



Treaty Series No. 68 (1979) ✓

Exchanges of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the Federative Republic of Brazil
and between the Government of the United Kingdom
and the Government of the Federal Republic of Germany
concerning the application of Safeguards
to the proposed Exports to Brazil of
Uranium enriched in the United Kingdom
by URENCO

Brasilia, 1 September 1978

Bonn, 4 September 1978

[The Agreements entered into force on 1 September and 4 September 1978
respectively]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
September 1979*

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EXCHANGE OF NOTES
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL
CONCERNING THE APPLICATION OF SAFEGUARDS TO
THE PROPOSED EXPORTS TO BRAZIL OF URANIUM
ENRICHED IN THE UNITED KINGDOM BY URENCO

No. 1

*Her Majesty's Chargé d'Affaires a.i. at Brasilia to the
Minister for External Affairs of Brazil*

*British Embassy
Brasilia*

N.V. 192
Your Excellency,

1 September 1978

I have the honour to refer to the proposed exports to Brazil of uranium enriched in the United Kingdom under the terms of contracts between URENCO and NUCLEBRAS, and to record the following which has been the subject of discussions between the Governments of the United Kingdom of Great Britain and Northern Ireland, the Federal Republic of Germany, and the Kingdom of the Netherlands, as parties to the tripartite Agreement of 4 March 1970⁽¹⁾ concerning the gas centrifuge process for producing enriched uranium, and the Government of the Federative Republic of Brazil.

- (a) Any such exports, and any subsequent generations of nuclear material produced therefrom, shall be subject to the provisions, including Article 2 which covers non-explosive uses, of the Agreement between the Federative Republic of Brazil, the Federal Republic of Germany and the International Atomic Energy Agency, signed at Vienna on 26 February 1976.
- (b) Any such material shall be exported or re-exported from the territory of Brazil only with the prior consent of the Government of the Federal Republic of Germany as a party to the tripartite Agreement of 4 March 1970, and the Government of the Federative Republic of Brazil shall notify the International Atomic Energy Agency of such exports or re-exports separately or jointly with the Government of the Federal Republic of Germany in accordance with the provisions laid down in Article 10 (2) of the Agreement between the Federative Republic of Brazil, the Federal Republic of Germany and the International Atomic Energy Agency of 26 February 1976 and shall copy all such communications to the Government of the United Kingdom.

⁽¹⁾ Treaty Series No. 69 (1971), Cmnd. 4793.

- (c) The Government of the Federative Republic of Brazil and the Government of the Federal Republic of Germany as a party to the tripartite Agreement of 4 March 1970 shall agree the levels of physical protection to be applied to the enriched uranium and any subsequent generations of nuclear materials produced therefrom.

I further have the honour to record that the Governments of the Federative Republic of Brazil, the United Kingdom, the Kingdom of the Netherlands and the Federal Republic of Germany are agreed that they shall work towards the establishment of an IAEA plutonium storage regime on a non-discriminatory and universally applicable basis in conformity with Article XII A 5 of the Statute of the International Atomic Energy Agency. These four Governments are further agreed that in the event that an IAEA regime is not likely to be available by the time URENCO enriched fuel is ready for reprocessing in Brazil, any plutonium derived from fuel enriched by URENCO and reprocessed in Brazil will be stored, until covered by such a regime which would then be applied, under *ad hoc* storage agreements agreed by the four Governments, and based on the same principles as Article XII A 5. The four Governments will invite the IAEA to participate in the implementation of such *ad hoc* arrangements.

I have the honour to request Your Excellency's confirmation that the foregoing is acceptable to the Government of the Federative Republic of Brazil, and to propose that this Note, together with Your Excellency's reply to that effect shall constitute an agreement between our two Governments which shall enter into force on the date of your reply. I propose that copies of both Notes shall then be communicated to the International Atomic Energy Agency together with copies of similar Notes exchanged between the Governments of the Federative Republic of Brazil, the Kingdom of the Netherlands and the Federal Republic of Germany.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

L. BEVAN

No. 2

*The Minister for External Affairs of Brazil to Her Majesty's
Chargé d'Affaires at Brasilia*

Em 1º. de setembro de 1978.

Senhor Encarregado de Negócios,

Tenho a honra de acusar recebimento de sua Nota de n°. 192, de 1º. de setembro de 1978, cujo teor em português é o seguinte:

“ Excelência,

Tenho a honra de referir-me às exportações previstas para o Brasil de urânio enriquecido no Reino Unido, nos termos dos contratos entre a URENCO e a NUCLEBRÁS, e de fazer o seguinte registro do tema das conversações entre os Governos do Reino Unido da Grã-Bretanha e Irlanda do Norte, da República Federal da Alemanha e do Reino dos Países Baixos, como partes do Acordo Tripartite de 4 de março de 1970, relativo ao processo de centrifugação gasosa para produzir urânio enriquecido, e o Governo da República Federativa do Brasil:

- (a) quaisquer tais exportações, bem como quaisquer gerações subsequentes de material nuclear produzidas a partir das mesmas, estarão sujeitas às disposições, inclusive as do Artigo 2, que cobre usos nãoexplosivos, do Acordo entre a República Federativa do Brasil, a República Federal da Alemanha e a Agência Internacional de Energia Atômica, assinado em Viena, em 26 de fevereiro de 1976;
- (b) qualquer tal material poderá ser exportado ou reexportado do território do Brasil apenas com o consentimento prévio do Governo da República Federal da Alemanha, como parte do Acordo Tripartite de 4 de março de 1970; o Governo da República Federativa do Brasil notificará a Agência Internacional de Energia Atômica de tais exportações ou reexportações separadamente, ou em conjunto com o Governo da República Federal da Alemanha, de acordo com as disposições constantes do Artigo 10 (2) do Acordo entre a República Federativa do Brasil, a República Federal da Alemanha e a Agência Internacional de Energia Atômica, de 26 de fevereiro de 1976, e enviará cópia de todas essas comunicações ao Governo do Reino Unido; e
- (c) o Governo da República Federativa do Brasil e o Governo da República Federal da Alemanha, como parte do Acordo Tripartite de 4 de março de 1970, entender-se-ão sobre os níveis de proteção física a serem aplicados ao urânio enriquecido e a quaisquer gerações subsequentes de material nuclear produzidas a partir do mesmo.

Tenho, ademais, a honra de registrar que os Governos da República Federativa do Brasil, do Reino Unido, do Reino dos Países Baixos e da República Federal da Alemanha concordam em trabalhar no sentido de estabelecer um regime da Agência Internacional de Energia Atômica de armazenamento de plutônio, em bases não discriminatórias e universalmente aplicáveis, de acordo com o Artigo XII.A.5 dos Estatutos da Agência Internacional de Energia Atômica. Os quatro Governos concordam, ainda, que, caso um regime da AIEA não pareça estar disponível no momento em que o combustível enriquecido pela URENCO estiver pronto para reprocessamento no Brasil, qualquer plutônio obtido a partir desse combustível enriquecido pela URENCO e reprocessado no Brasil será armazenado, até que possa ser regulado por um tal regime, que seria, então, aplicado, de acordo com ajustes *ad hoc* de armazenamento acordados pelos quatro Governos e baseados nos mesmos princípios do Artigo XII.A.5. Os quatro Governos convidarão a AIEA para participar da implementação a AIEA para participar da implementação desses ajustes *ad hoc*.

Tenho a honra de solicitar a Vossa Excelência a confirmação de que o que precede é aceitável para o Governo da República Federativa do Brasil,

e propor que esta Nota, juntamente com a resposta de Vossa Excelência à mesma, constitua um acordo entre nossos dois Governos, o qual deverá entrar em vigor na data da resposta de Vossa Excelência. Proponho que cópias de ambas as Notas sejam, então, enviadas à Agência Internacional de Energia Atômica, juntamente com as cópias das Notas correspondentes, trocadas entre os Governos da República Federativa do Brasil, do Reino dos Países Baixos e da República Federal da Alemanha.

Aproveito a oportunidade para renovar a Vossa Excelência os protestos de minha mais alta consideração.”

2. Em resposta, tenho a honra de confirmar que o conteúdo da Nota acima transcrita é aceitável para o Governo da República Federativa do Brasil, bem como manifestar a concordância no sentido de que a Nota de Vossa Excelência e esta Nota de resposta constituirão um acordo entre nossos dois Governos, o qual deverá entrar em vigor na data de hoje.

Aproveito a oportunidade para renovar a Vossa Excelência os protestos da minha mais alta consideração.

ANTONIO F. AZEREDO DA SILVEIRA

[Translation of No. 2]

Ministry of External Affairs.

1 September 1978

Mr. *Chargé d'Affaires*,

I have the honour to acknowledge receipt of your Note No. 192 of 1 September 1978, which reads in Portuguese as follows:

[As in No. 1]

In reply I have the honour to confirm that the contents of your Note are acceptable to the Government of the Federative Republic of Brazil, and to agree that your Note together with this Note in reply shall constitute an agreement between our two Governments which shall enter into force on today's date.

I avail myself of this opportunity to renew to you, Sir, the assurance of our highest consideration.

ANTONIO F. AZEREDO DA SILVEIRA

**EXCHANGE OF NOTES BETWEEN
THE GOVERNMENT OF THE UNITED KINGDOM AND THE
GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY**

No. 3

*Her Majesty's Ambassador at Bonn to the State Secretary of the
Ministry of Foreign Affairs of the Federal Republic of Germany*

British Embassy

Bonn

4 September 1978

Your Excellency,

I have the honour to enclose copies of notes exchanged at Brasilia on 1 September 1978 between the Government of the United Kingdom of Great

Britain and Northern Ireland and the Government of the Federative Republic of Brazil concerning the application of safeguards to proposed exports to Brazil of uranium enriched in the United Kingdom by Urenco.

I have the honour to propose on behalf of the Government of the United Kingdom that any such export and any subsequent generations of nuclear material produced therefrom, shall be subject to the provisions, including Article 2 which covers non-explosive uses, of the Agreement between the Federative Republic of Brazil, the Federal Republic of Germany and the International Atomic Energy Agency, signed at Vienna on 26 February 1976.

I have the honour further to propose that the Government of the Federal Republic of Germany shall obtain the agreement of the Government of the United Kingdom before giving the consent required for the re-export by Brazil of all quantities of enriched uranium supplied to Brazil by Urenco from the United Kingdom and the export by Brazil of any subsequent generations of nuclear material produced from the material supplied from the United Kingdom by Urenco and that they shall notify the International Atomic Energy Agency, separately or jointly with the Government of the Federative Republic of Brazil, in accordance with Article 10 (2) of the Agreement between the Federative Republic of Brazil, the Federal Republic of Germany and the International Atomic Energy Agency of 26 February 1976.

I have the honour further to propose that any such notifications by the Government of the Federal Republic of Germany shall be communicated to the Government of the United Kingdom.

In addition, I have the honour to propose that, as the Government of the Federative Republic of Brazil have agreed that material supplied from the United Kingdom shall be subject to levels of physical protection which they have agreed with the Government of the Federal Republic of Germany as a party to the tripartite Agreement of 4 March 1970⁽¹⁾, the Government of the Federal Republic of Germany shall communicate to the Government of the United Kingdom details of the levels of physical protection agreed between the Governments of the Federal Republic of Germany and the Federative Republic of Brazil and shall seek agreement with the Government of the United Kingdom on any changes in those levels if at any time these are contemplated.

If the foregoing proposals are acceptable to the Government of the Federal Republic of Germany I have the honour to suggest that this Note, together with Your Excellency's reply to that effect shall constitute an Agreement between our two Governments which shall enter into force on the date of your reply.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

OLIVER WRIGHT

*The State Secretary of the Ministry of Foreign Affairs of the Federal
Republic of Germany to Her Majesty's Ambassador at Bonn*

Der Staatssekretär des Auswärtigen Amtes

Bonn, den 4. September 1978

Exzellenz,

ich beehre mich, den Empfang Ihrer Note vom 4. September 1978 zu bestätigen, die in der abgestimmten Übersetzung wie folgt lautet:

“ Exzellenz,

ich beehre mich, in der Anlage Abschriften eines am 1. September 1978 in Brasilia zwischen der Regierung des Vereinigten Königreichs Großbritannien und Nordirland und der Regierung der Föderativen Republik Brasilien durchgeführten Notenwechsels über die Anwendung von Sicherungsmaßnahmen für beabsichtigte Ausfuhren von im Vereinigten Königreich durch Urenco angereichertem Uran nach Brasilien zu übersenden.

Ich beehre mich, im Namen der Regierung des Vereinigten Königreichs vorzuschlagen, daß diese Ausfuhren und alle späteren Generationen des daraus hergestellten Kernmaterials dem am 26. Februar 1976 in Wien unterzeichneten Übereinkommen zwischen der Föderativen Republik Brasilien, der Bundesrepublik Deutschland und der Internationalen Atomenergie-Organisation, einschließlich seines Artikels 2 über die nicht-explosive Verwendung, unterliegen.

Ich beehre mich ferner vorzuschlagen, daß die Regierung der Bundesrepublik Deutschland das Einverständnis der Regierung des Vereinigten Königreichs erwirkt, bevor sie die Zustimmung erteilt, die für die Wiederausfuhr aller Mengen angereicherten Urans, das durch Urenco aus dem Vereinigten Königreich an Brasilien geliefert wurde, und für die Ausfuhr späterer Generationen von Kernmaterial durch Brasilien, das aus dem durch Urenco aus dem Vereinigten Königreich gelieferten Material hergestellt wurde, erforderlich ist, und daß sie dies der Internationalen Atomenergie-Organisation allein oder gemeinsam mit der Regierung der Föderativen Republik Brasilien nach Artikel 10 Absatz 2 des Übereinkommens vom 26. Februar 1976 zwischen der Föderativen Republik Brasilien, der Bundesrepublik Deutschland und der Internationalen Atomenergie-Organisation notifiziert.

Ich beehre mich ferner vorzuschlagen, daß alle derartigen Notifikationen seitens der Regierung der Bundesrepublik Deutschland der Regierung des Vereinigten Königreichs übermittelt werden.

Da die Regierung der Föderativen Republik Brasilien damit einverstanden ist, daß das aus dem Vereinigten Königreich gelieferte Material dem mit der Regierung der Bundesrepublik Deutschland als einer Partei des Trilateralen Abkommens vom 4. März 1970 vereinbarten Niveau des physischen Schutzes unterliegt, beehre ich mich, dies weiter vorzuschlagen, daß die Regierung der Bundesrepublik Deutschland der Regierung des Vereinigten Königreichs Einzelheiten über das zwischen der Regierung der

Bundesrepublik Deutschland und der Regierung der Föderativen Republik Brasilien vereinbarte Niveau des physischen Schutzes übermittelt und sich um das Einvernehmen mit der Regierung des Vereinigten Königreichs bemühen wird, falls zu irgendeiner Zeit Änderungen dieses Niveaus erwogen werden.

Sofern die Regierung der Bundesrepublik Deutschland mit den obigen Vorschlägen einverstanden ist, beehre ich mich vorzuschlagen, daß diese Note und die entsprechende Antwortnote Eurer Exzellenz eine Vereinbarung zwischen unseren beiden Regierungen darstellen, die mit dem Datum Ihrer Antwortnote in Kraft tritt.

Ich benutze diesen Anlaß, Eure Exzellenz erneut meiner ausgezeichnetsten Hochachtung zu versichern."

Ich beehre mich, Eurer Exzellenz in der Antwortnote mitzuteilen, daß die Regierung der Bundesrepublik Deutschland mit den obigen Vorschlägen einverstanden ist und demgemäß zustimmt, daß Ihre Note und diese Antwortnote eine Vereinbarung zwischen den beiden Regierungen bilden, die am heutigen Tag in Kraft tritt.

Diese Vereinbarung gilt auch für das Land Berlin, sofern nicht die Regierung der Bundesrepublik Deutschland gegenüber der Regierung des Vereinigten Königreichs Großbritannien und Nordirland innerhalb von drei Monaten nach Inkrafttreten der Vereinbarung eine gegenteilige Erklärung abgibt.

Ich benutze diesen Anlaß, Eure Exzellenz erneut meiner ausgezeichnetsten Hochachtung zu versichern.

VAN WELL

[Translation of No. 4]

The State Secretary of the Ministry of Foreign Affairs

Bonn, 4 September 1978

Your Excellency,

I have the honour to acknowledge receipt of your Note of 4 September, 1978, the agreed translation of which reads as follows:

[As in No. 3]

In reply I have the honour to inform Your Excellency that the foregoing proposals are acceptable to the Government of the Federal Republic of Germany who therefore agree that your Note and this reply shall constitute an Agreement between the two Governments which shall enter into force on this day's date.

This Agreement shall also apply to Land Berlin, provided that the Government of the Federal Republic of Germany does not make a contrary declaration to the Government of the United Kingdom of Great Britain and Northern Ireland within three months of the date of entry into force of this Agreement.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

VAN WELL

No. 5

*Her Majesty's Ambassador at Bonn to the State Secretary of the
Ministry of Foreign Affairs of the Federal Republic of Germany
British Embassy
Bonn*

4 September 1978

Your Excellency,

I have the honour to acknowledge receipt of your Note of 4 September 1978 in reply to mine of the same date concerning the proposed exports to Brazil of uranium enriched in the United Kingdom by Urenco, and to confirm that the contents of your Note are acceptable to the Government of the United Kingdom.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

OLIVER WRIGHT

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