

## **Working Paper**

### **On the Establishment of an RCA Regional Office In the Republic of Korea**

**Originally adopted by the 31<sup>st</sup> RCA GC in Vienna on 18 September 2002.**

Modified by Australia and Korea in March 2003.

Reviewed by the Advisory Committee (Interim) in May 2003.

#### **1. Introduction**

This Working Paper has been prepared to provide the basis for the establishment of the RCA Regional Office (RCARO or simply the Office) in the Republic of Korea.

Korea offered to host the RCA RO at the 22<sup>nd</sup> RCA National Representatives Meeting (NRM) in Mumbai, India in March 2000. RCA Member States (MSs) welcomed Korea's offer and supported Korea's proposal. The establishment and opening of the RCA RO was agreed upon in principle and adopted by consensus of the MSs at the 23<sup>rd</sup> Meeting of RCA National Representatives (NRM) at Dhaka, Bangladesh in March 2001 and also the 30<sup>th</sup> RCA General Conference Meeting (GCM) in Vienna in September 2001.

The Office was officially opened on 27 March 2002 in Korea on the occasion of the 30<sup>th</sup> anniversary of the RCA Agreement and the 24<sup>th</sup> Meeting of National RCA Representatives.

#### **2. Progress**

In the RCA records, it is noted that there was a suggestion to establish an RCA Office in the region during the RCA Representatives Meeting in Vienna in 1978. However, it did not gain support then because the level of the RCA program was too small to warrant it.

At the 19<sup>th</sup> RCA NRM in Yangon, Myanmar in March 1997, on the occasion of the 25<sup>th</sup> anniversary of the RCA Agreement, the establishment of an RCA Regional Office was strongly proposed as one of the measures to increase ownership of the program by the RCA MSs. This was clearly reflected in the RCA Vision Statement that also recommended other new initiatives such as the introduction of the Lead Country (LC) concept, the implementation of a thematic program, the utilization of Regional Resource Units (RRUs), and the adoption of the RCA Guidelines and Operating Rules.

The issue of an RCARO has been revisited at each of the RCA NRMs since the Yangon meeting. At the 22<sup>nd</sup> RCA NRM in Mumbai in March 2000 and at the 29<sup>th</sup> RCA GCM in Vienna in September 2000, Korea proposed to host the RCARO if established in that country and promised to provide necessary operating cost, including the salary of the Director, if he/she is a Korean. The RCA MSs welcomed Korea's generous offer. However, the role and functions of the Director needed amplification, and also the issue of the financial support for the Director, if he/she is not a Korean, needed additional consideration.

At the 29<sup>th</sup> RCA GCM in Vienna in September 2000, MSs requested Korea to draft a Working Paper together with Australia that would provide a basis for the establishment and operation of an RCARO in Korea.

At the 23<sup>rd</sup> RCA NRM in Dhaka, Bangladesh in March 2001, the RCA MSs again expressed their support for the Korean proposal and the 30<sup>th</sup> RCA GCM in Vienna in September 2001 formed a Task Force to prepare a Working Paper for adoption in September 2001.

At the 30<sup>th</sup> RCA GCM, MSs agreed in principle on the establishment of the RCARO in Korea in early 2002 but as an interim operation until necessary legal provisions were prepared. The 30<sup>th</sup> RCA GCM requested Korea to prepare for the opening of the RCARO during the 24<sup>th</sup> RCA NRM, particularly as Korea would host the 30<sup>th</sup> anniversary of the RCA establishment.

At the 30<sup>th</sup> RCA GCM, a Task Force consisting of the 7 RCA MSs that was originally formed at the 23<sup>rd</sup> RCA NRM in Dhaka, Bangladesh in March 2001 was again requested to review and conclude the Working Paper. The Task Force members were Australia, China, India, Japan, Korea, Pakistan and the Philippines. Australia and Korea were again requested to take the lead. The IAEA/RCA Coordinator was requested to provide advice. However, a further review of the Working Paper was requested so that several other comments made at the 24<sup>th</sup> RCA NRM in Korea could be addressed.

Until a Standing Advisory Committee (SAC) is constituted, an Interim Advisory Committee (IAC) has been established at the 24<sup>th</sup> RCA NRM in Korea. The IAC will support the RCA RO to enter into its mandatory functions. IAC members are the three Chair MSs at the time when the establishment of the RCA RO was in principle agreed (the 23<sup>rd</sup> RCA NRM in Dhaka in March 2001), i.e. India, Bangladesh and Korea. Australia was requested to be a member as a lead for the Task Force and China was requested to be a member representing all other MSs. In addition, the IAEA/RCA Coordinator was also requested to be a member but without voting right.

The IAC had its first meeting in Vienna during 31 July – 2 August 2002 and concluded a final version of the Working Paper as well as relevant Guidelines for reporting to the 31<sup>st</sup> RCA GCM in Vienna in September 2002.

***‘Guidelines on the Operation of the Advisory Committee of the RCA RO’ are attached as Annex – 1.***

However, regarding the legal provisions for the RCARO, it was agreed at the 31<sup>st</sup> RCA GCM that a Resolution by the National RCA Representatives with the administrative arrangement by the IAEA would be more practical instead of having a Supplementary Agreement as previously suggested. The IAC again reviewed the Working Paper to reflect them. The 25<sup>th</sup> RCA NRM in Pakistan in March 2003 adopted the modified Working Paper.

### **3. Need to Establish an RCA Regional Office**

Since the inception of the RCA in 1972 and until recently, most of the RCA programs and projects have been formulated and implemented by the IAEA. It is noted that the IAEA is not a signatory to the RCA but provides assistance ranging from secretariat duties to

technical support and project funding. Since 1996, the IAEA has been strongly encouraging MSs to take more ownership of the RCA programs. The RCARO is considered to be a particularly good vehicle for increasing ownership of the RCA program by the MSs.

#### 4. Role of the Director of the RCA Regional Office

It is important to have a clear separation between the responsibilities of the IAEA/RCA Coordinator and the Director of the RCARO. As a staff member of the Agency, the IAEA/RCA Coordinator continues to be the primary point of liaison with the IAEA, while the Director of the RCARO is responsible to the RCA MSs for all aspect of the RCA program including such as developing contacts with other regional and international organizations to seek additional partners for the RCA and developing new projects for the RCA program. The role of the Director of the RCARO as agreed upon at the 23<sup>rd</sup> RCA NRM in Dhaka in March 2002 and at the 30<sup>th</sup> GC in Vienna in September 2001 is:

- To pro-actively seek out opportunities for the RCA to participate in projects being formulated and designed by major regional and international donors, including international agencies,
- To negotiate and secure contracts for income generating activities to both fund the RCA RO Director's position and provide supplementary funding for RCA projects;
- To promote the application of nuclear techniques to assist in addressing regional and national problems;
- To implement the directives of the MSs as agreed upon at the RCA NRM, in particular, to support developing and formulating new project proposals from MSs in liaison with the relevant LCs; and
- To provide regional visibility for the RCA at regional and national forum level and to develop RCA future strategies and missions in cooperation with the MSs.

#### 5. Operation of the Regional Office

- **Organization:** The RCARO shall be composed of the following staff.
  - 1 Director
  - 1 Program Officer
  - 1 Administration Officer
  - 1 Secretary

It is also suggested that the above positions be filled locally with the exception of the Director who should be from one of the MSs including the host country. The Director may hire additional staff members on a temporary basis when required.

- **IAEA Fellowships:** The IAEA is requested to attach its regular fellowship(s) to the Office to support the RCA technical program activities. Assignment of Cost Free

Expert(s) or Cost Free Consultant(s) from other MS(s) for work at the Office is also welcomed.

- **Location:** During the interim period, the RCARO will be located at Daejeon, Korea.
- **Working Environment:** It shall be satisfactory and conducive to a good working attitude.
- **Office Space:** It shall be adequate to accommodate the Director's office and other staff members. A meeting facility of average size shall be additionally arranged.
- **Office Equipment:** The Director and other staff members shall be provided with appropriate office working desks, filing cabinets, telecommunication lines, modern computers and other office equipment including Internet access lines.
- **Transport Vehicle:** The host country shall provide a dedicated vehicle for the use of the Office.
- **Operating Expenses:** The host country shall provide all locally needed operating expenses of the Office.

## **6. Selections and Appointment of the Director of the RCA Regional Office**

- **Selections and Appointment:** A Selection Committee shall be composed to recommend the most suitable candidate(s) to the RCA National Representatives meetings, either NRM or GCM, for the appointment. The RCA National Representatives meetings will decide appointment of the Director. However, leading up to this approval, appropriate guidelines on the selections and appointment of the Director shall be prepared and a job description for the Director's position shall be drafted. The documents will require approval by an RCA National Representatives meeting. The process of selections and appointment of a Director will be open and transparent.
- **Qualifications and Experience:** The exact qualifications and experience required for the selected candidate(s) shall be clearly explained in the job description (JD) and a Vacancy Notice (VN). It is expected that the candidate(s) shall have a proven record of achievement.

***'Guidelines on the Selection and Appointment of Director of the RCA RO' are attached as Annex 2.***

***'Guidelines on the Operation of the Selection Committee for a Director of the RCA RO' are attached as Annex – 3.***

***'Job Description and Vacancy Notice' are attached as Annex – 4.***

## **7. The Director**

- **Duration of Appointment:** Fixed term 3 years (extendable).
- **Salary:** It is recommended the salary be at a level similar to P-5 staff in the UN organization's P-5 staff. Unless otherwise provided for, the originating MS shall provide the salary including a reserve for retirement allowance for the Director. If the Director's origin is Korea, the salary shall be paid subject to the Korean government's guidelines. Likewise, the supporting agency of the originating MS or of other fund source may pay the salary and other fringe benefits on its own guidelines, if not provide UN P-5 level payments.
- **Fringe Benefits:** The supporting agency shall be responsible for any settlement and resettlement expenses when he/she moves from the Director's home country to Korea. This does not apply to the Director originating from Korea. Other fringe benefits such as medical insurance and children's educational tuition fees may also be provided in accordance with the own guidelines of the supporting agency.
- **Privileges and Immunities:** Unless there is a separate agreement on the privileges and immunities concluded between the host government and the originating government of the Director, and/or between the IAEA, the Director shall observe Korean laws and regulations including taxation. Unless otherwise agreed, the income tax can be compensated for from the expenditures of the RCARO. The MSs, particularly the host country, shall try to offer every possible support to the Director for the exercise of his/her functions. This may require additional separate agreement between the originating MS and Korea.
- **Reporting:** Since the Director is responsible to RCA MSs, he/she shall report directly to the present Chair of the National RCA Representatives meetings through the SAC about his/her performance. The Chair will act as the interface between the Director and the National RCA Representatives. In preparing reports of the activities of the RCARO, the Director is advised to liaise with the IAEA/RCA Coordinator.
- **Relationship with Lead Countries:** The Director is required to have an involvement with LCs with regard to the RCA thematic projects. In the pursuit of the objectives of the Regional Office, the Director shall communicate with the LCs.
- **Relationship with the IAEA/RCA Coordinator:** The Director may communicate directly with the IAEA/RCA Coordinator on a regular basis for consultations and feedback with regard to RCA matters.
- **Relationship with IAEA Technical Officers:** The Director may communicate directly with the Agency's Technical Officers with respect to technical matters of the RCA programs with copies to the IAEA/RCA Coordinator. To ensure effective coordination, the IAEA/RCA Coordinator's Office should also copy all relevant communications between the IAEA/RCA Coordinator and the Director to the Technical Officers of RCA programs.

- **Performance Evaluation:** Because the performance of the Director is critical to the future of the RCA, there will be close scrutiny of the Director's performance against agreed performance criteria set by the Standing Advisory Committee (SAC) at least on an annual basis and failure to perform may result in early termination. The SAC shall be constituted at the RCA NRM.

*A Standing Advisory Committee (SAC) with maximum 5 members shall be constituted after the end of the interim operational period of the Office. The SAC will provide advice on the operation of the Office on behalf of the MSs. The SAC will accordingly have the responsibility to evaluate the performance of the Office, particularly that of the Director.*

***'Terms and Conditions for the Director' are attached as Annex – 5.***

## **8. Other Staff of the RCA RO**

- **Program Officer:** To report to the Director in his/her function of developing new projects, and seeking other partners in order to increase fund sources to achieve RCA visibility.
- **Administration Officer:** To report to the Director in his/her function of operating and managing the RCARO and coordinating with the host government.
- **Secretary:** To support the project related as well as administrative works of the Office. The RCARO may hire additional temporary staff to support administrative works.
- **Employment:** The Director is responsible for hiring the supporting staff according to the guidelines set forth by the RCARO. The Director, by consultation with the host government, shall regulate the terms and conditions of employment of the staff members of the RCARO.
- **Payment:** The host government shall provide salaries and other remunerations including fringe benefits to the staff members of the RCARO subject to local regulations. The payment shall be made in the local currency.

## **9. Legal Actions**

- **RCA GC Resolution:** The present RCA Agreement is valid until June 2007 after being extended for another 5 years as of June 2002. Legal advice is made to facilitate the establishment of the RCARO through amendment of the RCA Agreement. In general, amendment of the existing RCA Agreement requires additional ratification from the parliaments of the MSs, which will be a time consuming process. The 31<sup>st</sup> RCA GCM in Vienna in September 2002 agreed that a Resolution by the RCA National Representatives Meeting containing matters of the establishment and management of the RCARO would be sufficient without the amendment of the RCA Agreement. The IAEA shall facilitate the Resolution in its administrative capacity. This would seem to be a practical approach, since any amendment of the existing

RCA Agreement or concluding a Supplementary Agreement to the RCA Agreement will take time and the continuity of the present RCA Agreement would not be impacted.

However, in order to give the RCARO an appropriate legal entity in the regional and international society, the Government of the Republic of Korea together with other MSs and also with the Agency shall seek additional legal provisions as necessary.

- *MOU between the IAEA and ROK: An MOU that describes formal commitments both from the IAEA and the Government of the Republic of Korea on behalf of the Regional Office regarding the establishment and operation of the RCA Regional Office will be needed. The nature of such an MOU will explain the host government's commitment to support the management and operation of the Regional Office as long as the Office is located in the country and will also describe the Agency's role of liaison with the Office.*
- **MOU between the Director's Origin Country and ROK:** An MOU that defines the commitments from the originating country of the Director, if he/she is a non-Korean national and the Government of Korea as the host government shall be concluded in order to support the activities and living conditions of the Director in Korea.

## 10. Interim Measures

In order to set in place all legal, financial and administrative details involving procedures and management for the RCARO, an interim operation needs to be set in place.

- The interim period has been agreed at the 30<sup>th</sup> RCA GCM in Vienna in September 2001. However, this may be extended for another year to enable better preparations to be achieved.
- During the interim period, the RCARO will continue to be located in Daejeon, Korea.
- During this period, a Korean appointed Director would discharge the assigned duties, including management and administration of the RCARO.

\* Article 9 of this Working Paper on the establishment of an MOU between the IAEA and ROK is deleted reflecting the Agency's Legal Office's view.

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