

# Information Circular

**INFCIRC/246/Mod.1**

Date: 6 August 2009

**General Distribution**

Original: Spanish

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## The Text of the Agreement of 28 February 1975 between Nicaragua 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 the Republic of Nicaragua 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 the Republic of Nicaragua 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 12 June 2009, the date on which the Agency received Nicaragua's affirmative reply.

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

<sup>2</sup> Reproduced in document INFCIRC/246.

Minister of Foreign Affairs  
Managua, 10 June 2009  
MRE/DM-DGOCl/280/06/09

Sir,

I have the honour to write to you with reference to the IAEA communication of 1 September 2006 on the modified standardized text of the small quantities protocol (SQP), which reads as follows:

*"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 29 December 1976, 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 Nicaragua*

- (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 Nicaragua 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*

Mr Mohamed ElBaradei  
Director General  
International Atomic Energy Agency (IAEA)  
Vienna, Austria

*(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, Nicaragua 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 Nicaragua 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 regard, I am pleased to inform you that the Government of the Republic of Nicaragua accepts the terms of the aforementioned communication.

I avail myself of this opportunity of expressing to you the assurances of my highest esteem and consideration.

(signed) Samuel Santos López

[stamp of the Minister of Foreign Affairs]

cc: Dr Juanita Ortega, National Atomic Energy Commission (CONEA)  
File



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

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A la Señora Isolda Frixione de Flores  
Encargada de Negocios  
Representante Permanente de Nicaragua  
ante el OIEA  
Ebendorferstrasse 10/3/12  
A-1010 Vienna

2006-09-01

Madam,

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 29 December 1976, 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 Nicaragua
  - (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 Nicaragua 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, Nicaragua 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 Nicaragua 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, Madam, the assurances of my highest consideration.



Tariq Rauf

Acting Director  
Office of External Relations  
and Policy Coordination

for DIRECTOR GENERAL