

**Working Paper
On the Establishment of an RCA Regional Office
in the Republic of Korea**

**To be presented by the RCA National Representative of Korea
at the 30th RCA General Conference
Friday, September 14, 2001, VIC, Vienna**

This Working Paper has been prepared to provide a basis for the proposed establishment of an RCA Regional Office in the Republic of Korea in the early part of 2002. This Working Paper is subject to discussion and agreement at the 30th RCA General Conference Meeting on September 14, 2001 in Vienna. A Task Force comprising seven RCA Member States has worked on the preparation of this Working Paper as agreed at the 23rd RCA National Representatives Meeting in Dhaka, Bangladesh in March 2001. The Task Force Member States are Australia, China, India, Japan, Korea, Pakistan and the Philippines.

1. Background

At the 19th RCA National Representatives Meeting in Yangon, Myanmar in March 1997, on the occasion of the 25th anniversary of the founding of RCA, the need to establish an RCA Regional Representative was strongly proposed as one of the mechanisms to enhance RCA ownership by the Member States. This was clearly stated in the RCA Vision Statement together with other new initiatives such as the introduction of the Lead Country concept, the implementation of thematic projects, the utilization of Regional Resource Units, and establishment of the RCA Operating Rules and Guidelines.

It is also noted that, based on records, there was a suggestion during an RCA Meeting in 1978 in Vienna, just 1 year before the first RCA National Representatives Meeting (then RCA Working Group Meeting) was held, to have an RCA office in the region. But, it was mentioned that the level of RCA programs was too small to warrant such office.

The RCA Regional Representative issue has been discussed at the RCA policy level meetings since the Yangon meeting. At the 22nd RCA National Representatives Meeting in Mumbai, India in March 2000 and at the 29th RCA General Conference in Vienna, Austria in September 2000, the Republic of Korea proposed to host the RCA Regional Office when established in that country and pledged to fund the local operating expenses, including the salary of the Regional Representative, if he/she was Korean. The RCA Member States generally supported this offer. At the 29th RCA General Conference in Vienna, a small group was formed to formulate an implementation plan. However, there were questions on the role and functions of the Office and also on the payment to the Regional Representative, if the person is not Korean.

At the 23rd RCA National Representatives Meeting in Dhaka, Bangladesh in March 2001, the RCA Member States again indicated their in-principle support for the Korean proposal and a Task Force team was formed to draft a working paper for final discussion and agreement at the 30th RCA General Conference in Vienna in September 2001. Korea and Australia were asked to take the lead in this task.

2. Need to Establish an RCA Regional Office

Since the inception of RCA in 1972 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 does provide assistance ranging from secretariat duties to technical support and project funding. The IAEA has strongly urged Member States to take more ownership of the RCA program. In response, the RCA Member States proposed several recommendations in 1996 to increase their ownership of the program. These recommendations were well reflected in the RCA Vision Statement and included the introduction of the Lead Country Concept, the implementation of thematic programs on a multi-year cycle basis, the establishment of RCA Rules and Operating Guidelines and the establishment of an RCA Regional Office in the region. Among these future directions, the RCA Regional Office was agreed as a good vehicle to increase Member States' ownership of the RCA program.

3. Role of the RCA Regional Representative and the Regional Office

It is important to have a clear separation between the responsibilities of the RCA Coordinator and the Regional Representative by having the RCA Coordinator continuing to be the primary point of liaison with the IAEA, with the Regional Representative being responsible for developing contacts with other regional and international organization and broadening the funding base for the RCA. The role of the RCA Regional Representative and the Regional Office as agreed at the National Representatives meeting held in Dhaka would therefore be:

- (1) 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 such as ESCAP, ADB and UNDP;
- (2) To negotiate and secure contracts for income generating activities to both fund the RCA Representative position and provide supplementary funding for RCA projects;
- (3) To promote the application of nuclear techniques to assist in addressing regional and national problems;
- (4) To implement the directives of the Member States as agreed at the RCA Meetings of National Representatives, in particular, to support developing and formulating new project proposals from Member States in liaison with the relevant Lead Country; and
- (5) To provide regional visibility for the RCA at regional and national forum and to develop RCA future strategies and missions in cooperation with the Member States.

4. Operation of the RCA Regional Office

(1) Organisation

- 1 Regional Representative
- 1 Project Planning Staff
- 1 Administration Staff

1 Secretary

- (2) IAEA Fellowships: The IAEA is requested to attach its regular fellowships to the Office to support the Office's technical activities.
- (3) Location: Seoul, Korea
- (4) Working Environment: It shall be satisfactory and conducive to a good working attitude.
- (5) Office Space: It shall be adequate to accommodate the Regional Representative's office and other staff members. A meeting facility of average size shall be arranged additionally.
- (6) Office Equipment: The Regional Representative and other staffs shall be provided with appropriate office working desks, file cabinets, modern computers and other office equipment including Internet access lines.
- (7) Transport Vehicle: The host country shall provide a dedicated vehicle for use of the Office.
- (8) Operating Expenses: The host country shall provide all locally needed operating expenses of the Office.

5. The Regional Representative

- (1) Appointment: The final approval of the person identified, as Regional Representative would need to be agreed at a meeting of the RCA National Representatives. However, leading up to this approval, the definition of the job description for the Regional Representative will need to be carefully drafted. The process of selection and appointment of the Regional Representative will also need to be open and transparent. ***'Guidelines'(draft) to this effect are attached as an Appendix.***
- (2) Qualifications and Experience: The exact qualifications and experience required would be determined as part of the preparation of the job description as above. It would be expected that any candidate appointed would have a proven record of achievement in the key requirements. The successful candidate would have an internationally recognized scientific background, preferably in nuclear science, and preferably would be familiar with the work of the RCA.
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- (3) Term: Initially a 3-year term. Because the performance of the Regional Representative is critical to the future of RCA, there will have to close scrutiny of the Regional Representative's performance against agreed performance criteria on at least an annual basis and failure to perform may result in early termination.
- (4) Salary: To be paid a similar level of the IAEA's P-5 staff, which will be paid in US dollars. The salary including a reserve for retirement allowance for the Regional Representative shall be provided by the origin Member State. If the Regional Representative's origin is Korea, the salary shall be paid in local currency.

- (5) Fringe Benefits: To be provided settlement and resettlement expenses when removed from the Regional Representative's home country to Korea. Other fringe benefits such as medical insurance and children's educational tuition fees may also be provided by the Regional Representative's home country.
- (6) Privileges and Immunities: The Regional Representative shall observe Korean laws and regulations including taxation. The income tax can be compensated from the Regional Office expenditures. Unlike the IAEA, no diplomatic privileges and immunities will be given unless a specific agreement with the host government is made. The Member States, particularly the host country, shall offer every possible support to the Regional Representative for the exercise of his/her functions. (Note: This may require a separate agreement between the respective Member States.)
- (7) Reporting: The Regional Representative would be directly responsible to the RCA Member States through the RCA National Representatives and would report directly to the two annual RCA *policy level* Meetings. It is proposed that for day-to-day reporting purposes, the present Chair of the RCA policy level meetings, in cooperation with the immediate past Chair and the next nominated Chair, when available, would act as the interregnum interface between the Regional Representative and the RCA National Representatives.
- (8) Relationship with Lead Countries: The Regional Representative does not have a direct ongoing involvement with Lead Countries. However in the pursuit of the objectives of the Regional Office, the Regional Representative may need to correspond with Lead Countries. As set out in the Lead Country paper agreed at the RCA GCM in 1999, it is the responsibility of the Lead Country to provide initiative in coordinating and managing all aspects of the project cycle and to oversee the technical progress and evaluation of projects.
- (9) Relationship with the RCA Coordinator: As stated above, it is necessary to have a clear separation between the responsibilities of the RCA Coordinator and the Regional Representative. The Regional Representative would communicate directly with the RCA Office and is advised to liaise with the RCA Coordinator on a regular basis for consultations and feedback with regard to RCA matters.
- (10) Relationship with IAEA Technical Officers: The Regional Representative can communicate directly with the Agency's Technical Officers with respect to technical matters. To ensure effective coordination, the RCA Office should be copied all communications from the Regional Representative to Technical Officers.

6. Other Staff of the Regional Office

- (1) Project Planning Officer: To assist the Regional Representative in his capacity of developing, formulating, implementing and evaluating RCA projects.
- (2) Administrative Officer: To assist the Regional Representative in his capacity of operating and managing the Regional Office and of coordinating with the host government.
- (3) Secretary: To support administrative work of the Office.

- (4) Employment: The host government will employ the initial staff as an interim measure. The newly appointed Regional Representative will be responsible for hiring the supporting staff according to the established guidelines of the host government.
- (5) Payment: The host government according to the established guidelines shall provide salaries and other remunerations including fringe benefits to the staff members of the Office. The payment shall be made in local currency.
- (6) Employment Terms: The host government shall regulate the terms and conditions of employment of the staff members of the Office. The host government shall prepare job descriptions for hiring the supporting staff as an initial step. The Regional Representative when appointed shall confirm the job descriptions.

7. Legal Actions

- (1) RCA Agreement: The current RCA Agreement is valid until June 2002 and is currently in the process of being extended for another 5 years. Definitive legal advice will be sought on the possible need to amend the RCA Agreement in order to facilitate the establishment of the RCA Regional Office. There is however legal opinion that, if necessary, a supplementary agreement between RCA Member States could be made without amending the current RCA Agreement. This would seem to be practical approach, since any amendment of the existing RCA Agreement will take time and the continuity of the present RCA Agreement would not be impacted.
- (2) MOU between the IAEA and ROK: An MOU that prescribes the formal commitments both from the IAEA and the Government of the Republic of Korea regarding the establishment and operation of the RCA Regional Office. The nature of such an MOU (or LOI) shall 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 also describes the Agency's role to liaise with the Office. (Note: There is a legal opinion that an MOU is like a treaty; therefore it may be better to have a letter of intent instead.)
- (3) MOU between the RCA Member States and ROK: An MOU that prescribes the relationship between the RCA Member States and the Government of the Republic of Korea as the host government may be needed to clarify the activities of the RCA Regional Office.

8. Interim Measures

Interim measures to operate the Regional Office may be needed if all legal and administrative preparations for the Regional Office cannot be made before the targeted time. The necessary preparations include actions such as the nomination and appointment of the Regional Representative, securing the necessary budget, and legal back-up measures. This interim period could extend to three years by which time the viability of the Regional Office would be either established or not. During this interim period, administrative details involving procedures and management could be gradually resolved and set in place. The RCA Member States at each RCA National Representatives Meeting will undertake an on-going review.

9. Recommended Action

It is recommended that this Working Paper be considered at the 30th RCA General Conference to be held in September in Vienna and amendments agreed in order to meet the timing of opening of the RCA Regional Office preferably in March 2002 in conjunction with the 24th RCA National Representatives Meeting to be held in Korea and commemorating the 30th anniversary of the establishment of the RCA.