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UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY
ACDA/IR:AMS *Stillman:jai*
7/13/67+

Memorandum of Conversation

DATE: July 5, 1967

SUBJECT: Italian Proposal for Modification of
Withdrawal Provision in the NPT (U)

PARTICIPANTS: Rinaldo Petrignani, Counselor, Italian Embassy
Robert H. Kranich, Chief, Political Affairs
Division, ACDA/IR
Arthur M. Stillman, ACDA/IR

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Mr. Kranich handed Mr. Petrignani a copy of the talking points (attached) which set forth U.S. views on an Italian proposal for liberalization of the withdrawal provision of the draft NPT. He pointed out that it is premature to consider the question of duration of the treaty until there is a clearer picture in the ENDC of related matters such as amendments, withdrawal and the review conference. If review and amendments procedures are satisfactory, there should be less incentive for modification of provisions on withdrawal or duration. It is important that any changes in the draft text not be made in such a manner as to create a semblance of impermanency to the treaty.

Mr. Petrignani said that the GOI proposal was designed to create more flexibility in the treaty so that it will receive the widest possible support. He queried the US view that the Soviets would find the GOI proposal unacceptable. He said that the Soviets appear to be more flexible now than previously. Their position on safeguards, for example, has changed from opposition to acceptance.

Mr. Petrignani also questioned the US concern that non-nuclear

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parties might undertake preparations for the manufacture of nuclear weapons, if the treaty were limited in duration. He believes that safeguard procedures would assure that parties observe the NPT insofar as preparations to go nuclear are concerned.

Mr. Kranich noted that the treaty does not prohibit preparations for manufacture of nuclear weapons; only the actual manufacture of weapons is prohibited. Such a prohibition would not only be non-negotiable but impossible to police. It is permissible for parties to possess power reactors and to stockpile plutonium. Safeguards are intended only to insure that nuclear materials are not diverted to weapons production; a control system cannot detect or prevent preparations for manufacture of weapons unless and until there is such diversion. If the treaty is of limited duration, it is more likely that some parties will undertake those preparations which are not prohibited under the terms of the treaty because of uncertainties surrounding the intentions of other parties. Mr. Petrignani indicated that he had never before quite understood the "eight months pregnant" argument, but that he now did.

Attachment:

Talking Paper.

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TALKING PAPER

Italian Proposal for Amendment of
Article VI of the NPT

PROPOSAL

The Government of Italy, through its Embassy, has proposed for US comment that Article VI of the NPT be amended to include a specific provision permitting parties to withdraw from the treaty after the review conference provided in Article IV, paragraph 3. This amendment would supplement, but not replace, the present proposed language of Article VI and would become a part of or immediately follow the first sentence.

There are three versions of the Italian proposal: in the first two versions, no reason need be given for withdrawal; in a third version, a party would be free to withdraw if "it deems, following the conference referred to in Article IV, paragraph 3, that the purposes of the preamble or the provisions of the treaty are not being fulfilled ...". The Embassy has indicated it would consider other formulations having the same general effect. Attached are the three suggested formulations.

U.S. POSITION

1. The US considers the Italian proposal most inadvisable since it would tend effectively to limit the duration of the treaty to five years by giving parties the option to withdraw at the end of that period for any reason. The US believes this would not be a stable basis for the commitment of parties to the objective of non-proliferation of nuclear weapons nor for further steps toward nuclear and conventional disarmament and detente between East and West.

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2. The Italian proposal would be unacceptable to the USSR. The Soviets have taken a firm position that the right of withdrawal is strictly based on matters affecting the supreme interests of a country which seeks to withdraw. It is essential that the Soviets agree to the treaty if the objectives of non-proliferation are to be achieved and if there is to be a reasonable prospect for further disarmament measures.

3. A treaty of limited duration would give rise to the possibility that early withdrawals would render the treaty incapable of achieving its basic purpose. Attempts to renegotiate the treaty in such circumstances would encounter serious problems. New issues could be interjected which could make conclusion of a new treaty even more difficult than at the present time. Considering the length of time required for negotiation of the NPT, it is probable that there would be a considerable lapse between expiration of an NPT and conclusion of a new one. Even if a new one were concluded, it might be too late to prevent the emergence of additional nuclear weapon states.

4. If parties to the NPT have the option to withdraw at the end of five years for any reason, other than jeopardy to vital interests, they could undertake preliminary preparations to develop or acquire nuclear weapons, even while the treaty is still operative, and then withdraw at the earliest opportunity. Not only would this type of activity be inconsistent with the purposes of the treaty, but nations might consider they would have no alternative but to engage in such advance preparations in order to hedge against the possibilities of other (and unfriendly) nations doing so.

5. No country will be obliged to sign the NPT if it believes that the treaty does not accord with its national interests. When a country does become a party, however, it should do so with the understanding that it has undertaken

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serious obligations which cannot be ignored for reasons other than a threat to its supreme interests. Such changes as might generally be desired in the terms of the treaty can be discussed at a review conference and made the subject of amendments which any party is free to propose.

Attachment:

As stated.

Washington, D.C.

July 5, 1967

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FORMULATIONS OF PROPOSED ITALIAN
AMENDMENTS TO ARTICLE VI OF THE NPT

1. After the first sentence of Article VI: "States which, after the review conferences referred to in Article IV, do not raise any objections are understood to confirm their adherence to the treaty".

2. After the words "unlimited duration" add: "... for all parties that tacitly confirm their adherence following the conferences referred to in Article IV, paragraph 3. Each party that intends not to confirm its adherence to the treaty shall notify this fact to the depositary governments within six months from the end of the said conferences with effect coming three months after the notification".

3. Following the first sentence of Article VI: "Each party that deems, following the conferences referred to in Article IV, paragraph 3, that the purposes of the preamble or the provisions of the treaty are not being fulfilled will be free to withdraw from the treaty. This right will be exercised by means of notification to the depositary governments within six months from the end of the conferences and will be effective three months after the notification".

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