

questions on safeguards and the peaceful uses of nuclear energy. Among other things, they wished to know whether the European countries could build a common uranium separation plant, the conditions for obtaining nuclear fuel for ship propulsion, and what sanctions would be applied to violators.<sup>1</sup>

On March 23, Mr. Fisher gave the Italian Chargé a full reply to the questions his government had raised.<sup>2</sup> We later gave the Italian Embassy a detailed reply to the scientists' memorandum. We said that nothing in the draft treaty would prevent a European separation plant if it was placed under the safeguards required by the treaty and that it would be possible to build a nuclear ship under the same conditions. Sanctions would depend on the nature of the violation. Violation of safeguards requirements might result in the withholding of nuclear supplies by other parties. The acquisition of nuclear weapons or other nuclear explosives might lead other parties to withdraw from the treaty.<sup>3</sup>

Although the theoretical European ramifications of the treaty continued to trouble Italian leaders, an Italian delegate told us in Geneva that apart from article III his country's problems were more presentational than substantive. He did not think that Italy would object to our tabling the draft

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<sup>1</sup>From Rome, tel. 4701, Mar. 13, 1967, Secret.

<sup>2</sup>To Rome, tel. 161326, Mar. 23, 1967, Secret.

<sup>3</sup>To Rome, tel. 166638, Mar. 31, 1967, Confidential.

if she was assured that we would support or at least not object to the Mexican proposals for including treaty articles on the peaceful uses of nuclear energy and denuclearized zones, as well as a declaration of intent of the nuclear powers to proceed with nuclear disarmament.<sup>1</sup>

The question of providing nuclear fuel for an Italian warship had been under consideration for some time. Three months later, Mr. Fisher advised Rusk to give the Italian Ambassador a letter and a technical memorandum on this question. He recommended this procedure in order to "avoid anything that smacks of a formal secret exchange of notes or memoranda...on this point (which might raise possible difficulties during Senate ratification)." In the memorandum, we explained that the non-proliferation treaty prohibited only the acquisition or manufacture of nuclear weapons or other nuclear explosive devices. It did not deal with "other military applications of nuclear energy such as the propulsion of warships." It did not therefore prohibit the provision of nuclear fuel for this purpose. "The clarification above concerns only the provisions of the draft non-proliferation treaty," the memorandum concluded, "and does not relate to other considerations pertaining to the question of the possible provision by the United States of nuclear fuel for the propulsion of warships."<sup>2</sup>

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<sup>1</sup>From Geneva, tel. 2940, Mar. 22, 1967, Secret. For the Mexican proposals, see Documents on Disarmament, 1967, pp. 162-168.

<sup>2</sup>Fisher to Rusk, action memorandum, "NPT Effect on the Provision of Nuclear Fuel for the Propulsion of Warships," June 13, 1967, Confidential, with attached ltr. to Italian Ambassador, Confidential, and "Memorandum Referring to Questions of the Italian Government on the Proposed Non-proliferation Treaty." Confidential.

When the Italians questioned the final sentence of the memorandum, we explained that it was not intended to prejudice our decision in any way.<sup>1</sup> They remained unsatisfied and asked that the sentence be deleted. ACDA Assistant Director De Palma replied that he did not know if this would be possible.<sup>2</sup> He advised Fisher not to revise the memorandum, and the latter concurred.<sup>3</sup>

Ambassador Aoki told Foster that Japan was especially concerned about the "unequal, discriminatory" nature of the amendments provision and said that his country's historic phobia about "unequal" treaties matched its concern about nuclear weapons.<sup>4</sup> Discussing the state of the negotiations with Ambassador Takeuchi on March 13, Mr. Fisher noted that we planned to institutionalize arrangements for peaceful nuclear explosive services and that the treaty would not inhibit other peaceful nuclear uses. He explained that we opposed a fixed term for the treaty but noted the withdrawal provision. Ambassador Takeuchi asked whether we intended to publish the interpretations and indicated that the Diet would ask for them. Mr. Fisher replied that the interpretations would not actually be attached to the treaty but would form part of the negotiating history.<sup>5</sup>

In order to persuade the non-nuclear countries to accept a mandatory safeguards article, we proposed that the British

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<sup>1</sup>Memcon Petrignani (Italian Embassy), Kranich (ACDA/IR), and Stillman (ACDA/IR), July 5, 1967, Secret.

<sup>2</sup>Memcon Petrignani, De Palma, and Stillman, July 10, 1967, Secret.

<sup>3</sup>De Palma to Fisher, memorandum, July 24, 1967, Secret.

<sup>4</sup>From Geneva, tel. 2647, Mar. 7, 1967, Secret.

<sup>5</sup>Memcon Takeuchi, Fisher, et al., Mar. 13, 1967, Secret; to Tokyo, tel. 154312, Mar. 13, 1967, Secret/Limdis.

join us in voluntarily submitting civil nuclear activities to IAEA inspection. In response to British questions, we stated that we did not intend to omit any nuclear facilities except for military and security reasons. We would not include enriched U-235 production facilities, since we wished to avoid proliferation of the technology. We did not think that the Anglo-American offer would unduly overload the IAEA system.<sup>1</sup>

On March 31 we communicated all changes in the draft treaty to the Belgians, British, Canadians, Dutch, Germans, and Italians in Washington. In the preamble, we added a paragraph on research to promote the automation of inspection. We would be willing to delete the phrase "at the earliest possible date" in the declaration of intention to halt the nuclear arms race if this change won general support after the treaty was tabled. We would consult the Soviets on adding language on the cost of peaceful nuclear explosive services.

The first two articles of the treaty remained unchanged. We proposed the following text of article III:

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

1. Each non-nuclear-weapon State Party to this Treaty undertakes to have international safeguards meeting the requirements of this Article on all peaceful nuclear activities within its territory or under its jurisdiction.

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<sup>1</sup>To London, tel. 161647, Mar. 23, 1967, Confidential.

In cooperating with any non-nuclear-weapon State with respect to peaceful nuclear activities within the territory or under the jurisdiction of such State, each State Party to this Treaty undertakes not to provide

(a) source or special fissionable material unless the material shall be subject to such safeguards; or

(b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material unless the special fissionable material shall be subject to such safeguards.

2. After the original entry into force of this Treaty, each non-nuclear-weapon State Party to this Treaty which has activities subject to any international safeguards system other than that of the International Atomic Energy Agency undertakes to facilitate verification by that Agency of the effectiveness of the international safeguards system applied to such activities:

3. To meet the requirements of this Article, international safeguards (a) shall be either those of the IAEA or such other international safeguards generally consistent therewith as are accepted by the IAEA under verification procedures mutually agreed by the authorities of the IAEA and the authorities of the other international safeguards concerned, and (b) shall be applied as soon as practicable but no later than three years from the date of the original entry into force of this Treaty;

4. In any case where agreement on the implementation of IAEA verification of another international safeguards system, as provided for in this Article, has not been reached within three years from the date of the original entry into force of this Treaty, the safeguards of the IAEA shall be applied.

We were not sure that the Soviets would accept IAEA verification. If they did not, we would wish to consider with our allies as many of the important changes as possible. Article IV adopted the amendments procedure of the outer space treaty. The review

conference would consider realization of the purposes of the preamble as well as the treaty. There could be later review conferences at five-year intervals at the request of a majority of the parties. The review conferences would be prepared by a Preparatory Commission consisting of representatives of the non-nuclear parties that belonged to the IAEA Board of Governors and the nuclear parties to the treaty.<sup>1</sup>

We also gave the allies a revised summary of interpretations which made only a few minor changes in the previous version.<sup>2</sup>

The Italian Chargé told Fisher that the revised draft met some fundamental requirements but that his country would wish further clarification on safeguards, peaceful explosions, and the Preparatory Commission for the review conference. It found some uncertainty in relying on nonaligned countries to make some of our proposed changes. Some "essential" Italian suggestions had not been accepted on non-discriminatory safeguards, the right of withdrawal after the review conference, nuclear disarmament, interpretations, and the non-accession of key countries. Mr. Fisher replied that certain changes, e.g., a preambular paragraph on nuclear blackmail, would be more appropriately proposed by a nonaligned country than a member of a nuclear alliance but that it would not be inappropriate for Italy to introduce proposals after the treaty was tabled.<sup>3</sup>

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<sup>1</sup>Circ. tels 167155 and 167159, Apr. 1, 1967, Secret. The revised draft was communicated to all NATO countries and Japan.

<sup>2</sup>Circ. tel. 167165, Apr. 1, 1967, Secret. The original version appears above, pp.

<sup>3</sup>To Paris and Rome tel. 167691 Apr. 3, 1967. Secret.

The new draft treaty was discussed by the NAC on April 4. The Belgian representative suggested adding a glossary of agreed definitions of "nuclear weapons," etc. He wanted the periods for the initial review conference and the deadline for the IAEA-Euratom agreement to coincide. He was concerned that Europe might be faced with nuclear blackmail if NATO disappeared while the treaty was still in force. The Netherlands representative welcomed article III and expressed the view that IAEA and Euratom could work out agreed procedures. General Burns again questioned the "discriminatory" nature of the proposed safeguards.<sup>1</sup>

FRG Ambassador Grewe delivered a long statement expressing serious reservations. He argued for a link with disarmament and a "balance of responsibilities" provision in the preamble, as well as a nuclear blackmail provision. He wanted a preambular clause on "non-defamation" to stop hostile Soviet propaganda against the FRG. There should be a treaty article on peaceful uses. While article III required more study, it remained "discriminatory" and the three-year deadline would weaken Euratom's negotiating position. A treaty which could be periodically extended would be better than a treaty with unlimited duration, since NATO might be weakened by the resignation of members. The amendments procedure should protect

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<sup>1</sup>From Paris, tel. 15437, Apr. 4, 1967, Secret.

near-nuclear signatories against majority decision. The review conferences should be held every five years. The withdrawal clause should be modified as the FRG had suggested. A "consensus omnium" should be required for entry into force.

The FRG was not yet ready to agree to tabling the treaty:

...we can only agree to such a submission (while fully maintaining our reservations concerning its contents) if and when the draft text - including additional American interpretations on it - meets our vital interests, which are NATO interests; interests of the European communities (e.g. EURATOM) and with respect to future European cooperation, integration and unification; and common interests of those non-nuclear weapons states which dispose of an important civilian nuclear potential.

They could not rely on others looking after these interests and urged that consultations be speeded up.<sup>1</sup>

Mr. Foster told the NAC that this had to be a two-sided treaty and that it was important to get the draft formulations before the world to stop proliferation. The treaty would specify what was prohibited, and it would be an encyclopedic undertaking to try to include what was permitted. Even though all allies did not participate in the ENDC, they could exert influence. The Soviets were completely obstinate on accepting IAEA safeguards, but we would find them no hardship. The British representative said that the United Kingdom was considering the suggestion that the Western nuclear powers

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<sup>1</sup>"Statement made by the German Permanent Representative at the Council Meeting on 4 April 1967," Secret.

unilaterally accept safeguards on peaceful nuclear activities.<sup>1</sup>

On the next day Chancellor Kiesinger told Vice President Humphrey that the non-proliferation treaty was the most difficult single problem in German-American relations. The FRG did not want national control of nuclear weapons, but it did wish to keep the European option. He did not know what the Soviet Union would have to say on this question. He was not against the treaty as such but believed that some points would have to be discussed further.<sup>2</sup> He said that we should have started our bilateral consultations earlier. He also wondered whether there might not some day be a nuclear defense system which could not be misused for offensive purposes.

Both Vice President Humphrey and Ambassador McGhee expressed doubt that such a development was possible. The Vice President argued that a non-proliferation treaty would create conditions for a greater allied effort and that the signatories would gain protection from nuclear blackmail in the NATO framework. He saw no reason why the trust that had prevailed between the two countries for 20 years could not continue. While we might have started the bilateral consultations sooner, he assured Kiesinger

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<sup>1</sup>From Paris, tel. 15437, Apr. 4, 1967, Secret.

<sup>2</sup>From Bonn, tel. 11806, Apr. 6, 1967, Secret/Nodis.

that we were not trying to make a "back room" deal with the USSR, as the press had implied. He liked the idea of "black boxes" but thought that "industrial espionage" was exaggerated since most of the information was available from the open literature.<sup>1</sup>

According to Schnippenkoetter, the Chancellor remained unconvinced. He reportedly told the Defense Council on April 6 that he was shocked to hear that the Americans were accusing Grewe of speaking without instructions when he was only saying just what was in Kiesinger's mind, or at least what he had intended to tell Foster in March. The Chancellor was still troubled by the deep political implications of the treaty and feared that we were putting the USSR ahead of Western Europe and now found that we had more in common with the Soviets than with our allies. Our Embassy was not sure how much Schnippenkoetter spoke for Kiesinger but noted that he had direct access to him.<sup>2</sup>

If the Chancellor's position was not entirely clear, Defense Minister Schroeder had a decidedly negative attitude toward the treaty. He told Katzenbach and Foster that the treaty should really be the keystone to a European arrangement

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<sup>1</sup>From Berlin, tel. 1347, Apr. 6, 1967, Secret/Exdis.

<sup>2</sup>From Bonn, tel. 11938, Apr. 7, 1967, Secret/Limdis.

with German reunification, and he did not think that it made a German solution easier.<sup>1</sup> He had previously taken the same line with Rusk, who told him that it would be quite unacceptable to link the two questions.<sup>2</sup>

On April 7, the FRG sent a memorandum to the United States and other governments in which it declared that the non-proliferation treaty should be a step toward disarmament and that it was incumbent on the nuclear powers to agree on such measures as a nuclear delivery vehicles freeze, a fissionable materials production cutoff, and a comprehensive test ban. The nuclear powers should also renounce nuclear blackmail against non-nuclear nations. The FRG noted the security problems of the non-nuclear nations but proposed no definite guarantees. It stressed the need for assuring peaceful nuclear development. It said that controls should not be "obstructive or discriminatory," and reliable existing systems should not be replaced. Finally, it emphasized the need for equality among nuclear and non-nuclear nations.<sup>3</sup>

Although the FRG still officially supported a treaty, State intelligence concluded on April 8 that "the weight of available evidence indicates that it may now be a considered policy of the Bonn government to try to kill off the treaty

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<sup>1</sup>Memcon Schroeder, Katzenbach, et al., Apr. 7, 1967, Secret; to Bonn, tel. 171593, Apr. 9, 1967, Secret.

<sup>2</sup>From Punta del Este, tel. 81, Apr. 7, 1967, Secret/Nodis.

<sup>3</sup>Documents on Disarmament, 1967, pp. 179-182.

project," if it could do so without being made to bear "the prime responsibility for wrecking an agreement." We had no direct evidence of a decision, but recent FRG behavior could be "most plausibly explained only on the basis of such an assumption."<sup>1</sup>

Ambassador Schnippenkoetter now came to Washington for further bilateral talks, and the same ground was gone over again. He told us that the FRG had not yet made up its mind to sign the treaty and that its decision would depend on our responses in these talks. The Germans wanted assurances that we would carry through on the changes we had told them we would support after the treaty was tabled. We agreed to see that the "nuclear blackmail" provision was brought up in the ENDC but rejected the "anti-defamation" clause because it would impinge on freedom of expression.

The Germans wanted the review conference to cover the preamble as well as the operative part of the treaty, and they wanted the conference to have "teeth and claws." They wanted an operative paragraph on peaceful uses, but we opposed including such "permissive" matters, since the treaty would deal only with what was prohibited.<sup>2</sup>

In the discussion of the safeguards time limit, we told the Germans that the Euratom countries could protect their

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<sup>1</sup>Hughes (State/INR) to Acting Secretary, memorandum, Apr. 8, 1967, Secret/NoForN.

<sup>2</sup>To Bonn, tel. 174086, Apr. 12, 1967, Secret.

interests through their position on the IAEA Board of Governors. Without a time limit, there would be a negotiating impasse and other countries would delay accepting IAEA safeguards until the arrangements with Euratom had been worked out. Mr. Fisher said that we were considering offering to place our civil activities under IAEA safeguards but that we would not do so unless others accepted the safeguards required by the non-proliferation treaty.<sup>1</sup>

Besides proposing several changes in the interpretations, the Germans asked for a secret understanding on treaty implications for ABMs in Europe, a European Defense Community, and the dissolution of NATO. The understanding would define control and cover the FRG's veto on weapons stationed on its territory or targeted against Germany from any location. This understanding would not be communicated to the Soviets.<sup>2</sup>

As a result of these talks, we agreed to include a new preambular paragraph on automated safeguards. We would consider new language on the declaration of intention to disarm. We would make certain changes in article III but retain the time limit. We were prepared to give the FRG assurances on nuclear fuel supply, subject to adequate safeguards. We were willing to support the British proposal for giving a veto on amendments to the members of the IAEA Board of Governors.

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<sup>1</sup>To Bonn, tel. 175104, Apr. 14, 1967, Secret.

<sup>2</sup>To Bonn, tel. 176025, Apr. 14, 1967, Secret.

We were also willing to make minor changes in the interpretations. Although it would not be politically possible for us to enter into a written secret understanding, we could make an oral statement in the NAC.<sup>1</sup> Mr. Fisher said that we intended to show the interpretations to the Soviets and tell them that we had given them to our allies. We did not regard the interpretations as a reservation or understanding but anticipated that they would become public during the ratification process, perhaps as questions and answers. Ambassador Schnippenkoetter envisaged a formal exchange of notes between allies, followed by an official presentation to the Soviets. He suggested leaving out paragraph 6, and we said that we would study this suggestion.<sup>2</sup>

On April 17, Ambassador Knappstein told Vice President Humphrey that the two major concerns of the FRG - a commitment to further disarmament and the protection of the civil uses of nuclear energy - had been "taken care of entirely" and that he had advised Bonn to support the treaty. The Vice President said that it was most important to have a political will to conclude the treaty and emphasized that the President attached a great deal of importance to Kiesinger's support of the treaty.<sup>3</sup>

<sup>1</sup>To Bonn, tels. 175684 and 176026, Apr. 14, 1967, Secret.

<sup>2</sup>Memcon Schnippenkoetter, Fisher, et al., Apr. 14, 1967, Secret.

<sup>3</sup>Memcon Knappstein, Humphrey, et al., Apr. 17, 1967, Confidential.

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On the same day, Secretary of State Rusk sent Brandt a letter assuring him that the non-proliferation treaty would not prevent the safeguarded transfer of nuclear fuels to the FRG:

...I wish to take this opportunity to assure you that within the limits of our capabilities and pursuant to the United States-EURATOM agreement, the United States is prepared to supply such material or services for any reactors Germany may wish to export, under appropriate fuel supply agreements between the United States and the final consumers. Of course these assurances are subject to adequate safeguards and to obtaining the necessary legislative authority.

We believed that the treaty "would not burden the peaceful nuclear program of any signatory." Moreover, we were prepared to accept IAEA safeguards on all peaceful nuclear activities if this would help "achieve ~~the~~ inclusion of an effective safeguards article in the non-proliferation treaty." We would make a public announcement of our intention to accept safeguards after the ENDC Co-Chairmen had tabled a draft treaty containing an effective safeguards provision. The offer would become effective when safeguards were applied to non-nuclear-weapon states under the non-proliferation treaty.<sup>1</sup> Secretary Rusk sent a similar letter to Foreign Minister Fanfani.<sup>2</sup>

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<sup>1</sup>To Bonn, tel. 176956, Apr. 17, 1967, Secret/Limdis.

<sup>2</sup>To Rome, tel. 177013, Apr. 18, 1967, Secret/Limdis.

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The Japanese Embassy gave Fisher a note on April 4 stating that Japan would not oppose tabling the draft treaty but believed that consultations should continue after the treaty was tabled. It felt that the interpretations would not be effective unless they were explicitly agreed on by all parties and either attached to the treaty or issued as a separate declaration. Mr. Fisher doubted that it would be possible to reach a formal agreement with the Soviets on binding agreed interpretations.<sup>1</sup>

Later, Foreign Minister Miki gave our Ambassador a note proposing new preambular language and a new operative article on nuclear disarmament. The Japanese wished to make safeguards applicable to all states and to add language on the peaceful uses of nuclear energy to article III. They suggested review conferences every five years. Moreover, they also proposed a separate agreement on peaceful nuclear explosives, an appeal to all states to adhere to the treaty, and security assurances to non-nuclear nations. They opposed unlimited duration.<sup>2</sup>

Mr. Miki sent Ambassador Ohno to Washington to discuss these proposals with Rusk and Foster. Secretary of State Rusk told Ohno that significant nuclear disarmament would be difficult to achieve until major political issues in Europe and Asia had been settled. He added that nuclear disarmament would pose particular problems for Japan in view of the attitude of

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<sup>1</sup>To Tokyo, tel. 168848, Apr. 5, 1967, Secret.

<sup>2</sup>From Tokyo, tel. 7243, Apr. 10, 1967, Secret/Limdis.

Communist China. We did not see how peaceful nuclear explosives could be distinguished from nuclear weapons, as the Japanese had suggested. We opposed changing the unlimited duration provision. The Japanese agreed that a General Assembly resolution on security assurances would meet their problem.<sup>1</sup>

Meanwhile, the British proposed changing the amendments provision because it was probably not negotiable with the Soviets and could result in a situation where different parties had different obligations. They suggested that amendments should be approved by a majority of all parties, including all members of the IAEA Board of Governors. This would meet the concern of the FRG that amendments might be put into force against its wishes. We told the British that we would not object if they wished to advance this proposal.<sup>2</sup>

The ground was now nearly cleared for a NAC meeting on tabling the treaty. Before the meeting was held, however, the French made it known that they would not concur in a NAC action approving the treaty and that they did not consider it possible for the others to act without them. It was finally decided that Secretary-General Brosio could simply sum up the discussion and make it clear that France had not participated in the discussion because she had decided not to sign the treaty.<sup>3</sup>

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<sup>1</sup>To Tokyo, tel. 177719, Apr. 10, 1967, Secret/Limdis.

<sup>2</sup>To London and Paris, tel. 172973, Apr. 11, 1967.

<sup>3</sup>From Paris, tels. 16276, Apr. 14, 1967, 16464, Apr. 18, 1967, and 16577, Apr. 19, 1967, Secret, and 16394, Apr. 18, 1967, Secret/Exdis.

At the April 20 NAC meeting, Mr. Foster explained the provisions we proposed to meet Allied concerns. We would support a new preambular paragraph on further disarmament steps. We would meet concern on the "discriminatory" aspects of safeguards by offering to place our peaceful nuclear activities under IAEA safeguards. He noted that IAEA rules did not require countries to accept inspectors of any particular nationality. He defined the following terms:

(1) Nuclear weapon - A nuclear explosive device, that is, a bomb or warhead, not a delivery vehicle.

(2) Control - The independent power to use nuclear weapons.

(3) Prohibition on "transfer" of nuclear weapons - Interpreted in U.S. legislation to prohibit giving up custody, or any ownership interest in nuclear weapons.

We would interpret the ban on "transfer" in the same way in the non-proliferation treaty.

Lord Chalfont said that the United Kingdom would support the revised draft treaty and also offer to place its peaceful nuclear activities under IAEA safeguards. General Burns said that Canada still had some reservations but wanted the negotiations to go forward. Ambassador Grewe expressed appreciation for our intensive consultations with the FRG. He noted general agreement that the allies were not committed to any particular text. He hoped that any treaty provisions resulting from talks with the Soviets would again be discussed before they were tabled, and he assumed

that consultations would continue on unsettled questions. The Italian representative made a similar statement.<sup>1</sup>

In his summary, Secretary-General Brosio noted that France had not participated in the substantive discussion since she did not intend to sign the treaty. Most other allies welcomed our initiative. Some had suggested certain changes, but none wished to prevent tabling the treaty. Two countries had substantive reservations which they maintained. Nevertheless, all except France reaffirmed the desirability of non-proliferation and noted our intention to negotiate the draft treaty with the USSR and to table it on our own responsibility.<sup>2</sup>

The consultations on safeguards were still not quite completed. Euratom was firmly opposed to the "guillotine" clause of article III, which would require acceptance of IAEA safeguards if no Euratom-IAEA agreement was concluded in three years.<sup>3</sup> In Euratom, the FRG suggested the following substitute, which was acceptable to us:

Agreement on the implementation of IAEA verification of another international safeguards system, as provided in this Article, shall be reached as soon as practicable but no later than three years from the date of the original entry into force of this treaty.

Ambassador Grewe repeated this proposal at the April 20 NAC

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<sup>1</sup>From Paris, tel. 16679, Apr. 20, 1967, Secret.

<sup>2</sup>"Brosio Summation of NAC Action on NPT Draft Treaty," Apr. 20, 1967, Secret.

<sup>3</sup>From Brussels, tel. 5260, Apr. 12, 1967, Confidential.

meeting, and the other Euratom countries accepted it shortly thereafter.<sup>1</sup>

Although the FRG had finally consented to a further move on the non-proliferation front, Kiesinger's political misgivings were not entirely dispelled. In a public speech on April 21, he said that the non-proliferation treaty played a dominant role in German-American relations. There had been some progress, but the whole question was still undecided and remained "one of the great test cases of the solidity of the alliance." Referring again to Foster's "erosion of alliances" statement, he said that the FRG was determined to do everything possible to prevent the alliance from eroding.<sup>2</sup>

Shortly thereafter, President Johnson came to Germany for Adenauer's funeral. After a private talk with Kiesinger, he said that they had not reached any agreement on the non-proliferation treaty. The President said that we would make no commitment on a final draft before further consultations with the Germans, after Kiesinger had had an opportunity to determine the attitude of the German people. The Chancellor told him that he was in political trouble because of the opposition of Strauss to the treaty and public concern over Soviet threats

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<sup>1</sup>From Paris, tel. 16395, Apr. 18, 1967; to Paris, tel. 178630, Apr. 19, 1967; from Geneva, tels. 3352, Apr. 24, 1967, and 3360, Apr. 25, 1967; to Geneva, tel. 181341, Apr. 24, 1967, Secret.

<sup>2</sup>From Bonn, tel. 12664, Apr. 22, 1967, Limited Official Use.

and Foster's "erosion of alliances" statement. The President assured him that he would do nothing to weaken the alliance and saw no reason why the Germans should doubt his intentions.<sup>1</sup>

On April 27, Foreign Minister Brandt told the Bundestag that the FRG wished the negotiations to succeed and assumed that a treaty would be drafted which would not adversely affect its vital interests. There had been many positive results from the German-American consultations, but they would continue on some questions. The future of the FRG as a modern state depended on the peaceful development of nuclear energy, and the treaty would not hamper this if it took the FRG suggestions into account. The United States had given written assurances that fuel supply would be assured. He envisaged a verification treaty between IAEA and Euratom. He denied that the treaty would interfere with NATO or European defense arrangements but noted the importance of interpretation, where the FRG was "striving for a high degree of certainty in regard to content and form." As the April 7 note showed, the FRG wanted the treaty to be followed by steps toward disarmament.<sup>2</sup>

#### Security Assurances and the Indian Problem

As we have seen, India wished to include a fissionable

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<sup>1</sup>From Bonn, tel. 22845, Apr. 26, 1967, Secret/Nodis. Part of the President's comments was leaked to the New York Times.

<sup>2</sup>Documents on Disarmament, 1967, pp. 206-217.

materials production cutoff in the non-proliferation treaty and to retain the right to develop and use peaceful nuclear explosive devices.<sup>1</sup> Because of the special importance of India, we gave them the draft treaty in March.

India was especially interested in the problem of security assurances because of the Chinese Communist nuclear threat and had been discussing this question with the United States and the Soviet Union for some time.

In February 1967, the Soviets gave them the following draft declaration:

In connection with the desire commended by the non-nuclear states the Soviet Union declares that in case there takes place an attack by a nuclear power with the use of nuclear weapon [sic] on any state not possessing such weapon [sic], a qualitatively new situation will arise, in which case the Security Council, and above all its permanent members, having the nuclear weapons, would be duty bound to act immediately in accordance with the provision of the UN Charter, which provides for mobilizing of further effective collective measure [sic] with a view to avert and remove all danger to peace and suppress acts of aggression or other breach [sic] of the peace. No aggressor daring to launch a war with the use of nuclear weapons and thereby committing a breach of the peace and security of peoples shall escape punishment.

Two months later they gave the Indians a longer draft:

Taking into consideration the wishes of the non-nuclear states that in conjunction with the renunciation by these States of the manufacture or acquisition of nuclear weapons according to the treaty on non-proliferation of such weapons appropriate measures might be taken to safeguard the security of non-nuclear countries and also bear in mind that any aggression accompanied by the

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

use of nuclear weapons will endanger the peace and security of all states the Soviet Union declares the following:

In case of an attack by a nuclear state accompanied by the use of nuclear weapons against states not possessing nuclear weapons or a threat of such an attack an essentially new situation will arise in which the Security Council and above all its Permanent members possessing nuclear weapons will have to act immediately under the UN Charter which provides taking "effective collective measures for the prevention and removal of threat [sic] to the peace, and for the suppression of acts of aggression or other breaches of the peace." Any aggressor who embarks on the road of the threat of using nuclear weapons or dares unleash a war accompanied by the use of nuclear weapons and thus breaches the peace and security of nations will not go unpunished.

It goes without saying that, as it is provided in Article 51 of the UN Charter, the states who fall victim to an attack, a nuclear one included, have an inherent right of individual or collective self-defence until the Security Council has taken measures ultimately to maintain international peace and security.

Both Soviet drafts were given to the State Department in April by L. K. Jha, Secretary to the Indian Prime Minister.<sup>1</sup>

Mr. Jha explained that India had found the February draft disappointing because it covered nuclear attacks and did not deal with threats and also because the Security Council might be slow to act or become stymied by the veto. More recently, Foreign Minister Gromyko had agreed to cover nuclear threats. He insisted, however, that the declaration should not erode the veto principle. To meet this problem, he accepted an Indian suggestion to include a reference to article 51 of the

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<sup>1</sup>To Geneva, tel. 179527, Apr. 21, 1967, Secret/Limdis. Both drafts were described as "rough translations" by the Indian Embassy in Moscow.

Charter. He was evidently thinking of separate parallel declarations by the United States and the Soviet Union, and he did not want any specific countries to be mentioned.

Mr. Jha emphasized that India needed a more formal statement than the 1964 Johnson statement. He thought it would be better to have declarations by the United States, the Soviet Union, and possibly other nuclear powers and a U.N. resolution endorsing them than to have a U.N. resolution standing alone.<sup>1</sup> He later gave the State Department two draft papers. The first paper was a draft declaration which the United States might make when the non-proliferation treaty was signed. We would state that we would "take prompt effective and adequate action to counter and nullify the threat or the use of nuclear weapons against a State not possessing them and to ensure that any nation which embarks on the road of the threat of using nuclear weapons or dares to unleash war accompanied by the use of nuclear weapons and thus threatens the peace and security of the nations will not go unpunished." The second paper, dealing with general principles, said that the guarantee should operate regardless of the merits of the dispute between the nations involved.<sup>2</sup>

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<sup>1</sup>To New Delhi, tel. 174852, Apr. 13, 1967, Secret/Limdis.

<sup>2</sup>To New Delhi, tel. 176392, Apr. 17, 1967, Secret/Limdis.

Rather confusingly, he informed Foster that he thought the Soviets would include the Kosygin proposal, which was not mentioned in either of the Soviet drafts he had given us. He also said that the non-proliferation treaty was not the reason for Indian concern on security assurances, which was a wholly independent problem.<sup>1</sup>

On April 21, Mr. Foster told Foreign Minister Chagla in Geneva that the draft non-proliferation treaty would be subject to negotiations in the ENDC and that we would not present the ENDC with a fait accompli. When Chagla asked what security assurances India could obtain in return for giving up her nuclear option, Mr. Foster mentioned the Johnson statement and the possibility of U.N. action. Mr. Chagla rejoined that India could be bombed out of existence before the United Nations had finished debating. Although the Chinese were "mad" and quite capable of bombing India, he believed that they might be deterred if they knew there would be "instantaneous" retaliation.

Mr. Foster noted the high cost of an independent nuclear force for India. He questioned whether it would be realistic to expect an "instantaneous" response to a threat and added that we would have constitutional problems on this score. He noted that both the United States and the Soviet Union were studying the question of a General Assembly resolution with declarations.<sup>2</sup>

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<sup>1</sup>To New Delhi, tel. 176186, Apr. 15, 1967, Secret. Our Embassy at Tokyo noted the discrepancy on the Kosygin proposal (from Tokyo, tel. 773, Apr. 26, 1967, Secret/Limdis).

Mr. Jha also made a similar approach to the United Kingdom. Although the British saw some merit in the idea of parallel declarations, they still favored our general formula. They considered that Indian fears of nuclear blackmail were reasonable and wondered whether we could improve our draft to take care of this.<sup>1</sup>

In May we learned that Jha had given his draft declaration to the Soviets, who had rejected it. Although the Indians were "delinking" security assurances and the non-proliferation treaty, our Embassy reported that a "general atmosphere of insecurity" was one of the principal reasons for growing Indian opposition to the treaty.<sup>2</sup>

At the end of the month, Secretary of State Rusk decided to postpone further action on security assurances. He felt that we would only need them if they were necessary to get a treaty.<sup>3</sup> Our position was still under study when Foreign Minister Gromyko raised the question with him a few weeks later.<sup>4</sup>

12th Session of the ENDC (May 18-December 14, 1967)

Before the ENDC began the longest session in its history,

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<sup>1</sup>To New Delhi, tel. 186098, May 2, 1967, Secret/Limdis.

<sup>2</sup>From New Delhi, tel. 17450, May 27, 1967, Secret/Limdis.

<sup>3</sup>Record of ACDA Staff Meeting, May 31, 1967, Secret.

<sup>4</sup>See below, pp.

the Co-Chairmen met at Geneva to try to agree on a joint draft treaty. They exchanged drafts on April 25. In presenting our draft, Mr. Foster explained that we wished to add a preambular paragraph on automation of safeguards in order to make them more acceptable to the non-nuclear nations. We also wished to include preambular language on the cost of peaceful nuclear explosive services to induce the non-nuclear nations to renounce them. The IAEA - Euratom arrangements we contemplated would fall between the two extremes of mere IAEA review of documents and having as many IAEA inspections as if Euratom did not exist. We did not see any other way of obtaining an effective safeguards article acceptable to all the nations the United States and the Soviet Union wished to have sign the treaty. We also wished to add language to article III on the peaceful uses of nuclear energy. Since we had received protests from many non-nuclear nations regarding the nuclear-power veto on amendments and the recent outer-space treaty did not contain this provision, we were proposing to allow amendment by a simple majority of the parties, with the amendments to come into force only for those who ratified them. We also called attention to our new definition of "nuclear-weapon state."<sup>1</sup>

Except for minor changes in the preamble, the Soviet draft differed little from the version the Co-Chairmen had discussed in March. The Soviet article III, much briefer

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<sup>1</sup> From Geneva, tels. 3372 and 3375, Apr. 25, 1967, Secret. The draft treaty was given to the allied representatives in Geneva on the same date (from Geneva, tel. 3376, Apr. 25, 1967, Secret). The Geneva draft stated that the U.K. agreement on

than ours, required mandatory IAEA safeguards:

Each non-nuclear-weapon State Party to this Treaty undertakes to accept the safeguards of the International Atomic Energy Agency on all its peaceful nuclear activities. Each State Party to this Treaty further undertakes not to provide source or fissionable material, or specialized equipment or non-nuclear material for the processing or use of source or fissionable material or for the production of fissionable material for peaceful purposes to any non-nuclear-weapon State, unless such material and equipment are subject to such safeguards.

A "nuclear-weapon state" was defined as a nation that had produced a nuclear weapon or nuclear explosive as of the date the treaty was opened for signature.<sup>1</sup> As previously, the Soviets proposed a nuclear-power veto on amendments and would provide for amendments to come into force for all parties when they had been ratified by a majority.

Ambassador Roshchin said that the Soviets might later wish to add an additional article on peaceful uses, a preambular paragraph on the elimination of nuclear weapons, and a security guarantee. He strongly opposed our article III and said that the USSR could not accept Euratom safeguards in the treaty even if the IAEA verified them. He also criticized our proposal for not explicitly stating that IAEA safeguards would be applied after the three-year period. Mr. Foster replied that the Euratom countries opposed the Soviet proposal and this was the best we could do.

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<sup>1</sup>From Geneva, tel. 3377, Apr. 25, 1967, Secret.

Ambassador Roshchin feared that there would be no treaty. He found our amendments proposal doubtful because it could result in a situation where different parties had different obligations. The elimination of the nuclear-power veto could impair the stability of the treaty. What would happen, the Soviets asked, if a majority accepted an amendment allowing an MLE or peaceful nuclear explosives to non-nuclear states?<sup>1</sup>

Interpretations

On April 28, Mr. Foster gave Roshchin the interpretations, which were now in the form of questions and answers:

Questions U.S. Allies Have Been Asking Together  
With Answers U.S. Has Given

1.Q. What may and what may not be transferred under the draft treaty?

A. The treaty deals only with what is prohibited, not with what is permitted. It prohibits transfer to any recipient whatsoever of "nuclear weapons" or control over them, meaning bombs and warheads. It also prohibits the transfer of other nuclear explosive devices because a nuclear explosive device intended for peaceful purposes can be used as a weapon or can be easily adapted for such use.

It does not deal with, and therefore does not prohibit, transfer of nuclear delivery vehicles or delivery systems, or control over them to any recipient, so long as such transfer does not involve bombs or warheads.

2.Q. Does the draft treaty prohibit consultations and planning on nuclear defense among NATO members?

A. It does not deal with allied consultations and planning on nuclear defense so long as no transfer of nuclear weapons or control over them results.

3.Q. Does the draft treaty prohibit arrangements for the deployment of nuclear weapons owned and controlled by the United States within the territory of non-nuclear NATO members?

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<sup>1</sup>From Geneva, tel. 3373, Apr. 25, 1968, Secret.

A. It does not deal with arrangements for deployment of nuclear weapons within allied territory as these do not involve any transfer of nuclear weapons or control over them unless and until a decision were made to go to war, at which time the treaty would no longer be controlling.

4.Q. Would the draft prohibit the unification of Europe if a nuclear-weapon state was one of the constituent states?

A. It does not deal with the problem of European unity, and would not bar succession by a new federated European state to the nuclear status of one of its former components. A new federated European state would have to control all of its external security functions including defense and all foreign policy matters relating to external security, but would not have to be so centralized as to assume all governmental functions. While not dealing with succession by such a federated state, the treaty would bar transfer of nuclear weapons (including ownership) or control over them to any recipient, including a multilateral entity.<sup>1</sup>

The Soviets did not comment. Since we wished to be sure that they completely understood the status of the interpretations and the consequences of any reactions on their part, Secretary Rusk instructed Foster to make the following statement to Roshchin:

...I should like to make clear this not intended as formal instrument or secret understanding connected with NPT. Rather as I stated then, these are answers we have given our allies in reply their questions concerning Articles I and II. Since, for reasons well known to Sov Govt, these articles deal only with what is prohibited, our allies were naturally anxious to know how they might affect NATO defense arrangements and procedures as well as possible future political evolution of Western Europe.

As is now evident, there are no surprises in our replies; these points have been mentioned in our past discussions, beginning with FonMin Gromyko-Secretary Rusk talks at end last year. We expect similar questions will

<sup>1</sup>From Geneva, tel. 3431, Apr. 28, 1967, Secret/Limdis.

be asked during our Senate hearings on NPT and we have assured our allies we will give these same responses because they state our understanding of Articles I and II. Our allies may encounter similar questions in course parliamentary discussion on NPT and they will also be able draw on these replies.

Therefore, while these responses have only the status I have indicated, they are basic to our attitude toward the NPT. We do not require any Soviet comment on these interpretations, but it should be clear that if at this late date Soviets should take an official position in opposition to these interpretations of the treaty, very serious problems would arise which would have to be resolved.

Mr. Foster read this statement at the Co-Chairmen's meeting of May 11, and Ambassador Roshchin said that he understood.<sup>1</sup>

At a later meeting, however, Ambassador Roshchin made the following statement to Foster:

In view of unofficial information from U.S. side that in reply to its NATO allies, U.S. has explained that the treaty does not deal with European unity and would not bar the succession of a new federated European state to nuclear heritage of one of its former components, he would like to inform U.S. as follows: As already indicated to the U.S., USSR will not be bound by any unilateral interpretations of treaty. Nobody is entitled to give such an interpretation. U.S. Government bears full responsibility for unilateral interpretations which American side has given to its allies, including FRG. We once again draw attention of U.S. Govt. to fact that there is no ground for any unilateral interpretation of the treaty. We reject any attempt to assume the right to give a unilateral interpretation to the treaty. Such attempts would only complicate situation with regard to completion of elaboration of the treaty.

Mr. Foster replied that interpretations like those we had given the Soviets would come out during the Senate hearings. He said that it would be a very serious matter if the USSR took and official position contrary to our interpretations. Ambassador

<sup>1</sup>To Geneva, tel. 190501, May 9, 1967, Secret/Limdis; from Geneva, tel. 3621, May 11, 1967, Secret/Limdis.

Roshchin rejoined that it was obvious that the USSR could not be bound by our interpretations. It was not formally commenting on their correctness but merely saying that it would not be bound now or in the future by unilateral interpretations.

Mr. Foster then recalled that it was clearly understood during the Rusk-Gromyko talks that the treaty would not deal with what was permitted, but only with what was prohibited. Mr. Gromyko had also indicated that our alliance arrangements were our own business, provided there was no transfer of nuclear weapons. In Foster's view, a united Europe would be in the same relationship to its components as the United States toward the original 13 states. We had consistently supported European unification and could not be a party to any treaty that prevented it.

Soviet delegate Timerbaev questioned the legal theory Foster had propounded. He thought that the parliament of a component state with nuclear weapons would have to authorize transfer to a new state. Ambassador Roshchin again said that the only Soviet concern was to preclude being bound by unilateral interpretations.<sup>1</sup>

On June 2, Mr. Foster told Roshchin that we took the Soviet position to mean only that no country had a right to make an interpretation that was binding on other countries without their

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<sup>1</sup>From Geneva, tel. 3944, May 27, 1967, Secret/Exdis.

agreement. With this in mind, we could proceed to further negotiations. Ambassador Roshchin replied that the Soviets would study our statement and answer it if necessary. He personally felt that there could be undesirable consequences if one side made very important interpretations about the meaning of the treaty without the agreement of the other side and that it might be better to get agreement in advance.<sup>1</sup>

Effort to table partial draft treaty

The safeguards and amendments provisions appeared to be the only parts of the draft treaty that the United States and the Soviet Union did not agree on, but it soon became evident that it would not be possible to settle these issues before the conference opened on May 18. We therefore sought allied consent to tabling a joint American-Soviet draft treaty leaving these provisions blank. If we did not table a treaty, we feared that public opinion might hold us and our allies responsible for the delay. Moreover, further delay would postpone an opportunity for ENDC members and other governments to have a text to study, and it was desirable to have the treaty fully discussed before the General Assembly met in the fall.<sup>2</sup>

When Ambassador Cleveland spoke along these lines at the NAC meeting of May 10, the Italian and German representatives opposed tabling the treaty with blanks.<sup>3</sup> The question was

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<sup>1</sup>To Geneva, tel. 206661; from Geneva, tel. 4056, June 2, 1967, Secret/Exdis; Fisher to Rusk, memorandum, June 7, 1967, Secret/Exdis.

<sup>2</sup>Circ. tel. 190468, May 9, 1967, Secret/Limdis.

<sup>3</sup>From Paris, tel. 18005, May 10, 1967, Secret.

also discussed at a joint meeting of the Western Four and allied observers in Geneva, where it became evident that Germany and Italy were the only opponents.<sup>1</sup>

In Washington, FRG Minister von Lilienfeld, acting on instructions from Brandt in Tokyo, tried to persuade Rusk and Fisher to table a revised version of article III. The Germans wished to add a provision for referring the safeguards question to the review conference if IAEA and Euratom failed to agree within three years, and they also wished to stipulate that no state refusing to accept safeguards on its territory could administer them in other nations. Secretary Rusk pointed out that only Italy and the United States would support the U.S. draft article if both the Soviet and the U.S. versions were tabled. Mr. Fisher added that the FRG would get the blame if the amended article was introduced. In our view, we would be in a much better position if the article was left blank.<sup>2</sup>

Secretary Rusk then sent Brandt a personal message stating that our understanding with the Soviets on most elements of the treaty would be jeopardized if we submitted a separate draft. Moreover, this would leave the Soviets free to introduce clauses unacceptable to the United States and the FRG. We would have private discussions with the Soviets on safeguards and amendments.

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<sup>1</sup>From Geneva, tel. 3642, May 12, 1967, Secret.

<sup>2</sup>To Geneva, tel. 194023, May 13, 1967, and from Geneva, tel. 3638, May 12, 1967, Secret.

If these discussions failed, we would propose our present draft article III to the ENDC. If it nevertheless proved impossible to get general agreement on safeguards, we would have to reassess the situation. "Any such reassessment," he wrote, "would be made in close consultation with your Government and with all our allies in the NATO Council." He thought it "most inadvisable" to attempt to negotiate a limited duration clause at this time, although this could be considered later if a number of countries raised the question.<sup>1</sup> After phoning this message to Brandt in Tokyo, the FRG Foreign Ministry informed our Embassy that he was satisfied that the German considerations had been fully taken into account.<sup>2</sup>

On May 17, Ambassador Cleveland told the NAC that we wished to table the draft treaty with blanks. If the Soviets agreed, we would propose private bilateral talks on the unagreed provisions and inform them that we would submit our present safeguards article to the ENDC if the talks failed. The German and Italian representatives reluctantly acquiesced and emphasized that their governments were not committed to the draft treaty.<sup>3</sup>

When the conference at Geneva opened on May 18, Ambassador Roshchin seemed surprised at our proposal. After Mr. Foster explained that we did not intend to act unilaterally, however,

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<sup>1</sup>To Bonn, tel. 195851, May 16, 1967, Secret/Exdis; from Bonn, tel. 13755, May 17, 1967, Secret/Exdis.

<sup>2</sup>  
<sup>3</sup>To Paris, tel. 19589, May 17, 1967, Secret/Limdis; from Paris, tel. 18563, May 18, 1967, Secret.

he agreed to ask Moscow for instructions.<sup>1</sup> Two days later, he presented Foster with a revised Soviet draft treaty. He said that the USSR could not accept our proposals on safeguards, amendments, or the automation of safeguards. The Soviets claimed that our safeguards proposal would not provide adequate verification, since it would permit continued reliance on Euratom even after the three-year transitional period and we had unduly narrowed the scope of control. They also felt that peaceful uses should be dealt with in a separate article. They insisted that we go back to the draft amendments provisions the two sides had previously accepted.

The new Soviet draft treaty contained a preambular paragraph mentioning a ban on the use of nuclear weapons and other Soviet disarmament proposals. The first two articles remained unchanged, and the previous Soviet safeguards article was retained.<sup>2</sup> The Soviets added an article embodying the Kosygin proposal, and they also proposed a new article on peaceful uses:

Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty, as well as the right of the Parties to participate in the fullest possible exchange of information for and to contribute, alone or in cooperation with other States, to the further development of the applications of nuclear energy for peaceful purposes.

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<sup>1</sup>From Geneva, tel. 3741, May 18, 1967, Secret/Limdis.

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

They kept their old amendments article, which gave the nuclear parties a veto on amendments and made them applicable to all parties when ratified by a majority.

Mr. Foster commented that the Soviets had taken a long step backwards and there would be a long summer of negotiating. He pointed out that our previous agreements had been ad referendum and hoped that there was no misunderstanding on this point. The Soviets should know that we could not accept the "ban the bomb" proposal they wished to put in the preamble. It was unrealistic for them to reintroduce the Kosygin proposal, which we had rejected in New York. Ambassador Roshchin rejoined that they had only acquiesced ad referendum in the earlier discussions.

At the next Co-Chairmen's meeting, Mr. Foster said that Washington's unofficial reaction to the Soviet draft treaty was very negative. We could not go back to the allies with proposals we knew they would not accept. They would only conclude that the Soviets were not interested in a treaty. There was no indication that the Soviets had seriously considered our proposals. Unless they showed some flexibility, the progress that had been achieved would be lost.

He was prepared to recommend tabling the agreed articles and blanks for all provisions where the language was not yet agreed on. In other cases, each side would remain free to

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<sup>1</sup>From Geneva, tels. 3790, May 20, 1967, Secret, and 3791, May 20, 1967, Secret/Limdis.

state its position. We might consider dropping the automated safeguards provision from the initial draft, although we might want to reintroduce it later. We would recommend consideration of a separate peaceful uses article but thought it better to leave this as a later concession to the non-nuclear countries, since it would be better for them to argue about this than to attack mandatory safeguards. We could not accept the new Soviet disarmament language and it would take time to get instructions. The Senate would not ratify a treaty with security assurances.

Ambassador Roshchin noted that we would leave many blanks in the draft treaty and reduce it to a set of joint recommendations by the Co-Chairmen. Although he might be willing to recommend tabling a draft treaty with a blank safeguards article, he insisted that the amendments question must be settled.<sup>1</sup> While he showed some interest in the British proposal for giving the members of the IAEA Board of Governors a veto on amendments, the Soviet position on this question remained unchanged.

On May 27, Mr. Foster told him that we must flatly reject the Kosygin proposal and the "ban the bomb" clause. If the Soviets accepted the automated safeguards clause, however, we would consider accepting a modified version of the Soviet peaceful uses article. He declared that there was no use in further discussion if the Soviets did not agree. If these points were settled,

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<sup>1</sup>From Geneva, tels. 3812, May 22, 1967, Secret/Limdis; and 3818, May 23, 1967, Secret/Exdis.

we would be willing to table the treaty with a blank safeguards article and a blank amendments provision, if the Soviets would not accept our amendments proposal. Ambassador Roshchin replied that the Soviet position on amendments was unchanged, and he made no concessions on the other points. Mr. Foster then suggested that there might be another recess or that the two drafts could be separately tabled. Ambassador Roshchin objected that tabling separate drafts would violate the tacit agreement of the United States and the Soviet Union to work together.<sup>1</sup>

The Soviet delegation evidently received a considerable jolt from Foster's firm position at the May 27 meeting and soon showed signs of willingness to compromise. By June 7 the Co-Chairmen were able to agree on a joint draft with a blank article III. The Soviets acquiesced in the inclusion of an automated safeguards clause in the preamble and the deletion of their "ban the bomb" preambular paragraph, in exchange for a rearrangement of the preambular clauses. Mr. Foster agreed to the Soviet article on peaceful uses, with the reservation that we might wish to make additions to it at a later stage. Two alternatives were offered for the amendments provision:

(1) Amendments would have to be approved by a majority of parties, including all nuclear parties, and enter into force when ratified by this qualified majority. But amendments would not obligate any nation that had not ratified them.

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<sup>1</sup>From Geneva, tel. 3947, May 27, 1967, Secret/Limdis.

(2) Amendments would enter into force for all parties when they had been ratified by a majority, including all nuclear parties and all parties that belonged to the IAEA Board of Governors.

The Soviets dropped their article on the Kosygin proposal. Mr. Foster proposed that the two Co-Chairmen state that they recognized the security problem of the non-nuclear nations and were considering how it could be met by a General Assembly resolution. We would consider the possibility of separate declarations, as the Indians had suggested, but we could not commit ourselves at this time because of constitutional considerations.<sup>1</sup>

Mr. Foster believed that we had gotten "the best of this deal" and recommended approval of the package. He suggested that the amendments alternatives be put to the NAC and that we take the position that we would accept either.<sup>2</sup> Our delegation understood that the Soviets were recommending the package to Moscow and that they tended to prefer the first amendments alternative.<sup>3</sup>

At the June 14 NATO ministerial meeting, Secretary of State Rusk initiated a discussion of the latest draft. All the allies except the FRG concurred, and most were willing to

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<sup>1</sup>From Geneva, tels. 4114, June 7, 1967, Secret/Nodis, and 4116, June 7, 1967, Secret.

<sup>2</sup>From Geneva, tel. 4115, June 7, 1967, Secret/Nodis.

<sup>3</sup>From Geneva, tel. 4132, June 8, 1967, Secret/Nodis.

accept either alternative for the amendments. Foreign Minister Brandt said that he would have to make more detailed comments later.<sup>1</sup> He later informed us that he had supposed there would be further NAC discussion before we acted at Geneva. The FRG would not wish to be the sole stumbling block, however, and would not object to our approaching the Soviets. It would nevertheless reserve its right to raise individual points with us.<sup>2</sup>

Secretary Rusk then authorized Foster to inform Roshchin that we were prepared, if the Soviets approved, to table the June 7 draft as a joint recommendation of the Co-Chairmen on the understanding that no government could be committed to the present text. We would prefer the first amendments alternative but accept the second if necessary.<sup>3</sup> Mr. Foster informed Roshchin on June 17 and urged the Soviets to expedite their consideration of the draft.<sup>4</sup>

There was some informal talk in Geneva about possible compromises on safeguards. Albert Willot, the Belgian observer,

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<sup>1</sup>From Paris, tel. 20212, June 15, 1967, Secret.

<sup>2</sup>To Bonn, tel. 211616, June 15, 1967, Secret; from Bonn, tel. 14899, June 16, 1967, Confidential.

<sup>3</sup>To Geneva, tel. 212158, June 16, 1967, Secret.

<sup>4</sup>From Geneva, tel. 4272, June 17, 1967, Secret.

suggested an annex to article III providing that each non-nuclear party should make an agreement with IAEA "either individually or in association with other States." To protect their position, the Euratom countries would state that they would not deposit their instruments of ratification until an IAEA-Euratom agreement had been worked out.<sup>1</sup> Others noted that the Tlatelolco treaty provided for individual or "multilateral" agreements by the Latin American states with IAEA. Soviet delegate Timerbaev reacted favorably to this formula.<sup>2</sup>

Reports of these talks or anxiety about the forthcoming Glassboro meeting led the Germans to request assurances that our safeguards position was firm. On June 23, FRG Minister von Lilienfeld saw Deputy Under Secretary of State Kohler, who assured him that we would stand firm on our article III and not agree to any alternative without prior consultations with the FRG and other allies.<sup>3</sup> Mr. von Lilienfeld also gave Fisher a paper urging us to actively support the article at Geneva and expressing concern that the Co-Chairmen might adopt a different version ad referendum. It now developed that the

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<sup>1</sup>From Geneva, tel. 4271, June 17, 1967, Secret.

<sup>2</sup>From Geneva, tel. 4273, June 17, 1967, Secret/Limdis.

<sup>3</sup>To Geneva, tel. 215315, June 23, 1967, Secret.

Germans were not satisfied with the first amendments alternative, since it would give the veto only to the nuclear parties. They also wished to know why we had dropped from article III our previous language on the exchange of nuclear material and equipment by international organizations.

Mr. Fisher replied that the commitments in Rusk's letter to Brandt still stood. The FRG position on amendments had not been consistent or clear, and we had already told the Soviets that we preferred the first alternative. He noted that the FRG did not take into account that some Euratom members besides France would always have a veto under the second alternative. He explained that the FRG should not be concerned about dropping the reference to international organizations, since the present language contained the phrase "alone or in cooperation with other states."<sup>1</sup>

Rusk-Gromyko talks

In the meantime, Premier Kosygin and Foreign Minister Gromyko had come to the United States for the General Assembly special session on the Middle East. Secretary of State Rusk

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<sup>1</sup>To Geneva, tel. 215891, June 24, 1967, Secret. For the Rusk letter, see above, p.

had several talks with Gromyko on the non-proliferation treaty. Mr. Gromyko told him on June 21 that it would be better to submit a complete draft treaty than to leave article III blank. He said that control should be handled by international organizations, not blocs. He suggested that the Euratom countries would come around in time.

Secretary Rusk pointed out that other countries were unhappy because they did not have a draft to discuss. He said that the Euratom countries could not accept the Soviet safeguards proposal because of the French veto. He also raised the question of duration and noted that some countries wanted a 25-year limit. Mr. Gromyko commented that the treaty must be for a long period of time.<sup>1</sup>

Two days later, Secretary Rusk said that there would be three principal problems after the draft treaty was tabled: (1) assurances for India, (2) duration, and (3) nuclear disarmament. We had a constitutional problem with the Soviet assurances proposal and would prefer a Security Council resolution. Mr. Gromyko said that the assurances should be connected

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<sup>1</sup>Memcon Rusk, Gromyko, et al., June 21, 1967, Secret/Exdis; to Geneva, tels. 214594, June 22, 1967, Secret/Nodis, and 214617, June 22, 1967, Secret/Exdis.

in some way with the treaty and applicable to non-nuclear countries in general, rather than India specifically. He agreed with Rusk that the treaty should be completed by October. He rejected Rusk's appeal for Soviet acceptance of safeguards. The Secretary repeatedly urged the need for early action, and Mr. Gromyko did not exclude the possibility of tabling the treaty with a blank article III, as we had proposed.<sup>1</sup>

At Rusk's suggestion, Mr. Gromyko discussed safeguards with Couve de Murville, who told him that France would not stop the other Euratom countries from accepting IAEA safeguards. Secretary Rusk was not sure that Couve could make the final decision and suggested that Kosygin might take the question up with de Gaulle himself. He made another appeal for Soviet acceptance of safeguards, but Mr. Gromyko made it quite clear that this was completely out of the question. He acknowledged that the treaty was discriminatory, but this was inherent in the treaty and should be simply acknowledged.

Getting back to security assurances, Secretary Rusk said that it was one thing to make a statement to make the Indians

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<sup>1</sup>Memcon Rusk-Gromyko, June 23, 1967, Secret/Exdis. For the Soviet assurances proposal, see above, p.

feel better and quite another thing to provide for action. It would be a very serious problem for us to make a commitment that might involve conflict with the USSR, e.g., if the Soviets supported China in a Sino-Indian conflict. He did not care to have a nuclear war with the USSR just to have the Indians sign the non-proliferation treaty. Mr. Gromyko said that such doubts should not arise on the basis of the Soviet proposal, which did not go beyond existing Charter obligations. He thought that the Indians would prefer parallel declarations by the United States and the USSR to a Security Council resolution. Noting that the United Kingdom and France were also nuclear powers, Secretary Rusk replied that he could not yet give a positive answer and that we were still studying the question.<sup>1</sup>

Safeguards (I)

As Secretary Rusk had indicated, we did not think that Gromyko's report of his talk with Couve settled the French problem. On June 26, Mr. Fisher told Ambassador Lucet that France, as a Euratom member, would be involved in the application of the treaty even though she did not sign it and that

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<sup>1</sup>Memcon Rusk, Gromyko, et al., June 27, 1967, Secret/Exdis; circ. tel. 219535, June 30, 1967, Secret/Limdis.

we were interested in the French attitude toward the juridical role of Euratom. He gave the Ambassador an informal memorandum asking whether we could assume that France would not object to the application of IAEA safeguards to nuclear facilities on the territories of other Euratom members, whether they were owned by these states or by Euratom. We also wanted to know about the French attitude toward French or Euratom-owned peaceful nuclear facilities in France.<sup>1</sup>

Three days later, Ambassador Lucet informed Fisher that France could not take an official position on safeguards until there was an agreed text. Nevertheless, France would not object to any of the other Euratom countries making bilateral arrangements with IAEA for accepting IAEA safeguards. France herself would not accept them on any nuclear installations on French territory or participate in Euratom arrangements with IAEA. He said that this was what Couve had told Gromyko. He was not clear on the question of Euratom-owned facilities.<sup>2</sup> At Brussels, U.S. Ambassador Schaetzel reported that French refusal to participate in Euratom arrangements with IAEA would make a multilateral agreement impossible and that none of the Euratom countries would be willing to make bilateral agreements.<sup>3</sup>

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<sup>1</sup>To Paris, tel. 216259, June 26, 1967, Confidential/Limdis.

<sup>2</sup>To Geneva and Paris, tel. 219715, June 30, 1967, Secret/Limdis.

<sup>3</sup>From Brussels, tel. 14, July 3, 1967, Secret/Limdis.

He was instructed to avoid "speculation about possible implication of imprecise [French] replies" pending further clarification.<sup>1</sup>

At the Co-Chairmen's meeting of July 5, Mr. Foster told Roshchin that we were still not entirely clear on the French attitude. He urged the Soviets to reconsider our article III and pointed out that it was based on three principles: (1) mandatory safeguards for all non-nuclear parties, (2) bilateral or multilateral safeguards agreements between the non-nuclear parties and IAEA, and (3) assistance to IAEA from existing multilateral safeguards systems, provided that IAEA satisfied itself that nuclear material was not diverted to nuclear weapons or other nuclear explosive devices.

Ambassador Roshchin replied that the Soviets accepted our first principle and would study the second. They could not accept the third principle if it meant parallel systems. They were not trying to liquidate Euratom but wanted only one safeguards system in the treaty. They had three objections to our draft article: (1) It permitted more than one safeguards system, (2) it applied only to nuclear "material" and not to "facilities," and (3) it did not explicitly cover all nuclear activities.<sup>2</sup>

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<sup>1</sup>To Brussels, tel. 3098, July 7, 1967, Secret.

<sup>2</sup>Circ. tel. 224, July 3, 1967, Secret; from Geneva, tels. 46, July 5, 1967, Secret, and 45, July 5, 1967, Secret/Exdis.

The Benelux countries, though less mistrustful of the treaty than the Germans and Italians, were equally interested in protecting the interests of Euratom. In July they began to discuss a possible alternative among themselves. The Belgians suggested the following text:

For the purpose of providing assurance that source or special fissionable material is not diverted to nuclear weapons or other nuclear explosive devices in violation of Articles I and II:

1. Each non-nuclear-weapon State Party to this Treaty undertakes to accept, at least as far as appropriate for the purpose of this Article, the safeguards of the International Atomic Energy Agency in force on the day that this Treaty is open for signature, on source or special fissionable materials in all peaceful nuclear activities within its territory or under its jurisdiction. In cooperating with any non-nuclear-weapon State with respect to peaceful nuclear activities within the territory or under the jurisdiction, each Party to this Treaty undertakes not to provide:

(A) Source or special fissionable material unless that material shall be subject to such safeguards; or

(B) Equipment or material especially designed or prepared for the processing, use or production of special fissionable material unless the special fissionable material shall be subject to such safeguards.

2. An agreement with the International Atomic Energy Agency providing for an effective application of the safeguards required by this Article shall be entered into by each non-nuclear-weapon State Party to this Treaty, either individually or in association with other States as appears more convenient for the furtherance of the purpose of this Article.

3. The safeguards required by this Article shall be implemented in a manner designed to avoid hampering the

economic or technological development of the Parties concerned or contravening prior international obligations which they have entered into. In particular, nothing in this Treaty shall prejudice the rights of the Parties to participate in the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes, under the appropriate safeguards required by this Article.

The Belgians anticipated that neither the U.S. nor the Soviet drafts would prevail and that pressure would mount for a compromise. If their proposal was adopted, the non-nuclear members of Euratom would not ratify the treaty until Euratom had concluded a satisfactory agreement with IAEA. Since Euratom would be negotiating with IAEA on equal terms, there would be no danger of a "guillotine" situation arising.<sup>1</sup> The Benelux countries were also discussing a Dutch draft and a "compromise" between the Dutch and Belgian proposals.<sup>2</sup>

At the Co-Chairmen's meeting of August 7, Mr. Foster pointed out that IAEA was authorized by its Statute to enter into agreements with other organizations. He suggested that the terms "bilateral or multilateral" might meet the Soviet desire to avoid explicit reference to another safeguards system. IAEA could and should use the Euratom material accounting system since the alternative would be costly duplication. He explained that our

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<sup>1</sup>From Geneva, tel. 328, July 27, 1967, Secret/Limdis; to Bonn and Brussels, tel. 14512, July 31, 1967, Secret/Limdis.

<sup>2</sup>To Bonn and Brussels, tel. 14511, July 31, 1967, Secret/Limdis. For-preliminary U.S. reactions, see tel. 14510 to Bonn and Brussels, July 31, 1967, Secret/Limdis.

draft mentioned "materials" rather than "facilities" because it was the materials that could be made into nuclear weapons. IAEA safeguards were not in fact applied to facilities unless they either contained or would contain materials. Ambassador Roshchin had no new instructions. He was interested in the "bilateral or multilateral" suggestion, however, and suggested that the two delegations start drafting a compromise article on the "expert level."<sup>1</sup>

The Soviets now showed interest in a compromise. Soviet Ambassador Suslov told Porter (U.K.) that he recognized the usefulness of Euratom in keeping the Germans from making nuclear weapons and considered that Belgian or Dutch inspectors would probably be reliable in checking German plants. The Soviet Union was prepared to accommodate Euratom, although article III should specifically mention only IAEA safeguards. He thought that some language could be added to the Soviet draft to take care of Euratom without expressly mentioning that organization, perhaps by using some of the Belgian ideas.<sup>2</sup>

From his talks with the Soviets, the Belgian observer in Geneva concluded that the Soviets would accept the following principles: (1) Application of existing IAEA safeguards without change, but only to the extent required to verify compliance with

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<sup>1</sup>From Geneva, tel. 433, Aug. 7, 1967, Secret/Limdis.

<sup>2</sup>From Geneva, tel. 546, Aug. 17, 1967, Secret/Limdis.

articles I and II, (2) an undertaking to make "bilateral or multilateral" arrangements with IAEA, (3) an IAEA-Euratom agreement permitting IAEA verification of Euratom records, and (4) allowing Euratom countries to defer ratification until an agreement with IAEA had been concluded.<sup>1</sup> The Belgians now attempted to arrange a Euratom meeting to consider the problem. The Germans replied that they would not be interested unless the French participated.<sup>2</sup> The French refused, and the project was dropped.<sup>3</sup>

Security assurances (I)

The Indians continued to demand a "credible" security guarantee. After the Chinese thermonuclear test of June 19, they declared that the problem had acquired a "fresh sense of urgency."<sup>4</sup> Privately, they wanted a positive assurance and took no interest in the Kosygin proposal. Six of the seven other

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<sup>1</sup>From Geneva, tel. 546, Aug. 17, 1967, Secret/Limdis.

<sup>2</sup>From Geneva, tel. 594, Aug. 22, 1967, Secret/Limdis.

<sup>3</sup>From Geneva, tel. 767, Sept. 8, 1967, Secret/Limdis.

<sup>4</sup>From Geneva, tel. 670, Aug. 30, 1967, Secret/Limdis.

nonaligned members of the ENDC wanted to include the Kosygin proposal or some non-use provision in the treaty. Sweden, however, did not favor this because of the political difficulties it would pose for the United States.<sup>1</sup> General Burns (Canada) said on August 3 that it would be difficult to include security guarantees in the treaty and suggested that a General Assembly resolution with other assurances would be a better approach.<sup>2</sup>

#### Nuclear disarmament

Indian Ambassador Trivedi wanted the non-proliferation treaty to ban the manufacture of nuclear weapons and obligate the nuclear powers to negotiate a program to reduce them. Mrs. Myrdal favored a "package" comprising the non-proliferation treaty, a comprehensive test ban, and a fissionable materials production cutoff. She regretted that there was little chance of adopting the latter measures. Both Lord Chalfont and General Burns stated that the non-proliferation treaty would not last long unless it was followed by nuclear disarmament measures, although they did not advocate including them in the treaty.<sup>3</sup>

#### Fanfani fissionable materials proposal

On August 1, Italian Foreign Minister Fanfani proposed

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<sup>1</sup>From Canada, tel. 4518, June 29, 1967, Confidential.

<sup>2</sup>International Negotiations on the Treaty on the Nonproliferation of Nuclear Weapons, p. 76.

<sup>3</sup>Ibid., p. 76.

that the nuclear powers agree to transfer fissionable materials for peaceful purposes to the non-nuclear nations. The materials would be sold at prices below the world market, and part of the payments would go into the U.N. fund for developing countries.<sup>1</sup>

Our delegation commented that Fanfani was asking the United States and the USSR to pay an expensive "bribe" for non-nuclear adherence to the treaty and that we would probably have to pay a greater price than the USSR. It found that the disadvantages outweighed the advantages and called the proposal an "unrealistic and unworkable grandstand play for non-aligned audiences."<sup>2</sup>

Washington agreed that the proposal was "disadvantageous on balance" but said that we should avoid offending the Italians. ACDA told the Italians in Washington that the proposal raised very serious problems.<sup>3</sup> The Soviets also disliked the proposal but preferred to let others kill it.<sup>4</sup>

Draft treaty of August 24, 1967

Although Foreign Minister Gromyko had told Rusk on June 27 that his government would soon approve the June 7 draft,<sup>5</sup> Moscow waited six weeks before taking action. The delay was apparently related to the Middle Eastern crisis. At Geneva, the Soviets

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<sup>1</sup>Ibid., pp. 76-77.

<sup>2</sup>From Geneva, tel. 467, Aug. 9, 1967, Confidential.

<sup>3</sup>To Geneva, tel. 27261, Aug. 25, 1967, Confidential.

<sup>4</sup>From Geneva, tel. 467, Aug. 9, 1967, Confidential.

<sup>5</sup>Memcon Rusk, Gromyko, et al., June 27, 1967, Secret/Exdis.

privately told our delegation that the final decision was being deferred until the General Assembly had adopted a resolution on the Middle East. Since Moscow found it embarrassing to table the non-proliferation treaty at this time, they were considering submitting a separate but identical text.<sup>1</sup>

On August 7, Mr. Foster told Roshchin that he would have to return to Washington in two days for Senate appropriation hearings but would come back to Geneva promptly if the USSR agreed to table the draft.<sup>2</sup> He had just arrived in Washington when Ambassador Roshchin informed Bunn in Geneva that Moscow had approved the June 7 draft with some changes. The Soviets accepted the preambular clause on automated safeguards and the second alternative on amendments, i.e., the version giving the veto to all IAEA Board members. They also accepted our language on peaceful application of nuclear energy. They proposed a new version of the preambular paragraph on general and complete disarmament, which specifically mentioned the elimination of national stockpiles of nuclear weapons.

Ambassador Roshchin said that the Soviets were willing to leave security assurances out of the treaty and to discuss this problem with us after the draft was tabled. He suggested that the Soviet ideas could be embodied in a joint statement, declaration, or U.N. resolution. Observing that we would not consider

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<sup>1</sup>From Geneva, tel. 199, July 17, 1967, Secret/Lindis.

<sup>2</sup>From Geneva, tel. 433, Aug. 7, 1967, Secret/Lindis.

the Kosygin formula in a different format, Mr. Bunn suggested that the draft the Soviets had given Jha in April came closer to something the two sides could accept.<sup>1</sup>

In Washington, Mr. Foster immediately informed the President and the Secretary of State.<sup>2</sup> He publicly announced that he was returning to Geneva and hoped that it would soon be possible to table a draft treaty with a blank for the safeguards article.<sup>3</sup> Informed in advance about this statement, Ambassador Roshchin objected to any publicity at this point.<sup>4</sup>

Since the Soviets declined to table the draft treaty as a joint document, it was submitted to the ENDC on August 24 in the form of separate but identical American and Soviet texts. The preamble contained clauses on facilitating the application of IAEA safeguards, supporting the automation of safeguards, and sharing the benefits of peaceful nuclear explosive devices. It also included a declaration of intention to stop the nuclear arms race and to achieve nuclear disarmament pursuant to a treaty of general and complete disarmament under effective international control. It stated that the treaty would not affect the right of states to conclude regional denuclearization treaties.

The first two articles contained the basic non-proliferation obligations of nuclear-weapon and non-nuclear-weapon states.

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<sup>1</sup>From Geneva, tel. 480, Aug. 11, 1967, Secret/Exdis.  
For the April draft, see above, pp.

<sup>2</sup>Foster, memoranda to President and Secretary of State, Aug. 10, 1967, Secret, with attached draft public statement by Foster, no classification; draft treaty, Aug. 10, 1967, Secret, and draft preambular paragraph on general and complete disarmament, Confidential.

<sup>3</sup>Documents on Disarmament, 1967, pp. 325-330.

<sup>4</sup>From Geneva, tel. 485, Aug. 11, 1967, Secret/Limdis.

Article III, dealing with safeguards, was left blank. The fourth article assured the rights of the parties to develop nuclear energy for peaceful purposes. The fifth article permitted amendments with the consent of a majority of the parties, including the nuclear-weapon parties and all parties that belonged to the IAEA Board of Governors. There would be a review conference five years after the treaty entered into force. Article VI contained the provisions on signature, ratification, accession, and entry into force. The seventh article provided that the treaty would be of unlimited duration but permitted withdrawal on three months' notice if "extraordinary events, relating to the subject matter of this Treaty" jeopardized the "supreme interests" of a party. The eighth article dealt with official languages.<sup>1</sup>

President Johnson publicly declared that submission of the draft treaty brought us to "the final and most critical stage" of the non-proliferation effort. At Geneva, the Co-Chairmen informed the ENDC that they would continue their discussions on safeguards and security assurances. The Chinese Communists predictably attacked the treaty as a "hoax" and an example of American-Soviet "collusion."<sup>2</sup>

When the draft treaty was tabled, we sent out a circular aide-memoire in which we expressed the hope that the draft treaty,

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<sup>1</sup>International Negotiations on the Treaty on the Nonproliferation of Nuclear Weapons, pp. 78-79, 146-149.

<sup>2</sup>ibid., pp. 79-80.

after consideration by the ENDC and other governments, would result in a treaty that would be signed and ratified by "the greatest possible number of nations." Explaining the basic rationale of the treaty, we said:

The United States is convinced, along with most other nations, that the proliferation of nuclear weapons would heighten international tensions, increase the danger of nuclear war and diminish the security of all nations. For over twenty years, the United States has sought assiduously to achieve international agreements leading to the elimination of nuclear weapons in all countries. Despite these efforts, additional countries have obtained nuclear weapons. The threat of further spread of these weapons caused great concern in the international community and has prompted a series of UNGA resolutions which have now culminated in the present draft treaty on non-proliferation of nuclear weapons.<sup>1</sup>

#### ENDC procedures

After the draft treaty was tabled, the Co-Chairmen were faced with the tasks of reaching agreement on safeguards and security assurances and of dealing with amendments proposed by other ENDC delegations or by governments outside the ENDC. Although both knew that their work would take some time to complete, they wished to finish it before adjourning the current ENDC session. It was usual, however, for the ENDC to recess before the General Assembly convened in September,<sup>2</sup> and there was some sentiment in the nonaligned delegations and the U.N. Secretariat for moving the ENDC to New York. Mr. Foster insisted

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<sup>1</sup>Circ. agm. CA-1545, Aug. 24, 1967, Secret, with enclosed aide-memoire; Confidential.

<sup>2</sup>In 1962, however, the U.S.-U.K.-USSR test-ban subcommittee continued to meet in Geneva after the plenary ENDC recessed.

on keeping it in Geneva.<sup>1</sup>

The question of procedure came up in a New York meeting between Rusk and Gromyko (September 27), where Mr. Foster said that the treaty could be discussed in the First Committee of the General Assembly after the ENDC had finished its work. He anticipated that the First Committee could take up the treaty in November. Concerned about the possibility of an extended General Assembly debate, Mr. Gromyko did not exclude the possibility of having the treaty signed in the ENDC.<sup>2</sup>

On September 29, Mr. Fisher told Roshchin in Geneva that he believed the ENDC should remain in session as long as necessary, until article III had been worked out and the non-aligned amendments had been considered. Ambassador Roshchin agreed but noted that some nonaligned representatives would wish to go to New York for the General Assembly.<sup>3</sup> It was then hoped that the ENDC could finish its work by the end of October, when the First Committee of the General Assembly usually reached the disarmament question on its agenda. Unfortunately, there proved to be considerable slippage in the Geneva schedule.

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<sup>1</sup>From Geneva, tel. 686, Aug. 31, 1967, Secret.

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

<sup>3</sup>From Geneva, tel. 1026, Sept. 29, 1967, Secret.

Amendments to the draft treaty

The Co-Chairmen received many proposals for amendments, both from ENDC members and from such other interested nations as Japan. Since they wished to make the treaty as widely acceptable as possible, they gave careful consideration to all these suggestions. While they were not prepared to make changes in articles I and II, there were few who wished to amend these articles.<sup>1</sup>

Brazilian amendments - Brazil, however, wished to amend articles I and II to remove the ban on the development and use of peaceful nuclear explosive devices by non-nuclear states and to obligate the nuclear powers to channel savings from nuclear disarmament to developing countries through a special U.N. fund. The nuclear powers would undertake to negotiate a nuclear disarmament treaty at the earliest possible date. A revised peaceful-uses article would permit all parties to develop peaceful nuclear explosive devices. The review conference would particularly deal with fulfilment of the proposed obligation to conclude a nuclear disarmament treaty. The Brazilians proposed their own version of an article safeguarding the rights of parties to make regional treaties. Like the Romanians, they

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<sup>1</sup>The public ENDC debate on all amendments is reviewed in International Negotiations on the Treaty on the Nonproliferation of Nuclear Weapons, pp. 81-91.

would not make amendments binding on parties that did not ratify them, and they would delete the requirement that a withdrawing state give an explanation to the Security Council.<sup>1</sup>

British amendment - On November 22 the British renewed their proposal to include both the "purposes of the Preamble and the provisions of the Treaty" in the purview of the review conference.<sup>2</sup>

Burmese comments - Although the Burmese did not submit any formal amendments, they proposed a number of changes. The Burmese representative advocated a disarmament article obligating the nuclear powers to take several "tangible steps" toward disarmament: a comprehensive test ban, a fissionable materials cutoff, a halt to nuclear-weapons production, a nuclear delivery vehicles freeze, and the "progressive reduction and final destruction of all stockpiles of nuclear weapons and carriers." He favored periodic review conferences and international control for the nuclear activities of all signatory countries. And he maintained that the treaty itself should provide the necessary security assurances to non-nuclear countries.<sup>3</sup>

Indian comments - Indian Ambassador Trivedi made some very negative comments about the draft treaty. He criticized article

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<sup>1</sup>Documents on Disarmament, 1967, pp. 546-547.

<sup>2</sup>Ibid., p. 595.

<sup>3</sup>Ibid., pp. 459-466.

I for failing to deal with the foreign deployment of nuclear weapons and the training of foreign troops in their use. He also considered it defective because it did not prohibit assistance by one nuclear power to another. All parties should undertake not to manufacture or otherwise acquire nuclear weapons. International controls should apply to all parties and not only to the non-nuclear countries. Finally, there should be an article affirming the solemn desire of the nuclear powers "to undertake meaningful measures of disarmament, particularly of nuclear disarmament."<sup>1</sup>

Italian amendment - As indicated above, Italy had always questioned the unlimited duration provision.<sup>2</sup> On October 24, Ambassador Caracciolo submitted a formal amendment which provided that the treaty should "have a duration of X years" and then be renewed automatically for any party which had not given notice of its intention to withdraw.<sup>3</sup>

Japanese amendments - In a letter to the Co-Chairmen, the Japanese proposed that review conferences be held every five years and that the Co-Chairmen add a provision for a preparatory commission to make appropriate arrangements.<sup>4</sup> A similar proposal had previously been discussed in NATO.<sup>5</sup>

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<sup>1</sup>Ibid., pp. 430-440.

<sup>2</sup>See above, pp.

<sup>3</sup>Documents on Disarmament, 1967, pp. 527-529.

<sup>4</sup>From Geneva, tel. 1204, Oct. 14, 1967, Secret.

<sup>5</sup>See above, pp.

Mexican amendments - On September 19, Mexico proposed several amendments. It wished to revise the peaceful-uses article so that it would positively express the right of parties to participate in the fullest possible exchange of information and that those parties in a position to do so would have "the duty to contribute" to the further development of nuclear energy for peaceful purposes. In order to assure the right of parties to enjoy the benefits of peaceful nuclear explosion services, Mexico proposed a new treaty article. This provided that assistance in carrying out peaceful nuclear explosions should be "requested and channeled through appropriate international bodies" on a non-discriminatory basis. Mexico wanted regional denuclearization to be covered in an operative treaty article rather than in a preambular paragraph.

Each nuclear-weapon State Party to this Treaty undertakes to pursue negotiations in good faith, with all speed and perseverance, to arrive at further agreements regarding the prohibition of all nuclear weapon tests, the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, the elimination from national arsenals of nuclear weapons and the means of their delivery, as well as to reach agreement on a Treaty on General and Complete Disarmament under strict and effective international control.

Ambassador Castañeda explained that the existing preambular provision did not mention the comprehensive test ban at all and referred to nuclear disarmament only in the context of general

and complete disarmament. He thought that some 60 nations should have to adhere to the treaty before it became effective. He also suggested that two nuclear powers and two non-nuclear nations be designated as depository governments.<sup>1</sup>

Nigerian amendments - On November 2 the Nigerians proposed a series of amendments covering security assurances, peaceful uses of nuclear energy, and grounds for withdrawal. The nuclear parties would be obligated to come to the aid of any non-nuclear state which was "threatened or attacked with nuclear weapons." Each party would undertake to cooperate "directly or through the IAEA" with others in developing nuclear technology for peaceful purposes and in the exchange of scientific and technological information. Through the IAEA, the nuclear parties would provide the non-nuclear parties with "full scientific and technological information" on the spinoff from nuclear explosives research. The nuclear parties would also provide facilities for scientists from non-nuclear parties to collaborate with their scientists who were working on nuclear explosives devices. Each party would report to the IAEA on its cooperation with others in the peaceful uses of nuclear energy. An additional ground for withdrawal would be "the failure by a State or group of States to adhere to the Treaty," if this jeopardized the balance of power in an area.<sup>2</sup>

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<sup>1</sup>Documents on Disarmament, 1967, pp. 394-401.

<sup>2</sup>Ibid., pp. 557-558.

Romanian amendments - Romania was the only Communist member of the ENDC that did not support the draft treaty. On October 19, Ambassador Ecobesco proposed a number of changes in the preamble and several amendments to the body of the treaty. The latter included a new article by which the nuclear powers would undertake "to adopt specific measures to bring about as soon as possible the cessation of the manufacture of nuclear weapons and the reduction and destruction of nuclear weapons and the means of their delivery." If these measures were not adopted in five years, the parties would review the situation and "decide on the measures to be taken." Another new article would obligate the nuclear parties not to use nuclear weapons against non-nuclear parties. The words "on a basis of equality" would be added to the peaceful-uses article. Amendments to the treaty would become effective only for those that ratified them, rather than for all parties as provided in the draft treaty. Review conferences would be held every five years. Withdrawing states would not be required to inform the Security Council of the reasons for their action, as the draft treaty required.<sup>1</sup>

Swedish amendment - Sweden proposed a safeguards article providing for IAEA safeguards on all international transfers of

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<sup>1</sup>Ibid., pp. 521-526.

fissionable materials. IAEA safeguards would be fully applied to the nuclear activities of the non-nuclear states, and the nuclear powers would undertake to cooperate in facilitating the gradual application of IAEA safeguards to their peaceful activities.<sup>1</sup>

Swiss aide-memoire - In an aide-memoire to the Co-Chairmen, the Swiss Government requested a more precise definition of certain terms in articles I and II and expressed its views on safeguards. It suggested a treaty article on peaceful nuclear explosive devices. In the Swiss view, the treaty should be of limited duration and include a security guarantee for non-nuclear parties. There should also be a mandatory arbitration procedure for disputes over the interpretation of treaty provisions.<sup>2</sup>

UAR amendments - The UAR wished to close alleged "loopholes" in the first two articles. It proposed to amend the first article to obligate each nuclear power to insure that no person or organization under its jurisdiction promoted proliferation. It would add to the second article a ban on assistance by one non-nuclear state to another. Finally, it proposed a new treaty article incorporating the Kosygin non-use formula.<sup>3</sup>

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<sup>1</sup>Ibid., p. 368.

<sup>2</sup>Ibid., pp. 572-574. The Swiss aide-memoire was circulated as an ENDC document, but the Co-Chairmen made no formal reply.

<sup>3</sup>Ibid., pp. 421-428.

While the Brazilian, Burmese, Indian, and Swedish proposals were obviously unacceptable, the Co-Chairmen found others more promising.<sup>1</sup> They gave particularly close attention to the Mexican amendments and eventually made significant changes in the draft treaty. Our delegation did not think that we could accept the Mexican peaceful-uses amendment as it stood, since it "would appear [to] commit us to an open-ended obligation to contribute to [the] development of nuclear energy in non-nuclear." Accordingly, it recommended changing "duty to contribute" to "cooperate in contributing." If the Soviets rejected this, we could alter the language so that parties would simply have the right to contribute.<sup>2</sup>

The delegation thought that it was inadvisable to have a precise treaty obligation on peaceful nuclear explosion services, as Mexico proposed. The Mexican language could be interpreted as excluding bilateral agreements and requiring the nuclear parties to provide excavating and engineering services, besides furnishing and detonating the explosive devices. Since the nonaligned nations were likely to welcome the Mexican proposal, however, we might add a treaty article committing the parties to negotiate a separate agreement on peaceful nuclear explosion services.<sup>3</sup>

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<sup>1</sup>The Italian and Swedish amendments involved the problems of duration and safeguards, which are considered below, pp.

<sup>2</sup>From Geneva, tel. 1002, Sept. 28, 1967, Confidential.

<sup>3</sup>From Geneva, tel. 1003, Sept. 28, 1967, Confidential.

The delegation saw no objection to the Mexican proposal on regional denuclearization.<sup>1</sup> It reported that there was widespread sentiment for a treaty article on disarmament. The Mexican proposal, however, specifically referred to the comprehensive test ban and the delegation thought that it would be better for us to oppose listing any specific measures. It recommended language which would distinguish between measures to halt the nuclear arms race and complete nuclear disarmament, which would still be linked with a treaty on general and complete disarmament, as in the existing preamble:

Each nuclear-weapon State Party to this Treaty undertakes to pursue negotiations in good faith to achieve additional tangible steps to halt the nuclear arms race, including the limitation and reduction of stocks of nuclear weapons and their means of delivery, and to reach agreement on the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a treaty on general and complete disarmament under strict and effective international control.<sup>2</sup>

Before he had received any instructions on these recommendations, Mr. Fisher had a preliminary discussion with Roshchin. The Soviet representative agreed with Fisher's personal view that "duty to contribute" was unacceptable in the Mexican peaceful-uses amendment. He also agreed that it would be desirable to include a treaty article on peaceful nuclear explosive services. Mr.

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<sup>1</sup>From Geneva, tel. 1004, Sept. 28, 1967, Confidential.

<sup>2</sup>From Geneva, tel. 1005, Sept. 28, 1967, Confidential.  
Within the U.S. Government, both the JCS and the AEC were now opposed to a comprehensive test ban (see below, chapter G).

Fisher suggested a treaty article of the kind he had recommended to Washington.

Both agreed that it would be undesirable to include specific measures in the disarmament article, and Ambassador Roshchin suggested the following language:

Each nuclear-weapon State Party to this Treaty undertakes to pursue negotiations in good faith, with all speed and perseverance, to arrive at further agreements regarding the cessation of the nuclear arms race and nuclear as well as to reach agreement on a treaty on general and complete disarmament under strict and effective international control.<sup>1</sup>

Instructions were sent to Geneva on October 5. Washington approved the delegation's recommendation on the peaceful-uses amendment but suggested as an additional alternative that parties might be "encouraged" to contribute. Since there were objections to "negotiating a separate agreement" on peaceful nuclear explosive services, it suggested the following alternative:

Each Party to this Treaty undertakes to cooperate to insure that potential benefits from any peaceful application of nuclear explosions will be made available through appropriate international procedures to non-nuclear-weapon States Party to this Treaty on a non-discriminatory basis and that the charge to such parties for the explosive devices used will be as low as possible and exclude any charge for research and development.

It believed that this would meet the objection posed by the British, who had told us that they did not expect to be in a

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<sup>1</sup>From Geneva, tel. 1055, Oct. 2, 1967, Secret/Limdis.

position to provide nuclear explosive services. The proposed language would also give the non-nuclear nations a voice and create "an undertaking to cooperate which might be useful in connection with a possible future amendment to the limited test-ban treaty dealing with PNED's."

Washington also proposed the following alternative article on disarmament:

Each of the Parties to this Treaty undertakes to pursue negotiations in good faith (I) to arrive at further verifiable agreements regarding the cessation of the nuclear arms race and regarding disarmament, as well as (II) to reach agreement on general and complete disarmament under strict and effective international control.

It considered this language preferable to Roshchin's suggestion.<sup>1</sup>

Mr. Fisher gave Roshchin these proposals two days later. Ambassador Roshchin concurred in the Mexican regional denuclearization article and said that he would refer our redraft of the peaceful-uses amendment to Moscow. He said that he would consider our redraft of the amendment on peaceful nuclear explosive services. But he strenuously objected to the word "verifiable" in the disarmament article and argued that there might well be future "mutual example" agreements which would not need to be verified. Mr. Fisher explained that "verifiable" did not necessarily mean "international control," since some measures might be verified by national means, as was true of the limited

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<sup>1</sup>To Geneva, tel. 132, Oct. 5, 1967, Secret.

test-ban treaty and the outer-space treaty. Moreover, "mutual example" measures were not "agreements," as was shown by the fissionable materials "cutbacks" of 1964.<sup>1</sup>

Later, the Soviet delegation told us that it could not recommend our draft on peaceful nuclear explosive devices to Moscow, since it did not think the nonaligned nations would agree to language omitting reference to an "appropriate international body" or procedures to be established in a "special agreement." When Mr. De Palma objected that we did not yet know whether there would be one international body and one special agreement, or several of each, the Soviets proposed revised language to allow for both possibilities.<sup>2</sup> Washington proposed the following language:

Each Party to this Treaty undertakes to cooperate to insure that potential benefits from any peaceful applications of nuclear explosions will be made available through appropriate international procedures to non-nuclear-weapon States Party to this Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. It is understood that Parties so desiring may, pursuant to a special agreement or agreements, obtain any such benefits through an appropriate international body with adequate representation of non-nuclear-weapon States.

This would preserve the option of bilateral services. The delegation was cautioned to say nothing that would foreclose

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<sup>1</sup>From Geneva, tel. 1121, Oct. 7, 1967, Secret. Mr. Fisher did not include the numerals in the text of the disarmament article. For the fissionable materials "cutbacks," see below, chapter F.

<sup>2</sup>From Geneva, tel. 1140, Oct. 10, 1967, Secret.

this option and to avoid any public reference to it. It was also instructed to avoid any implication that we were prepared to elaborate any details of the proposed international body or the terms of special agreements while the non-proliferation negotiations continued.<sup>1</sup>

The Soviets remained flatly opposed to including the word "verifiable" in the disarmament article: Mr. DePalma told them that the word was necessary in speaking of agreements. If the reference to agreements was dropped, however, we might consider alternative language in which the parties would "undertake to pursue negotiations in good faith regarding cessation of the nuclear arms race and disarmament, and regarding an agreement on general and complete disarmament under strict and effective international control." The Soviets indicated that this might be acceptable if the word "measures" was added after the first "disarmament."<sup>2</sup> Washington approved a variant of this formula,

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<sup>1</sup>To Geneva, tel. 54177, Oct. 14, 1967, Secret. AEC cleared the instruction on the understanding that the new provision would not restrict the Commission's conduct of its experimental Plow-share program or applications in the US of peaceful nuclear explosions for peaceful purposes." It also wished to include in its letter of clearance a statement that the treaty article did not alter the traditional roles of the US agencies involved and that the AEC would "continue to have primary responsibility for establishment and implementation" of international program for peaceful nuclear explosions. George Bunn and Charles Van Doren (ACDA/GC) questioned this statement in a conversation with an AEC representative and insisted that the issue should be left open (Bunn to Foster, memorandum, Oct. 17, 1967, Secret, with attached ltr. from Labowitz (AEC) to Van Doren, Oct. 13, 1967, Confidential).

<sup>2</sup>From Geneva, tel. 1140, Oct. 10, 1967, Secret.

which provided that the parties would negotiate on "effective measures regarding cessation of the nuclear arms race and disarmament..."<sup>1</sup>

By October 11 there was noticeable restlessness among the Eight, who had not yet heard from the Co-Chairmen on any of their amendments and saw no evidence that progress was being made on safeguards or security assurances. Mr. Fisher asked Roshchin if he would agree to submit the Soviet redraft of the Mexican peaceful-uses article to the ENDC. Ambassador Roshchin was waiting to recommend to Moscow a complete set of responses to the Mexican amendments and would not ask for approval of this article by itself. He did not object, however, to individual statements by the Co-Chairmen that the Mexican amendments were receiving sympathetic consideration.<sup>2</sup>

On October 16 our delegation gave the Soviets the revised language on disarmament and peaceful nuclear explosions. The Soviets agreed to recommend our new disarmament article to Moscow without change. They agreed with our view that the bilateral option should be kept open in the peaceful nuclear explosions article but suggested dropping the words "it is understood that" at the beginning of the second paragraph.<sup>3</sup> Our delegation

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<sup>1</sup>To Geneva, tel. 52434, Oct. 11, 1967, Secret.

<sup>2</sup>From Geneva, tel. 1169, Oct. 11, 1967, Secret. The statements appear in Documents on Disarmament, 1967, pp. 513-521.

<sup>3</sup>From Geneva, tel. 1210, Oct. 16, 1967, Secret.

requested and received authority to accept this suggestion,<sup>1</sup> but the words remained in the article.

Our delegation also told the Soviets that the Japanese proposal deserved sympathetic consideration. We thought it preferable, however, to have any review conferences after the first one only if the majority of the parties requested them, rather than automatically. We also thought that the preparatory commissions might comprise the nuclear parties and the non-nuclear parties which would be on the IAEA Board of Governors when the conferences were called. The Soviets considered this promising but suggested that it might be held in reserve until the treaty came to the General Assembly.<sup>2</sup> On October 17, Mr. Fisher gave Roshchin draft language incorporating our revisions of the Japanese amendments.<sup>3</sup>

Our delegation thought that a detailed discussion of the Romanian amendments "could seriously delay NPT negotiations." It found all the Romanian preambular changes unacceptable or superfluous, except for a proposal to add to the IAEA safeguards clause a reference to "bilateral or multilateral agreements" and suggested that we might take this up with the Soviets.

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<sup>1</sup>From Geneva, tel. 1237, Oct. 17, 1967, Secret; to Geneva, tel. 56220, Oct. 18, 1967, Secret.

<sup>2</sup>From Geneva, tel. 1210, Oct. 16, 1967, Secret.

<sup>3</sup>From Geneva, tel. 1235, Oct. 17, 1967, Secret.

The delegation thought that we could maintain that our redraft of the Mexican disarmament article and the Japanese proposal on periodic review conferences took care of the Romanian disarmament article. While we should oppose the non-use proposal, the delegation warned that there could be trouble unless we soon initiated discussions with the Soviets on security assurances. Our redraft of the Mexican peaceful-uses amendment should meet the Romanian point on this question. We should try to get Soviet concurrence in the Romanian amendments formula, since this was supported by other countries. Our expanded clause on review conferences should "more than meet" the Romanians on this point. We should oppose the Romanian withdrawal amendment.<sup>1</sup> Washington concurred in the delegation's analysis but believed that consideration of the preambular safeguards clause could await agreement on article III. It also thought that the Romanian amendments proposal would require rewording and that it should not be allowed to hold up reaction to the Mexican suggestions.<sup>2</sup>

On November 2 our delegation informally told the Soviets that we saw little virtue in the Romanian amendments and that most of them would be covered by the response to the Mexican suggestions.

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<sup>1</sup>From Geneva, tel. 1301, Oct. 25, 1967, Confidential.

<sup>2</sup>To Geneva, tel. 67524, Nov. 9, 1967, Secret.

We thought, however, that it would be difficult to oppose the Romanian changes in the preambular safeguards clause and the amendments provision. Many countries were troubled by the present amendments provision and as a practical matter the amending procedure was so difficult that any amendment would have to be widely acceptable if it was to be adopted. The Soviets commented that the safeguards clause would be less important after article III was adopted. They preferred to hold off on the amendments provision until a later stage of the negotiations.<sup>1</sup>

A week later, Mr. Foster told Roshchin that it would be helpful if the Co-Chairmen could introduce the amendments they had worked out. Ambassador Roshchin hoped that this could be done shortly. He did not oppose Foster's view that the amendments and duration provisions should be discussed at a later time.<sup>2</sup> In order to make a partial response to Nigeria and Brazil, our delegation recommended to Washington that we change the peaceful-uses article to make it explicit that information and cooperation on peaceful applications of nuclear explosions were included in the peaceful uses of nuclear energy.<sup>3</sup>

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<sup>1</sup>From Geneva, tel. 1476, Nov. 2, 1967, Secret.

<sup>2</sup>From Geneva, tel. 1619, Nov. 9, 1967, Secret.

<sup>3</sup>From Geneva, tel. 1663, Nov. 12, 1967, Secret.

The United States did not accept the UAR amendments. We remained opposed to the Kosygin proposal. Although the other UAR amendments might win some support, our delegation recoiled from the thought of reopening the first two articles to renegotiation. It suggested that we could argue that the existing language of article I effectively cut off any significant possibilities of assistance by nuclear powers to non-nuclear nations. As for the second article, we could point out that a non-nuclear nation that abided by the treaty would hardly be likely to assist another country to gain a nuclear advantage.<sup>1</sup> Washington concurred.<sup>2</sup> When the UAR amendments were discussed by the Co-Chairmen, Ambassador Roshchin agreed that articles I and II should not be reopened, and he refrained from pushing the Kosygin proposal.<sup>3</sup> Although Moscow later said that it would be willing to accept the UAR amendments, it did not insist on them in face of our continued opposition.<sup>4</sup>

Since Moscow was reluctant to authorize the Soviet delegation to agree to act on any amendments until the safeguards and security assurances questions were settled, the Co-Chairmen were unable to respond and time began to run out. On November 16 the ENDC

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<sup>1</sup>From Geneva, tel. 1030, Sept. 29, 1967, Secret.

<sup>2</sup>To-Geneva, tel. 49458, Oct. 5, 1967, Secret.

<sup>3</sup>From Geneva, tels. 1026, Sept. 29, 1967, and 1121, Oct. 7, 1967, Secret.

<sup>4</sup>See below, pp.

held an informal meeting at which the nonaligned representatives expressed some dissatisfaction at the state of affairs. The Swedish representative pointed out that the discussions of the First Committee of the General Assembly were usually based on ENDC reports and urged that the ENDC report and recess within two weeks. The Brazilian, Indian, and Romanian representatives also stressed that the General Assembly should have the right to debate the treaty. The Romanian representative was particularly outspoken. He declared that the ENDC should operate as a genuine negotiating body and that dialog had been non-existent.

Ambassador Roshchin said that the ENDC had a duty to complete the treaty and that the USSR was trying to do so. In his view, delay would be prejudicial. The question of an interim report could be considered in the near future, but it was not desirable to subordinate the treaty to procedural considerations. Mr. Foster also opposed a recess at this time but suggested that the General Assembly could be informed in early December. He hoped that other delegations would bear with this situation for two more weeks.<sup>1</sup>

After the meeting, the Swedish representative told us that the nonaligned delegations fully shared the Romanian views and that

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<sup>1</sup>From Geneva, tel. 1745, Nov. 17, 1967, Limited Official Use.

there was a deep and growing resentment at the treatment of the proposed amendments. While the nonaligned realized that the Soviets were to blame for the silence of the Co-Chairmen, they were becoming frustrated over the whole proceeding and feared that the Soviets might try to ram a completed draft treaty through the ENDC without discussion.<sup>1</sup>

Moscow's position on the amendments was clarified at the Co-Chairmen's meeting of November 18. Ambassador Roshchin then informed Foster that the USSR accepted the Co-Chairmen's draft of the peaceful-uses article without change.<sup>2</sup> When Mr. Foster brought up the additional changes we favored,<sup>3</sup> he replied that these were minor amendments which would cause difficulty in Moscow, reopen the whole question of amendments, and delay a response by the Co-Chairmen.

The Soviets accepted the regional denuclearization article without change. With some drafting changes, they agreed to the disarmament article the Co-Chairmen had worked out.<sup>4</sup> In the peaceful nuclear explosives article, they proposed redrafting the second sentence to read as follows:

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<sup>1</sup>From Geneva, tel. 1781, Nov. 18, 1967, Secret.

<sup>2</sup>See above, pp.

<sup>3</sup>See above, p.

<sup>4</sup>See above, p.

It is understood that non-nuclear-weapon States Party to this Treaty so desiring may, pursuant to a special agreement or agreements, obtain any such benefits on /a/ bilateral basis or through an appropriate international body with adequate representation of non-nuclear-weapon States.

This was intended to make clear that the article did not apply to nuclear states which carried out explosions on their own territory and to explicitly sanction bilateral arrangements.

The Soviets rejected the Brazilian, Burmese, and Indian proposals.<sup>1</sup> While they were willing to accept the UAR amendments to articles I and II,<sup>2</sup> they would forego them in order to avoid a complete reconsideration of these articles. They opposed the Japanese proposal for periodic review conferences and a preparatory commission, on the ground that these would contradict the idea of unlimited duration.<sup>3</sup> They also opposed the British amendment<sup>4</sup> because it was doubtful that the preambular commitment on general and complete disarmament could be fulfilled in the near future. Ambassador Roshchin added that the U.S. and Soviet representatives could tell the ENDC that further review conferences could be arranged through diplomatic channels if the need arose. Mr. Foster was greatly disappointed at the Soviet position on

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<sup>1</sup>See above, pp.

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

<sup>3</sup>See above, p.

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

periodic review conferences, which could help remove incentives for withdrawal. He also pointed out that many felt that the British amendment could serve as a substitute for a commitment to specific nuclear disarmament measures, which the United States and the USSR opposed. The Soviets replied that there had already been many concessions on this score.

On the question of depositaries, the USSR was ready to agree to three depositaries (the United States, the United Kingdom, and the USSR), as in the case of the limited test-ban and outer-space treaties, or to add non-nuclear depositaries as Mexico had suggested.<sup>1</sup> Mr. Foster noted that this could raise problems, e.g., India would complain if excluded, but there would be a problem of a possible Indian veto if New Delhi was made a depositary. Ambassador Roshchin then agreed to three depositaries.

Ambassador Roshchin raised the question of the number of non-nuclear accessions required to bring the treaty into force, and Mr. Foster agreed to seek instructions on this point. Both had previously agreed that there should be 35-40 non-nuclear accessions, but the exact number was as yet undetermined. On the question of accession by key non-nuclear countries, Ambassador Roshchin said that FRG adherence was essential. Mr. Foster observed that others were also important, e.g., Israel and the

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

UAR. Both Co-Chairmen agreed that any American-Soviet understanding on this point should be unwritten and treated with great caution.

It was now clear that the ENDC would not be able to complete its work in November, and both Co-Chairmen agreed that it should submit a short "status of work" report to the General Assembly, without attaching any documents.<sup>1</sup>

After this discussion, Washington authorized the delegation to accept the Soviet changes in the disarmament article and to agree to 40 as the number of necessary signatories. We should continue, however, to press the Soviets on the Japanese and British amendments to the article on review conferences.<sup>2</sup> We would accept the Soviet revision of the peaceful nuclear explosives article only if the Soviets agreed with our interpretation that it was intended to give explicit assurance to both nuclear and non-nuclear parties that nuclear explosive services would be available to them, if to anyone, and that there was no implication that non-signatories would receive such services. The delegation was instructed to offer the Soviets one of two alternative redrafts of the sentence on bilateral services:

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<sup>1</sup>From Geneva, tel. 1795, Nov. 19, 1967, Secret. For the ENDC report, see below, pp.

<sup>2</sup>To Geneva, tel. 73686, Nov. 22, 1967, Secret.

(1) It is understood that non-nuclear weapon States Party to this treaty may obtain any such benefits on a bilateral basis or those so desiring may, pursuant to a special agreement or agreements, obtain them through an appropriate international body with adequate representation of non-nuclear weapon States.

(2) It is understood that non-nuclear-weapon States Party to this Treaty so desiring may pursuant to a special agreement or agreements, obtain any such benefits through an appropriate international body with adequate representation of non-nuclear-weapon States or may obtain such benefits pursuant to bilateral agreements.

If the Soviets insisted on their language, however, the delegation could accept on the understanding that it preserved the option to "meet requests for service on bilateral basis without need to await multilateral agreement or action."<sup>1</sup>

Mr. Foster accordingly told Roshchin that we accepted the Soviet changes in the disarmament article and agreed to 40 as the number of signatories necessary to bring the treaty into force.<sup>2</sup> On November 26 he took up the peaceful nuclear explosions article. Ambassador Roshchin saw "no difference at all" between our versions and the Soviet draft. He could not, however, accept any of our alternatives without authorization from Moscow, and it was doubtful if the Soviet Government could reach a decision in time

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<sup>1</sup>To Geneva, tel. 74724, Nov. 25, 1967, Secret.

<sup>2</sup>From Geneva, tel. 1841, Nov. 23, 1967, Secret.

to table the amendments that week, as the Co-Chairmen wished to do. Mr. Foster then said that we would accept the Soviet draft on the basis of Roshchin's assurance that it was intended to convey the same meaning as ours. We would also want the ENDC record to show that the language preserved the option to provide peaceful nuclear explosive services without awaiting multilateral agreement or action.<sup>1</sup>

The United States and the Soviet Union had now agreed on the amendments to the draft treaty, and the Co-Chairmen planned to table them on November 30. On the 28th, however, Ambassador Roshchin informed De Palma that the Soviet delegation had just been instructed not to table the amendments until agreement was reached on article III. He explained that the Soviet Union feared that tabling the amendments could lead to a new flow of amendments. Mr. De Palma replied that this would create a serious problem for the future work of the ENDC and arouse great dissatisfaction. He thought that the Soviet concern about a new flow of amendments was unfounded and that it would be difficult for others to change the amendments the

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<sup>1</sup>From Geneva, tel. 1864, Nov. 27, 1967, Secret.

United States and the Soviet Union had accepted. And he did not see how the Soviet position on delaying amendments could possibly help negotiations on article III.<sup>1</sup>

On November 30 the delegation was instructed to continue to press for our amendments and review revisions, as well as our new duration formula.<sup>2</sup> At the Co-Chairmen's meeting of December 2, Mr. Foster urged the Soviets to reconsider their position on periodic review conferences. We preferred our first alternative proposal on amendments, i.e., giving each party the right to accept or reject an amendment for itself, with no special veto for non-nuclear members of the IAEA Board of Governors. If this was difficult for the Soviets, however, we could simply revise the existing provision so that amendments would bind only those parties which accepted them.

Ambassador Roshchin replied that the existing provision would make the treaty stable and that the USSR did not wish to permit different parties to have different obligations. Mr. Foster rejoined that it was unlikely that any amendments

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<sup>1</sup>From Geneva, tel. 1894, Nov. 28, 1967, Secret.

<sup>2</sup>To Geneva, tel. 76978, Nov. 30, 1967, Secret. For the duration formula, see below, pp.

could be adopted without universal support. If an amendment should be forced on a country against its will, it might withdraw from the treaty.

Ambassador Roshchin said that he would report our proposals to Moscow but considered it undesirable to undo agreements previously reached. Mr. Foster replied that the United States and the USSR could well agree on a perfect treaty among themselves but that it was essential to obtain the concurrence of others.<sup>1</sup>

After this meeting, Soviet delegate Timerbaiev asked Samuel DePalma and Alan Neidle of the U.S. delegation whether we would have any further suggestions. On a personal basis, they replied that we had brought up all the necessary elements for an acceptable treaty and that the Soviets were now in a position to take an overall view of the matter. If the negotiations continued into the next year, however, other elements might arise. They stressed that acceptance of our

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<sup>1</sup>From Geneva, tel. 1945, Dec. 3, 1967, Secret. For the first amendments alternative, see above, p.

proposals on periodic review, amendments, and duration would facilitate agreement on other provisions, including article III.<sup>1</sup>

At the last Co-Chairmen's meeting of the session (December 15), Mr. Foster proposed the following amendments provision:

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to this Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force for each Party that deposits its instrument of ratification upon the deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to this Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. Thereafter, it shall enter into force for any other Party upon the deposit of its instrument of ratification.

Ambassador Roshchin said that he would report this to Moscow.<sup>2</sup>

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<sup>1</sup>From Geneva, te. 1979, Dec. 6, 1967, Secret/Limdis.

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

Duration

While the draft treaty was to be of unlimited duration, the United States was not irrevocably wedded to this idea and some of our allies had strong objections. Just before the draft treaty was tabled, Italian Ambassador Ortona told Rusk that unlimited duration caused serious concern to his government, which felt that a permanent commitment by the non-nuclear countries would imply a political disparity between them and the nuclear powers. Italy wanted the treaty to last for 15 years, subject to renewal. On the basis of his June talks with Gromyko, Secretary of State Rusk replied that the Soviet Union would probably not accept less than 25 years.<sup>1</sup> In September, President Saragat said that the treaty should run for 20 years.<sup>2</sup>

In an October 4 talk with Dobrynin, Mr. Foster learned that the Soviet Union had not given any serious consideration to the question. Nor did he see any purpose in the Japanese proposal for five-year review conference, which we were

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<sup>1</sup>To Geneva, tel. 24609, Aug. 22, 1967, Secret. At the ENDC, Caracciolo made the same points to Foster (from Geneva, tel. 593, Aug. 22, 1967, Secret).

<sup>2</sup>To Rome, tel. 42922, Sept. 23, 1967, Secret/Limdis.

pushing as a substitute for limited duration.<sup>1</sup> The Soviet Ambassador remained uncommunicative.<sup>2</sup>

The Germans were also concerned about duration. On October 6, Under Secretary of State Rostow told von Lilienfeld that we were not inflexible on the issue and would not object if other countries wished to raise the question at Geneva, although we preferred not to sponsor an amendment. He said that the Soviets seemed inflexible but might not remain so in the end.<sup>3</sup>

On October 21 our delegation at Geneva suggested two alternative possibilities to Washington:

(1) A review conference could decide by majority vote whether parties had the right to denounce the treaty after 25 years. This would make withdrawal difficult since a majority would almost certainly refuse to take such a decision if the treaty was working satisfactorily. The Germans and Italians would not regard this as a real right of termination since a government could not unilaterally decide to denounce the treaty.

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<sup>1</sup>Memcon Dobrynin-Foster, Oct. 4, 1967, Secret/Exdis.  
For the Japanese proposal, see above, pp.

<sup>2</sup>Memcon Dobrynin-Foster, Nov. 2, 1967, Secret/Exdis.

<sup>3</sup>To Bonn, tel. 50379, Oct. 6, 1967, Secret.

(2) Each party would have a real right to denounce the treaty after 25 years but would have to take its decision in the light of the discussion of the review conference, "thus minimizing likelihood of arbitrary action". The delegation thought that this would win support for the treaty in Germany, Italy, and possibly Japan, "while achieving a treaty that contains proliferation problem for as long a period as we can reasonably foresee."<sup>1</sup>

The Italian amendment was introduced into the ENDC on October 24.<sup>2</sup> On the same day, members of the Soviet delegation told De Palma that they personally saw some merit in a provision for deciding on extension of the treaty after a suitably long period. They thought that a withdrawing state should even then have to invoke the withdrawal clause and that any period of less than 25 years was not worth considering.<sup>3</sup> At the Co-Chairmen's meeting of November 9, Ambassador Roshchin did not oppose a discussion of the duration question at a later time, i.e., after the other amendments had been dealt with.<sup>4</sup>

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<sup>1</sup>From Geneva, tel. 1300, Oct. 21, 1967, Secret/Limdis.

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

<sup>3</sup>From Geneva, tel. 1328, Oct. 24, 1967, Secret/Limdis.

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

The Italians continued to urge limited duration. On November 9, Assistant Secretary of State Leddy advised Rusk to tell Ortona that we would prefer indefinite duration but were sympathetic to the problems the Italians had raised. We would be prepared to support a duration clause in principle and would discuss the Italian amendment and alternative formulations with other states in Geneva and New York. We would not, however, raise the issue with the Soviets until we had agreed with them on article III. This information would also be transmitted to the Germans.<sup>1</sup>

Acting ACDA Director Alexander advised the Secretary not to inform Ortona of any change in our position until we had received Foster's views. At this stage, ACDA did not think that we should tell the Italians and Germans that we were prepared to support a duration clause. The reference to consultations in New York could open up the treaty to amendment at the General Assembly after the ENDC had completed its work, and ACDA thought that this would be "very disadvantageous." Finally, the Leddy memorandum could be construed "to prevent us from working out a duration clause until we had our allies' approval, and

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<sup>1</sup>Leddy to Rusk, memorandum, Nov. 9, 1967, Secret.

this might be exploited to create further delays for the NPT."<sup>1</sup>

Secretary Rusk apparently did not understand the scenario of the negotiations. He told Ortona that we hoped to complete the draft treaty, submit it to the General Assembly, and then go back to Geneva, where the pending amendments would be disposed of and the duration question could be worked out. Ambassador Ortona observed that Italy did not want other amendments to be accepted before the General Assembly stage without any action on duration. At this point Acting ACDA Assistant Director Gleysteen joined the meeting and explained that we were trying to complete the treaty with the amendments by November 30 and get it to the General Assembly. Under these conditions, Secretary Rusk thought that it would be desirable to deal with duration as soon as possible. But he doubted that the treaty could be completed by November 30 and stressed the need for a large number of signatures. He told Ortona that he would get in touch with Foster and that we had a commitment to look seriously at the duration provision.<sup>2</sup>

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<sup>1</sup>Alexander to Rusk, memorandum, Nov. 9, 1967, Secret.

<sup>2</sup>To Bonn, Rome, Tokyo, New York, and Geneva, tel. 67994, Nov. 11, 1967, Secret/Lindis.

Geneva was immediately informed.<sup>1</sup> Our delegation thought that the Soviets' decision would be influenced by their judgment on whether a limited duration clause was necessary to make the treaty a success and insure FRG accession and also by the amount of serious pressure we were prepared to apply. While the Soviets would probably prefer the first of the two alternatives the delegation had suggested on October 21, there was a "fair chance" that they might go further. If we seriously intended to achieve a reasonable limitation on duration, the delegation believed that we should first approach the Soviets with the second alternative.<sup>2</sup> The U.S. Mission to NATO agreed. It considered it important to meet the Germans and Italians on the duration issue, particularly because article III remained unresolved and there were indications that we might not be as successful in protecting allied interests in that article as we had hoped.<sup>3</sup>

On November 30 the delegation was authorized to present the second alternative to the Soviets.<sup>4</sup> At the Co-Chairmen's

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<sup>1</sup>To Geneva, tel. 68010, Nov. 11, 1967, Secret/Limdis.

<sup>2</sup>From Geneva, tel. 1770, Nov. 11, 1967, Secret/Limdis.  
For the Oct. 21 suggestions, see above, p.

<sup>3</sup>From USNATO, tel. 529, Nov. 21, 1967, Secret/Limdis.

<sup>4</sup>To Geneva, tel. 76978, Nov. 30, 1967, Secret.

meeting of December 2, Mr. Foster said that this proposal would gain much support for the treaty without making it unstable and be of great assistance in making it acceptable on other key issues.<sup>1</sup>

Later, Soviet delegate R. M. Timerbaev asked De Palma and Neidle what would happen if the special conference was unable to decide whether to extend the treaty. Would it continue in force or be considered to have lapsed? He also asked whether the six months period for denunciation would begin when the conference adjourned or when it made a decision. The preliminary reaction of the Americans was that there was only a hypothetical and remote chance that the conference would fail to reach a decision. If difficulty did arise, the conference would presumably continue until it made some decision. They understood that the six months would run from the date the conference adjourned. In the light of this discussion, the delegation recommended that it be authorized to inform the Soviets that the treaty would continue in force indefinitely until the conference reached a decision, since no fixed duration would be specified in the treaty.<sup>2</sup>

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<sup>1</sup>From Geneva, tel. 1945, Dec. 3, 1967, Secret.

<sup>2</sup>From Geneva, tel. 1979, Dec. 6, 1967, Secret/Limdis.

At the last Co-Chairmen's meeting of the session (December 15), Ambassador Roshchin wondered if others would suggest shorter periods once 25 years was mentioned. Mr. Foster explained that we were not proposing to limit the treaty to 25 years but to provide for its extension after that period. He thought that the United States and the Soviet Union could stand pat on this and resist attempts to shorten the period.<sup>1</sup>

#### Safeguards

As we have seen, the safeguards article was left blank in the draft treaty because the United States and the Soviet 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.<sup>2</sup>

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

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

<sup>2</sup>See above, pp.

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. 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.<sup>1</sup>

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<sup>1</sup>From Geneva, tel. 629, Aug. 26, 1967, Secret/Limdis.

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.<sup>1</sup>

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

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<sup>1</sup>For the IAEA safeguards document, see Documents on Disarmament, 1965, pp. 446-460.

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 1½ years.<sup>1</sup>

Soviet Compromise, September 1, 1967

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

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

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 safeguard 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 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.

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.<sup>1</sup>

In a message to Rusk 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

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

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 idea<sup>1</sup>; 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 complete 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

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

safeguards system without amending the non-proliferation treaty.<sup>1</sup>

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."

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

(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.<sup>1</sup>

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

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<sup>1</sup>To Paris, tel. 31868, Sept. 4, 1967, Secret/Limdis.

non-proliferation treaty, a prompt allied response was desirable.<sup>1</sup>

Ambassador Cleveland presented the Soviet proposal and our comments to the NAC, and Mr. Foster informed the Western Four at Geneva.<sup>2</sup> Later, we asked the Commission of the European Economic Community (EEC) to furnish its views as soon as possible.<sup>3</sup>

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.<sup>4</sup> In Moscow, Foreign Minister Gromyko told Ambassador Thompson that the Soviet Government had not yet fully analyzed or accepted the Roshchin proposal.<sup>5</sup>

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

<sup>2</sup>From Paris, tel. 2877, Sept. 6, 1967, Secret/Limdis; from Geneva, tel. 732, Sept. 4, 1967, Secret/Limdis.

<sup>3</sup>From Brussels, tel. 1522, Sept. 12, 1967, Secret/Limdis.

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

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

### 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 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 and that 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 undertook to accept safeguards on their peaceful nuclear activities.<sup>1</sup>

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

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<sup>1</sup>From 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).

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.<sup>1</sup>

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.<sup>2</sup>

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<sup>1</sup>From Paris, tels. 3504, Sept. 16, 1967, Secret, and 3508, Sept. 16, 1967, Confidential.

<sup>2</sup>For the three principles, see above, p.

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 Soviets had agreed that treaty safeguards would not be applied in any nuclear-weapon country, e.g., 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.<sup>1</sup>

#### 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 NAC<sup>2</sup> 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

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

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

and Euratom 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.<sup>1</sup>

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.<sup>2</sup>

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

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<sup>1</sup>To Paris, tel. 40393, Sept. 20, 1967, Secret, from Bonn, tel. 3240, Sept. 22, 1967, Confidential.

<sup>2</sup>To Paris, tel. 40397, Sept. 20, 1967, Secret.

but indicated that Italy would sign the treaty, though without enthusiasm, if the draft treaty was improved.<sup>1</sup>

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 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.<sup>2</sup>

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<sup>1</sup>To Rome, tel. 42922, Sept. 23, 1967, Secret/Limdis.

<sup>2</sup>See above, pp.

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. Our aim was to achieve a framework for an IAEA-Euratom agreement. 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.<sup>1</sup>

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

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<sup>1</sup>To Paris, Rome, Geneva, Brussels, New York, tel. 40712, Sept. 20, 1967, Secret.

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:

...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 demarche to Moscow.<sup>1</sup>

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

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<sup>1</sup>From Geneva, tels. 856, Sept. 16, 1967; 885, Sept. 19, 1967; 914, Sept. 21, 1967, Secret.

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.<sup>1</sup>

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.<sup>2</sup>

#### Dutch Amendments

The Dutch representative's instructions arrived too late for him to present the amendments his country had decided to

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<sup>1</sup>To Paris, tel. 40391, Sept. 20, 1967, Secret.

<sup>2</sup>From Paris, tel. 3736, Sept. 20, 1967, Secret.

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."<sup>1</sup> The Dutch would also replace "carried out by it anywhere" with "under its jurisdiction."<sup>2</sup>

#### 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 IAEA safeguards than the United States exercised over the fissionable materials it furnished

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<sup>1</sup>From Paris, tels, 3736 and 3741, Sept. 20, 1967, and 3816, Sept. 21, 1967, Secret.

<sup>2</sup>From Paris, tel. 4287, Sept. 29, 1967, Secret.

Euratom.<sup>1</sup> ACDA believed that there would be "virtually no chance of obtaining mutual agreement" if the Council adopted this position.<sup>2</sup>

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.<sup>3</sup>

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.<sup>4</sup> Ambassador Schaetzel disagreed and recommended

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<sup>1</sup>From 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).

<sup>2</sup>Alexander to Acting Secretary of State, memorandum, Sept. 25, 1967, Secret.

<sup>3</sup>From 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).

<sup>4</sup>From Geneva, tel. 898, Sept. 21, 1967, Secret.

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.<sup>1</sup>

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.<sup>2</sup> He agreed with Schactzel on the need to avoid a Franco-American confrontation.<sup>3</sup>

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-

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<sup>1</sup>From Brussels, tel. 4103, Sept. 21, 1967, Secret. For the Lucet talks, see above, pp.

<sup>2</sup>From Bonn, tel. 3173, Sept. 21, 1967, Confidential.

<sup>3</sup>From Bonn, tel. 3226, Sept. 22, 1967, Secret.

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."<sup>1</sup>

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...<sup>2</sup>

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<sup>1</sup>To Bonn, tel. 42407, Sept. 23, 1967, Secret.

<sup>2</sup>From Bonn, tel. 3250, Sept. 25, 1967, Secret.

Co-Chairmen's Meeting, September 22, 1967

Although the September 20 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.<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup>

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

<sup>2</sup>From Geneva, tel. 913, Sept. 21, 1967, Secret.

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

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:

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.<sup>1</sup> These views were communicated to the Acting Secretary of State just before the Rusk-Gromyko talks took place.<sup>2</sup>

#### 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:

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.<sup>3</sup>

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<sup>1</sup>From Geneva, tel. 933, Sept. 23, 1967, Secret/Lindis.

<sup>2</sup>Alexander to Acting Secretary of State, memorandum, Sept. 25, 1967, Secret.

<sup>3</sup>From New York, tel. 998, Sept. 26, 1967, Secret/Exdis; to Geneva, tel. 44705, Sept. 27, 1967, Secret/Nodis.

Mr. Foster then discussed the new draft with Lev I. Mendeleovich, 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.<sup>1</sup>

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, however, that they would cause further delay and arouse allied suspicion of

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<sup>1</sup>Memcon Rusk, Gromyko, et al., Sept. 27, 1967, Secret/Exdis.

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-memoire to the allies.<sup>1</sup>

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.<sup>2</sup> 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.<sup>3</sup>

The British, who had previously shown show reserve, made a sympathetic statement at the September 26 meeting of the NAC.

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

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

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

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.

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.<sup>1</sup>

U.S. Aide-Memoire, October 5, 1967

After this meeting, Mr. Fisher sent Foster a draft position paper and recommended that we immediately circulate it in the NAC.<sup>2</sup> As noted above, Mr. Foster was already thinking along these lines.<sup>3</sup>

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.

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<sup>1</sup>From Paris, tel. 4099, Sept. 26, 1967, Secret.

<sup>2</sup>From Geneva, tel. 1022, Sept. 29, 1967, Secret.

<sup>3</sup>See above, p.

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.<sup>1</sup>

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."<sup>2</sup>

While 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

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<sup>1</sup>From Geneva, tel. 1054, Oct. 2, 1967, Secret/Nodis.

<sup>2</sup>Foster to Rusk, memorandum, Oct. 2, 1967, Secret.

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 discussions.<sup>1</sup>

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-memoire at once. The aide-memoire, delivered in the NATO capitals on October 5, closely followed the lines of Fisher's draft position paper.<sup>2</sup> 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.<sup>3</sup> In the light of the allied consultations, however, we considered it advantageous to seek Soviet agreement on certain changes and understandings:

(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

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<sup>1</sup>Stoessel (State/EUR) to Rusk, memorandum, Oct. 3, 1967, Secret.

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

<sup>3</sup>See above, pp.

draft with the neutral language previously recommended by Mr. Fisher.<sup>1</sup> 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.<sup>2</sup> 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,<sup>3</sup> we would find it

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

<sup>2</sup>See above, pp.

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

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.

(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, this would give Euratom "substantially more than two years" to work out an agreement with IAEA.<sup>1</sup>

Allied reactions varied. The French avoided taking a clear position on Euratom's authority to negotiate with IAEA.<sup>2</sup> The Canadians interposed no objections.<sup>3</sup> 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.

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<sup>1</sup>Circ. tel. 48868, Oct. 4, 1967, Secret.

<sup>2</sup>From Paris, tel. 4841, Oct. 7, 1967, Secret.

<sup>3</sup>From Ottawa, tel. 2115, Oct. 7, 1967, Secret.

They also suggested some minor drafting changes.<sup>1</sup>

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 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.<sup>2</sup>

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

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<sup>1</sup>From Geneva, tel. 1120, Oct. 7, 1967, Secret. For the U.S. delegation's views, see Geneva tel. 1123, Oct. 7, 1967, Secret.

<sup>2</sup>To Geneva, Paris, London, etc., tel. 51151, Oct. 9, 1967, Secret.

formal statement of interpretation. Ambassador Grewe said that the FRG could not take a formal position until Euratom consultation 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.

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.<sup>1</sup>

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<sup>1</sup>From Paris, tel. 5050, Oct. 11, 1967, Secret.

### 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 demarches 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.<sup>1</sup>

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 even if it took a week or two.<sup>2</sup>

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

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<sup>1</sup>Foster to Rusk, memorandum, Oct. 10, 1967, Secret.

<sup>2</sup>Stoessel to Rusk, memorandum, Oct. 11, 1967, Secret.  
For the U.S. commitments, see above, pp.

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."<sup>1</sup>

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."<sup>2</sup> 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

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<sup>1</sup>ACDA memorandum to Stoessel, Oct. 16, 1967, Secret; Stoessel to Foster, memorandum, Oct. 6, 1967, Secret.

<sup>2</sup>For the Dutch amendment, see above, p.

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 said States resulting from the Treaty concluded at Rome, March 25, 1967, 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.<sup>1</sup>

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.<sup>2</sup> 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-memoire, possibly with the third amendment suggested by the British.<sup>3</sup>

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<sup>1</sup>From Geneva, tel. 1198, Oct. 13, 1967, Secret.

<sup>2</sup>From Brussels, tel. 2391, Oct. 20, 1967, Secret.

<sup>3</sup>From Geneva, tel. 1302, Oct. 22, 1967, Secret. See above,

pp.

Brandt-Rusk Letters

On October 12, the FRG Cabinet Defense Council discussed the non-proliferation problem. Science Minister Stoltenburg 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.<sup>1</sup>

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-memoire did not dispel this impression. We should understand that the European Community procedures took time, 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.<sup>2</sup>

When Mr. Foster pointed out that the Soviet draft tried to meet our position that Euratom must be protected and the Soviet

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<sup>1</sup>From Bonn, tel. 4103, Oct. 12, 1967, Secret/Limdis.  
<sup>2</sup>See above, p.

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.<sup>1</sup>

Foreign Minister Brandt followed up this demarche 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

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<sup>1</sup>Memcon Knapstein, Rusk, Foster, et al., Oct. 12, 1967, Secret; to Geneva, tel. 53499, Oct. 13, 1967, Secret/Exdis.

uses. The verification solution in the American draft worked out in the Western consultations represents, in the opinion 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."<sup>1</sup>

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.<sup>2</sup> 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.<sup>3</sup>

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

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

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

<sup>3</sup>From USNATO, tel. 26, Oct. 18, 1967, Secret.

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.<sup>1</sup>

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-memoire, 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."

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

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.

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.<sup>1</sup>

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

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

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."<sup>1</sup>

Against ACDA's wishes, the French role was not discussed in the Secretary's letter. ACDA then proposed that Ambassador McGhee be instructed to deliver an oral statement on the subject.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> 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."<sup>5</sup>

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

<sup>2</sup>Alexander to Rusk, memorandum, Oct. 19, 1967, Secret.

<sup>3</sup>Leddy (State/EUR) to Rusk, memorandum, Oct. 19, 1967, Secret.

<sup>4</sup>To Bonn, tel. 57167, Oct. 20, 1967, Secret/Exdis.

<sup>5</sup>From Bonn, tel. 4460, Oct. 20, 1967, Secret/Exdis.

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

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<sup>[S]</sup> or the application of US bilateral safeguards.<sup>1</sup>

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.<sup>2</sup>

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

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

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

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 judgment 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."<sup>1</sup>

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."<sup>2</sup>

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<sup>1</sup>From Geneva, tel. 1296, Oct. 20, 1967; to Brussels, Bonn, USNATO, tel. 58103, Oct. 23, 1967, Secret/Exdis.

<sup>2</sup>From Berlin, tel. 516, Oct. 23, 1967, Secret/Exdis.

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.<sup>1</sup>

#### 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

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<sup>1</sup>From 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.

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.

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.<sup>1</sup>

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-

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

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.

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.<sup>1</sup> The Dutch representative stressed that the five principles went beyond the proposals his country had previously made<sup>2</sup> but that the Euratom countries were unanimously agreed. 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.<sup>3</sup>

Mr. Fisher observed that the FRG "illustrative draft" was non-negotiable and unlikely to gain general international

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

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

<sup>3</sup>From USNATO, tels. 105 and 108, Oct. 25, 1967, Secret.

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.<sup>1</sup> 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."<sup>2</sup>

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"

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<sup>1</sup>From Geneva, tel. 1366, Oct. 26, 1967, Secret/Limdis.

<sup>2</sup>From Bonn, tel. 4568, Oct. 26, 1967, Secret/Limdis.

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 close until the end of the month. He warned that delay could have dangerous consequences:

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.<sup>1</sup>

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.

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

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.<sup>1</sup>

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-mémoire, 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.<sup>2</sup> 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.<sup>3</sup>

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<sup>1</sup>From 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).

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

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

### 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.

(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.<sup>1</sup>

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<sup>1</sup>Foster to Rusk, memorandum, Oct. 27, 1967, Secret/Limdis, with attached paper, "Possible Alternative Procedures," Secret. See also draft tel. to Fisher re "Draft Instruction to Cleveland Under Discussion Here," Secret.

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-memoire, 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.

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.<sup>1</sup>

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

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

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.<sup>1</sup>

On the following 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.<sup>2</sup> 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.<sup>3</sup>

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<sup>1</sup>Brandt to Rusk. ltr., Oct. 29, 1967, Secret, with attached memorandum, Secret; to Geneva, tel. 1580, Oct. 29, 1967, Secret/Limdis.

<sup>2</sup>From Geneva, tel. 1414, Oct. 29, 1967, Secret/Exdis.

<sup>3</sup>Foster to Rusk, memorandum, Oct. 30, 1967, Secret.

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:

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-weapons) 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 source or special fissionable material for 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.<sup>1</sup>

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.<sup>2</sup> In Rome, the Foreign Ministry told our Embassy that the Five would only present their principles to the NAC and leave the exact language

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<sup>1</sup>From Bonn, tel. 4654, Oct. 30, 1967, Secret/Limdis. Cf. above, pp.

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

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.<sup>1</sup>

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. 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.<sup>2</sup>

Ambassador Cleveland was now instructed to tell the ENDC 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

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<sup>1</sup>From Rome, tel. 2270, Oct. 30, 1967, Confidential.

<sup>2</sup>From Bonn, tel. 4656, Oct. 30, 1967, Secret/Limdis. For the second sentence of the first German draft, see above, p. The second German draft retained the same language but omitted the word "such."

"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-memoire, 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.<sup>1</sup>

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<sup>1</sup>To USNATO, tel. 61705, Oct. 30, 1967, Secret.

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.<sup>1</sup>

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

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

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.<sup>1</sup> We had finally gotten the "green light."

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

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<sup>1</sup>From USNATO, tel. 193, Oct. 31, 1967, Secret.

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 of 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.

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.<sup>1</sup>

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

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.<sup>1</sup> 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.<sup>2</sup> 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, insofar 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.

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<sup>1</sup>See above, pp.

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

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,<sup>1</sup> Mr. Fisher did not believe

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

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...

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.<sup>1</sup>

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<sup>1</sup>"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, p.

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. 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.<sup>1</sup>

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.<sup>2</sup>

#### 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,

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<sup>1</sup>From Geneva, tel. 1501, Nov. 3, 1967, Secret/Exdis. For the discussions on the last paragraph, see above, pp.

<sup>2</sup>Memcon Rusk, Kuznetsov, Leddy, et al., Nov. 3, 1967, Secret.

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...

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.<sup>1</sup>

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

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

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.<sup>1</sup>

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.<sup>2</sup>

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 (as distinct from our national position), we should press the other Co-Chairman very hard on

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<sup>1</sup>Leddy to Rusk, memorandum, Nov. 6, 1967, Secret, with attached draft tel. to Geneva, Secret/Exdis.

<sup>2</sup>Alexander to Rusk, memorandum, Nov. 6, 1967, Secret/Exdis.

[the] Nov. 2 formulation as the most likely to achieve [the] greatest number of signatures."<sup>1</sup>

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...

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<sup>1</sup>To Geneva, tel. 66855, Nov. 8, 1967, Secret/Exdis.

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."

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.<sup>1</sup>

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"<sup>2</sup> and that the Dutch had been perfectly willing to retain the term:<sup>3</sup>

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

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

<sup>3</sup> See above, pp.

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.<sup>1</sup>

#### 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

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<sup>1</sup>From Geneva, tel. 1624, Nov. 9, 1967, Secret/Exdis; to Moscow, tel. 68036, Nov. 11, 1967, Secret/Exdis.

that the Secretary's message represented "the considered official opinion of the United States Government."<sup>1</sup>

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.<sup>2</sup>

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

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

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

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.

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.<sup>1</sup>

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.<sup>2</sup>

The status of the Roshchin suggestion remained unclear. Ambassador Roshchin reportedly told Beeley that Moscow had rejected it.<sup>3</sup> U.K. Disarmament Minister Mulley then tried out the third British amendment on Roshchin, who gave the impression that the Soviets might accept it.<sup>4</sup> The British thought that the

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

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

<sup>3</sup>To Geneva, tel. 7003, Nov. 16, 1967, Secret/Limdis.

<sup>4</sup>From London, tel. 3981, Nov. 17, 1967, Secret/Limdis.

For the British amendment, see above, p.

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.<sup>1</sup>

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.<sup>2</sup>

#### 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

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<sup>1</sup>To Geneva, tel. 70394, Nov. 16, 1967, Secret.

<sup>2</sup>From Geneva, tel. 1793, Nov. 19, 1967, Secret/Limdis.

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:<sup>1</sup>

...the undertaking concerning safeguarded supply of nuclear materials to non-nuclear-weapon states does not apply until a specified 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.<sup>2</sup>

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.<sup>3</sup> 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.<sup>4</sup> In Geneva, the Belgian observer told Foster that any doubt on supply would give France a perfect excuse to object to adherence to the

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

<sup>2</sup>To 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. ).

<sup>3</sup>From USNATO, tel 404, Nov. 15, 1967, Secret.

<sup>4</sup>From Brussels, tel. 2843, Nov. 14, 1967, Confidential.

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.<sup>1</sup> We did not change our position.

The Dutch representative told the NAC that he would prefer to eliminate the reference to the "Agency's safeguards system" and wished to be sure that the treaty signatories 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.<sup>2</sup>

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.<sup>3</sup> In Rome, the Foreign Ministry told our Embassy that the question of governmental vs. private activities would arise.<sup>4</sup> 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

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<sup>1</sup>From Geneva, tel. 1716, Nov. 15, 1967, Secret.

<sup>2</sup>From USNATO, tel. 404, Nov. 15, 1967, Secret.

<sup>3</sup>Ibid.

<sup>4</sup>From Rome, tel. 2537, Nov. 14, 1967, Secret.

required private companies to obtain export licenses.<sup>1</sup>

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.<sup>2</sup> 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."<sup>3</sup>

In an aide-memoire 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 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

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<sup>1</sup>To Rome, tel. 70530, Nov. 16, 1967, Secret.

<sup>2</sup>From Bonn, tel. 5116, Nov. 13, 1967, Secret. The FRG "illustrative" draft specifically mentioned "organizations"; see above, pp.

<sup>3</sup>To Bonn, tel. 69938, Nov. 16, 1967, Secret.

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.<sup>1</sup>

The Germans deeply regretted that we had dropped the "furtherance" or "facilitation" clause<sup>2</sup> 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.

The Germans 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.<sup>3</sup>

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:

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

<sup>2</sup>In 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. ).

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

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 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 that 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.<sup>1</sup>

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<sup>1</sup>Fisher to Rusk, memorandum, Nov. 21, 1967, Secret.

### The Three Alternatives

Secretary Rusk did not send a letter to Brandt but decided to try to obtain definitive responses from the NATO countries and Japan on three alternatives: (1) the November 2 proposal, (2) the November 9 formula, and (3) the third British amendment.<sup>1</sup>

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.<sup>2</sup>

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.<sup>3</sup> The Dutch informed our NATO delegation that they could accept the British draft, although they preferred their own proposal.<sup>4</sup> Our Embassy in Tokyo reported that the Japanese had no strong objections to any of the alternatives but tended to prefer the British draft.<sup>5</sup>

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<sup>1</sup>To USNATO, tel. 73186, Nov. 22, 1967, Secret.

<sup>2</sup>From USNATO, tel. 626, Nov. 25, 1967, Secret.

<sup>3</sup>To Rome, tel. 74722, Nov. 25 1967, Secret.

<sup>4</sup>From USNATO, tel. 660, Nov. 27, 1967, Secret.

<sup>5</sup>From Tokyo, tel. 3595, Nov. 27, 1967, Secret.

The German Embassy had previously told us that any text which specifically designated "IAEA" safeguards was unacceptable to the FRG.<sup>1</sup> 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.<sup>2</sup>

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.

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<sup>1</sup>To Geneva, tel. 72969, Nov. 22, 1967, Secret.

<sup>2</sup>From Geneva, tel. 1863, Nov. 25, 1967, Secret.

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.<sup>1</sup>

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, 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.<sup>2</sup>

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

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

<sup>2</sup>From USNATO, tel. 750, Nov. 30, 1967, Secret.

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."<sup>1</sup> 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.<sup>2</sup> 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 so 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.<sup>3</sup>

#### 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 applied under the treaty. U.K. Disarmament Minister Mulley made a similar statement two days later.<sup>4</sup>

<sup>1</sup>From Geneva, tel. 1926, Dec. 1, 1967, Secret.

<sup>2</sup>From Brussels, tel. 3364, Dec. 5, 1967, Confidential.

<sup>3</sup>To USNATO, tel. 79423, Dec. 5, 1967, Secret/Exdis.

<sup>4</sup>International Negotiations on the Treaty on the Nonproliferation of Nuclear Weapons, p. 82.

President Saragat immediately welcomed the Johnson announcement,<sup>1</sup> and Foreign Minister Brandt called it "a significant step in the direction of equality and mutuality of controls."<sup>2</sup>

#### 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.<sup>3</sup>

At the NAC meeting, Ambassador Cleveland made it clear that there were still three alternatives, even though the

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<sup>1</sup>Documents on Disarmament, 1967, pp. 615-616.

<sup>2</sup>From Bonn, tel. 5863, Dec. 4, 1967, Unclassified.

<sup>3</sup>Fisher to Rostow, memorandum, Dec. 4, 1967, Secret, with attached ltr. from Fisher to the President, Dec. 5, 1967, Secret.

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.
- (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.<sup>1</sup>

#### Question of IAEA-Euratom Technical Talks

Even before this point was reached, Ambassador McGhee had

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<sup>1</sup>From USNATO, tel. 899, Dec. 6, 1967, Secret.

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.<sup>1</sup>

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."<sup>2</sup> 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.<sup>3</sup>

Secretary Rusk decided that we should neither take the initiative in proposing the talks nor stand in the way of the allies if they thought that they would be useful. If Ambassador

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<sup>1</sup>From Bonn, tel. 5660, Nov. 28, 1967, Secret/Exdis.

<sup>2</sup>From Geneva, tel. 1902, Nov. 29, 1967, Secret/Exdis.

<sup>3</sup>From Bonn, tel. 5758, Nov. 30, 1967, Secret/Exdis.

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.<sup>1</sup>

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.<sup>2</sup> 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."<sup>3</sup>

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

<sup>2</sup>From Brussels, tel. 3400, Dec. 6, 1967, Secret.

<sup>3</sup>Smyth to Rusk, ltr., Dec. 8, 1967, no classification given.

## 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.

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 they could not 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."<sup>1</sup>

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 Israel 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

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<sup>1</sup>Farley to Fisher, Leddy, and Sisco, memorandum, Dec. 5, 1967, Confidential.

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. "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."<sup>1</sup>

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

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<sup>1</sup>Alexander to Farley, memorandum, Dec. 14, 1967, Confidential. For the U.K. view, see above, p.

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.<sup>1</sup>

ACDA disagreed for the same reasons it had expressed in the case of Farley's suggestion.<sup>2</sup>

#### 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.<sup>3</sup> 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

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<sup>1</sup>Owen (State-S/P) to Rusk, memorandum, Dec. 8, 1967, Secret.

<sup>2</sup>Foster to Rusk, memorandum, Dec. 21, 1967, Secret.

<sup>3</sup>See above, p.

suffer harm and the movement toward European integration would suffer a setback. He was pleased that we had changed our position on the duration of the treaty.<sup>1</sup>

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.<sup>2</sup>

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<sup>1</sup>Kiesinger to Johnson, ltr., n.d., no classification given.

<sup>2</sup>To Bonn, tel. TOSEC 5, Dec. 11, 1967, Secret.

Later, Chancellor Kiesinger indicated to McGhee that he considered that his letter superseded the German aide-memoire of November 21 which Mr. Fisher had found so objectionable.<sup>1</sup> This apparently spared us the necessity of replying to the aide-memoire.<sup>2</sup>

#### 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.<sup>3</sup> We therefore believed that the road to agreement lay through the November 2 sentence.<sup>4</sup> We understood that Gromyko had rejected the latter because it would constitute "self inspection" by Euratom countries.<sup>5</sup> 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

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<sup>1</sup>See above, pp.

<sup>2</sup>Puhan (State-EUR/GER) to Leddy, memorandum, Dec. 21, 1967, Confidential.

<sup>3</sup>See above, p.

<sup>4</sup>See above, p.

<sup>5</sup>See above, p.

material was not diverted to "nuclear weapons or other nuclear explosive devices."<sup>1</sup> This could not possibly constitute "self-inspection." Time was running out, and the Co-Chairmen should concentrate on substance rather than labels.<sup>2</sup>

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.<sup>3</sup> 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.<sup>4</sup>

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

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

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

<sup>3</sup>From Geneva, tel. 2019, Dec. 9, 1967, Secret/Exdis.

<sup>4</sup>Memorandum for the record by Nathaniel Davis re lunch with Vorontsov (Soviet Embassy), Dec. 12, 1967, Limited Official Use; to Moscow, tel. 82895, Dec. 12, 1967, Secret.

known, and the Soviets should understand what 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.<sup>1</sup>

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

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<sup>1</sup>From Geneva, tel. 2078, Dec. 15, 1967, Secret/Lindis.

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,

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.<sup>1</sup>

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.

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<sup>1</sup>To Geneva, tel. 61529, Oct. 28, 1967, Secret.

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,

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 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.<sup>1</sup>

Both documents were based to a large extent on earlier Soviet proposals.<sup>2</sup> 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.

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<sup>1</sup>To Geneva, tel. 61530, Oct. 29, 1967, Secret.

<sup>2</sup>See above, pp.

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.<sup>1</sup>

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.<sup>2</sup> 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

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<sup>1</sup>To Geneva, tel. 61531, Oct. 28, 1967, Secret.

<sup>2</sup>From Geneva, tel. 1452, Oct. 31, 1967, Secret.

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.<sup>1</sup>

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.<sup>2</sup> 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.<sup>3</sup>

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<sup>1</sup>From Geneva, tel. 1500, Nov. 2, 1967, Secret.

<sup>2</sup>From New Delhi, tel. 5232, Oct. 31, 1967, Secret; to New Delhi, tel. 64314, Nov. 3, 1967, Secret.

<sup>3</sup>From New York, tel. 2287, Nov. 16, 1967, Secret.

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 a direct link between assurances and the treaty. Even with this link, however, 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-defence 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 could 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.<sup>1</sup>

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

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<sup>1</sup>From Geneva, tel. 1826, Nov. 22, 1967, Secret.

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.<sup>1</sup>

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,<sup>2</sup> they hoped that we would be flexible in looking at alternatives in the context of the U.N. Charter.

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<sup>1</sup>To Geneva, tel. 78569, Dec. 2, 1967, Secret.

<sup>2</sup>See above, pp.

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.<sup>1</sup>

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.<sup>2</sup>

As Mr. De Palma had told the Soviets, a non-use formula presented difficulties for us.<sup>3</sup> We had invariably opposed Soviet or nonaligned proposals to ban the use or first use of nuclear weapons,<sup>4</sup> and we could not accept the Kosygin proposal because it discriminated against allied countries where U.S. nuclear weapons were stationed.<sup>5</sup> In 1966, however, we were

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<sup>1</sup>From Geneva, tel. 1476, Nov. 2, 1967, Secret. See also below, chapter K-6.

<sup>2</sup>From Geneva, tel. 1619, Nov. 9, 1967, Secret.

<sup>3</sup>See above, p.

<sup>4</sup>See below, chapter K-6.

<sup>5</sup>See above, pp.

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.<sup>1</sup>

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 State.

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.

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<sup>1</sup>See above, pp.

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."<sup>1</sup>

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,<sup>2</sup> 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

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<sup>1</sup>To USNATO, Bonn, etc., tel. 74017, Nov. 23, 1967, Secret.

<sup>2</sup>See above, pp.

blackmail against non-nuclear-weapon powers."<sup>1</sup> 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."<sup>2</sup>

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:

...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 nonaligned 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.<sup>3</sup>

In response to a later FRG inquiry, we said that nuclear blackmail would not be a violation of the non-proliferation

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<sup>1</sup>Circ. agm. CA-3203, Oct. 27, 1967, Secret.

<sup>2</sup>Circ. agm. CA-3488, Nov. 9, 1967, Secret.

<sup>3</sup>To 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).

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 in the event of war.<sup>1</sup>

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.<sup>2</sup>

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

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<sup>1</sup>Circ. agm. CA-4103, Dec. 12, 1967, Confidential.

<sup>2</sup>From USNATO, tels. 750, Nov. 30, 1967, Secret, and Dec. 6, 1967, Secret/Limdis.

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.<sup>1</sup> 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.<sup>2</sup> Although Ambassador Roshchin reported our proposals to Moscow, there was no definitive Soviet reply when the ENDC recessed.

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

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

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,<sup>1</sup> 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. In spite of Indian and Brazilian protests, the other delegates acquiesced in this decision. On December 7 the ENDC reported that it had made

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

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.<sup>1</sup> 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.<sup>2</sup> The Brazilian attitude apparently stemmed from the desire of Foreign Minister Magalhaes 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

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

<sup>2</sup>Ibid., pp. 65-67.

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 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.<sup>1</sup>

Mr. Foster found this statement very damaging and 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. He recommended cancellation of the bilateral talks scheduled for mid-September.<sup>2</sup> 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.<sup>3</sup> Washington concluded that it would be best to avoid an "overly harsh reaction" which might solidify Brazilian opposition to the treaty and decided

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<sup>1</sup>Documents on Disarmament, 1967, pp. 368-372.

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

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

to go ahead with the talks.<sup>1</sup>

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.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

Ambassador Tuthill returned to Washington for the talks (September 12-13, 1967). During these talks, Secretary-General Correâ 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.<sup>5</sup> In a meeting with Fisher, the Ambassador taxed Correâ da Costa with a recent statement by Magalhaes Pinto, who had told the press in Rio that, as more countries developed the bomb, it was less

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<sup>1</sup>To Geneva, tel. 33315, Sept. 7, 1967, Secret/Limdis.

<sup>2</sup>From Rio de Janeiro, tel. 1670, Sept. 7, 1967, Secret/Limdis.

<sup>3</sup>From Brasilia, tel. 930, Sept. 9, 1967, Secret/Limdis.

<sup>4</sup>From Brasilia, tel. 923, Sept. 8, 1967, Secret/Limdis; from Geneva, tels. 800 and 801, Sept. 12, 1967, Secret/Limdis.

<sup>5</sup>Memcon Correa da Costa, Katzenbach, et al., Sept. 13, 1967, Confidential.

likely that it would ever be used.<sup>1</sup> Our representations to the Brazilians did not keep them from submitting completely unacceptable amendments on October 31.<sup>2</sup>

As previously noted, the Indian representative at Geneva suggested a number of completely non-negotiable changes in the draft treaty.<sup>3</sup> India apparently lost interest in the security assurances we were prepared to offer,<sup>4</sup> 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.<sup>5</sup>

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

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<sup>1</sup>Memcon Correa da Costa, Tuthill, Fisher, et al., Sept. 12 1967, Confidential.

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

<sup>3</sup>See above, p. 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.

<sup>4</sup>See above, p.

<sup>5</sup>From New York, tel. 2287, Nov. 16, 1967, Confidential

did not think that Indian abstention would be fatal and suggested that we might as well accept it gracefully.<sup>1</sup> 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.<sup>2</sup>

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

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<sup>1</sup>Owen (State-S/P) to Rusk, memorandum, Dec. 8, 1967, Secret.  
<sup>2</sup>Foster to Rusk, memorandum, Dec. 21, 1967, Secret.

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.<sup>1</sup>

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 conclusion of the treaty but that he saw some psychological advantage in General Assembly endorsement and doubted that General Assembly discussion could be avoided.<sup>2</sup> 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.<sup>3</sup>

The task of drafting the resolution was then given to the U.S. and Soviet delegations in New York. Ambassador Mendelevich

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<sup>1</sup>Circ. tel. 77310, Nov. 30, 1967, Confidential.

<sup>2</sup>From Geneva, tel. 1945, Dec. 3, 1967, Secret.

<sup>3</sup>From Geneva, tel. 1944, Dec. 3, 1967, Secret.

early expressed a preference for a resumed, rather than a special session, of the General Assembly,<sup>1</sup> and we eventually agreed. On December 14 the United States, the USSR, and 14 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 strong 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.<sup>2</sup>

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

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<sup>1</sup>From New York, tel. 2710, Dec. 2, 1967, Confidential.

<sup>2</sup>International Negotiations on the Treaty on the Nonproliferation of Nuclear Weapons, p. 96.

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 representatives - 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.<sup>1</sup> This was done, and Ambassador Goldberg publicly disclosed the deal in the General Assembly. Both resolutions were approved by large majorities<sup>2</sup>

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<sup>1</sup>From New York, tel. 3106, Dec. 6, 1967, Confidential.

<sup>2</sup>International Negotiations on the Treaty on the Nonproliferation of Nuclear Weapons, -p. 97.