

# Information Circular

**INFCIRC/299/Mod.1**

Date: 14 June 2011

**General Distribution**

Original: Spanish

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## The Text of the Agreement of 20 July 1978 between Guatemala 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

### **An Agreement by Exchange of Letters with Guatemala to amend the Protocol to the Safeguards Agreement**

1. The text of the Exchange of Letters, constituting an agreement to amend the Protocol<sup>1</sup> to the Agreement between Guatemala 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<sup>2</sup>, is reproduced in this document for the information of all Member States of the Agency.
2. The amendments agreed upon in the Exchange of Letters entered into force on 26 April 2011, the date on which the Agency received from Guatemala written notification that Guatemala's internal requirements for entry into force had been fulfilled.

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<sup>1</sup> Referred to as the "Small Quantities Protocol".

<sup>2</sup> Reproduced in document INFCIRC/299.

*Ministry of External Relations  
Guatemala, Central America*

15400053311

Guatemala, 7 April 2011

II-5  
Exp. 1951-2006  
(EB/adg)

Sir,

I have the honour to write to you with reference to the amendment to paragraph 1 of the small quantities protocol between the Government of the Republic of Guatemala and the International Atomic Energy Agency.

In this regard, this Ministry is pleased to inform you that the aforementioned amendment was ratified by the President of the Republic of Guatemala via the instrument of ratification of 16 February 2011, thus meeting internal statutory requirements.

Pursuant to the above, and in accordance with the provisions of the agreement by exchange of letters concerning the amendment to paragraph 1 of the small quantities protocol between the Government of the Republic of Guatemala and the International Atomic Energy Agency, the latter will enter into force on the date the International Atomic Energy Agency receives this communication.

Accept, Sir, the assurances of my highest consideration.

(signed) Haroldo Rodas Melgar  
Minister of External Relations

[stamp of the Ministry of External Relations, Republic of Guatemala]

HE Dr Yukiya Amano  
Director General  
International Atomic Energy Agency (IAEA)  
Vienna, Austria

Ministry of Foreign Affairs  
Guatemala

Guatemala, 3 June 2008

II-5  
Ref. 1951-2006  
(BS/Im)

**Your Excellency,**

**I have the honour to write to Your Excellency to acknowledge receipt of your letter dated 1 September 2006, which reads as follows:**

"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 Monday, 1 February 1982, as well as to the decisions by 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.

H.E. Mr. Mohamed ElBaradei  
Director General  
International Atomic Energy Agency

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

1.1) Until such time as Guatemala

(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 Guatemala 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, Guatemala 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 the Republic of Guatemala 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."

**In this connection, I am pleased to inform Your Excellency that the Government of the Republic of Guatemala accepts the proposal of the International Atomic Energy Agency contained in the letter transcribed above. Therefore, the letter and our response constitute an agreement between the Republic of Guatemala and the International Atomic Energy Agency (IAEA) to amend the small quantities protocol, which will enter into force on the date that the Government of the Republic of Guatemala confirms, by diplomatic means, the completion of its internal legal requirements.**

**I take this opportunity of reiterating to Your Excellency the assurances of my highest consideration.**

(signed) Alfredo Trinidad Velásquez  
Acting Minister for Foreign Affairs

[stamp of the Ministry of Foreign Affairs, Guatemala]]



IAEA

الوكالة الدولية للطاقة الذرية

国际原子能机构

International Atomic Energy Agency

Agence internationale de l'énergie atomique

Международное агентство по атомной энергии

Organismo Internacional de Energía Atómica

*Atoms For Peace*

Wagramer Strasse 5, P.O. Box 100, A-1400 Wien, Austria

Phone: (+43 1) 2600 • Fax: (+43 1) 26007

E-mail: [Official.Mail@iaea.org](mailto:Official.Mail@iaea.org) • Internet: <http://www.iaea.org>

In reply please refer to:

Dial directly to extension: (+431) 2600-215220

Al Excelentísimo  
Sr. Luis Alberto Padilla Menéndez  
Embajador  
Misión Permanente de Guatemala ante el OIEA  
Landstrasse Hauptstrasse 21/9  
A- 1030 Wien

2006-09-01

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 1 February 1982, as well as to the decisions by 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 Guatemala

- (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 Guatemala 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 (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, Guatemala 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 the Republic of Guatemala 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.



Tariq Rauf

Acting Director  
Office of External Relations and  
Policy Coordination

for DIRECTOR GENERAL