

TECHNICAL
ASSISTANCE



Treaty Series No. 80 (1983)

Revised Supplementary Agreement

concerning the provision of Technical Assistance
by the International Atomic Energy Agency to
the Government of the United Kingdom of
Great Britain and Northern Ireland on behalf
of Hong Kong

Vienna, 4 February 1983

[The Agreement entered into force on 4 February 1983]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
December 1983*

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**REVISED
SUPPLEMENTARY AGREEMENT
CONCERNING THE PROVISION OF TECHNICAL ASSISTANCE
BY THE INTERNATIONAL ATOMIC ENERGY AGENCY
TO THE GOVERNMENT OF
THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND ON BEHALF OF THE
GOVERNMENT OF HONG KONG**

The International Atomic Energy Agency (hereinafter called the "Agency") and the Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter called the "Government") after consultation and agreement with the Government of Hong Kong;

Noting that the Government is responsible for the external affairs of Hong Kong;

Hereby enter into this Agreement concerning the provision of technical assistance to the Government by or through the Agency.

ARTICLE I

Revised Standard Agreement

The Government and the Agency shall apply to the technical assistance provided under this Agreement by or through the Agency the provisions of the Revised Standard Agreement concluded on 8 July 1960⁽¹⁾ and as amended on 10 May 1963⁽²⁾ and 29 November 1967⁽³⁾ between the Government and the organizations participating in the United Nations Development Programme.

ARTICLE II

Safety Standards and Measures

The Government shall apply to the operations making use of the technical assistance provided pursuant to this Agreement the Agency's Safety Standards and Measures defined in document INFCIRC/18/Rev.1⁽⁴⁾ and the applicable safety standards as they are established in accordance with that document and as they may be revised from time to time.

ARTICLE III

Peaceful Use Undertaking and Safeguards

1. The Government undertakes that the technical assistance received pursuant to this Agreement shall be used only for peaceful applications of atomic energy and, in particular, that such assistance shall not be used for

⁽¹⁾ Treaty Series No. 63 (1960), Cmnd. 1178.

⁽²⁾ Treaty Series No. 46 (1964), Cmnd. 2447.

⁽³⁾ This amendment added the Inter-Governmental Maritime Consultative Organization to the list of participating organizations.

⁽⁴⁾ Not reproduced.

the manufacture of nuclear weapons, for the furtherance of any military purpose and for uses which could contribute to the proliferation of nuclear weapons, such as research on, development, testing or manufacture of a nuclear explosive device.

2. To this end and to the extent required by the Board of Governors of the Agency, the Agency's safeguards rights and responsibilities provided for in paragraph A of Article XII of its Statute⁽⁵⁾ shall be implemented and maintained with respect to a project subject to this Agreement pursuant to an applicable safeguards agreement which is in force between the Government and the Agency or, in the absence of such an agreement, pursuant to a safeguards agreement to be concluded between the Government and the Agency prior to the implementation of the assistance approved for the project.

ARTICLE IV

Physical Protection

To the extent relevant, the Government shall take all the measures necessary for the physical protection of nuclear facilities, equipment and materials relating directly to the technical assistance provided by or through the Agency. The Government shall be guided by the recommendations of the Agency set forth in document INFCIRC/225/Rev.1⁽⁶⁾ and as they may be revised from time to time.

ARTICLE V

Title to Equipment or Materials

Unless otherwise agreed by the Parties to this Agreement, title to the equipment and materials provided by or through the Agency in relation to a project subject to this Agreement shall vest in the Government upon receipt of the notification by the Agency that the implementation of the technical assistance relating to the project is completed. The Government shall thereupon assume full and exclusive responsibility and all liabilities for the handling, use, maintenance, storage and disposal of such equipment and materials. Upon such transfer of title to the equipment or materials, the Government undertakes that:

- (a) it shall ensure the proper operation and adequate maintenance of the equipment;
- (b) the equipment shall be made available for use by any expert provided by or through the Agency as may be required for the discharge of his professional duties; and
- (c) to the extent relevant, the use of the equipment and materials shall be subject to the provisions of Article III of this Agreement.

⁽⁵⁾ Treaty Series No. 19 (1958), Cmnd. 450.

⁽⁶⁾ Not reproduced.

ARTICLE VI

Settlement of Disputes

Any dispute concerning the interpretation or application of this Agreement which cannot be settled by negotiation or another agreed mode of settlement shall be submitted to arbitration at the request of either Party to this Agreement. Each Party shall appoint one arbitrator, and the two arbitrators so appointed shall elect a third, who shall be the Chairman. If within thirty days of the request for arbitration either Party has not appointed an arbitrator or within fifteen days of the appointment of the second arbitrator the third arbitrator has not been elected, either Party may request the Secretary General of the United Nations to appoint an arbitrator. A majority of the members of the arbitral tribunal shall constitute a quorum, and all decisions shall be made by majority vote. The arbitral procedure shall be established by the arbitrators, and the expense of the arbitration shall be borne by the Parties as assessed by the arbitrators. The arbitral award shall contain a statement of the reasons on which it is based and shall be accepted by the Parties as the final adjudication of the dispute.

ARTICLE VII

Entry into Force

This Agreement shall enter into force upon signature by the authorized representative of the Government and by or for the Director General of the Agency.

Done in duplicate at Vienna on 4 February 1983.

For the Government of the United
Kingdom of Great Britain and
Northern Ireland:

For the International Atomic Energy
Agency:

M. J. WILMSHURST

CARLOS VELEZ