

Information Circular

INFCIRC/316/Mod.2

Date: 16 January 2012

General Distribution

Original: Spanish

Agreement between the Republic of Panama 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

An Agreement by Exchange of Letters with the Republic of Panama 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 23 March 1984 between the Republic of Panama 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 4 March 2011, the date on which the Agency received Panama's affirmative reply.

¹ Referred to as the "Small Quantities Protocol".

² Reproduced in document INFCIRC/316 and INFCIRC/316/Mod.1.

PERMANENT MISSION OF PANAMA TO THE UNITED NATIONS AND OTHER
INTERNATIONAL ORGANIZATIONS IN VIENNA

Elisabethstrasse 4/5/4/10

A-1010 Vienna, Austria

Tel.: 00431-5872347, 5873182, fax: 00431-5863080

E-mail : mail@empanvienna.co.at
von.panama.botschaft@chello.at

Ref. No. 0179-2011
LEMC/lemc

Vienna, 2 March 2011

Sir,

I am writing to acknowledge receipt of the Note dated 1 September 2006 which reads as follows:

“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 to the Protocol thereto (hereinafter referred to as “the Small Quantities Protocol”), which entered into force on 23 March 1984, 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 decided that, henceforth, it would approve only texts for such protocols based on a revised standardized text and subject to modified criteria.

Mr YUKIYA AMANO
Director General of the International Atomic Energy Agency (IAEA)
Vienna, Austria

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 Panama

(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 35 of the Agreement between Panama and the Agency for the Application of Safeguards in Connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America (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 31-37, 39, 47, 48, 58, 60, 66, 67, 69, 71-75, 81, 83-89, 93 and 94.

(2) The information to be reported pursuant to paragraphs (a) and (b) of Article 32 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 32.

(3) In order to enable the timely conclusion of the Subsidiary Arrangements provided for in Article 37 of the Agreement, Panama 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 Panama 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."

In this connection, I have the honour to inform you that the above proposal is acceptable to the Government of the Republic of Panama and that your Note and this Note shall constitute an agreement between the Republic of Panama and the International Atomic Energy Agency (IAEA) which shall enter into force on the date that the Agency receives this Note.

Please find attached a Note from his Excellency the Vice-President and Minister of Foreign Affairs of the Republic of Panama conferring on me FULL POWERS to proceed with this exchange of Notes on behalf of and representing the Republic of Panama.

Accept, Sir, etc.

LUIS E. MARTINEZ-CRUZ
Alternate Resident Representative
Chargé d'Affaires a. i.



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

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>

In reply please refer to:

Dial directly to extension: (+43 1) 2600-215220

Mr. Luis Enrique Martinez Cruz
Minister-Counsellor
Chargé d'affaires
Permanent Mission of Panama to the IAEA
Elisabethstrasse 4/5/4/10
A- 1010 Vienna

2006-09-01

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 to the Protocol thereto (hereinafter referred to as "the Small Quantities Protocol"), which entered into force on 23 March 1984, 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 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 Panama

- (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 35 of the Agreement between Panama and the Agency for the Application of Safeguards in Connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America (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 31-37, 39, 47, 48, 58, 60, 66, 67, 69, 71-75, 81, 83-89, 93 and 94.

- (2) The information to be reported pursuant to paragraphs (a) and (b) of Article 32 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 32.
- (3) In order to enable the timely conclusion of the Subsidiary Arrangements provided for in Article 37 of the Agreement, Panama 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 Panama 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