

# **1998 CO-OPERATION AGREEMENT FOR THE PROMOTION OF NUCLEAR SCIENCE AND TECHNOLOGY IN LATIN AMERICA AND THE CARIBBEAN**

*Adopted in Vienna, Austria on 25 September 1998*

CONSIDERING that the States Parties to this Agreement (hereinafter referred to as the "States Parties") recognize that within their respective national nuclear development programmes there exist areas of common interest wherein mutual cooperation can help to promote nuclear science and technology and their utilization for peaceful purposes, as well as more effective and efficient exploitation of the available resources;

RECALLING that it is a statutory function of the International Atomic Energy Agency (hereinafter referred to as the "Agency") to encourage and assist research on, and the development and practical application of, atomic energy for peaceful uses, which function can be fulfilled by furthering technical co-operation among its Member States through application of the "Partners in Development" concept;

TAKING INTO ACCOUNT that - under the auspices of the Agency – the States Parties desire to conclude a Regional Agreement to encourage and strengthen such technical co-operation activities;

The States Parties agree as follows:

## **ARTICLE I OBJECTIVE**

1. The States Parties, under the auspices of the Agency, undertake to promote, foster, co-ordinate and implement co-operation activities for training, research, development and applications of nuclear science and technology in the Latin America and the Caribbean region through their competent national institutions.
2. The present agreement shall be called "Regional Co-operation Agreement for the Promotion of Nuclear Science and Technology in Latin America and the Caribbean" and shall be identified by the acronym "ARCAL".

## **ARTICLE II BOARD OF REPRESENTATIVES**

1. The States Parties shall designate their respective Permanent Representatives to ARCAL. These representatives (hereinafter referred to as "ARCAL Representatives") shall constitute the "Board of ARCAL Representatives" (hereinafter referred to as "BAR"), the highest decision-making body of the Agreement, which shall meet at least once a year.
2. The "BAR" shall be responsible for:
  - i. Establishing the policies, guidelines and strategies of ARCAL;
  - ii. Establishing the necessary legal regulations for attaining the objectives of the Agreement, including the Manual of Procedure for ARCAL and the financial arrangements of the IAEA;

- iii. Reviewing and approving annually the ARCAL programmes and projects, including their respective resource allocations, submitted for its consideration by the "ARCAL Technical Co-ordination Board " (hereinafter referred to as "ATCB");
- iv. Defining ARCAL's relations with States not party to the Agreement, other international bodies, non-governmental organizations and the private sector.

### **ARTICLE III**

## **TECHNICAL CO-ORDINATION BOARD**

1. Each State Party shall designate a "National Co-ordinator" who shall be a senior official.
2. The ARCAL National Co-ordinators shall constitute the "ATCB", which shall meet at least once a year.
3. The "ATCB" shall be responsible for:
  - i. Implementing the decisions approved by "BAR";
  - ii. Advising the "BAR" on the technical aspects of ARCAL;
  - iii. Formulating and submitting annually for the consideration of the "BAR" the ARCAL programme and projects, including the respective resource allocations;
  - iv. Assessing annually the implementation of the ARCAL programmes and projects, with a view to making recommendations to the "BAR" regarding their continuation, modification or conclusion.

### **ARTICLE IV**

## **OBLIGATION OF THE STATES**

1. Each State Party which decides to participate in an ARCAL project undertakes to contribute to its due implementation by:
  - (a) Contributing financial resources and/or contributions in kind;
  - (b) Making available facilities, equipment, material and know-how under its jurisdiction which are appropriate.
2. Each State Party which participates in an ARCAL project undertakes, in accordance with its national juridical system, to adopt the measures which prove necessary to facilitate in its territory the activities of the staff assigned by another State Party or by the Agency to participate in the project.
3. Each State Party which participates in an ARCAL project undertakes to submit to the "ATCB", through the Agency, an annual report on the implementation status of the project.
4. Each State Party shall provide the "BAR" with any additional information deemed necessary concerning the project in question.

5. Each State Party which participates in an ARCAL project undertakes, in accordance with its national juridical system, to apply the safety rules and regulations of the Agency for the duration of the project.

## **ARTICLE V**

### **OBLIGATIONS OF THE AGENCY**

1. Subject to available resources, the Agency shall support the ARCAL programmes and projects established in accordance with this Agreement by means of its technical co-operation and other programmes. The principles, rules and procedures governing the provision of technical co-operation by the Agency and its other programmes shall apply, as appropriate, to any such Agency assistance.
2. In order to achieve the objectives of this Agreement and, on the basis of the recommendations made by the "BAR" and the "ATCB", the Agency shall perform the following secretariat functions:
  - i. Co-ordinate the activities between the States Parties;
  - ii. Allocate the contributions made by the States Parties and external donors to ARCAL amongst the ARCAL projects and the States Parties participating in these projects;
  - iii. Adopt such measures as may be necessary for the implementation of the ARCAL projects;
  - iv. Prepare each year the Plan of Activities for the implementation of the ARCAL projects;
  - v. Provide administrative support for the convening, preparation and organization of the "BAR" and "ATCB" meetings and any others deemed necessary;
  - vi. Assist in organizing, financing and conducting the meetings of experts included in the ARCAL Plan of Activities;
  - vii. Compile and distribute the reports received from States Parties;
  - viii. Prepare annually a report on the implementation of the ARCAL programmes and projects, and submit it to the "ATCB" and "BAR";
  - ix. Provide administrative support for monitoring the ARCAL projects.
3. With the consent of the "BAR", the Agency may invite States not party to the Agreement, other international bodies, non-governmental organizations and the private sector to contribute, by providing financial resources and/or appropriate contributions in kind, to the development of ARCAL activities.
4. The Agency, in consultation with the "BAR", shall administer these contributions in accordance with its Financial Regulations and with other applicable rules. The Agency shall keep separate records and accounts for each contribution.

## **ARTICLE VI CIVIL RESPONSIBILITY**

The Agency, States not party to the Agreement, other international bodies, non-governmental organizations and the private sector which participate under the terms and conditions described in the Agreement shall not be held responsible for the safe implementation of the ARCAL programmes and projects.

## **ARTICLE VII PEACEFUL UTILIZATION**

Each State Party undertakes that any assistance received under this Agreement will be used exclusively for peaceful purposes in accordance with the Statute of the Agency.

## **ARTICLE VIII CONFIDENTIALITY OF INFORMATION**

Each State Party shall ensure that no one designated by another State Party participating in an ARCAL project reveals any information obtained as a result of his/her presence in the facility without the written consent of the other State Party.

## **ARTICLE IX SETTLEMENT OF DISPUTES**

Any dispute which may arise concerning the interpretation or application of this Agreement shall be resolved using whatever peaceful means of settlement the parties to the dispute desire.

## **ARTICLE X SIGNATURE AND ACCESSION**

1. This Agreement shall be open for signature by all the Member States of the Agency belonging to the Latin America and the Caribbean region at the Headquarters of the Agency in Vienna from 25 September 1998 until its entry into force.
2. This Agreement shall be subject to ratification by the signatory States.
3. States which have not signed this Agreement may accede to it after its entry into force.
4. The instruments of ratification or accession shall be deposited with the Director General of the Agency, who shall be the Depositary of this Agreement.
5. The Agency shall notify promptly all signatory States and those who have acceded regarding the date of each signature, the date of deposit of each instrument of ratification and accession to the Agreement and the date of its entry into force.

## **ARTICLE XI ENTRY INTO FORCE**

This Agreement shall enter into force after deposit of the instrument of ratification by ten Member States. It shall remain in force for ten years, and may be extended by periods of five years if the Member States so agree.

## **ARTICLE XII DENUNCIATION**

1. Any State Party may denounce this Agreement by written notification to the Depositary, giving at least six months' notice, and the latter shall inform the States Parties.
2. In the event of denunciation of the Agreement, the State Party shall remain bound by the obligations it has undertaken with respect to the projects in which it is participating until completion of those projects.

## **ARTICLE XIII TRANSITIONAL ARRANGEMENTS**

The States of Latin America and the Caribbean participating in ARCAL activities at the time when this Agreement is opened for signature and accession shall maintain their rights and obligations for the period necessary to acquire the status of a State Party. This period shall not exceed five years.

DONE at Vienna, this 25<sup>th</sup> day of September 1998, in two originals in Spanish and English, the texts in both languages being equally authentic.