

Note de Synthèse historique
sur la rédaction des plans 7 et 8
de C.M.(6) 104.

ANNEX

36

NATO SECRET

11th October, 1966

PREPARATION OF INSTRUCTIONS TO THE NATO MILITARY
AUTHORITIES ON NATO PLANNING FOR A BERLIN EMERGENCY

Phase I Communication by the Permanent Representatives of France, Germany, the U.K and the U.S of "draft instructions to General Norstad" to the Secretary General and subsequent amendments to this text by a drafting group composed of the Secretary General and his representatives and representatives of SACEUR and the Four Powers.

Draft instructions to General Norstad *communicated by the Four Powers

In this first draft the questions of Live Oak Planning (tri-partite planning) and wider NATO Planning are largely intermingled. The references to the procedure for NATO approval are plans other than Live Oak Plans ^{was} as follows:

Para. 6 "Additional Military Plans"

1. "It is requested that you should prepare and submit for governmental approval additional military plans concerning broader land, air or naval measures within the purview of your command. it would be understood that the execution of the approved plans would be the subject of several political decision to be taken at the time.

2. This latter phrase concerning the necessity of a separate political decision for the execution of approved plans was never called into the question and remained substantially the same throughout all subsequent drafts. It will not, therefore, be referred to again in this note which is concerned exclusively with the development of instructions concerning procedure to be followed for the approval of NATO plans.

3. In a subsequent paragraph (7c) under the heading "organisation and competence") the Four Powers also instructed General Norstad that while he might "proceed forthwith ^{the} carry out these instructions (i.e. Live Oak NATO military planning the governments concerned (viz. Three Powers) will take steps to effect coordination with the appropri

ate NATO authorities regarding those provisions which fall within NATO competence.

4. The Secretary General pointed out that in receiving this draft he did not accept any responsibility for its content which would have "disastrous results" if circulated to the Council which was already discontented with the lack of information it had received so far concerning tripartite planning on Berlin. He emphasised that in refraining from circulating the note to the Council ~~he emphasised~~ that he did not consider that communication of these instructions to himself constituted "coordination with the appropriate NATO authorities and said that "for the right functioning of NATO in a period of crisis or a time of war, new rules would have to be developed".

5. Following this exchange there was consultation between the four Ambassadors in Washington and their representatives in Paris, the Secretary General and SACEUR concerning the new text of instructions to General Norstad which would eventually be submitted to the Council.

6. On the 15th September ^{the four} ~~before~~ Ambassadors in Washington proposed a new text which substituted the following draft for the procedure to be followed concerning approval for NATO plans.

Paragraph 9 (in place of former 7(c)) "you shall prepare a report to the North Atlantic Council based on the foregoing, outlining the general scope and nature of your plans"

On the same day, Mr. Stikker, proposed an alternative text as follows:

Paragraph 9 "all plans and studies will be submitted to the North Atlantic Council for general information.

All plans will have to be approved by the Standing Group and by governments who have committed or assigned forces in the respective areas concerned.

Paragraph 10. The Supreme Allied Commanders will ask for governmental approval of military plans through the Permanent

Representatives (and/or the National Military Representatives) of the governments concerned.

7. This formula was retained by the United States delegation when it proposed a new text on the 18th September.

8. On the 20th September Mr. Stikker proposed a new draft which for the first time separated completely, instructions concerning Life Oak Planning and NATO Planning. In the section on procedure for approval of NATO plans he proposed the following wording:

Paragraph 7 - Plans and studies will be submitted to the North Atlantic Council for general information.

Plans will have to be approved by the Standing Group and by governments who have committed or assigned forces in the respective areas concerned or whose forces will be immediately effected by action under these plans.

The Supreme Allied Commanders will ask for governmental approval of military plans through the Permanent Representatives of the governments concerned.

Phase II

9. Meeting on 22nd September between the Secretary General and his staff the Ambassadors of the Four Powers and the representatives of SACEMR and the Four Powers Steering Group to finalise the text which was to be submitted for approval to the Council under reference DC/61/765.

The text which it was proposed to submit to the Council contained in square brackets the alternative drafts preferred on the one hand by the drafting group and on the other by General Norstad and the French Representative.

Procedure Paragraph 8 [the Supreme Allied Commanders will send their plans to the Standing Group and will ask for approval by governments of these plans through the Permanent Representatives in the North Atlantic Council]

General Norstad and the French prefer [the plans when completed will be approved by appropriate NATO authorities].

10. In discussions on this text the Secretary General said that he had no difficulty with the version proposed by the drafting group although he did have difficulty with General Norstad's version because it opened wide the question as to which are indeed the NATO authorities.

Mr. Finletter backed him up and said that since this planning involved possible use of nuclear weapons, it was far too important to take the chance of having it tied up in the Military Committee and Standing Group System.

Mr. Stoessel (representing SACBUR) said that General Norstad was worried that the proposed language might involve him in a requirement for unanimity in the Council. The Secretary General insisted that the proposed language did not require unanimity. Each country would do what it deemed necessary under article 5 of the Treaty.

11. In the final text of Paragraph 7 of 20/61/765 Annex B which was presented to the Council, the alternative draft proposed by General Norstad in square brackets was dropped.

The Council discussed Annex B of this document on the 17th October.

The Secretary General in his introductory statement referred to the different phrases used in Annex B regarding political authorities, governments, Council etc. (Paragraph 6(b), Paragraph 6 (d)(3), paragraph 7 and Paragraph 8). The Secretary General was convinced that the Council would be faced with great difficulties if they did not try to polish up the drafting and get a more orderly text but pointed out that since there was agreement that instructions should be sent to the Military Commanders any further delay would be unacceptable at the moment. He suggested, therefore, that the annexes A and B be approved as they stood, it being understood that the Council had yet to find a better understanding of the question; what political authority has to make decisions.

12. The Secretary General thought that it was agreed that the political authority referred to in paragraph 6(b) and 6(d)(3) was the Council. He pointed out that they had not yet discussed paragraphs 7 and 8 (it is paragraph 7 which deals with procedure for NATO plans) and here the position might be slightly different because according to Article 5 of the Treaty each member had the right of individual self defence. Therefore, if attacked, each individual member could decide how it was going to defend itself and take those actions which it deemed necessary. On the other hand, if collective NATO action was to be taken, he thought that in that case also the expressions used in paragraphs 7 and 8 would imply a decision by the Council. He continued:

"It may be that in the future the presently agreed rule of unanimity will have to be amended, but we have not yet reached the stage at which such changes can be made to this rule. Hence, we must take it for granted that this rule of unanimity for NATO action is the present position and cannot be altered.

The interpretation I suggest, according to which decisions will be taken by the Permanent Council under the rule of unanimity, seems to be in line with the Treaty. Article 9 states that the Parties to the Treaty "establish a Council, on which each of them shall be represented, to consider matters concerning the implementation of this Treaty". As an armed attack against one or more of the Allied countries shall be considered an attack against them all (Articles 5 and 6), it seems normal to consider that any NATO action to be taken in case of such an attack would be discussed and decided in the Council. The governments naturally will send instructions to their Permanent Representatives, and, therefore, it would seem that when the text of Annex B speaks of "decisions by governments" and of "political authorities", there is no contradiction between this wording and the fact that it is in the

Council that the will of governments will be expressed by the Permanent Representatives".

13. The Council, after discussion, approved the instructions in PO/61/808 (amended version of PO/61/765) and agreed that they be forwarded to the NATO military authorities. However, they noted the ^{ive}interpretation statement given by the Secretary General and circulated under reference PO/61/809 while recognising that the question of the political authorities was subject to further consideration by the Council.

14. These instructions were communicated to the NATO military authorities on 9th November 1961 in document C-M(61)105, the final version of paragraph 7 being as follows:-

Paragraph 7 - the plans would be sent to the Standing Group for appraisal in consultation with the Military Committee in accordance with established NATO procedures and forwarded to the North Atlantic Council for approval by governments through the Permanent Representatives.