

## Information Circular

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# Agreement between the Republic of Palau 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 Palau 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 Republic of Palau 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 15 March 2006, the date on which the Agency received Palau's affirmative reply.

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

<sup>2</sup> Reproduced in document INFCIRC/650



**Temmy L. Shmull**  
*Minister of State*

**Ministry of State**  
**REPUBLIC OF PALAU**

INFCIRC/650/Mod.1  
Annex

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14 March 2006  
MS-108-06

Dr. Mohamed ElBaradei  
Director General  
International Atomic Energy Agency  
Wagramer Strasse 5, P. O. Box 100, A-1400  
Vienna, Austria

On behalf of the Government of the Republic of Palau, I, Temmy L. Shmull, Minister of State, do hereby accept this Agreement between the Government of the Republic of Palau and the International Atomic Energy Agency to amend the Small Quantities Protocol accordingly, which amendments shall enter into force on the date that the Agency receives this reply.

Accept, Sir, the assurances of my highest consideration.

  
Temmy L. Shmull  
Minister  
Ministry of State  
Republic of Palau



**IAEA**

الوكالة الدولية للطاقة الذرية

国际原子能机构

International Atomic Energy Agency

Agence Internationale de l'énergie atomique

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His Excellency  
Mr. Temmy Shmull  
Minister of State for Foreign Affairs  
Ministry of Foreign Affairs  
P.O. Box 100  
Koror 96940  
PALAU

2005-12-09

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 13 May 2005, 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 Palau
- (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 Palau 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

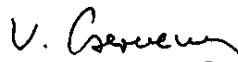
- (b) Has taken the decision to construct or authorize construction of a facility, as defined in the Definitions,

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, Palau 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 Palau 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

Cc: Mr. Jeffrey Lloyd Beattie, -Attorney General