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THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY  
DURING THE JOHNSON ADMINISTRATION

VOLUME II

PART II. POLICY AND NEGOTIATIONS

- A. INTRODUCTION
- B. NON-PROLIFERATION OF NUCLEAR WEAPONS
- C. OUTER-SPACE TREATY

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Reviewer

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INTRODUCTION

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During the Johnson Administration, basic American policy on arms control was determined by the President on the advice of the Committee of Principals. This body comprised the Secretary of State (Chairman), the Director, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the CIA Director, the USIA Director, the Chairman of the Atomic Energy Commission, and White House representatives. The Vice President sometimes joined the group. Nearly all arms-control policy initiatives came from ACDA. They were coordinated at the staff level with other agencies and often discussed by the Deputies - the Under Secretaries or Deputy Directors - before being submitted to the Committee of Principals. If the Principals were unable to agree, the issue could be taken to the President. ACDA maintained close liaison with the leaders of Congress and the members of key Congressional committees. Congressional views sometimes had an important influence in shaping American policy, e.g., on including safeguards provisions in the non-proliferation treaty.

Instructions to American delegations at disarmament conferences were drafted by ACDA or sometimes by the State Department. In either case, they went through the usual State Department clearance process and were communicated to other interested agencies. Position papers, originally submitted to the Committee of Principals, were later usually handled by clearance at the staff level.

The principal forum for international disarmament negotiations was the Eighteen Nation Disarmament Committee (ENDC), established by bilateral agreement between the United States and the Soviet Union in 1961.<sup>1</sup> It included five NATO members (the United States, the United Kingdom, Canada, France, Italy), five Warsaw Pact members (the USSR, Bulgaria, Czechoslovakia, Poland, Romania), and eight nonaligned countries (Brazil, Burma, Ethiopia, India, Mexico, Nigeria, Sweden, the UAR). France did not participate since President de Gaulle regarded the ENDC as a propaganda exercise, and others did not accept his proposal for direct negotiations among the five nuclear

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<sup>1</sup>See Robert W. Lambert, "The Origin of the Eighteen Nation Disarmament Committee" (U) (Research Report 68-51), Secret.

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powers. Japan wished to join the ENDC, and we tried to get the Soviets to accept her and several other countries. This question was still under discussion at the end of the period.

The U.S. and Soviet representatives served as Co-Chairmen of the ENDC, with the daily chairmanship rotating among all members. The American delegation was usually led by ACDA Director William C. Foster or ACDA Deputy Director Adrian S. Fisher. Formerly, ACDA also had a resident Ambassador at Geneva. Clare H. Timberlake, the last man to occupy this post, was reassigned in 1966 and not replaced. Thereafter our delegation was headed by ACDA General Counsel George Rynn or ACDA Assistant Director Samuel D. Palma when both Mr. Foster and Mr. Fisher were absent.

Since various efforts to establish working groups failed, all business was conducted in the Co-Chairmen's meetings, in plenary meetings, or in occasional informal meetings. In 1962 the ENDC adopted an agenda for general and complete disarmament discussions,<sup>1</sup> but it was not until 1968 that it worked out an overall agenda including collateral measures.<sup>2</sup> While any delegation was free to speak on any subject at any time, the questions discussed usually expressed the interests of the Co-Chairmen or resolutions adopted by the General Assembly. The ENDC reported to the General Assembly and the Disarmament Commission, usually at the end of each session.

The theoretical basis of negotiations was the Joint Statement of Agreed Principles approved by the United States and the Soviet Union in 1961.<sup>3</sup> The Joint Statement provided for the continuation of negotiations until general and complete disarmament was achieved and outlined the general character of peacekeeping, balance, and verification. Agreement on verification was incomplete, however, since the Soviets refused to accept verification of levels of retained forces and armaments during the disarmament process. The Joint

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<sup>1</sup>Documents on Disarmament, 1962, vol. II, pp. 679-681.

<sup>2</sup>Ibid., 1968, p. 593.

<sup>3</sup>See Robert W. Lambert, "Historical Review and Analysis of the Joint Statement of Agreed Principles (U)" (Disarmament Document Series, Memo 198), Secret. For the text of the joint statement, see Documents on Disarmament, 1961, pp. 439-442.

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Statement also allowed for "collateral" measures, i.e., measures to reduce international tension and facilitate general and complete disarmament. Although the Soviets showed a tendency at one point to shelve the Joint Statement, because we criticized their proposals for violating the "balance" principle, they did not persist in this.

Disarmament questions were also discussed by two U.N. organs, the General Assembly and the Disarmament Commission. In the General Assembly, the principal debate usually took place in the First (Political and Security) Committee. The Disarmament Commission, which comprised all U.N. members, rarely met but was convened at Soviet request in 1965 after the General Assembly had been unable to play its usual role because of a dispute over the financial obligations of its members at the 19th session (1964). The permanent U.S. representatives to the United Nations - Ambassadors Stevenson, Goldberg, Ball, and Wiggins during this period - led the U.S. delegations in the General Assembly. Most of the disarmament work, however, was done by Foster, Fisher, De Palma, and ACDA officers assigned on an ad hoc basis.

Communist China did not belong to the ENDC or the United Nations. The only direct diplomatic contact between the United States and Communist China was maintained through their Ambassadors in Warsaw, who had been holding talks on various issues since 1958. Although these talks were usually polemical, we were able to use this channel for communicating disarmament proposals we had advanced in other forums.

When it became evident that the Chinese were about to enter the rank of the nuclear powers, the nonaligned nations developed great interest in bringing them into the general disarmament negotiations. The Cairo nonaligned conference (1964) called for a world disarmament conference. Shortly after this declaration, the Chinese exploded their first nuclear device and proposed a world summit conference to discuss complete nuclear disarmament and a ban on the use of nuclear weapons. This proposal got a mixed reception. The USSR was the only nuclear power to accept it. We made no formal reply, and Secretary Rusk called it a "smokescreen."<sup>1</sup>

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<sup>1</sup>See Robert W. Lambert and Jean Mayer, "Recent Proposals for a World Disarmament Conference" (Disarmament Document Series, Ref 400).

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At the Disarmament Commission (1965), Yugoslavia, with strong support from the UAR and India, sponsored a resolution for a world disarmament conference. We abstained from voting on this resolution, which was approved by a large majority.<sup>1</sup> A similar proposal was later adopted by the General Assembly. Although we doubted that the Chinese had any serious interest in disarmament, we expressed willingness to participate in an exploratory group as a preliminary step and supported the resolution on this basis.<sup>2</sup> We later informed the Chinese through the Warsaw channel that we would be willing to participate in an exploratory group, but they replied that they would not attend a disarmament conference or joint an exploratory group. They linked their refusal to the Vietnam war.<sup>3</sup> They also declared that they would not participate in the ENDC, which they had not been invited to join.<sup>4</sup>

Since Eisenhower, the United States had had general and complete disarmament as its ultimate goal, and the Kennedy Administration introduced an elaborate plan for general and complete disarmament in a peaceful world (1962). This plan received its last revisions in 1963. It remained on the table but no longer occupied the center of the stage. American policy was soon almost entirely occupied with partial disarmament proposals, or "collateral" measures. Characteristically, the first major new initiative of the Johnson Administration - a proposal to freeze strategic nuclear delivery vehicles - emerged during discussion of an ACDA attempt to revise the first stage of the U.S. treaty outline on general and complete disarmament.

In his first message to the ENDC (January 21, 1964), President Johnson proposed the strategic nuclear delivery vehicles freeze, a fissionable materials production cutoff,

<sup>1</sup>See James S. Bodnar, "Report on the Debate in the United Nations Disarmament Commission, April 21-June 16, 1965" (Research Report 65-3), pp. 52-58.

<sup>2</sup>Documents on Disarmament, 1965, pp. 529-530, 537, 585.

<sup>3</sup>To Warsaw, tel. 1752, May 23, 1966, Confidential/  
Limdis; from Warsaw, agm. A-877, May 30, 1966, Confidential/  
Limdis; from Warsaw, tel. 539, Sept. 7, 1966, Confidential/  
Limdis; from Warsaw, agm. A-205, Sept. 8, 1966, Confidential.

<sup>4</sup>Documents on Disarmament, 1966, pp. 355-359.

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observation posts to guard against surprise attack, a non-proliferation agreement, and a comprehensive test ban.<sup>1</sup> Except for observation posts, these proposals were to remain basic elements of American disarmament policy during the next four years.

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<sup>1</sup>Ibid., 1964, pp. 7-9.

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NON-PROLIFERATION OF NUCLEAR WEAPONS

BY ROBERT W. LAMBERT

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Background<sup>1</sup>

The first non-proliferation proposal was part of the Western "package" disarmament plan of August 29, 1957.<sup>2</sup> In the following years Ireland, Sweden, and other nonaligned countries took an increasing interest in the question. The United States was initially cool toward treating non-proliferation as a separate problem, since a non-proliferation agreement might interfere with Western nuclear defense arrangements or be evaded by the Soviet Union. It was with some reluctance that the United States supported the Irish resolution of 1959, and it did so largely on procedural rather than substantive grounds. The United States and most NATO countries voted against the Irish resolution of 1960, but four allies joined the USSR and the neutrals in supporting it.<sup>3</sup> In 1961 the General Assembly unanimously approved still another Irish resolution, which was the starting point for subsequent negotiations. In this resolution the General Assembly called on "all states, and in particular upon the States at present possessing nuclear weapons, to use their best endeavours to secure the conclusion of an international agreement containing provisions under which the nuclear States would undertake to refrain from relinquishing control of nuclear weapons and from transmitting the information necessary for their manufacture to States not possessing such weapons, and provisions under which States not possessing nuclear weapons would undertake not to manufacture or otherwise acquire control over such weapons."<sup>4</sup>

Although the United States and the Soviet Union both supported the Irish resolution, they interpreted it differently. The United States believed that it envisaged an agreement banning the transfer of "control" of nuclear weapons and that such an agreement would be compatible with the deployment of American nuclear weapons on allied territory and permit the formation of a NATO multilateral nuclear force (MLF). The

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<sup>1</sup>Unless otherwise indicated, the "Background" section of this chapter is based on J.J. Kadilis (State/EUR/RPM), A History of Non-Dissemination Negotiations (1965), Secret.

<sup>2</sup>Documents on Disarmament, 1945-1959, vol. II, p. 1547.

<sup>3</sup>Ibid., 1960, p. 373. Canada, Denmark, Iceland, and Norway supported the resolution.

<sup>4</sup>Ibid., 1961, p. 694.

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Soviet Union, however, centered its attention on the Federal Republic of Germany (FRG); it had long attacked allied nuclear defense arrangements for giving the FRG "access" to nuclear weapons, and it would insist that a non-proliferation agreement must block the MLF.

Bilateral American-Soviet negotiations began in March 1962 at Geneva, where Secretary of State Rusk and Foreign Minister Gromyko were attending the opening session of the ENDC. During a discussion of the German problem, Secretary Rusk suggested a bilateral declaration in which the United States and the Soviet Union would undertake not to relinquish control over nuclear weapons or to transmit information or material necessary for their manufacture to non-nuclear states and urge non-nuclear states to undertake not to obtain control over nuclear weapons. Mr. Gromyko found the American formula unsatisfactory because it could permit the nuclear arming of German forces under NATO command. He stressed that nuclear weapons should not be transferred either directly or indirectly or through third parties or military organizations. Secretary Rusk replied that the United States had no intention of giving nuclear weapons to the Bundeswehr or any national forces, either directly or indirectly.

The NATO countries were generally favorable to the American efforts. The FRG emphasized that the agreement should not foreclose multilateral ownership arrangements, and it also insisted on Chinese Communist adherence. The Soviets, however, continued their attacks on the MLF. On May 9, 1963, they proposed a ban on transfer into national control or "group international control" and wished to prohibit "permanent or temporary, or even incidental access." Initially vague on the Chinese aspect, Mr. Gromyko informed Rusk and Home in September that an agreement would be worthwhile without French or Chinese participation. By that time the Chinese had made it clear that they would not subscribe to any non-proliferation agreement.

Seventh Session of the ENDC (January 21-April 28, 1964)

On January 7, 1964, Mr. Foster submitted to the Committee of Principals draft instructions to the American delegation to the forthcoming ENDC session. The delegation was to indicate

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that the United States was continuing private discussions with the USSR on a draft declaration based on the Irish resolution. The delegation would avoid public discussion of the terms of the declaration. It should state that the United States would not take any actions inconsistent with the resolution. It should also say that the United States was continuing to work toward the establishment of an MLF, which was consistent with the resolution. At the same time, the delegation should propose a nonacquisition agreement among the non-nuclear powers. The draft instruction also outlined related measures - extension of IAEA safeguards, the fissionable materials production cutoff, nuclear-free zones, and the destruction of bombers.<sup>1</sup> The basic non-proliferation provisions were retained in a revised memorandum of January 14, which took preliminary comments into account.<sup>2</sup>

The instruction was cleared and sent to the delegation, but the Geneva negotiations proved fruitless. Non-proliferation figured prominently in the President's message of January 21 to the ENDC, and Mr. Foster told the ENDC on February 6 that the United States would have private discussions with the Soviet Union on a non-proliferation declaration based on the Irish resolution. He declared that the United States did not intend to take any actions inconsistent with the resolution. The Soviets also reaffirmed support for non-proliferation but continued to lambast the MLF.<sup>3</sup>

During this ENDC session, the United States privately explored the possibility of unilateral nonacquisition declarations with its allies. While the British were sympathetic and the Canadians did not think that our draft went far enough, the project foundered on German and Italian objections. Foreign Minister Schroeder had said that the FRG could adhere to a nonacquisition agreement only after the MLF came into being, and the Foreign Ministry at Bonn indicated that the FRG would pursue the same policy on the declarations.<sup>4</sup>

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<sup>1</sup>Foster to Committee of Principals, memorandum, Jan. 7, 1964, Confidential.

<sup>2</sup>Foster to Committee of Principals, memorandum, Jan. 14, 1964, Confidential.

<sup>3</sup>See International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, p. 9.

<sup>4</sup>See J.J. Kadilllis, op. cit., pp. 17-18, Secret.

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New ACDA Approaches

The United States was clearly giving priority to the MLF at this time. On April 10 the President decided that we should continue to work for the MLF and try to conclude the negotiations by the end of 1964.<sup>1</sup>

On May 20, Mr. Foster proposed a new approach to the Committee of Principals. The United States would offer the Soviet Union a choice between a revised agreement along the lines of the proposal that had previously been discussed and a new agreement that would deal with the MLF problem by leaving out the non-transfer provision and simply prohibiting the manufacture of nuclear weapons by non-nuclear nations. Under either agreement, non-nuclear nations would accept IAEA safeguards on their peaceful nuclear activities. Chinese accession would not be required in either case; since the Chinese would almost certainly refuse to sign, insistence on their participation would make any non-proliferation agreement impossible.

ACDA pointed out that the danger of proliferation was growing. If India, Israel, or Sweden started to manufacture nuclear weapons, the FRG would feel that it had accepted second-class status by joining the MLF. Since it was unlikely that the Soviets would accept any agreement that could be construed as sanctioning the MLF, the present policy meant that there could be no progress in non-proliferation until the MLF issue was settled. "This would not be a serious disadvantage," ACDA said, "were it not for the possibility that nuclear developments by other states might progress to a point which would not only cause a further break in the non-proliferation dyke, but...make the German relationship to the MLF untenable."<sup>2</sup>

In a memorandum of June 15 to the Committee of Principals, Mr. Fisher said that "we must face the fact that the Russian

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<sup>1</sup>See Foster, memorandum to Committee of Principals, "U.S. Position on a Program to Inhibit, and Hopefully Stop, Nuclear Proliferation," Apr. 15, 1965, Secret/Limdis.

<sup>2</sup>Foster to the Committee of Principals, memorandum, May 20, 1964, Secret, with attached draft paper, "Nuclear Non-proliferation Agreement," May 19, 1964, Secret.

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attitude toward the MLF is a major obstacle to agreement at this time," even though the United States knew that the MLF was not inconsistent with non-proliferation and could not accept the Soviet objections. He warned that relaxation of the non-proliferation effort could "well result in...foreclosing our last chances to close the floodgates to national proliferation" and make the MLF "ineffective and even dangerous." If other nations concluded that the United States was abandoning the non-proliferation effort because of NATO needs, the United States would have given "a green light to states now poised at the point of decision." Conversely, failure of the larger effort would create conditions in which the FRG would not be content with the MLF, even if it evolved into a European force.

Referring to the State Department view that MLF decisions should not be taken in the context of "disarmament policy," he pointed out that inaction would also have consequences and that public discussion of American non-proliferation policy could not be avoided in the disarmament negotiations. He therefore considered it important that the MLF charter contain a public commitment by the non-nuclear members not to acquire a national nuclear capability and that the United States refrain from giving the impression that the "European clause" could lead to an independent nuclear force unless at least one of the existing nuclear powers gave up its nuclear force.

He again recommended against insisting on Chinese adherence to a non-proliferation treaty. He proposed that general non-proliferation negotiations be continued during the MLF negotiations and that the United States should now take a policy decision, "as a matter of highest priority," to initiate an intensified effort to obtain a world-wide non-proliferation agreement when the MLF negotiations were concluded.<sup>1</sup>

The other Principals were not prepared to accept the ACDA recommendations. At a Principals meeting of June 16, Secretary of State Rusk noted that the FRG insisted on Chinese adherence to a non-proliferation treaty. He wondered whether

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<sup>1</sup>Fisher to Rusk, memorandum, June 15, 1964, Secret/Limdis. Copies were also sent to the other Principals.

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the Senate would approve non-proliferation measures without it. Mr. Fisher replied that a non-proliferation treaty would be valuable even without Chinese adherence and that insisting on the participation of China would mean writing off the non-proliferation treaty as a viable measure. He said that most nations were tacitly accepting the fact that China would go nuclear.

Secretary Rusk then asked if there had been any thorough study of the Indian problem. Mr. Fisher knew of none but felt that it would be more desirable to deter nuclear attack on India than for that country to have its own nuclear capability. Secretary Rusk did not prejudge the question but noted that there was no U.S. position on opposing the development or acquisition of nuclear weapons by other nations once China obtained them.

Secretary Rusk then suggested that the United States might circulate a draft non-proliferation treaty to other nations and get their comments without commitment. In that way it could find out what nations would be willing to join. Mr. Fisher indicated that ACDA would study this approach. Both Secretary Rusk and Deputy Secretary of Defense Vance questioned the ACDA recommendation for declarations by the non-nuclear members of the MLF since such declarations would not be required of other non-nuclear nations.<sup>1</sup>

Resolution of the Organization of African Unity,  
July 21, 1964

On July 21 a summit conference of the Organization of African Unity issued a declaration recalling the Irish resolution. The African leaders declared that they were ready to subscribe to a nonacquisition agreement, appealed to others to take the same course, asked the nuclear powers to respect the declaration, and proposed an international conference.<sup>2</sup>

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<sup>1</sup>Memcon, Meeting of Committee of Principals, June 16, 1964, Secret; Fisher to Foster, ltr., June 19, 1964, Secret/Limdis.

<sup>2</sup>Documents on Disarmament, 1964, pp. 294-295.

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The OAU declaration and the imminence of the first Chinese test gave ACDA an opportunity to take the non-proliferation question to the Principals again. On August 14, Mr. Foster submitted a new draft position paper in which ACDA pointed out that the Chinese test would place pressure on other states to develop nuclear weapons for reasons of security or prestige. Once the process started, it might be impossible to stop it, and the United States might soon be faced with a world of 10 nuclear powers and later with a world of 20. ACDA recommended an intensified effort to negotiate an agreement with the Soviet Union and to develop the widest possible consensus in favor of non-proliferation. In dealing with the near-nuclear nations, the United States should "examine on a case-by-case basis the feasibility and desirability of bringing appropriate arguments, pressures and inducements to bear." It should consider the usefulness of "security arrangements or guarantees" where security concerns might cause a country to acquire nuclear weapons. India should be given high priority.

ACDA recommended that the United States (1) consider arrangements among nuclear suppliers to export only to countries with adequate safeguards, (2) try to prevent or delay dissemination of gas-centrifuge or similar technologies, and (3) continue efforts to strengthen the IAEA. In the negotiations with the Soviet Union, the United States should drop the Chinese accession requirement without initially disclosing this to the Soviets. It should provide the Soviet Union, when agreement was reached, with a letter providing reassurance that the European clause of the MLF charter would not be used to increase the number of independent decision-making entities. It should also encourage MLF participants to make a nonacquisition commitment. The United States should advocate IAEA safeguards on the peaceful nuclear activities of non-nuclear states but accept an agreement without safeguards if the Soviet Union rejected them. ACDA saw promise in the OAU declaration and suggested that the Africans might be persuaded to sponsor a General Assembly resolution.<sup>1</sup>

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<sup>1</sup>Foster to Rusk, memorandum, Aug. 14, 1964, Secret/NoFORN/Limdis.

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State Department officials agreed that the imminence of the Chinese test increased the need for measures to halt proliferation. They also thought that India should be given priority, and they agreed with ACDA on safeguards. While they recognized that the Chinese requirement would have to be dropped, they opposed doing so at once because of possible adverse allied and Indian reactions.

They strongly objected to the ACDA proposal on control of the MLF. Admitting that it was extremely unlikely that the United States would or should give up control, unless the European option became a reality, they argued that a commitment to the Soviet Union "could damage important US interests without increasing the likelihood of early Soviet acceptance of a non-proliferation agreement." In their view, it would impair relations with West Germany, strengthen the Gaullists, put the issue into British domestic politics, weaken European supporters of the MLF, and disrupt progress in setting up the MLF. At the same time, they asserted that the ACDA proposal would give the Soviets a club over the MLF without promoting the chances of a non-proliferation agreement, since the Soviets would continue to reject any agreement that did not bar the MLF. As an alternative, they suggested assurances to the Soviet Union after specific MLF arrangements had been worked out.

State opposed the ACDA proposal on the OAU declaration on the grounds that it could cause resentment among the allies and raise problems associated with nuclear-free zones.<sup>1</sup>

The JCS did not think that the time was appropriate for expanding non-proliferation efforts, principally because the MLF negotiations were entering a critical stage. They were also concerned with the implication that the United States might negotiate a non-proliferation agreement bilaterally with the Soviet Union, without adequate NATO consultation. They wanted full interagency coordination of U.S. action on the Chinese explosion, and they had "reservations as to whether any non-proliferation agreement would be either fully effective or even acceptable to some nations without the adherence of the Chinese communists." They did not, however, object to the ACDA proposal on the OAU declaration, provided that it did not conflict with the MLF or U.S. transit rights.<sup>2</sup>

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<sup>1</sup>Memorandum by Garthoff (State-G/PM), "Comments on the ACDA Paper of Aug. 14 on Non-Proliferation," Aug. 25, 1964, Secret.

<sup>2</sup>JCS Memorandum for the Secretary of Defense (JCSM-726-64), Aug. 24, 1964, Secret.

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Thompson Committee

Instead of convening the Committee of Principals to consider the ACDA paper, Secretary of State Rusk decided to establish a committee to consider what further action should be taken to prevent proliferation. The new committee, chaired by Ambassador Llewellyn Thompson, comprised the Deputies to the Principals, the Assistant Secretaries of State for Europe and Near Eastern-South Asian Affairs, and the Chairmen of the Policy Planning Council.<sup>1</sup>

On October 14 the Thompson Committee submitted a report on the Indian problem. It considered the following courses of action:

- (1) To assist India to develop a nuclear weapon capability;
- (2) To be prepared to impose economic and other sanctions in an effort to prevent India from going the nuclear weapons route;
- (3) To reinforce India's stated policy of confining its nuclear development to peaceful purposes; and
- (4) To do nothing on a bilateral basis to influence Indian policy on nuclear matters.

Since the committee considered it to be in the U.S. national interest to keep India from going nuclear, it eliminated alternatives 1 and 4. It opposed sanctions because of the importance of preserving the relationship between the United States and India.

In order to keep India in the peaceful nuclear path, the committee recommended high-level consultations with Indian leaders, increased cooperation in peaceful nuclear activities, closer relations in non-proliferation efforts,

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<sup>1</sup>Foster to Committee of Principals, memorandum, Aug. 24, 1964, Secret.

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consultations with other governments, and assurances. The United States should privately assure the Indians "of our support if they are attacked by Communist China and possibly, indicating we would have no objection to their seeking similar assurances from the Soviet Union." The United States would respond to Indian requests for aid against Chinese aggression, make a prompt response if the Chinese used nuclear weapons against India, and make a public statement regarding its response to Chinese use of nuclear weapons against another Asian state.<sup>1</sup>

### Policy for the 19th General Assembly

On the day the Thompson Committee submitted its report, the Chinese carried out their first test. President Johnson immediately announced that the United States would continue its non-proliferation efforts and assured nations which did not seek nuclear weapons that they would have American support against nuclear blackmail threats if they needed it. The Indians showed an interest in a guarantee by the nuclear powers against nuclear attack. The nonaligned countries had previously (October 10) issued a declaration in which they endorsed non-dissemination and nonacquisition.<sup>2</sup>

It appeared therefore that non-proliferation would be widely debated at the 19th General Assembly if the financial dispute which paralyzed that session could be settled.<sup>3</sup> The Thompson Committee prepared a draft resolution which Mr. Foster sent the Principals on November 12. He noted three questions:

- (1) Should it include a nonacquisition pledge?

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<sup>1</sup>Foster to Committee on Principals, memorandum, Oct. 14, 1964, Secret/Limdis, with attached paper, "The Indian Nuclear Problem: Proposed Course of Action," Secret/Limdis, with Secret/NoFORN attachments.

<sup>2</sup>See International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 11-13.

<sup>3</sup>Since the Soviet Union and six other U.N. members had not met certain financial obligations, they were liable to lose their voting rights. As it turned out, the 19th General Assembly refrained from taking any action that required a formal vote.

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(2) Should it call on non-members of the United Nations to undertake the same obligations?

(3) Should it preempt debate on the MLF by including language which would not inhibit the MLF negotiations?<sup>1</sup>

The question was discussed by the Principals on November 23. Secretary of State Rusk asked whether the United States should continue to oppose proliferation. Why should it be the United States which would have to use nuclear weapons against Communist China? He suggested that there might be situations where it might be desirable for the Japanese and Indians to have their own nuclear weapons. Secretary of Defense McNamara doubted that they would ever have a suitable deterrent, and he proposed a study. He asked whether a non-proliferation policy meant an automatic security guarantee to all countries, and commented that this would be a major policy change.

Mr. Foster observed that the draft resolution would not preclude a different policy that might develop from the proposed studies. Secretary Rusk, though skeptical about the depth of interest in disarmament among many countries, agreed that the non-proliferation policy should continue. AEC Chairman Seaborg saw no alternative, since anything else would involve a loss of U.S. control. The Principals approved the draft resolution but added safeguards to the nonacquisition provision.<sup>2</sup>

Because of its financial crisis, the 19th General Assembly never got down to business on disarmament. However, Secretary of State Rusk saw Gromyko in New York and emphasized continued American interest in non-proliferation. The Soviet Foreign Minister was still violently opposed to the MLF and brushed aside Rusk's remarks on possible Soviet nuclear aid to China and the Warsaw Pact countries. Secretary Rusk said that there were two aspects of the nuclear question - possession and the position of being target countries like the FRG and

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<sup>1</sup>Foster to Committee of Principals, memorandum, Nov. 12, 1964, Secret, with attached paper, "Non-proliferation of Nuclear Weapons," Nov. 9, 1964, Secret.

<sup>2</sup>Memcon, Committee of Principals, Nov. 23, 1964, Secret.

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Italy. There was no question of giving the Germans or Italians access to nuclear weapons through the MLF. It was not clear to him whether Soviet objections to the MLF were based on non-dissemination or on other factors. If it was the former, we could meet the Soviet concern; arrangements would be built into the MLF to make sure that it did not lead to acquisition.

Mr. Gromyko replied that the USSR opposed the MLF on broad political grounds, because of FRG revisionism. The USSR could not rely on assurances or locks or technical devices for its security because these were subordinate to policy. If the United States had already taken a decision on the MLF, it was assuming a heavy responsibility. Moscow regarded the establishment of the MLF in any form as a "hostile act," and the USSR and its allies would draw appropriate conclusions for their security.<sup>1</sup>

Proposed Approach to New Soviet Leaders

On November 24, after the ouster of Khrushchev, Mr. Foster sent the Principals a memorandum in which he outlined a six-point program to take up with the new Soviet leaders. He proposed that the United States indicate willingness to include in a non-proliferation agreement an assurance that "the MLF would not be used to increase the number of independent decision-making entities controlling the use of nuclear weapons." Present American policy left open the possibility that the MLF would lead to a European nuclear force not controlled by the present nuclear powers, and the Soviets took the view that this would be an independent entity which could be controlled by the FRG. Through Netherlands Foreign Minister Luns, the United States had informed the Soviets that any such change would imply a European political evolution involving a melding of present national nuclear forces. It had not, however, offered to include such a commitment in a non-proliferation agreement, since this would enable the British to veto future MLF evolution without joining, while they might otherwise feel impelled

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<sup>1</sup>From New York, tel. SECTO 28, Dec. 5, 1964, Secret.

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to join in order to gain a veto right. "Given the present political situation with respect to the MLF," Mr. Foster observed, "this reason no longer seems controlling." We should, therefore, inform the Soviets that we were willing to include in a non-proliferation agreement "an assurance that the MLF would not be sued to increase the number of independent decision-making entities controlling the use of nuclear weapons."<sup>1</sup>

This paper was modified after informal consultations with the Principals, and a revised version was circulated on December 3. ACDA now proposed that we indicate our willingness to include "an assurance that the MLF would not be used to increase the number of independent decision-making entities controlling the use of nuclear weapons, or alternatively, an assurance that the U.S. will keep its veto" over the MLF. Since the Soviets would probably not act on non-proliferation until there had been a decision on the MLF, it would probably not be wise to offer either alternative in the interim.<sup>2</sup>

AEC Chairman Seaborg generally concurred but added that IAEA safeguards should be included in the non-proliferation agreement. Experience with the Soviet Union in IAEA led him to believe that it would be willing to include safeguards.<sup>3</sup> CIA Director McCone thought that the whole effort might be premature and proposed postponing a decision.<sup>4</sup>

Speaking for the State Department, Ambassador Thompson preferred to pursue the General Assembly resolution. He did not think that it was desirable to make an approach to the Soviets at this time on the European clause of the MLF and

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<sup>1</sup>Foster to Committee of Principals, memorandum, Nov. 24, 1964, Secret, with attached paper, "Subjects to be discussed with the U.S.S.R.," Nov. 23, 1964, Secret. For the Luns démarche, see Kadilllis, *op. cit.*, p. 18.

<sup>2</sup>Foster to Committee of Principals, memorandum, Dec. 3, 1964, Secret, with attached paper, "Subjects to be discussed with the U.S.S.R.," Dec. 3, 1964, Secret/Limdis.

<sup>3</sup>Seaborg to Foster, ltr., Dec. 10, 1964, Secret.

<sup>4</sup>McCone to Foster, ltr., Dec. 10, 1964, Secret.

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doubted the wisdom of offering them an assurance on "the number of independent decision-making entities," particularly in the absence of any quid pro quo.<sup>1</sup>

The JCS objected that an "intensified" non-proliferation effort at this time would preempt the conclusions of the Gilpatric Task Force and the Thompson Committee and run contrary to the consensus reached at the recent Principals meeting. They also warned that care should be taken to preclude any interference with the transit or deployment of US nuclear weapons in foreign areas.<sup>2</sup>

Secretary of Defense McNamara made a more favorable response:

...I support intensified efforts to negotiate a nonproliferation agreement. Further, I believe the US Government must seek to retain the veto over the MLF forces (expressing only a willingness to "reconsider" the control mechanism after Europe is unified, and then with any changes subject to a veto by all concerned).<sup>3</sup>

At the Committee of Principals meeting of December 21, AEC Chairman Seaborg said that uncertainty regarding the Soviet Union's fulfilment of its fissionable materials "cut-back" announcement of April 1964 underlined the need for IAEA safeguards in non-proliferation agreements. Secretary of State Rusk asked whether a non-transfer declaration by the five nuclear powers might not be preferable to a general non-proliferation agreement. Although the consensus seemed to be that this was not a feasible course, he was not convinced. Mr. Foster said that a non-proliferation agreement with non-transfer commitments by the nuclear powers and nonacquisition obligations for the non-nuclear nations, preferably with IAEA safeguards for the latter, would be better.

In the subsequent discussion, it was stated that there was no chance of the FRG signing a non-proliferation agreement unless or until the MLF came into being. It was also

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<sup>1</sup>Thompson to Foster, memorandum, Dec. 10, 1964, Secret/Limdis.

<sup>2</sup>JCS to Secretary of Defense, memorandum (JCSM-1031-64), Dec. 11, 1964, Top Secret.

<sup>3</sup>McNamara to Foster, ltr., Dec. 19, 1964, Top Secret.

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felt that the Soviets opposed NATO as an alliance rather than the MLF as such. On guarantees to non-nuclear countries, White House adviser Bundy favored a case-by-case approach rather than a universal guarantee. It was decided that Foster should approach Tsarapkin in New York and suggest bilateral discussions of non-proliferation and other disarmament topics.<sup>1</sup>

Accordingly, ACDA prepared draft instructions for Mr. Foster, who sent them to the Principals on December 29. He was to indicate to Tsarapkin that there was a good chance of rapid proliferation unless a non-proliferation agreement was obtained in the reasonably near future. If Tsarapkin attacked the MLF, Mr. Foster should reply that this should not stand in the way of agreement. He should point out that the MLF was designed to halt proliferation and that the United States held that the charter must require its consent to the firing of nuclear weapons. While European unification would create a new situation in which the charter provisions would be reconsidered, the charter could be revised only by the unanimous consent of MLF members. If the Soviet Union feared that the force would degenerate into a device giving a non-nuclear member indirect control of nuclear weapons, that was all the more reason for concluding a non-proliferation agreement. He should indicate that we would explore new forms of assurance but not suggest any new language. He should also explore the possibility of IAEA inspection.<sup>2</sup>

On February 24, 1965, Mr. Foster sent the Principals a draft Presidential message to the Soviet leaders. This was a modified version of the December 3 proposal. The President would offer to designate Mr. Foster as his representative in bilateral talks on non-proliferation and other disarmament measures. He would raise assurances in connection with a non-proliferation agreement.<sup>3</sup>

Commenting on the new draft, Ambassador Thompson remained skeptical of the non-proliferation proposal and recommended

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<sup>1</sup>Memcon, Dec. 21, 1964, Secret/Exdis.

<sup>2</sup>Foster to Committee of Principals, memorandum, Dec. 29, 1964, Secret, with attached draft tel., Dec. 29, 1964, Secret.

<sup>3</sup>Foster to Committee of Principals, memorandum, Feb. 24, 1965, Secret/Nodis, with attached draft message, Feb. 24, 1965, Secret/Nodis.

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prior allied discussions. He also doubted the wisdom of opening up the question of security assurances.<sup>1</sup>

U.S. Policy Changes (April 1965)

On April 8, 1965, Mr. Foster sent the Principals a report by the Thompson Committee. This report indicated that there had been some progress toward further peaceful nuclear collaboration with India. It also proposed meeting the Indian security concerns by arranging linked statements by India and the United States, possibly joined by the USSR and the United Kingdom. Because of internal disagreement, the committee presented two alternative drafts of the U.S. statement. The first would not go beyond the general assurance given by the President after the first Chinese test. In the second, the President would say that "all free countries in Asia may be sure that nuclear aggression by Peiping against their territory would be met by the United States with a prompt response." Over JCS objections, the committee also recommended including in either version reaffirmation of American support for a comprehensive test ban, a fissionable materials production cutoff, and a non-proliferation agreement.<sup>2</sup>

One week later he sent the Principals another memorandum in which he strongly recommended a renewed effort for an early non-proliferation agreement. He pointed out that it had been assumed a year earlier that the MLF charter would be signed by the end of 1964. This had not occurred, and the requirement of defending the MLF stymied the non-proliferation negotiations:

...At present, no firm estimate can be made as to when agreement on an ANF/MLF will be reached. Moreover, the minimum possible slippage from the

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<sup>1</sup>Thompson to Rusk, memorandum, Feb. 26, 1965, Secret.

<sup>2</sup>Foster to Committee of Principals, memorandum, Apr. 8, 1965, Secret, with attached paper, "Progress Report of the Committee on Nuclear Non-proliferation," Secret.

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original estimated time for agreement on terms of the Charter would be between a year and a half to two years. This period is critical for the non-proliferation problem.

Thus we may find ourselves in a situation in which we cannot take timely action in an area of vital concern to our security - the area of non-proliferation - because we have taken upon ourselves the requirement to inject into a non-proliferation agreement a defense of the MLF/ANF, an undertaking which may never come to pass but which will linger long enough in the wings so that a continued requirement to specifically authorize it in a non-proliferation agreement will foreclose the possibility of such an agreement.

We may therefore be faced with a situation in which we do not get an MLF/ANF, but the delays which it has caused in arriving at a non-proliferation agreement have prevented such an agreement from ever coming into being.

To avoid such a situation, we could privately indicate to the Soviet Union that we would not exert any pressure on our allies to agree to the ANF/MLF even though we would not publicly renounce it. The Soviet Union could then draw its own conclusions as to whether agreement on the multilateral force was likely. If it was really interested in a non-proliferation agreement, compromise language could be found which would neither require the Western powers to renounce all possibility of an ANF/MLF nor require the Soviets to accept it as consistent with non-proliferation. Thus, the non-proliferation agreement would neither explicitly forbid nor sanction the transfer of control of nuclear weapons to groups of states. It would clearly recognize the right of any party to withdraw if other parties took actions which it regarded as inconsistent with the spirit of the agreement.

He also submitted a draft General Assembly resolution on security assurances. This resolution would welcome the intention of states to "come to the immediate assistance of

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any State not possessing nuclear weapons that is the victim of an act of nuclear aggression."<sup>1</sup>

On April 22 the Committee of Principals approved the draft resolution with certain changes to insure that it would not prohibit the first use of nuclear weapons. In its revised form, the resolution would mention assistance to a non-nuclear state that was "the victim of an act of aggression in which nuclear weapons are used." Before taking any action to surface the resolution, however, the Principals recommended, ACDA should consult with Congressional leaders. The Principals did not decide between the alternative draft U.S. declarations submitted by the Thompson Committee.

The Principals recommended continued American support for the MLF/ANF in the context of responding to the largest possible consensus among interested European allies. We should, however, tell the Soviets that we had in mind a non-proliferation agreement which would neither explicitly forbid nor permit the transfer of control of nuclear weapons to groups of states. Such an agreement would have a withdrawal clause similar to that in the limited test-ban treaty, but this clause would not be linked with the MLF/ANF.<sup>2</sup>

#### Disarmament Commission (1965)

The United States had hoped for another ENDC session in the spring of 1965, but the Soviets forestalled this by proposing negotiations in the Disarmament Commission on the grounds that the 19th General Assembly had failed to deal with the disarmament question and it was necessary for all U.N. members to have an opportunity to discuss it. Non-proliferation was the central question in the Disarmament Commission. There was no change in the American or Soviet positions. In his opening speech, the Soviet representative

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<sup>1</sup>Foster to Committee of Principals, memorandum, Apr. 15, 1965, Secret, with attached paper, Secret.

<sup>2</sup>Summary of Action, Meeting of the Committee of Principals, Apr. 22, 1965, Secret.

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called for condemnation of the MLF in any form, but he never submitted any formal proposal for such action to the Disarmament Commission, and it was evident that the majority preferred to skirt this issue. Sweden, India, and other non-nuclear nations showed great interest in stopping the spread of nuclear weapons but wished to link a non-proliferation agreement with the comprehensive test ban and other nuclear measures. On June 15, 1965, the Disarmament Commission adopted an "omnibus" resolution, sponsored by Sweden and 23 other countries, which covered non-proliferation and other disarmament measures. It recommended "special priority" for non-proliferation, with attention to suggestions for a program of related measures. Both the U.S. and the Soviet representatives stated that they regarded non-proliferation as a separable measure.<sup>1</sup>

#### Allied Consultations on a Draft Treaty

Meanwhile, both the British and the Canadians had prepared draft treaties. The British gave us a tentative draft in February but refrained from pressing it, at our request. During the Disarmament Commission negotiations, however, they gave us a new version and proposed early Western consultations. In this draft, the nuclear powers would undertake "not to transfer control of nuclear weapons to any non-nuclear State, or to any association of States" and not to assist any non-nuclear nation in the manufacture of nuclear weapons. The non-nuclear parties would be obliged "not to manufacture or acquire control of nuclear weapons, or to join or to remain in any association having control of nuclear weapons." On May 27, Prime Minister Wilson told the House of Commons that the United Kingdom was preparing a draft treaty in cooperation with us - a statement which was not accurate.

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<sup>1</sup>See International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 14-16.

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The Canadian draft did not refer to transfer to an association of nations. It contained an article requiring all parties to place their non-military nuclear activities under IAEA safeguards. It also included a security assurances article. Under this provision, the nuclear parties would agree to come to the assistance of a non-nuclear party "provided the non-nuclear state has not already received a similar assurance from [is not formally allied with] a nuclear state." Another provision authorized complaints to regional organizations or the U.N. Security Council.<sup>1</sup>

The Germans, on the other hand, were much more interested in NATO nuclear-sharing arrangements. In a press interview of July 2, Foreign Minister Schroeder stressed the threat of Soviet missiles to Germany and said that "Germany would abstain from the acquisition of her own nuclear weapons vis-à-vis her allies" if a multilateral force or "something similar" was established. However, a reunified Germany could accede to a world-wide agreement.<sup>2</sup>

In a telegram of July 11 to the U.S. representative to NATO, the Department of State expressed the hope that the British would drop their draft. If they did bring it up, however, we should take the following position: We still thought that our 1963 proposal was the best Western posture. We would drop the minute attached to that draft and substitute a withdrawal clause. We saw no advantages in the British draft and noted several drawbacks. The ban on transfer to any "association of states" hung "tenuously" on the definition of control, which would offer a "tempting target" to the Soviets. The British draft would eliminate a veto-free European option, which had been introduced in response to apparent European desires. We did not insist that any MLF/ANF charter must include this option, but we wished to "respond effectively to largest possible consensus among interested European allies, and their collective view of this matter is not yet clear." The telegram concluded as follows:

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<sup>1</sup>Circ. agm. CA-13995, June 25, 1965, Confidential, with attached draft treaties.

<sup>2</sup>Documents on Disarmament, 1965, pp. 279-280.

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We continue to attach importance to having agreement cast in terms of prohibiting transferring weapons into national control of individual states so as not to leave any ambiguity re effect of agreement on new NATO nuclear arrangements such as ANF/MLF which in our view are consistent with our non-proliferation objectives and should not be precluded by non-proliferation agreement.<sup>1</sup>

ACDA would not concur with the last paragraph and wished to add the following FYI section:

FYI. US non-proliferation policy is currently under review, and it is possible that new approaches and changes in past position will result. Accordingly, we do not want to give impression that 1963 draft treaty or above points are immutable.

During the State Department clearance of the telegram, the FYI section was deleted without consultation with ACDA. Mr. Fisher protested to the Secretary of State.<sup>2</sup> Ronald I. Spiers (State/EUR) rejoined that Assistant Secretary Leddy had omitted the FYI section and that ACDA should have taken its objections on the concluding paragraph to the Secretary or the White House if it felt that strongly about them.<sup>3</sup>

Privately, the Germans registered strong objections to the British draft. They told the British that a nuclear-sharing solution should have priority over a non-proliferation treaty and objected that the draft ruled out a "federation" operating by majority decision. They would prefer a non-proliferation treaty accompanied by a fissionable materials cutoff and a comprehensive test ban, and they felt that German signature of a non-proliferation treaty should be used to get some concessions from the USSR on reunification.

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<sup>1</sup>To Paris, tel. TOPOL 53, July 11, 1965, Secret.

<sup>2</sup>Fisher to Rusk, memorandum, July 12, 1965, Secret. Copies were also sent to the White House and several State Department officials.

<sup>3</sup>Spiers (State/EUR) to Weiler (ACDA), memorandum, July 13, 1965, Secret.

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The British Embassy told ACDA on July 13 that the United Kingdom did not share the German view on priority for the ANF/MDF. It believed that any treaty without the ban on a majority vote in an association would be ineffective.<sup>1</sup>

On July 16, Ambassador Bruce reported from London that British public opinion strongly favored a non-proliferation treaty and that the Wilson government was committed to taking an initiative. He warned that we were on a "collision course" with the British on the European option and that they might well table their draft regardless of the outcome of allied consultations.<sup>2</sup>

This report resulted in an immediate reevaluation of American policy. On the next day the State Department sent Bruce a telegram, drafted by Fisher, in which it expressed sympathy with the purpose of the British draft. It added, however, that the language came down "unnecessarily hard on possible development of MLF/ANF under European clause by appearing to be inconsistent with abolition of veto by a nuclear state even after political unity has become so absolute that war making power has passed to the European grouping from individual nations or the individual nuclear state had abandoned its right to make independent nuclear decisions to a collective entity of some kind." In order to avoid this difficulty and avoid a "confrontation" with the FRG, the following language was suggested:

Each of the nuclear states party to this Treaty undertakes not to transfer any nuclear weapons into the national control of any non-nuclear State, either directly, or indirectly through a military alliance; and each undertakes not to take any other action which would cause an increase in the total number of States and other organizations having independent power to use nuclear weapons.

This would mean that no European force could come into

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<sup>1</sup>Memcon Faber (British Embassy), Freund (ACDA/IR), and De Palma (ACDA/IR), July 13, 1965, Confidential.

<sup>2</sup>From London, tel. 213, July 16, 1965, Secret.

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existence unless the United Kingdom, France, or the United States either retained the veto or melded its own forces into a "supranational" organization. "In light of French attitude," the instruction stated, "this would mean the future development of such a force would be under control of US-UK." It repeated the previous argument against the British reference to an "association of states" and the definition of "control."<sup>1</sup> We also proposed a complete redraft of the treaty.<sup>2</sup>

On July 19, British Ambassador Dean gave Mr. Foster an aide-mémoire defending the British draft. The British stated that their proposal was fully compatible with an ANF and that they had never argued that the latter should be sacrificed to non-dissemination. But they could not agree that non-dissemination proposals should be postponed until an ANF had been established, because of the danger of proliferation and the possibility that others might take the initiative at Geneva.

Mr. Foster stated that the draft should not be tabled until there had been appropriate NAC consultations and suggested that it should not be introduced the day the ENDC reconvened. While the British seemed to think that the Soviets would be willing to conclude a treaty as soon as the MLF/ANF issue was settled, we were not of this opinion. At a later date, we might wish to introduce amendments on assurances and safeguards.<sup>3</sup>

Two days later, Lord Chalfont told our Embassy at London that our amendments were unacceptable. The Embassy believed that the Cabinet had overruled him for domestic political reasons. An Embassy officer advised him not to assume that we would stick by the amendments we had recently proposed.<sup>4</sup> After consulting the White House,<sup>5</sup> ACDA then informed the German Embassy that we had unsuccessfully tried to persuade the British to amend their draft and that we would not support it in the NAC.<sup>6</sup>

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<sup>1</sup>To London, tel. 298, July 17, 1965, Secret.

<sup>2</sup>To London, tel. 299, July 17, 1965, Secret.

<sup>3</sup>To London, tel. 302, July 19, 1965, Secret; memcon Dean-Faber-Foster-Freund, July 19, 1965, Secret.

<sup>4</sup>From London, tel. 313, July 21, 1965, Secret.

<sup>5</sup>Foster to Bundy, memorandum, July 21, 1965, Secret.

<sup>6</sup>Memcon Blomeyer-Bartenstein, Freund, Miller, July 21, 1965, Secret/Limdis; to Bonn, tel. 194, July 21, 1965, Secret/Limdis.

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We repeated our objections to the British draft in a circular instruction to the NATO capitals and urged avoidance of any public display of allied disunity. We also used the occasion to comment on the Canadian draft. Although "some IAEA safeguards provision" was desirable, the Canadian formula would encounter resistance from India and other non-nuclear states and cause difficulties for the nuclear powers. The question of security assurances was a "complex and sensitive matter" which we were studying.<sup>1</sup> The Canadians replied that they would table their draft if the British submitted their proposal.<sup>2</sup> The Germans wanted the NAC to spend at least two weeks on the question.<sup>3</sup> The Italians were even more opposed to the British draft than we were, although they thought that the 1963 proposal was out of date.<sup>4</sup>

The British agreed to postpone tabling their draft at Geneva and concurred in our view that a public display of allied disunity should be avoided. Meeting at London, Lord Chalfont and Mr. Foster agreed to make an effort to develop language to paper over the differences. Mr. Foster indicated the possibility of our submitting the British draft with our amendments and the British making a public statement that they did not interpret it as permitting a European option with a majority vote.<sup>5</sup>

At Geneva, Lord Chalfont gave Mr. Foster a revised draft which contained the following version of article I:

Each of the nuclear States Party to this Treaty undertakes not to transfer any nuclear weapons into the national control of any non-nuclear State, either directly, or indirectly through a military alliance; and each undertakes not to take any other action which would result in the acquisition, by any other State or organization not now possessing it, of an independent power to use nuclear weapons.

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<sup>1</sup>Circ. tel. 114, July 22, 1965, Secret.

<sup>2</sup>To Ottawa, tel. 76, July 23, 1965, Secret.

<sup>3</sup>From Bonn, tel. 239, July 23, 1965, Secret.

<sup>4</sup>From Rome, tel. 236, July 27, 1965, Secret.

<sup>5</sup>From London, tel. 354, July 25, 1965, Secret.

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Each of the nuclear States Party to this Treaty undertakes not to assist any non-nuclear State in the manufacture of nuclear weapons.

The American delegation found this language no better than the original British draft and requested instructions. It suggested alternative formulations.

It also recommended that the first draft tabled at Geneva include mandatory IAEA or similar international safeguards for the peaceful nuclear activities of non-nuclear states. It anticipated that the non-nuclear states would object to this "discriminatory" provision and recommended security assurances or scaled-down safeguards as eventual fallbacks. We might also consider applying safeguards to all peaceful facilities of all parties, but we should not bring that up at this time.<sup>1</sup>

In subsequent discussions, we maintained our position that the treaty must permit a European option with majority voting, as we had proposed in our amendment to the British draft. The Germans found our language satisfactory.<sup>2</sup> It was agreed that we would table the treaty with our language and that Mr. Foster and Lord Chalfont would publicly state their positions on the European option.<sup>3</sup> Owing to general opposition among the allies to the mandatory safeguards provision - they felt that the non-nuclear nations would reject it as discriminatory - we replaced it with weaker language. The treaty would be of unlimited duration, but there would be a review conference after five years. There were no provisions on security assurances or complaint procedures, as the Canadians had proposed.

#### U.S. Policy Review

While these consultations were in progress, Mr. Foster asked the Committee of Principals to examine all aspects of a non-proliferation treaty. He pointed out that we must

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<sup>1</sup>From Geneva, tel. DISTO 2173, July 27, 1965, Secret.

<sup>2</sup>From Geneva, tel. DISTO 2214, Aug. 5, 1965, Secret.

<sup>3</sup>From Geneva, tel. DISTO 2244, Aug. 11, 1965, Confidential.

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urgently decide what kind of agreement we would support. He again pointed out the danger that the FRG would not be satisfied with NATO defense arrangements if other powers went nuclear, as some might soon do unless there was an early non-proliferation agreement.

Since an early agreement was necessary, non-proliferation should not be relegated to second priority as compared to the MLF/ANF. Some would argue that a non-proliferation treaty that did not expressly sanction an MLF/ANF would give the Soviets a lever against later establishment of a multilateral force, but this would mean deferring a non-proliferation agreement until it was too late to do any good since the Soviets would never accept an agreement that deprived them of such leverage. Others thought that the non-proliferation effort would cause great difficulties with the FRG but saw no prospect for agreement with the USSR. Mr. Foster observed that we would never know until we tried. He pointed out that the USSR and the United States had a common interest in stopping proliferation and that failure to make an effort could have "serious repercussions" on our relations with the United Kingdom, Canada, Norway, Denmark, and perhaps Italy.

He proposed the following basic provisions:

1. Each of the Parties to this Treaty now owning nuclear weapons undertakes not to assist any State not now owning them to acquire nuclear weapons by manufacturing them or by any other means.

2. Each of the Parties to this Treaty not now owning nuclear weapons undertakes not to acquire nuclear weapons by manufacturing them or by any other means. Each such Party also undertakes not to seek or receive from any State assistance in manufacturing nuclear weapons and not to grant such assistance to any State.

The agreement would neither prohibit nor sanction the MLF/ANF, and it would not be accompanied by an explanatory minute as we had proposed in 1963. The new language was designed to avoid "possession," "control," or "transfer," which had been

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used in the 1963 draft. The words "by any other means," however, were broad enough to cover transfer.

The new draft contained alternative safeguards provisions. The first alternative would require all non-nuclear parties to accept IAEA or similar safeguards on their nuclear activities. Under the second, all parties would "undertake to cooperate in facilitating the application" of IAEA or similar international safeguards to peaceful nuclear activities. Since the first alternative might cause serious resistance by non-nuclear nations, we should be prepared to offer the second as a fallback.

He thought that it might be necessary to include security assurances in the non-proliferation agreement in order to obtain adherence by India and other key non-nuclear states. Members of the Senate Foreign Relations Committee and the Joint Committee on Atomic Energy had been consulted about the proposed General Assembly resolution<sup>1</sup> and had made no objection. He therefore proposed the following treaty language:

Each of the Parties to this Treaty undertakes to provide or support immediate assistance to any other Party that (a) does not own nuclear weapons and (b) is the victim of an act of aggression in which nuclear weapons are used.

He pointed out that the assurance would not be automatic, since it would be up to the assisting nation to decide who was the aggressor, and that it left open the form of assistance. It would cover actual aggression with nuclear weapons rather than the threat of aggression. And it protected our position on the defensive use of nuclear weapons.

He also proposed a treaty article in which the nuclear parties would undertake not to use nuclear weapons against non-nuclear parties, "except in defense against an act of aggression in which a State owning nuclear weapons is engaged." This article would not be proposed until a later stage in the negotiations. It would enable us for the first time to take

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<sup>1</sup>See above, pp. 27-28.

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an initiative on the question of the use of nuclear weapons, where we had been on the political defensive throughout the postwar period.<sup>1</sup> He did not think that the impact on U.S. power would be "sufficiently serious to outweigh the benefits that might be obtained from it." Political considerations already imposed such serious restraints on our use of nuclear weapons that we would hardly use them in Asia except in the event of Chinese aggression in Korea or Vietnam. It was hard to see how the European confrontation could lead to hostilities in which the Soviet Union would not be involved, and in that case the treaty limitation would not apply.

He thought that the inclusion of this provision would strengthen the hands of those in the non-nuclear nations who favored non-proliferation, since they "would no longer be in a position of asking their own countries to forego the use of nuclear weapons at a time when the principal nuclear powers could give them no assurance that they would not use those weapons against them." The probable Chinese failure to sign the treaty would weaken the effect of this provision, but this would be offset to some extent by the assurances action.

The treaty would come into force when it had been ratified by the United States, the United Kingdom, the Soviet Union, and a certain number of additional states, including some key governments. To meet FRG desires, there would be three depositary governments as in the limited test-ban treaty in order to minimize the political effect of GDR accession.<sup>2</sup>

Presidential Request for New Program

In a National Security Action Memorandum of June 28, the President directed ACDA to prepare and submit a proposal

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<sup>1</sup>See below, chapter K-6.

<sup>2</sup>Foster to Committee of Principals, memorandum, July 16, 1965, Secret, with attached draft position paper on non-proliferation agreement, July 16, 1965, Secret.

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for a new program, including measures to prevent the further spread of nuclear weapons.<sup>1</sup>

Mr. Fisher accordingly sent the Principals a paper (July 31) outlining the first draft of a program for preventing the spread of nuclear weapons and turning down the nuclear arms race. The non-proliferation treaty headed the list of proposed actions.

In his July 27 message, the President had told the ENDC that the American delegation was instructed to seek agreements to stop proliferation.<sup>2</sup> The United States and its allies were now consulting on the terms of a draft treaty which the British might introduce in two weeks. They were considering two different approaches to the European option: the British wished to provide that a nuclear power must retain a veto, while the United States would meet the problem by providing that there should be no increase in the number of states or organizations with the independent power to fire nuclear weapons.

ACDA still felt that any agreement which clearly left the door open to the MLF/ANF would be non-negotiable with the Soviet Union. It favored the vague, generalized language proposed by the Canadians which would neither expressly forbid nor permit the transfer of control of nuclear weapons to groups of states. If the "generalized" approach was adopted, ACDA would recommend that we privately inform the Soviets that we would continue to state that the draft was consistent with our efforts to work out Allied nuclear arrangements but that we did not foreclose their right to make contrary statements. We would also point out that the right of withdrawal would protect their security interests.

ACDA felt that we should make a "strenuous" effort to get the Russians to join with us in a treaty which would meet the most immediate danger of proliferation to Nth countries and that we should "not foreclose possibly our last chance

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<sup>1</sup>NSAM 335, June 28, 1965, Confidential.  
<sup>2</sup>Documents on Disarmament, 1965, p. 281.

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to act together on this issue by seeking to force each other via a non-proliferation treaty to renounce existing views with respect to the MLF/ANF." ACDA believed that the risk of disrupting NATO unity was more than outweighed by the danger of proliferation.

An immediate decision was necessary on safeguards. After appropriate consultations, ACDA intended to propose the inclusion of IAEA safeguards in the draft treaty. The security assurances problem must also be resolved as a matter of priority. Until it was settled, however, the delegation at Geneva could indicate that we would support a U.N. resolution of the kind the Principals had approved in April.<sup>1</sup> ACDA did not think that the proposal to limit the use of nuclear weapons should be advanced until it had received "the most thorough consideration" and then only when it was clear that the Soviets were ready to seriously discuss other treaty provisions and that the proposal would make it possible for the Soviet Union and key non-nuclear countries to agree to a non-proliferation treaty. It recommended private communications as appropriate but opposed any public threat of sanctions. It suggested that a Congressional resolution might be of some use in this connection.<sup>2</sup>

On August 11, Mr. Fisher sent the Deputies a draft Congressional resolution and requested their comments. He said that the resolution would help crystallize sentiment in Congress, increase public support for non-proliferation, and underline Administration effort. It would raise the possibility of economic pressures "only in a general fashion and in a low key."<sup>3</sup> The draft resolution encountered strong opposition in the State Department, where Deputy Assistant Secretary of State Kitchen, with the concurrence of other top officials, noted the danger that Congressional debate could show divided opinions on the MLF/ANF. He recommended that we avoid anything "which poses such vague threats of economic

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<sup>1</sup>See above, pp. 27-28.

<sup>2</sup>Fisher to Committee of Principals, memorandum, July 31, 1965, Secret, with attached paper, "Proposed Program Under NSAM No. 335," July 31, 1965, Secret.

<sup>3</sup>Fisher to Keeny, et al., memorandum, Aug. 11, 1965, Confidential.

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retaliation, which is at least as likely to backfire as to assist our effort."<sup>1</sup>

AEC strongly favored mandatory IAEA or equivalent safeguards on the peaceful nuclear activities of the nuclear powers only to "cooperate" in facilitating the application of safeguards. It had also accepted the fallback position of offering the non-nuclear states the weaker provision if mandatory safeguards should block acceptance of the treaty.

Chairman Seaborg was "dismayed," however, to learn that the American delegation at Geneva had moved to the fallback after discussion in the Western Four. He recommended that every effort be made to restore the mandatory provision. If this could not be done, we should at least make it clear that we favored mandatory safeguards and try to get Sweden or another neutral to propose an amendment which we could endorse.<sup>2</sup>

The JCS favored non-proliferation and commented that any viable treaty must provide for safeguards on all peaceful nuclear activities of non-nuclear countries. They therefore preferred the first alternative in the July 16 paper but accepted the second as a fallback. Regardless of treaty provisions, they declared, there must be a continuing effort to improve our unilateral means of verification. They preferred to consider security assurances on a case-by-case basis. If they had to be included in the treaty, "they should be general in nature and not imply commitments that could interfere with the necessary flexibility for future US action" and not obligate us to "any particular contingent military action."

They opposed any treaty limitation on the use of nuclear weapons against non-nuclear nations on the following grounds: (1) we must retain strategic flexibility, (2) any restriction could be used to advance a general prohibition, and (3) Communist China and North Vietnam could misinterpret any proposal we made at this time.

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<sup>1</sup>Kitchen to Rusk, memorandum, Aug. 16, 1965, Confidential.

<sup>2</sup>Seaborg to Foster, ltr., Aug. 13, 1965, Secret (attached to Foster's memorandum to Committee of Principals, Feb. 17, 1966, Secret).

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They preferred the July 17 draft treaty to the ACDA version since the former did not include undesirable provisions on security assurances or limitation of use. The State draft suffered, however, from a lack of safeguards. They thought that we should not aggressively pursue a non-proliferation treaty at this time. In their view, any future efforts should take the following factors into account: (1) flexibility to permit international or multilateral sharing, (2) continued U.S. nuclear dispersal and delivery arrangements, and (3) safeguards. "No agreement should be obtained," they wrote, "at the risk of weakening the NATO structure and downgrading the credibility of the US nuclear deterrent."<sup>1</sup>

Eighth Session of the ENDC (1965)

As we have seen, President Johnson stressed non-proliferation in his message to the ENDC.<sup>2</sup> On August 17 the United States tabled its draft treaty. This would oblige the nuclear powers (1) not to transfer nuclear weapons into the national control of any country not having them, either directly or indirectly, through a military alliance, (2) not to assist non-nuclear countries to manufacture nuclear weapons, and (3) not to take any action to increase the number of states or other entities with the independent power to use nuclear weapons. The non-nuclear countries would assume analogous obligations. All parties would undertake to facilitate the application of IAEA or equivalent safeguards to their peaceful nuclear activities. There would be a review conference after a specified period because of concern that the treaty should be accompanied by progress in nuclear disarmament.

The U.S. draft treaty thus preserved the European option with a majority vote, and Lord Chalfont publicly commented that the United Kingdom would prefer to see this possibility closed, since it opposed any Western defense arrangements that

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<sup>1</sup>McNaughton to Fisher, ltr., Aug. 16, 1965, Secret, with attached memorandum from the JCS to the Secretary of Defense (JCSM 602-65), Aug. 5, 1965, Secret. See also Humphries (DOD/ISA) to Fisher, ltr., Sept. 14, 1965, Secret, with attached memorandum from the JCS to the Secretary of Defense (JCSM 677-65), Sept. 10, 1965, Secret. For the July 17, 1965, draft treaty, see to London, tel. 299, July 17, 1965, Secret/Limdis.

<sup>2</sup>See above, p. 39.

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would eliminate the veto of existing nuclear powers. Mr. Foster explained that the option was preserved because we did not wish to preclude a European political union at some future time. Soviet Ambassador Tsarapkin attacked the treaty for "legalizing" the MLF and insisted that it was necessary to ban "indirect access" to nuclear weapons by non-nuclear powers. The Eight stated in a memorandum of September 15 that non-proliferation measures should be "coupled with or followed by" tangible steps in nuclear disarmament.<sup>1</sup>

Fanfani Moratorium Proposal

On July 29, Italian Foreign Minister Fanfani suggested to the ENDC that the non-nuclear nations might agree to a "moratorium" on acquiring nuclear weapons if the nuclear powers were unable to agree on a non-dissemination treaty within a reasonable length of time. The moratorium would last a specified length of time, and the non-nuclear nations would recover their freedom of action when it expired.<sup>2</sup>

Secretary of State Rusk was attracted by the Fanfani proposal and called it an "important contribution" at his August 2 press conference.<sup>3</sup> He also spoke of it in favorable terms to the Italian Ambassador and observed that it might be an alternative approach if our current effort proved unsuccessful.<sup>4</sup> Deputy Assistant Secretary of Defense Barber also liked the proposal.<sup>5</sup>

ACDA was less enthusiastic. Our delegation at Geneva was instructed to try to dissuade the Italians from pursuing the proposal.<sup>6</sup> After Tsarapkin's rejection of our draft treaty, however, we took a more favorable view.<sup>7</sup> The delegation

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<sup>1</sup>See International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 17 ff.

<sup>2</sup>Ibid., p. 19.

<sup>3</sup>American Foreign Policy: Current Documents, 1965, pp. 302-303.

<sup>4</sup>Memcon Rusk, Fenoaltea, et al., Aug. 11, 1965, Secret.

<sup>5</sup>Barber to Fisher, memorandum, Aug. 13, 1965, Confidential.

<sup>6</sup>To Geneva, tel. TODIS 1807, Aug. 18, 1965, Confidential.

<sup>7</sup>To Geneva, tel. TODIS 1835, Sept. 2, 1965, Confidential.

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reported that the British and Canadians took a dim view of the proposal. It also doubted that key nonaligned nations would support it; if they did, they might load it down with "various self-serving and unrealistic conditions regarding actions to be taken by nuclear powers - conditions later likely to be transformed into amendments to non-proliferation treaty."<sup>1</sup> Nevertheless, the Italian delegation introduced a draft declaration, explaining that it was intended to remove the immediate danger while treaty efforts continued.<sup>2</sup>

20th General Assembly (1965)

In his opening address to the General Assembly, Ambassador Goldberg asked "first priority" for non-proliferation and urged early action on the U.S. draft treaty. He also repeated the President's assurance of support of non-nuclear countries against nuclear blackmail and declared that the General Assembly could take action on security assurances.

On September 24 the Soviet Union submitted its own draft treaty. In the Soviet draft, the nuclear powers would undertake not to transfer nuclear weapons "directly, or indirectly, through third States or groups of States not possessing nuclear weapons and not to accord to such States the right to participate in the ownership, control or use of nuclear weapons." They would agree not to transfer "nuclear weapons, or control over them or over their emplacement or use" to military units or personnel of non-nuclear allies, even if these units or personnel were "under the command of a military alliance." They would also undertake not to help other states or groups of states to manufacture or test nuclear weapons. The non-nuclear states would assume similar obligations. There were no safeguards or review provisions. The treaty could be amended by a majority of the parties, including all the nuclear parties. There was a withdrawal provision.

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<sup>1</sup>From Geneva, tel. DISTO 2327, Sept. 3, 1965, Confidential.

<sup>2</sup>Documents on Disarmament, 1965, pp. 411-418.

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Although the Soviet draft did not explicitly ban an MLF or ANF, the Soviets made it quite clear that it was so intended. India, the UAR, Sweden, and other non-nuclear nations still argued that a non-proliferation treaty should be accompanied by nuclear disarmament measures, and we questioned this "package" approach. Both the United States and the Soviet Union voted for a resolution sponsored by the Eight (November 19, 1965), which called on the ENDC to negotiate a non-proliferation treaty void of loopholes, with "an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers." The treaty should be a step toward general and complete disarmament, and particularly nuclear disarmament. It should not "adversely affect" the right of states to conclude regional denuclearization agreements.

The Soviet Union was still chiefly concerned with Germany. While the General Assembly was still in session, Chancellor Erhard publicly stated that the FRG still wanted some form of "nuclear participation" in NATO defense, although it remained pledged not to manufacture nuclear weapons on its territory and did not wish to acquire "national control" of nuclear weapons. Newspaper reports stated that American nuclear warheads were mounted on FRG aircraft. A White House statement that American nuclear weapons remained in U.S. custody and could not be used without the specific authorization of the President did not satisfy the Soviets. In a speech of December 8 to the Supreme Soviet, Foreign Minister Gromyko declared that the USSR rejected a "two-key" system for controlling American nuclear weapons in Germany and any attempt to "camouflage" FRG accession to nuclear weapons by setting up a NATO committee. This speech seemed to question our existing arrangements and McNamara's plan for a NATO nuclear committee, as well as the MLF and ANF.<sup>1</sup>

Ninth Session of the ENDC (January 27-May 10, 1966)

Before the ENDC session opened, ACDA prepared several minor amendments to the U.S. draft treaty and discussed them

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<sup>1</sup>See International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 22-28.

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with the British, who concurred ad referendum. These amendments provided a definition of "control" and changed "nuclear state" and "non-nuclear state" to "nuclear weapons" and "non-nuclear-weapon state." "Control" would be defined as "independent power to use nuclear weapons." The other changes were intended to placate the Indians, who disliked being placed among "non-nuclear" nations when they had a large peaceful program.<sup>1</sup>

After Mr. Foster had left for Europe, however, Under Secretary of State Ball insisted on changing the definition of "control" to read "right or ability to fire nuclear weapons without the concurrent decision of an existing nuclear-weapon state." McGeorge Bundy concurred, and Mr. Foster was instructed to discuss the revised amendments with the Western Four.<sup>2</sup>

In Geneva, Mr. Foster objected to the changes and suggested restoring "use," which had a better connotation than "fire." He also objected to the term "concurrent decision":

More importantly, "concurrent decision" suggests two decisions. Implies situation where non-nuclear state, or association of non-nuclear states, would be in position to make decision on use as well as nuclear state. Moreover "concurrent" could be interpreted either to mean happening at the same time or joint and equal in authority (e.g., nuclear co-determination). Believe this would not be lost on Sovs...<sup>3</sup>

The British also objected to the changed definition of "control". They doubted that "fire" would cover dropping an atomic bomb and suggested "commit to use" as an alternative. They preferred "consent" to "concurrent decision" and pointed out that our definition of "nuclear-weapon state" was circular, given the new definition of "control."<sup>4</sup>

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<sup>1</sup>Fisher to Rusk, memorandum, "US Non-Proliferation Treaty (U)", Jan. 24, 1966, Confidential, with attached papers, "Revised Draft Articles I, II and IV of a Non-Proliferation Treaty," Jan. 20, 1966, Confidential, and "Explanation of Treaty Changes," Jan. 21, 1966, Confidential.

<sup>2</sup>To Paris, tel. 3430, Jan. 24, 1966, Secret/Limdis.

<sup>3</sup>From Geneva, tel. 1322, Jan. 28, 1966, Secret/Limdis.

<sup>4</sup>From Geneva, tel. 1326, Jan. 29, 1966, Secret/Limdis.

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Washington decided to keep the word "fire" and explained that "use" was vaguer. It believed that "fire" would cover dropping an atomic bomb. It preferred "concurrent decision" to "consent," since "consent" could theoretically permit a nuclear power to retain "control" while delegating authority in advance to use nuclear weapons, while "concurrent decision" made it clear that an explicit decision would be required to release them. It agreed with the delegation's view that there would be no doubt in practice of the meaning of the terms, in spite of the circularity that the British had noted.<sup>1</sup>

When he gave the new draft language to the allies, both General Burns (Canada) and Lord Chalfont (U.K.) objected to the "nuclear-weapon" and "non-nuclear-weapon" terminology. General Burns preferred "States possessing" or "not possessing" nuclear weapons. Mr. Foster explained that this was necessary to avoid the inference that the presence of nuclear weapons on a nation's territory could mean possession. He also explained that "concurrent" meant "at the same time," i.e., no nuclear weapon could be fired until a nuclear-weapon state gave the release. Lord Chalfont preferred "specific consent."<sup>2</sup> The Canadians were concerned about the definition of a nuclear-weapon state and questioned the European option. Our delegation suggested that this might be met by defining a nuclear-weapon states as a "state having independent power to fire nuclear weapons."<sup>3</sup> We decided, however, not to make any changes in the draft amendments, and the British, Canadians, and Italians concurred.<sup>4</sup>

Even then, the amendments encountered opposition from the Germans, who questioned their effect on SACEUR's authority to release nuclear weapons to the allies and the European option.<sup>5</sup> Mr. Foster was instructed to tell the German observer in Geneva that the new language would not affect the existing arrangements whereby CINCEUR and SACEUR, after a

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<sup>1</sup>To Geneva, tel. TODIS 1910, Jan. 31, 1966, Secret/Limdis.

<sup>2</sup>From Geneva, tel. 1344, Feb. 1, 1966, Confidential.

<sup>3</sup>From Geneva, tel. 1348, Feb. 2, 1966, Confidential.

From Ottawa, tel. 1020, Feb. 7, 1966, Secret/Limdis.

<sup>4</sup>From Geneva, tel. 1374, Feb. 4, 1966, Confidential.

<sup>5</sup>From Bonn, tel. 2352, Feb. 7, 1966, Confidential.

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decision by the President, could release warheads to allied forces. If they released the warheads, this would not be a transfer to the national control of a non-nuclear-weapon state, but a "concurrent decision" by the United States that the weapons could be fired. Moreover, the amendments did not rule out a majority voting system in a possible European nuclear force, provided that an existing nuclear-weapon state, e.g., the United Kingdom, merged its weapons into a European force. The European option would thus remain open.<sup>1</sup> When Mr. Foster presented this explanation to Schnippenkoetter at Geneva, the latter neither approved the amendments nor asked us to delay presenting them to the Soviets.<sup>2</sup>

In the plenary meetings, Ambassador Tsarapkin continued his attacks on the American draft treaty for permitting the nuclear powers to give control of nuclear weapons to a multilateral force. He warned that the USSR would never consent to West German "access to nuclear weapons."<sup>3</sup> After we had privately given him the amendments, he told Fisher in a Co-Chairmen's meeting (February 28) that the Soviets saw no real difference between the amendments and our original draft treaty on this point.<sup>4</sup>

Later, the Co-Chairmen had an article-by-article discussion. Mr. Fisher said that the Soviet draft treaty appeared to prohibit non-nuclear-weapon states from participating in alliance planning, while we wished to assure that no non-nuclear-weapon state could fire nuclear weapons without the explicit, concurrent decision of an existing nuclear-weapon power. Ambassador Tsarapkin said that our definition of "control" was unacceptable. He maintained that it meant proliferation since it would permit access, ownership, and having weapons at one's disposition. Only the right to fire would be forbidden, and that meant proliferation lacking only the final phase.

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<sup>1</sup>From Geneva, tel. 1394, Feb. 7, 1966, Confidential; to Geneva, tel. 1355, Feb. 7, 1966, Confidential.

<sup>2</sup>From Geneva, tels. 1408, Feb. 8, 1966, Confidential, and 1414, Feb. 9, 1966, Confidential.

<sup>3</sup>International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, p. 33.

<sup>4</sup>From Geneva, tel. 1550, Feb. 28, 1966, Confidential.

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Mr. Fisher replied that our draft would also forbid non-nuclear nations to learn how to manufacture nuclear weapons, although it would permit them to learn how to operate delivery vehicles. He explained that the new language forbidding transfer to an association of non-nuclear-weapon states closed a loophole in our original draft, which would have permitted the establishment of a new nuclear association of states if an existing nuclear power gave up its weapons, even though it did not join the association. It also meant that a nuclear state forming a multilateral force must either keep its veto or put its entire nuclear capability into the force. Ambassador Tsarapkin said that the Soviet draft treaty would prohibit training allies in the use of nuclear-capable rockets or aircraft. He preferred to postpone discussion of safeguards until a later stage.<sup>1</sup>

A crucial question was whether the Soviets would insist on a non-proliferation treaty that would ban existing allied nuclear arrangements and proposed consultative procedures, as the Gromyko speech and Tsarapkin's remarks seemed to indicate. Lord Chalfont further reported that Kosygin had told him in Moscow that any change in NATO arrangements bringing the FRG into closer association with nuclear weapons would rule out a treaty. The Soviet Premier included consultation and planning.<sup>2</sup>

On the other hand, O.A. Grinevsky of the Soviet delegation at Geneva told us that the Soviets wished to ban the transfer of the "possession, use, and control" of nuclear weapons to an association of nuclear and non-nuclear states. He insisted, however, that the Soviet draft treaty was not intended to cover existing arrangements and that the Soviet attitude toward the NATO Special Committee would depend on whether it turned out to be more than a consultative organ. Although the Soviets would make speeches against existing arrangements and the Special Committee, they would not insist in the last analysis on prohibiting them in the treaty. He emphasized that Gromyko had not stipulated that there should be a treaty ban on the Special Committee.<sup>3</sup>

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<sup>1</sup>From Geneva, tels. 1574, Mar. 2, 1966, Confidential/Limdis, and 1594, Mar. 4, 1966, Confidential/Limdis.

<sup>2</sup>From Geneva, tel. 1550, Feb. 28, 1966, Confidential.

<sup>3</sup>From Geneva, tel. 1599, Mar. 4, 1966, Confidential.

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Ambassador Tsarapkin took a tougher line in a private discussion with Fisher and Goldberg, who was visiting Geneva, and registered objection to training allied military units in the use of nuclear weapons. He said that existing arrangements should be altered if they were contrary to the treaty. Ambassador Goldberg tried without success to persuade him to accept our word just as we would accept theirs.<sup>1</sup>

Shortly after these talks, Ambassador Tsarapkin was recalled to Moscow and unexpectedly reassigned to Bonn. Lord Chalfont, after a short visit to Bonn, reported to the Western Four that the Germans felt that the ENDC should confine itself to preventing national control of nuclear weapons and that they would not be satisfied with consultative arrangements. They apparently still wished to use nuclear sharing to gain leverage for reunification. He had also talked with Tsarapkin, who told him that the West was wrong if it thought that it could have either a multilateral force or consultative arrangements and a non-proliferation treaty. The Soviets accepted FRG membership in NATO but not consultation with Bonn on nuclear matters.

Lord Chalfont declared that we should decide what kind of non-proliferation treaty and nuclear-sharing arrangements we wanted and then tell the FRG to accept them. He suggested that the four Western delegates at Geneva should recommend this action to their governments. Both General Burns and Ambassador Cavalletti agreed that the Germans were trying to block a non-proliferation treaty. Mr. Fisher did not agree that we could tell the FRG to take it or leave it. While he agreed that a non-proliferation treaty was urgent, he could not urge Washington to consider a treaty that was not consistent with the NATO arrangements under discussion. Moreover, he did not think that it was appropriate for the delegates at Geneva to take the role that Chalfont would give them.<sup>2</sup>

The amendments were tabled on March 21 and met the expected Soviet rejection. Ambassador Roshchin, who had

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<sup>1</sup>Memcon, Mar. 7, 1966, Secret/Limdis.

<sup>2</sup>From Geneva, tel. 1734, Mar. 17, 1966, Secret.

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replaced Tsarapkin at Geneva, argued that the revised U.S. draft treaty would not prohibit the "transfer" of nuclear weapons to allies or forbid them to participate in "the ownership, control or use of nuclear weapons." Moreover, he claimed that we would treat nations as "non-nuclear-weapon" states even though they "physically and legally" possessed nuclear weapons. He declared that the Soviet Union and other nations could not rest their security on the American veto. And he criticized the European option.<sup>1</sup>

#### U.S. policy and the Kosygin offer

Premier Kosygin introduced a new element in his February 1, 1966, message to the ENDC by offering to include in the non-proliferation treaty a provision banning the use of nuclear weapons against non-nuclear countries which did not have them on their territory.<sup>2</sup> Our delegation was instructed to avoid initiating discussion of the Kosygin offer. We doubted that it would meet the most likely contingency - nuclear blackmail of non-nuclear states by powers which did not sign a non-proliferation treaty. It would also discriminate against countries which had allied nuclear weapons on their territory.<sup>3</sup>

In a memorandum of February 18 to the Principals, Mr. Fisher proposed the following course of action: Immediately, we would point out that the Kosygin offer was inadequate and discriminatory and contrast it with the more positive approach outlined by the President in October 1964. At the same time, there would be great pressure to include security assurances in the treaty and many non-nuclear countries would not be satisfied with the U.N. resolution we had in mind. We should therefore consult our allies on including a treaty article under which the parties would undertake to provide or support immediate assistance to any non-nuclear party to the treaty that was a victim of aggression

<sup>1</sup>International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 36 ff.

<sup>2</sup>Documents on Disarmament, 1966, p. 11.

<sup>3</sup>To Geneva, tel. 1351, Feb. 7, 1966, Confidential.

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in which nuclear weapons were used and had not already received assurances from a nuclear-weapon ally. The nuclear parties would agree to consult to assure implementation of this provision.<sup>1</sup>

While the Principals were considering the ACDA proposal, we were discussing the Kosygin offer with our allies. The North Atlantic Council reacted negatively and asked the Western Four to discuss it further at Geneva. These discussions were inconclusive. General Burns did not see how the proposal could be rejected, especially if it were amended to apply only to nonaligned non-nuclear nations, and all agreed that it would have much appeal to the non-aligned. Ambassador Cavalletti noted that it could lead to pressure for the withdrawal of allied nuclear weapons from his country. The allies suggested the argument that the Kosygin proposal would require verification to insure that no nuclear weapons were present on the territory of the countries concerned.<sup>2</sup> For our part, we prepared a draft General Assembly resolution which would welcome the intention of U.N. members approving it to "provide or support immediate assistance to any State not possessing nuclear weapons that is the victim of an act of aggression in which nuclear weapons are used" and call upon all other states to associate themselves with the objectives of the resolution.<sup>3</sup>

The JCS opposed the Kosygin offer for the following reasons:

- (1) It was a propaganda move intended to discriminate against and intimidate allies having American nuclear weapons on their territory.
- (2) It was another attempt to erode our alliances.
- (3) It could provide impetus toward total prohibition of nuclear weapons.

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<sup>1</sup>Fisher to Committee of Principals, memorandum, Feb. 18, 1966, Secret.

<sup>2</sup>From Geneva, tels. 1488, Feb. 18, 1966, Confidential; 1500, Feb. 21, 1966, Confidential; 1551, Feb. 28, 1966, Confidential.

<sup>3</sup>To Geneva, tel. 1448, Feb. 18, 1966, Confidential.

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(4) It could cause us to disclose the location of nuclear stockpiles abroad.

(5) It could alter the military balance to our detriment.

They did not favor going beyond the President's previous assurances at this time. If security assurances were required, "they should be general in nature and not commit the United States to any specific military course of action or inhibit US nuclear flexibility." They should take the form of a U.N. resolution rather than treaty provisions. They opposed any form of non-use obligation, since this would deny us the advantage we enjoyed from "the deterrent effect of US nuclear superiority." They thought that the inclusion of a non-use obligation or specific assurances would be a cause for reappraising the desirability of a non-proliferation treaty.<sup>1</sup> Assistant Secretary of Defense McNaughton agreed that the draft resolution could be discussed with the allies.<sup>2</sup>

The problem was discussed by the Principals on February 28. Secretary Rusk did not see how certain countries could be handled under the ACDA security assurances proposal. For example, if we left Iran out on the ground that it was an ally, the Senate might think we had made an alliance with that country without seeking Senate approval for a treaty. On the other hand, Iran might be alarmed if we did not classify it as an ally. In view of Senate concern about over-extended commitments, he had very strong reservations about making any new ones at this time. If this question became a breaking point, however, we could consult with Senators about it. Secretary of Defense McNamara agreed that there was no point in even considering additional undertakings.

Mr. Foster noted that pressure was building up among the nonaligned and even with some of our allies for some kind of action on the Kosygin proposal. At the same time, the non-aligned showed little interest in our U.N. resolution and the Soviets had told us that it was premature.<sup>3</sup>

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<sup>1</sup>JCS to Secretary of Defense, memorandum (JCSM-138-66), Mar. 4, 1966, Secret.

<sup>2</sup>McNaughton to Fisher, ltr., Mar. 6, 1966, Secret.

<sup>3</sup>Summary of Action, "Meeting of the Committee of Principals," Feb. 28, 1966, Secret.

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He was unable to get much in the way of guidance for the American delegation at Geneva, which was to make no public comments on the Kosygin proposal either then or later. The allies agreed with some reluctance to try to avoid public discussion.<sup>1</sup> As we had expected, the nonaligned nations responded favorably to the Kosygin offer.<sup>2</sup>

#### Strengthening safeguards

As we have seen, the safeguards article of the U.S. draft treaty was weaker than we would have preferred.<sup>3</sup> AEC regretted that we had dropped the stronger version, and influential members of Congress shared this view. When he introduced his non-proliferation resolution, Senator Pastore (Dem., R.I.)<sup>4</sup> recommended that the provision be strengthened. He proposed that the nuclear powers agree not to transfer fissionable material and that the non-nuclear nations agree not to seek or obtain nuclear equipment or materials, except under IAEA or similar international safeguards.<sup>5</sup>

At the Principals meeting of January 21, Mr. Foster and Mr. Fisher opposed an AEC attempt to insert in the President's message to the ENDC an undertaking to apply IAEA safeguards to peaceful nuclear activities. They argued that the British and Italians would object and that this might interfere with other efforts to promote IAEA safeguards. Secretary of State Rusk and Vice President Humphrey wished to include a reference to the Pastore resolution, and a compromise was worked out.<sup>6</sup>

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<sup>1</sup>From Geneva, tel. 1702, Mar. 14, 1966, Confidential.

<sup>2</sup>International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 42-43.

<sup>3</sup>See above, pp. 40-42.

<sup>4</sup>See below, p. 60.

<sup>5</sup>Nonproliferation of Nuclear Weapons: Hearings Before the Joint Committee on Atomic Energy, Congress of the United States, Eighty-ninth Congress, Second Session, on S. Res. 179, Nonproliferation of Nuclear Weapons, p. 147.

<sup>6</sup>Summary of Action, Meeting of Committee of Principals, Jan. 21, 1966, Secret/Limdis. For the President's message, see Documents on Disarmament, 1966, p. 6.

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The position paper for the ENDC called for an effort to strengthen the safeguards article and stated that the American delegation should seek a revised article which would require the non-nuclear parties to accept IAEA or equivalent international safeguards on all peaceful nuclear activities. All parties would undertake to cooperate in facilitating the application of safeguards on all peaceful nuclear activities and to make nuclear transfers for peaceful purposes only under safeguards.<sup>1</sup>

When Mr. Foster gave this proposal to Cavalletti at Geneva, he encountered opposition on the ground that it would discriminate against non-nuclear countries. The latter responded with a counterproposal which would obligate all parties to accept IAEA or equivalent safeguards "or to cooperate in facilitating the application of such safeguards." Members of the American and Italian delegations worked out a tentative compromise which did not find favor with Mr. Foster or with Washington.<sup>2</sup> Since the Cavalletti version was weaker than we would accept, our Embassy at Rome was instructed to take up the question with the Italian Government.<sup>3</sup> The Italian position did not change.<sup>4</sup>

In a memorandum of February 17 to the Committee of Principals, Mr. Fisher reported that we had encountered such strong opposition from the Italians that we had not yet submitted the revised article to the Canadians and British. He therefore felt that a policy decision was required.<sup>5</sup> Secretary of Defense McNamara agreed that the existing draft article should be strengthened but did not think that we should "allow this issue to prevent achievement of an otherwise acceptable non-proliferation treaty."<sup>6</sup>

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<sup>1</sup>ENDC position paper, "Safeguards on Peaceful Nuclear Activities," Jan. 26, 1966, Confidential.

<sup>2</sup>From Geneva, tels. 1343, Feb. 1, 1966, and 1356, Feb. 2, 1966, Secret/Limdis; to Geneva, tel. 1323, Feb. 3, 1966, Secret.

<sup>3</sup>To Rome, tel. 1608, Feb. 3, 1966, Confidential.

<sup>4</sup>From Geneva, tel. 1383, Feb. 4, 1966, Secret.

<sup>5</sup>Fisher to Committee of Principals, memorandum, Feb. 17, 1966, Secret.

<sup>6</sup>McNamara to Fisher, ltr., Feb. 24, 1966, Confidential.

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At the Principals meeting of February 28, AEC Chairman Seaborg expressed strong support for strengthening the safeguards article of the draft treaty. Mr. Foster, however, noted Italian and British opposition and doubted that we would get allied support. He also questioned whether the Soviet Union would agree to impose IAEA inspection on its allies. The White House representatives did not think that the attempt to strengthen safeguards should be allowed to become an obstacle to obtaining a non-proliferation treaty. Secretary of State Rusk assumed that the safeguards article should not be made the breaking point but offered to try to persuade Fanfani to accept strengthened safeguards.<sup>1</sup>

On March 21 our delegation at Geneva was instructed to seek British and Canadian support for the strengthened article, with the aim of tabling it on April 5. The British initially concurred, but the Canadians informed us that they could not support it at that time, and action was postponed.<sup>2</sup> The Canadians felt that the safeguards provisions should be non-discriminatory as between nuclear-weapon and non-nuclear-weapon states.<sup>3</sup> General Burns therefore suggested in the Western Four that all parties undertake to accept IAEA or equivalent safeguards on their peaceful nuclear activities. Lord Chalfont, however, said that the United Kingdom would not accept safeguards on all its peaceful activities, since this would give international inspectors access to its military nuclear program and jeopardize its security. Ambassador Cavalletti opposed any change in the existing U.S. draft.<sup>4</sup> The article was not tabled.

#### Peaceful nuclear explosions

We had originally intended to include a definition of "nuclear weapon" in our treaty amendments, but the definition

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<sup>1</sup>Summary of Action, "Meeting of the Committee of Principals," Feb. 28, 1966, Secret.

<sup>2</sup>To Geneva, tel. 1712, Mar. 21, 1966, Confidential; from Geneva, tels. 1832 and 1835, Mar. 28, 1966, Confidential; from Geneva, tels. 1857 and 1860, Mar. 31, 1966, Confidential; to Geneva, tel. 1785, Mar. 31, 1966, Confidential; from Geneva, tel. 1870, Apr. 1, 1966, Confidential; to Geneva, tel. 1798, Apr. 1, 1966, Confidential.

<sup>3</sup>From Geneva, tel. 1892, Apr. 5, 1966, Confidential.

<sup>4</sup>From Geneva, tel. 1953, Apr. 15, 1966, Confidential.

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was left blank in the instructions to our delegation at the ENDC. In a telegram of February 11, Mr. Foster called attention to the omission and observed that we now had an excellent opportunity to convey to India and others that we would regard an explosion of a Plowshare device by a non-nuclear country as an explosion of a nuclear weapon. He noted that there had been hints that the Indians might claim that any device they tested was peaceful. He requested and obtained authority to inform the allies and the Soviets that the treaty limitations would apply alike to nuclear weapons and any other nuclear explosions.<sup>1</sup>

In the Western Four, Mr. Fisher pointed out that the technology was similar for peaceful devices and for weapons. He argued that a non-proliferation treaty would be an empty shell if it did not ban peaceful nuclear explosions by non-nuclear nations. Since the limited test-ban treaty prohibited almost all significant peaceful uses of nuclear explosions, the non-nuclear nations could not reasonably argue that a ban would discriminate against them. The British and Canadians disagreed. Lord Chalfont argued that our proposal was unfair to the non-nuclear nations and agreed with Burns that the problem might be solved through a comprehensive test ban. He strongly opposed raising the question at this time and favored simply tabling the amendment with a blank for definition. If we brought up the question at a later date, we should decide whether the nuclear powers would provide the non-nuclear nations with nuclear devices.<sup>2</sup>

Impressed by Chalfont's argument, Mr. Fisher recommended to Washington that we leave the definition blank for the time being. Alternatively, we could propose that the nuclear powers conduct Plowshare explosions for the non-nuclear nations, or define "nuclear weapon" in purely scientific terms without drawing attention to peaceful explosions. He considered that the latter would be disingenuous and that we could not undertake a commitment to carry out Plowshare tests prohibited by the limited test-ban treaty.<sup>3</sup>

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<sup>1</sup>From Geneva, tel. 1426, Feb. 11, 1966, Secret; to Geneva, tel. 1384, Feb. 11, 1966, Secret.

<sup>2</sup>From Geneva, tel. 1564, Mar. 1, 1966, Confidential. For earlier allied views, see Geneva tel. 1521, Feb. 24, 1966, Confidential.

<sup>3</sup>From Geneva, tel. 1596, Mar. 4, 1966, Confidential.

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On March 3 he told Tsarapkin that he personally thought it would be difficult to forbid the non-nuclear countries to conduct peaceful nuclear explosions unless arrangements were made for the nuclear powers to do this for them. He said that most earth-moving explosions were not possible under the limited test-ban treaty and that we might leave the definition blank when we tabled the amendments. Ambassador Tsarapkin acknowledged that the problem existed and might have to be dealt with in the future.<sup>1</sup>

Without retreating from our basic position, Washington agreed to leave the definition blank for the time being. Since the development of suitable peaceful nuclear explosive devices would be very expensive, it did not consider that the non-nuclear countries would be treated unfairly by being deprived of them. We recognized, however, that some non-nuclear countries would regard this as discriminatory. In the future, other arrangements would be possible:

If and when peaceful applications [of] nuclear explosive [s] that are permissible under Test Ban limitations prove technically and economically feasible, nuclear powers could make nuclear explosive services available under appropriate safeguards to non-nuclear countries at cost far below that at which they could expect to produce them for themselves. Present treaty draft does not prohibit nuclear powers from making such services available to other countries for peaceful uses if custody and control of nuclear devices remain in hands of nuclear nation and detonation is with concurrence of host nation. The US record in Atoms for Peace program and the history of aid programs should eliminate any doubt that this country will be forthcoming in making such products of advanced peaceful technology available to rest of world.<sup>2</sup>

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<sup>1</sup>From Geneva, tel. 1594, Mar. 4, 1966, Confidential/  
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<sup>2</sup>To Geneva, tel. 1675, Mar. 16, 1966, Confidential.

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The definition was left blank in the treaty amendments,<sup>1</sup> and no further action was taken at this session.

After the ENDC recessed, Mr. Fisher called the attention of the Deputies to the Committee of Principals to reports that India was interested in developing and testing a nuclear explosive device for peaceful purposes. In his view this would be tantamount to proliferation and should be opposed:

If any non-nuclear country were to explode a nuclear explosive device for any purposes, that country would have the actual capability to manufacture nuclear weapons. Regardless of the intended application of the device, the country would have, for all practical purposes, joined the nuclear club. It would be so regarded throughout the world. The effect on triggering further nuclear proliferation by neighbors or adversaries would be essentially the same as the effect from testing an admitted nuclear bomb.

We should work with the Canadians (who had supplied a reactor to India) to try to prevent the Indians from taking this step. We should take the general position that we would make a nuclear explosive service available, with the devices under our custody and control, if and when peaceful nuclear explosives proved technically and economically feasible. The draft non-proliferation treaty should be made explicit.<sup>2</sup>

The JCS agreed that the non-proliferation treaty should cover peaceful nuclear explosive devices and recommended a private approach to France.<sup>3</sup> Assistant Secretary of Defense McNaughton took a similar position.<sup>4</sup> The Legal Adviser of the State Department thought that use could be made of the IAEA.<sup>5</sup>

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<sup>1</sup>Documents on Disarmament, 1966, pp. 159-160.

<sup>2</sup>Fisher to Deputies to Committee of Principals, memorandum, May 23, 1966, Confidential.

<sup>3</sup>JCS to Secretary of Defense, memorandum, June 8, 1966, Secret.

<sup>4</sup>McNaughton to Fisher, ltr., June 18, 1966, Secret.

<sup>5</sup>Meeker to Garthoff, memorandum, May 27, 1966, Confidential.

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### Nuclear disarmament

The Eight continued to link a non-proliferation treaty with nuclear disarmament measures and argued that the principle of a "balance of obligations" between nuclear and non-nuclear nations, endorsed by the General Assembly in 1965, would not be complied with unless there was some concomitant progress in nuclear disarmament. They were particularly interested in the fissionable materials production cutoff, the strategic nuclear delivery vehicles freeze, and the comprehensive test ban. Although these were the measures we had been stressing for two years, we did not wish to tie them to the non-proliferation treaty.<sup>1</sup> The Soviets were not interested in the cutoff and the freeze. In Washington, ACDA was trying without much success to win approval for a threshold test-ban proposal in the hope that this would help to limit proliferation and make the non-proliferation treaty more palatable to the non-nuclear countries.<sup>2</sup>

### Pastore Resolution

On January 18, 1966, Senator Pastore and 55 other Senators introduced a resolution endorsing the Administration's efforts to stop proliferation. Although ACDA had previously suggested a Congressional resolution to the Committee of Principals,<sup>3</sup> the resolution was not the result of a specific ACDA initiative. Secretary of State Rusk, Secretary of Defense McNamara, ACDA Director Foster, and other Administration witnesses strongly supported the resolution in their testimony before the Joint Committee on Atomic Energy. Both Secretary Rusk and Secretary McNamara declared that the United States would retain its veto on the use of nuclear weapons in any NATO defense arrangements and that we had no intention of abandoning it. The Pastore resolution was unanimously approved on May 17.<sup>4</sup>

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<sup>1</sup>See International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 43-46.

<sup>2</sup>See below, Chapter G.

<sup>3</sup>See above, pp. 40-41.

<sup>4</sup>See International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 29-31.

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"Physical Access" and the Rusk Draft

At the beginning of the 10th ENDC session, J.M. Vorontsov of the Soviet delegation told us that the USSR did not intend to change existing NATO nuclear arrangements by a non-proliferation treaty, even though Ambassador Roshchin had strongly attacked them in his opening speech.<sup>1</sup> He stressed that it was "physical access" by the FRG, not existing nuclear arrangements or consultations, which caused Soviet concern. If we amended our draft treaty to cover "physical access," he said, we should then specifically point out exactly how the Soviet draft went too far on existing arrangements or consultations. In response to our query, he said that the Soviets would be ready for serious negotiations on this basis.<sup>2</sup>

At the Principals meeting of June 17, Secretary of State Rusk noted the Soviet emphasis on "physical access." He thought that the Soviets might be beginning to move and said that he would prepare simplified draft treaty language to ban "physical access." Secretary of Defense McNamara agreed with this approach.<sup>3</sup>

On June 23, Secretary of State Rusk sent the Principals a short revised draft treaty. The nuclear-weapon parties would undertake "not to grant, or in any other way to assist any non-nuclear-weapon states to achieve, physical access to nuclear weapons." The non-nuclear-weapon parties would undertake "not to manufacture, or otherwise to achieve, physical access to nuclear weapons." All parties would agree not to take any of these actions "directly, or indirectly through third states or groups of states." There were also provisions for withdrawal and a review conference after five years.<sup>4</sup>

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<sup>1</sup>From Geneva, tel. 2471, June 14, 1966, Confidential. For the Roshchin speech, see below, p. 65.

<sup>2</sup>From Geneva, tel. 2502, June 16, 1966, Confidential.

<sup>3</sup>Summary of Action, Meeting of the Committee of Principals, June 17, 1966, Secret.

<sup>4</sup>Rusk to Committee of Principals, memorandum, June 23, 1966, Confidential.

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Mr. Fisher agreed that simplified language was desirable if any progress was to be made. Although the Rusk draft would be "an apt tactical move," he doubted that it could be reconciled with existing bilateral NATO arrangements:

For example, under our existing arrangements, troops of our NATO allies actually transport U.S. nuclear weapons and even perform the physical work of attaching them to their own planes and missiles. This procedure is safeguarded by PALs and otherwise, (and is used under an understanding that the U.S. retains "custody" of the weapon) but it would be difficult to argue that the other nations do not have "physical access" to the weapons, as that term is normally used. Proposing a treaty which would ban "physical access" would be an invitation to the Soviets to attempt to disrupt the present arrangements that they might well find irresistible...

I: Instead, he proposed the following revision of article

Each of the nuclear weapons States party to the treaty undertakes not to transfer nuclear weapons to any non-nuclear-weapons State or to any group of States, or to take any action, by granting physical access or otherwise, that will contribute to the capability of any non-nuclear-weapons State to design, develop or fabricate nuclear weapons.

The non-nuclear-weapon parties would undertake "not to manufacture or otherwise acquire nuclear weapons, either independently or together with other States." All parties would agree not to take any of these actions, "directly, or indirectly through third States or groups of States." The safeguards article was still under consideration. There would be a withdrawal provision and a review conference.

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Mr. Fisher explained that this draft was based on the principles of the Atomic Energy Act, which prohibited the transfer of American nuclear weapons to any other country or assistance to any non-nuclear country that contributed to its capability to design, develop, or fabricate nuclear weapons. The existing bilateral arrangements were justified on the ground that there was no transfer of weapons and that transfer could be made only by Presidential decision to use them "in the face of actual or imminent hostilities." It was quite clear from recent Congressional testimony that the United States had no intention of changing this law "either now or in the foreseeable future."

The draft would neither explicitly protect nor reject future NATO or European nuclear arrangements. It would limit the European option "essentially to a federate entity capable of succeeding to the nuclear assets of its constituent members," but this was the only realistic option available. He saw no reason why we could not undertake not to transfer control of nuclear weapons to any non-nuclear state or group of states. "The limitation to national control in our existing draft treaty," he wrote, "does not appear relevant to possible future nuclear arrangements of the kind we now have in mind." Moreover, Secretaries Rusk and McNamara had recently told the Joint Committee on Atomic Energy that we had no intention of relinquishing control of our nuclear weapons. The British took a similar position, and these facts were now "abundantly clear to the FRG."

He understood that we no longer envisaged sharing ownership of nuclear warheads with our allies and that the British were also undisposed to transfer ownership. We should therefore be prepared to accept a ban on transferring nuclear weapons "into the ownership of any non-nuclear state or group of states."<sup>1</sup>

Leonard Marks (USIA) concurred in the Rusk draft, on the assumption that it would not create any operating problems for

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<sup>1</sup>Fisher to Committee of Principals, memorandum, July 8, 1966, Secret, with attached memorandum for the Secretary of State, "Proposed Revision of US Draft Non-Proliferation Treaty," July 8, 1966, Secret.

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the AEC.<sup>1</sup> Assuming that it did not bar an ANF/MLF, CIA Director Helms did not think that the Soviets would accept the new language. On the other hand, the Soviets might now be willing to gamble that the MLF was dead. If so, the new language would enable them to save face.<sup>2</sup>

AEC Chairman Seaborg thought that we needed an understanding within the government on interpretation. He questioned whether our NATO stockpile and our proposed arrangements were consistent with a ban on "physical access." He also wondered about the effect on potential actions during an emergency or a war. He strongly urged a strengthened safeguards article.<sup>3</sup>

The JCS did not object to the Rusk draft, provided that existing NATO nuclear arrangements and consultative arrangements were secured. They had concluded that there was no current military need for additional NATO nuclear-sharing arrangements. They still favored safeguards.<sup>4</sup> Secretary of Defense McNamara concurred, provided that present NATO nuclear arrangements were not changed and consultative procedures were not affected. He did not think that we should insist on mandatory safeguards.<sup>5</sup>

In a memorandum to Secretary of State Rusk, Deputy Under Secretary of State Johnson noted that Mr. Foster's statement of June 28 was erroneous.<sup>6</sup> It would be difficult for us to argue that existing arrangements did not involve "physical access." He therefore suggested a revised draft banning the transfer of nuclear weapons or "control over them." It would also forbid assisting non-nuclear-weapon states or groups of states "to manufacture or otherwise acquire nuclear weapons."<sup>7</sup>

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<sup>1</sup>Marks to Rusk, memorandum, June 29, 1966, Confidential.

<sup>2</sup>Helms to Rusk, ltr., July 1, 1966, Secret.

<sup>3</sup>Seaborg to Rusk, ltr., July 1, 1966, Confidential.

<sup>4</sup>Wheeler to Secretary of Defense, memorandum (JCSM-437-66), June 29, 1966, Secret.

<sup>5</sup>McNamara to Rusk, ltr., July 5, 1966, Secret.

<sup>6</sup>See below, p. 65.

<sup>7</sup>Johnson to Rusk, memorandum, July 11, 1966, Secret.

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10th Session of the ENDC (June 14-August 25, 1966)

On the surface, the ENDC remained at an impasse during the next session. Initial Soviet statements were even more extreme. Ambassador Roshchin claimed that we would allow a non-nuclear state to "obtain nuclear weapons, store them, position them where it chooses - on land or sea - transport them, keep them attached to its missiles or in its aeroplanes, target them on any State or any point."<sup>1</sup> Privately, the Soviets supported this statement by citing a 1965 press report.<sup>2</sup>

Replying on June 28, Mr. Foster accused the Soviets of adding new obstacles. Apparently, they now wanted not only to ban the MLF but also to prohibit allied consultations on nuclear defense or the deployment of nuclear weapons under American control on allied territory. He denied that our allies could "obtain, store, deploy, transport, aim or attach to missiles or aircraft any United States nuclear weapons."<sup>3</sup> This statement, drafted by a military member of the Joint Staff in Washington, was not accurate. Allied forces could actually do most of these things, even though the nuclear warheads technically remained in U.S. custody and were equipped with electromechanical locks (PALs).<sup>4</sup> As we have seen, it was the realization of these facts that led to the abandonment of Rusk's attempt to draft a treaty banning "physical access."<sup>5</sup>

As we have seen, the Soviets told us privately that they wished to ban "physical access" by the FRG through the non-proliferation treaty but were not seeking to upset existing nuclear arrangements or prohibit allied consultations.<sup>6</sup> Ambassador Roshchin told Foster on June 16 that the Soviets were seriously interested in a treaty and asked whether we could not make it clear in the treaty that neither a MLF nor

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<sup>1</sup>Documents on Disarmament, 1966, p. 361.

<sup>2</sup>From Geneva, tel. 2514, June 17, 1966, Confidential.

<sup>3</sup>Documents on Disarmament, 1966, pp. 385-391.

<sup>4</sup>Johnson to Rusk, memorandum, July 11, 1966, Secret.

<sup>5</sup>See above, pp. 61-62.

<sup>6</sup>See above, p. 61.

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an ANF was acceptable. Mr. Foster replied that our allies were entitled to participate in the common defense and that our draft treaty was designed to permit such forces under appropriate limitations. The Soviet Union should have adequate assurance from statements by the President, Rusk, McNamara, and himself that we would not give the FRG or other allies national control of firing nuclear weapons. Ambassador Roshchin said that this was not adequate and that the Soviets wanted a treaty commitment.<sup>1</sup> Later, J.M. Vorontsov of the Soviet delegation suggested that general language having a somewhat different meaning to each side might be the only way to reach agreement.<sup>2</sup>

On July 5, President Johnson told his news conference that we hoped the Soviet Union would cooperate with us in finding compromise language. Acting Secretary of State Ball added that we would not allow the Soviets to determine NATO policy and that any agreement would have to be fully satisfactory to other nations.<sup>3</sup>

In subsequent speeches and private statements, the Soviets continued to emphasize the need to ban the "transfer" of nuclear weapons and to criticize our draft treaty for failing to require this. Noting these statements, our delegation reported that it was not sure whether the Soviets intended to introduce a new formulation, although Vorontsov's statement might suggest this. It also noted that they had informally indicated that a treaty might be possible if we could assure them that the existing situation would not be changed. The Soviets had shown restraint in their comments on the McNamara committee and their concern about "consultations" seemed to be chiefly addressed to consultations on manufacturing.<sup>4</sup>

On July 26, I.I. Cheprov asked us whether we would agree to prohibit the transfer of nuclear weapons if they changed their draft language on consultations. He added that they could not begin treaty negotiations with the vague hope of later finding a compromise on the key point.<sup>5</sup> In the public

<sup>1</sup>From Geneva, tel. 2499, June 16, 1966, Confidential.

<sup>2</sup>From Geneva, tel. 2514, June 17, 1966, Confidential.

<sup>3</sup>International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, p. 47.

<sup>4</sup>From Geneva, tel. 415, July 23, 1966, Confidential.

<sup>5</sup>From Geneva, tel. 459, July 26, 1966, Confidential.

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ENDC sessions, the Soviets declined to engage in an article-by-article discussion of the treaty until the main points were settled.<sup>1</sup>

We now decided to explore the possibility of a simplified "non-transfer" agreement. On July 27, Mr. Foster instructed Fisher to approach Roshchin and inform him on a personal basis that he was thinking of submitting the following version of article I to Washington:

Each of the nuclear-weapon states party to this treaty undertakes not to transfer nuclear weapons to any non-nuclear-weapon state, and not to assist, encourage, or induce any non-nuclear-weapon state to manufacture or otherwise acquire nuclear weapons.<sup>2</sup>

When Mr. Fisher gave Roshchin this text, the latter acknowledged that it was a step to meet the Soviet view and that he would report it to Moscow. Mr. Fisher explained that he regarded the language as a possible compromise which would meet both points of view. He stressed that this was a personal idea and not a U.S. position. In response to Roshchin's queries, he said that he would drop the other parts of our draft article I and the definition of control. When Ambassador Roshchin raised the question of transfer to alliances and said that nuclear weapons had been transferred to allies, he replied that the language dealt with the question of transfer to states as the heart of the problem and that we had not transferred any nuclear weapons to non-nuclear states.<sup>3</sup> He made a similar response to a later query on the MLF.<sup>4</sup>

The Soviet representative was slow in responding. He told Fisher on August 8 that he personally regarded the new language as inadequate but hoped that the Co-Chairmen's exchanges would help to develop acceptable language. When

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<sup>1</sup>International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, p. 51.

<sup>2</sup>To Geneva, tel. 16419, July 27, 1966, Secret.

<sup>3</sup>From Geneva, tel. 523, July 29, 1966, Secret/Exdis.

<sup>4</sup>From Geneva, tel. 576, Aug. 1, 1966, Secret/Exdis.

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Mr. Fisher suggested that the Soviets might regard the absence of a specific ban on direct or indirect transfer as a missing element, he replied that this language was too general. It did not touch on the transfer of weapons through military alliances or to military contingents of other states and could therefore not serve as the basis for successful negotiations.<sup>1</sup>

Mr. Fisher concluded that it might be possible to negotiate a treaty by adding language to meet the Soviet demand for banning transfers through alliances or allied forces. Such a treaty would provide for IAEA or equivalent safeguards on non-nuclear-weapon parties and a review conference. It would also ban peaceful nuclear explosions by non-nuclear-weapon states. He did not recommend surfacing such a draft at this time. Instead, he suggested that the Soviets be informed at the highest level that we were not considering any nuclear-sharing arrangements involving joint ownership and that we were firm on existing arrangements and the right of consultation among allies.<sup>2</sup>

#### Allied views

The Germans did not share the desire of our other allies to seek changes in the draft treaty in the hope of making it more acceptable to the USSR. On a visit to Bonn, Mr. Foster found Defense Minister von Hassel still wedded to a "hardware" solution to the nuclear-sharing problem and unreceptive to his suggestion that the McNamara committee might be able to provide a satisfactory substitute.<sup>3</sup> Foreign Minister Schroeder told Foster that the non-nuclear nations would be entitled to security assurances and some nuclear disarmament in connection with a non-proliferation treaty. He asked whether it was time for a treaty or if it should not be delayed until the nuclear-sharing problem was settled.<sup>4</sup>

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<sup>1</sup>From Geneva, tel. 703, Aug. 8, 1966, Secret/Exdis. Roshchin made a similar statement on Aug. 23 (from Geneva, tel. 857, Aug. 24, 1966, Secret/Exdis).

<sup>2</sup>From Geneva, tel. 881, Aug. 25, 1966, Secret/Exdis.

<sup>3</sup>From Bonn, tel. 85, July 2, 1966, Confidential. A "hardware" solution meant some form of multilateral ownership of nuclear weapons.

<sup>4</sup>From Bonn, tel. 84, July 2, 1966, Confidential.

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The British wished to amend the treaty to rule out a European option with a majority vote, which they had always opposed.<sup>1</sup> We opposed submission of the British amendments because they would probably not be enough to satisfy the USSR and would be difficult to explain to the FRG. At the same time, we informed the British that our policy was under review, as the President had indicated, and that we would consult them and others if the review resulted in a promising proposal.<sup>2</sup> Our delegation at Geneva was instructed to tell them that our review was in its initial stage and that the outcome could not yet be predicted.<sup>3</sup> The Canadians supported the British proposal.<sup>4</sup> They also wished to amend the first two articles of our draft by changing "national control" to "control" and eliminating the provision about not increasing "the total number of States or associations of States having control of nuclear weapons."<sup>5</sup>

The Italians wished to change the European option provision of our draft treaty, and Ambassador Cavalletti publicly distinguished between an "alliance" and a "federation" with "defense under a unified government."<sup>6</sup> He privately agreed not to press his amendment.<sup>7</sup> He continued, however, to press the Fanfani moratorium and suggested that it might run for three years and be accompanied by unilateral declarations on security assurances.<sup>8</sup> Our initial reaction was to reserve judgment since our support "would certainly

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<sup>1</sup>Memcon, Foster, Dean et al., June 1, 1966, with attachment: UK Aide Mémoire, June 1, 1966, Confidential.

<sup>2</sup>U.S. Aide Mémoire, July 11, 1966, Secret.

<sup>3</sup>To Geneva, tel. 5726, July 12, 1966, Secret. The Canadians were also informed (from Geneva, tel. 209, July 14, 1966, Secret).

<sup>4</sup>From Geneva, tel. 721, Aug. 10, 1966, Confidential.

<sup>5</sup>To Geneva, tel. 31003, Aug. 18, 1966, Confidential.

<sup>6</sup>International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, p. 50; from Geneva, tel. 2464, June 13, 1966, Confidential.

<sup>7</sup>From Geneva, tel. 79, July 7, 1966, Confidential.

<sup>8</sup>From Geneva, tel. 2490, June 15, 1966, Confidential.

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be interpreted as US throwing in sponge as far as NPT concerned." While the security assurances aspects were unclear, we thought that the U.N. resolution was the best approach to this problem in the context of a non-proliferation treaty. A moratorium was a different proposition.<sup>1</sup>

On June 21 the Italians gave our delegation an aide-mémoire proposing a three-year moratorium covering "hardware nuclear sharing," even though the West did not regard this as "proliferation." They also proposed a guarantee by the nuclear powers not to use nuclear weapons against non-nuclear, nonaligned nations and to support them "in case of nuclear attack or nuclear blackmail."<sup>2</sup> Ambassador Cavalletti explained that Italy did not want nuclear "hardware" but that his proposal might suit the Germans since the option would only be postponed for three years.<sup>3</sup>

When he kept pressing this proposal, our delegation was instructed on July 27 to tell him that we would support a moratorium in the General Assembly if we then believed that there was no prospect for further progress on the non-proliferation treaty. We had not yet given up hope of finding a compromise. On security assurances, the United States could not accept a global undertaking of the kind proposed by the Italians, and we did not think that the other nuclear powers would do so. We had reservations on non-use which we might review in the general non-proliferation context, but we saw no advantage in reviewing the question in connection with the Fanfani proposal. We opposed including a ban on "hardware nuclear sharing."<sup>4</sup> After these views were presented in Geneva and Rome, the Italians agreed not to present the proposal in the ENDC. Ambassador Cavalletti warned, however, that taking the negotiations out of the ENDC, as reports of our policy review seemed to imply, might mean the death of that body.<sup>5</sup>

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<sup>1</sup>To Geneva, tel. 2460, June 17, 1966, Confidential.

<sup>2</sup>From Geneva, tel. 2528, June 21, 1966, Confidential.

<sup>3</sup>From Geneva, tel. 2555, June 23, 1966, Confidential.

<sup>4</sup>To Geneva, tel. 16312, July 27, 1966, Confidential.

<sup>5</sup>From Rome, tels. 579, July 29, 1966, and 827, Aug. 11, 1966, Confidential; from Geneva, tel. 565, Aug. 1, 1966, Confidential.

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In spite of our precautions, it became widely known that the policy review was taking place. On August 23 we instructed our representative on the North Atlantic Council to confirm that we were reviewing our non-proliferation policy and that we were considering "the possibility of finding suitable language which might serve to effect a compromise which would effectively halt proliferation, while not requiring either the East or the West to accept provisions contrary to their established positions." We had not yet reached any decisions, and we would consult with our allies if the review resulted in a promising proposal.<sup>1</sup>

Effort for a nonaligned draft treaty

Early in the session, the nonaligned Eight set up a non-proliferation working group composed of India, Brazil, Ethiopia, and Nigeria. Other nonaligned states were also welcome to participate if they desired.<sup>2</sup> Although it was not clear that this working group actually did anything, it was reported on July 16 that an Indian draft treaty had been circulated to the eight governments. This draft was based on previous recommendations by Indian Ambassador Trivedi.<sup>3</sup> It included provisions banning the transfer of nuclear weapons from one nuclear-weapon power to another, a fissionable materials production cutoff, a legal obligation to reduce existing nuclear arsenals, and safeguards on all nuclear facilities of all nations.<sup>4</sup>

Although the Mexican and Brazilian representatives assured us that there was no prospect that the Eight would agree on a draft treaty, our delegation recommended that Washington take up the question with the capitals of the countries concerned.<sup>5</sup> Accordingly, a circular instruction was sent out in which we said that we would consider the tabling of a third draft treaty

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<sup>1</sup>To Paris, tel. 33702, Aug. 23, 1966, Secret.

<sup>2</sup>From Geneva, tel. 2594, June 29, 1966, Confidential.

<sup>3</sup>See Documents on Disarmament, 1966, p. 281.

<sup>4</sup>From Geneva, tel. 258, July 16, 1966, Confidential.

<sup>5</sup>From Geneva, tels. 323, July 19, 1966, and 346, July 20, 1966, Confidential.

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"particularly unfortunate at this juncture when we are attempting [to] find basis for possible compromise with Soviets."<sup>1</sup>

Such as it was, the movement for a nonaligned draft treaty soon petered out. Nevertheless, the ideas in the draft were commonly shared among the Eight, and many of them were reflected in a joint memorandum which they submitted on August 19.<sup>2</sup>

#### Peaceful nuclear explosions

As noted above, the definition of "nuclear weapon" was left blank in our amendments of March 21 because of inter-allied disagreement on how to handle the problem of peaceful nuclear explosive devices.<sup>3</sup> On June 16 the Mexican representative at Geneva suggested that he or his Brazilian colleague might introduce in the ENDC the definition in article III of the draft Latin American denuclearization treaty, which appeared to permit peaceful nuclear explosive devices.<sup>4</sup>

We took the position that it was premature to surface a definition. Our delegation was instructed to tell the Mexican representative that we assumed the Latin Americans would give further consideration to the peaceful nuclear explosive problem.<sup>5</sup> Our delegation also pointed out to him that the Latin American draft treaty recognized the need for some special apparatus to supervise peaceful explosions and that this was an additional reason for not using the Latin American definition in the non-proliferation treaty. The Mexican representative agreed not to take any action.<sup>6</sup>

On June 21 our delegation was instructed to prepare a speech on peaceful nuclear explosions and to discuss the main

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<sup>1</sup>Circ. tel. 12579, July 21, 1966, Confidential.

<sup>2</sup>International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, p. 53.

<sup>3</sup>See above, pp. 56-58.

<sup>4</sup>From Geneva, tel. 2500, June 16, 1966, Confidential. For art. III of the Latin American draft treaty, see Documents on Disarmament, 1966, p. 258.

<sup>5</sup>To Geneva, tel. 2527, June 25, 1966, Confidential.

<sup>6</sup>From Geneva, tel. 2579, June 27, 1966, Confidential.

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points with other delegations beforehand.<sup>1</sup> The Italians<sup>2</sup> reacted favorably. The British also agreed on the substance but not the timing. They thought it important to stress the following points: (1) there was no intention of contravening a limited test-ban treaty, (2) we planned to proceed with the development of nuclear services for the benefit of all, and (3) we should avoid giving the impression that Plowshare services were an obstacle to a comprehensive test ban. At the same time, they feared that introduction of this issue would have a bad effect on the non-nuclear countries. The Canadians also anticipated an unfavorable nonaligned reaction and felt strongly that we should check with important non-aligned delegations before making the statement.<sup>3</sup>

At this point the Pakistanis charged that the Indians were planning to conduct an underground test before their February 1967 elections and call it an explosion for peaceful purposes. These charges were set forth in a letter to the U.N. Secretary-General, who sent it to the ENDC Co-Chairmen. It was not, however, circulated as an ENDC document.<sup>4</sup> We did not have any evidence that India had yet decided to develop or detonate a nuclear device, and we took a dim view of the Pakistani démarche, which was likely to exacerbate Indian sentiment.<sup>5</sup> The Indians strongly denied the charges.<sup>6</sup>

Our delegation thought that the Pakistani charge made it all the more urgent for us to get our position on record and received authorization to do so.<sup>7</sup> Before making the statement, Mr. Fisher explained to the Indian delegation that we had been

<sup>1</sup>To Geneva, tel. 2481, June 21, 1966, Confidential.

<sup>2</sup>From Geneva, tel. 3, July 1, 1966, Confidential.

<sup>3</sup>From Geneva, tel. 210, July 14, 1966, Confidential.

<sup>4</sup>From Rawalpindi, tel. 211, July 21, 1966, Confidential; from Geneva, tel. 456, July 25, 1966, Confidential; to Geneva, tel. 15922, July 27, 1966, Confidential; from Geneva, tel. 547, July 30, 1966, Confidential; to Geneva, tel. 24498, Aug. 9, 1966, Confidential; from Geneva, tels. 704, Aug. 8, 1966, 710, Aug. 9, 1966, 754, Aug. 12, 1966, and 781, Aug. 16, 1966, Confidential.

<sup>5</sup>To Rawalpindi, tel. 15929, July 27, 1966, Confidential.

<sup>6</sup>From Geneva, tel. 604, Aug. 2, 1966, Confidential; to New Delhi, tel. 20320, Aug. 2, 1966, Confidential.

<sup>7</sup>From Geneva, tel. 563, Aug. 1, 1966, Confidential; to Geneva, tel. 22869, Aug. 5, 1966, Confidential.

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studying the problem for some time and that our statement had no relationship to the Pakistani charge, which we considered unfounded. The Indian delegation did not question the substance of the statement but asked Fisher to reconsider the timing. The Swedish delegation concurred, and Ambassador Roshchin made no comment.<sup>1</sup>

On August 9, Mr. Fisher told the ENDC that peaceful nuclear explosive devices were indistinguishable from nuclear weapons and should be covered by the non-proliferation treaty. When such devices became technically and economically feasible, the nuclear-weapon powers should make nuclear explosive services available to other countries "under appropriate international observation, with the nuclear device remaining in the custody and under the control of the State which performs the service." The British and Canadians publicly supported this approach.<sup>2</sup> Ambassador Roshchin told the press that Fisher's statement was "thorough, accurate and forceful."<sup>3</sup>

#### Security assurances

As noted above, we opposed an Italian attempt to float a moratorium proposal including a non-use assurance.<sup>4</sup> We did not intend to take any action on security assurances beyond continuing to suggest General Assembly action. In spite of widespread nonaligned support for the Kosygin offer, we questioned whether security assurances should be included in the non-proliferation treaty, although we might later review our position when we had agreed with the Soviets on basic non-proliferation obligations. We doubted that we would be able to find an assurances formula which completely satisfied the nonaligned, and the absence of Chinese support would make the Kosygin offer of little use to India.<sup>5</sup> The

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<sup>1</sup>From Geneva, tel. 725, Aug. 10, 1966, Confidential. The U.S. delegation had previously given Roshchin a memorandum (from Geneva, agm. A-547, July 3, 1966) but received no answer.

<sup>2</sup>International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, p. 52.

<sup>3</sup>From Geneva, tel. 725, Aug. 10, 1966, Confidential.

<sup>4</sup>See above, pp. 43-44, 69-70.

<sup>5</sup>To Geneva, tel. 16961, July 28, 1966, Confidential.

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other members of the Western Four, however, favored modifying the Kosygin formula to exclude the allies of nuclear powers and felt that some positive response was needed.<sup>1</sup> Although the allies continued to press their views, we did not change our position.

An Ethiopian memorandum of August 22 proposed a ban on the use of nuclear weapons against denuclearized areas or countries and a guarantee of such arrangements by the nuclear powers.<sup>2</sup> Washington doubted that we could convert Ethiopia into a supporter of the kind of General Assembly resolution we had in mind, as our delegation had suggested, and took the position that the Ethiopian move could cause us much difficulty if it won support among the other nonaligned. It hoped that the fact that the memorandum was "badly conceived and drafted" would deter others from supporting it.<sup>3</sup> This turned out to be the case.

#### Safeguards

After prolonged consideration, the Canadians finally agreed with us on a revised safeguards article. The British, however, were not ready to have it tabled in Geneva and suggested that Fisher give a speech outlining it as a U.S. position.<sup>4</sup> It was decided to adopt this course, and he was instructed to avoid implying that we were proposing to amend our draft treaty at this time.<sup>5</sup> On July 28, Mr. Fisher told the ENDC that we believed that the non-nuclear-weapon states should accept IAEA or equivalent safeguards on their peaceful nuclear activities and that all transfers for peaceful purposes should take place under safeguards. He did not think it would be useful to cover the peaceful activities of the nuclear-weapon powers unless there was agreement on a cutoff.<sup>6</sup>

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<sup>1</sup>From Geneva, tel. 541, July 29, 1966, Confidential.

<sup>2</sup>International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, p. 53.

<sup>3</sup>From Geneva, tels. 810, Aug. 18, 1966, and 848, Aug. 22, 1966, Confidential; to Geneva, tel. 31747, Aug. 19, 1966, Confidential.

<sup>4</sup>From London, tel. 456, July 19, 1966, Confidential.

<sup>5</sup>To Geneva, tel. 15655, July 26, 1966, Confidential.

<sup>6</sup>International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, p. 51.

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Ambassador Trivedi told him privately that India could accept our proposal in the context of general and complete disarmament and reaffirmed his proposal to include a cutoff in the non-proliferation treaty.<sup>1</sup> In a public speech, Mrs. Myrdal (Sweden) suggested that safeguards should be applied to all international transfers. She also said that a cutoff would simplify the control problem.<sup>2</sup>

#### Nuclear-free zones

The Mexican representative proposed that the non-proliferation treaty include an article on the right of states to conclude regional denuclearization agreements. Ambassador Roshchin took a "positive view" of the Mexican proposal.<sup>3</sup> Although our delegation recommended support, Washington did not see why the language was needed. It was clear that our draft treaty would not hamper the right of parties to establish nuclear-free zones, and we did not wish to encourage proposals from other quarters which would complicate negotiations and would be resisted by Mexico itself. We were not unsympathetic, however, and would wish to discuss it further when negotiations had reached a more definitive stage.<sup>4</sup>

#### American-Soviet Bilateral Talks

Mr. Fisher concluded from his private discussions with Roshchin that it would be possible to negotiate a treaty with the Soviet Union on the basis of a simplified "non-transfer" formula, provided that we met the Soviet demand to ban transfers through alliances. He also recommended high-level action to clear up the allied nuclear-sharing problem.<sup>5</sup>

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<sup>1</sup>From Geneva, tel. 488, July 27, 1966, Confidential.

<sup>2</sup>International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, p. 52.

<sup>3</sup>Ibid., pp. 52-53.

<sup>4</sup>From Geneva, tel. 350, July 20, 1966, Confidential; to Geneva, tel. 13185, July 22, 1966, Confidential.

<sup>5</sup>See above, pp. 29-35.

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Mr. Foster accepted these recommendations and informed Secretary of State Rusk on August 30 that we might be able to negotiate a treaty "which does not ban consultative arrangements within NATO and which does not embarrass our present bilateral arrangements." He forwarded to the Secretary a short draft treaty based on the language Fisher had given Roshchin, plus a ban on "other nuclear explosives," i.e., Plowshare devices. A new article, adapted from the U.S. and Soviet draft treaties, would prohibit indirect transfers through alliances. The safeguards article, previously worked out with our allies, would obligate non-nuclear-weapon parties to accept IAEA or equivalent international safeguards on all their peaceful nuclear activities and require safeguards on all international transfers of nuclear materials for peaceful purposes.<sup>1</sup> Other provisions were carried over from our previous draft treaty.

Mr. Foster recommended a letter from President Johnson to Chancellor Erhard indicating that a NATO force involving mixed ownership did not appear to be feasible and that a European nuclear force would probably only "come into existence in the context of true political federation involving one of the existing nuclear powers." The President would therefore say that we no longer felt it desirable to hold open an unrealistic option at the expense of a non-proliferation treaty.<sup>2</sup> Later, Mr. Foster set forth these views in a memorandum to the President. He advised the President to inform Erhard immediately and then to write to Kosygin in order to begin serious negotiations when Gromyko came to this country for the General Assembly session.<sup>3</sup>

Leonard Meeker, the State Department Legal Adviser, held that the Fisher draft did not foreclose any of the nuclear-sharing options we were considering. We had already excluded

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<sup>1</sup>This article, not yet surfaced because of allied objections, was described in general terms by Mr. Fisher in an ENDC speech (see above, p. 75).

<sup>2</sup>Foster to Rusk, memorandum, Aug. 30, 1966, Secret/Exdis.

<sup>3</sup>Foster to Rostow, memorandum, Sept. 15, 1966, Secret/Exdis, with attached memorandum for the President, Secret/Exdis, draft ltrs. to Erhard and Kosygin, Secret/Exdis, and memorandum for the Secretary, Sept. 15, 1966, Secret/Exdis.

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joint ownership of warheads, and the draft did not rule out a collective force in which the participants owned delivery systems, and control of nuclear weapons remained subject to the veto of a nuclear power. He did not agree with the view of the Bureau of European Affairs, which regarded the draft as a radical departure.<sup>1</sup> He warned, however, that the Russians were not likely to subscribe to an agreed understanding of this interpretation. He therefore suggested that we avoid speculation and state our interpretation to the Soviets and Congress at some appropriate time.<sup>2</sup>

On September 9, ACDA General Counsel Bunn told J.M. Vorontsov, a Soviet Embassy officer who had been at Geneva, that we had no intention of changing our legislation prohibiting the transfer of U.S. nuclear weapons and that there had been no transfer of possession to anyone. We did not, however, intend to agree to a treaty that would change existing arrangements or prohibit allied consultations on nuclear defense. The McNamara committee would not become a forum for voting on the use of our nuclear weapons. Mr. Vorontsov said that Roshchin had reported Fisher's suggestion to Moscow. He insisted, however, that the MLF problem must be dealt with in the treaty or the negotiations. He asked what we could expect the Soviets to do when we were publicly stating that the MLF option remained open.<sup>3</sup>

The MLF issue was still very much on the mind of Foreign Minister Gromyko when he discussed the proliferation problem with Rusk on September 22. He said that the USSR had not discussed the private proliferation talks with its allies and that contacts must be maintained on the basis of complete discretion. The nuclear powers must be forbidden to transfer nuclear weapons into the national hands of any non-nuclear country, directly or indirectly. Similarly, they must be forbidden to grant non-nuclear countries access through blocs, alliances, or military organizations. He asked whether the MLF or ANF plans were still under consideration. If there were no such plans in existence and the United States was willing to ban direct and indirect proliferation, the

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<sup>1</sup>Meeker to Rusk, memorandum, Aug. 30, 1966, Secret/Exdis.

<sup>2</sup>Meeker to Rusk, memorandum, Sept. 9, 1966, Secret/Exdis.

<sup>3</sup>Memcon Vorontsov-Bunn, Sept. 9, 1966, Confidential.

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Soviet Union would be satisfied that all loopholes would be closed. The Soviet Union was convinced that the United States would not lose by a non-proliferation treaty.

Secretary Rusk assured him that we would not transfer nuclear weapons to non-nuclear countries or assist them to develop or fire nuclear weapons. Our nuclear weapons could be fired only at the command of the President, who would retain sole authority to fire them if the United States joined an alliance. We were willing to sign a treaty not to transfer nuclear weapons into the control of non-nuclear countries, not to put any non-nuclear country in a position to fire them, to give assurances that they would be fired only on Presidential order, and not to help any other country acquire the technology to produce nuclear weapons or assist any other country in firing them.<sup>1</sup>

Ambassador Roshchin and Mr. Foster then attempted to work out agreed treaty language. It developed, however, that the two sides could still not agree on the meaning of "access" and "control," and Ambassador Roshchin wished to include a ban on giving non-nuclear countries "access" to nuclear weapons. Mr. Foster thought that the Soviets might weaken on the "access" point.<sup>2</sup> On September 24 he suggested that they report the following working language to Foreign Minister Gromyko and Secretary Rusk:

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 through military alliances or groups of States, to any non-nuclear weapon State; 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.<sup>3</sup>

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<sup>1</sup>Memcon Rusk-Gromyko, Sept. 22, 1966, Secret/Exdis.

<sup>2</sup>Memcon Roshchin, Foster, et al., Sept. 23, 1966, Secret/Exdis.

<sup>3</sup>Memcon Roshchin, Foster, et al., Sept. 24, 1966, Secret/Exdis.

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Later that afternoon, Ambassador Roshchin suggested changing the word "through" to "to" in the first sentence. Mr. Foster opposed this change on the ground that it would rub salt into the wound in view of our past discussions with the FRG. Leonard Meeker, the State Department Legal Adviser, suggested saying "shall not transfer" without specifying the recipients. It was then decided to suggest as a third alternative "to any recipient whatsoever."<sup>1</sup>

Talking to Rusk that evening, Foreign Minister Gromyko noted that there had been a certain rapprochement between the two sides but that it was still not clear how this could be expressed in mutually acceptable language. The Soviet Union would not sign a treaty which could be open to misinterpretation, and it was therefore not enough to word it in general language. It was the question of indirect transfer and "access" that concerned him, and he did not think that non-nuclear-weapon states should participate in the decisions of an alliance, in the ownership, control, and use of nuclear weapons. He again asked whether the United States intended to create a joint force. He was not, however, raising the question of consultation. In his view, the treaty should state what was prohibited rather than what was allowed. He declined to answer Rusk's queries on Warsaw Pact arrangements.

Secretary Rusk emphasized that President Johnson was seriously determined to settle the non-proliferation question. If we found mutually acceptable language, we would have to consult our allies before we finally said we agreed. He reminded Gromyko that many of our allies were also opposed to giving the FRG an independent nuclear capability. While he agreed that it was important not to use language that concealed the true points of view, he hoped that the language would be simple without trying to cover every possible future contingency, however remote. It seemed to him that the two sides already agreed on three simple propositions: (1) no transfer to any non-nuclear-weapon state directly or indirectly, (2) no assistance to any non-nuclear state to become a nuclear power, and (3) no delegation to others of the right to fire

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<sup>1</sup>Memcon Roshchin, Foster, Meeker, et al., Sept. 24, 1966, Secret/Exdis.

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U.S. nuclear weapons. He thought that this covered 99 percent of the problem. He added that we could not tell our allies that they would not have any voice in any decision to go to war. Access was another difficulty.<sup>1</sup>

After the second Rusk-Gromyko talk, Mr. Foster unsuccessfully tried to persuade Roshchin to accept a revised draft prohibiting the transfer of nuclear weapons to any non-nuclear state "directly, or indirectly by virtue of its membership in a military alliance or group of States." Ambassador Roshchin maintained that it was necessary to ban transfer to an alliance or group of states since such action would give the participants right to participate in the ownership, control, and use of nuclear weapons. The Soviets informally suggested the words "individually or collectively."<sup>2</sup>

At the September 28 meeting, Mr. Foster agreed to add these words, and a new draft of article I was tentatively adopted. This banned the transfer of nuclear weapons or other nuclear explosives or control over them to a non-nuclear-weapon state "directly or indirectly, either individually or collectively with other members of a military alliance or group of States." The draft would also prohibit assistance in manufacturing nuclear weapons, and both sides thought that public statements should be made at a proper time explaining that the ban on assistance included the transfer of information constituting assistance. A similar version of article III was also prepared.<sup>3</sup>

Meanwhile, Chancellor Erhard and Foreign Minister Schroeder had been in the United States and discussed nuclear sharing and non-proliferation with the President, the Secretary of State, and the Secretary of Defense (September 26-27). The Germans indicated that they were not pressing for a

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<sup>1</sup>Memcon Rusk, Gromyko, et al., Sept. 24, 1966, Secret/Exdis.

<sup>2</sup>Memcon Foster, Roshchin, et al., Sept. 27, 1966, Secret/Exdis; memcon Mendeleevich, De Palma, Sept. 27, 1966, Secret/Exdis.

<sup>3</sup>Memcon Foster, Roshchin, et al., Sept. 28, 1966, 4:30 p.m., Secret/Exdis. An earlier meeting the same day was inconclusive; see memcon Foster, Roshchin, et al., Sept. 28, 1966, Secret/Exdis.

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hardware solution at present but needed assurance that they would have a voice in a credible deterrent. They hoped that the outcome of our non-proliferation talks with the Soviets would not make this impossible.<sup>1</sup> In the public communique, President Johnson and Chancellor Erhard agreed on the need to check the proliferation of nuclear weapons into the national control of non-nuclear states and favored alliance nuclear defense planning arrangements consistent with this objective. They welcomed the work of the McNamara committee.<sup>2</sup>

The September 28 draft aroused immediate opposition in Washington. On September 30, Mr. Fisher sent the White House a memorandum in which he argued that the draft would not affect bilateral arrangements or consultation and planning on nuclear defense. He pointed out that the latter were stressed in the Johnson-Erhard communique. The draft would, however, preclude an MLF in the form previously considered. While it would not technically foreclose a force in which the delivery systems but not the warheads were collectively owned, he believed that the Soviet Union would withdraw from the treaty if such a force was established. The draft would permit a European federation to succeed to the nuclear status of a former nuclear-weapon power that joined it, but it would ban the transfer of nuclear weapons to any "partial defense community" that European states might establish. It was his opinion that no treaty could be negotiated with the USSR if we returned to "national control" and eliminated the words "individually or collectively," as some had suggested.<sup>3</sup>

ACDA lost the argument. On October 2, Alexander I. Zinchuk, the Soviet Charge, asked Ambassador Thompson if the September 28 draft had been cleared. The latter replied that it had not and seemed to be open to different interpretations, which Gromyko had said he wished to avoid. Mr. Zinchuk suggested that this could be clarified by an exchange of letters. Ambassador Thompson told him that the Soviets should

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<sup>1</sup>Circ. tel. 62188, Oct. 7, 1966, Secret/Limdis.

<sup>2</sup>Department of State Bulletin, Oct. 17, 1966, pp. 583-585.

<sup>3</sup>Fisher to Moyers and W.W. Rostow, memoranda, Sept. 30, 1966, Secret/Exdis, with attached paper, "Working Group Language for the Non-Proliferation Treaty: Relationship to Existing and Possible Allied Nuclear Arrangements," Sept. 30, 1966, Secret/Exdis.

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be satisfied with Rusk's assurance that we would not give the West Germans the right or possibility to fire nuclear weapons by their own decision. If the Soviets wanted us to hold a public funeral for nuclear-sharing arrangements, the political price would be too high and we would not be interested.<sup>1</sup>

The President's views, as reported by Rusk, were as follows:

We are opposed to the proliferation of nuclear weapons. We are not going to turn our weapons over to any other nation. To stop the spread of nuclear weapons is urgent. The responsibility for firing U.S. nuclear weapons rests with the President of the U.S. This is true as a matter of law, policy and intent. We see no prospect that it will or can be changed. But we cannot undertake a treaty obligation which commits us to act as if there were no alliance. The United States has committed itself to collective security, beginning with the UN Charter. We cannot say to our allies that these matters are none of their business.

There is no great thrust at present that we move quickly to alliance nuclear arrangements. But we should not preclude by treaty arrangements in the future - not involving proliferation - which might be necessary to restrain certain allies and preserve the alliance.<sup>2</sup>

Since Washington would not accept the September 28 draft, Mr. Foster and Ambassador Roshchin postponed further discussion of the first two articles until the next Rusk-Gromyko meeting. In a preliminary exchange of views on the other treaty provi-

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<sup>1</sup>Memcon, Zinchuk-Thompson, Oct. 2, 1966, Secret.

<sup>2</sup>Note dictated by the Secretary, Oct. 3, 1966, Secret.

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sions, Ambassador Roshchin questioned the need of including safeguards and noted that there would be trouble with non-nuclear countries. Mr. Foster explained that safeguards were necessary for Senate approval and expressed the belief that India would accept them in the end. He also said that the safeguards would have to be truly equivalent and cited Euratom.

Ambassador Roshchin disliked our review conference provision and was concerned that it might produce an unstable treaty. On entry into force, Mr. Foster suggested a bilateral understanding that neither the United States nor the Soviet Union would deposit their instruments of ratification until the non-nuclear-weapon states they wanted to include had acceded. He questioned the Kosgyin offer - which Roshchin wished to include - since there was nothing in it for allies with U.S. nuclear weapons on their territory or for the Indians, because Communist China would not adhere.<sup>1</sup>

On October 10, Secretary of State Rusk told Gromyko that each side had a legitimate interest in insuring that the nuclear powers did not transfer nuclear weapons to non-nuclear nations. This was the heart of the problem. He felt that the Soviet concern should be met by our willingness to commit ourselves not to do this. We could not, however, consent to an arrangement tantamount to telling our allies that the nuclear problem was none of their business. Mr. Gromyko should understand that this would be an absolutely untenable position for us and would not be supported by our allies. Secretary Rusk suggested that the problem might be met by simply saying that the nuclear powers would not transfer nuclear weapons without indicating "to whom," or by adopting Foster's "to any recipient whatsoever" language.

Mr. Gromyko objected that this formula did not preclude transfer into "collective" hands. This was why the Soviets wanted a ban on transfer "individually or collectively." They were concerned that our control and possession might be

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<sup>1</sup>From New York, tel. 1355, Oct. 7, 1966, Secret/Limdis. For the safeguards article, see enclosure to ltr. from De Palma to Timerbaev, Oct. 10, 1966, no classification.

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shared with others. He was not satisfied with Rusk's assurance that no German soldier would ever fire a nuclear weapon without our consent and said that the Soviet Union wanted an absolute guarantee. He felt that the MLF and ANF would give the Germans a participating role, and it was this, not the prospect of German or allied "voices" in nuclear defense planning, that bothered the Soviet Union.

In that case, Secretary Rusk said, there should be no problem. He suggested that language could be found which would commit the nuclear powers not to give nuclear weapons to anyone or allow anyone else to use them. Mr. Gromyko still could not see why we could not accept treaty language banning the sharing of control, if it was indeed our intention not to share it.<sup>1</sup>

Mr. Gromyko also talked to the President, and both of them made optimistic public statements. It was announced that discussions would continue.<sup>2</sup> The highlights of the Rusk-Gromyko talks were communicated to our allies.<sup>3</sup> The Germans were not long in showing some uneasiness. Ambassador Knapstein told the Acting Secretary of State that it was unclear whether the options would be left open or limited in a compromise with the USSR. He asked whether our old ENDC draft was still valid and what limits we would place on concessions. The FRG position remained unchanged. They favored banning new national control of nuclear weapons. They agreed not to produce nuclear weapons and would not acquire them. They did not, however, want to see the right of mutual nuclear defense precluded or European unification impeded. They would not participate in a non-proliferation treaty unless there had been a satisfactory solution of the nuclear problems of the alliance. The defense of Europe should take priority over accommodation with the USSR, which could have unpredictable consequences for Germany.

The Acting Secretary replied that we still supported our ENDC draft but that this did not preclude a search for language which correctly expressed what each side meant. We

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<sup>1</sup>Memcon Rusk, Gromyko, et al., Oct. 10, 1966, Confidential/Exdis and correction, Toon to Walsh, memorandum, Oct. 18, 1966, Confidential/Exdis.

<sup>2</sup>International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, p. 56.

<sup>3</sup>To Paris, tel. 65589, Oct. 14, 1966, Secret/Limdis.

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were still limited by our own law, which Congress had not the remotest intention of changing. There would be no agreement without appropriate consultation with our allies, and we would not do anything to damage NATO.<sup>1</sup>

After the last meeting with Gromyko, Mr. Fisher and Secretary Rusk were able to agree on new draft language, which was described in an October 14 memorandum for the President. The nuclear powers would be obligated not to transfer nuclear weapons "directly or indirectly to a non-nuclear-weapon State, either individually or by virtue of its membership in a military alliance or group of States" and not to relinquish their control over their nuclear weapons. This draft would not disturb existing bilateral arrangements, a NATO planning and consultative committee, or an allied decision to go to war. It would not preclude assignment of Polaris submarines to NATO or rule out a multilateral entity in which non-nuclear-weapon states participated "so long as there was no transfer to this entity of an ownership interest in nuclear warheads (as opposed to delivery vehicles) and as long as the United States retained control over the nuclear warheads." The participants in such an entity could have their own vetoes. A federated European state could succeed to the nuclear status of one of its former components, but there could be no transfer of control to a European defense community. This "would keep open enough options for the present."<sup>2</sup>

The President and the Secretary of State were out of the country on an extensive Far Eastern trip, and ACDA did not receive authorization to resume the bilateral talks and present the new draft article I until November 9. Even then, Secretary of State Rusk told Fisher, "This whole operation has to be renounceable by us if need be."<sup>3</sup>

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<sup>1</sup>To Bonn, tel. 73746, Oct. 26, 1966, Secret/Limdis. Schnippenkoetter made a similar demarche to Foster at the same time (from New York, tel. 1871, Oct. 27, 1966, Secret/Limdis).

<sup>2</sup>Fisher to Rusk, memorandum, Oct. 14, 1966, Secret/Exdis, with attached memorandum for the President, Secret/Exdis.

<sup>3</sup>Fisher to Foster, memorandum, Nov. 9, 1966, Secret/Exdis.

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On the next day, Mr. Foster gave the draft to Roshchin in New York. He explained that it had been considered at the highest levels in the U.S. Government and was based on Gromyko's principle that the treaty should only deal with what was prohibited, not what was permitted. We could not finally agree to any language until we had fully consulted with our allies, and this had not been done. Mr. Foster said that the draft was a compromise which both sides should be able to live with. It was consistent with the principle of collective self-defense recognized by the U.N. Charter. We believed that the question of whether agreement was possible depended on Soviet willingness to accept this language.<sup>1</sup>

At the request of the Soviets, we also gave them a draft article III. According to this draft, the non-nuclear parties would undertake "not to accept the transfer of nuclear weapons or other nuclear explosives directly or indirectly from any nuclear-weapon State, either individually or by virtue of its membership in a military alliance or group of States" and not to "accept the relinquishment of control over nuclear weapons or other nuclear explosives..." The underlined words were questioned by R.M. Timerbaev of the Soviet delegation, who suggested to ACDA Assistant Director De Palma that "accept" be changed to "receive." He also found the "relinquishment of control" language confusing.<sup>2</sup> Mr. Fisher recommended to Secretary Rusk that this expression be changed to "not to obtain control."<sup>3</sup>

On November 17, Ambassador Roshchin gave Foster a complete draft treaty. In article I, the Soviets now adopted the "to any recipient whatsoever" language we had previously suggested.<sup>4</sup> They offered two alternative formulas for dealing with the alliance problem:

(1) Banning transfer to any recipient "directly or indirectly, either individually or on a group basis."

<sup>1</sup>From New York, tel. 2227, Nov. 10, 1966, Secret/Nodis.

<sup>2</sup>From New York, tel. 2286, Nov. 12, 1966, Secret/Nodis.

<sup>3</sup>Fisher to Rusk, memorandum, Nov. 15, 1966, Secret/Exdis.

<sup>4</sup>See above, pp. 79, 84.

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(2) Banning transfer to any recipient "directly or indirectly, either individually or together with other members of a military alliance or group of States."

The nuclear powers would also undertake not to provide "information which could be employed for the manufacture of nuclear weapons." Alternative formulas were also provided in article II. The third article would impose mandatory IAEA safeguards on the non-nuclear parties. As in the original Soviet draft treaty, amendments would come into force for all parties when ratified by a majority of parties, including all nuclear-weapon parties. There was a withdrawal clause.<sup>1</sup>

The draft treaty did not include a review article, and Ambassador Roshchin maintained that none was needed because of the amendments provisions. He pointed out that the Soviets had accepted our idea of a notice of withdrawal to other parties and the Security Council. The Soviets did not include the Kosygin offer although it had wide support in the General Assembly. They were willing to deal with security assurances in a U.N. resolution after the treaty was agreed on, but he did not indicate what kind of resolution they had in mind.

Mr. Foster's immediate reaction was negative. Both sides had agreed that the treaty should deal only with what was prohibited, and we considered that "information" was covered by our language. He was concerned about the Soviet method of dealing with individual or group concepts. If our language was not clear, he would add that no multi-national arrangement would be permitted involving the transfer of nuclear weapons by a nuclear-weapon state or the relinquishment of control over its nuclear weapons by a nuclear-weapon state.

The Soviet delegation stressed that they attached great importance to the words "any recipient whatsoever" and hoped that Foster's comments did not apply to this phrase.<sup>2</sup>

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<sup>1</sup>From New York, tel. 2436, Nov. 17, 1966, Secret/Nodis.

<sup>2</sup>From New York, tel. 2437, Nov. 17, 1966, Secret/Nodis.

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In Moscow, Foreign Minister Gromyko told our Chargé that he was surprised to find our draft silent on non-transfer to, and non-production by, groups of states. He had understood from his discussions with the President and the Secretary of State that all channels should be covered. While he recalled Rusk's remark about not rubbing salt into wounds, there was a limit to circumspection and our formula missed the essence of the problem by failing to clearly ban transfer to associations of states. Our "not to relinquish" language did not exclude participation in joint control of nuclear weapons. He believed that the Soviet draft could be the basis for agreement since it took Rusk's preoccupations and desires into account.<sup>1</sup> In reply, Secretary Rusk expressed the hope that semantic differences would not prevent conclusion of a treaty. In the New York and Washington meetings, they had agreed on three simple propositions:

(1) that we would not transfer nuclear weapons to any non-nuclear-weapon State directly or indirectly; (2) that we would not assist non-nuclear-weapon State to become a nuclear power in any possible way, and (3) that we would never delegate the right to fire our nuclear weapons to anyone else.

He did not see that there was really any disagreement, since we had indicated that our draft would not permit any "multi-national arrangement...which would involve transfer of nuclear weapons by a nuclear-weapon State or relinquishment of control over its nuclear weapons by a nuclear-weapon State." Our formula on "relinquishment of control" was the clearest and strongest way of insuring that the right to fire nuclear weapons could not be delegated. Under this formula, "no U.S. weapon could ever be fired unless the U.S. itself made the decision that this be done."<sup>2</sup>

The next New York meeting (November 25) found Roshchin repeating Gromyko's criticism of our draft. He claimed that

<sup>1</sup>From Moscow, tel. 2297, Nov. 18, 1966, Secret/Nodis.

<sup>2</sup>To Moscow, tel. 88826, Nov. 21, 1966, Secret.

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we had reverted to our position of the previous summer and no longer offered to ban transfer "to any recipient whatsoever," as Secretary Rusk had suggested in his talks with Gromyko. The Soviets had thought we had agreed to banning transfers (1) to individual non-nuclear states, (2) through groups of states, or (3) indirectly on a collective basis. They maintained that our draft covered only the first two channels, while theirs covered all three. Mr. Foster replied that their draft caused us problems. He did not know whether we would now be willing to accept the "to any recipient whatsoever" language that Gromyko had previously rejected.

The Soviets now offered two tentative alternatives for article I. The first, a revised version of the September 24 draft, read as follows:

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; 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.

The second alternative was a revised version of our current draft:

Each nuclear-weapon State Party to this Treaty undertakes not to transfer nuclear weapons or other nuclear explosives to any recipient whatsoever directly, or indirectly; not to relinquish to any recipient whatsoever its control over its nuclear weapons or other nuclear explosives; 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.<sup>1</sup>

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<sup>1</sup>From New York, tel. 2656, Nov. 25, 1966, Secret/Nodis.

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On November 28, Mr. Fisher and Mr. Meeker asked Secretary Rusk to approve a memorandum for the President recommending the second alternative. The memorandum stated that the new language would have the same effect as our current draft, except that it would prohibit the transfer of nuclear weapons or other nuclear explosives to the United Kingdom. But the Atomic Energy Act already prohibited the transfer of completed weapons, and we had for months taken the position that nuclear explosive devices were indistinguishable from weapons. And the clause prohibiting assistance in manufacture applied only to aid to non-nuclear-weapon countries and would therefore not affect the kind of cooperation we now engaged in with the British.<sup>1</sup>

While awaiting further instructions on article I, Ambassador Roshchin and Mr. Foster agreed to change "other nuclear explosives" to "other nuclear explosive devices," and Washington approved.<sup>2</sup> They went on to discuss other treaty provisions, or "underbrush." They agreed on the withdrawal clause and the article on treaty languages. Mr. Foster explained that we could not ignore the existence of Euratom or expect its members to shift to IAEA overnight. The Soviets would not accept Euratom safeguards, which in their view amounted to members of the same military bloc inspecting each other. When we asked them how Euratom acceptance could be obtained, they suggested that Euratom countries might have both kinds of inspection. Ambassador Roshchin explained that the safeguards article was our idea and that the Soviets were still willing to leave it out. They could not, however, accept a discriminatory safeguards article.<sup>3</sup>

Mr. Foster reported on November 30 that we had now reached the point where we had to decide whether to drop the safeguards article or accept much of the Soviet point of view. He felt that it should be retained:

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<sup>1</sup>Fisher and Meeker to Rusk, memorandum, Nov. 28, 1966, Secret/Exdis, with attached memorandum for the President, Secret/Exdis.

<sup>2</sup>From New York, tel. 2779, Nov. 29, 1966, Secret/Nodis; to New York, tel. 94400, Dec. 1, 1966, Secret/Nodis. Agreement on "devices" was recorded Dec. 1 (from New York, tel. 2838, Dec. 1, 1966, Secret/Nodis).

<sup>3</sup>From New York, tel. 2655, Nov. 25, 1966, Secret/Nodis.

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In our judgment safeguards clause is as important as any in treaty from arms control point of view. It offers us opportunity to achieve world-wide application of IAEA safeguards in non-nuclear countries on both sides iron curtain. in Middle East and Asia, Africa and Latin America. It would be major step toward achieving long-standing US goal of single, world-wide safeguards system having support of whole world.

The Euratom problem could be met by the Soviet proposal for a transition period. Such an arrangement should be more acceptable to the FRG than the Polish-Czechoslovak proposal, since there would be no "discrimination."<sup>1</sup>

AEC Chairman Seaborg, always a strong supporter of safeguards, agreed with Foster. He thought that the non-proliferation treaty offered "the best, and perhaps the last, opportunity" for getting general acceptance of safeguards accepted by non-nuclear countries. While AEC had cooperated with Euratom, it regarded the latter as a collective enterprise for developing the peaceful uses of nuclear energy and the success of that effort did not depend on Euratom safeguards. The importance of the wider goal seemed to him "to outweigh the importance of preserving a special status for Euratom safeguards."<sup>2</sup>

The Soviets simply would not accept Euratom safeguards as equivalent to IAEA safeguards. Ambassador Roshchin suggested that some countries could sign a protocol or declaration showing the time of transition to the IAEA system. He objected to the application of safeguards to uranium and to reactor shipments to nuclear-weapon countries. By December 2, Mr. Timerbaev was telling De Palma that the Soviets had now decided that safeguards were desirable after all. Mr. Foster suggested a preambular paragraph on IAEA safeguards and "effective international safeguards" in article III. The Soviets would not accept the latter.

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<sup>1</sup>From New York, tel. 2817, Nov. 30, 1966, Confidential/Limdis. For the Polish-Czechoslovak proposal, see below, pp. 95-96.

<sup>2</sup>Seaborg to Rusk, ltr., Dec. 23, 1966, Secret.

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Ambassador Roshchin tentatively accepted most of our draft preamble and concurred with our suggestion that the preamble would be a good place for amendments by non-nuclear nations. He asked whether we could accept the Soviet amendments provision if they accepted our review conference proposal. Mr. Foster pointed out that the Soviet proposal gave a veto to the nuclear powers and asked whether the Soviets would also give a veto to India and perhaps other near-nuclear nations. Ambassador Roshchin replied that the Soviets did not favor this. Mr. Timerbaev suggested to De Palma that the two countries might start with the Soviet amendments article and use our review conference as a fallback to meet the demands of the non-nuclear nations.<sup>1</sup> With some reluctance, Mr. Foster agreed to combine the review conference provision with the Soviet amendments article.<sup>2</sup>

Secretary Rusk told Foster on December 1 that it was time to talk to our allies and see where they stood. We should tell the Russians that we were going to do this without discussing an exact formulation of the treaty.<sup>3</sup> The Russians were concerned that we were consulting the allies without a firm position on article I.<sup>4</sup> On the following day, Mr. Foster told the other members of the Western Four that progress had been made. The major unresolved issues were safeguards and Soviet preoccupation with FRG "access" to nuclear weapons. He thought that FRG acceptance of the NATO Special Committee and renunciation of the MLF would sew up the treaty, although Soviet insistence on formalizing FRG renunciation remained a stumbling block.<sup>5</sup>

While Washington was about to endorse the second Soviet alternative, Moscow decided in favor of the first. On December 5, Ambassador Roshchin told Foster that the Soviet

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<sup>1</sup>From New York, tels. 2818, Nov. 30, 1966, Secret/Limdis; 2877, Dec. 2, 1966, Confidential/Limdis; 2933, Dec. 5, 1966, Confidential/Limdis; from New York, tel. 3129, Dec. 12, 1966, Secret/Nodis.

<sup>2</sup>From New York, tel. 2933, Dec. 5, 1966, Confidential/Limdis.

<sup>3</sup>Memcon Rusk-Foster, Dec. 1, 1966, Secret/Exdis.

<sup>4</sup>From New York, tel. 2878, Dec. 2, 1966, Secret/Nodis.

<sup>5</sup>From New York, tel. 2876, Dec. 2, 1966, Secret/Limdis.

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side was now ready to consider the first alternative, and we concluded that he was speaking on instructions. Mr. Foster recommended to Secretary Rusk that we accept the first alternative and pointed out that there was little difference between the two drafts. While the use of the word "relinquish" in the second alternative might better protect the right of the FRG to have a "veto" on the use of nuclear weapons deployed on its territory, we could protect that option under the other version by orally giving our interpretation to the Soviets.<sup>1</sup> Ambassador Goldberg also favored accepting the first alternative.<sup>2</sup>

At the NATO ministerial meeting (December 12-14), Secretary Rusk gave the first alternative of article I to the Foreign Ministers of the United Kingdom, Canada, France, the FRG, and Italy. Willy Brandt, the new German Foreign Minister, told Rusk to forget the "European clause." If there ever was a united Europe, it would either be a successor to the present nuclear powers or lead to a renegotiation of a non-proliferation treaty. He had no objection but was not sure that he could carry his Cabinet.<sup>3</sup> Some of his colleagues were obviously cool toward a non-proliferation treaty. Gerhart Schroeder, now at the Defense Ministry, did not want the treaty to come to a head before the new NATO Nuclear Planning Group had been tried out. He also told our Ambassador that Germany would need additional assurances if she was to sign a treaty.<sup>4</sup>

At the last meeting (December 14), Mr. Foster accepted a Soviet change in the review provision. He explained that we would need some time to consider the safeguards article and expressed the hope that the Soviets would consider his previous

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<sup>1</sup>From New York, tels. 2934, Dec. 5, 1966, Secret/Nodis and 2981, Dec. 7, 1966, Secret/Nodis.

<sup>2</sup>From New York, tel. 3106, Dec. 10, 1966, Secret/Nodis; to Paris tel. TOSEC 167, Dec. 12, 1966, Secret/Nodis.

<sup>3</sup>Foster to Read (State-S/S-RO), memorandum, Dec. 19, 1966, Secret/Nodis, with attached memorandum from Rusk for the President, n.d., Secret/Nodis; from Paris, tel. SECTO 87, Dec. 15, 1966, Secret/Exdis.

<sup>4</sup>From Bonn, tel. 7343, Dec. 20, 1966, Confidential/Limdis.

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suggestions. When Ambassador Roshchin again brought up the Kosygin proposal on security assurances, Mr. Foster said that this created difficulties for us. There were problems in trying to devise any universal guarantee covering different allies, nonaligned countries, etc. He suggested that the United States and the Soviet Union might later study the possibility of a bilateral U.N. resolution.<sup>1</sup>

Thus, by the end of this round of bilateral discussions, Mr. Foster and Ambassador Roshchin had reached tentative agreement on almost all provisions of the treaty except the safeguards article. Neither government was yet committed to the draft language they had prepared. The next steps were consultation with the allies and approval at the governmental level in Moscow and Washington. If these hurdles could be surmounted, it would be possible to present a joint draft treaty to the ENDC when that body reconvened in February 1967.

#### Polish-Czechoslovak Proposal

As we have seen, the original Soviet draft treaty did not provide for safeguards, and it was not until November 1966 that the Soviet negotiators began to insist on IAEA safeguards for all non-nuclear parties. This change in Soviet policy was preceded by a proposal to apply IAEA safeguards to Central Europe. In a message to the 10th IAEA General Conference (September 21-28), the GDR offered to accept IAEA safeguards if the FRG did likewise and the GDR was admitted to the IAEA. Poland and Czechoslovakia also offered to accept IAEA safeguards if the FRG accepted them. The Soviet Union supported these proposals. At the conference, the FRG made a non-committal statement, recalled its 1954 non-production pledge, and called attention to the Euratom safeguards it had already accepted.<sup>2</sup>

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<sup>1</sup>From New York, tel. 3189, Dec. 14, 1966, Secret/Nodis.

<sup>2</sup>International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 54-55.

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We explored the possibility of getting something constructive from the Polish-Czechoslovak proposal, if it could be separated from the GDR offer. The Polish-Czechoslovak proposal could be a step toward expanding the coverage of international safeguards, provide a precedent for inspection behind the iron curtain, and contribute to East-West rapprochement. We hoped that Bonn would give it serious attention and not reject it outright.<sup>1</sup> After some prodding on our part, the FRG issued a statement indicating that it was seriously studying the proposal.<sup>2</sup>

Although the French delegates at the IAEA General Conference had been very sympathetic, the Quai d'Orsay gave the proposal a much cooler reception. The French would not accept parallel IAEA safeguards in Euratom territory, which they feared would open the door to espionage by East European inspectors. Our Embassy at Paris concluded that the only hope would be to work with the Euratom commission for some kind of verification arrangement between that body and IAEA.<sup>3</sup> With our encouragement, the commission took some preliminary steps in that direction. At the beginning of 1967 we were still hoping for some progress on the Czechoslovak-Polish proposal.<sup>4</sup>

#### 21st General Assembly

The 21st General Assembly witnessed a marked decline in the polemics between the United States and the Soviet Union that had characterized previous sessions. We joined the Soviets in cosponsoring a resolution appealing to states to refrain from actions hampering agreement and to take "all necessary steps" for conclusion of a non-proliferation treaty.

<sup>1</sup>Circ. tel. 63400, Oct. 10, 1966, Confidential.

<sup>2</sup>From New York, tel. 1538, Oct. 13, 1966, Confidential; circ. tel. 68671, Oct. 19, 1966, Confidential; from Bonn, tel. 5049, Oct. 25, 1966, Confidential; Documents on Disarmament, 1966, pp. 671-672.

<sup>3</sup>From Paris, tel. 6195, Oct. 26, 1966, Confidential.

<sup>4</sup>Circ. tel. 111460, Jan. 3, 1967, Confidential.

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After the Rusk-Gromyko conversations, Ambassador Goldberg was able to tell the First Committee that a new and more hopeful situation had arisen. The Soviet-American resolution, amended by the nonaligned Eight, was approved on November 4 by a vote of 110 to 1, with 1 abstention. Albania voted against it, and Cuba abstained.<sup>1</sup>

#### Nonaligned resolution

A nonaligned draft resolution of October 27 reaffirmed the 1965 General Assembly resolution, urged all states to take the necessary steps to conclude a treaty and called on the ENDC to give high priority to the question. It also contained a paragraph inviting the nuclear powers to pledge not to "use, or threaten to use, nuclear weapons against non-nuclear-weapon States."<sup>2</sup> Before introducing the resolution, most of the Eight had planned to include a full endorsement of the Kosygin proposal.<sup>3</sup> Although the sponsors dropped "which do not have nuclear weapons in their territory," the language remained unacceptable to us, and they rejected our compromise suggestions.<sup>4</sup> The Soviets told us that they would have been happy to have security assurances left out of the resolution. Now that they had been introduced, however, the Soviets wanted to include the whole Kosygin formula.<sup>5</sup>

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<sup>1</sup>International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 56-58.

<sup>2</sup>Ibid., p. 59.

<sup>3</sup>From New York, tel. 1836, Oct. 25, 1966, Confidential.

<sup>4</sup>From New York, tels. 1863 and 1886, Oct. 27, 1966, Confidential. Our alternatives would have invited the nuclear-weapon powers, in consultation with the non-nuclear-weapon nations, to give urgent consideration to (a) "how they might assure the security of non-nuclear-weapon states which renounce the acquisition of nuclear weapons," or (b) "how the security of non-nuclear-weapon States, which renounce the acquisition of their own nuclear weapons, might best be assured against nuclear aggression or the threat thereof."

<sup>5</sup>From New York, tels. 1916, Oct. 28, 1966; 1950, Oct. 31, 1966; and 2043, Nov. 3, 1966, Confidential.

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Aware that the resolution would have overwhelming support, ACDA proposed that we support it and take the occasion to declare that we would not use nuclear weapons against a non-nuclear party to a non-proliferation treaty that was not engaged in aggression supported by a nuclear power.<sup>1</sup> A draft instruction in this sense was cleared with the Acting Secretary of State and the Secretary of Defense. It encountered opposition from the JCS, who opposed any form of non-use assurance. The question was referred to the President and the Secretary of State, who were then in Seoul. They were informed that the instruction would be sent unless they sent contrary orders.<sup>2</sup> The instruction was never sent. Although Secretary Rusk was willing to approve a slightly modified version of the ACDA draft, Soviet insistence on restoring the Kosygin formula made it impossible for us to support the paragraph at all.<sup>3</sup>

On November 3, Lord Chalfont suggested adding "and any other proposals that might be made" to the non-use paragraph, and Ambassador Roshchin concurred.<sup>4</sup> This proposal was well received by the Eight.<sup>5</sup> We attempted to use the Chalfont proposal as a basis for developing a more elaborate paragraph in which the ENDC would be requested to consider:

(a) the proposal that the nuclear weapons powers should give an assurance that they will not use, or threaten to use, nuclear weapons against non-nuclear weapon states without nuclear weapons on their territory,

(b) the proposal that nuclear weapon powers should express their intention to provide or support immediate assistance to any non-nuclear weapon state that is the victim of an act of aggression in which nuclear weapons are used and that is a party to a non-proliferation treaty,

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<sup>1</sup>Fisher to McNamara, memorandum, Oct. 31, 1966, Confidential.

<sup>2</sup>To Seoul, tel. 76255, Oct. 31, 1966, Secret/Limdis.

<sup>3</sup>Record of ACDA Staff Meeting, Nov. 3, 1966, Secret.

<sup>4</sup>From New York, tel. 2043, Nov. 3, 1966, Confidential.

<sup>5</sup>From New York, tel. 2074, Nov. 4, 1966, Confidential.

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(c) the proposal that nuclear-weapon powers should refrain from the use, or the threat of use of nuclear weapons which may conclude treaties of the nature defined in para 2 (E) of Resolution 2028 (XX), and

(d) any other proposals that may be made for solution of this problem.<sup>1</sup>

The Soviets opposed this proposal, and the Eight also rejected it. Apparently some of the nonaligned objected to "positive" assurances because they did not want to be placed under a "protectorate" of the nuclear powers.<sup>2</sup>

The sponsors' rejection of our proposal put the delegation in an awkward position, since it desired to support the resolution as a whole while registering dissent on the security paragraph. Secretary Rusk, who initially favored abstaining on the resolution, concurred in Foster's recommendation.<sup>3</sup> In the First Committee, Mr. Foster said that it was premature to recommend a specific security proposal to the ENDC and associated himself with Italian and Canadian criticisms of the Kosygin proposal. At his request, the First Committee took a separate vote on this paragraph. It was adopted by a vote of 98 to 0, with 4 abstentions (United States, Spain, Camerons, France). The plenary General Assembly approved the resolution on November 17 by a vote of 97 to 2, with 3 abstentions. Albania and the Central African Republic voted against it, and the Democratic Republic of the Congo, Iceland, and France abstained.<sup>4</sup>

#### Resolution on non-nuclear conference

Pakistan introduced a resolution calling for a conference of non-nuclear states to meet by July 1968. The conference would consider security assurances, cooperation to prevent proliferation, and the use of nuclear devices for peaceful

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<sup>1</sup>To New York, tel. 79858, Nov. 5, 1966, Confidential.

<sup>2</sup>From New York, tel. 2131, Nov. 7, 1966, Confidential.

<sup>3</sup>Record of ACDA Staff Meeting, Nov. 9, 1966, Confidential; to New York, tel. 81600, Nov. 9, 1966, Confidential.

<sup>4</sup>International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, p. 61.

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purposes. Both the United States and the Soviet Union had grave doubts about this project, which could prove a potential threat to their efforts to work out a non-proliferation treaty in the bilaterals and in the ENDC. They abstained on the resolution, which was adopted by a vote of 48 to 1 (India), with 59 abstentions.<sup>1</sup>

Resolution on effects of nuclear weapons

The General Assembly unanimously adopted a resolution requesting the Secretary-General to prepare a report on the effects of the possible use of nuclear weapons and on "the security and economic implications for States of the acquisition and further development of these weapons."<sup>2</sup>

The Indian problem

In the First Committee debate, Indian Ambassador Trivedi declared that a balanced non-proliferation treaty should prohibit nuclear weapons production and provide for safeguards on the nuclear activities of both nuclear and non-nuclear nations. He questioned our proposal to ban the development of peaceful nuclear explosive devices by non-nuclear states on the ground that it would hamper the technological progress of developing nations. He said that real security lay in disarmament, not in obtaining protection from the nuclear powers.<sup>3</sup> Dr. Vikram A. Sarabhai, the Chairman of the Indian AEC, mentioned the disarmament link in a private conversation with Fisher and was not convinced by the latter's argument that a non-proliferation treaty would create an atmosphere in which it would become feasible to conclude additional arms-control agreements. He also feared that IAEA safeguards might promote dissemination by providing information to the inspectors and hamper nuclear development.<sup>4</sup>

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<sup>1</sup>International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 61-62.

<sup>2</sup>Ibid., p. 62.

<sup>3</sup>Ibid., pp. 58-60.

<sup>4</sup>Memcon Sarabhai, Fisher, et al., Oct. 17, 1966, Confidential.

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After a trip to India, Lord Chalfont reported that India took the position that she would sign a non-proliferation treaty only if it contained clear guarantees against nuclear blackmail and was somehow "coupled" with disarmament measures. He believed, however, that she would ultimately sign without conditions.<sup>1</sup> This was our general assessment, but it was called into question when Brajesh C. Mishra, the Deputy Indian Permanent Representative to the United Nations, told our delegation that his country would not accede to a non-proliferation treaty unless China adhered.<sup>2</sup> We recognized that this would be a serious blow to treaty prospects and took steps to clarify the question.<sup>3</sup> It appeared, however, that India had not taken a firm position, although she would obviously prefer Chinese adherence.<sup>4</sup>

On October 27 we sent out a circular instruction summarizing the recommendations of an interagency study of the Indian nuclear problem. Noting that the desire for increased prestige was a motive for going nuclear, we should avoid the use of the term "nuclear power." Nations which had developed nuclear weapons should be called "nuclear-weapon powers" and states with a nuclear-weapon potential would be labeled "civil nuclear powers." We respected the latter for choosing an "intelligent and honorable course" that would help promote their economic development and peaceful nuclear programs. On the Chinese Communist threat, we would emphasize our primacy in "strike-back power," the vulnerability of China to nuclear attack, and the great cost of the Chinese nuclear-weapons program. We should try to explain the enormous costs of a nuclear-weapons program.<sup>5</sup> While the study was devoted to India, its results were obviously applicable to other near-nuclear countries. ACDA took a prominent part in the study.

<sup>1</sup>From London, tel. 3069, Oct. 13, 1966, Secret; from New York, tel. 1672, Oct. 19, 1966, Secret/Limdis.

<sup>2</sup>From New York, tel. 1825, Oct. 25, 1966, Confidential.

<sup>3</sup>To New Delhi, New York, etc., tel. 74372, Oct. 27, 1966, Secret.

<sup>4</sup>From New Delhi, tel. 6270, Oct. 28, 1966, Confidential; from New York, tel. 1920, Oct. 28, 1966, Confidential; memcon Shah, Gleysteen, Kirby, Nov. 9, 1966, Confidential.

<sup>5</sup>Circ. tel. 73836, Oct. 27, 1966, Secret.

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Allied Consultations (I)

As we have seen, the allies were given some information on the American-Soviet bilateral talks while they were going on, and Secretary of State Rusk showed the tentative draft of article I to several Foreign Ministers at the North Atlantic Council meeting.<sup>1</sup> On December 20 our Ambassadors at London, Ottawa, Rome, and Bonn were given all the draft language that had been worked out during the bilaterals. They were instructed to explain to the allied Foreign Ministers that the draft would not disturb existing bilateral arrangements, since these did not involve any transfer of warheads or control unless a decision was made to go to war. It would not have any bearing on an allied decision to go to war or on the NATO committee on nuclear planning and consultation. It would not keep states from having a veto on the launching of nuclear weapons from their territory. It would not foreclose the establishment of a "multilateral Atlantic entity...so long as there was no transfer to this entity of an ownership interest in nuclear warheads (as opposed to delivery vehicles) and so long as the United States or other participating nuclear-weapon State retained control over its nuclear warheads." Since the draft would prohibit transfer to "any recipient whatsoever," it would not discriminate against the FRG. It would not bar "succession by a federated European state to the nuclear status of one of its former components." Without such succession, no European force could acquire nuclear weapons. There could, however, be a European force with joint ownership of delivery vehicles provided that a participating nuclear nation retained control of its nuclear weapons.

It was noted that the safeguards article had not been resolved. We were considering a stronger article that would specify the IAEA. Although this would bring the IAEA-Euratom problem to a head, it would not discriminate against the FRG. We had to decide whether to have IAEA safeguards or none, and failure to include them "might seriously jeopardize political acceptability of treaty in U.S. Senate."

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<sup>1</sup>See above, pp. 81-82, 85, 94.

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The formulations had not been accepted by the U.S. Government, which wished to have "the most discreet and thorough consultation with its allies before deciding its position." All previous steps had been ad referendum, and the consultations were to be carried out "without pre-commitment."<sup>1</sup>

A similar message was sent to Tokyo.<sup>2</sup> Before our Ambassador was able to deliver it, Ambassador Takeuchi gave Foster a note that followed up an earlier talk between Secretary Rusk and Foreign Minister Miki.<sup>3</sup> While the Japanese agreed on the urgency of a non-proliferation treaty, they felt that "the views of the non-nuclear weapon states should be fully respected since this problem would affect to an extreme degree the basic national interests of non-nuclear weapon states." It was "of the utmost importance" to secure the participation of all nuclear powers and the majority of non-nuclear nations, especially those "with nuclear development capabilities." Full consideration should be given to the security problems of non-nuclear states, and a non-proliferation treaty should not impair existing collective security systems. A non-proliferation treaty should "stimulate progress in the field of nuclear disarmament" and not weaken the political role of non-nuclear nations. It should not affect the peaceful uses of nuclear energy.

The Japanese strongly desired that the following points be considered:

(1) That the nuclear weapons states clearly express, in this Treaty or in the form of a Declaration, their intention to bend henceforth all efforts toward the fulfillment of disarmament, in particular nuclear disarmament.

(2) That this Treaty do not include any provisions which may obstruct any function of the present Treaty of Mutual Cooperation and Security between Japan and the United States of America.

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<sup>1</sup>To London, etc., tel. 109454, Dec. 28, 1966, Secret/Nodis.

<sup>2</sup>To Tokyo, tel. 109450, Dec. 20, 1966, Secret/Nodis.

<sup>3</sup>From Tokyo, tel. SECTO 12, Dec. 6, 1966, Secret/Exdis.

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(3) That conferences of member states be enabled to be held periodically as well as when the occasion arises, in order to review all problems (including disarmament efforts of nuclear weapon states) pertaining to the enforcement of the Treaty.

(4) That an opportunity be created to enable each member state to re-examine its position, including withdrawal, after a fixed period of time (e.g., five years) from the coming into force of the Treaty.

(5) That an international guarantee system be perfected in order to secure peaceful uses of atomic energy.

(6) That this Treaty do not include provisions prohibiting solely non-nuclear states from conducting nuclear explosions for peaceful use.<sup>1</sup>

The Germans came up with a host of objections to our draft treaty language. Ambassador Schnippenkoetter, the FRG Disarmament Commissioner, told Ambassador McGhee on January 6 that the interpretation of the treaty should be clarified. He objected to the review conference because of the possibility of GDR participation.<sup>2</sup> Ambassador McGhee recommended that we try to meet the Germans on the latter point by dropping the provision, providing for separate conferences in the three capitals, or making the conference optional rather than mandatory.<sup>3</sup>

We commented that we had already made known to the Soviets our views on the meaning of many points of the treaty. Other aspects would be clarified in later discussions, or we would explain our views to the Senate after the treaty was signed. On the European option, there could be succession by

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<sup>1</sup>Japanese note; Dec. 28, 1966, Confidential; to Tokyo, tel. 110302, Dec. 29, 1966, Secret/Nodis; from Tokyo, tel. 4695, Dec. 30, 1966, Secret/Nodis.

<sup>2</sup>From Bonn, tel. 7871, Jan. 6, 1967, Secret/Nodis.

<sup>3</sup>From Bonn, tel. 7872, Jan. 6, 1967, Secret/Nodis.

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a federated European state to the nuclear status of a component. Such a state would not have to be completely centralized, but would only have "to control all of its external security functions, including defense and all foreign policy matters relating to external security." Since the Soviets understood that the treaty permitted what it did not prohibit, and it did not prohibit a consolidation of states or require the destruction of nuclear weapons, "it must permit the creation of a federated state with its own nuclear weapons." By the same token, non-nuclear-weapon nations would not violate the treaty by joining the new state. On the review conference, we pointed out that this provision was derived from the limited test-ban treaty, and we had previously informed the Germans that we would oppose any GDR participation in a conference under that treaty.<sup>1</sup>

When he gave these comments to Brandt on January 10, Ambassador McGhee said on a personal basis that we might give the Germans the statement on interpretation that we would provide the Senate when it held hearings on the treaty. Noting the concern of the Germans for additional assurances, he could not understand what we could give them beyond the NATO guarantee, the storage of 7,000 nuclear warheads in Germany, and German membership in the NATO Nuclear Planning Group.

Foreign Minister Brandt said that the non-nuclear nations wanted the treaty to state that it had the aim of controlling "vertical proliferation." Non-nuclear nations would welcome an assurance that the nuclear powers would not use nuclear weapons against them. They were also concerned about the ban on peaceful nuclear explosive devices, which would widen the gap between nuclear and non-nuclear countries.<sup>2</sup>

He said little about interpretations, which were taken up by Ambassador Knappstein in Washington. Secretary of State Rusk told the Ambassador that there could be no differences of

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<sup>1</sup>To Bonn, tel. 115228, Jan. 9, 1967, Secret/Nodis. The argument on the European option was repeated in an oral note given to Knappstein in Jan. 13 (to Bonn, tel. 121767, Jan. 19, 1967, Secret).

<sup>2</sup>From Bonn, tel. 7962, Jan. 10, 1967, Confidential/Nodis.

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interpretation between us and the Russians on any significant aspect of the treaty. He said that the Senate would go over it with a fine-tooth comb, and this would allow for no surprises or differences of interpretation. The Ambassador said that the Germans would be satisfied with our interpretation if the Soviets agreed with it.<sup>1</sup>

At Rusk's suggestion, he had a more detailed discussion with ACDA Director Foster, ACDA Deputy Director Fisher, and State Department Legal Adviser Meeker on January 13. He told them that the FRG was prepared in principle to join a non-proliferation treaty but wanted to know much more about it and needed an explanation of the basis on which options would be kept open.

Mr. Foster recalled the Rusk-Gromyko understanding that the treaty would state what was prohibited and that things that were not prohibited, including political relationships, would be kept open. He said that Gromyko understood that consultation would be permitted and that existing arrangements would not be affected. He explained that the word "indirectly" in article I referred to transfer of control. Mr. Meeker said that the treaty would allow the NATO Nuclear Planning Group to set up contingency plans for the use of nuclear weapons and to discuss nuclear strategy.

The Ambassador said that our previous explanation on the succession of a European federated state to the nuclear status of a component was clear enough, but he wished to know about intermediate stages toward European union. Mr. Meeker explained that in such intermediate stages we would be able to transfer vehicles but not warheads. It was explained that "nuclear weapon" referred to a warhead and not to a vehicle.

According to the Ambassador, Secretary Rusk had told him that the review and withdrawal provisions of the draft treaty could be used to solve the European unification problem. The Ambassador asked whether a European community could own ABMs. Mr. Foster replied that there was no such thing as a purely defensive weapon under the treaty and that an ABM would be subject to the same restrictions as any other nuclear weapons.

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<sup>1</sup>Memcon Rusk-Knappstein-Puhan, Jan. 11, 1967, Secret/Nodis.

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Ambassador Knappstein noted that the Soviet Embassy at Bonn disputed our view that the treaty would not deprive the FRG of a veto on the use of nuclear weapons based on its territory. We explained that a veto was not a transfer, but he was still concerned that the Soviets might maintain that the veto right implied positive as well as negative control.<sup>1</sup>

On January 16, Y.M. Vorontsov, Counselor of the Soviet Embassy, queried ACDA General Counsel Bunn about news stories from Bonn and asked what we had told the Germans on the European option. Mr. Bunn described our view that a federated Europe could succeed to the nuclear status of a component state. Mr. Vorontsov neither agreed nor disagreed and said that he did not know Moscow's position.<sup>2</sup> Two days later, Secretary Rusk made the same point to Ambassador Dobrynin and added that we would need an agreed interpretation before we submitted the treaty to the Senate. He also said that the President had not yet approved the draft treaty language and would not do so until the allied views were known. We hoped to finish the allied consultations and be ready to talk further with the Soviets when the ENDC resumed.<sup>3</sup>

As Ambassador McGhee observed, Cabinet approval "in principle" did not mean that our problems with the Germans were over. He thought that Defense Minister Schroeder and Finance Minister Strauss would continue to oppose it, "through the device of seeking clarification changes." He was disturbed by reports in German circles that there were "secret codicils and side agreements" between the United States and the USSR. He saw as a basic weakness that we had apparently not discussed the European option with the Soviets. Even if they signed a treaty without clarifying this question, they would be free to raise it later.<sup>4</sup>

We had in fact discussed the European option with the Soviets, as Mr. Foster told Knappstein on January 18. Although they had not complained about our interpretation, the less said about it the better. We could not expect the

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<sup>1</sup>Memcon Knappstein, Foster, et al., Jan. 13, 1967, Secret/Exdis. The German questions were spelled out in more detail by the German Embassy on Jan. 17; see "Further Questions Raised by the FRG With Regard to Interpretation of the Draft Text of the NPT," Jan. 17, 1967, Secret/Limdis.

<sup>2</sup>Memcon Vorontsov-Bunn, Jan. 17, 1967, Secret/Limdis.

<sup>3</sup>Memcon Dobrynin, Rusk, Kohler, Jan. 18, 1967, Secret/Nodis.

<sup>4</sup>From Bonn, tel. 8272, Jan. 17, 1967, Confidential/Nodis.

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Soviets to be enthusiastic about some of our interpretations, but they had agreed that those things which were not prohibited were permitted. Although they might not react adversely as long as our interpretations were not highly publicized, publicity might jeopardize the treaty.

Ambassador Knappstein stressed the German desire to avoid charges of treaty violation after the treaty came into force. He observed that Europeans were bound to discuss the interpretation of the treaty. In response to his queries, Mr. Foster assured him that the treaty would not limit peaceful nuclear cooperation. He also said that the language was ad referendum but that changes would be difficult.<sup>1</sup>

The Ambassador apparently reported to Bonn that Foster had said that German proposals for changes would "definitely not" be considered, and Chancellor Kiesinger became very angry.<sup>2</sup> Washington immediately denied that Foster had made such a statement and took steps to inform all our NATO allies that we had not agreed on the treaty formulations, and it would therefore be possible to suggest changes. It should be anticipated, however, that "it would be very difficult to obtain Soviet agreement on substantive changes."<sup>3</sup>

Our draft treaty language, except for the safeguards article and the as yet unformulated preamble, was discussed by the North Atlantic Council on February 1. With the aid of ACDA Assistant Director De Palma, Ambassador Cleveland made an effective presentation. Most of the allies made favorable comments. FRG Ambassador Grewe, privately a strong opponent of the treaty, outlined the principal German concerns in a "somewhat opaque instructed statement," as Ambassador Cleveland reported. The Italian representative said that his government was not yet ready to take a definitive position. He said that the treaty should not hamper European unity and that full federation could not be achieved if control of nuclear weapons remained in the hands of the nuclear powers during the intermediate stages of unification. The French

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<sup>1</sup>To Bonn, tel. 121338, Jan. 18, 1967, Secret/Exdis.

<sup>2</sup>From Bonn, tel. 8514, Jan. 23, 1967, Secret/Exdis/NoFORN.

<sup>3</sup>To Bonn, tel. 124771, Jan. 24, 1967, Secret/Exdis.

McGhee passed this on to Brandt on Jan. 27 (from Bonn, tel 8747, Jan. 27, 1967, Secret/Limdis).

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representative stated that his government would not sign the treaty. He therefore declined to discuss the substance.<sup>1</sup> The Quai later confirmed that this was the official French position.<sup>2</sup>

The Germans were not fully satisfied with our oral interpretations and requested more formal action in an aide-memoire of February 3:

The American interpretations, given to us orally, in order to become effective for our decisions would have to be given the same degree of binding force as the obligations which we have to accept (for instance by exchange of notes). Their inclusion into the Minutes of the Senate - which was said to be likely by the American side - would in our opinion not be sufficient under the rules of International Law. The American agreement with us, and eventually with others, defining the interpretations would probably have to be officially notified to the Soviets in order not to give them the possibility to later claim that they had interpreted the treaty differently on the basis of their bilateral negotiations with the American side. Their consent, however, would not be required.

They wanted a binding interpretation from the Soviets on the following points: (1) protection of German nuclear research and industry against "inadmissible intervention," (2) a guarantee that no one could intervene against German cooperation with other countries in peaceful uses of nuclear energy, (3) exclusion of any Soviet right to veto European integration in foreign policy and defense, and (4) reservation of the possibility of a nuclear anti-missile system in Western Europe. They noted our desire to support Euratom and said that its interests "must be protected permanently." And they reserved the right to suggest changes in the draft.<sup>3</sup>

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<sup>1</sup>From Paris, tel. 11599, Feb. 1, 1967, Secret/Limdis.

<sup>2</sup>From Paris, tel. 12167, Feb. 10, 1967, Secret/Limdis.

<sup>3</sup>Aide-memoire from German Embassy, Feb. 3, 1967, Secret.

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In the meantime, we informed Canada, the United Kingdom, and the Euratom countries that we were considering exploring with the Soviets a compromise safeguards article, "still ad referendum pending further consultation with our allies." This draft read as follows:

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 as soon as practicable. Each State Party to this Treaty 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.

There would also be a preambular paragraph in which the parties would undertake to cooperate in facilitating the application of IAEA safeguards to peaceful nuclear activities.

In an accompanying message, we pointed out that the Soviets would not accept any language endorsing Euratom safeguards but were willing to agree to a transition period for phasing IAEA safeguards into the Euratom area.<sup>1</sup> While they would be willing to accept a treaty without safeguards, we attached great importance to including a "meaningful, binding safeguards article." Safeguards would help allay suspicion and provide a means of assuring each party that the nuclear programs of others were peaceful. The non-proliferation treaty offered "the only foreseeable chance to achieve comprehensive worldwide safeguards coverage on both imported and indigenously built nuclear facilities before large quantities of plutonium are produced in many countries." Furthermore, this would be a "major step in bringing the Soviet Union to recognize the need for appropriate verification of major arms control undertakings."

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<sup>1</sup>See above, p. 92.

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We envisaged a transitional arrangement along the following lines: Either before or after the treaty came into force, IAEA and Euratom would exchange technical information on their safeguards procedures. Meanwhile, IAEA safeguards would be applied to nuclear exports from Euratom states to countries outside the Euratom area. When IAEA had completed arrangements with such advanced countries as India, Sweden, Israel, etc., it would also apply safeguards to the non-nuclear members of Euratom in accordance with arrangements which would have been worked out by the two organizations. Such procedures might involve IAEA verification of the adequacy of Euratom safeguards, parallel inspections by the two organizations, or some form of joint inspection.<sup>1</sup>

We also believed that the chances of getting a meaningful safeguards article would be "exceedingly slim" unless we could reach agreement before the draft treaty was surfaced in the ENDC, where India, Sweden, and others could be expected to make proposals that would kill it, either by demanding the application of safeguards to nuclear as well as non-nuclear nations or by dealing summarily with Euratom.<sup>2</sup>

Ambassador Schnippenkoetter was extremely disturbed by our proposal on safeguards and told us that it would be better to leave them out. He said that it would be discriminatory to subject Euratom countries to both Euratom and IAEA safeguards.<sup>3</sup> Ambassador McGhee predicted that the safeguards article would encounter serious opposition in Bonn. It was one thing for the Germans to give up the hypothetical option of a European defense force and another to weaken Euratom, "a European institution in being." The Germans would also raise the possibility of industrial espionage by East European inspectors. He thought that Brandt's concern about nuclear disarmament and peaceful uses should also be taken seriously.<sup>4</sup>

Ambassador Knappstein soon informed the State Department that any safeguards article that did not recognize Euratom safeguards as "equivalent" would "deprive Euratom of one of its essential foundations." France would not accept

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<sup>1</sup>Circ. tel. 127754, Jan. 30, 1967, Secret/Limdis.

<sup>2</sup>Circ. tel. 127753, Jan. 30, 1967, Secret/Limdis.

<sup>3</sup>From Bonn, tel. 8892, Jan. 31, 1967, Secret.

<sup>4</sup>From Bonn, tel. 8953, Feb. 1, 1967, Secret/Limdis.

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IAEA controls and would probably cease to cooperate with other Euratom members that accepted them. As a result, Euratom would be "transformed into a loose research organization," and the FRG would be placed at a disadvantage. Moreover, the European communities as a whole would "eventually be endangered."<sup>1</sup>

The Germans were also concerned about the ban on peaceful nuclear explosions and the inability of non-nuclear countries to share in the benefits of technological "spinoff" from military nuclear programs, as Foreign Minister Brandt indicated in a Bundestag speech.<sup>2</sup> In a conversation of February 8 with Rusk and Foster, he showed little concern about the peaceful explosions question but emphasized that there must be no discrimination against the FRG in peaceful nuclear development. Mr. Foster explained that the industrial benefits of "spinoff" from military nuclear programs had been greatly exaggerated, and offered to supply additional information. On the danger of industrial espionage by IAEA inspectors, he noted that the host country had the right to pass on the country composition of an inspection team. He added that we had no problem with reactors which we voluntarily submitted for inspection. Mr. Brandt requested a letter of interpretation, and Mr. Foster agreed to give the FRG a formal note which the Soviets could see. Secretary of State Rusk noted that there would be no agreement if the Soviets denied our public position. While we had not definitely decided on future negotiating procedures, he emphasized that we would not agree to language not previously circulated to the NATO allies.<sup>3</sup> He did not think that nuclear blackmail should trouble our NATO allies or Japan but acknowledged that there was a real problem for India.

Later, Mr. Foster and other top ACDA officials gave the Germans information showing that "spin-off" had been of little benefit in our own experience. They also noted that peaceful

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<sup>1</sup>To Bonn, tel. 132903, Feb. 7, 1967, Secret/Limdis.

<sup>2</sup>International Negotiations on the Non-proliferation of Nuclear Weapons, p. 63.

<sup>3</sup>Mcmcon Rusk, Brandt, Foster, et al., Feb. 8, 1967, Secret.

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and weapons technologies were diverging and that progress through civil applications was much more probable.<sup>1</sup>

We also gave the draft treaty to Euratom. The officials of that organization considered it unrealistic for us to expect the member states to carry the burden of maintaining the Euratom safeguards system after they had accepted IAEA safeguards. They also echoed the German fear that France would gain an advantage over the other members, since she would not have to accept IAEA safeguards on her peaceful nuclear activities.<sup>2</sup>

At the NAC meeting of February 8, we said that we would wish to resume discussions with the Soviets to try to work out a draft treaty for the ENDC and that we would keep the allies informed. We also hoped for prompt allied reactions on article III, which we wished to include in the treaty. Summing up the meeting, Secretary-General Brosio said that the NAC had had a full, deep, and useful discussion. Although there were still some strong reservations, the non-proliferation treaty was a U.S. initiative and there were no objections to our proceeding with the Soviets. He noted our intention to keep the NAC fully informed of further developments.<sup>3</sup>

We were not long in learning that the Euratom countries would not be ready for an early NAC meeting on safeguards.<sup>4</sup> We then told the allies that we would leave the safeguards article blank when the draft was tabled at Geneva in order to give them more time to study it. We also explained that the tabled draft articles would not have been finally approved by the United States or the USSR but be submitted for consideration by ENDC members and other governments.<sup>5</sup>

At the same time, Mr. Foster told Dobrynin that we had been consulting our allies about the version of article I which the Soviets preferred<sup>6</sup> and a draft article II based on

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<sup>1</sup>Memcon Bahr, Foster, et al., Feb. 9, 1967, Secret/Limdis.

<sup>2</sup>From Brussels, tel. 3866, Feb. 8, 1967, Secret/Limdis.

<sup>3</sup>From Paris, tels. 12000, Feb. 8, 1966, and 12166, Feb. 10, 1967, Secret.

<sup>4</sup>From Paris, tel. 12188, Feb. 10, 1967, Secret.

<sup>5</sup>To Paris, tel. 138125, Feb. 15, 1967, Secret.

<sup>6</sup>See above, pp. 90-93.

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it. We were not yet ready to discuss article III, and it appeared from the allied consultations that there would be great difficulty in agreeing on an article which specified only IAEA safeguards. If we were to gain the adherence of the non-nuclear countries, we would have to make it clear that the treaty did not prevent cooperation in peaceful uses and that the benefits of peaceful nuclear explosives would be made available to them, if and when they became technologically and economically feasible. We had therefore prepared preambular language on these subjects. We also believed that it was necessary to define "nuclear-weapon State," and we proposed to define it as a state which had exploded a nuclear weapon or other nuclear device as of the date the treaty was opened for signature. He hoped that the Co-Chairmen would present all this draft language, except for article III, to the ENDC when it reconvened.<sup>1</sup>

Ambassador McGhee reported that the Brandt visit had done "little to quell" the raging public debate in Germany. Some feared that American-Soviet rapprochement would eventually lead to the dissolution of the NATO alliance and claimed that their fears were confirmed by Foster's statement in a Foreign Affairs article (July 1965) that a successful non-proliferation program could result in "the erosion of alliances,"<sup>2</sup> Publicly, both Chancellor Kiesinger and Foreign Minister Brandt expressed grave reservations on the treaty, especially on the peaceful uses of nuclear energy, safeguards, and European unification. On February 20 the State Department issued a public statement on peaceful uses and safeguards.<sup>3</sup> While this helped to meet some of the German concerns, Bonn was still far from ready to endorse the treaty.

The Italians also had serious reservations about the treaty. Although they had previously been willing to drop the European option, Ambassador Fenoaltea told Rusk and Foster on January 25 that the treaty should provide for gradual movement toward European unity and that Italy would oppose any formula

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<sup>1</sup>Memcon Dobrynin-Foster, Feb. 9, 1967, Secret/Exdis.

<sup>2</sup>From Bonn, tel. 9606, Feb. 16, 1967, Secret/Lindis; for the Foster statement, see Documents on Disarmament, 1965, pp. 277-278.

<sup>3</sup>International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, p. 64.

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that allowed a European nuclear force only after complete unity had been achieved. The treaty should include all near-nuclear powers and Italy's neighbors. It should also provide for the peaceful uses of nuclear energy. He stressed the importance of not isolating Germany.

Secretary Rusk explained our views on the European option and said that a European defense force, if established prior to a full European federation, could have nuclear delivery vehicles but not warheads. He suggested that Italy could note when the treaty was signed that she wished to reserve her position until other important states had adhered. Mr. Foster added that we too would not accept the treaty until certain other countries had signed and ratified. Both explained that special arrangements could be made for providing peaceful nuclear explosive services. Secretary Rusk said that the Germans had a tremendous stake in non-proliferation and understood that they would break up NATO if they went nuclear.<sup>1</sup>

As noted above, the Italian representative questioned the European option provisions of the treaty at the February 1 NAC meeting.<sup>2</sup> On February 7, Ambassador Fenoaltea told Rusk and Foster that he had received his government's considered views. Italy was disturbed because the treaty might weaken the European unification process or enhance France at the expense of Continental relations with the United States and the United Kingdom. The treaty could also place Italy and other near-nuclear nations in a position of permanent inferiority, especially since it would not be accompanied by gradual nuclear disarmament. Italy was concerned by possible hindrance to peaceful nuclear progress and the effect of safeguards. She proposed a new draft article which would permit the withdrawal of non-nuclear parties after the review conference if no progress had been made on disarmament.

Secretary Rusk commented that Italy seemed to be rejecting the idea of non-proliferation. This was certainly true if the Italian object was to prevent discrimination between nuclear and non-nuclear countries. He could not imagine that the

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<sup>1</sup>Memcon Fenoaltea, Rusk, Foster, et al., Jan. 25, 1967, Secret/Exdis.

<sup>2</sup>See above, p. 108.

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spread of nuclear weapons would be in the interest of Italy and asked whether the Italians wished to reserve the right to become a nuclear power after five years. Ambassador Fenoaltea denied this but emphasized the need to keep the European option open. Mr. Foster noted that a five-year treaty would not be negotiable with the USSR, and Secretary Rusk remarked that it would result in eight-month pregnancies and a crop of nuclear powers, since no near-nuclear country could be sure what others would do.<sup>1</sup>

On February 15 we sent a message to Rome spelling out our position in more detail. On the five-year limit, we stressed that this might create uncertainty about the future:

...The absence of a reasonable expectation that the treaty represented a continuing inhibition against proliferation might lead certain non-nuclear countries to conclude that their interests could only be protected by denouncing the treaty in order to enter into competition for the acquisition of nuclear weapons. For this reason, we believe that the language suggested by Article V would not be negotiable.

While we hoped that "this ultimate step would never be required," Italy could protect her interests by invoking the withdrawal clause. As far as Italy's neighbors were concerned, we saw no reason to suppose that any but Albania would refuse to participate. We reminded Italy that the non-proliferation treaty would not abrogate the North Atlantic Treaty.

While we wished to move toward disarmament measures, we believed that "the non-nuclear states should base their decision to adhere on the grounds of their own national interests rather than on the ground of seeking 'compensation' in the form of general disarmament by the nuclear powers." Safeguards were a key element in the treaty, and we envisaged that IAEA safeguards should be applied to the Euratom area after a transitional period. At the same time, we wished to protect the integrity of Euratom and would continue to support and assist it.<sup>2</sup>

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<sup>1</sup>Memcon Fenoaltea, Rusk, Foster, et al., Feb. 7, 1967, Secret/Limdis. Japan also suggested a five-year time limit (see above, p. 104).

<sup>2</sup>To Rome, tel. 138190, Feb. 15, 1967, Secret/Limdis.

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Foreign Minister Fanfani said that the treaty had not yet been considered at the Cabinet level. While Italy favored a non-proliferation treaty, he pointed out, the U.S. draft had changed since the summer of 1966. The problem for Italy was to do nothing to permit later governments and the next generation to claim that the country had been sold out.<sup>1</sup>

The Japanese did not have a direct interest in European problems, but the questions they asked us about the interpretation of the treaty showed that the Germans had been in close contact with them. They were concerned about the effect of war on the treaty. On February 13, Mr. Foster told Ambassador Takeuchi that "all bets would be off" if a nuclear power engaged in or supported "an armed attack under circumstances making the use of nuclear weapons imminent." The Soviets had not disputed us on this point, and we felt that the treaty "would clearly and necessarily be suspended during hostilities for parties engaged in individual or collective self-defense against such an attack."

Initially, the Japanese were very sympathetic toward article III and wanted it strengthened to forbid the export of nuclear materials and equipment to countries that did not adhere to the treaty. ACDA General Counsel Bunn suggested that this would raise problems with the French, who would probably not adhere in the near future, and consequently with the Germans.

Japan shared the intense German interest in the problem of peaceful uses. Ambassador Takeuchi warned that we should not take Japan's final attitude for granted. Japan hoped that there would be as much time as possible between U.S.-Soviet agreement and the date of signature of the treaty. Mr. Foster did not think that this was unreasonable. He informed Takeuchi about our plans for the ENDC and indicated that we were thinking of dealing with security assurances through a U.N. resolution that melded the Johnson statement with the Kosygin proposal.<sup>2</sup>

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<sup>1</sup>From Rome, tel. 4268, Feb. 16, 1967, Secret/Limdis.

<sup>2</sup>Memcon Takeuchi, Foster, Bunn, Feb. 13, 1967, Secret.

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11th Session of the ENDC (February 21-March 23, 1967)

Mr. Foster went to Geneva a few days before the opening of the conference in the hope of getting Soviet agreement to submit a draft treaty to the ENDC. On February 16 he told Roshchin that we had encountered difficulty with mentioning only IAEA safeguards in article III. He unsuccessfully tried to persuade Roshchin to accept "effective international safeguards," which we had previously proposed.<sup>1</sup> Ambassador Roshchin was still willing to accept a treaty without safeguards. If there were to be safeguards, however, Euratom controls would not be acceptable to the Soviet Union. He again expressed willingness to agree to a transition period.<sup>2</sup>

When he learned that not all of our allies had accepted article I, Ambassador Roshchin said that it was premature to present an agreed recommendation. Articles I and II were still under consideration by the Soviet Government. He feared that submission to the ENDC would stimulate nonaligned proposals for changes which would be picked up by opposing circles in the FRG and Japan. Noting that it had taken the United States two months to consult and consider, he said that it would take the USSR a short time after a complete text had been agreed on.

This left our delegation in some doubt as to what course to pursue at Geneva. It noted that the easiest tactic would be to begin the ENDC session with a general non-proliferation debate, although this offered the risk that the nonaligned countries and possibly Italy would harden their demands during the discussion.<sup>3</sup>

O.A. Grinevsky, the deputy Soviet representative, opposed any delay in convening the ENDC. He told our delegation that the treaty had not yet been considered at the highest level in Moscow and that the Soviets would have to challenge our interpretation of the European option. An American delegate warned him that this would wreck the whole project.<sup>4</sup>

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<sup>1</sup>See above, p. 92.

<sup>2</sup>From Geneva, tel. 2365, Feb. 16, 1967, Secret/Limdis.

<sup>3</sup>From Geneva, tel. 2366, Feb. 16, 1967, Secret/Exdis.

<sup>4</sup>From Geneva, tel. 2371, Feb. 17, 1967, Secret/Exdis.

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Mr. Grinevsky said that we could have our own opinions on the European option but that the Soviets would have to reject them if we stated them publicly. While he understood our views on European federation, the Soviets could not publicly accept an arrangement permitting German "access" to nuclear weapons, even though a United States of Europe was not likely to be formed. He insisted that safeguards should be equal for West and East European countries. He suggested that the East European countries might set up a "socialist Euratom" if the Western European countries persisted in their objections to IAEA.<sup>1</sup>

Our delegation concluded that private U.S. interpretations were one thing but that public statements would force the Soviets to reply. Since Roshchin himself did not discuss the question with Foster, it believed that we should wait for them to raise it formally.<sup>2</sup> Mr. Foster recommended that we wait until the Soviets had agreed to tabling an agreed draft treaty.<sup>3</sup>

Ambassador Roshchin saw no difficulty with the new preambular paragraphs and the definition of a "nuclear-weapon state," which Mr. Foster gave him.<sup>4</sup> While the Soviet Union had been thinking of using the same signing procedure followed for the limited test-ban treaty,<sup>5</sup> he finally agreed with Foster's idea of submitting an unsigned joint draft treaty to the ENDC after both countries had consulted their allies. He was not willing, however, to request Moscow's approval for the submission of an incomplete draft without a safeguards article.<sup>6</sup>

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<sup>1</sup>From Geneva, tel. 2443, Feb. 22, 1967, Secret/Limdis.

<sup>2</sup>From Geneva, tel. 2391, Feb. 18, 1967, Secret/Exdis.

<sup>3</sup>From Geneva, tel. 2467, Feb. 23, 1967, Secret/Exdis.

<sup>4</sup>These drafts had previously been given to Dobrynin in Washington (see above, pp. 113-114).

<sup>5</sup>The limited test-ban treaty was negotiated and initialed in Moscow by the U.S., the U.K., and the USSR and then opened for signature in the capitals of the three countries.

<sup>6</sup>From Geneva, tels. 2392, Feb. 18, 1967, 2457; Feb. 23, 1967, and 2466, Feb. 23, 1967, Secret/Limdis.

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Our delegation immediately recommended advising the NATO allies and Japan that no draft would be tabled at the opening of the ENDC and that we saw a delay of "several weeks" before the safeguards article would be ready.<sup>1</sup> Washington concurred.<sup>2</sup> Later, Mr. Foster gave Roshchin the draft safeguards article we were discussing with our allies.<sup>3</sup>

The conference opened on February 21. In a message of that date, President Johnson stressed the advantages of the treaty for the non-nuclear nations. He assured them that we would continue to share our knowledge with others and that the treaty would not interfere with their peaceful nuclear progress. He reaffirmed our support for a ban on the development and use of peaceful nuclear explosive devices by the non-nuclear nations and our willingness to join other nuclear powers in making nuclear explosive services available under appropriate safeguards.

Mr. Foster told the ENDC that we interpreted the Latin American nuclear-free zone treaty as prohibiting the acquisition and testing of peaceful devices, but the Brazilian representatives took a contrary view. Ambassador Roshchin agreed with Foster that the non-proliferation treaty should prohibit the development and use of peaceful devices by non-nuclear nations, and suggested that there could be a separate agreement on services by the nuclear powers. Mr. Foster concurred with this approach and outlined the principles which we had in mind for explosive services if and when peaceful nuclear explosions became economically and technically possible.

Since safeguards were under private discussion, there was little public debate. The Swedish representative wanted the same safeguards applied to the nuclear activities of all states. The UAR favored IAEA safeguards for all non-nuclear states.

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<sup>1</sup>From Geneva, tel. 2369, Feb. 17, 1967, Secret/Limdis.

<sup>2</sup>To Geneva, tel. 139668, Feb. 17, 1967, from Paris, tel. 12585, Feb. 20, 1967, Secret/Limdis.

<sup>3</sup>From Geneva, tel. 2457, Feb. 23, 1967, Secret/Limdis. For the draft safeguards article, see below, pp. 135-137. We had not originally intended to give the Soviets the draft at this stage, but it leaked to the Journal de Genève. The remainder of the draft treaty appeared in Le Monde, Feb. 21, 1967.

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As previously, most of the nonaligned Eight wished to link the treaty in some way with disarmament measures. Sweden wanted concurrent negotiations on non-proliferation, a halt to chemical and bacteriological weapons production, and a fissionable materials production cutoff. With Canadian support, Brazil and Mexico thought that the non-proliferation treaty should include a "declaration of intent" by the nuclear powers. The UAR wanted a draft treaty article. Several nonaligned countries continued to show an interest in the Kosygin proposal.<sup>1</sup>

Without giving them the draft texts, Mr. Foster briefed the nonaligned delegates on the treaty formulations.<sup>2</sup> Mrs. Myrdal (Sweden) told him that her public statements did not mean that it would be necessary to have a comprehensive test ban or a fissionable materials cutoff in connection with the non-proliferation treaty. She attached great importance to IAEA safeguards.<sup>3</sup>

Ambassador Trivedi told him that a cutoff was crucial for India. If peaceful nuclear explosive devices were to be denied to non-nuclear countries, he felt that the nuclear powers should accept a cutoff. He considered it discriminatory to require safeguards only of the non-nuclear powers. He was encouraged, however, by Foster's statement that the nuclear powers would not allow India to be threatened by nuclear blackmail if a non-proliferation treaty was concluded and that assurances could be handled in the U.N. context. India wanted a better formulation of the Johnson statement and considered the Kosygin proposal irrelevant to the Chinese threat.<sup>4</sup> The Indians apparently wanted a U.N. resolution which would permit assistance consistent with the Charter and give them a "contingent alliance" compatible with nonalignment. We suggested that the U.N. resolution might be an "umbrella" permitting India to get bilateral aid from the United States and perhaps also the USSR.<sup>5</sup>

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<sup>1</sup>See International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 66-67.

<sup>2</sup>Circ. tel. 141707, Feb. 21, 1967, Secret.

<sup>3</sup>From Geneva, tel. 2473, Feb. 23, 1967, Secret.

<sup>4</sup>From Geneva, tel. 2538, Feb. 23, 1967, Secret.

<sup>5</sup>From Geneva, tel. 2654, Mar. 7, 1967, Secret/Limdis.

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The Ethiopian and Nigerian representatives were particularly concerned about peaceful uses of nuclear energy and security assurances.<sup>1</sup> The Burmese representative favored the Kosygin proposal and questioned Foster on the interpretation of the Latin American treaty provisions on peaceful nuclear explosive devices. Mr. Foster explained that the treaty would not permit peaceful devices unless they could be distinguished from nuclear weapons, which was impossible. He also said that the limited test-ban treaty would have to be amended if Plowshare techniques were developed.<sup>2</sup> As was to be expected from their public statements, the Mexican and Brazilian representatives held conflicting views on the Latin American treaty. The Mexican representative agreed with Foster, while the Brazilian representative held that the treaty permitted peaceful devices.<sup>3</sup>

UAR Ambassador Khallaf's initial reaction was favorable, but he commented that the nonaligned nations would have things to add to the treaty. He hoped that the Europeans would change their attitude toward safeguards, because the nonaligned could never accept inspection of West Europe by Euratom and inspection of themselves by IAEA.<sup>4</sup>

Near the end of the session, Ambassador Roshchin asked if we were still willing to table a draft treaty with a blank safeguards article. Mr. Foster noted that we had trouble with the allies on this article and they would think the pressure was off if we did this. He personally thought that we would not leave safeguards out of the treaty.<sup>5</sup> Ambassador Roshchin then rejected our proposal to have IAEA safeguards applied "as soon as practicable." The USSR felt that safeguards must be established without delay and that there should be no room for uncertainty. Mr. Foster replied that this would be technically impossible, since IAEA had only 12 inspectors and would be in no position to undertake the task at the outset. It might take two or three years to get the system into full operation.<sup>6</sup> In Moscow, Foreign Minister Gromyko told Thompson that IAEA verification should be effective from

<sup>1</sup>From Geneva, tels. 2632, Mar. 6, 1967, Confidential, and 2650, Mar. 7, 1967, Secret.

<sup>2</sup>From Geneva, tel. 2651, Mar. 7, 1967, Confidential.

<sup>3</sup>From Geneva, tels. 2534, Feb. 28, 1967, and 2559, Mar. 1, 1967, Secret.

<sup>4</sup>From Geneva, tel. 2604, Mar. 3, 1967, Secret.

<sup>5</sup>From Geneva, tel. 2864, Mar. 18, 1967, Secret/Limdis.

<sup>6</sup>From Geneva, tel. 2963, Mar. 23, 1967, Secret/Limdis.

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the outset, with some time allowed for its introduction. He urged us to restudy the Kosygin proposal. He opposed any interpretations of the European option and said that the USSR would not be bound by them.<sup>1</sup>

When it became evident that the allied consultations would take longer than we had expected, the ENDC was recessed (March 23), and the Co-Chairmen agreed to reconvene in May.

### Allied Consultations (II)

While the ENDC was marking time at Geneva, we were making an arduous diplomatic effort to persuade our allies to consent to tabling the draft treaty on a "no objection" basis. Although we knew that the inclusion of safeguards would make the treaty much more difficult to negotiate, we thought that it was worth the additional effort. At the same time, we recognized the complaint of the non-nuclear countries that it would be discriminatory to apply safeguards to them and not to the nuclear powers. In order to make safeguards more acceptable, ACDA proposed to the major Principals on February 21 that we offer to apply IAEA safeguards to our peaceful nuclear activities.<sup>2</sup> Mr. Fisher also discussed the proposal with the Congressional Joint Committee on Atomic Energy, where it got a warm reception. Both Senator Pastore (Dem., R.I.) and Congressman Holifield (Dem., Calif.) concurred.<sup>3</sup> Senator Pastore doubted that the Senate would approve a treaty without safeguards.<sup>4</sup>

We initially planned to request an early meeting of the North Atlantic Council (NAC), where we hoped to get the allies to concur in our submitting article III on a "no objection" basis,<sup>5</sup> but Ambassador Cleveland reported that the

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<sup>1</sup>From Moscow, tel. 4070, Mar. 23, 1967, Secret/Limdis.

<sup>2</sup>ACDA memorandum to Secretary of State, Secretary of Defense, et al., Feb. 21, 1967, Confidential/Limdis.

<sup>3</sup>Record of ACDA Staff Meeting, Feb. 24, 1967, Secret.

<sup>4</sup>To Geneva, tel. 143837, Feb. 24, 1967, Confidential.

<sup>5</sup>Circ. tel. 141133, Feb. 20, 1967, Secret.

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allied representatives opposed this move and indicated that we would run a risk of getting objections on the record from some countries.<sup>1</sup>

Our delegation at Geneva was concerned that we might lose our negotiating momentum and be unable to regain it unless we could table the draft treaty by the end of the current ENDC session. It recommended that we press for an early response from the Euratom countries. It anticipated that they would probably come up with a proposal for IAEA to delegate its safeguards to Euratom for their countries, and this would not be negotiable with the Soviet Union. It would be more constructive for them to come out for an arrangement which would permit IAEA observers to "verify" Euratom procedures during the transition period. Unless we could get a consensus on this, our delegation recommended a return to the "no objection" approach, even though the Soviets might not agree to tabling article III before they were sure that our allies would accept it.<sup>2</sup> Euratom seemed to feel that article III would mean dispensing with its safeguards. Our delegation did not interpret the draft in this sense and assumed that Euratom safeguards would continue even after IAEA safeguards were accepted.<sup>3</sup>

At the first Western Four meeting in Geneva, Ambassador Cavalletti restated the Italian reservations and wanted a binding Anglo-American "explanatory note" specifying that a European defense community would not be prevented from having nuclear weapons. Lord Chalfont said that the United Kingdom would not sign a treaty which permitted a European nuclear force without a federated European state. Mr. Foster said that some Italian concerns could be met in the preamble but that the Italians might kill the treaty if they stated other reservations publicly.<sup>4</sup> After the Canadians and British had made strong representations in Rome, the Italians agreed to keep quiet.

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<sup>1</sup>From Paris, tel. 12793, Feb. 22, 1967, Secret.

<sup>2</sup>From Geneva, tels. 2463, Feb. 23, 1967, and 2496, Feb. 24, 1967, Secret.

<sup>3</sup>From Brussels, tel. 4152, Feb. 23, 1967, and Geneva, tel. 2499, Feb. 25, 1967, Confidential.

<sup>4</sup>From Geneva, tel. 2431, Feb. 21, 1967, Secret.

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Prime Minister Moro was extremely concerned that the treaty might prevent European political unity, since it would give France a unique position and enable de Gaulle to block British entry into the European Community. He believed that the Germans had reached similar conclusions and had decided to give France priority over the United Kingdom in that event. He thought that Italy would have to follow the same course.<sup>1</sup>

The FRG was pleased with the delay in tabling the draft treaty. It wanted more time to deal with interpretations and to consult other Euratom countries on safeguards. It tended to favor an arrangement under which IAEA would satisfy itself that Euratom safeguards were effective.<sup>2</sup>

We lost no time in trying to clear up the interpretations. On February 21, Ambassador McGhee was instructed to give Kiesinger a draft summary of interpretations, and on the next day Mr. Fisher discussed them with Charge von Lilienfeld in Washington. This draft summary read as follows:

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 consultation on nuclear defenses so long as no transfer of nuclear weapons or control over them results.

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<sup>1</sup>From Rome, tel. 4380, Feb. 23, 1967, Secret/Limdis.

<sup>2</sup>From Bonn, tel. 9731, Feb. 20, 1967, Secret/Limdis.

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5. It does not deal with existing arrangements for deployment of nuclear weapons within allied territory as these do not involve any transfer of nuclear weapons or control over them unless 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. It would bar, however, transfer (including ownership) of nuclear weapons or control over them to a new multilateral or other entity lacking the attributes of a federated state essential to bring into play the legal doctrine of succession.

It will be recalled that all elements of the draft summary had previously been discussed with the Germans. We now reminded them that we did not intend to seek Soviet comments but merely to inform the Soviets that we were giving these explanations to our allies. We also informed the Germans about the draft preamble which we were discussing with the Soviets at Geneva.<sup>1</sup>

As it happened, Mr. von Lilienfeld had just received a lengthy instruction from Bonn. The FRG was ready to cooperate on the treaty, but insisted that it must not be allowed to deviate from its purposes and that attempts by the Soviets to use it for their own ends must be opposed. The FRG wished to discuss with us interpretations of nuclear arrangements, peaceful nuclear cooperation, exclusion of a Soviet veto on

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<sup>1</sup>To Bonn, tel. 141946, Feb. 21, 1967, Secret/Limdis; oral note, "Interpretations Regarding Draft Non-proliferation Treaty Formulations," Feb. 22, 1967, Secret.

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European unification, and keeping an ABM option for Europe open. It would be enough for us to inform the Soviets of our interpretation, and it would not be necessary for them to provide an official expression of consent.

The FRG believed that the treaty should contain language on disarmament, assurances against nuclear blackmail, peaceful uses of nuclear energy, arrangements for peaceful nuclear explosives, and non-discriminatory safeguards. It did not find our draft article III acceptable and wanted it to explicitly stipulate that safeguards were exclusively intended to prevent the production of nuclear weapons or other nuclear devices. It was concerned about GDR adherence to the treaty. It would welcome a U.S. nuclear protective guarantee that went beyond the North Atlantic Treaty and the Athens NATO resolutions.<sup>1</sup>

In Bonn, Chancellor Kiesinger told McGhee that he was trying to calm down German public opinion and that it was especially important for us to avoid any sign of pressure. The Ambassador gave him our interpretations and said that they would be supplemented by a formal note when the complete draft treaty was tabled.<sup>2</sup> In Geneva, Ambassador Schnippenkoetter also took a conciliatory tone and agreed that silence on the part of the Soviets would be the best outcome when they received the interpretations. He also queried Foster on the possible use of the withdrawal clause in connection with the European option.<sup>3</sup>

German public opinion remained excited and distrustful. Ambassador McGhee reported that "fears and accusations of American disinterest and abandonment, voiced by men of much influence in Germany, have reached disturbing proportions." The Germans felt that the emergence of mutual interests between the United States and the Soviet Union could bring about a realignment in the postwar security pattern. They were also developing an urge to secure a more favorable world

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<sup>1</sup>Memcon von Lilienfeld, Fisher, et al., Feb. 22, 1967; to Bonn and Geneva, tel. 142161, Feb. 2, 1967; to Bonn, tel. 142987, Feb. 23, 1967, Secret/Limdis.

<sup>2</sup>From Bonn, tel. 9817, Feb. 22, 1967, Secret/Limdis.

<sup>3</sup>From Geneva, tel. 2498, Feb. 25, 1967, Secret/Limdis.

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position for Germany.<sup>1</sup> After studying this message, Secretary Rusk decided to send Foster to Bonn and to plan for a meeting between the President and Kiesinger.<sup>2</sup>

The German and Italian attitudes affected the positions of others. Even the Dutch, who had been quite sympathetic to our effort, began to fear that the treaty might be "another Nassau" for the French and showed signs of drawing closer to the Germans.<sup>3</sup>

Summing up the situation on February 25, Mr. Fisher advised Rusk that there were three immediate problems: (1) the interpretation of the European option, (2) safeguards, and (3) other questions raised by the Germans. U.S. policymakers differed on when we should present the interpretation to the Soviets. While Mr. Foster thought that we should hold off until a complete text was agreed on, Secretary Rusk doubted whether we should pursue the "arduous task" of allied consultations if the Soviets were to challenge us on an interpretation which the allies would have to make public. In view of Grinevsky's statements, Mr. Fisher himself thought that we should inform the Soviets as soon as we were sure that the FRG was satisfied.<sup>4</sup>

He recommended that article III be modified and discussed with the allies in the context of a complete draft treaty. Since safeguards would be more acceptable to the allies if we informed them that we were considering inviting IAEA inspection, he recommended Presidential action on the ACDA proposal. He did not think that most of the other questions raised by the Germans needed to be resolved before the treaty was tabled, although they would have to be dealt with before the FRG ratified the treaty. And he doubted that the Italians would want to be the only holdouts if we got the Germans to go along.<sup>5</sup>

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<sup>1</sup>From Bonn, tel. 9959, Feb. 25, 1967, Secret/Limdis.

<sup>2</sup>To Bonn, tel. 146957, Mar. 1, 1967 and Geneva, tel. 147825, Mar. 2, 1967, Secret/Limdis.

<sup>3</sup>From the Hague, tel. 2109, Feb. 25, 1967, Secret/Limdis.

<sup>4</sup>For the Grinevsky statements, see above, p. 119.

<sup>5</sup>Fisher to Rusk, memorandum, Feb. 25, 1967, Confidential.

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Two days later, Chancellor Kiesinger made a public speech in which he referred to "nuclear complicity" between the United States and the Soviet Union. He said that it would be impossible for the FRG to sign the treaty unless its peaceful nuclear development was guaranteed and the controls were clarified. He asserted that all aspects of the treaty, including the security considerations, had not been considered in depth by the allies. In the future, the FRG would insist upon "a comprehensive and thorough consultation," which was necessary for the preservation of the North Atlantic alliance.<sup>1</sup> Our Embassy at Bonn did not think that Kiesinger's speech was as hostile as initial reports indicated. It thought that he was concerned to show his independence and to show us that he wanted closer consultations. It expected him to take his time about accepting the treaty.<sup>2</sup>

The Germans indeed wished to go slow. The Counselor of the German Embassy said that we were pushing ahead too fast and that consultations were not the same as negotiations. Countries like Germany and Italy should not only be consulted but allowed to negotiate as equal partners.<sup>3</sup> John J. McCloy, who was in Germany for the trilateral military and financial talks, later told Kiesinger that the President greatly resented his speech and the implication that we had gone behind the backs of our allies or were trying to substitute a U.S.-Soviet understanding for NATO.<sup>4</sup>

While Euratom was the center of attention on the safeguards question, the Canadians also questioned the "discriminatory" nature of our proposal and felt that they might be placed at a commercial disadvantage if they had to accept IAEA safeguards while their competitors did not. They indicated, however, that they might be satisfied if the United States and the United Kingdom accepted IAEA safeguards when the treaty was opened for signature.<sup>5</sup>

<sup>1</sup>Documents on Disarmament, 1967, pp. 106-107.

<sup>2</sup>From Bonn, tel. 10155, Mar. 2, 1967, Confidential.

<sup>3</sup>Memcon von Staden-Garthoff (State-G/PM), Mar. 2, 1967, Secret.

<sup>4</sup>From Bonn, tel. 10266, Mar. 5, 1967, Secret/Exdis.

<sup>5</sup>From Geneva, tel. 2517, Feb. 27, 1967, Confidential; to Geneva, tel. 145833, Feb. 28, 1967, Secret.

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Both the Canadians and the British were concerned about our proposal to define "nuclear-weapon state" as a nation which had exploded a nuclear bomb or other device as of the date when the treaty was open for signature, since this would enable India to conduct an explosion before that date and sign the treaty as a "nuclear-weapon state." Our delegation at Geneva agreed and recommended that the term be applied only to those who had exploded nuclear bombs or devices before January 1, 1967.<sup>1</sup>

Since Euratom consideration remained stalled, Ambassador Cleveland recommended that we pull together a complete draft treaty and formally present it to the NAC.<sup>2</sup> Our delegation at Geneva agreed. It noted that we had put the ball in the Euratom court and were "now in the position of waiting to see if other players [are] even interested in playing game." It still thought that we should try for a "no objection" action in NATO, even though it remained uncertain whether the Soviets would agree to table a joint draft treaty without assurance that our allies would support article III.<sup>3</sup>

We now sent the treaty text, except for article III, to the NATO allies and Japan. This text included the new definition of "nuclear-weapon state" and the preamble we had previously given the Soviets. There was some annoyance on the part of the allies at receiving the text of the preamble after the Soviets. The other members of the Western Four at Geneva were also given the treaty interpretations we had sent to Bonn.<sup>4</sup>

At the same time, it was decided to send Foster and De Palma to Bonn, Rome, Brussels, and The Hague. Although article III was not included in the treaty text we had circulated, Mr. Foster would be prepared to discuss it. After this trip, we would try to get a "no objections" agreement in the NAC to our tabling a complete draft treaty at Geneva.<sup>5</sup>

<sup>1</sup>From Geneva, tel. 2522, Feb. 28, 1967, Secret.

<sup>2</sup>From Paris, tel. 13142, Feb. 28, 1967, Secret.

<sup>3</sup>From Geneva, tel. 2545, Mar. 1, 1967, Secret.

<sup>4</sup>Circ. tels. 148031 and 148099, Mar. 3, 1967, Secret; from Geneva, tels. 2639, Mar. 6, 1967, Secret, and 2661, Mar. 7, 1967, Confidential.

<sup>5</sup>To Bonn, Geneva, etc., tel. 148856, Mar. 3, 1967, Secret/  
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On March 8, Ambassador Knappstein called on Fisher in Washington to present extensive suggestions for changes in the draft treaty and the draft summary of interpretations.<sup>1</sup> The FRG wished to write into the treaty language assuring a special status for "civil nuclear powers," which would be defined as those nations having nuclear reactors on their territory. In order to prevent such nations from being outvoted, a party would be allowed to withdraw from the treaty if it objected to amendments. The review conference would be explicitly authorized to alter or terminate the treaty by a majority vote, including all nuclear-weapon parties and the majority of parties with nuclear reactors. The treaty would not come into force until it had been ratified by a majority of nations with nuclear reactors. Ambassador Knappstein also asked us to consider limiting the duration of the treaty to five or ten years and to change the withdrawal provision to permit immediate withdrawal by a nation faced with nuclear blackmail.

Mr. Fisher reacted negatively to these suggestions but said that we would study them. He thought that the number of nations with nuclear reactors on their territory might be so large that it would be meaningless to set up a special category for them.<sup>2</sup> He considered the existing withdrawal provision adequate for the contingency of unacceptable amendments and did not think that it should be changed to eliminate the cooling off period. To limit the treaty to five or ten years was tantamount to a moratorium, and he was concerned that suspicions would increase when the date of termination drew near.

Ambassador Knappstein said that our draft interpretations were generally satisfactory and largely met the FRG desires but that Bonn wished to raise a few points:

- (1) They wished to say that the treaty permitted any action which was not "expressly and clearly prohibited."
- (2) They had a problem with warheads that were not separable from vehicles.

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<sup>1</sup>See above, pp. 125-126.

<sup>2</sup>There were 50 nations with reactors.

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(3) They would like to reinstate our 1966 definition of "control" and specify that allies could consult on the "nuclear deterrent" as well as "nuclear defense."

(4) They wanted to change our language on a decision "to go to war" to "until the outbreak of hostilities," since there might be no time for a declaration of war.<sup>1</sup>

When Mr. Foster and Mr. De Palma met Kiesinger in Bonn, the latter opened the conversation by referring to the "erosion of alliances" passage in Foster's Foreign Affairs article.<sup>2</sup> The Chancellor was convinced that erosion of the alliance was too great a price to pay and that a non-proliferation treaty should lead to a strengthening of the alliance. While he knew that there had been extensive German-American talks on the treaty, he complained that there had been no real discussion of the broad aspects of the problem and the effects on the alliance.

Reviewing the history of the negotiations, Mr. Foster recalled that Gromyko had told Rusk that existing arrangements and allied consultation would not be affected by the treaty. We had previously consulted the Germans and would continue to do so. We were anxious to table a draft treaty as soon as possible, and the nonaligned countries were becoming restless because of the delay. We thought that the treaty would not only promote world stability but would also contribute to progress in German relations with Eastern Europe and the movement toward European unity. The insistence on safeguards did not come from the Soviets but from us and some of our allies.

Chancellor Kiesinger commented that the FRG wanted more time but did not wish to kill the treaty. He wanted a treaty that he could present to the German people on a sound basis and in good conscience. Mr. Foster replied that there was no time table but that delay would be dangerous; e.g., India could decide to go nuclear. We would give serious thought to the German suggestions, although some of them could cause trouble.<sup>2</sup>

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<sup>1</sup>See above, p. 126.

<sup>2</sup>From Bonn, tel. 10500, Mar. 9, 1967, Secret.

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In a separate talk, Mr. Foster assured Brandt, who took a more conciliatory tone, that the consultative process would continue after the treaty was tabled. Mr. Brandt hoped that our interpretation of the treaty could have a broader basis than a bilateral understanding with the FRG. Both he and Ambassador Schnippenkoetter discussed the risk of industrial espionage from IAEA inspection, and the latter suggested that IAEA safeguards should cover only the flow chart of fissionable material. Mr. Foster agreed that IAEA procedures could be abused but pointed out that they were subject to revision. Since the purpose of safeguards was to prevent weapons production, he agreed that they should apply only to fissionable material.<sup>1</sup>

He told FRG Science Minister Stoltenberg that the treaty would not limit peaceful uses except in regard to peaceful nuclear explosive devices. We had told the Soviets that there could be no treaty unless our allies agreed to it, and we had no final agreement with the USSR. Mr. Stoltenberg was concerned about the "discriminatory" aspect of safeguards and wanted to know whether an inspection system could be automated and depersonalized. Mr. Foster agreed that there were possibilities along this line and noted that it only took two men two days to inspect our Yankee reactor. He suggested that there could be a three-year transition period, a provision for inspecting only fissionable material, and a statement of purpose.<sup>2</sup> During the Bonn visit, Mr. De Palma personally suggested to Schnippenkoetter that the FRG might explore the possibility of having IAEA verify Euratom safeguards, since the idea of IAEA delegating safeguards to Euratom would probably not be negotiable.<sup>3</sup>

Mr. Foster concluded that we must distinguish between "atmospherics" helpful to the German leaders and the basic issues, or find that we had rewritten the treaty and made it acceptable to the FRG and no one else. He feared that further protracted negotiations with the FRG and hesitation on our part

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<sup>1</sup>From Bonn, tel. 10556, Mar. 10, 1967, Confidential.

<sup>2</sup>From Bonn, tel. 10502, Mar. 10, 1967, Confidential.

<sup>3</sup>From Bonn, tel. 10530, Mar. 10, 1967, Secret/Limdis.

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could cause the treaty to fail. He doubted that either the Germans or the Italians would wish to take the responsibility for killing the treaty. He recommended that we set aside their non-negotiable suggestions and their ideas on alliance or European issues which could not be settled in a non-proliferation context. We would then show them how we could meet their realistic concerns with the aim of going to the NAC at an early date. He also urged an early decision on article III.<sup>1</sup>

At The Hague (March 15), he reassured the Dutch on safeguards and peaceful uses. He also told them the treaty would not prohibit assistance in nuclear propulsion.<sup>2</sup>

On March 17, Mr. Fisher gave Knappstein a paper outlining a revised article III embodying the suggestions Foster and De Palma had made to the Germans in Bonn. If an effective safeguards article could be adopted, he said, we would consider offering to place a broad range of peaceful nuclear activities under IAEA safeguards if the FRG believed that this would be useful.<sup>3</sup>

He later gave Knappstein a second paper dealing with the changes proposed by the FRG. In the preamble, we would not include a disclaimer on GDR recognition because this would be non-negotiable and encourage the inclusion of other extraneous clauses. We would not change "IAEA safeguards" to "appropriate safeguards" or indicate that safeguards should be applicable to all nuclear activities in all countries, since this would not be negotiable with the Soviets. We were willing to strengthen the language on peaceful uses but thought that this should be left to nonaligned initiative at a later stage. We opposed a provision on "nuclear blackmail" because we felt that this should be handled in the U.N. context and that putting it in the treaty would open the door to the Kosygin proposal. Pressure by others, however, might later force us to find a "compromise" on assurances in the treaty, and the FRG suggestion could prove useful in that

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<sup>1</sup>From Geneva, tel. 2753, Mar. 12, 1967, Secret/Limdis.

<sup>2</sup>From The Hague, tel. 2478, Mar. 16, 1967, Secret/Limdis.

<sup>3</sup>Memcon Knappstein, Fisher, et al., Mar. 17, 1967,

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event. We would be willing to consider a provision on an equitable balance of mutual responsibilities and obligations between the nuclear and non-nuclear powers but preferred to wait for others to bring this up in the ENDC. We did not wish to list specific nuclear disarmament measures since this could not be negotiated with the Soviets. We agreed in principle that there should be some preambular language on the pricing of peaceful nuclear explosive services.

In the operative part of the draft treaty, we did not believe it desirable to define "nuclear weapons" in article I, although we were prepared to do so in the interpretations. To meet the German demand for some special status for near-nuclear nations, we would replace the amendments provision by the amending procedure of the outer space, i.e., amendments would enter into force when ratified by a majority but bind only those which ratified them. We had not yet decided whether the treaty should provide for a second review conference five years after the first. We opposed the German proposal to allow termination of the treaty by a majority of the parties five or ten years after it came into force. We could not accept the German proposals for requiring participation by all 50 nuclear-reactor countries before the treaty became effective. We did not agree that the ground for withdrawal should be broadened or that the three months' notice clause should be eliminated.

We agreed to include "planning" in point (4) of the interpretations but rejected other German changes. We believed that adequate custody and control arrangements could be worked out for all weapons systems except ADMs, which could not be transferred under the treaty. In general, we felt that the German proposals were either non-negotiable or unnecessary. We thought that the German request for "special nuclear guarantees" should be dealt with in NATO, and we understood that the question of a veto on the use of nuclear weapons on FRG territory was being discussed by the NATO Nuclear Planning Group. We said that the treaty would not affect the veto.<sup>1</sup>

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<sup>1</sup>To Bonn and Geneva, tel. 160383, and circ. agm. 7187, Mar. 22, 1967, Secret.

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The Germans did not feel that we had been forthcoming enough and complained that we were leaving it up to the non-aligned to sponsor even those changes we had accepted. They agreed, however, that our amendments proposal was a "tremendous step" forward. We reminded them that our consultations with them were without parallel among the allies and that we had made a major effort to meet their concerns. We emphasized the need to table a draft text when the ENDC reconvened if the whole project was not to be jeopardized.<sup>1</sup>

Talking to FRG Defense Minister Schroeder on March 30, the Under Secretary of State emphasized the importance of a non-proliferation treaty, and noted that there had been some useful suggestion by our allies. He seriously doubted, however, that there could be agreement on some of the problems the Germans had raised, and he wondered whether there might not be some deeper problems behind their proposals. Mr. Schroeder said that allied nuclear cooperation was vital for Germany and that U.S. assurances would be helpful in German consideration of the problem.<sup>2</sup>

At the same time, Vice President Humphrey assured Brandt that the treaty did not hinder civil nuclear development. He also indicated that we would help the FRG in access to nuclear fuel when safeguards had been acted on.<sup>3</sup>

When Mr. Foster and Mr. De Palma visited Rome (March 13), they found the Italian position still unchanged. Foreign Minister Fanfani said that Italy favored a non-proliferation treaty but did not know what the Soviets wanted. He noted that the U.S. draft had been severely criticized in the Supreme National Defense Council and that there was considerable Parliamentary opposition. Although he asserted that Italy had not coordinated her position with other nations, many of the Italian questions were identical with those the Germans had asked about the draft treaty and the interpretations. The Italians were also concerned about the "Albanian problem"; since France and Albania would not sign, and Spain, Switzerland, and the UAR might not join, Italy would be more or less surrounded by non-adherents. Mr. Foster said that Italy could postpone

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<sup>1</sup>To Bonn and Geneva, tel. 162881, Mar. 25, 1967, Secret.

<sup>2</sup>From Bonn, tel. 11584, Apr. 1, 1967, Confidential.

<sup>3</sup>From Bonn, tel. 11430, Mar. 30, 1967, Secret/Exdis.

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its ratification until the states about which it was most worried had also ratified the treaty. He gave them the same information on safeguards he had previously given the Germans.<sup>1</sup>

Mr. Fanfani also gave Foster a memorandum by Italian nuclear scientists containing a number of detailed questions on safeguards and the peaceful uses of nuclear energy. Among other things, they wished to know whether the European countries could build a common uranium separation plant, the conditions for obtaining nuclear fuel for ship propulsion, and what sanctions would be applied to violations.<sup>2</sup>

On March 23, Mr. Fisher gave the Italian Chargé a full reply to the questions his government had raised.<sup>3</sup> We later gave the Italian Embassy a detailed reply to the scientists' memorandum. We said that nothing in the draft treaty would prevent a European separation plant if it was placed under the safeguards required by the treaty and that it would be possible to build a nuclear ship under the same conditions. Sanctions would depend on the nature of the violation. Violation of safeguards requirements might result in the withholding of nuclear supplies by other parties. The acquisition of nuclear weapons or other nuclear explosives might lead other parties to withdraw from the treaty.<sup>4</sup>

Although the theoretical European ramifications of the treaty continued to trouble Italian leaders, an Italian delegate told us in Geneva that apart from article III his country's problems were more presentational than substantive. He did not think that Italy would object to our tabling the draft if she was assured that we would support or at least not object to the Mexican proposals for including treaty articles on the peaceful uses of nuclear energy and denuclearized zones, as well as a declaration of intent of the nuclear powers to proceed with nuclear disarmament.<sup>5</sup>

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<sup>1</sup>From Rome, tel. 4734, Mar. 14, 1967, Secret.

<sup>2</sup>From Rome, tel. 4701, Mar. 13, 1967, Secret.

<sup>3</sup>To Rome, tel. 161326, Mar. 23, 1967, Secret.

<sup>4</sup>To Rome, tel. 166638, Mar. 31, 1967, Confidential.

<sup>5</sup>From Geneva, tel. 2940, Mar. 22, 1967, Secret. For the Mexican proposals, see Documents on Disarmament, 1967, pp. 162-168.

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The question of providing nuclear fuel for an Italian warship had been under consideration for some time. Three months later, Mr. Fisher advised Rusk to give the Italian Ambassador a letter and a technical memorandum on this question. He recommended this procedure in order to "avoid anything that smacks of a formal secret exchange of notes or memoranda...on this point (which might raise possible difficulties during Senate ratification)." In the memorandum, we explained that the non-proliferation treaty prohibited only the acquisition or manufacture of nuclear weapons or other nuclear explosive devices. It did not deal with "other military applications of nuclear energy such as the propulsion of warships." It did not therefore prohibit the provision of nuclear fuel for this purpose. "The clarification above concerns only the provisions of the draft non-proliferation treaty," the memorandum concluded, "and does not relate to other considerations pertaining to the question of the possible provision by the United States of nuclear fuel for the propulsion of warships."<sup>1</sup>

When the Italians questioned the final sentence of the memorandum, we explained that it was not intended to prejudice our decision in any way.<sup>2</sup> They remained unsatisfied and asked that the sentence be deleted. ACDA Assistant Director De Palma replied that he did not know if this would be possible.<sup>3</sup> He advised Fisher not to revise the memorandum, and the latter concurred.<sup>4</sup>

Ambassador Aoki told Foster that Japan was especially concerned about the "unequal, discriminatory" nature of the amendments provision and said that his country's historic phobia about "unequal" treaties matched its concern about nuclear weapons.<sup>5</sup> Discussing the state of the negotiations with Ambassador Takeuchi on March 13, Mr. Fisher noted that we planned to institutionalize arrangements for peaceful

<sup>1</sup>Fisher to Rusk, action memorandum, "NPT Effect on the Provision of Nuclear Fuel for the Propulsion of Warships," June 13, 1967, Confidential, with attached ltr. to Italian Ambassador, Confidential, and "Memorandum Referring to Questions of the Italian Government on the Proposed Non-proliferation Treaty," Confidential.

<sup>2</sup>Memcon Petrignani (Italian Embassy), Kranich (ACDA/IR), and Stillman (ACDA/IR), July 5, 1967, Secret.

<sup>3</sup>Memcon Petrignani, De Palma, and Stillman, July 10, 1967, Secret.

<sup>4</sup>De Palma to Fisher, memorandum, July 24, 1967, Secret.

<sup>5</sup>From Geneva, tel. 2647, Mar. 7, 1967, Secret.

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nuclear explosive services and that the treaty would not inhibit other peaceful nuclear uses. He explained that we opposed a fixed term for the treaty but noted the withdrawal provision. Ambassador Takeuchi asked whether we intended to publish the interpretations and indicated that the Diet would ask for them. Mr. Fisher replied that the interpretations would not actually be attached to the treaty but would form part of the negotiating history.<sup>1</sup>

In order to persuade the non-nuclear countries to accept a mandatory safeguards article, we proposed that the British join us in voluntarily submitting civil nuclear activities to IAEA inspection. In response to British questions, we stated that we did not intend to omit any nuclear facilities except for military and security reasons. We would not include enriched U-235 production facilities, since we wished to avoid proliferation of the technology. We did not think that the Anglo-American offer would unduly overload the IAEA system.<sup>2</sup>

On March 31 we communicated all changes in the draft treaty to the Belgians, British, Canadians, Dutch, Germans, and Italians in Washington. In the preamble, we added a paragraph on research to promote the automation of inspection. We would be willing to delete the phrase "at the earliest possible date" in the declaration of intention to halt the nuclear arms race if this change won general support after the treaty was tabled. We would consult the Soviets on adding language on the cost of peaceful nuclear explosive services.

The first two articles of the treaty remained unchanged. We proposed the following text of 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:

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<sup>1</sup>Memcon Takeuchi, Fisher, et al., Mar. 13, 1967, Secret; to Tokyo, tel. 154312, Mar. 13, 1967, Secret/Limdis.

<sup>2</sup>To London, tel. 161647, Mar. 23, 1967, Confidential.

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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 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; and

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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.

We were not sure that the Soviets would accept IAEA verification. If they did not, we would wish to consider with our allies as many of the important changes as possible. Article IV adopted the amendments procedure of the outer-space treaty. The review conference would consider realization of the purposes of the preamble as well as the treaty. There could be later review conferences at five-year intervals at the request of a majority of the parties. The review conferences would be prepared by a Preparatory Commission consisting of representatives of the non-nuclear parties that belonged to the IAEA Board of Governors and the nuclear parties to the treaty.<sup>1</sup> We also gave the allies a revised summary of interpretations which made only a few minor changes in the previous version.<sup>2</sup>

The Italian Chargé told Fisher that the revised draft met some fundamental requirements but that his country would wish further clarification on safeguards, peaceful explosions, and the Preparatory Commission for the review conference. It found some uncertainty in relying on nonaligned countries to make some of our proposed changes. Some "essential" Italian suggestions had not been accepted on non-discriminatory safeguards, the right of withdrawal after the review conference, nuclear disarmament, interpretations, and the non-accession of key countries. Mr. Fisher replied that certain changes, e.g., a preambular paragraph on nuclear blackmail, would be more appropriately proposed by a non-aligned country than a member of a nuclear alliance but that it would not be inappropriate for Italy to introduce proposals after the treaty was tabled.<sup>3</sup>

The new draft treaty was discussed by the NAC on April 4. The Belgian representative suggested adding a glossary of agreed definitions of "nuclear weapons," etc. He wanted the

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<sup>1</sup>Circ. tels. 167155 and 167159, Apr. 1, 1967, Secret. The revised draft was communicated to all NATO countries and Japan.

<sup>2</sup>Circ. tel. 167165, Apr. 1, 1967, Secret. The original version appears above, pp. 125-126.

<sup>3</sup>To Paris and Rome, tel. 167691, Apr. 3, 1967, Secret.

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periods for the initial review conference and the deadline for the IAEA-Euratom agreement to coincide. He was concerned that Europe might be faced with nuclear blackmail if NATO disappeared while the treaty was still in force. The Netherlands representative welcomed article III and expressed the view that IAEA and Euratom could work out agreed procedures. General Burns again questioned the "discriminatory" nature of the proposed safeguards.<sup>1</sup>

FRG Ambassador Grewe delivered a long statement expressing serious reservations. He argued for a link with disarmament and a "balance of responsibilities" provision in the preamble, as well as a nuclear blackmail provision. He wanted a preambular clause on "non-defamation" to stop hostile Soviet propaganda against the FRG. There should be a treaty article on peaceful uses. While article III required more study, it remained "discriminatory" and the three-year deadline would weaken Euratom's negotiating position. A treaty which could be periodically extended would be better than a treaty with unlimited duration, since NATO might be weakened by the resignation of members. The amendments procedure should protect near-nuclear signatories against majority decision. The review conferences should be held every five years. The withdrawal clause should be modified as the FRG had suggested. A "consensus omnium" should be required for entry into force.

The FRG was not yet ready to agree to tabling the treaty:

...we can only agree to such a submission (while fully maintaining our reservations concerning its contents) if and when the draft text - including additional American interpretations on it - meets our vital interests, which are NATO interests; interests of the European communities (e.g., EURATOM) and with respect to future European cooperation, integration and unification; and common interests of those non-nuclear weapons states which dispose of an important civilian nuclear potential.

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<sup>1</sup>From Paris, tel. 15437, Apr. 4, 1967, Secret.

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They could not rely on others looking after these interests. He urged that consultations be speeded up.<sup>1</sup>

Mr. Foster told the NAC that this had to be a two-sided treaty and that it was important to get the draft formulations before the world to stop proliferation. The treaty would specify what was prohibited, and it would be an encyclopedic undertaking to try to include what was permitted. Even though all allies did not participate in the ENDC, they could exert influence. The Soviets were completely obstinate on accepting IAEA safeguards for themselves, but we would find them no hardship. The British representative said that the United Kingdom was considering the suggestion that the Western nuclear powers unilaterally accept safeguards on peaceful nuclear activities.<sup>2</sup>

On the next day Chancellor Kiesinger told Vice President Humphrey that the non-proliferation treaty was the most difficult single problem in German-American relations. The FRG did not want national control of nuclear weapons, but it did wish to keep the European option. He did not know what the Soviet Union would have to say on this question. He was not against the treaty as such but believed that some points would have to be discussed further.<sup>3</sup> He said that we should have started our bilateral consultations earlier. He also wondered whether there might not some day be a nuclear defense system which could not be misused for offensive purposes.

Both Vice President Humphrey and Ambassador McGhee expressed doubt that such a development was possible. The Vice President argued that a non-proliferation treaty would create conditions for a greater allied effort and that the signatories would gain protection from nuclear blackmail in the NATO framework. He saw no reason why the trust that had prevailed between the two countries for 20 years could not continue. While we might have started the bilateral consultations sooner, he told Kiesinger, we were not trying to make a "back room" deal with the USSR, as the press had implied. He liked the idea of "black boxes" but thought that "industrial espionage" was exaggerated, since most of the information was available from the open literature.<sup>4</sup>

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<sup>1</sup>"Statement made by the German Permanent Representative at the Council Meeting on 4 April 1967," Secret.

<sup>2</sup>From Paris, tel. 15437, Apr. 4, 1967, Secret.

<sup>3</sup>From Bonn, tel. 11806, Apr. 6, 1967, Secret/Nodis.

<sup>4</sup>From Berlin, tel. 1347, Apr. 6, 1967, Secret/Exdis.

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According to Schnippenkoetter, the Chancellor remained unconvinced. He reportedly told the Defense Council on April 6 that he was shocked to hear that the Americans were accusing Grewe of speaking without instructions when he was only saying just what was in Kiesinger's mind, or at least what he had intended to tell Foster in March. The Chancellor was still troubled by the deep political implications of the treaty and feared that we were putting the USSR ahead of Western Europe and now found that we had more in common with the Soviets than with our allies. Our Embassy was not sure how much Schnippenkoetter spoke for Kiesinger but noted that he had direct access to him.<sup>1</sup>

If the Chancellor's position was not entirely clear, Defense Minister Schroeder had a decidedly negative attitude toward the treaty. He told Katzenbach and Foster that the treaty should really be the keystone to a European arrangement with German reunification, and he did not think that it made a German solution easier.<sup>2</sup> He had previously taken the same line with Rusk, who told him that it would be quite unacceptable to link the two questions.<sup>3</sup>

On April 7, the FRG sent a memorandum to the United States and other governments in which it declared that the non-proliferation treaty should be a step toward disarmament and that it was incumbent on the nuclear powers to agree on such measures as a nuclear delivery vehicles freeze, a fissionable materials production cutoff, and a comprehensive test ban. The nuclear powers should also renounce nuclear blackmail against non-nuclear nations. The FRG noted the security problems of the non-nuclear nations but proposed no definite guarantees. It stressed the need for assuring peaceful nuclear development. It said that controls should not be "obstructive or discriminatory," and reliable existing systems should not be replaced. Finally, it emphasized the need for equality among nuclear and non-nuclear nations.<sup>4</sup>

<sup>1</sup>From Bonn, tel. 11938, Apr. 7, 1967, Secret/Limdis.

<sup>2</sup>Memcon Schroeder, Katzenbach, et al., Apr. 7, 1967, Secret; to Bonn, tel. 171593, Apr. 9, 1967, Secret.

<sup>3</sup>From Punta del Este, tel. 81, Apr. 7, 1967, Secret/Nodis.

<sup>4</sup>Documents on Disarmament, 1967, pp. 179-182.

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Although the FRG still officially supported a treaty, State intelligence concluded on April 8 that "the weight of available evidence indicates that it may now be a considered policy of the Bonn government to try to kill off the treaty project," if it could do so without being made to bear "the prime responsibility for wrecking an agreement." We had no direct evidence of a decision, but recent FRG behavior could be "most plausibly explained only on the basis of such an assumption."<sup>1</sup>

Ambassador Schnippenkoetter now came to Washington for further bilateral talks, and the same ground was gone over again. He told us that the FRG had not yet made up its mind to sign the treaty and that its decision would depend on our responses in these talks. The Germans wanted assurances that we would carry through on the changes we had told them we would support after the treaty was tabled. We agreed to see that the "nuclear blackmail" provision was brought up in the ENDC but rejected the "anti-defamation" clause because it would impinge on freedom of expression.

The Germans wanted the review conference to cover the preamble as well as the operative part of the treaty, and they wanted the conference to have "teeth and claws." They wanted an operative paragraph on peaceful uses, but we opposed including such "permissive" matters, since the treaty would deal only with what was prohibited.<sup>2</sup>

In the discussion of the safeguards time limit, we told the Germans that the Euratom countries could protect their interests through their position on the IAEA Board of Governors. Without a time limit, there would be a negotiating impasse and other countries would delay accepting IAEA safeguards until the arrangements with Euratom had been worked out. Mr. Fisher said that we were considering offering to place our civil activities under IAEA safeguards but that we would not do so unless others accepted the safeguards required by the non-proliferation treaty.<sup>3</sup>

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<sup>1</sup>Hughes (State/INR) to Acting Secretary, memorandum (Intelligence Note 273), Apr. 8, 1967, Secret/NoFORN.

<sup>2</sup>To Bonn, tel. 174086, Apr. 12, 1967, Secret.

<sup>3</sup>To Bonn, tel. 175104, Apr. 14, 1967, Secret.

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Besides proposing several changes in the interpretations, the Germans asked for a secret understanding on treaty implications for ABMs in Europe, a European Defense Community, and the dissolution of NATO. The understanding would define control and cover the FRG's veto on weapons stationed on its territory or targeted against Germany from any location. This understanding would not be communicated to the Soviets.<sup>1</sup>

As a result of these talks, we agreed to include a new preambular paragraph on automated safeguards. We would consider new language on the declaration of intention to disarm. We would make certain changes in article III but retain the time limit. We were prepared to give the FRG assurances on nuclear fuel supply, subject to adequate safeguards. We were willing to support the British proposal for giving a veto on amendments to the members of the IAEA Board of Governors.

We were also willing to make minor changes in the interpretations. Although it would not be politically possible for us to enter into a written secret understanding, we could make an oral statement in the NAC.<sup>2</sup> Mr. Fisher said that we intended to show the interpretations to the Soviets and tell them that we had given them to our allies. We did not regard the interpretations as a reservation or understanding but anticipated that they would become public during the ratification process, perhaps as questions and answers. Ambassador Schnippenkoetter envisaged a formal exchange of notes between allies, followed by an official presentation to the Soviets. He suggested leaving out paragraph 6, and we said that we would study this suggestion.<sup>3</sup>

On April 17, Ambassador Knapstein told Vice President Humphrey that the two major concerns of the FRG - a commitment to further disarmament and the protection of the civil uses of nuclear energy - had been "taken care of entirely" and that he had advised Bonn to support the treaty. The Vice President said that it was most important to have a political will to conclude the treaty and emphasized that the President attached a great deal of importance to Kiesinger's support for the treaty.<sup>4</sup>

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<sup>1</sup>To Bonn, tel. 176025, Apr. 14, 1967, Secret.

<sup>2</sup>To Bonn, tels. 175684 and 176026, Apr. 14, 1967, Secret.

<sup>3</sup>Memcon Schnippenkoetter, Fisher, et al., Apr. 14, 1967, Secret.

<sup>4</sup>Memcon Knapstein, Humphrey, et al., Apr. 17, 1967, Confidential.

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On the same day, Secretary of State Rusk sent Brandt a letter assuring him that the non-proliferation treaty would not prevent the safeguarded transfer of nuclear fuels to the FRG:

...I wish to take this opportunity to assure you that within the limits of our capabilities and pursuant to the United States-EURATOM agreement, the United States is prepared to supply uranium enrichment services or plutonium requested for Germany's domestic reactor program, and also to supply such material or services for any reactors Germany may wish to export, under appropriate fuel supply agreements between the United States and the final consumers. Of course these assurances are subject to adequate safeguards and to obtaining the necessary legislative authority.

We believed that the treaty "would not burden the peaceful nuclear program of any signatory." Moreover, we were prepared to accept IAEA safeguards on all peaceful nuclear activities if this would help "achieve ~~the~~ inclusion of an effective safeguards article in the non-proliferation treaty." We would make a public announcement of our intention to accept safeguards after the ENDC Co-Chairmen had tabled a draft treaty containing an effective safeguards provision. The offer would become effective when safeguards were applied to non-nuclear-weapon states under the non-proliferation treaty.<sup>1</sup> Secretary Rusk sent a similar letter to Foreign Minister Fanfani.<sup>2</sup>

The Japanese Embassy gave Fisher a note on April 4 stating that Japan would not oppose tabling the draft treaty but believed that consultations should continue after the treaty was tabled. It felt that the interpretations would not be effective unless they were explicitly agreed on by all parties and either attached to the treaty or issued as a separate declaration. Mr. Fisher doubted that it would be possible to reach a formal agreement with the Soviets on binding agreed interpretations.<sup>3</sup>

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<sup>1</sup>To Bonn, tel. 176956, Apr. 17, 1967, Secret/Limdis.  
<sup>2</sup>To Rome, tel. 177013, Apr. 18, 1967, Secret/Limdis.  
<sup>3</sup>To Toyko, tel. 168848, Apr. 5, 1967, Secret.

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Later, Foreign Minister Miki gave our Ambassador a note proposing new preambular language and a new operative article on nuclear disarmament. The Japanese wished to make safeguards applicable to all states and to add language on the peaceful uses of nuclear energy to article III. They suggested review conferences every five years. Moreover, they also proposed a separate agreement on peaceful nuclear explosives, an appeal to all states to adhere to the treaty, and security assurances to non-nuclear nations. They opposed unlimited duration.<sup>1</sup>

Mr. Miki sent Ambassador Ohno to Washington to discuss these proposals with Rusk and Foster. Secretary of State Rusk told Ohno that significant nuclear disarmament would be difficult to achieve until major political issues in Europe and Asia had been settled. He added that nuclear disarmament would pose particular problems for Japan in view of the attitude of Communist China. We did not see how peaceful nuclear explosives could be distinguished from nuclear weapons, as the Japanese had suggested. We opposed changing the unlimited duration provision. The Japanese agreed that a General Assembly resolution on security assurances would meet their problem.<sup>2</sup>

Meanwhile, the British had proposed changing the amendments provision because it was probably not negotiable with the Soviets and could result in a situation where different parties had different obligations. They suggested that amendments should be approved by a majority of all parties, including all members of the IAEA Board of Governors. This would meet the concern of the FRG that amendments might be put into force against its wishes. We told the British that we would not object if they wished to advance this proposal.<sup>3</sup>

The ground was now nearly cleared for a NAC meeting on tabling the treaty. Before the meeting was held, however, the French made it known that they would not concur in an

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<sup>1</sup>From Tokyo, tel. 7243, Apr. 10, 1967, Secret/Limdis.

<sup>2</sup>To Tokyo, tel. 177719, Apr. 18, 1967, Secret/Limdis.

<sup>3</sup>To London and Paris, tel. 172973, Apr. 11, 1967, Secret/Limdis.

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NAC action approving the treaty and that they did not consider it possible for the others to act without them. It was finally decided that Secretary-General Brosio could simply sum up the discussion and make it clear that France had not participated in the discussion because she had decided not to sign the treaty.<sup>1</sup>

At the April 20 NAC meeting, Mr. Foster explained the provisions we proposed to meet Allied concerns. We would support a new preambular paragraph on further disarmament steps. We would meet concern on the "discriminatory" aspects of safeguards by offering to place our peaceful nuclear activities under IAEA safeguards. He noted that IAEA rules did not require countries to accept inspectors of any particular nationality. He defined the following terms:

- (1) Nuclear weapons - A nuclear explosive device, that is, a bomb or warhead, not a delivery vehicle.
- (2) Control - The independent power to use nuclear weapons.
- (3) Prohibition on "transfer" of nuclear weapons - Interpreted in U.S. legislation to prohibit giving up custody, or any ownership interest in, nuclear weapons.

We would interpret the ban on "transfer" in the same way in the non-proliferation treaty.

Lord Chalfont said that the United Kingdom would support the revised draft treaty and also offer to place its peaceful nuclear activities under IAEA safeguards. General Burns said that Canada still had some reservations but wanted the negotiations to go forward. Ambassador Grewe expressed appreciation for our intensive consultations with the FRG. He noted general agreement that the allies were not committed to any particular text. He hoped that any treaty provisions resulting from talks with the Soviets would again be discussed before they were tabled, and he assumed that consultations would continue on unsettled questions. The Italian representative made a similar statement.<sup>2</sup>

<sup>1</sup>From Paris, tels. 16276, Apr. 14, 1967, 16464, Apr. 18, 1967, and 16577, Apr. 19, 1967, Secret, and 16394, Apr. 18, 1967, Secret/Exdis.

<sup>2</sup>From Paris, tel. 16679, Apr. 20, 1967, Secret.

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In his summary, Secretary-General Brosio noted that France had not participated in the substantive discussion since she did not intend to sign the treaty. Most other allies welcomed our initiative. Some had suggested certain changes, but none wished to prevent tabling the treaty. Two countries had substantive reservations which they maintained. Nevertheless, all except France reaffirmed the desirability of non-proliferation and noted our intention to negotiate the draft treaty with the USSR and to table it on our own responsibility.<sup>1</sup>

The consultations on safeguards were still not quite completed. Euratom was firmly opposed to the "guillotine" clause of article III, which would require acceptance of IAEA safeguards if no Euratom-IAEA agreement was concluded in three years.<sup>2</sup> In Euratom, the FRG suggested the following substitute, which was acceptable to us:

Agreement on the implementation of IAEA verification of another international safeguards system, as provided 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.

Ambassador Grewe repeated this proposal at the April 20 NAC meeting, and the other Euratom countries accepted it shortly thereafter.<sup>3</sup>

Although the FRG had finally consented to a further move on the non-proliferation front, Kiesinger's political misgivings were not entirely dispelled. In a public speech on April 21, he said that the non-proliferation treaty played a dominant role in German-American relations. There had been some progress, but the whole question was still undecided and remained "one of the great test cases of the solidity of the alliance." Referring again to Foster's "erosion of alliances" statement, he said that the FRG was determined to

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<sup>1</sup>"Brosio Summation of NAC Action on NPT Draft Treaty," Apr. 20, 1967, Secret.

<sup>2</sup>From Brussels, tel. 5260, Apr. 12, 1967, Confidential.

<sup>3</sup>From Paris, tel. 16395, Apr. 18, 1967; to Paris, tel. 178630, Apr. 19, 1967; from Geneva, tels. 3352, Apr. 24, 1967, and 3360, Apr. 25, 1967; to Geneva, tel. 181341, Apr. 24, 1967, Secret.

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do everything possible to prevent the alliance from eroding.<sup>1</sup>

Shortly thereafter, President Johnson came to Germany for Adenauer's funeral. After a private talk with Kiesinger, he said that they had not reached any agreement on the non-proliferation treaty. The President said that we would make no commitment on a final draft before further consultations with the Germans, after Kiesinger had had an opportunity to determine the attitude of the German people. The Chancellor told him that he was in political trouble because of the opposition of Strauss to the treaty and public concern over Soviet threats and Foster's "erosion of alliances" statement. The President assured him that he would do nothing to weaken the alliance and saw no reason why the Germans should doubt his intentions.<sup>2</sup>

On April 27, Foreign Minister Brandt told the Bundestag that the FRG wished the negotiations to succeed and assumed that a treaty would be drafted which would not adversely affect its vital interests. There had been many positive results from the German-American consultations, but they would continue on some questions. The future of the FRG as a modern state depended on the peaceful development of nuclear energy, and the treaty would not hamper this if it took the FRG suggestions into account. The United States had given written assurances that fuel supply would be assured. He envisaged a verification treaty between IAEA and Euratom. He denied that the treaty would interfere with NATO or European defense arrangements but noted the importance of interpretation, where the FRG was "striving for a high degree of certainty in regard to content and form." As the April 7 note showed, the FRG wanted the treaty to be followed by steps toward disarmament.<sup>3</sup>

#### Security Assurances and the Indian Problem

As we have seen, India wished to include a fissionable materials production cutoff in the non-proliferation treaty and to retain the right to develop and use peaceful nuclear

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<sup>1</sup>From Bonn, tel. 12664, Apr. 22, 1967, Limited Official Use.

<sup>2</sup>From Bonn, tel. 22845, Apr. 26, 1967, Secret/Nodis. Part of the President's comments was leaked to the New York Times.

<sup>3</sup>Documents on Disarmament, 1967, pp. 206-217.

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explosive devices.<sup>1</sup> Because of the special importance of India, we gave them the draft treaty in March.

India was especially interested in the problem of security assurances because of the Chinese Communist nuclear threat and had been discussing this question with the United States and the Soviet Union for some time. In February 1967, the Soviets gave them the following draft declaration:

In connection with the desire commended by the non-nuclear states the Soviet Union declares that in case there takes place an attack by a nuclear power with the use of nuclear weapons [sic] on any state not possessing such weapon [sic], a qualitatively new situation will arise, in which case the Security Council, and above all its permanent members, having the nuclear weapons, would be duty bound to act immediately in accordance with the provision of the UN Charter, which provides for mobilizing of further effective collective measure [sic] with a view to avert and remove all danger to peace and suppress acts of aggression or other breach [sic] of the peace. No aggressor daring to launch a war with the use of nuclear weapons and thereby committing a breach of the peace and security of peoples shall escape punishment.

Two months later they gave the Indians a longer draft:

Taking into consideration the wishes of the non-nuclear states that in conjunction with the renunciation by these States of the manufacture or acquisition of nuclear weapons according to the treaty on non-proliferation of such weapons appropriate measures might be taken to safeguard the security of non-nuclear countries and also bear in mind that any aggression

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<sup>1</sup>See above, pp. 100-101.

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accompanied by the use of nuclear weapons will endanger the peace and security of all states the Soviet Union declares the following:

In case of an attack by a nuclear state accompanied by the use of nuclear weapons against states not possessing nuclear weapons or a threat of such an attack an essentially new situation will arise in which the Security Council and above all its Permanent members possessing nuclear weapons will have to act immediately under the UN Charter which provides taking "effective collective measures for the prevention and removal of threat [sic] to the peace, and for the suppression of acts of aggression or other breaches of the peace." Any aggressor who embarks on the road of the threat of using nuclear weapons or dares unleash a war accompanied by the use of nuclear weapons and thus breaches the peace and security of nations will not go unpunished.

It goes without saying that, as it is provided in Article 51 of the UN Charter, the states who fall victim to an attack, a nuclear one included, have an inherent right of individual or collective self-defense until the Security Council has taken measures ultimately to maintain international peace and security.

Both Soviet drafts were given to the State Department in April by L.K. Jha, Secretary to the Indian Prime Minister.<sup>1</sup>

Mr. Jha explained that India had found the February draft disappointing because it covered nuclear attacks and did not deal with threats and also because the Security Council might be slow to act or become stymied by the veto. More recently, Foreign Minister Gromyko had agreed to cover nuclear threats. He insisted, however, that the declaration should not erode the veto principle. To meet this problem, he accepted an

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<sup>1</sup>To Geneva, tel. 179527, Apr. 21, 1967, Secret/Limdis. Both drafts were described as "rough translations" by the Indian Embassy in Moscow.

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Indian suggestion to include a reference to article 51 of the Charter. He was evidently thinking of separate parallel declarations by the United States and the Soviet Union, and he did not want any specific countries to be mentioned.

Mr. Jha emphasized that India needed a more formal statement than the 1964 Johnson statement. He thought it would be better to have declarations by the United States, the Soviet Union, and possibly other nuclear powers and a U.N. resolution endorsing them than to have a U.N. resolution standing alone.<sup>1</sup> He later gave the State Department two draft papers. The first paper was a draft declaration which the United States might make when the non-proliferation treaty was signed. We would state that we would "take prompt effective and adequate action to counter and nullify the threat or the use of nuclear weapons against a State not possessing them and to ensure that any nation which embarks on the road of the threat of using nuclear weapons or dares to unleash war accompanied by the use of nuclear weapons and thus threatens the peace and security of the nations will not go unpunished." The second paper, dealing with general principles, said that the guarantee should operate regardless of the merits of the dispute between the nations involved.<sup>2</sup>

Rather confusingly, he informed Foster that he thought the Soviets would include the Kosygin proposal, which was not mentioned in either of the Soviet drafts he had given us. He also said that the non-proliferation treaty was not the reason for Indian concern on security assurances, which was a wholly independent problem.<sup>3</sup>

On April 21, Mr. Foster told Foreign Minister Chagla in Geneva that the draft non-proliferation treaty would be subject to negotiations in the ENDC and that we would not present the ENDC with a fait accompli. When Chagla asked what security assurances India could obtain in return for

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<sup>1</sup>To New Delhi, tel. 174852, Apr. 13, 1967, Secret/Limdis.

<sup>2</sup>To New Delhi, tel. 176392, Apr. 17, 1967, Secret/Limdis.

<sup>3</sup>To New Delhi, tel. 176186, Apr. 15, 1967, Secret. Our Embassy at Tokyo noted the discrepancy on the Kosygin proposal (from Tokyo, tel. 7773, Apr. 26, 1967, Secret/Limdis).

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giving up her nuclear option, Mr. Foster mentioned the Johnson statement and the possibility of U.N. action. Mr. Chagla rejoined that India could be bombed out of existence before the United Nations had finished debating. Although the Chinese were "mad" and quite capable of bombing India, he believed that they might be deterred if they knew there would be "instantaneous" retaliation.

Mr. Foster noted the high cost of an independent nuclear force for India. He questioned whether it would be realistic to expect an "instantaneous" response to a threat and added that we would have constitutional problems on this score. He noted that both the United States and the Soviet Union were studying the question of a General Assembly resolution with declarations.<sup>1</sup>

Mr. Jha also made a similar approach to the United Kingdom. Although the British saw some merit in the idea of parallel declarations, they still favored our general formula. They considered that Indian fears of nuclear blackmail were reasonable and wondered whether we could improve our draft to take care of this.<sup>2</sup>

In May we learned that Jha had given his draft declaration to the Soviets, who had rejected it. Although the Indians were "delinking" security assurances and the non-proliferation treaty, our Embassy reported that a "general atmosphere of insecurity" was one of the principal reasons for growing Indian opposition to the treaty.<sup>3</sup> At the end of the month, Secretary of State Rusk decided to postpone further action on security assurances. He felt that we would need them only if they were necessary to get a treaty.<sup>4</sup> Our position was still under study when Foreign Minister Gromyko raised the question with him a few weeks later.<sup>5</sup>

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<sup>1</sup>From Geneva, tel. 3333, Apr. 21, 1967, Secret/Limdis.

<sup>2</sup>To New Delhi, tel. 186098, May 2, 1967, Secret/Limdis.

<sup>3</sup>From New Delhi, tel. 17450, May 27, 1967, Secret/Limdis.

<sup>4</sup>Record of ACDA Staff Meeting, May 31, 1967, Secret.

<sup>5</sup>See below, p. 170.

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12th Session of the ENDC (May 18-December 14, 1967)

Before the ENDC began the longest session in its history, the Co-Chairmen met at Geneva to try to agree on a joint draft treaty. They exchanged drafts on April 25. In presenting our draft, Mr. Foster explained that we wished to add a preambular paragraph on automation of safeguards in order to make them more acceptable to the non-nuclear nations. We also wished to include preambular language on the cost of peaceful nuclear explosive services to induce the non-nuclear nations to renounce them. The IAEA - Euratom arrangements we contemplated would fall between the two extremes of mere IAEA review of documents and having as many IAEA inspections as if Euratom did not exist. We did not see any other way of obtaining an effective safeguards article acceptable to all the nations the United States and the Soviet Union wished to have sign the treaty. We also wished to add language to article III on the peaceful uses of nuclear energy. Since we had received protests from many non-nuclear nations regarding the nuclear-power veto on amendments and the recent outer-space treaty did not contain this provision, we were proposing to allow amendment by a simple majority of the parties, with the amendments to come into force only for those who ratified them. We also called attention to our new definition of "nuclear-weapon state."<sup>1</sup>

Except for minor changes in the preamble, the Soviet draft differed little from the version the Co-Chairmen had discussed in March. The Soviet article III, much briefer than ours, required mandatory IAEA safeguards:

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

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<sup>1</sup>From Geneva, teis. 3372 and 3375, Apr. 25, 1967, Secret. The draft treaty was given to the allied representatives in Geneva on the same date (from Geneva, tel. 3376, Apr. 25, 1967, Secret). The Germans had objected to the U.K. compromise on amendments (see above, p. 147).

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to this Treaty further undertakes not to provide source or fissionable materials, 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 "nuclear-weapon state" was defined as a nation that had produced a nuclear weapon or nuclear explosive as of the date the treaty was opened for signature.<sup>1</sup> As previously, the Soviets proposed a nuclear-power veto on amendments and would provide for amendments to come into force for all parties when they had been ratified by a majority.

Ambassador Roshchin said that the Soviets might later wish to add an additional article on peaceful uses, a preambular paragraph on the elimination of nuclear weapons, and a security guarantee. He strongly opposed our article III and said that the USSR could not accept Euratom safeguards in the treaty even if the IAEA verified them. He also criticized our proposal for not explicitly stating that IAEA safeguards would be applied after the three-year period. Mr. Foster replied that the Euratom countries opposed the Soviet proposal and this was the best we could do.

Ambassador Roshchin feared that there would be no treaty. He found our amendments proposal doubtful because it could result in a situation where different parties had different obligations. The elimination of the nuclear-power veto could impair the stability of the treaty. What would happen, the Soviets asked, if a majority accepted an amendment allowing an MLF or peaceful nuclear explosives to non-nuclear states?<sup>2</sup>

#### Interpretations

On April 28, Mr. Foster gave Roshchin the interpretations, which were now in the form of questions and answers:

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<sup>1</sup>From Geneva, tel. 3377, Apr. 25, 1967, Secret.

<sup>2</sup>From Geneva, tel. 3373, Apr. 25, 1967, Secret.

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Questions U.S. Allies Have Been Asking Together  
With Answers U.S. Has Given

1.Q. What may and what may not be transferred under the draft treaty?

A. The treaty deals only with what 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.Q. Does the draft treaty prohibit consultations and planning on nuclear defense among NATO members?

A. It does not deal with allied consultations and planning on nuclear defense so long as no transfer of nuclear weapons or control over them results.

3.Q. 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.

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4.Q. 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 multilateral entity.<sup>1</sup>

The Soviets did not comment. Since we wished to be sure that they completely understood the status of the interpretations and the consequences of any reactions on their part, Secretary Rusk instructed Foster to make the following statement to Roshchin:

...I should like to make clear this not intended as formal instrument or secret understanding connected with NPT. Rather as I stated then, these are answers we have given our allies in reply their questions concerning Articles I and II. Since, for reasons well known to Sov. Govt, these articles deal only with what is prohibited, our allies were naturally anxious to know how they might affect NATO defense arrangements and procedures as well as possible future political evolution of Western Europe.

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<sup>1</sup>From Geneva, tel. 3431, Apr. 28, 1967, Secret/Limdis.

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As is now evident, there are no surprises in our replies; these points have been mentioned in our past discussions, beginning with FonMin Gromyko-Secretary Rusk talks at end last year. We expect similar questions will be asked during our Senate hearings on NPT and we have assured our allies we will give these same responses because they state our understanding of Articles I and II. Our allies may encounter similar questions in course parliamentary discussion on NPT and they will also be able draw on these replies.

Therefore, while these responses have only the status I have indicated, they are basic to our attitude toward the NPT. We do not require any Soviet comment on these interpretations, but it should be clear that if at this late date Soviets should take an official position in opposition to these interpretations of the treaty, very serious problems would arise which would have to be resolved.

Mr. Foster read this statement at the Co-Chairmen's meeting of May 11, and Ambassador Roshchin said that he understood.<sup>1</sup>

At a later meeting, however, Ambassador Roshchin made the following statement to Foster:

In view of unofficial information from U.S. side that in reply to its NATO allies, U.S. has explained that the treaty does not deal with European unity and would not bar the succession of a new federated European state to nuclear heritage of one of its former components, he would like to inform U.S. as follows: As already indicated to the U.S., USSR will not be bound by any unilateral interpretations of treaty. Nobody is entitled to give such an interpretation. U.S. Government bears full responsibility for unilateral interpretations which American side has given to its allies, including FRG. We once again draw attention of U.S. Govt. to fact that there is no ground for any unilateral

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<sup>1</sup>To Geneva, tel. 190501, May 9, 1967, Secret/Limdis; from Geneva, tel. 3621, May 11, 1967, Secret/Limdis.

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interpretation of the treaty. We reject any attempt to assume the right to give a unilateral interpretation to the treaty. Such attempts would only complicate situation with regard to completion of elaboration of the treaty.

Mr. Foster replied that interpretations like those we had given the Soviets would come out during the Senate hearings. He said that it would be a very serious matter if the USSR took an official position contrary to our interpretations. Ambassador Roshchin rejoined that it was obvious that the USSR could not be bound by our interpretations. It was not formally commenting on their correctness but merely saying that it would not be bound now or in the future by unilateral interpretations.

Mr. Foster then recalled that it was clearly understood during the Rusk-Gromyko talks that the treaty would not deal with what was permitted, but only with what was prohibited. Mr. Gromyko had also indicated that our alliance arrangements were our own business, provided there was no transfer of nuclear weapons. In Foster's view, a united Europe would be in the same relationship to its components as the United States toward the original 13 states. We had consistently supported European unification and could not be a party to any treaty that prevented it.

Soviet delegate Timerbaev questioned the legal theory Foster had propounded. He thought that the parliament of a component state with nuclear weapons would have to authorize transfer to a new state. Ambassador Roshchin again said that the only Soviet concern was to preclude being bound by unilateral interpretations.<sup>1</sup>

On June 2, Mr. Foster told Roshchin that we took the Soviet position to mean only that no country had a right to make an interpretation that was binding on other countries without their agreement. With this in mind, we could proceed to further negotiations. Ambassador Roshchin replied that the Soviets would study our statement and answer it if necessary. He personally felt that there could be undesirable

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<sup>1</sup>From Geneva, tel, 3944, May 27, 1967, Secret/Exdis.

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consequences if one side made very important interpretations about the meaning of the treaty without the agreement of the other side and that it might be better to get agreement in advance.<sup>1</sup>

Effort to table partial draft treaty

The safeguards and amendments provisions appeared to be the only parts of the draft treaty that the United States and the Soviet Union did not agree on, but it soon became evident that it would not be possible to settle these issues before the conference opened on May 18. We therefore sought allied consent to tabling a joint American-Soviet draft treaty leaving these provisions blank. If we did not table a treaty, we feared that public opinion might hold us and our allies responsible for the delay. Moreover, further delay would postpone an opportunity for ENDC members and other governments to have a text to study, and it was desirable to have the treaty fully discussed before the General Assembly met in the fall.<sup>2</sup>

When Ambassador Cleveland spoke along these lines at the NAC meeting of May 10, the Italian and German representatives opposed tabling the treaty with blanks.<sup>3</sup> The question was also discussed at a joint meeting of the Western Four and allied observers in Geneva, where it became evident that Germany and Italy were the only opponents.<sup>4</sup>

In Washington, FRG Minister von Lillienfeld, acting on instructions from Brandt in Tokyo, tried to persuade Rusk and Fisher to table a revised version of article III. The Germans wished to add a provision for referring the safeguards question to the review conference if IAEA and Euratom failed to agree within three years, and they also wished to stipulate that no state refusing to accept safeguards on its territory could administer them in other nations. Secretary Rusk pointed out that only Italy and the United States would support the U.S. draft article if both the Soviet and the

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<sup>1</sup>To Geneva, tel. 206661, June 1, 1967; from Geneva, tel. 4056, June 2, 1967, Secret/Exdis; Fisher to Rusk, memorandum, June 7, 1967, Secret/Exdis.

<sup>2</sup>Circ. tel. 190468, May 9, 1967, Secret/Limdis.

<sup>3</sup>From Paris, tel. 18005, May 10, 1967, Secret.

<sup>4</sup>From Geneva, tel. 3642, May 12, 1967, Secret.

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U.S. versions were tabled. Mr. Fisher added that the FRG would get the blame if the amended article was introduced. In our view, we would be in a much better position if the article was left blank.<sup>1</sup>

Secretary Rusk then sent Brandt a personal message stating that our understanding with the Soviets on most elements of the treaty would be jeopardized if we submitted a separate draft. Moreover, this would leave the Soviets free to introduce clauses unacceptable to the United States and the FRG. We would have private discussions with the Soviets on safeguards and amendments. If these discussions failed, we would propose our present draft article III to the ENDC. If it nevertheless proved impossible to get general agreement on safeguards, we would have to reassess the situation. "Any such reassessment," he wrote, "would be made in close consultation with your Government and with all our allies in the NATO Council." He thought it "most inadvisable" to attempt to negotiate a limited duration clause at this time, although this could be considered later if a number of countries raised the question.<sup>2</sup> After phoning this message to Brandt in Tokyo, the FRG Foreign Ministry informed our Embassy that he was satisfied that the German considerations had been fully taken into account.<sup>3</sup>

On May 17, Ambassador Cleveland told the NAC that we wished to table the draft treaty with blanks. If the Soviets agreed, we would propose private bilateral talks on the unagreed provisions and inform them that we would submit our present safeguards article to the ENDC if the talks failed. The German and Italian representatives reluctantly acquiesced and emphasized that their governments were not committed to the draft treaty.<sup>4</sup>

When the conference at Geneva opened on May 18, Ambassador Roshchin seemed surprised at our proposal. After Mr. Foster

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<sup>1</sup>To Geneva, tel. 194023, May 13, 1967, and from Geneva, tel. 3638, May 12, 1967, Secret.

<sup>2</sup>To Bonn, tel. 195851, May 16, 1967, Secret/Exdis.

<sup>3</sup>From Bonn, tel. 13755, May 17, 1967, Secret/Exdis.

<sup>4</sup>To Paris, tel. 195869, May 17, 1967, Secret/Limdis;  
from Paris, tel. 18563, May 18, 1967, Secret.

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explained that we did not intend to act unilaterally, however, he agreed to ask Moscow for instructions.<sup>1</sup> Two days later, he presented Foster with a revised Soviet draft treaty. He said that the USSR could not accept our proposals on safeguards, amendments, or the automation of safeguards. The Soviets claimed that our safeguards proposal would not provide adequate verification, since it would permit continued reliance on Euratom even after the three-year transitional period and we had unduly narrowed the scope of control. They also felt that peaceful uses should be dealt with in a separate article. They insisted that we go back to the draft amendments provisions the two sides had previously accepted.

The new Soviet draft treaty contained a preambular paragraph mentioning a ban on the use of nuclear weapons and other Soviet disarmament proposals. The first two articles remained unchanged, and the previous Soviet safeguards article was retained.<sup>2</sup> The Soviets added an article embodying the Kosygin proposal,<sup>3</sup> and they also proposed a new article on peaceful uses:

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.

They kept their old amendments article, which gave the nuclear parties a veto on amendments and made them applicable to all parties when ratified by a majority.

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<sup>1</sup>From Geneva, tel. 3741, May 18, 1967, Secret/Limdis.

<sup>2</sup>See above, p. 88.

<sup>3</sup>See above, p. 51.

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Mr. Foster commented that the Soviets had taken a long step backwards and there would be a long summer of negotiating. He pointed out that our previous agreements had been ad referendum and hoped that there was no misunderstanding on this point. The Soviets should know that we could not accept the "ban the bomb" proposal they wished to put in the preamble. It was unrealistic for them to reintroduce the Kosygin proposal, which we had rejected in New York. Ambassador Roshchin rejoined that they had only acquiesced ad referendum in the earlier discussions.<sup>1</sup>

At the next Co-Chairmen's meeting, Mr. Foster said that Washington's unofficial reaction to the Soviet draft treaty was very negative. We could not go back to the allies with proposals we knew they would not accept. They would only conclude that the Soviets were not interested in a treaty. There was no indication that the Soviets had seriously considered our proposals. Unless they showed some flexibility, the progress that had been achieved would be lost.

He was prepared to recommend tabling the agreed articles and blanks for all provisions where the language was not yet agreed on. In other cases, each side would remain free to state its position. We might consider dropping the automated safeguards provision from the initial draft, although we might want to reintroduce it later. We would recommend consideration of a separate peaceful uses article but thought it better to leave this as a later concession to the non-nuclear countries, since it would be better for them to argue about this than to attack mandatory safeguards. We could not accept the new Soviet disarmament language and it would take time to get instructions. The Senate would not ratify a treaty with security assurances.

Ambassador Roshchin noted that we would leave many blanks in the draft treaty and reduce it to a set of joint recommendations by the Co-Chairmen. Although he might be willing to recommend tabling a draft treaty with a blank safeguards article, he insisted that the amendments question must be settled.<sup>2</sup> While he showed some interest in the British proposal

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<sup>1</sup>From Geneva, tels. 3790, May 20, 1967, Secret, and 3791, May 20, 1967, Secret/Limdis.

<sup>2</sup>From Geneva, tels. 3812, May 22, 1967, Secret/Limdis; and 3818, May 23, 1967, Secret/Exdis.

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for giving the members of the IAEA Board of Governors a veto on amendments, the Soviet position on this question remained unchanged.

On May 27, Mr. Foster told him that we must flatly reject the Kosygin proposal and the "ban the bomb" clause. If the Soviets accepted the automated safeguards clause, however, we would consider accepting a modified version of the Soviet peaceful uses article. He declared that there was no use in further discussion if the Soviets did not agree. If these points were settled, we would be willing to table the treaty with a blank safeguards article and a blank amendments provision, if the Soviets would not accept our amendments proposal. Ambassador Roshchin replied that the Soviet position on amendments was unchanged, and he made no concessions on the other points. Mr. Foster then suggested that there might be another recess or that the two drafts could be tabled separately. Ambassador Roshchin objected that tabling separate drafts would violate the tacit agreement of the United States and the Soviet Union to work together.<sup>1</sup>

The Soviet delegation evidently received a considerable jolt from Foster's firm position at the May 27 meeting and soon showed signs of willingness to compromise. By June 7 the Co-Chairmen were able to agree on a joint draft with a blank article III. The Soviets acquiesced in the inclusion of an automated safeguards clause in the preamble and the deletion of their "ban the bomb" preambular paragraph, in exchange for a rearrangement of the preambular clauses. Mr. Foster agreed to the Soviet article on peaceful uses, with the reservation that we might wish to make additions to it at a later stage. Two alternatives were offered for the amendments provision:

(1) Amendments would have to be approved by a majority of parties, including all nuclear parties, and enter into force when ratified by this qualified majority. But amendments would not obligate any nation that had not ratified them.

(2) Amendments would enter into force for all parties when they had been ratified by a majority, including all nuclear parties and all parties that belonged to the IAEA Board of Governors.

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<sup>1</sup>From Geneva, tel. 3947, May 27, 1967, Secret/Limdis.

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The Soviets dropped their article on the Kosygin proposal. Mr. Foster proposed that the two Co-Chairman state that they recognized the security problem of the non-nuclear nations and were considering how it could be met by a General Assembly resolution. We would consider the possibility of separate declarations, as the Indians had suggested, but we could not commit ourselves at this time because of constitutional considerations.<sup>1</sup>

Mr. Foster believed that we had gotten "the best of this deal" and recommended approval of the package. He suggested that the amendments alternatives be put to the NAC and that we take the position that we would accept either.<sup>2</sup> Our delegation understood that the Soviets were recommending the package to Moscow and that they tended to prefer the first amendments alternative.<sup>3</sup>

At the June 14 NATO ministerial meeting, Secretary of State Rusk initiated a discussion of the latest draft. All the allies except the FRG concurred, and most were willing to accept either alternative for the amendments. Foreign Minister Brandt said that he would have to make more detailed comments later.<sup>4</sup> He later informed us that he had supposed there would be further NAC discussion before we acted at Geneva. The FRG would not wish to be the sole stumbling block, however, and would not object to our approaching the Soviets. It would nevertheless reserve its right to raise individual points with us.<sup>5</sup>

Secretary Rusk then authorized Foster to inform Roshchin that we were prepared, if the Soviets approved, to table the June 7 draft as a joint recommendation of the Co-Chairmen on the understanding that no government could be committed to

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<sup>1</sup>From Geneva, tels. 4114, June 7, 1967, Secret/Nodis, and 4116, June 7, 1967, Secret.

<sup>2</sup>From Geneva, tel. 4115, June 7, 1967, Secret/Nodis.

<sup>3</sup>From Geneva, tel. 4132, June 8, 1967, Secret/Nodis.

<sup>4</sup>From Paris, tel. 20212, June 15, 1967, Secret.

<sup>5</sup>To Bonn, tel. 211616, June 15, 1967, Secret; from Bonn, tel. 14899, June 16, 1967, Confidential.

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the present text. We would prefer the first amendments alternative but accept the second if necessary.<sup>1</sup> Mr. Foster informed Roshchin on June 17 and urged the Soviets to expedite their consideration of the draft.<sup>2</sup>

There was some informal talk in Geneva about possible compromises on safeguards. Albert Willot, the Belgian observer, suggested an annex to article III providing that each non-nuclear party should make an agreement with IAEA "either individually or in association with other States." To protect their position, the Euratom countries would state that they would not deposit their instruments of ratification until an IAEA-Euratom agreement had been worked out.<sup>3</sup> Others noted that the Tlatelolco treaty provided for individual or "multilateral" agreements by the Latin American states with IAEA. Soviet delegate Timerbaev reacted favorably to this formula.<sup>4</sup>

Reports of these talks or anxiety about the forthcoming Glassboro meeting led the Germans to request assurances that our safeguards position was firm. On June 23, FRG Minister von Lilienfeld saw Deputy Under Secretary of State Kohler, who assured him that we would stand firm on our article III and not agree to any alternative without prior consultations with the FRG and other allies.<sup>5</sup> Mr. von Lilienfeld also gave Fisher a paper urging us to actively support the article at Geneva and expressing concern that the Co-Chairmen might adopt a different version ad referendum. It now developed that the Germans were not satisfied with the first amendments alternative, since it would give the veto only to the nuclear parties. They also wished to know why we had dropped from article III our previous language on the exchange of nuclear material and equipment by international organizations.

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<sup>1</sup>To Geneva, tel. 212158, June 16, 1967, Secret.

<sup>2</sup>From Geneva, tel. 4272, June 17, 1967, Secret.

<sup>3</sup>From Geneva, tel. 4271, June 17, 1967, Secret.

<sup>4</sup>From Geneva, tel. 4273, June 17, 1967, Secret/Limdis.

<sup>5</sup>To Geneva, tel. 215315, June 23, 1967, Secret.

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Mr. Fisher replied that the commitments in Rusk's letter to Brandt still stood. The FRG position on amendments had not been consistent or clear, and we had already told the Soviets that we preferred the first alternative. He noted that the FRG did not take into account that some Euratom members besides France would always have a veto under the second alternative. He explained that the FRG should not be concerned about dropping the reference to international organizations, since the present language contained the phrase "alone or in cooperation with other states."<sup>1</sup>

#### Rusk-Gromyko talks

In the meantime, Premier Kosygin and Foreign Minister Gromyko had come to the United States for the General Assembly special session on the Middle East. Secretary of State Rusk had several talks with Gromyko on the non-proliferation treaty. Mr. Gromyko told him on June 21 that it would be better to submit a complete draft treaty than to leave article III blank. He said that control should be handled by international organizations, not blocs. He suggested that the Euratom countries would come around in time.

Secretary Rusk pointed out that other countries were unhappy because they did not have a draft to discuss. He said that the Euratom countries could not accept the Soviet safeguards proposal because of the French veto. He also raised the question of duration and noted that some countries wanted a 25-year limit. Mr. Gromyko commented that the treaty must be for a long period of time.<sup>2</sup>

Two days later, Secretary Rusk said that there would be three principal problems after the draft treaty was tabled: (1) assurances for India, (2) duration, and (3) nuclear disarmament. We had a constitutional problem with the Soviet assurances proposal and would prefer a Security Council resolution. Mr. Gromyko said that the assurances should be

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<sup>1</sup>To Geneva, tel. 215891, June 24, 1967, Secret. For the Rusk letter, see above, p. 147.

<sup>2</sup>Memcon Rusk, Gromyko, et al., June 21, 1967, Secret/Exdis; to Geneva, tels. 214594, June 22, 1967, Secret/Nodis, and 214617, June 22, 1967, Secret/Exdis.

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connected in some way with the treaty and applicable to non-nuclear countries in general, rather than India specifically. He agreed with Rusk that the treaty should be completed by October. He rejected Rusk's appeal for Soviet acceptance<sup>1</sup> of safeguards. The Secretary repeatedly stressed the need for early action, and Mr. Gromyko did not exclude the possibility of tabling the treaty with a blank article III, as we had proposed.

At Rusk's suggestion, Mr. Gromyko discussed safeguards with Couve de Murville, who told him that France would not stop the other Euratom countries from accepting IAEA safeguards. Secretary Rusk was not sure that Couve could make the final decision and suggested that Kosygin might take the question up with de Gaulle himself. He made another appeal for Soviet acceptance of safeguards, but Mr. Gromyko made it quite clear that this was completely out of the question. He acknowledged that the treaty was discriminatory, but this was inherent in the treaty and should be simply acknowledged.

Getting back to security assurances, Secretary Rusk said that it was one thing to make a statement to make the Indians feel better and quite another thing to provide for action. It would be a very serious problem for us to make a commitment that might involve conflict with the USSR, e.g., if the Soviets supported China in a Sino-Indian conflict. He did not care to have a nuclear war with the USSR just to have the Indians sign the non-proliferation treaty. Mr. Gromyko said that such doubts should not arise on the basis of the Soviet proposal, which did not go beyond existing Charter obligations. He thought that the Indians would prefer parallel declarations by the United States and the USSR to a Security Council resolution. Noting that the United Kingdom and France were also nuclear powers, Secretary Rusk replied that he could not yet give a positive answer and that we were still studying the question.<sup>2</sup>

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<sup>1</sup>Memcon Rusk-Gromyko, June 23, 1967, Secret/Exdis. For the Soviet assurances proposal, see above, p. 164.

<sup>2</sup>Memcon Rusk, Gromyko, et al., June 27, 1967, Secret/Exdis; circ. tel. 219535, June 30, 1967, Secret/Limdis.

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Safeguards

As Secretary Rusk had indicated, we did not think that Gromyko's report of his talk with Couve settled the French problem. On June 26, Mr. Fisher told Ambassador Lucet that France, as a Euratom member, would be involved in the application of the treaty even though she did not sign it and that we were interested in the French attitude toward the juridical role of Euratom. He gave the Ambassador an informal memorandum asking whether we could assume that France would not object to the application of IAEA safeguards to nuclear facilities on the territories of other Euratom members, whether they were owned by these states or by Euratom. We also wanted to know about the French attitude toward French or Euratom-owned peaceful nuclear facilities in France.<sup>1</sup>

Three days later, Ambassador Lucet informed Fisher that France could not take an official position on safeguards until there was an agreed text. Nevertheless, France would not object to any of the other Euratom countries making bilateral arrangements with IAEA for accepting IAEA safeguards. France herself would not accept them on any nuclear installations on French territory or participate in Euratom arrangements with IAEA. He said that this was what Couve had told Gromyko. He was not clear on the question of Euratom-owned facilities.<sup>2</sup> At Brussels, U.S. Ambassador Schaetzel reported that French refusal to participate in Euratom arrangements with IAEA would make a multilateral agreement impossible and that none of the Euratom countries would be willing to make bilateral agreements.<sup>3</sup> He was instructed to avoid "speculation about possible implications of imprecise [French] replies" pending further clarification.<sup>4</sup>

At the Co-Chairmen's meeting of July 5, Mr. Foster told Roshchin that we were still not entirely clear on the French

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<sup>1</sup>To Paris, tel. 216259, June 26, 1967, Confidential/Limdis.

<sup>2</sup>To Geneva and Paris, tel. 219715, June 30, 1967, Secret/Limdis.

<sup>3</sup>From Brussels, tel. 14, July 3, 1967, Secret/Limdis.

<sup>4</sup>To Brussels, tel. 3098, July 7, 1967, Secret.

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attitude. He urged the Soviets to reconsider our article III and pointed out that it was based on three principles: (1) mandatory safeguards for all non-nuclear parties, (2) bilateral or multilateral safeguards agreements between the non-nuclear parties and IAEA, and (3) assistance to IAEA from existing multilateral safeguards systems, provided that IAEA satisfied itself that nuclear material was not diverted to nuclear weapons or other nuclear explosive devices.

Ambassador Roshchin replied that the Soviets accepted our first principle and would study the second. They could not accept the third principle if it meant parallel systems. They were not trying to liquidate Euratom but wanted only one safeguards system in the treaty. They had three objections to our draft article: (1) It permitted more than one safeguards system, (2) it applied only to nuclear "material" and not to "facilities," and (3) it did not explicitly cover all nuclear activities.<sup>1</sup>

The Benelux countries, though less mistrustful of the treaty than the Germans and Italians, were equally interested in protecting the interests of Euratom. In July they began to discuss a possible alternative among themselves. The Belgians suggested the following text:

For the purpose of providing assurance that source or special fissionable material is not diverted to nuclear weapons or other nuclear explosive devices in violation of Articles I and II:

1. Each non-nuclear-weapon State Party to this Treaty undertakes to accept, at least as far as appropriate for the purpose of this Article, the safeguards of the International Atomic Energy Agency in force on the day that this Treaty is open for signature, on source or special fissionable materials in all peaceful

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<sup>1</sup>Circ. tel. 224, July 3, 1967, Secret; from Geneva, tels. 46, July 5, 1967, Secret, and 45, July 5, 1967, Secret/Exdis.

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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, each Party to this Treaty undertakes not to provide:

(A) Source or special fissionable material unless that 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. An agreement with the International Atomic Energy Agency providing for an effective application of the safeguards required by this Article shall be entered into by each non-nuclear-weapon State Party to this Treaty, either individually or in association with other States as appears more convenient for the furtherance of the purpose of this Article.

3. The safeguards required by this Article shall be implemented in a manner designed to avoid hampering the economic or technological development of the Parties concerned or contravening prior international obligations which they have entered into. In particular, nothing in this Treaty shall prejudice the rights of the Parties to participate in the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes, under the appropriate safeguards required by this Article.

The Belgians anticipated that neither the U.S. nor the Soviet drafts would prevail and that pressure would mount for a compromise. If their proposal was adopted, the non-nuclear members of Euratom would not ratify the treaty until Euratom had concluded a satisfactory agreement with IAEA. Since

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Euratom would be negotiating with IAEA on equal terms, there would be no danger of a "guillotine" situation arising.<sup>1</sup> The Benelux countries were also discussing a Dutch draft and a "compromise" between the Dutch and Belgian proposals.<sup>2</sup>

At the Co-Chairmen's meeting of August 7, Mr. Foster pointed out that IAEA was authorized by its Statute to enter into agreements with other organizations. He suggested that the terms "bilateral or multilateral" might meet the Soviet desire to avoid explicit reference to another safeguards system. IAEA could and should use the Euratom material accounting system since the alternative would be costly duplication. He explained that our draft mentioned "materials" rather than "facilities" because it was the materials that could be made into nuclear weapons. IAEA safeguards were not in fact applied to facilities unless they either contained or would contain materials. Ambassador Roshchin had no new instructions. He was interested in the "bilateral or multilateral" suggestion, however, and suggested that the two delegations start drafting a compromise article on the "expert level."<sup>3</sup>

The Soviets now showed interest in a compromise. Soviet Ambassador Suslov told Porter (U.K.) that he recognized the usefulness of Euratom in keeping the Germans from making nuclear weapons and considered that Belgian or Dutch inspectors would probably be reliable in checking German plants. The Soviet Union was prepared to accommodate Euratom, although article III should specifically mention only IAEA safeguards. He thought that some language could be added to the Soviet draft to take care of Euratom without expressly mentioning that organization, perhaps by using some of the Belgian ideas.<sup>4</sup>

From his talks with the Soviets, the Belgian observer in Geneva concluded that the Soviets would accept the following principles: (1) Application of existing IAEA safeguards without change; but only to the extent required to verify compliance with articles I and II, (2) an undertaking to make

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<sup>1</sup>From Geneva, tel. 328, July 27, 1967, Secret/Limdis; to Bonn and Brussels, tel. 14512, July 31, 1967, Secret/Limdis.

<sup>2</sup>To Bonn and Brussels, tel. 14511, July 31, 1967, Secret/Limdis. For preliminary U.S. reactions, see tel. 14510 to Bonn and Brussels, July 31, 1967, Secret/Limdis.

<sup>3</sup>From Geneva, tel. 433, Aug. 7, 1967, Secret/Limdis.

<sup>4</sup>From Geneva, tel. 546, Aug. 17, 1967, Secret/Limdis.

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"bilateral or multilateral" arrangements with IAEA, (3) an IAEA-Euratom agreement permitting IAEA verification of Euratom records, and (4) allowing Euratom countries to defer ratification until an agreement with IAEA had been concluded.<sup>1</sup> The Belgians now attempted to arrange a Euratom meeting to consider the problem. The Germans replied that they would not be interested unless the French participated.<sup>2</sup> The French refused, and the project was dropped.<sup>3</sup>

#### Security assurances (I)

The Indians continued to demand a "credible" security guarantee. After the Chinese thermonuclear test of June 19, they declared that the problem had acquired a "fresh sense of urgency."<sup>4</sup> Privately, they wanted a positive assurance and took no interest in the Kosygin proposal. Six of the seven other nonaligned members of the ENDC wanted to include the Kosygin proposal or some non-use provision in the treaty, but Sweden did not favor this because of the political difficulties it would pose for the United States.<sup>5</sup> General Burns (Canada) said on August 3 that it would be difficult to include security guarantees in the treaty and suggested that a General Assembly resolution with other assurances would be a better approach.<sup>6</sup>

#### Nuclear disarmament

Indian Ambassador Trivedi wanted the non-proliferation treaty to ban the manufacture of nuclear weapons and obligate the nuclear powers to negotiate a program to reduce them. Mrs. Myrdal favored a "package" comprising the non-proliferation treaty, a comprehensive test ban, and a fissionable materials production cutoff. She regretted that there was little chance of adopting the latter measures. Both Lord Chalfont and

<sup>1</sup>From Geneva, tel. 594, Aug. 22, 1967, Secret/Limdis.

<sup>2</sup>From Geneva, tel. 670, Aug. 30, 1967, Secret/Limdis.

<sup>3</sup>From Geneva, tel. 767, Sept. 8, 1967, Secret/Limdis.

<sup>4</sup>International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, p. 74.

<sup>5</sup>From Geneva, tel. 4518, June 29, 1967, Confidential.

<sup>6</sup>International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, p. 74.

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General Burns stated that the non-proliferation treaty would not last long unless it was followed by nuclear disarmament measures, although they did not advocate including them in the treaty.<sup>1</sup>

Fanfani fissionable materials proposal

On August 1, Italian Foreign Minister Fanfani proposed that the nuclear powers agree to transfer fissionable materials for peaceful purposes to the non-nuclear nations. The materials would be sold at prices below the world market, and part of the payments would go into the U.N. fund for developing countries.<sup>2</sup>

Our delegation commented that Fanfani was asking the United States and the USSR to pay an expensive "bribe" for non-nuclear adherence to the treaty and that we would probably have to pay a greater price than the USSR. It found that the disadvantages outweighed the advantages and called the proposal an "unrealistic and unworkable grandstand play for non-aligned audiences."<sup>3</sup>

Washington agreed that the proposal was "disadvantageous on balance" but said that we should avoid offending the Italians. ACDA told the Italians in Washington that the proposal raised very serious problems.<sup>4</sup> The Soviets also disliked the proposal but preferred to let others kill it.<sup>5</sup>

Draft treaty of August 24, 1967

Although Foreign Minister Gromyko had told Rusk on June 27 that his government would soon approve the June 7 draft,<sup>6</sup> Moscow waited six weeks before taking action. The

<sup>1</sup>Ibid., p. 76.

<sup>2</sup>Ibid., pp. 76-77.

<sup>3</sup>From Geneva, tel. 467, Aug. 9, 1967, Confidential.

<sup>4</sup>To Geneva, tel. 27261, Aug. 25, 1967, Confidential.

<sup>5</sup>From Geneva, tel. 467, Aug. 9, 1967, Confidential.

<sup>6</sup>Memcon Rusk, Gromyko, et al., June 27, 1967, Secret/

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delay was apparently related to the Middle Eastern crisis. At Geneva, the Soviets privately told our delegation that the final decision was being deferred until the General Assembly had adopted a resolution on the Middle East. Since Moscow found it embarrassing to table the non-proliferation treaty at this time, they were considering submitting a separate but identical text.<sup>1</sup>

On August 7, Mr. Foster told Roshchin that he would have to return to Washington in two days for Senate appropriation hearings but would come back to Geneva promptly if the USSR agreed to table the draft.<sup>2</sup> He had just arrived in Washington when Ambassador Roshchin informed Bunn in Geneva that Moscow had approved the June 7 draft with some changes. The Soviets accepted the preambular clause on automated safeguards and the second alternative on amendments, i.e., the version giving the veto to all IAEA Board members. They also accepted our language on peaceful application of nuclear energy. They proposed a new version of the preambular paragraph on general and complete disarmament, which specifically mentioned the elimination of national stockpiles of nuclear weapons.

Ambassador Roshchin said that the Soviets were willing to leave security assurances out of the treaty and to discuss this problem with us after the draft was tabled. He suggested that the Soviet ideas could be embodied in a joint statement, declaration, or U.N. resolution. Observing that we would not consider the Kosygin formula in a different format, Mr. Bunn suggested that the draft the Soviets had given Jha in April came closer to something the two sides could accept.<sup>3</sup>

In Washington, Mr. Foster immediately informed the President and the Secretary of State.<sup>4</sup> He publicly announced that he was returning to Geneva and hoped that it would soon be possible to table a draft treaty with a blank for the safeguards article.<sup>5</sup> Informed in advance about this statement, Ambassador Roshchin objected to any publicity at this point.<sup>6</sup>

<sup>1</sup>From Geneva, tel. 199, July 17, 1967, Secret/Limdis.

<sup>2</sup>From Geneva, tel. 433, Aug. 7, 1967, Secret/Limdis.

<sup>3</sup>From Geneva, tel. 480, Aug. 11, 1967, Secret/Exdis.  
For the April draft, see above, pp. 148-149.

<sup>4</sup>Foster, memoranda to President and Secretary of State, Aug. 10, 1967, Secret, with attached draft public statement by Foster, no classification; draft treaty, Aug. 10, 1967, Secret, and draft preambular paragraph on general and complete disarmament, Confidential.

<sup>5</sup>Documents on Disarmament, 1967, pp. 325-330.

<sup>6</sup>From Geneva, tel. 485, Aug. 11, 1967, Secret/Limdis.

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Since the Soviets declined to table the draft treaty as a joint document, it was submitted to the ENDC on August 24 in the form of separate but identical American and Soviet texts. The preamble contained clauses on facilitating the application of IAEA safeguards, supporting the automation of safeguards, and sharing the benefits of peaceful nuclear explosive devices. It also included a declaration of intention to stop the nuclear arms race and to achieve nuclear disarmament pursuant to a treaty on general and complete disarmament under effective international control. It stated that the treaty would not affect the right of states to conclude regional denuclearization treaties.

The first two articles contained the basic non-proliferation obligations of nuclear-weapon and non-nuclear-weapon states. Article III, dealing with safeguards, was left blank. The fourth article assured the rights of the parties to develop nuclear energy for peaceful purposes. The fifth article permitted amendments with the consent of a majority of the parties, including the nuclear-weapon parties and all parties that belonged to the IAEA Board of Governors. There would be a review conference five years after the treaty entered into force. Article VI contained the provisions on signature, ratification, accession, and entry into force. The seventh article provided that the treaty would be of unlimited duration but permitted withdrawal on three months' notice if "extraordinary events, relating to the subject matter of this Treaty" jeopardized the "supreme interests" of a party. The eighth article dealt with official languages.<sup>1</sup>

President Johnson publicly declared that submission of the draft treaty brought us to "the final and most critical stage" of the non-proliferation effort. At Geneva, the Co-Chairmen informed the ENDC that they would continue their discussions on safeguards and security assurances. The Chinese Communists predictably attacked the treaty as a "hoax" and an example of American-Soviet "collusion."<sup>2</sup>

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<sup>1</sup>International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 78-79, 146-149.

<sup>2</sup>Ibid., pp. 79-80.

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When the draft treaty was tabled, we sent out a circular aide-memoire in which we expressed the hope that the draft treaty, after consideration by the ENDC and other governments, would result in a treaty that would be signed and ratified by "the greatest possible number of nations." Explaining the basic rationale of the treaty, we said:

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 series of UNGA resolutions which have now culminated in the present draft treaty on non-proliferation of nuclear weapons.<sup>1</sup>

#### ENDC procedures

After the draft treaty was tabled, the Co-Chairmen were faced with the tasks of reaching agreement on safeguards and security assurances and of dealing with amendments proposed by other ENDC delegations or by governments outside the ENDC. Although both knew that their work would take some time to complete, they wished to finish it before adjourning the current ENDC session. It was usual, however, for the ENDC to recess before the General Assembly convened in September,<sup>2</sup> and there was some sentiment in the nonaligned delegations and the U.N. Secretariat for moving the ENDC to New York. Mr. Foster insisted on keeping it in Geneva.<sup>3</sup>

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<sup>1</sup>Circ. agm. CA-1545, Aug. 24, 1967, Secret, with enclosed aide-memoire, Confidential.

<sup>2</sup>In 1962, however, the U.S.-U.K.-USSR test-ban sub-committee continued to meet in Geneva after the plenary ENDC recessed.

<sup>3</sup>From Geneva, tel. 686, Aug. 31, 1967, Secret.

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The question of procedure came up in a New York meeting between Rusk and Gromyko (September 27), where Mr. Foster said that the treaty could be discussed in the First Committee of the General Assembly after the ENDC had finished its work. He anticipated that the First Committee could take up the treaty in November. Concerned about the possibility of an extended General Assembly debate, Mr. Gromyko did not exclude the possibility of having the treaty signed in the ENDC.<sup>1</sup>

On September 29, Mr. Fisher told Roshchin in Geneva that he believed the ENDC should remain in session as long as necessary, until article III had been worked out and the nonaligned amendments had been considered. Ambassador Roshchin agreed but noted that some nonaligned representatives would wish to go to New York for the General Assembly.<sup>2</sup> It was then hoped that the ENDC could finish its work by the end of October, when the First Committee of the General Assembly usually reached the disarmament question on its agenda. Unfortunately, there proved to be considerable slippage in the Geneva schedule.

#### Amendments to the draft treaty

The Co-Chairmen received many proposals for amendments, both from ENDC members and from such other interested nations as Japan. Since they wished to make the treaty as widely acceptable as possible, they gave careful consideration to all these suggestions. While they were not prepared to make changes in articles I and II, there were few who wished to amend these articles.<sup>3</sup>

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<sup>1</sup>Memcon Rusk, Gromyko, et al., Sept. 27, 1967, Secret/Exdis.

<sup>2</sup>From Geneva, tel. 1026, Sept. 29, 1967, Secret.

<sup>3</sup>The public ENDC debate on all amendments is reviewed in International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 81-91.

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Brazilian amendments - Brazil, however, wished to amend articles I and II to remove the ban on the development and use of peaceful nuclear explosive devices by non-nuclear states and to obligate the nuclear powers to channel savings from nuclear disarmament to developing countries through a special U.N. fund. The nuclear powers would undertake to negotiate a nuclear disarmament treaty at the earliest date. A revised peaceful-uses article would permit all parties to develop peaceful nuclear explosive devices. The review conference would particularly deal with fulfillment of the proposed obligation to conclude a nuclear disarmament treaty. The Brazilians proposed their own version of an article safeguarding the rights of parties to make regional treaties. Like the Romanians, they would not make amendments binding on parties that did not ratify them, and they would delete the requirement that a withdrawing state give an explanation to the Security Council.<sup>1</sup>

British amendment - On November 22 the British renewed their proposal to include both the "purpose of the Preamble and the provisions of the Treaty" in the purview of the review conference.<sup>2</sup>

Burmese comments - Although the Burmese did not submit any formal amendments, they proposed a number of changes. The Burmese representative advocated a disarmament article obligating the nuclear powers to take several "tangible steps" toward disarmament: a comprehensive test ban, a fissionable materials cutoff, a halt to nuclear-weapons production, a nuclear delivery vehicles freeze, and the "progressive reduction and final destruction of all stockpiles of nuclear weapons and carriers." He favored periodic review conferences and international control for the nuclear activities of all signatory countries. And he maintained that the treaty itself should provide the necessary security assurances to non-nuclear countries.<sup>3</sup>

Indian comments - Indian Ambassador Trivedi made some very negative comments about the draft treaty. He criticized article I for failing to deal with the foreign deployment of

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<sup>1</sup>Documents on Disarmament, 1967, pp. 546-547.

<sup>2</sup>Ibid., p. 595.

<sup>3</sup>Ibid., pp. 459-466.

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nuclear weapons and the training of foreign troops in their use. He also considered it defective because it did not prohibit assistance by one nuclear power to another. All parties should undertake not to manufacture or otherwise acquire nuclear weapons. International controls should apply to all parties and not only to the non-nuclear countries. Finally, there should be an article affirming the solemn desire of the nuclear powers "to undertake meaningful measures of disarmament, particularly of nuclear disarmament."<sup>1</sup>

Italian amendment - As indicated above, Italy had always questioned the unlimited duration provision.<sup>2</sup> On October 24, Ambassador Caracciolo submitted a formal amendment which provided that the treaty should "have a duration of X years" and then be renewed automatically for any party which had not given notice of its intention to withdraw.<sup>3</sup>

Japanese amendments - In a letter to the Co-Chairmen, the Japanese proposed that review conferences be held every five years and that the Co-Chairmen add a provision for a preparatory commission to make appropriate arrangements.<sup>4</sup> A similar proposal had previously been discussed in NATO.<sup>5</sup>

Mexican amendments - On September 19, Mexico proposed several amendments. It wished to revise the peaceful uses article so that it would positively express the right of parties to participate in the fullest possible exchange of information and that those parties in a position to do so would have "the duty to contribute" to the further development of nuclear energy for peaceful purposes. In order to assure the right of parties to enjoy the benefits of peaceful nuclear explosion services, Mexico proposed a new treaty article. This provided that assistance in carrying out peaceful nuclear explosions should be "requested and channeled through appropriate international bodies" on a non-discriminatory basis. Mexico wanted regional denuclearization to be

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<sup>1</sup>Ibid., pp. 430-440.

<sup>2</sup>See above, pp. 115-116, 141.

<sup>3</sup>Documents on Disarmament, 1967, pp. 527-529.

<sup>4</sup>From Geneva, tel. 1204, Oct. 14, 1967, Secret.

<sup>5</sup>See above, pp. 103-104, 115-116.

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covered in an operative treaty article rather than in a preambular paragraph. She also proposed a new disarmament article:

Each nuclear-weapon State Party to this Treaty undertakes to pursue negotiations in good faith, with all speed and perseverance, to arrive at further agreements regarding the prohibition of all nuclear weapon tests, the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, the elimination from national arsenals of nuclear weapons and the means of their delivery, as well as to reach agreement on a Treaty on General and Complete Disarmament under strict and effective international control.

Ambassador Castañeda explained that the existing preambular provision did not mention the comprehensive test ban at all and referred to nuclear disarmament only in the context of general and complete disarmament. He thought that some 60 nations should have to adhere to the treaty before it became effective. He also suggested that two nuclear powers and two non-nuclear nations be designated as depositary governments.<sup>1</sup>

Nigerian amendments - On November 2 the Nigerians proposed a series of amendments covering security assurances, peaceful uses of nuclear energy, and grounds for withdrawal. The nuclear parties would be obligated to come to the aid of any non-nuclear state which was "threatened or attacked with nuclear weapons." Each party would undertake to cooperate "directly or through the IAEA" with others in developing nuclear technology for peaceful purposes and in the exchange of scientific and technological information. Through the IAEA, the nuclear parties would provide the non-nuclear parties with "full scientific and technological information" on the spinoff from nuclear explosives research. The nuclear parties would also provide facilities for scientists from non-nuclear parties to collaborate with their scientists who were working on nuclear explosives devices. Each party would report to the IAEA on its cooperation with others in

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<sup>1</sup>Documents on Disarmament, 1967, pp. 394-401.

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the peaceful uses of nuclear energy. An additional ground for withdrawal would be "the failure by a State or group of States to adhere to the Treaty," if this jeopardized the balance of power in an area.<sup>1</sup>

Romanian amendments - Romania was the only Communist member of the ENDC that did not support the draft treaty. On October 19, Ambassador Ecobesco proposed a number of changes in the preamble and several amendments to the body of the treaty. The latter included a new article by which the nuclear powers would undertake "to adopt specific measures to bring about as soon as possible the cessation of the manufacture of nuclear weapons and the reduction and destruction of nuclear weapons and the means of their delivery." If these measures were not adopted in five years, the parties would review the situation and "decide on the measures to be taken." Another new article would obligate the nuclear parties not to use nuclear weapons against non-nuclear parties. The words "on a basis of equality" would be added to the peaceful-uses article. Amendments to the treaty would become effective only for those that ratified them, rather than for all parties as provided in the draft treaty. Review conferences would be held every five years. Withdrawing states would not be required to inform the Security Council of the reasons for their action, as the draft treaty required.<sup>2</sup>

Swedish amendment - Sweden proposed a safeguards article providing for IAEA safeguards on all international transfers of fissionable materials. IAEA safeguards would be fully applied to the nuclear activities of the non-nuclear states, and the nuclear powers would undertake to cooperate in facilitating the gradual application of IAEA safeguards to their peaceful activities.<sup>3</sup>

Swiss aide-mémoire - In an aide-mémoire to the Co-Chairmen, the Swiss Government requested a more precise definition of certain terms in articles I and II and expressed its views on safeguards. It suggested a treaty article on peaceful nuclear explosive devices. In the Swiss view, the treaty should be

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<sup>1</sup>Ibid., pp. 557-558.

<sup>2</sup>Ibid., pp. 521-526.

<sup>3</sup>Ibid., p. 368.

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of limited duration and include a security guarantee for non-nuclear parties. There should also be a mandatory arbitration procedure for disputes over the interpretation of treaty provisions.<sup>1</sup>

UAR amendments - The UAR wished to close alleged "loop-holes" in the first two articles. It proposed to amend the first article to obligate each nuclear power to insure that no person or organization under its jurisdiction promoted proliferation. It would add to the second article a ban on assistance by one non-nuclear state to another. Finally, it proposed a new treaty article incorporating the Kosygin non-use formula.<sup>2</sup>

While the Brazilian, Burmese, Indian, and Swedish proposals were obviously unacceptable, the Co-Chairmen found others more promising.<sup>3</sup> They gave particularly close attention to the Mexican amendments and eventually made significant changes in the draft treaty. Our delegation did not think that we could accept the Mexican peaceful-uses amendment as it stood, since it "would appear to commit us to an open-ended obligation to contribute to the development of nuclear energy in non-nuclears." Accordingly, it recommended changing "duty to contribute" to "cooperate in contributing." If the Soviets rejected this, we could alter the language so that parties would simply have the right to contribute.<sup>4</sup>

The delegation thought that it was inadvisable to have a precise treaty obligation on peaceful nuclear explosion services, as Mexico proposed. The Mexican language could be interpreted as excluding bilateral agreements and requiring the nuclear parties to provide excavating and engineering services, besides furnishing and detonating the explosive devices. Since the nonaligned nations were likely to welcome the Mexican proposal, however, we might add a treaty article committing the parties to negotiate a separate agreement on peaceful nuclear explosion services.<sup>5</sup>

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<sup>1</sup>Ibid., pp. 572-574. The Swiss aide-memoire was circulated as an ENDC document, but the Co-Chairmen made no formal reply.

<sup>2</sup>Ibid., pp. 421-428.

<sup>3</sup>The Italian and Swedish amendments involved the problems of duration and safeguards, which are considered below, pp. 199-203, 203-205.

<sup>4</sup>From Geneva, tel. 1002, Sept. 28, 1967, Confidential.

<sup>5</sup>From Geneva, tel. 1003, Sept. 28, 1967, Confidential.

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The delegation saw no objection to the Mexican proposal on regional denuclearization.<sup>1</sup> It reported that there was widespread sentiment for a treaty article on disarmament. The Mexican proposal, however, specifically referred to the comprehensive test ban and the delegation thought that it would be better for us to oppose listing any specific measures. It recommended language which would distinguish between measures to halt the nuclear arms race and complete nuclear disarmament, which would still be linked with a treaty on general and complete disarmament, as in the existing preamble:

Each nuclear-weapon State Party to this Treaty undertakes to pursue negotiations in good faith to achieve additional tangible steps to halt the nuclear arms race, including the limitation and reduction of stocks of nuclear weapons and their means of delivery, and to reach agreement on 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.<sup>2</sup>

Before he had received any instructions on these recommendations, Mr. Fisher had a preliminary discussion with Roshchin. The Soviet representative agreed with Fisher's personal view that "duty to contribute" was unacceptable in the Mexican peaceful-uses amendment. He also agreed that it would be desirable to include a treaty article on peaceful nuclear explosive services. Mr. Fisher suggested a treaty article of the kind he had recommended to Washington.

Both agreed that it would be undesirable to include specific measures in the disarmament article, and Ambassador Roshchin suggested the following language:

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<sup>1</sup>From Geneva, tel. 1004, Sept. 28, 1967, Confidential.

<sup>2</sup>From Geneva, tel. 1005, Sept. 28, 1967, Confidential. Within the U.S. Government, both the JCS and the AEC were now opposed to a comprehensive test ban (see below, chapter G).

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Each nuclear-weapon State Party to this Treaty undertakes to pursue negotiations in good faith, with all speed and perseverance, to arrive at further agreements regarding the cessation of the nuclear arms race and nuclear disarmament, as well as to reach agreement on a treaty on general and complete disarmament under strict and effective international control.<sup>1</sup>

Instructions were sent to Geneva on October 5. Washington approved the delegation's recommendation on the peaceful-uses amendment but suggested as an additional alternative that parties might be "encouraged" to contribute. Since there were objections to "negotiating a separate agreement" on peaceful nuclear explosive services, it suggested the following alternative:

Each Party to this Treaty undertakes to cooperate to insure that potential benefits from any peaceful application of nuclear explosions will be made 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 will be as low as possible and exclude any charge for research and development.

It believed that this would meet the objection posed by the British, who had told us that they did not expect to be in a position to provide nuclear explosive services. The proposed language would also give the non-nuclear nations a voice and create "an undertaking to cooperate which might be useful in connection with a possible future amendment to the limited test-ban treaty dealing with PNED's."

Washington also proposed the following alternative article on disarmament:

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<sup>1</sup>From Geneva, tel. 1055, Oct. 2, 1967, Secret/Limdis.

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Each of the Parties to this Treaty undertakes to pursue negotiations in good faith (I) to arrive at further verifiable agreements regarding the cessation of the nuclear arms race and regarding disarmament, as well as (II) to reach agreement on general and complete disarmament under strict and effective international control.

It considered this language preferable to Roshchin's suggestion.<sup>1</sup>

Mr. Fisher gave Roshchin these proposals two days later. Ambassador Roshchin concurred in the Mexican regional denuclearization article and said that he would refer our redraft of the peaceful-uses amendment to Moscow. He said that he would consider our redraft of the amendment on peaceful nuclear explosive services. But he strenuously objected to the word "verifiable" in the disarmament article and argued that there might well be future "mutual example" agreements which would not need to be verified. Mr. Fisher explained that "verifiable" did not necessarily mean "international control," since some measures might be verified by national means, as was true of the limited test-ban treaty and the outer-space treaty. Moreover, "mutual example" measures were not "agreements," as was shown by the fissionable materials "cutbacks" of 1964.<sup>2</sup>

Later, the Soviet delegation told us that it could not recommend our draft on peaceful nuclear explosive devices to Moscow, since it did not think the nonaligned nations would agree to language omitting reference to an "appropriate international body" or procedures to be established in a "special agreement." When Mr. De Palma objected that we did not yet know whether there would be one international body and one special agreement, or several of each, the Soviets proposed revised language to allow for both possibilities.<sup>3</sup> Washington proposed the following language:

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<sup>1</sup>To Geneva, tel. 49458, Oct. 5, 1967, Secret.

<sup>2</sup>From Geneva, tel. 1121, Oct. 7, 1967, Secret. Mr. Fisher did not include the numerals in the text of the disarmament article. For the fissionable materials "cutbacks", see below, chapter F.

<sup>3</sup>From Geneva, tel. 1140, Oct. 10, 1967, Secret.

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Each Party to this Treaty undertakes to cooperate to insure that potential benefits from any peaceful applications of nuclear explosions will be made 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 will be as low as possible and exclude any charge for research and development. It is understood that Parties so desiring may, pursuant to a special agreement or agreements, obtain any such benefits through an appropriate international body with adequate representation of non-nuclear-weapon States.

This would preserve the option of bilateral services. The delegation was cautioned to say nothing that would foreclose this option and to avoid any public reference to it. It was also instructed to avoid any implication that we were prepared to elaborate any details of the proposed international body or the terms of special agreements while the non-proliferation negotiations continued.<sup>1</sup>

The Soviets remained flatly opposed to including the word "verifiable" in the disarmament article. Mr. DePalma told them that the word was necessary in speaking of agreements. If the reference to agreements was dropped, however, we might consider alternative language in which the parties would "undertake to pursue negotiations in good faith regarding cessation of the nuclear arms race and disarmament, and

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<sup>1</sup>To Geneva, tel. 54177, Oct. 14, 1967, Secret. AEC cleared the instruction on the understanding that the new provision would not restrict "the Commission's conduct of its experimental Plowshare program or applications in the US of peaceful nuclear explosions for peaceful purposes." It also wished to include in its letter of clearance a statement that the treaty article did not alter the traditional roles of the US agencies involved and that the AEC would "continue to have primary responsibility for establishment and implementation" of international programs for peaceful nuclear explosions. George Bunn and Charles Van Doren (ACDA/GC) questioned this statement in a conversation with an AEC representative and insisted that the issue should be left open (Bunn to Foster, memorandum, Oct. 17, 1967, Secret, with attached ltr. from Labowitz (AEC) to Van Doren, Oct. 13, 1967, Confidential).

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regarding an agreement on general and complete disarmament under strict and effective international control." The Soviets indicated that this might be acceptable if the word "measures" was added after the first "disarmament."<sup>1</sup> Washington approved a variant of this formula, which provided that the parties would negotiate on "effective measures regarding cessation of the nuclear arms race and disarmament..."<sup>2</sup>

By October 11 there was noticeable restlessness among the Eight, who had not yet heard from the Co-Chairmen on any of their amendments and saw no evidence that progress was being made on safeguards or security assurances. Mr. Fisher asked Roshchin if he would agree to submit the Soviet redraft of the Mexican peaceful-uses article to the ENDC. Ambassador Roshchin was waiting to recommend to Moscow a complete set of responses to the Mexican amendments and would not ask for approval of this article by itself. He did not object, however, to individual statements by the Co-Chairmen that the Mexican amendments were receiving sympathetic consideration.<sup>3</sup>

On October 16 our delegation gave the Soviets the revised language on disarmament and peaceful nuclear explosions. The Soviets agreed to recommend our new disarmament article to Moscow without change. They agreed with our view that the bilateral option should be kept open in the peaceful nuclear explosions article but suggested dropping the words "it is understood that" at the beginning of the second sentence.<sup>4</sup> Our delegation requested and received authority to accept this suggestion,<sup>5</sup> but the words remained in the article.

Our delegation also told the Soviets that the Japanese proposal deserved sympathetic consideration. We thought it preferable, however, to have any review conferences after the first one only if the majority of the parties requested them, rather than automatically. We also thought that the preparatory commissions might comprise the nuclear parties and the non-nuclear parties which would be on the IAEA Board of Governors when the conferences were called. The Soviets considered this promising but suggested that it might be held in reserve until the treaty came to the General Assembly.<sup>6</sup>

<sup>1</sup>From Geneva, tel. 1140, Oct. 10, 1967, Secret.

<sup>2</sup>To Geneva, tel. 52434, Oct. 11, 1967, Secret.

<sup>3</sup>From Geneva, tel. 1169, Oct. 11, 1967, Secret. The statements appear in Documents on Disarmament, 1967, pp. 513-521.

<sup>4</sup>From Geneva, tel. 1210, Oct. 16, 1967, Secret.

<sup>5</sup>From Geneva, tel. 1237, Oct. 17, 1967, Secret; to Geneva, tel. 56220, Oct. 18, 1967, Secret.

<sup>6</sup>From Geneva, tel. 1210, Oct. 16, 1967, Secret.

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On October 17, Mr. Fisher gave Roshchin draft language incorporating our revisions of the Japanese amendments.<sup>1</sup>

Our delegation thought that a detailed discussion of the Romanian amendments "could seriously delay NPT negotiations." It found all the Romanian preambular changes unacceptable or superfluous, except for a proposal to add to the IAEA safeguards clause a reference to "bilateral or multilateral agreements" and suggested that we might take this up with the Soviets.

The delegation thought that we could maintain that our redraft of the Mexican disarmament article and the Japanese proposal on periodic review conferences took care of the Romanian disarmament article. While we should oppose the non-use proposal, the delegation warned that there could be trouble unless we soon initiated discussions with the Soviets on security assurances. Our redraft of the Mexican peaceful-uses amendment should meet the Romanian point on this question. We should try to get Soviet concurrence in the Romanian amendments formula, since this was supported by other countries. Our expanded clause on review conferences should "more than meet" the Romanians on this point. We should oppose the Romanian withdrawal amendment.<sup>2</sup> Washington concurred in the delegation's analysis but believed that consideration of the preambular safeguards clause could await agreement on article III. It also thought that the Romanian amendments proposal would require rewording and that it should not be allowed to hold up reaction to the Mexican suggestions.<sup>3</sup>

On November 2 our delegation informally told the Soviets that we saw little virtue in the Romanian amendments and that most of them would be covered by the response to the Mexican suggestions. We thought, however, that it would be difficult to oppose the Romanian changes in the preambular safeguards

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<sup>1</sup>From Geneva, tel. 1235, Oct. 17, 1967, Secret.

<sup>2</sup>From Geneva, tel. 1301, Oct. 21, 1967, Confidential.

<sup>3</sup>To Geneva, tel. 67524, Nov. 9, 1967, Secret.

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clause and the amendments provision. Many countries were troubled by the present amendments provision and as a practical matter the amending procedure was so difficult that any amendment would have to be widely acceptable if it was to be adopted. The Soviets commented that the safeguards clause would be less important after article III was adopted. They preferred to hold off on the amendments provision until a later stage of the negotiations.<sup>1</sup>

A week later, Mr. Foster told Roshchin that it would be helpful if the Co-Chairmen could introduce the amendments they had worked out. Ambassador Roshchin hoped that this could be done shortly. He did not oppose Foster's view that the amendments and duration provisions should be discussed at a later time.<sup>2</sup> In order to make a partial response to Nigeria and Brazil, our delegation recommended to Washington that we change the peaceful-uses article to make it explicit that information and cooperation on peaceful applications of nuclear explosions were included in the peaceful uses of nuclear energy.<sup>3</sup>

The United States did not accept the UAR amendments. We remained opposed to the Kosygin proposal. Although the other UAR amendments might win some support, our delegation recoiled from the thought of reopening the first two articles to renegotiation. It suggested that we would argue that the existing language of article I effectively cut off any significant possibilities of assistance by nuclear powers to non-nuclear nations. As for the second article, we could point out that a non-nuclear nation that abided by the treaty would hardly be likely to assist another country to gain a nuclear advantage.<sup>4</sup> Washington concurred.<sup>5</sup> When the UAR amendments were discussed by the Co-Chairmen, Ambassador Roshchin agreed that articles I and II should not be reopened, and he refrained from pushing the Kosygin proposal.<sup>6</sup> Although Moscow later said that it would be willing to accept the UAR amendments, it did not insist on them in face of our continued opposition.<sup>7</sup>

<sup>1</sup>From Geneva, tel. 1476, Nov. 2, 1967, Secret.

<sup>2</sup>From Geneva, tel. 1619, Nov. 9, 1967, Secret.

<sup>3</sup>From Geneva, tel. 1663, Nov. 12, 1967, Secret.

<sup>4</sup>From Geneva, tel. 1030, Sept. 29, 1967, Secret.

<sup>5</sup>To Geneva, tel. 49458, Oct. 5, 1967, Secret.

<sup>6</sup>From Geneva, tels. 1026, Sept. 29, 1967, and 1121, Oct. 7, 1967, Secret.

<sup>7</sup>See below, p. 194.

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Since Moscow was reluctant to authorize the Soviet delegation to agree to act on any amendments until the safeguards and security assurances questions were settled, the Co-Chairmen were unable to respond and time began to run out. On November 16 the ENDC held an informal meeting at which the nonaligned representatives expressed some dissatisfaction at the state of affairs. The Swedish representatives pointed out that the discussions of the First Committee of the General Assembly were usually based on ENDC reports and urged that the ENDC report and recess within two weeks. The Brazilian, Indian, and Romanian representatives also stressed that the General Assembly should have the right to debate the treaty. The Romanian representative was particularly outspoken. He declared that the ENDC should operate as a genuine negotiating body and that dialog had been non-existent.

Ambassador Roshchin said that the ENDC had a duty to complete the treaty and that the USSR was trying to do so. In his view, delay would be prejudicial. The question of an interim report could be considered in the near future, but it was not desirable to subordinate the treaty to procedural considerations. Mr. Foster also opposed a recess at this time but suggested that the General Assembly could be informed in early December. He hoped that other delegations would bear with this situation for two more weeks.<sup>1</sup>

After the meeting, the Swedish representative told us that the nonaligned delegations fully shared the Romanian views and that there was a deep and growing resentment at the treatment of the proposed amendments. While the nonaligned realized that the Soviets were to blame for the silence of the Co-Chairmen, they were becoming frustrated over the whole proceeding and feared that the Soviets might try to ram a completed draft treaty through the ENDC without discussion.<sup>2</sup>

Moscow's position on the amendments was clarified at the Co-Chairmen's meeting of November 18. Ambassador Roshchin

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<sup>1</sup>From Geneva, tel. 1745, Nov. 17, 1967, Limited Official Use.

<sup>2</sup>From Geneva, tel. 1781, Nov. 17, 1967, Secret.

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then informed Foster that the USSR accepted the Co-Chairmen's draft of the peaceful-uses article without change.<sup>1</sup> When Mr. Foster brought up the additional changes we favored,<sup>2</sup> he replied that these were minor amendments which would cause difficulty in Moscow, reopen the whole question of amendments, and delay a response by the Co-Chairmen.

The Soviets accepted the regional denuclearization article without change. With some drafting changes, they agreed to the disarmament article the Co-Chairmen had worked out.<sup>3</sup> In the peaceful nuclear explosives article, they proposed redrafting the second sentence to read as follows:

It is understood that non-nuclear-weapon States Party to this Treaty so desiring may, pursuant to a special agreement or agreements, obtain any such benefits on [a] bilateral basis or through an appropriate international body with adequate representation of non-nuclear-weapon States.

This was intended to make clear that the article did not apply to nuclear states which carried out explosions on their own territory and to explicitly sanction bilateral arrangements.

The Soviets rejected the Brazilian, Burmese, and Indian proposals.<sup>4</sup> While they were willing to accept the UAR amendments to articles I and II,<sup>5</sup> they would forego them in order to avoid a complete reconsideration of these articles. They opposed the Japanese proposal for periodic review conferences and a preparatory commission, on the ground that these would contradict the idea of unlimited duration.<sup>6</sup> They also opposed the British amendment<sup>7</sup> because it was doubtful that the preambular commitment on general and complete disarmament could be fulfilled in the near future.

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<sup>1</sup>See above, p. 189.

<sup>2</sup>See above, pp. 190-192.

<sup>3</sup>See above, pp. 187-190.

<sup>4</sup>See above, pp. 181-182.

<sup>5</sup>See above, p. 185.

<sup>6</sup>See above, p. 182.

<sup>7</sup>See above, p. 181.

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Ambassador Roshchin added that the U.S. and Soviet representatives could tell the ENDC that further review conferences could be arranged through diplomatic channels if the need arose. Mr. Foster was greatly disappointed at the Soviet position on periodic review conferences, which could help remove incentives for withdrawal. He also pointed out that many felt that the British amendment could serve as a substitute for a commitment to specific nuclear disarmament measures, which the United States and the USSR opposed. The Soviets replied that there had already been many concessions on this score.

On the question of depositaries, the USSR was ready to agree to three depositaries (the United States, the United Kingdom, and the USSR), as in the case of the limited test-ban and outer-space treaties, or to add non-nuclear depositaries as Mexico had suggested.<sup>1</sup> Mr. Foster noted that this could raise problems, e.g., India would complain if excluded, but there would be a problem of a possible Indian veto if New Delhi was made a depositary. Ambassador Roshchin then agreed to three depositaries.

Ambassador Roshchin raised the question of the number of non-nuclear accessions required to bring the treaty into force, and Mr. Foster agreed to seek instructions on this point. Both had previously agreed that there should be 35-40 non-nuclear accessions, but the exact number was as yet undetermined. On the question of accession by key non-nuclear countries, Ambassador Roshchin said that FRG adherence was essential. Mr. Foster observed that others were also important, e.g., Israel and the UAR. Both Co-Chairmen agreed that any American-Soviet understanding on this point should be unwritten and treated with great caution.

It was now clear that the ENDC would not be able to complete its work in November, and both Co-Chairmen agreed that it should submit a short "status of work" report to the General Assembly, without attaching any documents.<sup>2</sup>

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<sup>1</sup>See above, p. 183.

<sup>2</sup>From Geneva, tel. 1795, Nov. 19, 1967, Secret. For the ENDC report, see below, pp. 283-284.

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After this discussion, Washington authorized the delegation to accept the Soviet changes in the disarmament article and to agree to 40 as the number of necessary signatories. We should continue, however, to press the Soviets on the Japanese and British amendments to the article on review conferences.<sup>1</sup> We would accept the Soviet revision of the peaceful nuclear explosives article only if the Soviets agreed with our interpretation that it was intended to give explicit assurance to both nuclear and non-nuclear parties that nuclear explosive services would be available to them, if to anyone, and that there was no implication that non-signatories would receive such services. The delegation was instructed to offer the Soviets one of two alternative redrafts of the sentence on bilateral services:

(1) It is understood that non-nuclear weapon States Party to this treaty may obtain any such benefits on a bilateral basis or those so desiring may, pursuant to a special agreement or agreements, obtain them through an appropriate international body with adequate representation of non-nuclear weapon States.

(2) It is understood that non-nuclear-weapon States Party to this Treaty so desiring may, pursuant to a special agreement or agreements, obtain any such benefits through an appropriate international body with adequate representation of non-nuclear-weapon States or may obtain such benefits pursuant to bilateral agreements.

If the Soviets insisted on their language, however, the delegation could accept it on the understanding that it preserved the option to "meet requests for service on bilateral basis without need to await multilateral agreement or action."<sup>2</sup>

Mr. Foster told Roshchin that we accepted the Soviet changes in the disarmament article and agreed to 40 as the number of signatories necessary to bring the treaty into force.<sup>3</sup>

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<sup>1</sup>To Geneva, tel. 73686, Nov. 22, 1967, Secret.

<sup>2</sup>To Geneva, tel. 74724, Nov. 25, 1967, Secret.

<sup>3</sup>From Geneva, tel. 1841, Nov. 23, 1967, Secret.

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On November 26 he took up the peaceful nuclear explosions article. Ambassador Roshchin saw "no difference at all" between our versions and the Soviet draft. He could not, however, accept any of our alternatives without authorization from Moscow, and it was doubtful if the Soviet Government could reach a decision in time to table the amendments that week, as the Co-Chairmen wished to do. Mr. Foster then said that we would accept the Soviet draft on the basis of Roshchin's assurance that it was intended to convey the same meaning as ours. We would also want the ENDC record to show that the language preserved the option to provide peaceful nuclear explosive services without awaiting multilateral agreement or action.<sup>1</sup>

The United States and the Soviet Union had now agreed on the amendments to the draft treaty, and the Co-Chairmen planned to table them on November 30. On the 28th, however, Ambassador Roshchin informed De Palma that the Soviet delegation had just been instructed not to table the amendments until agreement was reached on article III. He explained that the Soviet Union feared that tabling the amendments could lead to a new flow of amendments. Mr. De Palma replied that this could create a serious problem for the future work of the ENDC and arouse great dissatisfaction. He thought that the Soviet concern about a new flow of amendments was unfounded and that it would be difficult for others to change the amendments the United States and the Soviet Union had accepted. And he did not see how the Soviet position on delaying amendments could possibly help negotiations on article III.<sup>2</sup>

On November 30 the delegation was instructed to continue to press for our amendments and review revisions, as well as our new duration formula.<sup>3</sup> At the Co-Chairmen's meeting of December 2, Mr. Foster urged the Soviets to reconsider their position on periodic review conferences. We preferred our first alternative proposal on amendments, i.e., giving each party the right to accept or reject an amendment for itself,

<sup>1</sup>From Geneva, tel. 1864, Nov. 27, 1967, Secret.

<sup>2</sup>From Geneva, tel. 1894, Nov. 28, 1967, Secret/Limdis.

<sup>3</sup>To Geneva, tel. 76978, Nov. 30, 1967, Secret. For the duration formula, see below, p. 200.

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with no special veto for non-nuclear members of the IAEA Board of Governors. If this was difficult for the Soviets, however, we could simply revise the existing provision so that amendments would bind only those parties which accepted them.

Ambassador Roshchin replied that the existing provision would make the treaty stable and that the USSR did not wish to permit different parties to have different obligations. Mr. Foster rejoined that it was unlikely that any amendments could be adopted without universal support. If an amendment should be forced on a country against its will, it might withdraw from the treaty.

Ambassador Roshchin said that he would report our proposals to Moscow but considered it undesirable to undo agreements previously reached. Mr. Foster replied that the United States and the USSR could well agree on a perfect treaty among themselves but that it was essential to obtain the concurrence of others.<sup>1</sup>

After this meeting, Soviet delegate Timerbaev asked Samuel De Palma and Alan Neidle of the U.S. delegation whether we would have any further suggestions. On a personal basis, they replied that we had brought up all the necessary elements for an acceptable treaty and that the Soviets were now in a position to take an overall view of the matter. If the negotiations continued into the next year, however, other elements might arise. They stressed that acceptance of our proposals on periodic review, amendments, and duration would facilitate agreement on other provisions, including article III.<sup>2</sup>

At the last Co-Chairmen's meeting of the session (December 15), Mr. Foster proposed the following amendments provision:

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<sup>1</sup>From Geneva, tel. 1945, Dec. 3, 1967, Secret. For the first amendments alternative, see above, p. 166.

<sup>2</sup>From Geneva, tel. 1979, Dec. 6, 1967, Secret/Limdis.

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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 each Party that deposits its instrument of ratification 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. Thereafter, it shall enter into force for any other Party upon the deposit of its instrument of ratification.

Ambassador Roshchin said that he would report this to Moscow.<sup>1</sup>

#### Duration

While the draft treaty was to be of unlimited duration, the United States was not irrevocably wedded to this idea and some of our allies had strong objections. Just before the draft treaty was tabled, Italian Ambassador Ortona told Rusk that unlimited duration caused serious concern to his government, which felt that a permanent commitment by the non-nuclear countries would imply a political disparity between them and the nuclear powers. Italy wanted the treaty to last for 15 years, subject to renewal. On the basis of his June talks with Gromyko, Secretary of State Rusk replied that the Soviet Union would probably not accept less than 25 years.<sup>2</sup> In September, President Saragat said that the treaty should run for 20 years.<sup>3</sup>

<sup>1</sup>From Geneva, tel. 2078, Dec. 15, 1967, Secret/Limdis.

<sup>2</sup>To Geneva, tel. 24609, Aug. 22, 1967, Secret. At the ENDC, Caracciolo made the same points to Foster (from Geneva, tel. 593, Aug. 22, 1967, Secret).

<sup>3</sup>To Rome, tel. 42922, Sept. 23, 1967, Secret/Limdis.

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In an October 4 talk with Dobrynin, Mr. Foster learned that the Soviet Union had not given any serious consideration to the question. Nor did Ambassador Dobrynin see any purpose in the Japanese proposal for five-year review conference, which we were pushing as a substitute for limited duration.<sup>1</sup> The Soviet Ambassador remained uncommunicative.<sup>2</sup>

The Germans were also concerned about duration. On October 6, Under Secretary of State Rostow told von Lilienfeld that we were not inflexible on the issue and would not object if other countries wished to raise the question at Geneva, although we preferred not to sponsor an amendment. He said that the Soviets seemed inflexible but might not remain so in the end.<sup>3</sup>

On October 21 our delegation at Geneva suggested two alternative possibilities to Washington:

(1) A review conference could decide by majority vote whether parties had the right to denounce the treaty after 25 years. This would make withdrawal difficult since a majority would almost certainly refuse to take such a decision if the treaty was working satisfactorily. The Germans and Italians would not regard this as a real right of termination since a government could not unilaterally decide to denounce the treaty.

(2) Each party would have a real right to denounce the treaty after 25 years but would have to take its decision in the light of the discussion of the review conference, "thus minimizing likelihood of arbitrary action". The delegation thought that this would win support for the treaty in Germany, Italy, and possibly Japan, "while achieving a treaty that contains proliferation problem for as long a period as we can reasonably foresee."<sup>4</sup>

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<sup>1</sup>Memcon Dobrynin-Foster, Oct. 4, 1967, Secret/Exdis.  
For the Japanese proposal, see above, p. 182.

<sup>2</sup>Memcon Dobrynin-Foster, Nov. 2, 1967, Secret/Exdis.

<sup>3</sup>To Bonn, tel. 50379, Oct. 6, 1967, Secret.

<sup>4</sup>From Geneva, tel. 1300, Oct. 21, 1967, Secret/Limdis.

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The Italian amendment was introduced into the ENDC on October 24.<sup>1</sup> On the same day, members of the Soviet delegation told De Palma that they personally saw some merit in a provision for deciding on extension of the treaty after a suitably long period. They thought that a withdrawing state should even then have to invoke the withdrawal clause and that any period of less than 25 years was not worth considering.<sup>2</sup> At the Co-Chairmen's meeting of November 9, Ambassador Roshchin did not oppose a discussion of the duration question at a later time, i.e., after the other amendments had been dealt with.<sup>3</sup>

The Italians continued to urge limited duration. On November 9, Assistant Secretary of State Leddy advised Rusk to tell Ortona that we would prefer indefinite duration but were sympathetic to the problems the Italians had raised. We would be prepared to support a duration clause in principle and would discuss the Italian amendment and alternative formulations with other states in Geneva and New York. We would not, however, raise the issue with the Soviets until we had agreed with them on article III. This information would also be transmitted to the Germans.<sup>4</sup>

Acting ACDA Director Alexander advised the Secretary not to inform Ortona of any change in our position until we had received Foster's views. At this stage, ACDA did not think that we should tell the Italians and Germans that we were prepared to support a duration clause. The reference to consultations in New York could open up the treaty to amendment at the General Assembly after the ENDC had completed its work, and ACDA thought that this would be "very disadvantageous." Finally, the Leddy memorandum could be construed "to prevent us from working out a duration clause until we had our allies' approval, and this might be exploited to create further delays for the NPT."<sup>5</sup>

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<sup>1</sup>See above, p. 182.

<sup>2</sup>From Geneva, tel. 1328, Oct. 24, 1967, Secret/Limdis.

<sup>3</sup>From Geneva, tel. 1619, Nov. 9, 1967, Secret/Limdis.

<sup>4</sup>Leddy to Rusk, memorandum, Nov. 9, 1967, Secret.

<sup>5</sup>Alexander to Rusk, memorandum, Nov. 9, 1967, Secret.

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Secretary Rusk apparently did not understand the scenario of the negotiations. He told Ortona that we hoped to complete the draft treaty, submit it to the General Assembly, and then go back to Geneva, where the pending amendments would be disposed of and the duration question could be worked out. Ambassador Ortona observed that Italy did not want other amendments to be accepted before the General Assembly stage without any action on duration. At this point Acting ACDA Assistant Director Gleysteen joined the meeting and explained that we were trying to complete the treaty with the amendments by November 30 and get it to the General Assembly. Under these conditions, Secretary Rusk thought that it would be desirable to deal with duration as soon as possible. But he doubted that the treaty could be completed by November 30 and stressed the need for a large number of signatures. He told Ortona that he would get in touch with Foster and that we had a commitment to look seriously at the duration provision.<sup>1</sup>

Geneva was immediately informed.<sup>2</sup> Our delegation thought that the Soviets' decision would be influenced by their judgment on whether a limited duration clause was necessary to make the treaty a success and insure FRG accession and also by the amount of serious pressure we were prepared to apply. While the Soviets would probably prefer the first of the two alternatives the delegation had suggested on October 21, there was a "fair chance" that they might go further. If we seriously intended to achieve a reasonable limitation on duration, the delegation believed, we should first approach the Soviets with the second alternative.<sup>3</sup> The U.S. Mission to NATO agreed. It considered it important to meet the Germans and Italians on the duration issue, particularly because article III remained unresolved and there were indications that we might not be as successful in protecting allied interests in that article as we had hoped.<sup>4</sup>

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<sup>1</sup>To Bonn, Rome, Tokyo, New York, and Geneva, tel. 67994, Nov. 11, 1967, Secret/Limdis.

<sup>2</sup>To Geneva, tel. 68010, Nov. 11, 1967, Secret/Limdis.

<sup>3</sup>From Geneva, tel. 1770, Nov. 17, 1967, Secret/Limdis. For the Oct. 21 suggestions, see above, p. 200.

<sup>4</sup>From USNATO, tel. 529, Nov. 21, 1967, Secret/Limdis.

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On November 30 the delegation was authorized to present the second alternative to the Soviets.<sup>1</sup> At the Co-Chairmen's meeting of December 2, Mr. Foster said that this proposal would gain much support for the treaty without making it unstable and be of great assistance in making it acceptable on other key issues.<sup>2</sup>

Later, Soviet delegate R.M. Timerbaev asked De Palma and Neidle what would happen if the special conference was unable to decide whether to extend the treaty. Would it continue in force or be considered to have lapsed? He also asked whether the six months period for denunciation would begin when the conference adjourned or when it made a decision. The preliminary reaction of the Americans was that there was only a hypothetical and remote chance that the conference would fail to reach a decision. If difficulty did arise, the conference would presumably continue until it made some decision. They understood that the six months would run from the date the conference adjourned. In the light of this discussion, the delegation recommended that it be authorized to inform the Soviets that the treaty would continue in force indefinitely until the conference reached a decision, since no fixed duration would be specified in the treaty.<sup>3</sup>

At the last Co-Chairmen's meeting of the session (December 15), Ambassador Roshchin wondered if others would suggest shorter periods once 25 years was mentioned. Mr. Foster explained that we were not proposing to limit the treaty to 25 years but to provide for its extension after that period. He thought that the United States and the Soviet Union could stand pat on this and resist attempts to shorten the period.<sup>4</sup>

#### Safeguards

As we have seen, the safeguards article was left blank in the draft treaty because the United States and the Soviet

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<sup>1</sup>To Geneva, tel. 76978, Nov. 30, 1967, Secret.

<sup>2</sup>From Geneva, tel. 1945, Dec. 3, 1967, Secret.

<sup>3</sup>From Geneva, tel. 1979, Dec. 6, 1967, Secret/Limdis.

<sup>4</sup>From Geneva, tel. 2078, Dec. 15, 1967, Secret/Limdis.

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