

Information Circular

INFCIRC/277/Mod.1

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General Distribution

Original: English

The Text of the Agreement of 8 August 1978 between Gambia 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 the Republic of The Gambia 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 Republic of The Gambia 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 17 October 2011, the date on which the Agency received from the Republic of The Gambia written notification that The Gambia's internal requirements for entry into force had been fulfilled.

¹ Referred to as the "Small Quantities Protocol".

² Reproduced in document INFCIRC/277.

REPUBLIC OF



THE GAMBIA

INFCIRC/277/Mod.1
Attachment

**MINISTRY OF FOREIGN AFFAIRS, INTERNATIONAL COOPERATION
& GAMBIANS ABROAD**

Mr. Yukiya Amano
Director General
International Atomic Energy Agency (IAEA)
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A – 1400 Vienna, Austria
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5th October, 2011

I have the honour to refer to the IAEA's letter of date 15th December, 2005 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 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 8th August 1978, well as to the decision of the IAEA Board of Governors of 20th 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 Agency'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 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 1 of the Small Quantities Protocol be amended to read as follows:

1. (1) Until such time as The Gambia

(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 Gambia and the Agency for the Application of Safeguards in Connection with the Treaty on the No-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 Gambia 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 I 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 Gambia 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 Gambia accepts the aforementioned terms.

Signed by: *Hon. Dr. Mamadou TANGARA*
 *Banjul, 05th October 2011*

Honourable Minister, Ministry of Foreign Affairs



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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His Excellency
Mr. Mossa G. BALA-GAYE
Secretary of State for Foreign Affairs
Ministry of Foreign Affairs
Banjul, GAMBIA

2005-12-15

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 8 August 1978, as well as to the decision of 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 Agency'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 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 Gambia
 - (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 Gambia 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, Gambia 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 I 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 Gambia 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.



Vilmos Cserveny

Director

Office of External Relations and Policy
Coordination

for DIRECTOR GENERAL