

No. 23280

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

Protocol to suspend the application of safeguards pursuant to the Agreement between the International Atomic Energy Agency, the Government of the Republic of Venezuela and the Government of the United States of America for the application of safeguards, and to provide for the application of safeguards pursuant to the Agreement between Venezuela and the International Atomic Energy Agency in connection with the Treaty for the prohibition of nuclear weapons in Latin America and the Treaty on the non-proliferation of nuclear weapons 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. Signed at Vienna on 27 September 1983

Authentic texts: English and Spanish.

Registered by the International Atomic Energy Agency on 15 March 1985.

PROTOCOL¹ TO SUSPEND THE APPLICATION OF SAFEGUARDS PURSUANT TO THE AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF THE REPUBLIC OF VENEZUELA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR THE APPLICATION OF SAFEGUARDS,² AND TO PROVIDE FOR THE APPLICATION OF SAFEGUARDS PURSUANT TO THE AGREEMENT BETWEEN VENEZUELA AND THE INTERNATIONAL ATOMIC ENERGY AGENCY³ IN CONNECTION WITH THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA⁴ AND THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS⁵ 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 AMERICA⁶

The International Atomic Energy Agency (hereinafter referred to as the "Agency"), the Government of the Republic of Venezuela (hereinafter referred to as "Venezuela"), 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 the Republic of Venezuela in accordance with the provisions of the agreement between the Agency, Venezuela and the United States for the application of safeguards, signed on 27 March 1968² (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 United States and Venezuela concerning civil uses of atomic energy, signed on 8 October 1958⁷, as amended⁸ (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 Venezuela, as a party to the Treaty for the Prohibition of Nuclear Weapons in Latin America⁴ (hereinafter referred to as the "Tlatelolco Treaty") has concluded with the Agency an agreement for the application of safeguards³ in connection with the Tlatelolco Treaty pursuant to article 13 of that Treaty (hereinafter referred to as the "Treaty Safeguards Agreement");

RECOGNIZING that Venezuela is also a party to the Treaty on the Non-Proliferation of Nuclear Weapons⁵ (hereinafter referred to as the "NPT"), and

¹ Came into force on 27 September 1983 by signature, in accordance with section 4.

² United Nations, *Treaty Series*, vol. 650, p. 195.

³ *Ibid.*, vol. 1307, p. 107.

⁴ *Ibid.*, vol. 634, p. 281.

⁵ *Ibid.*, vol. 729, p. 161.

⁶ *Ibid.*, vol. 1261, p. 371.

⁷ *Ibid.*, vol. 371, p. 69.

⁸ *Ibid.*, vol. 763, p. 328.

that the Treaty Safeguards Agreement also serves as an agreement for the application of safeguards in connection with NPT pursuant to paragraph 4 of article III of that Treaty;

RECOGNIZING that article 24 of the Treaty Safeguards Agreement provides for the suspension of Agency safeguards applied in the Republic of Venezuela pursuant to other safeguards agreements with the Agency;

RECOGNIZING that, under article X of the Agreement for co-operation, Venezuela has guaranteed that no material, including equipment and devices, transferred to Venezuela or authorized persons under its jurisdiction pursuant to 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 military purpose;

RECOGNIZING that, pursuant to the Safeguards Transfer Agreement the Agency has undertaken to apply safeguards in the United States of America under certain circumstances described therein;

RECOGNIZING, that the United States has concluded with the Agency an agreement for the application of safeguards in the United States of America¹ (hereinafter referred to as the "US-IAEA Safeguards Agreement");

RECOGNIZING, that article 22 of the US-IAEA Safeguards Agreement provides for the suspension of Agency safeguards applied in the United States of America under other safeguards agreements with the Agency;

Have agreed:

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

2. The US-IAEA Safeguards Agreement shall be applied as therein provided 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 Venezuela 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 NPT, Venezuela will satisfy the Agency and the United States that such material is not subject to the guarantees made by Venezuela in article X of the Agreement for co-operation. Moreover, Venezuela will satisfy the United States that no material, including equipment and devices, transferred to Venezuela 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 Venezuela and the United States.

¹ United Nations, *Treaty Series*, vol. 1261, p. 371.

DONE in Vienna on the twenty-seventh day of September 1983 in triplicate in the English and Spanish languages, all texts being equally authentic.

For the International Atomic Energy Agency:

HANS BLIX

For the Government of the Republic of Venezuela:

ADOLFO R. TAYLHARDAT

For the Government of the United States of America:

RICHARD S. WILLIAMSON
