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GOVERNMENT

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EIGHTEEN NATION DISARMAMENT
CONFERENCE

REPORT

OF

Senator JOSEPH S. CLARK

on a Visit to Geneva, May 3-5, 1966

TO THE

COMMITTEE ON FOREIGN RELATIONS

UNITED STATES SENATE

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Printed for the use of the Committee on Foreign Relations

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1966

62-982

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LETTER OF TRANSMITTAL

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
May 12, 1966.

Hon. J. W. FULBRIGHT,
*Chairman, Committee on Foreign Relations,
New Senate Office Building.*

DEAR MR. CHAIRMAN: I am pleased to present to you the enclosed report on my visit to the 18 Nation Disarmament Conference in Geneva, from May 3 through 5, 1966.

I would be most grateful if you could arrange to have the report made available to the members of the committee as a committee print.

Many thanks.

Sincerely,

JOSEPH S. CLARK.

STATEMENT OF TRAMMELL LAM

DEPARTMENT OF THE ARMY
WASHINGTON, D. C.

I, TRAMMELL LAM, of the Department of the Army, do hereby certify that the above is a true and correct copy of the original as the same appears in the files of the Department.

Trammell Lam

EIGHTEEN NATION DISARMAMENT CONFERENCE

I. ACTIVITIES

During the 3 days of my visit I attended two plenary sessions of the Conference at which interventions (speeches) were made by the representatives of Bulgaria, Canada, India, Italy, Nigeria, and the United Kingdom. Discussion was largely confined to the problems incident to obtaining agreement on a treaty preventing the further proliferation of nuclear weapons, a comprehensive test ban treaty and general and complete disarmament. In none of these areas has much progress been made since the Conference met on January 27, 1966, in an effort to comply with resolutions of the General Assembly of the United Nations urging the Conference to produce agreement on these matters.

I also attended two meetings of the staff of the U.S. delegation chaired by Mr. William C. Foster, Director of ACDA, attended and spoke briefly at a meeting of the "Western Four" (the United States, the United Kingdom, Italy, and Canada) and met separately, accompanied by a member of the U.S. delegation, Mr. Alan Neidle, with Ambassadors Blusztajn, of Poland; Burns, of Canada; Cavalletti, of Italy; Trivedi, of India; Tarabanuv, of Bulgaria; Roshchin, of Russia; Chalfont, of Great Britain; and Wachtmeister, of Sweden.

There was also an opportunity to speak briefly with U Thant, Secretary General of the United Nations, Philip Klutznick, who was in Geneva dealing with the financial problems of the U.N., and Horace Henderson, Director General of the World Peace Through Law Center which has recently moved its headquarters from Washington to Geneva.

II. GENERAL IMPRESSIONS

The group gathered at Geneva is able, articulate, dedicated, and frustrated. Almost without exception they are gravely concerned at the inability of the Conference to reach agreement on a non-proliferation treaty or a comprehensive test ban or to make any progress on the vastly more complicated problem of general and complete disarmament.

The Conference recessed on May 10 and reconvenes about the middle of June. It is believed imperative that some progress be made before the fall when the General Assembly meets in New York and a report must be rendered. Both the Russian and the United States chiefs of delegation expressed the fear that if nothing is accomplished this summer there will be a general feeling of "what's the use" and a movement to abandon further discussions of arms control and disarmament.

Nevertheless, all the men with whom I had discussions, with the exception of Ambassador Trivedi, of India, expressed a guarded optimism that agreement would be reached this summer on one or more of the matters now before the Conference.

The principal difficulty in all three instances is disagreement between the United States and the U.S.S.R. This disagreement arises because (1) in the case of nonproliferation the U.S.S.R. contends that the U.S. draft treaty would permit nuclear sharing by West Germany, to which it is bitterly opposed; (2) in the case of a comprehensive test ban the U.S.S.R. is unwilling to permit any verification or inspection whatever on its territory of "suspicious seismic events" while the United States believes that without such on-site inspection, underground nuclear tests might be conducted without detection; (3) progress on GCD is stalled over both the extent and manner of the destruction of nuclear delivery vehicles and the refusal of the Russians to permit minimum verification within the boundaries of the U.S.S.R. of a freeze of further production of fissionable material or a cutoff and possible reduction in the numbers of nuclear warheads; and (4) the Russian attitude toward all these matters is extremely timid. The chief of their delegation, Ambassador Roshchin, is an extremely capable and, in private conversation, agreeable man. It is clear, however, that he has little discretion and must refer everything back to Moscow for decision. There is a further feeling that the new Russian leadership, headed by Messrs. Breshnev and Kosygin, is quite unsure of itself and accordingly very conservative in its approach to international problems. It is not so much that the Russians are implacably hostile, as that they seem incapable of making the basic decisions which will be required before we can know whether agreement on the matters mentioned above is possible, or whether, in the alternative, negotiations will break down and the cold war will be intensified.

There has been some discussion in Geneva, but not much, of nuclear free zones. The Poles in particular keep pushing the Gomulka plan for a nuclear free zone in central Europe, accompanied by a withdrawal of conventional forces from Germany, both East and West. An excellent discussion of regional disarmament arrangements was presented by Mr. Foster on behalf of the United States on April 19, 1966, and is attached to this report.

The situation is complicated by a feeling of many of the neutral or nonaligned powers that they would be unwilling to sign a nonproliferation treaty to which the major nuclear powers have made no contribution by agreeing to stop the further production of nuclear weapons, discontinue further underground testing and start reducing, on a balanced basis, nuclear stockpiles. In the absence of great power agreement to this effect the neutrals see no reason to relinquish their option to create a nuclear capability if circumstances should later make it desirable. At the same time the two nonnuclear weapon countries with the most advanced "know-how" and the most refined nuclear reactors, presently used for peaceful purposes, Sweden and India, state that they have no present intention of creating a military nuclear capability. In the case of India the fear is of Communist China. In the case of Sweden the motivation is the protection of its longstanding neutrality by making an attack too expensive for an aggressor. Some of the neutrals feel no sense of urgency about a nonproliferation treaty. They see no evidence that any presently nonnuclear nation is about to

"go nuclear," and they believe it would be several years before such a capability could be achieved. I heard no discussion of the situation vis-a-vis Israel and the United Arab Republic in the Middle East.

No doubt the war in Vietnam casts something of a pall over the discussions in Geneva. Yet my impression is that it does not present a serious obstacle to agreement. The German problem is much more in the minds of the delegates. There is no thought that the military development of Communist China presents a threat to negotiations. Chinese offensive military capability of a nuclear nature is generally believed to be a good many years off.

There is some feeling that the atmosphere is not ripe for agreement, that more time must pass before anything constructive can happen. First, delay was caused by the Communist conference in Moscow. Now it is the contemplated visit of General de Gaulle to Russia. Finally, there is the strong feeling that the United States must review its policy toward NATO and Western Germany.

Nevertheless, there is in most quarters a sense of urgency to reach some agreement equal in magnitude to that of the limited test ban treaty of 1963, possibly because of the embarrassment of the delegates at returning for the third consecutive year to the General Assembly with empty hands. In the case of both Russia and the United States, I got the feeling that the delegates were concerned at the adverse reaction at home to continuing negotiations another year if they came home emptyhanded.

More specific comments on each of the major matters under discussion follow.

III. NONPROLIFERATION TREATY

There are only a few significant differences between the very short American and Russian draft treaties on nonproliferation. They are:

1. The American treaty contains language which would permit a NATO force including West Germany to have control of nuclear weapons. This might be an MLF, ANF, or any variant thereof. The United States insists that before such a force could actually fire a nuclear warhead the consent of the United States would have to be given, and, accordingly, this provision does not result in the proliferation of nations having a nuclear capability.

The Russians consider this provision totally unacceptable. They are aware that nuclear warheads are presently mounted on German aircraft deployed at German airfields intended to be flown by German pilots. They are not satisfied with the explanation that the aircraft are physically guarded by American troops and that the nuclear weapons are under electromechanical lock which can only be opened by American custodians acting on Presidential authority.

While the American draft provides that "control" of nuclear weapons shall not pass to a nonnuclear nation (except as noted above) "control" is defined as the right or ability to fire. It should be noted, however, that the U.S. draft also prohibits the "ownership or possession" of nuclear weapons by a nonnuclear power. It does nonetheless contemplate the training of NATO forces, including those of West Germany, in all of the procedures for installing and firing nuclear warheads. The only prohibited activity is the actual firing and, there again, the moment the United States removes its veto the Germans would have a complete nuclear capability limited only by the number of warheads to which they were given access.

The Russians contend that these arrangements, in addition to being objectionable on other grounds, violate the Potsdam agreements.

2. The Russian draft treaty, on the other hand, obligates the parties not to transfer nuclear weapons "directly or indirectly, through third states or group of states, to the ownership or control of states or groups of states not possessing nuclear weapons and not to accord to such states or groups of states the right to participate in the ownership, control, or use of nuclear weapons." The Russians definition of "control" is considerably broader than the American.

There is also a prohibition against a nonnuclear state controlling the "emplacement" of nuclear weapons which might well eliminate from West German control any determination as to where on its soil nuclear weapons, delivery vehicles, or warheads might be located.

In a talk I had with Ambassador Roshchin of the Soviet Union, also attended by Mr. Foster, the Soviet representative indicated that the Russians were prepared to discuss amendments to their draft and were flexible with respect to its provisions. This comment came in response to my remark that surely any sovereign nation had a right to decide where nuclear weapons would be "emplaced" by an ally on its territory. The fundamental and, in my opinion, unchangeable objection of the Russians to a nuclear nonproliferation treaty is the U.S. desire to maintain an option under which nuclear sharing with West Germany would be permitted through the NATO alliance. If we were prepared to agree that West Germany should be denied, both individually and through NATO, the "ownership, control, and use" of nuclear weapons, and if their "access" to such weapons were no greater than at present, a treaty in which Russia would join might well become feasible.

3. In this connection I do not believe Russia would, in the end, balk at the McNamara proposal for a NATO group to include West Germany which would meet periodically to consider nuclear tactics and strategy. This view is shared by a number of the representatives of other countries at Geneva.

In short, our problem is to choose between agreement with the Russians to join in a major effort to prevent the further spread of national nuclear capability or to continue to flirt with schemes such as MLF, ANF, and the actual sharing of nuclear weapons with West Germany.

I have no doubt that both world peace and our own national security interests strongly impel us to the former course.

4. Neither the United States nor the U.S.S.R. draft treaties call for any contribution by the two nuclear giants towards stopping or reversing the arms race. The emphasis is all on prohibiting non-nuclear countries from achieving a nuclear capability and pledging the nuclear countries to refrain from assisting them to acquire it.

Several of the more advanced nonnuclear countries are insisting that Russia and the United States agree to a comprehensive test ban treaty, agree to a freeze or cutoff in the production of fissionable material and nuclear delivery vehicles, and arrange to turn over an undetermined amount of nuclear materials for peaceful purposes. The United States has made a definite proposal along these lines but it has received a cold reception from Russia on the ground that the verification required would constitute "espionage." Actually, this

contention is largely untenable since we know, through intelligence sources, where the Russian plants and reactors used to provide material for nuclear warheads are located and the techniques for assuring that no cheating would result are quite simple and require a minimum of surveillance and on-site inspection. An excellent speech outlining our proposal, made by Mr. Foster on April 14, 1966, is attached to this report.

Technically, it would not be necessary to incorporate the freeze or cutoff in the language of the nonproliferation treaty. The undertaking could be set forth in a separate document signed by the United States, the U.S.S.R., the United Kingdom, and, hopefully but not likely, France.

5. The vexed question of "guarantees" against nuclear attack to be extended to the nonnuclear powers by the nuclear powers as part of a nonproliferation treaty has also come in for considerable discussion. Some of the "nonaligned" countries do not wish such a guarantee, as it might be construed as putting them under the protection of the two great nuclear powers. However, the Western group on the one hand, and the Soviet bloc on the other, would be interested in having such a guarantee. As I understand it, no consensus has developed as yet on this question.

There is a general feeling in Geneva that France, Great Britain, and China are such relatively unimportant factors in the nuclear field that their accession to a nonproliferation treaty would not be essential to its feasibility. And, of course, in any event Great Britain would no doubt join. The nuclear capability of both the United States and the U.S.S.R. is of a different order of magnitude to that of the other nuclear powers.

I conclude that a certain amount of flexibility on the part of the United States with respect to our relations with West Germany could well make a nonnuclear proliferation treaty possible. Similar flexibility on the part of the U.S.S.R., including a willingness to permit the IAEA to conduct inspections to verify an agreed cutoff and the transfer of nuclear material for peaceful purposes would insure the adherence of most, if not all, of the nonnuclear nations to such an agreement.

Neither of these conditions, in my opinion, is impossible to meet if we persevere and if we create an informed opinion on the subject among both the peoples and the leaders in the countries concerned.

IV. COMPREHENSIVE TEST BAN TREATY

The United States insists on adequate verification and inspection under the terms of a proposed comprehensive test ban treaty in order to assure that "suspicious seismic events" are earthquakes and not clandestine violations of a comprehensive test ban treaty. Our position is that the art of seismic detection has not progressed to the point where we can be reasonably sure of our ability to distinguish earthquakes from underground nuclear explosions without some on-site inspection on the territory of the Soviet Union.

The Russian position is, first, that such on-site inspection, which they categorize as "espionage," is unnecessary to determine the identity of an underground explosion; and, second, that the chances of detecting cheating are so great in any event without such inspection that any nation would be foolish to attempt to cheat.

In my judgment, it would be very difficult indeed to obtain senatorial ratification of a comprehensive test ban treaty without any on-site inspection. It will be recalled that at one point in the negotiations several years ago, Khrushchev offered three such inspections, which the United States considered inadequate and rejected.

The report made several months ago to the Senate on behalf of the Preparedness Subcommittee of the Armed Services Committee by Senator Jackson, of Washington, indicated adamant opposition to a comprehensive test ban treaty unless cheating could be prevented by an inspection system which was foolproof. The dangers of losing most of our research and development experts through the conclusion of such a treaty, while the Russians—aiming to cheat—would keep their experts at work, was stressed by the subcommittee.

The United States has frequently suggested that, since there is a disagreement between Russian and American experts as to the extent to which on-site inspection is still required to prevent cheating, it would be well to bring the Russian and American experts together to see if they could agree on the present status of the art of detection. The Russians have steadfastly refused to agree to such meetings and cite a number of American scientists who contend that on-site inspection is no longer necessary.

As a result of this impasse, negotiations are stalled.

There has been, however, a mildly favorable development. The Swedish Government, which maintains its own comprehensive seismic detection system, has invited representatives of the nonnuclear nations to come to Stockholm in the near future to study the state of the seismic art and to determine to what extent, if at all, on-site inspection is required to identify an underground nuclear explosion.

In my conversations with Mr. Roshchin he indicated interest in the formation of a "detection club" which, on a voluntary basis, would exchange information respecting the progress of the art of detection and the identification of "suspicious seismic events."

In my conversations with him, I urged him to reconsider the rejection by the Soviet Union of an invitation tendered by the U.S. Government to come to Montana in October to inspect the about-to-be-completed LASA installation which we believe to be the last word in equipment capable of identifying seismic disturbances. Mr. Roshchin apparently was unfamiliar with the fact that his government had rejected this invitation. He made a note of the matter and undertook to see whether there would be any possibility of reconsidering this decision.

No doubt the Russians have their own system of seismic detection, probably a fairly sophisticated one. It is important that the American, Russian, and Swedish systems be coordinated to the extent necessary to insure that information obtained from the use of any one will be in such form as to be understandable to the two other nations. Thus, information furnished us by the Russians could be readily understood by our experts and fitted into our own system and, of course, vice versa.

While it is only a straw in the wind, I would hope that, through the continuing research efforts in this and other countries, and through these meetings and the exchange of information, it may ultimately be possible to reach agreement upon a system of detection which would not require the invasion of national sovereignty by either the placing

of stations on the territory of an adversary or, in the alternative, a regular system of verification and on-site inspection.

However, for the moment, I would feel that such safeguards must be made a part of a comprehensive nuclear test ban treaty if it is to obtain Senate approval.

V. GENERAL AND COMPLETE DISARMAMENT

The Russian position on GCD is steadfastly to contend that the only permissible international control of the disarmament process is inspection of the agreed weapons, nuclear and conventional, which under the treaty are to be surrendered for destruction. They are unwilling to permit inspection of retained armaments.

The United States insists that, since we do not know the extent of Russian armaments, either nuclear or conventional, inspection of the retained armaments is essential to assure that disarmament proceeds on a basis of maintaining the balance of strength in existence at the time the disarmament process begins.

An excellent speech outlining the United States position on GCD was given by Mr. Foster on April 26 and is attached to this memorandum.

There seems little hope of movement on GCD in the immediate future. Nevertheless, as pointed out by Mr. Foster in his statement, a few of the measures called for in the first stage of both the American and Russian draft treaties have already been agreed to and more are under active negotiation.

It would seem worth while to explore further the Russian suggestion that both the United States and the U.S.S.R. retain a "nuclear umbrella" until the very end of the third stage of GCD, thus giving both sides a significant deterrent to prevent aggression, and compensating for any significant variation in balanced strength which might otherwise arise during the disarmament process.

Another area in which progress might be made is in the developing of the treaty clauses essential to an agreement on general and complete disarmament which would define the international institutions required to police and monitor a peaceful world, both during the disarmament process and thereafter. Reference is made in the U.S. draft outline of treaty tabled in April of 1962 to an International Disarmament Organization (IDO), an International Peace Force (IPF), and additional judicial institutions stemming from and expanding on the International Court of Justice, including tribunals to deal with political as well as strictly legal problems.

An informal Committee of Western Jurists, consisting of representatives of Italy, Canada, the United Kingdom and the United States, met for some time in a rather abortive effort to draft such treaty clauses. Several relatively timid memorandums were prepared and circulated. Unfortunately these documents are classified, so that their contents have not been generally available.

At the meeting of the Western Four I made a strong plea (a) to reactivate the jurists and set them to work on the drafting of actual treaty clauses; and (b) to declassify the papers already prepared so that they could be generally circulated and commented upon. The response of Messrs. Foster, Burns, Cavalletti, and Chalfont was most encouraging, and they have undertaken to recommend that the

Western jurists be reconvened and put to work on the preparation of this material.

In addition I urged the Swedes and the Indians to take the initiative among the uncommitted eight in having similar work done at both the legal and political level so that proposals could be presented to the ENDC which might receive more favorable consideration than those presented by the Western bloc. It is disappointing that no similar initiative appears to have come from the Soviet bloc. The Poles have been much interested in the development of international law and I suggested to Ambassador Blusztajn that his country might take the initiative within the Soviet bloc in this area. I also volunteered to furnish to Mr. Roshchin some of the material I have collected in this regard, including particularly the draft treaty clauses on those subjects prepared by Messrs. Louis Sohn and Grenville Clark and submitted to the State Department some time ago.

While it is true that the U.S. draft treaty does not get into the matter of enforceable world law until the third stage of disarmament, and while it is also true that the Russians have shown very little interest in exploring in detail the extent to which it might be necessary to yield a measure of national sovereignty as part of the disarmament process, it seems equally clear that these are problems which must be faced up to unless general and complete disarmament under enforceable world law or, in the Russian phrase, under strict international control, is to be abandoned. Neither nation, I am confident, is prepared to back down on its longstanding commitments to work toward the achievement of this goal.

VI. RECOMMENDATIONS

As a result of my trip to Geneva I would recommend that the Foreign Relations Committee:

1. Urge the executive branch to abandon efforts to provide for nuclear sharing by West Germany through NATO, a multilateral force, an Atlantic nuclear force, or otherwise.
2. Urge the administration to support at Geneva a nuclear non-proliferation treaty which (a) prohibits the ownership, control, or use of nuclear weapons by any nonnuclear power, (b) commits the nuclear powers not to assist in any way either through an alliance or otherwise, directly or indirectly, any nonnuclear power in obtaining possession, control, or use of such weapons. The administration should also be encouraged in its efforts to obtain agreement on a freeze, subject to adequate verification, in the production of fissionable material by all nuclear powers, and arrangements for the verified mutual transfer to peaceful uses of agreed quantities of nuclear material, together with the verified mutual destruction of an agreed number of nuclear warheads.
3. Urge the administration to continue research into methods of distinguishing among seismic events so as to increase our ability to detect and identify underground nuclear explosions, with a view to reducing our dependence on on-site inspection or seismic devices maintained on the territory of an adversary as a guarantee against clandestine violation of a comprehensive nuclear test ban.
4. Urge the administration to refine and clarify its draft outline of a treaty of general and complete disarmament, with particular reference to the clauses in such treaty establishing (a) an International

Disarmament Organization; (b) an International Peace Force; and (c) additional international institutions of law, equity, mediation, and conciliation to provide tribunals for the peaceful settlement of all disputes, political as well as strictly legal, including the granting to such institutions of the power to issue decrees enforceable by the International Peace Force under the supervision of the International Disarmament Organization.

In this regard the administration should be urged to reactivate the Committee of Western Jurists and to charge the jurists with the technical task of drafting these treaty clauses.

5. Conduct a series of oversight hearings, perhaps under the joint aegis of the Subcommittees on International Organization Affairs and Disarmament, to determine what action, if any, the administration is taking with regard to the implementation of the recommendations of the various committees of the White House Conference on International Cooperation dealing with the general area of disarmament, arms control, international law, peacekeeping, and the activities of the United Nations. In view of the relevance of many of these recommendations to the problems of European security, the hearings on NATO and the future of Europe soon to be held by the Committee on Foreign Relations might well be an appropriate vehicle for such discussion.

6. Report favorably to the Senate, Senate Concurrent Resolution 32.

7. Urge the administration to continue strong support of the 18-Nation Disarmament Conference at Geneva, to instruct the American delegation this summer to press for agreements along the lines indicated above, and to pursue bilaterally and outside the Conference, efforts to reach an agreement with the Soviet Union on the foregoing matters as a high priority of U.S. foreign policy.

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