

No. 13879

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

Protocol suspending the Agreement between the International Atomic Energy Agency, the Government of the Republic of the Philippines and the Government of the United States of America for the application of safeguards and providing for the application of safeguards pursuant to the Non-Proliferation Treaty. Signed at Vienna on 21 February 1973

Authentic text: English.

Registered by the International Atomic Energy Agency on 3 April 1975.

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

Protocole portant suspension de l'Accord entre l'Agence internationale de l'énergie atomique, le Gouvernement de la République des Philippines et le Gouvernement des États-Unis d'Amérique pour l'application de garanties, et prévoyant l'application de garanties conformément au Traité sur la non-prolifération des armes nucléaires. Signé à Vienne le 21 février 1973

Texte authentique : anglais.

Enregistré par l'Agence internationale de l'énergie atomique le 3 avril 1975.

PROTOCOL¹ SUSPENDING THE AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR THE APPLICATION OF SAFEGUARDS² AND PROVIDING FOR THE APPLICATION OF SAFEGUARDS PURSUANT TO THE NON-PROLIFERATION TREATY³

The International Atomic Energy Agency (hereinafter referred to as the "Agency"), the Republic of the Philippines, and the United States of America;

RECOGNIZING that the Agency has been applying safeguards in accordance with the provisions of the Agreement between the International Atomic Energy Agency, the Government of the Republic of the Philippines, and the Government of the United States of America for the application of safeguards signed on 15 July 1968² (hereinafter referred to as the "Safeguards Transfer Agreement") to materials, equipment and facilities required to be safeguarded under the Agreement for co-operation between the Government of the United States of America and the Government of the Republic of the Philippines concerning civil uses of atomic energy signed on 13 June 1968⁴ (hereinafter referred to as the "Agreement for Co-operation"), to ensure so far as it is able that they will not be used in such a way as to further any military purpose;

RECOGNIZING that the Republic of the Philippines, as a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons³ (hereinafter referred to as the "Treaty"), has concluded with the Agency an agreement for the application of safeguards (hereinafter referred to as the "Treaty Safeguards Agreement")⁵ pursuant to paragraph 1 of article III of the Treaty;

RECOGNIZING that article 23 of the Treaty Safeguards Agreement provides for the suspension of Agency safeguards applied pursuant to other safeguards agreements with the Agency;

RECOGNIZING that under article XI of the Agreement for Co-operation the Government of the Republic of the Philippines has guaranteed that no material including equipment and devices transferred to the Government of the Republic of the Philippines or authorized persons under its jurisdiction from the United States of America pursuant to the Agreement for Co-operation or the superseded Agreement for Co-operation between said Parties dated July 27, 1955,⁶ as amended,⁷ and no special nuclear material produced through the use of such material, equipment or devices will be used for any military purpose;

¹ Came into force on 16 October 1974, date of entry into force of the Agreement between the Republic of the Philippines and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Vienna on 21 February 1973 (see p. 203 of this volume), in accordance with section 3.

² United Nations, *Treaty Series*, vol. 650, p. 287.

³ *Ibid.*, vol. 729, p. 161.

⁴ *Ibid.*, vol. 706, p. 183.

⁵ See p. 203 of this volume.

⁶ United Nations, *Treaty Series*, vol. 239, p. 271.

⁷ *Ibid.*, vol. 377, p. 420; vol. 531, p. 332; vol. 607, p. 266; and vol. 706, p. 301.

Have agreed:

1. The Treaty Safeguards Agreement shall be applied as therein provided and the Safeguards Transfer Agreement shall be deemed to be suspended during the time and to the extent that the Treaty Safeguards Agreement is in force and safeguards specified in the Treaty Safeguards Agreement are being applied by the Agency.

2. In the event that the Republic of the Philippines intends to exercise its discretion in accordance with article 14 of the Treaty Safeguards Agreement to use any nuclear material required to be safeguarded under that Agreement in a military activity not proscribed by the Treaty, the Government of the Republic of the Philippines will satisfy the Agency and the Government of the United States of America that such material is not subject to the guarantees made to the Government of the United States of America by the Government of the Republic of the Philippines in article XI of the Agreement for Co-operation, and that no materials, equipment or facilities transferred from the United States of America to the Republic of the Philippines under the Agreement for Co-operation or the above-mentioned superseded Agreement are involved in such use.

3. This Protocol shall enter into force on the same date as the Treaty Safeguards Agreement.

DONE in Vienna, this 21st day of February 1973 in triplicate in the English language.

For the International Atomic Energy Agency:

SIGVARD EKLUND

For the Government of the Republic of the Philippines:

DOMINGO SIAZON Jr.

For the Government of the United States of America:

T. KEITH GLENNAN
