

No. 9316

**INTERNATIONAL ATOMIC ENERGY AGENCY,
JAPAN and UNITED STATES OF AMERICA**

**Agreement for the application of safeguards by the Agency
to the bilateral agreement between those Governments
concerning civil uses of atomic energy. Signed at
Vienna, on 10 July 1968**

Official text: English.

Registered by the International Atomic Energy Agency on 20 November 1968.

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

**Accord pour l'application de garanties par l'Agence à
l'accord bilatéral entre ces Gouvernements concernant
l'utilisation de l'énergie atomique à des fins civiles.
Signé à Vienne, le 10 juillet 1968**

Texte officiel anglais.

Enregistré par l'Agence internationale de l'énergie atomique le 20 novembre 1968.

No. 9316. AGREEMENT ¹BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF JAPAN AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR THE APPLICATION OF SAFEGUARDS BY THE AGENCY TO THE BILATERAL AGREEMENT BETWEEN THOSE GOVERNMENTS CONCERNING CIVIL USES OF ATOMIC ENERGY. SIGNED AT VIENNA, ON 10 JULY 1968

WHEREAS the Government of the United States of America and the Government of Japan are continuing to co-operate on the civil uses of atomic energy under their Agreement for Co-operation signed on 26 February 1968 ², which requires that equipment, devices and materials made available to Japan by the United States of America be used solely for peaceful purposes and establishes a system of safeguards to that end ;

WHEREAS the Agreement for Co-operation 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 ³ 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 of America under the Agreement for Co-operation 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 13 June 1968 ;

¹ Came into force on 10 July 1968 by signature, in accordance with Part IX, section 31.

² United Nations, *Treaty Series*, Vol. 683.

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

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 Co-operation " means the Agreement between the Government of Japan and the Government of the United States of America for Co-operation on the Civil Uses of Atomic Energy signed on 26 February 1968 ;
- (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 ;
- (g) " Safeguards Document " means Agency document INFCIRC/66/Rev. 1 and Annex II thereto, containing provisions for safeguarded nuclear material in conversion plants and fabrication plants, the text of which is set forth in Agency document GC(XII)/INF/99, which was approved by the Board in 13 June 1968.

Part II

UNDERTAKINGS BY THE GOVERNMENTS AND THE AGENCY

Section 2. The Government of Japan 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 the Government of Japan.

Section 3. The Government of the United States of America 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 Government of the United States of America.

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. The application of safeguards by the Agency to such equipment

and facilities shall be solely for the purpose of ensuring that nuclear materials produced, used or processed in such equipment or facilities are not used in such a way as to further any military purpose.

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

Section 6. The Government of the United States of America agrees that its rights under Article XI of the Agreement for Co-operation to apply safeguards to equipment, devices and materials subject to that Agreement will be suspended with respect to material, equipment and facilities while they are listed in the Inventory for the Government of Japan. It is understood that no other rights and obligations of the Government of Japan and the Government of the United States of America between themselves under Article XI and under other provisions of the Agreement for Co-operation 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 deleted from such Inventory until the Board determines that the Agency is again able to apply safeguards thereto. When, under this Section, an item is deleted 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. The Government of Japan and the Government of the United States of America shall promptly notify the Agency of any amendment to the Agreement for Co-operation and any notice of termination given with respect to that Agreement.

Part III

INVENTORIES AND NOTIFICATIONS

Section 9. (a) The inventories of materials, equipment and facilities within the jurisdiction of the Government of Japan and the Government of the United States of America which are, at the time this Agreement enters into force, subject to Agency safeguards under the Agreement between the United States of America, Japan and the Agency signed 23 September 1963 ¹

¹ United Nations, *Treaty Series*, Vol. 488, p. 99.

shall constitute the Inventories for the respective Governments under this Agreement and the Agency will continue to apply safeguards to such materials, equipment, and facilities.

(b) Thereafter the Government of Japan and the Government of the United States of America shall jointly notify the Agency of :

- (i) Any transfer from the United States of America to Japan under their Agreement for Co-operation of materials, equipment or facilities which are subject to safeguards under that Agreement ; and
- (ii) Any transfer from Japan to the United States of America of any special fissionable material which has been included in the Inventory for the Government of Japan pursuant to Section 12.

(c) Either the Government of Japan or the Government of the United States of America, whichever is concerned, shall also thereafter notify the Agency of any other equipment and facilities which as a consequence of the transfers referred to in paragraph (b) of this Section come within the scope of the category described in Section 10 (b) or (e).

(d) The Agency shall, within 30 days of its receipt of a notification under this Section, 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 which 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 the Government of Japan shall list :

- (i) Equipment and facilities transferred to Japan which are subject to safeguards under the Agreement for Co-operation ;
- (ii) Material transferred to Japan which is subject to safeguards under the Agreement for Co-operation or material substituted therefor in accordance with paragraph 25 or 26 (d) of the Safeguards Document ;
- (iii) Special fissionable materials produced in Japan, 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