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THE TEXT OF THE AGREEMENT BETWEEN IRAQ AND THE AGENCY
FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION
WITH THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

An exchange of letters between the Government of the French Republic and the
Government of the Republic of Iraq supplementary to the
Franco-Iraqi co-operation agreement for the peaceful utilization
of nuclear energy signed on 18 November 1975

1. The text of the exchange of letters of 11 September 1976 between the Government of the French Republic and the Government of the Republic of Iraq supplementary to the Franco-Iraqi co-operation agreement for the peaceful utilization of nuclear energy of 18 November 1975 is reproduced in this document for the information of all Members [1] by agreement with the French and Iraqi Governments.
2. The exchange of letters entered into force on 4 November 1976.

[1] The footnote to the text has been added to the present information circular.

EXCHANGE OF LETTERS OF 11 SEPTEMBER 1976 BETWEEN THE
GOVERNMENT OF THE FRENCH REPUBLIC AND THE
GOVERNMENT OF THE REPUBLIC OF IRAQ SUPPLEMENTARY
TO THE FRANCO-IRAQI CO-OPERATION AGREEMENT
FOR THE PEACEFUL UTILIZATION OF NUCLEAR ENERGY

Baghdad, 11 September 1976

To Mr. Jean Bernard Ouvrieu, French

Chargé d' Affaires in Iraq

Your Excellency,

With reference to the co-operation agreement of 18 November 1975 between the Government of the French Republic and the Government of the Republic of Iraq for the peaceful utilization of nuclear energy (hereinafter referred to as "the Franco-Iraqi agreement"), I have the honour to confirm the agreement reached between our two Governments on the following points with a view to ensuring the effective application of Article III.1.C of the above-mentioned Franco-Iraqi agreement:

- (1) The commitments entered into by the Iraqi Government under Article III.1.C of the Franco-Iraqi agreement will be fulfilled through implementation of the provisions of the agreement of 29 February 1972 between the Republic of Iraq and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as "the Iraq-IAEA agreement")^[2],
- (2) In the event of the Iraq-IAEA agreement expiring, the Iraqi Government undertakes to conclude, within the three months preceding the date of expiry of the said agreement, a trilateral agreement with the Government of the French Republic and the International Atomic Energy Agency ensuring the peaceful and non-explosive utilization of the materials, nuclear materials, installations, equipment and technical know-how provided by France to Iraq under the Franco-Iraqi agreement.
- (3) If the above-mentioned trilateral agreement has not entered into force before the end of the period of three months referred to in the preceding paragraph or if, for any reason and at any time, the safeguards applied by the IAEA pursuant to the Iraq-IAEA agreement should cease to be applied effectively under the said agreement, those provisions of the Iraq-IAEA agreement which concern safeguards shall continue to be applied in order to ensure fulfilment of the commitments entered into under Article III.1.C of the Franco-Iraqi agreement until the entry into force of the trilateral agreement.

For the implementation of the provisions of the foregoing paragraph, the Iraqi Government or the French Government, on the basis of - inter alia - information provided by the Agency, shall notify the latter of the material, nuclear materials, installations and equipment which must be subjected to safeguards.

[2] INFCIRC/172

I should be happy if Your Excellency could confirm, on behalf of the Government of the French Republic, the agreement as set forth above. The foregoing commitments will then enter into force as soon as the two Governments have informed each other, by an exchange of notes, of the completion of the procedures required for that purpose on both sides.

Accept, Your Excellency, the assurances of my highest esteem.

(signed) Fakhri Ahmad Kasim
Ambassador
Director General for Cultural Affairs and
Technical Assistance

Baghdad, 11 September 1976

To Mr. Fakhri Ahmad Kasim, Ambassador, Director General for
Cultural Affairs and Technical Assistance

Sir,

I have the honour to take cognizance, on behalf of the French Government, of your letter reading as follows:

"With reference to the co-operation agreement of 18 November 1975 between the Government of the French Republic and the Government of the Republic of Iraq for the peaceful utilization of nuclear energy (hereinafter referred to as 'the Franco-Iraqi agreement'), I have the honour to confirm the agreement reached between our two Governments on the following points with a view to ensuring the effective application of Article III.1.C of the above-mentioned Franco-Iraqi agreement:

- (1) The commitments entered into by the Iraqi Government under Article III.1.C of the Franco-Iraqi agreement will be fulfilled through implementation of the provisions of the agreement of 29 February 1972 between the Republic of Iraq and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as 'the Iraq-IAEA agreement').
- (2) In the event of the Iraq-IAEA agreement expiring, the Iraqi Government undertakes to conclude, within the three months preceding the date of expiry of the said agreement, a trilateral agreement with the Government of the French Republic and the International Atomic Energy Agency ensuring the peaceful and non-explosive utilization of the materials, nuclear materials, installations, equipment and technical know-how provided by France to Iraq under the Franco-Iraqi agreement.
- (3) If the above-mentioned trilateral agreement has not entered into force before the end of the period of three months referred to in the preceding paragraph or if, for any reason and at any time, the safeguards applied by the IAEA pursuant to the Iraq-IAEA agreement should cease to be applied effectively under the said agreement, those provisions of the Iraq-IAEA agreement which concern safeguards shall continue to be applied in order to ensure fulfilment of the commitments entered into under Article III.1.C of the Franco-Iraqi agreement until the entry into force of the trilateral agreement.

"For the implementation of the provisions of the foregoing paragraph, the Iraqi Government or the French Government, on the basis of - inter alia - information provided by the Agency, shall notify the latter of the material, nuclear materials, installations and equipment which must be subjected to safeguards.

"I should be happy if Your Excellency could confirm, on behalf of the Government of the French Republic, the agreement as set forth above. The foregoing commitments will then enter into force as soon as the two Governments have informed each other, by an exchange of notes, of the completion of the procedures required for that purpose on both sides."

I have the honour to inform you that my Government agrees to the provisions set forth above. The foregoing commitments will then enter into force as soon as the two Governments have informed each other, by an exchange of notes, of the completion of the procedures required for that purpose on both sides.

Accept, Sir, the assurances of my highest esteem.

(signed) Jean Bernard Ouvrieu
French Chargé d'Affaires in Iraq