

Office of the Secretary of Defense
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MEMORANDUM FOR UNDER SECRETARY OF DEFENSE (POLICY)

THROUGH: ASSISTANT SECRETARY OF DEFENSE (INTERNATIONAL SECURITY AFFAIRS)

SUBJECT: Presidential Non-Proliferation Initiative ~~(S)~~ - ACTION MEMORANDUM for 13 March Breakfast

~~(S)~~ Scowcroft's 9 March memo (attached) proposes ten initiatives, which can be grouped as follows:

Initiatives already being worked

- o Hemorrhage (item 1).
- o NPT and Tlateloco (item 7).
- o Regional efforts (item 8).
- o Iraq (item 9).

Initiatives on which there is interagency disagreement

- o Export control rationalization (item 3).
- o Fissile material freeze (item 5). An idea that I think DoD ought to consider if it was properly packaged as a weapons-usable material production cut off that included civil separated plutonium and Highly-Enriched Uranium production, but one that I understand SecDef clearly opposes.
- o IAEA increased funding (item 6).

Bad ideas

o Missile NPT (item 2). The paper itself points out the error to the nuclear "bargain" we struck with Atoms for Peace, the IAEA and the NPT is that we mistakenly tried to distinguish between the good and bad atom when they were the same and called for inherently ineffective safeguards. Yet, after getting this right, the paper proceeds to recommend the same bad bargain for missiles. In fact, the inherent difficulty of distinguishing the good missile from the bad one is reflected in the proposal itself, which would only limit "surface-to-surface" ballistic missiles. Surely we still do care about surface to space, ICBM-capable systems such as space launch vehicles and even air defense systems that exceed MTCR parameters, which can be converted to long-range surface-to-surface missiles. And long-range unmanned air vehicles still do matter. All of these missiles, which the proposal excludes, are now covered by consensus under the MTCR, but probably will not be once we start pushing this new deal. Also, the paper proposes "inspections" to

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assure countries live up to their commitment in exchange for two things we already give -- access to our space launch services in the U.S. and, when it is in our security interests, a chance to buy Patriot or be protected by GPALS. Certainly, we do not want to give any nation the ability to build missiles of their own (that is why we tend to sell complete Patriot systems) nor are we interested in selling them SLV (read ICBM) technology. Yet, it is unclear how we could resist pressures to transfer both of these technologies once we up the anti asking the Third World to foreswear "surface-to-surface ballistic missiles" in exchange for what they already can get. This is not the kind of horse trading we should initiate unless we are willing to launch a "missile for peace" program. God forbid: Atoms for Peace was bad enough.

o New non-proliferation standard (item 4). This proposal would have us drop Pressler redlines and substitute a "no nuke test" plus a non-violation of international nuclear exporting norms as a Third World national redline in return for security/economic assistance. Like the idea above, Hell is paved with good intentions. First, what might it mean? Would we assist North Korea, Iran if they pledged to refrain from testing now and agreed not to export nuclear technology? Second, who honestly believes that a nuclear test constitutes much of a watershed when Iraq, Pakistan and the U.S. developed valid designs without testing? Finally, so, why would Congress welcome a rolling back of Pressler after the news that State "interpreted" it to allow the sale of spare parts to Pakistan's F-16 fleet. Pushing such a roll back now would be a good way to make the President bleed.

o ACDA as the central non-proliferation coordinator (item 10).
o ACDA has weak working-level personnel, no technical skills in the missile area, and no stake in stable policies and even less clout to resist bureaucratic-political pressures.

(U) As with all calls to "do something", it will not do simply to whine. Although, I think we waste entirely too much time jawboning and fine tuning dubious non-proliferation initiatives (which seem to arrive about once every four weeks) and far too little trying to implement what we already have on our plate, there are practical useful things we could do if we were actually serious about promoting non-proliferation rather than turf or personal reputations.

(S) To be specific, there are some good ideas bottled or bubbling up in our export control rationalization exercise and the CIS non-proliferation efforts that deserve to be repackaged if we need a new initiative. They are:

o No-undercut rule. Across all non-proliferation regimes, we should secure the practice of governments not under-cutting each others' export denials without first consulting the denying governments. This is MTCR and NSG practice and is popular with private firms because it is fair play.

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- o Catch-all non-proliferation controls. The U.S. and the FRG now require licenses for exports to certain WMD and missile projects even if the exports are not on control lists. This practice is aimed at the Saddam Hussein success in building controlled items from uncontrolled items. The practice should be multilateralized.
- o Extradition/visas. We, the Russians, and other major states could take up Genscher on his proposal to multilateralize the criminalization of unauthorized assistance to foreign WMD projects. With provisions for property confiscation and extradition, this kind of international convention would reduce the incentives for CIS technicians to "go South" and would make current U.S. and FRG practices an international standard. By facilitating visa approvals for CIS technicians seeking to enter Western nations -- but not arranging jobs for them -- we could create another incentive not to "go South."

~~(C)~~ Until yesterday, I advocated NSC chairmanship of a unified non-proliferation and tech transfer PCC. I thought that as a weak organization, the NSC had a clear stake in being even-handed and substantively on sound ground before it made any policy moves. In view of this 9 March memo, I now withdraw my advocacy. With its proposal to put ACDA in charge of non-proliferation, and its preemptory Scowcroft ink on new proposals and proposals currently in dispute or being vetted, NSC has clearly shown a desire bureaucratically to shove the genuine differences between State, Commerce, and Defense aside. More important, what the NSC got Scowcroft to sign is, at best, a Tower of Babel, which no major agency would prefer.

~~(S)~~ I still believe that consolidation of the two PCCs is called for, but I no longer believe that it should devolve to NSC. As bad as it might be -- and I am under no illusion on this score -- State would do a better job.

Henry Sokolski
Deputy for Non-Proliferation Policy

Attachment
As stated

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