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DEPARTMENT OF STATE

Washington, D.C. 20520

RS/R

DECLASSIFIED
Authority NND 969000
By SW NARA Date 10/12/08

Attention: ~~XXXXXXXXXX~~
~~Keep this study together.~~

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April 10, 1968

Dear Mr. Secretary:

Before you go to The Hague for the Nuclear Planning Group meeting on April 18-19, I believe you should be familiar with the US interpretations of Articles I and II of the Non-Proliferation Treaty regarding alliance arrangements for nuclear defense. The FRG has requested in particular that we make it clear that the realization of the NPT will not affect the work of the NPG.

The language of Articles I and II of the NPT was chosen in order to protect alliance consultations on nuclear defense as well as on nuclear defense deployment arrangements. These are not explicitly sanctioned by Articles I and II, since the USSR was not prepared to provide such an endorsement of NATO arrangements.

In Secretary Rusk's October 10, 1966 talk with Foreign Minister Gromyko, it was clearly understood that Articles I and II of the NPT deal only with what is prohibited and not what is permitted. Article I of the NPT prohibits the transfer of ownership or control of nuclear weapons (understood to mean warheads and bombs and not delivery vehicles). It does not mention alliance consultations or deployment arrangements not involving a transfer of nuclear weapons. We worked out interpretations on these and other aspects of Articles I and II with our allies (and in particular the FRG) which were presented to the Soviets on April 28, 1967 in the form of answers to questions posed by our allies (Tab A).

DEF 18-6

The Honorable
Clark M. Clifford,
Secretary of Defense.

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TO:
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The FRG agreed with us that it would not be desirable to request comments from the USSR on these interpretations, since the USSR could not be expected to be bound by unilateral interpretations of a treaty made by others. However, the Soviets were informed that if they took an official position in opposition to these interpretations, a very serious problem would arise. The Soviets also were told that we expected that during ratification hearings the US Senators would ask similar questions as allied governments, and we expected to make the same responses on our understanding of Articles I and II.

We have not heard from the Soviets any indication that they will contradict the US interpretations when they are made public in the process of consideration of the treaty either by the US or by our allies. This does not mean that they will necessarily agree with them.

We do not believe it would be in our interest or that of our allies to have a public discussion of the US interpretations prior to the time when the NPT is submitted to the Senate for advice and consent.

On March 13 the FRG Embassy here requested that a statement be made by you at The Hague NPG meeting and also at the NATO Defense Ministers Meeting in May to the effect that the NPT will not hinder the work of the NPG or further nuclear defense arrangements within the alliance compatible with Articles I and II of the NPT. (Memcon and FRG working paper attached as Tab B)

We think it would be useful for you to make such a statement on both occasions suggested by the FRG and see no objection to using substantially the language proposed by the Germans.

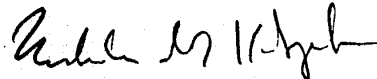
We have slightly rephrased the FRG language (Tab C). I suggest that you include such a statement in your

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presentations both to the April 18-19 NPG Meeting and
at the NATO Defense Ministers Meeting in May.



Nicholas deB. Katzenbach
Under Secretary

Attachments:

- Tab A - US Interpretations
- Tab B - Memcon and FRG Working Paper
- Tab C - Proposed Statement

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DECLASSIFIED
Authority NND 969000
By SW NARA Date 10/12/08

April 28, 1967

QUESTIONS ON THE DRAFT NON-PROLIFERATION TREATY
ASKED BY U.S. ALLIES
TOGETHER WITH ANSWERS GIVEN BY THE UNITED STATES

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

A. The treaty deals only with what is prohibited, not with what is permitted.

It prohibits transfer to any recipient whatsoever of "nuclear weapons" or control over them, meaning bombs and warheads. It also prohibits the transfer of other nuclear explosive devices because a nuclear explosive device intended for peaceful purposes can be used as a weapon or can be easily adapted for such use.

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

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

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

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

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

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

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

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DEPARTMENT OF STATE

Memorandum of Conversation

DECLASSIFIED
 Authority NND 969000
 By SW NARA Date 10/12/08

TAB B

March 13, 1968

DATE:

SUBJECT: The NPT and the NPG

PARTICIPANTS: Georg von LILIENTFELD, Minister, German Embassy
 Adolf von WAGNER, Third Secretary, Germany Embassy
 John M. LEDDY, Asst. Secretary for European Affairs
 Edwin D. CROWLEY, EUR/GER

COPIES TO: EUR G
 ACDA EUR/RPM
 S/S DOD/ISA - Mr. Wyle
 INR Embassy BONN
 U USMISSION NATO
 M USMISSION GENEVA
 EUR/GER

Minister von Lilienfeld said he called on instructions of his Government to express German concern as to possible effects on the work of the NPG of the Soviet exploitation of the NPT. He gave Mr. Leddy the attached paper containing talking points which he described as a "non-paper" having no official status. He recalled that the NPG was closely connected with the earlier MLF to which the FRG had attached importance. The FRG also attaches a great deal of importance to the work of the NPG both from the standpoint of defense policy and from the psychological point of view.

Mr. Leddy, referring to the talking points, asked the Minister whether he considered our participation in the NPG had had a restrictive effect. Minister von Lilienfeld said there is a feeling in German circles, especially in military circles, that the US is resisting the sharing of knowledge and decision-making in the nuclear field.

Mr. Leddy pointed out to the Minister that the NPG was established to meet the problem to which the Minister referred and that he thought it was doing good work. He was not aware of any basis for the reported German concern that our participation has had a

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restrictive effect. As to the desire expressed by the Minister that the Secretary of Defense make statements at the NPG Ministerial meeting on April 18 and at the NATO Ministers' meeting in May, we would look into the matter. He said we certainly will not talk to the Soviets about the NPG. The situation is clear on that score.

The Minister explained that it was not the desire of his Government that the Secretary of Defense make formal declarations. The German Government had in mind that the Secretary would include in his remarks at these meetings statements along the lines set forth in his talking paper.

Attachment:

Talking paper.

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Authority NND 969000
By SW NARA Date 10/12/08

I have instructions to raise the question of the possible repercussions which the non-proliferation treaty might have on the nuclear arrangements within the Alliance. We raise this question particularly with respect to the ministerial meeting of the Nuclear Planning Group scheduled in the Hague on April 18 and 19.

The interpretations which the US delegate in Geneva handed the Soviet Co-Chairman on April 28, 1967 deal with this problem. These interpretations had been the subject of consultations within the Alliance and also bilaterally between the United States and the Federal Republic of Germany.

The interpretations safeguard the nuclear arrangements as they presently exist within the Alliance. We consider it desirable, however, that the US-Government make it clear vis-à-vis its allies that the Non-Proliferation Treaty shall not impair the future work of the Nuclear Planning Group nor the further development by the Nuclear Planning Group of nuclear arrangements already existing. We are motivated by the fact that the Soviets have time and again criticized the already existing nuclear arrangements within the Alliance. We, therefore, have reason to expect that - by referring to the Non-Proliferation Treaty - they will attempt to block any further development of such arrangements, especially in the framework of the Nuclear Planning Group.

Although the legal validity of such attempts were to be doubted, they could produce a dangerous political impact, thus hindering the future work in the Nuclear Planning Group and jeopardizing concrete improvements in the field of consultation on nuclear matters.

Authority NND 969000By SW NARA Date 6/12/08

We recognize that the Nuclear Planning Group already has produced some good results and has done important preliminary work for an improvement of nuclear consultation within the Alliance. But we share the opinion of other members of the Alliance that there is still a long way to go before satisfactory and final arrangements of the problems the Nuclear Planning Group is dealing with are reached. Work within the Nuclear Planning Group proceeds slowly and sometimes there is the impression that a certain restrictive tendency impedes faster progress. As far as we know, Secretary General Brosio occasionally has expressed similar concerns on this matter.

All these reasons make it even more urgent that the US-Government gives the clarification we request. We feel, however, that this should not be done through interpretations to be handed to the Soviets. We, too, would consider it prejudicial if hereby a discussion about the Nuclear Planning Group would be initiated with the Soviets. We would appreciate it if the Secretary of Defense at the ministerial meeting at the Hague on April 18 and at the Conference of the NATO Defense Ministers in May 1968 could make such a ~~declaration~~ *Statement*

In our view it would be desirable if such a ~~declaration~~ *Statement* would state

- that the signing of the Non-Proliferation Treaty shall not interfere with the determination of the US-Government to further actively the work of the Nuclear Planning Group and to cooperate in the aim of finding a solution satisfactory to the non-nuclear partners of the Alliance for the formulation and execution of nuclear planning within NATO;
- that the Non-Proliferation Treaty shall not hinder the further development of nuclear defense arrangements within the Alliance compatible with Articles I and II of the NPT.

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Proposed Statement
to be Included in Presentations by
Secretary Clifford at April 18-19 NPG Meeting
and May NATO Defense Ministers Meeting

The US Government holds the view that the entry into force of the Non-Proliferation Treaty will not interfere with the work of the Nuclear Planning Group. The US Government intends to continue to pursue actively the work of the Nuclear Planning Group and to seek to find solutions satisfactory to its non-nuclear partners in NATO for the formulation and execution of nuclear planning within NATO. It also is the view of the US Government that the Non-Proliferation Treaty will not hinder the further development of nuclear defense arrangements within the alliance compatible with Articles I and II of the Non-Proliferation Treaty.

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DEPARTMENT OF STATE
DEPUTY UNDERSECRETARYTo: G/PM
(ACDA in/amed)SECRET

April 4, 1968

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MEMORANDUM

TO: G - Ambassador BohlenFROM: G/PM - Philip J. Farley PF

SUBJECT: Relation of NPT and NPG

ACDA recommends that the Acting Secretary send the attached letter to Secretary Clifford. It has two purposes. First to request Secretary Clifford to make a statement at the forthcoming NPG meeting to the effect that the NPT will not impede the work of the NPG. Such a statement has been requested by the FRG.

Second to outline for Secretary Clifford the understandings that currently exist with the Soviets and our allies on the interpretation of Articles I and II, and how they will be handled.

Recommendation:

That you approve the attached memorandum.

APR 5 1968

Approve CSHDisapprove _____G/PM: PS Shaw:LSloss:edSECRET

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APR 5 1968

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY
WASHINGTON

SECRET

April 5, 1968

OFFICE OF
THE DIRECTOR

MEMORANDUM FOR THE ACTING SECRETARY OF STATE

S/S-DAR

Subject: Effect of the NPT on the NPG (U)

I recommend that you send the attached letter to the Secretary of Defense informing him of the background of the US interpretations of Articles I and II of the NPT which I think he needs to know about before he goes to the NPG Meeting at the Hague on April 18-19. The letter also proposes that he make a statement setting forth our opinion that the NPT will not affect the activities of the NPG. The FRG has requested that such a statement be made.

Messrs. Bohlen and Leddy concur.

William C. Foster

William C. Foster

DEF 18-6

Attachment:

Proposed letter to the Secretary of Defense

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