

# Information Circular

**INFCIRC/607/Mod.1**

Date: 28 August 2013

**General Distribution**

Original: English, Arabic

## Agreement between the State of Kuwait and the International Atomic Energy 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 State of Kuwait 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 State of Kuwait and the International Atomic Energy Agency for the Application of Safeguards in Connection with 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 26 July 2013, the date on which the Agency received from the State of Kuwait written notification that the State of Kuwait's internal requirements for entry into force had been fulfilled.

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

<sup>2</sup> Reproduced in document INFCIRC/607.

Permanent Mission of the State of Kuwait  
to the United Nations  
Vienna

Dear Sir,

I have the honour to refer to the International Atomic Energy Agency's letter dated 15 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 7 March 2002, 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 Kuwait*
- (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 Kuwait 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*

His Excellency  
Director General  
IAEA  
Vienna

(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, Kuwait 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 Kuwait 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 State of Kuwait accepts your aforementioned proposal and that your aforementioned letter and this letter of reply shall constitute an agreement between the Government of the State of Kuwait and the International Atomic Energy Agency to amend the Small Quantities Protocol to the Agreement between the State of Kuwait and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons dated 10 May 1999 and these amendments shall enter into force as of the date when the State of Kuwait notifies the International Atomic Energy Agency that all the required legal steps for its entry into force have been fulfilled.

(signed) Fawzi Abdulaziz Al-Jasem  
Resident Representative of the State of Kuwait  
to the International Atomic Energy Agency

[stamp of the Permanent Mission of the State of Kuwait  
to the UN Organizations — Vienna]



**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 Energia Atómica

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His Excellency

Mr. Fawzi Abdulaziz Al-Jasem

Resident Representative of Kuwait to the IAEA

Universitätsstrasse 5/II

1010 Wien, Austria

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 7 March 2002, 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 Kuwait
  - (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 Kuwait 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, Kuwait 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 Kuwait 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