

No. 32963. International Atomic Energy Agency and St. Kitts and Nevis

AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY AND SAINT KITTS AND NEVIS FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION WITH THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS. VIENNA, 10 JULY 1995, AND BASSETERRE, 7 MAY 1996 [*United Nations, Treaty Series, vol. 1929, I-32963.*]

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT TO AMEND THE PROTOCOL TO THE AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY AND SAINT KITTS AND NEVIS FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION WITH THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS. BASSETERRE, 24 AUGUST 2006 AND 14 JULY 2016*

Entry into force: 19 August 2016 by the exchange of the said letters, in accordance with their provisions

Authentic text: English

Registration with the Secretariat of the United Nations: International Atomic Energy Agency, 17 October 2016

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N° 32963. Agence internationale de l'énergie atomique et Saint-Kitts-et-Nevis

ACCORD ENTRE L'AGENCE INTERNATIONALE DE L'ÉNERGIE ATOMIQUE ET SAINT-KITTS-ET-NEVIS RELATIF À L'APPLICATION DE GARANTIES DANS LE CADRE DU TRAITÉ SUR LA NON-PROLIFÉRATION DES ARMES NUCLÉAIRES. VIENNE, 10 JUILLET 1995, ET BASSETERRE, 7 MAI 1996 [*Nations Unies, Recueil des Traités, vol. 1929, I-32963.*]

ÉCHANGE DE LETTRES CONSTITUANT UN ACCORD MODIFIANT LE PROTOCOLE À L'ACCORD ENTRE L'AGENCE INTERNATIONALE DE L'ÉNERGIE ATOMIQUE ET SAINT-KITTS-ET-NEVIS RELATIF À L'APPLICATION DE GARANTIES DANS LE CADRE DU TRAITÉ SUR LA NON-PROLIFÉRATION DES ARMES NUCLÉAIRES. BASSETERRE, 24 AOÛT 2006 ET 14 JUILLET 2016*

Entrée en vigueur : 19 août 2016 par l'échange desdites lettres, conformément à leurs dispositions

Texte authentique : anglais

Enregistrement auprès du Secrétariat des Nations Unies : Agence internationale de l'énergie atomique, 17 octobre 2016

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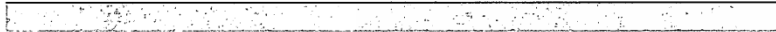
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Agreement between Saint Kitts and Nevis and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons

An Agreement by Exchange of Letters with Saint Kitts and Nevis 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 Saint Kitts and Nevis 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 19 August 2016, the date on which the Agency received Saint Kitts and Nevis' affirmative reply.

¹ Referred to as the "Small Quantities Protocol".

² Reproduced in document INFCIRC/514.



SAINT CHRISTOPHER AND NEVIS

Tel: (869) 465 2521 Ext. 1161
Fax: (869) 465 5202
Email: foreigna@sisterisles.kn

MINISTRY OF FOREIGN AFFAIRS
P.O. Box 186
Church Street
Basseterre
St. Kitts
West Indies

Ref.

Mr Yukiya Amano
Director General
International Atomic Energy Agency (IAEA)
PO Box 100
WagramerStrasse 5
A-1400 Vienna, Austria

*Basseterre
St Kitts and Nevis*

14 July 2016

Sir,

I have the honour to refer to the IAEA's letter of 24 August 2006 which reads as follows:

I have the honour to refer to the Agreement between the Federation of Saint Kitts and Nevis 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 7 May 1996, 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, Dr. 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 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 1 of the Small Quantities Protocol be amended to read as follows:

- I. (1) *Until such time as the Federation of Saint Kitts and Nevis*
- (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 Saint Kitts and Nevis 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, the Federation of Saint Kitts and Nevis 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 Federation of Saint Kitts and Nevis 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.

In this regard, I am pleased to inform you that the Government of the Federation of Saint Kitts and Nevis accepts the aforementioned terms.



Mark A. G. Brantley (Honourable)
Minister of Foreign Affairs



IAEA

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
Organismo Internacional de Energía Atómica

Atoms For Peace

Wagramer Strasse 5, P.O. Box 100, A-1400 Wien, Austria
Phone: (+43 1) 2600 • Fax: (+43 1) 26007
E-mail: Official.Mail@iaea.org • Internet: <http://www.iaea.org>

In reply please refer to:
Dial directly to extension: (+431) 2600-21522

His Excellency

Mr. Timothy S. Harris
Minister for Foreign Affairs
Ministry of Foreign Affairs
Government Headquarters
Basseterre, West Indies
SAINT KITTS AND NEVIS

2006-08-24

Sir,

I have the honour to refer to the Agreement between Saint Kitts and Nevis 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 7 May 1996, 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, Dr. 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 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 Saint Kitts and Nevis
- (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 Saint Kitts and Nevis 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