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Eighth Session

PROVISIONAL SUMMARY RECORD OF THE SIXTY-FIRST MEETING (CLOSED)
held at the Musikakademie, Vienna,
on Friday, 20 September 1957, at 3.15 p.m.

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Present:

<u>President:</u>	Mr. BERNARDES	Brazil
<u>Members:</u>	Mr. PARDO	Argentina
	Mr. BOWDEN	Australia
	Mr. ERRERA	Belgium
	Mr. BARTON	Canada
	Mr. WINKLER	Czechoslovakia
	Mr. FAHMY	Egypt
	Mr. de MAUTART	France
	Mr. RAJAN	India
	Mr. SURJOTJONDRO	Indonesia
	Mr. FURUCHI	Japan
	Mr. MALIK	Pakistan
	Mr. PEQUITO	Portugal
	Mr. SOLE	Union of South Africa
	Mr. ZAMYATIN	Union of Soviet Socialist Republics
	Mr. WAKEFIELD	United Kingdom of Great Britain and Northern Ireland
	Mr. WADSWORTH	United States of America
<u>Secretariat:</u>	Mr. JOLLES	Executive Secretary
	Mr. URQUHART	Secretary of the Commission

PARTICIPATION OF THE AGENCY IN THE UNITED NATIONS JOINT STAFF PENSION FUND: ORAL REPORT AND DRAFT RESOLUTION BY THE EXECUTIVE SECRETARY (IAEA/PC/W.71(S))

Mr. JOLLES (Executive Secretary) said that the Commission had been informed at the last meeting it had held in New York that the Joint Staff Pension Board had agreed to amend the regulations of the Pension Fund to provide for the admission of the Agency. The Commission had asked the President to 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 the Agency's admission.⁽¹⁾

The President had accordingly written to the Secretary-General on 22 August 1957, requesting him to arrange for the twelfth session of the General Assembly to take the necessary action to admit the Agency to the Joint Staff Pension Fund with full voting rights, if the Agency decided to request admission. No reply to the President's letter had yet been received.

If the General Assembly took the action requested, the next step would be a decision by the Agency to request admission to the Fund. The draft resolution before the Commission (IAEA/PC/W.71(S)) constituted a recommendation from the Preparatory Commission to the Board of Governors to that effect. However, the Agency's admission to the Pension Fund would not entirely solve its pensions problems. It seemed probable that at its current session the General Assembly would amend the regulations so as to distinguish between staff members holding permanent or probationary contracts, who would be full members, and staff members holding fixed-term contracts, who would be associate members and would be covered in respect of death and disability benefits only. The Commission had agreed that in view of the technical nature of the Agency's activities, it was probable that many of its scientific and technical staff would hold fixed-term contracts, to ensure that they did not lose contact with scientific developments in member countries through long service as international officials. Many of the senior staff also would probably serve under fixed-term appointments.

(1) See document IAEA/PC/OR.52, page 6.

In regulation 8.01 of the draft Provisional Staff Regulations, the Commission had therefore provided that all members of the Agency's staff should receive broadly equal benefits, irrespective of their type of contract, and that for that purpose a Staff Provident Fund should be established to which staff members who elected to join would contribute 7 per cent of their salaries, the Agency contributing an additional 14 per cent. That had been intended as a purely temporary arrangement pending the admission of the Agency to the Joint Staff Pension Fund or the establishment by it of some permanent scheme. It had been expected that when that occurred the assets of the Staff Provident Fund would be made over to the Fund or permanent scheme.

But in view of the new regulations which the General Assembly would probably approve at its twelfth session, some change in regulation 8.01 would be needed to ensure equal coverage for fixed-term staff. That would be a complex matter, and the Preparatory Commission would not have time to deal with it.

He therefore suggested that the question be transferred to the Board of Governors for discussion.

The draft resolution recommended that the Staff Provident Fund should continue, or that other arrangements would be made, even after the Agency had joined the Pension Fund, so that fixed-term staff could be granted approximately the same benefits as permanent staff members.

During the period before the Agency joined the Pension Fund, the Staff Provident Fund would not provide complete coverage; the Agency would have to take out special commercial insurance to cover death, disability and health benefits. The Board of Governors was accordingly recommended in the draft resolution to take the necessary action under regulation 8.04 of the Staff Regulations.

Mr. SOLE (Union of South Africa) pointed out that the exclusion in paragraph 4 of the draft resolution should apply to all members of the Agency's Secretariat who were already covered by the Joint Staff Pension Fund; he therefore proposed that the words "seconded from the United Nations Secretariat" should be replaced by the words "seconded from the Secretariats of the United Nations and the specialized agencies who are otherwise appropriately covered."

The South African amendment was adopted.

The draft resolution on the Agency's participation in the United Nations Joint Staff Pension Fund (IAEA/PC/W.71(S)), as amended, was adopted.

AGENDA FOR THE BOARD OF GOVERNORS (IAEA/PC/W.55(S))

Mr. WADSWORTH (United States of America) suggested the addition to the proposed agenda for the Board of Governors (IAEA/PC/W.55(S)) of a new item 6: "Report of the Board of Governors to the first special session of the General Conference". The list of other matters (A to K) would then become sub-items of item 6, and the agenda would end with item 7, "Such other items as the Secretary-General etc. . . .", now covered under items 6, 7, 8.

Mr. JOLLES (Executive Secretary) pointed out that some items included in the "list of other matters", in particular F, H and J, would probably not be dealt with in the Board of Governors' report.

It was not yet certain whether item K would appear in the report; it depended on the progress of the negotiations on the Headquarters Agreement.

Mr. WADSWORTH (United States of America) suggested that in those circumstances the "other matters" which would be dealt with in the Board of Governors' report should be listed under the new item 6, and the remainder should be listed separately.

It was so decided.

The agenda for the Board of Governors (IAEA/PC/W.55 (S)), as amended, was approved.

INVITATION TO THE EXECUTIVE SECRETARY TO ATTEND THE TWENTY-FIFTH SESSION OF THE ADMINISTRATIVE COMMITTEE ON CO-ORDINATION

Mr. JOLLES (Executive Secretary) requested permission to bring up a subject that did not appear on its agenda. The letter just circulated to the Commission, urgently required its attention.

There was no objection.

Mr. JOLLES (Executive Secretary) said that he had received an invitation to attend the twenty-fifth session of the Administrative Committee on Co-ordination (ACC). The letter of invitation, after expressing the hope that he would be able to attend the session, proceeded immediately to recognize that he would probably be unable to do so. The problem was particularly important because item 2 of the draft provisional agenda annexed to the invitation was entitled "Atomic Energy questions (including questions of relationship between the specialized agencies and the International Atomic Energy Agency)". That item had been included despite the fact that it was known to be extremely unlikely that any representative of the Agency would be able to attend ACC's session.

The second annex to the invitation was a draft statement by ACC proposed by the International Labour Organisation (ILO): The statement referred to the Recommended Guiding Principles formulated by the Preparatory Commission, and suggested that it would be unwise for any final decision on them to be taken by any of the parties concerned until appropriate consultations had taken place. In its general approach, the statement was very similar to the letter from the Director General of the International Labour Office (IAEA/PC/W.58 (S)) on which he

had reported to the Commission at the fifty-third meeting; the Commission would recall that he had explained in reply to that letter that the guiding principles were not meant to take the place of a future relationship agreement but merely represented a definition of policy put forward as a basis for negotiations, and that the Executive Secretary had no authority to modify the principles, which had been agreed on by the Preparatory Commission.

It seemed probable that the statement had been prepared and submitted to ACC before his reply had reached the ILO, for he had now received a further letter from the Director General of the International Labour Office, noting his explanation. That letter would be circulated to the Board of Governors for discussion in connexion with the guiding principles.

He would be grateful for the Commission's guidance on how he should reply to the invitation from the Under-Secretary for Economic and Social Affairs; his own suggestion was to state that neither the Executive Secretary nor any other representative of the Agency could attend ACC's twenty-fifth session and propose that item 2 of the draft provisional agenda be deferred for consideration at a later session at which the Agency could be represented, so far as that item concerned questions of relationship.

He might also add that, since all comments made by the ILO and other organizations on the guiding principles would be placed before the Board of Governors for discussion, and since all the organizations concerned would be represented in Vienna when the matter was considered, and be invited to give their views, there would be every opportunity for full discussion before a final decision was taken. He hoped that such a statement would prevent the submission in ACC of any draft resolutions on the subject, which would in any event be inappropriate, since ACC was a body for co-ordination at Secretariat level, whereas the matter at issue was definitely one for Governments to decide.

Mr. SOLE (Union of South Africa) fully endorsed the approach outlined by the Executive Secretary. It was indeed strange that ACC should consider it appropriate to discuss relationship questions at a time when it was evident that it would be very difficult for the Agency to be represented. If the date of ACC's session had been decided upon after the postponement of the opening of the General Conference to 1 October, it might almost be regarded as a deliberate affront to the Agency.

He also strongly supported the Executive Secretary's reference to the status of ACC. It had originally been envisaged as a means of co-ordinating action in fields within the jurisdiction of Secretariats, on such matters as common budgetary procedures. It would be undesirable for ACC to attempt to enter the field of co-ordination of policy. The South African Government felt very strongly that such matters were strictly for Governments.

The Commission agreed that the Executive Secretary should reply to the invitation to attend ACC's twenty-fifth session on the lines suggested by him.

DRAFT PROVISIONAL RULES OF PROCEDURE OF THE GENERAL CONFERENCE (GC.1/9; IAEA/PC/W.36 (S), W.57 (S))

Mr. WADSWORTH (United States of America) proposed that the meeting be suspended to allow delegations to consult together on the draft provisional rules of procedure of the General Conference. He hoped that in that way it would be possible to settle all outstanding points. He would be very sorry if no agreement were reached.

Mr. ZAMYATIN (Union of Soviet Socialist Republics), too, believed that agreement could be reached on the General Conference's rules of procedure.

The meeting was suspended at 3.50 p.m. and was resumed at 4.30 p.m.

The PRESIDENT invited the Commission to take up the proposals submitted jointly by the four delegations and relating to articles 68, 75 and 76 of the draft provisional rules of procedure of the General Conference which had been left in abeyance.

The texts for rules 68 and 75 were those given in document IAEA/PC/W.57(S). An amendment had been suggested to rule 76.

Mr. WINKLER (Czechoslovakia), speaking also on behalf of the Soviet Union, United Kingdom and United States delegations, proposed that the second sentence of rule 76 as drafted in document IAEA/PC/W.57(S) be replaced by the following:

"In the separate elections in respect of geographical areas invalid votes shall also include votes cast for members which are not in the geographical area in respect of which the election has taken place."

After protracted negotiations, the four delegations concerned had deemed it possible to accept the rule thus amended, since they had agreed that they would interpret it in like fashion. He believed that the President was in a position to make a statement embodying the common opinion of the four delegations, with which he (the President) had had an opportunity of discussing the question and whose approach to the matter was known to him.

The PRESIDENT then read out the following statement:

"In the separate elections of members of the Board of Governors representing the geographical areas listed in sub-paragraph A - 1 of Article VI, the General Conference should take into account the preference of the members of the area concerned."

That statement had been approved by the delegations which had taken part in the negotiations and, unless he heard objection, it would be recorded as reflecting the consensus of views of the Commission.

Mr. SOLE (Union of South Africa) said that the South African delegation unreservedly supported the text of Rule 76 as amended by the Czechoslovak Representative. However, while he

saw no objection to its being recorded that the text of the accompanying statement by the President reflected the consensus of opinion within the Commission, he was obliged to request the recording of a reservation on behalf of the South African delegation, which could not associate itself with the statement. In his opinion such a statement was neither proper nor valid. He did not think that the Commission should seek to commit the General Conference or submit to it a recommendation such as that contained in the President's statement, which he considered was in conflict with the rule that there be no nominations.

The matter was purely one of principle. Ever since 1946 the Union of South Africa had invariably respected for example the opinion of the majority of States Members of the United Nations of a given region concerning the election of a member of the Security Council. The South African delegation could not, however, expressly support the statement made by the President.

Mr. WADSWORTH (United States of America) said that his delegation unreservedly supported the proposed amendment to rule 76. In its view, the statement made by the President reflected the consensus of opinion in the Commission. The present was not the first occasion on which the Commission had had recourse to such a statement to make known its views. A similar procedure had already been followed in regard to the agreement between the Agency and the United Nations.

Mr. ZAMYATIN (Union of Soviet Socialist Republics) associated himself with the declaration made by the Czechoslovak representative on behalf of the four delegations. His delegation unreservedly supported the new text proposed for rule 76, and was happy to see that the majority of the Commission approved the statement just made by the President, which conformed to the normal practice.

Mr. WAKEFIELD (United Kingdom) unreservedly supported the proposal made in relation to rule 76. That the statement read out by the President was in line with general practice was irrefutable. However, he reserved his Government's position regarding the inclusion of the statement in the summary record, but hoped that he would shortly be able to make that position known.

Mr. RAJAN (India) entirely approved the text proposed for rule 76. In regard to the statement read out by the President he reserved the future position of his Government, to which he would be reporting on the matter.

Mr. FAHMY (Egypt) supported with reservations the text proposed for rule 76.

As to the statement read out by the President, he had not had time to consult his Government, but could take it upon himself not to oppose it, because it had always been, and still was, the policy of the Egyptian Government to respect the decisions of various regional groups, as had been demonstrated within the United Nations. He could assure the Commission that his Government would continue to pursue the same policy in the Agency.

As to the validity of the statement, the Egyptian delegation fully shared the views expressed by the South African representative.

He wished to add in conclusion that, in his delegation's view, the important thing was not the adoption of a written text on which all were agreed, but the spirit and manner in which that text would be respected and implemented in the future.

Mr. ERRERA (Belgium) accepted the proposed wording without reservation, since it was in line with the statements made by the Belgian representative at earlier meetings of the Preparatory Commission in New York.

Mr. SURJOTJONDRO (Indonesia) said that he, too, was able to support the text proposed by the Czechoslovak representative. He would wish to refer the statement to his Government for two reasons. First, the principle stated presupposed the existence of areas that were sufficiently homogeneous for countries to have an expressible preference. Secondly, the areas concerned still had to be precisely delimited.

Mr. BOWDEN (Australia) and Mr. PEQUITO (Portugal) accepted the wording proposed for article 76, but were obliged to reserve the positions of their delegations with regard to the statement read out by the President pending receipt of instructions from their Governments.

The PRESIDENT observed that no member of the Commission had raised any objection to the wording of articles 68 and 75 or to that of article 76 as amended by the Czechoslovak representative, and that only the representative of the Union of South Africa had objected to the statement. On the other hand, some delegations which had taken a very active part in the discussion had accepted the statement without reservation. It was natural for yet other delegations to wish to seek instructions before giving their final opinion. He therefore suggested that the wording of articles 68 and 75 and that of article 76 as amended should be inserted in the document to be submitted to the General Conference, and that the statement should be included in the summary record, which would also indicate that it had received the support of some members of the Commission. If any delegation received instructions to object to the interpretation given in the statement, he would have to be so informed in a written communication and would thereupon re-open the discussion. In the absence of written communications, he would consider the matter settled.

Mr. ZAMYATIN (Union of Soviet Socialist Republics) and Mr. WINKLER (Czechoslovakia) agreed to that procedure, on the understanding that if any objection were in fact raised to the statement, not only the statement itself but also the three articles which had been approved should be reopened for consideration and that both delegations reserved their right to bring the matter before the General Conference.

The PRESIDENT confirmed that that was the sense of his suggestion.

The President's suggestion was accepted.

RECOMMENDATIONS CONCERNING FACILITIES AT THE HEADQUARTERS
SEAT (continued):

Oral report by the Executive Secretary

Mr. JOLLES (Executive Secretary) made a preliminary oral report on the negotiations which he had been invited to conduct with the Austrian authorities. The Commission had requested him to see whether it would be possible to mitigate the transport difficulties deriving from the location of the Spital der Kaufmannschaft. The Austrian authorities appreciated the Commission's concern, and were studying the possibility of instituting a special bus service during the rush hours.

The question of finding offices in the centre of the City was bound up with that of the arrangements for the second session of the General Conference, since the accommodation would have to be near the Conference area if the Agency was not to have three different sets of premises. Premises which could be fitted up as offices had been offered in the wing of the Hofburg in which the Austrian authorities intended to instal a large conference hall; but the hall in question had no gallery, either for the Press or for the public, and in any event would not be ready for the second regular session of the General Conference.

It was necessary to foresee the need for again hiring the Konzerthaus; that would present little difficulty if the second session were held in August. In that event, he would try to retain part of the Musikakademie for the Agency's City offices. Such an arrangement would have a number of advantages. There would be no need to move, and arrangements for the second conference would be much easier. The Musikakademie might even prove adequate for the Agency's first year of operation, provided some additional office space could be found nearby.

He would present another report after further investigation of the possibilities of the Musikakademie.

The meeting rose at 5.30 p.m.