

DECLASSIFIED

E.O. 12958, as amended, Sect 3.5

NSC/Soubers & Smith 09/06/2002

By LR Date 02/13/07

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

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February 11, 1972

National Security Decision Memorandum 150

TO: The Secretary of State
The Secretary of Defense
The Director of Central Intelligence

SUBJECT: NSSM 140 -- US-Soviet Talks on Preventing
Incidents at Sea

The President has reviewed the study prepared in response to NSSM 140 and has decided that the United States should continue to seek a US-Soviet understanding on measures to avoid incidents at sea.

The President has approved the 13 ad referendum understandings resulting from the first round of talks, with the following stipulations:

-- Understanding 1-2 that would have ships remain well clear when operating in close proximity to each other should be clarified as recommended in the NSSM response.

-- Understanding 2-2 concerning display of navigation lights over the high seas should be revised as follows: "To strictly instruct their pilots to display aircraft navigation lights over the high seas, whenever feasible, during darkness and under instrument conditions."

The President has approved procedures for finalizing the ad referendum understandings and proceeding, if necessary, to a second round of talks as follows:

-- The US should inform the Soviets that we approve the ad referendum understandings, subject to the clarification and revision noted above, and that we propose to finalize the understandings on a mutual basis as soon as practicable in order to further safety at sea without delay. At the same time the United States should inform the Soviets that we are willing to discuss the time and place of further talks, with the implication that the time would be sometime after the first round has been finalized. The United States would delay setting a definite date for the second round of talks.

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-- Should the Soviets, however, prove unwilling to approve the first round of talks without subsequent discussions, the United States should then pursue the following scenario:

(1) Reach agreement with the Soviets on the time and place of further talks but refrain from reopening issues settled ad referendum in the first round and expect the Soviets to do likewise until the second round begins.

(2) If, however, the Soviets reopen issues of the first round as a condition for a second round, the United States should press for clarification of Ad Referendum Understanding 1-2 and revision of Ad Referendum Understanding 2-2.

(3) Accept a review of the first round of talks, together with a discussion of necessary preambular and general language and definitions, but press for this review as the first and separate order of business of the second round. The United States would propose that agreed recommendations be submitted by each side to its government for finalization upon completion of discussion of the first agenda item and prior to consideration of other agenda items.

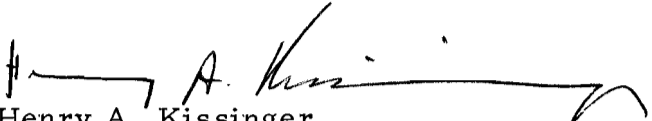
(4) Should the Soviet Union oppose the procedures outlined in steps 1-3 above, the United States would be prepared to have the entire series of talks submitted to the respective governments for finalization upon completion of the talks rather than on an incremental basis.

The President has approved the recommended US position on issues for possible future discussions with the Soviets, including the general wording formulations recommended in the NSSM response for Future Issues 5 and 6.

The President has decided that should agreement be reached with the Soviet Union on measures to prevent incidents at sea, the agreement should take the form of an exchange of aides-memoire, as recommended in the NSSM response. The President has designated the Secretary of Defense as the representative authorized to sign such an agreement for the United States. He has further authorized the Secretary of Defense to sign an agreement on the ad referendum understandings of the first round of talks when agreement has been reached on language acceptable to the United States.

With regard to additional understandings on measures to prevent incidents at sea beyond those included in the ad referendum results of the first round

of talks, the President has directed that no formal agreement with the Soviet Union will be concluded until he has reviewed and given his approval to the results of further negotiations, including the results of a possible second round of talks.


Henry A. Kissinger