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UN/Secretariat matters 1955

Scientific Conf. on Atomic Energy

30 Aug. - 12 Sept

- 1.) 1 letter from Leon Steinig (UN) - to D.H.
+ 1 encl. - Note on the Proposed International Atomic
Energy Agency and its relations with the UN.
- 2.) 1 letter (reply) from D.H. - to L. Steinig



Personal.

The Secretary-General.

The attached note was substantially written before I had the opportunity of reading recently the "Draft Statute of International Atomic Energy Agency," dated 6 July '55. This was the only documentary information available to me; it partly confirmed the assumptions on which the note is based.

If I could have kept in closer touch with the situation, I would, no doubt, have modified the note in several details, but probably leaving unchanged its general assumption of what is reasonably desirable and obtainable. I say this, knowing that there is a wide margin between a generally acceptable solution and the readiness to agree of those whose concurrence is essential.

Entrusted with a watching brief over the development of the proposed Agency I could concentrate on this question, and perhaps be of assistance, particularly during the busy period of the General Assembly, when action or planning for immediate action may become a matter of urgency. This work would in no way impede my contribution to the Special Session Programme, 1955/56.

A. Steiner. 2 Sept. 55.

30 August 1955

N O T E
on the
PROPOSED INTERNATIONAL ATOMIC ENERGY AGENCY
and
ITS RELATIONS WITH THE UNITED NATIONS*

Negotiating an Agreement

1. GA resolution 810 (IX) "suggests" that the established Agency should negotiate an agreement (sc., of association) with the UN. As matters stand at present it seems that the constitution of an Agency already established will limit the scope of that negotiation as well as the substance of the agreement to formal details and some administrative arrangements to provide for co-ordination. To prevent this it will be necessary so to draft the constitution as to make it possible for an agreement to be negotiated which would allow the UN to participate actively in such matters as the Agency's policy-making, its budgeting and financing and setting of its administrative patterns to follow those of the UN. Arrangements on these lines would call for reports by the Agency to the GA and for the Agency to accept the GA's authority in matters not affecting the Agency's autonomy in the technical field.

Changing views on autonomy

2. Experience has shown conclusively that absolute autonomy is a burden increasing in the measure in which it does not meet real needs of an intergovernmental agency but rather complicates the functioning of the agency and its relations with Governments and the UN. With the expected growth in importance of assistance - both technical and financial - to countries in need of it, these difficulties are bound to become more evident; a better understanding of the kind of autonomy that an agency actually needs, will develop. These probable developments should be borne in mind in shaping the constitution of the Agency.

Technical independence but organizational association

3. The governing principle should be that to function adequately the Agency should have full autonomy in its technical activities. Such full autonomy does not exclude

* - Terms used:

UN : United Nations

GA : General Assembly of the United Nations

SG : Secretary-General of the United Nations

Agency: International Atomic Energy Agency

EH: Executive Head of the Agency

SA: Specialized Agencies of the United Nations

Sponsoring Governments: Australia, Belgium, Canada, France, Portugal,
South Africa, United Kingdom and the United States of America.

but indeed is in every respect compatible with, a close organizational association of the Agency with the UN. An arrangement of this kind would have in addition the practical advantage of leaving the Agency as free as possible from preoccupations with administrative, budgetary and financial arrangements which could be advantageously entrusted to the care of the UN.

4. In brief: functionally - complete technical independence,
organizationally - association with the UN.

Elements of satisfactory association

5. Safeguarded by its complete independence in technical matters, close association between the Agency and the UN could be achieved by:

(i) Participation of the UN in the Agency's policy-making organs. The SG or his representative should be an additional member of the Governing Body and its subsidiary organs without the right of vote; he should also have the right to intervene at any time in the debates of the General Conference of the Agency.

(ii) Reports to the GA. An annual report on the activities and achievements of the Agency would serve as a basis for discussion when the GA was formulating its recommendations connected with the Agency's work to Governments. As indicated in para. 3 above the GA would not have the power to limit in any way the exercise by the Agency of its technical functions.

(iii) Budgetary and financial arrangements. The Agency should consult the UN in the preparation of its budget; submit the budget proposals adopted by its General Conference to the GA for approval and entrust to the UN the allocation of expenses and collection of contributions.

(iv) Similarity of administrative patterns. The Agency would benefit from UN experience by taking over the essence of the Secretariat's administrative patterns, adapting them, as may be necessary, to its particular requirements.

(v) Joint designation of the EH. The close association would be strengthened if the EH were to be nominated by the Governing Body of the Agency and appointed by the SG.

(vi) Special liaison arrangements. It would be helpful to the EH and of great practical value to the UN and its SA, if the SG were to second a senior official from the Secretariat to the Agency for liaison purposes.

Present position

6. According to available information the sponsoring Governments having apparently reached preliminary agreement on the objectives, structure and functions of the Agency, are considering now its draft constitution. The Government of the United States invited the other sponsoring Governments to transmit their final observations to the Department of State by 15 August last.

It is assumed that no final decisions have yet been reached with regard to (i) the procedure to be followed after the receipt of the observations and (ii) the constitution itself, and that it is still possible so to influence these decisions that a constitution

with provisions indicated in paragraphs 1 and 5 above will emerge.

Future developments

7. It seems likely that the constitution of the Agency will be elaborated and adopted on the broad lines of one of the following procedures:

(i) Representatives of the sponsoring Governments, assembled in a constituent conference before the end of this year, would agree on the constitution and decide, subject of its ratification by their respective legislatures, to set up the Agency themselves. In order to start operations without delay, they would elect an interim Governing Body and a temporary EH to function until the first General Conference of the Agency is called. All other Members either of the UN or of any SA would be invited to accept the constitution by a certain date. That date passed, the first General Conference of the Agency would be called to elect a Governing Body which would in turn appoint the EH. This procedure, quick and simple, has much to recommend it from the standpoint of the sponsoring Governments. But long-term considerations should advise against it; under such a scheme, for example, not all important potential contributors of fissionable materials would be closely associated with the Agency from its very beginning;

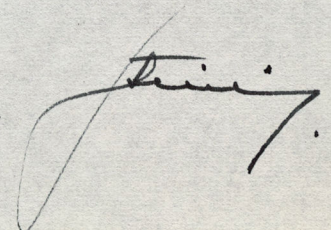
(ii) A variant of the preceding procedure: the sponsoring Governments, negotiating through diplomatic channels, would agree on a constitution, and no constituent conference would be held. It is open to the same objections;

(iii) A draft constitution for the Agency would be agreed upon by the sponsoring Governments and would then be submitted for comments to the Governments of all Members either of the UN or of any SA. The results of this consultation would be laid before a general conference to which all consulted Governments would be invited, called to adopt the constitution. This procedure, timeworn and cumbersome though it may be, will probably prove the best in the long run.

Final elaboration of the constitution

8. Whatever procedure is followed to elaborate and adopt the constitution, it is essential that the UN should henceforth be very closely associated with the work at every stage. Any conference or conferences should be served by a secretariat provided by the SG, although the first of such conferences could be held elsewhere than at Headquarters if the Tenth Session of the GA should make this preferable.

9. As regards handling the observations of Governments mentioned in para. 6 above, arrangements should be made with the Department of State to transmit them to the SG, together with a copy of the latest text of the draft constitution. After such further consultation with Governments as circumstances may require, the SG would then prepare all the documents necessary for a constituent conference.

4. 

12 September 1955

Dear Mr. Steinig,

Your personal letter of 2 September enclosing your "Note on the Proposed International Atomic Energy Agency and its Relations with the United Nations" is acknowledged with appreciation.

I have noted your interest in the proposed agency and your views and suggestions about it.

Sincerely yours,

Mr. Leon Steinig
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United Nations