

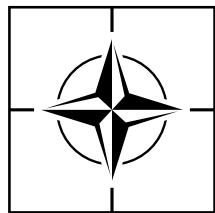


# *Negotiations of Articles I and II the NPT*

SELECTED DOCUMENTS  
VOLUME 2 (1966-1968)







# *Negotiations of Articles I and II the NPT*

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SELECTED DOCUMENTS  
VOLUME 2 (1966-1968)



1. US Memorandum by W. Foster: "Possible Steps in Negotiating a Non-Proliferation Treaty," Memorandum for the Secretary of State, Arms Control and Disarmament Agency, 30 August 1966
2. US Memorandum of Conversation, US Mission to the UN: "Non-Proliferation," 27 September 1966, National Security File, NSC Histories, Box 56, LBJ Library
3. US Memorandum by A. Fisher: "Soviet adjustments in working group draft to meet US objections," Annex A to "Memorandum for Bill Moyers: Working Group Language for the Non-Proliferation Treaty: Relationship to Existing and Possible Allied Nuclear Arrangements," New York, NY, 30 September 1966, National Security File, NSC Histories, Box 56, LBJ Library
4. NATO Summary Record: "Summary record of a private meeting of the Council held on Thursday, 29<sup>th</sup> September, 1966 at 17.00 a.m.," PR(66)27, NATO, Paris, 30 September 1966
5. Excerpt from NATO Summary Record: "Summary record of a private meeting of the Council held on Wednesday, 12<sup>th</sup> October, 1966 at 10.15 a.m.," PR(66)28, NATO, Paris, 13 October 1966
6. NATO Summary Record: "Restricted Annex to summary record of a meeting of the Council held on Wednesday, 19<sup>th</sup> October, 1966 at 10.15 a.m.," C-R(66)55 Annex, NATO, Paris, 2 November 1966
7. NATO Document: "Trends and Implications of Soviet Policy, Report by the Expert Working Group," C-M(66)129, NATO, Paris, 7 December 1966
8. Excerpt from NATO Summary Record: "Summary record of a meeting of the Council held at the Permanent Headquarters, Paris 16e., on Thursday, 15<sup>th</sup> December, 1966, at 3.30 p.m.," C-R(66)69, NATO, Paris, 10 February 1967
9. Excerpt from NATO Verbatim Record: "Verbatim Record of the Meeting of the Council held on Thursday, 15th December, 1966 at 3.30 p.m.," C-VR(66)69, NATO, Paris, 15 December 1966
10. US Telegram: "Non-Proliferation Treaty," Department of State Telegram 121338, Washington, DC, US Department of State, 18 January 1967
11. NATO Summary Record: "Summary record of a meeting of the Council held at the Permanent Headquarters, Paris 16e., on Wednesday, 1<sup>st</sup> February 1967 at 10.15 a.m.," C-R(67)5, NATO, Paris, 13 February 1967
12. NATO Summary Record: "Summary record of a meeting of the Council held at the Permanent Headquarters, Paris 16e., on Wednesday, 22<sup>nd</sup> February, 1967 at 10.15 a.m.," C-R(67)9, NATO, Paris, 1 March 1967
13. NATO Memorandum: "Record of a Private Meeting of the Council held on Wednesday, 29<sup>th</sup> March, 1967," PR(67)11, , North Atlantic Treaty Organization, Paris, 29 March 1967
14. NATO Summary Record: "Summary record of a meeting of the Council held at the Permanent Headquarters, Paris 16e., on Tuesday, 4<sup>th</sup> April, 1967 at 10.15 a.m.," C-R(67)15, NATO, Paris, 13 April 1967
15. NATO Memorandum: "Memorandum for the Director, International Military Staff: Disarmament - Non-Proliferation Treaty," North Atlantic Council Meeting, LOM 81/67, Office of the Military Committee Representative to NATO, Paris, 4 April 1967
16. NATO Memorandum: "Memorandum for the Director of the International Military Staff: Disarmament," North Atlantic Council Meeting, LOM 82/67, Office of the Military Committee Representative to NATO, Paris, 6 April 1967
17. NATO Summary Record: "Summary record of a meeting of the Council held at the Permanent Headquarters, Paris, 16e., on Friday, 5<sup>th</sup> May, 1967 at 10.15 a.m.," C-R(67)20, NATO, Paris, 17 May 1967
18. NATO Memorandum: "Memorandum for the Director of the International Military Staff: Non-Proliferation Treaty," US PermRep letter, LOM 103/67, Office of the Military Committee Representative to NATO, Paris, 5 May 1967

19. NATO Message: "Non-Proliferation Treaty (NPT) - NAC Special Meeting, 5 May 1967," LOCOM 7966, Office of the Military Committee Representative, 5 May 1967
20. NATO Summary Record: "Summary record of a meeting of the Council held at the Permanent Headquarters, Paris, 16e., on Wednesday, 10<sup>th</sup> May, 1967 at 10.15 a.m.," C-R(67)21, NATO, Paris, 25 May 1967
21. NATO Memorandum: "Memorandum for the Director of the International Military Staff: Non-Proliferation Treaty, NAC Meeting, 24 May 1967" US PermRep letter, LOM 113/67, Office of the Military Committee Representative to NATO, Paris, 24 May 1967
22. US Memorandum: "US ACDA Memorandum of Conversation: Non-Proliferation Treaty," Washington, 23 August 1967
23. US Airgram: "Department of State Airgram: Aide-Memoire on the Draft Non-Proliferation Treaty (NPT)," US Department of State, Washington, 24 August 1967
24. US ACDA Report: S. Keeney, "The Non-Proliferation Treaty," 24 December 1968, National Security File, NSC Histories, Box 55, LBJ Library
25. International Atomic Energy Agency Information Circular: "Treaty on the Non-Proliferation of Nuclear Weapons," INFCIRC/140, IAEA, Vienna, 22 April 1970
26. "Heads of States Welcome NPT," Joint Press Release, Moscow, London, Washington, 1 July 1968, from the International Atomic Energy Agency Bulletin, Volume 10, Number 4, Vienna, 1968

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August 30, 1966

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Authority ACDA 1hr 11-21/75  
By lhr, NARS, Date 2-9-76

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Possible Steps in Negotiating a Non-Proliferation Treaty

As a result of the private discussions that took place at the recently recessed session of the INDC, I believe that there is a possibility that we will be able to negotiate a non-proliferation treaty with the Soviet Union which does not ban consultative arrangements within NATO and which does not embarrass our present bilateral arrangements. I am transmitting as an annex to this memorandum, the type of agreement I think might be negotiated.

On the basis of the discussions which we have had so far, I do not believe that it will be possible to negotiate a treaty which does not deal at all with the question of transfer of nuclear weapons to groups of states. I think, in order to obtain a treaty, we would have to prohibit the transfer of nuclear weapons to a non-nuclear weapon state either directly or indirectly through a group of states. I think, however, we might be able to negotiate a treaty which does not foreclose any option which we could realistically expect to exercise.

If it is decided to move in this direction, the first step to be taken is to advise Chancellor Erhard of the options we can now realistically hold open. I would recommend a letter from the President to the Chancellor indicating that a NATO force involving mixed ownership of nuclear weapons supplied

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by the U.S. does not appear to be feasible, and that a European nuclear force seems only likely to come into existence in the context of true political federation involving one of the existing nuclear powers. He could be advised that we now feel it no longer advisable to hold open what has become unrealistic options at the expense of a non-proliferation agreement and the consequent lessening of tensions which would follow from such an agreement. Our failure to obtain an agreement for this reason will subject both of our countries to increasing criticism, particularly at the coming General Assembly.

Once this had been accomplished the United States would be in a position to undertake serious negotiations with the Soviet Union, either on the basis of discussions between you and Foreign Minister Gromyko or on the basis of a letter from the President to the Chairman of the Council of Ministers of the U.S.S.R. In these discussions the U.S. could indicate that we are not contemplating the creation of any force within NATO which involves joint ownership of nuclear weapons. The United States could make it quite clear that we do not intend to give up our present bilateral arrangements within NATO or in any way to restrict the legitimate right of consultation within an alliance. This would put it squarely up to the Soviet Union whether they are really interested in a non-proliferation agreement.

/s/ William C. Foster  
Director

William C. Foster

Attachment:

As stated

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Approved in S/S BHR 10/14/66

UNITED STATES MISSION TO THE UNITED NATIONS

Memorandum of Conversation

SUBJECT: Non-Proliferation

September 27, 1966

PARTICIPANTS: U.S.S.R.

United States

Ambassador Roshchin

Ambassador Foster

Mr. L. Mendelevich

Mr. G. Bunn

Mr. Timerbayev

Mr. S. De Palma

Mr. Antiasov

Mr. L. Meeker

Mr. C. Muromcew (Interpreter)

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ACDA - Mr. Foster

By CB, NARA, Date 1-23-96

L - Mr. Meeker

Ambassador Foster opened the meeting by referring to the pleasant and profitable dinner last Saturday, September 24, and to the statements made there. Secretary Rusk was presently in Washington and would probably soon meet with his Soviet colleague. The question now was how to begin the work.

Ambassador Roshchin replied that the basic position was clearly stated at dinner and he now expected a U.S. response to Minister Gromyko's views.

Amb. Foster felt that alternatives one and three met Minister Gromyko's views on the issue of direct or indirect transfer through military alliances and groups of states, and also on the question of control. The U.S. side was puzzled why the above failed to meet the problem demonstrated by Mr. Gromyko using tea cups and ashtray.

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Amb. Roshchin replied by quoting Minister Martin's (Canada) statement to the General Assembly made on September 23 on non-proliferation and control (APV-1413, pp. 43-45). He felt that the Canadian definition was closer to Soviet views than the U.S. position. The problem was how to prevent the transfers of nuclear weapons and explosives directly or indirectly by nuclear states to military alliances or groups of states. A formula should be found to settle this issue. He referred to the Soviet suggestion, alternative two discussed on Saturday. (TAB A)

Amb. Foster recalled that this problem had been mentioned during the talks last Saturday when the desire was expressed to find the "heart of the matter."

The Soviet side then asked for a definition of the word "transfer." Amb. Foster replied that he had already discussed the interpretation of our atomic energy act as precluding the transfer of control and ownership of our nuclear arms.

Amb. Roshchin felt that the U.S. formulation did not reflect the ideas expressed by Gromyko on Saturday night. Although under the U.S. formulation nuclear arms and explosives could not be transferred directly or indirectly through an alliance to a non-nuclear country, they could be transferred to an alliance, thereby making members co-owners, co-participants and co-administrators of such weapons. Minister Gromyko's statement, on the other hand, would prevent such collective control.

Amb. Foster explained at length that the U.S. cannot transfer the control of nuclear arms to anybody, either individually or collectively because of U.S. laws.

Amb. Roshchin argued that although individual transfer may be prohibited, a transfer to military alliances was still possible and allowed collective ownership, use and responsibility leading to proliferation.

Amb. Foster replied that no transfer can take place, and even in the case of war only the President could decide to use U.S. nuclear arms. The best proof of non-transfer was the U.S. record of past 20 years during which no nuclear arms were transferred to NATO or France. Only the UK had qualified because of joint development work.

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Amb. Roshchin stated that it was not a question of past history, philosophy or the current state of affairs but only a question of finding a formula to prevent proliferation. He continued to argue that the U.S. formula permitted proliferation.

Amb. Foster emphatically disagreed and pointed out that transfer was forbidden by U.S. legislation.

In reply Amb. Roshchin suggested incorporating such a statement in the formula. Amb. Foster then suggested the wording "not to transfer to any recipient", which appeared in the third alternative discussed on Saturday. (TAB B) The Soviet side rejected it as too vague and not enough. Amb. Foster went on to say that according to his impression gained on Saturday, the Soviet side was directing its efforts against the FRG.

Amb. Roshchin admitted that this was so, politically, if not juridically.

Amb. Foster replied that such a political approach was impossible. Mr. Mendelevich remarked that the understanding of the issue was the same but the formulation was different.

Amb. Foster said he had the impression both sides understood the matter in the same way, but the Soviets seemed to be looking for a treaty which would embody a flamboyant and explicit anti-FRG formulation. This was politically impossible and wholly unrealistic since it was necessary to secure the FRG's adherence to the treaty if we are to succeed in our mutual aim.

Amb. Foster offered a revised formulation, some of the language of which came from Gromyko's discussion of Saturday night. (TAB C)

The Soviet side insisted that the new language prohibiting transfer "by virtue of membership" was no different than prohibiting transfer "through". Amb. Foster then suggested including the words "through or by virtue of ..." to make clear that "by virtue of" included something more than "through".

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The Soviet side failed to appreciate this difference.

Amb. Roshchin did not see how the U.S. formula would prevent transfer to NATO and kept arguing that nuclear arms transferred to NATO would make the FRG co-owner and co-administrator of nuclear arms. The Soviet side, he explained, was concerned that collective ownership would lead to proliferation.

Amb. Foster presented several examples showing why the U.S. proposal would not lead to proliferation of any kind, but the Soviet side remained unmoved. In response to Amb. Roshchin's question about the meaning of the word "transfer", Amb. Foster said that in our atomic energy legislation it precluded transfer of the physical object, of ownership or physical control.

Mr. Meeker summarized the three points which the Soviets saw as leading to proliferation:

- (1) direct transfer to a state;
- (2) indirect transfer to a state through a military alliance or group of states; and
- (3) transfer to an alliance or group of states.

Mr. Meeker and Amb. Foster said all three would be precluded by the formulation which we had put forward today. Amb. Foster explained that under U.S. legislation this was precluded. Top Administration spokesmen had said we had no intention of seeking an amendment to this legislation. Amb. Roshchin asked how they could be sure and Mendelevich said domestic legislation could be changed unilaterally.

Mr. Meeker suggested a text prohibiting indirect transfer by incorporating the words "in its capacity as a member of a military alliance or group of states". The Soviet reaction was that this was the same as "through" or "by virtue of".

Amb. Roshchin asked the U.S. delegation to try to find a mutually acceptable formula and quoted President's speech of July 5, and felt that in the light of Min. Gromyko's speech both sides thought alike. He said their main preoccupation is to prevent not just proliferation through or by virtue of membership in an alliance or group of states (in which the alliance or group would serve as agent for dissemination)

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but also to the alliance or group of states (as a result of which participants would be able to participate collectively in the ownership, control and use of nuclear weapons). He stressed that the main Soviet preoccupation now was to prevent this collective form of dissemination.

Amb. Foster repeated that the President had instructed his negotiators to find a solution and stressed that the problem was that of controlling the spread of nuclear arms to Germany, India, Japan, etc. He also hoped to be able to transmit to the Secretary of State a new proposal, and called on the Soviet side not to try to break up the NATO alliance.

The U.S. and the Soviet sides promised to think some more about their respective positions and agreed to meet in the near future.

On leaving the meeting, Timerbayev said to Mr. Bunn "Try individually or collectively."

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TAB A

September 24, 1966

Alternative 2

ARTICLE I

Each nuclear-weapon State Party to this Treaty undertakes not to transfer nuclear weapons or other nuclear explosives or control over such weapons or explosives directly, or indirectly, to any non-nuclear-weapon State, military alliance, or group of states; and not to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosives, or control over such weapons or explosives.

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By RG, NARS; Date 3-8-77

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September 24, 1966

Alternative 3

ARTICLE I

Each nuclear-weapon State Party to this Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosives or control over such weapons or explosives directly, or indirectly through a military alliance or group of states; and not to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosives, or control over such weapons or explosives.

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TAB C

September 26, 1966

ARTICLE I

Each nuclear-weapon State Party to this Treaty undertakes not to transfer nuclear weapons or other nuclear explosives or control over such weapons or explosives to any non-nuclear-weapon State directly, or indirectly by virtue of its membership in a military alliance or group of States; and not to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosives, or control over such weapons or explosives.

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September 30, 1966

MEMORANDUM FOR MR. BILL MOYERS

Subject: Working Group Language for the Non-Proliferation Treaty: Relationship to Existing and Possible Allied Nuclear Arrangements.

In accordance with your conversation with Mr. Meeker this afternoon, I am attaching language produced by the U.S. - Soviet working group for consideration by their Principals. As you will see, I am transmitting it in a memorandum analysing its contents.

Adrian S. Fisher

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September 30, 1966

WORKING GROUP LANGUAGE FOR  
THE NON-PROLIFERATION TREATY: RELATION-  
SHIP TO EXISTING AND POSSIBLE ALLIED  
NUCLEAR ARRANGEMENTS.

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September 30, 1966

Working Group Language for the  
Non-Proliferation Treaty: Relationship  
to Existing and Possible Allied Nuclear  
Arrangements.

A.U.S. - Soviet working group has been meeting in New York in an attempt to produce compromise language for a non-proliferation treaty that both sides can live with. The group has produced for consideration by their Principals draft language for the key operative clauses of a non-proliferation treaty. They are as follows:

"ARTICLE I

"Each nuclear-weapon State Party to this Treaty undertakes not to transfer nuclear weapons or other nuclear explosives or control over such weapons or explosives to a non-nuclear-weapon State directly or indirectly; either individually or collectively with other members of a military alliance or group of States, and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosives or control over such weapons or explosives.

"ARTICLE II

"Each non-nuclear-weapon State Party to this Treaty undertakes not to receive nuclear weapons or other nuclear explosives or control over such weapons or explosives from any nuclear-weapon State directly or indirectly, either individually or collectively with other members of a military alliance or group of States; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosives or control over such weapons or explosives; and not to seek or receive any assistance in their manufacture."

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Since Article II is largely the "mirror image" of Article I, this memorandum will focus its analysis on Article I. Stripped of words not relevant to the present discussion, the working group language for this Article states an undertaking "not to transfer nuclear weapons . . . or control over such weapons. . . to a non-nuclear-weapon State directly or indirectly, either individually or collectively with other members of a military alliance or group of States".

So far as the U. S. is concerned, the restrictions of this working group draft, which places the emphasis on transfer of weapons or control over them, would be very nearly coextensive with present U. S. nuclear policy embodied in the Atomic Energy Act and amendments, as these have been interpreted and applied in practice. In consequence, the restrictions that the working group treaty language would place on U. S. options are, generally speaking, similar to those under which the U. S. is now operating by virtue of domestic law.

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Existing Bilateral Deployment Arrangements

As indicated earlier, the working group language prohibits the transfer of nuclear weapons or control over them in a way that parallels the U. S. Atomic Energy Act. We have structured our bilateral arrangements with NATO countries in a way to make them consistent with this Act. For that reason bilateral arrangements consistent with the Atomic Energy Act would be unaffected by the proposed treaty language.

The general outlines of many of our existing bilateral nuclear arrangements have been made public, and the Soviets have indicated their awareness of them. They have not been the subject of any detailed discussion with the Soviet Union, although U. S. negotiators have made it quite clear that they would not agree to treaty language which would require a change in those arrangements. This, and the Soviets' dropping of language prohibiting "access" to nuclear weapons by non-nuclear countries, and language which might have inhibited existing NATO nuclear training activities, all indicate that the Soviets are now prepared to accept our existing deployment arrangements.

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Under these bilateral arrangements, U. S. nuclear weapons available for use by allied forces assigned to NATO in the event of hostilities could, of course, be transferred to those forces in that event. This would be justified under the Atomic Energy Act on the ground that, when war broke out, the President could exercise his power, as Commander-in-Chief, without regard to the ban on transfer contained in the Act. A similar interpretation would make a non-proliferation treaty inapplicable also.

The purpose of such a treaty, as the preamble could be expected to express it, would be to prevent the spread of nuclear weapons and, by this measure among others, to avoid the outbreak of nuclear war anywhere in the world. Thus the treaty has its application in time and in a situation when no nuclear conflict has broken out and when it continues to be possible to prevent such conflict. Once general hostilities involving nuclear weapons have occurred, however, the point of prevention has been passed, and the purpose of the treaty can no longer be served. In such circumstances the treaty would not apply,

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and a nuclear power would be free to transfer nuclear weapons to an ally for use in the conflict.

This line of reasoning has been discussed with the Soviets who appear to understand it. Moreover, even if one were to suppose that a non-proliferation treaty persisted as a matter of law in a situation of nuclear conflict, it would certainly be recognized that questions of international legal obligation would have little if any bearing and relevance at such a time. Indeed, possible charges of treaty violation would be without practical significance.

Allied consultations on possible use of nuclear weapons

The working group's language does not bear on the decision-making process by which governments might decide to engage in hostilities with nuclear weapons. Such deliberation -- by one government, two, or a number of governments -- does not involve any transfer of weapons or control over them to anyone. This kind of deliberation, including consultations among governments, may lead to a situation in which the treaty would cease to apply, but it does not entail transfer of nuclear weapons.

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Deliberations, including inter-governmental consultations, on whether to engage in nuclear conflict are, of course, separate from arrangements that governments may make in advance regarding possible use of nuclear weapons.

The fact that the treaty applies only if there is a transfer of nuclear weapons or of control over them makes the treaty inapplicable to consultative and planning arrangements of the type contemplated within NATO (Nuclear Defense Affairs Committee and its subsidiary Nuclear Planning Group). As stated in the September 27th communique of President Johnson and Chancellor Erhard, the purpose of the proposed "permanent nuclear planning committee" will be to "broaden and deepen the areas of nuclear consultation" and to "bring the allies more intimately into planning for nuclear defense". This does not involve anything that can be described as a transfer of nuclear weapons or control over them. Thus, consistent with the thesis, accepted by the Soviets, that what is not covered by the treaty is not prohibited, the special committee arrangements would not be prohibited.

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Assignment of Polaris Submarines to NATO

A particular case that must be considered is the assignment to NATO of U. S. Polaris submarines with U. S. nuclear weapons. If such an assignment were made in the same way that U. S. Polaris submarines are now assigned to NATO, it would clearly not violate the working group's draft prohibition on transferring nuclear weapons or control over them.

To assign Polaris submarines with U. S. nuclear weapons irrevocably to NATO would violate the Atomic Energy Act prohibition on "transfer" of U. S. nuclear weapons because they could no longer be withdrawn and used as the President directed without obtaining NATO's consent. (See memorandum of the Legal Adviser dated December 17, 1965). Probably, therefore, such an irrevocable assignment to NATO would also violate the working group language.

Given a revocable assignment, however, the working group language would not prohibit existing arrangements under which Polaris submarines are now assigned to NATO. Moreover, consultations with respect to possible use of

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these submarines in defense of NATO would be possible in the proposed Nuclear Planning Group and its parent committee. Agreement would be permissible that these weapons were to be used only with the consent of members of NATO (including the U. S.), that consent being obtained pursuant to the procedures established generally for nuclear weapons assigned to NATO. Indeed, if the proposed permanent Nuclear Planning Group and its parent committee become the regular mechanism for obtaining that consent, no reason appears why this mechanism should not be used for reaching Alliance decision on use of nuclear weapons carried by the newly-assigned submarines, provided, of course, the existing requirement of unanimity is not changed.

However, problems of compatibility with the treaty, and of possible charges by the U.S.S.R. that the treaty had been violated, would be raised if the arrangements regarding the assigned submarines appeared to vest control over nuclear weapons in an international group. For example, if a special NATO board were set up to deal with these submarines separately and were given formal

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power of decision over firing the weapons (even subject to U.S. veto), the arrangement would seem to involve a transfer in violation of the Atomic Energy Act and the treaty language.

Co-Ownership of Nuclear Weapons

Like the Atomic Energy Act, the working group language would prohibit ownership of nuclear weapons by a group in which a non-nuclear-weapon State participated. (An exception for a new, federated European state is discussed below.) The draft would thus preclude a Multilateral Force in the form previously considered.

A more difficult case would be presented if a force were to be developed in which there was collective ownership of the delivery systems with U.S.-owned warheads subject to command, control and custodial arrangements similar to those now in effect under the bilateral arrangements within NATO. Such an arrangement would not involve transfer of nuclear weapons or control over them, and the working group language would not by its terms be applicable.

On the other hand, the Soviets would probably regard the creation of a new nuclear force with collectively-owned delivery systems to which U.S. nuclear warheads were

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attached as contrary to the purposes of the treaty and a cause for withdrawal. In these circumstances, arguments by the United States that this was no different from our existing bilateral arrangements might well be not only unavailing but counterproductive in stimulating a Soviet attack on those bilateral arrangements.

The European Option

Since the time when the MLF was under active consideration, some of the Europeans have expressed interest in a "European clause" which would envision an eventually integrated Europe having its own nuclear force, free of U. S. veto. The language for Article I developed in the working group discussions clearly preserves the "European option" in the event of the formation of a federated European state including one or more entities that had been nuclear-weapon States. The new State would have succeeded to the status of "nuclear-weapon State" formerly held by one or more of its component parts. Thus, under the non-proliferation treaty, no nuclear weapons would have been transferred to a non-nuclear-weapon State; instead, the

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federated European State would be a nuclear-weapon State by succession to one or more of its component parts.

The suggestion has been advanced that the "European option" should be held open for a supra-national European entity in the field of defense that left the individual States of Europe -- including such nuclear-weapon States as the UK and France -- still in existence. If the States of Europe were to combine all of their military establishments into a common defense force -- with a unitary agency for determining policy and the great questions of war and peace for the community -- it would seem unrealistic and a contradiction in terms to suppose that the individual components of the community could survive and continue their existence as independent national States. The creation of an all-European defense community, to the exclusion of independent national military establishments, would necessarily imply the creation of an entity that would function as a State in international affairs. By definition it would be unitary in the fields of defense and foreign policy, and the community rather than its component parts would be the State in international law and relations.

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If, on the other hand, the States of Europe were to create a partial defense community, while each retained its national military establishment, no federated European State would have come into being, and the community could not be considered to have succeeded to the status of a nuclear-weapon-State held by one or more members of the community. The community would be an additional rather than a successor entity. Transfers of nuclear weapons to the community would be prohibited by Article I of the working group draft since no succession could be said to take place. Moreover, the separate authority of such a community over nuclear weapons could increase the number of entities with ability to fire them, and thus create a clear case of proliferation.

"National" Control

The suggestion has been advanced that the qualifier "national" should be inserted before the word "control" in the non-proliferation treaty, so as to leave open the possibility of transferring nuclear weapons into the control of an international entity such as a military alliance or other international organization.

First, it should be noted that inserting the word

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in Article I would not achieve this objective. The first sentence of Article I binds a nuclear-weapon State Party not to transfer nuclear weapons or control over such weapons to a non-nuclear-weapon State. To insert the adjective "national" would only specify the kind of control that a nuclear-weapon State is bound not to give up; that is the kind of control that a nuclear-weapon-State has. Insertion of the adjective here would not necessarily determine the kind of control prohibited to a transferee State.

To insert the adjective in the context of receipt of nuclear weapons in Article II would at most introduce internal inconsistency. The working group treaty language prohibits receipt of control over nuclear weapons by a non-nuclear-weapon State "either individually or collectively with other members of a military alliance or group of States". To speak of "national" control in this context would imply a confusion of ideas if the adjective had the effect intended for it.

If the language of Articles I and II were re-cast so as to make clear that only national control by a transferee is banned -- and not international control by an organization of which one or more non-nuclear-weapon States were members -- it would be necessary to delete the phrase beginning

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"individually or collectively". However, this would eliminate the only language that the Soviets consider deals with one of the principal situations they want the treaty to cover -- transfer to the collectivity of an alliance or group of States. This issue has been an obstacle to a treaty from the time the negotiations began. Without language to express the idea that collective control -- shared by a non-nuclear-weapon State with other States -- is prohibited, no non-proliferation treaty would be negotiable with the USSR.

Comparison of working group language with Soviet draft treaty

The working group language for Articles I and II differs in important respects from the provisions of the Soviet draft non-proliferation treaty, which, for example, cast doubt on existing U.S. bilateral arrangements and could have interfered seriously with NATO training exercises. The working group language also avoids expressions such as ownership or transfers to an alliance or group, which in the Soviet draft gave offense to our Allies.

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A summary of Soviet adjustments to meet U. S.  
objections is given in Annex A.

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Authority STATE 11-17-75/ACDA 8-6-76

By RG, NARS, Date 3-8-77

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ANNEX A

Soviet adjustments in working group draft to meet  
U.S. objections

Substantive adjustments from prior Soviet texts:

1. The working group draft contains no prohibition against granting to non-nuclear-weapon States "the right to participate in the . . . control or use of nuclear weapons." (Art. I of Soviet Draft). Neither "participate" nor "use" appears in the draft. "Control" does appear but, despite Soviet requests, is not modified by "any" or "participate". Thus, considerably more flexibility would be possible for NATO arrangements than under the Soviet draft or later Soviet suggestions.

2. The working group draft contains no prohibition against granting control over the "emplacement" of nuclear weapons to a non-nuclear-weapon State with respect to weapons deployed on its territory. (Art. I of Soviet Draft). This could have had an adverse impact on U.S. deployment of nuclear weapons abroad.

3. The working group draft contains no prohibition on transmitting "information or documentation which can be employed for the purposes of . . . use of nuclear weapons." (Art. I of Soviet Draft). This language could seriously have

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interfered with NATO training exercises. Instead, the working group draft contains a simple prohibition against assistance in manufacturing nuclear weapons.

4. The working group draft contains no prohibition against giving "access" to nuclear weapons to non-nuclear-weapon States. (Soviet suggestion). Given the nature of some of our existing deployment arrangements, this word could have given us real difficulties.

5. The working group draft contains no prohibition on transfers "to any recipient whatsoever." (Working group product of September 24, 1966). This might have presented some problems with respect to transfers to the United Kingdom or to a possible future federated European state.

"Presentational" adjustments from prior Soviet texts:

1. The working group draft contains no explicit ban on the transfer of "ownership" of nuclear weapons. (Art. I of Soviet Draft). It does ban the "transfer" of such weapons, and this word must be interpreted as including the transfer of "ownership".

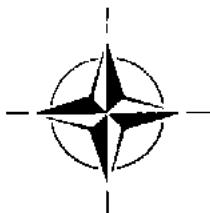
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2. The working group draft contains no explicit ban on transfers to "groups of states." (Art. I of Soviet Draft and later Soviet suggestion). Its prohibitions are applicable to "any non-nuclear-weapon State . . . either individually or collectively with other members of a military alliance or group of States."

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ORGANISATION DU TRAITE DE L'ATLANTIQUE NORD  
NORTH ATLANTIC TREATY ORGANIZATION

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NATO PARIS

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To : Secretary General  
cc : Deputy Secretary General  
DSG/ASG for Economics and Finance  
ASG for Political Affairs  
From: Executive Secretary



Summary Record of a Private Meeting of the Council  
held on Thursday, 29th September, 1966 at 17.00 p.m.

DISCUSSIONS BETWEEN MR. RUSK AND MR. GROMYKO ON 22nd AND  
24th SEPTEMBER.

The UNITED STATES REPRESENTATIVE made the following statement:

"Mr. Chairman:

I can report to you on the discussions which Secretary Rusk had with Foreign Minister Gromyko in New York on the 22nd and 24th of this month. My remarks will be brief because --- while the discussions were lengthy -- the results were hardly dramatic.

In line with our practice of keeping our allies informed, however, I do want to give you a rundown of the principal subjects that were discussed.

On the subject of Vietnam, Secretary Rusk once again reviewed U.S. efforts to move from the battlefield to the conference table and stressed the lack of any sign of response from the other side. At the same time, he tried to make it clear that Hanoi should not make the grave mistake of taking our preference for a peaceful solution as indicating weariness on our part or as any indication that we will at any time in the future surrender South Vietnam to the control of Hanoi. While the tone of his comments was non-polemical, Mr. Gromyko, for his part, simply insisted that he could not negotiate for Hanoi.

.../...

"They also went over the status of the negotiations for a treaty governing the exploration of outer space. We reported to you this summer that we were inclined to feel that this could be worked out. In the course of his conversations with the Secretary last week, however, Mr. Gromyko stood pat on the Soviet claim that any nation that grants tracking facilities to any space power must grant the same facilities to any other space power. Obviously this is a matter for bilateral arrangements, and the United States has offered to negotiate a bilateral arrangement with Soviet Union for tracking coverage from United States territory if they so desire. For the time being, however, this Soviet position is blocking progress on an outer space treaty, and it was left that Ambassador Goldberg and Morozov would resume discussions in an attempt to reach agreement.

Another subject which was gone over thoroughly was the business of a non-proliferation treaty. Again, Mr. Gromyko revealed no change whatever in the Soviet position. The Secretary informed his Soviet opposite number that he was under instructions from President Johnson to make a maximum effort in the search for mutually acceptable language. Mr. Gromyko reported that he was under similar instructions and seemed to indicate a genuine interest in pursuing the search for a way out of the present impasse. They agreed that Mr. Foster and Mr. Roshchin would be instructed to keep hammering away at this assignment.

Finally, there does seem to be some movement on the question of a civil air agreement between the U.S. and the USSR. We reported to you earlier that the U.S. had re-raised this subject with the Russians in Moscow, that the initial Soviet response appeared to be hopeful, and that the Secretary would return to this matter with Mr. Gromyko in New York. When he did this last week, it was agreed on both sides that the agreement which was negotiated but not signed in 1961 needed to be reviewed and updated. Arrangements were made to work out the necessary technical adjustments and to discuss when, where, and by whom this agreement should be signed. So this item, at least, seems to be moving along satisfactorily and, unless some last minute obstacle arises, an agreement should emerge before long!"

*Stein*  
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ORGANISATION DU TRAITE DE L'ATLANTIQUE NORD  
NORTH ATLANTIC TREATY ORGANIZATION

28  
17/11  
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NATO PARIS

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To : Secretary General  
cc : Deputy Secretary General  
DSG/ASG for Economics and Finance  
ASG for Political Affairs  
Deputy  
From: /Executive Secretary

Summary record of a Private Meeting of the Council held  
on Wednesday, 12th October, 1966, at 10.15 a.m.

- I. Discussion between Mr. Rusk and  
Mr. Gromyko on a Non-Proliferation  
Treaty.
- II. German-Bulgarian Talks.

DISCUSSION BETWEEN MR. RUSK AND MR. GROMYKO ON A NON-  
PROLIFERATION TREATY

The UNITED STATES REPRESENTATIVE said that he had not yet received a substantive report on the discussion between Mr. Rusk and Mr. Gromyko during their working dinner on 10th October, but that he hoped to have one before long and to communicate it to the Council perhaps at a short special meeting later this week. As recently indicated in the Committee of Political Advisers, his delegation had agreed that the subject of non-proliferation be placed on the Council agenda of 19th October.

2. Reports in the press on the recent talks had been misleading and over-optimistic. The State Department spokesman had corrected the false impression conveyed, by a statement made on 11th October, of which he read the following extracts:

"We agree with Mr. Gromyko's statement that both countries - the United States and the Soviet Union - are striving to reach agreement to facilitate the conclusion of an international agreement on this question .... We shall make a full report to our NATO allies on the present state of the discussions..... No agreements will be reached in this matter without full consultation with all of our NATO allies".

.../...

3. These discussions were taking place after a familiar pattern, with multiple channels and levels of diplomacy at work. The Soviets did seem to want to discuss the question bilaterally, and the United States authorities thought that it would be useful for the Council in the near future to have a preliminary discussion of the kind of progress which was now seemingly being made. He recalled that his government had often indicated that whatever arrangements were made or bargains struck, these would be only with the advice and consent of the allies. Discussions with the Soviet Union were likely to progress in the private bilateral framework, as for example had the Moscow test ban discussions. The United States would therefore continue to talk bilaterally, but would make no agreements affecting the allies without consulting them.

4. The CHAIRMAN suggested that as regards the substantive report to be provided by the United States authorities, it should be left to him in consultation with the United States Representative to decide whether to convene a short special meeting of the Council before 19th October. He confirmed that the question of non-proliferation would be included in the Council agenda for that date. He said that he would prepare a paper referring to the relative documents and proposals in order that all delegations would have a common text as a basis for discussion.

#### VI. GERMAN-BULGARIAN TALKS

5. The GERMAN REPRESENTATIVE made the following statement:

"From 20th to 26th September 1966, State Secretary Lahr visited Bulgaria. The official occasion was to attend the "German Day" of the international fair at Plovdiv, while the main purpose was to establish official contacts with leading Bulgarian personalities.

State Secretary Lahr had talks with Foreign Minister Bascheff, Foreign Trade Minister Budinoff, Minister and Secretary of the Central Committee Avramoff, Minister and President of the Committee for Science and Technical Progress, Popoff and the President of the Committee for Cultural and Friendly Cooperation with Foreign Countries, Goschkin. In all these talks it was stated that Bulgaria was interested in strengthening cooperation with Germany.

During the discussion of economic questions the Bulgarians, while admitting that considerable progress had been made in the exchange of goods, explicitly referred to Bulgaria's growing deficit in bilateral trade, which was causing considerable concern. Bulgarian proposals to facilitate Bulgarian imports into Germany and to find means of economic cooperation will be discussed during the trade negotiations scheduled to be held in Bonn in mid-October.

The Bulgarians are also interested in the signing of agreements on scientific, technical and economic

.../...

CONSEIL DE L'ATLANTIQUE NORD  
NORTH ATLANTIC COUNCIL

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2nd November, 1966

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ANNEX to  
C-R(66)55  
(Limited Distribution)

Restricted Annex to summary record of a meeting of the Council  
held on Wednesday, 19th October, 1966 at 10.15 a.m.

NON-PROLIFERATION

Reference: C-R(66)51 (Limited Distribution Annex)  
Document: PO/66/486

1. The CHAIRMAN recalled that at its meeting of 21st September, the Council had agreed to have a special discussion on non-proliferation. The purpose of today's meeting was to explore again fully the issues connected with non-proliferation and their implications for the Alliance and its member countries. In view of the fact that this vital subject was at present being actively discussed elsewhere, this seemed an appropriate time to examine the question in NATO.

2. As the Council would recall, the Alliance had had thorough exchanges of views prior to the tabling of the first United States draft treaty in the summer of 1965, covering as well the United Kingdom and Canadian draft treaties. The Council had further discussed the Soviet draft treaty in the autumn of 1965 and compared the two drafts officially tabled at the Geneva Conference.

3. Since then, there had been modifications of the United States draft text of which the Council was informed in the spring of 1966. The text as thus amended had been circulated by the United States Delegation to all delegations on October 18th, and the Council now had before it the proposal of the Netherlands Delegation for an amendment of this United States draft treaty.

4. He further recalled that the United States Delegation had recently informed the Council that the United States text had again been under review, and he therefore proposed that the Council first hear from the United States Representative the views of his Government on this subject, and news of the latest contacts between the United States and the Soviet Government.

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5. The UNITED STATES REPRESENTATIVE said that during his visit to Washington which had just terminated, he had been able to discuss with members of the State Department, including the Secretary of State, the latest developments in the United States/Soviet talks on non-proliferation. Discussions had taken place on two occasions between Mr. Rusk and Mr. Gromyko, and were continuing between Mr. Foster and Mr. Roshchin. The discussions were taking place in the framework of the co-chairmanship of the Geneva Conference and of the general United States policy to try to work closely with the USSR, on both the substance of the problem and on treaty language, with a view to informing the four Western Powers in Geneva and the Council of developments.

6. Success still lay a long way ahead, but it was a hopeful sign that the Soviet leaders had stopped making public propaganda speeches in favour of pursuing private discussions, as in the past two weeks. Both Mr. Gromyko and Mr. Rusk had emphasised the need to be frank, outspoken and precise. Mr. Rusk had made it clear that in the search for mutually acceptable language, the United States position was subject to reference to the allies, who must be consulted before any agreement was reached. Mr. Rusk had also said that he thought the Russians under-estimated the United States interest in non-proliferation; and that the United States and the Soviet interest in non-proliferation were, or should be, very close at the heart of the matter. The difficulty was that from time to time the Soviet leaders raised entirely extraneous matters. Mr. Rusk had appealed to Mr. Gromyko to concentrate on the essence of the problem, and proposed a study of the following three simple propositions:

- (i) the United States and Soviet Union should agree not to transfer the control of nuclear weapons to any non-nuclear weapon state, directly or indirectly;
- (ii) they should agree not to assist any non-nuclear weapon state to become nuclear;
- (iii) they should agree not to relinquish the control of their own nuclear weapons or nuclear explosives.

7. In discussion it had become clear that Mr. Gromyko did seriously desire to explore the possibility of arriving at mutually acceptable treaty language; that he did not insist on the Soviet draft as the only basis for discussion; that he was prepared to try a new approach; and that he did not intend to make as issue of nuclear planning in NATO. Twice at least Mr. Gromyko said that he was simply not raising the question of nuclear consultation. He also seemed prepared to include in the treaty the idea that nuclear explosions for peaceful purposes were the equivalent of nuclear weapons for the purposes of the treaty. He seemed prepared to accept that the United States intended to retain control of its nuclear weapons, but pointed out that there was nevertheless the possibility of a transfer of control. Mr. Rusk had urged him to appreciate that the United States could not accept any wording which

would mean telling the NATO Allies that nuclear defence was none of their business. He had said to Mr. Gromyko that he assumed that in their nuclear defence planning the Soviets also took account of the views of their allies.

8. Mr. Rusk had suggested that the treaty should be couched in simple language covering the three propositions set out above. Mr. Gromyko had argued that the language should not be too general and should be sufficiently explicit for both sides to interpret it in the same way. Mr. Rusk thought that since this was a question of physical weapons and their control, there could be no ambiguity; but Mr. Gromyko argued that each side would interpret the language differently.

9. No attempt had yet been made to draft new treaty language. Mr. Foster and Mr. Roshchin had met once in New York. They had covered much the same ground as Mr. Rusk and Mr. Gromyko but had begun a piecemeal discussion on the easier clauses. Commenting on the United States position regarding a safeguards clause, Mr. Roshchin had claimed that this would create difficulties for a number of states, for example India, and that it should therefore be eliminated. He had however said that he would consider the United States view on the necessity for this clause. The Soviets were also considering the United States proposals for withdrawal and for a review of the treaty after five years, as also for procedures for the entry into the force of the treaty.

10. The foregoing was a report on a situation which was moving, but it seemed that the following conclusions might be drawn. Firstly, the Russians did seem to be interested in working towards a treaty. Mr. Rusk thought that for the first time they were concerned with possible developments in countries other than the Federal Republic of Germany. Secondly, both sides were concentrating on common ground rather than discussing differences. Thirdly, Mr. Rusk and Mr. Gromyko seemed close to agreeing on what the treaty was not about. For example, the treaty would not cover a wartime situation, or the political decision to go to war. The Soviets had not dropped their objection to the institutionalising of nuclear consultation in NATO, and they were not suggesting that defence arrangements inside an Alliance should be subject to review by another power. Mr. Rusk had reminded Mr. Gromyko that after all the non-nuclear countries in NATO were targeted by Soviet nuclear weapons.

11. Fourthly, Mr. Gromyko had listed what he disliked by way of transfer, and had made it clear that he wished to see a special prohibition in the treaty regarding the transfer of nuclear control to an Alliance. Soviet thinking in this matter was that the NATO Alliance constituted 16 entities, i.e. the 15 countries plus the Alliance.

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12. Fifthly, Mr. Rusk thought that agreement should be possible on his three simple propositions, and that it should be possible to find mutually acceptable treaty language. If the Soviets wished to go beyond these propositions and to refer in the treaty to political arrangements among allies, this would mean that they were still not sufficiently keen on a non-proliferation agreement to cease using the discussions as an instrument of their policy regarding Europe and Germany.

13. Sixthly, Mr. Rusk had instructed him, the United States Representative, to assure the Council that no agreement would be reached without allied consultation.

14. The CHAIRMAN asked whether the progress of the review by the United States Government was reflected in this report, or whether there was anything further to report.

15. The UNITED STATES REPRESENTATIVE said that such progress was reflected in the report he had given the Council on the talks between Mr. Rusk and Mr. Gromyko. The United States had not yet got to the point of being clear what kind of language might bridge the remaining gap, and was not yet in a position to talk in the Council in terms of a specific draft.

16. The ITALIAN REPRESENTATIVE, with all other members, thanked the United States Representative for this valuable report which would be studied by his Authorities. The Italian position was well known as expressed in the Council and also in Geneva. In the long-standing quest for East-West rapprochement and agreements in the disarmament field, Italy had at one stage proposed a moratorium but was of course anxious that agreement should be reached on a non-proliferation treaty. It was obvious that this treaty was the optimum goal and if there were hopes of an agreement on it, this could be the objective. He thought the time had now come to refresh ideas on this subject and he recalled the importance of the European clause. He welcomed the indications that the Russians were showing themselves somewhat more understanding. It was to be hoped that some results could come out of this and, to this end, timely consultations in the Alliance were necessary without losing sight of the fact that the ENDC was the most suitable forum for disarmament discussions.

17. The NETHERLANDS REPRESENTATIVE said that he hoped that, in the same way as the Moscow test ban had been an encouraging agreement even though partial, it might be possible to agree on a non-proliferation treaty in which alliances were not singled out for special reference. The fact that the United States-Soviet contacts in this matter were developing satisfactorily in spite of the South East Asian situation was encouraging.

18. He noted that the United States Representative had said that the stage had not yet been reached of redrafting a text of the treaty. He, the Netherlands Representative, had circulated the

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Netherlands proposals for amending the United States draft following on a previous phase of the Council discussions. His Authorities had instructed him to give the following oral explanation to the Netherlands proposals.

19. The amendments to the American draft treaty as proposed by the Netherlands were designed to rule out a contingency which, in the Netherlands view would amount to proliferation, namely the contingency that a decision on the use of nuclear weapons could be taken by a group of non-nuclear weapon states against the wishes of the nuclear weapon state that had made these weapons available.

20. He had been instructed to reiterate that the proposed amendments did not rule out the MLF/ANF or similar concepts, provided the participating nuclear weapon states maintained an effective veto on the use of the nuclear weapons they had brought in. This did not imply that the Netherlands wished to choose in favour of such a concept at a moment when this matter was not the subject of active discussion at least within the Alliance. On the contrary, the continuation of the studies undertaken by the Special Committee on the possibilities of giving substance to the sharing of responsibilities in the nuclear field through consultative arrangements was a matter which remained of active interest.

21. The Netherlands amendments had been introduced in writing - in conformity with an earlier undertaking - with the exclusive intention of providing a starting point for an exchange of views. The fact that these amendments were designed only to block a contingency which in the Netherlands view would amount to proliferation did not imply that the Council's exchange of views should be limited to this aspect; the discussions should equally illuminate the question whether certain forms of nuclear co-operation might be tantamount to proliferation or stimulate it. This question was of some importance in connection with the provision in the American draft whereby signatories would undertake not to provide to any non-nuclear weapon state "encouragement or inducement to manufacture or otherwise acquire its own nuclear weapons". Countries that came to mind in this context were India, Israel, etc. It went without saying that also in this matter the views of third countries should not be decisive for the procedure to be adopted.

22. The NORWEGIAN REPRESENTATIVE said that following a careful study, his Authorities had again confirmed that they were strongly in favour of the Netherlands proposals for amending the United States draft non-proliferation treaty. They had always interpreted the concept of proliferation of nuclear weapons to include any form of transfer of control on the part of the present nuclear powers. They shared the view that the Western draft non-proliferation treaty ought to include an unequivocal clause prohibiting the transfer of control to non-nuclear powers or to any group of states. This point was expressly made by the Norwegian Foreign Minister on October 4th

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during the general debate in the United Nations, when Mr. Lyng further stressed that according to the view of the Norwegian Government the principle of non-proliferation should apply to existing as well as to future alliances.

23. With reference to an earlier statement by the Belgian Representative in the Council, the Norwegian Authorities considered it important to make it quite clear vis-à-vis the Soviet Union that the plans concerning the establishment of a common NATO nuclear force - be it MLF or ANF - definitely had been shelved. The establishment of such a force in itself did not imply proliferation, if the participating nuclear powers continued to possess exclusive control over the nuclear warheads. Even so, Norway thought one had to accept as a political fact that further progress towards an agreement on non-proliferation could not be expected at least as long as the West had not given a clear assurance that plans concerning an Atlantic nuclear force would not be realised in any form whatsoever. In view of the pressing need for a speedy conclusion of a non-proliferation treaty, his Authorities hoped that such a clarification could be made as soon as possible.

24. As to the question of how this assurance might be given, his Authorities thought this should be decided upon by those of the allies who were directly involved in the negotiations on the non-proliferation treaty. It would depend upon the actual negotiating situation whether the assurances should be set forth in the form of a more extensive revision of the American draft treaty than the one now proposed by the Netherlands, or in some other way.

25. Finally, the Norwegian Authorities naturally shared the view that the West could only accept formulations in the treaty which were compatible with Western defence requirements and which would permit those types of consultations in the nuclear field which were considered desirable within an alliance. Again he referred to his Foreign Minister's statement in the United Nations when Mr. Lyng said that members of a defence alliance obviously would have to consult about basic principles, also about basic strategic principles, but that strategic consultations might take place without a transfer of control over nuclear weapons within the alliance.

26. The BELGIAN REPRESENTATIVE said that his Authorities attached great importance to the present Council discussion both because of the importance of the subject matter and because they hoped that there would be full NATO consultation before final positions were taken up. Consultation did not necessarily mean reaching unanimity, or agreeing on a mandate, but it should allow a clear expression of positions which the four Western allies in Geneva should take into account. The Belgian Government was convinced that the views expressed in the Council would influence the attitude of the four powers, in particular that of the United States which, while not acting on a NATO mandate, was the most directly concerned in negotiations with the Soviet Union.

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27. The view of the Belgian Government was that any non-proliferation treaty must take full account of the following five elements:

- (i) the universal interest of non-proliferation;
- (ii) the security of the Alliance;
- (iii) the legitimate preoccupations of Germany;
- (iv) the increase in the détente which would be brought about by a treaty;
- (v) the nature of non-proliferation.

28. There was no need for him to insist on the first point, the universal interest of non-proliferation. It was interesting to note that the Soviets were now anxious to prevent proliferation in all quarters, and not only to the Federal Republic. The security of the Alliance comprised two fundamental aspects: firstly, a treaty must not upset the existing balance of forces, and secondly, it must not impair the deterrent. As regards the legitimate preoccupations of Germany, he noted that this had always occupied an important place in the Council studies. A non-proliferation treaty should not, in the view of Germany or of the world, relegate the problem of reunification to the background. German reunification was one of the goals of the NATO Alliance. This was a problem which was both political and psychological. It could be argued that progress towards a non-proliferation treaty could have a beneficial effect both politically and psychologically on the German problem and would make it possible to hope for further results.

29. A treaty must represent progress towards a détente, and was therefore of interest to NATO both from the security point of view and as concerned East/West relations.

30. As regards the nature of non-proliferation, the present United States/Soviet exchanges were very important for the precise reason that there was the possibility of arriving at mutually acceptable language. Here it should be noted that the Soviets no longer insisted on their draft as a basis for discussion. The Belgian Government supported the Netherlands amendment to the United States draft Article I, concerning the definition of non-proliferation, on the grounds that the Netherlands text was precisely the kind of simple language which could be understood by all. Commenting on the last paragraph of the explanatory note accompanying the Netherlands amendment, he said that a major problem for NATO was the nuclear defence of the Alliance. If the allies were convinced that the Special Committee of Defence Ministers could provide the answer to the effective nuclear defence of the Alliance, and provided that they were so convinced, they should have the courage to say so clearly. He shared the Norwegian interpretation of the rôle of the Special Committee. Further, one should not preclude the possibility that a united Europe might one day become a nuclear power. It was however dangerous to try to cover hypothetical

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situations. He suggested therefore that one should admit frankly that the treaty should not deal with hypothetical situations and that a review clause should be included to provide for possible future developments.

31. The GREEK REPRESENTATIVE made three points. Firstly, Greece had no nuclear ambitions. This statement expressed not only the purity of Greek intentions but also the lack of possibilities on Greece's part. But Greece did need nuclear protection.

32. Secondly, such protection, in the judgment of the Greek Government, could be best achieved in the framework of the Alliance through a system of sharing the responsibility in reaching decisions for the use of nuclear weapons. This was true even for countries which had the technical possibility of producing nuclear weapons, since nuclear deterrence had no practical effect unless equality, or rather equilibrium, on the level of nuclear power as well as in the means of delivery was attained.

33. Thirdly, in the light of the above considerations, Greece favoured the conclusion of a non-proliferation treaty, provided that such a treaty would not prevent satisfactory arrangements within the Alliance for the planning of a common nuclear policy and for the institution of the necessary machinery to carry out such a policy. This was the crucial point on which Greek interest was concentrated, and this was the reason for which Greece attached the greatest importance to the work of the Special Committee.

34. The UNITED KINGDOM REPRESENTATIVE said that he had listened with great attention to the report of the evolution of the Soviet interest in the subject of non-proliferation, and also the welcome United States intention to consult the allies before putting forward any language for a new draft. The Council had already been informed of the preliminary views of the United Kingdom Authorities on the Netherlands amendment, which they favoured. He would not today comment on its interpretation.

35. The GERMAN REPRESENTATIVE said that the discussion today was taking place at a time when public opinion had at least the impression that positions on both sides were more flexible. Public expectation was caused to a certain degree by discussions in the First Committee of the United Nations and in particular by the talks between Mr. Rusk and Mr. Gromyko. The German Authorities would study with the greatest interest the report now given to the Council by the United States Representative.

36. President Johnson's speech at Idaho, and recent communications to the Council, had indicated that the United States Government was studying the possibility of modifying the language of the key clauses in the draft treaty. The United States Representative had today said that the search for language was continuing. It was therefore difficult for the present discussion to be conclusive. The German Government did not know whether modified language was possible, advisable or necessary.

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37. The present developing situation might be the reason why the initiative for today's debate had not come from one of the four Western powers in Geneva. The German Authorities had given considerable study to the proposed Netherlands amendment; they had no final position, but at first sight it seemed that this amendment might entail the danger of precluding important stages in European unification. The Belgian Representative had made some suggestions to take account of this problem in a revision clause, or in some similar way. The German Authorities would study these suggestions. The Belgian Representative had also spoken of the legitimate interests of Germany, and of the effects of a treaty on the problem of German reunification. The latter point of course had always been carefully taken into account in the thinking of the German Authorities.

38. In general the German Authorities did not claim a special position for Germany as regards a non-proliferation policy, but only wished to reserve the normal rights of a sovereign state in respect of its national defence.

39. The position of Germany regarding non-proliferation was generally known. It had been outlined again recently by Mr. Schröder in the Bundestag on the 23rd September. At the end of the debate the Bundestag had passed a resolution reiterating its desire for controlled disarmament serving the cause of peace. It requested the Federal Government to continue to work in the spirit of its Peace Note of 25th March and added:

"The Bundestag would welcome it if, in addition to the Federal Republic of Germany, further states would expressly renounce the manufacture of atomic, biological and chemical weapons and would - like us - submit to a corresponding control."

40. In the resolution the Bundestag referred to an initiative by the Federal Government, of which the NATO partners had already been informed through bilateral channels, and which concerned the further elaboration of the proposals made in paragraph 1 of the Peace Note. In effect the German Government intended to send separate notes to the non-nuclear member states of NATO and the Warsaw Pact asking them to make unilateral declarations vis-à-vis their partners in the respective Alliances renouncing - as Germany had done - the manufacture of nuclear weapons and submitting to adequate control. The fact that such declarations had been made, and taken note of, should then be recorded in a joint act of the two Alliances which could subsequently be announced with all due solemnity.

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41. This was intended as a proposal providing some practicable first measures in Western endeavours to reach a peaceful settlement on East/West relations. It was not intended to prejudice but rather to facilitate, and pave the way for, a general settlement.

42. The CANADIAN REPRESENTATIVE said that his Government welcomed the bilateral United States/Soviet talks and the United States assurance that there would be further consultation in the Council. He thought that Canada would agree to the Netherlands amendment. His Authorities would study the statement by the German Representative.

43. The DANISH REPRESENTATIVE welcomed the present appearance of flexibility on both sides of the bilateral talks, and the assurances given today on NATO consultation. Denmark considered it in the over-riding interest of the Alliance to reach agreement on a treaty. His Authorities supported the Netherlands amendment and were in favour of a clear unambiguous text without mental reservations. He assumed that the views expressed in the Council would become part of the input into the United States/Soviet talks.

44. The TURKISH REPRESENTATIVE said that his Government was anxious to see agreement on a treaty as soon as possible because of its universal interest and because it would represent a first step towards a real détente. Such agreement should not however prejudice the existing balance of power. He also agreed with the Greek Representative that it should in no way affect NATO nuclear planning activities.

45. The NETHERLANDS REPRESENTATIVE, commenting on the references made to the danger of including political interpretations into a text which should be unambiguous, said that it was important that the United States should know the views of its allies in order to take account of them as much as possible. A European federation was still far off, but he was instructed to say with regard to the Netherlands attitude to a possible "hardware solution" that the Netherlands proposals went back to March 1966 and that his Authorities were fully aware that the talks now taking place might affect allied positions. If this would increase the chances of agreement, the Netherlands would be prepared to go along with a provision which neither explicitly left open nor explicitly ruled out a hardware solution.

46. The UNITED STATES REPRESENTATIVE said that he hoped the subject of non-proliferation would remain a standing item on the Council Agenda while the bilateral discussions proceeded. It would be very helpful to the United States to have the comments of governments as they became available, either through the Council or informally through Delegations.

47. Referring to the German proposals for unilateral renunciations of atomic, biological and chemical weapons, he asked what was the time relation between this proposal and the process of

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trying to reach agreement on a treaty. The United States had always felt that proposals which meant settling for less than a treaty as an interim step (for example the Italian proposal for a moratorium), were interesting as possible fall-backs, but that it would be better in the first instance to explore the possibilities for a treaty.

48. The GERMAN REPRESENTATIVE said that, subject to any comments by Mr. Schröder in the Bundestag debate of 23rd September which might provide an answer to this question, he thought that the general attitude of his Authorities was determined by the fact that they had always expressed scepticism on the practical possibility of a universal non-proliferation treaty, and on whether it would be the best way to bring about effective non-proliferation. The present German proposal had the same relation to a non-proliferation treaty as practical first steps in disarmament towards general and complete disarmament.

49. The CHAIRMAN, summing up, noted that the discussion had not been concluded today and that it should continue as a standing item on the Council Agenda. All governments would wish to study closely the valuable report by the United States Representative.

50. Among the points made in discussion he noted the statement by the German Representative referring to the German proposal for unilateral renunciations of atomic, biological and chemical weapons. The German Representative had amplified this proposal in reply to a question by the United States Representative, and subject to reference to Mr. Schröder's speech in the Bundestag on 23rd September. There was, further, the Netherlands amendment that had met considerable interest.

51. A point of major importance was that Council discussion of non-proliferation did not mean introduction of the idea of non-proliferation; on the contrary, non-proliferation was already adopted by the Allies since the nuclear powers had stated that they would not release nuclear weapons, and the non-nuclear ones that they would not ask for any. It was the strength and solidarity of the Alliance which made this possible. The aim now was to convert this freely elected policy into a universal legal obligation. This would have consequences for the Alliance, since the policy would then be binding and no longer a question of free choice, and would create a new status for several allied countries. This required a very comprehensive review of all the different consequences and questions involved, of which the Belgian Representative had just given an excellent example.

52. A discussion had taken place regarding the Netherlands amendment, which dealt with the question of an association of states. He agreed with those speakers who had argued that it was important vis-à-vis public opinion to avoid an ambiguous formula. One could however clarify in either of two different directions. There was the danger that the exclusion of a transfer of control of nuclear

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weapons to an association of states might be construed as meaning the exclusion of nuclear-arming arrangements in an alliance. One must therefore be very clear about what was meant, and this point required further consideration. Here he welcomed the fact that Mr. Rusk had insisted in his talks with Mr. Gromyko that nuclear arrangements within an alliance were a question for the allies themselves to decide, without outside interference. The Belgian Representative had said that the McNamara Committee represented a solution of this question for the NATO Alliance. He, the Chairman, noted that so far this Committee was a study group only. Its importance lay in the recommendations which would result from the study, regarding the desirability or otherwise of institutionalising nuclear consultation, of creating or not a "hardware solution", etc. and in the practical results of such consultations and arrangements. The essential point was that the Alliance was not committed in advance.

53. A further point made in discussion was the political union of Europe which was of interest to the Alliance given the links between WEU and NATO. The Belgian Representative had made a very interesting suggestion that this question should be left open, with appropriate inclusion of a review clause in the non-proliferation treaty.

54. With regard to the universal scope of a treaty, he noted that there appeared to be the beginning of a promising change in the Soviet attitude. Its universality might be an essential feature of a treaty. So far, the Soviet Union seemed to have used the discussions simply as an instrument to further its European policy; it was now a promising sign if the Soviet leaders were considering the advantages of a universal treaty. This question of universality should be discussed more fully in the Council. Here he noted that the Canadian draft made provisions for the entry into force of the treaty and adhesion by interested countries. This question was left open in the United States draft. If the treaty should be not universal, but only a European one, then parallel consideration of the political problem referred to by the Belgian and German Representatives would become all the more urgent.

55. He agreed with the Belgian Representative in underlining the connection between non-proliferation, East/West relations, the détente and German reunification. All these problems were inter-related, and it was one of the main tasks of the Alliance to aim at their best possible connection and solution.

56. The Council would now look forward to being kept informed of the progress of the United States/Soviet talks.

57. The UNITED STATES REPRESENTATIVE, referring to relations with the press on the subject of non-proliferation, said that the press was aware that the Council was discussing this subject today. The United States Government wished it to be known publicly that it

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was consulting its allies, though the substance of the discussion should be kept secret. He accordingly suggested that the NATO spokesman should state to the press that he, the United States Representative, had reported to the Council on the talks between Mr. Rusk and Mr. Gromyko. The United States Delegation would then amplify this statement by indicating the objectives of the United States Government in the talks, and emphasising the United States intention to consult the allies as the talks continued. He suggested that it should be left to the discretion of each Permanent Representative to decide what should be divulged to the press regarding his own interventions.

58. The NETHERLANDS REPRESENTATIVE strongly deprecated the practice of letting it be known what were the subjects discussed by the Council, since this could put Permanent Representatives in an embarrassing position vis-à-vis their own national public or Parliamentary opinion. He urged a return to the normal Council practice of observing secrecy regarding the Agenda of its routine consultations.

59. The NORWEGIAN REPRESENTATIVE noted that this was a recurrent problem, and that the number of leakages in recent months had been considerable. He agreed that the maximum possible secrecy should be observed on this occasion, but pointed out that if a journalist confronted him with an incomplete or inaccurate report of his own intervention he must correct it.

60. The FRENCH REPRESENTATIVE also deprecated the leaks which had taken place recently, some of which he found astonishing. He was in favour of the maximum secrecy on this occasion.

61. The CHAIRMAN said that he agreed such leaks were most regrettable. He pointed out that generally the NATO spokesman did not quote any speaker in the debate. He suggested that on this occasion the NATO spokesman might say that the Council had discussed non-proliferation on the basis of a report by the United States Representative, and that discussion would continue at any time it appeared necessary. It should be left to the discretion of the United States Representative to give additional information on his own report as he saw fit, but he hoped this information would be kept to a minimum.

62. The UNITED KINGDOM REPRESENTATIVE said that in the past year the Council debates had been receiving more publicity, for the simple reason that there were divergent views in the Council. He thought it a bad habit to inform the press even of the subject matter of the weekly discussions of the Council. This kind of secret consultation which could take place at any time among Government Representatives existed only in NATO, and was one of NATO's chief advantages. It could destroy the value of Council consultation if one thought it necessary to inform the press of the Agenda of these weekly meetings.

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63. The UNITED STATES REPRESENTATIVE agreed that secret consultation was an important feature of the Council. He thought that increasing public attention was being paid to the Council's meetings precisely because the Council was discussing issues of interest to the public. He asked whether, if journalists were to write on the fact that the Council had today discussed proliferation, it would be preferable to guide and contain their reports, or to let them make them up. He thought that there was a sufficient interest in making it known publicly, not only that non-proliferation was being discussed bilaterally between the United States and the Soviet Union, but also that it was being discussed on the basis of allied consultation. The substance of allied consultation should, however, be kept secret.

64. The CHAIRMAN, concluding on this point, noted that the normal rule which should be respected was that there should be no publicity for either the meetings or the Agenda of the Council. If on occasion the Council recognised the need for publicity, this should be the subject of a Council decision. On the present occasion, given the fact that the press was already aware of the Council's Agenda, the NATO spokesman should be authorised to report as he had suggested in paragraph 61 above.

65. The COUNCIL:

approved the conclusion by the Chairman.

OTAN/NATO,  
Paris, (16e).

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ORIGINAL: ENGLISH/FRENCH  
7th December 1966NATO SECRET  
DOCUMENT  
C-M(66)129TRENDS AND IMPLICATIONS OF SOVIET POLICYReport by the Expert Working Group(1)I. GENERAL

In internal matters the Soviet régime is pursuing the rather cautious course charted at the Party Congress in April. The progress of the economic reforms will continue to dominate the internal scene, although in 1967, which is the 50th anniversary of the Revolution, we may expect a heavy dose of ideological and patriotic exhortation.

2. Soviet foreign policy during the past six months has continued to be directed by the general principles previously outlined: support of North Vietnam; limitation of the extent of divergence within the Warsaw Pact; determination not to exclude certain possibilities of improving relations with the United States; diversification of external relations, particularly with European countries, and a desire to present a less forbidding face on a policy which at the same time is seeking to confirm the status quo in Central Europe, including the division of Germany.

3. The deterioration of relations between the USSR and China was however an important development during the period under review. China's isolation and the excesses of the Cultural Revolution have made the Russians less concerned than previously about Chinese charges of collusion with the Americans. This may partly explain certain changes in the application of the principles mentioned above, particularly the adoption of a more receptive attitude towards the United States and of a more forthcoming line on non-proliferation and certain other aspects of disarmament. There is still no sign that the Soviet leaders are yet ready - or, possibly, in a position - to use their influence to work for a negotiated settlement in Vietnam.

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(1) This report was drafted on 17th November, 1966.

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4. The Soviet leaders have shown a desire to maintain a range of contacts with Western powers including the United States. Without compromising the basic aims of the Alliance and keeping in mind the objectives of Soviet policy, member governments should endeavour to profit from any indications that the USSR and East European states genuinely seek to work for better relations in Europe. Continued consultation and exchange of information amongst members of the Alliance on relations with the Soviet Union and Eastern Europe is of great importance.

## II. LEADERSHIP

5. The reappointment of the Government unchanged after the Supreme Soviet elections in June underlined the predominant preference for political continuity and stability. Brezhnev continued to enhance his pre-eminent position and Kosygin's authority apparently remains undisturbed. There has been no clear evidence of serious friction within the collective leadership or of a threat to it.

## III. INTERNAL DEVELOPMENTS

### A. The Economy

6. Soviet economic performance during the first year of the still unratified 1966-70 Five Year Plan has been reasonably satisfactory. The modest rate of industrial expansion planned for 1966 will be exceeded, but difficulties in the execution of the investment programme may have compromised the prospects for future growth.

7. Despite bureaucratic obstruction, the introduction of the economic reforms has continued. So far only 673 enterprises accounting for 10% of the industrial labour force are affected. These enterprises have achieved better results than those still operating under the old system, but the crucial test will come when all enterprises, and not just efficient ones, have been transferred to the new system.

8. The measures of price reform so far announced seem generally conservative but the new prices will reflect production costs more accurately than in the past. However, flexibility of response to changing market conditions at the enterprise level is likely to be hampered by the régime's determination, at least for the time being, to keep all price-fixing decisions in the hands of the central authorities.

9. Agricultural production has shown a striking improvement. The record grain harvest should lessen the need to contract for any further imports of grain during the 1966/67 crop year, enable the authorities to build up stocks and afford them more freedom of action in their use. The increase in agricultural output doubtless owes much to this year's unusually favourable weather conditions, but it seems likely that the more realistic agricultural policy, now being applied, has also played a part.

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### B. Military Developments and Strategic Doctrine

10. There has been no evidence during the past six months suggesting any basic change in Soviet military doctrine or force structure; they continue to reflect the requirements of general nuclear war. There is, however, greater attention being paid in military writings to the rôle of general purpose forces. This involves a search for ways to loosen the constraints at one time imposed on strategy by Khrushchev's view, i.e. that in any war which brought in the great Powers, the Soviets could rely almost wholly on strategic weapons. The distinction between major, local and national liberation wars has been blurred. As yet, however, there has been no authoritative restatement of Soviet strategic thinking.

### C. Ideology, Culture and Controls

11. The post-Khrushchev leadership is apparently trying to tighten the administrative structure and to increase discipline and efficiency in society, while pursuing the seemingly contradictory aim of encouraging greater initiative from below. The economic reforms imply a diminution of Party interference in the economy, and thus have underlined the unresolved problem of the limits of Party and Government authority. At the same time a slightly more militant tone in propaganda has emerged. The conflicting trends, and the absence of any leader with a clear ideological vocation have in fact aggravated the confusion to which Khrushchev gave rise.

12. The contest between conservative and liberal cultural tendencies continues. Despite attacks on them at the Congress, liberal writers continue to be active. General cultural policy, without being excessively reactionary, gives little encouragement to progressive intellectual trends.

13. The creation of the all-union Ministry of Public Order and the new measures for combating hooliganism probably reflect a genuine concern at the increase in crime, but they and the recent additions to the RSFSR Penal Code against anti-State activity, could have an ominous significance in the realm of social and ideological control.

## IV. EXTERNAL DEVELOPMENTS

### A. Sino-Soviet Relations and the International Communist Movement

14. Sino-Soviet relations are at their lowest ebb ever. The Chinese have never been so isolated. Until the unfolding of the Cultural Revolution in China the Soviet leaders had continued their profitable policy of firmness with restraint. Since then they seem to have concerted with their East European allies -

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Rumania alone excepted - a line of more polemical condemnation of the Chinese. The main lines of all this criticism of China are broadly the same: the Cultural Revolution has nothing in common with Marxism-Leninism; it has an essentially anti-Soviet bent and it has led to attacks on orthodox elements in the Chinese Party itself; Chinese attitudes seriously hinder the task of resisting imperialist aggression, particularly in Vietnam.

15. Despite the isolation of China, the USSR has found it difficult to make any major political gains from the situation. The October meeting of Communist leaders in Moscow undoubtedly discussed the situation in Vietnam and China but produced an uninformative communique. At the Bulgarian Party Congress the question of calling a World Communist Conference was revived but discussion revealed that there was still major opposition from certain Parties to convening a meeting which would inevitably be directed against China. There may be some suspicion that Soviet intentions include some idea of re-creating a Moscow-controlled Communist organization. In convening such a Conference the attitude of the North Vietnamese would be of capital importance: for this and other reasons the Soviet leaders are likely to remain circumspect.

B. Relations with Eastern Europe

16. Soviet efforts to get the East European countries to take a common attitude met with some success, albeit limited, which on the other side implies a growing Soviet acceptance of the evolution of these countries towards some degree of autonomy.

17. The Group is in agreement with the assessment given in the Report on the Situation in Eastern Europe (C-M(66)128) as follows (paragraph 1):

"The long-term trend towards a greater degree of self-assertion by the countries of Eastern Europe has continued. The Declaration on European Security issued at Bucharest appeared more forthcoming on some points than might have been expected from the Russians alone. It showed signs that account had been taken of the views of other Warsaw Pact members. The Soviet Union, while seeking to come to terms with the views and interests of her Allies, has continued her efforts to limit the extent of divergence. New organizational measures in the Warsaw Pact seem to have been successfully resisted, principally by Rumania, but the community of interests and ideology is strong enough to enable the Soviet Union to maintain cohesion on some of the questions she deems essential."

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### C. Relations with the Third World

18. Overall Soviet policy in the Third World continues to be governed by various aims: to get a wider hearing for the USSR in the more important countries of the Third World, including the moderate countries and those hostile to its ideology; to counteract Western influence; to spike the guns of Peking. All this makes for a pragmatic policy which is not pursued too forcefully for fear of producing an adverse reaction.

19. The main Soviet interest in recent months has been in the Middle East, but this seems to have been more a reaction to opportunities that opened e.g. in Syria, than a conscious policy of penetration. The Russians have not taken any active measures to further reconciliation between India and Pakistan since the Tashkent Conference, but have rather sought by promises of further aid to maintain good relations with both.

20. A new approach to foreign aid seems to be emerging. New aid commitments may reach a record level this year, but the Soviet Government has become more selective in its aid probably as a result of recent disenchantments particularly in Africa. The Russians continue however to use military aid as a relatively cheap method of gaining political credit.

### D. Relations with the West

21. In their relations with the West the Soviet leaders are pursuing a number of sometimes conflicting lines. They have continued to distinguish their relations with the United States from their relations with some other members of the Alliance. Bilateral relations continued on an ad hoc basis with exchanges of high-level visits with a number of Western countries.

22. The Soviet leaders have indicated a preference for pursuing discussion of European problems within a strictly European context as exemplified in the Bucharest Declaration. There is little evidence, however, that their position on the main European problems has altered. The proposal to convene a Conference on European Security has not been actively pursued by the USSR. It is in this context of European security that the USSR contemplates the German question. It has refrained from any provocative moves over Berlin which might evoke closer co-operation among the Western Allies. At the same time, it has pursued energetically the goal of international recognition for the Soviet-occupied Zone of Germany.

23. The Russians have taken the public line that they would like better relations with the United States but that the war in Vietnam is an obstacle. However, they have recently indicated that they are now more willing to pursue their relations with the United States bilaterally, Vietnam notwithstanding. Kosygin, moreover, stated in a speech in August that the Vietnam situation should not prevent agreement being reached on non-proliferation and a comprehensive test ban treaty.

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24. The Soviet Union has in public declined to attempt to persuade the North Vietnamese to agree to anything less than their own conditions for ending the war. Although the Soviet leaders are now clearly less concerned about Chinese charges of collusion with the United States, there is still no sign that they are yet ready - or, possibly, in a position - to use their influence to work for a negotiated settlement in Vietnam.

25. There has recently been an apparent softening in Soviet attitudes on a non-proliferation treaty. This has been shown both in readiness to explore possible compromise language for an agreement and in the optimism expressed by Mr. Gromyko in the United States about the prospects of reaching agreement. This optimism has been reflected in the Soviet press. It remains to be seen, however, whether the Soviet leaders are prepared to modify their position sufficiently to make possible the negotiation of a treaty text acceptable to the West.

26. The Soviet Government has moved relatively quickly towards the conclusion of an agreement on outer space, although Moscow's willingness to proceed to the actual signature of such a treaty may well depend not on the substance of the agreement but on Soviet reading of its potential effects on the international climate.

(Signed) W.M. NEWTON  
Chairman

OTAN/NATO,  
Paris, (16e).

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ORIGINAL: ENGLISH  
10th February, 1967NATO SECRET  
SUMMARY RECORD  
C-R(66)69Summary record of a meeting of the Council  
held at the Permanent Headquarters, Paris, 16e.,  
on Thursday, 15th December, 1966, at 3.30 p.m.PRESENT

President of the Council:	H.E. Mr. J.O. Krag
Chairman & Secretary General:	Mr. Manlio Brosio

BELGIUM

H.E. Mr. P. Harmel:	Minister for Foreign Affairs
H.E. Mr. Ch. Poswick:	Minister of National Defence
H.E. Mr. A. de Staercke:	Permanent Representative

CANADA

The Hon. Paul Martin:	Secretary of State for External Affairs
The Hon. Paul T. Hellyer:	Minister of National Defence
H.E. Mr. C.S.A. Ritchie:	Permanent Representative

DENMARK

H.E. Mr. J.O. Krag:	Prime Minister, Minister for Foreign Affairs
H.E. Mr. Victor Gram:	Minister for Defence
H.E. Mr. H. Hjorth-Nielsen:	Permanent Representative

FRANCE

H.E. Mr. M. Couve de Murville:	Minister for Foreign Affairs
H.E. Mr. P. de Leusse:	Permanent Representative

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GERMANY

H.E. Mr. Willy Brandt:	Federal Minister for Foreign Affairs
H.E. Mr. Gerhard Schröder:	Federal Minister for Defence
H.E. Mr. Wilhelm Grewe:	Permanent Representative

GREECE

H.E. Mr. J. Toumbas:	Minister for Foreign Affairs
H.E. Mr. C. Mitsotakis:	Minister for Economic Co-ordination
H.E. Mr. S. Costopoulos:	Minister for National Defence
H.E. Mr. G. Melas:	Minister of Finance
H.E. Mr. Ch. X. Palamas:	Permanent Representative

ICELAND

H.E. Mr. Emil Jónsson:	Minister for Foreign Affairs
H.E. Mr. Henrik Sv. Björnsson:	Permanent Representative

ITALY

The Hon. Amintore Fanfani:	Minister for Foreign Affairs
The Hon. Roberto Tremelloni:	Minister for Defence
H.E. Mr. Adolfo Alessandrini:	Permanent Representative

LUXEMBOURG

H.E. Mr. Pierre Werner:	Prime Minister and Minister for Foreign Affairs
H.E. Mr. Paul Reuter:	Permanent Representative

NETHERLANDS

H.E. Mr. J.M.A.H. Luns:	Minister for Foreign Affairs
H.E. Mr. P.J.S. de Jong:	Minister for Defence
H.E. Mr. H.N. Boon:	Permanent Representative

NORWAY

H.E. Mr. John Lyng:	Minister for Foreign Affairs
H.E. Mr. Otto Grieg Tidemand:	Minister for Defence
H.E. Mr. Georg Kristiansen:	Permanent Representative

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H.E. Mr. A. Franco Nogueira:	Minister for Foreign Affairs
H.E. Gen. Gomes de Araujo:	Minister for National Defence
H.E. Mr. Vasco da Cunha:	Permanent Representative

TURKEY

H.E. Ihsan Sabri Caglayangil:	Minister for Foreign Affairs
H.E. Mr. Nuri Birgi:	Permanent Representative

UNITED KINGDOM

The Rt. Hon. George Brown:	Secretary of State for Foreign Affairs
The Rt. Hon. George Thomson:	Chancellor of the Duchy of Lancaster
The Rt. Hon. James Callaghan:	Chancellor of the Exchequer
The Rt. Hon. Denis Healey:	Secretary of State for Defence
H.E. Sir Bernard Burrows:	Permanent Representative

UNITED STATES

The Hon. Dean Rusk:	Secretary of State
The Hon. Henry Fowler:	Secretary of the Treasury
The Hon. Robert S. McNamara:	Secretary of Defense
The Hon. Harlan Cleveland:	Permanent Representative

INTERNATIONAL STAFF

Mr. J.A. Roberts:	Deputy Secretary General
Mr. F.D. Gregh:	Deputy Secretary General - Assistant Secretary General for Economics & Finance
Mr. J. Jaenicke:	Assistant Secretary General for Political Affairs
Mr. J. Beith:	Assistant Secretary General for Production, Logistics & Infrastructure
The Lord Coleridge:	Executive Secretary

ALSO PRESENT

Lt. Gen. Baron C.P. de Cumont:	Chairman, Military Committee
Gen. E. Ferber:	Director of International Planning Staff, Military Committee
Gen. L.L. Lemnitzer:	Supreme Allied Commander Europe
Admiral T.H. Moorer:	Supreme Allied Commander Atlantic
Admiral Sir John Frewen:	Commander in Chief, Channel
Maj. Gen. W.W. Stromberg:	Military Committee Representative

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country. His Government was, however, concerned that despite a demonstration of its will to co-operate in pursuing supra-national aims, the entire German people were sometimes condemned even in friendly countries.

30. In conclusion, he emphasised his Government's conviction that its national objectives could only be attained in close co-operation with its allies and that any slackening of these relations would jeopardise its security. Any shortcomings and failure to meet present day requirements in the North Atlantic Treaty and its Organization should induce the allies not to seek false or self-interested alternatives, but to improve the Alliance's ability to accomplish the tasks that lay before it.

31. Mr. RUSK (United States) expressed appreciation for the statements made by his colleagues and in particular the most effective contribution of the previous speaker.

32. Commenting on Mr. Harmel's initiative concerning the future tasks of the Alliance, he expressed the hope that governments would give to the proposed study the active high-level attention which issues of such fundamental importance to the Alliance deserved. He welcomed Mr. Luns's remark on a stronger rôle for the Parliamentarians in the work of NATO, and was pleased that Mr. Caglayangil had drawn attention to the critical situation in the Near and Middle East. In view of the importance of this area and its proximity to the southern flank of NATO, and in the light of recent tensions and persistent intrusions into the region by the Soviet Union, he thought it vital that the Permanent Representatives devote a special meeting to this situation, if possible before the vacation.

33. The United States intended to follow up the policy of East/West relations recently defined by President Johnson and despite inevitable opposition the Government was determined to pursue its East/West trade legislation in the Congress. An announcement was expected shortly on the initiation of an informal study regarding possible co-operation amongst the technically advanced societies of East and West Europe, particularly in problems of management and administration. There were indications that the Communist bloc was eager to draw on the experience of the free world and contacts with Eastern Governments and private organizations were anticipated.

34. Contrary to expectations, Mr. Gromyko's attitude during his visit to the United Nations General Assembly had been one of willingness to enter calm and serious discussion on a variety of problems, not excluding Vietnam. As a result a civil air agreement had been concluded and fresh impetus given to the discussion of a space treaty and the problems of

non-proliferation. For at least three years the latter had been the subject of complex and confused talks and it had been difficult to foresee how agreement might be reached. It appeared that discussions had now reached a stage where areas of possible accord could be explored. The United States had at all times made clear that allied consultation was a prerequisite to agreement with any Soviet Union suggestions. Progress had been made by confining the range of talks to warheads, and by excluding the problem of wartime arrangements. There were no signs of Soviet concern regarding NATO arrangements for the handling of nuclear weapons and it was doubtful that in respect of non-proliferation they would oppose the Nuclear Committee established by the Fourteen. The allies would be consulted shortly regarding language to define the key issues of what happened physically to nuclear warheads and whether control of nuclear weapons should be passed to non-nuclear powers. It now seemed feasible to predict what might be acceptable. Clearly a solution to the problem would be accepted with reluctance by nations such as India and Japan, and an answer did not lie in agreement between NATO and the Warsaw Pact.

35. The speaker recalled that the North Americas formed the western flank of NATO. This flank, though it excluded Hawaii, extended up to longitude 180°. The emergence of a new and capable nuclear power in the Pacific presented a problem which required vital consideration in the future. It was difficult to determine events in mainland China but the situation undoubtedly deserved close attention. He was inclined to agree with the view that the conversion of Peking to peaceful coexistence was the major problem of the world today. There was no progress in the pursuit of bilateral contacts in any sphere because of Peking's attitude to Formosa. The United States must continue to hold the view that it was not its responsibility to "surrender" this island. In effect, the price of interest on the part of Peking was to destroy the position of the Republic of China.

36. The problem of Vietnam which affected so many important world issues was of special interest to the United States not only because of its specific treaty commitment to act against the common danger of an attack on South Vietnam, but also because of its other treaty obligations in the area. It was totally unthinkable for the United States to be loyal to its Atlantic commitments and yet neglect any one of those treaties which were organized in the Pacific with full regard for the necessities of building a new and durable world-wide peace.

37. On the military side, enormous power was available to combat organized warfare in Vietnam but guerilla activities presented a complex problem. On the other hand, the responsible work of the constitutional assembly represented an encouraging political development and elections for a national assembly could be anticipated for mid-1968. Moreover, progress had been made to withstand the economic threats of runaway inflation.

# CONSEIL DE L'ATLANTIQUE NORD NORTH ATLANTIC COUNCIL

ENGLISH ONLY  
22nd February, 1967

NATO UNCLASSIFIED  
CORRIGENDUM NO. 2 to  
VERBATIM RECORD  
C-VR(66)69

Corrigendum to C-VR(66)69, dated 15th December, 1966

Page 27

In the second-last line, the second word should read "rather".

Page 29

Paragraph 3, line 4: for "gond" read "gone".

Page 30

Paragraph 3, line 10: insert "ready" after "power".

Paragraph 4, line 10: read "Long March".

Page 34

Paragraph 2, line 3: for "Iranian" read "Russian".

Page 35

Paragraph 2, line 3: for "of countries around this table" read "that countries around this table have".

OTAN/NATO,  
Paris, (16e).

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CONSEIL DE L'ATLANTIQUE NORD  
NORTH ATLANTIC COUNCIL

EXEMPLAIRE N° 221  
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ORIGINAL : ENGLISH/FRENCH  
15th December, 1966

NATO SECRET  
VERBATIM RECORD  
C-VR(66)69

VERBATIM RECORD

of a

MEETING OF THE COUNCIL

held on

THURSDAY 15th DECEMBER, 1966 at 3.30 p.m.

+ corr n°1  
dated 11/2/67

+ corr n°2  
dated 22/2/67

at the

NATO HEADQUARTERS

PORTE DAUPHINE, PARIS (16e)

COMPTE RENDU

de la

REUNION DU CONSEIL

tenue le

JEUDI 15 DECEMBRE 1966 à 15h30

au

SIEGE DE L'OTAN

PORTE DAUPHINE, PARIS (16e)

OTAN/NATO  
Paris (16e)

NATO SECRET

Mr. RUSK (Contd)

advanced societies, Communist as well as free world, in the examination of certain problems of management and administration, where complex organizations are coming more and more into being, where exchange of information and experience of management problems could be of considerable importance. We understand that there is some interest in Eastern Europe in drawing upon the experience of the free world, and that informal exploration will be made not on the basis of any predetermined plan but on the basis of looking at the question, and we will hope to be in touch with both Governments and private institutions and organizations in connection with it.

When Mr. Gromyko came to the General Assembly of the United Nations this fall and spent a brief time in Washington, we were not at all sure what his attitude would be upon arrival. We thought that it was possible that he would say: "Because of Vietnam there is nothing to discuss." He did not do that. He, in effect, entered seriously into a discussion of a number of problems despite Vietnam, and even on Vietnam the conversation was calm and with a minimum of violent adjectives on both sides, and so we proceeded to the conclusion of a civil air agreement. We were able to give some additional impetus to the discussion of a space treaty, and we continued the discussion of the problem of the non-proliferation of nuclear weapons.

As members round the table know, we have been discussing non-proliferation in the Alliance and in Geneva and with the Soviet Union for at least three years, perhaps longer. Those discussions have gone round and round; they have encountered irrelevancies; they have gotten tangled up in metaphysical problems and it has been unfortunately difficult to find an agreement. We have had further discussions in New York as co-Chairmen of the Geneva Conference and in connection with the discussions before the United Nations. We still do not see exactly how an agreement might be reached, but I think the discussions have gone just about as far as they can go, as discussions, and I think it is possible for us to share the nature of those discussions in such a way as to expose the areas in which some agreement might be found. We have, at all stages, made it clear to the Soviet Union that we could not ourselves agree to any of their suggestions or any language without full consultation with our Allies. I think certain clarification at least, has occurred. The discussions have been on the subject of warheads and not delivery vehicles. It is clear that we are not concerned about the situation of war; that the arrangements in wartime would not be wide open, and that the Treaty could not engage that problem. I think we have put to one side the question of how an Alliance makes a decision to go to war.

Mr. RUSK (Contd)

We have not sensed concern on the part of the Soviet Union with present arrangements in NATO for the handling of nuclear weapons, and I would suppose that in so far as a non-proliferation treaty is concerned, they will not raise an objection to the Nuclear Committee which the Fourteen established yesterday. That is, the range of discussion has been narrowed somewhat; it appears to us that the two key issues are "what happens physically to nuclear warheads" and "whether the present nuclear powers turn over control of nuclear weapons to non-nuclear states". We will be in touch with our colleagues in the Alliance in the nearest future to look at some alternative language which might move us forward on this matter.

There is no agreement between the two co-Chairmen of the Geneva Conference on language, but I think it is possible now to make certain predictions about what would be possible, what would not be possible. But I would add the thought that on this question the answer is not resolved by agreement between the Warsaw Pact countries and the NATO countries, even if we should achieve that result. It seems quite clear that there are in other parts of the world countries who are going to come into such arrangements with the greatest possible reluctance. I'm thinking particularly, for example, of India and Japan - there may be others. And so this is a long path - I think we must work at it very hard, and we shall be in full consultation with the members of this Alliance.

I would like to say just a brief word about the Western flank of NATO in the Pacific Ocean. I have used that expression. Some of the newspaper men seem to think that somehow I am merely making a joke; but I think Mr. Paul Martin and I would want to remind ourselves that North America is in the North Atlantic Treaty area and that takes us out to the hundred and eightieth degree longitude, although Hawaii is not in that area; we're only forty-nine fiftieths in NATO. But out there on that flank there has emerged a new nuclear power to explode its fifth device at almost literally any moment, experimenting with missiles of intermediate and possibly longer range, and so, in the years ahead, we have the prospect of that problem to think very hard about.

We do not know exactly what is happening in mainland China, and I gather that we're in somewhat the same position as those of you who have diplomatic relations with Peking. It does not embarrass us not to know because I suspect that Mao Tse-tung and Lin Piao are not entirely clear about what is happening there. But, nevertheless, it seems to us that what is happening there is of the greatest possible importance. There may be a struggle of power among individuals - there may be a serious debate on policy going on in that vast country - there may be a transition between the veterans of the long march and the next generation, with all that that implies for possibilities, but surely it is a situation which deserves our closest attention.

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By COUNCIL Date 6/12/08

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DEF 18-6

121338

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## CIRCUIT TELEGRAM Department of State

INDICATE:  COLLECT  
 CHARGE TO~~SECRET~~

Classification

Origin

ACTION: Amembassy BONN

STATE: 121338 *Lindau*~~SECRET~~

SUBJECT: Non-Proliferation Treaty

Jun 18 8:29 PM '67

CATEGORY "A"

Sensitive Designator

Removed 3/23/67

/s/ WA Henderson (S/S)

FILE RS/R

1. At his request, Amb. Knappstein came in with von Staden to discuss questions raised re NPT which had been received from Bonn. He said Brandt wanted as much information as possible for the meeting of Federal Defense Council on 20 January.

2. After welcoming Knappstein, Foster said we could not expect Sovs to be enthusiastic about some of our interpretations of the treaty but they had agreed that those things which were not prohibited were permitted. As long as their noses were not rubbed in these matters, they might not react adversely, but if these interpretations were written in large neon lights, there would be no treaty. Knappstein replied that the FRG wanted to be sure that they would not run into charges of treaty violation after treaty entered into force.

3. The following FRG questions and US answers were

Drafted by: *John* 1/18/67 Tel. Ext. 6866 Telegraphic transmission and classification approved by: EUR - Mr. *Spiegelman*

ACDA/D - Mr. *Edwards*  
ACDA/IR - Mr. *De Palmer*  
L - Mr. *Maguire*

EUR/RPM - Mr. *V. B. B.*  
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or telegram to Ambassador RGHN

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covered:

(Q.) Had Sovs agreed that consultations were permitted by NPT?

(A.) Foster said Secretary Rusk had made clear that NPT could not govern how we talked to our allies. Gromyko had said first that he was not raising question of consultation in NPT and later that Sovs did not suggest NPT include provision banning consultation. <sup>endorse</sup> Foster said Sovs clearly did not wish ~~and~~ McNamara committee, and that we might continue to expect criticism of NATO consultations. A charge that such consultations violated NPT, however, would be another matter.

(Q.) Was our definition of "control" accepted by Sovs; were all measures short of final stage of transfer permitted?

(A.) Foster replied that Sovs had objected that earlier US definition of control explicitly authorized FRG firing nuclear weapons after consent of US given. Sovs could not expressly approve such language. We told Sovs we not insist upon US definition of control in NPT. We have not said we disagreed with definition. They have not given us any definition of their own. In our view, control clearly transferred if independent power to fire nuclear weapons given. On other hand, control not transferred if a veto

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given to fire nuclear weapons deployed on FRG territory. Quick reaction alert procedures permit various actions with respect to warheads without violation of prohibition on "transfer" in US national legislation. Sovs aware of existing arrangements, and that we interpret treaty as not requiring changes in existing arrangements. They understand clearly that what is not prohibited is permitted.

(Q.) Whether in US view NPT would permit exchanging new weapons for old in existing arrangements or permit other changes resulting from technical developments?

(A.) Foster said nothing in treaty bears on deployment of nuclear weapons; nothing deals with exchanges of new weapons for old within existing arrangements.

(Q.) Whether Sovs agree with US view that NPT would permit acquisition of nuclear weapons by a European union with a central political authority and a common foreign and defense policy; did they agree with points made in January 13 oral note?

(A.) Foster said we had told Sovs that a new United States of Europe would succeed to nuclear assets of UK or France. They have not complained about this interpretation but the less said about it publicly, the better. Knappstein replied it was unavoidable.

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that this question would be discussed every day in Europe.

step

(Q.) Could an EDC as an intermediate/~~step~~ to political union possess all kinds of delivery vehicles, including those in which nuclear warheads and carriers could not be separated?

(A.) Foster replied NPT did not deal with delivery vehicles of any kind and Sovs had agreed to this in private. However, any discussion of an EDC or multilateral force involving nuclear delivery vehicles should be kept in as low a key as possible. If we made statement saying this O.K. might jeopardize treaty. We do not propose to discuss this fully with anyone else.

Warheads of US missiles, including Polaris, are physically separable from their carriers. FRG was aware that existing quick ~~step~~ reaction alert procedures resulted in mounting US warheads on FRG aircraft under certain circumstances. However, custodial arrangements worked out between two countries permitted transfer of carriers without transfer of warheads within meaning of US atomic energy legislation. NPT did not, in our view, prohibit similar custodial arrangement for other carriers. Knappstein said it was then theoretically possible to have a fleet of Polaris submarines with warheads locked up and safeguarded separable from delivery vehicles.

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Meeker said we take position and Sovs accept that arrangements today are consistent with obligation in US national legislation not to transfer. Sovs understand that we are not undertaking by NPT to change existing arrangements but we could not ask Sovs to approve extension of this concept for the future in another context. It is our view, of course, that NPT deals with warheads, not with delivery vehicles. An arrangement concerning delivery vehicles which did not result in a transfer of warheads or control over them would not, in our view, be prohibited.

(Q.) Was the US understanding that nuclear weapon includes only warheads acceptable to the Sovs?

(A.) Foster said the Sovs agree that NPT did not deal with delivery vehicles.

(Q.) Whether ADMs are purely defensive weapons?

(A.) Foster said NPT text did not differentiate between offensive and defensive weapons. It would apply to ADMs which were nuclear.

(Q.) Had Sovs agreed to possible FRG right of veto over foreign-owned nuclear weapons on German soil?

(A.) Foster said this had not been raised, but that we did not see how treaty intended to inhibit triggering nuclear war in

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future could be interpreted as prohibiting an additional veto.

Knappstein said they understood that the question of veto would be between the President and the Chancellor. However, if a mechanism or control organization were necessary to effectuate the veto, did that violate the treaty?

Foster replied that the President might want a military adviser to help him but he would not require an organization in this sense. Knappstein said this seemed to mean that an organization would not prove to be necessary.

(Q.) Had Sovs in talks tried to limit peaceful nuclear cooperation other than re nuclear explosive devices; would full and untrammeled cooperation be permitted? FRG understanding was only inhibition was upon peaceful explosives.

(A.) Foster said there was no other inhibition; US policy favored peaceful nuclear exchanges. Sov Geneva draft treaty contained ~~prohibited~~ broad language which might have prohibited some peaceful cooperation but we got them to take this out.

Knappstein asked whether the treaty left open all possibilities for cooperation which were left open by the McMahon Act. Fisher said there was a somewhat greater restriction with

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respect to transfers of nuclear weapons to nuclear-weapon states, but not with respect to non-nuclear-weapon states.

Knappstein asked what concessions Sovs had made to bring treaty into consistency with US atomic energy legislation.

Foster said primarily the "prohibition on "transfer" which appeared in US legislation. Fisher added that other concessions included elimination from Sov Geneva draft of prohibition on transfer of control over the "emplacement" of nuclear weapons which raised question about existing deployment arrangements. Also eliminated were references to "use" of nuclear weapons such as prohibition on transmittal of information which can be employed for purposes of "use" of such weapons. This would have prevented training of allied troops for possible use of nuclear weapons in event of war.

(Q.) Whether word "purpose" in Art. IV referred to preamble and if so, what was wording of preamble?

(A.) Foster said we did not have an agreed or final draft of preamble. We hope to see it state objectives such as general and complete disarmament, turning down of the nuclear arms race, and reductions in nuclear arsenals.

Knappstein said that if preamble stated nuclear-weapon had states ~~not~~ to reduce nuclear arsenals and this was not accomplished

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by the end of the five-year period, could withdrawal by non-nuclear-  
weapon states become effective?

Foster said such states might take this view. (If this  
point is raised in further discussions, refer to points made in  
STATE 109454.)

(Q.) Knappstein asked how assurances of fullest consultations  
were consistent with Foster statement that changes in treaty text  
would be difficult. Knappstein recognized that Germans would ~~have~~  
have to be aware of the facts of life -- the negotiations had been  
arduous and difficult. But he asked ~~whether~~ whether it was  
theoretically open to make changes in the text.

(A.) Foster said it was. NPT was ad referendum but as  
Knappstein had recognized, changes would be difficult.

(Q.) Would a new United States of Europe have to accept the  
obligations of the NPT or would it be free to decide whether or  
not to join?

(A.) Meeker said usual rule of international law was that a  
new state did not automatically inherit the obligations of its  
predecessor states. However, we would hope and expect a United

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States of Europe would be a party to NPT; if it did not join, other parties might have to reconsider their position on treaty.

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END

**RUSK**

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CONSEIL DE L'ATLANTIQUE NORD  
NORTH ATLANTIC COUNCILEXEMPLAIRE N° 342  
COPYORIGINAL: ENGLISH  
13th February, 1967NATO CONFIDENTIAL  
SUMMARY RECORD  
C-R(67)5Summary record of a meeting of the Council  
held at the Permanent Headquarters, Paris, 16e.,  
on Wednesday, 1st February, 1967 at 10.15 a.m.PRESENT

Chairman: Mr. Manlio Brosio

BELGIUM

Mr. A. de Staercke

GREECEMr. Christian X.  
PalamasNORWAY

Mr. G. Kristiansen

CANADA

Mr. C.S.A. Ritchie

ICELAND

Mr. I. Ingvarsson

PORTUGALDENMARK

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Mr. H.N. Boon

Sir Bernard Burrows

UNITED STATES

Mr. Harlan Cleveland

INTERNATIONAL STAFFAssistant Secretary General for  
Political Affairs:

Mr. J. Jaenicke

Assistant Secretary General for Production,  
Logistics and Infrastructure:

Mr. John Beith

Deputy Executive Secretary:

Mr. F.C. Menne

ALSO PRESENT

Military Committee Representative: Brigadier General H.C. Newcomer

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C-R(67)5

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NATO CONFIDENTIAL  
C-R(67)5NATO UNCLASSIFIEDI. STATEMENTS ON POLITICAL SUBJECTS

(Discussed in Private Session)

NATO CONFIDENTIALII. DRAFT NON-PROLIFERATION TREATY

Document. Draft circulated by the United States Delegation on 23rd January, 1967

1. The CHAIRMAN said that, as all would agree, this was an extremely important and complex subject; in his opinion, the Council had hardly had any problem on its Agenda with more far-reaching and serious implications for the Alliance.

2. The objective of the discussion was to reach a consensus on the problem of a non-proliferation treaty which was scheduled to be tabled at the Geneva Disarmament Conference. The Council had in this phase to ascertain whether the draft agreement circulated by the United States Delegation was considered fully satisfactory by all the Allied governments. The essential political consideration which should guide us in this matter was, he thought, to avoid any possible divisive effect upon the Alliance. Today's discussion might thus be only the first in a series of exchanges of views.

3. The draft seemed to him to contain a number of very significant changes as compared with the previous one. It therefore deserved very careful study.

Inter alia, a treaty of this kind contained a number of terms and concepts which needed an authoritative and precise interpretation. The Council should, at the end of this process of consultation, be clear in their minds as to what these terms and concepts meant and what they implied. The United States had already circulated an interpretative explanation of the text. It might be equally important to know what the Soviet interpretation was and whether it coincided with the Council's.

4. Apart from these general observations, several more specific questions came to mind which seemed to him worthy of special consideration:

- What would be the effect of the treaty if it were not signed by all the nuclear powers?
- What if it were not signed by all potential nuclear powers?
- Is it intended to be a world-wide agreement, or is it meant to bind first of all the European countries?

-3-

NATO CONFIDENTIAL

- What would be its effect on the development of nuclear science and technology in the field of peaceful uses?
- What would be the treaty's effect on agreements within our Alliance concerning nuclear planning, strategy, deployment and development of weapons as well as exchange of nuclear information?
- And finally, what would be the effect on developments towards European unity?

These were, of course, some of the most obvious questions, and the Council might wish to add to them.

5. He invited the United States Representative to introduce the draft.

6. The UNITED STATES REPRESENTATIVE made the following statement:

"The governments represented around this table have all been given the partial text of a draft treaty on non-proliferation of nuclear weapons as it has emerged from bilateral discussions between representatives of the United States and the Soviet Union over the past several months. The point of advance distribution, of course, was to give your governments an opportunity to study it before the present stage of consultations got underway here this morning.

As you know, the draft treaty language was supplemented by an interpretative memorandum, and several members have taken the opportunity for further clarification of points in preliminary discussions preparatory to this meeting.

Under the circumstances, I see no point in a general description of the material with which you already are familiar. What may possibly be useful would be for me to introduce our discussion this morning with a brief statement on how this particular piece of paper, which is before the Council this morning, fits into the process of the larger effort directed toward arms control and disarmament.

And the main point I want to recall to my colleagues is that this is part of a larger process; it is a chapter in a story which has a past, a present, and a future - hopefully an encouraging and more secure future. The search for a specific agreement on non-proliferation is one of the threads of that story.

The broad context of the early chapters of this story is, of course, the whole post-war effort to cope with the nuclear revolution: it goes back to the Baruch Plan and the refusal of the Soviet Union to join in placing all dangerous aspects of nuclear energy under a United Nations monopoly.

It continues through the dangerous years of the East/West nuclear arms race during which the whole subject of disarmament was, to all intents and purposes, relegated to a sterile rôle in the dreary litany of cold war propaganda.

It includes the establishment by the Kennedy Administration of the first full-time professional Arms Control and Disarmament Agency ... the establishment of the Eighteen-Nation Disarmament Conference ... the elaboration of step-by-step proposals by both the United States and the Soviet Union for general and complete disarmament ... the agreement to a moratorium on atmospheric tests of nuclear weapons and the breaking of that moratorium by the Soviet Union ... the installation of the 'hot line' between Moscow and Washington ... and the subsequent achievement of the treaty banning nuclear tests in the atmosphere, in outer space, and under the water.

At about the time of the Test Ban Treaty - with more and more nations approaching the industrial and technological ability to build nuclear weapons - serious attention began to be given to the possibility of containing the proliferation of these weapons. Successive General Assemblies at the United Nations passed resolutions without dissenting votes, calling for urgent efforts to halt the spread of nuclear weapons in an unstable and strike-ridden world. Beginning in 1964, the Council of the North Atlantic Alliance went on record in support of a non-proliferation agreement. And more or less serious negotiations began at the Geneva Disarmament Conference on this subject.

Meanwhile, the General Assembly passed a resolution, co-sponsored by the Soviet Union and the United States, extending in principle the rule of law to outer space and banning, in declaratory fashion, the orbiting of nuclear and other weapons of mass destruction. That declaratory resolution has now been transformed into a treaty which was opened for signature last week.

But negotiations for a non-proliferation treaty ran into a blank wall. The Soviets insisted upon approaching the problem exclusively in a European framework. They tabled a draft treaty which was a transparent effort to hobble NATO, to disrupt our present arrangements for the nuclear defense of Alliance territory, and to prevent the evolution of nuclear planning and consultation among the Allies. In effect the Soviets invited themselves to sit at this table and tell us what we can and cannot do in the planning and management of our own nuclear deterrent. Meanwhile, they exploited the general desire for progress in this area by storming about 'Neo-Nazi Revanchists' in Bonn hungering to acquire 'access' to the nuclear trigger.

The draft non-proliferation treaty which the United States had earlier tabled contained specific provisions designed to protect our NATO arrangements and to allow us to get on with our nuclear planning activities. The two approaches being irreconcilable, so were the texts of the draft treaties. The negotiations had reached an impasse.

That, in broad-brush strokes, is the past part of the story for the process leading to the business before us today. We have consulted often and in great detail here about the earlier and abortive attempts to find a basis for agreement on a non-proliferation treaty, as we have about the other measures I have mentioned. We are continuing that process of consultation today.

The present phase of that story begins late last summer. At about that time we began to detect a shift in the Soviet position at Geneva. In their private comments they stopped emphasising 'access' to nuclear weapons - by which they previously appeared to include, among other things, existing arrangements for nuclear weapons on NATO territory - and started in their public statements emphasising 'transfer' of nuclear weapons as the heart of the problem. They started dropping hints of one kind or another to the effect that they were ready to abandon their narrow focus on Europe and address themselves to the global problem of nuclear proliferation. One would like to think that the tedious discussions which had been going on for several years had had a certain educational effect. Whether it was that or the Chinese tests of nuclear devices - or some combination of both - the Soviets gave signs of being ready for serious negotiations.

This, in turn, gave the United States an opportunity to propose a new approach: a treaty that would define only what was forbidden - centred on the concept of transfer. The central idea was that whatever is not prohibited is permissible.

Secretary Rusk tried out this approach on Mr. Gromyko during the last General Assembly. The response was sufficiently encouraging to warrant a return to the bilateral channel for further exploration. Members of the Council will recall that I reported to you in October the substance of Secretary Rusk's talks with Gromyko.

In the course of these discussions, the United States made it very clear that we would not agree to any language without consultations with our Allies. The Soviets understand this. For their part the Soviets have been careful not to give their final approval to the formulations that emerged from our talks. However, on the basis of our discussions with them, we believe they would find them acceptable.

So what we have before us this morning - in still incomplete form - is the product of that exercise. It has not been agreed to by either party. But we felt it had progressed far enough to bring that product into this forum before attempting to proceed any further.

That, in brief, is the present status of the matter. Although we have in the past had extensive discussions of a non-proliferation treaty in this Council, we wanted to afford each of our Allies the fullest opportunity to study the formulations which emerged from our recent talks with the Soviets. We believe we have fully explained these formulations in the material we have circulated to each member and your governments have had time to study them. We would like now to have your views and comments before we resume discussions with the Soviets in a further effort to produce a draft text which, hopefully, both sides can recommend to others for further consideration.

It may assist the members of the Council if I touch briefly on three points regarding the draft treaty and our plans for further talks with the Soviets.

The first point I wish to stress is that we do not expect and we do not intend to ask the Soviets to endorse explicitly all of our interpretations of various articles and clauses, and certainly not publicly. We have covered these interpretations in varying degree as these questions arose during our talks with the Soviets. We expect to cover them in some detail when a non-proliferation treaty is submitted to the Senate. These interpretations will thus form a part of both the treaty's negotiating history and our legislative record. Accordingly, whatever the Soviets may find it expedient to continue to say about NATO nuclear arrangements for propaganda purposes, they will have no legitimate grounds for alleging that they constitute violations of the treaty.

The second point I want to elaborate somewhat is covered in the explanatory material we have circulated to all members. I refer to the prohibition of 'other nuclear explosive devices' in Articles I and II. I know that this prohibition causes some concern. The United States first spelled out its position on this matter in a statement by Mr. Adrian Fisher made at Geneva on 6th August, 1966. As he said then, and as our further study has confirmed, the technical facts are that making nuclear explosive devices for peaceful purposes would be essentially indistinguishable from making nuclear weapons. Any nuclear explosive intended for peaceful application could be used as a weapon or readily adapted to such use. Any State which acquires the facility for the manufacture of nuclear explosives for peaceful purposes could also manufacture nuclear weapons. This possibility would be understood throughout the world, with all of its political and military implications.

Although the United States has been carrying out extensive studies to develop the peaceful applications of nuclear explosives, we still have several difficult technical problems to solve before we will be able to demonstrate applications which are technically and economically practical. Only highly sophisticated thermo-nuclear devices seem to be practical for nuclear excavation projects. Fission-type explosives would not seem to be practical for excavation because the radioactivity released would be unacceptably high and because fissionable material is too costly to make its use economical for such projects.

On the basis of our experience so far, the development of nuclear explosives exclusively for peaceful excavation purposes by a non-nuclear weapon state could not be justified on economic grounds. Such development would be extremely costly in terms of scientific manpower, expensive materials consumed and the huge capital investment required.

Therefore, the inescapable technological facts require a prohibition on the development of such devices by non-nuclear weapon countries. If such a prohibition were not included in a non-proliferation treaty, it would mean that even though a non-nuclear weapon state had undertaken not to produce or acquire nuclear weapons it would be entitled to embark on the development of a highly sophisticated thermo-nuclear explosive device which would be available for use as a weapon. This would leave a loophole almost as large as the treaty itself.

On the other hand, the United States is firmly committed to the position that possible future benefits from peaceful nuclear explosives should be made available to all countries, whether or not they possess nuclear weapons, but in a manner which would not contribute to proliferation. Accordingly, we have stated at Geneva and in the General Assembly that if and when peaceful applications of nuclear explosives that are permissible under test ban treaty limitations prove technically and economically feasible, states which possess such devices should provide to other countries nuclear explosive services for peaceful applications. Such services would consist of performing the desired detonation under appropriate international auspices, with the nuclear device remaining under the custody and control of the state performing the service.

We are now considering possible new ideas which might advance discussion of the means by which non-nuclear weapon states may in fact be ensured of receiving the full benefits of nuclear explosive technology on an equitable and non-discriminatory basis. The purpose would be to make clear that once participating nuclear weapon states are prepared to undertake practical applications of peaceful nuclear explosive devices in their own countries, they will not withhold nuclear detonation services from others because of extraneous considerations. We hope to inform the Council of our ideas on this regard in the near future.

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The third point I want to stress is that we are engaged today in what will be a process of continuing consultation. After we have received your views at this stage, we shall want to provide every opportunity to keep this Council closely informed on a continuing basis of future developments.

If all goes well and a draft treaty emerges from our further talks with the Soviets, it would be placed before the Geneva Disarmament Conference for consideration by that body. While the draft is under consideration at Geneva, we shall want to keep in close touch with the NATO Council and with other governments not represented in the Geneva Disarmament Conference but having a special interest in this treaty. Thus all would have an opportunity to make known their views and suggestions while the draft text is under consideration at Geneva.

With regard to opening a non-proliferation treaty for signature, our intention is to follow a procedure analogous to that used for the outer space treaty. Thus, unlike the procedure used for the limited test ban treaty, we do not intend to have the nuclear weapon states sign a draft which would thereafter be opened for signature by others. Rather, the text we hope to place before the Geneva Disarmament Conference will be a draft recommended by the United States and the USSR, acting in their capacity as co-Chairmen of the Eighteen-Nation Committee. The text would not be opened for signature until after the Geneva Conference and all other interested governments had had an opportunity to consider it and to give their views and comments.

Let me now touch briefly on the status of Article III. In the explanation of the text we circulated to all members we stated why no language was available for Article III and indicated that we hoped to suggest a concrete formulation in the near future. We have now prepared a draft text for this Article and we are just now starting to discuss it with those of your governments which are also members of EURATOM.

We are starting with EURATOM members because the draft formulation would involve the application of IAEA safeguards in the EURATOM area and we felt it appropriate to exchange views with the EURATOM members before raising the matter in the NATO Council. We shall, of course, bring this additional Article to the attention of this Council and of all NATO governments as soon as we have had an exchange of views with the EURATOM countries. At that time, we shall be anxious to receive the views and comments of all NATO members.

As has been generally recognised, we are finally dealing with a concrete prospect for achieving a treaty to stop the spread of nuclear weapons. There is no certainty that we shall succeed and we anticipate an arduous negotiation in the Geneva Disarmament Conference. But, the time has come to make a final effort to bring this project to a successful conclusion. If we miss the present opportunity, we are not likely to find another in time to act before the threat of nuclear proliferation becomes a fact.

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So much for the present. The future of the general process of seeking to pacify the atom, to get some arms control and disarmament, to internationalise security arrangements until we can speak meaningfully of a system of world order is, of course, impossible to predict. We are now engaged, as you know, in the opening phase of an effort to avoid another spiral in the arms race through competitive development of AEW weapons' systems and through inevitable responses to such development in the form of improved or increased offensive capabilities. It is far too early to guess what the prospects may be. What is hopeful is that the Soviets seem to be at least willing to talk - and our hope is that they will talk seriously.

Meanwhile we can, and will, continue to push at the Geneva Disarmament Conference other steps toward the international control of armaments. Whether the next step will be a freeze or mutual reduction of delivery vehicles, or a cut-off in production of fissionable materials, or a comprehensive test ban, or some other measure we do not, of course, know at this time. What we do know is that the first steps are usually the important ones. Judging by the favourable atmosphere generated by the limited test ban treaty, the conclusion of a non-proliferation treaty would in turn open up prospects for further progress. It is a journey that we, for our part, will not be the one to abandon.

Mr. Chairman, I have detained you with a review of matters most of which are well known to members of the Council only because it seems to us that the non-proliferation aspect of the struggle to control nuclear weapons is better understood in a wider framework of efforts to dampen down the arms races, to move from step to step toward a disarmed world, and to usher in an era of world order."

7. The BELGIAN REPRESENTATIVE, with all speakers, expressed great gratitude to the United States Representative for the information he had made available. He wished to raise three points. Firstly, as regards consultation in NATO, he recalled that the Council had been consulting on the subject of non-proliferation for some years, but that no common position had been reached since no precise text of the treaty was available. Now that the Council had received the present draft he hoped that it would be possible to make progress without delay. He thought that the outlook had been sufficiently clarified for agreement on a treaty to be in sight, and that consultation among the NATO Allies had reached the point where a common position could be adopted. Secondly, he supported the United States approach for negotiations on the treaty by including in it what should be prohibited. The question of interpretation of terms covered both in the United States written explanation accompanying the text and in the statement today by the United States Representative, was a most important one. It was highly significant that the United States interpretations of Articles I and II would be made public in the debates in the Senate preceding

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ratification of a treaty, since it would be made clear that the essential requirements of Western defence would be respected. This aspect was of special interest to governments and public opinion. Thirdly, the Council had so far studied the question of non-proliferation on a collective basis. He thought, however, that this new approach by the United States was more suitable as being in the sense of a détente. He was therefore able to support an individual initiative by the United States, to be followed and approved by the Council, each member country being given adequate time to reflect on the question and none being forced to sign a treaty against its will.

8. The CANADIAN REPRESENTATIVE said that he would first of all express the appreciation of his Authorities for the arrangements which had been made to permit the fullest consultation on the subject of non-proliferation. The treaty which was being elaborated and negotiated, primarily between the United States and the Soviet Union, raised some of the most important and complex issues affecting the future of NATO countries and of the Alliance, no less than that of other nations and continents. The present meeting this morning therefore could not be but the first in a series that would extend until - hopefully - all the major questions had been fully clarified and a broad consensus amongst the Allies had been reached. He was grateful to the United States Delegation, in this respect, for having circulated draft Articles and explanatory notes to serve as the basis of the discussion.

9. For some years now, Canada had been urging the conclusion of a universal agreement for the prevention of the further proliferation of nuclear weapons. The Canadian position had been analysed in detail by the Canadian Prime Minister at the International Assembly on Nuclear Weapons held in Scarborough in June 1966. Mr. Pearson was fully conscious of the great difficulties which lay in the way of a non-proliferation agreement. He had in mind in particular the legitimate requirements of NATO nuclear defence and of European security, and the natural inclination of states having the technical skill, resources and industrial base to come to regard the development of nuclear weapons as being necessary for their security. Far from discarding considerations of national interest in the name of a vague and somewhat mystical sense of international responsibility, he expressed the deep conviction that the prospect of nuclear war and the destructive capacity of nuclear weapons made national interest coincide with international responsibility.

10. It was in this same spirit that he would now make a few preliminary comments on the text of the draft Articles.

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11. Articles I and II effected a greater economy of language than the corresponding Articles of the original United States and Soviet draft treaties, and in doing so lost some precision. He realised that this had occurred as a result of an attempt to find suitable compromise wording. At the same time, the Articles contained a formula for the prevention of proliferation of nuclear weapons which promised both to be effective and to provide a reasonable basis for negotiations and agreement.

12. The proposed non-proliferation formula would achieve three fundamental Western objectives:

- (a) It would not interfere with NATO nuclear consultation and planning and it would not, therefore, impair the effective collective defence of the NATO area.
- (b) It would not disturb or affect existing bilateral nuclear-sharing arrangements between the United States and certain of its NATO Allies.
- (c) It would not prevent a newly-constituted federal entity, such as one embracing the states of Western Europe, from succeeding to the rights and responsibilities of constituent members. In other words, it would not exclude the "federal" option.

These three objectives were fundamental. His Authorities were therefore gratified that wording had been found which fully met their position in this regard.

13. However, they realised that the language of Articles I and II presented a problem for many non-nuclear countries who were being asked to deny themselves an important potential application of nuclear energy for peaceful purposes. His Authorities had studied this question carefully and thoroughly and had come to the conclusion that, from the technical point of view, no distinction was unfortunately possible between the explosion of a nuclear weapon and a nuclear explosion for peaceful purposes. Canada was thus on record at the Geneva Disarmament Conference and in the United Nations General Assembly that, in the Canadian view, a so-called 'peaceful explosion' would in fact constitute proliferation. Canada thought, however, that non-nuclear countries should not be asked to forego an important potential use of nuclear energy for peaceful purposes without detailed and specific assurances that explosive services and other scientific benefits derived from the military nuclear research conducted by nuclear states should be available to non-nuclear signatories for legitimate civil purposes on reasonable terms.

14. The explanatory notes circulated by the United States Authorities mentioned that consideration was being given to the formulation of a safeguards article. As Canada had stated on many previous occasions, for example, in the Geneva Disarmament Conference, Canada considered that a safeguards article would help to make a non-proliferation treaty more effective. Canada also considered that if the treaty was to be acceptable to the non-nuclear states, the safeguards article should as far as practicable place obligations on the nuclear powers as well as on states without nuclear weapons.

15. Article IV, which dealt with the amending and review procedures, was generally acceptable to Canada. It would be difficult to object to the principles governing the proposed amending procedure since these were already enshrined in the United Nations Charter. Furthermore, Canada welcomed the provision for a review conference in five years' time, as this would provide an opportunity to all parties to assess whether the treaty was achieving its purpose.

16. Article V on ratification and accession was also generally acceptable to Canada. It would be reasonable to expect that the depositary states for a non-proliferation agreement should include the states acting as depositaries for the partial test-ban treaty. Canada would be glad, however, to examine suggestions for the inclusion of additional depositaries on their merits. Canada thought, in particular, that a prominent member of the non-nuclear, non-aligned group of states might with advantage be designated as depositary.

17. Articles VI and VII would not seem to call for any special comment at this stage.

18. Most of the foregoing comments had naturally dealt with the implications of a non-proliferation treaty on Western countries and on NATO. However, if such a treaty was to be successfully concluded, it must be acceptable not only to the countries of North America and Europe, but also to a great many states outside the North Atlantic and Warsaw Pact areas, particularly the near-nuclear countries in Asia and in the Middle East.

19. It was not a sufficient end to all of these countries that a non-proliferation treaty should prevent the accession of new states to a military nuclear status. Of no less importance, in their view, such a treaty must, as anticipated in the explanatory notes distributed by the United States Delegation, facilitate nuclear disarmament and ease international tensions. To achieve these objectives, it might be desirable to formulate preambular paragraphs which would imply a commitment by the nuclear powers to make progress towards the control and reduction of nuclear arms. In this respect, non-nuclear states were bound to follow with great interest the forthcoming discussions between the United States and the Soviet Union on the deployment of offensive and defensive strategic nuclear arms.

20. In conclusion, it was obvious that a non-proliferation treaty, to be enduring, would have to strike a universally acceptable balance in the benefits and obligations of both the nuclear and non-nuclear weapon states. Very substantial and most encouraging progress had already been achieved in that direction. Canada was confident that the remaining obstacles and hesitations would, with the application of the necessary degree of enlightened self-interest, be overcome.

21. The NETHERLANDS REPRESENTATIVE said that he supported many of the comments by the Belgian and Canadian Representatives. While realising that the discussions between the United States and the Soviet Union could not be made public, member governments of NATO nevertheless wished to be kept informed of developments as far as possible. He therefore welcomed the information given today.

22. In view of the anxiety felt throughout a large part of the world that a non-proliferation treaty should be concluded urgently, the Netherlands Authorities wished to restrict the points they had to raise to a minimum. He thought that the new United States draft represented great progress, since it was limited to the essential problems and did not attempt to discuss questions which were at present insoluble. It would be helpful for the Council to discuss certain interpretations of the draft treaty language in order that the Allies themselves could be reasonably clear of their own aim. He had been instructed in particular to raise the following four points. Firstly, his Authorities considered that in Articles I and II the present formulation "any recipient whatsoever" was more specific than the previous text "any non-nuclear weapon state or association of states". However, it seemed to imply that the United States might now be prepared to waive certain options which had been retained in the earlier version. He asked whether this formulation would include a multilateral force or an Atlantic nuclear force.

23. Secondly, he noted that in the present draft no provision was made for definitions of the terms used. He assumed that this omission was intentional, in order to avoid lengthy discussions with the Soviets. However, he asked why the present draft made a specific distinction between the "transfer" of nuclear weapons and the "control" over such weapons.

24. Thirdly, the Netherlands did not object in principle to the inclusion in the prohibition of "other nuclear explosive devices", but it could not be denied that this reinforced the discriminatory nature of the treaty. This might perhaps be lessened by an arrangement whereby non-nuclear countries would not be placed in a situation of complete dependency on nuclear powers. He suggested that it might be desirable to refer formally in the treaty to the provision for an international nuclear explosive service for peaceful applications.

25. Fourthly, as regards a safeguards clause, it appeared that International Atomic Energy Agency safeguards would be the most likely to be acceptable to the Soviets. Recalling that in EURATOM the Netherlands favoured IAEA controls, he said that he hoped the Soviet Union would accept this proposal.

26. The GREEK REPRESENTATIVE said that the new draft did not change in any point of substance the factual situation now existing within the Alliance. If adopted it would not hamper the action of the Nuclear Planning Committee. This, in the judgment of the Greek Authorities was an important point.

27. It was well understood that the nuclear states of the Alliance would not transfer either nuclear weapons or control over them to any member of the Alliance or to the Alliance as a whole. But what was allowed, and what Greece considered permissible in the terms of the new draft, was the participation of the non-nuclear members, in the planning of a common nuclear defence system, and their co-operation in the pre-targetting operation and in the elaboration of certain rules governing the use of nuclear weapons - even if the ultimate responsibility remained with the nuclear member states only. Greece considered that such a share in the whole nuclear operation would not be devoid of practical substance and corresponded to what was reasonably feasible. On the other hand, Greece thought that the new draft, by establishing some basic and clear-cut rules, offered a better chance of being accepted by the other interested parties.

28. Before concluding, the Greek Representative said that he must confess that he had never been able to see the wisdom of the policy of non-proliferation, especially in certain cases. He had never been able to understand what was the political advantage of preventing India from producing its own nuclear weapons (it was known that India had the technical possibility) in the face of an accelerated Chinese nuclear armament. How would India be able to stand against a possible Chinese nuclear aggression or to deter such aggression? How could India face such a possibility without yielding to nuclear political pressure and to nuclear blackmail, especially in the very sensitive political environment of South-East Asia?

29. If the answer to such a tremendous problem was that India should rely for her defence and even her political support on the nuclear states, such an answer was fundamentally objectionable. For, if the survival of a nation depended on decisions to be made by a foreign country, then such a nation would have good reason to feel that it was not an independent nation. And such frustrations could lead to changes which - to say the least - would be detrimental to the interests of the free world.

30. Another possible answer would be that every nation should enter into alliances with nuclear states, or at least come to such arrangements which would provide it with a nuclear umbrella. But this would mean the liquidation of the non-committed world and one could have serious doubts as to whether the liquidation would be more profitable to the liberal world - whom the other side branded as "imperialists" - or to the socialists.

The problem was different - if not in substance, at least in size - when faced in the framework of an alliance. This problem, however, should be further studied. Non-proliferation was certainly an excellent rule. But the rule was literally being broken by the Chinese exception. The rule, with its political consequences and results, therefore became questionable.

31. The GERMAN REPRESENTATIVE said that the German Government was greatly interested in an international arrangement on the non-proliferation of nuclear weapons being arrived at and universally accepted. In addition to the generally well-known reasons in favour of the non-proliferation of nuclear weapons, it had a specific reason to be particularly interested in such an arrangement. Germany had up to now been the only country which had assumed an international commitment not to produce any nuclear weapons. Germany had thereby renounced practically the only possibility of acquiring nuclear weapons for its own control.

32. The German Government wished to maintain this position, but the condition for this was that the policy of going nuclear would not be pursued by a growing number of states. This was why, in the German view, a non-proliferation arrangement had to be comprehensive - comprehensive in the sense that it should be universally binding as well as in the sense that it should provide for balanced rights and obligations on the part of all signatories. This required that the content of the arrangement must be generally acceptable. His Authorities therefore hoped that the negotiations between East and West and between the nuclear and the non-nuclear weapons' states would lead to an understanding which could be certain of universal approval. This would probably only be the case if the non-proliferation agreement took account of certain legitimate interests of all concerned. In particular, as far as those aspects of a non-proliferation arrangement were concerned which were of world-wide interest, universal agreement could probably only be expected if it met the wishes of the neutral and non-committed nations. Today, he did not wish to deal in detail with the various points of these world-wide aspects, such as non-discrimination and balanced commitments; nuclear arms limitation and disarmament; exclusion of the possibility of exercising pressure and of threats and blackmail by means of nuclear weapons; problems of definition of military and civilian uses of nuclear energy; security controls, in particular the problem of equivalence of IAEA and EURATOM controls; flexibility of the procedural arrangements. These questions were too numerous and too complex to be discussed at today's meeting. The same applied to a second range of questions, which were of particular importance for the Alliance and Europe.

33. A third category of questions concerned problems arising out of the division of Germany; problems of accession, of participation in conferences, etc.: Germany considered it advisable to take up these questions at first bilaterally with the United States Government and the Western governments represented in Geneva.

34. A great number of questions belonging to the first two categories had already been discussed, and the United States had made every effort to answer them in detail. He was very grateful for all information and explanations which had been received. However, not all questions had as yet been asked or answered, and not all the answers which had been given had solved the problems behind the questions. Thus, the discussion would probably have to go on, before and after the resumption of the Geneva talks. His Government hoped that more questions would be clarified and that in the course of this process a project would emerge which would be generally acceptable.

35. The UNITED KINGDOM REPRESENTATIVE recalled that the United Kingdom had frequently stated in the Council and elsewhere its support for a non-proliferation agreement, which would be valuable both for its own sake, and because its application would be world-wide and not limited only to Europe. It would also be valuable as an example of a possibility of agreement between East and West on an important subject, and thus as a contribution to the détente. The United Kingdom accordingly welcomed the fact that the United States had made progress on this subject and hoped that the discussions would result in a successful conclusion. Apart from Article III, the text of which was still awaited, he found the draft treaty generally acceptable. He noted that the problem of the peaceful use of nuclear weapons involved the question of the independence of non-nuclear states, and he welcomed the fact that the United States was exploring this matter further. In general his Authorities considered that the present United States efforts constituted the best chance of securing Soviet acceptance of a treaty, and they would do all in their power to contribute towards such a conclusion.

36. The NORWEGIAN REPRESENTATIVE said that he was glad to be able to express the general satisfaction of his Authorities that the United States/Soviet talks on a non-proliferation treaty at last seemed to have produced a break-through. His Authorities considered that this new draft also presented a sound solution of the fundamental East/West problem with regard to the relationship of such a treaty to the concept of nuclear sharing within alliances, and it seemed to constitute a natural and a necessary compromise.

37. He noted with satisfaction that according to the new draft any transfer of control of nuclear weapons implied proliferation.

38. How further negotiations with the Soviet Union should be followed up, was to a large extent dependent on negotiating tactics, which could best be judged and decided upon by those directly involved in the negotiations. Vis-à-vis the Soviet Union, Norway considered it important, however, to avoid creating the impression that a multilateral atomic force might still come into being one way or the other. If any assurances to this effect were considered necessary, his Authorities would hope that such assurances would be given, to prevent any misunderstandings on this point.

39. It was well known that certain neutral countries wishing to preserve their nuclear option were not particularly in favour of joining a non-proliferation treaty as an isolated measure. One should be able to expect, however, - and Norway certainly hoped - that the concern of these states would diminish when eventually the full impact of complete East/West agreement made itself felt.

40. On several occasions Norway had made it clear that she did not share the view, expressed by several neutral countries, that the conclusion of a non-proliferation treaty should be made dependent upon simultaneous agreements on reductions of the nuclear powers' own production of nuclear weapons. Norway could, on the other hand, understand the position of those neutral countries which, being without nuclear protection due to lack of alliances with a nuclear power, were in favour of keeping their nuclear options. In order to increase the chances for general adherence to the treaty on the part of these countries, his Authorities would hope that the nuclear powers could agree upon a formulation of satisfactory declarations, for instance in the preamble to the treaty, to meet the needs of these countries. This problem should not, however, in the Norwegian view be allowed to delay the submission of a common East/West understanding.

41. Finally, he would stress the importance of finding an acceptable formulation of Article III of the draft treaty, dealing with the aspect of control. Obviously, until this Article was spelt out, it was difficult for governments to take a final position on the draft as a whole. Norway was one of those supporting the IAEA system, but in any case it was the sincere hope of his Authorities that talks now taking place would make it possible to find generally acceptable formulations of this important point without too much delay.

42. The DANISH REPRESENTATIVE expressed his Authorities' deep satisfaction at the important step forward represented by the new draft, which indicated that the possibility of a treaty was in sight. It was his understanding of Article I that it would keep open the federal option for Europe in accordance with international rules of succession. He welcomed the proposal in Article IV for a conference to review the operation of the treaty.

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43. As regards future procedure, he thought that his Authorities would fully support the comments by the Belgian Representative.

44. The ITALIAN REPRESENTATIVE said that he would confine himself today to considerations mainly of procedure and of principle, since this important problem was still being studied in Rome. He had listened with great attention and interest to the statement of the United States Representative, to whom he was most grateful, and also to the subsequent speakers. He would make a full report to his Government on the present discussion. For the time being he would recall that the Italian position was very much in favour of the conclusion of a general agreement on non-dissemination. Further, as was well known, Italy had always favoured a text which would safeguard certain principles which had always been recognised by the Council.

45. He would be in a position to express the opinion of his Authorities after a full examination, which had already begun in Rome. He thought it necessary to emphasise now that any commitment by the Italian Government in such an important field could only be made after a decision by Parliament.

46. Having said this, he would indicate three points which for Italy were basic to the problem.

47. Firstly, his Authorities considered that a non-dissemination treaty should not contain any provisions which might prevent the future development of the European political community. The possibility of the creation of a real European Federal State was unfortunately too distant for it to be considered as a political hypothesis of today. In working towards such a goal one might go through successive phases by means of the creation of loose political associations, but this could not be achieved on a basis of equality among all European states because of the requirement that the control of the nuclear weapons, i.e. the warheads, should remain throughout the evolution of Europe exclusively in the hands of the present European nuclear states. This seemed contrary to the principle of equality among the countries of Europe and would certainly cause difficulties for the process of European unification.

48. Secondly, his Authorities hoped that a non-proliferation agreement would be drawn up in such a way that it could be signed by all the militarily non-nuclear countries who were the most advanced towards the nuclear option, and by all other countries who from their Mediterranean situation or by virtue of a common frontier with Italy might, if left to take free decisions, threaten the position of Italy.

49. Thirdly, Italy was anxious to avoid any limitations which might prejudice the peaceful use of nuclear energy or constitute discrimination against non-nuclear countries as regards control.

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50. He thought that after this first discussion, future discussion on this important problem might be facilitated and guided towards realistic constructive conclusions if the Allies who had presented or supported the draft would make known their position on the above three points. He would be grateful to have the necessary clarifications on these three points, on the basis of which the Italian Authorities could indicate their position, possibly with suggestions or amendments, with a view to reaching a common decision on this important problem.

51. The TURKISH REPRESENTATIVE said that his Authorities supported the United States efforts to reach an agreement on a text. The present draft seemed, in general, to pave the way to an agreement. If appropriately completed it might form the basis of a satisfactory treaty, in particular to the extent that it would become universal. He said that his Authorities attached great importance to the question of control, i.e. to Article III, which was still awaited. A further gap in the draft was the lack of security assurances to the non-nuclear countries. He asked whether this possibility was now excluded.

52. Associating himself with earlier questions on terminology, he particularly asked for the United States interpretation of the term "transfer". He also noted that in the explanatory memorandum by the United States Delegation it was stated that a treaty "would not disturb existing bilateral arrangements for deployment of nuclear weapons within Allied territory as these arrangements do not involve any transfer of warheads or control over them up to the point where a decision to go to war is made at which time the treaty would no longer be controlling". He asked what was meant by 'war' in this text - local, general, nuclear or conventional? He emphasised that a treaty should not prejudice any pre-planning arrangements for the use of nuclear weapons in certain circumstances. It was only realistic to note that there would be differences in interpretation between East and West, and that the United States preferred not to ask the Soviet Union to approve the United States interpretation. However, this interpretation should acquire the force of an assurance to non-nuclear countries on their security requirements.

53. In conclusion, he reserved the right to comment further at a later meeting.

54. The FRENCH REPRESENTATIVE said that the reason why he did not speak on the substance of the problem was that France did not intend to sign a treaty of this nature, and that accordingly it would be more logical for him to abstain from discussing specific details.

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55. The CHAIRMAN thought that the comments made today called for an extensive study by member governments. The Council had heard a very useful account of the historical background leading up to the present draft. He thought that the Council would wish particularly to note the difference between former drafts and the present text, which lay in the change from forbidding access to nuclear weapons to forbidding only "transfer". The prohibition of access would have been very serious for the NATO Allies. It should also be noted that the deadlock appeared to have been broken because the Soviet Union now seemed to be progressing from the narrow European conception to a global one.

56. As regards procedure, he thought it was agreed that there would be a continuing process of NATO consultation on this United States initiative for talks between the United States and the Soviet Union on which the Council would be kept informed. The NATO Allies would wish to have a full opportunity to discuss any text to be tabled at the Geneva Conference. He welcomed the United States assurance that the United States would seriously consider the positions indicated by the Allies in the Council consultation, and he hoped that the result would strengthen the solidarity of the Alliance. He further welcomed the United States assurance that all interested countries would have time to reflect before signing the treaty, and that there would be no constraint. He thought that notwithstanding the comments by the Belgian Representative there was a certain risk involved in this bilateral procedure between the United States and the Soviet Union, but he noted that the Council approved the procedure and would look forward to hearing developments.

57. After a brief discussion on how best to proceed, he invited comment by the United States Representative.

58. The UNITED STATES REPRESENTATIVE gave the following preliminary answers to the questions raised in discussion. As regards interpretation of the text, the intention of his Authorities was essentially to adopt the same procedure as for the Moscow test ban treaty, i.e. not to spell out the meaning of every word, but to explain the United States interpretations in the ratification hearings before the Senate. For the Moscow treaty, the Soviets had waited until the ratification hearings were completed, and had presumably read them before signing the treaty. He thought that the outline of events in the present case would probably be similar.

59. He emphasised that the general understanding of what the treaty covered was important. The treaty dealt only with what was prohibited, i.e. it did not refer to NATO nuclear arrangements. Mr. Rusk and Mr. Gromyko had agreed that the treaty would not deal with nuclear arrangements within the Alliance.

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C-R(67)5

60. The reference to "transfer" of nuclear weapons was important. Basically, in the United States view, "transfer" could include both "transfer" and "control", but it seemed preferable to make it clear, in order to ensure Soviet acceptance, that there would be no possibility of shared control, even if there was no physical transfer. The new formula stated more concisely than before that any shared control of nuclear weapons should be precluded.

61. Replying to the Netherlands Representative, who had asked whether the new draft precluded the creation of a multilateral force, he said that this depended on what was meant by such a force. The draft precluded co-ownership of nuclear weapons, but it did not preclude existing NATO nuclear consultation and planning, or the present deployment of nuclear weapons or the two-key system. Replying to the Norwegian Representative, who had suggested that if necessary, explicit assurances should be given to avoid creating the impression that a multilateral force might still come into being, he said that the United States preferred to limit the prohibition to the transfer of nuclear weapons and to avoid trying to describe any other prohibitions or permissions.

62. He noted the emphasis placed by the Netherlands Representative on the potential value of an international nuclear explosive service for peaceful applications, and the suggestion that this might be included in the treaty. This idea was well worth exploring and the United States would explore it.

63. As regards the question of safeguards, he suggested that the Council should discuss this after the EURATOM discussions had taken place.

64. The question of the universality of the treaty was very important. Replying to the comment by the Norwegian Representative, he said that the process of negotiating a treaty with countries outside NATO would raise the possibility of a mention in the preamble of other arms control and disarmament objectives. The United States would study this question, and it would come up in Geneva.

65. He noted that a number of Allies favoured the idea of a conference five years after the entry into force of the treaty.

66. Replying to the Italian Representative, he said that he assumed that no NATO country, including the United States, could make any commitment without Parliamentary approval. It was well worth discussing what forms of European political community might be compatible with a prohibition of the transfer of nuclear weapons. The United States considered that such a prohibition would not inhibit political developments in Europe, and that a transfer of nuclear weapons was not crucial to this larger process. Thus the federal option would not be precluded.

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67. Replying to the Turkish Representative, he agreed that the question of assurances to non-nuclear countries was very important, and that the Council should discuss it at greater length. There were real difficulties when it came to drafting generalised assurances. The problem was a very broad one, viz. could a country be considered independent if it did not have access to nuclear weapons? He noted that this point had also been raised by the Greek Representative. The United States considered that the answer to this question was yes, and that one must develop a form of world security which would enable countries to be independent without massive expenditure on very dangerous weaponry. The prohibition of the transfer of nuclear weapons was only one fragment of the problem as to how to build this world order, and the problem was one which could only be worked on by fragments. He hoped that the conclusion could be drawn that an orderly system of world security was possible.

68. Replying to the Turkish Representative on the definition of the time when the prohibition would cease because of a state of war, he said that this was a complex problem and that no attempt had been made to provide a definition in the treaty. He thought that it was clear to the Soviet Union that in the event of war, i.e. the use of nuclear weapons, commitments under the treaty would no longer apply. He suggested that the question of pre-planning arrangements for the use of nuclear weapons was one which the NATO Nuclear Planning Group should study.

69. As regards procedure, he said that the United States would like to proceed with bilateral discussions with the Soviet Union before the resumption of the Geneva Conference, in order to be in a position to table a draft at the Conference. At that stage there would still not be any promise by the United States or the Soviet Union to sign a treaty, but he hoped that this might be the beginning of a final phase in the process towards reaching an acceptable treaty. He therefore hoped that this present stage of continuing NATO consultation might be concluded at the meeting of the Council next week.

70. The COUNCIL:

- (1) took note of the statements made;
- (2) agreed that Permanent Representatives should seek further instructions for the meeting to be held on Wednesday, 8th February.

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III. DATE OF THE NEXT MEETING

71. Wednesday, 8th February, 1967 at 10.15 a.m. (Plenary Session).

OTAN/NATO,  
Paris, (16e).

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CONSEIL DE L'ATLANTIQUE NORD  
NORTH ATLANTIC COUNCILEXEMPLAIRE  
COPY N° 342ORIGINAL: ENGLISH  
1st March, 1967NATO SECRET  
SUMMARY RECORD  
C-R(67)9Summary record of a meeting of the Council held at the  
Permanent Headquarters, Paris, 16e., on  
Wednesday, 22nd February, 1967 at 10.15 a.m.PRESENT

Chairman: Mr. Manlio Brosio

<u>BELGIUM</u>	<u>GREECE</u>	<u>NORWAY</u>
Mr. A. de Staercke	Mr. Christian X. Palamas	Mr. R. Busch
<u>CANADA</u>	<u>ICELAND</u>	<u>PORTUGAL</u>
Mr. C.S.A. Ritchie	Mr. Ingvi Ingvarsson	Mr. V. da Cunha
<u>DENMARK</u>	<u>ITALY</u>	<u>TURKEY</u>
Mr. H. Hjorth-Nielsen	Mr. A. Alessandrini	Mr. Nuri Birgi
<u>FRANCE</u>	<u>LUXEMBOURG</u>	<u>UNITED KINGDOM</u>
Mr. P. de Leusse	Mr. P. Reuter	Sir Bernard Burrows
<u>GERMANY</u>	<u>NETHERLANDS</u>	<u>UNITED STATES</u>
Mr. W.G. Grewe	Mr. H.N. Boon	Mr. Harlan Cleveland

INTERNATIONAL STAFF

Deputy Secretary General:	Mr. J.A. Roberts
Assistant Secretary General for Political Affairs:	Mr. J. Jaenicke
Assistant Secretary General for Production, Logistics and Infrastructure:	Mr. John Beith
Executive Secretary:	The Lord Coleridge

ALSO PRESENT

Military Committee Representative: Major General W.W. Stromberg

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C-R(67)9NATO CONFIDENTIAL

32. He said that these first two paragraphs could be released to the press if the Council agreed. The paragraphs below were for the information of the Council and should not be released to the press. He continued:

"The base at Lahr will remain under French command until the departure of the French units before the end of 1967. It has been agreed that detailed questions of supervision and administration will be settled between the French and Canadian commands with the co-operation of the appropriate German Authorities.

If journalists ask questions on this subject one might reply that administrative arrangements are to be settled between the two commanders with the co-operation of the appropriate German Authorities and that as regards dates, the moves will follow as rapidly as possible but that we do not yet know the exact dates."

33. The FRENCH REPRESENTATIVE said that his Authorities concurred in this statement, and that he could agree to making public the first two paragraphs.

34. The CANADIAN REPRESENTATIVE, also agreeing, expressed his Authorities' gratitude to the Government of the Federal Republic for making available the base at Lahr.

35. The COUNCIL.

- (1) noted the statement by the German Representative;
- (2) agreed that the first two paragraphs of this statement could be released to the press.

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VII. DRAFT NON-PROLIFERATION TREATY. DEFINITION OF NUCLEAR WEAPON STATE

Reference: C-R(67)7, Item II

36. The UNITED STATES REPRESENTATIVE made the following statement:

"As I informed the Council in our special meeting on February 20th, we are seeking to bring together as rapidly as possible all the elements of a complete text of a non-proliferation treaty.

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One such element would be a definition of the term "nuclear weapon state". Accordingly I have been asked to advise you that we wish to add to the non-proliferation treaty text a clause which would make clear that "nuclear weapon state" means a state which has produced and exploded a nuclear weapon or other nuclear explosive device prior to the date when the non-proliferation treaty became open for signature.

It seems to us necessary to include a definition along these lines in order to insure that the purpose of the treaty will be achieved. Without such a definition related to a particular date, a state which has signed the treaty might conceivably rush to explode an unsophisticated nuclear device between the time of signature and the time of entry into force, and then claim that it had become a party as a "nuclear weapon state". Were this to take place, the treaty would not as a practical matter serve its purpose.

The idea of relating the definition of a "nuclear weapon state" to a particular date is not new; in the previous United States draft treaty, Article IV provided that "nuclear weapon state... means a state controlling nuclear weapons as of ... (date)".

The Soviet Representative in Geneva has recently indicated to the United States Representative that the Soviet Government foresees no difficulty in including in the non-proliferation treaty a definition such as we now have in mind."

37. The COUNCIL:

noted the statement by the United States Representative.

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VIII. TEMPORARY TRAVEL DOCUMENTS

38. The DANISH REPRESENTATIVE made the following statement:

"Mr. Chairman,

I have been instructed by my Government to ask the Council to review - once more - as an urgent matter the system of the temporary travel documents for residents of the Soviet Zone of Germany who wish to visit NATO countries.

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ORGANISATION DU TRAITE DE L'ATLANTIQUE NORD  
NORTH ATLANTIC TREATY ORGANIZATION

11  
10/7

Place du Maréchal  
de Lattre de Tassigny  
(Porte Dauphine)  
PARIS-XVI  
Tél. : KLEber 50-20  
Adresse télégraphique :  
OTAN PARIS ou  
NATO PARIS

NATO CONFIDENTIAL

To : Secretary General  
c.c. Deputy Secretary General  
ASG for Political Affairs  
From: Deputy Executive Secretary

Summary record of a Private Meeting of the Council held  
on Wednesday, 29th March, 1967

I. CONSULTATION CONCERNING THE CONCLUSION OF A NON-  
PROLIFERATION TREATY  
II. VISIT TO THE COUNCIL BY THE UNITED STATES VICE PRESIDENT

I. CONSULTATION CONCERNING THE CONCLUSION OF A NON-PROLIFERATION  
TREATY

1. The UNITED STATES REPRESENTATIVE pointed to the fact that in the recent past the problems of the Non-Proliferation Treaty were mainly not discussed in the framework of the Council, but that consultations took place elsewhere. It was now the desire of his Authorities to see another active phase of consultation in NATO. With the prospect of the Eighteen-Nation Disarmament Committee (ENDC) scheduled to reconvene on 9th May, 1967, he proposed that the period between 3rd and 19th April should be set aside for this purpose. He announced that Ambassador Foster planned to report to the Council at its meeting on Tuesday, 4th April. The United States anticipated that Ambassador Foster's report would introduce an exchange of views on the following aspects:

- general review of countries' positions
- review of proposed changes in the text
- review of the proposed interpretation of the text
- review of amendments the United States would be prepared to accept after the tabling in Geneva and during the session of the ENDC
- the new text of Article III which tries to incorporate EURATOM views.

2. Mr. Farley said that while NATO consultation was by no means intended to discontinue after 19th April Council meeting, the ensuing period was primarily intended to be used for consultation in the ENDC framework.

3. In response to a suggestion by the Chairman, the UNITED STATES REPRESENTATIVE agreed to circulate in writing these thoughts on the future work programme.

4. Answering a question by the Norwegian Representative whether other delegations from the Four Western Powers in Geneva were also planning to attend the Council meeting on 4th April, the CANADIAN REPRESENTATIVE said that General Burns had the intention of coming to Paris for that purpose, while the ITALIAN and the UNITED KINGDOM REPRESENTATIVES had no information on this point.

5. The CHAIRMAN said it was his understanding that Ambassador Foster was coming to the Council in order to speak on behalf of the Four Western Powers.

#### II. VISIT TO THE COUNCIL BY THE UNITED STATES VICE PRESIDENT

6. The CHAIRMAN informed the Council that Mr. Humphrey, the United States Vice President, intended to visit the Council on the afternoon of 7th April. There would be a short meeting dedicated only to the purpose of meeting the Vice President. Since he, Mr. Brosio, was attending the Nuclear Planning Group meeting at Ministerial level in Washington on that date, the Deputy Secretary General would receive and welcome Mr. Humphrey in the Council. The Dean of the Council would then give an address and the Council would then have the pleasure of listening to a statement by the American Vice President.

7. The Chairman said that the meeting would probably take place at 3.15 p.m. on 7th April, but that final details would be communicated to Permanent Representatives in due course.

*Felix C. Menne*  
F.C. MENNE

*29/3/67*  
y

CONSEIL DE L'ATLANTIQUE NORD  
NORTH ATLANTIC COUNCILEXEMPLAIRE  
COPY N° 343ORIGINAL: ENGLISH  
13th April, 1967NATO SECRET  
SUMMARY RECORD  
C-R(67)15~~Summary record of a meeting of the Council held  
at the Permanent Headquarters, Paris, 16e.,  
on Tuesday, 4th April, 1967, at 10.15 a.m.~~

No 149 PRESENT

Chairman: Mr. Manlio Brosio

<u>BELGIUM</u> Mr. A. de Staercke	<u>GREECE</u> Mr. Christian X. Palamas	<u>NORWAY</u> Mr. G. Kristiansen
<u>CANADA</u> General E.L.M. Burns Mr. J.E.G. Hardy	<u>ICELAND</u> Mr. H. Sv. Björnsson	<u>PORTUGAL</u> Mr. V. da Cunha
<u>DENMARK</u> Mr. H. Hjorth-Nielsen	<u>ITALY</u> Mr. A. Alessandrini	<u>TURKEY</u> Mr. Faik Melek
<u>FRANCE</u> Mr. P. de Leusse	<u>LUXEMBOURG</u> Mr. P. Reuter	<u>UNITED KINGDOM</u> Sir Bernard Burrows
<u>GERMANY</u> Mr. W.G. Grawe	<u>NETHERLANDS</u> Mr. H.N. Boon	<u>UNITED STATES</u> Mr. W. Foster Mr. Harlan Cleveland

INTERNATIONAL STAFF

Deputy Secretary General: Mr. J.A. Roberts

Assistant Secretary General for Production,  
Logistics & Infrastructure: Mr. John BeithActing Assistant Secretary General for  
Political Affairs: Mr. C. Chapman

Office of the Executive Secretary: Miss L. Peart

ALSO PRESENT

Military Committee Representative: Major General W.W. Stromberg

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I. STATEMENTS ON POLITICAL SUBJECTS

(Discussed in private session).

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II. DISARMAMENT: DRAFT NON-PROLIFERATION TREATY

Reference: C-R(67)9, Item VII

1. The CHAIRMAN extended a warm welcome to Ambassador Foster and General Burns, whose presence afforded the Council an opportunity to continue consultation on the draft non-proliferation treaty.

2. To deal with substance first, he was looking forward to hearing the comments and clarifications of Mr. Foster about the proposed changes in the United States draft and possible amendments which the United States was prepared to support before the ENDC. These texts had been circulated to Permanent Representatives. (See Annex to the present record.)

3. With regard to procedure he recalled that at the last private meeting of the Council on 29th March, Mr. Farley had outlined his Authorities' ideas in this regard, and had subsequently circulated the text of his statement.

4. The Council therefore, at this meeting, had to deal both with substance and procedure, and of course these included most important and delicate matters. To mention one procedural example, he had noted in Mr. Farley's letter the sentence in which he said that the United States objective at this stage was to "obtain the concurrence of our allies to table a text, with the understanding that they are not, at the time, 19th April committed". Perhaps the meaning of this position would emerge more clearly from today's discussion.

5. He invited Mr. Foster to take the floor.

6. Mr. FOSTER (United States) made the following statement:

"As generally known, we have had useful discussions with the Federal Republic of Germany and Italy on the non-proliferation treaty and draft summary of interpretations and with other EURATOM members and EURATOM Commission on the Safeguards Article. Most issues raised are of general interest to the Alliance and we wish now to report their present status.

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"Before doing so, I would like to sketch out the negotiating schedule. We believe we must be prepared to table the draft treaty when the ENDC reconvenes on 9th May. Further delay would risk having the treaty in an unfinished state at the time the UNGA meets in September. That could jeopardize the entire project.

"In order to allow the Soviets about two weeks to digest our changes and consult their allies before 9th May, it will be essential to conclude this phase of NATO consultations about 19th April. We should be in a position as soon as possible after 19th April to discuss the proposed changes with Soviets with a view to tabling revised text as a joint recommendation from the US-USSR Co-Chairmen for consideration of ENDC and other governments. It would be understood our allies would not be committed to text as tabled and that we would remain in close consultation with NAC thereafter.

Changes in treaty text

Preamble

"A. In the revised treaty text, there is a new preambular paragraph to express support for research to utilize technological advances in order to reduce the access to processes and facilities necessary for effective Safeguards. There is a minor error in the text before you. The new paragraph should begin with the words "expressing their support ..." at the bottom of the first page of the revised text which was made available to you yesterday. This is in response to the desire that IAEA Safeguards be automated as much as possible. The US, including the Arms Control and Disarmament Agency, has research on this subject already under way. We anticipate that Safeguards can be simplified, but we have no way of knowing the extent to which they can actually be made automatic. This change, in our view, would best be introduced by some ENDC participant after a draft treaty has been tabled.

"B. A suggestion has been made to delete the phrase "at the earliest possible date" from the preambular paragraph in which the parties would declare their intention to achieve the cessation of the nuclear arms race. We would be prepared to agree to this change after the treaty is tabled at the ENDC if it appeared to have general support.

"C. A new preambular paragraph is substituted in the revised treaty text for the one now beginning "convinced that in furtherance of this principle ...". The new preambular paragraph is responsive to the requests of several allies that the treaty contain language along the lines of Article 17 of

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the Latin America Nuclear Free Zone Treaty, the Treaty of TLAZELOLCO. Through the word "progress" in sub-paragraph (i), the new preambular paragraph contains language similar to Article 17 of the Latin American Treaty. Language like that in sub-paragraph (ii) was requested by some represented here. Sub-paragraph (iii) is the same as the paragraph being replaced except for the addition of "International Organizations". We will seek Soviet concurrence to include this new preambular paragraph in the draft tabled at the ENDC.

"D. At the ENDC on 21st March, 1967, I stated the US position with respect to sharing the benefits which may one day come from the utilization of peaceful nuclear explosives. I said that the cost of providing a nuclear explosive service to non-nuclear weapon states would be kept as low as possible and would not include the costs of research and development. This idea is now included in the preambular paragraph on nuclear explosive devices for peaceful purposes. We would plan to take it up with the Soviets with a view to including it in the draft treaty to be tabled at Geneva.

#### Operative Articles

"E. There is a new Article III based upon ideas we have already discussed with the EURATOM countries and with the EURATOM Commission. We are prepared to urge Soviet acceptance of this Article for inclusion in the treaty draft to be submitted by the Co-Chairmen. The text involves four significant substantive points: (A) making clear that the purpose of Safeguards is to prevent diversion of nuclear materials to weapons; (B) making clear in the provision relating to Safeguards on exports of non-nuclear materials or equipment that it is only the fissionable material used or produced with these items, and not the items themselves, which are subject to Safeguards; (C) making clear that the same substantial transitional period of up to three years applies to all the undertakings in the Article; and (D) providing expressly for the possibility of IAEA verification of EURATOM Safeguards.

"In all frankness, we are uncertain as to whether the Soviets will accept all of the points in this new text. We think it likely they will accept some. We would expect the most difficulty with the one which provides the possibility for IAEA verification of EURATOM. If this proves not to be negotiable with the USSR, we would still wish to consider with our allies the desirability of proceeding with a Safeguards Article containing as many of the important changes as possible. Incidentally, the Soviets have recently stated they think it important to include a Safeguards Article in the treaty. Initially they had taken the position that such an Article was not essential.

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"F. Several revisions appear in Article IV. The new paragraph 2 of this Article is derived from the amendments Article of the Outer Space Treaty. It would eliminate the nuclear weapon state veto on amendments contained in the present Article IV to which a number of our allies have objected. Instead, an amendment would go into effect for each party accepting it when a majority of parties accepted it. Thereafter, it would not go into effect for any party not included in the majority until that party accepted it. Thus, no state would be compelled to accept an amendment against its will. We will try to persuade the Soviets to include these changes in the draft treaty to be submitted in Geneva.

"Paragraph 3 of Article IV contains two changes requested by some countries represented here. One would add "of the preamble" after the word "purposes", thus making clear that the purposes involved are those of the preamble. The other would provide for the possibility of later review conferences after the first one. These changes would, in our opinion, have the greatest chance of acceptance if proposed during the course of ENDC negotiations after the treaty is tabled.

"Article IV also contains a new paragraph 4 designed to provide assurances to non-nuclear weapon states that a review conference will be a serious international meeting and that they will have a key rôle in the preparations. The new language would set forth an orderly procedure to prepare for review conferences. In our opinion, introduction of this paragraph should also be postponed until later in the negotiations, after the treaty is tabled.

"G. In general, we believe those changes which are to be put off until after the tabling of the treaty text at Geneva should be suggested by some ENDC non-aligned country or by one of the ENDC NATO members depending upon the tactical situation at the time. General acceptance, and Soviet acceptance in particular, may be more likely in some cases if the changes are suggested by non-aligned delegations in the first instance. Western Four ENDC delegations will consult on this problem, and will keep NAC advised.

"I should like now to mention several proposed changes which we do not consider advisable. A number of suggestions have been made to express more positively and in greater detail in the preamble the intention of nuclear powers to halt the arms race and to conclude various collateral measures in the nuclear field. We are not prepared to propose such changes to the Soviets because we know they would not agree. We expect to face great pressure in ENDC to strengthen this part of the preamble and it may become necessary later to search for compromise language. But, we do not think it useful to speculate now about what may prove necessary and feasible at that stage.

"It has been suggested there should be provision in the preamble expressing the thought that nuclear weapon states should not use nuclear weapons for purposes of political pressure or blackmail against non-nuclear weapon powers. We share concern for assurances against such misuse of nuclear power. At the same time, we must emphasize the complexity of the whole problem of assurances. As previously indicated, we do not wish to include any security assurance in the treaty; we believe the UN is the proper forum in which governments should provide assurances against nuclear threats and aggression.

"Any initiative on our part to introduce any assurance clause - even one against political pressure or blackmail - would lead the Soviets to revert to their proposal to include the Kosygin non-use formulation in the treaty. It could also prompt further amendments for a more binding assurance clause in the treaty. That is why we concluded some time ago we should not inject any assurance clause into the treaty text. We continue to hold this view.

"We recognize, however, that this may not be possible in view of the concern of some non-aligned nations for assurances. If it should later become necessary to deal with this matter in the treaty, we would have to find some compromise formulation which avoids the problems posed by the Kosygin proposal. A possible formulation which might serve as a useful "compromise" might be found in the Federal Republic of Germany suggestion that in the preamble The parties express their resolve, in so far as they possess nuclear weapons, not to exploit such possession for purposes of political pressure, political threats or political blackmail against non-nuclear weapon states. We would be prepared to consider such a formulation at that time for inclusion in the preamble. We believe, however, that any compromise of this sort would have a better chance of acceptance coming from a non-aligned nation than from one which is a member of an alliance having a powerful nuclear deterrent. We do not wish to have it known that we have such a compromise under consideration.

"It has also been suggested that the withdrawal clause should be made less rigid. Some have suggested procedures enabling parties to withdraw if the review conference decides that the nuclear powers have not made enough progress on nuclear disarmament. Others believe there should be no need for a three months notice of withdrawal or for notifying the security council.

"We believe such changes would be most inadvisable. They would create a situation in which certain non-nuclear countries would be placed under great pressure to consider withdrawal by the time the review conference meets, even if the treaty is achieving its essential objective.

"We are not prepared to suggest such changes because they would make the treaty less stable. We also know they would not be accepted by the Soviet Union.

Changes in draft summary of interpretations

"Three changes have been made in the draft summary of interpretations:

In paragraph 4, language has been added to make clear that "allied consultations" includes planning.

In paragraph 5, the word "existing" has been deleted because it was redundant and to avoid any implication that no changes could be made in present arrangements for deployment of nuclear weapons in allied territories.

In paragraph 6, the last sentence has been revised to remove a seeming inconsistency with the first sentence.

"None of these changes reflects any change in the actual interpretation. Needless to say, however, it would be most inadvisable if any word got out of this meeting about these changes. In fact, we want to stress the need to keep in strict confidence the entire substance of our allied consultations.

"As previously indicated, we plan to show the final statement of interpretations to the Soviets as an indication of the way we have answered certain questions raised by various countries. In addition, the substance of these interpretations will be made public at an appropriate time. We anticipate they will become a matter of public record in the course of US Senate hearings.

"We have already made clear to the Soviets that these are our interpretations of the treaty. Prior to tabling a draft treaty at the ENDC, we shall present these interpretations to the Soviets, stressing the responsibility they would bear if they were to challenge these interpretations and particularly if they were to contradict the interpretation regarding succession by a federated Europe.

"We would certainly not expect their formal agreement with, or endorsement of, these interpretations."

7. The CHAIRMAN, commenting on the need to regard this consultation as confidential, said that he hoped that no details would be made public other than the fact that the Council had today consulted on the subject of a non-proliferation treaty.

8. The ITALIAN REPRESENTATIVE made the following statement:

"I wish first of all to thank Mr. Foster for his statement and the clarifications he has kindly given us, which represent a new effort by our American friends to meet our points of view on the draft non-proliferation treaty.

"The Italian Government has for a long time been making efforts to contribute to the conclusion of a non-proliferation treaty whose text would be compatible with the essential lines of Italian foreign policy, i.e. to achieve the unity of Europe, to guarantee security, to reach general disarmament and to develop both peaceful nuclear activities and scientific and technological co-operation in the nuclear field.

"Generally, we cannot fail to note that the American draft implies, even for countries which have an advanced nuclear technology, a definitive commitment to renounce modern weapons, without any provision by the nuclear states for a corresponding commitment in the field of general disarmament. Among other questions this raises the problem of guarantees, since the commitment requested from the non-nuclear countries is of a permanent character, whereas alliances are by their very nature temporary and may vary in structure and effectiveness, in spite of all our hopes that the Atlantic Alliance will last indefinitely.

"From this point of view, as also generally for any commitment foreseen by the treaty in the sense of a restriction on national sovereignty, one should also take into account Article XI of the Italian Constitution.

"For us it is of basic importance that the treaty should not in any way hinder the possibility of achieving the unity of Europe, whose importance in the interests of peace and progress has always been appreciated by the American Government. We should hope therefore that the United States could reconsider paragraph 6 of the summary of interpretations of the treaty, in order to confirm clearly that the existence of a community organism which would control foreign and defence policy would be a sufficient condition for the eventual creation of a European nuclear force. The addition of other limiting conditions such as the last sentence of the paragraph under reference would have a negative effect on progress towards European unity. It would give the USSR not only a "droit de regard" over the intermediate stages in European unification, but also a powerful means of exerting pressure, by means of counter-propositions, in order to influence the final organization of Europe.

"In order to achieve disarmament, of which non-proliferation is only one aspect, the treaty should contain in the preamble a precise commitment to this effect. In our view one should also refer to this commitment in Article IV dealing with the aims of the conference envisaged after a period of five years.

"The Americans have already stated that they are prepared to accept such a request, but that they would like to see it presented by a non-aligned country, in the forum of the ENDC. On our side we consider that the text should be modified before the Geneva meetings. My Government attaches great importance to this point.

"In connection with the above, we are still convinced that it would be useful to amend Article VI to indicate that those states who formulate no objections after the conference envisaged in Article IV would be considered as having confirmed their adherence to the treaty.

"We reserve the right to indicate our opinion on the subject of the new text of Article III relating to inspection, as soon as the study of this Article has been completed. In any case we hold the view that one must avoid any discrimination between nuclear and non-nuclear countries for the purposes of applying inspection to peaceful nuclear activities.

"We would naturally have difficulty in approving any final settlement of the problem which would imply the risk of industrial espionage, or any weakening of the possibility of international technical co-operation, or the relegation of a country like Italy to a status of inferiority.

"The present wording of the draft treaty on the limitations to the development of peaceful nuclear activity and on the accession of countries which do not possess nuclear weapons to peaceful nuclear technology arouses our legitimate concern. The growing importance of the sector of peaceful nuclear technology makes it essential for countries who do not possess nuclear weapons - in particular those who already have a nuclear option - to safeguard their fundamental interests. The fact is that it is not possible to safeguard these interests solely by the statements of principle contained in the preamble to the treaty, even in the new text communicated by the United States. In any case this question is obviously linked with that of inspection: we therefore reserve the right to make suggestions in the course of further consultations and we hope that on the American side a further effort will be made to respond to our requests.

"We consider it necessary that, with the additional object of strengthening the Atlantic Alliance, the treaty and its interpretation should not restrict the possibility of achieving an effective system of nuclear planning whose aim would be not only to defend against, but also to deter, possible aggression. To this effect we have proposed bilaterally but without success, that the word "deterrence" should be included in the summary of interpretations and that also a definition of "inspection of nuclear weapons" should be included in the treaty as foreseen in Article IV of the American draft of August 1965.

"Having stated these general considerations, I would point out that some of the modifications in the American position seem to call for additional clarifications in order to be in a better position to assess their implications and the extent to which they might allay our concern.

"For example, as regards inspection, it is not yet clear whether changes, and if so what changes, will be made in the regulations of the IAEA, and whether the right of pursuit will eventually be abolished and if so by what procedure. Neither is it clear what would be the significance and extent of the proposed verification.

"As regards the peaceful uses of atomic energy, it is necessary to have more detailed information on the procedure for the creation of the new body proposed and its aims, as well as of the measures which would be envisaged by the United States for the rapid creation of a service for the use of peaceful explosions.

"Other points remain uncertain regarding the preparatory commission to prepare the Agenda of the review conferences. It is not clear what would be its real powers and by what majority it would take decisions. On the other hand, Article IV has already set out the purpose of the first conference, i.e. to review the operation of the treaty and the measures taken to reach the goals set out in the preamble; obviously in this case the preparatory treaty is not in a position to make changes.

"I wish to conclude by restating the desire of the Italian Government that there should be an end to nuclear proliferation. Our comments are motivated not only by the desire to safeguard the fundamental interests of the Italian people - which would be committed by the treaty even for future generations - but also by the desire to arrive at a final text which may be adhered to without reserve by all countries."

9. The GERMAN REPRESENTATIVE made the following statement:

Introduction

"The willingness of the German Government to discuss in a constructive spirit the text of an appropriate non-proliferation agreement should not be taken to mean that we shall participate in the agreement irrespective of its content, nor should it be misunderstood to mean that we regard the fundamental political problems of this project as being settled. This is not the case. In contrast to the Test Ban Agreement or the Space Treaty, the non-proliferation agreement will have far-reaching effects on NATO, the unification of Europe and future relations between Europe and the United States. It may, in the long run, strengthen the position and the political influence of the Soviet Union in Germany as well as in Eastern and Western Europe at the expense of the West. Particularly the advocates of a solid and permanent friendship between Europe and the United States emphasise how earnestly the Soviets hope that this agreement may have long-term effects in Europe which are not only directed against Germany but against European-American solidarity.

"All our wishes are moderate and legitimate. If the Soviets were really interested in a world-wide non-proliferation arrangement, these wishes should also be negotiable for the Soviets. It is true, however, that we have doubts as to whether the Soviets really want a world-wide, acceptable non-proliferation arrangement and whether they are not primarily interested in the divisive effect which an inadequate non-proliferation arrangement would be bound to have on the West.

Armaments control and reduction of armaments

(a) and (b)

"We are aiming at an effective link of the nuclear renunciations of the non-nuclear weapons states with general and especially nuclear disarmament.

"Among other things, the world-wide acceptability of a non-proliferation agreement essentially depends on whether it serves the purpose of disarmament. It must not create the impression of consolidating the present monopoly of the nuclear weapons states.

"This demand is world-wide: the UN Resolution No. 2028 of 1965, reinforced by the Resolutions Nos. 2149 and 2153 of 1966, demands in Article 2(c) that "the Treaty should be a step towards the achievement of general and complete disarmament and, more particularly, nuclear disarmament".

"Because of the threat by Soviet MRBMs there is a special interest of some NATO nations, including Germany, in this link between non-proliferation and disarmament.

(c)

"The UN Resolution No. 2028 of 1965 demands in Article 2(b) that "the Treaty should embody an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear powers".

"The non-proliferation treaty - at least in the form of its present draft - is not balanced as between nuclear weapons states and non-nuclear weapons states.

"It would therefore be all the more important to accept our proposal to include a provision in the preamble governing the interpretation to be given to the Articles of the treaty. In this way, world-wide acceptability would be increased.

#### Détente

"Our idea corresponds more or less to the American proposal for a preamble and is in line with wishes that have been expressed all over the world. The inclusion of such a phrase would be of special importance for our relations with Eastern Europe as it would represent the explicit recognition of a German contribution towards détente.

#### Exclusion of political pressure, threats and blackmail

"The renunciation of the non-nuclear weapons states is not counter-balanced by a renunciation of the nuclear weapons states to use their weapons for political threats and blackmail against non-nuclear weapons states. Accordingly, our proposal is meant to increase the acceptability of the treaty by the non-nuclear weapons states. In this way one of the main concerns of those states which will remain without nuclear weapons is to be taken into account by the moral instrument of a "good-behaviour clause" ensuring that nuclear weapons will only be used for lawful purposes.

"This does not relate to security and defence problems. They cannot, in any case, be settled generally and uniformly in the non-proliferation treaty. The situation of the various non-nuclear weapons states is too different for this to be possible (members of alliances; threatened non-committed countries; non-threatened non-committed countries; neutrals which are not interested in assurances as a matter of principle, etc.). As far as we are concerned, this problem is

solved by the Alliance. Therefore, in this respect we have no further wishes concerning the non-proliferation treaty, but we do have such wishes as far as the continuity and development of the Alliance is concerned (see also our desires concerning the American interpretation of the non-proliferation treaty). We are fully aware of the problems involved in any ban on the use of nuclear weapons.

"The problem of banning the political misuse of nuclear weapons against non-nuclear weapons states is of a different nature. Germany is not the only country having been the victim of nuclear threats on the part of a nuclear weapon power. (The last example which concerns us occurred in the Soviet Government's statement of 28th January, 1967: "those who ..... would experience an unavoidable and annihilating retaliation.")

#### Non-defamation clause

"It would be easier for us to adopt a positive attitude if we could be certain that, in case Germany would participate in the non-proliferation treaty, the Soviet Union would state in accordance with the treaty that we will no longer be the subject of defamatory attacks in the nuclear field. The inclusion of our idea in the preamble would be a valuable contribution to the policy of détente between East and West. Its acceptance would be in the interest of all signatories.

#### Peaceful use of atomic energy

"As a highly developed industrial country, the Federal Republic of Germany is particularly interested in the unlimited use of nuclear energy for peaceful purposes. In view of existing technical developments and future perspectives in the peaceful nuclear field, unlimited participation in these developments is of no less than vital importance for Germany.

"The new draft treaty contains more detailed and stronger language designed to safeguard the unobstructed peaceful use of nuclear energy and of international co-operation in this field. However, the relevant formulations are again only contained in the preamble. We want this field to be more strongly protected by the inclusion of a corresponding Article in the text of the treaty itself, as was done in the treaty banning nuclear weapons in Latin America.

"The preamble of the treaty only expresses the objectives which the treaty aims at. To this extent, the preamble is undoubtedly of great importance for the interpretation of that treaty. However, ensuring the free

development of the peaceful use of nuclear energy is, for us, more than a mere treaty objective. We therefore desire the inclusion of a genuine substantive commitment defining the limits of the bans and renunciations contained in Articles I and II. This definition is necessary particularly because Articles I and II contain certain vague terms whose meaning is not clear.

"It is not in line with international treaty usage in general to include substantive commitments into the preamble. Substantive commitments, as a rule, have their place in the text of the treaty itself.

"Nor does the additional Article proposed by us, in our opinion, contradict the system of the non-proliferation treaty.

"It does not contain anything else but the limitation of the things banned under the treaty. It is thus a necessary and logical supplement to the provisions of Articles I and II.

"In view of the suspicion cast by the Soviet side on our activities in this field, we must insist on an as clear definition as possible of the right to unobstructed development in the civilian nuclear field. Reference is made in this context to the Soviet Government's statement of 28th January, 1967 which was also sent in the form of a Note to all governments. According to this statement, all the nuclear research undertaken in the Federal Republic of Germany serves the preparation of the manufacture of nuclear weapons. Similar statements are contained in other documents emanating from the Communist orbit.

"It is, unfortunately, to be feared that the conclusion of a non-proliferation treaty will not spare us further expressions of suspicion from the Soviet side but that it will, on the contrary, be exploited by the Soviets as a legal basis for interference in the civilian nuclear sector.

"We must therefore ensure by a clear and unequivocal treaty text that foreign powers are not in a position to invoke the non-proliferation treaty when attempting to exert a negative influence on our legitimate participation in general developments in the peaceful nuclear field.

"Furthermore, we would welcome it if, in addition to the improvements in the language of the preamble, a paragraph could be included stating that the renunciation of nuclear weapons on the part of the non-nuclear weapons states gives additional freedom and possibilities to foster even the peaceful use of atomic energy.

"The Article proposed by us will, in our opinion, undoubtedly make it easier for the civilian nuclear powers to accept the treaty.

#### Safeguards

"It is not yet possible to comment on the new proposal for Article III concerning Safeguards. It requires detailed examination by the responsible authorities of the German Government as well as by EURATOM owing to German membership in that organization.

"However, it can be stated already now that the new draft and the corresponding language in the preamble contain certain improvements. Thus, it is to be welcomed that it is stated explicitly that only basic and fissionable material is to be controlled in order to prevent their misuse for military purposes. We should like this principle to be emphasised even more clearly and strongly. The principle of instrumented Safeguards for the control of flow of fissionable material at certain strategic points should therefore be laid down expressis verbis.

"Unfortunately, the new draft again provides for discriminating Safeguards in the field of the peaceful use of nuclear energy. If it has to be assumed that any non-proliferation arrangement contained an inherent discrimination, we feel that this discrimination is inevitable only in the military field. This would be consciously and voluntarily assumed by the non-nuclear states in order to serve peace and security. However, discrimination in the civilian field is neither necessary nor acceptable. It is not in the nature of things. There exists already a well-tested and effective Safeguard under which a nuclear power has submitted to the same control in the civilian nuclear field as the non-nuclear powers taking part in this control.

"It is to be welcomed that, in principle, the new draft treaty also intends to use tested and effective control systems to ensure the non-proliferation of nuclear weapons. This appears to us to be a step towards a pragmatic procedure which takes into account the differences in the conditions prevailing in the various regions. On the other hand, however, the positive element of the new proposal is again largely nullified by the fact that a time limit of three years is set for arranging co-operation between the IAEA system and others accepted and to be verified by it; after this period, IAEA Safeguards would in any case be applied if the planned arrangement has not been accomplished. In practice, this provision considerably weakens the negotiating position of EURATOM and makes it unlikely that an acceptable solution will be found within the time limit laid down.

"Moreover, the term "verification" still requires more detailed explanation.

"Article III attempts to create uniform conditions for nuclear and non-nuclear powers in the field of exports. However, the practical implementation of this intention will depend on how many and which countries sign the non-proliferation treaty. Acceptance of this commitment might bring tangible disadvantages in the field of exports for the participants of the treaty, compared with those which do not participate in it.

"This disadvantage would be all the greater the more countries refrained from signing the treaty. Apart from the importance of the need for general acceptability of the treaty, it should therefore be considered whether the corresponding treaty provisions cannot, for the time being, be dispensed with and whether the solution of this problem could not be transferred to the conference reviewing the treaty. If a predominant majority of states accedes to the non-proliferation treaty by the date at which the reviewing conference convenes, acceptance of such an arrangement by that conference would appear unproblematic.

"As far as the control arrangements in the treaty are concerned - which would, on a world-wide basis, cause a much greater expenditure for carrying out controls - the question of cost should not be overlooked. One might think of solutions under which, as an equivalent, these costs are borne by all nuclear weapons states. Solutions are also possible according to which all signatories or all members of IAEA bear the costs on the basis of a certain cost-sharing formula. Under no circumstances should the countries to be controlled be expected to bear any unreasonable share of the costs.

#### Articles on procedure

##### (a) Duration of the treaty

"In our paper of 20th March, we suggest that the signatories should be given a possibility to examine from time to time in the light of the experience gained until then whether and in what form the treaty should be prolonged.

"The willingness of the non-nuclear NATO countries to accede to the non-proliferation treaty will be essentially determined by their confidence in the protection afforded to them by the NATO Alliance. The NATO Treaty provides that every NATO member country may cease to be a member of the Alliance after the Treaty has been in force for 20 years. For this reason, it would be especially necessary for the non-nuclear NATO states, in signing the non-proliferation treaty, to take into account the possibility that the protection offered by the Alliance may be

considerably reduced by the resignation of individual member countries from the Atlantic Alliance. In order to allow for such a development - as unlikely as it may appear at present - a non-proliferation treaty whose duration can be periodically extended should be given preference over a treaty with unlimited duration.

(b) Amendment conference (Article IV, paragraph 1/2)

"We wish to see the signatories protected against majority decisions by the amendment conference. The danger of being placed into a minority is particularly serious for non-nuclear weapons states having a highly-developed nuclear research and industry.

"Our idea corresponds to customary international usage in the case of treaties which can be modified by majority decisions.

"The inclusion of such a provision is also advisable because the termination clause of the non-proliferation treaty is so restricted that it is almost impossible to resign from the treaty.

"This clause could also mitigate, in the interest of the non-nuclear weapons states, the effect of the right of veto enjoyed by the nuclear weapons states; according to our proposal, it would not only be the nuclear weapons states which could defend themselves against majority decisions by their right of veto but this would be possible for every signatory.

"We believe that we can assume that in this respect modifications will be introduced which exclude the possibility of being placed in a minority position as well as the right of veto of the nuclear weapons states and which bring the revision clause of the treaty more closely in line with the United Nations Space Treaty (entry into force of the Treaty modification after ratification by a majority of the signatories for those who have ratified).

(c) Review conference (Article IV, paragraph 3/4)

"In our opinion, special importance must be attached to the review conference as a counterweight to the unlimited duration of the treaty and the politically and legally very restricted possibility of terminating the treaty. We therefore feel that the review conference should be institutionalised, i.e. it should take place regularly every five years.

"The review conference should also be given real competence in order to be able to draw practical conclusions from abuses which have been identified. These competences should comprise the full or partial modification or cancellation of the treaty by majority decision.

"Finally, the review conference should be enabled to examine the behaviour of the signatories not only in the light of the treaty provisions but also under the aspect of the objectives and principles of the preamble. This is a matter of particular interest to the civil nuclear powers whose wishes are mainly taken care of in the preamble. Only by creating such competences for the review conference will an adequate incentive be created both for the nuclear weapons states and for the non-nuclear weapons states to fulfil the treaty in a reasonable spirit.

(d) Withdrawal clause

"The right to withdraw from the treaty obligation is so limited by the present wording of Article VI that it can be practically considered non-existent. In particular, the present withdrawal clause does not take account of the fact that the contractual limitation of national sovereignty is much greater for the non-nuclear signatories than for the nuclear weapons states. The enlarged termination clause suggested by us is intended to take this difference into consideration.

(e) Entry into force

"Our idea is to take account of the difference between the renunciation of sovereignty on the part of non-nuclear states, civil nuclear states and nuclear weapons states. We shall in any case have to insist that the consensus omnium be expressed in a corresponding great number of ratifications by states of all three categories."

10. The UNITED KINGDOM REPRESENTATIVE expressed the regrets of Lord Chalfont at being unavoidably unable to attend this meeting, and his hopes of being present at a later meeting. The United Kingdom had three general propositions to make regarding the treaty. Firstly, it was desirable that a text should be tabled in the reasonably near future. It was in the general interest of all countries to make progress in non-proliferation, for reasons largely relating to areas outside the NATO area but which could, however, affect all the NATO allies. Secondly, the United Kingdom hoped that a text would be tabled in a form which represented the combined views and will of all the allies; i.e. it should meet the general desire to see agreement on a treaty, but should also take into account the preccupacations already expressed or to be expressed by certain allies regarding the damage which some versions of the text might inflict on their interests. Thirdly, the draft should be tabled in such a form as to have a reasonable chance of its being generally acceptable to all the countries whose signature would be necessary if the treaty were to become a reality.

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11. The difficulty was to reconcile these three propositions. However, his Authorities believed that the new texts did help in this direction. Subject to detailed comments which he had not yet received, the United Kingdom position was that the present draft was an improvement in increasing the chances of acceptability, and should therefore be welcomed in principle. At the same time, the views expressed in the Council by the NATO partners were a very important factor. They should be given further consideration, and he hoped some modifications might be possible in order to take them into account.

12. He then made the following specific comments on the text. With regard to Article III, the United Kingdom spoke as a potential member of EURATOM and of the European Community, concerned to increase the commercial and technological strength of Europe and therefore to avoid any weakening of such an important European institution as EURATOM. He thought that it should be possible to harmonise the IAEA and EURATOM Safeguard procedures. The present draft made a proposal for bringing these two organizations into relationship. If the proposal was accepted the United Kingdom would welcome it; in general, his Authorities would not despair of any attempt to harmonise the principles and procedures of the two organizations. They strongly supported the principle that the sole purpose of Safeguards should be to prevent the diversion of nuclear material to weapons, not to prevent free peaceful nuclear development, including the exchange of information.

13. As regards paragraph 6 of the summary of interpretations his Authorities thought it important to leave open the European option. A sovereign European federation in control of defence and foreign policy should be able to have nuclear weapons by succession from a nuclear state. This had already been made clear to Mr. Kosygin on his recent visit to London, and he had raised no objection. However, the United Kingdom agreed with the United States that one could not expect that the USSR would go publicly on record as accepting this.

14. He reserved the right to make detailed comments at a later date or in another forum.

15. The NORWEGIAN REPRESENTATIVE made the following statement:

"I would like first of all to express the satisfaction which my Government feel over the initiative taken by the US Government to reopen the discussions of the draft non-proliferation treaty here in the NATO Council, and in particular I would like to thank Mr. Foster for coming here today to comment on the present situation and explain the latest changes in the draft.

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"Even though we understand and appreciate the reasons for the recess in Geneva, we are nevertheless seriously concerned lest the political momentum which is extremely important in a matter of this kind, should diminish further during the coming five weeks period. If it proves impossible to present a common US-USSR draft treaty at the reconvening of the ENDC on 9th May, we may have to register a deplorable setback in the efforts to achieve agreement on a treaty and to secure its international acceptance on a widest possible basis.

"I am able to state that the present draft meets with the full and general support of my Government. This statement is not intended to circumvent the fact that some aspects of the draft treaty under consideration raise several problems for some NATO countries. My Authorities are certainly fully aware of this. But they are of the opinion that these problems are of such a nature that they can find their solution even if one accepts the suggested text of the treaty.

"With regard to the difficulties appearing in particular in connection with Article III - with the proposed acceptance of the IAEA as the agency of control, one should in our view bear in mind that such an acceptance implies neither the granting to IAEA of the sole right of control in any given area, nor the acceptance of the agency's system of control as it exists today. A general acceptance of IAEA as an organ of control for the treaty would have to be followed by subsequent negotiations with IAEA concerning necessary changes and adjustments of the agency's control system.

"Consequently, Mr. Chairman, we are of the opinion that even if some member countries find it difficult to accept IAEA control in its present form, this should not constitute a sufficient reason for objecting to IAEA in principle becoming the control organ of the treaty.

"During our discussion of the treaty I believe we should be careful not to lose sight of the important fact that a tentative agreement has been reached - after having listened to Mr. Foster today I should perhaps be more careful and say: is most likely to be reached between the US and the USSR. This carries significant portent for the future development in this area. Realising that a treaty does not provide for measures in the field of disarmament, one should avoid regarding the treaty as an end in itself. The treaty would, however, constitute an important move in the right direction by creating a political atmosphere in which for instance the ABM negotiations may be conducted, and by contributing to prepare the ground for arms control and disarmament measures in Europe. A treaty should thus be considered as a significant part of a future and much larger solution, and in our efforts to reach this stage we can certainly not afford to let the treaty become the stumbling-block.

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"In this connection I would underline the significance of the paragraph concerning the 5-year review of the operation of the whole treaty. We hope that those countries who believe that the treaty might jeopardise their legitimate interests would consider to what extent any real damage might develop in this field over such a comparatively short period after which the door is in fact opened - I believe - for substantial revisions of the whole treaty - and weigh this risk against the possibility of now having to abandon the hope for a treaty.

"These general thoughts which I have tried to express, were seconded by a unanimous Norwegian Parliament a few weeks ago when our Foreign Minister, Mr. Lyng, concluded that the divergent views and objections raised by some countries would have to be considered in their proper perspective, that is, the objections should be balanced against the present possibility of taking one significant step forward in our common endeavour to attempt to limit the risks of a totally destructive nuclear war.

"It is therefore the sincere hope of my Government, that the consultations which we have initiated today shortly will produce the necessary clarifications in order that the concurrence to the draft treaty of all member countries can be obtained."

16. The DANISH REPRESENTATIVE thanked Mr. Foster for giving the Council the opportunity of this consultation, which he hoped would lead soon to a fruitful result. He had received the following general instructions which he emphasised were made in a positive spirit. The Danish Government considered that the conclusion of a non-proliferation treaty was of such vital importance that it should not be held up by considerations, however sincere, which were not inextricably linked in a technical way with the problem of non-proliferation. This was a general political presentation of the problem which reflected the general foreign policy of Denmark. The Danish Government was convinced that the conclusion of a treaty would help to create a favourable climate in which other limited disarmament measures might prove feasible, and also a further development of the general détente. They also felt that time was running short and that one had certainly nothing to gain, and much to lose, by waiting. It was therefore most important that a draft treaty should be presented as soon as possible at the new session of the ENDC.

17. His Authorities also had in mind the outcome of the next General Assembly of the UN. As Mr. Foster had rightly said, it was to be feared that a failure to agree on a non-proliferation treaty might have an unfortunate effect upon the discussions in the Assembly and thereby make the conclusion of the treaty more difficult, if not jeopardise the whole project.

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18. As regards the new United States draft, which his Authorities supported in principle, they found that a very considerable effort had been made to reach a solution, and that as a result the goal should now be closer than at any time up to date.

19. As regards details of the draft, he recalled that his Delegation had already pointed out that his Authorities thought it important to maintain the formulation of the present draft as far as the problem of a European atomic weapon was concerned. If one did not maintain this principle, and if one went further, in for example, the Italian direction, his Authorities feared that the USSR would not co-operate.

20. His Authorities were fully aware that a number of important arguments had been raised against the draft, lately with growing intensity. He referred to the well-known question of the peaceful use of nuclear explosions, the so-called "spin-off", the question of the impact on industrial competition, and not least the control question. The Danish Government understood the motives behind these considerations, and it was their wish that the aspirations of the countries in question should be met to the extent compatible with the speedy conclusion of the treaty. They hoped that all these difficult problems could be solved or sufficiently elucidated on the basis of the new United States draft.

21. He was obliged, however, to repeat that the Danish Government felt that all these considerations must, in the last instance, yield to the vital political necessity of finding a solution to the non-proliferation problem.

22. With regard to the question of nuclear explosions for peaceful purposes, he wished to say briefly that his Government could agree with the principles laid down in the United States draft. With regard to the control problem, they sincerely hoped that a compromise solution could be found which would take into account the legitimate interests of the EURATOM countries. These would, however, in the Danish opinion, require an acceptance in principle of the Soviet point of view that control cannot be exercised in a way which amounts to self-control. It therefore followed that it was desirable that the EURATOM countries introduce some added measures of flexibility in their system.

23. He repeated that his Government felt that it was of vital importance for the world to reach early agreement on a treaty.

24. The BELGIAN REPRESENTATIVE recalled that, as clearly stated in the Belgian Parliament on a number of occasions, his Government attached great importance to reaching agreement on a treaty which would be universal. He thanked the United States and in particular Mr. Foster for their efforts at taking into

account in the new draft the positions of their allies. He hoped that the time-table indicated by Mr. Foster could be observed, and noted that today's discussion was only the beginning of what should be a thorough consultation. In particular, Article III required consultation among the six EURATOM countries. He hoped therefore that the Council would have the opportunity of several discussions before 19th April.

25. In view of the short time which had been available to study the United States draft he had only the following preliminary comments to make.

26. Firstly, as regards the phrase in the preamble "at the earliest possible date", he noted that Mr. Foster had said that the United States would be prepared to agree to its deletion if this was suggested at a later stage. The Belgian Government considered that this was a very important phrase, which should be kept in the text, because of its implications not only for the arms race but also for the détente in general. There was also the aspect of non-discrimination vis-à-vis Germany. He therefore urged that this phrase be retained.

27. Secondly, referring to the statement just made by the German Representative on the subject of the peaceful use of nuclear energy, and also to the German paper of 20th March on this subject, he said that the Belgian Government would prefer to see an Article in the treaty specifying that the treaty should in no way interfere with peaceful nuclear development. He asked whether this point was now covered in the last two paragraphs of the draft preamble, and if so, whether it gave satisfaction to the German Representative.

28. Thirdly, commenting on paragraph 6 of the summary of interpretations he asked what was the meaning of the phrase "..... but would not have to be so centralised as to assume all governmental functions". The Belgian interpretation of this phrase was that the new federated European state would control its defence and foreign policy, but the states composing it would not necessarily have disappeared. He asked whether this was correct.

29. Fourthly, his Authorities still hoped that a further effort might be made to add a glossary to the treaty defining words such as "nuclear weapons", "nuclear devices", etc., in order to prevent the possibility of evasion.

30. Fifthly, he would not now comment in detail on Article III, in view of the EURATOM consultation. However, his Authorities realised that the solution lay in the compatibility of the EURATOM and IAEA controls. The German Representative had just referred to the provision for automatic acceptance of IAEA

Safeguards after a time-limit of three years if no arrangement had been reached. He, the Belgian Representative, suggested that in the case of failure to agree, one might provide for this time-limit to coincide with the time-limit for the revision of the treaty, i.e. either five years or three years, whichever was considered more desirable. The problem might then be solved in the light of the experience acquired.

31. Finally, the treaty should have the result of decisively strengthening the Alliance; if not, there would arise all the well-known risks of political pressure, nuclear blackmail, etc. This was of vital importance in relation to the future tasks of the Alliance. It was also of vital importance in relation to the provision in Article VI that the treaty should be of "unlimited duration", since if the treaty outlasted the Alliance the non-nuclear allies would be left without protection. It was therefore necessary for the "Harmel Committee" to study the link between a non-proliferation treaty and the Alliance as a protection against nuclear threat.

32. He repeated that he hoped there would be several meetings of the Council before 19th April to clarify these and other points.

33. The CANADIAN REPRESENTATIVE made the following statement:

"First I must emphasize that the new texts and explanations which have been given by our USA colleagues have not yet been studied by our Government. Therefore the observations which I may make today are preliminary in character only. Nevertheless, I think it would be useful for the Canadian Representative to make some comments, based on the views which we have held for some time and have communicated to our friends.

"The new preambular paragraph on the sharing of the benefits of developments in the peaceful application of nuclear energy seem to give a desirable increase in precision to a concept which nearly all non-nuclear powers have favoured. In particular, the Article on sharing the possible benefits of techniques of using nuclear explosives for peaceful purposes appears to be an improvement. Canada is concerned by this particular matter and has discussed it with the United States and other countries. Pending instructions I am not, of course, able to say whether the language as set out now meets all our concerns.

"We would feel, from a preliminary study of the revised form of Article III on Safeguards that this should meet some of the views which have been expressed by states not possessing nuclear weapons. There still remains the condition

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that nuclear powers are not to be subject to IAEA inspection of their peaceful nuclear activities. We wish that this discriminatory feature could be removed, but realize the difficulties in the way of doing so; in particular the attitude of the USSR.

"In our view it would be very desirable for Western nuclear weapon powers to give serious consideration to issuance of unilateral declarations of intention to accept on a voluntary basis application of Safeguards to their own peaceful nuclear activities in conjunction with their adherence to NPT. Their military nuclear programmes need in no way be jeopardized for they would be in a position to determine which of their nuclear activities would be opened to international inspection. Such declarations would be instrumental in reducing Canadian difficulties with Article III and we believe in reducing similar difficulties of other non-nuclear weapon states. They would also play an important rôle in making NPT negotiable instrument with non-aligned countries. In this connection it has been very useful that the United States and the United Kingdom have already opened certain reactors to IAEA inspection.

"In the Canadian view preambular paragraph 5 referring to Safeguards is useful in as much as it would show that nuclear weapon signatories, whether or not they are prepared to accept Safeguards voluntarily, feel that they are under some moral obligation to work towards acceptance of Safeguards. We think it most important however that paragraph should also incorporate the idea that the objective is application of Safeguards to all peaceful nuclear activities by all countries. This is needed to avoid implication of Article III that Safeguards should not in principle apply to nuclear weapon signatories. We have to say that we are doubtful whether the preambular paragraphs 6 and 8 will be sufficiently forthcoming and precise as to provide the assurance desired by non-nuclear weapon nations, especially non-aligned nations, that the nuclear powers are determined to take effective measures at an early date, to halt the arms race and to begin reducing nuclear armament.

"We do not understand why it has been found necessary to delete the phrase "early as possible" from the preambular promise that the nuclear powers will take measures to reduce their arsenal of nuclear weapons. We feel that some definite indication of early action in this matter would be necessary to satisfy the states not possessing nuclear weapons whose signature to the treaty is hoped for.

"It is our view that there will be further pressure from non-aligned members of the ENDC to include in the treaty an Article which will give assurances of the "Kosygin" type. The UAR, Burma and Nigeria have already spoken in this sense. It should be recalled that the original proposal for this kind of

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assurance was made by Nigeria. The important difference of the Nigerian from the Kosygin formulation was that it specified that in addition to not possessing nuclear weapons and not having them on national territory the states to receive the assurances should be non-aligned. In the Canadian view this extra provision removes one of the main objections to the Kosygin proposal. If a formula for a resolution could be found which would be acceptable to the majority of the members of the United Nations, in order to give some positive assurance to nations not having nuclear weapons, that they would be protected against nuclear attack or threats, this would no doubt be the best way of dealing with the matter. But we are not aware that until now any satisfactory formula has been drafted. We doubt that the idea of including an assurance in the preamble as has been suggested would satisfy the demands of the non-nuclear and non-aligned countries in this matter, which were very clearly expressed in the discussion of non-proliferation in the 21st United Nations General Assembly.

"The proposed revision of Article IV appears to be a considerable improvement although I would stress once again I am speaking without instructions. It would appear that the removal of the nuclear power veto on amendments is a desirable feature. So also is the inclusion of the words "of preamble" helpful as giving the assurances which have been asked for by many nations not possessing nuclear weapons that the matters dealt with in the preamble and progress in the implied actions therein contained are subject to review, together with the substantive articles of the treaty.

"In conclusion I should like to support what the Representative of the United States said in regard to the urgency of concluding our discussions on the Non-Proliferation Treaty in this Council at an early date, in order that the draft treaty may be made public, that is to say laid before all countries whose adherence is essential if the objects for which the treaty is designed are to be attained. What is required in this Council is not final assent to the way every article, preambular and substantive, is formulated, but a general consensus on the part of the members of this Organization that the treaty should be presented for final negotiation by all parties concerned. If I may, I should like to quote something which was said by the Representative of Mexico in the Eighteen-Nation Committee:

'The aphorism that reminds us that "the best is the enemy of the good" is especially valid when applied to a task like that entrusted to the Committee.'

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'With reference to the conclusion of a treaty on the non-proliferation of nuclear weapons, we must remember that the United Nations General Assembly, in its resolution 2153 (XXI) urged that it be drafted "as soon as possible", and stressed in that same resolution, as in resolution 2149 (XXI), that the absence of an effective brake on the proliferation of nuclear weapons "would endanger the security of all States", and, "may lead to the aggravation of tensions between States and the risk of a nuclear war".

'The conclusion of a treaty on non-proliferation, however imperfect it may be, seems infinitely better, in relation to the basic objective we pursue, than no treaty at all.

'Experience shows that imperfections and lacunae of a theoretical kind which one may find in a treaty, very often have not prejudicial influence on its effective and beneficial operation in practice. Thus, for instance, I am convinced that from the technical point of view many criticisms could be made of the content of the Antarctic Treaty or the Moscow Treaty on nuclear tests, or the treaty on the denuclearisation of outer space, A/RES/2222; yet I am equally convinced that we will all agree that both the treaties I first mentioned have in practice given complete satisfaction and that there is no reason that could lead us to believe that the same would not happen with the third treaty.'

"I think we should remember here that this treaty is for the nations of the world who are not members of NATO or of the Warsaw Pact as well as for us, and that we therefore cannot delay indefinitely placing before them the draft treaty which has required such long and careful negotiation."

34. The NETHERLANDS REPRESENTATIVE expressed appreciation of the American efforts over the years to make progress on the text of a treaty.

35. The Netherlands Government agreed that the tabling of a text was so important that it should not wait on collateral measures. However, there was no agreement in the Alliance on a text, and many problems remained unsolved. These problems continued to be related to the unity and the rôle of Europe; the peaceful uses of nuclear energy; the differences between nuclear and non-nuclear powers; the danger of nuclear blackmail; and the advantages to be gained by the Soviet Union from a treaty, etc. It would be more than difficult for the Council

to solve these problems within a fortnight; but it would also be very serious if a text could not be tabled at Geneva. He noted that to a certain extent this was the first NATO consultation on a text which had reached the ultimate stage before being tabled in Geneva.

36. While he had no substantive comments on the text, he thought that Article III was an acceptable basis on which to reach agreement. It should be possible to apply IAEA Safeguards in EURATOM countries in a procedure to be agreed between the IAEA and EURATOM. However, this must not affect the fundamental aims of the EURATOM treaty. Verification by IAEA Safeguards should be adapted to the limited aims of a non-proliferation treaty.

37. If the IAEA and EURATOM took a flexible approach, and bearing in mind technological developments, the Netherlands hoped that an agreement could be reached in three years' time.

38. The question of Safeguards should be linked to the obligations of nuclear and non-nuclear states. Obviously, progress would be considerably facilitated if the Western nuclear powers would accept some form of IAEA inspection of their peaceful nuclear activities. The Netherlands Government attached overriding importance to the conclusion of a treaty, but it should be borne in mind that a treaty would perpetuate the factual disparity which at present existed between nuclear and non-nuclear countries, and which was incompatible with the idea of the equality of all states.

39. As he saw it, the purpose of the present Council consultation was if possible to agree on the basic lines of the United States draft before its tabling at Geneva. If some Allies could not so agree, this might be a question of serious concern for the solidarity of the Alliance, as already pointed out by the Belgian and German Representatives. He fully supported the view expressed by the Belgian Representative that this consultation should result in strengthening, not weakening the Alliance.

40. The GREEK REPRESENTATIVE said that he did not foresee that his Authorities would have any substantive contribution to make to this consultation, but they would certainly not take an obstructive attitude. Greece had no nuclear capabilities or ambitions, but she needed nuclear protection. This did not mean that his Authorities did not have misgivings as regards the present United States draft and its political repercussions, but they thought it an improvement over the previous one in terms of general acceptability. The points made in particular by Italy and Germany were in his view for the most part well taken.

41. However, his Authorities realised that the United States and other NATO Allies considered a non-proliferation treaty would represent a major step towards détente and disarmament, and they therefore did not wish to hamper these efforts. They were helped by the fact that as a member of NATO Greece was protected against nuclear threat and blackmail. He earnestly hoped that the solidarity of the Alliance would be firmly preserved, and that it would survive the conclusion of a treaty. He agreed with the Belgian Representative on the vital connection between the duration of the treaty and the duration of the Alliance, and the need for NATO to study this question.

42. The TURKISH REPRESENTATIVE joined those who had thanked Mr. Foster for his untiring efforts and very clear statement on the new draft treaty.

43. The Turkish Government was happy to see that efforts were being made towards such an important treaty, since this would be another step in the series of partial measures aimed at achieving disarmament, ever since the emphasis had been shifted from the field of general and complete disarmament measures to that of particular ones. His Authorities also welcomed the fact that this development came at a time when the détente in East-West relations showed a growing tendency to improvement and coincided with the efforts of the West aimed at encouraging this trend. There was no doubt that the fact that NATO countries had advanced in their work on nuclear consultation and planning had greatly helped this development. He would therefore stress once more that the United States' efforts in the direction of achieving a satisfactory world-wide treaty were appreciated and welcomed in Ankara.

44. He then recalled that at the last meeting on this subject his Delegation had emphasised the great value attached by Turkey to the inclusion of a binding Safeguards clause in the treaty, because in the Turkish view, if such a treaty did not contain a binding clause on Safeguards, this would constitute an important gap. He was therefore glad to see that in the new American draft an article on control had been formulated in detail. However, as he had not yet received instructions, he would reserve the right to give to the Council at the next meeting the Turkish official reaction to this new draft and particularly to Article III of the proposed treaty.

45. Finally, commenting on the revised Summary of Interpretations, he thought that his Authorities would share to a great extent the views expressed in the paper No. 1012 (the second paper), distributed by the German Delegation on the 20th March. In fact the content of this paper corresponded largely to the Turkish way of thinking, since his Authorities thought that the non-proliferation treaty should in no way prejudice the existing or future arrangements concerning nuclear consultation and planning within the Alliance. Again he was glad

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to see that the American paper on interpretations had taken this into consideration.

46. However, for the sake of clarification, he would draw attention to Ambassador Birgi's questions at the meeting on 1st February, during the discussions concerning the United States interpretation of the terms of "transfer" and "war", in paragraph 5. Mr. Birgi had also insisted that a treaty should not prejudice any pre-planning arrangements for the use of nuclear weapons in certain circumstances.

47. It was needless to add that Turkey wished, with other countries, to see such an important treaty realised with the general consent of the Allies. Turkey thought that this treaty should in no way prejudice the vital interests of the Alliance and consequently of any of the Allies individually.

48. He had mentioned those few points because he was sure that his Authorities attached great importance to them.

49. Mr. FOSTER said that he would reply now to some of the comments made, but that all the comments, which he welcomed, would be considered fully by his Authorities.

50. As one of the fundamental points of the present negotiation, it should be borne in mind that this was a two-sided treaty. It might be possible to work out a "perfect" text round the NATO Council table, but it was essential to reach agreement with the other side. The valid points expressed in the Council had been, and would be, taken into consideration, but it was now important, even if some of the Allies still had reservations, to put this draft before the rest of the world, since the aim was to have a universal agreement to stop the spread of nuclear weapons. To a certain extent, one could look on the treaty as an evolutionary one, since there was provision for revision.

51. He emphasised that what was prohibited was set out in the operative part of the treaty. The treaty did not specify what was allowed, since it would in that case have become an encyclopedic document.

52. He thought that there had been no handicap to discussion for countries who were not members of the ENDC. For example, there had been very full bilateral consultation between the United States and the Federal Republic, both in Washington and in Bonn and elsewhere. It was his judgment that the treaty would not be a divisive force, but a platform on which to move forward to better world relations.

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53. He commented on the following specific points.

54. Firstly, it had been suggested that the United States should consider the possibility of placing its peaceful nuclear activities under IAEA Safeguards. If this would help the EURATOM member countries as regards the problem of non-discrimination, his Authorities would look into it very actively. However, in view of the deep interest of United States industry and the legislature, any study must be based on the value of this suggestion for furthering progress towards a treaty.

55. Secondly, the proposal by the Belgian Representative that the time limits for the entry into force of automatic Safeguards and for the holding of the review conference should be made to coincide, (after either three or five years) was worth considering. However, he pointed out that it had been very difficult, and had taken weeks of negotiation, to get the Soviet Union to agree to any review conference at all. The Soviet Union would not like the idea of a conference after three years, or the suggestion to apply automatic controls after five years.

56. Thirdly, as regards the kinds of modifications in IAEA Safeguards which might not be acceptable, he pointed out that it would be for all the IAEA member countries to take a decision, and that the Western countries would greatly influence the decision because they had the largest number of reactors. As an example of a modification, one would have to revise the right of pursuit.

57. Fourthly, with regard to paragraph 6 of the summary of interpretations, the last sentence did not qualify the first two sentences, but simply used the language of the treaty to show the other side of the coin. Replying to the Belgian Representative on the meaning of the second sentence, he said that the reference was to a federation in which the member countries would not have lost their nationhood.

58. Fifthly, as regards the suggestion that "nuclear weapons" should be defined in the treaty, he said that the summary of interpretations made it clear that one was dealing with bombs and warheads, but not with delivery systems. It was impossible to get the Soviet Union to agree on a definition since this would mean endorsing respective nuclear deployments.

59. Sixthly, he welcomed the support expressed by a number of speakers for tabling the treaty at Geneva. With regard to the expression in the preamble "at the earliest possible date", he explained that the United States would not stand in the way of its deletion, if this were proposed at Geneva and had general support.

60. Seventhly, the United States recognised that it would be a form of discrimination if the nuclear powers were exempt from the application of any Safeguards. Safeguards would in fact be symbolic, since the United States did not use its reactors to produce nuclear weapons. It had, however, put some of its reactors under IAEA Safeguards, and encouraged other countries to do the same. This was a point on which the Soviet Union held its position very obstinately.

61. He pointed out that the United States Government Safeguards were much more rigid than those of the IAEA, and that they would continue to be applied.

62. Finally, he repeated that his Authorities would consider all the comments made today. They were conscious of the political, military and other implications of a treaty, but they felt that they were now at the crossroads and that any delay would greatly reduce the chances of success. They therefore hoped that the Council would support the tabling of the draft.

63. The UNITED KINGDOM REPRESENTATIVE said that his Authorities had also noted with interest the views expressed on the discriminative effect of Safeguards, and that they were actively considering the suggestion that the Western nuclear powers should contemplate unilateral acceptance of Safeguards over civil nuclear activities.

64. The CHAIRMAN, concluding the discussion, noted that considerable appreciation and support had been expressed for the new text. One country, as indicated at an earlier meeting, was abstaining from the discussions and did not intend to sign the treaty. Two other countries still had substantial objections to and reservations on the text. One country was not unfavourable but non-committed. The remaining countries were generally in favour, some having made important suggestions or raised questions. The United Kingdom Representative had aptly said that three requirements had to be reconciled: (a) the time factor; (b) the need to protect the interests of the allies; (c) the need to find a solution acceptable to the non-nuclear and non-aligned countries. This reconciliation would not be easy.

65. The question now arose of the next step for the Council. He thought that two categories of questions had been raised in discussion. Firstly, there were questions of direct interest only to the NATO Alliance, such as present and future nuclear arrangements, the question of EURATOM and/or IAEA Safeguards, and the protection of the European option. The second category comprised the questions of interest not only to the NATO countries but also to the world outside NATO. He wondered whether it might be possible for the Council to consider the two categories separately.

66. As regards Safeguards, he wondered whether it was necessary that the question of EURATOM controls and Article III should be debated only in EURATOM, or whether it would be useful to consult directly on this subject in the NATO Council, in which all six members of EURATOM were represented.

67. Finally, there was the question of what was the real meaning of the commitment, or non-commitment, which might result from today's discussion and future discussions. Mr. Foster had said that no member country was committed "to the draft text as now presented". General Burns had suggested that the Council should reach a political agreement to present a text as a basis for negotiation. Other speakers had suggested that there should be agreement in principle on the broad lines of a text. All this meant that the clause of "no commitment" proposed by the United States Representative raised many doubts and needed qualification and clarification. As a first attempt to reach a better definition, he thought that there might be at least three different kinds of agreements of commitments by the Council: (a) one on the tabling of a text, and this would be quite different from (b) commitment to a text, or from (c) a commitment to sign a treaty eventually. It might be eventually considered better to leave these distinctions uncertain, but he thought that the Council should consider them, and perhaps reach a clear consensus on them at the end of this phase of consultation.

68. He wondered if the International Staff, or possibly interested delegations, should not prepare a paper setting out the present situation and showing the differences in positions and the comments on the United States text. He invited delegations to communicate their position in writing to the International Staff so that the latter could better study the national positions on the different Articles in tabular form. The Council could then resume discussion next Wednesday.

69. The BELGIAN REPRESENTATIVE emphasised that governments now required time to study the new United States text, and that the present bilateral and EURATOM consultations should continue. He suggested that the Council should meet next Wednesday, as proposed by the Chairman, leaving the interval for such necessary activity.

70. The CHAIRMAN agreed to this suggestion.

71. The UNITED STATES REPRESENTATIVE suggested that delegations should also consider whether one meeting of the Council before 19th April would be an adequate form of consultation. Time would be necessary to negotiate some of the points raised today, and for informal consultations between delegations reinforcements might be necessary from capitals.

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72. The CHAIRMAN said that he hoped the Council on Wednesday, 12th April, would if necessary continue in the afternoon.

73. The NETHERLANDS REPRESENTATIVE said that the question was whether to wait and see whether the bilateral US-USSR discussions made progress, or to try and obtain results at least among the NATO allies. He emphasised that the United States had heavy responsibilities regarding the solidarity of the Alliance.

74. In conclusion the COUNCIL:

- (1) noted the statements made in discussion;
- (2) agreed to resume discussion on Wednesday, 12th April.

NATO RESTRICTED

III. THE TECHNICAL FEATURES OF WAR HEADQUARTERS

Document: C-M(67)10

and

NATO RESTRICTED

IV. CONTINUED FRENCH PARTICIPATION IN THE CENTRAL EUROPE PIPELINE SYSTEM

75. The COUNCIL:

agreed to defer discussion to a later meeting.

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V. DATE OF THE NEXT MEETING

76. Wednesday, 12th April, 1967 at 10.15 a.m. (Plenary Session).

OTAN/NATO,  
Paris, (16e).

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## ORGANISATION DU TRAITE DE L'ATLANTIQUE NORD NORTH ATLANTIC TREATY ORGANISATION

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PLACE DU MARÉCHAL DE LATTRE DE TASSIGNY - PARIS (XVI<sup>e</sup>) - TEL. KIE. 50-20

BUREAU DU REPRÉSENTANT  
DU COMITÉ MILITAIRE

LOM 81/67

IMIS Control No. 428

OFFICE OF THE MILITARY  
COMMITTEE - REPRESENTATIVE

4 April 1967

MEMORANDUM FOR: Director, International Military Staff

SUBJECT : Disarmament - Non-Proliferation Treaty

I am forwarding at enclosure two documents which I have received from the U.S. Permanent Representative, together with the covering letter which I quote below for your information:-

His Excellency  
Manlio Brosio  
Secretary-General,  
NATO

Dear Manlio,

As Mr Farley explained to the Council last week, we look forward to the Council discussion of Non-Proliferation, April 4, as the start of another round of intensive consultation in NATO with the object of tabling a draft Non-Proliferation Treaty when the Eighteen-Nation Disarmament Committee re-convenes May 9.

In preparation for tomorrow's Council meeting, I am sending to you and to all the Permanent Representatives copies of the texts of the draft Non-Proliferation Treaty and of the Summary of Interpretations, which contain revisions that have emerged from our recent discussions with several Allies. I understand that these revised texts will also be provided today to Foreign Offices in all of the NATO capitals.

REGRADED NATO UNCLASSIFIED  
(Approved for Public Disclosure)

Warmest regards,

Sincerely, *W. W. Stromberg*  
Per Authority IMIS-6452-02  
By...Hevskor Date 26.4.2007

Harlan Cleveland

*W. W. Stromberg*  
W. W. STROMBERG  
Major General  
MILITARY COMMITTEE  
REPRESENTATIVE

Enclosure 1: Revised Text of Draft Non-Proliferation Treaty  
" 2: Revised Summary of Interpretations of Non-Proliferation Treaty

Copies to : SHAPE Belgium (w/enclosures)  
SACLANT (w/enclosures)  
CINCHAN (w/enclosures)  
NADEFCOL (w/enclosures)

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ACTION COPY

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Enclosure 1 to LOM 81/67

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## REVISED TEXT OF DRAFT NON-PROLIFERATION TREATY

In the draft below, new language is indicated by underlining. Language to be deleted is shown by brackets. One asterisk on revised language indicates that the change is to appear in the text tabled initially at Geneva if we are successful in achieving Soviet agreement to that end. Two asterisks indicates that while the United States would agree to the change, we believe it more likely to receive acceptance if put forward during the Geneva discussions after the initial tabling.

### BEGIN TEXT:

The states concluding this treaty, hereinafter referred to as the parties to the treaty,

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to cooperate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities, expressing their support for national and international research and other cooperative efforts toward maximum utilization of technological advances to reduce the access to processes and facilities necessary for effective safeguards. \*\*

Declaring their intention to achieve (at the earliest possible date) \*\* the cessation of the nuclear arms race,

Urging the cooperation of all states in the attainment of this objective,

Desiring to further the easing of international tension and strengthening of trust between states, thus facilitating the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a treaty on general and complete disarmament under strict and effective international control,

Noting that nothing in this treaty affects the right of any group of states to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories,

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Affirming the principle that the benefits of peaceful applications of nuclear technology including any technological by-products which may be derived by nuclear-weapon states from the development of nuclear explosive devices, should be available for peaceful purposes to all parties, whether nuclear-weapon or non-nuclear weapon states,

(Convinced that in furtherance of this principle, all parties are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in cooperation with other states to, the further development of the applications of atomic energy for peaceful purposes),

Declaring that nothing in the provisions of this treaty shall prejudice the rights of the parties, in conformity with this treaty, (I) to use nuclear energy for peaceful purposes in particular for their economic development and social progress, (II) to participate in the international exchange of nuclear material for peaceful purposes, and (III) \* to participate in the fullest possible exchange of scientific information for, and to contribute alone or in cooperation with other states or international organizations \* to, the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention that potential benefits from any peaceful applications of nuclear explosions should be available through appropriate international procedures to non-nuclear-weapon parties on a non-discriminatory basis and that the charge to such parties for the explosive devices used should be as low as possible and exclude any charge for research and development \*.

Have agreed as follows:

Article I: Each nuclear-weapon state party to this treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon state to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

Article II: Each non-nuclear-weapon state party to this treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

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Article III: For the purpose of providing assurance that source or special fissionable material covered by this article is not diverted to nuclear weapons or other nuclear explosive devices:

1. Each non-nuclear weapon state party to this treaty undertakes to have international safeguards meeting the requirements of this article on all peaceful nuclear activities within its territory or under its jurisdiction. In cooperating with any non-nuclear-weapon state with respect to peaceful nuclear activities within the territory or under the jurisdiction of such state, each state party to this treaty undertakes not to provide.
  - (A) Source or special fissionable material unless the material shall be subject to such safeguards; or
  - (B) Equipment or material especially designed or prepared for the processing, use or production of special fissionable material unless the special fissionable material shall be subject to such safeguards;
2. After the original entry into force of this treaty, each non-nuclear-weapon state party to this treaty which has activities subject to any international safeguards system other than that of the International Atomic Energy Agency undertakes to facilitate verification by that agency of the effectiveness of the international safeguards system applied to such activities;
3. To meet the requirements of this article, international safeguards (A) shall be either those of the IAEA or such other international safeguards generally consistent therewith as are accepted by the IAEA under verification procedures mutually agreed by the authorities of the IAEA and the authorities of other international safeguards system concerned, and (B) shall be applied as soon as practicable but no later than three years from the date of the original entry into force of this treaty; and
4. In any case where agreement on the implementation of IAEA verification of another international safeguards system, as provided for in this article, has not been reached within three years from the date of the original entry into force of this treaty, the safeguards of the IAEA shall be applied \*

Article IV:

1. Any party to this treaty may propose amendments to this treaty. The text of any proposed amendment shall be submitted to the depositary governments which shall circulate it to all parties to the treaty. Thereupon, if requested to do so by one third or more of the parties, the depositary governments shall convene a conference, to which they shall invite all the parties to consider such an amendment.

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2. Amendments shall enter into force for each party to the treaty accepting the amendments upon their acceptance by a majority of the parties to the treaty and thereafter for each remaining party to the treaty on the date of acceptance by it \*

3. Five years after the entry into force of this treaty, a conference of parties shall be held in Geneva, Switzerland, in order to review the operation of the treaty with a view to assuring that the purposes of the preamble \*\* and provisions of the treaty are being realized. At five-year intervals thereafter, if a majority of the parties notify the depositary governments of their desire to hold an additional review conference, a conference of parties shall be held six months after such notification in Geneva, Switzerland, for the same purpose as the initial review conference \*\*

4. Preparations for any review conference, including formulation of an agenda, shall be carried out by a preparatory commission consisting of representatives of (I) each non-nuclear weapon state party to this treaty that is also a member of the Board of Governors of the International Atomic Energy Agency at the time of any meeting of the preparatory commission and (II) each nuclear-weapon state party to this treaty. The preparatory commission shall meet in Geneva, Switzerland, four years and six months after the entry into force of this treaty to prepare for the first review conference. For any later review conference, the depositary governments shall convene a meeting of the commission as soon as practicable after a majority of the parties has requested such a conference \*\*

Article V:

1. This treaty shall be open to all states for signature. Any state which does not sign the treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This treaty shall be subject to ratification by signatory states. Instruments of ratification and instruments of accession shall be deposited with the governments of which are hereby designated the depositary governments

3. This treaty shall enter into force after its ratification by all nuclear-weapon states signatory to this treaty, and other signatories to this treaty and the deposit of their instruments of ratification. For the purposes of this treaty, a nuclear-weapon state is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967.

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4. For states whose instruments of ratification or accession are deposited subsequent to the entry into force of this treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The depositary governments shall promptly inform all signatory and acceding states of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This treaty shall be registered by the depositary governments pursuant to Article 102 of the Charter of the United Nations.

Article VI: This treaty shall be of unlimited duration. Each party shall in exercising its national sovereignty have the right to withdraw from the treaty if it decides that extraordinary events, related to the subject matter of this treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all parties to the treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article VII: This treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the depositary governments. Duly certified copies of this treaty shall be transmitted by the depositary governments to the signatory and acceding states.

END TEXT

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Enclosure 2 to LCM 81/67

## REVISED SUMMARY OF INTERPRETATIONS OF NON-PROLIFERATION TREATY (NPT)

1. The treaty deals only with what is prohibited, not with what is permitted.
2. It prohibits transfer to any recipient whatsoever of "nuclear weapons" or control over them, meaning bombs and warheads. It also prohibits the transfer of other nuclear explosive devices.
3. It does not deal with, and therefore does not prohibit, transfer of nuclear delivery vehicles or delivery systems, or control over them to any recipient, so long as such transfer does not involve bombs or warheads.
4. It does not deal with allied consultations (including planning) on nuclear defense so long as no transfer of nuclear weapons or control over them results.
5. It does not deal with arrangements for deployment of nuclear weapons within allied territory as these do not involve any transfer of nuclear weapons or control over them unless and until a decision were made to go to war, at which time the treaty would no longer be controlling.
6. It does not deal with the problem of European unity, and would not bar succession by a new federated European state to the nuclear status of one of its former components. A new federated European state would have to control all of its external security functions including defense and all foreign policy matters relating to external security, but would not have to be so centralized as to assume all governmental functions. While not dealing with succession by such a federated state, the treaty would bar transfer of nuclear weapons (including ownership) or control over them to any recipient, including a multilateral entity.

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ORGANISATION DU TRAITÉ DE L'ATLANTIQUE NORD  
NORTH ATLANTIC TREATY ORGANISATIONPLACE DU MARÉCHAL DE LAFAYE DE TASSIGNY - PARIS (XV<sup>e</sup>) - TÉL. 41.60.20

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BUREAU DU REPRÉSENTANT  
DU COMITÉ MILITAIRE

LOM 82/67

IIMSM CONTROL N° 04629 OFFICE OF THE MILITARY COMMITTEE  
REPRESENTATIVE

25

6 April 1967

MEMORANDUM FOR : Director, International Military Staff.

Subject : Disarmament - North Atlantic Council Meeting, 4 April 1967

References : (a) LOM 81/67, 4 April 1967  
(b) LOCOM 7872, 5 April 1967

1. In the Council meeting, 4 April 1967, the Chairman invited Ambassador Foster, the United States (US) Representative to the Eighteen-Nation Disarmament Conference (ENDC), to explain the changes made in the US "Revised Text of Draft Non-Proliferation Treaty" (NPT), which the Delegations had received 3 April 1967. (MCREP comment: The revised text was forwarded to you by reference (a) together with a "Revised Summary of Interpretations of Non-Proliferation Treaty.")

2. Mr. Foster said it was well-known that the US for some weeks had had useful discussions with countries represented in the North Atlantic Council (NAC) and particularly with the Federal Republic of Germany (FRG) and Italy and, on Article 3 of the draft treaty, with all EURATOM countries. The objective was to table on 9 May, when ENDC re-convenes, not a final draft but a joint recommendation by the two co-Chairmen (US and USSR). A delay would possibly mean that nothing would be ready for the General Assembly of the United Nations (UN) in the autumn, which would most likely jeopardize the whole issue. It was essential, Mr. Foster said, to conclude consultation in NAC by 19 April, to give time for discussion between the US and the USSR before 9 May. He stressed that nobody would be committed to the draft, and the US would keep in close contact with her Allies.

3. Mr. Foster said it was not known whether the Russians would accept the new draft; it is likely they will accept part of it, but one of the difficult points is the International Atomic Energy Agency (IAEA) verification of EURATOM safeguards (paragraph 4 of Article III of revised text refers); if this point proved not to be negotiable, the US would continue to consult with her Allies. He stressed that in 1962 the Russians had declared they were not interested in any safeguard clause, but now they have recently stated they consider it important to include safeguards in the Treaty.

4. Mr. Foster went on to say that the US did not consider it advisable:-

- a) to express, in the Preamble, the Nuclear Weapon States' intention to halt the arms race; reason: the US knew that the USSR would not accept;
- b) to provide, in the Preamble, a sentence to the effect that Nuclear Weapon States should not use nuclear weapons for the purpose of blackmail or political pressure against non-nuclear countries; reason: the US shared the concern but wished to emphasize that the UN was the proper forum for these matters;

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Per Authority *ASW-440*  
By *John C. O'Farrell* Date *26.5.1993*

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- a) to make the Withdrawal Clause (Art 1 to VI) less rigid: reason: the US believes that such a change would make the Treaty less stable, and it was known that the Russians would be opposed to the change.

5. With reference to the "Revised Summary of Interpretations of NPT" (see Enclosure 2 to LOM 81/67, 4 April 1967) which would also be presented to the Russians before the ENDC re-convened, Mr. Foster explained that paragraph 4 thereof now includes language to make it clear that allied consultations include planning and that, in paragraph 5, the word "existing" had been deleted as it was redundant. He finally stressed the importance of keeping the discussion in NAC secret: it was envisaged to provide public information when the US Senate started its debate on ratification. (MCREP Comment: The full text of Mr. Foster's statement has been made available and is attached at Enclosure 1).

6. The Italian Permanent Representative expressed his authorities' gratitude for the new effort made by the US, and said his government had always endeavoured to contribute to a NPT which:

- a) did not weaken the effort towards the unification of Europe,
- b) enhanced the guarantees of security,
- c) was a step towards general disarmament, and finally
- d) contributed to the development of peaceful use of nuclear power as well as co-operation in the scientific, technological and nuclear fields.

However, the present draft which was now under study by the Italian Government included the obligation for non-nuclear weapon states to renounce modern weapons without a corresponding obligation for nuclear weapon states in the field of general disarmament. While the draft NPT was envisaged to be of unlimited duration, the Alliance was of limited duration. He considered it essential that more details should be made available about the new organisation envisaged to make available to all parties the benefits of peaceful applications of nuclear technology. He stressed that the text of the draft ought to be revised before it was tabled in Geneva, with the aim of obtaining the acceptance by all countries in the Alliance, and he reserved the right to comment more fully when the Italian Government had concluded its study of the revised text. (MCREP Comment: The French version of the full text of the Italian Permanent Representative's statement has been made available and is attached at Enclosure 2)

7. The German Permanent Representative said today's discussion was of decisive importance if the US wished to stick to the timetable: once the draft was tabled in Geneva, it could only be expected that the Russians would be less willing to introduce changes. The FRG could only agree to submission of the draft if and when it meets her vital interests and those of EURATOM. It would be necessary to speed up consultation and discussion as much as possible. He thereafter read a statement, the full text of which is attached at Enclosure 3. (MCREP Comment: The reason for the dispatch to you of the full texts mentioned in paragraphs 5, 6 and 7 above is because of the extremely detailed consideration they give to the NPT).

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8. The United Kingdom (UK) Permanent Representative considered it desirable that the new text should be tabled in a reasonably near future, since it was important to make progress in the field of non-proliferation. He hoped the text would represent the combined views and will of the countries of the Alliance, and that it would be tabled in such a form to have a reasonable chance of being accepted. With the UK as potential member of EURATOM, and referring to Article III of the draft NPT, he was interested that this institution be not weakened. With respect to paragraph 6 of the "Revised Summary of Interpretations," he attached great importance to leaving open the option for a European Federation which should be able to have nuclear weapons in succession. This option had been mentioned to Mr. Kosygin when he visited London and he had not objected to it.

9. The Norwegian Permanent Representative said his government was seriously concerned that the political momentum be maintained and it gave full support to the new draft. His government was aware of the difficulties for certain countries to agree. The NPT was not an end in itself but an important step in the right direction and part of a larger solution. The countries of the Alliance could not afford to let the NPT become a stumbling-block. In this connection, he underlined the significance of paragraph 3 of Article IV concerning the 5-year review. Countries who believe that the treaty might jeopardize their legitimate interests should consider to what extent real damage might develop over such comparatively short period and weigh this risk against the possibility of now having to abandon the hope for an NPT.

10. The Danish Permanent Representative found the draft acceptable in principle and underlined that time was running short. The conclusion of an NPT was of vital importance for the creation of a better political climate in which other limited disarmament measures might prove feasible. He was fully aware of the impact of the treaty on industrial development, and considered that legitimate aspirations of certain countries should be met. However, in the last instance the political necessity of finding a solution was of greater importance.

11. The Belgian Permanent Representative affirmed his government's interest in a NPT and in its being world-wide; he hoped it would be possible to follow the timetable. He asked why the words "at the earliest possible date" in the Preamble's 7th paragraph could not be maintained, which would be a further step towards disarmament. He asked for clarification of the second sentence in paragraph 6 of the "Revised Summary of Interpretations" about "a new federated European state." He urged that a glossary be attached to the draft to define words such as "nuclear weapons," "nuclear devices," etc., in order to prevent evasion. He suggested that the time frames mentioned in Article III, para. 4, and Article IV, para. 3, be made the same length of time, i.e. three or five years. He finally said the treaty should have the result of decisively strengthening the Alliance; if not, there would arise all the well-known risks of political pressure, nuclear blackmail, etc. This was of vital importance in relation to the future tasks of the Alliance. It was also of vital importance in relation to the provision in Article VI that the treaty should be of "unlimited duration," since, if the treaty outlasted the Alliance, the non-nuclear allies would be left without protection. It was therefore necessary for the Special Group (AC/261) to study the link between an NPT and the Alliance as a protection against nuclear threat.

12. The Canadian Representative to the ENDC, General Barros, emphasized that the new NPT text had not yet been studied by the Canadian Government. Based on his own preliminary study, he said that the new preamble appeared to give desirable clarity. He considered that the revised Article III should meet some of the pre-occupations of certain countries, and hoped that discriminatory features

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ould be removed. Referring to Mr. Foster's statement about the difficulty to incorporate in the NPT an insurance against "nuclear blackmail," he said it could be expected that in Geneva there would be further pressure to get such insurance. He stressed the importance to conclude a treaty at an early date, and said that what was required from NAC was not an agreement on paragraphs but a consensus that a treaty be submitted as soon as possible: the final form of the treaty could not be determined in NAC. The UN had urged the ENDC to provide a proposal as soon as possible and General Burns quoted the Mexican Delegate to ENDC who had said at the conference that in this context the aphorism that the best is the enemy of the good was especially valid. General Burns finally said that the present draft treaty was infinitely better than no treaty at all, and that the treaty should be for all the nations in the world.

13. The Netherlands Permanent Representative said his authorities considered it of vital importance not to delay concluding the NPT. With respect to Article III, which was of great importance to all, he thought a version of IAEA safeguards could be acceptable in EURATOM countries, in a form to be discussed, and it would be advantageous if Nuclear Weapon States would accept on their soil some control of their peaceful nuclear activity. The purpose of the consultation was to reach an agreement to some extent because complete lack of agreement would be of serious concern to the solidarity of the Alliance, which ought to be strengthened, not weakened, by the consultation.

14. The Greek Permanent Representative said he did not foresee that his authorities would have any substantive contribution to offer concerning the formulation of the treaty, but his country would certainly take a constructive attitude. Greece had no nuclear possibilities and no nuclear ambitions but needed nuclear protection. This did not mean that Greece did not have hesitations and misgivings. The new draft was an improvement, but on the other hand, he said, the Italian and German observations were well taken. He agreed with the Belgian Permanent Representative on the vital connection between the duration of the treaty and the duration of the Alliance, and the need for NATO to study this question.

15. The Turkish Deputy Permanent Representative expressed appreciation of the efforts to make progress towards a treaty, and considered the NPT as another step of partial measures towards disarmament at a time when detente was making progress. The Turkish Government appreciated the possibility of a world-wide treaty and the presence of a binding safeguard clause. His authorities hoped that agreement would be reached on a text with the general consent of all the allies, and that it would not harm the vital interests of any member of the Alliance.

16. Mr. Foster said he would reply now to some of the comments made, but that all the comments, which he welcomed, would be considered fully by his authorities:

- a) It should be borne in mind that this was a two-sided treaty, and it was essential to reach agreement with the other side. It was now important, even if some of the allies still had reservations, to put this draft before the rest of the world, since the aim was to have a universal agreement to stop the spread of nuclear weapons.
- b) He emphasised that what was prohibited was set out in the operative part of the treaty. The treaty did not specify what was allowed, since it would in that case have become an encyclopedic document.

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c) Be commented on the following specific points.

Firstly, it had been suggested that the United States should consider the possibility of placing its peaceful nuclear activities under IAEA safeguards. If this would help the EURATOM member-countries as regards the problem of non-dissemination, his authorities would look into it very ~~secretly~~ actively. However, in the view of the deep interest of US industry and the legislature, a study must be based on the value of this suggestion for furthering progress towards a treaty.

Secondly, the proposal by the Belgian Permanent Representative that the time limits for the entry into force of automatic safeguards and for the holding of the review conference, should be made to coincide was worth considering. However, he pointed out that it had been very difficult, and had taken weeks of negotiation, to get the USSR to agree to any review conference at all. The USSR would not like the idea of a conference after three years or the suggestion to apply automatic controls after five years.

Thirdly, as regards the kinds of modifications in IAEA safeguards which might not be acceptable, he pointed out that it would be for all the IAEA member-countries to take a decision, and that the western countries would greatly influence the decision because they had the largest number of reactors.

Fourthly, with regard to paragraph 6 of the "Summary of Interpretations," the last sentence did not qualify the first two sentences, but simply used the language of the treaty to show the other side of the coin. Replying to the Belgian Permanent Representative on the meaning of the second sentence, he said that the reference was to a federation in which the member-countries would not have lost their nationhood.

Fifthly, as regards the suggestion that "nuclear weapons" should be defined in the treaty, he said that the "Summary of Interpretations" made it clear that one was dealing with bombs and warheads, but not with delivery systems. It was impossible to get the USSR to agree on a definition since this would mean endorsing respective nuclear deployments.

Sixthly, he welcomed the support expressed by a number of speakers for tabling the treaty at Geneva. With regard to the expression "at the earliest possible date," he said that the US would not stand in the way of its deletion, if this were proposed at Geneva.

Seventhly, the US recognised that it would be a form of discrimination if the nuclear powers were exempt from the application of any safeguards. This would in fact be symbolic, since the US did not use its reactors to produce nuclear weapons. It had however put some of its reactors under IAEA safeguards, and encouraged other countries to do the same. This was a point on which the USSR held its position very obstinately.

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He pointed out that the US Government safeguards were much more rigid than those of the IAEA, and that they would continue to be applied.

Finally, he repeated that his authorities would consider all the comments made today. They were conscious of the political, military and other implications of a treaty, but they felt that they were now at the 'crossroads' and that any delay would greatly reduce the chances of success. They therefore hoped that the Council would support the tabling of the draft.

17. The United Kingdom Representative said that his authorities had also noted with interest the views expressed on the discrimination effect of safeguards, and that they were actively considering the suggestion that the western nuclear powers should contemplate unilateral acceptance of safeguards over civil nuclear activities.

18. The Chairman, concluding the discussion, said that as expressed by the UK Permanent Representative three requirements had to be reconciled:

- a) the time factor,
- b) the need to protect the interests of the allies,
- c) the need to find a solution acceptable to the non-nuclear and non-aligned countries.

He thought two categories of questions had been raised, firstly questions of direct interest only to the Alliance, such as present and future nuclear arrangements, the question of EURATOM and/or IAEA safeguards and the protection of the European option. The second category comprised the questions of interest not only to NATO countries. Finally, there was the question of the real meaning of the commitment or non-commitment, which might result from today's and future discussions. He thought there might be at least three different kinds of agreement or commitments by the Council:

- a) one on tabling the text,
- b) commitment to a text,
- c) commitment to sign a treaty.

The Chairman wondered if the International Staff (IS) should not prepare a 'white paper' setting out the present situation and invited delegations to communicate their position in writing to the IS. The Council would then resume discussion next week.

19. The point was raised by several Permanent Representatives that governments now required time to study the new text, and the Netherlands Permanent Representative said that the question was whether to wait and see whether the bilateral US-US5 discussions made progress, or to try and obtain results at least among NATO allies. He emphasised that the US had heavy responsibilities regarding the solidarity of the Alliance.

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20. In conclusion, the Council noted the statements made in discussion and agreed to resume discussion on Wednesday, 12 April.

*W.W. Stromberg*  
W. W. STROMBERG  
Major General  
Military Committee Representative.

Enclosure 1 : MC.REP XISC No. 4895  
2 : German Delegation 20-10-5/12/7/67  
2 : Statement in MIC by Ambassador A. Alessandrini,  
4 April 1967

Copy to : SHAPE, Belgium (w/enclosure)  
SACLANT ( " )  
CINCPAC ( " )  
NADEFCOL ( " )

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**NATO UNCLASSIFIED**Enclosure 1 to Memorandum

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NATO MEETING APRIL 4, 1967

ARMED FORCES BY WILLIAM C. ZONTER  
ASSISTANT CHIEF OF STAFF FOR STRATEGIC AIR AND CONTROL  
AND AIR DEFENSE AGENCE (ACDA)

As generally known, we have had recent discussions with  
USC and USSR on the Non-Proliferation Treaty and Draft  
Summary of Interpretations and with other NATION members  
and EURATOM Organization on the Safeguards Article. Most  
changes raised are of general relevance to all three and we  
will now report their present status.

Before doing so, I would like to sketch out the  
negotiating schedule. In particular we must be prepared to  
table draft NPT when the NPT Conference May 8. Further  
delay would risk having us in an undefined state at the  
time the UNCG meets in September. This could jeopardize the  
entire project. United Nations General Assembly

In order to allow Soviets about two weeks to digest  
our changes and consult their allies before May 8, it will be  
essential to conclude this phase of NATO consultations about  
April 19. We should be in a position as soon as possible  
after April 19 to discuss our proposed changes with Soviets  
with a view to tabling revised and final recommendations  
from the US-ESSA to OAU for consideration of UNCG and  
other governments. It would be understood our allies would  
not be committed to any particular position until we could remain  
in close consultation with the Soviets.  
x) Eighteen-Nation Disarmament Conference

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2.

**CHANGES IN NPT TEXT****PREAMBLE**

A. In the revised treaty text, there is a new preambular paragraph to express support for research to utilize technological advances in order to reduce the access to processes and facilities necessary for effective Safeguards. There is a minor error in the text before you. The new paragraph should begin with the words "Expressing their support..." <sup>on</sup> ~~at the bottom of~~ the first page of the revised text which was made available to you yesterday. This is in response to the desire that IAEA Safeguards be automated as much as possible. The US including ACDA has research on this subject already underway. We anticipate that Safeguards can be simplified, but we have no way of knowing the extent to which they can actually be made automatic. This change, in our view, would best be introduced by some ENDC participant after a draft treaty has been tabled.

B. A suggestion has been made to delete the phrase "at the earliest possible date" from the preambular paragraph in which the parties would declare their intention to achieve the cessation of the nuclear arms race. We would be prepared to agree to this change after the treaty is tabled at the ENDC if it appeared to have general support.

C. A new preambular paragraph is substituted in the revised treaty text for the one now beginning "convinced that in furtherance of this principle...." The new preambular paragraph is responsive to the request of several allies

<sup>x)</sup> International Atomic Energy Agency

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that the treaty contain language along the lines of Article 17 of the LA NFZ Treaty, the Treaty of Tlatelolco. Through the word "progress" in subparagraph (i), the new preamble paragraph contains language similar to Article 17 of the Latin American Treaty. Language like that in subparagraph (ii) was requested by some represented here. Subparagraph (iii) is the same as the paragraph being replaced except for the addition of "International Organizations." We will seek Soviet concurrence to include this new preamble paragraph in the draft tabled at the ENDC.

D. At the ENDC on March 21, 1967, I stated the US position with respect to sharing the benefits which may one day come from the utilization of peaceful nuclear explosives. I said that the cost of providing a nuclear explosive service to non-nuclear-weapon states would be kept as low as possible and would not include the costs of research and development. This idea is now included in the preamble paragraph on nuclear explosive devices for peaceful purposes. We would plan to take it up with the Soviets with a view to including it in the draft treaty to be tabled at Geneva.

## OPERATIVE ARTICLES

E. There is a new Article III based upon ideas we have already discussed with the EURATOM countries and to the EURATOM Commission. We are prepared to urge Soviet acceptance of this article for inclusion in the treaty draft to be submitted by the Co-Chairman. The Text involves four significant substantive points. Making clear their position to the Soviets is to

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prevent diversion of nuclear materials to weapons; (B) Making clear in the provision relating to Safeguards on exports of non-nuclear materials or equipment that it is only the fissionable material used or produced with these items, and not the items themselves, which are subject to Safeguards; (C) Making clear that the same substantial transitional period of up to three years applies to all the undertakings in the Article; and (D) Providing expressly for the possibility of IAEA verification of EURATOM Safeguards.

In all frankness, we are uncertain as to whether the Soviets will accept all of the points in this new text. We think it likely they will accept some. We would expect the most difficulty with the one which provides the possibility for IAEA verification of EURATOM. If this proves not to be negotiable with the USSR, we would still wish to consider with our allies the desirability of proceeding with a Safeguards Article containing as many of the important changes as possible. Incidentally, the Soviets have recently stated they think it important to include a Safeguards Article in the treaty. Initially they had taken the position that such an article was not essential.

F. Several revisions appear in Article XV. The new paragraph 2 of this article is derived from the amendments article of the Outer Space treaty. It would eliminate the nuclear-weapon state veto on amendments contained in the present Article IV to which a number of our allies have objected. Instead, an amendment would require the assent for each

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party accepting it when a majority of parties accepted it. Thereafter, it would not go into effect for any party not included in the majority until that party accepted it. Thus, no state would be compelled to accept an amendment against its will. We will try to persuade the Soviets to include these changes in the draft treaty to be submitted in Geneva.

Paragraph 3 of Article IV contains two changes requested by some countries represented here. One would add "of the preamble" after the word "purposes," thus making clear that the purposes involved are those of the preamble. The other would provide for the possibility of later review conferences after the first one. These changes would, in our opinion, have the greatest chance of acceptance if proposed during the course of ENDC negotiations after the treaty is tabled.

Article IV also contains a new paragraph 4 designed to provide assurances to non-nuclear-weapon states that a review conference will be a serious international meeting and that they will have a key role in the preparations. The new language would set forth an orderly procedure to prepare for review conferences. In our opinion, introduction of this paragraph should also be postponed until later in the negotiations, after the treaty is tabled.

G. In general, we believe those changes which are to be put off until after the tabling of the treaty text at Geneva should be suggested by some ENDC non-aligned country or by one of the ENDC NATO members depending upon the tactical situation at the time. General acceptance, and later acceptance in

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particular, may be more likely in some cases if the changes are suggested by non-aligned delegations in the first instance. Western Four ENDC delegations will consult on this problem, and will keep NAC advised.

I should like now to mention several proposed changes which we do not consider advisable. A number of suggestions have been made to express more positively and in greater detail in the preamble the intention of nuclear powers to halt the arms race and to conclude various collateral measures in nuclear field. We are not prepared to propose such changes to Soviets because we know they would not agree. We expect to face great pressure in ENDC to strengthen this part of preamble and it may become necessary later to search for compromise language. But, we do not think it useful to speculate now about what may prove necessary and feasible at that stage.

It has been suggested there should be provision in preamble expressing the thought that nuclear-weapon-states should not use nuclear weapons for purposes of political pressure or blackmail against non-nuclear-weapon powers. We share concern for assurances against such mis-use of nuclear power. At same time, we must emphasize complexity of the whole problem of assurances. As previously indicated, we do not wish to include any security assurance in the treaty; we believe the UN is the proper forum in which governments should provide assurances against nuclear threats and aggression.

Any initiative on our part to include any assurances--

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clause--even one against political pressure or blackmail--would lead Soviets to revert to their proposal to include the Kosygin non-use formulation in the treaty. It could also prompt further amendments for a more binding assurance clause in NPT. That is why we concluded some time ago we should not inject any assurance clause into NPT text. We continue to hold this view.

We recognize, however, that this may not be possible in view of concern of some non-aligned nations for assurances. If it should later become necessary to deal with this matter in the treaty, we would have to find some compromise formulation which avoids the problems posed by the Kosygin proposal. A possible formulation which might serve as a useful "compromise" might be found in the FRG suggestion that in the preamble The parties express their resolve, insofar as they possess nuclear weapons, not to exploit such possession for purposes of political pressures, political threats or political blackmail against non-nuclear-weapon states. We would be prepared to consider such a formulation at that time for inclusion in the preamble. We believe, however, that any compromise of this sort would have better chance of acceptance coming from a non-aligned nation than from one which is a member of an alliance having a powerful nuclear deterrent. We do not wish to have it known that we have such a compromise under consideration.

It has also been suggested that the withdrawal clause should be made less rigid. Some have suggested a clause enabling parties to withdraw if the other party makes a decision that the

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nuclear powers have not made enough progress on nuclear disarmament. Others believe there should be no need for a three months notice of withdrawal or for notifying the security council.

We believe such changes would be most inadvisable. They would create a situation in which certain non-nuclear countries would be placed under great pressure to consider withdrawal by the time the review conference meets, even if the treaty is achieving its essential objective.

We are not prepared to suggest such changes because they would make the treaty less stable. We also know they would not be accepted by the Soviet Union.

#### Changes in Draft Summary of Interpretations

Three changes have been made in the draft summary of interpretations:

In paragraph 4, language has been added to make clear that "allied consultations" includes planning.

In paragraph 5, the word "existing" has been deleted because it was redundant and to avoid any implication that no changes could be made in present arrangements for deployment of nuclear weapons in allied territories.

In paragraph 6, the last sentence has been revised to remove a seeming inconsistency with the first sentence.

None of these changes reflects any change in the actual interpretation. Needless to say, however, it would be most inadvisable if any word got out of their meeting about these changes.

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strict confidence the entire substance of our allied consultations.

As previously indicated, we plan to show the final statement of interpretations to the Soviets as an indication of the way we have answered certain questions raised by various countries. In addition, the substance of these interpretations will be made public at an appropriate time. We anticipate they will become a matter of public record in the course of US Senate hearings.

We have already made clear to the Soviets that these are our interpretations of the treaty. Prior to tabling a draft treaty at the ENDC, we shall present these interpretations to the Soviets, stressing the responsibility they would bear if they were to challenge these interpretations and particularly if they were to contradict the interpretation regarding succession by a federated Europe.

We would certainly not expect their formal agreement with, or endorsement of, these interpretations.

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Enclosure 2 to IAN 82-3 APPROVED FOR PUBLIC DISCLOSURE NATO SECRET

Statement in NAC by Ambassador A. Alessandrini, 4 April 1967

Je tiens tout d'abord à remercier M. Foster pour ses communications et pour les éclaircissements qu'il a bien voulu nous donner et qui représentent un nouvel effort de nos amis américains pour venir à la rencontre de nos points de vue sur le projet de Traité de non-dissémination.

1. Le Gouvernement italien s'efforce depuis longtemps de contribuer à la conclusion d'un traité de non-prolifération dont le texte soit cohérent avec les lignes essentielles de la politique étrangère italienne, à savoir: atteindre l'unité de l'Europe; garantir la sécurité, parvenir à un désarmement général, développer les activités nucléaires pacifiques ainsi que la coopération scientifique et technologique dans le secteur nucléaire.

2. Sur un plan général, nous ne pouvons pas ne pas remarquer que le projet américain comporte, même pour les pays avancés dans la technique nucléaire, l'engagement définitif à renoncer aux armes modernes, sans que soit prévu de la part des états nucléaires un engagement correspondant au désarmement général. Cela pose entre autres un problème de garanties, car l'engagement demandé aux pays non-nucléaires est d'un caractère perpétuel, tandis que les alliances sont, de leur nature, temporaires et peuvent changer en structure et efficacité, malgré tous nos souhaits que l'Alliance Atlantique ait une durée indéfinie.

A cet égard, ainsi qu'en général pour tout engagement prévu par le traité dans le sens d'un rétrécissement de la souveraineté nationale, l'on doit aussi tenir en considération l'Article XI de la Constitution italienne.

3. Pour nous il est d'une importance basilaire que le traité n'entraîne d'aucune manière la possibilité d'atteindre l'unité de l'Europe, dont l'importance aux fins de la paix et du progrès a toujours été appréciée par le Gouvernement américain. Nous souhaiterions donc que les Etats-Unis puissent reconSIDérer le paragraphe 6 du "Memorandum interpretatif" du traité, afin de confirmer clairement que l'existence d'un organisme communautaire contrôlant la politique étrangère et celle de la défense serait une condition suffisante pour la création éventuelle d'une force nucléaire européenne. Ajouter d'autres conditions limitatives telle que la dernière phrase du paragraphe susdit aurait un effet négatif sur le progrès vers l'unité européenne. Cela donnerait à l'URSS non seulement un "droit de regard" sur les phases intermédiaires de l'unification européenne mais aussi un puissant moyen de pression pour agir sur l'organisation définitive de l'Europe, moyennant des contre-parties.

4. Pour atteindre le désarmement, dont le non-prolifération n'est qu'un aspect, il faudrait que le traité contienne dans ses considérations préliminaires, un engagement précis à cet égard. De cet engagement il faudra, à notre avis, faire aussi mention dans l'Article IV concernant les buts de la conférence envisagée après cinq ans.

Les américains ont déjà indiqué d'être disposés à accepter une pareille requête, mais ils voudraient qu'elle fût présentée par un pays non-aligné, dans le forum du Comité des Dix-Huit. D'un autre côté, nous estimons que le texte devrait être modifié avant les réunions de Genève. Mon Gouvernement attache beaucoup d'importance à ce point.

5. En relation à ce qui précède, nous sommes toujours convaincus qu'il serait utile d'introduire à l'Article VI un amendement indiquant que les états ne formulant pas d'objections après la conférence prévue à l'Article IV seraient considérés comme ayant confirmé leur adhésion au traité.

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6. Nous nous réservons de faire connaître notre avis au sujet du nouveau texte de l'Article III sur les contrôles dès que l'étude de cet article aurait été accomplie. Nous sommes en tous cas de l'avis qu'il faut éviter toute discrimination entre pays nucléaires et pays non-nucléaires, aux fins de l'application des contrôles aux activités nucléaires pacifiques.

Nous nous trouverions naturellement en difficulté pour approuver tout règlement définitif du problème comportant des dangers d'espionnage industriel, ainsi que de tout affaiblissement de la possibilité de coopération technique internationale, et enfin le déclassement d'un pays comme l'Italie à un status d'infériorité.

7. La rédaction actuelle du projet de traité sur les limitations au développement de l'activité nucléaire pacifique et sur l'accès des pays ne possédant pas d'armes nucléaires à la technologie nucléaire pacifique suscite chez nous des préoccupations légères. L'importance croissante du secteur de la technologie nucléaire pacifique rend indiscutable pour les pays ne possédant pas d'armes nucléaires - notamment pour ceux qui ont déjà une option nucléaire - la sauvegarde de leurs intérêts fondamentaux. Celle-ci ne saurait être assurée seulement par les énonciations de principe contenues dans la partie préliminaire du traité, même pas dans le nouveau texte que les Etats-Unis nous ont communiqué. En tout état de cause, cette question est évidemment liée à celle des contrôles; nous nous réservons donc de formuler quelques suggestions au cours des consultations prochaines, et nous souhaitons que du côté américain un effort ultérieur soit déployé pour aller au-devant de nos exigences.

8. Nous estimons nécessaire que, dans le but aussi de renforcer l'Alliance Atlantique, le traité et son interprétation n'entraînent pas la possibilité d'atteindre un système efficace de planification nucléaire, ayant comme but non seulement la défense mais aussi la dissuasion d'une agression éventuelle. À cette fin, nous avons proposé bilatéralement, mais sans succès, que le terme "dissuasion" soit inclus dans la déclaration interprétative et que, également, une définition du "contrôle des armes nucléaires" soit incluse dans le traité ainsi qu'il était prévu à l'Article IV du projet américain du mois d'août 1965.

9. Ayant formulé ces considérations d'ordre générale, je voudrais remarquer que certaines des modifications intervenues dans la position américaine semblent exiger des éclaircissements supplémentaires, afin de pouvoir mieux évaluer leur portée et la mesure dans laquelle elles peuvent apaiser nos préoccupations.

En matière de contrôle, par exemple, il n'est pas encore clair si et éventuellement quelles modifications seront apportées au statut de l'A.I.R.S. et si le "droit de suite" sera éventuellement aboli et par quelle procédure. Il n'est pas clair non plus quels seraient le sens et la portée de la "vérification" envisagée.

En ce qui concerne les emplois pacifiques de l'énergie atomique, il faudrait avoir de plus amples précisions sur la procédure de création du nouvel organisme envisagé et sur ses finalités ainsi que sur les mesures qui seraient prévues par les Etats-Unis pour mettre rapidement sur pied le mécanisme pour l'emploi des explosifs pacifiques.

D'autres incertitudes subsistent au sujet du Comité préparatoire

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pour la préparation de l'ordre du jour des conférences. Il n'est pas clair en effet quels seraient ses pouvoirs réels et à quelle majorité il prendrait ses décisions. D'autre part, pour la première conférence, l'Article IV a déjà fixé la tâche: examiner le fonctionnement du traité et les mesures prises pour atteindre les buts du préambule; évidemment, le Comité préparatoire ne peut pas, dans ce cas, apporter des modifications.

10. Je voudrais conclure en faisant état à nouveau du désir du Gouvernement italien qu'un terme soit mis à la prolifération nucléaire. Nos remarques s'inspirent non seulement du désir de sauvegarder les intérêts fondamentaux du peuple italien - que le traité engagerait même pour les générations futures - mais aussi de parvenir à une rédaction définitive qui puisse obtenir l'adhésion sans réserve de tous les pays.

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Enclosure A  
LOM 8267**NATO UNCLASSIFIED**

GERMAN DELEGATION

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60 copies  
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Statement made by the German Permanent  
Representative at the Council Meeting  
on 4 April 1967

**1. Introduction**

The willingness of the German government to discuss in a constructive spirit the text of an appropriate non-proliferation agreement should not be taken to mean that we shall participate in the agreement irrespective of its content, nor should it be misunderstood to mean that we regard the fundamental political problems of this project as being settled. This is not the case. In contrast to the Test Ban Agreement or the Space Treaty, the non-proliferation agreement will have far-reaching effects on NATO, the unification of Europe and future relations between Europe and the United States. It may, in the long run, strengthen the position and the political influence of the Soviet Union in Germany as well as in Eastern and Western Europe at the expense of the West. Particularly the advocates of a solid and permanent friendship between Europe and the United States emphasize how earnestly the Soviets hope that this agreement may have long-term effects in Europe which are not only directed against Germany but against European-American solidarity.

All our wishes are moderate and legitimate. If the Soviets were really interested in a world-wide non-proliferation arrangement, these wishes should also be negotiable for the Soviets. It is true, however, that we have doubts as to whether the Soviets really want a world-wide, acceptable non-proliferation arrangement and whether they are not primarily interested in the divisive effect which an inadequate non-proliferation arrangement would be bound to have on the West.

**2. Armaments Control and Reduction of Armaments**

a) and b)

We are aiming at an effective link of the nuclear renunciations

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of the non-nuclear weapons states with general and especially nuclear disarmament.

Among other things, the world-wide acceptability of a non-proliferation agreement essentially depends on whether it serves the purpose of disarmament. It must not create the impression of consolidating the present monopoly of the nuclear weapons states.

This demand is world-wide: The UN Resolution No 2028 of 1965, reinforced by the Resolutions No 2149 and 2153 of 1966, demands in Article 2c) that "the Treaty should be a step towards the achievement of general and complete disarmament and, more particularly, nuclear disarmament."

Because of the threat by Soviet MRBMs there is a special interest of some NATO nations, including Germany, in this link between non-proliferation and disarmament.

c)

The United Nations Resolution No 2028 of 1965 demands in Article 2b) that "the Treaty should embody an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear powers."

The non-proliferation Treaty - at least in the form of its present draft - is not balanced as between nuclear weapons states and non-nuclear weapons states.

It would therefore be all the more important to accept our proposal to include a provision in the preamble governing the interpretation to be given to the Articles of the Treaty. In this way, world-wide acceptability would be increased.

### 3. Détente

Our idea corresponds more or less to the American proposal for a preamble and is in line with wishes that have been expressed

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all over the world. The inclusion of such a phrase would be of special importance for our relations with Eastern Europe as it would represent the explicit recognition of a German contribution towards détente.

## Exclusion of political pressure, threats and blackmail

The renunciation of the non-nuclear weapons states is not counter-balanced by a renunciation of the nuclear weapons states to use their weapons for political threats and blackmail against non-nuclear weapons states. Accordingly, our proposal is meant to increase the acceptability of the treaty by the non-nuclear weapons states. In this way one of the main concerns of those states which will remain without nuclear weapons is to be taken into account by the moral instrument of a "good-behaviour clause" ensuring that nuclear weapons will only be used for lawful purposes.

This does not relate to security and defence problems. They cannot, in any case, be settled generally and uniformly in the non-proliferation treaty. The situation of the various non-nuclear weapon states is too different for this to be possible (members of alliances; threatened non-committed countries; non-threatened non-committed countries; neutrals which are not interested in assurances as a matter of principle, etc.). As far as we are concerned, this problem is solved by the Alliance. Therefore, in this respect we have no further wishes concerning the non-proliferation treaty, but we do have such wishes as far as the continuity and development of the Alliance is concerned (see also our desires concerning the American interpretation of the non-proliferation treaty). We are fully aware of the problems involved in any ban on the use of nuclear weapons.

The problem of banning the political misuse of nuclear weapons against non-nuclear weapons states is of a different nature. Germany is not the only country having been the victim of nuclear threats on the part of a nuclear weapon power. (The last example which concerns us occurred in the Soviet government's statement of 28 January 1967: "those who ..... would experience

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an unavoidable and annihilating retaliation.")

## Non-defamation clause

It would be easier for us to adopt a positive attitude if we could be certain that, in case Germany would participate in the non-proliferation treaty, the Soviet Union would state in accordance with the treaty that we will no longer be the subject of defamatory attacks in the nuclear field. The inclusion of our idea in the preamble would be a valuable contribution to the policy of détente between East and West. Its acceptance would be in the interest of all signatories.

## 4. Peaceful use of atomic energy

As a highly developed industrial country, the Federal Republic of Germany is particularly interested in the unlimited use of nuclear energy for peaceful purposes. In view of existing technical developments and future perspectives in the peaceful nuclear field, unlimited participation in these developments is of no less than vital importance for Germany.

The new draft treaty contains more detailed and stronger language designed to safeguard the unobstructed peaceful use of nuclear energy and of international cooperation in this field. However, the relevant formulations are again only contained in the preamble. We want this field to be more strongly protected by the inclusion of a corresponding article in the text of the treaty itself, as was done in the treaty banning nuclear weapons in Latin America.

The preamble of the treaty only expresses the objectives which the treaty aims at. To this extent, the preamble is undoubtedly of great importance for the interpretation of that treaty. However, ensuring the free development of the peaceful use of nuclear energy is, for us, more than a mere treaty objective. We therefore desire the inclusion of a genuine substantive commitment defining the limits of the bans and renunciations contained in articles I and II. This definition is necessary

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particularly because articles I and II contain certain vague terms whose meaning is not clear.

It is not in line with international treaty usage in general to include substantive commitments into the preamble. Substantive commitments, as a rule, have their place in the text of the treaty itself.

Nor does the additional article proposed by us, in our opinion, contradict the system of the non-proliferation treaty.

It does not contain anything else but the limitation of the things banned under the treaty. It is thus a necessary and logical supplement to the provisions of articles I and II.

In view of the suspicion cast by the Soviet side on our activities in this field, we must insist on an as clear definition as possible of the right to unobstructed development in the civilian nuclear field. Reference is made in this context to the Soviet government's statement of 28 January 1967 which was also sent in the form of a Note to all governments. According to this statement, all the nuclear research undertaken in the Federal Republic of Germany serves the preparation of the manufacture of nuclear weapons. Similar statements are contained in other documents emanating from the communist orbit.

It is, unfortunately, to be feared that the conclusion of a non-proliferation treaty will not spare us further expressions of suspicion from the Soviet side but that it will, on the contrary, be exploited by the Soviets as a legal basis for interference in the civilian nuclear sector.

We must therefore ensure by a clear and unequivocal treaty text that foreign powers are not in a position to invoke the non-proliferation treaty when attempting to exert a negative influence on our legitimate participation in general developments in the peaceful nuclear field.

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Furthermore, we would welcome it if, in addition to the improvements in the language of the preamble a paragraph could be included stating that the renunciation of nuclear weapons on the part of the non-nuclear weapons states gives additional freedom and possibilities to foster even the peaceful use of atomic energy.

The article proposed by us will, in our opinion, undoubtedly make it easier for the civilian nuclear powers to accept the treaty.

## 5. Safeguards

It is not yet possible to comment on the new proposal for article III concerning safeguards. It requires detailed examination by the responsible authorities of the German Government as well as by EURATOM owing to German membership in that organization.

However, it can be stated already now that the new draft and the corresponding language in the preamble contain certain improvements. Thus, it is to be welcomed that it is stated explicitly that only basic and fissionable material is to be controlled in order to prevent their misuse for military purposes. We should like this principle to be emphasized even more clearly and strongly. The principle of instrumented safeguards for the control of flow of fissionable material at certain strategic points should therefore be laid down expressis verbis.

Unfortunately, the new draft again provides for discriminating safeguards in the field of the peaceful use of nuclear energy. If it has to be assumed that any non-proliferation arrangement contained an inherent discrimination, we feel that this discrimination is inevitable only in the military field. This would be consciously and voluntarily assumed by the non-nuclear states in order to serve peace and security. However, discrimination in the civilian field is neither necessary nor acceptable. It is

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not in the nature of things. There exists already a well-tested and effective safeguards under which a nuclear power has submitted to the same control in the civilian nuclear field as the non-nuclear powers taking part in this control.

It is to be welcomed that, in principle, the new draft treaty also intends to use tested and effective control systems to ensure the non-proliferation of nuclear weapons. This appears to us to be a step towards a pragmatic procedure which takes into account the differences in the conditions prevailing in the various regions. On the other hand, however, the positive element of the new proposal is again largely nullified by the fact that a time limit of three years is set for arranging cooperation between the IAEA system and others accepted and to be verified by it; after this period, IAEA safeguards would in any case be applied if the planned arrangement has not been accomplished. In practice, this provision considerably weakens the negotiating position of EURATOM and makes it unlikely that an acceptable solution will be found within the time limit laid down.

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Moreover, the term "verification" still requires more detailed explanation.

Article III attempts to create uniform conditions for nuclear and non-nuclear powers in the field of exports. However, the practical implementation of this intention will depend on how many and which countries sign the non-proliferation treaty. Acceptance of this commitment might bring tangible disadvantages in the field of exports for the participants of the treaty, compared with those which do not participate in it.

This disadvantage would be all the greater the more countries refrained from signing the treaty. Apart from the importance of the need for general acceptability of the treaty, it should therefore be considered whether the corresponding treaty provisions cannot, for the time being, be dispensed with and whether the solution of this problem could not be transferred to the conference reviewing the treaty. If a predominant majority of states accedes to the non-proliferation treaty by the date at which the reviewing conference convenes, acceptance of such an arrangement by that conference would appear unproblematic.

As far as the control arrangements in the treaty are concerned - which would, on a world-wide basis, cause a much greater expenditure for carrying out controls - the question of cost should not be overlooked. One might think of solutions under which, as an equivalent, these costs are borne by all nuclear weapons states. Solutions are also possible according to which all signatories or all members of IAEA bear the costs on the basis of a certain cost-sharing formula. Under no circumstances should the countries to be controlled be expected to bear any unreasonable share of the costs.

## 6. Articles on procedure

### a) Duration of the Treaty

In our paper of 20 March, we suggest that the signatories should be given a possibility to examine from time to time in

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the light of the experience gained until then whether and in what form the treaty should be prolonged.

The willingness of the non-nuclear NATO countries to accede to the non-proliferation treaty will be essentially determined by their confidence in the protection afforded to them by the NATO Alliance. The NATO Treaty provides that every NATO member country may cease to be a member of the Alliance after the Treaty has been in force for 20 years. For this reason, it would be especially necessary for the non-nuclear NATO states, in signing the non-proliferation Treaty, to take into account the possibility that the protection offered by the Alliance may be considerably reduced by the resignation of individual member countries from the Atlantic Alliance. In order to allow for such a development - as unlikely as it may appear at present - a non-proliferation treaty whose duration can be periodically extended should be given preference over a treaty with unlimited duration.

b) Amendment Conference (Article IV, para 1/2)

We wish to see the signatories protected against majority decisions by the amendment conference. The danger of being placed into a minority is particularly serious for non-nuclear weapons states having a highly-developed nuclear research and industry.

Our idea corresponds to customary international usage in the case of treaties which can be modified by majority decisions.

The inclusion of such a provision is also advisable because the termination clause of the non-proliferation treaty is so restricted that it is almost impossible to resign from the treaty.

This clause could also mitigate, in the interest of the non-nuclear weapons states, the effect of the right of veto enjoyed by the nuclear weapons states; according to our

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proposal, it would not only be the nuclear weapons states which could defend themselves against majority decisions by their right of veto but this would be possible for every signatory.

We believe that we can assume that in this respect modifications will be introduced which exclude the possibility of being placed in a minority position as well as the right of veto of the nuclear weapons states and which bring the revision clause of the treaty more closely in line with the United Nations Space Treaty (entry into force of the Treaty modification after ratification by a majority of the signatories for those who have ratified).

## c) Review conference (Article IV, para 3/4)

In our opinion, special importance must be attached to the review conference as a counterweight to the unlimited duration of the treaty and the politically and legally very restricted possibility of terminating the treaty. We therefore feel that the review conference should be institutionalized, i.e. it should take place regularly every five years.

The review conference should also be given real competence in order to be able to draw practical conclusions from abuses which have been identified. These competences should comprise the full or partial modification or cancellation of the treaty by majority decision.

Finally, the review conference should be enabled to examine the behaviour of the signatories not only in the light of the treaty provisions but also under the aspect of the objectives and principles of the preamble. This is a matter of particular interest to the civil nuclear powers whose wishes are mainly taken care of in the preamble. Only by creating such competences for the review conference will an adequate incentive be created both for the nuclear weapons states and for the

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non-nuclear weapons states to fulfil the treaty in a reasonable spirit.

d) Withdrawal clause

The right to withdraw from the treaty obligation is so limited by the present wording of Article VI that it can be practically considered non-existent. In particular, the present withdrawal clause does not take account of the fact that the contractual limitation of national sovereignty is much greater for the non-nuclear signatories than for the nuclear weapons states. The enlarged termination clause suggested by us is intended to take this difference into consideration.

e) Entry into force

Our idea is to take account of the difference between the renunciation of sovereignty on the part of non-nuclear states, civil nuclear states and nuclear weapons states. We shall in any case have to insist that the consensus omnium be expressed in a corresponding great number of ratifications by states of all 3 categories.

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# CONSEIL DE L'ATLANTIQUE NORD NORTH ATLANTIC COUNCIL

ORIGINAL : ENGLISH  
26th May, 1967

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CORRIGENDUM to  
SUMMARY RECORD  
C-R(67)20

## COUNCIL

Corrigendum to C-R(67)20, dated 17th May, 1967

Page 7, Paragraph 16, line 5 :

Delete "specifically" and insert "not".

ORIGINAL : ANGLAIS  
26 mai 1967

NATO SANS CLASSIFICATION  
RECTIFICATIF au  
PROCES-VERBAL  
C-R(67)20

## CONSEIL

Rectificatif au C-R(67)20, en date du 17 mai 1967

Page 7, paragraphe 16, ligne 6 :

Supprimer "expressément" et remplacer par "ne...pas".

OTAN/NATO  
Paris (16e)

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CONSEIL DE L'ATLANTIQUE NORD  
NORTH ATLANTIC COUNCILEXEMPLAIRE  
COPY **N°343**ORIGINAL: ENGLISH  
17th May, 1967NATO SECRET  
SUMMARY RECORD  
C-R(67)20Summary record of a meeting of the Council held at the Permanent Headquarters, Paris, 16e, on Friday, 5th May, 1967 at 10.15 a.m.PRESENT

Chairman: Mr. Manlio Brosio

BELGIUMGREECENORWAY

Mr. A. de Staercke Mr. Christian X. Palomas Mr. G. Kristiansen

CANADAICELANDPORTUGAL

Mr. C.S.A. Ritchie Mr. I. Ingvarsson Mr. V. da Cunha

DENMARKITALYTURKEY

Mr. H. Hjorth-Nielsen Mr. A. Alessandrini Mr. Nuri Birgi

FRANCELUXEMBOURGUNITED KINGDOM

Mr. J. Schricke Mr. P. Reuter Sir Bernard Burrows

GERMANYNETHERLANDSUNITED STATES

Mr. W.G. Grawe Mr. H.N. Boon Mr. Harlan Cleveland

INTERNATIONAL STAFFHead, General Affairs Section,  
Division of Political Affairs: Mr. C. Chapman

Deputy Executive Secretary: Mr. F.C. Menne

ALSO PRESENT

Military Committee Representative: Colonel O.A. Nielsen

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## I. DRAFT NON-PROLIFERATION TREATY

1. The CHAIRMAN said that the meeting would be solely devoted to an examination of the draft non-proliferation treaty in the light of the letter circulated by the United States Representative on 3rd May which reported on recent contacts between Mr. Foster and Mr. Boshchin in Geneva. The Council would discuss at its next meeting on 10th May the items contained in C-A(67)20 and originally intended to be discussed on 3rd May.

2. The UNITED STATES REPRESENTATIVE, referring to the statement attached to his letter of 3rd May, said that there were two main questions on which the United States wished to consult its Allies. The urgency of such consultation had been determined by the deadlines of the Geneva Conference, although the extension of the recess to 13th May agreed by the Co-Chairmen would provide some additional time for discussion in the Council. A comparison of the United States and Soviet texts revealed some differences in the preamble but the United States negotiators did not consider these to be of sufficient importance to prevent agreement with the Soviet Union on a text to be presented at Geneva. The United States and Soviet versions of both Article I and Article II were identical but the Soviet text of Article III remained as originally submitted, while the United States text was that elaborated in Euratom and in NATO during recent weeks. He suggested that two alternative procedures might be adopted for Article III. The United States could endeavour to press with the Soviet Union the language agreed in NATO, or the treaty could be tabled at Geneva with a blank Article III, but with an indication by the Co-Chairmen that the Article was the object of continuing discussion between the United States and the Soviet Union, which countries hoped to table a text as soon as possible. The United States would appreciate the views of its Allies on these alternatives.

3. Raising a related question, the United States Representative recalled that at the meeting of the Council on 20th April both Mr. Foster and Lord Chalfont had stated the willingness of their Governments to allow IAEA safeguards to be applied to peaceful nuclear activities in the United States and the United Kingdom. This offer had not yet been officially presented to the Soviet Union, although it had already been accurately described in the Press. As it became known to the non-aligned countries and to other countries at Geneva, there would be some pressure on the Soviet Union to make a similar offer. He therefore suggested that the Council might consider whether insistence on the protection of Euratom's position, as in the present United States version of Article III, would in fact be sensible in the event of it being possible for the Soviet Union to accept inspection on its own territory.

4. Another question on which the United States sought to obtain the views of its Allies was the amendments clause in paragraph 2 of Article IV, in which the United States had included the same formula as had been used in the Outer Space Treaty. The United States would be willing to consider altering this to make acceptance by a two-thirds majority necessary before amendments entered into force, thus making it more difficult to amend the treaty. As stated in his letter of 3rd May, the United States would also be willing to consider some version of the compromise formula suggested by the United Kingdom Representative at the meeting of the Council on 12th April. Another alternative would be to leave blank the amendments clause in Article IV pending discussions with the Soviet Union and other countries at Geneva. The United States sought the views of its Allies on these various alternatives which they considered to merit full consultation in the Council.

5. The UNITED KINGDOM REPRESENTATIVE confirmed that the wording suggested in the United States Representative's letter represented the thoughts of the United Kingdom in proposing a compromise formula for paragraph 2 of Article IV. He would comment on the United Kingdom proposal in greater detail after hearing the initial reactions of other Representatives.

6. The GERMAN REPRESENTATIVE said that he had forwarded the detailed information received from the United States Representative to his Authorities who had greatly appreciated it. His instructions were only of a very preliminary nature in view of the short time available for discussions in the German Cabinet and the need to examine certain questions within Euratom. His Authorities believed that the manner in which Mr. Foster had conducted the talks at Geneva was closely in line with previous discussions in the Council, especially with regard to Article III. They agreed in particular with Mr. Foster that if safeguards were considered necessary, a text which provided solely for IAEA safeguards would not be acceptable to the Euratom countries and that if the Soviet Union insisted on its present draft, there would be no treaty. His Authorities agreed that the concept of verification was basic to the present United States position and that the latest United States text of Article III probably provided the most that could be achieved. If the United States continued to press such language with the Soviet Union, it would have the full support of the German Authorities who doubted, however, the wisdom of leaving Article III blank. The problems raised by this Article had to be resolved among the Allies first of all, in order to ensure the protection of their interests.

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7. As regards Article IV, the German Authorities supported the United States intention to press its amendments clause but desired that it should be clarified beforehand; they would not object to leaving this clause blank for the time being. They were, however, not in favour of the compromise formula suggested by the United Kingdom to provide a veto to nations represented on the Board of Governors of the IAEA.

8. The explanations given by the United States Representative in his letter with regard to treaty violations and their consequences raised certain questions which Germany felt had already been clarified, but since this did not appear to be the case, Germany reserved the right to make further comments at a later date. This reservation applied equally to the question of treaty relations between contracting parties following revision of the treaty.

9. Finally, he emphasised that the German Government still had serious doubts regarding the future political implications of the treaty, particularly if it was to be of unlimited duration. Their present comments on the details of the text which were provided against the background of the German Foreign Minister's speech to the Bundestag on 27th April were not intended to prejudice their attitude to these fundamental political questions.

10. With regard to the points raised by the United States Representative, he did not feel able to make an adequate reply at the present time to the question regarding the extent to which protection of Euratom's position should be insisted upon in the event of Soviet readiness to accept inspection on its own territory, a possibility which Germany still considered unlikely. Equally, he was not in a position to express an opinion on the proposal to change "a majority" to "a two-thirds majority" in paragraph 2 of Article IV.

11. The ITALIAN REPRESENTATIVE said that he had not received any new instructions from his Authorities. Speaking on a personal basis, he said it was clear that the Soviet counter-proposal for Article III would make the negotiations more difficult. He did not feel that his Authorities would be able to approve the United States suggestion to table a draft with a blank Article III. He also doubted whether it would be possible to present an incomplete text for consideration by the Italian Parliament. As regards the United Kingdom proposal for Article IV, paragraph 2 that the veto should be retained by countries which were represented on the Board of the IAEA, preliminary indications received from his Authorities were unfavourable and he doubted whether they would be ready to consider it. He thought that since the Soviet Union had presented a separate text for this paragraph of Article IV, in spite of its obvious unacceptability to all non-aligned countries, the Soviet Union would clearly

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insist on it. He would report to his Authorities the United States suggestion to alter the text of paragraph 2 to read "a two-thirds majority". Moreover, he doubted whether the United States and United Kingdom offer regarding the application of IAEA safeguards to their peaceful nuclear activities would be matched by the Soviet Union which was insisting on preserving its right of veto in paragraph 2. Finally, he shared the concern of the German Representative with regard to the unlimited duration of the treaty.

12. The BELGIAN REPRESENTATIVE said that he had received only the general reactions of his Authorities to the United States Representative's letter. They appreciated the detailed, consultation that took place on a matter of such fundamental importance as a non-proliferation treaty and he personally felt that they would base their position on an assessment of the positive and negative elements in the current negotiations. As regards the former, he had gained the impression at the meeting of the Council on 20th April that Mr. Foster was somewhat pessimistic in view of the difficulties envisaged in approaching the Soviet Union with regard to the text discussed in NATO. At the present time, however, he felt that the initial contacts with the Soviet Union had been encouraging since the difficulties which had arisen concerned details rather than general principles and it was significant that there had been no fundamental rejection of the United States text by the Soviet Union. He thought that a psychological approach was of the greatest interest in the continuing negotiations. As to the negative elements, he considered that the least acceptable solution would be to table a text containing blank articles since this would be tantamount to abandoning the NATO position and inviting other countries to fill in the blank articles. He suggested that it would be preferable, at the start of the negotiations, to follow the recognised procedure of placing alternative texts in brackets.

13. The question of evaluating the implications of the United States and United Kingdom offer with regard to the application of safeguards constituted a new element to which consideration had to be given. Agreement by the Soviet Union to match this offer, even if limited, would be of such importance as to necessitate consultations in the Council. He felt that it would be of the greatest interest to obtain the opinion of the United Kingdom on this question in view of its position as a potential member of Euratom. Finally, he had not yet received the reactions of his Authorities to the compromise formula suggested by the United Kingdom for paragraph 2 of Article IV but he personally shared the views of the German Representative on this question.

14. The NETHERLANDS REPRESENTATIVE said that recent developments at Geneva had shown that in his preliminary conversations with Mr. Roshchin, Mr. Foster had strongly defended the position of the Allies. Soviet reactions had been as expected on the critical issues and most negative on those questions for which the Allies were obviously still seeking satisfactory solutions. Referring to the United States suggestion that Article III should be left blank, he recalled that in a previous phase of the negotiations the Soviet Union had objected to such a procedure and he was therefore somewhat surprised that the United States had proposed this as a possible alternative. He felt that progress towards agreement on a treaty would not be facilitated by a blank article since other countries would be tempted to fill in their own versions and this would be likely to increase the difficulties of the Allies. With regard to Article IV, he supported the views of the German and Italian Representatives. At first sight, his Authorities were attracted to the United Kingdom proposal but considered that its precise implications should be further clarified, particularly with regard to the composition and powers of the Board of the IAEA.

15. The Netherlands Authorities continued to attach the greatest possible importance to a treaty which embodied effective control by the IAEA, together with due safeguards for the position of Euratom. They thought that the Allies should reserve their right to reconsider the position in the Council in the event of Soviet rejection of their version of Article III. They felt, however, that the position of the Allies, particularly with regard to inspection, might well be supported by some non-aligned countries, such as India and Mexico, even if objections were voiced by the Soviet Union. In conclusion, therefore, his Authorities were not in favour of a blank Article III and had a certain preference for adopting some version of the United Kingdom compromise formula for Article IV.

16. The UNITED KINGDOM REPRESENTATIVE, referring to the comments of the Belgian Representative regarding the United Kingdom acceptance of the application of safeguards to civil nuclear activities in the United Kingdom, said that in his statement to the Council on 20th April Lord Chalfont had specifically referred to IAEA safeguards. The position of the United Kingdom was that if and when a non-proliferation treaty was signed, the United Kingdom would be ready to accept the application to its civil nuclear activities of the same safeguards as were approved for the non-nuclear members of Euratom. The United Kingdom, therefore, did not wish to prejudice the system finally accepted in Article III.

17. As regards Article IV, the text proposed by the United States Representative in his letter reflected the thinking behind the United Kingdom suggestion which was only designed to facilitate matters and which the United Kingdom did not wish to press. His Authorities could agree that a text be tabled with a blank amendments clause provided this were generally acceptable to the Allies and to the Soviet Union. The United Kingdom suggestion regarding paragraph 2 of Article IV would make the text more negotiable with the Soviet Union and would meet the view of some developed civil nuclear states that they should enjoy some preferential position over non-nuclear states in respect of amendments. The membership of the Board of the IAEA was intended to represent states having an interest in civil nuclear development and the United Kingdom text might prove useful to states falling into this category. If amendments had to be approved by all members of the Board, this would provide greater control over the contents of the treaty. While ensuring that amendments would be unlikely to be adopted unless approved by all genuinely interested states, it did not abandon the principle that no state should be forced to accept amendments against its will. He emphasised, however, that the United Kingdom would not insist on this suggestion and was ready to accept the idea of a blank clause if this were generally agreeable to the Council.

18. The TURKISH REPRESENTATIVE said that although without instructions, he felt sure that his Authorities would not be in favour of having blank articles. The ideal solution would be to agree on a single text both in the Council and with the Soviet Union; there was still time to seek agreement with the Soviet Union, even if its final achievement was unlikely. Alternatively, he personally suggested that either both texts could be placed in brackets, or the articles could be left blank and both the United States and the Soviet Union could publicise their preferred versions.

19. The UNITED STATES REPRESENTATIVE thought that the alternative procedures, in the event of no agreement on Article III being reached between the United States and the Soviet Union by the time that the draft treaty was tabled at Geneva, had been well stated by the Turkish Representative. He pointed out, however, that the tabling of a blank Article III would be accompanied by an assurance from the Co-Chairmen that discussions on this Article were still continuing, in order to deter the non-aligned countries from proposing alternative texts. He considered the suggestion of the Turkish Representative for a blank article, together with a competitive publication by both sides, to be an ingenious one but he doubted whether brackets would provide a better solution than blanks, since the former would be tantamount to asking other members of the ENDC, as well as other countries, to choose between the NATO and Soviet formulas. Since the Soviet formula was closer to the probable policy views of other countries, there would be a grave risk of it being generally accepted. He would, nevertheless, report to his Authorities the Council's initial objections to a blank Article III and would inform them of the two alternatives suggested by the Turkish Representative.

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20. With regard to Article IV, he felt that the United Kingdom suggestion for paragraph 2 represented a true compromise between the idea of a veto and that of no veto at all. The Board of the IAEA had a constructive arrangement for weighted voting - a permanent seat was reserved for countries with a substantially developed civil nuclear industry - and the United Kingdom suggestion was to limit the right of veto to all countries having major nuclear industries, as well as to other rotating members. This suggestion should be given careful consideration.

21. He very much appreciated the expressions of gratitude to Mr. Foster for having vigorously supported the agreed position of NATO in his conversations with Mr. Toshchin and he undertook to transmit these to Mr. Foster. Finally, he asked whether it was intended to hold a further meeting of Euratom on the question of Article III; the United States had assumed that the concerns of Euratom would be taken into account during the consultations in the Council.

22. The GERMAN REPRESENTATIVE said his Authorities considered that some Euratom consultation would be necessary but this did not imply that there should be a meeting of the Euratom Commission; consultation could take place among the individual members of Euratom. As regards the proposed veto of the civil nuclear members of the Board of the IAEA, Germany continued to be sceptical and requested further clarifications. He pointed out that, at the present time, Germany was only a member of the Board periodically. On the use of brackets, he supported the view of the United States Representative and doubted whether his Authorities would consider this a better solution than a blank article together with competitive publication.

23. The CHAIRMAN, summing up the discussion, thought that there had been a useful exchange of views, despite the fact that several delegations had not intervened. It had clarified several important points regarding Articles III and IV and the alternative solutions of tabling a text with blank articles, or including both United States and Soviet versions in brackets. All countries were opposed to the Soviet formula for Article III and various opinions had been expressed with regard to Article IV. Several countries had doubts regarding the tabling of a text with blank articles and some regarding the United Kingdom suggestion for paragraph 2 of Article IV, although there seemed to be general disagreement with the Soviet version of this paragraph. The Council had also noted the concerns of the German Representative, supported by the Italian Representative, regarding the unlimited duration of the treaty. The discussion constituted a further phase of the preliminary consultations in the Council which he suggested should be continued at its next meeting on 10th May.

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24. The UNITED STATES REPRESENTATIVE suggested that Representatives might request their Authorities to review the question of including blank articles from the point of view as to whether they would be preferable to brackets or to the alternative solution suggested by the Turkish Representative.

25. The COUNCIL:

agreed to resume discussion of this Item at its next meeting.

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II. DATE OF NEXT MEETING

26. Wednesday, 10th May, 1967, at 10.15 a.m.

OTAN/NATO,  
Paris, (16e).

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ORGANISATION DU TRAITE DE L'ATLANTIQUE NORD  
NORTH ATLANTIC TREATY ORGANISATIONPLACE DU MARÉCHAL DE LATTRE DE TASSIGNY - PARIS (XVI<sup>e</sup>) - TEL. KLE. 50-20

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BUREAU DU REPRÉSENTANT  
DU COMITÉ MILITAIRES

IMS Control No: 0441

OFFICE OF THE MILITARY  
COMMITTEE REPRESENTATIVE

LOM 103/67

5 May 1967

MEMORANDUM FOR : Director, International Military Staff  
 SUBJECT : Non-Proliferation Treaty (NPT)  
 Reference: LOCOM 7966, 5 May 1967

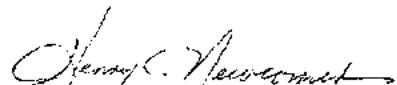
1. The United States PermRep has distributed a letter dated 3 May 1967 with attached:

US Interpretation of NPT,  
 US and USSR Draft Texts, and  
 Statement by Ambassador CLEVELAND on  
 Non-Proliferation, 3 May 1967.

I forward at enclosure a copy for your information.

2. The documents mentioned above were considered in a special meeting of the North Atlantic Council, 5 May 1967, which is reported in reference.

FOR THE MILITARY COMMITTEE REPRESENTATIVE


 HENRY C. NEWCOMER  
 Brigadier General

Enclosure: MCREP Misc.4912

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(Approved for Public Disclosure)

Copies to: SHAPE Belgium  
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Per Authority (IM/SM-0462-02  
 By HC Newcomer Date 26.5.2003

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UNITED STATES PERMANENT REPRESENTATIVE  
ON THE  
NORTH ATLANTIC COUNCIL

May 3, 1967

*McREYNOLDS 4912*

Dear

As we agreed this morning, I am circulating with this letter the report on recent discussions between Ambassador Foster and Ambassador Roshchin in Geneva about the draft of a Non-Proliferation Treaty. I am also including copies of the United States and Soviet draft NPT texts which were exchanged April 25th, as well as copies of our NPT interpretations, in the form of questions and answers, which we gave to the Soviets April 23th.

I understand that we will be meeting on this subject on Friday, May 5th. To facilitate the discussion at that time, I am raising in this letter some important issues on which we would like to be able to consult with our allies as soon as possible.

As we anticipated, the two major difficulties we are having with the Soviets concern the safeguards article and the amendments procedure.

On Article III, the Soviets remain adamant that IAEA safeguards must be mandatory. They have for the present rejected the principle of verification, and in connection with sub-paragraph 4, they raised the question of the implications for safeguards, and indeed, for the Treaty itself, if no IAEA-EURATOM agreement were to be reached at the end of the three years. Although we intend to

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continue to press our language with the Soviets, in view of their position, it may be necessary to table the Treaty text, when ENDC resumes, with a blank Article III, and with an indication by the co-chairmen that negotiations will continue with a view to subsequent tabling of a text for this important provision.

On the amendments clause, the Soviets are insisting strongly that the nuclear powers must retain a veto and consider the Outer Space Treaty clause as an entirely inappropriate precedent for this Treaty. Basically, they fear the Outer Space Treaty clause may lead to a confusing and unsatisfactory situation in which different groups of parties claim to have differing sets of obligations.

We shall continue to press our amendments clause, but we believe we are faced with two alternatives if the Soviets remain adamant. Either we could have a blank amendments clause, or we could attempt to persuade the Soviets to accept a compromise, such as was suggested by the United Kingdom in the April 12 NAC meeting. As I recall, the essence of the British proposal was to provide a veto to nations represented on the Board of Governors of IAEA at the time an amendment is considered, with every other party having the right to reject amendments it does not wish to accept.

A substitute clause along this line might read:

"An amendment to this Treaty shall enter into force for each party to the Treaty accepting the amendment upon its acceptance by a majority of the states party to the Treaty, including the acceptance of all those states party to the Treaty who, at the time that the proposed amendment is circulated under the provisions of Article IV, are members of the Board of Governors of the IAEA, and thereafter for any other party to the Treaty on the date of its acceptance of the amendment."

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Although we recognize that several NATO nations do not desire the British formula, we believe that it should be suggested to the Soviets as a possible compromise if they continue to reject our present language. From the standpoint of the non-nuclear states, this type of formula would, in our view, represent a substantial improvement over our original provision. It would eliminate the possibility that an amendment could be forced on a non-nuclear party without its consent and it would create greater equality -- in that the advanced non-nuclear powers would share the veto with nuclear powers.

Alternatively, we feel we should be prepared to table a jointly recommended draft with a blank amendments clause if the Soviets will agree to this. It should be noted that we can anticipate strong pressure in the ENDC in favor of a non-discriminatory amendments clause.

The extension of the ENDC recess until May 18, agreed by the co-chairmen on May 2, provides some additional time for discussion of these points. We shall continue our consultations in NAC, and in particular, we look forward to hearing the views of our allies on these issues at Friday's meeting.

Warmest regards,

Sincerely,

Harlan Cleveland

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US INTERPRETATIONS OF NPT  
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Questions US allies have been asking together with answers US has given:

1. a. What may and what may not be transferred under the draft treaty?

A. The treaty deals only with that is prohibited, not with what is permitted.

It prohibits transfer to any recipient whatsoever of "nuclear weapons" or control over them, meaning bombs and warheads. It also prohibits the transfer of other nuclear explosive devices because a nuclear explosive device intended for peaceful purposes can be used as a weapon or can be easily adapted for such use.

It does not deal with, and therefore does not prohibit, transfer of nuclear delivery vehicles or delivery systems, or control over them, to any recipient, so long as such transfer does not involve bombs or warheads.

2. c. Does the draft treaty prohibit consultations and planning on nuclear defense among NATO members?

A. It does not deal with allies consultations and planning on nuclear defense so long as no transfer of nuclear weapons or control over them results.

C. Does the draft treaty prohibit arrangements for the deployment of nuclear weapons owned and controlled by the United States within the territory of non-nuclear NATO members?

A. It does not deal with arrangements for deployment of nuclear weapons within allied territory as these do not involve any transfer of nuclear weapons or control over them unless and until a decision were made to go to war, at which time the treaty would no longer be controlling.

4. c. Would the draft prohibit the unification of Europe if a nuclear-weapon state was one of the constituent states?

A. It does not deal with the problem of European unity, and would not bar succession by a new federated European state to the nuclear status of one of its former components. A new federated European state would have to control all of its external security functions including defense and all foreign policy matters relating to external security, but would not have to be so centralized as to assume all governmental functions. While not dealing with succession by such a federated state, the treaty would bar transfer of nuclear weapons (including ownership) or control over them to any recipient, including a multinational entity.

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NON-PROLIFERATION TREATY

DRAFT TEXTS

US TEXT

(Revised provisions have been underscored)

The States concluding this Treaty, hereinafter referred to as the Parties to the Treaty,

(1) Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples;

(2) Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war;

(3) In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons;

(4) Undertaking to cooperate in facilitating the application of international atomic energy agency safeguards on peaceful nuclear activities;

(5) Expressing their support for research, development and other efforts to further the application of the

USSR TEXT

The States concluding this Treaty, hereinafter referred to as the Parties to the Treaty,

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples;

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war;

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons;

Undertaking to cooperate in facilitating the application of international atomic energy safeguards on peaceful nuclear activities;

Noting that nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories,

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ASSIFIED-PUBLIC DISCLOSURE IMS-M-0462-02 DECLASSIFI-MISE EN LECTURE PUBL

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principle of safeguarding effectively the flow of source and special fissile materials by use of instruments and other techniques at certain strategic points,

(6) Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race,

(7) Urging the cooperation of all States in the attainment of this objective,

(8) Desiring to further the easing of international tension and the strengthening of trust between States, thus facilitating the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a treaty on general and complete disarmament under strict and effective international control,

(9) Noting that nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories,

(10) Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all parties, whether nuclear-weapon or non-nuclear-weapon States,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all parties, whether nuclear-weapon or non-nuclear-weapon States,

Convinced that in furtherance of this principle, all Parties are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in cooperation with other States to, the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention that potential benefits from any peaceful applications of nuclear explosions should be available through appropriate international procedures to non-nuclear-weapon Parties on a non-discriminatory basis,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race,

Urging the cooperation of all States in the attainment of this objective,

Desiring to further the easing of international tension and strengthening of trust between States, thus facilitating the elimination from

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(11) Declaring their intention that potential benefits from any peaceful applications of nuclear explosions should be available through appropriate international procedures to non-nuclear-weapon parties on a non-discriminatory basis, and that the charge to such parties for the explosive devices used should be as low as possible and exclude any charge for research and development, have agreed as follows:

Article I

Each nuclear-weapon State party to this Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

Article I (same as US TEXT)

Article II (same as US TEXT)

Each non-nuclear-weapon State party to this Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture

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facture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

Article III

Article III

For the purpose of providing assurance that source or special fissionable material covered by this article is not diverted to nuclear weapons or other nuclear explosive devices:

1. Each non-nuclear-weapon State party to this Treaty undertakes to have international safeguards meeting the requirements of this article on all source or special fissionable materials for peaceful purposes within its territory or under its jurisdiction. In cooperating with any non-nuclear-weapon State with respect to peaceful nuclear activities within the territory or under the jurisdiction of such State, each Party to this Treaty undertakes not to provide

Each non-nuclear-weapon State party to this Treaty undertakes to accept the safeguards of the International Atomic Energy Agency (I) all its peaceful nuclear activities. Each State Party to this Treaty further undertakes not to provide source or fissionable material, or specialized equipment or non-nuclear material for the processing or use of source or fissionable material or for the production of fissionable material for peaceful purposes to any non-nuclear-weapon State, unless such material and equipment are subject to such safeguards.

(A) Source or special fissionable material unless the material shall be subject to such safeguards; or

(B) Equipment or material especially designed or prepared for the processing, use or production of special fissionable material unless the special fissionable material shall be subject to such safeguards;

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2. After the original entry into force of this Treaty, each non-nuclear weapon State party to this Treaty which has source or special fissionable material subject to any international safeguards system other than that of the International Atomic Energy Agency, and each other party to the Treaty which is a member of that Agency, undertakes to facilitate agreement, as provided for in this article, on verification by that Agency of the effectiveness of the international safeguards system applied to such material.

3. To meet the requirements of this article, international safeguards (A) shall be either those of the IAEA or such other international safeguards generally consistent therewith as are accepted by the IAEA under verification procedures mutually agreed by the authorities of the IAEA and the authorities of the other international safeguards system concerned, and (B) shall be applied as soon as practicable but no later than three years from the date of the original entry into force of this Treaty.

4. Agreement on the implementation of IAEA verification of another international safeguards system, as provided for in this article, shall be reached as soon as practicable but no later than three years from the date of the original entry into force of this Treaty; and

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6.

5. The International safeguards required by this article shall be implemented in a manner designed to avoid hampering the economic or technological development of the parties having them. Nothing in this Treaty shall prejudice the rights of the Parties, in conformity with this Treaty, (I) to use nuclear energy for peaceful purposes, in particular for their economic development and social progress, (II) to participate in the safeguarded international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes, and (III) to participate in the fullest possible exchange of scientific information for, and to contribute alone or in cooperation with other States or international organizations to, the further development of the applications of atomic energy for peaceful purposes.

Article IV

1. Any Party to this Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the depositary Governments which shall circulate it to all parties to the Treaty. Thereupon, if requested to do so by one, third or more of the parties, the depositary Governments shall convene a conference, to which they shall invite all the parties, to consider such an amendment.

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2. Amendments shall enter into force for each party to the Treaty accepting the amendments upon their acceptance by a majority of the Parties to the Treaty and thereafter for each remaining party to the Treaty on the date of acceptance by it.
3. Five years after the entry into force of this Treaty, a conference of the Parties shall be held in Geneva, Switzerland, in order to review the operation of the Treaty with a view to assuring that the purpose and provisions of the Treaty are being realized.

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7.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to this Treaty. The amendment shall enter into force for all Parties upon the deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to this Treaty.

3. Five years after the entry into force of this Treaty, a conference of Parties shall be held in Geneva, Switzerland, in order to review the operation of the Treaty before its entry into force, in order to assure that the purposes and provisions of the Treaty are being realized.

## Article V

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with Paragraph 3 of this article may accede to it at any time.
  2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the signatory States, which are hereby designated the depositary Governments.
  3. This Treaty shall enter into force after its ratification by all nuclear-weapon States signatory to this Treaty, and other signatories to this Treaty and the deposit of their instruments.
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2. After the original entry into force of this Treaty, each non-nuclear-weapon State party to this Treaty which has source or special fissionable material subject to any international safeguards system other than that of the International Atomic Energy Agency, and each other party to the Treaty which is a member of that agency, undertakes to facilitate agreement, as provided for in this article, on verification by that agency of the effectiveness of the international safeguards system applied to such material.

3. To meet the requirements of this article, international safeguards (A) shall be either those of the IAEA or such other international safeguards generally consistent therewith as are accepted by the IAEA under verification procedures mutually agreed by the authorities of the IAEA and the authorities of the other international safeguards system concerned, and (B) shall be supplied as soon as practicable but no later than three years from the date of the original entry into force of this Treaty.

4. Agreement on the implementation of IAEA verification of another international safeguards system, as provided for in this article, shall be reached as soon as practicable but no later than three years from the date of the original entry into force of this Treaty; and

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3. This Treaty shall enter into force after its ratification by all nuclear-weapon States signatory to this Treaty, and other signatories to this Treaty and the deposit of their instruments.

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8. Signatories to this Treaty, and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to the date this Treaty became open for signature.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This Treaty shall be registered by the depositary governments pursuant to article 102 of the Charter of the United Nations.

Article VI

This Treaty shall be of unlimited duration. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary

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of ratification.

For the purposes of this Treaty a nuclear-weapon State is one which produced and exploded a nuclear weapon or other nuclear explosive device prior to the date this Treaty became open for signature.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This Treaty shall be registered by the depositary governments pursuant to Article 102 of the Charter of the United Nations.

Article VI

This Treaty shall be of unlimited duration. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events,

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events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

## Article VII

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the Archives of the depositary Governments. Duly certified copies of this Treaty shall be transmitted by the depositary Governments to the governments of the signatory and acceding States.

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## STATEMENT BY AMBASSADOR CLEVELAND ON NON-PROLIFERATION

May 3, 1967

Mr. Chairman, as part of the outcome of the consultation on the draft Non-Proliferation Treaty in this Council April 20, my Government undertook to keep its Allies informed of the talks it proposed to hold with the Soviet Union on the NPT. In this spirit, I would like today to give the Council a status report on the discussion which took place in the course of three meetings between Mr. Foster and Ambassador Roshchin in Geneva last week.

For your convenience, Mr. Chairman, and that of our colleagues, we are circulating the United States and Soviet draft NPT texts exchanged between our governments on April 25. The United States text is also being distributed directly to the member governments in capitals.

In the US draft, you can see that sub-paragraph 4 of Article III is the one proposed by Ambassador Grewe and accepted by the US at our April 20 meeting. The text given the Soviets does not, of course, contain those changes in Article IV which we have previously accepted but which we believe have a greater chance of gaining more general support if put forward after the NPT is tabled in Geneva. Otherwise it is the same as the US text circulated the week before last.

The Soviet draft NPT is quite similar to the draft which the United States circulated in NATO on March 3. The principal difference is that the Soviets have included an Article III which calls for the mandatory application of IAEA safeguards. In addition, the Soviet text contains a somewhat different ordering of the preambular clauses and a definition of nuclear-weapon-state is a throw-back to an earlier US draft.

The first session between Foster and Roshchin, on April 25, was devoted to Foster's explanations of the changes made in the US draft in the course of consultations with our Allies. In this initial exchange with the Soviets, we first addressed the issue of protecting the peaceful uses of nuclear energy, including the problem of safeguards. We pointed to the new preambular clause on instrumented safeguards as a consequence

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of the fact that several non-nuclear weapon countries felt that the more automatic IAEA safeguards became, the more acceptable they would be. We explained to the Soviets that there was little doubt that a preambular clause such as that contained in paragraph 5 of the US text, would be extremely useful in winning acceptance of IAEA safeguards by a number of non-nuclear countries.

We also told the Soviets that the addition to the preambular paragraph on peaceful explosions (shown by underlining in today's text) had been developed to meet concern over the fact that the NPT would give the nuclear weapon states a monopoly over peaceful nuclear explosives. We pointed out that a number of non-nuclear weapon countries fear that as a result of that monopoly they would have to pay an exorbitant price for the employment of such devices.

We therefore told the Soviets that an offer to provide nuclear explosive services at the lowest possible cost along the lines of preambular clause 31 would be extremely helpful in convincing several countries to accept the prohibition on peaceful explosions in Articles I and II.

Since we all expected the major focus of our discussion with the Soviets would be on the revised Article III, we made clear at the outset that the most important problem for our Allies who are members of EURATOM has been the Safeguards Article. We told the Soviets that language which provides for only IAEA safeguards is simply not acceptable to many EURATOM countries. On the other hand, we explained that some EURATOM members have suggested verification of the effectiveness of EURATOM safeguards by the IAEA.

We explained to the Soviets that this verification would have to be sufficient to satisfy IAEA that nuclear materials were being effectively safeguarded to prevent their diversion to nuclear weapons or other nuclear explosive devices. We also expressed our view that the degree of verification to be agreed upon between the two organizations could range theoretically between the following extremes:

-- IAEA review of documents supplied by EURATOM and nothing more; or

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-- IAEA inspection of all peaceful nuclear activities in the territory of EURATOM members party to the Treaty with as many inspections and inspectors as there would have been if there had been no EURATOM safeguards in effect.

The first extreme, we acknowledged, would not provide assurance to all parties that nuclear materials were not being diverted. The second would be unnecessarily wasteful of the time and effort of trained IAEA experts who are in short supply. We expressed our certainty that a compromise can be worked out between these two extremes which would be acceptable to both IAEA and EURATOM members. Ambassador Foster emphasized, however, that the verification concept is basic to the present US position on safeguards.

We also reviewed other important points made in our revised Article III including the three-year period for the application of safeguards, the refinements in sub-paragraph 1, which as you know, stem from allied suggestions, and the protection of peaceful uses of nuclear energy which have been built into Article III by virtue of the new sub-paragraph 5.

We emphasized that the object of these changes is to secure the acceptance of a safeguards article by all non-nuclear countries with advanced peaceful nuclear activities. We stressed that a safeguards article is a necessary part of the Non-Proliferation Treaty.

In reply to these points, Ambassador Roshchin referred to the fact that the Soviet Government at a very high level (Gromyko-to-Thompson) had told the US that IAEA should carry out the control functions of the Treaty and that the USSR could not accept a provision authorizing EURATOM safeguards as a way of verifying the NPT, even if IAEA exercises control over EURATOM. This negative line was elaborated with the usual Soviet arguments about self-inspection, bloc control and discrimination in favor of the EURATOM countries. He made the point that the NPT might be the last opportunity to achieve a really international safeguards system, and he was concerned that the US proposal would not state explicitly that IAEA safeguards must be applied at the end of the three-year period should EURATOM and IAEA fail to reach agreement. Ambassador Roshchin wanted to know what would happen in this event. Ambassador Foster expressed our view and expectation that agreement can be reached before the end of the three-year period.

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We pointed out that the Soviets wanted the EURATOM countries to sign the NPT, yet proposed a draft Article III that was unacceptable to them. We made clear that the US revised Article III was the best that could be done and that the Soviet draft would mean no Treaty.

Ambassador Roshchin, however, stuck to his negative position saying that the US draft created a loophole in the Non-Proliferation Treaty. He, too, expressed the fear that there would be no treaty, and he said he was unable to see any way to compromise the two positions.

Nevertheless, the next day Roshchin requested a meeting with the US delegation to ask questions about the US revised Article III in order, he said, to make a more accurate report to Moscow. There were two principal Soviet concerns.

Roshchin wanted to know why the new US Article III would apply to peaceful nuclear materials of a non-nuclear state "within its territory or under its jurisdiction" and not simply to "its activities" as in earlier drafts? We replied that we did not want to exclude nuclear materials belonging to a private company within a state. Nonetheless, the Soviets said that the new language would leave a loophole. They said for example if a non-nuclear weapons state had a reactor, which was making plutonium for bombs and located in a state that had not adhered to the Treaty, that reactor would not be safeguarded. We replied that Article II would prohibit this conduct in any event. Moreover, as a practical matter, we did not see how the Soviet example could be effectively covered as long as safeguards did not apply to nuclear weapon states or non-parties to the Treaty.

The second major Soviet concern was that if no agreement were reached in three years between IAEA and EURATOM, there would be a clear violation of the US Article III, sub-paragraph 4. The Soviets believed that under the language of sub-paragraph 2, which calls upon IAEA members to facilitate agreement, they could be said to have participated in a Treaty violation because of the failure to reach agreement. They were concerned that in such a case, any other party could withdraw from the Treaty on the grounds that there was violation - putting the blame on the Soviet Union. We made clear that sub-paragraph 2 said only that parties were to facilitate

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agreement, and we made the observation that it would be hard to prove that any particular country had violated this provision. We agreed that there would be a violation of sub-paragraph 4 if there were no agreement at the end of three years, since this is the whole purpose of the provision. On the other hand, we took the position that such a violation would not justify withdrawal from the Treaty since it did not seem to us to be an "extraordinary event" jeopardizing the parties "supreme interests".

Since answering Ambassador Roshchin's questions we have not heard further from the Soviets concerning Article III.

The Soviets were, of course, interested in other Articles in our draft NPT - particularly in the amendments provision. During the first day's talks, we pointed out that a great many non-nuclear weapons states objected to giving a veto to the nuclear weapon states party to the Treaty. Since the US, the USSR and many other countries have recently agreed to a different form of amendment provision in the Outer Space Treaty, we told the Soviets that we could hardly insist upon our earlier draft formulation.

Ambassador Roshchin said this new draft amendment provision presented quite an impossible situation since ultimately the NPT could develop in such a way as to become a different treaty for different parties. We explained that parties not accepting an amendment would not be bound by it nor would the obligations of parties accepting it be changed with regard to parties not accepting the amendment.

Concentrating on this point, the Soviets asked what would happen if a country persuaded a majority of the parties to accept an amendment permitting an MLF or the acquisition of peaceful nuclear devices by non-nuclear states. We said the country in question would still have the same obligations to the Soviet Union as before under the original treaty if the Soviets would not accept the amendment in question.

Roshchin concluded by saying that the Space Treaty was quite a different matter and that the elimination of the nuclear power veto influenced the whole stability of the NPT by making possible different treaty obligations to different parties.

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We also explained our revision of the definition of a nuclear weapon state but have received no comment from the Soviets.

This then is where we stand with the Soviets.

On Article III: The Soviets remain adamant that IAEA safeguards must be mandatory. They rejected the principle of verification and regarding paragraph 4, they questioned the implications for safeguards, and indeed, for the Treaty itself, if no IAEA-EURATOM agreement were to be reached at the end of the three years.

On the amendments clause, the Soviets are insisting strongly that the nuclear powers must retain a veto and consider the Outer Space Treaty clause as entirely inappropriate precedent for this treaty which has significant political implications. Basically they fear the Outer Space Treaty clause may lead to a confusing and unsatisfactory situation in which different groups of parties claim to have differing sets of obligations.

Apart from the two major problem areas, Article III and the Amendments clause, we assume on the basis of a lack of negative comment to date that the Soviets will accept the substance if not the precise wording of other changes.

On April 28 we provided the Soviets our NPT interpretations in the form of answers to questions posed by our allies. These have been circulated with the draft texts, and are the same interpretations which we provided the Allies for the April 20 NAC meeting. Boshchin made no comment.

The extension of the ENDC recess until May 18, agreed by the co-chairmen on May 2, provides some additional time for discussion of these points. Meanwhile, we shall continue our consultations in NAC in the light of developments at Geneva.

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MESSAGE

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TO: RUEPDA/NAMILCOM/WASH  
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RXCAB/SACLANT  
RXDBC/CINCHAN  
ZEN/NADEFCOL

ACEX

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N A T O S E C R E T 1000 7966

SUBJECT: NON-PROLIFERATION TREATY (NPT) - NAC  
SPECIAL MEETING, 5 MAY 1967

REFERENCE: LOM 103/67, 5 MAY 1967

1. THE CHAIRMAN REFERRED TO THE LETTER BY THE US PERMREP DATED 3 MAY 1967, IN WHICH HE SAID THERE WAS AMPLE EXPLANATION OF THE DISCUSSIONS BETWEEN AMBASSADORS FOSTER AND ROSHCHIN IN GENEVA, AND HE ASKED IF THE US PERMREP HAD ANYTHING TO ADD OR PROPOSE.

(MCREP COMMENT: THE US PERMREP'S LETTER, DATED 3 MAY 1967, HAS BEEN FORWARDED BY REFERENCE. ATTACHED TO THE LETTER ARE A) COPIES OF THE US AND USSR DRAFT NPT TEXTS EXCHANGED ON 25 APRIL, B) COPY OF US INTERPRETATION OF NPT AND C) A REPORT ON RECENT DISCUSSIONS BETWEEN AMBASSADORS FOSTER AND ROSHCHIN. THE DISCUSSIONS CENTRED ON THE PROBLEMS OF SAFEGUARDS AND THE SOVIETS WERE TOLD THAT LANGUAGE WHICH PROVIDES FOR ONLY IAEA SAFEGUARDS WAS SIMPLY NOT ACCEPTABLE TO MANY EURATOM COUNTRIES. HOWEVER, MR. ROSHCHIN RECALLED THAT USSR COULD NOT ACCEPT A PROVISION AUTHORIZING EURATOM SAFEGUARDS AS A WAY OF VERIFYING THE NPT, EVEN IF IAEA EXERCISED

CONTROL OVER EURATOM. ANOTHER AREA OF SIGNIFICANT DISAGREEMENT WAS THE AMENDMENT CLAUSE.

APART FROM THE TWO MAJOR PROBLEM AREAS IT IS ASSUMED THAT THE SOVIETS WILL ACCEPT THE SUBSTANCE IF NOT THE PRECISE WORDING OF OTHER CHANGES).

2. THE US PERMREP STRESSED THAT, WITH RESPECT TO ARTICLE III ON SAFEGUARDS, THERE WERE TWO MAIN ALTERNATIVES: FIRST, TO TRY VERY HARD TO INSIST ON THE LANGUAGE AGREED UPON IN NAC; SECOND, TO GO TO GENEVA WITH A BLANK ARTICLE. THE LATTER ALTERNATIVE MIGHT GIVE RISE TO PROPOSALS BY THE NON-PROLIFERATION COUNTRIES, AND HE URGED A JUDGEMENT BY THE ALLIES.

REFERRING TO THE UK AND US AGREEMENT TO SUBMIT THEIR CIVIL NUCLEAR ACTIVITY TO THE SAME CONTROLS AS THOSE TO BE IMPOSED ON NON-NUCLEAR STATES, HE SAID THAT WHEN THIS WAS KNOWN BY NON-ALIGNED COUNTRIES IT WOULD PUT A CERTAIN PRESSURE ON THE SOVIETS AND THE QUESTION WOULD BE ASKED: WOULD THE SOVIETS DO THE SAME? HE ASKED FOR THE OPINION OF THE ALLIES ON THIS POINT.

WITH RESPECT TO PARA. 2 OF ARTICLE IV ON AMENDMENT OF THE TREATY, HE SAID THAT THE US WERE PREPARED TO CONSIDER A TWO-THIRDS MAJORITY INSTEAD OF A SIMPLE MAJORITY, AND ALSO TO CONSIDER THE PROPOSAL BY THE UK (PAGE 2 OF ENCLOSURE) TO REFERENCE WHICH IMPLIES ACCEPTANCE OF DA IN 178639

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AN AMENDMENT BY ALL THOSE STATES WHO, AT THE TIME, ARE MEMBERS OF THE BOARD OF GOVERNORS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA). HE REQUESTED A JUDGEMENT BY THE COUNCIL AS TO WHETHER THE US SHOULD PRESS FOR A SIMPLE OR TWO-THIRDS MAJORITY, OR SHIFT TO THE UK SUGGESTION, OR LEAVE ARTICLE IV BLANK PENDING FURTHER DISCUSSION IN GENEVA.

HE CONCLUDED BY SAYING THAT, IF THE DEFINITION OF TRUE CONSULTATION IS THAT THE CONSULTER DOES NOT KNOW WHAT TO DO NEXT AND SEEKS ADVICE, THIS WAS A CASE OF TRUE CONSULTATION.

3. THE GERMAN PERMREP SAID HE COULD GIVE ONLY VERY PRELIMINARY VIEWS OF HIS GOVERNMENT WHICH WOULD HAVE TO STUDY THE NEXT TEXTS IN DETAIL AND TO CONSIDER SOME OF THEM WITHIN EURATOM. HIS AUTHORITIES APPRECIATED THAT MR. FOSTER, IN GENEVA, HAD CONDUCTED THE DISCUSSIONS IN ACCORDANCE WITH WHAT HAD BEEN AGREED IN PART IN NAC. A TEXT PROVIDING ONLY IAEA SAFEGUARDS WAS CONSIDERED BY THE GERMAN AUTHORITIES TO MEAN THAT NO TREATY COULD BE CONCLUDED. IF THE US DELEGATION IN GENEVA WOULD CONTINUE TO PRESS THEIR VERSION OF ARTICLE III AND PARAGRAPHS 1 AND 2 OF ARTICLE IV, IT WOULD BE FULLY SUPPORTED BY THE GERMAN AUTHORITIES; THEY WERE, HOWEVER, NOT IN FAVOUR OF THE UK COMPROMISE PROPOSAL, AND RESERVED THEIR POSITION WITH RESPECT TO PARAGRAPH 3 OF ARTICLE IV (UNLIMITED DURATION AND VIOLATION CLAUSE). FINALLY, HE ASKED FOR CLARIFICATION ON THE DIFFERENCE IN THE TWO TEXTS OF PARAGRAPH 1 IF ARTICLE IV.

4. THE ITALIAN PERMREP SPOKE ON A PERSONAL BASIS. HE SAID THE RUSSIAN COUNTER-PROPOSAL WAS UNACCEPTABLE AND THAT HIS AUTHORITIES WOULD PROBABLY NOT BE ABLE TO SUPPORT THE UK COMPROMISE PROPOSAL. HE WAS NOT IN A POSITION TO ANSWER THE SPECIFIC QUESTIONS PUT BY THE US PERMREP. HE ASSOCIATED HIMSELF WITH THE CONCERN EXPRESSED BY THE GERMAN PERMREP WITH RESPECT TO THE UNLIMITED DURATION OF THE TREATY.

5. THE BELGIAN PERMREP ALSO SPOKE ON A PERSONAL BASIS; HE WAS GRATEFUL FOR THE TRUE CONSULTATION WHICH WAS TAKING PLACE AND WAS STRUCK BY THE NUMBER OF PROMISING FEATURES IN THE DISCUSSION BETWEEN MR. FOSTER AND MR. ROSHCHIN IN GENEVA. HE MENTIONED A REPORT BY A BELGIAN AMBASSADOR IN EASTERN EUROPE, ACCORDING TO WHICH THE SOVIETS THEMSELVES OPPOSED CHANGES IN THEIR DRAFT TEXT WITH THE MOTIVE THAT QUOTE THE US WERE NOT IN FAVOUR OF CHANGES UNQUOTE.

AS FAR AS ARTICLE III WAS CONCERNED, HE THOUGHT IT WAS A BAD PROCEDURE TO TABLE IT BLANK AND RECOMMENDED A QUOTE BRACKETED UNQUOTE TEXT, THE MORE SO AS THE UK/US AGREEMENT WAS A NEW ELEMENT, THE EFFECT OF WHICH ON THE ATTITUDE OF THE SOVIETS WAS UNKNOWN BUT VERY IMPORTANT. IN THIS RESPECT HE WAS VERY INTERESTED TO KNOW HOW THE BRITISH, AS POTENTIAL MEMBERS OF EURATOM (AND HE HOPED THAT THEY WOULD SOON BECOME MEMBERS), ENVISAGED THEIR AGREEMENT TO IAEA CONTROL TO BE COMPATIBLE WITH THEIR POSITION IN EURATOM.

6. THE NETHERLANDS PERMREP ALSO SPOKE ON A PERSONAL BASIS. HE SAID THAT WHAT HAD HAPPENED IN GENEVA SHOWED THAT MR. FOSTER HAD STRONGLY DEFENDED THE INTERESTS OF THE ALLIES. HE WAS NOT SURPRISED BY THE REACTION OF THE SOVIETS WHO WERE MOST NEGATIVE ON THE VERY POINTS WHICH WERE MOST UNDER DISCUSSION IN NAC. IT WAS IMPORTANT TO PROVIDE

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## MESSAGE

DEPARTMENT OF DEFENSE  
STAFF COMMUNICATIONS DIVISION  
APPROVED FOR PUBLIC DISCLOSURE

NR : LOCMO 7966

ROOM FOR MANOEUVRES FOR THE US DELEGATION IN GENEVA. HE ASKED THE UK PERMREP TO ELUCIDATE THE BRITISH COMPROMISE PROPOSAL AND CONSIDERED THAT HIS AUTHORITIES WOULD NOT FAVOUR TABLING BLANK ARTICLES, AND FINALLY RESERVED HIS RIGHT TO COMMENT IN NAC WHEN THE NEW TEXTS HAD BEEN STUDIED THOROUGHLY BY HIS GOVERNMENT.

7. THE UK PERMREP, IN RESPONSE TO THE BELGIAN PERMREP, SAID THAT THE UK OFFER TO SUBMIT TO CONTROL DID NOT SPECIFY THAT UK ACCEPTED IAEA SAFEGUARDS; IF A TREATY WERE CONCLUDED, UK WOULD ACCEPT THE SAME SAFEGUARDS AS THE EURATOM PARTNERS.

WITH RESPECT TO THE UK SUGGESTION ON THE AMENDMENT CLAUSE, HE SAID IT WAS DESIGNED TO BE HELPFUL; UK WOULD NOT INSIST BUT COULD GO ALONG WITH A BLANK AMENDMENT CLAUSE IF THIS WAS THE GENERAL VIEW. HOWEVER, THE UK AUTHORITIES CONSIDERED THEIR SUGGESTED WORDING MIGHT BE MORE EASILY NEGOTIABLE AND MIGHT MEET THE VIEW OF SOME CIVIL NUCLEAR STATES WHICH WERE MORE AFFECTIONATE BY THE PRESENT TEXT THAN THE COMPLETELY NON-NUCLEAR STATES.

THE UK AUTHORITIES CONSIDERED THAT REFERENCE TO A LIST OF THE IAEA BOARD OF GOVERNORS PROVIDED A READY INDICATION OF WHAT CHANGES IN IAEA RULES COULD BE AGREED. HOWEVER, THEY REALISED THE DIFFICULTY

WHICH EXISTED IN THE BIENNIAL CHANGE IN THE MEMBERSHIP OF THAT BOARD.

8. THE TURKISH PERMREP HAD NO INSTRUCTIONS BUT OFFERED THE SUGGESTION THAT, FURTHER TO THE ALTERNATIVES TO TABLE BLANK ARTICLES OR ARTICLES WITH BRACKETS, ONE MIGHT TABLE BLANK ARTICLES AND AT THE SAME TIME HAVE THE TWO PARTIES DISTRIBUTE THEIR COMPETITIVE PROPOSALS.

9. THE US PERMREP, IN RESPONSE TO THE GERMAN PERMREP, CLARIFIED THAT THERE WAS A PRINTING ERROR IN THE QUOTATION OF THE RUSSIAN TEXT OF PARA 1 OF ARTICLE IV; IT SHOULD BE IDENTICAL WITH THE US TEXT. (MCREP COMMENT: THE ERROR HAS BEEN CORRECTED IN THE ENCLOSURE TO REFERENCE BEFORE FORWARDING).

HE CONSIDERED THE TABLING OF A BLANK ARTICLE WOULD INDICATE THAT THE US AND THE SOVIETS WERE WORKING ON THE PROBLEM WHICH MIGHT

HAVE A DETERRENT EFFECT ON DELEGATIONS WHO MIGHT WISH TO TABLE PROPOSALS. HE WAS INTRIGUED BY THE TURKISH PERMREP'S PROPOSAL ABOUT BLANK ARTICLES AND COMPETITIVE TEXTS. WITH RESPECT TO BRACKETED TEXTS, HE THOUGHT THE MAJORITY OF COUNTRIES WOULD CHOOSE THE USSR TEXT. HE HOPED IT WOULD NOT BE NECESSARY FOR THE US TO ADDRESS THEMSELVES TO EURATOM AND THAT THE EURATOM ELEMENT WOULD BE BROUGHT IN DURING DISCUSSION IN NAC.

10. THE CHAIRMAN SAID THE DISCUSSION HAD BEEN USEFUL EVEN IF ONLY ONE PERMREP HAD BEEN ABLE TO PRESENT THE PRELIMINARY VIEWS OF HIS AUTHORITIES AND ONLY A FEW HAD PRESENTED PERSONAL THOUGHTS. THE DISCUSSION HAD SPOTTED POINTS OF INTEREST, VIZ. ARTICLES III AND IV; EVERYBODY WAS AGAINST THE USSR TEXT OF ARTICLE III AND CONSIDERABLE DOUBT HAD BEEN EXPRESSED ABOUT THE WISDOM OF TABLING BLANK ARTICLES. HOWEVER, TODAY THERE HAD BEEN ONLY PRELIMINARY DISCUSSION ON THE NEW PROPOSALS, AND HE SUGGESTED THE SUBJECT SHOULD BE PUT ON THE AGENDA FOR THE 10 MAY 1967 NORMAL NAC MEETING.

11. COUNCIL TOOK NOTE OF THE STATEMENTS MADE DURING DISCUSSION AND

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STAFF COMMUNICATIONS DIVISION  
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AGREED WITH THE CHAIRMAN'S SUGGESTION TO CONTINUE CONSULTATION ON 10 MAY 1967.

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CONSEIL DE L'ATLANTIQUE NORD  
NORTH ATLANTIC COUNCILEXEMPLAIRE N° 342  
COPYORIGINAL: ENGLISH  
25th May, 1967NATO SECRET  
SUMMARY RECORD  
C-R(67)21

DOCUMENT

Summary record of a meeting of the Council  
held at the Permanent Headquarters, Paris, 16e.,  
on Wednesday, 10th May, 1967 at 10.15 a.m.PRESENT

Chairman: Mr. Menlio Brosio

<u>BELGIUM</u> Mr. A. de Staercke	<u>GREECE</u> Mr. J. Pesmazoglu	<u>NORWAY</u> Mr. G. Kristiansen
<u>CANADA</u> Mr. C.S.A. Ritchie	<u>ICELAND</u> Mr. H. Sv. Björnsson	<u>PORTUGAL</u> Mr. A. Fortunato de Almeida
<u>DENMARK</u> Mr. H. Hjorth-Nielsen Mr. O.R. Borch	<u>ITALY</u> Mr. A. Alessandrini	<u>TURKEY</u> Mr. Nuri Birgi
<u>FRANCE</u> Mr. P. de Leusse Mr. J. Schricke	<u>LUXEMBOURG</u> Mr. P. Reuter	<u>UNITED KINGDOM</u> Sir Bernard Burrows
<u>GERMANY</u> Mr. W.G. Grewe	<u>NETHERLANDS</u> Mr. H.N. Been	<u>UNITED STATES</u> Mr. Harlan Cleveland

INTERNATIONAL STAFFAssistant Secretary General for  
Political Affairs: Mr. J. Jaenicke

Deputy Executive Secretary: Mr. F.C. Merne

ALSC PRESENT

Military Committee Representative: Major General W.W. Stromberg

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C-R(67)21NATO UNCLASSIFIED**I. STATEMENTS ON POLITICAL SUBJECTS**

(Discussed in private session.)

NATO SECRET**II. DRAFT NON-PROLIFERATION TREATY**

1. The CHAIRMAN invited the United States Representative to make a further report on recent contacts between the United States and the Soviet Union at Geneva.

2. The UNITED STATES REPRESENTATIVE said that he would summarise the results of the negotiations which had taken place since the last meeting of the Council and would reserve for a later stage in the meeting consideration of their implications on the tabling of a draft treaty. He recalled that the previous week he had circulated a comparative paper setting out the United States and Soviet texts and had identified the problems likely to emerge in further discussions with the Soviet Union. He hoped that at the present meeting other countries would express their opinions and that the Council would determine the action to be taken before 18th May, at which date, the United States felt, as much of the draft text as had been agreed with the Soviet Union should be tabled at Geneva.

3. Since the last meeting of the Council considerable discussions had taken place at Geneva and although Mr. Roshchin had still not received final instructions with regard to the United States proposals, certain indications of the Soviet attitude could be obtained on the basis of his present guidance:

- (i) the Soviets believed that it might be possible to table a text with a blank Article III and with an indication by the Co-Chairmen that the Article was the object of continuing discussion between the United States and the Soviet Union, which countries hoped to table a text as soon as possible;
- (ii) they personally seemed to like the new United States version of paragraph 5 of Article III which explicitly protected peaceful nuclear activities;
- (iii) they had no further information to add to earlier indications of their possible views regarding peaceful uses, nuclear disarmament and security assurances;

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NATO SECRET

- (iv) they had not raised any objections to the United States Interpretations of Articles I and II;
- (v) they had clearly emphasised that they would insist on having a veto in some form or another on amendments to the treaty.

With regard to paragraph 2 of Article IV, Mr. Foster had pressed the formula used for the Outer Space Treaty and had pointed out that Japan, which would probably be supported by other countries, considered that to allow only nuclear weapon states the right of veto would be discriminatory, but Mr. Roshchin had stated that there was no likelihood of the Soviet Union agreeing to discard its right of veto. Mr. Foster had, on a personal basis, suggested that acceptance by a two-thirds majority should be necessary before amendments could enter into force, and he had argued against the subjecting of amendments to a veto. Mr. Roshchin, however, had replied that the suggested two-thirds majority would not make amendments acceptable to the Soviet Union. He personally proposed allowing the right of veto to some additional countries, possibly those having a civil nuclear programme, but he had not mentioned those countries by name. The United States felt that in making this proposal the Soviet Union might be moving some way towards the United Kingdom suggestion.

4. In the view of the United States, failure to table some Articles of a draft treaty on 18th May on account of an inability of the United States and the Soviet Union to reach agreement, particularly regarding Article III, would become increasingly difficult to justify. After considerable efforts to find solutions and after some success in harmonising the views of the Allies, the United States thought that it would not be in the interests of the NATO countries to be in the position of appearing to block progress on a treaty, and any further delay would merely postpone the opportunities for other members of the ENDC, as well as for other countries, to examine a final draft text on a matter of such overriding importance.

5. The ITALIAN REPRESENTATIVE recalled that at a previous meeting he had presented his personal comments, on the basis of indications received from his Authorities, with regard to the latest information provided by the United States Representative on recent contacts with the Soviet Union. He had since been instructed to confirm these comments and to make some additional observations. The only possible conclusion of leaving Article III blank would be a compromise between an unacceptable Soviet text and a United States text which Italy had been unable to accept. He suggested that it might be preferable to eliminate the safeguards clause altogether in conformity with the draft text presented by the Soviet Union in September 1965 and never withdrawn; this would greatly facilitate the negotiations with the Soviet Union. Experience to date had shown that safeguards to which the Soviet Union did not wish to subject itself became a dangerous instrument for interference.

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## ORGANISATION DU TRAITE DE L'ATLANTIQUE NORD NORTH ATLANTIC TREATY ORGANISATION

PLACE DU MARÉCHAL DE LATTRE DE TASSIGNY - PARIS (XVI<sup>e</sup>) - TEL. RLE. 50-20

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BUREAU DU REPRÉSENTANT  
DU COMITÉ MILITRAIRE

IMS Control N° 0446

OFFICE OF THE MILITARY  
COMMITTEE REPRESENTATIVE

LOW 113/87

24 May 1967

MEMORANDUM FOR : Director, International Military Staff

SUBJECT : Non-Proliferation Treaty - NAC  
Meeting, 24 May 1967

Because of the lateness of the hour the US Permanent Representative's statement on the non-proliferation treaty was limited to a summary. Accordingly, he promised to circulate his full statement, a new draft of the treaty showing the US and USSR texts and the differences in the Soviet text from the current US draft. These are forwarded herewith for your information.

*W.W. Stromberg*  
W. W. STROMBERG  
Major General  
MILITARY COMMITTEE  
REPRESENTATIVE

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(Approved for Public Disclosure)

Per Authority IMSM-0462-02  
By *Neustadt* Date *28-5-603*

Info cys w/encls to: SHAPE Belgium  
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## STATEMENT TO NAC

MAY 24, 1967

by Ambassador Harlan Cleveland

Mr. Chairman:

Since our discussion of non-proliferation last week, the Eighteen Nation Disarmament Conference has reconvened in Geneva and we have met with the Soviets to see if we cannot work out the remaining differences and proceed with the tabling of a text. This is the process in which the Co-Chairmen are now engaged, as I shall now report in some detail.

I think it may be fair to say, Mr. Chairman, that reconvening of the ENDC ushers in a new phase in the Council's consideration of this matter. For our part, we intend to continue to keep the Council informed of events in Geneva and in particular to report on the course of the discussions taking place between the two Co-Chairmen.

We would hope, Mr. Chairman, that the representatives from the other Western Four countries and those with observers in Geneva might also report and give their analysis of the unfolding negotiations at the ENDC.

As you know, Mr. Chairman, the ENDC reconvened May 18. The Soviet Union still had no instructed reaction to the proposals we had made to them concerning the text of the treaty and the procedure for tabling--with blanks if necessary. However, Ambassador Roshchin's opening remarks were very moderate in tone and sustained our impression that the Soviet Union is still seriously interested in the Non-Proliferation Treaty project.

Roshchin made only passing reference to Vietnam and made no mention of the Federal Republic. He stressed the importance of adequate international safeguards in the NPT and, less constructively, held open the possibility that the Kosygin Proposal might be inserted into the NPT to help solve the problem of security assurances. As one-non-aligned observer put it, Roshchin's speech sounded like one he would have made if he were about to table a draft treaty text.

This was in marked contrast to prior speculation that, because of developments in Southeast Asia, the Soviets were no longer interested in joining with US on the NPT. Soviet delay in ratifying the Outer Space Treaty was often cited in support of this thesis. However, the President of the

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Supreme Soviet ratified the OST on May 18, and it is our overall impression that the Soviets want to drive a hard but nonetheless serious bargain on the NPT.

By May 20, the Soviets had at least part of their instructions. In a rather lengthy co-chairman's meeting that day, the Soviets accepted our proposals for a preambular paragraph on peaceful explosions and for the definition of a nuclear weapon state. They refused, however, to accept our proposals for the safeguards article, the amendments clause and the preambular paragraph on research toward instrumented safeguards.

For their part, the Soviets, in a new text given us by Ambassador Roshchin, proposed two additional articles: a new one on the Kosygin proposal regarding assurances, and one on peaceful uses of atomic energy which is basically the US Article III, para 5 with some modifications. They also proposed some new "ban-the-bomb" type language for insertion in the preambular paragraph on nuclear disarmament.

Mr. Chairman, for the convenience of the Council, I will be happy to circulate a rather detailed description of the way the new Soviet text differs from the present US text.

The Soviets described the changes in their text as "modification and additions to take account of the wishes of Soviet Allies." Roshchin justified the Soviet position on these points along familiar and predictable lines.

He asserted that the new language in the preambular paragraph regarding nuclear disarmament measures represents only a drafting change and does not change the content of the US draft. Roshchin said this language is designed to widen this provision somewhat and make it more acceptable to non-aligned countries.

In rejecting a preambular paragraph regarding instrumented safeguards, Roshchin said the Soviets see no need to have such technical matters provided for in a treaty of a political nature. In the Soviet view, control over such measures should be considered in the framework of IAEA.

Roshchin reiterated the well-known Soviet view concerning safeguards. He said that the Soviet Article III provides for a single system--IAEA--which should become effective on entry of the treaty into force. He repeated that the Soviets cannot agree to EURATOM and the Federal Republic having a special position. In Soviet eyes this is tantamount to discrimination against other parties to the treaty and to self-inspection. Roshchin charged that the US proposal would leave loopholes

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which could be used to circumvent the NPT. He pointed out that the US draft provides the possibility of allowing another system--EURATOM--to provide safeguards not only during a three-year transition period but throughout the duration of the treaty. In the Soviet view, this approach does not provide sufficient guarantees for observance of the treaty.

The Soviets also objected to the provision in US Article III which would apply safeguards only to source and fissionable materials for peaceful purposes. Roshchin said this leads to narrowing of controls since it does not provide for extending safeguards to principal nuclear facilities. Roshchin also said he could not agree to modification made in the US draft which would have safeguards apply within the territory or under jurisdiction of non-nuclear states. He said this leaves open a question concerning possible activities conducted by a party to the treaty on the territory of another state not party to the treaty. Roshchin pointed out that the Soviet draft places safeguards on the entire range of peaceful activities, both state and private, regardless where they may be located--even in foreign territory.

The Soviets noted the insertion of the Kosygin proposal as an operative article by merely saying that this provision meets the wishes of many non-nuclear states.

Roshchin concluded by saying that the Soviet Union does not agree with amendments procedure proposed by US. He expressed concern that a potential violator might exploit such a provision to evade a major treaty obligation. In Roshchin's view, the US amendment proposal might create a situation where several treaties would exist at once, thus undermining the stability of the NPT and increasing the possibility of its violation. He said that the amendments clause should correspond to the limited test ban treaty. He rejected drawing upon outer space treaty as a model because, he said, the OST deals only with peaceful activities and not with disarmament. He strongly emphasized that the Soviets were concerned that the US proposal to eliminate the nuclear powers veto would be likely to frustrate agreement on the NPT.

Ambassador Foster did not make any extended comment to this Soviet presentation. He said the Soviets could predict our reaction to many of the points they had raised and he simply wished to say that Roshchin's remarks were a step backwards and might mean a long summer of negotiations. Ambassador Foster also took exception to the Soviet reference in their preamble to a prohibition on the use of nuclear weapons. He said it was a retrogression to "ban-the-bomb" concepts which the Soviets know the US cannot accept.

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We also made clear that reintroducing the Kosygin proposal was unrealistic and would create a major stumbling block to the treaty. We also expressed the hope that the Soviets would not seriously object to the preambular provision on instrumented safeguards since its inclusion in the NPT would influence wider acceptance of the treaty.

We pointed out that the Soviet proposal on safeguards was a backward step on their part because it no longer included a transition period. We said that the US proposal was a compromise and a long step toward the Soviet point of view. Roshchin replied that the Soviets also had come a long way by taking a chance on IAEA. He claimed it is a Western-oriented organization created under US auspices on which the Soviets, have only three places on the Board of Governors while the West has twelve. He concluded by saying that the Soviets had accepted the idea of basing safeguards on IAEA only with the greatest difficulty and that the socialist countries would be reluctant to accept a position distinct from the Western European countries on this question.

At a subsequent meeting called by the United States May 20, Ambassador Foster suggested tabling the agreed portions of the NPT draft with a statement that the co-chairmen were still negotiating and would make recommendations later. Roshchin made it very clear that the Soviets are quite unwilling to table a draft NPT without US/Soviet agreement on the amendments provision. However, he indicated they would consider jointly tabling a draft NPT with a blank Article III.

We regard these two exchanges as the first official Soviet response to our new NPT formulations. While clearly based on instructions, it remains to be seen whether Roshchin's statements reflect a hardened Soviet position or an attempt to gain some bargaining leverage. It would appear that the Soviets have some tactical flexibility which we shall want to probe further.

Though disappointing, the Soviet response holds no surprises. Soviet opposition to our proposals on safeguards (Article III) and amendments (paragraph 2, Article IV) was predictable as was their acceptance of our clause for a peaceful nuclear explosive service. Reinsertion of the Kosygin proposal is a retreat from earlier Soviet willingness to consider assurances outside treaty context, but there are indications that the Soviets may intend to use this for bargaining and may not insist on including it in any draft to be tabled--though they would probably reserve the right to raise it later if asked to do so by others. It should be

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recognized that the Soviets have been put in the position of considering various clauses responsive to wishes of our Allies. They probably now feel it necessary to suggest to the US clauses reflecting the views of their Allies (e.g., Rumania) and designed to cater to the non-aligned (i.e., Kosygin Proposal, new preambular para re declaration intentions and new article on peaceful uses).

Soviet Silence on our interpretations, confirmation of their agreement to other key treaty provisions, and the constructive and moderate opening ENDC statement by Roshchin suggest they continue to wish to see this project successfully concluded.

It also seems clear that the main Soviet preoccupation at this stage is with the amendments clause on which they want both sides to agree before any NPT text is tabled. We intend to continue to discuss the advisability of using the outer-space treaty amendments formula, if possible with two-thirds substituted for a simple majority, but we may have to reassess this question if they should refuse to table with a blank for this clause or if they make some counter-suggestions.

We also intend to reiterate our strong opposition to including the Kosygin Proposal in the treaty. We intend to suggest that their new penultimate preambular paragraph on nuclear disarmament measures be withheld from any text that is tabled pending an effort by the co-chairman to work out agreed language.

We see no prospect of early agreement with the Soviets on safeguards, however, and we continue to believe the best course is to table an NPT draft with a blank Article III. We continue to feel that the substance of their new Article V on the right of non-nuclear weapon states to develop peaceful uses would be best incorporated in the safeguards article, as in our draft, in order to serve as an inducement for the acceptance of safeguards. But this is an aspect we can consider later when we know how Article III will be handled.

We believe we should reserve further judgment on the negotiating situation until we have an opportunity to probe for elements of flexibility in the Soviet position. We feel we can continue, as of now, to stand on the course of action which was outlined to NAC May 17. We shall continue to keep the Council closely informed.

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## NON-PROLIFERATION TREATY

### DRAFT TEXTS

US TEXT

The States concluding this Treaty, hereinafter referred to as the Parties to the Treaty,

(1) Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

(2) Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

(3) In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

(4) Undertaking to cooperate in facilitating the application of international atomic energy agency safeguards on peaceful nuclear activities,

(5) Expressing their support for research, development and other efforts to further the application of the

USSR TEXT

The States concluding this Treaty, hereinafter referred to as the parties to the Treaty,

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

in conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to cooperate in facilitating the applications of IAEA safeguards on peaceful nuclear activities,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any

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principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points,

- (6) Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race,
- (7) Urging the cooperation of all States in the attainment of this objective,

(8) Desiring to further the easing of international tension and the strengthening of trust between States, thus facilitating the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a treaty on general and complete disarmament under strict and effective international control,

(9) Noting that nothing in this treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories,

- (10) Affirming the principle that the benefits of peaceful applications

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technological by-products which may be derived by nuclear-weapon states from the development of nuclear explosive devices, should be available for peaceful purposes to all parties, whether nuclear-weapon or non-nuclear weapon states,

Convinced that in furtherance of this principle, all Parties are entitled to participate in the fullest possible exchange of scientific information for, and to contribute, alone or in cooperation with other States, to the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention that potential benefits from any peaceful applications of nuclear explosions should be available through appropriate international procedures to non-nuclear-weapon Parties on a non-discriminatory basis and that the charge to such parties for the explosive devices used should be as low as possible and exclude any charge for research and development,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race,

Urging the concentration of all States in the attainment of this objective,

- Desiring to further the easing of international tension and the

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of nuclear technology, including any technological by-products which may be derived by nuclear-weapon states from the development of nuclear explosive devices, should be available for peaceful purposes to all parties, whether nuclear-weapon or non-nuclear-weapon states,

(ii) Declaring their intention that potential benefits from any peaceful applications of nuclear explosions should be available through appropriate international procedures to non-nuclear-weapon parties on a non-discriminatory basis, and that the charge to such parties for the explosive devices used should be as low as possible and exclude any charge for research and development,

have agreed as follows:

Article I

Each nuclear-weapon State party to this treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any nuclear-weapon state to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

Article I (same as US TEXT)

strengthening of trust between States in order to facilitate agreements on cessation of the production of nuclear weapons, on the prohibition of the use of nuclear weapons, on the destruction of all their existing stockpiles, thus facilitating the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a treaty on general and complete disarmament under strict and effective international control,

Noting that nothing in this treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories, have agreed as follows:

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## Article II

Each non-nuclear-weapon State party to this Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

## Article II (same as US TEXT Article II)

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## Article III

1. Each non-nuclear-weapon State Party to this Treaty undertakes to have international safeguards meeting the requirements of this article on all source or special fissionable materials for peaceful purposes within its territory or under its jurisdiction, in cooperation with any non-nuclear-weapon State with respect to peaceful nuclear activities within the territory or under the jurisdiction of such State, each Party to this Treaty undertakes not to provide

## Article III

Each non-nuclear-weapon State party to this Treaty undertakes to accept the safeguards of the International Atomic Energy Agency on all its peaceful nuclear activities. Each State party to this Treaty further undertakes not to provide source or fissionable material, or specialized equipment or non-nuclear material for the processing or use of source or fissionable material or for the production of fissionable material for peaceful purposes to any non-nuclear-weapon state, unless such material and equipment are subject to such safeguards.

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(A) Source or special fissionable material unless the material shall be subject to such safeguards; or

(B) Equipment or material especially designed or prepared for the processing, use or production of special fissionable material unless the special fissionable material shall be subject to such safeguards;

2. After the original entry into force of this Treaty, each non-nuclear-weapon State party to this Treaty which has source or special fissionable material subject to any international safeguards system other than that of the International Atomic Energy Agency, and each other party to the Treaty which is a member of that agency, undertakes to facilitate agreement, as provided for in this article, on verification by that agency of the effectiveness of the international safeguards system applied to such material;

3. To meet the requirements of this article, international safeguards (A) shall be either those of the IAEA or such other international safeguards generally consistent therewith as are accepted by the IAEA under verification procedures mutually agreed by the authorities of the IAEA and the authorities of the other international safeguards system concerned, and (B) shall be applied as soon as practicable but no later than three years from the date of the original entry into force ~~NATO SECRET~~

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of this Treaty;

4. Agreement on the implementation of IAEA verification of another international safeguards system, as provided for in this article, shall be reached as soon as practicable but no later than three years from the date of the original entry into force of this Treaty; and

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## Article V

5. The International safeguards required by this article shall be implemented in a manner designed to avoid hampering the economic or technological development of the parties having them. Nothing in this Treaty shall prejudice the rights of the parties, in conformity with this Treaty, (I) to use nuclear energy for peaceful purposes, in particular for their economic development and social progress, (II) to participate in the safeguarded international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes, and (III) to participate in the fullest possible exchange of scientific information for, and to contribute alone or in cooperation with other States or international organizations to, the further development of the applications of atomic energy for peaceful purposes.

Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty, as well as the right of the Parties to participate in the fullest possible exchange of information for and to contribute, alone or in cooperation with other States, to the further development of the applications of nuclear energy for peaceful purposes.

## Article VI

1. Any Party to this Treaty may propose amendments to this Treaty.

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The text of any proposed amendment shall be submitted to the depositary Governments which shall circulate it to all parties to the Treaty. Thereupon, if requested to do so by one third or more of the parties, the depositary Governments shall convene a conference, to which they shall invite all the parties, to consider such an amendment.

2. Amendments shall enter into force for each party to the Treaty accepting the amendments upon their acceptance by a majority of the Parties to the Treaty and thereafter for each remaining Party to the Treaty on the date of acceptance by it.

3. Five years after the entry into force of this Treaty, a conference of parties shall be held in Geneva, Switzerland, in order to review the operation of the Treaty with a view to assuring that the purpose and provisions of the Treaty are being realized.

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2. Any amendment to this Treaty must be approved by a majority of the votes of all the parties to the Treaty, including the votes of all nuclear-weapon States party to this Treaty. The amendment shall enter into force for all parties upon the deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon states party to this Treaty.

3. Same as US TEXT Article IV 3)

Article VII (Same as US TEXT Article V)

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with Paragraph 3 of this article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of

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designated, which are hereby  
designated, the depositary Governments.

3. This Treaty shall enter into  
force after its ratification by all  
nuclear-weapon States signatory to  
this Treaty, and other  
signatories to this Treaty, and the  
deposit of their instruments of rati-  
fication. For the purposes of this  
Treaty, a nuclear-weapon State is  
one which has manufactured and  
exploded a nuclear weapon or other  
nuclear explosive device prior to  
January 1, 1967.

4. For States whose instruments  
of ratification or accession are  
deposited subsequent to the entry into  
force of this Treaty, it shall enter  
into force on the date of the deposit of their  
instruments of ratification or accession.

5. The depositary Governments  
shall promptly inform all signatory and  
acceding States of the date of each  
signature, the date of deposit of each  
instrument of ratification or of accession,  
the date of the entry into force of this  
Treaty, and the date of receipt of any  
requests for convening a conference or  
other notices.

6. This Treaty shall be registered  
by the depositary Government pursuant  
to article 102 of the Charter of the  
United Nations.

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Article VI

This Treaty shall be of unlimited duration. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article VII

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Article VIII (Same as US TEXT Article VI)

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Article IX (Same as US TEXT Article VII)

This Treaty, the English, Russian, French, Spanish and Chinese Texts of which are equally authentic, shall be deposited in the Archives of the depositary Governments. Duly certified copies of this Treaty shall be transmitted by the depositary Governments to the governments of the signatory and acceding States.

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## DIFFERENCES IN SOVIET TEXT FROM CURRENT U.S. DRAFT

1. U.S. preambular paragraph numbered (5) on research toward instrumented safeguards does not appear.
2. Preambular paragraphs on peaceful uses follow preambular paragraph on IAEA safeguards rather than appearing at end of preambular paragraphs. In addition, earlier preambular paragraph on peaceful uses from U.S. text of March 3, 1967, beginning "Convinced that in furtherance of this principle..." remains in text rather than being deleted as in current U.S. draft.
3. Preambular paragraph on GCD (No. 8 in current U.S. draft) has been expanded to include "agreements on the cessation of the production of nuclear weapons, on the prohibition of the use of nuclear weapons, on the destruction of all their existing stockpiles."
4. Soviet Article III given to US earlier remains in text.
5. Soviet Article IV, the "Kosygin Proposal," has been added.
6. Soviet Article V, quite similar to paragraph 5 of U.S. Article III, has been added. Left out, however, are the points made in the first sentence of U.S. paragraph 5, and in subparagraph (II) of paragraph 5, as well as the reference to cooperation with international organizations in subparagraph (III) of paragraph 5.
7. Paragraph 2 of the original amendments article (derived from test ban treaty) rather than the recent U.S. proposal (derived from space treaty) appears in text.

Soviet text accepts the following recent U.S. proposals:

1. Preambular language that charge for explosive devices should be as low as possible (addition to preambular paragraph 11).
2. Changes in definition of nuclear-weapon state (U.S. Article V, paragraph 3).

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8/30/67

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

**Memorandum of Conversation**

Approved in ACDA/D

DATE: August 23, 1967

**SUBJECT:** Non-Proliferation Treaty (U)

**PARTICIPANTS:** Mr. Edward E. Tomkins, Minister British Embassy  
Mr. Ian M. Smart, First Secretary  
Mr. Adrian S. Fisher, Acting Director, ACDA  
Mr. Gottfried W. Moser, ACDA/D

**COPIES TO:** ACDA (17) EUR/BNA G/PM RPM INR (10) S/S - 2 White House - Mr. Keeny DOD/ISA - Dr. Halperin AEC - Mr. Labowitz (41) CIA - Mr. Drell Amembassy LONDON USMission GENEVA DISDEL (3) USUN NEW YORK

1 SEP 1967

Mr. Tomkins came to pay an introductory call on Mr. Fisher. After the opening pleasantries, Mr. Fisher said we have reached agreement with the Soviets to table the non-proliferation treaty tomorrow at 3:00 p.m. Geneva time. The timing will facilitate simultaneous announcement in both capitals. Mr. Fisher said this will not be a joint tabling, to which the Soviets objected; however, the texts will be identical. Mr. Fisher said the treaty as tabled might cause the FRG some pain. They object to the amendments clause which they say may bind them to amendments with which they do not agree. Mr. Fisher said we pointed out to them that with the veto being available to 24 (excluding France) members of the Board of Directors of the IAEA, which at all times will include one non-nuclear EURATOM member, it is difficult to conceive of an amendment passing which the Germans would oppose.

Mr. Fisher said we anticipate much hard negotiation, especially on Article III. He said, however, that Article III, when singled out as a subject, because of general agreement on the rest of the treaty, will not be as difficult to negotiate as previously when it could be used as an argument against taking up the treaty at all. Mr. Tomkins asked why, in Mr. Fisher's opinion, the Soviets

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delayed until now to table - was it really because the Soviet leaders were on holiday? Mr. Fisher said this well may be the answer for there is no clear indication as to why they chose August 24.

Mr. Tomkins asked what will happen next? How long do we expect the next phase to last? Mr. Fisher said most probably the ENDC will continue through September - perhaps into October. He said we may have to return to NATO to discuss possible changes in our Article III if we are unable to persuade the Soviets with whom we are committed to make a hard sell on our current Article III. He said he felt the merits of our position were good for the EURATOM safeguard system does exist and EURATOM as an entity owns certain nuclear facilities and is responsible for materials accountability within the EURATOM area. He said it is not unreasonable to argue that the IAEA should utilize this organization which is in being. Mr. Fisher said he is aware of the UK's difficulties arising from its application for entry into EURATOM.

Mr. Tomkins asked if we expected that other nations will now come out with all their reservations and are we now in for a free-for-all. Mr. Fisher said we will probably have one round of this but noted that we have had it already with the Germans and the Italians. He said having a draft agreed to by the US and USSR puts a different tone on the negotiations. While the motivation may be greater for those who oppose the treaty to find objections to it as we come closer to a final agreement, at the same time the dangers of objecting to it are also greater.

Mr. Tomkins asked if we will take up the question of what steps in disarmament will follow the NPT and also the question of prohibiting non-nuclear-weapon states from developing peaceful explosive devices or can we leave these problems to one side. Mr. Fisher said actually the treaty does not leave these two issues aside, but addresses them in the preamble.

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In response to Mr. Tomkins' question concerning Kiesinger's expressed desire for a treaty of limited duration, Mr. Fisher said the Secretary raised this point with Gromyko and received a rather dour "no". He said, however, this may be something we will have to compromise on. If so he looked upon it as a possible "closer" and therefore did not think it should be discussed in the near future. Mr. Tomkins asked if the UK proposal for a withdrawal clause was a non-starter. Mr. Fisher said no, he would not be that categorical.

Mr. Tomkins said that while serving in Germany he was somewhat on the fringes of this issue, sometimes wishing that it would go away. However, he was happy that we had been able to carry it this far. Mr. Fisher said that in his discussions with German Parliamentarians who were here last March, he asked them a number of times if they thought West Germany's present non-nuclear policy would be sustainable with ten nuclear powers in the world. They thought it would not. He then pointed out to them the unsettling effect any change in this policy would have on the European scene. He said they made no response to this but it was obvious the point hit home.

Mr. Tomkins asked if we had had any word from the Soviets on our approaches to them on the handling of the strategic arms race. Mr. Fisher said we had not.

Mr. Smart asked what if any reply we had made to the Italians on the Fanfani proposal. Mr. Fisher said we had given them no formal answer, but had outlined a series of problems which the proposal raises. Mr. Fisher said the problem is that the Fanfani proposal takes on protean forms and we cannot make formal objections to something so nebulous. He said we have pointed out to the Italians that this would be a potential competitor to the non-proliferation treaty which is something we would like to avoid. Mr. Smart asked if we automatically excluded the proposal then. Mr. Fisher said we could not say that. Mr. Fisher said the Italians may simply wish to raise the proposal to have it be seen and be looking for a place or for a way in which to drop it. If this is the case, perhaps this could be handled in the Geneva context.

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DEPARTMENT OF STATE

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INFO:

Addressees listed at bottom of page  
Department of State

DATE:

AUG 24 10 04 AM '67

SUBJECT:

Aide-Memoire on the Draft Non-Proliferation Treaty (NPT) (U)

REF:

The enclosed Aide-Memoire (Enclosure 1) contains an explanation of and requests support for the draft NPT (Enclosure 2) which was submitted by the United States and Soviet Co-Chairmen of the ENDC at Geneva on August 24, 1967.

Action addressees should, unless they perceive objections, present the Aide-Memoire and the draft text to governments at the highest level deemed appropriate. Info addressees may draw on them as appropriate in any discussions of the draft NPT, and provide text of treaty.

ENCLOSURES:

1. Aide-Memoire
2. Draft NPT

INFO: ALL NATO CAPITALS (NATUS/BUSEC) AND THE FOLLOWING POSTS

ADDIS ABABA	HONG KONG	RIO de JANEIRO
BELGRADE	LAGOS	STOCKHOLM
BERLIN	MEXICO CITY	SOFIA
BUCHAREST	MOSCOW	TOKYO
BUDAPEST	NEW DELHI	USUN
CAIRO	PRAGUE	VIENNA (IAEA)
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In  Out

Drafted by: *Jai* Contents and Classification Approved by: *Adrian S. Fisher 18 July*  
ACDA/IR:AM Stillman; ACDA/IR:EA Walker:up ACDA/DD - *Adrian S. Fisher 18 July*  
Clearances: *guru* ACDA/IR-Mr. De Palma ACDA/IR-Mr. Kranich *guru* ARA-LA - Mr. Sayre *guru*  
G/PM-Mr. Garthoff AFI-Mr. Hadsel AEC-Mr. Labowitz (Continued on last page)

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The following points should be made orally at the time the Aide-Memoire and text ~~are~~ presented:

1. The USG attaches great importance to the early conclusion of an NPT which will have the widest possible acceptance;
2. The USG believes that an NPT is necessary to prevent the further spread of nuclear weapons, which could seriously increase the threat to peace and security;
3. The NPT will constitute an important step in our continuing efforts to achieve further nuclear arms limitations and control;
4. The basic principles covered in the draft NPT have been considered in great detail over the past several years in both the UNGA and the ENDC;
5. Discussions between the Co-Chairmen are continuing in an effort to reach agreement on an article on safeguards (Article III) for subsequent submission to the ENDC; and
6. FYI If a question is raised as to whether a government not represented in the ENDC may submit its views or comments on the draft treaty to that body, you should state that such views may be sent directly to the Co-Chairmen at Geneva for circulation to the ENDC in accordance with established procedures. You may, if necessary, make clear that such views may be submitted to either or both Co-Chairmen and, if the host government seems inclined to submit comments, suggest that they be transmitted promptly so that they can be taken into account in the early stages of the ENDC discussions. END FYI

If a question is raised as to the status of the draft text submitted to the ENDC, you should state that it has

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been discussed among a number of governments and has their general agreement, but of course no government is committed to accept it pending further discussion and negotiation.

RUSK

FOR PARIS/USNATO: You are requested to pass the enclosed Aide-Memoire for information only to the other NATO Delegations in Paris. In doing so, you should point out that the Aide-Memoire is being delivered by the US to non-NATO, non-ENDC nations and is only for the information of NATO members.

FOR NATO CAPITALS: At their discretion, Embassies in NATO Capitals may pass the enclosed Aide-Memoire to Foreign Ministries. You should indicate that the Aide-Memoire is for information only and has been passed to NATO Delegations in Paris for transmission to capitals. You should also point out that the Aide-Memoire is addressed to non-NATO and non-ENDC capitals and that it incorporates textual and interpretive material previously circulated to NATO members.

Exempted from automatic decontrol.

Clearances continued from first page:

ACDA - Mr. Van Doren *EDW*

DOD - Col. Humphries *EDW*

EUR/RPM - Mr. Baker *EDW*

EA/RA - Capt. Mayo *EDW*

EA/J - Mr. Sneider *EDW*

NEA/RA - Col. Fredericks *EDW*

EUR - Mr. Leddy *EDW*

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page 1

AIDE-MEMOIRE

As the Government of \_\_\_\_\_ is aware, the United States Co-Chairman of the Eighteen-Nation Committee on Disarmament (ENDC) has joined the Soviet Co-Chairman in recommending the attached draft Non-Proliferation Treaty for discussion and negotiation in the Committee and for the consideration of all governments. The draft was formulated by the Co-Chairmen following extensive consultations which the US and USSR have held with other governments on questions affecting their interests. In this undertaking, the United States derived invaluable assistance and guidance from previous deliberations on non-proliferation in the ENDC and in the United Nations General Assembly.

The United States hopes that this draft, after it has been fully considered by the Committee and after other interested governments have had an opportunity to consider it, will take final form as a treaty signed and ultimately ratified by the greatest possible number of nations. To facilitate this procedure, the United States Government offers the following explanations regarding various elements of the recommended draft and remains ready to provide any additional information or explanation which may be requested:

The United States is convinced, along with most other nations, that the proliferation of nuclear weapons would heighten international tensions, increase the danger of nuclear war and diminish the security of all nations. For over twenty years, the United States has sought assiduously to achieve international agreements leading to the elimination of nuclear weapons in all countries. Despite these efforts, additional countries have obtained nuclear weapons. The threat of further spread of these weapons caused great concern in the international community and has prompted a

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series of UNGA resolutions which have now culminated in the present draft treaty on non-proliferation of nuclear weapons.

\* \* \*

Articles I and II are at the core of the draft treaty.

Article I deals with the obligations of nuclear-weapon states. First, they cannot transfer nuclear weapons, or control over them, to any recipient whatsoever. Second, they cannot assist non-nuclear-weapon states to manufacture or otherwise acquire nuclear weapons. Third, these prohibitions are applicable not only to nuclear weapons but also to other nuclear explosive devices because the technology for making such devices is essentially indistinguishable from that of nuclear weapons and because such devices could easily be adapted for use as weapons.

The United States recognizes that the benefits which may some day be realized from nuclear explosions for peaceful purposes should be available to the non-nuclear states. It is for this reason that the U.S. is prepared to make available nuclear explosive services for peaceful purposes on a non-discriminatory basis under appropriate international arrangements. We are prepared to join other nuclear states in a commitment to do this. We are therefore pleased that the preamble of the draft NPT contains a forthright provision on the availability of peaceful nuclear explosions.

Article II deals with the obligations of non-nuclear-weapon states and is the obverse of Article I. First, such states cannot receive the transfer of nuclear weapons, or control over them, from any transferor whatsoever. Second, they cannot manufacture or otherwise acquire nuclear weapons, or seek or receive assistance for such manufacture. Third,

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these prohibitions are applicable not only to nuclear weapons but also to other nuclear explosive devices.

Article III, the safeguards article, has been left blank because the Co-Chairmen have not yet been able to complete their work on a formula which they would expect to be acceptable to all states which wish to support this treaty. The Co-Chairmen are continuing their consultations with a view to drafting an agreed text for this Article. The purpose of the Article will be to provide for the application of safeguards to ensure that source or special fissionable material is not diverted to nuclear weapons or other nuclear explosive devices by countries which have undertaken not to manufacture these devices in accordance with the treaty. Both Co-Chairmen believe that such safeguards should be mandatory and form an integral part of the treaty. It will be noted that the preamble already contains several references to safeguards.

Article IV results from many suggestions by non-nuclear-weapon countries that the treaty contain an article on peaceful uses of atomic energy. Indeed, the idea for such an article was originally derived from the Treaty of Tlatelolco, Mexico, establishing a nuclear-free zone in Latin America. The Article describes two recognized rights of Parties with respect to peaceful uses. First, it makes clear that nothing in the treaty draft interferes with the right of Parties to develop their research, production and use of nuclear energy for peaceful purposes in compliance with Articles I and II and taking into account the provisions on other nuclear explosive devices. Second, it recognizes the right of the parties to participate in the fullest possible exchange of information for, and to contribute alone or in cooperation with other states to, the further development of the applications of nuclear energy for peaceful purposes. These two rights are specific elaborations of the principle, stated in the preamble, "that the benefits of peaceful applications of nuclear technology . . . should be available

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for peaceful purposes to all Parties, whether nuclear weapon or non-nuclear weapon states". As the preamble also makes clear, this principle includes not only modern reactor technology and the like, but "any technological by-products which may be derived by nuclear-weapon states from the development of nuclear explosive devices".

These provisions make clear that the treaty would promote, not discourage, national development and international cooperation with respect to peaceful applications of atomic energy. This applies to research, production and use as well as to information, equipment and materials.

Article V deals with amendments and review. Paragraph 1 states how amendments may be initiated. Paragraph 2 describes how amendments enter into force. It specifies that an amendment shall become effective after approval by a majority of the Parties, including all the nuclear-weapon Parties and all other Parties which are members of the Board of Governors of the International Atomic Energy Agency.

The last paragraph of Article V provides for a conference after five years to review the treaty's operation with a view to assuring that its purposes and provisions are being realized. This will provide an opportunity for non-nuclear and nuclear-weapon states alike to assess whether the treaty is accomplishing its primary purpose of preventing the spread of nuclear weapons and also its purposes of easing international tensions and facilitating agreement on cessation of the nuclear arms race and on disarmament. The review conference is thus relevant to the question of further measures of disarmament which are expected to follow the conclusion of a non-proliferation treaty.

Article VI contains signature and entry into force provisions derived from those of the Test Ban Treaty. It would require that a certain number of non-nuclear-weapon

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states in addition to the nuclear-weapon signatories would have to ratify before the treaty would enter into force. The Co-Chairmen have not as yet expressed a view on the precise number. The United States believes it should be sufficiently large so that the treaty will begin to achieve its purposes when it enters into force.

Article VI also contains a definition of a nuclear-weapon state as one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967. This provision is included in order to assure the treaty's primary purpose of preventing an increase in the number of nuclear-weapon states. January 1, 1967, is an appropriate date in view of the fact that late in 1966, the UNGA adopted Resolution 2149 (XXI) urgently appealing to all states, pending the conclusion of an NPT, "to refrain from any actions conducive to the proliferation of nuclear weapons or which might hamper the conclusion of an agreement on the non-proliferation of nuclear weapons".

Article VII stipulates that the treaty should be of unlimited duration. The United States believes that a treaty of unlimited duration would inspire confidence and establish a firm basis for further arms control measures. The review conference and the amendments article would meet any need for adjustment of the treaty to changing conditions.

Article VII contains a withdrawal clause similar to that of the Test Ban Treaty with one significant improvement. The notice of withdrawal, together with a statement of reasons therefor, would be submitted to the UN Security Council as well as to the Parties. Having adhered to the treaty because it believes the treaty is consistent with its security interests, a Party can cease to be bound by the treaty if it decides that its supreme interests have been jeopardized by extraordinary events related to the subject matter of the treaty.

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Article VIII provides depositary procedures for the treaty text. It also states that the treaty will be equally authentic in each of the five official languages of the United Nations.

\* \* \*

The problem of security assurances, which is of concern to some non-aligned countries, remains to be considered. The United States maintains the view that this is a matter which, because of its complexity and the divergent interests involved, cannot be dealt with in the treaty itself. We are, however, exploring various possible solutions, including action which could be taken in the context of the United Nations, whose primary purpose is the maintenance of peace and security. We expect that the Co-Chairmen will be exploring this problem further with a view to presenting recommendations to the Eighteen-Nation Disarmament Conference in the course of its considerations of the treaty.

\* \* \*

A non-proliferation treaty is a basic step in the broader pattern of disarmament which the United States hopes will lead to a more secure world. It is only one step; other measures will be needed to halt and turn back the arms race.

The draft treaty tabled in Geneva contains preambular provisions on arms control and disarmament, including a "declaration of intention" to achieve a cessation of the nuclear arms race at the earliest possible date. The "declaration of intention" form was suggested by the

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non-aligned members of the ENDC (Brazil, Burma, Ethiopia, India, Mexico, Nigeria, Sweden and the United Arab Republic) in their Joint Memorandum on Non-Proliferation of Nuclear Weapons which they presented to the ENDC on August 19, 1966, and which subsequently was attached to the Conference Report to the UN Disarmament Commission and the General Assembly. Another preambular paragraph calls for ultimate elimination of nuclear weapons and delivery vehicles from national arsenals pursuant to a treaty on general and complete disarmament under strict and effective international control.

The United States Government firmly believes that, on the basis of the recommended treaty draft, the nations of the world can succeed in eradicating the spectre of further nuclear proliferation before it is too late. This in turn would greatly facilitate progress on other measures to halt the arms race and to begin to reduce existing nuclear arsenals.

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DRAFT TREATY ON THE  
NON-PROLIFERATION OF NUCLEAR WEAPONS

The States concluding this Treaty, hereinafter referred to as the "Parties to the Treaty,"

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to cooperate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,

Expressing their support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-weapon States,

Convinced that in furtherance of this principle, all Parties to this Treaty are entitled to participate in the fullest possible exchange of scientific information for, and

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submission to the ENDC

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to contribute alone or in cooperation with other States to,  
the further development of the applications of atomic energy  
for peaceful purposes,<sup>12</sup>

Declaring their intention that potential benefits from  
any peaceful applications of nuclear explosions should be  
available through appropriate international procedures to  
non-nuclear-weapon States Party to this Treaty on a non-  
discriminatory basis and that the charge to such Parties for  
the explosive devices used should be as low as possible and  
exclude any charge for research and development,

Declaring their intention to achieve at the earliest  
possible date the cessation of the nuclear arms race,

Urging the cooperation of all States in the attainment  
of this objective,

Desiring to further the easing of international tension  
and the strengthening of trust between States in order to  
facilitate the cessation of the manufacture of nuclear weapons,  
the liquidation of all their existing stockpiles, and the  
elimination from national arsenals of nuclear weapons and the  
means of their delivery pursuant to a treaty on general and  
complete disarmament under strict and effective international  
control,

Noting that nothing in this Treaty affects the right of  
any group of States to conclude regional treaties in order to  
assure the total absence of nuclear weapons in their respective  
territories,

Have agreed as follows:

ARTICLE I

Each nuclear-weapon State Party to this Treaty under-  
takes not to transfer to any recipient whatsoever nuclear  
weapons or other nuclear explosive devices or control over  
such weapons or explosive devices directly, or indirectly; and  
not in any way to assist, encourage, or induce any non-nuclear-  
weapon State to manufacture or otherwise acquire nuclear weapons  
or other nuclear explosive devices, or control over such weapons  
or explosive devices.

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## ARTICLE II

Each non-nuclear-weapon State Party to this Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

## ARTICLE III

(International Control)

## ARTICLE IV

Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty, as well as the right of the Parties to participate in the fullest possible exchange of information for, and to contribute alone or in cooperation with other States to, the further development of the applications of nuclear energy for peaceful purposes.

## ARTICLE V

1. Any Party to this Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.

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2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to this Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force for all Parties upon the deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to this Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency.

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes and provisions of the Treaty are being realized.

#### ARTICLE VI

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of \_\_\_\_\_, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by all nuclear-weapon States signatory to this Treaty, and \_\_\_\_\_ other States signatory to this Treaty, and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967..

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force

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of this Treaty, it shall enter into force on the date of the 15 deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

#### ARTICLE VII

This Treaty shall be of unlimited duration.

Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

#### ARTICLE VIII

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

In witness whereof the undersigned, duly authorized, have signed this Treaty.

Done in \_\_\_\_\_ at \_\_\_\_\_ this \_\_\_\_ day  
of \_\_\_\_\_, \_\_\_\_.

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### THE NON-PROLIFERATION TREATY

In the early fall of 1966, President Johnson was faced with the critical decision in the negotiation of the Non-Proliferation Treaty (NPT) -- whether to seek a compromise agreement with the Soviet Union on the basic obligation of the NPT that would not permit the Multilateral Force/Atlantic Nuclear Force (MLF/ANF) concepts. The US and Soviet Union had reached an impasse on the formulation of the basic obligations of the treaty as a consequence of the special problems created by the MLF/ANF proposals. At the same time, it seemed clear that the Soviets wanted the treaty and would probably retreat from their own formal position that also brought into question existing US-NATO nuclear arrangements in order to obtain agreement. The issue evolved slowly during the summer and fall of 1966 in complex negotiations over treaty language so that one cannot point to a single crisis or to a specific Presidential decision that resolved the problem. Nevertheless, President Johnson's firm continuing desire to move ahead with the treaty provided the impetus that led to achieving compromise language without which further progress on the treaty would have been impossible.

Ever since the Baruch Plan in 1946, it had been US policy to oppose the spread of nuclear weapons. Various proposals to this end were advanced during the Eisenhower and Kennedy Administrations. The 1961 UN General Assembly unanimously adopted the Irish Resolution calling on all states to conclude a non-proliferation agreement. The proposal was not seriously pursued, however, until President Johnson in his message of January 21, 1964, to the Eighteen-Nation Disarmament Committee (ENDC) called for a non-proliferation agreement based on the Irish Resolution. This set in motion one of the most complex negotiations in the history of diplomacy extending over a period of 4-1/2 years and involving most of the major countries in the world. A detailed chronological description of these negotiations is contained in Appendix A.

The first Chinese nuclear test in October 1964 focussed new attention on the urgency of preventing the further spread of nuclear weapons. To this end, President Johnson appointed a special committee of distinguished citizens, under the chairmanship of Roswell Gilpatric,

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to study the problem presented by nuclear proliferation. In its report to the President, Appendix B, the Committee called for an intensification of efforts to achieve a non-proliferation agreement despite problems this might create with various allies and neutrals.

The negotiation of the NPT proved exceedingly difficult. From the outset, the US faced a fundamental dilemma: how to meet the conflicting demands of, on the one hand, our policy to stop the spread of nuclear weapons and, on the other hand, the requirements of our existing nuclear arrangements with our NATO allies and future plans for nuclear sharing with our NATO allies. This dilemma focussed on the long-standing US proposal to develop the MLF/ANF which would have involved some form of joint ownership, manning, and command of a NATO strategic nuclear force. Although the rationale for the MLF/ANF centered on strengthening the NATO alliance and encouraging European unity, it was also argued that it would in fact serve as a non-proliferation measure itself by removing the incentive for the Germans and other Europeans to develop independent nuclear forces.

The Soviets made it clear from the beginning of the negotiations on the NPT that they were not interested in an undertaking that would permit the MLF. In fact, their actions indicated that their principal initial interest in the treaty was to deny such a capability to the Germans. The NPT negotiations, therefore, started under particularly difficult circumstances since the US effort to achieve an MLF agreement was concurrently building to a climax. The confrontation on this issue initially obscured the more general question as to whether or not the Soviets would accept an agreement that was consistent with existing US nuclear arrangements with its allies and future plans for broader consultation within the alliance.

The United States submitted a draft Non-Proliferation Treaty to the ENDC on August 17, 1965. This draft clearly left open the possibility of MLF/ANF arrangements since these did not constitute proliferation as defined in the draft treaty. The Soviet Union countered by submitting its own draft treaty to the UNGA on September 24, 1965. The Soviet draft treaty clearly prohibited MLF/ANF arrangements since non-nuclear weapons states were not given "the right to participate in the ownership, control, or use of nuclear weapons." Moreover, the Soviet draft raised questions as to the acceptability of existing

US-NATO nuclear arrangements as well as the possibility of joint US-NATO nuclear planning. Although the operative article in neither draft was acceptable to the other party, the drafts did begin to focus attention on the precise areas of difference and indicated the other considerations that would have to be covered in such a treaty. On March 21, 1966, the US submitted an amended formulation of the operative articles; however, these did not really narrow the fundamental difference with the Soviets over the issue of the MLF/ANF. In Appendix C, the original Soviet draft treaty and the US draft treaty, as amended March 21, 1966, are compared.

After Prime Minister Wilson's visit in December 1964 and the issuance of NSAM 322, pressure within the US Government for the MLF/ANF proposal gradually declined during 1965. Although the plan was essentially moribund by the beginning of 1966, there continued to be strong reluctance to take any action that would formally foreclose the possibility of future development of this type of arrangement.

Concurrently, by the summer of 1966 there were increasing signs that the Soviets really wanted an NPT and might be willing to make some concessions in their previously adamant position. There was, however, still a widely held view in the US Government that the Soviets were really only interested in the NPT as a weapon to attack the NATO alliance in general and the FRG in particular. In this view, any concessions on our part with regard to the MLF/ANF would not be met by any Soviet concessions but would simply start us off on a slippery slope with increased Soviet attacks on existing US nuclear arrangements with NATO.

Despite reservations about the NPT within the US Government, there was strong and growing public interest and support for the concept of the NPT. This was best exemplified by the unanimous approval in the Senate on May 17, 1966, of the Pastore Resolution endorsing the Administration's efforts to obtain the NPT.

In this atmosphere of mixed anticipation and apprehension in the summer of 1966, Ambassador Fisher began exploratory discussions with his opposite number, Ambassador Roshchin, to determine whether modifications in language or alternative formulations of the basic treaty

obligations were possible. As the talks progressed, it became increasingly clear that the Soviets wanted agreement on the NPT but would not accept a formulation that would legalize the MLF. The details of these and other critical negotiations during the summer and fall of 1966, when the future of the NPT was decided, are covered in Page 73-124 of Appendix A, and the documentation covering this period of the negotiations is contained in the Annex to Appendix A.

During this period, consideration was given within the US Government to various reformulations of the basic obligations under the treaty in an effort to avoid the issue of the MLF/ANF that divided the negotiators. For example, reacting to a Soviet criticism of the US position, Secretary Rusk suggested an alternative approach to the treaty based on the concept of barring "physical access" to nuclear weapons, rather than the concepts of "transfer" or "control." However, given the existing nuclear arrangements with our NATO allies, this proved to present more problems than it resolved, and it was not pursued. Efforts were made to reassure the Soviets in terms of the existing provisions of our Atomic Energy Act; however, this did not resolve the question of treaty language.

By the end of the summer, it appeared that we could obtain a treaty based on a simple "no transfer" formula that would rule out an MLF/ANF type arrangement but would protect our existing NATO nuclear arrangements and future NATO nuclear consultations, and would not bar the succession of a future European state to the nuclear status of one of its former components. There was a clear division of opinion within the US Government as to whether or not we should accept this formulation as the basis for a treaty. Although the focus of attention at this point of decision was almost exclusively on the NPT, there were other approaches to the non-proliferation problem that found support within the Government and were advanced as possible alternatives. A summary of the status of alternative approaches to the non-proliferation problem at this point is set forth in a memorandum, dated August 30, 1966, in Appendix D.

On September 22 and again on September 24, Secretary Rusk and Foreign Minister Gromyko had a frank discussion of the status of the NPT negotiations. The desire of both parties to achieve agree-

ment and the small margin of difference were clear. On instruction after each meeting, Ambassadors Foster and Roshchin attempted without success to find satisfactory compromise language.

In the meantime, on September 26 and 27, 1966, Chancellor Erhard and Foreign Minister Schroeder met with the President and Secretaries of State and Defense to discuss nuclear sharing and non-proliferation. During the talks, the Germans indicated that they would not press at this time for a hardware solution and agreed in the public communique on the need to check the proliferation of nuclear weapons into the national control of non-nuclear weapons states.

On October 1, 1966, the President met at Camp David with Secretaries Rusk and McNamara and other principal foreign policy advisors and discussed the status of the NPT negotiations. The conclusion of the meeting as reported by Secretary Rusk (Annex, Page 107, Item 81) was subject to varying interpretations and did not give any direct guidance as to whether we were prepared to accept compromise language. At the same time, the President's statements made clear his strong belief in the policy of non-proliferation and his desire to obtain a treaty if possible.

On October 10, 1966, Foreign Minister Gromyko and Secretary Rusk discussed the problem further without resolving the question of language. Gromyko also met with President Johnson after which both made optimistic public statements concerning the prospects for agreement.

In early November, 1966, the Foster-Roshchin working level negotiations resumed. After extended discussions of various formulations, the Soviets on December 5, 1966, formally proposed adoption of the specific language that was finally to appear in the treaty (Appendix E). Ambassador Foster recommended that the US accept this language. However, no formal decision was taken at that time. Instead, Secretary Rusk gave the proposed compromise language to the Foreign Ministers of the UK, Canada, France, FRG, and Italy at the NATO Ministerial Meeting, December 12-14, 1966, for their consideration. Thus, although the US was not yet formally committed to the language, it had in effect been agreed upon, subject to consultation with our allies.

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Another 1-1/2 years of complex negotiations were to take place with the Soviets, our allies, and the non-aligned in the development of the complete text of the Non-Proliferation Treaty. Many extremely difficult issues would have to be faced, such as the safeguards provisions, peaceful uses of nuclear explosives, the handling of nuclear guarantees, the duration of the treaty, etc. Nevertheless, once an informal meeting of minds with the Soviets was achieved on the formulation of the basic treaty obligation, the way was finally cleared to move forward on the drafting and negotiation of the complete treaty.

*Spurgeon M. Keeny, Jr.*  
Spurgeon M. Keeny, Jr.

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### TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

#### Notification of the entry into force

1. By letters addressed to the Director General on 5, 6 and 20 March 1970 respectively, the Governments of the United Kingdom of Great Britain and Northern Ireland, the United States of America and the Union of Soviet Socialist Republics, which are designated as the Depositary Governments in Article IX. 2 of the Treaty on the Non-Proliferation of Nuclear Weapons, informed the Agency that the Treaty had entered into force on 5 March 1970.

2. The text of the Treaty, taken from a certified true copy provided by one of the Depositary Governments, is reproduced below for the convenience of all Members.

---

#### TREATY

#### ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

The States concluding this Treaty, hereinafter referred to as the "Parties to the Treaty",

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to co-operate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,

Expressing their support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-weapon States,

Convinced that, in furtherance of this principle, all Parties to the Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in co-operation with other States to, the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament,

Urging the co-operation of all States in the attainment of this objective,

Recalling the determination expressed by the Parties to the 1963 Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water in its Preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end,

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a Treaty on general and complete disarmament under strict and effective international control,

Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations, and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources,

Have agreed as follows:

## ARTICLE I

Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

## ARTICLE II

Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

## ARTICLE III

1. Each Non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfilment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this Article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this Article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.

2. Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this Article.

3. The safeguards required by this Article shall be implemented in a manner designed to comply with Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international co-operation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this Article and the principle of safeguarding set forth in the Preamble of the Treaty.

4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this Article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification or accession after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.

#### ARTICLE IV

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty.

2. All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also co-operate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world.

#### ARTICLE V

Each Party to the Treaty undertakes to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. Non-nuclear-weapon States Party to the Treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States. Negotiations on this subject shall commence as soon as possible after the Treaty enters into force. Non-nuclear-weapon States Party to the Treaty so desiring may also obtain such benefits pursuant to bilateral agreements.

ARTICLE VI

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

ARTICLE VII

Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.

ARTICLE VIII

1. Any Party to the Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force for each Party that deposits its instrument of ratification of the amendment upon the deposit of such instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. Thereafter, it shall enter into force for any other Party upon the deposit of its instrument of ratification of the amendment.

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realised. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

ARTICLE IX

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositaries of the Treaty, and forty other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January, 1967.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

#### ARTICLE X

1. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

2. Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

#### ARTICLE XI

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorised, have signed this Treaty.

DONE in triplicate, at the cities of London, Moscow and Washington, the first day of July, one thousand nine hundred and sixty-eight.

indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

#### Article XI

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### HEADS OF STATES WELCOME NPT

In Moscow, London and Washington the Heads of State of USSR, UK and USA each made statements welcoming the Treaty on Non-Proliferation of Nuclear Weapons when the first signing ceremonies took place on 1 July.

#### Mr. KOSYGIN'S SPEECH

In Moscow, Mr. A. Kosygin, Chairman of the Council of Ministers of the USSR, said:

At the request of the Soviet Government I would like to express deep satisfaction with the fact that today the signing of the Treaty on the Non-Proliferation of Nuclear Weapons is beginning. This is an important international document; and it has been commended by the vast majority of Member States of the United Nations. The conclusion of the Non-Proliferation Treaty is a major contribution to peace. Ever since nuclear weapons appeared the Soviet Union has firmly and consistently made efforts to remove the nuclear threat from mankind. The Treaty is an important step towards this objective since it constitutes a barrier to the further proliferation of nuclear weapons and in doing so decreases the danger of nuclear war breaking out.

The participation by a large number of States today in signing the Treaty is convincing proof that mutually acceptable ways and means can be found by States for solving difficult international problems of vital importance for mankind as a whole. The drawing up of the Treaty has demanded great efforts and



The scene in Moscow when A.N. Kosygin, Chairman of the USSR Council of Ministers, made his speech after the signing there of the nuclear Non-Proliferation Treaty. The signatories were A.A. Gromyko, USSR Minister for Foreign Affairs, Sir Geoffrey Harrison, UK Ambassador to USSR, and L.E. Thompson, USA Ambassador to USSR.

Photo: Fotochronika Tass

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prolonged discussions in which States with differing social systems, nuclear and non-nuclear Powers, countries large and small, advanced and developing, have all taken part. The Treaty reflects the numerous suggestions and proposals put forward by different States and takes into account the differing points of view on solving the problem of non-proliferation, yet all the States which voted for it have agreed on the main point, namely the necessity of preventing proliferation of nuclear weapons.

The resolution recently adopted by the Security Council on security guarantees for non-nuclear States Parties to the Treaty constitutes an important supplement to the Treaty itself. The Soviet Government, as was stated in the Security Council, intends to adhere to this decision with the utmost strictness.

Five years ago here in Moscow we signed a treaty banning nuclear weapon tests in the atmosphere, in outer space and under water. Subsequently, the treaty forbidding the use of outer space for military purposes was concluded. Together with the Treaty on the Non-Proliferation of Nuclear Weapons these constitute practical steps towards limiting the arms race and create more favourable conditions for progress in disarmament.

The Soviet Government, attaching great importance to those provisions of the Treaty on the Non-Proliferation of Nuclear Weapons which impose on

parties to the Treaty the obligation to pursue negotiations in good faith on effective measures for cessation of the nuclear arms race and nuclear disarmament, has decided to send a memorandum to all governments on certain urgent measures relating to cessation of the arms race and disarmament, for example a ban on the employment of nuclear weapons, a cessation of the manufacture of nuclear weapons, the reduction and liquidation of nuclear stock-piles and the limitation and subsequent reduction of means of delivery of strategic weapons. The Soviet Government attaches exceptional importance to this memorandum it has sent, since it is directed at strengthening peace. Simultaneous or gradual implementation of the disarmament measures proposed by the Soviet Government would be a serious contribution to the struggle to end the arms race and to reach a general solution to the whole problem of disarmament.

I would like to express the hope that the memorandum will be examined by the governments of the world with all necessary attention, that it will be the object of thorough and constructive discussion in the Eighteen-Nation Committee on Disarmament, which in the near future is to renew its work, and that as a result of this, it will prove possible to achieve concrete results in the sphere of disarmament, in accordance with the aspirations of all peoples throughout the world.

## STATEMENTS IN LONDON

Mr. Harold Wilson, Prime Minister of the U.K., and Mr. Michael Stewart, Secretary of State for Foreign Affairs, both spoke at the London ceremony.

Mr. Wilson: This is an historic occasion. I have no hesitation in describing this Treaty, which is being signed today in Moscow and Washington as well as here in London, as the most important measure of arms control and disarmament on which agreement has yet been reached. If steps had not been taken to prevent nuclear weapons spreading first to one country, then to another, within a few years the whole world would have been darkened by a black cloud of fear. The purpose of this Treaty is to dispel that gathering cloud, and to ensure that the vast forces locked in the atom are devoted to the welfare of mankind, rather than to its destruction.

It is nearly seven years since the idea of a non-proliferation treaty was first conceived. During the long negotiations since then, cynics have said that the idea would never become a reality; that time was working against us. Certainly, if we had not now approved this Treaty, we might never have been given another chance to halt the spread of nuclear weapons; and the cynics would have been proved right. But, as it is, we have chosen the road of wisdom. It will lead, we confidently expect, to continuing advance towards further measures of arms control and disarmament.

For this success we are greatly indebted to that patient and expert body, the Eighteen-Nation Disarmament Committee. The Treaty is also proof that in a matter of highest importance East and West can work together towards the common goal of world security. We all know how much the Treaty owes to



Michael Stewart, UK Foreign Secretary, signs the Non-Proliferation Treaty in London watched by David Bruce, US Ambassador, (extreme right) and Mikhail N. Smirnovsky, USSR Ambassador, (second from left). On the extreme left is Harold Wilson, UK Prime Minister, who opened the ceremony.

Photo: Associated Press

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the United States and the Soviet Union, whose distinguished representatives are here to sign this Treaty. And I pay tribute in particular to the tireless work and skilled diplomacy of Mr. Foster and Mr. Roschin, the Co-Chairmen of the E.N.D.C., who can be rightly proud of the success with which their labours have at last been crowned.

But I would not like this occasion to pass without mentioning also the persistence and the skill of our own negotiating team led so ably over the past few years, by my right honourable friends Mr. Mulley and Lord Chalfont whose presence at this ceremony we all welcome.

When the Government was formed nearly four years ago Lord Chalfont was appointed Britain's first ever Minister of Disarmament with full time responsibility for working with other Governments, first towards the achievement we are celebrating today and then further measures of arms control leading to the final goal of general and complete disarmament.

I believe that Britain was able to play a significant part in helping towards today's achievement as a result of the efforts, under the direction of the Foreign Secretary, of these two Ministers who have striven so tirelessly for the historic moment we are celebrating today.

Your Excellencies, this is not a Treaty for which just two or three countries are responsible. It exists because it reflects and enshrines mankind's universal and fundamental desire for peace and security. Every Government whose representatives supported the Treaty in the United Nations General Assembly and who voted for the resolution can feel that it has contributed to the Treaty we are signing today; and the many representatives present at this ceremony have the special distinction of demonstrating their and their countries' support for the Treaty by signing it on the day that it is opened for signature.

I am sure that I voice a sentiment that all of you will echo when I say that Her Majesty's Government will continue, with renewed confidence and renewed hope, to work for further advances in disarmament — confident and hopeful that we shall in the future be able to look back on this occasion as a major step towards a better and safer world.

Mr. Stewart: For more than twenty years, the threat of nuclear destruction has hovered over the fortunes of mankind. During that period the moments of fear and anxiety have been too many and the moments of rejoicing too few, but today we have an occasion of rejoicing because by this Treaty we not only avert the spread of nuclear weapons, over the world, but we increase trust between nations, and so make easier the task of taking those further steps and they are still many which can deliver the peoples of the world from the burden of the cost of armaments and offer to the new generation a world more sure and more full of hope. So it is a matter of great joy to me that I have been able to sign this Treaty today and it is now with equal delight that I ask the distinguished representatives of other States here to come and sign the Treaty.

#### PRESIDENT JOHNSON'S ADDRESS

At the ceremony in Washington President Lyndon B. Johnson gave the following address:

This is a reassuring and hopeful moment in the relations among nations.

We have come today to sign a treaty which limits the spread of nuclear weapons.

More than fifty nations are here in Washington to commit their governments to this Treaty. Their representatives are also signing today in Moscow and in London. We hope and expect that virtually all the nations will move in the weeks and months ahead to accept this Treaty which was commended to the world by the overwhelming majority of the members of the United Nations General Assembly.

The Treaty's purpose are simple:

- To commit the nations of the world which do not have nuclear weapons, not to produce or receive them in the future;



Dean Rusk, US Foreign Secretary, signing the Non-Proliferation Treaty in Washington. On his left is President Johnson and to his right are William Foster, US Representative to the Eighteen-Nation Committee on Disarmament, Sir Patrick Dean, UK Ambassador, and Anatoliy Dobrynin, USSR Ambassador, each of whom also signed the Treaty. Photo: Votavafoto, Wien

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- To assure equally that such nations have the full peaceful benefits of the atom;
- and to omit the nuclear powers to move forward towards effective measures of arms control and disarmament.

Just a year ago, Chairman Kosygin and I agreed at Glassboro that we could work intensively in the time ahead to achieve this result.

After nearly a quarter century of danger and fear — reason and sanity have prevailed to reduce the danger and to lessen the fear. All mankind is reassured.

As the moment is reassuring, so it is, even more, hopeful and heartening. For this Treaty is evidence that amid the tensions, the strife, the struggle and sorrow of these years, men of many nations have not lost the way — or the will — toward peace. The conclusion of this Treaty encourages the hope that other steps may be taken toward a peaceful world.

It is for these reasons — and in this perspective — that I have described this Treaty as the most important international agreement since the beginning of the nuclear age.

It enhances the security of all nations by significantly reducing the danger of nuclear war among nations.

It encourages the peaceful use of nuclear energy by assuring effective safeguards against its destructive use.

But, perhaps most significantly, the signing of this Treaty keeps alive and active the impulse toward a safer world.

We are inclined to neglect and overlook what that impulse has brought about in recent years. There have been fruitful times for the quiet works of diplomacy. After long seasons of patient and painstaking negotiation, we have concluded, just within the past five years:

- The Limited Test Ban Treaty
- The Outer Space Treaty
- and the Treaty creating a nuclear-free zone in Latin America.

The march of mankind is toward the summit — not the chasm. We must not, we shall not allow that march to be interrupted.

This Treaty, like the Treaties it follows, is not the work of any one nation. It is the accomplishment of nations which seek to exercise their responsibilities for maintaining peace and a stable world order. It is my hope — and the common will of mankind — that all nations will agree that this Treaty affords them added protection. We hope they will accept the Treaty and thereby contribute further to international peace and security.

As one of the nations having nuclear weapons, the United States — all through these years — has borne an awesome responsibility. This Treaty increases that responsibility — for we have pledged that we shall use our weapons only in conformity with the Charter of the United Nations.

Furthermore, we have made clear to the United Nations Security Council what I would repeat today: If a state which has accepted this Treaty does not have nuclear weapons and is a victim of aggression, or is subject to a threat of aggression, involving nuclear weapons, the United States shall be prepared to ask immediate Security Council action to provide assistance in accordance with the Charter.

In welcoming the Treaty that prevents the spread of nuclear weapons, I repeat the United States commitment to honor all our obligations under existing treaties of mutual security. Such agreements have added greatly to the security of our nation and the nations with which such agreements exist. They have created a degree of stability in an often unstable world.

This Treaty is an important security measure. But it also lays an indispensable foundation:

- For expanded cooperation in the peaceful application of nuclear energy;
- and for additional measures to halt the nuclear arms race.

We will cooperate fully to bring the Treaty safeguards into being. We shall thus help provide the basis of confidence necessary for increased cooperation in the peaceful nuclear field. After the Treaty has come into force we will permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States — excluding only those with direct national security significance. Thus, the United States is not asking any country to accept any safeguards we are not willing to accept ourselves.

As the Treaty requires, we shall also engage in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. The needs of the developing nations will be given particular attention.

We shall make readily available to the non-nuclear Treaty partners the benefits of nuclear explosions for peaceful purposes. And we shall do so without delay and under the Treaty's provisions.

At this moment of achievement and hope, I am gratified to be able to report and announce to the world a significant agreement — an agreement I have actively sought and worked for since January 1964:

Agreement has been reached between the Governments of the Union of Soviet Socialist Republics and the United States to enter in the nearest future into discussions on the limitation and reduction of both offensive strategic nuclear weapons delivery systems and systems of defense against ballistic missiles.

Discussion of this most complex subject will not be easy. We have no illusions that it will be. I know the stubborn, patient persistence it has required to get this far. I know the difficulties that lie ahead. I know the fears, suspicions, and anxieties we shall have to overcome. But I believe that the same spirit of accommodation shown in the negotiation of the present treaty can bring us to a good result.

Man can still shape his destiny in the nuclear age — and learn to live as brothers.

Toward that goal — the day when the world moves out of the night of war into the light of sanity and security — I solemnly pledge the resources, the resolve, and the unrelenting efforts of the people of the United States and their Government.

I want to thank all the people who helped me create both the ifri paper and these two volumes. The process of exploring a relatively simple question - are NATO's nuclear sharing arrangements a violation of the NPT Articles I and II? - led me to read and discover things I would have never found otherwise. So, my first thanks are to the Russian Federation for accusing NATO and the US of violating the NPT. I now know for certain that NATO and the US are not violating the NPT, and rather, that the US and USSR joint endeavor to negotiate Articles I and II to accommodate NATO and balance both sides interests is an extraordinary achievement of Cold War diplomacy.

My next thanks goes to Ambassador Alexander Vershbow, for challenging me first to answer the question, and then to tell the story to the world. I will always be grateful to Charlaine Hester, Archivist at the National Archives LBJ Library, who spent the time to help me when no one else would. I must thank Catherine Gerth, keeper of the NATO Archives, for her, and her team's indefatigable support throughout this process and beyond. Her help in finding, scanning, declassifying, and now publishing these materials is something I can never pay back. I want to thank all of my colleagues who buoyed me through the process, reading, editing, researching, and challenging the paper until it was ready to show - Ieva Karpavičiūtė, April Curtis, and Matt Korda - thank you, guys! And finally, thank you to Corentin Brustlein, for finding value in my draft paper, helping me to revise it, and publishing through ifri for the world to see.





