

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2026 Nr. 20

A. TITEL

Briefwisseling houdende een verdrag tussen het Koninkrijk der Nederlanden en het Internationaal Atoomenergieagentschap (IAEA) inzake de wijziging van Protocol I bij de Overeenkomst tussen het Koninkrijk der Nederlanden en het IAEA inzake de toepassing van waarborgen met betrekking tot de Nederlandse Antillen in verband met het Verdrag inzake de niet-verspreiding van kernwapens en Aanvullend Protocol I bij het Verdrag tot verbod van kernwapens in Latijns-Amerika; Wenen, 4 december 2025

Voor een overzicht van de verdragsgegevens, zie verdragsnummers 011824 en 002464 in de Verdragenbank.

B. TEKST

Nr. I

INTERNATIONAL ATOMIC ENERGY AGENCY
The Director General

1 December 2025

Excellency,

I have the honour to refer to the Protocol Number I to the Agreement of 5 April 1973 between the Kingdom of the Netherlands and the International Atomic Energy Agency (IAEA) for the Application of Safeguards with respect to the Netherlands Antilles in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons and Additional Protocol I to the Treaty for the Prohibition of Nuclear Weapons in Latin America (hereinafter referred to as "the Small Quantities Protocol"), which entered into force on 5 June 1975, 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" (GOV/2005/33, dated 13 May 2005), the IAEA Director General 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 the Netherlands Antilles
 - 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 of 5 April 1973 between the Kingdom of the Netherlands and the International Atomic Energy Agency (IAEA) for the Application of Safeguards with respect to the Netherlands Antilles in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons and Additional Protocol I to the Treaty for the Prohibition of Nuclear Weapons in Latin America (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 Netherlands Antilles 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 Kingdom of the Netherlands and the IAEA to amend the Small Quantities Protocol accordingly, which amendments shall enter into force, for Aruba, Curaçao, Sint Maarten or the Caribbean part of the Netherlands respectively, on the date that the IAEA receives that reply.

Accept, Excellency, the assurances of my highest consideration.

RAFAEL MARIANO GROSSI

*HE Mr David van Weel
Minister of Foreign Affairs*

Nr. II

MINISTRY OF FOREIGN AFFAIRS OF THE KINGDOM OF THE NETHERLANDS

Vienna, 4 December 2025

Sir,

I have the honour to acknowledge receipt of the letter from the International Atomic Energy Agency (IAEA), dated 1 December 2025, which reads as follows:

(Zoals in Nr. I)

In reference to your Excellency's Letter, I have the honour to inform you that the constitutional structure of the Kingdom of the Netherlands has been changed. Aruba seceded from the Netherlands Antilles in 1986. Furthermore, on 10 October 2010 the Netherlands Antilles ceased to exist as a part of the Kingdom of the Netherlands. From that date, Curaçao, Sint Maarten and the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba) are the legal successors to the former Netherlands Antilles. Therefore, the term "Netherlands Antilles" shall be understood to mean Aruba, Curaçao, Sint Maarten and the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba).

Taking into account these changes, I have the honour to confirm, on behalf of the Kingdom of the Netherlands, that the proposal in your letter is acceptable and that your letter and this affirmative reply shall constitute an agreement between the Kingdom of the Netherlands and the Agency to amend the Small Quantities Protocol accordingly, which shall enter into force on the first day of the second month after the date on which the Kingdom of the Netherlands has notified in writing the Agency, through diplomatic channels, that its internal requirements for the entry into force of this agreement have been fulfilled.

As regards the Kingdom of the Netherlands, the agreement to amend the Small Quantities Protocol shall apply to Aruba, Curaçao, Sint Maarten and the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba), unless the abovementioned written notification provides otherwise. In the latter case, if the Kingdom of the Netherlands wishes to extend the territorial scope of application of this agreement at any time to one or more of its constituent parts, it will provide a written notification in this regard to the Agency.

Accept, Sir, the assurances of my highest consideration.

DAVID MARTIJN VAN WEEL

*To HE Mr Rafael Mariano Grossi
The Director General of the International Atomic Energy Agency (IAEA)*

D. PARLEMENT

Het in de brieven vervatte verdrag tot wijziging van Protocol I behoeft ingevolge artikel 91 van de Grondwet de goedkeuring van de Staten-Generaal, alvorens het Koninkrijk aan het in de brieven vervatte verdrag tot wijziging van Protocol I kan worden gebonden.

G. INWERKINGTREDING

Ingevolge de voorlaatste alinea van Nr. II van het in de brieven vervatte verdrag tot wijziging van Protocol I treedt het in de brieven vervatte verdrag in werking op de eerste dag van de tweede maand na de schriftelijke kennisgeving van het Koninkrijk der Nederlanden aan het Internationaal Atoomenergieagentschap dat aan de interne vereisten voor de inwerkingtreding van het in de brieven vervatte verdrag is voldaan.

Uitgegeven de *achttiende* maart 2026.

De Minister van Buitenlandse Zaken,

T.B.W. BERENDSEN