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DEPARTMENT OF STATE
Washington, D.C. 20520

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August 5, 1971

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MEMORANDUM FOR MR. HENRY A. KISSINGER
THE WHITE HOUSE

Subject: U.S. Support for an Invitation to
the PRC to Attend the 1972 Stockholm
Conference on Human Environment

In response to Jeanne Davis' request of July 14,
1971 (NSC #28915), I attach a paper describing possible
scenarios for supporting an invitation to the PRC for
the 1972 Stockholm Conference on Human Environment.

Theodore L. Eliot Jr.
Theodore L. Eliot, Jr.
Executive Secretary

SCI 4-3 UN

Attachment:

"U.S. Support for an Invitation
to the PRC to Attend the 1972
Stockholm Conference on Human
Environment"

MICROFILMED
BY S/S: CMS

IO/UNP: ^{BJS} Schrage:lt
7/31/71

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EA - Ambassador Brown ^{WSP}
IO/UNP - Mr. Armitage ^{BJS}
(draft) - IO/CMD - Mr. McDonald ^{BJS}
(draft) - IO/SCT - Mr. LaPorta ^{BJS}
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EUR/GER - Mr. Sutterling ^{BJS}
EUR/SCAN - Mr. Boddey ^{BJS}
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C - Mr. Pedersen

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U.S. Support for an Invitation to the PRC to Attend
the 1972 Stockholm Conference on Human Environment

PROBLEM AND SUMMARY CONCLUSIONS

Problem:

To develop possible scenarios for supporting an invitation to the People's Republic of China (PRC) for the 1972 Stockholm Conference on Human Environment whether or not the PRC enters the UN.

Conclusions:

The 26th General Assembly will almost certainly determine that the PRC should be represented in the UN (either through the Albanian or a dual representation resolution). The UN Secretariat will, in all probability, then automatically issue an invitation to the PRC for the Stockholm Conference.

In the unlikely event that the General Assembly recommends seating the PRC in the UN but the Secretariat does not automatically extend an invitation to the PRC (presumably because the PRC has refused to take its seat), there are several ways in which we could support an invitation to the PRC. The option we would recommend is to expand the traditional UN invitation formula (to members of the UN or its specialized agencies) by adding a new category: "any other state whose representation in the UN has been approved by the General Assembly" (option B-2-a below). This option has the fewest repercussions on other US political interests (particularly the East German problem). The PRC would then automatically be issued an invitation to the Conference by the Secretariat.

In the even less likely event that the General Assembly does not recommend seating the PRC in the UN, the traditional invitation formula could be modified to include specific reference to the PRC and the Secretariat would issue the invitation.

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BACKGROUND

The Stockholm Conference on Human Environment is on the agenda of the 26th UN General Assembly. One of the issues to be considered under this item is the question of invitations to the conference. The invitation formula traditionally adopted for UN-sponsored conferences is: members of the UN, its specialized agencies, the IAEA, and parties to the Statute of the ICJ. This is commonly known as the "Vienna formula." There have been strong indications, however, that the Soviets and their allies will be pushing hard for an invitation formula that would include East Germany. We have already informed the FRG and other key allies that we will oppose any invitation formula that would invite or have the effect of inviting East Germany to attend the conference until such time as the Berlin negotiations and the inner-German talks have been successfully completed. We believe that at this time the majority of UN members would support a resolution providing for an invitation to the PRC while excluding East Germany and that a Soviet move to include East Germany can be defeated if we can successfully draw a distinction between PRC and East German participation.

The US has consistently supported the Vienna formula for invitations to UN-sponsored conferences because: (1) it is the only method that has been devised that clearly defines for the UN Secretariat those entities that should be considered as states for the purpose of issuing invitations to a given conference and (2) it serves other US policy interests by excluding generally unrecognized regimes such as East Germany, North Korea, North Vietnam and, in the past, the PRC from meetings of international organizations. It has been particularly useful in preventing East Germany from enhancing its international status during the delicate Berlin and inner-German negotiations.

DISCUSSION AND OPTIONS

At the present time it appears likely that we will be able

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support PRC presence at the Stockholm Conference without having to modify the Vienna formula since the 26th General Assembly will almost certainly decide the question of Chinese representation in such a way that the PRC will automatically receive an invitation under the Vienna formula. To make this possible we should consult with key UN members and with Secretariat officials to ensure that the item on the Stockholm Conference is considered after the General Assembly has taken a decision on Chinese representation. The options contained in this paper are based on the assumption that the question of Chinese representation will already have been decided by the Assembly in any one of the three possible ways available to it. (In the event that a decision on the question of invitations to the Conference should be taken before the vote on Chinese representation, only the alternatives in Contingency C would be applicable.)

Assuming that a primary objective is to make it known that the US supports the participation of the PRC at the Stockholm Conference, we will wish to consider, under any of the following contingencies, including an explicit statement to that effect either in the UNGA debate on invitations to Stockholm or in some other appropriate public statement.

One policy question not discussed is the US stance on an invitation for the GRC. Assuming that the GRC does not withdraw from the entire UN system, it is likely to continue to be represented in at least some UN Specialized Agencies, and in normal practice it would receive an invitation. The PRC would take umbrage at the issuance of such an invitation and probably would refuse to attend the conference if the GRC attends. If the objective is simply to have the PRC invited to the conference we need not be concerned about the GRC aspects. If the objective is PRC attendance, however, then we must address such questions as whether to support or discourage an invitation to the GRC.

CONTINGENCY A - The PRC becomes a member of the UN and the GRC is expelled (Albanian-type resolution):

If the "Albanian" resolution is adopted, the question of

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...ing an invitation to the PRC will automatically be resolved since the PRC, as a UN member, would be included in any invitation formula that the General Assembly adopts for the Conference.

CONTINGENCY B - The Assembly decides that the PRC should be represented in the UN without prejudice to continued GRC representation (dual representation in any of its variants):

In determining whether the PRC would or could receive an invitation to attend the Stockholm Conference under such circumstances, an important factor may be whether the PRC decides to take its seat in the UN.

1. If the PRC agrees to enter the UN, it would receive an invitation to the Stockholm Conference under the Vienna formula as a UN member.
2. In the event that the PRC refuses to take its seat (presumably because of the GRC's continued presence) the UN Legal Office would probably rule that the will of the General Assembly had been expressed and that the PRC should be considered to be a UN member for the purpose of extending an invitation under the Vienna formula. If this contingency arises, we would wish to consult with the UN Legal Adviser and/or other key Secretariat officials to assure issuance of an invitation to the PRC.

In the unlikely event that the Secretariat decided it could not under these circumstances issue an invitation to the PRC under the Vienna formula, we would have four alternative means to support an invitation to the PRC:

- a. Support a resolution requesting the SYG to invite "states members of the UN, its specialized agencies, the IAEA, and parties to the Statute of the ICJ, and any other state whose representation in the UN has been approved by the General Assembly."

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Although unprecedented, this modification of the Vienna formula would have fewer immediate political repercussions than option c or an amended option b since its effect would be confined to the PRC alone. Unlike an "all states" approach, there is no administrative problem entailed in this formulation since the SYG would issue an invitation to the PRC on the grounds that the GA has already invited the PRC to sit in the General Assembly.

- b. Support a resolution requesting the SYG to invite "states members of the UN, its specialized agencies, the IAEA, and parties to the Statute of the ICJ" (traditional Vienna formula) plus "the People's Republic of China."

This approach might be most appealing to the PRC because of its specific UN endorsement of Peking's role in the international community. Moreover, it would be consistent with our long-standing position that the UNGA, as a major UN political forum, is an appropriate place to determine such questions. (In UN Specialized Agencies we have frequently supported invitation resolutions consisting of the traditional Vienna formula and "any other state that the General Assembly decides to invite." However, the General Assembly has never acted upon such resolutions.) Its greatest weakness is that its construction begs to be amended by the Soviets and others to include specific reference to other entities outside the UN system, particularly East Germany.

If the resolution were amended to include East Germany (or if the original resolution specified both by name-- a more likely possibility if introduced by the other side), we could be faced with the difficult decision of voting for it in order to support the PRC or opposing it in accordance with our present German policy. However, we believe we could successfully defeat a move to include East Germany under this formulation by mustering enough votes first to obtain a separate vote on the portion of the resolution

concerning East Germany and subsequently to delete that portion.

- c. Support a resolution requesting the SYG to issue invitations to "all states."

This approach would have the greatest repercussions on other political problems, especially the East German question. It would violate our commitment to Bonn and other key allies to oppose an invitation to East Germany if at all feasible. Moreover, it is the least feasible in terms of successful implementation since the SYG has repeatedly said that he cannot and will not make the determination under the "all states" rubric of what entities outside the UN system should be considered states for the purpose of issuing invitations to conferences.

Thus the effect of an "all states" approach would probably be to provoke severely some key allies and perhaps precipitate acrimonious and potentially dangerous controversy over the role of the Secretariat in making political determinations about the international status of entities outside the UN system, possibly without resulting in the extension of an invitation to the PRC.

Therefore we conclude that this approach should not be taken, especially since other more effective and potentially less damaging options exist.

- d. Support or encourage the Swedish Government as Stockholm Conference host to invite the PRC as its guest.

This approach would have the fewest political repercussions in the UN context on questions concerning divided states and other entities outside the UN family and would set no new precedent as it does not alter present practice. (Host governments for UN-sponsored conferences have traditionally had the right to invite guests.) However, it would probably

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be least acceptable of all the options to the PRC since it is not equivalent to any action the UN itself might take and it would not connote UN endorsement of PRC presence at Stockholm. Moreover, if we adopt this approach--as we are considering doing--to deal with the question of East German participation at the Conference, we will want Stockholm to agree to strict limitations on the nature and extent of East German participation. If the PRC were invited by Stockholm as its guest, it would be difficult not to impose the same conditions on its participation as are imposed on East Germany. It is unlikely that such conditions would be acceptable to the PRC.

CONTINGENCY C - The status quo is maintained with the PRC having no status in the UN (neither "Albanian" nor dual representation resolution is adopted):

In this contingency we could support an invitation to the PRC for the Stockholm Conference either through a GA resolution recommending the extension of invitations to "all states" (option B-2-c above), through a GA resolution recommending the extension of invitations to Vienna formula countries plus the PRC (option B-2-b above), or by encouraging Stockholm to invite the PRC (option B-2-d above). Under such circumstances option B-2-b would be most desirable because it would be most appealing to the PRC and would create the fewest technical and administrative problems. However, we would have to be prepared to work actively with our European allies to ensure that an invitation was not extended to East Germany under an amended formulation.

CONSULTATIONS AND TACTICAL HANDLING

If Chinese representation is resolved in a fashion whereby the PRC will automatically receive an invitation through the Vienna formula, we need do nothing aside from supporting the Vienna formula for invitations and perhaps expressing our gratification that the PRC is being invited. In the unlikely event that Chinese representation is not resolved in this

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way and we decide that it is desirable to support one of the options under Contingency B-2, it will be necessary to consult closely with key allies in order to ensure the success of any resolution introduced to achieve our objectives under that option. (It would also be imperative to consult with the FRG to assure it that we will attempt to reach our goal of an invitation to the PRC without jeopardizing our position on East Germany. Consultations with the GRC on this issue would also be desirable.) Because many UN members would be eager to see the PRC participate in the Stockholm Conference, we do not believe that a lengthy period of consultation in advance of the resolution's introduction is required. One or two weeks would probably suffice to reach agreement on the wording and co-sponsorship of the resolution. Whether we would wish to join in the co-sponsoring of such a resolution (assuming that it followed the lines of options B-2-a or b) would depend primarily on the extent to which we wish to underscore our support for PRC participation at Stockholm.

Department of State

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 IO - Mr. Herz ^H
 EA - Ambassador Brown ^{WFB}
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