

Information Circular

INFCIRC/200/Mod.1

Date: 12 September 2008

General Distribution

Original: English, French

Agreement between Madagascar 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 Madagascar 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 Malagasy Republic 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 29 May 2008, the date on which the Agency received Madagascar's affirmative reply.

¹ Referred to as the "Small Quantities Protocol".

² Reproduced in document INFCIRC/200.

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NOTE VERBALE

The Permanent Mission of the Republic of Madagascar to the United Nations Office and Specialized Institutions in Geneva presents its compliments to the International Atomic Energy Agency and has the honour to transmit to it the attached response of the Malagasy Government to the IAEA's letter concerning modification of the small quantities protocol (SQP).

The Permanent Mission of the Republic of Madagascar avails itself of this opportunity of reiterating to the International Atomic Energy Agency the assurances of its highest consideration.

Geneva, 28 May 2008

RESPONSE OF THE GOVERNMENT OF MADAGASCAR CONCERNING THE AMENDMENT
OF THE SMALL QUANTITIES PROTOCOL (SQP)

Antananarivo, 26 May 2008

With reference to the IAEA's letter of 1 October 2007 concerning modification of the small quantities protocol (SQP), I have the honour of informing you that the terms of the above-mentioned letter are acceptable to the Government of Madagascar.

Minister of Foreign Affairs

(signed) Marcel RANJEVA

(stamp) Ministry of Foreign Affairs

**IAEA***Atoms for Peace: The First Half Century*

الوكالة الدولية للطاقة الذرية

国际原子能机构

International Atomic Energy Agency

Agence internationale de l'énergie atomique

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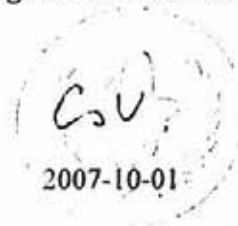
In reply please refer to:

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The Secretariat of the International Atomic Energy Agency (IAEA) presents its compliments to the Permanent Mission of the Republic of Madagascar to the IAEA and has the honour to refer to the attached letter regarding the proposed amendment to the protocol ("Small Quantities Protocol") to Madagascar's comprehensive safeguards agreement, which, until today, remains unanswered.

The modification of the standard text and of the criteria for Small Quantities Protocols is an important measure designed to strengthen the IAEA's safeguards system. Since the Board of Governors has called for all such protocols to be amended at an early date, the Secretariat would hope to receive the Government's reply to the Agency's proposal as early as possible. This response should be signed by the Head of State or Government, by the Minister for Foreign Affairs, or by any other representative holding full powers to do so. A model for such a response is attached.

The Secretariat of the International Atomic Energy Agency avails itself of this opportunity of assuring the Permanent Mission of the Republic of Madagascar to the IAEA of its highest consideration.



Enclosures



IAEA

الوكالة الدولية للطاقة الذرية

国际原子能机构

International Atomic Energy Agency

Agence internationale de l'énergie atomique

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His Excellency

Mr. Alfred Rambeloson

Resident Representative of Madagascar to the
IAEA

Avenue Riant-Parc 32

1209 Geneva, Switzerland

12 December 2005

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 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 14 June 1973, 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", the IAEA Director General, Mr. 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 Agency's safeguards system. It decided that the small quantities protocol should remain an integral part of the Agency'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 Madagascar
 - 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 Madagascar 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, Madagascar 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 Madagascar 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.

For THE DIRECTOR GENERAL

(signed)
Vilmos Cserveny
Director, Office of External Relations
and Policy Coordination