

No. 9944

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

**Agreement for the application of safeguards. Signed
at Vienna on 30 September 1968.**

Authentic text: English.

Registered by the International Atomic Energy Agency on 13 October 1969.

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

**Accord pour l'application de garanties. Signé à Vienne le
30 septembre 1968**

Texte authentique: anglais.

Enregistré par l'Agence internationale de l'énergie atomique le 13 octobre 1969.

AGREEMENT¹ BETWEEN THE INTERNATIONAL ATOMIC
ENERGY AGENCY, THE GOVERNMENT OF TURKEY
AND THE GOVERNMENT OF THE UNITED STATES
OF AMERICA FOR THE APPLICATION OF SAFEGUARDS

WHEREAS the Government of Turkey and the Government of the United States of America have been co-operating on the civil uses of atomic energy under their Agreement for Cooperation of 10 June 1955,² as amended,³ which requires that equipment, devices and materials made available to Turkey 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 International Atomic Energy Agency to administer safeguards as soon as practicable;

WHEREAS the Agency is, pursuant to its Statute⁴ and the action of its Board of Governors, now in a position to apply safeguards in accordance with the Agency's Safeguards System;

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 20 September 1968;

¹ Came into force on 5 June 1969, the date on which the Agency had received from the two Governments written notification that they had complied with all statutory and constitutional requirements, in accordance with section 32 (b).

² United Nations, *Treaty Series*, vol. 238, p. 149.

³ *Ibid.*, vol. 407, p. 244, and annex A in volumes 549 and 593.

⁴ *Ibid.*, 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 Cooperation" means the agreement between Turkey and the United States for co-operation on the civil uses of atomic energy signed on 10 June 1955, as amended by agreements signed on 27 April 1961¹, 3 June 1965² and 11 May 1966³
- (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, 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) "Turkey" means the Government of Turkey.

Part II

UNDERTAKINGS BY THE GOVERNMENTS AND THE AGENCY

Section 2. Turkey 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 Turkey.

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. 407, p. 244.

² *Ibid.*, vol. 549, p. 288.

³ *Ibid.*, vol. 593, p. 304.

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 Categories I and II of 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. Turkey 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 and Turkey agree that their rights and obligations under the Agreement for Cooperation concerning the application of 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 Turkey. It is understood that no other rights and obligations of Turkey 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. Turkey 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 Turkey 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 Inven-

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

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

- (i) Any transfer from the United States to Turkey under their Agreement for Co-operation of materials, equipment or facilities;
- (ii) Any transfer from Turkey to the United States of any special fissionable material which has been included in the Inventory for Turkey 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 such safeguards are so desired by the Governments.

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 Turkey shall list :

- (i) Equipment and facilities transferred to Turkey.
- (ii) Material transferred to Turkey or material substituted therefor in accordance with paragraph 25 or 26 (d) of the Safeguards Document;
- (iii) Special fissionable materials produced in Turkey, 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 Turkey shall list :

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