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DEPARTMENT OF STATE

AIRGRAM

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INFO: FROM : A (Posts continued at bottom) Department of State

DATE:

Aug 24 10 04 AM '67

SUBJECT : Aide-Memoire on the Draft Non-Proliferation Treaty (NPT) (U)
REF :

The enclosed Aide-Memoire (Enclosure 1) contains an explanation of and requests support for the draft NPT (Enclosure 2) which was submitted by the United States and Soviet Co-Chairmen of the ENDC at Geneva on August 24, 1967.

Action addressees should, unless they perceive objections, present the Aide-Memoire and the draft text to governments at the highest level deemed appropriate. Info addressees may draw on them as appropriate in any discussions of the draft NPT, and provide text of treaty.

ENCLOSURES:

1. Aide-Memoire
2. Draft NPT

INFO: ALL NATO CAPITALS (NATUS/BUSEC) AND THE FOLLOWING POSTS

ADDIS ABABA	HONG KONG	RIO de JANEIRO
BELGRADE	LAGOS	STOCKHOLM
BERLIN	MEXICO CITY	SOFIA
BUCHAREST	MOSCOW	TOKYO
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FORM 4-62 DS-323

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Contents and Classification Approved by:

Drafted by: ACDA/IR:AMS Gillman; ACDA/IR:EA Walker:up | ACDA/DD - Adrian S. Fisher 95 Fisher

Clearances: ACDA/IR-Mr. De Palma ACDA/IR-Mr. Kranich ARA-LA - Mr. Sayre
G/PM-Mr. Garthoff AFI-Mr. Hadsel AEC-Mr. Labowitz (Continued on last page)

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The following points should be made orally at the time the Aide-Memoire and text are presented:

1. The USG attaches great importance to the early conclusion of an NPT which will have the widest possible acceptance;
2. The USG believes that an NPT is necessary to prevent the further spread of nuclear weapons, which could seriously increase the threat to peace and security;
3. The NPT will constitute an important step in our continuing efforts to achieve further nuclear arms limitations and control;
4. The basic principles covered in the draft NPT have been considered in great detail over the past several years in both the UNGA and the ENDC;
5. Discussions between the Co-Chairmen are continuing in an effort to reach agreement on an article on safeguards (Article III) for subsequent submission to the ENDC; and
6. FYI If a question is raised as to whether a government not represented in the ENDC may submit its views or comments on the draft treaty to that body, you should state that such views may be sent directly to the Co-Chairmen at Geneva for circulation to the ENDC in accordance with established procedures. You may, if necessary, make clear that such views may be submitted to either or both Co-Chairmen and, if the host government seems inclined to submit comments, suggest that they be transmitted promptly so that they can be taken into account in the early stages of the ENDC discussions. END FYI

If a question is raised as to the status of the draft text submitted to the ENDC, you should state that it has

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been discussed among a number of governments and has their general agreement, but of course no government is committed to accept it pending further discussion and negotiation.

RUSK

FOR PARIS/USNATO: You are requested to pass the enclosed Aide-Memoire for information only to the other NATO Delegations in Paris. In doing so, you should point out that the Aide-Memoire is being delivered by the US to non-NATO, non-ENDC nations and is only for the information of NATO members.

FOR NATO CAPITALS: At their discretion, Embassies in NATO Capitals may pass the enclosed Aide-Memoire to Foreign Ministries. You should indicate that the Aide-Memoire is for information only and has been passed to NATO Delegations in Paris for transmission to capitals. You should also point out that the Aide-Memoire is addressed to non-NATO and non-ENDC capitals and that it incorporates textual and interpretive material previously circulated to NATO members.

Exempted from automatic decontrol.

Clearances continued from first page:

ACDA - Mr. Van Doren *EDW*
DOD - Col. Humphries *EDW*
EUR/RPM - Mr. Baker *EDW*
EA/RA - Capt. Mayo *EDW*
EA/J - Mr. Sneider *EDW*
NEA/RA - Col. Fredericks *EDW*
EUR - Mr. Leddy *EDW*

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AIDE-MEMOIRE

As the Government of _____ is aware, the United States Co-Chairman of the Eighteen-Nation Committee on Disarmament (ENDC) has joined the Soviet Co-Chairman in recommending the attached draft Non-Proliferation Treaty for discussion and negotiation in the Committee and for the consideration of all governments. The draft was formulated by the Co-Chairmen following extensive consultations which the US and USSR have held with other governments on questions affecting their interests. In this undertaking, the United States derived invaluable assistance and guidance from previous deliberations on non-proliferation in the ENDC and in the United Nations General Assembly.

The United States hopes that this draft, after it has been fully considered by the Committee and after other interested governments have had an opportunity to consider it, will take final form as a treaty signed and ultimately ratified by the greatest possible number of nations. To facilitate this procedure, the United States Government offers the following explanations regarding various elements of the recommended draft and remains ready to provide any additional information or explanation which may be requested:

The United States is convinced, along with most other nations, that the proliferation of nuclear weapons would heighten international tensions, increase the danger of nuclear war and diminish the security of all nations. For over twenty years, the United States has sought assiduously to achieve international agreements leading to the elimination of nuclear weapons in all countries. Despite these efforts, additional countries have obtained nuclear weapons. The threat of further spread of these weapons caused great concern in the international community and has prompted a

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series of UNGA resolutions which have now culminated in the present draft treaty on non-proliferation of nuclear weapons.

* * *

Articles I and II are at the core of the draft treaty.

Article I deals with the obligations of nuclear-weapon states. First, they cannot transfer nuclear weapons, or control over them, to any recipient whatsoever. Second, they cannot assist non-nuclear-weapon states to manufacture or otherwise acquire nuclear weapons. Third, these prohibitions are applicable not only to nuclear weapons but also to other nuclear explosive devices because the technology for making such devices is essentially indistinguishable from that of nuclear weapons and because such devices could easily be adapted for use as weapons.

The United States recognizes that the benefits which may some day be realized from nuclear explosions for peaceful purposes should be available to the non-nuclear states. It is for this reason that the U.S. is prepared to make available nuclear explosive services for peaceful purposes on a non-discriminatory basis under appropriate international arrangements. We are prepared to join other nuclear states in a commitment to do this. We are therefore pleased that the preamble of the draft NPT contains a forthright provision on the availability of peaceful nuclear explosions.

Article II deals with the obligations of non-nuclear-weapon states and is the obverse of Article I. First, such states cannot receive the transfer of nuclear weapons, or control over them, from any transferor whatsoever. Second, they cannot manufacture or otherwise acquire nuclear weapons, or seek or receive assistance for such manufacture. Third,

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these prohibitions are applicable not only to nuclear weapons but also to other nuclear explosive devices.

Article III, the safeguards article, has been left blank because the Co-Chairmen have not yet been able to complete their work on a formula which they would expect to be acceptable to all states which wish to support this treaty. The Co-Chairmen are continuing their consultations with a view to drafting an agreed text for this Article. The purpose of the Article will be to provide for the application of safeguards to ensure that source or special fissionable material is not diverted to nuclear weapons or other nuclear explosive devices by countries which have undertaken not to manufacture these devices in accordance with the treaty. Both Co-Chairmen believe that such safeguards should be mandatory and form an integral part of the treaty. It will be noted that the preamble already contains several references to safeguards.

Article IV results from many suggestions by non-nuclear-weapon countries that the treaty contain an article on peaceful uses of atomic energy. Indeed, the idea for such an article was originally derived from the Treaty of Tlatelolco, Mexico, establishing a nuclear-free zone in Latin America. The Article describes two recognized rights of Parties with respect to peaceful uses. First, it makes clear that nothing in the treaty draft interferes with the right of Parties to develop their research, production and use of nuclear energy for peaceful purposes in compliance with Articles I and II and taking into account the provisions on other nuclear explosive devices. Second, it recognizes the right of the parties to participate in the fullest possible exchange of information for, and to contribute alone or in cooperation with other states to, the further development of the applications of nuclear energy for peaceful purposes. These two rights are specific elaborations of the principle, stated in the preamble, "that the benefits of peaceful applications of nuclear technology . . . should be available

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for peaceful purposes to all Parties, whether nuclear weapon or non-nuclear weapon states". As the preamble also makes clear, this principle includes not only modern reactor technology and the like, but "any technological by-products which may be derived by nuclear-weapon states from the development of nuclear explosive devices".

These provisions make clear that the treaty would promote, not discourage, national development and international cooperation with respect to peaceful applications of atomic energy. This applies to research, production and use as well as to information, equipment and materials.

Article V deals with amendments and review. Paragraph 1 states how amendments may be initiated. Paragraph 2 describes how amendments enter into force. It specifies that an amendment shall become effective after approval by a majority of the Parties, including all the nuclear-weapon Parties and all other Parties which are members of the Board of Governors of the International Atomic Energy Agency.

The last paragraph of Article V provides for a conference after five years to review the treaty's operation with a view to assuring that its purposes and provisions are being realized. This will provide an opportunity for non-nuclear and nuclear-weapon states alike to assess whether the treaty is accomplishing its primary purpose of preventing the spread of nuclear weapons and also its purposes of easing international tensions and facilitating agreement on cessation of the nuclear arms race and on disarmament. The review conference is thus relevant to the question of further measures of disarmament which are expected to follow the conclusion of a non-proliferation treaty.

Article VI contains signature and entry into force provisions derived from those of the Test Ban Treaty. It would require that a certain number of non-nuclear-weapon

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states in addition to the nuclear-weapon signatories would have to ratify before the treaty would enter into force. The Co-Chairmen have not as yet expressed a view on the precise number. The United States believes it should be sufficiently large so that the treaty will begin to achieve its purposes when it enters into force.

Article VI also contains a definition of a nuclear-weapon state as one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967. This provision is included in order to assure the treaty's primary purpose of preventing an increase in the number of nuclear-weapon states. January 1, 1967, is an appropriate date in view of the fact that late in 1966, the UNGA adopted Resolution 2149 (XXI) urgently appealing to all states, pending the conclusion of an NPT, "to refrain from any actions conducive to the proliferation of nuclear weapons or which might hamper the conclusion of an agreement on the non-proliferation of nuclear weapons".

Article VII stipulates that the treaty should be of unlimited duration. The United States believes that a treaty of unlimited duration would inspire confidence and establish a firm basis for further arms control measures. The review conference and the amendments article would meet any need for adjustment of the treaty to changing conditions.

Article VII contains a withdrawal clause similar to that of the Test Ban Treaty with one significant improvement. The notice of withdrawal, together with a statement of reasons therefor, would be submitted to the UN Security Council as well as to the Parties. Having adhered to the treaty because it believes the treaty is consistent with its security interests, a Party can cease to be bound by the treaty if it decides that its supreme interests have been jeopardized by extraordinary events related to the subject matter of the treaty.

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Article VIII provides depositary procedures for the treaty text. It also states that the treaty will be equally authentic in each of the five official languages of the United Nations.

* * *

The problem of security assurances, which is of concern to some non-aligned countries, remains to be considered. The United States maintains the view that this is a matter which, because of its complexity and the divergent interests involved, cannot be dealt with in the treaty itself. We are, however, exploring various possible solutions, including action which could be taken in the context of the United Nations, whose primary purpose is the maintenance of peace and security. We expect that the Co-Chairmen will be exploring this problem further with a view to presenting recommendations to the Eighteen-Nation Disarmament Conference in the course of its considerations of the treaty.

* * *

A non-proliferation treaty is a basic step in the broader pattern of disarmament which the United States hopes will lead to a more secure world. It is only one step; other measures will be needed to halt and turn back the arms race.

The draft treaty tabled in Geneva contains preambular provisions on arms control and disarmament, including a "declaration of intention" to achieve a cessation of the nuclear arms race at the earliest possible date. The "declaration of intention" form was suggested by the

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non-aligned members of the ENDC (Brazil, Burma, Ethiopia, India, Mexico, Nigeria, Sweden and the United Arab Republic) in their Joint Memorandum on Non-Proliferation of Nuclear Weapons which they presented to the ENDC on August 19, 1966, and which subsequently was attached to the Conference Report to the UN Disarmament Commission and the General Assembly. Another preambular paragraph calls for ultimate elimination of nuclear weapons and delivery vehicles from national arsenals pursuant to a treaty on general and complete disarmament under strict and effective international control.

The United States Government firmly believes that, on the basis of the recommended treaty draft, the nations of the world can succeed in eradicating the spectre of further nuclear proliferation before it is too late. This in turn would greatly facilitate progress on other measures to halt the arms race and to begin to reduce existing nuclear arsenals.

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DRAFT TREATY ON THE
NON-PROLIFERATION OF NUCLEAR WEAPONS

The States concluding this Treaty, hereinafter referred to as the "Parties to the Treaty,"

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

q Undertaking to cooperate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,

Expressing their support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-weapon States,

Convinced that in furtherance of this principle, all Parties to this Treaty are entitled to participate in the fullest possible exchange of scientific information for, and

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to contribute, alone or in cooperation with other States to, the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention that potential benefits from any peaceful applications of nuclear explosions should be available through appropriate international procedures to non-nuclear-weapon States Party to this Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used should be as low as possible and exclude any charge for research and development,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race,

Urging the cooperation of all States in the attainment of this objective,

Desiring to further the easing of international tension and the strengthening of trust between States / in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a treaty on general and complete disarmament under strict and effective international control,

Noting that nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories,

Have agreed as follows:

ARTICLE I

Each nuclear-weapon 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.

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ARTICLE II

Each non-nuclear-weapon State Party to this Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

ARTICLE III

(International Control)

ARTICLE IV

Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty, as well as the right of the Parties to participate in the fullest possible exchange of information for, and to contribute, alone or in cooperation with other States to, the further development of the applications of nuclear energy for peaceful purposes.

ARTICLE V

1. Any Party to this Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.

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2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to this Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force for all Parties upon the deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to this Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency.

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes and provisions of the Treaty are being realized.

ARTICLE VI

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of _____, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by all nuclear-weapon States signatory to this Treaty, and _____ other States signatory to this Treaty, and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force

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of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

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5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE VII

This Treaty shall be of unlimited duration.

Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

ARTICLE VIII

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

In witness whereof the undersigned, duly authorized, have signed this Treaty.

Done in _____ at _____ this _____ day
of _____, _____.

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