

No. 8121

**INTERNATIONAL ATOMIC ENERGY AGENCY
and
AFGHANISTAN**

**Project Agreement regarding arrangements for the transfer
of therapeutic irradiation equipment. Signed at Tokyo,
on 24 September 1965**

Official text: English.

Registered by the International Atomic Energy Agency on 21 February 1966.

**AGENCE INTERNATIONALE DE L'ÉNERGIE ATOMIQUE
et
AFGHANISTAN**

**Accord de projet concernant les dispositions à prendre pour
la livraison de matériel de radiothérapie. Signé à Tokyo,
le 24 septembre 1965**

Texte officiel anglais.

Enregistré par l'Agence internationale de l'énergie atomique le 21 février 1966.

No. 8121. PROJECT AGREEMENT¹ BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY AND THE ROYAL GOVERNMENT OF AFGHANISTAN REGARDING ARRANGEMENTS FOR THE TRANSFER OF THERAPEUTIC IRRADIATION EQUIPMENT. SIGNED AT TOKYO, ON 24 SEPTEMBER 1965

WHEREAS the Royal Government of Afghanistan (hereinafter called "Afghanistan"), desiring to set up a radiotherapy centre at the Ali Abad Hospital of Kabul University, 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 Hungarian People's Republic (hereinafter called "Hungary") has offered to make available to the Agency free of charge equipment for radiotherapy centres ;

WHEREAS Afghanistan has informed the Agency that the equipment offered by Hungary would meet its needs ;

WHEREAS Hungary has informed the Agency of its readiness, pursuant to a decision by the Board of Governors of the Agency, to deliver that equipment to Afghanistan ;

WHEREAS the Board of Governors of the Agency approved the project on 17 June 1965 and authorized the Director General to conclude with Afghanistan a Project Agreement ;

The Agency and Afghanistan hereby agree as follows :

Section 1. (a) The Agency will facilitate arrangements for the transfer to Afghanistan of the following equipment : a Gravicert 1300 curie radiocobalt unit, a Diagnomaz diagnostic X-ray apparatus and ancillary equipment for dosimetry (together hereinafter called the "supplied equipment").

(b) The supplied equipment will be installed at the Ali Abad Hospital of Kabul University.

Section 2. The arrangements for the delivery and installation of the supplied equipment will be made between Afghanistan and Hungary. These arrangements shall provide :

¹ Came into force on 24 September 1965, upon signature, in accordance with Section 8.

- (a) That title to the supplied equipment shall pass directly from Hungary to Afghanistan (or the designated organ of either) upon the dispatch of the supplied equipment from Hungary.
- (b) That the transportation of the supplied equipment from Hungary to Afghanistan shall be, as far as possible, subject to the Agency's Regulations for the Safe Transport of Radioactive Materials.¹
- (c) For the settlement of any disputes between Afghanistan and Hungary.

Section 3. Afghanistan agrees that the supplied equipment shall not be used in such a way as to further any military purpose.

Section 4. (a) 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").

(b) Afghanistan shall apply to operations involving the supplied equipment the Agency's Basic Safety Standards² and shall endeavour to ensure safety conditions as recommended in the relevant sections of the Agency's Codes of Practice.

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

(d) 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.

(e) Afghanistan 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 Agency³ to the Agency's inspectors and to any property used by them in performing their functions.

Section 5. (a) Pursuant to paragraph B of Article VIII of the Statute of the Agency,⁴ Afghanistan 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.

(b) 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.

Section 6. The Agency shall at no time bear any responsibility for the transfer, installation, safe handling or use of the supplied equipment, or for any defect in the equipment.

¹ International Atomic Energy Agency, *Safety Series No. 6*, Revised Edition, 1964 (STI/PUB/97).

² International Atomic Energy Agency, *Safety Series No. 9* (STI/PUB/26).

³ United Nations, *Treaty Series*, Vol. 374, p. 147.

⁴ United Nations, *Treaty Series*, Vol. 276, p. 3, and Vol. 471, p. 334.

Section 7. (a) 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.

(b) 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.

(c) 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 all Parties.

(d) The remuneration of the arbitrators shall be determined on the same basis as that of *ad hoc* judges of the International Court of Justice.

Section 8. This Agreement shall enter into force upon signature by or for the Director General of the Agency and by the authorized representative of Afghanistan.

DONE in Tokyo, on the 24th day of September 1965, in duplicate in the English language.

For the International Atomic Energy Agency :

Sigvard EKLUND

For the Royal Government of Afghanistan :

Abdul RAHIM
