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UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

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MEMORANDUM

TO: The Director

FROM: ACDA/ST - Robert S. Rochlin *RSR*

SUBJECT: List of Criticisms of NPT (U)

At the Pugwash Symposium on Non-Proliferation, held April 6-11 in London, most of the participants supported the NPT, and advocated that it be signed in its present form as soon as possible by as many countries as possible. Before reaching this conclusion, however, they subjected the draft treaty to a searching examination and asked many critical questions about the draft. Since many of these same questions may be raised during the UNGA negotiations, I am listing below 19 criticisms of the NPT to which we may have to respond.

1. While Article I prohibits nuclear-weapon assistance to non-nuclear-weapon states, it fails to prohibit such assistance to nuclear-weapon states.

2. Article II fails to prohibit non-nuclear-weapon parties from giving assistance in the manufacture of nuclear weapons to non-nuclear-weapon states.

3. The NPT would preclude the non-nuclear-weapon parties from obtaining ABM protection.

4. According to Sarabhai, the NPT ban on non-nuclear-weapon parties developing nuclear explosives for peaceful

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purposes interferes with the right of every state to exploit all types of advanced technology. If this is denied to any party, it should be denied to all parties, he said.

5. Since Article III requires safeguards on peaceful nuclear activities only, any signatory can designate a nuclear facility as military and thus evade safeguards. This constitutes a "loophole" in the safeguards requirements of the NPT. It was even suggested that safeguards might not be required on production and storage of nuclear materials earmarked for subsequent military applications.

6. While Article III, Section 2, requires safeguards on exported nuclear material and equipment, such material could escape safeguards if shipped to a third country via a non-signatory state.

7. A participant from the GDR stated that GDR is willing to sign the NPT and accept safeguards, but will be prevented from doing so until it is permitted to become a member of the IAEA.

8. An IAEA official mentioned to me that he had seen in a West German newspaper a proposal to offer the following "bargain" to the U.S.S.R.: If the Soviet Union would support safeguards in the GDR without requiring GDR membership in the IAEA, then the Ukraine and Byelorussia could sign the NPT without being subjected to IAEA inspections.

9. One participant suggested that, since IAEA safeguards procedures for fuel fabrication facilities and reprocessing plants have not yet been finalized, countries should be allowed to wait five years or so before "signing a blank check" for acceptance of IAEA safeguards.

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10. It was pointed out that Article XII (Section 5) of the IAEA Statute gives the IAEA the right under safeguards agreements ". . . to require deposit with the Agency of any excess of any special fissionable materials recovered or produced as a by-product over what is needed for the above-stated uses in order to prevent stockpiling of these materials. . . ." (An IAEA official at the symposium stated that this provision had never been implemented, and that the IAEA had no present plans to implement it.)

11. One of the participants, a British lawyer, complained that key words in the treaty, particularly in the first three articles, were not adequately defined.

12. Because of the Security Council veto and the loose wording of the draft Security Council resolution on security assurances, there has been no adequate response to the security needs of India and other near-nuclear states.

13. The nuclear-weapon states should at least pledge themselves not to use nuclear weapons against non-nuclear-weapon parties to the NPT.

14. According to Sarabhai, the draft Security Council resolution on security assurances undercuts the United Nations' responsibility under the U.N. Charter for the security of member states which do not sign the NPT.

15. A potential conflict was highlighted between the NPT Article V, which promises the benefits of peaceful nuclear explosions, and a comprehensive test ban under which a way to permit such explosions may or may not prove feasible.

16. It was generally felt that Article VI, calling for nuclear disarmament, was too vague to accomplish its

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purpose. Several participants suggested that non-nuclear-weapon states could withhold their signature, or at least their ratification, of the NPT until the nuclear powers took at least one or two significant steps toward nuclear disarmament.

17. An Indian participant proposed adding a provision that, after seven years, any state could withdraw from the treaty without onus if, in its judgment, insufficient progress had been made toward nuclear disarmament.

18. Several participants pointed out that the preamble to the partial test ban treaty of 1963 calls for achieving the discontinuance of all test explosions of nuclear weapons, and that five years later there has been no discernible progress toward this objective. In fact, they said, even the partial test ban appears to be eroding.

19. Most of the participants in the symposium, including those from India, stressed that the NPT would be far more acceptable to India and other hesitant countries if the nuclear powers took at least some significant steps toward nuclear disarmament.

cc: Mr. Fisher  
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