

Information Circular

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General Distribution

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Agreement between the Government of the Republic of Togo and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons

An Agreement by Exchange of Letters with the Togolese Republic to amend the Protocol to the Safeguards Agreement

1. The text of the Exchange of Letters, constituting an agreement to amend the Protocol¹ to the Agreement between the Government of the Republic of Togo and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons², 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 8 October 2015, the date on which the Agency received the Togolese Republic's affirmative reply.

¹ Referred to as the "Small Quantities Protocol".

² Reproduced in document INFCIRC/840.

Ministry of Foreign Affairs, Cooperation and African Integration

Togolese Republic
Labour — Liberty — Fatherland

Office of the
Directorate of Defence and Security Affairs
Division of Disarmament and Peacekeeping Matters

No. 1437/MAECIA/CAB/DADS/DVQDMP/bs

Lomé, 18 August 2015

The Minister

Sir,

I have the honour to refer to the letter from the International Atomic Energy Agency (IAEA) dated 14 January 2014 which reads as follows:

- I. 1) Until such time as the Togolese Republic
 - 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 the Republic of Togo and the Agency for the Application of Safeguards in Connection with 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, the Togolese Republic 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.

In this connection, I have the honour to inform you that the terms proposed in the above-mentioned letter are acceptable to the Government of the State of Togo.

Accept, Sir, the assurances of my highest consideration,

[stamp] (signed)

Prof. Robert Dussey

INTERNATIONAL ATOMIC ENERGY AGENCY

OFFICE OF THE
DIRECTOR GENERAL

14 January 2014

Sir,

I have the honour to refer to the Agreement between the Government of the Republic of Togo and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, and to the Protocol thereto (hereinafter referred to as “the Small Quantities Protocol”), which were signed on 29 November 1990 and entered into force on 18 July 2012, as well as to the decision 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* (GOV/2005/33), the IAEA Director General 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.

HE Mr Robert Dussey
Minister of State, Minister for Foreign Affairs
and Cooperation of the Togolese Republic
Ministry of Foreign Affairs
B.P. 900 LOMÉ
TOGO

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

- I. (1) Until such time as the Togolese Republic
- (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 the Republic of Togo and the Agency for the Application of Safeguards in Connection with 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, the Togolese Republic 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 Togolese Republic and the IAEA to amend the Small Quantities Protocol accordingly, which amendments shall enter into force on the date that the IAEA receives that reply.

Accept, Sir, the assurance of my highest consideration.



Graham Andrew
Special Assistant to the Director General
for Nuclear Safety, Security and Safeguards

For the DIRECTOR GENERAL

Enclosure