



International Atomic Energy Agency

# GENERAL CONFERENCE

GC(XXXVII)/COM.5/OR.94

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## THIRTY-SEVENTH (1993) REGULAR SESSION

### COMMITTEE OF THE WHOLE

### RECORD OF THE NINETY-FOURTH MEETING

Held at the Austria Center Vienna  
on Thursday, 30 September 1993, at 7.35 p.m.

Chairman: Mr. POSTA (Hungary)

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[\*] GC(XXXVII)/1085.

The composition of delegations attending the session is given in document GC(XXXVII)/INF/328/Rev.2.

93-03871 (III)

Abbreviations used in this record

FAO	Food and Agriculture Organization of the United Nations
WHO	World Health Organization

PERSONNEL QUESTIONS (GC(XXXVII)/1071 and 1071/Corr.1) (continued)

(a) STAFFING OF THE AGENCY'S SECRETARIAT (GC(XXXVI)/RES/598, GC(XXXVII)/COM.5/129) (continued)

1. Mr. WALLER (Deputy Director General for Administration), in response to a question - asked by the German representative at the previous meeting - as to whether the term "developing countries" in preambular paragraph (e) of the draft resolution (GC(XXXVII)/COM.5/129) meant all developing countries or only those belonging to the Group of 77, said that the language of the draft resolution had of course been chosen by the sponsors and not by the Secretariat.
2. In compiling the tables in the Annexes to document GC(XXXVII)/1071, the Secretariat had - for want of a generally accepted definition of "developing country" - based itself on the membership of the Group of 77.
3. The figures in document GC(XXXVII)/1071 had been affected by the fact that a number of staff members who had previously been nationals of a country belonging to the Group of 77 were now nationals of two newly independent countries which did not belong to it.
4. With regard to preambular paragraph (e) of the draft resolution, where it was stated that, according to Annex XII to document GC(XXXVII)/1071, less than 20% of the new staff had been recruited from the developing countries, he said that the sponsors of the draft resolution had inadvertently failed to take account of Romania (a member of the Group of 77); if account had been taken of Romania, the figure would have been slightly over 20%.
5. Mr. GOETHEL (Director, Division of Personnel), responding to the request for clarification made at the previous meeting by the Brazilian representative concerning the number of posts to which individual Member States were entitled, said that the Agency's Policy-making Organs had not established any system of quotas or desirable ranges as a basis for setting levels of representation for individual countries.
6. In the absence of such a system, the Director General based himself on Article VII.D of the Statute and on the Staff Regulations (for example, Regulation 3.06 provided that the

fullest regard should be had in filling vacancies to the qualifications and experience of persons already in the service of the Agency), using his judgement in every individual case.

7. Some organizations with larger numbers of staff members (for example the United Nations, WHO and FAO) were applying mathematical formulae whereby weight was given to factors such as population and financial contributions, but he did not know whether they were satisfied with the results.

8. Mr. RUIZ (Spain) said that his delegation shared the concern of the Group of 77 about the deterioration in the level of representation of countries belonging to the Group. However, the problem highlighted by the resolution was not confined to the Group of 77: it also affected countries of the West European group.

9. In order to bring operative paragraph 2 of the draft resolution closer into line with paragraph 2 of resolution GC(XXXVI)/RES/598 adopted in 1992, he proposed that the phrase "in keeping with the provisions of Article VII.D of the Statute" be added after the word "efforts" and that the phrase "with due consideration for equitable geographical distribution" be deleted.

10. Ms. KINSKY (France) said that, while her delegation supported the draft resolution in principle, it believed that the changes proposed by the representative of Spain would constitute an improvement; there should certainly be a reference to Article VII.D of the Statute.

11. Referring to preambular paragraph (g), she said that implementation of the resolution ought not to affect the due representation of any particular area. During the past four years, however, Western Europe had lost 25 posts as a result of a policy approved by all Member States participating in the General Conference. At the same time, the Group of 77 had gained only one post, so it would appear that the sacrifices made by Western Europe - and by it alone - had not brought the expected benefits to countries of the Group of 77.

12. She looked forward to an end of the penalization of Western Europe in general, and of certain West European countries in particular.

13. Mr. FARAHAT (Egypt), responding to the comments made about the inclusion of a reference to Article VII.D of the Statute, pointed out that preambular paragraph (c) referred to "all the considerations provided for in the Statute for the appointment of staff".
14. Responding to the comments about preambular paragraph (g), he pointed out that the paragraph in question had appeared in previous resolutions on staffing adopted by the Conference.
15. The fact - highlighted by the French representative - that the Group of 77 had gained only one post while Western Europe had been losing 25 only underlined the need for a resolution like the draft now under consideration.
16. Mr. LAMPARELLI (Italy), commenting on the statement made by the Director of the Division of Personnel, said that an informal system of quotas for the allocation of posts had been in use within the Agency until a few years before.
17. With regard to the draft resolution under consideration, he wondered whether such resolutions, which lent themselves to differing interpretations and resulted in the kind of anomaly mentioned by the French representative, constituted the best way of achieving the result which Member States were seeking. The first such resolution had been adopted by the General Conference 12 years earlier, and the staffing issue had still not been resolved to everyone's satisfaction.
18. Mr. GOETHEL (Director, Division of Personnel), responding to the remarks of the representative of Italy, said there was one factor which could easily be quantified, namely contributions to the Regular Budget, and calculations had in the past been made in order to find out what level of representation of different Member States would result if such contributions were the sole factor. No attempt had ever been made to quantify other factors, however, and he believed that a system based solely on Regular Budget contributions would be of very limited value.
19. Ms. SCHICK (Australia) commended the Director General for acting in accordance with the paramount principle spelled out in Article VII.D of the Statute when recruiting staff; the Agency could well serve as a model for other members of the United Nations family. Her delegation approved of the Director General's efforts since 1981 to

improve the representation of developing countries nationals and of women in the Secretariat, but felt that there was scope for further action in that regard.

20. With regard to the draft resolution, she believed that a reference to Article VII.D of the Statute should be included in operative paragraph 2. Also, she would have liked to see in operative paragraph 1 a commendation of the Director General's efforts, in line with previous resolutions on staffing.

21. Mr. NOGUEIRA VIANA (Brazil), recalling the interventions of the representatives of Spain and Egypt, suggested that a reference to Article VII of the Statute as a whole - and not just to Article VII.D - be included in operative paragraph 2 of the draft resolution.

22. Mr. CHO (Republic of Korea) said that another way of accommodating the wishes of some delegations might be to add "particularly Article VII.D" after "Statute" in preambular paragraph (c).

23. There had been no improvement in the past year in the representation of developing countries on the staff, despite the many resolutions on the subject adopted by the General Conference. In view of that fact, he saw no merit in slavishly reproducing the previous year's resolution for adoption at the current Conference session.

24. Mr. CAMPUZANO PIÑA (Mexico) and Mr. MOHAN (India) supported the suggestion made by the representative of the Republic of Korea.

25. Mr. LAMPARELLI (Italy) said he preferred the suggestion made by the representative of Brazil.

26. Ms. KINSKY (France) said that, while she would prefer a reference specifically to Article VII.D, she could go along with a reference to Article VII as a whole provided it was included in operative paragraph 2.

27. Mr. RUIZ (Spain) said that, in the interests of consensus, he would accept the modification to his original proposal for operative paragraph 2 made by the representative of Brazil.

28. Mr. CHO (Republic of Korea) said he too could join in a consensus on that basis.

29. The CHAIRMAN took it that the Committee could accept the following amended wording for operative paragraph 2:

"Requests the Director General to intensify his efforts, in keeping with the provisions of Article VII of the Statute, over a period of four years to increase substantially, particularly at the senior and policy-making levels, the number of staff members drawn from developing countries".

Preambular paragraph (c) would remain unchanged.

30. It was so agreed.

31. The CHAIRMAN assumed that the Committee wished to recommend to the General Conference that it adopt the draft resolution in document GC(XXXVII)/COM.5/129, as amended.

32. It was so agreed.

(b) WOMEN IN THE SECRETARIAT (GC(XXXVI)/RES/599, GC(XXXVII)/COM.5/132/Rev.1)

33. Ms. BROWN (United States of America), introducing the draft resolution contained in document GC(XXXVII)/COM.5/132/Rev.1, said that at a recent meeting sponsored by the Agency's Women's Forum, her delegation had listened with interest to comments made by a number of guests, both male and female, after a speech given by the guest of honour, United States Secretary of Energy Ms. O'Leary. In the light of those comments, her delegation had felt it appropriate to put forward a draft resolution on women in the Secretariat in order to maintain the momentum generated by resolution GC(XXXVI)/RES/599 adopted by the Conference in 1992. It was obvious from the number of countries listed in document GC(XXXVII)/COM.5/132/Rev.1 that had sponsored the resolution that other Member States had felt the same way.

34. Her Government was prepared to provide the Agency with the services of an expert to assist in implementing the initiative envisaged in paragraph 4 of the draft resolution.

be amended to read: "place equal emphasis on recruitment from all available sources and promotion in accordance with Staff Regulation 3.06".

55. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to accept subparagraph 3(a) with the amendment proposed by the United States representative and that it wished to recommend to the General Conference that it adopt the draft resolution in document GC(XXXVII)/COM.5/132/Rev.1 as amended.

56. It was so agreed.

#### ARTICLE VI OF THE STATUTE

(a) AMENDMENT OF ARTICLE VI.A.2 (GC(XXXVI)/RES/600, GC(XXXVII)/1081 and Add.1, GC(XXXVII)/COM.5/133)

57. Mr. JAMEEL (Pakistan), introducing the draft resolution contained in document GC(XXXVII)/COM.5/133, said that the under-representation of certain regions on the Board of Governors was an issue recognized since the twenty-fifth session of the General Conference. The draft resolution was virtually identical with resolution GC(XXXVI)/RES/600 adopted by the General Conference in 1992 except that preambular paragraph (a) of the 1992 resolution had been omitted.

58. Mr. KOSTENKO (Ukraine), expressing support for the draft resolution, said that, in the course of the many years during which the question of amending Article VI.A.2 had been under consideration, the situation in some of the areas referred to in Article VI had changed considerably. The area in which his own country was located was now under-represented and fully entitled to claim an additional seat on the Board.

59. Mr. PROKHORENKO (Russian Federation) said that, on the whole, the present composition and size of the Board realistically reflected the balance among various groups of Member States and met the requirements of good management. In the light of recent world events, however, his delegation was not against further discussion of the question of amending Article VI.A.2.

60. Mr. TABET (Algeria), supported by Mr. CAMPUZANO PIÑA (Mexico) and Mr. CHO (Republic of Korea), suggested that a preambular paragraph (a) reading "Taking

into account the report of the Board of Governors contained in document GC(XXXVII)/1081 " be included in the draft resolution.

61. The CHAIRMAN took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(XXXVII)/COM.5/133 as amended.

62. It was so agreed.

(b) REVISION OF ARTICLE VI AS A WHOLE (GC(XXXVI)/OR.352, paras 40-41, GC(XXXVII)/1082 and Add.1)

63. Mr. LAMPARELLI (Italy), drawing attention to paragraph 16 of the Appendix to document GC(XXXVII)/1082, suggested that the Chairman of the Committee of the Whole, when reporting to the General Conference, recommend that the Conference invite Member States to submit written comments on a possible review of the membership of the Board.

64. He hoped that the Informal Working Group, with the same Chairman, would produce useful results in the coming year.

65. Mr. CHO (Republic of Korea), expressing support for the recommendation in paragraph 19 of the Appendix to document GC(XXXVII)/1082 that the Informal Working Group be re-established, said that he would like the following views to be taken into account in the Group's future work.

66. The Informal Working Group had been in existence for some years but had unfortunately still made no real progress. Article VI, which had last been amended 20 years earlier, did not reflect in the composition of the Board the drastic changes of recent years in the world's political situation and in the atomic energy field. Membership of the Agency would have increased to over 120 by the end of 1993. In 1973, nuclear power plants had been operative in only 16 countries, while at present 29 countries were operating them.

67. A more objective and clear-cut set of criteria for designated seats on the Board should be established, and the designation process should be more transparent. The current system of regional grouping, which he regarded as impractical, should be revised, preferably by

adopting the same grouping as was used in the United Nations and other international organizations. There was a need to reflect the increase in the Agency's membership and to involve in the Board's work those Member States which had achieved significant progress in the peaceful use of nuclear energy over the past two decades.

68. Considering that discussions on revising Article VI had not resulted in any concrete action for some time, his delegation supported the suggestion that, as an interim measure pending revision of Article VI, steps be taken to make immediate re-election to regional seats possible by amending the relevant provision in Article VI.

69. In conclusion, he expressed support for the idea of the Conference's inviting written comments from Member States on a possible review of the Board's membership.

70. Mr. OUVRY (Belgium) said that his delegation was opposed to amending Article VI in piecemeal fashion and could therefore not go along with the idea - mentioned by the representative of the Republic of Korea - of an interim measure designed to make immediate re-election to regional seats possible.

71. The Informal Working Group should bear in mind that it was important that countries which depended on nuclear power for a substantial part of their electricity supplies be adequately represented on the Board. Since the last enlargement of the Board, the number of countries possessing nuclear reactors had increased; consequently, the number of members of the Board should be increased. In that connection, he recalled the "Italian proposal", which his delegation considered still to be essentially valid.

72. Mr. RUIZ (Spain) associated himself with what the representative of Belgium had said about the "Italian proposal" and with what the representative of Italy had said about the Conference's inviting written comments from Member States.

73. Mr. CAMPUZANO PIÑA (Mexico) expressed support for the idea mentioned by the representative of the Republic of Korea.

74. Ms. CZOCH (Hungary), supported by Mr. WOJCIK (Poland), said that any enlargement of the Board's membership should be preceded by a careful review and that there was a need for innovative ideas in that connection.

75. Hungary did not at present favour changes in the representation of the area groups and did not support the idea regarding immediate re-election to area seats.

76. Mr. TABET (Algeria), expressing support for the idea mentioned by the representative of the Republic of Korea, suggested that the relevant provision of Article VI.A.2 ("No member in this category in any one term of office will be eligible for re-election in the same category for the following term of office") be suspended on an experimental basis for a limited period.

77. Mr. ISASHIKI (Japan) said that the composition of the Board should reflect the changing situation in the world and that, at the same time, the Board should maintain - or even improve on - its present standard of efficiency.

78. His delegation looked forward to taking an active part in the work of the re-established Informal Working Group.

79. Mr. LENG (China) said that his delegation, which attached great importance to questions concerning a revision of Article VI, believed that any revision should - because of the far-reaching implications for the functioning of the Agency - be based on consensus.

80. He felt that it was premature to make concrete proposals for amending Article VI and that the best thing for the moment would be to re-establish the Informal Working Group.

81. Mr. RAZAK (Indonesia), commending the efforts of the Informal Working Group's Chairman, said any consensus on amending Article VI should ensure that the present balance of geographical representation was maintained.

82. Although the Informal Working Group had not so far been very successful, his delegation agreed that it should be re-established.

83. Mr. DICKSON (United Kingdom) said that his delegation sympathized with those who would like to see the Informal Working Group acting more vigorously. However, there existed real concerns and difficulties which would probably continue to stand in the way of consensus within the Group in the near future.

84. Regarding the question of immediate re-election to area seats, he did not think that Article VI should be amended piecemeal. Any revision of Article VI should take all relevant factors into account and thereby constitute a long-term solution.

85. The CHAIRMAN said he assumed that the Committee wished to recommend to the General Conference that it take note with appreciation of document GC(XXXVII)/1082 and Add.1 and that it endorse the proposal in paragraph 19 of the Appendix to document GC(XXXVII)/1082 relating to the re-establishment of the Informal Working Group.

86. It was so agreed.

The meeting rose at 9.55 p.m.