

July 15, 1968

**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**

**INTERNATIONAL ATOMIC ENERGY AGENCY**

**AND**

**UNITED STATES OF AMERICA**

Application of Safeguards Agreement signed at Vienna 15 July 1968;  
Entered into force 19 July 1968

Whereas the Government of the Republic of the Philippines and the Government of the United States of America have been co-operating on the civil uses of atomic energy under their Agreement for Cooperation of 13 June 1968, which requires that equipment, devices and materials made available to the Philippines by the United States be used solely for peaceful purposes and establishes a system of safeguards to that end;

Whereas the Agreement for Cooperation reflects the mutual recognition of the two Governments of the desirability of arranging for the Agency to administer safeguards as soon as practicable;

Whereas the Agency is, pursuant to its Statute<sup>[1]</sup> and the action of its Board of Governors, now in a position to apply safeguards in accordance with the Agency's Safeguards Document and Inspectors Document;

Whereas the two Governments have reaffirmed their desire that equipment, devices and materials supplied by the United States under the Agreement for Cooperation or produced by their use or otherwise subject to safeguards under that Agreement shall not be used for any military purpose and have requested the Agency to apply safeguards to such materials, equipment and facilities as are covered by this Agreement; and

Whereas the Board of Governors of the Agency approved that request on 13 June 1968;

Now, therefore, the Agency and the two Governments agree as follows:

**PART I**

**DEFINITIONS**

Section 1. For the purposes of this Agreement:

- (a) "Agency" means the International Atomic Energy Agency.
- (b) "Board" means the Board of Governors of the Agency.

(c) "Agreement for Cooperation" means the agreement between the Philippines and the United States for co-operation on the civil uses of atomic energy signed on 13 June 1968.

(d) "Inspectors Document" means the Annex to Agency document GC(V)/INF/39, which was placed in effect by the Board on 29 June 1961.

(e) "Inventory" means either of the lists of material, equipment and facilities described in Section 10,

(f) "Nuclear material" means any source or special fissionable material as defined in Article XX of the Agency's Statute.

(g) "Safeguards Document" means Agency document INFCIRC/66, which was approved by the Board on 28 September 1965, including the Annex setting forth provisions for reprocessing plants set forth in Agency document GC(X)/INF/86, which was approved by the Board on 17 June 1966.

(h) "United States" means the Government of the United States of America.

(i) "Philippines" means the Government of the Republic of the Philippines.

## **PART II**

### **UNDERTAKINGS BY THE GOVERNMENTS AND THE AGENCY**

Section 2. The Philippines undertakes that it will not use in such a way as to further any military purpose any material, equipment or facility while it is listed in the Inventory for the Philippines.

Section 3. The United States undertakes that it will not use in such a way as to further any military purpose any special fissionable material, equipment or facility while it is listed in the Inventory for the United States.

Section 4. The Agency undertakes to apply its safeguards system in accordance with the provisions of this Agreement to materials, equipment and facilities while they are listed in the Inventories to ensure so far as it is able that they will not be used in such a way as to further any military purpose.

Section 5. The Philippines and the United States undertake to facilitate the application of safeguards and to co-operate with the Agency and each other to that end.

Section 6. The United States agrees that its rights under Article XIJ of the Agreement for Co-operation to apply safeguards to equipment, devices and materials subject to that Agreement will be suspended with respect to materials, equipment and facilities while they are listed in the Inventory for the Philippines.

It is understood that no other rights and obligations of the Philippines and the United States between themselves under Article XII and under other provisions of the Agreement for Cooperation, including those arising by reason of paragraph 2 of Article XI will be affected by this Agreement,

Section 7. If the Agency is relieved, pursuant to Section (23)(a), of its undertaking in Section 4, or if for any other reason the Board determines that the Agency is unable to ensure that any material, equipment or facility listed in an Inventory is not being used for any military purpose, the material, equipment or facility involved shall thereby automatically be removed from such Inventory until the Board determines that the Agency is again able to apply safeguards thereto. When, under this Section, an item is removed from the Inventory for either Government, the Agency may, at the request of the other Government, provide it with information available to the Agency about such material, equipment or facility in order to enable that Government to exercise effectively its rights thereto.

Section 8. The Philippines and the United States shall promptly notify the Agency of any amendment to the Agreement for Cooperation and any notice of termination given with respect to that Agreement.

### **PART III**

#### **INVENTORIES AND NOTIFICATIONS**

Section 9. (a) An initial list of all the materials, equipment and facilities which are within the jurisdiction of the Philippines and subject to the Agreement for Cooperation shall be prepared by the two Governments and submitted jointly to the Agency as promptly as feasible after the entry into force of this Agreement. The Agency's acceptance thereof shall establish the Inventory for the Philippines and the Agency will thereupon commence applying safeguards to such materials, equipment and facilities.

(b) Thereafter the Philippines and the United States shall jointly notify the Agency of:

(i) Any transfer from the United States to the Philippines under their Agreement for Cooperation of materials, equipment or facilities;

(ii) Any transfer from the Philippines to the United States of any special fissionable material which has been included in the Inventory for the Philippines pursuant to Section 12; and

(iii) Any other materials, equipment and facilities which as a consequence of the transfers referred to in (i) and (ii) above come within the scope of the Category described in Section 10 (b) or (e).

{c) The Agency shall, within 30 days of its receipt of a joint notification, advise both Governments either:

(i) That the items covered by the notification are listed in the appropriate Inventory as of the date of the Agency's advice; or

(ii) That the Agency is unable to apply safeguards to such items in which case, however, it may indicate at what future time or under what conditions it would be able to apply safeguards thereto if the Governments so desire.

Section 10. The Agency shall establish and maintain the Inventory with respect to each Government which shall be divided into three Categories.

(a) Category I of the Inventory with respect to the Philippines shall list:

- (i) Equipment and facilities transferred to the Philippines.
- (ii) Material transferred to the Philippines or material substituted therefor in accordance with paragraph 25 or 26 (d) of the Safeguards Document;
- (iii) Special fissionable materials produced in the Philippines as specified in Section 12, or any material substituted therefor in accordance with paragraph 25 or 26 (d) of the Safeguards Document; and
- (iv) Nuclear materials, other than those which are listed under (ii) or (iii) above, which are processed or used in any of the materials, equipment or facilities listed under (i), (ii) or (iii) above, or any material substituted therefor in accordance with paragraph 25 or 26 (d) of the Safeguards Document.

(b) Category II of the Inventory with respect to the Philippines shall list:

- (i) Any facility while it incorporates any equipment listed in Category I of the Inventory for the Philippines; and
- (ii) Any equipment or facility while it is containing, using, fabricating or processing any material listed in Category I of the Inventory for the Philippines.

(c) Category III of the Inventory with respect to the Philippines shall list any nuclear material which would normally be listed in Category I of the Inventory for the Philippines but which is not listed because:

- (i) It is exempt from safeguards in accordance with the provisions of paragraphs 21, 22 or 23 of the Safeguards Document; or
- (ii) Safeguards thereon are suspended in accordance with the provisions of paragraph 24 or 25 of the Safeguards Document.

(d) Category I of the Inventory with respect to the United States shall list:

- (i) Special fissionable material of whose transfer from the Philippines the Agency has been notified pursuant to Section 9 (E" ) or material substituted therefor, in accordance with paragraph 25 or 26 (d) of the Safeguards Document; or
- (ii) Special fissionable material produced in the United States, as specified in Section 12, or any material substituted therefor, in accordance with paragraph 25 or 26 (d) of the Safeguards Document.

(e) Category II of the Inventory with respect to the United States shall list any equipment or facility while it is containing, using, fabricating or processing any material listed in Category I of the Inventory for the United States.

(f) Category III of the Inventory with respect to the United States shall list any material which would normally be listed in Category I of the Inventory for the United States but which is not so listed because: