

Information Circular

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The Text of the African Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology (AFRA)

1. The text of the African Regional Co-operative Agreement for Research, Development and Training related to Nuclear Science and Technology which was adopted in Vienna on 20 September 2019 (the “revised AFRA”) is reproduced herein for the information of all Members of the Agency.
2. The revised AFRA shall replace the African Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology (the “1990 AFRA”)¹, which entered into force on 4 April 1990 for a period of five years and, following its extension for further periods of five years, is due to expire on 3 April 2020. The revised AFRA shall remain in force indefinitely.
3. Pursuant to Article XIV.1 thereof, the revised AFRA “shall enter into force upon receipt by the Director General of the Agency of notification of acceptance by three Member States belonging to the African region in accordance with Article XIII. However, in the event that such notification is received prior to the expiration of the 1990 AFRA, as extended, this Agreement shall enter into force, following the expiration of the said Agreement, on 4 April 2020”.
4. By 26 March 2020, notifications of acceptance were received by the Director General from the People’s Democratic Republic of Algeria, the Republic of Ghana, and the Republic of Uganda. Since these notifications were received prior to the expiration of the 1990 AFRA, as extended, the revised AFRA shall enter into force on the date of expiration of the 1990 AFRA, i.e. on 4 April 2020.

¹ INFCIRC/377.

**AFRICAN REGIONAL CO-OPERATIVE AGREEMENT
FOR RESEARCH, DEVELOPMENT AND TRAINING
RELATED TO NUCLEAR SCIENCE AND TECHNOLOGY**

WHEREAS the Governments Parties to this Agreement (hereinafter referred to as the “Governments Parties”) recognize that, within their national atomic energy programmes, there exist areas of common interest wherein mutual co-operation can promote the more efficient utilization of available resources;

WHEREAS it is a function of the International Atomic Energy Agency (hereinafter referred to as the “Agency”) to encourage and assist research on, and the development and practical application of, atomic energy for peaceful uses, which function can be fulfilled by furthering co-operation among its Member States and by assisting them in their national atomic energy programmes;

WHEREAS, in order to encourage such co-operative activities, the Government Parties adopted, under the auspices of the Agency, the African Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology which entered into force on 4 April 1990 (hereinafter referred to as the “1990 AFRA”);

WHEREAS, pursuant to Article XIV thereof, the 1990 AFRA continued in force for a period of five years from the date of its entry into force, was thereafter extended for further periods of five years, and is due to expire on 3 April 2020; and

WHEREAS, the Governments Parties desire to further encourage their mutual co-operation by replacing the 1990 AFRA with this agreement which shall also be called “African Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology” and which shall continue in force indefinitely;

NOW, THEREFORE, they have agreed as follows:

ARTICLE I

The Governments Parties undertake, in co-operation with each other and the Agency, to promote and co-ordinate co-operative research, development and training projects in nuclear science and technology through their appropriate national institutions.

ARTICLE II

1. There shall be a meeting of representatives of the Governments Parties (hereinafter referred to as the "Meeting of Representatives") to be convened by the Agency as required and, at least once

every year, at the headquarters of the Agency.

2. The Meeting of Representatives shall have the authority:
 - (a) to determine a programme of activities and to establish priorities therefor;
 - (b) to consider and approve the co-operative projects proposed by States parties to this Agreement;
 - (c) to review the implementation of the co-operative projects established in accordance with paragraph 2 of Article III;
 - (d) to consider the annual report submitted by the Agency pursuant to paragraph 3(e) of Article VII;
 - (e) to determine the conditions upon which a State that is not a party to this Agreement or an appropriate regional or international organization may participate in a co-operative project; and
 - (f) to consider any other matters related to or connected with the promotion and co-ordination of co-operative projects for the purposes of this Agreement as set forth in Article I.

ARTICLE III

1. Any Government Party may submit a written proposal for a co-operative project to the Agency, which shall, upon receipt thereof, notify the other Governments Parties of such proposal. The proposal shall specify, in particular, the nature and objectives of the proposed co-operative project and the means of implementing it. At the request of a Government Party, the Agency may assist in the preparation of a proposal for a co-operative project.
2. In approving a co-operative project pursuant to paragraph 2(b) of Article II, the Meeting of Representatives shall specify:
 - (a) the nature and objectives of the co-operative project;
 - (b) the related programme of research, development and training;
 - (c) the means of implementing the co-operative project and verifying the achievement of project objectives; and
 - (d) other relevant details as deemed appropriate.

ARTICLE IV

1. Any Government party may participate in a co-operative project established in accordance with Article III, by means of a notification of participation to the Agency, which shall notify the other Governments Parties of such participation.
2. Subject to paragraph 2 of Article VII, the implementation of each co-operative project established in accordance with Article III may start after receipt by the Agency of the third notification of participation in the co-operative project.

ARTICLE V

1. Each Government participating in a co-operative project in accordance with Article IV (hereinafter referred to as "Participating Government") shall subject to its applicable laws and regulations, implement the portion of the co-operative project assigned to it in accordance with paragraph 3(b) of Article VI. In particular, each Participating Government shall:
 - (i) make available the necessary scientific and technical facilities and personnel for the implementation of the co-operative project; and
 - (ii) take all reasonable and appropriate steps for the acceptance of scientists, engineers or technical experts designated by the other Participating Governments or by the Agency to work at designated installations, and for the assignment of scientists, engineers or technical experts to work at installations designated by the other Participating Governments for the purpose of implementing the co-operative project.
2. Each Participating Government shall submit to the Agency an annual report on the implementation of the portion of the co-operative project assigned to it, including any information it deems appropriate for the purposes of this Agreement.
3. Subject to its domestic laws and regulations and in accordance with its respective budgetary appropriations, each Participating Government shall contribute, financially or otherwise, to the effective implementation of the co-operative project and shall notify annually the Agency of any such contribution.

ARTICLE VI

1. Each Participating Government shall appoint a high ranking official of appropriate technical competence as a national co-ordinator charged with responsibility for projects within its territory or in which the government is involved.
2. There shall be a Technical Working Group composed of the national co-ordinators referred to in paragraph 1 of this Article.
3. The functions of the Technical Working Group shall be:
 - (a) to determine details for the implementation of each co-operative project in accordance with its objectives;
 - (b) to establish and amend, as necessary, the portion of the co-operative project to be assigned to each Participating Government, subject to the consent of that Government;
 - (c) to supervise the implementation of the co-operative project; and
 - (d) to make recommendations to the Meeting of Representatives and to the Agency with respect to the co-operative project, and to keep under review the implementation of such recommendations.
4. The meeting of the Technical Working Group shall be convened by the Agency as required and, at least, once every year.

ARTICLE VII

1. The Agency shall perform Secretariat duties as required under this Agreement.
2. Subject to available resources, the Agency shall endeavour to support co-operative projects established in accordance with this Agreement by means of technical assistance and its other programmes. The principles, rules and procedures that are applicable to the Agency's technical assistance or other programmes shall, as appropriate, apply to any such Agency support.
3. On the basis of recommendations made by the Technical Working Group pursuant to paragraph 3(d) of Article VI, the Agency shall:

- (a) establish annually a schedule of work and modalities for the implementation of the co-operative project;
- (b) allocate among the co-operative projects and the Participating Governments the contributions made in accordance with paragraph 3 of Article V and paragraph 1 of Article VIII;
- (c) assist the Participating Governments in the exchange of information and in compiling, publishing and distributing reports on the co-operative project, as appropriate;
- (d) provide scientific and administrative support for the meetings of the Technical Working Group; and
- (e) prepare annually an overall report on the activities carried out under this Agreement, with particular reference to the implementation of the co-operative projects established in accordance with Article III, and submit it to the Meeting of Representatives.

ARTICLE VIII

1. With the consent of the Meeting of Representatives, the Agency may invite any Member State other than the Participating Governments or appropriate regional or international organizations to contribute financially or otherwise to, or to participate in, a co-operative project. The Agency shall inform the Participating Governments of any such contributions or participation.
2. The Agency shall, in consultation with the Meeting of Representatives, administer the contributions made pursuant to paragraph 3 of Article V and paragraph 1 of this Article for the purposes of this Agreement, in accordance with its financial regulations and other applicable rules. The Agency shall keep separate records and accounts for each such contribution.

ARTICLE IX

1. In accordance with its applicable laws and regulations, each Government Party shall ensure that the Agency's safety standards and measures relevant to a co-operative project are applied to its implementation.
2. Each Government Party undertakes that any assistance provided to it under this Agreement shall be used only for peaceful purposes, in accordance with the Statute of the Agency.

ARTICLE X

Neither the Agency nor any Government or appropriate regional or international organization making contributions pursuant to paragraph 3 of Article V or paragraph 1 of Article VIII shall be held responsible towards the Participating Governments or any person claiming through them for the safe implementation of a co-operative project.

ARTICLE XI

Any Government Party to this Agreement and the Agency may, where appropriate and in consultation with each other, make co-operative arrangements with appropriate regional or international organizations for the promotion and development of co-operative projects in the areas covered by this Agreement.

ARTICLE XII

Any dispute which may arise with respect to the interpretation or application of this Agreement shall be settled through consultations between the parties concerned, with a view to the settlement of the dispute by negotiation or by any other peaceful means of settling disputes acceptable to them.

ARTICLE XIII

Any Member State of the Agency in the African region according to the Statute of the Agency may become a Party to this Agreement by notifying its acceptance thereof to the Director General of the Agency, who shall inform each Government Party of the acceptances received by him.

ARTICLE XIV

1. This Agreement shall enter into force upon receipt by the Director General of the Agency of notification of acceptance by three Member States belonging to the African region in accordance with Article XIII. However, in the event that such notification is received prior to the expiration of the 1990 AFRA, as extended, this Agreement shall enter into force, following the expiration of the said Agreement, on 4 April 2020.

2. Any Government Party may withdraw from this Agreement by written notification to the Director General of the Agency. Such withdrawal shall take effect six months following the date of receipt of the notification by the Director General of the Agency.

Done at Vienna on 20 September 2019