

No. 36676. International Atomic Energy Agency and Cambodia

AGREEMENT BETWEEN THE KINGDOM OF CAMBODIA AND THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION WITH THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS AND THE SOUTHEAST ASIA NUCLEAR WEAPON-FREE ZONE TREATY. VIENNA, 17 DECEMBER 1999 [United Nations, Treaty Series, vol. 2109, I-36676.]

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT TO AMEND THE PROTOCOL TO THE AGREEMENT BETWEEN THE KINGDOM OF CAMBODIA AND THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION WITH THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS AND THE SOUTHEAST ASIA NUCLEAR WEAPON-FREE ZONE TREATY. VIENNA, 12 DECEMBER 2005, AND PHNOM PENH, 20 JUNE 2014*

Entry into force: 16 July 2014 by the exchange of the said letters, in accordance with their provisions

Authentic texts: English and French

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N° 36676. Agence internationale de l'énergie atomique et Cambodge

ACCORD ENTRE LE ROYAUME DU CAMBODGE ET L'AGENCE INTERNATIONALE DE L'ÉNERGIE ATOMIQUE RELATIF À L'APPLICATION DE GARANTIES DANS LE CADRE DU TRAITÉ SUR LA NON-PROLIFÉRATION DES ARMES NUCLÉAIRES ET DU TRAITÉ SUR LA ZONE EXEMPTÉ D'ARMES NUCLÉAIRES DE L'ASIE DU SUD-EST. VIENNE, 17 DÉCEMBRE 1999 [Nations Unies, Recueil des Traités, vol. 2109, I-36676.]

ÉCHANGE DE LETTRES CONSTITUANT UN ACCORD MODIFIANT LE PROTOCOLE À L'ACCORD ENTRE LE ROYAUME DU CAMBODGE ET L'AGENCE INTERNATIONALE DE L'ÉNERGIE ATOMIQUE RELATIF À L'APPLICATION DE GARANTIES DANS LE CADRE DU TRAITÉ SUR LA NON-PROLIFÉRATION DES ARMES NUCLÉAIRES ET DU TRAITÉ SUR LA ZONE EXEMPTÉ D'ARMES NUCLÉAIRES DE L'ASIE DU SUD-EST. VIENNE, 12 DÉCEMBRE 2005, ET PHNOM PENH, 20 JUIN 2014*

Entrée en vigueur : 16 juillet 2014 par l'échange desdites lettres, conformément à leurs dispositions

Textes authentiques : anglais et français

Enregistrement auprès du Secrétariat des Nations Unies : Agence internationale de l'énergie atomique, 18 août 2016

*Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.

[TRANSLATION – TRADUCTION]

I

INTERNATIONAL ATOMIC ENERGY AGENCY

12 December 2005

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 entered into force on 17 December 1999, 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 Mr. Hor Namhong
Minister of Foreign Affairs and
International Cooperation
Phnom Penh
CAMBODIA

It is therefore proposed that paragraph I of the Small Quantities Protocol be amended to read as follows:

- I. (1) Until such time as **Cambodia**
- (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 **Cambodia** 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, **Cambodia** 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 **Cambodia** 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.



Vilmos Cserveny
Director of the Office of External Relations
and Policy Coordination