

*Amendment was provisionally
notified to United States
No 2 (1959)
Cmd 72*

733
UNITED STATES
OF AMERICA



Treaty Series No. 72 (1959)

Amendment

to the Agreement between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the United States of America
for Co-operation on the Uses of Atomic
Energy for Mutual Defence Purposes
of July 3, 1958

[With Exchange of Notes]

Washington, May 7, 1959

[The Amendment entered into force on July 20, 1959]

*Presented to Parliament by the Secretary of State for Foreign Affairs
by Command of Her Majesty
November 1959*

LONDON
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Cmd. 859

AMENDMENT TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES OF JULY 3, 1958

The Government of the United Kingdom of Great Britain and Northern Ireland, on its own behalf and on behalf of the United Kingdom Atomic Energy Authority, and the Government of the United States of America;

Desiring to amend in certain respects the Agreement for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes (hereinafter referred to as the Agreement for Cooperation) signed at Washington on the third day of July, 1958;⁽¹⁾

Have agreed as follows:

ARTICLE I

The following new Article shall be inserted after Article III of the Agreement for Cooperation:

“ARTICLE III *bis*

Transfer of Materials and Equipment

“A.—The Government of the United States shall transfer to the Government of the United Kingdom the following in such quantities, at such times prior to December 31, 1969, and on such terms and conditions as may be agreed:

- “1. non-nuclear parts of atomic weapons which parts are for the purpose of improving the United Kingdom's state of training and operational readiness;
- “2. other non-nuclear parts of atomic weapons systems involving Restricted Data which parts are for the purpose of improving the United Kingdom's state of training and operational readiness when in accordance with appropriate requirements of applicable laws;
- “3. special nuclear material for research on, development of, production of, or use in utilization facilities for military applications; and
- “4. source, by-product and special nuclear material, and other material, for research on, development of, or use in atomic weapons when, after consultation with the Government of the United Kingdom, the Government of the United States determines that the transfer of such material is necessary to improve the United Kingdom's atomic weapon design, development or fabrication capability.

(1) “Treaty Series No. 41 (1958),” Cmnd. 537.

“ B.—The Government of the United Kingdom shall transfer to the Government of the United States for military purposes such source, by-product and special nuclear material, and equipment of such types, in such quantities, at such times prior to December 31, 1969, and on such terms and conditions as may be agreed.

“ C.—1. With respect to by-product material, special nuclear material and other material transferred from one Party to the other under this Article, the recipient Party agrees not to use any such material for purposes other than those for which it was received, provided that material which has lost its identity as a result of commingling with other material of the recipient Party may be put to other uses if the recipient Party retains an equivalent amount of its own material for the purpose for which the other Party’s material was received.

“ 2. For material or equipment transferred from one Party to the other Party, the recipient Party shall pay or reimburse, as may be agreed, all packaging, transportation and related costs. Packaging, shipping containers and methods of shipment shall be as may be agreed.

“ 3. Should either Party desire to acquire materials or components for use in the manufacture or in preparation for manufacture of atomic weapons from any source within the jurisdiction of the other Party, the procuring Party shall inform the other Party of the proposed procurement in order that such other Party may determine whether the proposed procurement involves classified information and if so whether the proposed procurement is in compliance with its applicable laws and regulations.”

ARTICLE 2

Article VII of the Agreement for Cooperation shall be amended to read as follows:

“ ARTICLE VII

“ Dissemination

“ Nothing in this Agreement shall be interpreted or shall operate as a bar or restriction to consultation or cooperation in any field of defense by either Party with other nations or international organizations. Neither Party, however, shall communicate classified information or transfer or permit access to or use of materials, or equipment, made available by the other Party pursuant to this Agreement to any nation or international organization unless:

“ A.—it is notified by the other Party that all appropriate provisions and requirements of such other Party’s applicable laws, including authorization by competent bodies of such other Party, have been complied with as necessary to authorize such other Party directly so to communicate to, transfer to or permit access to or use by such other nation or international organization; and further that such other Party authorizes the recipient Party so to communicate to, transfer to or permit access to or use by such other nation or international organization; or

“ B.—in the case of communication of classified information and access to materials or equipment, such other Party has informed the recipient

Party that such other Party has so communicated such classified information to, or permitted access to such materials or equipment by, such other nation or international organization; or

“C.—in the case of material which has lost its identity as a result of commingling with other material of the recipient Party, the recipient Party retains an amount under its jurisdiction equivalent to that made available to it by the other Party under this Agreement.”

ARTICLE 3

Article IX of the Agreement for Cooperation shall be amended as follows:

- (1) The words “Article III” shall be deleted from paragraph A, subparagraph 2 of paragraph B, and subparagraph 1 of paragraph D, and the words “Articles III or III *bis*” shall be substituted therefor.
- (2) The words “submarine propulsion plant and spare parts transferred pursuant to paragraph A of Article III” shall be deleted from subparagraph 1 of paragraph B, and the words “submarine propulsion plant, spare parts or equipment transferred pursuant to paragraph A of Article III or paragraph A or paragraph B of Article III *bis*” shall be substituted therefor.

ARTICLE 4

Article XI of the Agreement for Cooperation shall be amended as follows:

- (1) Paragraph C shall be amended by adding at the end thereof the following:

“‘Equipment’ also includes non-nuclear parts of atomic weapons and other non-nuclear parts of atomic weapons systems involving Restricted Data.”

- (2) After paragraph H add the following:

“I. ‘Non-nuclear parts of atomic weapons’ means parts of atomic weapons which are specially designed for them and are not in general use in other end products and which are not made, in whole or in part, of special nuclear material; and ‘other non-nuclear parts of atomic weapons systems involving Restricted Data’ means parts of atomic weapons systems, other than non-nuclear parts of atomic weapons, which contain or reveal atomic information and which are not made, in whole or in part, of special nuclear material.

J. ‘Atomic information’ means information designated ‘Restricted Data’ or ‘Formerly Restricted Data’ by the Government of the United States and information designated ‘ATOMIC’ by the Government of the United Kingdom.”

ARTICLE 5

Article XII of the Agreement for Cooperation shall be amended as follows:

The words “to take effect at the end of a term of ten years,” shall be deleted and the words “to take effect on December 31, 1969,” shall be substituted therefor.

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ARTICLE 6

This Amendment, which shall be regarded as an integral part of the Agreement for Cooperation, shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of this Amendment.⁽²⁾

In witness whereof, the undersigned, duly authorized, have signed this Amendment.

Done at Washington this seventh day of May, 1959, in two original texts.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

HAROLD CACCIA.

For the Government of the United States of America:

CHRISTIAN A. HERTER.

⁽²⁾ July 20, 1959.

EXCHANGE OF NOTES

No. 1

*The United States Acting Secretary of State to the British Chargé d'Affaires
ad interim at Washington*

Department of State,

Sir:

Washington, July 20, 1959.

I refer to the "Amendment to the Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958", which was signed at Washington on May 7, 1959.

Article 6 of the Amendment provides that "This Amendment, which shall be regarded as an integral part of the Agreement for Cooperation, shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of this Amendment". In accordance with this Article, I am pleased to state that the Government of the United States has now completed all statutory and constitutional requirements for entry into force of the Amendment.

Accept, &c.

DOUGLAS DILLON.

Acting Secretary of State.

No. 2

*The British Chargé d'Affaires ad interim to the United States Acting
Secretary of State*

(No. 286)

British Embassy,

Sir,

Washington, July 20, 1959.

I have the honour to acknowledge the receipt of your Note of the 20th of July, 1959, informing the Government of the United Kingdom of Great Britain and Northern Ireland that, in accordance with Article 6 of the "Amendment to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America for Cooperation on the Uses of Atomic Energy for Mutual Defence Purposes of July 3, 1958", the Government of the United States has complied with all statutory and constitutional requirements for the entry into force of this Amendment.

2. I am pleased to notify you that all statutory and constitutional requirements for the entry into force of the Amendment in question have been complied with by the Government of the United Kingdom and Northern Ireland and that consequently, in accordance with Article 6, the Amendment enters into force on the date of receipt of this Note.

I avail, &c.

HOOD.

No. 3

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*The United States Acting Secretary of State to the British Chargé d'Affaires
ad interim at Washington*

Department of State,

Sir:

Washington, July 20, 1959.

I acknowledge the receipt of your Note No. 286 of July 20, 1959, and note that the "Amendment to the Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958" entered into force on July 20, 1959.

Accept, &c.

DOUGLAS DILLON.

Acting Secretary of State.

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