

September 6, 1968
Report No. 597 from Swidbert Schnippenkötter,
Geneva

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Summary:

In a telex he sent Geneva, Schnippenkötter estimated that "negative consequences" of not signing the NPT would be "objectively low, but stronger in the atmospheric". For the Soviets, the NPT was "no condition sine qua non" for commencing negotiations on strategic nuclear arms; in the United States, there would be "a certain annoyance" among Democrats but that would be all.

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No. 597 from September 6, 1968

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S e c r e t

S e c r e t

For D II o.V.i.A.

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I am proposing to answer the question posed by instruction as follows:

I.

The hypothetical point of departure, whose political consequences are to be assessed here, is the non-signing of the NP Treaty. Non-signing can mean that an accession to the treaty is no longer considered (as Burma has recently declared), but also just simply that the question of accession remains undecided for the time being.

For the purpose of this review, non-signing is understood primarily as keeping things open. It is obvious that a declaration of non-accession would have more far-reaching consequences than the de facto postponement of the decision. In both cases, however, the consequences depend essentially on the circumstances and on the reasons for our behavior, as well as on the presentation.

The review does assume that, in every case of "non-accession", it becomes established and made clear that a change in the non-nuclear status of the Federal Republic of Germany is neither intended nor is it supposed to be facilitated. The instruments for such are extensive:

- Ongoing validity of the 1964^[2] renunciation of production
- Continuation of the government policy not to aim at the acquisition of nuclear weapons and at a power of disposition
- Ongoing membership in EURATOM^[3], thus participation in the security system of the [European] Community
- Participation in a verification agreement between EURATOM and IAEA^[4] (in spite of non-signing)
- Willingness to participate in a regional non-proliferation arrangement according to Paragraph 1 of the proposals in the German Note of Peace from 25 March 1966
- Willingness of a renunciation of nuclear weapons in the framework of a political arrangement with the Soviet Union as envisaged by the latter in its memorandum of 21 November 1967
- Willingness to resolve the issue in the context of a [World War II] Peace Treaty settlement.

The credibility of the continuing non-nuclear status of Germany is the most important precondition for keeping consequences of a non-accession limited. (On the other hand, accession is not sufficient as long as ratification and deposit are lacking, in

order to undermine the transparent communist propaganda).

A second important aspect regarding the limitation of consequences consists in whether the German accession is required for the viability of the NP Treaty, and whether non-accession would be responsible for the latter's languishing. It is not excluded that the foundations of the NP Treaty will wilt away without German agency. A couple of factors could contribute to this:

- Destruction of trust as a result of the intervention in Czechoslovakia
- Process of the NNC[5] and its potential extension
- Continuation of the unsatisfactory status of the security guarantees
- Non-fulfillment of the disarmament promises made by the nuclear great powers
- Absence of further measures demanded by the non-nuclear-weapon states in exchange for their renunciations within and outside the treaty (nuclear explosives service, non-discriminatory guarantees, participation in spin-off effects, exchange of information, nuclear development aid)
- Delay of the decision by the American Senate
- Continuation of the occupation of Czechoslovakia and of the pressure on Romania
- Electoral victory of the Republicans in the United States
- Stagnation of signatures at the level of 21 August[6]
- Non-use of a potential authorization of the American President by the Senate to deposit the ratification document.

The consequences of a non-signing by the Federal Republic of Germany are smaller, the more pronounced the fate of the NP Treaty would become independent from the question of a German accession. In reverse, the consequences would be bigger, if the German non-accession would demonstrably complicate the global acceptance of the treaty, or if the Federal Republic would not accede despite a global acceptance of the treaty. However, there is no need here to look at this further because such a kind of policy is outside the realm of realistic considerations. The third main factor for limited consequences consists in whether an understanding of the [international] environment does exist for the German position, or whether such can be generated. The insistence of the Soviet Union on a right to intervention vis-a-vis the Federal Republic, for instance, does create more understanding for a non-signing than the reasons listed by the "Atomforum[7]", and not to mention the question of the latter's veracity.

II.

The objective consequences of a German non-accession are rather small if the factors discussed above are combined; some of those depend on circumstances, some of them on our own behavior.

Though the NP Treaty is presented as a burning issue for all states in the world, in reality, however, this only applies to the principle of non-proliferation. The universal treaty is first and foremost an American-Soviet joint endeavor. At the final stage of treaty negotiations, [U.S.] President [Lyndon B.] Johnson has turned his attention to them for electoral purposes.

For the Soviets, the NP Treaty is not a condition sine qua non for the start of negotiations on limitations of the nuclear arms race, what would offer them a prospect for nuclear arms parity with the United States. A German non-signing would not block the American-Soviet dialogue, and even then if the former would be responsible for the failure of the NP Treaty.

In the United States, except for a certain irritation among the Democrats, there would be no ponderable reactions.

Since the intervention in Czechoslovakia the accession to the NP Treaty has been devalued as an instrument for the German Ostpolitik.[8] The Soviet Union has made very much clear that it is resisting the Eastern policy goals as long as we do not recognize the Western border of Poland and the GDR. The German accession to the treaty cannot offset this with regard to Eastern policy. Given the current circumstances, the treaty cannot even create an atmospheric improvement which would open up a prospect for later compromises on the other issues.

Instead, the Soviets and the other [military] intervention states of the Eastern bloc^[9] would increase their propagandistic barrages in case of a non-accession, and especially so if we would publicly declare that non-accession. Practical consequences, however, they [Soviets] would be unable to inflict. Because of this [non-accession], they could not seriously touch Berlin or the security of the Federal Republic.

As long as the circumstances of keeping the decision open do exist, the propagandistic weapon is blunt. The beginning of the NNC^[10] [in Geneva] and the good reception of the Minister's speech^[11] - though it did contain neither an announcement of accession nor did it imply such - is testament to that.

An emotional reaction against us would be strongest among the Benelux^[12] states, in Scandinavia, and in Canada, especially so if there would be a declared non-accession. However, the convergence of interests and the common security architecture might prevent that this would be more than an atmospheric disruption.

A special consideration will require the problems occurring within EURATOM^[13] (see under II).

In light of the critical position by numerous countries in Africa, Asia, and Latin America towards the imbalance between obligations and rights in the NP Treaty -for which there are still no prospects towards seriously overcoming this-, those states do not care whether the German position would be causal for the fate of the treaty or not. Far-reaching objective changes because of a German non-signing also cannot be identified. To the states, who are not in lockstep with the Soviet policy on Germany, it can be made clear that non-accession does not mean we want to become nuclear. In terms of global policy, the NP Project is not important enough as, because of it, a serious fluctuation in the balance of power would be accepted, as long as the principle itself would not be questioned. There would be no serious disruption in American-Soviet relations since the promise of non-proliferation would survive the failure of the treaty. The demarcation of spheres of interests would remain untouched. The joint action in other areas, like the limitation of the nuclear arms race, would not be depending on this.

If a verification agreement EURATOM/IAEA^[14] would not materialize, it cannot be excluded that the Americans will ultimately view the EURATOM control as adequate and in accordance with the provisions of Article III [of the NP Treaty].

Whether we would participate in case of a non-signing in the "benefits" promised in the NP Treaty (nuclear explosives services, extended exchange of information, spin-off), is an open question. At the NNC, several speakers have already emphasized that signatories and non-signatories must not be treated differently with regard to the peaceful development of nuclear energy.

The consequences of a German non-accession for EURATOM and the German participation in the "benefits" of the treaty do depend to large degree on whether the overall tendency is moving in favor of the NP Treaty coming into effect and being accepted worldwide, or whether this tendency is further decreasing and will not bounce back any more.

IV.^[15]

To sum it up: Circumstances, reasons, and presentation do mostly determine to what extent detrimental consequences of a German non-signing will occur. In any case, they would be objectively small, though more significant in atmospheric terms. They are tending to be larger in case of a declared non-signing than in case of dilatory action, in other words they can be limited through our own behavior. Not addressed here were possibly positive consequences of non-accession, as well as potential advantages and disadvantages of the German accession. This would have gone beyond the question assigned.

The following though is also relevant to the question: We would create more problems for ourselves, if we would declare the German non-accession than by just keeping the question open. Regarding keeping open the question: it will be decisive whether we are keeping it open just to buy time, or in order to accomplish the still necessary accessory work to the treaty and to work on perfections, which are indispensable for the acceptance worldwide and our own acceptance. A postponement of the German decision on the NP Treaty would most likely be

acceptable to the [international] environment, and especially so if such would be explained clearly. The credibility of our behavior will be measured by our objectives and the means we apply to this end; and not whether we are deciding to sign somewhat earlier or somewhat later.

Finally, it is important not to indicate any dates for the German decision pertaining to accession or non-accession. This way the Federal Government would impose on itself an obligation for disclosure which, in case of a further delay, would be tantamount to be compelled to exculpate oneself. This is avoidable, if we just talk about the factual issues which are still in need of being sorted out. These factual issues can be resolved. The question of accession must be only then put to a decision when those factual issues are resolved.

[signed] Schnippenkoetter^[16] Keller

^[1] Permanent Representation of the Federal Republic of Germany at the United Nations Office at Geneva.

^[2] Probably typo error, did actually occur in 1954.

^[3] European Atomic Energy Community established on 25 March 1957.

^[4] International Atomic Energy Agency.

^[5] Conference of the non-nuclear weapon states held for a month in Geneva in August 1968.

^[6] Date of Warsaw Pact military intervention in Czechoslovakia.

^[7] "Deutsches Atomforum" (German Nuclear Forum), a lobbying organization of West German companies, institutions, and individuals supporting non-military usage of nuclear energy.

^[8] West German policy towards the 'East' (GDR, Eastern Europe, Soviet Union).

^[9] GDR, Poland, Hungary, Bulgaria.

^[10] See footnote 5.

^[11] West German Foreign Minister Willy Brandt on September 30, 1968.

^[12] Belgian, Netherlands, Luxembourg.

^[13] See footnote 3.

^[14] See footnotes 3 and 4.

^[15] This numbering is apparently a mistake by the authors of this document, as there are only paragraphs I, II, and IV, but no III.

^[16] Swidbert Schnippenkötter (1915-1972). West German diplomat, in July 1969 Permanent Representative at the United Nations Office at Geneva.