SELECTED KEY DOCUMENTS FROM UK STATE PAPERS ON THE NEGOTIATION OF THE NUCLEAR NON-PROLIFERATION TREATY: 1966

TNA FCO 10/193

CONFIDENTIAL

Enter (4)

Mr. P.R.H. Wright.

P.U.S.

RECEIVED
10 JAN 1967
AD 14/4

International Safeguards in a Non-Proliferation Treaty.

Flag A.

The Permanent Under-Secretary has asked, with reference to Washington telegram No. 40 of 5 January, whether there is a specific British interest in the safeguards point.

2. There is indeed a British interest and it arises from our rather special position in respect of the application of international safeguards to nuclear materials. We are the only military nuclear power which

a) is also a major civil nuclear power, and

b) has no indigenous supply of uranium, and

c) for reasons of economy, has mixed military and civil plant at certain points in the nuclear programme.

3. The effect of these factors is that if international safeguards were to be imposed in the next year or so, either within a non-proliferation treaty or outside it, on all transfers of nuclear materials, the U.K. would be uniquely affected among the military nuclear powers because any uranium coming into this country would be safeguarded, and the safeguards would very quickly spread through our entire nuclear system.

4. There would be security objections to this at the points where the military and civil programmes are combined, as in the plutonium separation plant at Windscale: but far more important than this would be

a) the opportunity provided for commercial espionage on our existing and planned civil reactor programme by international inspectors from countries who compete with us in the civil nuclear field, and

b) similar opportunity for espionage on our civil research and development programme particularly in regard to the fast reactor, in which we are as far ahead as anyone.

5. The present published text of the U.S. draft non-proliferation treaty includes only a hortatory article on international safeguards and with this we are content. But last summer the Americans told us that they were considering an article with mandatory provisions which

/would impose

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would impose safeguards on all civil nuclear programmes in non-nuclear-weapon states and would also impose safeguards on all transfers of source and fissionable material to all states. We told the Americans that we could not accept this at the time since we needed to examine in detail the effect it would have on our own programme. The result of our examination shows that the imposition of safeguards on transfers would have the effect set out in paragraph 4 above, unless it could be agreed that the safeguards would only be applied to material coming in under new contracts. This would delay the wholesale application of safeguards until about 1975 and this we could accept, since we shall by then have built up our unsafeguarded stocks from existing contracts. It would also be preferable if highly enriched uranium for R and D purposes were excluded from safeguards, as is already the case in our bilateral agreement with the U.S. for the supply of uranium for civil purposes.

6. We do not know what the upshot will be of the Soviet-American discussions on the safeguards article. Hitherto the Russians have resisted any article with mandatory provisions for the nuclear-weapon states, and they may continue to do so. In that case the choice for the Americans is between a hortatory article and no article at all. Of the two we should much prefer the former, since from the arms control point of view we think that existing international safeguards should be developed into an effective system for controlling proliferation; and if an article existed already it might be possible to strengthen it later on, whereas it would be much more difficult to introduce new considerations once the treaty had been signed.

7. However, we cannot entirely exclude the possibility that the Russians, who have plenty of uranium, might accept mandatory safeguards on its transfer, and we therefore think that we must explain our difficulties tothe Americans soon. Interdepartmental discussions on how best to do this are proceeding urgently.

8. There is one further point which concerns EURATOM. The Russians object to this organisation on the grounds that it is self-controlling and that it enables the Germans to escape international safeguards provisions. Hitherto the Americans have taken the position that EURATOM safeguards are just as effective as the I.A.E.A.; but it is clear from the aide-memoire which the U.S. Ambassador left with the Secretary of State last week (page 5) that they are now prepared to ditch EURATOM if this is necessary in order to get a treaty. Our own position is that, from the arms control point of view, we do not like regional safeguards arrangements which may create very awkward

Flag B.

/precedents, and

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-3-

precedents, and that we should therefore much prefer one world-wide international system. From the point of view of our E.E.C. policy, however, things are very different. It has always been understood between ourselves and the Six that any negotiations for our entry would be paralleled by those for entry into the other two organisations of which EURATOM is one; and the present moment would be the worst possible one for pursuing a policy designed to achieve the takeover of EURATOM by the I.A.E.A. This is not to say, of course, that if the Russians and the Americans reach agreement on a treaty text which would have that effect we would not accept it: it is simply that we cannot ourselves take the initiative to achieve it.

J.E.D. Street

(J. E. D. Street)
9 January, 1966

Many thanks -

PUS
9/1

c.c. Sir J. Rennie
Mr. Willan
Mr. Buxton

P/D

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1240/5/21/1

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BRITISH EMBASSY,
WASHINGTON, D.C.
21 January, 1966

20/1

With reference to paragraph 4 of our telegram No. 243, about the non-proliferation talks here, I enclose two copies of "Revised Draft Articles I, II and IV of a Non-proliferation Treaty".

2. These revised draft articles were agreed at a meeting between members of the U.S. and U.K. delegations yesterday afternoon and Sir Harold Beeley has asked me to forward them to you. Subject to further clearance here, the Americans propose to submit them as amendments to their existing draft treaty during the next round of disarmament discussions in Paris and Geneva.

3. Bunn, the Disarmament Agency General Counsel, telephoned me this morning and suggested that the words I have square bracketed at the beginning of Article II("whether alone or in any association of non-nuclear-weapon States") are redundant in view of paragraphs 1 and 4 of the same Article. I consulted Sir Harold Beeley about this and he was inclined, at first sight, to agree. Bunn suggested that, if further consideration confirmed this, a decision could be taken at Paris to leave these words out.

I am sending a copy of this letter and enclosure to UKDIS Geneva and UKDEL NATO. I am also copying the letter, without the enclosure, to Ian Sinclair in New York.

R. S. Faber

J.E.D. Street, Esq.,
Atomic Energy & Disarmament Department,
The Foreign Office,
London.

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CYPHER/OTP

FROM THE FOREIGN OFFICE

NUMBER : 26

27 JANUARY 1966

ROUTINE

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TO UKDIS GENEVA

D. 8.32 PM 27/1

R. 9.42 PM 27/1

CHANCERY REGISTRY JAN 28 1966 BRITISH EMBASSY WASHINGTON

ADDRESSED TO UKDIS GENEVA TEL NO 26 OF 27 JANUARY REPEATED FOR INFORMATION TO WASHINGTON 1067 UKDEL NATO UKMIS NEW YORK.

BUXTON'S LETTER TO STREET OF 25 JANUARY: NEW U.S. DEFINITION OF "CONTROL".

THE DEFINITION NOW PROPOSED BY THE AMERICANS IS CLOSE TO THAT ORIGINALLY PUT FORWARD BY THE U K . WE SUPPORT IN PRINCIPLE A REFERENCE TO A NUCLEAR VETO, BUT THE PROPOSED DEFINITION IS OPEN TO THE FOLLOWING SUBSTANTIAL OBJECTIONS, PARTICULARLY IN CONJUNCTION WITH THE PRESENT DEFINITION OF A "NUCLEAR-WEAPON-STATE":-

(A) IT DOES NOT SIGNIFICANTLY AFFECT THE SUBSTANTIVE OBLIGATION, EXCEPT IN THE UNLIKELY EVENT OF A NON-NUCLEAR STATE SUBMITTING ITSELF TO A NON-NUCLEAR VETO. IF THE AMERICANS DECIDE, AFTER ALL NOT TO ACCEPT THE WORDING RELATED TO ASSOCIATIONS OF NON-NUCLEAR STATES, THEN WE SHALL BE NO FURTHER FORWARD, EVEN WITH THIS AMENDED DEFINITION, THAN WE WERE LAST YEAR.

See also Tel no 7 29/1

(B) IN ADVANCE OF FINAL DECISIONS ON THE FORM OF THE CONTROL ARRANGEMENTS FOR ANY NUCLEAR SHARING SOLUTION IN EUROPE, WE SEE DIFFICULTIES IN THE WORDS " RIGHT OR ABILITY". IF A MAINLY POLITICAL CONTROL SYSTEM WAS SET UP THEN INDIVIDUAL UNITS MIGHT OBTAIN THE /PHYSICAL

See letter 31/1

CHANCERY GENERAL

Chancery Action
674:CHY:nl.

PLUS: Sir S. Zuckerman

CONFIDENTIAL

I have written to Mr. Street about this. E

TNA FO 115/46122

PHYSICAL ABILITY TO USE, OR SOMETHING NEAR IT. MOREOVER WE COULD NOT CONCLUSIVELY DEMONSTRATE THAT THERE WAS NO ABILITY TO USE WITHOUT REVEALING CLASSIFIED INFORMATION ABOUT ELECTRONIC LOCKS ETC. THIS IS WHY IN OUR ORIGINAL DRAFT WE HAD SUGGESTED THE MORE GENERAL PHRASE "POWER TO USE NUCLEAR WEAPONS WITHOUT THE CONSENT OF A NUCLEAR STATE".

(C) THE WORD "FIRE" IS UNSATISFACTORY; IT COULD HARDLY BE USED TO COVER THE DROPPING OF A BOMB AND WOULD MAKE DIFFICULTIES IN TRANSLATION. AN ALTERNATIVE WOULD BE "COMMIT TO USE" ALTHOUGH IT IS NORMALLY USED IN A DIFFERENT CONTEXT.

(D) THE WORD "CONTROL" IN THE FORM "CONTROLLING" APPEARS ALSO IN THE DEFINITION OF A NUCLEAR-WEAPON-STATE. IF A NUCLEAR-WEAPON-STATE IS REFERRED TO IN THE DEFINITION OF CONTROL, THEN THE DEFINITION IS CIRCULAR. IT IS FOR THIS REASON THAT IN OUR DRAFT, WHICH NECESSITATED A REFERENCE TO A NUCLEAR VETO IN THE DEFINITION OF CONTROL, WE AVOIDED USING THE WORD "CONTROL" IN OUR DEFINITION OF NUCLEAR STATES: WE PROPOSED EITHER TO LIST THEM OR TO DEFINE THEM AS STATES WHICH ON A GIVEN DATE HAD ACTUALLY CARRIED OUT A NUCLEAR-WEAPON TEST, AND HAD PUBLICLY ANNOUNCED THE EXPLOSION.

(E) AN ASSOCIATED DIFFICULTY IS THAT IN INTERNATIONAL LAW ANY STATE HAS THE LEGAL RIGHT TO USE NUCLEAR WEAPONS. ALL STATES WOULD BY DEFINITION BE NUCLEAR STATES. THE PROHIBITION IN THE DRAFT TREATY RELATES TO ACQUISITION AND MANUFACTURE AND, IN ANY CASE, IT WOULD BE UNSATISFACTORY IF THE PROHIBITION WERE IN ANY SENSE RELEVANT TO THE DEFINITIONS WHICH DEFINE THE CONTENT OF THAT PROHIBITION.

2. IF THEREFORE THE AMERICANS DO NOT OBTAIN CLEARANCE FOR INCLUDING

/IN

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IN THEIR TEXT A BAN OF THE TRANSFER OF CONTROL TO ~ASSOCIATIONS~ OF NON-NUCLEAR STATES WE SEE NO ADVANTAGE AND SOME DISADVANTAGES IN THE NEW DEFINITION. BUT IF THEY CAN AGREE TO THE TEXT ACCEPTED IN THE WASHINGTON TALKS THEN WE SHOULD PREFER THEM TO AMEND THE DEFINITIONS BOTH OF "NUCLEAR-WEAPON-STATE" AND OF "CONTROL" ON THE LINES OF OUR ORIGINAL DRAFT, WITH THE ADDITION OF THE WORD "CONCURRENT" WHICH USEFULLY AVOIDS THE POSSIBILITY OF GENERALISED CONSENT. SUCH DEFINITIONS WOULD BE MORE ACCEPTABLE TO US THAN THOSE ACCEPTED IN WASHINGTON.

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UNITED KINGDOM DELEGATION TO THE
18-NATION DISARMAMENT CONFERENCE,
GENEVA.

(1014/66)

18 April, 1966.

DESPATCH NO. 2

PROSPECTS IN THE DISARMAMENT CONFERENCE

SUMMARY

1. The E.N.D.C. is marking time, and the Western powers are increasingly blamed by the non-aligned for its lack of progress. The danger that it may not be possible to reconvene it in 1967 (paragraphs 2-4).

2. The discussion of a ban on underground nuclear tests. Do the Americans exaggerate the importance of on-site inspection as a condition for this? (paragraph 5).

3. The discussion of a non-proliferation treaty. Increasing support in NATO for the British position on the "European option"; suggestion that the Americans should again be pressed to accept it. But NATO nuclear-sharing is still the central issue; outline of a possible compromise on this (paragraphs 6-8).

4. Agreement highly improbable in advance of a decision by NATO on the form of its nuclear-sharing arrangements. Little chance of this in time to affect the current session of the E.N.D.C. What priority is given by Her Majesty's Government to an agreement with the Soviet Union on nuclear proliferation? (paragraph 9).

See 17/6

See letter 14/5

See 18/4

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UNITED KINGDOM DELEGATION TO THE
18-NATION DISARMAMENT CONFERENCE,
GENEVA.

(1014/66)

18 April, 1966.

DESPATCH NO. 2

Sir,

The time has not yet come for a full account of the current session of the Eighteen Nation Disarmament Conference. But the Easter pause in the work of the Conference provides an appropriate occasion for a brief report on its present state and for some comments on the questions of policy raised by its future prospects. These I now have the honour to submit.

2. It is generally agreed by delegates and observers in Geneva that the Conference is marking time. On every issue the delegations from NATO and from the Warsaw Pact are standing immovably in their pre-existing positions. The debate between them continues on a high level of argument, and with a minimum of irrelevant propaganda, but it is essentially a dialogue of the deaf. The eight non-aligned delegations, after making a few weighty contributions to the opening stages of the discussion, have fallen increasingly silent. There are rumours that they may be preparing a compromise draft of a non-proliferation treaty with a view to breaking the east-west deadlock, but it seems doubtful whether they can reach agreement on this difficult task and their general mood seems to be one of discouragement. They have varying views of their own on the relationship which should be established between a non-proliferation agreement and measures for the limitation and reduction of

/existing

See also letter 20/5

The Right Honourable
Michael Stewart, M.P.,
Foreign Office,
London, S.W.1.

See 21/5

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existing nuclear armaments. But on the east-west dispute, which turns on the relationship to a non-proliferation agreement of nuclear sharing arrangements in NATO, they are more concerned that a compromise should be arrived at than with its terms. Within the limits of this relative indifference, however, they are influenced by the exchange of arguments between the two blocs, and they have evidently been impressed by the Soviet thesis that proposals under consideration in the NATO alliance would involve the creation of a third category of States, neither nuclear nor non-nuclear but having some of the characteristics of the former and being consequently privileged in relation to the latter. Indeed the argument has been used in the conference by Mr. Trivedi of India. It can be answered fairly effectively in logic, but it has nevertheless helped to swing the sympathy of the non-aligned delegations towards the Soviet case. On the second question to which priority has been given in the current negotiations, that of a ban on underground nuclear tests, the situation is somewhat similar. Here the Swedish delegation has presented a carefully considered and cogently argued proposal designed to circumvent the east-west deadlock on the issue of verification by on-site inspection. The Russians have given no countenance to this proposal and if it became actual they would probably reject it. The fact remains that it was the American delegation which declared it unacceptable.

3. The present prospect, therefore, is that the 1966 session of the E.N.D.C. will be no more productive than those of 1964 and 1965, and that the non-aligned members of

/the committee

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the committee will attribute the responsibility for its barrenness in rather greater measure than previously to the Western Alliance. If there is no change in this position before September, it seems likely that the discontent with the E.N.D.C. which existed, for the most part below the surface, in the General Assembly last year will come into the open this year. This could have a number of consequences which would be unfortunate from the Western point of view - less pressure from the Assembly for the reconvening of the E.N.D.C.; greater insistence on the effort to assemble a World Disarmament Conference; and an opportunity which might appeal to the Soviet Union to extricate itself from Geneva without incurring the serious displeasure of the third world. These possibilities must be viewed in the light of the generally accepted (and, I believe, correct) opinion that as a forum for the international discussion of arms control and disarmament the E.N.D.C. in its present composition is more satisfactory to the West than any likely alternative would be.

4. In addition to the wider considerations arising from the general policy of Her Majesty's Government, there is thus a strong case based on the immediate situation in Geneva for considering whether we are in a position to initiate any move which would make the prospect for arms control and disarmament negotiations somewhat less bleak.

5. Of the two issues which must somehow be disposed of before the Conference can seriously turn its attention to other aspects of its agenda the test ban is in principle by far the less complicated. There is moreover a new element in the discussion of this problem, in the

/shape of

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shape of a Swedish verification proposal, adumbrated at the twentieth session of the General Assembly (and discussed in paragraphs 6 and 7 of my despatch No. 1 of the 7th of January), and described in greater detail by Mrs. Myrdal at Geneva on the 10th of March. In essence this proposal would substitute for the right to a limited annual number of on-site inspections, as proposed by the United States, a system under which a Government suspected of conducting illegal tests could be challenged to prove its innocence, under the sanction of the right of the challenging State to denounce the treaty if it had shown reason to believe that continued adherence to its obligations would jeopardise its supreme interests. This proposal has already been rejected by the American delegation, on the ground that under it the risks of evasion would be unacceptably greater than under a treaty providing for on-site inspections as of right; and that consequently it might open the way to "dangerous technological breakthrough which . . . might upset the present nuclear balance." The American position in this matter was subjected to serious criticism at the recent meeting of NATO disarmament experts in Paris, and it seems to me probable that a re-examination of the problem in London would lead to the conclusion that the Americans are exaggerating the importance on technical grounds alone of on-site inspection. Politically, moreover, there can be little doubt that continued insistence on such inspection would prevent agreement on a test ban for an indefinite period. I therefore suggest that the position of Her Majesty's Government on this matter should be reconsidered;

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and that, if the conclusions reached warrant such action, we should make it clear to the other NATO delegations in Geneva that we dissent from the American view and urge the Americans to revise it. There is reason to believe that we should be supported in this by the delegation of Canada.

6. On the second issue, the effort to stop the spread of nuclear weapons, a divergence between the British and American attitudes is already public property. It was stated in August, 1965, both in the Conference and to the press, that the support of the United Kingdom for the American draft treaty was subject to a reservation. In an effort to leave open all forms of what is known as "the European option", the American draft permitted (and, despite later amendment, still permits) a nuclear power desiring to renounce its independent control of nuclear weapons to enter an association with non-nuclear powers in which the latter could exercise majority control. We considered that this would constitute dissemination, and the provision has since been denounced for the same reason by the communist delegations. It will be remembered that, before making a public disclosure of our dissent on this point, we sought to persuade the NATO Council to accept the alternative United Kingdom draft under which nuclear States would undertake "not to transfer control of nuclear weapons to any non-nuclear State or to any association of States". At that time (July 1965) the Norwegian and Danish Governments appeared to be alone in preferring the British text. Since then, however, the Netherlands Government has openly joined them and we have been confidentially informed that Belgium and Canada have also decided to support our line if the debate is re-opened. In view of

/this evolution

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this evolution of opinion in NATO, and of the increasing emphasis which the communist delegations in Geneva are giving to this aspect of the United States draft treaty, I believe the time has come for a renewed effort to persuade the Americans to surrender this point. The conference will probably go into recess for a month in the middle of May, and its resumption would be an appropriate moment for the tabling of such an amendment. Action at that time would give a helpful start to the second part of the session, and would improve the western image in the eyes of the non-aligned delegations.

7. If the debate in the E.N.D.C. had started on the basis of the United Kingdom draft, it might have taken a somewhat different shape and the western case might have carried more conviction. But it would probably not have brought agreement much closer, and its substitution for the United States text would certainly not do so now. For the principal Soviet attack is directed against the concept of an Atlantic Nuclear Force (or Multilateral Force), i.e. a mixed association of nuclear and non-nuclear States in which however there would be no transfer by the nuclear members of "control", in the sense given to that word in the western draft treaties. The minimum further concession which, in my view, will eventually have to be made by the west, if agreement with the Soviet Union is to become possible, is the extension of the proposed undertaking by the nuclear powers so that it would preclude them from transferring "ownership" (and perhaps also "possession") as well as "control" of nuclear weapons. Such a concession would restrict the range of possible nuclear-sharing arrangements open to the North Atlantic

/Alliance.

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superior tactical position, may as I have suggested in paragraph 3 above have irreversible consequences. But we can reasonably make plans for the less gloomy and by no means impossible alternative that the E.N.D.C. will be given another chance in 1967. I trust that by then the necessary framework of negotiation will have been established, and that it will be such as to bring a non-proliferation agreement within reach. This, however, will require a positive effort in NATO, and it seems improbable that any major member of the alliance other than the United Kingdom will in the near future accord a sufficiently high priority to an agreement with the Soviet Union on the subject of nuclear proliferation. The relative value attached to this and to other related objectives by Her Majesty's Government may thus be of decisive importance.

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10. I am sending copies of this despatch to Her Majesty's Representatives to the United Nations at New York and to NATO in Paris, to Her Majesty's Ambassadors at Washington, Rome, Bonn, Addis Ababa, Bucharest, Mexico City, Moscow, Paris, Prague, Rangoon, Rio de Janeiro, Sofia, Stockholm and Warsaw and to the British High Commissioners in Ottawa, New Delhi, Canberra and Lagos.

I have the honour to be,
With the highest respect,
Sir,
Your obedient Servant,

(Harold Beeley)

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JAN 2 0 1966

REVISED DRAFT ARTICLES I, II AND IV OF A NON-PROLIFERATION TREATY

ARTICLE I

Each of the nuclear-weapon States party to this treaty undertakes:

1. Not to transfer nuclear weapons into the national control of any non-nuclear weapon State, or into the control of any association of non-nuclear-weapon States.

2. Not to provide to any non-nuclear-weapon State or association of such States --

(a) assistance in the manufacture of nuclear weapons, in preparations for such manufacture, or in the testing of nuclear weapons; or

(b) encouragement or inducement to manufacture or otherwise acquire its own nuclear weapons.

3. Not to take any other action which would cause an increase in the total number of States and associations of States having control of nuclear weapons.

4. Not to take any of the actions prohibited in the preceding paragraphs of this Article directly, or indirectly through third States or associations of States, or through

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Letter to Mr. Street.

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units of the armed forces or military personnel of any State, even if such units or personnel are under the command of a military alliance.

ARTICLE II

Each of the non-nuclear-weapon States party to this treaty undertakes, whether alone or in any association of non-nuclear-weapon States:

1. Not to manufacture nuclear weapons, and not to seek or to receive the transfer of nuclear weapons into its national control or into the control of any association of non-nuclear-weapon States of which it is a member.

2. Not to seek or receive, and not to provide:

(a) assistance in the manufacture of nuclear weapons, in preparations for such manufacture, or in the testing of nuclear weapons; or

(b) encouragement or inducement to manufacture or otherwise acquire its own nuclear weapons.

3. Not to take any other action which would cause an increase in the total number of States and associations of States having control of nuclear weapons.

4. Not to take any of the actions prohibited in the

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preceding paragraphs of this Article directly, or indirectly through third States or associations of States, or through units of its armed forces or its military personnel, even if such units or personnel are under the command of a military alliance.

ARTICLE IV

In this treaty

(a) "Nuclear-weapon State" means a State controlling nuclear weapons as of . . . .

(b) "Non-nuclear-weapon State" means any State which is not a "nuclear-weapon State".

(c) "Control" means independent power to use nuclear weapons.

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FOREIGN OFFICE, S.W.1.

20 May, 1966.

Pl. prepare a draft brief for Ctee.

Mr. Dean

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18/4

In your despatch No. 51 of 27 April you commented on the suggestion put forward by Harold Beeley in his despatch No. 2 of 28 April for making progress in various areas of the disarmament and arms control problems.

2. His suggestions, and your comments on them, have now been considered by the Secretary of State. A number of decisions have been taken, of which this letter deals with only two: first, the proposal that we should seek to persuade the Americans to close the "majority vote" option in their draft non-proliferation treaty and second, that we should try to rule out "ownership" and "possession" in a revised treaty draft.

3. We have decided that at present we should not proceed with the second proposal, for a number of reasons. One is that both these words, and particularly "possession", involve serious legal difficulties of definition. Secondly, an attempt to foreclose ownership would bring us back into conflict with the Germans just at a time when things seem to be going rather more smoothly in the field of nuclear sharing and when we need to keep closely in step with the Germans in the France-NATO context. Thirdly, we think that discussion of the exact phraseology of the treaty might await a later stage, when actual negotiation of its terms seems more likely to be possible.

4. We do think, however, that a further attempt should now be made to persuade the Americans to close the majority vote option. As you know, it has always seemed to us that this option, albeit a theoretical one, must be regarded as having some disseminatory aspects. We have all along considered that the retention of control by the nuclear States is the important concept in a non-proliferation treaty and it is just at this point that the American draft breaks down because of the majority vote possibility.

5. During the last few months there have been indications that the opinion of some of our allies was moving towards our own on this point. The Scandinavians have always shared our view and as you know the Dutch and the Canadians have now come round to it, though the latter have not hitherto been prepared to say so. We also believe that the Belgians are with us. For practical purposes, therefore, the only important adherents of the majority vote option are the Germans and the Italians, since so far as the Americans

/are concerned

See also letter 17/6

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Sir Patrick Dean, G.C.M.G.,
Washington.

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are concerned we know quite well that whatever tactical line they may feel obliged to take on this question, they in fact agree with us. And as regards the Italians, the Chancery will have seen that Signor Cavaletti told his Western colleagues last month that he had explained to Mr. Roshchin at Geneva that the only reason why the American draft dealt with associations of States was to allow for the eventual if remote possibility of a European federation.

6. You already know that on this last point we intended the original U.K. draft to keep open the possibility of a fully federated European State with control of nuclear weapons. In our view no transfer of control would be involved since the Federation would acquire by succession the nuclear status of either France or Britain or both. If therefore Cavaletti was really expressing his Government's view, then our own treaty formulation would suit the Italians just as well.

7. We are of course under no illusions that the removal of this option from the Western draft treaty would make the latter negotiable with the Russians. Nevertheless it is a point of some importance and if the Western Four were able to give their support at Geneva to a draft treaty which clearly ruled out the acquisition of control by non-nuclear powers even in a mixed association, we should be in a much better position to rebut Soviet criticism and to persuade the non-aligned at Geneva and elsewhere that we are taking non-proliferation seriously.

8. Would you please therefore tackle the Americans about this? Subject to your views there would seem to be advantage in your talking to some appropriate person at a high level in the State Department as well as to ACDA. You could say that, as the Americans know, we have kept to our agreement of January and have welcomed the amendments which they tabled to their original draft treaty in March, and have not voiced the reservations about their earlier text which were the subject of exchanges between us last summer. During the last session at Geneva, however, Russian attacks have increasingly focused on the possibility of creating mixed associations with numerous non-nuclear members, and these attacks seem to have some success in enlisting the sympathies of the non-aligned. If we could remove this weakness it would put us in a better position to meet objections from any quarter. We therefore hope that the Americans will agree to support us in raising the matter once again, first with the Canadians and Italians and afterwards with the Germans. If you think it useful you could hand to the Americans the suggested re-draft (enclosed) of their Articles I and II.

9. Since this letter was drafted General Burns has given Lord Chalfont the text of a redraft of Articles I and II which he hopes the Canadian Government will approve and urge on the Americans. This text rules out the majority vote option and also "ownership" and "possession". We shall be giving our comments to the Canadians shortly and will send your Chancery a copy. But until Ottawa has approved the new text it should not be mentioned to the Americans.

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10. I am sending a copy of this letter to the Chancery at Ottawa. But they should not say anything to the Canadians at present. I am also copying it to Harold Beeley at Geneva and to the Chanceries at Rome and Bonn.

Yours ever

Sammy

(Hood)

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The instructions in Lord Hood's letter to N.E. of 20 May below simply deal with one aspect of the U.S. draft non-proliferation treaty: viz. what has come to be known as the "European option". This point was raised in paragraph 6 of Sir H. Beeley's despatch of 18 April (Flag B) and we commented on it in paragraph 7 of our despatch of 27 April (Flag A) Though we questioned the desirability of taking up the point with the Americans at this time, and doubted whether they would react very positively, we said that "the Americans could not blame us for trying once more to make them change their minds".

2. The question of the "European option" is one in which we have always differed from the United States Government. In leaving this option open the Americans have been influenced by a wish to re-assure Europe - minded Germans and Italians that the possibility of an independent European nuclear force would not be ruled out forever by signature of a non-proliferation treaty. We have always opposed the conception of an independent European nuclear force, both on non-proliferation grounds and because it would run counter to our general desire to keep the U.S.A. closely concerned in the defence of Europe. We have always made clear to the Americans our view that their pre-occupation with this point was a weakness in their draft treaty - and we parted company with them on the question, discreetly but publicly, last summer. At the same time we have maintained that, if there were ever to be a fully fledged European federation, including either France or Great Britain, or both, such a federation would automatically succeed to French and/or British nuclear status.

3. In U.S./U.K. disarmament talks early this year in Washington the Americans agreed to tighten up their draft treaty, in response to our representations, so as to rule out the transfer of nuclear weapons to associations entirely composed of non-nuclear-weapon States. (In return we gave them to understand that we would not press our "European option" objections publicly at Geneva.) This American concession improved the draft treaty, from our point of view, but still left open the possibility of transfer of nuclear weapons to "mixed" associations of States including at least one nuclear-weapon member. The present text of the U.S. draft non-proliferation treaty, including the amendments tabled in March, is attached at Flag C.

4. Our justification for re-opening this question now with the Americans is:

(a) Russian attacks at Geneva have increasingly concentrated on the possibility of creating mixed associations with numerous non-nuclear members, and these attacks seem to have had some success in enlisting non-aligned sympathies;

(b) We have had indications (which we can presumably mention informally to the Americans) that the Dutch, Belgians, and Canadians are sympathetic to our point of view, as well as the Scandinavians. Moreover, we have reason to think that the concern of the Italians is simply to leave open the possibility, however remote, of a fully-fledged European federation - and, in accordance with the argument at the end of paragraph 2 above, we believe that there is no need

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to make special provision for this in the draft treaty.

5. H.E. may wish to act on the instructions in Lord Hood's letter with Mr. Foster of A.C.D.A. and perhaps also with Mr. Alexis Johnson. I submit a draft Aide Memoire which could be left with them.

R. Faber

R. S. Faber
24 May, 1966

Mr. Bendall: 25/5 I think it would be best to leave an Aide Mémoire

Minister: Wel. 27/5

H.E.: agree. PD 26. V.

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Record of a Meeting held in the Foreign Office on 19 July, 1966, to discuss Safeguards in a Non-Proliferation Treaty

Present:

Mr. A.S. Fisher	Sir H. Beeley
Mr. M. Kratzer	Dr. R. Press
Mr. D. Zook	Mr. J. McAdam Clark
Mr. J. Palfrey	Dr. M. Davis
Mr. R.V. Hennes	Mr. H.J. Millen
Mr. S.G. Nordlinger	Mr. R. MacAndrew
	Mr. A.C. Stuart

Sir Harold Beeley welcomed the United States team and said that he understood that they wished to put to the United Kingdom a new draft article on safeguards for inclusion in a non-proliferation treaty (text at Annex A). Mr. Fisher said that they had been studying the question of safeguards in a non-proliferation treaty for the last twelve months. The dual requirements were to ensure that the non-nuclear powers could not divert their nuclear programmes to weapons purposes and that the treaty should embody some balancing obligations by the nuclear powers. The United States had recently been discussing the question with the Canadian Government who had pressed for universal mandatory safeguards, not on the grounds of the dangers of commercial espionage, but for reasons of symmetry and equality.

2. The draft which was now being put forward was in a different context from the bilateral United States/United Kingdom negotiations on the supply of fissile material. In this case, the restrictions that might be imposed on the nuclear States would be greater than was envisaged in the bilateral negotiations, but the gain would be correspondingly greater - a universal non-proliferation treaty with an effective safeguards clause. Mr. Kratzer said that the last sentence of the new draft, which imposed compulsory safeguards on transfers, would affect all the signatories to the treaty, even the United States. The plutonium which the United States receive from the United Kingdom under the military barter agreement would be safeguarded and would result in the application of safeguards to much of the fast reactor programme of the United States. Mr. Fisher stressed that in the opinion of the United States this was a genuinely symmetrical provision. It was the most effective possible safeguards clause which stood any chance of being accepted by the Russians. Although the Canadians had not liked the first sentence of the new draft, they had accepted it as a whole and he thought that other non-nuclear States would do so too.

3. Sir Harold Beeley asked what was the degree of urgency of the American approach. We had set up an inter-Departmental Committee to investigate the problems associated with safeguards and it would take us time to review the effects of the new United States proposal. The safeguards Article which had already been tabled was non-discriminatory, although it was certainly not full of teeth. The United States had admitted that there was an element of discrimination in the new draft, since the non-nuclear States would have

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to accept compulsory safeguards on all their nuclear activities, while the nuclear States would only accept safeguards on transfers. Was it necessary to put this forward at this moment? Mr. Fisher replied that it was necessary to agree upon our basic approach. Experience over the Partial Test Ban had shown that at the last moment things might go very quickly indeed. We would not wish to find that agreement had been reached on the central points of dispute with the Soviet Union and then to have to delay while we worked out a position on safeguards. Moreover, the longer we delayed before introducing the principle of mandatory safeguards, the more difficult it would be to persuade the non-nuclear States to accept them. Sir Harold Beeley stressed that he was not suggesting that we should wait until Articles I and II were agreed, but it seemed probable that this could not now be until early 1967. In the interval we could work out our difficulties on Article III (the safeguards article). If the United States wished to put a new text on the table now, this would in fact mean that we should have to reach agreement in the Western Four well before the end of August when the E.N.D.C. would adjourn. This did not seem possible. Mr. Fisher replied that in his opinion it was important to get a clear Western position on the table now, and in any case sufficiently before the end of the current session to avoid giving the impression of "hit and run" tactics. He believed that the tabling of an article on the lines proposed might well have a beneficial effect. The Russians were taking an increasing interest in the problem of safeguards.

4. Dr. Press asked for confirmation that the application of safeguards to transfers for peaceful purposes in the last sentence of the draft would in no circumstances affect transfers for military uses. Mr. Fisher confirmed this and agreed that the definition of "peaceful" as used in the outer space negotiations was not relevant to the present draft. There might be a drafting problem in making this clear. This would have to be looked at. Dr. Press stressed the need for a careful survey of the effect of safeguards on military programmes. Without a detailed examination of the inter-play of the effect of civil safeguards with the military programme, we could not be sure that such safeguards would not create considerable difficulties.

5. Mr. Kratzer said that the fact that the nuclear powers would only accept mandatory safeguards on transfers was fully explicable. The nuclear powers were after all in the weapons business and the application of safeguards to their civil nuclear programmes was not directly relevant to non-proliferation. But it was only reasonable that when they had to turn to outside sources of supply they should accept some restriction on their civil nuclear activities. Experience in negotiating bilateral agreements had shown a general acceptance of the fact that transfers of nuclear material were generally regarded as a special case. Dr. Davis said that the statement that the United States would be affected by the application of safeguards to plutonium obtained through the barter agreement raised a number of new points. As another example, what would happen if Germany sent compulsorarily safeguarded material to be enriched in the United States? How would the United States cope with this proposal? Mr. Kratzer replied that his understanding was that this difficulty could be overcome by substitution.

6. Mr. Fisher made the point that the new draft would affect importers of nuclear material who were not parties to the treaty, such as France. This was in principle desirable. As for

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of the difficulty of defining peaceful nuclear activities to ensure that transfers for military purposes would not be affected. They recognised that there were difficulties of definition within the text of the United States draft treaty, particularly as they were proposing to insert language which would ban "peaceful" nuclear weapon tests by the non-nuclear weapon states. They would send further comments and suggestions on this point as soon as possible. He then turned to Sir H. Beeley's suggestion that the United States, instead of tabling their new draft Article, should make clear their attitude in a speech at the E.N.D.C. He asked whether the United Kingdom had in mind the sort of generalised speech on the desirability of safeguards which had been made for the previous twelve months; or whether it was being suggested that the United States should say clearly that they thought a non-proliferation treaty should contain a provision imposing mandatory safeguards on all non-nuclear States, and also on all transfers of nuclear materials.

10. Sir H. Beeley replied that he had been suggesting the latter possibility. The United States could make clear the sort of Article they had in mind, while stopping short of committing themselves to treaty language. He emphasised that this was a personal suggestion, but one which he was prepared to recommend to Ministers.

11. Mr. Fisher said that they would explore this urgently with Washington. The idea was attractive, since it would enable the United States to make their position clear, while the United Kingdom was still examining its attitude. But the Russians might, by the same token, deduce that this course had been taken because of a lack of unity among the Western Four. This could be dangerous. He also asked whether it might be desirable to discuss the American proposals with the non-aligned States, either in advance, or after setting them out in a speech. He was inclined to think that it would be desirable to make their position public first, since the private reaction of the non-aligned States might well be unfavourable and the United States would then have to decide whether to go ahead all the same. Dr. Press agreed that there might be a lot to be said for making a statement in public which would clarify the issues.

12. Dr. Davis reiterated that the United Kingdom needed time to look at the implications of universal safeguards on transfers for civil purposes. We could not be sure at this stage that these would not have an eventual effect on the military programme. There would also be considerable difficulties to be overcome in applying agency safeguards to Research and Development facilities. Moreover, he asked how material that was being enriched could be followed through a diffusion plant without security risk, unless substitution was possible. This raised the whole question of the relevance of the substitution principle in circumstances where the whole civil programme would be under safeguards.

13. Mr. Fisher reverted to his previous statement about the possibility of the United States making a unilateral declaration of safeguards without a corresponding declaration by the U.S.S.R. This would of course create political difficulties, but he was prepared to say that this might in principle be possible. He said that the latest United States draft had not yet been discussed with the Italians. But the Italians had, though with some reluctance, accepted the previous United States draft, which would impose compulsory safeguards on the non-nuclear States without any

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corresponding concession by the nuclear States. The latest draft was a further step in the direction that the Italians wished to go, and he did not imagine that they would be unwilling to accept it.

14. Mr. Kratzer said that his understanding of the current Agency system was that the mining of uranium alone would not attract safeguards. He had not studied this point carefully but this could imply that it would be possible for the producer States to mine and export source material to the nuclear States for military purposes without involving safeguards at any stage. Dr. Davis pointed out that there was a political difference between export for undeclared purposes and export for avowedly military purposes.

15. Mr. Palfrey suggested that the United States and United Kingdom Governments should now examine the suggestion that the United States attitude might be made clear in a speech at the current session of the E.N.D.C. The United States team could undertake to get an answer on this within the next few days. At the same time they would investigate the problems associated with the definition of "peaceful purposes". Sir H. Beeley accepted this suggestion and it was agreed that Sir H. Beeley and Mr. Fisher should discuss the matter further at Geneva as soon as the views of Governments had been obtained.

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PMV(W)(66)3(Addendum)

27 July, 1966

Copy No. 46

PRIME MINISTER'S VISIT TO WASHINGTON

JULY 1966

DISARMAMENT

Supplementary Brief by the Foreign Office

CHANCERY JUL 28 1966 BRITISH EMBASSY, W

Background Note

International Safeguards in a Non-Proliferation Treaty

The Americans have shown great interest in the possibility of coupling a non-proliferation treaty with a wider acceptance of safeguards on peaceful nuclear activities.

2. The safeguards article in their present draft treaty is largely hortatory because it was realised that the Russians would not sign a treaty which compelled them to accept international inspection in their nuclear plants.

3. The Americans then put forward a new draft in the Western Four which would impose compulsory safeguards on the non-nuclear States but not on the nuclear States. They justified this again by the impossibility of getting Russian agreement and by the fact that safeguards on the nuclear States were really irrelevant since they would still have the right to make nuclear weapons. This raised strong protests from the Canadians and to a lesser degree from the Italians who claimed that the non-nuclear States were being unfairly discriminated against.

4. The Americans have therefore fallen back upon a formula which was originally proposed by Senator Pastore. This provides that the non-nuclear States would accept comprehensive safeguards, while at the same time safeguards would be imposed on

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all transfers of nuclear material to all States, including the nuclear States. This proposal (text at Annex A) would have the effect of applying compulsory safeguards to the U.K. but not to other nuclear powers, who are not significant importers of nuclear material.

5. We have considerable doubts about the new U.S. proposal, (a) because it is discriminatory against us, (b) because it does not amount to equality of sacrifice by the nuclear States as a whole, and therefore may not be acceptable to the non-nuclear States, (c) because, although it would not apply directly to transfers for military purposes, we cannot be sure without considerable further research that it would not have an indirect effect on our military programme, and (d) because it would expose us alone of the States who are seriously in the nuclear business, to commercial espionage. On the other hand, it is likely that because of pressure from our suppliers, we shall have to accept safeguards on our supplies soon anyway; in which case we might as well make what political use we can of the situation. Moreover, if the choice is between universal compulsory safeguards and safeguards on transfers, it seems probable that the latter will have a less damaging effect on our military programme.

6. But striking the balance of these factors will need considerable further research, and when the Americans sent a team to discuss their proposals with us on 19 July, we told them that we could not give an immediate answer. As a result, it was agreed that instead of tabling their new draft, the Americans would make a speech at Geneva outlining their proposals. We would remain non-committal, but if questioned we would say that we found the U.S. proposals interesting and would study them.

Annex A

(Text of a Safeguards Article proposed by the United States, July, 1966)

"Each of the non-nuclear-weapon States party to this

/Treaty

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Treaty undertakes to accept International Atomic Energy Agency or equivalent international safeguards on all its peaceful nuclear activities. Each of the states party to this Treaty undertakes to co-operate in facilitating the application of such safeguards on all peaceful nuclear activities. Each of the States party to this Treaty further undertakes not to provide source or fissionable material, or specialised equipment or non-nuclear material for processing or use of source of fissionable material or for the production of fissionable material, to other states for peaceful purposes unless such material and equipment will be subject to such safeguards".

Foreign Office, S.W. 1
27 July, 1966.

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Annex A

(Text of a Safeguards Article proposed by the United States July, 1966)

"Each of the non-nuclear-weapon states party to this Treaty undertakes to accept International Atomic Energy Agency or equivalent international safeguards on all its peaceful nuclear activities. Each of the states party to this Treaty undertakes to cooperate in facilitating the application of such safeguards on all peaceful nuclear activities. Each of the states party to this Treaty further undertakes not to provide source or fissionable material, or specialized equipment or non-nuclear material for processing or use of source or fissionable material or for the production of fissionable material, to other states for peaceful purposes unless such material and equipment will be subject to such safeguards."

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Annex A

International Safeguards in a
Non-Proliferation Treaty

In a speech to the E.N.D.C. on 28 July, the United States delegate, Mr. Fisher proposed that the non-proliferation treaty should contain an undertaking by all non-nuclear States to accept I.A.E.A. or equivalent safeguards on all peaceful activities and also undertakings by all States to support the application of such safeguards in principle and not to provide material or equipment to any other State for peaceful purposes except under safeguards.

2. This précis of United States views was the result of discussions in London on 19 July in the course of which the United States showed us the text of a new draft article which they proposed to table at the E.N.D.C. (Appendix A). At that meeting we said that it would be extremely embarrassing for us if such a text was tabled at this time. Since we were the only nuclear State which imported significant quantities of fissile material, the amendment of the text to include transfers to all States and not only to non-nuclear States as originally proposed would affect us and no other potential signatory of a non-proliferation treaty. Previous drafts which had been proposed by the United States would embody either compulsory or hortatory safeguards for the non-nuclear States but would not have gone beyond a hortatory declaration by the nuclear States. This was in accordance with the basic requirement of a non-proliferation treaty - to prevent the acquisition of nuclear weapons by the non-nuclear States. The extension of this to cover compulsory safeguards for the nuclear States would have no effect on non-proliferation, although it might preserve the principle of reciprocity. But we were doubtful even about this, since the reciprocal undertaking now proposed would not affect the major nuclear powers. However, we undertook to investigate, as soon as possible, the effect of compulsory transfer safeguards on our civil nuclear programme, and in return for this undertaking, the Americans agreed that they would not table language for the time being, but would content themselves with a statement of principle to which we would give a non-commital reception.

3. Until the survey which is currently being undertaken by the A.E.A. is completed, we must continue if challenged to take the line that we believe in the extension of safeguards, particularly I.A.E.A. safeguards; that we have demonstrated our own sincerity by offering Bradwell to the I.A.E.A. for safeguarding; that we believe that safeguards have a real rôle to play in preventing proliferation; but that for so long as we continue to be a military nuclear power, we must consider carefully the effect of any proposed safeguards article on our nuclear programme.

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4. The original United Kingdom draft treaty of July 1965 did not contain any reference to safeguards. Nor did the Russian text, which is now on the table. The first United States draft text contained a largely hortatory safeguards article (Appendix B) which we accepted, since it welcomed the principle of safeguards without necessitating immediate action.

5. The American draft article received a rather lukewarm reception at the E.N.D.C., both from the Soviet Union, and from non-aligned, non-nuclear enthusiasts for safeguards, such as the Swedes, who felt that it was not tough enough. At the same time, pressure has been building up in the United States for the wider application of compulsory I.A.E.A. safeguards. This has shown itself in the negotiations for the extension of the civil United Kingdom/United States bilateral agreement. In the United States Joint Congressional Committee, Senator Pastore, the Vice-Chairman, has proposed a compulsory safeguards clause on the lines of the latest American proposals (Appendix A).

6. As an expression of this increased interest, the United States, in March of this year, proposed to the Western Four a new draft safeguards article (Appendix C). The effect of this draft would have been to impose compulsory safeguards on all non-nuclear States who were parties to the treaty and on all transfers to non-nuclear States, whether parties to the treaty or not. The nuclear States, for their part, would subscribe to a largely hortatory declaration on the lines of the original American draft.

7. We accepted this draft on the grounds that it would not compel us to apply safeguards to our own facilities forthwith; that it need not prima facie be unacceptable to the Russians; and that it recognised the fundamental differences between the position of the nuclear and non-nuclear States in a non-proliferation agreement. For the same reasons, however, the new American draft was disliked by the Canadians, and to a lesser extent by the Italians. The Canadians were particularly concerned at the possibility of commercial espionage if they were compelled to open all their peaceful nuclear installations to inspection while the nuclear States were not.

8. The Canadians therefore drafted a further article (Appendix C) which they showed to the Western Four in April 1966. The effect of this article would be that all States would accept, in principle, the application of safeguards as and when they thought fit, but that the receiver countries, such as the United Kingdom and Italy, would be compelled to accept safeguards on all material received from abroad. We have said that we cannot accept this formula and that in any case it has little to do with non-proliferation since the categories in the Canadian proposal and in the draft treaty as a whole are different and to some extent contradictory.

9. Nevertheless, the Americans agreed to discuss the matter further bilaterally with the Canadians and after these talks they produced their new draft article (Appendix A). The Canadians have agreed with some reluctance, not to oppose this, and the Americans told us that they anticipated that the Italians would also agree. In the context of a non-proliferation treaty, therefore we may have to choose between accepting

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transfer safeguards on the lines of the latest American draft, which would not affect the United States, as our main commercial competitors, but would permit us to keep free of safeguards such part of our civil nuclear programme as does not rely on imported material; or we can seek to insist that universal safeguards should be accepted on all peaceful nuclear activities. This would bring in the United States, but would make it impossible for us to keep any part of our nuclear programme safeguards free. It would also, while being welcome to the non-nuclear powers, be completely unacceptable to the Russians. It is these alternatives of policy which are now being examined by the A.E.A. Until the choice is taken, we must continue to take the line set out in paragraph 3 above. However apart from the non-proliferation treaty the present trends in the development of safeguards in the I.A.E.A. may well lead to further pressure on us from our suppliers, to accept I.A.E.A. safeguards on all our imports.

10. A further problem which may arise in connection with proposals for the reciprocal acceptance of safeguards by countries in East and West Europe (see Annex C), is the interrelationship between different safeguards systems, particularly EURATOM and the I.A.E.A. The draft articles so far considered speak of "International Atomic Energy Authority or equivalent International safeguards". This phrase avoids the question of whether EURATOM safeguards are equivalent and whether it is desirable that regional safeguards systems should continue to exist alongside the I.A.E.A. The United States have however made it plain that they consider EURATOM safeguards to be fully equivalent. The probable reasons for this were to keep in step with its European allies, and also to foster the ideal of European unity.

11. Our own attitude must be coloured by the same considerations and by the fact that we may in the future wish to join EURATOM. On the other hand in principle we must concede that a fully international system would provide the surest barrier against proliferation. Moreover we believe that EURATOM safeguards are most unlikely to be accepted by East Europeans or a large body of neutral opinion as being equivalent to the I.A.E.A. The tactical aspects of this are considered in Annex C. We should therefore seek to avoid becoming involved in controversy on this point and should hold fast at this stage to the terminology in the United States draft treaty.

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Appendix A

(Text of a Safeguards Article proposed by the United States - July 1966)

"Each of the non-nuclear-weapon states party to this Treaty undertakes to accept International Atomic Energy Agency or equivalent international safeguards on all its peaceful nuclear activities. Each of the states party to this Treaty undertakes to co-operate in facilitating the application of such safeguards on all peaceful nuclear activities. Each of the states party to this Treaty further undertakes not to provide source or fissionable material, or specialised equipment or non-nuclear material for processing or use of source or fissionable material or for the production of fissionable material, to other states for peaceful purposes unless such material and equipment will be subject to such safeguards".

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Appendix B

(Draft Safeguards Article tabled by the United States at Geneva - 17 August 1965)

Each of the States party to this Treaty undertakes to co-operate in facilitating the application of International Atomic Energy Agency or equivalent international safeguards on all peaceful nuclear activities

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Appendix C

(Revised Safeguards Article proposed by United States 1966)

Each of the non-nuclear-weapon States party to this Treaty undertakes to accept International Atomic Energy Agency or equivalent international safeguards on all its peaceful nuclear activities. Each of the States party to this Treaty undertakes to co-operate in facilitating the application of such safeguards on all peaceful nuclear activities. Each of the States party to this Treaty further undertakes to provide source or fissionable material, or specialised equipment or non-nuclear material for the processing or use of source or fissionable material or for the production of fissionable material, to non-nuclear-weapon States for peaceful purposes only if such material and equipment will be subject to such safeguards.

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Appendix D

(Revised Safeguards Article proposed by Canada - 1966)

"Each of the States party to this Treaty agrees in principle to accept I.A.E.A. or equivalent international safeguards on its peaceful nuclear activities and undertakes to work towards the progressive realisation of this goal.

Each of the States party to this Treaty further undertakes not to provide source or fissionable material, or specialised equipment or non-nuclear material for the processing or use of source or fissionable material or for the production of fissionable material, to other States for peaceful purposes except on condition that such material and equipment will be subject to I.A.E.A. or equivalent safeguards".

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Annex E

The "European Option"

In the course of the debates between the NATO countries on non-proliferation, six aspects of the question of nuclear sharing have been discussed. These have become known as:-

(a) the "hardware" option for a new nuclear force;
(b) consultative arrangements;
(c) existing arrangements;
(d) the non-nuclear association option;
(e) the majority voting option;
(f) the federation option.

2. The first three of these aspects involve immediate decisions of policy, and are discussed in the main body of the Brief. The remaining three are largely theoretical and involve decisions about the nature of proliferation and about the eventual prospects for the development of Europe and of other alliances throughout the world. These three have been collectively described as the "European option".

3. By the non-nuclear association option we mean the possibility, however remote, that an association composed solely of non-nuclear states might acquire nuclear weapons. The majority voting option would involve a mixed association of nuclear and non-nuclear states, together controlling nuclear weapons, in which the nuclear states could be out-voted. The federation option is the possibility that a successor state, whether unitary or federal in structure, might acquire by succession the status as a nuclear state of one or more of its original constituents.

4. All three of these possibilities were left open by the original draft United States treaty of August 1965. This provided only that there could be no increase in the total number of states or other entities having control of nuclear weapons. In the event of the unilateral abandonment of its nuclear weapons by one of the existing nuclear states it would therefore be theoretically possible for a new nuclear entity to take any form, provided only that it did not consist of a single formerly non-nuclear state. This last possibility would be ruled out by other provisions of the Treaty draft.

5. Her Majesty's Government made it plain, both in NATO and in public, that we believed that this concept of the option went too far, and would lay us open to the charge of leaving "loopholes for proliferation". But at the time of the original NATO debates in 1965 we could get very little support for our views from any of our allies. After the tabling of the United States draft Treaty, however, there came to be an increasing realisation in NATO that a provision in non-proliferation agreement whereby a group composed solely of non-nuclear states might be able to gain control of nuclear weapons, was logically indefensible.

6. When therefore Lord Chalfont discussed possible amendments to the United States draft Treaty with American officials in January 1966, the United States accepted an amendment ruling out the transfer of the control of nuclear weapons to associations of non-nuclear states as well as to individual non-nuclear States. With other consequential amendments, this had the effect of ruling out the first theoretical "loophole", the non-nuclear association option. Since this appeared to us to be a substantial advance,

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we supported the American redraft, without restating, but also without retracting, our earlier objections.

7. The majority voting option is however still preserved in the United States draft which is now on the table. If one of the existing nuclear states agreed to abandon the whole of its independent nuclear capacity, it, or indeed one of the other nuclear states, could join in forming a new mixed association of states having control of nuclear weapons, in which the nuclear state or states could be out-voted; i.e. in which there was no veto on the use of nuclear weapons.

8. The United States and, particularly, the Federal Republic of Germany, have so far been unwilling to abandon this option, which takes into account the eventual possibility of a European confederation or alliance having control of its own nuclear weapons. United States officials have argued that there is no evidence that the abandonment of this remote possibility would be sufficient, in the absence of agreement on other forms of nuclear sharing, to achieve Russian agreement to a non-proliferation treaty.

9. The United Kingdom with the Dutch, Belgians, Scandinavians and Canadians, and with intermittent support from the Italians, have argued on the other hand that the majority voting option is a logical weakness in the United States draft Treaty which has made it most difficult to defend. The whole Western position on non-proliferation is based on the concept of the effective veto. No alliance arrangements, whatever they may be, must permit the non-nuclear states, either individually or collectively, to acquire, in the words of the United States draft Treaty, "the right or ability to fire nuclear weapons without the concurrent decision of an existing nuclear state". This declaration of principle contrasts with the Soviet approach, which is to list all the types of situation which they consider would constitute proliferation. In the framework of this general Western approach the majority vote option is undeniably a loophole which we would prefer to see closed.

10. On the other hand it appears to us that the remaining "Federation Option" is in a different category from the former two. A comprehensive non-proliferation treaty would freeze for all time the categories of the nuclear and non-nuclear states. In the course of time there must inevitably be created new states, whether federal or unitary, which will not have come into existence at the Treaty's signature. Any agreement which is to endure must take account of this possibility.

11. At the time when the first United Kingdom draft Treaty was discussed in NATO in 1965, we told our allies that we believed and intended it to leave open the federation option. We did not consider that this would involve proliferation. There was no question of the transfer of the control of nuclear weapons, since the new state would acquire by succession the nuclear status of its original constituents.

12. Some of our allies have however queried whether the federation option was in fact preserved by our draft, in which it was not specifically mentioned. We have said that we are generally sympathetic towards the idea of inserting language to make the point clear. The Italians have suggested privately that the point might be covered by the inclusion of the following passage in place of Articles I (3) and II (3):- "In the case of a federation of states, composed of nuclear weapon states and non-nuclear

/states,

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states, the federation will take up all the obligations foreseen by the present Treaty for the nuclear weapon states".

13. The Italian proposal seems to us to suffer from certain drawbacks. We think that if the preservation of the option for a successor nuclear state or federation needs to be spelled out, and we agree that it may, then the best place to do so would be in the Definitions Article rather than in Articles I and II, which deal with the obligations, rather than with the status of the parties. Moreover, the Italian suggestion does not deal with the possibility of a new unitary state. Again, the Italian wording seems to leave open the possibility of a loose confederation of states, in which the individual constituents would retain their separate identity. This verges on the majority vote option. By contrast what we have in mind is the possible creation of a single juridical person which might either be a unitary state or a federal state similar to the United States of America.

14. We have therefore suggested to the Americans, Canadians and Italians the substitution for the Italian proposal of wording on the following lines to be added to the definition of a nuclear-weapon state:-

> " 'Nuclear weapon State' means a State controlling nuclear weapons as of ..... (date) <u>and includes a State in which any such State</u> (or: ..... in which a State controlling nuclear weapons as of .....) <u>may thereafter be incorporated</u>."

The Americans and Canadians have in general reacted favourably to this suggestion, and the Americans have told us that they fed it into their general review of a possible new non-proliferation text.

15. If this proposal is accepted for incorporation in the United States or any subsequent draft Treaty then it would be necessary also to amend Articles I and II to make it clear that they rule out the transfer of control to all associations of states, and not only to associations composed solely of non-nuclear states. Articles I (3) and II (3) in the United States draft would then become unnecessary and could be deleted.

TNA FO 115/4616

1248/5/12/10

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IMMEDIATE

TWHER/OTP

FROM FOREIGN OFFICE TO WASHINGTON

TELEGRAM NO. 9396.

DATED 18 OCTOBER 1966.

D 18/10

R 18/10

CHANCERY REGISTRY
OCT 19 1966
BRITISH EMBASSY WASHINGTON

I M M E D I A T E

CONFIDENTIAL

ADDRESSED TO WASHINGTON TELEGRAM NO. 9396 OF 18 OCTOBER REPEATED FOR INFORMATION TO UKMIS NEW YORK UKDEL NATO BONN MOSCOW AND SAVING TO PARIS ROME AND OTTAWA.

15/10 15/10

YOUR TELEGRAMS NOS. 2815 AND 2816: NON-PROLIFERATION TREATY.

PLEASE INFORM MR. RUSK THAT I SEE NO OBJECTION TO HIS TRYING ON THE RUSSIANS THE TEXT GIVEN IN YOUR TELEGRAM 2816: INDEED IT SHOULD HELP TO KEEP THE BALL ROLLING.

2. WE WELCOME THE FACT THAT THIS TEXT RULES OUT THE MAJORITY-VOTE OPTION BY THE USE OF THE PHRASE QUOTE NOT TO RELINQUISH ITS CONTROL OVER ITS NUCLEAR WEAPONS UNQUOTE. ON THE OTHER HAND WE THINK THAT THE REVERSION TO THE LANGUAGE OF THE IRISH RESOLUTION MIGHT HAVE THE EFFECT OF RULING OUT THE QUOTE FEDERATION OPTION UNQUOTE FOR A SUCCESSOR UNITARY OR FEDERAL STATE, SINCE NON-RELINQUISHMENT IS MORE RESTRICTIVE THAN NON-TRANSFER: BUT WE PRESUME THAT THIS POINT WILL BE COVERED IN THE DEFINITIONS CLAUSE BY USING LANGUAGE SUCH AS WE HAVE PREVIOUSLY SUGGESTED.

/3.

CHANCERY GENERAL
Chancery Action

594:CHY:abl

Minister has spoken to Mr Stoessel. See overleaf (cc).

CONFIDENTIAL

ACTION COPY

TNA FO 115/4616

3. THE TEXT ALSO RULES OUT THE RELINQUISHMENT OF CONTROL BY ONE NUCLEAR POWER TO ANOTHER, AND NUCLEAR POWERS WOULD THUS BE FACED WITH THE CHOICE OF EITHER RETAINING THEIR OWN VETO IN ANY MIXED ASSOCIATION, AS WE OURSELVES HAVE ALL ALONG INTENDED, OR OF GETTING RID OF THEIR NUCLEAR WEAPONS ENTIRELY. YOU MAY LIKE TO ENSURE THAT THE AMERICANS HAVE NOT MISSED THIS POINT.

4. THE USE OF THE SIMPLE PROHIBITION ON TRANSFER WITHOUT A QUALIFYING REFERENCE TO CONTROL, CUSTODY, OWNERSHIP, ETC. IS OPEN TO DIFFERENT INTERPRETATIONS IN THE CONTEXT OF EXISTING BILATERAL ARRANGEMENTS, PARTICULARLY IF QUOTE NUCLEAR WEAPONS UNQUOTE IS NOT SPECIFICALLY DEFINED TO EXCLUDE NDVS, AND WE MUST BE SURE THAT THE EXISTING QUOTE KEY OF THE CUPBOARD UNQUOTE ARRANGEMENTS ARE NOT PREJUDICED: BUT WE AGREE THAT THERE COULD BE ADVANTAGE IN USING THIS FORMULA WHICH APPEARS IN THE PRESENT RUSSIAN TREATY, SINCE THIS WOULD MAKE IT MORE DIFFICULT FOR THE RUSSIANS TO ATTACK AS DELIBERATELY CREATING QUOTE LOOPHOLES UNQUOTE.

5. NEVERTHELESS WE THINK IT UNLIKELY THAT THE SOVIET UNION WILL ACCEPT THIS DRAFT SINCE IT STILL COVERS TRANSFER UNDERLINE NEXT WORD THROUGH AND NOT UNDERLINE NEXT WORD TO AN ASSOCIATION. YOU SHOULD THEREFORE MAKE THESE POINTS TO THE AMERICANS AND SHOULD ALSO SAY THAT WE ARE PUTTING TO A C D A IN NEW YORK SOME INFORMAL IDEAS OF OUR OWN.

6. WE TAKE IT THAT THE AMERICANS HAVE INCLUDED THE PHRASE QUOTE OR OTHER NUCLEAR EXPLOSIVES UNQUOTE IN ORDER TO COVER PEACEFUL EXPLOSIONS. WE HAVE ALREADY AGREED THAT THE PROBLEM IS A REAL ONE, AND THAT THE MATERIAL FOR PEACEFUL EXPLOSIONS IS INDISTINGUISHABLE FROM WEAPONS. BUT THE HOSTILE REACTION OF THE NON-NUCLEAR STATES AT THE RECENT NATO DISARMAMENT EXPERTS CONFERENCE SHOWED THAT THIS IS A CONTENTIOUS ISSUE. SINCE IT IS NOT CENTRAL TO THE NEGOTIATIONS WITH THE RUSSIANS AT THIS STAGE, WE WONDER WHETHER IT MIGHT NOT BE WISER TO LEAVE IT OUT.

7. LORD CHALFONT WILL BE SPEAKING SIMILARLY TO MR. FOSTER IN NEW YORK.

TNA FO 115/4616

CONFIDENTIAL

1266/2/18/10

IOC(66)180

18 October, 1966

THE NCE Y REGISTRY
OCT 20 1966
EMBASSY WASHINGTON

Political and Financial Series

STEERING COMMITTEE ON INTERNATIONAL ORGANISATIONS

TWENTY-FIRST SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

ITEM 26: NON-PROLIFERATION OF NUCLEAR WEAPONS

(Note by the Foreign Office)

The attached Brief has been prepared by the Foreign Office.

(Separate copy circulated)

Foreign Office, S.W.1.

18 October, 1966.

BRIEF

INDEX

NOT CONSULTED

CONFIDENTIAL

TNA FO 371/187471

IA

Atomic Energy and Disarmament Department

(Security Grading—to be Up-graded where Appropriate)

CONFIDENTIAL

1066 DISARMAMENT

IAD 1052/251

FROM
F. O. Minute.
(Mr. M.F.T. Smith)

No.

Dated 20. October.

Received
1. November.

(Outward Action)

(Printing Instructions)

(Referred to Legal Adviser)

(Action completed) 14/11/66

(Main Indexed) 30/7/64

SUBJECT: Soviet attitude on Non-Proliferation Treaty
Public statements by Mr. Brezhnev. Possible implications.

Encloses Copy of:

References and Relevant Papers:
NS 1022/64
IAD 1052/252

MINUTES

See -/252

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P.U.S. See additional minute.

Mr. Greenhill

21/10 N51022/66

IAD 1052/251

SOVIET ATTITUDE ON NON-PROLIFERATION TREATY

Moscow telegram No. 1892 of 18 October, in commenting on Soviet foreign policy, said that "like Gromyko in New York, Brezhnev was remarkably optimistic about a non-proliferation treaty".

2. I think this is going a bit far and that it could be misleading to equate what Brezhnev said in his public speech on 15 October with the impression left by Mr. Gromyko in the United States. Mr. Brezhnev's actual words were:

> "We are united ... in our determination to fight also in the future, persistently and unflinchingly, taking advantage of every opportunity, for the improvement of the international situation, for the cessation of the arms race, and the realisation of universal and total disarmament, to remove from mankind the threat of a nuclear war and to prevent the further proliferation of nuclear arms. We have always been concerned about the proliferation of nuclear weapons, and the Soviet Union's position on this issue is well known. We welcome certain advances that have been made recently in this matter and will endeavour to achieve the conclusion of an appropriate international treaty to meet the interests of all ... countries, both nuclear and non-nuclear, believing that such a treaty would serve as a certain barrier to any further increase in the threat of a nuclear war and would create a more favourable atmosphere for progress in the disarmament talks."

3. It is true that Brezhnev did not in this passage make any specific mention of preventing Federal German "access" to nuclear weapons in any form, but he referred elsewhere in his speech

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to the "connivance" of United States ruling circles in the "military and revenge-seeking plans of the West German imperialists", among which he included the demand for access to nuclear weapons. Otherwise, Brezhnev's remarks seem wholly consistent with the general Soviet line on this subject. In January, Pravda was saying "There is now a real possibility of concluding a treaty on the non-proliferation of nuclear weapons". In his speech to the C.P.S.U. Congress in March, Brezhnev put forward the signature of a non-proliferation treaty as one of the Soviet proposals for improving the international situation. In his speech to the Supreme Soviet at the beginning of August, Kosygin said that a non-proliferation treaty was one of the partial disarmament measures which might be taken in spite of the Vietnam situation.

4. The public Soviet posture of wanting such a treaty is well established and not in doubt. But true Soviet intentions must be judged by whether or not they show themselves ready in negotiations to make the concessions likely to make agreement possible. I do not think Brezhnev's speech adds to our knowledge of this. Coming after Gromyko's much-publicised remarks to the press in Washington, we must assume that Brezhnev wished to give the impression of possible movement. But the Russians can protest their goodwill, remain rigid in policy, and yet remain free to say that the Americans are failing to be reasonable. I do not say that this will be the situation, only that Mr. Brezhnev's speech does not really throw new light.

(H.F.T. Smith)
20 October, 1966.

Copies to Mr. Buxton
A.D. and D.D.

TNA FO 115/4617

CHANCERY REGISTRY
NOV 15 1966
BRITISH EMBASSY BY MESSENGER

Copies to
1246/5/15/11
(Brief for HE's call on Soviet Ambassador on 14.xi.66.)

CONFIDENTIAL

NON-PROLIFERATION

QUESTION

What remaining obstacles does Mr. Dobrynin see to the conclusion of a non-proliferation agreement?

TALKING POINTS

The importance which the British Government attach to a non-proliferation treaty has been expressed on numerous occasions. As Lord Chalfont said in the First Committee on 25 October, "if we do not first of all prevent nuclear weapons from spreading throughout the world we shall have very little hope of doing what we all want desperately to do - to remove them and the threat of their use from the fabric of our lives".

We have therefore been particularly encouraged by recent indications of progress, and especially by Mr. Gromyko's assertion, at the end of his visit to Washington, that the Soviet Union and the United States share a common purpose and a common interest in achieving an agreement.

We have always recognised that a non-proliferation treaty must be an effective bar to the emergence of any new nuclear-weapon state. We have listened with sympathy to the frequent Soviet statements to that effect. We should ourselves never subscribe to a treaty which did not meet that requirement.

At the same time, we have found it difficult to understand the reasons for the Soviet Government's apparent suspicion of nuclear arrangements within NATO. There is not, and there will not be, any transfer of control over nuclear weapons as a result of these arrangements. In any alliance, whether it is NATO or the Warsaw Pact, there

/must

ACTION

TNA FO 115/4617

must, however, be consultation about all aspects of alliance policy. Whether or not these are welcome to states outside such an alliance, what is certain is that such consultation has nothing to do with proliferation. Indeed, if the object is to ensure that consultation cannot ever lead to proliferation, the best way to secure that object must surely be to conclude a non-proliferation treaty as soon as possible.

If we fail to reach an agreement to bar proliferation in the very near future, there is a real risk that mutual fears in various parts of the world outside Europe - and especially the fears of China's Asian neighbours - may drive more countries to embark upon a military nuclear programme. This could only increase the risk of nuclear war, which both the Soviet Union and the United Kingdom are so anxious to avoid and prevent.

BACKGROUND

We should not reveal to Mr. Dobrynin that we are aware of the extent or substance of Soviet-American bilateral discussions on non-proliferation. Nor should we mention the new United States treaty draft, which, as far as we know, has not yet been shown to Soviet representatives.

Together with the vast majority of United Nations members, we voted in favour of the Resolution, tabled by the Soviet Union, calling on all states to avoid any action calculated to impede the conclusion of a non-proliferation treaty. (The Resolution was adopted in Plenary by 110 - 1 (Albania) - 0.) We have also voted for a non-aligned Resolution which, amongst other things, calls on nuclear-weapon states to refrain from the use, or threat of use, of nuclear weapons against nuclear-free zones and requests the E.N.D.C. to consider urgently the

/possibility

TNA FO 115/4617

possibility of assurances of no first use of nuclear weapons against individual non-nuclear states without nuclear weapons on their territory (the "Kosygin proposal"). (This Resolution was adopted in Committee by 103 - 1 (Albania) - 2 (France and Cuba); the United States abstained on the paragraph about nuclear-free zones.)

Green R.

See letter to R. Grenville of Nov. 15.

PD 15.XI.

R. Stafford 15/XI.

TNA FO 115/4618

1966

IA

Atomic Energy and Disarmament Department

DISARMAMENT

(Security Grading—to be Up-graded where Appropriate)

CONFIDENTIAL

IAD 1052/236.

FROM
Mr. Bushell. (UK Del. NATO)
to Mr. Street.

No. 21401/1

Dated 21. October.

Received
27. October.

(Outward Action)
(gg). Mr. Bushell. (UK Del. NATO)
p. Mr. Street. 28/10

SUBJECT: Draft Non-Proliferation Treaty:
Suggested amendment to article I.
"Manning of nuclear weapons by military personnel of non-nuclear states.

Encloses Copy of:

References and Relevant Papers:
IAD 1071/15.
IAD 1072/50
IAD 1052/222

MINUTES

Draft
Des
28/10

(Printing Instructions)
187471

(Referred to Legal Adviser)

(Action completed) | **(Main Indexed)**

TNA FO 115/4618

CONFIDENTIAL

ARTICLE I

Each nuclear weapon state party to this treaty undertakes not to transfer nuclear weapons or other nuclear explosives directly or indirectly to a non-nuclear-weapon state, either individually or by virtue of its membership in a military alliance or group of states: not to relinquish its control over its nuclear weapons or other nuclear explosives: 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 explosives.

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TNA FO 371/187471

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N. Barnes
N. Andrew
N. Swan
Enter

(21401/1)

RECEIVED IN ARCHIVES No. 10
27 OCT 1966
IAD 1052/236

United Kingdom Delegation to NATO,
Paris 16e.

21 October, 1966.

Dear John -

Thank you for your letter IAD 1071/15 of 17 October, in which you enclosed material for the Council discussion on non-proliferation. The Ambassador has asked me to say how useful all this was to him. You will have seen the report of the meeting in our telegrams nos: 136 and 137 Saving.

IAD 1072/50

2. We have also had the copy of your letter to Harold Beeley of 14 October, enclosing our tentative suggestions for amending Articles I and II of a Non-proliferation Treaty. We note that this draft is not yet fully accepted throughout Whitehall. However, the Ambassador has asked me to make one comment to you.

3. The suggested amendment to Article I refers to "manning" of nuclear weapons by military personnel of non-nuclear states. The subsequent comments on this Article indicate that the term nuclear weapon would not cover nuclear delivery vehicles, i.e. the "manning" apparently refers to nuclear warheads (except perhaps when they are "permanently mated"). Not being experts in this matter, we find it difficult to understand how you can "man" a warhead. But in any case, we assume that this concept does not contradict what you say in the detailed comments, that "our proposed amendments would not interfere with existing arrangements for nuclear defence in Europe". This seems to us a very important point. It does not emerge very clearly from our report of the Council discussion but I should emphasise that de Staercke's statement that any Treaty must not upset the credibility of the nuclear deterrent is a constant

/refrain

J.E.D. Street Esq.,
Atomic Energy & Disarmament Department,
Foreign Office,
S.W.1.

TNA FO 371/187471

1AD1052/222

refrain in the Council. We have noted also, in your telegram no. 9396 to Washington, that you wish to be sure that the existing "key of the cupboard arrangements" are not prejudiced. It is certainly important for our allies that we should not seem to be risking anything in this respect.

Yours ever.

John

(J.C.W. Bushell)

TNA FO 371/187471

SECRET

(IAD 1052/236)

FOREIGN OFFICE,

S.W.1.

28 October, 1966.

Thank you for your letter of 21 October about our suggested re-draft of the non-proliferation treaty.

2. We entirely agree that the use of the word "manning" in connexion with nuclear weapons is inelegant. Nevertheless, since it is common usage to refer to manning a weapon, as a gun, and mixed manning, we have perhaps stretched the term somewhat in referring to nuclear warheads. It was introduced with the specific intention of ruling out an MLF solution while permitting existing arrangements in which, so far as we understand the position, the Germans and others do not "man", or participate in manning, the nuclear warheads themselves as distinct from NDVs except after the outbreak of war.

3. These assumptions however rest on a very slender basis of information, and we are still in search of a clear understanding of what existing arrangements actually are. Our most recent news from Washington is that even the State Department do not fully understand, as the Department of Defense have not conceded their "need to know". This makes it extremely difficult to draft contingency language, as we have tried to do, with the certainty that it will or will not affect particular existing arrangements.

4. We are persisting with the attempt to get a detailed picture of the present situation, and Lord Chalfont has asked that we should send someone to New York to discuss this as soon as we are able to brief him properly. Our best hope so far is that our Ministry of Defence can provide details of existing US/UK arrangements. But there is no certainty that these are the same as the arrangements between the Americans and non-nuclear members of NATO, and different weapons presumably involve different arrangements.

5. A particular difficulty arises in the case of the "Pershing". It seems that the warheads for this as for other missiles are kept in a separate store under the control of a U.S. master sergeant, and are only released from time to time on the receipt of a "Quick Release Alert" order from

/the U.S.

J.C.W. Bushell, Esq.,
U.K. Delegation to NATO,
PARIS.

SECRET

Dir D.
28/10.

TNA FO 371/187471

the U.S. for readying the weapons, and of a subsequent order for mating them to their delivery vehicles. When a third order is received the PALs are unlocked and the weapons can be fired. From the point of view of our draft the crucial question is whether the second order, which would result in the custody of the weapons passing to the non-nuclear forces, can ever in any circumstances precede the outbreak of hostilities. If so this would contravene the text which we have prepared.

6. If you can throw any light on this and related problems we would be very grateful.

(J. E. D. Street)

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TNA FO 371/187471

1966

IA

Atomic Energy and Disarmament Department

(Security Grading—to be Up-graded where Appropriate)

SECRET

DISARMAMENT

IAD 1052/239.

FROM
Lord Caradon
(UK. Mis. Nuffield)
A. Ford Chalfont.

No. 2410.

Dated 27 October.

Received
28 October

(Outward Action)

SUBJECT: Non-Proliferation:
Possibility of President being given false impression of over position at a crucial moment of decision on U.S. Non-Proliferation policy.
Recommended that Prime Minister address the President personally

Encloses Copy of:

References and Relevant Papers:
-/200

MINUTES

See subsequent telegram

In reply

31/10

(Printing Instructions)

(Referred to Legal Adviser)

(Action completed)

(Main Indexed)

TNA FO 371/187471

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SECRET

CYPHER/OTP
FROM U.K. MISSION NEW YORK TO FOREIGN OFFICE
LORD CARADON

TELEGRAM NO. 2410
DATED 27 OCTOBER 1966

DEPARTMENTAL DISTRIBUTION
DESPATCHED 21.52 27 OCTOBER 1966
RECEIVED 21.52 27 OCTOBER 1966

28 OCT 1966

IAD 1052/239

IMMEDIATE
SECRET

ADDRESSED TO FOREIGN OFFICE TELEGRAM NO. 2410 OF 27 OCTOBER REPEATED FOR INFORMATION TO WASHINGTON.

FOR ACTION FRIDAY MORNING:

FOLLOWING FROM LORD CHALFONT. NON-PROLIFERATION.

BENDALL'S LETTER TO BEELEY OF 25 OCTOBER, COPIED TO STREET.

BATOR'S APPARENTLY TOTAL MISUNDERSTANDING OF OUR POSITION REFLECTS EITHER A SERIOUS FAILURE OF COMMUNICATION OR A FACET OF THE CAMPAIGNE INSIDE THE U.S. ADMINISTRATION AGAINST A NON-PROLIFERATION TREATY. THE FACTS ARE FIRST THAT WE HAVE RECENTLY INTENSIFIED OUR PERSISTENT EFFORTS TO BRING THE AMERICAN AND RUSSIAN POSITIONS TOGETHER AND SECONDLY THAT IT WAS MR. RUSK WHO FIRST SAID THAT THE RUSSIANS WERE UNLIKELY TO ACCEPT THE LATEST AMERICAN DRAFT. I HAVE REASSURED FOSTER WHO WAS AND HAS NEVER BEEN IN ANY DOUBT ABOUT OUR ATTITUDE. HOWEVER BATOR'S COMMENTS SUGGEST THAT THE PRESIDENT MIGHT BE GIVEN A FALSE IMPRESSION OF OUR POSITION AT A CRUCIAL MOMENT OF DECISION IN U.S. NON-PROLIFERATION POLICY. I RECOMMEND THEREFORE THAT THE PRIME MINISTER SHOULD ADDRESS THE PRESIDENT PERSONALLY EXPRESSING SATISFACTION WITH THE NEW CLIMATE THAT HAS DEVELOPED WISHING HIM SUCCESS AND OFFERING OUR CONTINUED SUPPORT IN HIS EFFORTS TO BRING THE NON-PROLIFERATION NEGOTIATIONS TO A SUCCESSFUL END (SUGGESTED DRAFT IN MY IMMEDIATELY FOLLOWING TELEGRAM). ALTERNATIVELY YOU MIGHT CONSIDER ADDRESSING RUSK, BUT AS I UNDERSTAND THAT THE PRESIDENT IS BEING PRESSED BY FOSTER FOR AUTHORITY TO TAKE THE NEXT STEP WITH THE RUSSIANS, YOU MAY THINK IT MORE EFFECTIVE TO ADDRESS HIM DIRECT IMMEDIATELY ON HIS RETURN FROM MANILA.

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1966

IA

Atomic Energy and Disarmament Department

DISARMAMENT

(Security Grading—to be Up-graded where Appropriate)

SECRET

IAD 1052/240.

FROM
Lord Caradon.
(UK. mis. New York)
& Lord Chalfont.

No. 2411.

Dated 27 October.

Received 28. October.

SUBJECT: Non-Proliferation:
Suggested draft message to the President from the Prime Minister.

Encloses Copy of:

References and Relevant Papers:
-/231, -/253/6.

(Outward Action)

MINUTES

See subsequent telegram in reply

[illegible]
21/10

(Printing Instructions)

(Referred to Legal Adviser)

(Action completed)	(Main Indexed)
[illegible] 1/11/66	[illegible] 24/7/69

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1A

CYPHER/OTP
FROM U K MISSION NEW YORK TO FOREIGN OFFICE
LORD CARADON
TELEGRAM NO 2411
DATED 27 OCTOBER 1966

DEPARTMENTAL DISTRIBUION

DESP...21.44..27 OCTOBER, 1966
RECD....21.44..27 OCTOBER, 1966

27 OCT 1966

IAD 1052/240

IMMEDIATE
SECRET
ADDRESSED TO FOREIGN OFFICE TELEGRAM NO 2411 OF 27 OCTOBER
REPEATED FOR INFORMATION TO WASHINGTON.
FOR ACTION FRIDAY MORNING.
MY IMMEDIATELY PRECEDING TELEGRAM.
FROM LORD CHALFONT.
NON-PROLIFERATION.
FOLLOWING IS SUGGESTED DRAFT MESSAGE TO THE PRESIDENT FROM THE PRIME MINISTER.

I HAVE LEARNT WITH THE GREATEST INTEREST AND PLEASURE OF THE PROGRESS THAT YOU HAVE RECENTLY MADE WITH THE RUSSIANS TOWARDS A NON-PROLIFERATION TREATY. I SINCERELY HOPE THAT WE CAN MAKE THE MOST OF THE NEW CLIMATE THAT HAS DEVELOPED. YOU MAY BE SURE OF MY FULLEST SUPPORT IN YOUR EFFORTS TO BRING THESE NEGOTIATIONS TO A SUCCESSFUL CONCLUSION. YOU WILL KNOW THAT WE HAVE MADE SOME MINOR COMMENTS ON THE DRAFT TEXT ON WHICH YOU ARE NOW WORKING, AND HAVE ALSO LET YOUR PEOPLE HAVE SOME IDEAS OF OUR OWN ON POSSIBLE LANGUAGE FOR THE TREATY. IN NEITHER CASE HAVE WE THE SLIGHEST INTENTION OF HOLDING UP YOUR TALKS WITH THE RUSSIANS. INDEED OUR OWN LANGUAGE WILL NEVER NEED FURTHER CONSIDERATION IF YOUR NEGOTIATIONS ARE AS FRUITFUL AS I HOPE.

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28 OCT 1966

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GGGG

TNA FO 371/187471

1966

IA

Atomic Energy and Disarmament Department

DISARMAMENT

(Security Grading—to be Up-graded where Appropriate)

CONFIDENTIAL

IAD 1052/252.

FROM
F.O. Minute.
(Mr. H.F.T. Smith)

No.

Dated 26. October.

Received
1. November.

SUBJECT: Soviet attitude to a Non-Proliferation Treaty: Possible reasons for Soviet pessimism.

Encloses Copy of:

References and Relevant Papers:
-/251

(Outward Action)

MINUTES

This makes no mention of a) China

b) A possibly genuine fear of proliferation.

I should have thought these possibilities ought at least to be mentioned, even if only to be dismissed.

ACS
3/11

(Printing Instructions)

(Referred to Legal Adviser)

(Action completed)
14/11/66

(Main Indexed)
3/11/66

M. ~~Andrew~~ Pym
M. Stewart

And also, judging from the speeches in the First Committee, the feeling that the tide is turning against non-proliferation, and soon many neutrals may refuse

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Do you not think that some of these considerations are in the Russian mind? Would they really be indifferent to an Indian nuclear weapon, with all its consequences for Pakistan?

[illegible]
9/11

Mr Howard Smith

I think these considerations may well be in the Russian mind. In para 4 I was not attempting to spell out the reasons why I believe that the Russians want a Treaty – but these are probably some of them; & in para 3 I was considering some of the reasons why the Russians may at the present time be presenting this in the way they are presenting it. The second of the counters above might well have been indicated – it did not occur to me.

HSmith 9/XI

J. Grimes

Mr Andrew [illegible] 10/XI

Mr Stuart [illegible] 11/11

[illegible]
10.11

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Number of copies of enclosures.....

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P.H.S

Enter.

CONFIDENTIAL

Mr. Hayman

P. Hayman 26/x/66. IAD 1051/252

Soviet Attitude to a Non-proliferation Treaty.

In my minute of 20 October (attached) I examined the view of the Embassy in Moscow that in a speech of 15 October Brezhnev was remarkably optimistic about a Non-proliferation Treaty, and said that I thought this description of the speech went a bit far. The Permanent Under Secretary has asked whether the Russians have intended to create the impression that they feel somewhat more warmly than they did about a Treaty; and if so, why.

2. I think we must assume that Gromyko's public words in America were calculated to create the impression that the Russians now see a better prospect of reaching a Treaty and that they actively desire one. His words were published in the Soviet press, and an Izvestiya article of 22 October stated that conditions for concluding an agreement are becoming increasingly favourable.

3. I suggest that the reasons for this more optimistic presentation include some, and probably all, of the following:

(a) The Russians may reckon that the December meeting of NATO Ministers will be a critical one for the future arrangements on nuclear-sharing in NATO and that most NATO members, including ourselves and, to some extent, the Americans, would prefer to limit NATO arrangements to consultation. The Russians may calculate that by creating the picture of success just around the corner, and representing themselves as being anxious for it, they will encourage a decision in December going no further than consultation.

/ (b)

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(b) If we fail to agree in NATO the Russians may reckon that their new look will sharpen divisions in the Alliance and also add tensions to the already difficult political situation in the Federal Republic.

(c) If on the other hand we do reach in NATO a decision on nuclear-sharing which the Russians can live with, and which consequently will enable them to accept a non-proliferation agreement, they may hope to gain the lion's share of the credit when the agreement comes, because they have set this optimistic tone now.

(d) If the result in NATO should turn out to be unacceptable to them, they will reckon to have lost nothing by presenting themselves now as being only too anxious to have a Non-proliferation Treaty, and as being more optimistic about the Western attitude. They will be able to quote this in putting the blame for failure on the West.

4. Behind this analysis lies the assumption, which I believe to be true, that the Russians would like a Non-proliferation Treaty, provided what we do in NATO is acceptable to them.

HFSmith

(H.F.T. Smith)
26 October, 1966.

Copies to: A.E.D.D. (Mr. Street)
W.O.C.D. (Mr. Barnes)
Mr. Buxton
Mr. Clive, I.R.D. (with copy of minute of 20 Oct.)
Mr. Orchard, J.R.D.

Pl Sou 1 Grd 27/10

Sec of State may call to see

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TNA FO 371/187472

IA

Atomic Energy and Disarmament Department

(Security Grading—to be Up-graded where Appropriate)

CONFIDENTIAL

DISARMAMENT

IAD 1052/260

FROM
F.O. Submission (Mr. Street) to Mr. Rennie.

No.

Dated 16. October.

Received
2. November.

(Outward Action)
(Pt.) Hon. Paul Martin (Canadian Min. of Ext. Affairs) for Secretary of State. 7/10

SUBJECT: International Safeguards in a Non-Proliferation Treaty:
International safeguards on uranium supplied by Canada to the United Kingdom and other countries and the relevance of these safeguards to a non-proliferation treaty.

Encloses Copy of: Record of conversation between the Foreign Secretary and the Minister of External Affairs of Canada, in Ottawa on 16. October, 1966.

References and Relevant Papers:

MINUTES

Ack
4/11

(Printing Instructions)

(Referred to Legal Adviser)

(Action completed)	(Main Indexed)
CM 7/11/66	JWJ 3.12.66

TNA FO 371/187472

Enter

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RECEIVED
ARCHIVES
1965
IRD 1052/160.

Mr. Rennie

International Safeguards in a Non-Proliferation Treaty.

Problem

One of the subjects discussed between the Secretary of State and the Canadian Foreign Minister in Ottawa last week was the question of international safeguards on uranium supplied by Canada to the United Kingdom and other countries and the relevance of these safeguards to a non-proliferation treaty. The Secretary of State promised to send Mr. Martin a note when he returned to London.

Recommendation

2. I recommend that the Secretary of State should write to Mr. Martin on the lines of the attached draft.

Background

3. The Canadians have declared that they will not in future supply uranium to any country unless there are safeguards against it being used for military purposes. They wish to apply this policy to deliveries to the United Kingdom, even though we are a military nuclear power, in order to avoid charges of discrimination. They particularly wish to show the Indians that there is no discrimination between nuclear and non-nuclear powers, since in their civil nuclear relations with India they wish to exercise stricter controls than they have in the past.

4. The United Kingdom is in a unique position because of the facts that

a) we have a major civil nuclear programme;

b) we are a military nuclear power;

c) we have no indigenous supplies of uranium; and

d) for reasons of economy our nuclear programme was planned from the beginning so that at some points the military and civil parts of it are inter-woven.

If therefore we accept safeguards on imported uranium, in course of time the safeguards will permeate our entire system and, if we continue to be a military nuclear power, we shall have to ensure that they do not penetrate the

/military side

TNA FO 371/187472

military side of the programme. We are also the only military nuclear power which would be affected in this way.

Flag B.

5. Since the Secretary of State spoke to Mr. Martin we have concluded a confidential agreement for the import of Canadian uranium starting in the 1970s; and we have felt obliged to accept that some kind of safeguards will be applied to these deliveries. But as they are not to begin for at least five years we think the problems can be overcome.

6. At present the U.S. draft Non-Proliferation Treaty contains a general declaration in favour of international safeguards on civil nuclear programmes. The Americans and the Canadians wish, however, to stiffen this article, in a way which would affect the U.K. alone, by stating that safeguards will be applied to all imports of fissionable material for peaceful purposes. We have so far resisted this; but the Atomic Energy Authority are conducting a detailed examination of what the implications of acceptance would be for our own arrangements, and we hope to know the result before long. We do not know whether an article on the stiffer lines favoured by the Americans and Canadians would be agreeable to the Russians.

7. In the circumstances there is not a great deal which the Secretary of State can say to Mr. Martin at present, and the attached draft has been prepared on this basis. Scientific Relations Department agree with it.

J. E. D. Street

(J. E. D. Street)
26 October, 1966.

c.c. Mr. Willan.

I support the recommendation in para. 2.

T. W. Lamie 26/x

Sir P. Gore-Booth

TNA FO 371/187471

BY LOCKED BOX ONLY

(Security Grading—to be Up-graded where Appropriate)

SECRET

1966

ATOMIC ENERGY & DISARMAMENT

DISARMAMENT

IAD 1054/253 /G

FROM

F.O. minute. (Mr. Street).

No.

Dated 28 October.

Received 1. November.

(Outward Action)

Defs). Wilton. 9830 of 31/10

Ugs). Wilton. 9831 of 31/10

SUBJECT: Non-Proliferation: American misunderstanding of our attitude. Suggested message from Secretary of State to Mr. Rusk.

Encloses Copy of:

References and Relevant Papers: -/228, -/239, -/240.

See MINUTES Within.

(Printing Instructions)

(Referred to Legal Adviser)

(Action completed) Cyr 14/1/66

(Main Indexed) 24/1/68

TNA FO 371/187471

Reference (N) 1012/252/G

SECRET

Mr. Street

Non-proliferation

Thank you for sending me a copy of your submission recommending that a message should be sent to Mr. Rusk in the terms of New York telegram No. 2411.

2. You will have realised from my minute of 18 October that I am not surprised that this particular misunderstanding has arisen and that I am therefore in support of the general line proposed. I wonder, however, whether the draft message to Mr. Rusk should not contain some reference to Viet Nam if only in the form of some such phrase as "if the Russians are prepared for progress in this question they may be equally prepared for progress in others". I also wonder whether it would not be well to say a little more plainly in the covering telegram what "our attitude" is. We could say at any rate for the background information of the Embassy that we would accept the American text as it stands.

(J.A. Thomson)
28 October, 1966.

Copy to: Mr. Rennie

SECRET

TNA FO 371/187471

SECRET

RECEIVED IN ARCHIVES No. 1 1 NOV 1966 IAD 1052/253

Enter

Mr. Rennie.

Non-Proliferation

Problem

Lord Chalfont has suggested that the Prime Minister should send a personal message to President Johnson in order to remove any misunderstandings about our attitude to a non-proliferation treaty.

Recommendation

2. I recommend that a message should be sent by the Secretary of State to Mr. Rusk and a draft telegram is submitted accordingly.

Background

Flag A. 3. On 15 October the Americans communicated to us the text of a new draft Article I of a non-proliferation treaty which they were proposing to show to the Russians, and asked for our comments. We did not at that time know that this draft was the result of a series of high-level meetings between the Americans and the Russians. Foreign Office telegram No. 9396 to Washington of 18 October gave our comments on the new American text; much of this telegram reflected Lord Chalfont's own views.

Flag B. ← -/222

Flag C. 4. On 25 October the Embassy in Washington reported a conversation with a member of the White House staff who expressed regret that our comments had not been more positive and that their general effect had been to suggest that H.M.G. had suddenly become less optimistic or enthusiastic about a non-proliferation treaty. Lord Chalfont has now telegraphed (UKMIS telegrams 2410 and 2411) pointing out that the White House have totally misunderstood our position and recommending that steps should be taken at the highest level to put the matter right.

Flags D & E. → -/239 -/240

5. As Lord Chalfont says, it is extraordinary that the Americans should take this attitude when it is we who have been pressing on them for nearly the last two years the vital importance of progress on a non-proliferation treaty. We have at all times been ready to go further than the Americans wish and we have only recently communicated privately to them suggestions about a new form of words. If therefore it is the case that the Americans and the Russians are about to agree on the text of the substantive article of a non-proliferation treaty, no one will be more pleased than we, even if such a text, as is likely,

/contd.

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SECRET

-2-

contains ambiguities which will need to be clarified by private understandings between the Americans and the Russians.

6. Lord Chalfont is clearly right in suggesting that we must leave the Americans in no doubt of our views. But I think it would be more natural, even though it seems to be the White House which is confused, for the message to go from the Secretary of State to Mr. Rusk, rather than from the Prime Minister to the President. For one thing, the Secretary of State has very recently been discussing the whole question of non-proliferation with Mr. Rusk in Washington; and for another, the President is still in Asia and we ought to get the message across as soon as possible.

(J. M. D. Street)
28 October, 1966.

c.c. Mr. Barnes
Mr. Campbell
Planning Staff
Mr. Alexander

I am sure that we must put the record straight.

28/x

Sir P. Gore-Booth

I agree: I have noted on Lord Chalfont's draft a small amendment as possibly misleading

SECRET

TNA FO 371/187471

making the meaning clear to Mr Rusk

Sec' of State

PUNCHEON
27/10

I think it should be sent to my Foreign Minister. To the fact that he gave me the text to bring home with me (which I did) I then go on to be at encouraging on the figures suggests.

Draft revised in accordance with Secretary of State's comments and with Washington tel. 2956.

Flag F

Private Sec'y Sent for despatch 31/10 31/10 31.10

TNA FO 371/187471

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FROM FOREIGN OFFICE TO WASHINGTON

CYPHER/OTP

PS

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GREEN

D. 16.22 31 OCTOBER, 1966

NO.9830
31 OCTOBER, 1966

IMMEDIATE

SECRET.

ADDRESSED TO WASHINGTON TELEGRAM NUMBER 9830 OF 31 OCTOBER REPEATED FOR INFORMATION TO UKMIS NEW YORK.

UKMIS NEW YORK TELEGRAMS NUMBERS 2410 AND 2436 AND YOUR TELEGRAM 2956: NON-PROLIFERATION.

I SHOULD LIKE YOU TO PASS TO MR. RUSK AT ONCE AS A MESSAGE FROM ME THE TEXT IN MY IMMEDIATELY FOLLOWING TELEGRAM. ALTHOUGH IT IS THE WHITE HOUSE STAFF WHO HAVE EXPRESSED THESE DOUBTS ABOUT OUR ATTITUDE, I THINK WE SHOULD GET THE MESSAGE ACROSS AS SOON AS POSSIBLE AND NOT AWAIT THE PRESIDENT'S RETURN FROM ASIA. NO DOUBT MR. RUSK WILL IN ANY CASE INFORM HIM OF THE MESSAGE AS SOON AS HE GETS BACK.

[COPIES SENT TO NO.10 DOWNING STREET]

DISTRIBUTED TO:
A.E.D.D.
W.O.C.D.
WESTERN DEPT.
PLANNING STAFF.

TNA FO 371/187471

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FROM FOREIGN OFFICE TO WASHINGTON

CYPHER/OTP
PS

DEPARTMENTAL DISTRIBUTION

GREEN

NO.9831
31 OCTOBER, 1966

D. 16.09 31 OCTOBER, 1966

IMMEDIATE
SECRET

ADDRESSED TO WASHINGTON TELEGRAM NUMBER 9831 OF 31 OCTOBER, REPEATED FOR INFORMATION TO UKMIS NEW YORK.

MY IMMEDIATELY PRECEDING TELEGRAM.

FOLLOWING IS TEXT.

AS YOU KNOW I WAS DELIGHTED WHEN YOU TOLD ME DURING OUR TALKS IN WASHINGTON OF THE PROGRESS THAT YOU HAVE RECENTLY MADE WITH THE RUSSIANS TOWARDS A NON-PROLIFERATION TREATY. I SINCERELY HOPE THAT WE CAN MAKE THE MOST OF THE NEW CLIMATE THAT HAS DEVELOPED. AS I THEN TOLD YOU YOU MAY BE SURE OF MY FULLEST SUPPORT IN YOUR EFFORTS TO BRING THESE NEGOTIATIONS TO A SUCCESSFUL CONCLUSION. WE HAVE MADE SOME MINOR COMMENTS ON THE DRAFT TEXT WHICH YOU SO KINDLY SHOWED ME AND HAVE ALSO LET YOUR PEOPLE HAVE SOME IDEAS OF OUR OWN ON POSSIBLE LANGUAGE FOR THE TREATY. BUT WE SHOULD NOT NEED TO PURSUE THESE IF YOUR NEGOTIATIONS ARE AS FRUITFUL AS I HOPE.

[COPIES SENT TO NO.10 DOWNING STREET]

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TNA FO 371/187472

1966

IA

Atomic Energy and Disarmament Department

(Security Grading—to be Up-graded where Appropriate)

CONFIDENTIAL

DISARMAMENT

IAD 1052/256.

FROM

Y.O. Minute. (Mr. J.A. Thompson) to Mr. S. Trott.

No.

Dated 28. October.

Received

1. November.

SUBJECT: German Views on Non-Proliferation: Conversation with Herr Diehl, the Head of the German Planning Staff. Pus German proposes for a break.

Encloses Copy of:

References and Relevant Papers:

(Outward Action)

See MINUTES Within.

(Printing Instructions)

187472

(Referred to Legal Adviser)

(Action completed)

(Main Indexed)

TNA FO 371/187472

Reference

CONFIDENTIAL

Mr. Street

Encl

2/10

RECEIVED IN ARCHIVES 1 - 1986 IAD 1052/256

German Views on Non-Proliferation

I had a long talk about non-proliferation earlier this week with Herr Diehl, the Head of the German Planning Staff. He explained the German attitude in a way that was slightly different from anything which I have heard before. He said the Germans would accept a non-proliferation treaty provided that:-

(a) it permitted joint defence arrangements in the nuclear field on the lines recognised in the United Nations Charter;

(b) there was a satisfactory solution to the problem of the depositories and East Germany.

2. Herr Diehl was slightly hesitant in defining precisely what he meant by (a) above, but the impression I got was that the German Government would be satisfied if the treaty did not exclude collective nuclear defence, i.e. they would not insist that it should contain an explicit statement providing for it. The reference to the U.N. Charter is interesting and encouraging.

3. Herr Diehl said that an important but not decisive consideration in German minds was the connection which had often been drawn between the German signature of a non-proliferation agreement and some forward movement towards reunification. The tenor of his remarks was that it would be a sacrifice for the German Government not to make such a connection but this was a sacrifice which they would nevertheless make if their two provisos were met.

(J.A. Thomson)
28 October, 1966.

Copies to:- Mr. Rennie
Mr. Campbell
Mr. Barnes

TNA FO115/4617

CONFIDENTIAL

1240/5/7/11

From A.C. Stuart, A.S.t.D. Dept. F.O.

FOREIGN OFFICE
S.W.1.

7 November 1966

1240/5/

NOV 18 1966 BRITISH EMBASSY, WASH.

I do not know how far you are abreast of current developments on the non-proliferation treaty.

2. On 15 October the Americans showed us a new draft of Article I which they were thinking of putting to the Russians. This read as follows:-

> "Each nuclear weapon State party to this treaty undertakes not to transfer nuclear weapons or other nuclear explosives directly or indirectly to a non-nuclear weapon State, either individually or by virtue of its membership in a military alliance group of States: not to relinquish its control over its nuclear weapons or other nuclear explosives: 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 explosives."

They asked for our comments and we gave them in F.O. telegram 9396, a copy of which I enclose.

18/10

3. At the same time we sent them our own suggested draft wording with an explanatory memorandum, a copy of which I also enclose. We made it clear that this was only a working level document which had not been cleared throughout Whitehall or put to Ministers.

4. Subsequently it became clear that the discussion of the American draft was at a considerably more advanced stage than we had been given to understand, and that the advocates of non-proliferation in the U.S. were pinning real hopes on it as a final text on which agreement with the Russians might be reached.

5. There therefore seemed to be some danger of wires-crossing with our own draft, and the Secretary of State finally sent a message to Mr Rusk making it clear that we supported their

/initiative

H.G. Darwin, Esq.
c/o UKmis
New York.

CONFIDENTIAL

See letter 15/11

a Minute 14/11

ACTAL COMPLETED

INDEX

TNA FO115/4617

initiative. At the same time Lord Chalfont directed that we should take no further action to comment on their draft or to push our own until the situation was cleared up.

6. Nevertheless, for our own internal purposes, we clearly have to continue to examine possible texts on a contingency basis.

7. As I think you gathered before you left London, there was a certain amount of doubt about our own redraft both in the Ministry of Defence and within the Foreign Office. This centered not only on political questions, but also largely on the question of existing arrangements.

8. We have still got no final answer on this, and further enquiries from the Americans have been held over as a result of Lord Chalfont's embargo. But we have probed far enough to know that we shall probably not get a very clear cut answer in any case. The American Department of Defense does not concede the State Department's need to know the full details, and are no more likely to give them to us. From what fragments we have been able to collect, however, it seems likely that existing arrangements do envisage situations short of actual hostilities when the troops of the non-nuclears may have both "custody" and "manning". This is not because of permanently mated warheads, which we now gather probably do not exist; but because the procedure for mating the warheads to the missiles involves a series of orders for readying the warhead in the store, for mating it to the missile, and finally for releasing the PAL and firing it. Although we have no certain knowledge of this, we think that the second order could in certain circumstances come before the outbreak of hostilities between the U.S. and the U.S.S.R. Indeed if this were not so there would be little purpose in having a third order at all.

9. We are therefore coming round to the conclusion that it is probably impossible to distinguish in Treaty language between existing arrangements and a hardware solution involving custody and mixed-manning. If this is so, it means that if we wished to propose a treaty which rules out such a solution - and by no means everybody is convinced that this is necessary or desirable - then we would have to do so by means of ambiguous language, suitably interpreted.

10. Apart from a natural search for precision, our opposition to ambiguous language has so far been based a) on the fact that the Russians could attack it as being deliberately designed to creat "loopholes for proliferation"; and b) that

/even

TNA FO115/4617

even if we did reach a cad's agreement with them outside the negotiations as to what we meant, it would always be open to them to go back on this agreement; or indeed for the non-nuclear States to pick up the point themselves.

11. Nevertheless if prior agreement with the Russians is obtainable, - and this is beginning to seem increasingly possible - and if we have got to draft loosely; then there would seem to be advantage in using a Russian ambiguity rather than one of our own. In this situation it seems to me that the Americans may be on the right lines in talking about "transfer" tout court.

12. This was of course proposed by Sir H. Beeley in his original redraft, based on the Russian text. Obviously existing arrangements could be interpreted as being affected, but not so unequivocally so as with "custody" or "manning" (on the assumptions made above). If the Russians and the Americans can agree between themselves as to what "transfer" means and should mean, we may therefore be half-way home.

13. If we can accept this kind of approach, the next thing to consider is the matter of transfers to an association as opposed to through an association. Clearly there is no point in giving away more than we have to, and as I have said, there is a school of thought which believes that if the Russians now agree to sign a treaty, they will do so for reasons which have nothing to do with the ANF or any other hardware solution. There would therefore be little sense in proposing modifications on this point until we know how the Russians react. But if the decision is taken that we must rule out joint ownership, joint custody and mixed manning, then I would suggest that we could probably do it by amending the new U.S. formula to read "....to a non-nuclear-weapon-State or to any military alliance group of States". The ambiguity of "transfer" would apply in this case too, but I am inclined to think that this might perhaps be an advantage. One of the minor difficulties of our proposed redraft was that it made it rather difficult to envisage permissible ways in which we could "internationalize our deterrent", as we are pledged to do.

14. Perhaps you would let me know what you think about this, subject of course to the comments which we have already made on the new American text, and to any others which may occur to you.

15. I am also copying this letter, for information and any comments, but without enclosures, to Martin Morland in the Disarmament delegation and to Ian Smart in Washington.

(A.C. Stuart)

TNA FO115/4617

CONFIDENTIAL

FROM FOREIGN OFFICE

TO WASHINGTON

FROM .....

TELEGRAM NO 10087

DATED 9 NOVEMBER 1966

R..11.00.a.m. 9TH NOVEMBER, 1966

ROUTINE

CHANCERY REGISTRY NOV 10 1966 BRITISH EMBASSY WASHINGTON

CONFIDENTIAL

ADDRESSED TO WASHINGTON TELNO 10087 OF 9/11 RPTD FOR INFMN TO UKMIS NEW YORK AND SAVING TO UKDIS GENEVA.

NON-PROLIFERATION.

WE UNDERSTAND THAT NO RECENT MEETINGS ABOUT A TREATY TEXT HAVE TAKEN PLACE BETWEEN THE AMERICANS AND THE RUSSIANS, AND WE ASSUME THIS MAY BE BECAUSE, DURING THE PRESIDENT'S ABSENCE IN ASIA, HIS APPROVAL TO SHOW THE LATEST AMERICAN DRAFT TO THE RUSSIANS COULD NOT BE OBTAINED. WE SHALL HOWEVER SHORTLY HAVE TO BRIEF THE SECRETARY OF STATE FOR HIS VISIT TO MOSCOW AND IT WOULD BE HELPFUL TO KNOW :-

(A) WHETHER THE U.S. TEXT HAS NOW BEEN GIVEN TO THE RUSSIANS,

(B) IF SO, WHAT THEIR REACTION WAS, AND WHETHER THE AMERICANS WOULD OBJECT TO THE SECRETARY OF STATE LETTING MR. GROMYKO KNOW THAT WE HAVE SEEN THE TEXT.

CHANCERY GENERAL
Chancery action

PLUS
Dr. Panton
Delegation (5)

745:CHY:sjb

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ARCHIVE COPY

TNA FO 115/4618

CONFIDENTIAL

(Brief for HE's visit to London. 18.11.66)

NON-PROLIFERATION

NOV 28 1966
BRITISH EMBASSY, WASHINGTON

On 14 October, Mr. Rusk gave the Secretary of State a new American draft of Article I of a non-proliferation treaty (attached) and asked for an urgent reaction to the idea of putting it to the Soviet Union. Our reaction, conveyed on instructions by the Minister to Mr. Stoessel and at greater length by Sir H. Beeley to Mr. Foster, was that, although the Russians were unlikely to accept the new draft, it might help to "keep the ball rolling". This comment was accompanied by several detailed observations and by the handing over to Mr. Foster of the new draft of a treaty prepared in the Foreign Office.

2. This reaction inspired some doubt of our enthusiasm for putting the new American text to the Russians. To remove this, the Secretary of State sent a personal message of encouragement to Mr. Rusk. For his part, Lord Chalfont ruled that nothing more should be said which might disturb the Americans or impede their dialogue with the Russians.

3. American sensitivity on this issue now seems to be recognised by Lord Chalfont and in London. It would nevertheless be helpful if H.E. could emphasise, perhaps to the Permanent Under-Secretary, the importance of avoiding any move which the Americans might interpret as diverting or complicating their dialogue with the Soviet Union. Their new draft has been hammered out after many hours of private U.S./Soviet talks and of argument within the Administration. There is nothing in it damaging to our own interests. If the Americans calculate that it might come near to securing Soviet acceptance, it is to our advantage that they should put it forward. If the Russians reject it, that will be time enough to consider suggesting alternative ways of solving the remaining difficulties.

CONFIDENTIAL

ACTION COMPLETED

TNA FO 115/4618

IMMEDIATE FOREIGN OFFICE

TELNO 11484

SECRET

SECRET

TO WASHINGTON

19 DECEMBER 1966

COPY NO.....

CHANCERY REGISTRY DEC 19 1966 BRITISH EMBASSY WASHINGTON

ADDRESSED TO WASHINGTON TELNO 11484 OF 19 DECEMBER

REPEATED FOR INFORMATION TO UKDIS GENEVA AND UKMIS NEW YORK

YOUR TEL. NO. 3434: NON-PROLIFERATION.

IN SPEAKING TO MR. FOSTER YOU MAY DRAW ON FOREIGN OFFICE TEL. NO. 2750 TO PARIS.

2. IF YOU THINK IT NECESSARY, YOU MAY ALSO MAKE THE FOLLOWING POINT, WHICH HAS SINCE OCCURED TO US. THE RUSSIANS MIGHT POINT OUT THAT THERE IS AN ASSYMMETRY BETWEEN THE TWO HALVES OF THE U.S. TEXT SINCE THE FIRST REFERS TO QUOTE ANY RECIPIENT WHATSOEVER UNQUOTE AND THE SECOND TO QUOTE ANY NON-NUCLEAR-WEAPON STATE UNQUOTE. BUT IF QUOTE ANY RECIPIENT WHATSOEVER UNQUOTE APPEARED IN BOTH PLACES, THEN E.G. THE U.S. WOULD BE PREVENTED FROM ASSISTING THE U.K. TO MANUFACTURE NUCLEAR WEAPONS AND THE EFFECT OF THIS WOULD PRESUMABLY BE TO RULE OUT COOPERATION UNDER THE ANGLO-U.S. MILITARY AGREEMENT OF 1958.

3. THERE IS A FURTHER POINT ON THE SAFEGUARDS QUESTION (ART. III OF THE EXISTING U.S. TEXT). AS YOU KNOW THE AMERICANS PUT TO US IN JULY A NEW TEXT WHICH WOULD IMPOSE MANDATORY SAFEGUARDS ON ALL TRANSFERS OF SOURCE AND FISSIONABLE MATERIAL FOR PEACEFUL PURPOSES. WE PROMISED TO EXAMINE THE IMPLICATIONS FOR US OF THIS TEXT. FOR YOUR OWN INFORMATION, WE HAVE CONCLUDED THAT IT WOULD HAVE SERIOUS RESULTS FOR OUR WHOLE NUCLEAR PROGRAMME

/UNLESS

CHANCERY RESTRICTED
Chancery action

PLUS
Mr. Smart

119:CNO:sjb

SECRET

ACTION COPY

TNA FO 115/4618

SECRET

2.

UNLESS IT WERE APPLIED ONLY TO NEW CONTRACTS FOR SOURCE MATERIAL FOR POWER APPLICATION. WE SHALL WANT TO TALK TO THE AMERICANS SHORTLY ABOUT THIS, UNLESS THEY HAVE CONCLUDED THAT THEY MUST ACCEPT THE RUSSIAN STANDPOINT THAT SAFEGUARDS SHOULD NOT APPLY TO NUCLEAR POWERS (UKMIS NEW YORK TEL. 2847 OF 28 NOVEMBER). ANY INDICATION YOU CAN OBTAIN OF U.S. INTENTIONS WOULD THEREFORE BE MOST USEFUL.

SOSFA SENT AT 1422Z/19 EJH

SECRET

TNA FO 115/4618

12110/5/22/12

CYPYER/CAT A

CONFIDENTIAL

PRIORITY FOREIGN OFFICE

TO ROME

TELEGRAM NUMBER 2650

22 DECEMBER 1966

CHANCERY REGISTRY
DEC 23 1966
BRITISH EMBASSY WASHINGTON

CONFIDENTIAL.

ADDRESSED TO ROME TEL NO. 2650 OF 22 DEC AND TO OTTAWA BONN PARIS MOSCOW WASHINGTON 11590 UKDIS GENEVA UKMIS NEW YORK AND UKDEL NATO.

NON-PROLIFERATION TREATY.

FOLLOWING IS THE PROPOSED U.S. TEXT FOR ARTICLE I WHICH HAS BEEN DRAFTED IN THE LIGHT OF RECENT EXCHANGES WITH THE RUSSIANS IN NEW YORK: ''EACH NUCLEAR WEAPONS 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''.

2. THE AMERICANS ASKED FOR OUR COMMENTS ON THIS DRAFT. WE REPLIED THAT WE WELCOMED IT AND WOULD SUPPORT IT IN THE WESTERN FOUR AND, WHEN THE TIME CAME, ELSEWHERE. IT IS OUR UNDERSTANDING, AND THAT OF THE AMERICANS ALSO, THAT THIS WORDING WOULD NOT ENTAIL INTERFERENCE WITH EITHER THE EXISTING ORGANISATION OF NUCLEAR FORCES OR ARRANGEMENTS FOR CONSULTATION OF NUCPEAR MATTERS WITHIN THE WESTERN ALLIANCE. NOR WOULD IT PREVENT AN EVENTUAL EUROPEAN

/FEDERAL

CHANCERY RESTRICTED
Chancery Action
290:CNO:nl.

CONFIDENTIAL

This is deliberately "unguarded" as an instruction. Tel. sent after speaking to the de Palem (which revealing, by inference this tel.). ACTION COMPLETED

TNA FO 115/4618

FEDERAL STATE INHERITING THE NUCLEAR WEAPON STATUS OF ONE OF ITS CONSTITUENT MEMBERS (THE ''FEDERATION OPTION'').

3. ON RECEIVING OUR COMMENTS THE AMERICANS SHOWED THE DRAFT TO THE ITALIAN AND THE CANADIAN FOREIGN MINISTERS. MR. MARTIN WELCOMED IT. SGR. FANFANI RESERVED COMMENT UNTIL HE COULD SPEAK TO HIS PRIME MINISTER. IT WAS ALSO SHOWN TO HERR BRANDT WHO REPORTEDLY SAID THAT THE PROPOSED TERMS SHOWED PROMISE AND WERE ''WELL WORTH CONSIDERING''. THE U.S. AMBASSADOR AT BONN IS FOLLOWING THIS UP AND GIVING HERR BRANDT A COPY OF THE DRAFT. IT WAS DISCUSSED IN MORE GENERAL TERMS WITH M. COUVE DE MURVILLE, WHO SAID NOTHING.

4. IF ASKED BY REPRESENTATIVES OF GOVERNMENTS TO WHICH THE AMERICANS HAVE SHOWN THE DRAFT ABOUT OUR ATTITUDE TOWARDS IT, YOU MAY CONFIRM THAT WE HAVE WELCOMED IT ON THE LINES OF PARAGRAPH 2 ABOVE. WE FEEL THAT IN THE PRESENT CRUCIAL STATE OF THE NEGOTIATIONS THIS TEXT SHOULD TILT THE BALANCE IN FAVOUR OF AGREEMENT AND WE HOPE THAT IT WILL FORM A BASIS FOR PROGRESS BEFORE THE E.N.D.C. RESUMES ON 21 FEBRUARY.

SOSFA GROUPS 350 SNET AT 22/2040Z RD