



International Atomic Energy Agency

INFORMATION CIRCULAR

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**THE TEXT OF THE PROJECT AGREEMENT BETWEEN THE AGENCY
AND BURMA REGARDING ARRANGEMENTS FOR THE TRANSFER
OF RADIOTHERAPY EQUIPMENT**

The text ¹⁾ of the Project Agreement between the Agency and the Government of the Union of Burma Regarding Arrangements for the Transfer of Radiotherapy Equipment is reproduced in this document for the information of all Members. The Agreement entered into force on 11 October 1967.

1) The footnotes to the text have been added in the present information circular.

**PROJECT AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC
ENERGY AGENCY AND THE GOVERNMENT OF THE UNION OF BURMA
REGARDING ARRANGEMENTS FOR THE TRANSFER
OF RADIOTHERAPY EQUIPMENT**

WHEREAS the Government of the Union of Burma (hereinafter called "Burma"), desiring to re-equip and expand the facilities for radiotherapy at the Sao San Htun Hospital at Taunggyi in the Southern Shan States, has requested the assistance of the International Atomic Energy Agency (hereinafter called the "Agency") in securing radioisotopes and radiotherapy equipment therefor;

WHEREAS the Government of the Union of Soviet Socialist Republics (hereinafter called the "Soviet Union") has offered to make available to the Agency free of charge equipment for radiotherapy centres;

WHEREAS Burma has informed the Agency that the equipment offered by the Soviet Union would meet its needs;

WHEREAS the Soviet Union has informed the Agency of its readiness, pursuant to a decision by the Board of Governors of the Agency, to deliver that equipment to Burma; and

WHEREAS the Board of Governors of the Agency approved the project on 24 February 1966, and authorized the Director General to conclude with Burma a Project Agreement;

The Agency and Burma hereby agree as follows:

ARTICLE I

Section 1. The Agency will facilitate arrangements for the transfer to Burma of the following equipment: a Rum-7 short-focus X-ray unit and a 4000-curie Luch radiocobalt unit (together hereinafter called the "supplied equipment").

Section 2. The supplied equipment will be installed at the Sao San Htun Hospital at Taunggyi.

ARTICLE II

Section 3. The arrangements for the delivery and installation of the supplied equipment will be made between Burma and the Soviet Union. These arrangements shall provide:

- (a) That title to the supplied equipment shall pass directly from the Soviet Union to Burma (or the designated organ of either) upon the dispatch of the supplied equipment from the Soviet Union;
- (b) That the transportation of the supplied equipment from the Soviet Union to Burma shall be, as far as possible, subject to the Agency's Regulations for the Safe Transport of Radioactive Materials²⁾; and
- (c) For the settlement of any disputes between Burma and the Soviet Union.

ARTICLE III

Section 4. Burma undertakes that the supplied equipment shall not be used in such a way as to further any military purpose.

²⁾ Safety Series No. 6, 1967 Edition (STI/PUB/148).

ARTICLE IV

Section 5. The health and safety measures applicable to the project shall be those set forth in Agency document INFCIRC/18 (hereinafter called the "health and safety document").

Section 6. Burma shall apply to operations involving the supplied equipment the Agency's Basic Safety Standards³⁾ and shall endeavour to ensure safety conditions as recommended in the relevant parts of the Agency's Codes of Practice.

Section 7. Burma shall submit the reports specified in paragraphs 25(a), 26 and 27 of the health and safety document.

Section 8. The Agency shall be given the opportunity to carry out an inspection after the supplied equipment has been installed and before it is put into operation, and may also carry out special inspections under the circumstances specified in paragraph 32 of the health and safety document.

Section 9. Burma shall apply the relevant provisions of the Annex to Agency document GC(V)/INF/39 and of the Agreement on the Privileges and Immunities of the Agency⁴⁾ to the Agency's inspectors and to any property used by them in performing their functions.

ARTICLE V

Section 10. Pursuant to paragraph B of Article VIII of the Statute of the Agency, Burma shall make available to the Agency without charge all scientific information developed as a result of the assistance extended by the Agency with respect to this project.

Section 11. The Agency does not claim any right in any inventions or discoveries arising from the implementation of the project. The Agency may, however, be granted licences under any patents upon terms to be agreed.

ARTICLE VI

Section 12. The Agency shall at no time bear any responsibility for the transfer, the installation, the safe handling or the use of the supplied equipment, or for any defect in the equipment.

ARTICLE VII

Section 13. Any dispute arising out of or relating to this Agreement, which is not settled by negotiations or as may otherwise be agreed, shall be submitted to an arbitral tribunal at the request of either Party.

Section 14. Each Party shall designate an arbitrator, and the two arbitrators so designated shall elect a third, who shall be the Chairman. If within thirty days of the request for arbitration either Party has not designated an arbitrator, or if within thirty days of the designation of the second arbitrator the third arbitrator has not been elected, either Party may request the President of the International Court of Justice to make the relevant appointment.

Section 15. The arbitral tribunal shall make decisions by majority vote. The arbitral procedure shall be established by the tribunal whose decisions, including all rulings concerning its constitution, procedure, jurisdiction and the division of expenses of arbitration between the Parties, shall be binding on the Parties.

Section 16. The remuneration of the arbitrators shall be determined on the same basis as that of ad hoc judges of the International Court of Justice.

3) Safety Series No. 9, 1967 Edition (STI/PUB/147).

4) INFCIRC/9/Rev.2.

ARTICLE VIII

Section 17. This Agreement shall enter into force upon signature by or for the Director General of the Agency and by the authorized representative of Burma.

For the INTERNATIONAL ATOMIC ENERGY AGENCY:

(*signed*) U. Goswami

Vienna, 10 August 1967

For the GOVERNMENT OF THE UNION OF BURMA:

(*signed*) Kyaw Sein

Rangoon, 11 October 1967