EIGHTEENTH REGULAR SESSION: 16—20 SEPTEMBER 1974

ADMINISTRATIVE AND LEGAL COMMITTEE

RECORD OF THE SEVENTIETH MEETING

Held at the Neue Hofburg, Vienna, on Wednesday, 18 September 1974, at 10.50 a.m.

Chairman: Mr. MORAWIECKI (Poland)

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* A provisional version of this document was issued on 20 September 1974.
** GC(XVIII)/534.
THE RECORD

AMENDMENT OF THE RULES OF PROCEDURE
(GC(XVIII)/530, 535, 535/Add.1)(continued)

1. The CHAIRMAN drew attention to the Director General's memorandum and the draft amendments to the Rules of Procedure of the General Conference annexed thereto (GC(XVIII)/530), and to the draft resolution which was the subject of documents GC(XVIII)/535 and Add.1. Canada had subsequently indicated its desire to co-sponsor that resolution.

2. In the preceding year the General Conference had requested the Director General to invite comments on the amendments to the Rules of Procedure from Member States and had set up a Working Group to advise him on the subject,[1] The latter's advice and the comments received from Members had been incorporated in document GC(XVIII)/530.

3. Delegations had been asked to submit any amendments or proposals which they might have to the Secretariat. No amendments or further proposals had been received, and that might be viewed as proof of the excellent job done by the Working Group. On behalf of the Committee, he wished to express sincere appreciation and gratitude to the members of the Working Group, namely Mr. Fujiyama (Japan), Mr. Jalpal (India) and Mr. Müller (Finland).

4. As the Committee might be interested in hearing about the Group's work, he invited Mr. Müller and Mr. Fujiyama to give a brief account of it before the Committee went on to discuss the draft amendments to the Rules and the draft resolution.

5. Mr. MULLER (Finland), speaking also on behalf of Mr. Fujiyama (Japan), said that the Working Group had sent a letter to the Director General on 11 April 1974, accompanied by a summary of its discussions and conclusions. It had indicated that extensive discussions had taken place with the representatives of a large number of Member States, and that several written suggestions had been discussed. The Group had felt that it could assist the Secretariat by providing it with advice on the most important points considered.

6. The existing Rules of Procedure were considered by the Group to be generally satisfactory. Its principal suggestions related to: (a) the establishment of one Main Committee of the General Conference in place of the present two; (b) replacement of the existing General Committee by a Bureau; (c) various other points concerning the Committee of the Whole, the functions of the Bureau, the Credentials Committee, election of the Chairmen and Vice-Chairmen of the Committees, and so on. The Group had borne in mind that the principal objective was to simplify and streamline the work of the General Conference.

7. It had had before it a large number of suggestions from Member States, some of which had been of such a nature that they could not be included in any formal rules. It had also received a thorough informal briefing from the members of the Committee.

8. There had appeared to be a consensus in favour of simplification and streamlining, although some Member States had placed greater emphasis on a careful and cautious approach and were clearly anxious to avoid haste in formulating changes.

9. Of the three points mentioned in the Director General's memorandum, there had been full agreement on one, namely the establishment of one Committee of the Whole. There had also been general agreement on the establishment of the Bureau, but opinions had differed as to its membership. While some Member States had been in favour of a larger membership, others had preferred a smaller body. In the absence of agreement, the Group considered it advisable to retain the existing size, which had hitherto been quite satisfactory.

10. As regards the question of abolition or retention of the Credentials Committee, views were widely divergent.

11. Following the basic principle that changes should not be recommended unless there was unanimous agreement, the Group had advised the retention of the Credentials Committee (the Bureau acting in that capacity), a solution which should satisfy both points of view.

12. He considered that the Director General's memorandum fully reflected the Group's views. However, its recommendations were not such as to preclude further amendments at a later date, and indeed many of the suggestions received deserved to be considered by the Conference at a future session.

13. The CHAIRMAN invited one of the sponsors to introduce the draft resolution contained in document GC(XVIII)/535.

14. Mr. ZAMBONI (Italy) said that the draft resolution had been sponsored by States representing a broad geographical area and expressed the hope that the amended Rules would help the General Conference to conduct its business in the most efficient possible manner.

15. Mr. BASSOY (Turkey) said that the Working Group deserved to be commended for its excellent work and noted the general support for its recommendations. His delegation generally agreed with the suggestions contained in document GC(XVIII)/530. The name "General Committee" was indeed preferable to "Bureau".

16. The new version of Rule 34, however, seemed to divest the General Conference of some of its


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authority and powers and confer them on the President. The proposed Rule 40 also gave more power to the President by authorizing him to propose the five additional members of the General Committee. He suggested that the words "with due regard to equitable geographical distribution" should be inserted in the last line of Rule 40 between the words "the General Conference" and "on the proposal of the President". As regards Rule 46, it would be useful to receive some clarification from the Secretariat. Since under the amended Rules of Procedure there would in fact be two committees, the Committee of the Whole and the General Committee, the Chairmen of which were to be appointed by the Conference, he wondered whether it was right to indicate that each Committee should elect its own Chairman and other officers - unless, of course, Rule 46 referred only to the committees mentioned in Rule 44. Lastly, the Secretariat might also be asked to clarify the reason for replacing "the Rapporteur" by "other officer" in Rule 55.

17. Mr. NITZSCHE (German Democratic Republic) said that the Agency should regard greater effectiveness as the main objective of its efforts to rationalize the work of the General Conference.

18. He felt that the existing Rules of Procedure satisfied the requirements of the General Conference and that strict application of those Rules could greatly contribute to the effectiveness of its work. In that connection he referred to a statement transmitted to the Agency by the German Democratic Republic in response to the Conference’s decision, at its seventeenth regular session, to request the Director General to call for comments from Member States on the proposal to revise its Rules of Procedure: the German Democratic Republic had urged that some measures should be taken to regulate the work of the General Conference without thereby prejudicing the broad consideration within the Agency of important political and technical questions relating to the Agency’s activities.

19. He suggested nevertheless, in conclusion, that the Committee should recommend that the General Conference adopt the proposed amendments to the Rules of Procedure of the General Conference set out in document GC(XVIII)/530.

20. Mr. MSHTA (India) said that his delegation, having been closely involved in the deliberations of the Committee the previous year and subsequently in the Working Group, welcomed the final proposals of the Director General contained in document GC(XVIII)/530 regarding amendments to the Rules of Procedure, with which his delegation was in full agreement. He felt they would contribute to greater efficiency and speedier dispatch of the business of the Conference without in any way limiting its scope or affecting its underlying objectives and purposes.

21. He therefore suggested that the Committee should recommend the General Conference to adopt the draft resolution contained in document GC(XVIII)/535, of which his country was a co-sponsor.

22. Mr. LOUHANAPESSY (Indonesia) recalled that the previous year his delegation had stated that it had no objection to the replacement of the present two Main Committees by one Committee of the Whole, provided that the latter discharged all the functions of the former. It had further supported the concept of a Bureau whose rights and responsibilities would be limited in order not to reduce the significance of the General Conference. The principles espoused by his delegation were now embodied in the proposals contained in document GC(XVIII)/530, and he therefore wholeheartedly recommended acceptance of the draft resolution contained in document GC(XVIII)/535, of which his country was a co-sponsor.

23. Finally, he wished to thank the members of the Working Group who had assisted the Director General so well in a difficult task.

24. Mr. UNGERER (Federal Republic of Germany) first thanked the Director General, his staff and the Working Group for drawing up a set of proposals which he considered realistic and which his delegation was in a position to support. He welcomed the simplification and rationalization which would result from those proposals, and accordingly supported the draft resolution contained in document GC(XVIII)/535.

25. Referring to the doubts expressed by the delegate of Turkey on the amendments to Rules 34 and 40, relating to the powers of the President of the Conference, he felt that they would not impair the functions of the General Conference. The purpose of the amendments was to simplify procedure, by saving the time spent in proposing and seconding delegates from the ranks of the General Conference to serve as Vice-Presidents or Chairmen of committees. It was to be assumed that the President of the Conference would continue to hold informal consultations prior to the nomination of Vice-Presidents, the Chairman of the Committee of the Whole and the five additional members of the General Committee, taking due account of equitable geographical representation, as was the present practice.

26. Referring to the proposed amendment to Rule 46, he noted that the General Conference would elect only the Chairman of the Committee of the Whole; the Committee would accordingly have to elect its own Vice-Chairman.

27. With reference to the proposed amendment to Rule 55, he pointed out that it would be the Chairman of the Committee of the Whole who would report to the General Conference on the deliberations and conclusions of that Committee, so that there would in fact be no need for a Rapporteur.

28. Mr. PAPADIMITRIOPOULOS (Greece) and Mr. de SOUZA SANTOS (Brazil) said that they fully supported the proposed amendments contained in document GC(XVIII)/530 and wished to thank the Working Group for having accomplished their task so well.
29. Mr. FIADJOE (Ghana) fully supported the draft resolution contained in document GC(XVIII)/535. He considered that the proposed amendments reflected a fair and reasonable compromise of views and was pleased to see that they had been kept to the barest minimum.

30. Mr. HAMMOND (Canada) said that he fully supported the proposed amendments to the Rules of Procedure and wished to express his delegation's appreciation of the excellent work done by the 'Three Wise Men' since the last meeting of the Committee the previous year. He recommended adoption of the draft resolution contained in document GC(XVIII)/535, of which his country was a co-sponsor.

31. While on the subject of amendments to the Rules of Procedure, the Committee should give its attention to Rule 8, concerning the duration of the General Conference. One of the aims of streamlining the Rules of Procedure was to fit the Conference into a single week - naturally without bearing any prejudice to adequate coverage of its business. It would be incongruous therefore if, despite the proposed amendments, the present session were to last two days longer than previous sessions.

32. Mr. ADEN (Argentina) complimented the Working Group on the preparation of very important recommendations, which he was sure would meet the objective of simplification and rationalization. He therefore expressed his full support for the proposed amendments contained in document GC(XVIII)/530.

33. Mr. MARULANDA (Colombia) said that his delegation also endorsed the proposed amendments to the Rules of Procedure.

34. Secondly, he had in mind an additional amendment to which consideration might be given at the present time, namely the reintroduction of a provision that had appeared in the original Rules of Procedure under which delegates had the right to speak in the General Conference from their seats in the meeting room. Such a provision would expedite the general debate by eliminating the time-wasting necessity of going to the rostrum.

35. Mr. d' STEFANO (Cuba) said that his delegation too would support the proposed amendments, since the changes were designed to facilitate and simplify the work of the General Conference. The change-over to a single Committee of the Whole instead of two Main Committees would be an effective step in that direction.

36. Mr. de LA ROCHEFORDIERE (France) commended the Working Group and the Secretariat on the excellent work done in arriving at the draft amendments to the Rules of Procedure now before the Committee. His delegation was prepared to support the draft amendments as presented, and accordingly also the draft resolution contained in document GC(XVIII)/535.

37. With regard to the duration of the Conference's work, his delegation shared the views expressed by Canada. It therefore hoped that the provisions of Rule 8 of the Rules of Procedure would continue to be applied in the future as flexibly as in the past.

38. Mr. ANTIASOV (Union of Soviet Socialist Republics) said that, as a co-sponsor of the draft resolution in document GC(XVIII)/535, his delegation supported the amendments to the Rules of Procedure put forward by the Secretariat. The Soviet position on the matter had been set out in a communication to the Director General and he was glad to note that the views expressed therein were reflected in the changes now proposed.

39. As his delegation understood the effect of the changes, the members of the General Committee would, as in the past, continue to be elected on the basis of equitable geographical representation.

40. Lastly, he wished to thank the members of the Working Group for undertaking the onerous task of reconciling all views on the matter. It was largely due to the Working Group’s efforts that the outcome was proving so felicitous, as was demonstrated by the atmosphere of harmony reigning in the Committee. The present consensus augured well for the future work of the General Conference, on the basis of the amended Rules of Procedure.

41. Mr. BUSSY (Zaire) joined with earlier speakers in endorsing, as a whole, the proposed amendments to the Rules of Procedure. His delegation proposed that the Committee should recommend their unanimous adoption by the General Conference.

42. The CHAIRMAN, noting that there were no further speakers, invited the Director of the Legal Division to answer points raised in the discussion.

43. Mr. OTSUKA (Director, Legal Division) said he would like, first, to assure the members of the Committee that all the points made in the discussion had been duly noted by the Secretariat, including the comments of Canada concerning Rule 8.

44. In regard to the matters raised by Turkey, he fully concurred in the explanations already given by the delegate of the Federal Republic of Germany.

45. The primary purpose of the proposed change in Rule 34 was to simplify the procedure for the election of the officers of the General Conference, by cutting out the present practice of separate nomination and seconding for each officer in the plenary, as also the interruption of the plenary proceedings for election of the Chairman of the Committee of the Whole. The new procedure was based on the assumption that, in accordance with standard practice, there would be intensive prior consultations in order to ensure the general acceptability of the nominations eventually to be made by the President.
46. Secondly, with reference to Rule 40, the amendment proposed related to the first sentence only of that rule. Accordingly, the existing provision for ensuring the representative character of the General Committee still stood.

47. Thirdly, in relation to Rule 46, apart from the considerations mentioned by the delegate of the Federal Republic of Germany, the Secretariat had had in mind the need to take account of Rule 44 by providing for the election of the Vice-Chairmen of the Committee of the Whole.

48. Fourthly, the rationale underlying the change in Rule 55 was to make it consistent with Rule 46 and to provide greater flexibility by using the broad term "officer", which would embrace the present more restrictive reference to "Rapporteur".

49. Lastly, there was nothing in the amended Rules of Procedure that would preclude the kind of procedure advocated by Colombia for the conduct of the general debate in the plenary. It would therefore be open to any delegation to raise the matter at future sessions of the General Conference.

50. The CHAIRMAN, summing up, noted the overwhelming measure of support that had been expressed for the proposed amendments to the Rules of Procedure. The legitimate matters of concern raised by Turkey and the suggestion made by Colombia would, of course, be fully covered in the Committee’s report.

51. Speaking personally, he would like largely to endorse the comments made by Mr. Müller in reporting on the work of the Working Group. The Group’s task had consisted in arriving at amendments to the Rules of Procedure whereby the work of the General Conference would be streamlined and at the same time its role enhanced. In any such effort, however, the impossibility of attaining perfection had to be borne in mind, as the Working Group itself had realized in beginning the drafting stage of its work. While, therefore, there was still scope for further improvement of the Rules of Procedure, the draft amendments as submitted represented a commendable step in the right direction. He accordingly hoped that there would be unanimity in the Committee on acceptance of the proposals before it.

52. Reverting to his role as Chairman, he took it that the Committee was ready unanimously to endorse the proposed amendments to the Rules of Procedure set out in the Annex to document GC(XVIII)/530 and to recommend the General Conference to adopt the draft resolution contained in document GC(XVIII)/535.

53. It was so decided.

54. The CHAIRMAN noted that the Committee had thus concluded its business for the session. As Chairman of what would be the last Administrative and Legal Committee of the General Conference, he was saddened to preside at its demise, but was nevertheless convinced that administrative and legal matters would continue to receive the same careful attention as in the past.

55. He thanked the members for their collaboration and constructive contributions to the Committee’s work, which had made his own task an easy and pleasant one; and again expressed his gratitude to the Working Group and the Secretariat for the assistance given.

56. Mr. de LA ROCHEFORDIERE (France), reverting to the interesting point raised by the delegate of Colombia, suggested that it would be useful if, prior to the next session of the General Conference, the Secretariat were to give some thought to a change in the seating arrangements which would enable the procedure advocated to be followed.

57. He availed himself of the opportunity also to thank the Chairman for his masterly conduct of the proceedings.

58. Mr. JACKSON (United Kingdom), also thanking the Chairman, remarked that it was doubtful whether any chairman of any committee within the United Nations system had ever presided more graciously and more understandingly over deliberations leading to the demise of the body in question.

59. Before the closure of the proceedings, he would like to draw the Committee’s attention to the fact that two of the Agency’s collaborators in Vienna would shortly be quitting the scene, viz. the Alternate Governors from Belgium and France, Count de Liedekerke and Mr. de La Rochefordière. Their helpful collaboration and positive and constructive approach in matters of concern to the Agency would be greatly missed. He would like to wish them both every good fortune in the future.

60. The CHAIRMAN declared the meeting closed.

61. The meeting rose at 12.25 p.m.