

No. 24030

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

**Protocol to suspend the application of safeguards pursuant to the Agreement between the International Atomic Energy Agency, the Government of the Republic of Turkey 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 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 15 January 1985**

*Authentic text: English.*

*Registered by the International Atomic Energy Agency on 4 April 1986.*

PROTOCOL<sup>1</sup> TO SUSPEND THE APPLICATION OF SAFEGUARDS PURSUANT TO THE AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF THE REPUBLIC OF TURKEY 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 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

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The International Atomic Energy Agency (hereinafter referred to as the “Agency”), the Government of the Republic of Turkey (hereinafter referred to as “Turkey”), 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 Agency, Turkey and the United States for the application of safeguards, signed on 30 September 1968<sup>2</sup> (hereinafter referred to as the “Safeguards Transfer Agreement”) to materials, equipment and facilities required to be safeguarded under the Agreement for Co-operation between Turkey and the United States concerning civil uses of atomic energy, signed on 10 June 1955<sup>3</sup> (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 Turkey, as a non-nuclear-weapon State party to the Treaty on the Non-proliferation of Nuclear Weapons<sup>4</sup> hereinafter referred to as the “Treaty”) has concluded with the Agency an agreement for the application of safeguards in connection with the Treaty<sup>5</sup> 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 VII of the Agreement for Co-operation, Turkey has guaranteed that no material, including equipment and devices, transferred to Turkey or authorized persons under its jurisdiction pursuant to the Agreement for Co-operation will be used “for atomic weapons or for research on or development of atomic weapons or for any other military purposes”,

Have agreed as follows:

1. The Treaty Safeguards Agreement shall be applied as therein provided and the application of safeguards in Turkey pursuant to the Safeguards Transfer Agreement shall

<sup>1</sup> Came into force on 15 January 1985 by signature, in accordance with Section 4.

<sup>2</sup> United Nations, *Treaty Series*, vol. 694, p. 139.

<sup>3</sup> *Ibid.*, vol. 238, p. 149.

<sup>4</sup> *Ibid.*, vol. 729, p. 161.

<sup>5</sup> *Ibid.*, vol. 1271, p. 77.

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. The Agreement between the Agency and the Government of the United States of America and the protocol thereto for the application of safeguards in the United States of America<sup>1</sup> (hereinafter referred to as “US-IAEA Safeguards Agreement”) which entered into force on 9 December 1980, shall be applied as therein provided, and the application of safeguards in the United States of America pursuant of 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 Turkey 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, Turkey will satisfy the Agency and the United States that such material is not subject to the guarantees made by Turkey in Article VII of the Agreement for Co-operation. Moreover, Turkey will satisfy the United States that no material, including equipment and devices, transferred to Turkey 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 Turkey and the United States.

DONE in Vienna on the 15th day of January 1985 in triplicate in the English language.

For the International Atomic Energy Agency:

HANS BLIX

For the Government of the Republic of Turkey:

ERDEM ERNER

For the Government of the United States of America:

PETER N. BRUSH

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<sup>1</sup> United Nations, *Treaty Series*, vol. 1261, p. 371.