MEMORANDUM OF THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING URGENT MEASURES TO STOP THE ARMS RACE AND ACHIEVE DISARMAMENT

Letter dated 10 December 1958 from the Permanent Observer of the Federal Republic of Germany to the United Nations addressed to the President of the Twenty-third General Assembly

I have the honour to refer to the letter of the Permanent Representative of the Hungarian People's Republic to the United Nations, addressed to you on 13 November 1958,1 in connexion with the problems of disarmament on the agenda of the present General Assembly. I regret that this letter contains a strangely distorted presentation of my Government's general policy of the non-use of force, its position concerning the questions of non-proliferation of nuclear weapons and the peaceful uses of nuclear energy, as well as its aims as a member of the North Atlantic Treaty Organisation.

My Government's position in these fields is reflected, inter alia, in the statements attached to this letter.

As can be gathered therefrom, the principle of the non-use of force in international relations has been a policy guideline of the Federal Republic of Germany since its very foundation, and has determined the foreign policy of its successive governments in words and deeds. It is my Government's deep conviction that the unequivocal and non-selective application of the principle of the non-use of force is the most important prerequisite for successful efforts in the field of arms control and disarmament. The attached documentation testifies to my Government's bilateral and multilateral endeavours to make a contribution to this end.

1/ A/C.1/974.

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As to the questions of the non-proliferation of nuclear weapons and the peaceful uses of nuclear energy, the official statements contained in the annex illustrate my Government's consistent efforts to make the non-proliferation treaty universally acceptable. They confirm its position that the treaty must neither be interpreted nor applied so as to impede in any way the access to, and the use of, nuclear energy for peaceful purposes but rather to promote the peaceful activities in this field.

The combat forces of the Federal Republic of Germany are fully integrated in the North Atlantic Treaty Organisation. As a member of the alliance, my Government holds the view that the massive military confrontation in Europe should be brought to an end. At various occasions it has stated its policy, which aims at the lessening of tension and the gradual reduction of armed forces in Europe. This position in the field of regional disarmament and arms control is also reflected in the attached statements.

I should be grateful if you would be kind enough to circulate this letter together with its annex as an official document of the General Assembly.

Please accept, Excellency, the assurances of my highest consideration.

(Signed) Alexander BÖKER
Ambassador
Permanent Observer of the Federal Republic of Germany to the United Nations
ANNEX

I

A. Aide-mémoire concerning the Exchange of Declarations on the
   Renunciation of Force by the Government of the Federal
   Republic of Germany to the Government of the Soviet Union,
   dated 9 April 1965 (excerpts)

.....

The Federal Republic of Germany has finally achieved a lasting reconciliation
with her Western neighbours. It is determined to achieve a reconciliation with
the East European countries and the Soviet Union, too, and to establish good
neighbourly relations with them. It knows that this aim cannot be achieved from
one day to the next. Many problems which exist between nations and peoples are
not yet ripe enough for solution. Nevertheless, we can come closer to
reconciliation and the fundament of a peaceful order if we continue to do our utmost
in a purposeful and tenacious manner.

One thing is possible even today: the solemn, mutual renunciation of the use
or threat of force in our endeavours to achieve a just solution of the problems.

The Federal Government proposes that suitable agreements should be made in
the near future to create more favourable preconditions for the settlement of those
matters which are still at issue between ourselves and our East European neighbours.

The certainty that war and force are excluded as a means of settling
international disputes in Europe and that all questions will be exclusively settled
by peaceful negotiations would be a substantial contribution towards overcoming
mistrust and fear. In the view of the Federal Government, a mutual renunciation
of the use or threat of force is the appropriate point of departure for further
steps in strengthening the security of Europe. It would recall in this connexion
the German proposals for agreements on a step-by-step reduction in atomic weapons
and an exchange of observers at manoeuvres in the whole of Europe. The increase
in security which would result from such joint steps and the growth in mutual trust
could then facilitate not only the introduction of further measures to reduce
confrontation but also a solution of further political problems in the interest
of Europe.

/...
Since its foundation, the Federal Republic of Germany has endorsed the principle of the renunciation of force and has accepted appropriate obligations in her Constitution and international agreements with her allies. Pursuant to article 25 of the Basic Constitutional Law of 23 May 1949, the general rules of international law were incorporated into Federal law. As the principles on the settlement of international disputes and the renunciation of the threat of force or the use of force which are contained in Article 2, paragraphs 3 and 4 of the United Nations Charter belong to the general rules of international law, the Federal Government is constitutionally bound to observe these principles.


The Federal Republic of Germany, in acceding to the North Atlantic Treaty of 4 April 1949, has accepted the obligation of article I of this treaty:

"To settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations."

Moreover, the Federal Government made the following declaration, which is binding under International Law, on 5 October 1954:

"The Federal Republic of Germany has agreed to conduct its policy in accordance with the principles of the Charter of the United Nations and accepts the obligations set forth in Article 2 of the Charter.

Upon her accession to the North Atlantic Treaty and the Brussels Treaty, the Federal Republic of Germany declares that she will refrain from any action inconsistent with the strictly defensive character of the two treaties. In particular the Federal Republic of Germany undertakes never to have recourse to force to achieve the reunification of Germany or the modification of the present boundaries of the Federal Republic of Germany, and to resolve by peaceful means any disputes which may arise between the Federal Republic and other States."

The Federal Government is willing to conduct negotiations with the Soviet Government on drawing up mutual declarations on the renunciation of force.
In this way, the renunciation of force would also be confirmed in a direct relationship between the two Governments and peoples and it would specifically refer to the problems of this relationship.

Moreover, the Federal Government is prepared to begin negotiations with each member State of the Warsaw Pact on the renunciation of the use of force. The Federal Government proceeds on the assumption that the Governments concerned will decide in such negotiations on the content of any agreements or other questions about which they wish to achieve agreement in connexion with a renunciation of force.

The Federal Government is willing to have talks with the other part of Germany about a binding renunciation of force as a step towards a détente and a rapprochement between the two parts of Germany, which do not regard each other as foreign countries. It specifically reaffirmed this willingness in the Federal Chancellor's report of 11 March 1963 on the state of the nation in the divided Germany.

....

The Federal Government, like the Soviet Government, regards an internationally acceptable Non-Proliferation Treaty as a means of strengthening peace in Europe and facilitating a détente, especially if the prohibition of pressure, threat and blackmail were connected with it. It is the hope of the Federal Government that such a treaty will come into being and that all partners of the exchange of declarations on the renunciation of force under discussion will accede to it. Such a step must, in the German view, lead to a fundamental improvement in relations between the Federal Republic of Germany and the Soviet Union and the other East European countries. With this in mind, the Federal Government had the following to say about the disarmament negotiations in its memorandum dated 7 April 1967 (see document A/C.1/965, annex 1, of 9 May 1963):

"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. In the sphere of application of the treaty the participating States should consider their relations with each other to be cleared and should refrain from mutual accusations in that sphere and seek to attain the common aim of comprehensive, general and controlled disarmament."

....
In the exercise of my right of reply I wish to make three remarks:

1. There is no territorial problem between Czechoslovakia and the Federal Republic of Germany.

2. As to the western border of Poland, I refer to the Potsdam Agreement of 2 August 1945, to which Germany is not a party. The parties of the Agreement stated in chapter IX, and I quote:

"The three Heads of Government reaffirm their opinion that the final delimitation of the western frontier of Poland should await the peace settlement."

This is also expressed in the international instrument drawn up in 1954 when my country joined the North Atlantic Treaty. Therein the Allies stated:

"A peace settlement for the whole of Germany, freely negotiated between Germany and her former enemies, which should lay the foundations of a lasting peace, remains an essential aim of their policy. The final determination of the boundaries of Germany must await such a settlement."

3. As to the boundaries of the Federal Republic of Germany, the Federal Government stated in the same connexion in 1954:

"Upon her accession to the North Atlantic Treaty and the Brussels Treaty, the Federal Republic of Germany declares that she will refrain from any action inconsistent with the strictly defensive character of the two treaties. In particular the Federal Republic of Germany undertakes never to have recourse to force to achieve the reunification of Germany or the modification of the present boundaries of the Federal Republic of Germany, and to resolve by peaceful means any disputes which may arise between the Federal Republic and other States."
C. Statement concerning the Exchange of Declarations on the Renunciation of Force and the Treaty on the Non-Proliferation of Nuclear Weapons by Willy Brandt, Minister of Foreign Affairs of the Federal Republic of Germany, Bonn, 12 July 1966 (Excerpt)

For reasons unknown to us, the Government of the Soviet Union has considered it proper to publish parts of an exchange of views on the German offer of an agreement on the renunciation of force that goes back almost two years. The Federal Government is, therefore, no longer bound to a previous agreement to keep this exchange confidential. I consider the public has a claim to learn the truth of what we have said and written. For that reason, the Federal Government is publishing today those documents that are of importance in this connexion and are indispensable to understanding the Soviet documents published by the Government of the USSR.

The documents speak for themselves. They reveal the sincere efforts of the Federal Government to reach a new relationship with the countries of Eastern Europe and especially with the Soviet Union based on mutual trust.

We are of the opinion that the main aim is to remove fear and mistrust from the lives of peoples and States.

The solemn mutual renunciation of the application of force and the threat to use force appear to us to be a good start on this way. We know, and others should also know, that the whole German people - after all that lies behind it - desires nothing more than the permanent disappearance of force and threat from inter-State relations. For this reason, we have made this offer to the Soviet Union, Poland, Hungary, Czechoslovakia, Romania and Bulgaria and also to the other part of Germany.

We consider that such a renunciation of force will improve the atmosphere and lessen tensions, and that it will establish one of the bases of a peaceful solution of the many, complex problems that burden and torment Europe today.

In contrast to this, the Government of the USSR is apparently of the opinion that a renunciation of force and the threat of force cannot be considered until the Federal Republic of Germany accepts unconditionally all the unilateral demands
of the Soviet Union. Moreover, in its aide-mémoire of 5 July 1968 the Government of the USSR lays claim, on the basis of long out-dated provisions contained in the United Nations Charter and concerning the relationship between victors and vanquished of the Second World War, to the right to apply force unilaterally - even after a solemn, mutual renunciation of force - upon its partner in the renunciation of force.

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We firmly reject force as a means of solving international and inner-German disputes. We are and will remain prepared to substantiate this without reservation through solemn, mutual obligations towards every single member of the Warsaw Pact.

Finally I should like to draw your attention to the preamble to the Treaty on the Non-Proliferation of Nuclear Weapons. The last paragraph but one of this preamble begins with the words: "Desiring to further the easing of international tension and the strengthening of trust between States...". The final paragraph added during the negotiations within the framework of the United Nations in New York says:

"Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations...".

As the declarations of other States in New York have shown, the matter here devolves on the universal principle of renunciation of force agreed on in Article 2 of the United Nations Charter. We consider that this principle must also apply in an unqualified manner to relations between the USSR and the Federal Republic of Germany.
D. Statement concerning the principle of the non-use of force and a diminishing of the military confrontation in Europe by Willy Brandt, Minister of Foreign Affairs of the Federal Republic of Germany, to the Conference of Non-Nuclear-Weapon States, Geneva, 3 September 1968 (excerpt)

This Assembly Hall has been a witness to many hopes and many disappointments of the nations between two World Wars. It is the home of a conference which by its nature and purpose can even today be called historic.

On the one hand, because an overwhelming majority of States are meeting here to seek their common interests in spite of different social systems, political standpoints and other shades of orientation. What unites us all is the will to forego the atom as a weapon.

What unites us all is also the conviction that this self-imposed restriction must not lead to any degradation of our nations, but that it must serve the peace and advancement of mankind.

This conference can also be termed historic because it makes us realize that it is not sufficient to prevent atomic chaos in order to ward off the dangers to the independence of States and the inviolability of their sovereignty. There is no evading this experience.

....

Everyone in this Assembly Hall knows that the threat of force and fear of force are not abstract matters. Everybody knows that nations fear for their independence and that there is deep concern for the future of mankind.

The rules of international coexistence and the work of restoring mutual trust that appeared to have been achieved, in spite of setbacks, in the years after the Second World War, all that is once again at stake.

No matter what one may understand by the sphere of interests of a great nuclear Power, it does not alter the fact that the universal rules of general international law that are also bindingly embodied as principles of the United Nations Charter, and remain unrestrictedly valid, must not be violated. Those principles are sovereignty, territorial integrity, non-violence, the right of self-determination of nations, and human rights.

We shall not be able to discuss security guarantees, disarmament, and the perspectives for the peaceful use of nuclear energy with any prospect of success
unless a common will and joint proposals put right the rules of order which the community of nations urgently needs.

The progress and the outcome of this conference will logically determine how the States assembled here will continue their work.

The Federal Government has given an undertaking to its allies not to manufacture nuclear weapons and has subjected itself to appropriate international controls. It does not seek any national control over nuclear weapons nor national possession of such weapons. It reaffirms that position. Its security lies in an alliance. At the same time, being one of the non-nuclear States, we identify ourselves with the general demand for the exclusion of pressure and of the threat of force.

It is still a long way from the Security Council resolution of 19 June 1968 and the declarations by the three nuclear-weapon States related to it, as well as from the exclusion of force contained in the last sentence of the preamble to the Non-Proliferation Treaty, to a well-balanced security system.

Let us be realistic. As long as nuclear weapons are not universally abolished, they cannot be eliminated as a means of deterrence and collective self-defence.

It is obviously not enough to ban nuclear aggression or the threat of it in order to safeguard the security interests of the non-nuclear States and to comply with their legitimate desire to develop in dignity and independence. There is no doubt that a nuclear State can endanger the security and independence of a non-nuclear State by using conventional weapons; there would not even be any need to threaten to employ its nuclear potential.

Hence the demand that States should mutually undertake not to use force: the non-nuclear to each other and the nuclear Powers to the non-nuclears. The only legitimate exception then would be the right to individual and collective self-defence pursuant to Article 51 of the United Nations Charter.

Only a general prohibition of force admitting of no other exception, which is one of the principles contained in the United Nations Charter, can be conducive to peaceful relations between States. It is therefore not admissible to confine the renunciation of force to specific States. As far as we are concerned, I would add that we concede to no one the right of intervention!

The question arises whether the overriding principle of the renunciation of force is not the indispensable criterion on which this conference could base a
resolution or a convention on the security of the non-nuclear-weapon States. The German delegation is prepared to submit its own proposals and to help in the elaboration of pertinent proposals made by others. We will try to achieve a prohibition of any aggression with nuclear, biological, chemical and conventional weapons, as well as of the direct or indirect threat of such an aggression, as a breach of the generally valid principle of non-violence that is also laid down in the principles of Article 2 of the United Nations Charter. The renunciation of the use and threat of pressure and force in any form which might menace the territorial integrity and political independence of States should be generally renewed. States should reaffirm their obligation to shape their international relations on the basis of sovereign equality and the self-determination of peoples and to settle by peaceful means any differences that may arise. They should agree upon the greatest possible measure of international co-operation with the aim of implementing the principles of the United Nations Charter in the fields of disarmament and arms control, thus taking a step to free mankind from fear.

The Federal Republic of Germany welcomed the Treaty on a nuclear-free zone signed by the Latin American countries just as much as the decisions taken by the Organization of African Unity which could lead to a nuclear-free zone in that continent, too. Europe is not in the happy position of being free from nuclear weapons. It will be a hard task, and one that cannot be solved quickly, to remove existing nuclear weapons without dangerously changing the over-all equilibrium, in other words, by taking into account the security interests of all concerned.

The Federal Government has advocated that Europe should be made into a zone of détente as a preliminary step towards a lasting peace order. It has proposed the elimination of the confrontation, reciprocal renunciations of the use of force, normalization of relations with the countries of eastern and south-eastern Europe, a modus vivendi in Germany, and facilitated exchanges in the cultural, economic and scientific fields. These efforts have now been dealt a severe blow.

We are nevertheless still prepared to work for a "European zone of peaceful neighbourliness", which would gradually lead to constructive co-operation and in which the dangerous confrontation can be diminished. We therefore continue to support a balanced, mutual reduction of troops, which could go hand in hand with an appropriate settlement of the problem of the nuclear weapons stationed in that
region. This, incidentally, has several points of contact with the well-known Polish proposals. In December 1967, in a speech before the German Bundestag, I pointed out that we are prepared to help conclude an agreement which in the course of a balanced reduction of all armed forces would also lead to a step-by-step decrease of nuclear weapons in the whole of Europe. This we are still prepared to do.

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German foreign policy is exposed to much distortion and even defamation. Nobody can evade distortions entirely, but the defamation I strongly repudiate. I do this as a person whom nobody can associate with the crimes of Hitler and who in spite of this bears his share of the national responsibility.

We have learned from history. The Federal Republic of Germany is consistently pursuing a policy which aims at establishing a peace order on this continent to replace the balance of terror. There is no reasonable alternative to this.

The Germans in the Federal Republic have not sought armaments. Our Federal Armed Forces are not a national army, rather are they completely integrated in the Atlantic defence alliance. There are nuclear weapons in the Federal Republic of Germany, as you all know, but we do not have any control over them, nor are we ambitious to gain such control.

The Government of the Federal Republic of Germany is determined to pursue its peace policy unwaveringly and regardless of any setbacks it is not responsible for. We not only appreciate the wish of all nations to live within secure boundaries but are prepared to take this into account in word and deed - without treaties where they can be dispensed with, with treaties where they may serve the purpose.

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II

Statement concerning the Non-Proliferation of Nuclear Weapons and the Peaceful Uses of Nuclear Energy by the delegation of the Federal Republic of Germany to the Conference of Non-Nuclear-Weapon States, Geneva, 10 September 1965 (Excerpt)

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My Government understands that the purpose of the Non-Proliferation Treaty, and its only purpose, is to prevent the present non-nuclear-weapon States from manufacturing or otherwise acquiring nuclear weapons and other nuclear explosive devices. The provisions of the treaty therefore aim exclusively at achieving this objective. On no account must these provisions result in a restriction of the use of nuclear energy for other purposes by the non-nuclear Powers who undertake to foreclose the manufacture or acquisition of nuclear weapons and other nuclear explosives.

It should be clear beyond any doubt that what is prohibited is the production of nuclear weapons as such, that is, the nuclear weapon factory. The manufacturing of nuclear weapons is a particular nuclear activity with a special weapons production technology. From this particular activity the wide field of peaceful nuclear energy has to be distinguished. A nuclear reactor for generating electrical energy, however advanced it may be, the production of fuel elements, the reprocessing of irradiated elements, the whole range of various activities in the fuel cycle are distinct from the production of nuclear weapons or other nuclear explosive devices. The factor which both the peaceful uses of nuclear energy and weapons production have in common is that special fissionable materials can be used for peaceful purposes as well as for the production of nuclear weapons. It is therefore essential to concentrate the efforts on ensuring that special fissionable materials cannot be diverted from peaceful purposes to the production of nuclear weapons.

While doing the utmost to achieve this end, we must ensure that non-nuclear-weapon States have full and free access to nuclear technology other than weapons production technology, to equipment, and to materials including source and special fissionable materials for their domestic needs and for export purposes as well as scientific and technological information for peaceful purposes.

/.../
Freedom of research and development are essential in order to advance the peaceful uses of nuclear energy, and it is clear to us that the Non-Proliferation Treaty should never be interpreted or applied in such a manner as to hamper or inhibit research and development in this field. The Federal Government has taken note of the statement which the United States Government made in the United Nations on 15 May 1968, and I quote:

"that there is no basis for any concern that this treaty would impose inhibitions or restrictions on the opportunity for non-nuclear-weapon States to develop their capabilities in nuclear science and technology. That the treaty does not ask any country to accept a status of technological dependency or to be deprived of developments in nuclear research".

The United States Government further stated that for non-nuclear-weapon States is accessible, and I quote:

"not only the present generation of nuclear power reactors, but also that advanced technology, which is still developing, of fast breeder power reactors which, in producing energy, also produce more fissionable material than they consume.

"Many nations are now engaged in research in an even more advanced field of science, that of controlled thermonuclear fusion. The future developments of this science and technology may well lead to the nuclear reactor of the future, in which the fission process of uranium or plutonium is replaced by the fusion reactions of hydrogen isotopes as the source of energy. Controlled thermonuclear fusion technology will not be affected by the treaty."

The Federal Government states its understanding that, under the treaty, no nuclear activity in research, development, production or use is prohibited nor can the supply of knowledge, materials and equipment be denied to non-nuclear-weapon States, until it is clearly established that such activity or such supply will be used for the manufacture of nuclear weapons or other nuclear explosive devices.

Article IV establishes an obligation on parties to the treaty in a position to do so to co-operate in contributing to the further development of the application of nuclear energy for peaceful purposes. The Federal Government expects that national policies of restricting the free flow of scientific and technological information will be reviewed in order to promote the fullest possible exchange of scientific and technological information for peaceful purposes.