

No. 32675

CANADA
and
UNITED STATES OF AMERICA

Exchange of letters constituting an agreement concerning cooperation on the application of non-proliferation assurances to Canadian uranium retransferred from the United States of America to Taiwan (with annex dated 23 February 1993). Washington, 24 February and 5 March 1993

Authentic texts: English and French.

Registered by Canada on 27 February 1996.

CANADA
et
ÉTATS-UNIS D'AMÉRIQUE

Échange de lettres constituant un accord concernant la coopération à l'égard des garanties de non-prolifération applicables à l'uranium canadien retransféré des États-Unis d'Amérique à Taïwan (avec annexe en date du 23 février 1993). Washington, 24 février et 5 mars 1993

Textes authentiques : anglais et français.

Enregistré par le Canada le 27 février 1996.

EXCHANGE OF LETTERS CON-
STITUTING AN AGREEMENT¹
BETWEEN CANADA AND
THE UNITED STATES OF
AMERICA ON THE APPLI-
CATION OF NON-PROLIFER-
ATION ASSURANCES TO
CANADIAN URANIUM RE-
TRANSFERRED FROM THE
UNITED STATES OF AMER-
ICA TO TAIWAN

ÉCHANGE DE LETTRES CONS-
TITUANT UN ACCORD¹ EN-
TRE LE CANADA ET LES
ÉTATS-UNIS D'AMÉRIQUE
CONCERNANT LA COOPÉ-
RATION À L'ÉGARD DES GA-
RANTIES DE NON-PROLIFÉ-
RATION APPLICABLES À
L'URANIUM CANADIEN RE-
TRANSFÉRÉ DES ÉTATS-
UNIS D'AMÉRIQUE À
TAÏWAN

I

CANADIAN EMBASSY

AMBASSADE DU CANADA

501 PENNSYLVANIA AVE., N.W.
WASHINGTON, D.C. 20001

24 February 1993

Dear Mr. Stratford:

I have the honour to refer to discussions between officials of the Governments of the United States of America and Canada concerning cooperation between Canada and the United States of America on the application of non-proliferation assurances to Canadian uranium to be transferred from Canada to the United States of America for enrichment and fabrication into fuel and thereafter retransferred to Taiwan for use in nuclear reactors for the generation of electricity on Taiwan. Pursuant to these discussions, the Government of Canada proposes the provisions set forth in the Annex to this Letter to govern that cooperation.

I have the honour to propose that this Letter with its Annex, which is authentic in English and French, and your reply expressing that the foregoing is acceptable to the Government of the United States of America, shall constitute an Agreement between our two Governments which shall enter into force on the date of your reply and shall remain in force indefinitely, unless terminated by either Party upon six months' notice to the other Party. The Annex shall constitute an integral part of this Agreement.

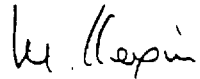
¹ Came into force on 5 March 1993, the date of the letter in reply, in accordance with the provisions of the said letters.

¹ Entré en vigueur le 5 mars 1993, date de la lettre de réponse, conformément aux dispositions desdites lettres.

I wish to note that the Canadian Government recognizes the Government of the People's Republic of China as the sole legal Government of China and that nothing in this Agreement shall be construed in any way to imply recognition by the government of Canada of the authorities on Taiwan.

Please accept the assurances of my highest consideration.

Yours sincerely,



MICHAEL KERGIN
Chargé d'affaires a.i.

Mr. Richard Stratford
Deputy Assistant Secretary
Nuclear Energy and Energy
Technology Affairs
U.S. Department of State
Room 7831
2201 C. Street, N.W.
Washington, D.C. 20520

ANNEX

Recognizing that Canada and the United States of America have a common desire to ensure that source material and special nuclear material transferred to Taiwan for use in peaceful nuclear activities and any special nuclear material produced therefrom are not used to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices;

Recognizing that Canada seeks to ensure that Canadian uranium on Taiwan and special nuclear material produced therefrom be subject to nuclear non-proliferation assurances consistent with Canadian non-proliferation policy;

Recognizing that uranium destined for use on Taiwan will be transferred from Canada to the United States of America for enrichment in the isotope U-235 to enrichment levels normally required for the generation of electricity (i.e. up to 5 percent in the isotope U-235) and fabrication into fuel;

Recognizing that uranium transferred from Canada to the United States of America for retransfer to Taiwan, pursuant to this Agreement, will be subject to the Agreement for Cooperation Concerning Civil Uses of Atomic Energy between the Government of Canada and the Government of the United States, signed on June 15, 1955,¹ as amended (hereinafter referred to as the "Cooperation Agreement");

Recognizing that Article XII (D) of the Cooperation Agreement provides that "designated nuclear technology, material, equipment and devices, major critical components, components and Restricted Data subject to this Agreement and over which a Party has jurisdiction, shall not be transferred to unauthorized persons, or, unless the Parties agree, beyond the territorial jurisdiction of that Party.";

In order for Canada to make uranium available to Taiwan for use in nuclear reactors for the generation of electricity on Taiwan:

1. Prior to the transfer of uranium from Canada to the United States of America for retransfer to Taiwan pursuant to this Agreement, Canada shall notify the United States of America that such uranium is destined for use in nuclear reactors for the generation of electricity on Taiwan.

Uranium that has been the subject of this notification and has been retransferred from the United States of America to Taiwan is referred to in this Agreement as "Canadian uranium".

2. Canada agrees that the United States of America may retransfer uranium that has been the subject of notification pursuant to paragraph 1, above, to Taiwan.

¹ United Nations, *Treaty Series*, vol. 235, p. 174.