

No. 31432

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

Agreement for the transfer of enriched uranium for a research reactor in Indonesia—Fourth Supply Agreement (with annex and table). Signed at Vienna on 15 January 1993

Authentic text: English.

Registered by the International Atomic Energy Agency on 16 December 1994.

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

Accord relatif au transfert d'uranium enrichi destiné à un réacteur de recherche en Indonésie — Quatrième Accord de fourniture (avec annexe et tableau). Signé à Vienne le 15 janvier 1993

Texte authentique : anglais.

Enregistré par l'Agence internationale de l'énergie atomique le 16 décembre 1994.

AGREEMENT¹ BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY AND THE GOVERNMENT OF THE REPUBLIC OF INDONESIA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR THE TRANSFER OF ENRICHED URANIUM FOR A RESEARCH REACTOR IN INDONESIA — FOURTH SUPPLY AGREEMENT

WHEREAS the International Atomic Energy Agency (hereinafter called the "Agency") and the Government of the Republic of Indonesia (hereinafter called "Indonesia") on 19 December 1969 concluded,² and on 7 December 1979 amended,³ an Agreement (hereinafter called the "Project Agreement") for assistance by the Agency to Indonesia in continuing a training and research project for peaceful purposes relating to the TRIGA Mark II research reactor (hereinafter called the "reactor") at the Bandung Reactor Centre in Bandung, Republic of Indonesia;

WHEREAS the Agency, Indonesia and the Government of the United States of America (hereinafter called the "United States"), on 19 December 1969,⁴ 14 September 1972⁵ and 7 December 1979⁶ concluded contracts, as amended,⁷ for the transfer of enriched uranium for the reactor, pursuant to which supplies of enriched uranium were delivered to Indonesia;

WHEREAS Indonesia, in connection with the Project Agreement, has requested the assistance of the Agency in securing from the United States an additional supply of enriched uranium for the reactor;

WHEREAS Indonesia on 14 July 1980 concluded with the Agency an Agreement for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter called the "Treaty Safeguards Agreement")⁸ which entered into force on that date;

WHEREAS Indonesia has made arrangements with a manufacturer (hereinafter called the "manufacturer") in the United States of America for the supply and fabrication of enriched uranium into additional fuel elements for the reactor;

¹ Came into force on 15 January 1993 by signature, in accordance with article VIII (1).

² United Nations, *Treaty Series*, vol. 733, p. 115.

³ *Ibid.*, vol. 1227, p. 468.

⁴ *Ibid.*, vol. 733, p. 99.

⁵ *Ibid.*, vol. 874, p. 83.

⁶ *Ibid.*, vol. 1227, p. 243.

⁷ *Ibid.*, vol. 973, p. 341.

⁸ *Ibid.*, vol. 1227, p. 257.

WHEREAS under the Agreement for Co-operation between the Agency and the United States, concluded on 11 May 1959,¹ as amended² (hereinafter called the "Co-operation Agreement"), the United States undertook to make available to the Agency pursuant to the Statute certain quantities of special fissionable material, and also undertook, subject to various applicable provisions and licence requirements, to permit, upon request of the Agency, persons under the jurisdiction of the United States to make arrangements to transfer and export materials, equipment or facilities for members of the Agency in connection with an Agency-assisted project;

WHEREAS, pursuant to the Co-operation Agreement, the Agency and the United States on 14 June 1974 concluded a Master Agreement governing sales of source, by-product and special nuclear materials for research purposes³ (hereinafter called the "Master Agreement"); and

WHEREAS the Board of Governors of the Agency (hereinafter called the "Board") approved the additional assistance for the Project on 4 December 1992;

NOW THEREFORE, the Agency, Indonesia and the United States hereby agree as follows:

ARTICLE I

Supply of Enriched Uranium

1. The Agency, pursuant to Article IV of the Co-operation Agreement, shall request the United States to permit the transfer and export to Indonesia of approximately 550 grams of uranium with an enrichment of under 20 percent in the isotope uranium-235 in the form of fuel elements for the reactor (hereinafter called the "supplied material").
2. The United States, subject to the provisions of the Co-operation Agreement including Section A of the Annex and the Master Agreement and to the issuance of any required licences or permits, shall transfer to the Agency and the Agency shall transfer to Indonesia the supplied material.

¹ United Nations, *Treaty Series*, vol. 339, p. 359.

² *Ibid.*, vol. 951, p. 412, and vol. 1220, p. 316.

³ *Ibid.*, vol. 964, p. 69.

3. The particular terms and conditions for the transfer of the supplied material, including charges for or connected with such material, a schedule of deliveries and shipping instructions, shall be specified in a contract to be concluded between Indonesia and the manufacturer (hereinafter called the "Contract") in implementation of this Agreement. All arrangements for the export of the supplied material from the United States of America shall be the responsibility of Indonesia and the manufacturer. Prior to the export of any part of such material, Indonesia shall notify the Agency of the amount thereof and of the date, place and method of shipment.

4. The supplied material and any special fissionable material produced through its use, including subsequent generations of produced special fissionable material, shall be used exclusively by and remain at the Bandung Reactor Centre, unless the Parties hereto otherwise agree.

5. The supplied material and any special fissionable material produced through its use, including subsequent generations of produced special fissionable material, shall be stored or reprocessed or otherwise altered in form or content only under conditions and in facilities acceptable to the Agency, Indonesia and the United States. Such materials shall not be further enriched unless the Agency, Indonesia and the United States agree to the amendment of this Agreement for that purpose.

ARTICLE II

Payment

1. Indonesia shall pay the manufacturer all charges for or connected with the supplied material in accordance with the provisions of the Contract.

2. In extending their assistance for the Project, neither the Agency nor the United States assumes any financial responsibility in connection with the transfer of the supplied material by the United States to Indonesia.

ARTICLE III

Transport, Handling and Use

Indonesia and the United States shall take all appropriate measures to ensure the safe transport, handling and use of the supplied material. Neither the United States nor the Agency warrants the suitability or fitness of the supplied material for any particular use or application or shall at any time bear any responsibility toward Indonesia or any person for any claims arising out of the transport, handling and use of the supplied material.

ARTICLE IV

Safeguards

1. Indonesia undertakes that the reactor, the supplied material and any special fissionable material used in or produced through their use, including subsequent generations of produced special fissionable material, shall not be used for the manufacture of any nuclear weapon or any nuclear explosive device, or for research on or the development of any nuclear weapon or any nuclear explosive device, or to further any military purpose.
2. The safeguards rights and responsibilities of the Agency provided for in Article XII.A of the Statute of the Agency¹ (hereinafter called the "Statute") are relevant to the Project and shall be implemented and maintained with respect to the Project. Indonesia shall co-operate with the Agency to facilitate the implementation of the safeguards required by this Agreement.
3. Agency safeguards referred to in this Article shall, for the duration of this Agreement, be implemented pursuant to the Treaty Safeguards Agreement.
4. Article XII.C of the Statute shall apply with respect to any non-compliance by Indonesia with the provisions of this Agreement.
5. Upon request of the United States, Indonesia shall inform the United States of the status of all inventories of any materials required to be

¹ United Nations, *Treaty Series*, vol. 276, p. 3. For the texts amending the Statute, see vol. 471, p. 334, and vol. 1082, p. 290.