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**United States of America
and
Kyrgyzstan**

Memorandum of Understanding between the Government of the United States of America and the Government of the Kyrgyz Republic concerning prevention of illicit trafficking in nuclear and other radioactive material. Bishkek, 15 August 2008

Entry into force: *15 August 2008 by signature, in accordance with article 8*

Authentic texts: *English and Russian*

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**États-Unis d'Amérique
et
Kirghizistan**

Mémorandum d'accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République kirghize relatif à la prévention du trafic illicite de matières nucléaires et radioactives. Bichkek, 15 août 2008

Entrée en vigueur : *15 août 2008 par signature, conformément à l'article 8*

Textes authentiques : *anglais et russe*

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[ENGLISH TEXT – TEXTE ANGLAIS]

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE KYRGYZ REPUBLIC
CONCERNING
PREVENTION OF ILLICIT TRAFFICKING IN NUCLEAR AND
OTHER RADIOACTIVE MATERIAL

The Government of the United States of America and the Government of the Kyrgyz Republic, hereinafter referred to as the “Parties,”

Desiring to cooperate to detect and interdict illicit trafficking in special nuclear and other radioactive material through technical and methodological cooperation, including the installation and improvement of technical systems for the detection and identification of such material at border crossing control points of the Kyrgyz Republic,

Have agreed as follows:

Article 1

1. The terms of the Agreement between the Government of the United States of America and the Government of the Kyrgyz Republic Regarding Cooperation to Facilitate the Provision of Assistance signed on May 19, 1993 (hereinafter referred to as the “1993 Assistance Agreement”) shall apply to activities under this Memorandum of Understanding (Memorandum).
2. This Memorandum shall be implemented by the following responsible entities of each Party: for the Government of the United States of America —the Department of Energy of the United States of America (DOE); for the Government of the Kyrgyz Republic—the State Customs Committee (SCC) of the Kyrgyz Republic. Either Party may delegate responsibilities for the implementation of this Memorandum to other ministries and agencies of that Party.
3. The DOE, acting through its National Nuclear Security Administration, may provide the SCC technical assistance, at no cost, in the form of equipment and materials, training of specialists, as well as associated services, as jointly identified by the DOE and the SCC. As used herein, the term “special nuclear material” means plutonium, and uranium enriched in the isotope 233 or 235. “Other radioactive material” includes radioactive substances emitting ionizing radiation and suitable for use in radiological dispersal devices.
4. The Government of the Kyrgyz Republic shall be responsible for the use and maintenance of the equipment provided by DOE. The Government of the Kyrgyz Republic must use the equipment and materials it receives, as well as the training and services provided under this Memorandum, solely for the purpose of preventing illicit trafficking in special nuclear and other radioactive material.

Article 2

1. DOE's technical assistance may include:
 - a. delivery and installation, at border crossing control points in the Kyrgyz Republic, of equipment for the purpose of detecting special nuclear and other radioactive material, adapted for customs control conditions (including checking, setup, and demonstration of equipment);
 - b. delivery of spare parts kits, test equipment, technical and user documentation, and other necessary maintenance equipment to repair the DOE-supplied equipment;
 - c. training of appropriate SCC personnel and other personnel in identification of special nuclear material and other radioactive material, and in the proper use and maintenance of equipment provided by the DOE;
 - d. support in maintaining the DOE-provided equipment for a period of three years from installation of the equipment, in accordance with the equipment care and maintenance plan to be determined jointly by the DOE and SCC;
 - e. additional areas of cooperation as agreed upon by the DOE and SCC.
2. The DOE and the SCC may conduct joint technical workshops, consultations, site equipment visits, technical evaluations of the equipment, verification inspections, and acceptance tests of installed equipment and materials. Joint working groups of technical experts may be formed to exchange technical information about the operation of the equipment and develop proposals on technical and training matters relating to effective implementation of this Memorandum.
3. SCC shall coordinate with appropriate ministries, agencies and organizations of the Government of the Kyrgyz Republic to ensure that equipment and materials provided under this Memorandum are afforded priority processing to allow

prompt engineering approvals and deliveries to their ultimate destinations within the Kyrgyz Republic.

4. The terms and conditions under which assistance may be provided under this Memorandum will be set forth in contracts or other written arrangements between DOE and SCC or their designated implementing agents. In case of any inconsistency between these contracts or other written arrangements and this Memorandum, including the terms of the 1993 Assistance Agreement, the provisions of the 1993 Assistance Agreement and this Memorandum shall prevail.

Article 3

The SCC, through the Ministry of Foreign Affairs of the Kyrgyz Republic, shall furnish the Government of the United States of America, through its representatives (to be designated by the DOE) present in the Kyrgyz Republic, and in a format and according to a schedule to be determined by the DOE and the SCC, with information on any detections or seizures of illicitly trafficked special nuclear material and other radioactive material made as a result of use of the equipment and materials supplied under this Memorandum. Lawful shipments of special nuclear material and other radioactive material are not subject to this information reporting requirement.

Article 4

Without the prior written consent of the DOE, the SCC shall not transfer title to, or possession of, the equipment provided by the DOE in furtherance of this Memorandum, other than to other ministries, agencies, departments, or subdivisions of the Government of the Kyrgyz Republic to which the Government of the Kyrgyz Republic has delegated responsibilities for implementation of this Memorandum.