

March 27, 1967

Memorandum of Conversation between Vice President Hubert Humphrey and ACDA Director Foster, 'Ambassador Foster's Briefing of Vice President on NPT,' with enclosure, 'Questions Most Likely to be Asked on NPT'

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Summary:

During this conversation, Director Foster briefed Vice President Humphrey about the progress of the NPT. Foster said that he was willing to meet Germany's concerns about such issues as protecting its civil nuclear industry and a future European federation. Moreover, noting that Washington had to discuss the NPT with other countries that could "otherwise go nuclear," Foster worried that a long delay caused by consultations could "jeopardize the chance of the rest of the world getting signed up."

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**UNITED STATES DELEGATION
TO THE
CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE ON DISARMAMENT**

MEMORANDUM OF CONVERSATION

Date: March 27, 1967
Place: Geneva

Subject: Ambassador Foster's Briefing of Vice President on NPT

Participants:

The Vice President
Mr. Ted Van Dyk
Dr. Edward Wenk, Jr.
Mr. William Walsh
Mr. Robert Anderson
Col. Herbert Beckington

U.S. Delegation

Ambassador Foster
Mr. George Buzn
Col. T. St. John Arnold

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U. S. ARMS CONTROL
AND
DISARMAMENT AGENCY

Copies to: ACDA (5)

1. Opening the briefing, Ambassador Foster made the following points:

(1) We cannot negotiate a "bilateral treaty" between the U.S. and the FRG. If we do, it won't be signed by the rest of the world.

(2) In his discussion with Foster, Chancellor Kiesinger had expressed concern about protecting Germany's growing peaceful nuclear industry, about the need for an adequate supply of nuclear fuel, and about his desire that NPT not hinder growth toward a U.S. of Europe. German concerns such as these should be taken care of in the NPT preamble, in interpretations or in bilateral discussions, but not in body of the NPT itself. The NPT draft is based on a fundamental Rusk-Gromyko agreement that NPT should deal with

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-2-

what is prohibited not with what is permitted. This is the foundation for interpretations the Germans want (e.g., that NPT does not deal with allied nuclear consultations or nuclear deployment arrangements). If "allowables" are put in treaty articles rather than in interpretations, preamble and bilateral discussions, this foundation will be destroyed. Moreover, there will be no end of things which will have to go into the text of the treaty.

(3) The NPT must be negotiated with the Indians, Japanese, Israelis, Swedes, etc. who may otherwise go nuclear in the years immediately ahead. Negotiations with these countries must begin very soon. Further long delays for allied consultations may jeopardize the chance of getting the rest of the world signed up. And some of the points must be left to be made by them; our allies are not the only ones who must participate in these negotiations.

(4) We do not propose to put a finally-agreed draft on the table at the Geneva Disarmament Conference. Further changes will be inevitable as the result of negotiations at Geneva, and allied consultations can continue during this period.

2. The Vice President asked Ambassador Foster whether he thought Washington had different views. Ambassador Foster replied that many seemed to think there was plenty of time. The Vice President said the President had instructed him to tell the Germans that we did not intend to "do them in" on anything, but that NPT had very high priority with us. We should assure the Germans on their peaceful nuclear industry, on NATO, and on an EDC without nuclear warheads. A U.S. of Europe could inherit UK and French nuclear weapons. While giving assurances on these points, the bilateral discussions should not go on ad infinitum. The Germans should tell NAC what they had in mind. Soon after that, the NPT should be tabled at Geneva. We can't stall and stall and satisfy every concern. But NPT should not appear as just a U.S.-USSR negotiation without input from our allies. The Germans were suspicious of U.S. motives and the President wanted to respond to the legitimate concerns of our allies. But this process should not go on for weeks and weeks.

3. Ambassador Foster said he agreed fully with this approach. But the Germans wanted more. They had leaked the President's letter to Chancellor Kiesinger saying it meant that there was no hurry. Kiesinger had said he might see the President on NPT in the Fall, implying the FRG could wait until then. This had prompted press stories such as that in the London Sunday Times of 26 March by Antony Terry which states:

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-3-

"In the next precision-made coalition package neither Kissinger nor Brandt are prepared to quarrel over Bonn's conditional 'no' to the nuclear non-proliferation treaty, now shelved by President Johnson in an effort to take the heat out of the argument. Popular feeling is now strongly on the side of Herr Strauss's pro-French policy and hopes of a united Europe with its own nuclear force. Herr Kissinger knows he is on the right lines in putting up a tough front to Vice President Humphrey."

4. The Vice President indicated we were not happy with the leak of the President's letter; and that Terry had written anti-U.S. stories before. He said the U.S. position was simple: We are prepared to consult further with our allies, but NPT had high priority; we felt a sense of urgency and a special responsibility in this area as a nuclear power.

5. Ambassador Foster set forth the time schedule for NAC consultations, for further U.S.-Soviet negotiations, and for tabling an NPT draft when the Geneva Disarmament Conference resumed on May 9. He reported that Chancellor Kissinger had told him after their meeting that the Chancellor had to look tough to avoid giving the NPD any ammunition, but that Germany would eventually sign. Brandt was supporting NPT, but Strauss, Schroeder and Schnippenkoetter were not helpful. The Vice President said he thought the Germans did not wish to kill NPT, but the coalition had produced a nervous government. The main argument against NPT was that it would permit all the nuclear powers to have nuclear weapons but deprive others of this right. An objector should be asked whether his country really wanted nuclear weapons; if it did it could obviously not sign anyway. A main selling point for NPT was that it would provide further incentive, not hindrance, to European federation.

6. In a discussion on the NPT provision calling for IAEA safeguards, Ambassador Foster said we had so convinced the Soviets on the virtues of such safeguards that now they were insisting that they be in the treaty. Euratom was the problem because it did not want anyone else looking over its shoulder. The Vice President suggested that the IAEA do on-the-spot verification of Euratom inspections at any time. Ambassador Foster added that this would keep Euratom in the inspection business just as our national checks would be kept on IAEA-safeguarded U.S. plants. But it would also give the Soviets more assurance than a system of allies inspecting allies -- a system upon which we would not wish to rely if it were Poles inspecting the Soviet Union. To alleviate the concerns about industrial espionage and discrimination, we were prepared to support the FRG if it rejected IAEA inspectors from nuclear powers. We were also considering putting more U.S. peaceful activities under safeguards. The Vice President added that Germany also needed assurance about U.S. supply of nuclear fuels in the future.

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-4-

7. A paper entitled "Questions Most Likely to be Asked on NPT" was discussed by Ambassador Foster. A copy is attached.

8. In conclusion, the Vice President said that NPT was going to happen, but we should be aware of the problems of a coalition putting Brandt in the same cabinet with Strauss et al.

Attachment:

"Questions Most Likely to
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Questions Most Likely to be Asked
on NPT

- 1.Q. How can we be sure Soviets will not interpret NPT in manner contrary to US interpretations?
- A. We can never be sure, but NATO members have all withstood Soviet propaganda charges before with equanimity. US interpretations are based directly on treaty text and negotiating history. The Soviets understand them, although we can not expect them to say publicly that, for example, existing NATO nuclear arrangements are OK. Firm in our agreement within the Alliance on these interpretations, we should have no difficulty with Soviet propaganda.
- 2.Q. Won't NPT hinder unification of Europe?
- A. No. NPT does not deal with European unification and would not prevent creation of a new federated European state (U.S. of Europe) which succeeded to the nuclear weapons of UK or France. It does not give France any new status or bargaining leverage which France did not already have as result of its geographic and economic position, as well as its possession of nuclear weapons.
- 3.Q. Why did US work out basis for new approach to NPT without first consulting its allies?
- A. There have been repeated consultations with allies on NPT since late 1962. In discussions in North Atlantic Council over last two years, it became clear that not more than two of our allies wished to keep open an option for a multilateral force with nuclear weapons which could be fired by majority vote (Germany and possibly Italy wanted to keep this open; Italians told us last year they wished to give it up to get NPT). It also became clear after extensive allied consultations that there was insufficient support to form an MLF for the foreseeable future. When Soviets indicated they would no longer seek through NPT to disrupt existing NATO arrangements for nuclear consultations and nuclear deployments, US concluded that US and its allies would all be better off with NPT and no MLF than with neither NPT nor MLF. Allies were briefed on negotiations with Soviets beginning in October; no one then objected and we therefore went ahead.
- 4.Q. Why can't nuclear powers undertake specific disarmament steps in connection NPT if they expect others permanently to renounce nuclear weapons?

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- 2 -

A. We have already achieved the Limited Test Ban Treaty and Outer Space Treaty which have considerable impact on nuclear powers but little as yet on anyone else. If we insist on further such steps by nuclear powers, we will probably hold up NPT so long that proliferation will be unstoppable. The NPT preamble will, however, call on nuclear powers to halt the nuclear arms race at the earliest possible date. We believe NPT will also improve the atmosphere for discussions on ABM's and offensive missiles now beginning in Moscow.

5.Q. Why should non-nuclear states be made to accept safeguards when nuclear powers have no such obligation? Why not leave Euratom free to apply its own safeguards without seeking to impose IAEA controls on them?

A. The purpose of safeguards is to ^{prevent} manufacture of nuclear weapons. Safeguards make little sense on the peaceful reactors of a country already making nuclear weapons elsewhere. However, to reduce the element of discrimination as far as possible, US is prepared to support the right of non-nuclear countries to reject inspectors from nuclear countries. We are also considering putting more US peaceful nuclear activities under safeguards. We would appreciate knowing from our allies if they believe this would help them to accept safeguards.

Euratom will be free to continue its own safeguards system. But we cannot expect other countries to accept IAEA safeguards if Euratom members insist that only they can inspect themselves. Many non-aligned countries have made it clear that they are prepared to accept IAEA safeguards but only if everyone else does too. And, we would not be prepared to rely on Czechs inspecting Russians. We cannot therefore expect Czechs or Russians to rely on West Europeans inspecting each other.

6.Q. How can we be sure NPT will not be used to hamper development of peaceful nuclear programs in non-nuclear weapon states? Won't they lose all the "spin-off" benefits enjoyed by those who produce nuclear weapons?

A. Except for the requirement for IAEA safeguards, and the problem of nuclear explosions which may some day be developed for peaceful purposes, there is nothing in NPT which would in any way affect peaceful nuclear programs. Twenty-five countries including US have IAEA safeguards on some peaceful nuclear facilities without any "hampering" of such programs.

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-3-

US is modifying the safeguards article, and we have added preambular paragraphs to NPT, to make clear that peaceful activities are to be encouraged, not hampered. With assurance to other countries which will follow safeguards, wider international cooperation on peaceful programs should be possible.

The "spin-off" from nuclear-weapon programs came long ago and has now been widely dispersed to many countries in the form of peaceful nuclear assistance and information. Other spin-off, and there is very little, will also be made available to others; an NPT preambular paragraph to this effect has been added. In addition, the US has made clear its intention to share the benefits of any nuclear explosives which may one day be developed for peaceful purposes.

- 7.Q. What assurance will non-nuclear weapon states be given of protection against nuclear blackmail or attack?
- A. Allies have the Alliance. It is much better protection than will be available to other non-nuclear countries. We are, however, prepared to negotiate an assurance of protection in the form of a UN resolution.
- 8.Q. Why can't review and withdrawal provisions be revised to make it possible for non-nuclear weapon states to hold the nuclear powers more strictly to account for implementing declarations of intention regarding nuclear disarmament? If these intentions are not implemented why should not the non-nuclear weapon states be able to withdraw without having to justify the rigid requirements of the present withdrawal clause?
- A. The present review clause permits review by all Parties after five years of whether the "purposes" of NPT have been achieved. "Purposes" means what appears in the preamble--which includes declarations of intention on nuclear disarmament. Review clause is therefore adequate.

If the security of a non-nuclear-weapon state is jeopardized by failure of the nuclear powers to disarm, then of course it can withdraw. Thus, if USSR fails to come to agreement with US to cut back nuclear weapons and seriously threatens Western Europeans with those weapons, then of course they can withdraw.

- 9.Q. Why pursue this treaty, with all the serious problems it raises, when all it does is to institutionalize present practices?

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- A. NPT does far more than institutionalize the present practice of the nuclear powers to retain their nuclear weapons. If "near nuclear" countries sign up, NPT will be an effective brake to proliferation in the way it is most likely to occur-- by indigenous manufacture of nuclear weapons in India, Israel, Sweden, Japan, etc.

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