

Information Circular

INFCIRC/312/Mod.1

Date: 20 February 2019

General Distribution

Original: English

The Text of the Agreement of 13 October 1983 between Papua New Guinea 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 Papua New Guinea 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 Papua New Guinea 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 6 February 2019, the date on which the Agency received Papua New Guinea's affirmative reply.

¹ Referred to as the "Small Quantities Protocol".

² Reproduced in documents INFCIRC/312.



MINISTRY OF FOREIGN AFFAIRS AND TRADE

Office of the Minister

Port Moresby, 26 November 2018

Response Letter to Amend a Small Quantities Protocol

I have the honour to refer to the IAEA's letter of 20 August 2018 which reads as follows:

I have the honour 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 13 October 1983, 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 Protocol", the IAEA Director General 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 SQPs 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 SQP in its present form was a weakness in the IAEA's safeguards system. It decided that the SQP 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 SQP 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 SQPs 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 SQP be amended to read as follows:

I. (1) until such time as Papua New Guinea

(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 Papua New Guinea 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, Papua New Guinea 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 Papua New Guinea 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 Independent State of Papua New Guinea accepts the aforementioned terms.



Honourable Rimbink Pato, OBE, MP
Minister for Foreign Affairs

Addressed to:
Mr Yukiya Amano
Director General
International Atomic Energy Agency (IAEA)
PO Box 100
Wagramer Strasse 5
A-1400 Vienna, Austria
Fax: +43 1 2600 7



IAEA

Atoms for Peace and Development

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

HE Mr Rimbink Pato, LLB, OBE, MP

Minister of Foreign Affairs and Trade of the
Independent State of Papua New Guinea
Ministry of Foreign Affairs and Immigration
Office of the Minister
PO Box 422
Waigani, NCD
PORT MORESBY
PAPUA NEW GUINEA

Vienna International Centre, PO Box 100, 1400 Vienna, Austria

Phone: (+43 1) 2600 • Fax: (+43 1) 26007

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

In reply please refer to: M1.23.4; MA-PNG-13

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

2018-08-20

Excellency,

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 13 October 1983, 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 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 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 Papua New Guinea

- (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 Papua New Guinea 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.

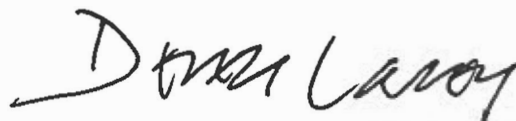
(2) The information to be reported pursuant to paragraphs (a) and (b) of Article 33 of the Agreement may be consolidated and submitted in an annual report; similarly, an annual report shall be submitted, if applicable, with respect to the import and export of nuclear material described in paragraph (c) of Article 33.

(3) In order to enable the timely conclusion of the Subsidiary Arrangements provided for in Article 38 of the Agreement, Papua New Guinea 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 Papua New Guinea 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, Excellency, the assurances of my highest consideration.



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

For the DIRECTOR GENERAL