Mr. Smith began the discussions by welcoming the German visitors and by expressing pleasure over the positive attitude adopted by the new German Government towards the NPT. He confirmed that worldwide implementation of the NPT remained a central plank in U.S. arms control policy. He said that the U.S. would try to resolve any remaining unclear aspects of the Treaty over the next few days. He explained that owing to the preparations for SALT he would not be able to be present throughout the discussions, although he would keep abreast of progress made. Mr. Farley would serve in his stead.

Ambassador Roth, in his introductory remarks, referred to a decision of the Federal Cabinet on August 13, whereby the Foreign Ministry was asked to seek clarifications on the NPT and to conduct discussions with other countries in this regard, particularly with the U.S. When the FRG informed the U.S. of this intention on August 29, the U.S. had agreed to such discussions, but the U.S. asked that they take place in one round in Washington following the German federal elections. Ambassador Roth said that he and his colleagues had come to finalize these discussions, and that the talking points provided to the United States the previous day would comprise all the points with which the German delegation proposed to deal. He indicated
that the outcome of the present discussions would be of interest to the German public which was aware of the August 13 Cabinet decision as a result of a recent parliamentary interpellation by the CDU. Ambassador Roth explained that between signing and ratifying the NPT, further attention would be given to questions involving the peaceful uses of nuclear energy and assurances of nondiscriminatory safeguards treatment. He proposed that the FRG talking points (Bonn 14146) form the basis of the discussions and that these talking points be gone through one by one with a view to disposing quickly of those points on which there was basic agreement and no further discussion was necessary, and to determining priorities for subsequent sessions for discussing those points which were not yet agreed.

On points 1 and 2, Mr. Farley had no particular comment other than to ask for an opportunity, if possible, to see the statement the German Government proposed to make at the time of NPT signature and the related note to be delivered to Foreign Governments at that time. Ambassador Roth pointed out that the portion of the note dealing with peaceful uses of nuclear energy was already in U.S. hands. He also offered to make the draft statement available, but cautioned that the text was subject to change as the result of the outcome of the present discussions and of further consideration in Bonn. (At the conclusion of the meeting, Ambassador Roth handed the text of the draft statement to Mr. Farley.)

On point 3, Mr. Farley said that he did not see any particular difficulty in meeting the German request for public release of the U.S. statement, rejecting Soviet claim to a right of intervention. He said he would give the German delegation definitive word on this before conclusion of the discussions. In reply to Mr. Farley's question, Ambassador Roth confirmed that the FRG was completely satisfied with the text of the U.S. statement proposed to then Foreign Minister Brandt by Secretary Rogers in his letter of May 10, 1969.

On point 4, concerning the definition of the word "control," Mr. Farley again foresaw no difficulty in agreeing that the definition provided to NATO in April 1967 be used by the FRG in closed sessions of the Bundestag Committees. He indicated, however, that making the definition available to the Soviet Union
at this late date would create difficulties for the U.S. Since
the definition had not been made part of the U.S. legislative
history, there was a good possibility that presenting this defini-
tion to the Soviets now might create unnecessary discord. In any
event, the U.S. and its allies had a common understanding of their
obligations under the Treaty in terms of the definition of "control,"
and the U.S. believed this was all that was necessary. Ambassador
Roth said that the FRG understood U.S. concerns on this point but
he raised the question in order to have U.S. views on the subject
placed on the official record. He felt that if the final minutes
of the discussions showed the U.S. position, then this would
suffice for his government's need to satisfy the Opposition in
closed committee hearings.

With regard to point 5, Mr. Farley summarized briefly the
substance of Secretary Rogers' talk with Soviet Foreign Minister
Gromyko in New York, in September 1969, concerning the desirability
of joint US and Soviet deposit of instruments of NPT ratification.
He said the U.S. believed on the basis of Gromyko's reaction to
the Secretary's presentation that the prospect for early joint
deposit were good, and that the positive FRG approach to the
NPT could only improve those prospects. Mr. Gescher indicated
that the FRG apprehension over a possible Soviet contradiction
of the U.S. interpretations of Articles I and II could be met
completely through joint deposit of instruments of ratification
so long as the Soviets did not take that occasion to raise objec-
tions. Mr. Farley agreed that this was part of the U.S. purpose in
wishing to act jointly with the Soviets and that he believed that
it was primarily a matter of orchestration to resolve this problem
satisfactorily.

On point 6, concerning the FRG request for a confirmatory
U.S. statement as to the importance of NATO's continued existence
for German adherence to the NPT, Mr. Farley quoted the statement
of Secretary Rusk during Senate hearings on the NPT on July 10,
1968 as an indication of the U.S. position. Ambassador Roth
replied that Secretary Rusk's remarks during a United Nations
General Assembly speech on October 2, 1968 were of even greater
significance to the FRG in that Mr. Rusk had related U.S. commit-
ment to the defense of Europe directly to a successful resolution
of the German question and to Berlin. He said, however, that the
new statement could be based on either of the earlier ones. The
important question at the moment was one of timing, and he expressed a desire to discuss further the question of when and where such a statement should now be made. Mr. Farley indicated that he would hope to have an answer to this request by the conclusion of discussions on October 31.

Mr. Farley took note of the German intention, as expressed in point 7, to make a statement regarding the importance of the existence of NATO to German NPT adherence. He asked what the FRG had in mind when it referred in point 7 to the contingency that if NATO were to dissolve, the FRG would "remain free to get other European States to take the necessary security measures." Mr. Gescher read aloud the paragraph from the proposed FRG statement at time of signing the NPT, as follows:

"The FRG signs the Treaty convinced that it shall not hinder European unification and that the Federal Republic of Germany, in a situation in which it considers its supreme interests in jeopardy, will remain free together with other European States to take the necessary security measures."

Mr. Farley said the sentence on unification was a judgment which the U.S. shared and had tried to protect in negotiating the NPT. He said the U.S. would want to have a closer look at the second part of the sentence before commenting further.

Summarizing the first seven points on the political aspects of the Treaty, Mr. Farley said that the U.S. would attempt this week to confirm its readiness to publish the agreed statement on intervention rights. He saw no need for further discussions on the meaning of the word "control." He took note of the German view that joint U.S. and Soviet deposit of instruments of ratification would meet the German need, so long as the Soviets raise no objections to the interpretations. He noted that the FRG had requested a new U.S. statement, relating the NPT to the continued existence of NATO, similar to that made by Secretary Rusk in July 1968. Finally, he said the U.S. would study the two sentences referred to in point 7 and would comment on them. Mr. Gescher pointed out that the first of these two sentences had been borrowed almost literally from the
Italian declaration at the time of NPT signature.

Mr. Farley asked whether the FRG had discussed with the French the question of a new French statement on intervention rights. Ambassador Roth replied that the FRG would approach the French, after the delegation returned from Washington, on the basis of the U.S. statement. Mr. Hillenbrand assured him that the US had no objection, if the FRG chose to make the US text available to the French.
MEMORANDUM OF CONVERSATION

ANNEX

Subject: US-German NPT Discussions
October 29, 1969, 10:30 a.m.

Participants:

U.S. Government

Mr. Gerard Smith, Director, ACDA
Mr. Philip J. Farley, Deputy Director, ACDA
Mr. Culver Gleysteen, Acting Assistant Director, ACDA/IR
Mr. James E. Goody, EUR/RPM
Mr. William W. Hancock, General Counsel, ACDA
Mr. Martin J. Hillenbrand, Assistant Secretary, EUR
Mr. Benjamin Huberman, ACDA/ST
Mr. M. B. Kratzer, Asst. General Manager for International Activities, GM-AEC
Mr. A. M. Labowitz, Special Assistant for Disarmament, GM-AEC
Mr. Herbert S. Malin, ACDA/IR
Col. Burr J. Randall, Jr., OSD/ISA
Mr. J. S. Sutterlin, EUR/GER
Mr. Charles N. Van Doren, Deputy General Counsel, ACDA/GC
Dr. Y. L. Wu, Deputy Asst. Secretary, OSD/ISA (for Policy Planning and Arms Control)

Federal Republic of Germany

Col. Helmut Roth, Chief, Disarmament Section, German Foreign Office
Mr. Dirk Oncken, Charge d’Affaires, ad interim, German Embassy
Mr. Wolf Ramisch, Disarmament Section, German Foreign Office
Dr. Dieter Gescher, Disarmament Section, German Foreign Office
Dr. Wolf Haefele, Director of the Applied Physics Institute, Karlsruhe, Germany
Mr. Adolf von Wagner, Second Secretary, German Embassy
Mr. Heinz Weber, Interpreter