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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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