



Distr.
RESTRICTED

ST/SG/AC.1/SR.31
24 July 1957
ENGLISH
ORIGINAL: FRENCH

ADVISORY COMMITTEE ON THE PEACEFUL USES OF ATOMIC ENERGY

SUMMARY RECORD OF THE THIRTY-FIRST MEETING (CLOSED)

Held at Headquarters, New York,
on Wednesday, 29 May 1957, at 4 p.m.

CONTENTS

Consideration of the question of the Relationship Agreement which is to be negotiated between the United Nations and the International Atomic Energy Agency (Secretariat Working Paper drafts of 21 January and 24 April 1957, IAEA/PC/W.30/Rev.1, A/3122) (continued)

Review of draft invitation to the second International Conference on the Peaceful Uses of Atomic Energy (Secretariat working paper of 20 May 1957)

PRESENT:

Chairman:

Mr. HAMMARSKJOLD Secretary-General

Members:

Mr. BERNARDES Brazil

Mr. MACKAY Canada

Mr. TURPIN France

Mr. RAJAN India

Mr. EMELYANOV Union of Soviet Socialist
Republics

Mr. EVANS United Kingdom of Great Britain
and Northern Ireland

Mr. WADSWORTH)
Mr. KOTSCHNIG) United States of America

Secretariat:

Mr. BUNCHE Under-Secretary

Mr. HILL Deputy Under-Secretary for
Economic and Social Affairs

Mr. KEENLEYSIDE Director-General, Technical
Assistance Administration

Mr. STAVROPOULOS The Legal Counsel

Mr. TURNER Controller

CONSIDERATION OF THE QUESTION OF THE RELATIONSHIP AGREEMENT WHICH IS TO BE NEGOTIATED BETWEEN THE UNITED NATIONS AND THE INTERNATIONAL ATOMIC ENERGY AGENCY (Secretariat Working Paper drafts of 21 January and 24 April 1957, IAEA/PC/W.30/Rev.1, A/3122) (continued)

Article XII (Co-operation between Secretariats)

Article XII was approved.

Article XIII (Administrative Co-operation)

Mr. BERNARDES (Brazil) proposed that the words "having regard to the Charter of the United Nations and the Statute of the Agency" in paragraph 2 of the Working Paper should be replaced by the words "within the limits of the Charter of the United Nations and the Statute of the Agency".

It was so decided.

Article XIII, as amended, was approved.

Article XIV (Regional and Field Co-operation)

Mr. BERNARDES (Brazil) proposed that article XIV should be deleted as its provisions duplicated those of other articles.

It was so decided.

Article XV (Statistical Services)

Article XV was approved.

Article XVI (Technical Assistance)

Mr. BERNARDES (Brazil) presented the new draft of the article prepared by the Preparatory Commission (IAEA/PC/W.30(S)/Rev.1, page 9).

Mr. KEENLEYSIDE (Director-General, Technical Assistance Administration) pointed out that article XVI of the United Nations draft merely reaffirmed the provisions of article XIII, with greater emphasis on co-operation in the field of technical assistance. It would be less costly and more efficient if the Agency used the United Nations services as much as possible. Provisions along those lines were embodied in the agreements with WMO and ITU. The technical assistance programmes of those two agencies were admittedly on a small scale, but the

(Mr. Keenleyside, Director-General, TAA)

principle was the same and the arrangements had proved very satisfactory. If draft article XVI were adopted, the Agency's only obligation would be to give it consideration. The authors of the draft article had not wished to prejudge the question whether or not the Agency would participate in the Expanded Programme and the work of TAB.

In reply to a question by Mr. MACKAY (Canada), Mr. KEENLEYSIDE (Director-General, Technical Assistance Administration) added that the draft article prepared by the Preparatory Commission would probably have the desired effect, but it was not as precise.

The CHAIRMAN said he was anxious that the article should state clearly how desirable it was to make use of the services of the United Nations, for one of the greatest weaknesses of international organizations lay in the proliferation of independent administrative units which cost time and money.

Mr. TURPIN (France) shared the Chairman's anxiety. It must be borne in mind, however, that the Committee was discussing a draft agreement between the United Nations and an agency which did not yet exist. The future division of functions and competence between the Agency and the specialized agencies was still very vague. There were very many ways in which Agency assistance might be given and financed. It was therefore difficult at that juncture to choose which particular procedure should apply. In those circumstances, he would prefer the Preparatory Commission's draft, on the understanding that the phrase "within the framework of existing co-ordination machinery in the field of technical assistance" covered all the possible solutions concerning the Agency's participation in the work of TAB, whether as a member or as an observer, and the question of the services referred to by the Director-General of TAA.

Mr. EMELYANOV (Union of Soviet Socialist Republics) wholeheartedly endorsed the Chairman's observations and said that he was in favour of the United Nations draft. The Agency would have to overcome some difficulties. It was therefore essential that it should make use of the services already established by the United Nations. Time and money would be saved if the Agency drew on the experience of the United Nations.

/...

Mr. RAJAN (India) had understood that paragraph 2 of the United Nations draft would imply the Agency's participation in the Expanded Programme. He had felt that that was a principle on which it would be premature to come to any decision and one which the Agency itself should consider. The explanations given by the Director-General of TAA had dispelled his fears and he no longer had any difficulty in accepting the United Nations draft.

Mr. EVANS (United Kingdom) said that while he preferred the United Nations draft he would be able to accept the Preparatory Commission's text on the understanding that, if it were adopted, the way would still be open for participation by the Agency in the Expanded Programme.

Mr. TURPIN (France) saw a priori nothing wrong in the Agency using TAA's services but he maintained that that was as important a question of principle as the question of the Agency's participation in the Expanded Programme to which an affirmative answer could not be given.

Mr. KOTSCHNIG (United States of America) considered that there was no similarity between the cases of WMO and ITU mentioned by the Director-General of TAA and the case of the Agency. He had three comments to make in that regard. Firstly, the technical assistance programmes of the two agencies were too small for them to have set up a separate mechanism and it was reasonable that they should conduct their technical assistance activities through TAA. The same would not apply to the Agency, since technical assistance would represent its major activity and it would be far more difficult for the Agency to operate through another body which had its headquarters thousands of miles away. Secondly, WMO and ITU participated in the Expanded Programme, getting money out of funds in the Special Account. On the other hand, the question of the Agency's participation in the Expanded Programme was still open and the chances were that it might find itself in a position similar to that of the Bank. The United Nations draft therefore went much too far. However, consideration might be given by the Agency to the possibility of making use of some common services and some appropriate words might, therefore, be added at the end of the Preparatory Commission's draft. Thirdly, the Preparatory Commission's draft had a further advantage: the words "within the framework of existing co-ordination machinery in the field

(Mr. Kotschnig, United States)

of technical assistance" provided for something that did not appear in the United Nations draft and gave wider scope for participation in TAB and resort to the services of the resident representatives.

Mr. EMELYANOV (Union of Soviet Socialist Republics) suggested that in order to take into account the comments made by the United States representative the United Nations Secretariat formula might be rendered a little less categorical by using the word "may" instead of "shall".

The CHAIRMAN thought that the same results might be obtained by adding to the Preparatory Commission's draft, as amended by the United States, the following sentence: "The United Nations will make available to the Agency its administrative services".

Mr. KEENLEYSIDE (Director-General, Technical Assistance Administration) replying to the United States representative, pointed out that the question was not so much where funds would come from, as how they might best be used. The technical assistance programmes of WMO and ITU were certainly on a smaller scale than those proposed for the Agency, but the satisfactory operation of the agreements concluded with those organizations could be used as the basis for conclusions which would be valid in respect of the Agency. He saw nothing against the last phrase in the Preparatory Commission's draft; he considered the Chairman's proposal sound and thought that the United States amendment would also improve the text. However, he would like to see the revised version of the draft in writing.

Mr. EMELYANOV (Union of Soviet Socialist Republics) accepted the formula proposed by the Chairman.

The CHAIRMAN proposed that the Committee should approve the draft article submitted by the Preparatory Commission, as amended by the United States representative and himself, with the reservation that the members of the Committee could still make comments when they received the amended text.

It was so decided.

Article XVII (Budgetary and financial arrangements)

Mr. BERNARDES (Brazil) indicated the amendments which the Preparatory Commission had made to article XVI.

Mr. TURNER (Controller) said that the text adopted by the Preparatory Commission might prove satisfactory in view of the fact that everyday relationships would inevitably be established at the technical level between the Agency and the United Nations; but it should be noted that the text prepared by the United Nations Secretariat contained clauses from the agreements negotiated with the specialized agencies and took into account a whole series of experiments which had proved successful. It might accordingly be advisable to retain paragraph 3 of the United Nations Secretariat draft: if the administrative budget of the Agency was officially transmitted to the United Nations, the General Assembly could make recommendations and comments. The practice would be in keeping with developments over the past ten years and the Agency would have much to gain by it; the question was obviously not one of vital importance, but it seemed better to provide for very close financial ties between the Agency and the United Nations

The CHAIRMAN asked the representative of Brazil to give the reasons why the Preparatory Commission had deleted paragraph 3 of the draft prepared by the United Nations Secretariat.

Mr. BERNARDES (Brazil) explained that in the opinion of the Preparatory Commission, that paragraph had not been in conformity with article XIV of the Statute of the Agency, which did not provide for transmission of the budget to the United Nations; moreover, it was difficult to see how the General Assembly could make recommendations on a budget which had already been examined and approved by the competent organs of the Agency. Some members of the Preparatory Commission had also pointed out that the paragraph deleted had detracted from the Agency's autonomy. Finally, several representatives had thought that the proposed procedure would take too much time.

Mr. WADSWORTH (United States of America) inquired whether the General Assembly had ever made any recommendations concerning the budgets of specialized agencies.

The CHAIRMAN replied that that had never happened, but that the clause might have many very grave administrative consequences. While the Advisory Committee on Administrative and Budgetary Questions could not influence the

/...

(The Chairman)

allocation of budget appropriations, it could state its views on the administrative aspects of the work of those organizations whose budgets it examined.

Mr. WADSWORTH (United States of America) saw no need for the clause deleted by the Preparatory Commission, since the Agency was not required to conform to the recommendations of the Fifth Committee and the General Assembly, and, further, because the close collaboration which would be established between the Director-General of the Agency and the Secretary-General of the United Nations would certainly achieve more tangible results.

Mr. EMELYANOV (Union of Soviet Socialist Republics) thought that there should be very close ties between the United Nations and the Agency, which in any case was not a specialized agency. It should also be pointed out that paragraph 3 as prepared by the United Nations Secretariat did not call for General Assembly approval of the Agency's budget, but simply provided that the General Assembly might make recommendations; the Agency would not be compelled to comply with those recommendations, but it would nonetheless have the opportunity of obtaining useful advice and profiting by the Organization's experience. He was therefore in favour of retaining the paragraph 3 proposed by the United Nations Secretariat.

Mr. BUNCHE (Under-Secretary) said that paragraph 3 of the draft proposed by the United Nations Secretariat had been prepared taking into account the general principles set forth in document A/3122. Moreover, it had been the intention to give the Advisory Committee on Administrative and Budgetary Questions an opportunity to study certain administrative and budgetary matters with the Agency. Finally, the General Assembly had specifically stated that the Agency was to stand in a closer relationship to the United Nations than the specialized agencies. The proposed procedure was therefore the same as that for the specialized agencies: the proposed budget was to be transmitted to the United Nations at the same time as to Member States, but there was no provision to the effect that the Agency should defer its examination pending a decision by the General Assembly.

Mr. TURPIN (France) thought that the paragraph in question was well calculated to ensure a wide measure of co-ordination between the Agency and the United Nations. The transmission of the budget was certainly not incompatible with the autonomy of the Agency; it furthermore enabled the Secretary-General and the

/...

General Assembly to ascertain the total amount of expenditure of the different organs working under United Nations auspices.

Mr. RAJAN (India) saw no incompatibility between paragraph 3 of the draft prepared by the United Nations Secretariat and article XIV of the Statute of the Agency; practical difficulties might however arise if references to the Assembly were superimposed on the process of reference prescribed in the Statute between the Board of Governors and the General Conference. It had to be remembered that the budgetary processes of the Agency were different from those of specialized agencies. Nevertheless he understood that the proposed paragraph would raise no difficulties of a substantial nature and on that basis his delegation could accept it.

Mr. WADSWORTH (United States of America) said that he would not press for the deletion of paragraph 3 of the United Nations Secretariat's draft though he still believed the Secretary-General was in the best position to give advice to the Agency.

Mr. BERNARDES (Brazil) could not accept that paragraph even if it were not incompatible with article XIV of the Agency's Statute. What would happen if, after the Agency had approved its budget, the General Assembly made recommendations on that budget? Under article XVI B 2 of its Statute the Agency had to submit a report on the measures that it took; yet by that time the General Conferences might no longer be in session.

The CHAIRMAN reminded the Committee that the General Assembly possessed certain rights by virtue of agreements concluded with specialized agencies and that the Assembly wanted its relations with the Agency to be on at least as close a footing as those with the specialized agencies. As the majority of the Committee was not in favour of deleting paragraph 3, the Secretariat would retain it.

Mr. STAVROPOULOS (The Legal Counsel) observed that paragraph 4 of article XVI as adopted by the Preparatory Commission was analogous to paragraph 3 of the article concerning administrative co-operation, except that it brought in the idea of "assistance". That idea could therefore be eliminated, and in article XIII, paragraph 3, the words "special services furnished" could be replaced by "special services or assistance furnished".

The CHAIRMAN agreed that the repetition was unnecessary; the solution suggested by the Legal Counsel would therefore be adopted.

Article XVIII (Public Information)

Article XVIII was approved.

Article XIX (Personnel Arrangements)

Article XIX was approved.

Article XX (Administrative Rights and Facilities)

Mr. BERNARDES (Brazil) pointed out the changes made in paragraph 3 by the Preparatory Commission and noted that paragraph 2 should mention article XVIII, not article XIX.

Article XX was approved.

Article XXI (Inter-Agency Agreements and Official Documents)

Mr. BERNARDES (Brazil) pointed out the changes that the Preparatory Commission had made in article XXI.

Mr. HILL (Deputy Under-Secretary for Economic and Social Affairs) noted that the article adopted by the Preparatory Commission did not provide for advance notification of negotiations, which reduced its scope. He thought that the original text should be left as it stood. The United Nations had never intervened when it had been informed that an agreement was to be negotiated, but that did not impugn the validity of the principle.

The CHAIRMAN emphasized that the Secretariat of the United Nations had co-ordination responsibilities since the Secretary-General was Chairman of the Administrative Committee on Co-ordination; as the Secretariat was instructed to follow treaty developments, the original wording should be retained. If there were reservations, they would be taken into account.

Mr. WADSWORTH (United States of America) reserved the position of his delegation.

Article XXII (Supplementary Arrangements)

Article XXII was approved.

Article XXIII (Amendments)

Article XXIII was approved.

Article XXIV (Entry into Force)

Article XXIV was approved.

REVIEW OF DRAFT INVITATION TO THE SECOND INTERNATIONAL CONFERENCE ON THE PEACEFUL USES OF ATOMIC ENERGY (Secretariat Working Paper of 20 May 1957)

Mr. BUNCHE (Under-Secretary) said that the Committee had already unanimously approved the programme and rules of procedure of the Conference, and he submitted the draft letter of invitation.

Mr. EMELYANOV (Union of Soviet Socialist Republics) requested that the Secretary-General of the United Nations should take the following considerations into account when making out the invitation list. First, the European Centre for Nuclear Research, the Joint Institute of Theoretical Nuclear Physics of Northern Countries comprised many research workers and scholars, who should be given the opportunity to present the results of their work and also their future programmes. Secondly, it had been a serious mistake not to invite the German Democratic Republic to the First Conference. Research workers and scholars in that country had undertaken highly important work and had developed very interesting new forms of apparatus and processes which were in use at present. It would be unforgivable to prevent that group of scientific men from participating in the Conference and profiting from the advantages it would offer the participants. Thirdly, the invitation to China should be sent to the Central People's Government of the People's Republic of China. By sending the invitation for the First Conference to another place a mistake had been made which must not be repeated; the Conference would suffer a great loss if the People's Republic of China were not represented.

Mr. RAJAN (India) also thought that it would be regrettable if an area of Europe comprising important industrial and technical resources were not to be

/...

(Mr. Rajan, India)

represented at the Conference. As regards China, no invitation could be sent except to the Central People's Government of China. The despatch of invitations to persons who did not represent China would exclude from participation in the Conference a vast area of Asia containing a substantial proportion of the world's human and material resources and could not but seriously prejudice the successful outcome of the Conference.

The CHAIRMAN said that the question did not fall within the Advisory Committee's competence. In its resolution the General Assembly had invited only the specialized agencies to send representatives to the Conference. Therefore the Secretary-General could not send letters to the three organizations mentioned by the USSR representative. Similarly, in order to designate the States invited to participate in the Conference, the General Assembly had adopted a formula which made it impossible to invite East Germany to send representatives. Lastly, as regards the representation of China, the Secretary-General also had to conform to the General Assembly's decision.

Mr. EVANS (United Kingdom) requested some drafting amendments.

The Chairman proposed that the Committee should approve the draft letter as amended by the United Kingdom representative and delay sending the letter for a few days to give the members of the Committee who could not submit their comments on the draft letter as yet the time to do so.

It was so decided.

The meeting rose at 5.55 p.m.