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**THIRTY-EIGHTH (1994) REGULAR SESSION****COMMITTEE OF THE WHOLE****RECORD OF THE FOURTH MEETING**

Held at the Austria Center Vienna  
on Wednesday, 21 September 1994, at 3.30 p.m.

Chairman: Mr. GOESELE (Germany)

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[\*] GC(XXXVIII)/25.

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The composition of delegations attending the session is given in document GC(XXXVIII)/INF/11/Rev.2.

THE FINANCING OF TECHNICAL ASSISTANCE (GC(XXXVIII)/21;  
GC(XXXVIII)/COM.5/4)

1. The CHAIRMAN, after drawing the Committee's attention to document GC(XXXVIII)/21, which contained a report by the Chairman of the informal working group on the financing of technical assistance, and to document GC(XXXVIII)/COM.5/4, which contained a draft resolution submitted by Venezuela on behalf of the Group of 77, invited the Chairman of the informal working group to introduce his report.

2. Mr. TARMIDZI (Indonesia), Chairman of the informal working group on the financing of technical assistance, thanked all parties that had facilitated his task, particularly those in the Secretariat who had provided the data needed to supplement the statistics set out in the report and the Member States which had constructively participated in the bilateral consultations and contributed to the report's conclusions.

3. Although a consensus had not been reached during the consultations, his delegation believed that continued efforts should be made to find ways and means of increasing contributions to the Technical Assistance and Co-operation Fund (TACF) and making the funding of technical co-operation predictable and assured. Technical assistance remained essential to the peaceful use of nuclear energy, and ensuring the effectiveness of technical assistance provided through the United Nations was a goal that should be ardently pursued.

4. Mr. PRAKASH (India) thanked the Chairman of the informal working group for all his efforts to find a way of ensuring predictable resources for technical assistance.

5. Introducing the draft resolution contained in document GC(XXXVIII)/COM.5/4 on behalf of the sponsors, he said it was a straightforward document whose intention was to note the lack of progress in the implementation of resolution GC(XXV)/RES/388 and to seek the re-establishment of the informal working group. The draft resolution also expressed the hope that concrete proposals would be made to facilitate the discussions in the working group.

6. Mr. SERVIGON (Philippines) congratulated the Chairman of the informal working group for exploring all possible alternatives to the present system of financing technical assistance. The subject was one of concern throughout the United Nations system. A number of studies had been made with a view to resolving the problem, but failing an

agreement between the donor and recipient countries on the underlying principles for technical assistance, the stalemate was likely to continue.

7. Mr. KOCH (Germany) expressed appreciation for the work done by the informal working group and said it was unfortunate that its efforts to arrive at a consensus had not been successful. With regard to the draft resolution in document GC(XXXVIII)/COM.5/4, he said he understood operative paragraph 1 to mean that the informal working group should be re-established at no additional cost to the Agency. He therefore suggested that the words "with no financial implications" be inserted after "to re-establish". On paragraph 2, he would welcome clarification from the Secretariat as to what was meant by the phrase "concrete proposals" to be put forward by the Director General.

8. Mr. ESPINO (Director, Division of Budget and Finance) said the Director General's role, as the Secretariat saw it, was to identify possible options, perhaps to be drawn from the practice of other organizations, which the informal working group might take into consideration.

9. Mr. KOCH (Germany) suggested that, in the light of that explanation, the words "concrete proposals" should be replaced by "possible options" in paragraph 2.

10. Mr. PRAKASH (India) said the proposed amendments were acceptable to the sponsors.

11. The CHAIRMAN said that if there were no objections, he would take it that the Committee wished to adopt the proposed amendments to operative paragraphs 1 and 2 of the draft resolution.

12. It was so decided.

13. Mr. CAMPUZANO PIÑA (Mexico) drew attention to paragraph 3 of the draft resolution, which differed in wording from a similar resolution adopted at the previous session. In order to bring the text in line with the earlier version, he suggested that the words "to the General Conference at its 39th regular session" be inserted at the end of paragraph 3.

14. The amendment was adopted.

15. The CHAIRMAN suggested an editorial change in paragraph 2: the words "to come up with" should be replaced by "to identify".

16. The amendment was adopted.

17. The CHAIRMAN said that if there was no objection, he would take it that the Committee wished to recommend to the General Conference that it adopt the draft resolution in document GC(XXXVIII)/COM.5/4, as amended.

18. It was so decided.

#### PERSONNEL QUESTIONS (GC(XXXVIII)/12)

(a) STAFFING OF THE AGENCY'S SECRETARIAT (GC(XXXVIII)/COM.5/5)

(b) WOMEN IN THE SECRETARIAT (GC(XXXVIII)/COM.5/10)

19. Mr. VILLALBA PALACIOS (Venezuela), introducing the draft resolution in document GC(XXXVIII)/COM.5/5 on behalf of the sponsors, noted that it had been approved in a plenary meeting of the Group of 77.

20. Ms. KINSKY (France) expressed surprise at the draft resolution now before the Committee, as it did not formally reflect either past events or current realities. According to document GC(XXXVIII)/12, the percentage representation of developing countries on the staff of the Agency was now equivalent to nearly a third overall, and over 30% among senior staff. That welcome result was the product of the Secretariat's unwavering implementation of the General Conference's resolutions on the subject since 1981 and had been achieved without departing from the strictest observance of the criteria regarding competence and integrity laid down in Article VII.D of the Statute. Such a result had been possible only by virtue of a significant increase in the number of qualified and highly qualified candidates from developing countries which showed that the gap between developed and developing countries in that respect had now virtually disappeared - a development in which the technical assistance provided through the Agency might well have played a role. It was a pity that the draft resolution did not refer to the improved situation in more positive terms, as did the corresponding paragraph of the draft resolution on women in the Secretariat (GC(XXXVIII)/COM.5/10).

21. Her delegation could support a recommendation that the Secretariat seek to maintain the balance now achieved, using such means of ensuring an appropriate geographical distribution as training and information activities for recruitment officers at all levels, rather than discriminatory measures, which had adverse psychological effects and could well backfire.

22. In the past, positive discrimination in favour of candidates from developing countries had been justified, but now that the 27% of qualified and highly qualified candidates accounted for by those countries were getting over 40% of all posts, that could only be described as reverse discrimination and was in any case no longer necessary. Her delegation attached great importance to training aimed at promoting awareness of cultural differences, educational systems and languages. Multinationality could and must be enriching; competence was the province of no single nationality or language. If linguistic and cultural prejudices were one of the unspoken reasons for the underrepresentation of certain countries, efforts must be made to break down those psychological barriers. On the other hand, the current situation must not be made out to be unsatisfactory, and the Secretariat should not be requested to intensify its efforts to improve it. The objective originally set had now been achieved with the attainment of a representation level of one third - especially bearing in mind the reference in Article VII.D to the need to take into account financial contributions, which amounted to less than 10% for the developing countries altogether.

23. On a particular part, the current wording of operative paragraph 2 was unacceptable: the application of such a four-year rule would ultimately result in a situation where 100% of the staff would hail from a single category of States - the developing countries.

24. Mr. KOSTENKO (Ukraine) welcomed document GC(XXXVIII)/12, particularly the description in paragraphs 12 and 13 of the Secretariat's approach to recruitment. The scale of assessment and number of Member States were quite similar in most organizations of the United Nations system: Governments thus had a fairly clear idea of the number of posts to which they could aspire. As the document showed, however, the representation in the Secretariat of his country and of the region as a whole had been steadily decreasing of late. His delegation was all the more concerned at that apparent trend because a number of staff members from Ukraine were expected to leave the Agency over the next

two years. The document indicated that since August 1993 Ukraine had proposed 30 candidates for posts in the Professional or higher categories. Yet in the same period, only one Ukrainian specialist had been hired, while two had finished their tour of duty, meaning that the Ukrainian total was down by one. In such circumstances, the motivation for proposing qualified candidates for the Secretariat was, understandably, reduced. In addition, the requirement of speaking English or French was more of a disincentive for Ukrainian specialists than for those from other countries.

25. Nevertheless, his Government would continue to submit the candidacies of qualified specialists to the Secretariat and hoped that they would be given due consideration.

26. Turning to the sub-item on women in the Secretariat, he said the representation of Ukrainian women had declined sharply over the past year. When one Ukrainian woman had completed her tour of duty, it had been impossible to persuade the Secretariat to hire even one of the eight Ukrainian women proposed to replace her. The Secretariat should try to maintain, as a minimum, the level of representation achieved for women from a given country.

27. In conclusion, he expressed support for the draft resolution in document GC(XXXVIII)/COM.5/10, which would stimulate efforts to achieve the advancement of women in the Agency's Secretariat. With regard to the draft resolution in document GC(XXXVIII)/COM.5/5, his delegation shared the views of the representative of France.

28. Mr. HULSE (United Kingdom) fully supported the views expressed by France. The number of Professional and higher-category staff from developing Member States had doubled from 16.6% in 1981 to 32.2% in 1994, largely owing to the efforts of the Director General and the Secretariat. Those results should be reflected in operative paragraph 1 of the draft resolution submitted on behalf of the Group of 77.

29. Operative paragraph 2 of the draft resolution requested the Director General to intensify his efforts to increase substantially the number of staff members drawn from developing countries. The Director General had clearly indicated his support for that policy and would no doubt continue to pursue it. In a technical body such as the Agency, however, the highest standards of competence and effectiveness were required, and the Conference

should not seek to impose additional criteria or specific targets which might constrain the recruitment of staff with those qualities.

30. Operative paragraph 3, as it stood, implied an ongoing campaign with no delimited objective. He was sure that was not what was intended by the co-sponsors.

31. Thus, with a committed Director General and an affirmative recruitment policy in place, it was now up to Member States to distribute vacancy notices widely, encourage well-qualified applicants and provide the necessary Government sponsorship.

32. Mr. UNGER (Germany) endorsed the views expressed by France and the United Kingdom. The Director General and Secretariat were to be congratulated for producing a valuable report and statistical material which illustrated the enormous progress made since the beginning of the Agency's campaign to increase the numbers of staff from developing countries. His delegation had already pointed out in the Board of Governors the previous week, that the situation in that regard was rather more satisfactory than it had been 13 years previously, as was demonstrated by the remarkable fact that in the period covered by the report, 41% of the posts filled had been awarded to qualified and well-qualified candidates from the developing countries even though they had only provided 27% of the applicants.

33. That situation should also be considered in the light of the provision in Article VII.D of the Statute that due regard should be paid to the contributions of members to the Agency's budget. The representative of France had already emphasized in that connection that the overall contribution by the group of States concerned was not commensurate with their representation on the staff of the Agency. The developing countries accounted for 33% of the total number of Professional staff members and just over 30% of senior staff members, yet had provided approximately 7% of the total contributions. It would therefore be appropriate for the draft resolution submitted by the Group of 77 to reflect the true situation and to refrain from calling upon the Director General to intensify his efforts to increase the numbers of staff in certain categories. It was no longer necessary, furthermore, to repeat the exercise on an annual basis.

34. Mr. ISASHIKI (Japan), welcoming the positive results shown in the report, emphasized the importance of recruiting staff in accordance with the provisions of the Statute, notably the provision that paramount consideration should be given to the competence and integrity of individuals and that due regard should also be paid to the contributions of members to the Agency's budget and to achieving a geographical balance and, although not mentioned in the Statute, an appropriate gender balance. He therefore proposed that preambular paragraph (c) of the draft resolution submitted on behalf of the Group of 77 should be reworded to read:

"(c) Emphasizing that, as provided for in Article VII of the Statute, while the paramount consideration should be given to securing employees of the highest standards of efficiency, technical competence and integrity, due regard should be paid to the contributions of members to the Agency as well as to the importance of recruiting the staff on as wide a geographical basis as possible,".

35. The same elements should also be borne in mind in considering the draft resolution on women in the Secretariat (GC(XXXVIII)/COM.5/10). However, since it concerned individuals rather than country representatives, it was probably unnecessary to take wording from the Statute.

36. Mr. SÖLENDİL (Turkey) said he was pleased to see the significant increase in qualified and well-qualified applicants from the developing countries and trusted that equal opportunities for promotion would also be given to staff members from those countries.

37. Mr. ELYSEU FILHO (Brazil) said that his delegation did not regard the increase in the representation of developing countries from 16% to 30% as being very satisfactory. It was particularly significant that, as indicated in Annex VII of document GC(XXXVIII)/12, there had been no improvement in recruitment at the senior levels; indeed since 1985 there had been a constant decline, especially in the past three years. The fact that candidates from the developing countries were not being recruited to higher posts was a matter for concern. The draft resolution submitted on behalf of the Group of 77 was therefore fully justified and strongly supported by his delegation.

38. Mr. PAPANIMITROPOULOS (Greece) agreed with those who found the constant decrease in the representation of certain groups in the Agency unacceptable. If the



present trend continued, the picture would be very different by the year 2020. The draft resolution submitted by the Group of 77 should therefore be modified in order to avoid such a trend.

39. Mr. OUVRY (Belgium) said that while endorsing the basic aim of the draft resolution submitted by the Group of 77, he supported the views of France, Germany, Japan and the United Kingdom, including Japan's proposed amendment to preambular paragraph (c).

40. Equitable representation of all Member States on an individual basis was important, not least because the presence of compatriots in the Secretariat could facilitate dialogue between the Agency and its Member States. It was also an advantage for the Agency and of benefit to all Member States if it could recruit staff with a thorough knowledge of, and contacts in, the nuclear industry in their own countries.

41. While it might be difficult to incorporate that element into the draft resolution, it should be taken into account in future. For the time being, therefore, operative paragraph 1 should take note of the efforts made by the Director General so far, and paragraph 2 should request him to intensify his efforts. The use of the word "redoubler" in the French text was perhaps not appropriate in that context.

42. Ms. BATACLAN (Philippines) fully supported the draft resolution by the Group of 77 but agreed that paragraph 1 might usefully reflect the recognition of the Director General's efforts that had been expressed in the meeting. Paragraph 2, requesting the Director General to intensify those efforts, was appropriate given the need for improvement at the senior levels in particular.

43. Mr. MOHAN (India) emphasized, as a co-sponsor of the draft resolution, that there had been no intention of denying credit where it was due: improvements had been made and had been recognized. Operative paragraph 2 was intended to reflect the developing countries' concern about senior posts. The co-sponsors sought to rectify the existing imbalance but did not intend that the exercise should be continued indefinitely, nor that any one group should be replaced by another. He therefore urged countries to support the resolution in recognition of the concerns of the developing countries.

44. Mr. ZHU (China) said that the statistics in document GC(XXXVIII)/12 showed the percentage of staff from the developing countries to be still very low. He hoped that the Agency would continue its efforts to improve vacancy notices, streamline its evaluation of qualifications and its selection process, and help developing countries perfect their Government sponsorship methods. He trusted that over the next three years the percentage of staff from developing countries would show a further increase.

45. With those remarks, his delegation supported the draft resolution submitted by the Group of 77 and its adoption by the Conference.

46. Mr. WEBB (Canada) associated himself with the statement made by France and agreed with the United Kingdom and Ukraine that it now lay with Member States to ensure that vacancy notices were brought to the attention of suitably qualified applicants. In that connection he recalled that at the briefing meeting held before the pre-Conference meetings of the Board of Governors, a question had been raised concerning whether Government sponsorship should be required for all applicants. The Canadian Government would be interested in pursuing that question, particularly if doing so might result in the removal of an obstacle to employment in the Agency.

47. He endorsed the concern of previous speakers about operative paragraph 2, particularly the request that the Director General should intensify his efforts, since that request could lead to workload difficulties for senior staff and Section Heads in the technical Divisions of the Agency. For that reason alone his delegation preferred to work with the present measures, which were proving successful, and to wait for a few years before considering what additional measures, if any, might be required.

48. Mr. QUAYES (Bangladesh) said that despite the delicate nature of the task, international organizations like the Agency should ideally strive to achieve an appropriate balance in terms of regional distribution of posts, particularly where jobs requiring special qualifications were concerned. Over the years, a pool of well-qualified personnel had evolved in the developing countries, thanks largely to the positive efforts of individual Governments.

49. Unfortunately, an equitable gender balance did not generally exist in the developing countries, although some Governments, like that of Bangladesh, were committed to promoting women in public service and in the professions. There was no reason, however, why affirmative action to improve the gender balance should not be possible on a regional basis. He fully agreed with previous speakers that the objective of achieving the widest diversity of nationality and a proper gender balance should be pursued.

50. Ms. BATACLAN (Philippines), referring to the rewording of preambular paragraph (c) proposed by the representative of Japan, pointed out that the original version of that paragraph in any case mentioned "all of the considerations provided for in the Statute". If it were felt necessary to highlight a specific paragraph, it would save space simply to quote the paragraph number rather than to paraphrase it.

51. Mr. MOHAN (India) supported the view of the representative of the Philippines that the reference to the Statute in the original formulation was sufficient.

52. Ms. KINSKY (France) said that special emphasis should be placed on fulfilment of the recruitment criteria outlined in Article VII.D of the Statute.

53. Mr. ELYSEU FILHO (Brazil) noted that some categories of staff were not included under the provision for geographical distribution in Article VII.D; reference should therefore be made to the Article as a whole.

54. Mr. ISASHIKI (Japan) explained that the purpose of his proposal had been to stress the most important provisions regarding recruitment contained in the Statute. Perhaps the comments of the Philippines, Brazil and India could be accommodated by inserting "inter alia" after "Statute" in his proposed amendment.

55. Ms. BATACLAN (Philippines) said that as her problem with the Japanese proposal had been its paraphrasing of the Statute, she could support Brazil's suggestion that reference be made simply to Article VII.

56. The CHAIRMAN asked whether a reference to Article VII of the Statute as a whole would be a generally acceptable solution.

57. Mr. ISASHIKI (Japan) was unwilling to go along with that suggestion and asked that discussion of preambular paragraph (c) be deferred until later.

58. The CHAIRMAN invited comments on operative paragraph 1 of the draft resolution.

59. Mr. OUVRY (Belgium) suggested deleting the words "that, notwithstanding" from the first line of that paragraph.

60. Ms. KINSKY (France) proposed that the phrase "and the substantial results already obtained" be inserted after "Director General" and expressed misgivings about the word "much" in the phrase "much remains to be accomplished".

61. Mr. MOHAN (India) endorsed the amendments proposed by Belgium and France but thought that the final phrase should stay.

62. Mr. ELYSEU FILHO (Brazil) welcomed the proposal by the representative of Belgium to recognize the efforts made by the Director General but suggested that the word "substantial" be deleted from the French proposal. The last phrase should be retained, as there was undoubtedly still room for improvement.

63. Mr. PÉREZ MARTÍN (Cuba) supported that suggestion.

64. Ms. KINSKY (France) said that she could accept deletion of the word "substantial".

65. Mr. ALCANTARA DE MELO (Portugal) suggested substituting "more" for "much" in the final phrase.

66. The CHAIRMAN asked the Committee whether it could accept the following amended wording for operative paragraph 1:

"Notes the efforts made by the Director General to increase the number of staff members drawn from developing countries in accordance with General Conference resolution GC(XXV)/RES/386 and the results already achieved, although more remains to be accomplished".

67. It was so agreed.

68. Ms. TISCHLER (Germany) proposed that operative paragraph 2 should be amended to read "Requests the Director General to maintain these efforts with a view to keeping up the overall balance achieved and to improve, where necessary, the number of staff from developing countries at the senior and policy-making levels."

69. Mr. OKONKWO (Nigeria) said he had some difficulty with the words "keeping up the overall balance achieved". He could accept that the Director General had achieved reasonable results, but no overall balance yet existed.

70. Mr. NOGUEIRA VIANA (Brazil) shared that view. He would prefer the phrase "intensify his efforts" to be retained, since it was clear from the table contained in Annex VII to document GC(XXXVIII)/12 that an imbalance still existed. In particular, the position regarding senior posts in the Agency was worsening for member countries of the Group of 77 and improving for other groups. In 1985, 38% of senior posts had been held by Group of 77 nationals, whereas today that figure was only 30%. In other words, over the past ten years the number of senior posts held by staff from developed countries had risen from 19 to 23, while the number of posts held by staff from developing countries had decreased from 12 to 10.

71. Mr. ISASHIKI (Japan) expressed concern at any suggestion that the number of staff members from developing countries should be increased in proportion to the number of Member States from the developing world. Appropriate representation of the developing countries in the Secretariat was, of course, important, but there were other important considerations to be taken into account, the paramount one being, as explicitly stated in Article VII.D of the Statute, the need to secure the highest standards of efficiency, technical competence and integrity. In addition to geographical balance, due regard should also be paid to the contributions of Member States to the Agency. If those essential aspects were not given proper consideration, undue importance might be attributed to only one aspect.

72. Accordingly, he proposed that in the existing text the words "increase substantially" should be replaced by "achieve", and that the word "appropriate" should be inserted before "number".

73. Mr. QUAYES (Bangladesh), supported by Mr. CHECKH KHALFALLAH (Tunisia), proposed the formulation "Requests the Director General to further intensify his efforts to improve, where necessary, the number of staff from developing countries at the senior and policy-making levels".

74. Ms. TISCHLER (Germany) said that if some representatives had problems with the phrase "overall balance", she would suggest substituting "in keeping with the provisions of Article VII of the Statute" for "with a view to keeping up the overall balance". She could accept Japan's formulation "to achieve the appropriate number of staff members", although she would prefer her own wording.

75. Mr. OKONKWO (Nigeria) said he was at a loss to understand why the existing wording of operative paragraph 2 was giving rise to such difficulties; when the same resolution had been submitted in the past the Committee of the Whole had found it quite acceptable. If the word "intensify" caused problems, he would suggest that it be replaced by "continue", and that the rest of the text be left unchanged.

76. Mr. NOGUEIRA VIANA (Brazil) said he would prefer to retain "intensify", which in fact had been the word adopted the previous year. He had some doubts about the phrase "to achieve the appropriate number of staff" suggested by Japan, since it was not clear by what criterion the Agency was to decide what was appropriate or not appropriate.

77. Ms. KINSKY (France) pointed out that the reason why the text was now giving rise to difficulties, whereas in the past it had been adopted by consensus, was that the perception of what was appropriate or not appropriate had changed. When the first resolution on the subject had been adopted in 1981, the percentage of staff members from developing countries which had been accepted as reasonable had been between 31 and 33%. That level had now been reached, and that was precisely the difficulty. The fact that in a particular year the percentage of the senior level had, for a variety of reasons, risen to 38% was to be welcomed, but it followed that for that year no resolution on staffing should have been necessary - at least with regard to the higher levels.

78. In a spirit of compromise, she could accept a wording based on that proposed by the representative of Bangladesh, but whatever formulation was adopted, her delegation would

insist that the phrase "in keeping with the provisions of Article VII of the Statute" be retained.

79. Mr. MOHAN (India) said that so many different proposals had now been put forward that it was impossible to be sure what text was being discussed.

80. The CHAIRMAN suggested that a small working group be set up under the chairmanship of Mr. Wojcik (Poland), Vice-Chairman of the Committee, to find an acceptable text for the remainder of the draft resolution before the Committee met again.

81. It was so agreed.

STRENGTHENING OF THE AGENCY'S MAIN ACTIVITIES (GC(XXXVIII)/COM.5/2)  
(resumed)

82. Mr. JAMEEL (Pakistan) said the working group which he had been asked to chair had reached agreement on a revised text of the draft resolution contained in document GC(XXXVIII)/COM.5/2, now entitled "Strengthening of the Agency's technical co-operation activities". Copies of the revised text\* had been distributed to members of the Committee.

83. The CHAIRMAN said he took it that the Committee wished to recommend to the General Conference that it adopt the revised version of the draft resolution contained in document GC(XXXVIII)/COM.5/2, as circulated.

84. It was so agreed.

The meeting rose at 6.15 p.m.

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\* Subsequently issued as document GC(XXXVIII)/35.

