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SECOND REGULAR SESSION

ADMINISTRATIVE AND LEGAL COMMITTEE

OFFICIAL RECORD OF THE ELEVENTH MEETING

Held at the Neue Hofburg, Vienna, on
Monday, 29 September 1958, at 10.35 a.m.

Chairman:

Mr. RAJAN (India)

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* GC(II)/57.

RELATIONS WITH REGIONAL INTERGOVERNMENTAL ORGANIZATIONS

(GC(II)/41, GC(II)/COM.2/17, GC(II)/COM.2/18, GC(II)/COM.2/19) (continued)

1. Mr. FORSYTH (Australia) stressed that his delegation would have preferred to adhere to the original wording of the Board of Governors' draft resolution (GC(II)/41), which it considered entirely satisfactory. There was a risk that any amendment to the draft would be interpreted as a lack of confidence in the Board. Nevertheless, as certain delegations had insisted on putting forward amendments to the draft, the Australian delegation was forced to present a sub-amendment (GC(II)/COM.2/18) to one of the proposed amendments.
2. The Soviet amendment (GC(II)/COM.2/17) did, in fact, raise certain difficulties. In the first place it was definitely linked with accusations directed against a particular organization, and as the Board's draft resolution was drawn up in general terms there was a risk that the text put **forward** by the USSR would affect future decisions of the Board. Secondly, the new wording put forward by the USSR could have profound consequences; as the Committee was not at present in a position to study those possible consequences, it would be preferable to retain a wording which had been adopted after careful examination. For that reason the Australian delegation used in its amendment the wording of Article XVI of the Statute, in the conviction that this would simplify the Board's task. It hoped that the majority of the members of the Committee shared its views and would adopt the Australian amendment.
3. Mr. TAMMES (Netherlands) thought no objections could be raised against the Soviet amendment as such. It was, however, impossible to accept the motive which inspired it. As had **been clearly** stated by the delegate from the USSR, the amendment was directed against one of the three European institutions which had been set up to encourage the economic development of their member states and to raise the standard of living of their populations. Euratom, like the European Nuclear Energy Agency of the Organization for European Economic Co-operation (OEEC), was concerned exclusively with the peaceful uses of atomic energy.
4. The text of the Board's draft resolution was entirely satisfactory. If the Soviet amendment were adopted, the Netherlands delegation could not accept

the conclusion that the Board should not invite Euratom to the third regular session of the General Conference. Co-operation between the Agency and Euratom was necessary because it could only be of advantage to both parties. If certain delegates considered it essential to amend the draft resolution, the best solution would be to adopt the Australian amendment.

5. Mr. ZAIYATIN (Union of Soviet Socialist Republics) was surprised to see that certain delegations were determined, without daring to admit it openly, to direct the activity of the Agency towards aims which were contrary to the Statute. He wondered how the Australian and Netherlands delegates could oppose the Soviet amendment, based as it was on the Statute which recognized explicitly that the Agency must occupy itself exclusively with the peaceful uses of atomic energy. However, neither the French nor the Belgian delegate had been able to prove at the last meeting^{1/} that Euratom was directed entirely towards peaceful aims; they had even admitted that it was also active in the military field.

6. The USSR was unable to accept the principle that the Agency should maintain relations with an organization which was not working exclusively for peace. If the activities of Euratom were entirely peaceful the adoption of the Soviet amendment would not present any difficulties. If the Australian delegate was opposed to that amendment it was precisely because he feared the long term consequences. It was correct that the amendment would lead to a refusal to extend any invitations to Euratom in the future.

7. He could not consider the Australian amendment as a sub-amendment to the Soviet amendment, since it completely modified its substance.

8. Mr. STALERINI (Italy) fully agreed with the representatives of Australia and the Netherlands. His Government had been counting on Euratom to do a great deal towards solving the extremely serious economic problem presented by Italy's ever-increasing power requirements. He was therefore astonished that his country's objective in participating in Euratom, which was to secure some improvement in the living conditions of its inhabitants, was regarded by certain representatives as a military objective. Since the purposes of Euratom were exclusively peaceful, it might seem quite natural to adopt the Soviet amendment; his delegation could not accept the amendment, however, since it did not contain any constructive element.

^{1/} GC(II)/COM.2/OR.10, paragraphs 16 and 20 - 25.

9. He wished to point out that a number of States Members of the Agency assigned a portion of their nuclear resources to military uses. Despite that fact, violent efforts were being made to reject the possibility of co-operation with an organization which merely sent an observer to the General Conference, on the pretext that some of its members were engaged in using atomic energy for military purposes. It was essential to decide whether the Agency's policy should be founded on the principle of co-operation or on that of discrimination. For his part, he believed that it would be contrary to the Agency's interests to adopt the second principle, which could only be arbitrary in application and could merely be used for propaganda purposes. He therefore supported the Australian sub-amendment.

10. Mr. ERRERA (Belgium) pointed out that Euratom dealt exclusively with the peaceful uses of atomic energy. He could not accept the Soviet amendment, which was both illegal and illogical: illegal because it implied a change in the Statute; illogical because, if it were taken literally, it would exclude from the Agency all organizations whose activities were not strictly confined to the peaceful uses of nuclear energy. In other words, it would be tantamount to rejecting the co-operation of all the specialized agencies.

11. For those two reasons, he hoped that the Committee would reject the Soviet amendment and adopt the Australian sub-amendment thereto.

12. Mr. VEDELER (United States of America) was prepared to support the Australian sub-amendment, which seemed to serve the Agency's purposes very well. He would not dwell at length on the peaceful character of Euratom's work, which had already been made adequately clear in the preceding discussion. On the other hand, in reply to the Czechoslovak representative's reference to the agreement between the United States and Euratom^{2/}, he wished to point out that, under United States law, agreements for co-operation had to contain safeguards to ensure that material supplied by the United States was not used for military purposes. The agreement in question provided for supervisory measures to that end. Further, the text of the agreement had been submitted

^{2/} GC(II)/COM.2/OR.10, paragraph 33.

by the President of the United States to Congress which, in open session, had satisfied itself as to the peaceful character of Euratom's objectives, and had decided that the conclusion of an agreement between the United States Government and Euratom was desirable.

13. In view of the fact that the draft resolution proposed by the Board of Governors was not acceptable to all delegations, he thought it would be preferable to go back to the wording contained in Article XVI(A) of the Statute. That was what the Australian sub-amendment had done, and he hoped that the sub-amendment would be approved by the Committee. Adoption of the Soviet amendment, on the other hand, might prevent collaboration between the Agency and a number of organizations not exclusively concerned with problems of atomic energy such as the Organization of American States which had programmes in other fields such as education and health. His delegation would vote against the Soviet amendment if it were put to the vote.

14. Mr. FAHMY (United Arab Republic) suggested that the Committee's decision, whatever it might be, should be based on the Agency's Statute. Whatever wording the Committee finally adopted should as closely as possible resemble that contained in the Statute. In principle it seemed inconceivable that anyone should vote against the Soviet amendment. However, in view of the objections raised by the Belgian and United States delegations, he thought it might be possible to find a generally acceptable solution by taking Article II rather than Article XVI of the Statute as a basis. He therefore wished to submit a sub-amendment (GC(II)/COM.2/19) to the text of the Soviet amendment, deleting the word "exclusively," and adding the words "in accordance with the objectives of the Agency as stipulated in Article II of the Statute" after the words "in peaceful uses of atomic energy". He hoped that that wording would be favourably received by all delegations.

15. He did not dispute the soundness of the sub-amendment submitted by Australia, but would prefer the Australian delegation to withdraw it, since it might give rise to unprofitable procedural discussions.

16. Mr. WARDROP (United Kingdom) considered that the Board's original draft resolution was acceptable. The Soviet amendment might have dangerous implications for it could later lead to the discriminatory exclusion of organizations with which the Agency could usefully co-operate. The Committee

would therefore be well advised to keep to the wording of the Statute and that was why the United Kingdom delegation was willing to support the Australian sub-amendment. With regard to the sub-amendment of the delegate of the United Arab Republic, there did not seem any reason for insisting on Article II of the Statute rather than on Article XVI, hence the United Kingdom delegation preferred the Australian sub-amendment.

17. Mr. BRAZDA (Czechoslovakia) said that he could not understand why the clear and unequivocal text of the Soviet amendment should arouse the fears of certain delegates, unless they wished to reserve the right to invite organizations not exclusively concerned with the peaceful uses of atomic energy. The Czechoslovak delegation would fully support the Soviet amendment.

18. Mr. ZAMYATIN (Union of Soviet Socialist Republics), replying to the United Kingdom delegate, said that to preserve the integrity of the Agency's Statute was precisely the reason why the Soviet delegation had submitted its amendment.

19. Mr. FAHMY (United Arab Republic), replying to the United Kingdom delegate's doubts about the advisability of considering Article II rather than Article XVI, said that Article II dealt with the Agency's objectives, which was why he had proposed that it should be referred to in the amendment.

20. Mr. FORSYTH (Australia) replied to the last speaker that it would be completely in order to mention Article XVI in matters concerning relationships between the Agency and regional intergovernmental organizations. While he appreciated the United Arab Republic's constructive proposal, he still thought it would be preferable not to mention Article II and simply to list the Agency's objectives.

21. In proposing a sub-amendment to the Soviet amendment, the Australian delegation had not had the slightest idea of involving the Agency in the military field, but the Soviet amendment would tend to cause political complications which were out of place in the Agency. He had spoken in general terms without once mentioning Euratom. From the procedural point of view the document submitted by Australia was an amendment within the meaning of Rule 76(b) of the Rules of Procedure, for it sought to alter only

a part of the Soviet amendment. It was not a separate proposal and it should be put to the vote before the Soviet amendment.

22. Mr. FAHMY (United Arab Republic), in reply to the last speaker, said that the substance of the operative part of the Board's draft resolution did not refer to Article XVI of the Statute; the draft resolution related to appropriate organizations and so it would be perfectly in order for the operative part to mention Article II which described the Agency's objectives.

23. Mr. KONSTANTINOV (Bulgaria) was surprised that certain delegates were opposed to the inclusion of the words "in peaceful uses exclusively". By using the devices of the ancient sophists, those delegates were trying to prove that the amendment of the delegate of the Soviet Union concerning the peaceful uses of atomic energy would somehow "limit" the activities of the Agency. He understood how difficult it was for those delegates to draw a veil of peace over Euratom and replace the atom bomb in its hand by an olive branch. Under the Statute, the Agency should deal exclusively with the peaceful uses of atomic energy; hence the Soviet amendment was completely in accordance with the Statute. The document submitted by Australia should be considered not as an amendment to the Soviet amendment but as an amendment to the Board's draft resolution and, since that document had been submitted after the Soviet amendment, the latter should be put to the vote first.

24. Mr. FOUCHET (France) moved, under Rule 61 of the Rules of Procedure, that the Chairman should adjourn the meeting for a few minutes so that the proposal submitted by the delegate of the United Arab Republic could be studied.

25. The CHAIRMAN put the French proposal to the vote.

The proposal was adopted by 33 votes to 1 with 2 abstentions.

The meeting was adjourned at 11.55 a.m. and resumed at 12.20 p.m.

26. The CHAIRMAN thought that as a result of the exchanges of opinion which had taken place during the adjournment, the amendment which he would read out might form a compromise acceptable to the majority of Committee members. The operative paragraph of the draft resolution submitted by the Board (GC(II)/41) would be amended by the following text:

"Authorizes the Board of Governors to invite intergovernmental organizations engaged in peaceful uses of atomic energy in accordance with the objectives of the Agency as stipulated in its Statute, to be represented by observers at the third regular session of the General Conference."

27. He invited the Committee to vote on that amendment.

The amendment was adopted by 39 votes to none with 1 abstention.

28. The CHAIRMAN put to the vote the draft resolution of the Board of Governors as amended.

The draft resolution was adopted unanimously.

29. Mr. ZAMYATIN (Union of Soviet Socialist Republics) said that he had voted in favour of the amendment because it was in line with the aim of the Soviet amendment. It was to be hoped that the Board would respect the provisions of the Statute, so that organizations not concerned exclusively with the peaceful uses of atomic energy would not be invited to send observers to the third regular session of the General Conference.

30. Mr. BORISSEVITCH (Byelorussian Soviet Socialist Republic) said that he had voted for the amended version of the draft resolution because the Board could thereby invite only those international organizations dealing exclusively with the peaceful uses of atomic energy.

31. Mr. FORSYTH (Australia) said that, although he had been unable to support the amendment read out by the Chairman, he had not seen any need to oppose it.

RELATIONS WITH SPECIALIZED AGENCIES (GC(II)/46 and Add.1, and Add.1/Corr.1, GC(II)/47, GC(II)/48, GC(II)/49, GC(II)/50 and Corr.1, GC(II)/COM.2/16)

32. Mr. VEDELER (United States of America) was happy to note that the resolution^{3/} approved by the General Conference at its first regular session had been acted upon so successfully, and that agreements had been negotiated with the International Labour Organisation (ILO) (GC(II)/46), the Food and Agriculture Organization (FAO) (GC(II)/47), the World Health Organization (WHO) (GC(II)/48), the United Nations Educational Scientific and Cultural Organization (UNESCO) (GC(II)/50), and the World Meteorological Organization

(WMO) (GC(II)/49). He desired to congratulate the Director General, the Secretariat and the Directors General and staff of the specialized agencies for the spirit of co-operation shown during the negotiations so satisfactorily completed. They must, however, realize that those agreements were not enough to eliminate the danger of overlapping. As some speakers in the plenary meeting had stressed, those agreements constituted only a first step; daily working relationships would still have to be established not only on a bilateral basis, but also within the framework of the general multilateral agreements. One method of establishing close working relationships was through the creation of joint Secretariat units or committees. Under Article X of the agreements concluded, such arrangements could be established, and his delegation was prepared to give consideration to such proposals if experience proved them desirable. His Government, as a member of all the agencies concerned, looked forward to the establishment of close co-operation built on mutual trust and good will between the Agency and the ILO, WHO, UNESCO, FAO and WMO.

33. Mr. SAMOKISH (Union of Soviet Socialist Republics) drew attention to the fact that the Preparatory Commission had laid down a series of guiding principles^{4/} for establishing the agreements covering the relations between the Agency and the specialized agencies. These principles had been approved by the General Conference at its first regular session. In the course of the consultations which had taken place between the Agency and the specialized agencies, it had appeared that the latter had not adequately recognized the major role that the Agency should play in the co-ordination of the various international activities in the field of atomic energy. That was explained by the fact that the Agency was still in its initial stage and had scarcely begun as yet to concern itself with the contribution of atomic energy to the peace, health and welfare of the whole world. The Agency could none the less play a major role in the co-ordination of the various activities in the sphere of atomic energy. Since the agreements with the specialized agencies respected the fundamental principles laid down by the Preparatory Commission, his delegation had no objection to their approval by the General Conference.

^{4/} GC.1/4.

34. Mr. BRAZDA (Czechoslovakia) supported the draft resolution asking the General Conference to approve the draft agreements establishing relations with five specialized agencies (GC(II)/COM.2/16). It was to be hoped that those agreements would enter into force as quickly as possible so as to strengthen relations among members of the United Nations family. He also wished to congratulate the representatives of the specialized agencies for the spirit of co-operation shown during the various negotiations.

35. Mr. SIDDIQI (Pakistan) also wished to congratulate all who had contributed to drawing up the agreements. The Agency had been made responsible for certain specific functions and it was essential that the international organizations should, to avoid overlapping, recognize the role the Agency was called upon to play in the sphere of atomic energy.

36. Mr. WARDROP (United Kingdom), while happy as to the results obtained, desired to stress that very close co-ordination of the activities of the various international organizations was necessary. It was also important to establish co-ordination at the national level so that delegations from the same country would not adopt different points of view on the same question in the various international organizations.

37. The CHAIRMAN proposed that the Committee recommend the draft resolution on relations with the specialized agencies to the General Conference. The Committee might also recommend the Conference to authorize the Director General to make editorial changes in the text of the agreements, provided that those changes would not affect the substance of the agreements.

It was so agreed.

38. Mr. JOLLES (Deputy Director General for Administration, Liaison and Secretariat) desired to pay a tribute to the spirit of co-operation of the representatives of the specialized agencies. Thanks to the efforts and to the goodwill of those representatives it had been possible to draw up the draft agreements to be submitted to the General Conference and thus to carry out the provisions of the resolution adopted by the Economic and Social Council of the United Nations on 31 July 1958^{5/}.

39. In his opinion, the most important clauses in the agreements were those which provided for consultations between the Agency and the specialized institutions and those which allowed the Agency to conclude arrangements which experience might show to be desirable.

The meeting rose at 1 p.m.