

**No. 26967**

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**INTERNATIONAL ATOMIC  
ENERGY AGENCY  
and  
CHINA**

**Agreement for the application of safeguards in China. Signed  
at Vienna on 20 September 1988**

*Authentic text: Chinese.*

*Registered by the International Atomic Energy Agency on 11 December  
1989.*

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**AGENCE INTERNATIONALE  
DE L'ÉNERGIE ATOMIQUE  
et  
CHINE**

**Accord relatif à l'application de garanties en Chine. Signé à  
Vienne le 20 septembre 1988**

*Texte authentique : chinois.*

*Enregistré par l'Agence internationale de l'énergie atomique le 11 décembre  
1989.*

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]AGREEMENT<sup>3</sup> BETWEEN THE PEOPLE'S REPUBLIC OF CHINA  
AND THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR  
THE APPLICATION OF SAFEGUARDS IN CHINA

Whereas the People's Republic of China (hereinafter referred to as "China") has declared that it neither stands for nor encourages nuclear proliferation, nor does it help other countries to develop nuclear weapons;

Whereas China has also declared that in its exports of nuclear material and equipment, it will require the recipient countries to accept safeguards by the International Atomic Energy Agency (hereinafter referred to as the "Agency") and that nuclear material and equipment imported to China will only be used for peaceful purposes;

Whereas China has decided to voluntarily place some of its civilian nuclear facilities under Agency safeguards by concluding a safeguards agreement;

Whereas China has made this offer and entered into this Agreement for the purpose of promoting the peaceful application of nuclear energy throughout the world for the benefit of mankind and supporting the objectives set forth in the Statute of the Agency<sup>4</sup> (hereinafter referred to as the "Statute");

Whereas the purpose of a safeguards agreement giving effect to this offer by China would thus necessarily differ from the purpose of safeguards agreements between the Agency and the non-nuclear-weapon States;

Whereas it is in the interest of the Member States of the Agency that, without prejudice to the principles and integrity of the Agency's safeguards system, the financial and other resources employed by the Agency for the implementation of this Agreement should not exceed those required for attaining the objective of the Agreement;

And whereas the Agency is authorized, pursuant to Article III of the Statute, to conclude such a safeguards agreement;

Now, therefore, China and the Agency have agreed as follows:

## PART I

## BASIC UNDERTAKING

*Article 1*

(a) China shall accept the application of safeguards by the Agency, in accordance with the terms of this Agreement, on all source or special fissionable material in peaceful nuclear facilities to be designated by China within its territory with a view to enabling the Agency to verify that such material is not withdrawn, except as

<sup>1</sup> Translation supplied by the International Atomic Energy Agency.

<sup>2</sup> Traduction fournie par l'Agence internationale de l'énergie atomique.

<sup>3</sup> Came into force on 18 September 1989, the date on which the Agency received from China written notification that its constitutional and statutory requirements had been met, in accordance with article 24.

<sup>4</sup> United Nations, *Treaty Series*, vol. 276, p. 3, and vol. 471, p. 334.

provided for in this Agreement, from those facilities while such material is subject to safeguards under this Agreement.

(b) China shall, upon entry into force of this Agreement, provide the Agency with a List of the facilities referred to in paragraph (a) of this Article and may, in accordance with the procedures set forth in Part II of this Agreement, add facilities to or remove facilities from the List as it deems appropriate.

(c) China may, in accordance with the procedures set forth in this Agreement, withdraw nuclear material subject to safeguards under this Agreement from facilities selected by the Agency in accordance with Article 2(b).

#### APPLICATION OF SAFEGUARDS

##### *Article 2*

(a) The Agency shall have the right to apply safeguards, in accordance with the terms of this Agreement, on all source or special fissionable material in facilities which are on the List provided in accordance with Article 1(b), with a view to enabling the Agency to verify that such material is not withdrawn, except as provided for in this Agreement, from those facilities while such material is subject to safeguards under this Agreement.

(b) The Agency shall, from time to time, select facilities on the List provided by China in accordance with Article 1(b), in which the Agency wishes to apply safeguards, and shall notify China of such facilities. The facility shall be considered to be selected upon receipt by China of such notification.

#### IMPLEMENTATION OF SAFEGUARDS

##### *Article 3*

(a) China and the Agency shall co-operate to facilitate the implementation of the safeguards provided for in this Agreement.

(b) The source or special fissionable material subject to safeguards under this Agreement shall be that material in the facilities selected by the Agency in accordance with Article 2(b) at any given time.

(c) The safeguards to be applied by the Agency under this Agreement shall be implemented on the basis of the procedures specified in this Agreement.

##### *Article 4*

The safeguards provided for in this Agreement shall be implemented in a manner designed:

- (a) To avoid hampering the economic and technological development of China or international co-operation in the field of peaceful nuclear activities, including international exchange of nuclear material;
- (b) To avoid undue interference in China's peaceful nuclear activities, and in particular in the operation of facilities; and
- (c) To be consistent with prudent management practices required for the economic and safe conduct of nuclear activities.

### Article 5

(a) The Agency shall take every precaution to protect commercial and industrial secrets and other confidential information coming to its knowledge in the implementation of this Agreement.

(b) (i) The Agency shall not publish or communicate to any State, organization or person any information obtained by it in connection with the implementation of this Agreement, except that specific information relating to the implementation thereof may be given to the Board of Governors of the Agency (hereinafter referred to as "the Board") and to such Agency staff members as require such knowledge by reason of their official duties in connection with safeguards, but only to the extent necessary for the Agency to fulfil its responsibilities in implementing this Agreement.

(ii) Summarized information on nuclear material subject to safeguards under this Agreement may be published upon decision of the Board if China agrees thereto.

### Article 6

(a) The Agency shall, in implementing safeguards pursuant to this Agreement, take full account of technological developments in the field of safeguards, and shall make every effort to ensure optimum cost-effectiveness and the application of the principle of safeguarding effectively the flow of nuclear material subject to safeguards under this Agreement by use of instruments and other techniques at certain strategic points to the extent that present or future technology permits.

(b) In order to ensure optimum cost-effectiveness, use shall be made, for example, of such means as:

- (i) Containment as a means of defining material balance areas for accounting purposes;
- (ii) Statistical techniques and random sampling in evaluating the flow of nuclear material; and
- (iii) Concentration of verification procedures on those stages in the nuclear fuel cycle involving the production, processing, use or storage of nuclear material from which nuclear weapons or other nuclear explosive devices could readily be made, and minimization of verification procedures in respect of other nuclear material, on condition that this does not hamper the Agency in applying safeguards under this Agreement.

## SYSTEM OF ACCOUNTING FOR AND CONTROL OF NUCLEAR MATERIAL OF CHINA

### Article 7

(a) China shall maintain a system of accounting for and control of all nuclear material subject to safeguards under this Agreement.

(b) The Agency shall apply safeguards in accordance with the provisions of this Agreement in such a manner as to enable the Agency to verify, in ascertaining that there has not been any withdrawal of nuclear material, except as provided for in this Agreement, from facilities while such material is subject to safeguards under this Agreement, findings of the accounting and control system of China. The Agency's verification shall include, *inter alia*, independent measurements and observations conducted by the Agency in accordance with the procedures specified in Part II. The Agency, in its verification, shall take due account of the technical effectiveness of the accounting and control system of China.

## PROVISION OF INFORMATION TO THE AGENCY

*Article 8*

(a) In order to ensure the effective implementation of safeguards under this Agreement, China shall, in accordance with the provisions set out in Part II, provide the Agency with information concerning nuclear material subject to safeguards under this Agreement and the features of facilities relevant to safeguarding such material.

(b) (i) The Agency shall require only the minimum amount of information and data consistent with carrying out its responsibilities under this Agreement.

(ii) Information pertaining to facilities shall be the minimum necessary for safeguarding nuclear material subject to safeguards under this Agreement.

(c) The Agency shall be prepared to examine, if China so requests, on premises of China design information which China regards as being of particular sensitivity. Such information need not be physically transmitted to the Agency provided that it remains readily available for further examination by the Agency on premises of China.

## AGENCY INSPECTORS

*Article 9*

(a) (i) The Agency shall secure the consent of China to the designation of Agency inspectors to China.

(ii) If China, either upon proposal of a designation or at any other time after a designation has been made, objects to the designation, the Agency shall propose to China an alternative designation or designations.

(iii) If, as a result of the repeated refusal of China to accept the designation of Agency inspectors, inspections to be conducted under this Agreement would be impeded, such refusal shall be considered by the Board, upon referral by the Director General of the Agency (hereinafter referred to as "the Director General"), with a view to its taking appropriate action.

(b) China shall take the necessary steps to provide Agency inspectors with facilities for effective discharge by them of their functions under this Agreement.

(c) The visits and activities of Agency inspectors shall be so arranged as:

- (i) To reduce to a minimum the possible inconvenience and disturbance to China and to the peaceful nuclear activities inspected; and
- (ii) To ensure protection of industrial secrets or any other confidential information coming to the inspectors' knowledge.

## PRIVILEGES AND IMMUNITIES

*Article 10*

China shall apply to the Agency (including its property, funds and assets) and to its inspectors and other officials, performing functions under this Agreement, the relevant provisions of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency<sup>1</sup> as accepted by China.

<sup>1</sup> United Nations, *Treaty Series*, vol. 374, p. 147.