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Scowcroft

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

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September 10, 1974

National Security Decision Memorandum 268

TO: The Secretary of Defense
The Deputy Secretary of State

SUBJECT: Renegotiation of Bases Agreement With Spain

Taking into account the Joint Declaration of Principles signed by the United States and Spain on July 19, 1974, and with reference to the NSC Interdepartmental Group responses to NSSMs 179 and 193, together with agency views thereon, the President has decided that the United States should seek to extend the 1970 US-Spanish Agreement of Friendship and Cooperation in its present form, subject to the following guidelines:

1. Given the importance of the bases in Spain to our security objectives, and the importance of the Joint Declaration of Principles to Spain, the U.S. negotiator should seek to retain the use of all the facilities presently available to the United States, provided the quid pro quo is acceptable. To the maximum extent possible, the United States should resist efforts to place restrictions on our use of the bases in possible future crises.
2. Should the Spanish raise the question of a formal U.S. security commitment to Spain, the U.S. negotiator should take the position that the Joint Declaration of Principles responds to Spanish desires for a strong statement of the US-Spanish security relationship and that therefore the security issue as it relates to extension of the bilateral agreement should be considered as resolved to our mutual satisfaction.
3. Should the question of removing the Tanker Wing from Torrejon arise during the negotiations, every effort should be made to avoid a move. If the Spanish remain adamant, the U.S. negotiator should seek agreement by the Spanish Government to bear the cost of any new fixed installations required by the move.
4. In the event Spain raises the issue of liability and indemnity guarantees with respect to nuclear-powered warship port entry and visits of U.S. nuclear-powered warships, the U.S. negotiator should cite the

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unblemished safety record of U. S. warships and point out that the overwhelming political and moral obligation such an event would impose on the U. S. Government would provide the best insurance possible that any just claim would be met.

5. If the Spanish raise the question of Gibraltar during the negotiations, we should adhere firmly to our traditional position that this is a dispute between two friends in which we must remain neutral.

6. An additional objective should be to achieve Spain's support for the U.S. position in the Law of the Sea Conference concerning unimpeded transit for straits. Because we view this objective as related to our defense requirements, the subject may appropriately be raised in conjunction with the U.S. request for an extension of its base rights. The U.S. negotiator should make clear that the U.S. position on a maximum breadth for the territorial sea of 12 miles coupled with a guarantee of free transit through and over international straits is a basic element of U.S. oceans policy.

7. The U.S. negotiator should emphasize our willingness to continue non-military forms of cooperation with Spain, particularly in the areas of educational and cultural, scientific, technological and agricultural cooperation.

The President has directed that the senior U.S. negotiator should submit a report on the results of these negotiations, including any ad referendum agreement developed, for his review as soon as possible.


Henry A. Kissinger

cc: The Director of Central Intelligence
The Chairman, Joint Chiefs of Staff