

No. 27308

**INTERNATIONAL ATOMIC
ENERGY AGENCY
and
VIET NAM**

**Agreement for the application of safeguards in connection
with the Treaty on the Non-Proliferation of Nuclear
Weapons. Signed at Vienna on 2 October 1989**

Authentic text: English.

Registered by the International Atomic Energy Agency on 29 May 1990.

**AGENCE INTERNATIONALE
DE L'ÉNERGIE ATOMIQUE
et
VIET NAM**

**Accord relatif à l'application de garanties dans le cadre du
Traité sur la non-prolifération des armes nucléaires.
Signé à Vienne le 2 octobre 1989**

Texte authentique : anglais.

Enregistré par l'Agence internationale de l'énergie atomique le 29 mai 1990.

AGREEMENT¹ BETWEEN THE SOCIALIST REPUBLIC OF VIET NAM AND THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION WITH THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS²

WHEREAS the Socialist Republic of Viet Nam (hereinafter referred to as "Viet Nam") is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as "the Treaty") opened for signature at London, Moscow and Washington on 1 July 1968² and which entered into force on 5 March 1970;

WHEREAS Article IV.1 of the Treaty provides that nothing in the Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of the Treaty;

WHEREAS Article IV.2 of the Treaty provides that all the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy;

WHEREAS Article IV.2 of the Treaty also provides that the Parties to the Treaty in a position to do so shall also co-operate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty;

WHEREAS paragraph 1 of Article III of the Treaty reads as follows:

"Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy³ Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfilment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this Article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this Article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere".

¹ Came into force on 23 February 1990, the date on which the Agency received written notification from Viet Nam that the latter's statutory and constitutional requirements had been met, in accordance with article 25.

² United Nations, *Treaty Series*, vol. 729, p. 161.

³ *Ibid.*, vol. 276, p. 3. For the texts amending the Statute, see vol. 471, p. 334, and vol. 1082, p. 290.

WHEREAS the International Atomic Energy Agency (hereinafter referred to as "the Agency") is authorized, pursuant to Article III of its Statute, to conclude such agreements;

NOW THEREFORE Viet Nam and the Agency have agreed as follows:

P A R T I

BASIC UNDERTAKING

A r t i c l e 1

Viet Nam undertakes, pursuant to paragraph 1 of Article III of the Treaty, to accept safeguards, in accordance with the terms of this Agreement, on all source or special fissionable material in all peaceful nuclear activities within its territory, under its jurisdiction or carried out under its control anywhere, for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices.

APPLICATION OF SAFEGUARDS

A r t i c l e 2

The Agency shall have the right and the obligation to ensure that safeguards will be applied, in accordance with the terms of this Agreement, on all source or special fissionable material in all peaceful nuclear activities within the territory of Viet Nam, under its jurisdiction or carried out under its control anywhere, for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices.

CO-OPERATION BETWEEN VIET NAM AND THE AGENCY

A r t i c l e 3

Viet Nam and the Agency shall co-operate to facilitate the implementation of the safeguards provided for in this Agreement.

IMPLEMENTATION OF SAFEGUARDS

A r t i c l e 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 Viet Nam or international co-operation in the field of peaceful nuclear activities, including international exchange of nuclear material;
- (b) to avoid undue interference in Viet Nam'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.

A r t i c l e 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 the States directly concerned agree thereto.

A r t i c l e 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.

NATIONAL SYSTEM OF MATERIALS CONTROL

Article 7

- (a) Viet Nam shall establish and 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 such a manner as to enable it to verify, in ascertaining that there has been no diversion of nuclear material from peaceful uses to nuclear weapons or other nuclear explosive devices, findings of Viet Nam's system. 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 of this Agreement. The Agency, in its verification, shall take due account of the technical effectiveness of Viet Nam's system.

PROVISION OF INFORMATION TO THE AGENCY

Article 8

- (a) In order to ensure the effective implementation of safeguards under this Agreement, Viet Nam shall, in accordance with the provisions set out in Part II of this Agreement, 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) If Viet Nam so requests, the Agency shall be prepared to examine on premises of Viet Nam design information which Viet Nam 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 Viet Nam.

AGENCY INSPECTORS

Article 9

- (a)
 - (i) The Agency shall secure the consent of Viet Nam to the designation of Agency inspectors to Viet Nam.
 - (ii) If Viet Nam, 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 Viet Nam an alternative designation or designations.