



International Atomic Energy Agency

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THE TEXT OF A PROTOCOL BETWEEN THE AGENCY AND THE GOVERNMENTS
OF THAILAND AND THE UNITED STATES OF AMERICA TERMINATING THE
AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE
GOVERNMENT OF THE KINGDOM OF THAILAND AND THE GOVERNMENT OF
THE UNITED STATES OF AMERICA FOR THE APPLICATION OF SAFEGUARDS
AND TERMINATING THE PROTOCOL SUSPENDING THAT AGREEMENT

1. The text [1] of a protocol between the Agency and the Governments of Thailand and the United States of America terminating the Agreement between the International Atomic Energy Agency, the Government of the Kingdom of Thailand and the Government of the United States of America for the Application of Safeguards[2] and terminating the Protocol suspending that Agreement[3] is reproduced in this document for the information of all Members.
2. The Protocol entered into force on 27 June 1974, pursuant to Section 6 thereof.

[1] The footnotes to the text have been added in the present information circular.

[2] Reproduced in document INFCIRC/68.

[3] Reproduced in document INFCIRC/68/Mod.1.

PROTOCOL TERMINATING THE AGREEMENT BETWEEN THE INTERNATIONAL
ATOMIC ENERGY AGENCY, THE GOVERNMENT OF THE KINGDOM OF
THAILAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA
FOR THE APPLICATION OF SAFEGUARDS AND TERMINATING THE
PROTOCOL SUSPENDING THAT AGREEMENT AND PROVIDING FOR THE
APPLICATION OF SAFEGUARDS PURSUANT TO THE NON-PROLIFERATION
TREATY

The International Atomic Energy Agency (hereinafter referred to as the "Agency"), the Government of the Kingdom of Thailand and the Government of the United States of America:

RECOGNIZING that the Kingdom of Thailand, as a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as the "Treaty")[4], has on 16 May 1974 concluded with the Agency an Agreement for the Application of Safeguards (hereinafter referred to as the "Treaty Safeguards Agreement")[5] pursuant to paragraph 1 of Article III of the Treaty; and

RECOGNIZING that the Agency, the Government of the Kingdom of Thailand and the Government of the United States of America have concluded on 16 May 1974 a Protocol (hereinafter referred to as the "Superseded Protocol")[3] providing for the application of safeguards by the Agency pursuant to the Treaty Safeguards Agreement and suspending the Agreement between the International Atomic Energy Agency, the Government of the Kingdom of Thailand and the Government of the United States of America for the Application of Safeguards signed on 30 September 1964 (hereinafter referred to as the "Safeguards Transfer Agreement")[2] 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; and

RECOGNIZING that the suspended Safeguards Transfer Agreement provides for the application of safeguards by the Agency to materials, equipment and facilities required to be safeguarded under the Agreement for Co-operation between the Government of the United States of America and the Government of the Kingdom of Thailand concerning Civil Uses of Atomic Energy signed on 13 March 1956, as amended on 27 March 1957, 11 June 1960, 31 May 1962 and on 8 June 1964 (hereinafter referred to as the "Superseded Agreement")[6], to ensure so far as it is able that they will not be used in such a way as to further any military purpose; and

RECOGNIZING that the Government of the United States of America and the Government of the Kingdom of Thailand have concluded a superseding Agreement for Co-operation concerning Civil Uses of Atomic Energy which was signed on 14 May 1974 (hereinafter referred to as the "Superseding Agreement")[7]; and

RECOGNIZING that under Article X of the Superseding Agreement the Government of the Kingdom of Thailand has guaranteed that no material, including equipment and devices, transferred to the Government of the Kingdom of Thailand or authorized persons under its jurisdiction from the United States of America pursuant to the Superseded Agreement or the Superseding Agreement and no special nuclear material produced through the use of such material, equipment or devices will be used for any military purpose; and

[4] Reproduced in document INFCIRC/140.

[5] Reproduced in document INFCIRC/241.

[6] United Nations Treaty Series, Vol. 253, No. 3579.

[7] Treaties and Other International Acts Series, No. 7850.

RECOGNIZING that Article XII of the Superseding Agreement provides for the suspension of the safeguards rights accorded to the Government of the United States of America by Article XI of that Agreement during the time and to the extent that the Government of the United States of America agrees that the need to exercise such rights is satisfied by the Treaty Safeguards Agreement; and

RECOGNIZING that the Agency, the Government of the Kingdom of Thailand and the Government of the United States of America desire to terminate the Safeguards Transfer Agreement, and that Section 27 of that Agreement provides that it shall remain in force until 5 March 1975 unless sooner terminated by any Party on six months' notice to the other Parties or as may otherwise be agreed;

HAVE AGREED:

1. The Safeguards Transfer Agreement is hereby terminated.
2. The Superseded Protocol is hereby terminated.
3. The Government of the Kingdom of Thailand and the Government of the United States of America agree that the Treaty Safeguards Agreement constitutes an agreement of the kind referred to in Article XII of the Superseding Agreement, and that the safeguards rights accorded to the Government of the United States of America by Article XI of the Superseding Agreement are deemed to be suspended during the time and to the extent that the Treaty Safeguards Agreement is in force and the safeguards specified therein are being applied by the Agency.
4. The Treaty Safeguards Agreement shall be applied as therein provided to nuclear materials subject to the Superseding Agreement.
5. In the event that the Government of the Kingdom of Thailand intends to exercise its discretion in accordance with Article 14 of the Treaty Safeguards Agreement to use any nuclear material required to be safeguarded under that Agreement in a military activity not proscribed by the Treaty, the Government of the Kingdom of Thailand will satisfy the Agency and the Government of the United States of America that such material is not subject to the guarantees made to the Government of the United States of America by the Government of the Kingdom of Thailand in Article X of the Superseding Agreement, and that no materials, equipment or facilities transferred from the United States of America to the Kingdom of Thailand subject to the Superseding Agreement are involved in such use.
6. This protocol shall be signed by or for the Director General of the Agency and by the authorized representatives of the Government of the Kingdom of Thailand and the Government of the United States of America and shall enter into force on the date upon which the Superseding Agreement enters into force. The two Governments shall notify the Agency of the date of the entry into force of the Superseding Agreement within one week after that date.

DONE in Vienna, this 27th day of June 1974 in triplicate in the English language.

For the INTERNATIONAL ATOMIC ENERGY AGENCY:

(signed) John A. Hall

For the GOVERNMENT OF THE KINGDOM OF THAILAND:

(signed) Dej Talabhat

For the GOVERNMENT OF THE UNITED STATES OF AMERICA:

(signed) Dwight J. Porter