

NATIONAL SECURITY STUDY MEMORANDUM 162

U.S. Position on the Soviet UN Proposals
for Non-Use of Force and Prohibition of
the Use of Nuclear Weapons

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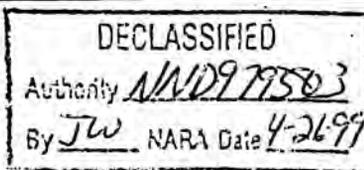


Annexes

- A. Postwar History of Positions of the U.S., USSR and Others, re Non-Use of Nuclear Weapons
- B. Military Implications of Soviet Proposal
- C. Chinese Attitude on Non-Use of Force and Prohibition of Nuclear Weapons



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1. THE SOVIET PROPOSAL AND HOW THEY EXPLAIN IT

On September 26, 1972, USSR Foreign Minister Andrei Gromyko tabled at the United Nations General Assembly a draft resolution, the operative paragraphs of which read:

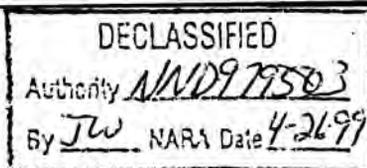
"The General Assembly ...

1. Solemnly declares on behalf of the States Members of the Organization, in accordance with the United Nations Charter, their renunciation of the use or threat of force in international relations and the permanent prohibition of the use of nuclear weapons.
2. Recommends the Security Council take, as soon as possible, an appropriate decision whereby the present declaration of the General Assembly will acquire binding force under Article 25 of the United Nations Charter."

In presenting this draft resolution, Gromyko said publicly it was fully consistent with Article 2, paragraph 4 of the UN Charter ("All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the Purposes of the United Nations."). He explained that the danger of conflict could be removed, or at least drastically reduced, if the renunciation of force in international relations were elevated to the level of international law and a ban simultaneously imposed on nuclear weapons. Gromyko added that conventional weapons have caused numerous tragedies since the end of World War II and that the danger of their use in military conflicts has also grown many times.

Gromyko claimed publicly the traditional separation between banning the use of force and prohibiting nuclear arms had introduced an element of "uncertainty and suspicion" in the past. He noted, moreover, that

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the United Nations resolutions on these issues had been in the form of recommendations or, at best, declarations of intent, without the force of law that would be provided by the current Soviet proposal if it were made the subject of a mandatory "decision" of the Security Council.

Gromyko mentioned in his speech that the obligation of States to renounce the use of force, including nuclear weapons, would in no way affect their right of individual and collective self-defense under Article 51 of the UN Charter. This point does not expressly appear in the Soviet draft resolution.

In his speech Gromyko also stated that "No one can challenge the inalienable right of States and peoples subjected to aggression to repel it by employing all possible means so long as the aggressor continues to use force and to encroach upon their freedom and sovereignty, so long as he tries to retain control over the forcibly seized territories." Although this carries the clear inference that the Soviet Union could use nuclear weapons to defend itself from a Chinese conventional attack ("all possible means" presumably includes nuclear weapons), Gromyko chose to cite the Middle East and Indochina as places where "crude force" is now being encountered.

Although the first operative paragraph of the Soviet draft resolution could be read to mean that the prohibition of use of nuclear weapons was something additional to and separate from renunciation of use of force, the Soviets told us privately this was not their intention. Soviet Ambassador Roshchin told Ambassador Martin (U.S.) in New York on October 12 that the non-use of nuclear weapons and non-use of force are "inseparable and integral parts of the same prohibition. One part does not exist without the other. If one is violated the whole agreement does not exist." During the same conversation, another Soviet official privately made clear that when the use of force (in self-defense) is justified, the use of nuclear weapons is also justified. The Soviet diplomat said "if country 'x' uses conventional weapons, country 'y' is free from obligation under the resolution and could use nuclear

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weapons. If there is any use of force, the whole thing falls." The Soviets have not yet given this exegesis in public.

Beyond the exception for self-defense, Gromyko publicly made another apparent exception to the coverage of the draft resolution when he stated that it in no way limited the right of the "peoples of colonial countries" to fight for their freedom. He explained that "violence was used against those peoples, which are the victims of colonialism and aggression, and that in resorting to force to make themselves free they are only restoring justice and restituting their trampled rights". The exception for victims of colonialism does not appear in the Soviet draft resolution. It is possible that it was excluded as a result of an earlier conversation between Assistant Secretary De Palma and Soviet Minister Counselor Vorontsov in... which we pointed out serious problems this and certain other elements would cause us.

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2. POSITIONS OF U.S., USSR, AND OTHERS ON
NON-USE OF FORCE DURING POST-WAR PERIOD

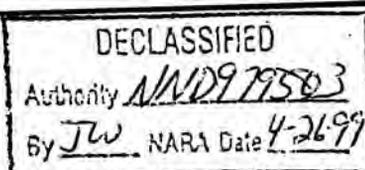
The US has consistently maintained that UN Charter provisions should govern the use of force. It has generally opposed efforts to single out nuclear weapons for special limitation, explaining that the Charter bans all use of force, nuclear and conventional, for aggression, while permitting individual and collective self-defense.

The USSR has generally pressed for sweeping prohibitions against the use of nuclear weapons, either by submitting draft conventions and calling for negotiations on them, or by supporting condemnatory UN resolutions.

There have been a number of indications in the last four years that the Soviets have been considering a shift in position which would permit them to support or even advocate formulations forbidding a state to "launch an attack" or commit aggression with nuclear weapons, thus implicitly recognizing that even first-use of nuclear weapons would be legitimate if in the exercise of self-defense. Soviet diplomats have said that such a position would be similar to the position of the US. It is possible, although we cannot be certain, that the Soviets are adopting a new approach to a restricted limitation - tying the nuclear ban to the non-use of force undertaking - that would have the same effect as that described above.

During the post-war period the UN has adopted essentially three types of resolutions concerning non-use of force. First, the Ethiopian resolution of 1961, which was approved by a large majority but opposed by the US, bans all use of nuclear weapons. Second, there have been a number of procedural resolutions referring negotiations on non-use of nuclear weapons to the Geneva Disarmament Conference. The US has either opposed or abstained in the vote on these resolutions. Third, the UN has adopted a lengthy commentary on the non-use of force principle, in the form of a declaration of principles regarding friendly relations and cooperation among states. The US joined in adoption of this document because it included an unqualified statement on non-use of force and called on states not to support insurgent activities.

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Although the US has generally opposed establishing separate rules on use of nuclear weapons and discouraged unnecessary reiteration or elaboration of existing Charter principles, on a limited number of occasions it has departed from this approach. In 1968 we undertook a carefully conditioned non-use of nuclear weapons obligation in connection with the establishment of the nuclear free zone in Latin America. During non-proliferation treaty negotiations in 1968, the US proposed to the USSR a limited non-use of nuclear weapons undertaking for the benefit of potential non-nuclear parties to the Non-Proliferation Treaty. (See Annex A, p. 7) Negotiations were not successful. President Johnson later withdrew authorization to use this formulation.

Regarding non-use of force, in May 1972 the US adopted with the Soviet Union a declaration which includes renunciation of the use or threat of force as one of the basic principles of relations between the two countries. The US-Chinese Joint Communique of February 1972 also contained a statement against resort to use or threat of force.

A detailed account of the post-war history of the positions of the US, the USSR and others on renunciation of force and non-use of nuclear weapons is contained in Annex A.

3. MILITARY IMPLICATIONS

As we have seen, it is far from certain that the Soviets themselves intend the "permanent prohibition" of nuclear weapons to apply to actions taken in defense against aggression. Were the prohibition to be really categorical, there would of course be the most serious objections of a military nature to the Soviet proposal, some of which are set forth briefly in Annex B.

On October 2 and 10, the Soviet proposal was discussed by NATO experts. None of the allies indicated they would support the draft proposal, and most seemed to feel it is essentially propagandistic in nature and might fall of its own weight. There appears to be a desire to stay out of the cross-fire between the Soviets and the PRC.

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4. LIKELY SOVIET OBJECTIVES AND IMPLICATIONS

A. In Relation to the U.S.

Like Moscow's earlier proposals for a disarmament conference of the five nuclear powers and for a world disarmament conference, the latest Soviet initiative was probably not formulated primarily with the U.S. in mind. Nevertheless, the Soviets would obviously like U.S. support if they could get it. They may have been encouraged by the fact that we were ready to include a clause on renunciation of force in the Moscow communique, and they clearly are going to some pains to make their position seem close to that which we have traditionally held, that nuclear weapons must not be treated differently from conventional weapons. Obviously, if they could get us to go along with their resolution they would consider that we were aligning ourselves with them against the PRC. They would also derive comfort from the effect on our European allies if we now suddenly discovered merit in the kind of resolution that we have in the past regarded as spurious or unnecessary.

B. In Relation to China

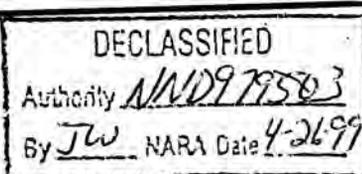
There are strong grounds for assessing the Soviet initiative as aimed primarily at Peking, even though the proposal has other implications as well -- e.g., for the forthcoming CSCE and MBFR negotiations in Europe. For over a decade, the desire to undercut Chinese propaganda positions has played an important role in the formulation of Soviet disarmament proposals. Moreover, in recent years Peking has consistently held to a no-first-use posture on nuclear weapons (as it did in rejecting Moscow's proposals for five power and world disarmament conferences) and has stressed the priority and importance of reaching agreement on the non-use of nuclear weapons.

In view of Brezhnev's revelation in his speech to the Trade Union Congress last March 20 that the Soviet Union had made non-use of force proposals to the Chinese in the Peking border talks, the Soviets may also see their initiative as an effort to increase pressure on Peking in this context. The Soviets will

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probably accuse the Chinese of resorting to tactical maneuvers in the UN to disguise their intransigence in opposing all practical arms control measures which would hinder their aspirations to first class military power, including nuclear superpower status.

In any case, from the standpoint of USSR-PRC relations, the Soviet proposal should not be viewed purely as a propaganda maneuver. Moscow has obvious grounds for concern over Peking's use of the "threat from the north" theme to stir anti-Soviet feelings in the Chinese people and to spur domestic military preparations. The Soviets may wish to signal to the PRC that they may have to use nuclear weapons if the PRC were to attack them with conventional weapons. Moscow may be genuinely interested, therefore, in exploring the possibility of engaging the Chinese in arms control efforts in the hope of ultimately restricting Peking's ability to engage in unfettered weapons development.

C. In Relation to Europe (CSCE/MBFR)

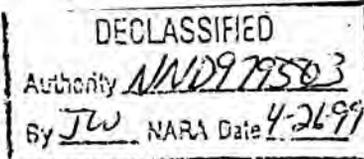
We have no indication thus far that the Soviets intend to carry over the language in their draft UNGA declaration into CSCE negotiations. However, this should be regarded as a significant possibility, particularly in view of the stress placed by the Soviets on non-use of force in connection with a CSCE declaration.

The Soviets and their Warsaw Pact allies have consistently argued, in calling for an all-European conference on security and cooperation, that the centerpiece of such a conference should be a declaration, with maximum legal force, renouncing the threat or use of force and recognizing existing European frontiers.

Besides non-use of force, the Soviets possess a well-stocked arsenal of suggestions related to arms control and collateral measures. Although they have thus far not gone beyond non-use of force or the threat of force in prescribing for a CSCE, they could well raise other proposals such as non-use of conventional or nuclear weapons or restrictions on military budgets.

Depending on the reception given their UNGA proposal in New York -- or even regardless of it -- the Soviets might also invite consideration of the text by a CSCE,

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perhaps as a counter to Allied proposals in the field of confidence-building measures or to efforts by some CSCE participants to build a bridge between CSCE and MBFR, to which the Soviets strongly object. They may reason that the lumping together of conventional and nuclear warfare and the reference to the UN Charter which includes the right of individual and collective self-defense would make these proposals more difficult for the NATO Allies to handle in a CSCE.

UN approval of the resolution could enhance a trend toward relaxing military readiness in Western Europe, a relaxation based on a perception of new levels of detente and peaceful relations, but in a situation still lacking in such genuinely reassuring ingredients as broad and verified reductions in arms.

D. In Relation to the United Nations

With Peking now seated in the UN the Soviets may consider it doubly important to keep the initiative on detente items of this sort -- both to enhance Moscow's image as a peace-maker, particularly in the less-developed world, and to "expose" the Chinese as opposed to the relaxation of international tensions. The new "Non-Use of Force" (NUF) item could be pushed in several successive General Assemblies, as the Soviets have done with "Strengthening International Security" (SIS), thus creating the impression among uninformed people that they are busily promoting peace.

E. In Relation to Future Disarmament Negotiations

It is difficult to foresee to what extent the Soviets may wish to pursue their new non-use initiative following UN consideration of the item this year. If Soviet motivations are principally in the propaganda field, and if the item is not successful at the GA, then it would seem likely that they would not be particularly interested in urging serious negotiations on the basis of their proposal in forums such as SALT and the CCD where propaganda elements are less prominent. If, on the other hand, a substantial part of the Soviet motivation includes establishment of a principle which implies that use of nuclear weapons may be initiated if an enemy attacks with conventional force, then the Soviets may wish to pursue the matter with the US privately at subsequent negotiations, arguing that agreement on the Soviet formulation would represent consolidation of a traditional US position. Whether, in connection with SALT, CSCE/MBFR or CCD negotiations the US

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would wish to treat the proposal as a serious proposition
would depend upon consideration of the context of the
discussions as well as on more far-reaching policy studies
than are being undertaken in this paper.

5. ATTITUDE OF THE PRC

The Chinese interpret the new Soviet initiative as directed against them. By including nuclear weapons in the non-use of force concept, the Soviet Union is no doubt seen as seeking worldwide approval of its right to use such weapons against China in the event it is attacked with conventional weapons. Furthermore, the PRC must sense that the Soviets are also undercutting its propaganda position on the non-use of nuclear weapons and that by appearing to be even more sweepingly against the use of force, the Soviets can hold themselves out to the Third World as being more peaceful than the Chinese.

In his October 3 address to the UNGA, the Chinese representative, Chiao Kuan-hua, emphasized that the Soviet Government is still unwilling to undertake not to be the first to use nuclear weapons. Specifically, the Chinese representative stated that the consequence of linking renunciation of the use of force and non-use of nuclear weapons would be to permit use of nuclear weapons if a country engaged "in armed struggle against aggression." Chiao added that the Soviet Government does not believe in its own theory of non-use of force, as witnessed by the undisguised Soviet support to the Indian Government against Pakistan.

The PRC sees the Soviet non-use of force initiative as an attempt to undermine Chinese efforts to place the greatest responsibility for disarmament on the two nuclear superpowers.

Although the Chinese charge both the US and USSR with hypocrisy in their disarmament efforts, the principal object of PRC hostility is the Soviet Union. The perceived Soviet threat against China and the long-standing competition of the two countries to lead the world Communist movement are doubtless key elements in the Chinese position. It is, therefore, unlikely that the Chinese will mute their sharp condemnation of any disarmament proposal which the Soviets may introduce.

While professing neutrality on the question of inscription of the Soviet "non-use of force" item on the UNGA agenda, the PRC delegation declared that, far from

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being afraid of a debate, it was actually anticipating the opportunity to make things uncomfortable for the Soviet Union.

Once the item was inscribed, the PRC lost no time in trying to do so. In his address to the General Assembly Chinese Deputy Foreign Minister Chiao Kuan-hua dismissed the Soviet initiative as a "sheer hoax" and "shabby stuff." The PRC representative asserted that the real intent of the Soviet proposal was to perpetuate the division of the world between the two nuclear superpowers, who would keep their nuclear arsenal intact, and the "oppressed peoples" who would be forced to submit to the nuclear threat of the superpowers.

In Chiao's words,

"the proposal of the Soviet Government, no matter how much it is couched in diplomatic language, has the real intent of making all oppressed nations and peoples tamely submit to the nuclear threat of the one or two superpowers."

Chiao asserted that only the complete prohibition and destruction of nuclear weapons could do away with the nuclear threat, saying:

"At present, a mere cessation of all nuclear tests without complete prohibition and thorough destruction of nuclear weapons can only hinder countries with few or no nuclear weapons from developing their nuclear capabilities for self-defense, but will not affect in the least the nuclear hegemony of the superpowers."

An examination of the background of the PRC position on non-use of force and nuclear weapons is contained in Annex C.

6. INITIAL U.S. RESPONSE

On September 19, Soviet Minister Counselor Vorontsov called on Assistant Secretary De Palma to urge the U.S. Government to support the USSR's new UNGA item on non-use of force. In our initial comments to Vorontsov and in subsequent preliminary guidance to the field, we drew on long-established U.S. positions. Pending a detailed study of the Soviet proposal, we have neither supported nor opposed the initiative. At the same time we have pointed out privately to the Soviets and others the following reservations:

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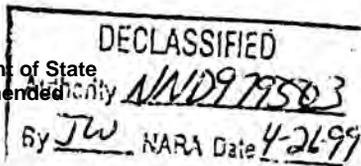
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- (1) The proposed Soviet resolution does not seem to add anything useful to what is already in the UN Charter which draws a distinction between use of force for individual and collective defense, which is legitimate, and for aggression, which is not.
- (2) An effort to restate Charter language in UN resolutions has drawbacks. If the wording of the proposed resolution departs at all from the language of the Charter, then it tends to -- detract from the Charter. If it does not depart, then it adds nothing.
- (3) Calling on the Security Council to make such a UNGA declaration binding on all member states would pose serious constitutional problems under the Charter. Under relevant Charter articles, the Security Council has the power to make binding decisions to maintain peace and security with respect to specific situations of a threat or breach of the peace. The Council does not have the power to establish general rules of conduct binding on all members, much less to purport to revise Charter treaty obligations for all members. Moreover, injection of the non-use proposal into the Security Council would likely result in acrimonious dispute and could thereby harm the Council's effectiveness.
- (4) The exception made by Mr. Gromyko in his letter of September 15 to the Secretary-General, and in his speech of September 26 to the UNGA, that "the peoples of oppressed colonial countries" among others could legitimately use all available means to carry on their struggle, creates an enormous loophole which would be dangerous and subject to misuse, for example by terrorist organizations.
- (5) The general U.S. position on such matters is that the way to make recourse to force less likely is to pursue genuine and constructive negotiations to resolve outstanding and specific disputes and to achieve concrete arms limitation measures. Efforts toward broad reformulation of existing Charter provisions would not help to solve specific problems.

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7. TACTICAL SITUATION IN THE UN

Timing

UNGA plenary debate on the Soviet draft resolution on non-use of force is scheduled to begin November 2. Four full days have been set aside for the item. If the resolution is pressed to a vote, we would expect voting to take place considerably later in the UNGA session, perhaps as late as mid-December. Delay could be expected in particular if, as is quite possible, Sino-Soviet polemics erupt during debate. Any significant effort to modify the USSR draft text would also be likely to delay a vote.

Positions

Soundings by the US Mission in New York indicate that most delegations have so far paid little attention to the non-use of force item, and that those which have largely tend to regard it as a propaganda initiative analogous to earlier Soviet efforts on Strengthening International Security and the World Disarmament Conference. A review of some 45 speeches in UNGA general debate indicates that no UN member apart from the Soviet Bloc, PRC and Chile has ever mentioned the USSR proposal. Nor are we aware of favorable non-Bloc comments outside the Assembly forum. As noted, the PRC has taken a very negative public stand, labelling the Soviet proposal "a sheer hoax" which is ideologically faulty for not distinguishing between just and unjust wars. Moreover, PRC representatives in New York have several times sought to sound out US Mission officials on our position, with the clear implication that they were soliciting US opposition to the Soviet resolution.

Our allies are generally negative although most do not yet appear to have arrived at final positions. Both the UK and France have privately dismissed the initiative as a transparent Soviet attempt to convince the Third World that the USSR is more "peace-loving" than other major powers. A Dutch official was particularly critical of the feature of the resolution that singles out nuclear weapons as the subject of a non-use undertaking. Several West European countries, notably the FRG, are worried about the implications of the resolution for the US nuclear deterrent and European security. A UK Mission officer indicated that the British were considering a totally passive role in the UN, abstaining in any vote on the resolution with a brief explanation of vote. The UK, he said, was especially reluctant to interject itself into

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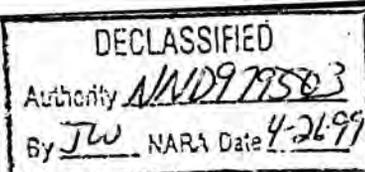
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what it foresaw as a potentially heated Sino-Soviet dispute. The Japanese also regard the Soviet initiative as a propaganda vehicle, but note that domestic public opinion practically precludes Japan's overt opposition to such a disarmament item.

Third World countries thus far have been generally skeptical or indifferent regarding the USSR initiative; some have indicated sensitivity to the Sino-Soviet problem and a distaste for taking sides.

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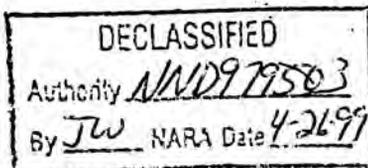
The evaluation of various options which follows is intended to facilitate a decision on the posture which the United States should adopt now toward the Soviet draft resolution. That posture must be subject to further review as the Assembly debate unfolds for a number of reasons.

The Soviets are probably not willing to accommodate the Chinese but might perhaps be willing to amend their resolution to gain the support of the U.S. and others. They might, for example, be willing to make clear that the use of nuclear weapons is included in the prohibition of the use of force and delete the language regarding a "decision" by the Security Council. On the other hand, they might be pressed by some LDC's to include objectionable language reflecting the position that assistance to national liberation groups is not covered by the resolution.

Also, it is not yet clear what positions other countries will be adopting toward the resolution, i.e., whether the resolution is seriously or lightly regarded, whether it is seen as involving essentially a USSR-PRC confrontation and, if so, whether there is a general disposition to stand back from it. It is not even clear at this stage that the Soviets will press their resolution to a vote if it receives scanty support. The unfolding of these variables could not only redefine the language and interpretation of the resolution but will also determine whether it is a matter of greater or lesser political significance.

The Ad Hoc Group has considered and discarded a completely "neutral" posture. Although it may be possible for the U.S. to hide behind others to some extent in relation to the proposal, it will not be possible to remain completely non-committal because of past U.S. positions on non-use of force and because a complete failure to express U.S. reservations would be immediately misunderstood by others as leaning in the Soviet direction. The delegation could, however, regardless of what final position the U.S. might take on the substance of the matter, adopt a position of relative inactivity. This could govern our initial posture in deciding whether to speak in the debate, whether to seek amendments either directly or through others, and whether to seek or encourage the introduction of competing resolutions. Whatever position is adopted by the U.S., close consultation with our Allies is essential.

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A. Support Resolution in its Present Form

In seeking our support the Soviets have sought to interpret their resolution as ruling out all use of force, conventional and nuclear, but as permitting use of all means (including nuclear) by a country that is attacked. This, of course, is essentially our position with regard to the defense of Western Europe, and the Soviets may have some hope that we will associate ourselves with their initiative or at least go along with it. Conceivably we could do so, explaining to the PRC that this is our traditional position and that our support of it in the UNGA is not intended to have any special significance relative to USSR-PRC relations. It seems highly unlikely that the PRC would accept any such explanation. The Chinese would almost certainly treat our position as a deliberate and direct association with the USSR on the most sensitive and important security issue between it and the USSR.

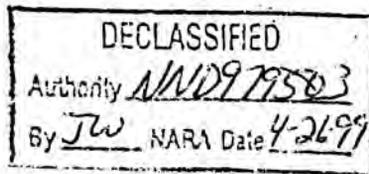
As for our European allies, we could also attempt to persuade them that we were only reiterating the fundamental position which validated our nuclear deterrent in Europe, but they would almost certainly be dismayed at what they would regard as a radical change in the U.S. position. They would point out that the interpretation we were attributing to the Soviet resolution could hardly be derived from a direct reading of its text. They would undoubtedly see our position as a departure from our traditional insistence on the invalidity of unenforceable "prohibitions of the use of nuclear weapons" and would regard that reversal as casting new and fundamental doubts on our political will to make the nuclear deterrent effective.

Pro

-- Would contribute to possibility that Soviets might be willing to be more forthcoming toward us in other contexts.

-- Puts US on affirmative side of so-called "peace initiative".

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- Would raise serious doubts among our Allies about the reliability of the US nuclear deterrent.
- Would clearly be regarded by the PRC as U.S. taking sides with the Soviets against them.
- Would attribute a more serious nature to Soviet proposal than most other countries now seem inclined to give it.
- Would acquiesce in a most undesirable precedent affirming Security Council competence to revise Charter treaty obligations and establish general rules of conduct binding on members.
- Would be inconsistent with our traditional position that reiteration of UN Charter principles is unnecessary and can detract from the Charter.

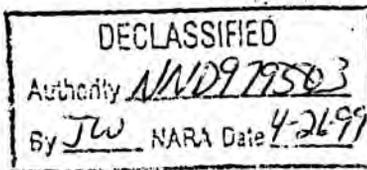
B. Support or Accept Resolution if Suitably Amended

Within this option we could seek amendments which would make the resolution acceptable to us, either submitting these ourselves or urging friendly countries to do so. Alternatively, we could be prepared only when asked to tell the Soviets and others what changes would permit us reluctantly to go along with the resolution if it were then generally acceptable in the GA.

For the resolution to be acceptable to us, it would have to make clear that the prohibition of the use of nuclear weapons is not a separate matter but is included in the general prohibition of the use of force, the language regarding the Security Council would have to be removed, and the resolution would have to be entirely consistent with the UN Charter. The Ad Hoc Group believes the U.S. should not accept any exceptions to the prohibition on non-use of force for national liberation groups.

If the Soviet Union were prepared to move to a resolution acceptable to us, the PRC might find itself isolated. In this situation, the PRC could either support directly, abstain, oppose, or suggest a procedure such as acceptance of the resolution by the UNGA by acclamation (thus avoiding a vote). This latter procedure was used, for example, in relation to last year's World Disarmament Conference resolution when the PRC apparently wanted to avoid having to have its vote recorded.

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17.

Pro

-- Might afford better chance of resolution ultimately acceptable to our friends, especially in NATO.

-- Might possibly reduce friction between PRC and Soviets on this issue and reduce the possibility of the US being caught in the middle.

-- Would still put the U.S. in a relatively affirmative posture toward so-called "peace initiative".

-- Would be consistent with US view that prohibition of nuclear force is included within and subject to Charter's general rule on non-use of force.

-- Would appear consistent with US willingness in other contexts (e.g., US/USSR Declaration of Principles) to support adoption of non-use of force principles if properly formulated.

-- Might be regarded by the Soviets as helpful if they are otherwise faced with defeat of their resolution.

Con

-- Might still carry negative implications, particularly for some of our allies, regarding the credibility of the U.S. nuclear deterrent -- unless the amendments were to result in a text completely acceptable to us and all our allies.

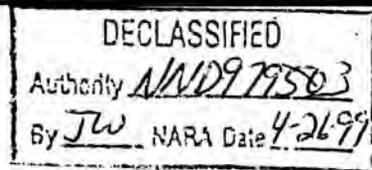
-- Collaboration with Soviets would have political overtones for our allies regardless of substance of our consultations.

-- Might still be considered by the PRC as favoring a Soviet initiative at their expense, especially because of the implication that nuclear weapons would be treated as any other weapons.

-- Might be viewed by the Soviets as vitiating their initiative and hence contrary to our obligation to work with them toward detente.

-- Could lend credence in the eyes of LDCs to the PRC charge of "superpower collusion".

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18.

-- Would be inconsistent with our traditional position that reiteration of UN Charter Principles is not necessary and can detract from the Charter.

-- Would attribute a more serious nature to Soviet proposal than most other countries now seem inclined to give it.

C. Support If Amended as in Preceding Option But With
 -- Addition of an Assurance by Nuclear States Regarding
Non-Nuclear States

This Option would add a provision that nuclear states intend to refrain from the use of nuclear weapons against any non-nuclear weapons state that is not engaged in an aggression assisted by a nuclear weapons state. This formula is very close to one advanced privately to the USSR in February 1968 (described at page 5 above.) The statement of intention by the nuclear weapons states would be included in the resolution itself or could be requested by the GA for action in the Security Council. In 1968, the Soviets found the US proposal "completely unacceptable" since the USSR was unwilling to give the same guarantee to countries with nuclear weapons on their territory as to those without such weapons. President Johnson withdrew authorization to use the earlier formula in April 1968.

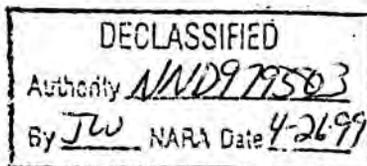
It is unlikely that the Soviets are now willing to consider such a provision.

The US delegation could either advance the proposal itself or get it advanced by a friendly country. It could be put up as a trial balloon or, alternatively, be promoted vigorously. Full advance consultation with our allies would be necessary.

Pro

-- Could advance our policy of non-dissemination of nuclear weapons by reassuring non-nuclear weapon states that in certain types of conflicts nuclear weapons would not be used against them, thus creating a disincentive to obtaining nuclear weapons for themselves or seeking the assistance of a nuclear weapon state in an armed conflict.

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19.

-- Could give the U.S. a measure of credit for leadership on a significant arms control matter.

-- Would move non-use of force discussions to a more serious plane.

Con

-- Would likely to be unacceptable to the Soviets, as it was in 1968.

-- Might be interpreted by Soviets as an effort to destroy their initiative and, hence, contrary to our obligation to work together toward detente.

-- Might not receive appreciable support because it would not apply to certain types of conflicts.

-- Might lead the Soviets to issue a competing proposal protecting non-nuclear states. Such a proposal would be more attractive than our own.

-- Could stimulate reopening of the issue of whether non-nuclear signatories of the NPT should receive increased security compensation for their adherence to the NPT.

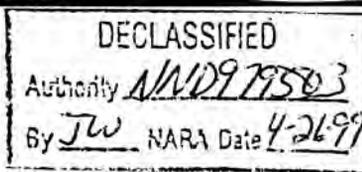
-- Might not be sufficient time available to consult adequately with our allies regarding a US initiative of this importance.

-- Might be prejudicial to careful consideration of a later initiative in subsequent arms control negotiations where it might contribute more substantially to general arms control.

D. Opposition to Resolution

Within this option there is a wide range of possible activity, from vigorous opposition in urging other governments to adopt the same position to a quiet restraint in which the delegation would indicate its difficulty with resolution only if others asked. In the voting the delegation could under this option oppose or abstain, depending upon the developing situation in New York.

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20.

The U.S. delegation would refuse to suggest any amendments, saying that the resolution is so defective that it does not warrant an effort to try to improve it. It would be possible to begin with a negative position and then move to a somewhat more affirmative one if the resolution were being changed to take into consideration our objections.

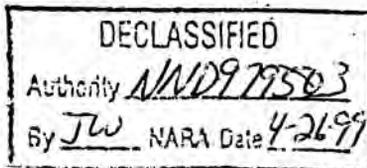
Pro

- Would reassure some NATO allies.
- Would suggest to the PRC that we are not facilitating a formula which they would view as condoning a Soviet nuclear attack or pressure against them.
- Would be consistent with our earlier position on attempts to restate Charter Principles and with our opposition to granting the Security Council power to establish genuine and binding rules of conduct.
- Would keep us detached from troublesome amendment process where solutions satisfactory to all major participants may be unattainable.

Con (All these liabilities would be greatly reduced if our opposition were of a quiet or restrained character rather than more obvious and active)

- Would be resented by the Soviets, particularly as we would appear to be aligning ourselves with the PRC against them.
- If pursued actively, our position would probably not be supported by certain NATO allies, including some of our close friends, on the grounds that less aggressive tactics could be adequate to protect alliance interests.
- Could be misunderstood as opposition to a peace initiative.
- Could be distorted as an inconsistency in view of our past willingness to support non-use declarations, e.g. in the Moscow Declaration of Principles.
- Could be interpreted as attributing a more serious nature to the Soviet proposal than most other countries now seem inclined to give it.
- Might lose some opportunities to promote favorable changes in the resolution by failing to hold out the prospect of possible U.S. support if the resolution is acceptably amended.

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21.

9. Recommendations:

The Ad Hoc Group, in view of the considerations expressed above, reached the following consensus:

Our initial stance should be a relatively inactive one. We do not think it would be reasonable to support the resolution as it is. Nor should we promote amendments initially because the Soviet initiative may fail to attract much support or even interest.

We should privately and quietly point out to the delegates the problems we see in the draft, especially the role contemplated for the Security Council, the explicit and separate prohibition of the use of nuclear weapons, and in general the doubtful utility of trying to refine Charter language.

We would tell others that we could not support the resolution in its present form. (One possibility is that no resolution may be voted upon as a result of Chinese-Soviet conflict on the item.)

While we would not ourselves propose amendments, if the Soviets (or others) propose some to us we would say that we would consider them. We would not give any undertaking to press such amendments with others. We will, of course, keep in constant and close touch with our Allies regarding the resolution.

Depending on the nature of amendments offered by the Soviets and by others, and depending on the degree of interest generated by their draft resolution and by amendments to cure its deficiencies, we would then consider whether to take a more active posture and whether to move from "relatively inactive opposition" to acceptance of a suitably amended resolution.

[Omitted here are Annexes A, B, and C.]