

**No. 31538**

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**CANADA  
and  
UNION OF SOVIET SOCIALIST REPUBLICS**

**Agreement concerning cooperation in the peaceful uses of  
nuclear energy. Signed at Moscow on 14 October 1988**

*Authentic texts: English, French and Russian.*

*Registered by Canada on 27 January 1995.*

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**CANADA  
et  
UNION DES RÉPUBLIQUES  
SOCIALISTES SOVIÉTIQUES**

**Accord de coopération concernant les utilisations pacifiques  
de l'énergie nucléaire. Signé à Moscou le 14 octobre 1988**

*Textes authentiques : anglais, français et russe.*

*Enregistré par le Canada le 27 janvier 1995.*

## AGREEMENT<sup>1</sup> CONCERNING COOPERATION IN THE PEACEFUL USES OF NUCLEAR ENERGY BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS

The Government of Canada (hereinafter referred to as Canada) and the Government of the Union of Soviet Socialist Republics (hereinafter referred to as the Soviet Union), and both hereinafter referred to as the Parties;

RECOGNIZING the advantages of effective cooperation in the peaceful uses of nuclear energy;

RECOGNIZING that Canada is a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons<sup>2</sup> (hereinafter referred to as the NPT) and as such has undertaken not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices and that Canada has concluded an agreement with the International Atomic Energy Agency (hereinafter referred to as the IAEA), for the application of safeguards in connection with the NPT;<sup>3</sup>

RECOGNIZING that the Soviet Union is a nuclear-weapon State Party to the NPT and that the Soviet Union has concluded an agreement with the IAEA for the application of safeguards to some of its facilities in the Soviet Union;<sup>4</sup>

RECOGNIZING the importance of the NPT in the establishment of an effective international non-proliferation regime and in the promotion of international security;

RECOGNIZING that nuclear cooperation between the Parties at this time consists of the enrichment of Canadian-origin uranium in enrichment facilities of the Soviet Union;

HAVE AGREED AS FOLLOWS:

### ARTICLE I

1. The two Parties will encourage and facilitate cooperation between themselves, each other's governmental enterprises and persons under their jurisdiction, on matters within the scope of this Agreement.

2. Subject to the terms of this Agreement, governmental enterprises or persons under the jurisdiction of either Party may supply to or receive from governmental enterprises or persons under the jurisdiction of the other Party, uranium within the scope of the Agreement.

<sup>1</sup> Came into force on 14 October 1988 by signature, in accordance with article IX (1).

<sup>2</sup> United Nations, *Treaty Series*, vol. 729, p. 161.

<sup>3</sup> *Ibid.*, vol. 814, p. 255.

<sup>4</sup> *Ibid.*, vol. 1423, p. 47.

3. A Party shall not use the provisions of this Agreement for the purposes of securing commercial advantage or for the purpose of interfering with the commercial relations of the other Party.

4. The cooperation contemplated by this Agreement shall be effected in accordance with the laws, regulations and policies in force in Canada and in the Soviet Union.

## ARTICLE II

1. Unless otherwise agreed by the Parties, uranium transferred between Canada and the Soviet Union, either directly or indirectly, shall be subject to this Agreement.

2. Uranium subject to this Agreement shall be enriched in the isotope U-235 to enrichment levels normally required for the generation of electricity (i.e. up to 5 percent in the isotope U-235). For enrichment beyond these levels, mutual agreement in writing between the Parties shall be obtained on a case-by-case basis prior to such enrichment.

3. Unless otherwise agreed by the Parties, uranium subject to this Agreement shall be transferred as expeditiously as possible from a Party only to those countries as have been identified in writing by the other Party from time to time.

## ARTICLE III

1. The activities envisaged by this Agreement shall relate solely to the development and application of nuclear energy for peaceful purposes.

2. Uranium subject to this Agreement shall not be used for any nuclear explosive device or for research on or development of any nuclear explosive device or for any military purpose.

## ARTICLE IV

Uranium shall remain subject to this Agreement until:

- (a) it has been transferred from the territory of either Party in accordance with the provisions of Article II paragraph 3 of this Agreement; or
- (b) otherwise agreed between the Parties.

## ARTICLE V

Adequate physical protection measures shall be maintained with respect to all uranium subject to this Agreement. Physical protection measures shall, as a minimum, provide protection comparable to that set forth in document INFCIRC 225 Rev. 1 of the IAEA or any revision of this document agreed to by the Parties.

## ARTICLE VI

1. The Parties shall consult at any time at the request of either Party to ensure the effective fulfillment of the provisions of this Agreement.

2. The appropriate governmental authorities shall establish arrangements for the exchange of information on the transfer of Canadian-origin uranium into and out of the Soviet Union so as to facilitate the implementation of this Agreement and shall consult at any time as requested by either.

## ARTICLE VII

Any dispute arising out of the interpretation or application of this Agreement shall be settled by negotiation or other procedures agreed to by both Parties. Where the Parties agree to submit such disputes to an arbitral tribunal, it shall be composed as follows: each Party shall designate one arbitrator and the two arbitrators so designated shall elect a third who is not a national of either Party and who shall be the Chairman. A majority of the members of the arbitral tribunal shall constitute a quorum, and all decisions shall require the concurrence of two arbitrators. The arbitral procedure shall be fixed by the arbitral tribunal. The decisions of the arbitral tribunal shall be fixed by the arbitral tribunal. The decisions of the arbitral tribunal shall be binding on both Parties.

## ARTICLE VIII

For the purpose of this Agreement,

- (a) "Appropriate governmental authority" means, in the case of Canada, the Atomic Energy Control Board and, in the case of the Soviet Union, the State Committee for the Utilization of Atomic Energy of the Union of Soviet Socialist Republics.
- (b) "Governmental enterprise" means an enterprise under the jurisdiction of a Party which that Party has informed the other Party in writing shall be considered a governmental enterprise.
- (c) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, government agency or government corporation but does not include the Parties to this Agreement.

## ARTICLE IX

1. This Agreement shall enter into force upon signature by both Parties.

2. This Agreement shall remain in force unless and until either Party has notified the other of its intention to terminate it. Either Party may upon giving six month's notice to the other Party terminate this Agreement. In case of termination, however, the provisions of Articles II, III, IV, V and VII shall remain in force so long as any uranium remains subject to the Agreement.

*[For the testimonium and signatures, see p. 207 of this volume.]*

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed and sealed this Agreement.

DONE, in duplicate, at Moscow on October 14, 1988 in the English, French and Russian languages, each language version being equally authentic.

EN FOI DE QUOI les soussignés, dûment autorisés à cet effet par leurs gouvernements respectifs, ont signé et scellé le présent Accord.

FAIT en deux exemplaires à Moscou, le 14 octobre 1988, en français, anglais et russe, chaque version faisant également foi.

VERNON G. TURNER

For the Government of Canada  
Pour le Gouvernement du Canada

ALEKSANDR NIKOLAYEVICH PROTSENKO

For the Government of the Union of Soviet Socialist Republics  
Pour le Gouvernement de l'Union des Républiques socialistes soviétiques

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