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2nd September, 1961

Remarks on "Draft Instructions"

Preliminary: Instructions are directed to General Norstad without indicating in what capacity.

Paragraph 1: appears to be consonant to policy as repeatedly confirmed by NAC.

Paragraph 3: calls for a number of remarks.

- (i) "although attainment of the foregoing objectives will be sought through the application worldwide of non-military measures": this may be the policy approved by the 3-4 powers concerned but has not as yet received official endorsement by NAC. It could be argued that NAC has been informed thereof through the recent statement of August 8th and that it has so far raised no formal objections.
- (ii) "The Governments are determined to improve allied military posture as a clear indication of the capability and will to apply appropriate military measures, if need be". I do not see how any member nation can consistently claim that they have not agreed "to apply appropriate military measures if need be". The issue might be, I feel, that certain member nations could challenge the responsibility of the 3-4 powers in taking certain measures that might lead to the necessity of "applying appropriate military measures" without having obtained NAC's previous agreement thereto.

a question -

This is a very delicate and vital issue since it might bring about ~~false~~ interpretation of Article 5, where it is said that "an armed attack against one or more shall be considered an attack against all". What exactly is "armed attack"? When does it cease to be an attack and to be considered instead the consequence of a miscalculation on the part of some individual country, a miscalculation for which the other members cannot be held responsible? It may be borne in mind in this connection that Article 5 follows immediately on Article 8 where it is indicated that "the parties will consult together whenever in the opinion of any of them the territorial integrity, political independence or security of any of the parties is threatened."

(111) "The 4 powers have requested other NATO allies to undertake comparable programmes" hardly appears to be borne out by facts, at least so far.

Paragraph 3: Can the 3 powers give instructions directly to General Norstad?

It is a fact that the "planning instructions" are given to Norstad in his capacity as CIG US Forces and in amplification of the terms of reference given to the military authorities of the 3 powers in 1959. One might of course argue, I believe rightly so, that any country or group of countries should be free to ask the military authorities to carry out certain planning: such a request, however, could not be made directly to any individual military authorities but should be addressed through the machinery of the Standing Group-Military Committee. It is a fact, however, that no one challenged at the time or subsequently the initiative taken by the 3 powers in April, 1959. The question which deserves investigation is whether NAC was ever officially informed of that initiative.

Paragraph 4: "The Military action..... will have to be integrated into a general overall strategy applicable on a worldwide scale and comprising political, diplomatic and economic, psychological and Parliamentary measures". Although these explanations are given merely as a background, it should be noted that no such "overall strategy" has hitherto been approved by the NAC.

"Allied military measures should be graduated but determined which would present with unmistakable clarity ... the enormous risks". In the first place it is not clear whether the term "Allied" refers to military forces of the 3-4 powers, or to the forces of the Alliance as a whole. In the second place one cannot fail to remark that the decision of what military measures will "present with unmistakable clarity the enormous risks involved", is largely a political one, since it might involve the rest of the Alliance.

Sub-paragraph D seems in line with the political directive. It leaves open however the interpretation of what is meant by "specific political decision to employ nuclear weapons".

Paragraph 7: "Arrangements to establish permanent liaison with the Ambassadorial Group in Washington signifies bypassing the Military Committee.

At this stage I would like to make three points:

- (1) It is obvious that any government can give instructions directly to its military forces, even though they are effected to a NATO Command. This right however is conditioned to some very definite rules. The question arises if these rules have been respected or have not been bypassed by following a completely different procedure.

- (ii) The instructions merely refer to planning. It is essential to know, however, when and how and by whom these plans will be approved in the form of operative instructions.
- (iii) Paragraph 7(c) states that the "governments will take steps to effect co-ordination with the appropriate NATO authorities". I feel that the authors of the instructions should be asked to signify what they mean by "appropriate NATO authorities". Do they mean the Secretary General or do they mean the NAC? If it were the Secretary General it should be clearly understood that it is his duty to refer the matter to the NAC.