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FIRST COMMITTEE
Agenda item 28 (a)

NON-PROLIFERATION OF NUCLEAR WEAPONS:

REPORT OF THE CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE ON DISARMAMENT

Letter dated 7 May from the Permanent Observer of the Federal Republic of Germany to the United Nations addressed to the President of the General Assembly

I have the honour to refer to the letter dated 2 May 1968 from the Permanent Representative of the Polish People's Republic to the United Nations regarding the question of non-proliferation of nuclear weapons, agenda item 28 (a) of the current session of the twenty-second General Assembly. I regret that this letter contains a distorted presentation of my Government's position concerning the question of non-proliferation of nuclear weapons and the draft treaty at present under discussion. The position which my Government has maintained throughout the negotiations on the non-proliferation treaty is reflected in two documents which were transmitted to the Governments of members of the ENSC.

The memorandum of the Government of the Federal Republic of Germany dated 6 March 1968 reads as follows:

"A. With the presentation on 18 January 1968 of identical drafts of a nuclear non-proliferation treaty by the two co-chairmen of the Geneva Disarmament Conference, international efforts looking to the conclusion of this treaty have reached a new stage. The Government of the Federal Republic of Germany supports the principle of non-dissemination of nuclear weapons. This is in line with its policy of aiming at world-wide détente and the maintenance of peace. Therefore, it regards the outcome of the United States-Soviet preliminary negotiations as a significant step in this direction. The Federal Government hopes that all the Governments participating in the negotiations will succeed in their efforts to achieve as universal a

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non-proliferation treaty as possible which will take into account the manifold interests of the members of the family of nations in accordance with relevant United Nations resolutions.

"Germany's view on the requirements for an effective, balanced and non-discriminatory arrangement to prevent the further dissemination of nuclear weapons has been expounded in detail in her memorandum of 7 April 1967, which was forwarded to all Governments. Compared with previous drafts, the two identical drafts of the nuclear non-proliferation treaty contain improvements in respect of important points which reflect the views of many non-nuclear-weapon States, among them the Federal Republic of Germany: The right to use nuclear energy for peaceful purposes is ensured; a restriction applies only to peaceful nuclear explosions, while benefits from them are to be available without any discrimination and under optimal conditions. According to the present drafts, the control provisions permit the continued existence of proven control systems and of international co-operation in the peaceful uses of nuclear energy. The basic idea that a limited non-proliferation treaty should merely be the first step towards more comprehensive disarmament and, in particular, towards nuclear disarmament has been introduced not only into the preamble but also into the operative provisions of the treaty; the procedural provisions are more in line than previous wordings with the concepts of non-discriminatory co-operation between all States in achieving the objectives of non-dissemination of nuclear weapons and nuclear disarmament.

"B. The present draft is essentially the result of prolonged negotiations between nuclear-weapon Powers. It is true that it does not yet take due account of all the wishes of those non-nuclear-weapon States on whose co-operation the success of the treaty will essentially depend. However, the process of its adaptation to still unfulfilled wishes of non-nuclear-weapon States has not yet been completed and may well lead to further improvements. In the view of the Government of the Federal Republic of Germany, every effort should be made to render the treaty universally acceptable, effective and lasting and to contribute to détente and to the safeguarding of peace. It is in line with this objective that the following problems, which are important to many non-nuclear-weapon States, should be taken into consideration.

"1. Linkage with disarmament

"In its memorandum of 7 April 1967, the Government of the Federal Republic of Germany stated:

'At present, a treaty is under discussion whereby the non-nuclear-weapon Powers alone would be accepting substantial self-restrictions and obligations, i.e. initially no more than a partial solution of the actual problem.... The world cannot stop at a limited non-proliferation treaty. It needs more comprehensive solutions. It is incumbent on the nuclear-weapon Powers to halt the further development of increasingly more dangerous weapons, not to
increase existing stocks, including the means of their delivery, to begin reducing them, to stop the production of fissionable material for military purposes, and to aim at a comprehensive test ban.¹

"This desire is partly taken into account by the language of the preamble and of article VI of the draft. Unfortunately, the nuclear arms race is being continued and increased in spite of the current negotiations on the nuclear non-proliferation treaty. Therefore, it should be made clear to the world that this treaty is not meant to create two classes but to promote equality within the family of nations. It would be desirable that - in line with the demands of important non-nuclear-weapon States - the obligation to conduct disarmament negotiations contained in article VI should be expressed in more concrete terms and that, in the declaration of intent in the preamble, partial measures of nuclear disarmament should be listed separately from the ultimate aim of general, complete and controlled disarmament. This would show the way to a realistic approach to the gradual lessening of the continuous threat presented to mankind by nuclear weapons.

"Since progress in the direction of equal treatment of all States obviously meets with extraordinary difficulties, not even the faintest opportunity to make such progress should be disregarded. Such a point of departure for future partial measures of limitation of nuclear armament would be the inclusion of the civil nuclear industries of all States in the controls provided for in the non-proliferation treaty, and in any case the inclusion of those branches whose activities require imports.

"2. Détente and safeguarding of peace

"A ban on the use of threats, political pressure or political blackmail against non-nuclear-weapon Powers should be incorporated in the treaty and should not merely be the subject of a declaration in connexion with the conclusion of the treaty. Such a treaty provision would constitute a just and equitable counterweight to the non-nuclear-weapon States¹ nuclear renunciation.

"In this connexion, the German memorandum of 7 April said the following:

¹No nuclear-weapon Power should use its potential for purposes of political threats, political pressure or political blackmail against non-nuclear-weapon Powers. This promise would have to be incorporated in a non-proliferation arrangement. In renouncing the nuclear option, the non-nuclear Powers make a positive contribution to easing tension. They justifiably expect that the nuclear-weapon Powers will undertake to act towards them with constructive courtesy.¹

"Indeed, it would be an intolerable idea that a country which had renounced nuclear weapons under the nuclear non-proliferation treaty should later be blackmailed by a nuclear-weapon Power without such
behaviour being considered a violation of the treaty. If by their progressive attitude the non-nuclear-weapon States make possible the conclusion of a nuclear non-proliferation treaty in spite of the continuing nuclear arms race, the treaty should at least contain a rule of conduct with respect to political relations between nuclear and non-nuclear Powers which are parties to the treaty. This would serve the purpose of détente and of safeguarding peace on a world-wide scale both within and outside the alliance systems. The Government of the Federal Republic of Germany further stated in its memorandum of 7 April 1967:

"The renunciation by non-nuclear-weapon Powers of the nuclear option within a non-proliferation arrangement raises numerous security problems for them, although in various ways. The desire of these countries to safeguard themselves as far as possible against existing or potential threats to their security deserves understanding and sympathy. The renunciation of nuclear weapons should be so arranged that it does not become a source of special danger but an advance on the road to a more stable, peaceful order. Those who are the first to contribute have the right to expect the community of nations to rectify any resultant one-sidedness."

"The Government of the Federal Republic of Germany regrets that the efforts to find a satisfactory solution to this problem have not yet met with any success.

"3. Stability and adaptability"

"The possibilities of adapting the treaty to future political, economic and technological developments should be increased and made more practicable. This would make it easier for non-nuclear-weapon States to give their consent. At the same time, the treaty could become a more effective instrument of a progressive policy of armaments control and disarmament.

"The improvements required in this context include, in conformity with the wishes of numerous non-nuclear-weapon States, the automatic periodicity of the review conference and the explicit extension of its mandate to the preamble. Consideration should be given to the question whether the procedural provisions are - in their form and substance - shaped in such a flexible way that they can safeguard the principle of non-dissemination in the future as well and under changed circumstances. A long life and effectiveness cannot be conferred upon the principle of non-dissemination of nuclear weapons - a principle combining political, economic and technological elements - by a rigid treaty but only by one which is adaptable.

"For various non-nuclear-weapon States it is also important that the treaty should be binding on an adequate number of those countries whose participation is of particular significance in view of their state of
development and their regional importance. This is in the interests of an early entry into force of the treaty. Without an appropriate treaty provision, there is the risk that non-nuclear-weapon States which are technologically capable of developing nuclear armaments will hesitate to accede to the treaty.

"C. The German memorandum of 7 April 1967 closes with the following words:

'The non-nuclear countries are not States with lesser rights but pioneers of a progressive policy of peace. Their renunciation is made in the hope that it will lead to a balance between contribution and counter-contribution within the entire sphere of nuclear disarmament. The nuclear-weapon Powers are called upon to take the next steps. The aim is, and will remain, that of liberating mankind from fear for its very existence.'

"In accordance with its policy directed at the safeguarding of peace, the Federal Republic of Germany is determined to make every effort to further the international peace policy initiated by the test ban treaty, continued by the space treaty, and now aiming at an effective nuclear non-proliferation treaty and progressive disarmament. Since its founding, the Federal Republic of Germany has taken the lead in pursuing a policy of renunciation with regard to the production of nuclear weapons and national control over such weapons. Germany now advocates the early conclusion of a non-proliferation treaty which is as universally acceptable as possible and meets the following principles in accordance with the basic resolution, namely General Assembly resolution 2028 (XX) of 23 November 1965:

- No loopholes for the dissemination of nuclear weapons;
- An acceptable balancing of reciprocal obligations;
- A step towards disarmament, and, in particular, nuclear disarmament;
- Ensuring the effectiveness of the treaty."

This memorandum was based on the memorandum of 7 April 1967, which is attached as annex 1 to this letter.

I should like to add that the amendments contained in the draft treaty of 11 March 1968 have been appreciated by us.
I should be grateful if you would be kind enough to circulate this letter together with the annex as an official General Assembly document.

Accept, Sir, the assurances of my highest consideration.

(Signed) Sigismund VON BRAUN
Ambassador
Permanent Observer of the
Federal Republic of Germany
to the United Nations
Annex 1

GERMAN MEMORANDUM ON THE PRESENT DISARMAMENT NEGOTIATIONS

A.

The German people share the wish of all nations for a lasting peace. They fear the suicidal effects of modern weapons of mass destruction and abhor any policy of force.

The Federal Republic of Germany has not only solemnly repudiated the use of force as an instrument of policy but as early as 3 October 1954 it renounced once and for all the production of nuclear, bacteriological and chemical weapons and subjected itself to the appropriate controls. It has thus contributed substantively to the non-proliferation of nuclear weapons and to armaments restrictions. No other nations have so far followed this example by taking similar steps. The Federal Republic of Germany would welcome a reduction of the hazards arising out of nuclear weapons by means of a universally acceptable agreement.

In the past two decades, the world has had to live through periods of tension during which nuclear weapons, while on the one hand acting as a deterrent, on the other hand nevertheless dangerously influenced the causes and the course of the various crises.

The devastating effect of nuclear weapons obliges the Governments of the world not merely to end the nuclear arms race; the interests of mankind demand the beginning of nuclear disarmament. That is the only way to establish a peaceful international order guaranteeing all nations, large and small alike, prosperous development in freedom, independence and human dignity. Germany remains determined to strive jointly with other countries to achieve this aim.

The disarmament negotiations of the big nuclear-weapon Powers have been partially successful in the sphere of armaments control but have not by any means put an end to the nuclear arms race. The necessity for genuine disarmament remains all the more urgent. An international arrangement for the non-proliferation of nuclear weapons could prove to be the preliminary step towards the effective safeguarding of peace if disarmament measures followed.
Nuclear weapons give power, but the possession of them is not - at least not for the Federal Republic of Germany - a privilege worth striving for. Nuclear weapons place a grave responsibility on the Powers which have them, but their possession must not become the criterion for still greater inequality between the members of the community of nations. This applies especially to the sphere of the peaceful use of nuclear energy.

B.

Regarding the problems, at present the centre of interest, which are inherent in an international arrangement for the non-proliferation of nuclear weapons, the Government of the Federal Republic of Germany is guided by the following considerations.

I. Essential disarmament measures

The aim of all peace-loving nations is the renunciation by all countries of the development, production, transfer and acceptance of nuclear weapons.

At present, a treaty is under discussion whereby the non-nuclear-weapon Powers alone would be accepting substantial self-restrictions and obligations, i.e. initially no more than a partial solution of the actual problem. This constructive contribution by the non-nuclear-weapon Powers towards consolidating peace would be made easier and more effective if it were the preliminary step towards a comprehensive arrangement. The world cannot stop at a limited non-proliferation treaty. It needs more comprehensive solutions. It is incumbent upon the nuclear-weapon Powers to halt the further development of increasingly more dangerous weapons, not to increase existing stocks, including the means of their delivery, to begin reducing them, to stop the production of fissionable material for military purposes, and to aim at a comprehensive test ban.

If the nuclear-weapon Powers explicitly announced their willingness to take steps of their own to restrict and reduce armaments, a limited non-proliferation treaty would be the beginning of international co-operation aimed at truly guaranteeing peace in the nuclear age. Clarity should be achieved as regards ways and means of ensuring that co-operation in the further phases of development.
It is only in this way that a fair balance can be established between the rights and obligations of the nuclear-weapon and non-nuclear-weapon Powers in accordance with General Assembly resolution 2028 (XX). The implementation of the promised disarmament measures could be checked by an international authority at each further stage of the disarmament process in the light of the joint aims.

II. Détente in relations between the participating States

The arrangement for the non-proliferation of nuclear weapons ought to reduce existing international tensions and create one of the prerequisites for an improvement in relations between all States parties to the treaty. Within the scope of the treaty’s application, the participating States should feel that their mutual relations have been eased, should refrain from mutual accusations in that sphere and should seek to attain the common aim of comprehensive, general and controlled disarmament.

No nuclear-weapon Power should use its potential for purposes of political threats, political pressure or political blackmail against non-nuclear-weapon Powers. This promise would have to be incorporated in a non-proliferation arrangement. In renouncing the nuclear option, the non-nuclear Powers make a positive contribution to easing tension. They justifiably expect that the nuclear-weapon Powers will undertake to act towards them with constructive courtesy. The keeping of this promise on the part of the nuclear-weapon Powers could be supervised by an international authority.

III. Security problems of non-nuclear-weapon Powers

The renunciation by non-nuclear-weapon Powers of the nuclear option within a non-proliferation arrangement raises numerous security problems for them, although in various ways. The desire of these countries to safeguard themselves as far as possible against existing or potential threats to their security deserves understanding and sympathy. The renunciation of nuclear weapons should be so arranged that it does not become a source of special danger but an advance on the road to a more stable, peaceful order. Those who are the first to contribute have the right to expect the community of nations to rectify any resultant one-sidedness.

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IV. **Peaceful use of nuclear energy**

A proper solution to the problem of non-proliferation could contribute towards developing existing scientific, technical, industrial and economic capacities of nuclear energy for peaceful purposes and securing them once and for all for the civil sphere. Regulations, on the other hand, which do not clearly define the limits of the military and civil spheres would impede the peaceful use of nuclear energy and obstruct progress. The free use of nuclear energy for peaceful purposes must therefore be guaranteed without restriction to all participating States. This point should be explicitly stipulated.

Bilateral and international co-operation in the fields of scientific research and development and of the industrial and commercial use of nuclear energy should be promoted. This applies particularly to the developing countries, which must not be denied the advantages of the use of nuclear energy.

Nuclear explosives for peaceful use should be made available to the non-nuclear-weapon States on the basis of an international arrangement and under control as soon as technical developments allow and so long as it is not technologically possible to distinguish between explosions for military and civilian purposes.

The nuclear-weapon Powers should undertake to let the non-nuclear-weapon Powers participate in the discoveries and results achieved by them from military activities in the nuclear field in so far as they are of importance for the peaceful use of nuclear energy. This obligation on the part of the nuclear-weapon States is important in order to ensure that the technological gap between nuclear-weapon States and non-nuclear-weapon States does not widen but is gradually bridged.

V. **Controls**

The Federal Republic of Germany advocates a general control system to prevent the diversion of nuclear energy for weapons purposes. The controls should fulfil their purpose as effective checks on the non-proliferation arrangements but should not have an obstructive or discriminatory influence. The effectiveness of reliable control systems already in existence should not be impaired. Universal acceptability is a criterion which must also govern the methods of the control system. Equal treatment for all parties to the treaty would considerably facilitate its world-wide negotiation.

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VI. Equality in the co-operation of all participating States in the achievement of all the aims of non-proliferation

Because of the disparities in the armaments of the nuclear-weapon and non-nuclear-weapon Powers, a forward-looking arrangement regarding the non-proliferation of nuclear weapons is feasible only on the basis of equality in principle of the members of the community of nations and of close co-operation among all participating States to achieve the agreed aims.

In a limited non-proliferation treaty, the non-nuclear-weapon Powers, in contrast to the nuclear-weapon Powers, would be giving up something specific and agreeing to restrictions in order to promote the universal aim of disarmament. Initially, the nuclear-weapon Powers would not balance the contributions by the non-nuclear-weapon Powers with far-reaching restrictions of their own. The existing weapons of mass destruction would continue to threaten humanity.

A non-proliferation treaty must not institutionalize and thereby possibly perpetuate these real inequalities to the detriment of the non-nuclear-weapon Powers. Thus, the provisions regarding procedure should clearly define from the start that it is the responsibility of all the participating States to strive for the achievement of the aims of non-proliferation.

The non-nuclear countries are not States with lesser rights but pioneers of a progressive policy of peace. Their renunciation is made in the hope that it will lead to a balance between contribution and counter-contribution within the entire sphere of nuclear disarmament. The nuclear-weapon Powers are called upon to take the next steps. The aim is, and will remain, that of liberating mankind from fear for its very existence.

C.

The Federal Republic of Germany hopes that with this memorandum it is making a positive contribution to the forthcoming negotiations for a universally acceptable non-proliferation treaty.