

Information Circular

INFCIRC/185/Mod.1

Date: 13 March 2014

General Distribution

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Agreement between New Zealand 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 New Zealand 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 New Zealand and the International Atomic Energy Agency for the Application of Safeguards in Connection with 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 24 February 2014, the date on which the Agency received New Zealand's affirmative reply.

¹ Referred to as the "Small Quantities Protocol".

² Reproduced in document INFCIRC/185.



Vienna, 24 February 2014

I have the honour to refer to the IAEA's letter of 18 December 2013 which reads as follows:

"Madam,

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 29 February 1972, 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 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 New Zealand

- (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 37 of the Agreement between New Zealand 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 33-39, 41, 49, 50, 60, 62, 68, 69, 71, 73 - 77, 83, 85-91, 95 and 96.

(2) The information to be reported pursuant to paragraphs (a) and (b) of Article 34 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 34.

(3) In order to enable the timely conclusion of the Subsidiary Arrangements provided for in Article 39 of the Agreement, New Zealand 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 New Zealand 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, Madam, the assurances of my highest consideration."

In this regard, I am pleased to inform you that the Government of New Zealand accepts the aforementioned terms.



HE Deborah Mary Geels

Permanent Representative of New Zealand to the United Nations in Vienna

INTERNATIONAL ATOMIC ENERGY AGENCY

OFFICE OF THE
DIRECTOR GENERAL

18 December 2013

Madam,

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 29 February 1972, 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 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.

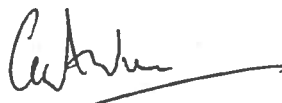
HE Ms Deborah Geels
Ambassador
Resident Representative of New Zealand
to the IAEA
Mattiellistrasse 2-4/3
1040 VIENNA

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 - (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 33-39, 41, 49, 50, 60, 62, 68, 69, 71, 73 -77, 83, 85-91, 95 and 96.
- (2) The information to be reported pursuant to paragraphs (a) and (b) of Article 34 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 34.
 - (3) In order to enable the timely conclusion of the Subsidiary Arrangements provided for in Article 39 of the Agreement, New Zealand 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 New Zealand 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, Madam, the assurance of my highest consideration.



Graham Andrew
Special Assistant to the Director General
for Nuclear Safety, Security and Safeguards
For the DIRECTOR GENERAL