

AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF INDONESIA
AND
THE GOVERNMENT OF THE REPUBLIC OF KOREA
ON
COOPERATION IN THE PEACEFUL USES OF NUCLEAR ENERGY



The Government of the Republic of Indonesia and the Government of the Republic of Korea (hereinafter referred to as "the Parties");

Noting that the utilization of nuclear energy for peaceful purposes is an important factor in the promotion of the social and economic development of the two countries;

Desiring to strengthen the friendly relations existing between the two countries;

Recognizing that both countries are Member States of the International Atomic Energy Agency (hereinafter referred to as "the IAEA") and parties to the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as "the Treaty");

Reaffirming their intention to give the highest priority to nuclear safety and environmental protection in both countries in the course of implementing their nuclear programs; and

Bearing in mind the common desire of both countries to expand and strengthen their cooperation, on the basis of equality and mutual benefit, for the development and application of nuclear energy for peaceful purposes;

HAVE AGREED AS FOLLOWS:

ARTICLE I PURPOSES

The Parties shall, on the basis of equality and mutual benefit, encourage and promote cooperation in the peaceful uses of nuclear energy, in accordance with their respective applicable laws and regulations.

ARTICLE II DEFINITIONS

For the purposes of this Agreement:

- (a) "Equipment" means any of the equipment listed in Part A of Annex I to this Agreement;
- (b) "Material" means any of the material listed in Part B of Annex I to this Agreement;
- (c) "Nuclear material" means any source material or any special fissionable material as these terms are defined in Article XX of the Statute of the IAEA which is attached as Annex II to this Agreement. Any determination by the Board of Governors of the IAEA under Article XX of the IAEA's Statute to amend the list of materials considered to be "source material" or "special fissionable material" shall only have effect under this Agreement when the



Parties have informed each other in writing that they accept such an amendment;

- (d) "Persons" means any individual, corporation, firm or company, partnership, association or other entity subject to the jurisdiction of either Party, but does not include the Parties to this Agreement; and
- (e) "Technology" means scientific or technical data designated by the supplying Party which is important to the design, construction, operation and maintenance of equipment, but excludes data available to the public.

ARTICLE III AREAS OF COOPERATION

Subject to this Agreement, the areas of cooperation between the Parties may include:

- (a) basic and applied research development with respect to the peaceful uses of nuclear energy;
- (b) research, development, design, construction, operation and maintenance of nuclear power plants, small and medium sized nuclear reactors or research reactors;
- (c) manufacture and supply of nuclear fuel elements to be used in nuclear power plants, small and medium sized nuclear reactors or research reactors;
- (d) nuclear fuel cycle, from the exploration and exploitation of nuclear ores up to radioactive waste management;
- (e) production and application of radioisotopes in industry, agriculture and medicine;
- (f) development, supply and use of particle accelerators, and application of accelerator technologies;
- (g) nuclear safety, radiation protection and environmental protection;
- (h) nuclear safeguards and physical protection;
- (i) nuclear policy and manpower development; and
- (j) any other areas of cooperation as may be agreed upon by the Parties.

ARTICLE IV FORMS OF COOPERATION

The cooperation under Article 3 of this Agreement may be undertaken in the following forms:

- (a) exchange and training of scientific and technical personnel;
- (b) exchange of scientific and technological information and data;
- (c) organization of symposia, seminars and working groups;
- (d) transfer of nuclear material, material, equipment and technology;
- (e) provision of relevant technological consultancy and services;
- (f) joint research or projects on subjects of mutual interest; and
- (g) any other forms of cooperation as may be agreed upon by the Parties.



**ARTICLE V
IMPLEMENTING ARRANGEMENT**

1. Cooperation in the peaceful uses of nuclear energy under this Agreement may be implemented by the relevant authorities, which shall be designated by the Parties.
2. The relevant authorities of the Parties may conclude separate arrangements or contracts for the purpose of implementing this Agreement.
3. The arrangements or contracts referred to in paragraph 2 of this Article shall specify the terms and conditions of particular cooperative programs and projects, the procedures to be followed, financial arrangement, intellectual property rights matters and other appropriate issues, in accordance with the respective laws and regulations of the Parties.

**ARTICLE VI
RETRANSFERS**

Nuclear material, material, equipment and technology transferred pursuant to this Agreement, and special fissionable material produced through the use of nuclear material, material or equipment transferred pursuant to this Agreement, shall not be transferred beyond the jurisdiction of the receiving Party to a third party unless otherwise agreed by the Parties.

**ARTICLE VII
ENRICHMENT AND REPROCESSING**

1. Uranium transferred pursuant to this Agreement shall not be enriched to twenty (20) percent or more in the isotope U-235 unless otherwise agreed by the Parties.
2. Nuclear material transferred pursuant to this Agreement and nuclear material produced through the use of nuclear material, material or equipment so transferred shall not be reprocessed unless otherwise agreed by the Parties.
3. Such agreement under paragraphs 1 and 2 of this Article shall describe the conditions under which the resultant plutonium or uranium enriched to twenty (20) percent or more may be stored and used.



**ARTICLE VIII
NO EXPLOSIVE OR MILITARY APPLICATION**

1. The cooperation pursuant to this Agreement shall be carried out only for peaceful purposes.
2. Nuclear material, material, equipment and technology transferred pursuant to this Agreement and special fissionable material used in or produced through the use of nuclear material, material or equipment so transferred shall not be used for the development or the manufacture of nuclear weapons or any nuclear explosive devices, or for any military purpose.

**ARTICLE IX
SAFEGUARDS**

1. With respect to nuclear material, the commitment under Article VIII of this Agreement shall be verified pursuant to the safeguards agreement between either Party and the IAEA, in connection with the Treaty.
2. If, for any reason or at any time, the IAEA is not administering such safeguards within the jurisdiction of one Party, that Party shall forthwith enter into an agreement with the other Party for the establishment of a safeguards system which conforms to the IAEA safeguards principles and procedures for the application of safeguards to nuclear material transferred pursuant to this Agreement.

**ARTICLE X
INFORMATION AND INTELLECTUAL PROPERTY**

1. The Parties may freely use any information received under this Agreement unless the supplying Party notifies the receiving Party in writing in advance of any restrictions or reservations concerning its use and dissemination.
2. Information obtained pursuant to this Agreement shall not be transferred beyond the jurisdiction of the receiving Party to a third party without the prior written consent of the supplying Party.
3. The Parties shall take all appropriate measures in accordance with their respective laws and regulations to preserve the restrictions and reservations of information and to protect intellectual property rights, including trade secrets transferred between authorized persons within the jurisdiction of either Party.
4. The Parties, their competent agencies and designated organizations may incorporate into separate agreements, arrangements and contracts on particular programs and projects provisions regarding the protection and allocation of



