



PREPARATORY COMMISSION
OF THE INTERNATIONAL
ATOMIC ENERGY AGENCY

VIENNA

PROVISIONAL

Distr.
RESTRICTED

IAEA/PC/OR.52
23 August 1957

ORIGINAL: ENGLISH

PREPARATORY COMMISSION

Seventh Session

PROVISIONAL SUMMARY RECORD OF THE FIFTY-SECOND MEETING (CLOSED)

Held at Headquarters, New York,
on Tuesday, 20 August 1957, at 3.15 p.m.

CONTENTS

- Adoption of the agenda (IAEA/PC/W.53(S))
- Draft Provisional Rules of Procedure for the General Conference (IAEA/PC/W.36(S), Conference Room Paper No.7 and GC.1/9)
- Admission of the International Atomic Energy Agency to the United Nations Pension Fund (Oral report by the Secretariat)
- Notification by Governments pursuant to Article IX F of the Statute
- Date of first meeting at Vienna
- Other business

Corrections to this record should be submitted in one of the four working languages (English, French, Spanish or Russian), preferably in the same language as the text to which they refer. Corrections should be sent in quadruplicate within three working days to the Chief, Meeting Services, Department of Conference Services, Room 1104, and also incorporated in mimeographed copies of the record.

AS THIS RECORD WAS DISTRIBUTED AT 0900 HOURS ON 23 AUGUST 1957,
THE TIME-LIMIT FOR CORRECTIONS WILL BE 0900 HOURS ON 28 AUGUST 1957.

PRESENT:

<u>President:</u>	Mr. BERNARDES	Brazil
<u>Members:</u>	Mr. QUILJANO	Argentina
	Mr. HOOD	Australia
	Mr. de GAIFFIER	Belgium
	Mr. CROWE	Canada
	Mr. WINKLER	Czechoslovakia
	Mr. OSMAN	Egypt
	Mr. TURPIN	France
	Mr. RAJAN	India
	Mr. SHARIF	Indonesia
	Mr. OGISO	Japan
	Mr. NAIK	Pakistan
	Mr. MAURTUA	Peru
	Mr. de OLIVEIRA	Portugal
	Mr. BOTHA	Union of South Africa
	Mr. EMELYANOV	Union of Soviet Socialist Republics
	Mr. WILLIAMS	United Kingdom of Great Britain and Northern Ireland
	Mr. MCKINNEY	United States of America
<u>Secretariat:</u>	Mr. FISCHER	Deputy Executive Secretary

ADOPTION OF THE AGENDA (IAEA/PC/W.53(S))

The PRESIDENT proposed the adoption of the agenda.

The agenda was adopted.

DRAFT PROVISIONAL RULES OF PROCEDURE FOR THE GENERAL CONFERENCE (IAEA/PC/W.36(S),
Conference Room Paper No. 7 and GC.1/9)

The PRESIDENT said that rules 76, 84 and 85 of Conference Room Paper No.7 (rules 77, 85 and 86 of document GC.1/9) were still open. It was most important that the terms of those rules should be settled before the General Conference. It was also essential that the Governments attending the General Conference should be given as much time as possible before the Conference opened to study the rules of procedure which had already been agreed upon.

He suggested that the Secretariat should be authorized to issue the Rules in their existing version as a printed document, indicating rules 76, 84 and 85 by their titles only and leaving the wording beneath them blank. The rules would be accompanied by an explanatory note, stating that the three open rules were still under consideration by the Preparatory Commission. That procedure would make it possible for negotiations to continue until the Commission met at Vienna, at which time an addendum could be issued from Vienna giving the text of the three rules. At the same time, it would give those signatories of the Statute who were not members of the Commission some four weeks in which to study the Rules.

Mr. BOTHA (Union of South Africa) said that there was a certain ambiguity in the last phrase of the second sentence in rule 76. He requested a clarification of the words "before the vote is finally counted".

Mr. FISCHER (Deputy Executive Secretary) explained that the phrase meant that if, for example, the validity of a vote cast for a member in an election to fill the seat of a given geographical area was challenged, that vote should not be counted until its validity had been decided.

Mr. de GAIFFIER (Belgium) said there was a discrepancy between the French and English versions of the phrase in question. In French, the words "before the vote is finally counted" were rendered as avant que le résultat du scrutin ne soit définitivement proclamé, which would seem to apply to the election results as a whole rather than to the counting of a specific vote. He proposed

/...

(Mr. de Gaiffier, Belgium)

that the French text should be amended in accordance with the explanation of the Deputy Executive Secretary.

Mr. BOTHA (Union of South Africa) said that in the view of his delegation it should be made clear that there was a procedural distinction between challenging of votes and challenging of elections. The challenge of the validity of a vote cast for a member, referred to in rule 76, would not amount to the challenge of a decision already taken by the General Conference. The challenge of an election would, however, do so and it should, therefore, come under the heading of "Reconsideration of proposals" in rule 55 and would require a two-thirds and not a simple majority.

Mr. WINKLER (Czechoslovakia) supported the President's suggestion that rules 76, 84 and 85 should be left blank in the document to be circulated to Governments. In his opinion, it was unnecessary to comment on rule 76, but since some comments had already been made, his delegation reserved the right to speak on the subject of that rule when necessary. The existing wording was clearly unsatisfactory.

Mr. BOTHA (Union of South Africa) was prepared to support the President's suggestion, but considered it unfortunate that the question of rules 76, 84 and 85 should be left entirely in abeyance. Those were very important rules and Governments should have the Commission's views concerning them. Perhaps the original wording of the Executive Secretary's draft (IAEA/PC/W.36(S)) might be circulated, with the understanding that it was intended to serve merely as a basis for future discussion.

The PRESIDENT said that since the document in question was a restricted document it could not properly be circulated. Moreover, the Secretariat's draft did not represent the agreed views of the Commission and it would be better merely to give the titles of rules 76, 84 and 85, leaving the space between them blank, and adding that they were still under consideration.

Mr. HOOD (Australia) and Mr. EMELYANOV (Union of Soviet Socialist Republics) proposed that the President's suggestion should be accepted.

It was so agreed.

/...

ADMISSION OF THE INTERNATIONAL ATOMIC ENERGY AGENCY TO THE UNITED NATIONS PENSION FUND (Oral report by the Secretariat)

The PRESIDENT invited the Deputy Executive Secretary to give an oral report on the question of the admission of the International Atomic Energy Agency to the United Nations Pension Fund.

Mr. FISCHER (Deputy Executive Secretary) said that at the Commission's twelfth meeting on 25 February 1957 the Executive Secretary had been authorized to request the Secretary-General to ask the Joint Staff Pension Board to make arrangements for the Agency staff to join the United Nations Pension Fund at a later date,

He understood that the question of the Agency's admission to the Fund had been considered at the eighth session of the Joint Staff Pension Board. It appeared that because the Agency would not be a specialized agency within the meaning of the United Nations Charter some amendment to the Pension Fund regulations would be necessary. The Board had indicated that it would have no objection to the addition of a supplementary article to the Fund's regulations stipulating that the Agency should be treated as a specialized agency for Pension Fund purposes.

If the Commission favoured the Agency's participation in the Fund, it should make an appropriate formal recommendation to the Agency, presumably in the form of a resolution directed to the Board of Governors. In the meantime the President might write to the Secretary-General of the United Nations asking that all necessary steps be taken by the Assembly to permit the admission of the Agency with full voting rights into the United Nations Pension Fund. It was understood that the Secretary-General would then arrange for the General Assembly at its twelfth session to consider an amendment to the Fund regulations to the effect that the Agency should be treated for Pension Fund purposes as a specialized agency. If the Assembly approved that amendment, the Agency could then instruct the Director-General formally to apply for admission to the Fund on terms to be agreed between the Agency and the Pension Board. Since the latter was not likely to meet before the end of March 1958, the Agency's admission could not take place until after that date.

/...

(Mr. Fischer, Deputy Executive Secretary)

The Fund would probably require the Agency to pay 21 per cent of the base salaries of all Agency staff members who became full members of the Fund. That contribution would be required in respect of any period of employment by the Agency before its admission to the Fund which was to be considered as part of the staff member's service for pension purposes. In addition, compound interest at certain fixed rates on each 21 per cent of salaries would be required by the Fund.

The Staff Provident Fund, referred to in Regulation 8.01 of the Draft Provisional Staff Regulations of the Agency (IAEA/PC/W.39(S)), would in general provide suitable machinery for covering the interim period before the Agency joined the Fund and for meeting the latter's requirements. However, the Commission might wish to recommend certain changes in Regulation 8.01 if it appeared likely that the Agency would join the Fund within a few months and if, as was expected, the General Assembly at its forthcoming session made certain important changes in the Fund's regulations in regard to staff members on fixed-term contracts.

In view of the foregoing, he suggested that the Commission should formally recommend to the Board of Governors that the Agency should apply for admission to the United Nations Pension Fund and that the President should write to the Secretary-General of the United Nations requesting that the necessary steps should be taken by him and by the General Assembly to facilitate such admission.

The suggestion was agreed to.

NOTIFICATION BY GOVERNMENTS PURSUANT TO ARTICLE IX F OF THE STATUTE

The PRESIDENT drew attention to the terms of article IX F of the Statute and to the other paragraphs of that article relating thereto. Since so many other matters regarding the Agency would be submitted to Governments in the next few months, there was a danger that the requirement in paragraph F. might in some cases be overlooked. It would seem advisable to send a note to all members which had deposited instruments of ratification before the date of the Statute's entry into force, stating that the three-month period referred to in paragraph F. had begun on 29 July 1957, the date of the Statute's entry into force. Similarly, a note should be sent to each member which had deposited its instrument of

/...

(The President)

ratification after 29 July 1957, indicating that the three-month period had begun with the date of deposit of its instrument of ratification.

It was so agreed.

Mr. de GAIFFIER (Belgium) took it that the sending of such letters would in no sense imply that members were under a duty to contribute materials to the Agency.

Mr. WINKLER (Czechoslovakia) asked if it was suggested that all members were expected to send in a notification of some kind, whether or not they intended to contribute materials. He thought that extreme care should be exercised in the drafting of the letters.

Mr. HOOD (Australia) agreed that the letters should be carefully drafted. He observed that the absence of a notification would not necessarily be equivalent to a negative notification.

The PRESIDENT said that the letters would adhere strictly to the terms of the Statute.

DATE OF FIRST MEETING, AT VIENNA

The PRESIDENT recalled that at its previous meeting the Commission had decided to meet at Vienna at least three weeks before the opening of the General Conference, or on 9 September 1957. The Executive Secretary had meantime considered the position further. In view of the necessity of preparing a report on the site of the Agency, the complex nature of the proposed headquarters agreement and the possibility of lengthy negotiations, he had urged that the first meeting at Vienna should definitely be scheduled for 9 September.

It was so agreed.

Mr. EMELYANOV (Union of Soviet Socialist Republics) said that in view of the importance of the items to be considered at Vienna it was essential that delegations should have the necessary documentation in sufficient time to enable them to prepare themselves for the meeting.

The PRESIDENT assured the Commission that no document would be discussed which had not been distributed in the official languages of the Agency in time to allow for study before the meeting.

/...

OTHER BUSINESS

Mr. BOTHA (Union of South Africa) noted that the President's correspondence with the Secretary-General of the United Nations concerning the word "primarily" in article 1 of the draft agreement between the Agency and the United Nations was a Commission document and therefore restricted. He proposed that the correspondence should be circulated as a Conference document in conjunction with the text of the draft agreement.

It was so agreed.

Mr. BOTHA (Union of South Africa), Mr. de GAIFFIER (Belgium), Mr. NAIK (Pakistan) and Mr. TURPIN (France) regretted that they would not be able to accompany their delegations to the Vienna meetings of the Commission. They congratulated the President and the members of the Secretariat on the work that had been done.

The PRESIDENT thanked the representatives who were leaving the Commission for their valuable contribution to the task of the Commission.

The meeting rose at 3.55 p.m.