

No. 6688

**INTERNATIONAL ATOMIC ENERGY AGENCY,
BELGIUM and CONGO (LEOPOLDVILLE)**

**Agreement for the transfer of title to enriched uranium.
Signed at Vienna, on 27 June 1962**

Official text: French.

Registered by the International Atomic Energy Agency on 30 April 1963.

**AGENCE INTERNATIONALE DE L'ÉNERGIE
ATOMIQUE,
BELGIQUE et CONGO (LÉOPOLDVILLE)**

Accord relatif au transfert du titre de propriété de l'uranium enrichi. Signé à Vienne, le 27 juin 1962

Texte officiel français.

Enregistré par l'Agence internationale de l'énergie atomique le 30 avril 1963.

[TRANSLATION¹ — TRADUCTION²]

No. 6688. AGREEMENT³ BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF BELGIUM AND THE GOVERNMENT OF THE CONGO (LEOPOLDVILLE) FOR THE TRANSFER OF TITLE TO ENRICHED URANIUM. SIGNED AT VIENNA, ON 27 JUNE 1962

WHEREAS the Government of Belgium (hereinafter called "Belgium") on 9 December 1958 purchased from the Government of the United States of America (hereinafter called the "United States") certain enriched uranium for use in the TRIGA Mark I research reactor at Lovanium University, Leopoldville (hereinafter called the "TRICO reactor") ;

WHEREAS Belgium has agreed to donate to the Government of the Congo (Leopoldville) (hereinafter called the "Congo") the enriched uranium it had purchased from the United States, and for this purpose to transfer without cost title to the enriched uranium to the Congo through the International Atomic Energy Agency (hereinafter called the "Agency") ;

WHEREAS the Congo, desiring to obtain title to the enriched uranium in the TRICO reactor to facilitate its continued operation as a project for research on atomic energy for peaceful purposes, has requested the Agency to assist it in, among other things, arranging for the transfer of such title to it ;

WHEREAS the United States, which originally supplied the enriched uranium and authorized the export of the TRICO reactor, has this day informed Belgium and the Congo that it concurs in the proposed transfer of title to the enriched uranium from Belgium to the Congo through the intermediary of the Agency, it being understood that the said enriched uranium and the said reactor would thereafter be covered by a project arrangement between the Agency and the Congo and that the enriched uranium is to be considered part of the material to be made available by the United

¹ Translation by the International Atomic Energy Agency.

² Traduction de l'Agence internationale de l'énergie atomique.

³ Came into force on 27 December 1962, the date of receipt by the International Atomic Energy Agency of the complete full powers of the Representative of the Republic of the Congo, with retroactive effect from 27 June 1962, the date of signature, in accordance with paragraph 3 (c) of the Protocol on the signature of the Agreements concerning the TRICO Reactor Project, signed at Vienna on 27 June 1962 (see p. 11 of this volume).

States to the Agency pursuant to Article II.A of the Agreement for Co-operation concluded between the Agency and the United States on 11 May 1959 ;¹

WHEREAS the Board of Governors of the Agency approved the project on 18 June 1962, and the Agency and the Congo are this day concluding an agreement for the provision by the Agency of the assistance requested by the Congo ;²

NOW THEREFORE the Agency, Belgium and the Congo hereby agree as follows :

Section 1. Upon the entry into force of this Agreement, title to the enriched uranium contained in 55 fuel elements, one partial element and two fission counters, which elements and counters are at present in the possession of the Congo and located in the TRICO reactor and its associated facilities and were originally obtained by Belgium from the manufacturer of the TRICO reactor in the United States of America, shall automatically be transferred from Belgium to the Agency and thereafter immediately from the Agency to the Congo.

Section 2. (a) It is hereby specified that the quantities of enriched uranium originally obtained by Belgium from the United States for the TRICO reactor were the following :

- (i) 10,049.78 grams of uranium enriched to an average of 19.78% by weight in the isotope U²³⁵, contained in the 55 fuel elements and the partial element ;
- (ii) 3.44 grams of uranium enriched to greater than 90% by weight in the isotope U²³⁵, contained in the two fission counters.

(b) Any time within thirty days after the entry into force of this Agreement any party hereto may check the precise quantity and enrichment of the enriched uranium to which title is hereby transferred, provided that the entire cost of such verification (including the cost of any elements or counters destroyed) shall be borne by the party performing the verification.

(c) Unless within sixty days after the entry into force of this Agreement any party hereto proposes a revision of the quantities or enrichments specified in section 2 (a), these quantities and enrichments shall be considered to be those of the uranium transferred hereby. Should a revision be proposed to which all parties hereto do not agree within thirty days, any party may request that a determination of the disputed quantity or enrichment be made by a laboratory of the United States Atomic Energy Commission or by any other laboratory agreed upon by all the parties. Such laboratory may perform any tests or analyses that it may deem necessary, and all parties agree to facilitate its work in every way. The results of the determination by the laboratory shall be considered as final and binding on all parties. The costs of the determination by the laboratory shall be borne equally by the parties, provided

¹ United Nations, *Treaty Series*, Vol. 339, p. 359.

² See p. 31 of this volume.

that if the determination insisted on by any party or parties is confirmed by the laboratory, such party or parties shall not be obliged to bear any share of the costs.

Section 3. Except as provided in sections 2 (b) and (c), neither the Agency nor the Congo shall be obliged to make any payment in connection with the transfer of title provided for by this Agreement.

Section 4. (a) Except in connection with any verification performed by it pursuant to section 2 (b), the Agency shall have no responsibility towards Belgium or the Congo, or towards any person claiming through either of them, for the safe handling and the use of the material to which title is hereby transferred.

(b) Except in connection with any verification performed by it pursuant to section 2 (b), Belgium shall have no responsibility towards the Agency or the Congo, or towards any person claiming through either of them, for the safe handling and the use after the entry into force of this Agreement of the material to which title is hereby transferred.

Section 5. This Agreement shall enter into force upon signature by or for the Director General of the Agency and by the duly authorized representatives of Belgium and the Congo.

DONE in triplicate in the French language in Vienna, this 27th day of June 1962.

For the International Atomic Energy Agency :

(Signed) Sigvard EKLUND

For the Government of Belgium :

(Signed) Victor BERNARD

For the Government of the Congo (Leopoldville) :

(Signed) P. MUSHIETE