

Information Circular

INFCIRC/232/Mod.1

Date: 29 June 2011

General Distribution

Original: Spanish

The Text of the Agreement of 22 April 1975 between El Salvador 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

An Agreement by Exchange of Letters with the Republic of El Salvador 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 of 22 April 1975 between the Republic of El Salvador 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 10 June 2011, the date on which the Agency received El Salvador's affirmative reply.

¹ Referred to as the "Small Quantities Protocol".

² Reproduced in document INFCIRC/232.

MINISTRY OF FOREIGN AFFAIRS
REPUBLIC OF EL SALVADOR

SECRETARIAT OF STATE

DGAJ/DNT/CB/N° 1067

with enclosures

Antiguo Cuscatlán, 31 May 2011

Sir,

I have the honour of referring to the letter from the International Atomic Energy Agency (IAEA) dated 1 September 2006 reading:

*"To H.E. Mr Byron Fernando Larios López
Ambassador
Permanent Mission of El Salvador to the International Atomic Energy Agency
65, rue de Lausanne
1202 Geneva (Switzerland)*

1 September 2006

"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 22 April 1975, 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

*Mr. Tariq Rauf
Office of External Relations and Policy
Coordination
IAEA
Vienna, Austria*

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 El Salvador

(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 El Salvador 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, El Salvador 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 El Salvador 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.

*Tariq Rauf
Acting Director
Office of External Relations and Policy Coordination

for DIRECTOR GENERAL"*

In this regard, I am pleased to inform you that the Government of the Republic of El Salvador accepts the terms of the aforementioned letter.

Accept, Sir, the assurances of my highest consideration.

(signed) Hugo Roger Martínez Bonilla
Minister of Foreign Affairs



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 Energía Atómica

Atoms For Peace

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In reply please refer to:
Dial directly to extension: (+431) 2600-215220

Al Excelentísimo
Señor Byron Fernando Larios López
Embajador,
Misión Permanente de El Salvador ante el OIEA
65, rue de Lausanne
1202 Geneva
Switzerland

2006-09-01

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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 22 April 1975, as well as to the decisions by the IAEA Board of Governors of 20 September 2005 related to such protocols.

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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.

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Accept, Sir, the assurances of my highest consideration.



Tariq Rauf

Acting Director
Office of External Relations
and Policy Coordination

for DIRECTOR GENERAL