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Note on Control by the Joint US-Euratom Working Party

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Summary:

This memo details security controls established under the Euratom Treaty to guarantee that nuclear materials are not diverted for purposes other than those for which they are intended.

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Members Working Party

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WORKING PARTY EURATOM-UNITED STATES

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- a. members of Euratom staff;
- b. members of the High Authority staff;
- c. experts who have accepted the Euratom Commission's invitation to serve in the Working Party.

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NOTE ON CONTROL

Among the most important duties delegated by the Governments and Parliaments of our nations to the European Atomic Energy Community is the duty "to guarantee by appropriate measures of control, that nuclear materials are not diverted for purposes other than those for which they are intended" (Art. 2^o).

The security control established under the Euratom Treaty is an exceedingly important new departure in the field of control of nuclear materials.

Since the earliest development of nuclear energy the nations of the Atlantic Community have insisted on the absolute necessity of a world-wide international control on all nuclear materials, whether they are produced within or imported into a given nation, or whether the those materials are destined to military or non military purposes. In the words of Mr. Dulles:

"No one nation can, alone, indefinitely police the spread of nuclear powerplants. In our bilateral agreements we now provide for safeguards including inspection by our own nationals, to assure against improper use of nuclear material. But this is a short-term solution. Sovereign nations would accept an international system of broad applicability. But they will not long be content to have their electric-power systems under continuous supervision by technicians, merely serving another nation."

It can be foreseen, as fissionable materials become more abundant in the absence of internationally accepted safeguards, international political and economic competition will lead to a gradual debasement of effective bilateral controls.

The safeguards system provided by the I.A.E.A. is the first attempt at international control, limited, however, to nuclear materials imported through the help of the Agency into its Members-countries. In this respect should be noted that, according to Admiral Strauss, it will be from 3 to 5 years before Agency material will actually be in use in recipient countries.

If the controls embodied in the I.A.E.A. statute work as contemplated, any violation of the statute provisions would hardly go undetected. The agency reprisals against violators are not without

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bite, but the agency itself would be unable, of course, to force recovery of materials used in violation of the statute. However, this international control system suffers from the essential weakness that it applies only to the use of materials and equipment received through the I.A.E.A. In the first place, supplying nations may continue to furnish fissionable materials through bilateral channels. Secondly, agency control and inspection do not, of course, extend to any national atomic programs that are unsupported by the I.A.E.A.

In fact, it has been one of the great disillusiones of post war policy that until now it has proved impossible to establish genuine, over-all international control.

The Euratom control is the first concrete step on the road to an international control.

Under the Euratom system, nuclear materials produced within the Community as well as nuclear materials imported into the Community will be under constant control. The inspectors of the Community shall at all time have access to all installations within the Community in order to satisfy themselves that nuclear materials are not diverted from their intended uses and that undertakings entered into by the Community with third countries or an international organization are observed. In order to facilitate the Community's control function, special fissionable materials as in the United States and in the United Kingdom, shall always be the property of the Community.

It must be stressed at this point that Euratom's control system is that of a multi-national community, which means that within this system there are mutual and reciprocal checks and safeguards. By its existence and efficiency it will set a pattern for and foster the objectives of the I.A.E.A.'s security system.

The parliaments of the six nations have voted with impressive majorities in favor of the establishing of the European Atomic Energy Community. In doing so they have among other things been motivated by a strong desire to advance, in setting a first concrete example, on the road to world-wide international control of nuclear materials. The spirit demonstrated during the debates on the Euratom Treaty, convinced the Euratom Commission that the institutions of the Community and the parliaments of their member-nations would be the first to welcome and accept for the European Atomic Energy Community

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the setting up of such a world-wide system, which they constantly have advocated in the past and will go on doing so in the future.

One of the major objectives of the cooperation between the United States and Euratom should be to foster Euratom's security system and by this pave the way for the I.A.E.A.'s system.

The acceptance of inspection rights of a third country within the Community would run counter to the intentions of the institutions of the Community and the nations who established it. At the same time, it would diminish the authority of the Commission's control system and thereby endanger the setting up of a completely watertight control. Also, inspection rights of third countries might arouse rankling resentment and the desire to evade this inspection. Finally, the showing of distrust to an efficient European control system might deal a fatal blow to the world-wide system of the I.A.E.A.

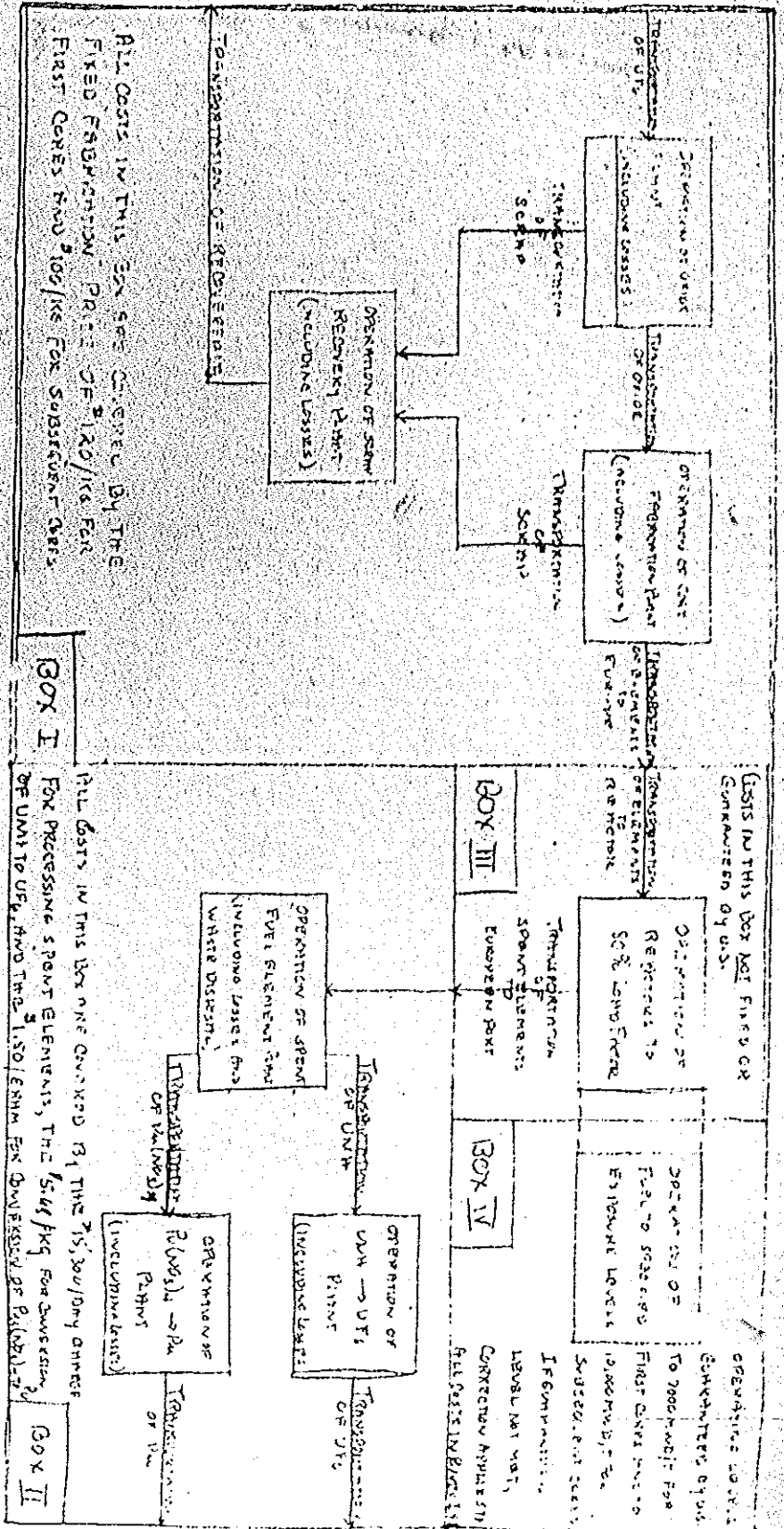
The fact of ownership of fuel by the Community and the broad regional and multinational character of the Euratom system should give a greater degree of security than the United States is apt to get presently, under any bilateral or international arrangement. But the essential point is that a genuine partnership between the United States and Euratom will not come about, or will not work well, unless this partnership shows itself in mutual confidence.

The Commission of the European Atomic Energy Community, therefore, proposes to the Government of the United States to include the following paragraph in the Memorandum of Understanding initialed on April 2, 1958 in Luxembourg:

The setting up of an effective and comprehensive security control system over all nuclear materials produced within or imported into the Community, is one of the major obligations of the Euratom Commission. The Euratom Commission has therefore already taken the necessary steps to establish with all expediency its control system.

The Treaty gives complete power and authority to the Commission to establish its control system, including Community ownership of all special nuclear material produced within or imported into the Community. Furthermore, the Euratom Commission has the additional authority to guarantee the United States Government that all material, equipment and devices transferred under the joint program, will be exclusively used for non military purposes. The Euratom Commission therefore is in a position to give the United States Government the guarantee required by the United States Atomic Energy Act of 1954, "that security safeguards and standards, as set forth in the Agreement for cooperation" will be effectively maintained by the Commission's control system. The Commission solemnly guarantees to the United States Government that all material, equipment and devices transferred into the Community under the joint program, will be used exclusively for non military purposes.

Convinced with the cooperative spirit of the joint program, and desirous to profit from the experiences the United States Government has obtained in the field of security control, the Commission asks the United States Government to fully cooperate with it in the setting up of its security control system.



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JOINT U. S. - EURATOM WORKING PARTY.MEMORANDUM OF UNDERSTANDING
PARAGRAPH 3

The Lawyers Group proposes
to have Paragraph 3 read
as follows :

8. Availability of Information

Non-patentablea) Information developed in joint program

- 1) The program contemplated by this memorandum of understanding, including projects selected for inclusion therein, should serve to benefit other projects and programs (both private and governmental) within the Community and the United States. Accordingly, under mutually agreed arrangements, all information developed in connection with the joint program of research and development, and all information developed in connection with the selected projects, including research and development information and design, construction, operating, and economic data, will be delivered currently to the Parties as developed and may be used disseminated, or published by each Party for any and all purposes as it sees fit without further obligation or payment. There will be no discrimination against nationals of the United States or of any Member State of Euratom in the dissemination or use of the information.
- 2) It is not anticipated that any such information will be classified for defense purposes by either Party. It is possible, however, that information may be generated which either Party may find it necessary to classify for defense purposes. The Agreement for Cooperation will contain provisions to cover this contingency; such provisions will be designed to carry out the intent of the preceding paragraph, subject only to such minimum restrictions on use, dissemination or publication as may be necessary to the defense interests of the United States or a Member State.
- 3) All records of the participating utility applicable to any project under this program, including operating and cost records, shall be available to both Parties. Such separate records as are needed will be maintained for this purpose.
- 4) The Parties will further expedite prompt exchange of information through symposia, exchange of personnel, setting up of combined teams, and other methods as may be mutually agreed.