is date of notification of succession. The declaration of waiver was deposited 4/26/77, which is date of entry into force for The Bahamas.

<sup>b</sup>Not in force. No declaration of waiver under Art. 28, para. 2.

<sup>c</sup>The declaration of waiver was deposited 6/27/75, which is date of entry into force for Trinidad and Tobago.

Additional Protocol I to the Treaty for the Prohibition of Nuclear Weapons in Latin America

Country	Date of Signature	Date of Deposit of Ratification
France	3/2/79	
Netherlands	4/ 1/68	7/26/71
United Kingdom	12/20/67	12/11/69
United States	5/26/77	11/23/81

Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America

Country	Date of Signature	Date of Deposit of Ratification
China, People's Republic of	8/21/73	6/12/74
France	7/18/73	3/22/74
Union of Soviet Socialist Republics	5/18/78	1/ 8/79
United Kingdom	12/20/67	12/11/69
United States	4/ 1/68	5/12/71

Page determined to be Unclassified  
Reviewed Chief, RDD, WHS  
IAW EO 13526, Section 3.5  
Date: FEB 17 2014

SECTION I --- MISC CONTROL DATA

OSD CONTROL #: **X545 69**

CONTROLLED ITEM: ORIG / RCY(C) PG(S) / , CY NO / THRU / OF / CYS, ENCL(S) 2

COVER MEMO:      ORIG        RCY(S)        PG(S)       , CY NO        THRU        OF        CYS, ENCL(S)       

REPLY TO: \_\_\_\_\_ . INTERIM REPLY TO: \_\_\_\_\_ . REF(S) **X 53858**

**DESTRUCTION DATA:** \_\_\_\_\_ **FA:** ( )

SECTION II --- MICROFICHE & FILE DATA

**MICROFICHE:** YES NO **MF:** 450307 **FICHE NO:** B

FILE NUMBER: 65-1587-100 IMAGE(S): Q-11 C13

SECTION III --- ACTION/SUSPENSE STATUS

**ACTION:** **FOR:** **SUSPENSE DATE:** **COORD:**

COMMENTS: CAF.

## SECTION IV      DISTRIBUTION

ADC	<del>SECRET</del> C1	COM		DIA	
SD		FMP		DLA	
OSD		HA	Page determined to be Unclassified Reviewed Chief, RDD, WHS IAW EO 13526, Section 3.5 Date: FEB 17 2014	SAA	
ES		LA		NSA	
ESR		PAE		SDI	
JSA		PA		IG	
CSI		RA			
ORL		GC			
ORE		OTE		ADD	
LE		ADM		CC	
ISP		SA		MAS	
UP		CSA		MAD	
SA		SN		SGN	
SP		SAF			
OL		JCS		SDR	
&R		DJS		DSR	