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Union were unable to agree on the relationship between IAEA and Euratom. In August, however, the United States, the Soviet Union, and the Benelux countries began to informally discuss possible compromises.¹

At the August 26 Co-Chairmen's meeting, Mr. Foster pointed out that the Soviet draft did not recognize the need for an agreement between IAEA and Euratom. All fissionable materials for peaceful purposes in the Euratom countries were actually owned by Euratom, and there were four Euratom facilities which could not even be inspected by officials of the countries where they were located without Euratom consent. An IAEA-Euratom agreement was therefore essential if the USSR wanted these materials and facilities covered by safeguards under the non-proliferation treaty.

The Soviet Union had previously argued against the phrase "source or special fissionable materials" in the U.S. draft and preferred the word "activities," since IAEA safeguards covered facilities as well as materials. Mr. Foster pointed out, however, that it was the materials which could be used to make bombs and that the U.S. language would not prevent the application of safeguards to facilities where materials were stored or used. He asked whether the Soviets would object to "all source or special fissionable materials in all peaceful nuclear activities." We believed that the treaty must permit the continued existence of Euratom safeguards and that a transition period was essential.²

Shortly after this meeting, M.V. Antyasov and V.V. Shustov of the Soviet delegation initiated a discussion with American delegates George Bunn and Culver Gleysteen. The Soviets suggested adding the following language to their draft article:

The above-mentioned guaranties shall apply to the States as provided for in the Statute of the IAEA and the document on safeguards.³

¹See above, pp. 165-166, 170, 176-178.

²From Geneva, tel. 629, Aug. 26, 1967, Secret/Limdis.

³For the IAEA safeguards document, see Documents on Disarmament, 1965, pp. 446-460.

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They argued that the Euratom countries could enter into "bilateral or multilateral" arrangements with IAEA because these were permitted by the Statute and the safeguards document. The Americans replied that this was inadequate because it lacked the following elements of our draft: (1) a clear statement of the purpose of safeguards, (2) the right of Euratom members to conclude an agreement with the IAEA through Euratom and related provisions recognizing Euratom's role, (3) the provision on the application of safeguards to "source or special fissionable material," (4) a three-year transition period, (5) language on economic and technological development and the international exchange of nuclear materials and equipment, and (6) more precise language on exports.

Later, the Soviets said that they could not accept our statement of purpose because it referred to "source or special fissionable materials," rather than "principal nuclear facility," which Moscow would prefer. Other U.S. language, however, might be acceptable. Although they could not agree to our reference to other safeguards systems and a verification agreement for Euratom, they understood that Euratom would enter into an agreement with IAEA on behalf of its members. Moscow would reject the word "multilateral" but would probably agree to "individually or together with other states" in connection with agreements between parties and the IAEA. A three-year transition period would be too long, since the Soviet delegation's guidelines permitted only 1 1/2 years.¹

Soviet compromise, September 1, 1967

After these discussions, Ambassador Roshchin offered the following compromise at the Co-Chairmen's meeting of September 1:

¹From Geneva, tel. 703, Sept. 1, 1967, Secret/Exdis.

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1. Each non-nuclear-weapon State Party to the Treaty undertakes to accept International Atomic Energy Agency safeguards with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices for the exclusive purpose of verification of the fulfillment of the obligations assumed under this Treaty. As provided in the Agency's safeguards system, procedures for the safeguards required by this article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or outside any such facility. These procedures shall also extend to facilities containing or to contain such materials, including principal nuclear facilities. The safeguards required by this Article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out by it anywhere.

2. Each State Party to the Treaty undertakes not to provide: (A) source or special fissionable material, or (B) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this Article.

3. The safeguards required by the Article shall be implemented in a manner designed to comply with Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this Article.

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4. Non-nuclear-weapon States Party to the Treaty may conclude agreements with the IAEA to meet the requirements of this Article either individually or together with other States as provided in the Statute of the IAEA. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.

Ambassador Roshchin explained that he had tried to take into account our views on the special problems of Euratom. While he would recommend the compromise to Moscow, he was not sure that his superiors would approve it. Mr. Foster replied that he would send the draft to Washington but that he was not sure that either the United States or its allies would find it satisfactory. He recognized that it was a considerable departure from the earlier Soviet position and would advise Washington to try it out on the allies.¹

In a message to Fusk and Fisher, Mr. Foster recommended that we try out the Soviet proposal on the allies and advise them to consider it expeditiously. He believed that it represented the best possible compromise we could reach with the Soviets and was a "reasonable bridging of ~~the~~ Soviet position on safeguards and special interests of our Euratom allies, as well as US national interests." It contemplated that IAEA safeguards would be used to verify the Euratom system. It was understood on both sides that Euratom would be able to negotiate with IAEA. The two-year transition period was better than the Belgian idea²; it would permit the Euratom states to begin negotiations immediately if they wished and to withhold ratification "if negotiations became sticky." There was no "guillotine" provision. The emphasis was placed on safeguarding materials, and safeguards would be applied to "facilities" under the circumstances required by the IAEA safeguards document. The "carried out by it anywhere" language meant "ownership amounting to clear control, or com-

¹Ibid.; from Geneva, tels. 703 and 704, Sept. 1, 1967, Secret/Exdis. To Paris, tel. 31865, Sept. 4, 1967, Secret/Lmdis.

²See above, pp. 172-173.

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plete domination of the activity by other means." Moreover, the draft could be interpreted as meeting the Belgian ideas on not contravening "prior international obligations" and permitting change in the IAEA safeguards system without amending the non-proliferation treaty.¹

On preliminary examination, Washington concluded that the new draft showed "considerable movement" from the earlier Soviet position and recognized Euratom interests on the following points:

- (1) It specified that the "exclusive purpose" of IAEA safeguards would be "verification" of the fulfillment of treaty obligations.
- (2) It expressly permitted agreements to be concluded with IAEA by the non-nuclear parties "either individually or together with other States as provided in the Statute of the IAEA." The Soviet delegation understood that this language would permit the Euratom countries to negotiate with the IAEA through Euratom. The particular IAEA procedures that would actually be applied would depend on the results of these negotiations. The relevant provisions of the IAEA safeguards document were "quite general and subject to interpretation or delegation in particular agreements."
- (3) It would permit arrangements under which "IAEA could make use of the Euratom system."
- (4) It provided for a two-year transition period.
- (5) It emphasized "source or special fissionable material" rather than nuclear "facilities."
- (6) It accepted the substance of our export provision.
- (7) It accepted the substance of our provision that safeguards should not hamper economic or technological development or international cooperation.

Finally, the Soviets had told us that they understood that IAEA safeguards would not be applied to the joint Franco-German facility at Grenoble.²

¹From Geneva, tel. 705, Sept. 1, 1967, Secret/Exdis.

²To Paris, tel. 31868, Sept. 4, 1967, Secret/Limdis.

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These comments were communicated to Ambassador Cleveland, who was instructed to present them to the allies at an early NAC meeting. We were concerned about the Swedish amendment, which managed to "step on almost every...sensitive toe within reach and was distinctly unhelpful." Moreover, the Italian representative at Geneva might have conveyed the impression that the United States and its allies were considering dropping the safeguards article. Since we wished to settle this question before the ENDC adjourned and the General Assembly took up the non-proliferation treaty, a prompt allied response was desirable.¹ Ambassador Cleveland presented the Soviet proposal and our comments to the NAC, and Mr. Foster informed the Western Four at Geneva.² Later, we asked the Commission of the European Economic Community (EEC) to furnish its views as soon as possible.³

Talking to Antyasov and Shustov on September 11, George Bunn emphasized that it was essential for Euratom to be able to negotiate with IAEA and that we would not consider any other arrangement. The Soviets understood this but were not sure that Euratom would be able to sign an agreement without French participation. Mr. Bunn replied that this would be up to Euratom. The Soviets agreed with his view that article III could only establish general principles, leaving the exact terms of safeguards to be worked out in later negotiations with IAEA.⁴ In Moscow, Foreign Minister Gromyko told Ambassador Thompson that the Soviet Government had not yet fully analyzed or accepted the Roshchin proposal.⁵

Preliminary allied reactions

At the NAC meeting of September 13, FRG Ambassador Grewe observed that the new Soviet proposal was the first indication that the USSR understood safeguards. He still considered the Soviet proposal discriminatory, however, and more objectionable than our draft, since the latter provided for verification of

¹To Paris, tel. 31867, Sept. 4, 1967, Secret/Limdis. The Swedish amendment is described above, p. 184. For the Italian statement, see Documents on Disarmament, 1967, pp. 360-361.

²From Paris, tel. 2877, Sept. 6, 1967, Secret/Limdis; from Geneva, tel. 732, Sept. 5, 1967, Secret/Limdis.

³From Brussels, tel. 1522, Sept. 13, 1967, Secret/Limdis.

⁴From Geneva, tel. 799, Sept. 12, 1967, Secret/Limdis.

⁵From Moscow, tel. 1034, Sept. 12, 1967, Secret/Exdis.

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Euratom safeguards and was mitigated by the Anglo-American safeguards offer. The principal FRG problems with the Soviet proposal were:

(1) It applied to facilities as well as source and fissionable materials.

(2) It apparently excluded verification of other safeguards systems.

(3) The "together with other States" language did not mean that Euratom could work out an agreement with IAEA, since the European organization was a supranational entity.

Ambassador Alessandrini said that Italy had not been able to accept the U.S. draft and that the Soviet proposal was even more objectionable because it was based on discrimination, provided only two years for implementation rather than the five years Italy suggested, failed to call for "equivalence" between Euratom and IAEA, and extended safeguards to facilities. While the proposal could permit a verification agreement between IAEA and Euratom, this should be stated unequivocally. He thought that there was still a "guillotine" in the Soviet proposal, since IAEA safeguards would be automatically applied if no agreement was reached in two years.

The Belgian representative thought that there should be interpretations of article III, as there were for the first two articles. The Netherlands representative suggested a memorandum of understanding between the Co-Chairmen to guarantee that the modalities of safeguards for Euratom would be worked out in negotiations between IAEA and Euratom. The British representative suggested preliminary discussions with IAEA before the treaty entered into force. The Canadian representative said that his country was prepared to reconsider its previous objections to the "discriminatory" character of safeguards, because the Soviets simply would not accept them, provided that the United States and the United Kingdom publicly

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undertook to accept safeguards on their peaceful nuclear activities.¹

Our delegation at Geneva now prepared tentative interpretations, which took the form of "talking points" based on the information we had previously given to the NAC. These talking points were given to allied representatives in Paris on September 15. The Dutch were concerned about three points: (1) the application of safeguards to the peaceful uses of a non-nuclear-weapon state "carried out by it anywhere," (2) the materials vs. facilities issue, and (3) the imprecision of the Euratom negotiating role in the Soviet draft. Their representative at the NATO Disarmament Experts Meeting, which was then going on at Paris, told us that the Netherlands would sign the non-proliferation treaty if these three points could be met and there was a public written understanding with the Soviets that the treaty would permit IAEA-Euratom agreement on the modalities of control in the non-nuclear Euratom countries.

Albert Willot, the Belgian observer in Geneva, was also in Paris for the Disarmament Experts Meeting. He too questioned the "carried out by it anywhere" language. We interpreted it as covering facilities in which a non-nuclear party had effective control, but he preferred the Soviet interpretation that nuclear facilities in France would not be covered because France was a nuclear-weapon state. He feared that our interpretation might be used by Euratom to prove that its non-nuclear-weapon members could not build and control nuclear facilities in France because that nation would not permit non-proliferation treaty safeguards to be applied there. This could give Euratom a basis for objecting to the signature of the non-proliferation treaty by Euratom members on the ground that it would conflict with their obligations under the Euratom agreement.²

¹From Paris, tel. 3332, Sept. 14, 1967, Secret. The Dutch views are described in more detail in Paris tel. 3254, Sept. 13, 1967, Secret. At Geneva, Caracciolo echoed Alessandrini's objections (from Geneva, tel. 837, Sept. 15, 1967, Secret).

²From Paris, tels. 3504, Sept. 16, 1967, Secret, and 3508, Sept. 16, 1967, Confidential.

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Ambassador Cleveland now advised Washington to take a definite position on the Soviet proposal, and our delegation at Geneva agreed. It recommended that we tell the NAC that we would be prepared to publicly state in the ENDC that the Soviet draft allowed safeguards agreements between the IAEA and other international organizations. We would take a similar position in the IAEA Board of Governors when the issue came up there. Any agreement should be acceptable both to IAEA and to Euratom. We would be prepared to state in the ENDC that such an agreement would be based on the three principles we had previously outlined to the Soviets:

- (1) There should be reliable safeguards for all non-nuclear-weapon parties.
- (2) The non-nuclear-weapon parties could negotiate safeguards agreements with IAEA "bilaterally or together with other parties."
- (3) IAEA should satisfy itself that nuclear material was not diverted to nuclear weapons or other nuclear explosive devices.¹

Moreover, the IAEA safeguards document made it clear that the sole purpose of reviewing the design of facilities was to permit IAEA to satisfy itself that the facility would permit the effective application of safeguards.

If the NAC was satisfied with the substance of the argument but remained dubious about the Soviet language, we would be prepared to go to the Soviets and suggest adding the underscored language to the third sentence of their draft:

These procedures shall also extend to facilities containing or to contain such materials, including principal nuclear facilities, for the sole purpose of making possible the effective application of safeguards to such material produced, processed or used in such facilities.

On the "carried out by it anywhere" phrase, the delegation thought that the Soviet had agreed that treaty safeguards would not be applied in any nuclear-weapon country, e.g.,

¹For the three principles, see above, p. 172.

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France. While the Soviet draft could be amended to make this explicit, the change would raise awkward questions about unsafeguarded activities in nuclear-weapon countries. The delegation therefore thought it preferable to delete the phrase and substitute "or control," so that the sentence would read:

The safeguards required by this Article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction or control.

As for the time factor, the delegation pointed out that the two-year transition period would not begin until the treaty entered into force and that would probably not occur for 1 1/2 years. Euratom could therefore begin exploratory talks with IAEA at any time and have over three years to conclude an agreement. We would, however, try to persuade the Soviets to accept a three-year transition period if the allies so desired.¹

German, Italian, and Japanese objections

On September 19, FRG Chargé von Lilienfeld gave Under Secretary of State Rostow an oral statement setting forth the position the FRG Cabinet had taken on the Soviet proposal. The FRG further developed the objections Grewe had raised in the NAC² and said that it "would mean a considerable step backward" to accept the Soviet proposal instead of the U.S. draft. The Germans feared that the current IAEA safeguards system would be frozen if it was incorporated in the non-proliferation treaty, which could be modified "only by following a rigid amendment procedure." Euratom would be able only to negotiate for the application of IAEA safeguards and not for verification of its own system. This would jeopardize Euratom safeguards and permit France to free herself from any controls if Euratom broke up. It would also endanger the future of jointly owned facilities and Euratom

¹From Geneva, tel. 859, Sept. 18, 1967, Secret/Limdis.

²See above, pp. 209-210.

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facilities in France. The Soviets were in a weak position, and the procedure Rusk had proposed in his message to Brandt would be a good basis for efforts to gain Soviet acceptance of the substance, if not the language, of the Western proposal. This meant, as the Germans later explained, that they no longer held us to the exact language of our draft. If agreement could not be reached, the United States could table its draft and pin the responsibility for failure to agree on the Soviets, as Rusk had contemplated.¹

Under Secretary Rostow commented that we had not yet taken a position on the Soviet proposal. We had always been concerned that Euratom and other European institutions should not be weakened. While we would take the FRG statement into account, the time element was important, and he thought it better to try to improve the Soviet proposal than for the United States and the Soviet Union to table separate drafts.²

The Italian attitude remained negative. During a visit to the United States (September 18-21, 1967), President Saragat asked why we wanted the treaty in the absence of convincing evidence that the Communists had changed their policy aims. He raised questions about the effect of article III on Euratom but indicated that Italy would sign the treaty, though without enthusiasm, if the draft treaty was improved.³

Roberto Gaja, the Director General for Political Affairs of the Foreign Ministry, was even more critical. He told Assistant Secretary of State Leddy and Robert Kranich, Chief of the Political Division of the ACDA International Relations Bureau, that the Italians believed the Soviets were out to destroy the European Community. He called the new Soviet draft article III a "little half step", which was even worse than the U.S. draft. Referring to the "discriminatory" aspect of safeguards, he said that the Italian Constitution prohibited the acceptance of treaties which imposed obligations without adequate quid pro quos. Italy was concerned that Euratom might be undermined and that France might get out of the Euratom safeguards system and thereby gain a commercial

¹To Paris, tel. 40393, Sept. 20, 1967, Secret, from Bonn, tel. 3240, Sept. 22, 1967, Confidential. For the message to Brandt, see above, p. 163.

²To Paris, tel. 40392, Sept. 20, 1967, Secret.

³To Rome, tel. 42922, Sept. 23, 1967, Secret/Limdis.

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advantage by attracting nuclear investment. Mr. Gaja questioned the "facilities," "carried out by it anywhere," and transition provisions of the Soviet proposal. It was not clear whether it would really permit a verification arrangement between IAEA and Euratom. The Italians would study our view that there was no difference between the Soviet proposal and the U.S. draft on coverage of non-weapons military use.¹

Assistant Secretary Leddy said that it was hard to believe that the Soviets were still trying to destroy the European Community, since most believed that their new proposal was an attempt to accommodate Euratom. We had repeatedly stressed that we would not allow the treaty to threaten NATO or European unification. We had done what we could to get an acceptable article III, and it was also up to the Euratom countries to try to work this out affirmatively. The Soviets simply would not accept safeguards, and to insist on this would block agreement on article III, which the United States and most other states felt to be necessary. He questioned Gaja's view that nuclear investment would flow to France. Mr. Kranich explained that the "facilities" problem could be solved by simply endorsing existing IAEA procedures. He also noted that the 18 months transition period would not begin until 180 days after the treaty was ratified and that negotiations could begin much earlier.²

Japan also had misgivings about the Soviet proposal. In Geneva, Ambassador Tanaka told Fisher that Japanese industry did not like the existing IAEA safeguards document and feared that the Soviet proposal would freeze it and enable the Soviets to demand inspection of all facilities. While he agreed in principle that a facility should be inspected if this was necessary to effectively verify the material, he maintained that it would be enough for the treaty to state that safeguards were intended to check the flow of materials. Mr. Fisher told him that we were thinking of adding the following language at the end of the "facilities" sentence:

¹See above, pp. 139-141 for the U.S. proposal.

²To Paris, Rome, Geneva, Brussels, New York, tel. 40712, Sept. 20, 1967, Secret.

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...for the sole purpose of making possible the effective application of safeguards to such material produced, processed or used in such facilities.

Ambassador Tanaka also took the same line with Roshchin and told him that the Soviets were demanding too much. The Soviet representative noted that the Soviet "facilities" language came from the IAEA safeguards document and merely said that he would report the Japanese démarche to Moscow.¹

NAC meeting, September 20, 1967

Ambassador Cleveland was now instructed to tell the NAC that we did not yet have a position but that we shared some of the allied concerns. The key question was what the Europeans considered necessary to preserve the verification concept. It would be better to agree on possible amendments to the Soviet proposal and not to rely exclusively on agreed interpretations. We could, however, publicly indicate our understanding that the Soviet draft permitted agreements between the IAEA and other organizations, and we could publicly enunciate the three principles, as our Geneva delegation had recommended. The Ambassador could respond to the allied queries on "facilities" and "carried out by it anywhere" along the lines the delegation had suggested. And he should point out that more than three years would probably be available for concluding an IAEA-Euratom agreement.²

Ambassador Cleveland made a statement of this kind at the NAC meeting of September 20. The FRG representative took the same line as von Lilienfeld, and the Italian representative reiterated his previous position. The Germans told us privately that they could agree to our starting talks with the Soviets with a view to clarifying or modifying the Soviet draft on the basis of the comments the allies had already made, without waiting for further NAC action.³

¹From Geneva, tel. 856, Sept. 16, 1967; 885, Sept. 19, 1967; 914, Sept. 21, 1967, Secret.

²To Paris, tel. 40391, Sept. 20, 1967, Secret.

³From Paris, tel. 3736, Sept. 20, 1967, Secret.

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Dutch amendments

The Dutch representative's instructions arrived too late for him to present the amendments his country had decided to propose. The Dutch would change the first sentence of the first paragraph to read as follows:

Each non-nuclear-weapon State Party to this Treaty undertakes to accept International Atomic Energy Agency safeguards for the exclusive purpose of verification of the fulfillment of its obligation assumed under this Treaty not to divert source or special fissionable material to nuclear weapons or other nuclear explosive devices.

The second and third sentences would be deleted. In paragraph 3, the last word would be changed from "Article" to "Treaty." In the last paragraph, the words "under multilateral arrangements" would be added after "together with other States."¹ The Dutch would also replace "carried out by it anywhere" with "under its jurisdiction."²

Euratom and the French problem

The Euratom countries now began to take some action. The EEC Commission sent the Council of the European Community a note in which it analyzed the Soviet proposal and the allied objections at some length and concluded that the Community was competent to negotiate with IAEA. It did not think, however, that the Community could enter into an agreement providing for more IAEA verification of the effectiveness of Euratom safeguards than the United States exercised over the fissionable materials it furnished Euratom.³ ACDA believed that there would be "virtually no

¹From Paris, tels. 3736 and 3741, Sept. 20, 1967, and 3816, Sept. 21, 1967, Secret.

²From Paris, tel. 4287, Sept. 29, 1967, Secret.

³From Geneva, tel. 918, Sept. 22, 1967, Secret. The original French text contained this sentence: "Mais la Communauté ne saurait conclure n'importe quel accord avec l'A.I.E.A." This was initially translated as "But the Community could not conclude any agreement with the IAEA." Our Geneva delegation pointed out, however, that the words "n'importe quel accord" could also be translated as "just any sort of agreement" (from Geneva, tel. 925, Sept. 22, 1967, Secret).

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chance of obtaining mutual agreement" if the Council adopted this position.¹

At this point, we encountered new difficulty with the French. Foreign Minister Couve de Murville told Ambassador Bohlen that it was up to the signatories to make their individual or collective arrangements with IAEA. He was very positive that Euratom could not act without French participation and France would not, of course, participate since she would not sign the treaty.²

Our delegation at Geneva was greatly alarmed and saw "no advantage in going to great effort to making Euratom option more explicit if Euratom is unable to exercise it." It therefore recommended that we immediately bring the French view to the attention of the Five and ask them to explore the problem with the French.³ Ambassador Schaetzel disagreed and recommended that we stay out of Euratom activities. He did not think that the French position had hardened since the Lucet talks, and he cited recent evidence that Euratom might find a way to act by a qualified majority.⁴

Ambassador McGhee observed that the French might not wish to block the treaty once the other Euratom members had agreed. He advised Washington to proceed to the next stage of negotiations as soon as possible, since delay could prompt the German opposition to raise the ABM issue as still another objection to the treaty. In his view, the Germans would consider it better for us to work out a new draft than to negotiate on the basis of the Soviet proposal.⁵ He agreed with Schaetzel on the need to avoid a Franco-American confrontation.⁶

¹Alexander to Acting Secretary of State, memorandum, Sept. 25, 1967, Secret.

²From Paris, tel. 3631, Sept. 19, 1967, Secret. On the other hand, French Ambassador Goldschmidt told Smyth in Vienna that France would not object to an IAEA-Euratom agreement after the treaty was signed (from Vienna, tel. 1114, Sept. 23, 1967, Confidential).

³From Geneva, tel. 898, Sept. 21, 1967, Secret.

⁴From Brussels, tel. 1718, Sept. 21, 1967, Secret. For the Lucet talks, see above, p. 171.

⁵From Bonn, tel. 3173, Sept. 21, 1967, Confidential.

⁶From Bonn, tel. 3226, Sept. 22, 1967, Secret.

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Washington called the French position "disquieting" but noted that Couve had not been specific. It was possible that Euratom might be able to act by a qualified majority or devise a formula enabling the French to abstain. We should not call a meeting of the Five, since that "could provoke [a] premature hardening of [the] French position." Since we should not remain completely silent, however, it instructed McGhee to approach Brandt, recall the President's talk with Kiesinger on German-American consultations, and express the hope that the FRG would play a leading role in bringing about a constructive European position. Ambassador McGhee was to inform Brandt of the Couve talk and suggest that the FRG might be able to deal with the problem "with active diplomacy."¹

Ambassador McGhee noted that the instruction conflicted with his previous advice and asked Washington to reconsider it. He thought that it might cause the French to harden their position and expressed the view that there was enough interest on the part of the Five "to ensure that they will do their best to bring the French to accept some kind of solution, such as French abstention." Moreover, the proposed demarche was politically unrealistic:

For us to propose to the FRG that they take the lead in bringing the French to a reasonable position on article III, is, however, not realistic either in terms of the German/French relationship or the German attitude toward the NPT...

On balance, he thought that the Germans still took a negative attitude toward the treaty:

...Any admonitions on our part to the Germans that it is their duty to come forth with constructive proposals will fall on deaf ears. They would consider that [it is] the US who is responsible for having got the NPT to its present stage and that it is consequently up to us to negotiate it out...²

¹To Bonn, tel. 42407, Sept. 23, 1967, Secret.

²From Bonn, tel. 3250, Sept. 25, 1967, Secret.

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Co-Chairmen's meeting, September 22, 1967

Although the September NAC meeting had not given us a formal "green light" for further discussions with the Soviets, the Germans had privately told us they would not object to our going ahead.¹ In the Western Four, Mr. Fisher found that the Italians and British wished to drop the "facilities" references in the Soviet draft. Although he doubted that the Soviets would accept this change, he agreed to present it and other allied comments to Roshchin.²

Accordingly, he imparted some of the main allied concerns to Roshchin at the Co-Chairmen's meeting of September 22. On the French aspect, Ambassador Roshchin said that there might be an understanding that article III did not apply to nuclear-weapon states. He did not object to Fisher's statement that the IAEA Statute permitted an agreement with Euratom. While he would study Fisher's comments, he emphasized that the fourth paragraph of the Soviet draft had been produced with great difficulty and that there would be very serious difficulties if we attempted to change it. If we tried to introduce Euratom, the whole project would be in great danger. The two-year transition period was taken from the Tlatelolco treaty and therefore had some international standing. He would object to lengthening it.³

Mr. Fisher reported that it would probably be possible to persuade the Soviet delegation to add language making it clear that the sole purpose of inspecting a facility was to make possible the effective application of safeguards to the material to be used in that facility. While it would be more satisfactory for the allies to leave the "facility" problem entirely up to IAEA, he did not think that this would be negotiable with the Soviet delegation. He therefore suggested that Secretary Rusk might take up the question with Gromyko. If the latter proved receptive, the Secretary might propose the following language to replace the first three sentences of paragraph 1 of the Soviet proposal:

¹See above, p. 216.

²From Geneva, tel. 913, Sept. 21, 1967, Secret.

³From Geneva, tel. 924, Sept. 22, 1967, Secret/Limdis.

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Each non-nuclear-weapon State Party to the Treaty undertakes to accept International Atomic Energy Agency safeguards, as provided in the Agency's safeguards system, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices for the exclusive purpose of verification of the fulfillment of the obligations assumed under this Treaty.

He thought that the question of changing the IAEA safeguards system should be covered by interpretation rather than by treaty language. The Soviets agreed that a treaty amendment would not be necessary to change the safeguards and apparently would not object to saying so. They might accept "activities carried out by it in any other non-nuclear-weapon State." He considered it extremely unlikely that the Soviets would agree to treaty language tying down the verification concept, since they were still denouncing Euratom safeguards as "self-inspection." We could possibly make a public statement on the factors to be taken into account in the IAEA-Euratom negotiations, but this would be a sensitive point for the Soviets. It remained to be seen whether they would be adamant on the two-year transition period. He shared Cleveland's view that the Soviet proposal was no different on the "guillotine" than the U.S. draft the allies had previously accepted.¹ These views were communicated to the Acting Secretary of State just before the Rusk-Gromyko talks took place.²

Rusk-Gromyko talks

On September 25, Foreign Minister Gromyko gave Rusk a slightly revised version of the Soviet draft. The only change was in the first sentence of the last paragraph, which now read:

¹From Geneva, tel. 953, Sept. 23, 1967, Secret/Limdis.

²Alexander to Acting Secretary of State, memorandum, Sept. 25, 1967, Secret.

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4. Non-nuclear-weapon states party to the Treaty shall conclude, in accordance with the Statute and the safeguards system of the IAEA, agreements with the Agency to meet the requirements of this article either individually or together with other states.

He said that the USSR would agree to this text if we accepted it. Secretary Rusk replied that the principal problem was not the United States but the Euratom countries and that we would wish to have their views before reaching a final decision. He found Gromyko unprepared to discuss the "facilities" problem.¹

Mr. Foster then discussed the new draft with Lev I. Mendeleevich, the Soviet Deputy Permanent Representative to the United Nations, and told him that it made it less clear that Euratom would be able to negotiate with IAEA. The Euratom countries wished to be sure that elimination of the word "Euratom" did not mean that the organization could not represent them. We felt that it would be better to move the words "in accordance with the Statute" to the end of the sentence and to omit the reference to the safeguards system.

When Mr. Foster reported on these discussions at the September 27 meeting between Rusk and Gromyko, the Soviet Foreign Minister said that he would take another look at the language and asked whether the draft could be completed if he and the Secretary could reach agreement in 24 hours. Noting that Gromyko would leave next day, Secretary Rusk replied that it could not be completed before the October 2 meeting of the European Community. Mr. Foster thought that it would have to go back to Geneva.²

Reporting to the Under Secretary of State, Mr. Foster did not find any of the Soviet changes "really unacceptable provided a proper negotiating record is laid." He warned,

¹From New York, tel. 998, Sept. 26, 1967, Secret/Exdis; to Geneva, tel. 44705, Sept. 27, 1967, Secret/Nodis.

²Memcon Rusk, Gromyko, et al., Sept. 27, 1967, Secret/Exdis.

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however, that they would cause further delay and arouse allied suspicion of Soviet intentions. This was why he had suggested to Mendeleovich that the reference to the IAEA Statute be dropped from the revised sentence. The Soviet representative saw nothing wrong with this but said that Gromyko would have to make the decision. Mr. Foster concluded that the time had come for us to be more forceful in recommending the Soviet draft "as a practical basis for final agreement with such improvements and interpretations as we may be able to negotiate." There were indications that the Euratom countries might be preparing completely non-negotiable amendments, and it was time for us to explain our position in an aide-mémoire to the allies.¹

Ambassador Mendeleovich told him that the Soviets would be very flexible in considering any revisions we might recommend. They would find it difficult, however, to accept our proposal to drop the reference to the IAEA safeguards system in the last paragraph.² Foreign Minister Gromyko later accepted Foster's earlier suggestion to change the position of the phrase. At Foster's request, Ambassador Dobrynin agreed to recommend its deletion.³

The British, who had previously shown some reserve, made a sympathetic statement at the September 26 meeting of the NAC. Ambassador Burrows said that the Soviets had come a long way toward meeting the Western position. The ambiguity of the draft might even be advantageous, since the Soviets might be able to acquiesce in interpretations they could not accept as treaty language, as they had done in the case of articles I and II. The Soviets would be in a weak position when it came to IAEA negotiations, since potential friends of Euratom were in the majority on the IAEA Board of Governors. While the United Kingdom had reservations on the "facilities" language, it was not concerned with the "guillotine" problem. In fact, British analysis suggested that our draft had a "guillotine" and that the Soviet proposal did not.

¹Foster to Under Secretary of State, memorandum, Sept. 28, 1967, Secret/Exdis.

²Memcon Mendeleovich-Foster, Oct. 3, 1967; to Geneva, tel. 48870, Oct. 5, 1967; to Brussels, tel. 49657, Oct. 6, 1967, Secret/Exdis.

³To Geneva, tel. 54264, Oct. 14, 1967, Secret/Exdis.

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The FRG representative said that German concerns had not been fully met and that our interpretations were not adequate. Even with the interpretations, the Soviet draft did not actually prescribe IAEA verification of Euratom safeguards. On the "guillotine" question, the decisive point for the Germans was not the time limit but the obligation to introduce IAEA safeguards, and the Soviet draft contained this obligation. The "discriminatory" aspect was a weak point in the Soviet position, and we should keep pushing them on this. The FRG felt that Euratom consultation should be completed before proceeding further in the ENDC.

The Dutch representative said that future discussions with the Soviets should be based on their draft and that efforts should be made to improve it. He warned that a stiff Euratom attitude could block the treaty and that further delay would promote support for the non-nuclear conference and the Swedish amendment. The Canadian and U.S. representatives stressed the need to settle the question before the First Committee of the General Assembly took it up.¹

U.S. aide-mémoire, October 5, 1967

After this meeting, Mr. Fisher sent Foster a draft position paper and recommended that we immediately circulate it in the NAC.² As noted above, Mr. Foster was already thinking along these lines.³ Mr. Fisher advised Rusk and Foster that there was one key question to be decided:

...this problem has now been reduced to one main question which you and the President will have to decide. That question is whether the U.S. is so committed to spelling out in article III the concept of an agreement between IAEA and Euratom, which is different in kind from the safeguards agreements which IAEA will enter into with other countries parties to the treaty, that we are prepared to insist on this point even though this may well result in our not obtaining a non-proliferation treaty.

¹From Paris, tel. 4099, Sept. 26, 1967, Secret.

²From Geneva, tel. 1022, Sept. 29, 1967, Secret.

³See above, p. 223.

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While it was clear that the Soviets would recognize that their compromise allowed an IAEA-Euratom agreement and were willing for us to say so publicly, they would not agree to amend their proposal to explicitly provide for IAEA "verification" of Euratom safeguards. Mr. Fisher believed that the Soviets would be supported on this issue by most countries that did not belong to Euratom. He also pointed out that IAEA would have to rely heavily on Euratom in practice, both because it had effective safeguards and because IAEA's own workload would be substantially increased when the treaty entered into force.¹

On October 2, Mr. Foster recommended to Rusk that we make our position known to the allies and advised him to raise the problem with the President. He warned that it would be dangerous to wait another week, since we might have to begin the First Committee debate with a blank article III, and this "would encourage non-aligned countries to make other unacceptable suggestions."² While Acting Assistant Secretary of State Stoessel agreed that we should press ahead, he wished to avoid the appearance of dictating to the allies or undercutting the European consultations. He was "especially concerned about German sensitivities" and warned that "attempts to force the German hand could work against our over-all objective." He therefore opposed the tight deadlines ACDA had in mind and preferred to wait until more information had been obtained on the European discussion.³

There was no indication, however, that the European Community would make an early response. It was decided to drop the deadlines but to send out the aide-mémoire at once. The aide-mémoire, delivered in the NATO capitals on October 5, closely followed the lines of Fisher's draft position paper. It stated that we would be prepared to accept the Soviet draft as it stood, since we believed that it would permit the non-nuclear-weapon members of Euratom to negotiate collectively with IAEA and allow a verification concept along the lines of the three points we had previously made to the Soviets.⁴ In the light of the allied consultations, however, we considered it advantageous to seek Soviet agreement on certain changes and understandings:

¹From Geneva, tel. 1054, Oct. 2, 1967; Secret/Nodis.

²Foster to Rusk, memorandum, Oct. 2, 1967, Secret.

³Stoessel (State/EUR) to Rusk, memorandum, Oct. 3, 1967,

Secret.

⁴See above, pp. 171-172.

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(1) The Soviet "facilities" language tended to prejudice an issue that had long been under discussion in IAEA and to make it difficult to amend the safeguards document or to reduce the intrusiveness of safeguards, as the preambular treaty paragraph on automated safeguards contemplated. We would therefore propose replacing the first three sentences of the Soviet draft with the neutral language previously recommended by Mr. Fisher.¹ We did not include the Dutch language because we did not think that the Soviets would accept it, since it was very similar to the U.S. draft they had rejected.² If this did not prove negotiable, we would point out that the Soviet draft did not adequately describe the present IAEA system and propose the following fallback amendment to the third sentence of the first Soviet paragraph:

...These procedures shall also extend to facilities containing or to contain such materials, including principal nuclear facilities, for the sole purpose of making possible the effective application of safeguards to such material produced, processed or used in such facilities.

(2) The Soviets had told us that a treaty amendment would not be required to change the existing IAEA safeguards document, and this was the clear "common sense interpretation" of the language they had proposed. Hence we did not consider it necessary to change their language, but we would make an appropriate statement when article III was tabled and try to have them make a similar statement.

(3) Since it was essential to prevent evasion of the treaty and the "carried out by it anywhere" language was also included in the limited test-ban treaty,³ we would find it difficult to argue that the phrase should be omitted. We would, however, attempt to obtain an understanding that it would apply "only to facilities under the dominant and effective control of a non-nuclear-weapon state party to the treaty." Past discussions indicated that the Soviets would be amenable to such an understanding.

¹See above, p. 221.

²See above, pp. 140-141, 217.

³See art. I(2) of the treaty (Documents on Disarmament, 1963), p. 292.

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(4) It was our opinion that the Soviet draft permitted an IAEA-Euratom agreement. To make this clear, we would state in the ENDC and the IAEA Board of Governors that the language permitted the IAEA to enter into an agreement with another organization.

(5) Although the exact nature of an IAEA-Euratom agreement remained to be determined, Euratom would not be in a weak bargaining position and IAEA safeguards could not be applied to Euratom countries until the two organizations had reached an agreement. The exact nature of the agreement could not be spelled out in advance, but we thought that it would fall between two extremes - (1) a duplication of Euratom safeguards by IAEA and (2) a "paper inspection of the records of Euratom" by IAEA. At an appropriate time, we would publicly state the three principles which should be taken into account:

A. There should be safeguards for all non-nuclear weapon parties of such nature that all parties can have confidence in their effectiveness.

B. In discharging their obligations under article III, non-nuclear-weapon parties may negotiate safeguards agreements with the IAEA bilaterally or together with other parties, and specifically, an agreement covering such obligations may be entered into between the IAEA and another international organization the work of which is related to the IAEA and the membership of which includes the parties concerned.

C. In order to avoid unnecessary duplication, the IAEA should make appropriate use of existing records and safeguards, provided that under such mutually agreed arrangements the IAEA can satisfy itself that nuclear material is not diverted to nuclear weapons or other nuclear explosive devices.

(6) We would not try to change the transition period the Soviets had proposed. As we had previously pointed out,

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this would give Euratom "substantially more than two years" to work out an agreement with IAEA.¹

Allied reactions varied. The French avoided taking a clear position on Euratom's authority to negotiate with IAEA.² The Canadians interposed no objections.³ The British disliked the first U.S. amendment and suggested three alternatives:

(1) Each non-nuclear-weapon State Party to this Treaty undertakes to accept safeguards as set forth in an agreement to be negotiated for this purpose with the IAEA.

(2) Each non-nuclear-weapon State Party to this Treaty undertakes to accept safeguards as set forth in an agreement to be negotiated for this purpose with IAEA as provided in the Statute of the IAEA.

(3) Each non-nuclear-weapon State Party to this Treaty undertakes to accept IAEA safeguards as set forth in an agreement to be negotiated for this purpose with IAEA.

They also suggested some minor drafting changes.⁴

While we did not consider the first two British alternatives negotiable, the third alternative might be negotiable if the second and third sentences were retained. The first three sentences might be revised to read as follows:

Each non-nuclear weapon State Party to the Treaty undertakes to accept International Atomic Energy Agency safeguards, as set forth in an agreement to be negotiated for this purpose with the IAEA, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear

¹Circ. tel. 48868, Oct. 4, 1967, Secret.

²From Paris, tel. 4841, Oct. 7, 1967, Secret.

³From Ottawa, tel. 423, Oct. 7, 1967, Secret.

⁴From Geneva, tel. 1120, Oct. 7, 1967, Secret. For the U.S. delegation's views, see Geneva, tel. 1123, Oct. 7, 1967, Secret.

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weapons or other nuclear explosive devices, for the exclusive purpose of verification of the fulfillment of obligations assumed under this treaty. As provided in the Agency's safeguards system, procedures for the safeguards required by this article shall be followed with respect to source or special fissionable material whether it is produced, processed, or used in any principal nuclear facility or is outside any such facility. These procedures shall also extend to facilities containing or to contain such material, including principal nuclear facilities, for the sole purpose of making possible the effective application of safeguards to such material produced, processed or used in such facilities.¹

When Ambassador Burrows presented the British views to the NAC on October 10, he said that it might be possible to keep the second and third sentences of the Soviet draft if the first sentence was changed as we had proposed. The Canadian representative wanted our interpretation of the "carried out by it anywhere" phrase and the three principles incorporated into a formal statement of interpretation. Ambassador Grewe said that the FRG could not take a formal position until Euratom constultation was completed. He referred sympathetically to the Dutch amendment and said that a "verification" solution to the Euratom problem could not be covered in an interpretation. He agreed with the Dutch that "carried out by it anywhere" should be deleted.

The Italian representative said that his country was not ready to take a definite position. Italy still felt strongly about "discrimination" and was not satisfied with the Anglo-American offer. There was also a need for an explicit American assurance that the treaty still covered only what was prohibited, not what was permitted, especially in the field of nuclear energy.

¹To Geneva, Paris, London, etc., tel. 51151, Oct. 9, 1967, Secret.

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Ambassador Cleveland said that we would not negotiate with the Soviets until we had a clearer word from Euratom but that we expected this would be accomplished within a reasonable time. In his concluding remarks, Secretary-General Brosio felt that we could conclude from the discussion that the situation was ripe enough to table a treaty but noted Cleveland's statement.¹

Euratom developments

We had not yet heard from the European Community, and there appeared to be no prospect of an early reply. Mr. Foster advised the Secretary of State that this could have serious consequences:

...If we do not get a green light from the October 18 NAC meeting to begin negotiations with the Soviets, we shall have to consider some tough alternatives: (1) further démarches to our allies to speed-up consultations; (2) negotiating without a green light, which poses the question of past commitments to allies; (3) the possibility of having to go to New York with a blank or three versions of Article III; or (4) further slippage in the ENDC/UNGA schedule which in my opinion would be extremely difficult, if not impossible.²

Acting Assistant Secretary of State Stoessel concurred in Foster's report but warned that negotiating without a "green light" would precipitate a "major political confrontation with Germany and Italy, possibly even supported by the Benelux countries" and that the Germans would consider our action a violation of the President's commitment to Kiesinger and Rusk's pledge to Brandt. He felt that we would have to wait for an allied response if it took a week or two.³

¹From Paris, tel. 5050, Oct. 12, 1967, Secret.

²Foster to Rusk, memorandum, Oct. 10, 1967, Secret.

³Stoessel to Rusk, memorandum, Oct. 11, 1967, Secret.

For the U.S. commitment, see above, pp. 151, 163.

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Later, ACDA opposed Stoessel's suggestion for a memorandum of understanding between Euratom and IAEA before the treaty was signed. ACDA feared that this would mean that most states would delay signing the treaty until this agreement had been concluded. While it agreed that ratifications would probably be delayed until the Euratom states had acted, it did not believe that we should propose "procedures which would delay signing the treaty, thus adding to the delay before it becomes effective."¹

On October 12 the EEC Commission replied to inquiries from Euratom members. It held that the Dutch amendment to paragraph 1 "would risk bringing in purely and simply a superposition of IAEA controls on those of Euratom."² In its view, another path should be taken:

The Commission on the contrary believes that a solution could be sought by the negotiation of an agreement with the IAEA with a view to permitting a verification of the effectiveness of Euratom control and its equivalence with that of the IAEA, by mutually approved scientific methods, such as those in operation in the framework of the Euratom/US accord...

Nor did it think that the Dutch proposal to include the word "multilateral" in the last paragraph would permit the conclusion of an IAEA-Euratom agreement. The Benelux countries had proposed making a reservation when the treaty was signed, stating that instruments of ratification would not be deposited until a satisfactory agreement had been concluded. The Commission thought it better, however, to make a reservation dealing only with article III:

The application of Article III of the present Treaty on the territories of member States of Euratom who are Parties thereto is dependent on the conclusion of a verification agreement between the Community and the IAEA assuring the safeguarding of the rights and obligations of the

¹ACDA memorandum to Stoessel, Oct. 16, 1967, Secret; Stoessel to Foster, memorandum, Oct. 6, 1967, Secret.

²For the Dutch amendment, see above, p. 217.

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said States resulting from the Treaty concluded at Rome, March 25, 1957, and of the authority granted to Euratom by this Treaty.

If this reservation was accepted by other signatories when the treaty was signed, it would permit the instruments of ratification to be deposited. If the other parties rejected the reservation, however, the Five would declare that they could not deposit the instruments until a satisfactory agreement was concluded.¹

The U.S. Mission to Brussels now recommended substituting "international safeguards" for "the safeguards of the International Atomic Energy Agency" in the first sentence of the first paragraph and dropping the "carried out by it anywhere" language.² Mr. Fisher believed that this draft would be non-negotiable and inadvisable. He recommended that we maintain the position we had taken in the aide-mémoire, possibly with the third amendment suggested by the British.³

Brandt-Rusk letters

On October 12, the FRG Cabinet Defense Council discussed the non-proliferation problem. Science Minister Stoltenberg and Defense State Secretary Carstens reportedly advised Chancellor Kiesinger to sink the treaty. They argued that France would be able to free herself from safeguards if Euratom was undermined. Foreign Minister Brandt, however, persuaded Kiesinger to agree to a more moderate line.⁴

Acting on instructions from Brandt, Ambassador Knappstein told Rusk and Foster on October 12 that the FRG was concerned about the way discussions were going. It did not feel that Euratom interests were sufficiently taken into account in the Soviet proposal or in the U.S. amendments and interpretations, and our aide-mémoire did not dispel this impression. We should understand that the European Community procedures took time,

¹From Geneva, tel. 1198, Oct. 13, 1967, Secret.

²From Brussels, tel. 2391, Oct. 20, 1967, Secret.

³From Geneva, tel. 1302, Oct. 22, 1967, Secret. See above, pp. 225-228.

⁴From Bonn, tel. 4103, Oct. 12, 1967, Secret/Limdis.

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and there would be unfortunate consequences if the Euratom countries got the impression that they were being pressured or that their good faith was being questioned. The FRG continued to rely on the assurances Rusk had given Brandt in May.¹

When Mr. Foster pointed out that the Soviet draft tried to meet our position that Euratom must be protected and the Soviet position that it should not be named in the treaty, the Ambassador replied that the FRG would not object if Euratom was not mentioned, but it wanted Euratom to be in a position to make agreements with IAEA similar to those IAEA made with individual countries. Mr. Foster observed that Euratom would not be asked to accept anything more than the United States if we offered to put our peaceful activities under IAEA.

Secretary Rusk said that we did not yet have an article III which the Soviets would accept and that we had not accepted the Soviet draft. Time was important and we could lose control over the treaty if we took an incomplete draft to the General Assembly. Mr. Foster noted that we would have trouble with the non-nuclear conference scheduled for the spring of 1969 if the General Assembly failed to act.²

Foreign Minister Brandt followed up this démarche with a personal letter to Rusk defending the FRG position:

...The German Government and the other non-nuclear EURATOM states cannot seriously be reproached with a lack of willingness for 'give and take'. We have already done much to advance the negotiations concerning the non-proliferation treaty. In consideration of the Soviet demands, we have, for our part, put aside the requirement of universality of safeguards, then that of establishment by treaty of the principle of nondiscrimination in the field of peaceful uses. The verification solution in the American draft worked out in the Western consultations represents, in the opinion

¹See above, p. 163.

²Memcon Knapstein, Rusk, Foster, et. al., Oct. 12, 1967, Secret; to Geneva, tel. 53449, Oct. 13, 1967, Secret/Exdis.

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of the German Government, the extreme position beyond which we cannot go without far-reaching negative consequences.

The Germans were concerned about the extension of safeguards beyond the limits required by the non-proliferation treaty and about the need to protect their Euratom interests and obligations. Foreign Minister Brandt complained that the "verification" solution was being relegated to the background and was "astonished at the ever more frequent insinuations that are made against us because of our faithfulness to the EURATOM treaty."

In his view, the safeguards system should be so arranged as to avoid "any additional risk of disintegration of Europe." While the non-proliferation treaty would inevitably divide states into nuclear-weapon and non-nuclear-weapon groups "for the time being," it need not necessarily extend this discrimination against the non-nuclear nations by "placing controls only on them concerning peaceful uses of atomic energy." Because of the Soviet attitude, however, the FRG was willing to accept an arrangement in which the United States and the United Kingdom would voluntarily accept controls and France would remain bound by Euratom controls. But it would not accept "double controls," which would amount to "unacceptable discrimination...and would additionally burden European coherence as a result of the special nuclear position of France."¹

Ambassador Cleveland did not see how we could press for a "green light" from the allies at the next NAC meeting in the light of this letter without provoking a "major blow-up" from the Germans and Italians.² At the October 18 meeting of the NAC, Ambassador Grewe said that the FRG had submitted amendments in Euratom and was trying to speed up action. Ambassador Cleveland commented that we had hoped to have a joint Euratom view by now. We recognized the complexity of the Euratom problems and had no desire to establish arbitrary deadlines. But the General Assembly schedule put pressure on all the allies, and we would be in a better position to protect Euratom interests if there was a complete draft treaty when the First Committee began its debate.³

¹Brandt to Rusk, ltr., Oct. 13, 1967 (German Embassy translation), no classification given/Exdis; to Bonn, tel. 54381, Oct. 14, 1967, Secret/Exdis.

²From USNATO, tel. 14, Oct. 17, 1967, Secret/Exdis.

³From USNATO, tel. 26, Oct. 18, 1967, Secret.

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Mr. Fisher advised the Secretary to inform Brandt that we understood how the FRG might feel that it could not sign an article III without indicating that its ability to ratify would depend on Euratom approval in the "light of an agreement or understanding of basic principles worked out between Euratom and the IAEA." While this decision would be for the Germans to make and we could not recommend it to them, it was legally sound and politically supportable.¹

In his reply to Brandt, Secretary Rusk said that we had been guided by the two fundamental concerns of maintaining the integrity of the alliance and facilitating the development of the European Community. We believed that the non-proliferation treaty would be beneficial to the alliance:

We believe that an equitable non-proliferation treaty is important to the whole world. It will reduce tensions between the two sides, and the likelihood of nuclear war. If a non-proliferation treaty satisfies the basic concerns of our allies, it will clearly be in the interest of the alliance as a whole...

As we had indicated in our aide-mémoire, we considered the Soviet draft compatible with the verification concept the alliance had worked out provided that the Soviet Union accepted certain amendments. We had discussed our interpretations with the Soviets, and we would "expect the Soviets not to object to them."

Secretary Rusk stressed the urgency of obtaining early NATO agreement and warned that failure to submit a complete draft treaty to the General Assembly would probably result in sending it back to Geneva with many unacceptable recommendations. Indeed, a large majority would probably support the earlier Soviet draft article III. We believed, however, that the allied consultations would succeed, and we would be guided by their result. If this approach was not successful, we were "fully prepared to carry out the assurances" contained in his May message to Brandt.

¹From Geneva, tel. 1258, Oct. 18, 1967, Secret/Exdis.

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While we understood the German view that the Soviet draft did not sufficiently take Euratom interests into account, we also hoped that the Euratom reply would "take into account, insofar as possible, the complicated negotiating situation in Geneva" and offer alternative suggestions which had some chance of acceptance if our own proposals were not considered sufficient.¹

Mr. Fisher had advised the Secretary to tell Brandt that we did not expect the IAEA-Euratom negotiations to adversely affect the continuation of Euratom safeguards in France, because we strongly supported the Euratom safeguards system. Our influence as a supplier of raw material to Western Europe would be directed "towards supporting the continued application of Euratom safeguards, within the framework of an agreement with IAEA," and we would oppose "any attempt to substitute in this area national safeguards for those of Euratom."²

Contrary to ACDA's wishes, the French role was not discussed in the Secretary's letter. ACDA then proposed that Ambassador McGhee be instructed to deliver any oral statement on the subject.³ Assistant Secretary of State Leddy did not concur. He pointed out that the Germans were already aware of French dependence on us and would probably leak the information to the French. Moreover, they would probably take the question up with them in any case. Basically, he felt that any U.S. intercession would be counterproductive.⁴ This argument was decided in ACDA's favor, and Ambassador McGhee was instructed to tell the Germans that we had no intention of reverting to bilateral safeguards with France.⁵ Foreign Minister Brandt was absent from Bonn when Ambassador McGhee delivered the letter and made the oral statement to the Foreign Ministry on October 20. The Ambassador considered the letter a "fair and adequate reply."⁶

If asked, Ambassador Schaetzel was authorized to make the following oral statement on U.S. nuclear fuel supply policy:

¹To Bonn, tel. 56742, Oct. 19, 1967, Secret/Exdis.

²From Geneva, tel. 1258, Oct. 18, 1967, Secret/Exdis.

³Alexander to Rusk, memorandum, Oct. 19, 1967, Secret.

⁴Leddy (State/EUR), to Rusk, memorandum, Oct. 19, 1967, Secret.

⁵To Bonn, tel. 57167, Oct. 20, 1967, Secret/Exdis.

⁶From Bonn, tel. 4460, Oct. 20, 1967, Secret/Exdis.

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The U.S. will continue to fill its present and prospective fuel obligations to the Euratom member states via Euratom and the Euratom fuel supply agency.

Our agreements for cooperation with Euratom provide that the Commission will carry out certain safeguards responsibilities as a condition for the receipt of the materials. This being the case, we do not intend to revert either to a bilateral channel for supply of materials to Euratom state^s or the application of US bilateral safeguards.¹

In Geneva, General Burns (Canada) obtained a copy of the Brandt letter from the FRG observer and discussed it with Fisher. When the latter summarized Rusk's reply, General Burns expressed concern that this might give the Germans a "green light" to persuade Euratom to adopt non-negotiable amendments. He was disturbed over the possibility that article III might not be settled before the General Assembly debate began.²

The Canadians also heard of some German amendments which Mr. Fisher considered to be quite non-negotiable. If Euratom adopted them, he thought that we would either have to try to get the Euratom countries to reconsider them or bring them up in a Co-Chairmen's meeting in the knowledge that "they would undoubtedly be rejected." Since he saw a danger that the Germans could use the Rusk letter as an argument that we supported their position, he recommended to Rusk that we inform all Euratom members of the Rusk-Brandt correspondence and explain that the Secretary did not mean to express a judgement on whether any particular amendment was reasonable. We should also say that amendments of the type we had heard were being considered would not be negotiable and that their adoption by Euratom "would only serve the purpose of delay that would adversely affect long range Euratom and NATO interests."³

¹To Brussels, tel. 57979, Oct. 21, 1967, Secret/Exdis.

²From Geneva, tel. 1287, Oct. 20, 1967, Secret/Exdis.

³From Geneva, tel. 1296, Oct. 20, 1967; to Brussels, Bonn, USNATO, tel. 58103, Oct. 23, 1967, Secret/Exdis.

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Ambassador McGhee opposed this recommendation. He did not think that Brandt would show Rusk's letter at the Euratom meetings or use it to prove that the reported German amendments had our support. "To infer to others that Brandt would do so and to attempt to intervene at this late date... by lobbying against a presumed German draft," he wrote, "would, in my judgement, run a very grave and unjustifiable risk of alienating not only Germany but other Euratom members."¹

In Geneva, Mr. De Palma told the representatives of Belgium, the FRG, Italy, and the Netherlands that he hoped the Euratom members would seek negotiable formulations which would allow agreement on article III in time for the General Assembly debate. He warned that further delay in response could result in going to the General Assembly with a blank article III and that this would be adverse to Euratom interests. A non-negotiable response would have the same result. From these discussions, it was clear that the FRG was seeking a stronger minimum position than the Benelux countries. It also appeared that Italy might take a more moderate position, since the Italian Parliament had recently given the Government a vote of confidence on the non-proliferation treaty.²

German amendments

Meanwhile, our Mission at Brussels learned that the Germans were proposing to replace the first paragraph of the Soviet draft with the following language:

In order to prevent diversion of source or special fissionable materials from peaceful uses to nuclear weapons or other nuclear explosive devices, each non-nuclear-weapon State Party to this Treaty undertakes to have safeguards as set forth in agreements negotiated and concluded with the IAEA bilaterally or under multilateral arrangements or by organizations whose work is related to that of the Agency. Conclusion of agreements with such organizations shall be facilitated by IAEA members and members of respective organizations, Parties to this Treaty.

¹From Berlin, tel. 516, Oct. 23, 1967, Secret/Exdis.

²From Geneva, tel. 1320, Oct. 23, 1967, Confidential.

During his September visit, Saragat had told us that Parliament was more favorable to the treaty than the Government.

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Procedures for the safeguards required shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or outside such facility. The safeguards required by this Article shall be applied on all source or special fissionable material for all peaceful nuclear activities within the territory of such State, under its jurisdiction.

The words "non-nuclear-weapon State" would be omitted from the second paragraph, thus requiring safeguards on transfers between nuclear powers of nuclear materials for peaceful purposes. In the third paragraph, the Germans would add a reference to a preambular paragraph on safeguards. The first sentence of the last paragraph would be eliminated and replaced by a reference to "the agreements referred to in paragraph 1." All specific time periods would be deleted from the last paragraph.¹

Euratom five principles (October 24, 1967)

On October 24 the Foreign Ministers of the non-nuclear-weapon Euratom countries agreed on the following five principles: (1) safeguards only on materials, (2) the necessity of a Euratom-IAEA agreement, (3) the verification concept, (4) the continuance of fissionable material supply until the Euratom-IAEA agreement was reached, and (5) no guillotine clause.²

At the October 25 NAC meeting, the Italian representative presented the five Euratom principles and asked the NAC to defer further discussion until the experts had presented a draft. Ambassador Grewe presented an "illustrative draft" similar to the proposal the FRG had introduced in Euratom. The Dutch representative stressed that the five principles went beyond the proposals his country had previously made³ but that the Euratom countries were unanimously agreed.

¹From Brussels, tel. 2390, Oct. 20, 1967, Secret/Limdis.

²From Brussels, tel. 2450, Oct. 24, 1967, Limited Official Use.

³See above, p. 217.

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Ambassador Cleveland said that he would be concerned if the Euratom governments endorsed the experts' recommendations without consulting the United States, since it was the United States which would have to negotiate with the USSR. The representatives of the Euratom countries stated that the experts' draft would be amendable within the framework of the five principles.¹

Mr. Fisher observed that the FRG "illustrative draft" was non-negotiable and unlikely to gain general international acceptance. He thought that we should immediately make this clear to the Germans and tell them that it would not serve as a basis for the allied negotiations.² Ambassador McGhee disagreed. He objected that Fisher was concerned only about negotiability with the Soviets and did not consider the "reasonableness of the German draft in the light of genuine German and Euratom interests and concerns." We should give the Germans and other Europeans time to work out their own proposal and then discuss the result with them. Once they had gone as far as they felt they could go, we should present their position to the Soviets and support it. In his view, immediate progress on the draft treaty did not warrant "jeopardizing the confidence which we still enjoy with the FRG, as perhaps our most crucial ally."³

As Mr. Fisher saw it, the real problem was not that the Euratom countries had been given insufficient time but that there were basic differences among them. He considered it important for us to assert leadership and settle the question in time to finish the treaty negotiations by the end of the year. This meant that we must have a "definite and reasonable response" from the Euratom countries no later than November 1. Even if all went well, we could not expect to table article III until November 20, and the ENDC would not recess until the end of the month. He warned that delay could have dangerous consequences:

¹From USNATO, tels. 105 and 108, Oct. 25, 1967, Secret.

²From Geneva, tel. 1366, Oct. 26, 1967, Secret/Limdis.

³From Bonn, tel. 4568, Oct. 26, 1967, Secret/Limdis.

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With strong tendency developing in the ENDC toward free-swinging attacks on present NPT draft and prospect of more amendments to come designed to delay conclusion of the treaty, believe we face critical decision. As seen from here, believe it no exaggeration to say that NPT already somewhat over-ripe and in danger of being made subject of interminable negotiation, not unlike GCD. We think its chances of emerging in acceptable form from another round of negotiations in 1968 would be considerably diminished.

He therefore recommended that we try to prevent any delay and get an early response from the Euratom countries.¹

As completed by the experts on October 27, the five principles were as follows:

1. Safeguards under the NPT must be applied to source and special fissionable material and not to facilities.
2. There should be no misunderstanding that as far as EA member States are concerned, safeguards under the NPT will be applied on the basis of an agreement to be concluded between EA and IAEA.
3. This agreement should be based on the principle of verification of Euratom safeguards by IAEA; the implementation of this principle shall be negotiated between the two organizations.
4. Pending the conclusion of the agreement between Euratom and IAEA, EA member States concerned wish to stress that there should be no misunderstanding, that the obligations with regard to Euratom (or to its member States) entered into by any Party to a NPT shall not be affected by provisions of Article III dealing with supply.

¹From Geneva, tel. 1382, Oct. 26, 1967, Secret/Exdis.

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5. The Euratom member States concerned, determined to act in common, have to be sure that the position of Euratom when negotiating to arrive at a satisfactory agreement with IAEA will not be prejudiced by any eventual provision of Article III, as for example on a time period.

In further remarks, they would express their doubts about the legal possibility of assuming an obligation to apply safeguards on activities carried out "anywhere" and declare that nothing in the non-proliferation treaty should hamper the application of the Euratom treaty.¹

When British Ambassador Beeley told him that the five principles should not be too difficult for us to live with, Mr. Fisher replied that it would depend on how they were implemented. The German "illustrative" draft would not be negotiable, but we might be able to negotiate along the lines of our aide-memoire, as modified by the third British amendment. Ambassador Beeley thought that this was reasonable and suggested that we could proceed to negotiate with the Soviets on the basis of the five principles even if the Euratom countries came up with a non-negotiable proposal. Mr. Fisher advised Washington that this might be a feasible approach.² In London, the Foreign Office told our Embassy that it would be better to advance the Euratom texts in Geneva even if they proved to be non-negotiable.³

Getting the "green light"

Mr. Foster now made three recommendations to the Secretary of State:

(1) We should begin negotiations with the Soviets immediately if the Euratom countries came up with negotiable proposals by October 30 or 31.

¹From Brussels, tel. 2529, Oct. 27, 1967, Confidential. The further remarks were not accepted by all the Five (from USNATO, tel. 193, Oct. 31, 1967, Secret).

²From Geneva, tel. 1386, Oct. 26, 1967, Secret/Limdis.

³From London, tel. 3404, Oct. 27, 1967, Secret/Limdis.

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(2) We should even try out any non-negotiable proposals they might make by that time. If they were rejected, however, we would proceed to negotiate on the basis of our aide-mémoire plus British suggestions. In that case, we would advise the Euratom countries that they could withhold ratification of the non-proliferation treaty in order to protect their Euratom obligations.

(3) If the Euratom countries did not respond by October 30 or 31, ACDA believed that it would be impossible to complete article III in time for the General Assembly. We should therefore propose recessing the ENDC and suggest reconvening it in New York in late November. If this was not possible, we should table separate but identical draft treaties at the General Assembly with a blank article III. If we were then unable to agree with the Soviets on that article, we were probably committed to table our earlier draft.¹

Assistant Secretary of State Leddy did not concur. Even if we reached agreement with the Soviets, he did not think that article III should be tabled until we were sure that none of the allies had any objections. We should not negotiate with the Soviets on the basis of our aide-mémoire, since the Euratom allies, especially the FRG and Italy, had found it insufficient. Moreover, it would be interpreted as "acting counter to the assurances" in Rusk's letter to Brandt and thus "imperil the whole treaty." He favored a harder line with the Soviets:

...We believe we should make it quite clear to the Soviets in tabling the NAC agreed Article that the allied position is firm and that if they want an NPT they will either have to accept it or make another long step in the direction of the allied position which we could then take back to the allies.

¹Foster to Rusk, memorandum, Oct. 27, 1957, Secret/Limdis, with attached paper, "Possible Alternative Procedures," Secret. See also draft tel. to Fisher re "Draft Instruction to Cleveland Under Discussion Here," Secret.

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If Euratom did not respond, we should continue to leave the article blank and try to work out a compromise solution with the Germans to provide a basis for negotiating with the Soviets.¹

On October 28, Foreign Minister Brandt sent Rusk a memorandum stating that the European Commission had ruled that none of the existing American or Soviet drafts were compatible with the Euratom treaty and that any article prescribing IAEA safeguards would be incompatible with that treaty. The FRG could not therefore "adopt any other attitude on this question" than it had done so far. It intended to introduce a modified version of its amendments in the ENDC, and these wordings should be negotiable with the Soviets. It was better to submit a draft article acceptable to the FRG as a member of Euratom than to resort to the "makeshift of ratification reservations or the like." Although Mr. Brandt did not describe the new German amendments in detail, he stated that the FRG would accept the time periods in the last paragraph of the article.²

On the next day, Mr. Fisher reported that he had happened to sit next to the Belgian expert Willot on the plane from Geneva to Brussels and that the latter had showed him the text of an illustrative draft which the Germans and the Belgians might present to the next NAC meeting. The draft was very similar to the previous German draft except for the time periods.³ Mr. Foster informed Rusk that the new FRG draft was even worse than its predecessors. He doubted that the Germans would have time to renegotiate it with the other Euratom countries before the NAC meeting scheduled for October 31. He did not believe that there should be any further delay in sending instructions to Cleveland.⁴

Before the instructions were sent, however, our Embassy at Bonn reported that the FRG had changed the first paragraph of its "illustrative draft" to read as follows:

¹Leddy (State/EUR) to Rusk, memorandum, Oct. 27, 1967, Secret.

²Brandt to Rusk, ltr., Oct. 29, 1967, Secret, with attached memorandum, Secret; to Geneva, tel. 61580, Oct. 29, 1967, Secret/Limdis.

³From Geneva, tel. 1414, Oct. 29, 1967, Secret/Exdis.

⁴Foster to Rusk, memorandum, Oct. 30, 1967, Secret.

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With a view to preventing diversion of source or special fissionable material from peaceful uses to nuclear weapons or other nuclear explosive devices, each (non-nuclear-weapon) State Party to the Treaty undertakes to have safeguards as set forth in agreements negotiated and concluded with the International Atomic Energy Agency as provided in its Statute. Conclusion of agreements with organizations the work of which is related to that of the Agency shall be facilitated by members of the IAEA and members of respective organizations Parties to the Treaty. Procedures for the safeguards required shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility. The safeguards required by this Article shall be applied on all peaceful nuclear activities within the territory of such State, under its jurisdiction.

In the second paragraph, the words "non-nuclear-weapon" would be placed in parentheses. The time periods would remain in the last paragraph.¹

Our delegation at Geneva was also informed of the proposed changes by the German observer, who indicated that Italy was refusing to agree to any common Euratom language.² In Rome, the Foreign Ministry told our Embassy that the Five would only present their principles to the NAC and leave the exact language protecting the principles to be negotiated by the United States with the Soviet Union. The Italians hoped that we would give them credit for the outcome and assumed that this was what we wanted.³

Ambassador McGhee still believed that it would help to overcome German objections to the treaty as a whole if we used the German draft in our discussions with the Soviets.

¹From Bonn, tel. 4654, Oct. 30, 1967, Secret/Limdis.
Cf. above, pp. 238-239.

²From Geneva, tel. 1415, Oct. 30, 1967, Secret/Limdis.

³From Rome, tel. 2270, Oct. 30, 1967, Confidential.

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In his opinion, Mr. Fisher was wrong to assume that the German proposals were necessarily non-negotiable. On the contrary, it seemed to McGhee that the Soviets were seriously interested in getting a successful treaty and might well make concessions to Euratom and the Germans.¹

Ambassador Cleveland was now instructed to tell the NAC that the time had come to act. We had accepted several delays, but the ENDC and General Assembly schedules required an "immediate NAC consensus." The ENDC could not be kept in session into November unless the nonaligned delegations had grounds to hope that agreement could be reached on article III. We understood that the Five had not been able to agree on the FRG draft. If it was presented, the Ambassador should say that it would "pose difficult problems" in the Co-Chairmen's negotiations. We would nevertheless "make a serious effort [to] obtain Soviet acceptance" if there was general allied support for the FRG proposal. If the Soviets rejected it or the allies did not support it, we would negotiate with the Soviets "making [an] effort to protect the five principles." The Ambassador should point out that our aide-mémoire, as supplemented by the British amendment, "would go a long way to protect [the] five principles." The Euratom countries would be free to "follow procedural arrangements, e.g., withholding ratifications," to protect their obligations under the Euratom treaty. The allies would run greater risks in failing to act at this time:

...We see equal if not greater danger in further delay in completing article III, which involves interests of non-European countries, including US allies like Japan. It [is] unnecessary [to] point out [the] obvious point that if there is further delay in NAC consensus on article III Soviets will accuse NATO of blocking submission of complete NPT in time for UNGA consideration this year.

We would continue to consult with the allies, and we would not table the article without consulting them in Geneva. Moreover, governments remained uncommitted, either to the language we had already tabled or to the unagreed portions of the treaty.²

¹From Bonn, tel. 4656, Oct. 30, 1967, Secret/Lindis.

²To USNATO, tel. 61705, Oct. 30, 1967, Secret.

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Allied representatives in Washington were given advance notice of our desire to get an immediate "green light." Berndt von Staden, the Counselor of the German Embassy, asked Acting ACDA Assistant Director Gleysteen how this would affect Rusk's commitments to Brandt to table the old U.S. draft if no acceptable alternative could be found. Mr. Gleysteen replied that this point had not yet been reached, and Mr. von Staden agreed. The latter argued for more time and expressed the view that Bonn would not react favorably. Later, he talked to Bonn and learned that the modified FRG draft would probably not be supported by all the Five. In that event, he told Gleysteen, the FRG would not press it.¹

In fact, the FRG draft did not win the support of the Five. At the NAC meeting of October 31, all of them reaffirmed their support of the five principles, and Ambassador Cleveland said that we would have the principles very much in mind. We believed that we thoroughly understood the allied interests and concerns. He stressed the difficulties in some of the "illustrative" drafts we had received. Our aim was to achieve a result that all could live with. We would not table the article in the ENDC without further allied consultations, but we would prefer to consult in Geneva to the greatest possible extent.

Ambassador Grewe said that the principles were the minimum demands of the Five and made it clear that the FRG would prefer the old U.S. draft or either of the German "illustrative" drafts. He would expect us to report back to the NAC on our talks with the Soviets. He expressed skepticism about the reservation approach, which the Dutch representative defended.

Secretary-General Brosio concluded that the NAC had noted the intention of the United States to negotiate with the Soviets on article III, without commitment on the part of the allies.² We had finally gotten the "green light."

¹Memcon von Staden, Gleysteen, et al., Oct. 30, 1967, Secret/Limdis.

²From USNATO, tel. 193, Oct. 31, 1967, Secret.

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U.S. proposal, November 2, 1967

At long last, we were able to reply to the Soviet proposal of September 1. At the Co-Chairmen's meeting of November 2, Mr. Fisher gave Roshchin the following draft:

1. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the IAEA in accordance with the Statute of the IAEA and the Agency's safeguards system; for the exclusive purpose of verification of the fulfillment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this Article shall be followed with respect to source or special fissionable material whether it is being produced, processed, or used in any principal nuclear facility or is outside any such facility. The safeguards required by this Article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.

2. Each State Party to the Treaty undertakes not to provide: (A) source or special fissionable material, or (B) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this Article.

3. The safeguards required by this Article shall be implemented in a manner designed to comply with Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this Article and the principle of safeguarding set forth in the Preamble.

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4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the IAEA to meet the requirements of this Article either individually or together with other States in accordance with the Statute of the IAEA. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.¹

The first sentence of the first paragraph was based on the language Fisher had proposed in September, as modified by the second British amendment which he considered to be non-negotiable.² The second sentence, taken from the German amendments, was virtually the same as in the Soviet proposal, except for the elimination of a reference to the IAEA safeguards system.³ The third sentence of the Soviet draft was dropped. The last sentence was revised in an effort to meet the allied objections to the "carried out by it anywhere" phrase in the Soviet draft. The only other major change was the addition of a reference to the preambular paragraph on safeguards. This had also been suggested by the Germans.

Mr. Fisher also gave Roshchin a "talking points" paper containing the five principles. It was noted that these were Euratom principles and that the United States and NATO were not involved in their formulation:

We believe that the Euratom principles are consistent with the approach on a satisfactory and generally acceptable safeguards article and we will, of course, want to take them into account as representing the views of these allies. However,

¹From Geneva, tel. 1503, Nov. 3, 1967, Secret/Exdis.

²See above, pp. 220-221, 228.

³See above, pp. 205-206, 238-239.

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inssofar as our Co-Chairmen discussions and the ensuing ENDC negotiations on Article III are concerned, the U.S. position will be reflected in the actual language proposed for Article III and the accompanying statements we propose to make about the article.

Explaining the new first sentence, he pointed out that the IAEA always entered into an agreement with a country before applying safeguards and that the agreement was "the controlling document." These agreements "incorporated by reference the relevant provisions of the safeguards document," and the safeguards established by agreement with the IAEA in accordance with its Statute and safeguards system could not "conceivably be anything other than IAEA safeguards."

By deleting the third sentence, we did not intend "to eliminate any appropriate and necessary inspection of facilities." Although this sentence was derived from the safeguards document, to include it in the treaty "would appear to make the application of safeguards to facilities to be an end in itself." Our language would leave the problem completely up to the IAEA. We understood that the Soviets shared our view that it would not be necessary to amend the treaty in order to change the safeguards document. We would say so during the ENDC debate, and it would be helpful if the Soviets made a similar statement.

Recalling the understanding Roshchin had suggested on the "carried out by it anywhere" phrase,¹ Mr. Fisher did not believe that there could be an understanding "that 'anywhere' means anywhere, except in a nuclear-weapon State." Explaining our new wording, he said:

...The applicable language "carried out under its control anywhere" makes it clear that the phrase does apply to facilities outside the territory of non-nuclear weapon Parties if they do have control over them. If they do not have control over them, then there is no way, whatever we may write into the Treaty, of achieving the practical result we both want: that non-nuclear states, having control over an activity, no matter where it is, use that control to see to it that the safeguards required by the treaty are in fact applied...

¹See above, p. 208.

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It was our opinion that the first sentence of the fourth paragraph permitted parties to negotiate with IAEA through Euratom and that an IAEA-Euratom agreement could result. We intended to state in the ENDC that IAEA would be permitted to conclude an agreement with another international organization, and we would make our position clear in the IAEA Board of Governors when it considered an IAEA-Euratom agreement.

While we did not consider it advisable to spell out in detail the nature of any safeguards agreements at this time, we believed that they should take into account our three principles, and we would state our view in the ENDC at the appropriate time.¹

Ambassador Roshchin objected to the first sentence because it did not specifically say "IAEA safeguards." It was most important to recognize a single system, and the September 1 draft had done so. Our proposal was evasive, and it was not clear what kind of safeguards would emerge in the later negotiations. He did not know how our change could be explained to the Soviet allies, who had been persuaded to accept safeguards on the basis of a single system. He personally suggested that each party could undertake "to accept the safeguards of IAEA, as set forth in an agreement to be negotiated and concluded with the IAEA in accordance with..." Mr. Fisher said that he would report this suggestion if the Soviets accepted the rest of our article.

Ambassador Roshchin also questioned the deletion of the "facilities" sentence and argued that a country might build a facility and not declare that it had any materials in it on the pretext that it was intended for export. Mr. Fisher found it incredible that a state would advance such a claim for a major industrial installation.

The Soviet representative apparently accepted Fisher's explanation that the revised "carried out by it anywhere" language covered jointly owned Euratom facilities in Belgium.

¹"Talking points for Co-Chairmen's Meeting, Article III," Nov. 2, 1967, Secret; from Geneva, tel. 1507, Nov. 3, 1967, Secret/Exdis. For the three principles, see above, pp. 172, 212.

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He did not object to adding a reference to the preambular safeguards paragraph. When he brought up the changes in the last paragraph discussed by Foster with Mendeleovich and Dobrynin, Mr. Fisher said that he understood we had opposed adding the words "and its safeguards system" in the first sentence and that the Soviets had not insisted on this.¹

On November 3, Secretary of State Rusk told First Deputy Foreign Minister Kuznetsov that the chances of agreement were good if both sides focused on non-dissemination and did not introduce extraneous political objectives. Both he and Assistant Secretary of State Leddy stressed that the new draft was a U.S. proposal and did not commit Euratom. Mr. Leddy added that it had not been shown to Euratom or NATO.²

Shustov - De Palma formula

On the next day, V.V. Shustov of the Soviet delegation told De Palma that Moscow would almost certainly insist on describing safeguards as "IAEA safeguards." Mr. De Palma said that Moscow must realize that it would have to pay a certain price, as the United States had done. If we did not complete the treaty this year, it might slip from our grasp in 1968. Moreover, the Soviets were hardly in a position to "insist" on others accepting IAEA safeguards when they refused to accept any controls. They could only wreck the chances for agreement on article III.

On a personal basis, the two delegates then agreed to consider the following revision of the first sentence:

Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, in accordance with the Statute of the IAEA and the Agency's safeguards system, as set forth in an agreement to be negotiated and concluded with the IAEA for the exclusive purpose...

¹From Geneva, tel. 1501, Nov. 3, 1967, Secret/Exdis.
For the discussions on the last paragraph, see above, p. 223.

²Memcon Rusk, Kuznetsov, Leddy, et al., Nov. 3, 1967, Secret.

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Mr. Shustov then said that Moscow would have difficulty with our second and third principles. Mr. De Palma replied that we could not press our Euratom allies to accept article III without such an understanding. He explained that we intended the third principle to apply to any safeguards agreement, whether individual or collective, and that we could probably make this explicit.¹

Although the Shustov-De Palma redraft merely changed the order of the words in the U.S. proposal, Assistant Secretary of State Leddy felt that shifting the modifying clause from "agreement" to "safeguards" would require Euratom to accept the IAEA safeguards system as such and preclude the possibility of a verification agreement, contrary to the second and third Euratom principles. He also thought that it would cast doubt on the question of inspection of facilities. He proposed a telegram instructing Foster to inform Roshchin that we had rejected the proposal. If the telegram was not approved, we should ask the Germans for their opinion.²

Mr. Foster and Mr. Fisher thought that the redraft might well be the only chance to obtain Soviet agreement to language without a specific reference to IAEA safeguards. In a memorandum to the Secretary, Acting ACDA Director Alexander recalled that previous U.S. drafts had actually referred to "IAEA safeguards." He denied Leddy's interpretation of the redraft and urged the Secretary to hold up the telegram until Mr. Fisher was able to discuss it with him.³

Although the proposed telegram was redrafted after Fisher's return, Assistant Secretary Leddy prevailed on the basic issue. Secretary Rusk informed Foster that the Shustov-De Palma draft could cause "very serious complications with the Euratom countries because they will feel this formulation departs too far from the third Euratom principle." It was hard for him to see that the Soviets would break on the November 2 proposal, and he thought that "as Co-Chairman

¹From Geneva, tel. 1524, Nov. 4, 1967, Secret/Exdis.

²Leddy to Rusk, memorandum, Nov. 6, 1967, Secret, with attached draft tel. to Geneva, Secret/Exdis.

³Alexander to Rusk, memorandum, Nov. 6, 1967, Secret/Exdis.

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(as distinct from our national position), we should press the other Co-Chairman very hard on the Nov. 2 formulation as the most likely to achieve the greatest number of signatures."¹

Roshchin suggestion, November 9, 1967

On November 9, Ambassador Roshchin told Foster that he could not make a positive recommendation to Moscow on the November 2 proposal and that we should reconsider it. Mr. Foster urged him not to object to our formula, since it was essential to obtain the accessions of all five non-nuclear Euratom states and this might not be possible if the Soviets persisted in their objection.

Ambassador Roshchin replied that it might not be possible to reach agreement and that the whole project could be jeopardized. If we could not reconsider our approach, he wondered if we could revise our proposal along the lines of the Shustov-De Palma formula. He offered the following variant:

Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, in accordance with the Statute of the IAEA and the Agency's safeguards system, as set forth in an agreement to be concluded with the IAEA for the exclusive purpose of verification of the fulfillment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices...

The order of the words would be changed, as in the Shustov-De Palma draft, and the words "negotiated and" would be deleted from the phrase "an agreement to be negotiated and concluded with the IAEA."

¹To Geneva, tel. 66855, Nov. 8, 1967, Secret/Exdis.
For the Euratom principles, see above, pp. 241-242.

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Mr. Foster said that he would report the new proposal to Washington but that he could not recommend its adoption since he believed that the Soviets should accept our formulation. He ascertained, however, that Roshchin would accept the rest of the article as we had amended it if we would agree to his revision of the first sentence. The Soviet representative said that he planned to make a statement in the ENDC to the effect that his formula meant that IAEA safeguards would be generally applicable. He would show us the statement in advance and refrain from challenging our interpretations.¹

While Mr. Foster firmly defended the November 2 proposal in all his discussions with the Soviets, he privately advised Rusk to accept the new Soviet formula. Reviewing the inter-allied negotiations, he recalled that the FRG was the only Euratom member which had suggested dropping the reference to "IAEA safeguards"² and that the Dutch had been perfectly willing to retain the term.³

This record makes it clear that the suggested Soviet modification of our first sentence is actually better from the Euratom standpoint than anything we have told our allies we were prepared to seek. Considering that our initial Nov. 2 formulation of this sentence was offered as a negotiating move and that we fully expected to have to fall back on a formulation which included reference to "IAEA safeguards", we consider it would be a substantial achievement if Moscow were to accept the Sov delegation's suggested formulation.

There was reason to believe that the Soviets would accept all our other changes, whose "sum total...should come as a pleasant surprise to all Euratom members, more than meeting the concerns of all but the FRG and, in our view, more than the FRG itself probably expected." He pointed out that this surprise would also be shared by most of the Eight, who had privately concluded that there was no prospect of an agreement on article III this year and were therefore pushing for an ENDC recess by the end of November.⁴

¹From Geneva, tel. 1620, Nov. 9, 1967, Secret/Exdis.

²See above, pp. 238-239, 244-245, 247.

³See above, p. 217.

⁴From Geneva, tel. 1624, Nov. 9, 1967, Secret/Exdis; to Moscow, tel. 68036, Nov. 11, 1967, Secret/Exdis.

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Rusk message to Gromyko

Mr. Foster's recommendation was not accepted. Instead, Ambassador Thompson was informed of the negotiations and instructed to give Gromyko a message from Rusk reaffirming our November 2 proposal. If the Soviet Foreign Minister should mention the Shustov-De Palma draft, the Ambassador was to say that this was a personal observation by a member of the U.S. delegation and that the Secretary's message represented "the considered official opinion of the United States Government."¹

In his message to Gromyko, Secretary Rusk expressed the hope that the Soviet Government would give "the most serious consideration" to the November 2 proposal:

We have prepared this draft after the most careful weighing of the points of view put forward by your Government on the one hand and by our allies on the other. It represents a compromise between what you seek and what we believe is acceptable. I must say, in all frankness, that our draft of November 2 is the most that I can reasonably hope for as a text which might command the support of non-nuclear weapon States whose signature, in our view, is essential to the success of the NPT. I, therefore, again express the hope that the USSR may find this text acceptable and thereby enable the two Co-Chairmen to move forward with their work.²

When Ambassador Thompson delivered this message (November 13), Foreign Minister Gromyko said that he was fully conversant with all proposals and suggestions. He did not mention Roshchin's proposal or the Shustov-De Palma draft. He charged that the Euratom countries were trying to evade "honest" verification and to blackmail the USSR. Since the USSR did not like verification "en famille," it found the Euratom position unacceptable. The United States and the USSR should reach agreement between themselves, and he found it difficult to believe that the United States could not convince some of its allies that they should not obstruct the treaty.

¹To Moscow, tel. 68053, Nov. 11, 1967, Secret/Exdis.

²To Moscow, tel. 68054, Nov. 11, 1967, Secret/Exdis.

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Ambassador Thompson replied that IAEA would verify the effectiveness of Euratom inspection and that the Euratom members themselves would wish to be sure that there were no loopholes. This should take care of Soviet concerns about the FRG. He was surprised that the USSR should risk a breakdown in negotiations over safeguards when it had formerly been prepared to have no inspection at all.

Mr. Gromyko rejoined that the failure of the Soviets to raise the issue initially did not mean that they did not intend to bring it up at all. Euratom could continue to operate its safeguards system if it wished, but IAEA verification would merely mean checking papers; and the United States had rejected such an arrangement for reductions of military budgets. He brushed aside Thompson's argument that several countries were involved in Euratom inspection but that the budget reductions the Soviets had proposed would be checked only by the country that made them. The USSR was not a member of Euratom and refused to be excluded from verification. It had already made concessions on the first two articles, and Euratom should understand that a compromise was necessary. He had thought that agreement was near and was surprised to find that this was not so, possibly as a result of the intervention of some "wise men" in Bonn or elsewhere.¹

On November 16, Ambassador Roshchin told De Palma that the USSR was waiting for us to move in view of the negative reaction by Moscow. He was concerned that the negotiations might reach an impasse. Mr. De Palma replied that we expected a more definite Soviet response and that there would certainly be an impasse if the Soviets tried to revert to their September 1 draft. Both Ambassador Roshchin and Mr. Timerbaev indicated that Moscow did not seem to be favorably inclined toward the Roshchin suggestion.²

The status of the Roshchin suggestion remained unclear. Ambassador Roshchin reportedly told Beeley that Moscow had

¹From Moscow, tel. 1775, Nov. 13, 1967, Secret/Exdis.

²From Geneva, tel. 1744, Nov. 17, 1967, Secret/Limdis.

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rejected it.¹ U.K. Disarmament Minister Mulley then tried out the third British amendment on Roshchin, who gave the impression that the Soviets might accept it.² The British thought that the differences between our November 2 proposal and the Roshchin suggestion were presentational rather than substantive, especially if we were to add a comma between "IAEA" and "in accordance with" in the former draft.³

At the Co-Chairmen's meeting of November 18, Ambassador Roshchin gave Foster the official Soviet reply to our November 2 proposal. As Mr. Gromyko had indicated, the Soviet Union insisted on a single, generally accepted system of control by IAEA. It was willing, however, to accept all the other suggestions in the November 2 proposal. Ambassador Roshchin explained that the requirement for a single system was different from the first sentence of his November 9 suggestion. But he would not now insist on the first sentence of the Soviet proposal of September 1 or any other specific language.⁴

Allied discussions

On November 13, we sent the allies an aide-memoire expounding the November 2 proposal in the light of the five Euratom principles. We believed that the proposal protected them "to the greatest extent possible under the circumstances." If our allies considered this protection inadequate, they could "follow procedures available to any sovereign state to insure that a satisfactory agreement with the IAEA is worked out." We noted that the provision on fuel supply was essentially the same as in our previous draft, which had been approved by the NAC:⁵

¹To Geneva, tel. 70003, Nov. 16, 1967, Secret/Limdis.

²From London, tel. 3981, Nov. 17, 1967, Secret/Limdis.

For the British amendment, see above, p. 228.

³To Geneva, tel. 70394, Nov. 16, 1967, Secret.

⁴From Geneva, tel. 1793, Nov. 19, 1967, Secret/Limdis.

⁵See above, pp. 139-141, 248-249.

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...the undertaking concerning safeguarded supply of nuclear materials to non-nuclear-weapon states does not apply until a specific period after the treaty enters into force. This period does not begin to run until a substantial (30-40) number of non-nuclear-weapon states have ratified. These ratifications will probably require substantial time. The U.S., whose ratification is also necessary to entry into force, will obviously have to take into account the status of the IAEA-Euratom negotiations before ratifying. We do not expect any conflict to arise between our NPT obligations and the supply obligations we have to Euratom and its members. We believe the time available for conclusion of an IAEA-Euratom agreement is sufficient, and we do not contemplate failure to achieve agreement in that period.¹

At the NAC meeting of November 15, the Belgian representative asked whether there could not be a minute or separate document providing specific assurances on supply.² The Belgian Foreign Ministry told our Embassy that the aide-mémoire did not answer the basic question of our intentions if the IAEA-Euratom negotiations failed. The Embassy recommended giving the Euratom countries an assurance that we had no intention of penalizing any state that negotiated with IAEA in good faith.³ In Geneva, the Belgian observer told Foster that any doubt on supply would give France a perfect excuse to object to adherence to the treaty by other Euratom members. Mr. Foster saw no reason why Euratom and IAEA could not reach rapid agreement. He said that our past record in fulfilling our commitments showed that we would continue to carry them out.⁴ We did not change our position.

The Dutch representative told the NAC that he would prefer to eliminate the reference to the "Agency's safeguard system" and wished to be sure that the treaty signatories

¹To NATO capitals and Tokyo, tel. 68052, Nov. 11, 1967, Secret. It was later agreed that 40 ratifications would be necessary to bring the treaty into force (see above, p. 196).

²From USNATO, tel. 404, Nov. 15, 1967, Secret.

³From Brussels, tel. 2843, Nov. 14, 1967, Confidential.

⁴From Geneva, tel. 1716, Nov. 15, 1967, Secret.

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would not be tied to the existing system. Ambassador Cleveland replied that we could not realistically expect to be able to drop the IAEA label unless we at least included this reference. He personally thought that we could find a way to make it clear that the IAEA system would be flexible and subject to improvement.¹

In the NAC, the Italian representative questioned the phrase "carried out under its control anywhere" and was concerned that this might cause a flight of nuclear activities to non-signatory states.² In Rome, the Foreign Ministry told our Embassy that the question of governmental vs. private activities would arise.³ We explained that we did not intend to make a new distinction. For safeguards to be required, "the nuclear activity must be under the control of the state if carried out beyond its territory or jurisdiction." It was presumed that states exercised some control over private nuclear activities, e.g., the United States required private companies to obtain export licenses.⁴

In Bonn, Ambassador Schnippenkoetter immediately questioned the reference to "the Agency's safeguards system" in paragraph 1 of our November 2 proposal and noted that there was no specific mention of "organizations" concluding agreements with the IAEA in the last paragraph.⁵ As we had previously stated, it would not be necessary to amend the treaty to revise the IAEA safeguards document. We took the position that our proposal covered "organizations."⁶

In an aide-mémoire of November 21, the FRG found that our November 2 proposal was an improvement over the Soviet draft of September 1. Nevertheless, the Germans thought that the European Commission might find it incompatible with the Euratom treaty. Since they preferred an article III which would not "open up possibilities" for the control of facilities, they regretted that our proposal specifically mentioned the

¹From USNATO, tel. 404, Nov. 15, 1967, Secret.

²Ibid.

³From Rome, tel. 2537, Nov. 14, 1967, Secret.

⁴To Rome, tel. 70530, Nov. 16, 1967, Secret.

⁵From Bonn, tel. 5116, Nov. 13, 1967, Secret. The FRG "illustrative" draft specifically mentioned "organizations"; see above, pp. 238-239.

⁶To Bonn, tel. 69938, Nov. 16, 1967, Secret.

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IAEA safeguards document. At most, our proposal would make an IAEA-Euratom agreement possible, but it could be argued from our failure to expressly mention "organizations" that they were excluded. Moreover, the Soviet Union and its allies could be expected to wage a political fight against a "verification" arrangement between IAEA and Euratom. In the German view, this could be inferred from Roshchin's intention to make a statement that IAEA safeguards would be generally applicable.¹

The Germans deeply regretted that we had dropped the "furtherance" or "facilitation" clause² from our November 2 proposal. If it proved impossible to include it in the treaty, we should at least get a pledge of good conduct from the Soviet Union on this point, and the clause should be made binding within NATO. They still wished to delete the words "carried out under its control anywhere." They asked us to pledge ourselves to delay ratification of the treaty until there was a satisfactory verification agreement between Euratom and IAEA. In their view, the "discriminatory" character of safeguards would be mitigated if they were applied to all exports, as the Swedes had proposed. Finally, those who refused to accept safeguards should not be able to share in the rights, on the principle of reciprocity.³

Mr. Fisher pointed out to the Secretary of State that the German "reciprocity" proposal "would be clearly unacceptable to the Soviets and would be regarded as a provocation by the French." Moreover, the German concept of "verification" had far-reaching implications which we could not accept:

A more fundamental thrust of the FRG reply however appears to be an attempt to give the "verification" concept the meaning that the IAEA cannot have any inspectors at all in the EURATOM area. This is a far cry from what we have interpreted "verification" to mean, namely, that

¹See above, p. 255.

²In this clause, contained in section 2 of the previous U.S. draft, the Euratom countries would undertake to facilitate IAEA verification of the effectiveness of Euratom safeguards (see above, p. 140).

³Aide-mémoire from German Embassy (Embassy translation), Nov. 21, 1967, Secret; to Geneva, tel. 72523, Nov. 21, 1967, Secret.

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the IAEA would make full use of the existing national and regional accounting and safeguards arrangements, consistent with assuring all parties that obligations were being adhered to; we have envisaged that verification would mean that the EURATOM inspection system would assume an appropriate place in a world-wide inspection arrangement under IAEA - thus assuring its continued existence - but that there would nevertheless be an over-all IAEA inspection system. The FRG's position raises a fundamental question of U.S. national interest distinct from questions of negotiability of a particular link with the Soviet Union on the NPT. We do not believe the U.S. Government should or could defend the proposition that no inspection measures involving nuclear arms control agreements can apply to the EURATOM area. To do so would be to preclude further efforts to achieve such measures as the U.S. proposal for a cut-off on fissionable production. We would thus be in the position of telling the world that progress cannot be made on nuclear arms control because the West is not prepared to accept inspection. We believe this point should be made forcefully to the German Government, and we do not believe the German Government is prepared publicly to take issue with us.

He advised the Secretary to send Brandt a letter on the verification issue. He believed that we should go ahead with the November 9 formula or the British alternative promptly. Otherwise, the treaty would lose momentum, and "what we already have achieved might become unravelled" at the non-nuclear conference in 1969.¹

The three alternatives

Secretary Rusk did not send a letter to Brandt but decided to try to obtain definitive responses from the NATC countries and Japan on three alternatives: (1) the November 2

¹Fisher to Rusk, memorandum, Nov. 21, 1967, Secret.

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proposal, (2) the November 9 formula, and (3) the third British amendment.¹ On November 24, Ambassador Cleveland told the NAC that we needed the definitive views of the allies on the three alternatives on a "rather urgent basis." The Belgian, FRG, and Italian representatives preferred the November 2 draft and indicated that the other alternatives would raise serious problems for Euratom. Ambassador Grewe advocated full discussion without time pressure.²

The Italian Embassy told us that both the November 9 formula and the British alternative were unacceptable and urged us to stand firm on the November 2 draft.³ The Dutch informed our NATO delegation that they could accept the British draft, although they preferred their own proposal.⁴ Our Embassy in Tokyo reported that the Japanese had no strong objections to any of the alternatives but tended to prefer the British draft.⁵

The German Embassy had previously told us that any text which specifically designated "IAEA" safeguards was unacceptable to the FRG.⁶ In Geneva, Ambassador Schnippenkoetter told De Palma that the British alternative was unacceptable. He did not comment on the November 9 formula. Mr. De Palma said that he saw no chance of agreement on terms which the European Commission would find "compatible" if compatibility was based on FRG demands. He had every reason, however, to believe that a negotiable article would enable Euratom to reach a satisfactory agreement with IAEA. While the nature of this agreement would be up to Euratom and IAEA, he was personally convinced that it would involve more than paper verification.⁷

¹To USNATO, tel. 73186, Nov. 22, 1967, Secret.

²From USNATO, tel. 626, Nov. 25, 1967, Secret.

³To Rome, tel. 74722, Nov. 25, 1967, Secret.

⁴From USNATO, tel. 660, Nov. 27, 1967, Secret.

⁵From Tokyo, tel. 3595, Nov. 27, 1967, Secret.

⁶To Geneva, tel. 72969, Nov. 22, 1967, Secret.

⁷From Geneva, tel. 1863, Nov. 25, 1967, Secret.

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In an effort to get the allies to focus on the November 9 formula, Secretary Rusk now instructed Cleveland to make the following statement in the NAC:

Speaking for the US as a matter of its own national objectives under the treaty, we could, of course, accept any of the three drafts now under consideration. We have a different role as Co-Chairmen where we must seek a draft which will command widest possible acceptance by the principal nuclear and non-nuclear powers. This is therefore a matter upon which we need your judgement.

The November 2 draft contains the maximum support which we consider feasible for the five Euratom principles. I can assure you that we have been pressing this draft on the Soviets up to the point of a personal effort by the Secretary with Gromyko. Thus far the Soviets have refused. There is the November 9 counter-draft proposed by the Soviets. However, when we indicated to the Soviets that we continued to favor the November 2 draft, the Soviet delegation withdrew support from the November 9 alternative, but since the Soviets earlier indicated support of the November 9 version, we do not rule out their accepting it in further discussions. The November 9 draft may therefore be worth trying on but in considering whether to do so we would like the views of all of our NATO allies especially those who are members of Euratom. Therefore, if you have any specific problems with the November 9 draft, we would appreciate receiving your individual views as soon as possible.¹

After Ambassador Cleveland delivered this statement at the NAC meeting of November 30, the Canadian, Danish, and Norwegian representatives said that they could accept any of the three alternatives. The Dutch representative regretted that Cleveland had apparently dropped the British alternative,

¹To USNATO, tel. 76022, Nov. 29, 1967, Secret/Limdis.

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which his country supported. He proposed that the five Euratom countries and the United States jointly prepare a draft which would protect the Euratom principles and have a chance of negotiability with the USSR.¹

Our delegation at Geneva saw no point in accepting the Dutch proposal unless we were prepared to take a firm position in favor of the November 9 formula, with the British alternative as a fallback. If we did not do this, the delegation warned, "we would surely find ourselves resuming negotiations with no prospect of success in the foreseeable future."² On the other hand, our Embassy at Brussels believed that acceptance of the proposal would help win Benelux cooperation, especially if we could also make a more positive response to the Belgian request for additional assurances on fuel supply.³ Secretary Rusk decided to reject the Dutch proposal and explained to Cleveland why he had done so:

It seems that our allies have had sufficient time to try to pull themselves together and give us specific governmental positions. Since the last effort to reach an agreed Euratom solution was not successful, I am not too sanguine that any multilateral session as proposed by the Dutch would produce a favorable result. Therefore we prefer to handle discussions on this subject bilaterally.⁴

American and British offers

Before all the allies had replied to our November 30 query, it was decided to surface the American and British offers. On December 2, President Johnson announced in a public address that the United States would accept IAEA safeguards on all its nuclear activities except "those with direct national security significance," when safeguards were

¹From USNATO, tel. 750, Nov. 30, 1967, Secret.

²From Geneva, tel. 1926, Dec. 1, 1967, Secret.

³From Brussels, tel. 3364, Dec. 5, 1967, Confidential.

⁴To USNATO, tel. 79423, Dec. 5, 1967, Secret/Exdis.

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applied under the treaty. U.K. Disarmament Minister Mulley made a similar statement two days later.¹ President Saragat immediately welcomed the Johnson announcement,² and Foreign Minister Brandt called it "a significant step in the direction of equality and mutuality of controls."³

NATO impasse

On December 5, Mr. Fisher reported to the President that Japan and all the non-Euratom members of NATO would accept any of the three alternatives but that the FRG position was not clear. If we were unable to table article III before the ENDC recess, there would probably be "a sense of heightened frustration on the part of the non-aligned delegations," who had been kept waiting during the whole session, first by the Soviets and now by us. If the FRG and Italy did not respond favorably at the December 6 NAC meeting, it would not be possible to complete the treaty until the next year. He noted that official German and Italian reaction to the President's speech had been very favorable and hoped that it would promote a more favorable position in those countries.⁴

At the NAC meeting, Ambassador Cleveland made it clear that there were still three alternatives, even though the Soviets had rejected the November 2 formula. Ambassador Grewe said that the November 2 version was the only alternative that seemed to offer a possibility of a Euratom-IAEA agreement. The FRG was not entirely happy even with this version, however, and would want the following political assurances:

- (1) The safeguards would be applied only to materials.
- (2) Progress in Euratom-IAEA negotiations should be taken into account before the United States ratified the treaty.

¹International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, p. 82.

²Documents on Disarmament, 1967, pp. 615-616.

³From Bonn, tel. 5363, Dec. 4, 1967, Unclassified.

⁴Fisher to Rostow, memorandum, Dec. 4, 1967, Secret, with attached ltr. from Fisher to the President, Dec. 5, 1967, Secret.

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(3) The Euratom-IAEA talks should begin, without any Soviet veto, as soon as the treaty was signed.

(4) The safeguards should be reciprocal and non-discriminatory.

Without demanding any assurances, the representatives of Belgium and Luxembourg also said that the November 2 draft was the only acceptable alternative. The Dutch representative still preferred the British alternative but was willing to accept the November 2 formula. The Italian representative had reservations on all three alternatives and could not support any of them.¹

Question of IAEA-Euratom technical talks

Even before this point was reached, Ambassador McGhee had concluded that there was no way out of the impasse and that it would not be possible to complete the treaty in 1967. In a telegram to Rusk and Foster, he recommended preparatory technical-level talks between Euratom and IAEA on the feasibility and general features of a verification arrangement between the two organizations. These talks might result in a set of guiding principles which could be circulated to other nations, including the Soviet Union.²

Mr. Foster opposed this proposal. He argued that IAEA could hardly authorize its staff to discuss verification until article III had been agreed on and that the Soviets would have a valid basis for objecting. Moreover, the Soviets would be invited into "what should be largely technical Euratom-IAEA negotiations."³ Ambassador McGhee replied that this argument missed the point and explained that his proposal was intended to "defuse the political issue" by getting the technicians together.⁴

Secretary Rusk decided that we should neither take the initiative in proposing the talks nor stand in the way of the

¹From USNATO, tel. 899, Dec. 6, 1967, Secret.

²From Bonn, tel. 5660, Nov. 28, 1967, Secret/Exdis.

³From Geneva, tel. 1902, Nov. 29, 1967, Secret/Exdis.

⁴From Bonn, tel. 5758, Nov. 30, 1967, Secret/Exdis.

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allies if they thought that they would be useful. If Ambassador McGhee was asked about our position, he could state that they would be useful but that we did not believe they would be meaningful until article III was formulated:

...We see virtue in such talks, if our allies desire them, when such talks would not delay drafting art III and after careful consideration and consultation among our allies as to the best approach to take with the IAEA, including members of its Board.¹

Although Ambassador Schaetzel had not been consulted on this decision, he agreed that talks would be premature and reported that the Euratom Commission shared this view.² Henry D. Smyth, the U.S. representative to IAEA, also thought that Euratom-IAEA negotiations would be unproductive until agreement was reached on article III. He anticipated little difficulty in working out an effective verification agreement between Euratom and IAEA if the countries concerned honestly desired it. But if some of them were determined to sabotage the treaty, negotiations would become "difficult and perhaps impossible."³

State Department revision proposals

When the NATO discussions reached an impasse, ACDA faced attempts by high State Department officials to revise our basic policy on safeguards. Deputy Assistant Secretary of State Farley pointed out that delay imperiled the treaty and that our role entailed "heavy political costs" in U.S. relations with Germany and Italy and played into Soviet hands by putting the allies in the position of obstructing the treaty. In order to expedite conclusion of the treaty, he proposed to replace the existing article III with a hortatory provision recognizing the desirability of safeguards and calling on the signatories to work toward establishing a safeguards system.

¹To Bonn, tel. 79424, Dec. 5, 1967, Secret/Exdis.

²From Brussels, tel. 3400, Dec. 7, 1967, Secret.

³Smyth to Rusk, ltr., Dec. 8, 1967, no classification given.

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While he agreed that article III was desirable, he did not consider it essential. It provided only "marginal additional assurance," since it covered only declared facilities and would not be effective against deliberate clandestine activities. Moreover, a would-be nuclear power could always withdraw from the treaty. Article III added a discriminatory element to the treaty, and he found it incongruous for the United States and the USSR to hold up the treaty because of their inability to agree on a safeguards provision they did not need to protect their own security. Safeguards should more properly be negotiated by the non-nuclear states whose interests were at stake, and this could be done in IAEA. Congress might be convinced by the basic argument that "one should not let a good thing (the NPT) die in pursuit of uncertain or even unattainable perfection."¹

ACDA disagreed for several reasons. Safeguards were needed to assure the non-nuclear countries that their rivals were observing their obligations, e.g., UAR suspicions of Israeli would not be removed without safeguards on Israeli facilities. Suspicions were one of the main pressures toward proliferation. In the long run, worldwide safeguards would have great "arms control significance." The safeguards would be applied behind the Iron Curtain, and the Soviets would be under pressure to accept inspection themselves.

Furthermore, ACDA felt that dropping the article would expose the United States and its allies to criticism by the nonaligned countries and the Soviet Union. Since most of the difficulties with our allies were "not primarily because of Article III but because of Articles I and II and their indefinite application into the future," dropping article III would only exacerbate our relations with them. Giving up after all the effort we had put into safeguards would be "widely taken as a substantial defeat of US objectives." We now had agreement on all except the first sentence of article III, and the President had made a public offer. The Joint Committee on Atomic Energy strongly supported safeguards, and we had assured the Committee that we would continue to negotiate for them.

¹Farley to Fisher, Leddy, and Sisco, memorandum, Dec. 5, 1967, Confidential.

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"If the US gave up on safeguards after all this investment, our defeat might well overshadow the achievement of agreement on the treaty," ACDA concluded, "particularly if the UK view that we were within a comma of agreement became known."¹

Henry Owen, Chairman of the Policy Planning Council, thought that we should make a concerted effort to obtain agreement on our November 2 proposal. If we did not succeed by January 15, however, we should pull back to a hortatory article and make it clear to the Soviets that this was the only alternative. Congress would simply have to face the facts:

The Joint Committee would strongly object to such an article. But the choice for them, as for us, may well be this kind of treaty or none at all. The sooner we confront them with this fact, the better the chance of their coming around in time for an NPT to be signed in 1968.²

ACDA disagreed for the same reasons it had expressed in the case of Farley's suggestion.³

Kiesinger-Johnson letters

In spite of the strains placed on German-American relations by the article III negotiations, Chancellor Kiesinger sent President Johnson a cordial letter welcoming the President's announcement on safeguards.⁴ Although the Soviet Union could not be expected to follow the American example, he would find it gratifying if it could at least agree to IAEA verification of Euratom safeguards. Otherwise, he feared that the "free market for nuclear materials and nuclear energy in Europe" would suffer harm and the movement toward European integration would suffer a setback. He was

¹Alexander to Farley, memorandum, Dec. 14, 1967, Confidential. For the U.K. view, see above, p. 259.

²Owen (State-S/P) to Rusk, memorandum, Dec. 8, 1967, Secret.

³Foster to Rusk, memorandum, Dec. 21, 1967, Secret.

⁴See above, pp. 255-256.

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pleased that we had changed our position on the duration of the treaty.¹ Later, Chancellor Kiesinger indicated to McGhee that he considered that his letter superseded the German aide-mémoire of November 21 which Mr. Fisher had found so objectionable.² This apparently spared us the necessity of replying to the aide-memoire.³

In his reply, President Johnson said that he shared Kiesinger's hope that the Soviet Union would accept IAEA verification of Euratom safeguards. He agreed that European integration should not suffer:

The momentum of the European integration movement must be maintained. A free flow, from country to country, of nuclear materials for peaceful uses is crucial to Europe's progress. The Non-Proliferation Treaty must not hamper such traffic between nations who enter into the treaty and carry out its obligations in good faith.

Our Geneva delegation had been instructed to stick to the November 2 proposal and to reassure the Soviets that this proposal did not mean Euratom self-inspection:

We have emphasized to them the clear and basic intent of this article. The agreement between IAEA and EURATOM seeks only to assure all Treaty parties that safeguards will be effective in practice. It intends only that IAEA can be certain that nuclear material is not diverted to nuclear weapons or other nuclear explosive devices. I am assured that these key principles are consistent with the German position.⁴

¹Kiesinger to Johnson, ltr., n.d., no classification given.

²See above, pp. 260-261.

³Puhan (State-EUR/GER) to Leddy, memorandum, Dec. 21, 1967, Confidential.

⁴To Bonn, tel. 82479, Dec. 11, 1967, Secret/Nodis.

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Final U.S. effort

On December 9, Mr. Foster was instructed to tell Roshchin that we had been unable to obtain allied agreement to the November 9 formula.¹ We therefore believed that the road to agreement lay through the November 2 sentence.² We understood that Gromyko had rejected the latter because it would constitute "self inspection" by Euratom countries.³ This was wholly incorrect, and Mr. Foster should point out that our three principles made it clear that the IAEA-Euratom agreement must provide for safeguards in which all parties could have confidence and that IAEA must be able to satisfy itself that nuclear material was not diverted to "nuclear weapons or other nuclear explosive devices."⁴ This could not possibly constitute "self-inspection." Time was running out, and the Co-Chairmen should concentrate on substance rather than labels.⁵

Mr. Foster read these instructions to Roshchin in the Co-Chairmen's meeting of the same date. The latter said that he would immediately inform Moscow. But the Soviet delegation had instructions not to settle on the November 2 formula, and Moscow had not found the November 9 version satisfactory.⁶ In other contacts with the Soviets in Moscow and Washington, we learned that the Soviet Government apparently thought we were contemplating an IAEA-Euratom arrangement which provided only for "paper verification." This was not true, and we attempted to dispel Soviet misconceptions on this score.⁷

At the last Co-Chairmen's meeting of the session, Mr. Foster said that we had concluded that the road to a solution lay through the November 2 formula. We had made our firm view known, and the Soviets should understand what

¹See above, p. 254.

²See above, p. 248.

³See above, p. 256.

⁴See above, pp. 172, 212.

⁵To Geneva, tel. 82381, Dec. 9, 1967, Secret/Exdis.

⁶From Geneva, tel. 2019, Dec. 9, 1967, Secret/Exdis.

⁷Memorandum for the record by Nathaniel Davis re lunch with Vorontsov (Soviet Embassy), Dec. 12, 1967, Limited Official Use; to Moscow, tel. 32895, Dec. 12, 1967, Secret.

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we meant. Euratom was a reality which must be dealt with. IAEA verification should avoid the extremes of complete duplication on the one hand and a mere paper check on the other. He was sure that the IAEA agreement would provide equal treatment for non-nuclear parties on safeguards against diversion of fissionable materials to weapons. When Ambassador Roshchin tried to ascertain whether there were any other approaches we might be willing to try, Mr. Foster repeated that the November 2 formula was the only one the allies would accept and that he could not suggest any changes.¹

Security assurances (II)

Mr. Fisher did not receive instructions on security assurances until October 28, when he was sent the following draft Security Council resolution and draft U.S. declaration:

Draft Security Council Resolution

The Security Council,

1. Noting with appreciation the desire of a large number of States to subscribe to the Treaty on the Non-proliferation of Nuclear Weapons, and thereby to undertake not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or devices.
2. Taking into consideration the concern of certain of those States that, in conjunction with their adherence to the Treaty on the Non-proliferation of Nuclear Weapons, appropriate measures be undertaken to safeguard their security,

¹From Geneva, tel. 2078, Dec. 15, 1967, Secret/Limdis.

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3. Bearing in mind that any aggression accompanied by the use of nuclear weapons will endanger the peace and security of all States,

A. Recognizes that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State will create a situation in which the Security Council, and above all its nuclear-weapon State permanent members, will have to act immediately in accordance with their obligations under the United Nations Charter;

B. Welcomes the intention expressed by States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State that has undertaken not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or devices, and that is a victim of an act of aggression in which they are used;

C. Reaffirms in particular the inherent right under article 51 of the Charter of individual and collective self-defense if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.¹

Draft U.S. Declaration

1. The Government of the United States notes with appreciation the desire expressed by a large number of states to subscribe to the Treaty on the Non-proliferation of Nuclear Weapons.

2. We welcome the willingness of these States to undertake not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or devices,

¹To Geneva, tel. 61529, Oct. 28, 1967, Secret.

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3. The United States also notes the concern of certain of those States that, in conjunction with their adherence to the Treaty on the Non-proliferation of Nuclear Weapons, appropriate measures be undertaken to safeguard their security. Any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States. The United States recognizes that aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State will create a situation in which the nuclear-weapon States which are permanent members of the United Nations Security Council will have to act immediately, through the Security Council in accordance with the United Nations Charter, to take the measures necessary to counter such use or threatened use.

4. The United States affirms its intention, as a permanent member of the United Nations Security Council, to seek immediate Security Council action to provide assistance, in accordance with the Charter, to any non-nuclear-weapon State that has undertaken not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or devices, and that is a victim of an act or threat of aggression in which they are used.

5. The United States reaffirms in particular the inherent right under Article 51 of the Charter of individual and collective self-defense if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

6. The United States vote for this resolution and this statement of the way in which the United States intends to act in accordance with the Charter of the United Nations are based upon the fact that the resolution is supported by other permanent members of the Security Council who are nuclear-weapon States and are also proposing to sign the Treaty on the Non-proliferation of Nuclear Weapons, and that these States have made similar statements as to the way in which they intend to act in accordance with the Charter.¹

¹To Geneva, tel. 61530, Oct. 28, 1967, Secret.

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Both documents were based to a large extent on earlier Soviet proposals.¹ In the declaration, we added a reference to measures to "counter" the use or threat of use of nuclear weapons, in order to give the declaration more appeal without adding to the obligations. The provisions on providing assistance were limited by the phrase "in accordance with the Charter." The Soviet reference to "punishment" was deleted as alien to the Charter. There would be no new commitments:

...in our view, adoption of the res and issuance of the declaration would create no new security commitments for nuclear-weapon states. Under ~~the~~ res and declaration, nuclear-weapon states would in certain events request meeting of ~~the~~ UNSC at which they would urge it to take some kind of action - neither necessarily including nor excluding military measures - to provide assistance and support to ~~a~~ victim of aggression. Even in ~~the~~ absence of security assurances, under ~~the~~ Charter, certain members would be expected to take ~~the~~ same kinds of steps in those circumstances.

For constitutional reasons, the declaration would be made as an explanation of our vote for the resolution.

Since the United Kingdom was also a nuclear power, we proposed to invite the British representative to join the two Co-Chairmen in discussing the declaration and resolution. Other ENDC delegates would receive the texts when the three nuclear powers had reached agreement. Since we needed "whatever bargaining leverage we can muster to increase chances of broad adherence" to the treaty, the assurances were limited to non-nuclear states which undertook not to acquire nuclear weapons. Our NATO allies, Japan, and India were to be given the texts immediately.²

¹See above, pp. 152-153.

²To Geneva, tel. 61531, Oct. 28, 1967, Secret.

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A member of the Canadian delegation at Geneva noticed that the declaration and resolution were not explicitly tied to the treaty and was concerned that a non-nuclear country might benefit from the assurances by simply making a unilateral declaration rather than by signing the treaty.¹ This point was not immediately clear to Indian Ambassador Trivedi, who commented that assurances should not be linked with the treaty and that a non-nuclear country should be able to unilaterally declare its intention not to make nuclear weapons. He said that we were offering a "reward" for acceding to the treaty. Mr. Fisher stressed the great political importance of concerted action by the United States and the Soviet Union and the deterrent effect that the proposed assurances would have.²

Our Embassy at New Delhi noted that the declaration referred to "an act or threat of aggression," while the resolution mentioned only an "act of aggression." Washington explained that we had gone beyond the Soviet draft and were not sure whether the Soviets would accept the provision in the resolution on an "act of aggression," much less add a reference to a "threat of aggression." We would be willing to do so, however, if the Indians wanted it and the Soviet Union agreed.³ The Indians, who had formerly been the foremost advocates of security assurances, now seemed to lose interest. Brajesh C. Mishra, the Indian Deputy Permanent Representative to the United Nations, privately said that events in the Middle East and Vietnam showed that no assurance had any real meaning when it came to nuclear relations.⁴

At Geneva, Ambassador Roshchin was reluctant to agree to trilateral talks on security assurances, as we had proposed, and suggested parallel talks instead. Both the United States and the United Kingdom found this arrangement acceptable. Sir Harold Beeley told Foster on November 22 that the Foreign Office shared the Canadian view that there should be

¹From Geneva, tel. 1452, Oct. 31, 1967, Secret.

²From Geneva, tel. 1500, Nov. 2, 1967, Secret.

³From New Delhi, tel. 5232, Oct. 31, 1967, Secret; to New Delhi, tel. 64314, Nov. 3, 1967, Secret.

⁴From New York, tel. 2287, Nov. 16, 1967, Secret.

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a direct link between assurances and the treaty. Even with this link, however, nuclear parties would not be precluded from later giving assurances, and he asked why we should give away our treaty leverage in advance. Criticizing the self-defense paragraph of the draft resolution, he pointed out that the right of self-defense existed prior to the Charter and should not be restricted to the case of armed attack. He therefore proposed the following language:

Reaffirms in particular the inherent right of individual and collective self-defense recognised in Article 51 of the Charter, until the Security Council has taken measures necessary to maintain international peace and security.

When he asked whether we intended to imply the possibility of military action or other assistance without creating an actual commitment, Mr. Foster replied that this was correct and that we had made this point in our Congressional consultations. Sir Harold saw a discrepancy between the declaration, which referred to an intention to seek Security Council action to provide assistance, and the resolution, which referred to "immediate assistance." Since this would mean that the nuclear powers would provide assistance before the Security Council met, he proposed to move paragraph C to the preamble of the resolution. We pointed out that this would make the resolution less attractive.

He also noted the point raised by our Embassy at New Delhi on the "threat of aggression" and suggested making the resolution conform to the declaration. And he asked why paragraph B of the resolution referred to assistance by "states" rather than nuclear powers. Mr. Foster agreed that we meant nuclear powers but saw no reason why other states might not be willing to express their interest in providing or supporting assistance.¹

Washington explained that the resolution and declaration already linked assurances with the treaty:

¹From Geneva, tel. 1826, Nov. 22, 1967, Secret.

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The fact that the draft resolution and declaration are conceived in the light of the present NPT negotiations and are intended to assure successful negotiations and general acceptance of the NPT means, of course, that becoming a party to the NPT would satisfy the requirement of an undertaking. We construe the term "undertaken" to require an effective and binding international obligation. We do not see how anything of lesser order than the NPT or an equally effective regional arrangement would suffice...

We did not think that our language meant that article 51 of the Charter created rather than recognized the right of self-defense. Nor did we think that anything would be gained by shifting paragraph C to the preamble of the resolution, as Sir Harold Beeley had suggested.¹

The Soviet delegates M.V. Antyasov and V.V. Shustov told De Palma and Neidle of the U.S. delegation that the Soviet Union wanted both to do something for the Indians and to take steps on the non-use of nuclear weapons. While they accepted the fact that there would be no non-use provision in the treaty, as they had proposed,² they hoped that we would be flexible in looking at alternatives in the context of the U.N. Charter. Mr. De Palma recalled our difficulties with non-use proposals and said that we did not wish to create distinctions between different types of weapons when the Charter did not distinguish between them but condemned all use of force for aggression. He asked whether the Soviets might not be satisfied to leave their current General Assembly proposal to be dealt with later.³

In the Co-Chairmen's meeting of November 2, Ambassador Roshchin asked whether some non-use measure could not be added to our assurances proposal. Mr. Foster replied that he had no instructions but hoped to be able to discuss the question later.⁴ As Mr. De Palma had told the Soviets,

¹To Geneva, tel. 78669, Dec. 2, 1967, Secret.

²See above, pp. 51, 164.

³From Geneva, tel. 1476, Nov. 2, 1967, Secret. See also below, chapter K-6.

⁴From Geneva, tel. 1619, Nov. 9, 1967, Secret/Limdis.

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a non-use formula presented difficulties for us.¹ We had invariably opposed Soviet or nonaligned proposals to ban the use or first use of nuclear weapons,² and we could not accept the Kosygin proposal because it discriminated against allied countries where U.S. nuclear weapons were stationed.³ In 1966, however, we were willing 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. Owing to the parliamentary situation in the General Assembly, this declaration was not surfaced at that time.⁴

The 1966 formula was the basis of the amendments we now proposed to make to the draft resolution and declaration. These amendments, sent to Ambassador Cleveland on November 23, read as follows:

Amendment to U.S. Draft Resolution

D. Welcomes the intention expressed by nuclear-weapon States to refrain from the threat or use of nuclear weapons against any non-nuclear-weapon State that has undertaken not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or devices, and that is not engaged in an armed attack assisted by a nuclear-weapon States.

Amendment to U.S. Draft Declaration

6. The United States affirms its intention to refrain from the threat or use of nuclear weapons against any non-nuclear-weapon State that has undertaken not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or devices, and that is not engaged in an armed attack assisted by a nuclear-weapon State.

¹See above, pp. 52-53, 74-75.

²See below, chapter K-6.

³See above, p. 51 ff.

⁴See above, pp. 98-99.

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Ambassador Cleveland was instructed to tell the allies that these amendments were "probably" necessary to achieve many nonaligned signatures to the NPT." We also needed some U.S. non-use proposal to defend our position against the Kosygin proposal, which was very popular with the nonaligned. Noting that the restriction on use would not apply if a non-nuclear state was engaged in an attack assisted by a nuclear power, we explained that "nuclear weapons could still be used in the event of a war in Europe in which the Soviet Union provided assistance." From the standpoint of the alliance, it was "important to retain the nuclear deterrent to cover such cases."¹

Related to the assurances question was the German desire to include a treaty provision against nuclear blackmail. The Germans had pressed for such a provision in April,² and on October 23 FRG Minister von Lilienfeld gave Leddy a memorandum proposing a preambular paragraph in which the nuclear powers would resolve not to use nuclear weapons "for the purpose of political pressure, political threat or political blackmail against non-nuclear-weapon powers."³ Assistant Secretary Leddy later gave von Lilienfeld an oral statement in which he said that we believed our draft resolution and declaration would meet the concerns of many non-nuclear states. He added that the basic guarantee for the FRG would continue to be "a strong and vigilant NATO military alliance."⁴

When the November 23 instruction was sent to Cleveland, Ambassador McGhee was instructed to tell the Germans that our proposals went farther than those they had advanced, since ours dealt with the use, as well as the threat of use, of nuclear weapons. As for the FRG proposals, we said:

¹To USNATO, Bonn, etc., tel. 74017, Nov. 23, 1967, Secret.

²See above, pp. 138-141.

³Circ. agm. CA-3203, Oct. 27, 1967, Secret.

⁴Circ. agm. CA-3488, Nov. 9, 1967, Secret.

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...We continue to find great difficulty dealing with either affirmative or negative assurances in the treaty, which we hope will be widely accepted, with the result that, unlike the NATO treaty, the Communist bloc and non-aligned non-nuclear states would be the beneficiaries of our treaty commitments. Moreover, the FRG proposal might be taken to prohibit us from threatening the use of nuclear weapons against a threatened conventional attack by a non-nuclear state which was supported by a nuclear-weapon state.¹

In response to a later FRG inquiry, we said that nuclear blackmail would not be a violation of the non-proliferation treaty. A serious threat to use nuclear weapons could, however, be cited by the threatened state as grounds for withdrawal, or it could bring about the implementation of the security assurances. The treaty, of course, would no longer be controlling the event of war.²

In the NAC, the Italian representative criticized our non-use proposal for failing to assure alliance members that nuclear weapons would not be used against them. He even suggested that an alliance member might be more vulnerable to nuclear attack because of its ties. Ambassador Cleveland found this suggestion far-fetched and commented that nothing in our proposal exposed an alliance member more than all nations were exposed in this dangerous world. He also observed that Italy had the best possible assurance in article V of the North Atlantic Treaty.³

On December 9, Mr. Foster was instructed to present our non-use proposals to Roshchin, and he did so on the same date. He told Roshchin that the Kosygin proposal was completely unacceptable because it discriminated against our defensive

¹To USNATO, Bonn, etc., tel. 74017, Nov. 23, 1967, Secret. The Embassy at Bonn immediately informed the Foreign Ministry (from Bonn, tel. 5535, Nov. 24, 1967, Secret).

²Circ. agn. CA-4163, Dec. 12, 1967, Secret.

³From USNATO, tels. 750, Nov. 30, 1967, Secret, and 898, Dec. 6, 1967, Secret.

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alliances. We assumed that the USSR would not wish to give an assurance to a NATO ally which engaged in an armed attack assisted by the United States, and the reverse would hold true for a U.S. assurance to Warsaw Pact members. Since it had been very difficult to develop our proposals, the chances of revising them were virtually nil. If the USSR wanted a reasonable non-use provision, it should accept them. In response to a Soviet inquiry, he said that the declarations by the nuclear powers should be as closely parallel as possible.¹ At the last Co-Chairmen's meeting of this ENDC session, he told Roshchin that it would be presumed that any attack by a NATO or Warsaw Pact country had the assistance of the nuclear ally. This would leave each nuclear power free to exercise its own judgment.² Although Ambassador Roshchin reported our proposals to Moscow, there was no definitive Soviet reply when the ENDC recessed.

Recess and report

As the session drew to an end, it became evident that the treaty could not be completed in time to present it at the current General Assembly. Except for the duration and amendments provisions, the Co-Chairmen had agreed on a series of amendments, but the Soviet Union refused to submit them to the ENDC until agreement was reached on article III,³ and the first sentence of that article remained in dispute in spite of arduous American efforts to find a compromise that would be accepted both by the Soviet Union and by our allies.

The reports that the ENDC submitted to the General Assembly and the Disarmament Commission usually included as documentary annexes the papers submitted by the various delegations. In order to prevent a premature General Assembly debate, however, the Co-Chairmen decided that the ENDC report for this year should not include the documents.

¹To Geneva, tel. 82381, Dec. 9, 1967, Secret/Exdis;
from Geneva, tel. 2019, Dec. 9, 1967, Secret/Exdis.

²From Geneva, tel. 2078, Dec. 15, 1967, Secret/Limdis.

³See above, p. 197.

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In spite of Indian and Brazilian protests, the other delegates acquiesced in this decision. On December 7 the ENDC reported that it had made substantial progress toward a non-proliferation treaty but was unable to provide a full report at this time. It would submit a full report, including documents, as soon as possible.¹ The ENDC recessed on December 14, 1967, and agreed to reconvene on January 18, 1968.

The Brazilian and Indian Problems

While all the nonaligned members of the ENDC wished to change certain provisions of the draft treaty, the majority favored a non-proliferation treaty in principle. Brazil and India, however, took such an antagonistic attitude that it appeared likely that they would not only refuse to sign the treaty but would actively work against it.

Brazil, unlike the United States and most Latin American countries, took the position that the Tlatelolco treaty permitted the signatories to develop and use peaceful nuclear explosive devices.² The Brazilian attitude apparently stemmed from the desire of Foreign Minister Magalhães Pinto to exploit the peaceful explosions issue for domestic political purposes. In May 1967, however, the Brazilian delegation at Geneva was headed by Sergio Corrêa da Costa, the Secretary-General of the Foreign Ministry, who took a more moderate line. In July, AEC Chairman Seaborg had a very successful visit to Brazil, and it appeared that the Brazilians were becoming more reasonable.

Only a week after the draft treaty was submitted, Ambassador Azeredo da Silveira attacked it in the ENDC as "one-sided" and "discriminatory", since it imposed obligations on the non-nuclear nations and did not deal with "vertical proliferation," i.e., the growth of the weapons stockpiles of the nuclear powers. He also criticized

¹See International Negotiations on the Treaty on the Nonproliferation of Nuclear Weapons, pp. 91-92.

²Ibid., pp. 65-67.

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the treaty for banning the manufacture or acquisition of peaceful nuclear explosive devices by the non-nuclear countries and denounced the absence of security assurances.¹

Mr. Foster found this statement very damaging. He advised Washington to inform Brazil that a frontal attack on the treaty would raise a question of the extent to which we could extend nuclear cooperation to Brazil, and he recommended cancellation of the bilateral talks scheduled for mid-September.² In Rio de Janeiro, Ambassador Tuthill reported that responsible Brazilian officials were taking a more sober view of the question, and advised against cancellation of the talks.³ Washington concluded that it would be best to avoid an "overly harsh reaction" which might solidify Brazilian opposition to the treaty and decided to go ahead with the talks.⁴

Ambassador Tuthill told the Brazilians privately that the speech had not dealt constructively with the differences between the two countries and had actually exacerbated them because of its emotional tone. He also warned them to expect a rough meeting in Washington.⁵ These remarks were passed on to President Costa e Silva, who indicated that nuclear problems would not be allowed to damage relations with the United States.⁶ Our delegation at Geneva appreciated Tuthill's efforts and prepared a detailed analysis of the speech to be given to Costa e Silva on a confidential basis.⁷

Ambassador Tuthill returned to Washington for the talks (September 12-13, 1967). During these talks, Secretary-General Corrêa da Costa told Katzenbach that he agreed with the basic objective of the treaty but not with the renunciation of the technology leading to peaceful nuclear explosions.⁸

¹Documents on Disarmament, 1967, pp. 368-372.

²From Geneva, tel. 715, Sept. 4, 1967, Secret/Limdis.

³From Rio de Janeiro, tel. 1628, Sept. 6, 1967, Secret/Limdis.

⁴To Geneva, tel. 33315, Sept. 7, 1967, Secret/Limdis.

⁵From Rio de Janeiro, tel. 1670, Sept. 7, 1967, Secret/Limdis.

⁶From Brasilia, tel. 930, Sept. 9, 1967, Secret/Limdis.

⁷From Brasilia, tel. 923, Sept. 8, 1967, Secret/Limdis; from Geneva, tels. 800 and 801, Sept. 12, 1967, Secret/Limdis.

⁸Memcon Corrêa da Costa, Katzenbach, et al., Sept. 13, 1967, Confidential.

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In a meeting with Fisher, the Ambassador taxed Corrêa da Costa with a recent statement by Magalhães Pinto, who had told the press in Rio that, as more countries developed the bomb, there was less likelihood that it would ever be used.¹ Our representations to the Brazilians did not keep them from submitting completely unacceptable amendments on October 31.²

As previously noted, the Indian representative at Geneva suggested a number of completely non-negotiable changes in the draft treaty.³ India apparently lost interest in the security assurances we were prepared to offer,⁴ and the Indian Deputy Representative at the United Nations told a U.S. delegate that it was clear that India would not sign the non-proliferation treaty.⁵

Henry Owen, Chairman of the Policy Planning Council, warned the Secretary of State that it might take as long to overcome India's objections as it had taken to meet those that the Germans had raised. He thought that the Indians would want only a five-year treaty and that they would demand bilateral security assurances from the United States and the Soviet Union. The Soviets, for their part, would probably not accept a treaty of such limited duration, and we would probably be unable to offer the kind of security assurances the Indians wanted. But he did not think that Indian abstention would be fatal and suggested that we might as well accept it gracefully.⁶ Mr. Foster agreed that the treaty should not be held up to obtain Indian adherence. He thought, however, that "a strong but unhurried effort should be made to secure an Indian signature" after the nuclear powers signed.⁷

¹Memcon Corrêa da Costa, Tuthill, Fisher, et al., Sept. 12, 1967, Confidential.

²See above, pp. 181, 194.

³See above, pp. 181-182, 194. The Indian representative at the General Assembly took a similar position; see International Negotiations on the Treaty on the Nonproliferation of Nuclear Weapons, p. 95.

⁴See above, p. 280.

⁵From New York, tel. 2287, Nov. 16, 1967, Confidential.

⁶Owen (State-S/P) to Rusk, memorandum, Dec. 8, 1967,

Secret.

⁷Foster to Rusk, memorandum, Dec. 21, 1967, Secret.

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22nd General Assembly (Part I)

On November 30 Washington decided that it was time to postpone General Assembly consideration of the non-proliferation treaty. The "deadline psychology" had become less credible and could backfire by giving the impression that we might try to force the treaty through the General Assembly in the last days of the session. Mr. Foster was therefore instructed to seek Soviet support in getting the ENDC to prepare a draft General Assembly resolution asking the ENDC to continue its work and report to a special session of the General Assembly. At that stage, we preferred a special session, with its greater prestige, because it could more readily be confined to the non-proliferation question. We also considered referring the treaty to the Disarmament Commission but decided against this course since that organ had less status, was more open to the introduction of other questions, and would permit some to argue for deferring the treaty to the 23rd General Assembly.¹

At the Co-Chairmen's meeting of December 2, Mr. Foster found Roshchin highly doubtful about the procedure we proposed. The Soviet representative was not sure that the final treaty should be sent to the General Assembly at all and suggested that it might be signed at a high-level meeting in Geneva and then transmitted to the General Assembly. Mr. Foster replied that we did not have fixed ideas on the conclusions of the treaty but that he saw some psychological advantage in General Assembly endorsement and doubted that General Assembly discussion could be avoided.² After this discussion, our delegation advised Washington that it would be undesirable to draft the resolution in Geneva because of the "great frustration and irritation" which prevailed there and the prospect that we could win Trivedi's support only at a price we were not prepared to pay.³

The task of drafting the resolution was then given to the U.S. and Soviet delegations in New York. Ambassador Mendelevich early expressed a preference for a resumed, rather than a special session, of the General Assembly,⁴ and we eventually agreed. On December 14 the United States, the USSR, and 14

¹Circ. tel. 77310, Nov. 30, 1967, Confidential.

²From Geneva, tel. 1945, Dec. 3, 1967, Secret.

³From Geneva, tel. 1944, Dec. 3, 1967, Secret.

⁴From New York, tel. 2710, Dec. 2, 1967, Confidential.

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other countries (including India) submitted a draft resolution calling on the ENDC to continue its work and to submit a full report on the non-proliferation treaty by March 15, 1968. It recommended consultations on setting a date for the resumption of the 22nd session of the General Assembly after that time.

But we had underestimated the strength of the support for the non-nuclear conference. A Preparatory Committee of 11 non-nuclear states had recommended that the conference be held from March 11 to April 10, 1968, to consider security assurances, peaceful uses of nuclear energy, and other non-proliferation problems. In spite of American and Soviet opposition, 21 countries submitted a draft resolution on December 15, 1967, providing for a non-nuclear conference at the time recommended by the Preparatory Committee.¹

The Pakistanis, who had initiated the movement for the conference, were perfectly willing to postpone it until August, but they encountered strong opposition led by Italy, Brazil, and Nigeria. Faced with this movement, First Deputy Foreign Minister Kuznetsov and Ambassador Goldberg agreed that it was necessary to appease the group in order to prevent the conference from taking place before the resumed General Assembly could be held. When Mr. Fisher and Soviet delegate Shevchenko met with the representatives of several non-nuclear countries, they found the Brazilian and Nigerian representative - who had served in the ENDC - complaining about the "run-around" they had received in Geneva. Ambassador Goldberg then agreed to support the 21-nation resolution if the date of the conference was postponed to August.² This was done, and Ambassador Goldberg publicly disclosed the deal in the General Assembly. Both resolutions were approved by large majorities.³

¹International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, p. 96.

²From New York, tel. 3106, Dec. 16, 1967, Confidential.

³International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, p. 97.

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13th Session of the ENDC, January 18-March 14, 1968

As usual, the Co-Chairmen came to Geneva a few days before the ENDC session formally began. At their meeting of January 15, Ambassador Roshchin ascertained that our November 2 safeguards proposal¹ was the best we could offer and that we had no other suggestions. He then told Fisher that the USSR wanted more assurance that our first sentence would lead to the establishment of IAEA safeguards and asked whether we could repeat as a formal statement Fisher's November 2 remark that the safeguards established by an agreement with the IAEA could not conceivably be anything other than IAEA safeguards.² If we would do this, the Soviets would accept our proposal. Our delegation recommended that we agree to Roshchin's suggestion and add the following statement to our three principles:

4. Safeguards established by an agreement negotiated and concluded with the IAEA in accordance with the Statute of the IAEA and the Agency's safeguards system must result in a universal system so that the IAEA can carry out its responsibility of providing, with equal confidence with respect to all Parties to the Treaty, assurance that no diversion is taking place.³

Washington decided, however, to offer the assurance in the form of an additional sentence in the first principle:

...Therefore safeguards established by an agreement negotiated and concluded with the IAEA in accordance with the Statute of the IAEA and the Agency's safeguards system must enable the IAEA to carry out its responsibility of providing assurance that no diversion is taking place.⁴

¹See above, pp. 248-249.

²See above, p. 250.

³From Geneva, tel. 2266, Jan. 15, 1968, Secret/Limdis.
For the three principles, see above, p. 172.

⁴To Geneva, tel. 98936, Jan. 16, 1968, Secret/Limdis.

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Mr. Fisher explained to Roshchin that this sentence should eliminate any misunderstanding and that IAEA would clearly have the responsibility of providing assurance that no diversion was taking place. When Ambassador Roshchin noted that the text was different from Fisher's November 2 statement, he replied that the latter was intended for argumentative presentation rather than a formal ENDC presentation. We had difficulty with the term "IAEA safeguards," but the sentence made clear what would happen, and there would be no "self-inspection."

Ambassador Roshchin then brought up the transition period and asked Fisher to comment on the following statement:

Agreement between IAEA and ~~the~~ Euratom countries is to be concluded within ~~a~~ term of two years and after this term ~~the~~ control of IAEA shall be applied.

Mr. Fisher replied that the Euratom system, like national systems, would remain in being. We had never understood the Soviets to hold that the Euratom system must end, and it would be a drastic change to suggest this now. Mr. Roshchin rejoined that the USSR had always wanted a single system but would not object to the continuation of independent systems.¹

As noted above, the Co-Chairmen had previously agreed on revised versions of the Mexican amendments on peaceful uses of nuclear energy, peaceful nuclear explosive devices, disarmament, and regional denuclearization.² These amendments were not tabled at the previous session because Moscow refused to agree to their submission until article III was worked out.³ Now that agreement on that article was in sight, the Soviets were willing to table the amendments, and they also responded to our proposals on the duration and amendments provisions.

The Soviets proposed the following language on duration:

¹From Geneva, tel. 2273, Jan. 17, 1968, Secret/Limdis.

²See above, pp. 185-197.

³See above, p. 197.

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...Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

And they were now willing to agree to amendments becoming effective only for those parties that ratified them, after approval by a qualified majority.¹

The Soviets made only a minor drafting change in the amendments language we had proposed. In the duration provision, however, they deleted two sentences from our draft which would give each party the explicit right to denounce the treaty after the 25-year conference was held. Mr. Fisher objected to this change, since it would make withdrawal at the end of 25 years dependent either on the will of the majority or on the existing withdrawal clause, whose meaning would thereby be diluted. Ambassador Roshchin maintained that withdrawal should not be mentioned twice in the same article and that it would not matter after 25 years how it was described.

Mr. Fisher stated that we still felt it desirable to include provisions on periodic review and preparatory commissions for the review conferences.² Ambassador Roshchin replied that these questions could still be discussed after the treaty was tabled, and both Co-Chairmen agreed that further amendments were not precluded.³

Mr. Fisher reported that the Soviets were unlikely to change their position on duration and review conferences in the next two days, although they might later agree to revision of the review conference provisions. Under these circumstances, he saw only two possible courses of action: (1) to table with only the agreed amendments, if the Soviets concurred, or (2) to table with the agreed amendments, the Soviet duration clause, and the August 24 review clause and

¹From Geneva, tel. 2274, Jan. 16, 1968, Secret/Limdis.

²See above, p. 195.

³From Geneva, tel. 2273, Jan. 17, 1968, Secret/Limdis.

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tell the Soviets that we were not committed to the text if we found a change to be necessary after further discussion and negotiations. He recommended the second alternative.¹

His recommendation was accepted, and he was authorized to agree to table the draft treaty with the agreed amendments, the Soviet duration clause, and the August 24 review conference provision, provided that the Soviets accepted our November 2 safeguards draft and the explanation he had offered.² He told Roshchin on January 17 that this was a package proposal and that we would feel free to continue to propose changes in the review and duration provisions.³ After checking with Moscow, Ambassador Roshchin informed him on the morning of January 18 that the Soviet Union would agree to table separate but identical texts of the draft treaty at the 3:00 p.m. meeting of the ENDC. Mr. Fisher reminded him that the text was submitted for discussion and negotiation and that governments could not be committed.⁴

In the NAC, the decision to table the draft treaty was welcomed by most of our allies. The Italian representative, however, wished to stiffen the requirements for entry into force by doubling the number of necessary ratifications and by stipulating that these must include advanced civil nuclear nations. Only the FRG representative showed any sympathy for these views.⁵

President Johnson was "most heartened" to learn that the Soviet Union would join us in submitting a complete draft treaty. He believed that it represented a "major accomplishment" in meeting the legitimate interests of other nations and expressed the "fervent hope" that he could submit it to the Senate in 1968.⁶

¹From Geneva, tel. 2281, Jan. 16, 1968, Secret/Exdis.

²To Geneva, tel. 99821, Jan. 17, 1968, Secret/Limdis.

³From Geneva, tel. 2289, Jan. 17, 1968, Secret/Limdis.

⁴From Geneva, tel. 2294, Jan. 18, 1968, Secret.

⁵From USNATO, tels. 1377, Jan. 17, 1968; 1378, Jan. 18, 1968; 1393, Jan. 18, 1968, Secret. For the U.S. position on the Italian proposals, see below, pp. 341-345.

⁶Documents on Disarmament, 1968, p. 1.

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Draft treaty of January 18, 1968

The preamble to the revised draft treaty omitted the paragraphs on peaceful nuclear explosives and regional denuclearization, since there were new treaty articles on these questions. There were no changes in the first two articles. Article III incorporated our November 2 safeguards proposal. The Mexican amendments on peaceful uses, peaceful nuclear explosive services, disarmament, and regional denuclearization, as revised by the Co-Chairmen, appeared as articles IV-VII. Article VIII contained the revised amendments provision and repeated the August 24 review conferences clause. The ninth article provided for entry into force after the deposit of ratifications by the nuclear-weapon signatories and 40 other nations. The new Soviet duration provision and the August 24 withdrawal clause appeared in the tenth article. The last article contained the provisions on official languages and texts.¹

Interpretations of article III

At Geneva, the Co-Chairmen stated their interpretations of article III. Ambassador Roshchin said:

...this article provides for the establishment of international control by the International Atomic Energy Agency (IAEA). This control will be carried out with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. Thus IAEA control will be applied on all source or fissionable material in the peaceful nuclear activities of non-nuclear weapon States within their territories or carried out under their control anywhere.

¹International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 98-99, 150-154.

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Of course, control should not entail interference in the domestic affairs of States or hamper their economic development. A special provision in the article on control provides for the unhampered utilization by all parties to the treaty of nuclear energy for peaceful purposes, for their economic and technical development, including international co-operation in the field of peaceful nuclear activities. The article on control provides for the establishment of conditions for the effective verification of the fulfilment of the obligation to prevent diversion of nuclear energy from peaceful uses to nuclear weapons; and at the same time it maintains the broadest possibilities for the peaceful development of nuclear energy in non-nuclear weapon countries.¹

Mr. Fisher pointed out that the article required the application of treaty safeguards to "all source or special fissionable material employed in peaceful nuclear activities of non-nuclear-weapon parties" and that the safeguards were intended "solely to verify the fulfilment of obligations assumed under the treaty," in accordance with an agreement to be negotiated with IAEA in accordance with its Statute and the IAEA safeguards system. The IAEA system was not, however, incorporated in the treaty in the sense that a treaty amendment would be required to change it. IAEA would be permitted to "enter into an agreement concerning the safeguards obligations of the parties with another international organization the work of which is related to IAEA and the membership of which includes the parties concerned."

He expounded the three principles in the following form:

1. There should be safeguards for all non-nuclear-weapon parties of such a nature that all parties can have confidence in their effectiveness. Therefore safeguards established by an agreement negotiated and concluded with the IAEA in accordance with the Statute of the IAEA and the Agency's safeguards system must enable the IAEA to carry out its responsibility of providing assurance that no diversion is taking place.

¹Documents on Disarmament, 1968, p. 7.

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2. In discharging their obligations under article III, non-nuclear-weapon parties may negotiate safeguards agreements with the IAEA individually or together with other parties; and, specifically, an agreement covering such obligations may be entered into between the IAEA and another international organization the work of which is related to the IAEA and the membership of which includes the parties concerned.

3. In order to avoid unnecessary duplication, the IAEA should make appropriate use of existing records and safeguards, provided that under such mutually-agreed arrangements IAEA can satisfy itself that nuclear material is not diverted to nuclear weapons or other nuclear explosive devices.¹

Soviet motives

Why had the Soviets agreed to table the treaty at this time? In Bonn, German officials suggested that it might have something to do with Vietnam.² Our Embassy at Moscow disagreed and thought on the contrary that Vietnam would tend to inhibit Soviet concessions to the United States. Instead, the Soviets probably realized that time was not on the side of the treaty and that it would be easier to resist objections and pressures for watering it down if the full text was on the table. The Soviet delay was probably due to the slow decision-making process "characteristic [of the] current Soviet leadership."³

Washington agreed with this analysis. It also cited the risks posed by the non-nuclear conference, which was scheduled for August. It thought that Moscow had concluded that it was profitless to labor the safeguards question any further in face of a strong Western position. This assumed that the Soviets really wanted the treaty:

¹Ibid., pp. 12-14. For the three principles, cf. above, pp. 172, 212.

²From Bonn, tel. 7590, Jan. 24, 1968, Confidential.

³From Moscow, tel. 2571, Jan. 25, 1968, Confidential.

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Above analysis rests on the basic assumption that the Soviets really want the NPT and their overriding motivation in this respect has not been solely to drive a wedge in the NATO alliance, but to minimize on a global basis the prospects for hostilities involving nuclear weapons which could result in confrontation with us, but halting the further spread of nuclear weapons into possible contentious areas. Although initially the Soviets may have conceived of the NPT as primarily an instrument for putting an extra layer of controls on the FRG, we believe over last several years the Soviets have come to develop a broader view of the value of having an NPT. Chicom nuclear developments, the Middle Eastern war, etc., surely had a part in the evolution of Soviet thinking from initial parochial concern re the FRG.

Although this did not mean that there had been any basic change in Soviet policy toward Western Europe, the treaty could be regarded "as another building block in the structure of postwar agreements with the Soviets regarding nuclear weapons" which would be bound to have a positive effect on East-West differences.¹

Chinese Communist reaction

The Chinese Communists denounced the draft treaty as a landmark in American-Soviet collusion against China. They also accused the United States and the Soviet Union of trying to deprive non-nuclear countries of the right to develop nuclear weapons and claimed that the superpowers wanted to place other nations under their "nuclear umbrella."²

¹To Bonn, tel. 107235, Jan. 30, 1968, Confidential.

²International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, p. 100.

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Amendments and comments

Brazilian amendments

The Brazilians introduced a revised version of the amendments they had submitted at the previous session. They still wished to remove from articles I and II the ban on the development and use of peaceful nuclear explosives by non-nuclear nations, and their revised peaceful-uses article would assure the right of all parties to develop such devices. A new disarmament article would obligate the nuclear parties to negotiate a nuclear disarmament treaty at the earliest possible date and to channel resources freed by nuclear disarmament to a special U.N. fund for the developing countries. The Brazilians repeated their previous regional denuclearization and withdrawal proposals.¹

British amendments

The British reaffirmed their proposal to give the review conference the right to review implementation of the purposes of the preamble as well as the provisions of the treaty. This amendment received wide support.²

U.K. Disarmament Minister Mulley considered proposing an amendment to article V to make the United Kingdom as a nuclear country eligible for peaceful nuclear explosive services.³ We took the position that this article should be portrayed as conveying special benefits to non-nuclear countries, and the British amendment was not surfaced. We later gave the British a memorandum stating that article V did not preclude our providing them with peaceful nuclear explosive services and that we would be willing to make services available to the United Kingdom on the same basis as to other countries.⁴

¹Documents on Disarmament, 1968, pp. 64-65. For the previous Brazilian proposals, see above, p. 181.

²See International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, p. 109. The British amendment is described above, p. 181.

³From London, tel. 5898, Jan. 25, 1968, Secret/Limdis.

⁴To London, tel. 142545, Apr. 5, 1968, Confidential.

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German memorandum

In a circular memorandum of March 6, the FRG found the January 18 draft treaty an improvement on previous drafts. In the German view, however, it did not fully take account of the needs of non-nuclear nations. The obligations of article VI should be expressed in more concrete terms, and the preambular paragraph on disarmament should list partial measures of nuclear disarmament separately from general and complete disarmament. There should be a treaty provision against nuclear blackmail. Review conferences should be held automatically every five years and cover the preamble as well as the body of the treaty. It was also important that "the treaty should be binding on an adequate number of those countries whose participation is of particular significance in view of their state of development and their regional importance."¹

The Germans wished to circulate this memorandum as an ENDC document, and we took up the question with the Soviet delegation at their request. But it had always been our practice to object to the circulation of GDR papers as ENDC documents, although they could be distributed under a cover statement by the Soviet representative. When he learned of the FRG request, Ambassador Roshchin predictably declared that the GDR must have equal treatment. The FRG attached so much importance to the memorandum that it was willing to consent to the circulation of a GDR paper as an ENDC document on a ad hoc basis. It withdrew its request, however, when it learned that the ENDC report would refer to papers submitted by "governments."²

Italian amendments

In a working paper of February 20, Italy proposed adding a paragraph to article V assuring the supply of "source and special fissionable materials or equipment...for peaceful purposes." Italy also proposed automatic review conferences every five years, and she would give all parties the right to withdraw every 25 years.³

¹Documents on Disarmament, 1968, pp. 152-155.

²From Geneva, tels. 2843, Mar. 11, 1968; 2864, Mar. 12, 1968; 2875, Mar. 13, 1968; 2877, Mar. 14, 1968, Confidential; from Bonn, tel. 9352, Mar. 11, 1968, Confidential; to Geneva, tel. 128510, Mar. 12, 1968, Confidential.

³Documents on Disarmament, 1968, p. 92.

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Romanian amendments

On March 8, Romania proposed extensive changes in article III, including the addition of a new paragraph at the beginning providing that control should be applied to such peaceful nuclear activities of non-nuclear parties "as, by their nature and the quantities of source and special fissionable materials which they produce, process or use, may lead to the proliferation of nuclear weapons." An additional paragraph at the end of the article would provide for Security Council control of foreign bases on the territory of non-nuclear parties to insure that the host countries did not gain access to nuclear weapons from such bases. Article VI would be replaced by an undertaking by the nuclear parties to bring about nuclear disarmament as soon as possible. In a new article, nuclear powers would undertake never to use or threaten to use nuclear weapons against non-nuclear nations which undertook not to manufacture or acquire them. Review conferences would be held automatically every five years. Withdrawing states would not be required to furnish a statement of their reasons.¹

Nigerian amendments

In a working paper of February 28, Nigeria proposed drafting changes in the peaceful-uses article. A provision would be added to article V requiring annual reports to the IAEA. The British and Swedish amendments would be modified to specify that the review conferences should make decisions by majority vote.²

Spanish memorandum

In a memorandum of February 8 to the Co-Chairmen, Spain agreed that the provisions in the peaceful-uses article on scientific and technical information were sound but took the view that the information "should refer specifically to the entire technology of reactors and fuels." Spain thought that there should be automatic review conferences every five years and that the duration should be reduced to 20 years. Moreover, the provisions for entry into force should be

¹Ibid., pp. 159-162.

²Ibid., p. 136.

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strengthened by requiring 60 ratifications, including at least 12 countries which either had power reactors or possessed economically exploitable uranium deposits on their territory. Article VI should include obligations to destroy nuclear weapons and vehicles. Safeguards should be made binding on all nuclear powers. Finally, there should be both positive and negative security assurances.¹

Swedish amendments

Sweden submitted two sets of amendments to the draft treaty. In the first set (February 8), Sweden proposed to add a preambular paragraph recalling the determination expressed in the limited test-ban treaty to achieve a comprehensive test ban, to revise the disarmament article, and to permit review conferences every five years at the request of a majority of the parties. The revised disarmament article would read as follows:

Each of the Parties to this Treaty undertakes to pursue negotiations in good faith on effective measures regarding cessation of the nuclear arms race at an early date, and nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.²

These amendments attracted wide support in the ENDC, and the Swedes accepted drafting changes proposed by the British.³

The second set (February 13) was addressed to the provisions on peaceful nuclear explosive devices. The Swedes wished to delete the words "by nuclear-weapon States" in the seventh preambular paragraph. They also wished to eliminate the words "non-nuclear-weapon" from article V and to revise this article so that there would be no express reference to the possibility of obtaining peaceful nuclear explosion services on a bilateral basis.⁴ Mrs. Myrdal argued that any bilateral arrangements should be internationally

¹Ibid., pp. 39-41.

²Ibid., pp. 41-42.

³International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, p. 106.

⁴Documents on Disarmament, 1968, p. 57.

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supervised. She also maintained that the Swedish changes were necessary to make the article compatible with a future comprehensive test ban, which would require international supervision of all peaceful nuclear explosions to insure that they were not weapons tests.¹

UAR amendments

Ambassador Khallaf reaffirmed the amendments submitted by the UAR at the previous session. These amendments would revise articles I and II to ban the dissemination of nuclear weapons by private individuals or organizations and to forbid a non-nuclear nation to assist another non-nuclear country in developing nuclear weapons.²

American-Soviet discussion of treaty changes

After the long and laborious negotiations that had been required to reach agreement on articles I-III, neither of the Co-Chairmen was prepared to reopen these articles for further negotiation. The Brazilian amendments to articles I and II continued to encounter their common opposition to permitting the development and use of peaceful nuclear explosive devices by non-nuclear countries.³ The Romanian amendments to article III were also out of the question.⁴ While the Soviet Union had been willing to accept the UAR amendments to the first two articles, it had not insisted on them after we expressed opposition.⁵ At this session, both Co-Chairmen made public statements against the UAR amendments.⁶ Before making his statement, Ambassador Roshchin showed it to Foster, who explained that we could not accept an interpretation of article I requiring parties to enact legislation to prevent the activities the UAR wished to prohibit, since this would raise constitutional questions of free speech for the United States. Our delegation also got the Soviets to say that there would be a presumption

¹International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 104-105.

²Ibid., p. 100. For the previous UAR amendments, see above, p. 185.

³See above, p. 297.

⁴See above, p. 299.

⁵See above, p. 185.

⁶International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 100-101.

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of violation, rather than an outright violation, for a non-nuclear party to give assistance to another non-nuclear state.¹

Although other provisions of the draft treaty were subject to amendment and improvement, the number of constructive and negotiable proposals turned out to be rather limited. The Co-Chairmen did not wish to list specific measures in the disarmament article and publicly opposed attempts by the Brazilians, Indians, and Romanians to include them. Ambassador De Palma publicly opposed Brazilian, Nigerian, and Ethiopian proposals to increase the number of ratifications required for entry into force. He also opposed the qualitative criteria proposed by the Germans, Spaniards, and others. All these proposals could have caused delay in bringing the treaty into operation. He also rejected the Brazilian and Romanian withdrawal proposals and pointed out that there was nothing unreasonable in requiring a withdrawing state to provide a public statement of its reasons or in permitting the Security Council to discuss the situation.²

As previously noted, the Soviets refused to include in the January 18 draft treaty our proposal for allowing further review conferences at the request of the majority of parties and for establishing preparatory commissions for such conferences, consisting of the nuclear parties and the non-nuclear parties represented on the IAEA Board of Governors when the conferences were called.³ Ambassador Roshchin objected that our proposal would multiply conferences unnecessarily, since the non-nuclear nations would not lack other forums where they could express their views on the treaty. He might, however, consider providing for further conferences if the nuclear parties had a veto on calling them. Mr. Fisher commented that a veto would not be popular with the non-nuclear nations, and Ambassador De Palma said that it would look to them like giving with one hand and taking away with the other.⁴ The Soviet delegation later

¹From Geneva, tel. 2707, Feb. 28, 1968, Secret.

²See International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 106-111.

³See above, p. 291.

⁴From Geneva, tel. 2365, Jan. 24, 1968, Secret.

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suggested the possibility of requiring a two-thirds majority for calling review conferences.¹

Our delegation suggested the following revised language to Washington:

Five years after the entry into force of this Treaty, a conference of Parties shall be held in Geneva, Switzerland in order to review the operation of the Treaty with a view to assuring that the purposes of the Preamble and provisions of the Treaty are being realized. Thereafter, the possibility of additional review conferences shall be discussed among the Parties through diplomatic channels, and such a conference shall take place whenever a majority of the Parties notifies the Depositary Governments of its desire to hold such a conference but not sooner than five years from any prior conference.

This might be more acceptable to the Soviets, since it would leave open the possibility of seven or eight years between conferences. The delegation thought that we should resist Soviet demands for a nuclear-power veto or a two-thirds majority. We should be prepared to drop the preparatory commission provisions, which had aroused allied doubts, but we should initially retain them and delete only the provisions for a preparatory commission meeting six months before the conference was to be held.² Washington concurred but revised the second sentence to read:

...Thereafter, but not less than five years following any prior review conference, additional review conferences shall be called upon the submission to the Depositary Governments of requests therefor by a majority of the Parties.³

¹From Geneva, tel. 2406, Jan. 29, 1968, Secret/Limdis.

²From Geneva, tel. 2434, Feb. 1, 1968, Secret.

³To Geneva, tel. 111605, Feb. 7, 1968, Secret.

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Washington was gratified at the "moderation and reasonableness" of the Swedish amendments of February 8 and instructed the delegation on February 16 to advocate them in the next Co-Chairmen's meeting. It suggested redrafting the preambular paragraph to make it track more closely with the language of the limited test-ban treaty and warned the delegation to use "due caution in discussion [of] prospects for CTB with other dels." We could accept either the Swedish proposal or our own recent draft on review conferences. Washington doubted that we and the Soviets could agree on any of the Swedish amendments of February 13.¹

On February 16, Ambassador De Palma informed Roshchin of our position on the February 8 amendments. He also told him that we favored the British amendment and thought that our proposal for a preparatory commission was more practical than the Soviet idea of adding non-nuclear depositaries to the three nuclear depositaries and having all of them act as a preparatory commission.²

We did not think that the Swedish amendments to the peaceful nuclear explosions article were necessary because appropriate international procedures would apply to both bilateral and multilateral projects, whether or not there was a comprehensive test ban. Since U.S. law prohibited the revelation of a nuclear device or the disclosure of design information, the bilateral option would not provide a loophole, as the Swedes and Canadians feared. Nor was there any need to omit the words "nuclear-weapon State"; although the article was intended to meet the concerns of non-nuclear nations, nuclear countries would not be precluded from receiving services. Ambassador De Palma was informed, however, that we could accept the Swedish preambular change if the Soviets agreed.³

¹To Geneva, tel. 116390, Feb. 16, 1968, Confidential. The comprehensive test ban was losing support in Washington at this time; see below, chapter G. For the Swedish amendments, see above, pp. 300-301.

²From Geneva, tel. 2598, Feb. 16, 1968, Confidential. For the British amendment, see above, p. 297.

³To Geneva, tel. 116960, Feb. 16, 1968, Confidential. For the Swedish and Canadian views on the bilateral option, see International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 104-105.

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On February 22, Ambassador De Palma made a public statement on the American position.¹ On the next day, Ambassador Roshchin told him that the Soviet Union did not favor the Swedish amendments of February 13. Recalling the Foster-Roshchin talks of November, Ambassador De Palma asked if the Soviets would object to his making a public statement that the bilateral option should be kept open in order to meet requests for services without waiting for a multilateral agreement. The Soviets agreed with our interpretation but thought it tactically unwise to highlight the possibility that multilateral agreement might be delayed.²

There was considerable delay before Moscow agreed to table the revised draft treaty. Apparently the Soviets held up action because of the Sofia meeting of the Warsaw Pact nations (March 6-7), where they made an unsuccessful attempt to persuade Romania to support the treaty.³ It was not until March 10 that Ambassador Roshchin could tell Foster that the USSR accepted the Swedish amendments of February 8 and the British amendment to article VIII. He said that other British minor suggestions could be considered at a later stage. His instructions did not cover our proposal for a preparatory commission. In his view, it would be unwise to surface a question which would cause more debate and further delay. The USSR was not yet ready to fill in the blank on depositaries.⁴

Security assurances

At the previous session, we had given Roshchin a draft Security Council resolution and declaration.⁵ At the request of the Soviet Union, we had also prepared a proposal to refrain from the use of nuclear weapons against non-nuclear states which did not commit aggression assisted by a nuclear power.⁶ At the January 22 Co-Chairmen's meeting, Ambassador

¹See *ibid.*, p. 105.

²From Geneva, tel. 2672, Feb. 23, 1968, Secret. For the Foster-Roshchin talks, see above, pp. 194-196.

³From Geneva, tel. 2777, Mar. 5, 1968, Confidential.

⁴From Geneva, tel. 2831, Mar. 10, 1968, Confidential.

⁵See above, pp. 273-276.

⁶See above, pp. 280-283.

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Roshchin said that the Soviet Union had the following objections to our proposals:

(1) The resolution should make it clear that assurances applied only to parties to the treaty.

(2) The preambular clause of the resolution should conform to the language of the treaty.

(3) As India had insisted, the declaration should include a provision that no aggressor who threatened or dared to unleash nuclear war would go unpunished.

(4) Our non-use proposal was not acceptable since it would equate states without nuclear weapons on their territory with nations where nuclear weapons were stationed. If we dropped our proposal, the Soviets would not insist on including the Kosygin proposal in the resolution, but they would still advocate it in their declaration.

Mr. Fisher said that it would not be desirable to expressly link the assurances with the treaty, since this would look like coercion against the non-nuclear nations. He told Roshchin that adherence to a regional denuclearization agreement should constitute an adequate undertaking to qualify for the assurances. Since the Kosygin proposal was non-negotiable, he did not see how a dispute about it in the Security Council would promote the widest adherence to the treaty. The punishment clause was not appropriate, since the U.N. Charter did not use such terms. He asked whether punishment would be required if a Soviet or American general made a threatening speech.¹

Our delegation at Geneva recommended that we accept the Soviet proposal to make paragraph 1 of the resolution and paragraph 2 of the declaration conform to the language of article II of the treaty. It also advised acceptance of the Soviet proposal to expressly link Security Council action with the treaty and noted that our reasoning had not

¹From Geneva, tel. 2338, Jan. 22, 1968, Secret/Limdis. The Soviet draft resolution appears in Geneva, tel. 2340, Jan. 22, 1968, Secret/Limdis. For the Soviet draft declaration, see Geneva, tel. 2343, Jan. 22, 1968, Secret/Limdis.

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been accepted by some of our allies. We should, however, oppose the Soviet introduction in the declaration of the words "qualitatively new" to refer to nuclear aggression, since this might imply that immediate Security Council action was justified primarily because nuclear weapons were employed and that conventional attack would create a less urgent situation. The "punishment" clause should be opposed because it was "propagandistic language not found in [the] Charter and would appear to commit [a] nuclear power to some action vis-a-vis [an] aggressor irrespective of [the] decision reached by [the] UNSC." We should continue to oppose the Kosygin proposal. If the Soviets insisted on including it in their declaration while allowing us to keep our non-use formula in ours, we should urge them to express it in similar style, i.e., as a definite pledge rather than a political proposal.¹

Washington was prepared to go somewhat farther than the delegation in meeting the Soviet position. It was not only willing to revise the draft resolution and declaration to make them conform more closely to the Soviet drafts, but it was also ready to accept the expression "qualitatively new situation" because of the effect that nuclear aggression would have on the victim. It explained, however, that it did not read this term as suggesting that the Security Council "should act less urgently in [the] event a conventional attack occurred or was threatened." If the Soviets concurred in this interpretation, we could accept their language.

Instead of the Soviet "punishment" language, Washington proposed to say that a state committing nuclear aggression or threatening it was "warned accordingly." The delegation was instructed to continue to press for our non-use language and not to pursue its idea that the Soviets might use the Kosygin formula as a definite pledge. It should also urge the Soviets to accept the term "aggression" in place of their word "attack," since our language was closer to the text of the U.N. Charter. Finally, our delegation was instructed to propose trilateral talks including the United Kingdom.² The delegation was sent the following revised drafts of the resolution and declaration:

¹From Geneva, tel. 2339, Jan. 22, 1968, Secret/Limdis.
²To Geneva, tel. 110158, Feb. 5, 1968, Secret.

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Revised U.S. Draft Resolution

1. Noting with appreciation the desire of a large number of States to subscribe to the Treaty on the Non-proliferation of Nuclear Weapons, and thereby to undertake not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices,
2. Taking into consideration the concern of certain of these States that, in conjunction with their adherence to the Treaty on the Non-proliferation of Nuclear Weapons, appropriate measures be undertaken to safeguard their security.
3. Bearing in mind that any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States,
 - A. Recognizes that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council and above all its nuclear-weapon State permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter;
 - B. Welcomes the intention expressed by States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-proliferation of Nuclear Weapons that is a victim of an act or threat of aggression in which nuclear weapons are used;
 - C. Reaffirms in particular the inherent right recognized under Article 51 of the Charter of individual and collective self-defense if an armed attack occurs against a member of the United Nations,

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until the Security Council has taken measures necessary to maintain international peace and security;

D. Welcomes the intention expressed by nuclear-weapon States to refrain from the threat or use of nuclear weapons against any non-nuclear-weapon State Party to the Treaty on the Non-proliferation of Nuclear Weapons that is not engaged in an armed attack assisted by a nuclear-weapon State.¹

Revised U.S. Draft Declaration

1. The Government of the United States notes with appreciation the desire expressed by a large number of States to subscribe to the Treaty on the Non-proliferation of Nuclear Weapons.
2. We welcome the willingness of these States to undertake not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.
3. The United States also notes the concern of certain of these States that, in conjunction with their adherence to the Treaty on the Non-proliferation of Nuclear Weapons, appropriate measures be undertaken to safeguard their security. Any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States.
4. Bearing these considerations in mind, the United States declares the following:
5. Aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State would create a qualitatively new situation in which the nuclear-weapon States which are permanent members of the United Nations Security

¹To Geneva, tel. 110163, Feb. 5, 1968, Secret.

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Council would have to act immediately through the Security Council to take the measures necessary to counter such aggression or threat of aggression in accordance with the United Nations Charter, which calls for taking "effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace." Any State that commits such aggression or threatens such aggression is warned accordingly.

6. The United States affirms its intention, as a permanent member of the United Nations Security Council, to seek immediate Security Council action to provide assistance, in accordance with the Charter, to any non-nuclear-weapon State, Party to the Treaty on the Non-proliferation of Nuclear Weapons [,] that is a victim of an act of aggression or threat of aggression in which nuclear weapons are used.

7. The United States reaffirms in particular the inherent right, recognized under Article 51 of the Charter, of individual or collective self-defense if an armed attack, including a nuclear attack, occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

8. The United States affirms its intention to refrain from the threat or use of nuclear weapons against any non-nuclear-weapon State, Party to the Treaty on the Non-proliferation of Nuclear Weapons, that is not engaged in an armed attack assisted by a nuclear-weapon State.

9. The United States vote for the resolution before us and this statement of the way in which the United States intends to act in accordance with the Charter of the United Nations are based upon the fact that the resolution is supported by other permanent members of the Security Council who are nuclear-weapon States and are also proposing to sign the Treaty on the Non-proliferation of Nuclear

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Weapons, and that these States have made similar statements as to the way in which they intend to act in accordance with the Charter.¹

The Soviets having agreed to trilateral talks,² Ambassador De Palma presented our new drafts at the first trilateral meeting (February 10). The British representative said that his government could not support the Kosygin proposal and that he had no instructions on alternative non-use formulas. Ambassador Roshchin said that the USSR had accepted practically all our proposals but that our non-use formula was "completely unacceptable" to the Soviet Government. The Soviets had removed the Kosygin proposal from the resolution and were now even willing to drop it from the declaration. They wished, however, to retain the "punishment" language in the declaration. When he suggested that the United States and the USSR might use differing language in the declarations on non-use and "punishment," Ambassador De Palma replied that it would be most desirable for the two declarations to be alike.³

When the Soviet delegation translated our phrase "is warned accordingly" (paragraph 6 of the declaration) into Russian, it added the words "of the consequences." Our delegation was not convinced by the Soviet explanation that the change was required by translation problems and wondered if the Soviet delegation might not be trying to provide Moscow with an alternative to the "punishment" clause. It therefore suggested that it might be useful to explore the possibility of agreeing on "is warned accordingly of the consequences."⁴ Although Washington preferred its previous alternatives, it authorized the delegation to explore the new language and to accept it in order to reach early agreement.

¹To Geneva, tel. 110159, Feb. 5, 1968, Secret.

²To Geneva, tel. 110158, Feb. 5, 1968, Secret.

³From Geneva, tel. 2525, Feb. 10, 1968, Secret. There was dissension in the British Government on our non-use formula, and the Cabinet had not reached a decision; see London tels. 6238, Feb. 6, 1968, Secret, and 6325, Feb. 9, 1968, Secret/Limdis.

⁴From Geneva, tel. 2602, Feb. 17, 1968, Secret.

⁵To Geneva, tel. 117378, Feb. 17, 1968, Secret.

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Yuli M. Vorontsov, Counselor of the Soviet Embassy, told Bunn on February 15 that the Soviet military would not accept a formula which would inhibit the Soviet Union from using or threatening to use nuclear weapons against the FRG as long as American nuclear weapons are stationed in that country. How would we feel, he asked, if we were forbidden to use nuclear weapons on Cuba if Soviet nuclear weapons were deployed there? He finally suggested dropping the non-use provision.¹

We were now faced with a tight timetable, since the draft resolution would have to be tabled in the next three weeks if there was to be any discussion in the current ENDC session. Our delegation reported that there was no reason to expect the Soviet Union to accept our non-use formula. We thus had the choice of accepting the Soviet proposal to drop non-use from the declarations or of having the United States and the Soviet Union use different formulas in them. Omitting the non-use formula would, however, expose a gap in the assurances package that many states wished to see filled. The Soviets would be able to explain that we had objected to the Kosygin formula, and we would be faced with the choice of surfacing our own formula or remaining silent. Assuming that the British would finally accept our formula and the Soviets would convert the Kosygin formula to a straight pledge, the delegation recommended that we settle for differing declarations.²

Washington did not agree to differing declarations. It suspected that the Soviet proposal to drop the non-use formulas from the declarations was inspired by a desire to clear the way to revive the Soviet non-use convention after the non-proliferation treaty was concluded.³ Although it recognized the political advantages of including our non-use formula in the U.S. declaration, it concluded that these were outweighed by the fact that allies with U.S. nuclear weapons on their territory would not benefit from the Kosygin formula in the Soviet declaration. It could then be agreed that non-use assurances were discriminatory and that these allies would gain no "compensatory advantage" for adhering to the

¹Memcon Vorontsov-Bunn, Feb. 15, 1968, Secret/Limdis; to Geneva, tel. 116207, Feb. 16, 1968, Secret/Limdis.

²From Geneva, tel. 2527, Feb. 11, 1968, Secret/Limdis.

³For the Soviet non-use convention, see below, chapter K-6.

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treaty. In the case of the FRG, this would be particularly awkward because of German concern about "nuclear blackmail."¹

The delegation was therefore instructed to accept the Soviet proposal for leaving the non-use formulas out of the declarations. The Soviets were to be informed, however, that we might wish to say publicly that we would refrain from the threat or use of nuclear weapons against a non-nuclear party to the treaty that was not engaged in an armed attack assisted by a nuclear power.

We could not accept the Soviet "punishment" language. If the Soviets would not settle for "warned accordingly," the delegation could offer either of the following formulations:

1. Accordingly, any State that commits such aggression or threatens such aggression must expect its actions to be met effectively.
2. Any State that commits such aggression or threatens such aggression must expect its actions to be countered accordingly.²

At the Co-Chairmen's meeting of February 19, Ambassador De Palma communicated this position to Roshchin, who reserved the Soviet right to advocate the Kosygin formula. U.K. Ambassador Porter concurred in the removal of the non-use provisions from the declarations. On the "punishment" language, Ambassador De Palma reaffirmed our opposition to the Soviet draft and urged Roshchin to consider "warned accordingly of the consequences." Ambassador Roshchin questioned this on the ground that it might mean that the aggressor would be warned only in the future. The U.S. and U.K. representatives assured him that it meant that any potential aggressor was hereby warned at the time the declaration was made.³

¹See above, pp. 127, 142-145, 281-282.

²To Geneva, tel. 117238, Feb. 17, 1968, Secret.

³From Geneva, tel. 2615, Feb. 19, 1968, Secret. The delegation had previously been authorized to propose "warned accordingly of the consequences" (see above, p. 311).

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The delegation was now authorized to change "accordingly" to "hereby" if it would help convince the Soviets.¹ Ambassador De Palma offered this to Roshchin, but the Soviets replied that they would prefer not to change the language they had already transmitted to Moscow.² As in the case of the changes in the draft treaty, there was considerable delay before Moscow responded.

On March 6, Ambassador Roshchin agreed to table the draft resolution. He proposed to replace the statement in our draft declaration that an aggressor state "must expect its actions to be countered effectively by measures to be taken in accordance with the United Nations Charter" with "must be aware that its actions will be countered." Mr. Foster then suggested "must be aware that its actions are to be countered," and Ambassador Roshchin accepted this language. Mr. Foster cleared the change with Secretary Rusk by telephone. The British representative concurred.³

Tripartite security proposal, March 7, 1968

Without any non-use formulas, the draft resolution was tabled in the ENDC on the next day, and the American, British, and Soviet representatives made speeches in which they outlined the declarations they planned to make in the Security Council.⁴ There was little response from the nonaligned Eight. The UAR delegation was aware of the political significance of the action but doubted that Cairo would be impressed since it was obsessed with the ineffectiveness of Security Council resolutions. The Burmese and Brazilian representatives were critical. The Swedish representative saw the political significance of American-Soviet collaboration but commented that the mountain had labored and brought forth a mouse.⁵ The Chinese Communists also saw

¹To Geneva, tel. 118443, Feb. 20, 1968, Secret.

²From Geneva, tel. 2626, Feb. 21, 1968, Secret.

³From Geneva, tel. 2790, Mar. 6, 1968, Secret/Limdis.

⁴International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 112-113, 155.

⁵From Geneva, tel. 2825, Mar. 8, 1968, Confidential.

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the proposal as an example of collaboration between the United States and the Soviet Union and attacked it as another step toward an American-Soviet alliance against China and communism.¹

Joint draft treaty, March 11, 1968

As noted above, Ambassador Roshchin finally received his instructions from Moscow and told Foster on March 10 that the Soviet Union would agree to some of the British and Swedish amendments.² On the next day, the United States and the Soviet Union submitted a joint draft treaty. The revised draft included a new preambular paragraph on the comprehensive test ban (a modified version of the Swedish proposal) and the revised disarmament article proposed by Sweden. Article VIII was changed to provide that the review conferences should cover "the purposes of the Preamble" as well as treaty provisions, and further review conferences could be obtained at five-year intervals at the request of the majority of the parties.³ No other changes were made in the January 18 draft.

Recess and report

Since there had been a very thorough discussion of the draft treaty, there was little further debate at this ENDC session. The ENDC met the deadline set by the General Assembly resolution and was able to recess on March 14. The Co-Chairmen attempted to include the texts of the March 11 draft treaty and the tripartite security proposal in the report to the General Assembly and the Disarmament Commission but desisted in the face of opposition from other delegates. In the final report, these two documents were given some pride of place by appearing as the first two annexes rather than being lumped with other papers in the documentary annex.⁴

¹International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, p. 113.

²See above, p. 305.

³International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 113, 155-160.

⁴From Geneva, tels. 2787, Mar. 6, 1968, and 2826, Mar. 8, 1968, Limited Official Use; ENDC/255, Mar. 14, 1968.

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Problem Countries

There were a number of countries which had serious misgivings about the treaty, and this group included some whose support was highly desirable if not essential for the success of the whole enterprise. In the early months of 1968 we made a vigorous effort to deal with their problems and obtain their support. Although we were not entirely successful, we were at least able to prevent an organized and determined opposition campaign in the General Assembly. It was essential to obtain approval of the treaty at the resumed 22nd session of the General Assembly, since postponement until the 23rd session in the fall could have given treaty opponents an opportunity to make unacceptable demands at the Conference of Non-nuclear-weapon States which was to meet in August and September.

Australia

On April 6, Prime Minister Gorton told Secretary Rusk in Canberra that he had many misgivings about the treaty. He was concerned about giving up the "nuclear option" for 25 years and was not sure that Australia could rely on the United States in the event of nuclear blackmail or attack. He also raised various "technical problems," and Secretary Rusk agreed to send a team of experts to Australia before the General Assembly met.¹ Our Embassy in Canberra reported that the principal Australian concerns lay in the field of peaceful nuclear explosives, nuclear energy for the propulsion of military vehicles, and the production of nuclear materials for peaceful use which could have a military potential.²

The Embassy was instructed to inform the Australians that the treaty would facilitate, rather than hinder, international cooperation in peaceful uses:

¹Robinson (ACDA/GC), memorandum, "U.S.-Australian Talks on NPT, Apr. 18-19, 1968," Apr. 11, 1968, Secret.

²From Canberra, tel. 4923, Apr. 10, 1968, Secret/Limdis.

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~~The~~ only technical development prohibited by the treaty is ~~the~~ development ~~of~~ nuclear weapons (which ~~is~~ understood to mean nuclear bombs and warheads, not delivery systems) and other nuclear explosive devices...

The benefits of "spinoff" from nuclear weapons development were largely available in the open literature, and it was difficult to believe that Australia would choose to spend large sums to rediscover what was generally known. There was no basis for concern about propulsion reactors, and the treaty did not prohibit facilities for producing enriched uranium, provided safeguards were applied.† Mr. Fisher also made these points to the Australian Ambassador at Washington.²

The American team comprised two ACDA officers, General Counsel George Bunn and Assistant Director Herbert Scoville, Jr., and two AEC officers, Senior Assistant General Manager Howard O. Brown and Allan M. Labowitz, Special Assistant for Disarmament.³ They found the Australians very interested in ascertaining just how far they could go under the treaty toward developing a nuclear-weapons capability so that they would not be behind India and Japan if either of those countries suddenly withdrew from the treaty. The Australians were concerned about the exact point at which a violation of the ban on manufacture in article II would occur. The Americans replied that uranium enrichment and the stockpiling of fissionable materials would not violate this article if they were safeguarded and that laboratory research on plutonium metallurgy would be permitted. But the production of initiators would be suspect, and a prototype explosive device would be clearly forbidden.

The Australians wanted us and perhaps the Soviets to say in the General Assembly debate that article II permitted making

¹To Canberra, tels. 144920, Apr. 11, 1968, Secret/Limdis; and 147991, Apr. 16, 1968, Secret.

²To Canberra, tel. 146742, Apr. 13, 1968, Secret/Limdis.

³Robinson, loc. cit.

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anything that could be justified for non-explosive use but that manufacture for explosive purposes only was banned. The Americans suggested that the Senate hearings on the treaty would be a more appropriate forum for a U.S. statement.¹

The Australians appeared to be well satisfied with the interpretations of articles I and II that we had given the Soviets.² On April 24, however, the Embassy at Canberra reported that the Prime Minister had told the press that Australia supported the non-proliferation treaty in principle, provided that a "complete and satisfactory guarantee against nuclear attack" could be achieved.³

Washington was concerned about this statement and instructed the Embassy to tell the Australians that security assurances were of primary concern to nonaligned non-nuclear states and not to military allies of the United States. It pointed out that Australia was an especially close ally and was linked with the United States in both the ANZUS and SEATO treaties. We did not believe that our allies should have any reason to question the extent of the assurances we could give nonaligned, non-nuclear countries, and we stressed that the non-proliferation treaty would "in no way affect the continuing security commitments of ~~the~~ US under existing treaties of mutual security."⁴ The External Affairs Ministry explained that the Prime Minister's statement had not been cleared and that security guarantees were not an issue for Australia. It welcomed our statement and knew that Australia could count on the United States.⁵

Ambassador Shaw now asked Fisher in New York for authoritative interpretations of the "manufacture" and safeguards provisions. Australia believed that a model safeguards agreement should be drawn up and approved by IAEA before negotiations began under article III. In the Australian view, we might outline a model during the General

¹From Canberra, tel. 5114, Apr. 19, 1968, Confidential.

²See above, pp. 157-159.

³From Canberra, tel. 5176, Apr. 24, 1968, Confidential.

⁴To Canberra, tel. 155064, Apr. 29, 1968, Confidential.

⁵From Canberra, tel. 5363, May 1, 1968, Confidential.

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Assembly debate, setting forth the following principles: (1) right to reject inspectors; (2) exclusion of ores, mines, and treatment and refinement plants; (3) freedom to reject the extension of present definitions under article 20 of the IAEA Statute; and (4) inapplicability of article 12-A-5 on preventing the stockpiling of materials.

In a tentative response, Mr. Fisher emphasized that the treaty would prohibit the manufacture of peaceful nuclear explosive devices. Some of the Australian concerns about safeguards had already been dealt with in U.S. statements at the ENDC, and we might make other public interpretations during the Senate hearings. Any amendments to the IAEA safeguards system would probably concern the later stages of the fuel cycle and not those nearer the mine, which concerned Australia. He doubted that it would be in Australia's interest to seek a model agreement before beginning negotiations.

Our delegation at New York recommended prompt action to head off any Australian attempt "to crowd us" on the definition of "manufacture." It suggested that we might give the Australians a private statement which we might use later during the treaty ratification process.¹ Washington agreed and instructed the delegation in New York and the Charge in Canberra to make a strong effort to dissuade the Australians from pursuing the question in the General Assembly.²

Ambassador Shaw told Fisher and De Palma on May 6 that Australia would not make a General Assembly statement on the definition of "manufacture" but wished to discuss the question with us privately. William B. Pritchett, Assistant Secretary for External Affairs, asked whether we agreed with the Dutch view that assistance could not be denied to non-nuclear countries until it was clearly established that aid would be used to manufacture nuclear weapons or explosive devices. Mr. Fisher replied that we understood that peaceful assistance was not prohibited. We could not say in good conscience, however, that we would give any and all assistance that was requested. He was not sure that we would want to participate in the exchange of gaseous-diffusion technology.³

¹From New York, tel. 4903, May 2, 1968, Confidential. For the previous U.S. public interpretations of art. III, see above, pp. 293-294. The IAEA Statute may be found in American Foreign Policy: Current Documents, 1956, pp. 915-933.

²To New York, Canberra, London, tel. 158287, May 3, 1968, Confidential.

³From New York, tel. 4964, May 6, 1968, Confidential.

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We responded to the Australian request in an aide-mémoire of May 11 to the Australian delegation in New York. Although we could not formulate a comprehensive definition or interpretation at that time, we offered some general comments:

The US decided at an early stage that it would be impractical for the treaty to attempt to proscribe all research and development that might contribute to the manufacture of nuclear weapons or other nuclear explosive devices. Any such prohibition would have gone too far in restricting the development of peaceful uses of controlled nuclear energy and would have presented enormous verification problems.

Some general observations can be made with respect to the question of whether or not a specific activity constitutes prohibited manufacture under the proposed treaty. For example, facts indicating that the purpose of a particular activity was the acquisition of a nuclear explosive device would tend to show non-compliance. Thus, the construction of an experimental or prototype nuclear explosive device would be covered by the term "manufacture," as would the production of components which could only have relevance to a nuclear explosive device. Again, while the placing of a particular activity under safeguards would not, in and of itself, settle the question of whether that activity was in compliance with the treaty, it would of course be helpful in allaying any suspicion of non-compliance.

It may be useful to point out, for illustrative purposes, several activities which the United States would not consider per se to be violations of the prohibitions in article II. Neither uranium enrichment nor the stockpiling of fissionable material in connection with a peaceful program would violate article II so long as these activities were safeguarded under article III. Also clearly permitted would be the development, under safeguards, of plutonium fueled power reactors, including research

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on the properties of metallic plutonium. Nor would article II interfere with the development or use of fast breeder reactors under safeguards.¹

We recalled that Mr. Fisher had previously stated our general interpretation of article III in the ENDC.² If the Australians raised the question of a model IAEA agreement in the General Assembly, "the delicate compromise" that had been reached in article III might be upset. It would also be undesirable to raise additional interpretations of this article. On the specific points Ambassador Shaw had raised, we said that any state would have the right to object to any inspector from a state that had not accepted safeguards. The IAEA safeguards document specifically excluded mines, and any state would be able to decide for itself whether to accept any future extensions of the IAEA system. The stockpiling provision of article XII(A) of the IAEA Statute did not appear to be relevant to a safeguards agreement under the treaty.³

We later told the Australian delegation that we did not interpret article 20 of the IAEA Statute as applicable to ores. The IAEA Board of Governors would have to make a determination to include ores, and it had never done so.⁴ When Mr. Fisher gave Shaw our aide-mémoire, he urged him to refrain from pressing the "model agreement" idea or the specific Australian interpretations in the General Assembly.⁵ Ambassador Shaw's statement to the First Committee of the General Assembly (May 17) reflected basic Australian concerns but did not go into detail. While he did not commit Australia to the treaty, he announced that he would vote for the resolution, sponsored by the United States, the Soviet Union, and other pro-treaty nations.⁶

¹These interpretations were put into the public record during the Senate hearings on the treaty. See Documents on Disarmament, 1968, pp. 503-504.

²See above, pp. 294-295.

³To New York, tel. 162721, May 11, 1968, Confidential.

⁴From New York, tel. 5162, May 15, 1968, Confidential.

⁵From New York, tel. 5099, May 13, 1968, Confidential.

⁶International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 120-121.

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Brazil

As noted above, our previous efforts to win Brazilian support for the treaty had been unsuccessful.¹ We tried again after the submission of the January 18 draft treaty. On January 30, Washington instructed our Embassy at Rio de Janeiro to urge Brazil to reconsider its position on peaceful nuclear explosive devices and to join other ENDC members in recommending the treaty to the General Assembly.² Secretary-General Corrêa da Costa of the Brazilian Foreign Ministry told the Embassy that the January 18 draft treaty was an "improvement" but did not go far enough to convince Brazil to sign the treaty. Other Brazilian officials told the Embassy that Brazil was mainly concerned about three problems: (1) the absence of China and the consequent unenforceability of the treaty, (2) failure to distinguish between peaceful and military explosives, and (3) inequality in demanding sacrifices only from non-nuclear nations.³

Foreign Minister Magalhães Pinto opposed the treaty in a speech of February 5 to the U.N. Conference for Trade and Development at New Delhi. He charged that the superpowers were maintaining a monopolistic policy which amounted in practice to denying developing countries the right to acquire and perfect an autonomous technology.⁴ The U.S. delegation to the conference was instructed to reply to this speech, but Mr. Magalhães Pinto left New Delhi before the instruction was received.⁵ President Costa e Silva reiterated the Brazilian objections in a message to Congress (March 1). Although he said nothing new, our Embassy reported that the message had further increased the difficulty of changing the Brazilian position.⁶

¹See above, pp. 284-286.

²To Rio de Janeiro, tel. 107236, Jan. 30, 1968, Confidential.

³From Rio de Janeiro, tel. 5188, Feb. 1, 1968, (misdated Jan. 1, 1968), Confidential.

⁴From New Delhi, tel. 9513, Feb. 5, 1968, Unclassified.

⁵To New Delhi, tel. 112696, Feb. 9, 1968; from New Delhi, tel. 10301, Feb. 20, 1968, Confidential.

⁶From Brasilia, tel. 1989, Mar. 4, 1968, Confidential.

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Rio's opposition stiffened during the following weeks, and Brazil attempted to instigate a campaign against the treaty. In an aide-mémoire of April 5 to other U.N. members, Brazil announced the reasons why it could not accept the American-Soviet draft treaty of March 11. Noting that the ENDC had "reached no conclusion" on the treaty, it called attention to the large number of amendments and reservations by ENDC members. In its view, the Geneva debates had shown "a real need for wide negotiations towards the general perfecting of the draft." It held that the draft treaty could not be reconciled with the principles of the General Assembly resolution of November 19, 1965.¹ It considered the draft treaty deficient on five counts:

The Brazilian Government gives special importance then to the fact that the Soviet-American draft:

- a) does not contain adequate provisions to prevent nuclear powers from proliferating nuclear weapons;
- b) does not establish any acceptable balance of mutual responsibilities and obligations for the nuclear and non-nuclear powers;
- c) fails to include any real and tangible commitment by the super powers to proceed to total or even partial nuclear disarmament;
- d) does not include measures leading to the universality of the Treaty, universal application being the essential element without which the Treaty cannot be effective;
- e) fails to give recognition to the rights and obligations of such countries, as the members of the Latin-American group, which have already entered into a regional treaty for the prohibition of nuclear weapons, specifically reaffirming the inalienable right of all the parties to make unlimited use of nuclear energy for peaceful

¹See above, p. 45.

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purposes, in particular for economic and social progress. Article 18 of that Treaty grants explicit permission for the signatories to carry out nuclear explosions for peaceful purposes either utilizing their own resources or working with the cooperation and assistance of third parties.

While Brazil could accept the draft treaty as a "point of departure" and a "basis for negotiation" at the General Assembly, it could not concur in the idea of putting it to a vote "without a prior accommodation" to the principles it had outlined. The General Assembly should examine not only the draft treaty but other proposals advanced at Geneva, as well as others which might be made during the forthcoming session.¹

We soon learned that the Latin Americans were "much impressed" by the Brazilian aide-mémoire and wished to wait until after the non-nuclear conference to vote on the treaty or sign it.² Our Mission at New York was instructed to counter the Brazilian arguments along the following lines: By depicting the draft treaty as an American-Soviet text, the Brazilians ignored the part played by other countries in formulating the treaty. Nine major changes had been made in the treaty since August 1967. Of the many proposals for changes, some canceled out others, and some aroused no interest or support. There were, however, "clear areas of overlapping or congruent interest on [a] number of major issues," and it was on this basis that changes were incorporated into the treaty. This was and remained the only feasible course. There was no need for a detailed examination of all proposals, since this had been done at Geneva.

As for the Brazilian comment on "gradually perfecting" the draft, insistence on perfection would mean "frustration and failure" and ignore the rising threat of proliferation and the General Assembly's appeals for urgent action. On the specific Brazilian criticisms, article I met the General Assembly requirement for avoiding loopholes, while the Brazilians wished to create one by allowing

¹From New York, agn. A-1475, Apr. 9, 1968, Unclassified.

²From New York, tel. 4558, Apr. 12, 1968, Confidential.

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proliferation of peaceful nuclear explosive devices. Articles I, III, IV, and V placed definite obligations on the nuclear powers, and article VI made the treaty a step toward general and complete disarmament, as the General Assembly resolution had provided. Finally, our view that the Tlatelolco treaty did not permit peaceful nuclear explosions by the parties was shared by Mexico.¹

Foreign Minister Magalhães Pinto publicly announced on April 23 that he would try to impede the treaty,² and his initial speech in the General Assembly was very negative.³ In preparation for a meeting with Magalhães Pinto, Mr. Fisher advised Secretary Rusk to tell him that we would not consider it in our interest to sign a treaty permitting the development of peaceful nuclear explosive devices by non-nuclear countries, since we regarded this as a destabilizing loophole. If Brazil wished to preserve this option, it did not need to sign the treaty initially. In this case, however, Brazil should not try to stand in the way of the treaty. It could follow the same course as India, which was not actively seeking to prevent General Assembly action.⁴

At their Washington meeting (May 6), Foreign Minister Magalhães Pinto told Rusk that Brazil did not intend to proselytize or present amendments to the treaty. He did not, however, want to be accused at home of not advocating the changes Brazil wanted. From his earlier discussions with Tuthill and others,⁵ he understood the many difficulties we had encountered in reaching agreement with the Soviet Union. While it would be difficult to make changes in the treaty, there might be future technological breakthroughs and 25 years was too long. The nuclear powers should have no difficulty in accepting the Brazilian changes, and there might be a special clause providing additional time for a more thorough discussion of peaceful nuclear explosive devices.

¹To New York and Rio de Janeiro, tel. 146737, Apr. 13, 1968, Limited Official Use Only.

²From Brasilia, tel. 2325, Apr. 25, 1968, Unclassified.

³International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 118-119.

⁴Fisher to Rusk, memorandum, May 4, 1968, with attached talking points, Confidential.

⁵See above, pp. 285-286.

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Secretary Rusk was glad that Brazil would not obstruct the treaty in the General Assembly. The treaty would not be an obstacle to peaceful nuclear development, but it was difficult to see how a nuclear explosive that could move a mountain could be any different from a nuclear explosive that could remove a city. In both the United States and the USSR, peaceful nuclear explosives were in the experimental stage. Although we had spent large sums, much costly work remained to be done before we could use nuclear explosives to excavate an isthmian canal. We were interested in increasing peaceful nuclear cooperation and intended to work closely with Brazil.

Reviewing the negotiations, he said that many of the difficulties were caused by a desire to take into account the views of the non-nuclear countries. If it had been up to the United States and the Soviet Union alone, a treaty could have been concluded long ago. It seemed to him that Brazil, as one of the leading powers in that region, had a major interest in limiting the spread of nuclear weapons in the Western Hemisphere. He was not very optimistic about the possibility of major changes in the treaty. Referring to the feeling of Brazil and other non-nuclear countries that the nuclear powers should do more about disarmament, he suggested that they might use some pressure on the Soviets.¹

At a larger meeting between American and Brazilian officials, Mr. Foster said that it was not the intention of the treaty to inhibit peaceful uses of nuclear energy but that peaceful nuclear explosive devices were indistinguishable from nuclear weapons. AEC Chairman Seaborg pointed out that we were cooperating with the Brazilian nuclear program and did not see how the joint effort could be diminished by the treaty, which would actually permit greater cooperation on peaceful nuclear explosive devices. We had spent billions of dollars on development and had not yet developed satisfactory devices.

¹Memcon Rusk, Magalhães Pinto, et al., May 6, 1968, Confidential/Lindis.

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Ambassador Araujo Castro explained that the Brazilian National Security Council did not want to put the country under a technological freeze for 25 years. Brazil would therefore take a careful look at the treaty and perhaps enter a reservation. He recognized that there was no possibility for important changes in the treaty and that it had widespread support in the General Assembly. He was also concerned about the prospect that France and China would not sign the treaty even though it served their interests by keeping their prospective rivals, Germany and Japan, from developing nuclear weapons.¹

Federal Republic of Germany

In early January, Dr. Kissinger visited Germany and talked to Strauss, Kiesinger, and other high officials. Finance Minister Strauss told him that he had once written to Kiesinger that he would resign from the Cabinet if the treaty was signed and that he still took this position. Parliamentary State Secretary Guttenberg was also firmly opposed to the treaty. Chancellor Kiesinger took a more cautious attitude. He stressed that German views must be fully taken into account and that he would have to see the full treaty before reaching a decision.²

The FRG reacted fairly positively to the January 18 draft treaty. A press spokesman at Bonn said that it represented "quite remarkable progress." He added that article III meant that the Euratom countries would continue to control themselves and that IAEA would only verify through its own controls. He welcomed the review and duration articles but added that 25 years was "rather long."³

Our Embassy at Bonn learned that the National Defense Council had decided on January 22 to make another démarche to the United States about the treaty's "inflexibility." The Germans apparently wished to liberalize the review con-

¹Memcon Rusk, Magalhães Pinto, et al., May 6, 1968, Confidential.

²Imhoff (Embassy Bonn) to Puhon (State/EUR), ltr., Jan. 10, 1968, Secret/Nodis.

³From Bonn, tel. 7457, Jan. 19, 1968, Confidential.

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ference provisions. Since they considered further allied troop withdrawals inevitable, they remained concerned about the "nuclear blackmail" threat.¹ ACDA Acting Director Alexander advised Rusk that the word "flexibility" was probably unclear to the Germans themselves and was used as a screen to mask their next proposals for "improvements" in the treaty.²

In Geneva, Ambassador Schnippenkoetter told De Palma on January 27 that article III was largely satisfactory as a basis for future Euratom-IAEA negotiations. He said that it was necessary to achieve flexibility in the treaty articles on amendments, periodic review, withdrawal, and duration. The FRG would welcome attempts to make the disarmament article more specific. He concurred with De Palma's personal view that formal negotiations between Euratom and IAEA should await signature of the treaty, although informal contacts could be used earlier.

Ambassador De Palma said that our views on verification had been expressed in Fisher's statement of January 18. In his personal opinion, IAEA would need the same right of access to fissionable materials in Euratom countries that it had in the territories of other non-nuclear parties to the treaty. The right of access would be regulated, taking into account existing Euratom records and safeguards. Ambassador Schnippenkoetter foresaw difficult negotiations but agreed "in a general way" with De Palma.

Ambassador Schnippenkoetter also agreed with De Palma's view that the best chance for "flexibility" lay in periodic review. He showed some concern, however, that the hard Soviet line in the bilateral negotiations with the FRG on the non-use of force might represent an attempt to interpret the treaty in a manner inconsistent with the U.S. interpretations.³

A very distorted account of the Schnippenkoetter-De Palma talk apparently reached the FRG Foreign Ministry, which asked our Embassy whether a senior American representative could have suggested that the FRG take up the Soviet

¹From Bonn, tel. 7557, Jan. 23, 1968, Secret/Exdis. The actual demarche was delayed for two weeks (see below, p. 330).

²Alexander to Rusk, memorandum, Jan. 24, 1968, Secret.

³From Geneva, tel. 2393, Jan. 27, 1968, Secret/Limdis.

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interpretation of articles I and II with Moscow and whether he had said that it would be unwise to start preliminary Euratom-IAEA talks because of the unfavorable composition of the IAEA Board of Governors. The Germans also heard that our delegation in Geneva had suggested that France might be persuaded to sign the treaty and then not ratify it.¹

Ambassador De Palma commented that the views attributed to him were so clearly contrary to U.S. interests that it was difficult to take the report seriously. "On the other hand," he wrote, "if any such views were attributed, they are inventions that might be designed to provide grounds for impeding the NPT." He had neither said nor implied that the FRG should check out the interpretations with the Soviets. The Bonn distortion might be an attempt to win support for discussions with the USSR, which he considered "a course of action which would offer innumerable opportunities for mischief." As he had previously reported, he had told Schnippenkoetter that formal IAEA-Euratom negotiations should await signature of the treaty but informal contacts could begin now. He thought that the idea of France signing the treaty in order to thwart it probably came from some speculation on the part of the Belgian observer in Geneva.²

Our Embassy at Bonn was instructed to inform the Foreign Ministry that we knew of no basis for the report and that Ambassador De Palma had not made the remarks attributed to the American representative. Washington recalled that Brandt and Rusk had previously agreed that the USSR should not be asked to comment on the interpretations of articles I and II and that Roshchin had made no comment at the Co-Chairmen's meeting of April 28, 1967. We did not believe that the Soviets would make an issue of the interpretations, and a bilateral German-Soviet discussion "would be unnecessary and potentially damaging." We favored informal Euratom-IAEA contacts as soon as possible but considered it premature to negotiate an agreement between the two organizations.³

¹From Bonn, tel. 7763, Jan. 30, 1968, Confidential/Limdis.

²From Geneva, tel. 2422, Jan. 31, 1968, Secret/Limdis.

³To Bonn, tel. 109555, Feb. 3, 1968, Confidential/Limdis.

For the Apr. 28 Co-Chairmen's meeting, see above, pp. 157-159. In Feb. 1967, Brandt had concurred in our procedure for handling the interpretations (see above, p. 112). Kiesinger said publicly in Mar. 1967 that the FRG did not consider a direct approach to the USSR expedient, although it "must also be certain of the Soviet interpretation" (Documents on Disarmament, 1967, p. 161).

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Dissension within the German Government apparently delayed the demarche planned by the National Defense Council,¹ and it was not until February 9 that Ambassador Knapstein delivered a letter from Brandt to Rusk. As we had anticipated, the German Foreign Minister noted the need for flexibility and urged that the treaty provisions on duration, amendments, and review be viewed in this context. He added that U.S. support would be vital for achieving a satisfactory Euratom-IAEA agreement.² Chancellor Kiesinger told Under Secretary of State Rostow that the letter was "a little softly formulated."³

As noted above, the German views were publicly stated in a circular memorandum of March 6.⁴ The changes in the March 11 draft treaty went some way toward meeting German concerns. According to one account, the National Defense Council decided on March 15 that the treaty was acceptable in this form but that the United States should clarify its interpretation of the European option and issue a declaration against nuclear blackmail. Although Ambassador Schnippenkoetter denied that any decisive action had been taken, the U.S. Embassy at Bonn had the impression that a change had taken place in the FRG attitude toward the treaty. Finance Minister Strauss, who had been one of the most powerful opponents of the treaty, was no longer threatening to break up the coalition government if it approved the treaty.⁵

While these developments were encouraging, the Germans also made new demands. George F. Duckwitz, Under Secretary of the FRG Foreign Ministry, visited Washington in February and raised the question of an American nuclear guarantee for Europe. The Germans feared that the differing duration provisions of the North Atlantic Treaty and the non-proliferation treaty might entail a national security risk, since parties to the North Atlantic Treaty would be free to withdraw in 1969 and the non-proliferation treaty would last for 25 years. This would be especially true if the United States

¹See above, pp. 327-328.

²Knapstein to Rusk, ltr., Feb. 9, 1968, incorporating Brandt ltr., Feb. 9, 1968, under cover of transmittal ltr., Feb. 14, 1968, Confidential.

³From Bonn, tel. 8270, Feb. 13, 1968, Secret/Exdis.

⁴See above, p. 298.

⁵From Bonn, tel. 9617, Mar. 15, 1968, Confidential/Limdis.

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withdrew or individual NATO countries "should depart from the Alliance in order to review their defense policy." The Germans therefore proposed that the President make a "solemn declaration" when the treaty was signed reaffirming our "determination to keep nuclear and conventional forces ready for the defense of Europe, as long as this is necessary and desired by America's European allies." This declaration would become part of the interpretations of the treaty to be presented to the Soviet Union and included in the Senate ratification process.¹

Under Secretary of State Rostow replied that the potential security risk was unlikely but that any fundamental change in the NATO security guarantee would justify withdrawal from the treaty. While we recognized that some German concern remained, there could be harmful effects in making a declaration which could be interpreted as inspired by concern about a possible early end to NATO. Moreover, the security guarantees proposed by Duckwitz "would be difficult to achieve outside of a new treaty framework." We would, however, be prepared to make a strong reaffirmation of North Atlantic Treaty commitments when the non-proliferation treaty was signed.²

The Germans were not satisfied with this response and informed us that their concerns would not be dissipated by an allied declaration reaffirming the North Atlantic Treaty. What they wanted was a declaration by the President that the United States considered it necessary to maintain the alliance.³

The Germans were still worried about the interpretations of articles I and II. On March 21 the FRG Embassy noted that Roshchin had told the ENDC that these articles were intended "to cover all possible recipients of nuclear weapons - non-nuclear-weapon States, multilateral organizations or associations, and any private individuals or associations."

¹Duckwitz to Rostow, ltr., Feb. 29, 1968, Secret.

²To Bonn, tel. 138488, Mar. 29, 1968, Secret.

³Memcon von Lilienfeld, Rostow, et al., May 2, 1968, with attached oral statement, Secret.

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The Germans wanted us to make a counterstatement in the General Assembly. Recalling the interpretations we had given the Soviets in April 1967, ACDA pointed out that there could be difficulties if we challenged their right to make interpretations of treaty language.¹

The FRG was engaged in bilateral negotiations with the USSR on the exchange of declarations on the renunciation of force. The Soviets had given the Germans a draft declaration in which the FRG would renounce "the acquisition and the manufacture of nuclear weapons, as well as of direct or indirect access to them." They added, however, that this provision could be omitted if the FRG acceded to the non-proliferation treaty.²

The German Embassy now told us that Bonn had decided that it would be too dangerous to accept the Soviet offer because Soviet interpretations of articles I and II were different from ours and this would make it possible for the Soviets to apply leverage on NATO defense and FRG peaceful nuclear activities. The Germans proposed to tell the Soviets that they would not be bound by any treaty interpretations but their own.³ They did not, however, raise the issue in their April 9 reply to the Soviet proposal but simply said that they regarded a non-proliferation treaty "as a means of strengthening peace in Europe and facilitating a detente, especially if the prohibition of pressure, threats and blackmail were connected with it."⁴

Ambassador McGhee reported that there was no clear majority for or against the treaty in the Bundestag. With the CSU opposed and the SPD in favor, the CDU was of critical importance. The CDU feared that the treaty could adversely affect present and future security arrangements, interfere with European unification, and allow the USSR to interfere in

¹To Bonn, tel. 140005, Apr. 2, 1968, Confidential. The Roshchin statement was made in response to UAR proposals to amend arts. I and II (International Negotiations on the Treaty on the Nonproliferation of Nuclear Weapons, pp. 100-101). For the U.S. interpretations, see above, pp. pp. 153-155.

²The Policy of Renunciation of Force: Documents on the Renunciation of Force, 1949 to July 1968 (Bonn, 1968), pp. 14-15.

³To Bonn, tel. 140006, Apr. 2, 1968, Confidential.

⁴Documents on Disarmament, 1968, p. 208.

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FRG internal affairs. To meet these concerns, he recommended early public disclosure of our interpretations.¹ Washington still thought that it would be premature to disclose the interpretations prior to the Senate hearings. We did not think that the Soviets would publicly dispute them as long as we maintained our present posture for handling them. It was nevertheless important not to precipitate controversy or allow the Romanians to further embarrass the Soviets on this score, as they had already tried to do. Allied Foreign Ministers were free to use the interpretations in confidential briefings of Members of Parliament, and we would make them public well in advance of the Bundestag debate on the treaty.²

Mr. Foster communicated our position to Knappstein on April 22 and assured him that the treaty would not interfere with the NATO Nuclear Planning Group. Secretary of Defense Clifford had already made this point clear at The Hague meeting of the NPG. Ambassador Knappstein expressed satisfaction and said that he believed this question was settled. Mr. Foster was pleased that the Germans had not raised the interpretations issue in their recent non-force note. We did not share the German concern about the Soviet proposal and suggested that the FRG might tell the USSR that it and its allies would be governed by a common interpretation of which the Soviets were aware.³

Mr. Foster and Secretary Rusk also discussed interpretations with Dr. Birrenbach, a prominent CDU leader. Secretary Rusk assured him that there would be no treaty if the Soviets said they could not accept the interpretations. When Dr. Birrenbach mentioned the possibility of ratifying the treaty with a reservation that NATO dissolution would be grounds for withdrawal, Secretary Rusk suggested that the point could be made in a Bundestag resolution rather than a formal reservation. Dr. Birrenbach said that the CDU was split but that he would do what he could to support adherence.⁴

¹From Bonn, tel. 10443, Apr. 4, 1968, Confidential.

²To Bonn, tel. 144937, Apr. 11, 1968, Confidential.

³To Bonn, tel. 151086, Apr. 22, 1968, Secret.

⁴To Bonn, tel. 158454, May 4, 1968, Secret/Exdis;
Memcon Birrenbach-Foster, May 1, 1968, Confidential/Limdis.

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The FRG was concerned about preventing any "international upgrading of the GDR" and asked us to make a declaration when the General Assembly passed its resolution that the accession of the GDR to the treaty would not entitle it to join the IAEA or participate in the review conferences. Some special way should be found to apply safeguards on GDR territory. The GDR had already offered to accept IAEA safeguards if it was given IAEA membership, but the FRG would rather give up IAEA control of the GDR than accept GDR membership.¹ We agreed to make a disclaimer of the kind the Germans wanted.² While we did not anticipate that the GDR would be in a position to insist on IAEA membership, we would make every effort to prevent its admittance if it sought membership, even if this resulted in an indefinite delay in applying safeguards to the GDR.³

India

As noted above, India showed no interest in the kind of security assurances the United States and the Soviet Union were prepared to offer, and the chances of India signing the treaty seemed dim.⁴ On January 22, 1968, Brajesh C. Mishra, the Indian Deputy Permanent Representative to the United Nations, hinted to U.S. delegate Thatcher that India might be interested in secret assurances from the two superpowers even though she would not sign the treaty. He implied that such assurances might induce India to refrain from campaigning against the treaty.⁵

On the other hand, there was some pro-treaty sentiment in the Indian External Affairs Ministry. The key opponent of the treaty was AEC Chairman Sarabhai.⁶ Canada was the principal nuclear supplier to India, and the Canadian High

¹Oral statement by von Lilienfeld to Leddy (State/EUR), Apr. 3, 1968, Secret. For the GDR offer, see above, pp. 95-96.

²To Bonn, tel. 158725, May 6, 1968, Confidential.

³From Bonn, tel. 11721, May 7, 1968, Confidential.

⁴See above, p. 286.

⁵From New York, tel. 2351, Jan. 23, 1968, Secret/Limdis.

⁶From New Delhi, tel. 8808, Jan. 22, 1968, Confidential.

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Commissioner aroused a strong reaction from Sarabhai when he warned that non-adherence might have an adverse effect on Indo-Canadian relations.¹ The Canadians then broached the idea of a coordinated Anglo-American-Canadian approach to induce India to sign the treaty. The British felt that it would be undesirable to put heavy pressure on India before the ENDC and the General Assembly sessions were over. On a preliminary basis, we concurred with the British view but agreed to keep in touch.²

At the conclusion of a visit to New Delhi (January 31), Premier Kosygin joined Prime Minister Gandhi in a joint communique in which both noted "the importance and pressing need for an early agreement on the nonproliferation of nuclear weapons."³ We now decided to make a "hard-sell effort" to persuade India to adhere to the treaty. Ambassador Bowles was instructed to give the Indians an oral statement expressing the hope that the Kosygin-Gandhi communique reflected a favorable Indian reaction to the January 18 draft treaty. While we appreciated India's special problems, a decision to adhere to the treaty would be an important stimulus to this and future arms-control measures and would be in her overall interest. We would be seriously disappointed if India undertook to disrupt the conclusion of the treaty.

The January 18 draft treaty represented "the consensus of ~~the~~ responsible portion of ~~the~~ international community on an NPT which is equitable and realizable," and it incorporated suggestions by the non-nuclear states. While it was subject to amendment and improvement, we considered that it represented "what is possible, in contrast to what might be desirable from the viewpoint of countries with disparate interests, but whose common agreement is needed for an effective NPT."

Article VI obligated the nuclear powers to negotiate disarmament measures to balance the renunciation of nuclear weapons by non-nuclear nations, as India had insisted. To

¹From Delhi, agm. A-597, Dec. 28, 1967, Secret.

²To New Delhi, tel. 103309, Jan. 23, 1968, Confidential.

³FBIS, India, Ceylon, and Nepal, Feb. 1, 1968.

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attempt to enumerate specific measures, however, "would lead to contention and could result in retrogression of the NPT negotiations to a situation of stalemate which existed for many years." It was quite clear that any further agreements would become more difficult to achieve unless the treaty was concluded in the near future.

There was no scientific basis for denying that peaceful nuclear explosive devices were indistinguishable from nuclear weapons, and insistence on preserving an option to develop peaceful devices could "only be regarded as an effort to create a loophole in the NPT." The new provisions of the January 18 draft treaty should, however, satisfy the desire of India and other non-nuclear countries to share in the potential benefits of peaceful devices.

We believed that the American and British offers should meet the concern of some that safeguards might discriminate commercially against non-nuclear states. Safeguards, however, could not be made a treaty obligation for all nuclear parties, "without jeopardizing the adherence of one potential party, whose adherence to the treaty is essential."

We also believed that India and other nonaligned countries would find their security interests promoted "by the political consequences of the NPT and the security assurances associated with it." Referring to the Indian concern about China, we said:

...We recognize that India has special problems with respect to Communist China which already has developed nuclear weapons and which opposes the NPT. Absolute security against such a threat is unattainable, even through a matching nuclear weapons program. We believe the best chance to achieve security ultimately lies through progressive disarmament and strengthening of the fabric of international cooperation. The NPT is a major step in this direction. Lack of Indian support for an NPT would not only disappoint those who have applauded India's peaceful international posture, but would create special difficulties for India's neighbor, Pakistan.¹

¹To New Delhi, tel. 108611, Feb. 1, 1968, Confidential.

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When Ambassador Bowles presented these views on February 12, Foreign Secretary Dayal replied that the only result of India's pressing her demands would be more bickering, which would embarrass the United States and the Soviet Union. Indian public opinion was strongly against signing the treaty. Ambassador Bowles suggested an off-the-record meeting among India, the United States, and the Soviet Union, and Mr. Dayal said that India would study the suggestion.¹

Mr. Sarabhai told Bowles that he thought India should not sign the treaty even though she did not intend to manufacture nuclear weapons. He considered the treaty discriminatory because it would not restrict the buildup of striking power by the nuclear nations and would deprive India and others of the full use of nuclear technology. It would also leave China free to develop its nuclear capacity without assuring India of support against Chinese attack or nuclear blackmail. Ambassador Bowles found it difficult to conduct a dialog with Sarabhai, who had "absolutely no political sense."²

Our Embassy at Moscow thought it unlikely that the Soviet Union would agree to join us in the trilateral talks Bowles had suggested to Dayal, since it would not wish to be exposed to being attacked as an "imperialist aggressor in pressing nonaligned nations."³ Washington, though encouraged by independent Soviet approaches to India, told Bowles that we should not get ahead of the Soviets and doubted that they would accept trilateral talks. It also warned him not to encourage the Indians "to suggest treaty revisions at this later date which could upset ~~the~~ careful and difficult negotiations over the past year."⁴

When the Indians showed no signs of changing their negative attitude, Ambassador Bowles suggested as a fallback position that they might state their major criticisms when they signed the treaty and declare that they would withdraw if their demands were not met in a reasonable length of time.⁵

¹From New Delhi, tel. 10047, Feb. 14, 1968, Confidential.

²From New Delhi, tel. 10133, Feb. 15, 1968, Secret/Limdis.

³From Moscow, tel. 2812, Feb. 16, 1968, Confidential.

⁴To New Delhi, tel. 117323, Feb. 17, 1968, Confidential/Limdis.

⁵From New Delhi, tel. 11096, Mar. 7, 1968, Confidential.

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Acting ACDA Director Alexander advised Rusk to reject this suggestion, since it would be unacceptable to the Soviets and encourage a reservation on the duration of the treaty. He recommended against any further pressure on India at this stage.¹ In an instruction to New Delhi, Washington found the Bowles suggestion unacceptable, "since it could seriously undermine the treaty and stimulate reservations by others." It was not discouraged by the current Indian attitude and anticipated that India would eventually sign when she realized that she was being placed in an isolated position.²

An Indian Cabinet Committee meeting of March 29 failed to reach a definite decision, and Joint Secretary Jaipal of the External Affairs Ministry was told to prepare a paper on the question. He asked our Embassy why the United States and the Soviet Union had agreed on the treaty in spite of their differences on Vietnam, the Middle East, and Germany. He also wished to know what would be the basis for the future world order and what relation France and China would have to the treaty.³

We replied that our primary concern and, we judged, that of the USSR and other pro-treaty nations, was to "minimize on [a] global basis the possibility of hostilities involving nuclear weapons." It was this mutual concern that had over-ridden the differences between the United States and the Soviet Union and "should also do so with regard to differences between non-nuclear states." As the Middle East experience showed, it was in their interest to halt the "introduction of nuclear weapons into areas of contention." While the treaty per se would not solve differences between the United States and the Soviet Union, it should have a positive effect on the atmosphere in which these antagonisms existed.

The treaty would be another "building block" in the postwar structure of arms control agreements with the Soviet Union, and both countries would undertake to pursue further disarmament negotiations in good faith. Without the treaty, it was difficult to "foresee what further progress can be

¹Alexander to Rusk, memorandum, Mar. 1, 1968, with attached ltr. from Rusk to Bowles, Mar. 4, 1968, Secret/Exdis, and ACDA memorandum on Bowles suggestion, Secret.

²To New Delhi, tel. 127657, Mar. 9, 1968, Secret/Exdis.

³From New Delhi, tel. 12228, Mar. 2 (April. 2?), 1968, Secret.

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taken in this direction contributing to [a] peaceful and more secure world." The security assurances proposal of March 7 should help the Security Council cope with threats to international peace and security.

France and Communist China would probably not adhere to the treaty.

...We judge, however, that France is not likely to disseminate nuclear weapons or to want to sabotage [the] treaty project or veto [the] Security Council resolution on security assurances. We also estimate that Peking probably will not engage in proliferating nuclear weapons. However, any threat which Communist China might conceivably pose regarding proliferation will be limited by wide-spread adherence of non-nuclear weapon states to [the] NPT...and by force of public opinion which wide-spread adherence could eventually bring to bear on Communist China to join in serious disarmament efforts. [The] adherence of India would contribute to such pressures.¹

We also assured Jaipal that safeguards would not impose "industrial, economic or other burdens on treaty signatories" and referred to the President's offer to put American peaceful nuclear activities under safeguards.²

Mr. Jaipal, who was personally sympathetic to the treaty, expressed appreciation for these messages. He told the Embassy that India would "play it cool" at the General Assembly unless the Cabinet decided to adhere to the treaty in return for some concessions.³ In the meantime, Mr. Sarabhai had told Wiesner that he had no personal objections to the treaty but that it was politically difficult for him to support Indian adherence in view of the objections of others.

¹To New Delhi, tel. 142674, Apr. 5, 1968, Confidential.

²To New Delhi, tel. 145572, Apr. 11, 1968, Limited Official Use.

³From New Delhi, tel. 12830, Apr. 16, 1968, Confidential.

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Dr. Wiesner urged him to take the political risk in view of the credit he would receive if the treaty was successful in curbing the arms race.¹ The Canadians found Prime Minister Gandhi opposed to the treaty. She saw no advantages for India and failed to understand why the superpowers wanted Indian adherence. She gave no credence to the security assurances offered by the United States and the Soviet Union.² On April 18 the Cabinet Committee decided that India should not sign the treaty in its present form. Our Embassy reported that the decision was based entirely on internal political considerations.³

Israel

Israel's position was significant because it was the only country in the Middle East with an advanced nuclear industry. The UAR, generally sympathetic to the treaty, recurrently professed suspicion that Israel might be secretly engaged in nuclear weapons development, and the Israelis regularly denied such accusations. In an address of May 18, 1966, to the Knesset, Prime Minister Eshkol declared that Israel would not be the first country to introduce nuclear weapons into the Middle East.⁴

The Israelis declined to commit themselves on the treaty. In a press interview of February 2, 1968, Foreign Minister Eban said that Israel would study the draft treaty and might join other countries in seeking amendments. "Ultimately, when the best possible draft has been written," he said, "Israel will not be the exception."⁵ Our Embassy at Tel Aviv thought that Israel wanted "to keep as many options open as possible while in no way rejecting the principle of non-proliferation" and that Eban's declaration was made in

¹To New Delhi, tel. 144228, Apr. 9, 1968, Secret/Limdis.

²From New Delhi, agm. A-1037, Apr. 30, 1968, Confidential.

³From New Delhi, tel. 13023, Apr. 19, 1968, Secret.

⁴New York Times, May 19, 1966, p. 14.

⁵From Tel Aviv, tel. 2438, Feb. 7, 1968, Unclassified.

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the belief that there was a long way to go before the treaty was concluded. While Israel realized that nuclear weapons would not meet its military needs, it could not help but be disturbed by UAR missile development.¹

On April 28, Secretary Rusk sent a message to Eban urging Israel to support the treaty in the General Assembly. He noted the "understandable desire" of some nations for adherence by neighboring countries and said that parallel action would be required by Israel and the Arab states if the treaty was to improve security in the Middle East. We were "keenly aware" of Israel's security problems, and he assured Eban that we would continue to work for an agreement with the Soviet Union limiting conventional arms shipments to the area:

In that context, I believe this treaty is crucial to the ultimate security of Israel. While we will work to limit the conventional arms race or keep it in appropriate balance, it is absolutely essential to prevent that race from leaping into weaponry against which Israel cannot be defended. The consequences of its use in your country would be catastrophic.

Because we do not expect any Arab nuclear capability in the foreseeable future, Israel's objective must be to prevent, insofar as is possible by political arrangements, the transfer of such weapons to its neighbors. While the gains to Israel through adherence to the NPT would be vital, the only cost to Israel would be self-denial of the questionable deterrent of an unknown nuclear capability.²

¹From Tel Aviv, tel. 2448, Feb. 8, 1968, Confidential.

²To Tel Aviv, tel. 154625, Apr. 28, 1968, Secret.
For Eban's reply, see below, pp. 390-391.

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Italy

Rinaldo Petrigiani, Counselor of the Italian Embassy, told De Palma on January 11 that Italy believed 40 ratifications were not enough for entry into force and that 80 should be required, in addition to the nuclear signatories, including the 10 countries which had the largest capacity, installed or under construction, in terms of nuclear electric power plants. Similarly, treaty amendments should require the approval of these 10 states rather than members of the IAEA Board of Governors, and the preparatory commissions for review conferences should comprise the 10 countries and the nuclear powers. Mr. De Palma pointed out that we had studied the question of qualitative criteria and concluded that they would raise unmanageable difficulties. He also stated that increasing the number of ratifications and giving a veto to the Ten would unduly delay entry into force.¹

The Italian representative advanced these proposals when the NAC discussed our decision to table the January 18 draft treaty. Only the FRG representative showed any sympathy for these views.² In an instruction to the U.S. Mission to NATO, Washington pointed out that there would be problems of definition, especially if reactors under construction were included, as the Italians had suggested. An even more serious difficulty was that the qualitative criteria could give a veto power over the entry into force of the treaty to countries that were opposed to it. Moreover, the inclusion of the GDR and Nationalist China could raise procedural problems. Based on the experience of the limited test-ban treaty, we had concluded that 40 was a suitable number of ratifications to require, since this would permit the treaty to enter into force in a reasonable length of time.³

¹To USNATO, tel. 98429, Jan. 13, 1968, Confidential.

²From USNATO, tels. 1377, Jan. 17, 1968, Secret; 1378, Jan. 18, 1968, Secret; 1393, Jan. 18, 1968, Secret.

³To USNATO, tel. 100343, Jan. 17, 1968, Confidential. In the case of the limited test-ban treaty, it had taken 9 months to get 30 ratifications, 16 months for 50, and 2 1/2 years for 80. The limited test-ban treaty required only the ratifications of the 3 original parties (U.S., U.K., USSR) and entered into force two months after signature.

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In a later instruction to the Mission, Washington stated that qualitative criteria would give a veto to the following countries: the FRG, Italy, India, Japan, the GDR, Belgium, Sweden, Switzerland, Israel, the Netherlands, and South Africa. Some of these countries had not yet indicated that they would agree to a treaty. Similar problems would arise if a veto on entry into force was given to the members of the IAEA Board of Governors. On the number of necessary ratifications, "we could not agree to ratification procedure whereby ~~the~~ widespread consensus of ~~the~~ international community could be frustrated by a few countries...which may have reservations about the treaty or which might be tempted to hold up ratification for purposes totally unrelated to ~~the~~ NPT."¹

After further discussions, we persuaded the Italians to drop these demands and assume a more moderate position in the ENDC. As noted above, however, they submitted amendments (1) assuring the supply of fissionable materials for peaceful purposes, (2) providing for automatic review conferences every five years, and (3) permitting withdrawal every 25 years.² Washington considered that the first amendment conflicted with article III since it would permit transfers without safeguards. As article III already insured that safeguards would not hamper the international exchange of nuclear material or equipment, it would be redundant to redraft the Italian amendment. We would not wish to change our position on periodic review unless there was a strong ENDC consensus in favor of automatic conferences. And it was doubtful that the ENDC consensus would favor a change in the duration provision.³

The March 11 draft treaty incorporated the Swedish amendment on review conferences and retained the previous duration provision.⁴ In a public statement on the Italian nuclear supply amendment, Mr. Foster said that the undertaking in article IV to cooperate in peaceful uses covered the supply

¹To USNATO, tel. 114787, Feb. 14, 1968, Confidential.

²See above, p. 298.

³To Geneva, tel. 121200, Feb. 27, 1968, Confidential.

⁴See above, p. 315.

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of nuclear materials for peaceful purposes. Since article III specified that safeguards should not hamper peaceful nuclear development, he believed that the essential purpose of the Italian amendment had been achieved and that no additional language was necessary.¹

Shortly before the ENDC recessed, news reports from Geneva claimed that the treaty would prohibit the supply of nuclear fuel for warships. One report quoted Foster as saying that a nuclear-powered submarine was a "weapon." Washington issued a public statement declaring that a nuclear-powered submarine was not a "weapon" for the purposes of the treaty:

...The treaty does not deal with such military applications of nuclear energy as nuclear propulsion of warships. Therefore, nothing in the treaty would prohibit the provision of nuclear fuel for this purpose, nor would this activity be subject to safeguards prescribed in article III of the draft treaty which provides for the application of safeguards on all source or special fissionable materials in all peaceful nuclear activities within the territory of any non-nuclear weapon party, under its jurisdiction or carried out under its control anywhere. These safeguards are for the exclusive purpose of preventing diversion of nuclear materials from peaceful activities to nuclear weapons or other nuclear explosive devices.²

Mr. Petrignani immediately requested clarification. Acting ACDA Assistant Director Gleysteen told him that these reports were erroneous and cited our interpretations of articles I and II. He also confirmed the assurances we had previously given Italy.³ Our Embassy at Rome reported on April 12 that the Italians still approached the treaty "like

¹International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, p. 103.

²Documents on Disarmament, 1968, pp. 193-194.

³To Rome, tel. 131238, Mar. 15, 1968, Limited Official Use. For the interpretations, see above, pp. 158-159. The assurances are described above, pp. 137-138.

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[a] dose of castor oil - principle good but effect bad" and hoped to promote their amendments in the General Assembly.¹

Japan

Although the Japanese had voluntarily placed their nuclear activities under IAEA safeguards, they remained concerned about the effect of the treaty's safeguards provisions on their peaceful nuclear program.² In November 1967 a team of American experts, led by ACDA Assistant Director Scoville, visited Japan. The Japanese told them that they were completely in sympathy with the spirit of the treaty and had no intention of having nuclear weapons. It would be completely unbearable, however, if the treaty obstructed Japanese research and development. They were particularly interested in possible changes in the IAEA safeguards system. Japanese industry was concerned about the possibility of industrial espionage, and the Japanese noted the reluctance of Euratom countries to accept IAEA inspection.

Dr. Scoville did not think that treaty safeguards would differ greatly from existing IAEA safeguards, which were applied to certain nuclear materials and facilities. Under the treaty, however, they would be applied to all atomic energy activities, i.e., to all facilities which handled special nuclear materials above a certain fixed amount. But this was only a minor difference. We did not regard IAEA safeguards as static. The IAEA Statute itself permitted changes in safeguards, and the preamble to the non-proliferation treaty contained a paragraph on automation. As for Japanese industrial concerns, our own experience with IAEA safeguards had been quite satisfactory and American industry would interpose no objections if they were generally applied in the United States. Moreover, the President was planning to offer to put our peaceful nuclear activities under IAEA safeguards.³ The Japanese welcomed our offer but were not

¹From Rome, tel. 5425, Apr. 12, 1968, Confidential.

²See above, pp. 215-216.

³See above, pp. 265-266.

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entirely satisfied. They felt that there should be an overall review of IAEA safeguards when the treaty came into effect.

The Japanese did not interpret the ban on "other nuclear explosive devices" as prohibiting research and development of such devices and asked whether high-speed breeder reactors would be banned. In this connection, they noted that tests were necessary to develop such reactors. Dr. Scoville commented that it was difficult to draw an exact line but that high-speed breeder reactors would not be considered "nuclear explosion devices." Basic scientific research would not be prohibited but manufacture and research on the component parts of atomic weapons were clearly military and would be banned. AEC Assistant General Manager Brown added that the treaty would not obstruct controlled explosions and basic nuclear fusion experiments. On the peaceful explosions question, Dr. Scoville could not foresee a time when nuclear weapons could be distinguished from other nuclear explosive devices.

An AEC official told them that it would not be economical to engage in military nuclear research simply for the benefits of the peaceful-uses "spinoff". Mr. Brown said that the treaty did not ban research and development on the enriching of uranium but that we would not disclose information on gaseous-diffusion plants because they were directly linked with nuclear weapons development.¹

The Japanese were still concerned about the definition of "nuclear explosive devices." In Geneva, Ambassador Nakayama gave Foster a memorandum on March 5, 1968, asking us to confirm the Japanese understanding of the term:

...we understand from our knowledge of present nuclear engineering that they are devices designed to release, within an extremely short time, a large amount of energy accompanied by shock waves through nuclear reaction (nuclear fission or nuclear

¹From Tokyo, agm. A-887, Jan. 11, 1968, Confidential/NoFORN.

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fusion). Accordingly, fast critical assemblies, reactor excursion experiment facilities and neutron power reactors are not prohibited by the...treaty.¹

We provided the following reply:

The characteristics common to nuclear weapons and "other nuclear explosive devices" are that each is designed to release a large amount of nuclear energy in microseconds from a very compact source. Reactors, on the other hand, are not designed to be used as explosives, do not have such characteristics, and cannot be readily adapted for use as weapons. This is true for nuclear reactors whether they utilize the fission principle or are controlled thermonuclear fusion reactors which utilize the fusion principle to produce energy in a controlled manner. Thus, a reactor, even if it were to accidentally release energy suddenly in uncontrolled form, or be made to do so as part of a reactor excursive device." Fast critical assemblies, of the type of the FCA at the Japan Atomic Energy Research Institute, would similarly not be considered nuclear explosive devices and therefore would not come within the prohibitions of the treaty applicable to "nuclear weapons or other nuclear explosive devices."²

¹From Geneva, tel. 2775, Mar. 5, 1968, Confidential. The Japanese later explained that a "neutron power reactor" was "the reactor which generates steam and then electricity by making use of the heat and a large amount of neutron energy released by the nuclear fusion caused by electrically created high temperature in a hermetically sealed box" (from Geneva, tel. 2860, Mar. 12, 1968, Confidential).

²To Geneva, tels. 127553, Mar. 9, 1968, and 129679, Mar. 13, 1968, Confidential.

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²To Geneva, tels. 127553, Mar. 9, 1968, and 129679, Mar. 13, 1968, Confidential.

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A Japanese delegate told De Palma in New York (April 24) that the Japanese Government supported the treaty in principle, but domestic problems prevented it from co-sponsoring a resolution endorsing it. The Japanese had prepared a draft resolution of their own, which caused us some problems.¹

Romania

Romania was the only Communist member of the ENDC to raise serious objections to the draft treaty.² In March, on Romanian initiative, Deputy Foreign Minister Macovescu came to Washington for talks with State Department and ACDA officials. He told them that Romania had four concerns: (1) the treaty should require the nuclear parties to take further measures that would result in general and complete disarmament, (2) it should provide guarantees against nuclear blackmail or the use of nuclear weapons against non-nuclear parties, (3) it should not prevent the use of nuclear energy for peaceful purposes, and (4) it should provide for effective controls on both nuclear and non-nuclear signatories,

Acting ACDA Assistant Director Gleysteen pointed out that the January 18 draft treaty reflected most views that were likely to receive wide support. We were discussing with the Soviets more recent comments, e.g., the Swedish amendments, and hoped to include some of them in the treaty. The Romanians should realize that we could not accept any amendment which would make the treaty unacceptable to the United States or the USSR. For example, an amendment imposing safeguards on all parties would be unacceptable because the Soviets would refuse to conclude a treaty if we insisted on this. We had reduced discrimination by offering to accept IAEA safeguards on our peaceful activities, but Romanian security would not be increased even if the Soviet Union also accepted them. It was the application of safeguards to non-nuclear states that was important for Romania. ACDA General Counsel Bunn added that the new disarmament and amendments provisions met earlier Romanian objections and that we hoped to include periodic review in the final draft.³

¹From New York, tel. 4762, Apr. 25, 1968, Confidential. For the Japanese draft resolution, see below, pp. 359-362.

²See above, p. 293.

³For the earlier objections, see above, p. 184.

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On security assurances, Mr. Bunn said that these had to be treated separately because it had been impossible to agree on a treaty provision. While we were prepared to accept non-use in the second protocol to the Latin American treaty,¹ this was a limited denuclearized area with which we had special relations. Even if there were no assurances at all, the non-proliferation treaty would increase the security of non-nuclear countries. Mr. Macovescu replied that Romania knew all about Security Council resolutions. She wanted an assurance that we would not attack her if she did not attack us. Mr. Bunn explained that both the United States and the Soviet Union wished to make the treaty a success. If there was a nuclear threat and the Security Council failed to act, the treaty might be jeopardized. The Kosygin formula was discriminatory between members of alliances and no help to India, and the Soviets had refused to accept our generalized non-use formula.

Mr. Macovescu understood that specific disarmament measures could not be listed in the treaty because the United States and the Soviet Union could not agree on which measures to include. He wanted, however, to include a more concrete obligation for the nuclear powers to carry out nuclear disarmament. Mr. Bunn noted that the Swedish amendment used the term "nuclear disarmament" and suggested that this would cover the substance of the Romanian proposals.²

Further discussion showed that the Romanians did not understand article III and were considering drastic amendments to this article. Mr. Macovescu had the impression that we wanted to change and expand the present IAEA safeguards system. Mr. Bunn assured him that this was not the case and indicated that we might make interpretive comments regarding the areas where we appeared to be in substantive agreement with the Romanians. Mr. Gleysteen told him, however, that the Romanian proposal to change the first paragraph of article III was unacceptable and would undo all that had been achieved. Both he and Mr. Bunn stressed that the Romanian proposal to apply controls to foreign military bases was also unacceptable.³

¹See below, chapter D.

²Memcon Macovescu, Stoessel, et al, Mar. 1, 1968, ^aSecret.

³Memcon Macovescu, Stoessel, et al., Mar. 2, 1968, Secret.

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Our explanations did not prevent the Romanians from tabling their amendments at Geneva.¹ At the Sofia meeting of the Warsaw Pact nations (March 6-7), the Soviets had no better luck. The Romanians refused to sign a declaration endorsing the non-proliferation treaty.² After his return to Bucharest, Mr. Macovescu told Ambassador Davis that the Romanian Government was very satisfied with the discussions but that it had not yet changed its attitude toward the draft treaty.³ On the eve of the General Assembly debate, Deputy Foreign Minister Malita told Davis that it was not the intention of Romania to delay the conclusion of the treaty.⁴

Yugoslavia

On April 10 Ambassador Crnobrnja gave Deputy Assistant Secretary of State Popper an aide-memoire setting forth Yugoslav views on the non-proliferation treaty. The Yugoslavs favored a treaty but considered that the March 11 draft did not provide satisfactory answers to "some of the important questions." They thought that the nuclear powers should undertake to pursue negotiations aimed at a comprehensive test ban, a fissionable materials production cutoff, and other nuclear measures. In their view, the peaceful-uses article should more fully spell out the obligations of the nuclear powers. There could be discrimination in controls, particularly in regard to countries belonging to regional organizations. The Yugoslavs supported the Kosygin proposal and also wished to insure that the United Nations would protect non-nuclear countries. And they believed that the removal of nuclear weapons from foreign countries, cessation of training allied troops in their use, and the establishment of denuclearized zones would help solve the security problem.⁵

¹See above, p. 299.

²Documents on Disarmament, 1968, pp. 158-159.

³From Bucharest, tel. 1266, Mar. 20, 1968, Confidential.

⁴From Bucharest, tel. 1368, Apr. 11, 1968, Confidential.

⁵Statement of the Government of the SFR of Yugoslavia on non-proliferation of nuclear weapons, Apr. 10, 1968, Unclassified.

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Mr. Foster told Crnobrnja that some Yugoslav suggestions would create more support for the treaty in some quarters but lose it in others. The only feasible approach was that of consensus, and time was now vital. We could not change the treaty to satisfy India or Brazil and still have an effective treaty. The Soviets would not support the cutoff, and specific disarmament measures could not be listed in article VI. Our position on a comprehensive test ban was unchanged, but an agreement to limit offensive and defensive missiles would affect the prospects of this measure. Article IV contained a commitment to cooperate in the peaceful uses of nuclear energy. It was not discriminatory to permit regional organizations to negotiate with Euratom, and the IAEA arrangements with that organization would fall somewhere between complete duplication and mere paper verification. We could not accept the Kosygin formula because it was directed against defensive alliances and could not be verified. The Yugoslav proposals on discontinuing nuclear training of allied armies and stopping the foreign deployment of nuclear weapons were not relevant.

Ambassador Crnobrnja said that Yugoslavia realized she would have to accept a more modest treaty than she would like. She would not create difficulties for the treaty even though it left much to be desired and had caused some internal debate in Belgrade.¹

Euratom Developments

As noted above, the relationship of Euratom and IAEA was the thorniest issue in the prolonged negotiations on article III. The European Commission, whose approval was necessary if Euratom was to be able to negotiate a safeguards agreement with IAEA, found several preliminary drafts of article III incompatible with the Euratom treaty. The non-nuclear members of Euratom agreed on five general principles.² Taking these principles into account, we submitted a revised draft on November 2, 1967.³ After a long dispute on the first sentence of this draft, the Soviets finally accepted it when

¹To New York, tel. 150629, Apr. 20, 1968, Confidential.

²See above, pp. 241-242.

³See above, pp. 248-249.

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the ENDC reconvened in January 1968, and it was incorporated in the draft treaty of January 18. It was understood by both Co-Chairmen that this article would enable Euratom to negotiate a safeguards agreement with IAEA. Mr. Fisher put our interpretations of the article into the public record when the draft treaty was tabled. They had previously been shown to Roshchin.¹

President Rey of the European Commission visited Washington in February and conferred with Rusk, Seaborg, Fisher, and Leddy. He told Seaborg that the Commission regarded the January 18 draft treaty as a great improvement over previous drafts and considered that it could be accepted, provided the various parties shared the same interpretations. If discussions with IAEA showed that the two organizations shared the same views on Euratom's status and the feasibility of a good verification agreement, it would be easier for the Commission to advise member states to sign the treaty.

He told Fisher that the Euratom safeguards system was working well and must be retained. Euratom could not approve a treaty that would put its own system out of business. The Commission intended to seek Council approval of early contacts with IAEA. He agreed with Fisher's view that actual drafting of an agreement would not begin until the treaty was opened for signature.

Mr. Fisher did not anticipate that IAEA authority to negotiate with Euratom would be questioned, since it was clear that the national governments could not negotiate for Community nuclear facilities. The Soviets understood this and had not disputed it during the negotiations on article III. Even if they changed their minds, they would not have a veto in IAEA. While they did not like the European communities, the treaty was worth enough to them to accept the maintenance of Euratom safeguards. He hoped that the Council would approve Euratom-IAEA discussions. He agreed that the IAEA safeguards system needed to be examined and noted that the Japanese were anxious to have it changed.²

¹See above, pp. 293-294.

²To Bonn, Brussels, etc., tel. 117026, Feb. 17, 1968, Confidential. For Japanese views, see above, pp. 215-216, 345-346.

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But it appeared that the Commission did not intend to make a final judgment of compatibility between the non-proliferation treaty and the Euratom treaty until the negotiations with IAEA were completed. The Euratom countries would therefore have either to enter a reservation on article III or to withhold ratification or deposit of instruments of ratification until the Commission was satisfied with the IAEA arrangements.¹

The Commission had previously advised Euratom members that reservation would be the best procedure.² We did not agree. While the Commission would have to find the safeguards agreement with IAEA compatible with the Euratom treaty, this was a different matter from establishing compatibility between the non-proliferation treaty and the Euratom treaty. If the Commission nevertheless felt that it must recommend some delaying action, we would favor a statement rather than a formal reservation. There was nothing to be gained by withholding a signature which was not binding and imposed no legal obligation. Reservations were undesirable because they would encourage others to make them and limit the effectiveness of the treaty. Since it was unlikely that the Soviets would accept reservations, the future of the treaty might be endangered. It would therefore be better for the Euratom countries to sign the treaty and issue a statement that they would not ratify it pending conclusion of the IAEA agreement. Alternatively, the Commission could advise Euratom members not to make a statement but simply to withhold ratification.³

The Commission informally told the Belgians that it would have to be satisfied that Euratom would be accepted as a negotiating partner with IAEA and that a satisfactory verification agreement would be reached with that organization. It therefore recommended that states signing the treaty issue declarations safeguarding these principles and make a "reserve" stating that they would not ratify the treaty until the negotiations with the IAEA had been satisfactorily concluded.

¹From Brussels, tel. 4287, Jan. 25, 1968, Confidential.

²See above, pp. 231-232.

³To Brussels, tel. 120280, Feb. 24, 1968, Secret.

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The Belgians felt that some statement was necessary since they believed signature implied an obligation to take steps leading to prompt ratification.¹ We assumed that a "reserve" would merely be a statement at the time of signature and not a reservation in the legal sense. We disagreed with the Belgian interpretation of the effect of signature and stated that signature did not prevent a nation from making a statement of conditions that must be met before ratification.²

On February 29 the Commission was unable to obtain the approval of the Council of Ministers of the European Community for a study of the Euratom-IAEA arrangements and for informal contacts with IAEA. The French objected that the treaty should be handled by members who were interested in it. The Dutch dissented on the grounds that the proposal was premature in view of the status of the treaty negotiations. Apparently their real reason was concern that the Commission would adopt the "minimalist" position, i.e., paper verification, favored by the Germans. They wanted Commission action to be postponed until after the General Assembly,³ and their view prevailed.⁴

The United States had an agreement with Euratom providing for nuclear fuel shipments to that organization until 1995. As noted above, the Belgians had previously asked us for assurances on continued nuclear fuel supply if the Euratom-IAEA negotiations should fail.⁵ After the January 18 draft treaty was tabled, they renewed their request.⁶ The Dutch also requested a clear U.S. statement.⁷

The Belgians had put the same question to the British, who also provided nuclear fuel to the Euratom countries. The British replied that nuclear supplies to the Euratom states could continue under existing arrangements during the period allowed by the treaty and thereafter if the receiving

¹From Brussels, tel. 5270, Mar. 18, 1968, Confidential.

²To Brussels, tel. 145936, Apr. 12, 1968, Confidential.

³From Brussels, tel. 4974, Mar. 1, 1968, Limited Official Use.

⁴See below, pp. 386-387.

⁵See above, p. 259.

⁶From Brussels, tel. 4774, Feb. 16, 1968, Secret.

⁷From Brussels, tel. 4949, Feb. 29, 1968, Limited Official Use.

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state was still negotiating with IAEA in good faith. The Belgian Foreign Minister initially replied that this was not satisfactory because Belgium would not ratify the treaty until an IAEA-Euratom agreement was concluded and would therefore be deprived of fuel from the time the treaty entered into force. The British considered it "extremely unlikely" that the treaty would enter into force before the Euratom states ratified it.¹ As we have seen, the Soviets apparently did not intend to complete their ratification action before the FRG ratified the treaty.²

In our reply to the Belgians, we said that failure of the IAEA-Euratom negotiations was a "largely theoretical possibility" and questioned whether it was wise to "attempt to reach legal conclusions with respect to conjectural situations." We also said that we would be glad to participate in a joint study of IAEA-Euratom arrangements.³ The Belgians appeared to be content with this reply.⁴

After staff discussions among ACDA, State, and AEC officers, AEC prepared a draft letter to Euratom outlining the conditions under which we would supply plutonium and enriched uranium to that organization. This letter was so written as to avoid making an unconditional commitment. State and ACDA wished to add the following sentences:

...We also noted the progress that has taken place towards a Treaty on the nonproliferation of nuclear weapons to which the United States and the nonnuclear weapons states members of Euratom presumably will become parties. This letter is based on the expectation that, pursuant to the terms of the Treaty, an agreement will be concluded covering the safeguards to be applied to nuclear material in the non-nuclear weapons states of the Community.

¹From London, tel. 7011, Mar. 6, 1968, Secret.

²See above, p. 195.

³To Brussels, tel. 138975, Mar. 30, 1968, Confidential.

⁴From Brussels, tel. 5811, Apr. 13, 1968, Confidential.

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AEC opposed the additional language because it could be interpreted as conditioning future fuel supply on an IAEA-Euratom agreement and this would "jeopardize rather than promote European agreement with the NPT."¹ Ambassador Bohlen agreed with AEC, and Secretary Rusk decided to leave out the language.² As Washington told our Mission at Brussels, we hoped to avoid an extensive dialog about the relationship of the letter to the treaty:

...If the Mission is asked for such an interpretation it should respond that ~~the~~ letter indicates our desire to meet Euratom's requirements within the stated ceiling and under special fuel supply contracts to be negotiated. However, the U.S.G. does not believe it is either necessary or profitable to develop a precise formulation on the status ~~the~~ letter would have under ~~the~~ NPT in the event IAEA and Euratom run into difficulties since the U.S. is confident that these negotiations will be successfully completed within the desired time scale...³

During the General Assembly debate, the representatives of the Benelux countries made statements on the relationship of Euratom to the non-proliferation treaty. On May 6 the Dutch representative said:

...the Netherlands already participates in a special form of co-operation, namely, the European Community for Atomic Energy, better known as Euratom. The Netherlands Government attaches great importance to this co-operation. It wishes fully to continue this co-operation after having acceded to the non-proliferation treaty.

¹Seaborg to Rusk, ltr., Mar. 15, 1968, Confidential, with attached draft ltr. from Kratzer (AEC) to Spaak, Official Use Only.

²Bohlen, Fisher, and Leddy to Rusk, memorandum, Mar. 28, 1968, Confidential, with attached draft ltr. from Kratzer to Spaak, Official Use Only; Bunn (ACDA/GC) to Read (State-S/S), memorandum, Mar. 29, 1968, Confidential, with attached draft ltr. from Rusk to Seaborg, Confidential.

³To Brussels, tel. 145943, Apr. 12, 1968, Confidential.

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For that reason the Netherlands and other Euratom countries which wish to adhere to the treaty have a common interest in ensuring that the obligations deriving from the non-proliferation treaty will be no obstacle to the fulfilment of their obligations under the Euratom Treaty. That is one of the reasons why extensive discussions have taken place during the past year concerning the formulation of the text of article III regarding safeguards on peaceful activities.

In the opinion of the Netherlands Government the present draft treaty is compatible with its obligations under the Euratom Treaty. The Netherlands Government is therefore prepared, with due observance of the relevant procedures provided for in the Euratom Treaty, to sign the non-proliferation treaty in its present form as soon as possible.

Euratom was the first organization to establish its own multilateral safeguards. From my preceding remarks it will be clear that my Government wishes to keep intact these safeguards which have now functioned for a number of years.

In view of the existing co-operation within Euratom and in accordance with the possibility offered in article III, paragraph 4 of the draft treaty, the Netherlands Government is of the opinion that the European Commission ought to conduct the negotiations with the International Atomic Energy Agency...

A basic tenet of good management is to avoid unnecessary duplication. As a matter of principle the IAEA should therefore make appropriate use of existing records and safeguards, on the understanding that the Agency can satisfy itself that nuclear materials are not diverted to nuclear weapons or other nuclear explosive devices. In other words, the agreement with the IAEA should be based on the principle of the verification of Euratom safeguards.¹

¹Documents on Disarmament, 1968, pp. 295-298.

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The Belgian and Luxembourg representatives endorsed the Dutch statement.¹

The 22nd General Assembly (Part II)

As the time drew near for the 22nd General Assembly to reconvene, we were once again faced with a tight timetable. On the international scene, it was essential to get the treaty signed before the Conference of Non-nuclear-weapon States met in August, since non-nuclear opponents of the treaty might be able to use that forum to promote demands which the United States and the Soviet Union could not accept. In the domestic context, early signature was desirable in order to enable the Senate to act on the treaty before its members became fully engaged in the national election campaign. The Republican National Convention was scheduled to begin August 5, and the Democratic Party was to hold its convention later in the same month.

The United States and the Soviet Union made a concerted effort to win wide support for the treaty. As noted above, several countries had serious misgivings about the treaty, and some could have undertaken even at this late date to undermine it in the General Assembly. Patient diplomacy, however, prevented the emergence of organized opposition.²

On March 23 we sent out a circular aide-mémoire urging other U.N. members to support the treaty in the General Assembly.³ Most nations were reluctant to commit themselves before the session began. An ACDA analysis of responses showed 22 nations favorable and 26 probably favorable.⁴ The Latin American and African states, whose support was necessary if the treaty was to be approved by a large margin, tended to be non-committal.

¹A/C.1/PV.1571, p. 51; A/C.1/PV.1578, p. 11.

²See above, p. 316.

³Circ. tel. 135528, Mar. 23, 1968, Confidential. For a similar Soviet aide-mémoire, see New York.agm. A-1531, Apr. 17, 1968, Unclassified.

⁴Lambert to De Palma, memorandum, Apr. 19, 1968, Confidential.

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