

No. 27173

**INTERNATIONAL ATOMIC ENERGY AGENCY
and
INDIA**

**Agreement for the application of safeguards in connection
with the supply of nuclear material from France. Signed
at Vienna on 11 October 1989**

Authentic text: English.

Registered by the International Atomic Energy Agency on 23 March 1990.

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

Accord pour l'application de garanties relatives à la fourniture de matières nucléaires par la France. Signé à Vienne le 11 octobre 1989

Texte authentique : anglais.

Enregistré par l'Agence internationale de l'énergie atomique le 23 mars 1990.

AGREEMENT¹ BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY AND THE GOVERNMENT OF INDIA FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION WITH THE SUPPLY OF NUCLEAR MATERIAL FROM FRANCE

Whereas the Government of India (hereinafter referred to as “India”) made an arrangement (hereinafter referred to as the “arrangement”) for the supply of nuclear material by the Government of the French Republic (hereinafter referred to as “France”) to India;

Whereas the nuclear material supplied by France to India under the arrangement is intended exclusively for peaceful purposes;

Whereas India has requested the International Atomic Energy Agency (hereinafter referred to as the “Agency”) to apply safeguards in connection with the supply of nuclear material from France to India under the arrangement;

Whereas the Agency is authorized by its Statute² to apply safeguards, *inter alia*, at the request of the parties, to any bilateral arrangement;

Whereas the Board of Governors of the Agency (hereinafter referred to as the “Board”) acceded to that request on 20 September 1989;

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

DEFINITIONS

Section 1. For the purpose of this Agreement

(a) “Inspectors Document” shall mean the Annex to Agency document GC(V)/INF/39;

(b) “Facility” shall mean:

- (i) A principal nuclear facility as defined in paragraph 78 of the Safeguards Document as well as a critical facility or a separate storage installation;
- (ii) Any location where nuclear material in amounts greater than one effective kilogram is customarily used;

(c) “Nuclear material” shall mean any source material or special fissionable material as defined in Article XX of the Statute of the Agency;

(d) “Produced, processed or used” shall mean any utilization or any alteration of the physical or chemical form or composition, including any change of the isotopic composition, of nuclear material;

(e) “Safeguards Document” shall mean Agency document INFCIRC/66/Rev.2.

UNDERTAKINGS BY INDIA AND THE AGENCY

Section 2. India undertakes that none of the following items shall be used for the manufacture of any nuclear weapon or to further any other military purpose and

¹ Came into force on 11 October 1989 by signature, in accordance with section 24.

² United Nations, *Treaty Series*, vol. 276, p. 3; vol. 471, p. 334 and vol. 1082, p. 290.

that such items shall be used exclusively for peaceful purposes and shall not be used for the manufacture of any nuclear explosive device:

- (a) Nuclear material supplied by France to India under the arrangement;
- (b) Any nuclear material, including subsequent generations of special fissionable material, produced, processed or used in or by the use of the nuclear material supplied by France under the arrangement or in or by the use of any other item referred to in this Section; or
- (c) Any other item required to be listed in the Inventory referred to in Section 5.

Section 3. The Agency undertakes to apply safeguards, in accordance with the terms of this Agreement, to the items referred to in Section 2 so as to ensure as far as it is able that no such item is used for the manufacture of any nuclear weapon or to further any other military purpose and that such items are used exclusively for peaceful purposes and not for the manufacture of any nuclear explosive device.

Section 4. India undertakes to co-operate with the Agency in the application of the safeguards provided for in this Agreement.

ESTABLISHMENT AND MAINTENANCE OF INVENTORY

Section 5. The Agency shall establish and maintain an Inventory which shall be divided into three parts.

- (a) The Main Part of the Inventory shall list:
 - (i) Nuclear material supplied by France to India under the arrangement;
 - (ii) Any nuclear material, including subsequent generations of special fissionable material, produced, processed or used in or by the use of the nuclear material supplied by France to India under the arrangement or of any other item required to be listed in the Inventory;
 - (iii) Any nuclear material substituted in accordance with paragraph 25 or 26 (d) of the Safeguards Document for nuclear material listed in the Main Part of the Inventory;
- (b) The Subsidiary Part of the Inventory shall list:

Any facility while containing, using, processing or fabricating any of the nuclear material referred to in the Main Part of the Inventory.

(c) The Inactive Part of the Inventory shall list any nuclear material which would normally be listed in the Main Part of the Inventory but which is not so listed because:

- (i) The nuclear material is exempt from safeguards in accordance with the provisions of paragraph 21, 22 or 23 of the Safeguards Document; or
- (ii) Safeguards on the nuclear material are suspended in accordance with the provisions of paragraph 24 or 25 of the Safeguards Document.

The Agency shall send a copy of the Inventory to India every 12 months and also at any other times specified by India in a request communicated to the Agency at least two weeks in advance. The Agency may communicate information with respect to the disposition and use of the nuclear material to France, if so requested by France, and shall transmit a copy of any such communication to India.