



International Atomic Energy Agency

INFORMATION CIRCULAR

INFCIRC/71/Mod.1

30 January 1975

GENERAL Distr.

Original: ENGLISH

THE TEXT OF A SAFEGUARDS TRANSFER AGREEMENT RELATING TO A
BILATERAL AGREEMENT BETWEEN VIET-NAM AND THE
UNITED STATES OF AMERICA

Protocol of suspension

1. The text[1] of the Protocol suspending the Safeguards Transfer Agreement of 25 November 1964 between the Agency, Viet-Nam and the United States of America[2] is reproduced in this document for the information of all Members.
2. The Protocol entered into force on 9 January 1974, pursuant to Section 3 thereof.

[1] The footnotes to the text have been added in the present information circular.

[2] Reproduced in document INFCIRC/71.

PROTOCOL SUSPENDING THE AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF VIET-NAM FOR THE APPLICATION OF SAFEGUARDS AND PROVIDING FOR THE APPLICATION OF SAFEGUARDS PURSUANT TO THE NON-PROLIFERATION TREATY

The International Atomic Energy Agency (hereinafter referred to as the "Agency"), the Government of the Republic of Viet-Nam, and the Government of the United States of America;

Recognizing that the Agency has been applying safeguards in accordance with the provisions of the Agreement between the International Atomic Energy Agency, the Government of the United States of America, and the Government of the Republic of Viet-Nam for the Application of Safeguards signed on 18 September and 25 November 1964[2] (hereinafter referred to as the "Safeguards Transfer Agreement") to materials, equipment and facilities required to be safeguarded under the Agreement for Co-operation between the Government of the United States of America and the Government of the Republic of Viet-Nam concerning Civil Uses of Atomic Energy signed on 22 April 1959, as amended[3], (hereinafter referred to as the "Agreement for Co-operation") to ensure, so far as it is able that they will not be used in such a way as to further any military purpose;

Recognizing that the Republic of Viet-Nam, as a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as the "Treaty") has negotiated with the Agency an Agreement for the Application of Safeguards[4] (hereinafter referred to as the "Treaty Safeguards Agreement") pursuant to paragraph 1 of Article III of the Treaty;

Recognizing that Article 23 of the Treaty Safeguards Agreement provides for the suspension of Agency safeguards applied pursuant to other safeguards agreements with the Agency;

Recognizing that under Article IX of the Agreement for Co-operation the Government of the Republic of Viet-Nam has guaranteed that no material, including equipment and devices, transferred to the Government of the Republic of Viet-Nam or authorized persons under its jurisdiction from the United States of America pursuant to the Agreement for Co-operation will be used for any military purpose;

Have agreed:

1. The Treaty Safeguards Agreement shall be applied as therein provided, and the Safeguards Transfer Agreement shall be deemed to be suspended during the time and to the extent that the Treaty Safeguards Agreement is in force and safeguards specified in the Treaty Safeguards Agreement are being applied by the Agency.

2. In the event that the Government of the Republic of Viet-Nam intends to exercise its discretion in accordance with Article 14 of the Treaty Safeguards Agreement to use any nuclear material required to be safeguarded under that Agreement in a military activity not proscribed by the Treaty, the Government of the Republic of Viet-Nam will satisfy the Agency and the Government of the United States of America that such material is not subject to the guarantees made to the Government of the United States of America by the Government of the Republic of Viet-Nam in Article IX of the Agreement for Co-operation, and that no materials, equipment or facilities transferred from the United States of America to the Republic of Viet-Nam under the Agreement for Co-operation are involved in such use;

[3] United Nations Treaty Series, Vol. 347, p. 113, and Vol. 529, p. 356 respectively.

[4] Reproduced in document INFCIRC/219.

3. This Protocol shall enter into force on the same date as the Treaty Safeguards Agreement.

DONE in Mexico City, this third day of October 1972, in triplicate in the English language.

For the INTERNATIONAL ATOMIC ENERGY AGENCY:

(signed) Sigvard Eklund

For the GOVERNMENT OF THE REPUBLIC OF VIET-NAM:

(signed) Le-Van-Thoi

For the GOVERNMENT OF THE UNITED STATES OF AMERICA:

(signed) T. Keith Glennan