

No. 9114

**INTERNATIONAL ATOMIC ENERGY AGENCY,
REPUBLIC OF KOREA
and UNITED STATES OF AMERICA**

**Agreement for the application of safeguards. Signed at
Vienna, on 5 January 1968**

Official text : English.

Registered by the International Atomic Energy Agency on 21 May 1968.

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AGENCE INTERNATIONALE DE L'ÉNERGIE ATOMIQUE,
RÉPUBLIQUE DE CORÉE
et ÉTATS-UNIS D'AMÉRIQUE**

**Accord pour l'application de garanties. Signé à Vienne,
le 5 janvier 1968**

Texte officiel anglais.

Enregistré par l'Agence internationale de l'énergie atomique le 21 mai 1968.

No. 9114. AGREEMENT¹ BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF THE REPUBLIC OF KOREA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR THE APPLICATION OF SAFEGUARDS. SIGNED AT VIENNA, ON 5 JANUARY 1968

WHEREAS the Government of the Republic of Korea and the Government of the United States of America have been co-operating on the civil uses of atomic energy under their Agreement for Co-operation of 3 February 1956,² as amended by agreements signed on 14 March 1958³ and 30 July 1965,⁴ which requires that equipment, devices and materials made available to Korea by the United States be used solely for peaceful purposes and establishes a system of safeguards to that end;

WHEREAS the Agreement for Cooperation reflects the mutual recognition of the two Governments of the desirability of arranging for the Agency to administer safeguards as soon as practicable;

WHEREAS the Agency is, pursuant to its Statute and the action of its Board of Governors, now in a position to apply safeguards in accordance with the Agency's Safeguards Document and Inspectors Document;

WHEREAS the two Governments have reaffirmed their desire that equipment, devices and materials supplied by the United States under the Agreement for Cooperation or produced by their use or otherwise subject to safeguards under that Agreement shall not be used for any military purpose and have requested the Agency to apply safeguards to such materials, equipment and facilities as are covered by this Agreement; and

WHEREAS the Board of Governors of the Agency approved that request on 22 September 1967;

¹ Came into force on 5 January 1968 by signature, in accordance with Part VIII, Section 32.

² United Nations, *Treaty Series*, Vol. 240, p. 129.

³ United Nations, *Treaty Series*, Vol. 316, p. 358.

⁴ United Nations, *Treaty Series*, Vol. 578, p. 268.

NOW, THEREFORE, the Agency and the two Governments agree as follows :

Part I

DEFINITIONS

Section 1. For the purposes of this Agreement :

- (a) "Agency" means the International Atomic Energy Agency.
- (b) "Board" means the Board of Governors of the Agency.
- (c) "Agreement for Cooperation" means the agreement between Korea and the United States for co-operation on the civil uses of atomic energy signed on 3 February 1956, as amended by agreements signed on 14 March 1958 and 30 July 1965.
- (d) "Inspectors Document" means the Annex to Agency document GC (V)/INF/39, which was placed in effect by the Board on 29 June 1961.
- (e) "Inventory" means either of the lists of material, equipment and facilities described in Section 10.
- (f) "Nuclear material" means any source or special fissionable material as defined in Article XX of the Agency's Statute.¹
- (g) "Safeguards Document" means Agency document INFCIRC/66, which was approved by the Board on 28 September 1965, including the Annex setting forth provisions for reprocessing plants set forth in Agency document GC (X)/INF/86, which was approved by the Board on 17 June 1966.
- (h) "United States" means the Government of the United States of America.
- (i) "Korea" means the Government of the Republic of Korea.

Part II

UNDERTAKINGS BY THE GOVERNMENTS AND THE AGENCY

Section 2. Korea undertakes that it will not use in such a way as to further any military purpose any material, equipment or facility while it is listed in the Inventory for Korea.

Section 3. The United States undertakes that it will not use in such a way as to further any military purpose any special fissionable material, equipment or facility while it is listed in the Inventory for the United States.

¹ United Nations, *Treaty Series*, Vol. 276, p. 3 and Vol. 471, p. 334.

Section 4. The Agency undertakes to apply its safeguards system in accordance with the provisions of this Agreement to materials, equipment and facilities while they are listed in the Inventories to ensure so far as it is able that they will not be used in such a way as to further any military purpose.

Section 5. Korea and the United States undertake to facilitate the application of safeguards and to co-operate with the Agency and each other to that end.

Section 6. The United States agrees that its rights under Article VI of the Agreement for Co-operation to apply safeguards to equipment, devices and materials subject to that Agreement will be suspended with respect to materials, equipment and facilities while they are listed in the Inventory for Korea. It is understood that no other rights and obligations of Korea and the United States between themselves under Article VI and under other provisions of the Agreement for Cooperation, including those arising by reason of paragraph B of Article VII, will be affected by this Agreement.

Section 7. If the Agency is relieved, pursuant to Section 23 (a), of its undertaking in Section 4, or if for any other reason the Board determines that the Agency is unable to ensure that any material, equipment or facility listed in an Inventory is not being used for any military purpose, the material, equipment or facility involved shall thereby automatically be removed from such Inventory until the Board determines that the Agency is again able to apply safeguards thereto. When, under this Section, an item is removed from the Inventory for either Government, the Agency may, at the request of the other Government, provide it with information available to the Agency about such material, equipment or facility in order to enable that Government to exercise effectively its rights thereto.

Section 8. Korea and the United States shall promptly notify the Agency of any amendment to the Agreement for Cooperation and any notice of termination given with respect to that Agreement.

Part III

INVENTORIES AND NOTIFICATIONS

Section 9. (a) An initial list of all the materials, equipment and facilities which are within the jurisdiction of Korea and subject to the Agreement for Cooperation shall be prepared by the two Governments and submitted jointly to the Agency as promptly as feasible after the entry into force of this Agreement. The Agency's acceptance thereof shall establish

the Inventory for Korea and the Agency will thereupon commence applying safeguards to such materials, equipment and facilities.

(b) Thereafter Korea and the United States shall jointly notify the Agency of :

- (i) Any transfer from the United States to Korea under their Agreement for Cooperation of materials, equipment or facilities;
 - (ii) Any transfer from Korea to the United States of any special fissionable material which has been included in the Inventory for Korea pursuant to Section 12; and
 - (iii) Any other materials, equipment and facilities which as a consequence of the transfers referred to in (i) and (ii) above come within the scope of the Category described in Section 10 (b) or (e).
- (c) The Agency shall, within 30 days of its receipt of a joint notification, advise both Governments either :
- (i) That the items covered by the notification are listed in the appropriate Inventory as of the date of the Agency's advice; or
 - (ii) That the Agency is unable to apply safeguards to such items, in which case, however, it may indicate at what future time or under what conditions it would be able to apply safeguards thereto if the Governments so desire.

Section 10. The Agency shall establish and maintain the Inventory with respect to each Government which shall be divided into three Categories.

(a) Category I of the Inventory with respect to Korea shall list :

- (i) Equipment and facilities transferred to Korea.
- (ii) Material transferred to Korea or material substituted therefor in accordance with paragraph 25 or 26 (d) of the Safeguards Document;
- (iii) Special fissionable materials produced in Korea, as specified in Section 12, or any material substituted therefor in accordance with paragraph 25 or 26 (d) of the Safeguards Document; and
- (iv) Nuclear materials, other than those which are listed under (ii) or (iii) above, which are processed or used in any of the materials, equipment or facilities listed under (i), (ii) or (iii) above, or any material substituted therefor in accordance with paragraph 25 or 26 (d) of the Safeguards Document.

(b) Category II of the Inventory with respect to Korea shall list :

- (i) Any facility while it incorporates any equipment listed in Category I of the Inventory for Korea; and