

No. 33456. International Atomic Energy Agency and Antigua and Barbuda

AGREEMENT FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION WITH THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA AND THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS. VIENNA, 8 DECEMBER 1989, AND NEW YORK, 1 FEBRUARY 1990 [United Nations, Treaty Series, vol. 1952, I-33456.]

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT TO AMEND THE PROTOCOL TO THE AGREEMENT BETWEEN ANTIGUA AND BARBUDA AND THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION WITH THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA AND THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS. VIENNA, 24 AUGUST 2006, AND ST. JOHN'S, 6 FEBRUARY 2012*

Entry into force: 5 March 2012 by the exchange of the said letters, in accordance with their provisions

Authentic text: English

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Nº 33456. Agence internationale de l'énergie atomique et Antigua-et-Barbuda

ACCORD RELATIF À L'APPLICATION DE GARANTIES DANS LE CADRE DU TRAITÉ VISANT L'INTERDICTION DES ARMES NUCLÉAIRES EN AMÉRIQUE LATINE ET DU TRAITÉ SUR LA NON-PROLIFÉRATION DES ARMES NUCLÉAIRES. VIENNE, 8 DÉCEMBRE 1989, ET NEW YORK, 1^{ER} FÉVRIER 1990 [Nations Unies, Recueil des Traités, vol. 1952, I-33456.]

ÉCHANGE DE LETTRES CONSTITUANT UN ACCORD MODIFIANT LE PROTOCOLE À L'ACCORD ENTRE ANTIGUA-ET-BARBUDA ET L'AGENCE INTERNATIONALE DE L'ÉNERGIE ATOMIQUE RELATIF À L'APPLICATION DE GARANTIES DANS LE CADRE DU TRAITÉ VISANT L'INTERDICTION DES ARMES NUCLÉAIRES EN AMÉRIQUE LATINE ET DU TRAITÉ SUR LA NON-PROLIFÉRATION DES ARMES NUCLÉAIRES. VIENNE, 24 AOÛT 2006, ET SAINT JOHN'S, 6 FÉVRIER 2012*

Entrée en vigueur : 5 mars 2012 par l'échange desdites lettres, conformément à leurs dispositions

Texte authentique : anglais

Enregistrement auprès du Secrétariat des Nations Unies : Agence internationale de l'énergie atomique, 18 août 2016

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IAEA

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 International Atomic Energy Agency
 Agence Internationale de l'énergie atomique
 Международное агентство по атомной энергии
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His Excellency
 Mr. Baldwin Spencer
 Prime Minister and Minister for Foreign Affairs
 and International Trade
 Ministry of Foreign Affairs
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 ANTIGUA AND BARBUDA

2006-08-24

Sir,

I have the honour to refer to the Agreement between your Government and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in Connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Treaty on the Non-Proliferation of Nuclear Weapons, and to the Protocol thereto (hereinafter referred to as "the Small Quantities Protocol"), which entered into force on 9 September 1996, as well as to the decisions of the IAEA Board of Governors of 20 September 2005 related to such protocols.

In his report entitled "Strengthening safeguards implementation in States with Small Quantities Protocols", the IAEA Director General, Dr. Mohamed ElBaradei, drew attention to the IAEA's need to receive initial reports on nuclear material, to obtain information on planned or existing nuclear facilities; and to be able to perform inspection activities in the field, if required, for all States with comprehensive safeguards agreements. He explained that the small quantities protocols currently had the effect of holding such authority in abeyance.

The Board agreed with the Director General's assessment and, on the basis of the Director General's report, concluded that the small quantities protocol in its present form was a weakness in the IAEA's safeguards system. It decided that the small quantities protocol should remain part of the IAEA's safeguards system, subject to the modifications in the standardized text and the change in the criteria for a small quantities protocol as proposed in the Director General's report. The Board also decided that, henceforth, it would approve only texts for such protocols based on a revised standardized text and subject to modified criteria.

The Board authorized the Director General to conclude with all States with small quantities protocols exchanges of letters giving effect to the revised standardized text and the modified criteria, and called on the States concerned to conclude such exchanges of letters as soon as possible.

It is therefore proposed that paragraph I of the Small Quantities Protocol be amended to read as follows:

- I. (1) Until such time as Antigua and Barbuda
 - (a) has, in peaceful nuclear activities within its territory or under its jurisdiction or control anywhere, nuclear material in quantities exceeding the limits stated, for the type of material in question, in Article 36 of the Agreement between

Antigua and Barbuda and the Agency for the Application of Safeguards in Connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as "the Agreement"), or

- (b) has taken the decision to construct or authorize construction of a facility, as defined in the definitions,

the implementation of the provisions in Part II of the Agreement shall be held in abeyance, with the exception of Articles 32-38, 40, 48, 49, 59, 61, 67, 68, 70, 72-76, 82, 84-90, 94 and 95.

- (2) The information to be reported pursuant to paragraphs (a) and (b) of Article 33 of the Agreement may be consolidated and submitted in an annual report; similarly, an annual report shall be submitted, if applicable, with respect to the import and export of nuclear material described in paragraph (c) of Article 33.
- (3) In order to enable the timely conclusion of the Subsidiary Arrangements provided for in Article 38 of the Agreement, Antigua and Barbuda shall:
- (a) notify the Agency sufficiently in advance of its having nuclear material in peaceful nuclear activities within its territory or under its jurisdiction or control anywhere in quantities that exceed the limits, as referred to in section (1) hereof, or
- (b) notify the Agency as soon as the decision to construct or to authorize construction of a facility has been taken,
- whichever occurs first.

If this proposal is acceptable to your Government, this letter and your Government's affirmative reply shall constitute an agreement between Antigua and Barbuda and the IAEA to amend the Small Quantities Protocol accordingly, which amendments shall enter into force on the date that the Agency receives that reply.

Accept, Sir, the assurances of my highest consideration.



Vilmos Cserveny
Director
Office of External Relations and Policy
Coordination

for DIRECTOR GENERAL