

Information Circular

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General Distribution

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Agreement between Malaysia and the 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 Malaysia to rescind the Protocol to the Safeguards Agreement

1. The text of the Exchange of Letters¹, constituting an agreement to rescind the Protocol² to the Agreement between the Government of Malaysia and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons³, is reproduced in this document for the information of all Member States of the Agency.
2. The rescission agreed upon in the Exchange of Letters entered into force on 28 November 2018, the date on which the Agency received Malaysia's affirmative reply.

¹ The reference in the IAEA's letter, dated 21 November 2016, to the entry into force of Malaysia's Safeguards Agreement and Small Quantities Protocol was corrected to 29 February 1972 as agreed through exchange of letters between Malaysia and the IAEA.

² Referred to as the "Small Quantities Protocol".

³ Reproduced in document INFCIRC/182.



MENTERI TENAGA, SAINS, TEKNOLOGI, ALAM SEKITAR DAN PERUBAHAN IKLIM
MINISTER OF ENERGY, SCIENCE, TECHNOLOGY, ENVIRONMENT AND CLIMATE CHANGE

MOSTI.100-3/2/1 JLD.2 (19)
14 September 2018

Director General
International Atomic Energy Agency
Vienna International Centre, Wagramer Strasse 5
PO Box 100, 1400 Vienna Austria

Your Excellency,

**RESCISSION OF MALAYSIA'S SMALL QUANTITIES PROTOCOL OF
THE COMPREHENSIVE SAFEGUARDS AGREEMENT**

I have the honour to refer to the letter from the International Atomic Energy Agency ("IAEA") with reference number M205-MAL dated 21 November 2016 regarding the abovementioned matter.

2. On behalf of the Government of Malaysia, I would like to record our steadfast and unwavering commitment to strengthen the IAEA nuclear safeguards system and the international nuclear non-proliferation regime. Malaysia fully recognizes the important role of the IAEA in preventing the proliferation of nuclear weapons through the effective implementation of independent verification of States' compliance with nuclear non-proliferation undertakings.

3. Taking into consideration that Malaysia has fully implement the Comprehensive Safeguards Agreement ("CSA") and that the Small Quantities Protocol to the CSA is no longer in operation, Malaysia hereby agrees to rescind the said Small Quantities Protocol as proposed by the IAEA via its letter dated 21 November 2016.

4. This letter shall be deemed as an agreement between Malaysia and the IAEA to rescind Malaysia's Small Quantities Protocol and such agreement shall take effect on the date the IAEA receives this affirmative reply.

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Tel : 603 - 8885 8013 Faks : 603 - 8889 1818
Laman Web : www.mestecc.gov.my

Please accept Your Excellency, the assurances of my highest consideration.



(YEO BEE YIN)

Copy to:

1. Secretary General
Ministry of Energy, Science, Technology, Environment and Climate Change
Level 1-7, Blok C4&C5, Federal Government Administration Centre
62662 Putrajaya, Federal Territory
2. The Ambassador
Embassy of Malaysia in Austria and
Permanent Mission of Malaysia to United Nations
3. Director General
Atomic Energy Licensing Board
Ministry of Energy, Science, Technology, Environment and Climate Change
Batu 24, Jalan Dengkil Selangor, Malaysia.



IAEA

Atoms for Peace

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Международное агентство по атомной энергии

Organismo Internacional de Energía Atómica

HE Dato' Adnan bin Othman

Ambassador

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IAEA

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1210 VIENNA

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Email: Official.Mail@iaea.org • Internet: <http://www.iaea.org>

In reply please refer to: **M205-MAL**

Dial directly to extension: (+43 1) 2600-21257

2016-11-21

Excellency,

I have the honour to refer to the Agreement between Malaysia and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as the "Safeguards Agreement"), and to the Protocol thereto (hereinafter referred to as "Malaysia's Small Quantities Protocol"), which entered into force on 29 February 1992, as well as to the decisions of the IAEA's Board of Governors of 20 September 2005 with regard to such protocols.

In his report entitled "Strengthening Safeguards Implementation in States with Small Quantities Protocols" (GOV/2005/33, dated 13 May 2005), the IAEA Director General, drew the Board of Governors' attention to the IAEA's limited authority to verify nuclear material and activities in States with small quantities protocols. 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 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.

In accordance with the modified criteria, as contemplated in paragraph 7 of GOV/2005/33, States with planned or existing facilities will no longer be eligible for a small quantities protocol. The Board also authorized the Director General to conclude exchanges of letters giving effect to the modified criteria, and called upon the States concerned to conclude such exchanges of letters as soon as possible to amend or rescind their Small Quantities Protocols.

While Malaysia's Small Quantities Protocol is no longer operational, owing the fact that Malaysia has a facility containing nuclear material, we are nevertheless charged to implement the Board's decision in this regard.

Since under the modified criteria, Malaysia is no longer eligible for a small quantities protocol, it is therefore proposed, in accordance with the decision of the Board of Governors, to rescind Malaysia's Small Quantities Protocol. If this proposal is acceptable to your Government, this letter and your Government's affirmative reply shall constitute an agreement between Malaysia and the IAEA to rescind Malaysia's Small Quantities Protocol. Such agreement would be effective on the date that the IAEA receives Malaysia's affirmative reply.

Accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read "Derek Lacey". The signature is fluid and cursive, with the first name "Derek" being more prominent than the last name "Lacey".

Derek Lacey
Special Assistant to the Director General for
Nuclear Safety, Security and Safeguards

for DIRECTOR GENERAL