

Information Circular

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Agreement between the Republic of Cape Verde 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 Cape Verde 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 between the Republic of Cape Verde and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons² (the Safeguards Agreement), 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 7 September 2022, the date on which the Safeguards Agreement entered into force.

¹ Referred to as the “Small Quantities Protocol”.

² Reproduced in document INFCIRC/1048.


IAEA

الوكالة الدولية للطاقة الذرية
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 International Atomic Energy Agency
 Agence internationale de l'énergie atomique
 Österreichische Atomenergie-Gesellschaft
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His Excellency
 Mr. Victor Manuel Barbosa Borges
 Minister of Foreign Affairs, Cooperation and
 Communities
 Ministry of Foreign Affairs, Cooperation and
 Communities
 Praia, CAPE VERDE

07-00181F

Translated from French

12 December 2005

Dear 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 were signed on 28 June 2005, 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, Mr. 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 Agency's safeguards system. It decided that the small quantities protocol should remain an integral 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 Cape Verde

- (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 Cape Verde 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, Cape Verde 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 Cape Verde 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.

For THE DIRECTOR GENERAL

Vilmos Cserveny
Director, Office of External Relations and Policy
Coordination

cc: Mr. Luís Olegário Monteiro Sanches, Ministry of Foreign Affairs

07-00181

Translated from French

Republic of Cape Verde
Ministry of Foreign Affairs, Cooperation and Communities

Praia, 10 March 2006

Our Ref.: 69 /CIX-Z/2006

Sir,

I have the honour of acknowledging receipt of your letter of 12 December 2005 concerning the amendments proposed by the Agency to the text of the Small Quantities Protocol, which read as follows :

“[I. (1)] Until such time as Cape Verde

- (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 Cape Verde 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.

Mr. Vilmos Cserveny
Director, Office of External Relations and Policy Coordination
Vienna, Austria

(3) In order to enable the timely conclusion of the Subsidiary Arrangements provided for in Article 38 of the Agreement, Cape Verde 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.”

The Government of Cape Verde formally agrees to the above proposed amendment and regards this proposal and the present reply as constituting an agreement between Cape Verde and the IAEA to amend the Small Quantities Protocol accordingly.

Accept, Sir, the assurances of my highest consideration.

(signed)

Victor Manuel Barbosa BORGES
Minister of Foreign Affairs, Cooperation and
Communities