

# **1999 AGREEMENT BY EXCHANGE OF LETTERS WITH THE FEDERATIVE REPUBLIC OF BRAZIL IN CONNECTION WITH THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS AND THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA AND THE CARIBBEAN**

*Approved in Vienna, Austria on 20 September 1999*

1. The text of the Exchange of Letters is reproduced in this document for the information of all Members. This Exchange of Letters constitutes an agreement confirming that:
  - the Safeguards Agreement of 13 December 1991<sup>1</sup>, concluded between the Republic of Argentina (Argentina), the Federative Republic of Brazil, the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials and the IAEA (the Quadripartite Agreement) on the basis of the Agreement on the Exclusively Peaceful Utilization of Nuclear Energy (the SCCC), also satisfies the obligation of Brazil under Article 13 of the Treaty on the Prohibition of Nuclear Weapons in Latin America and the Caribbean (the Tlatelolco Treaty) and under Article III of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).
  - the safeguards set forth in the Quadripartite Agreement shall also apply, as regards Brazil, in connection with the Tlatelolco Treaty and the NPT.
  - the provisions of the Quadripartite Agreement shall apply as long as Brazil is party to either the SCCC Agreement, the Tlatelolco Treaty or the NPT.
2. The agreement reflected in the Exchange of Letters was approved by the Board of Governors on 20 September 1999, and pursuant to its terms, entered into force on that date.

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<sup>1</sup> Reproduced in document INFCIRC/435

INTERNATIONAL ATOMIC ENERGY AGENCY

1999-05-31

Sir,

I have the honour to refer to the decision of the Board of Governors of the International Atomic Energy Agency (IAEA) of 15 June 1995, which authorised the Secretariat of the IAEA to confirm, through an exchange of letters with the relevant States of the Latin American and Caribbean region that, inter alia, the Agreement between Argentina, Brazil, the Argentine-Brazilian Agency for Accounting and Control of Nuclear Materials and the IAEA for the application of safeguards (hereinafter called "the Quadripartite Agreement") satisfies the requirement of the States parties under the Treaty on the Non-Proliferation of Nuclear Weapons ("the NPT") and under the Treaty for the Prohibition of Nuclear Weapons on Latin America and the Caribbean ("the Tlatelolco Treaty") to conclude a comprehensive safeguards agreement.

The Government of the Federative Republic of Brazil ("Brazil") is party to the Tlatelolco Treaty and to the NPT, and has accepted an obligation, under both treaties, to sign and bring into force a safeguards agreement with the International Atomic Energy Agency. The Government of Brazil is also party to the Agreement on the Exclusively Peaceful Utilization of Nuclear Energy ("the SCCC Agreement"), which serves as a basis for the Quadripartite Agreement.

Against that background, I should like to propose the following:

1. Brazil and the IAEA consider that the Quadripartite Agreement satisfies the obligation of Brazil under Article 13 of the Tlatelolco Treaty and Article III of the NPT.
2. Brazil and the IAEA agree that the safeguards set forth in the Quadripartite Agreement shall also apply, as regards Brazil, in connection with the Tlatelolco Treaty and the NPT.
3. The provisions of the Quadripartite Agreement shall apply as long as Brazil is party to either the SCCC Agreement, the Tlatelolco Treaty or the NPT.

It is the Secretariat's understanding that your Government concurs with the statements in paragraphs 1 to 3 above. In that case, this letter and your affirmative reply shall, subject to approval by the Board of Governors of the IAEA, constitute an agreement which shall enter into force on the date of its approval by the Board of Governors of the IAEA.

Accept, Sir, the assurances of my highest consideration.

H.E. Mr. Affonso Celso de Ouro-Preto  
Ambassador  
Resident Representative of Brazil to the International Atomic Energy Agency  
Lugeck I/V/15  
A-1010 Vienna

Mohamed ElBaradei  
Director General

THE EMBASSY OF THE FEDERATIVE REPUBLIC OF BRAZIL

IAEA/SEC/Nr155A/99

Vienna, 30 July 1999

Sir,

I have the honour to acknowledge receipt of your note dated 31 May 1999, which reads as follows:

"I have the honour to refer to the decision of the Board of Governors of the International Atomic Energy Agency (IAEA) of 15 June 1995, which authorised the Secretariat of the IAEA to confirm, through an exchange of letters with the relevant States of the Latin American and Caribbean region that, inter alia, the Agreement between Argentina, Brazil, the Argentine-Brazilian Agency for Accounting and Control of Nuclear Materials and the IAEA for the application of safeguards (hereinafter called "the Quadripartite Agreement") satisfies the requirement of the States parties under the Treaty on the Non-Proliferation of Nuclear Weapons ("the NPT") and under the Treaty for the Prohibition of Nuclear Weapons on Latin America and the Caribbean ("the Tlatelolco Treaty") to conclude a comprehensive safeguards agreement.

The Government of the Federative Republic of Brazil ("Brazil") is party to the Tlatelolco Treaty and to the NPT, and has accepted an obligation, under both treaties, to sign and bring into force a safeguards agreement with the International Atomic Energy Agency. The Government of Brazil is also party to the Agreement on the Exclusively Peaceful Utilization of Nuclear Energy ("the SCCC Agreement"), which serves as a basis for the Quadripartite Agreement.

Against that background, I should like to propose the following:

1. Brazil and the IAEA consider that the Quadripartite Agreement satisfies the obligation of Brazil under Article 13 of the Tlatelolco Treaty and Article III of the NPT.
2. Brazil and the IAEA agree that the safeguards set forth in the Quadripartite Agreement shall also apply, as regards Brazil, in connection with the Tlatelolco Treaty and the NPT.
3. The provisions of the Quadripartite Agreement shall apply as long as Brazil is party to either the SCCC Agreement, the Tlatelolco Treaty or the NPT.

It is the Secretariat's understanding that your Government concurs with the statements in paragraphs 1 to 3 above. In that case, this letter and your affirmative reply shall, subject to approval by the Board of Governors of the IAEA, constitute an agreement which shall enter into force on the date of its approval by the Board of Governors of the IAEA.

2. In response, I have the honour to inform you that the terms of the above mentioned letter are acceptable for the Brazilian Government.

I avail myself of this opportunity to renew to you, Sir, the assurances of my highest consideration.

Dr. Mohamed ElBaradei  
Director General  
International Atomic Energy Agency  
Vienna International Centre

Sergio de Queiroz Duarte  
Resident Representative