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**SECRET**

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Revised

DRAFT NON-PROLIFERATION TREATY

I.

In order to achieve far-reaching textual agreement between the members of the Alliance through consultation in the NATO Council for the forthcoming negotiations between the two co-chairmen, our amendments might be modified as follows:

(a) In the first sentence of paragraph 1 of the German amendment it is added after the words "nuclear explosive devices" the words "in violation of Articles I and II" and after "to have safeguards" the words "under procedures to be" instead of "as". Furthermore the paraphrasing form of words is simplified. Instead of the enumerating text and the listing of the three negotiating possibilities according to the IAEA Statute, there could be a summary reference to the IAEA Statute in the following form: "... agreements negotiated and concluded with the IAEA as provided in its Statute".

This leads to an editorial change in the second sentence in which there is also inserted a comma between "organisations" and "parties to the treaty".

The simplification of the paraphrasing language requires a correspondingly more detailed interpretation which ensures the realisation of the second and the third joint principle of the non-nuclear weapon states members of EURATOM.

We cannot agree to a text which demands the description of the safeguards to be applied as being IAEA safeguards from the beginning.

(b) The last sentence of paragraph 1 should begin with: "The safeguards required by this Article shall be applied on all source or special fissionable material ...", and there might be made certain editorial changes.

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(c) In accordance with the draft amendment for the first paragraph already communicated to the Council and under the same conditions as were put forward concerning non-discrimination, we are prepared to agree to the placing of the words "non-nuclear weapon" in front of "state" in brackets also in the second paragraph.

There was agreement within EURATOM that the outcome of the negotiations between EURATOM and IAEA according to paragraph I could under no circumstances be anticipated. Our modification takes this common position into account.

(d) At the end of the third paragraph after the addition we communicated already to the Council on 25 October, it should be added "and to avoid contravening prior international obligations".

(e) We have no objection to the determination of time limits in paragraph IV. In view of the size of the tasks created by the safeguards article concerning the negotiation and conclusion of agreements with IAEA and the creation of the necessary safeguards machinery, longer time limits would, however, appear more appropriate.

## II

With all the modifications suggested this time and on 25 October the proposed Article III would read as follows:

1. "With a view to preventing diversion of source or special fissionable material from peaceful uses to nuclear weapons or other nuclear explosive devices in violation of Article I and II each [non-nuclear weapon] state party to the treaty undertakes to have safeguards under procedures to be set forth in agreements negotiated and concluded with the IAEA as provided in its Statute. Conclusion of agreements with organisations the work of which is related to that of the Agency shall be facilitated by members of the International Atomic Energy Agency and members of respective organisations, parties to the Treaty. Procedures for the safeguards

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required shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or outside any such facility. The safeguards required by this Article shall be applied on all source or special fissionable material for all peaceful nuclear activities within the territory of such state or under its jurisdiction.

2. Each state party to the Treaty undertakes not to provide:
  - (a) Source or special fissionable material, or
  - (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear weapon state for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this Article.
  
3. The safeguards required by this Article shall be implemented in a manner designed to comply with Article IV of this Treaty, and to avoid hampering the economic or technological development of the parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this Article, and the principle of safeguarding set forth in the Preamble and to avoid contravening prior international obligations.
  
4. Negotiation of the agreements referred to in paragraph I of this Article shall commence within 180 days from the original entry into force of this Treaty. For states depositing their instruments of ratification after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.

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Draft Non-Proliferation Treaty

CORRIGENDUM

With reference to the German proposals regarding Article III which were circulated in Council on 31 October 1967, the German Delegation would like to add the following modification:

The third sentence of paragraph 1 of the draft Article III in this version, which began with: "Procedures for the safeguards ..." should read as follows:

"The safeguards required by this Article shall be applied on all source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or outside any such facility."

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