

No. 4234

**UNITED STATES OF AMERICA
and
UNION OF SOUTH AFRICA**

**Agreement for co-operation concerning the civil uses of
atomic energy. Signed at Washington, on 8 July 1957**

Official text: English.

Registered by the United States of America on 21 March 1958.

**ÉTATS-UNIS D'AMÉRIQUE
et
UNION SUD-AFRICAINE**

**Accord de coopération concernant l'utilisation de l'énergie
atomique à des fins civiles. Signé à Washington, le
8 juillet 1957**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 21 mars 1958.

No. 4234. AGREEMENT¹ FOR CO-OPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOUTH AFRICA CONCERNING THE CIVIL USES OF ATOMIC ENERGY. SIGNED AT WASHINGTON, ON 8 JULY 1957

Whereas the Government of the United States of America, through the United States Atomic Energy Commission, and the Government of the Union of South Africa, through the South African Atomic Energy Board, are cooperating in the production of uranium ores; and

Whereas the Government of the United States of America and the Government of the Union of South Africa, mindful of the fact that atomic energy is capable of application for peaceful purposes which hold great promise for all mankind, desire to cooperate with each other in developing and furthering the beneficial uses of atomic energy; and

Whereas the Government of the Union of South Africa is now engaged in the development of facilities for the application of atomic energy for civil purposes;

The Parties agree as follows :

Article I

For the purposes of this Agreement :

(a) " United States Commission " means the United States Atomic Energy Commission.

(b) " South African Board " means the Atomic Energy Board of the Government of the Union of South Africa.

(c) " Equipment and devices " and " equipment or device " means any instrument, apparatus, or facility and includes any facility, except an atomic weapon, capable of making use of or producing special nuclear material, and component parts thereof.

(d) " Person " means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency, or government corporation but does not include the Parties to this Agreement.

¹ Came into force on 22 August 1957, the date on which each Government received from the other Government written notification that it had complied with all statutory and constitutional requirements for the entry into force of such Agreement, in accordance with article II.

(e) "Reactor" means an apparatus, other than an atomic weapon, in which a self-supporting fission chain reaction is maintained by utilizing uranium, plutonium, or thorium, or any combination of uranium, plutonium, or thorium.

(f) "Restricted Data" means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear materials; or (3) the use of special nuclear materials in the production of energy, but shall not include data declassified or removed from the category of Restricted Data by the appropriate authority.

(g) "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

(h) "Special nuclear material" means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the United States of America determines to be special nuclear material; or (2) any material artificially enriched by any of the foregoing.

(i) "Source material" means (1) uranium, thorium, or any other material which is determined by the United States Commission or the Government of the Union of South Africa to be source material; or (2) ores containing one or more of the foregoing materials, in such concentration as the United States Commission or the Government of the Union of South Africa may determine from time to time.

(j) "Parties" means the Government of the United States of America and the Government of the Union of South Africa, including the United States Commission on behalf of the Government of the United States of America and the South African Board on behalf of the Government of the Union of South Africa. "Party" means one of the above "Parties".

Article II

This Agreement shall enter into force on the day on which each Government shall receive from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such Agreement and shall remain in force for a period of ten years.

Article III

A. Restricted Data shall not be communicated under this Agreement, and no materials or equipment and devices shall be transferred, and no services shall

be furnished under this Agreement, if the transfer of any such materials or equipment and devices or the furnishing of any such services involves the communication of Restricted Data.

B. Subject to the provisions of this Agreement, the availability of personnel and material, and the applicable laws, regulations, and license requirements in force in their respective countries, the Parties shall assist each other in the achievement of the use of atomic energy for peaceful purposes.

C. This Agreement shall not require the exchange of any information which the Parties are not permitted to communicate because the information is privately owned or has been received from another government.

Article IV

Subject to the provisions of Article III, unclassified information, including information in the specific fields set out below, shall be exchanged between the Parties with respect to the application of atomic energy to peaceful uses including research and development relating to such uses, and problems of health and safety connected therewith :

(a) The development, design, construction, operation, and use of research, experimental power, demonstration power, and power reactors;

(b) Health and safety problems related to the operation and use of research, experimental power, demonstration power, and power reactors;

(c) The use of radioactive isotopes and radiation in physical and biological research, medical therapy, agriculture, and industry;

(d) Geology, exploration techniques, chemistry and technology of extracting uranium and thorium from their ores and concentrates, the chemistry, production technology, and techniques of purification and fabrication of uranium and thorium compounds and metals, including design, construction, and operation of plants.

Article V

The application or use of any information (including design drawings and specifications) and any material, equipment, and devices, exchanged or transferred between the Parties under this Agreement, shall be the responsibility of the Party receiving it, and the other Party does not warrant the accuracy or completeness of such information and does not warrant the suitability of such information, materials, equipment, and devices for any particular use or application.

Article VI

A. Research Materials

Materials of interest in connection with defined research projects related to the peaceful uses of atomic energy as provided by Article IV and under the limitations set forth in Article III, including source materials, special nuclear materials, byproduct material, other radioisotopes, and stable isotopes, will be exchanged for research purposes in such quantities and under such terms and conditions as may be agreed when such materials are not available commercially. In no case, however, shall the quantity of special nuclear materials under the jurisdiction of either Party, by reason of transfer under this Article, be, at any one time, in excess of 100 grams of contained U-235, 10 grams of plutonium, and 10 grams of U-233.

B. Research Facilities

Subject to the provisions of Article III, and under such terms and conditions as may be agreed, and to the extent as may be agreed, specialized research facilities and reactor materials testing facilities of the Parties shall be made available for mutual use consistent with the limits of space, facilities, and personnel conveniently available, when such facilities are not commercially available.

Article VII

It is contemplated that, as provided in this Article, private individuals and private organizations in either the United States or the Union of South Africa may deal directly with private individuals and private organizations in the other country. Accordingly, with respect to the subjects of agreed exchange of information as provided in Article IV, persons under the jurisdiction of either the Government of the United States of America or the Government of the Union of South Africa will be permitted to make arrangements to transfer and export materials, including equipment and devices, to and perform services for the other Government and such persons under its jurisdiction as are authorized by the other Government to receive and possess such materials and utilize such services, subject to :

(a) The limitations in Article III;

(b) Applicable laws, regulations, and license requirements of the Government of the United States of America and the Government of the Union of South Africa.

Article VIII

A. The United States Commission will sell to the Government of the Union of South Africa uranium enriched up to twenty per cent (20%) in the isotope U-235, except as otherwise provided in paragraph C of this Article, in