

LEGAL AND POLITICAL ASPECTS OF SOVIET-GERMAN URANIUM MINING IN THE SOVIET OCCUPATION ZONE OF GERMANY (SBZ) AND THE GDR

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Abstract: *The Soviet nuclear weapons programme, which was stepped up from 1945, required a lot of uranium. The Soviet Union itself only had a few small deposits in the Central Asian Soviet republics. It was dependent on uranium from countries in its sphere of influence. This included the Soviet Occupied Zone, from which the Soviet Union was to receive its reparations for war damage caused by Germany in accordance with the Potsdam resolutions of the three Allies. The Soviet Occupation Zone had suspected uranium deposits in the Saxon Ore Mountains, which, together with neighbouring deposits discovered in Thuringia, developed into the largest deposits in the entire socialist camp with the delivery of around 216,000 tonnes of enriched uranium. The article deals with the legal and political aspects of this uranium mining, which was initially purely Soviet from 1945 to 1953 and Soviet-German from 1954 onwards.*

Keywords: *atomic bomb, SAG Wismut, SDAG Wismut, Soviet-German uranium mining, Soviet occupation zone of Germany, uranium*

According to Machiavelli around 1515, politics is the sum of the means necessary to come to power, to hold on to power and to make the most useful use of power. Law is the application of equal standards to unequal individuals in order to enable and secure the common good (Marx 1875, vol. 19: 20).

With the laboratory proof of nuclear fission by the German nuclear physicists Otto Hahn and Fritz Straßmann and the subsequent interpretation by Lise Meitner, uranium became a globally strategic raw material and, with the two atomic bombs dropped by the USA on Japan in August 1945, the world's most political raw material. The USA and the USSR recognised this in 1941, but were initially hesitant to pursue research and development. In 1942, the USSR recognised through its intelligence services that Great Britain and the USA were massively accelerating nuclear research and development for military applications and also accelerated its own nuclear weapons research as a result.

1. Overview and details

In the USSR, nuclear energy was already being discussed at the IV. M. M. Frank pointed out in the conference report that "we are on the threshold of the practical utilisation of nuclear energy". For this reason, a "uranium commission" was formed at the Presidium of the USSR Academy of Sciences on 30 July 1940. As early as October 1940, the work led to a secret invention application submitted by V. A. Maslov and V. S. Maslov to the Office for Inventions of the People's Commissariat of Defence for the "use of uranium as an explosive and poisonous substance" and thus de facto for a uranium bomb (Goncharov, Ryabev, 2001: 80 ff. with further references). The examiner of the invention V. G. Khlopin stated in his assessment of 17 April 1941 that this was not a question of today and that the total amount of uranium mined worldwide at 250 - 275 tonnes per year was very small, in the USSR only 0.5 tonnes (Goncharov, Ryabev, 2001: 81). The Soviet nuclear weapons project lacked many components, but the most important element was particularly lacking: uranium (Makhoul, 2017: 34). According to Order No. 2365 ss of the State Defence Committee of 28 September 1942, confirmed by Stalin, the USSR Academy of Sciences was obliged to submit a report on the possibility of building a uranium bomb by 1 April 1943 (Goncharov, Ryabev, 2001: 84). This was only a month and a half after the start of the US Manhattan Project.

Radioactivity in the Ore Mountains was known worldwide through the publications of Marie Sklodowska-Curie's work in St. Joachimsthal (from 1945: Jachymov), which won two Nobel Prizes in 1903 and 1911, the world's strongest source of radium for spa applications in the Radium-Bad Brambach, the work published in 1906 and 1911 by Prof. Schiffer of the Freiberg Mining Academy on radioactive waters and uranium minerals in Saxony published in

1906 and 1911, the work by Richard Jaffe from 1912 "Die Uranpecherzlagerstaetten des Saechsischen Edelleutstollen bei St. Joachimsthal" in the Zeitschrift für praktische Geologie and the published work on the uranium pitchblende at St. Joachimsthal in Bohemia in the Mitteilungen der Preußischen Geologischen Landesanstalt from 1926 are well known and scientifically documented.

On the basis of these signs of significant uranium mineralisation underground, the Soviet Union carried out a comprehensive geological and mining search and subsequent exploration for uranium in the Erzgebirge as part of the Soviet occupation zone in Germany (SBZ) immediately after the occupation of the German Erzgebirge by its troops in May 1945 in accordance with the decisions of the three victorious powers (Müller, 2021: 2). The Soviet geological search group under Lieutenant General P. Ja. Meschik with field post number 27 304 was a uniformed unit of the Soviet secret service NKVD, not one of the Red Army. It was also not subordinate to the Soviet Military Administration of Germany (SMAD), but to Marshal Beriya's representative as Stalin's deputy and his intelligence chief. The USA dropped its two available atomic bombs on Japan on 6 and 9 August 1945. Stalin saw this as jeopardising the Soviet Union's victory in the Great Patriotic War and feared for the survival of the Soviet Union. Uranium became the world's most political raw material in the emerging Cold War.

The NKVD secret service unit 27 304 was reorganised as the Saxon Uranium Search Group (SUPP) by order of the Deputy Minister of the Interior of the USSR A. P. Savenyagin of 13 August 1945 and, as a result of its work, estimated the uranium reserves in the Saxon Ore Mountains at 150 tonnes. The State Committee for Defence of the USSR stipulated in Decree No. 9887 of 20 August 1945 "the broad development of geological investigations and the creation of a raw material base of the USSR for uranium extraction and the exploitation of uranium deposits outside the USSR (in Bulgaria, Czechoslovakia and other countries)". The Soviet Occupation Zone was one such "other country". The German scientists involved in the geological search for uranium by the Soviet secret service NKVD, Prof. Dr F. Schumacher and Prof. Dr G. Aeckerlein of the Freiberg Mining Academy and Dr Oscar W. Oelsner of the Freiberg Mining Authority, continued to regard the uranium ores of the Saxon Ore Mountains as unfit for mining (Pose, 2019: 460). However, in the author's opinion, this was due to the completely different view of uranium. For the German scientists, the economic component of the potential profit to be made from a deposit was a very important and de facto decisive factor in assessing whether a deposit was worth building. In contrast, in 1945 and later, the Soviet geologists were under absolute orders to search for uranium, a raw material that had become strategic for the survival of the Soviet Union, and their sole concern, without any economic

considerations, was to search for uranium, find it, explore it more closely and then mine it, disregarding purely economic considerations. The German geologists did not have this Soviet world-strategic view due to their lack of knowledge of the already advanced nuclear weapons research and development in the USA and the Soviet Union.

Reparation payments from Germany to the victorious Allied powers were regulated by the three victorious Allied powers - the USSR, the USA and Great Britain - in the Potsdam Agreement of 2 August 1945 in Part IV, points 1 - 3 with regard to the Soviet Union and Poland in such a way that the USSR's reparation claims would be satisfied by withdrawals from the zone occupied by the USSR in Germany and from the corresponding German foreign assets. German foreign assets in Bulgaria, Finland, Hungary, Romania and eastern Austria were also to fall to the USSR in accordance with Part IV, Point 9. the German uranium mines near Hirschberg/Jelenia Gora - Schmiedeberg/Kowary at the foot of the Giant Mountains in Lower Silesia, which then became Polish, and the Bulgarian uranium mines operated by Germans from 1938 onwards near Buchovo near Sofia, as well as Romanian facilities in western Romania near Baita in the Bihor Mountains (Sanokojew, Zybulewski, Teheran, Yalta, Potsdam, Dokumentensammlung, Moscow 1978, p. 422 f.).

In April 1946, the first Soviet-commissioned and managed uranium ore extraction in the Saxon Ore Mountains took place in Johanngeorgenstadt and in August 1946 in the Oberschlema mining district with the NKVD's own units and contractually involved German workers.

With Order No. 128 of the Main Administration of the SMAD, Marshal of the Soviet Union W. Sokolowski of 26 May 1947 and Order No. 131 of the Soviet Military Administration of Saxony (SMA/Sachsen) of 30 May 1947, German mining operations in Johanngeorgenstadt, Schneeberg, Oberschlema, Annaberg, Lauter and Marienberg as well as the Pechtelsgrün enrichment plant were transferred to the SMAD. On 30 May 1947, German Saxon mining operations in Johanngeorgenstadt, Schneeberg, Oberschlema, Annaberg, Lauter and Marienberg as well as the Pechtelsgrün enrichment plant were transferred to the ownership of the USSR in favour of the German reparations account on the basis of the resolutions of the Berlin (Potsdam) Conference of the three Allied victorious powers USSR, USA and Great Britain (document in Brumme, 2021: 159; Baar, Karlsch, Matschke, 1993: 937).

The (Soviet) State Joint Stock Company of the Non-ferrous Metals Industry "Wismut" decided at the general meeting on 4 June 1947 in Moscow through its two shareholders in the person of the Main Administration for Soviet Property Abroad at the Council of Ministers of the USSR and the State Joint Stock Company of the Non-ferrous Metals Industry "Medj" to establish a branch office in Germany with the allocation of capital in the amount of 7.000,000

(seven million) Reichsmarks and the granting of powers of attorney to the Chairman of the Board of Directors of the company, P. A. Sedyschew, to carry out actions connected with the registration of the company in Germany. This also corresponded to the Reich-German Stock Corporation Act of 30 January 1937 (RGBl. I No. 15 of 4 February 1937), which continued to apply throughout the territory of the remaining German Reich, with § 37 on branches of companies with foreign registered offices (document in Brumme, 2021: 160).

In a letter dated 6 June 1947, received by the district court, commercial register department in Aue, Land Saxony on 15 July 1947, the State Joint Stock Company of the Non-ferrous Metals Industry "Wismut", based in Moscow, registered the branch office in Germany under the name State Joint Stock Company of the Non-ferrous Metals Industry "Wismut". In accordance with Section 37 of the German Reich Stock Corporation Act of 30 January 1937, the object of the company was defined as the extraction, mining and sale of coloured metals, both within the territory of the USSR and abroad. The amount of the share capital was stated as 50,000,000 (fifty million) roubles divided into 5,000 (five thousand) registered shares with a nominal value of 10,000 (ten thousand) roubles each (document in Brumme, 2021: 161). This company was entered in the commercial register of the Aue District Court on 2 July 1947 under commercial register number HR B 33 (document in Brumme, 2021: 162). Due to ongoing misinformation, even from German federal authorities and the Saxon Academy of Sciences, it is clearly pointed out here that a "Wismut AG" never existed. The company was also not called "Sowjetische Aktiengesellschaft Wismut", but "Staatliche Aktiengesellschaft Wismut". Clarity is needed here, as according to the applicable Reich German Stock Corporation Act §§ 4 Para. 1, 16 Para. 3 No. 1, 37 Para. 5, the company name is the name of the merchant - only under the correct company name can legal action be effectively brought and sued in court and shares acquired or sold. In other words: Even a legally binding judgement by a German court against a "Wismut AG" was and is not enforceable, as there was and would be an obstacle to enforcement in the case of a company that did not exist or did not exist.

In this corporate form, structure and company name, this company was comparable to 213 companies that were formed in 34 other USSR state joint-stock companies (SAGs) on German soil, such as the Agfa film factory in Wolfen, the Zeitz hydrogenation works and the Eisenach automobile works (SAG EAW), which, like SAG Wismut, was formed to fulfil the reparations claims of the USSR and Poland against Germany on the basis of the resolutions of the Potsdam Conference of the three Allied victorious powers, the USSR, the USA and Great Britain. These SAGs were established on the basis of Order No. 167 of the Soviet Military Administration Germany (SMAD) of 5 June 1946. June 1946 "On the transfer of companies in

Germany to the ownership of the USSR on the basis of reparation claims", the reparation work that had been carried out until then was ended by the dismantling of entire companies and transport to the USSR with reconstruction there, and the transition was made to removal from ongoing production with export of the products to the Soviet Union (Baar, Karlsch, Matschke, 1993, Volume II/2: 933). The legal form of this SAG was based on the New Economic Policy (NEP) introduced by Lenin in 1921 in what was then Soviet Russia to promote domestic private initiative in the economy in conjunction with the creation of incentives for foreign investment and capital participation. Particularly in the relationship between the USSR and Germany, the Treaty of Rapallo between the newly founded USSR and Germany from 1922 onwards meant that thousands of German skilled workers, foremen, engineers and managers voluntarily went to work in the USSR and, with massive German capital investment and German expertise, helped to plan and build the new Soviet heavy industry, including entire armaments factories with the latest technology worldwide. Financially, this also included the purchase in 1923 of the Vereinsbank Naundorf, Grimma district, founded in 1899, for a nominal amount of 100 million Reichsmarks by the State Bank of the USSR, which was transformed into the Garantie- und Kreditbank AG, primarily to handle export and import transactions between the USSR and the German Reich. This bank was revived by the Soviet Union on 7 February 1946 after being administered in trust by the German Reichskommissar für feindliches Vermögen (Reich Commissioner for Enemy Assets) in 1941 and resumed its business as a Soviet bank with a capital base of 150 million Reichsmarks and direct subordination to the finance department of the Soviet Military Administration in Germany (SMAD). It served the financial settlement of foreign trade transactions in the Soviet Occupation Zone and was also the account-holding bank for all USSR state corporations in Germany (SAG), including SAG Wismut, until its dissolution in 1953 (Sächsisches Staatsarchiv, Bestand 21046: 1, 3). The USA was in second place in terms of foreign investment in the development of Soviet heavy industry, mechanical engineering and the defence industry, while the participation of other Western European countries was insignificant (Spohn, 1975: 233). This system of purely Soviet and also mixed Soviet-foreign companies, including numerous joint-stock companies, was used by the Soviet Union to create its industrial foundations until 1941 mainly within the USSR and from 1945 to 1953 also internationally, such as in the Soviet Occupation Zone, occupied Romania and Bulgaria as well as Soviet-occupied Eastern Austria, and from 1941 to 1945 additionally via the Lend Lease Programme with the USA and Great Britain (Spohn, 1975: 244 f.).

It was and still is often unknown that after 1945, the German Civil Code (BGB) of 18 August 1896 (except for family law and parts of labour law) remained in force in the Soviet

occupation zone of Germany and from 1949 in the newly founded GDR until 1976, as did the German Limited Liability Companies Act of 20 April 1892 and the German Commercial Code (HGB) of 10 May 1897, each in the version valid in 1945 until 30 June 1990. In the GDR, for example, there was MITROPA as Mitteleuropäische Schlaf- und Speisewagen AG for the entire GDR period until 1990, the globally operating GDR airline Interflug GmbH as well as several GDR foreign trade companies such as Forum Außenhandelsgesellschaft mbH as the operator of the Intershop shops, IMES GmbH, IMEX GmbH and a separate import-export GmbH for each branch of industry, such as Bergbau-Handel Gesellschaft für Ausfuhr und Einfuhr von Bergbauerzeugnissen mbH until 1990. The activities of SAG in the Soviet Occupation Zone and also later from 1949 in the GDR were thus essentially realised on the basis of the civil and commercial law of the German Reich, which continued to apply. SAG Wismut and SDAG Wismut were also subject to German jurisdiction, whereby disputes with other companies were initially, as in the entire Soviet Occupation Zone and the GDR, the responsibility of the civil courts with the instances of the district court, district court and supreme court. With the establishment of the State Contract Court as a state organ of the GDR Council of Ministers on 6 December 1951, the Karl-Marx-Stadt District Contract Court was the first instance court for SAG Wismut and, from 1954, SDAG Wismut, while the Central Contract Court in Berlin was the second and final instance court for disputes with other companies. Citizens could assert claims against SAG Wismut and SDAG Wismut, such as for the use of fields and other land, before the civil courts. With regard to labour law, as in the entire Soviet Occupation Zone, the German Civil Code (BGB) with its rules on employment contracts continued to apply, which is why the German workers of the initially active Soviet search and exploration group, the forerunner of SAG Wismut, concluded purely voluntary employment contracts in 1946. Obligations to work at SAG Wismut were issued by the local labour offices for a short time from 1947 and only for up to six months, although this was also applied by the Western Allies to work in other companies and also in the Western zones on the basis of occupation law. As early as 1948, due to the technical unsuitability and lack of motivation of the conscripted employees under the first General Director Malzew of SAG Wismut, only voluntary contractual arrangements were made with employees who were motivated by significantly higher earnings, better provision of food, clothing and equipment and Wismut's own expanded healthcare system. From 1961, the new Labour Code (GBA) applied not only generally in the GDR, but also at SDAG Wismut. It was replaced in 1978 by the Labour Code (AGB), which also applied in full at SDAG Wismut. Long-term framework collective agreements (RKV) were agreed between the Wismut Industrial Union (IG Wismut), founded in 1950, and SDAG Wismut, in

which details of the employment contracts, employee benefits and stimulation with wages, salaries, the tax-free Wismut surcharge and bonuses as well as holidays and also the excise-free (tax-free) drinking brandy were regulated. Although there were differences to the RKV with the IG Bergbau, which also worked for the GDR mining companies, they were not fundamentally different. SDAG Wismut had to fully comply with the GDR's technical health and safety regulations for underground and surface work as well as for radiation protection, which was continuously monitored by the GDR's Supreme Mining Authority and the GDR's Radiation Protection Commission, for example. In terms of labour law, SAG Wismut and SDAG Wismut were therefore integrated into the generally prevailing legal system of the Soviet Occupation Zone and, from 1949, the GDR. There was no "state within the state" in the person of these two companies SAG Wismut and SDAG Wismut in this respect either.

In the area of mining law, the basic mining laws of the individual German states from their former times as kingdoms and principalities or counties continued to apply until 1918, such as in Saxony the General Mining Act for the Kingdom of Saxony of 16 June 1868 and the General Mining Act for the Prussian States of 24 June 1865 (parts of today's Free State of Thuringia belonged to Prussia until 1918) until the GDR Mining Act came into force on 12 June 1969. Due to the complexity of the individual principalities, counties and dioceses in relation to the then new state borders from 1918 and the simple lack of knowledge of the many small state mining law regulations there, the GDR Mining Act of 12 May 1969 stipulated in Section 34 (2) (f) in conjunction with (1) that all other (unnamed) legal provisions contrary to this Act would (also) cease to apply on 12 June 1969. Relevant to mining law was the fact that in the 1949 protocol between the GDR and the USSR, SAG Wismut and then in the 1953 and 1962 agreements, SDAG Wismut was granted the right to free geological search and exploration of "non-ferrous metals" in the entire territory of the GDR. In return, SDAG Wismut had to make data on other raw materials found during its search and exploration available to the GDR free of charge (Pose, 2019: 462 ff. with further references). This was also realised in the same way as for deposits of tin, silver, fluorite and pyrite.

With the establishment of the 35 different SAGs in the Soviet Occupation Zone, including the SAG Wismut, the USSR utilised both Soviet laws from the period from 1922 and the German legal situation in the Soviet Occupation Zone, which lasted until 1990, and in the GDR from 1949. This was not known at all or only in an extremely rudimentary form to economic historians, mining historians and military historians in their academic work on SAG Wismut and Soviet-German Joint Stock Company Wismut (hereinafter SDAG Wismut) during GDR times until 1990 and is still known today. For this reason, SDAG Wismut is still being

spoken and written about as a "state within a state" with self-created legal provisions outside of the GDR legal situation.

After the founding of the GDR on 7 October 1949, the Council of Ministers of the USSR decided under No. 5252-2015 ss to negotiate with the temporary government of the GDR on issues relating to the activities of the department of the Soviet State Joint Stock Company "Wismut" in Germany. In a protocol drawn up for this purpose, both sides stated, among other things, that the government of the GDR would take all necessary measures to ensure the first-class supply of "Wismut" and that "Wismut" had the right to export its entire production from Germany to the Soviet Union, whereby payment for the production to be exported was to be made at the expense of the revenues of the Soviet state joint-stock companies in Germany and partly at the expense of reparations deliveries from Germany (Pose, 2019: 462 with further references)

Wismut was thus integrated into the economic regime of the Soviet Occupation Zone (SBZ) and, from 1949, the GDR, on the basis of existing Reich-German laws and enjoyed some privileges, but did not act on the basis of its own rules as a "state within a state". This was also made very clear by the Ordinance on Deliveries and Services to the Armed Forces - Delivery Ordinance (LVO) of the GDR of 1965, which was based on the Defence Act of the GDR, with its ongoing amendments. According to Section 3 (1) and (2), SDAG Wismut was to be given preference for its economic relations as a customer for deliveries and services to GDR companies as being on an equal footing with the armed forces, but only after the Ministry of National Defence, the Ministry of the Interior and the Ministry of State Security. The same applied in practice to the subsequent order of the GDR Council of Ministers of 25 November 1985 on the priority material and technical safeguarding of the state tasks of SDAG Wismut in the five-year plan period 1986-1990 in accordance with § 26 Paragraph 1 of the GDR Treaty Act. For reasons of secrecy, SDAG Wismut was not listed as such in the GDR balance sheet regulations with the balance sheets for labour and materials (MAK balance sheets), but as "Technisches Kontor Fondträger 7211" in the state-owned economy of the GDR and appeared as such in economic transactions (document in Brumme, 2021: 283). In the State Planning Commission of the GDR, the needs of SDAG Wismut were represented by a special Eichmann group; in the balancing of , this was done by the Kress working group after detailed justification of SDAG Wismut's needs by SDAG Wismut. The requirements initially announced by SDAG Wismut were therefore not decided in full without examination, but had to be specifically defended. It should be noted that this accounting in the GDR regulated the state allocation of labour, materials and raw materials to companies - i.e. not the accounting under commercial

law with a comparison of assets and capital to debts and liabilities in accordance with the German Commercial Code. With regard to the realisation of this aforementioned order of the GDR Council of Ministers, an extra-legal working group was set up after 1985 under Günter Mittag as Secretary for Economics of the Central Committee of the SED. This working group, which was actually only a "political party" group, independently and extralegally prioritised the allocation of materials and raw materials, also at the expense of SDAG Wismut, due to the increasing shortage economy in the GDR. The background to this was the international agreements between the USA and the USSR on the limitation of strategic armaments (Strategic Arms Limitation Treaties - SALT I and SALT II) of 1972 and 1974 and subsequently on the reduction of strategic armaments (Strategic Arms Reduction Talks - START) agreed in the course of global political developments, which meant that from 1985 at the latest, the uranium requirement for Soviet nuclear weapons could no longer be realised as a priority. As a further practical line of securing SDAG Wismut's requirements outside the GDR's balance sheet system, a further technical assistance contract was concluded between the two states every five years on the basis of the respective version of the international treaty between the USSR and the GDR. This Technical Assistance Agreement regulated direct contractual relationships for SDAG Wismut in the areas of materials and equipment as well as the temporary deployment of Soviet specialists for weeks or months at a time for certain special projects and projects at SDAG Wismut between the GDR Metallurgy Trade Group and the Soviet company Techsnabexport.

On 22 August 1953, the governments of the USSR and the GDR reached an agreement on the establishment of the two-state SDAG Wismut. On 28 November 1953, the general meeting of shareholders of the State Joint Stock Company of the Bismut Non-ferrous Metals Industry decided: "The division of the State Joint Stock Company Wismut in the German Democratic Republic will be liquidated." (Document in Brumme, 2021, Chemnitz, p. 163). Contrary to statements made almost universally in German and Russian scientific and official publications, such as in the book "Uran dlja mira" by the former Soviet specialist NP Wismutyani in SDAG Wismut, there was no "reorganisation" of SAG Wismut into the Soviet-German joint stock company Wismut, which was only subsequently founded on 21 December 1953. SDAG Wismut was also not a legal successor to SAG Wismut. This SDAG Wismut was entered in the list of state-owned companies on 21 December 1953 under commercial register number HRC 77 580 (document in Brumme, 2021, Chemnitz, p. 164). Even this entry in the commercial register at the time was so grossly incorrect, as the entry on the commercial register sheet of the liquidated SAG Wismut was continued as "SDAG Wismut". According to a CIA

information report of 31 March 1954, which was particularly strictly protected as "Secret Control - U.S. Officials Only", the USA assumed that the foundation of the two-state "German-Russian company" (note: this refers to SDAG Wismut) was intended to continue the activities of the previous "Wismut A.G.", which was also incorrectly named there, for the period after a peace treaty with Germany (CIA, 1954: 1). However, there is no published Soviet or Russian source for this, nor any German-language source from the GDR or/and the Federal Republic of Germany.

In accordance with the agreement between the USSR and the GDR signed in Moscow on 22 August 1953 to establish the Soviet-German joint stock company Wismut, the USSR transferred to this company all the operations of SAG Wismut with its basic and current assets at the balance sheet values on 1 January 1954 amounting to DM 2,000,000 (DM 2 billion) in accordance with Article 3. According to Article 4, the GDR was to pay the USSR an amount of DM 1 billion in equal instalments over the course of five years, with this amount being used to pay for Wismut's production (Boch, Karlsch, 2011, vol. 2: 195). From 1954 to 1956, the GDR paid 200 million marks each time, totalling 600 million marks on this share capital. The remaining sum of 400 million marks was waived by the USSR in 1957 in the course of renegotiating the prices for uranium deliveries (Karlsch, 1993: 22 with reference to the Selbmann estate).

Until 1990, SDAG Wismut actively searched and explored for uranium and extracted and processed uranium ore in the GDR. Until 1990, SAG Wismut and SDAG Wismut delivered around 216,000 tonnes of enriched metallic uranium from the mined and processed uranium ore to the USSR without exception - that was more than the other Central and Eastern European uranium producers Czechoslovakia (112,250 tonnes), Bulgaria (21,000 tonnes), Romania (16,850 tonnes), Hungary (16,575 tonnes) and Poland (1,000 tonnes) together with 167,675 tonnes and also more than the Soviet Union itself with 189,486 tonnes (OECD, NEA, 2008: 39 in conjunction with OECD, NEA, 1994: 36). The average uranium content in the ore was 0.1 to 0.2 % in the western Erzgebirge and 0.1 % in the Ronneburg ore field in eastern Thuringia.

After German reunification, the USSR and the Federal Republic of Germany agreed in the transition treaty of 9 October 1990, Article 8, to discontinue the business activities of SDAG Wismut as of 1 January 1991. The Soviet shareholding of 50% was transferred to the Federal Republic of Germany free of charge and the Soviet side was released from the obligation to contribute to the costs of decommissioning, remediation and recultivation work (document in Brumme, 2021: 291). The remediation costs have already cost 7.5 billion euros by the end of 2023. These costs are estimated to total 9 billion euros by 2050. In 1990, the Soviet side still

wanted to use SDAG Wismut, with its broad base including a scientific and technical centre, a project planning company, a construction company, a motor vehicle and rationalisation plant and two mechanical plants, as a springboard for its own economic activities in Central and Western Europe (author's own knowledge, exemplary document in Brumme, 2021: 286). These ideas, which were unrealistic from the very outset, were realised after the estimates of the reorganisation costs of around DM 4 - 5 billion (= around EUR 2 - 2.5 billion) by the German side, an estimated DM 10 billion (= around EUR 5 billion) by the US side, and the primarily economic reasons for the decision were made public. The Soviet Union gave up on the project due to the failure of negotiations between SDAG Wismut and a French nuclear energy company, COGEMA, to take over the Königstein youth mine in Saxon Switzerland and the Drosen mine, mainly for economic reasons. The Soviet Union was not economically able to raise the capital for a stake in competitive parts of SDAG Wismut's non-mining activities, nor could it bear 50% of the burden of reorganising SDAG Wismut.

SDAG Wismut was subsequently converted into Wismut GmbH, in which the Federal Republic of Germany is the sole shareholder, in accordance with Sections 1 and 6 of the Act on the Agreement of 16 May 1991 between the Government of the Federal Republic of Germany and the Government of the Union of Soviet Socialist Republics on the Termination of the Activities of the Soviet-German Joint Stock Company Wismut (Commercial Register District Court Chemnitz/City or now Commercial Register B of Chemnitz Local Court, Commercial Register number HR B 3912). This current entry from 27 February 2025 is also incorrect, as the entry from 20 December 1991 refers to "previously in VEB register no. 580". According to the above information, the entry for SAG Wismut as the successor to SAG Wismut is grossly incorrect in "VEB-Register 580". This would make the current Wismut GmbH the involuntary and risky legal successor to SAG Wismut. The author is unable to understand why SDAG Wismut did not correct the commercial register until 1991 and then Wismut GmbH from 1991 onwards, despite repeated concrete indications of the risks involved.

2. basic categorisation of SAG Wismut and SDAG Wismut in German law

With the foundation of the purely Soviet SAG Wismut as a branch of the State Joint Stock Company Wismut of the USSR's non-ferrous metals industry in Saxony, Germany in 1947, a legally permissible combination of Soviet and German company law took place, in particular the company law of its own kind. Uranium mining in Saxony was thus no longer operated as a secret service organisation, but as a company under commercial law. Even this company was run as a military organisation due to the First Department of the Council of Ministers (the government) of the USSR and its ministries acting as formal legal shareholders,

although from 1953 the outward military appearance was softened by the civilian clothing of the Soviet managers and specialists who were called up to SAG Wismut as officers.

In previous academic analyses of both SAG Wismut, which was active until 1953, and SDAG Wismut, which has been active since 1954, the fact that this corporate structure limited the company's liabilities to creditors only to the company's assets in accordance with Section 48 (2) of the German Reich Stock Corporation Act, which remains in force. The state in the person of the German Reich, the state of Saxony, the Soviet Occupation Zone, the USSR or/and the GDR therefore did not bear the liability risk for liabilities or legacy liabilities. Incidentally, even the Federal German side recognised this as early as 1977 as an advantage of founding a corporation in another host country with regard to uranium mining (Donndorf, 1977: 20). This was and is largely unknown, but was a basis for the corporate transfer of the two-state SDAG Wismut into the only federal German Wismut GmbH in accordance with the above-mentioned federal German law of 16 May 1991.

It is also noted that in the mid-1950s, the development of a nuclear energy industry in the GDR with up to 20 nuclear power plants on the territory of the GDR was first discussed politically and then prepared economically, economically and scientifically. This was intended to replace the increasingly expensive extraction and refinement of lignite. From the GDR's perspective, the GDR had the largest uranium ore deposits in Europe and the world's strongest mechanical engineering industry (Siegmar-Schönau, a district of Chemnitz, was the world's largest mechanical engineering centre until 1938), including highly developed specialists, while the Soviet Union had the scientific and technological lead in power plant construction and the potential for uranium smelting. From this perspective, a two-state society could bring advantages to both sides, as the Soviet Union had a large demand for uranium, but too few uranium reserves and stocks for military and civilian use. Uninterrupted or relatively uninterrupted access to the necessary large quantities of uranium ore as a raw material could not be secured solely through long-term supply contracts with foreign producers. Such supply contracts are subject to the volume fluctuations of the uranium market, both in terms of uranium prices and in terms of jeopardising the necessary security of supply. This applies to export stops for purely political reasons, such as in Australia, the effects of the development of the nuclear energy industry in more and more countries with the resulting increase in demand and associated price increases. The raw material countries have benefited and continue to benefit from the associated general development of the economy and infrastructure as well as access to technological expertise and capital. The uranium ore producers are also gaining the necessary market knowledge to ensure the smooth sale of the jointly generated raw material products,

initially in the form of enriched uranium ore through to the production of 70 per cent yellow cake. This was and is not a special feature of the relationship between the GDR and the Soviet Union, but was also openly regarded as sensible by the Federal Republic of Germany for its own uranium security in other countries. From the West German point of view, the form of a joint stock company was even seen as advantageous because it essentially limited liability to the company's assets, the internal consolidation and continuity of the co-operation met the need for security on both sides and a company founded in the raw materials country with a substantial national shareholding would be less exposed to political pressure than a company with only or predominantly foreign funds (Donndorf, 1977: 2, 3, 19 - 21). In the GDR, however, the scientific dispute over the purchase of certain, fundamentally different nuclear reactor technologies such as pressurised water reactors, natural uranium plants and fast breeder reactors was transferred to the government's fluctuating work, which ultimately did not lead to a decision. Furthermore, nuclear energy research was incorrectly focussed on theoretical nuclear physics rather than on applicable nuclear technology for nuclear power plant construction and operation. As a result, nuclear energy development was not sufficiently concentrated by the GDR and ultimately could not be realised due to the lack of the GDR's own capabilities in general, including those of GDR mechanical engineering (Strauß, 2011: 488 f., 522 f., 621 with further references).

SAG Wismut and SDAG Wismut were always recipients of subsidies from the state budget of the USSR or the state budgets of the USSR and the GDR. Their existence secured the USSR the majority of the enriched uranium it needed for nuclear weapons production. Formally, both companies complied with the 1937 Reich German Stock Corporation Act, which remained in force in the Soviet Occupation Zone and the GDR until 1990. Due to the fact that the purchase prices practically dictated by the Soviet Union did not cover their own costs for uranium production, even according to Soviet estimates it would have been necessary to almost double this foreign trade price in the 1980s. However, the Soviet Union was unwilling and unable to pay this. This is why Erich Honecker, as General Secretary of the SED, made the following drastic assessment at the meeting of the SED Politburo on 10 December 1985: "... Never again such joint ventures where we bear the costs." (Boch, Karlsch, 2011, vol. 2: 357). The GDR thus continued to bear its share of the costs of SDAG Wismut's uranium mining operations for purely political reasons as its own contribution to the defence of the socialist camp until 1989.

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