

# Information Circular

**INFCIRC/681/Mod.1**

Date: 14 February 2020

**General Distribution**

Original: French

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## Agreement between the Republic of Haiti 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 Weapons

### **An Agreement by Exchange of Letters with the Republic of Haiti 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 Haiti 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 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 22 January 2020, the date on which the Agency received Haiti's affirmative reply.

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

<sup>2</sup> Reproduced in document INFCIRC/681.

REPUBLIC OF HAITI

*Ministry of Foreign Affairs and Worship*

*The Minister*

IIC/0495

Port-au-Prince, 22 March 2019

Sir,

I have the honour to acknowledge receipt of your letter Ref. M1.23.4; MB-HAI-13 of 24 August 2018 concerning the proposal to amend paragraph I of the Protocol to the Agreement between the Republic of Haiti 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, which were signed on 10 October 1974 and 6 January 1975, to read as follows:

I. (1) Until such time as Haiti

- (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 Haiti 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, Haiti 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.

I am pleased to confirm that the Government of Haiti accepts the aforementioned proposal to amend paragraph I of the Small Quantities Protocol.

Your letter and this reply shall constitute an agreement between the Republic of Haiti and the IAEA to amend the Small Quantities Protocol.

Accept, Sir, the assurances of my highest consideration.

(signed)

Bocchit Edmond

Minister

Mr Yukiya Amano

Director General

International Atomic Energy Agency



**IAEA**

*Atoms for Peace and Development*

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

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In reply please refer to: M1.23.4; MB-HAI-13

Dial directly to extension: (+43 1) 2600-21257

24 August 2018

Excellency,

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 9 March 2006, as well as to the decisions 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 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 protocol 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 Haiti

- (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 Haiti 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, Haiti 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 Haiti 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, Excellency, the assurances of my highest consideration.

(signed)

Derek Lacey  
Special Assistant to the Director General for  
Nuclear Safety, Security and Safeguards

For the DIRECTOR GENERAL