

THE WHITE HOUSE  
WASHINGTON

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4:00

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INFORMATION  
May 1, 1969

MEMORANDUM FOR MR. KISSINGER

FROM: Helmut Sonnenfeldt *HS*

SUBJECT: Under Secretaries Meeting on NPT

You are scheduled to attend an Under Secretaries Committee meeting this afternoon at 4:00 to review the options paper prepared by ACDA on ratification of the NPT.

The paper (Tab A) includes the following options:

1. No Action: This would lose momentum and provide opportunities for opponents in various countries to create additional problems;
2. Representations to Selected Countries: to contribute to momentum by obtaining additional signatures;
3. Presidential Signature to Complete Domestic Ratification Process: add to momentum and strengthen representations to other governments, but deposit still to be withheld;
4. Further Efforts to Achieve Simultaneous Deposits of Ratification with the USSR;
5. US Deposit Prior to Soviet Deposit: we would consider this if we received a formal negative reply from the USSR.

Not explicitly mentioned is a variant of option 4 that is worth looking at; namely, that we add a declaratory aspect to our efforts with the USSR by publicly stating our ratification and deposit is dependent on their simultaneous action.

You will also recall that your memorandum to Secretary Rogers of March 24 advised him of the President's desire to make an effort to obtain simultaneous action with the USSR and that if this proved not feasible, to explore the possibility of completing the US process after the Soviets had done so.

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A related side issue may come up (Tab B). This concerns the German offset negotiations, in which the Germans are offering to buy enriched uranium for peaceful uses to contribute to balance of payments. ACDA believes this sale would violate the spirit if not the letter of the NPT. Others disagree. The issue is being debated and needs resolution at both the legal and political levels. My own view is that ACDA's interpretation is questionable on legal grounds and potentially damaging on political ones as regards our relations with the FRG.

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Tab A

OFFICE OF  
THE DEPUTY DIRECTOR

MEMORANDUM FOR THE  
UNDER SECRETARY OF STATE

Subject: NPT Review for Under Secretaries Committee

Since receiving the Senate's advice and consent to ratification of the NPT, we have asked the Soviets to join in a joint deposit of our instruments of ratification. The treaty enters into force upon the deposit of instruments of ratification by the US, the USSR, the United Kingdom and 40 other states. The United Kingdom and 10 other states have already deposited their instruments of ratification, and 78 additional states have taken the preliminary step of signing the treaty.\*

Although we have not yet had a formal reply to our approach to the Soviets, there have been numerous informal indications that the Soviets are reluctant to ratify the treaty until the FRG has at least signed it.

It has, however, become increasingly apparent that Germany is not likely to sign the NPT until after its fall elections. There has not yet been any firm decision, but the failure of the German cabinet to reach a decision

\*See attached list. The situation regarding signatures and ratification by key NPT countries remains essentially the same as that discussed in the NSSM 13 study. However, Swiss signature could take place as early as June or July. There is also a chance that Japan may sign by mid-summer. In addition the Swedish Government has expressed to Parliament its intent to ratify the NPT.

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Group 3  
Downgraded at 12 year  
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at its April 23-24 meeting indicates that we should not anticipate German signature prior to elections.

This presents the following dilemma:

(a) If we defer deposit of our ratification until after the Germans sign the treaty, we run the risk of losing the treaty's momentum and giving time for opposition to the treaty to grow in a number of key countries. For example, such inaction could well jeopardize or slow down adherence to the treaty by Japan and Israel, as well as Germany itself. We also may have to face domestic criticism for not acting to promote the treaty after having stressed its urgency to the Senate. *But Senate itself asked for simultaneous ratification*

(b) On the other hand, simultaneous deposit with the Soviets has the following advantages: it avoids giving the Soviets control over when the treaty comes into force, which they might use to bring undue pressure on the Germans and others; it avoids the risk that the Soviets will accompany their ratification by unacceptable interpretations of the treaty at a time when we will no longer have such control ourselves; and it is in accord with the opinion expressed by the Senate Committee on Foreign Relations, that the Administration should endeavor to arrange for contemporaneous deposit. ✓

In light of the foregoing, the US has the following options for dealing with the present NPT situation:

1. No Action - The US might take no further action until we are able to deposit our instrument of ratification simultaneously with the Soviet Union. We would thereby accept the fact that there would be no significant momentum imparted to the treaty until that time, which possibly would be in late 1969. This would provide opponents of the treaty in several key non-signatory countries an opportunity over a substantial period of time to attempt to create further difficulties for the treaty, and we would again be vulnerable at the UNGA to procedural and other efforts to complicate the treaty's entry into force.

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2. Representations to Selected Governments - Although approaches to non-signatories would be more effective after the deposits of ratification by the US and the USSR, discussions with selected governments at this time would demonstrate continued US interest in the progress of the treaty and would thereby strengthen the hand of supporters of the treaty in the various countries. Mention can be made in our representations of the overwhelming support given to the treaty by the Senate. The instructions to be sent to our embassies in key countries would follow in general along the lines of the recommendations in the NSSM 13 study. In the present circumstances, additional signatures by relatively less significant countries not covered by the NSSM 13 study would also contribute to the treaty's momentum, especially on a regional basis. The exact timing of these approaches would necessarily take into account relevant factors in our bilateral relations; in the majority of cases, however, they can and should be undertaken in the near future.

3. Presidential Signature to Complete Domestic Ratification Process - The President's signature of our instrument of ratification, which would complete our own constitutional process, could itself add to the treaty's momentum and would strengthen the approaches made by US representatives to foreign governments. The reasons underlying our desire for simultaneous US and Soviet deposits of ratification do not apply to the completion of our domestic ratification process. Absence of signature by the President has and will continue to create question as to the reasons for delay, with speculation that there may be some new reluctance on the part of the US. If the President does sign the ratification, this would not, however, constitute US adherence and would thus not bind the US to the treaty since deposit of the instrument would still be required. There are precedents for withholding deposit for a considerable time after signature. Accordingly, consideration should be given to having the President sign the US instrument at an early date.

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4. Further Effort to Achieve Early Simultaneous US/ USSR Deposits of Ratification - The reasons for which the decision was made to seek simultaneous US and Soviet deposits continue to apply. There is still some small possibility that the Soviet Union will agree to simultaneous deposit, even prior to German signature, now that it seems more likely that that signature will be delayed until after the FRG elections. We might therefore make an additional effort to persuade the Soviets that early simultaneous deposit is in their interest, since it would greatly increase the prospects for adherence by several of the most significant non-signatories. Ambassador Beam has suggested this type of approach.

5. US Deposit Prior to Soviet Deposit - We might review our position on the question of early simultaneous deposits of ratification if we receive a formal negative response from the Soviet Union. Until that time, we do not believe re-consideration is warranted.

  
Gerard Smith

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