

September 16, 1968

**Otto Hauber, 'Note requested by the Federal
Chancellor regarding the consequences of a
potential German non-signing of the NP
[Non-Proliferation] Treaty'**

Citation:

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Summary:

At Ruete's request, an additional assessment of what could happen if West Germany did not sign the NPT was prepared by a specialist from the Commissioner's subdivision in the Foreign Office, Otto Hauber, who coordinated it with other officials in the ministry. As Hauber told Ruete, his "political evaluation" differed from those of the three Ambassadors and it was impossible to find a "common denominator"

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Secret

II B 1 - 81.00/1533/68 geh.
Bonn, September 16, 1968

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Note for Mister D II

Re: Note requested by the Federal Chancellor[1] regarding the consequences of a potential German non-signing of the NP [Non-Proliferation] Treaty

In accordance with the instruction I am submitting the required note. I have drafted it to the best of my knowledge and coordinated it with II A 7, II A 4 and I A 6. Mr. Sahm [2] has edited some passages. From Mr. Schnippenkoetter's[3] statement especially thoughts concerning the peaceful use and the fate of EURATOM[4] have been adopted.

In the political assessment, however, the note deviated from Ambassador Schnippenkoetter's submission and also from the statements of Ambassadors Grewe [5] and Allardt[6]. The different positions cannot be reduced to a common denominator.

The suggestion by the embassy in Moscow to sign only in Washington and London is currently under review. It was the purpose of this note to assess the consequences of a non-signing as such.

[Signed handwritten Hauber[7]]

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Department II
II B 1 - 81.00/1533/68 geh.
Ref.i.V.: VLR Dr. Hauber[8]

Bonn, September 16, 1968

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Re: Analysis of consequences of a potential German non-signing of the NP Treaty

Reference: Letter from Office of the Minister August 28, 1967 und phone conversation

VLR Dr. Ritzel/Mdg Dr. Saha from September 16, 1968

The analysis of consequences of a potential German non-signing of the NP Treaty needed for the meeting of Mr. Federal Minister[9] with Mr. Federal Chancellor does exist in two drafts. One has been written by Ambassador Dr. Schnippenkoetter in Geneva, the other was done by Department II.

According to instruction, both drafts will still today be submitted by Mr. State Secretary to Mr. Federal Minister.

A decision on the final version I wanted to make only after talking first with Ambassador Schnippenkoetter.

Signed Ruete[10]

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N o t e

Re: Consequences of a German non-signing of the NP Treaty

I.

Every analysis of the consequence of the hypothetical case of a German non-signing has to start from certain assumptions. Even if a safe prediction of future developments is not possible, and events are imaginable that could stall the ratification process of the NP Treaty, there is a not too low probability that the analysis can be based on the following premises:

a) The treaty comes into force (a ratification also by an [U.S.] Senate with a Republican majority can be expected).

- b) The other four non-nuclear EURATOM^[11] states accede to the treaty.
- c) Almost all NATO states (with the exception of France and Portugal) implement the accession.
- d) The large majority of the other states is ratifying the treaty, including such states where the civilian nuclear industry is next to ours progressed the furthest (Japan, Sweden, in addition to the alliance partners Canada and Italy).

II.

For the following analysis it can be ignored whether the German non-signing would be manifest through a declaration of intent by the Federal Government, or whether our decision will be technically left open and delayed indefinitely. The first spectacular alternative might be dismissed from the outset. Regarding the second option - even if it would be justified with the still pending resolution of factual issues -: In a foreseeable time such reasoning would no longer be believed but rather interpreted as a pretext for non-signing. This time will come, the earlier the Czech crisis will calm down and other relevant states (for instance Italy, Switzerland, Japan) will have made a positive decision.

The following analysis is based on the assumption that we continue to attempt to make clear, when presenting our position, that we do not aim at authority over nuclear weapons.

III.

Considering the premises listed in I., a German non-signing might have the following consequences:

Alliance and Security:

The Federal Republic would be tied just to the 1954 renunciation of production and in theory would keep open the option for bilateral or multilateral nuclear joint deals with states that do not accede to the NP Treaty. However, our relations with the United States, on whose protection we are relying, would be put to severe strain. It must be assumed that such would also apply to a potential Republican administration. Nixon as well will as President continue with a policy of non-proliferation, and of a modus vivendi with the Soviet Union because this corresponds to the American interests.

Furthermore, within the Western alliance one would have to factor in a worsening of the relationship with Great Britain, Canada, the Scandinavian countries, and the Benelux^[12] states. These states are considering the NP as necessary in the interest of internationally securing the peace and they are attaching importance to Germany becoming subject to the treaty obligations.

France is rejecting the treaty, but it is supporting in principle the policy of non-proliferation and wants no improvement whatsoever concerning the nuclear status of the Federal Republic of Germany. Furthermore, there are indications that France as well would not be pleased by a negative decision from our side.

Therefore the Federal Republic of Germany would isolate itself within the alliance. The position of those forces within the alliance, who are viewing the alliance also as a means to Germany's domestication, would become strengthened. Our behavior would insert tensions and mistrust into the alliance and thus weaken the Western solidarity.

Our maneuvering space in the nuclear field would rather be diminished than enlarged by a non-signing, especially so because the production ban of the EU Treaty will remain in force unchanged. The alliance partners that matter would apply the [EU] treaty provisions extremely strictly towards a Federal Republic rejecting accession to the NP Treaty. Nothing would be gained for our security. To the contrary, it would be weakened, since the cohesion of the alliance would suffer from our non-signing.

2. Ostpolitik^[13]:

The Soviet Union would have no legal recourse to interfere in the internal matters of the Federal Republic based also on an extensive interpretation of the NP Treaty.

However, the anyhow limited scope for action of our Ostpolitik would be further constrained by a German non-signing. The Soviet Union does view the German signature as an indispensable precondition for an improvement of relations. A German refusal to accede to the treaty would significantly strain the relationship with the Soviet Union for a long time (see the statements by Kosygin^[14] and Podgorny^[15] we are aware of). It would make us subject to increased Soviet pressures, if not more far-reaching measures. The Soviets would increase their efforts to reactivate the Four-Powers-Agreement from 1945 regarding control of Germany and thus make it impossible for the Federal Republic to conduct a sovereign foreign policy. The possibility cannot be excluded that the Soviet Union will make its own treaty ratification contingent on a German accession and will thus attempt to shift on us the blame for the failure of the treaty (which cannot come into force without a ratification by the Soviet Union). The consequences are not foreseeable; in addition, the Eastern claims regarding the German aspiration to nuclear weapons would find more resonance than in the past. The international reputation of the "GDR" would grow; its efforts towards recognition would be encouraged. We also cannot hope to find understanding from those forces in the East who are pushing for liberalization and democratization; since just from this side we are hearing that a German non-signing would make it easier for the Soviet Union to inhibit the progressive forces in the Eastern bloc.

3. Nuclear Economy:

The [NP] treaty does mandate the signatory parties to provide fissile material and certain equipment only then to non-nuclear-weapons states when the fissile material is subject to the security measures as defined in the treaty. Here the supplier countries will view the existing EURATOM^[16] control as insufficient and will rather demand to sign a verification agreement with the IAEA^[17]. Since for the time being we are relying to import fissile material from countries who want to accede to the treaty, we might be able to avoid severe economic detriments only if the Federal Republic of Germany is joining the verification agreement to be negotiated between the EURATOM commission and the IAEA. This would be theoretically possible also without acceding to the [NP] Treaty. However, it must remain an open question whether the supplier countries, especially the United States, would consider this solution as sufficient, even so it would formally adhere to the treaty.

The [NP] treaty does mandate the signatory parties among else to exchange information and jointly develop nuclear energy for peaceful purposes. The Federal Republic might face the danger to become excluded from certain benefits in the NP Treaty (nuclear explosives services, extended exchange of information, spin-off). Claims to participate in the benefits could only be raised by signatory parties. In spite of our remarkable development status in the field of nuclear technology, it cannot be excluded that this way we might face disadvantages. In light of the free availability of scientific knowledge, and the custom to exchange industrially significant methods only on the basis of reciprocity, the potentially emerging detriments might carry less weight in this field.

It could be seen as an advantage that the Federal Republic, similarly as other non-signatories, would not have to observe the export restrictions (NP controls) when exporting nuclear equipment and materials. This would, however, only apply with those states who for their part are also not bound by the [NP] Treaty.

4. European Unification

The EURATOM commission has indicated that only with an uniform position by the five non-nuclear member states of the [European] community severe disadvantages for the joint nuclear energy market can be avoided. In light of the desire by the Benelux states to accede to the treaty, and the likelihood of an according Italian step, Germany would in case of its non-signing not be spared from the allegation to destroy the common market. This accusation could at best be countered by the Federal Republic joining the verification agreement to be negotiated between the EURATOM commission and the IAEA.

Maybe there will be problems with France because the latter only wants to enter in discussion over the material questions of a verification agreement, if the non-nuclear EURATOM states have signed. Probably this could be still overcome. However, it raises the question what the prospects are for a verification agreement within the community if not all non-nuclear EURATOM countries are signing the NP treaty - since then a weakening of the political position of the EURATOM community vis-a-vis the IAEA can be foreseen. Also, it cannot be excluded that in case of a German non-signing the Netherlands will attempt to single-handedly sign an agreement with the IAEA contrary to the recommendation of the [EURATOM] commission. Then, however, probably the European Court would have to deal with this.

Before the conclusion of this process the Netherlands might not sign. As long as all EURATOM states are behaving with conformity in the community, France would have no legal pretext as a nuclear power to evade the EURATOM security system. However, it is obvious that the conditions would not improve for a continuation of the in any case not vital cooperation in EURATOM.

Sometimes it is asserted that the NP Treaty is endangering the European unification, because it would allow an European nuclear power only under the condition of succession of an European Federal State into a nuclear status of one of its member states, and since it would exclude potential nuclear intermediary steps. Our non-accession would change nothing with regard to this situation as other states, which are indispensable for a united Europe, would be bound by the treaty provisions. This does also apply to the establishment of an European missile defense system.

5. Credibility of German Policy:

The government of the Grand Coalition has defined the policy of securing the peace as a foundation of its foreign policy. During the [NP] treaty negotiations, it has with emphasis made its positions clear, and it has submitted proposals for improvement that were adopted to significant degree. After the achieved status of negotiations does now allow other states with similar interests to accede, a negative German position to a large extent would not be understood and impair the credibility of our past and future policy of peace. The German rejection of the NP Treaty should have a cumulative effect on other events that damage our image internationally (growth of the NPD, expiration of the statute of limitations for Nazi crimes, et cetera).

A loss of confidence in West and East and in neutral countries would be the consequence. The success achieved since 1949 by the government and the democratic parties to bring relevance again to the German name would be significantly impaired.

IV.

If the [NP] Treaty, as assumed, will come into force, then the pressure on us to sign it would continue for years. It is not very probable that we could withstand this [pressure] without the price for the non-signing becoming too high.

If the treaty project fails in its entirety, this is the ratifications required for it coming into effect are not materializing; or if the treaty will gain only limited significance because a large number of key powers will pass on ratification - then the consequences for us will depend on to what extent the Federal Republic of Germany can be blamed for such a development.

The Soviet Union has repeatedly indicated that it is only interested in a NP Treaty signed by Germany. Non-nuclear emerging powers as well (e.g. Sweden and Switzerland) have also expressed that the German signature is essential for their own position.

Only in case that the foundations of the treaty fall apart without our agency, there would be no severe detriments to fear for the Federal Republic of Germany.

[1] Kurt Georg Kiesinger (1901-1988). West German Federal Chancellor between 1966 and 1969.

[2] Ulrich Sahn (1917-2005). West German diplomat, in September 1968 Head of the Section 'East' in the Political Department of the West German Foreign Office.

- [3] Swidbert Schnippenkötter (1915-1972). West German diplomat, in September 1968 Permanent Representative at the United Nations Office at Geneva.
- [4] European Atomic Energy Community established on 25 March 1957.
- [5] Wilhelm Georg Grewe (1911-2000). West German diplomat, in September 1968 West German Permanent Representative to the North Atlantic Council (NATO) in Paris and Brussels.
- [6] Helmut Allardt (1907-1987). West German diplomat, in September 1968 West German Ambassador to the Soviet Union in Moscow.
- [7] Otto Hauber, in September 1968 Deputy Head of the Section 'General Disarmament and Questions of Global Armament Control' in West German Foreign Office.
- [8] Ibid.
- [9] Willy Brandt (1913-1992). Governing Mayor of West Berlin 1957-1966, West German Minister of Foreign Affairs 1966-1969 and Federal Chancellor from 1969 to 1974.
- [10] Hans Hellmuth Ruethe (1914-1987). West German diplomat, in September 1968 Head of the Department Eastern Europe in West German Foreign Office.
- [11] See footnote 4.
- [12] Belgian, Netherlands, Luxembourg.
- [13] Eastern policy.
- [14] Alexei N. Kosygin (1904-1980), Premier of the Soviet Union from 1964 to 1980.
- [15] Nikolai V. Podgorny (1903-1983), Chairman of the Presidium of the Supreme Soviet of the USSR from 1965 to 1977.
- [16] See footnote 4.
- [17] International Atomic Energy Agency.