

Information Circular

INFCIRC/279/Mod.1

Date: 1 August 2018

General Distribution

Original: Spanish

The Text of the Agreement of 22 February 1978 between Paraguay and the Agency for the Application of Safeguards in Connection with the Treaty for 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 Paraguay 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 Paraguay 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 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 July 2018, the date on which the Agency received from Paraguay written notification that Paraguay's internal requirements for entry into force had been met.

¹ Referred to as the "Small Quantities Protocol".

² Reproduced in document INFCIRC/279.

PARAGUAY
MINISTRY OF FOREIGN AFFAIRS
National Government

18-03585E
Translated from Spanish

Directorate for Treaties

VMRE/DT/E/No. 103/2018

Asunción, 29 June 2018

Sir,

I have the honour of writing to you with reference to the Protocol to the Agreement between the Republic of Paraguay 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.

In this connection, I am pleased to inform you that the Government of the Republic of Paraguay accepts the terms proposed in the letter from the IAEA, and that the National Congress has given its approval through Act No. 6035, promulgated by the Executive Authority on 10 April 2018 and ratified on 10 May 2018.

Therefore, in line with the provisions established by the agreement in the exchange of letters regarding the Protocol between the Republic of Paraguay and the IAEA, this shall enter into force on the date that the Agency receives this letter.

I avail myself of this opportunity to assure you of my highest consideration.

[stamp]

(signed)

Federico A. González
Ambassador
Minister of Foreign Affairs

H.E. Yukiya Amano
Director General, IAEA
Vienna, Austria

Directorate for Treaties

VMRE/DT/E/No. 104/2018

Asunción, 29 June 2018

Sir,

I have the honour of writing to you regarding your letter of 1 September 2006, which reads as follows:

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 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 20 March 1979, 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.

H.E. Yukiya Amano
Director General, IAEA
Vienna, Austria

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

I. (1) Until such time as Paraguay

- (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 Paraguay 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, Paraguay 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 Paraguay 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 DIRECTOR GENERAL

(signed) Tariq Rauf
Acting Director, Office of External Relations and Policy Coordination

In this connection, I am pleased to inform you that the Government of the Republic of Paraguay accepts the terms proposed in the aforementioned letter from the IAEA and sends the instrument of ratification in accordance with our national legislation, whereby the National Congress has given its approval through Act No. 6035, promulgated by the Executive Authority on 10 April 2018 and ratified on 10 May 2018.

I avail myself of this opportunity to assure you of my highest consideration.

[stamp]

(signed)

Federico A. González
Ambassador
Minister of Foreign Affairs