

No. 20739

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

Protocol to suspend the application of safeguards pursuant to the Agreement of 28 February 1972 between the International Atomic Energy Agency, the Government of Switzerland and the Government of the United States of America for the application of safeguards and providing for the application of safeguards pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons and pursuant to the Agreement of 18 November 1977 between the United States of America and the International Atomic Energy Agency for the application of safeguards in the United States of America, approved by the Board of Governors of the International Atomic Energy Agency. Signed at Vienna on 23 September 1980

Authentic text: English.

Registered by the International Atomic Energy Agency on 12 February 1982.

PROTOCOL¹ TO SUSPEND THE APPLICATION OF SAFEGUARDS PURSUANT TO THE AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF SWITZERLAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR THE APPLICATION OF SAFEGUARDS² AND PROVIDING FOR THE APPLICATION OF SAFEGUARDS PURSUANT TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS³ AND PURSUANT TO THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR THE APPLICATION OF SAFEGUARDS IN THE UNITED STATES OF AMERICA,⁴ APPROVED BY THE BOARD OF GOVERNORS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY

The International Atomic Energy Agency (hereinafter referred to as the "Agency"), the Government of Switzerland (hereinafter referred to as "Switzerland"), and the Government of the United States of America (hereinafter referred to as the "United States"):

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 Switzerland and the Government of the United States of America for the application of safeguards, signed on 28 February 1972⁵ (hereinafter referred to as the "Safeguards Transfer Agreement") to material, 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 Switzerland concerning civil uses of atomic energy signed on 30 December 1965,⁶ as amended on 2 November 1973⁶ (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 Switzerland, 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 in connection with the Treaty⁷ pursuant to paragraph 4 of article III of the Treaty (hereinafter referred to as the "Treaty Safeguards Agreement");

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 IX of the Agreement for Co-operation, Switzerland has guaranteed that no material, including equipment and devices, transferred to Switzerland or authorized persons under its jurisdiction pursuant to

¹ Came into force on 23 September 1980 by signature, in accordance with section 4.

² United Nations, *Treaty Series*, vol. 850, p. 85.

³ *Ibid.*, vol. 729, p. 161.

⁴ *Ibid.*, vol. 1261, No. I-20737.

⁵ *Ibid.*, vol. 594, p. 55.

⁶ *Ibid.*, vol. 937, p. 294.

⁷ *Ibid.*, vol. 1162, p. 377.

the Agreement for Co-operation and no special nuclear material produced through the use of such material, equipment and devices, will be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purpose;

Have agreed:

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

2. The Agreement between the International Atomic Energy Agency and the Government of the United States of America for the application of safeguards in the United States of America¹ (hereinafter referred to as the "US-IAEA Safeguards Agreement") which was approved by the Board of Governors of the Agency on 17 September 1976, shall be applied as therein provided, when it enters into force, and the application of safeguards in the United States of America pursuant to the Safeguards Transfer Agreement shall be suspended during the time and to the extent that the US-IAEA Safeguards Agreement is in force and safeguards specified therein are being applied by the Agency.

3. In the event that Switzerland intends to exercise its discretion in accordance with article 14 of the Treaty Safeguards Agreement to use nuclear material required to be safeguarded under that agreement in a military activity not proscribed by the Treaty, Switzerland will satisfy the Agency and the United States that such material is not subject to the guarantees made by Switzerland in article IX of the Agreement for Co-operation. Moreover, Switzerland will satisfy the United States that no material, including equipment and devices, transferred to Switzerland under the Agreement for Co-operation will be involved in such use.

4. This Protocol shall enter into force upon signature by or for the Director General of the Agency and by the authorized representatives of Switzerland and the United States.

DONE in Vienna this twenty-third day of September 1980 in triplicate in the English language.

For the International Atomic Energy Agency:

SIGVARD EKLUND

For the Government of Switzerland:

J. A. ISELIN

For the Government of the United States of America:

GERARD C. SMITH

¹ United Nations, *Treaty Series*, vol. 1261, No. I-20737.