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ACTION: Amembassy BONN
STATE: 121338 *Lindes*
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SUBJECT: Non-Proliferation Treaty

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/s/ WA Henderson (S/S)
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1. At his request, Amb. Knappstein came in with von Staden to discuss questions raised re NPT which had been received from Bonn. He said Brandt wanted as much information as possible for the meeting of Federal Defense Council on 20 January.

2. After welcoming Knappstein, Foster said we could not expect Sovs to be enthusiastic about some of our interpretations of the treaty but they had agreed that those things which were not prohibited were permitted. As long as their noses were not rubbed in these matters, they might not react adversely, but if these interpretations were written in large neon lights, there would be no treaty. Knappstein replied that the FRG wanted to be sure that they would not run into charges of treaty violation after treaty entered into force.

3. The following FRG questions and US answers were

Drafted by: **AGDA/GC:G** *1/18/67* Tel. Ext. **6866** Telegraphic transmission and classification approved by: **EUR - Mr. Spindler**

AGDA/D - Mr. Foster
AGDA/IR - Mr. De Palma
L - Mr. Walker
EUR/RPM - Mr. V. ...
EUR/GER - Mr. ...
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covered:

(Q.) Had Sovs agreed that consultations were permitted by NPT?

(A.) Foster said Secretary Rusk had made clear that NPT could not govern how we talked to our allies. Gromyko had said first that he was not raising question of consultation in NPT and later that Sovs did not suggest NPT include provision banning consultation. Foster said Sovs clearly did not wish to ^{endorse} ~~endorse~~ McNamara committee, and that we might continue to expect criticism of NATO consultations. A charge that such consultations violated NPT, however, would be another matter.

(Q.) Was our definition of "control" accepted by Sovs; were all measures short of final stage of transfer permitted?

(A.) Foster replied that Sovs had objected that earlier US definition of control explicitly authorized FRG firing nuclear weapons after consent of US given. Sovs could not expressly approve such language. We told Sovs we not insist upon US definition of control in NPT. We have not said we disagreed with definition. They have not given us any definition of their own. In our view, control clearly transferred if independent power to fire nuclear weapons given. On other hand, control not transferred if a veto

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given to fire nuclear weapons deployed on FRG territory. Quick reaction alert procedures permit various actions with respect to warheads without violation of prohibition on "transfer" in US national legislation. Sovs aware of existing arrangements, and that we interpret treaty as not requiring changes in existing arrangements. They understand clearly that what is not prohibited is permitted.

(Q.) Whether in US view NPT would permit exchanging new weapons for old in existing arrangements or permit other changes resulting from technical developments?

(A.) Foster said nothing in treaty bears on deployment of nuclear weapons; nothing deals with exchanges of new weapons for old within existing arrangements.

(Q.) Whether Sovs agree with US view that NPT would permit acquisition of nuclear weapons by a European union with a central political authority and a common foreign and defense policy; did they agree with points made in January 13 oral note?

(A.) Foster said we had told Sovs that a new United States of Europe would succeed to nuclear assets of UK or France. They have not complained about this interpretation but the less said about it publicly, the better. Knappstein replied it was unavoidable

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that this question would be discussed every day in Europe.

(Q.) Could an EDC as an intermediate/^{step}~~stage~~ to political union possess all kinds of delivery vehicles, including those in which nuclear warheads and carriers could not be separated?

(A.) Foster replied NPT did not deal with delivery vehicles of any kind and Sovs had agreed to this in private. However, any discussion of an EDC or multilateral force involving nuclear delivery vehicles should be kept in as low a key as possible. If we made statement saying this O.K. might jeopardize treaty. We do not propose to discuss this fully with anyone else.

Warheads of US missiles, including Polaris, are physically separable from their carriers. FRG was aware that existing quick ~~re-~~ reaction alert procedures resulted in mounting US warheads on FRG aircraft under certain circumstances. However, custodial arrangements worked out between two countries permitted transfer of carriers without transfer of warheads within meaning of US atomic energy legislation. NPT did not, in our view, prohibit similar custodial arrangement for other carriers. Knappstein said it was then theoretically possible to have a fleet of Polaris submarines with warheads locked up and safeguarded separable from delivery vehicles.

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Meeker said we take position and Sovs accept that arrangements today are consistent with obligation in US national legislation not to transfer. Sovs understand that we are not undertaking by NPT to change existing arrangements but we could not ask Sovs to approve extension of this concept for the future in another context. It is our view, of course, that NPT deals with warheads, not with delivery vehicles. An arrangement concerning delivery vehicles which did not result in a transfer of warheads or control over them would not, in our view, be prohibited.

(Q.) Was the US understanding that nuclear weapon includes only warheads acceptable to the Sovs?

(A.) Foster said the Sovs agree that NPT did not deal with delivery vehicles.

(Q.) ~~Whether~~ Whether ADMs are purely defensive weapons?

(A.) Foster said NPT text did not differentiate between offensive and defensive weapons. It would apply to ADMs which were nuclear.

(Q.) Had Sovs agreed to possible FRG right of veto over foreign-owned nuclear weapons on German soil?

(A.) Foster said this had not been raised, but that we did not see how treaty intended to inhibit triggering nuclear war in

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future could be interpreted as prohibiting an additional veto.

Knappstein said they understood that the question of veto would be between the President and the Chancellor. However, if a mechanism or control organization were necessary to effectuate the veto, did that violate the treaty?

Foster replied that the President might want a military adviser to help him but he would not require an organization in this sense. Knappstein said this seemed to mean that an organization would not prove to be necessary.

(Q.) Had Sovs in talks tried to limit peaceful nuclear cooperation other than re nuclear explosive devices; would full and untrammled cooperation be permitted? FRG understanding was only inhibition was upon peaceful explosives.

(A.) Foster said there was no other inhibition; US policy favored peaceful nuclear exchanges. Sov Geneva draft treaty contained ~~peaceful nuclear exchanges~~ broad language which might have prohibited some peaceful cooperation but we got them to take this out.

Knappstein asked whether the treaty left open all possibilities for cooperation which were left open by the McMahon Act. Fisher said there was a somewhat greater restriction with

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respect to transfers of nuclear weapons to nuclear-weapon states, but not with respect to non-nuclear-weapon states.

Knappstein asked what concessions Sovs had made to bring treaty into consistency with US atomic energy legislation.

Foster said primarily the prohibition on "transfer" which appeared in US legislation. Fisher added that other concessions included elimination from Sov Geneva draft of prohibition on transfer of control over the "emplacement" of nuclear weapons which raised question about existing deployment arrangements. Also eliminated were references to "use" of nuclear weapons such as prohibition on transmittal of information which can be employed for purposes of "use" of such weapons. This would have prevented training of allied troops for possible use of nuclear weapons in event of war.

(Q.) Whether word "purpose" in Art. IV referred to preamble and if so, what was wording of preamble?

(A.) Foster said we did not have an agreed or final draft of preamble. We hope to see it state objectives such as general and complete disarmament, turning down of the nuclear arms race, and reductions in nuclear arsenals.

Knappstein said that if preamble stated nuclear-weapon states had ~~not~~ to reduce nuclear arsenals and this was not accomplished

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by the end of the five-year period, could withdrawal by non-nuclear-weapon states become effective?

Foster said such states might take this view. (If this point is raised in further discussions, refer to points made in STATE 109454.)

(Q.) Knappstein asked how assurances of fullest consultations were consistent with Foster statement that changes in treaty text would be difficult. Knappstein recognized that Germans would have to be aware of the facts of life -- the negotiations had been arduous and difficult. But he asked whether it was theoretically open to make changes in the text.

(A.) Foster said it was. NPT was ad referendum but as Knappstein had recognized, changes would be difficult.

(Q.) Would a new United States of Europe have to accept the obligations of the NPT or would it be free to decide whether or not to join?

(A.) Meeker said usual rule of international law was that a new state did not automatically inherit the obligations of its predecessor states. However, we would hope and expect a United

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States of Europe would be a party to NPT; if it did not join, other parties might have to reconsider their position on treaty.

GP-1.

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By **SWNARA** Date **10/12/08**

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