Regional and International Activities

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ORGANIZATION OF AMERICAN STATES

GENERAL ASSEMBLY

The sixth regular session of the General Assembly of the Organization of American States was held in Santiago, Chile, from June 4 to 18, 1976.

At the end of the session there was a general feeling that the deliberations were very successful, and that as a result the OAS was strengthened.

Following is a summary of some of the resolutions adopted by the General Assembly at its sixth regular session.


The convention was approved by Resolution AG/RES. 210 (VI-O/76), and it is open for signature of the Member States of the OAS, and for the accession of other States.

In the preamble to the resolution, which approved the Convention, it is noted that there has been a continuous looting and plundering of the native cultural heritage suffered by the countries of the Hemisphere, particularly the Latin American countries. It is also stated that there is a basic obligation to transmit to coming generations the legacy of cultural heritages, and that it is essential to take steps, at both the national and international levels, for the most effective protection and retrieval of cultural treasures.

*The opinions expressed in this report are those of the author in his personal capacity.
Article 1 of the Convention provides that the purpose of the Convention is to identify, register, protect, and safeguard the property which composes the cultural heritage of the American nations in order: a) to prevent illegal exportation or importation of cultural property; and b) to promote cooperation among the American States toward a mutual awareness and appreciation of their cultural property.

According to Art. 2, the cultural property referred to in Art. 1 includes the following categories:

a) Monuments, objects, fragments of ruined buildings and archaeological materials belonging to American cultures existing prior to contact with European culture, as well as remains of human beings, fauna and flora related to such culture;

b) Monuments, buildings, objects of an artistic, utilitarian, and ethnological nature, whole or in fragments, from the colonial era and the XIX century;

c) Libraries and archives, incunabula and manuscripts; books and other publications, iconographs, maps and documents published before 1850;

d) All objects originating after 1850 that the States parties have recorded as cultural property, provided that they have given notice of such registration to the other parties to the Convention;

e) All cultural property that any of the States parties specifically declares to be included within the scope of this Convention.

Article 3 provides that the cultural property included in Art. 2 shall receive maximum protection at the international level, and its exportation and importation shall be considered unlawful, except when the State owning it authorizes its exportation for purposes of promoting the knowledge of national cultures.

Under Art. 4, any disagreement among the parties to this Convention regarding application of the definitions and categories of Art. 2 to specific property, shall be resolved by the Inter-American Council for Education, Science and Culture (CIECC), following an opinion of the Inter-American Committee on Culture. These two organs are agencies of the OAS.

The Panama Canal Question

In Resolution AG/RES.219 (VI-O/76), the General Assembly noted as a positive contribution the report presented by the delegations of the
United States and Panama, which records the progress made in their negotiations concerning the Panama Canal. It expressed the hope that, although the parties have reported that significant differences still remain between them, this Bicentennial year of the independence of the United States, and of the Sesquicentennial of the Amphictyonic Congress of Panama, will see the culmination of the negotiations that the governments of the United States of America and Panama have been conducting for twelve years. These negotiations are directed toward concluding a new, just and equitable treaty concerning the Canal, one that will eliminate for all time the causes of conflict between the two countries and will be effective in strengthening international cooperation and peace in the Americas.

**Restructuring of the Inter-American System**

Resolution AG/RES.225 (VI-0/76) deals with the restructuring of the Inter-American System, a matter which has concerned the OAS for some years.

In the preamble of this new Resolution, it is stated that pursuant to Art. 147 of the Charter of the OAS, a special session of the General Assembly must be held to sign the Protocol of Amendment to the Charter; that the Permanent Council must complete the studies entrusted to it by Resolution AG/RES.178 (V-0/75) of the General Assembly, so that the instruments prepared by that organ may be considered at the special session called for that purpose; that some Member States have expressed views, worthy of consideration, different from those included in the texts thus far approved by the Permanent Council, and that some have suggested new ideas for the reform of the Organization.

The General Assembly instructed the Permanent Council to continue the work assigned to it by Resolution AG/RES.178 (V-0/75) of the General Assembly, so that the instruments drafted and any other proposal or document presented for its consideration may be sent to the governments before being submitted to the special session of the Assembly, which is to be convoked in accordance with Art. 147 of the Charter. This special session, pursuant to a decision of the Permanent Council taken on May 12, 1976, is to be held in Lima on a date to be set by that Council. Finally, the General Assembly authorized the Permanent Council to convoke a meeting of specially designated high-level representatives to review and seek to reconcile different points of view, and to submit recommendations to the special session of the General Assembly.
Inter-American Cooperation for Development

In the preamble of its resolution AG/RES.232 (VI-O/76), it is stated that inter-American cooperation for development is a necessary complement to the domestic efforts of the Member States in the field of economic, social and cultural progress; it also stated that inter-American cooperation has not yet been fully effective in promoting the welfare of the people of Latin America. It is also indicated that the OAS must have a united, clear, and consistent operational policy for guiding the cooperation within the terms of existing legal instruments, and that a review of inter-American cooperation within the framework of the OAS cannot be delayed in order for its maximum potential to bring about a more effective use of resources, free from discrimination and restrictions, and a more effective and vigorous action by all concerned can best be realized.

Because of these and other considerations, the General Assembly decided to convocate a Special General Assembly for the specific purpose of reviewing all matters concerning inter-American cooperation for development in order to adopt cooperation mechanisms and programs leading to practical, effective solutions in light of the provisions of the Charter of the OAS and other inter-American instruments currently in force. The Assembly instructed the Permanent Council to set the date and place for the Special General Assembly and approve its agenda on the basis of the work done by the Permanent Executive Committee of the Inter-American Economic and Social Council (CEPCIES), and the Permanent Executive Committee of the Inter-American Council for Education, Science and Culture (CEPCIECC). If it deems it desirable, the Permanent Council is authorized to convocate prior to the Special General Assembly, a group of high-level governmental experts, to analyze and evaluate the preparatory work that will be necessary in order to make it possible to achieve the objectives set forth in the resolution. The Assembly also instructed CEPCIES and CEPCIECC to take the necessary steps, including the convocation of meetings of groups of experts, to develop the topics and prepare the agenda and pertinent documentation of the Special Assembly.

Technological Development

In Resolution AG/RES.233 (VI-O/76), the General Assembly established a Working Group composed of governmental experts for the purpose of studying a program of cooperation in the Hemisphere on the development, adaptation and transfer of technology. The Working Group
should take into account the specific proposals made during the sixth regular session of the General Assembly, and the conclusions of the Specialized Conference on the Application of Science and Technology for the Development of Latin American (CACTAL); the progress achieved within the framework of the Conferences of Tlatelolco and Washington; the tasks carried out in subregional organs of intergration; the programs existing at the world level, and the experience gained in the OAS itself.

The Assembly also instructed the Working Group to study, among others, the following points in the preparation of its proposals:

a. The extension and consolidation of the networks of applied research institutes already existing in the fields of agriculture, health, and education, in order to intensify effective utilization of the knowledge being generated in these fields;

b. The creation of new ways of using technology to improve the living conditions of the very poor;

c. The improvement of the scope and quality of the technological information in the hands of the developing countries and the undertaking of a significant effort to train technologists and specialists in all phases of technology;

d. The promotion of agreements for the establishment of a network of research and technological development institutes for the purpose of developing and adapting technologies to the countries' needs;

e. The adoption of legislative and administrative measures that will make it possible to regulate the transfer of technology, in accordance with the interests of the development objectives and social and economic policies of the member states;

f. The creation of conditions that facilitate the use of existing technological capabilities, both public and private, in the economic and social development of the countries, with special emphasis on the horizontal transfer of technology.

The General Assembly instructed the Permanent Council to arrange for the convening of the said Working Group as soon as possible, and instructed the General Secretariat to provide it with such services as may be necessary. The report of the Working Group is to be submitted to the Governments for their consideration and subsequently to the Per-
manent Executive Committees of CIES and of CIECC so that those organs may submit their recommendations to the Special General Assembly on Cooperation for Development.

**Industrial property**

This topic has been on the agenda of the Inter-American Juridical Committee for some years. Meetings of governmental experts and of a working group took place in 1973.

At its sixth regular session, the General Assembly, through Resolution AG/RES. 234 (VI-O/76), instructed the Inter-American Juridical Committee to prepare a draft convention (or conventions) for the revision and updating of the existing inter-American conventions on industrial property, so that these drafts may be sent to the governments of the Member States for their observations, comments or suggestions. Furthermore, the Assembly recommended to the Inter-American Juridical Committee that, based on those observations, comments and suggestions, it prepare a new text of its draft convention or conventions to be presented to the General Assembly, so that the latter may decide on the most suitable procedure for final approval of the text of the convention (or conventions) on industrial property. Finally, the Assembly requested the General Secretariat to give all necessary assistance to the Inter-American Juridical Committee to enable it to comply as quickly as possible with the mandate conferred upon it in the Resolution.

**Course on International Law**

The Course on International Law is an activity organized by the Inter-American Juridical Committee. The first course was held in September-October 1974, the second was held in July-August 1975, and the third will be held in July-August 1976. This activity has been very successful, and it has been commended by the members of the Inter-American Juridical Committee, by the participants and by the governments of the OAS Member States. According to resources available, the OAS Fellowship Program awards a certain number of fellowships each year.

In its Resolution AG/RES. 235 (VI-O/76) the General Assembly congratulated the Committee for organizing and holding the Course on International Law, stating that this activity has been very useful and important for the Member States. The Assembly recommended the General Secretariat to study, in keeping with the spirit of operative paragraphs
4 and 5 of Resolution AG/RES. 185 (V-O/75), the possibility of providing the necessary funds in the program-budget of the Organization in order to increase the number of fellowship students from Member States in the Course. Resolution AG/RES. 185 established that the Course on International Law should be a permanent activity of the Inter-American Juridical Committee, and that a course be held once a year.

The Deputy Director of the Department of Legal Affairs of the General Secretariat, Dr. Isidoro Zanotti, has been the Director of the Course on International Law, held in the headquarters of the Getulio Vargas Foundation in Rio de Janeiro.

Ratification of conventions on private international law

By its Resolution AG/RES. 236 (VI-O/76), the General Assembly urged the Governments of the Member States—if they have not done so and, as appropriate—to sign and ratify the following six conventions approved by the First-Inter-American Specialized Conference on Private International Law (CIDIP-I), held in the city of Panama, Republic of Panama, in January, 1975:

a. Inter-American convention on conflict of laws concerning bills of exchange, promissory notes, and invoices;

b. Inter-American convention on conflict of laws concerning checks;

c. Inter-American convention on international commercial arbitration;

d. Inter-American convention on letters rogatory;

e. Inter-American convention on the taking of evidence abroad;

f. Inter-American convention on the legal regime of powers of attorney to be used abroad.

Panama ratified all six conventions, Ecuador ratified five, although it has not ratified as yet the Convention on Commercial Arbitration; Chile has ratified the first three conventions mentioned above. Other countries are in the process of ratifying the conventions.

Transnational enterprise

Several documents on the transnational enterprises were submitted to the sixth regular session of the General Assembly, including an extensive report and conclusions by the Inter-American Juridical Committee, a
report by the Permanent Council, and an extensive comparative study on Latin American legislation concerning the regulation and control of private foreign investment.

In its Resolution AG/RES. 241 (VI-O/76) the General Assembly acknowledged the documentation presented, and recognized the valuable contribution of the Inter-American Juridical Committee. The Assembly requested the Permanent Council to continue its study on transnational corporations, and specifically, on those principles that will serve as a basis for the preparation of a draft code of conduct. The Assembly also requested the General Secretariat to continue its comparative study of Latin American legislation on the regulation and control of foreign private investment, with special reference to the principles contained therein which may be useful in the preparation of the proposed code of conduct.

The Assembly also requested Member States to cooperate in the exchange of information, bilaterally and multilaterally, in order to acquire a better knowledge of the economic, social, and political effects of the operations and practices of transnational enterprises.

Human right

At its sixth regular session the General Assembly considered three topics on human rights, which attracted much attention, and which were discussed openly and at length.

Three resolutions were approved on the three topics.

In Resolution AG/RES. 242 (VI-O/76) the General Assembly took note of the annual report of the Inter-American Commission on Human Rights, an agency of the OAS, and recommended that the Member States continue to adopt and apply the appropriate measures and legislative provisions to protect and fully maintain rights, in accordance with the American Declaration of the Rights and Duties of Man.

By Resolution AG/RES. 243 (VI-O/76) the General Assembly dealt with the problem of human rights in Chile. It was agreed to make a special appeal to the Government of Chile to continue adopting and implementing the necessary procedures and measures for effectively preserving and ensuring full respect of human rights in Chile. It requested the Government of Chile to continue giving the Inter-American Commission on Human Rights all the cooperation necessary to carry out its work and to provide appropriate guarantees to persons or institutions that may furnish information, give testimony, or any other type of evidence. Further-
more, the Assembly expressed its appreciation to the Inter-American Commission on Human Rights for its “Second Report on the Status of Human Rights in Chile,” and requested it to continue its study on the status of human rights in that country, and to report on the subject to the seventh regular session of the General Assembly in the manner it may deem advisable.

Through Resolution AG/RES. 244 (VI-O/76) the General Assembly referred to the Permanent Council, for study, certain documents presented to the Assembly concerning means to promote respect for human rights and to facilitate cooperation by the Member States in this regard. The Permanent Council shall report the results of the study to the General Assembly at its seventh regular session. The Assembly requested the Inter-American Commission on Human Rights to submit to the Permanent Council its observations on those documents.

Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere

In Resolution AS/RES. 218 (VI-O/76), the General Assembly urged the implementation of the Convention, by the Member States, through mutual and technical cooperation, and scientific research relating to the wild flora and fauna, the creation, planning and training in the management of parks and reserves, the adoption of measures to conserve wild flora and fauna, to protect species in danger of extinction. The Assembly also recommended the adoption of measures to facilitate the discharge of specific responsibilities of the Member States and of the General Secretariat under the terms of the Convention by furnishing and processing lists of endangered and threatened species and by spreading information relating to nature protection and the conservation of the wild flora and fauna.

Furthermore, the Assembly charged the Permanent Executive Committee of CIECC to prepare a report to be presented at the next meeting of CIECC, regarding the advisability of convoking a Conference to discuss, plan and agree upon cooperative bilateral and multilateral activities such as those called for in the Resolution.

The General Assembly accepted the offer of the United States to host the conference. Finally, the Assembly urged the countries of the Western Hemisphere, which have not yet done so, to adhere to the Convention on Nature Protection and Wildlife Preservation.
It should be pointed out that the Convention, signed in 1940, has been ratified by seventeen Member States.

INTER-AMERICAN JURIDICAL COMMITTEE

Opinion on transnational enterprises

The Inter-American Juridical Committee has made intensive studies on multinational companies and transnational enterprises, with several members of the Committee preparing in-depth reports on various aspects of the subject.

The Committee later appointed its Chairman, Dr. Reynaldo Galindo Pohl, to prepare an opinion on transnational enterprises, taking into account the different reports and studies made by the members of the Committee.

During its regular meeting held in January-February, 1976, Dr. Galindo Pohl submitted his draft opinion to the Committee, which, after some changes and additions, approved a 130-page opinion on transnational enterprises. The opinion closes with eight conclusions also approved by the Committee. This is the most comprehensive document on transnational enterprises prepared so far by any international organization. The full text of the opinion appears on document CJI-27 published by the General Secretariat in May 1976.

Following is the text of the closing paragraphs of the opinion as well as of the conclusions:

Measures the Organization of American States Could Adopt

The Inter-American Juridical Committee recommends the establishment of an Inter-American Center for Transnational Enterprises. Its functions would be aimed primarily at the following: 1) general recommendations; 2) examination of specific problems, including the differences among the American states with regard to transnational enterprises; 3) advisory service to the Organization of American States in matters related to transnational enterprises; 4) analysis and evaluation of the contributions of transnational enterprises to the development of the OAS member countries; 5) organization and use of information; 6) study of measures to implement regional cooperation on transnational enterprises; 7) informal negotiation of potential regional instruments to deal with
transnational enterprises; 8) analysis of experiences derived from application of instruments and recommendations; 9) coordination of studies and activities with other regions and with the United Nations. Such a center, composed of representatives of all the member states of the Organization of American States, would have a small technical secretariat and be supported by the administrative services of the General Secretariat.

The Center could be established by a resolution of the General Assembly of the Organization of American States as part of the system of cooperation agreed upon in the regional charter. The intensity and particular nature of inter-American relations justify the establishment of this inter-American center without overlapping or duplicating the work of the United Nations organs on transnational enterprises. Furthermore, the inter-American center would adapt worldwide applications to the regional level and would make regional matters compatible with world matters. Moreover, it would ensure dynamic and updated treatment of transnational enterprises.

Furthermore, the Member States of the Organization of American States could study, through the appropriate organs of the inter-American system, which cooperative measures would be most helpful in achieving the following objectives:

a) Prevention and penalizing of acts by transnational enterprises that directly or indirectly interfere with the sovereignty of the states;

b) Exchange of information on transnational enterprises either directly or through the Inter-American Center on Transnational Enterprises;

c) Effective establishment of responsibility through judicial procedure, including the responsibility based on the enterprise as a passive subject of law;

d) Settlement of questions about the application of national laws and jurisdictions;

e) Effective implementation of national or regional and subregional policies on the transfer of technology;

f) Solution under the Charter of the Organization of American States and by the organs and services of the inter-American system of differences between the states with regard to transnational enterprises.
The General Assembly of the Organization of American States could issue a declaration dealing with proper conduct of transnational enterprises which would be useful to guide their conduct or evaluations from political and moral standpoints. Furthermore, it could provide that the technical assistance given by the General Secretariat be expanded to matters related to transnational enterprises.

Conclusions Approved By The Inter-American Juridical Committee

1. To term as “transnational” enterprises those which, by using corporate techniques, conduct operations in different countries under a scheme of interdependent interests and unified criteria for planning, selection of lines of business and economic and administrative policies. These enterprises frequently have a dominant center in one country, the main headquarters, and affiliates in other countries.

2. Transnational enterprises have responsibilities commensurate with their economic and administrative power and in matters related to infractions or violations of juridical order. The joint and several responsibility of the enterprise should coincide with the limited responsibility of the corporation through the convergence of two elements, one generic, the existence of the enterprise, and the other specific, the determining action of the parent company affecting the affiliate or of a subsidiary affecting another subsidiary.

3. Transnational enterprises are subject to sovereignty and therefore to the laws and decisions of judges and courts and of the competent authorities of the states in which they carry out their operations. They may not claim preference or privilege because of their transnational nature or because of their involvement in foreign interests.

Transnational enterprises must conduct their activities in a manner consistent with government policy on investment, reinvestment, credit, money, taxes, prices, marketing, industrial property, return of invested capital, remittance of profits, and so forth. They are obliged to provide information on their activities without hesitation, reluctance or limitation.

They are absolutely prohibited from becoming involved in political affairs or interfering directly or indirectly with the sovereignty of the states.

Each state may determine which penalties are applicable to transnational enterprises if they violate juridical order.
In addition to such domestic juridical standards that the states may consider necessary or advisable in this matter, they may agree among themselves to prevent and repress excesses and abuses by transnational enterprises.

4. Transnational enterprises and the corporations comprising them are not persons under international law and lack *jus standi* in international courts. The American states should abstain from adhering to conventions which in any way grant those enterprises or the corporations comprising them direct access to international courts, including arbitration courts, because this would justifiably place transnational enterprises in an advantageous position over national enterprises. The questions posed by transnational enterprises could eventually be heard by international courts through agreements entered into by the states to resolve their disputes. International courts receive their competence by express consent of the states.

5. States should regulate and supervise the transfer of technology effected by transnational enterprises either through their affiliates or through contracts with other enterprises, and they may prohibit the payment of royalties on technology transferred within the transnational enterprise.

6. International agreement is essential, to re-establishing a balance — and thus a correlation, in terms of effectiveness, of the economic space unified by transnational enterprises and the political-juridical spaces of the states.

The states should ensure cooperation and understanding among themselves on transnational enterprises as a priority objective, through the mechanisms of the United Nations and the Organization of American States in both the formulation of general rules and the examination and settlement of disputes.

7. Establishment of an Inter-American Center for Transnational Enterprises would make it possible to analyze on a regular and continuous basis contributions to the development or excesses of transnational enterprises, and to provide valid information for the formulation of a policy based on experience.

8. These conclusions do not refer to multinational enterprises organized under regional integration schemes.
UNITED NATIONS

UNCITRAL

Draft Convention on the Carriage of Goods by Sea

The United Nations Commission on International Trade Law (UNCITRAL), at its fourth session held in 1971, agreed to study the rules and practices concerning bills of lading, including the rules contained in the International Convention for the Unification of Certain Rules of Law relating to Bills of Lading (the Brussels Convention of 1924) and in the Protocol to amend that Convention (the Brussels Protocol of 1968), with a view to revising and amplifying the rules as appropriate, and preparing a new international convention for adoption under the auspices of the United Nations.


The draft convention on the carriage of goods by sea, prepared by the working group under reference, contains the following major parts embodied in twenty-five articles: I. General provisions; II. Liability of the carrier; III. Liability of the shipper; IV. Transport of documents; V. Claims and actions; VI. Derogations from the convention.

Article 1 of the draft defines some of the terms used; Article 2 establishes the scope of application of the Convention—that is, it provides among other things that: the provisions of the Convention shall be applicable to all contracts for carriage of goods by sea between ports in two different States if: a) the port of loading as provided in the contract of carriage is located in a Contracting State, or b) the port of discharge as provided for in the contract of carriage is located in a Contracting State,
or c) one of the optional ports of discharge provided for in the contract of carriage is the actual port of discharge and such port is located in a Contracting State, or d) the bill of lading or other document evidencing the contract of carriage is issued in a Contracting State; or e) the bill of lading or other document evidencing the contract of carriage provides that the provisions of this Convention or the legislation of any State making them effective are to govern the contract. Article 2 also establishes that a Contracting State may apply the rules of this Convention to domestic carriage through national legislation.

According to Art. 4, dealing with liability, the “carriage of goods” covers the period during which the goods are in the charge of the carrier at the port of loading, during the carriage and at the port of discharge. For the purpose of this provision, the carrier shall be deemed to be in charge of the goods from the time the carrier has taken over the goods until the time the carrier has delivered the goods: a) by handing over the goods to the consignee, or b) in cases when the consignee does not receive the goods, by placing them at the disposal of the consignee in accordance with the contract or with the law or with the usage of the particular trade, applicable at the port of discharge; or c) by handing over the goods to an authority or a third party to whom, pursuant to law or regulations applicable at the port of discharge, the goods must be handed over.

Under Art. 5, the carrier shall be liable for loss, damage or expense resulting from the loss or damage to the goods, as well as from delay in delivery, if the occurrence which caused the loss, damage or delay took place while the goods were in his charge as defined in Art. 4, unless the carrier proves that he, his servants and agents took all measures that could reasonably be required to avoid occurrence and its consequences. The carrier shall not be liable for loss, damage or delay in delivery resulting from measures to save life and from reasonable measures to save property at sea.

On limit of liability, the Draft Convention presents five alternatives.

Article 22 deals with arbitration. According to this article, subject to the rules established therein, parties may provide by agreement that any dispute which may arise under a contract of carriage, shall be referred to arbitration. Arbitration proceedings shall, at the option of the plaintiff, be instituted at one of the following places: a) A place in a State within whose territory is situated: i) the port of loading or the port of discharge; or ii) the principal place of business of the defendant
or, in the absence thereof, the ordinary residence of the defendant; or iii) the place where the contract was made, provided that the defendant has there a place of business, branch or agency through which the contract was made; or b) any other place designated in the arbitration clause or agreement. The arbitrator or arbitration tribunal shall apply the rules of the Convention.

According to Art. 25, the Convention shall not modify the rights or duties of the carrier, the actual carrier and their servants and agents, provided for in international conventions or national law relating to the limitation of liability of owners of seagoing ships.

NUCLEAR ENERGY

Agreement between Brazil and the Federal Republic of Germany


The agreement, signed on June 27, 1975, contains eleven articles. Art. 1 provides that the Contracting Parties shall further, within the framework of the present agreement, the cooperation between organizations engaged in scientific and technological research and enterprises in both States. Such cooperation shall comprise: prospecting, extraction and processing of uranium ores as well as the production of uranium compounds; construction of nuclear reactors and other nuclear installations as well as their components; uranium enrichment and enrichment services; manufacture of fuel elements and reprocessing of irradiated fuels. This cooperation shall include the exchange of the necessary technological information. Considering the importance of financing, including the granting of credits, for such cooperation, the Contracting Parties shall endeavour to finance and to grant credits under conditions which are as favourable as possible within the framework of the regulations prevailing in both States.

In Art. 2 the Contracting Parties declare that they adhere to the principle of non-proliferation of nuclear weapons.

According to Art. 5, each Contracting Party shall take the necessary measures to ensure the physical protection of nuclear material, equip-
ment and installations in its territory, in transporting the same between the territories of the Contracting Parties, and to third States. Such measures shall be designed to avoid, as far as possible, any damage, accident, theft, sabotage, attack, deviation, interference, exchange and other risks. The Contracting Parties shall arrange for appropriate measures in this respect.