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# Regional and International Activities

Isidoro Zanotti

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# REGIONAL AND INTERNATIONAL ACTIVITIES

ISIDORO ZANOTTI\*

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I. REGULAR SESSION OF THE OAS GENERAL ASSEMBLY	

The fourteenth regular session of the OAS General Assembly was held in Brasilia from November 12 through 18, 1984. During this session the Assembly approved resolutions and recommendations on political, legal, economic, social, educational, and administrative matters. A summary of some of these resolutions, taken from document AG/doc.1902/84 rev. 1, dated January 23, 1985,

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\* General Rapporteur and member of the Inter-American Bar Association's Council and Executive Committee; Director of the Course on International Law organized by the Inter-American Juridical Committee; former Head of Codification and Deputy Director of the Department of Legal Affairs of the General Secretariat of the Organization of American States.

published by the OAS, follows.

*Inter-American Juridical Committee*

The General Assembly, through resolution 734 (XIV-0/84), took note of the annual report submitted by the Inter-American Juridical Committee (the principal juridical organ of the OAS). Specifically, the General Assembly expressed satisfaction over the priority that the Committee has given to topics of special importance that were recommended to the Committee by the Permanent Council of the OAS. The Assembly congratulated the Committee on the success of the XI Course on International Law held in Rio de Janeiro in August, 1984. In addition, the Assembly requested that the OAS General Secretariat provide the Committee with the secretarial services needed to prepare more detailed reports and more complete minutes of the meetings. This would facilitate a better knowledge of the debates of the Committee.

*Basic Instruments of the OAS*

In the preamble of resolution AG/RES. 745 (XIV-0/84), the General Assembly recalled that in 1973 it had established a special committee composed of representatives appointed by each OAS member state. The special committee, taking into account the principles and purposes of the inter-American system and the Charter of the OAS, was to "conduct a comprehensive critical study, analysis, and evaluation of the philosophy, instruments, structure, and functioning of the inter-American system and propose its restructuring and the reforms and measures necessary to enable it to respond adequately to the new political, economic, social, and cultural situations in all the member states and to the hemisphere and world conditions."

This special committee, which became known as CEESI (the Spanish initials of its title), held five sessions between 1973 and 1975, and then presented a final report on the result of its work. After studying CEESI's report, the General Assembly, in 1975, resolved to instruct the Permanent Council to revise and coordinate the texts of the proposed amendments to the OAS Charter. It was also resolved to continue the study of the matters pending revision, as well as the amendments suggested by the Committee with regard to the American Treaty on Pacific Settlement.

CEESI's recommendations contained proposed amendments to almost all the chapters of the OAS Charter; a draft protocol of amendment to the Inter-American Treaty of Reciprocal Assistance (subsequently adopted in San José, Costa Rica, in 1975); suggestions that a study be made of the American Treaty on Pacific Settlement (Pact of Bogotá); a preliminary draft convention on collective economic security and a preliminary draft on the Inter-American Convention on Cooperation for Integral Development. In 1978, the General Assembly insisted that it was necessary to bring the reform process to a successful conclusion. In 1984, the Assembly stressed that eleven years had passed since the process of reforms began, that the reasons that led the General Assembly to order the reform process remained valid, and that a majority of the member states expressed the need to reinvigorate and strengthen the OAS.

In an operative paragraph of the 1984 resolution, the General Assembly decided to convene a special session of the General Assembly, to be held in the fourth quarter of 1985, on a date to be set by the Permanent Council. The purpose of this special session will be to examine and adopt any proposals that the member states agree upon regarding the basic instruments of the OAS. The Assembly instructed the General Secretariat to organize the proposals referred to in the preamble to this resolution, and to submit a study on the matter to the Permanent Council. The Assembly also requested that the member states present their observations on these proposals. Furthermore, the Assembly instructed the Permanent Council to prepare draft amendments to the basic instruments of the OAS designed to strengthen the institutional mechanisms for inter-American cooperation. These draft amendments are to be based on the studies and proposals already mentioned, and are to be drafted with the consultation of the Inter-American Juridical Committee. The Assembly requested that the Permanent Council submit the proposed amendments, and the new instruments decided upon by the member states, to the special session of the Assembly.

#### *Declaration of Brasilia*

Through resolution AG/RES. 747 (XIV-0/84), the representatives of the member states of the OAS adopted a declaration in which they expressed their deep gratitude to the Government and people of Brazil for their generous hospitality. It was resolved that

the declaration in their honor be known as "The Declaration of Brasilia."

In this resolution, the representatives reaffirmed the belief that strict compliance with the OAS Charter is essential to the achievement of peace and justice in the region and for the full realization of the aims and basic principles of the Organization. The representatives noted the progress of representative democracy taking place in the hemisphere and recognized that the interdependence of nations and today's complex political, economic, and social realities call for a mature and constructive hemispheric dialogue. They also recognized the need for international cooperation for development, free of preconditions, political discrimination or unjust demands for reciprocity, for the settlement of disputes by peaceful means, and for a search for lasting agreements.

The representatives also emphasized that the effective implementation of inter-American ideals requires a concerted effort by member states of the OAS to give urgent attention to the development needs of the people of Latin America and the Caribbean, to promote observance of human rights, and to strengthen the system of representative democracy. They stressed that the OAS constitutes an ideal forum for maintaining an open, fluid, and fruitful communication among the member states and that it provides a suitable instrument for channelling their cooperative efforts in the political, economic, social, educational, scientific, technological, and cultural fields.

*Inter-American Specialized Conference to Consider a Draft  
Convention Defining Torture as an International Crime*

Through resolution AG/RES. 736 (XIV-0/84), the General Assembly decided to convene an Inter-American Specialized Conference to consider the Draft Convention Defining Torture as an International Crime. The draft was prepared by the Inter-American Juridical Committee and revised by the OAS Permanent Council. The Assembly requested that the Permanent Council establish the place and the precise date for the Specialized Conference. It was also requested to prepare the draft rules of procedure and an agenda for submission to the Conference for approval.

The revised text of the above mentioned draft Convention submitted by the Permanent Council to the General Assembly contains 17 articles of a substantive nature, as well as the final provi-

sions (AG/doc.1812/84, dated October 24, 1984). For some of the articles there are alternative texts.

According to article 1 (alternative A), torture is an international crime, wherefore the States Parties shall prevent and punish it in accordance with the terms of this Convention. As provided in alternative B, the States Parties shall prevent and punish torture in accordance with the terms of this Convention.

For the purpose of the Convention, as provided in article 2, torture shall be any intentionally performed act causing severe physical or mental pain or suffering to a person for purposes of criminal investigation, as a mean of intimidation, as personal punishment, as a preventive measure, as a penalty, or for any other purpose. Torture shall also be the use upon a person of methods intended to obliterate the personality of the victim, or to diminish his physical or mental capacities, even if they do not cause physical pain or mental anguish. The concept of torture shall not include physical or mental pain or suffering that is inherent in, or solely the consequence of, lawful measures, provided that they do not include the performance of the acts or use of the methods referred to in this article.

In accordance with article 3, alternative A, the following persons shall be guilty of torture: 1) A public servant or employee who, acting in that capacity who orders, instigates, or induces the use of torture, or who directly uses it or who, being able to prevent it, fails to do so; 2) Any individual who, at the instigation of a public servant or employee, orders, instigates, induces, or is an accomplice to the use of torture, or who uses it directly. Alternative B provides that a person who orders, instigates, or induces the use of torture, or who directly uses it, or is an accomplice to it, shall be guilty of torture.

Article 4 provides that the fact of having acted under orders of a superior shall not absolve a person of corresponding criminal liability. According to article 6, the States Parties to the Convention should adopt effective measures to prevent and punish the use of torture within their jurisdictions, should ensure that all acts of torture and attempts to commit torture are offenses under their criminal law, and should make such acts punishable by severe penalties that take into account their grave nature. States Parties should also adopt effective measures to prevent and punish other cruel, inhuman, or degrading treatment or punishment within their jurisdiction. Under article 7, the States Parties should take measures to

ensure that, in the training of police officers and other public officials responsible for the custody of persons temporarily or definitively deprived of their freedom, special emphasis is put on the prohibition of the use of torture in interrogation, detention, or arrest. Similar measures should be taken to prevent other cruel, inhuman, or degrading treatment or punishment.

In article 9 it is provided that the States Parties should incorporate statutory regulations into their national laws that would guarantee adequate compensation for victims of torture. Article 10 establishes that no statement obtained by torture shall be admissible as evidence in a legal proceeding. In a legal proceeding against a person accused of having committed torture, however, a statement obtained by torture shall be admissible as evidence that the accused obtained that statement by that method.

The draft Convention also contains important provisions concerning extradition. Article 11 provides that States Parties should take the steps necessary to extradite anyone accused of committing torture, or sentenced for committing such a crime, in accordance with their respective national laws on extradition and their international commitments on this matter. Article 13 provides that the offense referred to in article 2 be included as an extraditable offense in any extradition treaty existing between States Parties, and States Parties should undertake to include torture as an extraditable offense in every extradition treaty concluded between them. Article 13 also provides that if a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may, at its option, consider this Convention the legal basis for extradition in respect to torture. Extradition shall be subject to the other conditions provided by the law of the requesting state. Extradition shall not be granted where there are grounds to believe that the life of the person whose return is sought is in danger, or that he will be subjected to torture or to cruel, inhuman, or degrading treatment, or that he will be tried by special or *ad hoc* courts in the requesting state.

Article 15 provides that no provision of the Convention may be interpreted as limiting the right of asylum, when its exercise is appropriate, or as altering the obligations of the States Parties in the matter of extradition. As expressed in article 16, the Convention will not limit the provisions of the American Convention on Human Rights, other conventions on the subject, or the statutes of

the Inter-American Commission on Human Rights, with respect to torture. The States Parties, according to article 17, are to report to the Commission about any legislative, judicial, administrative, or other kinds of measure adopted in application of the Convention.

*Inter-American Specialized Conference on Drug Traffic*

The General Assembly decided to convene an Inter-American Specialized Conference on Drug Traffic to give full consideration to all aspects of the drug traffic problem. The Conference was to be held during the first quarter of 1986 (AG/RES. 699 (XIV-0/84)). The General Assembly authorized the Permanent Council to establish the date and place of the Conference, and to draft the Conference's rules of Procedure.

The Assembly instructed the Permanent Executive Committee of the Inter-American Economic and Social Council to submit to the Conference, in consultation with other organs of the Inter-American System, a study that will identify socio-economic development alternatives to the problems created by the elimination of surplus coca crops. The study is to propose measures to reduce demand, to devise inter-American cooperation mechanisms, and is to consider the establishment of a specialized regional fund to provide assistance to member states affected by this problem. The Assembly also requested the Inter-American Indian Institute to present a study to the Conference on the social, cultural, medical, and economic effects of the use of coca on indigenous populations. It also instructed the Inter-American Children's Institute to present a study to the Conference on the problem of drug addiction among children and youth of the Americas.

In addition, the Assembly instructed the General Secretariat to prepare, in consultation with the Inter-American Juridical Committee, the draft of an Inter-American Convention against Drug Traffic for consideration by the Conference. In the preparation of this draft Convention, the background material already available and the draft Convention on this subject presented by the Delegation of Venezuela should be taken into account. The Assembly also instructed the Permanent Executive Committee of the Inter-American Council for Education, Science, and Culture to prepare and present a study on the educational aspects of the prevention and control of the unlawful use of drugs for consideration by the Conference.



*Human Rights*

The General Assembly expressed its appreciation for the work performed by the Inter-American Court of Human Rights. The Assembly also urged those OAS member states that have not ratified the American Convention on Human Rights to do so. It expressed its hope that all the states which are Parties to the Convention will acknowledge the Court's compulsory jurisdiction (AG/RES. 740 (XIV-0/84)).

In another resolution, AG/RES. 742 (XIV-0/84), the Assembly took special note of the annual report and recommendations of the Inter-American Commission on Human Rights and congratulated the Commission on the serious and important work it is doing in the field of protection and promotion of human rights. It took note of the comments and observations of the governments of member states and of the reports on the measures that they have taken to guarantee human rights in their countries. The Assembly reiterated that the forced disappearance of persons in the Americas is an affront to the conscience of the hemisphere and constitutes a crime against humanity. It also reiterated the need to prevent, and where appropriate put to an immediate end, violations of human rights, especially the rights to life, personal security, and liberty, and the right to a fair trial and due process. It reaffirmed the notion that summary executions, torture, and detention without due process constitute extremely serious violations of human rights.

The Assembly also recommended that member states reestablish and improve their systems of representative democracy if they have not done so already. The Assembly reaffirmed that one aspect of the effective protection of human rights must be the recognition of rights of a social, economic, and cultural character, and it emphasized the responsibility of the governments of the member states to participate in the process of promoting cooperation for hemispheric development.

The Assembly reminded the member states of the need to guarantee the full exercise of freedom of conscience, religion, and worship, as well as the right to freedom of inquiry, opinion, expression, and dissemination of thought. It reiterated its request to the Permanent Council that it submit a report on the status of the work relating to the serious problem of refugees and the mass displacement of persons in the hemisphere to the next session of the Assembly.

In another resolution on human rights, AG/RES. 744 (XIV-0/84), the General Assembly thanked and congratulated the Inter-American Commission on Human Rights for the important work it has accomplished in the fulfillment of its mandate to promote and defend human rights over the past twenty-five years. The Assembly expressed its support to the Commission for the work it has done, reaffirmed the significance its reports have had for the defense of human rights, and urged the governments to give the Commission the cooperation it needs to accomplish its work.

It seems worthwhile to recall that the Inter-American Commission on Human Rights was created by a resolution at the Fifth Meeting of Consultation of Ministers of Foreign Affairs of the OAS member states, held in Santiago, Chile, in August 1959. A draft Convention on Human Rights was prepared by the Fourth Meeting of the Inter-American Council of Jurists, also held in Santiago, immediately after the Meeting of Consultation. As part of the OAS legal staff that worked for these two meetings, the author of this report had the honor to participate in both meetings. The draft Convention was reviewed later by other organs of the OAS and finally by the American Convention on Human Rights. The Convention was adopted by a Specialized Conference held in San José, Costa Rica in 1969. The Convention has been ratified by, and is in force among, nineteen OAS member states.

### *Peace Efforts in Central America*

In the preamble of resolution AG/RES. 704 (XIV-0/84), the General Assembly recalled that in its 1983 regular session it had reaffirmed the importance of the principles and standards set forth in the Charter of the Organization of American States (resolution AG/RES. 675 (XIII-0/83)). By the same resolution the Assembly urged the Central American states to negotiate agreements for solving conflicts in the area and achieving peace, security, democracy, and the cooperation necessary for the economic and social development of the region. It had also asked all states to refrain from engaging in acts that might hinder efforts at negotiation and expressed support for the efforts of the Contadora Group. The Assembly also stated in its 1984 resolution that the Contadora Act for Peace and Cooperation in Central America, dated September 7, 1984, represented a fundamental advance in the process of dialogue and negotiation for regional peace, security and development.

In the operative paragraphs of its 1984 resolution, the General Assembly reiterated that it is the obligation of all American states to settle their conflicts by peaceful methods alone. They are not to use military force, or any other type of coercion, and they are not to intervene, or engage directly or indirectly in the internal or external affairs of any other state. The Assembly reiterated that it is the right of all countries in the region to live in peace and security, free from all outside interference, and that there is a need to further strengthen the democratic, representative, and pluralistic institutions by promoting sustained action for the economic and social development of the countries of the region.

Furthermore, the Assembly welcomed with satisfaction the Contadora Act for Peace and Cooperation in Central America, dated September 7, 1984. The Act resulted from intense consultation and negotiation carried out by the Governments of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua under the auspices of the Contadora Group. The Assembly urged all the Central American governments to express their will for peace and to intensify their consultations among themselves and with the Contadora Group in order to conclude the negotiation process with the prompt signature of the Contadora Act. It also exhorted all states, particularly those having ties to, and interest in, the region, to facilitate signature of the Contadora Act and to adhere to the Additional Protocol of the instrument.

It should be recalled that on October 31, 1984, the Permanent Representatives to the OAS from El Salvador, Costa Rica, and Honduras transmitted to the Chairman of the OAS Permanent Council a revised text of the Contadora Act for Peace and Cooperation in Central America prepared by the Foreign Ministers of these three countries. They indicated that the revised text was the result of the harmonized observations of El Salvador, Costa Rica, and Honduras, and Guatemala's ideas and remarks as represented by its Deputy Foreign Minister. (Document CP/INF.2226/84, of October 31, 1984).

*Revitalization and Dissemination of Public International Law in the Americas*

The General Assembly stated, in resolution AG/RES. 735 (XIV-0/84), that international law should predominate in the conduct and development of international relations, because it has an

essential role in the prevention and settlement of international disputes. The American hemisphere has always been closely associated with the defense, respect, and development of international law. This is illustrated by the major contributions made in the OAS Charter to the principles of nonintervention and restrained use of force, the rights and duties of states, and the right to asylum. The Assembly further stated that because of the sweeping changes that have recently taken place in international relations, the scope and application of international law has been greatly enlarged. It also stressed that the study and circulation of information on the practice of states in matters of international law can identify basic notions of justice that enjoy widespread acceptance, influence the evolution of customary international law, and demonstrate that it is important to attribute greater value to the juridical heritage of the Americas.

In the operative paragraphs of this resolution, the Assembly instructed the General Secretariat of the OAS to continue with the implementation of the Inter-American Program for Legal Development in accordance with the provisions of resolution AG/RES. 654 (XIII-0/83). It urged the member states to promote the preparation of national digests of their practices with respect to public international law. It also urged the member states to promote new editions of the works of their region's great masters of international law with a view toward the preparation of a legal anthology for publication under the aegis of the OAS. This resolution represents a good initiative toward the spread of information and documentation on public international law. There is, however, a great difference between the preamble and the operative part of the resolution. It is easy to ascertain that the operative part does not reflect all the ideas and concepts contained in the preamble. At its next regular session the General Assembly could consider the adoption of a resolution recommending to the OAS member states and to the appropriate organs of the OAS the intensified promotion of the development and codification of public international law in the inter-American context. This can be accomplished by formulating new inter-American treaties or conventions on topics of special concern and importance to the American countries or by reviewing and updating several old treaties of a multilateral nature adopted in past decades by the inter-American system on matters of lasting interest to inter-American relations.

It is worthwhile to recall that from 1975 to 1984 the OAS,

through specialized legal conferences, adopted sixteen conventions and two additional protocols on several topics of private international law, an achievement of special significance. In the same period, however, the OAS adopted only five important treaties dealing with matters of public international law. It should be observed, however, that in its 1984 regular session the OAS General Assembly adopted some important initiatives concerning the development of international law.

### *The Question of the Malvinas Islands*

Through resolution AG/RES. 700 (XIV-0/84), the General Assembly expressed its support of resolutions 37/9, 38/12 and 39/6 of the UN General Assembly, whereby the Governments of Argentina and the United Kingdom were requested to resume negotiations to find, as soon as possible, a peaceful solution to their sovereignty dispute and other differences relating to the Malvinas Islands. The Assembly also expressed its concern over the lack of compliance with those resolutions, urging further progress.

### *Strengthening of the OAS Fellowship Program*

The OAS Secretary General was instructed by the General Assembly, through resolution AG/RES. 715 (XIV-0/84), to give priority consideration to the allocation of resources to the fellowship program, provided that savings are realized during the execution of the 1984-85 program budget. The Assembly also stated that the fellowship program is one of the most valuable and successful activities of the OAS and that there is a need to expand this program to the meet member states' growing demand for fellowships.

### *Budget of the OAS, 1985 Quotas for the Regular Fund*

The percentage of 1985 contributions from the OAS member states to the Regular Fund follows the pattern of previous years. According to an appendix to resolution AG/RES. 727 (XIV-0/84), the percentage breakdown of 1985 contributions to the Regular Fund is as follows: The United States - 66.00 percent; Brazil - 9.36 percent; Argentina - 7.47 percent; Mexico - 7.02 percent; Venezuela - 3.59 percent; Colombia - 0.99 percent; Chile - 0.82 percent; Peru - 0.54 percent; Uruguay - 0.36 percent.

It should be noted that the total contributions of the other 22

participating OAS member states is only 2.76 percent of the total Regular Fund.

## II. THE PRESIDENT-ELECT OF BRAZIL WAS RECEIVED BY THE OAS PERMANENT COUNCIL IN A PROTOCOLARY SESSION

The OAS Permanent Council held a protocolary session on February 1, 1985, in the Hall of the Americas of the OAS Building in Washington, D.C., to receive and hear the President-elect of Brazil, Dr. Tancredo de Almeida Neves, during his visit to the United States. He also held interviews with the President of the United States, Ronald Reagan, as well as other high U.S. government officials, and with executives of international organizations.

In his address before the Permanent Council, the President-elect of Brazil recalled that the "history of the Americas has always been bound up with the struggle for well-being, justice, and freedom," and that the lives of the leaders of this hemisphere "are an example of the motivation that to this day is the life blood of the efforts to which our societies have committed themselves for the sake of progress. In the area of international relations, this philosophy has led to the hemisphere's notable participation in the defense of the principles that govern international relations. The peaceful settlement of disputes, respect for the sovereignty of states, and strict compliance with the obligations deriving from international law have always been promoted in the hemisphere and have been established as governing rules that are universal in scope." <sup>1</sup>

President-elect Neves emphasized that the "rich legacy of accomplishments by the inter-American community in the areas of peace and cooperation provides us with a solid basis for refuting the pessimism . . . or the impatience of those who are disenchanted with the international organizations because of the difficulty of finding immediate solutions." He also stated that "although law and international organizations depend on the political will of the States for their effectiveness, they constitute the irreplaceable pillars of a just and democratic world order. To abandon them would be to return to the turbulent and violent times when the governing law was the law of the strongest."

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1. The text of the English version of the speech was distributed by the Office of Public Information of the OAS.

He observed that the "difficulty in setting up a more balanced international order is similar to the barriers that our societies faced and still face in consolidating their respective democratic systems." In his estimation, there is "a very clear link between the establishment of national democratic political systems and the democratization of international life."

Referring to economic problems, he stated that "the statistical indicators last year showed signs of a recovery in some countries of the hemisphere. The course of that recovery differs significantly when we compare the verified trends in the industrialized countries to the north and the existing situation in most of the developing nations. The international economic crisis should require sacrifices by all countries. But we know that the responsibilities for economic readjustment are not shared in an equitable way between the industrialized world and the developing countries. In this context, the sense of relief experienced by the highly developed societies cannot be shared by peoples who are still far from realizing their most elementary aspirations."

President Tancredo Neves expressed full support for the OAS, stating: "The importance that Brazil assigns to the OAS matches the extent of the efforts that we are making in all fields of the country's foreign relations to achieve its objectives of peace, development, and social well-being. We place confidence in the future of the Organization of American States, and we wish to work with it for the progress and the constant betterment of the nations of the hemisphere."

A few hours before President-elect Tancredo Neves was to take his oath of office, scheduled for March 15, 1985, in Brasilia, he became seriously ill. Some days later he died without having taken the oath. According to law, Vice President José Sarney became the President of Brazil.

### III. INTER-AMERICAN JURIDICAL COMMITTEE

The Inter-American Juridical Committee, the principal juridical organ of the OAS, held its second session of 1984 at its permanent headquarters in Rio de Janeiro during the month of August. During this session the Committee approved a draft inter-American convention to facilitate assistance in case of disaster in the American countries. The text of this draft convention has been published in this Law Review.

The Committee held extensive discussions concerning the peaceful settlement of international disputes. Some of the aspects discussed were the role and prerogatives of the United Nations and of regional organizations regarding the peaceful settlement of disputes; the possibility of undertaking a detailed review of the American Treaty on Peaceful Settlement - Pact of Bogotá, in light of reservations made by some of the signatory States; the creation of another agency empowered to deal with the settlement of disputes; the amendment of article 84 of the OAS Charter to provide that in addition to the parties to a dispute, any other state that has a special interest in the solution of a controversy can request the good offices of the OAS Permanent Council.

The Committee also considered the possible amendment of article 90 of the OAS Charter to incorporate the concept of "equity and justice" as principles to be taken into consideration in addition to "principles and standards of international law." Another possibility considered was amending article 116 of the OAS Charter to empower the OAS Secretary General to submit to the pertinent organs of the OAS, at his discretion, any matter which poses a threat to regional peace.

The Juridical Committee also examined the role and prerogative of the UN and regional organizations regarding the peaceful solution of disputes. It stated that the UN Charter contains a balanced system, assigning regional organizations an important role as long as the rights of the United Nations members are not impaired.

The Committee also approved some resolutions. In one resolution, the Committee requested that the OAS General Assembly to urge member states to abide by the provisions of resolution AG/RES. 102 (III-0/73) regarding the advisability of giving appropriate advance notice of reservations they propose to make to inter-American multilateral treaties. This would enable the State Parties to make a timely assessment of the scope of the reservations. It was also suggested to the member states that future inter-American multilateral treaties clearly establish, in their respective texts, the particular provisions to be applied with regard to reservations. The Committee recommended to the OAS General Secretariat that in every case it immediately act to deposit the instrument of ratification or adherence presented with reservations. The Committee decided to keep this topic on its agenda to study the advisability of reviewing the standards on reservations to inter-American multi-



lateral treaties.

The Juridical Committee also decided to ask the OAS General Assembly to urge the member states to make a concerted and firm effort to fight against narcotics, and to consider the ratification of the 1961 Single Convention on Narcotic Drugs.

In another resolution, the Committee paid a special tribute to Dr. Jorge A. Aja Espil, a jurist from Argentina, for the outstanding work he performed during an uninterrupted 18 years as a member, and on some occasions as Chairman, of the Inter-American Juridical Committee.

At present the following jurists are members of the Inter-American Juridical Committee: Galo Leoro (Ecuador) - Chairman; Policarpo Callejas Bonilla (Honduras) - Vice Chairman; Emilio Rabasa (Mexico); Luis Herrera Marcano (Venezuela); Roberto MacClean (Peru); Gonzalo Ortiz Martín (Costa Rica); Seymour J. Rubin (United States); Haroldo T. Valladao (Brazil); Manuel A. Vieira (Uruguay); Jorge Reinaldo Vanossi (Argentina); Ludwig T. Waaldijk (Suriname).

### *XI Course on International Law*

The XI Course on International Law was held in Rio de Janeiro from July 30 to August 24, 1984. Members of the Inter-American Juridical Committee, as well as invited professors and experts of the OAS General Secretariat, delivered lectures on the following topics: general aspects of contemporary public international law; the UN Convention on the Law of the Sea; mechanisms for international protection of human rights of world and inter-American scope; peaceful settlement of international disputes; Vienna Convention on the Law of Treaties; state responsibility for damages to the property of aliens; general aspects of private international law; the commercial companies; crisis in, and potential of, the inter-American system in the world context; the problem of refugees in America; and the 75th anniversary of the fight against illicit traffic in narcotic drugs.

During the Course groups were organized to study the following topics of the program: the Draft Convention on the Jurisdictional Immunity of States; the UN Declaration (of Manila) on the Peaceful Settlement of International Disputes; the UN General Assembly Declaration on the Use of Satellites for Direct Television Broadcast; and legal education in America.

It should be noted that the Course on International Law is a high level activity organized by the Inter-American Juridical Committee. It has constant support from the OAS General Assembly and the cooperation of the OAS General Secretariat, through its Secretariat for Legal Affairs and the Department of Fellowships, and the Institute of Public Law and Political Science of the Getulio Vargas Foundation of Rio de Janeiro, at whose headquarters the Course is held.

The Course consists of post-graduate studies designed to update and increase technical knowledge and supply information on and discuss contemporary international law topics. The Course promotes the development of international law and the study or formulation of inter-American legal standards. Moreover, the Course is helpful in strengthening ties of exchange, cooperation, and friendship among its participants.

On several occasions the OAS General Assembly has expressed its full support for the Course. For example, at its eleventh regular session, held in 1981, the General Assembly, through resolution AG/RES. 542 (XI-0/81), reaffirmed "its support of the Course on International Law for having constituted, ever since its creation, an especially useful activity for the OAS member states, and updating of matters of great importance and interest to contemporary international law, and especially to inter-American relations."

For the XI Course the OAS Fellowship Program selected 32 fellows from among 126 candidates from American countries. The Getulio Vargas Foundation and the Coordinator of the Course admitted another 15 participants who attended at their own expense. In general, fellowships are awarded to young law professors, diplomats, government officials, lawyers, and judges.

The reports of the Coordinator of the Course have stressed that from the first Course in 1974, through the eleventh in 1984, this activity has had excellent results. Fellowship holders, professors, members of the Juridical Committee, and other participants have emphasized the significance and prestige achieved by the Course. It has also been said that its excellent results represent valuable direct services to the OAS member states.

At the closing session of the XI Course, the Coordinator, Dr. Isidoro Zanotti, suggested that a congress, or a meeting of former Course participants, be held in the future, to consolidate relations, cooperation, and friendship among former participants. Another

purpose would be to exchange ideas and information on their individual experiences and activities, and to examine topics of particular relevance or importance to the American nations. The congress or meeting would constitute a constructive and valuable factor in the promotion of inter-American cooperation and understanding. It could be held in Rio de Janeiro to coincide with the holding of a future Course.

#### IV. INTER-AMERICAN DEVELOPMENT BANK

A significant protocolary session was held by the Permanent Council of the Organization of American States at the OAS Building in Washington, D.C., on February 5, 1985 in commemoration of the twenty-fifth anniversary of the Inter-American Development Bank (IDB). The following speakers were at the ceremony: the Chairman of the OAS Permanent Council, Ambassador Franklin Baron; the Secretary General of the OAS, Ambassador Joao Clemente Baena Soares; and the President of the Inter-American Development Bank, Dr. Antonio Ortiz Mena. Their addresses were of special importance in the context of inter-American economic, social and financial relations.

For a future issue of the Inter-American Law Review a detailed report containing excerpts from those three speeches shall be prepared. This report will also contain an analysis of the outstanding work performed by a special committee of the OAS which met for three months early in 1959 at the OAS Building in Washington, D.C., to negotiate and draft the Agreement which established the Inter-American Development Bank (IDB). The author of this report, Dr. Isidoro Zanotti, together with some of his colleagues of the OAS technical staff, had the privilege of working closely with that Committee. Our report will focus on some of the circumstances and events surrounding the Agreement, as well as the efforts, talents, and vision of the people who negotiated and prepared the document. The report will be helpful in understanding the present status, achievements, and prestige of the Inter-American Development Bank.

#### V. DRAFT ACT OF CONTADORA FOR PEACE AND COOPERATION IN CENTRAL AMERICA

The draft Act of Contadora for Peace and Cooperation in Central America was prepared by the Contadora Group and published

by the OAS (document CP/INF.2222, of October 24, 1984, 32 pages). This Act will be open for the signature of the five Central American states. The four countries of the Contadora group (Colombia, Mexico, Panama and Venezuela) will also sign an additional protocol to the act.

The preamble of the Act declares, among other things, that the governments of the five Central American countries are aware of the urgent need for strengthening peace and cooperation among the nations of the region through the observance of principles and methods that will make a greater understanding among the Central American governments possible. Without cooperation, the tensions and current conflicts could become more serious and could lead to a general outbreak of war. The preamble states that these governments are convinced of the importance of establishing, developing, and strengthening the democratic systems in all of the countries of the region. Regional security is endangered by such destabilizing factors as a political objective of military superiority in a country in the region, the presence of foreign advisers or other foreign personnel, and the arms traffic. Such a destabilization of governments is contrary to basic rules of international law.

The preamble also states that not all of the Central American states have accepted the full range of existing international instruments available to deal with human rights matters. According to the preamble, it would be desirable that they utilize these instruments to assure respect for the guarantee of human, political, civil, economic, social, religious, and cultural rights. It is stressed that one of the most effective ways of guaranteeing the human rights set forth in international conventions, political constitutions, and the laws of the various countries, is for the judiciary to enjoy sufficient authority and autonomy and for the judiciary to be given a guarantee of absolute independence. Such a guarantee will be achieved only if the officers of the judiciary enjoy stability in their offices and in their budgetary allowances, thus providing absolute independence from other government branches. It is emphasized that there is a need to introduce fair economic and social structures that will build an authentic democratic system and allow people to exercise the right to work, education, health, and culture.

The operative provisions of the Act of Contadora for Peace and Cooperation in Central America is divided into three parts that are subdivided into chapters. The following represents the division of provisions: Part I, Chapter I: General Commitments and

Principles; Chapter II: Commitments on Political Matters (regional detente and building of confidence, national reconciliation, human rights, electoral processes and legislative cooperation); Chapter III: Commitments on Security Matters (military maneuvers, weapons, foreign military bases and advisors, arms traffic, prohibition of support to irregular forces, direct communication systems); Chapter IV: Commitments on Economic and Social Matters and Refugees. Part II: Commitments Regarding Execution and Follow-Up of the Commitments Undertaken in the Act; Commitments on Political Matters in Regard to Refugees; Commission for Verification and Control in Security Matters; Ad Hoc Committee for the Evaluation of and Follow-up of Economic and Social Fields. Part III: Final Provisions.

The following is a summary of some of the provisions of the draft Act of Contadora for Peace and Cooperation in Central America. Chapter I provides that the Parties should undertake, in conformity with the obligations they have contracted and in accordance with international law, to respect the following principles: (1) renunciation of the threat or the use of force against the territorial integrity or the political independence of states; (2) peaceful settlement of disputes; (3) nonintervention in the internal affairs of other states; (4) cooperation among the states in the solution of international problems; (5) equality of rights, self-determination of nations, and promotion and respect for human rights; (6) sovereign equality and respect for the rights inherent in sovereignty; (7) refraining from conducting discriminatory practices in economic relations among states, respecting their systems of political, economic, and social organization; and (8) fulfillment in good faith of obligations contracted in accordance with international law.

For the compliance with those principles, the Act directs several obligations to the Parties. Chapter II contains provisions on political matters. The Parties should promote mutual confidence by every means available and avoid any action that would break the peace and security in the Central American area. They should also abstain from issuing or promoting propaganda in favor of violence or war, as well as any hostile propaganda against any Central American government. The Parties should also guarantee full respect for human rights and comply with the obligations contained in international legal instruments and constitutional provisions on the subject. Twelve multilateral conventions are listed, and are recommended for ratification by the parties.

Chapter III contains provisions on security matters. The Parties should cease their involvement in the arms race, and should immediately begin negotiations on the control and reduction of the current weapons inventory and on the number of armed troops. They should not introduce, possess, or use chemical, biological, radiological, or other weapons that are considered excessively noxious or have indiscriminate effects. The Parties should send the Commission for Verification and Control their respective current inventories of weapons, installations, and armed troops within thirty days following the Act's signing. Once they have delivered their respective inventories, the parties are to cease all acquisitions of war material, and then should establish ceilings for weapons of the kind specified in the Act.

Chapter III also contains rules on commitments in regard to foreign military bases and advisors. The Parties should not authorize the installation of foreign military bases or schools in their respective territories. The Parties are to deliver a list of foreign military advisors and other foreign personnel participating in military and security activities in their territory to the Commission for Verification and Control within thirty days following the signing of the Act. They are also to establish a schedule for the gradual withdrawal, and eventual elimination of, foreign military advisors and other foreign personnel, including the immediate withdrawal of advisors who are performing duties in operational and training areas. Other commitments in Chapter III refer to arms traffic, the prohibition of support to irregular forces, and direct communications systems.

Chapter IV of the Act deals with commitments in the economic and social area, including refugees. In order to strengthen the process of Central American economic integration and the institutions which constitute and support it, the Parties are to undertake the measures and commitments concerning refugees provided in this chapter.

The Act calls for the creation of the Committee for Evaluation and Follow-up on Commitments on Political Matters and in Regard to Refugees. This Committee shall be composed of five competent and impartial persons proposed by the Contadora Group and accepted by the Parties. The nationalities of the members of the Committee shall be distinct from those of the Parties. This Committee shall receive and evaluate the reports that the Parties will submit regarding compliance with the commitments regarding

national reconciliation, human rights, electoral processes, and refugees.

The Act also calls for the creation of the Commission for Verification and Control in Security Matters. This Commission shall be composed of four commissioners representing impartial states that have a genuine interest in helping to settle the Central American crisis. They shall be proposed by the Contadora Group and accepted by the Parties. The Parties will have a voice and a vote in the Commission's decisions. Coordination of the Commission's work shall rotate among the members. In addition, a Latin American Executive Secretary shall be appointed by the Contadora Group with the Parties' approval. The Secretary shall have voice and a vote in the decisions of the Commission and shall see that it functions continuously. A representative of the Secretary General of the United Nations and a representative of the Secretary General of the OAS will act as observers. The Commission shall be established no later than thirty days after the Act is signed.

The functions of this Commission are provided for in nine paragraphs, and the criteria for verification of compliance with the Act is indicated in nine paragraphs. Some of the functions of the Commission are as follows: to receive from the Parties the inventories of weapons, installations, and armed troops according to the terms set forth in an appendix to the Act; to verify that no new weapons that would qualitatively or quantitatively modify present inventories have been introduced and that no weapons prohibited by the Act have been used; to establish a registry of all commercial transfers of weapons between the Parties, including donations and other transactions within the framework of military aid agreements with other governments; to verify the dismantling of foreign military installations as established in the Act; to verify compliance with the Act in the field of weapons traffic and to look into all denunciations made in this regard. The criteria for verification of compliance with the Act should include the following factors or elements: the origin of weapons traffic; the airport or seaport used to ship the weapons, munitions, and other types of military supplies going to the Central American region should be specified; the personnel involved in arranging or carrying out weapons traffic; the extra-regional means of transport and of transportation routes; the means of international transport; and the receiving unit. The Act also provides for standards and procedures for the Commission to follow.

A third committee provided for in the Act is the Ad Hoc Committee for Evaluation and Follow-up on Commitments in the Economic and Social Area. The Ministers responsible for the Central American Economic Integration shall constitute this Committee. It will receive reports from the Parties regarding the progress made in carrying out the commitments in economic and social area, and it will regularly evaluate the progress made in carrying out those commitments. The Committee shall also present proposals for strengthening regional cooperation and furthering development plans.

Part III sets out the final provisions of the Act. These provisions establish that the commitments undertaken by the Parties in the Act are juridical in nature, and therefore binding. The Act shall be ratified in accordance with the constitutional procedures of each of the Central American states, and the instruments of ratification shall be deposited with the governments of the states making up the Contadora Group. The Act will be in force when the five Central American signatory states have deposited their instruments of ratification. The Parties, as of the date of signature, should abstain from any actions that will defeat the objective and purpose of the Act.

The mechanisms referred to in Part II of the Act (the Commission and the Committees) shall be operational thirty days after the date of signature of the Act. Any dispute regarding the interpretation or application of the Act that has not been resolved through the mechanisms provided for in Part II shall be submitted to the Ministers of Foreign Affairs of the Parties for their consideration and decision, and an affirmative vote will be required by all the Parties. In the event the dispute persists, it shall be submitted to the Ministers of Foreign Affairs of the Contadora Group, which shall meet at the request of any of the Parties. The Ministers of Foreign Affairs of the States of the Contadora Group shall use their good offices to allow the Parties involved to resolve the specific situation submitted to them for consideration. If the problem is not solved through this procedure, they may suggest other means of peaceful solution of the dispute in accordance with article 33 of the Charter of the United Nations and article 24 of the Charter of the Organization of American States.

The Act does not allow any reservations. The Act shall be recorded by the Parties with the UN Secretary General and the OAS Secretary General.



The Act provides for the Additional Protocol to the Act of Contadora for Peace and Cooperation in Central America. This Protocol is to be signed by the four states making up the Contadora Group. In this document they agree to the following: to abstain from any act that would defeat the objective and purpose of the Act; to cooperate with the Central American states in the agreed upon terms for the attainment of the objective and purpose of the Act; and when requested by the Parties, to provide their full support to the Commission for Verification and Control in Security Matters in the performance of its duties.

The Protocol shall also be open to signature by all states that desire to contribute to peace and cooperation in Central America. The Protocol shall be in force for each signatory state on the date they sign it. The Protocol shall be deposited with the governments of the states that make up the Contadora Group, and no reservations are allowed. It shall be recorded with the Secretariat of the United Nations, in accordance with article 102 of the UN Charter.

#### VI. DECLARATION OF THE FOREIGN MINISTERS OF THE CONTADORA GROUP

On January 9, 1985, the Foreign Ministers of Colombia, Mexico, Panama, and Venezuela (the Contadora Group) transmitted to the OAS the text of the Declaration of the Foreign Ministers of the Contadora Group, adopted at the closing session of their meeting held in Panama, January 8 and 9, 1985. This Declaration was also published by the OAS (document CP/INF.2241/85, January 11, 1985).

The Foreign Ministers indicated that they had made an analysis in this document of the two years during which they had carried out their peace initiative for a negotiated solution to the crisis in the Central American region. They presented guidelines for immediate actions to be taken to continue progress toward a definitive solution.

#### *Summary of the Declaration*

At the beginning of 1983, there was a threat that widespread hostilities would commence in Central America. In light of this situation, the Governments of Colombia, Mexico, Panama, and Venezuela decided to join forces in an effort to promote the peaceful

settlement of Central American disputes on the basis of conciliation and recognition of the legitimate interests of all states involved to preserve the principles of nonintervention and free determination of Central American peoples. Since then, the Contadora Group has underscored the socioeconomic roots of the Central American crisis.

The Declaration also states that the process initiated by the Contadora Group has attained several objectives that are important achievements. It established a regional political mechanism that encouraged a plan for dialogue and negotiation among the governments of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua, and this group identified problems confronting the Central American nations and drew up an agenda of the main topics of dispute. It encouraged specific commitments among the Central American Governments, as embodied in the Document of Objectives and in the standards for the implementation of these commitments. It coordinated a broad effort of consultation and negotiation among those governments culminating in the preparation of the Contadora Act for Peace and Cooperation in Central America, a legal instrument to foster the peaceful coexistence and the just and stable development to which the peoples of the region are entitled. Finally, it aroused international awareness of the Central American crisis and the support of the community of nations for a peaceful settlement with the Contadora Group as the feasible instrument to attain that end.

The Declaration recalls that despite the continuation of a variety of serious threats to regional stability, it is necessary to recognize the advances that have been made in 1984. An example of those advances is the establishment of the Commission for the Supervision and Prevention of Border Incidents in Costa Rica and Nicaragua. Another is the formation of the Committee on Action to Support the Economic and Social Development of Central America (CADESCA). A final example is the meeting held in San José, Costa Rica, by the Ministers of Foreign Affairs of the European Economic Community (Spain and Portugal) with their Central American counterparts and those of the Contadora Group.

It was pointed out that the signing of the Contadora Act and the implementation of the commitments agreed to therein are an important part of the peacemaking process. The governments of Central America were urged to demonstrate their unqualified political determination by effectively complying with the commitments

set forth in the Document of Objectives, which they signed on September 9, 1983. It was also urged that it is imperative to refrain from any action that might hinder efforts towards attaining the peace, security, and stability of the region.

The Declaration recalls that some Central American governments had made observations on the draft Act for Peace and Cooperation. The Contadora Group had responded by compiling the observations that would make the document more precise, and will propose formulas to reconcile any differing positions that remain to be settled. The Contadora Group reiterated its determination to continue to work towards the attainment of a definitive agreement among the governments of Central America to establish the basis for a system of mutually respectful regional coexistence that favors sustained economic and social development and a strengthening of democratic and pluralistic institutions.

In the final part of the Declaration, the Contadora Group invited the governments of the countries of Central America to a meeting of plenipotentiaries for the purpose of agreeing upon mechanisms for verification, control, and other matters pending before the signing of the Contadora Act. This meeting would prepare materials for a conference to be convoked for the signing of the Contadora Act for Peace and Cooperation in Central America.

## VII. ECONOMIC COMMUNITY OF CENTRAL AFRICAN COUNTRIES

The Economic Community of Central African Countries was created by a treaty signed on October 19, 1983, at Libreville by the People's Republic of Angola, the Republic of Burundi, the United Republic of Cameroon, the Central African Republic, the People's Republic of the Congo, the Republic of Gabon, the Republic of Equatorial Guinea, the Republic of Rwanda, the Democratic Republic of Sao Tome and Principe, the Republic of Chad, and the Republic of Zaire. This is a very extensive treaty, with 94 articles and 17 annexes. It is contained in 63 pages of the International Legal Materials.<sup>2</sup>

According to article 3 of the Treaty, the contracting parties have undertaken the observance of principles of international law governing relations between states. These principles include sovereignty, equality, independence, good neighborliness, non-interfer-

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2. XXIII, No.5, I.L.M. September 1984, 945-1008 (1984).

ence in internal affairs, non-use of force to settle disputes, and respect of the rule of law in the mutual relations of all states.

The goals of the Community, as established in article 4, are to promote and enhance harmonious cooperation and a balanced, self-maintaining development in all fields of economic and social activity. The goals are particularly focused in the fields of industry, transport, communications, energy, agriculture, natural resources, trade, customs, monetary and financial questions, human resources, tourism, education, further training, culture, science, technology, and the movement of people in order to achieve collective self-reliance. Achieving collective self-reliance will raise the standard of living of the Community's people, increase and maintain economic stability, foster close peaceful relations between member states, and contribute to the progress and development of the African continent.

Article 5 provides that the member states shall direct their endeavors towards the creation of favorable conditions that will develop the Community, achieve its goals, and harmonize their policies in an effort to achieve the goals through Community institutions. Member states shall refrain from any unilateral action likely to impair such an achievement. Each member state shall take the necessary steps, under its constitutional procedures, to secure the enactment and circulation of legislation to give effect to the Treaty.

The institutions of the Community shall be as provided in article 7. The institutions will include: the Conference of the Heads of State and Government; the Council of Ministers; the Court of Justice; the General Secretariat; the Consultative Commission; and any specialized technical committee or organ set up or provided for by the Treaty.

According to the provisions of articles 8, 12, and 13 the Conference of Heads of State and Government is the supreme organ of the Community. The Council of Ministers shall be composed of the Ministers for economic development or any other Minister appointed for that purpose by each member state. The Council of Ministers shall be responsible for the operation and development of the Community. The Court of Justice, as stated in article 16, shall be responsible for the observance of the law in the interpretation and application of the Treaty and shall decide disputes submitted to it under the Treaty.

According to article 20, the Secretary General shall be the chief executive officer of the Community. He has the following duties: to prepare and carry out the decisions and directives of the Conference and the regulations of the Council; to promote development programs and Community projects; to prepare and implement the budget of the Community; to prepare the Community's program of work; to submit a report on Community activities to all Conference and Council meetings; to carry out studies in accordance with the aims of the Community; and to make proposals that will enhance the operation and harmonious development of the Community. To form a proposal, the Secretary General may request a member state to supply him with all the necessary information. In accordance with paragraph 2 of article 22, the member states are to cooperate with the General Secretariat and aid it in the performance of its duties.

#### VIII. ASSOCIATION OF TIN PRODUCING COUNTRIES

The Association of Tin Producing Countries was established by an Agreement signed in London on March 29, 1983, by Australia, Bolivia, Indonesia, Malaysia, Nigeria, Thailand, and Zaire.<sup>3</sup> The objectives of the Association are established in article 1 of the Agreement, as follows: to obtain remunerative returns to tin producers and adequate supplies to consumers at fair and stable prices based on the average cost of production and the relevant market forces; to facilitate cooperation in the marketing of tin; to maintain and extend the use and cost effectiveness of tin in modern technology through research and development; to encourage processing activities and the manufacturing of tin in member countries in an effort to promote their industrialization and to increase their export earnings; and to promote greater self-reliance and resilience of the member countries in the industry.

According to article 2, the Association has the following functions: to promote the approaches to marketing of tin and to improve market intelligence and information; to coordinate measures designed to foster dynamic and continuous growth of realistic income from tin exports; to foster the sound development of the tin industry in member countries; and to undertake joint research and development of the use of tin in existing and new applications, thereby strengthening the competitive position of the metal.

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3. *Id.* at 1009-21.

The organs of the Association are established in article 7, as follows: the Conference of Ministers; the Executive Committee; and the Secretariat. The Conference of Ministers, according to article 8, is the supreme authority of the Association. The Conference, as stated in article 9, shall be responsible for the policy decisions of the association and shall exercise all such powers and perform, or arrange for the performance of, all such functions as are necessary to achieve the objectives of the Agreement.

The Executive Committee shall consist of all the members of the Association, as indicated in article 10. The Secretariat, according to article 11, shall consist of an Executive Secretary and any administrative, research, and other technical staff as may be required for the discharge of its functions.

The Government of the Kingdom of Thailand is the depository of the Agreement (article 23). The Conference may, at any time, decide by a majority of members, holding not less than two-thirds of the total votes, to terminate the Agreement and dissolve the Association (article 26).

Annex A to the Agreement lists the eligible tin producing countries that are net exporters, and may become members of the Association: Australia, Bolivia, Brazil, Burma, China, Indonesia, Malaysia, Niger, Nigeria, Rwanda, Thailand, and Zaire. Annex B contains the percentages of production of tin: Australia, 7.51 percent; Bolivia, 16.10 percent; Indonesia, 20.50 percent; Malaysia, 34.84 percent; Nigeria, 1.39 percent; Thailand, 18.29 percent; and Zaire, 1.37 percent.