

DOCUMENTS ON AUSTRALIAN FOREIGN POLICY

AUSTRALIA AND THE  
NUCLEAR NON-PROLIFERATION TREATY  
1945–1974

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DOCUMENTS ON  
AUSTRALIAN FOREIGN  
POLICY

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*Australia and the  
Nuclear Non-Proliferation Treaty  
1945–1974*

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WAYNE REYNOLDS and DAVID LEE  
Editors

AUSTRALIAN DEPARTMENT OF FOREIGN  
AFFAIRS AND TRADE

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## *Foreword by Minister for Foreign Affairs*

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I am pleased to be associated with this volume in the *Documents on Australian Foreign Policy* series: *Australia and the Nuclear Non-Proliferation Treaty, 1945–1974*.

The volume was researched and edited by Associate Professor Wayne Reynolds of the University of Newcastle in collaboration with David Lee of the Historical Publications and Information Section of the Department of Foreign Affairs and Trade. The documents in the volume were compiled from research into the records of the Department of Defence, the Department of External (and later Foreign) Affairs, the Department of the Treasury, the Prime Minister's Department and the Secretary to the Cabinet.

The dropping of atomic bombs on Japan in 1945 began the age of a new and terrible weapon. During the period from 1945 to 1949, when the United States was the sole nuclear-weapon state, the Chifley Government supported the idea of establishing an international control system that could give states an assurance that internationally agreed limitations and prohibitions in the nuclear field were being universally observed.

The concept was overtaken by the Cold War when the Soviet Union and later the People's Republic of China also developed a nuclear capability. By the early 1960s there were five nuclear-weapon states (China, France, the Soviet Union, the United Kingdom and the United States) and the possibility that many more states would join their ranks. To limit further nuclear proliferation, a Nuclear Non-Proliferation Treaty was negotiated and opened for signature on 1 July 1968. Essentially, the treaty committed nuclear-weapon states not to transfer nuclear weapons or other nuclear weapon devices to non-nuclear-weapon states. It also committed non-nuclear-weapon states not to accept them and to undertake safeguards for the purpose of preventing diversion of nuclear energy from peaceful uses to nuclear weapons.

The volume documents this history from Australia's perspective, illuminating the internal debate about the treaty, with the Department of External Affairs pressing for the early signing of the treaty and other agencies of the Australian Government seeking to preserve the option for Australia of an independent nuclear weapon capability. After Australia signed the treaty in 1970 and ratified it in 1973, all Australian governments have since regarded it as a fundamental plank of Australian foreign and defence policy. As Minister for Foreign Affairs I am proud to affirm the government's support for the fundamentals of the treaty and its continuation into the future.

I commend this book as a valuable contribution to the history of Australian foreign and defence policy and its formulation.



BOB CARR

Minister for Foreign Affairs



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## *Abbreviations*



### Abbreviations

AAEC	Australian Atomic Energy Commission
ACDA	(United States) Arms Control and Disarmament Agency
AEC	(United States) Atomic Energy Commission
ANF	Atlantic Nuclear Force
ANZAM	Australia, New Zealand and Malaya
ANZUS	Australia, New Zealand, United States Security Treaty
A/S	anti-submarine
ASIO	Australian Security Intelligence Organisation
ATR	advanced test reactor
CANDU	Canada Deuterium Uranium (reactor)
CAS	Chief of the Air Staff
CGS	Chief of the General Staff
CNEN	Comitato Nazionale per l'Energia Nucleare
CNS	Chief of the Naval Staff
COCOM	Coordinating Committee for Multilateral Export Controls
CRO	(United Kingdom) Commonwealth Relations Office
CUD	Christian Democratic Union (Federal Republic of Germany)
DPRK	Democratic People's Republic of Korea
ECNSW	Electricity Commission of New South Wales
EEC	European Economic Community
ENDC	Eighteen-Nation Disarmament Committee
ENEL	Ente Nazionale per l'Energia Elettrica
Euratom	European Atomic Energy Community
FBR	fast breeder reactor
FCO	(United Kingdom) Foreign and Commonwealth Office
FRG	Federal Republic of Germany
FRS	Fellow of the Royal Society
HIFAR	High Flux Australian Reactor
IAEA	International Atomic Energy Agency
ICBM	intercontinental ballistic missile
IRBM	intermediate-range ballistic missile
JAERI	Japan Atomic Energy Research Institute
JCS	(United States) Joint Chiefs of Staff
JIB	Joint Intelligence Bureau
JIC	Joint Intelligence Committee
JPC	Joint Planning Committee
LWR	light water reactor
MIRV	multiple independently targeted reentry vehicle

MITI	Ministry of International Trade and Industry (Japan)
MLF	Multilateral Force
NAA	National Archives of Australia
NATO	North Atlantic Treaty Organization
NPT	Nuclear Non-Proliferation Treaty
NSW	New South Wales
PNC	Power Reactor and Nuclear Fuel Corporation (Japan)
PNE	peaceful nuclear explosion
PRG	Provisional Revolutionary Government of the Republic of South Vietnam
RCA	Regional Co-operation Agreement
RIKEN	Physics and Chemistry Research Institute (Japan)
RTZ	Rio Tinto Zinc
SACEUR	Supreme Allied Commander Europe
SAGW	surface-to-air guided weapon
SALT	Strategic Arms Limitation Talks
SEATO	South East Asia Treaty Organization
SECV	State Electricity Commission of Victoria
SMA	Snowy Mountains Authority
SPD	Social Democratic Party of Germany
STA	Safeguards Transfer Agreement
TVA	Tennessee Valley Authority
UAR	United Arab Republic
USAEC	US Atomic Energy Commission
UK	United Kingdom
UN	United Nations
UNGA	United Nations General Assembly
US(A)	United States (of America)
USSR	Union of Soviet Socialist Republics

## *Introduction*





## Introduction

In February 1970, after considerable debate, the Coalition Government of John Gorton reluctantly agreed to sign the Nuclear Non-Proliferation Treaty (NPT), two years after it had been tabled by the United States and the Soviet Union. It would be another three years before the treaty was ratified, by the Labor Government headed by Gough Whitlam.

The treaty had by then divided the international community into nuclear-weapon states and non-nuclear-weapon states. Beyond that, a number of key states had refused to recognise the nuclear regime and elected to stay outside. The NPT was therefore something of a compromise—some states had chosen to forgo the military application of nuclear power but expected somehow to benefit from the technology largely developed by the nuclear states. On the other hand, the nuclear states had undertaken to progressively disarm, but it was a process that was to operate largely outside the NPT. That, and the fact that measures had to be taken to concert action with states that had not joined the NPT, meant that the treaty could represent only a part of the evolving non-proliferation regime. Furthermore, there was no clear understanding of just how far a non-nuclear-weapon state might go in developing nuclear technology, an issue that involved complex safeguards discussions with the International Atomic Energy Agency (IAEA). The negotiation of the NPT regime would also be subject to shifting policies by the great powers themselves, as it evolved in the subsequent decades into one of ‘counter-proliferation’.

This volume traces the development of Australian policies on nuclear non-proliferation. The survey starts in November 1945, the point at which the American, British and Canadian governments announced that the international community would enjoy access to the secrets of the atom for peaceful purposes, but that there would be international action to prevent its exploitation for destructive purposes.<sup>1</sup> The documentary coverage concludes in October 1974, about a year and a half after Australia’s ratification of the treaty. Australia had by then worked hard to establish its commitment to a non-proliferation regime, but signing and ratifying a treaty was only one part of the process of securing a clear role in the increasingly complex nuclear industry. The volume thus covers the negotiation of the treaty but does not address the following period which marked the beginning of a lengthy debate over the development of nuclear fuel cycles and the extent of further non-proliferation measures.

### **Arms control negotiations and the Nuclear Non-Proliferation Treaty**

From the outset of the nuclear age, the United Nations played a marginal role in the regulation of the nuclear arms race. The United States, in possession of what Gregg Herken characterised as the ‘winning weapon’, determined on a course to develop its arsenal but to deny nuclear weapons to others.<sup>2</sup> Even the wartime allies, the British and the French, were not to be given access to US nuclear technology, a step symbolised by the passage of the McMahon Act on 1 August 1946. This legislation created the US Atomic Energy Commission, which was to have custody of nuclear weapons until a system of international safeguards could be put in place. The pace of nuclear development thereafter sent a clear message that nuclear weapons would figure prominently in US strategy, a fact made dramatically clear by the decision to commence nuclear weapons tests at Bikini Atoll in July 1946 as the United Nations started to consider measures to control nuclear weapons. Nuclear weapons testing continued unabated until the early 1960s, progressing from Hiroshima-type 14-kiloton devices to thermonuclear weapons with multi-megaton yields.

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1 Document 1.

2 Gregg Herken, *The Winning Weapon: The Atomic Bomb in the Cold War, 1945–1950*, Princeton University Press, Princeton, 1969.

The negotiating position of the United States reflected its strategic dominance in nuclear weaponry. In early 1946, the then Under Secretary of State, Dean Acheson, and the future Chair of the US Atomic Energy Commission, David Lilienthal, worked on a formulation for the United Nations, which had not considered the problem of nuclear disarmament in its charter. This, and another report forwarded to the United Nations on 14 June 1946 by Bernard Baruch, laid the foundation for a policy which was to endure until the Nuclear Non-Proliferation Treaty was opened for signature in 1968.<sup>3</sup> Essentially the United States was refusing to surrender its arsenal to international stewardship until a system of safeguards was in place. Safeguards were intended to be stringent, covering all aspects of the nuclear fuel cycle from mining the ore to reprocessing the spent fuel. Once the safeguards had been established and the possibility of the diversion of fissile material removed, nations could then expect to benefit from developments in nuclear research. The trade-off would be forgoing a nuclear weapons capability. The formulation was to reappear periodically thereafter, most famously with President Dwight D. Eisenhower's 'Atoms for Peace' declaration in 1953<sup>4</sup> and in the NPT itself.

The Soviet Union's position on non-proliferation was more complicated.<sup>5</sup> It wanted nuclear weapons and therefore sought to ensure that any multilateral action would not hinder the development of its military nuclear program. The Soviet Union's first nuclear-capable aircraft, the Tupolev Tu-4, appeared in August 1947, and its first atomic test took place on 29 August 1949 with a yield of 22 kilotons, a third bigger than the bomb dropped on Hiroshima.<sup>6</sup> By 1955 the Soviet Union had tested its first missile armed with a nuclear warhead and exploded two thermonuclear devices.<sup>7</sup>

The opening Soviet diplomatic move in the United Nations came in mid-1946. At the second meeting of the UN Atomic Energy Commission, on 19 June 1946, Soviet Permanent Representative to the United Nations Andrei Gromyko proposed that the first step in nuclear disarmament should be the destruction of all stocks of weapons within three months from the day of the entry into force of the convention.<sup>8</sup> After this had been done, the safeguards measures would be put in place. Baruch's plan, as we have seen, reversed that order. The Soviet delegates, however, took a further step. Recognising that a key motive in developing nuclear weapons was their potential to neutralise large conventional armaments, the Soviet Union proposed on 29 October 1946 a plan to reduce conventional arms—a step predictably opposed by the Pentagon.<sup>9</sup> The impasse continued until the Soviet Union at last detonated its first device in 1949. In a move to defend the action then, the Soviet delegate, Andrei Vyshinsky, declared that future nuclear explosions would be 'peaceful', being used to 'level mountains and move rivers'. This statement, which Bernard G. Bechhoefer dismissed as 'one of the most

3 The Baruch plan in Larry Gerber's assessment was a 'new concept' in US global security policy because it combined Wilsonian internationalism with Washington's drive to dominate nuclear power. Larry G. Gerber, 'The Baruch Plan and the Origins of the Cold War', *Diplomatic History*, vol. 1, no. 1, 1982, p. 95.

4 See Document 13.

5 Document 12.

6 David Holloway, *Stalin and the Bomb*, Yale University Press, New Haven, 1994. The Hiroshima bomb had an estimated yield of 13–14 kilotons; the Nagasaki bomb had a yield of 21–23 kilotons.

7 Steven J. Zaloga, *The Kremlin's Nuclear Sword: The Rise and Fall of Russia's Strategic Nuclear Forces, 1945–2000*, Smithsonian Institution Press, Washington, p. 35.

8 Bernard G. Bechhoefer, *Postwar Negotiations for Arms Control*, Greenwood Press, Westport, 1961, p. 44. The Soviet Union did propose a form of inspection the next year, in June 1947, but insisted that the control of those inspections remain in national, not UN, hands. The proposal was rejected by the UN Atomic Energy Commission in April 1948. Holloway, *Stalin and the Bomb*, p. 165.

9 Bechhoefer, *Postwar Negotiations for Arms Control*, p. 89.

nonsensical statements ever perpetrated on an international organisation',<sup>10</sup> was in fact the first of a number of such claims that would be made by aspiring nuclear-weapon states, including India on the occasion of its first test in 1974.

Discussions in the United Nations were deadlocked in the first half of the 1950s, with both the United States and the Soviet Union engaged in building their respective nuclear arsenals and in sparring in Korea and Indochina. Consequently, in this period the momentum shifted to the British and the French. The main thrust of their diplomacy was to attempt to link conventional and nuclear disarmament. Selwyn Lloyd, the Minister of Defence and then Foreign Secretary in the incoming Churchill Government in the United Kingdom, and Jules Moch, the leading French delegate to the UN Disarmament Commission (established in February 1952), proposed to fix numerical ceilings for the main security powers, with the United States, the Soviet Union and the People's Republic of China having a ceiling up to 1.5 million troops and Britain and France a ceiling up to 800,000. Negotiations around such limits, however, were to be conducted in conjunction with those on nuclear weapons. For countries such as Australia, which saw in nuclear weapons a means of countering superior conventional forces, this marked a dangerous step.<sup>11</sup>

Of even greater concern was the proposal that there be a practical timetable for disarmament. While the British were determined that their own nuclear arsenal, which was then on the verge of deployment following the first nuclear test at Monte Bello Island in 1952, would not be affected by this initiative, the position of other near-nuclear states was not so assured.

The Anglo-French proposals were not initially embraced by the Soviet delegates, but this was to change in October 1954 when Vyshinsky accepted that there should be a move to establish a system of international controls at the same time as disarmament.<sup>12</sup> In May 1955 the Soviet Union also flagged its preparedness to consider a phased approach to disarmament. It had achieved a formidable nuclear capability by 1955, but seemed to edge ahead of the Americans with respect to delivery systems with the successful launch of Sputnik in October 1957. This growing self-confidence was reflected in the March 1957 negotiations in New York, where the Soviet Union at last accepted that agreement should be secured on international inspection of all fissionable material. After this a ban on nuclear tests could eventually be put in place.

The United States too started to shift its position. In March 1955, Harold E. Stassen was appointed to the new post of Special Assistant to the President for Disarmament Policy. Stassen concluded that, although total nuclear disarmament was not possible, dialogue with Moscow might produce a more modest goal of regulation.<sup>13</sup> The US Atomic Energy Commission forwarded advice to Eisenhower on 14 March 1955 to the effect that the Soviet Union, which had by then exploded 14 atomic weapons and one thermonuclear device, should be approached about a moratorium. Quite apart from the growing threat posed by the Soviet arsenal, an important consideration for the US Atomic Energy Commission was the likelihood of proliferation: 'Many nations, large and small will eventually have thermonuclear weapons, because costs for such weapons are rapidly decreasing.'<sup>14</sup>

The diplomatic change also reflected a change in nuclear strategy. In the second half of the 1950s, Washington accelerated the dispersal of its nuclear arsenal. Eisenhower's Technological

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10 Bechhoefer, *Postwar Negotiations for Arms Control*, p. 134.

11 Documents 15, 16, 18 and 19.

12 Document 15.

13 Lawrence Freedman, *The Evolution of Nuclear Strategy*, Macmillan, London, 1982, p. 198.

14 Murray (US Atomic Energy Commission) to Eisenhower, 14 March 1955, Abilene, White House Office, Eisenhower Library, Box 6, Executive Secretary's Subject Files.

Capabilities Panel concluded that the best short-term response to the Soviet threat would be to deploy the Thor 1,500-mile missile, or intermediate-range ballistic missile, which would 'cancel out' the Soviet long-range rockets. The missile would need, of course, overseas bases. This in turn led to a renewed debate about the role of allies, and especially the United Kingdom. A commitment of British forces to the continent might help allay French fears about Germany, thereby removing the pressure on France to develop its own nuclear *force de frappe*. The main issue here was the need to initiate a much greater level of integration of Western resources. In this sense it was an important step towards the NPT.

The way forward thereafter, from Washington's point of view, was to strengthen assurances to the members of the North Atlantic Treaty Organization (NATO) on atomic weapons. At the summit conference attended by Eisenhower and British Prime Minister Harold Macmillan, held in Bermuda in March 1957, the groundwork for allied cooperation was laid.<sup>15</sup> The United Kingdom was to be offered a limited atomic partnership, but the cost was, as it had always been, a commitment to NATO. The offer of Thor missiles was confirmed and the Royal Navy was invited to meet US Atomic Energy Commission representatives to exchange information on nuclear-powered submarines.<sup>16</sup> Any future use of deterrent weapons, however, would need joint command arrangements.<sup>17</sup> Importantly, nuclear weapons were provided only 'within a NATO framework'.<sup>18</sup>

Secretary of State John Foster Dulles reasoned at the conference that, if the Soviet Union accepted proposals for disarmament, then the nuclear arms race could be halted, or at least confined to selected allies. He announced that the United States would provide nuclear weapons to the combined United States – Canada air defence program, to the British stockpile of intermediate-range ballistic missiles, and to NATO.<sup>19</sup> Dulles conceded that nuclear weapons might be used to stop the 'nibbly operations' outside Europe, but these were questions for the Americans. He stressed that the United States would have to guard against the association of the bomb by Asians with white supremacy. In other words, in the Far East the United States would maintain its strategic monopoly.

Eisenhower revealed, in his State of the Union message on 9 January 1958, the results of agreements reached since Bermuda and accelerated by the launch of Sputnik. He told Congress that in order for the allies to avoid duplication in their defence programs, four amendments were needed to the McMahon Act: to allow allies to deploy US atomic weapons on their own delivery systems; to physically transfer to allies military nuclear power plants; to transfer nuclear materials such as plutonium to allies that possessed nuclear weapons; and to exchange

15 The French were not so fortunate. Lewis Strauss, Chairman of the US Atomic Energy Commission, declared that France would be a 'third country', an attitude that resulted in the May 1957 defence policy which gave priority to the nuclear deterrent. John Newhouse, *De Gaulle and the Anglo-Saxons*, Viking, New York, 1970, pp. 11–16.

16 Strauss to Eisenhower, 29 March 1957, National Security Archive, Washington, US Non-Proliferation Policy, 1945–91, vol. 1, File 00297.

17 Final agreement was reached on the all-important question of joint targeting in November when the Royal Air Force and US Air Force planned to conduct an atomic strike on some 106 targets, including airbases, cities and air defences, in the Soviet bloc in the event of hostilities. This was to lead to the still-classified Murphy–Dean Agreement, which was to cover all forces in the United Kingdom that were committed to NATO. John Baylis, *Ambiguity and Deterrence: British Nuclear Strategy 1945–1964*, Clarendon Press, Oxford, 1995, pp. 259–60.

18 Letter, US Embassy, London, to Secretary of State, 24 May 1957, National Archives Record Administration (NARA), Washington, Box 3199, RG59.

19 Dulles also emphasised that the United Kingdom could associate itself usefully with Euratom (the atomic energy agency of the European Economic Community), 'as it has with the Coal and Steel Community'. Timothy Botti, *The Long Wait: The Forging of the Anglo-American Nuclear Alliance 1945–1958*, Greenwood Press, New York, 1987, p. 180.

information on the weapons themselves.<sup>20</sup> Washington's nuclear strategy was now clear. The question was which near-nuclear states would be affected by this shift in strategy. At that point there were about 16 countries in a position to make a decision to build nuclear weapons.<sup>21</sup>

Thereafter the problem for the Soviet Union and the United States was the need to arrest the growth in nuclear armaments among a number of key allies. The incoming Defense Secretary of the Kennedy Administration, Robert McNamara, was aware that a number of European countries could produce nuclear weapons before the end of the 1960s. Italy, Germany and Sweden were close, while Belgium, the Netherlands and Switzerland were also well placed. It was to head off the danger of fragmentation and the resultant development of national nuclear weapons programs that the United States proposed the Multilateral Force.<sup>22</sup> This would operate on a dual-key basis, which gave the US commander of NATO (or Supreme Allied Commander Europe—SACEUR) a veto on the use of nuclear weapons. The plan was designed to provide a European nuclear force that would remove the concerns of the British, French and Germans on the one hand, and the Soviets on the other, since it did not contemplate the national dissemination of control of nuclear weapons.<sup>23</sup>

The potential problem with the Multilateral Force proposal was that it would give the Federal Republic of Germany access to nuclear weapons. It was true that membership of NATO in 1955 required a commitment to non-nuclear-weapon status, but Chancellor Konrad Adenauer did not see this as permanent. As a Western partner, Bonn could expect that its armed forces would acquire tactical nuclear weapons in time.<sup>24</sup> The Federal Republic of Germany was a nation, in McNamara's assessment, that was only four years away from a theoretical test and with a moderate motivation to make a bomb. It had spent nearly \$1 billion on atomic energy research by the mid-1960s. It was, moreover, surrounded by states possessing nuclear weapons. Not surprisingly, there was particularly strong pressure for access to nuclear weapons, especially from the right wing of the Christian Democratic Union/Christian Social Union led by Franz Josef Strauss. The minimum that Strauss wanted, supported by the right-wing press, was a European nuclear weapons pool, which would be an essential precondition for European unity.<sup>25</sup> There was, therefore, considerable support in the Kennedy and Johnson administrations for the Federal Republic of Germany's inclusion in nuclear defence arrangements. In the

20 John Simpson, *The Independent Nuclear State: The United States, Britain and the Military Atom*, Macmillan, London, 1983, p. 130; Ian Clark, *Nuclear Diplomacy and the Special Relationship: Britain's Deterrent and America 1957–1962*, Clarendon Press, Oxford, 1989.

21 The Diffusion of Nuclear Weapons with and without a Test Ban Agreement, Secretary of Defense for the President, 27 July 1962, National Security Archive, Washington, Nuclear Non-Proliferation, 1945–1991, File 00892. The report listed 16 countries with nuclear capabilities. Of those in the West (the Soviet Union was assumed to be in a position to ensure that Poland, East Germany and Czechoslovakia would be brought into line), the countries with 'high' motivation to make a decision to go nuclear included Israel and China (France was rated as 'high', but had already achieved test status). India and Japan were rated 'low', but a decision would depend on China, while Sweden was 'evaluating'. Canada was well placed with only one to two years to conduct a test and seven years to have an intermediate-range ballistic missile capability. Its motivation, however, was 'very low'. Italy, Belgium and the Netherlands were all 'low', while Germany was 'moderate'. The 1963 report, which expanded the list to 19 countries, concluded that 'Chinese possession [of nuclear weapons] may also lead the Australians and the Japanese to try to obtain nuclear weapons'. <http://www.gwu.edu/~nsarchiv/nukevault/ebb323/doc03b.pdf>.

22 Document 83.

23 Memorandum of Conversation, British and US Meeting, 13 February 1964, *Foreign Relations of the United States (FRUS). Volume XI: Arms Control and Disarmament, 1964–1968*, US Government Printing Office, Washington, 1997, Document 8.

24 Jenifer Mackby and Walter B. Slocombe, 'Germany: The Model Case, A Historical Imperative', in Kurt M. Campbell, Robert Einhorn and Mitchell B. Reiss (eds), *The Nuclear Tipping Point: Why States Reconsider Their Nuclear Choices*, Brookings Institution Press, Washington, 2004, p. 178. Bonn was then the capital of the Federal Republic of Germany.

25 For Germany and the NPT, see also *FRUS. Volume XI: Arms Control and Disarmament, 1964–1968*, Document 215.

State Department many were convinced that Bonn would refuse to sign the NPT unless the role of Germany and possible German possession of nuclear weapons in self-defence were addressed.<sup>26</sup> Furthermore, there were some attempts to transfer enriched uranium from the United States that could potentially be used for military purposes, a proposal which brought a sharp rebuke from the director of the US Arms Control and Disarmament Agency.<sup>27</sup>

The problem was that there was general opposition to access to nuclear weapons, even through the proposed Multilateral Force. This had been a fundamental reason for the French *force de frappe*, and any moves to strengthen Germany could trigger a response from other near-nuclear states such as Sweden,<sup>28</sup> Italy,<sup>29</sup> the Netherlands<sup>30</sup> and Switzerland.<sup>31</sup> In any case the Soviet Union did not concede that the Multilateral Force was a way of forestalling Bonn's access to nuclear weapons.

The United Nations Charter enshrined the principle of the right to self-defence, and for the Federal Republic of Germany's leadership the objective was to ensure that nuclear weapons could be used in defence against both nuclear and conventional attacks. It was a matter of great concern, given the size of Warsaw Pact forces, that any nuclear disarmament treaty would provide assurances against nuclear attack but be silent on conventional attack. Bonn therefore sought to ensure that disarmament covered all forms of weapons, including conventional armaments. It was also apprehensive about states that were permitted nuclear weapons using their monopoly of nuclear know-how to restrict the development of nuclear power for civil purposes. In April 1967, Minister of Foreign Affairs Willy Brandt called publicly for a safeguards arrangement that would protect nuclear secrets, especially with respect to the advanced development of second-generation fast-breeder reactors.<sup>32</sup>

Bonn was being courted by the British Atomic Energy Agency as a potential partner in the development of enrichment by means of centrifuge, in recognition of the pioneering work done

26 Secretary's Meeting with Gilpatrick Committee, 7 January 1965, FRUS. *Volume XI: Arms Control and Disarmament*, Document 59.

27 Letter, Foster to Rusk, 21 January 1966, FRUS. *Volume XI: Arms Control and Disarmament*, Document 115.

28 Sweden's Nuclear Policy, Karl E. Birnbaum (Director of the Swedish Institute of International Affairs), Summer 1965, National Archives of Australia (NAA): A1838, 919/12/7 part 1. The general Swedish position was to keep the nuclear option open. In the late 1950s military authorities argued for a tactical nuclear weapons capability and sought to have a sort of conventionalisation of these weapons. In 1957 the leader of the Centre Party, Gunnar Hedlund, argued that Sweden should adjust defences to the technological developments in other comparable countries. The Swedish Government confirmed that it would seek an option and that the interval between the decision to produce and the acquisition of weapons was seven years. The objective in Sweden, according to the commander-in-chief of the armed forces, would be to reduce the interval. A key argument for such weapons would be that a potential aggressor would have to disperse forces, thus making a concentrated attack difficult. Moreover, nuclear arms would support a Swedish policy on non-alignment.

29 In 1957 the Italians had secretly agreed to cooperate with the French and Germans on the production of nuclear weapons, but the re-election of De Gaulle saw these plans collapse. Stockholm International Peace Research Institute (SIPRI), *The Law of War and Dubious Weapons*, Almqvist and Wiksell International, Stockholm, 1976, p. 54. The United States refused to supply Italy with enriched uranium for a proposed nuclear-powered submarine, a factor that led to an active Italian diplomatic campaign during the NPT discussions to preserve access to such materials. Justin Wilson, 'Conflicting Interests: Australia and the Treaty on the Non-Proliferation of Nuclear Weapons, 1968', *War and Society*, vol. 20, no. 2, 2002, pp. 107–28.

30 Catherine Dalton, *Without Hardware*, Nicholson Publishing, Canberra, 1970, p. x; see also NAA: A1838, 680/10/2 part 5.

31 In 1996 Switzerland revealed that it had a secret option to build nuclear weapons if Germany had acquired them. David Albright, Frans Berkhout and William Walker, *Plutonium and Highly Enriched Uranium: World Inventories, Capabilities and Policies*, SIPRI, Oxford, p. 351. See also Document 57.

32 See Document 84. See also Memorandum of Conversation, Brandt and Rusk, 8 February 1967, FRUS. *Volume XI: Arms Control and Disarmament*, Document 180. A fast-breeder pilot facility started in Karlsruhe in 1966.

by the Degussa company.<sup>33</sup> The danger here was the transfer of the necessary infrastructure for a weapons program to be able to develop ‘a just-under-the-threshold nuclear development program’.<sup>34</sup> It was, therefore, not surprising that the prior need to clarify the defence arrangements in NATO delayed the NPT, and ultimately the treaty had to accommodate the continuation of a US nuclear umbrella in Western Europe. In 1971, three years after the NPT was opened for signature, the United States had more nuclear weapons deployed in Europe than ever before.

That did not mean, however, that the Federal Republic of Germany and other near-nuclear states would lag in the development of nuclear know-how. Bonn did not want to suffer commercial disadvantage and sought to protect its technological secrets. To that end it objected to a strong inspection regime of its nuclear facilities. From the beginning of the debate on the NPT, the Germans had displayed concern with the possibility of industrial espionage and wanted safeguards and inspections to be as non-intrusive as possible—a position they maintained as the treaty was opened for signature.<sup>35</sup>

Japan had similar reservations about the treaty. It suffered the potential threat of Soviet nuclear blackmail and had been exploring nuclear weapons options since 1957, the year that the Government of Nobosuke Kishi joined the IAEA.<sup>36</sup> A crucial factor in Japanese calculations, however, was the Chinese entry into the ranks of nuclear-weapon states in 1964.<sup>37</sup> The following year Japanese Prime Minister Eisaku Sato shocked the Johnson Administration by claiming that since the Chinese had nuclear weapons, ‘the Japanese should also have them’.<sup>38</sup> Unlike the case with respect to Germany, however, there was no Asian equivalent to Euratom. Tokyo was determined to pursue an ambitious civil nuclear program and one that at the very least matched any concessions allowed Euratom. It was important that Japanese nuclear technology be kept secret and that inspections not compromise Japan’s commercial development.<sup>39</sup>

Indeed it was the issue of intrusive inspections that had caused Soviet resistance to the Baruch plan. Eisenhower therefore proposed an arrangement of pooling fissile material for use by those states that would be denied the use of nuclear weapons. In his ‘Atoms for Peace’ address, made to the United Nations on 8 December 1953, Eisenhower proposed that the IAEA be the custodian of fissile material stores for use by the nuclear industry.<sup>40</sup> Over the next two

33 R.B. Kehoe, *The Enriching Troika: A History of Urenco to the Year 2000*, Urenco, Buckinghamshire, 2002, pp. 12, 29.

34 Mackby and Slocombe, ‘Germany: The Model Case’, p. 197.

35 Document 133. The report indicates that Rolf Ramisch of the German delegation said that ‘Japan, Italy and Germany have all registered with the United States their concern that the treaty should not inhibit any activities in the enrichment area’ and that ‘Germany has been cooperating with the Netherlands on centrifuge development’. The Germans urged the Australian Government to press every opportunity to get clarification on the meaning of ‘manufacture’. Ambassador Swidbert Schnippenkoetter indicated that the German view of manufacture would allow any nuclear work short of actual assembly of a weapon.

36 Michael J. Green and Katsuhisa Furukawa, ‘Japan: New Nuclear Realism’, in Muthiah Alagappa (ed.), *The Long Shadow: Nuclear Weapons and Security in 21st Century Asia*, Stanford University Press, Stanford, 2008, p. 349.

37 In making this assessment the British Embassy in Tokyo reported that Japan had started ‘carrying out nuclear research of a military nature’. R.H. Ellingworth, Tokyo, to E.D. Street, Military Uses of Atomic Energy: Japan, London, 17 December 1965, The National Archives (TNA), London: FO371/181435.

38 Kurt M. Campbell and Tsuyoshi Sunohara, ‘Japan: Thinking the Unthinkable’, in Campbell et al. (eds), *The Nuclear Tipping Point*, p. 222.

39 ‘Japan: Tokai-Mura Reprocessing: Safeguards’, TNA: AB 65/286.

40 Eisenhower did not envisage national control of fissile material but rather a system of ‘joint contributions’ from advanced nuclear states to an international atomic energy agency—an idea originally raised by Baruch. The International Atomic Energy Agency of 1957 was to act as a bank of Soviet and American material which would be drawn down, thereby serving as a means of reducing the nuclear stockpiles of the nuclear-weapon states and at the same time providing an international repository for non-nuclear-weapon states. David Fischer, *History of the International Atomic Energy Agency: The First Forty Years*, IAEA, Vienna, 1997, pp. 9–10.

years the US Atomic Energy Commission and the State Department worked on safeguards arrangements which would preclude national storage of spent reactor fuel or development of a capacity to reprocess or enrich nuclear fuel. Opposition from the Soviet Union, India, France and Switzerland to these proposals, however, led Eisenhower to concentrate in 1956 on a fissile material cut-off treaty as a means of reducing stockpiles. While this idea was being explored, consideration was given to a form of international safeguards to stop the diversion of fissile materials for military use. In late 1957 the five important supplying countries (the United Kingdom, the United States, Canada, Australia and South Africa) agreed to adopt a 'strict and uniform set' of interim safeguards.<sup>41</sup>

The main focus of disarmament after the 1958 amendment to the McMahon Act—which allowed the transfer of nuclear materials and technology to those countries that had made substantial progress towards a weapons capability—was on limiting the spread of nuclear weapons horizontally. It was to respond to this, as well as to the deployment of tactical nuclear weapons to NATO, that Ireland proposed in October 1958 that the United Nations discuss a proposal to prohibit the spread of nuclear weapons. In Resolution 1665, which had been introduced by Ireland, the UN General Assembly on 4 December 1961 unanimously passed the first step in the NPT. That year the Eighteen-Nation Disarmament Committee (ENDC) was established, comprising the nuclear-weapon states, members of the Warsaw Pact and NATO, as well as eight nations that were non-aligned and chosen to ensure that all major regions were represented. The ENDC, meeting regularly in Geneva, became the main negotiating forum for disarmament.<sup>42</sup> After 1963, when the Partial Nuclear Test Ban Treaty<sup>43</sup> was concluded, the main focus of these discussions was on non-proliferation.

On 15 June 1965, the UN Disarmament Commission recommended, in a vote of 83 to 1, that special priority be given to the conclusion of a non-proliferation treaty. The General Assembly debated the matter in the second half of 1965 and established, in Resolution 2028, in a unanimous vote, five principles that would inform the discussions. The treaty was to be effective and without loopholes; it was to embody a balance of obligations of nuclear and non-nuclear powers; it was to be a step in comprehensive disarmament, not simply nuclear disarmament; it was to be workable; and it was not to impede the formation of nuclear-free zones. On 19 December 1967, Resolution 2346 called for the conclusion of a treaty 'at the earliest possible date'. On 14 March 1968 the ENDC submitted a full report and a draft treaty to the Twenty-second Session of the General Assembly. The treaty was opened for signature on 1 July 1968 and required 43 ratifications. The US Senate ratified the treaty on 13 March 1969. Britain, Canada and New Zealand had also ratified at that point. Australia alone of the traditional English-speaking group had withheld signature.

As a military instrument the NPT had the effect of dividing states into those that could possess nuclear weapons and those that could not. But the basis for inclusion had nothing to do with

41 Discussions had begun in early 1955 in Washington with the United Kingdom, France, Canada, Australia and South Africa on the role of the IAEA and it was clear by that stage that the idea of a 'clearinghouse' for nuclear transactions had already been mooted as an alternative to actually pooling materials. The 1957 safeguards proposals envisaged that surplus 'special fissionable material' beyond the requirements of a state's reactors would be deposited with the IAEA. Fischer, *History of the International Atomic Energy Agency*, p. 43.

42 The ENDC replaced the former but ineffective Ten-Nation Disarmament Committee, which dated to September 1959. The ENDC was established following a proposal by the Permanent Members of the Security Council. The General Assembly endorsed its creation on 21 December 1961.

43 Formally known as the Treaty Banning Nuclear Weapon Tests in the Atmosphere, Outer Space and under Water. The treaty was opened for signature on 5 August 1963 and went into effect on 10 October 1963. Underground tests were permitted until the Comprehensive Nuclear Test Ban Treaty in 1996. See Eric Arnett (ed.), *Nuclear Weapons after the Comprehensive Test Ban Treaty: Implications for Modernization and Proliferation*, Oxford University Press, Oxford, 1996.



the status of security powers in the UN Security Council. The French refused to take part, having been excluded from the bilateral Anglo-American partnership in 1957, and the People's Republic of China was not even a member of the Security Council. It was a treaty that resulted from shifts in the perceptions of the major Cold War antagonists, the Soviet Union and the United States.

### **Beyond the Nuclear Non-Proliferation Treaty**

The NPT needs to be seen as a stage in the ongoing development of the nuclear strategy of the great powers and the role of non-proliferation in that strategy. In 1968 an imperfect bargain had been struck. The non-nuclear-weapon states were asked to arrest their progress towards acquiring the most effective deterrent in history at the point when the great powers had amassed a formidable and increasingly sophisticated nuclear arsenal. The figures bear out the problem even during the negotiations towards the treaty in the period from 1957 to 1970. At the end of the Eisenhower Administration the United States had a handful of intercontinental ballistic missiles and 585 B-52 long-range bombers. In 1970 the number of bombers was about the same, but the number of intercontinental ballistic missiles had grown to 1,054 with an additional 656 submarine-launched Polaris missiles. The United States was also planning to place 7,500 warheads on MIRVs (multiple independently targetable re-entry vehicles). The American effort in the 1960s has been characterised by Richard Smoke as the greatest peacetime military build-up that any nation had undertaken in a short period anytime in the twentieth century.<sup>44</sup> The Soviet Union on the other hand had 150 long-range bombers in 1960 and by 1970 had acquired 1,000 intercontinental ballistic missiles and 125 submarine-launched ballistic missiles.<sup>45</sup>

To make matters worse, the possible deployment of anti-ballistic missiles threatened to dramatically escalate the nuclear arms race by causing a great dispersal of the nuclear arsenals of either side. By 1968, as the NPT was opened for signature, the US presidential campaign saw a debate about the need for an anti-ballistic missile system to counter the Soviet growth in nuclear weapons and its own system, the so-called Tallin Line. In 1970 the Nixon Administration decided to develop the Safeguard anti-ballistic missile system to protect the intercontinental ballistic missile sites. The proliferation of tactical nuclear weapons, which had become commonplace in the arsenals of the United States, Britain and the Soviet Union in the late 1950s, followed as a matter of course.

Yet it was not the promise to negotiate cuts to the arsenals with the Soviet Union that inclined many states in the West to sign and ratify the NPT. It was rather the size of the US arsenal and its global network of alliances that proved to be decisive. Key states such as the Federal Republic of Germany and Japan signed because of the extension of the nuclear umbrella under NATO and the US–Japan Security Treaty. Bonn's decision to sign, in turn, arrested the potential development of nuclear arms programs in a number of neighbours such as Switzerland, Sweden and Italy. Japan's signature and the American presence stayed the development of potential programs in South Korea and Taiwan.<sup>46</sup>

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44 Richard Smoke, *National Security and the Nuclear Dilemma*, Random House, New York, 1987, p. 113. The Soviet Union spent US\$27.6 billion in 1957 to the US total of \$44.5 billion. In 1970 the Soviets spent US\$72 billion to the US total of \$77.8 billion. Paul Kennedy, *The Rise and Fall of the Great Powers: Economic Change and Military Conflict from 1500 to 2000*, Unwin Hyman, London, 1990, p. 384.

45 Edgar Bottome, *The Balance of Terror: Nuclear Weapons and the Illusion of Security, 1945–1985*, Beacon Press, Boston, 1986, pp. 121–2.

46 On the history of nuclear weapons programs in these states, see Alagappa (ed.), *The Long Shadow*, chapters 13 and 14. For a discussion of the broader question of why states do not always attempt to 'balance' against major powers such as the non-nuclear states, see Jack S. Levy and William R. Thompson, 'Balancing on Land and Sea: Do States Ally against the Leading Global Power?', *International Security*, vol. 35, no. 1, 2010, pp. 7–23.

But there were important international developments that were to arrest this momentum. The international oil crisis following the 1973 Yom Kippur War highlighted the need to explore nuclear power. The following year India detonated a nuclear device and even though it had been based on plutonium supplied by Canadian CANDU reactors, the United States seized on the development to further restrict the spread of enrichment technology. Secretary of State Henry Kissinger told an audience at the University of Chicago that the United States would take a lead in reducing dependence on oil imports by 1975 and that its efforts would include 'collective activities' by consumers in the development of uranium enrichment.<sup>47</sup>

While the Indian test triggered international concern, the reason for this assertion of American leadership was not hard to understand. At the end of 1974 it seemed that Washington was embattled on all fronts, especially in the nuclear field. There were threats to its monopoly on diffusion enrichment from the Belgians, who were looking to construct an enrichment plant in Zaire, and more importantly from the French. Not only had the French European Gaseous Diffusion Uranium Enrichment Consortium (Eurodif) attracted support from Spain and Italy, but it was making inroads into the Middle East. On 2 January 1975, the French agreed to form a consortium with the Shah of Iran to enrich uranium. Under the terms of this agreement the Shah would lend the French Atomic Energy Commission US\$1 billion and in return would secure 10 per cent of the output of enriched uranium of the Eurodif plant then under construction at Tricastin in the Rhone Valley.<sup>48</sup> Even the Canadians threatened to enter the enrichment market with a proposal from the troubled province of Quebec to construct a US\$6 billion plant based on the huge James Bay hydro-electric scheme, using French technology.<sup>49</sup> Finally, there was competition from those wanting to explore the cheaper option of centrifuge enrichment. The opposition here came from the powerful Urenco consortium made up of Britain, the Netherlands and the Federal Republic of Germany. There was also the possibility that the Japanese and Australians would join this group.<sup>50</sup>

It is clear then that the NPT was but a step in non-proliferation. Indeed its weaknesses were dramatically revealed in the first decade of its existence. It was apparent from events symbolised by the Indian test in 1974 that further measures would be needed to arrest horizontal proliferation. In August 1974 the so-called Zangger Committee (Dr Claude Zangger of Switzerland chaired the committee after its formation in 1971) agreed to establish a 'trigger list' of items that would not be made available to non-nuclear-weapon states except under safeguards. In April 1975 the United States took a further step in tightening safeguards and called on the leading industrialised nations to join together and form a non-proliferation group designed to 'plug loopholes' in the NPT.<sup>51</sup> In November 1975 the Ford Administration gathered the major nuclear states in the West, and the Soviet Union, and agreed to restrict exports of equipment that could be used for plutonium reprocessing, uranium enrichment or heavy water production.<sup>52</sup> This informal arrangement formed the basis for the Nuclear Suppliers Group, which was set up in 1977 to monitor nuclear transfers.

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47 Cablegram 6959, Embassy in Washington to Department of External Affairs, 16 November 1974, NAA: A1838, 720/4/9 part 12.

48 Cablegram 7643, Embassy in The Hague to Department of Foreign Affairs, 3 January 1975, NAA: A1838, 720/4/9 part 12.

49 Letter, D.J. Gates, Trade Commissioner, to Department of Minerals and Energy, 4 April 1974, NAA: A1838, 720/4/9 part 12.

50 File Note, Uranium Policy, W.M. Hughes, Commercial Section, 19 September 1974, NAA: A1838, 720/4/9 part 12.

51 George Perkovich, *India's Nuclear Bomb: The Impact on Global Proliferation*, University of California Press, Berkeley, 1999, p. 191.

52 For the background to the Ford initiative, see USNC Institutional Files 1974–1977: Gerald R. Ford Library, Ann Arbor, Box 31.

The suggested guidelines for export were transmitted to the IAEA in 1978, but, as Henry D. Sokolski argues, 'the [group's] business, unlike that of the NPT or the IAEA, was secret and explicitly discriminatory'.<sup>53</sup>

Another factor that proved an obstacle to non-proliferation was the enormity of the effort that the United States put into monitoring nuclear programs and the development of delivery systems around the globe. In the 1950s more than 200 Americans and 40 aircraft had been shot down monitoring Soviet nuclear and missile developments. But this proved to be a foretaste of the effort that was to be put in later. By 1961 the National Security Agency had more than 2,000 intercept stations, a number of which were dedicated to the first operational spy satellite launched by the United States the previous year. By 1970, the year that Australia signed the NPT, Pine Gap near Alice Springs was added to the growing list of American ground stations that supported sophisticated Rhyolite satellites which scanned the electromagnetic spectrum.<sup>54</sup> Linking this vast surveillance effort was 'Echelon', the code word for the software that drove the Fort Meade-based 'Platform' computer network of 52 separate computer systems abroad.<sup>55</sup>

It was not until the 1990s, with the end of the Cold War and the resultant spread of nuclear weapons programs, that interest in measures to strengthen non-proliferation was revived. Indeed the talk became concerned with 'counter-proliferation'. The philosophy behind this change was marked in 1995 when David Kay, who was to make his reputation as a weapons inspector in Iraq, argued that a leaf should be taken from the allied control machinery set up after the First World War when League of Nations' arms inspectors were given sweeping rights of access to sites, including those suspected of having a dual-purpose capability.<sup>56</sup> The age of 'coercive inspections' and sanctions had arrived. Left unresolved, however, was the role of the IAEA, and behind it the NPT, in controlling proliferation. UN arms inspectors had not completed their task in Iraq and it was, arguably, left to action taken by states outside that organisation to enforce measures.

The role of nuclear weapons in the new order, however, was not put to rest by these changes.<sup>57</sup> While there had been a marked reduction in the number of warheads and delivery vehicles, there was no change in the doctrines of the nuclear-weapon states. In fact the numbers of nuclear weapons possessors were augmented in 1998 when India and Pakistan declared nuclear-weapon status. There was also an unresolved Cold War conflict on the Korean peninsula which saw Pyongyang explode a plutonium device in 2006,<sup>58</sup> and the tensions surrounding an apparent Iranian nuclear weapons program based on enriched uranium.

53 Henry D. Sokolski, *Best of Intentions: America's Campaign against Strategic Weapons Proliferation*, Praeger, Westport, 2001, p. 63.

54 An early target was the French nuclear testing centre at Mururoa. Between June 1966 and August 1968, 16 satellite missions targeted the site. Monitoring continued until the last atmospheric test in September 1974. Jeffrey T. Richelson, *Spying on the Bomb: American Nuclear Intelligence from Nazi Germany to Iran and North Korea*, W.W. Norton & Co., New York, 2006, pp. 213, 216.

55 For a discussion of the American surveillance effort, see James Bamford, *Body of Secrets: How America's NSA and Britain's GCHQ Eavesdrop on the World*, Arrow, London, 2002. Apart from serving US national security interests, the surveillance effort monitored compliance with a range of treaties, including the NPT, the Partial Nuclear Test Ban Treaty and the Treaty on the Limitation of Underground Nuclear Weapon Tests.

56 David A. Kay, 'Preventive Approaches: Expectations and Limitations for Inspections', in William H. Lewis and Stuart E. Johnson (eds), *Weapons of Mass Destruction: New Perspectives in Counterproliferation*, National Defense University Press, Washington, 1995, p. 181.

57 As Kay was making these comments, the US nuclear stewardship program was being modernised and the doctrine of possible 'first use' left in place. France was in the middle of a substantial renewal of its *force de frappe* and Israel was believed to have almost 100 nuclear warheads. Arnett (ed.), *Nuclear Weapons after the Comprehensive Test Ban Treaty*, chapter 1.

58 Larry A. Niksch, 'North Korea's Nuclear Weapons Development and Diplomacy', Congressional Research Service Report to Congress, 4 May 2009.

### Australia and nuclear energy before the Nuclear Non-Proliferation Treaty

The destruction of two Japanese cities with two nuclear devices, followed in 1946 with the detonation of two further devices at Bikini Atoll, changed the way planners would approach war. It was almost certain that Australia would move quickly to embrace the new technology, leveraging its relationship with Britain but also maintaining the option to run its own program. The case was prepared from the end of the Second World War when Australian leaders claimed 'belligerent status' as a factor in a role in a new system of collective security. And in the Asia-Pacific, Canberra had made clear through the 1944 Australian – New Zealand Agreement that it was a 'principal power'. Australian forces participated in the occupation of Japan, moreover, not just as a member of the allied coalition but as the representative of the 'British Commonwealth'. Australian Prime Minister John Curtin had spoken of a 'Fourth Empire' in 1944, one which could act as a 'Third Force' to equal the United States and the Soviet Union. Australia, in that sense, was a leading regional power and a middle-ranking power globally. It was, with Britain, a partner in the joint project—one of a number—at Woomera to develop future delivery systems. The Australian Chiefs of Staff, moreover, would be responsible for the coordination of Commonwealth plans in the Asia-Pacific in the event of a future global conflict through the military planning body ANZAM (Australia, New Zealand and Malaya), established in 1948.<sup>59</sup> Such a conflict would in all likelihood employ nuclear weapons, and Australians such as Mark Oliphant, Ernest Titterton and others, would be useful, given their pioneering work in the 1930s in the Manhattan Project and the collaboration in British defence science after the war.<sup>60</sup>

Australia was therefore keen to participate fully in the discussions in the United Nations on both the civil and military aspects of nuclear power. The Labor Minister for External Affairs, H.V. Evatt, sought Australian representation on the UN Atomic Energy Commission. He was also determined to engage in the diplomacy surrounding the first American declarations on atomic energy. Evatt would not countenance any delays in sharing the technology which he feared lay behind the original Acheson–Lilienthal proposal.<sup>61</sup> In Evatt's view the United States was moving to impose international control on national nuclear programs.<sup>62</sup> He advised the Department of External Affairs on 30 May 1946 that the Acheson–Lilienthal plan was in fact designed to 'protect the United States from bomb attack. It preserves her supremacy in atomic armament and industrial and scientific application for a considerable period'.<sup>63</sup>

By June 1946 Evatt was ready with Australia's first principles that were recommended to guide the work of the United Nations in the development of nuclear policy.<sup>64</sup> Central to Evatt's thinking was, as he put it to the American delegate, Harold Stassen, that 'the problem of the destructive use of atomic energy cannot be separated from the general problem of international relations'.<sup>65</sup> In making this assessment he saw no separate role for the Permanent Members of the Security Council and even made the case that Australia should have ongoing membership

59 For an excellent discussion of ANZAM and its later relationship to ANZUS (Australia, New Zealand and the United States), see Robert O'Neill, *Australia in the Korean War: Volume 1: Strategy and Diplomacy*, Australian Government Publishing Service, Canberra, 1981.

60 See Ken Buckley, Barbara Dale and Wayne Reynolds, *Doc Evatt: Patriot, Internationalist, Fighter and Scholar*, Longman Cheshire, Melbourne, 1994, Part IV; Wayne Reynolds, *Australia's Bid for the Atomic Bomb*, Melbourne University Press, Melbourne, 2000, chapter 2.

61 Documents 4, 5 and 6.

62 Document 7.

63 Document 4.

64 Document 5.

65 Buckley, Dale and Reynolds, *Doc Evatt*, p. 316.

on the UN Atomic Energy Committee by detaching that body from the Security Council—an idea not encouraged by the Americans.<sup>66</sup>

Yet it is not surprising that Evatt's diplomacy in the United Nations sought to preserve the maximum freedom of action with respect to national nuclear projects. Every Australian government, from that of J.B. (Ben) Chifley to Malcolm Fraser, explored the prospects of building nuclear facilities in Australia. The New Weapons and Equipment Development Committee within the Department of Defence gave active consideration to the construction of an atomic pile as early as May 1948.<sup>67</sup> The position was again underlined by External Affairs Minister R.G. Casey in November 1953. As Eisenhower was moving to propose 'Atoms for Peace', Casey voiced Australia's continuing concerns about restrictive American policies with respect to nuclear cooperation and pointed to the very significant advantages that would accrue if Australia were to embrace a nuclear power program.<sup>68</sup>

The Department of Defence itself was pessimistic about any international regime controlling the spread of nuclear weapons.<sup>69</sup> On the other hand such weapons might prove to be a valuable means of countering the superior conventional power in the Asian region. This consideration was to underpin much of Australian thinking throughout the 1950s and 1960s. While it was a potential argument in securing Australia's access to nuclear protection, it also served to underline the need to address both conventional and nuclear disarmament.<sup>70</sup>

It was far from clear, however, that the United States saw the strategic situation in Asia from the same standpoint. Following the amendments to the McMahon Act in 1954, which allowed for enhanced cooperation with allies in the development of nuclear strategy, the United States signalled that it was Europe—and NATO—which was uppermost in the revised calculations.<sup>71</sup> The diplomatic response from Canberra to this came in July 1956 when Australian Permanent Representative to the United Nations Ronald Walker addressed the UN Disarmament Commission. Mindful of the British tests then underway in Australia, Walker emphasised the commitment to imperial defence<sup>72</sup> but also warned against a tendency to ignore the Asian region when framing defence and disarmament strategy.<sup>73</sup> In the Department of External Affairs, Malcolm Booker, who was later to play a prominent role in successfully arguing the case for Australia's signature of the NPT, opined that the advent of thermonuclear weapons would undermine the reliability of the United States and the United Kingdom in a future conflict.<sup>74</sup>

If there had been a tendency to dismiss disarmament as a distant and marginal issue by Australian policy-makers, the situation changed dramatically in late 1957. Not only had Britain reconciled its nuclear partnership with the United States, thereby lessening the need

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66 'Attitude of Various Delegations in the UNAEC Negotiations', NARA, Washington, Box 75, RG84.

67 Document 9. The discussions surrounding such a program would presumably have taken place in the Atomic Developments Sub-Committee of the New Weapons and Equipment Development Committee. That committee in turn was ultimately responsible to the Defence Committee, chaired by the Prime Minister. Unfortunately the records of the atomic subcommittee have not been located.

68 Document 13.

69 Document 10.

70 Document 11.

71 Document 14. Australia's overseas missions kept a close watch on US deployments of tactical nuclear weapons thereafter. See Document 44.

72 Document 20. Australia's approach to disarmament was to delay any final agreement until Britain had sufficient stocks of nuclear weapons. See Document 22.

73 Document 20.

74 Document 21.

for Australian support, but it seemed as if the Soviet Union was prepared to work seriously at concluding an agreement with the United States. It was an agreement, moreover, which was being constructed without apparent regard to the position of the People's Republic of China.<sup>75</sup>

Publicly, the Australian Prime Minister, R.G. Menzies, welcomed the prospect of nuclear disarmament. In the first major address on the non-dissemination of nuclear weapons, he declared in the House of Representatives on 19 September 1957 that there should only be three nuclear weapons powers—the United States, the Soviet Union and the United Kingdom. He ruled out Australian interest in acquiring nuclear weapons ‘for the present’ but, and he emphasised this in a clarification the following day, the possibility of future acquisition could not be ruled out.<sup>76</sup>

This was clearly an ambiguous position. Australia would maintain a nuclear capability but would not yet fabricate a weapon. The internal debate on this position among policy-makers thereafter was to significantly delay Australia's acceptance of the NPT. The general view is that the Australian Atomic Energy Commission (AAEC), and especially its controversial head, Sir Philip Baxter, was opposed to Australian signature of the treaty. Such a treaty, Baxter thought, would stand in the way of the development of a national or self-sufficient nuclear fuel cycle which would allow Australia to exploit its extensive uranium resources and cheap electricity for both commercial and military purposes.

Baxter has received considerable attention for his personal advocacy of nuclear weapons.<sup>77</sup> Yet the AAEC itself was set up to investigate, until its abolition in 1984, Australia's full participation in the nuclear fuel cycle.<sup>78</sup> It is also clear that the AAEC took a strong line on the development of a dual-purpose nuclear industry. But this view was endorsed by the Department of National Development, which was responsible for the AAEC. And it found important support from Liberal Prime Minister John Gorton, long an advocate of an Australian nuclear weapons capability.

The Department of Defence too saw the advantages of nuclear weapons, especially against the massive conventional forces,<sup>79</sup> and after 1964, nuclear forces, that could be fielded by China.<sup>80</sup> But it was also conscious that the nuclear debate took place in a much broader and increasingly difficult security context. The expected but nevertheless dramatic announcement that the United Kingdom was going to withdraw its forces from the East of Suez took place at the same time that the NPT was tabled. To underscore the looming security problems, the Tet offensive across South Vietnam foreshadowed a possible defeat in Vietnam. The following

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<sup>75</sup> Document 23.

<sup>76</sup> For the text of Menzies' statements on 19 and 20 September 1957, see *Current Notes*, vol. 28, 1957, pp. 723–5. It was to be a key reference point for Australian policy thereafter. See External Affairs Research Paper, Non-Dissemination of Nuclear Weapons, December 1965, NAA: A1838, 919/10/5 part 3.

<sup>77</sup> Jacques Hymans highlights Baxter's role and the ‘AAEC proposal’ for dual-purpose reactors. Decisions to make atomic bombs, he argues, ‘reflect the psychology of the leaders who make them’. Jacques E.C. Hymans, *The Psychology of Nuclear Proliferation: Identity, Emotions and Foreign Policy*, Cambridge University Press, Cambridge, 2006, pp. 122, ix.

<sup>78</sup> The Hawke Government discontinued work on the full nuclear fuel cycle, and with it enrichment work, when it abolished the AAEC in 1984, replacing it with the Australian Nuclear Science and Technology Organisation. The government's position was, thereafter, to work within the US International Nuclear Fuel Cycle Project organised by the Carter Administration. Submission 2421, ‘Australian Nuclear Science and Technology Organisation’, Gareth Evans, Minister for Resources and Energy, 28 February 1985, cited in Wayne Reynolds, ‘The Yellow Cake Road: Malcolm Fraser, the Ranger Enquiry and Australia's Role in the US International Fuel Cycle Project’, *Australian Journal of Politics and History*, vol. 57, December 2011, pp. 511–25.

<sup>79</sup> Reynolds, *Australia's Bid for the Atomic Bomb*, chapter 7; Document 36.

<sup>80</sup> Documents 62, 67, 86 and 117.

year the incoming Republican President, Richard Nixon, declared on the island of Guam that the United States would expect more from its allies in the region.

To Treasury, however, it was largely about the availability of resources. Whether for civil or military purposes, those in charge of the national purse were not convinced of the economics of nuclear power. The cost of a nuclear device seemed to be in reach, but there would need to be a recognition, as the Secretary of Treasury, Sir Richard Randall, pointed out, that in attempting to assess the meaning of developing an 'independent capability', then '[m]anufacturing nuclear weapons was only the beginning of things'.<sup>81</sup>

The Department of External Affairs had not been a central player in the early Australian planning on nuclear power, but it was well placed to monitor the developing dialogue between the United States and the Soviet Union on nuclear disarmament. From the immediate post-war period Evatt followed closely, and with some concern, the American plans on nuclear disarmament. Percy Spender, Menzies' Minister for External Affairs in 1949 and later Australian Ambassador to the United States, monitored the debate around massive retaliation and the role of tactical nuclear weapons.<sup>82</sup> After 1954, with the advent of deliverable megaton weapons by the Soviet Union and the United States, the Department of External Affairs understood that there was a considerable momentum towards disarmament and that it might choke off any Australian nuclear ambitions.<sup>83</sup>

The most compelling development—which would influence both the nature of, and urgency for, a robust Australian diplomatic position on nuclear non-proliferation—was the acceleration of the prospects for disarmament in the late 1950s. The Soviet Union was becoming more accommodating, while Britain, having detonated a thermonuclear device in 1957, no longer had an interest in holding off a settlement.<sup>84</sup> But the immediate problem as far as Canberra was concerned was the absence of the People's Republic of China in the American proposal to have a two-stage process of disarmament. To the horror of Australian observers, China would be left until the 'second stage' while the rest of the world moved to conclude a settlement on disarmament.<sup>85</sup> It was therefore not surprising that Canberra was less than impressed with the initiation of any measures, such as setting up posts on Australian territory to monitor nuclear testing, in advance of a comprehensive agreement on disarmament.<sup>86</sup>

China's conventional and nuclear capability was to play into Canberra's approach to nuclear disarmament thereafter.<sup>87</sup> After a period of discussions with the United States during 1958, the Australian Government was left in no doubt that the Soviet Union would not assist China in acquiring nuclear weapons. The United States in turn would act to restrain any similar

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81 Document 115.

82 Documents 17 and 28.

83 Document 21.

84 Document 23. The Soviet Union used the safeguards of the Council for Mutual Economic Assistance (Comecon) to control the nuclear programs of the member states.

85 Document 25.

86 Document 40.

87 The Sino-Soviet alliance in 1950 extended China a nuclear umbrella and, following the Eisenhower 'New Look' defence policy (which accepted the tactical role of nuclear weapons) along with the Taiwan Straits flare-ups in the mid-1950s, the Soviet Union enacted six accords to develop China's nuclear science program. China had from the beginning, however, followed a dual policy of depending on the Soviet Union and developing its own capabilities in nuclear weapons and delivery systems. In 1958 the Great Leap Forward brought to the surface major differences over nuclear weapons. The Soviet Union's decision to 'renege' on the supply of an 'educational bomb' or prototype that year resulted in a huge effort to develop an indigenous strategic nuclear weapons capability. By 1960 the Chinese had developed their own diffusion plant at Lanzhou from which they would develop their first explosive device, tested in October 1964. John Wilson Lewis and Xue Litai, *China Builds the Bomb*, Stanford University Press, Stanford, 1988.

ambitions that might be held in the Republic of China (Taiwan).<sup>88</sup> Nevertheless, Australia was involved in discussions with the United States on the military contingencies surrounding possible conflict with China, especially plans involving the possible use of nuclear weapons.<sup>89</sup> Casey provided a defence for this thinking at the United Nations in October 1958, arguing that China posed a potential threat in the region and that any disarmament discussions should take into account the linkage between conventional and nuclear forces.<sup>90</sup> Menzies too, despite his 1957 declaration that Australia had no immediate need for nuclear weapons, in discussions with Harold Macmillan during the British Prime Minister's visit to Australia in 1958, raised the 'desirability of countries other than the Big Three having their own nuclear capacity'.<sup>91</sup>

This was clearly the policy position. One year before his public declaration Menzies had stressed, in the 1956 Strategic Basis Review of Australian Defence Policy, that 'Australian participation in global war [was] based on the use of UK nuclear weapons', noting pointedly that American legislation precluded weapons from that source.<sup>92</sup> Defence Minister Philip McBride at that juncture also emphasised that 'guided missiles and atomic bombs would be used in limited wars as well as global war'.<sup>93</sup> The Strategic Basis of Australian Defence Policy, which went to Cabinet in February 1959, envisaged the possible use of 'advanced weaponry' within 10 years, and argued the need for nuclear weapons to match the conventional strength of China, and more recently Indonesia.<sup>94</sup> What was not at all clear, however, was what those weapons would be.<sup>95</sup> The Defence papers ruled out the need to manufacture nuclear weapons but accepted that '[t]he acquisition of a tactical nuclear capability by Australian forces would, however, vastly increase our defensive and offensive strength and would *also* enhance the value of our contribution in operations under collective security arrangements'. The Defence Committee operated on the understanding that Australian forces 'should be designed primarily with the ability to act independently of allies'. That position, however, caused a potential

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88 Documents 32, 33 and 34.

89 Document 35.

90 Document 37.

91 'Discussions with Harold Macmillan—UK Prime Minister, 1958', NAA: A4940, C1962 part 1.

92 Cabinet Decision 456, 'Review of the Basis of Defence Policy 1956', 2 October 1956, NAA: A816, 14/301/730.

93 McBride to Beale, 10 April 1956, 'Strategic Basis of Australian Defence Policy', NAA: A816, 14/301/713.

94 Document 38. There was a particular concern that Australia would need to maintain an adequate deterrent to forestall a possible Indonesian move on New Guinea (see Document 45).

95 The 1959 Defence Review occurred at a time of great uncertainty in defence planning. The US Government was at that stage discussing Australian equipment needs, but it had been made clear in 1954 that use of nuclear weapons by allies, a possibility raised that year by the amendment of the McMahon Act, initially envisaged only NATO allies. Memorandum no. 1030/54, 'Atomic Energy: Bilateral Agreement with US on Defence Information', NAA: A5462, 138/2/10. In 1956 the Defence Committee discussed the option of acquiring tactical nuclear weapons from the United States for the use on Canberra or Sabre aircraft. 'Defence Committee—Nuclear Weapons for Australian Forces—Plutonium Production in Australia', 8 November 1956, NAA: A571, 58/677. But Britain was the most likely source of supply. Australian forces were committed to Malaya in 1955 and the United Kingdom was proposing to introduce nuclear weapons for use in that theatre. 'Malaya—Proposed Introduction and Use of UK Nuclear Weapons', NAA: A1209, 57/5729. Nor was it clear how the restoration of Anglo-American nuclear relations in 1958 would affect Australia's defence capability. The Ministry of Defence in Britain noted that the amendment to the McMahon Act had 'materially changed' British deterrent policy. D(58) 47, 8 September 1958, TNA: CAB 131/20. One item that was clearly marked for cancellation was the intermediate-range ballistic missile Blue Streak at Woomera. The UK Defence Secretary reported to Cabinet that 'the Australians will be disappointed if Blue Streak is developed only as a space launcher'. Memorandum to Cabinet, D(60) 17, 1 April 1960, TNA: CAB 131/23. Its cancellation would, the ministry recorded, 'strike a grievous blow to Anglo-Australian relations in the field of defence'. Memorandum by Defence Ministry, D(58) 63, 17 November 1958, TNA: CAB 131/20. In June 1959 the ministry, in evaluating 'strategic exports' of arms, noted that Menzies was determined that the joint project at Woomera be maintained. D(59) 7th Meeting, 24 June 1959, TNA: CAB 131/21. Blue Streak was cancelled the next year.



conflict with its observation that 'successful defence would require the use of nuclear weapons'. Not surprisingly the paper concluded that rapid advances in military technology 'posed significant problems' for Australian forces.<sup>96</sup>

While the AAEC continued work on Australia's possible role in the full nuclear fuel cycle, the Australian Government held discussions on the possibility that nuclear weapons would be made available to the Australian defence forces. These discussions continued at fairly regular intervals thereafter.<sup>97</sup> During the visit of the US Secretary of Defense, Neil McElroy, in October 1959, Menzies was asked to raise the possibility of Australian forces achieving a nuclear capability 'in some form or other'.<sup>98</sup> The Minister for External Affairs, Garfield Barwick, requested discussions with Secretary of State Dean Rusk on the possibility of a 'key to the cupboard' arrangement—the contingent delivery of tactical nuclear weapons to Australian forces either through ANZUS or the Southeast Asia Treaty Organization (SEATO). The position Barwick put was in line with the Joint Planning Committee's assessment of September 1961, which essentially made the case for the use of tactical nuclear weapons in 'limited wars' in the Southeast Asian region.<sup>99</sup>

Australian overseas missions at that time were also engaged in closely monitoring the reaction of other non-nuclear-weapon states to nuclear proliferation. The possibility that NATO members would be furnished with tactical nuclear weapons was of particular interest given similar, albeit much weaker, alliance arrangements in the Far East.<sup>100</sup> Predictably, the position of the Department of Defence at that time was to 'keep open' a nuclear weapons capability, noting that tactical nuclear weapons might become 'standard equipment' for American allies. To that end the department took the view in April 1963 that Australia would not agree to any undertaking that closed off a nuclear weapons capability or any 'off-the-shelf arrangement'.<sup>101</sup> The position was to be maintained thereafter. In a Defence policy paper dated 16 October 1964, the stance was that 'having regard to the present strategic situation and our treaty arrangements in which our most powerful allies have a nuclear capability, there is no immediate requirement for an Australian nuclear capability'. The assessment did not rule out the possible long-term need for such a capability and commented that '[o]ur forces have as far as possible a potential capability to operate with nuclear weapons and in the face of nuclear opposition'.<sup>102</sup>

It seemed at this juncture that the spread of nuclear weapons was inevitable. Australian diplomats were aware that the possibility that the Federal Republic of Germany might acquire

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96 'Strategic Basis of Australian Defence Policy, 1959–61', NAA: A1838, TS677/3 part 2 (emphasis added). See also 'Nuclear Weapons for Australian Forces', NAA: A1209, 57/4067.

97 Document 39. At the Commonwealth Conference in 1960, held after the cancellation of Blue Streak, Sir Arthur Tange, Secretary of the Department of External Affairs, met with Sir Patrick Dean of the UK Foreign Office and had a 'long and rather complicated exchange of views about the tactical use of nuclear weapons in Asia'. Tange wanted to know in particular whether the UK had considered 'some way of making tactical nuclear weapons more attractive in Asian eyes'. 'Commonwealth Prime Ministers' Conference —1960—Strategic and Defence Questions', NAA: A1838, TS899/6/6/6.

98 'Visit to Australia of US Secretary of Defense, the Honourable Neil McElroy, 8–13 October 1959', NAA: A1838, TS672/2/3/1. See also 'Australian Defence Equipment to the US, May 1957', NAA: A816, 42/301/1263.

99 Document 52. The United States was prepared to use tactical weapons in Southeast Asia and agreed in May 1962 to have discussions with Australia on the 'guidelines for the use of nuclear weapons'. See Cabinet Decision 241, 'Nuclear Weapons for Australian Forces', 15 May 1962, NAA: A4940, C3380.

100 Document 55.

101 'Nuclear Weapons in the Defence of Australia: Defence Notes', 10 April 1963, NAA: A1838, 919/12/1 part 1.

102 See Document 68.

a nuclear weapon capability was a factor in the planning of states such as Sweden<sup>103</sup> and Switzerland.<sup>104</sup> Of more immediate concern was the regional reaction to the Chinese nuclear test in 1964. Within a month of the test, the Australian High Commission in India was reporting that New Delhi could fabricate its own bomb within 18 months.<sup>105</sup> But they were also aware that there was a developing momentum behind the need to conclude a non-proliferation treaty.

### **The move to a non-proliferation treaty**

In December 1965 the Department of External Affairs produced a research paper on the non-dissemination of nuclear weapons.<sup>106</sup> The survey was largely prompted by developments in the Eighteen-Nation Disarmament Committee. Australia was not on the committee and had recorded a number of abstentions with respect to its work in the General Assembly. The ENDC by the end of 1965, however, was moving in directions that were to have major implications for Canberra's nuclear policies.

One of the most important concerns in Canberra was the need to strengthen ANZUS. The surprising progress of the so-called Irish resolution threatened this objective. In late 1958, Irish Foreign Minister Frank Aiken proposed a resolution in the General Assembly calling for a comprehensive disarmament settlement. This move from Ireland, an unwelcome one in the view of the Australian Joint Planning Committee, introduced two new elements into the deliberations at the United Nations on the suspension of nuclear tests. Ireland was proposing to have a future treaty ban the supply of nuclear weapons by the major nuclear powers to non-nuclear states. Nor were the latter to be allowed to manufacture nuclear weapons. The Joint Planning Committee recommended what was to become an essential plank in Australia's diplomatic position: 'Australia's possible future requirements for nuclear weapons under certain circumstances and conditions should be safeguarded.' It was not seen, however, as urgent since, the joint planners thought, the problems posed by the amendment could be largely dismissed on the grounds that such measures were incapable of effective implementation.<sup>107</sup>

Canberra's diplomatic reaction to the Irish proposal was initiated by Casey in the First Committee of the United Nations in October 1958<sup>108</sup> and pursued later by Barwick in a letter to the UN Secretary-General in March 1962.<sup>109</sup> Barwick underlined Australia's conviction that specific undertakings of the kind envisaged in the Irish proposal could be neither formulated nor ratified by countries not possessing nuclear weapons in isolation from the wider issues of controlled disarmament. In the strategic calculation of military deterrence, nuclear weapons and conventional forces were inextricably bound together. In other words, the conventional threat in the Asian region ruled out Australian support.

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103 The diplomatic position of Sweden in response to the Irish amendment indeed was to turn the argument around from one of putting non-nuclear-weapon states in a position of forsaking nuclear weapons to one of assessing the 'prior conditions' that would have to be met before any such agreement could be concluded. Sokolski, *Best of Intentions*. On Sweden's approach to nuclear weapons, see Thomas Jonter, *Sweden and the Bomb*, SKI Report 01:33: The Swedish Plans to Acquire Nuclear Weapons, Swedish Nuclear Power Inspectorate, Stockholm, September 2001.

104 Document 57.

105 Document 59.

106 'Non-Dissemination of Nuclear Weapons', 10 December 1965, NAA: A1838, 919/10/5 part 3.

107 Document 36.

108 Document 37.

109 Document 53 and note 4 thereto. Barwick's letter was a response to an enquiry by the UN Secretary-General asking about the circumstances in which countries would forsake nuclear weapons along the lines of the Swedish resolution.

The clearest indication of this conviction came in 1963 in the debate on nuclear-free zones. If the Indian Ocean threatened in the future to become a theatre of nuclear weapons testing, the Pacific had long been one. The Americans and British had developed their respective arsenals there before the Partial Nuclear Test Ban Treaty of 1963. Between 1966 and 1974, however, the French conducted 41 atmospheric tests at Mururoa and Fangataufa atolls 1,200 kilometres southeast of Tahiti.<sup>110</sup> The French had informed the Australian Embassy in Paris in August 1963 that they were proposing to conduct tests in the Pacific and would keep Australia informed about safeguards against fallout.<sup>111</sup> On 7 November 1963 the French National Assembly approved a defence budget with 40 per cent to go to the *force de frappe*.<sup>112</sup>

Despite these developments, the leader of the Australian delegation proposed in the General Assembly in October and November 1963 conditions that ruled out a nuclear-free zone in the Pacific.<sup>113</sup> This position was consistent with Australia's earlier opposition to such zones when they had been first suggested by Soviet Premier Nikita Khrushchev in the late 1950s. With the pending deployment of Polaris submarines to the Indian Ocean in 1963 and the fact that the People's Republic of China 'was well on the way to acquiring nuclear weapons', Menzies received advice in June that any Australian statement to support a nuclear-free zone in the Asia-Pacific would cause embarrassment.<sup>114</sup> The American view was to support such zones in Latin America (which of course covered Cuba) and Africa, but not in the Asia-Pacific.<sup>115</sup> On 31 October 1963, Barwick, while condemning the French tests, declared in a major statement on international affairs that Australia would not accept a nuclear-free zone in the Asia-Pacific. The case, he said, rested not only on the fact that China was moving to acquire nuclear weapons, but also on its 'enormous manpower resources and the capacity of conventional warfare'.<sup>116</sup>

Despite the public condemnation of the French nuclear tests, behind the scenes the AAEC moved to strengthen ties with France. A key factor here was that Paris had chosen to take an independent approach to nuclear research and development. It had been particularly concerned about the unreliable American supply of plutonium. In any event, the United States was not prepared to extend any special bilateral concessions of the type that had been given to the United Kingdom. This was made dramatically clear in 1965 when Washington sought to replace existing bilateral safeguards in Europe with an agreement with Euratom. The French reaction was to promote the idea of a rival European diffusion plant, and to develop an association of like-minded states in its proposed Eurodif enrichment consortium.<sup>117</sup>

The timing of these moves paralleled dramatic developments in the United Nations. In July 1965 the ENDC requested that the United Nations 'accord special priority' to the conclusion of a treaty. The United States, Britain and Canada in separate discussions agreed on the principles that were to become the basis of the NPT—that there would be strictly defined

110 Richard Broinowski, *Fact or Fission? The Truth about Australia's Nuclear Ambitions*, Scribe, Melbourne, 2003, p. 86.

111 Cablegram 1394, Embassy in Paris to Department of External Affairs, 15 August 1963, NAA: A1209, 63/6525.

112 Cablegram 1844, Embassy in Paris to Department of External Affairs, 8 November 1963, NAA: 1838, 919/12/5. In Savingram 268, the embassy had reported that the French would quash any idea of a European nuclear force on 31 October 1963.

113 Such as the requirement that nuclear-free zones have unanimous support and an absence of nuclear targets. NAA: A1838, 919/10/5 part 3.

114 Note for Prime Minister, 6 June 1963, NAA: A1209, 62/952.

115 Cablegram 1892, Embassy in Washington to Department of External Affairs, 19 July 1963, NAA: A1209, 62/952.

116 Statement by Minister of External Affairs, 31 October 1963, NAA: A1209, 62/952.

117 Extract from ORC(65)29, Meeting of the Council of the European Atomic Energy Society, April 1965, Japan: Tokai-Mura Reprocessing Safeguards, TNA: AB 65/286.

nuclear-weapon states which would not transfer nuclear weapons to non-nuclear-weapon states, and that the latter in turn would not acquire them or attempt their manufacture. The United States discussed a draft treaty with NATO and looked to the British to bring the Commonwealth countries in line.

Canberra's nuclear diplomacy at this juncture, however, took it into uncharted waters as it sought to identify with a number of states with advanced nuclear programs. To this end it opposed the attempt to fashion an agreed Commonwealth position on disarmament in 1965 and suggested instead that the British proceed with a separate paper in response to the ENDC resolution.<sup>118</sup> In the Twentieth Session of the General Assembly debate in August 1965, Secretary of the Department of External Affairs Sir James Plimsoll stressed the 'special problems of Asia'<sup>119</sup> and the need to consider conventional armaments as well as nuclear weapons in any agreement.<sup>120</sup>

In 1965 a second front opened that challenged Australia's developing nuclear program. Until that time, the supply of fissionable material had been secured by a bilateral safeguards agreement with the United States. The Americans were now moving, however, to replace such agreements with those between non-nuclear-weapon states and the International Atomic Energy Agency. On 6 May 1965 the AAEC met with the State Department and submitted that Australia would not accept 'unrestricted' IAEA access to sites for inspection. The United States, however, was insisting on access to the reactor itself and all records.<sup>121</sup>

The AAEC wanted to enlist the support of the Department of External Affairs for a joint position to counter any safeguards arrangements which would close off Australia's option to build nuclear weapons or to develop the technology to produce fissionable material.<sup>122</sup> Beyond this proposal there was a concerted push by this time from the AAEC, consistent with its original charter, to establish a nuclear power program in Australia based on a national fuel cycle, thereby avoiding the need for imported fuel and an intrusive safeguards regime.<sup>123</sup>

When Cabinet moved to debate the issues surrounding Australia's nuclear ambitions and the implications of new safeguards arrangements in 1965, the AAEC was determined to press on with an active nuclear program. It discounted safeguards as an obstacle to nuclear development for peaceful and military purposes, and embraced options such as the American Plowshare program of 'peaceful' nuclear explosions to crater mountains and to mine resources. The AAEC also recommended that a reactor be established in South Australia, or at alternative sites in the Australian Capital Territory and the Northern Territory. Its officials explained to the Department of External Affairs in November 1965 that they were 'convinced' that 'it would prove a good economic proposition' and would 'shorten by at least five years the time

118 Document 62. See also Document 67 for the final communiqué which underlined the need to associate China with the treaty.

119 The reference to 'special problems in Asia' was given some poignancy at this juncture with press reports that Indonesia might play host to a Chinese nuclear test in October 1965 or even acquire its own device. JIC(Australia), 'Indonesia—Development of Nuclear Capability', 16 November 1964, NAA: A1946, 1968/1179; 'Atomic Bomb by October', *Sydney Morning Herald*, 3 February 1965, *Canberra Times*, 4 February 1965. See also 'Atomic Energy: Developments in Indonesia', NAA: A1838, 720/6/34.

120 See also Document 83 for a continuation of this argument in response to deliberations in the ENDC in 1966.

121 Notes of a Meeting in the State Department with Maurice Timbs, 6 May 1965, NAA: A1838, 250/9/24 part 2. Australia was not alone in this. All bilateral partners of the United States, with the exception of Japan, 'objected strenuously' to the IAEA safeguards. The new IAEA safeguards, INFCIRC/66, were approved by the IAEA Board of Governors in 1965 and applied safeguards to plant and materials. Fischer, *History of the International Atomic Energy Agency*, p. 250.

122 Document 66.

123 Documents 69, 77 and 78.

that would be needed to implement any policy subsequently adopted to develop nuclear weapons'.<sup>124</sup>

The Defence Committee, however, did not see an immediate risk of nuclear war, despite reservations about the longer term threat posed by the People's Republic of China. Nevertheless, a more immediate advantage of a nuclear capability was that it could prove to be a significant deterrent to any Indonesian move on Papua New Guinea.<sup>125</sup> The Department of Defence itself, however, was mindful of the American determination to pursue safeguards and of the possible damage to bilateral relations in the event of an Australian refusal to sign an agreement with the IAEA. It therefore proposed talks with the United States designed to ensure that any American concession to NATO or Euratom on safeguards was extended to Australia, and to press for assurances of nuclear protection.<sup>126</sup>

### **The Department of External Affairs supports the treaty**

The Department of External Affairs, while mindful of the need to ensure a careful assessment of the defence implications of safeguards, was also aware that there were risks in pursuing an Indian option—developing a nuclear weapons capability under the cover of a civil program.<sup>127</sup> The signs that a nuclear disarmament settlement might be concluded meant that the department had to be prepared to coordinate much more closely with the Department of Defence. The pressing requirement was the need to ensure that Canberra's diplomacy duly took account of Australia's strategic requirements in the military-scientific fields.

There also appears to have been a history to such coordination in any case. The Secretary of the Department of External Affairs, Arthur Tange, had pressed for 'access by this Department to scientific knowledge as well as to "military" knowledge and advice' in June 1957.<sup>128</sup> It was the end of a period, as Eric Andrews has recalled, of strains between the departments of External Affairs and Defence, with at times 'cumbersome' working arrangements on the Joint Intelligence Committee and tight centralised control exercised over defence planning and policy by Sir Frederick Shedden.<sup>129</sup> In any event it was important to ensure advice was sought from those entrusted with Australia's defence science planning. In August 1957, the department and the Joint Intelligence and Joint Planning committees met with Sir Leslie Martin, the Defence Scientific Adviser, and received a briefing on the likely impact of any disarmament agreement on nuclear testing, the inspection of facilities manufacturing fissionable material and the diversion of such materials for peaceful uses. It was the first of a number of such meetings.<sup>130</sup>

The department also became aware of the need to strike a delicate balance between compromising Australian nuclear policy and the imperatives for reaching an international agreement on nuclear non-proliferation. The extent of this dilemma occasioned a cablegram from Tange's successor, James Plimsoll, to the High Commission in London, in which he argued that countries were not necessarily guilty of 'hypocrisy or double standard' in pressing

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124 Document 77. See also Document 76.

125 Document 101.

126 Document 81. On Euratom principles see Document 97.

127 See note 12 to Document 66 and Documents 88 and 89.

128 Document 26.

129 Eric Andrews, *The Australian Centenary History of Defence: Vol. V: The Department of Defence*, Oxford University Press, Melbourne, 2001, pp. 128–53. On the early Menzies years, see also David Horner, *Defence Supremo: Sir Frederick Shedden and the Making of Australian Defence Policy*, Allen & Unwin, St Leonards, 2000, pp. 293, 308.

130 Document 27. See also Documents 29, 76 and 88.

for global disarmament while at the same time seeking arms.<sup>131</sup> In June 1965 the AAEC summed up the position, pointing out that the gist of the history of this matter was that, while Australia had publicly supported moves to discourage proliferation, it had not abandoned its option on either acquiring or developing nuclear weapons in the future—the position made public by Menzies in 1957.<sup>132</sup>

The result of these discussions, and indeed of the growing role of the department in the increasingly complicated diplomacy surrounding disarmament, was the production of a paper on the history of Australian policy towards the acquisition of a nuclear weapons capability. The paper reflected the strong awareness of the authors of the importance attached to the NPT by the Americans and the resultant need to understand that the ultimate guarantee of Australian security lay in the ANZUS Treaty of 1951. The policy was therefore underscored—Australia had to avoid supporting any moves which would prohibit the stationing of nuclear weapons in non-nuclear countries by the nuclear powers, on the grounds that this would prevent possible stationing by the United Kingdom or the United States of nuclear weapons in Australia should this ever be necessary. Nevertheless, the conclusion of the paper was that, while the Australian Government had given support to all ‘genuine efforts’ to disarmament, it had ‘been careful to leave the way open for the acquisition of a nuclear capability should future circumstances make this necessary for Australian security’.<sup>133</sup>

Three months later, on 17 August 1965, the United States tabled its draft treaty on nuclear non-proliferation. For the first time there were specific terms for a treaty.<sup>134</sup> The Department of External Affairs then prepared a detailed brief for the Australian Permanent Mission to the United Nations outlining Australian policy and providing an assessment of the attitudes of the leading participants in the debate. Significantly, the assessment was that the Soviet Union and the United States were moving to agreement over the question of the role of nuclear weapons in NATO. This marked a major step. Moscow had long opposed the development of a so-called Multilateral Force<sup>135</sup> and now Washington was becoming disenchanted with the concept.<sup>136</sup>

The problem for Canberra was that the situation in Asia was becoming more threatening. The timing of the American draft could not have been worse. On 2 August 1965 reports were emerging from Japan that gave some credibility to the possibility of nuclear collaboration between Indonesia and the People’s Republic of China in nuclear weapons tests.<sup>137</sup> The Indonesian threat seemed to be removed, however, in October 1965 when a bloody coup resulted in the installation of a military government under Suharto. Almost immediately he moved to reassure the United States of Indonesia’s peaceful intentions with respect to nuclear weapons. Nevertheless, the threat of both vertical and horizontal nuclear proliferation in the region was unabated. The People’s Republic of China detonated a third nuclear test in October 1965. India, too, as Tange warned Canberra, was under pressure ‘eventually to manufacture nuclear weapons and, in the meantime, to preserve her right to do so when it is timely and practicable’.<sup>138</sup>

It was the particular concern arising out of these developments that provided Canberra with the opportunity to engage in robust diplomacy behind the scenes with a number of near-nuclear states, many of which had nuclear weapons ambitions. Australia often found itself

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131 Document 65.

132 Document 66.

133 Document 68.

134 Historical Note, August 1967, NAA: A1838, 680/10/2 part 1.

135 See Document 83.

136 Document 70. The other nations of interest were the United Kingdom, France and the Federal Republic of Germany.

137 Documents 71 and 72.

138 Document 85.

having more in common with the Federal Republic of Germany, Japan and India than with its traditional allies. But, in entering the debate with a view to evolving a draft more in line with Australian interests, there was some attraction to the option of playing a passive role, at least for the present, if it could be expected that the objections of countries like Germany, India and Japan would in any case cause abandonment or radical alteration of the current draft.<sup>139</sup> Indeed Australian passivity was the subject of discussions with India. To New Delhi it seemed only logical that Australia, along with India and Japan, would find common cause for concern with a treaty that did not adequately provide security against China.<sup>140</sup>

The adoption of what was essentially a hedging option brought in its wake problems for those who were at the diplomatic front line. In August 1967, after two years of reporting on the disarmament discussions, Malcolm Booker, then First Assistant Secretary in the Department of External Affairs, noted that Australia's Permanent Mission to the United Nations would have to receive instructions on the NPT given that it was likely to be recommended to the General Assembly by the ENDC. He correctly foreshadowed that the safeguards would place restrictions on the non-nuclear countries in the use of weapons-grade nuclear fuel as well as nuclear installations, with the possible exceptions of installations and fuel developed entirely from a country's own resources. Booker argued that the probability was that, provided it could commit the necessary resources, Australia could sign the treaty at a time when it had reached a stage at which it would take only a matter of months to produce a weapon. There was, however, in his opinion, no real option other than to sign the treaty.<sup>141</sup>

The department agreed and concluded that in the explanation of Articles I and II,<sup>142</sup> the United States was prepared to consult with allies, although it was NATO that it had principally in mind. Nor did the Americans, in the department's view, contemplate prohibition of nuclear weapons in allied territory so long as this did not involve any transfer of control. Significantly, in the light of the Australian decision to purchase the nuclear-capable F-111, there would be no bar to the transfer of delivery vehicles, provided there was no transfer of control over nuclear weapons. The United States' explanation of Articles I and II was that the arrangements would not involve any transfer of warheads or control over them 'up to the point where a decision to go to war is made, at which time the treaty would no longer be controlling'. The department's approach was to try to firm up an American security guarantee and let other concerned states without nuclear weapons take the running in the coming debate in the United Nations. As one External Affairs draft put it: 'It would not seem necessary, however, that Australia should be among the first signatories.'<sup>143</sup> The department prepared a draft Cabinet submission on the NPT for the Minister, Paul Hasluck, which was completed by 6 February 1968. It was a thorough analysis of the options that traversed the arguments for developing an independent nuclear weapons capability but came down squarely on the side of signature out of consideration of the importance of ANZUS.<sup>144</sup>

The framing of Australian foreign policy, especially on such a matter as this, was not for the department alone. The same day the AAEC went on the attack, calling for a Cabinet submission that would reflect all aspects of the treaty—political, military, civil and technical.<sup>145</sup> The AAEC was determined to press ahead with an ambitious nuclear program and one which might clash

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139 Document 89.

140 Document 96.

141 Document 94.

142 Document 102.

143 Undated Note by the Department of External Affairs on Draft Treaty on the Non Proliferation of Nuclear Weapons, c. 1967, NAA: A1838, TS919/10/5 part 1.

144 Document 102.

145 Document 103.

with the non-proliferation regime promoted by the United States. Indeed, in April 1967 the AAEC had informed the department that it had started a highly secret enrichment project called 'Whistle' in 1965.<sup>146</sup> The reason was the same as that which had led to the conclusion that CANDU should be approved—domestic self-sufficiency. The AAEC's High Flux Australian Reactor (HIFAR) had used 90 per cent enriched fuel, but there was a developing concern about the future source of supply as the United States increasingly restricted access.<sup>147</sup>

The Minister for National Development, David Fairbairn, wrote to Prime Minister Gorton on 16 February 1968, drawing attention to the possible impact of the treaty on Australia's nuclear enrichment program, which had promised to revolutionise the commercial and military uses of nuclear energy. Fairbairn argued that there was 'a very strong case for Australia to move slowly in this matter and delay for a considerable time signing the Treaty, or perhaps not to sign it at all but to make an appropriate declaration that we do not contemplate making nuclear weapons'. Sir Henry Bland, the Secretary of the Department of Defence, had a similar view. He said that, if Australia decided not to sign the treaty, he 'did not imagine that it would be announced bluntly in the General Assembly of the United Nations. The announcement could be wrapped up in a palatable form'. Beyond that he suggested that Australia could limit the treaty to a short period of operation—10 years.<sup>148</sup>

The AAEC produced its own paper in March outlining the case against signing the NPT, drawing attention to the advantages that Australia possessed as a potential nuclear-weapon state, along with the promise of developing new centrifuge enrichment technologies that could challenge the American diffusion process which had dominated the global market since the Manhattan Project.<sup>149</sup> The Defence Committee too echoed the concern over the potential for the treaty to limit Australian nuclear research and development for peaceful purposes.<sup>150</sup>

Booker, however, attempted to counter the AAEC argument on the need to focus on the technical aspects of nuclear energy before rushing to sign the treaty. He reasoned that the treaty would still allow 'a non-nuclear signatory of the treaty to carry its nuclear technology to the brink of making a nuclear explosive device'.<sup>151</sup> In a later age this would be seen as developing 'nuclear ambiguity' or a 'recessed' or 'opaque' capability. While there would be no nuclear arsenal, the option of quickly fabricating a weapon and mating it with a delivery system could be developed, including by members of the NPT system. Indeed it was to be a clear issue immediately after the NPT when, as Ashley Tellis argues, India extended its civilian nuclear program to defence applications. The 'processors of weaponization will remain primarily covert'.<sup>152</sup> Many nations capable of developing nuclear weapons sought to ensure that they had an option to do so in the lead-up to the NPT. An associated need was the

146 See Document 69. Keith Alder dates a 'highly classified' enriched uranium program, to 93 per cent or fissile level, to the period 1966–70. Keith Alder, *Australia's Uranium Opportunities*, Pauline Alder, Sydney, 1996, p. 30. Clarence Hardy writes that 'a modest research program' on enrichment started in 1965 with a view to supply independence and to have an option for the future manufacture of nuclear weapons. Clarence Hardy, *Enriching Experiences: Uranium Enrichment in Australia 1963–1996*, Glen Haven, Sydney, 1996, p. 27. Alice Cawte dates the program from 1966. Alice Cawte, *Atomic Australia, 1944–1990*, New South Wales University Press, Sydney, 1992, p. 143.

147 For the background see Alder, *Australia's Uranium Opportunities*, p. 31.

148 Documents 106 and 110.

149 Document 107.

150 Document 109

151 Document 108.

152 Ashley J. Tellis, *India's Nuclear Posture: Between Recessed Deterrent and Ready Arsenal*, RAND, Santa Monica, 2001, pp. 10–11, 753. See also Document 136 for a discussion by Shaw on 'manufacture' as cover for the 'production of components'.



evaluation of lead times to develop such a capability. Married to the defence issue was the problem that states that were allowed nuclear weapons could exploit their status and steal a march on commercial competitors such as Germany and France.

In 1968 it was therefore important to establish before the General Assembly debate the answers to some of the main queries raised by the AAEC. To that end cablegrams went out to the relevant posts on 15 March asking them to sound out their host countries on the issues that threatened a potential Australian nuclear program. What precisely did a prohibition of 'manufacture' mean? Were 'special fissionable materials' to be deposited with the IAEA as opposed to storing them in the producing country? Could Asian states form a regional association such as Euratom and then negotiate as a group with the IAEA? What were the dangers in signing a treaty without knowing the form of the safeguards arrangements that were to be subsequently negotiated with the IAEA?<sup>153</sup>

A major problem was highlighted by the last question. Washington had already, in 1965, insisted that bilateral safeguard arrangements be replaced by those negotiated with the IAEA, on a case-by-case basis. It was therefore likely, especially given that the United States had classified its own work on enrichment, that the effect would unsettle a number of countries with respect to the supply of nuclear fuels. Washington was keen to avoid specific commitments, and certainly any that might discriminate between key allies. Japan for one was conscious of the benefits that flowed from membership of Euratom as well as to consortia in Europe to develop enrichment and reprocessing. In short, the United States had to negotiate with advanced industrial states with ambitions to develop national and regional nuclear fuel cycles, others with limited industrial infrastructure but with sizeable deposits of recoverable uranium, and finally those dependent on an open market for nuclear products and services.

The response to Australia's questions was therefore vague. On 15 March 1968, the Australian Government was assured that the treaty only 'dealt with what was prohibited, not what was permitted'. The definition of 'manufacture' was not addressed specifically.<sup>154</sup> There seemed little option, as Booker clearly understood, other than to sign the treaty but then to delay 'Australian ratification of the treaty ... until we have reasonable certainty that our requirements are met'.<sup>155</sup>

The NPT controversy entered the public arena in March 1968. A notable feature of this debate was the role played by former members of the UK Foreign Office's Arms Control Department who went to Australia and took a leading part in the campaign to get Australia to sign the NPT. Three were at the Australian National University writing 'Canberra Papers' with Hedley Bull, the former director of the Arms Control and Disarmament Research Unit at the UK Foreign Office. They were Geoffrey Jukes ('The Strategic Situation in the 1980s', which attacked the 'nuclear euphoria' and argued for an enhanced conventional capability); J.L. Richardson ('Australia and the NPT', which argued that not signing the NPT was 'incompatible with ANZUS') and Ian Bellany ('An Australian Nuclear Force', which argued that Australia could not afford the delivery vehicles, especially for intercontinental ballistic missiles).<sup>156</sup> Of the newspapers, the *Australian Financial Review* provided the most detailed and authoritative

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<sup>153</sup> Document 111.

<sup>154</sup> Document 112.

<sup>155</sup> Document 114.

<sup>156</sup> M.F. Cullis, ACDRU, to Sir T. Brimelow, 'NPT: Australian Views', 28 August 1969, TNA: FCO 66/67. See Document 117. A.L. Burns, Professor of Political Science in the Research School of Social Sciences of the Australian National University, also added his weight to the campaign to ensure an Australian signature. See Document 137.

accounts of the mounting debate—a factor reflected by the extensive clippings from papers in the files of the Department of External Affairs.

The press coverage served its uses. The key objective at this point, as far as the Department of External Affairs was concerned, was to secure the maximum concessions from the United States before signature of the NPT. The United States had never given more than general assurances of nuclear deterrence assistance and was never clear on precisely what use would be made of nuclear weapons in Southeast Asia. If anything, the NPT seemed to rule out nuclear deterrence assistance. Some American officials suggested that assistance to Australia would be conventional, not nuclear.<sup>157</sup>

This was to be a sticking point thereafter. In April 1968, a US delegation visited Canberra and laid out a number of concessions with respect to the definition of ‘manufacture’, the right of non-nuclear states to store special fissionable material, the right to enrich uranium and the removal of safeguards on untreated ores. There was no concession, however, on either declassification of enrichment technology or the right to use nuclear weapons against conventional attack.<sup>158</sup> The concessions, however, went a long way in changing opinions in the AAEC, although it still resisted signature of the treaty.<sup>159</sup> But Cabinet delayed and directed the Australian Permanent Mission to the United Nations to take no action to support the treaty in the coming debate until the Australian position could be finally determined.<sup>160</sup>

The Department of External Affairs in the meantime kept on a campaign to draw Washington on nuclear cooperation, which of course provided the important context for any Australian signature of the treaty. That, and the embarrassing reluctance of a state with extensive reserves of uranium and thorium to sign, prompted the Americans to seek Australian support by emphasising the security assurances that flowed from the ANZUS and SEATO treaties, rather than any that might be given as part of the NPT.<sup>161</sup> Beyond that an aide-memoire was handed to the Australians on 13 May 1968 which gave assurances that the right to enrich uranium and to store fissionable material would be guaranteed.<sup>162</sup>

The British too attempted to influence the Australians to stay away from a major debate in the United Nations—the ‘last thing they wanted’ was to have Australian concerns regarding ‘manufacture’ opened up in the United Nations ‘where action by the Africans, in particular, could have unpredictable consequences’.<sup>163</sup> The Australian Government, however, was not content to rely on general assurances of support. Canberra’s position here was to have the United Nations discuss the prospect of a ‘model agreement’ on safeguards which would allow more certainty than the proposal to negotiate such agreements *after* the signature of the NPT.<sup>164</sup>

Again it was the Federal Republic of Germany which lent support to this position. Like Australia it was not prepared to take a lead in the debate in May 1968, but was anxious that the

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<sup>157</sup> Document 100.

<sup>158</sup> Document 119. These concessions were confirmed by a legal interpretation from Canada (see Document 121).

<sup>159</sup> Document 122.

<sup>160</sup> Document 124.

<sup>161</sup> Document 126.

<sup>162</sup> Document 136. The aide-memoire was later leaked to the Belgian delegation to the United Nations, with the result that the document was shared with the members of Euratom, Japan and Canada, but only after it was agreed in discussions with the Americans that references to Australia’s concerns about conventional threats would be removed. See Document 138.

<sup>163</sup> Document 128.

<sup>164</sup> Document 129. The Euratom formula placed safeguards on materials but not on facilities (see Document 134).

General Assembly fully address the issues surrounding safeguards.<sup>165</sup> The problem, however, as the Australian Permanent Mission to the United Nations saw it, was that the debate would become bogged down in detailed and technical discussion.<sup>166</sup>

During the course of the Twenty-second General Assembly debate, the Australian delegation pursued an active dialogue with a large number of delegations, especially the Europeans, who shared concerns over the definition of 'manufacture' and the vagueness surrounding safeguards.<sup>167</sup> Despite Anglo-American concern to ensure that Australia pursued attempts to thrash out the issue, Patrick Shaw, Australian Permanent Representative to the United Nations, in his speech to the First Committee of the General Assembly on 17 May, declared that 'in common with other countries, Australia would wish to know precisely where it stood in relation to safeguards before considering ratification of the treaty'.<sup>168</sup> But in their discussions with delegations from the United States, the United Kingdom, the Netherlands and Belgium, the Australians met resistance to the proposal for a model safeguards agreement. Nevertheless, there was general support for the idea that parties to the treaty would negotiate with the IAEA regarding the safeguards agreements under Article III before proceeding to ratification. Consequently, the delegation reported that it considered that 'there should be no difficulty in Australia satisfying itself about the terms of the safeguards agreement under Article III before ratification'.<sup>169</sup>

On the security questions Australia was less successful. Here the focus was on the duration of the treaty and the right to withdraw in the event that vital security interests were threatened, but the debate largely ignored the matters of concern to Australia. For its part the Australian delegation did not press these issues and by and large followed the instructions to keep a low profile. But this was again noticed and an attempt was made to give the Australians a more prominent role. This time it was the Japanese and Soviet delegations which raised the possibility of Australia co-sponsoring the amended resolution. Predictably, Canberra followed the script and sent instructions to the Australian delegation to decline the offer.<sup>170</sup>

Signing the treaty with a view to extracting further certainty before ratification, however, was not a simple matter. The Conference of Non-Nuclear-Weapon States, held between 29 August and 28 September 1968, found Australia yet again in an awkward position with respect to its attitude to the NPT. On the one hand, there were arguments for signature, especially if the opportunity to exploit commercial markets were to be assured. On the other hand, there was still much uncertainty. Countries 'of concern' to Canberra, such as India, showed no indication of signing, and there was considerable reluctance in Germany, which had reacted strongly to the Soviet invasion of Czechoslovakia in the northern spring.<sup>171</sup> This threatened to strengthen doubts of other important European countries such as Italy.

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165 Germany was working on centrifuge enrichment technology with the Dutch and was opposed to any arrangements which threatened the secrecy of this process. The UN delegate, Schnippenkoetter, also explained to the Australians in early May that the German view of 'manufacture', an important issue for Australia, would allow any nuclear work short of actual assembly of a weapon or explosive device (see Document 133). Booker saw the German aim of 'practical safeguards' and the need to ensure that it was not disadvantaged in the peaceful uses of nuclear technology as 'close to Australia'. Interview between Booker and German Ambassador, 7 June 1968, NAA: A1838, 680/10/2 part 6.

166 Cablegram UN 762 from Mission to the United Nations to Department of External Affairs, 9 May 1968, NAA: A1838, 680/10/2 part 2.

167 Documents 125 to 144.

168 Document 139.

169 Document 149.

170 Document 140.

171 The options were canvassed by the NPT working group on 12 August and incorporated into Hasluck's submission to Cabinet the next day. Documents 147 and 148.

There was also the internal problem that the AAEC was still disinclined to support signing the treaty. It had produced a number of papers which argued that in signing the NPT Australia would be denied the option to acquire or produce nuclear weapons and would therefore become more dependent on its alliances, even for the defence of its own territory. It was, moreover, pessimistic about the protection of the American nuclear umbrella given the growth in the nuclear weapons potential of the People's Republic of China. An additional problem was that the application of IAEA safeguards envisaged by the NPT would provide unparalleled opportunities for industrial, defence and commercial espionage by highly trained international inspectors.<sup>172</sup>

Behind much of this opposition was the belief that Australia could launch a major nuclear program, both civil and military. It had large uranium reserves, had started to work on enrichment by the more advanced centrifuge technique (the United States still depended on the Manhattan-era diffusion process), and had assembled considerable expertise in many aspects of nuclear research.<sup>173</sup> Australia, moreover, was in a position to work with Japan, a country determined to develop nuclear power but one that would need large and secure supplies of uranium. It therefore seemed possible that Japan might assist with developing an Australian enrichment capability and collaborate in establishing Euratom-like safeguards in the Asia-Pacific.<sup>174</sup>

All such arrangements, however, could only be progressed after securing agreement with the United States. External Affairs Minister Paul Hasluck supported Australian participation in the Conference of Non-Nuclear-Weapon States,<sup>175</sup> but in so doing he wanted to ensure that the conference would do nothing to restrain the freedom of the United States to station nuclear weapons in the territory of its allies. Australian delegates were instructed to argue against the inclusion of the Asia-Pacific in any schemes for a nuclear-free zone. This position marked a major step towards signing the NPT, although Hasluck was only prepared at this juncture to *sign* the NPT. He was not prepared for Australia to *ratify* it until there was certainty about the safeguards issues and until 'critical' countries had signed the treaty.

The end of 1969 was to witness the final move at last towards signature of the NPT. It was clear to Canberra by then that the concerns about the People's Republic of China had not slowed momentum towards the treaty. Indeed the conference of non-nuclear states foreshadowed that the problem of China was now likely to be addressed by its recognition as one of the Permanent Members of the Security Council, all of which were nuclear-weapon states. The Australian delegation to the United Nations reported in June that the United States was entertaining the invitation of Beijing to the conference as a nuclear-weapon state.<sup>176</sup> It was also clear that there would be little to be gained by pressing the issue of peaceful nuclear explosions. Few supported it and Sweden in any case had won support for its proposal that any such tests would have to be provided as an international arrangement. In any case, the Australian Joint Intelligence Committee concluded that it was not so much the NPT that would stand in the way of peaceful nuclear explosions but rather the Partial Nuclear Test Ban Treaty.<sup>177</sup>

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<sup>172</sup> See note 6 to Document 123.

<sup>173</sup> Undated paper by AAEC and Department of Supply, 'Nuclear Weapons Policy', NAA: A1838, 680/10/2 part 3.

<sup>174</sup> Document 152. To Booker it seemed that the AAEC was moving beyond the position of Cabinet and indeed straying into the territory of Australian External Affairs (see Document 146).

<sup>175</sup> Document 148.

<sup>176</sup> Document 144. Taiwan, which occupied the China seat on the Security Council until 1971, of course did not possess nuclear weapons.

<sup>177</sup> Document 158.

A major factor in shifting the Australian position was a change of heart by the AAEC. Washington's aide-memoire had marked a significant movement on the definition of manufacture and the thinking had shifted to progressing research to a point short of the actual manufacture of the weapon itself. The issue therefore turned to the nature of the safeguards to be negotiated with the IAEA after the signature of the treaty. The AAEC, therefore, recommended that the Australian Government sign the NPT, which it did on 27 February 1970—one week before the treaty was to enter into force—and then move to negotiate safeguards which were 'effective, acceptable and economical to operate'. The aim was to have the treaty safeguards limited to nuclear materials and facilities involved directly with the illicit manufacture of nuclear explosives. It was conceded that this 'would limit the scope of safeguards under the treaty' and that it 'might attract opposition from the U.S.A. and the U.S.S.R.', but it would 'gain support from certain near-nuclear nations that share Australia's interests in regard to the nature of treaty safeguards'.<sup>178</sup>

In other words, the NPT was signed in order for Australia to gain the necessary support from the United States, Britain and Canada. As one Department of External Affairs paper put it:

Cabinet (or at least a section of it) in deciding that Australia should sign the NPT recognised that signature would enhance prospects for assistance from others (e.g. Britain, Canada, U.S.) for our nuclear programme for peaceful purposes (and that signature would still enable us to develop considerably our capability in nuclear technology without breaching the treaty). In other words, signature would allow us to reach a point where we could produce nuclear weapons if it were considered in our national interest to do so.<sup>179</sup>

In fact this had overtaken any lingering concerns about another Australian reservation—that countries of significance also sign the treaty. Up to the end of February 1971 a total of 64 countries had ratified, but few of them were countries that had been regarded by Australia as 'significant'.<sup>180</sup>

### **From signature to ratification**

The aim of Australian policy-makers after signing the treaty was to negotiate safeguards provisions that would allow the maximum freedom under articles III and IV to develop nuclear technology in a peaceful program and to be free to investigate 'military non-explosive' uses of nuclear power. It was therefore important to negotiate safeguards that permitted the local storage of fissile material and protected the right to conduct research into and develop facilities to enrich uranium and to reprocess spent fuel.

In April 1970 the arduous process began on the negotiation of safeguards. Having signed the treaty, the Australian Government was given until 1 May 1970 to communicate its views on safeguards to the IAEA. The Department of External Affairs, the Department of National Development, the Prime Minister's Department and the AAEC set to work to limit the scope of safeguards.<sup>181</sup> A working paper developed after April 1970 noted that the resolution of 2 April 1970 of the IAEA Board of Governors invited member states to communicate to the IAEA the implications of the NPT for the content of agreements required in connection with the treaty. The system of safeguards under Article III.A.5 of the IAEA Statute, which had been set up in 1957 following Eisenhower's 'Atoms for Peace' proposal to the United Nations four years earlier, had authorised the IAEA to 'ensure' that materials and equipment were not used to further 'any military purpose'. Under Article III of the NPT, however, safeguards were more

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178 Document 161.

179 Document 168.

180 Document 168.

181 Document 161.

exclusively used to preclude diversion of nuclear energy to produce ‘nuclear weapons or other nuclear explosive devices’.<sup>182</sup> This had been the basis of the earlier United States – Australian bilateral agreement. The Department of Foreign Affairs explained the difference with the NPT:

Australia guarantees that no material, including equipment and devices, transferred to the Government of Australia ... will be used for atomic weapons, or for research on or development of atomic weapons, *or for any other military purpose*. The last six words give rise to one major difference in the safeguards obligations Australia undertakes under the NPT and the bilateral agreement. Under the NPT Australia may legally use nuclear material for non-explosive military use. A second major difference, though closely related to the first, is the extent of the safeguards.<sup>183</sup>

The Australian position, like that of the advanced non-nuclear states,<sup>184</sup> was that safeguards as applied under Article III of the treaty should be ‘uniform, non-discriminatory, acceptable, and not unnecessarily burdensome or intrusive, free from any industrial espionage, economic in application and effective in preventing diversion of fissionable materials to the illicit manufacture of explosive nuclear devices’. It was, in short, designed to create the maximum scope to promote work under Article IV on the development of an advanced nuclear industry and one that would confer an option for a nuclear weapons capability.<sup>185</sup>

There was another issue for the Australians. Evatt in 1946 had worked to enhance two aspects of the UN Charter that were ignored by the Dumbarton Oaks authors. Chapter VIII held out the prospect of ‘regional arrangements or agencies’ to deal with matters of international peace and security. Chapter IX envisaged the need for international economic and social cooperation. While Evatt had not linked the two specifically then, the emergence of Euratom in 1957 foreshadowed such a possibility. In September 1973 Euratom signed a ‘simplified’ safeguards agreement with the IAEA. The organisation owned all the fissile material produced by its members and set up an independent safeguards system.<sup>186</sup> This influenced Baxter’s approach to safeguards on 17 June 1970 when he outlined for the IAEA some of the key assumptions that underpinned the Australian approach. Baxter argued that not only were safeguards to be non-intrusive, but the way should be open for Euratom-type arrangements to be negotiated in other regions. He also held open the prospect of work on nuclear weapons, calling for a concession that, in applying safeguards, ‘an acceptable risk’ be allowed, admitting that ‘occasionally somewhere, someone will produce a nuclear explosive device using material diverted from the areas with which we are concerned. They may detonate it and it will be very

182 Australian Working Paper, ‘Non-Proliferation Treaty: Safeguards’, NAA: A1838, 919/10/5 part 33. IAEA safeguards for nuclear states which had joined the NPT were based on INFCIRC/153. These did not cover a number of important nuclear activities such as mining (safeguards were applied at the point at which yellowcake was upgraded to UF<sub>6</sub> or reactor grade UO<sub>2</sub>), or research into enrichment for naval propulsion (i.e. a ‘non-explosive’ use)—the latter a particular concern of the United States. See ‘AAEC: Safeguards’, NAA: A3211, 1970/8282. The Australian views were included in the model safeguards agreement that went to Cabinet on 15 August 1977. Submission 1573, ‘Uranium Development—Safeguards Issues’, NAA: A1209. INFCIRC/66 safeguards applied to non-signatories of the NPT and covered only specific facilities and materials nominated by a particular state.

183 Document 190 (emphasis in original).

184 In mid-1970, the Department of External Affairs noted with respect to the proposed agreement that there was a ‘marked cleavage’ between the Soviet Union and the United States, on the one side, and on the other a group composed of Australia, the Federal Republic of Germany, Italy, South Africa and Japan that sought to limit safeguards. The IAEA Deputy Director General for Technical Operations, Professor Ivan Zhedudev, argued that Australia on the Safeguards Committee had been ‘unco-operative [and] unnecessarily obstructive’. ‘Non-Proliferation of Nuclear Weapons’, NAA: A1838, 919/10/5/1 part 1.

185 Document 162. The principles underpinning the Australian safeguards proposals for meetings in June and after are outlined in Document 163.

186 John Maddox, ‘Prospects for Nuclear Proliferation’, *Adelphi Papers*, vol. 113, Spring 1975, p. 25.

unpleasant for those involved, but it will not have produced a new weapon power; nor will it start a nuclear war'.<sup>187</sup>

But the reality was that the NPT safeguards were much more rigorous than those that had preceded the treaty. The previous regime had involved the IAEA only in the safeguarding of activities which it had been invited to safeguard.<sup>188</sup> Now there was the prospect that the mandatory safeguards arrangements would be open-ended as Washington insisted on stronger bilateral safeguards (or so-called 'residual safeguards') agreements.<sup>189</sup>

Behind the safeguards negotiations was a determined effort to press on with a civil nuclear program based on uranium enrichment.<sup>190</sup> The AAEC wanted to exploit Australia's abundant uranium reserves and particularly to develop an industry around enriched fuel.<sup>191</sup> This position was influenced by a growth of market demand with respect to enrichment which was particularly strong in Europe and more recently in Japan. An added advantage for the prospects of the AAEC program was the uncertainty surrounding long-term supplies given the reluctance of the United States to share enrichment technology or to agree to any long-term supply and pricing arrangements. Australia therefore had an opportunity to exploit its uranium and cheap electric power, but it would need to face the question of ratifying the NPT. Here opinion within the AAEC was divided. Baxter argued forcefully in a meeting with the Department of Foreign Affairs on 9 March 1971 that Australia should not ratify the NPT since it would risk a promising future nuclear industry based on the enrichment of uranium: 'By the year 2000 enriched uranium could become Australia's largest single item of export revenue.'<sup>192</sup> AAEC board member Maurice Timbs, on the other hand, while no champion of American technology,<sup>193</sup> argued that opposition from Washington could be expected to any Australian enrichment program unless the treaty was ratified. Timbs told J.W.C. Cumes, Head of the International Organisations Division of the Department of Foreign Affairs, that an Australian failure to ratify the NPT would 'adversely affect' the American attitude to cooperation with Australia in a multinational enrichment project in Australia.<sup>194</sup>

But a US decision would also hinge on the question of whether Australia might harbour ambitions to manufacture nuclear weapons. The position was put in the Strategic Basis for Australian Defence Policy, approved by the Defence Committee in March 1971, which restated what had essentially been the position in 1957—it was about preserving the option to produce nuclear weapons in the shortest possible time if necessary:

[T]here is, in our opinion, no present strategic need for Australia to develop or acquire nuclear weapons; but the implications of China's growing nuclear military capacity, and of the growth of military technology in Japan and India, need continuous review. We consider that the opportunities for decision open to the Australian Government in future would be enlarged if the lead time for the acquisition of a nuclear weapons capability could be shortened.<sup>195</sup>

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187 Document 164. Baxter provided the IAEA with a detailed breakdown of facilities that should attract safeguards, interestingly drawing a line between those involved in low-level enrichment, which would not attract safeguards, and high-level enrichment which would.

188 Undated briefing paper to the IAEA Safeguards Committee, NAA: A1838, 719/106/10.

189 A major US concern, that was to be taken up by the Senate Foreign Relations Committee in June 1981, was the fact that IAEA inspections were dependent on what host governments themselves chose to divulge. Stephanie Cooke, *In Mortal Hands: A Cautionary History of the Nuclear Age*, Black Inc., Melbourne, 2009, p. 368.

190 See, for example, Document 170 for discussions in Italy and Documents 172 and 174 for discussions in Japan.

191 Document 167.

192 Document 167.

193 He favoured centrifuge but also welcomed the prospects of working with the French on gaseous diffusion. Document 176; Broinowski, *Fact or Fission?*, pp. 87–8. See also Document 175.

194 File Note by Timbs, Atomic Energy—Uranium Enrichment, 19 July 1971, NAA: A1838, 720/4/9 part 2.

195 Document 186.

The Department of External Affairs agreed:

We should not ratify the treaty ... and we should build up our capacity in nuclear technology to a point where we could manufacture nuclear weapons if the need arose. We cannot rely on the US nuclear umbrella. We may find it imperative at some future time to have our own nuclear deterrence against for instance a possible Chinese attack (and nuclear blackmail) ... At the same time, it is in our interest to continue to support publicly the NPT (and in this respect our record is good).<sup>196</sup>

Against this background it was not surprising that the United States adopted a very restrictive attitude on cooperation on enrichment. It had already made this known to the Australian Embassy in Washington<sup>197</sup> and to the Minister for National Development, Reginald Swartz, when he visited the US capital in July 1971.<sup>198</sup> When the United States that month did belatedly propose talks on enrichment sharing, but confined them to gaseous diffusion technology and on a multinational basis, it sought to divide the Pacific nations from the European. The result was that the Australians and Japanese would be denied both potential European markets and partners, such as Urenco, in the development of centrifuge technology.<sup>199</sup> This view was widely shared and equally widely condemned. During October 1971 various Australian missions in Europe reported that there would be support for Australian participation in European talks on enrichment.<sup>200</sup>

If the American market was problematic, the Japanese market presented a very different story. Ratification of the treaty was proving to be a difficult domestic issue in Japan, but it was moving to develop Australian energy resources to a substantial degree. Bilateral cooperation would seem to be assured by the fact that both were formal allies of the United States. It was possibly with that in mind that Tokyo cautiously sounded out Australian opinions on the role of the US nuclear umbrella.<sup>201</sup>

In order to strengthen its non-proliferation credentials and at the same time influence the ongoing attempts to develop safeguards, the AAEC in April 1972 advised the Department of Foreign Affairs of its strong support for Australian membership of the Zangger Committee, giving it an opportunity to influence the shaping of safeguards procedures. The committee had been working to produce a 'gentleman's agreement' on how safeguards, under Article III(2) of the treaty, would be applied to exports of items on an agreed 'trigger list' to countries not party to the treaty.<sup>202</sup>

Tange also threw his weight behind the push to ratify the NPT. This was a significant development in that he had been head of External Affairs from 1954 to 1965 and then Defence from 1970 to 1979. In between he had been the Australian High Commissioner to India. He saw the inter-relationship between the civil and military applications of nuclear power better than most. For more than a decade he had watched American nuclear policy in Europe develop out of alignment with that followed in Asia. On 9 March 1956 he had called on the US Embassy in Canberra and stressed the need for a 'nuclear concept of defence in Asia' and developed a view thereafter that NATO-type nuclear sharing arrangements should be extended to Australia. This meant access not only to off-the-shelf tactical nuclear devices (which he differentiated from thermonuclear weapons), but also to Euratom-type advanced research and

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196 Document 168.

197 Document 171. See also Document 183.

198 Document 173.

199 Document 178.

200 Documents 178–80.

201 Document 184.

202 Document 185.



development into all phases of the nuclear cycle.<sup>203</sup> It was therefore instructive, as he argued in July 1972, that the position of the Defence Strategic Basis paper of March 1971 was that ratification of the NPT would not compromise Australia's national interests. There was the choice to withdraw from the treaty, a right secured in Article X, but Tange noted a more significant caveat. There was the possibility that 'some steps' could be taken in the direction of a nuclear weapons capability under the treaty, but 'further study would be needed to determine the extent to which the taking of them would reduce the lead time'.<sup>204</sup>

The Executive Council Minute to give effect to the ratification of the NPT was drawn up on 11 January 1973, just after the installation of the new Labor Government led by Gough Whitlam. It had been Labor policy to ratify the NPT and Whitlam ensured that Australia would be more active on a range of non-proliferation issues than it had been under the previous Coalition Government.<sup>205</sup> The minute noted that of the nuclear powers, neither France nor the People's Republic of China had signed the NPT. Of those countries with an existing or future nuclear potential, only Canada and Sweden had ratified; and several including India, Pakistan, South Africa, Israel and North Vietnam had not signed. But a safeguards agreement was now in place and it was noted that the safeguards and inspections arrangements must not 'burden research, development, production and use of nuclear energy for peaceful purposes; nor should they constitute an obstacle to a nation's economic development, commercial interests or trade'.<sup>206</sup>

### **Australia's early experiences in the non-proliferation regime**

There was much more to embracing an atomic program than simply ratifying the NPT. One problem was the shifting position of the United States. In 1973 Washington insisted on further safeguards beyond those required by the NPT or the IAEA. The main sticking point was that the United States argued that the equipment or material that it supplied could not be used for 'non-explosive military purposes', for example in use in submarines for propulsion.<sup>207</sup>

The environment in which the safeguards were negotiated also changed after 19 May 1974, when India detonated a nuclear device that utilised plutonium produced in an unsafeguarded Canadian-supplied research reactor. New Delhi declared that the test was a peaceful nuclear device—recalling the language used during the negotiations for the NPT. Canberra did not re-enter the debate about so-called peaceful nuclear explosions, but it did understand that the test raised in acute form the nature of Australia's relations with India.

Richard Butler, Acting Head of the Political and Social Research Section of the Department of Foreign Affairs, called for a much closer involvement,<sup>208</sup> while Australia's High Commissioner in New Delhi, Bruce Grant, cautioned that care should be taken before criticising India which, unlike Australia, had no American strategic facilities. And these facilities, notably the North West Cape communications base, covered the Indian Ocean itself. In J.G. Starke's view, the 1963 naval agreement to establish a communications base at North West Cape in Western Australia was 'one of the most momentous transactions in Australian history and certainly a turning point in the evolution of the ANZUS alliance'.<sup>209</sup> This location would allow very

203 Reynolds, *Australia's Bid for the Atomic Bomb*, pp. 159–60, 180–1.

204 Draft Submission by Tange, 12 July 1972, NAA: A1838, 919/10/5 part 25.

205 Document 193.

206 Document 188.

207 Document 190.

208 Document 195.

209 J.G. Starke, *The ANZUS Treaty Alliance*, Melbourne University Press, Melbourne, 1965, p. 197. Preliminary studies in Defence suggested that some kinds of 'zonal arrangements' may have been advantageous in restoring the authority of the NPT, but caution was needed since it might give some countries excuses for avoiding the central issue (ratification of the NPT). Minute from Department of Defence, 'Non Proliferation', 9 October 1974, NAA: A1838, 919/10/5 part 43.

low frequency transmissions to American Polaris submarines patrolling in the Indian Ocean. The Polaris arm was to have a crucial counter-force capability by ensuring an interval of only 10 to 15 minutes from launch to impact. In 1976 the Australian Senate Standing Committee on Foreign Affairs and Defence noted the importance of the Indian Ocean as an area of major strategic and economic significance. It noted that: 'Much of the USSR is within 2500 nautical miles of the Bay of Bengal and the Arabian Sea and thus within range of the Polaris/Poseidon missiles of the US submarine fleet.' The region, moreover, was crucial to the West given that 85 per cent of Japan's and 70 per cent of Europe's oil was shipped through it.<sup>210</sup>

The Indian test highlighted what had long been a potential problem: the path to 'atoms for peace' was the same as that to nuclear weapons. In the short term the test threatened to slow the momentum of the NPT, with Japan, for example, raising concerns over the ratification of the treaty. To add to this problem the United States had agreed to conclude nuclear agreements with Egypt and Israel. Neither had signed the NPT, and in the case of Israel the United States was aware that it had an active program designed to acquire a nuclear deterrent. Nevertheless, US authorities were unapologetic in talks with Australians—pointing to the need to ensure they, and not potential rivals, concluded nuclear agreements in the Middle East region.<sup>211</sup>

The Whitlam Government did, however, move to shore up relations with the People's Republic of China. The problem of China had long been a crucial factor in Australia's reluctance to embrace non-proliferation. By the mid-1970s, however, Beijing had taken its place on the UN Security Council and its credentials as a nuclear-weapon state, and one now embracing a relationship with the United States, were well accepted. The shift in emphasis was marked when Richard Woolcott, a Deputy Secretary in the Department of Foreign Affairs, visited Beijing in July 1974 and drew attention to Australia's determination both to engage with the Asian region and to sell energy resources to it.<sup>212</sup>

The NPT would not be allowed to interfere with the strategic relationship with the United States. Here there was a potential problem with New Zealand, which threatened to press for a nuclear-free Pacific, a position consistent with the NPT. The Australian position was to emphasise the need to condemn atmospheric testing in the Pacific—and to press the Americans on a comprehensive test ban treaty—not to encourage any steps to establish a nuclear-free zone. Such a step, cabled the Department of Foreign Affairs in July 1974, would jeopardise ANZUS as well the United States' global responsibilities.<sup>213</sup> That had long been the Australian position.

Stephan Frühling argues that Australia's signature of the NPT was taken 'on medium term strategic grounds'.<sup>214</sup> ANZUS would stay any immediate need to pursue a nuclear weapons program. There was, however, more to the Australian position than that. The nature of the nuclear relationship with Washington was problematic with respect to a civil nuclear program as well. This became apparent over the attempt after the ratification of the NPT to pursue a nuclear partnership with Japan. Japan, which had figured so largely in Australian energy policies, delayed ratification of the NPT. Tokyo had always been conscious of the role of Euratom in negotiating safeguards and wanted these matched in the Pacific. Like the Federal

210 Senate Standing Committee on Foreign Affairs and Defence, *Australia and the Indian Ocean*, Australian Government Publishing Service, Canberra, 1976, pp. 72, 113; Philip Towle, *Naval Power in the Indian Ocean: Threats, Bluffs and Fantasies*, Strategic and Defence Studies Centre, Canberra, 1979, p. 72.

211 Document 199.

212 Document 201.

213 Cablegram 306, Department of Foreign Affairs to Embassy in Washington, 10 July 1974, NAA: A1838, 3107/33/14.

214 Stephan Frühling, 'Never Say Never: Considerations about the Possibility of Acquiring Nuclear Weapons', *Asian Security*, vol. 6, no. 2, 2010, p. 146.

Republic of Germany, as we have seen, Japan wanted more elaborate safeguards that would protect its technical secrets. The Australian response was therefore to move to put in place a standard safeguards agreement rather than await the outcome of IAEA–Japanese negotiations.<sup>215</sup>

The Australians and Japanese had agreed, following a visit by Sir Lenox Hewitt, Secretary of the Department of Minerals and Energy, to Japan in 1973, that they would conduct a joint feasibility study on enrichment and only approach Urenco, the French or Americans if there was a ‘gap’ in their technology.<sup>216</sup>

What lay behind this move on the part of the Japanese and Europeans to collaborate on enrichment was the uncertainty of American supply. The United States opposed the export of enrichment technology and in the mid-1960s increasingly restricted access to the enriched uranium that had been contracted under the bilateral agreement with Australia in the late 1950s. The American process was also based on diffusion and had dated to the Manhattan Project. The AAEC noted in its 1972–73 annual report that, while the United States had indicated that it would not construct any new capacity to enrich uranium, it would nevertheless ‘retain its leadership in the supply of enrichment to the Western World and to supply at least 60 per cent of the demand outside the USA to 1985’. By the end of 1974, even though seven of its major companies had requested access to enrichment information,<sup>217</sup> only one group (Uranium Enrichment Associates made up of Bechtel, Westinghouse and Union Carbide) had succeeded.<sup>218</sup>

Despite ratification of the NPT there was little to celebrate in 1974. Many key countries had not signed or ratified the treaty, while the Americans were seen as losing faith in the new treaty. Most importantly the Indian nuclear test seemed to have cast a shadow over the whole issue of nuclear cooperation in the civil area. It was therefore clear that there would need to be further meetings to maintain the momentum. The review conference to be held in May 1975 was the first such opportunity, but there was little faith that it could resolve the questions such as zonal arrangements, peaceful nuclear explosions and civil nuclear cooperation.<sup>219</sup> But the United States moved to tighten safeguards in late 1974 and foreshadowed a hard line on nuclear cooperation in areas such as enrichment technology.<sup>220</sup>

The Australian attempt to enter the enrichment market in 1975 was to founder on the American pressure to restrict access to the necessary technology, the loans affair<sup>221</sup> and the slow progress in Japan on the ratification of the NPT.<sup>222</sup> It was against this background that the Australian Government sought to enter into the production of enriched uranium in competition with the United States. This informed the basis of an explanatory memorandum containing Minister

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215 Document 194.

216 File Note, ‘Uranium Policy’, M.W. Hughes, Commercial Policy Section, 19 September 1974, Australian Atomic Energy: NAA: A1838, 720/4/9 part 12 and Document 203.

217 File Note, Uranium Policy, W.M. Hughes, Commercial Section, 19 September 1974, Australian Atomic Energy: Uranium Enrichment: Non-Proliferation Aspects, NAA: A1838, 720/4/9 part 12.

218 See Document 203.

219 Document 205.

220 Documents 206 and 207.

221 The ‘loans affair’ occurred when the Coalition parties headed by Malcolm Fraser set aside the budget in 1975. The loan itself was to be used by the Government of Gough Whitlam to fund a number of energy projects, including the construction of an enrichment plant. On the links to enrichment, see Wayne Reynolds, ‘Australia’s Quest to Enrich Uranium and the Whitlam Government’s Loans Affair’, *Australian Journal of Politics and History*, vol. 54, 2008.

222 Memorandum from Corkery to Posts, 20 June 1975, NAA: A1838, 720/4/9 part 2; Record of Conversation with Sir Lenox Hewitt, 22 August 1975, NAA: 720/5/8 part 19; Savingram from Embassy in Tokyo to Department of Foreign Affairs, 11 November 1975, NAA: A1838, 720/5/8 part 15.

of Minerals and Energy Rex Connor's proposals to all key posts in June 1975.<sup>223</sup> Any such momentum, however, was lost by the loans affair, Connor's resignation as minister and the removal of the Whitlam Government.

## Conclusion

A major concern in Canberra in approaching nuclear non-proliferation was that the framers of the NPT—the Soviet Union and the United States, with support from the United Kingdom—were ignoring the realities in Asia. It had long been a concern of Australian policy-makers that there was an overweening European focus in the strategic assessments worked out in London and Washington. Australians had been anxious spectators as the 1921 Washington Conference eliminated the British two-power fleet standard and the Treaty of Portsmouth that had provided at least some diplomatic restraint on Japanese ambitions in the Pacific. The 'Beat Hitler First' experience in the Second World War had been a recent example of a strategy forged by Anglo-American principals without adequate input from Pacific belligerents. Even the 'Pacific Peace' aims were declared at Potsdam, leaving policy-makers in Canberra to read the headlines in the newspapers.

The negotiation of the NPT had a similar ring. Washington from the beginning was conscious of the need to ensure that NATO sensitivities were kept uppermost in mind, especially with respect to a secure nuclear umbrella. Similarly, the European Economic Community had its own nuclear organisation, Euratom, which expected to be allowed to negotiate a separate, and liberal, safeguards agreement on behalf of its members. Indeed some of its members wanted, and would get, assurances that the most advanced research and development into the production of fissionable material would not be jeopardised by the NPT.

The problem in Asia, from the vantage offered from Canberra, was that there were no organisations such as NATO or the EEC. There were no nuclear bodies, such as Euratom or the various consortia, like Urenco and Eurodif, to pool research into the nuclear fuel cycle. Moreover, the prospect of Chinese aggression loomed large. The country had huge conventional forces and it seemed that the availability of nuclear weapons to counter this was eminently sensible. After all, it was the use of massive firepower and arguably the threat of nuclear weapons that had apparently checked the Chinese numbers in the Korean conflict. After 1964 the People's Republic of China entered the ranks of nuclear-weapon states, considerably raising the stakes in Canberra. To make matters worse, the United States and the Soviet Union were determined to achieve an early agreement on non-proliferation, even if it had to be done without Chinese agreement.

There was, in the end, little that Canberra could do here. The arms race, on the one hand, dictated an agreement between the super powers, especially after the near-run Cuban crisis of 1962. On the other hand, Canberra had to face a diplomatic reality that had been recognised since the Cairo Conference of 1943. The People's Republic of China was a great power. It was an aberration that the Republic of China (Taiwan) occupied the seat in the Security Council. As Australian diplomats well understood, it was *because* the People's Republic of China was kept from its rightful place at this table that it was ignored in the early moves to secure the NPT.<sup>224</sup>

223 Memorandum from Corkery to Posts, 20 June 1975, NAA: A1838, 720/4/9 part 2.

224 In 1958, the Department of External Affairs clearly saw the link between the inclusion of China in the first stage of disarmament and the question of representation on the Security Council. It informed Australian missions that '[t]his situation creates the problem for the Western powers of how to negotiate a disarmament agreement which will take account of China's strategic position without prejudicing their position on the question of representation'. 'Disarmament Proposals: Position of Communist China', NAA: A1209, 58/5416.

The Australian response to nuclear disarmament—or rather partial disarmament, which was all that was ever offered by the NPT—was to insist that the signature of the People's Republic of China be a precondition for the treaty. In the language of the period this would ensure that the treaty was 'effective'. The problem was that it was becoming clear that Canberra was largely isolated on this issue. There was of course, India, smarting from its defeat in a border war with China in 1962 and then from the Chinese nuclear test two years later, which surprisingly employed uranium 235.<sup>225</sup> But India had set itself against joining the NPT and its neo-colonial division of nuclear haves and have nots.

The Department of External Affairs also understood at a very early stage that the Soviet Union was at one with the United States in pushing forward with an agreement despite the opposition in China. Indeed a factor in securing an early agreement would be to isolate China diplomatically. Certainly the department understood that there had been a break between the Communist giants and that Moscow would offer no help with a Chinese program. As it turned out, the isolation and the break with Moscow possibly accelerated the Chinese program.

The NPT represented a major challenge to Australian diplomacy. American support beckoned, but it was limited and came with the construction of a new post-war international order—albeit one in which Washington sought maximum room for independent manoeuvre. Multilateralism had been to a large extent thrust on Australia. Canberra had long seen the emergence of economic multilateralism in the form of the General Agreement on Tariffs and Trade (GATT) and its resultant attack on imperial preferences. The end of the Sterling Bloc brought in its wake new associations, exemplified by the historic treaty with Japan in 1957. There were similar shifts with respect to nuclear issues. Where GATT had overseen trade regulation, the IAEA would take on a similar role with respect to nuclear development. The role of that body was to be secured by the insistence of the initial framers of the NPT that it take responsibility for ensuring that safeguards agreements would be put in place. The focus at that stage was on the supply of raw materials, but Cabinet in May 1959 foreshadowed that while immediate talks would concentrate on uranium 'the equipment aspect necessarily arises due to the presence of the United Kingdom and United States'.<sup>226</sup> The NPT changed this view of the world. The Anglo-American alliance would not necessarily offer adequate assurances with respect to nuclear war or nuclear power. It was quite apparent by 1967 and 1968, a period of intense diplomacy pursued by Canberra, that it had some powerful supporters among the ranks of near-nuclear states: the Federal Republic of Germany, Italy, India, France and Japan.

The role played by the Department of External Affairs in reconciling the various positions within the Australian bureaucracy was a crucial one. It was not so much a question of simply overcoming the resistance of the AAEC and its rude intrusion into the realm of Australian foreign policy, but rather of securing the best possible agreement that would take account of Washington's concerns on the one hand, and Canberra's concerns on the other. If there was going to be an NPT, then it should reflect Australian concerns to the maximum extent possible.

To the Department of External Affairs it was clear that the US Joint Chiefs of Staff would give an assurance that the treaty would not be allowed to disrupt existing defence alliances, such as NATO and ANZUS. It was also clear that the American presence in Asia was seen as counter-balancing China's conventional and nuclear arsenal—long a concern in Canberra.

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225 The use of highly enriched uranium was not expected. The director of the Joint Intelligence Bureau, R. Mathams, told External Affairs officers on 26 November 1964 that 'China's use of U235 had come as a complete surprise to the intelligence community'. In the view of the US Policy Planning Council, highly enriched uranium 'was essential to the development of large weapons, including thermo-nuclear weapons'. 'Chinese Nuclear Tests', NAA: A1838, 919/12/6 part 1.

226 See Document 43 and NAA: A4940, C2609.

Indeed it was American leverage over Japan and Germany that enticed Australia, and many near-nuclear states, to sign.<sup>227</sup>

Ultimately the department was able to ensure that the treaty included the American interpretation of 'manufacture' in Articles I and II. The freedom to explore the options under Article IV was another matter. The limitations here lay not in the treaty but in the ongoing challenges to non-proliferation that were not arrested when Canberra guardedly penned its assent after a decade of unprecedented diplomacy.

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### *Editorial practice*

As is the practice for all volumes in the series *Documents on Australian Foreign Policy*, the material selected for publication has been examined by a Committee of Final Review, comprising the Minister for Foreign Affairs and representatives of the Prime Minister and Leader of the Opposition. The committee's approval signifies its satisfaction that the material has been selected and edited according to appropriate scholarly and bipartisan practice, and that the volume is a representative selection of documents. The Committee of Final Review approved publication of the volume.

Every effort has been made to ensure that the text is faithfully reproduced. In order to make use of as many documents as possible, extracts have been published of some lengthy documents and of documents dealing with a number of subjects. The words *matter omitted* indicate the omission of one or more paragraphs for reasons of relevance, comparative importance or length. In some of these cases, a footnote summarises or indicates the nature of the matter omitted. Minor editorial omissions made to assist interpretation or enhance the lucidity of the text are indicated by an ellipsis. Changes other than minor corrections to spelling or punctuation are shown by placing editorial inserts in square brackets. Care is taken to ensure that the additions do not alter sense; annotations are used where precise meaning is in doubt. Layout and presentation have been standardised for print, but paragraphing and headings are preserved as far as possible as in the original.

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227 'Non-Proliferation Treaty', undated, NAA: A1838, TS919/10/5 part 20.

## *Documents*





## 1 CABLEGRAM FROM ADDISON<sup>1</sup> TO CHIFLEY<sup>2</sup>

London, 15 November 1945

466. TOP SECRET MOST IMMEDIATE

Following is the text of a statement issued to the Press to-day.

*Begins.*

The President of the United States,<sup>3</sup> the Prime Minister of the United Kingdom<sup>4</sup> and the Prime Minister of Canada<sup>5</sup> have issued the following statement:

1. We recognise that the application of recent scientific discoveries to the methods and practice of war has placed at the disposal of mankind means of destruction hitherto unknown against which there can be no adequate military defence and in the employment of which no single nation can in fact have a monopoly.

2. We desire to emphasise that the responsibility for devising means to ensure that the new discoveries shall be used for the benefit of mankind instead of as a means of destruction rests not on our nations alone but upon the whole civilised world. Nevertheless, the progress that we have made in the development and use of atomic energy demands that we take an initiative in the matter, and we have accordingly met together to consider the possibility of international action:

(a) To prevent the use of atomic energy for destructive purposes; and,

(b) To promote the use of recent and future advances in scientific knowledge, particularly in the utilisation of atomic energy for peaceful and humanitarian ends.

*[matter omitted]*

6. We have considered the question of the disclosure of detailed information concerning the practical industrial application of atomic energy. The military exploitation of atomic energy depends in large part upon the same methods and processes as would be required for industrial uses. We are not convinced that the spreading of the specialised information regarding the practical application of atomic energy before it is possible to devise effective reciprocal and enforceable safeguards acceptable to all nations would contribute to a constructive solution of the problem of the atomic bomb. On the contrary, we think it might have the opposite effect. We are, however, prepared to share on a reciprocal basis with others of the United Nations detailed information concerning the practical industrial application of atomic energy just as soon as effective enforceable safeguards against its use for destructive purposes can be devised.

7. In order to attain the most effective means of entirely eliminating the use of atomic energy for destructive purposes and promoting its widest use for industrial and humanitarian purposes, we are of the opinion that at the earliest practicable date a commission should be set up under the United Nations to prepare recommendations for submission to the Organisation. The Commission should be instructed to proceed with utmost despatch and should be authorised to submit recommendations from time to time dealing with separate phases of its work.

*[matter omitted]*

[NAA: A5954, 1384/2]

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1 Christopher Addison, UK Secretary of State for Dominion Affairs.

2 J.B. Chifley, Prime Minister and Treasurer.

3 Harry S. Truman.

4 Clement Attlee.

5 W.L. Mackenzie King.

## 2 CABLEGRAM FROM AUSTRALIAN DELEGATION, UNITED NATIONS, TO DEPARTMENT OF EXTERNAL AFFAIRS

London, 28 January 1946

### 14. IMMEDIATE

#### 1. *Atomic Energy*

We are concerned about press reports on atomic bomb experiments in the Pacific area.<sup>1</sup>

As Atomic Commission<sup>2</sup> has now been constituted please endeavour to ascertain from the United States authorities precisely what is proposed in relation to experiments. Such experiments should only be made with the full knowledge of the Commission under whose jurisdiction the matter of atomic energy has been placed. Please ascertain from experts, such as Professor Oliphant,<sup>3</sup> the possibilities of the experiment, and in particular, whether there is any risk of injury from destruction having regard to MacArthur's<sup>4</sup> statement published here today that the bomb to be tested is one thousand times more powerful than the bomb used against Japan.

The area proposed for experiment is one in which we are interested. Military, naval and scientific experts should be brought into the matter and informed of the arrangements.

Apart from this experiment a place should be found for Australia's staff experts in connection with the Security Council's military staff work. This is contemplated by the Charter. We will have a very direct interest in this matter during the two years of Australia's membership.<sup>5</sup>

[*matter omitted*]

[NAA: A1838, 852/10/4/2/14]

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1 The Operation Crossroads tests at Bikini Atoll. Two shots, Able and Baker, would be tested in July 1946.

2 The United Nations Atomic Energy Commission, established on 24 January 1946 by resolution 1 of the UN General Assembly 'to deal with the problems raised by the discovery of atomic energy'.

3 Mark Oliphant, Australian-born Professor of Physics at the University of Birmingham, had been a member of the UK atomic program and later joined the Manhattan Project. Oliphant was enlisted by Chifley to advise on a possible Australian atomic energy program in early 1946. On 13 November 1943 the Defence Committee invited Oliphant to chair the Atomic Developments Sub-Committee. See note by Frederick Shedden, Secretary, Department of Defence, 25 June 1948, NAA: A5954, 1385/3. Stewart Cockburn and David Ellyard, *Oliphant: The Life and Times of Sir Mark Oliphant*, Axiom Books, Adelaide, 1981.

4 General Douglas MacArthur. MacArthur was then the Supreme Commander for the Allied Powers.

5 Australia had been successful in securing representation on both the Security Council as a non-permanent member on 12 January 1946 for the years 1946 and 1947 and the United Nations Atomic Energy Commission. Relevant documents are located in NAA: A1838, 720/1 and US National Archives and Records Administration: RG84, Box 68, 'Mission to UN: Atomic Energy'.

### 3 LETTER FROM DUNK<sup>1</sup> TO SHEDDEN<sup>2</sup>

Canberra, 7 March 1946

TOP SECRET AND PERSONAL

#### **Defence Policy and National Security**

I have studied carefully the enclosures to your Top Secret and Personal letter of 26 February relating to Defence Policy and National Security.<sup>3</sup>

I agree that closer co-operation between our two departments would be greatly assisted by the appointment of an External Affairs Officer as liaison officer with the Department of Defence, Melbourne, and, although our staff difficulties are considerable, I hope to make early arrangements to this end.

Regarding the proposals for liaison in London, I would suggest that provision should also be made for continuous consultation between the Joint Service Staff<sup>4</sup> and the External Affairs Officer, as a parallel to consultation at the departmental level in Australia.

The proposals for liaison at the seat of the United Nations may need further consideration when the nature of the permanent Australian representation at the headquarters becomes more clearly known, and when the formalities of accreditation of missions to the United Nations have been worked out. These formal questions can be discussed when your department is ready to make proposals regarding the appointment of the joint service staff at the headquarters and the terms of the directive under which it will work.

I would also point out that in addition to questions arising in the Military Staff Committee,<sup>5</sup> it will be necessary to consider defence aspects arising on the Atomic Energy Commission, of which Australia will be a member for the next two years. The expectation is that during the first few months the discussions on the Commission will be largely diplomatic and political, and that at an early date it will give attention, either in the Commission itself or in sub-committees to technical questions, both scientific and military, and it would be desirable that members of the joint service staff might be both available and qualified to represent Australia in such technical discussions.

[NAA: A5954, 1384/2]

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1 Sir William Dunk, Secretary, Department of External Affairs.

2 Sir Frederick Shedden, Secretary, Department of Defence.

3 Not published.

4 A reference to the military personnel in the Australian High Commission in London and their liaison with the Department of External Affairs' representative in the High Commission.

5 Article 46 of the UN Charter states: 'There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments and possible disarmament.'

#### 4 CABLEGRAM FROM AUSTRALIAN DELEGATION, UNITED NATIONS, TO DEPARTMENT OF EXTERNAL AFFAIRS

New York, 30 May 1946

UN 171. TOP SECRET MOST IMMEDIATE

After consultation with and full agreement of Professor Oliphant and Dr Briggs,<sup>1</sup> we propose to proceed upon the following general basis in connection with atomic energy, having regard to the unanimous decision of the United Nations Assembly in London.<sup>2</sup>

1. The general form of international control proposed in the Lilienthal–Acheson [*sic*] report<sup>3</sup> should be supported but the stepwise process of implementation requires modification for several reasons.<sup>4</sup>

The report states that the proposals are designed to protect United States from atom bomb attack. It preserves her supremacy in atomic armament and industrial and scientific application for a considerable period. This will accentuate the disparity between the industrial power of the United States and other nations with smaller natural resources, such as Australia, in spite of the fact that the fundamental discoveries of atomic energy were made in Europe and the United States of America's source of uranium are negligible. It is essential to ensure that the sequence of events involving control of raw materials, release of technical information, and finally the secrets of the bomb, to United Nations should occupy the minimum time in order to satisfy other nations, particularly those possessing raw materials. While international control of raw materials is acknowledged as the essential basis, the Lilienthal report asks the Nations to hand over control of their raw materials in return for a promise of United States to reveal to United Nations at some indeterminate time, subject to congress, its 'Knowhow' factories and stocks of weapon.

[*matter omitted*]

[NAA: A1838, 720/1 part 1]

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1 Dr George Briggs, the scientific adviser to the Australian delegation to the United Nations in 1946 and 1947. Briggs was later to head the Physics Division of the Commonwealth Scientific and Industrial Research Organisation.

2 The UN General Assembly met in London in January 1946, where a unanimous decision was taken to entrust the Atomic Energy Commission with the responsibility of investigating and controlling the use of atomic energy. It was decided that the commission would consist of representatives of the members of the UN Security Council and of Canada, when Canada was not a member of the council. *Current Notes on International Affairs* (hereafter *Current Notes*), vol. 17, 1946, p. 60.

3 The Acheson–Lilienthal report, as its name indicated, was authored by the then Under Secretary of State, Dean G. Acheson, and the future Chair of the US Atomic Energy Commission, David E. Lilienthal, who recommended the creation of an international nuclear authority that would manage, control, inspect and license all atomic activities. However, the authority would have no specific power to apply sanctions against wrongdoers. See John H. Barton and Lawrence D. Weiler (eds), *International Arms Control: Issues and Agreements*, Stanford University Press, 1976, p. 70.

4 See Introduction.

## 5 CABLEGRAM FROM EVATT<sup>1</sup> TO DEPARTMENT OF EXTERNAL AFFAIRS

Washington, 25 June 1946

848. SECRET MOST IMMEDIATE

I propose this afternoon to make a statement to the Atomic Energy Commission outlining Australia's views. After pointing out the urgency of the problem, the divers interests which must be taken into consideration, and the need for a just and equitable time-table for the exchange of information and the imposition of controls and sanctions, I propose to summarise the Australian position as follows:

'The Australian Government advises a general international convention which will

- (a) Vest in an international authority, control over all rights and raw materials, processes, plants and the production of plants for the exploitation of all forms of Atomic energy, leaving, however, as much freedom as possible to nations and provide for research and other activity where this is not dangerous to international security.
- (b) Establish a system of effective control and inspection along the lines indicated by Mr. Baruch.<sup>2</sup>
- (c) Provide that, when the controls and safeguards have been effectively organised, the manufacturer of Atomic weapons and the stock pile of material for military purposes cease and that existing stocks of bombs be dismantled.
- (d) Provide that all information of importance for the peaceful use of Atomic energy shall be made available to all nations through exchange of personnel and through free and open publication, notwithstanding that some such information may be of some slight military significance.
- (e) Accelerate development of converting Atomic energy to peaceful purposes.
- (f) Provide that there shall be a just and equitable sequence for the implementation of all the provisions of the convention, including the provisions set out in (a) and (b) above, and acceptance by each of the parties to the convention of all of its obligations and sanctions.'

[NAA: A1838, 720/1 part 1]

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1 H.V. Evatt, Minister for External Affairs.

2 Bernard Baruch, US representative on the Atomic Energy Commission. On 14 June 1946, Baruch proposed the creation of an International Atomic Development Authority which would be entrusted with ownership and control over all atomic energy activities, including those 'potentially dangerous to world security'. The proposal, subsequently known as the Baruch Plan, was based substantially on the Acheson-Lilienthal report (see note 3 to Document 4), but included new provisions for 'immediate, swift and sure punishment of those who violate the agreements'. See Elliott L. Meyrowitz, *Prohibition of Nuclear Weapons: The Relevance of International Law*, Transnational Publishers, New York, 1990, pp. 147-9.

## 6 CABLEGRAM FROM HODGSON<sup>1</sup> TO DEPARTMENT OF EXTERNAL AFFAIRS

New York, 2 June 1947

UN 552. SECRET IMMEDIATE

1. The Australian position on relationship between International Atomic Control Agency and the Security Council has been clearly and vigorously maintained throughout the Debate.
2. At the outset of the Debate on 21st May, I stressed that the International Control Agency should not, in fact could not, be administered by the Security Council. I quoted extensively from the Minister's analysis of 8th July 1946,<sup>2</sup> and said that Australia still stood firmly for these principles. I pointed out that the Soviet Amendment<sup>3</sup> was not in conformity with the General Assembly Resolution of 14th December, 1946, which provided that an International system of control should be *established* within the framework of the Security Council. It was radically different to say that the System should be *administered* within the Security Council. Australia could not accept control authority or jurisdiction by the Security Council over the exercise of powers and functions of the International Agency.

[*matter omitted*]

[NAA: A1838, 720/1 part 2]

## 7 CABLEGRAM FROM AUSTRALIAN DELEGATION, UNITED NATIONS, TO DEPARTMENT OF EXTERNAL AFFAIRS

New York, 13 June 1947

UN 595. SECRET

1. We feel that in view of a number of recent developments, including the new Soviet proposals<sup>1</sup> a general assessment of the position reached in the atomic energy commission and on our immediate course of action is urgently necessary.
2. As we have indicated in previous telegrams the United Kingdom and to some extent other delegations (e.g. Canada and France) share our doubts whether the very wide powers which the United States Delegation are now proposing for the Central Agency<sup>2</sup> would be justified

1 W.R. Hodgson, acting Australian representative on the UN Security Council.

2 The analysis was based on the principles in Document 5.

3 The Soviet Amendment, following soon after Baruch's proposal, envisaged an alternative plan calling for two treaties. The first would prohibit the production and use of atomic weapons and, in an attempt to eliminate the US nuclear monopoly, require the prior destruction of all existing stocks of atomic weapons. A second treaty, to be negotiated within six months from the effective date of the first, would authorise the Security Council to administer penalties for violations. Unlike the Baruch Plan, which explicitly dictated that punitive action against offenders would be solely determined by a majority vote in the General Assembly, the Soviet proposal recommended that sanctions should be subject to the veto rights of the permanent members of the Security Council. See Barton and Weiler (eds), *International Arms Control*, pp. 71–2.

1 On 12 June 1947, the USSR presented a set of new proposals on the control of atomic energy. Among other things, they called for international control over all atomic energy facilities, periodic inspections, the prohibition of nuclear weapons and the creation of an international agency 'which would consist of members of the Security Council [and] would have its own rules of procedure'. See *Current Notes*, vol. 18, 1947, pp. 369–70.

2 In accordance with Baruch's original proposal, the US Government still balked at the USSR's continued insistence on the prospective international agency's close association with the Security Council. The United States recommended fully independent powers for the agency, including 'complete control of source materials', management of 'all dangerous facilities' and 'thorough-going rights of inspection to detect clandestine operations'. See *Current Notes*, vol. 18, 1947, p. 236.

or practicable. United States for example mention that the Agency itself shall determine the number and location of plants in any country.

[NAA: A1838, 720/1 part 2]

## **8 MINUTE FROM UN DIVISION, DEPARTMENT OF EXTERNAL AFFAIRS, TO BURTON<sup>1</sup>**

Canberra, 19 June 1947

The Delegation in UN595<sup>2</sup> has suggested that in view of recent developments in the Atomic Energy Commission, an assessment of Australia's position is desirable. The Committees of the Commission have been considering possible functions of the proposed International Agency.

### *The Report of the Atomic Energy Commission*

During the first year's work the Commission fully considered the extent of the safeguards which would be necessary to ensure the use of atomic energy for peaceful purposes. These powers were laid down in general terms and ranged from inspection, including aerial surveys, to supervision, management and licensing. Nowhere was it suggested that the Agency should own either ores, mines or plants.

[*matter omitted*]

### *Suggestions*

As the Commission is now dealing with more specific powers to be given to the Agency, it is suggested that the Delegation should be instructed to press for detailed powers within the scope of the Commission's report. In this connection the suggestion of the U.K. with provision for frequent or continuous inspection seems quite satisfactory.

There seem to be no reasons why the Agency should not have sole powers of research on atomic weapons.

On the question of sanctions it is suggested that the Commission should determine as wide a range of sanctions as would be possible for the Agency itself to exercise. Voting in the Agency could, on policy matters, be by two-thirds majority and on normal administrative matters by simple majority. There would be no right of veto.

Control by the Security Council should be restricted essentially *only* to cases involving Articles 34 or 39 of the Charter.<sup>3</sup> The Council should not be given powers proposed by the U.K. to exercise supervision over decisions of the Agency on normal policy or administrative matters.

[NAA: A1838, 720/1 part 2]

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1 J.W. Burton, Secretary, Department of External Affairs.

2 Document 7.

3 Article 34 is listed under Chapter VI and authorises the Security Council to investigate any dispute 'likely to endanger the maintenance of international peace and security'. Article 39 is listed under Chapter VII and authorises intervention by the Security Council in situations where a threat to international peace and security exists. See W.J. Hudson and Wendy Way (eds), *Documents on Australian Foreign Policy 1937-49. Volume VIII: 1945*, Australian Government Publishing Service, Canberra, 1989, pp. 765-7.

## 9 REPORT BY NEW WEAPONS AND EQUIPMENT DEVELOPMENT COMMITTEE<sup>1</sup>

Canberra, 7 May 1948

### *Present*

Major-General L.E. Beavis, C.B.E., D.S.O.	Department of Defence, Chairman.
E.L. White, Esq.	Department of Defence.
Captain H.M. Burrell, R.A.N.	Department of the Navy.
Eng.-Rear-Admiral A.B. Doyle, C.B.E.	Department of the Navy.
Colonel J.G. Wilton, D.S.O., O.B.E., representing	Department of the Army.
Lieut. General S.F. Rowell, C.B., C.B.E.	
Brigadier J.K. Coffey, representing Major-General	Department of the Army.
W.W. Whittle.	
Air Vice-Marshal E.C. Wackett, O.B.E.	Department of Air.
N.K.S. Brodribb, Esq., C.B.E.	Department of Supply and Development.
Professor L.H. Martin, Chairman, Atomic Developments Sub-Committee, was also	
in attendance.	

### **Agendum No. 8/1948**

#### **Report No. 9/1948—Proposed Construction of an Atomic Pile in Australia**

### *Matters Referred*

1. The Committee gave consideration to Report No. 3/1948 by the Atomic Developments Sub-Committee,<sup>2</sup> relating to the question of Australia participating in the Development of Atomic Energy to meet its own and British Commonwealth requirements, including the possibility of constructing a large Atomic Pile in Australia.

### *Consideration*

2. It was recalled that, on 23rd March, 1948, Professor M.L. Oliphant addressed a meeting attended by members of the Atomic Developments Sub-Committee and various senior officers of the Departments of Defence, Navy, Army, Air, and Supply and Development. At this meeting, Professor Oliphant suggested that thought might be given to the possibility of constructing a large Atomic Pile in Australia in the near future as part of a Joint United Kingdom/Australian programme of Atomic Development.

[*matter omitted*]

### *Australian Development*

8. Of all the Empire countries, Australia seems to offer the best sites for structures of this nature.<sup>3</sup> Australia is not well-endowed with natural power resources—Canada is, and the other Dominions are ruled out for various reasons. Open spaces are plentiful in this country. Because of the nature of one of the products (plutonium), and of the secrecy surrounding details of pile construction, it would necessarily have to be a Defence project.

<sup>1</sup> The New Weapons and Equipment Development Committee was established in 1946 and reported to the Defence Committee.

<sup>2</sup> Records for this subcommittee have not been located.

<sup>3</sup> Large concrete installations on which to test nuclear weapons.



9. Finally, there are certain developments expected to occur within two or three years, which may make it possible to use atomic energy for the propulsion of mobile vehicles—aircraft, rockets, ships, etc. Consequently, it would be natural to associate the project with the Long Range Weapons activities in South Australia.<sup>4</sup>

10. South Australia would also be a very suitable site from the viewpoint of a ready market for the electric power produced.

11. During the course of his talk, Professor Oliphant referred to the following aspects which would arise should the construction of a large power producing pile in Australia be contemplated:

- (a) Iron is available in Australia, and that required for the purpose could probably be obtained.
- (b) The uranium and graphite could probably be supplied by the United Kingdom.
- (c) The civil engineering could be done by Australia.
- (d) The special engineers and technical personnel could be supplied by the United Kingdom.
- (e) The time for construction would probably be of the order of three years. Altogether, it might be five years before 50,000–60,000 kilowatts of electric power could be supplied on a 24 hour-a-day, 365 days-a-year, basis. In this time, plutonium sufficient for a substantial number of atomic bombs would be produced.

[matter omitted]

#### *Recommendations*

16. The committee recommended that:

- (a) It be accepted as a general principle of policy that it is desirable that Australia take part in the development of atomic energy from the viewpoint of Defence, apart from the advantages to National Development.
- (b) The Commonwealth Government invite the British Government to send to Australia, as soon as possible, a high official, preferably Professor Sir John Cockcroft<sup>5</sup> of the Ministry of Supply, to discuss the directions in which Australia could participate in the development of atomic energy to meet its own and British Commonwealth requirements, including the possibility of constructing a large atomic pile in Australia capable of producing both plutonium and power.

[NAA: A5954, 1385/3]

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4 The discussions between Australia and Britain to develop a joint program for rocket and related trials started in February 1946. See Peter Morton, *Fire Across the Desert: Woomera and the Anglo-Australian Joint Project, 1946–1980*, Australian Government Publishing Service, Canberra, 1989.

5 Sir John Cockcroft, Director, UK Atomic Energy Research Establishment, headed the UK atomic research group in Canada during the Second World War. He was a regular visitor to Australia, encouraging Canberra to initiate the development of an atomic program.

**10 MINUTE BY SHEDDEN<sup>1</sup>**

Canberra, 14 July 1948

TOP SECRET

Defence Committee Minute No. 83/1948 and the Appreciation enclosed therewith,<sup>2</sup> relative to the above subject, have been submitted to the Minister [...].

*[matter omitted]*

**Attachment****An Appreciation by the Defence Committee of the Possible Effect of the Use of Atomic Bombs against Australia****Part I****General Considerations****Section I—Characteristics of the Atomic Weapon***Atomic Weapons*

*[matter omitted]*

8. There is no current evidence that any potential enemy possesses atomic bombs. Although productions costs are high, there is no scientific reason why any country should not be able ultimately to produce atomic bombs, though their numbers will be limited by the availability of raw materials.

*[matter omitted]*

**Section III—International Agreement**

18. The possibility of obtaining certain protection as a result of international agreement is largely dependent upon the success or otherwise of the United Nations in prohibiting the production of atomic weapons, and the establishment of a completely effective system of policing such agreement.

19. The existence of such an agreement, however adequate, would not eliminate the knowledge of atomic weapons. There would appear to be also no certain means of ensuring that a nation, bent on world domination, would not evade the policing procedure of the agreement, and apply existing knowledge of atomic weapons to their secret production. Despite any international agreement which may be reached, the possibility of atomic attack should not be discarded.

20. If war does take place, it is reasonable to assume that any international control of atomic energy, whatever method has been set up by international agreement, will lapse coincident with the commencement of hostilities. Under these circumstances, the powers concerned could then initiate production of atomic weapons even if they had not commenced earlier.

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<sup>1</sup> The minute embodied decisions by the Minister for Defence, J.J. Dedman, on the recommendations of the Defence Committee.

<sup>2</sup> Discussions on civil defence and decentralisation dated back to October 1944. The Defence Committee initiated the appreciation following the US Crossroads test at Bikini Atoll in 1946. The first report was submitted on 30 September 1947 where it was sent for comment by the Joint Planning Committee (JPC). The JPC report went to the Defence Committee on 13 May 1948 as Report 10/1948. See Minute by Defence Committee, 13 May 1948, NAA: A5954, 1473/4.

A possible result of the existence of an international agreement might be, therefore, that atomic weapons would not be used in the opening phases of a war.

[*matter omitted*]

## Section IV—Counter Measures

[*matter omitted*]

### *Active Defence*<sup>3</sup>

27. Until an effective international agreement on atomic energy is reached, the need for providing active defence measures against attack with atomic weapons continues to exist. The preparedness of a nation to meet attack from mass destruction weapons and to retaliate will have a deterrent effect on a potential aggressor.

28. Weight for weight the atomic bomb is much more effective than other known destructive methods. Despite its high cost of production, the ratio of its cost to the value of the results achieved from its use is lower than that for orthodox weapons required to produce equivalent results. It is conceivable that a nation, with access to raw materials, could steadily manufacture and store bombs and their carriers in peace, and be ready to discharge them at short notice with devastating and demoralising effects.

[*matter omitted*]

[NAA: A5954, 1473/4]

## 11 NOTE BY AUSTRALIAN DELEGATION, UNITED NATIONS

New York, 9 February 1951

[*matter omitted*]

## International Control of Atomic Energy

### *Course of the Debate*

The joint resolution was introduced by Australia, which opened the debate on the item.<sup>1</sup> The Australian representative<sup>2</sup> paid a tribute to President Truman as having given a lead to the proposal, and recalled the principles for disarmament which the President had mentioned and which the joint resolution reaffirmed. He went on to say that although the two Commissions had done useful work, they had failed to make any real progress towards planning for disarmament. In these circumstances of deadlock, it might be useful if a new start could

3 Active defence measures were based on having a counter-strike option—aircraft, rockets, nuclear weapons. This was contrasted with passive defence measures, which were those associated with absorbing a strike, such as civil defence measures, hardened command and control centres, and various forms of interception.

1 In an address to the Fifth Session of the UN General Assembly in 1950, President Truman had submitted that the work of the Atomic Energy Commission and the Commission on Conventional Armaments (established in 1947) might be discontinued and a new consolidated commission on disarmament established in order to relieve the deadlock in the work of the two commissions. Later in the same session, a resolution was drafted by Australia, and co-sponsored by Canada, Ecuador, France, the Netherlands, Turkey, the United Kingdom and the United States. The resolution, adopted by 47 to 5 (Soviet bloc), established a Committee of Twelve consisting of the members of the Security Council together with Canada to consider ways of merging the two commissions. This culminated, in January 1952, in the establishment of the UN Disarmament Commission. See *Current Notes*, vol. 21, 1950, p. 834 and Barton and Weiler (eds), *International Arms Control*, p. 73.

2 K.C.O. Shann, Counsellor, Australian Permanent Mission to the United Nations, New York.

be made by combining their functions in a single body. Further, disarmament was a single problem, and should be approached as such. Although the first duty of the free world was to build up its strength so that aggression could be met with effective force, attempts to reach agreement on disarmament were still necessary and should be preserved.

[*matter omitted*]

[NAA: A1838, 720/1 part 5]

## 12 NOTE FROM TANGE<sup>1</sup> TO CASEY<sup>2</sup>

Canberra, 9 October 1951

### International Control of Atomic Energy

#### *Background*

The Atomic Energy Commission established in January 1946, has been deadlocked for over three years now on the question of an effective system of international control. Two sets of proposals have been examined—the Majority Plan (the Acheson–Lilienthal Scheme)<sup>3</sup> and a Minority Plan put forward by the U.S.S.R.<sup>4</sup> The Majority Plan though endorsed by the overwhelming vote of the General Assembly, cannot become operative because of the Soviet veto in the Security Council. The substance of the two plans and their differences are outlined below.

[*matter omitted*]

#### *Differences*

4. The major differences between the U.S. and U.S.S.R. proposals are as follows:
  - (a) The US would not agree in 1948 and certainly not now to the prior destruction of existing atomic weapons. This is considered tantamount to depriving itself of the major weapon in its armoury. In any case, as has been pointed out, a convention on prohibition could give no guarantee:
    - (i) That nations which are known to possess atomic weapons would in fact destroy all or indeed any of them.
    - (ii) That nations not known to have atomic weapons, but which might have them, would carry out their obligations.
    - (iii) That nations would be prevented from manufacturing atomic weapons in the future.
  - (b) The powers and functions of the control authority under Majority proposals were to be continuously exercised, but under U.S.S.R. plan to be limited to ‘periodic’ inspection and ‘special investigation’.

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1 Arthur Tange, Assistant Secretary, UN Division, Department of External Affairs.

2 Richard Casey, Minister for External Affairs.

3 The Majority Plan, though based substantially on the Acheson–Lilienthal scheme, was in fact based on the Baruch Plan of June 1946. See note 2 to Document 5.

4 See note 3 to Document 6.

(c) Under Majority Plan no veto was permitted in central control agency or to prevent measures of punishment of violators to be employed. In U.S.S.R. proposals the control authority could only make recommendations to Security Council. Any member of the Council could veto any measure of which it disapproved.

(d) The U.S.S.R. claimed that Majority Plan created in the control authority a supra-national body, which bypassed and usurped some of the Security Council functions. The U.S.S.R. claimed that the powers of this control authority would contravene national sovereignty.

[*matter omitted*]

[NAA: A1838, 720/1 part 4]

### 13 NOTE FOR FILE BY DEPARTMENT OF DEFENCE

Canberra, [December 1953]

SECRET

#### **President Eisenhower's<sup>1</sup> Proposal for an International Atomic Energy Agency**

##### *Summary of Proposal*

1. In a speech to the United Nations General Assembly on 8th December, 1953, President Eisenhower proposed that 'to the extent permitted by elementary prudence' the Governments principally involved in atomic development should make joint contributions from their stockpiles of normal uranium and fissionable materials to an International Atomic Energy Agency to be established under the aegis of the United Nations. Such an Agency could be responsible for the storage of the contributed materials and for allocating them for application to peaceful purposes, e.g. in the fields of agriculture, medicine and electrical power.

[*matter omitted*]

8. (e) *Australian Reactions*: The Minister, Mr. Casey, in a press statement issued on 11th November, 1953 said:

'The Australian Government welcomes President Eisenhower's initiative as a new and hopeful approach to the solution of atomic problems. While the implementation of the President's proposal for a new international atomic energy agency would not lead immediately or directly to the elimination or large-scale reduction of armaments, yet any diversion of the world supply of fissionable materials and of scientific knowledge to peaceful ends would help to create a better international atmosphere and lessen our present preoccupation with the destructive aims of atomic research.'

9. All major Australian newspapers joined in lauding President Eisenhower's new approach to the problem of atomic control and in welcoming the Soviet Union's readiness to join in discussions on the Eisenhower proposals, which was described as a 'hopeful' sign. Most newspapers, however, suggested that caution should be observed lest we should expect too much from the discussions.

[*matter omitted*]

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1 Dwight D. Eisenhower, President of the United States.

11. The proposal may, however, be viewed as an indirect approach to the settlement of the general problem of disarmament and the President himself hoped that it would 'initiate a new approach to the many different problems that must be solved ... if the world is to make ... positive progress towards peace'. From the point of view of disarmament, the main value of the President's proposal is its attempt to break the deadlock that has existed since the Baruch proposals of 1946<sup>2</sup> in discussions on the problems of the control of atomic energy. Although it does not in itself represent a change in any major U.S. policy on this issue, it does indicate that the U.S. is willing to consider a new approach to the Soviet Union in the light of the changed conditions since 1946, at which time the U.S. believed itself to have a monopoly concerning the manufacture of atomic weapons.

### *Problems in Implementation*

12. Practical difficulties in the way of implementation may be—

(a) Insistence by the Soviet Union on parallel discussion, in the talks on the Eisenhower proposal, of *unconditional pledges not to use atomic, hydrogen or other weapons of mass extermination*.<sup>3</sup>

(b) *United States internal legislation* on atomic energy information. In his address before the General Assembly, Mr. Eisenhower expressed his readiness to submit his plan to the U.S. Congress 'with every expectation of approval'. The implementation of his proposal would involve amendments to the McMahon Act<sup>4</sup> designed to permit the U.S. to contribute fissionable material to the proposed Agency and to allow the release to the Agency of many types of information which are at present highly classified.

(c) *Difficulties of a technical nature*, such as the determination of the ratios and types of contribution of participating 'contributing' countries, the functions of the Agency, and its constitutional structure.

### *Possible Developments*

13. The United States wish to have further discussions with the Soviet Union alone before bringing other interested parties into the discussions. If the present series of bilateral U.S.A./Soviet Union talks progress satisfactorily they will probably be enlarged to include the United Kingdom, France and Canada in addition to the United States and U.S.S.R. If anything concrete should emerge from these 'second round' talks, then a conference of all the interested states would probably be called to consider the terms of an agreement to establish the International Atomic Energy Agency.

### *Australian Attitude*

[*matter omitted*]

16. *As a potential contributor* Australia is a known source of uranium, which is mined, treated and exported under existing agreements with the United Kingdom and the United States.

<sup>2</sup> See note 2 to Document 5.

<sup>3</sup> A reference to the USSR's formal response to Eisenhower's speech, which focused on banning atomic weapons and called upon all nuclear-weapon states to undertake this 'solemn obligation' in accordance with the Soviet view that 'the most important problem, which brooks no further delay, is the unconditional prohibition of atomic and hydrogen weapons'. See 'Statement by the Soviet Government on President Eisenhower's "Atoms for Peace" Address', 21 December 1953, reproduced in US Department of State, *Documents on Disarmament, 1945-1959: Volume I, 1945-1956*, US Government Printing Office, Washington DC, 1960, pp. 401-7.

<sup>4</sup> The US Atomic Energy Act, informally known as the McMahon Act, was signed by President Truman on 1 August 1946. It determined how the United States would manage nuclear technology and ruled that the development of nuclear weapons and management of nuclear power would be under civilian rather than military control, and to that end established an atomic energy agency.

Whether any of this material in the form in which we export it or in its later reduced form of 'fissionable' or 'fissile' material, might be diverted to an International Atomic Energy Agency pool, is a matter for later consideration.

17. *As a potential recipient*, Australia could well claim that—

- (a) We are power starved in the sense used by President Eisenhower in that we lack alternative resources, e.g., hydroelectric or oil.
- (b) We have established and are developing a nucleus of scientific facilities in the shape of trained personnel and equipment.
- (c) Therefore, there would be a good claim that with assistance we could physically construct, operate and benefit from atomic power-houses.
- (d) We are in need of and are in a good position to use, some of the isotopes for application to problems of agriculture and medicine, stocks of which will presumably be made available to members by the Agency.

18. To determine the potential importance of an international agency to Australia to help us on these lines requires a comparative estimate of the value of what we are receiving and expect to receive bilaterally from the United Kingdom and from the United States. It may well be that direct bargaining and collaboration with the United Kingdom represents the most promising source of—

- (a) training facilities for our own scientists;
- (b) expert advice on the practical utilization of atomic energy for peaceful purposes;
- (c) power-house equipment; and
- (d) fissile material.

[*matter omitted*]

[NAA: A816, 3/301/621]

#### 14 MEMORANDUM FROM LAWREY<sup>1</sup> TO TANGE<sup>2</sup>

Washington, 22 September 1954

##### **Exchange of Defence Information under United States Atomic Energy Commission Act of 1954<sup>3</sup>**

We have discussed with Mr. Gerard Smith, special consultant to the Secretary of State on Atomic Energy, the implementation of Section 144 b of the new Atomic Energy Act, which authorises the Department of Defence, with the assistance of the Atomic Energy Commission, to communicate certain restricted data of defence value to other nations or regional defence organisations associated with the United States.

2. We explained to Mr. Smith that we had no instructions to raise any specific subjects on which we might be seeking information under Section 144 b, but that we thought it likely that the Australian authorities would wish in due course to take advantage of the new provision permitting some exchanges of defence information (e.g. in the field of civil defence) and for

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1 Lawrence John Lawrey, First Secretary, Australian Embassy, Washington.

2 Tange was now Secretary, Department of External Affairs.

3 The Atomic Energy Act of 1954 assigned the US Atomic Energy Commission the functions of both encouraging the use of nuclear power and regulating its safety.

this purpose we should like to have when possible a clear picture of the manner in which the United States Government was proposing to put Section 144 b into effect.

3. We said that it would first of all be useful to have specific confirmation that, as would appear from the wording of the Act, Australia was eligible, as a nation 'participating with the United States pursuant to an international arrangement by substantial and material contributions to the mutual defence and security', to enter into exchanges under Section 144 b. Mr. Smith, who is of an excessively cautious disposition, did not reply quite as categorically as we would have wished, being doubtless mindful of the fact that Administration legal advisers are still engaged on analysis of the new Act's provisions, but said that in view of the existence of the ANZUS Treaty<sup>4</sup> he assumed there would be no difficulty on this score.

4. In answer to an enquiry, Mr. Smith said he shared our understanding that, as appeared from the wording of Section 123 of the Act, a country wishing to receive from the United States restricted data in the two fields of peaceful uses (Section 144 a) and defence (Section 144 b) would have to conclude with the United States two separate 'agreements for cooperation'. The A.E.C. would have primary responsibility for agreements on peaceful uses, and the Department of Defence would have primary responsibility for agreements relating to defence information.

5. Mr. Smith said that a primary purpose of Section 144 b was to make possible cooperation with NATO<sup>5</sup> in the atomic defence field, and the first step the Administration was taking was to work out a draft agreement with NATO.

[matter omitted]

7. Subsequently an official in Mr. Smith's office told us he had looked into the subject further at the latter's request and reached the conclusion that the United States would not for an appreciable time be in a position to consider cooperation under Section 144 b with countries such as Australia. The first step, as Mr. Smith has said, was to work out the NATO agreements, and even here Defence Department thinking was still 'extremely nebulous' on the matters that, under the terms of Section 123 have to be spelled out in the agreement (e.g. terms, conditions, nature and scope of cooperation and various guarantees by the cooperating countries). He hoped, however, that the NATO agreement now being considered would provide a 'pattern' that would, at a later stage, assist the expeditious conclusion of arrangements with other countries.

8. It is apparent that the enactment of the new legislation will not lead to any overnight development of defence cooperation in this field, even with NATO. Whatever sense of urgency might otherwise be present in American officials' minds is perhaps somewhat diminished by the fact that under the terms of the Act 'agreements for cooperation' cannot take effect until they have been approved by the President and have been before the Joint Congressional Committee<sup>6</sup> for thirty days *while Congress is in session*.

[matter omitted]

[NAA: A5462, 138/2/10]

4 The tripartite security treaty between Australia, New Zealand and the United States signed in San Francisco in September 1951. See Roger Holdich, Vivianne Johnson and Pamela Andre (eds), *Documents on Australian Foreign Policy. The ANZUS Treaty, 1951*, Department of Foreign Affairs and Trade, Canberra, 2001.

5 On 4 April 1949, representatives of Belgium, Canada, Denmark, France, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, the United Kingdom and the United States signed the North Atlantic Treaty Organization (NATO), a pact providing mutual assistance in the event of armed attack on any one member. See *Current Notes*, vol. 20, 1949, p. 445.

6 Bodies composed of representatives from both chambers of Congress and appointed to handle specific issues.



**15 CABLEGRAM FROM MENZIES<sup>1</sup> TO CASEY AND SPENDER<sup>2</sup>**

Canberra, 15 October 1954

251. SECRET IMMEDIATE

**Disarmament**

Your 585.<sup>3</sup>

1. McBride,<sup>4</sup> Spicer<sup>5</sup> and I have given some thought to the situation that seems to be shaping up in New York on this matter, and are somewhat concerned by it.
2. Vyshinsky<sup>6</sup> appears to have put forward proposals<sup>7</sup> which have distinct, if superficial, similarity to the Anglo-French proposals of last May in London.<sup>8</sup> As his proposals seem to us at first sight entirely unacceptable the mere fact of this similarity puts us at an initial disadvantage.<sup>9</sup>
3. The wisest course open to us seems to be that which Selwyn Lloyd<sup>10</sup> is reported to be following, namely to seek detailed clarification from Vyshinsky of his proposals on aspects clearly unsatisfactory to us. A process of this kind may show how dissimilar the proposals are in reality and ease the disadvantageous propaganda position in which we find ourselves.
4. The sort of matters I have in mind on which Vyshinsky has been either vague or silent are:
  - (a) Verification of levels of armaments, armed forces and expenditure as at 1 December 1953;
  - (b) Entirely nebulous character of temporary control organ, which has weaknesses of past Soviet inspection proposals, and justification for two control organs, one temporary and one permanent. I am sure you will agree that the permanent organ, which seems to be based on Western proposals, is unlikely ever to be set up;
  - (c) Simultaneous setting up of control machinery and commencement of reductions and, in stage 2, of prohibitions. Must we not be satisfied with control machinery before disarmament operations start?
  - (d) What is the significance of responsibility of the temporary control organ to the Security Council? It will be subject to one-sided control of veto while permanent organ is freer from veto.

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1 Robert Gordon Menzies, Prime Minister.

2 Percy Claude Spender, Ambassador to the United States.

3 Not published.

4 Philip McBride, Minister for Defence.

5 Senator J.A. Spicer, Attorney-General.

6 Andrei Yanuarovich Vyshinsky, Soviet Permanent Representative to the United Nations.

7 Vyshinsky, in a volte-face that seemingly accepted many of the core proposals already promulgated by the Western powers, recognised the principle of phased disarmament accompanied by agreed reduction levels and the introduction of controls. See Dimitris Bourantonis, *The United Nations and the Quest for Nuclear Disarmament*, Dartmouth Publishing, Aldershot, 1993, pp. 42–4.

8 On 11 June 1954, in a joint memorandum to a special sub-committee of the newly created UN Disarmament Commission (see note 1 to Document 11), representatives of the United Kingdom and France recommended a phased disarmament program leading to the eventual elimination of all nuclear weapons and the conversion of all stocks of nuclear material to peaceful uses only alongside drastic reductions in conventional armaments, armed forces and military budgets. See Bourantonis, *Quest for Nuclear Disarmament*, pp. 39–41.

9 See the discussion in the Introduction.

10 UK Minister of Supply.

5. It seems to me essential that the details of any directions to the Disarmament Commission should be worked out now, and not left to the Commission itself where Soviet opportunities for propaganda based on Anglo-French proposals to that Commission would be plentiful. Furthermore, interrogation of Vyshinsky at this stage will make it pretty plain with what sincerity he approaches the matter.
6. I have no doubt that these questions, and others, have occurred to you in New York, and that we will join in a carefully conceived plan of action in conjunction with the United States and the United Kingdom to make the best of this debate. There are, however, one or two more general aspects of this matter which concern me, and which I think you and Spender should have in mind when working out the way in which we might join in the debate.
7. We are not well informed on the strategic effects of the plan put forward by the British and French in London. We do not know what would be the effect on the balance of forces either in Europe or, more important from our point of view, in the Far East, if such a plan were to be accepted by the Soviet Union. The Anglo-French plan looks to the ultimate banning of the manufacture of nuclear weapons and the destruction of all stocks. What we must ask ourselves is whether, if we surrender this deterrent, the conventional forces of the West will deter not merely the Russians in Europe but the Chinese in Asia. How far possession of the nuclear weapon can in fact be made a deterrent to war in Asia or the weapon can be used to significant advantage in limited war in Asia are matters upon which we are not fully informed. It may be that an appreciation directed to ascertaining the effects in the Far East would give less reassuring results than an examination of the situation in Europe resulting from abolition of the weapon.
8. It is to my mind possible that Anglo-French initiative on the matter may have been based on political rather than military considerations. It is not, to my mind, impossible that the Russians might in large measure adopt the Anglo-French proposals. What would be the position if they did? Would not the present disparity in conventional armaments be at least maintained; and having regard to the absolute size of the forces might not our inferiority be even intensified? If some agreement could be reached on appropriate levels of forces do we then envisage a scheme whereby the United States will throw open all its defence establishments to Russian inspectors? Clearly the Russian chances of effective concealment exceed those of the West. Are we not likely to put ourselves in the position of eventually having to reject our own proposals?
9. Even if matters never got that far, and we did no more than make a start by reducing conventional armaments as part of a programme looking towards agreement to abolish the bomb, how can we reverse this process if Russian performance did not match up to promises? What the Americans call the 'stigma' attached to atomic warfare, even as a threatened deterrent, would be so much the greater. We should avoid committing ourselves too far on the final stage of the process until we satisfy ourselves that the first stages have worked equitably.
10. It would be a formidable responsibility to argue that the deterrent value of nuclear weapons (possessed by the Communists as well as ourselves) is so high that we must refuse to join in arrangements for their abolition. We must support a programme for continuing discussions with the Russians of a kind which will disclose the details of their proposals and where possible their motives. But whereas hitherto it has been possible to leave the running to the United Kingdom or French or Americans with no evident prospect that we should need to examine the precise effects of a Russian agreement, it is now evident that a country in Australia's geographic position must ask for full consultation and information on the effects of a disarmament programme. The preoccupations of the major powers with Europe and defence of the American Continent may cause less than due attention to be given to the growing significance of Chinese manpower in the strategic balance of forces.

11. There ought, in my view, to be Commonwealth consultations before any further significant steps are taken by the United Kingdom on this matter.

For White<sup>11</sup> only.

Please make these views known to United Kingdom authorities, particularly our need for consultation and access to United Kingdom Chiefs of Staff appreciations on strategic effects of various proposals, including the Anglo-French proposal. Spender reports some reluctance on part of United Kingdom delegation to consult in New York.

[NAA: A1209, 1957/5684]

## 16 DESPATCH FROM SPENDER TO CASEY

New York, 1 December 1954

1/54. RESTRICTED

### Disarmament in the United Nations

I have the honour to offer some brief general comment on the question of Disarmament in the United Nations.

[*matter omitted*]

7. As a result of Western leadership in United Nations efforts on Disarmament having passed from the United States to France and the United Kingdom, a change appears to have taken place, if not in the Western approach in its basic principles, at least in the manner in which these principles are being presented.<sup>1</sup> What was originally an American method of approach has been superseded by an Anglo-French method of approach, and this seemed apparent in the work of the Disarmament Commission Sub-Committee, which met in London in May and June 1954. What I am trying to indicate is my feeling that the United States adopted a typically thorough-going method of approach which tried to take account of all factors and amounted to a very detailed blue-print of what the United States would be prepared to do and of the sort of controls the United States would accept and would want the USSR to accept.

[*matter omitted*]

8. The Anglo-French approach on the other hand appears designed to appeal directly and dramatically to European public opinion. No doubt all the stages and safeguards demanded by the Americans are still implicit in the Anglo-French plan, but these safeguards and stages are hidden in language which gives the impression that the positions of East and West on this matter are closer than in fact they are. This tends to encourage the public to expect some tangible result in the not too distant future.

[*matter omitted*]

10. Meanwhile, as you know, it is intended that Australia should present views to the Disarmament Commission on the substance of the proposals now before it and my own feeling is that the best thing for us to do is to put as frankly as we can (in view of the presence in the Disarmament Commission of the Soviet Union and a number of powers with whom we do not have very intimate relations) our real thoughts about the likely effects for Australia of

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11 Sir Thomas White, High Commissioner to the United Kingdom.

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1 See note 8 to Document 15.

the adoption of the Anglo-French proposals as the basis for a world Disarmament Treaty. I do not myself feel that this could do us anything but good internationally, and may serve to bring the Disarmament Commission down to earth. It will also serve notice on our friends that we are not prepared to have thrust upon us as *faits accomplis*, proposals such as the 1% population ceilings for armed forces of May, 1952, no matter how agreeable the propaganda benefits of such manoeuvres may appear to European eyes.<sup>2</sup> You will of course be able, much better than I, to gauge its beneficial results in terms of public support in Australia for the Government's defence programme, and Australian commitments under the Manila Treaty.<sup>3</sup>  
[*matter omitted*]

12. I feel therefore that we shall need to keep in very close touch with the work of the Sub-Committee next year. There is talk of the Sub-Committee's holding its meetings in Paris or Geneva; Moscow has also been suggested as a meeting-place, although probably only in half earnest.

13. I am sending a copy of this despatch to the Australian Embassies in Washington and Paris, to the Australian High Commissioner's Office in Ottawa, and to the External Affairs Officer in London.

[NAA: A1838, TS681/10 part 3]

## 17 SAVINGRAM FROM SPENDER TO DEPARTMENT OF EXTERNAL AFFAIRS

Washington, 19 April 1955

78. CONFIDENTIAL

### United States Defence Policy

In our savingram no. 169 of 2nd December, 1954,<sup>1</sup> we discussed the so-called massive retaliation concept,<sup>2</sup> not that the new strategic doctrines enunciated by the Secretary of State<sup>3</sup> seemed to be motivated largely by an understandable desire to gain a freedom of diplomatic manoeuvre which had slipped from the grasp of the previous administration.

2. Massive retaliation or, to quote Mr. Dulles more accurately, reliance on massive retaliatory capacity, came to stand in the minds of many for excessive reliance on what has been called 'The Sunday Punch', on long range bombing by the strategic air command. The thinking of many in the Administration and Congress seems indeed to have been influenced by the temptation to rely too heavily on a single deterrent. Massive retaliatory capacity is an

2 The United States, France and the United Kingdom had submitted plans to the UN General Assembly in May 1952 calling for military manpower ceilings as part of a comprehensive program for the regulation, limitation and balanced reduction of armed forces. While highly appealing to Western European countries, which favoured parity with the disproportionately larger Soviet forces, the scheme was rejected by the USSR. See Bourantonis, *Quest for Nuclear Disarmament*, pp. 38–9.

3 The South East Asia Treaty Organization (SEATO) came into existence on 8 September 1954 with the signing of the South East Asia Collective Defence Treaty (commonly known as the Manila or SEATO Treaty). The signatories were Australia, France, New Zealand, Pakistan, the Philippines, Thailand, the United Kingdom and the United States. The treaty committed the signatories to resist aggression by means of an armed attack in the treaty area and also in Laos, Cambodia and 'the free territory under the jurisdiction of the State of Vietnam'.

1 Not published.

2 The US military doctrine that dictated the use of a force disproportionately larger than that used in the initial attack.

3 John Foster Dulles.

obviously necessary part of an effective policy of deterrents, but considered by itself it leaves equally obvious groups. It leaves unsolved the problem of deterring or countering the kind of communist aggression most likely to be encountered in periods, either of western military superiority, or of the nuclear balance, stalemate or 'stand-off' which all agree may be reached in a few years.

[*matter omitted*]

8. [*matter omitted*] American strategy in the Pacific is at present founded on the use of mobile air and sea power based on the 'island chain'. There may emerge in the Administration or some sections of it, a tendency which now is at most latent but which I suspect exists potentially at least, to believe that the present island chain itself is not strictly essential to the application of a defence strategy based on 'less than massive' retaliation—that in other words the front line of American defence could be pulled further back. A contraction of commitments means economy, albeit short sighted economy; both have their appeal, and the orientation of military planning toward even limited atomic strategy could strengthen a temptation to think in terms of a contracted defensive perimeter. This needs to be watched carefully.

[NAA: A1209, 1957/5685 part 1]

## 18 NOTE BY GILFEDDER<sup>1</sup>

Canberra, 23 June 1955

### Disarmament—Soviet Proposals<sup>2</sup>

[*matter omitted*]

#### *Australian Viewpoint*

It will be recalled that because of inherent uncertainties connected with a proposal by the United Kingdom to try to establish the level of armed forces on a population criterion, the Prime Minister telegraphed London in October, 1954,<sup>3</sup> stating that in view of the growing significance of Chinese manpower in the strategic balance of forces there should be Commonwealth consultation before any important steps were taken by the United Kingdom on this matter.

<sup>1</sup> D. Gilfedder, Prime Minister's Department.

<sup>2</sup> The Soviet representative to the United Nations, Andrei Vyshinsky, introduced disarmament proposals at the opening of the General Assembly on 30 September 1954, details of which were sent in cablegram 520 from the Australian delegation to the United Nations, New York, and received in Canberra on 6 October 1954. The proposals represented a marked change from the USSR's previous insistence that disarmament should be taken in one step. Vyshinsky accepted a position similar to that advocated by Selwyn Lloyd of the United Kingdom and Jules Moch of France; namely, that there be a phased process of disarmament (see notes 7 and 8 to Document 15). On 10 May 1955, in a plan that brought them even closer to the Western position, the Soviet delegation introduced new proposals that called for the removal of armies of occupation and foreign bases from Germany; the acceptance of ceilings for armed forces after disarmament; and acceptance that a prohibition on the manufacture and use of atomic weapons should be delayed until agreed reductions in conventional weapons had been 75 per cent completed. See Bernard G. Bechhoefer, *Postwar Negotiations for Arms Control*, Greenwood Press, Westport, 1961, Chapter 8.

<sup>3</sup> See Document 15.

The United Kingdom approach<sup>4</sup> based on a formula was a real problem for Australia since certain countries with high density populations would actually be able to build up their forces after disarmament had begun. While Australia adhered strongly to the principle of disarmament it was felt that the United Kingdom formula based on population alone was artificial in principle and would be most difficult for the following reasons:

- (i) An Asian neighbour, Indonesia, with a population of over 80m. could build up a force of close to one million, while Australia would be held to a comparatively low ceiling on the basis of our population. What would happen if Indonesia became a satellite of the Communists?
- (ii) We would worry about the effect of any such formula on the U.S. Strategic forces' position in reference to South East Asia.

The United Kingdom has now turned away from its proposal for the use of the population criterion as a sole factor. The new proposal now includes demographic, geographic, economic and political factors.

If we look at the revised United Kingdom thinking in conjunction with the compromise Anglo-French proposals,<sup>5</sup> there are still some difficulties facing Australia:

- (i) Would the 'freeze' of overall military expenditure as at 31st December, 1953, unless followed by some positive measures for disarmament leave Australia in a low state of preparedness.
- (ii) Would the 'agreed reductions' in the Anglo-French compromise proposals be acceptable if they take account of all essential strategic conditions in addition to 'economic', 'political', 'demographic', and 'geographic' factors.

Obviously Australia is and has a special case, not only because of her Treaty commitments, but also because of her actual position on the map in relation to the densely populated areas in Asia. We would therefore expect some system of 'weighting' to be used in relation to any maximum allowable figure. This could be based on the factors already referred to. Furthermore, we would seek for a distinction to be made by any proposals between our permanent forces and citizen and reserve forces. In other words, we would consider, for ceiling purposes only, our permanent forces, the ceiling for which would be adjusted in accordance with the geographic, political, economic and demographic factors previously mentioned.

We welcome any 'real' changes which have developed as a result of the Soviet proposals of 10th May, but we should insist in dealing with the United Kingdom that we have a 'special' case in relation to the compromise Anglo-French proposals to which we broadly subscribe.

When the Defence Department's views on the Russian proposals are received, it should be possible to clarify the Australian attitude very considerably.

[NAA: A1209, 1957/5685 part 3]

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4 This was initially based on papers submitted on 28 May and 12 August 1952. The United Kingdom, in conjunction with France and the United States, called for fixed numerical ceilings on the military forces of the major powers (see note 2 to Document 16). China, the United States and the USSR were to have between one and one and a half million people under arms. The United Kingdom also added that nuclear disarmament had to be tied to conventional reductions. See 'Disarmament', undated file note, NAA: A1838, 80/5/2 part 1. See also Bechhoefer, *Postwar Negotiations for Arms Control*, p. 189.

5 See note 8 to Document 15.

## 19 CABLEGRAM FROM DEPARTMENT OF EXTERNAL AFFAIRS TO MCINTYRE<sup>1</sup>

Canberra, 26 June 1956

1361. SECRET PRIORITY

### Disarmament

1. The following supplements the Prime Minister's Brief.
2. On 14th June the Defence Committee<sup>2</sup> considered the current Anglo-French, United States and Soviet proposals.<sup>3</sup> Following paraphrases key points of the Committee's report:<sup>4</sup>
  - (a) principles affecting the defence attitude towards disarmament are:
    - (i) disarmament depends primarily on establishment of international confidence;
    - (ii) as the nuclear weapons of the West are the main counter to Communist strength in conventional weapons and armed forces, the prohibition of nuclear weapons is unacceptable unless accompanied by simultaneous and major reductions in conventional weapons and forces to agreed levels and carried out to an agreed timetable;
    - (iii) an effective system of international control and verification must precede the adoption of any disarmament system. This consideration and the levels to which forces and conventional weapons could be reduced to eliminate risks would determine the levels acceptable to Australia;
    - (iv) any disarmament formula fixing the size of forces must take account of essential strategic considerations in addition to economic, political and demographic factors. This is particularly important to Australia because of its size, location and limited population, and to the Commonwealth by reason of its geographic distribution and dependence on sea and air communications;
    - (v) there should be no impairment of the right to individual and collective self-defence.
  - (b) In the Anglo-French and United States proposals monitoring of nuclear weapon tests would follow the adoption of an efficient control and inspection system. Under these conditions, as the cooperation of the testing authorities would be assured, there would be no difficulty in ensuring effective monitoring.

1 Laurence McIntyre, Senior External Affairs Representative, London. Menzies attended the conference of Commonwealth Prime Ministers in London in June–July 1956.

2 The Defence Committee consisted primarily of the Australian Chiefs of Naval, General and Air Staff—referred to collectively as the Chiefs of Staff—and was responsible for advising the Minister for Defence on all matters affecting defence policy as well as coordinating 'military strategic, economic, financial and external affairs aspects of defence policy'. See Peter Dennis, Jeffrey Grey, Ewan Morris and Robin Prior (eds), *The Oxford Companion to Australian Military History*, Oxford University Press, Melbourne, 1995, pp. 144–5, 209.

3 The proposals called for a prohibition, under strict controls, of the manufacture of nuclear weapons. See note from W.D. Forsyth to Secretary, 'Disarmament', NAA: A1838, TS681/10 part 6.

4 A reference to Defence Committee report 140/1956 of 14 June 1956. See also JPS No. 22/1956 and JPC Report 38/1956, 11 June 1956, NAA: A1838, TS681/10 part 6. The report noted that there had been significant changes in the Soviet negotiating position since the death of Stalin and reflected a 'genuine desire for disarmament'. The problem, as the Department of External Affairs noted, was that the People's Republic of China had been left out of the US, UK and French proposals, a factor that may have been due to US reluctance to deal with the issue of the China seat on the Security Council.

- (c) It is not practical to discontinue tests until:
  - (i) mutual confidence between the Great Powers has been firmly established;
  - (ii) effective international control and inspection have been introduced;
  - (iii) substantial reductions in conventional arms and forces have been effected.
- (d) The Anglo-French provisions regarding the limitation of nuclear test explosion comply with principle 2(a)(ii) above and if the plan for reductions in forces had progressed so far, an acceptable degree of confidence should have been established. However, the United States approach of not limiting tests until the control and inspection system can account for future production of fissionable material and of monitoring future tests is preferred. With the United States plan there is always the safeguard against aggression until the world is safe from a surprise attack.
- (e) Force levels should be subject to Great Power negotiation. Until some progress has been made in reductions, it is impossible to state what the ultimate levels should be. Any reduction in the levels for the Communist Powers proposed by the United States would result in a corresponding reduction for the West. Given the massive population of Asian countries, potentially under Communist control, forces permitted to the United States and United Kingdom should not be so low as to make it clear to non-Communist Asian countries that significant conventional United States or United Kingdom forces could not be made available to meet aggression. These forces must not be reduced below the levels necessary to maintain collective defence against the probable form and scale of attack.
- (f) The United States plan for control and inspection is preferable because of its more effective gradual build-up from a demonstration test to an effective control unit and because of its more thorough approach. Inspection should be applicable to all countries.
- (g) Under present circumstances, it would be most inadvisable to prohibit the use of nuclear weapons in defence against aggression, especially as this would be contrary to the S.E.A.T.O. strategic concept now being developed.<sup>5</sup>

[*matter omitted*]

[NAA: A1838, TS681/10 part 6]

## 20 STATEMENT BY WALKER<sup>1</sup> IN THE DISARMAMENT COMMISSION

New York, 10 July 1956

### Disarmament

The Disarmament Commission is clearly at a crucial stage in its work. In putting forward the views of my Government I am impressed by the responsibility that rests upon each one of us. Some of the outstanding political problems that undermine international confidence at the present time would themselves appear in a new and less difficult light if the world could make some progress towards agreed disarmament, under effective international control. What the world expects of us at the present time is not fine phrases and propagandist declarations, but a realistic discussion looking to the solution of the practical difficulties that stand in our way.

<sup>5</sup> SEATO had formulated a number of plans, mainly based on assessments of the Korean conflict. Two of the plans, Plan 4 and Plan 6, envisaged the use of tactical nuclear weapons against North Vietnam and China. See Document 16.

<sup>1</sup> E. Ronald Walker, Permanent Representative to the United Nations, New York.



I am sometimes asked by my colleagues and by members of the public outside Australia why the Australian Government takes such a vigorous and sustained interest in the work of the United Nations on disarmament. After all, people say, Australia is not one of the great powers. She is situated far distant from the traditional points of outbreak of world wars, she is separated from other land masses and centres of population by considerable stretches of ocean, she has never maintained large forces in time of peace. Why then should Australia take such an interest in disarmament? Why should Australia be so anxious to express views concerning forces and weapons which Australia herself does not have? And why should Australia be so concerned with the threat of the ultimate (or is it now merely the penultimate?) weapon—the hydrogen bomb—the secret of which and the means of manufacture of which are so far possessed by only three countries<sup>2</sup> situated at great distance from Australia?

The answers to these questions seem clear enough to the people of my own country, but perhaps I should say a word about them before putting forward Australia's views on the present stage of the Disarmament Commission's work.

Basically the Australian outlook on disarmament springs from our relations with our kinsmen of the British Commonwealth and with friendly countries, such as the Western members of the Disarmament Sub-Committee. The members of my delegation and, indeed, our fathers before us, have grown up and lived with the simple fact that, if our kinsmen of the United Kingdom or Canada were attacked, Australia would be immediately involved in war. As the world situation has developed over recent years, and particularly as a result of the second World War, this acceptance of Australian involvement in the world security situation has broadened and deepened. For example, I should not imagine that there are today many Americans or indeed Frenchmen, who would seriously believe that in the event of aggression against the United States or France, Australia would be a disinterested spectator on the sidelines.

*[matter omitted]*

In Australia we live on the edge of Asia, where teeming millions are awakening to the possibilities of a better life, through the application of scientific knowledge to the tasks of production, and the principles of social justice to the problems of distribution. Within our limited means, we are giving what assistance we can to neighbouring countries which are laying the foundations for unprecedented economic and social progress. But we see clearly (sometimes, it seems to us, more clearly than some of our neighbours) the extent of the dangers that political insecurity, subversion, and international conflict hold for human progress in this region. Of all areas in the world perhaps the under-developed countries of Asia can least afford to divert manpower and capital into armaments; but what real assurance have they that they can safely ignore the menace to their independence and their freedom, and concentrate all their efforts upon economic and social development? At the present time, Australia with Iran is the only representative in this Commission of an enormous area stretching from the Mediterranean Sea to the Pacific Ocean. We cannot fail to be impressed by the need of this area for a major relaxation in world tension and for rapid progress towards world-wide disarmament.

With considerations such as these in mind, the Australian people earnestly desire the adoption of a world-wide system of agreed and controlled disarmament, as an evidence of reduced world tension, as a contribution to world security, and as a relief from the burdens which modern armaments impose. Our people desire this so earnestly that they would undoubtedly be prepared to accept such inconveniences and hazards as controlled multilateral disarmament would impose upon us, and our people recognise that the prime need at present is for the Great Powers to reach agreement upon practicable and acceptable measures to make such a system possible. However, when we are confronted, as we are today, by the prospect of long-

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2 The three nuclear-weapon states were the United States, the USSR and the United Kingdom.

drawn-out negotiations, and at best a gradual approach towards world disarmament through successive stages, Australia is obliged to consider not only the end objective, but also her own security situation at various stages along the way. This is what I had in mind when in January I reminded the Commission that all countries have the right and responsibility to make their voices heard in consultations leading to the reduction of armaments, to ensure that particular problems which may seem insignificant from the point of view of a great power, but may affect the destiny of small nations, are taken fully into account. Moreover we, and our friends in Asia, have special security problems in our own region, which inevitably influence our attitude towards the details of such partial disarmament plans as may be developed by the Great Powers.

*[matter omitted]*

In short, Australia regards the problem of control and verification as crucial, and our attitude towards particular measures of disarmament that have been proposed, or are proposed in the future, will be greatly influenced by the progress made towards the institution of an effective control. Whilst the negotiation of substantial measures of disarmament must proceed concurrently with the elaboration of the control system, since the nature of the necessary controls must depend upon the nature and extent of actual disarmament that is envisaged, the establishment of the control system, or appropriate parts of it, must in our view, precede the actual implementation of the agreed measures of disarmament. Hence, I repeat, we should make an early start to learn something of the practical problems that will arise in the setting up and operation of such a control system.

Having, I trust, made our position clear on that point, I should like to offer some comment, from an Australian point of view, on certain of the issues that have arisen regarding particular measures of disarmament. In accord with the spirit of realism and frankness which has animated the Commission's debate so far, let me say plainly that Australia's own geographical situation, and our own regional security problems have an important influence upon our assessment of such problems as those relating to the levels of forces and those arising from the development of nuclear weapons.

An Australian cannot fail to be struck by the fact that disarmament programmes of the Great Powers place tremendous emphasis on what might be called the European and North Atlantic areas. We do not of course quarrel with this approach since it is probably true, at least for the present, that the European and North Atlantic area remains the determinant area in terms of world strategy and military and economic power. But even assuming (and it is a dubious assumption) that this state of affairs will continue indefinitely, there are considerations affecting other parts of the world which are particularly important in relation to the various stages of a general disarmament plan, or to any partial programme. For instance, any disarmament formula fixing the size of forces must take account of essential strategic considerations, in addition to political, economic and demographic facts. The preoccupation of the Great Powers with such considerations from their own points of view, was of course apparent in the discussions that took place in the Sub-Committee. These considerations are particularly important to Australia, and assume a special form for Australia, because of her size, her location, her limited population, and her dependence upon sea and air communications. We recognise that the question of force levels in any agreed disarmament plan must obviously be the subject first of negotiation between the Great Powers. Until some progress is made in actual reductions it will be difficult to determine what the ultimate levels should be; and in our view those levels would need to take account of the responsibilities of the Great Powers in relation to collective security problems in Asia as well as in other areas. It is common knowledge that present Communist military manpower in Asia (particularly if Soviet Asia is included) enormously outweighs the military strength maintained by the non-Communist

countries in Asia and the Pacific area. Very considerable political consequences might flow from sanctifying such military predominance through levels of forces arrived at in purely global terms.

The negotiation of force levels must therefore take account of the effect of any such agreement upon the security of smaller countries in various parts of the world, and upon the forces which those smaller countries will need to maintain themselves. The levels of forces that would be appropriate for a country such as Australia in an international system of disarmament would obviously depend upon considerations such as I have mentioned; and the fact that we have never maintained large forces in peace time makes such considerations all the more important for us.

Similarly the situation of Australia in relation to the enormous and rapidly expanding populations of Asian countries under Communist domination lends special weight, in our thoughts, to the consideration that the prohibition of nuclear weapons should be preceded and accompanied by major reductions in conventional weapons and forces to agreed levels, carried out to an agreed time-table, and subject to effective international control of a kind that inspires the confidence of all nations. Our ultimate, and I trust not too distant objective, must of course be a disarmament programme that will also remove forever the fear of nuclear attack. But it seems clear that in the present stage of scientific knowledge our main hope must be in the development of measures to prevent the possibility of surprise attacks, and such measures should be integrated with the controls that will be needed to verify agreed reductions in conventional armaments and forces.

[*matter omitted*]

[NAA: A1838, 80/5/2 part 1]

## 21 MINUTE FROM BOOKER<sup>1</sup> TO TANGE

Canberra, 6 August 1956

TOP SECRET GUARD

### Thermo-Nuclear Isolationism

#### *The Current Argument*

Admiral Radford,<sup>2</sup> the Chairman of the United States Joint Chiefs of Staff,<sup>3</sup> has been credited with the belief that the United States should rely to a greater extent on nuclear weapons and less on conventional weapons.

[*matter omitted*]

3. It has been revealed that the Chief of the Air Staff, General Twining,<sup>4</sup> told Congress in June last that American defence policy would in future centre on nuclear weapons. The full implications of this statement are not yet clear, but Twining is the only Chief of Staff reported to favour Radford's view.

[*matter omitted*]

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1 Malcolm Booker, Head, South and South East Asia Branch, Department of External Affairs.

2 Arthur W. Radford.

3 The Joint Chiefs of Staff consisted of the chiefs of the four major branches of the US armed services and was responsible for advising the US Government on matters of a military nature.

4 Nathan F. Twining.

### *What About Australia?*

22. From the foregoing it would appear that *in the long term* Australia cannot rely on the United States being able to protect us with either conventional or thermo-nuclear weapons. (Much less, of course, can we rely on the United Kingdom.) If this is true the consequences for Australia will clearly be grave in the extreme. We would ourselves be powerless to prevent the expansion of the Communists in Asia, or check another southward drive by (a possibly Communist) Japan. Nor would we be able, on any scale of defence so far contemplated, to protect the mainland of Australia.

23. These dangers may not be imminent, but the future trend of military developments throughout the world is now to some extent discernible—and the prospects are not reassuring for countries in the position of Australia. The time has come for us to review fundamentally and realistically the question whether we can in the longer term rely on our alliances for our protection, or whether we must provide for it ourselves; and if the latter whether we will be driven:

- (a) to build up conventional forces (including atomic weapons) on a larger scale than at present contemplated; or
- (b) to develop our own thermo-nuclear capacity.

[NAA: A1838, TS852/10/4/2]

## **22 CABLEGRAM FROM DEPARTMENT OF EXTERNAL AFFAIRS TO MISSION TO THE UNITED NATIONS, NEW YORK**

Canberra, 14 January 1957

25. SECRET GUARD

### **Disarmament**

Main difference between United Kingdom and United States arises [from] United Kingdom desire for further opportunity to test and build up stocks of nuclear weapons before United Nations restrictions prevent it doing so.

2. Australia has supported principles for disarmament as conceived by United States and has preferred them to United Kingdom approach. We have given weight to United States fear that little time may be left before a fourth power is in position to manufacture and test nuclear weapons. It would naturally concern Australia very greatly if Japan for example were in this position.

3. However (and foregoing is subject to this) we want United Kingdom to have every reasonable opportunity to test and accumulate stocks of nuclear weapons before controls come into effect, as this would help to preserve United Kingdom's position as a great power, being one of only three nations with nuclear weapons.<sup>1</sup> We do not know how much longer time United Kingdom estimates it will need, and we would welcome any indication of this United Kingdom can give us.<sup>2</sup> In any case it seems unlikely that rapid progress would be made in United Nations because

<sup>1</sup> The Australian Government had received a number of cablegrams during 1956, a time of extensive nuclear testing at Maralinga, that indicated the United Kingdom's determination to complete testing and deployment of both fission and hydrogen weapons before the final conclusion of a disarmament agreement. See NAA: A1838, TS681/10 part 6.

<sup>2</sup> The UK Government had advised that 'such measures will never be implemented in the grey world of today'. See Despatch 9/56 from Australian Mission to the United Nations, New York, 26 July 1956, NAA: A1838, TS681/10 part 6.

- (a) U.S.S.R. has given no indication it will accept effective international inspection system within its borders, which is essential to any system of control and
  - (b) even if all powers were in agreement it would take some time to work out system of control and let it enter into force.
4. Foregoing seems to be in line with your own thinking in your telegram No. 43.<sup>3</sup> Best tactics in General Assembly seems to be to avoid any firm expression of opinion on these points by Assembly tying United Kingdom hands prematurely and to take next steps in Disarmament Commission and Sub-Committee.

[*matter omitted*]

[NAA: A1838, 80/5/2 part 1]

## 23 CABLEGRAM FROM SPENDER TO DEPARTMENT OF EXTERNAL AFFAIRS

Washington, 22 May 1957

560. SECRET GUARD

### Disarmament

Your telegram 411.<sup>1</sup>

When I saw Stassen<sup>2</sup> this morning he emphasised that the United States was always viewing the latest Soviet moves on disarmament with the greatest caution. He nevertheless said that the Russian Delegation's attitude at the London meeting<sup>3</sup> had been more business like, direct and realistic than at any time in the past 11 years of the disarmament discussions. He said that the four Western Delegations<sup>4</sup> were all agreed on his assessment.

[*matter omitted*]

2. Stassen said that Soviet position had moved in some important respects, whereas previously the U.S.S.R. had rejected any kind of trial area under the Eisenhower 'open skies' proposal<sup>5</sup> they were now offering to open up a small but significant strip of their territory in Europe and also a strategically significant area in Siberia. They were of course asking too much in return<sup>6</sup> but he thought it clear that their proposals were not flat demands but were a negotiating position.

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3 Not published.

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1 Not published.

2 Harold E. Stassen, President Eisenhower's Special Assistant on Disarmament. With Stassen's appointment in mid-1955, the Australian Mission to the United Nations concluded that the United States had begun to wrest control of disarmament from the UK and French governments. Despatch 9/56, NAA: A1838, TS681/10 part 6.

3 The UN Disarmament Sub-Committee met in London in March 1957. There was an 'intensified effort' by both the US and Soviet delegations to achieve an agreement to control the production of fissionable material and nuclear tests. See Bechhoefer, *Postwar Negotiations for Arms Control*, p. 326.

4 The United Kingdom, France, the United States and Canada.

5 In 1953, Eisenhower called for overflights of the Soviet and American territories to monitor the development and deployment of strategic delivery systems. Later in 1957 the US Government proposed to the Soviet Union the surveillance of selected inspection zones as part of the measures to prevent surprise attack.

6 Presumably a reference to the USSR's demand that the great powers 'renounce the use of nuclear weapons from the beginning of the first stage' and—even more contentiously—reduce forces stationed in Germany 'by one-third'. *Current Notes*, vol. 29, 1958, p. 141.

3. The second important change in the Russian position was that they no longer placed primary emphasis on the elimination of nuclear weapons.<sup>7</sup> They had also dropped talk of the complete elimination of foreign bases, although they still think in terms of some reduction in these bases. (Stassen said that he had made it absolutely clear to Zorin<sup>8</sup> that unless the Russians dropped their insistence on the elimination of foreign bases the United States saw no point in pursuing the negotiations).

4. In answer to my question regarding the present Soviet attitude towards nuclear tests Stassen said that whilst their formal position was that there should be a complete ban on such tests there was some indication that they were not prepared to consider a moratorium as a step towards that end. They had not responded favourably to suggestions for the registration of tests, claiming that this would be of no value. The Russians still call for the prohibition of the production of fissionable materials for weapons purposes but the United States had made it clear that at this stage it would not agree to such prohibition except as part of a wide agreement capable of being effectively policed.

[matter omitted]

6. I asked Stassen whether the problem of China<sup>9</sup> had been prominent in the London discussions and he said that apart from the fact that it had been given the same figure for force levels as the United States and the Soviet Union it had not figured prominently. The United States attitude was that it should be possible to find some limited preliminary steps towards disarmament which would avoid political problems connected with China.<sup>10</sup> He said that there were indications that the Soviet Union was adopting a similar attitude.

[matter omitted]

9. Stassen said that the United States was seeking to move towards some system of inspection of fissionable materials. This was true of guided missiles but the problem was to design an effective inspection system. He said that in any case such inspection could follow on after the 'first step' agreement had been reached.

[matter omitted]

[NAA: A1209, 1957/4928]

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7 The USSR, while still calling for 'the complete prohibition of nuclear weapons' and 'the cessation of production and destruction of stockpiles of such weapons', no longer insisted that these should necessarily constitute 'first-stage' objectives. See *Current Notes*, vol. 29, 1958, p. 14.

8 Valerian Zorin, Soviet Deputy Minister of Foreign Affairs. Zorin was on the Political Committee of the UN General Assembly.

9 While initially disparaging nuclear weapons, China, from 1954 and especially 1955, showed a growing interest in developing its own nuclear weapons arsenal. See John Wilson Lewis and Xue Litai, *China Builds the Bomb*, Stanford University Press, 1988, pp. 11, 34ff.

10 Two days later, the US Government announced that it would seek a worldwide agreement renouncing the manufacture of nuclear weapons but that this would not include China. See cablegram 570 from Embassy in Washington to Department of External Affairs, 24 May 1957, NAA: A1209, 1957/5688 part 1.

**24 NOTE FROM BROWN<sup>1</sup> TO TIMBS<sup>2</sup>**

Canberra, 7 June 1957

SECRET

Mr. Tange rang this morning about Christmas Island.<sup>3</sup> His specific question was: 'Did we have any up-to-date information about conclusions being drawn from the present tests, or, if we did not, do we know whether there is any point in Commonwealth machinery where this information was being received'.

2. He explained that the purpose in his enquiry was that Mr. Casey was receiving from various sources suggestions that Australia might take this initiative or that in relation to nuclear tests at the discussions on disarmament. They felt in External Affairs the need for some place where they could get authoritative and quick advice on what the stage was on United Kingdom thinking. He recalled that, at an earlier stage, the United States had been willing to go some distance in negotiations with the Russians but that the United Kingdom, feeling itself at some disadvantage as to negotiating strength, had hung back. He was wondering, for example, whether they now felt that, being in a stronger negotiating position, it might not be necessary to hang back any longer. He was anxious that no suggestions should be made as to Australian initiative or action which would be embarrassing to the United Kingdom but felt that it was necessary to have some further information about what the United Kingdom [thought] if embarrassment was to be avoided by some method other than silence.

3. I said I did not think that we were getting anything but that I thought Sir Leslie Martin<sup>4</sup> probably received fairly up-to-date information. I did not know whether he got this in a formal way or on a more informal basis. I rather had the impression that some of his most interesting information came in private communications. I said that I would ask you about the matter to see whether you knew anything more than this and if I could find out anything I would get in touch with him again.

4. Incidentally, Tange said that he had felt the need for Martin to be present at the Defence Committee meetings when scientific matters were before the Committee. Sir Frederick Shedden had always been reluctant to have this but he was proposing to take the matter up with Hicks<sup>5</sup> on Hicks' return. I said I entirely agreed with his view that it was [not enough]<sup>6</sup> for the Chiefs of Staff<sup>7</sup> to report on these matters. He added that they never made any attempt to and generally contented themselves with saying that they did not understand them.

[NAA: A1209, 1957/5688 part 1]

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1 Allen Brown, Secretary, Prime Minister's Department.

2 Maurice Timbs, Assistant Secretary, Prime Minister's Department.

3 A reference to Britain's first thermonuclear tests on Christmas Island, about 2,600 kilometres northwest of Perth, in May and June 1957. Operation Grapple, as the tests were collectively known, was only partially successful but nevertheless provided British scientists with the knowledge to develop a megaton warhead. See Lorna Arnold, *Britain and the H-Bomb*, Palgrave, Hampshire, 2001, chapters 8 and 10.

4 Defence Scientific Adviser and Chairman of the Defence Research and Development Policy Committee of Australia, 1948–68.

5 Sir Edwin Hicks, who succeeded as Secretary of the Department of Defence after Shedden's retirement in 1956. Hicks was also Chairman of the Defence Committee.

6 Words in square brackets inserted by hand, replacing the word 'important'.

7 Like its UK and US namesakes, the Australian Chiefs of Staff comprised the professional heads of the three military services and was at that time responsible for providing military-related advice to the government of the day. See Dennis, Grey, Morris and Prior (eds), *Oxford Companion to Australian Military History*, pp. 144–5.

## 25 CABLEGRAM FROM CASEY TO MENZIES<sup>1</sup>

Canberra, 25 June 1957

1612. SECRET IMMEDIATE

### Disarmament

1. We are not in a position to give any detailed points following up notes on disarmament in your brief because we do not have text of latest United States paper. We understand (London's 1455)<sup>2</sup> that it is generally similar to the working paper<sup>3</sup> which Stassen gave Zorin, but do not know details. Following general considerations might be of assistance to you.

2. *American-Soviet discussions.*<sup>4</sup> Clearly the disarmament talks have assumed an importance which they have not had for years. Foreign Office thinks that Russians are showing desire to negotiate and that talks are approaching crucial stage. We are glad to see that United Kingdom, which has left the running to the United States in the last 3 months, is now taking a more active part. Question of United States – Soviet talks is now raising difficulties for the rest of us. Until recently I thought that the other western members of sub-committee were following a sensible course in not objecting to the private meetings between Stassen and Zorin in the general interest of reaching some agreement with the Soviet. It is now an open secret that Stassen's enthusiasm and lack of caution ran away with him.<sup>5</sup> Position seems to be have been redressed but somewhat by insistence of other N.A.T.O. countries that they should be consulted in advance on any matters affecting particularly their strategic position. However, I think that at this stage, without wishing to appear as a Cassandra, and without wishing to prejudice prospects of agreement, that you might take appropriate opportunities to impress on the Americans the need for extreme caution. It may seem strange for us to be urging caution on the Americans in their dealings with the Soviet Union, but we cannot overlook possibility that present apparent thawing of Soviet position is a tactical move both as part of their general strategy and to compensate for reverses in Eastern Europe. After all, the Soviet is still being evasive on crucial question of methods of control.

1 Menzies was attending the meeting of Commonwealth Prime Ministers in London.

2 Not published.

3 On 31 May 1957, Stassen handed Zorin an informal memorandum which dealt at length with force level, conventional armaments and nuclear weapons reduction. The paper, largely focusing on the last point, rejected the call for complete renunciation of nuclear weapons and instead proposed that 'all signatories agree that they are prohibited from the use of atomic and hydrogen weapons of all types [...] except (a) in individual and collective self-defense under Article 51 of the United Nations Charter if an armed attack occurs which includes the use of nuclear weapons, and (b) if such an armed attack is of such a nature and magnitude that the attack cannot feasibly be repelled without the use of nuclear weapons'. Crucially, the United States also demanded 'the installation and operation of an effective inspection system' to prevent surprise attack and proliferation. See Document 214, 'Informal Memorandum from the Chairman of the Delegation to the Subcommittee of the United Nations Disarmament Commission (Stassen) to the Chairman of the Soviet Delegation (Zorin)', reproduced in US Department of State, *Foreign Relations of the United States, 1955–1957. Volume XX: Regulation of Armaments; Atomic Energy*, US Government Printing Office, Washington DC, 1990, pp. 574–83.

4 Since 12 April 1957, when Zorin had informed Stassen that the US proposals were receiving serious attention in Moscow, the US and Soviet delegations had held continuous private talks aimed at reaching agreement over manpower and weapons reduction.

5 A reference to Stassen's decision to hand the US paper to Zorin without comprehensive prior consultation with the other Western delegations. There was widespread NATO concern at Stassen's unilateral action, including 'very strong and emotional reactions' from the French Government, and Stassen was briefly recalled to Washington for 'consultations' before returning to London with a 'political advisor'. Privately, Washington repudiated the memorandum. See Document 213, 'Editorial Note', in US Department of State, *Foreign Relations of the United States, 1955–1957. Volume XX: Regulation of Armaments; Atomic Energy*, pp. 572–3 and Barton and Weiler (eds), *International Arms Control*, p. 80.



### *China*

3. China has been omitted from the initial first phase reductions proposed in Stassen's working paper. This is not altogether a surprise. China was omitted from the initial preliminary measures proposed in the American paper of May last year.<sup>6</sup> Omission from Stassen's paper is more serious because other major powers would actually carry out first phase reductions while China does nothing. The United Kingdom, which seems prepared to acquiesce in the omission, has asked for our comments. The Defence Department view, in consultation with the Chiefs of Staff, is that while it would be preferable from the Australian point of view for China to be included from the outset in any disarmament agreement, their proposed exclusion from the initial partial agreement contemplated could be accepted if this is considered to be necessary in order to advance negotiations, provided the nuclear deterrent is maintained, and China is brought within the scope of the disarmament scheme at the earliest possible date. The Defence view takes into account the statement in Commonwealth Relations Office telegram No. 558<sup>7</sup> that there would be no reduction in the West's nuclear deterrent, on which the strategic concepts for the S.E.A.T.O. area already rely. Defence has however pointed out that the uncontrolled development of Chinese conventional military strength would undoubtedly exercise an adverse influence on Asian nations in the cold war. In the External Affairs view this is a most serious aspect especially if we assume the possibility of a situation in which the Americans hesitate to use nuclear weapons in Asia. We must be told therefore by the Americans at what stage they intend China to be brought into the disarmament agreement. I think it is perhaps unfortunate that Stassen is talking in terms of second and third phase reductions in levels of armed forces. In the interest of securing Soviet agreement he seems to have run ahead of himself at this point. We can appreciate the reasons why America needs to exclude China at this stage, but these could not be considered by us or other countries in the area as being adequate reasons for exclusions of China beyond the preliminary stage.

4. *Nuclear Controls.* I was surprised at idea of 10-month moratorium on nuclear tests in Stassen paper. United Kingdom have already pointed out that if once they agree publicly to stop tests they might find it very hard to start again. American position has been that question of tests must be related to question of cessation of production of fissionable materials for any military purposes. Stassen's paper formally follows this line but instead of previous insistence that tests should be limited and eventually stopped only after installation of inspection system, Stassen now suggests that they should stop while inspection system is being installed. Soviet has of course jumped on the idea and suggested that moratorium be two or three years instead of the suggested ten months. This is causing considerable concern to United Kingdom especially as Soviet has thrown in idea of ground control posts, thereby making it harder for West to say no.

[*matter omitted*]

[NAA: A1209, 1957/4928]

6 On 3 May 1956, the United States submitted a preliminary memorandum to the Disarmament Subcommittee reaffirming its desire to 'actively, patiently and persistently seek a sound agreement on a comprehensive disarmament plan including effective measures of inspection and control'. See Document 161, 'United States Summary Memorandum Submitted to the Disarmament Subcommittee', 3 May 1956, reproduced in US Department of State, *Documents on Disarmament, 1945-1959: Volume I, 1945-1956*, pp. 623-4.

7 Not published.

**26 MEMORANDUM FROM TANGE TO CHILTON<sup>1</sup>**

Canberra, 28 June 1957

TOP SECRET

*[matter omitted]*

I should like you to consider whether the processes of consultation between this Department and your own (and related Defence machinery) could be so organized as to ensure access by this Department to scientific knowledge as well as to 'military' knowledge and advice. What I have in mind is that there has been introduced into international disarmament negotiations the concept of controlling not merely weapons as such but also scientific experimentation in the nuclear field and the production of fissionable material. What is required, in my view, is not only the correlation of political and military information and views, but also a joint assessment of the relevance of a wide range of scientific facts and possibilities which I would suppose can only be explained by persons with knowledge of the relevant technical advances. These advances are constantly changing the diplomatic positions being taken by the Foreign Offices of the United Kingdom, United States, France and Canada in international discussion of nuclear tests and weapons. At the diplomatic level we are constantly faced with the necessity to decide whether the diplomatic positions of these Governments are well founded upon strategic requirements in the military-scientific fields. What I hope to see is an Australian system of dissemination of information, and co-ordinating advice, which would give this Department analogous assistance in establishing an Australian national position which might or might not be identical with that of the United Kingdom or United States. This is the more important as differences arise between the United Kingdom and the United States; and it is quite clear that international discussions in this field have assumed an element of greater seriousness than has hitherto prevailed in Soviet–Western negotiations.

I would welcome any observations which you might care to make upon this question of domestic organization of consultation.

*[matter omitted]*

By way of supplement to the normal channels of written or telephone communication between my Defence Liaison Branch and your appropriate officers, I would welcome an opportunity for my officers who have the responsibility of handling the international presentation of Australian attitudes in the field of nuclear tests and nuclear controls to have the benefit of a general discussion on the fundamental scientific developments which are affecting Western strategy and Western positions in disarmament discussions. This aspect of the Department's responsibilities is under the control of our Assistant Secretary, Mr. W.D. Forsyth. If you could make available such an officer and are able to agree with my request, I wonder whether it would be possible for him to pay a visit to Canberra, thus enabling the four or five of my officers who are concerned with this subject to have the benefit of the background information which he would be able to convey.

[NAA: A1838, TS852/10/4/2]

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<sup>1</sup> Brigadier Frederick Chilton, Acting Secretary, Department of Defence.

## 27 NOTE BY PRIME MINISTER'S DEPARTMENT

Melbourne, 21 August 1957

TOP SECRET

### **Meeting of Joint Planning Committee,<sup>1</sup> Joint Intelligence Committee<sup>2</sup> and Officers of Prime Minister's Department and Department of External Affairs**

The purpose of this meeting was to give members of the two Committees and officers of the P.M.'s and External Affairs Departments the opportunity of hearing Professor Sir Leslie Martin, the Defence Scientific Adviser, speak on certain aspects of development of nuclear weapons, with particular reference to the nuclear control provisions of current disarmament proposals put forward in the United Nations Disarmament Sub-Committee.

Sir Leslie Martin gave an introductory comment on the effects of radiation and radioactive fall-out from test explosions of nuclear weapons and then commented on the five questions on which the Department of External Affairs sought information from the Defence Department.

[*matter omitted*]

#### *Questions Asked by Department of External Affairs*

Sir Leslie then commented on the five questions put to the Defence Department by this Department. For convenient reference the text of the questions is repeated here:

(a) 'The problem of establishing an effective system to police the control of nuclear tests, including the difficulty of detecting tests of small-scale tactical nuclear weapons'.

Sir Leslie said that tests of megaton bombs could not possibly go undetected. He thought also that there was little chance of tests of fission weapons of any significance to development going undetected. He did not think that there was great need in any event for further tests of small weapons. There was constant observation by stations on all the frontiers of the Communist world. Messrs. Lawrey<sup>3</sup> and Rogers<sup>4</sup> pointed out that this question had been asked because of the need for technical advice on proposals currently under consideration in the Disarmament Sub-Committee (e.g. the Soviet suggestion for a system of ground control posts and the U.S. suggestion of a cessation for three months.) They mentioned that J. Moch,<sup>5</sup> the French representative in the Disarmament Sub-Committee, and also the Prime Minister of the United Kingdom<sup>6</sup> in his Defence statement on 1 April had said that we could no longer be sure of detecting all tests that took place. Sir Leslie was asked to comment on Mr. Macmillan's further statement that the proposal put forward by Sir Anthony Eden<sup>7</sup> in July 1956 (to get agreement on limitation of tests outside the framework of a general disarmament agreement) had been withdrawn because scientific experts had 'shot holes in it'. He said he could make no comment from a scientific angle and thought that perhaps political considerations were paramount in the

1 A body established in 1940 to advise the Defence Committee and the Chiefs of Staff Committee on operational aspects of defence planning. Eric Andrews, *The Australian Centenary History of Defence: Volume 5, The Department of Defence*, Oxford University Press, Melbourne, 2001, p. 126.

2 The Joint Intelligence Committee was located in the Department of Defence and responsible for controlling and coordinating the department's intelligence policies and producing military, strategic and intelligence assessments and reports. See Andrews, *Centenary History of Defence*, p. 124.

3 Lawrey was now Head, Manila Treaty Branch, Department of External Affairs.

4 Kenneth Henry Rogers, Second Secretary, UN Branch, Department of External Affairs.

5 Presumably Jules Moch, France's representative at the UN Disarmament Commission, 1951–60.

6 Harold Macmillan.

7 UK Prime Minister, 6 April 1955 to 9 January 1957 (succeeded by Macmillan).

Prime Minister's statement. Sir Leslie was inclined to discount the idea that a test might be prepared secretly even by the U.S.S.R. under cover of an international agreement. He pointed out that there were few sites where tests could be held.

(b) 'The problem of an inspection system over the production of fissionable material to ensure that it is used exclusively for peaceful purposes'.

Sir Leslie commented briefly on this point, saying that the question of working out and installing an inspection system in atomic plants presented no serious difficulties. The plants themselves had to be large and could not be concealed. Trained personnel could fairly easily ensure that all fissionable materials produced in them were accounted for. However there was no known method of determining how much material had been produced in a reactor before the inspection system was installed nor of detecting stocks of material which had been assembled in bomb casings and stored away.

(c) 'The likelihood of the emergence of a "fourth country" possessing an effective nuclear or thermo-nuclear weapon, including among other things the extent to which nuclear capacity for peaceful purposes can be turned to warlike purposes'.

Sir Leslie said that France should be capable of manufacturing nuclear weapons in about twelve months. Japan was at present out of the field; she had good theoretical physicists but lacked the materials and equipment with which to produce fissionable material for bombs. China had excellent physicists, some of the best in the world. There was no prospect at the moment of China producing nuclear weapons, but if she were to obtain from another country an atomic plant similar to Calder Hall,<sup>8</sup> she could manufacture enough plutonium for some weapons in about twelve months. The difficulty of finding suitable testing sites was a limiting factor. Potential 'fourth countries' usually did not have access to such sites.

(d) 'The problem of transferring fissionable materials from military stockpiles to peaceful uses'.

Sir Leslie said that this proposal presented no serious difficulties. There was no problem in the measurement of the amount of fissionable material in a nuclear weapon and ensuring that all this material was accounted for in the transfer to peaceful uses. Moreover it was easier to reduce weapon-grade material to [a] state in which it was useful for peaceful but not warlike purpose than to reverse this process.

(e) 'The likely effect on the United Kingdom nuclear programme of the various proposals currently before the Disarmament Sub-Committee, such as a moratorium on or cessation of tests, the cessation of production for nuclear weapons purposes, or the transfer of fissionable materials from existing weapons purposes to peaceful uses'.

Messrs. Lawrey and Rogers explained that this question was prompted by our concern at the likely effect on the U.K.'s nuclear weapons programme of the suggestion made by Mr. Stassen in the Sub-Committee on 12 April (proposing the installation of a control system on the production of fissionable materials in March 1958, and the cessation of production for military purposes one month after the installation had been completed) and also the nuclear control provisions in the outline disarmament plan which Mr. Stassen had given Mr. Zorin on 31 May.<sup>9</sup> Sir Leslie said he could not give an opinion on this question. He did say that U.K. was not yet able to produce megaton bombs though it should be in a position to do so soon. He also said that the U.K. for the present was intending to rely on missiles obtained from the United States.

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8 On 17 October 1956, Queen Elizabeth II opened Nuclear Reactor Number 1 at Calder Hall, bringing into service the world's first industrial-scale power station.

9 See note 3 to Document 25.

The External Affairs representatives gained the impression that Sir Leslie Martin either was not closely informed about U.K. plans for ballistic missile development or did not want to be drawn into detailed discussion of it. He did remark that the problem of developing the inter-continental missile itself was greater than the problem of devising a suitable warhead. The missile's inherent inaccuracy had to be balanced by its destructive power and this meant a requirement for large quantities of fissionable materials, the United Kingdom's supply of which was limited. The United Kingdom's need for power was very great but not so desperate as to justify in itself the present rate of reactor development in the U.K., one objective of which was probably to produce more weapon-grade material.

[*matter omitted*]

[NAA: A1209, 1957/5688 part 1]

## 28 DESPATCH FROM SPENDER TO CASEY

Washington, 24 December 1957

5/57. TOP SECRET GUARD

### United States Defence Policy

During the years I have been in Washington it has been my continuous endeavour to assess the fundamental motives and objectives of U.S. defence policies. I must confess however that even after nearly seven years of study a number of fundamental uncertainties remain in my mind. These uncertainties stem from two main factors—the divisions on basic policy questions which undoubtedly exist among U.S. defence leaders; and the fact that many official statements on defence policy are made for political purposes and sometimes indeed mask the real thinking of the American Government.

#### *The 'Encirclement' Doctrine*

2. The basic doctrine to which the U.S. Government is publicly committed is that of encircling the Communist bloc with a ring of bases situated to a large extent in the territories of its Treaty partners. This policy has been presented to the U.S. public as being essential to the security of the U.S. In practice however the attitude of the U.S. towards its allies has in the past suggested that the U.S. regarded its alliances as more vital to the Allies concerned than to itself. Aid has been proffered in terms that have in a political sense not always been easy for the recipients; and the U.S. has in effect maintained a status of special privilege within the alliances.

[*matter omitted*]

#### *Australia – United States Relations in Defence*

[*matter omitted*]

28. [*matter omitted*] The United States Government has proclaimed the policy of interdependence not only for the North Alliance but for the other strategically vital areas of the world. We should therefore lose no opportunity of impressing upon the United States Government the importance of making interdependence a reality among ANZUS powers. We should, I consider, raise our target in regard to what help we might ask from the United States, particularly in the field of tactical atomic weapons. In view of the huge disparity between the forces available to the Communist powers in Asia and those available to the free countries, I cannot believe that Australia would be wise to rely indefinitely on conventional weapons for

her own security. Moreover Australia is peculiarly vulnerable, I think, to submarine-launched atomic missiles. The United States spends vast sums on military aid to allies demonstrably less reliable than Australia, and I consider that it would not be impossible, if sufficient and sustained pressure is exerted, to persuade the American government that it is in their interests to give us considerably larger measure of practical help than in the past.

P.S. It has been announced (reportedly by Admiral Stump)<sup>1</sup> that Japan is to be given air-to-air guided missiles. Have we no need for these?

[NAA: A1838, TS852/10/4/2]

## 29 DEFENCE COMMITTEE MINUTE<sup>1</sup>

Canberra, 6 February 1958

TOP SECRET GUARD

### **Agendum No. 16/1958 & Supps. 1 & 2 No. 18/1958: Nuclear Weapons for the Australian Forces— Plutonium Production in Australia**

#### *Nuclear Weapons*

1. The Defence Committee considered a memorandum of 22nd January, 1958, from the Department of External Affairs,<sup>2</sup> in reply to a Defence Department memorandum, regarding the above subject and suggesting that the matter be discussed with the Prime Minister of the United Kingdom during his visit to Australia,<sup>3</sup> together with a paper submitted by the Joint Planning Committee on the subject under cover of Report No. 6/1958.<sup>4</sup>
2. The Defence Committee concluded that:
  - (a) On the information available, Australia has no requirement for high yield (megaton) nuclear weapons.
  - (b) The acquisition of a low yield nuclear capability by the Australian forces would vastly increase our defensive and offensive strength for national defence, and also enhance the value of our contribution in operating under collective security arrangements.
  - (c) However, other factors are involved and the real requirement is for a comprehensive appreciation. This appreciation would include factors such as:
    - (i) Military considerations;
    - (ii) External political considerations;
    - (iii) Cost: which could have an important effect on the level of other armaments which it is possible to maintain within a limited defence vote.

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1 Admiral Felix B. Stump, Commander, US Pacific Command.

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1 Present were Edwin Hicks, Arthur Tange, E.J. Bunting (Acting Secretary, Prime Minister's Department), C.L. Hewitt (representing the Secretary to the Treasury), Vice Admiral Sir Roy Dowling (Chief of the Naval Staff), Air Marshal Frederick Scherger (Chief of the Air Staff) and Major General H.G. Edgar (Deputy Chief of the General Staff).

2 Not published.

3 Macmillan visited Australia in January and February 1958, where, among other things, Menzies broached the subject of nations other than the 'Big Three' possessing nuclear weapons. See Wayne Reynolds, *Australia's Bid for the Atomic Bomb*, Melbourne University Press, 2000, pp. 181–3.

4 Not published.

(d) Therefore an approach should be made to the United Kingdom Prime Minister with a view to Australia obtaining access to United Kingdom information which would permit us to explore further the possibilities of possessing a nuclear capability. The information would comprise factors such as cost, facilities required for storage preparation and delivery, manpower and training requirements, etc. It is emphasised that the information we seek is solely related to nuclear capability in the range of low-yield weapons.

(e) Additional information concerning nuclear weapons is also required to further the organisation and training of Australian forces for participation in war employing nuclear weapons.

(f) Early consideration should be given to informing the United States of the approach being made by Australia.

[matter omitted]

[NAA: A571, 1958/677]

### 30 SAVINGRAM FROM DEPARTMENT OF EXTERNAL AFFAIRS TO POSTS<sup>1</sup>

Canberra, 8 April 1958

SECRET

#### Disarmament—Position of China

During the last two years the question of the inclusion of China in a general disarmament agreement has been causing us some concern. We feel that it does not always receive due attention from other governments. This Savingram gives a brief review of the question and may be used for general guidance in working level discussions with other governments.

2. The problem is closely connected with the difficult question of the representation of China in the United Nations.<sup>2</sup> China is a permanent member of the Disarmament Commission by virtue of its permanent membership of the Security Council. However the Government of the Republic of China which represents China in the United Nations, is not a major military power, while the Central People's Government, one of the largest military powers, is not a party to the disarmament discussions. This situation creates the problem for the Western powers of how to negotiate a disarmament agreement which will take proper account of China's strategic position without prejudicing their position on the question of representation. Our concern is that the political difficulties inherent in the situation are leading to a serious neglect of the strategic importance of China.

[matter omitted]

7. The treatment of China in the United States paper<sup>3</sup> did not occasion much discussion in the Sub-Committee, the Soviet representative while arguing that China must be a party to any disarmament agreement, did not make this point a major criticism of the United States paper.

1 The savingram was dispatched to posts in New York, Washington, Paris, Ottawa, London, Rio de Janeiro, Rangoon, Rome, Tokyo and New Delhi.

2 For the debate between the People's Republic of China and the Republic of China (led by the Nationalists and based in Formosa/Taiwan) on the representation of China in the United Nations, see Stuart Doran and David Lee (eds), *Documents on Australian Foreign Policy: Australia and Recognition of the People's Republic of China, 1949–1972*, Department of Foreign Affairs and Trade, Canberra, 2002.

3 Presumably the US draft working paper submitted to the Disarmament Sub-Committee: First Phase of a Comprehensive Agreement for Disarmament, UN document DC/SC 1/42, 3 April 1956.

8. When the Sub-Committee's report was discussed at the July, 1956, meeting of the Disarmament Commission and when the Commission's report was discussed at the Eleventh Session of the General Assembly, Australia was almost alone in stressing the strategic importance of China and Asia and in emphasising the importance of including China in a disarmament agreement at an early stage.<sup>4</sup>

### *1957 Discussions*

9. The question of China received little attention during the March–August session of the Sub-Committee. China was not mentioned in the 'informal memorandum' which Mr. Harold Stassen, the United States representative gave to the Soviet representative on the 30th May.<sup>5</sup> During the consultations among the Western powers which followed Mr. Stassen's unwise initiative, the United Kingdom informed us (C.R.O. Circular Telegram No. 558 of 13th June)<sup>6</sup> that it appears that the Americans were thinking of excluding China from any initial partial disarmament agreement, on the assumption that United States and U.S.S.R. reductions in force levels would be to 2.5 million but not lower. The reasons for the United States thinking were—

- (i) disarmament should start with the nuclear powers plus those nearest to becoming nuclear powers (i.e. France and Canada) plus any minor powers whose adherence was necessary for effective inspection in any zones for agreed aerial and/or ground control,
- (ii) it should be possible to make progress more quickly with fewer participants in the talks,
- (iii) the amount of conventional disarmament visualised was very small,
- (iv) there would be no reduction in the West's nuclear deterrent, and
- (v) the United States was not in a position to negotiate with the People's Republic of China for the present time. However the United States intended that China should be brought into the agreement as soon as possible.

10. In cabled comments to the United Kingdom Government we said that while it would be preferable from our point of view for China to be included from the outset in any disarmament agreement, its exclusion from an initial partial agreement as contemplated could be accepted, if this were considered necessary in order to advance negotiations, provided that the nuclear deterrent were maintained, and China were brought within the scope of the disarmament agreement at the earliest possible date.<sup>7</sup>

### *Prime Ministers' Conference, June, 1957*

11. During the discussion of disarmament at the Prime Ministers' Conference, the Australian Prime Minister said that any agreement about conventional weapons which excluded China and ignored her vast area and her expansionist ambitions would be seriously deficient. Despite the

4 See Document 20.

5 Stassen actually passed the memorandum to the Soviet delegate, Zorin, on 31 May 1957. See notes 3 and 5 to Document 25.

6 Not published. A week earlier, on 5 June 1957, the High Commission in London reported that the Foreign Office assessment was that China would not be included. Cablegram 1322 received 6 June 1957, NAA: A1209, 1957/5688 part 1.

7 In mid-January 1957, Spender reported on a meeting with the United Kingdom and the old Commonwealth countries (Australia, New Zealand, Canada and South Africa) on the need to 'account for China'. See cablegram 93 from Spender to the Department of External Affairs, 11 January 1957, NAA: A1209, 57/5688 part 1. Later, on 28 February 1958, Malcolm Booker took up the matter with Gerard Smith, the US Assistant Secretary of State for Policy Planning, but was advised that the US Government could see no way to include China in a first-stage agreement. See NAA: A1838, 3107/33/4 part 1.



obvious difficulties, the United States should be able to devise some means of discussing the problem with Communist China. Good faith on the part of China in disarmament discussions would improve her standing in the community of nations and might help to reduce to some extent the opposition of the United States to her admission to the United Nations.

[*matter omitted*]

#### *United States Position*

15. About two months after the tabling of the August proposals the United States State Department gave to the Australian Embassy a copy of a section of the United States brief for the A.N.Z.U.S. Council meeting, dealing with the position of China in a disarmament agreement. (Telegram number 1315 dated the 28th October from the Australian Embassy, Washington.)<sup>8</sup>

16. This paper stated that it was believed that the United States could reach a first-stage disarmament agreement without the Communist Chinese regime being a contractual party to it. The agreement would provide controls over nuclear weapons production and testing, inspection zones against surprise attack, the beginning of controls over outer space missiles and a beginning in reductions of conventional armaments and force levels. It was of paramount importance to begin some kind of control over nuclear weapons production and to implement an agreed form of aerial and ground inspection zones. Peiping would not need to be a party to such an agreement since it is not a nuclear power. Moreover, a disarmament system could be devised which would lay down certain terms and presuppositions as regards countries which are not parties. Some of these might relate to Communist China without its being a party to the agreement, in this way it would be possible to preclude the Soviet Union's supplying nuclear weapons to Communist China.

17. The agreement could not be made contingent on every country's being a party to it, and Communist China would probably be only one of those which would not be included. There was always a risk that one of these countries might engage in the manufacture of nuclear weapons. However it was hoped that the establishment of an inspection system for a monitoring of nuclear test explosions in the Soviet Union would be sufficient to detect any clandestine explosions in China.

18. The paper concluded by saying that 'So far as conventional armaments and force levels are concerned, any overall plan to be effective, would ultimately have to cover the Chinese Communists in some manner. Until, however, a beginning has been made and we have substantial evidence of Communist intentions to reduce such armaments, there will be no need to decide either on the means by which the Chinese Communists might be included or on the timing.'

19. We have two major criticisms to make of this paper:

- (i) The United States seems prepared to postpone serious consideration of the question of China for an indefinite time, and
- (ii) we find it hard to accept the underlying assumption that China would be prepared to accept conditions affecting its security which were stipulated in an agreement to which it was not a full party.

[*matter omitted*]

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8 Not published.

*Australian Attitude*

22. When we were consulted on this question by the United Kingdom Government in June of last year, (Paragraph 10 above) we said that we could accept the exclusion of China from an initial partial disarmament agreement, provided that China were brought within the scope of the agreement at the earliest possible date.

23. We are concerned that the United States seems to be postponing consideration of the position of China until some future time and is not taking it into account sufficiently during its current planning. We think it important that the question should be considered now, particularly as the United Kingdom and the United States are examining the possibility of changing their formal position. There seems to be a strong possibility that if the United States and the United Kingdom decide to concentrate on securing limited agreements on particular aspects of disarmament (e.g. suspension of nuclear tests) the question of China will be pushed even further into the background.

24. Please ascertain the latest thinking of the United States and the United Kingdom on this question.

[NAA: A1838, 3107/33/4 part 1]

### **31 CABLEGRAM FROM EMBASSY IN WASHINGTON TO DEPARTMENT OF EXTERNAL AFFAIRS**

Washington, 9 April 1958

465. SECRET PRIORITY

#### **Disarmament: Position of China**

Your Savingram 69.<sup>1</sup>

In our discussions with the State Department regarding this problem over recent months we have usually been pressed to say what *specific* dangers we see arising from the omission of China from a first-stage disarmament agreement. We have attempted to answer informally along the following lines:

- (a) If China is allowed to expand her armed forces without restriction she would build up such a predominant strength in Asia that she could over-awe the whole area.
- (b) It might be in Soviet interests for China to be excluded from a 'first-stage' plan because it would mean that her military strength could continue to expand and thus add to the total Communist strength, while Western armed forces were being held to a fixed level.
- (c) If China launched a limited war she could only be stopped with atomic weapons (even if she did not herself use such weapons). Could we be sure that the West would always have sufficient atomic weapons of the right kind to achieve this, if use of fissionable materials for weapons had been banned? (In reply to this the Americans usually insist that the United States would in any circumstances retain sufficient 'deterrent' power to restrain China—and would be prepared to use it).

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1 Document 30.

(d) Even if China accepted the ban on the *production* of nuclear weapons there was no assurance that these weapons would not come into her hands or that she would not herself develop the *capacity* to make them, for example in the course of building up atomic power industry.

[*matter omitted*]

[NAA: A1838, 3107/33/4 part 1]

## 32 CABLEGRAM FROM BEALE<sup>1</sup> TO MENZIES AND CASEY

Washington, 14 April 1958

485. TOP SECRET IMMEDIATE

### Disarmament

In view of the public confusion which exists here concerning the cessation of nuclear tests<sup>2</sup> and the political importance of the subject in Australia, I took the opportunity at my interview with Dulles today to seek clarification of the United States attitude.

2. I asked whether there was any possibility that the United States Government might reach a position where it would be prepared to agree to the cessation of nuclear testing in isolation from the disarmament problem as a whole. Dulles said that he would not wish to get so committed against this that it would be politically impossible for the United States Government to do so, but there were two prior conditions which would have to be met. First was that Congress would have to approve amendment of the atomic energy act to allow for sharing with the United Kingdom of all the results of United States testing and research; and secondly the United States would have to be satisfied that the current series of tests gave them what they needed to know.

3. With regard to the first factor Dulles said that the United Kingdom Government had strongly urged the United States not to agree to cessation of tests unless the results of United States testing could be made available to it. He had been fairly hopeful that Congress would amend the McMahon Act to allow this but some difficulties had emerged. He himself would testify before Congress on Thursday and would do his best to win acceptance for the desired amendments.

[*matter omitted*]

### China

6. I took the opportunity of mentioning the Australian Government's concern that the problem of China might receive inadequate consideration in disarmament discussions. Dulles said that even if a direct agreement was not made with China he hoped that a level would be set for Chinese forces and if it were exceeded the United States would regard itself as being absolved from the agreement. However he made it clear that the United States would not allow the fact that they did not recognise Communist Chinese regime to prevent negotiations

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1 Howard Beale, Ambassador to the United States.

2 On 25 March 1957, President Eisenhower and UK Prime Minister Harold Macmillan announced in Bermuda 'our intention to continue to conduct nuclear tests only in such manner as will keep world radiation from rising to more than a small fraction of the levels that might be hazardous. We look to the Soviet Union to exercise a similar restraint'. See *Current Notes*, vol. 28, 1957, p. 261.

with them on any matters in which negotiations seemed worthwhile. He said he appreciated Australia's concern on this matter.

7. If an agreement were reached to abolish testing the United States would certainly want to have inspection sites in Communist Chinese territory. Dulles mentioned that the Killian Committee<sup>3</sup> had recommended to this effect. If this were not done it might be possible for the Russians simply to transfer their testing to China. It was probable therefore that China would have to be brought into any agreement on tests.

[NAA: A1838, TS852/10/4/2]

### 33 CABLEGRAM FROM EMBASSY IN WASHINGTON TO DEPARTMENT OF EXTERNAL AFFAIRS

Washington, 20 August 1958

1562. SECRET

#### Communist China

Following from Marshall Green (Regional Planning Adviser, Far East) on 19th August:

#### *Khrushchev-Mao Meeting<sup>1</sup>*

2. All evidence now suggested that the Khrushchev-Mao meeting had been prepared some time in advance and that such questions as a Summit Meeting in the Security Council and the convening of a Special Session of the General Assembly had been side issues. Green believed that the central questions under discussion had been:

- (a) development of more aggressive Communist China external policies including increased pressure on the Off-Shore Islands and Taiwan, and
- (b) Communist China request for nuclear and other modern weapons.

[*matter omitted*]

#### *Nuclear Weapons*

[*matter omitted*]

7. The State Department believed [...] that the Russians had so far resisted Communist Chinese demands for nuclear weapons and there was an accumulation of intelligence evidence to back up the view that the Russians would refuse to make such weapons available to the Chinese because of the fear that the Soviet Union might be dragged into some rash adventure. Also the risk to the Russians of United States passing nuclear weapons to its allies was a factor Moscow would need to consider. There was a possibility that the Soviet Union might be willing to station Russian units with nuclear weapons in Communist China, but the State Department believed that in this case, the Russians would insist on retaining a strict control of such weapons. A further possibility was that nuclear weapons might be secretly stationed in China, but if the fact remained unknown it would not, of course, serve to increase China's capacity to apply pressure.

3 On 4 February 1958, President Eisenhower appointed a committee, chaired by James Killian, to reorganise the US space and rocket program.

1 Nikita Sergeyevich Khrushchev, First Secretary of the Central Committee of the Communist Party of the Soviet Union, met Mao Tse-tung, Chair, Central People's Government, People's Republic of China, in Peking from 31 July to 3 August 1959.

8. It was of interest that in two conversations in Moscow during last week Russian officials had hinted to United States Ambassador, Thompson<sup>2</sup> that, if the United States would keep a firm control over the National[ist] Chinese, they would exercise a similar restraint on the Communist Chinese. The State Department did not expect any change in the Russian position and believed, on the evidence available, that the Communist Chinese would not themselves be able to fabricate nuclear weapons for a number of years.

[*matter omitted*]

[NAA: A1838, TS695/5/5]

### **34 CABLEGRAM FROM EMBASSY IN WASHINGTON TO DEPARTMENT OF EXTERNAL AFFAIRS**

Washington, 20 August 1958

1574. CONFIDENTIAL

#### *Communist China—Nuclear*

The following from Lutkins<sup>1</sup> (Acting Director Chinese Affairs) on 20th August:

[*matter omitted*]

4. Lutkins commented in same terms as Marshall Green regarding the State Department view that the Russians would be reluctant to make available nuclear weapons to the Communist Chinese for fear of being dragged into nuclear war through rash Chinese Communist adventures. Lutkins thought that the Russians were extremely sensitive about extending 'nuclear club'. At any rate this was the impression which Soviet officials had been seeking to give to the United States representatives for some time past.

[*matter omitted*]

[NAA: A1838, TS695/5/5]

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2 Llewellyn E. Thompson was US Ambassador to the Soviet Union from 1957 to 1962.

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1 LaRue R. Lutkins.

### 35 EXTRACT FROM CABLEGRAM FROM DEPARTMENT OF EXTERNAL AFFAIRS TO CASEY

Canberra, 30 September 1958

1500. TOP SECRET PRIORITY

#### **Brief for ANZUS Council Meeting<sup>1</sup>**

(i) The Chinese Communist threat. We would like an American assessment of the likelihood and implications of China obtaining a nuclear capacity, either under her own control or provided by the Russians. Recent Moscow statements appear greatly to increase the likelihood of retaliation in kind if nuclear weapons are used against China. If this is so existing S.E.A.T.O. military concepts (and possibly also the military plans of the United States itself) would be profoundly affected. S.E.A.T.O. plans assume that we will be able to knock out Chinese air capability at an early stage and that we will retain the capacity to reduce Chinese land forces to manageable proportions by nuclear attack. In the field of disarmament, the fact that China is not in the present inspection zone would be an added problem if she were in the possession of nuclear weapons.

[NAA: A1838, TS695/5/5]

### 36 REPORT ON JOINT PLANNING COMMITTEE MEETING

Canberra, 22 October 1958

TOP SECRET

#### *Present*

Captain J.M. Ramsay D.S.C.

Director of Plans.

Brigadier C.E. Long

Brigadier of General Staff (A).

Air Commodore F. Headlam C.B.E.

Director General Plans and Policy.

G.E. Blakers Esq.

Assistant Secretary (Defence Planning).

#### **Without Agendum**

#### **Report No. 59/1958: United Nations Discussions on Suspension of Nuclear Weapons**

#### **Irish Amendments to Draft Resolution**

[*matter omitted*]

#### *Consideration*

2. *General.* The US/UK resolution,<sup>1</sup> so far as nuclear aspects are concerned, deals with the *suspension* of nuclear tests. Subject to international agreement this is an aspect which could be effectively policed.

<sup>1</sup> The ANZUS Council met in Washington on 1 October.

<sup>1</sup> In August 1958, after a conference of experts comprising Western and Soviet bloc representatives agreed on technically feasible methods of 'detecting violations of a possible agreement on the suspension of nuclear tests', the US and UK governments announced that they were prepared to suspend tests for one year. Negotiations began in Geneva on 31 October, but the USSR resumed testing the following day. See *Current Notes*, vol. 29, 1958, pp. 648-9 and vol. 30, 1959, p. 602.

3. The Irish amendment<sup>2</sup> introduces two new aspects applicable to countries not currently possessing a nuclear capability viz. ban on supply to or manufacture of nuclear weapons by these countries.
4. So far as supply is concerned, this is a matter which could not be effectively policed. In the case of manufacture it is doubtful whether effective policing could be effective.
5. Any resolution would therefore be entirely dependent on adherence and good faith. It would be completely unrealistic for the West to accept limitations and place reliance on the Communist Bloc to do the same. In any case Communist China would not be bound by any United Nations agreement. Furthermore on the side of the West such an agreement might well cause difficulties with France and cut across the negotiations between the United States and her NATO allies for the supply of nuclear weapons to NATO countries with the warheads remaining under United States control.
6. Generally wider dissemination of nuclear weapons is obviously undesirable. However the proposed Irish amendments particularly insofar as they relate to the supply of nuclear weapons appear to be incapable of effective implementation.
7. *Implications for Australia.* Australia is an isolated country and situations could arise in the future where the availability of some nuclear weapons might be essential to the security of the country. Therefore Australia should not willingly enter into any agreement which would preclude the US or UK making nuclear weapons available to this country in certain circumstances and under certain conditions.
8. The requirement might well be:
  - (a) Australia should receive all necessary information on nuclear weapons.
  - (b) Nuclear weapons should, if and when required, be stored in Australia by the US or UK under their control and available for use by joint agreement.
  - (c) With the development of future weapons such as A/S and SAGW<sup>3</sup> Australia might require nuclear heads for these to be effective.
9. Paragraph 3 of the suggested Irish amendment uses the words 'shall not supply'. The word supply needs clarification. It is assumed that it is not intended to apply to a nuclear power having forces with a nuclear capability stationed in another country. Such interpretation would of course make NATO, SEATO etc. ineffective.<sup>4</sup> The following interpretations of the word 'supply' may therefore be considered:

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2 On 17 October 1958, the Irish Government submitted a draft resolution on the 'Further Dissemination of Nuclear Weapons'. Concerned that 'an increase in the number of states possessing nuclear weapons may occur, aggravating international tensions', it initially recommended the establishment of a committee to study the inherent dangers of nuclear weapons dissemination, but subsequently offered to draft an amendment urging the negotiating parties to refrain from furnishing any other nation with nuclear weapons or encouraging other states to manufacture nuclear weapons. Western support for the proposal was limited, largely because the United States was already transferring nuclear weapons to its NATO partners in Europe, and the Irish withdrew it on 31 October 1958; but the resolution's key recommendations would be embraced by states wishing to prevent the spread of nuclear weapons in subsequent years. See Document 306, 'Irish Draft Resolution Introduced in the First Committee of the General Assembly: Further Dissemination of Nuclear Weapons', 17 October 1958, reproduced in US Department of State, *Documents on Disarmament, 1945-1959: Volume II, 1957-1959*, pp. 1185-6.

3 Anti-submarine and surface-to-air guided weapons.

4 Since 1953, the United States had been deploying nuclear artillery to Europe for use by NATO ground forces as well as US and allied air forces under a 'dual key' control arrangement. This trend intensified during 1958, when the US Congress passed legislation allowing the transfer of weapons materials, design information and parts to nations that had made 'substantial progress in the development of nuclear weapons'. It was this development and its potential for unrestrained proliferation that led to the Irish Resolution of 17 October 1958. See Henry Sokolski, 'What Does the History of the Nuclear Nonproliferation Treaty Tell Us about Its Future?', in Henry Sokolski (ed.), *Fighting Proliferation: New Concerns for the Nineties*, Air University Press, Maxwell, Alabama, 1996.

- (a) the disposal, free of any conditions regarding use, to other states,
- (b) the positioning of nuclear weapons in other states with the owner retaining control (e.g.) United States proposals for stationing weapons in United Kingdom and Europe.

The interpretation in (a) above should be acceptable to Australia. The interpretation in (b) above would probably be unacceptable to the UK and the United States, and from the defence point of view would also be unacceptable to Australia as it would prevent us meeting our possible requirements as stated in para 8 above.

10. The adoption of para 4 of the Irish amendment would mean in effect that, so long as the suspension of nuclear tests remained in force, Australia could not manufacture its own nuclear weapons. This situation would in any case largely apply irrespective of the Irish amendment and simply by virtue of the suspension of the tests. Australia appears to be already committed to support the suspension of tests also there is no intention in the foreseeable future to manufacture nuclear weapons in Australia. There would therefore be no defence objection to support of an appropriately worded resolution against the manufacture of nuclear weapons by a fourth power. This would not preclude consideration of likely Australian action should circumstances change, e.g. should it become apparent that any resolution was not proving effective in preventing the emergence of further nuclear powers.

11. It is concluded that:

- (a) Australia's possible future requirements for nuclear weapons under certain circumstances and conditions should be safeguarded.
- (b) The Irish amendment is incapable of effective implementation.
- (c) From a Defence point of view the West would stand to gain nothing from para 3 of the Irish amendment and might well be placed at a disadvantage in supporting it.
- (d) There would be no defence objection to support of an appropriately worded resolution against the manufacture of nuclear weapons by a fourth power.

### *Recommendation*

12. It is recommended that the Chiefs of Staff Committee endorse the above views for transmission to the Department of External Affairs.

[NAA: A1838, TS852/10/4/2]

## **37 CABLEGRAM FROM MISSION TO THE UNITED NATIONS TO DEPARTMENT OF EXTERNAL AFFAIRS**

New York, 23 October 1958

1152. PRIORITY

### **Disarmament**

1. Following is full summary of Australian statement to First Committee today.<sup>1</sup>

<sup>1</sup> The Australian Permanent Representative to the United Nations, New York, E. Ronald Walker, stressed that the debate on disarmament should be directed at contributing to the success of the tripartite negotiations between the United States, the USSR and the United Kingdom concerning the suspension of nuclear tests. As noted in note 1 to Document 36, the initiative faltered because the USSR resumed testing the day after negotiations began in Geneva on 31 October. For the full text of Walker's statement, see *Current Notes*, vol. 29, 1958, pp. 687–91.



2. Present debate on Disarmament so far has not been very encouraging although many approached present assembly with rather stronger hopes that the United Nations might at last be on doorstep of some real progress.

[*matter omitted*]

5. Mr. Casey stated last year that Australia would be prepared to accept in principle the establishment in Australia of International Inspection Posts as in the draft Western proposals of August.<sup>2</sup> This statement of Australian policy refers to acceptance only of the principle of Inspection Posts. If Posts were actually to be established, Australian security requirements would have to be met and we would expect close consultation in any technical discussions related to establishment of Posts and inspection procedures. Effective Control System will require the establishment of Control Posts in many other countries and many parts of the world where there have not yet been any nuclear tests. We should ensure that Control System will cover the whole world. No significant area of the world could safely be omitted. There will consequently be many practical problems and some political problems to be resolved before the Control System is complete. We recognize that the forthcoming negotiations at Geneva may be somewhat protracted. At an appropriate stage, other countries will have to be brought in to the extent that their agreement is necessary for practical implementation on their territory of proposed control methods.

6. Urgent need for early agreement on these matters is pointed up by general recognition that all our unsettled problems in the field of nuclear disarmament are likely to be gravely complicated very soon by the emergence of additional nuclear powers. There is no longer any scientific secret that can maintain narrow monopoly of these weapons. A number of countries have technical capacity, basic industrial framework, trained scientific personnel and raw materials to enter the nuclear arms race if they choose. This presents serious problems, which have not yet been fully faced by the United Nations and apparently by major nuclear powers. Australia regards prospective wide diffusion of the production of nuclear weapons as an issue of the greatest importance and urgency. Australian viewpoint was already indicated by Mr. Menzies on 19th September, 1957 in a statement to the Australian Parliament. (Quoted from Prime Minister's statement on this problem).<sup>3</sup>

7. Since Mr. Menzies made this declaration, probability of wide diffusion of manufacture of nuclear weapons had increased. It may be that the fourth, fifth and perhaps even the sixth, nuclear power would feel compelled to exercise no less restraint in the use of nuclear weapons than the present nuclear powers but process of securing international agreement is complicated by every expansion in the number of Governments involved, and if the manufacture and possession of nuclear arms becomes widely diffused the negotiation and implementation of an effective disarmament agreement might become practically impossible. Therefore matter of urgency not only that Control System for the suspension of nuclear weapons tests be set in operation as soon as possible, but also that agreement be reached on other disarmament measures, such as will remove present incentive to additional countries to manufacture nuclear weapons.

[*matter omitted*]

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2 The proposed system of international controls, as recommended by the Conference of Experts (see note 1 to Document 36) and tentatively agreed to by Casey, anticipated a network of 170 land-based and 10 seaborne control posts. Australia was to host seven with another four in Antarctica. It was agreed by the experts that any nuclear explosion with a yield of one kiloton could be detected. The US and Soviet governments accepted the report on 22 August 1958. See *Current Notes*, vol. 29, 1958, p. 688.

3 Menzies ruled out the immediate need for Australia to acquire nuclear weapons. For the background on Menzies' position, see NAA: A1945, 186/5/3. For the text of Menzies' statements on 19 and 20 September 1957, see *Current Notes*, vol. 28, 1957, pp. 723–5.

10. Even if test suspension became effective complex problems of nuclear disarmament and its relation to conventional disarmament remain. With this in mind repeated some observations made at the Twelfth General Assembly on Australian attitude towards disarmament in general. Viewing problems of defence against potential aggression in our part of the world we have never considered it realistic to draw very sharp distinction in disarmament plans between conventional forces and nuclear weapons. In the United Nations we have consistently maintained the view that the prohibition of nuclear weapons under an effective international control should go hand in hand with major reductions in conventional forces and weapons to agreed levels. Australia is very conscious that agreement developed mainly against the background of security problems of great powers may require some adjustment to take account of the effects of proposed arrangements upon security of smaller countries in various parts of the world and we feel in Australia that a disarmament agreement that did not impose suitable obligations upon Communist China would fall short of what is needed for security in our part of the world. At the present time the major potential danger to the peace of Asia and security of countries bordering on Asia is disproportionate strength of Communist China's conventional forces and militarizations of tremendous and growing population. Not surprising that we sometimes feel misgivings lest preoccupation with problem of reaching agreement on suspension of nuclear tests, on measures against surprise attack in Europe or across the top of the world, and on nuclear disarmament may make it difficult to devote adequate attention to other fundamental aspects of disarmament which are of direct and vital concern to Australia and neighbours.

11. Deferred comments on various resolutions.

[NAA: A1838, 3107/33/4 part 1]

## 38 SUBMISSION FROM TOWNLEY<sup>1</sup> TO CABINET

Canberra, February 1959

TOP SECRET

### **Submission No. 59: Strategic Basis of Australian Defence Policy**

I submit for consideration by Cabinet the attached report of the Defence Committee on the strategic basis of Australian defence policy.

2. The report re-affirms some of the main principles of the previous strategic basis approved by Cabinet in March 1957.<sup>2</sup> In particular, it is still assessed that global war is unlikely as a deliberate act of policy, and that the most likely wars are limited wars which could occur with little warning. Communist leaders will continue to rely principally on cold war tactics in pursuing their expansionist aims (Paras 6–9).

3. The Defence Committee makes the following points, some of which involve important re-appraisals of the developing situation in South East Asia, our area of primary strategic interest:

<sup>1</sup> Athol Townley, Minister for Defence.

<sup>2</sup> Details of the discussion about the use of nuclear weapons in early 1957 are in NAA: A1945, 186/5/3. The Australian position favoured the US practice of allowing NATO members to store nuclear weapons for potential deployment. In March 1957, the Minister for Defence, Philip McBride, submitted to Casey the possibility of making nuclear weapons available to Australian forces along the lines of the procedures then understood to be applicable in NATO. The Australian High Commission in Ottawa also reported that month on the use of US nuclear weapons by Canadian forces. For a background discussion, see John Clearwater, *Canadian Nuclear Weapons: The Untold Story of Canada's Cold War Arsenal*, Dundurn Press, Toronto, 1998.

- (i) In the global sphere, the nuclear delivery capability of the U.S.S.R. is overtaking that of the West, and a state of parity could soon be reached (Para. 6);
  - (ii) Communist China, already the predominant Asian nation, may be expected to consolidate its influence in the Far East (Para. 11);
  - (iii) It is possible that in the very near future tactical nuclear weapons, under Russian control, will be deployed in China (Para. 11);
  - (iv) The countries of South East Asia are politically unstable and militarily weak and unreliable. The strength of the United States and United Kingdom positions in the area is being prejudiced by nationalism, neutralism and communist influence (Paras. 12 and 17);
  - (v) Experience has demonstrated that SEATO is limited in certain important respects. It has, however, had some success in deterring further communist expansion in South East Asia. The Asian members will probably adhere to the pact (Paras. 20–22);
  - (vi) A new and important factor which must be taken into account is the rapidly increasing military strength of Indonesia and its potential threat to Australia's interests in the area (Paras. 13 and 14).
4. An innovation in the report is its aim to cover as far as practicable the next ten years. This has been done because the complexity of modern equipment is such that many years now elapse between the statement of an operational requirement and the final incorporation of a new weapons system in the Services; and once committed, the Services are unable to afford the cost of frequent re-equipment programmes (Paras. 1–3).
5. The Committee further recommends that priorities for provision of war materiel should be in accord with the priority for the provision of forces (Paras. 48–52).

#### *Matters for Cabinet*

6. I consider that the conclusions of the Defence Committee are soundly based and accord with the realities of the politico/military situation with which Australia is likely to be confronted in the years immediately ahead. If accepted, they will involve far-reaching changes in our defence preparations, particularly in the shaping of the forces to fit them for independent action; the organisation of reserves, and the future of National Service training; the structure of the forces; and preparations for the provision of war materiel. All these matters will be the subject of further reports by the Committee and submission to Cabinet in due course. In the meantime I seek a general endorsement by Cabinet of the Strategic Basis presented in the attached report.

#### **Attachment**

##### **Strategic Basis of Australian Defence Policy<sup>3</sup>**

TOP SECRET GUARD

[*matter omitted*]

#### *Use of Nuclear Weapons in Asia*

18. The Allies lack the conventional forces to oppose effectively large-scale attacks by the greatly superior Communist ground forces. In such a case, a successful defence would require the use of nuclear weapons. However the increasing Communist strategic offensive capability and the possible deployment of nuclear weapons to China would make their use a most

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3 The attached report by the Defence Committee was dated January 1959.

serious step; not only would it have a profound effect on world opinion, particularly in Asia, but it would greatly increase the risk of nuclear retaliation and an extension to global war. The decision lies with the United States and United Kingdom Governments, at the highest level, and will not finally be made in advance of particular situations. However, provided the Communists believe that the Allies would use nuclear weapons in Asia, a deterrent to open aggression will exist.

### *Military Effectiveness of Regional Arrangements*

19. It is accepted that Australia cannot defend herself unaided against a major power, and reliance has been placed on collective security arrangements. In recent years the major objective of Australian defence policy and planning has been to develop the means to contribute forces in support of such arrangements, particularly in SEATO.

20. SEATO has probably contributed to the change in Communist tactics in the area in that emphasis has moved away from armed aggression in favour of subversion, and the Asian members are confronted with a less serious threat from subversion than other countries in South East Asia. Moreover, SEATO involves the United States in a general obligation to assist in the defence of the Treaty area against Communist aggression.

21. Strategic concepts for the defence of South East Asia in the event of aggression by Viet Minh and/or Chinese Communist forces were developed during 1956/57. These concepts assume the use of nuclear weapons by the west and envisage that substantial external ground, air and naval forces will also be required to defend the mainland of South East Asia.<sup>4</sup>

[*matter omitted*]

[NAA: A1838, TS677/3 part 2]

4 Detailed US military plans for the region were sparked by the dramatic French collapse at Dien Bien Phu in 1954. SEATO began not as an organisation to intervene in a domestic counterinsurgency operation but as one to withstand overt communist aggression. Of the eight contingency plans developed by the organisation after March 1957, only three envisaged the type of counterinsurgency conflict that developed in Vietnam in the 1960s—and all of these came relatively late and in reaction to developments that had not been foreseen originally. Plans 1, 2, 3, 4 and 6, on the other hand, were intended to deal with conventional conflicts. Two of these, Plans 4 and 6, envisaged region-level conflict. The inspiration for this early planning was the Korean conflict. There had been a conventional invasion across the 38th Parallel in June 1950 (SEATO Plan 1 envisaged a Democratic Republic of Viet Nam assault by 12 divisions), which was followed by Chinese intervention at the end of the year. SEATO Plans 2 and 3 were based on an initial Vietminh assault ‘and subsequent Chinese intervention’. In Korea the conflict nearly escalated into a wider war; General MacArthur called for a limited nuclear strike on China but this was overruled. US military advisers in 1956 planned accordingly and in SEATO Plan 4 provision was made for nuclear strikes with devices of 10–20 kilotons on targets in southern China and North Vietnam—most were tactical targets (airfields and communication hubs). Plan 6 was a variation that saw a nuclear strike on North Vietnam only. Damien Marc Fenton, ‘SEATO and the Defence of Southeast Asia 1955–1965’, PhD thesis, Australian Defence Force Academy, 2006, p. 144.

### 39 BACKGROUND NOTE BY PRIME MINISTER'S DEPARTMENT TO CABINET DECISION NO. 113<sup>1</sup>

Canberra, 23 March 1959

TOP SECRET

#### **Strategic Basis of Australian Defence Policy (Submission No. 59)<sup>2</sup>**

The discussion of the strategic basis paper centred chiefly around what Cabinet regarded as a new approach to the problem of defence—i.e. the proposal that the forces should be designed primarily with the ability to act independently of allies. It was said that this proposal runs counter to the policies of the last few years and goes back to the much earlier idea of balanced forces capable of operating alone.

[*matter omitted*]

The general view was that it is not practical to try to develop a defence policy to meet all possible contingencies. The essential task for a country in Australia's position is to decide what is the most probable state of affairs against which preparations are needed, to prepare accordingly, and to accept the risks of the remaining possible situations.

Two other considerations were mentioned. The first was that the Cabinet could not subscribe even so much as in principle to a revision of defence policy without knowing in detail what would be involved in terms of the composition and disposition of the defence forces, the equipment and the cost. None of these matters [was] canvassed in the paper and, although the Minister had made it clear that a submission dealing with these subjects was in preparation, it was impracticable for Cabinet to reach any views in the absence of such a paper.

The other consideration was that Cabinet would, in any case, be unwilling to make a change in defence policy without regard to the general international background. A reshaping of the forces to put them on to an independent basis would be taken to mean some intensification of Australia's defence effort. In view of the fact that an early summit meeting seems possible, Australia would be thought either to be acting in the wrong direction or to have knowledge of some new threat in its own vicinity.

The paper was thought to look too much towards the defence of the mainland, with consequent emphasis on independent forces. It appeared to reject the earlier policy of planning primarily for a role in association with allies. The Cabinet saw no particular reason for this, and was in fact inclined to the view that the present policy of having deliberately incomplete forces was valid.

It did not appear clear to the Cabinet why it should now be contemplated that Australia would have no allies. The consistent decision of the American government not to participate in planning was by no means an indication that it would not observe its commitments in the event of war. On the contrary the American policy ought to be taken, if anything, as adding to their commitments because they are unwilling for policy reasons to assist countries such as Australia by committing forces in advance. There appeared, therefore, to be no change in the foreign policy situation which would require a change in defence policy.

[*matter omitted*]

[NAA: A1838, TS677/3 part 2]

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1 Cabinet on 23 March 1959 found difficulty in accepting the conclusion of the Chiefs of Staff that Australia's armed forces should be designed to operate independently of Australia's allies.

2 Document 38.

#### 40 SAVINGRAM FROM DEPARTMENT OF EXTERNAL AFFAIRS TO HIGH COMMISSION IN LONDON

Canberra, 23 March 1959

31. SECRET

#### **Geneva Conference on the Discontinuance of Nuclear Weapons<sup>1</sup>**

Your telegram 750.<sup>2</sup>

Our position on membership of a preparatory commission as given in our savingram 26 of 11th December was 'If a preparatory commission (as envisaged by the United Kingdom) is set up and there is a membership of more than the three present nuclear powers our claim for inclusion cannot be contested'. The United Kingdom agreed to support this claim for inclusion if action on Australian territory was at issue.

*[matter omitted]*

2. If, as now seems likely, posts will only be set up in the territories of the U.S.A., United Kingdom and U.S.S.R. (at least in the first stage)—and the preparatory commission is to be limited to three on this basis, we would not (subject to further advice concerning the South Pacific) expect to press our claim for original membership. Of course if the three-power preparatory commission did decide later that posts in Australia would be necessary in the first stage we would then have to decide in the circumstances at the time whether our requirement of full discussion and consultation in regard to any proposal actually to establish a post (see paragraph 5 below) could be met without our being formally included in the preparatory commission.

*[matter omitted]*

4. Regarding the reference above to the South Pacific, we would welcome information as and when available as to whether any of the three powers intends that there should be posts in territories adjacent to Australia.

5. Regarding the establishment of posts in Australia, our position as authorised by the Minister and communicated to the United Kingdom and United States last October was—

'The United Kingdom (United States) Government will recognise that it would be extremely difficult for the Australian Government to accede to an agreement entailing the establishment of detection posts in its territory without having had adequate opportunities to participate in the negotiations in which the arrangements were determined. We therefore desire to have an understanding now with both the United Kingdom and the United States that immediately the actual establishment of one or more inspection posts in Australia is proposed, they will insist that Australia be invited to participate in the discussion of all aspects of the proposal'.

*[matter omitted]*

[NAA: A3092, TS221/3/3/1/3/1 part 5]

1 Although the USSR had resumed testing the day after negotiations in Geneva began on 31 October 1958, negotiating parties of the three nuclear nations met almost continuously from that time to August 1959, when Khrushchev stated that the Soviet Union was 'ready to accept the most solemn obligation not to be the first to conduct any further tests of nuclear weapons'. A system of international controls was still to be established, however, and to that end negotiations resumed on 27 October 1959. The US and UK delegates, arguing that agreement had virtually been reached on means of detecting surface, atmospheric and underwater tests, called for the immediate conclusion of a treaty along these lines without waiting for a consensus on the more difficult matter of underground nuclear explosions and high-altitude tests. The USSR, however, rejected this suggestion outright and negotiations were adjourned until 12 January 1960. *Current Notes*, vol. 30, 1959, pp. 602–4.

2 Not published.

#### 41 BRIEF FOR CASEY BY DEPARTMENT OF EXTERNAL AFFAIRS<sup>1</sup>

Canberra, [23] March 1959

##### **Australian Attitude on the Disposition of Nuclear Weapons**

In accordance with Australia's policy of support for moves towards an agreement on the discontinuance of nuclear weapons tests under an adequate system of control, the Australian delegation at the recent session of the UN General Assembly co-sponsored a resolution urging the three present nuclear powers to reach agreement on the suspension of tests at their Geneva Conference which is still going on.<sup>2</sup> We also supported a Japanese/Austrian/Swedish resolution along the same lines.<sup>3</sup>

As long ago as 1957 the Australian Government declared its willingness to accept in principle the establishment in Australia of international inspection posts, as part of a world wide control system to police the suspension of tests. We would of course, require full discussion and consultation in regard to any proposal actually to establish such posts here.

We believe that a supervised discontinuance of nuclear weapons testing, although desirable from a health viewpoint, is not an end in itself and to be of real significance for man's future, should lead towards a reduction of nuclear *and* conventional weapons and forces.

We do not consider it realistic to distinguish sharply in disarmament schemes between nuclear and conventional weapons. The danger of wars (large and small) waged by conventional means would still exist, even if a controlled ban on tests was in force and, in fact, the considerable stocks of nuclear weapons already possessed by the nuclear powers would be unaffected by an end to testing. While the control and detection of future manufacture of nuclear weapons would be desirable, and might be technically feasible, it is far more pressing to remove the present incentive for additional countries to manufacture nuclear weapons.

We feel the danger of additional powers (friendly and unfriendly) manufacturing nuclear weapons is a real and growing one and makes more urgent the need for a supervised ban on tests. As first expressed by the Prime Minister in Parliament in September, 1957,<sup>4</sup> we feel that present nuclear powers apart from their resources, are sufficiently informed about the deadly character of these weapons to find themselves reluctant to cause a war in which they are used. Possession by them is a deterrent not only to prospective enemies but also to themselves.

1 Casey was visiting Japan as a guest of the Japanese Government. Japan had emerged as a significant trading partner and in 1957 signed a commerce agreement with Australia. Japan had moreover developed into a secure market for Australian raw materials, including steaming coal for its electricity grid. The Australian association with Japan's nuclear program dated to the 1950s when the Australian Atomic Energy Commission's Lucas Heights reactor began work in cooperation with the UK Atomic Energy Agency on the possibility of using beryllium metal as a cladding for the uranium oxide fuel to be used in Japan's first reactor at Tokai-Mura. Keith Alder, *Australia's Uranium Opportunities*, Pauline Alder, Sydney, 1996, p. 25. In September 1960, the US and Australian governments agreed to a common safeguards front. In the following year, in February 1961, the Australian Cabinet examined future options for the Rum Jungle and Mary Kathleen uranium mines with the ending of the contract to supply uranium to the Combined Development Agency. Cabinet wanted to consider bilateral contracts with Japan, which would need up to 5,170 short tons of uranium 308 by 1970, 'to minimize the adverse effects of safeguards'. See Cabinet Decision 1233, 21 February 1961; Submission 156, 'Post Contract Production at Rum Jungle', W.H. Spooner, Minister of National Development, April 1962, NAA: A1838, 720/5/8 part 2.

2 The Political Committee of the UN General Assembly adopted a Western resolution on disarmament sponsored by 17 nations, including Australia, by a vote of 49 (Australia) – 9 (Soviets) – 23 (Afro-Asian countries, France, Austria, Japan, Sweden).

3 An Austrian–Japanese–Swedish resolution expressing hope for an early agreement on the suspension of nuclear tests at Geneva was adopted by a vote of 52 (Australia) – 9 (Soviets) – 19 (Afro-Asian countries).

4 See note 3 to Document 37.

The extension of manufacture to a number of other powers might materially increase the danger of irresponsible action with calamitous repercussions.

While this position logically leads us to oppose also the unrestricted disposal of nuclear weapons to other countries by the three nuclear powers, the stationing by the Western nuclear powers of nuclear weapons in other parts of the free world is essential at present for its defence.<sup>5</sup> (Control over the use of the weapons remains with the nuclear power concerned.) Without a most detailed system of control it would be very difficult to prevent the clandestine movement of such weapons between the Soviet Union and its allies. It can only be hoped that the Soviet Union itself is convinced of the dangers to world peace of spreading such weapons beyond its immediate control.

A disarmament system must, in our view eventually cover all nations and authorities, whether or not they are members of the United Nations or have recognition from all the members of the United Nations. Australia is particularly concerned in this regard with the problem of bringing Communist China under a general armament agreement. A special disarmament problem exists in the Pacific area because of the overwhelming superiority of Communist China in military manpower.

[NAA: A3092, TS221/3/3/1/3/1 part 5]

## 42 CABLEGRAM FROM EMBASSY IN WASHINGTON TO DEPARTMENT OF EXTERNAL AFFAIRS

Canberra, 23 April 1959

871. SECRET

### Safeguards of Nuclear Exports

Your telegram 455.<sup>1</sup>

Schaetzel<sup>2</sup> (Office of Special Assistant for Atomic Energy) told us on 23rd April that United States had agreed that COCOM<sup>3</sup> should permit export of nuclear materials to Communist countries under I.A.E.A.<sup>4</sup> safeguards. Reasons for this decision were:

5 The Irish Minister for External Affairs, Frank Aiken, had introduced a resolution in the UN General Assembly on October 1958 proposing to ban the supply of nuclear weapons to countries that did not possess them. The Australian Department of Defence responded by suggesting that Australia make clear that it would not enter into any agreement that precluded the United States or United Kingdom from 'making nuclear weapons available in this country in certain circumstances and under certain conditions'. During the 1959 General Assembly debate, the Australians were to argue that there should be no barrier to stationing nuclear weapons in NATO or in Australia under key-of-the-cupboard arrangements. In the vote Australia abstained from the Irish resolution (which was passed by 37 with none opposed and a large Western bloc of abstentions—44 votes). NAA: A1838, TS919/10/5 part 1 and A1838, 919/10/5 part 3.

1 Not published.

2 John Robert Schaetzel, whose role as Special Assistant for Disarmament and Atomic Energy focused primarily on promoting the peaceful use of atomic energy.

3 The Coordinating Committee for Multilateral Export Controls (COCOM) was established in 1947 to embargo exports from Western countries to Eastern bloc countries.

4 The International Atomic Energy Agency (IAEA) was established as an autonomous organisation in July 1957. The idea of President Dwight D. Eisenhower, whose 'Atoms for Peace' address in December 1953 had called for an international agency to which nations would make contributions from their stockpiles of fissile material 'to serve the peaceful pursuits of mankind', the IAEA's aim was to promote the practical use of nuclear energy and inhibit its use for military purposes. This original defining objective came to nothing. See Barton and Weiler (eds), *International Arms Control*, pp. 72, 82 and David Fischer, *History of the International Atomic Energy Agency: The First Forty Years*, IAEA, Vienna, 1997, pp. 9–10.



- (a) it would bring Agency in to greater prominence, which was in line with United States policy to do everything it could to increase effectiveness of Agency.
- (b) it would provide channel of assistance to East European countries in form which might be acceptable to them.
- (c) it was felt to be in free world's interest that East European countries should receive nuclear materials, subject to safeguards, rather than receive such materials from Soviet Union without safeguards. United States Representative on Paris group had been advised two weeks ago to inform other members of group that United States would waive Battle Act<sup>5</sup> in Polish case, so long as Poland was prepared to accept I.A.E.A. safeguards.

[*matter omitted*]

5. The United States attached great importance to agreement among all suppliers to adopt uniform attitude on question of safeguards. If principal suppliers gave their active support to such system, as was evidenced at London meeting, there would be no difficulty about holding line and it would enable individual suppliers to stand up to pressures of their respective mining interests. Schaetzel commented, in this regard, that the South African Cabinet had decided to support, in principle, arrangements discussed at the London meeting.

[NAA: A4940, C2609]

#### **43 NOTES BY PRIME MINISTER'S DEPARTMENT ON CABINET SUBMISSION NO. 157<sup>1</sup>**

Canberra, 13 May 1959

CONFIDENTIAL

#### **Safeguards on Nuclear Exports**

1. The Submission recommends that Australia support an *interim system* of safeguards on nuclear exports along lines proposed by the U.S. and U.K.—‘interim’ because it would eventually be absorbed or replaced by a system of safeguards operated by the International Atomic Energy Agency (if and when that body can reach agreement).
2. This proposal raises a number of important issues which we think ought to be looked at carefully before any decision is taken. In particular we are not convinced of the need for Australia to commit herself at this stage.

#### *Background*

3. The object of a safeguards system is to prevent the diversion to the manufacture of nuclear weapons of source materials, equipment and ‘know-how’ supplied for ordinary commercial purposes. Nuclear development programmes can serve both military and civil needs. Atomic reactors produce plutonium as a by-product and may be geared, as the British stations are, to maximise this by-product. Plutonium, the essential ingredient in nuclear weapons, may thus be obtained by chemical processing of the ‘spent’ fuel taken from the reactor; it may be obtained also from natural uranium by a much more

5 Congressman Laurie C. Battle was the principal sponsor of the Mutual Defense Assistance Control Act of 1951, which authorised suspension of US economic aid to nations supplying strategic materials to Soviet bloc countries.

1 Submission number 157 of May 1959 recommended that the Australian Government support an interim system of safeguards on nuclear exports along lines proposed by the UK and US governments.

expensive process known as diffusion or isotope-separation. Plutonium is also in demand for civil purposes for use in certain types of reactors as part of the initial fuel charge.

4. The present safeguards proposal began late in 1957 as a proposal for the 'five important supplying countries' (U.K., U.S., Canada, Australia and South Africa) to adopt a 'strict and uniform set' of interim safeguards. It has moved, somewhat fitfully, through various discussions and exchanges, until a meeting of the Five in London in February reached (without commitment) certain conclusions described in the present submission as the London Proposals and attached to it as Annex B.

5. The next move (foreshadowed in the London proposals) is to bring in other Western countries and a meeting has been called by the United Kingdom and United States for 21st May in London to which are invited Australia, Canada, South Africa, France, Belgium, Portugal (i.e. all uranium producers) and Representatives of Euratom Commission.<sup>2</sup> We have been told that these talks will concentrate on uranium but 'the equipment aspect necessarily arises due to the presence of the United Kingdom and United States'.

*[matter omitted]*

9. The further questions about accommodating Australia's commercial and other interests in the event that a general safeguards system in the West is considered feasible are ones which can be taken up a little later. We would comment in passing however, that the commercial disabilities involved in operating safeguards should be shared equitably and not made to fall disproportionately on the producers of raw materials. Our experience in the Rum Jungle, Rio Tinto and South Alligator negotiations<sup>3</sup> suggests that we should not be soft-hearted or trusting on this point.

[NAA: A4940, C2609]

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2 The European Atomic Energy Community, an international organisation of the European Economic Community (EEC), was established by a second Treaty of Rome on 25 March 1957. Its purposes were to establish a specialist market for atomic energy within the EEC, to distribute it among member states, and to market surplus nuclear energy to non-members.

3 In March 1952 the Australian Government provided funds for setting up a mine and treatment plant to provide uranium oxide concentrate to the UK-US Combined Development Agency under a contract that operated between 1953 and 1962. Through the Australian Atomic Energy Commission (AAEC), the Australian Government was responsible for the mine although it was managed by Territory Enterprises Ltd, a subsidiary of the Rio Tinto Group. In 1958, two companies, United Uranium (NL) and South Alligator Uranium (NL) contracted with the UK Atomic Energy Authority for the supply of uranium oxide from the South Alligator mines.

#### 44 SAVINGRAM FROM EMBASSY IN WASHINGTON TO DEPARTMENT OF EXTERNAL AFFAIRS

Washington, 20 May 1959

294. CONFIDENTIAL

##### **United States Arrangements with N.A.T.O. Countries for Training in Nuclear Weapons and Installation of I.R.B.M.<sup>1</sup> Bases**

Following from Fessenden<sup>2</sup> (Deputy Director, European Regional Affairs) on 19 May. (Although you will have most of the information, round-up may be useful).

2. A wide variety of Nuclear Weapons was already deployed in N.A.T.O. European Countries, in the hands of United States Forces. In implementation of a decision by N.A.T.O. in December 1957 to equip N.A.T.O. forces with modern weapons, including Nuclear capable weapons, the United States was now taking steps to turn over to N.A.T.O. European countries, under priorities laid down by S.A.C.Eur.,<sup>3</sup> various types of weapons capable of delivering Nuclear warheads. The warheads would remain under direct United States control.

3. To carry out the above programme, bilateral agreements on training, and on I.R.B.M. installations were necessary.

##### *Agreements covering the training of N.A.T.O. servicemen in Nuclear capable weapons*

4. Under the provisions of Section 144(B) of the United States Atomic Energy Act, Congressional approval was required for such agreements. A training agreement with the United Kingdom was approved by Congress in 1958, and similar agreements were recently concluded with West Germany, Greece, Turkey and the Netherlands. It was the need to table these latter four agreements before Congress in its current session (and therefore to make them public immediately prior to the Geneva Foreign Ministers meeting), which had caused the concern described in Bonn memorandum No. 272.<sup>4</sup> The N.A.T.O. Council had decided, at its meeting on 7th May, to go ahead, and the agreements were expected to be tabled before the United States Congress in the next few days.

[*matter omitted*]

[NAA: A1945, 186/5/10]

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1 Intermediate-range ballistic missile.

2 Russell Fessenden, Deputy Director, Office of European Regional Affairs, US Department of State.

3 Supreme Allied Commander Europe, who at this time was General Lauris Norstad of the US Air Force.

4 Not published.

#### 45 CABLEGRAM FROM DEPARTMENT OF EXTERNAL AFFAIRS TO EMBASSY IN WASHINGTON

Canberra, 28 July 1959

906. TOP SECRET GUARD

##### Deterrents

Your telegram 1473.<sup>1</sup>

[*matter omitted*]

7. For the longer term we have to ask ourselves whether it would be realistic to expect the United Kingdom and United States ever to let a situation over New Guinea develop to a point where hostilities, or even the threat of hostilities, had to be countered by military force.<sup>2</sup> We believe a working assumption we should adopt is that in a crisis the United Kingdom and United States would take some political action to avert fighting. The questions we need to work towards—and these must for obvious reasons never be put directly—is what kind of action the United Kingdom and United States would favour. For example, would they try to bring the parties together or seek to seize the tactical initiative in the United Nations? If some kind of trusteeship arrangement is thought by them likely to stabilize the situation, what should it be and how should it be brought about?

8. This indication of our thinking [...] should be treated with great care. On no account must we give the United States administration any impression that we are thinking of changing our policy on Netherlands New Guinea. In fact we are not. We want to see deterrents remain effective. But the need remains for us to have some idea of what the United States and United Kingdom would regard as a tenable position in the longer term for Western countries in relation to Netherlands New Guinea. This is not to say that we shall agree with the United States and United Kingdom—their interests are not identical to ours—but we are seeking to build up a picture of the likely limits governing our national policy in the future. This will necessarily be a piecemeal exercise and we do not expect rapid progress.

[NAA: A1838, TS681/6 part 6]

#### 46 SUBMISSION FROM HICKS TO TOWNLEY

Canberra, 1 October 1959

TOP SECRET

##### Draft Brief for Discussions

1. I attach for your consideration a draft brief for the discussions with the U.S. Secretary of Defence<sup>1</sup> during his visit to Australia from 8th to 13th October.

[*matter omitted*]

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<sup>1</sup> Not published.

<sup>2</sup> A reference to Australia's continuing dispute with the Indonesian Government over the latter's claims to West New Guinea, or Netherlands New Guinea.

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<sup>1</sup> Neil H. McElroy, who visited Australia in October 1959.

*Question of a Nuclear Capability for the Australian Forces*

6. The question of whether the Government may wish to take opportunity of these talks with Mr. McElroy to raise with him the possibility of achieving a nuclear capability for the Australian forces, in some form or other, is submitted for your consideration. To our knowledge, this matter has never been broached with the United States, though there have been some exploratory discussions with the United Kingdom (e.g. with the Secretary of State for Commonwealth Relations<sup>2</sup> during his visit to Canberra in March 1957, with the U.K. Prime Minister<sup>3</sup> in Canberra in January 1958 and again the U.K. Minister of Supply<sup>4</sup> in August 1958).<sup>5</sup>

7. Present Australian Government policy on this matter, as announced<sup>6</sup> by the Prime Minister in 1957 and reaffirmed on a number of occasions since then, is that Australia's immediate plans for defence should be in the 'conventional' field; but the Prime Minister has also stated that the possibility of future procurement of nuclear weapons, as distinct from their manufacture is not excluded.

8. The latest Defence view on this subject was expressed by the Defence Committee in February 1958,<sup>7</sup> as follows—

(a) On the information available, Australia has no requirement for high yield (megaton) nuclear weapons.

(b) The acquisition of a low yield nuclear capability by the Australian forces would vastly increase our defensive and offensive strength for national defence, and also enhance the value of our contribution in operating under collective security arrangements.

[*matter omitted*]

10. There is a wide range of possibilities on this matter, apart from actually obtaining low-yield nuclear weapons under direct Australian control; for example—

(a) Australian forces might be able to obtain a nuclear capability possibly on the 'key of the cupboard'<sup>8</sup> basis, under arrangements such as exist between the U.S.A. and various European NATO countries.

(b) Australia might possibly be assured of supplies of nuclear weapons for Australian forces in the event of war and plan in peace on that assumption; this would involve the training and re-organisation of the forces, as appropriate, in the use of nuclear weapons, and the inclusion in the Australian defence armoury of the necessary vehicles capable of carrying such weapons.

(c) Australian bases might be used for nuclear attacks by U.S. forces against South East Asian targets.

[*matter omitted*]

[NAA: A1945, 186/5/10]

2 Sir Alexander Douglas-Home.

3 Harold Macmillan.

4 Aubrey Jones.

5 See also UK National Archives: CAB 21/3152 and NAA: A1945, 186/5/3.

6 See note 3 to Document 37.

7 See Document 29.

8 A reference to the arrangement already in place between US and NATO countries whereby US-owned nuclear warheads were deployed to European countries for possible use during an emergency. The capacity to launch these weapons was dependent on a dual-key system, an arrangement that theoretically reduced proliferation by providing NATO states with potential access to nuclear weapons without the need to manufacture their own. See John Simpson, 'The Non-Proliferation Treaty at Its Half-life', in Ian Bellany, Coit D. Blacker and Joseph Gallacher (eds), *The Nuclear Non-Proliferation Treaty*, Cass and Co., London, 1985, p. 11.

## 47 MINUTE OF DEFENCE COMMITTEE MEETING

Canberra, 29 April 1960

SECRET

### *Present*

Vice Admiral Sir Roy Dowling, K.B.E., C.B., D.S.O., Chairman, Chiefs of Staff Committee (Acting Chairman)

Air Marshal Sir Frederick Scherger, K.B.E., C.B., D.S.O., A.F.C., Chief of the Air Staff

Lieutenant-General Sir Ragnar Garrett, K.B.E., C.B., Chief of the General Staff

Vice Admiral H.M. Burrell, C.B., C.B.E., Chief of the Naval Staff

S. Landau, Esq., O.B.E., Acting Secretary, Department of Defence

P.R. Heydon, Esq., C.B.E., Acting Secretary, Department of External Affairs

C.L. Hewitt, Esq., Representing Secretary to the Treasury

M.C. Timbs, Esq., Representing Secretary, Prime Minister's Department

Major General I.T. Murdoch, C.B.E., Deputy Chief of the General Staff, and Major-General J.W. Harrison, C.B.E., Chairman, Joint Planning Committee, were also present.

### **Agendum No. 41/1960**

#### **No. 44/1960: Disarmament—Australian Defence Principles**

### *Matters Referred*

Joint Planning Committee report No. 34/1960 on the above subject.

### *Conclusion*

[*matter omitted*]

2. The views of the Defence Committee are contained in the attached report.

## **Disarmament—Australian Defence Principles**

### **Conclusions of Defence Committee**

#### *Introduction*

The Department of External Affairs has requested Defence views on disarmament, with a view particularly to furnishing advice which might be helpful to the Prime Minister in his discussions in London and Washington.<sup>1</sup>

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<sup>1</sup> Menzies, who was also Minister for External Affairs, visited London during April and May 1960 for a Commonwealth Prime Ministers' Conference and other affairs of state.

2. Our detailed report is at Annex.<sup>2</sup> It revises the 1955 Defence principles<sup>3</sup> in the light of developments since that date and then applies the revised principles briefly to the 1960 Soviet and Western disarmament plans.<sup>4</sup> Our conclusions are set out below.

*Australian Defence Principles*<sup>5</sup>

3. The following are the principal considerations which should govern the Australian defence attitude towards disarmament:

- (a) In the absence of a general climate of international confidence, any agreement on the reduction or limitation of armaments and armed forces can be entered into only if the assurance exists that all parties to the agreement will faithfully fulfil their undertakings. This requires that in present circumstances agreement on an effective system of international verification, inspection and control must precede the adoption of any system of reduction or limitation of armaments and armed forces.
- (b) Such an agreement must not at any stage give a significant military advantage to any one country or bloc. The two main requisites are that the agreement cover all militarily significant states and especially Communist China, and that it embrace both nuclear and conventional disarmament, which should be related to each other.
- (c) In determining the size and shape of the armed forces of countries party to the agreement, account must be taken at all stages of essential strategic considerations and of economic, political and demographic factors. This is particularly important to Australia in view of its size, geographic location and limited population, and to the British Commonwealth, by reason of its geographic distribution and dependence on the security of sea and air communications.
- (d) There should be no impairment of the inherent right of individual and collective self-defence, as expressed in the United Nations Charter and in arrangements to give effect to it, such as ANZAM,<sup>6</sup> ANZUS and SEATO.
- (e) Any agreement which provides for national disarmament to the point of leaving each country with only lightly armed internal security forces must also provide for some suitably-equipped international force to keep world peace. Otherwise the internal security

2 The annex surveyed Australian defence principles from 1955 noting the importance of nuclear weapons and the need to tie nuclear and conventional arms reductions together. It also pointed to a need for an effective control mechanism before any reduction of armaments. The report emphasised Australia's strong belief that any arms agreement needed to include China from the outset.

3 See Peter Edwards with Gregory Pemberton, *Crises and Commitments: The Politics and Diplomacy of Australia's Involvement in Southeast Asian Conflicts 1948–1965*, Allen & Unwin in association with the Australian War Memorial, Sydney, 1992, Chapter 10.

4 In the Fourteenth Session of the UN General Assembly, which opened in New York on 15 September 1959, unanimous approval was given on 20 November 1959 to a resolution on 'universal and complete disarmament', sponsored by all 82 members of the United Nations, the text of which had previously been agreed to by the Western powers and the Soviet Union. Western and Soviet disarmament proposals were later discussed at a Ten-Nation Disarmament Committee conference in Geneva commencing on 15 March. The contrasting Soviet and Western plans were summarised by the US Information Service on 6 April and published in *Keesing's Contemporary Archives*, 1959–60, pp. 17370–1.

5 These new defence principles were sent to relevant posts (Bonn, Hong Kong, Geneva, London, New York, Ottawa, Paris, Rome, Washington and Wellington) for 'background information' on 12 May 1960. Posts were informed that the principles had been 'approved by the Minister of Defence as an expression of Defence views'. See Savingram from Department of External Affairs to Posts, 'Disarmament—Australian Defence Principles', 12 May 1960, NAA: A1838, TS852/10/4/2/3.

6 The ANZAM Agreement (1948–49) was an arrangement under which the UK, Australian and New Zealand governments agreed to consult and coordinate defence planning and activities in an area which included Australia and New Zealand and British territories in Malaya and Borneo, together with the adjacent sea area.

forces of a country such as China, with its repressive regime, its large population and its minority problems, would be so large as to exercise, unless checked, a dominating influence in the region.

[matter omitted]

### *Communist China*

6. With the increased military significance of Communist China to the Western position in South East Asia, and the increased importance to the West, and especially to Australia, of the West having adequate conventional forces, the relegation of Communist China to Stage II has serious drawbacks from the military point of view. Further, since this relegation is strongly influenced by political difficulties of associating Communist China with a disarmament agreement, which might postpone Stage II for some considerable time, the absence of emergency provision (both legal and practicable) for the force levels in Stage I to be revised, should the situation require this, is a most serious deficiency.

[NAA: A1209, 1960/469]

## **48 REPORT OF THE JOINT INTELLIGENCE COMMITTEE**

Canberra, June 1960

SECRET

### **JIC (AUST) (60) 28: Nuclear Weapons and Guided Missiles in Communist China up to the End of 1965**

[matter omitted]

### *Conclusions*

#### *The Chinese Requirement*

[matter omitted]

4. We believe that China intends to acquire a full range of nuclear weapons and guided missiles as soon as practicable.

#### *Chinese Production Capacity*

##### *5. Nuclear Weapons*

(a) China has indigenous sources of uranium and is capable of producing uranium metal for use as fuel in a nuclear reactor. There is, however, no evidence to date of any activity which could be directly related to nuclear weapon trial or development and there are no known facilities for substantial production of the necessary fissile material.

(b) China has the scientific and technical ability, unaided, to produce a very limited number of nuclear weapons and, assuming that a major effort is made, a nuclear weapon programme could be in operation by 1965.

[matter omitted]

Although this generally is true, it is unlikely that, in the particular scientific disciplines affecting nuclear and guided missile research, there will be a sufficiency of adequately trained scientists for these subjects, which currently receive high priority. In short, withdrawal or denial of Soviet scientific and technical personnel will not prevent Chinese nuclear-weapon and guided missile-development programmes, although it may delay or limit them.



### *Nuclear Weapons*

11. *Nuclear Research.* China has an active and expanding nuclear research programme which has high priority, is well staffed and adequately equipped. The 12-Year Plan for the development of certain 'vital departments' of science to the 'world's most advanced levels', announced in January 1956, gave high priority to the development of 'peaceful uses of atomic energy'.<sup>1</sup> These priorities were reaffirmed during a review of the Plan in 1959.

[matter omitted]

12. *Production of Fissionable Material.* Firm evidence of Chinese uranium mining activity from as early as 1954 at various localities in China particularly in Sinkiang.<sup>2</sup>

[matter omitted]

13. *Sino-Soviet Co-operation.* The USSR has provided substantial aid to the Chinese nuclear programme in terms of technical advice, equipment and training. Soviet advice and assistance have been identified at all stages of the Chinese uranium mining and extraction programme; the Peking research reactor and cyclotron—the heart of the Chinese nuclear research programme—were provided by the USSR, and there is evidence of considerable Soviet assistance in the planning of the Chinese programme. An important example of this co-operation was the establishment of the Joint Nuclear Research Institute at Dubna (near Moscow) in 1956.<sup>3</sup>

[matter omitted]

### *In Limited War in Asia*

26. In the event of limited war in Asia during the next five years the USSR would continue to supply conventional arms including some non-nuclear tactical missiles. However, the USSR would be most unlikely to provide nuclear weapons to China in limited war unless targets in China had been subjected to Western nuclear attack. In making such a decision the USSR would have to consider the risk of global war.

[NAA: A1209, 1961/845]

1 For a detailed account of China's 'Twelve Year Plan', actually promulgated in March 1956, see Lewis and Litai, *China Builds the Bomb*, pp. 49–51.

2 Xinjiang, China's furthestmost western province. Although uranium was known to be located in other provinces, Xinjiang was at that time commonly regarded as China's primary mining site. However, subsequent research indicates that the first Chinese uranium mines were established in the southeastern provinces of Hunan and Guangdong. The Chenxian Uranium Mine, so named because of its location in Chenxian County (Hunan), was the most sophisticated of these early mines. See *ibid.*, pp. 75–6, 78, 81–6, 89.

3 The Chinese atomic program, as the Joint Intelligence Committee (JIC) noted, received significant assistance from the USSR. In October 1954, the two countries signed a Scientific and Technical Cooperation Accord. This was followed, in April 1955, by the Sino-Soviet Atomic Cooperation Accord, by which Moscow agreed to supply an experimental nuclear reactor, a particle accelerator and 'the necessary quantity of fissionable material' (which was used to build the Peking Nuclear Weapons Research Institute, referred to above). The dearth of trained nuclear physicists led to the creation, in March 1956, of the Joint Institute of Nuclear Research in Dubna, near Moscow. Soviet physicists and technicians were enlisted to lecture and train hundreds of Chinese college seniors majoring in science and technology. The Jiuquan Atomic Energy Complex, begun in 1958 and eventually the pride of China's nuclear program, was initially based on designs provided by the USSR. As the JIC anticipated, however, the Soviet Union was willing to go only so far with its assistance and this reluctance played a crucial role in the Sino-Soviet split of the late-1950s. Under the New Defence Technical Accord, signed in October 1957, the USSR had agreed to provide China with a prototype nuclear weapon. The USSR continually postponed delivery, however, and Khrushchev later claimed that he had become convinced that 'our relations with China had deteriorated hopelessly'; in mid-1959, Khrushchev, on the advice his relevant minister, decided against sending the prototype. The extent of the ensuing rupture in Sino-Soviet relations was not yet appreciated by the JIC. See *ibid.*, pp. 60–5, 105, 109–12.

## 49 CABLEGRAM FROM EMBASSY IN WASHINGTON TO DEPARTMENT OF EXTERNAL AFFAIRS

Canberra, 4 June 1960

1463. SECRET PRIORITY

### Nuclear Test Talks—Problem of Communist China

We discussed with Baker<sup>1</sup> (Disarmament Affairs) on 3rd June the problem of Communist China and a nuclear test agreement. We asked whether it was realistic to contemplate the early conclusion of a Nuclear Test Treaty (assuming the Russians were still genuinely willing to seek such a treaty) in view of Communist China's ability to frustrate any treaty unless her price (presumably involving recognition at the very least)<sup>2</sup> were met.

2. Baker said he saw the matter as falling into two stages, the *conclusion* of a treaty among the United States, United Kingdom and USSR and the *continuation* of such a treaty. The first step was for the three principal parties to sign a treaty and begin to implement it by the establishment of control posts and other inspection measures in their own territory. This would get the treaty under way. The second stage would be the adherence of other countries and the progressive implementation in their territories of the necessary control inspection measures. These two stages were of course closely related; if, in the second stage, a country such as Communist China refused to co-operate, the treaty would cease to be binding on the three principal parties. Baker said this would be clearly spelled out in the 'phasing' article of the treaty, which laid down the schedule for the installation of control measures.

[*matter omitted*]

[NAA: A1838, 919/3 part 4]

## 50 BRIEFING PAPER BY HARRY<sup>1</sup> FOR MENZIES

Canberra, 12 November 1960

SECRET

### Irish Draft Resolution on Transfer of Nuclear Weapons

The Irish have tabled a draft resolution in the United Nations General Assembly—

- (1) calling on powers producing nuclear weapons to refrain from relinquishing control to any nation not possessing them.

<sup>1</sup> Vincent Baker, Special Assistant to the Secretary of State for Atomic Energy Affairs, US Department of State.

<sup>2</sup> At this time, the mainland People's Republic of China was still not officially recognised by a number of Western and Western-aligned governments, most notably the United States but also Australia, both of which continued to regard the Nationalist-led Republic of China, based in Taiwan, as the only legitimate Chinese government in the international sphere. This was reflected in the fact that the Republic of China was a member of the UN Security Council; the People's Republic of China, on the other hand, was denied a seat in the UN altogether until October 1971, when Peking assumed its place on the UN Security Council. For Australia's long road to recognition, see Doran and Lee (eds), *Australia and Recognition of the People's Republic of China, 1949–72* and E.M. Andrews, *Australia and China: The Ambiguous Relationship*, Melbourne University Press, 1985, pp. 133–47. For US recognition, see in particular US Department of State, *Foreign Relations of the United States, 1969–1976. Volume XVII: China, 1969–1972*, US Government Printing Office, Washington DC, 2006.

<sup>1</sup> Ralph Harry, First Assistant Secretary, Division II, Department of External Affairs.

- (2) calling on powers not possessing such weapons to refrain from manufacturing or attempting to acquire them.
2. The United Kingdom supports this resolution, which contains the substance of the United Kingdom proposal for a declaratory resolution put forward in August but dropped because of the unfavourable response it received.
3. Australia has a general interest in seeing that Western Defence arrangements are not weakened, especially vis-à-vis Communist China. The Australian attitude on the dissemination of nuclear weapons, as expressed in the brief to our delegation on the Irish item last year, was as follows:
- (i) we were opposed to any extension, beyond the then three, of the number of powers capable of manufacturing nuclear weapons;
  - (ii) we could correspondingly support the banning of uncontrolled transfer of ownership of nuclear weapons by the present nuclear powers to other countries;
  - (iii) at the same time, we could not accept any prohibition against arrangements for the stationing of nuclear weapons in other countries with the supplier retaining control. Such a prohibition would cut across the arrangements made by the USA in support of its NATO allies. We were also concerned to keep open the possibility of nuclear weapons being stationed in Australia under similar arrangements, should this ever prove necessary for our defence.

(These views derived from your statements<sup>2</sup> of 19 and 20 September 1957, when you said that manufacture of nuclear weapons should be confined if possible to the three Great Powers, but you did not exclude the possibility of future 'procurement' by Australia.)

The above considerations still apply, and it would seem therefore that Australia should support the aims of the Irish resolution only if the 'key-to-the-cupboard'<sup>3</sup> arrangements, and their possible applicability to Australia, are not impaired. Defence have expressed some concern over the phrase 'and from otherwise attempting to acquire them' at the end of paragraph (3) since this wording is general enough to be interpreted as excluding the stationing of nuclear weapons and missiles abroad with the supplier retaining control.

4. In addition the resolution appears to be contrary to the Australian Defence principle<sup>4</sup> that Disarmament commitments should not be entered into without prior assurance of effective verification, inspection and control. The United Kingdom argues that in this field inspection and control is not feasible and that to insist on it only serves 'to bring the law into contempt'.
5. As we informed the United Kingdom in a commentary on their Aide Memoire of 24th August, 1960<sup>5</sup>—

'It may be that this principle does not operate fully in the particular case of an undertaking not to transfer or manufacture nuclear weapons. Nevertheless, to allow an exception to the Western principle in this case, even given the probable impossibility of effective control, might be exploited by the Soviet Union as a precedent and place the West at a disadvantage in future disarmament negotiations. In the first place it might be taken as indicating a willingness to pronounce on the feasibility or otherwise of control over a particular disarmament measure without the benefit of prior technical study; and secondly, it might be taken as committing us to the position that whenever it was felt (or known as a result of joint study) that control was impossible, it would be appropriate to enter into a declaratory undertaking'.

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2 See note 3 to Document 37.

3 See note 8 to Document 46.

4 For these principles, see Document 47.

5 Not published.

6. If effective control and inspection of a ban on the transfer of nuclear weapons are not possible, insistence on these prerequisites will not help us to prevent China from acquiring either weapons or knowledge. Western support of a declaratory resolution might even afford Russia the opportunity of making a similar declaration and thus bolster Russian resistance (which UK claims to exist) to Chinese demands. However, account should be taken of the fact that Communist China would not in any way be bound by the resolution.

7. United States, Canada, France and Italy are all expected to abstain from voting. These countries have objections to entering a disarmament commitment without guarantees of effective verification, inspection and control. They also, in varying degrees, share our doubts about the effect of the Irish resolution on the 'key to the cupboard' arrangements.

8. Our delegation is at present instructed to 'oppose any draft resolution which would have the effect of prohibiting the stationing of nuclear weapons in other countries with the supplier retaining control—e.g. United States "key to the cupboard" arrangements in the United Kingdom and Europe in support of NATO'. It would seem preferable for them to join the United States and Canada in abstaining on the text as it now stands.

9. It is therefore recommended that, unless amendments are adopted which the United States accept as ensuring that the applicability of the 'key to the cupboard' arrangements is not impaired, the Australian delegation should abstain from voting. A draft telegram to the Delegation in New York is attached.

[NAA: A1838, 919/14/1 part 1]

## 51 SUBMISSION FROM MENZIES<sup>1</sup> TO CABINET

Canberra, 7 June 1961

SECRET

### Submission No. 1156—Nuclear Tests Conference: Control Posts in Australia

#### *Summary:*

Since the Nuclear Tests Conference was resumed at Geneva on 21 March,<sup>2</sup> the Soviet Delegate<sup>3</sup> has repeated his request that all the seven control posts scheduled for Australia be set up in Phase I of the planned three-stage establishment of a world-wide control system to police a nuclear tests ban. United Kingdom Ministers, envisaging the possibility that in the fairly near future the negotiations might break down unless new ideas are introduced, have asked if Australia will agree in principle and in advance that the United Kingdom negotiators may:

1 Menzies was also at the time Minister for External Affairs.

2 A conference of UK, US and Soviet representatives, which had been meeting in Geneva since late 1958 for the purpose of drafting a treaty for the suspension of nuclear tests, set up a technical working group at which the Soviet delegate on 11 June 1960 submitted a time schedule for the installation of 180 control posts forming part of a worldwide nuclear test ban control system. In a program to be completed over three stages, the Soviet delegate proposed that the control posts to be established in the first stage should include seven in Australia. The working group adjourned on 5 December 1960 and resumed on 21 March 1961. At the resumed working group, the United States, supported by the United Kingdom, advanced a series of proposals which embodied a number of concessions to the Soviet Union on such questions as control posts. They were incorporated in a complete draft treaty tabled on 18 April. The draft treaty aimed to 'bring about universal, permanent and controlled discontinuance of nuclear weapon test explosions'.

3 Semyon K. Tsarapkin.

- (i) indicate flexibility by stating at a judicious moment that they would be prepared to consider the Soviet demand further if they saw any evidence on the Soviet side of a constructive attitude towards the question of inspection and control; lacking this, they would feel unable to approach the Australian Government; and
- (ii) at a later stage, either to protect the Western position from any possible criticism in the event of imminent breakdown, or in exchange for a really valuable Soviet concession, actually to offer control posts in Australia in Phase I.

[*matter omitted*]

*Implications for Australia:*

11. Support for the early conclusion of a controlled nuclear tests ban treaty is settled Australian policy; and it is no part of this submission to seek to change that policy. Such a treaty would allay fears of increased atmospheric radioactivity, would for the first time bring the U.S.S.R. under a system of control, could be the forerunner to and pattern for a controlled process of general disarmament, and would inhibit the emergence of 'Nth' nuclear powers.
12. This last advantage is usually cited as the most important; and indeed there is some reason to believe that it was in an effort to prevent China becoming a nuclear power that the U.S.S.R. as well as the U.S.A. and U.K. agreed to meet in Geneva to draft a treaty. We must nevertheless recognize that the existence of a treaty would not prevent the emergence of 'Nth' powers: new nuclear powers could 'legally' emerge either
  - (a) by refusing to become party to the treaty and developing and testing weapons of their own (or others') design;
  - (b) by joining the treaty but manufacturing either already-tested weapons of others' design or untested weapons of their own design;
  - (c) by joining the treaty but procuring ready-made weapons from others.
13. With or without a treaty, therefore, the possibility exists of new nuclear powers emerging. I take it as needing no argument that if China or Indonesia or other significant countries in our area were to acquire nuclear capability in any of these ways, then Australia would at that time be forced to *consider* whether to acquire nuclear capability also. Indeed, even our present military thinking does not exclude the possible contingency in the longer term that a nuclear capability in some form might be required for our security—for example, if tactical nuclear weapons should become standard equipment in the forces of our allies and of our potential enemies. (See Annex C for a Defence Department memorandum on the question of nuclear capability for the Australian forces.)
14. 'Nuclear capability' can take the form of either strategic or tactical nuclear weapons; and it may be acquired in several different ways ranging (in increasing order of dependence on our allies) from fully indigenous manufacture using our own designs, to indigenous manufacture using others' designs, to sole control by Australia over a stockpile in Australia of weapons manufactured by an ally, to joint control with that ally over such a stockpile and finally to sole control by that ally over such a stockpile. Moreover, there is the problem of acquiring adequate means of delivery, without which the possession of nuclear weapons (particularly strategic) would have little meaning.
15. A choice between these two forms of nuclear capability and the several methods of its acquisition will depend on complex considerations: security requirements, financial and skilled manpower limitations, and time, are not always compatible factors. Moreover, all methods of acquisition, except indigenous manufacture using indigenous materials and to an Australian design, depend in varying degree on the co-operation of our allies, which in some cases at least

may not be forthcoming—e.g. it is present policy both in the U.K. and U.S.A. *not* to give sole control of their nuclear weapons or even nuclear ‘know how’ to another (non-nuclear) country.

16. From the foregoing analysis and from the Defence considerations outlined in Annex C, it is apparent that the decision which will probably face a future Australian Government will be based on complex, delicate and most important considerations. My own prime concern, and our collective responsibility, is to ensure that so far as possible we take no decisions now which will commit our successors to a particular decision in the future or which will even restrict the freedom of their decision between the two forms of nuclear capability and the several means of its acquisition.

17. I now apply this test to the United Kingdom proposal that Australian control posts be offered in Phase I.

18. If Australia were to agree to being included in Phase I, we should be plunged at once (as soon as the Treaty was signed in Geneva) into ratifying the Treaty and into making arrangements for the establishment of control posts and perhaps a regional office here and into opening Australia to inspection—all this without any opportunity of first seeing how universal the Treaty was likely to be in its coverage. For example, it would force us to ratify, with all the consequences of acceptance of the Treaty, before we knew whether and on what terms Phase II countries such as China and Indonesia, or India for that matter, would accede to the Treaty. (It is entirely possible—even probable—that China at least will refuse to accede except on unacceptable terms (such as withdrawal of the United States from the Formosa Straits and indeed the whole Western Pacific, recognition of Chinese sovereignty over Formosa, diplomatic recognition by the U.S.A. and ‘China’s’ seat in the United Nations from which Formosa would be entirely excluded) and will proceed with its presumed intention to achieve its own nuclear capability.)

19. Australia could thus find itself party to a Treaty which excluded the testing of Australian-made weapons while not preventing China from developing and testing its own weapons. (Australia could in these circumstances ‘legally’ manufacture and stockpile nuclear weapons without benefit of testing (after all, the U.S.A., U.K., France and presumably U.S.S.R. were all successful at their first try); but we would be most seriously handicapped if we were unable to conduct test explosions and moreover it may not be possible without testing to develop tactical weapons at all.)

20. This might not matter if we could be sure either that the Treaty would collapse if China refused to accede or that Australia alone could withdraw from the Treaty when it became clear that China would not join. A right of withdrawal is in fact written into the Treaty:

‘This Treaty shall remain in force indefinitely subject to the inherent right of a Party to withdraw and be relieved of obligations hereunder if the provisions of the Treaty and its Annexes, including those providing for the timely installation and effective operation of the control system, are not being fulfilled and observed.’

21. The Treaty would undoubtedly collapse were the United Kingdom and U.S.A. to exercise this right in the event of China failing to accede. It would also collapse were the U.S.S.R. to withdraw in the event of France refusing to accede (President de Gaulle has stated that France will not cease her nuclear tests until she has achieved nuclear parity with the three nuclear powers or unless there is general nuclear disarmament). However, there is no certainty whatsoever that the United Kingdom and the United States of America would withdraw: they are both advanced nuclear powers and would not view the emergence of China as a (primitive) nuclear power nearly as seriously as would Australia, a non-nuclear power. Indeed, we have recently been told by State Department officials that the United States has in no way decided that Chinese refusal to accede would automatically lead to U.S. withdrawal from the Treaty since withdrawal would, *inter alia*, require the West to give up its intelligence

opportunities in the U.S.S.R. Nor ought we to rely on France refusing to accede and the U.S.S.R. consequently withdrawing.

22. We accordingly cannot count on the general collapse of the Treaty in the event of important countries not acceding. But neither can we be certain that Australia alone would, in practice, be able to exercise its right of withdrawal.

[*matter omitted*]

24. It would be preferable, therefore, to keep out of Phase I and to reserve our ratification until we had been able to assess the intentions of other countries important to our security. We must recognize, however, that this will probably not be possible. Australia has long been a convinced advocate of a controlled nuclear tests ban treaty; we have even stated our willingness in principle to agree to the establishment of control posts in Australia. Accordingly, if the U.S.S.R. were to continue pressing her demand for Australia's inclusion in Phase I, we would find it quite impossible to stay out—especially if a refusal on our part were clearly the only remaining obstacle to the signing of the Treaty.

25. The foregoing analysis leads to the conclusion that inclusion of Australia in Phase I would in fact restrict the freedom of decision of our successors; but that inclusion in Phase I cannot be avoided. Can we nevertheless mitigate the effects of that seemingly inevitable inclusion?

26. We could seek to overcome the specific disability placed on us by a Treaty—not being able to test Australian-made weapons—by attempting to avoid completely all need for testing. One possible way would be to try to secure now from the United Kingdom recognition of an obligation to allow Australia the right of access to United Kingdom nuclear weapon 'know how' (or preferably—*inter alia*, because of the time lag between a decision to manufacture and the development of an operational weapon—the right to draw on the U.K. nuclear weapons stockpile) in the event of important countries in the general Pacific and Indian Ocean areas acquiring nuclear capability. There would then be no (or at least a much-reduced) need to test the weapons produced here since they would be of proven design. The justification for seeking such an undertaking is that Australia is regarded, particularly by the U.S.S.R., as an essential and early adherent to any nuclear tests ban Treaty *only* because we have accommodated the United Kingdom in the past by allowing United Kingdom tests here; that the proposed Treaty might not succeed in one of its objects—the prevention of the spread of nuclear capability; and that because of these facts we feel that the United Kingdom should now recognize its obligations to provide Australia, if ever necessary, with nuclear weapons or, failing this, with full manufacturing data.

[*matter omitted*]

#### *Conclusions:*

31. I recommend that I be authorized

- (i) to reply to the United Kingdom—
  - (a) agreeing to the United Kingdom first-stage proposal (para. 1(i));
  - (b) declining to agree to the United Kingdom second-stage proposal (para. 1(ii));
  - (c) requesting that we be kept informed of the progress of the negotiations and in particular of any occasion when the offer of Australian control posts in Phase I might conceivably be exchanged for a really valuable Soviet concessions;
- (ii) to send at the same time a Prime Ministerial message to the United Kingdom seeking recognition now of the United Kingdom's obligation to provide Australia, if ever necessary, with a nuclear capability (para. 26).<sup>4</sup>

[*matter omitted*]

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4 On 13 June 1961, Cabinet approved the recommendations in paragraph 31.

## Annex C

### Question of Nuclear Capability for the Australian Forces

#### Memorandum by Defence Department, 7 June 1961

##### *Present Australian Government Policy*

1. Present Australian Government Policy on the acquisition of a nuclear capability for the Australian Forces, as announced by the Prime Minister in September, 1957, is that Australia's immediate plans for defence should be in the 'conventional field', although the Prime Minister also stated that the possibility of future procurement of nuclear weapons as distinct from their manufacture is not excluded. This policy has been re-affirmed on a number of occasions since 1957.

[matter omitted]

##### *Comment on External Affairs' Inquiry*

8. We have no formal assurances from either the U.K. or U.S.A. that a nuclear capability would be made available to Australia, if required, either under direct Australian control or by means of some alternative arrangements (e.g. joint control or 'key-of-the-cupboard').

9. The Department of External Affairs has sought Defence views on the proposal that, in return for Australian agreement to accept control posts in Phase I of the treaty for the suspension of nuclear tests, which would preclude us from conducting our own tests while giving no guarantee against the spread of nuclear capability, we should seek an assurance from the U.K. that she would provide Australia, if at any stage we consider it necessary, with nuclear know-how.

10. It is recognized that wider policy considerations are involved in this matter. So long as the possibility remains of other countries achieving a nuclear capability, it is obviously highly desirable from the defence point of view to obtain from the United Kingdom (and the U.S.A.), any assurances that might be possible to provide Australia with nuclear weapons or, failing this, full manufacturing data, if at any time the Australian Government should consider this necessary for national security. So far as information on 'know-how' is concerned, there could be considerable risk of not getting this in time if it is not in our possession until the need arises.<sup>5</sup>

[NAA: A4940, C3348]

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5 In a minute of 12 June 1961 to the Acting Minister for Defence from the Acting Secretary of the Department of Defence, Samuel Landau, Landau advised that 'departmentally, we support the considerations in the Submission and the conclusions in paragraph 31' (the minute is on file NAA: A1945, 186/5/10).



**52 REPORT BY THE JOINT PLANNING COMMITTEE<sup>1</sup>**

Canberra, 28 September 1961

TOP SECRET—GUARD

**Agendum No. 58/61. Report No. 64/61. The Strategic Basis of  
Australian Defence Policy***Matter referred*

As a prior step to consideration of the New Three Years' Defence Programme commencing 1st July, 1962, the Joint Planning Committee has prepared a new draft Strategic Basis of Australian Defence Policy. The last Strategic Basis is dated January, 1959.<sup>2</sup>

*Consideration*

2. We have prepared the attached draft 'Strategic Basis of Australian Defence Policy' and a covering draft 'Memorandum by the Defence Committee'.<sup>3</sup> The Joint Intelligence Committee was consulted during the preparation of the draft Strategic Basis.

[*matter omitted*]

*Recommendation*

4. It is recommended that the attached draft Memorandum and draft Strategic Basis of Australian Defence Policy be endorsed.

(Sgd.) G.E. Pettit  
Joint Secretary

(Sgd.) J.W. Harrison  
(Sgd.) R.J. Robertson

(Sgd.) J.M. Sutherland  
Wing Commander, Joint Secretary

(Sgd.) C.T. Hannah  
(Sgd.) T.F.B. MacAdie  
(Sgd.) L.G. Poyser

Joint Planning Committee

**Strategic Basis of Australian Defence Policy****Appreciation by the Defence Committee****Australia's Area of Strategic Interest**

[*matter omitted*]

*The Need for a Nuclear Capability*

64. The acquisition of a tactical nuclear capability by Australian forces would vastly increase our defensive and offensive strength and would also enhance the value of our contribution in operations under collective arrangements. Moreover, in the future some weapons systems will be dependent on nuclear warheads for their effectiveness. The availability of nuclear weapons

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1 Present were Major-General J.W. Harrison, Chairman; Captain R.J. Robertson, Director of Plans; Air Commodore C.T. Hannah, Director-General, Plans and Policy; Brigadier T.F.B. MacAdie, Director of Military Operations and Plans; L.G. Poyser, Acting Assistant Secretary (Defence Planning); and either A.J. Eastman or B.C. Hill, assistant secretaries in the Department of External Affairs.

2 The Strategic Appreciation Basis of Defence Policy of the Defence Committee dated 12 January 1959 was submitted to Cabinet in February 1959 (see Document 38).

3 Not published (on file NAA: A1983, TS677/3 part 2).

would be of considerable importance to Australia should a situation develop which posed a direct threat to Australia, requiring defensive operations in the northern approaches. In the event that our allies were unable to come to our assistance in a global war, and Australia were confronted by a hostile Indonesia (with or without a nuclear capacity), our possession of a nuclear capability could be essential to national survival.

65. In the current assessment of the likely threat to Australia, it is considered that there would be no threat of nuclear attack except in global war, and that even in this context, which itself is regarded as unlikely, Australia would not be an early or primary target for nuclear attack. Having regard to the present strategic situation and the security provided by our Treaty arrangements (particularly ANZUS), in which our most powerful ally has a nuclear capability, there is no immediate requirement for an independent Australian nuclear capability. Moreover, the priorities of effort determined by our limited resources call for a concentration on improving the strength and effectiveness of our forces in the conventional field. Australian forces, however, should have, as far as possible, a potential capability to operate with nuclear weapons and in the face of nuclear opposition.

*[matter omitted]*

[NAA: A1838, TS677/3 part 2]

### 53 LETTER FROM BARWICK<sup>1</sup> TO U THANT<sup>2</sup>

Canberra, 15 March 1962

I have the honour to acknowledge receipt of your letter of 2 January, 1962,<sup>3</sup> concerning Resolution 1664 (XVI) adopted by the General Assembly at its 1070th meeting on 4 December, 1961.<sup>4</sup> In this letter, you seek the views of the Australian Government as to 'the conditions under which countries not possessing nuclear weapons might be willing to enter into specific undertakings to refrain from manufacturing or otherwise acquiring such weapons and to refuse to receive in the future nuclear weapons on their territories on behalf of other countries'.

*[matter omitted]*

In formulating this national defence policy, the Australian Government, by reason of Australia's geographical position and political beliefs, must take into account the emergence in the area of East Asia and the Western Pacific of a military power of great dimension and some ambition. This power is convinced of the inevitability of war and consciously working for the elimination of the type of society of which Australia is a part. It already has massive conventional forces, which it has used against the forces of the United Nations, and has nuclear

1 Garfield Barwick, Minister for External Affairs.

2 Acting Secretary-General of the United Nations.

3 On file NAA: A1838, TS919/10/5 part 3.

4 A draft resolution was submitted by Sweden and five other countries requesting that the United Nations Secretariat survey the conditions under which states would be prepared to enter into an agreement not to manufacture, acquire or receive, on behalf of other countries, nuclear weapons. The draft was adopted as resolution 1664 (XVI) by the Sixteenth Session of the UN General Assembly on 4 December 1961 by 58 votes to 10 with 23 abstentions (including Australia). On 4 December 1961, the General Assembly unanimously adopted a draft resolution submitted by Ireland that called upon all states to use their best endeavours to conclude an international agreement under which nuclear states would not relinquish control of nuclear weapons and non-nuclear states would not seek to manufacture or acquire them. Australia had little option but to support this resolution, which was carried unanimously in resolution 1665 (XVI), but did so on the understanding that it would need to bind *all* militarily significant states, including China. The letter to Australia sought a response to the resolution. See NAA: A1838, 919/10/5 part 3. See also documents 36 and 50.

weapons potentialities which may be close to fulfilment. It has indicated that the production of nuclear weapons is indeed its aim. Furthermore, with the prodigious developments of military science and technology during recent years, no power which is concerned with its security can ignore developments in any part of the world, however distant. In determining its defence policy Australia must at all times take into account all relevant factors.

The Australian Government therefore seriously doubts the effectiveness of regional agreements for the limitation of nuclear weapons in any area of the world. It may be that there are groups of countries whose past and present associations, geographical position, and general security situation enable them to envisage associating in regional 'non-nuclear clubs'. For its part, Australia does not see that this can be the case in the region of which it forms a part.

In addition to these considerations, it is Australia's conviction that specific undertakings of the kind envisaged in Resolution 1664 could neither be formulated nor ratified, by countries not possessing nuclear weapons, in isolation from the wider issues of controlled disarmament since, in the strategic calculation of military deterrence, nuclear weapons and conventional forces are inextricably bound together. In any case, such specific undertakings could not at present be contemplated by Australia without the participation of the nuclear powers themselves, without the certainly that all militarily significant States would be covered, and without some assurance that adequate verification procedures could be initiated.

[*matter omitted*]

[NAA: A1838, TS919/10/5 part 1]

#### **54 CABLEGRAM FROM DEPARTMENT OF EXTERNAL AFFAIRS TO EMBASSY IN WASHINGTON**

Canberra, 28 April 1962

744. TOP SECRET IMMEDIATE

#### **S.E.A.T.O. and the Use of Nuclear Weapons**

Please arrange to have the following message delivered to the Secretary of State<sup>1</sup> from the Minister<sup>2</sup> before the Secretary's<sup>3</sup> departure from Washington.<sup>4</sup>

*Begins:*

Dear Mr Secretary,

At the heart of the free world's deterrent in the present world situation is the United States' possession of nuclear weapons and its willingness in the last resort to use them to resist communist aggression. In the formulation of co-operative plans for mutual defence, the possibility that nuclear weapons may have to be used has been recognized and in this way the treaty partners of the United States would become involved as parties principal if ever nuclear weapons were used in joint resistance to aggression.

The far-reaching implications of this situation were the subject of discussion in our Cabinet here when it reviewed at an earlier stage, the possibilities of an Allied intervention to prevent

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1 Dean Rusk, US Secretary of State.

2 Garfield Barwick.

3 Arthur Tange.

4 Cablegram 1071 of 30 April 1962 from Washington advised that the message was delivered to Rusk on 28 April.

Laos being over-run. The Cabinet indicated that they would like some important aspects of this matter to be explored further with the United States.<sup>5</sup>

In S.E.A.T.O. two counter-insurgency plans (Plans 5 and 7) and two plans for limited war (Plans 4 and 6) have been drawn up.<sup>6</sup> The use of nuclear weapons is not planned in the counter-insurgency operations. But it is accepted as a possibility in the limited war plans, the relevant assumption being worded as follows:

‘S.E.A.T.O. forces will be prepared to use nuclear weapons on suitable enemy targets if the situation demands. This does not imply the automatic use of nuclear weapons and would be dependent on political agreement’.

It is, I think, the common view of all S.E.A.T.O. Governments that a decision to use nuclear weapons would be a political decision of supreme and lasting importance and one not to be taken by reference solely to military considerations viewed in isolation. But grave though the decision would be, it is one which might, in certain circumstances, have to be taken quickly or which might be forced upon the United States and her partners by the nature of communist response to S.E.A.T.O. action.

A counter-insurgency operation, for example, could escalate rapidly into limited war which, in the worst case, could confront S.E.A.T.O. powers with the alternatives of using nuclear weapons or of accepting defeat. Since the time for securing the ‘political agreement’ referred to in the preceding paragraph might be short, the Australian Government believes that an effort should be made to see what measure of advance understanding can be reached on the circumstances in which the use of nuclear weapons would be necessary.

I know that this problem is not new to the United States Government and that many aspects of it must have been faced, and are still being faced, in discussion with your N.A.T.O. partners. But the situation in South East Asia—particularly in the Protocol States<sup>7</sup>—is different in important respects from that in Europe, so that European solutions may not be susceptible of precise application in this theatre. If, in a situation of limited war in South East Asia, Western powers were the first to have recourse to nuclear weapons against an Asian country, neutral Asian and African powers could be expected to react strongly. This could lead to attitudes of non-cooperation or hostility towards the West on a wide range of matters. I am not suggesting that this consideration should necessarily be an overriding one, but mention it as one of the more important of several factors which we should like to see discussed with our Allies.

During your forthcoming visit to Australia,<sup>8</sup> I should like to have an opportunity of exchanging views on the following points—

- (a) the implications of the possibility that a counter-insurgency operation in the S.E.A.T.O. area may expand into a situation of limited war calling for the use of nuclear weapons;
- (b) the extent to which criteria can be determined in advance by which the necessity for the use of nuclear weapons can be judged;
- (c) the extent to which criteria can be determined in advance to judge what should be the purpose and scale of the initial use of nuclear weapons;

<sup>5</sup> For a discussion of the deliberations in Cabinet on Laos and the possible use of nuclear weapons, see Edwards with Pemberton, *Crises and Commitment*, Chapter 12.

<sup>6</sup> See note 5 to Document 19.

<sup>7</sup> A separate protocol to the SEATO Treaty designated Laos, Cambodia and the ‘free territory under the jurisdiction of the State of Vietnam (South Vietnam)’ as being subject to the provisions of the treaty. They became known as the ‘protocol states’.

<sup>8</sup> Rusk attended the ANZUS Council meeting in Canberra, 8–9 May 1962.

- (d) the extent to which these criteria can take account of the dangers of escalation;
- (e) by what means it is to be assured that the decision to use nuclear weapons remains a political and not a military one;
- (f) what procedures of consultation should be adopted in order to ensure that countries which share the consequences of the decision to use nuclear weapons participate in the making of it.

That these are matters seemingly touching the independence of actions of countries possessing nuclear weapons I am fully aware. For this and other reasons I have taken the liberty of writing to you in advance of our meeting to tell you of our Cabinet's interest in the matter and of my hope that we may discuss the subject in Canberra.

[NAA: A11786, 11]

## 55 MINUTE FROM ROWLAND<sup>1</sup> TO BARWICK

Canberra, 12 February 1963

CONFIDENTIAL

### Nassau, President de Gaulle<sup>2</sup> and Nuclear Deterrents

#### *The United States Attitude*

[matter omitted]

2. Although the pros and cons of a European nuclear force have been discussed for years, the ultimate power of a decision on using nuclear weapons has remained with the owners of the warhead, the United States. Though Britain's atomic force is closely linked to the United States, British-built warheads and British-owned delivery systems now give Britain some independent nuclear power. In recent months, there has been increasing pressure to end the Anglo-American atomic monopoly, the main impetus being France's steady advance towards a 'national' nuclear capability.

#### *The Nassau Agreement*

3. President Kennedy<sup>3</sup> and Mr Macmillan<sup>4</sup> met in Nassau from 18 to 21 December 1962. A copy of the communiqué issued at the end of the talks, together with a joint statement on nuclear weapons policy, is attached.<sup>5</sup> The main points of the latter are:

- (a) The United States agreed to sell Britain the Polaris submarine-borne missile in place of the Skybolt airborne missile, work on which would be abandoned. The British would equip the Polaris with their own nuclear warheads and would design and build their own nuclear submarines to carry the missile.
- (b) Britain agreed that the Polaris missile systems acquired in this way should become part of a NATO nuclear force and should have their targets designated by NATO.

1 J.R. Rowland, Acting Assistant Secretary, Europe, Africa and Middle East Branch, Department of External Affairs.

2 Charles de Gaulle, President of France.

3 John F. Kennedy, President of the United States, 1961–63.

4 UK Prime Minister.

5 Not published.

Mr Macmillan made it clear that 'except where Her Majesty's Government may decide that supreme national interests are at stake, these British forces will be used for the purpose of international defence of the Western alliance in all circumstances'.

(c) The United States guaranteed to match this British contribution to the proposed NATO nuclear force with 'at least equal United States forces'.

[*matter omitted*]

### *Conclusion*

9. We may expect that the United States will persist in its efforts to submerge the British and French deterrents in a 'NATO nuclear force'. Much attention is now being given to working out details of how this force might be composed, to the crucial question of control. The term 'control' covers a wide range of questions, including that of access to warheads and 'key of the cupboard' arrangements to the vital question of how the order to strike would be given and who would give it. A great deal of debate has raged round these matters in the past, and more is likely to do so. Whatever ingenious solutions may be proposed, two things would seem clear—that, as Mr Macmillan has said, the idea of 'sixteen fingers on the trigger' has only to be stated to be rejected; and that the effective decision to involve the whole alliance in war must involve Washington and most probably would be taken here.

[NAA: A1838, 919/14/1 part 2]

## **56 SAVINGRAM FROM EMBASSY IN WASHINGTON TO DEPARTMENT OF EXTERNAL AFFAIRS**

Washington, 18 October 1963

1337. CONFIDENTIAL

[*matter omitted*]

### *(a) Non-Dissemination of Nuclear Weapons*

Rusk informed Couve<sup>1</sup> that the Russians were definitely interested in an agreement on nuclear weapons but the U.S. had made it clear that it would not sign such an agreement unless Communist China were one of the signatories as well. Rusk mentioned his fear that lack of an agreement would increase the danger that other countries particularly in the Middle East might receive nuclear weapons.

[*matter omitted*]

[NAA: A1838, 919/10/5 part 1]

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1 Maurice Couve de Murville, French Minister of Foreign Affairs.

**57 MEMORANDUM FROM BLAKENEY<sup>1</sup> TO ROWLAND**

Bonn, 30 December 1963

SECRET

**Nuclear Weapons: Switzerland and Sweden**

I understand that, in signing the Test Ban Treaty,<sup>2</sup> Switzerland and Sweden refused to bind themselves *not* to produce nuclear weapons.

2. The Canadian Ambassador has recently given me further information on the position of both.

(a) He has been told by a high-ranking German Army officer that the Swiss were well advanced on a nuclear programme which would involve production of tactical nuclear weapons for the Swiss armed forces.

(b) He has been told by the Swedish Ambassador here that the Swedish programme relating to peaceful uses of nuclear energy will require, in about two years time, basic decisions about nuclear weapons production; that, unless some international agreement is reached on initial steps of disarmament and on non-proliferation before then, the Swedish Government will hardly be able to escape the decision to develop its own nuclear capacity (presumably tactical nuclear weapons); and that Sweden currently has the know-how and the financial and material resources to produce such weapons.

3. The Canadian Ambassador has reported this information to Ottawa on a *Canadian Eyes Only* basis to protect his informant in 2(a) above. Please take appropriate measures to protect the Canadian Ambassador.

[NAA: A1838, 919/12/7 part 1]

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1 F.J. Blakeney, Ambassador to the Federal Republic of Germany.

2 The 'Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water', known as the Test Ban Treaty, was signed in Moscow on 5 August 1963.

**58 NOTE FROM SARGEANT<sup>1</sup> TO RAGGATT<sup>2</sup>**

Canberra, 8 July 1964

**Nuclear Power and Pumped Storage**

I attended, on your behalf, the meeting outlined at folio 13 on Thursday, 2nd July, 1964.

- |                  |                         |  |
|------------------|-------------------------|--|
| 2. Present were: | A.A.E.C.                | Professor Baxter (Chairman) <sup>3</sup> |
|                  |                         | M.C. Timbs                               |
|                  |                         | R. Griffiths <sup>4</sup>                |
|                  |                         | R. Warner                                |
|                  | E.C.N.S.W. <sup>5</sup> | Coady <sup>6</sup>                       |
|                  |                         | Sykes <sup>7</sup>                       |
|                  | S.E.C.V. <sup>8</sup>   | Connolly <sup>9</sup>                    |
|                  | S.M.A. <sup>10</sup>    | Sir William Hudson <sup>11</sup>         |
|                  |                         | Dann <sup>12</sup>                       |
|                  | Nat. Dev.               | Sargeant                                 |

3. As background Professor Baxter said he had discussed the general idea of studying a nuclear power station coupled to a pumped storage scheme with Sir William Hudson and it had been agreed that it was best to bring all parties together at an early stage. He believed there would be some important improvements in the engineering and cost sides of nuclear power in the next few years. He expected that it would be 2–3 years before it would be possible to decide on the type of station which might be linked with a pumped storage system for operation in say the early 1970s. He had in mind a nuclear station capacity of about 200 MW.

[*matter omitted*]

4. Professor Baxter sees advantages in building a station in the Snowy area because it would be close to existing hydro-electric facilities.

(He also undoubtedly has in mind the constitutional difficulties associated with the Commonwealth entering the power production field and that these might be minimised if related to the Snowy area where the Commonwealth is already carrying out large works—the TVA<sup>13</sup> started off as a water conservation and use authority and is now a large thermal power producing authority.)

1 I.P. Sargeant, Assistant Co-ordinator-General of Works and Assistant Secretary, Resources, Information and Development Branch, Department of National Development.

2 Sir Harold Raggatt, Secretary, Department of National Development.

3 Sir Philip Baxter, Chairman, AAEC.

4 David Robert Griffiths, Chief, Special Projects Division, AAEC.

5 Electricity Commission of New South Wales.

6 A.W.B. Coady, Chairman, Electricity Commission, New South Wales.

7 Frederick Sykes, Vice-Chairman and Chief Engineer, Electricity Commission, New South Wales.

8 State Electricity Commission of Victoria.

9 Willis Henry Connolly, Chairman, State Electricity Commission, Victoria.

10 Snowy Mountains Hydro-Electric Authority.

11 Commissioner, Snowy Mountains Hydro-Electric Authority.

12 H.E. Dann, Associate Commissioner, Snowy Mountains Hydro-Electric Authority.

13 Established by congressional charter in 1933, the Tennessee Valley Authority provides navigation, flood control, electricity generation, fertilizer manufacture and economic development in the Tennessee Valley region of the United States.



Professor Baxter also said that if such a scheme were part of the N.S.W. and Victorian systems it would be possible to take the station off-line as required by the research and experimental features which would be associated with it.

[*matter omitted*]

7. It became clear that pumped storage really has nothing to do with the proposition. The question is the old one of whether nuclear power is competitive with conventional power and if not, what subsidy would be required from the Commonwealth Government assuming non-economic reasons were involved.

(Sir William Hudson said it was clearly a question of subsidy and the study ought to be started on the premise that such a station would be installed for non-economic reasons. I repeated that it was a question of degree of subsidy and the answer in this respect would be greatly influenced by the location of the station and its size.)

[*matter omitted*]

[NAA: A3092, TS221/3/3/1/3/1 part 5]

## 59 SAVINGRAM FROM PLIMSOLL<sup>1</sup> TO DEPARTMENT OF EXTERNAL AFFAIRS

New Delhi, 2 November 1964

79. CONFIDENTIAL

### Consequences of Chinese Nuclear Explosion

Explosion of a Chinese nuclear bomb<sup>2</sup> has stimulated discussion inside India on whether India should also manufacture a nuclear bomb. Some of the discussion is like discussion in Australia but is more widespread, and support here for manufacturing a bomb seems stronger. It also parallels discussion in the United Kingdom about the desirability and feasibility of having an independent nuclear deterrent, but the crucial difference is that in Britain an Anglo-American alliance is widely accepted on both sides of the argument whereas in India non-alignment remains the desire of most parties.

2. The Government and the Congress Party are still sticking to the line that India will not manufacture nuclear weapons and will continue instead to try to bring about world nuclear disarmament and, as the most urgent step, to prevent the dissemination of nuclear weapons among countries which do not at present possess them. This is partly an emotional inheritance from Ghandi and Nehru,<sup>3</sup> but also reflects the facts that construction of nuclear weapons would mean a diversion of resources from economic development and in any case might be of only marginal value for defence or even as a deterrent. The Indian Government has aimed, too, to have the active support of both the United States and USSR against any Chinese attack or, at the least, to have the USSR refrain from aiding China, and consequently the Indian policy of non-alignment has had some military as well as political justification. But now the Chinese

<sup>1</sup> Sir James Plimsoll, Australian High Commissioner to India and Ambassador to Nepal.

<sup>2</sup> China detonated its first device, a 20 kiloton fission device using uranium 235 on 16 October 1964. For background to the test and the subsequent development of China's nuclear deterrent, see Lewis and Litai, *China Builds the Bomb*.

<sup>3</sup> Mohandas Gandhi (1869–1948), spiritual leader of the Indian independence movement and Jawaharlal Nehru, first Prime Minister of India, 1947–64.

explosion and the uncertainties as to USSR policies after the removal of Khrushchev<sup>4</sup> are leading more Indians to ask whether India can remain safely both without an independent deterrent and without defence understandings with other countries.

3. After the Chinese explosion, Dr Bhabha,<sup>5</sup> F.R.S. (Chairman of the Atomic Energy Commission) said that, if it wished, India could make a bomb within eighteen months, and that a ten-kiloton explosion would cost only Rs 1,750,000 each and a two-megaton explosion only Rs 3 million. This begs many questions as to what is included in 'cost' of manufacture, and also what would be involved financially and otherwise in resulting changes in defence and industrial dispositions. It also seems to ignore that the plant obtained from Canada should be used only for peaceful purposes.

4. Of the political parties, Congress Party leadership is still in the main against India's having its own nuclear bomb, though some members favour it. The Communist Party of India has come out against an Indian nuclear bomb and in favour of continuance of non-alignment. Of the right-wing parties, the Jan Sangh is calling for India to manufacture its own nuclear weapons, while the Swatantra Party is leaning towards a defence alliance with the West.<sup>6</sup>

[NAA: A1838, TS695/5/5]

## 60 SAVINGRAM FROM PLIMSOLL TO DEPARTMENT OF EXTERNAL AFFAIRS

New Delhi, 13 November 1964

82. SECRET

### Nuclear Bomb

Vice Admiral Chatterji<sup>1</sup> (Commandant of National Defence College) has told me that on the day after the Chinese nuclear test the students and staff at the College had devoted half a day to discussing the implications. 25% had favoured India making a nuclear bomb and 75% had been against. This week another half a day had been devoted to the same discussion and now the proportions were reversed namely 75% for and 25% against. Chatterji himself thinks that the main argument against the cost and complexity of India making the means of delivery.

2. I have had further discussions with R.K. Nehru<sup>2</sup> (see my memorandum 1758)<sup>3</sup> who said:
  - (a) An important body of opinion here thought that India's contention that it could make nuclear weapons but chose not to do so was not believed by Afro Asian countries. It was therefore, being argued that India should conduct a nuclear test to prove its capacity but that after doing so India should renounce nuclear weapons.

4 On 15 October 1964, Nikita Khrushchev resigned as Chairman of the Soviet Council of Ministers and First Secretary of the Central Committee of the Communist Party of the USSR.

5 Homi Jehangir Bhabha.

6 The only indication at that juncture of any Western support was a vague pledge from US President Lyndon Johnson on 18 October 1964 that nations that did not seek nuclear weapons could count on support in the event of nuclear blackmail. George Perkovich, *India's Nuclear Bomb: The Impact on Global Proliferation*, University of California Press, Berkeley, 1999, p. 87.

1 Vice Admiral Adhar Kumar Chatterji.

2 Secretary-General, Indian Ministry of External Affairs.

3 Not published.

- (b) R.K. Nehru said that Jawaharlal Nehru had not committed India for all time against making nuclear weapons. His approval of the plutonium plant was evidence of this. The plutonium process admittedly had some industrial uses but its main significance lay in its availability if needed for military manufacture. The late Prime Minister had known this when he authorized the plutonium project.
3. Chester Bowles<sup>4</sup> told me that the United States Embassy has been making the point to the Indian Government that India would be behind scratch with Communist China in any race to get missiles. China would need missiles of only 800 miles range in order to hit Indian cities as it could fire them from Tibet. But India would have to be able to fire the missiles 2,000 miles in order to hit key Chinese Cities. Bowles told me that United States assessment is that China is working actively on a missiles programme and that it will have the necessary missiles capacity to threaten India within four to seven years.
4. I understand that when Parliament meets the Parliamentary Scientific Committee (which has representatives from all political parties) will summon Bhabha (Chairman of the Atomic Energy Commission) to give evidence on technical capabilities and costs for India to produce its own nuclear weapons.

[NAA: A1838, TS695/5/5]

## **61 CABLEGRAM FROM EMBASSY IN WASHINGTON TO DEPARTMENT OF EXTERNAL AFFAIRS**

Washington, 15 January 1965

136. SECRET

### **Prime Minister Sato's<sup>1</sup> visit to Washington**

1. Marshall Green<sup>2</sup> gave Renouf<sup>3</sup> today the following briefing upon the Sato visit.
2. The most significant points about the visit were fourfold and as follows—
  - (a) Sato had made a very good impression as a man of strength, capacity and energy with clarity and correctness of thought.
  - (b) Far from showing apprehension over China's nuclear progress and feeling that Japan might in this circumstance have to re-adjust her international posture, Sato had said that China's nuclear explosion made the maintenance of the mutual security treaty with the United States even more important.
  - (c) Relations between the United States and Japan had reached maturity and there was a new ease in the relationship. This had been shown by the fact that both the Americans and Japanese had in the talks treated each other as equals and adults. For example, there had not been on this occasion (as distinct from similar occasions in the past) any tendency by the Americans to lecture or hector the Japanese and for their part the Japanese had not shown any sign of humility or timidity.

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4 US Ambassador to India.

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1 Eisaku Sato, Prime Minister of Japan, visited the United States on 12–14 January 1965.

2 US Deputy Assistant Secretary of State for Far Eastern Affairs.

3 Alan Philip Renouf, Minister, Australian Embassy, Washington.

(d) Whereas in the past such top-level exchanges between the United States and Japan had been largely devoted to bilateral questions, 90 percent of this week's talks had been devoted to broader international problems. It was quite clear that Japan was now re-entering the current of world political affairs and Sato's intention was to accelerate the re-entry process.

[matter omitted]

### *Pacific Nuclear Force*

15. When the mention of this subject in foreign report of 7th January<sup>4</sup> was recalled to Green, he said that there had not been any talk in Washington with Sato of an American–Japanese nuclear force, the question was not one of Japanese government policy. Nevertheless, there were Japanese in Tokyo who were interested in this idea and one could expect to hear more of it in the future.

### *Disarmament*

16. Sato had asked the United States to help in getting Japan made a member of the 18-member Disarmament Committee. The United States had merely promised to consider this request.

[matter omitted]

[NAA: A1838, 919/12/13 part 1]

## **62 MINUTE FROM GRIFFITH<sup>1</sup> TO BUNTING<sup>2</sup>**

Canberra, 2 June 1965

Further to my note that Defence Department should turn their minds to considering the implications of these proposals,<sup>3</sup> I have this to add:

1. The Outward Telegram from the Department of External Affairs of the 28th May raised some questions which would require consideration, particularly in paragraph 2(f) of telegram 2622 to London.<sup>4</sup> The commitment not to acquire nuclear weapons outside of a general agreement to which all countries submitted is a major one for Australia living in the shadow of Communist China; likewise for India and Japan. At this conference Australia and India<sup>5</sup> will be the major countries adversely affected by the terms of this document.

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4 Not published.

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1 Allan Thomas Griffith, Assistant Secretary, Cabinet and External Relations Division, Prime Minister's Department.

2 Sir John Bunting, Secretary, Prime Minister's Department.

3 The request was for the Defence Department to consider the effects of a non-proliferation treaty on Australia's security.

4 Cablegram 2622 noted that the UK draft Declaration on Disarmament and the draft Statement of Intent on Non-Dissemination held difficulties for Australia and asked that the Foreign Office defer distribution to other Commonwealth countries until Australia had had an opportunity to comment. Paragraph 2(f) noted that the last sentence of the draft statement referred to UN General Assembly resolution 1665 (XVI), which had been adopted unanimously in 1961, but questioned whether, given the 'changed circumstances since 1961' (which saw militarily significant countries such as China stepping up their nuclear programs), 'many countries' might be concerned 'that their security would suffer if they committed themselves to not acquiring a nuclear weapons capability without being assured that, for example, all militarily significant states would sign the non-proliferation agreement, that all countries would sign the test ban treaty, that underground tests would also be banned, and even that China give up its nuclear ambitions'.

5 See documents 59 and 60.

2. I think that the British Government have acted improperly in rushing us in this matter and owed it to us, having in mind that China only a few weeks ago released its second experimental weapon, to talk the matter through with us before submitting it to the general forum. Having failed to do this, and assuming that we have an interest to protect, it becomes a matter of some importance tactically to know how we should handle it. The British Government have invited our comments (telegram 4413 from London).<sup>6</sup>

3. You will note that the British contemplate the possibility of circulating a revised draft about 10 days before the meeting begins.<sup>7</sup> If we were to get our amendments in this week we could therefore ensure that the British take account of our views in a revised draft. However, I understand that Mr. Hasluck<sup>8</sup> does not take the view that we should propose any amendments. He does this on tactical grounds. His view is that it should come forward now as a British document, that if we make amendments it will be a composite document. I think that there is some merit in what Mr. Hasluck says, if we propose amendments. However, it should be open to us without destroying Mr. Hasluck's point to put to the British our considered views on the scheme leaving it to the British to take account of them. You may wish to consider how this could be done. Do you intend to leave it to the Prime Minister or should some inter-departmental work be done. I have spoken to External Affairs, but they feel paralysed by Mr. Hasluck's ideas and informed me he intended to speak to the Prime Minister. Anyway these are the handling problems in this matter to which I think you should address your mind and leave some instructions. My own view is that the British should have the benefit of our views time enough to take account of them in any draft. I do not think they should be led to believe that we accept what has been put forward and then find themselves surprised at the Commonwealth Prime Ministers' meeting to discover otherwise. In other words, I think some real action is needed with the British before this thing gets into the ring.

[NAA: A1209, 1965/6117]

### 63 CABLEGRAM FROM MCCARTHY<sup>1</sup> TO BUNTING<sup>2</sup>

New York, 4 June 1965

UN 792. CONFIDENTIAL PRIORITY

#### *Disarmament Commission*

Reference Canberra's telegram 1536<sup>3</sup> to you.

Following is account of the present state of developments and our assessment of the current situation in the Disarmament Commission.

2. After seven weeks of meetings, the session is slowly approaching a climax.

[*matter omitted*]

<sup>6</sup> Not published (on file NAA: A1209, 1965/6117).

<sup>7</sup> The Commonwealth Prime Ministers' Conference, London, 17–25 June 1965.

<sup>8</sup> Paul Hasluck, Minister for External Affairs.

1 Dudley McCarthy, Minister, Permanent Mission to the United Nations, New York.

2 Bunting accompanied Menzies on his visit to the United States and United Kingdom, April–July 1965.

3 Not published.

5. A number of interesting trends emerged in protracted general debate—

(i) A number of countries took the position that the signature of a non-proliferation agreement, under which non-nuclear powers would commit themselves not to acquire nuclear weapons, was of itself not an adequate solution to the problem of the hostile further spread of nuclear weapons.

India took a particularly forthright stand (which we supported) that only agreement on a very comprehensive package of integrated measures (e.g. an undertaking to safeguard the security of non-nuclear powers, a comprehensive test ban, a 'freeze' on production of nuclear delivery vehicles) could provide the assurance that would induce her to sign such an agreement.

Some other non-nuclear powers, including, significantly, a number with a potential nuclear capability (e.g. Sweden, Japan, and U.A.R.) also supported the 'integrated package' approach.

Although the major western nuclear powers attempted to stop this trend, there was fairly widespread recognition that a non-dissemination agreement could not be isolated from progress on other measures.

(ii) As anticipated there was widespread support from non-aligned countries for a world disarmament conference.

Although Western, and some non-aligned countries, attempted to modify this pressure by references to the need for careful preparation and the value of small technical discussions rather than large political debate, the trend in favour of a world conference is unlikely to be checked.

(iii) Although many countries expressed disappointment and dissatisfaction at the lack of progress in the E.N.D.C.,<sup>4</sup> there has been no move to supplant it as a negotiation forum on disarmament.

The Soviet Union while criticising the lack of progress in the E.N.D.C. has so far carefully refrained from committing itself on its future.

(iv) Although there was widespread support for the Test Ban Treaty and a number of references to the fact that atmospheric tests had been carried out since the signature of the Test Ban Treaty, there was reluctance, in particular among African countries, to take any firm stand on this question.

[*matter omitted*]

(v) Although there was support from many non-aligned countries for the necessity for including Peking in disarmament discussions, and in a world disarmament conference, there was no move to have Peking seated in the Commission, nor any attempt to have her included in the E.N.D.C.

6. The Australian statement delivered on 20th May<sup>5</sup> incorporated a number of principal elements—

(i) Defence of United States and our own policies on Vietnam.

(ii) Extensive criticism of Chinese nuclear policies and tests, as well as a reiteration of our position on the proposed French tests.

<sup>4</sup> Eighteen-Nation Disarmament Committee.

<sup>5</sup> The full text of the statement at the 1965 session of the Disarmament Commission by the leader of the Australian delegation, Dudley McCarthy, is given in *Current Notes*, vol. 36, 1965, pp. 277–85.

(iii) Support for the general Western approach to disarmament and for the work and continuing role of the E.N.D.C.

(iv) Support for India on an 'integrated' approach to non-dissemination and on the need to provide assurances to non-nuclear powers which may be threatened by the nuclear proliferation which is already taking place.

[*matter omitted*]

[NAA: A1209, 1965/6117]

## 64 PAPER BY DEPARTMENT OF EXTERNAL AFFAIRS

Canberra, 11 June 1965

SECRET

### **History of Australia's Attitudes to and Obligations under Safeguards Arrangements**

'Safeguards' are controls which are applied to the transfer of nuclear materials, equipment or facilities supplied for peaceful purposes. Their limited objective is to inhibit, by publicity or objective inspection, the diversion of nuclear materials and facilities to military uses. Their basic aim is to prevent any increase in the number of countries having a nuclear military capability.

#### *Origin of Safeguards*

The concept of safeguards arose from President Eisenhower's 'Atoms for Peace' speech to the United Nations General Assembly in 1953.<sup>1</sup> He proposed the setting up of an International Agency, one of whose main functions would be to create a system of safeguards to prevent the misuse for military means of fissile material. When the I.A.E.A. was set up in 1957, Article III(A)5 of its Statute authorized the Agency 'to establish and administer safeguards ... and to apply safeguards ... at the request of the parties to any bilateral or unilateral agreement or at the request of a State, to any of that State's activities in the field of atomic energy'.

#### *London Proposals on Safeguards*

In May, 1959, Australia, Canada, South Africa, the United Kingdom and the United States agreed in London to establish an interim set of safeguards to prevent diversion of nuclear materials and facilities for peaceful purposes to warlike use. These so-called 'London proposals' were intended to 'hold the line' while a suitable system was worked out by the I.A.E.A. which would apply to all countries. A major feature of the proposals was an agreement to restrict, as far as possible, the export of 'trigger' materials.

Cabinet considered this arrangement in May 1959 and gave its assent to Australian participation.<sup>2</sup>

#### *I.A.E.A. Safeguards*

In 1959 and 1960 the I.A.E.A. Board of Governors drafted rules to implement Article III(A)5 of the Statute (mentioned above). These rules constituted a limited safeguards scheme which was approved in 1961 by a majority of I.A.E.A. members. The scheme was limited in the particular sense that it applied to small research and experimental type reactors but excluded

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1 See Document 13.

2 See Document 43.

plants for fabricating and recovering nuclear reactor fuel. The scheme also excluded large reactors until 1964, when it was extended by the Board of Governors to include reactors of any size.

Cabinet agreed in September, 1960, that Australia should support the I.A.E.A. provisional arrangements and until an I.A.E.A. Scheme came into force, should also continue to participate in 'London proposals' (subject to safeguards being applied to all transfers, for peaceful purposes, of all natural and enriched materials and of nuclear facilities).

During 1964, at the direction of the Board of Governors, a revised I.A.E.A. system of safeguards was worked out by a working group and was considered by the Board in February, 1965. The Board unanimously gave its support to the proposals (which are supported by the United Kingdom, United States and U.S.S.R.), which will be put before the General Conference of the I.A.E.A. in Tokyo in September, 1965. The Australian Government's views on the suitability of the proposed arrangements as a safeguards system to be operated by the Agency have not been formulated, but approval is likely.

#### *U.S. Safeguards*

The United States is the [major]<sup>3</sup> supplier of nuclear materials and operates a safeguards scheme under provisions of bilateral Agreements for Cooperation concerning the Civil Uses of Atomic Energy. Australia has such an agreement (concluded on 22nd June 1956) with the United States,<sup>4</sup> whose present declared policy is to transfer the safeguards provisions of all its bilateral agreements to the I.A.E.A.

Under its agreement with the United States, Australia is bound to submit to inspections and controls by United States Safeguards inspectors to satisfy them that nuclear materials and facilities supplied by the United States are not being diverted to military purposes. In practice United States inspections have been voluntarily limited to the inspection of materials.

#### *Registration Point Proposal*

In 1960, the United States, as a move towards universal acceptance of I.A.E.A. Safeguards, suggested a 'registration point proposal' which aimed at recording all transfers of nuclear materials and facilities in a central registry.

Cabinet discussed this proposal in September 1960 and agreed to it subject to the following main qualifications:

- (a) facilities should be registered as well as materials;
- (b) Australia's bilateral agreement with the United States should be excluded from Agency safeguards, and particularly inspections; and
- (c) other friendly countries should accept the proposal.

#### *U.S. Proposals May 1964*

In May 1964, the U.S. informed Australia that, as from 1st July, 1964, it proposed to notify the I.A.E.A. of all transfers to Australia by nuclear materials supplied under the bilateral agreement. The United States also sought information on whether Australia would agree to notify the I.A.E.A. of all transfers of nuclear material for peaceful purposes to third countries.

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<sup>3</sup> Words in square brackets in this document were added by hand.

<sup>4</sup> See Statement by the Minister for Supply, Howard Beale, on peaceful uses of atomic energy, 21 June 1956, *Current Notes*, vol. 27, 1956, p. 374.



*Australian Attitude, April, 1965*

After considerable inter-Departmental discussion, the Australian attitude to these proposals, as put by the Minister of National Development<sup>5</sup> to the Prime Minister (who approved them), was formulated in April of this year<sup>6</sup> as follows:

- (a) Whereas in 1960 when approving the U.S. 'registration point proposals', Australia had insisted on notification of facilities (in addition to materials), this was no longer necessary, principally because Australia wished, in the interest of national security, to retain freedom of action to develop nuclear weapons, should that ever be considered necessary.
- (b) Australia agreed to the U.S. notifying the I.A.E.A. of transfers of nuclear material to Australia.
- (c) Australia could not at this stage agree to notify its exports of nuclear material to third countries on the grounds that 'so long as any possibility exists that Australia might wish to acquire nuclear weapons, it is desirable to avoid as long as possible a step which might bring pressure on our suppliers (e.g. United Kingdom and France) to close off avenues for obtaining, without publicity, supplies of essential materials' (para. 31, Interdepartmental Report 1965). The American Government accordingly was told that Australia had not reached any conclusion on this matter which it would consider further when it had firm assurances that all other major Western suppliers would also notify the I.A.E.A.
- (d) Australia should ask the United States to present its proposals for the terms and conditions of a renewal of the present bilateral agreement. This proposal was agreed upon in view of the belief that the U.S. [might] request that the bilateral treaty safeguards provisions be transferred to the I.A.E.A. perhaps as the unstated price of renewing the bilateral Agreement, which is, of course, of great value to Australia. Such a request would raise a number of important policy matters affecting defence potential and inspection arrangements which would need to be closely examined by Cabinet. (The Prime Minister, in commenting on the Report as a whole, emphasized this point.)

The Interdepartmental Committee also recommended that Australia should reserve the right to sell uranium, and seek the exclusion of monazite sands from safeguards arrangements. Also Australia should support the view that the I.A.E.A. should pay the costs of I.A.E.A. safeguards.

The Australian decisions were conveyed to the United States on 12th April, 1965.

Early in May 1965 [informal] discussions were held in the State Department on the American proposal to transfer the bilateral safeguards under the U.S./Australian Agreement to the I.A.E.A. It was clear from the discussions that the U.S. is firmly committed to a policy of transferring its bilateral safeguards arrangements. This has already been done for 13 countries. Australian representatives reserved the Australian position, and pointed to a number of possible difficulties in the draft.

[NAA: A1838, 919/19 part 1]

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5 David Fairbairn.

6 The lead here was taken by the AAEC, which sought discussions with the Department of External Affairs for a position at the IAEA General Conference to be held at Tokyo in September 1965. That conference was seen as marking the 'probable adoption' of a new safeguards system and the move by the United States to abandon its bilateral agreements. File Note, 'IAEA Safeguards and Nuclear Weapons', 28 April 1965, NAA: A1838, 919/19 part 1.

**65 CABLEGRAM FROM PLIMSOLL TO HIGH COMMISSION IN LONDON**

Canberra, 16 June 1965

2980. CONFIDENTIAL

*Disarmament*

Telegram 290<sup>1</sup> to you from Washington states that Rusk will provide the Prime Minister with a list of countries which, while pressing strongly for disarmament, were continually seeking themselves to purchase arms abroad.<sup>2</sup>

2. The following comment is offered without knowing the background of Rusk's offer and hence which of several possible arguments the figures are intended to demonstrate.

3. The fact that a country is simultaneously pressing for disarmament and seeking arms is not by itself evidence of hypocrisy or double standard. A government might genuinely want world disarmament and at the same time realize that it cannot itself become disarmed unless there is a world disarmament system with adequate measures for inspection enforcement and control.

4. See my talk with R.K. Nehru (formerly Secretary-General of Indian Ministry for External Affairs) on 26th March, 1964 (copy dated 31st March was sent to External Affairs Officer London from New Delhi).<sup>3</sup> In para. 14 Nehru and I discussed the problems of countries like Australia and India which in the past had kept their defence expenditure to a minimum and had threatened no-one, but which were now obliged to rearm and which, therefore, could not accept disarmament proposals calling for a uniform percentage cut in defence expenditure as assessed at some unacceptable date.

[NAA: A1209, 1965/6117]

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1 Not published.

2 The list was conveyed to Prime Minister Menzies on behalf of Secretary of State Rusk in a letter from Jack W. Lydman, US Chargé d'Affaires ad interim (on file NAA: A1209, 1965/6117).

3 Not published.

## 66 NOTE BY DEPARTMENT OF EXTERNAL AFFAIRS ON INTERDEPARTMENTAL COMMITTEE MEETING ON IAEA SAFEGUARDS

Canberra, 22 June 1965

SECRET

*Present:*

Mr. E.L.D. White, <sup>1</sup> Chairman	(Defence)
Mr. W.F. Caplehorn <sup>2</sup>	(Defence)
Mr. A.D. Thomas <sup>3</sup>	(AAEC)
Mr. A.R. Wilson <sup>4</sup>	(AAEC)
Mr. L.D. Thomson <sup>5</sup>	(External Affairs)
Mr. D.W. Evans <sup>6</sup>	(External Affairs)
Mr. J.A. Piper <sup>7</sup>	(External Affairs)
Mr. C.G. Woodard <sup>8</sup>	(External Affairs)
Mr. A.T. Griffith	(Prime Minister's)
Mr. J. Butler <sup>9</sup>	(Prime Minister's)
Mr. R.H. Mathams <sup>10</sup>	(J.I.B.)
Mr. G. Tredinnick <sup>11</sup>	(Treasury)

The meeting discussed a paper prepared by the A.A.E.C. on safeguards and their effect on Australian atomic weapons production capability.<sup>12</sup> It is intended to present the final version of the paper to the Defence Committee.<sup>13</sup> Reference was also made to an External Affairs paper on the history of [Australian policy towards the acquisition of nuclear weapons capability].<sup>14</sup>

2. The A.A.E.C. paper (which has been provisionally approved by the Commission Chairman) covered the nature of the safeguards; their application by both bilateral and international arrangements; the means of obtaining uranium 235<sup>15</sup> and plutonium; and the

1 E.L.D. White, First Assistant Secretary, Defence Science Division, Department of Defence.

2 W.F. Caplehorn, Defence Science Division, Department of Defence.

3 Andrew David Thomas, Head, International Relations, AAEC.

4 Alan Ralph Wannop Wilson, Deputy Director, Lucas Heights Research Establishment, AAEC.

5 L.D. Thomson, Head, International Organisations Section, Economic Relations Branch, Department of External Affairs.

6 David Wyke Evans, Political Affairs Section, UN Branch, Department of External Affairs.

7 John Anthony Piper, Defence Liaison Branch, Department of External Affairs.

8 Charles Garrard Woodard, Acting Head, Americas and South Pacific Section, Department of External Affairs.

9 J. Butler, Prime Minister's Department.

10 R.H. Mathams, Joint Intelligence Bureau.

11 G.J. Tredinnick, Defence Division, Department of the Treasury.

12 'IAEA Safeguards and Australian Nuclear Capability', NAA: A1838, 919/12/1 part 1. Cabinet was planning to spend an initial £30 million to construct Australia's first nuclear power station. See M. Booker notes on submission, 'Introduction of Nuclear Power into Australia', 1 July 1965.

13 Agendum 59/1965, Defence Committee Meeting, 20 October 1965, NAA: A1838, TS919/10/5 part 1.

14 Words in square brackets were written by hand, replacing the word 'safeguards'. The reference may be to a draft of Document 68.

15 An isotope of uranium that is fissile.

effect of safeguards on weapons production. It concluded that Australia's capability for producing atomic weapons would not be substantially changed by the transfer of safeguards to IAEA administration.

3. The gist of the history paper was that, while Australia had publicly supported moves to discourage proliferation, it had not abandoned its option on acquiring or developing nuclear weapons in the future. The wish to maintain the option was stated in the Prime Minister's letter of June, 1961, to Mr. Macmillan.<sup>16</sup> This should be brought to the attention of the Defence Committee.

4. There is a discrepancy between the scope of the IAEA Statute<sup>17</sup> ('furthering any military purpose')<sup>18</sup> and the practice of the Board of Governors, whose attention has been restricted to weapons. This should also be brought to the notice of the Defence Committee. The Statute is ambiguous in that most applications of nuclear energy could be regarded as, at least indirectly, furthering a military purpose.

5. It was assumed that the statutory provision for safeguards on information would be applied where practicable. Safeguards would not prevent facilities supplied from being copied; but a long time lag would be involved.

[*matter omitted*]

10. The A.A.E.C. are firmly of the opinion that the transfer of safeguards to IAEA administration would not inhibit Australia's capacity to develop nuclear weapons any further than the present bilateral safeguards. They stress Australia's dependence on United States assistance at Lucas Heights;<sup>19</sup> and the difficulty of renegotiating the existing agreement, should Australia refuse to transfer to IAEA safeguards. They consider Australia has little bargaining power in this matter. The United Kingdom has also become enthusiastic about extending non-proliferation agreements to Commonwealth countries.

11. These assumptions of the A.A.E.C. were questioned. Australia might gain in bargaining power by opposing transfer to IAEA safeguards without a suitable quid pro quo. IAEA safeguards could conceivably present a greater obstacle to a weapons development programme, for instance in a political situation where the United States would be prepared to turn a blind eye on an Australian violation of safeguards. The acceptance of IAEA safeguards would raise the pressure to accept safeguards on assistance provided by countries other than the United States.

16 The Australian Government wished the UK Government to make available to Australia nuclear warheads or manufacturing data before the conclusion of a test ban treaty. The UK Government put off the suggestion pointing to the fact that it had 'only given general consideration' to the role of nuclear weapons in the Far East. See 'Notes on Discussion between UK Officials and Lieutenant-General Reginald Pollard, Chief of the Australian Army Staff, London, 6 September 1961', NAA: A1945, 186/5/10.

17 The statute was approved on 23 October 1956 by the Conference on the Statute of the International Atomic Energy Agency, which was held at the headquarters of the United Nations; it came into force on 29 July 1957. See Appendix I.

18 Paragraph 5 of Article III of the statute reads: 'To establish and administer safeguards designed to ensure that special fissionable and other materials, services, equipment, facilities, and information made available by the Agency or at its request or under its supervision or control are not used in such a way as to further any military purpose; and to apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement, or at the request of a State, to any of that State's activities in the field of atomic energy.'

19 Australia had a bilateral safeguards treaty with the United States which was signed in 1959. The United States supplied heavy water and highly enriched uranium for the HIFAR research reactor at Lucas Heights. In 1959 the US Government gave an assurance that it would not press the Australian Government to transfer safeguards to the IAEA. In May 1964, however, the US Government informed the Australian Government that it intended to transfer safeguards to the IAEA. Australia agreed to the transfer but also recorded its wish, in April 1965, to retain the freedom of action to develop nuclear weapons. See Defence Committee Agendum 59/1965, 20 October 1965, NAA: A1838, TS919/10/5 part 1.

12. Discussion of the evasion of safeguards led to consideration of the Indian case. This appears special in that the safeguards provisions are meagre.

13. In the Chairman's opinion the broader political aspect was not relevant to the discussion. The object was to supply the Defence Committee with the factual data that would enable it formulate a defence view of safeguards. The defence view could then be weighed against other aspects, such as the political and commercial, in reaching an overall conclusion.

14. A small editing group, consisting of Defence, A.A.E.C., and External Affairs members, will produce a draft of the Defence Committee paper for circulation to the other members.

[NAA: A1838, 919/19 Annex]

## **67 CABLEGRAM FROM DEPARTMENT OF EXTERNAL AFFAIRS TO HIGH COMMISSION IN NEW DELHI**

Canberra, 26 June 1965

460.

Following are extracts from communiqué issued at conclusion Prime Ministers' Conference on 25th June, 1965.<sup>1</sup>

### *Disarmament*

The Prime Ministers reaffirmed the aim which they had expressed in their statement on Disarmament on 17th March, 1961, namely to achieve total and worldwide disarmament, subject to effective inspection and control.

[*matter omitted*]

The Prime Ministers emphasised that ways and means should be found for associating the People's Republic of China with future discussions on disarmament.

Indeed they felt that the importance of a solution of the disarmament problem had been underlined by the fact that, since their last meeting, the Government of the People's Republic of China had exploded two nuclear devices and had clearly demonstrated their intention to develop nuclear weapons.

[*matter omitted*]

[NAA: A1209, 1965/6117]

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1 The Commonwealth Prime Ministers' Conference was held in London from 17 to 25 June 1965. The full text of the communiqué is given in *Current Notes*, vol. 36, 1965, pp. 320–9.

**68 NOTE BY EVANS**

Canberra, 30 June 1965

TOP SECRET

**History of Australian Policy towards the Acquisition of a Nuclear Weapons Capability***Summary*

The Australian Government has consistently given support to all genuine efforts to both general and complete disarmament and to the banning of nuclear tests. In doing so, it has, however, been careful to leave the way open for the acquisition of a nuclear capability should future circumstances make this necessary for Australian security. Generally, the policy has been to avoid supporting any moves which would prohibit the stationing of nuclear weapons in non-nuclear countries by the nuclear powers, on the grounds that this would prevent possible stationing by the U.K. or the U.S. of nuclear weapons in Australia should this ever be necessary. On three separate occasions since 1961 this policy has been extended to allow the possible direct acquisition of a nuclear capability by the Australian Government.

Australia has supported international moves aimed at preventing the emergence of new nuclear powers. Many of Australia's reservations on disarmament schemes stem from concern at the intentions of Communist China and the undesirability of being bound by arrangements which may not bind Communist China. Australian defence policy has remained committed to the use of all resources available at the present time in improving conventional forces.

*Prime Minister's Speech in Parliament, September 1957*

The first definitive public statement on Australia's attitude towards a nuclear weapons capability for Australia was made by the Prime Minister in the House of Representatives on 19th September, 1957, with a subsequent clarification of some of his remarks the following day. This policy speech has formed the basis of most appreciations of an Australian nuclear weapons capability since that time.

The Prime Minister stated, *inter alia*, in the above speech that

- (a) 'Australia is not a nuclear power in the military sense. If we were to set out to become one, we would be involved in such prodigious expenditures as to involve either an intolerable total Defence Vote, or a heavy degree of abandonment of non-nuclear elements.'
- (b) 'There is advantage in the world in having nuclear and thermonuclear weapons in the hands of the United States, the United Kingdom and the Soviet Union and no others.'
- (c) 'Should the manufacture of nuclear weapons be extended to a number of other powers, great or small, the chances of irresponsible action with calamitous repercussions in the world would be materially increased.'
- (d) 'Australia's immediate plans for defence should be in the "conventional" field.'
- (e) In his clarification on 20th September, the Prime Minister stated that he wished to prevent any misunderstanding that 'under no circumstances will Australian forces in the future be armed with nuclear weapons'. His statement, he said, was not meant to 'exclude the possibility of future procurement'.<sup>1</sup>

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<sup>1</sup> See note 3 to Document 37.

*UNGA 1958*

Australia's attitude to the acquisition of nuclear capability has on many occasions been considered in the light of draft resolutions before the United Nations, mainly on non-dissemination questions. The first important occasion of this kind was in October, 1958, when an Irish proposal suggested a ban on the supply of nuclear weapons to countries which did not possess nuclear capability and a ban on their manufacture by such countries.<sup>2</sup>

The Department of Defence, asked by the Department of External Affairs for its views, replied on 23rd October, 1958 that it doubted that the Irish proposal was capable of effective policing, but commented that 'there was no intention in the foreseeable future to manufacture nuclear weapons in Australia' and 'there would therefore be no Defence objection to support of an appropriately-worded resolution against the manufacture of nuclear weapons by a fourth power'.

Defence stated, however, that in view of 'situations which could arise in the future where the availability of some nuclear weapons might be essential to the security of the country' ... 'Australia should not willingly enter into any Agreement which would preclude the United States or the United Kingdom making nuclear weapons available in this country in certain circumstances and under certain conditions.' The possible need for information on nuclear weapons, the stationing of U.S. or U.K. weapons in Australia under their control with use by joint agreement, and the possible need at some future time of nuclear warheads were cited as possible future requirements. The Defence attitude was essentially that the door on future 'supply' to Australia of nuclear weapons should not be closed.

*UNGA 1959*

In response to a further query on a revised Irish resolution at the 1959 (Fourteenth) U.N. General Assembly,<sup>3</sup> Defence stated on 22nd October that its views were unchanged. The Defence memorandum, which had the approval of the Minister of Defence,<sup>4</sup> agreed on the need for prevention of 'the extension of nuclear powers capable of manufacturing nuclear weapons and the unrestricted disposal of nuclear weapons by the present nuclear powers to other countries.' The memorandum added that this 'should not prohibit stationing of nuclear weapons in other countries with the supplier retaining control' (as for example in the case of U.S. and U.K. support of N.A.T.O. in Europe ('key-of-the-cupboard' arrangements)).

*UNGA 1960*

When the Disarmament question was discussed at the Fifteenth General Assembly in 1960, Australia's attitude as conveyed in instructions to the UNGA Delegation remained unchanged. Australia eventually abstained<sup>5</sup> on a further Irish resolution which, *inter alia*, called on non-nuclear powers to refrain from manufacturing these weapons and from 'otherwise attempting to acquire them'. This latter phrase was interpreted as possibly preventing key-of-the-cupboard arrangements, which would cut across U.S. support of N.A.T.O. and the possibility of future acquisition by Australia on that basis. Other objections were that non insistence of the prior establishment of a verification system might be exploited as a precedent by the Soviet Union, that the resolution would be contrary to the first of the 1960 Australian Defence Principles (which stated that Disarmament commitments should not be entered into without prior assurance of effective verification, inspection and control)<sup>6</sup> and that Communist China would not be bound by the resolution.

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2 See note 2 to Document 36.

3 See note 5 to Document 41.

4 Athol Townley.

5 See Document 50.

6 See Document 47.

*Cabinet Consideration 1961*

On 8th May, 1961 when the Nuclear Tests Conference was proceeding in Geneva, the United Kingdom approached the Australian Government to seek its concurrence to what the U.K. regarded as tactical suggestions on the setting up of control posts in Australia under Phase I of the (then) planned 3-stage establishment of a World-Wide Control System to police a nuclear tests ban. These requests resulted in a detailed analysis of Australia's policy regarding nuclear acquisition, and finally led to an exchange of letters between the Prime Minister and the British Prime Minister in which the latter was asked to recognize the U.K.'s obligation to provide Australia, if ever necessary, with a nuclear capability.<sup>7</sup>

The Minister for External Affairs (at that time the Prime Minister himself) argued, in a Cabinet Submission on the matter dated 7th June, 1961,<sup>8</sup> that Australia was committed to support a controlled test ban treaty, but that this did not guarantee that other nuclear powers would not emerge. 'I take it as needing no argument that if China or Indonesia or other significant countries in our area were to acquire nuclear (weapons) capability ... Australia would be forced to *consider* whether to acquire nuclear capability also'. (Paragraph 13). Nuclear capability would take the form of either strategic or tactical nuclear weapons and could be acquired in several different ways, ranging from 'full indigenous manufacture using our own designs, to indigenous manufacture using others' designs, to sole control by Australia over a stockpile in Australia of weapons manufactured by an ally, to joint control with that ally over such a stockpile, and finally to sole control by that ally over such a stockpile'. (Paragraph 14).

The Minister commented that 'my own prime concern, and our collective responsibility, is to ensure that as far as possible we take no decisions now which will commit our successors to a particular decision in the future, or which will even restrict the freedom of their decision between the two forms of nuclear capability and the several means of its acquisition'.

The submission argued that Australia could not stand out from any Treaty, and might not, because of pressure from its allies, be subsequently able to withdraw if it wished to do so. If therefore Australia was going to be committed not to test, it should seek to remove the possible disability of this limitation by seeking from the United Kingdom its agreement to provide Australia, if ever necessary, with manufacturing data or nuclear weapons. Cabinet accepted this proposal.

*Exchange of Letters—Mr. Menzies and Mr. Macmillan*

On 29th June, 1961, Mr. Menzies wrote in these terms to Mr. Macmillan, who replied on 14th August that the U.K. would need to consult the American Government ('on any action involving the spread of nuclear information'). A similar draft letter to the American Secretary of State, Mr. Rusk proposing 'sympathetic examination' of Australia's requirements, was never sent, because both initiatives lapsed on the resumption of Russian atmospheric testing. Mr. Menzies and Mr. Macmillan agreed that the matter should rest, with Mr. Menzies retaining an option to raise the matter 'when circumstances are more propitious'.

The submission to Cabinet and the letter from Mr. Menzies to Mr. Macmillan broke new ground, in that they did not take the view that it was sufficient for Australia to leave the way open to stationing of nuclear weapons, but specifically proposed the handing over of 'full manufacturing data' or 'in view of the time lag between manufacture and production ...<sup>9</sup> the supply of ready-made weapons'. Although the conditions under which the letter was written are no longer entirely relevant (as was pointed out by the Department of Defence in its oral advice

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7 See Document 51.

8 Document 51.

9 Ellipsis in original.



on the subsequent Partial Test Ban Treaty—see below), some of the general propositions remain valid. It should also be noted that Mr. Macmillan's offer of talks with the U.S. (on Australia's proposal) was never in fact withdrawn.

### *A United States View*

A United States view of some interest was expressed 2 years [later]<sup>10</sup> on 17th August 1963 during a discussion in Washington between the United States Secretary of Defence, Mr McNamara and Sir Garfield Barwick. Mr McNamara asked Sir Garfield what the reaction would be in Australia to the development of nuclear weapons by the Chinese. Sir Garfield said that he thought this would impel opinion in the direction of believing that Australia should have nuclear weapons. Mr McNamara replied that he thought this would be entirely natural, and indeed the obvious thing to happen for a small population faced with an enormous population must naturally turn to the idea that its best protection lay in nuclear weapons.

### *UNGA 1961—Irish Resolution*

In supporting an Irish Resolution (No. 1665) at the 16th General Assembly in 1961,<sup>11</sup> calling for the conclusion of an 'international agreement' to prevent the spread of nuclear weapons, it was Australia's understanding (although it was not publicly explained, as only a few members spoke on the draft) that any international agreement would include all militarily significant states, and from our point of view Communist China in particular. (This proviso was also incorporated in the Defence Principles of April, 1960).

### *UNGA 1961—Swedish Resolution—Letter to Secretary-General*

Sir Garfield Barwick made the next important public presentation of Australian policy on 15th March, 1962,<sup>12</sup> in answer to a letter from the Secretary-General of the UN concerning the Swedish Resolution (1664 (XVI)) at the 16th General Assembly in 1961.<sup>13</sup> The Swedish resolution requested the Secretary-General to ascertain 'the conditions under which countries not possessing nuclear weapons might be willing to enter into specific undertakings to refrain from manufacturing or otherwise acquiring such weapons and to refuse to receive, in the future, nuclear weapons in their territories on behalf of other countries'.

Sir Garfield Barwick's letter restated the main tenets of the Prime Minister's speech of 19th September, 1957,<sup>14</sup> which still remained valid. The letter said that Australia recognized 'the right of nuclear powers to conclude agreements for the stationing of their nuclear weapons wherever military necessity requires'. In the manner in which it quoted the Prime Minister's remark of 20th September, 1957, that 'we can't undertake that under no circumstances will Australian troops in the future be armed with nuclear weapons', Sir Garfield's letter implicitly included the possibilities of manufacture as well as procurement.

The letter continued that Australia did not see, in the light of the emergence of Communist China as a 'military power of great dimension and some ambition', and for other reasons, that a regional non-nuclear club was possible 'in the region of which it (Australia) forms a part'. Sir Garfield restated Australia's belief 'that declaratory undertakings of the sort envisaged are of little practical value without an agreement for general and complete disarmament under adequate control and covering all militarily significant states'.

<sup>10</sup> 'Later' is handwritten, replacing 'earlier'.

<sup>11</sup> See note 4 to Document 53.

<sup>12</sup> See Document 53.

<sup>13</sup> See note 3 to Document 53.

<sup>14</sup> See note 3 to Document 37.

*Nuclear Free Zone in Southern Hemisphere—Joint Planning Committee Report No. 36/63*<sup>15</sup>

Following a proposal in March, 1963, by an Australian Labour Party Conference in favour of a 'Nuclear-free zone in the Southern Hemisphere', the Joint Planning Committee, having considered the question decided in J.P.C. Report 36/63 that the 'establishment of the Southern Hemisphere as a nuclear free zone, without effective world-wide measures for disarmament, both conventional and nuclear, would be contrary to the interests of Australian security'.

[*matter omitted*] This Report was endorsed by the Chiefs of Staff Committee and marked 'Seen' by the Prime Minister and 'Read' by Sir Garfield Barwick.

In the attachment<sup>16</sup> to J.P.C. Report No. 36/63, consideration was given to the possible developments which could make the possession of nuclear weapons vital to Australia's security. Considering the possible emergence of the new nuclear powers and in particular Communist China, the attachment states:

'In certain circumstances in the future not now regarded as likely, but which cannot be considered completely inconceivable, the possession of a nuclear military capability in some form, or the use by our allies of such a capability from or adjacent to our territory, could become vital to the national survival of a nation such as Australia, with its relatively small population and resources'.

The attachment also refers to the possibility that in time 'tactical nuclear weapons could become standard equipment in the forces of our allies and of potential enemies'. 'To forego for all time the introduction of such weapons into the armoury of the Australian forces might gravely prejudice their effectiveness in relation to that of the forces of other countries'. As with Mr. Menzies' letter to Mr. McMillan and Sir Garfield Barwick's letter to the Secretary-General (see above), this assessment of Australia's possible needs specifically includes the contingency of 'possession' of nuclear capability, as distinct from key-of-the-cupboard arrangements.

*Partial Test Ban Treaty, 1963*

On the day that the Partial Test Ban Treaty<sup>17</sup> was initialled in Moscow (26th July, 1963), the American Ambassador to Australia Mr. Battle<sup>18</sup> called on the Prime Minister with a note seeking Australia's accession to the Treaty. It was agreed by Ministers that Australia should make an early announcement of its intention to accede, and this announcement was in fact made later that day.<sup>19</sup> The views of the Department of Defence, as conveyed by telephone to the Department of External Affairs on 26th July, were that Australia has long supported efforts to conclude an agreement for the suspension of tests and that, as the Treaty did not preclude Australia from getting weapons for our own defence, but only experimenting with explosions, and as there were adequate escape clauses, Defence saw no reason why Australia should remain out of the Treaty.

The Defence view was that the reservations made by Mr. Menzies to Mr. McMillan in 1961 seeking special safeguards of the Australian position in a nuclear test ban treaty, were no longer strictly relevant, and Australia was no longer claiming a special position as a testing country.

[*matter omitted*]

<sup>15</sup> Not published.

<sup>16</sup> Not published.

<sup>17</sup> The text of the Nuclear Test Ban Treaty is given in *Current Notes*, vol. 34, 1963, no. 7, pp. 43–5.

<sup>18</sup> William C. Battle.

<sup>19</sup> See text on Nuclear Test Ban Treaty: Australian Adherence and statement by Menzies, 26 July 1963, *Current Notes*, vol. 34, 1963, no. 7, pp. 46–7.

*Australian Defence Policy Paper, 1964*

In an Australia Defence Policy Paper of 16th October, 1964 para. 77 states that 'having regard to the present strategic situation and our treaty arrangements in which our most powerful allies have a nuclear capability, there is no immediate requirement for an Australian nuclear capability'. The assessment did not rule out the possible long term need for such a capability and commented that 'Our forces have as far as possible a potential capability to operate with nuclear weapons and in the face of nuclear opposition'. The main present requirement was to concentrate on the conventional field.

[matter omitted]

*UNGA 1964—Indian Resolution*

On 9th December, 1964 when requested to comment on a draft Indian Resolution on non-proliferation at the U.N. General Assembly, Defence reaffirmed the view that manufacturing and dispersal of nuclear weapons should be prevented but that 'we could not accept the prohibition of nuclear weapons being stationed in other countries with the supplier retaining control'.

*Parliamentary Statement, Minister for External Affairs, 1965*

On 23rd March in his statement to Parliament the Minister for External Affairs, Mr. Hasluck, referred in the opening section of his speech to the horrors of a nuclear holocaust. He reiterated the Australian Government's concern at French testing and at the explosion of a nuclear device (since followed by a second) by Communist China.

Reiterating the view of the Prime Minister in 1957 he said that nuclear power in the hands of a few nations acting with responsibility can be a deterrent, and referred to the dangers of an increase in the number of nuclear powers. The Minister said that

'To check impulses towards proliferation we are likely to need, as well as an agreement against dissemination, a reasonable assurance that other nations, particularly the middle sized powers, will not need to possess or develop nuclear weapons of their own in order to feel that they can defend themselves.'

[NAA: A1838, TS919/10/5 part 1]

**69 RECORD BY EVANS OF INTERDEPARTMENTAL MEETING<sup>1</sup>**

Canberra, 1 July 1965

SECRET

**Introduction of Nuclear Power to Australia**

The meeting was chaired by Mr Boswell,<sup>2</sup> Secretary of the Department of National Development.

*Attendance*

A.A.E.C.	Professor Sir Philip Baxter
National Development	Mr Boswell
	Mr McCay <sup>3</sup>
	Mr Sargeant
Trade	Mr Gothe <sup>4</sup>
Treasury	Mr Garrett <sup>5</sup>
	Mr Keaney <sup>6</sup>
Supply	Mr Wills <sup>7</sup>
	Mr Davies <sup>8</sup>
Defence	Mr Blakers
	Mr Caplehorn
Prime Minister's	Mr Munro <sup>9</sup>
External Affairs	Mr Booker
	Mr Piper
	Mr Evans

The meeting opened with an outline by Sir Philip Baxter of the background of the A.A.E.C. submission.<sup>10</sup> He said that for the last ten years the Commission had been involved in building up a body of trained nuclear scientists in Australia and that among other things this had involved considerable exchange of research information with the United Kingdom, Canada, the United States and to a lesser extent France and West Germany. Australia had been able to hold its own in these exchanges and its nuclear research activities which had centred on advanced very high temperature gas cooled reactors were well thought of overseas.

1 The meeting was held on 1 July 1965 at the Bureau of Mineral Resources Building to discuss an AAEC draft submission on an investigation to erect a nuclear power station in South Australia.

2 R.W.M. Boswell, Secretary, Department of National Development.

3 F.L. McCay, First Assistant Secretary, Policy Division, Department of National Development.

4 J.M. Gothe, Assistant Secretary, Export Services Branch, Department of Trade and Industry.

5 J.H. Garrett, First Assistant Secretary, Commerce and Industry Branch, Department of the Treasury.

6 J.W. Keaney, Department of the Treasury.

7 H.A. Wills, Controller, Weapons and Space Research, Department of Supply.

8 C.K. Davies, Assistant Secretary, Contracts and Disposals, Department of Supply.

9 D.J. Munro, First Assistant Secretary, Economic Division, Prime Minister's Department.

10 'Atomic Energy Commission: Proposal for Design and Cost Study of a Nuclear Power Station Suitable for Installation in Australia', undated draft for Fairbairn, NAA: A1838, 919/12/1 part 1.

During the last five years there had been considerable development overseas in the use of atomic reactors for producing electric power. The stage had been reached where the Commission felt that nuclear power was becoming an economic possibility in Australia, and Sir Philip expected that in the next fifteen to twenty years Australia would experience considerable development in the field.

*[matter omitted]*

Sir Philip said that the Commission's intention was purely to address itself to the economic advantage of the proposed reactor and it had deliberately not mentioned the defence implications of the reactor. The meeting might however be interested in some technical details. To produce electricity the fuel rods are left in a reactor for the maximum possible time. If, however, it was desired to produce plutonium of weapons grade it was necessary to withdraw the rods at an earlier stage. The reactor would produce about 60 kgs. of spent fuel (plutonium) per year but this would be useless for nuclear explosives if the fuel were left in for the maximum period. Technically, what happened was that the longer fuel rods were left in the reactor the greater was the conversion of the plutonium produced into an isotope Plutonium 240 which was unsuitable for explosives. By shortening the burn-up process it would be possible to obtain a higher proportion of weapons grade Plutonium 239. The operation would involve a larger amount of fuel and some additional plant to extract the weapons grade plutonium. Sir Philip said that the erection of the plant recommended by the A.A.E.C. could in effect shorten from seven years to twelve months the time it would take Australia to produce nuclear weapons, should the Government so decide.

*[matter omitted]*

Mr Blakers (Defence) said that, as Defence sees it the safeguard question was important. If heavy water was imported would this attract safeguards to the whole operation? Sir Philip said that the heavy water and some other parts of the plant would attract safeguards which would apply to the whole of the plant's operation. It was not really economic or perhaps even possible for Australia to construct a unit from scratch. Nor should we in his view make any such attempt. The existence of safeguards would not prevent the production of explosive grade plutonium, as was clear from the case of India. As long as it was not converted into bombs or weapons there was nothing in safeguards arrangements to prevent the accumulation of Plutonium 239 for peaceful engineering purposes such as Plowshare projects.

*[matter omitted]*

Mr Booker (External Affairs) said that the interest of his Department was in international implications of the establishment in Australia of a reactor of the type contemplated. The problem of safeguards arose not only if materials etc. were obtained overseas but even if the reactor were entirely 'home grown'. There was now considerable pressure for placing the latter under the international safeguards system. The A.A.E.C.'s proposals would have prestige value for Australia, as well as being of potential security importance, irrespective of any intention to produce nuclear weapons, it might not be a bad thing for other countries to realise that Australia would in the last resort have a capacity for nuclear self defence.

*[matter omitted]*

Sir Philip said the Commission felt that in the interests of a rational system of development of nuclear power in Australia, the Commonwealth must have direct control over the first reactor to be built. The Commission saw the first reactor was also performing useful demonstration and training functions, a field in which the A.A.E.C. had some direct responsibility delegated by Cabinet. Moreover under the Atomic Energy Act it was not possible for States to own fissionable material. Sir Philip said that the Commonwealth also had the responsibility for the safety of such plants although it had no powers in this respect. The Commission had

considered the matter closely and felt that, certainly for the first reactor, when a body of experience would be built up which would be useful for future statutes, the Commonwealth should be the controlling authority.

[*matter omitted*]

There was further discussion on the nature of Commonwealth and State responsibilities much of which focused on the Commonwealth's responsibility for safeguards. Mr Booker (External Affairs) said that whether the plan were Commonwealth or State financed he would see advantage in an arrangement which preserved Commonwealth control because of the safety, safeguards and other international factors.

[*matter omitted*]

The meeting was closed by Mr Boswell at 4.30 p.m. with a vote of thanks to Sir Philip Baxter for his attendance, and with the suggestion that the submission be re-examined in the light of the comments which had been made.

[NAA: A1838, 919/12/1 part 1]

## **70 BRIEF FOR UNITED NATIONS GENERAL ASSEMBLY TWENTIETH SESSION SECRET SUPPLEMENT (SUPPLEMENT NO. 1)**

Canberra, August 1965

SECRET

### **Item 28—Question of General and Complete Disarmament (Section on Non-Dissemination of Nuclear Weapons)**

#### *Documents*

UNGA Resolution 1664 (XVI)<sup>1</sup>

UNGA Resolution 1665 (XVI)<sup>2</sup>

A/5758 Indian Explanatory Memorandum

A/5731 Report of the Conference of the Eighteen Nation Committee on Disarmament to the 19th Session (Report to 20th Session not yet prepared)

Disarmament Commission Documents DC 225 (Resolution called on the ENDC to reconvene) and DC/PV75 (Indian statement)

Letter dated 15th March, 1962,<sup>3</sup> from Minister of External Affairs to the Secretary-General of the United Nations concerning resolution 1664 (XVI) (Attached at Annex)

#### *Background*

The question of non-dissemination of nuclear weapons first arose at the 16th session in 1961, and since that time has become an important issue in disarmament discussions.

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1 See note 4 to Document 53.

2 See note 4 to Document 53.

3 Document 53.

### *Swedish 'Non-nuclear club' proposal*

2. At the 1961 session Sweden advocated an approach under which non-nuclear countries would form a 'non-nuclear club' of members prepared to accede to a nuclear test ban treaty and to undertake not to acquire a nuclear capability. A Swedish resolution (Resolution 1664) requesting the Secretary-General to make an enquiry 'as to the conditions under which countries not possessing nuclear weapons might be willing to enter into specific undertakings to refrain from manufacturing or otherwise acquiring such weapons and to refuse to receive in the future nuclear weapons in their territories on behalf of any other country', was adopted by 58 votes to 10 (including U.K., U.S.A. and most of NATO), with 23 abstentions (including Australia). Of the sixty-one replies subsequently received, 21 indicated unqualified willingness to enter into the specific undertakings, 23 declined, directly or tacitly, to give the undertakings sought, and 17 indicated willingness to enter into the undertakings only subject to certain understandings or conditions. In most cases these conditions related to such matters as the need for an agreement on general disarmament, the necessity for all non-nuclear (and/or nuclear powers) to enter into the undertaking, and the reservation of a right to change a country's position in certain eventualities.

[matter omitted]

### *United States Attitude*

11. The United States has taken a lead in advocating measures to prevent the spread of nuclear weapons, and the conclusion of a non-dissemination agreement is a major objective of United States arms control policy. American policy in this field has however been seriously limited by the American position that the door should not be closed on a NATO nuclear force. During recent months there nevertheless appears to have been a division of opinion in the United States at official level over the comparative merits of the M.L.F.<sup>4</sup> and a non-dissemination agreement. (The M.L.F. was the product of the Kennedy period, and President Johnson<sup>5</sup> has shown little interest in pushing the idea). The Pentagon has had reservations about the military value of the M.L.F., which was largely political in purpose. It is believed that a U.S. Presidential Committee, headed by a former Deputy Secretary of Defence, Mr. Gilpatric,<sup>6</sup> recently recommended that the idea of an M.L.F. be abandoned if it appeared to stand in the way of a treaty to prevent the spread of nuclear weapons. Senator Robert Kennedy<sup>7</sup> in a recent speech in the U.S. Senate called for progress on non-dissemination and the chief U.S. disarmament negotiator, Mr Foster,<sup>8</sup> recently wrote in the quarterly *Foreign Affairs* that a delay, 'perhaps even of months' in agreeing to non-dissemination measures might mean the difference between success and failure.

13. West German pressure for the conclusion of a NATO nuclear arrangement before any non-proliferation agreement is concluded is, however, being maintained. Italy has also been applying pressure to leave the way open for such arrangements. The American State Department informed us prior to the resumption of the E.N.D.C.<sup>9</sup> that, despite the differences in NATO and within the U.S. on this question, the U.S. policy remained that it did not intend to trade the M.L.F. for a non-dissemination treaty, so long as European members of the NATO

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4 Multilateral Force.

5 Lyndon B. Johnson, President of the United States, 1963–69.

6 Roswell L. Gilpatric, Deputy Secretary of Defense, 1961–64.

7 US Attorney General.

8 William C. Foster, Director, US Arms Control and Disarmament Agency.

9 Eighteen-Nation Disarmament Committee.

alliance continued to discuss the establishment of an M.L.F. It is apparent that Washington wishes to avoid offending German susceptibilities before the German elections.

### *United Kingdom Attitude*

14. The new British Government<sup>10</sup> is showing a particular interest in preventing the further dissemination of nuclear weapons. The British believe that an international agreement on non-dissemination would constitute a logical step to follow the Nuclear Test Ban Treaty and would be a positive move towards a safer world.

15. In 1964, there was some disposition on the part of the U.K. and U.S.A. to think in terms of a 'non-acquisition' treaty as a first step towards a wider non-dissemination treaty. (A 'non-acquisition' treaty would be a more simple treaty in which non-nuclear states would agree not to acquire nuclear weapons—see Swedish proposal in paragraph 2 above). However, this idea has now been discarded, in favour of a more elaborate non-dissemination treaty. The British Government have realized that the Russian attitude on the British A.N.F. proposal<sup>11</sup> severely limits the possibility of early agreement. They had sought, however, in considering proposals for a draft treaty, to devise a formula with which they could convince the Russians that the A.N.F. would not lead to dissemination of control. In the U.K. view, so long as the existing nuclear powers, and principally the United States, retains a veto over the use of the force (which is an essential feature of the A.N.F.), there would be no dissemination to other non-nuclear members. The Russians, however, have so far been unmoved by this line of argument, which they regard as a cover for possible transfer of control over nuclear warheads to West Germany.

### *French Attitude*

16. The French position on non-dissemination is not known in detail, but President de Gaulle is reported to have told Mr Rusk in December, 1964, that while France had no intention of disseminating nuclear weapons, no effective international action could be taken to prevent nuclear proliferation. France continues to take no part in the work of the E.N.D.C., and declined to participate in the drafting of the Western proposals for a non-dissemination agreement.

### *West German Attitude*

17. The West Germans said at the NATO Council meeting in Paris in July, 1965, that they would not object to the tabling in the E.N.D.C. of a draft non-dissemination treaty acceptable to the West, to enable discussions to begin. They still however wanted a nuclear sharing agreement (e.g. A.N.F.) before a non-dissemination treaty is concluded. The German Foreign Ministry informed us early in July that their view was the M.L.F./A.N.F. was becoming more rather than less important in view of the widening gap in West Europe's defence, and because of the West German conviction that the United States would not react effectively against all types of Communist attacks on or interference with Western Europe.

### *U.S.S.R. Attitude*

18. The Russian position remains one of opposition to any non-dissemination measures unless the Western countries drop all plans for a NATO nuclear force. In maintaining this attitude, the Russians are no doubt hoping to exploit Western differences of opinion, particularly within the U.S.A., on the question.

[matter omitted]

<sup>10</sup> The 1964 elections in the United Kingdom had resulted in the Labour Party's Harold Wilson becoming Prime Minister.

<sup>11</sup> The Atlantic Nuclear Force proposal in NATO—essentially to pool nuclear submarines from NATO countries under US control.



26. In the Australian speech<sup>12</sup> in the General Debate in the Disarmament Commission this year support was expressed for the idea of an integrated approach to non-dissemination and for the need to provide assurances to non-nuclear powers which may be threatened by nuclear dissemination already taking place. The Australian representative's statement agreed that a 'package' of the kind envisaged by India was required, and that the Indian view should be 'heeded and respected', but did not in terms endorse the elements of the Indian package or attempt to present an Australian package. Instead, the Australian representative urged that the members of the United Nations Disarmament Commission and the ENDC (Eighteen Nations Disarmament Committee) in particular examine closely and urgently the suggestions of India, Sweden and others. The Australian statement reflected a doubt whether any lasting results on non-proliferation can be achieved until something can be done to assure the position of these countries (India is an obvious example) who feel themselves threatened by the development of nuclear capabilities in their area. In this respect, it should be noted that Australia has never favoured simple 'non-acquisition' resolutions of the type of Resolution 1664 (XVI), described in paragraph 2 above.<sup>13</sup>

27. In considering previous draft resolutions on non-dissemination the Australian attitude has been that:

- (i) we have been opposed to any extension of nuclear capability beyond the first three powers capable of manufacturing nuclear weapons;
- (ii) we could correspondingly support the banning of uncontrolled transfer of ownership of nuclear weapons by the present nuclear powers to other countries; but
- (iii) at the same time, we could not accept any prohibition against arrangements for the stationing of nuclear weapons in other countries with the supplier retaining control, because such a prohibition would cut across the arrangements made by the United States in support of its NATO allies, and we were also concerned to keep open the possibility of nuclear weapons being stationed in Australia under similar arrangements should this ever prove necessary for our defence.

This remains our view.

28. The threat of Communist China is a major factor bearing on Australia's current attitude towards non-dissemination. The Australian position has been that any international agreement on non-dissemination should cover all militarily significant states, including, of course, Communist China. With the emergence of Communist China and France as possessors of tried nuclear capability, it seems probable that they will have to be regarded, for the purpose of any non-dissemination treaty, as 'nuclear states'. The present draft treaty before the ENDC indicates this probability with its reference to nuclear states as being states possessing independent power to use nuclear weapons as of a date yet to be fixed. Such a definition also raises the unusual possibility that should Indonesia, or any other country, claim that it has conducted an explosion in its territory, it might claim the event entitles it to assume the rank of a nuclear power.

29. It thus seems likely that Communist China would, even if a non-dissemination treaty were to be agreed on, which is at present doubtful, still be free to develop its nuclear weapons, while non-nuclear powers would be inhibited from doing so. An Indian draft resolution prepared for submission to the 19th Session sought to cover this point by referring to a third category of 'States embarking on a nuclear programme', who would be asked to undertake to discontinue

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<sup>12</sup> See note 5 to Document 63.

<sup>13</sup> See note 4 to Document 53.

their programmes. In any case, we cannot realistically expect that China would ever agree to be bound not to develop nuclear weapons.

30. Australia's position remains that it has no wish to produce or acquire nuclear weapons. However, Australian agreement, without qualification, could not be expected to non-dissemination proposals which might be interpreted as limiting the defence options we have kept open since the Prime Minister's statement in 1957. In a situation where a non-dissemination agreement left Communist China free to pursue its nuclear ambitions, it would be reasonable for Australia to require the insertion of an escape clause (perhaps along the lines of that included in the Nuclear Test Ban Treaty) to cover the position of states who might be threatened by a Communist Chinese nuclear capability.<sup>14</sup> (The Western draft treaty<sup>15</sup> at present before the ENDC would seem to be acceptable in this respect, as it does include an escape clause similar to that in the Nuclear Test Ban Treaty.)

[matter omitted]

[NAA: A1838, 919/10/5 part 3]

## 71 RECORD BY STAREY<sup>1</sup> OF CONVERSATION WITH SEKI<sup>2</sup>

Jakarta, 2 August 1965

SECRET

### Indonesia's Atomic Plans

Mr. Seki called on me at the office. His one purpose was to discuss Indonesia's announced intention to explode an atomic weapon.<sup>3</sup>

2. Mr. Seki asked how we assessed Indonesia's chances of exploding a bomb. I said that from the technological point of view, we had concluded that Indonesia had no hope of manufacturing and exploding an atomic device for a considerable period of time. This was not to deny that such an explosion could take place—but if it did, the whole operation would have to be imported, presumably from China.

3. Mr. Seki then disclosed that a consistently reliable high-ranking Indonesian military contact of the Japanese Embassy, who works in the Intelligence Branch of the Armed Forces Headquarters and has the ear of Subandrio,<sup>4</sup> had just advised him (Mr. Seki) that Indonesia would in fact explode an atomic device before the end of this year. The most likely date was

14 The 'Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water', signed in Moscow on 5 August 1963, includes the provision that '[e]ach Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all the parties to the Treaty three months in advance'.

15 On 17 August 1965 the United States presented a draft non-proliferation treaty to the Eighteen-Nation Disarmament Conference the material provisions of which are set out in *Keesings Contemporary Archives*, 1967, p. 22501.

1 J.M. Starey, First Secretary, Jakarta.

2 Eiji Seki, Second Secretary, Japanese Embassy, Jakarta.

3 During a speech to a Muslim congress in Bandung on 29 July 1965, Indonesian President Sukarno had announced: 'God willing Indonesia will shortly produce its own atomic bomb.'

4 Indonesian Foreign Minister.

5 October, Armed Forces Day. Seki had probed him on the question of Indonesian capability to achieve this from her own resources, and the contact readily admitted that this was impossible. To Mr. Seki's further question as to whether this meant that the Chinese would send both the men and materials for the job, he declined to give an answer.

4. Mr. Seki said his contact had also said that the proposed location of the explosion was one of the small islands off the west coast of Sumatra.

5. Mr. Seki pointed out further that, in terms of the Chinese atomic programme, an explosion about October would fit the pattern of a five or six months' gap established between their first and second explosions.

6. I commented that one certainly could not rule out the possibility of a development such as this, as the Chinese and Indonesians could well both assess that their interests would be well served by such a gimmick. If it eventuated, it would presumably be presented here as a notable Indonesian achievement, in which the Chinese had lent some brotherly assistance.

[NAA: A1838, 919/12/10 part 1]

## **72 CABLEGRAM FROM HIGH COMMISSION IN LONDON TO DEPARTMENT OF EXTERNAL AFFAIRS**

London, 3 August 1965

6659. SECRET

### **Indonesia and Atomic Bomb**

Foreign Office have report from Gilchrist,<sup>1</sup> Djakarta, that Japanese Embassy has heard from source found reliable for two years that Chinese atomic bomb is to be exploded on an Indonesian island about 5 October. Report mentions island in Indian Ocean but also refers to building of jet airstrip in Natuna Islands and to existence of strip capable of handling C.130s on Ranai.

2. British note that timing would be right for next Chinese test but point out that intensive security precautions taken by Chinese in previous tests would be harder to effect on island. For example, air sampling would be easier to arrange.

[NAA: A1838, 919/12/10 part 1]

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1 Andrew Gilchrist, UK Ambassador to Indonesia.

**73 MINUTE FROM MOODIE<sup>1</sup> TO DAVIS<sup>2</sup>**

Canberra, 27 August 1965

CONFIDENTIAL

**Atomic Intelligence**

Timbs telephoned me from AAEC in Sydney, referring to our discussions several weeks ago.

2. I gathered from our necessarily guarded conversation that Timbs had had a discussion with a French engineer whom he described as competent and hard-headed. This French engineer had said:

- (a) the French had completed the plutonium re-processing plant in Israel;
- (b) the Chinese were making materials available to Indonesia for the explosion of an atomic bomb.

[*matter omitted*]

[NAA: A1838, 919/12/10 part 1]

**74 RECORD OF MEETING HELD AT DEPARTMENT OF EXTERNAL AFFAIRS**

Canberra, 10 September 1965

CONFIDENTIAL

Record of meeting held in Department of External Affairs Conference Room on the 10th September, 1965, addressed by Mr Palfrey<sup>1</sup> and Mr Hall<sup>2</sup> from the United States Atomic Energy Commission.

Main subjects discussed:

1. Plowshare Experiments.<sup>3</sup>
2. Proliferation of nuclear weapons.
3. I.A.E.A. Safeguards.
4. U.S. Bilateral Safeguards Agreements.
5. U.S./Indonesian Atomic Energy Arrangements.
6. Miscellaneous.

The meeting was chaired by Mr Renouf of Department of External Affairs and was attended by Mr Timbs, Executive Member of the Australian Atomic Energy Commission and representatives of the Department of External Affairs. Mr Griffith (Prime Minister's Department) and Mr Sargeant (National Development) also attended.

<sup>1</sup> C.T. Moodie, Acting First Assistant Secretary, Division IV, Department of External Affairs.

<sup>2</sup> O.L. Davis, Assistant Secretary, Joint Intelligence Committee, Department of External Affairs.

<sup>1</sup> John G. Palfrey, Commissioner, US Atomic Energy Commission.

<sup>2</sup> John A. Hall, Director, Office of International Affairs, US Atomic Energy Commission.

<sup>3</sup> The AAEC had sent a technical mission to the United States in September and October 1963. At that juncture there had only been two Plowshare shots, in New Mexico and Nevada, and there was an intention to proceed with two shots a year to study excavation. The Test Ban Treaty had, however, caused a deferment of the program. See 'Use of Underground Explosions for Development Projects', NAA: A1209, 1961/244 part 1.

The following is a summary of the main points made by Mr Palfrey and Mr Hall.

1. *Plowshare experiments*

Mr Palfrey said that there was some uncertainty as to how far Plowshare experiments would be able to go. He recalled that, in its Declaration accepting the partial Nuclear Test Ban Treaty, the United States Senate provided in express terms that its agreement was only being given on the understanding that Plowshare experiments for peaceful purposes would be continued. The U.S. Atomic Energy Commission was at present uncertain of exactly what would be possible under Plowshare but hoped that in the years to come progress could be made. At the present time the Atomic Energy Commission was concerned with two nuclear aspects. First, to develop cleaner devices which would result in minimal radioactive debris; and secondly, it was paying a good deal of attention to the possibility of conducting cratering explosions which would be useful for large earth moving works. Mr Palfrey said that it was hoped that some agreement might be reached with the Soviet Union which would allow such Plowshare projects to go ahead. Soundings had already been made by United States scientists on this question, and Mr Harriman<sup>4</sup> had also raised it in Moscow.

2. Mr Palfrey was less clear on the possibility of using Plowshare explosions to excavate harbours, for instance as part of any project which might be undertaken to construct an alternative to the Panama Canal. Such ideas were themselves attractive, but there was no agreed interpretation of whether they were possible or not. It was certain that radioactive debris would go beyond the territorial limits of a state in which such an explosion might be conducted, and, as such, this would appear to make harbour excavation a breach of the Treaty. The question of what level of radioactive fall-out constituted debris in the terms of the Treaty was a matter on which there was no agreed interpretation.

2. *Proliferation of nuclear weapons*

3. Mr Palfrey outlined the U.S. position on the proliferation of nuclear weapons in familiar terms. He said that there had been considerable advances in technology which would enable detection of experiments in other countries. Some inspection was however still necessary. He spoke of the tremendous planned increase in installed nuclear power capacity in the next 2 to 5 years, and commented that this could well create problems of holding the line on the number of nuclear powers. The U.S. was concerned to do whatever it could to prevent such a proliferation. This brought him to the question of safeguards against diversion of peaceful nuclear activities to military purposes which the U.S. regarded as one of a number of ways which should be fully explored to help prevent undesirable proliferation of nuclear weapons.

3. *I.A.E.A. Safeguards*

4. At this stage Mr Hall, who has been closely connected with the development of U.S. initiatives on safeguards, took over from Mr Palfrey. He explained how U.S. moves from 1956 to 1962 in the safeguards field had met with considerable difficulties. Since 1962 however the Soviet Union had changed its previous uncooperative attitude, and the point had now been reached where, early in 1965, the Soviet Union had actually supported the I.A.E.A. safeguards scheme at the Board of Governor's meeting. Similar support was given by the Soviet satellite countries. In answer to a question, Mr Hall agreed that the acceptance, in principle, by the U.S.S.R. of I.A.E.A. safeguards did not necessarily mean that the Russians would accept international inspection of their own peaceful nuclear activities. He added however that tentative talks had indicated that the Czechs and Russians might, in fact, consider placing some of their facilities under I.A.E.A. safeguards.

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4 W. Averell Harriman, US Under Secretary of State for Political Affairs.

5. In answer to a further question, Mr Palfrey commented that all of the nuclear fuel which was available to the Soviet satellite countries was returned to the U.S.S.R. for reprocessing. In addition to their physical military hold over satellite countries, this provided an additional measure of U.S.S.R. controlled safeguards in respect of nuclear materials in the hands of the East Europeans.

[*matter omitted*]<sup>5</sup>

[NAA: A1838, 919/19 part 1]

## 75 NOTE BY DEPARTMENT OF EXTERNAL AFFAIRS

Canberra, [12 September]<sup>1</sup> 1965

CONFIDENTIAL

### *Documents*

UNGA Resolution 1910 (XVIII), 1963.<sup>2</sup>

A/5731: Report of the Conference of the Eighteen Nation Committee on Disarmament (1964).

Australian Delegate's Statement, U.N. Disarmament Commission, 20th May, 1965.<sup>3</sup>

### **Urgent Need for Suspension of Nuclear and Thermonuclear Tests: Report of the Conference on the Eighteen Nation Committee on Disarmament**

#### A. Comprehensive Test Ban

##### *Background:*

Following a year in which little attention was given in disarmament negotiations to the extension of the Nuclear Test Ban Treaty this has recently become the object of some discussion. In 1964 the question was discussed only perfunctorily in the Eighteen Nation Committee on Disarmament (ENDC);<sup>4</sup> and there appeared to be a general realization, even among the non-aligned countries, that little could be achieved until the major powers were ready for serious negotiations. At the 1965 Disarmament Commission Session in New York

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5 The paper published as Document 64 was attached to this document.

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1 The document is undated.

2 Dated 27 November 1963, it noted with approval the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water, signed on 5 August 1963, and requested the Conference of the Eighteen-Nation Committee on Disarmament to 'continue with a sense of urgency its negotiations to achieve the objectives set forth in the preamble to the Treaty'.

3 See note 5 to Document 63.

4 In resolution 1665, which had been introduced by Ireland, the UN General Assembly on 4 December 1961 unanimously established the first step in what became the Nuclear Non-Proliferation Treaty. That year the Eighteen-Nation Committee on Disarmament was established, comprising the nuclear-weapon states, members of the Warsaw Pact and NATO as well as eight nations that were non-aligned and chosen to ensure that all major regions were represented. The committee, which met regularly in Geneva, became the main negotiating forum for disarmament. After 1964, when the Partial Test Ban Treaty was concluded, the main focus of these discussions was on non-proliferation. On 15 June 1965 the UN Disarmament Commission recommended, in a vote of 83 to 1, that the committee accord special priority to a non-proliferation treaty. 'Non-Proliferation Treaty', undated, NAA: A1838, TS919/10/5 part 20.

the question was raised by many delegations. While the second Chinese test<sup>5</sup> actually occurred during the session, there was no resolution condemnatory of Peking, nor was there, on the whole, as much vocal opposition to the Chinese (and French) tests and might have been expected. However, a resolution adopted by the Commission, calling the ENDC to resume its discussions, urged the Committee, as a matter of priority, to consider the extension of the Treaty to cover underground tests. There was a widespread attitude that for any nuclear test ban to be effective, France and Communist China should be associated with it.

[*matter omitted*]

#### *Australian Attitude:*

5. Australia has consistently supported the goal of a comprehensive test ban treaty and we continue to hope that such an agreement will eventually be possible. We see the negative Soviet attitude towards verification as being the principal barrier to agreement. We welcome efforts, whether by exchange of information or by working-group discussion in the ENDC, to resolve these difficulties.

6. Australia has consistently advocated an international agreement on the suspension of nuclear weapons tests, and was one of the first countries to announce that it would become a party to the Nuclear Test Ban Treaty which was signed in Moscow in August 1963. Australia has urged all States to accept the obligations laid down by the Treaty and has expressed its disapproval of tests of any type proscribed by the Treaty. Prior to the signature of the Nuclear Test Ban Treaty, Australian policy was, to some extent, inhibited by the fact that it was difficult consistently to object to testing when the three major nuclear powers themselves reserved the right to test. As these three powers have now at least partially surrendered their right we consider that others, and notably Communist China and France, should follow suit.

7. Australia is opposed to continued nuclear testing by any country in the atmosphere, in outer space and under water because:

- (i) The Test Ban Treaty will only be effective if all States accept its obligations. Continued testing or statements of intention to test could result in its breakdown (e.g. by resort to the withdrawal clause).
- (ii) The failure of some militarily significant countries to accept the Treaty increases the difficulties of achieving further agreements in the disarmament field.

[*matter omitted*]

#### B. French Nuclear Testing<sup>6</sup>

##### *Background:*

[*matter omitted*]

5 This was China's first operational fission bomb which was dropped from a TU-16 Bomber on 14 May 1965. The yield was in the range of 20-40 megatons, still in the Hiroshima class. Lewis and Litai, *China Builds the Bomb*, p. 244.

6 Nuclear cooperation with France can be dated to 28 November 1955 when the French approached the Australian Embassy in Paris with a request to supply 200 tons of concentrated uranium, either sodium uranate or uranium oxide, each year for the Marcoule plant. Despite British opposition there was great support in the AAEC (see Richard Broinowski, *Fact or Fission? The Truth about Australia's Nuclear Ambitions*, Scribe, Melbourne, 2003, pp. 85-6). The Australian Government did not condemn the French over their nuclear tests in the Sahara. In October 1959 the Australian Mission to the United Nations, New York, was instructed, in the forthcoming Afro-Asian motion condemning the tests, to argue against 'fourth countries such as China' conducting tests but abstained from the vote against France in the UN General Assembly on 6 November 1959. Department of External Affairs to Mission to the United Nations, 28 October 1959; JIC (Final) (60) 114, January 1960, NAA: 1209/80, 58/5393.

9. During his visit to Paris in April 1963, Sir Garfield Barwick informed the French Foreign Minister<sup>7</sup> of the Australian Government's deep regret at the French decision to carry out nuclear tests in the Pacific.<sup>8</sup> M. Couve de Murville said that, at the appropriate time, the French Government would discuss with the Australian Government the question of safeguards against possible fallout hazards to the Australian population.

[matter omitted]

13. Some technical exchanges concerning safeguards have already taken place with the French. Following a French request for fallout data on previous tests monitored in Australia, the French Embassy in Canberra was asked to facilitate a request which the Commonwealth Bureau of Meteorology was making to the French meteorological authorities for weather data in the test area. (We understand that the French have established a number of weather stations in the test area to supplement previously existing meteorological data.)

[matter omitted]

### C. Chinese Nuclear Testing

#### *Background:*

20. Communist China, like France, is not a party to the Nuclear Test Ban Treaty. Communist China has so far conducted two nuclear explosions, the first on 16 October, 1964 and the second on 14 May, 1965. While the first explosion was not in itself an achievement of great scientific significance, it was an initial step, which has since been followed by a significantly larger explosion. Both explosions used Uranium 235, whose use implies greater technological expertise than the use of plutonium.

[matter omitted]

22. The Australian delegate's speech to the Disarmament Commission, in May, 1965, while stating Australia's position on French nuclear testing, made it clear that Australia is far more concerned with the implication of China's aggressive attitude in developing nuclear weapons.

[matter omitted]

#### *Australian Attitude:*

24. Australia views the Chinese testing with much more concern than it does the French testing, and any statement (which should, if possible, be cleared with Canberra in advance) should direct principal emphasis to the former question. (See Australian delegate's speech to the Disarmament Commission in May this year.)

25. In dealing with this matter in discussion with other delegations, two principal points need to be kept in mind. First, we are gravely concerned about China's continued testing, and about her determination to become a nuclear power. China with her large conventional forces and nuclear aspirations can be presented as a country with aggressive intentions, against which other countries should make common cause. The military consequences of the tests should not however be exaggerated; there is a wide gap between primitive nuclear explosions and an effective nuclear capability consisting of stocks of weapons and an adequate delivery system.

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<sup>7</sup> Maurice Couve de Murville.

<sup>8</sup> Barwick's appeal did not succeed. The French informed the Embassy in Paris in August 1963 that they were proposing to conduct tests in the Pacific and that they would keep Australia informed regarding safeguards against fallout. See Cablegram 1394 from Embassy in Paris to Department of External Affairs, 15 August 1963, NAA: A1209, 63/6525.



26. The Chinese nuclear explosions have increased the demands that China be accorded a higher status in world discussions on disarmament, and they have also increased pressure for China's admission to the United Nations. It should be pointed out that there is no reason to believe China would accept restraints on her nuclear policy merely because of membership of the United Nations, or of an invitation to participate in disarmament discussions. (There are precedents for negotiating with the Chinese Communists outside the UN—e.g. the Geneva Conference on Laos.<sup>9</sup> Recognition (by the US and others) is not a prerequisite for Chinese participation in multilateral international negotiations.)

#### D. Possible Indonesian Nuclear Testing

##### *Background:*

27. Despite Indonesia's adherence to the Nuclear Test Ban Treaty in 1963, recent Indonesian statements have shown some similarity to Chinese statements. President Sukarno has announced that Indonesia will shortly produce an atom bomb, not for aggression but to maintain Indonesia's territorial integrity from outside interference.<sup>10</sup> Dr. Subandrio has also said (4th August, 1965) that Indonesia has no objections to all nations and countries in the world having atomic and nuclear bombs, as this would guarantee that these weapons would not be used to threaten another nation or country. These bombs do not, he has said, constitute a threat to those countries which possess them, but to those which do not.

##### *Australian Attitude:*

28. It is not considered possible that Indonesia has the capacity to produce atomic bombs on its own. So far as it is known, Indonesia has no uranium mining programme, no power reactor programme, no facilities for producing nuclear fuel in quantities, and no means of fabricating nuclear weapons. Its present nuclear reactors are small scale research reactors, not capable of being used in the near future for weapons purposes. Moreover, Indonesia would severely strain its economy if it embarked on its own a nuclear weapons programme, which would involve an immense diversion of resources, at the expense of other fields and of living standards.

29. The Australian assessment therefore is that Indonesia cannot conduct an explosion without substantial assistance which we must presume would be Chinese. If such an explosion as the Indonesians have foreshadowed occurs in the near future, it will undoubtedly have resulted from outside assistance.

30. Indonesia would, by having a bomb exploded on her territory, break the Nuclear Test Ban Treaty unless (which is unlikely) the explosion is wholly carried out underground. In view of the need to avoid any further proliferation of nuclear weapons (particularly in the area of our immediate interests where it would only exacerbate the already widespread feeling of insecurity), and in view of the likely danger of radio-active contamination, we should view any such event with grave concern.

[NAA: A1838, 680/10/2 part 1]

<sup>9</sup> A conference was convened in Geneva in 1961 by the People's Republic of China, Cambodia, France, Laos, the Soviet Union, Great Britain, the United States, South Vietnam, North Vietnam, India, Canada, Poland, Burma and Thailand. The negotiations led to the 23 July 1962 Declaration and Protocol on the Neutrality of Laos. These second Geneva accords called for a peaceful, neutral, independent and democratic Laos, and for the removal of foreign military units from Laotian soil.

<sup>10</sup> See note 3 to Document 71.

**76 BRIEFING NOTE FROM MORRIS<sup>1</sup> TO MCINTYRE<sup>2</sup>**

Canberra, 20 October 1965

TOP SECRET

**Defence Committee Meeting—Agendum 59/1965**

The paper circulated as Agendum 59/65<sup>3</sup> touches on the range of problems affecting the possible acquisition by Australia of nuclear weapons, in particular in relation to the imposition of 'safeguards on any nuclear plant and material acquired by Australia which we might want to divert from peaceful to defence purposes'. These matters are likely to be covered in some detail by Sir Leslie Martin. The notes below set out some comments on these issues raised which in general we think need further inter-departmental analysis before the Defence Committee is asked to make any policy recommendations on them.

*Background*

2. The Australian Government has consistently supported all genuine efforts to achieve both general and complete disarmament and the banning of nuclear tests. In the absence of substantial progress towards world disarmament, Australia has however been careful to leave the way open for the acquisition of a nuclear capability in some form should future circumstances make this necessary for Australian security. In particular, Australian policy has been to avoid giving support to moves which could interfere with the possible stationing of nuclear weapons in non-nuclear countries by the nuclear powers on the grounds that this would prevent possible stationing by the United Kingdom or the United States of nuclear weapons in Australia should this ever be necessary. Australia's reservations on proposed disarmament schemes have stemmed mainly from concern over the intentions of Communist China and its probable unwillingness to be bound by any international arrangements. Against this background, Australian defence policy has been concerned with the use of defence resources in the conventional field.

*Proposal for an Australian Nuclear Power Reactor*

3. As the Defence Committee paper points out, there is at present before Cabinet a submission by the Australian Atomic Energy Commission for a design and cost study for a nuclear power reactor which the Commission recommends should be erected in South Australia. The A.A.E.C. submission is argued purely on economic grounds. During preliminary discussions it has been apparent that the Department of the Treasury is concerned at the possible precedent of the Commonwealth becoming involved in financing a power unit which is normally a State responsibility. The Department of Defence, on the other hand, sees the reactor as having possible defence value and feels that the defence aspects of the proposed reactor should be looked at more closely.

4. In departmental advice submitted to the Minister<sup>4</sup> for his possible use in Cabinet, the following points were made on this proposal:

- (i) We have given departmental support to the planned cost study put forward by the A.A.E.C. in its submission;

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1 A.M. Morris, Head, Defence Liaison Branch, Department of External Affairs.

2 McIntyre was now Acting Secretary, Department of External Affairs.

3 Not published.

4 Paul Hasluck, Minister for External Affairs.

(ii) There would be some advantage for us in international standing and prestige to be among those countries capable of undertaking a civilian nuclear power programme. It would not greatly matter, from this aspect alone, whether the programme were State or Commonwealth financed and controlled.

(iii) Insofar as nuclear reactors can be used to produce weapons-grade plutonium, the erection of a nuclear reactor has defence significance. It would not be possible for Australia to develop its own nuclear potential, if this were found necessary, without a reliable source of adequate amounts of weapons-grade plutonium, such as the reactor would provide. There might be some advantage in other countries being aware that, in the last resort, Australia would have the capacity to produce nuclear weapons within a few years.

(iv) It would be necessary to preserve the Commonwealth's ability to discharge its international responsibilities in respect of safeguards arrangements and for the control and use of fissionable materials. The External Affairs and Defence interests in these matters should not be prejudiced by any decision which might be taken at this time.

(v) There would accordingly be advantage in an arrangement which preserved some Commonwealth control. In any event, these matters should be fully examined before any decision is made by the Commonwealth not to retain some measure of control which would allow proper exercise of some responsibilities.

[*matter omitted*]

#### *Transfer of Bilateral Safeguards to IAEA*

7. Australia is one of 38 countries which has a bilateral agreement with the United States for Co-operation in the Civil Uses of Atomic Energy. It is stated United States policy that they wish to transfer the safeguards provisions of their agreements to the International Atomic Energy Agency. So far they have been successful in negotiating 19 such transfers. We have just received a copy of a note presented by the United States State Department to our Embassy in Washington on 11th October, 1965,<sup>5</sup> containing a draft proposed tripartite agreement between ourselves, the U.S.A. and the I.A.E.A. on safeguards under which the I.A.E.A. would administer the safeguards at present contained in the bilateral agreement. The Department has been aware that such a proposal was likely but while the matter was brought to the Secretary's attention and has been discussed within the Department, we do not as yet have a firm departmental view on the matter which raises a number of complex issues.

8. In our various advices to the Australian Atomic Energy Commission we have, however, suggested that if A.A.E.C. officials received approaches on the matter from U.S. officials they might say that the question of safeguards transfer and related matters are under preliminary examination by the Australian authorities but that a Government decision would be involved.

9. A Cabinet decision in September 1960 made clear the feeling at that time that Australia's atomic energy arrangements with the United Kingdom and the United States should not become subject to I.A.E.A. safeguards and in particular that I.A.E.A. safeguards inspectors should not be permitted to have access to Australia's nuclear resources and facilities. In 1959 we sought and obtained an assurance from the U.S. that they would not press Australia to transfer administration of the bilateral safeguards to the I.A.E.A. The U.S. preferred to have this assurance on an oral basis but assured us that it was nonetheless binding. Since then the U.S. has become firmly wedded to the principle that all bilateral safeguards should be transferred to the I.A.E.A. as a step towards a world disarmament system.

[*matter omitted*]

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5 Not published.

### *Non-Dissemination of Nuclear Weapons*

12. A further aspect of the background to discussions on Australian nuclear policy is the current pressure for the completion of a workable non-dissemination treaty to limit the spread of nuclear weapons. While they have diametrically opposed views on the concept of a nuclear force for NATO countries, both the U.S. and the U.S.S.R. profess the necessity for an early conclusion of a non-dissemination treaty. Although the chances of early agreement do not seem good, if a treaty were to be concluded this would probably include as a major provision an undertaking by nuclear powers not to assist other non-nuclear countries to develop a nuclear weapons potential. This issue raises a whole series of problems which it is not proposed to discuss here other than to point out that the conclusion of such a treaty could have repercussions for the defence options which the Australian Government has always wanted to keep open. Consideration would need to be given to the sort of assurances which might be sought if such a 'non-dissemination' agreement looked like becoming a reality.

### *Conclusions*

13. The Defence Committee is unlikely to take any substantive decisions on the complex material put forward in the Agendum papers, or on Sir Leslie Martin's report.<sup>6</sup> However, if the question of further action to be taken is raised it is suggested you adopt the following position:

- (i) Support the view of the Defence Scientific Adviser that the effect of 'safeguards' on the possible use of any Australian reactor to produce weapons-grade plutonium should be further considered (paragraph 10 of D.C. Agendum);
- (ii) recommend that the range of issues covered in the A.A.E.C. paper relating to safeguards should also be further examined from the technical, defence and external affairs point of view;
- (iii) suggest that this examination be carried out by the ad-hoc Committee already set up for this purpose (consisting of Defence, A.A.E.C., and External Affairs) with a view to producing a paper which could be submitted to the Defence Committee defining the issues and recommending policies which the Government might adopt. This paper could then go to Ministers.

[NAA: A1838, TS919/10/5 part 1]

## **77 RECORD OF CONVERSATION BY DEPARTMENT OF EXTERNAL AFFAIRS**

Canberra, 17 November 1965

SECRET

Officers present: Mr. A.M. Morris  
Mr. G.N. Upton<sup>1</sup>  
Mr. J. Piper  
Mr. D.W. Evans

Subjects discussed: Proposals for an Australian atomic reactor; transfer of safeguards

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<sup>6</sup> Not published.

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<sup>1</sup> Gordon N. Upton, Head, Economic Relations Branch, Department of External Affairs.

Messrs. Timbs and Thomas came to the Department to outline the A.A.E.C.'s views on the current proposals for a design and cost study on a possible atomic energy reactor in South Australia which is to be put to Cabinet shortly; and on the recent United States approach to Australia to transfer the administration of United States bilateral safeguards on nuclear plant and materials to the I.A.E.A.<sup>2</sup> Mr Timbs stressed that the meeting should be regarded as an informal exchange of views, and he expressed what were purely personal opinions on some of the points raised. This record should not therefore be quoted back at the A.A.E.C.

2. The bulk of the discussion concentrated on the defence aspects of the two current proposals and the ways in which they might affect any subsequent Australian decision to 'go nuclear'—assuming that it remained Government policy to keep this option open. The following is a summary of the points made by the A.A.E.C. representatives together with some comments:

*A. On the South Australian reactor proposal*

3. The A.A.E.C. was convinced that if a reactor were established in South Australia it would prove a good economic proposition although they recognised there might be a good case for wanting to put it elsewhere, e.g. in Northern Territory or A.C.T., for defence or other reasons. In any case the construction of such a reactor would shorten by at least five years the time that would be needed to implement any policy subsequently adopted to develop nuclear weapons. A.A.E.C. was now thinking in terms of United Kingdom and not Canadian plant for the proposed South Australian reactor and this might attract I.A.E.A. safeguards, as would the initial charge of fuel rods and the heavy water used as a moderator. Only the French seemed willing to supply such plant without safeguards and A.A.E.C. assumed there would be political difficulties about getting into too close a relationship with the French in the atomic energy field.

4. It would be possible for Australia to develop later, at a moderate cost, a local fuel-processing plant and heavy water plant (with fertilisers as a bi-product). A.A.E.C. were including pilot plants of these two types in their next work programme. They could be developed later into full-scale plants and would lead to the acquisition of the necessary local experience.

5. The South Australian reactor if constructed as planned could readily be used to produce weapons-grade plutonium without violating any system of safeguards—Australia could argue, as had India, that she was producing, for peaceful purposes, enriched fuel to be used in more advanced breeder reactors or even for plowshare experiments. (External Affairs pointed out that plutonium was too 'dirty' to be acceptable for the latter purpose). In any event A.A.E.C. maintained that the capability to produce weapons-grade plutonium would be there, simply requiring a quicker change-around with only partial burn up of fuel rods, and at some later stage the construction of a chemical separation plant. If, following a decision to 'go nuclear', construction of such a plant were put in hand at the same time as a programme for the design of actual nuclear weapons and the development of an effective weapons delivery system, these different phases of a nuclear weapons development programme could proceed simultaneously leading to an effective capability in 12–18 months.

6. Mr. Timbs could see no advantage in Australia developing from its own resources and without safeguards a more primitive plutonium reactor of the Calder Hall type as part of a straight-out defence programme. He maintained that in any case the pressure vessel for such a reactor required thick steel plating (and necessary welding) of a type not available in Australia and that the graphite used as a moderator would also have to be imported, doubtless attracting safeguards. Moreover the establishment of such a reactor, which was uneconomic as a power producer, would be a clear signal to the world that Australia intended to embark on a nuclear weapons programme.

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2 See Document 76.

*Comment*

7. The Department has recommended to the Minister<sup>3</sup> that he should support the proposal for a feasibility study for an atomic reactor in South Australia, inter alia, because of its potential defence significance. However we may not be able to accept A.A.E.C.'s conviction that such a reactor, especially if it carried I.A.E.A. safeguards, could be readily used for producing weapons-grade plutonium without leading to any criticism in the I.A.E.A., which is likely to be less sympathetic in its consideration of the matter towards an aligned country like Australia than it has been towards India which enjoys some support from both the U.S.S.R. and the United States. A.A.E.C.'s more relaxed view of the implications of safeguards leads them to ignore the advantages of being able to push forward covertly a programme of nuclear weapons development, as the French did, before one is ready to make this publicly known.

8. Nevertheless A.A.E.C. argues convincingly that a peaceful uses programme would provide an effective cover for establishing local nuclear energy plant which could be set up with a dual peaceful and weapons purpose in mind, as well as providing the experience, technology and trained manpower that would be needed in any subsequent all-out nuclear weapons programme.

*B. On the United States proposals to transfer the administration of other bilateral safeguards to the I.A.E.A.*

9. A.A.E.C. views on this matter were heavily coloured by the conviction that the United States Government would react sharply to any Australian refusal to agree to transfer. They think this would lead to (1) the suspension of valuable training in the United States; (2) the closing-off of the only remaining reliable source of enriched uranium fuel (since the United Kingdom are now shutting down their U-235 plants and the French will need all their production to expanded shortly for their own purposes, e.g. for weapons tests); and (3) probably the termination of the whole current research programme at Lucas Heights. The Departmental representatives pointed out that Ministers, at least, would probably argue that our 'special relationship' with the United States would protect us against any such drastic results. Mr Timbs conceded that there were no practical examples of United States retaliatory action in such a situation to which one could point. However the A.A.E.C. had a very clear indication from their United States A.E.C. colleagues that an uncooperative Australian attitude on the transfer of safeguards would not go without a response. Mr. Timbs referred to the United States surprise and disappointment over Australia's refusal to co-sponsor the resolution in the I.A.E.A. on the new safeguards system. The External Affairs representatives confirmed that the United States has been putting great emphasis on the role of I.A.E.A. safeguards in non-proliferation proposals in disarmament discussions in Geneva and at the United Nations. Canada has been adopting a similar position.

10. As a consequence of the above views A.A.E.C. clearly hopes that other departments and their Ministers will not reject the current United States approach. A.A.E.C. is certain that Canada will follow the United States lead on safeguards (despite the economic disadvantages—some of which the Canadians have already incurred through insisting on I.A.E.A. safeguards on the sale of uranium ore to France thus losing the business.) They believe the United Kingdom will also press for the imposition of effective safeguards and for the transfer of the administration of them to the I.A.E.A.

11. Other standard A.A.E.C. arguments were again put forward by Mr. Timbs, i.e. that none of the United States nuclear plant or materials could ever be used for non-peaceful purposes; and that inspections by the United States were every bit as stringent as those of the I.A.E.A.

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3 Paul Hasluck, Minister for External Affairs.

although neither kind of inspection would interfere with any (defence) work which might be going on in the same plant using non-safeguarding materials. By inference the A.A.E.C. clearly does not expect that Australia will in the future ever want to use additional United States nuclear plant or materials for weapons purposes, or that the United States would tolerate diversion of United States-supplied plant or materials to weapons purposes if it were under safeguards administered bilaterally and not under I.A.E.A. auspices.

12. A.A.E.C.'s view that safeguards—I.A.E.A. or bilateral—will not in any way inhibit or restrict Australia's option to develop a nuclear capability derives basically from the assumption (cf. paragraph 5 above on the South Australian reactor proposals) that there is no need for any clandestine production activity before the stage when a decision is actually taken to develop a nuclear weapon (arguing that the bulk of the preliminaries can be undertaken under an overt peaceful nuclear programme). The decision to embark on a weapons programme, A.A.E.C. assumes, would only be taken in a crisis situation when Australia's security was seriously threatened and when international agreements on safeguards could be revoked or ignored, if necessary, perhaps by reference to Article 51<sup>4</sup> of the United Nations Charter on the right of self-defence.

### *Comment*

13. It is possible to agree that on balance we should not oppose the United States proposal to transfer the administration of safeguards to the I.A.E.A. *without* accepting the view that safeguards, particularly I.A.E.A. safeguards, would not restrict or inhibit in any way the option to develop an Australian weapons programme. Safeguards must surely have an effect of directing international attention to aspects of any nuclear energy programme which Australia might prefer to have kept quiet, e.g. the accumulation of substantial stocks of weapons-grade plutonium. It would be useful to have other non-A.A.E.C. views on the following questions:

- (i) Is there not ancillary nuclear plant with a clear weapons application (e.g. chemical separation or fuel enrichment plant) which we would have to import and which it would be better to have working *before* any decision were publicly taken to 'go nuclear'? If so would it not be better to have such plant outside safeguards? Who would supply it?
- (ii) Could Australia, under the international scrutiny which would be involved in I.A.E.A. safeguards, in fact get away with stock-piling weapons-grade plutonium allegedly for use in advanced reactors if we had no such reactors in operation or even under construction?

14. Another thought is that if one is going to 'dodge' safeguards it would seem better to do so early in the piece—rather than to acquire imported plant and materials under safeguards and then, conspicuously, avoid safeguards on plant obtained later from some other country (e.g. from France), and/or to refuse to place one's own reactors under safeguards. To go 'cold' on safeguards later would build up the suspicions of other countries. This consideration would strengthen the case for Australia obtaining as soon as possible plant and materials from non-safeguarded sources if we do decide to go along with the United States proposal to transfer the administration of United States bilateral safeguards to the I.A.E.A. On the other hand, by our own evasion of safeguards we might undermine the stand against the proliferation of nuclear weapons, which we are committed to support.

[NAA: A1838, 919/12/1 part 2]

4 Article 51 of the UN Charter refers to 'the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security'.

## 78 LETTER FROM TIMBS TO PLIMSOLL<sup>1</sup>

Sydney, 31 December 1965

CONFIDENTIAL

Please refer to your memo. of the 30th November, 1965, your reference 720/6/7,<sup>2</sup> relating to the report by Professor Baxter on his visit to India for the inauguration of the plutonium separation plant.<sup>3</sup>

I note that the Canadian authorities have taken exception to paragraph 21 of Professor Baxter's report which states—

‘The Rajasthan Reactor could be operated to produce military plutonium and if India produces its own fuel no one would know it was being done.’<sup>4</sup>

You will recall that the Commission did not initiate action to present copy of this report to the Canadians for the reason that we are well aware that the Canadians have been a little naive in their nuclear dealings with the Indians and are very sensitive about the rather loose provisions of their agreement with the Indians for safeguarding the Rajasthan Reactor. In these circumstances, whilst the following views may be passed on to the Australian High Commission in Ottawa, I would be grateful if they were not transmitted to the Indian or Canadian Governments.

Professor Baxter has commented as follows—

‘With regard to the effect of the Rajasthan Reactor on the military situation my statement was not based upon any misunderstanding. The Canadian reaction is, of course, an understandable one, but my view is that the undertakings between these two countries would cease to have any force at all in the event that India decided upon a military programme at a time of military danger. While international agreements are, of course, important and binding upon the parties, history shows only too clearly that they can be set aside very easily when the real and vital interests of a country are concerned. My personal view is that when the Rajasthan plant is built and operating and when India possesses its own facilities for making fuel from its own uranium, the diversion of the plutonium from that plant to military purposes will be a decision resting solely in Indian hands and the agreement with India would do no more than let the Canadians know what was in fact being done. They would clearly be powerless to prevent it.’

As the Canadians seem to rely rather heavily on Article XIII of the Canada/India Agreement relating to the Rajasthan atomic power station, the following points may be of interest to you—

(a) The Indians have not yet conceded to the Canadians any right to interfere in the operating schedule or fuel cycling of the reactor. Therefore, if the Indians so desire, they can produce as much short burn-up plutonium as they desire, ironically enough, *even when burning fuel supplied by Canada*. Technically all the Indians are required to do is to account for this plutonium in their recording system, but see (b) below.

<sup>1</sup> James Plimsoll, Secretary, Department of External Affairs. The letter was marked to the attention of F.R. Dalrymple, Acting Head, International Organisations Section, Economic Relations Branch, Department of External Affairs.

<sup>2</sup> Not published.

<sup>3</sup> The first separation plant was built at Trombay. The so-called Phoenix plant began construction in April 1961 and produced the first weapons-grade plutonium in 1964. Perkovich, *India's Nuclear Bomb*.

<sup>4</sup> In August 1962, following the border war with China, India proposed to build a Canadian-designed 200 megawatt CANDU reactor at Kota in Rajasthan. This decision avoided the more restrictive safeguards that would have been imposed by the United States and reliance on American enriched fuel since CANDU used natural uranium. Robert Bothwell, *Nucleus: The History of Atomic Energy of Canada Limited*, University of Toronto Press, 1988, p. 362.



(b) A close reading of Article XIII will disclose that it is not as effective as the Canadians would seek to make out. For example, Canadian inspectors would have access to all parts of the Rajasthan plant, etc., to all other places where fuel or fissionable material used in or produced by the station, *or an equivalent amount thereof*, is being used, stored or located. In other words the agreement introduces the principle of 'substitution' which is the means by which nuclear powers, e.g., the U.K. or the U.S.A., avoid inspection of dual purpose plants which process military materials and also materials subject to safeguards. Provided therefore, the Indians substituted an equivalent amount of fuel or fissionable material, the destination of short burn-up plutonium produced by the Rajasthan Reactor would not on our interpretation of the Agreement be subject to inspection by the Canadians.

(c) Inspection in accordance with Article XIII is 'whenever the designated technical representatives of other governments so request'. There is a world of difference between access on request and a rigid schedule of visits as provided, for example, under the American Bi-lateral Agreements. Under our Bi-lateral Agreement with the United Kingdom, the U.K. Authority has a right to inspect the Hifar Reactor at Lucas Heights upon request, but no such request has been made during the seven years of operation.

No doubt there would be many more comments that could be made after a thorough-going study of the Canada/India Agreement. Suffice it to say it is a very loosely worded document. However the Commission does not wish to become involved in any discussion with the Canadians upon this matter, particularly as it could be highly embarrassing to us in the future. In the circumstances would you please regard the above-mentioned comments as being for Australian eyes only.

[NAA: A1838, 919/19 Annex]

## 79 MINUTE FROM PLIMSOLL TO HASLUCK

Canberra, 18 February 1966

SECRET

### **United States Proposal for the Transfer to the International Atomic Energy Agency of Safeguards Arrangements on Nuclear Materials, Equipment and Facilities Obtained by Australia from the United States under the United States/Australia Agreement for Co-operation in the Peaceful Uses of Atomic Energy**

Attached for your consideration is a draft submission for Cabinet on the above subject.<sup>1</sup> It was prepared by the AAEC and this Department and it has also been discussed at inter-Departmental meetings with representatives of the AAEC, the Prime Minister's Department and the Departments of Defence and National Development. The draft submission has been approved by the Minister for National Development.

2. Ministers have in the past taken a cautious attitude towards international safeguards, particularly on nuclear materials imported by Australia, and the recommendation in the attached submission for accepting the United States proposal is based on the opinion that this is the only practical course open. In inter-Departmental discussion careful attention was paid to the question whether accepting the United States proposal would significantly prejudice Australia's freedom of action in any possible future weapons programme. This matter is dealt with in paragraph 38 of the draft submission.

<sup>1</sup> A draft of what became submission number 37 from Fairbairn and Hasluck to Cabinet dated 22 February 1966.

3. The United States Government is now firmly committed to securing the transfer of the administration of the safeguards of all its bilateral agreements to the IAEA, and has stated its position unequivocally both in international forums and in discussions with Australian representatives. Neither we nor the AAEC believe that there is any likelihood that the United States Government would withdraw its request to Australia on this issue, and we can therefore see no advantage in attempting to draw out negotiations with the Americans in the hope that their position would change. On the contrary delaying tactics might compromise the close co-operation at present existing between us in the atomic energy field.

4. The United States will probably regard our agreement to the proposal as being of some importance and Ministers may consider that some compensating benefits should be sought by Australia. In fact, we already get considerable American co-operation in the peaceful uses of atomic energy which is of value in building up in Australia nuclear facilities and a growing number of trained nuclear scientists to develop them. From the External Affairs point of view it would be preferable if Ministers did not recommend any horse-trading with the Americans in this situation. Other Departments have not been able to suggest any other specific fields in which we might seek compensating advantages from the United States. The occasion would not seem to us to offer a suitable opportunity for pressing for firm assurances from the United States on the nuclear defence of Australia.

5. The only facility which would be affected by the United States proposal at present is the AAEC establishment at Lucas Heights. If Australia were to set up new facilities elsewhere which incorporated United States nuclear plant or materials attracting safeguards these new facilities would be made subject to IAEA safeguard procedures as a matter of course—following an amendment to the schedules which will be attached to the proposed trilateral agreement between Australia, the United States and the IAEA. In this connection the present AAEC view is that it is most unlikely that any new nuclear facilities, such as nuclear-power generating plants, will be established in Australia using United States equipment or significant quantities of United States nuclear materials which could not be replaced if necessary by materials from other sources.

6. Some references may be made in Cabinet to the assurances given by the Americans in 1960 that they would not press Australia to transfer safeguards provisions to the IAEA (paragraph 32 of the submission). This assurance was obtained orally not in writing and as pointed out in the submission the United States Government is now providing the firmest possible support for the IAEA safeguards system.<sup>2</sup> Further evidence of United States Congressional attitudes on this question is provided in the attached telegram No. 214 of 19 January from Washington.<sup>3</sup>

### *Recommendation*

6. It is recommended that you approve that the attached submission be referred to Cabinet for decision.<sup>4</sup>

[NAA: A1838, TS680/10/3]

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2 The submission noted that 'the United States officials indicated that they regard the transfer of the safeguards provisions of the Australia-United States bilateral agreement as being of special importance both from the point of view of encouraging other countries to accept I.A.E.A. safeguards and as a measure of support from the I.A.E.A.'.

3 Not published.

4 In a note dated 25 February 1966 on the submission, the Prime Minister's Department advised that Cabinet would need to assure itself that the US request was a firm one; that there was no adverse impact on any future Australian 'wish to preserve in any future purchase of plutonium producing nuclear reactors for civil purposes'; and that the government could overcome 'any adverse public comment which might arise from the presence of international inspectors at Lucas Heights'. In decision 112 of 24 March 1966, Cabinet 'stopped short of decision in this matter pending an expression of the views of the Defence Department on the issue whether the acceptance of I.A.E.A. safeguards procedures would significantly prejudice Australia's freedom of action in any possible future weapons programme'.

**80 LETTER FROM TIMBS TO BUNTING**

Sydney, 21 March 1966

PERSONAL

I received a telephone message last Friday about the two submissions which are now filed with the Cabinet Secretariat, one dealing with the Transfer of the Safeguards Provisions of our Bilateral to the I.A.E.A.<sup>1</sup> and the other dealing with the S.G.H.W. Project.<sup>2</sup>

The message indicated that you felt that the two should come on together. I am hoping that the message was not correct, because I do feel rather strongly that Ministers would be very much confused if this were the case.

Our proposal to transfer the safeguards provisions of our bilateral to administration by the I.A.E.A. relates to Lucas Heights only and it is brought about by a combination of circumstances, but more particularly, by the attitude of the United States which has, I believe, an unrealistic but nevertheless missionary zeal in the matter of safeguards. We cannot run Lucas Heights without continued assistance from the Americans, but a firm condition of American assistance will be I.A.E.A. administration of the safeguards provisions of the bilateral.

*[matter omitted]*

I would very much appreciate it if the two submissions could be put on as far apart as possible.

With regard to the submission on the transfer of the bilateral provisions of our U.S./Australia Agreement relating to safeguards to the I.A.E.A., I do feel that it is desirable that Hasluck be present. This has important international political overtones and I suspect that Hasluck could explain the problems more convincingly in Cabinet. It is not necessary that Baxter be available for discussion of this item.<sup>3</sup>

*[matter omitted]*

[NAA: A4940, C2609]

**81 NOTE BY DEPARTMENT OF DEFENCE FOR CABINET<sup>1</sup>**

Canberra, May 1966

SECRET

**Safeguards Provisions for the Australia–U.S. Agreement  
for Co-operation in Peaceful Uses of Atomic Energy**

In Decision Number 112<sup>2</sup> dated 24th March, 1966, Cabinet asked for ‘an expression of the views of the Defence Department on the issue whether the acceptance of I.A.E.A. safeguards procedures would significantly prejudice Australia’s freedom of action in any possible future weapons programme’.<sup>3</sup>

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1 The decision on submission number 37 dated 22 February 1966 (see note 1 to Document 79).

2 A reference to a submission on a steam-generated heavy water project.

3 A note in the margin reads ‘Ring Mr Timbs. Separate consideration is proposed. EJB.’

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1 The note was submitted as Submission 200 by Allen Fairhall, Minister for Defence, to Cabinet.

2 See note 1 to Document 79.

3 See note 4 to Document 79.

2. The problem posed by Cabinet involves the questions whether the acceptance of I.A.E.A. safeguards on the particular materials and facilities involved at Lucas Heights would—

- (a) directly affect Australia's ability to pursue a nuclear weapons programme;
- (b) prejudice the security of any possible future weapons programme;
- (c) affect the use of any other materials or equipment which might be received from the United States of America;
- (d) affect the use of any materials or equipment which might be received from countries other than the United States of America.

*The Direct Effect—Question (a)*

3. The research reactors Hifar and Moata at Lucas Heights are not capable of producing quantities of plutonium which would be significant for weapon construction (paragraph 28 of the Cabinet Submission). If a weapons programme were undertaken it would therefore be necessary to establish other reactors and associated facilities. Hence the acceptance of I.A.E.A. safeguards on the research facilities at Lucas Heights would not directly affect a weapons programme.

*Security—Question (b)*

4. From a security standpoint a significant difference between bilateral safeguards and I.A.E.A. safeguards is that under the bilateral system the inspectors are American citizens, whilst with I.A.E.A. safeguards the inspectors may be drawn from any of the member countries. Australia would have the right to reject individual inspectors but these rights are limited as indicated in paragraph 31 of the Cabinet submission.<sup>4</sup> The extent to which the Australian choice would in practice be limited is unknown to this Department.

5. In the early stages at least, an Australian nuclear weapon programme would presumably call upon the experienced staff which has been assembled at Lucas Heights. The presence of I.A.E.A. inspectors at Lucas Heights could extend the knowledge of movements of staff or changes in their activity, suggesting the existence of a weapons programme. It might be appropriate to seek the opinion of the Australian Security Intelligence Organisation if this has not already been done.

*Effect on Other Material of U.S. Origin—Question (c)*

6. Our understanding of the Australia/U.S. Agreement (paragraph 3 of the Submission) and of paragraph 29 of the Submission is that if I.A.E.A. safeguards are accepted at Lucas Heights, Australia and the United States would not automatically be committed to I.A.E.A. safeguards on any other material or equipment of U.S. origin, but the precedent could make it more difficult to reject such safeguards. However while the present circumstances and the present policy of the U.S. Government remain as they are this point is of little or no significance because the U.S. would require I.A.E.A. safeguards on any new material or facility irrespective of what happened at Lucas Heights.

7. In future circumstances it might suit both governments to modify their policies. Any commitment or implied commitment to I.A.E.A. safeguards could make it more difficult to do this without attracting international attention. The safeguards agreement would not of course apply should the U.S. decide to assist Australia in an overt nuclear weapons programme.

<sup>4</sup> Paragraph 31 reads: 'Australia would have the right to reject individual I.A.E.A. inspectors, and for this reason, provision has been made for prior consultation before inspectors are nominated. The Director-General of the I.A.E.A. may refer to the Board of Governors of the I.A.E.A., for its appropriate action, the repeated refusal of a Member State to accept the designation of an Agency inspector if, in his opinion, this refusal would impede the inspections provided for in the relevant project or safeguards agreement.'

*Effect on Materials and Equipment Not of U.S. Origin—Question (d)*

8. The United Kingdom has shown little enthusiasm for I.A.E.A. safeguards but it is understood to be under some pressure from the United States to join it in applying them. If Australia was already committed to I.A.E.A. safeguards with the United States, increased pressure might be brought on the United Kingdom, but it is not believed that this would be decisive.

*Comment on American Policy*

9. It appears to this Department that the American policy on proliferation of nuclear weapons is—

- (a) to work towards an effective safeguards system with a maximum credibility ensured by I.A.E.A. control;
- (b) to persuade and if necessary to apply some pressure to its friends and allies to support an I.A.E.A. safeguards system;
- (c) to accept that some nations not responsive to U.S. persuasion or pressure can, if they so desire, acquire an independent nuclear capability, and that they may do so earlier than those nations which accept I.A.E.A. safeguards;
- (d) to give assurances to its allies and friends that they will receive protection, including nuclear protection, in time of need.

*Options Available*

10. Options open to Australia include—

- (a) acceptance of the United States proposal without comment. This alternative would not be recommended by this Department;
- (b) rejection of the United States proposal. This Department would not recommend this alternative because—
  - (i) it would be out of harmony with our Defence and general relations with the United States;
  - (ii) it would prejudice the development of Australian capability in civil and military applications of nuclear energy;
  - (iii) it would inhibit the flow of information which is not subject to safeguards.
- (c) to seek discussion at the appropriate political level on the American policy, including some clarification as to why Australia should be subject to I.A.E.A. safeguards while EURATOM is not (see paragraph 6 of Submission);
- (d) acceptance of the United States proposal accompanied by some reaffirmation by the Americans of their firm assurances of support including nuclear support in times of military need.

11. A combination of (c) and (d) would seem to be the most appropriate course of action. It is not considered that we need to seek any specific new formal guarantee or compensating advantage from the United States in return for accepting transfer of safeguards to the International Atomic Energy Authority. However, if this decision is approved by Cabinet it is suggested that when it is communicated to the United States at the appropriate political level reference might be made to possible limitations this could place on our future freedom of action in the development of a nuclear capability, and we could comment that our ability to accept such an arrangement flowed from our very close relations with the United States and the firm assurances which we had received of their support including nuclear support in time of military need.

**82 NOTES BY BAILEY<sup>1</sup> ON CABINET SUBMISSION 200<sup>2</sup>**

Canberra, 27 May 1966

SECRET

**Safeguard Provisions for Lucas Heights**

When Cabinet considered the American proposal that the reactors at Lucas Heights should be subject to inspection by the International Atomic Energy Agency (I.A.E.A.) rather than by United States inspectors, it stopped short of decision pending an expression of the views of the Department of Defence.<sup>3</sup>

2. The Department of Defence has concluded broadly that acceptance of the I.A.E.A. safeguard arrangements for the research facilities at Lucas Heights is unlikely to prove seriously inhibiting to any subsequent decision of the Australian Government to embark upon a nuclear weapons programme. Is it really worth asking for a report from ASIO on the possibility (mentioned in paragraph 5) that the presence of I.A.E.A. inspectors at Lucas Heights might give them advance warning of Australian intention to produce nuclear weapons?

3. The main points for decision by Ministers seem to be—

(i) It seems that no high level political discussion has taken place between Australia and the United States on the importance which the United States attaches to Australian adoption of the I.A.E.A. inspection system; we see advantages in this being done, provided our approach does not lead the Americans to assume that we are at this stage willing to give up any options available to us for future production of nuclear weapons. For this reason, we agree with the suggestion for discussion contained in paragraph 10(c) and (d), and paragraph 11. Whether the approach would need to adopt a note as compliant as is suggested in the final sentence of paragraph 11 seems doubtful.

(ii) Do Ministers wish to have some advice from Defence about the kind of nuclear support we may require in the future? As far as we know, no such policy deliberations have taken place. But with the Chinese being able to deliver their weapon by 1975 at the latest, it may be that Cabinet may wish to have some advice about the implications for Australia. Are present arrangements with the United Nations—and Britain—adequate as they stand?

4. It is quite clear that Australia simply must maintain close and cordial relations with the Americans and the British in the nuclear field. Even if Australia were to be able to produce a nuclear weapon, how would it manage to deliver it? Unless a detailed study by Defence suggests otherwise, we would think that Australia is, in nuclear matters, completely reliant on the support of the United States and Britain.<sup>4</sup> If adoption of I.A.E.A. safeguards for Lucas Heights helps to keep us in with the Americans and if, as seems to be the case, all relevant

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<sup>1</sup> Peter H. Bailey, First Assistant Secretary, Cabinet and External Relations Division, Prime Minister's Department.

<sup>2</sup> See note 1 to Document 81.

<sup>3</sup> See note 4 to Document 79.

<sup>4</sup> In a note to Prime Minister Harold Holt dated 1 June 1966, Bunting advised: 'The question of whether or not you want to keep open our freedom to develop a weapon is not one that you would want to discuss too freely at this stage, especially in full Cabinet. One of the Defence proposals is that before there is any final decision in the present case, we should have political discussion with the United States about their purposes in asking us to agree to I.A.E.A. safeguards. I think you should take advantage of this and without letting the discussion run on too long, say that this ought to be followed up and that you and Mr. Hasluck and Mr. Fairhall will take a look at it.'

options for a nuclear weapon programme will be left open by such a decision, it would seem clearly to be the best one for Australia to adopt.<sup>5</sup>

[NAA: A4940, C2609]

### 83 BRIEF FOR AUSTRALIAN DELEGATION TO UN GENERAL ASSEMBLY

Canberra, [September 1966]<sup>1</sup>

CONFIDENTIAL

#### **Non-Proliferation of Nuclear Weapons: Report of the Eighteen Nation Committee on Disarmament**

[*matter omitted*]

#### *Note*

Throughout the items of the brief on disarmament, measures to prevent the spread of nuclear weapons will, in general, be referred to as 'non-proliferation' in accordance with the title of this item.

[*matter omitted*]

#### *Background*

2. Discussions on measures to limit the spread of nuclear weapons took place at the 13th, 14th, 15th and 16th sessions of the United Nations General Assembly.<sup>2</sup> Ireland was particularly active in bringing the question of the spread of nuclear weapons before the General Assembly's notice. There was little reference at the 17th and 18th sessions, and an item inscribed by India for the 19th session was not discussed due to the Article 19 dispute on peace-keeping finances.

[*matter omitted*]

#### *Twentieth Session of the General Assembly*

[*matter omitted*]

9. The Debate revealed little change in the relative United States – U.S.S.R. positions on non-proliferation which were stated at the ENDC at its 1965 Session. The Soviet Union continued to insist that all 'loopholes' must be closed in any treaty i.e., in Russian terms, that no nuclear arrangements of the M.L.F./A.N.F. type<sup>3</sup> in Western Europe should be possible.

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5 In decision 280 of 1 June 1966, Cabinet agreed 'to the United States proposal that negotiations be undertaken for the transfer to I.A.E.A. of the administration of the safeguards provisions of the United States/Australia Agreement for Co-operation, and that the matters of detail in the transfer agreement be left for decision by the Ministers for External Affairs and National Development in consultation as necessary with the Prime Minister'. Referring to the final sentence of paragraph 11, Cabinet 'took the view that Australia should not approach an arrangement for I.A.E.A. safeguards in any bargaining way, and therefore indicated that it would not wish the approach to be followed'.

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1 The brief was undated. Hasluck announced on 2 September 1966 that he would lead the Australian Delegation to the Twenty-first Session of the UN General Assembly commencing on 20 September 1966.

2 For a summary of the discussions at the 13th (1958), 14th (1959), 15th (1960) and 16th (1961) sessions of the UN General Assembly, see Document 68.

3 Multilateral Force or Atlantic Nuclear Force.

The United States maintained its stand that there would not be proliferation by the United States in Western Europe. This was contrary to United States policy and basic atomic energy law.<sup>4</sup> The United States representative rebutted the Soviet claim to be the moving force in favour of non-proliferation and described American efforts against proliferation. He explained the new United States proposals for transfer of quantities of U-235 to peaceful purposes, and for the demonstrated destruction of nuclear weapons from the stockpiles of the United States and the U.S.S.R.

10. Although they recognized the relation between non-proliferation and other measures, all the nuclear power representatives who spoke favoured dealing separately with the question of non-proliferation. A number of other countries, however, laid greater stress on the necessity of non-proliferation being followed by or coupled with other disarmament measures. Many delegations reiterated the view that a non-proliferation treaty was only a part of general, including nuclear, disarmament. There were some references to the concept of guarantees for non-nuclear powers if they renounced a nuclear capability, which included sounds of caution as to the practicability of such arrangements. There was also a realization on the part of some countries that a non-proliferation treaty should not give undue advantage to the nuclear powers to the detriment of non-nuclear powers. A number of countries also advocated inclusion of an undertaking by the nuclear powers not to use nuclear weapons against non-nuclear countries.

[matter omitted]

#### *ENDC Discussions During 1966*

12. Despite considerable discussion of non-proliferation as a matter of priority in the ENDC in 1966, it appears at the time of writing this brief that no solution will have been reached by the close of the ENDC session on the major points of disagreement between the Soviet bloc and Western countries. While the Soviet Union has been prepared to participate in the ENDC discussions this year (it showed reluctance to do so in 1965) it has shown little readiness to compromise or any real intention to conclude a non-proliferation treaty. Despite criticism of United States policy in Vietnam, the Soviet Union has claimed that this need not prevent agreement on non-proliferation. It has, however, been adamant that the United States draft does not rule out proliferation through NATO security or consultative arrangements. Russian opposition to Multilateral Force or Atlantic Nuclear Force (MLF/ANF) arrangements has been extended to include opposition to NATO consultative arrangements of the kind which have been under discussion during 1965 and 1966 at the suggestion of the United States Secretary of Defence, Mr McNamara. (His suggestion embraces a small committee of NATO Defence Ministers to consult on European nuclear policy and plan measures to forestall nuclear proliferation).

[matter omitted]

#### *Non-aligned Views*

[matter omitted]

17. It is this growing recognition that the major decisions on these matters lie with the nuclear powers, and the realization that little progress is being made by them to resolve their differences that is causing the non-aligned countries increasing concern. Evidence of this was included in a joint memorandum submitted by the eight non-aligned members of the ENDC on 23rd August which said that the main obstacle to a non-proliferation treaty was the failure of the major powers to reach a compromise. They have also been conscious of the activities of Communist China and France, and the difficulties which their policies pose for any non-proliferation agreements.

<sup>4</sup> The US Atomic Energy Act of 1946 prohibited collaboration with foreign powers for purposes of manufacturing nuclear weapons. The 1958 amendment made an exception in the case of the United Kingdom.



*Indian Nuclear Policies*

18. There were signs at the 20th Session of the General Assembly that Pakistan might initiate public criticism of Indian nuclear policy. During the closing stages of the debate on Item 106 on the Non-Proliferation of Nuclear Weapons, the Pakistan delegate strongly insinuated that India might be embarking on a nuclear weapons programme. He criticized the Canadian role in bilateral safeguards arrangements with India on peaceful nuclear activities. The Pakistani remarks were countered by the Canadian representative and by the Indian delegate, who reaffirmed India's position that it did not intend to embark on this course. This position had been welcomed by a number of delegates in their addresses to the First Committee.

19. Following the third Chinese nuclear test on May 10th, 1966,<sup>5</sup> there was increased public attention in India to defence policies, and part of the aftermath of this has been action by the Pakistan Government to publicize what it claims are Indian intentions to carry out underground nuclear testing ostensibly for peaceful purposes, but in reality for nuclear weapons testing. It has brought its views to the attention of the ENDC and to Member Nations of the United Nations.

[matter omitted]

*Australian Attitude*

[matter omitted]

27. The Australian Government considers that, despite the differences of opinion which exist between European countries on important questions of European security and nuclear strategy and their relation to a non-proliferation treaty, there is a tacit *modus vivendi* and sense of responsibility in nuclear matters in Europe. In that part of the world of which Australia forms a part, however, the nuclear ambitions of an aggressive Communist China, backed up with large conventional forces, cannot be regarded with complacency. Australia would not regard as adequate any disarmament agreement which did not embrace all militarily significant states, including Communist China. One of the major inhibiting factors therefore, as far as Australia is concerned, in reaching agreement on non-proliferation, is the fact that we cannot realistically expect that China would ever agree to be bound not to develop nuclear weapons. China has consistently rejected the Nuclear Test Ban Treaty (See also Brief for item 28).

28. The Australian Government appreciates the desire of other middle-sized countries for assurances in regard to their own security before agreeing to renounce the production or acquisition of nuclear weapons, and recognizes the difficulties involved in reaching satisfactory agreements, taking into account the legitimate interests of all countries concerned. The Leader of the Australian Delegation<sup>6</sup> expressed this view in the First Committee at the 20th Session of the United Nations General Assembly on 25th October, 1965, when he said 'We must aim to ensure that there is no bonus given to countries which choose to embark on nuclear armament and no penalty for those which, by self-denial, cut themselves out of that race'.

29. The Australian statement reflected doubts as to whether any lasting results on non-proliferation could be achieved until something can be done to assure the position of those countries who feel themselves threatened by the development of nuclear capabilities in their area. In this respect, it should be noted that Australia has never favoured simple resolutions under which non-nuclear nations would agree to renounce the acquisition of nuclear weapons.

[matter omitted]

[NAA: A1838, 919/10/5 part 5]

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5 The third test was the first to use thermonuclear material (lithium 6).

6 Sir James Plimsoll.

## 84 RECORD BY BOOKER OF CONVERSATION WITH GERMAN AMBASSADOR<sup>1</sup>

Canberra, 2 February 1967

CONFIDENTIAL

### Non-Proliferation Treaty

The German Ambassador called at his own request to explain his Government's attitude to the current discussions in regard to a Treaty for the Non-Proliferation of Nuclear Weapons and to ask for an indication of our own attitude.

2. The Ambassador said that he would take as his starting point the statement made at the United Nations General Assembly in 1963 by the Australian representative during the debate on disarmament.<sup>2</sup> He said that the main point made in this statement appeared to be closely in accord with his own Government's views. In particular he referred to the following points:

(a) The problem of preserving a balance during disarmament was a fundamental one and it was necessary to work for disarmament that covered all forms of weapons including conventional armaments.

(b) Nuclear free zones might be acceptable in certain circumstances but only if the requirements of unanimity, balance, and verification were met and also if there were no nuclear targets within the zone.

3. The Ambassador said that the need for balanced disarmament was very much in mind of his Government and for this reason it was concerned to see that any Non-Proliferation Treaty did not result in widening the disparity between the nuclear and non-nuclear powers. If the latter were to deny to themselves the acquisition of nuclear weapons it was not unreasonable to expect the nuclear powers to begin reducing their nuclear armaments. The German Government also believed that the Treaty should not result in denying the non-nuclear powers of the technological benefits of nuclear development. The Ambassador commented that a Treaty which did not meet these requirements might well diminish Germany's security rather than increase it. From his reading of Australian statements, he had the feeling that Australia might be inclined to make a similar assessment.

[*matter omitted*]

5. Dr Ritter said that he doubted whether such a treaty would do much to reduce Germany's fear of Russia and he assumed that it would do even less to reduce Australia's fear of Communist China. I agreed that this was so. A treaty which did not embrace Communist China would clearly make little practical contribution to the security in the Asia Pacific region. The main danger of nuclear war now lay in the possibility that the use of nuclear weapons might be resorted to by the irrational or irresponsible leaders. The present leaders of China certainly seem to qualify at this description. Nevertheless it was necessary to take a long-range view and to hope that it might one day be possible to embrace China in an effective system of nuclear limitation and disarmament.

6. I said that we shared the German Government's hope that the technological gap between the nuclear and non-nuclear powers would not be widened. The use of nuclear explosives for development purposes might well play an important role in the future of Australia. We had already felt some inconvenience as a result of our adherence to the Partial Test Ban Treaty

<sup>1</sup> J.F. Ritter, Ambassador of the Federal Republic of Germany to Australia.

<sup>2</sup> See Introduction, NAA: A1838, 919/10/5 part 3 and Australian Statement in the United Nations General Assembly, 3 October 1963, *Current Notes*, vol. 34, 1963, pp. 34–41.

which appeared to mean that at the present stage of technology use of such explosives would in practice be an infringement of the Treaty. We would therefore welcome some international agreement which enabled nuclear explosives to be used for peaceful purposes although we had not made up our minds as to how this might be brought about. Appropriate provisions could perhaps be included in a comprehensive Test Ban Treaty or in a Non-Proliferation Treaty, or alternatively, an entirely separate treaty might be drawn up. Dr Ritter said that his Government's present view was that this problem should be dealt with in a Non-Proliferation Treaty although no doubt it would be prepared to contemplate other ways of doing it.

[*matter omitted*]

8. Dr Ritter expressed the view that it seemed unlikely that a treaty would emerge from the present discussions which would meet in any substantial way the security needs of the non-nuclear countries and he asked what Australia's attitude would be towards signing such a treaty. I said that our attitude could of course only be determined when we knew the precise terms of the treaty. It would perhaps be unrealistic to expect that it would be a major contribution to the problems of disarmament but it might be a step which could lead to a serious attempt to tackle these problems. Our attitude would no doubt to some extent be influenced by the views of other countries in the Asian and Pacific region. If these countries were prepared to accept a Non-Proliferation Treaty for what it was worth, we would be unlikely to stand out. If we signed it it would no doubt be on the same basis as we had signed the Partial Test Ban Treaty, namely that if Australia were faced with extreme danger, in which recourse to nuclear means was essential to our continued existence, we would be released from the provisions of the treaty.

[NAA: A1838, 919/12/7 part 1]

## 85 LETTER FROM TANGE<sup>1</sup> TO HASLUCK

New Delhi, 17 February 1967

### Indian Nuclear Armament

I invite to your attention the existence of pressures on the government in India eventually to manufacture nuclear weapons and, in the meantime, to preserve her right to do so when it is timely and practicable. It is my impression that this trend is not receiving as much attention as it deserves in the formulation of Australian defence and external policies. Because I believe that the acquisition of nuclear weapons by India would be prejudicial to Australian security, and because India is engaged in a programme of diplomatic action likely to obstruct the conclusion of a non-proliferation agreement, I would recommend the closer definition of Australian policy on this matter.

[*matter omitted*]

3. The following arguments tend to be used, in total or in part:

- (1) Chinese hostility towards India is growing and at the same time China is rapidly increasing its nuclear and conventional strength.
- (2) India can have no faith in any tacit United States nuclear umbrella from the time—now calculable—that China develops a nuclear strike capacity against American territory.

[*matter omitted*]

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1 Tange was now High Commissioner to India.

5. It is my belief that an Indian policy which *seems* to be likely to equip India with some nuclear weapons in the long run is prejudicial now to Australian security for three reasons:

- (1) We should not assume that such dangerous power would be employed by future Indian Governments with wisdom and restraint: the instability of India's coalescence of social and political forces, combined with the weakening effect on her diplomatic influence of her continuing economic weakness, would be a temptation to use nuclear strength to support the exaggerated view of India's destiny which is held in some quarters.
- (2) The chain reaction could be catastrophic if Pakistan, Australia's neighbour Indonesia, South Africa and Japan were, for varying reasons, encouraged to emulate India in acquiring their own nuclear armouries.
- (3) India does seem to be actively persuading countries like Indonesia, Japan and other non-aligned non-nuclear powers to join her in her resistance to acceptance of a nuclear non-proliferation agreement.

[*matter omitted*]

[NAA: A1838, TS919/10/5 part 1]

## 86 RECORD OF DISCUSSION BETWEEN JAPANESE AND AUSTRALIAN OFFICIALS

Tokyo, 31 March 1967

CONFIDENTIAL

### Nuclear Non-Proliferation Treaty

*Present:*

Mr H. Kitahara, Director, European & Oceanic Affairs Bureau

Mr G. Hattori, Director, United Nations Bureau

Mr H. Kira, Deputy Director, Asian Affairs Bureau

Mr H. Kaya, Chief, British Commonwealth Section

Mr M. Takahashi, British Commonwealth Section (Rapporteur)

Mr M.R. Booker, First Assistant Secretary, Department of External Affairs, Canberra

Mr R.J. Percival, Counsellor, Australian Embassy, Tokyo

Mr P.F. Peters, First Secretary, Australian Embassy, Tokyo

Mr Hattori opened the discussion by outlining Japan's basic position on the proposed nuclear non-proliferation treaty. He said that as Japan saw it, the general purpose of such a treaty should not be to serve as a means of perpetuating the monopoly of states with nuclear weapons. There must be an equitable balance of responsibilities between the nuclear powers and the non-nuclear nations. Japan believed that nuclear disarmament was a necessary obligation on the part of the nuclear powers, and that they should indicate clearly their intention to disarm—both as far as nuclear and conventional weapons were concerned. Mr Hattori added that Japan was also concerned with the question of peaceful uses of nuclear explosions. There should be no discrimination between the nuclear powers and non-nuclear states in this regard. At the same time, effective international safeguards should be applied to nuclear explosions for peaceful purposes. The nuclear powers would not accept such safeguards. Japan had accepted

the I.A.E.A. safeguards and had also concluded safeguards agreements with Canada and the United States. Japan believed that the nuclear powers should also accept such safeguards.

[*matter omitted*]

3. Mr Booker said that Australia would agree that the major points Mr Hattori had outlined were the most important aspects of the proposed treaty. However, it was his personal belief that the treaty was not likely to cover satisfactorily these points. It would probably merely carry an exhortation for a reduction of armaments and would not apply safeguards to the nuclear powers. He felt it was no more than being realistic to contemplate being asked to sign a treaty which did not meet these points. Such a treaty would not basically improve our security. Also, Communist China would not be a party to it.

[*matter omitted*]

5. Concerning Mr Hattori's remarks about preserving the nuclear powers' present monopoly, Mr Booker thought that this surely could be described as the object of the treaty. This was the inescapable nature of the present situation. There seemed little more that could be hoped for beyond an exhortation in the preamble of the treaty for the nuclear powers to take steps to reduce armaments.

6. Mr Hattori referred to the problem of providing adequate security for non-aligned countries, such as India. He thought some special consideration should be given to this problem. Mr Booker remarked that the proposed treaty was not likely to make any provision to cover this. Mr Hattori added that from a security point of view he could see advantage in the participation of as many countries as possible.

7. Mr Booker said that Australia was interested in the question of peaceful uses of nuclear explosions. There was a distinct possibility that Australia might be able to use nuclear explosions to develop, for example, its deserts and harbours. We would not want the treaty to make it more difficult for Australia to apply nuclear explosions to some of its developmental problems. Perhaps our interests would be covered if we could be assured that countries having nuclear devices would make them available. There should be no problem about accepting international safeguards in such circumstances. In reply to a question, Mr Booker said that Australia had no intention to develop its own nuclear explosive devices. Australia had been contemplating developing nuclear power, particularly in its northern regions. However, more recently sources of gas and oil had been discovered and this probably meant that there would be a delay in developing nuclear power production. On the question of safeguards he commented that the Europeans now seemed somewhat reconciled to the proposal to transfer nuclear devices under I.A.E.A. inspection.

8. Mr Hattori asked whether it was thought that after the E.N.D.C. recess the United States and the Soviet Union would be able to reach agreement and present a draft to the E.N.D.C. Mr Booker replied that Australia was not, of course, a member of the E.N.D.C. and what we knew was second-hand. However he thought we would be wise to prepare our minds for a situation where we were presented with a treaty. Mr Hattori observed that what Japan feared most was that the United States and the Soviet Union would reach agreement and then present a treaty to other countries on a 'take it or leave it' basis, without providing any opportunity for countries like Japan with reservations to present them and have them discussed. Mr Booker thought that it seemed that this might well happen and wondered whether Japan would nevertheless sign under these circumstances. Mr Hattori was unable to say how Japan might react. Mr Booker added that there would be an expectation by Australia's major allies that Australia would sign. But if, say, Japan, India and Western Germany refused to sign this could affect our position.

[*matter omitted*]

## 87 CABLEGRAM FROM EMBASSY IN WASHINGTON TO DEPARTMENT OF EXTERNAL AFFAIRS

Washington, 14 April 1967

1489. SECRET

### Non-Proliferation

In a very useful discussion today, Kranich<sup>1</sup> (ACDA) told Booker that the U.S. was still having consultations and had 'gone a long way' in its discussions with its European allies, but that there were still basic concerns (on the part of the FRG<sup>2</sup> and Italy) that could only be ironed out over a period of time.

2. The basic concern of the FRG (hidden under a lot of technical and general difficulties) was that, both within and without the government, there were those who questioned the wisdom of the FRG settling its nuclear status in a non-proliferation context. These people felt that West Germany's nuclear status should be settled in the context of a European settlement. They felt that it was a strategic blunder for the FRG to weaken its bargaining power for a European settlement by renouncing nuclear weapons at this stage. These critics realised that a federated Europe could succeed to the nuclear status of one of its members, but they felt that this was a distant prospect.

3. The FRG however, was consulting closely with the U.S. because it appreciated that it had little option but to sign a non-proliferation treaty if a majority of the nations in the world supported such a treaty. The FRG realised that the Russians would make them the villains of the piece if the treaty were blocked and that this would hinder a détente. The U.S. too could have 'domestic problems' in the continuation of nuclear fuel supplies to the FRG if there were no non-proliferation treaty. In realising that there would be tremendous pressures to sign, the FRG wanted to exact as much as it could as its price.

4. The question was raised with Kranich as to the reactions of Asian countries (i.e. India and Japan) to the signing of a non-proliferation treaty. He said that the U.S. had put passages in the preamble (e.g. reference to non-discrimination in peaceful uses, need for wider disarmament etc.) in order to make the treaty more acceptable to non-nuclears. It was clear of course that there would be a basic imbalance between nuclear and non-nuclear powers in the military implications of the treaty, but this was just 'the nature of the beast'.

*[matter omitted]*

6. The question of security assurances for India and Japan was raised. Kranich agreed that the German issue etc. was rather remote for India and Japan. He said that the problem of Communist China was the crux for Asia. The U.S. had tried to answer difficulties on this account in two ways. Firstly, the countries could accept a non-proliferation treaty for the prospect of joint security assurances by the U.S. and USSR. If there were a non-proliferation agreement, the prospect of getting joint security guarantees was much greater. A non-proliferation treaty would be a step towards détente. There would then be a prospect of moving to joint guarantees. The U.S. had been willing to give India a far-reaching security guarantee, but it would not accept. India wanted a joint guarantee from the U.S. and USSR, so that it could retain its neutral status. The second U.S. approach was that, if non-nuclears went nuclear, they would not threaten the great nuclear powers such as the U.S. and USSR (which

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1 Robert Kranich, Chief, Political Affairs Division, US Arms Control and Disarmament Agency.

2 Federal Republic of Germany.

had such a head start in nuclear weaponry). At a very high economic cost, they would only threaten one another.

7. Kranich said that the U.S. had recently received indications from the Indians that they had raised the question of joint security guarantees with the Russians and that they believed they detected some change in the Soviet position. A year ago, the USSR would not talk about security guarantees but a lot of (Chinese) water had flowed under the bridge since then. The Indians were hopeful that they could make some progress with the USSR. The U.S. encouraged them to keep trying with the Russians. The Indians wanted something more meaningful than a U.N. resolution on security. The USSR had indicated that a U.N. resolution might perhaps be appropriate, but it might perhaps be seriously considering the possibility of separate declarations on a security guarantee by the two major nuclear powers. (Kranich also mentioned in this context that it was important to distinguish between India and Japan. The U.S. had a close understanding with Japan, whose fundamental security rested on the U.S.)

[NAA: A1838, 719/10/6 part 1]

## **88 RECORD BY EVANS OF INTER-DEPARTMENTAL MEETING**

Canberra, 19 April 1967

TOP SECRET GUARD

### **Non-Proliferation of Nuclear Weapons**

*Present:*

#### *External Affairs*

Sir Lawrence McIntyre<sup>1</sup>—Chairman

Mr. K.C.O. Shann<sup>2</sup>

Mr. O.L. Davis

Mr. C.R. Ashwin<sup>3</sup>

Mr. W.K. Flanagan<sup>4</sup>

Mr. D.W. Evans

#### *Defence*

Mr G.E. Blakers<sup>5</sup>

Sir Leslie Martin

Mr E.L.D. White

#### *AAEC*

Sir Philip Baxter

Mr A.D. Thomas

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1 McIntyre was now Deputy Secretary, Department of External Affairs.

2 Shann was now First Assistant Secretary, Division III, Department of External Affairs.

3 Charles Robin Ashwin, Head, Defence Policy Planning Section, Department of External Affairs.

4 William Kevin Flanagan, Acting Head, South Asia Section, Department of External Affairs.

5 Deputy Secretary, Department of Defence.

*PM's*

Mr A.T. Griffith<sup>6</sup>

Dr A.R. Wilson<sup>7</sup>

Sir Laurence McIntyre said that the Department of External Affairs had called this preliminary meeting to look at the kind of policy which Australia might adopt on the question of a treaty on the non-proliferation of nuclear weapons, assuming that such a treaty were to become a reality.

*[matter omitted]*

7. Summarizing, Sir Laurence said that it seemed that a paper was necessary which canvassed fully for Ministers all the advantages, risks and drawbacks. If a draft treaty should emerge shortly, we may need to make decisions on our views in the fairly near future. Our Ambassadors overseas had also been caught up in discussions, but so far had not been able to present views which fully represented Australian Government thinking. The view in External Affairs was that whatever reservations we may have on the treaty which was emerging and what it may achieve, it would be difficult not to sign it. We would be under strong compulsion to do so, unless there were an unexpectedly large number of Governments which jacked up and decided not to (e.g. Germany, India, Japan).

8. Mr. Shann said that a statement of German views had been put to us recently,<sup>8</sup> and there was clearly some German worry at settling its nuclear status in the context of a non-proliferation treaty rather than in a general European settlement. The Germans, however, feel they will have little alternative but to sign a treaty. Mr. Booker had also recently spoken to the Japanese in Tokyo,<sup>9</sup> who were still quite disturbed about developments on the grounds that:

- (a) the treaty was discriminatory;
- (b) it would not contribute to nuclear disarmament;
- (c) that it would perpetuate the nuclear monopoly of the present nuclear powers; and
- (d) that they would be prevented from conducting peaceful nuclear explosions.

9. Mr. Davis then gave a brief summary of the talks on non-proliferation with Indian officials which he had attended with Sir James Plimsoll in Delhi from 12th–14th April.

*[matter omitted]*

Although India has said it will not produce its own nuclear weapons, it is clear that, in significant quarters in India, there are pressures to keep open the options.<sup>10</sup> We would need to keep under consideration ourselves a possible situation where India did not sign a treaty and went nuclear. If there were a radical change in Government in India, would this constitute a threat to us? Mr. Davis added that there had been an inconclusive discussion on peaceful nuclear explosions. It was suggested that it might be cheaper for a non-nuclear country such as Australia to obtain devices from the nuclear powers for explosions for peaceful purposes.

*[matter omitted]*

11. Sir Philip said that the Germans were opposed to safeguards, fearing international espionage in every industrial firm engaged in peaceful nuclear work. It was generally accepted that the results of international inspections are reported back by inspectors to their own (and possibly other) countries. The United States concerns of Westinghouse and General Electric

<sup>6</sup> Assistant Secretary, External Relations and Defence Branch, Prime Minister's Department.

<sup>7</sup> Acting Assistant Secretary, Parliamentary and Government Branch, Prime Minister's Department.

<sup>8</sup> See Document 87.

<sup>9</sup> See Document 86.

<sup>10</sup> See Document 85.



were out to monopolize the nuclear power station business, and there were objections to this. In summary, the A.A.E.C. felt that nuclear development in Australia would be inhibited by the present Article III. Safeguards on what we buy and sell would be acceptable, but not full safeguards. It might be possible to make a Declaration on this matter.

12. Speaking of India, Sir Philip said that we should be concerned at a possible change of Government in India. The A.A.E.C. had wide contacts with Indian atomic energy officials, and it was clear from observation that India had created most of the facilities necessary for nuclear weapons production. In addition, it was now storing short burn-up irradiated plutonium. Sir Philip said that it would be no surprise to him if India stood out from a treaty. He had been in Washington last week, and Sarabhai's<sup>11</sup> attitude made his U.S. colleagues feel there was little hope of India signing a treaty. India could produce a weapon in 18 months or so.

13. The question was should we tie our hands to take no steps in the direction of nuclear weapons. These steps are all necessary in any case for the peaceful production of nuclear power. Our U.S. friends are curious about the reasons why we have insisted on sticking to natural uranium in a power programme. It can be explained on the grounds of expense, but it is also relevant to the weapon options. Sir Philip said it was difficult to sign away completely for all time the right to develop nuclear weapons. One of the real problems for the A.A.E.C. was that it was conducting certain experiments in the field of nuclear reactors (classified Top Secret and which the United States had not been made aware of) which the Commission would not like to see come under Agency Safeguards.<sup>12</sup>

[*matter omitted*]

16. Sir Leslie Martin said that he held the view that the options should be retained. It was a strange set of circumstances which left us in the ranks of the non-nuclear powers. No other country outside the nuclear powers knew more than we did on nuclear weapons. Our physicists had participated in explosions. We had seen what was inside a weapon, and knew how to make it. Sir Leslie said he could not understand the approach that would in effect relegate Australia to the ranks of the non-owners. The most unlikely people, the Chinese, had produced three nuclear weapons, and did not take over long to do it. The proposed treaty would not stop a country if it wanted to develop nuclear weapons. Australia had an interest in a particular nuclear reactor which would make an exercise of the option too easy. Sir Leslie said he was a little distressed at the apparent readiness by some to accept a treaty. There would be pressures on us to do so, but he hoped Australia would drag its feet and not be the first to say yes.

[*matter omitted*]

23. Dr Wilson spoke of the danger of assigning too much value to the withdrawal clause. If India and Japan left the treaty they could produce weapons in a year to 18 months. It would take Australia from now 7 years. Mr. Blakers recalled his point as to whether Australia would be frozen from any nuclear development of relevance to a weapons programme. Sir Philip Baxter said that we would not be frozen from creating facilities for peaceful purposes, but our activities would take place in the full knowledge of the international inspectorate. Our opponents would know exactly what point we had reached.

[*matter omitted*]

30. Mr. Davis said that assuming one of our motives was to deter the emergence of new nuclear powers, and assuming that countries such as India and Japan could go nuclear in say

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11 Vikram Sarabhai, a trained physicist and former head of India's National Committee for Space Research, which operated as part of the Department of Atomic Energy. He was at this juncture chairman of the Indian Atomic Energy Commission.

12 Not specified but almost certainly work on uranium enrichment which started in 1965 largely as a result of American restrictions on export and the transfer of know-how. See the discussion in the Introduction.

18 months, and other countries such as UAR and Israel in a relatively short period, we would need to examine very carefully to what extent we would really be preventing proliferation by signing. Could we not continue with our peaceful nuclear development which would bring us closer to the day when we could, if we needed to, develop nuclear weapons. Sir Laurence McIntyre said that if the inspections difficulty were overcome, there would not seem to be prohibitions in the treaty on peaceful development. Sir Philip felt that Australia would not want to conceal any nuclear weapons programme, and that if it signed a treaty, it would abide by it. It seemed that the Test Ban Treaty prohibited the use of nuclear explosions in Australia (some radio-active fallout would go across the national boundaries). Even the United States might be disposed to interpreting the treaty more liberally than we would.

31. Sir Leslie Martin said that there was now no need for trials in producing a nuclear weapon. It could be guaranteed to work the first time.

*[matter omitted]*

[NAA: A1838, TS919/10/5 part 1]

## **89 NOTE BY DEPARTMENT OF EXTERNAL AFFAIRS ON THE DRAFT TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS**

Canberra, 1 May 1967

SECRET

### *Introduction*

1. The purpose of this note is limited to commenting upon the draft Treaty on Non-proliferation<sup>1</sup> and on some of the possible courses of action in regard to that Treaty. Some background matters are touched upon, but it is emphasised that this note does not purport to be a review of Australian policy in regard to nuclear weapons.

2. China constitutes a special problem for Australia as a potentially hostile nuclear power in our area of interest. The problem remains irrespective of whether or not China is a party to the Treaty.

### *Background*

3. The following paragraphs indicate very briefly the background relevant to a consideration of the purposes and provisions of the Treaty.

4. Not all military applications of nuclear energy are weapons. A particularly important application is to ship and submarine propulsion.

5. Nuclear weapons are not necessarily offensive weapons, e.g. anti-ballistic missile systems under examination rely on nuclear warheads to stop the incoming missile.

6. Nuclear weapons are in two distinct categories depending on fission and fusion respectively. The latter are generally mass destruction weapons. Apart from the mass destruction weapons, there are many tactical devices, including anti-submarine weapons, demolition stores, etc. The draft Treaty does not distinguish between the two categories.

*[matter omitted]*

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<sup>1</sup> The draft treaty dated 15 April 1967 had been circulated by the United States to its NATO and other allies and is on file NAA: A1838, TS919/10/5 part 1.

9. There is no evidence that the manufacture of a significant number of nuclear weapons would be beyond the capacity of a medium sized nation. One large nation (China) has built bombs and another (India) has progressed some way in that direction with a national economy under-developed and in bad shape.

[*matter omitted*]

#### *Text of the Treaty*

17. We are aware, through our contacts in London and Washington, that there is some informed opinion to the effect that the interests of the United Kingdom and the United States, respectively, would be better served by their allies having independent nuclear capability and that the attainment of such capability would be practicable for a country like Australia. These views are, of course, contrary to the Government view and policy in each case. However, the possibility that these policies could change should perhaps be borne in mind.

[*matter omitted*]

25. [...] non-nuclear states forego the option to manufacture or seek assistance in the manufacture of nuclear weapons. However, the Treaty does not specifically prohibit the preparation for manufacture, as distinct from manufacture. In the absence of a definition of the terms used a range of interpretations is possible.

26. It is possible to argue that the construction or acquisition of plant for manufacturing weapon-grade fissile material is not weapon manufacture. This might be extended to say that the manufacture of weapon-grade fissile material is not weapon manufacture, and perhaps further extended to permit the manufacture of components almost up to the point of final assembly.

[*matter omitted*]

36. Australia is in a unique position in regard to the development and testing of nuclear weapons in that:

- (a) a number of nuclear explosions took place in Australia with Australian collaboration prior to January 1, 1967;
- (b) a number of other tasks which were part of a nuclear weapon programme, but which did not involve nuclear explosions, were undertaken in Australia with Australian collaboration.

37. It appears that one possibility is for Australia to claim, on the basis of what we have done in the past, the right to sign as a nuclear State.

[*matter omitted*]

#### *Possible Australian Action*

39. Possible actions for Australia include:

- (a) sign a treaty broadly on the lines of the draft;
- (b) enter the debate with a view to evolving a draft more in line with Australian interests;
- (c) play a passive role, at least for the present, if it can be expected that the objections of countries like West Germany, India and Japan would in any case cause abandonment or radical alteration of the present draft;
- (d) decline to be a signatory;
- (e) sign as a nuclear State;

- (f) noting that:
    - (i) the only part of the Preamble agreed by all concerned is the desirability of easing international tension, and
    - (ii) the critical points of tension are those between the nuclear powers rather than those between the non-nuclear powers
- suggest that the nuclear powers might conclude an agreement between themselves with such provisions as they can agree upon.

## Appendix

### Notes on the Nuclear Capability of Possible Signatories

#### SECRET

The requirements of any country which wishes to embark on a nuclear weapon programme may be summarized as follows:

- (i) an adequate source of safeguarded uranium;
  - (ii) a means of converting uranium into fissile material in sufficient quantities, i.e. a means of separating uranium 235 from uranium 238, or a nuclear reactor fuelled with natural or low-enriched uranium plus a processing plant which can separate plutonium from residual uranium and fission products;
  - (iii) ability to design and fabricate a nuclear device;
  - (iv) a suitable test site.
2. Safeguards have been concerned mainly with plutonium production since this is a by-product of power reactors. Many countries who have power reactors could accumulate stocks of plutonium provided that they process their own fuel. But since plutonium will be the seed fuel for the second generation power stations, there is a valid reason for those countries which are technically capable of it to develop their own plutonium separation plants. However the possibility of countries developing U235 weapons cannot be overlooked. The trend in power reactor design is towards reactors which use fuel enriched to about 1–3 per cent U235, and it is to be expected that some countries will want to develop uranium enrichment plants. It is likely that gas ultracentrifuges could be developed to achieve the low enrichments required for commercial reactors at costs comparable with ruling U.S. prices. Once it achieved this capability a country could proceed to full enrichment with little difficulty, a token weapon capability could be achieved in this way at relatively low cost, and possibly covertly. The problem of delivery vehicles is not discussed here, since this varies according to the purpose for which the weapon is developed, but it may be noted that the cost and difficulty of developing and producing delivery vehicles might well exceed that of the nuclear weapons themselves.

#### *India*

3. The Indian nuclear programme has been designed as a peaceful programme but it also provides all of the requirements for a weapon programme.

*[matter omitted]*

India probably already has sufficient weapon-grade plutonium for two or three explosions and could continue to produce sufficient for one or two weapons per year.

4. The overall programme is comprehensive and well planned and there is little doubt that technical capability is available to launch a modest nuclear weapon programme if the decision was taken.

[*matter omitted*]

India could test a device within twelve months of taking the decision to do so, if she did not wish to break the Test Ban Treaty, of which she is a signatory, she could develop suitable underground test facilities without undue difficulty.

[*matter omitted*]

#### *Japan*

6. Japan's aim appears to be to develop a wide range of competence in peaceful applications especially power production. The assurance and speed with which Japanese firms have planned reactor projects since 1965 (expected to generate 1,000 megawatts by 1970 and more than 9,000 megawatts by 1975) indicates that in the future, nuclear industry in Japan will be a major one.

[*matter omitted*]

7. At present the announced aim of the Japanese is to develop an autonomous nuclear programme, which will make them one of the larger users of nuclear power in the World. The only current limitation (other than a political decision) on Japan's using her nuclear facilities to develop nuclear weapons is her lack of assured supplies of uranium. (After fairly extensive prospecting only limited deposits of low grade ore have been discovered, the current drive to establish stockpiles of uranium by importation emphasises the importance of this limitation.) If a decision were made Japan could develop a nuclear weapon in four to five years.

#### *Israel*

8. Israel's nuclear research programme appears to be designed to support either power or weapons production. The reactor at Dimona is reported to have a thermal power of 25–40 megawatts and its operation is kept very secure. Uranium has been obtained from Argentina, apparently free from safeguards, and a plutonium separation plant is believed to be operating in association with the reactor. It is possible that Israel is now producing weapon-grade plutonium sufficient for one or two low yield weapons per year. Given a decision, Israel could develop an explodable nuclear device in one to two years.

[*matter omitted*]

#### *Canada*

11. The Canadian nuclear programme is soundly based on very large deposits of uranium and a high degree of competence in reactor design. No attempt has been made to develop a plutonium separation plant since the Canadian reactor design philosophy is based on non-reusable fuel. The used fuel is however stored and the plutonium could be extracted at some future date if required. The lack of this plant and the associated lack of experience with plutonium technology would add some years to the time taken for Canada to develop a nuclear weapon but would not be an insurmountable problem. Suitable test sites for underground tests would be available.

[*matter omitted*]

[NAA: A1838, TS919/10/5 part 1]

## 90 CABLEGRAM FROM MISSION TO THE UNITED NATIONS TO DEPARTMENT OF EXTERNAL AFFAIRS

New York, 10 May 1967

UN 444. CONFIDENTIAL GUARD

### Non-Proliferation

Washington's telegram 1803.<sup>1</sup>

You may be interested to have some comment, as seen from this post, on the revised United States draft text on non-proliferation:

(i) The object of the new preambular language expressing support for the principle of 'safeguarding effectively the flow of source and special fissionable materials' etc. is not entirely clear. It seems to be a move towards further tightening the safeguards arrangements in the Treaty. It would be of interest to know why this clause was substituted for the corresponding paragraph in text in London's 4390<sup>2</sup> in which NATO members appeared to have secured United States agreement to a provision encouraging less intrusive inspections. New United States language may be disadvantageous to countries such as Australia which are heavily dependent on export and import trade in nuclear materials and therefore sensitive to position of potential suppliers of potential customers who do not wholly subscribe to safeguards (e.g. the French).

(ii) We wonder at the wording of the preambular paragraph on nuclear-free zones, even accepting the need to include some reference in order to conciliate Latins and others. Reference to the right of 'any group of states' to conclude such arrangements is obviously less than the unanimity that would be necessary for a meaningful agreement. The explicit reference to 'total' absence of nuclear weapons seems surprising, given the United States position on overflight of aircraft carrying such weapons.

(iii) As you know, Article 2 is not intended to affect NATO arrangements under which the United States retains control of nuclear warheads stationed in Western Europe. Such arrangements are understood not to amount to 'transfer' of nuclear weapons, either 'directly or indirectly'. The Russians presumably recognize that they cannot realistically expect a non-proliferation treaty to outlaw long-standing arrangements of this kind, which are recognized as a factor in the balance of power in Central Europe. We wonder, however, whether the atmosphere which might follow the signature of a non-proliferation treaty might not result in a climate of opinion in which it would be much more difficult for a major nuclear power to contemplate future arrangements of this kind in other areas, e.g. South East Asia including Australia. Such action would raise a new situation and might be attacked by Russians and others as a breach of the spirit, perhaps even the letter, of the treaty. In the euphoria of a post non-proliferation treaty situation, there might be considerable international sympathy for a view which favoured a more sweeping interpretation of the treaty objective of preventing the wider spread of nuclear weapons. The imprecision of some of the language in Article 2 and the failure to define words such as 'transfer' and 'directly or indirectly' could be a disadvantage.

1 Dispatched on 2 May, it advised that the Embassy in Washington had received draft text of a nuclear non-proliferation treaty from the US Arms Control and Disarmament Agency. The text included: 'After the original entry into force of this treaty, each non-nuclear weapon state party to the treaty which has source or special fissionable material subject to any international safeguards system other than that of the International Atomic Energy Agency, and each other party to the Treaty which is a member of the agency, undertakes to facilitate the agreement, as provided in the article, on verification by the agency of the effectiveness of the international safeguards system applied to such material'.

2 Not published.

While, from our own understanding, it is clear enough that the right of a nuclear power to station nuclear warheads abroad, while still retaining control, is not prejudiced by the strict terms of the Article, we wonder whether this factor will necessarily be decisive. We raise these points as matters for consideration—would it for instance be useful to seek American views on their understanding of the application of the Article in situations outside Europe? Or are there risks to our interests, if any, inherent in any attempt to limit proliferation?

(iv) Article 3 has been viewed as a major stumbling block for the Europeans and, in view of reported Soviet rejection of the revised text (*New York Times*, 3rd May), it may yet undergo further amendment. One comment which occurs to us is whether the cost of administering the very extensive safeguards arrangements contemplated in this Article, which would presumably be a charge on the budget of IAEA to be borne by all members, could ever be of such an order as to ‘hamper the economic and technological development of the parties having them’ (to use the language of paragraph 5). The cost of administering the safeguards could affect the economics of using nuclear reactors, a result which might bear more heavily on countries developing nuclear power facilities than it would on those with an already established nuclear industry (this would be especially true if any countries were to take the position, which the USSR at one time took, that the cost of safeguards should be a charge bearing on the countries inspected and not the agency). These considerations are not unrelated to the amendments in the revised text which stiffen the inspection requirements of non-nuclear states by comparison with the earliest drafts, at the same time as they eliminate all inspection provisions relating to the peaceful activities of the nuclear weapon powers themselves which found a part in the original United States draft.

[*matter omitted*]

[NAA: A1838, TS681/6 part 6]

## 91 MINUTE FROM BOOKER TO PLIMSOLL

Canberra, [18 May 1967]<sup>1</sup>

SECRET

### Indian Attitude to a Non-Proliferation Treaty

You asked me for a note on the Indian attitude toward adherence to a treaty aimed at preventing the proliferation of nuclear weapons.

2. Recent Indian statements on various articles of a draft non-proliferation treaty cast considerable doubt on whether India will ultimately agree to sign a treaty. Earlier Indian reservations on the treaty appear to have stiffened, although different shades of opinion are being expressed on some issues by various Indian Ministers and officials.

3. The United States approach to the recent negotiations has been basically to attempt, as a first step, to reach agreement on the major issues involved with its NATO partners and with the Soviet Union. In addition, it has taken into account a number of suggestions that have been made by members of the E.N.D.C. and some other countries (e.g. Japan). The general United States view has apparently been that if agreement could be worked out over a limited but significant area, there would be substantial pressures on other countries to accept a treaty along those lines. The United States Arms Control and Disarmament Agency has tended to

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1 The date is handwritten at the end of the document.

think, therefore, that countries such as India would eventually modify their opposition to a treaty that had wide support.

4. Our High Commissioner in New Delhi<sup>2</sup> has on several occasions drawn attention to Indian reservations on the treaty. In our submission to you of 11th April<sup>3</sup> concerning the calling of inter-Departmental discussions<sup>4</sup> on the treaty, we suggested that India perhaps represented the largest question mark among Asian countries. Sir Arthur Tange reported on 5th May, after several discussions with leading Indian officials, that while it has been difficult to judge which Indian arguments have been genuine and which a smokescreen, a speech by the Foreign Minister Chagla<sup>5</sup> to a meeting of Congress members of Parliament on 4th May had led him to conclude that 'the Indian Government would have great difficulty in signing any treaty in prospect which restricted its freedom to develop its nuclear capacity to the point of making a bomb'.<sup>6</sup>

[matter omitted]

#### *Indian Nuclear Weapons Capability*

[matter omitted]

16. Late in 1966, Indian officials informed our High Commission in New Delhi that a review of Indian nuclear policy by Ministers had confirmed that India was opposed to producing nuclear weapons 'at present'. It seems clear, however, from its attitude towards the non-proliferation treaty over the last few months, that India will seek to preserve its options as best it can.

#### *Possible Indian Tactics*

17. If India has in fact judged that the kind of treaty which is likely to emerge will not meet Indian interests in a number of respects, we might expect that it will exert some effort, possibly by way of introducing amendments in the E.N.D.C., to improve the treaty. Even if there should now be an agreement between the United States, NATO and the U.S.S.R. on the outstanding issues between them, it seems unlikely that this would remove all India's objections. So long as there is less than full agreement between the major negotiators, the focus of attention is not on the Indians, who may judge it to be in their interests if final agreement between the U.S./NATO and the U.S.S.R. is further prolonged. The United States still hopes no doubt that India can ultimately be persuaded to accept a treaty, although it may do so only with reservations. India has also been consulting both Germany and Japan on the treaty, and it may be that a decision to sign a treaty by these two countries could have some influence on India's final position.

19. [sic] We have suggested in inter-Departmental consultations that there would be security advantages to Australia if barriers were put in the way of say India and Japan developing nuclear weapons. The Departments of Defence and National Development have indicated that their attitude towards the treaty will be much affected by the extent to which it would be likely to limit our own options, especially as a result of the safeguards provisions. These and other matters related to the draft Treaty have been given preliminary consideration by Departments, and will be considered in detail when more is known as to the kind of treaty which will emerge from current U.S.-U.S.S.R. discussions. While it seemed about a month ago that such

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2 Sir Arthur Tange.

3 Not published.

4 See Document 88.

5 Mahomedali Currim Chagla, Indian Minister for Foreign Affairs.

6 See Tange's cablegram 405 of 9 May 1967 on file NAA: A1838, TS719/10/6 part 6.



a text might be available early in May, there is still no solution to the controversial Article III (Safeguards) or the Article IV(2) (amendment).

20. Submitted for information.

[NAA: A1838, TS919/10/5 part 1]

## **92 CABLEGRAM FROM EMBASSY IN WASHINGTON TO DEPARTMENT OF EXTERNAL AFFAIRS**

Washington, 15 June 1967

2534. SECRET

### **Non-Proliferation**

We asked Kranich (ACDA) whether he thought that the Middle East crisis had affected the attitude of the Soviet negotiators on the non-proliferation treaty.<sup>1</sup> Kranich thought that this could have been the case. He felt that the Russians realised that in a sense military victories made Israel less secure in the long run and that, though Israel might win yet another war with the Arabs, it did not follow that it would continue to win indefinitely—especially if the Arabs learned to catch the Israeli Air Force on the ground. The Russians might therefore have felt that Israel would realise this and seek to develop a nuclear weapon to protect itself from the Arab states. A demand could then arise from the Arabs for nuclear weapons—a demand that might be put to the Russians in their dismay, but taken up by the Communist Chinese at some time in the future. It seemed a safe assumption to say that the USSR would not relish Arab–Israeli confrontations at the nuclear level and that it therefore wished to foreclose this possibility.

2. We asked about Israeli nuclear intentions.<sup>2</sup> Kranich said that he understood that a number of countries (Sweden, India, Israel) were in a position, where preparatory work already undertaken could be diverted and then extended to create a nuclear weapon. This was only to say that this option existed. It was not to say that it was in the process of being exercised. Kranich said that he had seen nothing to show that Israel had developed or was in the process of specifically developing a nuclear weapon. Moreover, the U.S. had previously told Israel that the U.S. would take a serious view of any acquisition or development of nuclear weapons by Israel.

[NAA: A1838, TS681/6 part 6]

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1 Between 5 and 10 June 1967, Israel successfully waged a war between neighbouring states Egypt, Jordan and Syria.

2 The Australian Government considered Israel likely to produce atomic weapons. See Document 89.

### 93 NOTE BY DEPARTMENT OF EXTERNAL AFFAIRS

London, 30 June 1967

#### Western Strategy

The following are some notes of a discussion session at the Imperial Defence College on 30th June, 1967, which was led by Herman Kahn (Director of the Hudson Institute). He is the author of several books, including 'On Thermonuclear War' (1960), 'Thinking About the Unthinkable' (1962), and 'On Escalation, Metaphors and Scenarios' (1965).

2. Kahn said there was considerable disarray in Western strategic thinking about the defence of Europe. To begin with, the British who had the best fast moving armoured forces in Germany would not allow an attack and were thinking entirely defensively whereas the Germans would not allow any retreat. He added that all the field commanders were placing great reliance on the use of battlefield nuclear weapons and that this would be unacceptable to the Germans if it was to be confined to German soil.

3. Kahn went on to discuss in detail a scenario which envisaged a Russian attack or move against West Berlin. He argued that assuming the Russian move was successful and the garrison was overcome it could not be assumed that the President of the United States would permit escalation to a massive nuclear exchange. He was hotly contested by British students at the I.D.C., but he maintained that rather than initiate a nuclear exchange the United States would make some formal act such as a declaration of war which would still leave the options open (especially if the attack on Berlin had not been accompanied by a major Soviet offensive into West Germany).

4. Kahn's general thesis was that the 'threshold level' before either the United States or the Soviet Union would be prepared to risk escalation into a massive nuclear exchange had risen considerably over recent years, and that if ever they did get into a nuclear exchange it would be on a knock for knock basis. (He gave as an example a hypothetical scenario in which for political reasons, e.g. loss of face with the Chinese, Soviet leaders felt that they had to put a nuclear rocket into New York. He believed that once the Russians made clear on the 'hot-line' that the blow at New York was a limited one the United States would react by taking out a Russian city such as Leningrad, and that that could conceivably be the end of the nuclear exchange).

5. In these terms, Kahn saw the basic nuclear strategy of both the United States and the Soviet Union as extremely cautious, and one only of matching escalation.

6. He commented, however, that current official strategic thinking in the United States did not believe that nuclear exchanges necessarily would be controlled but only that they might be controlled. He said that most scenarios suggested that millions could be killed and war terminated with most of the weapons unfired. This was the *lex talionis* ('knock for knock') principle, and this was what lay at the back of talk of graduated and controlled response, controlled deterrents, etc.

7. Dealing with the inhibitions on the use of tactical nuclear weapons in situations such as Vietnam Kahn listed them as follows:

- (a) the precedent would be set;
- (b) the impetus that would be given to proliferation;
- (c) the reduction of controls over the Chinese;
- (d) the reaction of domestic United States and world public opinion.

8. In discussion of non-proliferation, Kahn argued that the world would probably be a safer place with proliferation. The most likely situation would be a war between under-developed countries. In such event (e.g. a nuclear exchange between Israel and the U.A.R.), he believed that the United States and Soviet Union would stand aside. Generally, he believed that the United States would only be prepared to honour obligations to non-nuclear countries. If, for example, Israel or India acquired nuclear weapons there would be no obligation to protect them.

9. Commenting on the Chinese nuclear developments, Kahn argued that despite Chinese development of A-model (nuclear) and T-model (thermo-nuclear) weapons they did not have the industrial base to come anywhere near matching U.S. and Soviet sophisticated delivery systems technology and could not be regarded as a serious threat to those powers especially with the new systems coming up in the next decade. He claimed that by the time they came up with an I.C.B.M.<sup>1</sup> capability in the 70's the U.S. and Soviet Union would have leap-frogged ahead again.

10. The Directing Staff emphasized at a subsequent session that he did not hold any official position in the United States administration.

[NAA: A1838, TS681/6 part 6]

#### 94 MINUTE FROM BOOKER TO ANDERSON<sup>1</sup>

Canberra, 16 August 1967

SECRET

#### Nuclear Weapons Policy and Non-Proliferation Treaty

You will know that it now seems probable that a joint United States – Russian draft non-proliferation treaty<sup>2</sup> will be submitted to the 18 nation Disarmament Committee within the next week. Although a number of basic difficulties still have to be resolved, it seems possible that the treaty will be placed before the next session of the United Nations General Assembly.

2. If this is the case the Australian delegation to the General Assembly will have to be instructed as to the attitude it should adopt towards the treaty. Basic decisions in this respect have, however, been deferred pending the completion of the review of nuclear weapons policy which I understand is being undertaken by the Department of Defence in consultation with this Department. It is now a matter of some urgency that this review be completed as a basis for determining policy in regard to the non-proliferation treaty.

3. It must be expected that there will be considerable international pressure on Australia to sign such a treaty and in particular that the United States would expect us to do so. The Government would therefore no doubt wish to weigh very carefully any suggestion that we might refrain from signing it.

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<sup>1</sup> Intercontinental ballistic missile.

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<sup>1</sup> H.D. Anderson, Acting First Assistant Secretary, Division I, Department of External Affairs. The Secretary, James Plimsoll, also received a copy of the note, adding the annotation on 1 September, 'I agreed with this'.

<sup>2</sup> Following a conference between President Johnson and Alexei Kosygin, Chairman of the Council of Ministers, USSR, on 23 June, the United States and the Soviet Union presented a joint Draft Treaty on the Non-Proliferation of Nuclear Weapons on 24 August 1967 to the Eighteen-Nation Disarmament Conference in Geneva. The text of the treaty is given in *Keesings Contemporary Archives*, 1967, p. 22408.

4. Presumably the only reason for not signing such a treaty would be because it had been decided that Australia must in the interests of its own security maintain an option to develop and acquire nuclear weapons, which would be within its own control, without the restraints which a non-proliferation treaty would be likely to impose. This question turns essentially upon whether there are any conceivable circumstances in which such an option would have practical reality.
5. In essence the question is whether Australia should have the unrestricted right to acquire nuclear weapons at any time; or whether it should be able to do so only under the provisions of the proposed treaty to the effect that such weapons should only be acquired in circumstances of extreme national danger.
6. The objection to accepting the second position usually rests on the argument that if Australia found itself in extreme danger nuclear weapons could not be acquired in time to save it. This argument raises two separate issues:
  - (i) Whether the non-proliferation [treaty]<sup>3</sup> would inhibit Australia from engaging in the kind of developments in nuclear energy which would enable us to quickly develop weapons, and
  - (ii) Whether in extremis we would be unable to rely on our alliances for nuclear protection and support.
7. These issues are of course basic to the consideration of an Australian nuclear weapons policy. Until they are faced it is difficult to reach a firm decision as to what our attitude should be towards a non-proliferation treaty.
8. The nature of the safeguards which will be embodied in such a treaty is still uncertain but it seems likely that restrictions will be imposed upon the non-nuclear countries in the use of weapons grade nuclear fuel and that nuclear installations will be subject to international inspection (except possibly in respect of installations and fuel developed entirely from our own resources). It is probably safe to say that provided that we were prepared to commit the necessary resources we could even as a signatory of the non-proliferation treaty reach a stage of development in nuclear energy at which it would take only a matter of months to produce a weapon. If we do *not* sign the treaty we might be able to get overseas assistance in developing our capacity in a way which would enable us to be in a position to acquire an explosive device more cheaply than if we relied entirely on our own resources.
9. It is of course open to question whether if the treaty was in existence we would be able to gain such cooperation from other countries. It seems unlikely that our present partners in nuclear development (Britain, Canada and the United States) would agree to cooperate with us in this way although the possibility would presumably be open to us to develop cooperation with other non-signatories. At the best, however, the cost of acquiring a stock of explosive devices would presumably be great.
10. It would not of course be sufficient for us merely to acquire an explosive device. A delivery system would be essential and in developing this we would be faced with essentially the same alternatives—either of having to do it from our own resources at vast expense or of obtaining the cooperation of other countries. An additional factor in this respect however appears to be the special disadvantages which Australia's geography imposes in regard to the delivery upon a potential enemy of nuclear bombs. This is essentially a military question, but it would seem likely that anything less than an intercontinental missile would be ineffective. Although this might not be beyond our technological resources the cost might well be crippling.

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3 Word in square brackets added by hand.

11. From the military point of view therefore there must be some doubt whether an option exists in real terms for Australia to develop and deliver its own nuclear weapons. It seems likely that in practice it would not be possible to develop a credible capability from our own resources. This raises the second issue in paragraph 6, namely whether Australia would be able to rely on its allies for nuclear protection.

12. It has been argued that, in extremis, this would not be possible. The country most likely to be able to help us (and presumably bound, under the ANZUS Treaty, to do so) would be the United States. But it is argued that no United States Government would take the responsibility of using nuclear weapons against a country which has launched an attack on Australia if the consequence was likely to be the nuclear destruction of American cities. When the argument is put in this way it is of course hard to refute. It must be conceded that at the least there would be great uncertainty as to whether nuclear support by the United States would be forthcoming in such circumstances.

13. It seems however that the circumstances might well be very different to those assumed in the argument. The major nuclear powers have a direct and inescapable self-interest in preventing a successful nuclear strike by any other power. If nuclear aggression were once allowed to succeed the possibility of checking it thereafter would be remote. It is in this fact that Australia's best hope for security lies, namely in the likelihood [that]<sup>4</sup> the major powers would move to prevent and if necessary interdict any nuclear attack on a non-nuclear country. It could be expected that this would be the case even in circumstances in which no international instruments existed binding the nuclear powers to act in this preventive way.

14. It must of course be acknowledged that the difficulties in preventing nuclear aggression are increased to the extent additional countries acquire them, especially if these countries are governed by irresponsible leaders. This, however, is the main argument in favour of a non-proliferation treaty. It follows that it is in the interests of a country like Australia to ensure that as many countries as possible accept the discipline of a non-proliferation treaty. It might also be said that there is a political and moral obligation on us to set a responsible example in this respect.

15. In summary, I consider that this Department's contribution to the review that is being undertaken of Australia's nuclear weapons policy should be on the lines that even if we maintained the theoretical option to acquire and employ nuclear weapons this would not in practice be a real option; and that our security would be better safeguarded by accepting and encouraging the acceptance by others of the restraints which would be imposed by a non-proliferation treaty. This would improve the prospect that nuclear anarchy could be prevented by the major nuclear powers, it being assumed that the nuclear powers would wish to do this in order themselves to avoid destruction.

[NAA: A1838, TS919/10/5 part 1]

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4 Word in square brackets added by hand.

**95 SAVINGRAM FROM TANGE TO DEPARTMENT OF EXTERNAL AFFAIRS**

New Delhi, 18 August 1967

66. CONFIDENTIAL

**Nuclear Weapons and a Nuclear Guarantee**

During a call on the Minister for External Affairs (Mr. Chagla) about which I reported in my Savingram 65,<sup>1</sup> the discussion on China led on to the question of protection against nuclear threats from China. Chagla said there was now talk of China testing a delivery system across India into the Indian Ocean and China was completely unchecked and uncontrollable. She could not sign any non-proliferation treaty. I asked the Minister what India was doing about the non-proliferation treaty and how he saw the relationship between that treaty and the question of a 'nuclear guarantee' by the two major nuclear powers.

2. Chagla said he had just received a revised text which he had been told would be tabled in Geneva later this month.<sup>2</sup> There had been some adjustments to the clause dealing with amendments and other changes. But the Minister gave me to believe that India still opposes the fundamental discrimination in the treaty against the present non-nuclear powers. He said the nuclear powers want to keep their monopoly of nuclear weapons. India cannot agree to them keeping a monopoly of nuclear technology. He said that India considered the question of a nuclear 'guarantee' as separate from what went into a non-proliferation treaty. The main question about a so-called nuclear guarantee was whether it would be credible. To put it bluntly, would the United States or Soviet Union act in the event of an attack upon India and thus risk an attack upon themselves? I remarked that this was not a new question and it was one which all countries (including Australia) had to answer for themselves. There was no such thing as an absolute guarantee or absolute security. Mr. Chagla asked whether Australia had any guarantee from the United States and I described Article IV of the ANZUS Treaty<sup>3</sup> which did not go beyond an undertaking by the United States 'to act' in accordance with its constitutional processes. Australia had considerable confidence in this generalized language. As regards the non-proliferation treaty, I said Australia was still examining its position.

[NAA: A1838, 919/12/7 part 1]

**96 MEMORANDUM FROM MCKEOWN<sup>1</sup> TO PLIMSOLL**

New York, 2 October 1967

1188. CONFIDENTIAL

**Non-Proliferation of Nuclear Weapons: An Indian View**

The following exchange of views with Mr K.P. Jain, First Secretary in the Indian Disarmament delegation, gives some insights into current Indian thinking on the proposed agreement on non-proliferation of nuclear weapons.

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1 Not published.

2 A reference to the Eighteen-Nation Disarmament Committee meeting in Geneva that was to start on 24 August.

3 Article IV enjoins the parties to 'act to meet the common danger' in the event of an attack.

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1 Michael James McKeown, First Secretary, Mission to the United Nations, New York.

2. Mr Jain developed the theme that India and Australia, together with Japan, shared common interests concerning security in South and South-East Asia and that a non-proliferation treaty posed common problems to us all. While there had been considerable activity by India and Japan, including bilateral exchanges between them, his personal impression was that Australia's position was less well known. I said that Australia had been keeping itself informed of developments but that, as we were not a member of the Eighteen Nation Disarmament Committee, we were possibly less actively involved in discussions at this stage. I drew his attention to the Australian interventions in the First Committee at the last two sessions of the General Assembly which reflected a lively awareness of the common security problems which confronted countries such as India and Australia.

3. Mr Jain said that India's policy in this field was based on two main strands. One was its policy of non-alignment, which the Indian Government could not be expected to abandon. The other was the long history of Indian development of the use of atomic energy for peaceful purposes, a policy to which every Indian Prime Minister had subscribed. By implication Mr Jain played down any suggestion that India's nuclear programme would be devoted for other than peaceful purposes. However, he added that India could not ignore the fact that a powerful neighbour was actively pursuing a programme of nuclear arms development which would not in any way be inhibited by a non-proliferation agreement.

4. I said that Australia shared India's concern about China's nuclear development and that we recognized that a non-proliferation treaty would do nothing to assist with this problem. For this reason we believed that the durability and stability of a non-proliferation regime would depend to a large extent on what further measures were taken over the next few years, and on developing a détente between the two nuclear super-powers, who would have to shoulder a large part of the burden for preserving peace in a world in which China had become a fully-fledged nuclear power. However, we believed that, while it would not solve our major problems, a non-proliferation treaty could contribute to preventing the acquisition of nuclear weapons by other powers who might otherwise seek or find themselves in the position of having to acquire these weapons. I referred to the obvious example of what might have occurred in the Middle East had the countries concerned there been in the possession of nuclear weapons. Mr Jain accepted this argument which he said was one of the widely proclaimed advantages of a treaty.

5. Mr Jain developed at some length the thesis that a non-proliferation treaty was by its nature discriminatory between nuclear and non-nuclear powers. India was concerned that the treaty would formalise the state of affairs under which nuclear powers were relegated to a secondary role. It was clear that the nuclear powers were themselves unwilling to assume binding obligations to make sacrifices in respect of their own excessive nuclear capabilities. Even admitting that a non-proliferation agreement was necessarily discriminatory in its operation there was, as the Canadians<sup>2</sup> had said, no reason why it should be more discriminatory than it had to be. Why, for example, when the nuclear powers insisted on other signatories accepting safeguards on all their nuclear facilities, were the nuclear powers unwilling to include a provision for safeguards limited to their own peaceful nuclear facilities. I said that while this was indeed an unnecessary discrimination, we were both aware which of the nuclear powers was opposed to inspection.

6. In response to Mr Jain's general thesis that the non-proliferation drafts were discriminatory, I said that we took the hard-headed view that it was inevitable that, in a world of nuclear super-powers, there would be, by the nature of things, discrimination against the middle and smaller powers. No other country was in a position to match the nuclear powers. Indeed we could expect that this dis-equilibrium would increase and that in the years to come it might be even

2 Canada had provided India with a CANDU nuclear reactor from which New Delhi was to produce its first nuclear device in 1974. See Tellis, *India's Emerging Nuclear Posture*.

more difficult for middle nuclear powers such as Britain and France to maintain a credible nuclear deterrent. The problem of China apart, the possibilities of complete outsiders entering the field and acquiring a credible weapons system which could pose a real threat to the nuclear super-powers were remote.

[*matter omitted*]

[NAA: A1838, 680/10/2 part 1]

## 97 MEMORANDUM FROM DOUGLAS-SCOTT<sup>1</sup> TO DEPARTMENT OF EXTERNAL AFFAIRS

Brussels, 17 November 1967

585. CONFIDENTIAL

### Non-Proliferation

The following is the text (to our knowledge still classified) of the five principles acceptable to the Euratom Five<sup>2</sup> which the United States has been discussing with the Russians in Geneva:

- (i) Safeguards under the Non-Proliferation Treaty must be applied to source and fissionable material and not to facilities.
- (ii) There should be no misunderstanding that as far as Euratom member states are concerned, safeguards under the Non-Proliferation Treaty will be applied on the basis of an agreement to be concluded between Euratom and IAEA.
- (iii) This agreement should be based on the principle of verification of Euratom safeguards by IAEA; the implementation of this principle shall be negotiated between the two organisations.
- (iv) Pending the conclusion of the agreement between Euratom and IAEA, Euratom member states concerned wish to stress that there should be no misunderstanding that the obligations with regard to Euratom (or to its member states) entered into by any party to a Non-Proliferation Treaty shall not be affected by provisions of Article III dealing with supply.
- (v) Euratom member states concerned, determined to act in common, have to be sure that the position of Euratom when negotiating to arrive at a satisfactory agreement with IAEA will not be prejudiced by any eventual provision of Article III, as for example on a time period.

[*matter omitted*]

[NAA: A1838, 719/10/6 part 2]

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1 Keith Douglas-Scott, Counsellor, Brussels.

2 The Euratom Commission had first been officially informed of the draft non-proliferation treaty at the beginning of February 1967 under the terms of the nuclear cooperation agreement between the United States and Euratom.



**98 MINUTE FROM BOOKER TO PRITCHETT<sup>1</sup>**

Canberra, 23 November 1967

TOP SECRET AUSTEO

**Australian Nuclear Capability**

[*matter omitted*]

3. If we are to look ten years ahead we should perhaps examine possible sources of danger other than Communist expansion. Within ten years Japan will have the nuclear and missile technology to acquire nuclear weapons and delivery systems at very short notice. It may be a little rash to assume that Japan will continue to remain devoted to peaceful policies.

[*matter omitted*]

5. In dealing with your worst case, [...] my feeling is that you may, again thinking ten years ahead, overestimate the 'improbability' of an American withdrawal from the Asian mainland. After all American nuclear strategy does not require the holding of positions outside the American continent and this will become increasingly true in view of prospective technological developments.

6. This does not mean, however, that America's 'nuclear commitment to Asia' would be withdrawn.

[*matter omitted*]

9. In applying all this to the particular case of Australia, it might be said that one of Australia's strongest interests is in the ability of the United States to protect itself from nuclear attack. It may be taken that it is unlikely that they would be able to do so in any absolute attack from the Soviet Union. But in regard to smaller nuclear powers, the problem is presumably much simpler. The recent announcement by the United States Government that it is installing an anti-missile defence system against the possibility of Chinese attack is relevant in this connection.<sup>2</sup> If the United States is invulnerable to Chinese attack, it is more likely that Australia would get American support if it were itself threatened by China. The same of course applies to China's closer neighbours.

[*matter omitted*]

[NAA: A1838, TS919/10/5 part 1]

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<sup>1</sup> William Beal Pritchett, Assistant Secretary, Defence Liaison Branch, Department of External Affairs.

<sup>2</sup> In a speech delivered in San Francisco on 18 September 1967, the US Secretary of Defense, Robert McNamara, announced the US Government's decision to deploy a 'thin'—i.e. small-scale—anti-ballistic missile system designed primarily to protect the United States against a hypothetical Chinese thermo-nuclear attack in the mid-1970s.

## 99 CABLEGRAM FROM DEPARTMENT OF EXTERNAL AFFAIRS TO MISSION TO THE UNITED NATIONS, NEW YORK

Canberra, 28 November 1967

1223/4126. TOP SECRET IMMEDIATE

Reference to our telegram 1222/4125.<sup>1</sup>

### *Nuclear Weapons*

It appears that the implication of Fisher's<sup>2</sup> statement at the United States Mission on 24th November is that the United States Government is now prepared to accept the proposition that nuclear weapons should not be used in the defence of a country subject to attack by conventional weapons, provided that the aggressor has signed the non-proliferation treaty and is not assisted by a nuclear weapon state. If this is an accurate interpretation of present United States policy, it clearly has important implications for Australian defence.

2. Although it is unlikely that such a situation would emerge in Latin America, it can by no means be ruled out in the Far East. Our defence strategy rests on the broad assumption that American assistance would be forthcoming under the ANZUS Treaty if we were subjected to aggression of any kind. Could the new American policy be seen as undermining our ability to rely on this?

3. Taking Japan as an example, it may seem at the present time highly unlikely that Japan will resume aggressive policies. It might nevertheless be unwise to rule out such a possibility. Japan will presumably sign the non-proliferation treaty but clearly has the industrial base to enable it quickly to rebuild its conventional forces if it decided to do so.

4. These matters and wider aspects of the non-proliferation treaty are being put to study here but meanwhile we would appreciate any further information you are able to obtain on current American thinking.

[NAA: A1838, TS919/10/5 part 1]

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<sup>1</sup> Dispatched on 28 November, it advised the Mission to the United Nations in New York that, in the absence of a full draft nuclear non-proliferation treaty, it was advisable to avoid substantive debate on the treaty in the General Assembly.

<sup>2</sup> Adrian S. Fisher, Deputy Director, US Arms Control and Disarmament Agency.

## 100 CABLEGRAM FROM WALLER<sup>1</sup> TO DEPARTMENT OF EXTERNAL AFFAIRS

Washington, 29 November 1967

4895. TOP SECRET

### Non-Proliferation—Security Assurances

Your cable 4126.<sup>2</sup>

I had a general discussion today with Farley<sup>3</sup> (Deputy Assistant Secretary, Politico-Military Affairs, State Department) about the proposed Security Council resolution etc. on security assurances in the event of a Non-Proliferation Treaty (NPT).<sup>4</sup>

2. I raised the hypothetical possibility of conventional attack on Australia by a non-nuclear power that had signed the NPT and that did not receive assistance in the attack from a nuclear power. Farley initially discounted these possibilities but appeared to concede later that it had at least been possible for a pre-September 65 Indonesia to attack Papua/New Guinea. He maintained that:

- (i) A potential conventional weapon aggressor already knew that the US would even now be extremely reluctant to use nuclear weapons in a conventional conflict,
- (ii) Even with a Security Council resolution of the kind envisaged, a conventional weapon aggressor could not be sure that, in extremis, the US might not still use nuclear weapons in the situations we had projected,
- (iii) The conventional weaponry of the US was already extremely strong, vis-à-vis non-nuclear conventional weapon states, and that
- (iv) The phrase 'not engaged in armed attack assisted by a nuclear weapon state' in operative section (d) of the draft Security Council resolution was itself open to interpretation by the US.

3. Farley went on to suggest that 'assistance' in the sense of operative paragraph (d) of the draft Security Council resolution did not necessarily exclude the prior or previous supply of weapons and advisors by a nuclear state. I said that operative section (d) appeared directly to link the assistance of the nuclear-weapon state to the armed attack. Farley said that a wider interpretation was not excluded. I said that, in that sense, practically every potential non-nuclear aggressor could be considered as having received some assistance from a nuclear-weapon state, and thus this part of the resolution, if I interpreted it in Farley's sense, might be considered as having little meaning.

4. Farley repeated that wider interpretations could be given. He said (with what authority, I do not know) that an East German attack on Berlin or a conventional North Vietnamese attack across the frontier on South Vietnam would be considered as occurring with the assistance of a nuclear-weapon state.

5. Farley also argued that it was surely preferable to have the present Pacific region, with the Security Council resolution on security assurances, than to have no non-proliferation treaty and a situation where Japan, Indonesia, Pakistan and India were developing nuclear weapons.

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1 Keith Waller, Ambassador to the United States.

2 Document 99.

3 Philip J. Farley.

4 A draft resolution on security assurances would be presented to the Eighteen-Nation Disarmament Conference on 7 March 1968.

He said that, if the US used conventional weapons on a massive scale to stop aggression on the peninsulas of Asia (Korea and Vietnam), there should be no doubt at all that it would do so in the case of Australia. He pointed out in conclusion that, if supreme national interests were endangered, a signatory could always withdraw from the treaty.

6. In the light of this admittedly preliminary discussion, I am forced to conclude that there may be some reduction in the value of the American nuclear deterrent as a factor in our security.

[NAA: A1838, TS919/10/5 part 1]

## 101 ASSESSMENT BY DEFENCE COMMITTEE

Canberra, 7 December 1967

TOP SECRET AUSTEO

### **An Australian Nuclear Capability Strategic Considerations**

#### *Matter Referred*

In Minute No 73/1965 the Defence Committee recommended that:

- (a) In the light of the overseas developments and particularly the possibility of the emergence of additional nuclear powers it would be appropriate to make a new assessment of the political, strategic, technological and economic aspects of Australian policy in regard to nuclear weapons;
- (b) The assessment should cover an examination of the possibility of Australia acquiring an independent nuclear capability by manufacture of her own weapons as well as possible arrangements with our allies.

[*matter omitted*]

#### *Australian Strategic Objectives and Policy*

9. Since 1953 the Australian strategic assessment<sup>1</sup> has conceived of the spread of communism through Asia by military attack, insurgency and political subversion and of Australia itself thereby becoming isolated, and ultimately exposed to direct military threat from communist forces. Perception of this prospect has been heightened by the considerable political instability in South East Asia attending the withdrawal of the former colonial powers, the establishment of a militant communist regime in China, and the communist pressure over long periods in all countries of South East Asia, particularly Malaya and Vietnam.

10. Australia has, therefore, adopted a forward defence posture in South East Asia and has encouraged and supported the substantial British and American effort to contain the communist military and insurgent threat to South East Asia, so as to promote the development of stable independent states there, which might afford Australia a strategic shield. Along with this, Australia's hopes of increasing its influence and of consolidating Britain's and America's commitment to its own protection, together with the obligations arising from its declared identity of interest with them, have drawn it increasingly into their political and military

<sup>1</sup> For background, see S.R. Ashton, Carl Bridge and Stuart Ward (eds), *Documents on Australian Foreign Policy: Australia and the United Kingdom 1960–1975*, Department of Foreign Affairs and Trade, Canberra, 2010; Stephen Frühling (ed.), *A History of Australian Strategic Policy Since 1945*, Defence Publishing Service, Canberra, 2009; and Edwards with Pemberton, *Crises and Commitments*.

commitments in the area. It is important to note the basically political motivation of Australian policy, and the relatively marginal significance of the Australian military contribution to the British and American efforts. Australia has not had the capacity independently to achieve its strategic objectives in South East Asia and to ensure its own security against the potential threat perceived from that region.

#### *Future Strategic Considerations*

11. With the British withdrawal from South East Asia, Australia will be even more dependent on the American effort for the achievement of Australia's strategic objectives. It is on America that Australia must rely for the deterrence of communist military aggression in South East Asia and for the prevention of any significant pressure on the balance of power there.

[*matter omitted*]

13. [*matter omitted*] In any consideration of a possible Nuclear capacity for Australia, however, there are four main factors likely to condition the problem. These are:

- (a) Future United States strategy for South East Asia.
- (b) The prospects of Asian resistance to Communist expansion.
- (c) Australian relations with Indonesia.
- (d) The world policy concerning the proliferation of nuclear weapons.

[*matter omitted*]

#### *Indonesia*

21. During the next ten years the Joint Intelligence Committee have assessed<sup>2</sup> that:

'During the first part of the period her international relations are likely to be conditioned by her preoccupation with questions of economic recovery and internal security, necessitating the maintenance of good relations with the West and the USSR. In addition, Indonesia is likely to seek closer cooperation with non-Communist Asian nations, particularly the Philippines, Japan, India, Pakistan and Malaysia. Unless the PKI<sup>3</sup> were to re-establish itself as a leading political party, Indonesia's hostility to Communist China is likely to increase, leading perhaps to a moderation of her attitude in the short term to a continued presence in South East Asia.'

22. Nevertheless, the Joint Intelligence Committee have assessed<sup>4</sup> that there is a slight risk of limited war with Indonesia and that the use of Papua/New Guinea as a refuge for dissident West Iranese could lead to tension and even armed clashes in the border area.

23. In these circumstances, the Defence Committee<sup>5</sup> has assessed that:

'44. Australia could not rely on assistance from allies in the initial stages of any operations to counter an Indonesian threat short of overt aggression confined to the Papua/New Guinea area. This could include confrontation activities similar to those which Indonesia undertook against Malaysia. Australia must, therefore, have forces capable of meeting at least the initial stages of any situation which is likely to arise in the Papua/New Guinea area short of limited war.'

2 JIC (AUST) (66) 51, para. 73 (footnote on cited copy)

3 Partai Komunis Indonesia (Indonesian Communist Party).

4 JIC (AUST) (67) 50 (footnote on cited copy).

5 Annex to DC Minute 48/1967 (footnote on cited copy).

24. Thus, Australia has strategic interests in respect of Indonesia that could, from time to time, require it to consider action on its own. This independent action, however, is only likely to be associated with circumstances far removed from those requiring the use, or backing of nuclear weapons. [There would be advantages, however, in an Australian capability likely to deter Indonesia from developing confrontation into a limited war.]<sup>6</sup>

[*matter omitted*]

[NAA: A1838, TS919/10/5 part 1]

## **102 MINUTE FROM MOTT<sup>1</sup> TO PRITCHETT AND THOMSON**

Canberra, 6 February 1968

TOP SECRET

### **Draft Treaty on Nuclear Non-Proliferation**

Attached for your information is a copy of a draft Cabinet submission, prepared in this Department, regarding Australia's attitude to the draft treaty on nuclear non-proliferation, which the U.S.A. and the U.S.S.R. tabled at the ENDC in Geneva on 18th January.<sup>2</sup>

[*matter omitted*]

### **Draft**

### **For Cabinet**

### **Draft Treaty on the Non-Proliferation of Nuclear Weapons**

#### *Purpose of Submission*

The purpose of this submission is to place before Cabinet considerations relevant to a decision on Australia's attitude towards the Draft Treaty on the Non-Proliferation of Nuclear Weapons. The Treaty was tabled by the United States and the Soviet Union in the Eighteen Nation Disarmament Committee after prolonged negotiations over a period of two years in the ENDC and in private discussions. A copy is attached at Annex. It is expected that the Treaty will be considered at a resumed session of the United Nations General Assembly probably early in April, 1968.

2. The Submission argues that the balance of Australia's interests lies in acceptance of the Treaty, and recommends that Australia become a Party to it.

#### *Australia's Strategic Interests and Nuclear Weapons*

3. If Australia is to sign a Non-Proliferation Treaty (which would limit the exercise of our option to produce or acquire nuclear weapons) it is first necessary to assess whether an Australian nuclear weapons capability would be needed in the foreseeable future, and whether a credible Australian nuclear capability could be achieved.

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<sup>6</sup> The sentence in square brackets was inserted by hand.

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1 Charles Mott, Acting Director, Political Affairs Section, UN Branch, Department of External Affairs.

2 On 18 January the United States and the Soviet Union tabled at the conference of the Eighteen-Nation Disarmament Committee, separate but identical texts of a revised draft treaty on the non-proliferation of nuclear weapons.

4. The Joint Planning Committee has had these questions under study and appears likely to conclude that Australia is not in a position to develop a credible nuclear deterrent against the only country, Communist China, which is likely to offer a nuclear threat to Australia by the mid 1970's. The cost of a complete nuclear weapons programme including an effective delivery system would be an enormous burden, which would have to be weighed against its strategic value and other national priorities in development and other fields. Australia, with its concentrated population areas, would have virtually no capacity to survive a 'first strike', and the development of a few nuclear weapons (while perhaps technologically possible) would not alter Australia's heavy dependence on the United States for the attainment of Australia's strategic objectives in South East Asia.

5. This submission is therefore based on the assumption that there would be little strategic advantage in the development of an Australian nuclear weapons capacity. Australia's interests will continue to be best served by the retention and strengthening of the ANZUS Treaty, and the maintenance of a close United States interest and responsibility in South East Asia and the Pacific. Moreover it seems likely that the self-interest of the major nuclear powers in avoiding nuclear conflict will lead them in future to co-operate to prevent any outbreak, and it is in this that the best hope for such countries as Australia perhaps lies.

#### *The Non-Proliferation Treaty*

6. The following is a summary of the major points in the Treaty and their relevance to Australia.

7. The 'nuclear weapons states' in the Treaty are taken to be the United States, the USSR and the United Kingdom. France and Communist China are also in this category but they are not expected to sign the Treaty although France may make a declaration that it will not make nuclear weapons available to others.

#### *Preamble*

8. The preambular paragraphs are in the main expressions of general principles which are spelt out in the body of the Treaty.

#### *Article I*

9. Article I states categorically that the nuclear weapons parties to the Treaty will not give up any control to other countries of nuclear weapons or nuclear explosive devices. (A 'nuclear explosive device' is regarded as having the same technical characteristics and the same potential uses as a nuclear weapon.) Nuclear weapons parties will undertake not to provide assistance to other states to produce such weapons or devices.

10. This Article would not prevent the stationing or transit through Australian territory of nuclear weapons under, say, United States or United Kingdom control, nor their ability to use such weapons in our defence (see also paragraphs 32–33 on Security Guarantees). There would be no bar to the transfer of nuclear delivery vehicles, provided there were no transfer of control of nuclear weapons.

#### *Article II*

11. This Article defines the basic obligation on non-nuclear parties not to produce or acquire control over nuclear weapons or explosive devices, and not to seek or receive assistance in their manufacture.

12. This is the basic obligation which would apply to Australia as a non-nuclear state.

*Article III*

13. This Article relates to safeguards against diversion of nuclear materials to the production of nuclear weapons or explosive devices. Drafting of the Article held up agreement on the draft Treaty between the Soviet Union and the United States for a considerable time. A number of Western European countries objected to the involvement of the International Atomic Energy Agency in their own inspection arrangements under Euratom. Fears of industrial espionage and preferential treatment for France, a nuclear non-signatory, have also been voiced by a number of countries such as West Germany.

14. Under this Article parties will be required to conclude agreements on safeguards with the IAEA but a period of 1½ to 2 years will be allowed for these after the Treaty comes into force. The inspections will be applied to source and special fissionable materials, and not to facilities, as such, on the grounds that the inclusion of facilities would prejudice complex technical issues which have not yet been resolved by the IAEA itself.

15. In the past Australia's attitude has been that if a non-proliferation Treaty is to be a genuine step towards disarmament it must be an effective one and in this respect of course the control and inspection provisions of the Treaty will be crucial. If we are to sign the Treaty ourselves we will need to be certain that it is no less binding on others than ourselves. We will thus have a direct interest in an adequate safeguard system.

16. Australia has already accepted the Statute of the IAEA<sup>3</sup> and the revised IAEA Safeguards document, although it was not intended that IAEA safeguards should be applied universally in Australia. If we signed the treaty all source and fissionable materials both imported and home produced would be subject to inspection.

*Article IV*

17. This reaffirms the right of States to develop nuclear energy for peaceful purposes. The Article was included as an assurance to non-nuclear states that they would not be deprived of scientific and technological information which might become available to nuclear powers through their development of nuclear energy for peaceful purposes.

*Article V*

18. Article V has been included in the Treaty in response to the widely expressed view that the use of nuclear explosives for peaceful purposes (e.g. storage dams, gas and oil releases and possible harbours and canals if these can be accommodated perhaps under a revised Test Ban Treaty) should not be denied to those countries which forswear the production of nuclear devices under this Treaty.

19. The United States has expended vast sums of money in its peaceful nuclear programme entitled 'Operation Plowshare' for some 10 years, although it has not yet perfected the use of nuclear devices for peaceful purposes. The United States authorities have shown interest in Australia as a possible user of such devices, when their economic use becomes practicable. Australia could well have an interest in obtaining such devices and the expertise in their use which the United States would be able to supply. Under Article V this could be done on a direct bilateral basis, an arrangement which Australia would presumably find acceptable. The possibility that international arrangements could be concluded for the purpose would also be open to us. Appropriate inspection procedures would no doubt be involved for both bilateral and international arrangements.

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3 See Appendix I.



*Article VI*

20. This has been included in response to arguments by some countries that the Treaty as previously drafted was too one-sided in that it bound the non-nuclear powers to remain non-nuclear, but did not place any obligations on the nuclear powers to reduce their nuclear armouries. The Article in fact only binds the parties to 'pursue negotiations' and it should not be expected that the United States or the Soviet Union would reduce their nuclear arms to the point where their mutual deterrent value or their deterrence vis-à-vis other countries was no longer effective.

*Article VII*

21. This merely reaffirms the right of states to conclude nuclear free zones if they so wish and does not involve any departure from current international attitudes.

*Article VIII*

22. Under this Article, an amendment comes into force when it is approved by a majority of the Parties including the nuclear weapon States and the members of the Board of Governors of the IAEA. These requirements should ensure that only those amendments which have a very broad basis of support could enter into force. Moreover, amendments will only apply to those countries which accept them. A Conference to review the operation of the Treaty to ensure that its purposes and provisions are being realised is to be held 5 years after the Treaty enters into force. There have been moves to have the Treaty contain a reference to the holding of such review Conferences held every five years.

23. In response to pressures by countries such as Italy, the draft treaty is in effect no longer of unlimited duration as were earlier drafts. At the end of a twenty-five year period, a majority of the Parties may decide whether the Treaty is to continue and if so for what period or periods. It would seem that such a decision does not require the concurrence of all nuclear powers party to the Treaty.

24. An initial duration of twenty-five years would cover a period of great potential instability in the nuclear field. If the Treaty were to be limited to a duration of less than ten years, this would hardly give confidence to non-nuclear countries that it promoted their security. Moreover, production of plutonium as a by-product of nuclear power generation will increase rapidly in the next ten to twenty years, and if the Treaty were to be of significantly shorter duration than the proposed twenty-five years, large plutonium producers may be tempted to oppose its prolongation at what could be a critical time in order to allow them to produce nuclear weapons.

25. It seems unlikely, of course, that the problem of Proliferation will have been solved in 25 years but in view of the hesitancy of many countries to bind themselves for a longer period, the acceptance of this duration seems the most realistic course. In Australia's own case it will provide an opportunity to review our overall position at that time.

*Article IX*

26. The Treaty will enter into force after ratification by all signatory nuclear states and 40 other states. This process may take some time after the Treaty is opened for signature. It is possible that some countries may defer ratification of the Treaty until they are able to observe the actions of others in this respect.

*Article X*

27. This provides that a party may withdraw from the Treaty if its supreme interests are jeopardised. There is general support for a provision along these lines. In Australia's case it would make it possible for us to seek to acquire nuclear weapons on short notice in an extreme emergency.

*Attitudes of Other Countries to the Treaty*

28. It seems likely that the Eighteen Nation Disarmament Committee will complete a report to the United Nations General Assembly, and that a complete draft text, perhaps with some minor amendments, will be submitted to the resumed Session of the General Assembly, probably early in April, 1968. It is expected that it will be widely supported.

29. Both the United States and the Soviet Union firmly support the need for a Treaty as soon as possible. Other Western and Soviet bloc members of the ENDC have supported the present amended draft, which takes into account a number of formal and informal suggestions made both inside and outside the ENDC. It seems probable that most of the non-aligned countries will raise no objections. Communist China and France will not sign the Treaty.

30. It is expected that the West Europeans, having negotiated at length to prevent acceptance of an unsatisfactory safeguards Article from the point of view of Euratom, will now be prepared to sign the Treaty. If for example, West Germany were not to do so, its relations with the Soviet Union and the Soviet bloc generally could be expected to deteriorate. Despite their misgivings at the possible loss of commercial secrets, the West Germans may not wish to jeopardise their development of closer relations with Bloc countries nor their relations with the United States and other Western countries by standing out from the Treaty.

31. Of the Asian countries the attitude of India remains doubtful and it is possible that India will not agree to sign the Treaty, at least in the near future. The Treaty is likely to be acceptable to Japan as it incorporates most of the points on which Japan has been making representations. Indonesia is also expected to sign.

*Security Guarantees*

32. The United States and the Soviet Union have been conscious of the need to provide additional security guarantees to non-nuclear countries which sign the Treaty and which may be subject to nuclear threat or attack. The United States has apparently obtained Soviet agreement to introduce into the United Nations Security Council, when the draft Treaty is before the General Assembly, a draft resolution which would make it clear that the Security Council and in particular the nuclear powers would act immediately to assist the victims of an act or threat of nuclear aggression. Such a resolution might assist in widening the list of adherents to the Treaty although it is unclear whether it would be sufficient to persuade India to sign at an early stage.

33. One aspect of the proposed United States statement, which will be made when the resolution is introduced in the Security Council, has implications for Australia. The statement would make it clear that the United States would also be prepared to guarantee not to use or threaten the use of nuclear weapons against non-nuclear states that had undertaken not to manufacture or acquire nuclear weapons and that were not engaged in an armed attack assisted by a nuclear weapon state. Such an undertaking would presumably mean that the United States would not come to Australia's assistance with nuclear weapons against a conventional attack. In discussions with the American authorities at the official level, it was acknowledged that this represented a shift in United States policy, and it was said to reflect the views of United States defence authorities that no situations could be envisaged in which the United States' conventional strength would be insufficient to meet any attack not supported by a nuclear power.

*Australian Attitude to the Treaty*

34. The analysis by defence planners of Australia's strategic interests in South East Asia leads to the conclusion that Australia should not undertake a nuclear weapons programme of its own, and that it should continue to rely on the United States commitment under ANZUS to

assist in the protection of Australia and its strategic interests in this area. As a corollary of this assessment, it is concluded that Australia could accept an obligation not to produce nuclear weapons or nuclear explosive devices. It would moreover be in Australia's interest and the interest of South East Asia in general that the emergence of new nuclear powers in the area be avoided.

35. The advantages of Australia's becoming a party to the Treaty might be summarised as follows:

- (a) Our support of the Treaty would align use with the great majority of the international community who support genuine steps towards the limitation of armaments.
- (b) The Treaty as now drafted has promise of being an effective restraint upon the acquisition of nuclear weapons by countries who might be in a position to threaten Australian interests.
- (c) If the Treaty is widely supported it will be an important link in the relations between the Soviet bloc and Western countries.
- (d) As a non-nuclear power, it is a vital Australian interest that the emergence of new nuclear powers be restrained.
- (e) Our signature of the Treaty, which is strongly desired by the United States, would reinforce our association with the United States and enable us to give further support to the American position vis-à-vis Asian countries.
- (f) Australia would be able to obtain the benefits of peaceful nuclear explosives without having to develop them at cost to ourselves.
- (g) We would not be faced with the production of nuclear weapons and delivery systems at vast cost and to the grave detriment of other national needs.

36. It is recognized however that there could be countervailing disadvantages for Australia and these might be summarized as follows:

- (a) So long as it were a Party, Australia would not be able to develop nuclear weapons. Notwithstanding the escape clause in Article X there would probably not be time in an extreme emergency to manufacture our own weapons. (It would however be open to us, once we had invoked Article X, to seek weapons from others; and of course the Treaty would not prevent our engaging in the development of missiles which would have potential use for the delivery of nuclear warheads.)
- (b) The terms of Article III would presumably involve the auditing of Australian uranium production as well as imported materials.
- (c) Communist China and France will not sign the Treaty and this means that in the case of the former the Treaty itself will not increase our Security against a threat from that quarter (although the security guarantee discussed in paragraph 33 would do so.)

37. In my view the advantages in our signing the Treaty greatly outweigh the disadvantages. Moreover it might be suspected that if Australia were to refuse to sign the Treaty this would inevitably provoke a sharp protest from its major allies, who will no doubt be looking for Australian support. It would be undesirable for Australia to oppose both the United States and the Soviet Union on this issue, particularly when the Treaty will have strong support from Australia's other Western associates including New Zealand. Moreover Australia's Asian neighbours, including Indonesia, might well regard such an attitude with considerable suspicion and any influence we might have in restraining their nuclear ambitions might be much diminished.

38. Concerning the problem of India, it is considered that it would be in Australia's interest and the interests of other countries as well, that India should be a party to the Treaty. An Indian decision to produce nuclear weapons would have a greater unsettling effect than a similar decision by perhaps any other country. It follows that Australia ought to consider assisting efforts to persuade India and other non-nuclear powers to accept the Treaty.

#### *Ratification*

39. It is considered that Australian representatives at the forthcoming resumed Session of the General Assembly should be in a position to state that Australia will sign the Non-Proliferation Treaty and urge others to do likewise. It seems likely however that the process of obtaining forty ratifications in addition to the nuclear powers may take some time. During this period, the position and views of other major countries on signature and ratification should become clear. The timing of an Australian ratification could therefore be left for later decision particularly as the question of legislation may need to be examined.

#### *Recommendations*

40. It is recommended that:

- (a) Australia should in principle decide to become a Party to the Treaty as at present drafted on the non-proliferation of nuclear weapons which is expected to come before the United Nations General Assembly in resumed Session in April, 1968;
- (b) The Australian Delegation to the resumed Session should indicate Australian support for the Treaty, and for a Security Council guarantee by the major nuclear powers of the security of countries subject to nuclear threat or attack;
- (c) Australian representatives should seek to secure the widest possible support for the Treaty.
- (d) The timing of Australia's ratification be left for decision by the Prime Minister and the Ministers for External Affairs and Defence in the light of attitudes expressed on the Treaty, particularly by powers such as India.

[NAA: A1838, 680/10/2 part 1]

### **103 LETTER FROM BAXTER TO MCINTYRE**

Sydney, 6 February 1968

TOP SECRET

Thank you for your letter of 5th January, 1968<sup>1</sup> in which you referred to the agreement<sup>2</sup> reached by the Americans and the Russians on the text of a draft treaty relating to non-proliferation of nuclear weapons. You mentioned that a meeting will be convened in your Department on Friday next, February 9th, 1968 at 10.00 a.m. to discuss a draft submission recommending that Australia should accede to the Treaty. The Commission will send representatives to the meeting.

Reports relating to negotiations for a Nuclear Non-Proliferation Treaty have been discussed by the Atomic Energy Commission on a number of occasions. In addition, at the request of the Minister, the Commission has been asked to prepare certain basic papers for a review of

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<sup>1</sup> Not published.

<sup>2</sup> See Document 102.

Australia's nuclear weapons policy. You will know that this review was initiated by the Prime Minister<sup>3</sup> and it is very relevant to the matters to be discussed on Friday. This review has not been concluded and some of the more important Committees have never been convened.

The Commission is surprised in these circumstances to note that the Joint Planning Committee has reached an advanced stage in its consideration of these matters since it appears to have done so without any technical guidance on the prospects and possibilities of an Australian nuclear weapons programme. Sir Leslie Martin who, until recently, was the Defence Scientific Adviser to the Government, is a member of the Commission and fully shares our concern at the course which events have taken.

I feel it incumbent on me to state for the record that, up to the present time, a co-ordinated study of the implications of the Treaty—political, military and civil—has not been made. Nor have our requests to your Department for interdepartmental discussions of these aspects of the Treaty met with a positive response.

The Minister for National Development<sup>4</sup> is naturally concerned and has requested me to draft a letter to the Prime Minister urging that a thoroughly co-ordinated study of all aspects of this Treaty should be made before the question of accession by Australia is submitted to Cabinet for consideration.

The political aspects of the Treaty are essentially a matter for the Minister for External Affairs and it may well be that the Government will feel that they are completely overriding. I have placed on record the fact that the review of the defence aspects as directed by the Prime Minister is not complete. But from another point of view—namely, the safeguards provisions—the Treaty as drafted is discriminatory against countries which produce nuclear raw materials and it could well have a profoundly adverse effect on a number of important industries in Australia as well as on the introduction of nuclear power in this country.

[NAA: A1838, TS919/10/5 part 2]

#### **104 CABLEGRAM FROM EMBASSY IN MOSCOW TO DEPARTMENT OF EXTERNAL AFFAIRS**

Moscow, 9 February 1968

77. CONFIDENTIAL

#### **Non-Proliferation Treaty**

Your 39.<sup>1</sup>

As to particular aspects of treaty and its wording, Soviet attitude is a matter of record in Geneva and New York. Presumably what you require from us is a more general comment.

2. Our impression is that although it wishes to drive a hard bargain, the USSR regards conclusion of an effective treaty as an important objective and that the propaganda opportunities provided by the reluctance of some countries to accept the terms offered are a secondary consideration. Soviet Union is now a territorially satisfied country with a strong dislike of situations dangerous to world peace. Judging by its published statements (and we think by its

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3 John Grey Gorton.

4 David Fairbairn.

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1 Not published.

conduct), it regards the uncontrolled spread of nuclear capability as dangerous simply because it would introduce more potential threats to peace. Soviet estimate is that a dozen non-nuclear states could build bombs. But there are certain countries which are of particular concern to it—in the first instance, Germany. It is an important Soviet objective to prevent acquisition by the FRG of nuclear weapons whether by direct or indirect means. This is at the root of Soviet objection to all nuclear sharing arrangements under NATO.

3. Soviet concern with Germany is no doubt a strong reason why they have placed great importance on inspection, but their final acceptance of Euratom/IAEA arrangement<sup>2</sup> is a measure of their desire to get a treaty even one that is not ideal on this point in their eyes. They also understand that Germany is an advanced country technologically, and claims by FRG and others that the treaty should not hinder their development of nuclear energy for peaceful purposes seem to have been taken seriously. Russians claim that the present draft adequately meets this point.

4. Japan is regarded as rapidly emerging to great power status and no doubt also as a serious contender for nuclear capability. But it would be mistaken to think that Russians might favour a nuclear Japan to offset China. Rather the Soviet government will do its best to ensure Japanese acceptance of treaty.

5. Likewise there is no evidence that the USSR would like to see India acquire nuclear weapons. On the contrary, we know that Russians have pressed Indians to sign a treaty. (We gather that matter was little discussed during Kosygin's<sup>3</sup> recent visit, though we have seen a press report that Indians secured some greater satisfaction from Kosygin than hitherto in their efforts to get some kind of nuclear guarantee against China.)

6. Russians are probably well aware of (and have privately admitted) dangers which could ensue from nuclear weapons reaching hands of Arabs and Israelis, and doubtless feel the same about Cubans or North Koreans. We imagine that they will have learnt lesson of their assistance to China to develop nuclear capacity and will not repeat not help even other communist countries to do so nor provide them with weapons.

7. In short, we expect that the USSR will make a serious attempt to secure the widest possible membership of an effective treaty and may, if they have to, pay some price to secure it.

[NAA: A1838, 680/10/2 part 1]

2 The Council of Ministers of the European Economic Community had formally instructed the European Commission on 4 October 1967 to give an opinion as to whether the draft treaty was compatible with the Euratom Treaty. The five non-nuclear members of the EEC had argued that there should be no guillotine procedure providing for peaceful nuclear activities to pass automatically to the IAEA in the event of a disagreement between it and Euratom; that in any arrangement between Euratom and the IAEA the latter's role should be restricted to 'verification' of existing control procedures within the EEC; and that the treaty should not affect Euratom's arrangements with the United States, Britain or Canada or jeopardise in any way the EEC's supply of nuclear materials.

3 Alexei Kosygin, member of Politburo of the USSR and Chair, Soviet Council of Ministers. He had paid a courtesy visit to India in January.

**105 RECORD OF INTER-DEPARTMENTAL MEETING**

Canberra, 9 February 1968

TOP SECRET

**Draft Treaty on Non-Proliferation of Nuclear Weapons***Present:**External Affairs*

Sir Laurence McIntyre

Mr M.R. Booker

Mr W.T. Doig<sup>1</sup>

Mr W.B. Pritchett

Mr J.L. Allen<sup>2</sup>

Mr H.C. Mott

*Prime Minister's*Mr G.J. Yeend<sup>3</sup>

Mr A.T. Griffith

*Defence*

Mr E.L.D. White

Mr C.W. Clugston<sup>4</sup>*National Development*

Mr F.L. McCay

*Australian Atomic Energy Commission*

Sir Leslie Martin

Mr M.C. Timbs

Mr A.C. Thomas<sup>5</sup>

Sir Laurence McIntyre opened the meeting by saying that time was growing short for the establishment of an Australian attitude towards the draft treaty on Non-Proliferation of Nuclear Weapons. It was necessary to agree upon a submission to go before Ministers soon in the expectation that the Eighteen Nation Disarmament Committee (ENDC) would send a draft treaty to the resumed session of the 23rd General Assembly. The Department of External Affairs believed that the proper course would be for Australia to indicate that it was willing to sign the treaty.<sup>6</sup>

*[matter omitted]*

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1 Assistant Secretary, UN Branch, Department of External Affairs.

2 Head, International Economic Organisations Section, Department of External Affairs.

3 First Assistant Secretary, Prime Minister's Department.

4 Assistant Secretary, Defence Planning Branch, Department of Defence.

5 Presumably A.D. Thomas, Head, International Relations Branch, AAEC.

6 See Document 102.

14. Mr White said that the consequences for our relations with the US of our exercising the various options open to us as regards the treaty were also of some moment.

[*matter omitted*]

*Australian Atomic Energy Commission*

17. Mr Timbs said that the paper assumed that Australia would sign the treaty and no doubt this was based on an assessment of the political considerations. On the assumption that we would sign, the time factor became more important than if we were to give the treaty an exhaustive examination without undue regard to the time this would take. If we took the view that it was not so important to make a statement to the General Assembly, time would not matter so much and we could give the subject the study it deserved.

18. He said that he was not concerned about diplomatic activity but about the future of this country and whether we had time to make a proper assessment of the treaty. The AAEC had been trying to get inter-Departmental consideration of the subject for over 12 months, but had been unsuccessful. That was why it found it difficult to be faced now with a paper dealing with what might be the most important decision the government would take in half a century and to have this pushed through in two to three weeks. This was a bit rich.

19. He said that he did not find the External Affairs paper helpful. It was misleading in many respects and did not fill out the implications of the treaty or take account of the technological aspects. Some statements it made were open to challenge on technological grounds. The treaty had implications in three important fields—political, defence and civil. In the latter two fields, its implications were not understood at this stage and these should be areas for detailed study, not a rushed job. He would have preferred to have been able to examine these questions over the past 12 months. One field for study was article III, which favoured the nuclear powers at the expense of non-nuclear countries. It would introduce IAEA inspectors into fields from which they had been excluded, and it would put technologically advanced countries in remote areas, like Australia, at a disadvantage.

[*matter omitted*]

24. Mr Timbs said that we would have to abandon our option to make or acquire nuclear weapons if we signed the treaty. If precedent meant anything, we could be sure that the political considerations influencing our attitude would change over a long period. There was nothing wrong with the view that, in the last resort, the defence of this country was something for which we had to bear responsibility, even though it was true that we had our great and powerful friends.

25. Mr Booker referred to the question of urgency. We should bear in mind that, if we signed promptly, we might be able to persuade others to sign. The more widely supported the treaty was, the more effective it would be, and it was surely in our interest that it should be effective. Ministers should be in a position to make up their minds by 15th March whether they wanted to decide upon an Australian attitude. If not, we would be unable to influence others.

[*matter omitted*]

27. Sir Leslie Martin said that, in considering the political aspects of the treaty, External Affairs was working under a disadvantage. The draft paper had been prepared against a background of weapons development in 1945. It would not matter now if a country had no uranium, it could still build an atomic bomb. The document tended largely to ignore technological developments. The smallest countries could now do things that hitherto we had considered [beyond them].<sup>7</sup> It was important that consultations between interested Departments should occur quickly and be carried out with all speed.

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<sup>7</sup> Words in square brackets inserted by hand.



28. Mr Pritchett asked if this meant that a country we had considered to be technologically backward could produce an atomic bomb without other countries knowing of it. Sir Leslie Martin replied that we were not aware of the Chinese bomb until the last minute. We should consider the non-proliferation treaty with all the facts of science before us. This had not been done yet.

[*matter omitted*]

40. Mr Timbs commented that the submission tended to assume that, if we did not become a party to the treaty, the USA would abandon us. Mr Booker said that it did nothing of the sort. Mr Timbs said that we could get everything we wanted from the Americans in the nuclear field under the bilateral agreement we had with them.<sup>8</sup> If we signed the treaty we would not get any more than this, so we might be giving away something for nothing. In fact, we might even get less under a non-proliferation treaty than we got now. Sir Laurence McIntyre said that this was a marginal argument against signing. Mr Booker said we might also get less if we did not sign.

[*matter omitted*]

43. Mr Timbs said the safeguards article was most important. One problem was that the IAEA safeguards affect adversely the confidence of its signatories. He expected that there might be pressure to reduce the period of the treaty. Mr White said that, with the rapid advance of technology, any decision looking ahead more than 10 years would be a decision in the dark. [In response to a question,]<sup>9</sup> Mr Booker commented that the treaty did not prohibit the development of a missile capacity.

[*matter omitted*]

49. Mr Timbs said that in 10 years many countries would have nuclear power. At that point, the leadtime for the production of nuclear weapons would be reduced from 10 years to 18 months. His personal reaction was, the shorter the term the treaty the better. Mr Booker said that, if we decided not to produce nuclear weapons, surely it was in our interest to make the non-proliferation treaty as effective and all-embracing as possible. The period in which we might need protection most presumably would be that starting in about 10 years time. If we accepted the JPC recommendations, it seemed to follow that we needed the best possible non-proliferation treaty.

50. Mr Yeend said that, if the policy were to sign the treaty and to keep our nuclear options open as far as possible having regard to its terms, it did not matter how long a period the treaty would be in operation. Mr Timbs said that the critical period would start when Australia developed a firm nuclear option. Mr Griffith thought it would be best to have as effective a treaty as possible.

51. Mr Timbs believed that the major threat to Australia would be from China. The only possible defence against a nuclear missile system was nuclear weapons. If we were threatened in 10 to 15 years and had signed away our right to make nuclear weapons or to acquire them, we would be in a pretty pickle. Mr Pritchett said that this was based on the assumption that we were the only ones likely to be threatened by China. In fact, it was clear that more countries than Australia would be threatened. We would not be alone.

[*matter omitted*]

[NAA: A1838, TS919/10/5 part 2]

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8 On 11 April 1967, Australia and the United States signed an agreement on the peaceful uses of atomic energy. In addition to the exchange of nuclear information, it allowed for the United States to supply to Australia enriched uranium for the development of nuclear power reactors and for inspection by the IAEA to ensure that none of the uranium was diverted for military purposes.

9 Phrase in square brackets inserted by hand.

**106 LETTER FROM FAIRBAIRN TO GORTON**

Canberra, 16 February 1968

TOP SECRET

I would like to invite your attention to the draft<sup>1</sup> of the Nuclear Non-Proliferation Treaty (N.P.T.) which has been under discussion at the Eighteen Nation Disarmament Committee in Geneva. Australia is not a Member of this Committee, but we have been kept informed of proceedings by friendly powers and in particular by the United States.

I understand that it now appears likely that a draft of the Treaty will be forwarded to the General Assembly early in March and that it will be considered by the Assembly at meetings commencing in April and could, if approved, be open for signature in June. It could be expected that, when this occurs, Australia will be under pressure to sign the Treaty at an early date and I understand that a submission proposing this course is being prepared by our colleague the Minister for External Affairs and will be submitted for consideration of Cabinet in due course.

This Treaty will have the greatest implications for Australia, not only in the political and defence fields but also in the mining industry and in the civil application of nuclear energy. Already it is clear that Communist China and France will not accede to it and my information is that India will not do so.

You will know that the late Prime Minister<sup>2</sup> had initiated a review of Australia's nuclear weapons policy and this has not been concluded. The Atomic Energy Commission is collaborating as required in this study, which, it seems to me, should be concluded before Cabinet is asked to give consideration to any proposals relating to Australian accession to the N.P.T.

As a Minister, I am naturally very concerned with all of the implications of signing the Treaty. Because of the demonstrably adverse effects the Treaty would have on several matters which come within my responsibility I am more directly concerned with its implications in the Civil field, particularly in the application of safeguards, and consequential international inspection of many of our industrial operations.

In the past the Government has participated in the development of an International Safeguards System by the I.A.E.A., but it has not been willing to apply this system to all nuclear activities in Australia. Last year, under American pressure, the Government agreed reluctantly to ask the I.A.E.A. to administer the safeguards provisions of our agreement for co-operation with the U.S.A.<sup>3</sup> However, these safeguards do not apply to our relations with the United Kingdom or any other country, nor to domestic production of fissile or fertile materials which do not come within the ambit of our agreement with the U.S.A.

In the past, as a matter of principle, Cabinet has refused to accept that safeguards may be applied to nuclear materials but not to nuclear plant or equipment, though as a concession to certain manufacturing nations this is what the Treaty now proposes. Nor have we accepted the application of I.A.E.A. safeguards to domestic production of uranium and thorium. Acceptance of the latter would adversely affect the uranium industry and virtually all of the Australian beach sands industry, as well as other branches of the mining industry.

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1 See Document 102.

2 Harold Holt.

3 See note 8 to Document 105.

If Australia accedes to the N.P.T., I.A.E.A. safeguards will become mandatory and our previous policies in these fields would be reversed automatically. All of our production and export of uranium and beach sands (the monazite component of which contains 6% thorium) will be likely to come under I.A.E.A. inspection and possible direction. Industries like phosphate production (phosphate is often found in association with uranium) may also come under supervision by the Inspectorate of Safeguards, an international body which will be responsible to the I.A.E.A. and which will operate under a set of procedures over which Australia has no control.

In the course of its normal work, the Atomic Energy Commission is undertaking work relating to the design of specialised equipment for nuclear purposes; for example, the Commission is undertaking some work on a process for the centrifugal separation of uranium 235. Enriched uranium may be used for a civil power programme but it can also be used in the context of a military programme. Much of the equipment used for this research could also be found within our defence laboratories. If Australia were to accede to the Treaty, it would be taken for granted that officers of the I.A.E.A. Inspectorate would insist on inspecting any laboratories where they had reason to believe that any such activity was being conducted and this means that they would have a right of access even to Defence laboratories. Officers of the I.A.E.A. are drawn from all countries, not all of which are friendly.

There is little doubt that the I.A.E.A. Safeguards System, if applied universally will be very costly to the Commonwealth and is likely to have an adverse effect on the introduction of nuclear power and the development of associated industries in this country.

I am aware of course that Australia has no military programme for the production of nuclear weapons and so far as I am aware, no such programme is in contemplation. Moreover, I would welcome any practical move for the reduction of nuclear armaments, but I feel that we should be realistic about this. The U.S.A., U.K., U.S.S.R., China and France will not be subject to the mandatory application of I.A.E.A. safeguards. Although the U.S.A. and the U.K. are likely, as a minor gesture, to place some of their civil facilities under I.A.E.A. safeguards, the U.S.S.R., China and France will not accept them under any circumstances and it is most unlikely that certain other countries within the region of South and South East Asia will do so; e.g., India.

There seems to me to be a very strong case for Australia to move slowly in this matter and delay for a considerable time signing the Treaty, or perhaps not to sign it at all but to make an appropriate declaration that we do not contemplate making nuclear weapons.

The purpose of this letter is to place on record the fact that the Nuclear Non-Proliferation Treaty will have major implications in the civil field for Australia and every endeavour should be made to have an objective assessment of all aspects of the Treaty before Ministers are invited to take a decision on accession by Australia.

[NAA: A1838, 680/10/2 part 2]

**107 PAPER BY AAEC**

Sydney, March 1968

TOP SECRET AUSTEO

**Australian Atomic Energy Commission  
Nuclear Weapons Policy**

This paper presents an A.A.E.C. – Department of Supply assessment of Australia's capability to produce and manufacture nuclear weapons within the existing framework of Safeguards requirements attaching to any nuclear equipment, materials or information received from overseas.

*Summary of Conclusions*

2. (a) During the last ten years considerable advances have taken place in nuclear weapons technology and further advances will follow. The quantity of fissionable material required for one weapon has been appreciably reduced, as has the cost per weapon. Some relevant information is published in the open literature. The principles involved are well understood in Australia and a research and development programme would lead rapidly to a detailed weapon design.
  - (b) This information is available not only to the nuclear weapons States but also to an increasing number of other countries. Moreover, it will have been known to a large number of *non*-nuclear weapons States for some years and in some of these cases has been used to bring them close to the point where they can explode nuclear weapons.
  - (c) Australia has the information, the nuclear skills and the industrial capacity to set up and operate facilities to produce fissionable material (i.e. plutonium or enriched uranium) of weapons grade, either alone or with overseas assistance. A major breakthrough in the enrichment of uranium by the centrifuge process has been reported in Holland.<sup>1</sup> This was expected by the A.A.E.C. and its significance lies in its very low capital cost.
  - (d) If the Government holds to its established policy of retaining its options it could make these more meaningful by promoting a nuclear weapons power programme in Australia and by initiating a modest research effort on uranium enrichment and nuclear weapons design.
  - (e) If Australia accedes to the Non Proliferation Treaty, work on the development of knowledge relevant to the design of nuclear weapons in Australia will be prohibited.
  - (f) If Australia does not accede to the N.P.T. the production of atomic weapons could be expected to require a minimum lead time of seven years, provided the necessary action to produce weapons material and to design a weapon proceeded concurrently.
- [matter omitted]
- (i) Current Commonwealth stocks of uranium and privately held reserves not available for export would be sufficient to maintain an annual production rate of 240 kilograms of weapons grade plutonium for ten years. There is little doubt that further uranium reserves could be discovered if an exploration programme were undertaken. The provision of a domestic market would stimulate the private search for uranium.

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<sup>1</sup> Early in 1968, the Dutch claimed that their engineers had achieved a 'technical breakthrough' in the development of an ultra-centrifuge separating uranium 235 from natural uranium 238, i.e., the Dutch process of Professor Jacob Kistemaker.

- (j) For a capital outlay of \$75 million, Australia could equip itself with the capacity to produce annually 26 kilograms of weapons grade plutonium (i.e. more than sufficient for three 20-kiloton weapons) at a cost of \$346,000 per annum, including amortization. A capital outlay of \$100 million would provide the capacity to produce annually 240 kilograms of weapons grade plutonium (i.e., sufficient for thirty 20-kiloton weapons) at a cost of \$13 million per annum, including amortization at 4%.

[matter omitted]

#### *Enriched Uranium Production*

5. The commonly used method for enriching uranium is the gaseous diffusion process. All gaseous diffusion plants built in the western world are of very large capacity. A typical U.S. enrichment plant can produce 27,000 kilograms of weapons grade enriched uranium annually and requires a power input of some 2,000 megawatts. Australia does not have access to diffusion technology but the principles are well known. It is not possible to scale these U.S. figures down to modest production sizes with any confidence. Subject to this qualification it seems that a diffusion plant capable of producing 250 kilograms of weapons grade uranium a year (i.e. ten 20 kiloton weapons) might cost \$80 million and require 30 megawatts of power. Research and development work would be necessary before Australia would be in a position to construct such a plant.

6. Research and development on an alternative process using gas centrifuges is reported as having achieved a major breakthrough. The significance of this process lies in its very low capital cost. Such research and development on centrifugal separation proceeded under normal 'commercial' security until 1961, when the U.S.A. classified all work on it as secret and urged other countries to do likewise because of the implications of a solution to the small scale low cost production of enriched uranium.

7. Because enriched uranium is also a valuable reactor fuel for civil power generation the A.A.E.C. has begun a research and development programme on the gas centrifuge process.

#### *Plutonium Production*

[matter omitted]

10. Australia has the information, the nuclear skills and the industrial capacity to set up and operate plutonium production facilities either with overseas assistance or on its own. Overseas assistance with the design and construction of the reactor and plutonium extraction plant would appreciably reduce the cost of setting up plutonium production facilities and shorten the time required to do so.

11. A power reactor of overseas design with an electrical output of 250 megawatts together with facilities as listed above could be provided at a capital cost of \$75 million. This would allow the production of 26 kilograms of weapons grade plutonium (i.e. approximately three 20 kiloton weapons) annually. If the electricity was sold for 4 mills a kilowatt hour, the cost of producing the plutonium would be \$106,000 for each 20 kiloton weapon.

12. The same reactor could be operated at a lower electrical output to produce a maximum of 240 kilograms of weapons grade plutonium (i.e. thirty 20 kiloton weapons) a year.

[matter omitted]

[NAA: A1838, TS919/10/5 part 5]

## 108 SUBMISSION FROM BOOKER TO HASLUCK

Canberra, 6 March 1968

SECRET

### **Draft Treaty on the Non-Proliferation of Nuclear Weapons**

The Eighteen Nations Disarmament Committee is expected to complete its consideration of the draft treaty on the non-proliferation of nuclear weapons by March 15th.<sup>1</sup> The draft will then be transmitted to the United Nations for consideration by the resumed session of the 22nd Session of the General Assembly which is expected to commence in the latter part of April. Discussion of the treaty in the General Assembly is expected to continue for a month or so and if the draft is adopted the treaty would presumably be open for signature by about June.

2. If Australia wished to be in a position to influence the final form of the treaty it will be desirable for our representative to have instructions as soon as possible after the ENDC report is available. There will be very considerable international activity in the period immediately before the resumed session of the General Assembly and of course during its discussions. Assuming that Australia were to take a policy decision to sign an effective treaty we would need to work closely with associated countries in ensuring that such a treaty was in fact adopted by the General Assembly.

3. Whether the present draft meets the requirement of an effective treaty is at present under examination in the Government Departments concerned. Decisions will however have to be made by Cabinet as to whether the treaty can be basically accepted in its present form; whether certain amendments already put forward by other governments might be supported; and whether we should put forward amendments of our own.

### *The Case for Signing*

4. The arguments in favour of signing a non-proliferation treaty are basically as follows:

- (i) It is not possible for Australia to provide for its own security against nuclear attack. To do this it would not be sufficient to acquire nuclear weapons. It would be necessary also to have a delivery system with inter-continental range. Moreover for Australia to have a plausible deterrent it would need to be able to strike back powerfully after it had been subject to an initial nuclear attack. Apart from the economic cost which any country faces in developing this second strike capability Australia is faced with the enormous disadvantage of its geographical position, the distance at which it would have to strike at any probable enemy, and the vulnerability of its cities and industrial complexes.
- (ii) Australia's security lies in the prevention of any nuclear outbreak. The danger of such an outbreak increases to the extent that further countries acquire nuclear weapons. It is true that there are already five countries with nuclear armaments and that two (France and Communist China) will not sign the treaty. This means that the danger of nuclear outbreak is already considerable. But it would clearly increase if such weapons were

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<sup>1</sup> The report of the thirteenth session of the Conference of the Eighteen-Nation Disarmament Committee was submitted to the General Assembly by the co-chairmen, William Foster and Alexei Roshchin, on 14 March 1968. The report contained the texts of a revised joint Soviet-US draft treaty on the non-proliferation of nuclear weapons and of a draft resolution of the UN Security Council (see Document 102), proposed by the United States, the United Kingdom and the Soviet Union, on security assurances to non-nuclear states. The preamble, which had been reduced from 12 to 11 paragraphs by the draft of January 1968, was restored to 12. The wording of Articles 6 and 8 was slightly revised and a new section was added to paragraph 3 of Article 8, providing under certain conditions for the convening after the initial review conference of further meetings at five-yearly intervals to consider the treaty's operation.

acquired for example by Japan, India, U.A.R., Israel, Cuba and Indonesia. Some horses have bolted, but it is still desirable to shut the doors on the ones that remain.

5. It has been argued that no country would come to Australia's assistance if subjected to a nuclear threat because such a country would thereby risk the destruction of its own cities. Thus it has been said that the United States would not risk the destruction of San Francisco to save Sydney. This is a questionable argument. The truth is that the United States (and indeed the Soviet Union) know that if nuclear aggression succeeds anywhere in the world their own cities would sooner or later be exposed to destruction. Any nuclear threat to such countries as Australia is thus ultimately a threat to the United States and to the Soviet Union. The security of the super powers themselves depends upon their being able to prevent any nuclear outbreak because if nuclear aggression succeeded the result would be the creation of a nuclear power capable of challenging their own power. It is in the interests of such countries as Australia that the task of the super powers in preventing nuclear outbreaks should be simplified by the prevention of further proliferation of nuclear weapons.

6. If it is accepted that Australia's interests lie in the prevention of the proliferation of nuclear weapons it follows that it should support a treaty directed to this purpose and do its best to ensure that the terms of the treaty are effective in achieving it in a durable way. Conversely it may be said that Australia's interests would not be served by an ineffective treaty notwithstanding that this might mean that our own obligations under the treaty would be less.

7. The treaty as at present drafted would prevent us from manufacturing or acquiring any nuclear weapons or explosive devices. It would not prevent us engaging in any form of nuclear development of which it could not be said that its only purpose was the manufacture of an explosive device. Thus it would still be possible for a non-nuclear signatory of the treaty to carry its nuclear technology to the brink of making a nuclear explosive device. Its nuclear activities would however be subject to a wider range of compulsory inspections than are at present applied to such countries as Australia.

8. To put this in concrete terms let us suppose that a gaseous diffusion plant to make enriched nuclear material could have no other purpose but to produce material for explosive devices. Such a plant would be banned under the treaty because it would be part of the manufacture of nuclear explosives. Let us suppose however that such a plant is required to produce enriched material for use, say, in an advanced type of nuclear reactor. It would not then be banned under the treaty but would be covered by the provision ensuring to countries the right to develop nuclear energy for peaceful purposes.

*[matter omitted]*

[NAA: A1838, 680/10/2 part 2]

**109 PAPER BY DEPARTMENT OF DEFENCE**

Canberra, 6 March 1968

6/1968. SUPPLEMENT 3. TOP SECRET AUSTEO

**Defence Committee  
Non-Proliferation Treaty**

Attached is a paper prepared by the Department of Defence for consideration by Defence Committee in conjunction with Agendum No. 6/1968.<sup>1</sup>

**Non-Proliferation Treaty—Considerations Relating to Australian Attitude**

The Australian Government must shortly determine its attitude to a Nuclear Non-Proliferation Treaty, a draft of which, agreed between the United States and the U.S.S.R. is currently before the Eighteen Nation Disarmament Committee of the United Nations.<sup>2</sup>

*[matter omitted]*

3. The propositions in favour of signing the Treaty include the following—
- (a) it is in Australia's interest that an outbreak of nuclear war anywhere in the world be prevented or avoided;
  - (b) our interest in this respect is the same as that of the U.S. and U.S.S.R.;
  - (c) the best hope of nuclear war being avoided is through the concerted action of U.S. and U.S.S.R. acting with the support of as many other States as possible;
  - (d) the emergence of additional nuclear powers could upgrade the possibility of nuclear war occurring.

*[matter omitted]*

6. *[matter omitted]*
- (d) signature by Australia of the Treaty as proposed by U.S.A., and U.S.S.R. goes beyond denying Australia the right to make and use nuclear weapons. It would (inter alia) subject Australia to safeguards and inspection in relation to mining of uranium ores, beach sands etc. and their processing and would place Australia in the hands of the nuclear States in regard to the use of nuclear devices for peaceful purposes. It would also put substantial limits on Australia's capacity to develop her technology for the making of nuclear devices, let alone weapons;
  - (e) as will be shown it is not merely a case of considering signing the Treaty. Signature will subject signatories to the safeguards provisions of the I.A.E.A. Statutes which—
    - (i) can be varied without Australia's consent;
    - (ii) could be varied to preclude research which might be applied to both weapons, power and other peaceful purposes;
    - (iii) could possibly have the effect of precluding Australia from fuelling nuclear-powered ships and submarines, whether merchantmen or warships and whether equipped with nuclear weapons or not;

*[matter omitted]*

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<sup>1</sup> Not published.

<sup>2</sup> See note 1 to Document 108.



12. Not merely can we not guess what will be achieved in the next 25 years we are basically ignorant of what our nuclear allies have achieved in the past decade. We are therefore in a poor position to judge the future effectiveness of a safeguards system.

### *Effects on Australian Interests*

#### *Military*

13. The Joint Planning Committee has assessed that for the foreseeable future (the next 10 years or so) it is not necessary for Australia to acquire a nuclear capability. But this depends on the assumption that the U.S.A. will provide the necessary protection for Australia—that, in effect, the U.S.A. will risk nuclear attack against itself to prevent a nuclear attack on Australia. The Committee also recognises the unpredictable factors affecting the longer term, including the success of the Treaty and strategic and technological developments. To be added as another factor is the continuing existence of the ANZUS Treaty. While its term is indefinite, provision exists for any party to withdraw on twelve months' notice. It is certainly possible that these factors may combine in the future to make a credible nuclear capability both desirable and more feasible.

[matter omitted]

16. The case of nuclear weapons etc. against an invasion force needs special consideration. There are two points of view:

(a) One considers that the use of nuclears in a State's own territory or territorial waters, or against hostile forces on nearby high seas would be unlikely to trigger major deterrent systems or to lead to general nuclear war. This school of thought considers that a large and isolated country such as Australia could find itself in circumstances in which the use of nuclear weapons would be desirable.

(b) The other view is that an attack on or threat to Australia might well be of a type for which nuclear weapons could not be used and which they would not deter. Subversion and insurgency are within this category but save in the case of Papua/New Guinea appear fanciful in the Australian context. Further an Australian nuclear capability is seen likely to stimulate a non-nuclear potential to seek one, either by acquisition or alliance with a nuclear power. This could create a situation in which it would be very doubtful whether Australia, with its high vulnerability to nuclear attack, because of its large and few conurbations could contemplate the escalation of any conventional military operations, even by defensive use of nuclear weapons.

[matter omitted]

### *Australia's Attitude to the Treaty*

[matter omitted]

27. The Treaty's provisions in their current form leave much to be desired. The blank cheque involved in possible amendments of the I.A.E.A. Statutes is far from satisfactory and could be dangerous. The cost to Australia of the safeguards provisions, with their concomitant inspection services could be quite large. Moreover some of Australia's mineral and ore processing industries could be prejudiced.

28. While the Treaty is clearly in overall terms, a step in the right direction, it does not dispose of the threat of nuclear war, it is not set in the context of disarmament, it places no obligations on the haves to control or limit their activities in the nuclear field and on the contrary it places virtually the rest of the world, excluding France and China, in the hands of the haves—not merely as to possession of nuclear capability but as to the enormous potential of technological development in the nuclear field. In technological terms the treaty could not fail to give the haves an even greater headstart on the rest of the world.

29. Not merely do we face all the uncertainties as to how the Treaty will work out, such effectiveness as it has must depend not only on the number of countries becoming parties to it but on the number of countries having nuclear potential who do so. The provision of Article IX (iii) for a minimum of 40 non-nuclear States hardly seems satisfactory.

30. All these considerations suggest that the proposals as to the life of the Treaty and conditions for withdrawal are unsatisfactory and that Australia's best interests would be served by going along with the Treaty only if its term is 10 years and its form thereafter is left for further consideration.

31. It would appear at this stage of our national development that Australia would be giving far too many hostages to fortune if it were to go along with the Treaty as it stands. To deny ourselves the right to make nuclear devices let alone weapons for 25 years is to deny ourselves access to the technological world of 1993. We have as much—perhaps less—chance of foreseeing that world as our grandfathers of 1900 could foresee today's world. Nuclear energy will be developed and will be used for purposes now only dimly perceived. Our signature of the Treaty will not stop progress and progress should not be stopped. The Treaty is directed to manifestation; it is unconcerned about root causes and for that reason alone contains the seed of its own futility.

[*matter omitted*]

### *General*

33. The foregoing and all the other papers before the Defence Committee stem from a direction of the Prime Minister that a study of the political, strategic, economic and technological aspects of Australian policy in regard to nuclear weapons should be carried out under the overall direction of the Defence Committee. While certain studies were expedited because of their relation to the question of the Non-Proliferation Treaty, much remains to be done and it will be some time before conclusions and recommendations can be formulated.

34. However from the work so far carried out it appears that an independent nuclear weapon programme would not be beyond Australian resources if it were considered to be politically[,] economically and militarily desirable. While the financial and other implications are far from being determined, the option to acquire by local manufacture an independent nuclear capability must therefore be regarded as being available to Australia.

## **Appendix 1**

### **Notes on Text of Draft Non-Proliferation Treaty**

[*matter omitted*]

#### *Article X<sup>3</sup>*

7. As indicated in the External Affairs paper, fears have been expressed at the restrictiveness of the withdrawal provisions. In this regard the circumstances under which withdrawal might become desirable in the future are impossible to forecast. The External Affairs paper suggests that a country which felt it was facing an extreme danger could presumably bring itself to an advanced stage of weapon production before announcing its withdrawal, thus reducing the lead time to a comparatively short period. If this is accepted for Australia it must also be accepted that other countries could do likewise, in which case the Treaty would not be regarded as effective.

[NAA: A1838, 680/10/2 part 2]

3 This article provided that a party might withdraw from the treaty if its supreme interests were jeopardised (see Document 102).

**110 NOTE BY PLIMSOLL ON DEFENCE COMMITTEE MEETING**Canberra, 7 March 1968<sup>1</sup>

TOP SECRET

**Treaty on Non-Proliferation of Nuclear Weapons**

The Defence Committee considered this question on the morning of 7th March.

2. The Chairman<sup>2</sup> began by inviting those present to express any queries they had about the papers circulated by the various Departments, without having any discussion or answers to the queries at that stage.

3. On the External Affairs paper<sup>3</sup> Sir Philip Baxter queried a number of points.

(a) Paragraph 18. He mentioned that the present safeguards system applied and could be varied at will by the Board of Governors.

(b) Paragraph 19. He disagreed with the statement that the safeguards contemplated did not amount to a full-scale system of inspection and control.

(c) Paragraph 20. He considered that 'the development of nuclear energy for peaceful purposes' might be interpreted much more strictly than External Affairs thought. He said that the United States had recently prevented the United Kingdom from supplying fuel to Italy for the nuclear-propelled ship.

[*matter omitted*]

(f) Paragraph 33. He said that External Affairs seemed to assume that, if Australia adhered to the Treaty, it would nevertheless be able to continue to take some measures that would put it in a position to advance more quickly in making nuclear weapons if a decision were made to withdraw from the Treaty. Australia could make little progress in that direction under the continuous inspection which the Treaty would require. It would take Australia at least five years from the time of withdrawal to make nuclear weapons.

[*matter omitted*]

11. Sir Philip Baxter said that the Treaty would have very serious repercussions in the peaceful field over a wide range including mining and beach sands. There would be restraint and inspectors on every activity of this kind. When Australia moved into manufacture of nuclear power, inspectors would move into every activity. It was hard to say how far it would go or how much it would cost, but the cost could be considerable every year. Sir Philip expected that within the next few years Australia could construct its first nuclear power station (it would be operating in 1975) and it would have full manufacturing facilities, and other things that would attract international inspection. A lot of Australian companies would refuse to co-operate in the construction of the station and in other ways if they were going to be subjected to international inspection, because they would fear that the inspectors would be spying on behalf of other countries and on behalf of other manufacturers.

12. Mr Boswell (Secretary of the Department of National Development) disagreed with the United States answer to an Australian query (telegram No. 945<sup>4</sup> from Washington, paragraph E) to the effect that mines and all processing plants would be inspected. Mr Boswell said that, to be effective, the inspectors would have to go back to the source material and hence

1 A handwritten note indicates that Plimsoll's note of the meeting was distributed on 21 March.

2 Sir Henry Bland, Secretary, Department of Defence.

3 Not published.

4 Not published.

to the mining stage. If they did not do so, there could be no check on leakage of material. Sir Philip Baxter expressed agreement, and said that Australian companies would be reluctant to give inspectors details, for example the grade of ore or the processes. Whereas European countries might be inspected by permanent international civil servants of Euratom, inspectors in Australia would be under only two-year contracts and would therefore be able to misuse the material they discovered.

13. Sir Henry Bland said that he feared that adherence to the Treaty might cut Australia off for all time from a lot of scientific research and development.

14. The discussion then turned briefly to nuclear weapons. Mr Cooley<sup>5</sup> (Secretary of the Department of Supply) said that he had the impression that immense technical progress had been made on making nuclear weapons. Therefore a safeguards system would have to be very comprehensive. If we decided to sign the Treaty, we would be doing so on the basis of insufficient information.

15. Sir Philip Baxter said that in one particular field there were indications that a great deal of progress had been made which would make manufacture of nuclear explosives easier and cheaper. The United States had imposed a rigid security ban on this work in the United States and also clamped down on completion of what had been done in Germany. The A.A.E.C. was now working in that field itself to try and break through. Sir Philip said it could not be assumed that nuclear weapons could not be made easily and cheaply within the next few years by countries that did not tie themselves to the Treaty.

16. Sir Philip said that Australia and perhaps South Africa<sup>6</sup> were in a unique position. In one category were the 'have' powers. In the next categories were countries which had the capacity to make weapons within a few years and had gone some stage along the way: Japan, India, Sweden, Germany and perhaps some others. Australia and South Africa had potential capacity but had not done much to develop it. Therefore they would be giving up something very real if they signed the Treaty. Most of the other countries of the world could not make a nuclear bomb if they wanted to, or develop nuclear capacity, and consequently they would not be signing anything away by adhering to the Treaty.

17. I spoke along the following lines. I said I thought that the Defence Committee should indicate it favoured Australia adhering to the Treaty, and it should consider whether any amendments should be sought or whether any understanding should be expressed as to the meaning or execution of the Treaty. It would then be for consideration how far these clarifications should be pressed. I said that the Australian Government for many years had indicated that it believed that nuclear weapons should not be disseminated among countries which do not already possess them because of the implications for world peace. It would be a big achievement if the United States and the U.S.S.R. reached agreement in this field. We should not look at the Treaty solely in terms of what restrictions it would impose on Australia and what we would be foregoing by accepting it. We should bear in mind that the Treaty would impose similar restrictions upon other countries that adhered to it, and the Treaty was designed if possible to restrain all countries. If Australia said that it would not sign the Treaty because of the limitations which it imposed, we would be saying in effect that Germany, Indonesia, India and Japan should not sign either. The inspection system as outlined by Sir Philip Baxter sounded onerous, but it would apply also to the other countries which signed the Treaty.

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<sup>5</sup> A.S. Cooley.

<sup>6</sup> South Africa was also developing enrichment technology, involving the so-called vortex-tube process, and had constructed a 20-megawatt reactor in March 1965. Like Australia, South Africa had abundant reserves of uranium and promoted the use in the late 1960s of nuclear explosives for mining. Peter Hounam and Steve McQuillan, *The Mini-Nuke Conspiracy*, Faber & Faber, London, 1995, pp. 72–4.

Australia and other Western powers had argued for nearly twenty years that it was not possible to have effective systems of disarmament or arms control without inspection. I said that we also had to bear in mind what the attitude of the United States would be if Australia refused to sign. Despite what the A.A.E.C. thought, I believed there was a strong likelihood that the United States would cease cooperation with Australia in the atomic energy field if we refused to sign the Treaty. There might also be other implications.

18. Sir Henry Bland said that if Australia decided not to sign the Treaty, he did not imagine that it would be announced bluntly in the General Assembly of the United Nations. The announcement could be wrapped up in a palatable form. The Australian representative could say that, though Australia was not signing the Treaty, it had no present intention of making any nuclear weapons. I said that such a statement would cut no ice whatever. What the Australian representative would be saying would be that Australia was not going to manufacture nuclear weapons, but it had no intention of allowing anybody to verify whether it was making them or not.

19. Sir Richard Randall (Treasury) spoke at this stage and supported what I had said earlier about paragraph 34 of the Department of Defence paper,<sup>7</sup> indicating that an independent nuclear weapon programme would not be beyond Australian resources. Sir Richard said that he thought the costs would be high and that, in addition to the delivery systems and infrastructure which I mentioned, there would probably be heavy additional costs in installing special defence systems in the cities because Australia would probably become a target of higher priority in the event of hostilities. Sir Richard said also that he was not shocked at the idea of inspectors, because obviously if one was to have control of armaments one had to have inspectors.

20. Sir Henry Bland intervened to draw the discussion together and said that there were three alternatives for the Government:

- (a) to sign the Treaty as it stood, possibly with some statement of understandings,
- (b) to sign the Treaty but limit its duration to ten years, after which Australia would consider whether to continue or not, and
- (c) not to sign it at all.

Sir Henry favoured the second of these courses. He did not think there would be very great limitations on Australia over the next ten years. There was a lot of agreement around the table on that point, but I said that I was not happy with it and would need to think about it. There were quite a number of reasons for thinking that a Treaty limited to ten years would not be effective.

21. Sir John Bunting said that he disliked the idea of inspectors, but did not see why they would be more acceptable for ten years than for twenty-five years. But the big consideration in his mind is what effect it would have on the Australian alliance with the United States. He thought that this should be the overriding consideration, and suggested that before taking a final decision the Australian Government should talk about it with the United States.

22. The Defence Committee decided to set up a sub-committee consisting of Defence, External Affairs, A.A.E.C., Supply and the Treasury to prepare a paper for further consideration. The target dates are Thursday, 14th March for the preparation of the paper, and 21st March for consideration in the Defence Committee.

[NAA: A1838, 680/10/2 part 3]

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<sup>7</sup> See Document 109.

## 111 CABLEGRAM FROM DEPARTMENT OF EXTERNAL AFFAIRS TO POSTS

Canberra, 15 March 1968

803. CONFIDENTIAL

### Non-Proliferation Treaty

Our 627 to Washington and Washington's 964<sup>1</sup>

The text of the draft treaty<sup>2</sup> has been under consideration by interested departments in the AAEC. Clearly it leaves open the interpretation of a number of important matters and the full and precise effect of the treaty will not become apparent until these interpretations have been established. It will be important, therefore, for Ministers to have as authoritative guidance and understandings as possible of these matters when considering whether the treaty is likely to be effective and whether Australia should adhere, particularly since it seems the negotiation of obligations essential to the implementation of the treaty, the safeguards system, is not to be undertaken until after signature and ratification. It would be most helpful, therefore, if you could keep in touch at a responsible working level and let us know how attitudes to the treaty provisions are shaping, particular queries and difficulties that are arising and what interpretations are being placed or sought on vaguer provisions.

2. Set out below are some queries that have arisen in our own discussions and we would be glad if (except for the posts mentioned in para. 6) you would take early opportunity to explore thinking on these and report. We emphasise that these are preliminary queries at the official level and cannot in any way be taken as reflecting interest or views at the governmental level.

#### *Queries.*

3. (a) The treaty is concerned with the non-proliferation of nuclear weapons and nuclear explosive devices. What is the basic policy concept of the treaty in regard to research and development directed solely towards improving a country's capacity to produce nuclear weapons and explosive devices? Is it the intention of the treaty to stop research and development in this field and so to consolidate existing inequalities of development, thus placing certain non-nuclear countries for the indefinite future in a favoured position in relation to others under Article X<sup>3</sup> (Withdrawal)?

(b) Article II of the draft treaty provides that non-nuclear signatories will not 'manufacture ... or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.' Is it intended that all research, development or production, in respect of which there is a genuine peaceful intent, be allowed even if they are also significant to the manufacture of a weapon or explosive device? (For example, highly enriched uranium produced by the diffusion process is used both in the production of nuclear weapons and in fast-reactors. Could a party interested in a civilian fast reactor programme engage in research and development on the diffusion process, though this would at the same time increase its capacity to produce weapons?)

(c) How is it envisaged that this intent be established? By the IAEA?

(d) Article XII(5) of the IAEA Statute provides that the agency can 'require deposit with the agency of any excess of any special fissionable material recovered or produced as a by-product over what is needed (for research or other peaceful purposes)'. Is it the understanding that this provision will be included in the new safeguards system?

1 Not published.

2 See note 1 to Document 108.

3 See Document 102.

(e) The current IAEA safeguards aim to prevent materials, equipment etc. made available by the agency being used to further any military purpose. Under the treaty and revised safeguards system will it be permissible to allocate fissionable material to military applications other than nuclear weapons and explosive devices (e.g. to warship propulsion or mobile power plants)? If so, will safeguards procedures be applied to the materials used?

(f) In purely procedural terms, the current provisions of the treaty appear to require governments to accept in advance obligations in regard to safeguards that will not be defined until the new safeguard system is established. It is envisaged that the new safeguards system will be established before ratification of the treaty? What would be the position if a party withheld consent to later amendments to the safeguards system?

(g) Are any restraints seen on countries that form new regional groupings similar to Euratom, negotiating as a group on safeguards?

4. We note from Bonn's telegram No. 116<sup>4</sup> that there appears to be considerable interest in securing amendments to the treaty in respect particularly of the provisions for review, duration and withdrawal. It would seem important, as the Germans point out, to make the treaty 'adaptable to future political, economic and technological developments'. Please report thinking on these aspects at your post.

*For Washington*

[matter omitted]

6. [matter omitted] For information. We do not wish you to take up consultations at this stage but should appreciate reports on anything you might pick up.

[NAA: A1838, 680/10/2 part 2]

## 112 CABLEGRAM FROM EMBASSY IN WASHINGTON TO DEPARTMENT OF EXTERNAL AFFAIRS

Canberra, 15 March 1968

1117. SECRET

### Non-Proliferation Treaty

Our telegram 1115.<sup>1</sup>

Following is the text of the US 'interpretations' of the non-proliferation treaty.

*Begins:*

1. The treaty deals only with what is prohibited, not with what is permitted.
2. It prohibits transfer to any recipient whatsoever of 'nuclear weapons' or control over them, meaning bombs and warheads. It also prohibits the transfer of other nuclear explosive devices because a nuclear explosive device intended for peaceful purposes can be used as a weapon or can be easily adapted for such use.

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4 Not published.

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1 Dispatched on 15 March, it reported that the US State Department had issued a clarification of US views on the draft treaty and that the text of the clarification would be conveyed in a separate cablegram.

3. It does not deal with, and therefore does not prohibit, transfer of nuclear delivery vehicles or delivery systems, or control over them to any recipient, so long as such transfer does not involve bombs or warheads.
4. It does not deal with allied consultations and planning on nuclear defence so long as no transfer of nuclear weapons or control over them results.
5. It does not deal with arrangements for development of nuclear weapons within allied territory as these do not involve any transfer of nuclear weapons or control over them unless and until a decision were made to go to war, at which time the treaty would no longer be controlling.
6. It does not deal with the problem of European unity, and would not bar succession by a new federated European state to the nuclear status of one of its former components. A new federated European state would have to control all of its external security functions including defence and all foreign policy matters relating to external security, but would not have to be so centralized as to assume all governmental functions. While not dealing with succession by such a federated state, the treaty would bar transfer of nuclear weapons (including ownership) or control over them to any recipient, including a multilateral entity.

[NAA: A1838, 680/10/2 part 2]

### 113 MINUTE FROM PRITCHETT TO PLIMSOLL

Canberra, 20 March 1968

TOP SECRET

#### Non-Proliferation Treaty

I passed to you yesterday a copy of the paper on the Non-Proliferation Treaty produced by the working group set up by the Defence Committee.<sup>1</sup> The AAEC representative stated that his acceptance of the paper could not be regarded as committing the AAEC. The paper is not 'agreed' therefore in a policy sense. Nevertheless, considerable progress has been made in sorting out and narrowing down various arguments about the Treaty and agreeing their presentation. Dr. Wilson, the AAEC representative, told me privately that he did not consider the possible disabilities under the Treaty in regard to peaceful nuclear purposes of great significance (and in important respects these aspects are governed by other provisions, such as the American McMahon Act). The Commission's chief concern, he said, lay in the security field. It could be, therefore, that the AAEC will oppose the Treaty on these grounds in the Defence Committee and in Cabinet by casting doubt on the strategic and political arguments coming forward. I refer to this further below. I might say that I have an impression that the AAEC is to some extent using argument about possible disabilities on the civil side as a means to protect its position regarding military uses. Unfortunately General Wilton<sup>2</sup> will not be at the Defence Committee Meeting. Sir Henry Bland's position regarding the security aspect is uncertain, but certain comments, as for example about the importance of Malik's<sup>3</sup> remarks on

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1 Agendum 9/1968 of 18 March 1968 contained the text of the report of a senior-level working group comprising representatives of the AAEC and the departments of Defence, External Affairs, Supply and the Treasury. See also Document 110.

2 General Sir John Wilton, Chairman, Chiefs of Staff Committee, Department of Defence.

3 Adam Malik, Indonesian Foreign Minister.



a nuclear alliance against China, suggest that he might have reservations about surrendering our option to develop nuclear weapons for the indefinite future.

[*matter omitted*]

*'The Desirability of the Non-Proliferation Treaty'*

[*matter omitted*]

4. The general political argument in favour of the Treaty is well stated by Hedley Bull in his article today:<sup>4</sup>

'First, in common with other nations Australia has an interest in controlling the spread of nuclear weapons, which in the long run represents a danger to international society as a whole, abstract though this may seem. The Treaty will not by itself halt proliferation; and even buttressed by other measures it may well prove insufficient—in the long view of history it is most improbable that the present five nuclear powers will preserve their monopoly. But the Treaty does register world concern about this problem; it will serve to exert some measure of control over the process of proliferation; and for the moment it will perform a holding operation.

'Secondly, Australia has a stake in the configuration of international politics which the Treaty expresses and will help to solidify. The Non-Proliferation Treaty is the chief enterprise now being pursued in common by the United States and the Soviet Union. It symbolises the hegemonial position of these two countries and their willingness to combine to preserve it against the challenge of new-comers, especially China. Australia stands to gain from the development of cooperation between America and Russia in support of the political status quo.'

We are not saying there will be no requirement for an Australian nuclear capability; we are arguing for support of a political system that would make that requirement less likely. We recognise that this system could collapse; but the political circumstances leading to this and, in formal terms, our right of withdrawal will offer sufficient opportunity to protect our interests. While the system continues, and with it United States support for Australian security, it is highly unlikely we should find ourselves in a situation in which our only hope of protecting our vital national interests was to produce nuclear weapons.

*'The Treaty'*

5. *Paragraph 18.* If the interpretation of 'manufacture' allows research, development and production for peaceful purposes, even though this work could be significant also to the manufacture of nuclear weapons, then there will be significant scope for non-nuclears to catch up. The area of disadvantage would be confined to work on weapons technology. Restrictions in this field would mean that Australia would be kept at a stage of development at least three years from the final manufacture of a weapon. This would be more than India and probably Japan. The position in regard to other countries is not completely clear from the JIB note in Annex A<sup>5</sup> but it seems likely that Australia would not be placed at an unacceptable disadvantage.

6. *Paragraph 22.* A central point is raised here. The AAEC argues that since parties to the Treaty are obliged to enter into safeguards agreements with the IAEA they are signing a 'blank cheque'. The Safeguards Agreements are obligatory under the Treaty and are to be negotiated after ratification of the Treaty. Since these Agreements are to be 'in accordance with the IAEA

4 'Should Australia sign the Non-Proliferation Treaty?', *Canberra Times*, 20 March 1968. Hedley Bull was an Australian National University-based academic and the former director of the Arms Control and Disarmament Research Unit in the UK Foreign Office.

5 The annex by the Joint Intelligence Bureau outlined the requirements to develop a nuclear weapons capability and the countries that had or were near such a capability.

Statute and the Agency's safeguards system', parties will have little or no scope for negotiation on the substance of their Safeguards Agreement. Negotiations on substance will be when the New Statute and safeguards system are negotiated, with which the Parties' Safeguard Agreements are to accord. It is not clear from the Treaty if these Agency negotiations are to be before or after ratification. If before, our interests would be protected, for if dissatisfied we could refuse to ratify the Treaty; if after, we do indeed sign a 'blank cheque' for we shall be committed by the Treaty to accept the new system. We should, of course, have opportunity to protect our interests in the Agency negotiations in either case, but these would be subject to a two-thirds majority vote. As far as amendments subsequent to the conclusion of the Safeguards Agreement are concerned, a Party would appear bound to accept them or to be in breach of the Treaty.

[matter omitted]

*'The Effectiveness of the Treaty'*

[matter omitted]

10. *Paragraph 29.* It was the firm view of the AAEC, Supply and Defence Science members of the working group that effective safeguards depend upon a complete inventory system and that this would require safeguards on mining activities. The Americans appear to disagree on this latter point and the Canadians say they will not accept safeguards on mining.

[matter omitted]

*'Practicability of Australian Independent Capability'*

12. *Paragraphs 35–38.* This section makes the most important statement that 'It would not be beyond Australian resources and knowledge to produce nuclear weapons within a 7 to 10 year period *with or without external assistance and supplies*' (my emphasis). The AAEC representative stated this after questioning from other members. I do not doubt his good faith, but I must say I found the statement hard to accept, at least without further qualification.

[matter omitted]

*'Australian Military Requirements in the Shorter Term'*

14. This section came under strong attack from the AAEC and Defence Science representatives, but Blakers defended it as deriving from the JPC<sup>6</sup> paper and having the general endorsement of the Chiefs of Staff. In fact paras. 42 and 43, dealing with reliance on a major nuclear ally, and 47, dealing with Australia's position in the event of an Indonesian threat, are new material, as the AAEC might point out in the Defence Committee meeting. The argument in the JPC paper on these points was weak and I put forward the present text is a better statement of the position.

15. Paragraphs 38–40, which do derive from the JPC paper, in particular attracted criticism, even in respect of the vulnerability of Australian cities. (It was argued that only our weapon sites would be attacked). I suggest that it is important that in any paper going to the higher policy levels the statement of these principles be maintained and the considerable limitations that would apply to any independent Australian nuclear capacity be stated. You might, however, find yourself getting drawn into an argument about nuclear strategy with the AAEC. Its representative in the working group argued, for example, that even an inferior capacity would serve as a deterrent, so as it could inflict some damage, which much oversimplifies the question. He also said that large nuclear powers would increase their protection to inferior nuclear states so as to guard against a nuclear exchange in which they might be involved. (This is hardly how the United States would describe its attitude to France).

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6 Joint Planning Committee.

16. There was considerable discussion in the working group about the possible requirement of an Australian nuclear capability to deter or deal with an invasion. (This thinking is reflected in Baxter's speech reported in this morning's *Australian*.) The AAEC and Defence Science representatives argued that Australia's isolation from major centres of population and its continental wastelands were features favouring the use of tactical nuclear weapons against an invader without triggering a wider nuclear exchange. This might well be argued by AAEC representative on the Defence Committee, and perhaps by Sir Henry Bland. It could be that such a view will also be argued in Cabinet.

17. This argument greatly oversimplifies the complexities of any situation involving nuclear weapons, strategic or nuclear. However, short of a detailed discussion of the strategic considerations, the best response that I can suggest is along the following lines.

18. In supporting the NPT we are not claiming to foresee the future or maintaining that Australia will never require nuclear weapons. We are supporting a system that offers us, and other countries, significant prospects of a world situation in which a requirement for nuclear weapons will be much more unlikely to arise. To argue Australia's isolation, its future attraction to future aggressive powers, its need to 'keep its powder dry' against some political Armageddon is politically naive and misconceives the political significance of the Non-Proliferation Treaty. This Treaty does not merely ban nuclear proliferation; it establishes, admittedly in a preliminary way as yet, a system of global political management, directed towards the peaceful settlement of political conflicts and the containment of aggression. Such a system would necessarily be concerned not only with nuclear, but with conventional aggression, however much the Treaty might be framed in the nuclear context. No system directed to global political management and the prevention of significant changes in the regional, and hence, global balance of power can be indifferent to the mounting of a threat of such size that it could seriously threaten Australia. It would threaten too many others at the same time and would unavoidably affect the Great Powers' interests. To conceive of Australia in purely bilateral confrontation with such a major threat while such a system prevailed is politically unrealistic.

19. We do not say that this system is bound to work or to last; only that it must attract our support. Should a major threat to Australia develop, it would only be in the event of the collapse of the system represented by the NPT and the Tripartite Declaration.<sup>7</sup> There would be ample warning of this and opportunity to protect our interests. The provisions of the Treaty would become increasingly irrelevant. In formal terms we could exercise our right of withdrawal in good time, and very likely without significant opposition from our friends and allies. We would be unlikely to be the first to do so.

20. On an incidental point, the fact that other countries might breach the Treaty is not of itself of overriding significance. Their motives to use their weapons in a way indirectly or directly disadvantageous to us is what counts and there would be time to assess this. Political motives do not shape up and lead to action overnight. If India, for example, went nuclear in the next few years, this would not mean that Australia was threatened.

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<sup>7</sup> Non-nuclear-weapon states sought guarantees that renunciation of nuclear arms would not place them at a permanent military disadvantage and make them vulnerable to nuclear intimidation. It was contended, however, that the security interests of the various states were not the same and an effort to frame provisions within the treaty that would meet this would create inordinate complexities. To resolve the issue, the United States, the Soviet Union and the United Kingdom submitted in the Eighteen-Nation Disarmament Committee, on 7 March 1968, a tripartite proposal that security assurances take the form of a UN Security Council resolution, supported by declarations of the three powers. The resolution, noting the security concerns of states wishing to subscribe to the treaty, would recognise that nuclear aggression, or the threat of nuclear aggression, would create a situation requiring immediate action by the Security Council, especially by its permanent members.

21. *Paragraph 47.* The final sentence was added at the request of the Treasury representative. Perhaps it shows how unrealistic speculation about possible future situations could become. A further point, made by the JPC, is that acquisition of a nuclear capacity by Australia would stimulate Indonesia to acquire one, or a senior nuclear ally.

[*matter omitted*]

*'Amendment, Review' Etc.*

31. *Paragraph 77.* There was prolonged discussion in the group on the duration provision, with the AAEC and Defence Science representatives holding out for a limited ten year duration. Arguments pro and con are canvassed in the paper. I might repeat the point that we should not be entering a treaty on the assumption that we could predict situations arising during the 25 year period, but with the intent of supporting an arrangement that increased the prospect that we should not need nuclear weapons during that period.

[*matter omitted*]

[NAA: A1838, 680/10/2 part 2]

## 114 MINUTE FROM BOOKER TO PLIMSOLL

Canberra, 21 March 1968

TOP SECRET

### Non-Proliferation Treaty

#### *American 'Interpretations'*<sup>1</sup>

The American 'interpretations' of the treaty which they submitted to the Russians in April last year have important bearing on any arguments to the effect that the treaty will have worse consequences for Australia than are apparent from the text.

In particular paragraphs 1 and 111 of the interpretation support the view that any kind of manufacture short of the manufacture of an explosive device, and any non-explosive military use of nuclear energy, are *not* prohibited in the treaty.

The United States has warned the Soviet Union that if these interpretations are not accepted 'this would be likely to disturb the entry into force of the treaty as a whole'.

Thus from Australia's point of view the attitude of the United States [gives]<sup>2</sup> assurance that our interests will not be endangered by 'expanded' interpretations of the treaty.

#### *Safeguards*

There is much uncertainty in regard to safeguards and it is unlikely that this will be cleared up before the agreements are actually negotiated.

This need not however prevent the Australian government taking a decision in principle to support the treaty provided satisfactory safeguards could be worked out.

Australian ratification of the treaty can in fact be delayed until we have reasonable certainty that our requirements are met.

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1 See also Document 112.

2 Words in square brackets in this document added by hand.

In considering these requirements we need to bear in mind that if we insist on weak provision for ourselves the same will have to be accorded for others and this might make the treaty worthless.

The treaty is not a *control* measure and all that is being attempted in the safeguards article is the setting up of an inspection system which would provide adequate intelligence as to what other countries are doing in the nuclear field and thus give forewarning in the developments in the direction of a breach of the treaty.

There are no sanctions that can be applied against any breach but if a breach is detected this could be used by such countries as Australia to claim an exemption for themselves from the treaty.

It is still asserted in the paper (para. 22) that any amendments to the IAEA system would be imposed on signatories. This is conceivable but seems unlikely in view of the American statement that any changes would have to be with the consent of the parties. In any case this point can be cleared up before we ratify the treaty.

#### *Duration*

A short duration could well mean that we would have an ineffective treaty. Danger of nuclear proliferation by such countries as Japan, U.A.R., and Indonesia [lies] not within the next ten years but more probably within the next 10 to 25 years.

There may be danger in a situation in which countries looked forward to being able to freely develop nuclear weapons 10 years from now.

#### *Australia's role*

It might be emphasised that what is required from the government is a decision to confirm our policy of working towards an effective proliferation treaty and indicate our readiness to sign such a treaty.

Our requirement in terms of amendments to the present draft will of course have to be defined; and also our requirements in regard to such uncertainties as exist [in interpreting this draft].

If these requirements are not met it will still be open to us to refrain from signing the treaty.

If at the time the treaty is open for signature we have confidence but [not] certainty that our requirements would be met, we could sign the treaty but refrain from ratifying it until there was more certainty.

Australia's prospects of securing an effective treaty will be [improved] by taking a positive attitude towards it because

- (i) we would have greater influence over its actual terms, and
- (ii) we could help to persuade a sufficiently wide group of non-nuclear countries to support it.

It needs to be borne in mind that if we refuse to accept the responsibility of supporting the non-proliferation treaty we cannot expect the United States to take a co-operative attitude towards us in regard to future [developments] in the peaceful uses field.

## 115 NOTE BY PLIMSOLL

Canberra, 21 March 1968

The Defence Committee this morning discussed the paper prepared by the working group (Agendum No. 9/1968)<sup>1</sup> set up by the Defence Committee on the Non-Proliferation Treaty. At the opening of the meeting the chairman (Sir Henry Bland) asked for general comments on the paper, without going into detail.

2. I said that I thought the paper did not give sufficient weight to the fact that the Treaty would restrain other countries as well as restraining Australia. I added that I attached a lot of importance to the question of the effect on Australia's relations with the United States of refusal by Australia to make an honest effort to adhere to the Treaty. I said that I thought the discussion of the financial aspects of making an independent nuclear capability, in paragraphs 35 to 38, was quite inadequate. It did not contain enough detail; it did not cover delivery systems, or additional means of nuclear defence, or necessary infrastructure; and it did not discuss the financial or other impacts of a nuclear weapons policy upon the composition and role of the Australian conventional forces. I said that I thought it was right to put to Cabinet the three broad courses of action set out in paragraph 82, and that I favoured 82(c),<sup>2</sup> and thought that we ought to define in detail the understandings, qualifications, and possible amendments that needed further exploration.

3. Sir Philip Baxter (AAEC) said that he would go along with 82(c) at this stage but he agreed with us that it had to be defined in detail. 'The whole document had been written in a minor key, and the AAEC would have written it in a major key.' (I do not know what he meant by that.) He said that there were some important omissions in the paper. For example, paragraph 11 did not indicate the full extent of obligations.

4. Vice Admiral Sir Alan McNicholl (CNS)<sup>3</sup> said he agreed with me that the financial sections were optimistic. He thought also that the paper underestimated the lead which some other powers had on Australia in the development of nuclear weapons.

5. Lt.-General Sir Thomas Daly (CGS)<sup>4</sup> agreed that we should work out in detail what Australia's reservations should be. He suggested also that the nuclear powers should be asked to accept conditions which would apply to provision by them of assistance in nuclear explosives for peaceful uses, so that other countries like Australia would not be expected to pay whatever price a nuclear power wanted to exact.

6. Sir John Bunting (Cabinet Office)<sup>5</sup> agreed that we should spell out the reservations. He said that the paper did not adequately cover what Australia should do if its reservations were not met, but he admitted that it might be too early to decide that. He felt it would be proper for the paper to put more emphasis on the defence side, particularly on the value of an effective defence treaty. He thought that that aspect outweighed the civil side, and that it would be worth accepting restrictions on civil use if it contributed in a major way to defence.

7. Sir Richard Randall (Secretary of the Treasury) said that the Appendix on the costs of a nuclear explosives programme was a joke. He associated himself with what I said and then

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1 See note 1 to Document 113.

2 That is, 'to indicate a willingness to sign an effective Treaty subject to certain understandings, qualifications and possible amendments'.

3 Chief of the Naval Staff.

4 Chief of the General Staff.

5 Gorton as Prime Minister had divided the Prime Minister's Department into a Cabinet Office headed by Bunting and a Prime Minister's Department headed by C.L.S. Hewitt.

proceeded to relate paragraph 38 to paragraphs 39 and 40 in order to show what an independent nuclear capability really was and how far short of this the financial estimates were.

8. Mr C.L.S. Hewitt (Secretary, Prime Minister's Department) said that in paragraph 93 there should be reference to matters covered in paragraph 63. Cabinet's attention should be drawn more forcibly to the injection of foreigners in our life as represented by inspectors of various activities at various levels. It should be mentioned specifically instead of being included in the dragnet clause 93(c).

9. Sir Henry Bland said that the document did not sufficiently direct attention to the civil side. He considered that Australia should seek amendments to the Treaty that would attempt some severance of the civil and military obligations. He pointed out too that the Australian defence effort depended on civil capacity. He thought there was too much fuzziness in the paper. Too many assumptions were being made that we would not be liked by the United States if we did not go along with the Treaty, and that it would have implications for ANZUS. He said that this was insulting to Australia. We could not be expected to go along with the United States on everything. Moreover by adhering to the Treaty there was the danger that we might put ourselves in too great dependence on the United States for civil development. Moreover the paper should not present the position as though Australia was likely to be the only man out. Other countries like Germany had doubts, and we might set out to encourage others and in that way find ourselves one of a band.

10. Sir John Bunting commented that, despite what Sir Henry Bland had said, he was concerned about the likely effects on the United States.

11. I said that I disagreed firmly with two arguments of Sir Henry Bland. First, I said that refusal of Australia to adhere to the Treaty, assuming most other significant countries did so, would not be a simple difference of opinion with the United States over world strategy and world order, because the Americans were trying to prevent the emergence of more nuclear powers. I thought the Americans might very well say that this changed their relations with Australia even on a question like ANZUS. Secondly, I thought it would be very bad for Australia to try to encourage other countries to resist the Treaty or to approach the question on the basis that we wanted the Treaty to fail. I thought it should be Australian policy to prevent the proliferation of nuclear weapons and we should be trying to get the sort of treaty that we could adhere to ourselves. It would be very bad for our relations with America and, I thought, for its impact on Australian domestic opinion, if it appeared that Australia was trying to prevent a Treaty being reached on non-proliferation. It might be that we failed to secure the sort of treaty and understandings that we wanted, and that some other significant countries shared our views. But that was quite a different matter from approaching the question on the basis that a treaty was to be avoided if at all possible. In my opinion, Australia should want an effective treaty.

12. Mr Hewitt asked whether Australia had received any concrete intimation from the United States that it very much wanted Australia to adhere to the Treaty, and that our failure to do so would have a harmful effect on relations with the United States.

13. I replied that this had never, as far as I knew, been said to us directly. Late in 1967 Mr Foster (the head of the Disarmament Agency in the United States, and an important figure in the Administration) had spoken to me in New York of the importance which the United States attached to the Treaty, and had said that the United States would put very great pressure on any country which failed to sign. But I said that we had deliberately avoided probing the United States too deeply on this until Cabinet had had a chance to determine policy, because if we were to make an approach it might lead to a firm statement of the American position towards Australia and the Treaty before our own views had been set.

14. Sir Henry Bland said it was significant that in all the cables from Washington there had been no reference to the United States putting pressure on Australia. His own interpretation was that it was the typical situation of the United States taking us for granted.

15. Sir Philip Baxter said that he was not an advocate of nuclear proliferation, as my remarks might have implied, but he was an advocate of keeping the option open for Australia to manufacture nuclear weapons. The paper at present under discussion was a Defence paper. There should be another paper on civil use, in which other Departments, including the Department of Trade, should have the opportunity to express views. There should be reference to industrial espionage. By adhering to the Treaty Australia would accept an obligation to have IAEA safeguards which could be altered by the Agency; Australia would be signing a blank cheque. It was most important to have a reservation to cover that.

16. The Committee then briefly discussed the paper page by page. I shall not recall the whole of the discussion but only some points of special interest.

17. On paragraph 20 Mr M.C. Timbs (AAEC) said that the definition of 'manufacture' was of no importance because the IAEA Statutes would cover such a field as to nullify any benefits from securing a closer definition of 'manufacture'.

18. Sir Henry Bland said that the attention of Cabinet should be drawn to the particular conception of IAEA negotiating agreements with individual countries. IAEA would have all the cards in its hands, because it would [negotiate]<sup>6</sup> separately with each country and would be in a position to dominate the negotiations. It would be dictating the Treaty for each country. I said that I did not agree with that. The individual countries would have some contact with one another and could secure uniformity and avoid the IAEA playing them off against one another. I agreed however that this was a point to which attention might be drawn.

19. On paragraph 24 Sir Philip Baxter raised an objection to the last sentence, which reads 'For Australia, the adherence of some countries of South East Asia, particularly Indonesia, would be of special significance'. Sir Philip said that not only Indonesia but every country of South East Asia was important. If a South East Asian country did not adhere to the Treaty, it would be possible for China to move nuclear weapons into it which could be used against Australia. I said that I thought the sentence should remain. We had to look at the threat to Australia in broad terms, and the fact that Burma or Cambodia did not adhere to the Treaty would not in itself be a reason for Australia [staying]<sup>7</sup> out. It would have to be weighed in the balance against other factors. But Indonesia was worth special mention, because of its size, its closeness to Australia, and the special importance of its foreign policy to Australia. The Committee agreed to leave paragraph 24 in its present form.

20. On paragraph 31, Mr Timbs said that the State Department's statement was a red herring.

21. There then followed a fairly long discussion on finance (paragraphs 35 to 38).

22. Mr A.S. Cooley (Secretary, Department of Supply) said the costs set out in the Appendix had been carefully worked out. It covered the costs of war-heads, but not delivery systems etc.

23. Sir Philip Baxter said that some of the costs were quite accurate and were based on past experience in Australia and overseas. But the costs for producing concentrated U235 were much less certain, and the figures in the paper were subject to error on that point. But Australia was not likely to make it that way. The centrifuge method was emerging as operable and economic. The cost for a nuclear weapons programme was not very large, and was not likely to be more than double what was shown in the paper and could indeed be less than shown in the paper. The scientific world was bursting with reports of cheaper and easier methods of

6 Word in square brackets added by hand.

7 Word in square brackets added by hand, replacing 'sitting'.



making weapons. He said he admitted there was nothing in the paper on delivery systems, but he was under the impression that the F111 was a nuclear bomber.

24. Sir Richard Randall said that what Mr Cooley and Sir Philip Baxter had said supported in his opinion what he had said earlier. Manufacturing nuclear weapons was only the beginning of things. The paper should define what was meant by 'independent capability', and in this connexion should draw on paragraphs 39 and 40.

25. I repeated my earlier question about what was the effect of a nuclear weapons programme on the other parts of a Defence programme. The paper assumed that nuclear weapons would be superimposed on the present Defence forces, but there would be considerable changes. Perhaps the present conventional forces would be cut. Alternatively could the economy stand both conventional forces and nuclear forces? I also remarked on Sir Philip Baxter's statement about the F111 being a means of delivering nuclear weapons; I said that, if Australia is going to get into the nuclear weapons field, we probably had to think of intercontinental missiles.

26. Sir Richard Randall intervened again to support what I had said about nuclear forces being superimposed on conventional forces.

27. Sir Philip Baxter said that we should not think of nuclear weapons only as a deterrent. There were technical uses for them, and they could be used as depth charges. You could sneak them into enemy cities.

28. There then followed a lengthy discussion on paragraphs 84 to 90. Sir Henry Bland circulated a revised text which indicated that we should not take it for granted that the United States would react badly to Australia not signing the Treaty. The discussion was confused because, as I pointed out, Sir Henry Bland was confusing 82(b)<sup>8</sup> and 82(c). I said that we should not discuss at present with the United States what it would do if Australia did not sign the treaty. On the contrary, we should try to get the sort of treaty we could sign. This part of the paper is now being redrafted.

29. Air Marshal Sir Alister Murdoch (CAS)<sup>9</sup> said we should try and get the ANZUS Treaty strengthened as a condition of Australia signing the non-proliferation treaty. It should be made more watertight that the United States had to come to Australia's assistance in the case of need. I replied that this was simply not a starter. In the present mood of Congress, an amendment to strengthen a Treaty commitment for defence could not be adopted. Furthermore, the real basis of security was not simply a legal treaty, important though it was, but the development of mutual trust and co-operation between Australia and the United States.

30. Some amendments were made to paragraph 93,<sup>10</sup> which largely had the general effect of making it more specific and clear.

31. Sir John Bunting asked that a revised paper should be available for Ministers by tonight or by 7.15 a.m. tomorrow so that Ministers could have copies before they scattered for the weekend. Otherwise, he knew from experience that not all Ministers would get the paper in time. The Defence Committee therefore agreed, though the paper in its present form was longer than desirable, it was better to pass it to Ministers in substantially the present form rather than have the delay of preparing a new and briefer paper. It will be revised by a small group in the light of this morning's discussion but, as it would not be possible for members of the Committee to see it again before circulation to Ministers, it was open to any member to brief his Minister if he disagreed on any points of the final version.

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8 Paragraph 82(b) read 'to decline to sign the Treaty'.

9 Chief of the Air Staff.

10 Paragraph 93 outlined the matters in the treaty to which Australian attention should be directed.

32. Lieut.-General Sir John Wilton (Chairman of the Chiefs of Staff Committee) was absent because he is in Viet-Nam.<sup>11</sup>

[NAA: A1838, 680/10/2 part 3]

## 116 CABLEGRAM FROM EMBASSY IN WASHINGTON TO DEPARTMENT OF EXTERNAL AFFAIRS

Washington, 22 March 1968

1238. SECRET GUARD

### Non-Proliferation Treaty

Your 803.<sup>1</sup>

Of the queries raised in your telegram, (e), the second part of (f) and (g) have been specifically covered in our earlier telegrams. The remaining queries raise two broad issues, namely—

- (a) the possible effect of the treaty on research and development and
- (b) details relating to the 'new safeguards system'.

2. The United States' position with regard to the first of these is dealt with in the United States' interpretations which we sent in our telegram 1117 of 16 March.<sup>2</sup> Stillman<sup>3</sup> (A.C.D.A.) said that having regard to those, and particularly the first interpretation, the United States would consider that since the draft treaty does not deal with research and development, these are not prohibited except insofar as specifically prohibited by the terms of Article I and II, the prohibition in these articles being read narrowly according to the strict words of the treaty. These words are, of course, further qualified and limited by the terms of Article IV, especially Article IV, para 1.<sup>4</sup>

3. Stillman said that the United States would see the interpretations as applying to the matters raised in your queries. He agreed that there would often be an area in which what was being done could be directed to either peaceful uses or weapons. But in these cases it was necessary to look to the specific provisions of the treaty, and of course, to any other obligations which might apply, such as obligations assumed under the Test Ban Treaty.

4. The second issue relates to the question of the safeguards system. Stillman emphasised that it is not appropriate to speak of a 'new safeguards system'. No new system, different from the present I.A.E.A. safeguards system must be brought into effect in order for the treaty to operate. Article III provides that the safeguards to be applied will be set forth in an agreement 'in accordance with the Statute of the I.A.E.A. and the Agency's safeguards system'. In the absence of the many amendments to the system, which must be effected in accordance with the I.A.E.A. Statute, the safeguards system embodied in individual agreements must be in accordance with the statute and the system, i.e. the present system. Stillman said that the treaty

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11 The Minister for External Affairs and Minister for Defence made a joint submission (number 25) to Cabinet on 22 March 1968. In its decision 95 dated 26 March, Cabinet adopted the general view that the principle of the Nuclear Non-Proliferation Treaty should be supported while taking no final decision.

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1 Document 111.

2 Document 112.

3 Arthur M. Stillman, US Arms Control and Disarmament Agency.

4 See Document 102.

of itself will not require any new system, or any necessary variations from the present system, apart, of course, from the magnitude of the inspection task which would ultimately be imposed on the I.A.E.A. The answers which had been supplied to the questions earlier put to A.C.D.A. (our telegram 964)<sup>5</sup> had been drafted on this basis.

5. The terms of Article III had not been drafted to define any more closely the determining features of the safeguards system because it was not wished to create a situation in which amendments to the I.A.E.A. Statute of safeguards system necessitated amendment of the treaty. The provisions of the treaty have been left sufficiently flexible to permit amendment to the system in the ordinary way.

6. Stillman did not, of course, exclude the possibility of amendment and development of the present system. He did emphasise, however, that any agreements negotiated must be negotiated in accordance with the I.A.E.A. system at the time, and he also pointed out that Australia, because of its prominent position in I.A.E.A. was well placed to exercise influence over any future amendments.

7. We do not have the necessary detailed information here to be able to pursue this further with A.C.D.A., but we should appreciate your instructions on whether you wish it taken further. One point which occurs to us is that Article III, paragraph 1, extends expressly to 'source material' being 'produced', whereas in its reply to our queries A.C.D.A. stated that under present I.A.E.A. procedures uranium mines and ore processing plants are not inspected. It would appear that some extension must be necessary here at least.

[NAA: A1838, 680/10/2 part 3]

## 117 NOTE BY DEPARTMENT OF DEFENCE

Canberra, 22 March 1968

TOP SECRET

### Non-Proliferation Treaty

[*matter omitted*]

#### *Australian Military Requirements in the Shorter Term*

42. A successful NPT would confine nuclear risk in Asia to China. (Should India produce nuclear weapons, this would be in the context of its conflict with China, and would not pose a threat to Australia within the next ten years.) While the U.S. remains committed to the deterrence of China from overt aggression, an independent Australian nuclear deterrent would add little to this.

43. This raises the question of the extent to which inferior or non-nuclear powers can rely on a major nuclear ally. The question is often asked whether, when the moment of crisis arrives, a major nuclear power would risk retaliation on itself by coming to the aid of a non-nuclear power under threat from another nuclear power.

44. The point in such a situation is not simply whether the United States can be relied upon to act in a particular way, but whether the other side can discount the possibility of United States action. We do not have to be certain of this; all that is necessary is sufficient uncertainty in the mind of our possible nuclear opponent. Such uncertainty would not depend on an assessment

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5 Not published.

of Australia's importance to America. Rather it would depend on calculations about America's own national interest in preventing successful nuclear aggression, which would challenge America's global political and strategic interests and pose an ultimate threat to the American mainland itself.

45. The growth of China's nuclear capability does not mean disengagement for the United States. On the contrary it means closer involvement, as is clear from its decision last year to develop an anti-ballistic missile system to counter a Chinese strike, so increasing the scope for pressure against China, and from the declaration this month with the USSR and Britain offering protection against China to non-nuclear signatories of the Non-Proliferation Treaty.<sup>1</sup>

46. Given no further proliferation, the imperatives of America's own nuclear strategy can be expected to bind America to the deterrence of nuclear aggression by China. Australia is dependent on this strategy. It cannot at this stage look forward to the deterrence of China by its own independent nuclear capability.

47. Leaving China aside, the principal foreseeable type of threat to Australia's strategic interests in South East Asia and Papua/New Guinea is likely to be at the level of subversion, infiltration, insurgency and 'confrontation'-type activities. Activity at this level is below the nuclear threshold and cannot be deterred by a nuclear capability. Situations such as the Vietnam conflict and Indonesia's 'confrontation' against Malaysia, where the aggressor has been undeterred by the military presence of nuclear power in the country attacked, indicate that a nuclear capacity will not always deter aggression at a very much more substantial level.

48. It could be argued that American policy would be uncertain in the event of growing Indonesian power and that Australia should not forego military nuclear development and the advantages of its relative higher technological level against a larger less developed aggressive power. However, any serious threat to the Australian mainland from Indonesia would take years to develop. Australia's security in such a situation would continue to rest, in the first instance, on the American obligations under the ANZUS Treaty. It is therefore in Australia's interests at all times to strengthen this Treaty.

[*matter omitted*]

57. From a consideration of the previous paragraphs it is concluded that a requirement for some sort of Australian nuclear capability prohibited under the Treaty could possibly arise at some time in the future, and within the initial 25 years of the Treaty's operation.

58. Following a decision to go ahead, it is assessed that, with existing nuclear technology, and from the present level of Australian nuclear activities, it would, in the absence of a Non-Proliferation Treaty, take Australia some 7-10 years to establish an independent capability. This time could be reduced to the extent that Australia had in the meantime further developed its nuclear activities, including power production, and nuclear research as discussed in the next section. Technological advances may also reduce the lead period.

#### *Effect of Treaty on the Development of an Australian Nuclear Capability*

59. Adherence to the Treaty would place impediments in the way of a country advancing its knowledge of weapons technology the extent of this being dependent to some extent on the definition of 'manufacture' as discussed earlier.

60. Subject to Australia developing a fully integrated nuclear power reactor programme including fuel treatment plants either outside of or within the Treaty, the time required for the production of weapons material following a decision to commence a weapons programme would be only a few months. However, as a party to the Treaty, Australia would not have been

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1 See note 7 to Document 113.

able to proceed with much of the research and development needed to fabricate the weapons material into weapons.

61. If the production of weapons grade plutonium and the use of enriched and natural uranium for weapons research and development are prohibited under the treaty the only means open to Australia to advance its knowledge of weapons technology would be theoretical studies based on present information; on that coming forward for peaceful uses, and on that becoming available in the open literature. Implosion technology which constitutes a significant part of weapons technology would be subject to safeguards, but since it is improbable that these studies could have any objective other than weapons development, they might be regarded as constituting a breach of the obligations under Article II of the Treaty. In these circumstances, some of the essential research and development would require at least three years work outside of the confines of the Treaty.

[*matter omitted*]

## **Annex E**

### **Paper by Department of Supply and A.A.E.C.**

#### **Costs of a Nuclear Explosives Programme**

The nature and scale of the effort which would be required for Australia to maintain a nuclear weapons production programme outlined below has been investigated by the A.A.E.C. and the Department of Supply. Although Australia does not have access to information on the weapons technology of the nuclear powers the principles are well understood and there is sufficient information available from various sources to allow reasonable estimates. Considerable advances have taken place in nuclear weapons technology over the last ten years and weapons manufacture is no longer beyond the economic, technical and industrial capacity of the smaller advanced countries.

The figures given here cover two separate programmes, viz.:

- (1) (a) The setting up of a reactor and associated facilities for civil power generation which could be used to produce the plutonium for 30 fission bombs of 20 kiloton TNT equivalent per year.  
(b) the undertaking of the necessary weapons manufacture research development and the testing of the weapons.
- (2) (a) The construction of a diffusion plant for the production of highly enriched uranium (which can also be used as a fuel in civil power stations), a reactor for the production of tritium and facilities for the production of separated lithium isotopes and deuterium for a thermo-nuclear weapons programme.  
(b) the carrying out of the necessary research and development on the weapon design and testing of the weapon.

Much of the weapons development work in these two programmes would overlap. Construction of the plutonium producing reactor could be justified on its civil value alone and any weapons grade plutonium which could be derived from it would afford an opportunity to markedly reduce the quantity of enriched uranium required and to improve cost and efficiency of the thermo-nuclear trigger.

Under programme (1) for a capital outlay of \$100M Australia could equip itself with the capacity to produce annually sufficient plutonium for thirty nominal (20 KT) weapons at a cost of \$13M per annum including amortisation at 4%. An additional sum of some \$17M would be

required over seven years to carry through the weapons design research and development and to provide the necessary fabrication capacity. A free air tests programme might cost \$27M and an underground testing programme might approach a total cost of \$40–\$50M.

[*matter omitted*]

[NAA: A1838, 680/10/2 part 3]

## 118 CABLEGRAM FROM HIGH COMMISSION IN LONDON TO DEPARTMENT OF EXTERNAL AFFAIRS

London, 17 April 1968

6145. CONFIDENTIAL PRIORITY

### Non-Proliferation Treaty

Your 3729.<sup>1</sup>

Below is text of Foreign Office answers to queries in paragraph 3 of your 2602.<sup>2</sup>

(a) Article II will commit the non-nuclear-weapon parties not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices. It will not forbid research and development in this field up to the threshold of manufacture, even if such research and development is directed solely towards improving a country's capacity to manufacture nuclear weapons or other nuclear explosive devices. The reason for excluding any prohibition on the research and development of nuclear weapons or explosive devices was that up to a fairly advanced point such research and development is relevant also to peaceful uses of nuclear energy. But if it became known that a country was doing work positively identifiable as directed towards nuclear weapons then, to an extent dependent on the stage reached, its motives would be suspect and its good faith called into question. Its potential non-nuclear-weapon enemies would be likely to conduct similar research and development up to the threshold of manufacture. This could have a destabilising effect on the treaty and could lead to withdrawals under Article X.

(b) *A fortiori*, research and development in other fields of application of nuclear energy will not be rendered impermissible by the fact that the work may have incidental significance for the production of nuclear weapons or explosive devices, and there could certainly be no reasonable objection to work of the kind referred to in the example. To ban all such research and development would unreasonably hamper the civil nuclear industry of the non-nuclear-weapon states, party to the treaty. The treaty, in its Article IV, clearly endorses and encourages peaceful nuclear research. But to the extent that the explosive predominated over the non-explosive significance of a given programme of work the considerations outlined in the answer to question 1 would apply.

[*matter omitted*]

2. Hope-Jones,<sup>3</sup> Head, Atomic Energy and Disarmament Department, in handing us the answers to your queries expressed his 'grave concern' about the suggestion in a report in *The Times* 15th April, that Australia had doubts over the nuclear treaty. The main points made by the correspondent were—

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1 Not published.

2 Document 111.

3 Ronald Hope-Jones, Head, Atomic Energy and Disarmament Department, UK Foreign and Commonwealth Office.

- (a) 'The Federal Cabinet at its meeting in Canberra on Wednesday must reach a decision on an international issue that has caused considerable concern among Ministers and their advisers. This is the Treaty on the Non-Proliferation of Nuclear Weapons ...'
- (b) 'In its discussions so far the Cabinet has been almost unanimous in support of the basic aim of the Treaty, but at each Cabinet meeting new doubts, mainly of interpretation, have developed.'
3. Hope-Jones said it was of great importance that Australia should sign the Treaty, which to a large extent depended on regional acceptance for its success. If Australia did not sign then other countries in Asia might find difficulty in signing.
4. He drew attention to the disadvantages of not signing the Treaty. Australia would be unable to get cheap nuclear explosions for development purposes from the United States, Britain would have to reconsider her programme of cooperation with Australia in atomic energy, and a country which was not party to the Treaty would not be able to get nuclear material from countries which were signatories.
5. Hope-Jones offered all possible British assistance in relation to any problems Australia might have with the Treaty. He commented on the orientation of the queries we had put to them. He thought they indicated a concern about the extent to which a country could develop its potential nuclear capability without contravening the Treaty. He said that such a concern was often directed towards what other signatories to the Treaty, rather than the country posing the questions, might be able to do without breaching the Treaty.
6. We told Hope-Jones that we would convey his concern to you, but pointed out, as you did in your cable 2602, that the queries were preliminary ones and did not reflect particular interests or views at governmental level.

[NAA: A1838, 680/10/2 part 4]

## **119 RECORD OF MEETING OF OFFICIALS OF THE UNITED STATES AND AUSTRALIAN GOVERNMENTS**

Canberra, 19 April 1968

SECRET

### **Draft Treaty on the Non-Proliferation of Nuclear Weapons Summary Record**

#### *Representatives*

##### *United States of America*

Mr Herbert Scoville, Assistant Director, Bureau of Science and Technology, Arms Control and Disarmament Agency (Leader).

Mr George Bunn, General Counsel, ACDA

Mr Howard C. Brown, Senior Assistant General Manager, US Atomic Energy Commission

Mr Allan M. Labowitz, Special Assistant for Disarmament, AEC

##### *Australia*

Mr G.E. Blakers, Deputy Secretary, Department of Defence (Chairman of Meeting)

*Department of External Affairs*

Mr M.R. Booker, First Assistant Secretary (Alternate Chairman)

Mr W.B. Pritchett, Assistant Secretary

*Department of Defence*

Mr E.L.D. White, First Assistant Secretary

Mr E.G. Barlow, First Assistant Controller, Research and Development, Department of Supply (on secondment)

*Department of the Treasury*

Mr M.W. O'Donnell, Deputy Secretary

*Department of Trade and Industry*

Mr K.J. Heffernan, Assistant Secretary

*Department of Supply*

Mr H.A. Wills, Chief Scientist

Mr G.F. Cawsey, Superintendent, Research Programmes, Defence Standards Laboratories

*Department of National Development*

Mr R.D. Deas, Engineer in Charge, Power Section, Water, Power and Geographic Branch

*Australian Atomic Energy Commission*

Mr A.D. Thomas, Head, International Relations

Dr A.R.W. Wilson, Deputy Director, AAEC Research Establishment

[matter omitted]

8. Mr Scoville then discussed the position of the more significant countries. He said that the US thought that Japan would support the treaty in its present form and would be helpful in the UN. They might seek some changes in the review provisions.

[matter omitted]

10. The most critical countries were the UAR and Israel, and the Middle East was the most critical area for trying to prevent the spread of nuclear weapons. There seemed to be no way of bringing these two countries together on a bilateral basis, but the treaty could provide an umbrella for bringing about a more secure situation in the area.

11. The US felt that the UAR and Israel each would probably sign if the other did. The treaty provided a means of applying safeguards on the respective civil programmes and so to some extent of alleviating suspicion of each other's intentions.

[matter omitted]

14. The East bloc was solidly behind the treaty, except Roumania. However, he felt the latter's actions were more an assertion of independence rather than real opposition and that it would probably sign eventually.

[matter omitted]

28. Mr Bunn said that a majority in the Bundestag supported the idea of non-proliferation. Recently in Geneva, the Germans had circulated a memorandum regarding the treaty, and the final version took care of every point it made except one that sought a promise from the Soviet Union that it would not use nuclear blackmail against Germany. What they wanted came very close to a 'ban the bomb' clause, and the US could not accept this. It considered that



German protection would not lie in this sort of provision, but in their alliances. Although they would have liked to have seen this clause incorporated in the treaty, he thought they would be prepared to sign in the last resort.

29. Mr Pritchett said that a member of Adam Malik's staff (the Indonesian Foreign Minister was visiting Australia) had told him that Indonesia would not sign, and then had added that it would want to see a lot of changes first. Mr Scoville said that the US had been expecting that Indonesia would sign, although further diplomatic action in regard to them might be necessary.

[*matter omitted*]

37. Turning to the philosophy of the treaty, Mr Scoville said that it had two major objectives in US eyes. The first was to promote the security of the world as a whole. The spread of nuclear weapons to new countries was a de-stabilising influence and increased tension around the world. A small nuclear conflagration could involve the whole world. He cited the hostilities in the Middle East last June as an engagement that could have got out of control if there had been even the suspicion of the possession of nuclear weapons by either side.

38. America felt that you could no longer afford to have selective proliferation. Local conflicts could become nuclear wars; but also nuclear weapons could be a de-stabilising influence domestically—for instance, custody of the weapons might give rise to conflict within a state. The United States felt that the treaty was the most promising means of averting these situations.

39. He suggested that Australia might join countries that shared awareness of the problem in exerting as much influence as possible on doubtful countries with a view to getting them to sign the treaty. He did not think that Australia could look with equanimity upon the proliferation of nuclear weapons in the Middle East.

40. What protection would a non-nuclear country have if it signed the treaty? The US, the UK and the USSR had agreed to sponsor a UN resolution to provide security assurances under the charter. This did not have much application to Australia as we had stronger military assurances already. It was intended particularly for the non-aligned countries. This kind of assurance will be of some value to countries like India and the fact that the US and the USSR had agreed upon it should give the Chinese some pause for thought if they were contemplating a nuclear threat against India. It would mean that one or the other of the US or USSR would come to India's help and the other would not obstruct.

[*matter omitted*]

49. Mr Scoville said that undoubtedly the US would sign, but it might not ratify. The fact that France and China were not going to sign would not render the treaty ineffective. But India, Israel and the UAR would be serious losses. In this case, too, others might sign but not ratify. Of course, the Russians were particularly concerned to have the Germans become a party.

[*matter omitted*]

#### *Australian questions*

53. The chairman turned the discussion to specific questions that the Australian officials wished to ask the American visitors.

#### *Manufacture*

54. The chairman said that one of the main problems in guarding against proliferation of weapons was that it could inhibit the progress of civil technology. Did the word 'manufacture' in articles I and II apply only to the assembly of a weapon or did it mean other work as well? What was the US interpretation of the word, and also the USSR interpretation?

55. Mr Scoville replied that research and development work, including the enrichment of U235, was permitted by the NPT. There was nothing in the NPT which prevented either

research and development or the production of fissionable material. There were, however, safeguards to prevent diversion of fissionable material to weapons development.

56. Mr Booker asked if this were true even if the real intention were the improvement of a weapons capability. Mr Scoville: Yes.

57. Dr Wilson asked if the treaty would prevent a country from developing a fast reactor programme and building up stocks of U235.

58. Mr Scoville said that there was nothing to stop this activity but that it would have to come under safeguards. Dr Wilson asked if there were any hazard in allowing states to build up stocks of U235. Mr Scoville said that there was always the hazard that countries could abrogate the treaty after stockpiling this material. But, in doing so, they would bring down upon themselves the wrath of the world.

59. Mr Booker asked if the US were confident that such stockpiling would be known under NPT safeguards. Mr Scoville said yes. Under safeguards, they would be able to keep a check on this.

60. Mr Thomas asked whether, when the treaty was in force, the US would release information on enrichment processes, which were now under some limitations.

61. Mr Scoville said that the US had kept the technology of U235 production classified as it was such an important factor in the development of weapons. It had agreed, however, to make available U235, in accordance with agreements, to countries for use in their peaceful programmes on a non-discriminatory basis and at the same price as it was sold domestically in the US. This benefited everybody and helped in reducing the risk of proliferation.

62. Mr Thomas asked what would be the position in the future when there was likely to be a big expansion of nuclear power stations. Some countries might wish to make enriched material themselves even if they could not do it as cheaply as the US.

63. Mr Scoville said there was nothing in the treaty to stop countries from building their own enrichment plants. These would have to be under safeguards. He repeated that the US had no plans to de-classify its information on enrichment processes at the present, and he could not say if this would change in the future.

64. Mr Bunn said that he could not see a situation where a country would want to use this information to a point where it could make enriched uranium. From the points of availability, cost and needs, this was not economically feasible at present.

65. Dr Wilson asked if a country would have to show an economic case for undertaking a specific activity. Mr Scoville said no.

66. Dr Wilson said that it had been reported that there was a general discouragement to let new information about the centrifuge process circulate to other countries, and asked if the climate of the treaty would end this situation.

67. Mr Scoville said that it might, but he saw no real need for it at this stage. They were worried about the centrifuge process because this process was susceptible to use in a clandestine weapons plant.

68. Mr Brown said that they had discouraged the release of information on the centrifuge process as an impediment to proliferation. If developments warranted a review of this policy, the US would review it. He argued that press reports suggesting that there had been a spectacular breakthrough in this process in the Netherlands were exaggerated, and suggested that a perusal of the record of the debate in the Dutch parliament would confirm this view.

69. In answer to a question from Mr Thomas, Mr Scoville said that there was nothing in the treaty to stop the Europeans from building an enrichment plant of their own.

[*matter omitted*]

75. In response to a question from Mr Cawsey he said that research on plutonium metallurgy would not be stopped. But it was precluded to put nuclear material in a device and explode.

76. Mr Cawsey said that this was not the point. Some countries might feel it necessary to reach a stage of knowledge about weapons not worse than other countries. Mr Scoville said that research short of assembling a device would probably be allowed. If research were carried out but no weapon produced, this would be all right.

[*matter omitted*]

83. Mr Thomas said that it was important to know what constituted manufacture. Mr Scoville said that the IAEA would decide what was allowed and what was not. Some things clearly were allowed, for example basic physics research, and others were clearly not, for example building prototype weapons or explosive devices.

[*matter omitted*]

92. Dr Wilson went on to ask about work directed solely to the improvement of nuclear weapons capability, short of actual assembly. Countries could do a number of things without being involved in manufacture, for example studies in plutonium metallurgy and work on initiators. If no agreement had been reached on this question with the USSR and the IAEA ultimately were to make the determination, this left the definition of manufacture fairly open. What was the philosophy in this respect? Was the treaty simply to stop people producing weapons or to stop them improving their capacity to do so if they wished to go outside the treaty?

93. Mr Scoville said that he thought the former interpretation was the correct one. The basic obligation which the non-nuclear weapons countries assumed under the treaty was not to acquire nuclear weapons. If one developed an initiator would this be allowable? He did not know. He was not prepared to say if this were manufacture and whether or not it would be allowed.

94. Mr Booker said that the interpretation that would suit our position and for which we would hope for endorsement in the General Assembly was one which said that, under the treaty, manufacture for any purpose for which there was a peaceful use, notwithstanding that there might also be a use for weapons, would be allowable. Thus an initiator which had only a weapons application would presumably be banned. Would this definition hold in international debate, he asked.

95. Mr Scoville said that he would like to think about it. The definition made sense to him, but he had not thought about it in those terms. Personally, he thought it a mistake to try for too precise a definition, because you could not anticipate all circumstances.

96. Mr Booker said that he thought the best approach was definition by elimination. Mr Scoville agreed.

97. Mr Pritchett said that this seemed to be different from what Mr Scoville had said earlier. He had understood that all work short of manufacture would be permissible. Mr Bunn said that if you made all the parts of your weapon but did not put them together, you would presumably be in breach of the treaty.

98. Mr Booker said that this was a question to be resolved. Was it all right to make fissionable material for whatever eventual purpose, provided you did not divert this to weapons use? Was it also true that if you were engaged in manufacturing processes which had no other conceivable purpose than making a weapon, it would be banned? If both these things were true Australia would be deprived of the right to work on the ultimate stages of technology for which there was no other purpose than the manufacture of an explosive device. It would

not however be deprived of the whole range of work for which there were peaceful purposes, whatever its real intent. Mr Bunn agreed.

99. Mr Booker asked if, under the treaty, a number of countries would be able to approach the brink of nuclear weapons manufacture. Mr Bunn thought that the incentives pointed the other way. Under the treaty countries would be undertaking not to develop nuclear weapons, so why rush to the brink? This was relevant to the argument for a shorter duration of the treaty. If it had a shorter duration, countries would be encouraged to approach the brink, so that they would be ready if necessary to make weapons when the treaty ceased.

100. Mr White asked if work on non-nuclear high explosives, which could be used in a bomb, would be permissible. Mr Scoville said that he would read article 1 to mean that nuclear countries would breach the treaty if they transferred non-nuclear components of nuclear weapons to non-nuclear nations. Mr White commented that the treaty only provided for safeguards on source and special fissionable materials.

101. Dr Wilson said that it was important to know how far one could go and still be within the treaty. There was no disagreement about work which had dual purposes, but there was general uncertainty about steps leading to the brink of weapons manufacture.

*[matter omitted]*

142. Mr Thomas said that the present definition of a principal nuclear facility excluded mines and ore processing plants. The board of governors in February this year approved an extension of the safeguards system to conversion plants. Under certain circumstances, this extension would cover part of an ore processing plant. Would ore processing and mining continue to be free of safeguards under the NPT? Should we do anything about amending the safeguards system to provide for that? It was not clear how this freedom could be consistent with the treaty requirement that all source materials should be under safeguards.

143. Mr Scoville said that the US did not think it necessary or desirable to have safeguards on mines and unprocessed ore. This would involve enormous practical and technical problems. Where did you start? What was a mine? The time to begin safeguards was when you had concentrated material in a manageable form, and at the point where diversion had practical meaning.

*[matter omitted]*

169. Mr Thomas said that article XII (A) 5 of the statute<sup>1</sup> provided that fissionable materials recovered as a by-product shall be deposited with the agency and returned when required, and asked how the US saw this being applied under the NPT. Was it contemplated that the material must be deposited outside the country of origin, and if so would very significant costs be involved?

*[matter omitted]*

172. Mr Labowitz asked whether Mr Thomas regarded depositing with the agency as different from depositing under safeguards. Mr Thomas said that he thought so. This material was always under safeguards whether or not you had to ship it out of the country of origin. It seemed that the term 'deposit with the agency' implied some kind of action, for instance shipment of the material out of the country.

173. Mr Scoville said that he did not agree. He thought shipment was just one possible method and a costly one. As time went by, the amounts of material would get bigger and he thought they would be stored in sealed containers in the country of origin and checked by the IAEA

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1 The IAEA Statute.

from time to time. Dr Wilson said that it seemed the drafters of the treaty wanted control of by-product material to rest with the agency.

174. Mr Scoville thought that, whether or not material was stockpiled, it was still in the control of the country that produced it. The IAEA just made sure that it was not diverted to weapons. One way of doing this was to put it in sealed containers in the country of origin. This presented a problem in that, if the country violated the treaty, it would have a nice stockpile. Another way would be to stockpile it outside the country of origin and in this case the country could get it back at any time. But this would involve additional expense.

[*matter omitted*]

183. In response to a question from the chairman, Mr Scoville said that the treaty did not prevent building up a stockpile, although this would be under safeguards. Such a stockpile could of course become a matter of concern.

[*matter omitted*]

191. Mr Scoville said that at present there were no procedures for safeguarding enrichment plants. The whole subject was at an early stage. But they were doing research and were looking at techniques that would involve little or no intrusion into the plant. They might involve input and output checks but would not require disclosure or any secret processes. In any case, he could not believe that the basic process would be a great secret, giving great commercial advantage. The advantages came on more detailed points of engineering—how you made this or that stage more efficient. Even if there were to be inspection of plants, you might still carry this out without letting the inspector see your approach on these more detailed questions.

192. It was the feeling of US industry that safeguards inspections did not involve a serious risk of the disclosure of industrial secrets. This had come up in earlier discussions in the US and their industrial people had not expressed any great worry about the industrial secrets problem. They felt that the information that they had to disclose for safety purpose at the beginning of their work was far more sensitive than that which would be necessary for ascertaining whether diversion existed.

[*matter omitted*]

228. Mr Booker said that in Australia there seemed at present better possibilities in excavation. But these could not be undertaken because of the test ban treaty. What were the chances of amending the treaty? Mr Labowitz gave it as his personal view that, until the technology of excavation was developed to a point permitting realistic assessment, the chances of getting an amendment to the treaty would probably be small. It might be a questionable tactic to seek an amendment at this stage. To do this when the technology was not developed might arouse excessive controversy.

229. Dr Wilson said that Australia might be hindered in the application of most immediate use to it. 'Cratering' technology was the most advanced, yet under the test ban treaty you could not engage in the experiments most needed to develop that technology. You could not carry out nuclear excavations. Mr Labowitz said that last December the US conducted a cratering experiment and that in February it carried out a gas-buggy experiment. It considered that these had been successful and felt confident that it could continue to develop excavation technology. In fact, it was continuing in the context of a specific project. A commission had been directed to investigate the feasibility of building a trans-isthmus canal and included in its instructions was an investigation of the use of nuclear explosives.

[*matter omitted*]

### *Withdrawal*

235. The chairman asked what were the extraordinary circumstances that might justify withdrawal.

236. Mr Bunn said that the wording came from the test ban treaty. The US had wanted the option to withdraw from that treaty in the face of continuing Chinese testing. It was clear that the extraordinary circumstances related to nuclear matters. If a non-nuclear country belonged to the NPT and were threatened with nuclear weapons or believed its neighbours were acquiring these it could exercise the right to withdraw from the treaty. The determination of this threat rests with the country concerned.

237. Mr Booker asked if this meant that the right to withdraw rested on a nuclear threat and that you could not withdraw in the face of a conventional threat. Mr Bunn said that this had been the general thinking. It had not been clearly defined. Mr Booker said that, on the face of it, this denied parties the right to withdraw if threatened with conventional aggression. Mr Bunn said that he thought this was a reasonable interpretation, but it was not one that the US had made in public.

238. Mr Booker asked if it were open to a country to say it wanted nuclear weapons if it had no other way of meeting a conventional threat. Mr Bunn said that the US had said at one stage that it would not use nuclear weapons on a non-nuclear country unless the latter was engaged in an act of aggression assisted by a nuclear weapons country. This nuclear threat must be in the background.

239. Mr Booker said that he assumed that the US would still be prepared to assist its allies to meet a conventional threat with conventional means. But on the basis of the wording of article X of the treaty it appeared that to justify withdrawal you could *not* rest on the argument that you had to have nuclear means to meet a conventional threat. Mr Bunn said that this was for each country to decide, but he believed that any attempt to withdraw on the basis of a conventional threat would be widely challenged.

240. Mr Booker said that this question raised issues fundamental to the security not only of countries like Australia but of non-aligned countries. Could we look forward to being able to withdraw without challenge if we could not point to a specific event to justify this. Mr Bunn said that he did not think we could.

*[matter omitted]*

244. The chairman asked if Mr Bunn could visualise an extraordinary event in Australia's case. Mr Bunn said that in the case of an attack by a massive conventional force in which the US refused to supply nuclear aid, speaking personally, he would have thought this would clearly be an extraordinary event. He was not saying that the USSR or someone else might not object.

245. Mr Pritchett said that this may be a classic weakness in the treaty. You were denying states without alliances that were faced with conventional weapons attacks the right to protect their supreme interests with nuclear weapons. Mr Scoville said that the object of the treaty was to prevent nuclear war. It had to be read tightly. Mr Booker agreed, but said that up to now some countries had taken comfort by replying on the use of nuclear weapons to guard against massive conventional attack.

246. Mr Scoville said that nuclear war would be a worse situation. Countries were better off without nuclear weapons. You would then solve conflicts by other means.

### *Duration*

247. The chairman said that the treaty was to last 25 years, then you would meet to see for how long you would extend it. It was impossible to foresee the security situation for that long a

period or what technological developments would have taken place. The treaty might be more acceptable if the duration were shorter.

248. Mr Bunn said that the 25 years was a compromise between those who wanted a treaty of indefinite duration (like the Russians and Canadians) and those who wanted a treaty of 10 or 15 years (like the Italians). He felt that a duration of 10–15 years would make for a very unstable treaty. We could have a count-down situation where five years from the expiry date states would start wondering about their neighbours and perhaps preparing to get weapons. A period of 25 years would remove much of this uncertainty.

[*matter omitted*]

[NAA: A1838, 680/10/2 part 4]

## **120 CABLEGRAM FROM MISSION TO THE UNITED NATIONS TO DEPARTMENT OF EXTERNAL AFFAIRS**

New York, 19 April 1968

UN 641. CONFIDENTIAL PRIORITY

### **Non-Proliferation of Nuclear Weapons**

The past week has seen considerable activity in New York by both the major nuclear powers in support of their efforts to secure endorsement of the Non-Proliferation Treaty. The United States have been conducting far-ranging consultation with groups as well as with key individual delegations. The USSR has been similarly engaged. At this stage the Americans say that their consultation so far have revealed that the extent of real opposition to the treaty appears to be less than they might have anticipated. Our Eastern European contacts are also voicing optimism that a majority of the Assembly will be found to favour endorsement of the treaty.

2. The United States and the USSR have apparently reached agreement on the lines of a draft resolution to be presented to the Assembly. The Canadians tell us that one idea being discussed is that a group of non-nuclear weapon powers should be sought to sponsor the draft resolution. We are informed that as it stands at present the nuclear powers text refers to the Assembly endorsing the treaty but stops short of calling on member states to sign the treaty. It is hoped that by deliberately refraining from calling on members to sign the treaty it might be possible to gain more support for the resolution. The Canadians have their own suggestions for a draft resolution which they would prefer to see watered down somewhat further. Their text, which they are discussing with the United States, would include vague language expressing the hope that the treaty would soon be open for signature.

3. Supporters of the treaty are now taking the line that a draft resolution will be put to the vote at the resumed session and that efforts to postpone discussion to the twenty-third regular session will not be successful. The major nuclear powers recognise that there may be a group of perhaps twenty or so abstentions. They hope that India may be induced to go no further than an abstention. The Pakistanis here appear to be under some pressure to go along with the treaty. Brazil may vote against a draft resolution endorsing the treaty but now appear to be in some danger of being isolated in this extreme position. The USSR have apparently told the Americans that they can obtain favourable votes from the Arabs (though the Hungarians say that Arab support is conditional on Israeli support). Little seems known of Israeli intentions. We hear that Belgium has been making noises but is expected to go along with a resolution. While not too happy with the draft, Spain may do likewise. Italy may prove more difficult and is expected to revive some of the proposals which it had raised at Geneva. The Romanians

are also expected to prove difficult. The West German attitude will be a key factor. The East Europeans are deeply suspicious of West German intentions and suspect that the Germans will seek to induce others to raise procedural and other difficulties. There has also been some American suspicion that the French might try to influence French Africans against rapid action on this treaty, but so far there seems to be no evidence to support this.<sup>1</sup>

[NAA: A1838, 680/10/2 part 4]

## 121 CABLEGRAM FROM BAILEY<sup>1</sup> TO DEPARTMENT OF EXTERNAL AFFAIRS

Ottawa, 19 April 1968

246. CONFIDENTIAL

### Non-Proliferation Treaty

Your telegram 142,<sup>2</sup> my 239 and earlier messages.<sup>3</sup>

After substantial inter-divisional consultations Legal Division, External Affairs, gave me this morning, 19th, a written answer to the seven questions which we put to them and which we have on several occasions discussed. The text is for the most part self-explanatory but I shall append a few supplementary notes.

2. The Canadian reply is as follows:

(a) As the first U.S.A. interpretation of Articles I and II of the N.P.T. points out, the treaty deals only with what is prohibited, not with what is permitted. Thus any activities of non-nuclear parties involving nuclear weapons or other nuclear explosive devices which do not constitute 'receiving the transfer or control' of them or 'manufacturing' or 'otherwise acquiring' them, would be legally permissible. The N.P.T. prohibits non-nuclear-weapon states party from receiving or manufacturing nuclear explosive devices. The extent to which this prohibition inhibits research, development and production in the field of nuclear explosive devices depends upon how broad an interpretation is given to the word 'manufacture'. A nuclear weapon state party may assist a non-nuclear weapon state party in any activity which does not constitute manufacture of a nuclear explosive device.

(b) Article IV(1) preserves the 'inalienable right' of states party to carry out research, development, production and use of nuclear energy for peaceful purposes and Article III(3) provides that 'The safeguards required by this Article shall be implemented in a manner designed to comply with Article IV of this Treaty and to avoid hampering the economic or technological development of the Parties or international cooperation in the field of peaceful nuclear activities ...'. By virtue of these provisions, research and development carried out for a peaceful purpose would not be prohibited by the N.P.T. even though it may also have significance for the manufacture of a nuclear explosive device.

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1 Despite being a permanent member of the Security Council and a nuclear-weapon state, France declined to support the Nuclear Non-Proliferation Treaty.

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1 Sir Kenneth Bailey, High Commissioner to Canada.

2 Dispatched on 15 March, it conveyed to Ottawa the text of Document 111.

3 Not published.



(c) To the extent that intent may be relevant to the obligations assumed under the treaty, it is for each state party to decide for itself whether a course of conduct revealed by I.A.E.A. safeguards inspection constitutes a violation of the treaty.

(d) The I.A.E.A. may require excess fissionable material produced from material supplied by I.A.E.A. to be deposited with the agency. The N.P.T. does not require, however, deposit with the I.A.E.A. of excess fissionable material produced from material supplied by sources other than the I.A.E.A. The disposition of such material would be for decision by the parties to the transaction in their multilateral or bilateral safeguards agreement, even though it would be subject to I.A.E.A. or I.A.E.A.-verified safeguards under the N.P.T.

(e) While the phrase 'nuclear weapons' in isolation is not necessarily confined to nuclear explosive devices, with one exception (Article VII) the articles of the N.P.T., though not the preamble, always use 'nuclear weapons' in the phrase 'nuclear weapons or other nuclear explosive devices'. The normal rules of construction would interpret 'nuclear weapons' in this context to be confined to nuclear explosive weapons and to exclude, for example, nuclear powered warships. We understand that this is the interpretation which is placed upon the words 'nuclear weapons' by the U.S. Government. Declarations by the parties negotiating the treaty concerning the meaning of 'nuclear weapons' may have the legal effect of giving a broader interpretation to those words.

(f) The N.P.T. requires non-nuclear weapons states party to conclude an arrangement with the I.A.E.A. implementing the safeguards requirement of Article III in accordance with the I.A.E.A. Statute and safeguards system. The relevant safeguards system is presumed to be the system in effect at the time the state party ratifies or accedes to the N.P.T. The N.P.T. places no obligation upon a state party to accept amendments to the safeguards system adopted subsequent to the conclusion of its agreement with I.A.E.A. under Article III.

(g) The N.P.T. appears to place no restraints on countries forming new regional groupings similar to Euratom provided such groupings do not derogate from the obligations of states party pursuant to their safeguards agreement with the I.A.E.A.

[*matter omitted*]

5. The Canadians appreciate the fact that the questions where, for the purposes of question (a), 'manufacturing' begins and ends as essentially a matter for the technicians to decide. The Canadian legal people themselves have not got much help from their own technicians on this but suspect that when squarely faced with the question they would be in disagreement among themselves as to the answer.

[NAA: A1838, 719/10/6 part 4]

**122 MINUTE FROM PRITCHETT TO PLIMSOLL**

Canberra, 22 April 1968

TOP SECRET

**Non-Proliferation Treaty**

Herewith a copy of the paper<sup>1</sup> agreed over the weekend between Cawsey<sup>2</sup> of Supply, Thomas of the AAEC and me. I had opportunity before discussion yesterday with these two to go through the draft with Mr Booker.

2. This morning we shall go through the paper with Blakers of Defence and Wilson (AAEC) and this afternoon in the full inter-departmental group.

3. There has been considerable movement in the AAEC's position. It is not clear to me to what extent this is due to the Americans' persuasiveness, the pressure of our own questioning or a change in 'riding instructions'. It will be difficult for Professor Baxter to press many of the AAEC's points in the Defence Committee discussions on Wednesday in the face of this paper. However, the AAEC's position is still not to support even signature of the Treaty until a very late stage and it could be that this is the advice Professor Baxter is putting forward independently at ministerial level.

4. The proposed instructions to the delegation do not at this stage adequately cover the Australian position. First, we have been so distracted by all the AAEC's arguments and anxieties that we have not had opportunity really to get down to an examination of all political aspects. This will now largely have to be handled as the debate in the General Assembly develops.

5. Secondly, I suggest it will be important at some stage, presumably towards the end of the UN debate, for the Australian Government to communicate with the United States Government about the Australian position. Our communication should deal principally with three points:

(a) the fact that the Treaty has caused us much concern in various respects, especially in regard to the surrender of our option ultimately to strengthen our national defence by the acquisition of nuclear weapons and in regard to possible interference under the Treaty with our peaceful research and development;

(b) the need to secure from the United States, in writing—as the Americans have offered—certain understandings and assurances about the interpretation and future operation of the Treaty;

(c) A weakness of the Treaty, and one that could attract criticism in Australia, is that it seeks to prevent countries acquiring nuclear weapons to deal with a conventional threat. This situation is not provided for in the proposed Security Council resolution by the sponsoring Powers. This could lead to pressure on Article X<sup>3</sup> of the Treaty, regulating the right of withdrawal from the Treaty and its duration. It would be desirable for the Australian Government to state clearly to the United States Government that its support for the Non-Proliferation Treaty was within the framework of the ANZUS Treaty.

6. I expect that a paper agreed within the Working Group today will be available to members of the Defence Committee first thing tomorrow morning.

[NAA: A1838, 680/10/2 part 4]

1 Paper on Non-Proliferation Treaty, 22 April 1968, submitted as Defence Committee Agendum 19/1968, dated 23 April 1968.

2 G.F. Cawsey, Superintendent, Research Programmes, Defence Standards Laboratories, Department of Supply.

3 See Document 102.

## 123 REPORT OF DEFENCE COMMITTEE SUBMITTED TO CABINET BY HASLUCK AND FAIRHALL<sup>1</sup>

Canberra, 26 April 1968

TOP SECRET

### Non-Proliferation Treaty

#### INTRODUCTION

In its previous considerations of the Non-Proliferation Treaty, Cabinet decided (Decision No. 95)<sup>2</sup> that 'the principle of the Non-Proliferation Treaty should be supported and that Australia should make genuine effort in the interests of a workable Treaty which she could sign ... Cabinet preferred to hasten slowly (and agreed) that the course to be explored further at this stage was along the lines of that suggested at para. 97c' (of the Defence Committee Report, viz., 'to indicate a willingness to sign an effective Treaty subject to certain understandings, qualifications and amendments'). 'This course would be to welcome in principle the objective of a non-Proliferation Treaty and to express the hope that an effective way to achieve this objective might be found' ... It was agreed that the matters set out in paragraph 104 of the (Report) were indicative of the matters which the Cabinet views with concern.

2. In Decision No. 119<sup>3</sup> Cabinet sought 'precision as to the points on which Australia should have assurances or on which amendments should be sought or supported, and also as to the conditions in respect of which Australia would need to be satisfied before signature could be contemplated'.

3. This paper prepared by the Defence Committee augmented by other relevant departmental representatives is directed to the points raised by Cabinet. In particular it covers matters set out in paragraph 104 referred to above.

[*matter omitted*]

#### EFFICACY OF THE TREATY

12. (a) *Degree of Support*: For the Treaty to be effective, it will be essential that it not only attract the forty ratifications required by Article IX, but that these should include the bulk of those nations capable of early development of nuclear weapons, which, in Australia's region, are India, Pakistan and Japan. In practice it will be necessary to assess the significance of a refusal to sign in terms of the motives, capacity and character of the non-signatory, and the degree to which its non-adherence militates against the effectiveness of the Treaty. For Australia, the adherence of Indonesia which, though not capable of early development of nuclear weapons, might conceivably require them, e.g. from Communist China, would be of special significance.

[*matter omitted*]

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1 The report of the Defence Committee, augmented by the secretaries of National Development, Supply and Trade and Industry and the chairman of the AAEC, was submitted to Cabinet by Paul Hasluck, Minister for External Affairs and Allen Fairhall, Minister for Defence, on 26 April 1968.

2 See note 11 to Document 115.

3 Of 9 April 1968.

### *IMPACT ON AUSTRALIA'S COMMERCIAL INTERESTS*

13. Australia has a large stake in the free development of, e.g. uranium deposits, beach sands, etc. Already production of these is significant. All the indications point to a rapid expansion of such mining activities and of treatment plants and, as well, the development of facilities for producing derivative metals. So our present exports in these fields could multiply.

14. Australia as a party to the Treaty, would be precluded from exporting source or special fissionable material to any non nuclear weapon States unless that material were subject to the safeguards required by the Treaty (the U.S.S.R. view may be—unless the States are parties to the Treaty). Unless therefore countries which are already or are potentially likely to be large purchasers of such material, e.g. Japan, were prepared to subject the material to safeguards (or were parties to the Treaty), Australia could be denied valuable markets in these countries. Thus, on this score also, Australia must be concerned in relation to the countries which ratify the Treaty.

### *MANUFACTURE*

15. The interpretation to be given to the word 'manufacture' in relation to nuclear weapons and nuclear explosive devices which is prohibited by Articles I and II<sup>4</sup> of the Treaty is of paramount importance to Australia. Australia has a fundamental national interest in preserving the maximum scope for nuclear research, development and production for peaceful uses and indeed development for non-explosive military purposes. It also has an interest in preserving the scope to develop to the maximum extent possible without breach of the Treaty, its potential to manufacture nuclear weapons, should it decide that circumstances so require. Australia must, at the same time be prepared to accept arrangements under the Treaty that offer equal protection to the similar national interests of other States.

16. The American team stated that 'manufacture' would not include any research, development, production or use for which there was a conceivable peaceful intent, whether or not such activities advanced a State's capacity to manufacture nuclear weapons. In particular, they declared that any work on the enrichment of fissionable materials would fall outside the scope of 'manufacture', whether the enriched material was used or stockpiled for further use. On this basis, the provisions of Articles I and II of the Treaty would not prejudice a country's civilian programme of nuclear development for peaceful purposes other than in respect of nuclear explosives. This programme could proceed subject to safeguards.

17. Regarding nuclear research, development, production and use directed to the advancement of a country's capacity ultimately to manufacture nuclear weapons, the Americans initially agreed that the provisions of the Treaty would not prevent a State from advancing to a point just short of final manufacture. In further discussion it emerged that they would consider some preparatory work associated with the actual creation of an explosive device (which they were not prepared to define) properly as an integral part of manufacture and therefore forbidden. They were uncertain as to the precise point in nuclear work at which the Treaty's provisions would operate. They thought this would be established by the consideration of specific cases over the years, particularly in the IAEA. Recalling that there is no provision for definitive interpretation of 'manufacture', there is clearly, in this field, an uncertain 'grey area'.

18. However, taking the American view as the basis, the provisions of the Treaty would permit a Party to make very substantial progress towards the manufacture of nuclear weapons. In Australia's case it is currently assessed that it would mean that, without breach of the Treaty, it would be possible to reduce the lead time for weapons production to approximately three years.

[matter omitted]

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4 See Document 102.

20. The Australian delegation should ensure that the American interpretation is clearly understood in the United Nations and is supported by the Soviet Union and Britain, and is not opposed or seriously questioned, by any significant power. If this is the outcome, it will be satisfactory to Australia.

#### *SAFEGUARDS*

[matter omitted]

#### *Possibility of Industrial Espionage*

25. The possibility of industrial espionage by IAEA inspectors has been a major source of concern and it has been felt that primary producing countries of source material, such as Australia, would be particularly exposed to this risk.

[matter omitted]

31. At present, there is a right to reject particular IAEA Inspectors. This should be retained.

#### *Materials, Plant, etc.*

[matter omitted]

35. The Australian delegation should, in the United Nations debate, seek to have all ores, minerals, mines and ore treatment plants excluded from safeguards. In this connection, Canada has taken the position that its activities on the mining and refining of uranium source material will not be subject to safeguards.

36. Article XX of the IAEA Statute, having given certain definitions of the terms 'source material' and 'special material' provides that they will include 'such other material as the Board of Governors shall from time to time determine.' A similar definition applies to the term 'principal nuclear facility' in the IAEA Safeguards Document.

37. These definitions are acceptable to Australia because it is clear that other items will have to be added in the future in the light of technological changes. Australia will watch developments in this respect closely and want to satisfy itself that each proposal to extend the definitions is well founded.

[matter omitted]

#### *Deposit of Excess Material with the IAEA*

45. Article XII A.5 of the IAEA Statute requires 'deposit with the Agency of any excess of any special fissionable material recovered or produced as a by-product over what is needed ... in order to prevent stockpiling of these materials, provided that thereafter at the request of the member (State) concerned ... materials so deposited ... shall be returned promptly ... for use under the same provisions (safeguards)'. This provision contrasts with the American team's statement that under the Treaty, Parties would be permitted to stockpile enriched uranium (of any enrichment) to any extent desired—subject of course to safeguards. The Americans pointed out that the Statute provision had never been implemented and that they now saw no reason, within the context of the Treaty to do so. They also agreed that the deposit procedure could prove costly and technically difficult if it involved transfer and storage of the material outside its country of origin.

46. The Australian delegation should seek to have the above understandings confirmed not only by the Treaty's proposers but by Britain and other significant countries. At the same time, the delegation should resist any suggestions that Article XII A.5 should be implemented as a consequence of the application of the Treaty; in particular, the delegation should oppose any suggestion to establish IAEA depositories that would involve the export of the materials.

[matter omitted]

### *Costs*

[matter omitted]

49. The distribution of costs will be important. The American team took for granted that the U.S.A. would bear 30%. The Soviet attitude to date, it is understood, has been that costs of safeguards should be borne by those to whom the safeguards are applied. In this case the cost to Australia could, in future, be considerable. The American team expressed the view that the Soviet would find it difficult to sustain its previous attitude in view of its position as co-sponsor of the Non-Proliferation Treaty which makes safeguards mandatory.

[matter omitted]

### *Regional Groupings*

[matter omitted]

53. The likely advantages and disadvantages of Australia seeking to form an international group need careful study.

### *Amendments to the IAEA Statute and/or Safeguards*

54. There have been questions whether the provisions of the Non-Proliferation Treaty are consistent with the IAEA Statute and/or safeguards system and whether the coming into force of the Treaty will require renegotiation of either or both the IAEA instruments.

55. The American team agreed that there were some inconsistencies between the Treaty and the Statute, but pointed out that only certain parts of the Statute would be relevant to the Treaty: these were consistent with the Treaty and no requirement to re-negotiate the Statute arose.

56. This is also the Australian view. Furthermore, re-negotiation of the Statute would open up a variety of issues and create difficulties for Australia and the general membership. Any suggestions during the U.N. debate to re-negotiate the IAEA Statute should therefore be resisted.

57. It may, however, be necessary to adapt the safeguards system to the requirements of the Treaty. Any changes are likely to affect Australian interests and it is important that as far as possible we know in advance precisely what they will be. Secondly, the IAEA safeguards system applied under the Treaty should be as uniform as possible in their provisions for all Parties. The Australian delegation should press the view (and seek support for its adoption in the Debate) that a model safeguards agreement be drawn up and approved in the IAEA before negotiations are undertaken with individual Parties for the safeguards agreements under Article III of the Treaty.

58. The American team confirmed that later amendments to the IAEA Statute and/or safeguards system inevitably arising from technological developments would be mandatory on Parties to the Treaty. They said that the Parties' interests would be protected by the difficulty of securing amendments that conflicted with the interests of the majority.

59. In our view this puts it too glibly. Amendments to the Statute may be proposed by any Member. They come into force for all members when approved by the General Conference by a two thirds majority after consideration of observations submitted by the Board of Governors on each proposed amendment. On the other hand, amendments of the safeguards systems can be made by the Board by two thirds voting majority, and in the past amendments have only been incorporated in safeguards agreements by consent of the Governments involved. In these circumstances the proposed model safeguards agreement (paragraph 57) should itself contain satisfactory provisions dealing with the circumstances in which safeguards can be extended.

[matter omitted]

### *ESPIONAGE SECURITY RISKS*

62. In a letter<sup>5</sup> to the Prime Minister dated 7th March, 1968, the Director General of Security advised against Australia entering the proposed Treaty. His concern was that, if Australia became a party, Inspectors who were from, e.g. Communist countries, would be well placed to engage in espionage. Representatives of ASIO will meet with representatives of the Departments of Defence and Supply and the Atomic Energy Commission for an examination of the security aspect in light of what has become known since the Director General's letter was written.<sup>6</sup> Since this current paper is concerned merely with the brief for the Australian delegation during the U.N. Debate, further consideration of the security aspects will not be prejudiced.

### *PEACEFUL NUCLEAR EXPLOSIONS*

63. The Americans gave an assurance that the Treaty sponsors intended that the 'appropriate international procedures' should ensure that nuclear explosives for peaceful purposes would not be withheld because of political or economic interests. The Australian delegation should press for assurances that this will be the rule followed by all member States. It should also support the concept that nuclear explosives for peaceful purposes can be supplied on a bilateral basis and stress that international surveillance should be limited to safety aspects and procedures to ensure that the explosions would not further the development of nuclear weapons.

### *WITHDRAWAL*

64. Article XI of the Treaty lays down a Party's right to withdraw from the Treaty 'if it decides that extraordinary events, related to the subject matter of the Treaty, have jeopardised the supreme interests of its country.' Three months' advance notice and a statement of the 'extraordinary events' are required.

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<sup>5</sup> Not published.

<sup>6</sup> After a report from the Director-General of Security on 7 March, a working party had been established by the Defence Committee consisting of representatives of the Department of Defence, the Prime Minister's Department, the Department of Supply, the Australian Atomic Energy Commission and the Australian Security Intelligence Organisation. The task of the working party was to examine security aspects resulting from Australia's accession to the Nuclear Non-Proliferation Treaty. An undated report of the working party noted that 'it may be assumed that the Intelligence Services of the Soviet Bloc appreciate the opportunities that [IAEA inspections] offer for espionage and will attempt to exploit the IAEA inspection system for espionage purposes'. In similar vein, a report submitted to the Defence Committee on 5 March 1968 by the AAEC on 'Technical Implications for Australia of the Draft Treaty on Non-Proliferation of Nuclear Weapons' concluded that 'Australia would be denied the option to acquire or produce nuclear weapons and would therefore become more dependent on its alliances, even for the defence of its own territory. The coming into force of the N.P.T. would not prevent the growth in the nuclear weapons potential of present nuclear weapons powers particularly China nor the emergence of new nuclear weapons powers. Under these circumstances it would become increasingly unlikely that the United States would use nuclear weapons even when necessary to support her Treaty obligations'. It went on to argue that the application of IAEA safeguards in the context of the Nuclear Non-Proliferation Treaty 'would provide unparalleled opportunities for industrial, defence and commercial espionage in this country by highly-trained international inspectors drawn from both sides of the Iron Curtain and operating under diplomatic immunity'. Another undated paper by the AAEC and the Department of Supply assessed Australia's capability to produce and manufacture nuclear weapons within the existing framework of safeguards requirements attaching to nuclear equipment, materials or information received from overseas. The assessment concluded that Australia had 'the information, the nuclear skills and the industrial capacity to set up and operate facilities to produce fissionable material (i.e. plutonium or enriched uranium) of weapons grade, either alone or with overseas assistance'. It noted that if Australia acceded to the Nuclear Non-Proliferation Treaty, work on the knowledge relevant to the design of nuclear weapons in Australia would be prohibited. If it did not, 'the production of atomic weapons could be expected to require a minimum lead time of seven years, provided the necessary action to produce weapons material and to design a weapon proceeded concurrently'. These criticisms of the consequences of Australian accession to the treaty and analyses formed the background of inter-departmental debate on the Nuclear Non-Proliferation Treaty in the lead-up to governmental consideration of Australian attendance at the conference of non-nuclear states. See NAA: A1838, 680/10/2 part 2.

65. The American team pointed out that as no interpretations were provided in the Treaty and no arrangements existed for providing rulings or for enforcing provisions of the Treaty, this Article left it open to a Party to provide its own interpretation. However, the team's *personal view* was that the intention was to limit the legitimate circumstances of withdrawal to a nuclear threat; withdrawal in other circumstances could properly be challenged by other Parties and lead to restraint by political action, measures by the Security Council, etc.

66. Article XI is open to most criticism by States anxious about their security in the face of a superior conventional threat and unsupported by alliance with a major nuclear power. However, to allow such countries to withdraw from the Treaty, on their own assessment of the threats facing them, and manufacture nuclear weapons would very seriously reduce the effectiveness of the Treaty. Australia's concern on this point is allayed to the extent that America's continuing national interests as a global and Pacific power mean the continuing validity of its alliances with Australia.

67. Australia's interests would be served by an effective Non-Proliferation Treaty and by the continued strategic involvement of America in Asia and the Pacific that the effective prevention of proliferation would require. From Australia's point of view it would however be undesirable for an interpretation as in paragraph 65 above, limiting the legitimate circumstances of withdrawal to a nuclear threat, to be aired, let alone placed on the record.

[*matter omitted*]

#### THE PROPOSED SECURITY COUNCIL RESOLUTIONS

[*matter omitted*]

71. America could come to the aid of Australia under the ANZUS Treaty, but this is already the case. So the real protection which Australia enjoys continues to derive from the Treaty.

[*matter omitted*]

#### CONCLUSION

[*matter omitted*]

86. It is considered that the delegation should express Australia's full support in principle for an effective Treaty. It should deal with the matters which earlier paragraphs have said the Australian delegation should attend to. (For special consideration by Ministers is what, if anything, should be said on the question of the term of this Treaty). During the course of the debate, it could be necessary for Australia to speak regarding particular points of interpretation, or to arrange for other countries to secure acceptance of interpretations Australia favours. Naturally the Australia delegation will be sounding out the attitudes and intentions of other countries and particularly those of Japan, India, Pakistan and Indonesia.

87. While if the foregoing generally has the endorsement of Ministers and things work out satisfactorily in the U.N. Debate, Australia could, *prima facie*, vote for the Treaty, it will be necessary for Ministers to decide later the question of our Vote.

88. As earlier stated the question whether Australia should sign the Treaty, and when and on what conditions (if any) is one that will call for consideration by Ministers in light of all relevant circumstances. The matter of ratification will be for subsequent consideration.

[NAA: A1838, 680/10/2 part 4]



**124 CABLEGRAM FROM DEPARTMENT OF EXTERNAL AFFAIRS TO SHAW<sup>1</sup>**Canberra, 1 [May]<sup>2</sup> 1968

373. TOP SECRET IMMEDIATE

**Non-Proliferation Treaty**

Cabinet has considered the report of the Defence Committee of 26 April<sup>3</sup> a copy of which you will have received. The Australian delegation's course in the General Assembly should be governed by what is set out in this telegram. References are to the paragraphs in the Defence Committee's report.

2. At this stage, the Cabinet has specifically set aside the question of whether Australia should, or should not, sign the treaty, or should or should not, vote for any particular resolution. This would avoid any commitment now and would leave these questions to be decided at a later stage.

3. The Cabinet contemplated that Australia might make an initial statement of her position to the General Assembly which would declare support in principle for an effective treaty, but would also register in a general way that the present day draft raises a number of considerations for Australia which she must take into account when considering her position. It also contemplated that the delegation would not, either in debate in the Assembly or in discussion with other delegations, appear to be opposed to a treaty or to be playing a leading part in opposing sections of this treaty, but that, at the same time, it would be careful not to allow any suggestion which would lead to the impression that Australia is prepared uncritically to accept the treaty as it stands.

4. The Cabinet remained of the view that in a number of directions the implications of the treaty were such as to be matters of high concern for Australia. The delegation will have these matters particularly in mind. Rather than necessarily take an initiative to pursue them in the Assembly debate, especially at the outset, the delegation might seek opportunity to raise them in discussions with other delegations or groups of delegations. It will raise them at this stage not to suggest that the Australian Government is laying down conditions, but on the basis of seeking explanations, clarifications and assurances. It may be necessary to seek to clarify and define some aspects of the treaty at a later stage in the Assembly debate in order to have particular assurances or interpretations on the record.

5. Having thus defined its initial approach, the Cabinet discussed particular sections of the report of the augmented Defence Committee as appended to the submission, commencing at paragraph 12, page 4. Its views on these sections, which are to be read in conjunction with the initial approach mentioned above, were as follows—

(i) *Efficacy of the Treaty*—para. 12.

The Cabinet agreed that it would be of critical importance to Australia's position not only that the treaty should attract the necessary number of adherents, but that particular countries in Australia's region, i.e. India, Pakistan, Japan and Indonesia, should ultimately join.

(ii) *Impact on Australia's Commercial Interests*—paras. 13 and 14.

It noted that here also Australia must be concerned in relation to the countries, e.g. Japan, which ratify the treaty.

1 Patrick Shaw, Permanent Representative to the United Nations, New York.

2 The cited copy is incorrectly dated '1/4/68' on the first page; the last page bears the date '1/5/68'.

3 Document 123.

(iii) *Manufacture*—paras. 15–21.

The Cabinet attached importance to this whole section and indicated that it wished the Australian delegation, in its discussions with other delegations, to pursue the course proposed in para. 20—which is directed at securing the United States interpretation of the word manufacture as it appears in Articles I and II<sup>4</sup> of the treaty—and, assuming the outcome is satisfactory, to seek instructions as to how it should be placed on record.

(iv) *Safeguards*—paras. 22–61.

The Cabinet indicated a general agreement with the approaches suggested in these sections of the report, subject to the following understandings—

(a) It attached importance to retaining a right to reject particular IAEA inspectors—para. 31—and felt that this right should be asserted and established.

(b) It supported the first sentence of para. 32, i.e. ‘the Australian delegation should exchange views with other delegations on this problem and should support acceptable comment by other responsible countries’. At this stage, it did not feel called upon to support the second sentence of para. 32, ‘however it is not thought that the prospect of increased risks of industrial espionage would be sufficient reason for Australia to refuse to support the treaty’.

(c) It wished the Australian delegation to take, as Canada has done, the position that its activities on the mining and refining of uranium source material will not be subject to safeguards, and indicated that the list of exclusions mentioned in para. 35, i.e., ores, minerals, mines and ore treatment plants, should be extended by the incorporation of refining plants.

(d) Australia will not necessarily accept future extensions of definitions under Article XX of the IAEA Statute—para. 37.

(e) The Cabinet indicated that the outcome of the delegation’s efforts in relation to para. 46 could be critical to Australia’s eventual decision on signing. What the Cabinet wished to see was a result in line with the position taken by the American team. It was not necessarily accepted, as the last part of para. 46 may suggest, that transfer of excess material to IAEA, even though not exported from Australia, would be approved.

(f) The American view on distribution of costs of safeguards suggested in para. 49 is to be supported.

(g) It felt that there was no need to give any instructions to the delegation on the aspect of regional groupings—paras. 50–53—since this is not an element of the treaty. (It was agreed that the study mentioned in para. 53 should go ahead with a view to its results being available by the time the government is required to take a detailed position in regard to the treaty.)

(h) The Cabinet did not dissent from the proposition—para. 56—that any suggestion during the U.N. debate to re-negotiate the IAEA Statute should be resisted, nor from the general argument of paras. 57–59. It specifically resisted the proposition that later amendments to the IAEA Statute and/or safeguards systems would be mandatory on parties to the treaty and observed that this point would enter critically into Australia’s consideration of signing.

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4 See Document 106.

(v) *Espionage Security Risks*—para. 62.

The Cabinet noted that this point was affected by its earlier decision on para. 31, I.D., 5 (iv)(a) above.

(vi) *Peaceful Nuclear Explosions*—para. 63.

The approach proposed was endorsed—and its importance noted.

(vii) *Withdrawal*—paras. 64–67.

The Cabinet indicated a view against limiting of Australia's right to withdraw and accordingly indicated that it did not wish the delegation to take any initiative in raising questions of interpretation of the withdrawal article. If the question of interpretation should arise, the delegation should seek instructions from Australia, and in the meantime it should know for its guidance that the present view of the Cabinet is against any attempt to alter or interpret Article XI in a manner which would restrict Australia's right of withdrawal.

(viii) *Proposed Security Council Resolutions*—paras. 68–72.

The Cabinet placed emphasis on para. 71, i.e. protection for Australia under the ANZUS Treaty, as being the point of importance under this heading of the report. It saw little protection in the proposed Security Council resolutions.

(ix) *Duration*—paras. 73–82

The Cabinet discussed whether it might be practicable or tenable course for Australia to seek to bind herself for a term of years shorter than 25 and the considerations which arose in this regard, e.g., to possible threats from China, developments in nuclear technology, the treaty provisions on withdrawal. The Cabinet did not reach a decision on the point. It agreed that the delegation should not raise the issue of the 25 year term, but, if any other delegation raises it, should refer back for instructions.

(x) *International Co-operation in Peaceful Use and Development*—paras. 83–84.

It did not appear to the Cabinet that any instructions were called for in relation to this section.

(xi) *Conclusion*—paras. 85–88.

The Cabinet took the view that its position in relation to these paragraphs was covered by the initial approach which it had defined as set out in paras. 2–4 above.

## 125 COMMENTARY BY MISSION TO THE UNITED NATIONS

New York, 1 May 1968

TOP SECRET

### Delegation's Instructions—Commentary

The following notes seek to set out the position of the delegation in relation to the instructions communicated in Canberra's telegram No. 373 of 1 May<sup>1</sup> together with the Defence Committee's report of 26 April.<sup>2</sup>

So far the delegation has observed the general instructions set out in paragraph 4 of the cable, namely to seek opportunity to raise matters in discussions with other delegations. The question of an initial statement is still under consideration.

#### *Degree of support*

*Points (I) and (II) of instructions and paragraphs 12 to 14 of DC report.* No specific action is required of the delegation. The delegation can report what it learns of the position of the countries 'of critical importance' to Australia, but it can take no action to stimulate support among them for the treaty while Australia's own position continues undecided.

#### *Manufacture*

*Point (III) and paragraphs 15 to 21.* We are at present awaiting response from the United States delegation about how their interpretation of 'manufacture' might be established. The delegation is required to seek instructions as to how the United States interpretation should be placed on record and it might be desirable to recommend that Australia not seek to have the matter publicly dealt with in the United Nations, but seek bilateral assurances from the United States and the United Kingdom. This can be considered further when we see what the United States has to say.

[*matter omitted*]

[NAA: A1838, 680/10/2 part 4]

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1 Document 124.

2 Document 123.

## 126 AIDE-MEMOIRE FROM UNITED STATES GOVERNMENT<sup>1</sup> TO AUSTRALIAN GOVERNMENT

Canberra, 1 May 1968

CONFIDENTIAL

The Embassy on April 24 observed numerous press reports of the Australian Government's decision to support a nuclear non-proliferation treaty in principle. *The Age* reported:

'Federal Cabinet is understood to have instructed Australia's delegation to the UN to indicate support of the treaty in principle, provided the treaty can be shown to be fully effective and provided completely satisfactory guarantees of protection against nuclear attack can be achieved.'<sup>2</sup>

The Embassy's query to the Information and Cultural Relations Branch of the Department of External Affairs elicited the information that substantially similar wording had been authorised on April 23 to be used with press representatives inquiring about the position of the Australian Government with respect to the Nonproliferation Treaty Draft.

This information was reported by the Embassy to the Department of State which instructed the Embassy to convey the following to the Australian Government:

The United States Government fully appreciates the reasonableness of the Australian Government's intention to give the Nonproliferation Treaty careful study. However, the United States Government believes that the question of Nonproliferation Treaty security assurances is one of primary concern to non-aligned non-nuclear states and not to military allies of the United States, who are already covered by the nuclear protection of the U.S.

Australia is an especially close ally of the United States, having joined with the United States in two security treaties—the ANZUS Pact and the SEATO Pact. These alliance commitments are stronger than any we could give to non-allied states in conjunction with the Nonproliferation Treaty. The strength of our security commitments pursuant to treaties of alliance is based not only on the treaties themselves but on a history and tradition of close political and military collaboration. The United States and Australia have fought together as allies in World War II and Korea, and are now fighting together in Vietnam. The sacrifices which the United States is sustaining in Vietnam testify to the seriousness with which the United States views its commitments.

Accordingly, security assurances in the Nonproliferation Treaty context are primarily designed for non-nuclear signatories of the Treaty which are not allied to a nuclear power. We therefore do not believe our Allies, particularly one with whom we have had such a close political and military relationship as Australia, should have reason to question the extent of the assurances which the United States is able to give non-aligned, non-nuclear countries.

The United States Government wishes to stress that the nuclear Nonproliferation Treaty will in no way affect the continuing security commitments of the United States under existing treaties of mutual security.

[NAA: A1838, 680/10/2 part 4]

1 Conveyed by the US Embassy, Canberra, to the Department of External Affairs.

2 See Document 124.

**127 CABLEGRAM FROM SHAW TO DEPARTMENT OF EXTERNAL AFFAIRS**

New York, 2 May 1968

UN 714. SECRET IMMEDIATE

**Non-Proliferation Treaty**

Our telegram 708.<sup>1</sup>

The following is a record of discussions between the Australian delegation and the United States delegation at the US Mission to the United Nations on 2 May. The Australian delegation was represented by myself, assisted by Mr Pritchett, Dr Wilson and Messrs Cawsey, Evans and McKeown. The United States were represented by Mr Adrian Fisher (Deputy Director, Arms Control and Disarmament Agency), Mr R. Drexler (Adviser, Bureau of International Relations, ACDA), Mr W. Heckrotte (Adviser, Scientific Affairs, USAEC), Mr B. Huberman (Adviser, Bureau of Science and Technology, ACDA).

2. I thanked Ambassador Fisher for agreeing to see us at short notice. I said that while the Australian Government supported in principle the need for an effective non-proliferation treaty there were a number of implications in the present draft which were matters of high concern for Australia. The Australian Government had set aside the question of whether Australia should or should not sign the treaty or should or should not vote for any particular resolution. We did not wish to appear to be playing a leading part in opposing sections of this draft treaty nor to be laying down conditions for its acceptance. At this stage we were seeking explanations, clarifications and assurances on particular points.

[*matter omitted*]

5. [*matter omitted*] There were two main areas of concern to ourselves, namely the definition of 'manufacture' and 'safeguards'.

6. I said that the interpretation to be given to the word 'manufacture' in relation to nuclear weapons and explosive devices prohibited by Articles I and II<sup>2</sup> of the treaty was of paramount importance to Australia. Australia had a fundamental national interest in preserving the maximum scope for nuclear research, development, production and use for peaceful purposes as well as for non-explosive military purposes. I said that the Australian Government had an interest in obtaining clarification but not necessarily establishing by public assurances what the basic philosophy of the treaty was concerning the extent to which it was envisaged that parties to the treaty might legitimately advance their capability to produce nuclear weapons.

7. Quoting from the agreed position reached with the American team in Canberra,<sup>3</sup> I said that they had indicated that prohibited manufacture would *not* include any research, development, production or use for which there was a conceivable peaceful use notwithstanding that such activities at the same time advanced the state's capacity to manufacture nuclear weapons. In particular, I noted that the Americans had accepted that work on the enrichment of fissionable materials would be permitted whether the enriched materials were used or stockpiled for future use.

8. Regarding work directed solely to the improvement of nuclear weapons capability short of actual assembly, I said that we understood the United States view to be that the philosophy of the treaty was simply to stop the production of nuclear weapons by non-nuclear states,

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1 Dispatched on 1 May, it advised that the Australian Mission to the United Nations had arranged consultations with the US and UK delegations on 2 May.

2 See Document 102.

3 See Document 119.

not to stop them improving their capacity to do so if they wished to go outside the treaty. The treaty prohibited the manufacture of nuclear explosives but permitted all else. We understood the American view to be that it was not however possible to anticipate all cases in advance and that IAEA would decide what was allowed and what was not.

9. On safeguards, I drew attention to questions which had been raised as to whether the provisions of the non-proliferation treaty were consistent with the IAEA Statute and with the safeguard system and whether the coming into force of the treaty would require the renegotiation of either or both the IAEA instruments.

*[matter omitted]*

11. I said that it might however be necessary to adapt the safeguard system to the requirements of the treaty and that any changes would be likely to affect Australian interests. It was therefore important that as far as possible we should know in advance precisely what these changes might be. It was our view that IAEA safeguards applied under the treaty should be as uniform as possible in relation to all parties. We felt it was logical that a model safeguards agreement should be drawn up and approved in the IAEA before negotiations are undertaken by the IAEA with individual parties to conclude the safeguards agreement provided for under Article III.

12. The American position in Canberra<sup>4</sup> was that subsequent amendments to the IAEA Statute and/or safeguard system arising from expected technological developments would be mandatory on parties to the treaty. They had said the parties' interests would be protected by the difficulty of securing amendments that conflicted with the interests of the majority.

13. In relation to the American team's view on this point I said that the Australian Government did not accept that subsequent amendments to the safeguards agreement would be mandatory to parties of the treaty and I observed that this point could be critical to Australia's consideration of signing.

14. I said that in addition to the general points of principle which I had just made there were a number of matters that Australia would wish to see dealt with in the safeguards agreement to be included with the IAEA. We were interested in knowing whether the United States would be prepared to use the United Nations debate as a means of establishing criteria to govern any IAEA standard safeguards agreement.

15. I said that the detailed points Australia had in mind were:

- (a) It wished to retain the right to reject individual IAEA inspectors.
- (b) We would want to exclude from safeguards ores, minerals, mines, treatment plants and refining plants.
- (c) We would want to retain freedom to reject future extensions of definitions under Article XX of the IAEA Statute.

*[matter omitted]*

20. Concerning our points on manufacture, Fisher acknowledged that they were not all covered under the proposed interpretative statements mentioned above. He referred in particular to the enrichment position. It was his personal reaction that the points which we had raised on Articles 1 and 2 should be taken care of. The United States had made a statement on the 11th March in response to pressures in Geneva that Articles 1 and 2 did not prohibit military non-explosive nuclear activities. In particular the treaty did not inhibit the military use of nuclear reactors, for example, in submarines. He said that he would look into the question of what could be said further on the question of manufacture by way of public statements or possibly

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4 See Document 119.

statements in plenary. He saw value in our discussing the sort of statements which we might make on this aspect.

[*matter omitted*]

22. Speaking generally about a uniform safeguards agreement, Fisher acknowledged that if the IAEA suddenly agreed that inspections should apply to mines, this would of course be possible under the IAEA Statute. He saw however some difficulties with our proposal that a model safeguards agreement should be prepared at this stage. He said that the IAEA had not yet worked out safeguards arrangements applying to what might be described as the latter end of the fuel cycle, e.g. fuel fabrication plants and chemical reprocessing plants. On isotope separation consideration was only at the administrative stage and the IAEA Secretariat was expected to put some recommendations in this field to the June meeting of the Board of Governors.

23. Fisher repeated this general view that the IAEA would not have ambitions to extend safeguards to mine inspections, but would continue to be preoccupied with its troubles at the other end of the fuel cycle.

[*matter omitted*]

35. On the suggested draft agreement Fisher said that there was one point which concerned the United States and that was that Euratom must be kept in being. It was important to West Germany and to NATO generally. He said that the strength of the NATO alliance made negotiations with the USSR possible.

[*matter omitted*]

36. I asked Fisher whether it was not self-evident that the IAEA ought to devise a model agreement as something which countries would be aware of before they undertook to become parties to the treaty. Would the United States see any difficulty in our making a public statement along these lines?

37. Fisher replied that he was not sure that a model agreement would be able to apply to Euratom. The United States did not want to embarrass Euratom, not because they thought less of non-Euratom countries, but because Euratom was basically central to the NATO structure.

[*matter omitted*]

45. [*matter omitted*] He acknowledged the difficulty of knowing what to do where IAEA safeguards were impractical, as they were in the case of submarines.

46. The discussions closed with the Americans undertaking to contact us again when they have prepared answers to our questions.

[NAA: A1838, 680/10/2 part 5]



**128 CABLEGRAM FROM SHAW TO DEPARTMENT OF EXTERNAL AFFAIRS**

New York, 2 May 1968

UN 719. SECRET IMMEDIATE

**Non-Proliferation Treaty: Consultations with British**

Following is record of conversation at Australian Mission with Porter<sup>1</sup> (Ambassador, British Disarmament Delegation, Geneva) and Hillier-Fry<sup>2</sup> and Cromartie<sup>3</sup> (British Disarmament Delegation) on 2 May. Officers present with me were Pritchett, Wilson, Cawsey, McKeown and Evans.

2. I told the British that the Australian Government was not yet in a position to take any position concerning signature of the treaty or voting on resolutions. Our interest at this stage was in exploring intentions of our friends concerning explanations, clarifications or interpretations of particular provisions of the treaty which raise difficulties for us. I outlined the major areas of difficulty to use along the general lines presented to the Americans and set out in our telegram No. 714.<sup>4</sup>

3. British reactions to the various points put to them were as follows.

*Manufacture*

4. Porter said that the British had not given any thought to making an interpretative statement and he did not think they would want to do so. The treaty consisted of a text, together with certain delicately balanced interpretative material. The last thing they wanted was to have these opened up in the United Nations where action by the Africans, in particular, could have unpredictable consequences. Nor would they want to expose for public discussion in the General Assembly the distance to which non-nuclear countries could go towards developing a nuclear capability without contravening the treaty. Porter thought that the United States and the USSR agreed with the British view which had been communicated to us in London concerning the research and development possible without contravention of the treaty. He thought, however, that if we talked about these things too much we could end with a definition which would be tighter than their own view of the matter.

5. Porter said that the provisions of treaty were explicit and he questioned the need for further interpretation. It was clear that research and development which had a peaceful application was not inhibited by the treaty—Articles 1 and 2 read together with Article 4 made this clear.<sup>5</sup>

*Safeguards*

6. Porter said that the United Kingdom had no present intention to speak on Article 3 and would probably only do so if this would follow naturally from the course of debate. They were concerned about possible implications for Euratom. At our suggestion, he undertook to keep in touch with us in the event that the United Kingdom decided to speak on this article. Porter added, however, that he would see no objection to Australia raising its own understanding of the points which were of concern to us in this article.

7. I said that one of the difficulties for Australia raising these points was that we did not wish to appear to be taking a lead in raising questions concerning the treaty but that so far there had

1 I.F. Porter, Ambassador and Permanent UK Delegate to the Disarmament Conference, Geneva.

2 William Norman Hillier-Fry, First Secretary, UK Foreign and Commonwealth Office.

3 R.I.T. Cromartie, First Secretary, UK Disarmament Delegation, Geneva.

4 Document 127.

5 See Document 102.

been no discussion in the First Committee on any points of substance relating to the treaty. It would be helpful if the United States or United Kingdom or other leading supporters of the treaty could open up a discussion of some of these points of substance and establish some interpretations of critical points.

8. Cromartie said that some of these points had already been publicly discussed in the ENDC. There may be more discussion when a number of Euratom countries speak next week. Porter agreed however that there had so far been no substantive discussion of the treaty in the Assembly and he said that this conversation with us was the first discussion he had had with any other delegation in New York concerning points of substance.

#### *(I) Model Agreement*

9. Porter said that they had not considered the desirability of drawing up in the IAEA a model safeguards agreement—he could not see a model agreement working since conditions were different in different cases. Porter stated that individual safeguards agreements would be drawn up by selection from the provisions of the present safeguards document only—this was the maximum. In later discussions however he accepted that the safeguards document would be expanded so as to cover changing technological circumstances. Porter envisaged that safeguards agreements would be of limited duration and would be periodically renegotiated to take up amendments to the safeguards system.

#### *(II) Amendments to IAEA Statute and/or Safeguards System*

10. With regard to possible extensions of the existing safeguards system Cromartie distinguished between amendments or extensions of procedures affecting areas currently covered by the safeguards system and extension to cover completely new types of materials. With regard to the former, the British emphasised that the trend was towards simpler and less intrusive safeguards. Porter said that the bias of the treaty was in seeing that safeguards were applied in a way which caused minimum intrusion. The Board of Governors of the IAEA was largely composed of representatives who did not wish to have their peaceful nuclear activities inhibited by unduly obtrusive safeguards. The treaty was designed not to inhibit peaceful activities. This had been a primary interest of a number of countries closely concerned with ENDC discussions (e.g. German[y]) who were now satisfied on this point.

11. Porter pointed out that the procedure for securing the extension of safeguards to new facilities would be a lengthy one—in the first instance a new type of facility would have to come into general usage, there would have to be some feeling among countries that it ought to be included in the safeguards system, a majority would then have to be found to support its inclusion and finally agreements with individual countries would have to be negotiated as old agreements expired.

12. Porter said that countries would not automatically be bound by any amendments. In the first place Australia had a seat on the Board of Governors where Western countries had a strong voice—it was therefore highly likely that proposals which might inhibit a country's peaceful nuclear development would be resisted. Further, any amendment to the safeguards system would only come into operation as it was incorporated into the safeguards agreement between the IAEA and individual countries. In other words, its inclusion would be subject to the negotiating process at the stage when the periodic renewal of a country's safeguards agreement was in progress. It was pointed out to Porter that any negotiations could only take place on the basis of the amended safeguards document.

13. With regard to Australia's concern that there should be no extension of the list of definitions under Article XX of the IAEA Statute, Porter conceded that it was not possible to provide against all possible future contingencies but again friendly countries were likely to remain in the majority on the IAEA Board and could prevent unwelcome things.

*(III) Rejection of Inspectors*

14. With regard to Australia's concern to retain the right to reject particular IAEA inspectors, Porter said that this was already IAEA practice. (Cromartie added that such a right was included in the safeguards document.) The British saw no problem in this or no reason why we should not repeat our understanding on this matter in our statement in the First Committee.

*(IV) Source Material*

15. Porter did not see any difficulty with our view that activities in the mining and refining of uranium source material should not be subject to safeguards and to our concern to see ores, minerals, mines and ore treatment plants and refining plants excluded from the safeguards system. He saw no difficulty in our bringing out these understandings in our public statement. They would then be on the public record and could be referred to if any questions about these matters ever arose in future negotiations with the IAEA.

*(V) Deposit of Excess Materials*

16. Porter said that Article 12 (A) 5 of the IAEA Statute concerning the deposit of excess materials had never been applied and was not mentioned in the safeguards document. It would be a major undertaking now to get it written into that document. Porter said that this provision had died a natural death and it would be far better for us not to raise it. We made the point that the treaty took up the relevant provisions of both the statute and the safeguards system.

*(VI) Consistency of Treaty with Safeguards Document*

17. Porter said that the treaty provided that the safeguards agreements to be negotiated with the IAEA should be consistent with the IAEA Statute and the safeguards system. At one stage in the negotiations it had been suggested that this reference to the safeguards system should specifically refer to the 1965 safeguards document so that it would be quite clear what obligations countries were being asked to assume. It had been decided, however, not to freeze the safeguards system by reference to that document. The West Germans among others had not favoured this course since they hoped that in the future it would be possible for the IAEA to agree on less intrusive safeguards. He emphasised, however, that countries would only be bound by the agreement that they had individually negotiated with the agency.

18. Later in the day, Porter telephoned to say that he had discussed our points with Mr Fred Mulley,<sup>6</sup> who was to return to London shortly. The British view remained that 'we had nothing to worry about'. They were quite unwilling to give any assurances in public about a definition of 'manufacture'. As to 'safeguards' Mr Mulley was also unwilling to make any further statement about this in the United Nations, as he considered that the position was already quite clear. The draft treaty had been the subject of difficult negotiations and it was not for the United Kingdom to open up discussion again. All that Mr Mulley would do would be to consider what he might say in the House of Commons in response to some question about the meaning of 'safeguards' within the context of the draft treaty.

19. Porter asked if he wished to follow up this idea with a formulation of the points which might be considered for inclusion in a reply to a question in the House of Commons. I mentioned that we had already given four points regarding 'safeguards' but he wanted us to put this in writing for him.

[NAA: A1838, 680/10/2 part 5]

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6 Fredrick William Mulley, Minister of State, UK Foreign and Commonwealth Office.

**129 CABLEGRAM FROM SHAW TO DEPARTMENT OF EXTERNAL AFFAIRS**

New York, 4 May 1968

UN 736. SECRET PRIORITY

**Non-Proliferation Treaty**

In pursuance of the suggestion in paragraph 4 of your telegram 373 of 1st May 1968,<sup>1</sup> that the delegation might seek the opportunity to raise certain implications of the draft non-proliferation treaty which were of concern to Australia in discussions with other delegations, we have had some informal discussions as reported below.

*[matter omitted]*

*Netherlands*

19. In discussions with Pritchett, Ambassador Eschauzier<sup>2</sup> said that the treaty was extremely important to NATO and European countries and they were anxious that it command wide support. He thought the United Nations the wrong place for us to raise our worries about the treaty. The United Nations could not help us on safeguards matters. We should be unlikely to find anybody interested or competent to take up our points. These were matters for exploration in the IAEA, not the United Nations.

20. It would not be sensible to try and draw up a single model agreement. This was not practicable in the view of the different situations in different countries. Apart from this it would be ill advised to try to rush the development of the safeguards to operate under the treaty. These were now the subject of consultation and examination in Vienna and the new system was clearly not going to be easy to devise.

21. In the first place it would be necessary substantially to reduce the scope of the IAEA safeguards system, which was more far reaching than the non-proliferation treaty would require. Indeed, were it not for Article III B1 of the IAEA Statute (requiring the IAEA to conduct its activities ... in conformity with policies of the United Nations ... (and) any international agreements entered into pursuant to such policies), the IAEA would be in great difficulties in adapting to the non-proliferation treaty. Secondly, the non-proliferation treaty already placed very great restraints on nations and it was not to be expected that they would accept a ponderous safeguards system.

22. The whole intent was to develop safeguards that would be light and non-intrusive. There would be loopholes, but these were unlikely to be significant, and in any case the safeguards would not be the only indicators of a country's intentions. However, the development of the safeguards system could not be expected in a short time. It would come gradually.

23. Eschauzier agreed that a country ratifying the treaty would not know precisely what safeguards obligations it was undertaking, but asked whether Australia really considered this a stumbling block. It was not true that we should be signing a 'blank cheque'. From existing safeguards systems and consultations in Vienna we should be able to inform ourselves quite closely about requirements. Then there was the negotiating process under Article III. This surely offered us ample scope to protect our interests, especially as we were members of the Board. The agency's obligations under the statute and as defined in the safeguards system gave a party adequate grounds to resist significant disabilities. The ultimate possibility of

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<sup>1</sup> Document 124.

<sup>2</sup> Henri F. Eschauzier, Netherlands Special Ambassador in General Service.

a deadlock with the IAEA existed but was so remote and theoretical as not to be assessed a significant risk in practical terms.

24. Eschauzier said that he could not conceive of IAEA extending safeguards over mining etc., though this was the arrangement in Euratom.

25. He said that Article V<sup>3</sup> was most important and he intended to speak in committee on it.  
[*matter omitted*]

[NAA: A1838, 680/10/2 part 5]

### 130 CABLEGRAM FROM DEPARTMENT OF EXTERNAL AFFAIRS TO SHAW

Canberra, 6 May 1968

385. SECRET PRIORITY

#### Non-Proliferation Treaty

Our following telegram<sup>1</sup> contains text of aide-memoire left with Department today by United States Embassy concerning discussion in New York between yourself and Mr Fisher.

2. In response we have said that we would give careful consideration to American point that discussion of meaning of 'manufacture' in General Assembly would be unhelpful and perhaps damaging from the Australian standpoint. We said that in any case it was not intended that Australian statement should be made in the General Assembly until reply had been received to points put forward by you.

3. In regard to reference in aide-memoire to the 'apparent misunderstanding' regarding the prohibitions of Articles I and II,<sup>2</sup> we have drawn attention to the fact that Australian point is not adequately expressed in the aide-memoire. This point was that under the treaty any research, production or manufacturing process was permissible for which there was a purpose other than the manufacture of an explosive device (whether this device was for peaceful or weapons use). There was no doubt in our minds that the manufacture of an explosive device for peaceful purposes would be banned. We recognised also that there was a 'grey area' in regard to what would be considered as actually manufacturing an explosive device.

4. In discussion with the American Embassy we have made the point that if Australia is to rely for the interpretation of the meaning of 'manufacture' on the ratification proceedings of the United States Senate it seemed to follow that any Australian ratification should be deferred until after the American ratification.

5. With regard to the Soviet Union, we have indicated that we would not wish to have discussions with Soviet representatives until after we have received the American reply. We have pointed out, however, that we might well have a political requirement in having our own discussion with the Soviet Union at an appropriate stage.

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3 See Document 102.

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1 Dispatched on 6 May, it conveyed the text of a US aide-memoire of the discussions between Shaw and Fisher in New York on 2 May (see Document 127).

2 See Document 102.

6. In regard to the suggestion in the aide-memoire that the Australian delegation should not seek additional interpretation regarding Article III in the General Assembly debate we have expressed doubt whether it would be desirable for us to remain silent on all safeguards questions. Although we would wish to give American views on these questions careful consideration, we might still find it necessary from our own point of view to attempt to clarify in the General Assembly debate the nature and extent of at least some of the obligations which non-nuclear states would assume in this field under the treaty.

[NAA: A1838, 680/10/2 part 5]

### 131 CABLEGRAM FROM SHAW TO DEPARTMENT OF EXTERNAL AFFAIRS

New York, 6 May 1968

UN 738. CONFIDENTIAL

#### Nuclear Non-Proliferation Treaty

Japanese Ambassador Tsuruoka<sup>1</sup> asked to see me today. His concern was over the Japanese draft resolution (telegram No. 694<sup>2</sup> of 29 April) affirming responsibility of states to act in accordance with charter principles.

[*matter omitted*]

4. Tsuruoka acknowledged the danger that would follow once he put in any draft. He said that the USSR were not pleased because they might have to restate their position in favour of a simple overall ban on nuclear weapons which they did not want to do. (Fisher of the USA later told me that the United States were trying strongly to dissuade the Japanese from going ahead with their idea).

5. In order to meet some objections that the proposed Japanese draft was too vague in its reference to 'principles', Tsuruoka had in mind to rephrase operative paragraph 2 in a way which would 'call upon all nuclear weapon states to refrain from use of nuclear weapons or the threat of such use in any way contrary to their obligations under the charter'. I pointed out that the use of such language would defeat the first purpose which Tsuruoka had described, namely that of embracing Communist China in the scope of a text.

6. Tsuruoka said that he would continue in his efforts to find a suitable text but he was not in a hurry to put it in. Finally, he said he might see whether the cosponsors of the twenty-two power resolution<sup>3</sup> to endorse the draft treaty would be prepared to incorporate in their draft resolution some of the points contained in his, in which case Japan might cosponsor the 'endorsing' draft. (I have the impression that he is not too enthusiastic about the whole task.)

7. When Japanese are able to clarify their thinking we shall let you know and seek your views on what attitude we should take.

[NAA: A1838, 680/10/2 part 5]

1 Senjin Tsuruoka, Japanese Permanent Representative to the United Nations, New York.

2 Dispatched on 29 April, it conveyed the text of a draft Japanese resolution in which nuclear powers pledged not to use the nuclear weapons in their possession in a way inconsistent with the UN Charter and the sovereign equality of states.

3 A reference to UN General Assembly Resolution 2373 (XXII), which was eventually passed on 12 June 1968.

**132 CABLEGRAM FROM SHAW TO DEPARTMENT OF EXTERNAL AFFAIRS**

New York, 7 May 1968

UN 744. SECRET IMMEDIATE

**Non-Proliferation Treaty**

Your telegram 385<sup>1</sup> and 386.<sup>2</sup>

Following is a record of discussions held today, 6th May, in the Australian Mission with representative of the United States.

2. The Australian delegation was the same as that reported in my telegram 714<sup>3</sup> for our first discussion with the United States delegation. At today's meeting the United States were represented by Mr Adrian Fisher, Mr Heckrotte, Mr Huberman and in addition, Mr De Palma<sup>4</sup> (Assistant Director, Bureau of International Relations, ACDA, and one of the leaders of the American team in the ENDC).

3. Regarding 'manufacture', Fisher said that his understanding was that the definition I had put to him last week had been suggested by the Australian side in Canberra. He understood that the definition had not necessarily been accepted by the United States side in those discussions. United States reservations related to certain research and development activities involving significant quantities of fissile materials. Fisher thought that the United States would not have any particular difficulty with the Australian definition. The United States felt however, that raising the question of a definition of manufacture in the General Assembly would 'on the whole be unproductive'.

[*matter omitted*]

6. [*matter omitted*] He fully recognised the fact that Australia had an interest in 'not having people looking too closely over our shoulders'.

7. Fisher confirmed that the United States had no objection to research work on and production of enriched fissionable materials. This was recognised as a peaceful area. The only reservations the United States had would arise in relation to the diversion of these fissionable materials to weapons or explosive devices production. Fisher also said nothing would stop Australia doing work on high explosive technology including explosions. It might be a waste of money but it would not be in conflict with the treaty. What would not be permissible was directly related to nuclear explosives involving significant quantities of fissionable material.

[*matter omitted*]

11. Fisher said that while the United States might feel itself a better source of enriched materials, a decision to carry out work on such materials was for individual countries to make. Articles I and II<sup>5</sup> had no limiting effect on the development of enrichment processes, save that under the treaty the materials concerned would be under safeguards.

12. Wilson asked whether the enrichment process was one of the areas in which the flow of information would be facilitated under Article IV of the treaty.

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1 Document 130.

2 Not published.

3 Document 127.

4 Samuel De Palma, Assistant Director, Bureau of International Relations, US Arms Control and Disarmament Agency.

5 See Document 102.

13. Fisher replied that he was not sure about this. Information on reactor development would certainly be made available but he was not enthusiastic about exporting information on technology on the U-235 barrier or the centrifuge process. The United States had recently reclassified its information in this field and he would not give an assurance that the United States would be willing to make information on it available to others.

14. Regarding the Netherlands interpretation of Article I ('that assistance by supplying knowledge, materials and equipment cannot be denied to non-nuclear weapon states until it is clearly established that such assistance would be used for the manufacture of nuclear weapons or other nuclear devices'), Fisher said that it could not be denied that on the basis of Article IV of the treaty the United States had an obligation to engage in cooperative programmes. He said that the original Article IV, as proposed by Mexico and Nigeria, had said virtually that non-nuclear powers could demand, without right of refusal, any information they desired. However, he could not promise that the present article meant that non-nuclear weapon powers would have the right to obtain any and all information on the nuclear process other than information involving the inside of a nuclear explosive device. Fisher went on to say that if the Russians attempted to expand the prohibitions of Articles I and II 'the United States would defend us'. However, in relation to the provision of information, the United States could not say to a non-nuclear state 'if this is not part of a weapon, it is your' [*sic*]. Even if the United States did say that, the Soviet Union would not.

15. Asked whether the Netherlands' interpretation referred to above caused the United States any difficulty, Fisher replied that it may be that 'the Netherlands was crowding us'.

[*matter omitted*]

[NAA: A1838, 680/10/2 part 5]

### 133 CABLEGRAM FROM MISSION TO THE UNITED NATIONS TO DEPARTMENT OF EXTERNAL AFFAIRS

New York, 9 May 1968

UN 763. SECRET IMMEDIATE

#### Non-Proliferation Treaty

Following emerged from discussions today between Pritchett, Wilson and Cawsey, Ambassador Schippenkoetter [*sic*]<sup>1</sup> and Ramisch<sup>2</sup> of German delegation and von Herschenberg<sup>3</sup> of South Africa. Ramisch made following points to Wilson.

#### *Manufacture*

1. Germany is particularly concerned about the interpretation of 'manufacture' in Articles I and II because the USSR has already made statements as to what Germany should not be allowed to do in the nuclear field. Since the USSR is already training scientists from non-nuclear countries for service as IAEA inspectors, Germany is concerned that the agency might give undue emphasis to USSR views.

1 Swidbert Schnippenkoetter, Permanent Representative of the Federal Republic of Germany to the United Nations, New York.

2 Rolf Ramisch, Disarmament Section, Foreign Office of the Federal Republic of Germany.

3 A reference to C.F.G. von Hirschberg, Minister, South African Permanent Mission to the United Nations, New York.



2. References in the debate to 'non-proliferation of nuclear weapons technology' have provided opportunities for the undermining of the more precise interpretation agreed between the NATO countries. Accordingly, every opportunity should be taken to establish the most liberal interpretation possible.

3. Japan, Italy and Germany have all registered with the United States their concern that the treaty should not inhibit any activities in the enrichment area. In view of the number of countries interested in retaining full freedom in enrichment activities it is unlikely that any restrictive interpretation could be sustained if the treaty was to attract support.

4. Germany has been cooperating with Holland on centrifuge development. Both countries intend taking the position that the treaty does not impose any legal obligation on them not to transfer information on centrifuge development. They propose to evaluate the transfer of information to other parties on the basis of their own political judgements and economic interests. Ramisch stated that Japan had refused to yield to United States pressures to classify its centrifuge work on the grounds that its constitution did not give it the power to do so.

5. The Germans are concerned that technological developments might pose new problems in the interpretation of what is prohibited by the treaty. Ramisch said that the Japanese have pointed out to the United States their concern that the treaty should not prevent them engaging in controlled fusion development work involving high shock pressures. They had made the point that one projected controlled fusion process could involve pulsing shock pressures equivalent to those associated with the explosion of a multi-kiloton nuclear explosion.

#### *Ores Etc.*

6. Ramisch agreed that the treaty leaves open the possibility that safeguards might be required on mining activities. He said that Germany had questioned the wisdom of coupling source and special fissionable materials throughout the treaty because in its opinion different types of safeguards are required for source and special fissionable materials. Source materials should be subject to statistical-type safeguards only (e.g. total production figures) whereas special fissionable materials required the detailed inventory control currently envisaged. The United States had not been responsive to the proposal and the Germans had not pressed it, judging it marginal to their specific interests.

7. Ramisch contradicted an assertion by Ambassador Schippenkoetter that worries on industrial espionage were now a dead issue. He said that German industry considered that industrial espionage remained a major concern in the fuel fabrication and fuel processing areas. He supported this statement by arguments based on the long-term economic significance of marginal adjustments to fuel parameters. He maintained that some United States fuel fabricators and processors shared the German concern.

#### *Efficiency*

8. Ramisch expressed the view that in the longer term IAEA safeguards would prove inadequate for the purposes of the treaty. The diversion of 1 percent to 2 percent (i.e. the current uncertainty level of the agency safeguards system) of the predicted 1980 plutonium production would allow the manufacture of several hundred weapons. This made the development of black box inspection methods a matter of urgency. (Ramisch's argument appears to ignore the fact that most of the plutonium would be unsuitable for weapons.)

#### *German Position on Treaty*

9. Ramisch said that Germany has not yet decided the position it will take on the treaty. It has made a close study of the capacity of all states to achieve weapons production within the next 12 months and has decided that it is unlikely that any will do so. With non-proliferation an issue of international debate it believes that over the next 12 months to 2 years no country

would risk inviting Security Council attention by going 'nuclear'. Under these circumstances it argues that the interests of non-proliferation would be best served by using the next 6 months to hammer out a treaty which better meets the concerns of all likely signatories.

10. Schippenkoetter, whom Scoville when in Canberra, described as a 'Strauss man'<sup>4</sup> and determined opponent of the treaty, urged the critical importance of clearly establishing in advance the precise meaning and implication of all indefinite wordings on the treaty, which was a political compromise and necessarily vague.

11. In particular Australia should take every opportunity publicly to state the interpretation it sought for 'manufacture', should insist on knowing before ratification exactly what was to be the safeguards agreement and should resist any suggestion that later IAEA amendments should automatically be incorporated in the safeguards agreement. The IAEA was not a 'police state' and there was no reason why countries had to do what it said.

12. Schippenkoetter said the German view of 'manufacture' would allow any nuclear work short of actual assembly of a weapon or explosive device.

13. Regarding duration, he said concern about this article had been allayed by the new provisions for 5-year reviews, though review conferences should be automatic and should be empowered to more than simply 'review'.

#### *South Africa*

14. Von Herschenberg, a senior diplomat with IAEA experience, said the South African delegation was still without instructions. They were concerned about the detailed meaning and interpretation of the treaty and considered the debate so far 'airy-fairy'. However, it was quite uncertain whether the South Africans would interfere in any substantial and detailed way. Their main anxieties related, von Herschenberg said, to the interpretation of 'manufacture' (he had not studied the Netherlands comment) and to the position of mining and commerce in relation to safeguards. They had no intention of accepting the safeguards agreement until they knew what would be in it, but had not taken a position yet on subsequent amendments. Von Herschenberg displayed sensitivity to African attitudes and intimated that these would be important in shaping South Africa's position.

[NAA: A1838, 680/10/2 part 5]

### **134 CABLEGRAM FROM SHAW TO DEPARTMENT OF EXTERNAL AFFAIRS**

New York, 9 May 1968

UN 764. SECRET PRIORITY

#### **Non-Proliferation Treaty**

I took Pritchett and Cawsey to visit the Belgian mission, represented by Ambassador Schuurmans,<sup>1</sup> Mademoiselle Dever,<sup>2</sup> M. Denorme<sup>3</sup> and M. Willot.<sup>4</sup>

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4 Franz Josef Strauss, German Minister of Finance and a former Minister for Atomic Affairs, was an opponent of the Nuclear Non-Proliferation Treaty.

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1 Constant Schuurmans, Belgian Permanent Representative to the United Nations, New York.

2 Edmonde Dever, Belgian Deputy Permanent Representative to the United Nations, New York.

3 Roger Denorme, Member, Belgian Permanent Mission to the United Nations, New York.

4 M. Willot, Member, Belgian Permanent Mission to the United Nations, New York.

2. I said that the Australian delegation was undertaking bilateral discussions on the nuclear non-proliferation treaty, about which the Australian Government had some doubts and difficulties. It supported the principle of the treaty and was not leading the way for postponement and amendment, but would like to know precisely what the treaty meant. No doubt the Belgians had a similar position. We wished to discuss the sort of understandings and procedures that might be adopted between Euratom and the IAEA and how these could be established at this stage.

3. Ambassador Schuurmans said that the Belgian position was similar. Though in favour of non-proliferation, they would not be co-sponsors at this stage. They would insist on knowing how the treaty would look and the cornerstone was Article III. This was their main concern. They could enter into no agreement in relation to the treaty in which a single provision conflicted with the provisions of Euratom. This point will be made in the committee and Belgium had already warned the US and USSR. It would therefore be in the interest of the big powers to ensure that interpretations agreed or Euratom would not sign the treaty. There would be further formal contact with the United States and then with the United States and the USSR together to insist on some interpretations, especially in relation to safeguards.

4. A basic principle in Euratom regarding safeguards was that there were already effective safeguards and that there should be no duplication. These controls should remain and only second degree checks be made by the IAEA. This point they wanted clarified.

5. At this point Schuurmans tabled five principles which Euratom countries have defined:

‘1. Safeguards under the NPT must be applied to source and special fissionable material and not to facilities.

‘2. There should be no misunderstanding that as far as EA member states are concerned, safeguards under NPT will be applied on the basis of an agreement to be concluded between EA and IAEA.

‘3. This agreement should be based on the principle of verification of EA safeguards by IAEA. The implementation of this principle shall be negotiated between the two organizations.

‘4. Pending the conclusion of the agreement between Euratom and IAEA, EA member states concerned wish to stress that there should be no misunderstanding, that the obligations with regard to Euratom entered into by any party to the NPT shall not be affected by provisions of Article III dealing with supply.

‘5. Euratom member states concerned, determined to act in common, have to be sure that the position of Euratom when negotiating to arrive at a satisfactory agreement with IAEA will not be prejudiced by any eventual provision of Article III, as for example on a time period’.

[*matter omitted*]

[NAA: A1838, 680/10/2 part 5]

### 135 CABLEGRAM FROM MISSION TO THE UNITED NATIONS TO DEPARTMENT OF EXTERNAL AFFAIRS

New York, 10 May 1968

UN 782. PRIORITY

#### **Non-Proliferation Treaty**

Following are excerpts from the statement made in the First Committee today 10th May by Japanese Ambassador, Tsuruoka.

*[matter omitted]*

The Japanese Government subscribes to the spirit of a treaty on the non-proliferation of nuclear weapons. It also notes that substantial improvements have been made in the present draft over previous ones. However, there are still several points with regard to the draft treaty which, the Japanese Government believes, require the most thorough consideration ...

Several aspects of the problem of acceptable balance should be considered. I have in mind, specifically, the following questions:

1. The question of the security of states;
2. The question of nuclear disarmament; and
3. The question of the peaceful uses of nuclear energy.

It may be said that the draft text sets the stage, so to speak, but it does not by itself provide, with regard to the questions I have just mentioned, what we would consider an equitable balance of responsibilities and obligations as between the nuclear-weapon and non-nuclear-weapon states.

Permit me to take up, first, the question of the security of states.

Under the draft treaty the nuclear weapon states will be allowed to retain and continue to manufacture nuclear weapons. On the other hand, the non nuclear weapon states will assume the obligation not to manufacture or otherwise acquire nuclear weapons. They are being asked to do so at least for a period of twenty-five years, a very long period indeed.

This is a very serious matter for the non nuclear weapon states, to which, we hope, due attention will be paid by the nuclear weapon states. It is all the more serious in view of the fact that we dare not be optimistic, much less sure that all five of the nuclear weapon states will adhere to the proposed treaty, although we certainly pray that they will. Furthermore, there is no way of telling how many of the non nuclear weapon states will adhere to the treaty, particularly those with a nuclear weapon capability.

It is essential that the nuclear weapon states should assume the obligation of assuring the security of non nuclear weapon states which subscribe to the treaty. Measures are required to protect from nuclear aggression, or the threat of such aggression, those non nuclear weapon states which renounce the right to defend themselves by nuclear armament. The draft Security Council resolution<sup>1</sup> proposed by the Soviet Union, the United Kingdom and the United States is a step in this direction to which we attach considerable significance from the political point of view, but it cannot be considered that this measure will altogether eliminate the fears of non nuclear weapon states regarding their security problems.

I should like next to dwell upon the second question—the overriding importance of nuclear disarmament.

*[matter omitted]*

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<sup>1</sup> See note 7 to Document 113.

In order to minimize adverse effects on the efficient and economical functioning of nuclear industries, safeguards should be simplified and mechanized as much as practicable. I feel I can speak on behalf of all non nuclear weapon states in stressing the need for making efforts towards the realization of this objective through the International Atomic Energy Agency.

I have one further point to add on the question of safeguards. When arrangements are concluded between the non nuclear weapon states and the IAEA, pursuant to the treaty, it is the understanding of the Japanese Government that the peaceful nuclear activities of all non nuclear weapon states party to the treaty, including those which are at present under a regional safeguards system, will be subject to international safeguards of identical standards.

An adequate supply of nuclear materials is, of course, an essential requirement for the peaceful uses of nuclear energy. There is really no need to say that the non nuclear weapon states, which undertake not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, should not thereby be placed in a less advantageous position regarding access to such materials. The Japanese Government deems it essential, therefore, that when all nuclear materials under the control of non nuclear weapon states are placed under IAEA safeguards, the international flow of such materials should be further liberalized. Thus life would be given to the intention of the treaty to promote peaceful nuclear activities through international cooperation.

Freedom of research and development are also essential in order to advance the peaceful uses of nuclear energy, and it is clear to us that the treaty should never be interpreted or applied in such a way as to hamper or inhibit research and development in this field. The problem of nuclear explosive devices is a particularly important one in the field of research and development in this field.

We accept the thesis that, at the present stage of nuclear knowledge, it is virtually impossible to distinguish between nuclear explosive devices for peaceful purposes and nuclear weapons. However, if and when the advance of nuclear knowledge makes such a distinction possible, then it is only logical to believe that the restrictions concerning nuclear explosive devices contained in the draft treaty will no longer be applicable.

Meanwhile, the Japanese Government interprets nothing in the draft treaty as restricting in any way freedom of research regarding the peaceful application of nuclear explosive devices. Furthermore, we understand that nuclear explosive devices are those designed to release, in microseconds, a large amount of nuclear energy accompanied by shock waves. Accordingly, such devices as fast critical assemblies, reactor excursion experiment facilities, and thermonuclear fusion reactors, which are not designed to produce energy in an uncontrolled manner, would not come under the prohibitions of the draft treaty.

*[matter omitted]*

[NAA: A1838, 680/10/2 part 5]

**136 CABLEGRAM FROM SHAW TO DEPARTMENT OF EXTERNAL AFFAIRS**

New York, 13 May 1968

UN 791. CONFIDENTIAL IMMEDIATE

**Non-Proliferation Treaty**

Following is text of aide memoire handed to me this morning, 13th May, by Ambassador Fisher.

*Begins:*

Under Article II of the proposed non-proliferation treaty each non-nuclear-weapon state party to the treaty undertakes '... not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices'. The Government of Australia has requested that the United States provide an interpretation of what would constitute the 'manufacture' of a nuclear weapon or other nuclear explosive device under the draft treaty.

While the general intent of this provision seems clear, and its application to cases such as those discussed below should present little difficulty, the United States believes it is not possible at this time to formulate a comprehensive definition or interpretation. There are many hypothetical situations which might be imagined and it is doubtful that any general definition or interpretation, unrelated to specific factual situations, could satisfactorily deal with all such situations. Nevertheless, in order to respond to the question of the Government of Australia as constructively as possible, we would like to make some general comments on how the United States views the operation of the proposed treaty in regard to the question of the Australian Government.

The United States decided at an early stage that it would be impractical for the treaty to attempt to proscribe all research and development that might contribute to the manufacture of nuclear weapons or other nuclear explosive devices. Any such prohibition would have gone too far in restricting the development of peaceful uses of controlled nuclear energy and would have presented enormous verification problems.

Some general observations can be made with respect to the question of whether or not a specific activity constitutes prohibited manufacture under the proposed treaty. For example, facts indicating that the purpose of a particular activity was the acquisition of a nuclear explosive device would tend to show non-compliance. Thus, the construction of an experimental or prototype nuclear explosive device would be covered by the term 'manufacture', as would the production of components which could only have relevance to a nuclear explosive device. Again, while the placing of a particular activity under safeguards would not, in and of itself, settle the question of whether that activity was in compliance with the treaty, it would of course be helpful in allaying any suspicion of non-compliance.

It may be useful to point out, for illustrative purposes, several activities which the United States would not consider per se to be violations of the prohibitions in Article II. Neither uranium enrichment nor the stockpiling of fissionable material in connection with a peaceful program would violate Article II so long as these activities were safeguarded under Article III. Also clearly permitted would be the development, under safeguards, of plutonium fuelled power reactors, including research on the properties of metallic plutonium. Nor would Article II interfere with the development or use of fast breeder reactors under safeguards.

The United States fully understands the concern expressed by the Government of Australia that it not be put in a disadvantageous position vis-à-vis other non-nuclear-weapon states in Asia, and wishes to assure the Government of Australia that it will do everything it can to insure that the NPT will have no such consequence.

The Government of Australia has also raised several questions on the subject of safeguards under the non-proliferation treaty. We wish to take this opportunity to state our views on these questions as well.

We do not believe that it would be useful or desirable to raise at the United Nations General Assembly the question of an IAEA model agreement for the non-proliferation treaty, or additional interpretations for Article III. The question of model agreements involves a number of highly detailed, technical considerations which can best be handled in the context of the IAEA. We will wish to consult closely with the Government of Australia on these matters both bilaterally and in Vienna. In presenting Article III to the ENDC on January 18, 1968, the United States Ambassador, Adrian S. Fisher, stated general principles that should govern Article III, as follows—

- ‘1. There should be safeguards for all non-nuclear-weapon parties of such a nature that all parties can have confidence in their effectiveness. Therefore, safeguards established by an agreement negotiated and concluded with the IAEA in accordance with the statute of the IAEA and the agency’s safeguards system must enable the IAEA to carry out its responsibility of providing assurance that no diversion is taking place.
- ‘2. In discharging their obligations under Article III, non-nuclear-weapon parties may negotiate safeguards agreements with the IAEA individually or together with other parties, and specifically, an agreement covering such obligations may be entered into between the IAEA and another international organization, the work of which is related to the IAEA and the membership of which includes the parties concerned.
- ‘3. In order to avoid unnecessary duplication, the IAEA should make appropriate use of existing records and safeguards, provided that under such mutually agreed arrangements, the IAEA can satisfy itself that nuclear material is not diverted to nuclear weapons or other nuclear explosive devices.’

At the United Nations General Assembly, potential NPT signatories have differing interests as to Article III, and to raise at this time the question of a model IAEA agreement could upset the delicate compromise that has resulted in what we believe to be an effective Article III and could be inimical to Australian and US interests. We also believe this is true with regard to raising additional interpretations of Article III. On several of the specific points concerning safeguards raised by the Government of Australia, we wish to comment as follows—

#### *A. Right to Reject Inspectors*

Article 2 of the IAEA inspectors document permits a state to reject any inspector. This would give a state the right to object to any inspector from a state that has not accepted safeguards.

#### *B. Mines*

The safeguards to be applied under the non-proliferation treaty are those to be specified in agreements negotiated and concluded in accordance with the agency’s statute and safeguards system. As in the case of safeguards agreements presently in effect with the IAEA, we expect that the NPT safeguards agreement will incorporate by reference the relevant portions of the agency’s safeguards system documents. These documents specifically exclude mines or ore-processing plants from the definition of principal nuclear facilities. As the United States representative to the ENDC stated on February 21, 1968, ‘... changes made after the negotiation of a safeguards agreement could be applied by IAEA only with the consent of the parties to the safeguards agreement, a consent to be given either through some general procedure in advance or through subsequent modifications made in the agreements with the agency’. Thus, it is clear that a state will be able to decide for itself whether to accept any future extensions of the scope of the IAEA system.

### *C. Stockpiling of Material*

Article XII(A) of the IAEA Statute sets forth rights and responsibilities that the IAEA will have 'to the extent relevant' to a particular arrangement. We understand that the IAEA has not regarded the third clause of section XII(A)5 (dealing with stockpiles) relevant to any safeguards agreement. Further, the Government of Australia can be assured that Article III safeguards have as their exclusive purpose the verification of the fulfilment of the obligations assumed under the treaty in order to prevent the diversion of nuclear energy from peaceful purposes to nuclear weapons or other nuclear explosive devices. The stockpiling of fissionable material by non-nuclear-weapon states is not prohibited by the treaty as long as the material is subject to treaty safeguards. Thus the stockpiling provision of Article XII(A)5 would not appear to be relevant to an NPT safeguards agreement.

The United States Government greatly appreciates the opportunity to explore fully and frankly with the Government of Australia its concerns regarding the non-proliferation treaty. We hope that the close consultations between the United States and the Government of Australia will continue in order to help bring into force, at an early date, a non-proliferation treaty that is widely acceptable and that will help to increase the security of all parties.

*Ends.*

[NAA: A1838, 680/10/2 part 5]

## **137 MINUTE FROM GILCHRIST<sup>1</sup> TO HASLUCK AND PLIMSOLL**

Canberra, 14 May 1968

CONFIDENTIAL

### **Record of Meeting of Foreign Affairs Committee**

Senator Cormack<sup>2</sup> in the Chair. Eighteen members present.

#### *Address by Professor Burns on Nuclear Proliferation*

2. The Chairman, acknowledging an initiative by the Deputy-Chairman (Mr Beazley),<sup>3</sup> said that he had invited Professor A.L. Burns, Professor of Political Science in the Research School of Social Sciences of the Australian National University, to address the committee on the subject of proliferation of nuclear weapons capability. The Chairman added that he believed that a connection existed between the balance of nuclear deterrence and the degree to which Communist countries pursued a policy of supporting 'wars of national liberation'; he quoted a statement by Chairman Khrushchev in 1962 to the Soviet Presidium that the non-proliferation situation obliged Communist countries to encourage such wars.

3. Professor Burns made the general points that recent improvement in the nuclear weapons capability of the United States might disturb the nuclear weapons balance between the USA and the USSR which had existed for several years; that the Non-Proliferation Treaty was primarily a measure to advance the interests of the USA, Britain and the Soviet Union; and that, if Communist China nominated Australia as a nuclear hostage, an American guarantee of Australia against a nuclear attack would be credible only in certain specific circumstances.

4. A summary of Professor Burns' remarks is attached.

1 Hugh Gilchrist, Assistant Secretary, Information and Cultural Relations Branch, Department of External Affairs.

2 Magnus Cormack, Senator from Victoria.

3 Kim Edward Beazley, Member of the House of Representatives for Fremantle.



### Summary of Address by Professor A.L. Burns to the Foreign Affairs Committee, 14 May 1968

Professor Burns at the outset identified himself with the views of a committee of the Australian Council of Churches regarding the proliferation of nuclear weapons, and he acknowledged his personal opposition to Australia deploying a nuclear deterrent against a Chinese or Soviet nuclear threat. He believed that a nation was not justified in taking other countries' civilians as hostages for its own. He saw no moral objection to the development of x-ray anti-missile weapons, and very little objection to the deployment of nuclear weapons against another country's launching sites, if the latter could be pinpointed.

Professor Burns discussed the implications of the MIRV (Multiple Independent Re-entry Vehicle), a weapon developed recently by the Americans: one missile carrying into orbit ten or more re-entry missiles, each one directed to an individual target. If the United States could deploy this weapon and could in addition succeed in spotting its adversary's submarines wherever located, American predominance over the Soviet Union (and *a fortiori* over Communist China) in the nuclear weapons race would be re-established; the United States would be able to give guarantees to all its allies against 'armed robbery' (invasion by conventional forces). But this would not enable the USA to give its allies a credible guarantee against a Soviet nuclear attack on them.

[matter omitted]

The Non-Proliferation Treaty would suit Britain in that it would keep nuclear weapons out of the hands of the Germans and other Europeans (other than the French) and the countries of the Middle East. It would suit the Americans as a means of forestalling the emergence of other super-powers, such as Japan, in the 1970s, and of preventing West Germany from threatening the Soviet Union; it would also keep nuclear weapon capacity out of the Middle East and discourage the break-up of American-led alliances. The Soviet Union saw value in an NPT as a means of preventing West Germany from getting a nuclear capacity, and of discouraging the break-up of the Warsaw Pact. (It was notable that the only East European country to voice criticism of the NPT had been Romania). An NPT would also assist continuation of Soviet influence in the Middle East, India and Japan.

[matter omitted]

Professor Burns thought that not all the moral considerations were in favour of Australia signing the NPT. If Communist China decided to treat us as a nuclear hostage there would not be much that we could do about it, anyway. This would, of course, be less likely if Australia renounced its American alliance at the conventional weapons level; but that, in Professor Burns' view, would be 'ignoble'. He thought it would be worthwhile to develop arrangements for moving the inhabitants of Australia's cities, at a few hours' notice, to places of greater safety, through an early warning system. He thought it unlikely that Australia would be China's sole hostage, since the Chinese would be able to hold most of West Europe hostage by means of missiles delivered from Sinkiang. The dangers of Australia being singled out by China as the sole target for nuclear assault could be over-estimated. In any case, the USA was likely to maintain its nuclear predominance over Communist China for another decade. Even so, Communist China could probably succeed, if it tried during that time, in delivering a nuclear weapon against an Australian city or cities. The risk of such a Chinese attack, however, was even greater for many cities in Asia, including those in countries where Communist China was interested in promoting 'wars of liberation'.

[matter omitted]

A Senator commented that Australian policy to date appeared to amount to a decision not to seek a nuclear weapons capability but to reserve the right to produce nuclear weapons if it became necessary. He wondered whether such a policy were any more realistic than signing the NPT. Professor Burns thought that such a policy was not, in fact, incompatible with signing the NPT; it would be limited, however, by the sort of nuclear strike force which Australia could get under its own control and by the period of time needed to get it. To acquire the nuclear weapon stockpile and the delivery system necessary for a long-range nuclear strike force required at least 18 months. The Senator referred to a recent book by Rosecrantz<sup>4</sup> in which it was suggested that the Soviet's principal motive in signing the NPT was to promote the break-up of NATO. Professor Burns said that this view was put forward mainly by the Italians; however, if all the NATO powers (except France) signed the NPT, it could lead to greater, rather than less, American control over the NATO countries.

[matter omitted]

Asked whether the cost of nuclear weapons capability would be prohibitive for Australia Professor Burns said that the Americans kept on saying so; however, a United Nations secretariat paper on costs had indicated that a modest nuclear force of atomic bombs and bombers to deliver them would cost about \$170 million a year to develop over ten years; a small high-quality nuclear force developed over ten years would cost about \$560 million a year; to shorten the period to five years (the practicable minimum) would cost a great deal more. In Australia the main problem would arise in recruiting enough lower-echelon scientists and technologists; our educational system produced enough good scientists at the top level, but not at the lower levels. (Senator Cormack commented that he understood that a two-year crash programme would require the recruitment of 20,000 scientists and technicians).

Mr Giles<sup>5</sup> asked whether the NPT would prevent Australia stockpiling nuclear material for peaceful uses. Professor Burns said that, as at present drafted, it seemed that the NPT would prevent operations such as Plowshare (subterranean explosions for industrial purposes). Nuclear material could be used for electricity generation, but only under conditions of inspection and return of the plutonium used (as, for example, under the Japanese–British Agreement,<sup>6</sup> which required the return of all weapon-grade fuel).

[matter omitted]

[NAA: A1838, 680/10/2 part 5]

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4 Presumably Richard N. Rosecrantz, *Defense of the Realm: British Strategy in the Nuclear Epoch*, Columbia University Press, New York, 1968.

5 Geoffrey Giles, Member of the House of Representatives for Angas.

6 Presumably the Japan – United Kingdom Agreement on the Peaceful Uses of Nuclear Energy, signed on 6 March 1968.

**138 CABLEGRAM FROM SHAW TO DEPARTMENT OF EXTERNAL AFFAIRS**

New York, 17 May 1968

UN 833. CONFIDENTIAL IMMEDIATE

**Non-Proliferation Treaty**

Reference our telegrams 809<sup>1</sup> of 14th May and 817<sup>2</sup> of 15th May.

De Palma of U.S. delegation spoke to me today, 17th May, about implications of the leak of information concerning the United States aide memoire to ourselves. He said that circumstances in which other member states knew that the United States had given particular assurances to some other member state on a matter of common concern created a difficult situation. In other instances the United States had given copies of aide memoires addressed to one state to other interested parties, particularly in relation to Euratom and NATO matters.

2. De Palma said that he wanted to give copies of their aide memoire of 13th May to ourselves to all member states of Euratom, together with Canada and Japan. The United Kingdom had been given a copy two days ago.

3. I told De Palma that we regretted the situation arising from the leak about the existence of their aide memoire of 13th May. We were not responsible for it. I said that from the Australian point of view we saw advantages in having the widest possible acceptance among parties to the treaty of the sort of explanations and assurances contained in the aide memoire to us. I wondered, however, whether these United States assurances should not more correctly be conveyed to other states, not in the form of copies of their aide memoire to us, but in the form of notes simply setting out United States views.

4. Mr De Palma said that this would not meet his point that other member states would want to be assured that Australia had not been given some particular assurances denied them and this point would be completely covered if they were given exact copies of the American note to us.

5. I said to De Palma that I was not sure that we would be happy to have circulated a complete copy of the aide memoire of 13th May given by them to Japan, for example, containing as it did, the paragraph reading: 'The United States fully understands the concern expressed by the Government of Australia that it not be put in a disadvantageous position vis-à-vis other non-nuclear weapon states in Asia, and wishes to assure the Government of Australia that it will do everything it can to ensure that the NPT will have no such consequence.'

6. De Palma accepted this point and then proposed that this particular reference be deleted from the copy of the aide memoire to be circulated to other members or, alternatively, for the United States to give us a version of the aide memoire to replace that of 13th May rephrasing this paragraph in a way to which we would not take exception. (From our point of view, however, it is useful to have the formulation phrased as it is by the United States to us.)

7. I said that even if this were done I would wish to give you the opportunity to express your views. For example, paragraph 7 stated that Australia had raised several questions on the subject of safeguards. (These included reference to Article XII A5 of IAEA Statute.) Off

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1 Dispatched on 14 May, it advised that Schuurmans, the Belgian delegate, had heard about the aide-memoire which the Australian Government had received from the US Government (see Document 136) and asked for information about it.

2 Dispatched on 15 May, it advised that Shaw had assured Fisher that the leak to the Belgian delegation of the US aide-memoire had not come from the Australian delegation in New York.

the cuff I said that I saw no great difficulties and indeed circulation of the note might be considered as helping to consolidate the interpretations which we, ourselves, had sought.

8. De Palma wished to proceed immediately as envisaged in paragraph 2 above and in addition later next week to give copies to all members of other NATO delegations in New York.

9. Since dictating the above De Palma telephoned to say that he believed that in fact action had already been taken in capitals to convey copies of the aide memoire as addressed to us, but deleting paragraph contained in our paragraph 5 above.

[NAA: A1838, 680/10/2 part 5]

### **139 PRESS RELEASE BY DEPARTMENT OF EXTERNAL AFFAIRS**

New York, 18 May 1968

#### **Draft Treaty on the Non-Proliferation of Nuclear Weapons Australian Statement at the United Nations**

Following is the text of the statement made in the First Committee of the United Nations General Assembly by the Australian Ambassador to the United Nations, Mr. Patrick Shaw, C.B.E., on the non-proliferation of nuclear weapons. The statement was made on Friday 17th May, 1968 (New York time):

[*matter omitted*]

‘The Australian delegation considers that there are several primary conditions for the successful operation of a treaty of this type.

First, and obviously, the treaty will need to attract support well beyond the forty states required under article IX to bring the treaty into effect. In particular it will be important that the treaty be adhered to by those non-nuclear weapon states that have already achieved, or have the means to achieve, a significant measure of nuclear development. Australia’s judgment as to whether the treaty will indeed be an effective one will be very much influenced by the attitude of these countries.

Under the provisions of the treaty, states not already possessing nuclear weapons are required to renounce their right to acquire them. We have heard it argued that this would be no great loss. This may be true, but it is a judgment to be made by individual countries in the light of their own strategic circumstances. If states become parties to the treaty and if they are subsequently threatened, their recourse would be to seek support by a larger power or combination of powers. Should effective support not be forthcoming, a country faced by a threat that it believed it could not handle alone by conventional means could be strongly moved towards the acquisition of nuclear weapons, whatever its obligations under the treaty. In such circumstances, the treaty would be placed under very great strain.

[*matter omitted*]

The Australian delegation has noted that article X(i) of the draft treaty confirms the right of a party to withdraw from the treaty if it decides its supreme interests are jeopardised. We would all hope that such dire circumstances would not arise but in view of the impossibility of seeing as far into the future as the twenty-five years for which the treaty will initially be current, we regard this provision as an essential ultimate resort for non-nuclear countries who might be faced with the prospect of aggression.

Another important criterion that the Australian delegation considers essential to the successful operation of the treaty relates to the requirement, also contained in General Assembly

Resolution 2028 (XX),<sup>1</sup> that the treaty should in no way impede or burden nuclear research, development, production or use for peaceful purposes. This requirement is of paramount importance to my country and the Australian delegation has been much heartened to note the emphatic assurances in this respect given by the United States and USSR delegations. We endorse also and in particular the positions expressed in this debate by the delegations of the Netherlands and Japan.

I am led immediately to a number of further points which are directly related to the point I have just made. These relate to article III.

In the first place there must be certainty about the character of the safeguards agreement to be negotiated and concluded with the IAEA. The safeguards system must be such as not to impede or burden nuclear research, development, production or use for peaceful purposes. Certainty implies, *inter alia*, that when once an agreement is negotiated, its terms are not varied by changes in the IAEA arrangements not related to the treaty.

So, in common with other countries, Australia would wish to know precisely where it stood in relation to safeguards before considering ratification of the treaty.

[*matter omitted*]

Of particular importance to Australia would be the initial point at which materials would attract safeguards under article III (i) of the draft treaty as 'source material'. As things stand, taking account not merely of the impediment to industrial activity that would flow, the Australian Government would find much difficulty if safeguards were to be applied to legitimate bona fide activities in the mining and early processing stages.

The Australian Government also shares the views of others that considerations of national security require that governments should continue to have the right to reject individual safeguards inspectors.

The Australian Government noted the statement<sup>2</sup> by the United States State Department on March 14, 1968, regarding the legitimacy under the treaty of the use of nuclear energy for non-explosive military purposes. The Australian delegation states its understanding that the use of nuclear energy for non-explosive military purposes, such as naval propulsion, is legitimate and permitted under the treaty.

The Australian delegation, in relation to the provisions of article III (3) and article IV of the treaty, states its understanding that, under the treaty no nuclear activity in research, development, production or use is prohibited nor can the supply of knowledge, materials and equipment be denied to non-nuclear weapon states, until it is clearly established that such activity or such supply will be used for the manufacture of nuclear weapons or other nuclear explosive devices.

Article IV establishes an obligation on parties to the treaty in a position to do so to co-operate in contributing to the further development of the application of nuclear energy for peaceful purposes. The Australian delegation will be keenly interested to learn how this obligation will be implemented bearing in mind that the national policies of some countries have placed restrictions on the free flow of scientific and technological information in the nuclear field. It suggests that should the non-proliferation treaty come into force these policies should be reviewed in order to promote the fullest possible exchange of scientific and technological information for peaceful purposes.

[*matter omitted*]

1 Resolution 2028 (XX) of 19 November 1965 established the principle of an acceptable balance of mutual responsibilities and obligations between nuclear-weapon states.

2 See 'Statement by the Department of State on Fuel Supply for Nuclear-Powered Warships, March 14, 1968', US Arms Control and Disarmament Agency, *Documents on Disarmament*, 1968, Washington DC, 1969, pp. 193-4.

Some delegations have referred to the significance of article V of the draft treaty relating to the potential benefits from the peaceful application of nuclear explosions. As a continent with a low rainfall, a poorly indented coastline and little topographical relief Australia has a special interest in the possible use of nuclear explosions for major engineering projects.

The Australian Government accepts that at this stage of technological development an effective non-proliferation treaty cannot permit the production of any nuclear explosive devices whatsoever by a non nuclear weapon state party to the treaty. At the same time the Australian Government holds strongly to the view that a non-proliferation treaty must not impede progress in the development and application of the technology of peaceful applications of nuclear explosives. Experience with the limited test ban treaty has shown that, if it is to avoid doing so, a non-proliferation treaty must deal positively with the requirement for peaceful nuclear explosions.

The Australian delegation hopes that article V of this draft treaty would lead to the development of such a positive approach.

The Australian Government believes that all states must have access to nuclear explosives for peaceful purposes. It is the Australian Government's view that this article and the international arrangements made under it should interfere with the rights of states to carry out projects involving peaceful nuclear explosions only to the extent necessary to protect the interests of all parties against dangers arising from the specific subject matter of the treaty. Accordingly it does not accept the view expressed in the intervention of the distinguished representative of Sweden that technical and economic judgments on projects should be the responsibility of an international body and not of the state directly concerned. International arrangements under the treaty need go no further than to provide appropriate assurances on safety and adequate demonstration that the explosions will not be used for nuclear weapons development.

[*matter omitted*]

[NAA: A1838, 680/10/2 part 5]

## 140 CABLEGRAM FROM SHAW TO DEPARTMENT OF EXTERNAL AFFAIRS

New York, 28 May 1968

UN 906. CONFIDENTIAL IMMEDIATE

### Nuclear Non-Proliferation Treaty

There have been moves to resolve the deadlock which was developing in the debate in the First Committee as a result of the number of queries and proposals made by members critical of the draft treaty and the resolution to 'endorse' it.<sup>1</sup>

[*matter omitted*]

7. Japanese delegation today asked us whether Australia would co-sponsor the amended resolution. They said that positions of Japan and Australia were important to the treaty co-sponsors and Tokyo was considering whether it would co-sponsor the amended resolution. Australia's attitude would be important to Japan, especially in the absence of any other significant co-sponsor from the Asian-Pacific region.

<sup>1</sup> A revised draft of the resolution, which included amending 'endorse' to 'commend', was presented to the UN General Assembly's First (Political and Security) Committee on 28 May.

8. Japanese delegation here believe that the present prospect was that the Japanese Government would be unlikely to agree to co-sponsor, especially while Japanese parliament was in session, but that this position could change. They regarded the amended resolution as unexceptionable and as largely meeting Japan's requirements. We said, off the cuff, that Australian co-sponsorship of the resolution would be unlikely since it might be considered that such a move could affect our freedom of action in relation to signature and ratification.

9. We have not been party to any of the numerous informal discussions about possible amendments to the resolution or the text of the treaty. We have rested on the position contained in your instructions and reflected in our statement of 17 May.<sup>2</sup> Your instructions would have enabled us to vote in favour of the earlier resolution to 'endorse' and consequently they will enable us to vote in favour of the resolution to 'commend' as re-drafted.

[NAA: A1838, 680/10/2 part 5]

#### **141 CABLEGRAM FROM MISSION TO THE UNITED NATIONS TO DEPARTMENT OF EXTERNAL AFFAIRS**

New York, 5 June 1968

UN 967. CONFIDENTIAL IMMEDIATE

##### **Non-Proliferation Treaty**

We called today (5 June) on Mrs Myrdal,<sup>1</sup> leader of the Swedish delegation, to discuss Sweden's position on Article V (explosions for peaceful purposes). Following were the main points of the discussion.

2. Swedish dissatisfaction regarding Article V derived from three principal considerations. First, it was essential that where countries were jammed together, as in Europe, there be strict international control of nuclear explosions, both to maintain safety and to protect the economic and defence interests of neighbouring countries. Failure to establish international control would lead to the nuclear technique becoming a focus of acute international conflict.

3. Secondly, it was important that the nuclear explosive service be available on an equitable basis. This seemed to be provided for in Article V, but in fact the actual explosive device, which was to cost as little as possible, would be only part of the total cost. Only the richer countries would be able to afford the service unless it was organised and financed on an international basis. (This would involve examination of, and decisions to accept or reject projects.)

4. Thirdly, Sweden saw the non-proliferation treaty in the wider context of disarmament and was deeply concerned to avoid the treaty's provisions prejudicing the progress towards disarmament.

[*matter omitted*]

8. [*matter omitted*] Sweden would meantime be working in the ENDC for a complete test ban and for prohibition of the use of nuclear weapons against non-nuclear states.

9. We said Australia had little enthusiasm for moves that would limit the nuclear capacity of the sponsors of the treaty but not that of states outside the treaty. We had been rather

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2 See Document 139.

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1 Alva Myrdal, Leader, Swedish Delegation to Eighteen-Nation Disarmament Committee.

disappointed that some of the non-aligned countries that were pushing disarmament in the debate had not called on China and France to adhere to the treaty. Perhaps this could be one of the important political moves at the non-nuclears' conference. Mrs Myrdal explained that Sweden as a consistent advocate of Peking's membership of the United Nations did not feel it proper to make such a demand. (However, in her speech later in the day, she did call for adherence to the treaty also by states outside the United Nations).

10. In general comment in the debate and future prospects, Mrs Myrdal said Sweden would now support the treaty and hoped that its adherence would attract others who had been wavering. She considered a vote of 90 to 100 in favour probable. Whether all these would sign and ratify could not yet be assessed. For the Europeans, she believed perceptible progress in the ENDC or at the least 'the right mood' would be essential to signature.

11. She asked that we keep in touch.

[NAA: A1838, 680/10/2 part 6]

## **142 SUMMARY RECORD OF INTER-DEPARTMENTAL WORKING GROUP MEETING**

Canberra, 13 June 1968

SECRET

### **Draft Treaty on the Non-Proliferation of Nuclear Weapons**

The Chairman, Mr Blakers, Acting Secretary of the Department of Defence, said that the main reason for calling the meeting was to hear the comments of members of the Australian delegation to the resumed session of the General Assembly about the results of the United Nations debate on the non-proliferation treaty.

2. Mr Blakers invited Mr Pritchett, Department of External Affairs, to speak.

3. Mr Pritchett said that the delegation's report to the Minister for External Affairs would be ready in about a fortnight. In the meantime he could give some preliminary personal impressions, but these were not a complete and considered appraisal of the U.N. debate, nor would other members of the delegation necessarily agree with them.

4. Mr Pritchett said his first and strongest impression was the extent to which consideration of the draft treaty at the U.N. meeting had had quite a different focus from that of the consideration in Australia. Most states dealt with the draft treaty primarily as a stage in the disarmament negotiations and while generally welcoming it as a forward step had given much attention to its inadequacies in respect of such matters as the limitation of 'vertical' proliferation and the banning of underground tests and the use of nuclear weapons against non-nuclear states. Members generally saw the draft treaty as a necessary bridge to further progress but emphasised the urgent need for the nuclear powers to press ahead with substantial negotiations under Article VI of the treaty.

5. The Australian delegation had found relatively little interest in or concern about points it wished to have discussed. Where there was interest the main view was that the U.N. meeting was not the place to deal with these points: they were matters either for private consultations or for handling in the IAEA forum.

[*matter omitted*]



6. [*matter omitted*] Our views on ‘manufacture’ and unhampered peaceful research and development were widely shared and our desire to reach understanding about safeguards before ratification was accepted. There was some puzzlement about our strategic anxieties in view of our relationship with America, but our concern about China was generally understood.

[*matter omitted*]

8. [*matter omitted*] Mr Pritchett said that two matters which had been of interest to Australia, the duration of the treaty and withdrawal from it, had received hardly any attention either in the debate or among delegations with whom the Australian delegation had consulted. What misgivings there were about the duration of the treaty—and the majority of delegations viewed this from the point of view of disarmament—appeared largely to have been satisfied by the revised provision for five-yearly review conferences, the importance of which was emphasised by countries like Japan.

[*matter omitted*]

10. Mr Pritchett said that despite the subdued role called for of the Australian delegation it had proved possible to have quite wide-ranging consultations. The American delegation had been very receptive and helpful. The British and Canadian delegations were of poor quality and had been of little use. There had been good contact with the Netherlands, Japan and Germany. He had had opportunity to speak to Roschin [*sic*],<sup>1</sup> the Soviet leader in the ENDC, and had tried to test his reaction to various points in the Australian statement that might possibly have caused difficulty for the Soviet Government. However, Roschin, although expressing his Government’s surprise and disappointment at the Australian position, had offered no comment on any particular point in the statement.

[*matter omitted*]

17. Mr Booker said that one thing that could affect the Australian timetable would be whether the Americans applied pressure on Australia to sign the treaty promptly. He recalled that President Johnson had said in his address to the General Assembly on 12th June that the U.S.A. would urge other nations to complete their ratification speedily, so that the treaty could enter into force at the earliest possible date. If the U.S.A. did ask Australia for a quick signature it might be necessary to seek as a separate step approval from Cabinet to sign the treaty. The External Affairs departmental view would be in favour of acceding to such a request, which would not commit Australia finally to ratification, but which would have the advantage of giving us status in the early stages of the international consultations which would now take place in regard to the implementation of the treaty.

[*matter omitted*]

[NAA: A1838, 680/10/2 part 6]

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1 Alexei Roshchin, Leader, Soviet Delegation to Eighteen-Nation Disarmament Committee.

**143 CABLEGRAM FROM SHAW TO DEPARTMENT OF EXTERNAL AFFAIRS**

New York, 18 June 1968

UN 1042. CONFIDENTIAL IMMEDIATE

**Conference of Non-Nuclear Weapon States**

[*matter omitted*]

3. The next important stage would be the meeting of the 18-Nation Disarmament Committee, scheduled to commence in Geneva about 15th July. This meeting may be important in revealing whether a further major step in disarmament might be taken. (The hope would be that the meeting would provide background for some agreement between the US and USSR to prevent a competitive race for anti-ballistic missiles systems.)

4. Between now and September some action might be taken by certain states to sign and ratify the draft nuclear non-proliferation treaty. President Johnson told the General Assembly on 12th June that he would move rapidly to seek the agreement of the United States Senate to signature of the treaty and action is hoped to be completed by the end of July. The background for the meeting of non-nuclear weapon states commencing 29th August will be provided by whatever progress might be made towards signature and ratification of the NPT and in the ENDC.

5. In the light of the debate in the resumed session of the Twenty-Second General Assembly and of some recent discussions which we have had informally, it seems that this conference of non-nuclear weapon states will be of much more political importance to Australia than we had thought at an earlier stage. With the passage of the Assembly resolution commending the draft non-proliferation treaty and the Security Council security assurances, logic might have required that much of the provisional agenda for the conference as earlier approved by the General Assembly would be rejected as redundant or out of date.

6. There is every indication however that a number of non-nuclear weapon states will use the conference in Geneva to go back over many of their points of differences and difficulty with the non-proliferation treaty. They show no disposition to devote themselves primarily to technical questions regarding the application of the undertakings in the NPT to assist non-nuclear countries in their scientific and economic development or item 4 of the provisional agenda 'programmes for peaceful uses of nuclear energy'.

7. The most troublesome of the political problems likely to take up the attention of the Geneva Conference in September relates to the strong urge amongst many non-nuclear countries or so-called 'non-aligneds' to enforce on the nuclear powers further binding obligations not to use their nuclear weapons against non-nuclear powers.<sup>1</sup>

[*matter omitted*]

11. [*matter omitted*] The whole question of security guarantees and international conventions about nuclear weapons should have been considered fully by the non-nuclear weapon states before they took any decisions about the draft treaty. [*matter omitted*]

12. It seems that Yugoslavia is taking a leading role in this kind of thinking. A member of the Yugoslav mission told us today that so far as Yugoslavia was concerned the conference of non-nuclears should deal mainly with security matters. He said that his government thought that the resolution about to be passed in the Security Council was inadequate and something more far-reaching was necessary. The most essential thing was to get guarantees from the

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<sup>1</sup> See note 1 to Document 108.

three nuclear guarantors that they would not use their nuclear weapons against non-nuclear weapon states.

13. The Yugoslav said that he understood that the USSR would be prepared to agree to the 'Kosygin formula' if the western side would make a reciprocal or balanced gesture. (We understand that the Kosygin formula would involve undertaking not to use nuclear weapons against signatories of the non-proliferation treaty which did not have foreign military bases on their soil.)

14. He said that in the Yugoslav view it should be possible to devise an extended formula which would enable nuclear powers to undertake not to use nuclear weapons against all signatories to the treaty, whether they had foreign bases on their soil or not. He envisaged a definition with perhaps slightly different provisions for states in different circumstances, e.g. those within and outside security alliances, those with and without foreign military bases on their soil. He said that the Yugoslav Government would be in touch with other governments to this end over the next few months with the aim of having concrete proposals to put before the conference.

[*matter omitted*]

[NAA: A1838, 680/10/2 part 6]

#### **144 CABLEGRAM FROM SHAW TO DEPARTMENT OF EXTERNAL AFFAIRS**

New York, 19 June 1968

UN 1057. CONFIDENTIAL

#### **Non-Nuclear Weapons States Conference**

With further reference to your telegram no. 545<sup>1</sup> and as foreshadowed in my telegram no. 1042 of 18 June,<sup>2</sup> I had separate discussions today 19th June with United Kingdom and United States representatives concerning the non-proliferation treaty, the 18-Nation Disarmament Committee, and the non-nuclear weapons states conference scheduled for Geneva August/September of this year.

2. Adrian Fisher, Deputy Director, Arms Control and Disarmament Agency, said that in regard to the nuclear non-proliferation treaty, the United States processes for signing would be taken very soon indeed. It was not the wish of the administration to have such a matter before the Senate at a time too near the presidential election. By the end of this month of June he hoped that the treaty would be presented by the three sponsoring powers for signature and ratification by other states. They envisage a procedure similar to that taken for the nuclear test ban treaty, when a number of states, including Australia, had signed the treaty on the day on which it had been opened for signature. Fisher thought that messages might soon be sent to a number of capitals asking that as many governments as possible sign and ratify the treaty at an early stage.

3. Fisher then spoke of the session of the 18-Nation Disarmament Committee, due to commence in Geneva on 17th July. I said that representatives at the non-nuclear weapons states conference would no doubt, in the light of assurances given at the recent General Assembly, expect some progress to be made on some disarmament questions in the ENDC.

1 Dispatched on 18 June, it requested the Mission to the United Nations in New York to keep the Department of External Affairs informed of developments in the conference of non-nuclear states to be held in Geneva from 29 August to 28 September.

2 Document 143.

4. Fisher said that the subject on which the United States hoped that there was some prospect of doing business with the USSR related to limitations to be set to the development of offensive ballistic missile systems and anti-ballistic missile systems. In the first place discussions to this end would have to go on in the two capitals most concerned but the ENDC in Geneva would become very restless if they were not kept informed at some point of what was going on. Fisher spoke of some possible agreement about a cut off in the accumulation of fissionable material and even the destruction of some launching sites. He said, however, that the Russians, as the result of their analysis of the present state of balance and counter-balance, might want to be free to accumulate some more fissionable material before accepting a cut-off.

5. Fisher said that the ENDC might take up a proposal for a comprehensive test ban treaty which the USSR would advance, although it was not quite ready for implementation of a comprehensive treaty.

6. Another disarmament matter which the ENDC might consider would be the nature of the regime necessary to control atomic explosions for peaceful purposes. This was not a matter for the IAEA but in the first instance for the ENDC.

7. Turning to the non-nuclear weapons states conference, Fisher said that the United States Administration had not yet formulated its views. What he had to say was based on his own thoughts and recommendations to his government. He would confirm these in Washington next week and let me know further.

8. Fisher recalled that the United States had spoken strongly in support of the idea of the NNWSC<sup>3</sup> and they could not go back on their spoken word. They were not so clear as to what they thought might come out of the conference. He recalled that he had earlier advised me that this conference should be concerned primarily with the implementation of Articles 4 and 5 of the NPT i.e. the application of the peaceful uses of nuclear energy. He now revised this opinion and believed that the significance of the conference would be in the activities of other states in promoting their ideas about declarations about the non-use of atomic weapons by the nuclear weapons states. He also thought that the USSR might use the conference for simple continuation of its propaganda to 'ban the bomb'.

9. As to membership of the conference, it is clear from paragraph 3 of resolution 2346 of the General Assembly of 19th December, 1967, that East Germany could *not* be invited to the conference. It was equally clear from paragraph 16 of the report of the preparatory committee (Document A/6817 of 19th September, 1967) that Communist China *could* be included amongst the nuclear weapon states to be invited, without the right to vote. The United States by accepting that report had made it known that it would be prepared for an invitation in those terms to be sent to Communist China. Of course, the Republic of China would be invited in its capacity as a non-nuclear weapon state member of the United Nations, and in those circumstances Peking could hardly be expected to sit down with the nationalists.

[*matter omitted*]

21. I suggested to Porter<sup>4</sup> that much as we might hope that the conference devote itself to practical matters regarding the peaceful application of atomic power, there would have to be direction from the big powers or from countries who were not interested in forcing those big powers to agree to guarantees which they were not prepared to give. Porter said it would be important for countries like Australia and the Benelux who shared our points of view to be strongly represented at Geneva.

[NAA: A1838, 680/10/2 part 6]

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3 Non-nuclear-weapon states conference.

4 I.F. Porter, Ambassador and Permanent UK Delegate to the Disarmament Conference, Geneva.

**145 RECORD BY BOOKER OF MEETING WITH MAJOLI<sup>1</sup>**

Canberra, 11 July 1968

CONFIDENTIAL

**Nuclear Non-Proliferation Treaty**

The Italian Ambassador called under instructions to ask that we should support an approach which the Italians proposed to make in Washington requesting the State Department not to place before Congress certain of the points included in the aide memoire addressed to us by the United States Embassy on 13 May 1968.<sup>2</sup> The Ambassador handed me the attached memorandum summarising the instructions he had received.

2. I described to the Italian Ambassador the circumstances in which the aide memoire had been addressed to us by the American Embassy and said that we attached considerable importance to its being transmitted to Congress during the ratification proceedings. We hoped that the American ratification would be made in a way that gave clear endorsement to the interpretations given. We believed that in seeking these interpretations we were serving the interests not only of Australia but of 'near nuclear countries' like Italy which might have much to gain from the peaceful application of nuclear development. I hoped therefore that the Italians would do nothing to discourage the State Department from seeking Congressional endorsement of the interpretations which had been given to us.

3. I suggested to the Italian Ambassador that his memorandum indicated that there had been some misunderstanding in Rome of the real purport of the United States aide memoire. It did not seem to us that there had been any confusion in the minds of the Americans between fissile materials and the plant connected with the processing of such materials. The point we had made to the Americans had been that unless the special fissionable materials could be used plants such as plutonium or fast breeder reactors could not be built. In their answer to us the Americans had indicated that fissionable materials could be used for any peaceful purpose, subject to safeguards, and they had referred by way of illustration to plutonium and fast breeder reactors as the type of plants which would not be affected by the treaty. We fully agreed with the Italian point that the treaty did not apply to manufacturing plants or equipment as such but only to the use of special fissionable materials. In our view the American aide memoire was in no way inconsistent with this understanding.

4. [*matter omitted*] We considered that the treaty did not ban any manufacturing process for which there was a peaceful purpose and our understanding of the American aide memoire was that it confirmed this interpretation.

5. The Italian Ambassador said that he believed that if our interpretation of the American aide memoire was correct it would be fully accepted by his Government. He believed that in these matters Italian and Australian interests lay very closely together.

**[Memorandum by the Italian Government]**

The Italian Government is rather concerned about the possibility that in the hearings which shortly will take place in the American Senate on the ratification of the Non-Proliferation Treaty, the American Government may insist on the ideas expressed in its memorandum addressed to the Australian Government in May last.

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1 Mario Majoli, Italian Ambassador to Australia.

2 Document 136.

Particularly, the attention of the Italian Government is focused on the following points of the memorandum:

- (a) the development of plutonium reactors would be allowed, but under control;
- (b) Article 3 does not interfere with the development or use of quick reactors, under control;
- (c) the manufacture of elements which might be utilized in connection with explosive devices is prohibited by the Treaty.

In the Italian view, there is a confusion between the basic materials (or special fissile materials) and the plants and equipments connected with the processing of such materials. By itself the existence or development of such plants does not justify controls of any sort. Controls might be considered only when the actual processing of the atomic material would take place. But only for the materials and not for plants.

Particularly no ground for the ban mentioned in the letter (c) above can be found in any article of the Treaty. Such a ban would imply a further limitation to the freedom of research essential for technological development.

Therefore the Italian Government would be grateful to the Australian Government if, in the common interest of both countries in this matter, would see their way to support the Italian points of view with our American friends before they make their proposed statement at the hearings in the Washington Senate.

[NAA: A1838, 680/10/2 part 6]

## **146 SUMMARY RECORD OF INTER-DEPARTMENTAL WORKING GROUP MEETING**

Canberra, 23 July 1968

SECRET

[*matter omitted*]

2. Mr Booker said that he had been informed that the Prime Minister and Mr Hasluck had decided to seek Cabinet's agreement to a proposition that Australia should sign the non-proliferation treaty now, and at the same time should state its requirements for ratification. They had also discussed the conference of non-nuclear weapon states. Here the External Affairs view was that the conference was directly relevant to the treaty, and Australia could not afford not to participate. At the ministerial level, however, a case still had to be made for representation. He sought the views of the meeting on these two subjects.

3. Mr Timbs, Australian Atomic Energy Commission, said that the commission felt that Australia should participate in the non-nuclear conference, and that it should be represented fairly strongly from a technical point of view. As a result of recent talks he had had with atomic energy authorities in Japan, Britain, Italy and West Germany, he expected that the conference would be used for talks about safeguards. The Japanese had suggested that we talk to them about regional arrangements for safeguards. Others would want to discuss the peaceful uses of nuclear energy.

4. Mr Timbs said that the British atomic energy authorities were unhappy about the treaty safeguards. They wanted the safeguards re-examined and the system simplified. They had agreed with the U.S.A., however, not to raise the question in public until a number of countries had signed the treaty. They would be canvassing their views at the non-nuclear conference.

It was essential that Australia should be able to counter threats to its positions on safeguards and the peaceful uses of nuclear energy at the conference.

5. As regards the draft Cabinet submission, the A.A.E.C. did not and could not support the proposition for signature at this stage. The delegation's report was reasonable as far as it went. But we could not assert that it provided all the answers to Cabinet's questions.

6. Mr Timbs argued that if we did sign, we would be eroding the pressure we could bring to bear to get the assurances we wanted. He said that he did not agree with paragraph 25 of the draft submission (which set out the conditions Australia might want to see met before it ratifies). The report of the delegation was useful as a jumping off point in the search for future clarification.

7. In regard to the points of concern with the treaty, the report did not say much about Euratom or Europe. What would happen if two regional blocs emerged in Europe, and the inspectors came from within those groups? The Russians wanted to get Russians into West Germany. The U.S. would continue to support Euratom.

8. He had always felt that the question of 'manufacture' was a red herring. The situation had not been dealt with properly at all. We were trying to delude ourselves that defence industries would not be subject to inspection and that if we declared that something was for a non-explosive purpose this would suffice. We would not be able to reduce the lead time for the production of nuclear weapons to one or two years under the treaty since if material went into defence establishments it would still be subject to inspection. In a talk with Mr Scoville,<sup>1</sup> the latter had said that non-nuclear parties to the treaty could not avoid safeguards simply by declaring that a particular piece of work had a non-explosive military purpose.

9. Mr Timbs said that we would be able to use material for non-explosive military purposes, but only after the project had been evaluated. It would be necessary to do this to establish credibility. We should not be misled by what had happened about manufacture.

10. In comments on the report, he said that two I.A.E.A. inspectors were coming to Australia now instead of as formerly one. We could expect two inspectors in future. Contrary to the official view given in New York, some American firms were very worried about the likely incidence of safeguards. The U.S.–Mexico–I.A.E.A. agreement<sup>2</sup> on safeguards provided for the application of article XX (of the I.A.E.A. statute).<sup>3</sup> This matter was not sufficiently clear at present.

11. Mr Timbs [*matter omitted*] declared that the U.S.A. and the U.S.S.R. would expect to follow source and special fissionable material everywhere, unless the credibility of a project were established openly, that is unless we disclosed what we were going to do.

12. He asked if we would gain anything by signing now. If we did sign, for example, would it mean that the McMahon Act would be amended to allow the U.S.A. to do more for other countries? He believed that it would not. Would it mean that the Dutch and Germans would give more help? No it would not. After quoting from a record of his talk with Mr Scoville, he concluded that we would get no more information on nuclear subjects under the treaty than we got now, but under the treaty it would be an obligation to give the information, not an act of grace as it was now.

[*matter omitted*]

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1 See Document 119.

2 On 14 June the IAEA had announced that its board of governors had approved an agreement under which Mexico placed all its nuclear installations and researchers under the agency's control.

3 See Appendix I for the text of Article XX of the IAEA Statute.

17. In answer to a question from the chairman,<sup>4</sup> Mr Timbs said that until we signed the treaty we would be in a strong position. When we signed, we would lose influence. The arguments for delaying ratification in fact were arguments for not signing now. Mr Timbs left the meeting at this point.

18. The chairman sought comments on the proposition that Australia should sign the treaty now and ratify later, if and when its residual points of concern had been satisfied.

19. Mr Booker said that the External Affairs view was that, unless the treaty damaged Australia's interests, we should sign it and ratify it. The proposition was based on the assumption that we would sign in good faith, and if we were satisfied on our points of concern we would ratify.

20. Mr Booker said that he interpreted Mr Timbs as having said we should not sign now because it would damage our national interests. It seemed, however, that most of Mr Timbs' points had been directed towards Australia's being able to make nuclear weapons rather than towards preventing the spread of nuclear weapons. He wondered about the status of Mr Timbs's talks on weapons policy with representatives of other governments. It was a fundamental question for ministers whether we accepted that our security was better met by nuclear non-proliferation or by the development of our own weapons. He had also been concerned to hear Mr Timbs mention that he had discussed the possibility with other countries of a regional safeguards organisation in our area, and wondered how far this question had been taken. It was a matter on which the government had not yet determined policy.

21. Mr Booker said that there were three separate areas in regard to the treaty. First, there was the political-diplomatic area. Here government policy was clear: effective control of armaments should be sought through international arrangements. The second field was that of Australian defence and weapons policy; this was the responsibility of the Department of Defence. The third was safeguards and the disabilities we might suffer in the civil field. This was the legitimate concern of the A.A.E.C. It would be for Cabinet to decide the balance between the advantages and disadvantages in these three fields of our adhering to the treaty.

22. Mr Booker said that we had pursued the question of manufacture at the instigation of the A.A.E.C. It may now have been shown to be a will-o'-the-wisp indeed; but the result of our efforts was to show that—notwithstanding the existence of a small 'grey area'—the words of the treaty meant what they said. We still had to seek many answers; but the chances of getting these might now come more quickly—at the non-nuclear conference and in the I.A.E.A. If the answers were the ones we wanted, we could decide to ratify the treaty; if they were not, we need not.

23. If we were going to sign the treaty, he believed that we must do our best to carry other important countries with us. Our influence with other countries would be enhanced if we signed.

[*matter omitted*]

29. Mr Griffith commented that we would have to have our non-explosive military uses of nuclear energy evaluated. Mr Booker said that the question was whether you would be able to reduce the lead time for the production of nuclear weapons under the treaty, and whether in the 'grey area' it would be possible to defeat the treaty. If we signed the treaty, he did not think it would be our intention to break it in secret.

30. The chairman asked what was the view of the A.A.E.C. regarding the possibility of reducing the lead time for the production of nuclear weapons under the treaty. Mr Thomas

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4 G.E. Blakers.



said that he now felt, as a result of what Mr Scoville had said to Mr Timbs, that we might not be able to reduce our lead time as much as we had thought.

[*matter omitted*]

[NAA: A1838, 680/10/2 part 6]

## **147 REPORT BY NON-PROLIFERATION TREATY WORKING GROUP FOR DEFENCE COMMITTEE**

Canberra, 12 August 1968

SECRET

[*matter omitted*]

### *Points of Concern to Australia in the Treaty*

7. Cabinet Decision No. 165<sup>1</sup> of 29th April, 1968, set out Australia's main concerns with the treaty. It directed the delegation to the resumed session of the General Assembly (from 24 April to 12 June) to raise these matters with other delegations or groups of delegations 'on the basis of seeking explanations, clarifications and assurances'.

8. The report of the delegation to the General Assembly on the non-proliferation item has been circulated separately. The delegations views are summarized in paragraphs 123 to 127. Immediately following this paper is a brief resume of the points of concern to Australia raised in Cabinet Decision No. 165. The positions as reported by the delegation, and as modified by subsequent events, will be considered in the order that they appear in the Decision.

#### *9. (i) Efficacy of the Treaty*

(a) The treaty is almost certain to be ratified by a sufficient number of countries to come into force at an early date.

(b) Cabinet however considered it of critical importance to Australia's position that India, Pakistan, Japan and Indonesia should ultimately join. Of these Japan will, it is believed, eventually sign; India will not sign for the present and the intentions of Pakistan and Indonesia cannot be forecast.

(c) The non-nuclear countries which have advanced nuclear technology or are important producers of source materials include Canada, West Germany, Belgium, the Netherlands, Italy, Sweden, Switzerland, Portugal, Spain, South Africa, Israel, Argentina, Brazil, Czechoslovakia and Romania. Of these Canada, Czechoslovakia and Romania have signed. Belgium, the Netherlands, Italy, Sweden, and perhaps Israel are likely to sign fairly soon; West Germany and Switzerland are likely to sign eventually. No estimate can be given of the attitudes of Portugal, Spain, South Africa, Argentina and Brazil.

Some of these, and other countries, are likely to delay signature or ratification pending the Non-Nuclear Powers Conference in September and/or negotiations with the IAEA. Australia's position in relation to sub-para (b) has not yet been met and is unlikely to be satisfied in the near future.

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1 See Document 124.

(ii) *Impact on Australia's Commercial Interests*

Cabinet noted that Australia as a party to the Treaty must be concerned that markets should not be denied and that e.g. Japan should ratify the treaty. It is believed that Japan will eventually adhere to the treaty. Australia's adherence to the NPT would facilitate the export of nuclear materials. However, exports of nuclear materials could still be made to non-signatory countries subject to IAEA safeguards. France is a nuclear country and therefore export without safeguards is permissible under the treaty.

(iii) *Manufacture*

On 13th May, 1968, the United States delivered an aide-memoire<sup>2</sup> which set out the American replies to enquiries made by the Australian delegation containing an interpretation of 'manufacture'. The subsequent transmission of this document to Britain, the Euratom countries, Canada, Japan and South Africa has added to its interpretative force. The interpretation has since been read into the Congressional record of the US Senate hearings concerning ratification of the NPT. The United States has stated that the USSR shares their view on this interpretation. In addition, in the UN debate the Australian interpretation was unchallenged and was supported in private consultation with a number of significant nations and provides a satisfactory basis with regard to peaceful uses of atomic energy.

At present and in the absence of an NPT, it would take Australia some 7–10 years to produce a nuclear explosive device. If Australia were to accede to the NPT it could within a minimum period of seven years, and under safeguards, develop the facilities essential to the production of fissionable material. If at any time after completion of these facilities, Australia withdrew from the Treaty, it would take about 3 years to produce a nuclear explosive device.

(iv) *Safeguards*

[matter omitted]

(c) Cabinet wished to ensure that the mining and refining of uranium (and thorium—from beach sands minerals) would not be subject to safeguards, should Australia become a party to the Treaty. Other delegations, specifically major uranium producers such as Canada and South Africa, took the same view as Australia. In its aide-memoire on 13 May, 1968, the United States stated that safeguards would be applied in accordance with the Statute and safeguards system of the IAEA; and that the definitions of 'source material' in the Statute 'specifically exclude mines or ore-processing plants from the definition of principal nuclear facilities'. The US Congressional record also will state that 'IAEA practice does not involve the application of safeguards to uranium mines and ore-processing plants. The NPT requires no change in this practice'. However, the question as to the point of application of safeguards is still under discussion in the IAEA and Australian representatives should continue to press for satisfactory assurances. The environment for obtaining assurances for 'refining plants' is not favourable.

(d) The definitions in Article XX of the IAEA Statute<sup>3</sup> provide for the addition of such material 'as the Board of Governors shall from time to time determine'. Cabinet determined that Australia would not necessarily accept future extensions of the scope of the IAEA safeguards system. The procedure to be adopted for dealing with extensions to definitions will arise at the time of preparing the safeguards agreements to be concluded with IAEA under the Treaty (see also (h) below).

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<sup>2</sup> Document 136.

<sup>3</sup> For relevant articles of the IAEA Statute, see Appendix I.

(e) The US aide-memoire recalled the IAEA Statute Article XII A(5) provision empowering the Agency to accept on deposit nuclear material excess to a country's current needs. The aide-memoire pointed out that this provision had never been implemented and that under the NPT national stockpiling of fissionable material was not prohibited, so long as safeguards were applied to it. The US considers that the stockpiling provision of the IAEA Statute does not appear relevant to an NPT safeguards agreement. No delegation mentioned the question in the UN but the British delegation agreed privately with the US view which has now been read into the Congressional record. It seems unlikely, on present evidence, that this Article of the Statute will be invoked.

[*matter omitted*]

(g) Cabinet felt that it was not necessary to instruct the delegation on regional groupings. The delegation heard of no suggestion in New York that any states might be considering the formation of a regional grouping such as Euratom to negotiate a safeguards agreement. The Study mentioned in the Cabinet decision is proceeding. An important development has been an approach by the Japanese Ministry of Science and Technology to the AAEC suggesting preliminary discussions in a regional grouping in Asia and the Pacific, at the non-nuclear's conference.

(h) As regards Cabinet's requirement for certainty about safeguards and the non-mandatory nature of subsequent amendments to the Statute and safeguards system, the delegation considered that a satisfactory response was forthcoming from most delegations. In bi-lateral talks and through the circulation of the US aide-memoire Australian requirements have been well established for future negotiations. The delegation said that there was significant support for the position that acceptance of the obligation to negotiate a safeguards agreement established no legal obligation to accept automatically subsequent amendments to the Statute and/or the safeguards system. The Americans said in their aide-memoire that they did not think it would be useful or desirable to raise in the UN, questions of 'model agreements' or additional interpretations of Article III.<sup>4</sup> The aide-memoire said that the matter of model agreements raised technical considerations which could best be handled in the context of the IAEA; the US would want to consult Australia closely, both bi-laterally and in Vienna, on these questions. No specific reference to either matter will be incorporated in the Congressional record. These are all questions on which the delegation's activities will have to be followed by continued pressure and probing and by the enlistment of support among like-minded countries. Action could be taken within the IAEA context and bi-laterally.

[*matter omitted*]

#### (vi) *Peaceful Nuclear Explosions*

Cabinet wished to ensure that nuclear explosives for peaceful purposes:

- (a) were not withheld for political or economic reasons;
- (b) could be supplied on a bi-lateral basis, and
- (c) were under international surveillance which would be limited to safety aspects and to ensuring that they would not further weapon developments.

Despite pressure for exclusive international control and consequent amendment of treaty, Article V which deals with peaceful nuclear explosions, principles (a) and (b) above remain clearly in the treaty and were reaffirmed in the Congressional record. Principle (c) is not embodied in the treaty which does not enlarge on 'appropriate international observation'.

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4 See Appendix II.

There will be pressure at the non-nuclear conference to pursue international control of the use of nuclear explosives. (Some peaceful uses will require modification of the 'Limited Test Ban Treaty'.)

(vii) *Withdrawal*

No delegation suggested an interpretation of Article X (on withdrawal) that would restrict Australia's right to withdraw. The Australian statement stressed the need for the withdrawal provision. An American official said privately that the interpretation of this clause was left to parties to the treaty. [...]

(viii) *Proposed Security Council Resolution*

The Australian statement stressed the importance of the re-affirmation of the right to individual and collective self-defence. It said that Australia relied upon mutual security arrangements as the firm basis of its security. The Security Council has approved the resolution to provide security assurances to non-nuclear parties to the treaty. The question of security will probably be one of the main topics for consideration at the conference of non-nuclear countries. During the Senate hearing, the chairman of the US Joint Chiefs of Staff, Gen. Wheeler,<sup>5</sup> said that the JCS believed that any international agreement on the control of nuclear weapons must not operate to the disadvantage of the USA and its allies. Further it must not disrupt any existing defence alliances in which the US was pledged to help in protecting the political independence and territorial integrity of other countries. He said these principles had been observed.

[matter omitted]

*Non-explosive Military Use.*

10. While Cabinet made no specific comment on the diversion of nuclear material to non-explosive military use, the Australian delegation was instructed to state support for such diversion without application of safeguards. It did so, despite some demure by the United States and the fact no other delegation referred to the matter. The US delegation said that the Soviet Government agreed with the Australian understanding. It was in line with a prior US statement. Later contacts between AAEC and US ACDA showed that the ACDA thought that before diversion was accepted by IAEA, credibility of the end-use would have to be established. This could, perhaps, be done by revelation of the overall programme, its funding etc.

*The Next Steps*

[matter omitted]

12. Two main grounds of concern remain for Australia in regard to the Treaty:

- (a) The degree of support that the treaty attracts from the 'critical' countries in the Asian region and the so-called 'near-nuclear' countries.
- (b) Certainty regarding the nature of the safeguards agreements to be negotiated between non-nuclear parties to the treaty and the IAEA.

[matter omitted]

14. It will be some time before we know what our obligations will be under the safeguards agreements. The Embassy in Vienna has reported that the IAEA Secretariat interprets Article III (4) of the treaty as precluding the start of negotiations on safeguards agreements, as distinct from informal discussions, before the treaty enters into force. From the outset of these informal discussions Australia must seek to influence the course of negotiations.

[matter omitted]

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<sup>5</sup> General Earle Gilmore Wheeler.

*Question of Signature*

16. The question arises as to whether or not it would be desirable at this stage for Australia to sign the NPT. The final step of ratification, thereby making Australia a party to the treaty, would be for later consideration; hence signature at this time should be on the basis of withholding ratification until certain requirements, which should be specified prior to signature, have been satisfied. A suggested form of a statement upon these requirements is attached as Annex 5.

17. The arguments *for* signing at this stage may be stated as follows:

(a) An effective non-proliferation treaty would be in Australia's political and security interests and is an important objective of our policies. A basic condition for an effective treaty is the necessary degree of support. Our signature, or an indication of our willingness to sign, would enable us, should it be so decided, to use our influence in support of the treaty.

(b) Our example might serve to encourage other countries whose adherence would be important to us, either because we wish them to take positions similar to our own on particular matters or because they are significant in the political and strategic context of our geographical region.

(c) It would increase our standing in future discussions related to the treaty. In particular, it would enhance the authority of our views in seeking elucidation of Articles IV and V of the treaty and of the nature of the safeguards agreement to be negotiated under Article III.

(d) It would be an important expression of our earnest desire to contribute significantly to a lessening of tensions and to an improvement in international relationships, particularly in Asia and the Pacific. Specifically our signature, in assisting to bring the treaty into force, could assist in some degree in promoting the environment necessary for agreement on general nuclear arms limitation and eventually, perhaps, a measure of nuclear disarmament.

(e) It would facilitate our co-operation with the United States and thereby open improved opportunities for working with the US to achieve our desired objectives with respect to the implementation of the treaty (e.g. safeguards etc.). The USA has urged repeatedly that the treaty should come into force quickly while at the same time it has been especially helpful in considering our problems and points of view. Should Australia withhold support for the treaty by failing to sign for a significant period, we could expect US confidence in our attitude to be weakened and our political relations in other fields to become affected.

(f) Our position vis-à-vis the two other Depositary Governments (the UK and USSR) would be enhanced and may encourage them to lend their weight to interpretations of the treaty favourable to our interests.

(g) It is important that Australia should not acquire an isolated position, either alone or in company with nations of significantly different political outlooks. It may prove a wise decision to avoid the risk by indicating now a willingness to sign in the near future.

(h) It is unlikely that we shall achieve greater certainty on the nature of the safeguards agreements with the IAEA for some months. Withholding a signature on this account could therefore mean a prolonged deferment.

(i) Should Australia continue to withhold signature after the bulk of countries in the various geographical regions and political groupings have signed, which is expected shortly, we should invite suspicion as to our motives and policies and doubts about our support for an NPT.

(j) Signature would not imply ratification. Internationally, there is a strong distinction between the two. It would be essential for Australia to state, at the point of signature, the requirements it wanted to see met before it ratified.

18. The arguments against signing at this stage may be stated as follows:

(a) The assurances sought on many points considered important by Cabinet have not been met and these requirements should be stressed and explored further at forthcoming international conferences and in the IAEA.

(b) If Australia were to sign the treaty now this would weaken our capacity to influence the nuclear powers and other important non-nuclear countries and weaken our ability to secure the explanations, clarifications and assurances necessary to a meaningful decision regarding the treaty.

(c) The present signatories both in terms of their numbers and their individual significance, fail to meet one of the essential requirements of Cabinet for an effective treaty.

(d) Once we sign the treaty, we will have committed ourselves in principle to the final step of ratification and thus will come under political pressures to do so, notwithstanding any reservations we might state.

(e) Deferment of a decision on signature is likely to improve the opportunities for achieving our objectives in discussion and negotiation, not only in international fora but especially in bi-lateral exchanges with the USA. In this context, it should be noted that the USA continues to show readiness to explore problems with Australian officials. In the IAEA, our position may well be enhanced, because of the support which we will be able to attract from other important States which also have not signed.

(f) There is no evidence to suggest that the US will reduce the flow of information etc. because we have not signed; if anything the contrary appears to be the case, there having been an increase in the past two months in the interest shown by USAEC in maintaining exchanges at the technical level. Curtailment of these exchanges would be contrary to the USA–Australia Agreement for Co-operation concluded in May 1967.

(g) Prudence points to the avoidance of any further commitment to the treaty, when so much has still to be ascertained regarding its implications for vital areas of national development and commercial secrecy. At this stage and for quite some time to come (perhaps a year or more), the terms of the safeguards agreements and arrangements cannot be known. These will be developed within the IAEA Vienna.

(h) The question of the costs of implementing the safeguards has not been settled. This is a matter for consideration in the IAEA. The costs, however, are likely to be substantial.

(i) In the absence of specific information regarding the US Republican party platform on the NPT, it would be advisable to take into account the outcome of the US Presidential Elections. This suggests that the question of Australian signature should be deferred until at least, early 1969.

## Annex 5

### Statement of Requirements

#### SECRET

If it were decided to sign the treaty it would be desirable to state publicly the requirements which would have to be met before the Government would be prepared to ratify it. Such a statement might be issued on behalf of the Government on the following lines:

- (i) Australia was prepared to support an effective treaty that did not endanger its own vital interests.
- (ii) A number of uncertainties in regard to the meaning and application of the present treaty still existed and it was unlikely that these uncertainties, especially in the safeguards field, would be removed for some time. Until this was done it would not be possible for the Australian Government to commit itself to ratifying the treaty.
- (iii) In the hope however that the present treaty would ultimately prove to be an effective and satisfactory treaty from Australia's viewpoint, the Government was prepared at this stage to sign.
- (iv) Before ratification, the Australian Government would need to be assured that a sufficient number of politically important states and states that have a significant nuclear capability or potential would adhere to the treaty and honour its terms.
- (v) The Australian Government, moreover, believed that the treaty should not prohibit or impede nuclear research, development, production or use for non-explosive purposes. The supply of knowledge, materials and equipment should not, by the terms of the treaty, be denied to non-nuclear weapon states nor any nuclear development prohibited except when such activities could have no other purpose than the manufacture of nuclear weapons or other nuclear explosive devices.
- (vi) Before ratification the Australian Government would wish to be satisfied in regard to the details of the safeguards agreements which the non-nuclear weapon states party to the treaty must conclude with the International Atomic Energy Agency (IAEA). It would regard it as essential that the safeguards should be such as not to impede or burden nuclear research, development, production or use for peaceful purposes; and that they should not constitute an obstacle to a nation's economic development or trade. It would attach importance to continuing research into safeguards that has as an object the simplification and mechanisation of the safeguards process.

[NAA: A1838, 680/10/2 part 7]

## 148 SUBMISSION FROM HASLUCK TO CABINET

Canberra, 13 August 1968

CONFIDENTIAL

### Conference of Non-Nuclear States

The purpose of this submission is to seek the approval of Cabinet for the attendance of an Australian delegation at the conference of non-nuclear weapon states in Geneva from 29th August to 28th September.

#### *Background*

2. On 17th November, 1966, the General Assembly decided to convene a conference of non-nuclear weapon states to consider the questions of the security of non-nuclear states, the non-proliferation of nuclear weapons, and the use of nuclear devices for peaceful purposes. Voting was 48 in favour, 1 against (India) and 59 abstentions, including Australia. The resolution, which was mainly a Pakistan initiative, did not arouse much enthusiasm at the time, as is evident from the voting.

3. In 1967, an 11-nation committee made the initial preparations for the conference, and recommended that nuclear weapon states should be invited to participate in the conference with full rights except the right to vote. The Assembly adopted on 19th December, 1967, resolution 2346 (XXII) B, which approved the recommendations of the preparatory committee and decided to convene the conference from 29th August to 28th September, 1968. Voting was 90 (Australia) in favour, none against and 8 abstentions.

[*matter omitted*]

16. On the basis of an examination of the provisional agenda and statements during the non-proliferation debate, and of reports from Australian diplomatic missions, the political committee is likely to be concerned in the main with two subjects:

(a) *Disarmament*: Certain non-aligned countries are likely to argue that the nuclear powers must make (and be seen to be making) more rapid progress towards nuclear disarmament, so as to balance the non-nuclear countries' self-denial in regard to the acquisition of nuclear weapons. Item 3, in particular, could direct the discussion of disarmament into difficult paths for the nuclear powers.

(b) *Security of non-nuclear countries*: Some countries will argue under item 1 that the security assurances associated with the non-proliferation treaty are deficient, and must be supported by more precise guarantees from the nuclear powers. Under this heading, the question of a declaration by the nuclear powers that they would not in any circumstances use their nuclear weapons against non-nuclear countries may arise. (This was urged several times during the non-proliferation debate in the UN, and has been mentioned, for example, by the Yugoslavs, as a possible topic for the non-nuclears' conference.)

[*matter omitted*]

#### *Australia's Position*

18. The conference will thus probably develop in at least two main directions. The first will be concerned with elaborating upon or elucidating the provisions of the non-proliferation treaty. The second, which would be more independent of the treaty although still linked with it, would be aimed at extracting from the nuclear powers concessions in the fields of security and disarmament, and in regard to the peaceful uses of nuclear developments. In addition there will probably be moves by some countries in a political direction which would have the effect of impeding the military effectiveness of the United States; such moves might be made under



the foregoing headings, and will need careful and subtle handling by the United States and its associates.

19. The outcome of the conference seems likely to affect, to a greater or lesser degree, the attitude towards the non-proliferation treaty of a considerable number of countries, including those countries which Cabinet designated as significant to Australia.

20. In this situation, Australian representation at the conference would enable us—

- (a) to defend, and where possible further to establish, interpretations of importance to Australia regarding the non-proliferation treaty, particularly in the fields of safeguards and the peaceful uses of nuclear energy;
- (b) to work towards establishing common ground and closer association with those countries that are important to us;
- (c) to help where necessary in the maintenance of Western positions of importance to Australia in the fields of disarmament, weapons control and security.

21. In regard to (c), the Australian delegation would want to oppose efforts to restrict the nuclear powers in their right to use and to deploy their nuclear weapons for the protection of their allies. It would want specifically to oppose the emergence of any formula which would prevent the United States from using nuclear weapons to defend Australia.

22. Australia would have a positive interest in the discussion affecting articles IV and V of the treaty. It would want to defend the interpretations of those articles that are of concern to Cabinet. It would want to argue that under the treaty the exchange of nuclear information, materials, and equipment should be as free as possible, and to keep open the option for countries to gain the advantage of the peaceful applications of nuclear explosions pursuant to bilateral agreements with nuclear powers.

23. With regard to safeguards, Australia would, where appropriate, want to press its views regarding the nature of the agreements to be concluded under the treaty. It would want to seek support for the principle that these arrangements must be as simple and non-intrusive as possible.

24. It is of course possible that extremists might take over at the conference with the consequence that the non-proliferation treaty would be interpreted in a way unsatisfactory to such countries as Australia; and also that unsound disarmament schemes would be adopted by majority vote. It is because of this possibility however that a full attendance of responsible nations is desirable. Such nations will at least be able to register substantial dissent from any unrealistic or mischievous proposals.

25. Finally, absence of Australia from the conference runs the risk of cutting Australia off from some useful forms of association with other countries, including the United States. The conference could lead to certain continuing international machinery in the nuclear field, and if Australia is not present at the conference, it might not be included in committees, etc. The practical impact of such machinery might or might not be negligible, but it would not, to say the least, look well for Australia to be out of all this.

### *Recommendation*

26. I therefore consider that it would be in Australia's interests to be represented at the conference of non-nuclear nations to be held in Geneva from 29th August to 28th September. I recommend that the Secretary-General's invitation to attend be accepted and that the Australia delegation be directed to carry out the functions broadly described in paragraph 20 above.<sup>1</sup>

[NAA: A5882, CO32 part 2]

1 In decision 448 dated 20 August 1968, Cabinet agreed that Australia should accept the invitation from the Secretary-General to attend the conference of non-nuclear nations held in Geneva from 29 August to 28 September.

**149 REPORT OF THE AUSTRALIAN DELEGATION TO THE RESUMED  
MEETING OF THE TWENTY-SECOND SESSION OF THE UNITED NATIONS  
GENERAL ASSEMBLY, 24 APRIL – 12 JUNE 1968**

[Canberra, 14 August 1968]

SECRET

Item: 'Non-proliferation of Nuclear Weapons: Report of the Conference by the Eighteen-Nation Committee on Disarmament.'

[*matter omitted*]

34. [*matter omitted*] Commenting on these views,<sup>1</sup> the Australian Delegation, in its statement on 17 May,<sup>2</sup> urged the Committee to 'face the fact that a non-proliferation treaty is the only agreement that is in immediate prospect and that it is not practical politics at this time to seek to couple other, more far-reaching measures to it'. The Delegation reminded the Committee that 'Communist China (would) stand outside the Treaty and (could not be expected to) accept any additional measures that the Committee might agree to urge upon the nuclear-weapon states sponsoring the Treaty'. The Delegation warned that Australia 'would be bound to oppose any moves which it considers could increasingly expose it and its neighbours in Asia and the Pacific to the unrestrained nuclear capacity of Communist China'.

[*matter omitted*]

*The Australian Position*

[*matter omitted*]

52. The Delegation was required, neither 'in debate in the Assembly (nor) in discussion with other delegations, (to) appear to be opposed to a Treaty or to be playing a leading part in opposing sections of (the draft) Treaty, but, at the same time, (to) be careful not to allow any suggestion which would lead to the impression that Australia (was) prepared uncritically to accept the Treaty as it stands'. The Delegation was further required to raise certain matters in discussions with other delegations, 'not to suggest that the Australian Government (was) laying down conditions, but on the basis of seeking explanations, clarifications and assurances'.<sup>3</sup>

53. Acting on these instructions, the Delegation had a series of private discussions with a wide range of delegations, including those of the United States, the United Kingdom, the Soviet Union, Japan, the Netherlands, Belgium, South Africa, India, Indonesia, Argentina, the German Federal Republic, Spain, Mexico, Canada and Sweden. Fruitful discussions were held with some of these delegations, but with a number of the delegations with whom contact was made it was not possible to secure any worthwhile response on matters of primary concern to us. Many delegations were not interested in these matters, or had already established their positions regarding them in diplomatic exchanges or in consultations with the ENDC, or considered that they should be dealt with in the IAEA forum.

54. As far as the Delegation could assess, it was successful in avoiding any impression that Australia was either a leading opponent of the draft Treaty or, on the other hand, that it was prepared uncritically to accept the draft Treaty as it stood. No delegation publicly challenged our position, the only direct public reference being by the United Kingdom, which merely

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1 A reference to criticisms of the numbers of states likely to adhere to the draft nuclear non-proliferation treaty and the lack of assurances that nuclear-weapon states would conform to the obligation to limit their nuclear weapons programs.

2 Document 139.

3 Documents 124 and 125.

commented that there should be a reasonable solution to South Africa's and our problems regarding safeguards.

55. The debate showed that most points of concern to Australia were familiar to and acknowledged by the states significant in the nuclear field and their statements indicated that we can expect substantial support on various fundamental points. In particular, our attitudes on the interpretation of 'manufacture' in Articles I and II of the Treaty and on the need for unhampered peaceful research and development were widely shared and many delegations made helpful statements in these respects, notably the Netherlands and Japanese.

[*matter omitted*]

#### *'Manufacture'*

63. The Delegation was required to ensure that the American interpretation of 'manufacture' in Articles I and II of the draft Treaty, as recorded in paragraph 16 of the Defence Committee's report of 26 April, was 'clearly understood in the United Nations and (was) supported by the Soviet and Britain and (was) not opposed or seriously questioned, by any significant power'.<sup>4</sup>

64. The Delegation acted in two ways regarding the interpretation of 'manufacture'. First, it sought assurances from the United States delegation regarding the interpretation of 'manufacture' that would meet the requirements stated in paragraphs 15 and 16 of the Defence Committee's Report. The Delegation considers that the statement given by the United States in its Aide Memoire of 13 May<sup>5</sup> substantially meets these requirements. The Aide Memoire states, moreover, that 'the United States fully understands the concern expressed by the Government of Australia that it not be put in a disadvantageous position vis-à-vis other non-nuclear-weapon states in Asia, and wishes to assure the Government of Australia that it will do everything it can to ensure that the Non-Proliferation Treaty will have no such consequences'.

[*matter omitted*]

#### *Deposit of Excess Material*

88. Paragraph 5 (IV) of the Cabinet decision<sup>6</sup> stated that the outcome of the Delegation's efforts in regard to paragraph 46 of the Defence Committee's Report 'could be critical to Australia's eventual decision on signing.'

89. Paragraph 46 of the Defence Committee's Report required the Delegation to confirm the statement by the US team in the Canberra talks in April, that under the Treaty parties would be permitted to stockpile enriched uranium (of any enrichment) to any extent desired, and that there was no reason within the context of the Treaty to implement Article XII A.5 of the IAEA Statute. At the same time the Delegation was to 'resist any suggestions that Article XII A.5 should be implemented as a consequence of the application of the treaty', and in particular the Delegation was to 'oppose any suggestion to establish IAEA depositaries that would involve export of the materials.' The Cabinet decision further stated that 'it was not necessarily accepted ... that transfer of excess materials to IAEA, even though not exported from Australia, would be approved'.

90. In its cable UN 762 of 8 May,<sup>7</sup> the Delegation reported that the foregoing instructions offered it 'considerable difficulty' and submitted as to whether, in the light of these comments, it was to pursue the matter any further and, if so, how it was to handle it. (See relevant extract in Annex J).<sup>8</sup> No reply was received to this telegram.

4 See Document 123.

5 Document 136.

6 See Document 124.

7 Not published.

8 Not published.

91. In view of the Delegation's difficulties it did not canvass this matter with any delegations other than those of the United States and Britain. The Australian statement in the First Committee made no reference to it. No other delegation referred to the matter in the course of the debate or in any of the many informal discussions with the Delegation during the proceedings.

[matter omitted]

#### *A 'Model' Safeguards Agreement & Amendments to IAEA Statute*

94. The Delegation was required (Defence Committee Report paragraphs 56–59) to resist any suggestions during the United Nations debate for re-negotiation of the IAEA Statute and to 'press the view (and seek support for its adoption in the debate) that a model safeguards agreement be drawn up and approved in the IAEA before negotiations are undertaken with individual parties for the safeguards agreements under Article III of the Treaty'. Cabinet 'specifically resisted the proposition that later amendments to the IAEA Statute and/or safeguards system would be mandatory on parties to the Treaty and observed that this point would enter critically into Australia's consideration of signing' (paragraph 5 (IV) H of the Cabinet instruction).<sup>9</sup>

95. In its discussions with various delegations, particularly the United States, British, Netherlands and Belgian, the Delegation met resistance to the proposal for a model safeguards agreement. However, the Delegation found general support for the proposition that intending parties to the Treaty negotiate with the IAEA regarding the safeguards agreement under Article III before proceeding to ratification. In the light of its consultations the Delegation reported (cable UN 762 of 8 May)<sup>10</sup> that it considered 'there should be no difficulty in Australia satisfying itself about the terms of the safeguards agreement under Article III before ratification'. The Delegation therefore recommended that the requirement for a model agreement not be pressed and that Australia rest its position in the debate on a statement that we would not wish to proceed to ratification of the Treaty until we were satisfied as to the nature of the safeguards agreement under Article III.

[matter omitted]

#### *Proposed Security Council Resolution*

110. Cabinet placed emphasis on protection for Australia under the ANZUS Treaty as being the point of importance under this heading and a statement about its reliance on 'mutual security arrangements' was included in the Australian statement. The proposed Security Council Resolution was also described as 'a notable political act and a not insignificant contribution to the security of nations'.

[matter omitted]

125. The central emphasis on the disarmament aspect revealed that most states' attitudes to the Treaty are to a very important extent governed by their requirements to have nuclear armaments limited and reduced, regarding which the Australian Delegation uttered a warning in respect of China. Given progress in this direction, the Delegation assesses that sufficient states will sign and ratify the Treaty to bring it into operation without significant delay. Many states will, however, seek to use the Treaty Review Conferences as a means of control over the operation of the Treaty.

[matter omitted]

[NAA: A1838, TS680/10/2 part 7]

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<sup>9</sup> See Document 124.

<sup>10</sup> Not published.

## 150 RECORD BY MCINTYRE OF CONVERSATION WITH SOVIET CHARGÉ D'AFFAIRES<sup>1</sup>

Canberra, 22 August 1968

CONFIDENTIAL

### Nuclear Non-Proliferation Treaty

The Soviet Chargé d'Affaires called on me by appointment at midday today. He had asked yesterday morning to call on the Secretary, who had asked me to accept the call. I had first fixed an appointment for 10 am today, but following news of the developments in Czechoslovakia<sup>2</sup> I had asked the Chargé d'Affaires to postpone the call until noon.

2. Mr Plustchenko [*sic*], reading from notes through an interpreter, made a lengthy oral presentation of an appeal to the Australian Government to sign the Nuclear Non-Proliferation Treaty as soon as possible. He pointed out that more than 70 nations had already signed the Treaty, and insisted that it would be helpful in furthering the Treaty's purposes if Australia should become a party to it without delay. Apart from helping to achieve the broad objectives of the Treaty, this would assist efforts towards closer co-operation between the Soviet Union and Australia.

[*matter omitted*]

3. I said that [*matter omitted*] Australian Ministers needed to have a clearer picture of the likely effect of some of the Treaty's clauses before they could commit themselves to it. After all, Australia and all the other non-nuclear powers were being asked to undertake a very solemn act of self-denial, to extend over a lengthy period of years into an era where the international political situation could not be foreseen. It was only natural that the Australian Government, like any other responsible Government, would want to study closely the balance of advantage against the possible disadvantages of committing itself to the Treaty.

4. I was bound to say, furthermore, that the Chargé d'Affaires had chosen a singularly unpropitious time for making his appeal on behalf of the Soviet Government. I knew that he had had an interview with the Prime Minister and the Minister for External Affairs<sup>3</sup> also this morning, and there was nothing I need say to him about the reaction of the Australian Government and people to what had happened in Czechoslovakia in the last few days. I had listened to Mr Hasluck's statement in Parliament and a debate that was taking place there at this very moment. I was sure Mr Plustchenko would realise that the present atmosphere here was by no means conducive to the sympathetic consideration by the Australian Government of a Soviet request that it hasten its decision to adhere to the Non-Proliferation Treaty.

5. Mr Plustchenko pressed on with his argument. Surely it was better, he said, to have a treaty, even if it was not entirely satisfactory, than to have no treaty at all. Without a treaty there was a great and constant danger of wider dissemination of nuclear weapons. The putting into effect of the present Treaty would contribute greatly to a lessening of tensions everywhere, which must be a worthwhile objective in itself, and should be considered in this light—regardless of what was happening in Czechoslovakia.

6. I said that the two things could not be divorced; the events in Czechoslovakia could hardly fail to have some influence on the attitude towards the Treaty of Ministers here in Australia and everywhere else. As regards Mr Plustchenko's point about a less than satisfactory treaty

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1 V.V. Plyushchenko.

2 A reference to the invasion of Czechoslovakia on 21 August by the Soviet Union and members of the Warsaw Pact.

3 Paul Hasluck.

being better than none at all, this was of course an important argument; but it was only one argument, to be considered in the overall balance of factors that had to be studied.

7. The Chargé d’Affaires said that he was aware that Australia had reservations about the Treaty. Could I say what these reservations were in detail? Perhaps there were still points on which the Soviet authorities could give us clarification or reassurance. I said that all the points on which the Australian Government was less than satisfied—questions of safeguards, the unknown extent to which inspection procedures would limit Australia’s freedom to develop nuclear energy for industrial and other peaceful purposes, and various other uncertainties—had been set forth in Mr Shaw’s statement in the General Assembly.<sup>4</sup> Some of these points had been partially clarified, but there were still a number of uncertainties.

8. In conclusion, Mr Plustchenko asked whether I could forecast when the Government might reach any decision. I said I could not do so.

[NAA: A1838, TS680/10/2 part 7]

## 151 CABLEGRAM FROM EMBASSY IN BONN TO DEPARTMENT OF EXTERNAL AFFAIRS

Canberra, 29 August 1968

416. CONFIDENTIAL

### Non-Proliferation Treaty—German Attitude

The Czech crisis has focused German attention on their security and has raised the level of anxiety with which it is discussed. Fears of a heightened vulnerability to attack and the need for strengthening of, and rethinking in NATO have been expressed from the Chancellor<sup>1</sup> down.

[*matter omitted*]

4. [*matter omitted*] The Germans consider it vital that the NPT should not impair the operation of Euratom, that it should not hinder the peaceful use of atomic energy and that a united Europe should be able to possess atomic weapons. Even under the American interpretations, the NPT was a shaky instrument, whose effectiveness depended on good will. It was this basis which the Russians had now destroyed.

[*matter omitted*]

#### Comment

9. The Czech crisis has revived and strengthened all German doubts and fears about the NPT. These doubts are genuine and not unfounded, and the Dutch description of their attitude as ‘mischievous’ (Hague tel. 518 to Canberra)<sup>2</sup> seems unfair. Brandt’s<sup>3</sup> presence in Geneva should assure that no ‘mischievous’ motivation will prevail from the German side, although German doubts will be expressed. The Foreign Ministry in any event argues that the NPT adds nothing to the guarantees Germany gave to NATO in 1954–55 not to produce atomic weapons, except that with the NPT they give a guarantee to the Russians, who leave the option of defining the guarantees as they wish.

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4 See Document 139.

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1 Kurt Georg Kiesinger.

2 Not published.

3 Willy Brandt, Minister of Foreign Affairs and Vice-Chancellor, Federal Republic of Germany.

10. But because of the heightened fear on security, the opposition to German signature of the treaty in the CUD<sup>4</sup> has increased and the SPD<sup>5</sup> have lost their enthusiasm for an early signature.

[*matter omitted*]

[NAA: A1838, TS680/10/2 part 7]

## 152 DRAFT AAEC PAPER<sup>1</sup>

Sydney, 29 August 1968

CONFIDENTIAL

### Non-Proliferation Treaty—Regional Arrangements

#### *Introduction*

1. One of the points in Submission No. 47,<sup>2</sup> on which Cabinet sought further study, was the suggestion that Australia should actively explore with friendly non-nuclear weapons countries in the Pacific Area, the possibility of forming a co-operative group of nations for the purposes of the Non-Proliferation Treaty and possibly for other purposes associated with peaceful nuclear development.

2. The suggestion relies on Article III, paragraph 4, of the Treaty, which provides for non-nuclear-weapon States Party to the Treaty to conclude safeguards agreements with the International Atomic Energy Agency 'either individually or together with other states'. This is understood to mean that, in the case of a collective Agreement, the I.A.E.A. might be satisfied by arrangements to verify the internal inspection system of a group of countries rather than itself assume the full inspection task.

3. The clause was inserted, in spite of opposition from the United States and the U.S.S.R., to meet the insistence of the Euratom countries which have had an established system of safeguards in operation for some years. The Euratom group will aim to avail itself of the provision. In this event, there is likelihood that the non-nuclear-weapons Comecon<sup>3</sup> States will also seek to do so.

#### *Considerations*

4. Although it would not be prudent for Australia to appear at present to be taking any action to promote a new regional grouping, the possibility of regional collaboration and collective inspection arrangements could be explored with advantage.

[*matter omitted*]

9. For the grouping to be acceptable to the I.A.E.A. as an effective one for 'internal' safeguards under the N.P.T. (bearing in mind current capabilities and the time factor) Japan should be included. Canadian participation might be explored but it would seem unlikely.

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4 Christian Democratic Union.

5 Social Democratic Party of Germany.

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1 The draft was attached to a letter dated 10 April 1969 from A.D. Thomas to Plimsoll.

2 Submission 47 was a joint submission to Cabinet from the Minister for National Development, David Fairbairn, and the Minister for Trade and Industry, John McEwen, of 4 April 1968 concerning nuclear non-proliferation safeguards.

3 The Council for Mutual Economic Assistance (Comecon) was an organisation under the leadership of the Soviet Union and consisting of states from the Eastern bloc as well as other socialist countries elsewhere in the world.

The Japanese attitude would be the most important initial consideration, and the following factors relate to this question:

- (a) The Japanese have stated that they would prefer to have inspectors only from those countries which are themselves subject to an international safeguards system. They have shown interest in a regional grouping with this end in view.
- (b) Japan has entered into a large scale nuclear power programme, and has negotiated with the United States a long term agreement for the supply of enriched uranium, together with a large quantity of plutonium for fast breeder reactor research. Japan has agreed to accept I.A.E.A. safeguards on this material. The United States would wish to ensure that regional safeguards [would]<sup>4</sup> be equivalent to I.A.E.A. safeguards and that inspection procedures were fully effective.
- (c) As the I.A.E.A. has already discovered, the barriers of spoken and written language are so formidable in Japan as to make inspections difficult, even ineffective, by any person lacking education in Japanese.
- (d) Australia could probably recruit suitably qualified personnel who, after a course in Safeguards in the United States such as those currently being conducted, could form a body of safeguards inspectors, but two problems would remain, in that:
  - (i) The language barrier would be hard to overcome.
  - (ii) The magnitude of the Japanese power programme would, unless Canada were a member of the grouping, call for an Australian commitment which would strain its resources of trained manpower.

10. It is concluded that the establishment of a regional grouping solely for the purpose of a safeguards inspection system is at present hardly practicable and should not be actively explored with possible members of a grouping other than Japan, with which further exploratory talks might be considered.

#### *Co-operative Peaceful Nuclear Development*

11. Australia already enjoys close co-operation in nuclear technology with India and New Zealand. Co-operation with Japan has been much more restricted, but the Japanese have recently expressed the wish that co-operation be developed. Whether this development takes the form of a regional arrangement, a formal bi-lateral arrangement, or informal co-operation on the lines of our co-operation with India, there are potential advantages for Australia.

[*matter omitted*]

12. [*matter omitted*] Closer Australian ties with Japan could mean a substantial market for Australian uranium if further significant discoveries of this mineral are made.

13. There is no doubt that Australia would gain much from access to Japanese technical judgements and assessments. The Japanese policy has been to begin with systems developed in other countries, particularly the United States, and to build on what they learn from them. In the whole field of nuclear science and engineering, the Japanese are highly competent. This, coupled with their operational experience, means that they would have a lot to offer a country like Australia, which is of relatively small industrial capacity, and which is entering a nuclear power programme, not only of much more modest size, but some years behind. It is doubtful, however, whether Australia could penetrate the 'commercial screen'.

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4 Word in square brackets added by hand.



14. A co-operative effort with Japan (or any other country or regional group) would seem unlikely to flourish unless it stemmed either from advantageous exploitation of Australian resources or a common interest in particular reactor systems, or both.

15. One point which could be explored, if Australia should find new substantial reserves of uranium, would be whether Japan could be encouraged to build a Japanese enrichment facility in Australia.

[*matter omitted*]

### *Conclusions*

18. Establishment of a regional grouping solely for the creation of a group safeguards inspection system for the purposes of the N.P.T. should be explored, for the time being, only with Japan.

19. A regional grouping for co-operative nuclear development should be further explored, with Japan (and perhaps India) as a starting point.

[NAA: A1838, TS919/10/5 part 20]

## **153 RECORD OF DISCUSSION AT THE ITALIAN FOREIGN MINISTRY BETWEEN HASLUCK AND MEDICI<sup>1</sup>**

Rome, 25 September 1968

SECRET

The following officials were present during the discussions:

### *Australia*

H.E. Mr W.R. Crocker, Australian Ambassador to Italy

Mr J.R. Holdich, First Secretary, Australian Embassy, Rome

Mr D.W. Argall, Second Secretary, Australian Embassy, Rome

### *Italy*

Senator Oliva, Under-Secretary, Italian Foreign Ministry

Ambassador Gaja, Director-General of Political Affairs

Ambassador Pinna-Caboni, Director-General of Emigration Affairs

Minister Valdettaro, Deputy Director-General of Cultural Relations

Counsellor Gardini, Press Office

Counsellor Biancioni, Cultural Division

Ambassador Majoli, Italian Embassy, Canberra

and about half a dozen other senior officers

[*matter omitted*]

Mr Hasluck said that Australia would have preferred not to have had a non-nuclear conference at this time. There were various important problems still to be settled, and the conference would take its decisions by means of majority resolutions; this was an unreal way of doing business of this sort.

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1 Giuseppe Medici, Italian Minister for Foreign Affairs.

Australia was against the proliferation of nuclear weapons, but there were various fundamental problems still to be resolved. Agreed stages should be decided upon for nuclear powers to exercise restraint. Australia was faced with an aggressive, hostile China, a China which possessed nuclear arms but which would almost certainly not become a party to the Treaty. Australia must rely for its defence against China on the United States, and therefore did not want the freedom of the United States to be limited. Australia did not want nuclear arms itself but could not forswear them indefinitely. Australia was also concerned to ensure that she was not hindered in her development of nuclear power for peaceful purposes. Sensible or productive discussion of these matters could not take place at Geneva. In view of these uncertainties, deficiencies and special political problems, Mr Hasluck said, it was unlikely that Australia would sign the Treaty in its present form.

[*matter omitted*]

Mr Hasluck said that Australia might sign the Treaty but would be extremely unlikely to ratify it and would feel compelled to say so at the time of the signature. Signature, Mr Hasluck said, did not imply ratification.

[*matter omitted*]

Mr Hasluck said that the guarantee contained in point 12 of the preamble could be exercised only within the framework of the procedures of the Security Council. Did such a guarantee mean anything? Australia was sceptical. Australia, with many free Asian countries, regarded China as a greater nuclear menace than the USSR. There was an acute state of fear of China in India, which country might as a result wish to develop its own nuclear devices. The nuclear blackmail practised by China was one of the chief causes of uncertainty and fear in the world. Living as it did on the fringes of Asia, Australia regarded this form of blackmail as a major problem. Australia thought it possible that the USSR might actually act as a deterrent to China.

Senator Medici spoke scornfully about the possibility of India defending itself successfully in the event of a clash with China. China could move south to Calcutta within two weeks if it wished to do so. From the military point of view the ratio of power between India and China was 1:10. India was 'feeble'.

Mr Hasluck said that this was the whole point; this was why India was so afraid. Unfortunately, India felt unable to accept the United States deterrent as a guarantee. While India and other independent Asian countries could see prospects for a détente with the USSR, no Asian country could expect or trust any commitment by China not to use its nuclear capability. Australia's hopes—but they were slender ones—rested on the United States deterrent. Slender because would the United States use its deterrent to save 12 million people in Australia, in the knowledge that this action would immediately endanger 200 million people in the United States?

[*matter omitted*]

[NAA: A1838, TS919/10/5 part 18]

## 154 REPORT ON CONFERENCE OF NON-NUCLEAR-WEAPON STATES

Canberra, 28 September 1968

SECRET

The Conference of Non-Nuclear Weapon States was held in Geneva from 29th August to 28th September 1968.

### *Background*

2. On 17th November 1966, the United Nations General Assembly decided to convene a conference of non-nuclear weapon states to consider the questions of the security of non-nuclear states, the non-proliferation of nuclear weapons, and the use of nuclear devices for peaceful purposes. Voting was 48 in favour, one against (India) and 59 abstentions, including Australia. The resolution, which was mainly a Pakistani initiative, did not arouse much enthusiasm at the time, as is evident from the voting.

[*matter omitted*]

31. The resolution on nuclear-free zones and the two on disarmament generally presented the Australian delegation with few problems, and we were able to vote in favour of all three.<sup>1</sup> The disarmament drafts in particular were the results of amendments and amalgamations, and in their final form were fairly innocuous, our only problem being their concentration on nuclear disarmament to the exclusion of conventional disarmament. In the upshot, all three resolutions gained broad acceptance both in the Committee and in Plenary. Australia explained its vote for the nuclear-free zones resolution in Committee by saying that it was fully prepared to support the draft but that at present the conditions for a workable nuclear-free zone did not exist in Asia and the Pacific because of the attitude of Communist China.

[*matter omitted*]

52. Sweden led the debate on the peaceful uses of nuclear explosions into political paths. Sweden's argument was a repetition of that advanced by Mrs Myrdal in New York. It tabled a resolution implying that all peaceful nuclear explosions, whether within or outside a nuclear weapon state, should come under the control of an international 'regime'.

[*matter omitted*]

53. In the event there was no opposition to the Swedish resolution and it was carried by a large majority, though with a number of abstentions including Australia.

[*matter omitted*]

### *Outcome of the Conference*

81. The Conference has little of a concrete nature to show for itself. Resolutions that, in their original form, made far-reaching and often contentious recommendations usually ended as unexceptionable homilies that said and meant little.

[*matter omitted*]

85. The results of the Conference in the fields of security and disarmament were fairly satisfactory for the West and for Australia. Indeed, they were better than had been feared when preparations were being made for the Conference in the aftermath of the non-proliferation

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1 The conference adopted 14 resolutions, including one supporting the principle of the establishment of nuclear-free zones, another requesting the General Assembly to ask the Eighteen-Nation Disarmament Committee to begin negotiations after March 1969 and another urging the United States and the Soviet Union to enter into bilateral discussions on the limitation of offensive strategic nuclear weapons.

debate in New York. The drive for a strong non-use declaration collapsed, with the result that no resolutions were passed that might have affected the capacity of the United States to use and to deploy nuclear weapons in protecting its allies. The pressures exacted upon the nuclear powers to disarm were neither strong nor concerted. Pressure for convening future conferences and continuing the work of this conference in some special committee in New York was likewise blunted.

[*matter omitted*]

94. As regards security and defence, the delegation considers that the outcome of the Conference was not such as to affect Australia's established policies or its alliances. In particular, the Conference did not affect the right of Australia's allies to use or deploy nuclear weapons in Australia's defence. Nor did it affect Australia's ability to seek such protection.

[*matter omitted*]

## **Annex 2**

### **Instructions for the Australian Delegation to the Conference of Non-Nuclear Weapons States**

1. The delegation should be careful *not* to commit the Australian Government either directly or even by implication to the signing of the non-proliferation treaty.
2. They should use such opportunities as may arise to explore further the various matters in respect of which the Australian Government has expressed doubts or reservations but they should not be forceful in creating such opportunities.
3. They should gather as much information as they can about the attitudes and policies of countries of major interest to Australia, and obtain interpretations of importance to Australia regarding the non-proliferation treaty, particularly in the fields of safeguards and the peaceful uses of nuclear energy (including nuclear explosives).
4. They should be watchful for any moves that might limit the capacity of the United States to exercise a nuclear deterrent for the better security of Australia.
5. They should see opportunities of reaching common viewpoints with countries who share a common interest with Australia.
6. As matters arise for decision they should seek further instructions from the Government.

[NAA: A1838, TS680/10/2 part 7]

**155 SUBMISSION FROM BOOKER TO HASLUCK**

Canberra, [6] February 1969<sup>1</sup>

CONFIDENTIAL

**Cape Keraudren: Partial Test Ban Treaty and Non-Proliferation Treaty**

This submission considers the applicability of international treaties to the project to develop a harbour at Cape Keraudren,<sup>2</sup> near Port Hedland, with the use of nuclear explosives, and makes recommendations as to the handling of parliamentary questions on this aspect of the project.

2. A separate submission is being made to you on other aspects of this project.
3. External Affairs interests in regard to the Cape Keraudren project include:
  - (a) the relevance or otherwise to it of the treaty banning nuclear weapons tests in the atmosphere, in outer space and under water (the partial test ban treaty); and the treaty on the non-proliferation of nuclear weapons.
  - (b) the avoidance of a situation in which a nuclear explosion in Australia would become a matter of international controversy, for example, in the field of nuclear weapons testing.
  - (c) the avoidance of adverse international reactions on the score of safety, especially on the part of the neighbouring Asian countries.
4. The present Australian position in regard to the project is that all that has been decided so far is that a feasibility study is to take place, and that a decision on the execution of the project itself must await completion of the study, an examination in the light of the results of the study and the applicability of the partial test ban treaty, and then a new decision by each government whether to proceed. (Thus the question of the applicability of the test ban treaty or the non-proliferation treaty is not raised at this stage although such matters may have to be considered in the future.)
5. The partial test ban treaty obliges parties to prohibit, prevent and not to carry out nuclear weapon test explosion or any other explosion 'in the atmosphere, beyond its limits, including outer space, or underwater, including territorial waters or high seas; or in any other environment if such explosion causes radioactive debris to be present outside the territorial limits of the state under whose jurisdiction or control such explosion is conducted'.
6. Since they will presumably be conducted under the sea floor in territorial waters, nuclear explosions at Cape Keraudren might be deemed to breach the test ban treaty. Whether they would be regarded internationally as doing so would depend on legal and political opinion as to whether an explosion under the sea floor was prohibited and whether the devices to be used would disperse radioactive debris outside Australian territorial limits (that is, beyond the three mile limit of the territorial sea).
7. If it were considered that the proposed explosions were forbidden, it would be necessary to seek an accommodation of some kind with the adherents to the test ban treaty before they could proceed. We do not know at this stage how the Americans, upon whom the main responsibility for getting such an accommodation would fall, would want to arrange this. Three possible ways suggest themselves:

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1 Attached to this undated draft was a note by Booker dated 6 February 1969.

2 On 7 February, Prime Minister Gorton announced that the Australian Government had invited the US Government to participate in carrying out a study of the technical and economic feasibility of using nuclear explosives to blast out a new deep-water harbour at Cape Keraudren on the northwest coast of Australia.

(a) A bilateral 'understanding' with the U.S.S.R. This procedure would have the possible disadvantage that it might give offence to some non-aligned countries who are also parties to the treaty.

(b) An 'understanding' involving all parties to the test ban treaty. This would be cumbersome and would take a long time to organise. (There are 89 parties to the treaty.)

(c) A procedure negotiated in the context of implementing article V of the treaty for the non-proliferation of nuclear weapons.

8. With regard to (c) in the foregoing paragraph, article V of the treaty for the non-proliferation of nuclear weapons obliges parties to take appropriate measures to ensure that, under appropriate international observations and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear weapon states party to the treaty. At the time of writing, the treaty has 37 signatories and nine ratifications. It requires 43 ratifications, including those of Britain, the U.S.A. and the U.S.S.R., to bring it into effect. Australia has not yet signed the treaty.

9. The U.S.A. and the U.S.S.R. are co-sponsors of the treaty. Both have made it clear that an effective barrier to the proliferation of nuclear weapons is one of the main objectives of their foreign policy. The intention behind the inclusion of article V in the treaty was to offer non-nuclear countries some compensating advantages for giving up the option of acquiring nuclear weapons. The article does not say that non-parties to the treaty cannot get the benefits of peaceful nuclear explosions but the implication is that the benefits are intended for the signatories. In fact the Russians have said that non-parties will be ineligible. Although the Americans have not committed themselves on this point, they would be bound to take substantial note of the views of the Russians. The Americans would, no doubt, also want to keep in mind the likelihood of adverse reaction from countries that were party to the treaty if the first peaceful nuclear explosions were conducted for the benefit of a non-party. It was no doubt with these considerations in mind that the Americans included a reference to the non-proliferation treaty in their note accepting Australia's invitation to take part in the feasibility study.

10. The Americans have agreed to Australia's request not to mention the non-proliferation treaty in their press statements. If direct questions were however asked by third countries, in the U.S. congress or by the press about the relationship of the project to the partial test ban treaty or the non-proliferation treaty, an answer would be given on these lines:

(a) First, the study in question is simply a technical feasibility study and it does not involve the limited test ban treaty or the non-proliferation treaty.

(b) Second, if pressed for elaboration, 'if the feasibility study should indicate that the project might be carried out a number of factors such as those you have referred to (i.e., the treaties) would naturally have to be considered'.

11. The Americans suggested that this statement might give rise to questions whether Australia shared these views and whether they had been discussed with Australia. They sought an indication of our preferred answer to any such questions, and said they would like to say 'yes'. In answer, they were told that the Australian preference would be to say, 'Broadly, yes, but if questioned we would say that we cannot see that the N.P.T. affects the situation'.

12. As of writing, the Americans have not so far been called upon to offer any comment on the lines indicated above.

### *Parliamentary questions*

13. It is likely that questions will be asked about the project when Parliament resumes. If these are about the technical, economic, safety or legal aspects of the project, presumably the Prime Minister, the Minister for National Development or the Attorney-General will answer

them. If they are about the international treaty aspects of the project, they may however be addressed to you and it is recommended that you reply along the following lines:

- (a) All that has been decided so far is that an economic and technical feasibility study of the project is to take place.
- (b) The aim of the Australian Government would be to conduct the project in accordance with the international obligations of the parties concerned.
- (c) It is difficult at this stage to speculate usefully about hypothetical possibilities.

14. It is further recommended that, if you approve this suggested response, its terms be communicated to the Prime Minister, and to your representative in the Senate.

[NAA: A1838, TS919/10/5 part 19]

## 156 PAPER BY DEPARTMENT OF EXTERNAL AFFAIRS<sup>1</sup>

Canberra, 26 February 1969

SECRET

### Non-Proliferation Treaty and Disarmament

Two main considerations will determine whether the treaty for the non-proliferation of nuclear weapons will be effective:

- (a) Nations with a significant nuclear capability or potential and other politically important nations should adhere to the treaty and should honour its terms.
  - (b) The safeguards envisaged under article III should be such as to provide timely warning of any intention to divert nuclear energy from peaceful purposes to nuclear weapons or other nuclear explosive devices.
2. There are two other considerations, which may not affect the entry into force of the treaty but which will influence its ability to hold the allegiance of at least some of its parties. These are:
- (a) The degree to which the treaty actually fosters the development of peaceful applications of nuclear energy for the benefit of its non-nuclear parties. This would include the availability of a peaceful nuclear explosions service, envisaged under article V. At the least it will be essential that the treaty should not inhibit the peaceful use of nuclear energy.
  - (b) The progress that the major powers make towards the goal set out in article VI—a cessation of the arms race, nuclear disarmament and a treaty on general and complete disarmament.

[*matter omitted*]

### *Australia's Security under the Treaty*

7. The Australian Government has indicated its support for the principle of an effective non-proliferation treaty which would endanger neither Australia's security nor its development. At the same time, in Cabinet decision 165 of 29th April, 1968,<sup>2</sup> it has listed its grounds for

1 The paper was prepared by the UN Branch and was a reaction to the paper JIC (AUST) (69) 51: International Developments up to 1969 and Their Implications for Australia. NAA: A1838, TS919/10/5 part 19.

2 See Document 124.

concern with the treaty, and has conducted an examination of these both within the machinery of government in Canberra and in consultation with other governments. This investigation has increased our knowledge of the treaty; and it has gone a good way towards satisfying the Government's points of concern with the treaty.

8. Whether the existing treaty would benefit Australia's security would depend on the degree to which it is effective, in terms of the considerations outlined in paragraph 1 above. As already stated, it is too early yet to make firm predictions on this point. The following paragraphs, however, view the treaty in an international political and security context and seek to show how it might affect Australia's security interests.

9. Under article IV of the ANZUS treaty each party recognises that an armed attack in the Pacific area on any of the parties would be dangerous to its own peace and safety and declares that it would meet the common danger in accordance with its constitutional processes. The Americans have assured us, in an aide-memoire of 1st May, 1968,<sup>3</sup> that the non-proliferation treaty will in no way affect their continuing security commitments under existing treaties of mutual security. The aide-memoire also says that:

(a) The alliance commitments of ANZUS and SEATO are stronger than any the U.S.A. could give to non-allied countries in conjunction with the non-proliferation treaty.

(b) The Americans do not believe that their allies, particularly one with which they have had such a close political and military relationship as Australia, should have reason to question the extent of the assurances they are able to give non-aligned, non-nuclear countries.

10. The U.S.A. is a sponsor of the non-proliferation treaty, the acceptance and success of which is a major American foreign policy objective. The Americans (and the Russians) regard the treaty as a factor making for global nuclear stability and have urged repeatedly that it be accorded universal approval. If the treaty were effective it would help to stabilize the world security situation by providing reliable assurances that additional countries were not developing nuclear arsenals of their own.

11. The treaty is perhaps the most significant result so far of the partial détente between the U.S.A. and the U.S.S.R. This détente has resulted in an improved international climate but it also may be regarded as a deterrent to expansionism by Communist China. An effective treaty would strengthen the partial détente and could lead to increased co-operation among the major powers in opposition to China's nuclear ambitions.

*[matter omitted]*

14. As far as the Asian region is concerned, the establishment of a system that provided its member states with reliable assurances that their neighbours were not seeking to acquire nuclear weapons would be a factor making for increased political and economic stability. Australia would benefit from such a situation.

15. On the other hand, if the countries of the region were to keep their nuclear options and if the big powers were unable adequately to deter China, we could expect that distrust and impulse towards nuclear proliferation would be stimulated in Asia.

*[matter omitted]*

[NAA: A1838, TS919/10/5 part 19]



**157 BRIEF FOR GORTON BY PRIME MINISTER'S DEPARTMENT**

Canberra, 18 April 1969

SECRET

**Non-Proliferation Treaty**

The treaty on the non-proliferation of nuclear weapons (copy attached as annex I)<sup>1</sup> opened for signature on 1st July, 1968. At the time of writing (18th April 1969), 88 governments had signed it and 10 had deposited their instruments of ratification (lists of signatories and ratifications are attached as annexes II and III).<sup>2</sup>

[*matter omitted*]

**(a) *The Present International Position***

4. Aside from the depositary governments (Britain, the USA and the USSR) and the communist countries, the signatories to date of political or industrial significance are Canada, Sweden, Italy, Belgium, the Netherlands, the Republic of China, Mexico, the UAR and Yugoslavia.

5. Thus of the so-called near-nuclear countries, Canada, Italy and Sweden have so far signed but Japan, India, West Germany, Argentina, Brazil, Israel and Switzerland have not. France and Communist China have not signed, nor have Indonesia and Pakistan. From the Asian and Pacific region, the signatories are Afghanistan, the Republic of China, Ceylon, South Korea, Laos, Malaysia, the Maldive Islands, Nepal, New Zealand, the Philippines and South Vietnam.

6. The only nuclear power to have ratified so far is Britain. Canada is the only 'near-nuclear' power to have ratified. (The treaty requires 43 ratifications, including those of Britain, the USA and the USSR, to bring it into effect.)

**(b) *Australia's Position***

[*matter omitted*]

8. Following is a summary of the present position regarding the principal points of concern expressed by Cabinet in Decision 165:<sup>3</sup>

**(A) *Efficacy of the Treaty***

The treaty is almost certain to attract enough ratifications to bring it into force at a fairly early date. Cabinet, however, considered it of critical importance to Australia's position that India, Pakistan, Japan and Indonesia should ultimately join. Of these, Japan will sign fairly soon; India will not sign for the present; and the intentions of Pakistan and Indonesia cannot at present be forecast.

**(B) *Impact on Australia's Commercial Interests***

Cabinet noted that Australia, as a party to the treaty, must be concerned that markets should not be denied and that, in this connection, Japan should ratify the treaty. It is believed that Japan will eventually adhere to the treaty. Australia's adherence to the treaty could facilitate the export of nuclear materials; and such exports could also still be made to non-signatory countries, subject to IAEA safeguards.

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1 See Appendix II.

2 Not published.

3 See Document 124.

(C) *Manufacture*

A United States aide-memoire of 13th May, 1968<sup>4</sup> [...] set out the American replies to Australian enquiries seeking an interpretation of the term 'manufacture', as used in articles I and II of the treaty. The subsequent transmission of this document to Britain, the Euratom countries, Canada, Japan and South Africa has added to its interpretative force. The interpretation has since been read into the record of the US Senate hearings on the treaty. Other significant countries, such as Japan and the Netherlands, have stated an interpretation whereby the treaty must not impede the fullest possible development by non-nuclear countries of the peaceful applications of nuclear energy.

(D) *Safeguards*

(i) Cabinet attached importance to Australia's right to reject particular IAEA inspectors. IAEA documents give a country a right to reject individual inspectors but repeated rejection may be reported to the Board of Governors. The US Senate record quotes Mr Rusk as saying that the USA could reject a Russian inspector under IAEA practice.

(ii) The problem of industrial espionage was of some concern to Cabinet. At the UN debate on the treaty, of the countries likely to have similar interests to Australia, Japan and Canada appeared to the delegation not to consider the risk significant; South Africa made special reference to their fears in the debate; and a West German observer felt it was of major concern in fuel fabrication and processing. The United States and British delegations regarded the risk as insignificant or exaggerated. (However, these two nations are in a special position in that they have reserved the right to withhold from safeguards any activity affecting their security.)

(iii) Cabinet wished to ensure that the mining and refining of uranium (and thorium, from beach sands materials) would not be subject to safeguards, should Australia become a party to the treaty. Other delegations at the UN, specifically major uranium producers such as Canada and South Africa, took the same view as Australia. In its aide-memoire of 13th May, 1968 [...], the US stated that safeguards would be applied in accordance with the statute and safeguards system of the IAEA; and that the definitions of 'source material' in the statute 'specifically exclude mines or ore-processing plants from the definition of principal nuclear facilities'. The US Senate record states that 'IAEA practice does not involve the application of safeguards to uranium mines and ore-processing plants ... The non-proliferation treaty requires no change in this practice.' However, the question as to the point of application of safeguards is still under discussion in the IAEA.

(iv) The definitions of the terms 'special fissionable material' and 'source material' in article XX of the IAEA statute provide for the addition of such material 'as the Board of Governors shall from time to time determine'. Cabinet indicated that Australia would not necessarily accept future extensions of the scope of the IAEA safeguards system. The procedure for dealing with extensions to the definitions will presumably be fixed at the time of preparing the safeguards agreements to be concluded with IAEA under the treaty. The IAEA has already begun to consider this question [...].

(v) The US aide-memoire of 13th May, 1968, recalled the provision in article XII A(5) of the IAEA statute empowering the agency to accept on deposit nuclear material excess to a country's current needs. The aide-memoire pointed out that this

provision had never been implemented and that under the treaty national stockpiling of fissionable material was not prohibited, as long as safeguards were applied to it. The US considers that the stockpiling provision of the IAEA statute does not appear relevant to an NPT safeguards agreement.

[*matter omitted*]

(F) *Peaceful Nuclear Explosions*

Cabinet wished to ensure that nuclear explosives for peaceful purposes:

- (i) were not withheld for political or economic reasons;
- (ii) could be supplied on a bilateral basis;
- (iii) were under international surveillance which would be limited to safety aspects and to ensuring that the explosions would not further weapon developments.

[*matter omitted*]

(G) *Withdrawal*

The Australian statement in the United Nations General Assembly<sup>5</sup> stressed the need for the withdrawal provision. American officials informed us that the interpretation of this clause was left to parties to the treaty, and this view was reaffirmed publicly in the Senate hearings.

(H) *Proposed Security Council Resolution*

The Australian statement in the United Nations General Assembly debate stressed the importance of the reaffirmation of the right to individual and collective self-defence. It said that Australia relied upon mutual security arrangements as the firm basis of its security. During the Senate hearing, the chairman of the US Joint Chiefs of Staff, General Wheeler, said that the JCS believed that any international agreement on the control of nuclear weapons must not operate to the disadvantage of the US and its allies. Further it must not disrupt any existing defence alliances in which the US was pledged to help in protecting the political independence and territorial integrity of other countries.

[*matter omitted*]

(c) *Remaining problems*

9. It is considered that three main grounds of concern remain for Australia in regard to the treaty:

- (a) The degree of support that it attracts from the important countries in the Asian region and the so-called 'near-nuclear' countries.
- (b) The precise nature of the safeguards agreements to be negotiated between non-nuclear parties to the treaty and the IAEA.
- (c) The precise nature of the machinery for the implementation of article V, dealing with peaceful nuclear explosions.

[*matter omitted*]

[NAA: A1838, TS919/10/5 part 20]

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5 See Document 139.

## 158 COMMENTS BY MOTT ON PAPER BY JOINT INTELLIGENCE COMMITTEE

Canberra, 27 May 1969

SECRET

### JIC (AUST) (69) 51: Comments on Nuclear Aspects

[*matter omitted*]

It is difficult, if not impossible, to conceive of a conflict between new nuclear powers that would not involve the super-powers. One of the concepts underlying the NPT is that *any* nuclear outbreak, *anywhere* would constitute a threat to the security of the major powers and their allies. The USA and the USSR, therefore, are concerned that there should be no such outbreak, the possibility of which increases in proportion with the number of nuclear powers.

It is perhaps not desirable to place too much emphasis on the security assurances associated with the NPT as a prime determinant of the success or failure of the treaty. [*matter omitted*] For countries like Australia, existing alliance commitments constitute a much stronger assurance of security than do the NPT security assurances, which are intended mainly for the non-aligned parties to the treaty.

#### *Global Problems and Developments of Significance to Australia*

[*matter omitted*]

It might be better not to make too much of the possibility of doing weapons work legitimately under the treaty as a reason why it might not be effective. The Department of Defence has had a prime interest in establishing the extent to which the lead time for the production of weapons could be reduced legitimately under the treaty. It considers this a vital Australian interest. In the normal course of events, anyway, with or without the treaty, as countries develop their nuclear technology they will advance into fields that could have application to nuclear weapons. This is an acceptable concomitant of a developing nuclear capability.

If the treaty is to foster the peaceful uses of nuclear energy, which is one of its prime aims, it will be essential that states should have the right to carry out a good deal of work that could have a dual application—to weapons or to peaceful uses. If this were forbidden or prevented, the treaty would not succeed. Two minor points: this treaty does not prevent nuclear testing, but the partial test ban treaty does, in all environments except underground; and withdrawal from the treaty is not as simple an affair as made out. In practice, withdrawal would be likely to attract strong international pressure upon the country in question. In any case, it is likely that the safeguards agreements and national intelligence systems would give considerable warning of breaches of treaty obligations.

It is certainly valid to argue that the treaty may not constitute an effective barrier to proliferation. It will only be as effective as nations wish to make it, and here only time will tell. But it offers considerably more hope than no treaty at all.

[*matter omitted*]

[NAA: A1838, TS919/10/5 part 20]

**159 CABLEGRAM FROM DEPARTMENT OF EXTERNAL AFFAIRS TO  
EMBASSY IN MOSCOW**

Canberra, 8 July 1969

257.

For your information.

The following are extracts from notes of an address by the Minister for Defence<sup>1</sup> to a conference of Liberal Party candidates in Sydney on 7th July 1969.

Full text with some background follow by bag.

*Begins:*

‘Our military thinking at this time is dominated by the United Kingdom’s forthcoming withdrawal from South East Asia. But this is part of a historic process. It follows upon the end of the colonial era which has seen the emergence, in our part of the world, of new nationalism spread across Asia. It has also brought the emergence of a new China—communist, militant, aggressive.

True, the rest of the world is not standing still. In Europe, the Soviet Union has, in recent years, captured both Hungary and Czechoslovakia with no effective protest from the western world. Indeed, Russia adds constant provocation over many issues.

Russia’s growing interest in the Indian Ocean and South East Asia—to say nothing of the Middle East—adds to the dangers of that particular situation. Meantime, the balance of terror between present nuclear powers is threatened by China’s developments in that field, while she continues to foster revolution, particularly in under-developed countries.

It is fortunate for the free world that the United States has assumed—even with some reluctance—the burden of counter-balancing communist expansion around the world, aided only in any substantial way by a somewhat disunited Europe.

The withdrawal of the United Kingdom into Europe is, in itself, a facet of Europe’s growing concentration on its own affairs and disinterest in what is happening elsewhere. This situation invites us to take the distant view of Europe and to concentrate our attention, militarily and politically, in South East Asia as our immediate sphere of interest.

It goes without saying that Australia’s strategic position is kept under constant review. However, two matters—the impending withdrawal of the U.K. from South East Asia, and developments in Vietnam and their possible effect on the United States’ attitude to continued Asian involvement—have obliged the government to make a strategic study of something more than the ordinary depth, despite the unknowns and uncertainties which affect the South East Asian situation.

*[matter omitted]*

China’s numbers continue to grow, as does her industrial and military competence. She is already a nuclear power, is reaching for the means of delivery to back her support for communist revolutionary movements around the world, her stance is aggressive and threatening’.

*[matter omitted]*

[NAA: A1838, TS919/10/5 part 20]

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1 Allen Fairhall.

**160 NOTE FROM SHANN TO BOOKER**

Canberra, 10 February 1970

**Non-Proliferation Treaty**

Mr Thomas of the Atomic Energy Commission telephoned me this afternoon. The Commission, as you know, has always had difficulty in sorting out who is responsible for what in the atomic energy field in this Department.

2. He informed me as follows:

(1) The full Commission met yesterday afternoon and instructed Thomas to call me today in order to inform the Department that the Commission felt that the time was appropriate and strongly urged that Australia should sign the Nuclear Non-Proliferation Treaty.

*[matter omitted]*

(3) In signing Australia should enter certain reservations and its draft in this regard will be sent to the Department tomorrow morning by special delivery. (I told Thomas that this communication should be addressed to you and I asked him what sort of reservations the Commission had in mind. He says that the reservations collected together everybody else's reservations and add a few of their own.)

(4) The Commission is strongly of the view that Australia should sign the Treaty before the 24th February.

(5) They believe that this course will help the position of Australia generally, both in the political field and in the international atomic energy field.

(6) While I do not think that Thomas would wish to be quoted on this, he said that the Commissioners had strongly in their minds the possibility that signing the Treaty would be of considerable assistance over the next few months in the negotiations that are going to take place with a number of countries over tenders for the Atomic Power Station at Jervis Bay.<sup>1</sup>

[NAA: A1838, TS919/10/5 part 21]

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<sup>1</sup> On 8 October 1969, Gorton had announced the Australian Government's decision to construct Australia's first nuclear power station at Jervis Bay.

**161 SUBMISSION FROM CORKERY<sup>1</sup> TO MCMAHON<sup>2</sup>**

Canberra, 29 April 1970

CONFIDENTIAL

**NPT Safeguards**

This submission seeks your approval for the transmission to the International Atomic Energy Agency (IAEA) of the attached working paper<sup>3</sup> giving Australian views as to the implications of the treaty on the non-proliferation of nuclear weapons for the Agency's safeguards system.

2. This requirement arises from a resolution of 2nd April of the IAEA's Board of Governors, which invites member states to give their views on NPT safeguards by 1st May. It is the first step in what undoubtedly will be a long process.

3. The attached paper has been agreed between the Departments of External Affairs and National Development, the Prime Minister's Department and the Australian Atomic Energy Commission. It is cautiously phrased, with the objective of presenting general and somewhat tentative views in a manner that would give us room for manoeuvre, depending upon the direction of the discussion in Vienna. It accords in spirit with our departmental interpretation of the statement the Government made on signing the non-proliferation treaty on 27th February last,<sup>4</sup> which is that Australia took this step in good faith and will try to secure understandings in regard to its residual grounds for concern with the treaty that will enable us to ratify it in due course.

[*matter omitted*]

5. The core of the paper is the recommendation in paragraph 5(c) that treaty safeguards should concentrate on those nuclear materials and facilities from which the illicit manufacture of nuclear explosives would otherwise be a credible operation: this suggestion would limit the scope of safeguards under the treaty but would not detract from their effectiveness. It might attract opposition from the U.S.A. and the U.S.S.R., which favour the translation of the existing wider-ranging agency safeguards system into the safeguards agreements under the treaty. However, it might gain support from certain near-nuclear nations that share Australia's interests in regard to the nature of treaty safeguards. We hope that it will result in the negotiation of a safeguards system that is effective, acceptable and economical to operate. In any case, the presentation of a paper is, as already mentioned, the first step only in the process of discussion about safeguards. There will therefore be opportunities to adjust our position and posture in the light of developments.

[*matter omitted*]

[NAA: A1838, 719/10/6 part 10]

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1 Laurence Corkery, Acting First Assistant Secretary, Division III, Department of External Affairs.

2 William McMahon, Minister for External Affairs.

3 The working paper was transmitted to the Embassy in Vienna by cablegram 503 on 30 April.

4 By decision 141 of 18 February 1970, Cabinet 'decided that Australia should take the step of signing the Treaty before it comes into force—but on the understanding that signature does not in any sense commit the Government to ratification, and on the further understanding that it would not propose to ratify until such time as the difficulties it now has with the Treaty are resolved to its satisfaction'. Australia's diplomatic representatives in London, Washington and Moscow signed the treaty on behalf of Australia on 27 February 1970. The full text of the accompanying statements by Gorton and McMahon are given in *Current Notes*, vol. 41, 1970, pp. 70–1.

**162 NOTE BY EKLUND<sup>1</sup>**

Geneva, 15 May 1970

RESTRICTED

**The Views of Member States<sup>2</sup>**

[*matter omitted*]

**I. Australia**

30 April 1970

[*matter omitted*]

‘3. The following considerations are most pressing for the Agency in formulating safeguards under Article III of the Treaty.

(a) Under the Treaty the task of safeguards is for the exclusive purpose of verifying fulfilment of the obligations assumed by non-nuclear-weapons States party to the Treaty with a view to prevent diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices;

(b) The present system of Agency safeguards as applied under the Statute and as described in the Agency document, ‘The Agency’s Safeguards System (1965, as Provisionally Extended in 1966 and 1968)’, issued on 16 September 1968, would not appear to offer a satisfactory basis for safeguards under the Treaty. Article III.A.5 of the Statute states that the Agency is authorized to establish and administer safeguards to ensure that materials, equipment etc. are not used in such a way as to further any military purpose. This contrasts with (a) above: the Treaty therefore involves an important exception to the Statute;

(c) The safeguards procedures to be applied by the Agency under the Treaty must be effective and generally acceptable;

(d) A serious burden will be placed on the Agency’s financial and technical resources. Therefore, safeguards under Article III of the Treaty must take this into account;

[*matter omitted*]

(f) An unbalanced allocation of the Agency’s funds and personnel to Treaty safeguards would lead to a diminution of the other major roles of the Agency in the promotion of the peaceful uses of nuclear energy, particularly in their application to developing countries;

(g) It is believed that a convenient and practical procedure would be for the Agency to develop a standard type of Safeguards Agreement applicable so far as appropriate to non-nuclear-weapons States under the Treaty. Such an agreement must legally conform to both the Non-Proliferation Treaty and the Statute of the Agency. [*matter omitted*]

‘4. In considering the task facing the Agency as outlined above an acceptable solution can be achieved if:

(a) The application of safeguards under the Treaty is strictly limited to preventing the diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices, as required by Article III;

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<sup>1</sup> Sigvard Eklund, Director General, IAEA.

<sup>2</sup> The IAEA board had invited member states to communicate to the IAEA Secretary-General their views on the implications of the nuclear non-proliferation treaty on the IAEA’s activities in relation to safeguards.



(b) Provisions are made to exclude from safeguards under the Treaty the safeguarding of ores containing nuclear materials, minerals, mines and activities related to the extraction or concentration of nuclear materials;

(c) Safeguards under the Treaty are applied in a manner such that the safeguards system concentrated on those nuclear materials and facilities from which the illicit manufacture of nuclear explosives would otherwise be a credible operation. It would follow that large quantities of source materials and nuclear materials containing low concentrations of fissionable isotopes need not be subjected to surveillance, thereby substantially decreasing the requirements for scientific and technical manpower as well as costs whilst maintaining effective control. The Agency would of necessity in this approach need to set carefully the levels of fissionable isotope content in the nuclear materials of concern, taking into account the various possible forms and conditions of the materials. Nuclear power reactors in themselves are a less likely place for a diversion of fissionable material to occur than other places in the nuclear fuel cycle.

[*matter omitted*]

‘5. In sum, safeguards as applied under Article III of the Treaty should be uniform, non-discriminatory, acceptable, and not unnecessarily burdensome or intrusive, free from any industrial espionage, economic in application and effective in preventing diversion of fissionable materials to the illicit manufacture of explosive nuclear devices. It is considered that a safeguards system based on the principles outlined above would effectively achieve the objectives of the Treaty.’

[NAA: A1838, 719/10/6 part 10]

## **163 BRIEF FOR AUSTRALIAN DELEGATION TO IAEA SAFEGUARDS COMMITTEE<sup>1</sup>**

Canberra, 11 June 1970

CONFIDENTIAL

### **Summary of Principles**

The brief for the delegation to the Safeguards Committee meeting on 12th June, 1970, is the approved Working Paper submitted by the Australian Government to the Director-General on 1st May.<sup>2</sup> However, the following consists of a ‘Summary of Principles’ which the delegation may keep at hand for reference and discussion purposes in the course of the meetings. In the main the principles stated are already incorporated in the approved brief. Tactically, care is to be taken in the use of these principles and in the reference to them as reflecting the Australian Government position on the issues involved.

1. Safeguards shall be for the sole purpose of verifying within non-nuclear weapon States party to the Treaty, that nuclear material is not diverted from peaceful uses to nuclear weapons or other nuclear explosive devices.
2. The safeguards procedures to be applied by the Agency under the Treaty must be effective and generally acceptable.

<sup>1</sup> The brief was sent to the Embassy in Vienna by bag and to the AAEC in Sydney by teleprinter message.

<sup>2</sup> See Document 162.

3. The safeguards agreements should not be discriminatory either as between individual States or between groups of States on the one hand and individual States on the other.
4. Safeguards shall be applied, and safeguards inspectors shall have access to, only those nuclear materials and facilities which are being used by the non-nuclear weapon State party to the Treaty for peaceful purposes under the jurisdiction of the State and have been so designated by the State to the Agency.
5. Non-nuclear weapon States party to the Treaty shall have the right to reject particular inspectors at any time and without giving reasons for such rejections.
6. Safeguards shall not be applied to ores containing nuclear materials, minerals, mines and activities related to the extraction or concentration of nuclear materials.
7. Safeguards shall not be applied to uranium enriched to less than X percent in uranium-235 or to less than Y percent uranium-233, nor to plutonium containing more than Z percent of plutonium-240, nor to plant, equipment or facilities which contain, process, produce or use such material. *Note:* Percentages above to be determined by technical experts.
8. Special provisions shall be included in the Agency's safeguards system to provide a strong deterrent to industrial or commercial espionage. Design information or access to facilities shall not be provided where a non-nuclear weapon State party to the Treaty considers such information or access would injure its commercial interests; in these circumstances, safeguards shall be applied as necessary to the input and output of nuclear material in the facilities concerned.
9. The costs of applying safeguards to non-nuclear weapon States party to the Treaty shall be borne by the regular budget of the Agency. Non-nuclear weapon States shall not be required to meet any costs additional to those deemed necessary by them for their own national purposes.
10. There should be continuing research into safeguards with a view to simplifying the safeguards process to the greatest degree possible, and achieving economy.
11. Safeguards shall be applied to nuclear weapon States party to the Treaty under arrangements to be negotiated separately from safeguards for non-nuclear weapon States. The costs of applying safeguards in nuclear weapon States shall not be borne by the regular budget nor by non-nuclear weapon States. *Note:* In making these points there should be no suggestion that Australia does not support the application of safeguards to nuclear weapon States.

[NAA: A1838, 719/10/6 part 10]

**164 STATEMENT BY BAXTER TO IAEA SAFEGUARDS COMMITTEE**

Vienna, 12 June 1970

May I associate the Australian Delegation with the expressions of good will made by earlier speakers.

1. Australia has made it quite clear, from its intervention in the General Assembly on the Nuclear Treaty, and on other occasions, through the document it provided for this committee, that it desires to see an effective, economical and acceptable treaty.

2. In noting the very significant number of states possessing some nuclear capability, or the potential to develop such capability, which have not signed, or if they have signed have not ratified the treaty, Australia feels that, among the no doubt many reasons for withholding their support, concern about the safeguards system which might be adopted, must occupy a prominent place.

3. Australia is one of those nations.

[*matter omitted*]

6. I have said we wish to see a treaty which is effective, economical and acceptable. These factors are not unrelated, indeed they are so closely related as to make their separate discussion difficult.

7. We believe the objective of the treaty is to prevent—so far as the matters within the compass of the treaty can—a nuclear war. In the sense of non-proliferation, it is to prevent the emergence of another nuclear power, which would obviously increase, in some proportion, the existing dangers of nuclear war.

8. The Treaty provides protection against proliferation, firstly by the undertakings given in Article I, which are not subject to verification, and secondly by the undertakings of non-weapon powers in Article III, part of which only are subject to verification, as laid down in Article III. The parts which are subject to verification are the undertakings not to divert fissionable material, from *peaceful uses* to the production of explosive devices. The possible diversion of fissionable materials from non-explosive military uses, which uses are completely permissible, to nuclear explosives, is banned by the undertaking given in Article II, but it is not subject to verification.

[*matter omitted*]

15. In safeguarding for Article III of the treaty we are concerned with one area of risk only, namely the risk of fissionable material being diverted to nuclear explosives, from such material in the peaceful operations of non-weapon powers. This is a worthwhile objective, but the protection it affords to the world should be related to the other risks of proliferation with which we in the Agency, are not in any way involved. Some of these risks are:

1. That diversion will take place from the stockpiles of weapon states, either by deliberate breach of undertakings in Article I, or by theft or carelessness contrary to the intentions of the weapon power concerned. The highly concentrated material in these stocks would be the first target of any organization trying to acquire a few black market bombs. I saw it stated the other day that there are seven thousand critical masses in military hands in Europe. Whatever may be one's confidence in the incorruptibility and care of the military, based on their historical performance, this is one risk which must be taken into account.

2. The second risk is that diversion may take place from fissionable material in military non-explosive uses in non-weapon states. All that I have just said about weapon states applies here, except that at present the amount of material at risk is less, though it will increase in the future to substantial proportions.

3. The third risk is diversion from peaceful uses in weapon states. Although it has been suggested in certain cases that the Agency should safeguard the material we believe the Agency should weigh very carefully the arguments against doing this. Weapon powers obviously will do their best to safeguard these materials, and will I imagine do it as thoroughly as anyone can, but the fact that large amounts of fissionable material are involved constitutes another contribution to the overall risk.

4. The fourth risk is that a non-weapon power can and generally will under the treaty, acquire with the growth of its nuclear power industry substantial amounts of special fissionable material in concentrated form. Such countries will always be able under Article X of the treaty to withdraw from their obligations, and three months later make nuclear weapons.

16. I do not list these risks with the idea of belittling the importance of the task entrusted to the Agency, but to suggest that the target for the effectiveness of the Agency's scheme should be related to the other real risks about which the Agency may do nothing.

17. There is little point, in dealing with a leaky dam in stopping one small hole in a very complete and impressive way, if a number of much larger holes are left unattended.

18. It is therefore necessary I believe for this Committee to consider the important question of 'Acceptable Risk'. No system is 100% perfect, and to go for say 90% to 95% may cost ten times what is involved in reaching 90%.

19. I suggest for discussion that our concept of acceptable risk should admit that occasionally somewhere, someone will produce a nuclear explosive device using material diverted from the areas with which we are concerned. They may detonate it and it will be very unpleasant for those involved, but it will not have produced a new weapon power; nor will it start a nuclear war, unless the powers which have weapons are bent upon it. It will create a situation with which the world will then have to deal, but it will not be a major catastrophe.

[matter omitted]

31. It is therefore reasonable to start by considering those materials from which nuclear explosive devices may readily be made.

32. These materials are firstly uranium 235 above some concentration of X%, where X is a figure to be determined by international agreement; secondly uranium 233 of a concentration above Y%, where Y is a figure to be determined, and where in each case the remaining material is substantially uranium 238; thirdly plutonium 239, other than plutonium contained in unprocessed irradiated convertor reactor fuel elements. To these must be added any of those fissionable materials in any concentration where the other constituent is different chemically, making a simple separation possible. Materials of this sort, in the nuclear power industry are produced in:

- (a) Isotope separation plants
- (b) Chemical processing plants

It is here we believe that safeguards should start.

[matter omitted]

42. The picture this leads to is as follows:

- (a) *Uranium mines and concentration plants*

No safeguarding required on natural uranium, production or movement within the country.

(b) *Fuel manufacturing plants (uranium fuel)*

No safeguarding required provided no uranium of  $>X\%$  fissionable content is being processed.

(c) *Fuel manufacturing plants (highly enriched uranium)*

To be safeguarded.

(d) *Isotope enrichment plants (diffusion or centrifuge)*

Two cases can exist here. An enrichment plant could be set up to produce low enrichment  $<X\%$  fissionable uranium. Depending upon its design, it could be impossible to produce high enrichment material, and in such a case safeguarding might not be necessary. Regular visits to insure the plant had not been altered would be required. For plants capable of producing high enrichment,  $>X\%$  fissionable uranium, safeguarding would be required. A plant of the second kind, might operate to produce as well low enrichment material. This, after checking, could be released from safeguarding as it left the plant, en route to a fuel fabrication plant.

(e) *Converter power stations (uranium fuelled)*

These stations operating on natural or low enrichment fuel would not require safeguarding.

(f) *Fast reactor power stations*

Safeguarding of certain types of fuel and possibly the whole system will be required. Details can only be worked out when the accepted pattern of fast reactors is determined. These devices are still experimental and the final designs and methods of operation are not yet available.

(g) *Research and development reactors (various types)*

Each will require consideration as a special case to which the general principles can be applied.

(h) *Chemical processing plants*

These plants are generally going to recover concentrated plutonium, and in a few cases highly enriched uranium. They will need to be safeguarded.

(i) *Plutonium storages*

In many cases recovered plutonium will be stored before reuse, and considerable stocks may be held. These will be safeguarded.

(j) *Fuel manufacturing plants (plutonium fuel)*

These plants, incorporating plutonium into fuel elements containing fertile or other materials will need to be safeguarded as the separation of these materials is a comparatively simple process.

(k) *Converter power stations using plutonium recycle*

Fuel supplies to these plants will need safeguarding up to the point where they have been inserted in the reactor. Fuel will be held in a bonded store and its insertion in the reactor checked or observed on an agreed schedule. The remainder of the plant's operations will not require safeguarding.

(l) We see no objection to the normal commercial operating records of the plants which are not safeguarded being available for examination by the Agency from time to time, should the Agency think the circumstances warranted it.

43. Consideration of this list may give the impression that a large part of the industry will be under safeguards and that little cost will have been saved. This is not so. There will be a large number of uranium mines and concentration plants, and of nuclear power stations and these are not safeguarded, while the number of safeguarded isotope and chemical separation plants

will be quite small, in many countries one of each. Even in a large nuclear industry there will only be a few installations where continuous safeguarding will be required. As the industry grows and more power stations are constructed, the number of safeguarded areas will change only slowly, the units will become larger with bigger throughput, but the safeguarding task will be much the same.

44. It is believed that the principle of safeguarding only those installations where material is produced which can readily be made into explosive devices can achieve the objectives of the Nuclear Proliferation Treaty.

*[matter omitted]*

47. I have already referred to the problem of industrial espionage. This is important and will become much more important in the future as the non-weapon states become major innovators in nuclear technology. The proposed design reviews, and subsequent access by inspectors to operating equipment are likely to be unacceptable, where new and commercially secret operations are being conducted. The development of the centrifuge would be a good example.

*[matter omitted]*

48. It is assumed by Australia that safeguards under the treaty will be applied on the basis of declarations by non-nuclear weapon states party to the treaty, of nuclear materials in peaceful uses which require safeguarding and which are in their possession at the time when those states conclude a safeguards agreement with the Agency. It is also assumed that the inventory of these items would be amended from time to time by subsequent declarations on the part of the state concerned, in relation to any changes in the quantities or types of materials or facilities, after the conclusion of the mutual agreement. We take the view therefore, that the Agency and safeguards inspectors will not have the right to traverse the territory of states party to the treaty or to have access to any materials, facilities, places and persons not involved in the inventory. This would mean that inspectors would not have the right, for example, to surveillance of defence installations.

*[matter omitted]*

56. A very important point of the Committee's work will relate to the question of agreements with groups of states. The idea of safeguarding within regional groups is attractive in many ways. We would therefore like to see the Committee give early attention to its possible agreement with Euratom. Principles established here could have far reaching consequences, and perhaps lead to other regional arrangements of great benefit to the task.

57. Australia looks forward to contributing to the work of the Committee and in helping to bring its deliberations to a successful conclusion.

Thank you Chairman.

[NAA: A1838, 719/10/6 part 10]

## 165 BRIEFING BACKGROUND PAPER FOR AUSTRALIAN DELEGATION TO IAEA SAFEGUARDS COMMITTEE<sup>1</sup>

Canberra, 17 June 1970

CONFIDENTIAL

[*matter omitted*]

The task of administering safeguards under the NPT is quite different from the original concept under the Statute, though it is to be recognised that some of the countries do not take the view that administering the NPT safeguards is going to be 'quite different' from the original concept. Based on the Statute, the Agency has built up a system of inspection and audit which it applies in those cases where countries supplying nuclear materials, equipment or services to other countries, have made this a condition of supply, or where countries have voluntarily invited the application of such safeguards to their nuclear activities. The system is highly detailed and follows all source and special fissionable materials, even in quite small quantities, for all time.

The safeguarding task of the Agency is at present a very small one in comparison with the task facing it under the NPT. It involves the Agency only in the safeguarding of activities which it has been invited to safeguard. These are a very small part of the present total nuclear activities of the world, which will grow at a great rate. In seeking to decide what safeguarding is necessary under the NPT, the present Agency safeguards system should be used only to the extent that it is relevant to the aims of the Treaty which, in relation to safeguards, are to prevent 'diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices'.

The present Agency safeguards philosophy, if it were applied to the expanding nuclear industries in most countries and to all source and special fissionable material as well as to facilities, could produce in the next twenty years a situation in which its costs could be extremely high and its efficiency would probably be low. The present safeguards system in such circumstances may not fully achieve its purposes.

[*matter omitted*]

### *Safeguards for Euratom*

The soundness of the above principles with regard to an adequate national system and a regional system and their possible relevance to NPT safeguards needs to be recognised. Euratom is a prime example and emphasis should be placed on the need for an early solution to the IAEA Euratom safeguards question.

It is felt that it would be advisable for the Safeguards Committee to begin with the question of the application of safeguards to Euratom. Australia's view, conveyed to the Agency's Director-General, is that safeguards under Article III of the Treaty should be uniform and non-discriminatory. It is known, of course, that Japan takes the view that all States or groups of States Party to the Treaty should sign a basically similar agreement, the underlying principle of which would be that inspection would be a verification of the safeguards system of a State or group of States. It would be desirable to support this view of the Japanese and to enlist the support of any other like minded countries.

[NAA: A1838, 719/10/6 part 10]

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1 The memorandum conveyed a background paper for the Australian delegation to the June 1970 meetings of the IAEA to accompany and amplify references in the approved Australian working paper submitted to the Director General.

**166 NOTE BY DEPARTMENT OF FOREIGN AFFAIRS**

Canberra, [January] 1971

**Signatories to the Treaty on the Non-Proliferation of Nuclear Weapons**

Up to 5th March, 1970, the day the treaty came into force, the following 97 governments had signed it in one or more capitals on the date indicated. The list is complete since, with entry into force of the treaty, it is no longer open to countries to sign it. They can now only accede.

United Kingdom	1 July 1968	Laos	"
U.S.S.R.	"	Lebanon	"
U.S.A.	"	Liberia	"
Afghanistan	"	Malaysia	"
Austria	"	Mauritius	"
Barbados	"	Mongolia	"
Bolivia	"	Morocco	"
Botswana	"	Nepal	"
Bulgaria	"	New Zealand	"
Ceylon	"	Nicaragua	"
Chad	"	Nigeria	"
China, Republic of	"	Norway	"
Colombia	"	Panama	"
Costa Rica	"	Paraguay	"
Cyprus	"	Peru	"
Czechoslovakia	"	Philippines	"
Dahomey	"	Poland	"
Denmark	"	Roumania	"
Dominican Republic	"	San Marino	"
El Salvador	"	Senegal	"
Finland	"	Somalia	"
Ghana	"	Syria	"
Greece	"	Togo	"
Haiti	"	Tunisia	"
Honduras	"	United Arab Republic	"
Hungary	"	Uruguay	"
Iceland	"	Venezuela	"
Iran	"	Vietnam, Republic of	"
Iraq	"	Ecuador	9 July 1968
Ireland	"	Lesotho	"
Ivory Coast	"	Jordan	10 July 1968
Kenya	"	Yugoslavia	"
Korea, Republic of	"	Cameroon	17 July 1968



Libya	18 July 1968	Southern Yemen	14 Nov 1968
Congo (Kinshasa)	22 July 1968	Upper Volta	25 Nov 1968
Canada	23 July 1968	Sudan	24 Dec 1968
Mexico	26 July 1968	Italy	28 Jan 1969
Guatemala	"	Turkey	"
Luxembourg	14 Aug 1968	Jamaica	14 Apr 1969
Kuwait	15 Aug 1968	Malta	17 Apr 1969
Sweden	19 Aug 1968	Swaziland	24 June 1969
Belgium	20 Aug 1968	Mali	14 July 1969
Netherlands	"	Switzerland	27 Nov 1969
Trinidad & Tobago	22 Aug 1968	Germany, Federal	28 Nov 1969
Malagasy Republic	"	Republic of	
The Gambia	5 Sep 1968	Japan	3 Feb 1970
Ethiopia	"	Singapore	5 Feb 1970
Maldives Islands	11 Sep 1968	Australia	27 Feb 1970
Yemen	23 Sep 1968	Indonesia	2 Mar 1970

(The East German authorities also signed the treaty in Moscow on 1st July, 1968)

[NAA: A1838, 919/10/5 part 33]

## 167 RECORD OF CONVERSATION BETWEEN DEPARTMENT OF FOREIGN AFFAIRS AND AAEC OFFICIALS

Canberra, 9 March 1971

SECRET

Record of Conversation with Sir Philip Baxter, K.B.E., C.M.G., Chairman, and Mr. T.F.B. Macadie of the Atomic Energy Commission

Officers Present: Sir Keith Waller,<sup>1</sup> Mr. K.C.O. Shann, Dr. J.W.C. Cumes,<sup>2</sup> Mr. P.J. Flood<sup>3</sup>

### Atomic Energy Matters

#### *Safeguards and N.P.T.*

After mentioning that the Commission would like an inter-departmental meeting convened shortly to assess the position on safeguards, Sir Philip Baxter commented that little real progress was being made in the current IAEA discussions on the safeguards financing issue. He added that, leaving aside conditions other than safeguards, the safeguards provisos specified in Australia's statement when the Government signed the Non-Proliferation Treaty were not being met. The Commission remained of the opinion that it was not in Australia's interests to ratify the Treaty. Australia's position of some aloofness towards the Treaty had not, in his view, diminished in any way the interest of potential customers in Australia's uranium.

1 Secretary, Department of Foreign Affairs.

2 First Assistant Secretary, International Organisations Division, Department of Foreign Affairs.

3 Assistant Secretary, Economic Policy Branch, Department of Foreign Affairs.

The Secretary agreed that Foreign Affairs would convene an inter-departmental meeting as soon as possible after Mr. Timbs' return to Australia and the receipt of sufficient documentation to enable an inter-departmental meeting to do useful business.

### *Uranium Resources*

2. Sir Philip Baxter said it was now certain that Australia had massive uranium reserves. Although several years of exploration would be required before an assured figure could be placed on the Nabarlek and Ranger I deposits in the Northern Territory and the recent discoveries in South Australia, he expected the total reserves might be as high as 300,000 short tons of U308. This would put Australia in the first three in the world, with Canada and South Africa. Present known reserves in Western countries, excluding Australia, were about 900,000 tons.

3. New discoveries might well disclose that Australia had the world's largest reserves of uranium and this would have far-reaching commercial as well as strategic implications. By the year 2000 enriched uranium could become Australia's largest single item of export revenue. He estimated possible accumulated export earnings as \$15 billion, or about \$1 billion p.a. as from the late 1980's and throughout the 1990's. In reply to questions Sir Philip Baxter said these projections envisaged that present known deposits would be used by about 1990, i.e. he was assuming that there would be substantial new discoveries or that reserves in existing deposits would be proven to be much larger than at present.

4. Recent developments in uranium discoveries were such that, in the Commission's view, the Government would have to consider the creation of a nuclear-fuels corporation. This might need to be formed before 1975/76 when production of yellowcake from Nabarlek could be expected. A corporation, in which the Government might have a 51% share, would be able to assure the orderly development of uranium resources and avoid what he described as the present disorderly exploitation of Australia's iron ore resources. Creation of a single corporation would also reflect the reality that, in the future, uranium would be sold only between Governments. The Chairman referred to the existence of similar authorities in the U.S., Britain, South Africa and Japan.

### *Enrichment*

5. Sir Philip Baxter went on to say that doubts about America's ability to meet other countries' needs for enriched uranium raised the question of whether there should be investment in an enrichment plant in Australia. He discussed briefly the tripartite Britain/Germany/Netherlands company to develop the centrifuge process and also the announcement by South African authorities last year of a new process different from the gas diffusion and gas centrifuge methods.<sup>4</sup> While very little information about the South African process had been released, he was convinced that the claims made were genuine. He later added that he accepted the claims about the feasibility of the process, but the economics remained to be assessed.

6. An enrichment plant in Australia would involve a total investment of about \$1 billion. This could only be contemplated as a joint venture with other countries and indeed Australia would have to think of development in conjunction with likely customers for the final product; the total investment had to be seen against the figures he had quoted for potential export revenue. Sir Philip said the demand for enriched uranium would expand particularly from the early 1980's; since it would take 5–6 years to construct a plant decision would have to be taken about 1974. Meanwhile the Commission hoped to have ready for consideration by Ministers in about a year a proposal for a pilot centrifuge plant. This was an essential step to making firm

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4 A reference to Urenco, a nuclear fuel company operating uranium enrichment plants in the United Kingdom, the Netherlands and Germany.

estimates of the commercial potential of this enrichment process. He expected that the pilot plant might cost only \$15 million. (He mentioned that, unlike the larger plant which would produce low enrichment, the small pilot plant could produce highly enriched uranium; this would, he said, leave open a future option on the production of nuclear weapons.)

7. In reply to questions about whether Australia would really have the competitive edge to establish a profitable market, Sir Philip Baxter said that the present cost of a unit of enrichment in the United States was about \$28 and the price was likely to rise to \$30 due to the decision of the Tennessee Valley Authority to increase its power charges. Further escalation of U.S. costs must be expected. He estimated that costs in Australia would be below these U.S. costs. He made the point that countries establishing enrichment plants should, to be competitive, have substantial supplies of uranium and low power costs. Only three countries really satisfied these criteria at the moment: Canada, South Africa and Australia. South Africa was at a disadvantage for political reasons. Belgium had had a 'hare-brained idea' that an enrichment plant might be established in the Congo but the political risks to investment were too great. So Australia and Canada were really the two countries which put themselves forward most clearly as locations for enrichment plants. In answer to the Secretary's query Sir Philip Baxter said Australian electricity costs, at the power station, and ignoring rural distribution costs, were well below United States costs and those in most other parts of the world. For example, based on N.S.W. black coal, unit costs for electricity at the power station were now 3.5 mills per KWh. The Commission had even seen estimates that costs might be brought as low as 2.8 mills but it did not accept these as realistic. In the United States, for new non-nuclear power stations, the costs were as high as 7.0 m. per KWh.

#### *Bilateral Consultations*

8. Finally Sir Philip Baxter said he wished to mention to the Department that the Commission proposed to engage in further consultations with the French, British, Americans, South Africans, Japanese and others. These would be focussed on the issue of the most economic technology for enrichment. The Secretary referred to the need for Ministers to know about this. Sir Philip Baxter said that the submission to Cabinet on the Jervis Bay reactor by the Minister for National Development<sup>5</sup> included a reference to these proposed consultations.<sup>6</sup> In those instances where Australia had co-operation agreements (e.g. U.S., Britain, Canada and France) there was already general provision for consultation. In respect of South Africa, Sir Philip said that he too had some doubt about how far there was scope for co-operation. The Chairman of the South African Atomic Energy Commission, together with some technicians, would be visiting Australia next month. He said that this would fit into a pattern of two-way visits which had developed over the years and that no publicity would be given to it.

[NAA: A1838, 919/10/5 part 33]

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<sup>5</sup> Reginald Swartz.

<sup>6</sup> See note 1 to Document 160.

## 168 MINUTE FROM DAN<sup>1</sup> TO CUMES, EASTMAN,<sup>2</sup> PETHERBRIDGE,<sup>3</sup> COOK<sup>4</sup> AND FLOOD

Canberra, 26 March 1971

### NPT: Developments since the Treaty's Entry into Force

SECRET

#### *Background*

The Treaty on the Non-Proliferation of Nuclear Weapons entered into force on 5th March, 1970. Australia signed the Treaty on 27th February, 1970 (and was the 97th of 98 countries which had done so before the treaty entered into force). At that time we circulated to other governments a statement setting out matters that would have to be resolved before Australia could proceed to ratification (the text of this statement is attached).<sup>5</sup> Earlier, on 18th February, 1970, the day Cabinet decided on signature, the Prime Minister made a statement announcing the Government's decision.<sup>6</sup>

2. The Prime Minister's statement said inter alia that the decision to sign was an expression of the Government's earnest hope that a fully satisfactory treaty could be achieved, and of its desire to help such an achievement. He added that the decision to sign was not to be taken as a decision to ratify.

3. These statements said inter alia that the Australian Government:

- (i) believed that a condition of an effective treaty was that it should attract a necessary degree of support;
- (ii) attached importance to the fact that the Treaty would in no way inhibit the research, development and use of nuclear explosions for peaceful purposes. It also considered it essential that the inspection and safeguards arrangements (still being worked out in the IAEA) should not constitute an obstacle to a nation's economic development, and should be effective in ensuring that any breaches of the Treaty would be detected.

#### *Developments in relation to the Government's reservations*

4. The question of safeguards is the responsibility of the Economic Policy Branch.

5. As for the other major reservation expressed by the Australia Government, i.e. that the NPT to be an effective treaty should attract 'a necessary degree of support', there has been no significant change. When the treaty entered into force in March 1970 (one week after Australia signed) 47 countries had ratified it. Up to the end of February 1971 a total of 64 countries had ratified. But none of those additional 17 countries are regarded by us as 'significant'. That is, we are interested only in those States:

- (i) which have an existing nuclear capability (France, Communist China);
- (ii) which have an existing or future potential for such capability (Argentina, Brazil, Japan, India, Pakistan, South Africa, Israel, Indonesia, West Germany, Belgium, Italy); and

1 M.J. Dan, UN Political Division, Department of Foreign Affairs

2 A.J. Eastman, First Assistant Secretary, Defence Division, Department of Foreign Affairs.

3 J.D. Petherbridge, Assistant Secretary, UN and International Agencies Branch, Department of Foreign Affairs.

4 M.J. Cook, Assistant Secretary, Defence Policy Branch, Department of Foreign Affairs.

5 See note 4 to Document 161.

6 The text of Gorton's statement on 18 February 1970 is given in *Current Notes*, vol. 41, 1970, p. 60.

(iii) other Asian nations generally (North and South Korea, North and South Vietnam, Philippines and Thailand).

6. Of the abovementioned countries, none have ratified the treaty and France, Communist China, Argentina, Brazil, India, Pakistan, South Africa, Israel, North Korea, North Vietnam and Thailand have not even signed it. Of the countries in the Asian region only the Republic of China, New Zealand, Laos, Malaysia and Nepal have ratified the NPT.

*Comment*

7. It is my understanding that Cabinet (or at least a section of it) in deciding that Australia should sign the NPT recognised that signature would enhance prospects for assistance from others (e.g. Britain, Canada, U.S.) for our nuclear programme for peaceful purposes (and that signature would still enable us to develop considerably our capability in nuclear technology without breaching the treaty). In other words, signature would allow us to reach a point where we could produce nuclear weapons if it were considered in our national interest to do so.

8. Irrespective of whether my understanding of Cabinet's real intentions is correct or not, it is my own view that this should be our policy objective. We should not ratify the treaty (even if the countries mentioned in paragraph 5 above do so—although this possibility is extremely remote) and we should build up our capacity in nuclear technology to a point where we could manufacture nuclear weapons if the need arose. We cannot rely on the U.S. nuclear umbrella. We may find it imperative at some future time to have our own nuclear deterrence against for instance a possible Chinese attack (and nuclear blackmail).

9. At the same time, it is in our interest to continue to support publicly the NPT (and in this respect our record is good). I agree with the AAEC and Professor Baxter that we should not ratify the treaty but I do not approve of their tendency to seek to cast doubts publicly on the value of the NPT and of Australia's real intentions vis-à-vis the treaty. (I have had to make suitable changes to draft speeches by the AAEC Chairman on more than one occasion.) Sir Philip Baxter's comment at a meeting in the Department on 9 March 1971 about 'Australia's position of some aloofness towards the Treaty'<sup>7</sup> reflects his own and the AAEC's attitude—not Australia's official position. The Government's statement of 27 February 1970<sup>8</sup> said in this respect that Australia 'supports effective international measures to counter the spread of nuclear weapons and weapons of mass destruction' and that Australia 'will co-operate closely with other governments in seeking clarifications and understandings in relation to those matters which must be resolved before Australia could proceed to ratification, being convinced that a treaty which was truly effective in preventing the further proliferation of nuclear weapons would be a major contribution to the security of the world as a whole'. We have supported U.N. resolutions commending the NPT. Moreover, Australia has taken an active part from the outset in the negotiations within the IAEA on NPT safeguards, although we are not a party to the NPT.

10. We should continue to take an active role in disarmament issues in the United Nations because this is helpful to our foreign policy objectives generally. But a corollary of this is the need for Australia to proceed as unobtrusively as possible on a nuclear programme for peaceful purposes which could one day play a key role in Australia's defence.

[NAA: A1838, 919/10/5 part 33]

<sup>7</sup> See Document 167.

<sup>8</sup> See note 4 to Document 161.

**169 REPORT BY INTER-DEPARTMENTAL COMMITTEE**

Canberra, 1 April 1971

CONFIDENTIAL

**IAEA/NPT Safeguards****Safeguards and the Treaty in the Non-Proliferation of Nuclear Weapons**

This report examines the extent to which the recommendations of the IAEA Safeguards Committee relevant to the content of agreements between States and the Agency, required in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, meet the relevant Australian reservations set down at the time of signing the Treaty. It is not the purpose of the report to assess the much broader issue of whether Australia should proceed to ratification of the Treaty. The focus here is exclusively safeguards. The report has been prepared by an Inter-departmental Committee comprising representatives of the Department of Foreign Affairs (Chairman), the Atomic Energy Commission and the Departments of Defence, National Development, the Prime Minister and Cabinet and the Treasury.

2. The general conclusion is that the Safeguards Committee's report meets a substantial number of the reservations expressed by Ministers about safeguards provisions for the Non-Proliferation Treaty. The safeguards procedures recommended by the Committee will not, and cannot be expected to, establish unequivocally that parties to the Treaty are observing their commitments and Departments recognized that it would be virtually impossible to secure at this stage the major changes in the Committee's report which would make the safeguards system more effective. It is recommended that, without giving full support to the Committee's report and while stating the reservations and interpretations on which Australia is proceeding, Australia should agree to the adoption of the report by the IAEA Board of Governors.

3. Aspects of safeguards canvassed in Cabinet Decisions No. 141 of 18th February, 1970<sup>1</sup> and No. 165 of 29th April, 1968<sup>2</sup> (and the related report of the augmented Defence Committee<sup>3</sup> which formed the basis for this Decision) are set out below. For convenience each item below has been prefaced by a summary of the points about which Ministers expressed concern. These items are:

- (a) Efficacy and acceptability of safeguards
- (b) Costs of safeguards
- (c) Impact on Australia's commercial interests
- (d) Industrial espionage
- (e) Right to reject inspectors
- (f) Definition of nuclear materials
- (g) Exclusion of mining
- (h) Amendments to IAEA statute
- (i) Deposit of excess material
- (j) Non-explosive military activities
- (k) Regional safeguards

[*matter omitted*]

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1 See note 4 to Document 161.

2 See Document 124.

3 See Document 123.

*(c) Impact on Australia's Commercial Interests*

11. Ministers noted that Australia must be concerned in relation to the countries which ratify the Treaty. The Defence Committee had commented that Australia, if a party to the Treaty, could be denied valuable markets unless countries which were already or potentially likely to be large purchasers of source or special fissionable material were prepared to subject the material to safeguards.

12. At this stage it appears likely that Canada and South Africa will be Australia's main competitors in the export of uranium concentrates and nuclear materials from such concentrates. Canada has already ratified the treaty and it remains to be seen whether South Africa will follow suit. If all of the major industrial nations who make up the main markets for uranium concentrates and other nuclear materials ratify or accede to the treaty then Australia can only be disadvantaged vis-à-vis South Africa by reason of having its industry burdened with the costs and inconveniences of safeguards. These costs and inconveniences are less under the recommended NPT procedure than under the existing statute system.

[*matter omitted*]

[NAA: A1838, 919/10/5/1 part 2]

## **170 RECORD BY IRVINE<sup>1</sup> OF AAEA GROUP VISIT TO ITALY**

Rome, 18 June 1971

RESTRICTED

On Tuesday, 15th June, I accompanied Mr. M. Timbs and Mr. T. Alder<sup>2</sup> on a visit to C.N.E.N.<sup>3</sup> for discussions with Ing. Pantanetti<sup>4</sup> and members of his staff.

2. The discussions were mainly on technical matters although Mr. Timbs did give the Italians an idea of the amount and quality of known uranium reserves in Australia. One other aspect of the meeting was the hesitancy of the Italians to give exact production costs per unit for the production of electricity in Italy.

3. This hesitancy was also apparent on the following day when Mr. Alder and Dr. Miles<sup>5</sup> met Prof. Angelini<sup>6</sup> at E.N.E.L.,<sup>7</sup> although after some pressing Professor Angelini gave an approximate cost per unit which was almost three times as great as the cost of electricity produced in Australia (Australia's electricity average cost 3.5 US mils per kilowatt hour—Italy's approximately 9 US mils per kilowatt hour). Because Italy relies on imported oil to fuel almost half its electricity production and because the effects of the recent oil price rise were still unclear, the Italians said they were unable to give exact costs per unit.

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1 D.T. Irvine, Third Secretary, Australian Embassy, Rome.

2 Keith Alder.

3 Comitato Nazionale per l'Energia Nucleare.

4 F. Pantanetti, Divisione Geomineraria, Comitato Nazionale per l'Energia Nucleare.

5 G.L. Miles, Chief, Nuclear Development Division, AAEC.

6 Arnaldo M. Angelini, Professor of Electrical Engineering, University of Rome; Member, Steering Committee, Comitato Nazionale per l'Energia Nucleare.

7 Ente Nazionale per l'Energia Elettrica.

4. Alder and Miles (Timbs was not present) discussed with Prof. Angelini the possibilities and advantages of setting up a plant in Australia for nuclear enrichment. The Australian points were as follows:

(i) The cost per unit of production of electricity in Europe was very high since Europe relied greatly on imported oil to fuel its power stations. The European countries, therefore, must look to enriched uranium nuclear power stations which could produce cheaper electricity.

(ii) However, the enrichment of uranium was a process requiring vast quantities of electricity and therefore Europe would lose all the cost advantages in having its own uranium enrichment plant. It was therefore in Europe's interest to import enriched uranium from countries which had cheaper electricity and could carry out the enrichment process more cheaply than it could be done in Europe.

(iii) Australia, Canada and the USA were still in this position. Australia was an ideal site for a uranium enrichment industry because

(a) it could produce electricity cheaply as a result of its big, good quality coal resources,

(b) it had vast quantities of uranium, and

(c) since Canada and the USA could be expected to share nuclear technology and act more or less together in setting up uranium enrichment plants, it would be in Europe's interests to have another independent source of enriched uranium.

Australia, for all the reasons outlined above, was the obvious source (transport costs on enriched uranium were minimal).

(iv) However, while Australia had both uranium and cheap electricity, it lacked the technology and finance to set up enrichment plants and it would be necessary for it to be associated with European, and possibly Japanese, concerns if it wished to do so. Britain and France had, according to Mr Alder, already expressed some interest in this possibility.

5. Apparently, Alder and Miles discussed the same subject in Tokyo but, according to Alder, the Japanese Atomic Energy Commission released the information to the Japanese press, thus prompting the Australian Minister for National Development to issue press statements on the subject. (Canberra cable No. 1494.)<sup>8</sup>

6. Prof. Angelini said that, naturally, Italy would also be interested in exploring the possibilities of this proposal (point iv). He mentioned, however, that Italy was not only looking to nuclear power for the future but was currently making preliminary studies on the feasibility of building power stations which could be fuelled either by coal or oil. They would need to import steaming coal (not coking coal) and there could be opportunities for Australian producers to export coal to Italy on long-term contracts.

[NAA: A1838, 720/4/9 part 2]

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<sup>8</sup> Not published.



**171 CABLEGRAM FROM EMBASSY IN WASHINGTON TO DEPARTMENT OF FOREIGN AFFAIRS**

Washington, 18 June 1971

3237. SECRET ECLIPSE PRIORITY

**Uranium Enrichment Sharing**

Zook<sup>1</sup> (Director, Atomic Energy Affairs, State Department) stressed to us on 17 June that it was up to Australia, Canada, and Japan to register their interest with the United States authorities if early progress is to be made towards a decision by the United States to share its uranium enrichment technology.

2. Zook said he made this point because several important members of the Joint Senate and House of Representatives Committee on Atomic Energy had told the United States Atomic Energy Commission (USAEC) and the State Department that they have misrepresented the interest of Pacific Basin countries in sharing in United States nuclear enrichment technology and that such interest exists largely in the minds of the USAEC and the State Department.

3. In this connexion, Zook wondered whether Mr Swartz during his visit here would be willing to consider drawing to the attention particularly of joint committee members Australia's genuine interest in cooperating with the United States, Canada, and Japan to build and operate an enrichment plant for the Pacific area, and that this interest is shared by Japan which, if only for strategic reasons, is committed to the establishment of a source of nuclear fuel in the Pacific basin and outside the United States.

4. In subsequent discussion Zook said that as to prospective sites for such an enrichment plant, Australia and Canada had equally strong claims, since both possessed extensive reserves of uranium as well as power and water. His impression was that Japan would prefer to see the plant set up in Australia, but he considered that if Australia had not by then ratified the nuclear non-proliferation treaty this would count against it when the time came for the United States administration and Congress to make the necessary decisions about sharing enrichment technology.

5. Please ensure Zook is fully protected particularly in discussions with United States officials.

[NAA: A1838, 720/4/9 part 1]

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1 Donovan Q. Zook, Director, Office of Atomic Energy Affairs, US Department of State.

**172 MEMORANDUM FROM KENTWELL<sup>1</sup> TO WALLER**

Tokyo, 28 June 1971

CONFIDENTIAL

**Visit of Mr. K.F. Alder and Dr. G.L. Miles**

The visit began with a call on the Ambassador on the morning of 7th June which was followed by a luncheon given by the Minister, Mr. D.J. Horne. A list of the guests is at Appendix 1.<sup>2</sup>

2. During the luncheon Mr. Masafumi Shibata, Head of the International Co-operation Division of the Atomic Energy Bureau commented that the visit by Messrs. Alder and Miles was timely because the Japan Atomic Energy Commission was obliged to report to the government by the end of July, 1971 on where and how Japan should obtain its supplies of natural and enriched uranium up to the year 1985. Shibata added that the report would be tabled before the International Conference at Geneva in September, 1971. Shibata went on to say that Japan would discuss the same topics with Canada in Tokyo in October, 1971 and with the United States (in the USA) in November, 1971. He said these discussions would be a part of the regular exchange of meetings on atomic energy held between the countries concerned. Shibata said that Mr P. Tresize, the United States Under-Secretary of State for Economic Affairs, during his visit to Japan, had outlined future problems facing the United States in obtaining fuel resources as similar to current problems facing Japan. He said Tresize had suggested a joint Canada/Australia/Japan/United States of America Committee to study energy resources.

[matter omitted]

*Japan Atomic Energy Research Institute (JAERI). 8th June.*

5. Mr. Alder explained the purpose of the visit to Japan. He said that at this stage his chief interest in meeting members of JAERI was to enquire about research being conducted in Japan on the ATR.<sup>3</sup> A technological discussion ensued which touched on research in diffusion techniques being carried out by the Physics and Chemistry Research Institute (RIKEN) on the membrane and barrier. Alder also asked about the companies which manufacture components and machinery used in reactor construction. He was told that Ishikawajima-Harima Heavy Industries, the Mitsubishi Corporation, the Hitachi Shipbuilding Company and Kawasaki Steel Industries Limited constituted the main manufacturers. In discussion whether Japan would opt for the diffusion techniques or the centrifuge technique Mr. Murata of JAERI said it was hoped to run a 15-stage cascade before a decision was taken, which would have to be not later than 1976. A list of participants at the meeting is attached at Appendix 3.

*Power Reactor and Nuclear Fuel Corporation (PNC). 9th June.*

6. Mr. Alder began the discussions by explaining the purpose of his visit. In return, Mr. Inoue of PNC handed over a graph showing plans for constructing atomic power stations in Japan up to the 1985. He also handed over two tables showing Japan's estimated demand for natural uranium and the estimated demand for enriched uranium, also up to the year 1985. Copies of these are attached at Appendix 4. Mr. Inoue pointed out that the 60,000 megawatts nuclear planned for generation in 1985 would be about one-quarter of Japan's total generating capacity in that year. Discussion then followed on the cost of electric power generated in Japan, United States of America, Canada and Australia. This lead into a discussion of the possible siting of a multi-national enrichment plant which would need to go into production in the early

1 A.J. Kentwell, First Secretary, Australian Embassy, Tokyo.

2 Appendixes not published.

3 Advanced test reactor.

1980s. Inoue said that research and development at present taking place in Japan aimed at securing technology which would enable the country to enrich about one-third of its uranium needs by 1985. It was hoped the second third of Japan's needs would be adequately covered by the somewhat expanded production within the United States, with whom Japan has a 30-year Agreement. The remaining third, it was hoped, would be covered by one or more multi-national plants to be built neither in Japan nor the United States but possibly in Australia or Canada or elsewhere. Inoue agreed with Alder that a first multi-national plant would probably be a gaseous diffusion one. He said he would like to make it quite clear that such a plant could not be constructed in Japan because Japan did not wish to open itself in any way to accusations that it would use nuclear enrichment processes for military purposes.

7. Mr. Alder then asked about research being conducted on ATR. Mr Inoue said research and development was going ahead satisfactorily and it was hoped to bring ATRs into commercial production by 1980. FBR<sup>4</sup> developments were also progressing satisfactorily and it was hoped to bring one into production during the period 1985–90. Inoue added that looking ahead from the year 1970 to the year 2000, 420,000 tons of uranium would be needed to meet nuclear generation requirements using LWRs<sup>5</sup> or FBRs, but if ATRs were satisfactorily developed and used, then the demand for uranium would decrease to 340,000 tons.

8. Mr. Sadamu Sawai was then summoned to the meeting and, for Mr. Alder's benefit, gave an account of latest developments of ATR technology being researched by PNC. A list of participants is attached at Appendix 5.

[matter omitted]

*Ministry of International Trade and Industry (MITI). 10th June.*

11. At the MITI Mr. Alder and Dr. Miles called on the Energy Policy Division (Head, Hanzawa<sup>6</sup>). An outline of MITI's responsibilities in the nuclear field being sought, it was explained that MITI was involved in both the nuclear fuel and nuclear power station aspects. As far as nuclear fuel was concerned the Energy Policy Division [...] formulated Japan's overall energy policy which served as a guide line for supervising and guiding the electric power companies, and in this respect it controlled both the construction and operation of nuclear power stations. MITI conducted inspections of nuclear power stations parallel to those conducted by the Science and Technology Agency, but whereas the latter looked at them from the technical and safety points of view (i.e. mainly design aspects) MITI was concerned from an industrial–managerial point of view.

12. Mr. Alder gave the background to the studies the AAEC was carrying out on uranium enrichment. Mr. Hanzawa confirmed that MITI was interested in this subject and said that at the end of May the Energy Research Council, an advisory body to their Minister, had issued an interim report on Japan's future needs for uranium.

13. Mr. Alder then asked what kind of Japanese participation would be feasible if an enrichment plant were established in Australia. The Japanese side replied broadly there were two possibilities—participation through a government corporation; or participation through a consortium of private companies (presumably electric power companies). In the first case the government corporation could be either an existing corporation (e.g. the Overseas Uranium Development Corporation) or a newly-established corporation (which might be responsible to both the Minister for International Trade and Industry and the Director-General of the Science and Technology Agency).

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4 Fast freeder reactor.

5 Light water reactors.

6 Haruo Hanzawa.

14. Mr. Alder said that any country providing the technology for the kind of project would seek guarantees that the technology would be properly guarded. What guarantee could Japan give? The Japanese side replied that there was no Official Secrets Act in Japan and no equivalent of security as it existed in other countries. There was, however, an article of the Criminal Code which prohibited the divulging of commercial secrets. The Japanese Government could not give any guarantees if the equivalent of an Official Secrets Act was necessary, because domestic political feeling was against such an Act. In that case Japanese participation would not go beyond guaranteeing a market and the provision of capital. However, if protection on the same basis as commercial secrets was sufficient, there was no obstacle. A list of participants is attached at Appendix 8.

*Japan Atomic Industrial Forum (JAIF). 10th June.*

15. (a) *Discussion with the Deputy Director*

Mr. Alder and Dr. Miles were entertained at a private luncheon by Mr. Soichi Matsune, the Deputy Director of the JAIF. After hearing an outline of the AAEC's thoughts on enrichment, Mr. Matsune expressed the view that it was in Japan's interest to participate in a multi-national uranium enrichment project. He said he had put this view in his address to the Pacific Basin Economic Consultative Committee in Vancouver recently (our memorandum No. 633 of 14 June<sup>7</sup> refers). He was convinced that at least 50% of the nuclear fuel industry field in Japan shared this view.

16. Mr. Matsune asked whether the AAEC had any preferences regarding the possible partner who would provide the technology for the project. Mr. Alder said that this was being approached with an open mind although he believed many people thought it advisable to have a completely new source of commercially-available enriched uranium which would be independent of existing supplies. Mr. Matsune asked if this meant that the AAEC was considering excluding the United States, and Mr. Alder replied that this was a way of thinking which had a lot to commend itself.

17. Mr. Matsune asked about the AAEC's time schedule and pointed out that Japan would still have a fairly urgent need for uranium in the late 1970s. Did the fact that this kind of project was being considered mean that Australia would not export recent finds of uranium? Mr. Alder replied that the time scale was considered realistic. Other countries who thought they could complete a similar project in a shorter time were being overly optimistic. This did not mean that Australia would not export uranium ore, but it was felt that the objective should be to have more and more processing done in Australia. This could be achieved gradually but because of the time and expense required in planning an enrichment plant, the AAEC was starting its long-term plan now.

18. Mr. Matsune then asked whether in Mr. Alder's view the gaseous diffusion or centrifuge was the best method for enrichment. Mr. Alder felt that from the point of view of power cost, and probably a number of other factors too, the centrifuge would one day prove to be the most practical and economic method. But the fact was at the moment there was only one commercial method, gaseous diffusion, and because it would still be some years before the centrifuge was ready for commercial application, present planning had to proceed on the basis of the gaseous diffusion method. At the end of the luncheon Mr. Matsune said that he had found a great deal that he agreed with in Australian ideas. He hoped that such contact could be maintained and views exchanged on a more frequent basis.

[matter omitted]

[NAA: A1838, 720/4/9 part 2]

7 It conveyed a copy of a paper by Matsune on international cooperation in the field of the nuclear fuel cycle in the Pacific Basin Economic Cooperation region.

**173 MEMORANDUM FROM SADLEIR<sup>1</sup> TO ACTING SECRETARY,  
DEPARTMENT OF FOREIGN AFFAIRS**

Washington, 6 July 1971

SECRET

**Visit of Mr Swartz: Uranium Enrichment**

Enclosed, for your information, are copies of records of discussions between the Minister for National Development, Mr Swartz, and—

- (a) members of the Joint Congressional Committee on Atomic Energy; and
- (b) the United States Atomic Energy Commission.

Both discussions took place in Washington on 25 June during Mr Swartz's official visit here from 24 to 27 June. As you will see the discussions were centred mainly on the conditions and circumstances under which the United States might share its uranium enrichment technology with other countries, including Australia.

2. The records were prepared by the Atomic Energy Attaché of this Embassy, Mr Crooks,<sup>2</sup> who has sent copies direct to the Australian Atomic Energy Commission and to the Department of National Development.

**Meeting Between**

The Minister (Mr. Swartz)	Congressman Hosmer <sup>3</sup> (Republican California)
Mr. Bott <sup>4</sup>	Congressman Price <sup>5</sup> (Republican Texas)
Mr. Crooks	Senator Bennett <sup>6</sup> (Republican Utah)
Mr. Sadleir	Mr. Ed Bauser <sup>7</sup> (Staff Director)

The Minister outlined to the Members the reasons for his visit, the main one being to explore the general climate of views of the U.S., Canada and Japan to the long term future of nuclear fuel and in particular the question of whether Australia should sell its new found discoveries of uranium as  $\text{UO}_2$ <sup>8</sup> or  $\text{UF}_6$ ,<sup>9</sup> and further whether the developing situation would justify the eventual construction of an enrichment capability in Australia. The general question of world energy supplies was briefly discussed and it was mutually agreed that nuclear power holds the key to future world demand and even more so now, Congressman Hosmer noted, because nuclear power is the only way we can provide electricity and simultaneously preserve the environment.

The Minister then referred to the question of the possibility of constructing an enrichment plant in Australia, and asked the Congressman what they felt about this latter question. Would the U.S. be willing to cooperate in such a venture? In reply Hosmer then gave a résumé of the

1 David Sadleir, Counsellor, Australian Embassy, Washington.

2 Peter V. Crooks, AAEC Attaché, Australian Embassy, Washington.

3 Chester Craig Hosmer was subsequently President of the American Nuclear Energy Council, 1975–79.

4 Lloyd Bott, Secretary, Department of National Development.

5 Robert Dale (Bob) Price.

6 Senator Wallace F. Bennett.

7 Edward J. Bauser, Executive Director, Joint Congressional Committee on Atomic Energy.

8 Uranium dioxide.

9 Uranium hexafluoride.

need for increased enrichment capacity over the next 20 years, and said that by about 1980 existing U.S. capacity would be exhausted. In addition, there is a need for countries like Japan to have alternative sources for strategic fuel supplies and therefore there is a realisation now in the U.S. for the need for enrichment plants off-shore from this country.

The U.S. had recently taken two major steps towards technology sharing with friendly countries. The first was the decision of the Administration to invite private U.S. industrial groups to share USAEC know-how in both diffusions and centrifuge technology, and secondly the decision to go ahead with the Cascade Improvement Program for the existing plants. The first of these will enable U.S. industry to decide whether or not it wants to be involved in enrichment, and which is the best system.

Hosmer then said that in view of these concessions, a decision for technology sharing in diffusion technology with friendly foreign powers is only about \*three weeks away. Any deal the U.S. makes would probably involve some royalties arrangements to recompense the U.S. for the vast amounts of money already invested and also, for a plant being built on a very cheap power location, the option for the U.S. to construct for its own use enrichment plants on the same site. The reason for this is the high sensitivity of large diffusion plants to power costs and therefore the need for the U.S. to be given equal access opportunities, if it is going to compete on the world market.

He reiterated that the U.S. is not enamoured with the centrifuge method because of its easy use for the diversion of materials for weapons manufacture. The Minister asked if Australia would have to ratify the Non-Proliferation Treaty before being given access to enrichment technology. In reply the Joint Committee said they would not like to answer this as it was purely a political question and should be considered by the State Department and the AEC, not the Joint Committee.

Mr. Bott asked if barrier technology would be available and Hosmer said 'No'. This would be a 'black box' arrangement whereby the secrecy of the barrier technology would be protected but the rest of the plant design, etc., would be made available. Mr. Bott again asked 'Is Japan acceptable as a partner in a multi-national venture?', and the Joint Committee replied in the affirmative. Mr. Bott said Australia could probably provide power at 4 mills for a large plant on our coal fields and this is a very competitive price for such an installation. He asked if the true economics were completely known and the reply was that, with increasing labour and other costs, it is difficult to say, but rapidly improving technology would protect the market and maintain reasonable costs. Mr. Bott asked if Australia and Canada would be viewed as the best sites and the reply was that these locations would be favourable politically and technically but that others would also be considered, although power costs in Europe would weigh heavily against an installation there.

In summing up, the Minister thanked the Joint Committee Members for their time and said that he was pleased to receive such a favourable response to these preliminary queries, repeating again that Australia is not making any proposals at this stage, but merely exploring the developing situation to try to establish what her course of action should be.

Peter V. Crooks

*\*Note:* After the meeting, Mr. Bauser told the Australian group that Mr. Hosmer's prediction of three weeks before an announcement concerning technology sharing with foreign powers was extremely optimistic. Bauser said a decision certainly is not far off, but three months would be a better estimate than three weeks.

### Meeting Between

The Minister (Mr. Swartz)	Full Commission of the USAEC, viz.
The Ambassador (Sir James Plimsoll)	Dr. Seaborg <sup>10</sup>
Mr. Bott	Dr. Larson <sup>11</sup>
Mr. Crooks	Mr. Johnson <sup>12</sup>
	Mr. Ramey <sup>13</sup>
	plus
	Senior Officers of the Commission

The Minister in his introductory remarks outlined the purpose of his mission, which was essentially to undertake exploratory discussions on the current world situation in nuclear energy and with particular reference to Australia's recent major uranium discoveries. There is definitely no intention at this point to make any firm proposals on such things as enrichment plants, etc. The Minister then gave some details on the extent of the proven uranium reserves in Australia and indications for further discoveries which experts feel are likely.

The Minister then described the importance of these discoveries to Australia in the context of developing world energy demands, and the need for us to examine closely whether or not we should export ore in its natural form or take steps to enable us to have the capacity to move higher up the technological ladder in fuel processing, in particular the question of whether or not we should consider building an enrichment plant in Australia. It was pointed out that a decision on Jervis Bay had been delayed twelve months but in any case the use of nuclear power in Australia would make only a minor impact on our large fuel reserves, and we therefore have a pressing interest in developing our export potential. For these reasons we are seeking the guidance and views of the major nuclear countries in order to determine our course of action.

In reply the Chairman of the USAEC, Dr. Seaborg, referred to the President's recent Energy Message<sup>14</sup> with its emphasis on nuclear power, and said that the sharing of technology with selected countries in diffusion plant design and construction should be decided in the fairly near future. Discussions on this subject were currently taking place in Congress following favourable recommendations by the Administration and the USAEC. Dr. Seaborg said he welcomed Australian interest in this field.

Commissioner Johnson said that enrichment plants, particularly diffusion plants, are very sensitive to power costs and it is necessary to select a site which would give cheap power with the minimum possibility of significant increases in power costs. Mr. Bott said that Australia's massive coal reserves make us a cheap power country suitable for the installation of large diffusion plants, and that total costs should be stable and low for a long time, perhaps 20 years, since we have mainly surface coal, the recovery of which is not sensitive to labour costs. In fact, we should be able to produce power at below 4 mills at the right location. Mr. Bott then went on to point out that our decision on whether to participate in an enrichment project will have to be taken before centrifuge technology is proven, since world power demands will require a decision within the next four years.

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10 Glenn T. Seaborg, Chairman, US Atomic Energy Commission.

11 Clarence E. Larson, Commissioner, US Atomic Energy Commission.

12 Lyall Erskine Johnson, Commissioner, US Atomic Energy Commission.

13 James T. Ramey, Commissioner, US Atomic Energy Commission.

14 On 4 June 1971, President Nixon had delivered a special message on energy resources to Congress.

Commissioner Johnson pointed out that although world energy demand is growing at the rate of about 9% a year, the demand for nuclear power is growing much faster than this, with the result that the nuclear power industry will have to double its supplying capability every five years, and this will be a very difficult demand to meet.

The Minister then asked for an outline of the fast breeder development situation, and Dr. Seaborg said that the breeder reactor would have to come to solve the world long-term energy requirements, and that all the leading nuclear countries were going along the same path, viz., the sodium cooled fast breeder system. In the U.S. breeders should be on stream by the middle 1980s but Commissioner Johnson pointed out that there will be a big need for light water reactors and enrichment capability well into the 21st century because of the need to produce plutonium to fuel the big breeder reactors. Even in the year 2000, 50% of power will be nuclear, and light water reactors will have the major portion of this. The Minister asked how long would we need to supply uranium, and Dr. Seaborg replied for about the next 40 years, provided fast breeders come on stream as they are expected to.

The Minister then repeated the point that we must assess the need for an enrichment plant in Australia, and asked again whether or not the U.S. are favourably inclined to this development. Dr. Seaborg replied 'Yes. The U.S. is very interested and see the need as a vital one'. Currently the U.S. are looking at two main areas, viz., Europe and the Pacific Basin, as suitable venues, and in his opinion talks would commence fairly soon with interested countries. The U.S. sees the project as being multi-national and when the time comes would invite the interest of certain selected countries.

Mr. Zook of State Department then asked the Minister, 'To what extent are the Japanese and Canadians interested in a multi-national deal?', and the Minister replied that so far we have had tentative expressions of interest from the Japanese, as well as firm indications from the Canadians of their interest.

Mr. Bott asked if it is possible to give a true cost for a diffusion plant, and Mr. Quinn<sup>15</sup> replied that for a plant of 5,000 tonnes SWUs or bigger you can count on \$100 per KW but we can obtain estimates which are publicly available. Mr. Bott asked the size of a typical operating staff and Quinn replied currently about 1,100 people for a large plant, but this could be much less with more fully automated installations.

Commissioner Johnson then raised the matter of the Non-Proliferation Treaty and asked if this is likely to be ratified by Australia and the Minister replied that we are still considering the question of ratification. The Minister said we would reconsider our position in September and then asked Johnson if the U.S. considers that we would have to ratify as a condition for the sharing of enrichment technology. Johnson said he could not give a definitive answer on this, but it was certain that it would make things much easier politically if Australia ratified.

Mr. Bott then asked about the situation on fusion and Seaborg said fusion is the ultimate energy source but tremendous problems remain to be solved and it will be unlikely to have a working reactor before early next century. We must put our trust in the fast breeder system and look forward to a mix of thermal and fast reactors as the main trend in energy development for the next 40 years, followed by a fully fast breeder regime from then on. If fusion works, both energy sources would be used for the foreseeable future.

Mr. Bott then asked what the Commission thought of the centrifuge method for separation of isotopes. Dr. Seaborg said it is much too early yet for the U.S., or anyone, to make an estimate on the commercial and technical viability of the system but, on the other hand, that the U.S. knows its gaseous diffusion performs to a high degree of precision. Mr. Johnson then said the main unknowns in the centrifuge system are the true cost of mass produced spinners and

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15 Perhaps Joseph Richard Quinn.



also the reliability of the units, and it would be some time before definitive answers could be supplied.

Dr. Seaborg then repeated his pleasure at having an opportunity to hear the Minister's views and to be aware of Australia's growing interest in this field. The Minister in turn thanked Dr. Seaborg and the Commission for giving him the opportunity to put his views to them.

Peter V. Crooks

[NAA: A1838, 720/4/9 part 2]

#### **174 CABLEGRAM FROM EMBASSY IN TOKYO TO DEPARTMENT OF FOREIGN AFFAIRS**

Tokyo, 6 July 1971

1243.

For J. Colgan—Department of National Development, Canberra.

From Nash.

Following press statement for release through Gallery and Toowoomba.

##### **Press Statement—Tokyo July 6 1971**

By Mr Reginald Swartz—Australian Minister for National Development.

Australia viewed as important a Pacific Basin-wide examination of reserves, production and future requirements of petroleum, natural gas and liquid petroleum gas.

The Australian Minister for National Development, Mr Reginald Swartz, said this in Tokyo today in a 'half-way' review of his scheduled 12 days of intensive discussions with Japanese political, industrial and commercial leaders. Mr Swartz said the concept of regional assessment of energy deposits and needs had figured largely in his talks in the United States, Canada and now Japan.

An orderly survey of Pacific Basin energy resources could underpin long-term industrial development in an area of great potential, he said.

Mr Swartz said Australia permitted the export of liquid petroleum gas (LPG), but not of petroleum or natural gas because insufficient reserves had yet been proven for her own use.

He said Australia would welcome Japanese exploration in these fields, both on and off shore. Some interest had already been shown.

Mr Swartz said he would report to the Australian Government on his exploratory talks in Canada, the United States and Japan on the prospect of further uranium enrichment plants in the Pacific basin.

He emphasised the exploratory nature of the discussions to date, but said progress had been made since the Federal Government had invited to Australia for talks recently the Canadian Minister for Energy, Mines and Resources (Mr Joseph Greene).

Mr Swartz said he would suggest that Australia take the further initiative of proposing discussions with other Pacific Basin countries interested in nuclear development.

Mr Swartz will leave Tokyo on Thursday for Osaka and Kobe to continue talks with companies associated with the importing and processing of Australian resources. He will return to Australia on July 15.

[NAA: A1838, 720/4/9 part 2]

## 175 RECORD BY CUMES OF CONVERSATION WITH TIMBS

Canberra, 15 July 1971

SECRET

### **Jervis Bay Power Plant; Future Chairman of AAEC; and Enrichment Plant**

Mr. Maurice Timbs asked to come to Canberra to talk to me and the following conversation was mainly over lunch.

#### *Jervis Bay Power Plant*

Timbs went over, in a mass of detail, what he described as the abominable handling of the tender procedures for the proposed Jervis Bay Atomic Energy Power Plant. He described in detail the unbusinesslike and 'unethical' behaviour of Sir Philip Baxter in handling the four main tenders from Britain, Canada, the United States and Germany. He said that Baxter had decided that the contract should go to Britain and, in the end, had arranged matters to achieve this. He had an intense dislike of the Americans and therefore their tender was eliminated without any serious consideration. Similarly, the German tender had been eliminated although, I gather, not because of Baxter's dislike of the Germans, but because Baxter favoured the British. However, the Germans had become aware of the procedures which Baxter had adopted to achieve acceptance of the British tender, because of the link between German and British atomic energy interests. Although Baxter had originally been in favour of the Canadian reactor, he had later become disenchanted with it or, perhaps more accurately, had seen more clearly the advantages of accepting the British tender. Timbs implied that some of these advantages were perhaps personal to Baxter, rather than based on solid and objective technical and economic considerations.

Timbs made it clear to me that it was he himself who had seen the unfortunate procedures which Baxter had been adopting and who had made the facts known both to the other Commissioners of the AAEC and to the Minister (Mr. Swartz). It was as a result of this that the decision had been taken to defer consideration of the proposed Jervis Bay Plant for 12 months.

Timbs emphasised that Baxter's relationships overseas were very bad. The Americans would have nothing to do with him. The complaint which the Canadians had made to the Commission about the tender procedures earlier in the year had, according to Timbs, been fully justified and, as a result, Baxter's standing with Lorne Gray<sup>1</sup> and the other Canadians could scarcely be worse. The French and the Germans had no wish to have any dealings with him and it was only the British, with whom Timbs alleged that Baxter had been engaged in a 'conspiracy', who were prepared to use him.

Timbs said that Ministers would like to terminate Baxter's appointment as soon as possible and, in any event, would not wish him to continue beyond February next year. The difficulty about terminating his appointment earlier would be that much of the recent events would perhaps be brought to public notice if termination were too precipitate.

#### *New Chairman of AAEC*

In response to my question Timbs said that a good deal of thought had already been given to possible successors to Baxter. He said that among those whom he did *not* want to see succeed were Alder (a present member of the AAEC, whom Baxter prefers) and Titterton.<sup>2</sup>

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1 James Lorne Gray, President, Atomic Energy of Canada Limited.

2 Sir Ernest Titterton, Director, Research School of Physical Sciences, Australian National University.

Timbs said that he would like to see someone who would have the respect of people overseas and who would be able to support administration of the Commission in a business-like and effective way. With those as primary remarks, he said that people whom he had in mind were Sir Roland Wilson<sup>3</sup> and Sir Allen Brown.<sup>4</sup> Neither of these had any technical background related to AAEC and he suggested that two others who did have this background and whom he would like to see as Chairman were Dr. A.R.W. Wilson, at present with the AAEC and Mr Struan Anderson<sup>5</sup> from C.R.A. Timbs told me that he had already had some discussions with Sir Frederick Wheeler<sup>6</sup> and I think also with Prime Minister's Department. He suggested that, if we had any ideas, particularly bearing in mind the need for the Chairman to be able to get on well with his counterparts overseas, it would be useful to put them forward.

#### *Enrichment Plant in Australia*

Timbs said he was pleased with the French proposals to conduct an exploratory survey for the establishment of an enrichment plant in Australia. He hoped that we could go ahead with this survey as quickly as possible. [*matter omitted*] with the views I put forward that it would be a very useful way of involving a major European country in Australia and that if we were able to bring in as partners Japan, Canada and the United States, then we would have both a useful project for multi-national co-operation and virtually water-tight assurances about the economy of the project. Timbs agreed that we should, if at all possible, give a positive and enthusiastic response to the French and should then carry through the exploration as quickly and as efficiently as we could.

[NAA: A1838, 720/4/9 part 2]

## **176 MEMORANDUM FROM CUMES TO WALLER**

Canberra, 19 July 1971

SECRET

### **Ratification of the N.P.T.**

In recent conversations with me, the Executive Commissioner of the A.A.E.C., Mr. Maurice Timbs, has shown a disposition to support Australian ratification of the Non-Proliferation Treaty, largely because he believes that our failure to ratify might adversely affect the United States' attitude to co-operation with us in a multi-national project for establishment of a uranium enrichment plant in Australia. This A.A.E.C. attitude differs from the Commission's attitude to the N.P.T. in the past—an attitude which was largely determined by the Chairman of the A.A.E.C., Sir Phillip Baxter.

2. So far, United States references to our ratification of the N.P.T. in relation to uranium enrichment seem to have been rather mild.<sup>1</sup> However, they have said on a couple of occasions that it would be easier for the United States to join with us on uranium enrichment if we had ratified the N.P.T.

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3 Chairman, Commonwealth Banking Group and formerly Secretary, Department of the Treasury, 1951–66.

4 Australian Commissioner of British Phosphate Commission and Christmas Island Phosphate Commission and formerly Secretary, Prime Minister's Department, 1949–59.

5 Director of Development, Conzinc Rio Tinto of Australia.

6 Chairman, Commonwealth Public Service Board.

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1 See Document 173.

3. On 16th July, the United States delivered an aide memoire looking to exploratory talks for the construction of additional enrichment capacity on a multi-national basis.<sup>2</sup> This aide memoire was delivered to the E.E.C., the member states of the E.E.C., Britain, Canada, Australia and Japan. Of these countries, only Britain and Canada have ratified the N.P.T. France, Germany, Japan and Australia have not. Australia is, therefore, far from being alone as a non-ratifier among those countries with whom talks on construction of additional enrichment capacity are envisaged. It may be, of course, that the United States would propose to exert pressure on all the non-ratifiers, but this has not emerged yet.

4. Timbs has left me with the impression that he will be pursuing the matter of ratification both within the Commission and with his Minister. He raised with me the question of a possible further approach to Ministers on ratification.

5. I responded with the view that, although progress had now been made in the establishment of a safeguards system within I.A.E.A., there had been virtually no progress on ratifications by significant governments since we signed the treaty about 12 months ago. As well as safeguards, Ministers had had in mind that there should be progress on ratification by such countries as, for example, Germany and Japan, before any final decision was taken about Australian ratification. It may be therefore that Ministers will not yet be ready to consider ratification in any final way. Some change may have occurred because of the movement of the People's Republic of China towards entry into the international community,<sup>3</sup> but Ministers might want to argue either way as to whether this would be or would not be a justification for Australian ratification at this stage.

6. At the moment, there does seem to be developing some further pressure for Ministers to look at ratification again in the light of possible multi-national co-operation for uranium enrichment. Perhaps we will need to know more about the United States proposals and the way in which they might link their release of technology and, generally, co-operation in a multi-national effort for ratification of the N.P.T., before we put anything further to Ministers. On the other hand, multi-national co-operation could be important to us from a number of points of view and it may be, therefore, that we could bring the matter to Ministers' notice again, even though our judgement might be that Ministers might not yet be ready to move on ratification. In any event, it appears to be at least a possibility that A.A.E.C. and the Minister for National Development might want to put the matter to Ministers and we should be prepared with our attitude towards ratification if, in fact, they do this.

7. It is difficult to be clear about timing, but I have a suspicion that in the light of the relative speed with which the United States and other governments are approaching the question of multi-national co-operation for uranium enrichment that the A.A.E.C. could contemplate putting proposals to Ministers fairly quickly. Our latest advice is that the United States would propose having discussions with the other countries they have approached on uranium enrichment late this summer, that is, perhaps in September or October, and the A.A.E.C. and possibly Mr. Swartz might want to move before then.

8. My suggestion is that we should re-examine our position on ratification of the N.P.T. and be prepared to advise our Minister and to formulate our attitude to a Cabinet submission.

[NAA: A1838, 720/4/9 part 2]

2 See file note by Timbs, 'Atomic Energy Uranium Enrichment', 19 July 1971, NAA: A1838, 720/4/9 part 2.

3 See Doran and Lee (eds), *Australia and Recognition of the People's Republic of China, 1949-1972*.

**177 CABLEGRAM FROM EMBASSY IN TOKYO TO DEPARTMENT OF FOREIGN AFFAIRS**

Tokyo, 4 August 1971

1490. CONFIDENTIAL PRIORITY

**Uranium Enrichment**

Tamiya,<sup>1</sup> Deputy Director of Atomic Energy Bureau, asked Maxwell<sup>2</sup> to see him 4 August regarding United States offer of Uranium Enrichment.

2. Tamiya advised that following receipt of U.S. aide memoire Japan proposed to U.S. that informal talks be held between U.S. and Japan in Geneva at time of international conference on peaceful uses of atomic energy to explore further the details of U.S. offer. Japan is interested, for example, in obtaining more details about 'appropriate financial and security arrangements'.

3. Apparently U.S. reply to this approach was that U.S. was not prepared to discuss these matters on a bilateral basis and said that discussions should be on a wider basis. Helfrich,<sup>3</sup> USAEC representative in Tokyo, mentioned to us 3 August that U.S. would not discuss uranium enrichment on a bilateral basis but was prepared to do so on a multilateral basis and he indicated that the term multilateral could mean two or three countries. He said he had already advised the Japanese accordingly.

4. Japanese were therefore seeking reaction of Canadian and Australian governments to the possibility of these three countries having joint discussions with U.S. at Geneva conference. Tamiya emphasised that by proposing that these three countries should approach U.S. for discussions, Japan was not committing itself to any future course of action, but it was the most convenient grouping at this stage in order to meet U.S. requirement that discussions be held on multilateral basis.

*[matter omitted]*

[NAA: A1838, 720/4/9 part 3]

**178 CABLEGRAM FROM DEPARTMENT OF FOREIGN AFFAIRS TO EMBASSY IN WASHINGTON**

Canberra, 13 October 1971

5107. CONFIDENTIAL PRIORITY

**Washington Uranium Enrichment Talks**

This message sets out in paragraph four Australia's views which we would like you to convey to American authorities.

2. Recent cables make it appear that the Americans are taking a firm attitude towards telling countries affected that the talks will be in two groups, namely, a European group and a Pacific Basin group, the latter comprising Japan, Canada and Australia. Japan appears to be the only country favouring the talks being held in two groups. We understand a number of European countries prefer holding the talks in one group.

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1 Shigefumi Tamiya.

2 R.P. Maxwell, Australian Embassy, Tokyo.

3 Gerard Helfrich, Atomic Energy Commission representative, US Embassy in Tokyo.

3. You will know from our telegram 5038<sup>1</sup> that the Minister for National Development Mr. Swartz was informed of preliminary Canadian views (yet to be considered by the Canadian Government) that the talks should be in one group or as a second preference that Canada should take part in both the European and the Pacific groups. Australian departments had arrived independently at the same view and this has since been adopted by the government.
4. Our reasons for favouring general multilateral talks among all interested parties rather than the prospect of being boxed in to a particular Pacific group are as follows:
  - (a) The U.S. is reported to have the attitude that the separate groupings are for the initial exploratory talks only, and that they might not persist in subsequent talks. The reverse approach seems more logical to us: that is, to have all countries present at the initial talks, and to allow for the possibility of separate groupings in subsequent talks.
  - (b) The Pacific group has no practical experience in gaseous diffusion technology. Discussions in this group could not be at the same depth as in the European group and we could not hope to gain as much from the discussions as we would in talks in a group containing the United Kingdom and France who have this technology.
  - (c) Although we have seen disclaimers we are concerned that there may be pressure to retain these groups on a continuing basis. This could result in Japan being the sole consumer of Australian or Canadian enriched uranium. It would be highly desirable to have access also to the European market.
  - (d) We do not like the prospect of any partnership arrangements being forced or restrictive: we might prefer France or the U.K. as partners in addition to Japan and they or other European countries might well wish to participate both in terms of investment and as a source of supply in any Australian or Canadian enrichment plant.
5. For your background information only, additional reasons are:
  - (a) Talks with all countries should reveal whether the U.S. would be prepared to release its technology to the Pacific group countries on the same terms and conditions as might be offered to European countries.
  - (b) It would be highly desirable to be present at any discussions between the U.S. and those countries involved in the centrifuge process to keep ourselves informed of the attitudes taken by both parties to the likely emergence of the centrifuge process as an alternative to gaseous diffusion.

[*matter omitted*]

[NAA: A1838, 720/4/9 part 4]

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<sup>1</sup> Not published.

**179 CABLEGRAM FROM EMBASSY IN THE HAGUE TO DEPARTMENT OF FOREIGN AFFAIRS**

The Hague, 15 October 1971

963. CONFIDENTIAL

**Washington Uranium Enrichment Talks**

Your 1058.<sup>1</sup>

We spoke to Kruyt,<sup>2</sup> head of Scientific Operation Division in the Foreign Ministry, on 15 October. He said Netherlands was opposed to separate group meetings but feared they would proceed on this basis. Dutch saw move as possibly aimed at forcing ultra centrifuge partners into accepting a gas diffusion facility for Europe before it was known whether their alternative system would be commercially viable. Latter would not be known prior to late 1972, but within the limited European group the French would exert pressure for an earlier decision in favour of gas diffusion. While Dutch would stand firm they could not be completely confident of British and West Germans. (Kruyt mentioned incidentally that, since the United States offer to discuss enrichment technology, the Italians had withheld any action on joining the centrifuge consortium.)

The EEC participants and the commission were to discuss their position at a meeting scheduled for Brussels on 28 November. This would be followed by tripartite talks on 29 November, but Dutch hoped to have talks with Germans before 28 November (they have already held talks with British, who indicated continuing faith in centrifuge system.)

The role of the commission in the Washington talks was causing some difficulty, the French wanting one voice and the Dutch and Germans wanting coordination only. The commission representative would probably be Spaak.<sup>3</sup>

[NAA: A1838, 919/10/5 part 35]

**180 CABLEGRAM FROM HIGH COMMISSION IN LONDON TO DEPARTMENT OF FOREIGN AFFAIRS**

London, 25 October 1971

19582. CONFIDENTIAL PRIORITY

**Uranium Enrichment**

Your 5292<sup>1</sup> to Washington.

2. The FCO says that Britain will strongly support the participation of Australia in the European Group, and will urge other Europeans to agree to this. One or two Europeans (Italy and Belgium) have expressed some doubts about non-European attendance, but the FCO feels that general agreement to attendance of Australia and others is likely. They hope that this will be decided before EEC – United Kingdom – Commission meeting in Brussels on the 10th November.

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1 Document 178.

2 Adriaan Kruyt.

3 Paul Henri Spaak, former Prime Minister of Belgium.

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1 Dispatched on 22 October, it advised posts that the Australian Government wished to participate in Pacific group talks taking place on 1 and 2 November and that it also wished to participate in European group talks. It requested the High Commission in London to inform the UK Government accordingly.

3. At the same time, it is expected that Britain would probably be represented by an observer at the Pacific group meeting (whether 1st or 2nd November or 5th and 6th November), but the FCO does *not* consider that an expert British team could be made available for this meeting because of numerous calls on experts' time.
4. A full British team will be available for the European group meeting scheduled for the 16th and 17th November, and in the British view this will clearly be the major of the two meetings, insofar as expert representatives of countries other than the United States with experience in uranium enrichment will be present. The British hope, therefore, that Australia will also be able to send a full expert team to this meeting.
5. The overall British view, in spite of the American insistence on two group meetings, is that the question of the supply of enriched uranium for the 1980's is a global problem which can only be usefully considered in a group embracing all the major interested countries (with the exception of the Communist countries and, for the time being at least, countries such as South Africa and Brazil which have not yet signed the NPT).
6. It also seems clear that the British approach to this matter involves an important element of combating, for commercial reasons, a presumed attempt by the United States to ensure that its diffusion process is applied (in two major plants to be set up in the Pacific and in Europe) rather than the British-sponsored centrifuge process.

[NAA: A1838, 919/10/5 part 35]

## **181 RECORD BY EMBASSY IN TOKYO OF CONVERSATION WITH FRENCH OFFICIAL**

Tokyo, 25 October 1971

CONFIDENTIAL

Record of Conversation with Mr R. Mas, French Attaché (Nuclear Affairs)

Officers Present: Dr W.B. Rotsey, Counsellor (Atomic Energy), Mr A.J. Kentwell, First Secretary

### **Uranium Enrichment**

#### *Multinational Talks*

1. Australia: What is the French position with respect to the forthcoming multinational talks on enrichment?

Mas: The United States is only now saying it will disclose the technology because of the French offer to do so in February 1971. I do not feel that the United States will really disclose anything substantive in these talks. France will not take the initiative to join the Pacific Basin Group talks, indeed it is not certain that an invitation would be accepted. I feel Japan is out to learn all it can from everybody, not just the United States at the talks. I think certainly the UK would be interested and perhaps Germany.

2. Mas: What specific items is Australia interested in learning from the talks?

Australia: We do not yet know the current thinking in Canberra but we would assume that apart from the technology, the price structure would be high on the list for discussion. Australia would like to see a fully commercial operation competing in the world market. The selling price should be free from any artificial constraint imposed by external factors.

[*matter omitted*]

[NAA: A1838, 720/4/9 part 4]



## 182 CABLEGRAM FROM EMBASSY IN WASHINGTON TO DEPARTMENT OF FOREIGN AFFAIRS

Washington, 16 November 1971

6300. RESTRICTED

### Uranium Enrichment Talks

Your 5757.<sup>1</sup>

Meeting convened by European Commission was held in Washington on 15 November. Apart from Commission and delegations from its member countries, those present included Australia, Brazil, Britain, Canada, Japan and New Zealand. All these countries will be represented at discussions with United States on 16/17 November.

2. New Zealand delegation (comprising one officer from embassy and nuclear physicist unfamiliar with current exercise) told us their interest in talks derived from government desire to be informed if there was any prospect of an enrichment plant being established in the Pacific. They said that New Zealand might also want to be kept in mind as a possible site for such a plant in view of availability of hydro-electric power on South Island. Brazil's interest in talks derives solely from its potential resources of cheap hydro-electric power in its remote areas. Sweden's main interest in talks stems from its position as an increasing consumer of enrichment services coupled with its highly sophisticated electrical generating industry.

3. Main purpose and outcome of meeting sponsored by European Commission was to formulate questions which, hopefully, would permit delegations to secure as much information as possible about United States proposal and intentions. Questions which meeting agreed should be put to United States fell into three main areas—economic/commercial, technical and legal.

#### *Economic/Commercial*

4. European interest in the economic/commercial area was concentrated particularly on accuracy of United States assessments as to how much and when new enrichment capacity would be required over the period 1975–1985. Belgian, West German and Italian delegations indicated their requirements would grow more quickly than United States had envisaged in its presentations at 1/2 November talks. French accepted United States assessment of likely rate of growth of British requirements. British indicated United States assessment of likely rate [of] growth of British requirements was too high. Europeans and Britain, however, were in general agreement with United States estimate of total increase in European demand for enrichment services for period 1975–1985.

5. We asked what proportion of projected increase in world demand was likely to be met by introduction of new capacity based on technologies other than United States gaseous diffusion process. In response, Loosch<sup>2</sup> (West Germany) expressed confidence that 'at least a proportion, amounting perhaps to a few thousand tonnes', of increased West German requirement would be met after 1980 by production from the tripartite centrifuge.

6. Newington<sup>3</sup> (Britain) called attention to the unknown factor represented by the USSR in the world enrichment supply/demand situation. He claimed that the USSR possessed a

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<sup>1</sup> Not published.

<sup>2</sup> Reinhard Loosch, Chief, International Affairs Section, Ministry of Education and Science, Federal Republic of Germany.

<sup>3</sup> Michael John Newington, Counsellor (Scientific), UK Embassy, Bonn.

substantial surplus enrichment capacity which was being used neither for domestic peaceful nor military purposes. He said that the USSR had already made enrichment services available to West European countries. He added that it was likely the USSR would continue to do so.

7. Newington continued that by the mid-1980's USSR could be supplying enrichment services of an order of 'tens of thousands of tonnes' cumulative that is it could vary from 10,000 to 90,000 tonnes for cumulative supplies to 1980. Newington said he doubted whether many non-Communist countries would want to rely substantially on the USSR as a source of enriched uranium. At the same time it was not unreasonable to expect that some countries would see merit in diversifying their sources of supply.

### *Technical*

8. In the technical area, the West Europeans agreed to press United States to indicate whether there were areas of technological information which it would be prepared to release to individual governments before any firm contacts or government-to-government arrangements were concluded. It was contended that United States position as outlined at 1/2 November meeting—i.e. virtually no release of information before conclusion of agreements and release of all information (including barrier technology) after conclusion of such agreements—was too rigid.

9. Goldschmidt<sup>4</sup> (France) pointed out, for instance, that United States had not entirely ruled out possibility of a multi-national project incorporating more than one technology. He contended that this would be impossible unless France, for instance, before signing a firm agreement with the United States, was given sufficient access to United States technology to determine which aspects of United States technology were better than French and vice versa.

10. Another point of interest to West Europeans was whether United States would be prepared to guarantee accuracy of information provided by United States architect/engineer if a particular country decided to proceed with a feasibility study based on use of United States technology [*matter omitted*].

### *Legal*

11. Legal questions were defined as those relating to the administrative and political conditions surrounding the establishment of a multi-national project. The West Europeans were interested here in probing extent to which United States would be prepared to extend reciprocity in terms of access to the United States market and the non-erection of tariff and other barriers regarding the supply of materials, equipment and services.

[NAA: A1838, 919/10/5 part 35]

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4 Pierre Goldschmidt, French Governor on IAEA Board.

**183 RECORD OF CONVERSATION BETWEEN ROTSEY AND HELFRICH**

Tokyo, 27 November 1971

CONFIDENTIAL

Record of Conversation with Mr and Mrs G. Helfrich (USAEC representative, Tokyo)

Officers Present: Dr W.B. Rotsey (Counsellor, Atomic Energy), Mrs W.B. Rotsey

**Uranium Enrichment**

Mr Helfrich said that the U.S. was not eager to sell its technology and was by no means pressing it on other nations. The U.S. is prepared to release it but only if certain conditions are met and if they are not met then the U.S. will not share the technology. He contrasted this attitude with that of the French whom he said were very keen to sell their technology and were trying very hard to do so to Japan.

2. He agreed that Japan was the nation in the Pacific area which had a pressing need for enrichment capacity to be available and that it was the nation which would probably set the timetable. I suggested that because Japan was committed to a large programme of light water reactors, it would have to be certain that the enrichment plant was capable of producing enriched uranium with extreme reliability and assured economics. It followed that Japan may prefer the diffusion process and particularly American technology because Japan had leaned on American technology so successfully in the past. Mr Helfrich thought that while the Japanese were likely to choose diffusion it was not certain they would choose U.S. technology. He felt that the problem of changing Japan's Atomic Energy laws was significant. The Japanese had told the U.S. that they would not contemplate changing their law until participation in a viable enrichment project was imminent. In view of the time that was likely to elapse before such a stage was reached and the law in Japan changed, the need for a decision to go ahead and build a plant might sway Japan towards French technology.

3. Mr Helfrich suggested that internal problems in the U.S. would also compound the issue. The proposition that U.S. private firms take over enrichment and become involved in a new plant was still being explored. He thought it probable that rather than the new plant being built in Canada or Australia, it would in fact be built in the U.S. by the private firms. Of course guarantees of a market would have to be provided and future customers must sign long term contracts containing clauses which would protect U.S. investment.

[NAA: A1838, 720/4/9 part 6]

**184 SUBMISSION FROM BLAKENEY<sup>1</sup> TO BOWEN<sup>2</sup>**

Canberra, 19 April 1972

CONFIDENTIAL

**Inquiry from Japanese Embassy about Nuclear Weapons in Australia**

The First Secretary of the Japanese Embassy, Mr Tada,<sup>3</sup> telephoned the Department on the morning of 18 April saying that he was conveying a request from Tokyo concerning the stationing of nuclear weapons in Australia. Mr Tada said he realised it was a delicate issue, but his Government would be grateful to know 'to the extent possible':

(a) Whether there were any United States nuclear weapons at American bases in Australia;

(b) If so, whether there was any mechanism for 'prior consultations' with Australia on the introduction of nuclear weapons.

2. Mr Tada telephoned the same Departmental officer on the night of 18 April saying that his first question ((a) above) might better have been worded, given the sensitivity of the issue, 'Whether there were any official statements about United States nuclear weapons at American bases in Australia'.

3. Mr Tada added that his Ambassador was anxious to take the matter up personally, if necessary, in order to receive an early reply. The Japanese Government was under quite heavy attack in the Diet on the 'prior consultations' issue.

4. We think the Embassy's questions should be disposed of promptly at fairly junior level and without our becoming drawn into any exchange of substance which might later prove embarrassing if leaked by the Japanese authorities.

5. We therefore propose speaking to the Japanese Embassy in the following terms and giving them an informal piece of paper purely as a means of ensuring accurate reporting as follows:

'There are no American bases in Australia. There are only a United States naval communication station at North West Cape, a joint defence space research facility in the vicinity of Alice Springs and a joint defence space communications station at Woomera. The questions put by the Embassy therefore do not arise. The matter they raise is not an issue in Australia and the Australia Government would not wish any public comment to be made by the Japanese Government which could have the effect of linking Australia with the issue in Japan'.

We would not be drawn into any further comment to the Embassy.

6. The Department of Defence is informing the Minister similarly and we shall be responding to the Japanese during the course of today, 19 April.

[NAA: A1838, 919/10/5 part 35]

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1 F.J. Blakeney, now First Assistant Secretary, Defence Division, Department of Foreign Affairs.

2 Nigel Bowen, Minister for Foreign Affairs.

3 Toshitaka Tada, First Secretary, Japanese Embassy, Canberra.

**185 SUBMISSION FROM CUMES TO BOWEN**

Canberra, 20 April 1972

CONFIDENTIAL

**Australian Membership of the Zangger Committee**

The purpose of this submission is to seek your approval for Australia to accept an invitation to join the Zangger Committee.

2. The Zangger Committee comprises an informal group of Western 'supplier' countries which has been considering the interpretation and implementation of IAEA safeguards with a view to creating conditions of fair commercial competition so that no country is commercially disadvantaged because it takes a more stringent view of its obligations than do others.<sup>1</sup> The Committee, which first met in June 1970, takes its name from its Chairman, Dr. Claude Zangger, Director of Switzerland's Federal Office of Energy. The Committee has no secretariat, no membership fees or formal obligations, and meets on an occasional basis two or three times a year, mostly in Vienna but also in other European capitals. The present membership of the Committee is:

Austria	Netherlands
Belgium	Norway
Canada	Sweden
Denmark	Switzerland
Germany (Federal Republic)	United Kingdom
Italy	United States
Japan	

3. While the Committee comprises countries party to, and countries not party to, the Treaty on the Non-Proliferation of Nuclear Weapons, a major concern of the Committee has been the analysis of the safeguards obligations under Article III(2) of the Treaty. This Article provides:

'Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this Article'.

4. The Zangger Committee has been working recently to produce a document which will outline a 'gentleman's agreement' on how safeguards would be applied to exports of items on an agreed 'trigger list' to countries not party to the N.P.T. This agreement will be without prejudice to each member of the Committee making its own decision and requiring, if it wishes, arrangements additional to those specified in the 'gentleman's agreement'.

5. Participation by Australia in the work of the Committee would provide us with an opportunity to influence the establishment of agreed procedures and criteria for the application of safeguards in a way which takes account of Australian circumstances. It would also provide a means by which we could reassure ourselves that Australia is not being disadvantaged by other countries requiring less rigorous safeguards conditions. In the longer term the Committee's work will be an important element in avoiding a situation in which bilateral safeguards could be undermined by commercial competitive pressure. At its last meeting in February this year, which Australia observed, the Committee indicated that it would welcome full participation by Australia (and also by South Africa).

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1 A handwritten note here reads, 'That is, the Committee attempts to harmonise the policies of supplying countries'.

6. The AAEC is strongly in favour of membership of the Zangger Committee. We have been informed that the Minister for National Development favours Australian membership of this Committee.

7. The costs of representation on the Committee should be small since we envisage that this would be handled by our IAEA Resident Representative in Vienna (Ambassador Corkery)<sup>2</sup> assisted as required by an AAEC officer expert in safeguards procedures. The Committee's next meeting will be held in Vienna from 3rd to 5th May, 1972.

8. It is recommended that you approve Australia's participation in the work of the Zangger Committee.

[NAA: A1838, 919/10/5 part 35]

## 186 SUBMISSION FROM BLAKENEY TO BOWEN

Canberra, July 1972

TOP SECRET AUSTEO

### **Treaty on the Non-Proliferation of Nuclear Weapons**

[*matter omitted*]

#### *Australian Nuclear Weapons Capability*

18. Reservations expressed concerning safeguards and inspections are directly related to our aim of developing unhindered, nuclear power for peaceful purposes. On the question of signature and ratification, however, Australia's position has been and should continue to be influenced by long term strategic considerations. In this regard the 'Strategic Basis of Australian Defence Policy 1971', approved by the Defence Committee in March 1971, states:

'Finally there is, in our opinion, no present strategic need for Australia to develop or acquire nuclear weapons; but the implications of China's growing nuclear military capacity, and of the growth of military technology in Japan and India, need continuous review. We consider that the opportunities for decision open to the Australian Government in future would be enlarged if the lead time for the acquisition of a nuclear weapons capability could be shortened. We recommend regard to this, without undue claims upon resources, in the future development of Australia's nuclear capacity for peaceful purposes, in the Defence research and development programme, and in other relevant ways.'

19. The Government's present public assessment—as expressed in the Department of Defence paper 'Australian Defence Review', March 1972—is that 'in the present strategic circumstances there is no requirement for an Australian nuclear weapons capability. Australian policy on the acquisition of nuclear armaments recognises the danger which could arise from the spread of nuclear weapons and from an increase in the number of nations possessing such weapons ... In present circumstances, however, it would be prudent to continue to watch developments in nuclear technology.'

20. Ratification of the NPT does not mean that a country's national interests are necessarily subordinated permanently to the Treaty. Under Article X, any State Party may withdraw from the Treaty 'if it decides that extraordinary events, related to the subject matter of the Treaty, have jeopardised the supreme interests of its country.' Moreover, even after ratification, some

2 Corkery was now Ambassador to Austria.

steps towards development of a nuclear weapons capability would be possible. To what extent those steps would reduce the lead time is not known. Further study would be needed to determine this.

[NAA: A1838, 919/10/5 part 25]

## **187 CABLEGRAM FROM PLIMSOLL TO DEPARTMENT OF FOREIGN AFFAIRS**

Washington, 21 July 1972

3749. TOP SECRET AUSTEO

### **Underground Nuclear Testing**

Since my return from the Stockholm Conference on the Human Environment I have tried to probe further into the real reasons for the United States opposition to a comprehensive test ban treaty.

2. The United States official position has been that in the absence of on-the-spot verification it is not yet possible in all cases within existing techniques to distinguish with certainty between a nuclear explosion and a seismic disturbance. As you know I had formed the impression that technical advances had reached a point where it was possible to distinguish these explosions with a sufficient degree of accuracy and that it would not be worth it to the Russians to run the risk of conducting a test in violation of the treaty and being found out particularly if there was international monitoring machinery so that detection would not be a matter of relying on the Americans' word alone. I have felt that the real reason was that the United States armed forces wanted to conduct further tests for their own defence reasons and that the Soviet Union similarly wanted to continue tests. My discussions since returning here have reinforced that earlier impression but in a conclusive way.

3. Today I was given a very good briefing on the SALT Talks<sup>1</sup> by Mr Gerard Smith (Director of the Arms Control and Disarmament Agency) a full report of which will be sent in the next classified bag. I took the opportunity to pursue with him the question of underground tests. I said my impression was that capacity to distinguish tests from seismic disturbances had now reached the stage where if that was the only obstacle a comprehensive test ban treaty could be accepted but that the United States had no substantive defence reasons for wanting to be able to continue underground tests. I asked whether he could give me some idea of the importance of those defence interests which I said I assumed were mainly tests of MIRV<sup>2</sup> warheads. I asked whether the United States was not so far ahead of the Soviet Union in MIRV warheads that a ban on further tests underground would in fact work to the advantage of the United States by making it more difficult for the Soviet Union to catch up.

4. Mr Smith replied that it was true that the armed forces wanted to be able to continue tests. This was partly the natural reaction of generals and admirals who never wanted to shut the door on possibilities of technological improvement. Mr Smith did not take up my reference to MIRV warheads but mentioned that the services were interested in future tests to develop cleaner tactical weapons. But he said there were also very genuine problems about distinguishing a nuclear test. It was not only in relation to seismic disturbances. He said that many persons had hopes of using nuclear explosions for peaceful purposes (though he thought

1 The Strategic Arms Limitation Talks (SALT) commenced between the United States and the USSR in Helsinki in November 1969.

2 Multiple independently targeted reentry vehicle.

personally that the potentialities of those was exaggerated) and it would be possible to use for such a peaceful explosion a device that was perhaps not identical with but quite close to a nuclear weapon device which a country wanted to test. On-the-spot verification would be useful in such cases.

5. Smith also made the point that nuclear weapons might deteriorate in storage. The military would like to carry out sample tests from time to time to see if they were still effective. Smith personally would not regard that as an insuperable objection as both sides would face the same problem.

6. Smith said his personal view was that despite resistance from the services President Nixon would be ready to agree to a comprehensive test ban treaty if he could be satisfied on detection.

[NAA: A1838, 919/10/5 part 25]

## **188 MINUTE PAPER BY WHITLAM<sup>1</sup> FOR EXECUTIVE COUNCIL**

Canberra, 11 January 1973

### **Ratification of Nuclear Non-Proliferation Treaty**

Recommended for the approval of His Excellency the Governor-General in Council that:

- (1) Australia ratify the Treaty on the Non-Proliferation of Nuclear Weapons, which was opened for signature at London, Moscow and Washington on the first day of July, One thousand nine hundred and sixty-eight and which was signed for and on behalf of Australia on the twenty-seventh day of February, One thousand nine hundred and seventy;
- (2) the Minister of State for Foreign Affairs be authorised to draw up and complete appropriate Instruments of Ratification for that purpose; and
- (3) the Instruments be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

### **Explanatory Memorandum**

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT), a copy of which is attached,<sup>2</sup> was drafted by the United States and the Soviet Union and, after consideration in the then Eighteen Nation Disarmament Committee, was submitted to the United Nations in June 1968. It was opened for signature on 1 July 1968.

The NPT entered into force after the three depositary Governments (the United States, the Soviet Union, and the United Kingdom), plus 40 other States had signed and ratified, on 5 March 1970. At that time 55 other countries had signed but not ratified. Australia was one of these, having signed on 27 February 1970, with a declaration regarding eventual ratification.

Cabinet considered the NPT when the issue was brought before the United Nations in 1968 and again in early 1970 when it became apparent that the Treaty would soon enter into force. At the latter meeting it was decided that Australia should sign, but that a decision on ratification should be delayed until the following two conditions had been satisfied:

- (a) The safeguards and inspection arrangements called for under the Treaty must not burden research, development, production and use of nuclear energy for peaceful

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1 Edward Gough Whitlam, Prime Minister and Minister for Foreign Affairs.

2 See Appendix II.



purposes; nor should they constitute an obstacle to a nation's economic development, commercial interests or trade. They should be applied in a non-discriminatory fashion and should be effective in ensuring that any breaches in the Treaty would be detected.

(b) A condition of an effective Treaty must be that it should attract 'a necessary degree of support'.

The International Atomic Energy Agency (IAEA) is assigned the task of negotiating safeguards agreements with States Parties to the Treaty so as to verify that those Parties are fulfilling the obligations assumed under the Treaty.

In April 1971, Australia agreed to the adoption of a report by the IAEA Board of Governors, on the structure and content of NPT safeguards agreements. Thus the reservations expressed in (a) are no longer an obstacle to ratification of the NPT by Australia. Under the terms of the Treaty, Australia is required to enter into negotiations with the IAEA on a safeguards agreement prior to ratification or, at the latest, on the day that instruments of ratification are deposited. Arrangements are being made to initiate this process.

The total number of countries which have now ratified or acceded to the NPT is 73. These include the United States of America, Britain, the USSR, New Zealand, Canada, and Malaysia. A further 27 countries have signed, but not ratified: including Japan, West Germany, and Indonesia.

The Australian position has been that the Treaty must attract the support of a sufficient number of *significant countries* before it becomes *effective*. Such countries are those:

- (i) which have an existing nuclear capability; or
- (ii) which have an existing or future potential for such a capability; or
- (iii) other Asian nations generally.

Of the nuclear powers, neither France nor China has signed the NPT. Of those countries with an existing or future nuclear potential, only Canada and Sweden have ratified; and several including India, Pakistan, South Africa, Israel and North Viet Nam have not signed. Of the countries of the Asian region, only Afghanistan, the Republic of China, Laos, Malaysia, the Maldives, Mongolia, Nepal, New Zealand, and South Viet Nam have ratified.

In recent months several countries which we have held to be 'significant' have apparently moved closer to ratification. Five of the six EURATOM countries, excluding France but including West Germany, have almost completed the negotiation of an IAEA safeguards agreement, along the lines approved by the Board of Governors in April 1971. This could facilitate the negotiation of future agreements. Despite the possibility of renewed political debate in the EURATOM nations, it is expected that the five mentioned above will ratify before long. It also appears that there is a trend in Japan toward ratification—although we expect ratification by Japan to take two years or more. Thus it seems that the NPT is likely to become a more 'effective' Treaty through additional support by 'significant' countries, in the relatively near future. On the other hand, there are several other 'significant' countries which show no signs of ratifying or acceding to the Treaty.

Ratification of the NPT does not mean that a country's national interests are necessarily subordinated permanently to the Treaty. Under Article X, any State Party may withdraw from the Treaty 'if it decides that extraordinary events, related to the subject matter of the Treaty, have jeopardised the supreme interests of its country'.

The main obligations that Australia would undertake through becoming a Party to the NPT are:

- (a) Australia would be obliged not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons directly or indirectly (Article II).

(b) Australia would be obliged not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, and not to seek or receive any assistance in the manufacture of such weapons or devices (Article II).

(c) Australia would be obliged to accept 'safeguards' as set forth in an agreement to be concluded with the International Atomic Energy Agency (IAEA), for the exclusive purpose of verification of the fulfilment of the obligations assumed under the Treaty, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices (Article III(1)).

(d) Australia would be obliged to ensure that procedures for the safeguards shall be followed with respect to 'source or special fissionable material' whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility (Article III(2)).

(e) Australia would be obliged to apply the safeguards on all 'source or special fissionable material' in *all* peaceful nuclear activities with the territory of Australia, under its jurisdiction or carried out under its control anywhere (Article III(2)).

(f) Australia would be obliged not to provide (i) 'source or special fissionable material' or (ii) equipment or material especially designed or prepared for the processing, use or production of such fissionable material to any other non-nuclear weapon State for peaceful purposes unless the 'source or special fissionable material' is to be subject to safeguards required by the Treaty (Article III(2)).

The treaty-making power is vested in the Crown and in Australia is exercised by the Governor-General in Council. The attached Minute seeks the approval of the Council for Australia to ratify the Treaty described and for the Minister for Foreign Affairs to draw up and complete appropriate Instruments of Ratification for that purpose, to be deposited at London, Moscow, and Washington.

[NAA: A1838; 919/10/5 part 36]

## 189 NEWS RELEASE FROM DEPARTMENT OF FOREIGN AFFAIRS

Canberra, 23 January 1973

### **Australian Ratification of Nuclear Non-Proliferation and Seabed Arms Control Treaties**

The Minister for Foreign Affairs, Mr E.G. Whitlam, announced today that arrangements had been made for Australia to ratify two Treaties relating to the control of nuclear weapons—the Nuclear Non-Proliferation Treaty and the Seabed Arms Control Treaty.<sup>1</sup>

Mr Whitlam said that instruments of ratification were being deposited today by Australian representatives in the three depository capitals, London, Washington and Moscow.

[*matter omitted*]

Mr Whitlam said that to fulfil the principal requirement of ratification of the Nuclear Non-Proliferation Treaty, Australia was already negotiating with the International Atomic Energy Agency for a Safeguards Agreement, which would provide practical arrangements to prevent the non-peaceful use of nuclear material.

[*matter omitted*]

[NAA: A1838, 919/10/5 part 36]

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1 The Seabed Arms Control Treaty was opened for signature on 11 February 1971. It bans the emplacement of nuclear weapons on the ocean floor beyond a 12-mile limit.

## 190 CABLEGRAM FROM DEPARTMENT OF FOREIGN AFFAIRS TO EMBASSY IN WASHINGTON

Canberra, 30 March 1973

1524. CONFIDENTIAL

### NPT Safeguards Agreement

This message outlines some queries relevant to our NPT safeguards agreement which we wish to raise with American authorities.

2. Australia's ratification of the NPT requires us *inter alia* to negotiate an agreement with the IAEA whereby the agency will apply treaty safeguards (as outlined in IAEA document INFCIRC 153) to *all* nuclear material in Australia subject to safeguards under the agreement. The exclusive purpose of these safeguards is to verify that materials are not diverted to nuclear weapons or other nuclear explosive devices. The contents of INFCIRC 153 have been accepted by IAEA members as a satisfactory basis for negotiating agreements between the IAEA and member states for the application by the agency of effective safeguards under NPT. There is thus little flexibility for negotiation within the framework of the document.

3. Australia holds a significant amount of nuclear material of US origin under the provisions of the US–Australia bilateral agreement for co-operation in peaceful uses of nuclear energy. Under Article XI of this agreement Australia guarantees that no material, including equipment and devices, transferred to the Government of Australia or authorised persons under its jurisdiction from the USA pursuant to this agreement, and no special nuclear devices materials produced through the use of such material, equipment and devices will be used for atomic weapons, or for research or on development of atomic weapons, *or for any other military purpose*. The last six words give rise to one major difference in the safeguards obligations Australia undertakes under the NPT and the bilateral agreement. Under the NPT Australia may legally use nuclear material for non-explosive military uses. A second major difference, though closely related to the first, is the extent of safeguards.

4. Safeguards on US-supplied nuclear materials in Australia are at present applied by IAEA under a trilateral agreement with USA and Australia. They are known as 'Safeguards Transfer Agreement' or STA safeguards. They embrace a wider range of nuclear materials than do NPT safeguards and also cover equipment and facilities. When they are replaced by NPT safeguards some US-supplied nuclear materials in Australia (we have no equipment or facilities supplied under the bilateral) at present under STA safeguards would not be safeguarded under NPT, e.g. the heavy water required for operation of the HIFAR reactor.

5. Since our ratification of the NPT the US has invited us through our embassy in Vienna to sign a protocol having two purposes related to safeguards. The first is to suspend the application of STA safeguards to US-supplied nuclear materials and at the same time apply NPT safeguards to these materials. The second purpose is to bridge the gap between STA and NPT safeguards by ensuring the application to US-supplied nuclear materials, equipment or facilities in Australia of safeguards additional to NPT safeguards, i.e. 'residual safeguards'. Residual safeguards when added to safeguards under NPT would cover all US materials in Australia as they are presently covered by the existing STA system. These residual safeguards would be applied by the agency.

6. We are sending the text of the draft protocol by separate cable. There are two aspects of it on which we would like you to have initial discussions with the Americans. (We have been invited to do this by the Americans in Vienna whom we have consulted, see our 1088<sup>1</sup> and Vienna's OP14.)

(a) It is our view that NPT safeguards should be adequate to provide the necessary reassurance to the US Government. For this reason we do not see the necessity for residual safeguards but we acknowledge that the US is entitled to insist on them by reason of our bilateral undertakings. So, because of the terms of the bilateral agreement with the USA, we are prepared to accept the residual safeguards on material of US origin, but we feel that if the US requires these safeguards to satisfy itself that we are honouring our guarantee, then the US should apply them. Please note that neither the IAEA nor the NPT require them. For the IAEA to apply these safeguards would appear to us to be tantamount to both Australia and the agency suggesting that NPT safeguards are inadequate for their purpose and require bolstering by additional and more comprehensive measures. We see disadvantages for both Australia and the agency in getting into this position.

(b) With regard to the undertaking in our bilateral with the US that we will not use US-supplied material or equipment for non-explosive military purposes we understand that having ratified the NPT we do not have the option of continuing to apply STA safeguards to US-supplied nuclear material, while accepting NPT safeguards on our remaining nuclear material. This being so, we see no practical alternative to accepting the provision in clause 2 of the draft protocol—which is additional to the requirements of the NPT—under which Australia would be obliged to notify the US, as well as the agency, if we wish to exercise the right to use *non-US-supplied* nuclear material for non-explosive military purposes, e.g. fuelling portable military power stations (always assuming no other conflicting bilateral provisions). However the draft protocol uses the words 'to the extent that' in its clause 1. Enquiries of the Americans in Vienna indicate they expect normal NPT safeguards to detect diversion to non-peaceful nuclear activities in addition to weapons, but if this is not so in practice they may require other as yet undefined measures to ensure detection of such diversion. We feel that such an open-ended provision, if it were a correct interpretation, would be outside our understanding of the spirit of the bilateral agreement and inconsistent with our understanding of the purpose of the obligations we have undertaken in ratifying NPT. It would be most difficult for us to accept.

7. We would like you to ascertain the views of the Americans on these two matters, hopefully obtaining their acceptance of our position. We aim to settle the terms of the agreement with the agency staff in mid-April and your reply will be important to our consideration of some aspects of the agreement, as well as to the arrangements we can make with the Americans. We will instruct you further concerning these arrangements after we have considered your reply.

[NAA: A1838, 919/10/5 part 36]

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<sup>1</sup> Dispatched on 8 March, it advised that the Department of Foreign Affairs had examined a draft United States – IAEA – Australia protocol forwarded by the embassy and asked the embassy to seek clarification of certain aspects of the document.

## 191 CABLEGRAM FROM EMBASSY IN WASHINGTON TO DEPARTMENT OF FOREIGN AFFAIRS

Washington, 3 April 1973

1777. CONFIDENTIAL PRIORITY

### NPT Safeguards Agreements

Our 1714.

On 2 April, we had a further meeting with Webber<sup>1</sup> (Director, Atomic Energy Affairs, State Department) and Brewster<sup>2</sup> (Deputy Director) who had with them Yeomans<sup>3</sup> and Spingarn<sup>4</sup> (USAEC) and Maurer<sup>5</sup> (Legal Adviser's Officer, State Department). We spelt out your concerns with the proposed draft protocol along lines set out in paragraph 6 of your telegram 1524.<sup>6</sup>

2. The Americans recalled the recent background to their policy of progressively transferring the administration of safeguards agreements from the United States to the IAEA. The United States had already completed some twenty-one transfers of bilateral atomic energy agreements to trilateral arrangements involving IAEA inspections. Five transfers of trilateral arrangements to NPT safeguards had already been completed and more were to be negotiated. All these transfers were based on the principle, contained in clause 1 of the draft protocol, that one set of safeguards would be suspended 'to the extent' that the new arrangements were being applied.

3. The main difference between the trilateral agreement and the NPT safeguards was that the trilateral agreement prohibited transfer of United States supplied materials for military non-explosive purposes while the NPT safeguards contained no such prohibition. To accord with United States law and policy, it was necessary to close this 'gap' in the NPT system. At the same time it continued to be United States policy to get out of the business of policing safeguards agreements and to transfer this responsibility to the IAEA.

[*matter omitted*]

5. We asked the Americans to explain the philosophy behind the prohibition of transfer of materials to non-explosive military systems. Their reply was that American civil atomic energy agreements were designed to cover the use of American supplied materials for purely peaceful purposes. Any military applications (e.g. naval propulsion) would have to be the subject of a separate military assistance agreement. The United States had concluded such an agreement with Britain.

[*matter omitted*]

[NAA: A1838, 919/10/5 part 36]

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1 Robert T. Webber.

2 H. Daniel Brewster.

3 William L. Yeomans, Assistant Director for International Affairs, US Atomic Energy Commission.

4 Edwin E. Spingarn, US Atomic Energy Commission.

5 Ely Maurer, Assistant Legal Adviser for Scientific Affairs, US Department of State.

6 Document 190.

## 192 REPORT OF MEETING OF ASIA-PACIFIC COUNTRIES

Vienna, 21 September 1973

RESTRICTED

### IAEA: Regional Co-operation Agreement

As advised in Vienna memorandum 781<sup>1</sup> of 3 September 1973, a meeting of countries from the Asian and Pacific regions was held during the recent IAEA General Conference to discuss the Regional Co-operation Agreement for Research, Development and Training related to Nuclear Science and Technology (see IAEA document INFCIRC/167). The meeting was attended by representatives from India, Indonesia, Thailand, the Philippines, Japan, New Zealand, Vietnam, Korea, Bangladesh, Singapore and Australia (G.L. Hanna).<sup>2</sup> Pakistan, Sri Lanka, Burma, Cambodia and Afghanistan did not attend.

[*matter omitted*]

4. Mr. Glubrecht<sup>3</sup> explained that the Regional Co-operation Agreement (RCA) is intended as a *legal framework* under which the IAEA can promote the co-operation of scientists in regional countries in scientific and technological fields of interest to these countries. The Agency view is that there is much scientific and technical capacity available in the region but because of its fragmentary character it is not being used to best advantage. The RCA, therefore, could assist in co-ordinating and fostering the use of these resources by *all* countries of the region. Within this context the Agency sees its role as a co-ordinator; the agreement is directed only secondarily at technical assistance and the Agency's technical assistance programme would become involved only when funds are needed to assist the functioning of particular projects falling within the scope of the agreement. Mr. Glubrecht stated that the Agency would not seek to promote, on its own initiative, particular projects under the agreement but that the choice of project should be left to Member States; this view was supported by several representatives present.

[*matter omitted*]

[NAA: A1838, 919/20/2 part 1]

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1 Not published.

2 Attaché (Atomic Energy), Vienna.

3 Hellmut Glubrecht, Deputy Director General, Department of Research and Isotopes, IAEA.

## 193 NOTE ON AUSTRALIA'S DISARMAMENT ACTIVITY AT UN GENERAL ASSEMBLY

Canberra, 11 January 1974

This article summarises the main features of Australia's voting and statements at the 28th United Nations General Assembly (UNGA) on disarmament matters (except on nuclear testing and the Indian Ocean Zone of Peace, which have been reported separately).

There were 16 disarmament resolutions at the UNGA this year, of which five dealt with nuclear testing and the United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR) Report, and one with the Indian Ocean Zone of Peace. Details of the other 10 resolutions follow:

(a) *Nuclear Non-Proliferation Treaty: Review Conference*

100 (Australia) – 2 (China) – 11 (France, India). Australia co-sponsored this resolution, which was the product of negotiations between non-nuclear Conference of the Committee of Disarmament (CCD) members (in particular, Sweden) and the Treaty depositary powers (UK, USA, USSR). We took part in its drafting. The resolution calls for the setting up of a Committee to prepare for a conference in 1975 to review the Treaty. Australia will be a member of the Committee.

(b) *Strategic Arms Limitation Treaty (SALT)*

94 (Australia) – Albania – 19 (UK, USA, USSR). [*matter omitted*] China did not participate. Last year, Australia abstained with them on a similar resolution.

(c) *Responsibility of United Nations for Disarmament Matters*

93 (Australia) – 0 – 20 (USA, UK, USSR, France). China did not participate. This resolution reaffirms the ultimate goal of general and complete disarmament and the responsibility of the United Nations for international disarmament. The nuclear powers either abstained or (in the case of China) did not participate in the voting.

In his speech to the General Assembly on 4 October, the Minister for Foreign Affairs, Senator Willesee,<sup>1</sup> pledged Australia's full support to the efforts of the United Nations to achieve general and complete disarmament subject to effective means of verification.

(d) *Napalm and other Incendiary Weapons*

103 (Australia) – 0 – 18 (US, UK, USSR, France). This resolution calls upon the Geneva Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts to begin consideration in 1974 of the question of the prohibition or restriction of use of certain weapons (such as napalm) which may cause unnecessary suffering.

Last year, Australia abstained, together with the US and UK, on a resolution concerned with napalm. In supporting this year's resolution, Australia gave priority to the humanitarian and international political aspects of the question.

(e) *Chemical and Bacteriological (Biological) Weapons*

118 (Australia) – 0 – 0. China and France did not participate. The resolution reaffirms the importance of reaching early agreement on effective measures for the prohibition of the development and stockpiling of chemical weapons.

In a statement in First Committee, the Australian delegate stressed the importance of effective measures. In his speech to the General Assembly on 4 October, Senator Willesee announced that Australia was now taking steps to ratify the Convention on Bacteriological (Biological) Weapons.

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1 Don Willesee.

(f) *Treaty of Tlatelolco*

116 (Australia) – 0 – 12 (USSR). This resolution calls for universal support of the Treaty, which declares Latin America a nuclear free zone. Among the great powers, only the USSR has failed so far to support the Treaty. The Australian delegate commended the Treaty in a First Committee disarmament statement. The Treaty organisation (OPANAL) subsequently expressed their appreciation of this statement.

(g) *World Disarmament Conference*

Adopted unanimously. This resolution, sponsored by a non-aligned group, sets up an Ad Hoc Committee of 40 non-nuclear states (selected regionally, and not including Australia) to examine and report on the possibility of holding a World Disarmament Conference. This Committee replaces an unsuccessful Soviet-inspired 35-nation Committee, which was set up in December 1972 but never met formally, primarily because of China's opposition.

(h) *Reduction in Military Budgets—(Mexican Resolution)*

93 (Australia) – 2 (China) – 26 (US, UK, France). The resolution sponsored by Mexico calls for a report into the possibilities for reductions in military budgets and consequent increases in aid.

(i) *Reduction in Military Budgets—(Soviet Resolution)*

83 (USSR) – 2 (China) – 38 (Australia, US, UK, France). The resolution sponsored by the USSR calls for a 10 per cent cut in the great powers' military budgets, and a corresponding allocation of aid funds by them to a new international aid committee.

[NAA: A1838, 919/10/5 part 37]

## 194 CABLEGRAM FROM DEPARTMENT OF FOREIGN AFFAIRS TO HIGH COMMISSION IN KUALA LUMPUR

Canberra, 28 January 1974

445. CONFIDENTIAL IMMEDIATE

### NPT Safeguards Agreement

The question has been raised as to whether it is desirable for Australia to seek the inclusion of a clause in the NPT safeguards agreement which would provide for a review of the operation of the agreement, on request or, in any event, 5 years after the entry into force of the agreement. This clause would be in addition to the normal provisions for amendment which provide for consultation between the agency and the other party on amendment of the agreement. Under the terms of Article 24 any amendment requires the agreement of both parties.

2. The proposal to include a clause for revision of the operation of the agreement follows developments in international thinking on NPT safeguards which have occurred since the original model agreement was prepared in the IAEA in 1970–1971. One development of particular significance was the conclusion of the agreement with Euratom, the atomic energy organisation of the European communities. This agreement provided for the continued operation of safeguards already being conducted by the Euratom organisation in co-operation with the IAEA. A further important development was the commencement of negotiations in June 1973 for a safeguards agreement between Japan and IAEA. Japan had taken the position that it required equal treatment with Euratom countries and proposed to establish a national safeguards organisation which would have a role in Japan which would be equivalent of that Euratom in European countries. Japan's proposal envisages an important development in the relationship between single states and the agency in the conduct of safeguards.



3. Developments in 1973 indicated that there was considerable sympathy for the Japanese attitude and there has been a growing recognition on the part of the IAEA that developed countries with substantial nuclear industries will have to set up more elaborate domestic safeguards systems. The agency considered that as nuclear materials came into more common use national governments would have an increasing need to account for their handling. Greater recognition of national accounting or safeguarding systems was therefore seen as 'the path for the future'.

4. Japan has not yet ratified the NPT and has not been under pressure to conclude a safeguards agreement in the immediate future. Reports had indicated it was unlikely that Japan would take action to ratify the NPT in 1974. However, Australia is in a different situation and would be in breach of the NPT if the safeguards agreement did not enter into force by 23 July 1974, i.e. 18 months after ratification of the NPT.

5. Departments there took the view (which was accepted by ministers) that Australia should not await the outcome of the Japan/IAEA negotiations but should conclude an agreement on the basis of the standard safeguards agreement. However, provision was sought for review of the operation of the agreement to ensure that account could be taken of future developments in the relationship between national accounting and control systems and the IAEA safeguards system. Discussions were held with the agency to establish the means to achieve this end. The agency made it clear that it considered all parties to the NPT should receive equal treatment in the application of safeguards even if they already had an NPT agreement in force. As a result of these discussions the agency suggested a form of words which were to be included in a safeguards agreement with Sweden. This clause had already been included in safeguards agreements with Denmark and Norway and approved by the IAEA Board.

6. The provision for review of the operation of the agreement would make it clear that Australia and the agency could jointly take account of future developments in the relationship between national and agency systems which were relevant to the operation of safeguards in Australia. At the present stage of the Australian nuclear industry, it did not seem necessary to contemplate establishment of an advanced national system as envisaged by Japan. At the same time we did not wish to exclude the possible development of a more complex national system if this was required by the growth of the nuclear industry in Australia.

7. Provision for review of the operation of the Australia-IAEA safeguards agreement would not open the way for any modifications which were inconsistent with the basic concepts of the NPT (which itself provides for the review of the basic treaty 5 years after its entry into force). The IAEA would be unable to accept any proposed changes in the safeguards agreement which were inconsistent with its responsibility which is set out in the NPT for the verification of obligations assumed by parties to the NPT.

8. In negotiations with the agency we have taken the position that Australia wants a safeguards agreement which is consistent with its obligation under the NPT. We have emphasised that we do not intend to seek concessions which could in any way undermine the effectiveness of the NPT. At the same time we have argued that it is important that all parties should receive equal treatment consistent with the requirements of the NPT. We consider this important if other countries are to become parties of the NPT. The agency appears to share this view and has presented no problem in agreeing to include the provision for a review of the operation of the agreement. Since the language has already been used in IAEA agreements we do not expect any difficulties when the agreement is considered by the Board in February.<sup>1</sup>

[NAA: A1838, 919/10/5 part 35]

1 On 11 July 1974, Willesee, announced that Australia had concluded an agreement on nuclear safeguards with the IAEA to meet its obligations as a signatory of the treaty. He explained that, as a consequence of the agreement covering all nuclear materials, whether produced locally or imported, it had become no longer necessary to apply for a separate and overlapping inspection system for materials supplied by the United States and that a protocol had therefore been executed suspending safeguards under the agreement of 1966. For the text see Appendix III.

**195 NOTE FROM BUTLER<sup>1</sup> TO CURTIS<sup>2</sup>**

Canberra, 20 May 1974

CONFIDENTIAL

**Nuclear India**

This paper discusses some implications of India's announcement yesterday, 19 May 1974, that it had detonated a nuclear device.<sup>3</sup>

[*matter omitted*]

*Conclusions*

23. Our relationship with India and our understanding of its foreign policies must now be given real substance. Our effort must begin to match the effort we make, for example, with Indonesia and Japan. The clichés about India—'Asia's sprawling democracy'—on the romantic side of things; or 'India is a bottomless pit for aid funds' on the pessimistic side—will prove inadequate even though such views contain elements of truth.

24. As a polity India is deeply troubled. As an economy it is deeply threatened. As a collective and historic experience India is capable of evoking deep and possibly expansionist chauvinism in its people. Its step into the club of nuclear weapons states possibly reflects all of these characteristics, but that step will place it squarely within the arena of contention between the super-powers and will bring the struggle between them closer to Australia.

25. The implications of this move for our region and for us will have to worked out in the future. We should start now, however, in the Department and in New Delhi to increase our ability; to understand India, to pursue a relationship which might help to maintain its independence, stability and non-alignment, and to give us a clear indication of its likely future strategic and foreign relations development.

[NAA: A1838, 720/5/7 part 3]

**196 CABLEGRAM FROM EMBASSY IN VIENNA TO DEPARTMENT OF FOREIGN AFFAIRS**

Canberra, 6 June 1974

1025. CONFIDENTIAL

**Indian Nuclear Explosion: Zangger Committee and IAEA Board**

Long lunchtime discussion produced many themes but no very clear pattern. Main points follow.

*(a) Zangger Committee*

2. Except for South Africa there seemed general agreement that Committee should agree on action on existing trigger lists as soon as possible, regarding Indian explosion as lending urgency to this but not reopening the lists nor inviting India to attend. Indians as consumers

<sup>1</sup> Richard Butler, Head, Economic Agencies Section, Department of Foreign Affairs.

<sup>2</sup> Peter Curtis, Assistant Secretary, Executive Branch, Department of Foreign Affairs.

<sup>3</sup> The Indians declared the test to be a 'peaceful nuclear explosion experiment' which was detonated near Pokhran on the morning of 18 May 1974. The yield was 10–15 kilotons. Perkovich, *India's Nuclear Bomb*, p. 178.

would then be covered by Zangger undertakings, while as suppliers attempt could be made to bring them in as with French and Russians. But to invite them in would risk upsetting progress so far (they would probably take a French type position) as well as legitimising their explosion.

3. United States have decided there is no use waiting further for the French and will press hard for earliest action. United Kingdom however want to give new French Government a chance at least to reply to outstanding approach to them.

[*matter omitted*]

[NAA: A1838, 720/5/7 part 3]

## 197 MEMORANDUM FROM EMBASSY IN TOKYO TO RENOUF<sup>1</sup>

Tokyo, 28 June 1974

RESTRICTED

### Japan: Ratification of the NPT

Please refer to our cables O.TO1824<sup>2</sup> of 25 June and O.TO1852<sup>3</sup> of 27 June on the above subject.

2. Press reports on 25 June quoted a 'high official' of the Foreign Ministry (who we understand was Mr F. Togo, Vice-Minister of Foreign Affairs) as saying that the Ministry would review the position which it had taken in favour of early ratification of the Nuclear Non-proliferation Treaty (NPT). The official allegedly explained that recent developments, including the Indian nuclear explosion and the decision of the United States to make available nuclear technology to Egypt and Israel, had increased differences within the Japanese Government over the treaty and had made it more difficult for the Ministry to press for its prompt ratification. He was reported to have said that the Ministry's argument in favour of early ratification as a means of ensuring Japan's continued access to nuclear fuel and technology had lost some of its force since Egypt and Israel were now to be allowed access to nuclear fuel and technology even though neither country had signed the NPT.

[*matter omitted*]

### *Comment*

7. While officials at lower levels in the Foreign Ministry continue to assert that the Ministry is still committed to early ratification of the NPT, the recent Indian, Chinese and French nuclear tests and the offer by the United States to provide Israel and Egypt with nuclear technology has served to undermine further the credibility of the Ministry's argument in the eyes of those opponents to ratification within the Liberal Democratic Party and other Government

1 Renouf was now Secretary, Department of Foreign Affairs.

2 It conveyed that the Japanese press had reported that, following on US undertakings to assist Egypt and Israel with the development of nuclear technology, the Japanese Government had approached the US Government for private assurances that it would apply appropriate safeguards to ensure that the technology concerned was only used for peaceful purposes.

3 It reported the embassy's understanding that a 'high official', believed to be Vice Minister for Foreign Affairs Togo, had informed the press that the Japanese Foreign Ministry would review the position which it had taken in favour of the early ratification of the Nuclear Non-Proliferation Treaty. Recent developments, including the Indian nuclear explosion and the decision of the US Government to make available nuclear technology to Egypt and Israel, had increased difficulties in the Japanese Government over ratification of the treaty.

ministries. Should Cabinet changes, which are expected to follow the House of Councillors Election in July, result in greater representation within the Government, of those opposed to the NPT, the Ministry is likely to find itself in an increasingly isolated position in pressing for prompt ratification.

8. Copies of this memorandum have been sent to Washington, London, Geneva, Vienna and New York.

[NAA: A1838, 919/10/5 part 38]

## 198 LETTER FROM WILSON<sup>1</sup> TO WILSON<sup>2</sup>

Sydney, 2 July 1974

CONFIDENTIAL

In my letter<sup>3</sup> of 26 June 1974, I set down my thinking on what Australia might do to help make non-proliferation a reality. I made the point that if we believe that the containment of proliferation is fundamental to our security and world stability, then its achievement justifies us adopting policy positions which might be considered quite untenable in other circumstances. The same proposition should be valid in respect of most countries, but regrettably, the realities of the situation are that it would be foolish to expect much support for non-proliferation moves which cut across broad political and commercial interests. It was for this reason that I did not suggest that Australia urge on other NPT parties and Zangger Committee members the proposition that they should limit their nuclear exports to NPT countries. Tokyo message No. TO 1852<sup>4</sup> makes me wonder whether despite the probable loneliness of such a position, we should not be contemplating unilateral action in this regard.

If Japanese thinking on ratification really is as finely balanced as Tokyo suggests—an assessment which I personally question—then a statement by Australia to the effect that it would supply uranium only to NPT parties could be the deciding factor in view of the current Japanese obsession with raw materials supply. The Minister for Minerals and Energy<sup>5</sup> has already said something along these lines, but I doubt that his statement was widely interpreted as being a firm declaration of policy with regard to non-proliferation.

[*matter omitted*]

[NAA: A1838, 919/10/5 part 38]

1 A.R.W. Wilson, Head, Licensing, Regulatory and External Relations Branch, AAEC.

2 M.J. Wilson, Assistant Secretary, Defence Policy Branch, Department of Foreign Affairs.

3 The letter replied to an invitation from the Department of Foreign Affairs to respond to a paper it had prepared titled 'Implications of the Indian Test for Australian Foreign Policy'. Wilson had argued that the Australian Government should seek to allay the general concerns of countries hesitating about treaty membership by working for (a) a more meaningful and all-embracing security guarantee; and (b) the effective and even-handed application of safeguards and export controls.

4 Not published.

5 R.F.X. Connor.

**199 LETTER FROM MCKEOWN TO RENOUF**

Washington, 26 July 1974

CONFIDENTIAL

**Non Proliferation Treaty**

On 24 July we discussed with Bengelsdorf<sup>1</sup> (Bureau of International Scientific and Technological Affairs, State Department, and formerly the USAEC) some aspects of Australian concern about challenges to the Non Proliferation regime and your interest in stimulating action in support of the Treaty. Drawing on your telegram CH 80664<sup>2</sup> we suggested that the movement towards ratification in significant threshold countries, such as Japan, had been significantly slowed. A number of recent events, beginning with the Indian nuclear test but including continued underground and atmospheric nuclear testing in recent weeks by each of the five established nuclear powers and the sale of nuclear materials and technology to Egypt and Israel had led to questions about the degree of interest of the major powers in preserving the NPT regime.

2. The Atomic Energy Attaché, Dr D.G. Walker, who was present during the informal discussion, noted that the United States had set a precedent by supplying nuclear materials to countries who had evinced no intention of ratifying the Non Proliferation Treaty. In addition, those countries had been given priority in the supply of enriched uranium notwithstanding that prior contracts from EURATOM and Japan remained unsigned. We said that it could also be argued that the modest nature of the Arms Control agreements concluded at the Moscow Summit<sup>3</sup> had provided further ammunition for opponents of the NPT in threshold countries.

3. Bengelsdorf defended the United States sales to Egypt and Israel along familiar lines and pointed to the safeguards requirements and the provisions concerning re-processing outside of the countries concerned which made the contracts more stringent than in other cases. Even were the United States to bring strong influence to bear it was doubtful that Israel would ever do more than Egypt had done by possibly agreeing to sign but not ratify the Treaty. Moreover the United States had no monopoly of this technology and the fact had to be faced that if the United States had not supplied these countries other suppliers may well have done so. However, Bengelsdorf was receptive to the argument that the sale of United States material in these circumstances had removed the incentive that other threshold powers might have felt to sign the Treaty in order to ensure future supplies of enriched materials of United States origin. He commented that the USAEC and the State Department had not expected the strong adverse reaction which the sales had aroused both in Congress and abroad. Legislation which had recently been introduced in Congress to require the Administration to submit future bilateral atomic energy agreements to Congress for an affirmative decision by the Congress was an indication of the strong Congressional sentiment on this point.

4. Bengelsdorf said that his personal view was that, during the Secretary of State's<sup>4</sup> absence from Washington and total preoccupation with other issues, no one had pulled the strands

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1 Harold Bengelsdorf.

2 Not published.

3 President Nixon visited the Soviet Union from 27 June to 3 July 1974 for his third summit meeting with Leonid Brezhnev. Among the agreements to come out of the summit were the US-USSR Treaty on the Limitation of Underground Nuclear Weapon Tests, also known as the Threshold Test Ban Treaty, which established a nuclear threshold by prohibiting nuclear tests of devices having a yield exceeding 150 kilotons; and a protocol to the Treaty on the Limitation of Anti-Ballistic Missile Systems, which had been signed in 1972.

4 Henry Kissinger.

together and considered all the implications of the sale to Egypt and Israel. He added that there was now considerable pressure on the Secretary of State to address himself to these issues. He thought that we could expect in due course to see some United States reaction in support of the Non Proliferation Treaty. Bengelsdorf recalled that, as a Harvard academic, Dr. Kissinger had downgraded the Non Proliferation Treaty and he had argued that it discriminated against non nuclear weapon countries. On the other hand, as Secretary of State, Kissinger had shown no disposition to accept the inevitability of nuclear proliferation and as a practical matter could be expected to bend his efforts to prevent the emergence of additional nuclear powers. Bengelsdorf thought that we would soon see the Administration giving increased attention to this problem.

[*matter omitted*]

[NAA: A1838, 919/10/5 part 38]

## 200 DESPATCH FROM GRANT<sup>1</sup> TO WILLESEE

New Delhi, 29 July 1974

4/74. SECRET AUSTEO

### Indian Nuclear Test

It is now possible to offer some further observations on India's nuclear test, which took place on 18 May.

[*matter omitted*]

#### *Conclusion*

Australia is a prosperous developed/developing country, with abundant energy resources for the foreseeable future, and with a different strategic outlook from India, based on our reasonable assumption of American nuclear protection. This enables us to see the NPT differently from India, which has no nuclear protector, except, potentially, the Soviet Union, which she does not want. India also has immense problems of development, which it is difficult for us to comprehend.

In these circumstances India sees itself, like China, as an independent decision-making centre, especially in relation to the nuclear powers, whereas Australia sees itself as a beneficiary of an alliance with one of the nuclear powers. While in developing its nuclear programme there is little doubt India has had the preservation of a military nuclear option in mind as one factor, we cannot conclude here that any decision to take up that option has been taken, or is even in prospect under present circumstances.

We have American strategic facilities on our soil and, while these give Australia reasons for supporting the NPT, they do not buttress our independent and regional stance and they should make us careful about criticising India for doing what she, in her own interests, has elected to do.

Not untypically for India, what she has done does not fit in to generally accepted categories, and I am aware of a feeling of annoyance with India for being so tiresome. 'Why doesn't she simply say she's built a bomb?' The fact is that her leaders do not say that; they maintain the

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1 Bruce Grant, High Commissioner to India.

opposite and we have no evidence to the contrary. In these circumstances, our interests appear to lie, at least for the time being, in holding India to these assurances.

I hope these comments are useful.

[NAA: A1838, 720/5/7 part 3]

## **201 RECORD OF CONVERSATION BETWEEN WOOLCOTT<sup>1</sup> AND CH'IAO KUAN-HUA<sup>2</sup>**

Peking, 16 August 1974

CONFIDENTIAL

Conversation with: Mr R.A. Woolcott, Deputy Secretary and Ch'iao Kuan-hua, Vice Minister of Foreign Affairs

Aust. Officers Present: Dr S.A. FitzGerald, Ambassador, Mr M. Williams,<sup>3</sup> Mr A.M McLean<sup>4</sup>

### **Chou En-lai,<sup>5</sup> Disarmament, Relations with United States, Sino-Soviet Relations, Cambodia, Regional Cooperation, Nuclear Free and Peace Zones**

a. In the opening pleasantries Mr Woolcott commented that the main purpose of his visit to Peking was for post liaison but that he was pleased to have the opportunity to meet with Ch'iao. Ch'iao replied that he had had many contacts with the Embassy and commented that the Ambassador was very capable often taking the initiative. China welcomed these initiatives and Ch'iao observed that China possibly had been a little lazy in this regard. Mr Woolcott noted that in view of the lack of contacts between Australia and China prior to the establishment of diplomatic relations Australia was very anxious now to develop its relations through officials' talks and by having an active Ambassador and Embassy to take initiatives.

[*matter omitted*]

#### *Bilateral*

b. After some further discussion of Chou's working habits Ch'iao reiterated his thanks for the Prime Minister's concern and commented that China was very glad Mr Whitlam had won the recent election.<sup>6</sup> It was an important development in Australia and would guarantee the development and continuity of our bilateral relations which were developing well. General discussion then followed on the effects of the energy crisis and their relation to the Australian economy. Mr Woolcott commented that problems in the Australian economy were likely to be temporary. Australia had extensive mineral resources including the largest uncommitted uranium resources in the world. Ch'iao commented that Australia was different from China as it did not have any border questions. Mr Woolcott agreed noting that Australia was an island continent. Ch'iao remarked that China and Australia had many common views on a number of Law of Sea questions. Mr Woolcott commented that Mr Harry's visit had been very

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1 Richard Woolcott, Deputy Secretary, Department of Foreign Affairs.

2 Deputy Foreign Minister.

3 Head, Post Liaison and Guidance Section, Department of Foreign Affairs.

4 Second Secretary, Australian Embassy, Peking.

5 Premier, People's Republic of China.

6 The Australian Labor Party under Whitlam had been returned to office in the federal election held on 18 May 1974.

successful. Ch'iao said he had heard from the Chinese delegation in Caracas that Australian/Chinese cooperation was very good.

### *Australia and Asia*

c. Mr Woolcott gave an account of the Prime Minister's visit to six countries of South East Asia, noting that Mr Whitlam had used the visit to redefine Australian policies towards this region. Although the Government of Australia had changed, its interest in the region continued undiminished in its importance. However, the degree of Australian interest in South East Asia had become much less militarily oriented and the emphasis was on establishing more lasting contacts. Trade and cultural agreements of mutual advantage had been updated in order to adopt a less ideological outlook. In addition there had been some recent decisions of interest including Australia's support for the PRG's<sup>7</sup> presence as an observer at a weaponry experts conference. Australia had recently established relations with the DPRK.<sup>8</sup> Ch'iao commented that China appreciated all these moves.

### *Disarmament and Nuclear Free and Peace Zones*

d. Mr Woolcott added that Australia was also examining its policy on disarmament in advance of the next session of the United Nations General Assembly. Prime Minister Whitlam would be attending as would the Foreign Minister Willesee because he was a candidate for the Presidency of the General Assembly next year. Ch'iao asked if Australia had any new considerations on disarmament. Mr Woolcott replied that Australia was very concerned with the so-called peaceful nuclear explosion by India. Australia felt that this damaged the somewhat fragile structure of nuclear non-proliferation and that it was Australia's wish to see the NPT strengthened if possible.

[NAA: A1838, 3107/33/14]

## **202 EXTRACT FROM WHITLAM'S ADDRESS AT UN GENERAL ASSEMBLY**

New York, 30 September 1974

[*matter omitted*]

Our first aim must be to strengthen the Non-Proliferation Treaty and work for its acceptance everywhere. Real and rapid progress can best be made through this treaty. We should build on what we have. We have not time to start all over again. Six years after it was concluded and more than four years after it came into force, some states have still to ratify the treaty, or to make clear their renunciation of nuclear weapons development. Certainly we understand the difficulties the treaty presents to some nations. We understand their reservations. We acknowledge discriminatory aspects of the treaty as it now stands, we would hope that the forthcoming review conference will remove some of these difficulties, but the conference will be more successful and meaningful if more nations ratify the treaty and work within its framework to improve it and apply it.

Secondly, we should make a comprehensive treaty to ban nuclear weapons testing an urgent priority. The treaties which have been concluded and resolutions which have been adopted are important achievements, but they have not gone far enough towards stopping the nuclear arms race. They are only steps towards universal and comprehensive agreement on nuclear weapons testing. We must complete the journey.

<sup>7</sup> Provisional Revolutionary Government of the Republic of South Vietnam.

<sup>8</sup> Democratic People's Republic of Korea.



Thirdly we need effective international arrangements to govern and control nuclear experiments for peaceful purposes. We all recognise the promise which scientific collaboration on the peaceful uses of nuclear energy holds for economic development in the interests of all mankind. But the world cannot afford the risks which lie in the prospect where increasing numbers of countries possess nuclear devices—even if they profess to have them for peaceful purposes only. We cannot shrug off nuclear explosions which present us with such a threat, particularly those conducted outside existing safeguards and without international inspection. Australia seeks support for an international arrangement by which all states could gain access to nuclear explosive services under agreed and secure international controls for peaceful purposes. We urge all nuclear states to cooperate in establishing such a service, preferably under the auspices of the International Atomic Energy Agency. I join with the Foreign Minister of Canada in this call.

Another approach to the goal of disarmament worth serious exploration is the concept of peace zones. They are of course no substitute for comprehensive disarmament and no substitute for an effective non-proliferation treaty. Australia, however, takes a particular interest in the agreements and proposals embodying this concept, because most of them affect our continent and our region directly. The Antarctic Treaty, the Indian Ocean Peace Zone, the ASEAN Declaration, the Treaty of Tlatelolco, and the proposal by Iran for a nuclear weapons free zone in the Middle East all move in the right direction. They command Australia's broad support since they assert the dangers inherent in an uncontrolled, unregulated use of our planet for the deployment of nuclear weapons, they seek to limit the development, emplacement and use of nuclear weapons in the areas and environments they cover, they all express growing anxiety about the spread of nuclear weapons, they all seek paths towards reducing tensions among the nuclear powers. For the Australian Government, these initiatives not only represent ends in themselves but, we believe serve to stimulate progress on other important measures intended to bring to fulfilment the hopes of mankind to live in security, free from the threat of nuclear war.

[*matter omitted*]

[NAA: A1838, 919/10/5 part 44]

## 203 RECORD BY ROTSEY<sup>1</sup> OF CONVERSATION WITH IMAI<sup>2</sup>

Tokyo, 8 October 1974

CONFIDENTIAL

### Japan/Enrichment Feasibility Study/Prime Minister Tanaka's Visit

Mr Imai said he had been asked to provide advice to those who would brief Prime Minister Tanaka<sup>3</sup> for his visit to Australia, consequently had asked to see me so that he could see clarification of certain points. Imai said the first problem for the Japanese side was to understand clearly what Australia was proposing and he would be pleased if I would reiterate it.

I replied that the proposal had been made at the Ministerial Committee Meeting last year; recently Sir Lenox Hewitt<sup>4</sup> had visited Japan and I had had the opportunity to hear from him what he considered to be the main issues. I said Sir Lenox had phrased his remarks in the

1 Dr W.B. Rotsey, Counsellor, Atomic Energy, Australian Embassy, Tokyo.

2 Ryukichi Imai, Deputy Manager, Department of Engineering, Japan Atomic Power Company

3 Tanaka Tatsuo, Prime Minister of Japan.

4 Secretary, Department of Minerals and Energy.

following way. Firstly Japan had to decide whether a joint feasibility study on establishing an enrichment plant in Australia was to the mutual benefit of both countries. If Japan decided the answer was 'yes' the second matter was for Japan and Australia to jointly assess the technology available to them to decide if it was adequate or whether there was a gap. If they decided there was a gap the third action was to jointly decide on an approach to the US, France and URENCO.

Imai asked what was it that Australia wanted from Japan, money, technology or market? I said that as I understood it, none of those things, at present, Japan was simply invited to participate in a feasibility study. The contribution each country could make would be a matter for the feasibility study to decide. I added that of course we hoped the outcome of the feasibility study would be favourable and would lead to tangible cooperation, but the first objective was a feasibility study. Imai said he was very pleased to hear that because many Japanese had feared that in becoming involved in a feasibility study they would irrevocably commit themselves to building an enrichment plant in Australia.

*[matter omitted]*

In these turbulent times, Imai said, Japan wished to review the world situation and to be able to explore options. Cooperation with Australia at this time would be attractive providing it didn't commit Japan to building an enrichment plant in Australia for the time being.

Imai said another problem worrying Japan was whether in accepting the offer to participate in a feasibility study on establishing an enrichment plant in Australia Japan was effectively agreeing to receiving imports only in the form of enriched uranium. I said I did not know the policy of future exports. In relation to production in Australia I quoted Hansard (Representatives) of 26 September in which the Minister for Minerals and Energy is reported as having said a uranium milling plant capable of producing 3,500 tons per annum should be in operation in 2½ years' time.

I pointed out to Imai that from the United States the Japanese could only look forward to enrichment services not feed material; perhaps they would get a little of both from France. In Canada they could get uranium, but if the Canadians interpreted their words 'in the most advanced form' as meaning CANDU fuel elements Japan might have to think in terms of CANDU reactors. There was not much hope of supply of feed material from the URENCO countries and there were problems of security of supply from South Africa. In contrast to these situations Australia had 300,000 tons of proven resources and if enrichment facilities could be established, Australia would be in premier position to supply. I said it seemed clear to me that there was a great mutual benefit in cooperation between Japan and Australia and I couldn't see any substantial impediment to Japan exploring possibilities of future cooperation by joining Australia in a feasibility study.

Imai continued by saying there was another question which troubled Japan and he hoped it would not cause offence. He said the timescale for enrichment ventures was a long one and Japan was worried that in supporting Mr Connor and the Labor Government it might alienate the private sector in Australia and a subsequent Liberal Government should one succeed to office sometime in the future. He said the Japanese Embassy in Canberra was forwarding Hansards which related Mr Connor's statements and counter arguments from the Opposition but the Embassy had given no guidance on this question. I said there were two points to consider, firstly I believed the policy of trying to increase the value of minerals before export reflected the mood of the people of Australia and any change of government would not alter that mood. Second, I quoted part of the preamble to the Atomic Energy Agreement, 'Recognizing Japan's needs for uranium resources and Australia's desire to develop its uranium industry', I said the feasibility study which had been proposed was in accord with the sentiment expressed in the preamble and pointed out that the Atomic Energy Agreement had been negotiated whilst

a Liberal Government had been in office. I said I could not see any way in which cooperation in a feasibility study on enrichment could be subsequently damaging to Japan. Imai asked how a multinational company such as RTZ<sup>5</sup> might react. I said I did not know but I found it difficult to see on what grounds it could comment.

Imai thanked me for my answers and said he would recommend to the people who were preparing the Prime Minister's brief that Mr Tanaka could respond favourably to Australia's proposal. He added that from about 20 October people in Japan would be thinking of what wording might be used for the joint communiqué, he suggested we might meet at that time for further discussions.

I asked him what kind of response he thought Mr Tanaka would give, would it be a generalised expression of approval for the idea of a feasibility study or would it be a definite acceptance? Imai said if it were to be the latter Japan would need to know what was meant by the term feasibility study, what subjects would be included, what were the specific objectives, who would participate etc. I said I presumed the Australian Atomic Energy Commission would represent Australia in the technical discussions but I would seek information on the scope of the proposed study. Imai said that once Japan knew the scope of the study it could decide on the representation required, such as staff from PNC,<sup>6</sup> the Enrichment and Reprocessing Group etc and would be in a better position to decide whether it could meet the requirements and so whether Mr Tanaka could give a more positive response.

He said Japan was still developing its own technology, Cascade No. 1 was operating but over the next twelve months Japan had to decide whether to continue working on three or four types of machines from different manufacturers or whether it should select one type and concentrate its efforts. With respect to a feasibility study he added the Japanese would have to consider very carefully to what extent technical information could be released from PNC.

Commenting on US efforts in the centrifuge field Imai said he thought they were still working on 15 cm diameter machines, maybe up to 20 cm diameter. Although the US had talked about large capacity machines he thought this was still a developmental area. Imai said that he was much more worried about whether the US had developed a cheap method of manufacture, particularly in the carbon fibre reinforced machines, he feared the US may have some spin off from its space program which would give them an unbeatable competitive edge.

[NAA: A1838, 720/4/9 part 12]

## **204 CABLEGRAM FROM DEPARTMENT OF FOREIGN AFFAIRS TO EMBASSY IN TOKYO**

Canberra, 9 October 1974

3265. CONFIDENTIAL

### **Non-Proliferation**

We too have had difficulty in discovering what practical measures the United States has in mind to contain nuclear proliferation. It appears to us that there is an active debate going on between the various US agencies concerned and many fundamental questions remain

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5 Rio Tinto Zinc.

6 Power Reactor and Nuclear Fuel Corporation.

unresolved. Kissinger's statement at UNGA has at least revealed something of the general direction of American thinking.<sup>1</sup>

2. For your own background information, we are somewhat concerned that the Americans have also been so unforthcoming in their discussions with the Japanese. However we wonder whether the Americans may have put to the Japanese conditions on nuclear co-operation of which we are as yet unaware. The Americans have told us that, while of course not abandoning the NPT, the US and Soviet Union were seeking to work on lines parallel to it, aimed at creating a network of bilateral undertakings covering the transfer of nuclear materials. We assumed that Japan would be included in any such arrangements.

[*matter omitted*]

[NAA: A1838, 919/10/5 part 43]

## **205 MINUTE FROM PRITCHETT<sup>2</sup> TO BARNARD<sup>3</sup>**

Canberra, 9 October 1974

CONFIDENTIAL

### **Nuclear Non-Proliferation**

Attached is a paper<sup>4</sup> which takes a preliminary look at the issues confronting non-proliferation generally, and recommends courses of action for Australia to follow to help strengthen the non-proliferation regime.

2. The paper is the product of a series of inter-departmental meetings involving Foreign Affairs, the Atomic Energy Commission and Defence. A copy has been submitted to the Acting Minister for Foreign Affairs (i.e. the Prime Minister) for endorsement.

3. There has been a considerable Defence input into the paper, reflecting the concern which we have been expressing departmentally that the NPT may be jeopardised by a number of factors. These include the continued failure of many countries advanced in nuclear technology to ratify the Treaty (India, Japan, Italy, Brazil, Argentina, Israel, West Germany and South Africa in particular); the lack of leadership by the U.S. and the U.S.S.R. in rallying support for the Treaty in establishing membership of the Treaty as a concomitant obligation of countries acquiring nuclear technology; dissatisfaction among many countries with the Treaty's alleged restraints on legitimate nuclear activity in the commercial, scientific and developmental fields; resentments that only certain powers should be permitted nuclear weapon status and criticism of slow progress by the U.S. and U.S.S.R. in reducing their nuclear armaments as required by the Treaty; and the challenge to the Treaty represented by India's nuclear explosion of last May.

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1 Kissinger announced the need for additional safeguards that went beyond the nuclear non-proliferation treaty. A number in Congress were aware of the dangers of the 'Atoms for Peace' arrangements but Kissinger wanted to avoid unilateral American action, preferring a multilateral control mechanism which ultimately found form in the Nuclear Suppliers Group the next year. Perkovich, *India's Nuclear Bomb*, p. 191.

2 Pritchett was now First Assistant Secretary, Defence Planning Division, Department of Defence.

3 Lance Barnard, Minister for Defence.

4 Not published.

4. The essential theme of the paper is that the NPT still offers the best means we have of furthering the cause of non-proliferation, and that our efforts, therefore, to bring about institutionalised non-proliferation should be focussed on restoring and enhancing the authority of the Treaty. Specifically, the paper concludes that we should ...

- seek to strengthen the treaty by measures which do not involve amendments to it (which could jeopardise existing commitments);
- resist moves toward international acquiescence in national PNE<sup>5</sup> development by non-nuclear weapon states, and work towards an international PNE service available to all states, at low cost, and conducted in accordance with strict and internationally agreed health and safety standards;
- as a long-term fall back position, *not to be broached publicly at present*, keep under review the possible development of an international agreement that would cover independent national PNE programs; and
- keep under review Australia's policy on technical assistance and supply of nuclear materials, equipment and technology in the light of the obligation, under Article IV of the NPT, on states parties to the NPT to give preference to the non-nuclear parties to the NPT in co-operating in the further development of the applications of nuclear energy for peaceful purposes.

In many respects the NPT Review Conference (scheduled for May 1975) and events between now and then will be of critical importance.

5. The paper skirts around the questions, how successful are these efforts likely to be? What if they fail? Our own feeling, which we believe is shared by others on the inter-Departmental group, is that we cannot be fully confident of success; that the efforts made over the next few months may be decisive, one way or the other, as regards the continued efficacy of the Treaty; and that if these efforts fail, thought will need to be given urgently to possible alternatives for the prevention of nuclear proliferation. As discussed further below, our fear is that some countries may already, in effect, be canvassing alternatives, thereby tending unwittingly to diminish the chances of restoring authority to the NPT.

6. There are other matters on which the paper does not reach any conclusions. The first is what Australia's attitude should be towards applying sanctions against countries which do not adhere to, or breach, the NPT. No final views have been reached on this. Nor does the paper deal fully with the question of Nuclear-Free Zones. This is under active consideration. Our preliminary studies suggest that some kinds of zonal arrangements may be advantageous, especially should we and other[s] *fail* to restore or enhance the authority of the NPT. But for the time being it could be wise to exercise some caution about zonal proposals which might offer some countries excuses for avoiding the central issue (ratification of NPT) and in any case might dissipate the efforts which we consider should be focussed on the NPT path to non-proliferation.

7. Because of the importance of this subject for our Defence policy, it is recommended that you endorse the conclusions of the paper from the Defence standpoint.

[NAA: A1838, 919/10/5 part 43]

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5 Peaceful nuclear explosion.

## 206 CABLEGRAM FROM EMBASSY IN WASHINGTON TO DEPARTMENT OF FOREIGN AFFAIRS

Washington, 19 October 1974

6429. CONFIDENTIAL

### Non-Proliferation and P.N.E.

On 18th October we discussed with Shea<sup>1</sup> (Nuclear Weapons, and Advanced Technology Bureau) and with Givan,<sup>2</sup> Black<sup>3</sup> and Einhorn<sup>4</sup> (International Relations Bureau), the present state of A.C.D.A.'s thinking on measures to contain nuclear proliferation. We had earlier talked to Bloom<sup>5</sup> (Bureau of International Scientific and Technological Affairs, State Department) on the same subject.

*[matter omitted]*

3. It is clear that considerable emphasis is being placed on measures to strengthen controls over the exports of nuclear materials and equipment. Concern is also felt that at present the controls over the export of technology, as distinct from materials and equipment, are even less satisfactory. The prospects in these areas are very much tied to the success of efforts to persuade other nuclear powers to co-operate in a common policy. The co-operation of the U.S.S.R. with the Zangger Committee was a hopeful sign and Kissinger would be discussing N.P.T. measures further during his forthcoming visit to Moscow. However, the success of such a policy was also very dependent upon co-operation by the French. Bilateral discussions were thought to be the only approach which offered any prospects in that direction. At this stage the United States was more interested in obtaining a consensus among the principal exporters than it was in setting up the formal machinery for enlarging the Zangger Committee.

*[matter omitted]*

5. A.C.D.A. saw Kissinger's proposal for the broadening of safeguards as covering both the extension of the scope of the safeguards system as well as providing inducements to additional countries to place their facilities under it. It is clear that the Americans are particularly concerned about certain types of facilities (e.g. the Canadian CANDU reactor which for technical reasons lends itself to diversion of material for weapons purposes far better than water cooled reactors). The Americans see enrichment plants and reprocessing facilities as being particularly sensitive areas. They would like reprocessing facilities established at regional centres and countries dissuaded from establishing their own independent fuel cycles. There would be economic sense in sharing expensive facilities and it would provide some safeguards against countries pursuing fully independent nuclear explosive programs. Ideally these facilities would be located in advanced and stable countries. The Americans agreed, however, with our suggestion that it was important not to create the impression that the nuclear powers were seeking to monopolise these facilities for their own commercial ends.

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1 James R. Shea, Chief, Weapons Test Ban Division, Nuclear Weapons and Advanced Technology Bureau, US Arms Control and Disarmament Agency.

2 Walker F. Givan, Chief of Conference of the Committee on Disarmament and UN Division, Bureau of International Affairs, US Arms Control and Disarmament Agency.

3 Donald P. Black, Bureau of International Affairs, US Arms Control and Disarmament Agency.

4 Robert J. Einhorn, Bureau of International Affairs, US Arms Control and Disarmament Agency.

5 Justin L. Bloom, Office of Scientific and Technological Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, US Department of State.

The Americans were also concerned about the detection problems which would be posed by the use of centrifuge enrichment technology, as opposed to more conventional methods, to cover the manufacture of weapons material.

[*matter omitted*]

[NAA: A1838, 919/10/5 part 43]

## 207 LETTER FROM MISSION TO THE UNITED NATIONS TO RENOUF

New York, 21 October 1974

### UNGA 29: United States Statement of Non-Proliferation and Related Nuclear Issues in Disarmament Debate

Senator Stuart Symington, United States Representative in the First Committee on disarmament questions, made an important statement at the opening session of the disarmament debate on 21 October. The text is attached.<sup>1</sup> The statement deals constructively with all the key issues; although it does not of course exactly correspond to our own attitudes on all of these issues.

2. After outlining the basic and growing problem now being faced, Symington suggested seven 'tasks' which members of the world community should undertake. First, co-operation in the peaceful uses of nuclear energy should be continued. Second, the nuclear super powers should intensify their efforts for nuclear arms control. In this connection, Symington said the United States remains firmly committed to 'seek an adequately verified comprehensive test ban'. He noted the significance of the recent Threshold Test Ban Treaty<sup>2</sup> in this regard.

3. Third, he said, steps should be taken to ensure the widest possible adherence to the NPT, a treaty whose basic concepts and structure were sound and which continued to provide a valuable legal framework for dealing with nuclear energy. Symington quoted with approval a recent Swedish statement that it was in the interest of all countries that the NPT, despite its discriminatory nature, should be supported by the entire world community. He said the United States would welcome further suggestions for increasing incentives for NPT membership.

4. Fourth, he said, thorough international consideration should be given to PNE. The commercial utility of PNE had not been proved. The United States stood ready to honour its obligation under Article V of the NPT to make benefits of PNE available on a non-discriminatory basis when and if their feasibility and practicability were established. Meanwhile, it supported steps taken in the IAEA context, and was willing to consider other suggestions concerning organizational arrangements for an international service. (The wording here is worthy of note.)

5. Fifth, Symington referred to the need for stronger international safeguards against the diversion of nuclear materials and technology. He referred to the problem of the spread of uranium enrichment and chemical reprocessing services.

6. Sixth, he said that steps should be taken to ensure physical security of nuclear facilities and materials against theft or diversion.

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1 Not published.

2 See note 3 to Document 199.

7. Seventh, he referred to the development of regional arrangements which contribute to non-proliferation objectives. He said that while the NPT has played a central role, complementary tools should also be used. He cautiously welcomed the interest shown in nuclear free zones at the present Assembly.

[*matter omitted*]

[NAA: A1838, 919/10/5 part 43]



## *Appendixes*



## APPENDIX I

### Statute of the International Atomic Energy Agency

*The Statute of the International Atomic Energy Agency was approved on 23 October 1956 by the Conference on the Statute of the International Atomic Energy Agency, which was held at the Headquarters of the United Nations. It came into force on 29 July 1957.*

*The statute has been amended three times, by application of the procedure laid down in paragraphs A and C of Article XVIII. On 31 January 1963 some amendments to the first sentence of the then paragraph A.3 of Article VI came into force; the statute as thus amended was further amended on 1 June 1973 by the coming into force of a number of amendments to paragraphs A to D of the same article (involving a renumbering of sub-paragraphs in paragraph A); and on 28 December 1989 an amendment in the introductory part of paragraph A.1 came into force. All these amendments have been incorporated in the text of the statute reproduced in this appendix.*

#### **Article I: Establishment of the Agency**

The Parties hereto establish an International Atomic Energy Agency (hereinafter referred to as 'the Agency') upon the terms and conditions hereinafter set forth.

#### **Article II: Objectives**

The Agency shall seek to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world. It shall ensure, so far as it is able, that assistance provided by it or at its request or under its supervision or control is not used in such a way as to further any military purpose.

#### **Article III: Functions**

A. The Agency is authorized:

1. To encourage and assist research on, and development and practical application of, atomic energy for peaceful uses throughout the world; and, if requested to do so, to act as an intermediary for the purposes of securing the performance of services or the supplying of materials, equipment, or facilities by one member of the Agency for another; and to perform any operation or service useful in research on, or development or practical application of, atomic energy for peaceful purposes;
2. To make provision, in accordance with this Statute, for materials, services, equipment, and facilities to meet the needs of research on, and development and practical application of, atomic energy for peaceful purposes, including the production of electric power, with due consideration for the needs of the under-developed areas of the world;
3. To foster the exchange of scientific and technical information on peaceful uses of atomic energy;
4. To encourage the exchange of training of scientists and experts in the field of peaceful uses of atomic energy;
5. To establish and administer safeguards designed to ensure that special fissionable and other materials, services, equipment, facilities, and information made available by the Agency or at its request or under its supervision or control are not used in such a way as to further any military purpose; and to apply safeguards, at the request of the parties,

to any bilateral or multilateral arrangement, or at the request of a State, to any of that State's activities in the field of atomic energy;

6. To establish or adopt, in consultation and, where appropriate, in collaboration with the competent organs of the United Nations and with the specialized agencies concerned, standards of safety for protection of health and minimization of danger to life and property (including such standards for labour conditions), and to provide for the application of these standards to its own operation as well as to the operations making use of materials, services, equipment, facilities, and information made available by the Agency or at its request or under its control or supervision; and to provide for the application of these standards, at the request of the parties, to operations under any bilateral or multilateral arrangements, or, at the request of a State, to any of that State's activities in the field of atomic energy;

7. To acquire or establish any facilities, plant and equipment useful in carrying out its authorized functions, whenever the facilities, plant, and equipment otherwise available to it in the area concerned are inadequate or available only on terms it deems unsatisfactory.

B. In carrying out its functions, the Agency shall:

1. Conduct its activities in accordance with the purposes and principles of the United Nations to promote peace and international co-operation, and in conformity with policies of the United Nations furthering the establishment of safeguarded worldwide disarmament and in conformity with any international agreements entered into pursuant to such policies;

2. Establish control over the use of special fissionable materials received by the Agency, in order to ensure that these materials are used only for peaceful purposes;

3. Allocate its resources in such a manner as to secure efficient utilization and the greatest possible general benefit in all areas of the world, bearing in mind the special needs of the under-developed areas of the world;

4. Submit reports on its activities annually to the General Assembly of the United Nations and, when appropriate, to the Security Council: if in connection with the activities of the Agency there should arise questions that are within the competence of the Security Council, the Agency shall notify the Security Council, as the organ bearing the main responsibility for the maintenance of international peace and security, and may also take the measures open to it under this Statute, including those provided in paragraph C of Article XII;

5. Submit reports to the Economic and Social Council and other organs of the United Nations on matters within the competence of these organs.

C. In carrying out its functions, the Agency shall not make assistance to members subject to any political, economic, military, or other conditions incompatible with the provisions of this Statute.

D. Subject to the provisions of this Statute and to the terms of agreements concluded between a State or a group of States and the Agency which shall be in accordance with the provisions of the Statute, the activities of the Agency shall be carried out with due observance of the sovereign rights of States.

#### **Article IV: Membership**

A. The initial members of the Agency shall be those States Members of the United Nations or of any of the specialized agencies which shall have signed this Statute within ninety days after it is opened for signature and shall have deposited an instrument of ratification.

B. Other members of the Agency shall be those States, whether or not Members of the United Nations or of any of the specialized agencies, which deposit an instrument of acceptance of this Statute after their membership has been approved by the General Conference upon the recommendation of the Board of Governors. In recommending and approving a State for membership, the Board of Governors and the General Conference shall determine that the State is able and willing to carry out the obligations of membership in the Agency, giving due consideration to its ability and willingness to act in accordance with the purposes and principles of the Charter of the United Nations.

C. The Agency is based on the principle of the sovereign equality of all its members, and all members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligation assumed by them in accordance with this Statute.

### **Article V: General Conference**

A. A General Conference consisting of representatives of all members shall meet in regular annual session and in such special sessions as shall be convened by the Director General at the request of the Board of Governors or of a majority of members. The sessions shall take place at the headquarters of the Agency unless otherwise determined by the General Conference.

B. At such sessions, each member shall be represented by one delegate who may be accompanied by alternates and by advisers. The cost of attendance of any delegation shall be borne by the member concerned.

C. The General Conference shall elect a President and such other officers as may be required at the beginning of each session. They shall hold office for the duration of the session. The General Conference, subject to the provisions of this Statute, shall adopt its own rules of procedure. Each member shall have one vote. Decisions pursuant to paragraph H of article XIV, paragraph C of article XVIII and paragraph B of article XIX shall be made by a two-thirds majority of the members present and voting. Decisions on other questions, including the determination of additional questions or categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting. A majority of members shall constitute a quorum.

D. The General Conference may discuss any questions or any matters within the scope of this Statute or relating to the powers and functions of any organs provided for in this Statute, and may make recommendations to the membership of the Agency or to the Board of Governors or to both on any such questions or matters.

E. The General Conference shall:

1. Elect members of the Board of Governors in accordance with article VI;
2. Approve States for membership in accordance with article IV;
3. Suspend a member from the privileges and rights of membership in accordance with article XIX;
4. Consider the annual report of the Board;
5. In accordance with article XIV, approve the budget of the Agency recommended by the Board or return it with recommendations as to its entirety or parts to the Board, for resubmission to the General Conference;
6. Approve reports to be submitted to the United Nations as required by the relationship agreement between the Agency and the United Nations, except reports referred to in paragraph C of article XII, or return them to the Board with its recommendations;

7. Approve any agreement or agreements between the Agency and the United Nations and other organizations as provided in article XVI or return such agreements with its recommendations to the Board, for resubmission to the General Conference;

8. Approve rules and limitations regarding the exercise of borrowing powers by the Board, in accordance with paragraph G of article XIV; approve rules regarding the acceptance of voluntary contributions to the Agency; and approve, in accordance with paragraph F of article XIV, the manner in which the general fund referred to in that paragraph may be used;

9. Approve amendments to this Statute in accordance with paragraph C of article XVIII;

10. Approve the appointment of the Director General in accordance with paragraph A of article VII.

F. The General Conference shall have the authority:

1. To take decisions on any matter specifically referred to the General Conference for this purpose by the Board;

2. To propose matters for consideration by the Board and request from the Board reports on any matter relating to the functions of the Agency.

#### **Article VI: Board of Governors**

A. The Board of Governors shall be composed as follows:

1. The outgoing Board of Governors shall designate for membership on the Board the ten members most advanced in the technology of atomic energy including the production of source materials, and the member most advanced in the technology of atomic energy including the production of source materials in each of the following areas in which none of the aforesaid ten is located:

- (1) North America
- (2) Latin America
- (3) Western Europe
- (4) Eastern Europe
- (5) Africa
- (6) Middle East and South Asia
- (7) South East Asia and the Pacific
- (8) Far East.

2. The General Conference shall elect to membership of the Board of Governors:

(a) Twenty members, with due regard to equitable representation on the Board as a whole of the members in the areas listed in sub-paragraph A-1 of this article, so that the Board shall at all times include in this category five representatives of the area of Latin America, four representatives of the area of Western Europe, three representatives of the area of Eastern Europe, four representatives of the area of Africa, two representatives of the area of the Middle East and South Asia, one representative of the area of South East Asia and the Pacific, and one representative of the area of the Far East. No member in this category in any one term of office will be eligible for re-election in the same category for the following term of office; and

(b) One further member from among the members in the following areas: Middle East and South Asia, South East Asia and the Pacific, Far East;

- (c) One further member from among the members in the following areas: Africa, Middle East and South Asia, South East Asia and the Pacific.
- B. The designations provided for in sub-paragraph A-1 of this article shall take place not less than sixty days before each regular annual session of the General Conference. The elections provided for in sub-paragraph A-2 of this article shall take place at regular annual sessions of the General Conference.
- C. Members represented on the Board of Governors in accordance with sub-paragraph A-1 of this article shall hold office from the end of the next regular annual session of the General Conference after their designation until the end of the following regular annual session of the General Conference.
- D. Members represented on the Board of Governors in accordance with sub-paragraph A-2 of this article shall hold office from the end of the regular annual session of the General Conference at which they are elected until the end of the second regular annual session of the General Conference thereafter.
- E. Each member of the Board of Governors shall have one vote. Decisions on the amount of the Agency's budget shall be made by a two-thirds majority of those present and voting, as provided in paragraph H of article XIV. Decisions on other questions, including the determination of additional questions or categories of questions to be decided by a two-thirds majority, shall be made by a majority of those present and voting. Two-thirds of all members of the Board shall constitute a quorum.
- F. The Board of Governors shall have authority to carry out the functions of the Agency in accordance with this Statute, subject to its responsibilities to the General Conference as provided in this Statute.
- G. The Board of Governors shall meet at such times as it may determine. The meetings shall take place at the headquarters of the Agency unless otherwise determined by the Board.
- H. The Board of Governors shall elect a Chairman and other officers from among its members and, subject to the provisions of this Statute, shall adopt its own rules of procedure.
- I. The Board of Governors may establish such committees as it deems advisable. The Board may appoint persons to represent it in its relations with other organizations.
- J. The Board of Governors shall prepare an annual report to the General Conference concerning the affairs of the Agency and any projects approved by the Agency. The Board shall also prepare for submission to the General Conference such reports as the Agency is or may be required to make to the United Nations or to any other organization the work of which is related to that of the Agency. These reports, along with the annual reports, shall be submitted to members of the Agency at least one month before the regular annual session of the General Conference.

### **Article VII: Staff**

- A. The staff of the Agency shall be headed by a Director General. The Director General shall be appointed by the Board of Governors with the approval of the General Conference for a term of four years. He shall be the chief administrative officer of the Agency.
- B. The Director General shall be responsible for the appointment, organization, and functioning of the staff and shall be under the authority of and subject to the control of the Board of Governors. He shall perform his duties in accordance with regulations adopted by the Board.

C. The staff shall include such qualified scientific and technical and other personnel as may be required to fulfill the objectives and functions of the Agency. The Agency shall be guided by the principle that its permanent staff shall be kept to a minimum.

D. The paramount consideration in the recruitment and employment of the staff and in the determination of the conditions of service shall be to secure employees of the highest standards of efficiency, technical competence, and integrity. Subject to this consideration, due regard shall be paid to the contributions of members to the Agency and to the importance of recruiting the staff on as wide a geographical basis as possible.

E. The terms and conditions on which the staff shall be appointed, remunerated, and dismissed shall be in accordance with regulations made by the Board of Governors, subject to the provisions of this Statute and to general rules approved by the General Conference on the recommendation of the Board.

F. In the performance of their duties, the Director General and the staff shall not seek or receive instructions from any source external to the Agency. They shall refrain from any action which might reflect on their position as officials of the Agency; subject to their responsibilities to the Agency, they shall not disclose any industrial secret or other confidential information coming to their knowledge by reason of their official duties for the Agency. Each member undertakes to respect the international character of the responsibilities of the Director General and the staff and shall not seek to influence them in the discharge of their duties.

G. In this article the term 'staff' includes guards.

### **Article VIII: Exchange of information**

A. Each member should make available such information as would, in the judgement of the member, be helpful to the Agency.

B. Each member shall make available to the Agency all scientific information developed as a result of assistance extended by the Agency pursuant to article XI.

C. The Agency shall assemble and make available in an accessible form the information made available to it under paragraphs A and B of this article. It shall take positive steps to encourage the exchange among its members of information relating to the nature and peaceful uses of atomic energy and shall serve as an intermediary among its members for this purpose.

### **Article IX: Supplying of materials**

A. Members may make available to the Agency such quantities of special fissionable materials as they deem advisable and on such terms as shall be agreed with the Agency. The materials made available to the Agency may, at the discretion of the member making them available, be stored either by the member concerned or, with the agreement of the Agency, in the Agency's depots.

B. Members may also make available to the Agency source materials as defined in article XX and other materials. The Board of Governors shall determine the quantities of such materials which the Agency will accept under agreements provided for in article XIII.

C. Each member shall notify the Agency of the quantities, form, and composition of special fissionable materials, source materials, and other materials which that member is prepared, in conformity with its laws, to make available immediately or during a period specified by the Board of Governors.

D. On request of the Agency a member shall, from the materials which it has made available, without delay deliver to another member or group of members such quantities of such materials as the Agency may specify, and shall without delay deliver to the Agency itself such quantities of such materials as are really necessary for operations and scientific research in the facilities of the Agency.



E. The quantities, form and composition of materials made available by any member may be changed at any time by the member with the approval of the Board of Governors.

F. An initial notification in accordance with paragraph C of this article shall be made within three months of the entry into force of this Statute with respect to the member concerned. In the absence of a contrary decision of the Board of Governors, the materials initially made available shall be for the period of the calendar year succeeding the year when this Statute takes effect with respect to the member concerned. Subsequent notifications shall likewise, in the absence of a contrary action by the Board, relate to the period of the calendar year following the notification and shall be made no later than the first day of November of each year.

G. The Agency shall specify the place and method of delivery and, where appropriate, the form and composition, of materials which it has requested a member to deliver from the amounts which that member has notified the Agency it is prepared to make available. The Agency shall also verify the quantities of materials delivered and shall report those quantities periodically to the members.

H. The Agency shall be responsible for storing and protecting materials in its possession. The Agency shall ensure that these materials shall be safeguarded against (1) hazards of the weather, (2) unauthorized removal or diversion, (3) damage or destruction, including sabotage, and (4) forcible seizure. In storing special fissionable materials in its possession, the Agency shall ensure the geographical distribution of these materials in such a way as not to allow concentration of large amounts of such materials in any one country or region of the world.

I. The Agency shall as soon as practicable establish or acquire such of the following as may be necessary:

1. Plant, equipment, and facilities for the receipt, storage, and issue of materials;
2. Physical safeguards;
3. Adequate health and safety measures;
4. Control laboratories for the analysis and verification of materials received;
5. Housing and administrative facilities for any staff required for the foregoing.

J. The materials made available pursuant to this article shall be used as determined by the Board of Governors in accordance with the provisions of this Statute. No member shall have the right to require that the materials it makes available to the Agency be kept separately by the Agency or to designate the specific project in which they must be used.

### **Article X: Services, equipment, and facilities**

Members may make available to the Agency services, equipment, and facilities which may be of assistance in fulfilling the Agency's objectives and functions.

### **Article XI: Agency projects**

A. Any member or group of members of the Agency desiring to set up any project for research on, or development or practical application of, atomic energy for peaceful purposes may request the assistance of the Agency in securing special fissionable and other materials, services, equipment, and facilities necessary for this purpose. Any such request shall be accompanied by an explanation of the purpose and extent of the project and shall be considered by the Board of Governors.

B. Upon request, the Agency may also assist any member or group of members to make arrangements to secure necessary financing from outside sources to carry out such projects. In extending this assistance, the Agency will not be required to provide any guarantees or to assume any financial responsibility for the project.

C. The Agency may arrange for the supplying of any materials, services, equipment, and facilities necessary for the project by one or more members or may itself undertake to provide any or all of these directly, taking into consideration the wishes of the member or members making the request.

D. For the purpose of considering the request, the Agency may send into the territory of the member or group of members making the request a person or persons qualified to examine the project. For this purpose the Agency may, with the approval of the member or group of members making the request, use members of its own staff or employ suitably qualified nationals of any member.

E. Before approving a project under this article, the Board of Governors shall give due consideration to:

1. The usefulness of the project, including its scientific and technical feasibility;
2. The adequacy of plans, funds, and technical personnel to assure the effective execution of the project;
3. The adequacy of proposed health and safety standards for handling and storing materials and for operating facilities;
4. The inability of the member or group of members making the request to secure the necessary finances, materials, facilities, equipment, and services;
5. The equitable distribution of materials and other resources available to the Agency;
6. The special needs of the under-developed areas of the world; and
7. Such other matters as may be relevant.

F. Upon approving a project, the Agency shall enter into an agreement with the member or group of members submitting the project, which agreement shall:

1. Provide for allocation to the project of any required special fissionable or other materials;
2. Provide for transfer of special fissionable materials from their then place of custody, whether the materials be in the custody of the Agency or of the member making them available for use in Agency projects, to the member or group of members submitting the project, under conditions which ensure the safety of any shipment required and meet applicable health and safety standards;
3. Set forth the terms and conditions, including charges, on which any materials, services, equipment, and facilities are to be provided by the Agency itself, and, if any such materials, services, equipment, and facilities are to be provided by a member, the terms and conditions as arranged for by the member or group of members submitting the project and the supplying member;
4. Include undertakings by the member or group of members submitting the project: (a) that the assistance provided shall not be used in such a way as to further any military purpose; and (b) that the project shall be subject to the safeguards provided for in article XII, the relevant safeguards being specified in the agreement;
5. Make appropriate provision regarding the rights and interests of the Agency and the member or members concerned in any inventions or discoveries, or any patents therein, arising from the project;
6. Make appropriate provision regarding settlement of disputes;
7. Include such other provisions as may be appropriate.

G. The provisions of this article shall also apply where appropriate to a request for materials, services, facilities, or equipment in connection with an existing project.

## **Article XII: Agency safeguards**

A. With respect to any Agency project, or other arrangement where the Agency is requested by the parties concerned to apply safeguards, the Agency shall have the following rights and responsibilities to the extent relevant to the project or arrangement:

1. To examine the design of specialized equipment and facilities, including nuclear reactors, and to approve it only from the view-point of assuring that it will not further any military purpose, that it complies with applicable health and safety standards, and that it will permit effective application of the safeguards provided for in this article;
2. To require the observance of any health and safety measures prescribed by the Agency;
3. To require the maintenance and production of operating records to assist in ensuring accountability for source and special fissionable materials used or produced in the project or arrangement;
4. To call for and receive progress reports;
5. To approve the means to be used for the chemical processing of irradiated materials solely to ensure that this chemical processing will not lend itself to diversion of materials for military purposes and will comply with applicable health and safety standards; to require that special fissionable materials recovered or produced as a by-product be used for peaceful purposes under continuing Agency safeguards for research or in reactors, existing or under construction, specified by the member or members concerned; and to require deposit with the Agency of any excess of any special fissionable materials recovered or produced as a by-product over what is needed for the above-stated uses in order to prevent stockpiling of these materials, provided that thereafter at the request of the member or members concerned special fissionable materials so deposited with the Agency shall be returned promptly to the member or members concerned for use under the same provisions as stated above.
6. To send into the territory of the recipient State or States inspectors, designated by the Agency after consultation with the State or States concerned, who shall have access at all times to all places and data and to any person who by reason of his occupation deals with materials, equipment, or facilities which are required by this Statute to be safeguarded, as necessary to account for source and special fissionable materials supplied and fissionable products and to determine whether there is compliance with the undertaking against use in furtherance of any military purpose referred to in sub-paragraph F-4 of article XI, with the health and safety measures referred to in sub-paragraph A-2 of this article, and with any other conditions prescribed in the agreement between the Agency and the State or States concerned. Inspectors designated by the Agency shall be accompanied by representatives of the authorities of the State concerned, if that State so requests, provided that the inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions;
7. In the event of non-compliance and failure by the recipient State or States to take requested corrective steps within a reasonable time, to suspend or terminate assistance and withdraw any materials and equipment made available by the Agency or a member in furtherance of the project.

B. The Agency shall, as necessary, establish a staff of inspectors. The staff of inspectors shall have the responsibility of examining all operations conducted by the Agency itself to determine whether the Agency is complying with the health and safety measures prescribed by it for application to projects subject to its approval, supervision or control, and whether the Agency is taking adequate measures to prevent the source and special fissionable materials

in its custody or used or produced in its own operations from being used in furtherance of any military purpose. The Agency shall take remedial action forthwith to correct any non-compliance or failure to take adequate measures.

C. The staff of inspectors shall also have the responsibility of obtaining and verifying the accounting referred to in sub-paragraph A-6 of this article and of determining whether there is compliance with the undertaking referred to in sub paragraph F-4 of article XI, with the measures referred to in sub-paragraph A-2 of this article, and with all other conditions of the project prescribed in the agreement between the Agency and the State or States concerned. The inspectors shall report any non-compliance to the Director General who shall thereupon transmit the report to the Board of Governors. The Board shall call upon the recipient State or States to remedy forthwith any non-compliance which it finds to have occurred. The Board shall report the non-compliance to all members and to the Security Council and General Assembly of the United Nations. In the event of failure of the recipient State or States to take fully corrective action within a reasonable time, the Board may take one or both of the following measures: direct curtailment or suspension of assistance being provided by the Agency or by a member, and call for the return of materials and equipment made available to the recipient member or group of members. The Agency may also, in accordance with article XIX, suspend any non-complying member from the exercise of the privileges and rights of membership.

### **Article XIII: Reimbursement of members**

Unless otherwise agreed upon between the Board of Governors and the member furnishing to the Agency materials, services, equipment, or facilities, the Board shall enter into an agreement with such member providing for reimbursement for the items furnished.

### **Article XIV: Finance**

A. The Board of Governors shall submit to the General Conference the annual budget estimates for the expenses of the Agency. To facilitate the work of the Board in this regard, the Director General shall initially prepare the budget estimates. If the General Conference does not approve the estimates, it shall return them together with its recommendations to the Board. The Board shall then submit further estimates to the General Conference for its approval.

B. Expenditures of the Agency shall be classified under the following categories:

1. Administrative expenses: these shall include:

(a) Costs of the staff of the Agency other than the staff employed in connection with materials, services, equipment, and facilities referred to in sub-paragraph B-2 below; costs of meetings; and expenditures required for the preparation of Agency projects and for the distribution of information;

(b) Costs of implementing the safeguards referred to in article XII in relation to Agency projects or, under sub-paragraph A-5 of article III, in relation to any bilateral or multilateral arrangement, together with the costs of handling and storage of special fissionable material by the Agency other than the storage and handling charges referred to in paragraph E below;

2. Expenses, other than those included in sub-paragraph 1 of this paragraph, in connection with any materials, facilities, plant, and equipment acquired or established by the Agency in carrying out its authorized functions, and the costs of materials, services, equipment, and facilities provided by it under agreements with one or more members.

C. In fixing the expenditures under sub-paragraph B-1 (b) above, the Board of Governors shall deduct such amounts as are recoverable under agreements regarding the application of safeguards between the Agency and parties to bilateral or multilateral arrangements.

D. The Board of Governors shall apportion the expenses referred to in sub-paragraph B-1 above, among members in accordance with a scale to be fixed by the General Conference. In fixing the scale the General Conference shall be guided by the principles adopted by the United Nations in assessing contributions of Member States to the regular budget of the United Nations.

E. The Board of Governors shall establish periodically a scale of charges, including reasonable uniform storage and handling charges, for materials, services, equipment, and facilities furnished to members by the Agency. The scale shall be designed to produce revenues for the Agency adequate to meet the expenses and costs referred to in sub-paragraph B-2 above, less any voluntary contributions which the Board of Governors may, in accordance with paragraph F, apply for this purpose. The proceeds of such charges shall be placed in a separate fund which shall be used to pay members for any materials, services, equipment, or facilities furnished by them and to meet other expenses referred to in sub-paragraph B-2 above which may be incurred by the Agency itself.

F. Any excess of revenues referred to in paragraph E over the expenses and costs there referred to, and any voluntary contributions to the Agency, shall be placed in a general fund which may be used as the Board of Governors, with the approval of the General Conference, may determine.

G. Subject to rules and limitations approved by the General Conference, the Board of Governors shall have the authority to exercise borrowing powers on behalf of the Agency without, however, imposing on members of the Agency any liability in respect of loans entered into pursuant to this authority, and to accept voluntary contributions made to the Agency.

H. Decisions of the General Conference on financial questions and of the Board of Governors on the amount of the Agency's budget shall require a two-thirds majority of those present and voting.

#### **Article XV: Privileges and immunities**

A. The Agency shall enjoy in the territory of each member such legal capacity and such privileges and immunities as are necessary for the exercise of its functions.

B. Delegates of members together with their alternates and advisers, Governors appointed to the Board together with their alternates and advisers, and the Director General and the staff of the Agency, shall enjoy such privileges and immunities as are necessary in the independent exercise of their functions in connection with the Agency.

C. The legal capacity, privileges, and immunities referred to in this article shall be defined in a separate agreement or agreements between the Agency, represented for this purpose by the Director General acting under instructions of the Board of Governors, and the members.

#### **Article XVI: Relationship with other organizations**

A. The Board of Governors, with the approval of the General Conference, is authorized to enter into an agreement or agreements establishing an appropriate relationship between the Agency and the United Nations and any other organizations the work of which is related to that of the Agency.

B. The agreement or agreements establishing the relationship of the Agency and the United Nations shall provide for:

1. Submission by the Agency of reports as provided for in sub-paragraphs B-4 and B-5 of article III;
2. Consideration by the Agency of resolutions relating to it adopted by the General Assembly or any of the Councils of the United Nations and the submission of reports, when requested, to the appropriate organ of the United Nations on the action taken by the Agency or by its members in accordance with this Statute as a result of such consideration.

### **Article XVII: Settlement of disputes**

- A. Any question or dispute concerning the interpretation or application of this Statute which is not settled by negotiation shall be referred to the International Court of Justice in conformity with the Statute of the Court, unless the parties concerned agree on another mode of settlement.
- B. The General Conference and the Board of Governors are separately empowered, subject to authorization from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the Agency's activities.

### **Article XVIII: Amendments and withdrawals**

- A. Amendments to this Statute may be proposed by any member. Certified copies of the text of any amendment proposed shall be prepared by the Director General and communicated by him to all members at least ninety days in advance of its consideration by the General Conference.
- B. At the fifth annual session of the General Conference following the coming into force of this Statute, the question of a general review of the provisions of this Statute shall be placed on the agenda of that session. On approval by a majority of the members present and voting, the review will take place at the following General Conference. Thereafter, proposals on the question of a general review of this Statute may be submitted for decision by the General Conference under the same procedure.
- C. Amendments shall come into force for all members when:
- (i) Approved by the General Conference by a two-thirds majority of those present and voting after consideration of observations submitted by the Board of Governors on each proposed amendment, and
  - (ii) Accepted by two-thirds of all the members in accordance with their respective constitutional processes. Acceptance by a member shall be effected by the deposit of an instrument of acceptance with the depositary Government referred to in paragraph C of article XXI.
- D. At any time after five years from the date when this Statute shall take effect in accordance with paragraph E of article XXI or whenever a member is unwilling to accept an amendment to this Statute, it may withdraw from the Agency by notice in writing to that effect given to the depositary Government referred to in paragraph C of article XXI, which shall promptly inform the Board of Governors and all members.
- E. Withdrawal by a member from the Agency shall not affect its contractual obligations entered into pursuant to article XI or its budgetary obligations for the year in which it withdraws.

### **Article XIX: Suspension of privileges**

- A. A member of the Agency which is in arrears in the payment of its financial contributions to the Agency shall have no vote in the Agency if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two years. The General Conference may, nevertheless, permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.
- B. A member which has persistently violated the provisions of this Statute or of any agreement entered into by it pursuant to this Statute may be suspended from the exercise of the privileges and rights of membership by the General Conference acting by a two-thirds majority of the members present and voting upon recommendation by the Board of Governors.

## **Article XX: Definitions**

As used in this Statute:

1. The term ‘special fissionable material’ means plutonium-239; uranium-233; uranium enriched in the isotopes 235 or 233; any material containing one or more of the foregoing; and such other fissionable material as the Board of Governors shall from time to time determine; but the term ‘special fissionable material’ does not include source material.
2. The term ‘uranium enriched in the isotopes 235 or 233’ means uranium containing the isotopes 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature.
3. The term ‘source material’ means uranium containing the mixture of isotopes occurring in nature; uranium depleted in the isotope 235; thorium; any of the foregoing in the form of metal, alloy, chemical compound, or concentrate; any other material containing one or more of the foregoing in such concentration as the Board of Governors shall from time to time determine; and such other material as the Board of Governors shall from time to time determine.

## **Article XXI: Signature, acceptance, and entry into force**

- A. This Statute shall be open for signature on 26 October 1956 by all States Members of the United Nations or of any of the specialized agencies and shall remain open for signature by those States for a period of ninety days.
- B. The signatory States shall become parties to this Statute by deposit of an instrument of ratification.
- C. Instruments of ratification by signatory States and instruments of acceptance by States whose membership has been approved under paragraph B of article IV of this Statute shall be deposited with the Government of the United States of America, hereby designated as depositary Government.
- D. Ratification or acceptance of this Statute shall be effected by States in accordance with their respective constitutional processes.
- E. This Statute, apart from the Annex, shall come into force when eighteen States have deposited instruments of ratification in accordance with paragraph B of this article, provided that such eighteen States shall include at least three of the following States: Canada, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. Instruments of ratification and instruments of acceptance deposited thereafter shall take effect on the date of their receipt.
- F. The depositary Government shall promptly inform all States signatory to this Statute of the date of each deposit of ratification and the date of entry into force of the Statute. The depositary Government shall promptly inform all signatories and members of the dates on which States subsequently become parties thereto.
- G. The Annex to this Statute shall come into force on the first day this Statute is open for signature.

## **Article XXII: Registration with the United Nations**

- A. This Statute shall be registered by the depositary Government pursuant to Article 102 of the Charter of the United Nations.
- B. Agreements between the Agency and any member or members, agreements between the Agency and any other organization or organizations, and agreements between members subject to approval of the Agency, shall be registered with the Agency. Such agreements shall

be registered by the Agency with the United Nations if registration is required under Article 102 of the Charter of the United Nations.

**Article XXIII: Authentic texts and certified copies**

This Statute, done in the Chinese, English, French, Russian and Spanish languages, each being equally authentic, shall be deposited in the archives of the depositary Government. Duly certified copies of this Statute shall be transmitted by the depositary Government to the Governments of the other signatory States and to the Governments of States admitted to membership under paragraph B of article IV.

In witness whereof the undersigned, duly authorized, have signed this Statute.

DONE at the Headquarters of the United Nations, this twenty-sixth day of October, one thousand nine hundred and fifty-six.



## APPENDIX II

### *Treaty on the Non-Proliferation of Nuclear Weapons*

*(Opened for signature in London, Moscow and Washington on 1 July 1968)*

The States concluding this Treaty, hereinafter referred to as the 'Parties to the Treaty',

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to co-operate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,

Expressing their support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-weapon States,

Convinced that, in furtherance of this principle, all Parties to the Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in co-operation with other States to, the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament,

Urging the co-operation of all States in the attainment of this objective,

Recalling the determination expressed by the Parties to the 1963 Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water in its Preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end,

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a Treaty on general and complete disarmament under strict and effective international control,

Recalling that, in accordance with the Charter of the United Nations, States must 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, and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources,

Have agreed as follows:

### **Article I**

Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

### **Article II**

Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

### **Article III**

1. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfilment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this Article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this Article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.

2. Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this Article.

3. The safeguards required by this Article shall be implemented in a manner designed to comply with Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international co-operation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this Article and the principle of safeguarding set forth in the Preamble of the Treaty.

4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this Article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification or accession after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.

#### **Article IV**

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty.

2. All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also co-operate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world.

#### **Article V**

Each Party to the Treaty undertakes to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. Non-nuclear-weapon States Party to the Treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States. Negotiations on this subject shall commence as soon as possible after the Treaty enters into force. Non-nuclear-weapon States Party to the Treaty so desiring may also obtain such benefits pursuant to bilateral agreements.

#### **Article VI**

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

#### **Article VII**

Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.

#### **Article VIII**

1. Any Party to the Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force for each Party that deposits its instrument of ratification of the amendment upon the deposit of such instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. Thereafter, it shall enter into force for any other Party upon the deposit of its instrument of ratification of the amendment.

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realised. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

### **Article IX**

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositaries of the Treaty, and forty other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January, 1967.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

### **Article X**

1. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

2. Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

### **Article XI**

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

### APPENDIX III

#### *Agreement between Australia and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons*

WHEREAS Australia is a Party to the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as 'the Treaty') opened for signature at London, Moscow and Washington on 1 July 1968 and which entered into force on 5 March 1970;

WHEREAS paragraph 1 of Article III of the Treaty reads as follows:

'Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfilment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this Article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this Article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere';

RECALLING that pursuant to paragraph 1 of Article IV of the Treaty nothing in the Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and the use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of the Treaty;

RECALLING that according to paragraph 2 of Article IV of the Treaty all the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy;

WHEREAS it is the desire of Australia and the International Atomic Energy Agency (hereinafter referred to as 'the Agency') to avoid unnecessary duplication with regard to Australia's accounting and control activities;

WHEREAS the Board of Governors of the Agency (hereinafter referred to as 'the Board') has approved a comprehensive set of model provisions for the structure and contents of agreements between the Agency and States required in connection with the Treaty to be used as the basis for negotiating safeguards agreements between the Agency and non-nuclear-weapon States Party to the Treaty;

WHEREAS the Agency is authorized, pursuant to Article III of its Statute, to conclude such agreements;

NOW THEREFORE Australia and the Agency have agreed as follows:

## **PART I**

### **BASIC UNDERTAKING**

#### **Article 1**

Australia undertakes, pursuant to paragraph 1 of Article III of the Treaty, to accept safeguards, in accordance with the terms of this Agreement, on all source or special fissionable material in all peaceful nuclear activities within its territory, under its jurisdiction or carried out under its control anywhere, for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices.

### **APPLICATION OF SAFEGUARDS**

#### **Article 2**

The Agency shall have the right and the obligation to ensure that safeguards will be applied, in accordance with the terms of this Agreement, on all source or special fissionable material in all peaceful nuclear activities within the territory of Australia, under its jurisdiction or carried out under its control anywhere, for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices.

### **CO-OPERATION BETWEEN AUSTRALIA AND THE AGENCY**

#### **Article 3**

Australia and the Agency shall co-operate to facilitate the implementation of the safeguards provided for in this Agreement.

### **IMPLEMENTATION OF SAFEGUARDS**

#### **Article 4**

The safeguards provided for in this Agreement shall be implemented in a manner designed:

- (a) To avoid hampering the economic and technological development of Australia or international co-operation in the field of peaceful nuclear activities, including international exchange of nuclear material;
- (b) To avoid undue interference in Australia's peaceful nuclear activities, and in particular in the operation of facilities; and
- (c) To be consistent with prudent management practices required for the economic and safe conduct of nuclear activities.

#### **Article 5**

- (a) The Agency shall take every precaution to protect commercial and industrial secrets and other confidential information coming to its knowledge in the implementation of this Agreement.
- (b) (i) The Agency shall not publish or communicate to any State, organization or person any information obtained by it in connection with the implementation of this Agreement, except that specific information relating to the implementation thereof may be given to the Board and to such Agency staff members as require such knowledge by reason of their official duties in connection with safeguards, but only to the extent necessary for the Agency to fulfil its responsibilities in implementing this Agreement.
- (ii) Summarized information on nuclear material subject to safeguards under this Agreement may be published upon decision of the Board if Australia agrees thereto.

### **Article 6**

(a) The Agency shall, in implementing safeguards pursuant to this Agreement, take full account of technological developments in the field of safeguards, and shall make every effort to ensure optimum cost-effectiveness and the application of the principle of safeguarding effectively the flow of nuclear material subject to safeguard under this Agreement by use of instruments and other techniques at certain strategic points to the extent that present or future technology permits.

(b) In order to ensure optimum cost-effectiveness, use shall be made, for example, of such means as:

- (i) Containment as a means of defining material balance areas for accounting purposes;
- (ii) Statistical techniques and random sampling in evaluating the flow of nuclear material; and
- (iii) Concentration of verification procedures on those stages in the nuclear fuel cycle involving the production, processing, use or storage of nuclear material from which nuclear weapons or other nuclear explosive devices could readily be made, and minimization of verification procedures in respect of other nuclear material, on condition that this does not hamper the implementation of this Agreement.

## **NATIONAL SYSTEM OF MATERIALS CONTROL**

### **Article 7**

(a) Australia shall establish and maintain a national system (hereinafter referred to as Australia's system) of accounting for and control of all nuclear material subject to safeguards under this Agreement.

(b) The Agency shall apply safeguards in such a manner as to enable it to verify, in ascertaining that there has been no diversion of nuclear material from peaceful uses to nuclear weapons or other nuclear explosive devices, findings of Australia's system. The Agency's verification shall include, inter alia, independent measurements and observations conducted by the Agency in accordance with the procedures specified in Part II of this Agreement. The Agency, in its verification, shall take due account of the technical effectiveness of Australia's system.

## **PROVISION OF INFORMATION TO THE AGENCY**

### **Article 8**

(a) In order to ensure the effective implementation of safeguards under this Agreement, Australia shall, in accordance with the provisions set out in Part II of this Agreement, provide the Agency with information concerning nuclear material subject to safeguards under this Agreement and the features of facilities relevant to safeguarding such material.

(b) (i) The Agency shall require only the minimum amount of information and data consistent with carrying out its responsibilities under this Agreement.

(ii) Information pertaining to facilities shall be the minimum necessary for safeguarding nuclear material subject to safeguards under this Agreement.

(c) If Australia so requests, the Agency shall be prepared to examine on premises of Australia design information which Australia regards as being of particular sensitivity. Such information need not be physically transmitted to the Agency provided that it remains readily available for further examination by the Agency on premises of Australia.

## AGENCY INSPECTORS

### Article 9

- (a) (i) The Agency shall secure the consent of Australia to the designation of Agency inspectors to Australia.
- (ii) If Australia, either upon proposal of a designation or at any other time after a designation has been made, objects to the designation, the Agency shall propose to Australia an alternative designation or designations.
- (iii) If, as a result of the repeated refusal of Australia to accept the designation of Agency inspectors, inspections to be conducted under this Agreement would be impeded, such refusal shall be considered by the Board, upon referral by the Director General of the Agency (hereinafter referred to as 'the Director General'), with a view to its taking appropriate action.
- (b) Australia shall take the necessary steps to ensure that Agency inspectors can effectively discharge their functions under this Agreement.
- (c) The visits and activities of Agency inspectors shall be so arranged as:
  - (i) To reduce to a minimum the possible inconvenience and disturbance to the Australian authorities concerned and to the peaceful nuclear activities inspected; and
  - (ii) To ensure protection of industrial secrets or any other confidential information coming to the inspectors' knowledge.

## PRIVILEGES AND IMMUNITIES

### Article 10

Australia shall apply the relevant provisions as accepted of the Agreement on the Privileges and Immunities of the Agency to the Agency (including its property, funds and assets), and to its inspectors and other officials performing functions under this Agreement.

## TERMINATION OF SAFEGUARDS

### Article 11

#### *Consumption or dilution of nuclear material*

Safeguards shall terminate on nuclear material upon determination by the Agency that the material has been consumed, or has been diluted in such a way that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or has become practically irrecoverable.

### Article 12

#### *Transfer of nuclear material out of Australia*

Australia shall give the Agency notification of intended transfers of nuclear material subject to safeguards under this Agreement out of Australia, in accordance with the provisions set out in Part II of this Agreement. The Agency shall terminate safeguards on nuclear material under this Agreement when the recipient State has assumed responsibility therefor, as provided for in Part II of this Agreement. The Agency shall maintain records indicating each transfer and, where applicable, the re-application of safeguards to the transferred nuclear material.



### Article 13

#### *Provisions relating to nuclear material to be used in non-nuclear activities*

If Australia wishes to use nuclear material subject to safeguards under this Agreement in non-nuclear activities, such as the production of alloys or ceramics, it shall agree with the Agency on the circumstances under which the safeguards on such nuclear material may be terminated.

### NON-APPLICATION OF SAFEGUARDS TO NUCLEAR MATERIAL TO BE USED IN NON-PEACEFUL ACTIVITIES

### Article 14

If Australia intends to exercise its discretion to use nuclear material which is required to be safeguarded under this Agreement in a nuclear activity which does not require the application of safeguards under this Agreement, the following procedures shall apply:

- (a) Australia shall inform the Agency of the activity, making it clear:
  - (i) That the use of the nuclear material in a non-proscribed military activity will not be in conflict with an undertaking Australia may have given and in respect of which Agency safeguards apply, that the nuclear material will be used only in a peaceful nuclear activity; and
  - (ii) That during the period of non-application of safeguards the nuclear material will not be used for the production of nuclear weapons or other nuclear explosive devices;
- (b) Australia and the Agency shall make an arrangement so that, only while the nuclear material is in such an activity, the safeguards provided for in this Agreement will not be applied. The arrangement shall identify, to the extent possible, the period or circumstances during which safeguards will not be applied. In any event, the safeguards provided for in this Agreement shall apply again as soon as the nuclear material is reintroduced into a peaceful nuclear activity. The Agency shall be kept informed of the total quantity and composition of such unsafeguarded nuclear material in Australia and of any export of such nuclear material; and
- (c) Each arrangement shall be made in agreement with the Agency. Such agreement shall be given as promptly as possible and shall relate only to such matters as, inter alia, temporal and procedural provisions and reporting arrangements, and shall not involve any approval or classified knowledge of the military activity or relate to the use of the nuclear material therein.

### FINANCE

### Article 15

Australia and the Agency shall bear the expenses incurred by them in implementing their respective responsibilities under this Agreement. However, if Australia or persons under its jurisdiction incur extraordinary expenses as a result of a specific request by the Agency, the Agency shall reimburse such expenses provided that it has agreed in advance to do so. In any case the Agency shall bear the cost of any additional measuring or sampling which inspectors may request.

### THIRD PARTY LIABILITY FOR NUCLEAR DAMAGE

#### Article 16

Australia shall ensure that any protection against third party liability in respect of nuclear damage, including any insurance or other financial security, which may be available under its laws or regulations shall apply to the Agency and its officials for the purpose of the implementation of this Agreement, in the same way as that protection applies to nationals of Australia.

### INTERNATIONAL RESPONSIBILITY

#### Article 17

Any claim by Australia against the Agency or by the Agency against Australia in respect of any damage resulting from the implementation of safeguards under this Agreement, other than damage arising out of a nuclear incident, shall be settled in accordance with international law.

### MEASURES IN RELATION TO VERIFICATION OF NON-DIVERSION

#### Article 18

If the Board, upon report of the Director General, decides that an action by Australia is essential and urgent in order to ensure verification that nuclear material subject to safeguards under this Agreement is not diverted to nuclear weapons or other nuclear explosive devices, the Board may call upon Australia to take the required action without delay, irrespective of whether procedures have been invoked pursuant to Article 22 of this Agreement for the settlement of a dispute.

#### Article 19

If the Board, upon examination of relevant information reported to it by the Director General, finds that the Agency is not able to verify that there has been no diversion of nuclear material required to be safeguarded under this Agreement, to nuclear weapons or other nuclear explosive devices, it may make the reports provided for in paragraph C of Article XII of the Statute of the Agency (hereinafter referred to as 'the Statute') and may also take, where applicable, the other measures provided for in that paragraph. In taking such action the Board shall take account of the degree of assurance provided by the safeguards measures that have been applied and shall afford Australia every reasonable opportunity to furnish the Board with any necessary reassurance.

### INTERPRETATION AND APPLICATION OF THE AGREEMENT AND SETTLEMENT OF DISPUTES

#### Article 20

Australia and the Agency shall, at the request of either, consult about any question arising out of the interpretation or application of this Agreement.

#### Article 21

Australia shall have the right to request that any question arising out of the interpretation or application of this Agreement be considered by the Board. The Board shall invite Australia to participate in the discussion of any such question by the Board.

## **Article 22**

Any dispute arising out of the interpretation or application of this Agreement, except a dispute with regard to a finding by the Board under Article 19 or an action taken by the Board pursuant to such a finding, which is not settled by negotiation or another procedure agreed to by Australia and the Agency shall, at the request of either, be submitted to an arbitral tribunal composed as follows: Australia and the Agency shall each designate one arbitrator, and the two arbitrators so designated shall elect a third, who shall be the Chairman. If, within thirty days of the request for arbitration, either Australia or the Agency has not designated an arbitrator, either Australia or the Agency may request the President of the International Court of Justice to appoint an arbitrator. The same procedure shall apply if, within thirty days of the designation or appointment of the second arbitrator, the third arbitrator has not been elected. A majority of the members of the arbitral tribunal shall constitute a quorum, and all decisions shall require the concurrence of two arbitrators. The arbitral procedure shall be fixed by the tribunal. The decisions of the tribunal shall be binding on Australia and the Agency.

## **SUSPENSION OF APPLICATION OF AGENCY SAFEGUARDS UNDER OTHER AGREEMENTS**

### **Article 23**

The application of Agency safeguards in Australia under other safeguards agreements with the Agency shall be suspended while this Agreement is in force.

## **REVIEW OF THE OPERATION OF THE AGREEMENT**

### **Article 24**

Australia and the Agency shall, at the request of either, review jointly the operation of this Agreement. In any event such a review shall take place five years after the entry into force of this Agreement.

## **AMENDMENT OF THE AGREEMENT**

### **Article 25**

- (a) Australia and the Agency shall, at the request of either, consult each other on amendments to this Agreement.
- (b) All amendments shall require the agreement of Australia and the Agency.
- (c) Amendments to this Agreement shall enter into force on the same conditions as entry into force of the Agreement itself.
- (d) The Director General shall promptly inform all Member States of the Agency of any amendment to this Agreement.

## **ENTRY INTO FORCE AND DURATION**

### **Article 26**

This Agreement shall enter into force upon signature by or for the Director General and by the authorized representative of Australia. The Director General shall promptly inform all Member States of the Agency of the entry into force of this Agreement.

### **Article 27**

This Agreement shall remain in force as long as Australia is party to the Treaty.

## **PART II**

### **INTRODUCTION**

#### **Article 28**

The purpose of this part of the Agreement is to specify the procedures to be applied in the implementation of the safeguards provisions of Part I.

### **OBJECTIVE OF SAFEGUARDS**

#### **Article 29**

The objective of the safeguards procedures set forth in this part of the Agreement is the timely detection of diversion of significant quantities of nuclear material from peaceful nuclear activities to the manufacture of nuclear weapons or of other nuclear explosive devices or for purposes unknown, and deterrence of such diversion by the risk of early detection.

#### **Article 30**

For this purpose material accountancy shall be used as a safeguards measure of fundamental importance, with containment and surveillance as important complementary measures.

#### **Article 31**

The technical conclusion of the Agency's verification activities shall be a statement, in respect of each material balance area, of the amount of material unaccounted for over a specific period, and giving the limits of accuracy of the amounts stated.

### **NATIONAL SYSTEM OF ACCOUNTING FOR AND CONTROL OF NUCLEAR MATERIAL**

#### **Article 32**

Pursuant to Article 7, the Agency, in carrying out its verification activities, shall make full use of Australia's system of accounting for and control of all nuclear material subject to safeguards under this Agreement and shall avoid unnecessary duplication of Australia's accounting and control activities.

#### **Article 33**

Australia's system of accounting for and control of all nuclear material subject to safeguards under this Agreement shall be based on a structure of material balance areas, and shall make provision, as appropriate and specified in the Subsidiary Arrangements, for the establishment of such measures as:

- (a) A measurement system for the determination of the quantities of nuclear material received, produced, shipped, lost or otherwise removed from inventory, and the quantities on inventory;
- (b) The evaluation of precision and accuracy of measurements and the estimation of measurement uncertainty;
- (c) Procedures for identifying, reviewing and evaluating differences in shipper/receiver measurements;
- (d) Procedures for taking a physical inventory;
- (e) Procedures for the evaluation of accumulations of unmeasured inventory and unmeasured losses;

- (f) A system of records and reports showing, for each material balance area, the inventory of nuclear material and the changes in that inventory including receipts into and transfers out of the material balance area;
- (g) Provisions to ensure that the accounting procedures and arrangements are being operated correctly; and
- (h) Procedures for the submission of reports to the Agency in accordance with Articles 60 to 70.

## STARTING POINT OF SAFEGUARDS

### Article 34

Safeguards under this Agreement shall not apply to material in mining or ore processing activities.

### Article 35

- (a) When any material containing uranium or thorium which has not reached the stage of the nuclear fuel cycle described in paragraph (c) is directly or indirectly exported to a non-nuclear-weapon State, Australia shall inform the Agency of its quantity, composition and destination, unless the material is exported for specifically non-nuclear purposes;
- (b) When any material containing uranium or thorium which has not reached the stage of the nuclear fuel cycle described in paragraph (c) is imported, Australia shall inform the Agency of its quantity and composition, unless the material is imported for specifically non-nuclear purposes; and
- (c) When any nuclear material of a composition and purity suitable for fuel fabrication or for isotopic enrichment leaves the plant or the process stage in which it has been produced, or when such nuclear material, or any other nuclear material produced at a later stage in the nuclear fuel cycle, is imported into Australia, the nuclear material shall become subject to the other safeguards procedures specified in this Agreement.

## TERMINATION OF SAFEGUARDS

### Article 36

- (a) Safeguards shall terminate on nuclear material subject to safeguards under this Agreement, under the conditions set forth in Article 11. Where the conditions of that Article are not met, but Australia considers that the recovery of safeguarded nuclear material from residues is not for the time being practicable or desirable, Australia and the Agency shall consult on the appropriate safeguards measures to be applied.
- (b) Safeguards shall terminate on nuclear material subject to safeguards under this Agreement, under the conditions set forth in Article 13, provided that Australia and the Agency agree that such nuclear material is practicably irrecoverable.

## EXEMPTIONS FROM SAFEGUARDS

### Article 37

At the request of Australia, the Agency shall exempt nuclear material from safeguards, as follows:

- (a) Special fissionable material, when it is used in gram quantities or less as a sensing component in instruments;
- (b) Nuclear material, when it is used in non-nuclear activities in accordance with Article 13, if such nuclear material is recoverable; and
- (c) Plutonium with an isotopic concentration of plutonium-238 exceeding 80%.

### **Article 38**

At the request of Australia the Agency shall exempt from safeguards nuclear material that would otherwise be subject to safeguards, provided that the total quantity of nuclear material which has been exempted in Australia in accordance with this Article may not at any time exceed:

- (a) One kilogram in total of special fissionable material, which may consist of one or more of the following:
  - (i) Plutonium;
  - (ii) Uranium with an enrichment of 0.2 (20%) and above, taken account of by multiplying its weight by its enrichment; and
  - (iii) Uranium with an enrichment below 0.2 (20%) and above that of natural uranium, taken account of by multiplying its weight by five times the square of its enrichment;
- (b) Ten metric tons in total of natural uranium and depleted uranium with an enrichment above 0.005 (0.5%);
- (c) Twenty metric tons of depleted uranium with an enrichment of 0.005 (0.5%) or below; and
- (d) Twenty metric tons of thorium;

or such greater amounts as may be specified by the Board for uniform application.

### **Article 39**

If exempted nuclear material is to be processed or stored together with nuclear material subject to safeguards under this Agreement, Australia and the Agency shall make arrangements for the reapplication of safeguards thereto.

## **SUBSIDIARY ARRANGEMENTS**

### **Article 40**

Australia and the Agency shall make Subsidiary Arrangements which shall specify in detail, to the extent necessary to permit the Agency to fulfil its responsibilities under this Agreement in an effective and efficient manner, how the procedures laid down in this Agreement are to be applied. The Subsidiary Arrangements may be extended or changed by agreement between Australia and the Agency without amendment of this Agreement.

### **Article 41**

The Subsidiary Arrangements shall enter into force at the same time as, or as soon as possible after, the entry into force of this Agreement. Australia and the Agency shall make every effort to achieve their entry into force within ninety days of the entry into force of this Agreement; an extension of that period shall require agreement between Australia and the Agency. Australia shall provide the Agency promptly with the information required for completing the Subsidiary Arrangements. Upon the entry into force of this Agreement, the Agency shall have the right to apply the procedures laid down therein in respect of the nuclear material listed in the inventory provided for in Article 42.

## **INVENTORY**

### **Article 42**

On the basis of the initial report referred to in Article 63, the Agency shall establish a unified inventory of all nuclear material in Australia subject to safeguards under this Agreement, irrespective of its origin, and shall maintain this inventory on the basis of subsequent reports

and of the results of its verification activities. Copies of the inventory shall be made available to Australia at intervals to be agreed.

## DESIGN INFORMATION

### *General provisions*

#### **Article 43**

Pursuant to Article 8, design information in respect of existing facilities shall be provided to the Agency during the discussion of the Subsidiary Arrangements. The time limits for the provision of design information in respect of the new facilities shall be specified in the Subsidiary Arrangements and such information shall be provided as early as possible before nuclear material is introduced into a new facility.

#### **Article 44**

The design information to be provided to the Agency shall include, in respect of each facility, when applicable:

- (a) The identification of the facility, stating its general character, purpose, nominal capacity and geographic location, and the name and address to be used for routine business purposes;
- (b) A description of the general arrangement of the facility with reference, to the extent feasible, to the form, location and flow of nuclear material and to the general layout of important items of equipment which use, produce or process nuclear material;
- (c) A description of features of the facility relating to material accountancy, containment and surveillance; and
- (d) A description of the existing and proposed procedures at the facility for nuclear material accountancy and control, with special reference to material balance areas established by the operator, measurements of flow and procedures for physical inventory taking.

#### **Article 45**

Other information relevant to the application of safeguards shall also be provided to the Agency in respect of each facility, in particular on organizational responsibility for material accountancy and control, and shall be specified in the Subsidiary Arrangements, as required. Australia shall provide the Agency with supplementary information on the health and safety procedures which the Agency shall observe and with which the inspectors shall comply at the facility.

#### **Article 46**

The Agency shall be provided with design information in respect of a modification relevant for safeguards purposes, for examination, and shall be informed of any change in the information provided to it under Article 45, sufficiently in advance for the safeguards procedures to be adjusted when necessary.

#### **Article 47**

### *Purposes of examination of design information*

The design information provided to the Agency shall be used for the following purposes:

- (a) To identify the features of facilities and nuclear material relevant to the application of safeguards to nuclear material in sufficient detail to facilitate verification;

(b) To determine material balance areas to be used for Agency accounting purposes and to select those strategic points which are key measurement points and which will be used to determine flow and inventory of nuclear material; in determining such material balance areas the Agency shall, inter alia, use the following criteria:

- (i) The size of the material balance area shall be related to the accuracy with which the material balance can be established;
  - (ii) In determining the material balance area advantage shall be taken of any opportunity to use containment and surveillance to help ensure the completeness of flow measurements and thereby to simplify the application of safeguards and to concentrate measurement efforts at key measurement points;
  - (iii) A number of material balance areas in use at a facility or at distinct sites may be combined in one material balance area to be used for Agency accounting purposes when the Agency determines that this is consistent with its verification requirements; and
  - (iv) A special material balance area may be established at the request of Australia around a process step involving commercially sensitive information;
- (c) To establish the nominal timing and procedures for taking of physical inventory of nuclear material for Agency accounting purposes;
- (d) To establish the records and reports requirements and records evaluation procedures;
- (e) To establish requirements and procedures for verification of the quantity and location of nuclear material; and
- (f) To select appropriate combinations of containment and surveillance methods and techniques and the strategic points at which they are to be applied.

The results of the examination of the design information shall be included in the Subsidiary Arrangements.

### **Article 48**

#### *Re-examination of design information*

Design information shall be re-examined in the light of changes in operating conditions, of developments in safeguards technology or of experience in the application of verification procedures, with a view to modifying the action the Agency has taken pursuant to Article 47.

### **Article 49**

#### *Verification of design information*

The Agency, in co-operation with Australia, may send inspectors to facilities to verify the design information provided to the Agency pursuant to Articles 43 to 46, for the purposes stated in Article 47.

## **INFORMATION IN RESPECT OF NUCLEAR MATERIAL OUTSIDE FACILITIES**

### **Article 50**

The Agency shall be provided with the following information when nuclear material is to be customarily used outside facilities, as applicable:

- (a) A general description of the use of the nuclear material, its geographic location, and the user's name and address for routine business purposes; and



- (b) A general description of the existing and proposed procedures for nuclear material accountancy and control, including organizational responsibility for material accountancy and control.

The Agency shall be informed, on a timely basis, of any change in the information provided to it under this Article.

#### **Article 51**

The information provided to the Agency pursuant to Article 50 may be used, to the extent relevant, for the purposes set out in Article 47(b) to (f).

### **RECORDS SYSTEM**

#### *General provisions*

#### **Article 52**

In establishing its national system of materials control as referred to in Article 7, Australia shall arrange that records are kept in respect of each material balance area. The records to be kept shall be described in the Subsidiary Arrangements.

#### **Article 53**

Australia shall make arrangements to facilitate the examination of records by inspectors.

#### **Article 54**

Records shall be retained for at least five years.

#### **Article 55**

Records shall consist, as appropriate, of:

- (a) Accounting records of all nuclear material subject to safeguards under this Agreement; and
- (b) Operating records for facilities containing such nuclear material.

#### **Article 56**

The system of measurements on which the records used for the preparation of reports are based shall either conform to the latest international standards or be equivalent in quality to such standards.

#### *Accounting records*

#### **Article 57**

The accounting records shall set forth the following in respect of each material balance area:

- (a) All inventory changes, so as to permit a determination of the book inventory at any time;
- (b) All measurement results that are used for determination of the physical inventory; and
- (c) All adjustments and corrections that have been made in respect of inventory changes, book inventories and physical inventories.

#### **Article 58**

For all inventory changes and physical inventories the records shall show, in respect of each batch of nuclear material: material identification, batch data and source data. The records shall account for uranium, thorium and plutonium separately in each batch of nuclear material.

For each inventory change, the date of the inventory change and, when appropriate, the originating material balance area and the receiving material balance area or the recipient, shall be indicated.

### **Article 59**

#### *Operating records*

The operating records shall set forth, as appropriate, in respect of each material balance area:

- (a) Those operating data which are used to establish changes in the quantities and composition of nuclear material;
- (b) The data obtained from the calibration of tanks and instruments and from sampling and analyses, the procedures to control the quality of measurements and the derived estimates of random and systematic error;
- (c) A description of the sequence of the actions taken in preparing for, and in taking, a physical inventory, in order to ensure that it is correct and complete; and
- (d) A description of the actions taken in order to ascertain the cause and magnitude of any accidental or unmeasured loss that might occur.

### **REPORTS SYSTEM**

#### *General provisions*

### **Article 60**

Australia shall provide the Agency with reports as detailed in Articles 61 to 70 in respect of nuclear material subject to safeguards under this Agreement.

### **Article 61**

Reports shall be made in English.

### **Article 62**

Reports shall be based on the records kept in accordance with Articles 52 to 59 and shall consist, as appropriate, of accounting reports and special reports.

#### *Accounting reports*

### **Article 63**

The Agency shall be provided with an initial report on all nuclear material subject to safeguards under this Agreement. The initial report shall be dispatched by Australia to the Agency within thirty days of the last day of the calendar month in which this Agreement enters into force, and shall reflect the situation as of the last day of that month.

### **Article 64**

Australia shall provide the Agency with the following accounting reports for each material balance area:

- (a) Inventory change reports showing all changes in the inventory of nuclear material. The reports shall be dispatched as soon as possible and in any event within thirty days after the end of the month in which the inventory changes occurred or were established; and
- (b) Material balance reports showing the material balance based on a physical inventory of nuclear material actually present in the material balance area. The reports shall be dispatched as soon as possible and in any event within thirty days after the physical inventory has been taken.

The reports shall be based on data available as of the date of reporting and may be corrected at a later date, as required.

#### **Article 65**

Inventory change reports shall specify identification and batch data for each batch of nuclear material, the date of the inventory change and, as appropriate, the originating material balance area and the receiving material balance area or the recipient. These reports shall be accompanied by concise notes:

- (a) Explaining the inventory changes, on the basis of the operating data contained in the operating records provided for under Article 59(a); and
- (b) Describing, as specified in the Subsidiary Arrangements, the anticipated operational programme, particularly the taking of a physical inventory.

#### **Article 66**

Australia shall report each inventory change, adjustment and correction, either periodically in a consolidated list or individually. Inventory changes shall be reported in terms of batches. As specified in the Subsidiary Arrangements, small changes in inventory of nuclear material, such as transfers of analytical samples, may be combined in one batch and reported as one inventory change.

#### **Article 67**

The Agency shall provide Australia with semi-annual statements of book inventory of nuclear material subject to safeguards under this Agreement, for each material balance area, as based on the inventory change reports for the period covered by each such statement.

#### **Article 68**

Material balance reports shall include the following entries, unless otherwise agreed by Australia and the Agency:

- (a) Beginning physical inventory;
- (b) Inventory changes (first increases, then decreases);
- (c) Ending book inventory;
- (d) Shipper/receiver differences;
- (e) Adjusted ending book inventory;
- (f) Ending physical inventory; and
- (g) Material unaccounted for.

A statement of the physical inventory, listing all batches separately and specifying material identification and batch data for each batch, shall be attached to each material balance report.

#### **Article 69**

##### *Special reports*

Australia shall make special reports without delay:

- (a) If any unusual incident or circumstances lead Australia to believe that there is or may have been loss of nuclear material that exceeds the limits specified for this purpose in the Subsidiary Arrangements; or
- (b) If the containment has unexpectedly changed from that specified in the Subsidiary Arrangements to the extent that unauthorized removal of nuclear material has become possible.

## **Article 70**

### *Amplification and clarification of reports*

If the Agency so requests, Australia shall provide it with amplifications or clarifications of any report, in so far as relevant for the purpose of safeguards.

## **INSPECTIONS**

## **Article 71**

### *General provisions*

The Agency shall have the right to make inspections as provided for in Articles 72 to 83.

### *Purposes of inspections*

## **Article 72**

The Agency may make ad hoc inspections in order to:

- (a) Verify the information contained in the initial report on the nuclear material subject to safeguards under this Agreement;
- (b) Identify and verify changes in the situation which have occurred since the date of the initial report; and
- (c) Identify, and if possible verify the quantity and composition of, nuclear material in accordance with Articles 94 and 97 before its transfer out of or upon its transfer into Australia.

## **Article 73**

The Agency may make routine inspections in order to:

- (a) Verify that reports are consistent with records;
- (b) Verify the location, identity, quantity and composition of all nuclear material subject to safeguards under this Agreement; and
- (c) Verify information on the possible causes of material unaccounted for, shipper/receiver differences and uncertainties in the book inventory.

## **Article 74**

Subject to the procedures laid down in Article 78, the Agency may make special inspections:

- (a) In order to verify the information contained in special reports; or
- (b) If the Agency considers that information made available by Australia, including explanations from Australia and information obtained from routine inspections, is not adequate for the Agency to fulfil its responsibilities under this Agreement.

An inspection shall be deemed to be special when it is either additional to the routine inspection effort provided for in Articles 79 to 83 or involves access to information or locations in addition to the access specified in Article 77 for ad hoc and routine inspections, or both.

*Scope of inspections***Article 75**

For the purposes specified in Articles 72 to 74, the Agency may:

- (a) Examine the records kept pursuant to Articles 52 to 59;
- (b) Make independent measurements of all nuclear material subject to safeguards under this Agreement;
- (c) Verify the functioning and calibration of instruments and other measuring and control equipment;
- (d) Apply and make use of surveillance and containment measures; and
- (e) Use other objective methods which have been demonstrated to be technically feasible.

**Article 76**

Within the scope of Article 75, the Agency shall be enabled:

- (a) To observe that samples at key measurement points for material balance accountancy are taken in accordance with procedures which produce representative samples, to observe the treatment and analysis of the samples and to obtain duplicates of such samples;
- (b) To observe that the measurement of nuclear material at key measurement points for material balance accountancy are representative, and to observe the calibration of the instruments and equipment involved;
- (c) To make arrangements with Australia that, if necessary:
  - (i) Additional measurements are made and additional samples taken for the Agency's use;
  - (ii) The Agency's standard analytical samples are analysed;
  - (iii) Appropriate absolute standards are used in calibrating instruments and other equipment; and
  - (iv) Other calibrations are carried out;
- (d) To arrange to use its own equipment for independent measurement and surveillance, and if so agreed and specified in the Subsidiary Arrangements to arrange to install such equipment;
- (e) To apply its seals and other identifying and tamper-indicating devices to containments, if so agreed and specified in the Subsidiary Arrangements; and
- (f) To make arrangements with Australia for the shipping of samples taken for the Agency's use.

*Access for inspections***Article 77**

- (a) For the purposes specified in Article 72(a) and (b) and until such time as the strategic points have been specified in the Subsidiary Arrangements, the Agency inspectors shall have access to any location where the initial report or any inspections carried out in connection with it indicate that nuclear material is present;
- (b) For the purposes specified in Article 72(c) the inspectors shall have access to any location of which the Agency has been notified pursuant to Articles 93(d)(iii) or 96(d)(iii);

(c) For the purposes specified in Article 73 the inspectors shall have access only to the strategic points specified in the Subsidiary Arrangements and to the records maintained pursuant to Articles 52 to 59; and

(d) In the event of Australia concluding that any unusual circumstances require extended limitations on access by the Agency, Australia and the Agency shall promptly make arrangements with a view to enabling the Agency to discharge its safeguards responsibilities in the light of these limitations. The Director General shall report each such arrangement to the Board.

### **Article 78**

In circumstances which may lead to special inspections for the purposes specified in Article 74, Australia and the Agency shall consult forthwith. As a result of such consultations the Agency may:

- (a) Make inspections in addition to the routine inspection effort provided for in Articles 79 to 83; and
- (b) Obtain access, in agreement with Australia, to information or locations in addition to those specified in Article 77. Any disagreement concerning the need for additional access shall be resolved in accordance with Articles 21 and 22; in case action by Australia is essential and urgent, Article 18 shall apply.

#### *Frequency and intensity of routine inspections*

### **Article 79**

The Agency shall keep the number, intensity and duration of routine inspections, applying optimum timing, to the minimum consistent with the effective implementation of the safeguards procedures set forth in this Agreement, and shall make the optimum and most economical use of inspection resources available to it.

### **Article 80**

The Agency may carry out one routine inspection per year in respect of facilities and material balance areas outside facilities with a content or annual throughput, whichever is greater, of nuclear material not exceeding five effective kilograms.

### **Article 81**

The number, intensity, duration, timing and mode of routine inspections in respect of facilities with a content or annual throughput of nuclear material exceeding five effective kilograms shall be determined on the basis that in the maximum or limiting case the inspection regime shall be no more intensive than is necessary and sufficient to maintain continuity of knowledge of the flow and inventory of nuclear material, and the maximum routine inspection effort in respect of such facilities shall be determined as follows:

- (a) For reactors and sealed storage installations the maximum total of routine inspection per year shall be determined by allowing one sixth of a man-year of inspection for each such facility;
- (b) For facilities, other than reactors or sealed storage installations, involving plutonium or uranium enriched to more than 5%, the maximum total of routine inspection per year shall be determined by allowing for each such facility  $30 \times \sqrt{E}$  man-days of inspection per year, where E is the inventory or annual throughput of nuclear material, whichever is greater, expressed in effective kilograms. The maximum established for any such facility shall not, however, be less than 1.5 man-years of inspection; and

- (c) For facilities not covered by paragraphs (a) or (b), the maximum total of routine inspection per year shall be determined by allowing for each such facility one third of a man-year of inspection plus  $0.4 \times E$  man-days of inspection per year, where E is the inventory or annual throughput of nuclear material, whichever is greater, expressed in effective kilograms.

Australia and the Agency may agree to amend the figures for the maximum inspection effort specified in this Article, upon determination by the Board that such amendment is reasonable.

### Article 82

Subject to Articles 79 to 81 the criteria to be used for determining the actual number, intensity, duration, timing and mode of routine inspections in respect of any facility shall include:

- (a) *The form of the nuclear material*, in particular, whether the nuclear material is in bulk form or contained in a number of separate items; its chemical composition and, in the case of uranium, whether it is of low or high enrichment; and its accessibility;
- (b) *The effectiveness of Australia's national accounting and control system*, including the extent to which the operators of facilities are functionally independent of the national accounting and control system; the extent to which the measures specified in Article 33 have been implemented by Australia; the promptness of reports provided to the Agency; their consistency with the Agency's independent verification; and the amount and accuracy of the material unaccounted for, as verified by the Agency;
- (c) *Characteristics of Australia's nuclear fuel cycle*, in particular, the number and types of facilities containing nuclear material subject to safeguards, the characteristics of such facilities relevant to safeguards, notably the degree of containment; the extent to which the design of such facilities facilitates verification of the flow and inventory of nuclear material; and the extent to which information from different material balance areas can be correlated;
- (d) *International interdependence*, in particular, the extent to which nuclear material is received from or sent to other States for use or processing; any verification activities by the Agency in connection therewith; and the extent to which Australia's peaceful nuclear activities are interrelated with those of other States; and
- (e) *Technical developments in the field of safeguards*, including the use of statistical techniques and random sampling in evaluating the flow of nuclear material.

### Article 83

Australia and the Agency shall consult if Australia considers that the inspection effort is being deployed with undue concentration on particular facilities.

### *Notice of inspections*

### Article 84

The Agency shall give advance notice to Australia before arrival of inspectors at facilities or material balance areas outside facilities, as follows:

- (a) For ad hoc inspections pursuant to Article 72(c), at least 24 hours; for those pursuant to Article 72(a) and (b) as well as the activities provided for in Article 49, at least one week;
- (b) For special inspections pursuant to Article 74, as promptly as possible after the Agency and Australia have consulted as provided for in Article 78, it being understood that notification of arrival normally will constitute part of the consultations; and

- (c) For routine inspections pursuant to Article 73, at least 24 hours in respect of the facilities referred to in Article 81(b) and sealed storage installations containing plutonium or uranium enriched to more than 5%, and one week in all other cases.

Such notice of inspections shall include the names of the inspectors and shall indicate the facilities and the material balance areas outside facilities to be visited and the periods during which they will be visited. If the inspectors are to arrive from outside Australia the Agency shall also give advance notice of the place and time of their arrival in Australia.

### **Article 85**

Notwithstanding the provisions of Article 84, the Agency may, as a supplementary measure, carry out without advance notification a portion of the routine inspections pursuant to Article 81 in accordance with the principle of random sampling. In performing any unannounced inspections, the Agency shall fully take into account any operational programme provided by Australia pursuant to Article 65(b). Moreover, whenever practicable, and on the basis of the operational programme, it shall advise Australia periodically of its general programme of announced and unannounced inspections, specifying the general periods when inspections are foreseen. In carrying out any unannounced inspections, the Agency shall make every effort to minimize any practical difficulties for Australia and for facility operators, bearing in mind the relevant provisions of Articles 45 and 90. Similarly Australia shall make every effort to facilitate the task of the inspectors.

#### *Designation of inspectors*

### **Article 86**

The following procedures shall apply to the designation of inspectors:

- (a) The Director General shall inform Australia in writing of the name, qualifications, nationality, grade and such other particulars as may be relevant, of each Agency official he proposes for designation as an inspector for Australia;
- (b) Australia shall inform the Director General within thirty days of the receipt of such a proposal whether it accepts the proposal;
- (c) The Director General may designate each official who has been accepted by Australia as one of the inspectors for Australia, and shall inform Australia of such designations; and
- (d) The Director General, acting in response to a request by Australia or on his own initiative, shall immediately inform Australia of the withdrawal of the designation of any official as an inspector for Australia.

However, in respect of inspectors needed for the activities provided for in Article 49 and to carry out ad hoc inspections pursuant to Article 72(a) and (b) the designation procedures shall be completed if possible within thirty days after the entry into force of this Agreement. If such designation appears impossible within this time limit, inspectors for such purposes shall be designated on a temporary basis.

### **Article 87**

Australia shall grant or renew as quickly as possible appropriate visas, where required, for each inspector designated for Australia.



*Conduct and visits of inspectors***Article 88**

Inspectors, in exercising their functions under Articles 49 and 72 to 76, shall carry out their activities in a manner designed to avoid hampering or delaying the construction, commissioning or operation of facilities, or affecting their safety. In particular, inspectors shall not operate any facility themselves or direct the staff of a facility to carry out any operation. If inspectors consider that in pursuance of Articles 75 and 76, particular operations in a facility should be carried out by the operator, they shall make a request therefor.

**Article 89**

When inspectors require services available in Australia, including the use of equipment, in connection with the performance of inspections, Australia shall facilitate the procurement of such services and the use of such equipment by inspectors.

**Article 90**

Australia shall have the right to have inspectors accompanied during their inspections by representatives of Australia, provided that inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions.

**STATEMENTS ON THE AGENCY'S VERIFICATION ACTIVITIES****Article 91**

The Agency shall inform Australia of:

- (a) The results of inspections, at intervals to be specified in the Subsidiary Arrangements; and
- (b) The conclusions it has drawn from its verification activities in Australia, in particular by means of statements in respect of each material balance area, which shall be made as soon as possible after a physical inventory has been taken and verified by the Agency and a material balance has been struck.

**INTERNATIONAL TRANSFERS****Article 92***General provisions*

Nuclear material subject or required to be subject to safeguards under this Agreement which is transferred internationally shall, for purposes of this Agreement, be regarded as being the responsibility of Australia:

- (a) In the case of import into Australia, from the time that such responsibility ceases to lie with the exporting State, and no later than the time at which the material reaches its destination; and
- (b) In the case of export out of Australia, up to the time at which the recipient State assumes such responsibility, and no later than the time at which the nuclear material reaches its destination.

The point at which the transfer of responsibility will take place shall be determined in accordance with suitable arrangements to be made by the States concerned. Neither Australia nor any other State shall be deemed to have such responsibility for nuclear material merely by reason of the fact that the nuclear material is in transit on or over its territory or its territorial waters, or that it is being transported on a ship under its flag or in its aircraft.

*Transfers out of Australia***Article 93**

(a) Australia shall notify the Agency of any intended transfer out of Australia of nuclear material subject to safeguards under this Agreement if the shipment exceeds one effective kilogram, or if, within a period of three months, several separate shipments are to be made to the same State, each of less than one effective kilogram but the total of which exceeds one effective kilogram.

(b) Such notification shall be given to the Agency after the conclusion of the contractual arrangements leading to the transfer and normally at least two weeks before the nuclear material is to be prepared for shipping.

(c) Australia and the Agency may agree on different procedures for advance notification.

(d) The notification shall specify:

- (i) The identification and, if possible, the expected quantity and composition of the nuclear material to be transferred, and the material balance area from which it will come;
- (ii) The State for which the nuclear material is destined;
- (iii) The dates on and locations at which the nuclear material is to be prepared for shipping;
- (iv) The approximate dates of dispatch and arrival of the nuclear material; and
- (v) At what point of the transfer the recipient State will assume responsibility for the nuclear material for the purpose of this Agreement, and the probable date on which that point will be reached.

**Article 94**

The notification referred to in Article 93 shall be such as to enable the Agency to make, if necessary, an ad hoc inspection to identify, and if possible verify the quantity and composition of the nuclear material before it is transferred out of Australia and, if the Agency so wishes or Australia so requests, to affix seals to the nuclear material when it has been prepared for shipping. However, the transfer of the nuclear material shall not be delayed in any way by any action taken or contemplated by the Agency pursuant to such a notification.

**Article 95**

If the nuclear material will not be subject to Agency safeguards in the recipient State, Australia shall make arrangements for the Agency to receive, within three months of the time when the recipient State assumes responsibility for the nuclear material from Australia, confirmation by the recipient State of the transfer.

*Transfers into Australia***Article 96**

(a) Australia shall notify the Agency of any expected transfer into Australia of nuclear material required to be subject to safeguards under this Agreement if the shipment exceeds one effective kilogram, or if within a period of three months, several separate shipments are to be received from the same State, each of less than one effective kilogram but the total of which exceeds one effective kilogram.

(b) The Agency shall be notified as much in advance as possible of the expected arrival of the nuclear material, and in any case not later than the date on which Australia assumes responsibility for the nuclear material.

- (c) Australia and the Agency may agree on different procedures for advance notification.
- (d) The notification shall specify:
  - (i) The identification and, if possible, the expected quantity and composition of the nuclear material;
  - (ii) At what point of the transfer Australia will assume responsibility for the nuclear material for the purpose of this Agreement, and the probable date on which that point will be reached; and
  - (iii) The expected date of arrival, the location where, and the date on which, the nuclear material is intended to be unpacked.

### **Article 97**

The notification referred to in Article 96 shall be such as to enable the Agency to make, if necessary, an ad hoc inspection to identify, and if possible verify the quantity and composition of, the nuclear material at the time the consignment is unpacked. However, unpacking shall not be delayed by any action taken or contemplated by the Agency pursuant to such a notification.

### **Article 98**

#### *Special reports*

Australia shall make a special report as envisaged in Article 69 if any unusual incident or circumstances, including the occurrence of significant delay, lead Australia to believe that there is or may have been loss of nuclear material during an international transfer.

## **DEFINITIONS**

### **Article 99**

For the purposes of this Agreement:

- A. *Adjustment* means an entry into an accounting record or a report showing a shipper/receiver difference or material unaccounted for.
- B. *Annual throughput* means, for the purposes of Articles 80 and 81, the amount of nuclear material transferred annually out of a facility working at nominal capacity.
- C. *Batch* means a portion of nuclear material handled as a unit for accounting purposes at a key measurement point and for which the composition and quantity are defined by a single set of specifications or measurements. The nuclear material may be in bulk form or contained in a number of separate items.
- D. *Batch data* means the total weight of each element of nuclear material and, in the case of plutonium and uranium, the isotopic composition when appropriate. The units of account shall be as follows:
  - (a) Grams of contained plutonium;
  - (b) Grams of total uranium and grams of contained uranium-235 plus uranium-233 for uranium enriched in these isotopes; and
  - (c) Kilograms of contained thorium, natural uranium or depleted uranium.

For reporting purposes the weights of individual items in the batch shall be added together before rounding to the nearest unit.

- E. *Book inventory* of a material balance area means the algebraic sum of the most recent physical inventory of that material balance area and of all inventory changes that have occurred since that physical inventory was taken.

F. *Correction* means an entry into an accounting record or a report to rectify an identified mistake or to reflect an improved measurement of a quantity previously entered into the record or report. Each correction must identify the entry to which it pertains.

G. *Effective kilogram* means a special unit used in safeguarding nuclear material. The quantity in effective kilograms is obtained by taking:

- (a) For plutonium, its weight in kilograms;
- (b) For uranium with an enrichment of 0.01 (1%) and above, its weight in kilograms multiplied by the square of its enrichment;
- (c) For uranium with an enrichment below 0.01 (1%) and above 0.005 (0.5%), its weight in kilograms multiplied by 0.0001; and
- (d) For depleted uranium with an enrichment of 0.005 (0.5%) or below, and for thorium, its weight in kilograms multiplied by 0.00005.

H. *Enrichment* means the ratio of the combined weight of the isotopes uranium-233 and uranium-235 to that of the total uranium in question.

I. *Facility* means:

- (a) A reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant or a separate storage installation; or
- (b) Any location where nuclear material in amounts greater than one effective kilogram is customarily used.

J. *Inventory change* means an increase or decrease, in terms of batches, of nuclear material in a material balance area; such a change shall involve one of the following:

- (a) Increases:
  - (i) Import;
  - (ii) Domestic receipt: receipts from other material balance areas, receipts from a non-safeguarded (non-peaceful) activity or receipts at the starting point of safeguards;
  - (iii) Nuclear production: production of special fissionable material in a reactor; and
  - (iv) De-exemption: re-application of safeguards on nuclear material previously exempted therefrom on account of its use or quantity.
- (b) Decreases:
  - (i) Export;
  - (ii) Domestic shipment: shipments to other material balance areas or shipments for a non-safeguarded (non-peaceful) activity;
  - (iii) Nuclear loss: loss of nuclear material due to its transformation into other element(s) or isotope(s) as a result of nuclear reactions;
  - (iv) Measured discard: nuclear material which has been measured, or estimated on the basis of measurements, and disposed of in such a way that it is not suitable for further nuclear use;
  - (v) Retained waste: nuclear material generated from processing or from an operational accident, which is deemed to be unrecoverable for the time being but which is stored;
  - (vi) Exemption: exemption of nuclear material from safeguards on account of its use or quantity; and

(vii) Other loss: for example, accidental loss (that is, irretrievable and inadvertent loss of nuclear material as the result of an operational accident) or theft.

K. *Key measurement point* means a location where nuclear material appears in such a form that it may be measured to determine material flow or inventory. Key measurement points thus include, but are not limited to, the inputs and outputs (including measured discards) and storages in material balance areas.

L. *Man-year of inspection* means, for the purposes of Article 81, 300 man-days of inspection, a man-day being a day during which a single inspector has access to a facility at any time for a total of not more than eight hours.

M. *Material balance area* means an area in or outside of a facility such that:

- (a) The quantity of nuclear material in each transfer into or out of each material balance area can be determined; and
- (b) The physical inventory of nuclear material in each material balance area can be determined when necessary, in accordance with specified procedures,

in order that the material balance for Agency safeguards purposes can be established.

N. *Material unaccounted for* means the difference between book inventory and physical inventory.

O. *Nuclear material* means any source or any special fissionable material as defined in Article XX of the Statute. The term source material shall not be interpreted as applying to ore or ore residue. Any determination by the Board under Article XX of the Statute after the entry into force of this Agreement which adds to the materials considered to be source material or special fissionable material shall have effect under this Agreement only upon acceptance by Australia.

P. *Physical inventory* means the sum of all the measured or derived estimates of batch quantities of nuclear material on hand at a given time within a material balance area, obtained in accordance with specified procedures.

Q. *Shipper/receiver difference* means the difference between the quantity of nuclear material in a batch as stated by the shipping material balance area and as measured at the receiving material balance area.

R. *Source data* means those data, recorded during measurement or calibration or used to derive empirical relationships, which identify nuclear material and provide batch data. Source data may include, for example, weight of compounds, conversion factors to determine weight of element, specific gravity, element concentration, isotopic ratios, relationship between volume and manometer readings and relationship between plutonium produced and power generated.

S. *Strategic point* means a location selected during examination of design information where, under normal conditions and when combined with the information from all strategic points taken together, the information necessary and sufficient for the implementation of safeguards measures is obtained and verified; a strategic point may include any location where key measurements related to material balance accountancy are made and where containment and surveillance measures are executed.

DONE in Vienna on the 10th day of July 1974 in duplicate in the English language.

For AUSTRALIA: J. R. Rowland (signed).

For the INTERNATIONAL ATOMIC ENERGY AGENCY: John A. Hall (signed).

## APPENDIX IV

### *Biographical guide*

Where there is no reference in an entry to nationality, it is to be assumed as Australian. Similarly, for government officials, absence of a reference to a department denotes the Australian Department of External Affairs (which, from 6 November 1970, was the Department of Foreign Affairs). Every effort has been made to list each person named in this volume, but due to lack of information in some cases, the list is not exhaustive. Abbreviations used in the guide are as follows:

AAEC	Australian Atomic Energy Commission
CSIRO	Commonwealth Scientific and Industrial Research Organisation
IAEA	International Atomic Energy Agency
NATO	North Atlantic Treaty Organization
RAAF	Royal Australian Air Force
SEATO	Southeast Asia Treaty Organization
UK	United Kingdom
UN	United Nations
US	United States
USSR	Union of Soviet Socialist Republics

Acheson, Dean G.	US Under Secretary of State, 1945–47; Secretary of State, 1949–53
Addison, Christopher	UK Secretary of State for Dominion Affairs, 1945–47
Aiken, Frank	Irish Minister for External Affairs, 1951–54 and 1957–69
Alder, Keith	Head, Metallurgy Section, AAEC, 1955–62; Director, Research Establishment, Lucas Heights, AAEC, 1962–70; Member, AAEC, 1968; Head, Development Group, AAEC, 1971–72; Head, Nuclear Science and Technology Branch, AAEC, 1973–75
Allen, J.L.	Head, International Economic Organisations Section, 1968
Anderson, Frank Struan	Director, Conzinc Rio Tinto and Hamersley Iron, 1962–68; Chairman, Blair Athol Coal, 1968–71; Director of Development, Conzinc Rio Tinto of Australia, 1971; Member, Advisory Committee on Uranium Mining, AAEC, 1953–71

Anderson, H.D.	Assistant Secretary, South and South East Asia Branch, 1962–63; Imperial Defence College London, 1963; Ambassador to the Republic of Vietnam, 1964–66; Assistant Secretary, South East Asia Branch, 1966–67; Observer, Vietnam Peace Negotiations, Paris, 1968–70; First Assistant Secretary, Asia Division, 1971–73; Ambassador to France, 1973–75
Angelini, Arnaldo M.	Professor of Electrical Engineering, University of Rome, 1960–73; General Manager, Ente Nazionale per l'Energia Elettrica, 1960–73; Member, Steering Committee, Comitato Nazionale per l'Energia Nucleare, 1960–73
Argall, D.W.	Second Secretary, Rome, 1968–69
Ashwin, Charles Robin	Acting Head, Malaysia and Indonesia Section, 1966–67; Head, Defence Policy Planning Section, 1967–68; Counsellor, Bangkok, 1968–71; Minister, Mission to the United Nations, New York, 1971–73
Attlee, Clement	UK Prime Minister, 1945–51; Leader of the Opposition, 1951–55
Bailey, Sir Kenneth	High Commissioner to Canada, 1964–69
Bailey, Peter H.	First Assistant Secretary, Cabinet and External Relations Division, Prime Minister's Department, 1965–67; Prime Minister's Office, 1967–68; First Assistant Secretary, Department of the Cabinet Office, 1968–71; Deputy Secretary, Department of the Prime Minister and Cabinet, 1971–77
Baker, Vincent	Special Assistant to the Secretary of State for Atomic Energy Affairs, US Department of State, 1960–62; Supervisor, Foreign Affairs Office, US Arms Control and Disarmament Agency, 1962–64; Multilateral Force Negotiating Team, 1964
Barlow, E.G.	First Assistant Controller, Research and Development, Department of Supply, 1968
Barnard, Lance	Deputy Leader, Federal Parliamentary Labor Party, 1967–74; Deputy Prime Minister and Minister for Defence, 1972–75
Baruch, Bernard	US Representative and Chair, UN Atomic Energy Commission, 1946–January 1947
Barwick, Sir Garfield	Attorney-General, 1958–64; Minister for External Affairs, 1961–64; Chief Justice of the High Court, 1964–81
Battle, Laurie C.	US Congressman from Alabama, 1947–55
Battle, William C.	US Ambassador to Australia, 1962–64

Bauser, Edward J.	Executive Director, US Joint Congressional Committee on Atomic Energy, 1971
Baxter, Sir (John) Philip	Professor of Chemical Engineering, University of New South Wales, 1949–53, Vice-Chancellor, University of New South Wales, 1955–69; Chairman, AAEC, 1957–72
Beale, Sir (Oliver) Howard	Minister for Supply and Defence Production, 1950–58; Ambassador to the United States, 1958–64
Beavis, Major General L.E.	Master-General of the Ordnance, Headquarters Allied Land Forces and then Australian Military Forces, 1942–50
Beazley, Kim Edward	Member of the House of Representatives for Fremantle, 1945–75; Vice-Chairman, Joint Foreign Affairs Committee in Federal Parliament, 1970; Minister for Education, 1972–75
Bengelsdorf, Harold	Bureau of International Scientific and Technological Affairs, US Department of State, 1974
Bennett, Wallace F.	US Senator from Utah, 1951–74
Bhabha, Homi Jehangir	Secretary, Indian Department of Atomic Energy, 1954–61; Chair, Indian Atomic Energy Commission, 1961–66
Black, Donald P.	Bureau of International Affairs, US Arms Control and Disarmament Agency, 1974
Blakeney, F.J.	Minister to Vietnam and Laos, 1957–59; Assistant Secretary, South and Southeast Asia Branch, 1960–62; Ambassador to the Federal Republic of Germany, 1962–68; Ambassador to the USSR, 1968–71; First Assistant Secretary, Defence Division, 1972–74; Ambassador to the Netherlands, 1974–77
Blakers, G.E.	Assistant Secretary, Defence Planning Branch, Department of Defence, 1958; Deputy Secretary, Department of Defence, 1963–75
Bland, Sir Henry	Secretary, Department of Labour and National Service, 1952–67; Secretary, Department of Defence, 1967–70
Bloom, Justin L.	Office of Scientific and Technological Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, US Department of State, 1975



Booker, Malcolm	Acting First Secretary (later First Secretary), Manila, 1950–52; Chargé d’Affaires, Rangoon, 1952–53; Acting Head, Western Branch, 1953–54; Head, Defence Liaison Branch, 1954–55; Assistant Secretary, Information Branch and then Head, South and South East Asia Branch, 1955–56; Counsellor and later Chargé d’Affaires and Minister, Washington, 1956–60; Ambassador to Thailand, 1960–63; Deputy Secretary, Department of Territories, 1963–64; First Assistant Secretary, Division II, 1964–1970; Ambassador to Italy, 1970–74
Boswell, R.W.M.	Director, Weapons Research Establishment, South Australia, 1958–65; Member, AAEC, 1965–70; Chairman, Snowy Mountains Council, 1965–69; Secretary, Department of National Development, 1965–69; Deputy High Commissioner, London, 1965–71
Bott, Lloyd	Chairman, Snowy Mountains Council, 1967–69; Member, AAEC, 1969–73; Secretary, Department of National Development, 1969–72
Bowen, Nigel	Attorney-General, 1966–69 and 1971; Minister for Education and Science, 1969–71; Minister for Foreign Affairs, 1971–72; leader of delegations to the 26th and 27th Sessions of the UN General Assembly, New York, 1971 and 1972
Bowles, Chester	US Ambassador to India, 1963–69
Brandt, Willy	Minister of Foreign Affairs and Vice-Chancellor, Federal Republic of Germany, 1966–69; Chancellor, 1969–74
Brewster, H. Daniel	Deputy Director, Office of Atomic Energy Affairs, Bureau of International Scientific and Technological Affairs, US Department of State, 1973
Brezhnev, Leonid	General Secretary, Central Committee, Communist Party of the Soviet Union, 1964–82
Briggs, George	Scientific adviser to the Australian delegation to the United Nations, 1946–47; Chief, Division of Physics, National Standards Laboratory, CSIRO, 1945–58
Brodribb, N.K.S.	Controller-General of Munitions Supply, 1945–51; Chairman, Australian Aluminium Production Commission, 1953–61
Brown, Sir Allen	Secretary, Prime Minister’s Department, 1949–59; Deputy High Commissioner, London, 1959–65; Ambassador to Japan, 1965–70; Australian representative for British Phosphate Commissioners and Christmas Island Commission, 1970–71

Brown, Howard C.	Senior Assistant General Manager, US Atomic Energy Commission, 1968
Bull, Hedley	Director, Arms Control and Disarmament Research Unit, UK Foreign Office, 1965–67; Professor of International Relations, Australian National University, 1967–77; Director, Australian Institute of International Affairs, 1968–73; Visiting Professor of Political Science, Columbia University, 1970–71
Bunn, George	General Counsel, US Arms Control and Disarmament Agency, 1968
Bunting, Sir (Edward) John	Secretary, Prime Minister's Department, 1959–68; Secretary, Department of the Cabinet Office, 1968–71; Secretary, Department of the Prime Minister and Cabinet, 1971–74
Burns, Arthur L.	Professor of Political Science, Research School of Social Sciences, Australian National University, 1966–75
Burrell, Vice Admiral Sir Henry	Deputy Chief of the Naval Staff, 1946–48, 1954; Commanding Officer, HMAS <i>Australia</i> , 1948–49; Imperial Defence College, London, 1950; Assistant Australian Defence Representative, London, 1951–52; Commanding Officer, HMAS <i>Vengeance</i> , 1953–54; Flag Officer of the Australian Fleet, 1955–56, 1958–59; Second Naval Member (Personnel), 1956–57; Chief of the Naval Staff, 1959–62
Burton, J.W.	Secretary, 1947–50; High Commissioner to Ceylon, 1951
Butler, J.	Officer, Prime Minister's Department, 1965
Butler, Richard	Head, Economic Agencies Section, 1973–74; Acting Head, Political and Social Research Section, 1974–75
Caplehorn, W.F.	Defence Science Division, Department of Defence, 1965
Casey, Richard	Minister for External Affairs, 1951–60; Minister in Charge of the CSIRO, 1950–60; Governor-General of Australia, 1965–69
Cawsey, G.F.	Superintendent, Research Programmes, Defence Standards Laboratories, Department of Supply, 1968
Chagla, Mahomedali Currim	Indian Minister for External Affairs, 1966–67
Chatterji, Vice Admiral Adhar	Commandant, National Defence College, New Delhi, 1964–66; Chief of the Naval Staff, Indian Navy, 1966–70

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Ch'iao Kuan-hua	Deputy Foreign Minister, People's Republic of China, 1964–74; Minister 1974
Chifley, J.B.	Prime Minister and Treasurer, 1945–49; Leader of the Opposition, 1949–51
Chilton, Brigadier Frederick	Deputy Secretary, Department of Defence, 1950–58
Chou En-lai	Premier of the People's Republic of China, 1949–76
Clugston, C.W.M.	Assistant Secretary, Defence Planning Branch, Department of Defence, 1968
Coady, A.W.B.	Chairman, Electricity Commission, New South Wales, 1959–75
Cockcroft, Sir John	Director, UK Atomic Energy Research Establishment, 1946–58; Chair, Defence Research Policy Committee, UK Ministry of Defence, 1952–54; Scientific Research Member, UK Atomic Energy Authority, 1954–59; Chancellor, Australian National University, 1961–65
Colgan, J.	Department of National Development, 1971
Connolly, Sir Willis Henry	Chairman, State Electricity Commission, Victoria, 1956–71
Connor, R.F.X.	Minister for Minerals and Energy, 1973–75
Cook, M.J.	Assistant Secretary, Defence Policy Branch, 1971; Assistant Secretary, North Asia Branch, 1971–73; First Assistant Secretary, North and West Asia Division, 1974–75
Cooley, A.S.	Secretary, Department of Supply, 1966–71; Chairman, Public Service Board, 1971–77
Corkery, Laurence	Assistant Secretary, Economic Relations Branch, 1960–70; Acting First Assistant Secretary, Division III, 1970; Ambassador to Austria, 1971–73; Permanent Representative to the United Nations, Geneva, 1973–74
Cormack, Magnus	Senator from Victoria, 1951–53 and 1962–75; President of the Senate, 1971–73
Couve de Murville, Maurice	French Minister of Foreign Affairs, 1958–68; Prime Minister, 1968–69
Crocker, W.R.	Ambassador to Italy, 1967–70
Cromartie, R.I.T.	First Secretary, UK Disarmament Delegation, Geneva, 1967–69
Crooks, Peter V.	AAEC Attaché, Washington, 1971

Cumes, J.W.C.	High Commissioner to Nigeria, 1965–67; Acting First Assistant Secretary, Division IV, 1968–70; First Assistant Secretary, International Organisations Division, 1971–74
Curtis, Peter	Assistant Secretary, Executive Branch, 1974; First Assistant Secretary, Public Affairs and Cultural Relations Division, 1974–75
Dalrymple, F.R.	Second Secretary and later First Secretary, London, 1961–64; Head, Economic Policy Section, Economic Relations Branch, 1964–65; Acting Head, International Organisations Section, Economic Relations Branch, 1965–66; Counsellor, Manila, 1965–67; Minister, Jakarta, 1969–72; Ambassador to Israel, 1972–75
Daly, Lieutenant General Sir Thomas	Chief of the General Staff, 1966–71
Dan, Malcolm John	Acting Head, UN Political Section, 1970–72
Dann, Howard Ernest	Associate Commissioner, Snowy Mountains Hydro-Electric Authority, 1959–67; Commissioner, 1967–74; Director, Snowy Mountains Engineering Corporation, 1970–74
Davies, C.K.	Assistant Secretary, Contracts and Disposals, Department of Supply, 1965
Davis, O.L.	Senior External Affairs Representative, London, 1957–59; High Commissioner to South Africa, 1959–62; Ambassador to Brazil, 1962–64; Assistant Secretary, Joint Intelligence Committee, 1964–67; First Assistant Secretary, Defence Division, 1967–69; Ambassador to Belgium (also accredited to the European Communities), 1969–72; Ambassador to Mexico, 1972–74; Permanent Representative to the United Nations, Geneva, 1974–77
Deas, R.D.	Engineer in Charge, Water Section, Water, Power and Geographic Branch, Department of National Development, 1968
Dedman, J.J.	Minister for Defence, 1946–49
de Gaulle, Charles	President of France, 1959–69
Denorme, Roger	Member, Belgian Permanent Mission to the United Nations, New York, 1966–69
De Palma, Samuel	Assistant Director, Bureau of International Relations, US Arms Control and Disarmament Agency, 1966–68
Dever, Edmonde	Belgian Deputy Permanent Representative to the United Nations, New York, 1968
Doig, W.T.	Assistant Secretary, UN Branch, 1966–68

Douglas-Home, Sir Alexander	UK Secretary of State for Commonwealth Relations, 1955–60; Secretary of State for Foreign Affairs, 1960–63; Prime Minister, 1963–64; Leader of the Opposition, 1964–65; Secretary of State for Foreign and Commonwealth Affairs, 1970–74
Douglas-Scott, Keith	Counsellor, Brussels, 1966–69; Counsellor and later Minister, Paris, 1969–72; Ambassador to Egypt, 1972–74
Dowling, Vice Admiral Sir Roy	Chairman, Chiefs of Staff Committee, 1959–61
Doyle, Rear Admiral A.B.	Engineer Rear Admiral, Royal Australian Navy, 1942–50
Drexler, Robert W.	Adviser, Bureau of International Relations, US Arms Control and Disarmament Agency, 1968
Dulles, John Foster	US Secretary of State, 1953–59
Dunk, Sir William	Secretary, 1945–57; Chairman, Commonwealth Public Service Board, 1947–60
Eastman, A.J.	First Assistant Secretary, Defence Division, 1971; Ambassador to Belgium, 1972–75
Eden, Sir Anthony	UK Secretary of State for Foreign Affairs, 1951–55; Prime Minister, 1955–57
Edgar, Major General H.G.	Deputy Chief of the General Staff, 1954–58
Einhorn, Robert J.	Bureau of International Affairs, US Arms Control and Disarmament Agency, 1974
Eisenhower, Dwight D.	US President, 1953–61
Eklund, Sigvard	Director General, IAEA, 1961–81
Eschauzier, Henri F.	Ambassador at the IAEA, 1965–67; Special Ambassador in General Service, 1967–69; Head, Netherlands delegation at the Disarmament Conference, Geneva, 1969–71
Evans, David Wyke	Third and later Second Secretary, Jakarta, 1963–65; Political Affairs Section, UN Branch, 1965–68; First Secretary, New York, 1968–70; Counsellor, Belgrade, 1970–72; Director, Organisation, Staffing and Training, 1972–74
Evatt, H.V.	Deputy Prime Minister, 1946–49; Attorney-General and Minister for External Affairs, 1941–49; Leader, Federal Parliamentary Labor Party and Leader of the Opposition, 1951–60

Fairbairn, Sir David	Minister for Air, 1962–64; Minister for National Development, 1964–69; Chairman, Joint Parliamentary Committee on Foreign Affairs, 1970; Minister for Education and Science, 1971; Minister for Defence, 1971–72
Fairhall, Sir Allen	Minister for Supply, 1961–66; Minister for Defence, 1966–69
Farley, Philip J.	Deputy Assistant Secretary of State for Politico-Military Affairs, US Department of State, 1967–69; Deputy Director, Arms Control and Disarmament Agency, 1969–73
Fessenden, Russell	Deputy Director, Office of European Regional Affairs, US Department of State, 1958–60
Fisher, Adrian S.	General Counsel, US Atomic Energy Commission, 1947–48; Legal Adviser, US Department of State, 1949–53; Professor of International Law and Trade, Georgetown University, 1953–58; Deputy Director, US Arms Control and Disarmament Agency, 1961–69
FitzGerald, S.A.	Ambassador to the People's Republic of China, 1973–75
Flanagan, William Kevin	First Secretary, Singapore, 1961–63; Acting Head, Political Affairs Section, UN Branch, 1963–64; Acting Head, South Asia Section, 1964–68; Counsellor, Bangkok, 1968; Counsellor, Ottawa, 1968–70; Counsellor, London, 1973; Assistant Secretary, South West Asia and Middle East Branch, 1973–74
Flood, Philip James	First Secretary and later Counsellor, Paris, 1966–69; Director, Aid Policy, 1969–71; Assistant Secretary, Economic Policy Branch, 1971–74
Forsyth, W.D.	Assistant Secretary, Division II, 1956–59; Ambassador to the Republic of Vietnam, 1959–61; Assistant Secretary, Division II, 1961–63; Secretary-General, South Pacific Commission, 1963–66
Foster, William C.	Director, US Arms Control and Disarmament Agency, 1961–69
Gaja, Roberto	Director-General of Political Affairs, Italian Foreign Ministry, 1968
Gandhi, Mohandas	Indian spiritualist, 1869–1948
Gardini, Walter	Press Office, Italian Foreign Ministry, 1968
Garrett, J.H.	First Assistant Secretary, Commerce and Industry Branch, Department of the Treasury, 1960–67
Garrett, Lieutenant General Sir Ragnar	Chief of the General Staff, 1958–60

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Gilchrist, Andrew	UK Ambassador to Indonesia, 1962–66
Gilchrist, Hugh	Assistant Secretary, Information and Cultural Relations Branch, 1966–68
Giles, Geoffrey	Member of the House of Representatives for Angas, 1964–75
Gilfedder, D.	Prime Minister's Department, 1955
Gilpatric, Roswell L.	US Deputy Secretary of Defense, 1961–64
Givan, Walker F.	Chief of Conference of the Committee on Disarmament and UN Division, Bureau of International Affairs, US Arms Control and Disarmament Agency, 1974
Glubrecht, Hellmut	Deputy Director General, Department of Research and Isotopes, IAEA, 1973
Goldschmidt, Pierre	French Governor on IAEA Board, 1971
Gorton, John Grey	Minister for the Navy, 1958–63; Minister in Charge of the CSIRO, 1962–63; Minister Assisting the Minister for External Affairs, 1960–63; Minister for the Interior, 1963–64; Minister in Charge of Commonwealth Activities in Education and Science, under the Prime Minister, 1963–67; Minister for Education and Science, 1966–68; Prime Minister, 1968–71; Minister for Defence, 1971; acting Minister for External Affairs during the absence overseas of Sir Paul Hasluck, 19 October 1964 – 13 December 1964, 19 March – 24 April 1966, 2 September – 15 October 1966
Gothe, J.M.	Assistant Secretary, Export Services Branch, Department of Trade and Industry, 1965
Grant, Bruce	High Commissioner to India, 1973–76
Gray, James Lorne	President, Atomic Energy of Canada Limited, 1958–74
Green, Marshall	Regional Planning Advisor for Far East, US Department of State, 1956–59; Acting Deputy Assistant Secretary of State, 1959–60; Minister Counselor, American Embassy, Korea, 1960–61; Consul General, Hong Kong, 1961–63; Deputy Assistant Secretary of State for Far Eastern Affairs, 1963–65; Ambassador to Indonesia, 1965–69; Assistant Secretary of State for East Asian and Pacific Affairs, 1969–73
Greene, Joseph	Canadian Minister for Energy, Mines and Resources, 1971

Griffith, Allan Thomas	Prime Minister's Department, 1952–65; Assistant Secretary, External Relations and Defence Branch, Cabinet and External Relations Division, 1965–70; First Assistant Secretary, Cabinet and External Relations Division, Department of the Prime Minister and Cabinet, 1970–78
Griffiths, David Robert	Chief, Reactor Engineering Division, AAEC, 1961–64; Chief, Special Projects Division, 1964–68
Hall, John A.	Director, Office of International Affairs, US Atomic Energy Commission, 1965
Hanna, G.L.	Research Scientist, AAEC, 1957–68; Attaché (Atomic Energy), Vienna, 1971–74
Hannah, Air Marshal C.T.	Director-General, Plans and Policy, 1959–61; Deputy Chief of the Air Staff, 1961–65; Governor of Queensland, 1972–77
Hanzawa, Haruo	Head, Energy Policy Division, Japanese Ministry of International Trade and Industry, 1971
Harriman, W. Averell	Chief American Negotiator, Nuclear Test Ban Treaty, Moscow, 1963; Under Secretary of State for Political Affairs, 1963–65
Harrison, Major General J.W.	Chairman, Joint Planning Committee, 1960–61
Harry, Ralph	First Assistant Secretary, Division II, 1960–65; Ambassador to Belgium and European Communities, 1965–68; Ambassador to the Republic of Vietnam, 1968–70; Ambassador to the Federal Republic of Germany, 1971–75
Hasluck, Sir Paul	Minister for Territories, 1951–63; Minister for Defence, 1963–64; Minister for External Affairs, 1964–69; Governor-General of Australia, 1969–74
Hattori, Goro	Director, United Nations Bureau, Japanese Foreign Ministry, 1967
Headlam, Air Commodore Frank	Director-General, Plans and Policy, RAAF, 1958–59
Heckrotte, Warren	Adviser, Scientific Affairs, US Atomic Energy Commission, 1968
Heffernan, K.J.	Assistant Secretary, Department of Trade and Industry, 1968
Helfrich, Gerard	US Atomic Energy Commission representative, US Embassy, Tokyo, 1971



Hewitt, Sir (Cyrus) Lenox	Deputy Secretary, Department of the Treasury, 1962–66; Chairman, Australian Universities Commission, 1967–68; Secretary, Prime Minister's Department, 1968–71; Secretary, Department of the Vice-President of the Executive Council, 1971; Secretary, Department of the Environment, Aborigines and the Arts, 1971–72; Secretary, Department of Minerals and Energy, 1973–75; Member, AAEC, 1973–75; Chairman, AAEC, 1975
Heydon, Sir Peter Richard	First Assistant Secretary, 1960–61; Secretary, Department of Immigration, 1961–68
Hicks, Sir Edwin	Secretary, Department of Defence, 1956–68; High Commissioner to New Zealand, 1968–71
Hill, B.C.	Counsellor and Alternate Representative, Security Council, New York, 1955–58; Assistant Secretary, 1958–61; Ambassador to the Republic of Vietnam, 1961–64; Permanent Representative to the United Nations and Consul-General, Geneva, 1964–69; Ambassador to Egypt, 1969–72
Hillier-Fry, William Norman	First Secretary, UK Foreign and Commonwealth Office, 1963–68; Counsellor, UK Delegation, Disarmament Conference, Geneva, 1968–71
Hodgson, W.R.	Secretary, 1933–45; Acting Australian representative on the UN Security Council, March–April 1946; Minister and later Ambassador to France, 1945–48
Holdich, J.R.	First Secretary, Rome, 1968–70
Holt, Harold	Treasurer, 1958–66; Prime Minister, 1966–67
Hope-Jones, Ronald	UK Permanent Representative to the IAEA, Vienna, 1964–67; Head, Atomic Energy and Disarmament Department, Foreign and Commonwealth Office, 1968–70
Horne, D.J.	Minister, Tokyo, 1971–74
Hosmer, Chester Craig	US Congressman from California, 1950–74; President, American Nuclear Energy Council, 1975–79
Huberman, Benjamin	Adviser, Bureau of Science and Technology, US Arms Control and Disarmament Agency
Hudson, Sir William	Commissioner, Snowy Mountains Hydro-Electric Authority, 1949–67
Imai, Ryukichi	Deputy Manager, Department of Engineering, Japan Atomic Power Company
Inoue, Goro	Officer, Japanese Power Reactor and Nuclear Fuel Corporation, 1971

Irvine, D.T.	Third Secretary, Rome, 1971
Jain, K.P.	First Secretary, Indian Disarmament Delegation, 1967
Johnson, Lyall Erskine	Commissioner, US Atomic Energy Commission, 1971
Johnson, Lyndon B.	US Vice President, 1961–63; President, 1963–69
Jones, Aubrey	UK Minister for Supply, 1957–59
Kahn, Herman	Director, Hudson Institute, 1961–68
Kaya, H.	Chief, British Commonwealth Section, Japanese Foreign Ministry, 1967
Keany, J.W.	Department of the Treasury, 1965
Kennedy, John F.	US President, 1961–63
Kennedy, Robert F.	US Attorney General, 1961–64
Kentwell, A.J.	First Secretary, Tokyo, 1967–75
Khrushchev, Nikita Sergeyevich	First Secretary, Central Committee, Communist Party of the Soviet Union, 1953–64; Chair, Council of Ministers (Prime Minister), 1958–64
Kiesinger, Kurt Georg	Chancellor, Federal Republic of Germany, 1966–69
Killian, James	Special Assistant to President Eisenhower for Science and Technology 1957–59; Chair, President's Foreign Intelligence Advisory Board, 1961–63
King, W.L. Mackenzie	Prime Minister of Canada, 1935–48
Kira, Hidemichi	Deputy Director, Asian Affairs Bureau, Japanese Foreign Ministry, 1967
Kissinger, Henry	Director, Study Group on Nuclear Weapons and Foreign Policy, US Council of Foreign Relations, 1955–56; Associate Director, Harvard University Centre for International Affairs, 1957–60; Director, Harvard International Seminar, 1951–71; Director, Harvard Defense Studies Program, 1958–71; Associate Professor of Government, Harvard University, 1959–62; Professor of Government, Harvard University, 1962–71 (on leave of absence 1969–71); Consultant, Weapons Systems Evaluation Group, Joint Chiefs of Staff, 1956–60, National Security Council, 1961–63 and US Arms Control and Disarmament Agency, 1961–68; Special Assistant to the US President for National Security Affairs, 1969–75; Secretary of State, 1973–77
Kistemaker, Jacob	Dutch nuclear physicist, 1917–2010
Kitahara, Hideo	Director, European and Oceanic Affairs Bureau, Japanese Foreign Ministry, 1967

Kosygin, Alexei	Member, Politburo of the USSR, 1948–52; Member of the Presidium of Central Committee of Communist Party, 1939–66; Vice-Chair, Soviet Council of Ministers, 1957–60; First Vice-Chair, 1960–64; Chair, 1964–80
Kranich, Robert	Chief, Political Affairs Division, US Arms Control and Disarmament Agency, 1967
Kruyt, Adriaan	Head, Scientific Operation Division, Netherlands Ministry of Foreign Affairs, 1971
Labowitz, Allan M.	Special Assistant for Disarmament, US Atomic Energy Commission, 1968
Landau, Samuel	First Assistant Secretary, Department of Defence, 1957–63; Secretary of the Navy, 1963–71
Larson, Clarence E.	Commissioner, US Atomic Energy Commission, 1971
Lawrey, Lawrence John	First Secretary, Washington, 1952–55; Head, Manila Treaty Branch, 1956–57; Counsellor, Jakarta, 1958–60; Counsellor and Minister, Paris, 1960–65; Assistant Secretary, 1965–66; Ambassador to the United Arab Republic, 1966–69–72; Ambassador to the USSR, 1972–74
Lilienthal, David E.	Chair, Tennessee Valley Authority, 1941–46; Chair, US Atomic Energy Commission, 1946–50
Lloyd, John Selwyn Brooke	UK Minister of State, Foreign Office, 1951–54; Minister of Supply, 1954–55; Minister of Defence, 1955; Secretary of State for Foreign Affairs, 1955–60; Chancellor of the Exchequer, 1960–62; Lord Privy Seal and Leader of the House of Commons, 1963–64
Long, Brigadier Charles Edward	Director, Maintenance Australian Headquarters, 1957–58
Loosch, Reinhard	Chief, International Affairs Section, Ministry of Education and Science, Federal Republic of Germany, 1971
Lutkins, LaRue R.	Acting Director, Office of Chinese Affairs, US Department of State, July–September 1958 and Deputy Director, October 1958–61
Lydman, Jack W.	Counsellor, US Embassy, Canberra, 1963–65
MacAdie, Brigadier T.F.B.	Director, Military Operations and Plans, 1959–62; Imperial Defence College, 1963; Chief of Staff, Headquarters, Eastern Command, Sydney, 1964–67; Head, International Relations Branch, AAEC, 1968–71
MacArthur, General Douglas	US Supreme Commander for the Allied Powers, 1945–51

McBride, Philip	Minister for Defence, 1950–58
McCarthy, Dudley	Minister, Mission to the United Nations, New York, 1963–66; Ambassador to Mexico, 1967–68; Ambassador to Spain, 1972–76
McCay, F.L.	First Assistant Secretary, Policy Division, Department of National Development, 1958–71
McElroy, Neil H.	US Secretary of Defense, 1957–59
McEwen, John	Minister for Trade and Industry, 1963–71
McIntyre, Sir Laurence	Senior External Affairs Representative, London, 1954–57; Ambassador to Indonesia, 1957–60; Ambassador to Japan, 1960–65; Deputy Secretary, 1965–70; Permanent Representative to the United Nations, New York, 1970–75
McKeown, Michael James	Second Secretary and later First Secretary, Mission to the United Nations, New York, 1965–68; First Secretary, Saigon, 1968–70; Counsellor, Washington, 1973–75
McLean, A.M.	Second Secretary and later First Secretary, Peking, 1973–74
McMahon, Sir William	Minister for Labour and National Service, 1958–66; Vice-President of the Executive Council, 1964–66; Treasurer, 1966–69; Minister for External Affairs, 1969–70; Minister for Foreign Affairs, 1970–71; Prime Minister, 1971–72
Macmillan, (Maurice) Harold	UK Prime Minister, 1957–63
McNamara, Robert	US Secretary of Defense, 1961–68
McNicholl, Vice Admiral Sir Alan	Chief of the Naval Staff, 1965–68
Majoli, Mario	Italian Ambassador to Australia, 1967–70
Malik, Adam	Indonesian Foreign Minister, 1966–75
Mao Tse-tung	Chair, Central People's Government, People's Republic of China, 1949–54; Chair, People's Republic of China, 1954–59; Chairman of the Communist Party of China, 1943–76
Martin, Sir Leslie	Professor of Physics, University of Melbourne, 1945–59; Chairman, Australian Universities Commission, 1959–66; Defence Scientific Adviser and Chairman, Research and Development Policy Committee, 1948–68; Commissioner, AAEC, 1958–68; Professor of Physics and Dean, Faculty of Military Studies, University of New South Wales, Royal Military College, Duntroon, 1967–70

Mas, R.	Nuclear Affairs Attaché, French Embassy in Tokyo, 1971
Mathams, R.H.	Joint Intelligence Bureau, 1965
Matsune, Soichi	Deputy Director, Japan Atomic Industrial Forum, 1971
Maurer, Ely	Assistant Legal Adviser for Scientific Affairs, US Department of State, 1973
Maxwell, R.P.	Officer, Embassy in Tokyo, 1971–72
Medici, Giuseppe	Italian Minister for Foreign Affairs, June–December 1968 and 1972–73
Menzies, Sir Robert Gordon	Prime Minister, 1949–66; Minister for External Affairs, 1960–61; acting Minister for External Affairs during the absence overseas of Sir Garfield Barwick, 26 November – 10 December 1962, 17–20 December 1962, 10–15 March 1963, 31 March – 19 April 1963, 12–17 April 1964; acting Minister for External Affairs during the absence overseas of Sir Paul Hasluck, 28 April – 23 May 1965
Miles, G.L.	Chief, Nuclear Development Division, AAEC, 1971
Moch, Jules	French Permanent Delegate to UN Disarmament Commission, 1951–60
Moodie, C.T.	Acting First Assistant Secretary, Divisions III and IV, 1964–65; Ambassador to the Netherlands, 1966–70; First Assistant Secretary, Division IV, 1970–71; First Assistant Secretary, Pacific and West Division, 1971–72; Ambassador to South Africa, 1972–75
Morris, A.M.	Head, Defence Liaison Branch, 1964–66; Ambassador to Vienna, 1966–70; Ambassador to the Republic of Vietnam, 1970–73; Ambassador to Pakistan, 1973–75
Mott, Charles	Second Secretary, Karachi, 1965–68; Acting Director, Political Affairs Section, UN Branch, 1968–70; First Secretary and later Counsellor, New York, 1970–74
Mulley, Frederick William	Minister of State, UK Foreign and Commonwealth Office, 1967–68
Munro, Donald Jasper	First Assistant Secretary, Economic Division, Prime Minister's Department, 1963–70; Deputy Secretary, 1970–71
Murata, Hiroshi	Officer, Japan Atomic Energy Research Institute, 1971
Murdoch, Air Marshal Sir Alister	Chief of the Air Staff, 1965–70
Murdoch, Major General Ian	Deputy Chief of the General Staff, 1958–60

Myrdal, Alva	Swedish Minister for Disarmament, 1966–73 Leader, Swedish Delegation to Eighteen-Nation Disarmament Committee, 1962–73
Nehru, Jawaharlal	Prime Minister of India and Minister for External Affairs, 1947–64
Nehru, Ratan Kumar	Secretary-General, Indian Ministry of External Affairs, 1960–65; Chair, Preparatory Committees of Government of India for Conference on Disarmament, 1963–65
Newington, Michael John	Counsellor (Scientific), UK Embassy, Bonn, 1971
Nixon, Richard M.	US Vice President, 1953–61; President, 1969–74
Norstad, General Lauris	Supreme Allied Commander Europe, 1956–63
O'Donnell, M.W.	Deputy Secretary, Department of the Treasury, 1968
Oliphant, Sir Mark	Australian Representative, UN Atomic Energy Commission, 1946; Professor of Physics, University of Birmingham, 1937–50; Director, Research School of Physical Sciences, Australian National University, 1950–63; Governor of South Australia, 1971–76
Oliva, Giorgio	Under-Secretary, Italian Foreign Ministry, 1968
Palfrey, John G.	Commissioner, US Atomic Energy Commission, 1962–66
Pantanetti, F.	Divisione Geomineraria, Comitato Nazionale per l'Energia Nucleare, 1971
Percival, Raymond Joseph	Counsellor and later Minister, Tokyo, 1965–71; Assistant Secretary, International Coordination Branch, 1971–72; Assistant Secretary, Pacific Branch, 1972–73
Peters, P.F.	First Secretary, Tokyo, 1964–67
Petherbridge, J.D.	Acting Assistant Secretary, UN Branch, 1970; Assistant Secretary, UN and International Agencies Branch, 1971–72; Ambassador to Sweden, 1972–75
Pettit, G.E.	Joint Secretary, Joint Planning Committee, 1961
Piper, John Anthony	UN Branch, Department of Territories, 1960–62; Second and later First Secretary, Karachi, 1962–64; Defence Liaison Branch, 1964–66; First Secretary, Paris, 1966–70; Counsellor, Ottawa, 1970–72; Head, Information and Publications Branch, 1973–74; Head, UN and International Agencies Branch, 1974–75
Plimsoll, Sir James	Permanent Representative to the United Nations, New York, 1959–63; High Commissioner to India and Ambassador to Nepal, 1963–65; Secretary, 1965–70; Ambassador to the United States, 1970–74

Plyushchenko, V.V.	Counsellor, Soviet Embassy, Canberra, 1968
Porter, I.F.	Ambassador and Permanent UK Delegate to the Disarmament Conference, Geneva, 1967–71
Poyser, L.G.	Acting Assistant Secretary, Defence Planning Division, Department of Defence, 1961
Price, Robert Dale	US Congressman from Texas, 1966–74
Pritchett, William Beal	Australian Deputy High Commissioner to Malaysia, 1963–65; High Commissioner to Singapore, 1965–67; Assistant Secretary, Defence Liaison Branch, 1967–69; Deputy High Commissioner, London, 1969–73; First Assistant Secretary, Defence Planning Division, Department of Defence, 1973–75
Quinn, Joseph Richard	US Atomic Energy Commission, 1971
Radford, Admiral Arthur W.	Chairman, US Joint Chiefs of Staff, 1953–57
Raggatt, Sir Harold	Secretary, Department of National Development, 1951–64
Ramey, James T.	Commissioner, US Atomic Energy Commission, 1962–73
Ramisch, Rolf	Disarmament Section, Foreign Office of the Federal Republic of Germany, 1968
Ramsay, Captain J.M.	Director of Plans, Navy Office, 1956–59
Randall, Sir Richard	Deputy Secretary, Department of the Treasury, 1957–66; Secretary, 1966–71
Renouf, Alan Philip	Counsellor, Paris, 1958–60; High Commissioner to Nigeria, 1963–65; Minister, Washington, 1963–65; First Assistant Secretary, 1965–66; Ambassador to Yugoslavia, 1966–69; Ambassador to France, 1969–73; Secretary, 1974–76
Ritter, J.F.	Ambassador of the Federal Republic of Germany to Australia, 1967
Robertson, Captain Ronald J.	Director of Plans, Royal Australian Navy, 1961–64; Captain, HMAS <i>Melbourne</i> , 1964
Rogers, Kenneth Henry	Third Secretary, Mission to the United Nations, 1952–55; Political Affairs, UN Branch, 1956–58; Second Secretary, later First Secretary, Jakarta, 1958–60; First Secretary, Rome, 1961–63; Counsellor, Kuala Lumpur, 1963–65; Counsellor, Pakistan, 1965–67; High Commissioner to Kenya, 1971–76

Rosecrance, Richard	Director, Security Studies Program, University of California, 1962–67; Member, Policy Planning Committee, US Department of State, 1967–68
Roshchin, Alexei	Counsellor, Office of USSR Foreign Minister, 1959–64; Leader, Soviet Delegation to Eighteen-Nation Disarmament Committee, 1966–75
Rotsey, W.B.	Counsellor, Atomic Energy, Tokyo, 1974
Rowland, J.R.	First Secretary, Saigon, 1954–55; First Secretary, Washington, 1955–57; First Secretary, London, 1957–59; Head, Europe, Africa, Commonwealth and Middle East Branch, 1959–61; Head, Europe, Africa, Middle East Branch, 1962–65; Ambassador to the USSR, 1965–68; First Assistant Secretary, Division I, 1969; High Commissioner to Malaysia, 1969–72, Ambassador to Austria, Czechoslovakia and Hungary, 1973–75; Deputy Secretary, 1975
Rusk, Dean	US Secretary of State, 1961–69
Sadleir, David	Counsellor, Washington, 1970–73
Sarabhai, Vikram	Chairman, Indian National Committee for Space Research 1963–72; Chairman, Indian Atomic Energy Commission, 1966–73
Sargeant, I.P.	Assistant Co-ordinator-General of Works and Assistant Secretary, Resources, Information and Development Branch, Department of National Development, 1964–65
Sato, Eisaku	Japanese Minister of International Trade and Industry, 1961–62; Chair, Japanese Atomic Energy Commission, 1963–64; Prime Minister, 1964–72
Sawai, Sadamu	Officer, Japanese Power Reactor and Nuclear Fuel Corporation, 1971
Schaetzel, John Robert	Office of Special Assistant for Disarmament and Atomic Energy, US Department of State, 1958–59
Scherger, Air Chief Marshal Sir Frederick	Deputy Chief of the Air Staff, 1947–51; Chief of the Air Staff, 1957–61; Chairman, Chiefs of Staff Committee, 1961–66
Schnippenkoetter, Swidbert	Permanent Representative of the Federal Republic of Germany to the United Nations, New York, 1968
Schuermans, Constant	Belgian Permanent Representative to the United Nations, New York, 1968
Scoville, Herbert	Assistant Director, Bureau of Science and Technology, US Arms Control and Disarmament Agency, 1968



Seaborg, Glenn T.	Chairman, US Atomic Energy Commission, 1961–71
Seki, Eiji	Second Secretary, Japanese Embassy, Jakarta, 1965
Shann, K.C.O.	Minister, later Ambassador, to the Philippines, 1955–59; Senior External Affairs Representative, London, 1959–62; Ambassador to Indonesia, 1962–66; First Assistant Secretary, Division III, 1966–70; Deputy Secretary, 1970–73; Ambassador to Japan, 1974–75
Shaw, Sir Patrick	Deputy Secretary, 1964–65; Permanent Representative to the United Nations, New York, 1965–70; High Commissioner to India, 1970–73; Ambassador to the United States, 1974–75
Shea, James R.	Chief, Weapons Test Ban Division, Nuclear Weapons and Advanced Technology Bureau, US Arms Control and Disarmament Agency, 1974
Shedden, Sir Frederick	Secretary, Department of Defence, 1937–56
Shibata, Masafumi	Head, International Co-operation Division, Japanese Atomic Energy Bureau, 1971
Smith, Gerard C.	Special Assistant for Atomic Energy Affairs, US Department of State, 1954–57; Assistant Secretary of State for Policy Planning, 1957–61; Director, Arms Control and Disarmament Agency, 1969–73
Spaak, Paul Henri	Belgian Prime Minister, 1947–49; President of the UN General Assembly, 1946–47; President of the Common Assembly of the European Coal and Steel Community, 1952–54; Secretary-General of NATO, 1957–61
Spender, Sir Percy	Minister for External Affairs and External Territories, 1949–51; Ambassador to the United States, 1951–58; Justice, International Court of Justice, The Hague, 1958–64; President, International Court of Justice, The Hague, 1964–67
Spicer, J.A.	Attorney-General, 1949–56
Spingarn, Edwin E.	US Atomic Energy Commission, 1973
Starey, J.M.	First Secretary, Jakarta, 1966–69
Stassen, Harold E.	Director, Foreign Operations Administration, 1953–55; Special Assistant to the President for Disarmament Policy, 1955–58
Stillman, Arthur M.	US Arms Control and Disarmament Agency, 1968
Strauss, Franz Josef	German Minister for Atomic Affairs, 1955–56; Minister of Defence, 1956–62; Minister of Finance, 1966–69

Stump, Admiral Felix B.	Commander, Naval Air Forces, US Atlantic Fleet, 1948–51; Commander, Second Fleet, 1951–53; Commander in Chief, Pacific and US Pacific Fleet, 1953–58
Subandrio	Indonesian Foreign Minister, 1957–66
Sukarno	President of Indonesia, 1945–67
Swartz, Sir Reginald	Minister for Repatriation, 1961–64; Minister for Health, 1964–66; Minister for Civil Aviation, 1966–69; Minister for National Development, 1969–72
Sykes, Frederick	Vice-Chairman and Chief Engineer, Electricity Commission, New South Wales, 1959–65
Symington, Stuart	US Senator from Missouri, 1953–76
Tada, Toshitaka	First Secretary, Japanese Embassy, Canberra 1972
Takahashi, Masaji	British Commonwealth Section, Japanese Foreign Ministry, 1967
Tamiya, Shigefumi	Deputy Director, Japanese Atomic Energy Bureau, 1971
Tanaka, Tatsuo	Prime Minister of Japan, 1972–74
Tange, Sir Arthur	Counsellor, UN Division, 1948–50; Assistant Secretary, UN Division, 1950–53; Minister, Washington, 1953–54; Secretary, 1954–65; High Commissioner to India, 1965–70; Secretary, Department of Defence, 1970–79
Thant, U	Permanent Representative of Burma to the United Nations, 1957–61; Acting Secretary-General of the United Nations, November 1961 – November 1962; Secretary-General, 1962–71
Thomas, Andrew David	Technical Secretary, AAEC, 1955–58; Liaison Officer, London, 1959–62; Head, International Relations Branch, AAEC, 1962–69; Chief, Technical Policy Division, AAEC, 1970–71, Deputy Head, Power Group, AAEC, 1971–74; Secretary and Head, Administration, AAEC, 1974
Thompson, Llewellyn E.	US Ambassador to the USSR, 1957–62
Thomson, L.D.	First Secretary later Counsellor, Geneva, 1960–64; Head, International Organisations Section, Economic Relations Branch, 1964–65; Assistant Secretary, Economic Relations, 1966–68; Minister, Saigon, 1968–70; Ambassador to the Netherlands, 1970–74

Timbs, Maurice	Assistant Secretary, Prime Minister's Department, 1955–58; Deputy Executive Member, AAEC, 1960–64; Executive Member, AAEC, 1964–73; Secretary, Department of Services and Property, 1973–74; Secretary, Department of Administrative Services, 1975–76
Titterton, Sir Ernest	Member, British Atomic Bomb Mission to Los Alamos, New Mexico, 1943–47; Senior Member Timing Group Alamagordo Trial of First Atomic Bomb Test, 1945; Adviser on Instrumentation, Bikini Atomic Weapons Test 1946; Professor of Nuclear Physics, Australian National University 1950–73; attended Atomic Weapons Test, Monte Bello Island, 1952; Chairman, Atomic Weapons Test Safety Committee 1956–73; Member, AAEC, 1956–64; Member, National Radiation Advisory Committee, 1957–73; Member, Defence Research and Development Committee, 1958–74; Director, Research School of Physical Sciences, Australian National University, 1969–73; Vice-President, Australian Institute of Nuclear Science and Engineering, 1965–72; President, 1973–76
Togo, Fumihiko	Japanese Vice-Minister of Foreign Affairs, 1974
Townley, Athol	Minister for Air, 1954–56; Minister for Civil Aviation, 1954–56; Minister for Immigration, 1956–58; Minister for Supply, 1958; Minister for Defence, 1958–63
Tredinnick, G.J.	Defence Division, Department of the Treasury, 1965
Tresize, Phillip H.	US Assistant Secretary of State for Economic Affairs, 1969–71
Truman, Harry S.	US President, 1945–53
Tsarapkin, Semyon K.	Head, Soviet Delegation to Geneva Disarmament Talks, 1961–66
Tsuruoka, Senjin	Japanese Permanent Representative to the United Nations, New York, 1968
Twining, General Nathan F.	Chief of Staff of the US Air Force, 1953–57; Chair, US Joint Chiefs of Staff, 1957–60
Upton, Gordon N.	Head, Economic Relations Branch, 1964–66; High Commissioner to Ceylon, 1966–70; Director, Office of Current Intelligence, Joint Intelligence Organisation, 1970–73; Minister, London, 1973–74
von Hirschberg, C.F.G.	South African Permanent Representative to the United Nations, New York, 1968

Vyshinsky, Andrei Yanuarovich	Foreign Minister of the USSR, 1949–53; Soviet Permanent Representative to the United Nations, New York, 1953–54
Wackett, Air Vice-Marshal Ellis C.	Air Member for Engineering and Maintenance, RAAF, 1948–50
Walker, D.G.	Attaché (Atomic), Washington, 1974
Walker, Sir (Edward) Ronald	Ambassador to Japan, 1955–55; Permanent Representative to the United Nations, New York, 1956–59; Ambassador to France, 1959–68; Ambassador to Germany, 1968–71; Ambassador, OECD, Paris, 1971–73
Waller, Sir Keith	Ambassador to Thailand, 1957–60; Ambassador to the USSR, 1960–62; First Assistant Secretary, 1962–64; Ambassador to the United States, 1964–70; Secretary, 1970–74
Webber, Robert T.	Director, Office of Atomic Energy Affairs, Bureau of International Scientific and Technological Affairs, US Department of State, 1973
Wheeler, General Earle Gilmore	Chief of Staff of the US Army, 1962–64; Chairman, Joint Chiefs of Staff, 1964–70
Wheeler, Sir Frederick	Chairman, Commonwealth Public Service Board, 1960–71; Secretary, Department of the Treasury, 1971–75
White, E.L.D.	Secretary, Defence Research and Development Policy Committee, Department of Defence, 1948–58; First Assistant Secretary, Defence Science Division, Department of Defence, 1962–68
White, Sir Thomas	High Commissioner, London, 1951–56
Whitlam, Edward Gough	Deputy Leader of the Opposition, 1960–67; Leader of the Opposition, 1967–72; Minister for Foreign Affairs, 1972–73; Prime Minister, 1972–75
Whittle, Major General Wilford	Master-General of the Ordnance and Director of Ordnance Services, Army Headquarters, 1942–48
Willesee, Don	Minister for Foreign Affairs, 1974–75
Williams, M.G.D.	Head, Post Liaison and Guidance Section, 1974–75
Willot, M.	Member, Belgian Permanent Mission to the United Nations, New York, 1968

- Wills, Howard Arthur      Controller, Research and Development, Department of Supply, 1951–55; Chief Executive, Atomic Weapons Tests, 1955–57; Deputy Controller, Trials and Implementation, 1958–63; Controller, Weapons and Space Research, 1963–64; Controller, Research and Development, 1964–66; Deputy Secretary, Research and Engineering, 1967–68; Chief Defence Scientist, 1968–71
- Wilson, A.R.W.      Scientific Officer, Department of Supply, Atomic Energy Research Establishment, Harwell, 1953–56; Head, Health Physics Section, AAEC Research Establishment, Lucas Heights, 1957–58; Head, Technical Policy Group, AAEC, 1959–65; Acting Assistant Secretary, Parliamentary and Government Branch, Prime Minister's Department, 1966–67; Deputy Director, Lucas Heights Research Establishment, AAEC, 1967–73; Head, Licensing, Regulatory and External Relations Branch, AAEC, 1974–75
- Wilson, James Harold      Leader of the UK Labour Party, 1963–76; Leader of the Opposition, 1963–64 and 1970–74; Prime Minister, 1964–70 and 1974–76
- Wilson, M.J.      Head, Defence Policy Branch, 1969–70; Head, Information and Cultural Relations Branch, 1970–71; Assistant Secretary, North Asia Branch, 1971–72; Assistant Secretary, Defence Policy Branch, 1974
- Wilson, Sir Roland      Secretary, Department of the Treasury, 1951–66; Chairman, Commonwealth Banking Corporation, 1966–75
- Wilton, General Sir John      Deputy Director, Military Operations and Plans, 1947–51; Commander, 28th British Commonwealth Infantry Brigade, Korea, 1953–54; Headquarters Eastern Command, 1954–55; Brigadier General Staff, Army Headquarters, 1955–57; Commandant, Royal Military College, Duntroon, 1957–60; Chief, Military Planning Office, SEATO, 1960–63; Chief of the General Staff, 1963–66; Chairman, Chiefs of Staff Committee, Department of Defence, 1966–70
- Woodard, Charles Garrard      Acting Head, Americas and South Pacific Section 1965–67; Counsellor, Washington, 1967–70; Assistant Director, Office of National Assessments, Joint Intelligence Organisation, 1970–73; Ambassador to Burma, 1974–75
- Woolcott, Richard      Assistant Secretary, Information and Cultural Relations, 1972–73; First Assistant Secretary, South Asia Division, 1973–74; Deputy Secretary, 1974–75

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Yeend, Geoffrey	Private Secretary to Prime Minister, 1950–53; Assistant Secretary, Australian High Commission, London, 1958–60; Assistant Secretary, Prime Minister's Department, 1961–67; First Assistant Secretary, 1967–72; Deputy Secretary, 1972; Deputy Secretary, Department of the Prime Minister and Cabinet, 1973–75
Yeomans, William L.	Assistant Director for International Affairs, US Atomic Energy Commission, 1973
Zangger, Claude	Swiss diplomat; Chair, Zangger Committee, 1971–74
Zook, Donovan Q.	Director, Office of Atomic Energy Affairs, Bureau of International Scientific and Technological Affairs, US Department of State, 1971
Zorin, Valerian	Soviet Deputy Minister of Foreign Affairs, 1947–55 and 1956–57; Permanent Representative to the United Nations, 1952–53; Ambassador to Federal Republic of Germany, 1955–60; Permanent Representative to the United Nations, 1960–62; Representative to Geneva Disarmament Talks, 1960 and 1964; Ambassador to France, 1965–71

## APPENDIX V

### *A guide to the records cited in this volume*

Most of the files cited in this volume are available through the National Archives of Australia (NAA). The following list is not exhaustive; it includes only files from the NAA from which documents have been sourced.

Files held by the NAA are identified by three elements. First is the series number with a letter indicating which regional office registered the series (A stands for the Australian Capital Territory). Information on series numbers, such as the controlling government agency and a generic title, can be accessed using the record search function on the NAA website at [www.naa.gov.au](http://www.naa.gov.au).

The second element is the file number. This varies in type, from single numbers (e.g. the Cabinet files in A4940, **C2609**) to complex multiple numbers, as used by the Department of External Affairs in A1838 (e.g. A1838, **80/5/2**).

The final element is the part number. Some file numbers run to many parts, and are identified in this volume with arabic numerals (e.g. A1838, 720/1 **part 1**).

#### **Files of the Department of Defence**

*A816—Correspondence files, multiple number series (classified), 1928–62*

3/301/621            President Eisenhower's proposal for international atomic energy, 1953–56

*A1945—Correspondence files, multiple number series (primary numbers 1–300), 1946–85*

186/5/10            Procurement of nuclear weapons for Australian forces, 1958–64

*A5954—‘The Shedden Collection’ (records collected by Sir Frederick Shedden during his career with the Department of Defence and in researching the history of Australian Defence Policy), two number series, 1901–71*

1384/2            Atomic bomb—production and control—United Nations Organisation—Atomic Energy Commission, 1945–49

1385/3            Proposed construction of an atomic pile in Australia, 1948–52

1473/4            Civil defence—appreciation of the possible use of atomic bombs against Australia, 1948

#### **Files of the Department of External/Foreign Affairs**

*A1838—Correspondence files, multiple number series, 1914–93*

80/5/2            Europe—defence and armed forces—disarmament, 1953–57

138/2/10           Atomic energy—bilateral agreement with US on defence information, 1954–57

TS677/3           Strategic basis of Australian defence policy, 1958–61

TS681/6           The strategic nuclear balance, nuclear weapons development and use—general, 1956–75

TS681/10          United Nations disarmament proposals, 1954–57

TS695/5/5          Communist China nuclear weapons—development and use, 1958–70

- 719/10/6 International Atomic Energy Agency—safeguards—non-proliferation of nuclear weapons, 1966–67
- 720/1 Atomic Energy Commission, 1946
- 720/4/9 Atomic energy—uranium enrichment, 1971
- 720/5/7 Atomic energy—Australia's relations with India, 1974–75
- TS852/10/4/2 Disarmament and atomic energy, 1954–65
- 852/10/4/2/14 Atomic energy—atom bomb test—Bikini Atoll, 1946
- 919/3 Ten-power discussions on disarmament, 1960
- TS919/10/5 Non-proliferation of nuclear weapons, 1965–68
- 919/10/5 United Nations—disarmament—non-dissemination of nuclear weapons, 1963–76
- 919/10/5/1 Non-proliferation of nuclear weapons—safeguards, 1970–74
- 919/12/1 UN nuclear weapons, Australia, 1964–65
- 919/12/7 United Nations—nuclear weapons—policies of other countries, 1960–71
- 919/12/10 United Nations—nuclear weapons—policy and capability of certain powers—Indonesia, 1964–66
- 919/12/13 United Nations—disarmament—nuclear weapons—policy and capability of certain powers—Japan, 1964–68
- 919/14/1 United Nations—disarmament—transfer of nuclear weapons, 1959–62
- 919/19 United Nations—disarmament—limitation on transfer of materials and facilities, 1965–66
- 919/20/2 Disarmament—IAEA—Regional Co-operation Agreement, 1973–78
- 3107/33/4 China—external—disarmament, 1958–62
- 3107/33/14 China—external—disarmament, 1958
- A3092—Correspondence files, multiple number series (fourth system) (Washington), 1956–*
- TS221/3/3/1/3/1 UN Disarmament Commission, 1958–59
- A5462—Secret/Top Secret correspondence files multiple number series (third system) (Washington), 1954–58*
- 138/2/10 Atomic energy—bilateral agreement with US on Defence information, 1954–57
- A11786—Top Secret original and spares outward cables, single number series, 1948–72*
- 11 Top secret outward cables, 1962

### **Files of the Department of the Treasury**

- A571—Correspondence files, annual single number series, 1901–78*
- 1958/677 Defence Committee—nuclear weapons for the Australian forces—plutonium production in Australia, 1956–58



**Files of the Prime Minister's Department**

*A1209—Correspondence files, annual single number series (classified), 1913–*

- 1957/4928            Disarmament policy, 1957
- 1957/5684            Disarmament proposals, 1955
- 1957/5685            Disarmament proposals, 1955
- 1957/5688            Disarmament proposals, 1957–67
- 1960/469            Disarmament—Australian defence principles, 1960
- 1961/845            Communist China—nuclear weapons and guided missiles—intelligence reports, 1960–73
- 1965/6117            British proposals for disarmament—1965, 1965–68

**Files of the Secretary to the Cabinet/Cabinet Secretariat/Department of the Cabinet Office/Cabinet Office**

*A4940—Menzies and Holt Ministries—Cabinet files, 'C' single number series, 1949–85*

- C2609            Safeguards on nuclear exports, 1959–71
- C3348            Nuclear Tests Conference—establishment of control tests in Australia, 1961

*A5882—Gorton and McMahon Ministries, Cabinet files, 'CO' single number series, 1960–85*

- CO32            Nuclear Non-Proliferation Treaty, 1968–69



## Indexes

The indexes include two different sets of location references: roman numeral locators, which refer to page numbers in the introduction, and arabic numeral locators, which refer to the numbers of the documents making up the text of this work.

Letters placed after some document (arabic numeral) locators indicate the following:

*n*—the reference is in a footnote (or notes), the figure following indicating the note number(s)

*t*—the reference is to another document referred to in the main document and not identified by a footnote

*tn*—the reference is to a person, subject or document referred to in the main document and further identified in a footnote. In such cases, the footnote is used primarily as a location device rather than for its information content.

A span of references (158–60) indicates that the topic is discussed in each document (158, 159 and 160). It does not necessarily indicate a continuous reference.

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