

**SELECTED KEY DOCUMENTS FROM UK
STATE PAPERS ON THE NEGOTIATION OF
THE NUCLEAR NON-PROLIFERATION
TREATY: 1968**

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NM(68) 1st Meeting

COPY NO. 27

CABINET

COMMITTEE ON SAFEGUARDS FOR NUCLEAR MATERIALS

MINUTES of a Meeting held in
Conference Room 'C', Cabinet Office, S.W.1., on
TUESDAY, 2nd JANUARY 1968 at 2.30 p.m.

PRESENT:

Mr. E.F. Newley,
Atomic Energy Authority
(In the Chair)

Mr. R.C. Hope-Jones,
Foreign Office

Dr. R. Press,
Cabinet Office

THE FOLLOWING WERE ALSO PRESENT:

Mr. R. McC. Andrew,
Foreign Office

Mr. G. Hall,
Foreign Office

Dr. P.H. Panton,
Ministry of Defence

Mr. W.R. Loader,
Ministry of Power

Mr. J. McAdam Clark,
Ministry of Technology

Mr. J.L. Croome,
Atomic Energy Authority

SECRETARIAT:

Mr. G. Hornby
Mr. K.W.N. George

C O N T E N T S:

<u>Item No.</u>	<u>Subject</u>	<u>Page</u>
1.	TECHNICAL DISCUSSIONS IN WASHINGTON	1
2.	SAFEGUARDS NEGOTIATIONS	4

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See 1/443
P
1/11

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2. SAFEGUARDS NEGOTIATIONS

MR. HOPE-JONES outlined recent progress towards a Non-Proliferation Treaty (NPT). The EMDC had finished its last session in the middle of December after making a brief report to the General Assembly. A number of amendments to the draft Treaty of 24th August had been agreed between the United States and the Soviet Union but these had not been tabled in the absence of an agreed Article III. This contentious Article had meanwhile been discussed at length in NATO and bilaterally outside it. At one stage the Soviet delegation had wanted to alter the wording to make it clear that what was to be negotiated in accordance with the statutes of the IAEA was the means to implement the agreement (i.e. the safeguards) and not the agreement itself, but the Soviet Government had rejected this initiative. It was disturbing that the Belgians and other members of EURATOM now sought to interpret the United States draft of 2nd November 1967 to mean that safeguards need not necessarily be in accordance with IAEA statutes and hence that EURATOM safeguards would do. Thus the Germans wanted to say that each non-nuclear state undertook to "have" safeguards rather than to accept them. It was of course extremely unlikely that the USSR would accept, without relation to the IAEA, the safeguards which EURATOM already had. It was against this background that the United Kingdom had proposed that each non-nuclear state should undertake to accept IAEA safeguards as set forth in an agreement to be concluded with the IAEA. The present timetable meant in effect that an agreed text for a draft treaty must be ready by mid-March and everything must be done to bring European opinion into line before then. The United Kingdom now had an opportunity to further the chances of this happening since the Director General of the IAEA had agreed to see a representative of the West German Government (State Secretary Lohr) and had sought the United Kingdom's views and advice. The Foreign Office had therefore prepared some draft notes (tabled at the meeting) for the Committee's consideration of what this advice should be.

In discussion the following main points were made -

- (a) Since a satisfactory NPT was a declared aim of Government policy, the Foreign Office were right to assume that the United Kingdom should agree to advise the Director General as he had asked because the German attitude represented the principal obstacle to a satisfactory Article III, which was in turn the main obstacle to a satisfactory NPT.

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(b) While it was true that no effective safeguards system could maintain its essential credibility without involving some inspection of facilities as well as of materials, this point could easily be wrongly presented. What needed emphasis was that safeguards should be explicitly limited to preventing the diversion of materials and that any inspection of facilities in EURATOM countries by the IAEA should be limited to what was strictly necessary to achieve that object.

(c) Any advice to the Director General should be kept in line with what the United Kingdom had already told the Germans and should seek to avoid two particular dangers: the risk of the Director General giving the Germans any commitment that their facilities would be free of IAEA inspection and the risk that the Director General might inadvertently leave the Germans with the fear that they would stand at a competitive disadvantage with the United States and ourselves when it came to commercial exploitation.

THE CHAIRMAN, summing up, said that the draft notes tabled by the Foreign Office, provided a general background for discussion with the Director General but needed some modification in the light of points made in discussion. Their wording was not precise enough to avoid the possibility of misinterpretation and they should not be handed over to the Director General or copied to the Germans. Much the best course would be for the Foreign Office to ask Mr. Hope-Jones himself to speak to the Director General on the general lines set out in his notes but taking account of the points made in discussion.

The Committee -

Invited the Foreign Office to be guided by the Chairman's summing up in the way taken to advise the Director General of the IAEA.

Cabinet Office, S.W.1

4th January 1968

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11 January, 1968

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PRIME MINISTER'S VISIT TO MOSCOW

JANUARY, 1968

DISARMAMENT

(a) NON-PROLIFERATION

Brief by the Foreign Office

Full Brief

The negotiations for a Non-Proliferation Treaty entered a new phase on 24 August, when the United States and Soviet co-Chairmen of the Eighteen Nation Disarmament Committee tabled a draft text (Annex A), complete except for Article III (the Safeguards Article) which was left blank. They hoped that within a few weeks they would be able to fill this blank and that in the meantime the rest of the draft would be examined in the E.N.D.C. and provisional agreement reached on a final version, so that by the time a text of Article III was finally tabled there would be little left to do.

2. These hopes have not been realised. Though the E.N.D.C. met regularly, little real progress was made, and the draft text came in for a great deal of criticism, some of it constructive and some unconstructive. Constructive criticism, for example, came from the Mexican representative, who proposed, with a view to meeting the wide demand for a treaty that provided for a balance of obligations between the nuclear and non-nuclear
/powers,

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powers, that some of the pious aspirations in the preamble should be transformed into positive commitments in the body of the treaty. In particular, he proposed that the nuclear powers should undertake definite obligations to press ahead with meaningful discussion of genuine disarmament measures and to ensure that the non-nuclear powers are not deprived of the potential benefits of peaceful nuclear explosions by their renunciation of the right to conduct such explosions themselves. Though the exact wording may still cause difficulty, the idea behind such proposals is sensible enough. In all this we have played a positive part, both by giving constructive support to the Mexican proposals, and by suggesting that the scope of the Review Conference should be extended to include the purpose of the preamble as well as the provision of the treaty.

3. The Americans and Russians were for the most part content to sit back and listen to the debate. It was not easy for them to reach an agreed text and now that they have done so they do not want to tinker with it more than is absolutely necessary. However, agreement on a certain number of amendments has been reached between the Russian and American co-Chairmen (Annex B). These have not yet been tabled, as the Russians wish to postpone this until the co-Chairmen can table a complete text, including Article III.

The Problem of Article III on Safeguards

4. The crucial problem is that of the relationship to be established between the I.A.E.A. and Euratom which has its own safeguards system. The five members of Euratom who intend to participate in the Non-Proliferation Treaty insist (and we as potential members of Euratom have steadfastly supported them over this) that I.A.E.A. should not apply safeguards to them direct, but only verify the effectiveness of the Euratom Safeguards System; and that in order to achieve this there must be negotiations and an agreement between I.A.E.A. and Euratom, as an organisation distinct from

- 2 -

/its members.

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its members. The Russians have indicated that they accept this in principle, but they will not agree to language which explicitly recognises Euratom or, by providing for verification, appears to give Euratom a favoured position under the Treaty.

5. Early in September the Russians produced a compromise draft Article III, which the Americans (who had certainly co-operated in drafting it) then tried to sell to their NATO allies. This draft represented a substantial shift in the Soviet position, and though it of course contained no reference to other international organisations such as Euratom, or to other safeguards systems, the Russians gave the Americans to understand that they would not contest interpretations of it that would permit negotiations between Euratom and the I.A.E.A. leading to an agreement by which I.A.E.A. would verify Euratom safeguards. The only trouble was that it was extremely difficult to square the actual language with the interpretations which the Russians were apparently willing to accept.

6. This Soviet draft Article III was considered in detail by Euratom and the five non-nuclear member governments. The reactions of the individual governments covered a whole spectrum of opinion from the Dutch, who saw little wrong with the wording, to the Germans, who wanted wholesale revisions. It was, however, necessary for Euratom to speak with a united voice, so the five non-nuclear members drew up five principles (Annex C) with which any draft should conform. At the same time the amendments proposed to the Soviet text by the Germans, being the most extreme, were put forward as illustrative.

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- 3 -

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7. Armed with these comments the Americans went back to the Russians. The Russians showed themselves more flexible than had been expected. They were not prepared to accept the German wording, as was only natural, but the Americans were able to extract from them textual changes which they felt covered the five principles put forward by Duraton. Only on the first half of the first sentence of the Article was it impossible for them to reach agreement. The Americans, adopting in part one of our own proposals, suggested that this should read:-

"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 I.A.E.A., in accordance with the Statute of the I.A.E.A. and the Agency's Safeguards System."

(Full text at Annex D.)

Mr. Roschin counter-proposed that it should read:-

"Each non-nuclear-weapon state party to the Treaty undertakes to accept safeguards, in accordance with the Statute of the I.A.E.A. and the Agency's Safeguards System, as set forth in an agreement to be concluded with the I.A.E.A."

This was presumably intended to make it clear that it was the safeguards themselves, and not merely the agreement, that had to be in accordance with the I.A.E.A. Statute and Safeguards System. Final agreement between the co-Chairmen looked very close, but at this point Moscow repudiated both the American version, which is usually referred to as the November 2 draft, and Mr. Roschin's version which is referred to as the November 9 draft, while agreeing the other amendments. It is not clear at the moment what wording the Russians will accept for this sentence, although the

/Americans

- 4 -

CONFIDENTIAL

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Americans hope that Moscow may still be induced to go into reverse and ultimately accept their wording of November 2.

8. It is disappointing that as a result of the Soviet Government's rejection of Mr. Roschin's text and the recent German attitude in NATO, the gap seems to be widening instead of narrowing. The Germans sometimes give the impression of backing away as compromises on the text are put forward, and an Aide-Memoire they circulated in November strongly reinforced this impression. (The Italians, until recently the main objectors to the Treaty, have been slightly less vocal of late.) We have however built up a considerable fund of German goodwill over our attitude to the problem of Euratom and our assiduous consultation with Euratom members, and we may therefore be able to play a useful role in finally bridging the gap if we choose the right moment.

9. We have ourselves put forward wording which has become known as the British proposal. In this the reference is to "I.A.E.A. Safeguards" instead of to "Safeguards in accordance with the Agency Safeguards System". We feel that this wording would give more flexibility in allowing the I.A.E.A. agreement to cover verification of the Euratom System, since in our view any measures taken by I.A.E.A. to ensure fulfilment of the obligations imposed by the Treaty, whether direct or indirect, can properly be described as I.A.E.A. Safeguards, whereas the Agency's present Safeguards System makes no provision for verification of another system. At the same time, this phrase should appeal to the Russians. The immediate reaction in NATO to our suggestion was not particularly favourable, but we have been doing our best to ensure that it is better understood and the Foreign Secretary has written to Herr Brandt on the subject. However for the moment our best policy seems to be to support the Americans in their efforts to get the November 2 formula accepted, in spite of our reservations about this formula.

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- 5 -

CONFIDENTIAL

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10. We have now made public our offer, in parallel with the United States, to accept similar safeguards on our peaceful nuclear activities once a treaty is signed. The Soviet Union, however, have made quite clear that they are not prepared to give such an undertaking, which they do not regard as relevant to the purposes of the Treaty. Our gesture has had a useful effect on the non-nuclear states in reassuring them about safeguards, but there is no advantage in raising it with the Russians.

Future Procedure

11. The E.N.D.C. continued in session while the First Committee in New York was debating disarmament, and only submitted an interim progress report to the General Assembly. The E.N.D.C. then went into recess, and will meet again on 18 January. The Soviet Union and United States co-Chairmen, Mr. Roschin and Mr. Foster, are expected to start talks again in Geneva a few days in advance of this date.

12. While disappointment was felt that it had not been possible to reach agreement on a full text, the United Nations General Assembly passed a resolution calling for a further report by the E.N.D.C. on or before 15 March. This was therefore the new terminal date by which we must reach agreement on a treaty text. Thereafter we presume that the text will be debated by a Special Session of the General Assembly called for this purpose, and the treaty opened for signature.

13. There was some difficulty during the General Assembly debate about the Pakistani proposal for a conference of non-nuclear states on non-proliferation. This was originally due to be held in March of this year. Both the Russians and Americans were opposed to it,
/but it had

- 6 -

CONFIDENTIAL

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but it had of course considerable appeal to the non-nuclear and non-aligned states. Eventually a compromise was reached postponing the conference until August. We hope that if a non-proliferation treaty is open for signature by that time the states concerned will realise that there is no need for such a conference.

FOREIGN OFFICE

11 January, 1968.

- 7 -

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Mr. R. J. O'Neill
Private Secretary

Mr. Mulloy has seen.

NON-PROLIFERATION: HERR BRANDT'S LETTER
ON THE SAFEGUARDS ARTICLE

...
Herr Brandt's polite rejection of the arguments which the Secretary of State put to him in his letter of 11 December (copy attached) no longer matters, as the Russians have now given way and accepted the version which Germany prefers - and which, as Herr Brandt recognises, is itself based on a suggestion I first made informally to the Germans on 28 September. A complete revised text of the Treaty, including Article III, is being tabled in Geneva today.

2. Though provisional agreement has been reached on a text of Article III, it is clear from Herr Brandt's letter that there will be continuing discussion about the way this text is to be interpreted. The Belgians do not accept the Americans' own interpretation of the vital first sentence. We did not know, before receiving Herr Brandt's letter, how the Germans themselves interpreted it, and cannot accept their thesis that paragraph 28(d) of the I.A.E.A. Safeguards Document provides for the acceptance of other safeguards systems, even without verification. But naturally we wish to avoid arguments about this, and our line should be that in our view the first sentence, taken as a whole, permits the negotiation of an agreement between the I.A.E.A. and Euratom under which the I.A.E.A. would fulfill its function of ensuring that the Treaty is observed by verifying Euratom safeguards rather than by applying its own. I have told our Delegation to NATO to take this line when the new draft is discussed in the Council today.

3. It is likely that the Germans will still be worried about the way in which the Russians will interpret the agreed text. It would be useful if the Secretary of State could point out to Herr Brandt that the attitude of the Soviet Union towards the interpretation of the agreed text will not be as decisive as the Germans seem to assume. Any agreement on safeguards between the I.A.E.A. and Euratom will be negotiated with the I.A.E.A. Secretariat under the direction of the Board of Governors which is a body in which Western influences are strongly predominant. The outcome is therefore likely to be more favourable than the Germans tend to assume.

...
4. I attach a brief on the above lines for the Secretary of State's discussion with Herr Brandt tomorrow.

Frankfurter

R.C. Hope-Jones

c.c. Lord Hood.

(R. C. Hope-Jones)
18 January, 1968

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German and Italian Views on the Non-Proliferation Safeguards Article

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The P.U.S. has asked for a report on the attitude of the Germans and Italians to the new Article III of the Non-Proliferation Treaty.

Flag attached

2. Neither the Germans nor the Italians have expressly accepted the new draft Article, which was one of the three possible versions discussed in NATO at the beginning of November. Both have said that, of these texts, the one now tabled by the co-Chairmen is the most acceptable to them, and Herr Brandt, in his letter to the Secretary of State of 8 January, said that this text provided a satisfactory basis for the verification of Euratom safeguards, provided that it was accompanied by "supporting statements".

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The Americans have explained as follows

3. We still have some technical doubts about the text, which provides that the safeguards to be applied must be "in accordance with the I.A.E.A. System", since we find it difficult to understand how this wording could cover the verification of a different, even though compatible, system. But we concede that all the texts under discussion are capable of meeting the requirements of Euratom if they are suitably interpreted.

4. The Americans, in their introductory remarks to the new text at Geneva, made the following points:-

- (a) That "the provision permits the I.A.E.A. to enter into an agreement . . . with another international organisation, the work of which is related to the I.A.E.A. . . ."; and,
- (b) "in order to avoid unnecessary duplication, the I.A.E.A. should make appropriate use of existing records and safeguards, provided that under such mutually agreed arrangements the I.A.E.A. can satisfy itself that nuclear material is not diverted to nuclear weapons . . .".

This was as close as the Americans were prepared to go towards the specific endorsement of Euratom verification. The point has been underlined by Mr. Mulley in his speech in Geneva this morning, the text of which is not yet available.

5. We do not know whether these assurances and interpretations will be enough to satisfy the Germans and Italians. At a North Atlantic Council meeting this afternoon they both expressed satisfaction at the progress that had been achieved, but both said that the draft could still be improved.

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6. Since the new text is capable of being interpreted to meet Euratom's requirements, and since it is very unlikely that the Soviet Union would go further than they have already done (their acceptance of the U.S. text in fact represents a considerable concession), our own interest is to promote the acceptance of this draft and to ensure that it is satisfactorily interpreted. In doing so there is some need for caution as, if the Euratom verification interpretation is too openly stated at this stage, the draft might still be rejected by the Soviet Union and its allies, while if it is not stated at all the text may not be accepted by the Germans and Italians. However, we have pointed out to the Germans that even though the Soviet Union may try to maintain an interpretation which does not permit Euratom verification, the actual implementation of the Safeguards Article rests with the Board of Governors of the I.A.E.A., on which the Soviet Union does not have a veto and which is primarily Western-orientated.

R.C. Hope-Jones.

(R. C. Hope-Jones)
23 January, 1968

Many thanks

*I explained the position to
the CPUS this morning*

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c.c. Mr. O'Neill.

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(23352)*Foreign Office and Whitehall Distribution*ATOMIC ENERGY AND DISARMAMENT (GENERAL)
23 January, 1968
Section 1**THE EIGHTEEN-NATION DISARMAMENT COMMITTEE : 1967
NON-PROLIFERATION TREATY***Mr. Porter to Mr. Brown. (Received 23 January)***SUMMARY**

1. The Eighteen-Nation Disarmament Committee (ENDC) have during the last 12 months been occupied almost exclusively with the negotiation of the Non-Proliferation Treaty. The most difficult problem, concerning safeguards to be applied in non-nuclear weapon countries to prevent the diversion of nuclear material to military purposes, is being negotiated outside the Committee. (Paragraphs 1-3.)

2. Early in 1967 the Americans circulated to NATO a partial draft Treaty which was badly received by the Germans and Italians. The ENDC convened on the 22nd of February for one month. (Paragraphs 4-6.)

3. The next session of the Committee lasted from the 18th of May to the 14th of December. On the 24th of August the United States and Soviet co-Chairmen tabled a partial draft text without an article on safeguards. (Paragraph 7.)

4. There are provisions in the draft text of the 24th of August to ensure that the civil nuclear technologies of signatory non-nuclear weapon States will not suffer as a result of their renunciation of the nuclear bomb and devices. (Paragraphs 8-9.)

5. The co-Chairmen have accepted the need for nuclear weapon signatories to undertake to try to achieve some measure of nuclear disarmament in order to strike a more equitable balance of Treaty obligations. (Paragraph 10.)

6. Security guarantees for non-nuclear countries are being negotiated between the co-Chairmen, ourselves and the Indians outside the ENDC. (Paragraphs 11-13.)

7. The Russians have insisted that the nuclear weapon powers should retain their right to veto amendments to the Treaty. (Paragraph 14.)

8. A draft Article III on safeguards has not yet been agreed between the co-Chairmen. (Paragraphs 15-18.)

9. While relations between the co-Chairmen have been good relations between them and the non-aligned members of the Committee have deteriorated. (Paragraphs 19-22.)

10. There is dichotomy in Washington's policy towards the Treaty as between the State Department and the Disarmament Agency. In view of the presidential elections this year the White House might now intervene in favour of an early conclusion of the Treaty. (Paragraph 23.)

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(Confidential)
Sir,UKMIS, Geneva,
17 January, 1968.

I have the honour to report that for the last 12 months the Eighteen-Nation Disarmament Committee (ENDC) have worked almost exclusively on a draft Treaty to prevent the proliferation of nuclear weapons.

2. The two minimum provisions of the Treaty are on the face of it self-evident: nuclear States (*i.e.*, States which have produced nuclear weapons) should not pass their nuclear weapons or devices to anyone and should not help any non-nuclear State to acquire them and, secondly, non-nuclear States should not manufacture such weapons or devices or acquire them in any other way. In practice, however, these provisions have proved extremely difficult to put into treaty language acceptable to those key Governments whose ratification is essential for the Treaty to become an effective international instrument.

3. During the last 12 months the most difficult problem (which is being negotiated outside the ENDC) has arisen from the second of these provisions, *i.e.*, the application in non-nuclear, including EURATOM, countries of safeguards to prevent the diversion of nuclear material to military purposes. Many non-nuclear States who may well adhere to the Treaty in the end would nevertheless prefer to see it disappear into the sand if this could occur without their appearing to be responsible. Many more, though prepared unenthusiastically to accept the Treaty obligations, are determined to extract the maximum advantage in return. Moreover, since the main protagonists of the Treaty, the United States and Soviet co-Chairmen, have made known their anxiety to conclude it, efforts by the first group of non-nuclear States to obstruct and by the second to "improve" the Treaty, have not been without success.

4. As a result of the United States/Soviet rapprochement reported in Sir Harold Beeley's despatch No. 5 of 1966 the Americans in January 1967 circulated in NATO texts of all but one of the principal Articles of the Treaty. Shortly afterwards they circulated a draft of the missing Article III which provided for mandatory application of safeguards of the International Atomic Energy Agency (IAEA) in non-nuclear countries. While some

members of the Alliance welcomed the draft the Germans and Italians, in particular, severely criticised it. They contended that Articles I and II, which largely embodied the provisions mentioned in paragraph 2 above, gave way to Soviet objections shared control of nuclear weapons within the alliance. Moreover, since they were the result of long and difficult confidential negotiations between the Americans and Russians they were now virtually immutable. As for Article III, acceptance of mandatory safeguards would, they alleged, bring commercial disadvantages to non-nuclear weapon countries. Other criticisms included denial to non-nuclear countries of the benefits of nuclear explosions for peaceful purposes, the possibly prejudicial effect of the Treaty on prospects for European federation and the risk of its enhancing the status of East Germany. On the 28th of January the Soviet Union attacked the Federal Republic for its so-called militarism and Nazi excesses, its preparations for war and plans to develop missiles and nuclear weapons. The West German attitude consequently hardened and the list of German problems raised by the proposed draft soon rivalled in length the draft itself. The German Press went into full cry against the Treaty and the point was made in private and public that German support for our application to join the European Economic Community could not but be affected by our support for the Non-Proliferation Treaty.

5. When, therefore, the ENDC convened on the 22nd of February the co-Chairmen had not agreed on the tabling of any part of the Treaty and the Committee had to wait six months until the 24th of August before they had even a partial Treaty text before them. It is not surprising that much of the Committee's discussion in 1967 was unproductive; that at some meetings there were no speakers; and that the resentment of the non-aligned delegations increased as they waited for the co-Chairmen and the Western allies to agree among themselves. During this first brief session Warsaw Pact delegations accused the Federal Republic of seeking pretexts to cover their fundamental opposition to the whole concept of non-proliferation: we and the Americans rejected these allegations. Otherwise the Committee debated the vexed but sterile question of peaceful explosions which is examined later in this despatch. At the end of only one month, on the 23rd of March,

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the Committee, at American request, again went into recess. With no prospect of early agreement in NATO the Americans felt that further discussion in the wider forum of the ENDC could only exacerbate the situation.

6. Opposition within the alliance, led by the Germans and Italians, had by now crystallised around the following main demands: safeguards should be applied to the civil nuclear activities of nuclear and non-nuclear countries alike; the IAEA, which was to be given over-all responsibility for application of safeguards under the Treaty, should recognise EURATOM and make it responsible for application of Treaty safeguards in EURATOM countries; the veto on amendments to the Treaty should be dropped or at least not restricted to the nuclear weapon Powers; the Treaty should be limited in duration; there should be no hindrance to the development of civil nuclear technology in non-nuclear States as a result of their accession to the Treaty. During March and April the Americans circulated in NATO proposals which met European objections on safeguards by giving favourable treatment to EURATOM and on amendments to the Treaty by dropping the nuclear Power veto. As was to be expected they proved acceptable to NATO and unacceptable to the Russians. After rejecting them the Soviet delegation sought instructions but these had not been received when the ENDC reconvened on the 18th of May.

7. This session, the longest on record, lasted until the 14th of December. On the 12th of June the United States and Soviet delegations agreed *ad referendum* on a revised Treaty text (still without a safeguards article), but Soviet reluctance to act publicly with the Americans during the Middle East crisis caused Moscow to delay agreement on tabling for over two months until the 24th of August. It was then made conditional on parallel tabling of identical texts instead of the tabling of a joint text as originally envisaged. The draft Treaty as tabled is annexed to this despatch. Debates in the Committee were of a general nature until the partial text had been tabled; they then became more specific with textual amendments proposed by Brazil, Italy, Mexico, Nigeria, Rumania, Sweden, United Arab Republic, and the United Kingdom. During this session the main outstanding problems for negotiation within and outside the Committee were identified and I should

like briefly to examine these in the second part of this despatch.

Peaceful uses of nuclear energy

8. It has been felt by non-nuclear States that the Non-Proliferation Treaty would in some way widen the technological gap between them and nuclear States by denying them such incidental benefits to civil technology ("spin off") as might be derived from the development of nuclear weapons. Although some of the more advanced non-nuclear States have probably been convinced that their fears in this connection were greatly exaggerated doubts nevertheless remain. The text of the 24th of August therefore recognised the right of all parties to develop and use nuclear energy for peaceful purposes and to participate in the fullest exchange of information to this end.

Peaceful explosions

9. The text of the 24th of August made preambular provision for the economic benefits of peaceful explosions (the release of underground gas, for instance) to be made available to all non-nuclear signatories on a non-discriminatory basis and through international procedures without political strings. In response to non-nuclear requests the co-Chairmen have agreed between themselves to move this provision from the preambular to the operative part of the Treaty as part of a final package of concessions to non-aligned demands. However, they and most other members of the Committee including ourselves have adamantly opposed a proposal by Brazil supported by India that a non-nuclear signatory should have the right to conduct its own peaceful nuclear explosions under international supervision. Nuclear devices for civil purposes are technically indistinguishable from weapon devices and, if manufactured and exploded by a non-nuclear State, would have many of the same political and strategic implications.

Further measures of disarmament

10. This raises one of the most important questions connected with a non-proliferation Treaty; how in a Treaty which is essentially discriminatory can a more equitable balance of obligations be struck as between nuclear and non-nuclear signatories? If the latter are to forego nuclear weapons the former, it can be justifiably argued, should at least undertake

to try to agree on a balancing measure of disarmament in the foreseeable future. In the draft tabled on the 24th of August there were preambular provisions of intention to stop the arms race and of desire to facilitate cessation of the manufacture of nuclear weapons, the liquidation of stock piles and the elimination of nuclear weapons pursuant to a Treaty on general and complete disarmament. There was pressure on the co-Chairmen to go further and several amendments to this effect were tabled. The United Kingdom proposed one which, without prejudice to other amendments, would add fulfilment of the purposes of the preamble to the agenda of the review conference which was in any case to meet five years after the Treaty had come into force. To meet this almost universal demand for a nuclear Power undertaking on disarmament the co-Chairmen have already agreed between themselves on a provision to be put into the operative part of the Treaty as part of the final package. It is not yet known whether the Russians will also agree to the proposed United Kingdom amendment.

Security assurances

11. It also seems reasonable for non-nuclear, particularly non-aligned countries, who forgo their option to acquire nuclear weapons to be given some kind of guarantee against nuclear attack or nuclear threat. This could take the form of a negative non-use formula as preferred by the Russians, *i.e.*, nuclear Powers signatories to the Treaty would undertake, with certain provisos, not to use nuclear weapons against non-nuclear signatories; or a positive guarantee as preferred by the Americans and ourselves *i.e.*, nuclear signatories would undertake to assist a non-nuclear country that is the victim of nuclear attack or nuclear threat; or, as now seems probable, a combination of the two.

12. In his despatch No. 4 of the 23rd of September, 1966, Sir Harold Beeley, reported on the development of the debate on security assurances during that year and made certain proposals. Such bilateral discussion as there has been in 1967 between the Americans, Russians, Indians and ourselves outside the Treaty framework has been mainly concerned with the so-called positive formula. At one extreme, the Indians sought, without prejudice to their non-aligned status, the kind of guarantee

against China which would normally form part of a military alliance. At the other extreme, Moscow offered an assurance which amounted to no more than a reiteration of her existing obligations under the United Nations Charter and, knowing Congressional reluctance to undertake any further military commitments, this approach was viewed sympathetically by the United States Administration. Partly as a result of Her Majesty's Government's intervention in Washington, the most recent United States draft positive assurance which takes the form of a Security Council Resolution with parallel unilateral declarations by the nuclear Powers is, from the non-aligned point of view, an improvement on the original Soviet text. It seems also to be generally acceptable to the Russians and at the latter's insistence has now been supplemented by a negative or non-use guarantee. The Americans, in fact, completely reversed their previously declared position on a non-use provision without consulting us, the only other nuclear State directly concerned.

13. It is doubtful whether even these dual guarantees will substantially improve India's security against China (who would not, of course, be party to any non-use guarantee) or will be of much domestic presentational value to the Indian Government.

Amendments to the Treaty

14. Following Soviet rejection of the United States draft amendments Article mentioned in paragraph 6 above, the Americans tried to reach a compromise between Soviet insistence on a nuclear veto on amendments and the strong and understandable opposition of the developed non-nuclear Powers, led by Germany, to a Treaty of unlimited duration frozen in favour of the nuclear Powers. On the 12th of June the United States and Soviet delegations agreed on alternative versions of this Article. Under the first the nuclear power veto was retained but amendments were permissive, *i.e.*, they applied only in those countries which ratified them. Under the second, based on a British idea, the veto was extended to include all members of the Board of the International Atomic Energy Agency at the time the amendment was circulated but amendments, once adopted, were binding on all parties. Although the Soviet delegation are said to have recommended the first alternative to

Moscow, the Soviet Government preferred the second, and this was therefore tabled on the 24th of August. Several delegations objected to an obligation to accept amendments against their will and the co-Chairmen now seem ready to introduce the permissive clause into the existing amendments Article.

Safeguards

15. The two main obstacles to agreement on a safeguards Article, which is being negotiated almost entirely outside the ENDC, each concern discrimination—discrimination as between nuclear and non-nuclear countries, discrimination in favour of EURATOM countries.

16. Developed industrial countries such as Germany and Japan see in on-site inspection the risk of commercial espionage and, in an attempt to dispel this suspicion, we and the Americans have offered to accept the inspection of our own civil nuclear installations. The Russians show no signs of joining us, arguing that in the context of a non-proliferation treaty inspection of States already permitted to produce nuclear weapons is illogical.

17. The other question of discrimination arises over application of IAEA safeguards in EURATOM countries. Russia and her allies who in 1966 had been following the traditional Soviet line of “no controls without disarmament”; during 1967 accepted the need for mandatory safeguards for non-nuclear signatories on condition that they were universally applied by the IAEA. But they would not accept equivalence of the existing EURATOM safeguards system, nor what they called self-policing by a regional organisation which might some day be dominated by Germany. In this they were supported by non-nuclear countries whose interest is, of course, to ensure that other non-nuclear, including EURATOM, countries, are subjected to the same safeguards as themselves. The five EURATOM non-nuclear countries have, however, their own legal and political problems. They must, for instance, satisfy the EURATOM Commission that nothing in the draft Non-Proliferation Treaty (and this problem is particularly acute in the case of the safeguards article) is incompatible with the EURATOM Treaty.

18. On the 1st of September the Russians produced a draft Article III on safeguards which, though already agreed with the Americans, was presented to NATO as a Soviet compromise to meet European objections. The text was, according to the co-Chairmen, in sufficiently general terms to cover the Euratom position while remaining presentationally acceptable to other non-nuclear and particularly East European countries. The Five Euratom countries could not agree on a common attitude to the text. The less extreme members (Belgium and the Netherlands) and possibly the Commission itself might have accepted a modified version together with interpretations and, if necessary, a device whereby they could withhold ratification of the Treaty until a satisfactory safeguards agreement had been negotiated between EURATOM and the IAEA. However, the Germans, supported by the Italians, would not accept a text which provided explicitly for the universal application of IAEA safeguards, whatever interpretations or arrangements might be tacitly agreed between the co-Chairmen. They argued that such a text could provide the French with a pretext for getting rid of EURATOM safeguards as redundant, thus putting themselves in a favoured position within the Community. Her Majesty's Government have proposed two compromise formulæ in NATO but when the ENDC went into recess at the end of the year the problem of safeguards was still unresolved.

19. In conclusion I should like to say a few words about the state of the ENDC and the prospects for an early conclusion of our work on a Non-Proliferation Treaty. Apart from a limited debate on the comprehensive test ban initiated by the Swedes during the lull before the tabling of the partial draft treaty, other disarmament issues have hardly been debated at all. Delegations on the whole preferred to remain silent rather than to raise questions which could reintroduce a cold war atmosphere and prejudice prospects for the one measure of arms control which seems to be within our grasp.

20. Relations between the co-Chairmen themselves have been uniformly good throughout the year and it is indicative of the importance they each attach to the Non-Proliferation Treaty that they made no use of the ENDC for propaganda purposes.

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during the Middle East crisis. On the other hand relations between the co-Chairmen and non-aligned members of the Committee have deteriorated. Non-aligned countries have for two decades exhorted the super-Powers to get together but when this finally happened in the arms control field the rapprochement was from the non-aligned point of view, of an excessively exclusive character. They waited until the 24th of August for even a partial treaty text which had already appeared in the Press. They then submitted comments, amendments and, in the case of the Swedes, a draft safeguards article, to all of which they received virtually no response. The co-Chairmen have in fact agreed on amendments which would go far to meet non-aligned pre-occupations, but Moscow have so far refused to table these except as part of a package including a safeguards article. Non-aligned resentment has therefore grown and came to a head in December in an acrimonious debate on the interim report to be submitted to the General Assembly.

21. Relations between this Delegation and that of the United States have naturally been influenced to some extent by our European policy. The Americans, not without reason, are inclined to see Euratom as the enemy of the Treaty and have therefore felt some uncertainty about our own role. In retrospect, however, they should realise that any influence we may have exerted on our European friends has worked in favour of rather than against the Treaty.

22. Relations between us and the Soviet delegation have been good and the latter, in spite of the importance they attach to the co-Chairmanship, sometimes discuss with us matters under negotiation between themselves and the Americans. They probably see in us a possibility of getting to know the Western position in more depth: like the Americans we are a nuclear Power supporting the Treaty but with possibly a better understanding of the European point of view. In the ENDC atmosphere of *détente* contacts between East and West European delegations and observers is inevitable and, although these must provide the Russians with useful background material (just as we sometimes get a preview of Russian thinking from say our Bulgarian colleagues) they do not, so far as we and the United States delegation can tell,

seriously prejudice the United States negotiating position.

23. When the ENDC went into recess on the 14th of December the state of the Treaty was briefly as follows. An incomplete draft text had been tabled and discussed at some length. The co-Chairmen had agreed between themselves on amendments which would meet many of the points made in Committee but had not been able to agree to table them. On the missing safeguards article the Germans seemed unlikely to agree to a text negotiable with the Russians. The Treaty might, in fact, have been completed during the session but for German opposition and the dichotomy which this opposition has produced in United States policy. Negotiations, particularly on safeguards, have in practice been conducted between the Russians and Germans with the Americans, torn between support of the Treaty (led by the Disarmament Agency) and reluctance to offend Germany (led by the European Bureau of the State Department), acting sometimes as little more than a go-between. Their negotiating hand has been particularly weakened by undertakings given by Mr. Rusk to Mr. Brandt in a letter of the 17th of May. However, the abrupt reversal of declared United States policy to meet the Russian request for a non-use security guarantee is one of several indications that the White House may now be ready to intervene in favour of an early settlement: the Treaty to be of real value to the President in his forthcoming electoral campaign should be completed by early summer. The Russians, too, are showing signs of willingness to make further concessions in order to achieve an early settlement. If in these circumstances the Germans should decide to call it a day and to present the quite substantial amendments they have achieved during the course of the year as a major diplomatic victory, a complete text of the Treaty which would have the general blessing of the Western and Eastern alliances could still be tabled in time for the ENDC to meet the General Assembly's request for a final report by the 15th of March.

I am sending copies of this despatch to Her Majesty's Permanent Representatives to the United Nations, to NATO and to the European Communities at Brussels; to Her Majesty's Ambassadors at Addis Ababa,

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Bonn, Brussels, Bucharest, Cairo, The Hague, Mexico City, Moscow, Paris, Prague, Rangoon, Rio de Janeiro, Rome, Sofia, Stockholm, Tokyo, Vienna, Warsaw and Washington; and to the British High Commissioners in Canberra, Lagos, New Delhi and Ottawa.

I have, &c.

I. F. PORTER,

ANNEX

Draft Treaty on the Non-Proliferation of Nuclear Weapons

The States concluding this Treaty, hereinafter referred to as the "Parties to the Treaty",

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to co-operate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,

Expressing their support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by non-nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-weapon States,

Convinced that in furtherance of this principle, all Parties to this Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in co-operation with other States to, the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention that potential benefits from any peaceful applications of nuclear explosions should be 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 should be as low as possible and exclude any charge for research and development,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race,

Urging the co-operation of all States in the attainment of this objective,

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate 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,

Noting that nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories,

Have agreed as follows:

Article I

Each nuclear-weapon State Party to this Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

Article II

Each non-nuclear-weapon State Party to this Treaty undertakes not to receive the transfer from any transferor whatsoever of

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nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

Article III

(International Control)

Article IV

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 co-operation with other States to, the further development of the applications of nuclear energy for peaceful purposes.

Article V

1. Any Party to this Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.

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 all Parties 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.

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes and provisions of the Treaty are being realised.

Article VI

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of _____, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by all nuclear-weapon States signatory to this Treaty, and other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article VII

This Treaty shall be of unlimited duration.

Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary

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events, related to the subject matter of this Treaty, have jeopardised the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardised its supreme interests.

equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

In witness whereof the undersigned, duly authorised, have signed this Treaty.

Article VIII

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are

Done in _____ at _____ this _____ of _____

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RECD. DEPARTMENT
TO SEE AND RETURN
BY 6.2.68 ENTER

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(THIS DOCUMENT IS THE PROPERTY OF HER BRITANNIC MAJESTY'S GOVERNMENT)

OPD(68)6

10 January 1968

IN
FILES No.19
1-FEB 1968
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CABINET

COPY NO. 7

DEFENCE AND OVERSEA POLICY COMMITTEE

NON-PROLIFERATION

Memorandum by the Minister of State for Foreign Affairs

The tabling of the complete text of the Non-Proliferation Treaty when the Eighteen Nation Disarmament Committee resumed in Geneva on 18 January was a welcome development. This marked the positive step forward for which we had been hoping last year, and by laying the entire Treaty open for public discussion thereby made substantial amendments more difficult. The revised text also represents a considerable concession by the Russians. The full text as tabled is at Annex A, and the text of a speech I made at Geneva on 23 January giving the U.K. views on this new version of the treaty is at Annex B.

2. In this situation we can afford to be more optimistic. Events are on the march, and it is reasonable to suppose that a Treaty is now within our grasp. The United Nations General Assembly Resolution called for a report to be submitted by the E.N.D.C. on or before 15 March. It should certainly be possible to meet that date; in fact we hope it may be possible to anticipate it. Thereafter there will be a resumed session of the General Assembly to consider the text and presumably open it for signature.

3. However, there may still be some difficulties ahead. Although it is too early yet to forecast precise reactions, some countries

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have given indications that they may be reluctant to sign. These countries can be divided roughly into two groups. The first comprises certain non-aligned states who for various reasons have the feeling that they may be victimised by the Treaty in some way, e.g. India, Brazil, Israel and the Arab States. These are countries whose views on the Treaty may however be affected by the decisions reached on security assurances, (on which subject I am submitting a separate paper to the committee). In any case we hope that they may in the end bow to international pressure to sign. But we consider there is little to be gained at present by our trying to bring unilateral pressure to bear on these doubters now.

If, when a Treaty is signed, they decide not to adhere, then universal pressure, in which the Soviet Union may well be ready to join the United States and ourselves, is likely to be more effective.

The second group consists of our NATO allies who are members of Euratom. Their doubts about the Treaty have sprung mainly from the wording of Article III on safeguards and its effect on the Euratom safeguards system. The formula now reached for Article III was considered by the Euratom countries as the most acceptable of the three alternatives put forward in NATO. Nevertheless they did not formally endorse it and both the Germans and the Italians have since said that the treaty will require some "improvements". There therefore remains the danger that the members of Euratom may eventually decide that they cannot accept this text. It is too early to say what risk there is of this happening, or if it does, whether it would occur, in the E.M.D.C. or later at the General Assembly. It would be particularly awkward for us as potential members of Euratom and the E.M.C. if such a confrontation of views arose at Geneva where Italy is the only representative of Euratom

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the E.N.D.C. might feel called upon to object to the Treaty on behalf of the others. It would be less difficult if the objections came at New York where the Euratom countries may feel less constrained to present a united front. However the probability is that the Euratom countries, now that Article III has been tabled, will resign themselves to the fact that further substantial amendments are not possible and that this is the best that they can expect.

5. Apart from Article III the new Articles and amendments in the tabled Treaty text are designed to meet points raised by the non-nuclear and non-aligned states. As such we have welcomed them: indeed we suggested some of them. In particular the new Article VI refers to the need to pursue negotiations in good faith on effective measures regarding cessation of the nuclear arms race and disarmament, and on a treaty on general and complete disarmament under strong and effective international control.

* A number of countries may withhold their ratification of the Treaty until the nuclear-weapon states show that they are taking seriously the obligations which this Article imposes on them. It will therefore be essential to follow the Treaty up quickly with further disarmament measures if it is to be brought into force and remain in force thereafter. We have therefore begun work on a paper examining the most suitable measures on which we should concentrate our attention once a Non-Proliferation Treaty has been achieved.

F.M.

Foreign Office, S.N.1.

26 January 1968.

ANNEX A

DRAFT NON-PROLIFERATION TREATY TABLED AT THE ENDC

18 JANUARY 1968

The States concluding this Treaty, hereinafter referred to as the "Parties to the Treaty";

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to co-operate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,

Expressing their support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-weapon States,

/Convinced

Convinced that in furtherance of this principle, all Parties to this Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in co-operation with other States to, the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race,

Urging the co-operation of all States in the attainment of this objective,

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate 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,

Have agreed as follows:

Article I

Each nuclear-weapon State Party to this Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

Article II

Each non-nuclear-weapon State Party to this Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control

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over such weapons or explosive devices directly, or indirectly;
not to manufacture or otherwise acquire nuclear weapons or other
nuclear explosive devices; and not to seek or receive any
assistance in the manufacture of nuclear weapons or other
nuclear explosive devices.

Article III

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 International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfillment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this Article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this Article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.

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

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over such weapons or explosive devices directly, or indirectly;
not to manufacture or otherwise acquire nuclear weapons or other
nuclear explosive devices; and not to seek or receive any
assistance in the manufacture of nuclear weapons or other
nuclear explosive devices.

Article III

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 International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfillment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this Article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this Article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.

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

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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 co-operation 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 International Atomic Energy Agency to meet the requirements of this Article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. 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.

Article IV

1. 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.

2. All the Parties to the Treaty have the right to participate in the fullest possible exchange of scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also co-operate in contributing alone or together with other States or

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international organisations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty.

Article V

Each Party to this Treaty undertakes to co-operate to ensure 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 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.

Article VI

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

Article VII

Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.

Article VIII

1. Any Party to this Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate

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it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.

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 of the amendment 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 of the amendment.

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes and provisions of the Treaty are being realized.

Article IX

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

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it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.

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 of the amendment 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 of the amendment.

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes and provisions of the Treaty are being realized.

Article IX

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

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2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of _____, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by all nuclear-weapon States signatory to this Treaty, and 40 other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear-weapon or other nuclear explosive device prior to January 1, 1967.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article X

1. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to

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the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

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

Article XI

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.


In witness whereof the undersigned, duly authorized, have signed this Treaty.

Done in at this of .

CONFIDENTIALNON-PROLIFERATIONBrief for the Minister of State
on OPD(68)6Speaking Notes

1. The progress that has been made on non-proliferation in the last two weeks is very satisfactory as far as it goes. The Soviet Union and the United States have agreed the text between themselves; and they have tabled it at Geneva in time for a thorough debate there before progress has to be reported to the United Nations in the Spring.
2. A lot of the thinking behind the treaty, and some of the language, originally came from us. We shall legitimately be able to say so in public when the right moment comes.
3. Both the Soviet Union and the United States undoubtedly now both want a treaty, and want it soon. The American motives are obvious in an election year. Soviet motives are less clear, but the desire to see German nuclear activities subjected to international safeguards is a major factor in their thinking.
4. But, whatever the reasons, the importance which they both attach to the treaty is evident from the extent of the concessions they have been willing to make to each other's point of view in order to get agreement. They have also jointly gone a long way to meet the demands of the non-nuclear weapon states for changes to make the treaty more palatable to them.
5. We are not out of the wood yet. The non-aligned states at Geneva ~~have predictably~~ ^{will probably} continue to try for further concessions, particularly actual disarmament measures by the nuclear powers.

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powers. But they are divided between those like the Swedes who basically want a treaty and those like the Indians who do not. We cannot yet be certain which will come out on top. But there are probably sufficient states who positively want the treaty, coupled with those who have no nuclear ambitions or capability, to start a bandwagon rolling at the U.N. which will be difficult to stop.

6. A trickier problem for us is the question of interpretations of the treaty. This affects particularly NATO and the Euratom countries. I do not think we will have too much trouble in getting it accepted that the treaty permits existing NATO defence arrangements as well as the European option. But the interpretation of the Safeguards Article to permit verification of Euratom safeguards by the I.A.E.A. may eventually have to be established outside the treaty negotiations at the I.A.E.A. itself, in the course of the negotiation of the necessary safeguards agreements. Fortunately this should not present insuperable problems. The I.A.E.A. is Western-orientated and the Russians have no veto there. We have been trying to persuade the Germans that this gives them adequate protection.

7. I do not think either the Germans or Italians have yet decided on their final attitude. German reactions in particular have been very confused, and the Chancellor has said some things which were interpreted as condemnation of the treaty but which were counterbalanced by later statements. We shall have to continue to treat these two with considerable care. France is not helping - M. Messmer recently referred to the treaty as "the castration of the impotent". But the other Euratom countries

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are doing their best to help within the framework of Euratom's genuine requirements.

8. If all goes well, the treaty should be opened for signature in the United Nations in the Summer. There may then be a considerable time-lag before it is brought into effect. Forty ratifications including those of the nuclear weapon states will be required. The Euratom countries will certainly want to know in some detail what the obligations in their safeguards agreements will be before they ratify. A number of countries, particularly the "paired states" like India and Pakistan, or Israel and the U.A.R., will also tend to wait for each other. But even a treaty signed but not yet brought into force will have a political effect in the right direction, provided that entry into force is not too long delayed.

9. Thereafter the immediate need will be to proceed as soon as possible to other disarmament measures, both to make use of the impetus of the non-proliferation treaty and to ensure that it does not collapse. We are already studying this problem in detail.

ATOMIC ENERGY AND DISARMAMENT DEPARTMENT,

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A.E.D.D.

RECEIVED IN ARCHIVES No. 19 7-FEB 1968
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Ms. Mulloy used this
Submission together with your draft
rebuttal of Mr. Healey's minute
as the basis of his own minute
to the Defence Secretary

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NATO Nuclear Sharing Arrangements
and the Non-Proliferation Treaty.

13. The main argument on the relation between NATO nuclear sharing arrangements and the Non-proliferation Treaty took place between the beginning of 1965 and the end of 1966. ^{13. confid} In that period three drafts of the Treaty were discussed; the U.S. draft, tabled at the ENDC in August 1965, which prohibited the "transfer of nuclear weapons into the national control of any non-nuclear State"; the earlier U.K. draft of Spring 1965 which was circulated in NATO but not tabled, which prohibited transfer of the "control of nuclear weapons to any non-nuclear State or any association of States"; and the Soviet draft tabled at the United Nations in the Autumn of 1965, which prohibited the transfer of nuclear weapons "to the ownership or control of States or groups of states not possessing nuclear weapons" and denied to such states "the right to participate in the ownership, control or use of nuclear weapons".

14. The main difference between the U.S. and U.K. drafts was that we wished ^{as I have said, to rule out, whether inside or outside NATO} to close the possibility, whether inside or outside NATO, of non-nuclear States acquiring the control of nuclear weapons as a group ("the non-nuclear association option"), or as a majority within a mixed association ^{and} ("the majority vote option"), since such arrangements appeared to us logically indistinguishable from proliferation. [The Soviet Union for its part declined to explain the meaning of its draft but said that it was intended to prohibit non-nuclear "access" to nuclear weapons, and that if NATO arrangements, existing or proposed, permitted such "access", then they must be banned.]

LAST PAPER

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In March 1966 after discussions with Lord Chalfont, the Americans came part way to meet the U.K. view by accepting an amendment which banned the non-nuclear association option though not the "majority-vote option".

These matters rested until the period November 1966 - January 1967, during which the United States and Soviet Union evolved the present agreed language of Articles I and II (Annex A) which has remained unchanged ever since. The substance of the U.S./Soviet agreement was that, since the Soviet Union refused to endorse in terms anything that NATO did, the treaty should deal only with what was prohibited, and not with what was permitted. It was also an integral part of the agreement that the words "transfer" and "control" should not be defined, either in the text or outside it, but that the application of these words in relation to nuclear sharing arrangements should be covered by an understanding between the United States and Soviet Union in the form of "Interpretations".

In January 1966 the Americans gave us an Aide Memoire (Annex B) describing these negotiations and setting out the interpretations of the new text which they intended to put to the Soviet Union in writing and to make public in due course. These interpretations were to the effect that the treaty would not prohibit existing bilateral ("key of the cupboard") arrangements in NATO nor consultative arrangements, including machinery established for this purpose, and would not prohibit the transfer of nuclear delivery vehicles, as

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distinct from warheads. Nor would the treaty prohibit the transfer of nuclear weapons after the outbreak of war, after which point the treaty would no longer be controlling. It would also leave open the possibility of a European Federation including the United Kingdom or France or both and with its own nuclear weapons ("The Federation Option") since such succession arrangements would not involve transfer.

It was then considered that it would be desirable for us to have our own cross-check on the Soviet Union's reactions to these interpretations. During Mr. Kosygin's visit to London in February 1967 the Prime Minister therefore put to him detailed interpretations (Annex C) derived from the U.S. Aide Memoire, and the Soviet delegation were later at their request given a written copy of these interpretations. In reply Mr. Kosygin said (Annex D) that the Prime Minister had correctly set out the situation. It was clear that the Americans had provided us with detailed information and there seemed no need to go into detailed consideration of the various points here. On the treaty generally, he believed that we had entered on a straight road which would lead to agreement.

10. Later in 1967 the United States also circulated in NATO and gave to the Soviet Union in writing a paper (~~Annex B~~) setting out their interpretations on the same lines. The United States representative informed NATO on 10 May that the Soviet Union had raised no objection to these interpretations. On this basis all the NATO countries including the United Kingdom agreed that the United States and Soviet Union could table the treaty on their own responsibility and without specific commitment.

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11. There the matter now formally rests. Neither the United States nor the United Kingdom have yet made a formal statement of their interpretations in public, although when the text was tabled at the ENDC at Geneva on 24 August 1967 a U.S. spokesman in Washington informally made known the United States interpretations to the press as background information. The Americans have told us that they expect certainly to have to make a formal statement of their interpretations in the course of the ratification proceedings before the U.S. Senate if not before. They may also read the interpretations into the record of the ENDC. [Their reluctance to do so at an earlier stage has probably been due more to their unwillingness to give an opening to those like the Indians, who for other reasons are doubtful about the Treaty, to muster support against it in the United Nations as an "incomplete" treaty, than to any fear that the Soviet Union would carry opposition to these interpretations to the point of refusing to sign, which they do not anticipate.] The United Kingdom, including both the Foreign Office and the Ministry of Defence, has hitherto taken the same line.

12. An accepted difference between the U.S./Soviet draft of January 1967 and the previous U.S./U.K. drafts, is that the former would ban the transfer of nuclear warheads (as distinct from nuclear delivery vehicles,) not only between nuclear-weapon States and non-nuclear-weapon States, but also between the nuclear-weapon States themselves. This difference has hitherto been accepted by the Ministry of Defence

on the ground that the present text removes all ^{possibility} difficulties associated with the non-nuclear-association option and the majority-~~vote~~ ^{control} option. It was at the same time accepted that in the context

That a group of non-nuclear states would be allowed to develop nuclear weapons or that a majority of states within the Alliance would ever vote against the majority-vote option. It was at the same time accepted that in the context

~~that a group of non-nuclear states would be allowed to develop nuclear weapons or that a majority of states within the Alliance would ever vote against the majority-vote option.~~

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~~that a group of non-nuclear states would be allowed to develop nuclear weapons or that a majority of states within the Alliance would ever vote against the majority-vote option.~~ In other words the "non-nuclear association" and "majority-vote" options would be ~~more~~ ruled out.

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of possible supplies by the United States to the United Kingdom, the undertaking reflected the actual position, since U.S. legislation already prohibits the delivery of warheads to the U.K. The undertaking was therefore considered by both the Foreign Office and the Ministry of Defence to be acceptable, provided that the Article did not prohibit, as it specifically does not, assistance between nuclear-weapon States other than the delivery of nuclear warheads.

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ANNEX A

ARTICLE I

Each nuclear-weapon State Party to this Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

ARTICLE II

Each non-nuclear-weapon State Party to this Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

ANNEX BAIDE MEMOIRE

The attached draft text of various articles of a non-proliferation treaty is based on concepts which were first clarified during the E.N.D.C. and contains formulations which emerged from U.S.-Soviet discussions during the United Nations General Assembly. We have made it clear that we were unable to agree on any language prior to full consultation with our allies. The United States has accordingly not agreed to these possible formulations. Although the Soviets have refrained from indicating their final agreement, we believe, on the basis of our bilateral talks, that they would find them acceptable.

An explanation of the text follows:

Preamble:

No text of a preamble has been supplied because there was not time in our discussions with the Soviets to elaborate a complete draft. However, the Soviets expressed a preference for a relatively simple preamble which, in addition to the customary introductory clauses, would express the intention of the parties to achieve the cessation of the nuclear arms race and a further easing of international tensions.

/Articles I and II:

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-2-

Articles I and II:

1. In talks with the Soviets, it has been clearly understood that the non-proliferation treaty deals only with what is prohibited and not with what is permitted. Accordingly, these articles (A) would not prohibit NATO nuclear consultation and planning or the permanent committee established for this purpose; (B) would not disturb existing bilateral arrangements for deployment of nuclear weapons within allied territory as these arrangements do not involve any transfer of warheads or control over them up to the point where a decision to go to war is made, at which time the non-proliferation treaty would no longer be controlling; (C) would have no bearing on the decision of NATO allies to go to war; (D) do not deal with the transfer of nuclear delivery vehicles, provided there was no transfer of nuclear weapons or control over them; (E) would not bar succession by a new federated European state to the nuclear status of one of its former components. Such a succession would be automatic and no act of "transfer" would be involved. Since the treaty does not prohibit the consolidation of states and does not require destruction of any nuclear weapons, it must permit the creation of a federated European state with its own nuclear weapons. Short of such succession, the draft would bar transfer (including ownership) of nuclear weapons or control over them to a new multilateral or other entity. (Note: It should be noted that the language of Articles I and II is derived from and consistent with U.S. atomic energy legislation, a

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-3-

point we have stressed to the Soviets and which reinforces our interpretations. The above interpretations were covered in varying degree in discussions with the Soviets as these questions arose during our bilateral talks. We also expect that they will emerge in the course of Senate Committee hearings when the non-proliferation treaty is submitted to the United States Senate. They will thus form part of both the negotiating history and the legislative record, but we do not expect the Soviets to endorse all of them explicitly and certainly not publicly. Indeed, we should anticipate that various arrangements permitted according to the above interpretations may continue to come under attack in Soviet propaganda. However, we believe the Soviets will have no legitimate grounds for alleging that they would constitute violations of the non-proliferation treaty).

2. These articles prohibit "other nuclear explosive devices" as well as nuclear weapons because of the inescapable technical fact that the technology for making such devices would be essentially indistinguishable from that of nuclear weapons and because such devices could be adapted for use as weapons. If and when peaceful applications of nuclear explosives that are permissible under the Test Ban Treaty limitations prove technically and economically feasible and are available for practical applications in the countries which possess them, the United States believes that such states should make them available at minimum cost to other states as part of an international nuclear

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-4-

explosive service for peaceful applications. The service would involve performing the desired detonation under appropriate international auspices, with the nuclear device remaining under the custody and control of the supplying state.

3. Article I is a draft which the Soviets also have. Based on our talks, we believe they are prepared to agree to it. Article II is derived directly from Article I. The Soviets do not have this article but we believe they would accept this formulation.

Article III:

No draft article III has been provided because we have not resolved the issue of the type of safeguards clause we would like to see in the treaty. As we stated at the E.N.D.C., we are considering a safeguards clause stronger than the hortatory language in the draft previously made public at the E.N.D.C. It would specify I.A.E.A. safeguards. Although this would not involve any discrimination among non-nuclear-weapon states, we recognize this approach presents a problem for EURATOM. However, the only alternative would probably be to have no effective safeguards clause at all because we have clear indications that the Soviets are not prepared to accept any clause which directly or indirectly endorses EURATOM safeguards or which applies safeguards to nuclear powers. The choice which must be made involves an opportunity to achieve safeguards throughout the world, not just in EURATOM countries and the few other non-Communist countries which have accepted I.A.E.A. safeguards. We hope to suggest a concrete

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-5-

formulation in the near future.

Article IV:

The provisions for amendments in paragraphs 1 and 2 are derived from the limited Test Ban Treaty. The review clause in paragraph 3 is derived from a clause in the U.S. draft non-proliferation treaty tabled at the E.N.D.C. It differs in that the provision for a conference is automatic and for the stated purpose of reviewing the operation of the treaty "with a view to assuring that the purposes and provisions of the treaty are being realized". This increased emphasis on review is for the purpose of protecting the interests of the non-nuclear-weapon powers. It will provide an opportunity to assess whether the treaty is accomplishing its purpose of facilitating nuclear disarmament and easing international tensions.

The treaty provision for review after five years would not provide for termination at that time and any amendments proposed as a result of review would require the votes of a majority of parties, including all nuclear-weapon parties. Withdrawal, however, would be possible at any time pursuant to the withdrawal clause (Article VI).

Article V:

Article V deals with signatures and entry into force. It is derived from comparable language contained in the limited Test Ban Treaty and in the non-proliferation treaty drafts tabled at Geneva. The depositary governments (paragraph 2) would be nuclear-weapon states, as in the case of the limited Test Ban Treaty. We have not expressed a view on the precise number of states which should ratify before
/the treaty

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-6-

the treaty goes into force (paragraph 3) but we believe it should be a fairly large number.

Article VI:

The withdrawal clause is also derived from the limited Test Ban Treaty, but it contains the important modifications urged by our allies and earlier embodied in the U.S. draft non-proliferation treaty tabled at Geneva.

Embassy of the United States of America,

London, January 24, 1967.

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United States "Interpretation" of the Non-Proliferation
Treaty, November 1967
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Annex B

Questions US Allies have been asking together with answers
US 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.

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- 2 -

- 3.Q. Does the draft treaty prohibit arrangements for the deployment of nuclear weapons owned and controlled by the United States within the territory of non-nuclear NATO members?
- A. It does not deal with arrangements for deployment of nuclear weapons within allied territory as these do not involve any transfer of nuclear weapons or control over them unless and until a decision were made to go to war, at which time the treaty would no longer be controlling.
- 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

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- 3 -

nuclear weapons (including ownership) or control over them to any recipient, including a multi-lateral entity.

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