

May 1967

South Africa Department of Foreign Affairs, 'Items of Interest in the Field of Atomic Energy, Renewal of the Untied States/South Africa Atomic Energy Cooperation Agreement (July 1957 to July 1967)'

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Summary:

Report on the status of negotiations with Washington over the extension of South Africa's Bilateral with the United States.

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MEMORANDUM FOR THE DIRECTOR, NATIONAL SECURITY AGENCY
SUBJECT: ATOMIC ENERGY - INTERNATIONAL AGREEMENTS
(MAY 1967 - JULY 1967)

The following information was obtained from the Department of Energy, International Agreements with the United States, during the period of the reporting period.

ITEMS OF INTEREST IN THE FIELD OF
ATOMIC ENERGY

Developments during March - April, ~~April~~ **MAY**
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RENEWAL OF THE UNITED STATES/SOUTH AFRICA
ATOMIC ENERGY CO-OPERATION AGREEMENT
(JULY 1957 TO JULY 1967).

In Policy Review No. 160 of June 1966, the Department reported on the negotiations for the renewal of the Atomic Energy Co-operation Agreement with the United States.

It will be recalled that SAFARI I reactor at Pelindaba which is fuelled with 90 per cent enriched uranium is obtainable only from the United States and that it is provided to South Africa by the United States of America pursuant to its Atomic Energy Co-operation Agreement (entered into in 1957) with the Republic and which is due to expire on the 8th July, 1967.

It will also be recalled that at the time it was evident that the American tactics were clearly to refuse a renewal of the bilateral except on condition that South Africa aligns its safeguards policy with that of the United States and Canada in that all future contracts for sales of uranium to whatever quarter would be subject to International Atomic Energy Agency or equivalent safeguards.

In practice South Africa has supplied uranium to the United States of America and the United Kingdom without any restrictions whatever on the end use of uranium. South Africa has also supplied France with uranium on the same basis and this in fact was what stuck in the gullet of the Americans. Their argument was that France had not signed the Test Ban Treaty and if and when the stage was reached where the draft Agreement would be submitted to a

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Congressional Committee, searching questions would be asked about our sales to France etc.

As a result of the deadlock over our sales policy in connection with the sale of uranium and to place France in the same category as the United States of America and the United Kingdom without requiring safeguards, South Africa decided to approach France for 25 per cent enriched fuel. This was approved by France at the highest level and negotiations have now reached a final stage for an agreement with that country under which enriched fuel will be provided to SAFARI I which, with ~~the~~ same modifications, will be able to operate at full capacity.

In December 1966 the South African Embassy reported on the expressed willingness of the State Department at departmental level to extend the 1957 Agreement for a period of two years. The Embassy was requested to inform the Americans that our tentative response at departmental level (i.e. Department of Foreign Affairs and the Atomic Energy Board) was, inter alia, that an extension for a period shorter than normal would not be conducive to a spirit of mutual trust and that we await the formal decision of the United States of America regarding the period of extension of the bilateral before the issues involved were submitted to the South African Government.

This was the state of play when at the end of April, 1967, we were informed by the Embassy in Washington that the State Department and the United States Atomic Energy Commission were prepared to recommend to the United States of America President the renewal of the bilateral for 10 years, subject to certain changes to the existing Agreement.

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The text of the telegram from Washington reads as follows:-

"US-SA Atomic Energy Co-operation Bilateral.

Zook of State Department today informed us that at State Department and U.S.A.E.C. level they are now prepared to recommend to President renewal of bilateral for ten years.

2. We were given draft text of amendment to existing agreement. In addition to providing for renewal it also amends existing articles (following roman numerals) VI, VII, VIII, IX, XI and XII. Proposed amendments differ from and replace those handed to Sole in London last year and already informally agreed upon (see your 137/10/2 of 30th March, 1966) and are said to correspond to provisions in U.S. Bilateral with Australia. Zook says they are in line with latest bilateral formula and 'contain no hookers'.

3. They expect renewal agreement will encounter heavy passage in Congress in view of non-proliferation furore complicated by elements unfriendly to S.A. To assist them in piloting agreement through congress they urge that South Africa's uranium sales policy as already stated informally by Roux and Sole be formally communicated to U.S. so that they can use it in Congress if necessary (see page 5 paragraph 3 of record of discussions with State Department on 7th June, 1966). They asked specifically that no public announcement of this policy be made for time being since it might evoke speculation.

4. They expressed hope agreement can be initialled before end May to allow for submission to President for his approval and subsequent formal signature before end June. After that agreement must still lie with Congress for thirty days.

5. As to Trilateral they propose that present agreement can be replaced by completely new one along lines of Australian Trilateral rather than

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that our Trilateral be simply extended. Main reason for this is that they wish to avoid drawing attention to renewal of Bilateral with S.A. They hope that new Trilateral can slip through unnoticed at June Board Meeting together with Trilaterals with Turkey, Indonesia etc. They fear that simply extending present Trilateral might raise questions for Agency as to why material differences between latest model of Trilaterals and one with S.A. should be allowed to continue.

6. In order to meet deadline for June Board discussion they would want to notify Agency Secretariat by mid May.

7. We pointed out that it might not be possible for us to clear entirely new Trilateral by mid May and suggested as alternative that present Trilateral be extended either for currency of Bilateral or for one year. Trilateral can thereafter be amended at leisure.

8. Draft text amendment to agreement and new Trilateral in Friday's bag together with full report.

9. They expressed wish that no publicity be given to renewal of Bilateral."

The agreements were carefully studied at this end and on the 15th May, the following telegraphic reply was dispatched to Washington:

"1. Please convey to U.S. authorities orally our pleasure that they have found it possible to recommend a ten year extension.

2. Terms of proposed bilateral and trilateral agreements are acceptable and Americans may proceed to prepare text of bilateral for initialling. Executive Council authority for initialling by you on behalf of Government is being obtained. Will telegraph shortly.

So far as trilateral is concerned, draft may be submitted to Agency for translation and distribution in preparation for discussion by the

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Board at its June Session.

3. Statement on uranium sales policy is in preparation and will be conveyed to you shortly.*
Would merely mention at this stage that we do not feel that much will be gained by adding a proviso concerning our ability to continue adherence to our sales policy while it may well evoke suspicion and doubt on the part of State Department and Congress."

As regards the trilateral Agreement to which the telegrams refer: The bilateral Agreement between South Africa and the United States (as amended in 1962) provides for the parties to consult with each other to determine in what respects and to what extent they desire to arrange for the controls and safeguards exercised in terms of the Agreement by the United States over equipment and materials transferred to South Africa to be administered by the International Atomic Energy Agency.

In 1964/65 consultations took place between the South African and United ^{States} Governments, as a result of which it was agreed that arrangements be made for the transfer to the International Atomic Energy Agency of the administration of the safeguards which culminated in the trilateral Agreement between the United States of America, South Africa and the Atomic Energy Agency, signed in February 1965 in Vienna, Austria and valid until 14th August, 1967.

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* Subsequently sent.
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