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**THE REVISED GUIDING PRINCIPLES AND GENERAL OPERATING
RULES TO GOVERN THE PROVISION OF TECHNICAL
ASSISTANCE BY THE AGENCY**

Latest Status

1. The Revised Guiding Principles and General Operating Rules to Govern the Provision of Technical Assistance by the Agency were approved by the Board of Governors on 21 February 1979. The text is reproduced herein for the information of all Members.
2. The provisions established by the Board of Governors on 24 September 1977 for the application of safeguards in relation to the granting of technical assistance are also reproduced in the Annex to the Revised Guiding Principles and General Operating Rules.

THE REVISED GUIDING PRINCIPLES AND GENERAL OPERATING RULES TO GOVERN THE PROVISION OF TECHNICAL ASSISTANCE BY THE AGENCY

I. GUIDING PRINCIPLES

A. GENERAL

1. The provision of all technical assistance by the International Atomic Energy Agency shall be governed by the following guiding principles:

- (a) The primary objective of technical assistance is to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity in Member States by facilitating their free access to the peaceful uses of atomic energy, the transfer of nuclear technology, the development of research, the application and utilization of atomic energy for peaceful purposes in Member States and the promotion of co-operation between them for that purpose;
- (b) The provision of technical assistance constitutes a major, high-priority function of the Agency, and responsibility for its success devolves on all Departments of the Secretariat;
- (c) The technical assistance activities of the Agency shall be carried out with due observance of the sovereign rights of States, the provisions of the Agency's Statute and the terms of agreements concluded between the Agency and the State or group of States requesting technical assistance. The Agency shall not make technical assistance subject to any political, economic, military or other conditions incompatible with the provisions of the Agency's Statute;
- (d) The Agency's resources for technical assistance shall be allocated primarily to meet the needs of developing countries;
- (e) Technical assistance shall be designed to meet needs of research on, and development and practical application of, atomic energy for peaceful purposes, including the production of electric power, as determined by the requesting State or group of States, and to foster the exchange of scientific and technical information on peaceful uses of atomic energy and to facilitate access to nuclear technologies, equipment and materials for peaceful purposes;
- (f) The nature, extent and scope of technical assistance to be provided to the requesting State or group of States shall be defined by the Government or Governments concerned, and the assistance actually provided shall be in conformity with the Government's request and shall be given only to or through Governments. This definition shall be as precise as possible. If requested, the Agency shall help the Government or Governments concerned in defining the nature, extent and scope of the technical assistance being sought;
- (g) The State or group of States requesting technical assistance shall define, in advance, the subject, purpose and programme for which the technical assistance is requested and shall carry out all necessary preparatory work to ensure that the technical assistance achieves its objective;

- (h) The Agency's Safety Standards and Measures^{1/} shall be applied, where relevant, to operations making use of technical assistance provided;
- (i) Technical assistance shall be provided only for peaceful uses of atomic energy. For the purposes of the technical assistance programme, peaceful uses of atomic energy shall exclude nuclear weapons manufacture, the furtherance of any military purpose and uses which could contribute to the proliferation of nuclear weapons, such as research on, development of, testing of or manufacture of a nuclear explosive device. To this end and to the extent required by the Board of Governors, Agency safeguards shall be applied to all forms of technical assistance in all sensitive technological areas in accordance with the provisions established by the Board of Governors as set forth in the Annex or as subsequently amended by the Board;
- (j) To the extent relevant, the Agency's recommendations regarding physical protection^{2/} shall be applied to nuclear facilities, equipment and materials relating directly to the technical assistance programme.

B. ELIGIBILITY OF STATES TO RECEIVE TECHNICAL ASSISTANCE

- 2. Subject to the guiding principle referred to in paragraph 1(d) above, that the Agency's resources for technical assistance shall be allocated primarily to meet the needs of developing countries, each Member State of the Agency or group of Member States shall be eligible for technical assistance provided from the Agency's own resources.
- 3. Eligibility for technical assistance from the United Nations Development Programme (UNDP) is governed by the statutory requirements and criteria of that programme^{3/}.
- 4. The eligibility of States for technical assistance from funds provided for special projects or programmes by Member States or from funds-in-trust provided by the Government of a Member State shall be governed by the agreement with the State providing the funds. It is understood that such agreements shall be compatible with the provisions of the Statute.

C. SOURCES OF TECHNICAL ASSISTANCE

- 5. The Agency may accept voluntary contributions of money and gifts of services, equipment and facilities in accordance with the rules regarding the acceptance of voluntary contributions of money by the Agency (approved by the General Conference on 1 October 1959)^{4/} and the rules to govern the acceptance of gifts of services, equipment and facilities (adopted by the Board of Governors on 13 January 1959)^{4/} it may also accept special fissionable materials and source material^{5/}.

^{1/} INFCIRC/18/Rev.1.

^{2/} INFCIRC/225/Rev.1.

^{3/} Participation in UNDP is open to any State which is a Member of the United Nations, of one of its specialized agencies or of the IAEA; the resources of UNDP are utilized exclusively for the benefit of developing countries and territories in accordance with the principles and procedures incorporated in the draft Statute of UNDP.

^{4/} INFCIRC/13.

^{5/} Article IX of the Agency's Statute.

6. In addition, the Agency may provide technical assistance as an executing agency for UNDP in accordance with the agreement concluded between the Agency and the United Nations Special Fund^{6/}. It may also serve as an intermediary for providing technical assistance on behalf of the Government of any Member of the Agency or of any other State Member of the United Nations or of any specialized agency in accordance with an agreement concluded with the Government concerned.

D. AGREEMENTS FOR THE PROVISION OF TECHNICAL ASSISTANCE

7. Before technical assistance is provided, the Agency and the Government concerned shall conclude an agreement which shall provide for application of the basic agreement currently used to govern the provision of technical assistance under UNDP. The agreement between the Agency and the Government shall further set forth the specific conditions required under the Agency's Statute for the provision of technical assistance by the Agency to its Members.

E. FORMS OF TECHNICAL ASSISTANCE

8. The Agency may provide technical assistance in any of the following forms:

- (a) The services of experts, consultants and visiting professors;
- (b) Fellowships, scientific visits, training courses, study tours;
- (c) Equipment and supplies;
- (d) Such other assistance as in the opinion of the Board is consistent with the objectives of the Agency.

9. The Agency will continue to meet requests for assistance for technically sound projects having a duration of one year or less in order to fill gaps which Governments cannot fill from their own resources. However, increasing emphasis shall be given by the Agency to the provision of technical assistance in regard to integrated, multi-year programmes including projects for regional development. Integrated and/or multi-year programmes or projects should be related to the development plans or priorities and objectives of the recipient Member States or group of Member States with a view to making a contribution in support of them.

F. SCOPE OF APPLICATION OF THE GUIDING PRINCIPLES

10. These guiding principles shall apply to any technical assistance provided by the Agency, irrespective of the source of the funds or gifts involved and including projects for which the Agency serves as an executing agency or intermediary for a State or for another organization.

^{6/} INFCIRC/33.

II. GENERAL OPERATING RULES

A. Elaboration of the programme of technical assistance to be provided from the Agency's own resources

11. At the request of Member States the Agency shall take steps to make its capabilities available to them in the drawing up of programmes for the peaceful uses of atomic energy involving the provision of technical assistance or in the drawing up of individual requests, including those relating to long-term projects. For this purpose the Agency may send staff members, experts or programming missions to requesting States.

12. The Government of each requesting Member State shall submit its detailed requests for technical assistance in accordance with the time-table established for that purpose. Each request for an integrated and/or multi-year programme or project should indicate how the relevant authorities of the requesting Member State or group of Member States relate it to the national development plans or priorities and objectives of that State or group of States.

B. Annual approval and review of the technical assistance programme

13. The Board of Governors shall examine and approve each year the Director General's proposals for technical assistance in the form of the services of experts and equipment to be provided from the Agency's own resources during the following year. In so doing, the Board shall take into account the likely amount of such resources.

14. The Director General's proposals for technical assistance referred to in paragraph 13 shall distinguish between those projects which it is expected will be executed through the use of convertible currency and those which it is expected will be executed through the use of non-convertible currency.

15. The Board may approve technical assistance projects involving the services of experts or equipment of a duration of more than one year. The financial implications of each such project shall be reviewed during each ensuing year after its approval and such review shall take due account of the relative priority of the project.

16. Fellowships and training activities shall be approved by the Director General and shall be reported upon in the Annual Report on Technical Assistance provided by the Agency and in the Agency's Annual Report.

17. The time-table for the submission of requests for technical assistance to be provided from the Agency's own resources shall thus normally be as follows:

<u>Year</u>	<u>Month/Date</u>	<u>Action</u>
A	August	Member States shall be invited by the Director General to submit detailed requests for technical assistance to be provided in year C.
A	31 December	Final date for the receipt of detailed requests for technical assistance to be provided in year C.
B	September	Final establishment of priorities among Member States' requests in consultation with the Governments concerned.

<u>Year</u>	<u>Month/Date</u>	<u>Action</u>
B	November/December	Review by the Board's Technical Assistance Committee (TAC) of the proposed programme of technical assistance for the year C and TAC's report recommending Board approval thereof enabling the Director General to make preparations for the programme to be implemented as from 1 January in year C.
C	February	Board of Governors notes TAC's report and approves the recommended programme for the year C.

18. The Director General may, after consulting the Board, modify the foregoing time-table if he considers this necessary in the light of operating experience.

19. The Board shall annually review all technical assistance that the Agency has provided during the preceding year, including projects for which the Agency has served as executing agency or intermediary, regardless of the source of funds for the technical assistance.

C. Programme Changes

20. At the request of or in agreement with the recipient Government concerned, the Director General may approve a modification to a project already approved provided that the modification shall not alter the nature and major objective of the project as approved by the Board. A modification shall not be carried out without the prior approval of the Board in the case of a project which, in its original or modified form, requires the application of safeguards. If the modification requires additional expenditures by the Agency it may be approved provided that the required funds are available from savings accrued in the operation of the current year's technical assistance programme or any previously approved technical assistance programme. The Board shall be informed of programme changes in the Annual Report on Technical Assistance.

D. Establishment of a reserve fund

21. Not more than 2.5% of the funds available for technical assistance to be provided under the Agency's annual technical assistance programme shall be set aside by the Board each year as a reserve fund to finance technical assistance which is the subject of requests submitted by developing Member States after the Board has approved the technical assistance programme for the year in question. The percentage set by the Board for this purpose shall be reviewed from time to time in the light of experience.

22. The Director General may use this reserve fund to finance such additional technical assistance of the type referred to in the preceding paragraph and supplemental assistance for previously approved projects, provided that any such assistance shall not involve an expenditure of more than \$25 000 from the Agency's resources. Each such project shall be reported to the Board in the subsequent Annual Report on Technical Assistance.

E. Financial procedures to be applied to the programme of technical assistance provided from the Agency's own resources

23. The financial procedures to be applied to the programme of technical assistance to be provided from the Agency's own resources shall conform to the relevant provisions of the Financial Regulations of the Agency and any other relevant rules approved by the Board of Governors.

24. If the funds earmarked for a particular technical assistance project have not been obligated within two years after their provision has been approved by the Board, the Director General may, after consultation with the Government concerned, cancel the project and either replace it by another approved project in the same country or return the funds to the relevant operating fund of the Agency. The Director General shall inform the Board in the subsequent Annual Report on Technical Assistance of any such cancellation.

F. Technical assistance under the United Nations Development Programme

25. The technical assistance that the Agency provides as executing agency for UNDP shall be governed by UNDP's statutory requirements and by the guiding principles set forth in part I of this document and, to the extent relevant, the general operating rules in this document.

G. Co-operation and co-ordination with the United Nations and the specialized agencies

26. The technical assistance that the Agency provides from its own resources and as an executing agency for the United Nations Development Programme and as an intermediary for any State or other organization shall be co-ordinated with the technical assistance provided by other organizations of the United Nations system.

A N N E X

THE APPLICATION OF SAFEGUARDS IN RELATION TO THE GRANTING OF TECHNICAL ASSISTANCE

1. Among the numerous and diverse requests for technical assistance examined by the Agency each year a small number may appear to relate, directly or indirectly, to "sensitive technological areas" in relation to which safeguards are normally applied. The question therefore arises as to whether safeguards should be applied to materials, equipment and facilities within the "sensitive technological area" to which the assistance requested is relevant bearing in mind that technical assistance refers primarily to the provision of equipment and experts' services.

2. Any policy laid down by the Board regarding the application of safeguards to material, equipment and facilities in "sensitive technological areas" which benefit from technical assistance provided by the Agency will need first to be in accordance with the Agency's Statute under which the Agency "shall ensure, so far as it is able, that assistance provided by it or at its request or under its supervision or control is not used in such a way as to further any military purpose" and "is authorized to establish and administer safeguards designed to ensure that special fissionable and other materials, services, equipment, facilities, and information made available by the Agency or at its request or under its supervision or control are not used in such a way as to further any military purpose"^{1/}. Secondly, such a policy must clearly take full account of the views of all countries concerned. Further, the policy will be determined to a large extent by practical considerations bearing in mind the scale of operations and the special characteristics of certain technical assistance projects. Finally, it will be necessary to ensure uniformity of treatment among all Member States in fulfillment of Article III. C of the Statute.

3. In view of the difficulty of drawing up precise and meaningful threshold criteria for the triggering of safeguards in certain fields it is desirable that the Secretariat, in analyzing requests on a case-by-case basis, should be allowed a certain amount of flexibility in applying this policy within broad guidelines established by the Board. All safeguards agreements will, in accordance with the usual practice, be placed before the Board. In addition, cases where there is disagreement between the Secretariat and a Member State concerning the application of this policy to a proposal for technical assistance put forward by that State will be referred to the Board for decision. In this manner an Agency policy will evolve guaranteeing objective and uniform treatment of all requests.

4. Fields of application. The "sensitive technological areas" which are referred to in paragraph 1 above and which are relevant to the application of safeguards are:

- (a) Uranium enrichment;
- (b) Reprocessing of spent fuel;
- (c) Production of heavy water; and
- (d) Handling of plutonium, including manufacture of plutonium and mixed uranium/plutonium fuel.

This list, which will be kept under review by the Director General, may be modified by the Board from time to time in the light of experience.

^{1/} Agency's Statute, Articles II and III.A.5 respectively

5. Extent of contribution. Safeguards will be applicable in relation to technical assistance in the fields listed in paragraph 4 above only if it appears that a "substantial contribution" is being made to the project assisted in accordance with procedures set forth in paragraph 7. In the absence of any precise criteria, an element of judgement will be required which must take into account, inter alia, the nature and scope of the information being transferred, the significance of equipment supplied, the precise nature and size of the project or those aspects of it for which assistance is required.

6. Exclusions. The use of information transferred by the Agency which is freely available to the public, e. g. through scientific and technical journals, proceedings of conferences and unclassified reports, etc. will not require the application of safeguards. Moreover, safeguards will not be applied in relation to certain types of Agency assistance to its Member States, such as participation in IAEA conferences, symposia and training courses, participation in INIS, in nuclear data activities, including fusion data, and in other generalized arrangements or projects for the transfer of information.

7. Procedures. All requests for technical assistance involving the provision of equipment and experts' services will be reviewed by the Secretariat in order to determine whether safeguards may be necessary. When submitting the draft technical assistance regular programme to the Technical Assistance Committee in November or December and to the February Board, the Director General will indicate which, if any, of the proposed projects are considered to make a substantial contribution within one or more of the sensitive areas listed in paragraph 4 above in relation to which appropriate safeguards may need to be applied. In the case of Member States which have concluded appropriate safeguards agreements with the Agency concerning the relevant activity, no additional safeguards agreements relating to the benefits obtained from technical assistance provided by the Agency will be required. In the case of Member States for which such provisions do not apply, safeguards agreements, where applicable, will be drawn up by the Agency to cover materials and facilities utilizing the technology being transferred and will be concluded before the delivery of the technical assistance. The agreements will provide for the application of the above safeguards only if the technical assistance is in fact effectively given to the requesting country.

8. In the case of requests for scientific visits and fellowships no safeguards will normally be required. However, when, in the opinion of the Secretariat, the quantum of assistance granted through such means constitutes a "substantial contribution" to a project in a "sensitive technological area", within a requesting Member State, the matter will be brought to the attention of the Board for appropriate action.