

Information Circular

INFCIRC/930/Mod.1

Date: 22 November 2019

General Distribution

Original: English, French

Agreement between the Republic of Benin 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 Republic of Benin 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 Benin and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons² (the Safeguards Agreement), 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 September 2019, the date on which the Safeguards Agreement entered into force.

¹ Referred to as the “Small Quantities Protocol”.

² Reproduced in document INFCIRC/930.

Cotonou, 15 April 2008

REPUBLIC OF BENIN
MINISTRY OF FOREIGN AFFAIRS,
AFRICAN INTEGRATION,
FRANCOPHONY AND
BENINESE NATIONALS ABROAD

The Minister

No. 0474/MAEIAFBE/SP-C

Sir,

I have the honour to refer to the letter from the International Atomic Energy Agency (IAEA) dated 12 December 2005 reading 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 were signed on 7 June 2005, 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, Mr 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 Agency's safeguards system.

It decided that the small quantities protocol should remain an integral 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 Benin

(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 Benin 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, Benin 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 Benin 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 connection, I have the honour to inform you that the terms proposed in the above-mentioned letter are acceptable to the Government of Benin.

Accept, Sir, the assurances of my highest consideration.

(signed) [stamp] Moussa OKANLA

IAEA
International Atomic Energy Agency

Atoms for Peace

Wagramer Strasse 5, P.O. Box 100,
A-1400 Wien, Austria
Phone: (+43 1) 2600 · Fax: (+43 1) 26007
E-mail: Official.Mail@iaea.org ·
Internet: <http://www.iaea.org>

His Excellency
Mr Samuel Amehou
Resident Representative of Benin
to the IAEA
Rue de Lausanne 36
1201 Geneva, Switzerland

In reply please refer to:
Dial directly to extension: (+431) 2600-21522

12 December 2005

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 were signed on 7 June 2005, 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, Mr. 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 Agency’s safeguards system. It decided that the small quantities protocol should remain an integral 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 Benin
- (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 Benin 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 of 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, Benin 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 Benin 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 the Director General

(signed)
Vilmos Cserveny
Director, Office of External Relations and Policy
Coordination

cc: Mr Joël Agossou, Ministry of Foreign Affairs and African Integration