

May 2, 1967

Telegram from L.K. Jha, 'Nuclear Security'

Citation:

"Telegram from L.K. Jha, 'Nuclear Security'", May 2, 1967, Wilson Center Digital Archive, PN Haksar Papers, 3rd Installment, Subject File # 111
<https://wilson-center-digital-archive.dvincitest.com/document/134012>

Summary:

Discussion of drafts prepared by the Soviet Union and the US for the Eighteen Nation Committee on Disarmament.

Credits:

This document was made possible with support from Carnegie Corporation of New York (CCNY)

Original Language:

English

Contents:

Transcript - English

TOP SECRET

To: Prime Minister's Secretariat (JMT at end)

FROM: L.K. Jha

DATE: May 2, 1967

Subject: Nuclear Security

This note is an attempt to assess the progress made so far in the discussions on the subject in Moscow, Washington, London and Paris and to consider possible lines of future action.

2. Following the first round of discussions in Moscow, the Soviet authorities had sent to us the draft of a Declaration (annexure I) to which the USSR would be prepared to subscribe.

3. In the light of the discussions in the Cabinet Committee on the subject, further representations were made following which the Soviet authorities prepared a revised draft (annexure II) which was received when I was in Washington.

4. The revised draft did take into account our two major criticisms of the first draft, namely, the need for action when a threat is developing any further, the importance of making it clear that action would not be after the Security Council had considered the matter, but immediate, to be followed by a report to the Council as contemplated in Article 51.

5. However, the revised Soviet draft seemed to suffer from the following draw-backs:

i) The preamble referred to the Non-Proliferation Treaty which the earlier draft did not.

ii) The operative portion was weak, as it said that "the Permanent members possessing nuclear weapons will have to act immediately" instead of stating categorically that the USSR will act immediately.

iii) The reference to Article 51 in the concluding paragraph was again without any direct link with a promise to act under it.

6. In the USA, there was already in existence a two-year old draft (Annexure III) OF A UN resolution on the subject. This had the defect, from our point of view, of not pin-pointing the action which the nuclear powers themselves would take to deal with the situation. There was, in addition, the published text of a statement by the President of the United States dated October 16, 1964, in which the President declared, among other things, as follows:

□ "The nations that do not seek national nuclear weapons can be sure that if they need our strong support against some threat of nuclear blackmail, then they will have it."

7. In order that the US may make an advance over its earlier thinking, keeping in view our own considerations and the nature of the Soviet response, we spelt our desiderata in the following terms on a piece of paper which was handed over to the State Department:

□ "Non-nuclear weapon States have to be given a guarantee both against nuclear blackmail and against a nuclear attack.

□ The guarantee has to be convincing in order that it may serve the dual purpose of acting as a deterrent against a would-be aggressor and of reassuring public opinion in

countries which have no nuclear weapons.

□Such a guarantee should be from as many nuclear weapon States as possible and from the USA and USSR at the very minimum.

□The guarantee should provide for appropriate moves the moment the threat of a nuclear attack is seen to be developing.

□In the event of an actual attack, section should be prompt under Article 51 of the Charter; reference to and consideration by the Security Council being made thereafter.

□The guarantee should become operative as soon as there is the use or the threat of the use of nuclear weapons against a non-nuclear State regardless of the merits of the dispute between the parties."

8. In response to pressing US requests for the Russian draft of which they had independently become aware, as a first step on a purely personal basis, I put forward a draft (Annexure IV) to serve as a basis for further discussions which was, in form, a marriage of the revised Russian draft and the American draft of the UN resolution. In this draft, while the wording is, in the main, picked up from the soviet and American drafts, an attempt was made to make the operative part a categorical declaration to the effect that the US Government will take prompt, effective and adequate action to counter and nullify the threat or the use of nuclear weapons against the State not possessing them.

9. As the American insisted that in order to make real progress, they must, for themselves, study the Russian text and acquaint the President of its contents and as further, Mr. Gromyko himself had said that it was for us to show the text to the other nuclear powers, we made available both the original and the revised Russian drafts to the U.S. authorities.

10. Also, immediately after, the draft prepared by us was made available by our Ambassador to the Soviet Foreign Office.

11. Discussions on the subject on somewhat similar lines were also held in the UK and France. However, for our present purposes, it would be best to focus attention on the Soviet position and the American position in order that we may consider our future policy and line of action.

12. The Russian Foreign Office has told our Ambassador that the draft we presented to the Americans was not acceptable to them. They did not make their objections specific. Shir Kewal Singh asked me when I was in London to return through Moscow in order to discuss the matter further. I felt that it would not be advisable to do so until we had made a fresh assessment of the situation in Delhi.

13. The Americans have yet to give us their response in the form of any written document. One concern which they have and which was spelt out by Mr. Dean Rusk to our Ambassador immediately after I had left and after the matter had been discussed by the President with Mr. McNamara and Mr. Dean Rusk, is that they would rather not do anything which would involve their going to the Senate for fresh approval. Therefore, they would prefer something which can be said to be already covered by the authority which the US government has from its Senate to act within the UN Charter. To meet this concern, of which I had been made aware during my talks, I had suggested, and Mr. McNamara was inclined to like the idea, that after the declarations has been made by the nuclear powers, there should be a UN General

Assembly Resolution endorsing them and supporting them.

14. The points to which we should, at this stage, give our attention are discussed in the following paragraphs.

15. There would be considerable difficulty in securing, both from the Soviet Union and from the USA, a statement which would, in legal terms, amount to a commitment which they do not already have under the UN. Such a commitment would imply an ultimate military and financial liability of a somewhat indefinite nature which they are unlikely to undertake. What they are likely to accept would be the Declaration which, in terms of legal obligation, does not go beyond the UN Charter, but which, in political terms, will amount to a promise of full support in the eventuality of a nuclear attack on a non-nuclear country.

16. In this context it is important to remember that even the most categorical legal obligation in such matters cannot be fool-proof, because if the political factors are unfavorable, some excuse can always be found to delay action, to set half-heartedly and ineffectively, or not to act at all.

17. Another point to remember is that it is likely that the promise of action will be expressed, as in the Russian draft, in words taken out of the UN Charter, rather than of a categorical nature to counter and nullify the threat of an attack as contemplated in the draft I gave to the Americans and to which the Russians have already reacted adversely.

18. Yet another factor to be taken into account is that the wider the area covered by the guarantee, the less precise would be the nature of obligations under it. For example, if it were merely a question of dealing with a possible Chinese attack on India in the near future, both the USA and USSR would undoubtedly take the strongest possible action, guarantee or no guarantee. (This was the French view also.) But a commitment to help any country at any time, regardless of the circumstances, would have to be spelt in very much weaker terms.

19. Finally, the revised Russian draft does bring in a reference to the signing of the Treaty of non-proliferation. Neither in America nor in Britain and certainly not in France, was there any kind of pressure in regard to the Non-Proliferation Treaty. In Moscow, there was certainly very strong words used in favor of our signing the Treaty and it is doubtful if the Soviets will pursue their present positive approach if they felt that we would not sign the Non-Proliferation Treaty. It has to be noted that the pressure on us from the Soviet authorities will not be any the less even if we abandon the idea of a guarantee.

20. In the light of the factual background and the considerations set out above, we have now to make up our mind about our future course of action and to instruct our Ambassadors concerned suitably.