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Sixth Session

PROVISIONAL SUMMARY RECORD OF THE FORTIETH MEETING (CLOSED)

Held at United Nations Headquarters, New York,
on Friday, 21 June 1957, at 10.50 a.m.

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PRESENT:

President:

Mr. BERNARDES Brazil

Members:

Mr. ALFONZO Argentina

Mr. HOOD Australia /

Mr. de GAIFFIER Belgium

Mr. ARNOULD Canada

Mr. WINKLER Czechoslovakia

Mr. FAHMY Egypt

Mr. MARANDET France

Mr. RAJAN India

Mr. ABDURACHMAN Indonesia

Mr. CGISO Japan

Mr. PEQUITO Portugal

Mr. BOTHA Union of South Africa

Mr. EMELYANOV Union of Soviet Socialist Republics

Mr. MICHAELS United Kingdom of Great Britain and
Northern Ireland

Mr. WATSON United States of America

Secretariat:

Mr. JOLLES Executive Secretary

Mr. URQUHART Secretary of the Commission

PROVISIONAL AGENDA FOR THE MEETINGS OF THE GENERAL CONFERENCE IN 1957
(IAEA/PC/W.47(S))

The PRESIDENT asked members of the Commission to examine the provisional agenda for the meetings of the General Conference in 1957, prepared by the Working Group appointed by the Preparatory Commission at its thirty-seventh meeting. The text constituted the report of the Working Group, and had been adopted by the Group unanimously.

He requested members of the Commission to make two corrections in the text before them. Item 8 should read: "Formal presentation by the President of the Preparatory Commission of its report." In item 11, the word "proposals" should be altered to the singular.

He thought that item 6, "Adoption of the agenda for the first regular session", should be placed after item 3 "Address by a representative of the Government of Austria".

It was so decided.

Mr. BOTHA (Union of South Africa) asked for some clarification in regard to item 10, "Elections of ten members to membership of the Board of Governors". Under rule 7⁴ of the provisional rules of procedure for the General Conference, the General Committee was to specify each geographical area in respect of which a member was to be elected. But it would seem that the election would be held before the General Committee had been set up.

Mr. JOLLES (Executive Secretary) said that that point would be covered by a rule in the temporary supplementary rules of procedure for the General Conference in 1957.

Mr. MICHAELS (United Kingdom) proposed that in item 11, the words "proposal to hold" should be replaced by the words "convening of". If that proposal was accepted, the opening of the sentence at the foot of the page, i.e. the words "Subject to the agreement of the General Conference to hold a special session under item 11 above," would also have to be deleted.

It was so decided.

Mr. JOLLES (Executive Secretary) asked why the provisional headquarters agreement appeared in the list of items to be included in the report of the Board of Governors. In his view, the Board of Governors was not required under the Statute to submit the agreement in question for the approval of the General Conference.

Mr. WATSON (United States of America) said that the question had been included under item O by mistake, and requested that it should be transferred to another section of the agenda.

It was so decided.

Mr. WINKLER (Czechoslovakia) said that he would not oppose the adoption of the agenda proposed by the Working Group; but he still thought that the proposed procedure was not necessary and might give rise to difficulties which could easily be avoided.

The PRESIDENT proposed that the Commission should adopt the agenda proposed by the Working Group.

The provisional agenda for the meetings of the General Conference in 1957 was adopted.

Mr. JOLLES (Executive Secretary) asked whether the Commission would wish to have a note attached to the provisional agenda to explain why it had been thought better to arrange for two sessions, an ordinary and a special session, one after the other.

The PRESIDENT replied in the affirmative.

PROVISIONAL RULES OF PROCEDURE FOR THE GENERAL CONFERENCE (IAEA/PC/W.36(S); Conference Room Paper No. 6) (continued)

The PRESIDENT asked the Commission to continue its examination of the provisional rules of procedure for the General Conference.

Rule 29. Creation of Committees (continued)

Mr. FAHMY (Egypt) said he thought that the views expressed at the thirty-ninth meeting could be reconciled. There was no need to mention either the Credentials Committee or the General Committee, which were dealt with in separate rules, in rule 29. The Legal Committee need not be a main committee of the General Conference; it could be set up as a subsidiary organ whenever the

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(Mr. Fahmy, Egypt)

General Conference thought such a course necessary for the accomplishment of its work. He well understood the arguments of delegations, the Indian delegation in particular, which wanted a programme and budget committee; but it should be remembered that the General Conference would be dealing with reports on technical questions having no financial implications. In order to emphasize the technical and scientific character of the Agency, it would be better to provide for the establishment of a programme and technical committee.

Accordingly, he proposed that only the first sentence in rule 29, which provided that the General Conference might set up such committees as it deemed necessary, should be retained, and that a new article should be adopted reading: "The main committees of the General Conference are: (a) the Programme and Technical Committee, (b) the Committee on Administrative and Budgetary Questions".

Mr. RAJAN (India) said he agreed, like all the other members of the Commission, that the technical and scientific character of the Agency's work could not be over-emphasized; indeed, it had been for that reason that he had proposed the creation of a programme and the budget committee, since operational expenses would make up the greater part of the Agency's budget.

The example of UNICEF showed the value and usefulness of a programme committee which studied all projects and made recommendations on general policy and the use of available resources. In the case of the Agency, a programme committee would enable members which were not represented on the Board of Governors to express their views on past and future activities and consequently on the use of funds under the operational budget. The committee on administrative and budgetary questions would deal mainly with the Agency's administrative budget and with such questions as the scale of contributions, the auditor's reports, the non-technical aspects of the report of the Board of Governors etc. Legal questions, at least in the initial stages, could quite well be examined by the General Conference at its plenary meetings.

In conclusion, he said that he would be prepared to accept the Egyptian representative's suggestion.

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Mr. ABDURACHMAN (Indonesia), Mr. MARANDET (France), Mr. ALFONZO (Argentina) and Mr. EMELYANOV (Union of Soviet Socialist Republics) supported the Egyptian representative's proposal, for the reasons set forth by the representative of India.

Mr. OGISO (Japan) said he was not sure whether the distribution of work among the two main committees proposed would permit the rational consideration of financial questions. Which committee would be primarily responsible for the examination of the operational budget, which would be one of the main items in the report of the Board of Governors?

Mr. BOTHA (Union of South Africa) said he felt similar misgivings. It would be difficult to draw a clear distinction, with a view to their consideration by two separate committees, between the financial implications of Agency projects covered by the operational budget and projects falling under the administrative budget.

Although the Egyptian representative's proposal was based on perfectly justifiable premises, it might perhaps be wiser to establish a programme, technical and budget committee. That body could set up sub-committees, one of which would deal specifically with the purely administrative aspects of the Agency's budget.

Mr. MICHAELS (United Kingdom) said he found difficulty in accepting the Egyptian representative's proposal, for the reasons stated by the Japanese and South African representatives. It should be borne in mind that in its financial regulations the Preparatory Commission had provided for a single budget. It would hardly be possible to examine the Agency's programme of work independently of the budget.

Budgetary and financial questions should not be confused; the latter included such matters as the scale of contributions, the auditors' report, and wage and salary scales. Given that distinction, he hoped he would carry the Commission with him in proposing the establishment of two main Committees, a Programme, Technical and Budget Committee and an Administrative, Legal and Financial Committee.

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Mr. FAHMY (Egypt) said that in practice the distinction between budgetary and financial questions was not as clear as the United Kingdom representative suggested.

Mr. WATSON (United States of America) pointed out that financial questions, in the sense in which the term had been used by the United Kingdom representative, were connected with administrative questions. He therefore proposed that the second committee proposed by the United Kingdom representative should be called simply the Administrative and Legal Committee.

After an exchange of views, the PRESIDENT proposed that rule 29 should be amended along the lines proposed by the Egyptian representative, namely, by retaining only the first sentence and adding a new rule, providing that the two main committees of the General Conference should be the programme, technical and budget committee and the administrative and legal committee.

It was so decided.

Rule 30. Reference of Agenda Items to Committees

There were no comments.

New rule proposed by Czechoslovakia (Conference Room Paper No. 6, amendment No. 19)

The proposed new rule was adopted.

Rule 31. General Committee

Mr. EMELYANOV (Union of Soviet Socialist Republics) pointed out that the main task of the General Committee, as provided in rule 33, which defined the functions of that Committee, was to assist the President of the General Conference in conducting and co-ordinating the work of the Conference. Accordingly, he felt that the number of members provided for in rule 31 was too small, and proposed that it should be increased to eighteen; the General Committee would then consist of the President of the General Conference, the eight Vice-Presidents, the two chairmen of the main Committees and seven members elected by the General Conference. That number would make for equitable geographical distribution - a point to be borne in mind, since it was important that the General Committee should include

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(Mr. Emelyanov, USSR)

representatives of countries advanced in the technology of atomic energy and representatives of under-developed areas. In that connexion, it should be remembered that the Conference on the Statute of the Agency had discussed the composition of the Preparatory Commission at length and had finally decided that the best number was eighteen. Experience had shown that each member of the Preparatory Commission made an extremely useful contribution to its work. Accordingly, he formally proposed that the General Committee of the General Conference should consist of eighteen members; for the first regular session, those eighteen members might be the members of the Preparatory Commission, in view of their knowledge of the matters to be dealt with at that session.

Mr. WATSON (United States of America) agreed that the membership of the General Committee should be increased, but thought it would be enough to add the Chairmen of the two main committees.

Mr. MICHAELS (United Kingdom) said that the USSR representative's remarks were well-founded, but thought that a General Committee of eighteen members would be too large, especially since the first session of the General Conference might be attended by only about forty members. The United Nations General Assembly had eighty-one Members, but its General Committee consisted of only sixteen Members.

As a compromise between the USSR and United States proposals, he proposed that the membership of the General Committee of the Conference should be fifteen.

Mr. FAHMY (Egypt) said it was desirable that the General Committee should include representatives of advanced countries and under-developed areas; and the various regions of the world should also be represented on it. However, a membership of eighteen was perhaps excessive; he therefore supported the United Kingdom representative's proposal.

Mr. WINKLER (Czechoslovakia) supported the USSR representative's proposal; the seven elected members might represent the areas referred to in article VI A.3 of the Statute.

Mr. HOOD (Australia) agreed that the principle of geographical distribution was a sound one; but it should not be carried too far. The Vice-Presidents of the General Conference would undoubtedly be elected on that basis, and the same would apply to the Chairmen of the two main committees; it was therefore unnecessary to elect seven more members to the General Committee on the basis of the same principle. If that was done the General Committee might well supplant the Board of Governors, which would not be desirable.

Mr. EMEL'YANOV (Union of Soviet Socialist Republics) said there was nothing to prove that the General Conference would be attended by only about forty members. In any case, there was no great difference between a membership of fifteen and one of eighteen; the advantage of the latter figure was that the first General Committee might be made up of the eighteen members of the Preparatory Commission, which would avoid long negotiations at the beginning of the session. In order to prevent any waste of time and any unnecessary argument at the General Conference, which had a very heavy agenda, he urged the Commission to adopt the number of eighteen.

Mr. WATSON (United States of America) pointed out that to have a General Committee of eighteen members at the first session would establish a precedent which it would be difficult to depart from at subsequent sessions. Moreover, if certain members of the Preparatory Commission had not ratified the Statute by the time of the first session of the General Conference, the latter would be faced with the very difficulties which the USSR representative wished to avoid.

Mr. MARANDET (France) said he had been prepared to accept the United Kingdom representative's proposal; however, he was now convinced that it would be as difficult to elect four members as seven. Accordingly, he would support the United States representative's proposal that the General Committee should consist of ex officio members only.

The PRESIDENT pointed out that the Commission was only at the stage of the first reading. He therefore proposed that the words "and the eight Vice-Presidents" should be replaced by "and the eight Vice-Presidents, the Chairmen of the two main Committees and ... members elected by the General Conference".

It was so decided.

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Mr. WINKLER (Czechoslovakia) pointed out that in the discussion on rule 23, at the 39th meeting, the Commission had accepted the idea of inserting in rule 31 a sentence providing that the representative character of the General Committee should be ensured.

Mr. EMEL'YANOV (Union of Soviet Socialist Republics) supported the Czechoslovak representative's remarks.

Mr. de GAU'FFIER (Belgium) said that in view of the scientific nature of the Agency, the General Conference should choose the members of the General Committee, other than the ex officio members, on the basis of their capacities irrespective of their nationality. For example, if there was an eminent scientist among the delegates, it would be wise to appoint him to the General Committee.

Mr. WATSON (United States of America) said that in view of the rule adopted on the election of Vice-Presidents there was no need to insert in rule 31 the idea referred to by the Czechoslovak representative. So far as concerned the election of the other members of the General Committee, the United States delegation unreservedly supported the views expressed by the Belgian representative.

Mr. BOTHA (Union of South Africa) pointed out that the principle of equitable geographical distribution must not be confused with the principle of ensuring a representative character. In the election of Vice-Presidents the first of those principles was taken into account, but in appointing the General Committee the second principle was followed. To do that, factors other than geographical distribution, and in particular the factor mentioned by the representative of Belgium, had to be taken into consideration.

Mr. WATSON (United States of America) said that in practice the two principles were to a large extent confused, and that anyone referring to "representative character" invariably had "geographical distribution" in mind.

Mr. RAJAN (India) drew attention to the second sentence of rule 38 of the rules of procedure of the General Assembly. He considered that that provision should be embodied in the rules of procedure for the General Conference.

Mr. FAHMY (Egypt) believed that the Czechoslovak proposal was acceptable to all delegations, on the clear understanding that the members of the Agency most advanced in the technology of atomic energy would always be represented. The sentence concerning "representative character" would refer to the other countries.

Mr. WINKLER (Czechoslovakia) said that it was not enough to lay down that Vice-Presidents should be elected taking into account the principle of geographical distribution. The representative character of the General Committee as a whole must also be ensured and the possibility of two of its members belonging to the same delegation excluded. However, all that was necessary was that that rule should appear in the rules of procedure; it need not be included in rule 32.

The PRESIDENT proposed that the Executive Secretary should be left to insert the rule concerning the representative character of the General Committee at the appropriate place and to make the changes in the third sentence of rule 31 necessitated by the Commission's decision concerning the composition of the General Committee.

It was so decided.

Rule 32. Representation of other bodies in the General Committee

The PRESIDENT proposed that the Executive Secretary should be asked to amend the text of rule 32 to reflect the Commission's decision concerning the composition of the General Committee.

It was so decided.

Rule 33. Functions of the General Committee

The PRESIDENT drew attention to the Czechoslovak draft amendments to rule 33 (Conference Room Paper No. 6, paragraph 20) and invited the Commission to consider sub-paragraphs (a), (b) and (c) in turn.

The proposal in sub-paragraph (a) was approved.

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Mr. MICHAELS (United Kingdom) proposed that the Czechoslovak proposal in sub-paragraph (b) should be amended to read:

"It shall consider requests for the inclusion of additional items in the agenda under rule 10 and shall report thereon to the General Conference".

The proposal in sub-paragraph (b), as amended by the United Kingdom, was approved.

Mr. BOTHA (Union of South Africa) proposed that Czechoslovak draft, sub-paragraph (c), should be amended so as to leave it to the General Committee itself to fix the closing date of the session.

Mr. WINKLER (Czechoslovakia) thought that there was no point in depriving the General Conference of that function. The Conference would have no difficulty in adopting the General Committee's recommendation, and, in practice, the decision would be the General Committee's.

The proposal in sub-paragraph (c) was approved.

Mr. WINKLER (Czechoslovakia) pointed out that the reference in rule 33 to rule 76 of the rules of procedure was unnecessary.

Rule 33, as amended, was adopted.

New rule proposed by Czechoslovakia (Conference Room Paper No. 6, paragraph 29)

Mr. FAHMY (Egypt) proposed that the Czechoslovak draft should be amended to extend to the United Nations and the specialized agencies the right granted to members of the Agency which had no representative in the General Committee and which had requested the inclusion of an item in the agenda.

Mr. JOLLES (Executive Secretary) pointed out that the General Committee could always invite a representative of the United Nations or a specialized agency, if it saw fit to do so.

After an exchange of views in which Mr. BOTHA (Union of South Africa), Mr. WATSON (United States of America), Mr. FAHMY (Egypt) and Mr. HOOD (Australia) participated, the PRESIDENT pointed out that the draft relationship agreement with the United Nations made provision for the issue of an invitation and suggested that the Commission should adopt the new rule proposed by Czechoslovakia as it stood.

The proposal was accepted: the new rule was adopted.

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New Rules

Mr. RAJAN (India) emphasized the desirability of including in the rules of procedure provisions similar to those in the last sentence of each of rules 40 and 44 of the rules of procedure of the United Nations General Assembly.

The PRESIDENT proposed that the Commission should request the Executive Secretary to insert the text of those two rules in the draft rules of procedure for the General Conference.

It was so decided.

OTHER BUSINESS

Work of the Preparatory Commission

Mr. MARANDET (France) observed that several delegations, the Egyptian and French delegations among them, were concerned about the duration of the Commission's work for two reasons. Firstly, as the session of the Economic and Social Council was due to open shortly, they would find it very difficult to be represented after the end of June. Secondly it would be to the Preparatory Commission's advantage if the Executive Secretary could go to Vienna fairly soon to supervise the arrangements for the Conference. He asked that everything possible should be done to expedite the work of the present session of the Preparatory Commission.

The meeting rose at 1.10 p.m.