

No. 29608

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**INTERNATIONAL ATOMIC ENERGY AGENCY  
and  
TRINIDAD AND TOBAGO**

**Agreement 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 (with protocol). Signed at Vienna on 4 November 1992**

*Authentic text: English.*

*Registered by the International Atomic Energy Agency on 12 February 1993.*

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**AGENCE INTERNATIONALE  
DE L'ÉNERGIE ATOMIQUE  
et  
TRINITÉ-ET-TOBAGO**

**Accord relatif à l'application de garanties dans le cadre du Traité visant l'interdiction des armes nucléaires en Amérique latine et du Traité sur la non-prolifération des armes nucléaires (avec protocole). Signé à Vienne le 4 novembre 1992**

*Texte authentique : anglais.*

*Enregistré par l'Agence internationale de l'énergie atomique le 12 février 1993.*

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO 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<sup>2</sup> AND THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS<sup>3</sup>

WHEREAS the Government of the Republic of Trinidad and Tobago (hereinafter referred to as "Trinidad and Tobago") is a party to the Treaty for the Prohibition of Nuclear Weapons in Latin America (hereinafter referred to as "the Tlatelolco Treaty") opened for signature at Mexico City on 14 February 1967;<sup>2</sup>

WHEREAS Article 13 of the Tlatelolco Treaty states, inter alia, that "Each Contracting Party shall negotiate multilateral or bilateral agreements with the International Atomic Energy Agency for the application of its safeguards to its nuclear activities ....";

WHEREAS Trinidad and Tobago is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as "the Non-Proliferation Treaty") opened for signature at London, Moscow and Washington on 1 July 1968<sup>3</sup> and which entered into force on 5 March 1970;

WHEREAS paragraph 1 of Article III of the Treaty reads as follows:

"Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute<sup>4</sup> of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfilment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this Article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this Article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere";

WHEREAS the International Atomic Energy Agency (hereinafter referred to as "the Agency") is authorized, pursuant to Article III of its Statute, to conclude such agreements;

NOW THEREFORE Trinidad and Tobago and the Agency have agreed as follows:

<sup>1</sup> Came into force on 4 November 1992 by signature, in accordance with article 24.

<sup>2</sup> United Nations, *Treaty Series*, vol. 634, p. 281.

<sup>3</sup> *Ibid.*, vol. 729, p. 161.

<sup>4</sup> *Ibid.*, vol. 276, p. 3. For the texts amending the Statute, see vol. 471, p. 334, and vol. 1082, p. 290.

## P A R T I

## BASIC UNDERTAKING

## A r t i c l e 1

Trinidad and Tobago undertakes to accept safeguards, in accordance with the terms of this Agreement, on all source or special fissionable material in all peaceful nuclear activities within its territory, under its jurisdiction or carried out under its control anywhere, for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices.

## APPLICATION OF SAFEGUARDS

## A r t i c l e 2

The Agency shall have the right and the obligation to ensure that safeguards will be applied, in accordance with the terms of this Agreement, on all source or special fissionable material in all peaceful nuclear activities within the territory of Trinidad and Tobago, under its jurisdiction or carried out under its control anywhere, for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices.

## CO-OPERATION BETWEEN TRINIDAD AND TOBAGO AND THE AGENCY

## A r t i c l e 3

Trinidad and Tobago and the Agency shall co-operate to facilitate the implementation of the safeguards provided for in this Agreement.

## IMPLEMENTATION OF SAFEGUARDS

## A r t i c l e 4

The safeguards provided for in this Agreement shall be implemented in a manner designed:

- (a) To avoid hampering the economic and technological development of Trinidad and Tobago or international co-operation in the field of peaceful nuclear activities, including international exchange of nuclear material;
- (b) To avoid undue interference in Trinidad and Tobago's peaceful nuclear activities, and in particular in the operation of facilities; and
- (c) To be consistent with prudent management practices required for the economic and safe conduct of nuclear activities.

## A r t i c l e 5

- (a) The Agency shall take every precaution to protect commercial and industrial secrets and other confidential information coming to its knowledge in the implementation of this Agreement.

- (b) (i) The Agency shall not publish or communicate to any State, organization or person any information obtained by it in connection with the implementation of this Agreement, except that specific information relating to the implementation thereof may be given to the Board of Governors of the Agency (hereinafter referred to as "the Board") and to such Agency staff members as require such knowledge by reason of their official duties in connection with safeguards, but only to the extent necessary for the Agency to fulfil its responsibilities in implementing this Agreement.
- (ii) The Board may, if it deems appropriate and if Trinidad and Tobago expressly agrees thereto, publish summarized information on nuclear material subject to safeguards under this Agreement.

#### A r t i c l e 6

- (a) The Agency shall, in implementing safeguards pursuant to this Agreement, take full account of technological developments in the field of safeguards, and shall make every effort to ensure optimum cost-effectiveness and the application of the principle of safeguarding effectively the flow of nuclear material subject to safeguards under this Agreement by use of instruments and other techniques at certain strategic points to the extent that present or future technology permits.
- (b) In order to ensure optimum cost-effectiveness, use shall be made, for example, of such means as:
- (i) Containment as a means of defining material balance areas for accounting purposes;
- (ii) Statistical techniques and random sampling in evaluating the flow of nuclear material; and
- (iii) Concentration of verification procedures on those stages in the nuclear fuel cycle involving the production, processing, use or storage of nuclear material from which nuclear weapons or other nuclear explosive devices could readily be made, and minimization of verification procedures in respect of other nuclear material, on condition that this does not hamper the Agency in applying safeguards under this Agreement.

#### NATIONAL SYSTEM OF NUCLEAR MATERIALS ACCOUNTING AND CONTROL

#### A r t i c l e 7

- (a) Trinidad and Tobago shall establish and maintain a system of accounting for and control of all nuclear material subject to safeguards under this Agreement.
- (b) The Agency shall apply safeguards in such a manner as to enable it to verify, in ascertaining that there has been no diversion of nuclear material from peaceful uses to nuclear weapons or other nuclear explosive devices, findings of Trinidad and Tobago's system. The Agency's verification shall include, inter alia, independent measurements and observations conducted by the Agency in accordance with the procedures specified in Part II of this Agreement. The Agency, in its verification, shall take due account of the technical effectiveness of Trinidad and Tobago's system.

## PROVISION OF INFORMATION TO THE AGENCY

## A r t i c l e 8

- (a) In order to ensure the effective implementation of safeguards under this Agreement, Trinidad and Tobago shall, in accordance with the provisions set out in Part II of this Agreement, provide the Agency with information concerning nuclear material subject to safeguards under this Agreement and the features of facilities relevant to safeguarding such material.
- (b) (1) The Agency shall require only the minimum amount of information and data consistent with carrying out its responsibilities under this Agreement.
  - (ii) Information pertaining to facilities shall be the minimum necessary for safeguarding nuclear material subject to safeguards under this Agreement.
- (c) If Trinidad and Tobago so requests, the Agency shall be prepared to examine on premises of Trinidad and Tobago design information which Trinidad and Tobago regards as being of particular sensitivity. Such information need not be physically transmitted to the Agency provided that it remains readily available for further examination by the Agency on premises of Trinidad and Tobago.

## AGENCY INSPECTORS

## A r t i c l e 9

- (a) (1) The Agency shall secure the consent of Trinidad and Tobago to the designation of Agency inspectors to Trinidad and Tobago.
  - (ii) If Trinidad and Tobago, either upon proposal of a designation or at any other time after a designation has been made, objects to the designation, the Agency shall propose to Trinidad and Tobago an alternative designation or designations.
  - (iii) If, as a result of the repeated refusal of Trinidad and Tobago to accept the designation of Agency inspectors, inspections to be conducted under this Agreement would be impeded, such refusal shall be considered by the Board, upon referral by the Director General of the Agency (hereinafter referred to as "the Director General"), with a view to its taking appropriate action.
- (b) Trinidad and Tobago shall take the necessary steps to ensure that Agency inspectors can effectively discharge their functions under this Agreement.
- (c) The visits and activities of Agency inspectors shall be so arranged as:
  - (i) To reduce to a minimum the possible inconvenience and disturbance to Trinidad and Tobago and to the peaceful nuclear activities inspected; and
  - (ii) To ensure protection of industrial secrets or any other confidential information coming to the inspectors' knowledge.