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General Conference

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MONTH IN WHICH REGULAR SESSIONS OF THE
GENERAL CONFERENCE SHALL BE CONVENED

Note by the Director General

Introduction

1. In paragraph 2 of its resolution GC.I(S)/RES/15 of 23 October 1957, the General Conference noted that a decision would have to be taken at a subsequent session to fix the month in which its regular session should normally be convened each year, and thus complete Rule 1 of its Rules of Procedure which had been left open during its first special session. When approving the agenda for the present session, the General Conference referred this question to the General Committee, and in compliance with a request made by the Committee on 25 September 1958,^{1/} the Director General submits the following considerations which members of the Committee may wish to bear in mind when preparing the Committee's recommendation to the General Conference.

Statutory implications of a change in the date of regular sessions

2. A change in the date of regular sessions of the General Conference from September or October, in which months the first two regular sessions have opened, is possible under the Statute. Article V.A requires only a "regular annual session" that is, that sessions be reasonably "regular" once a pattern is established, and that they be "annual", i.e. once a year. The provision of Article 20 of the United Nations Charter that "the General Assembly shall meet in regular annual sessions" has never prevented flexibility in the opening date of the Assembly.

^{1/} See GC(II)/GEN/OR.4, para. 15 of the provisional record.

3. In view of the statutory provisions regulating the terms of office of Members of the Board of Governors (Article VI.C and D), a change to some other month for the holding of the regular annual session would involve a lengthening or shortening of the terms of Members holding office in the transitional period -- to more or less than one year in the case of Members designated by the outgoing Board, and to more or less than two years in the case of Members elected by the General Conference. That change, however, would not be contrary to the Statute, since the only terms absolutely fixed in length by the Statute were those of the five Members elected to the first Board, which under Article VI.A.3 and D were "chosen for a term of one year", but that year expires on 2 October 1958, within the expected duration of the current session of the General Conference. Later terms depend on the dates of the regular sessions of the Conference.

4. Under Articles V.E.4 and VI.J the Board must submit an "annual report" to the General Conference; this report must be submitted once a year, but need not cover a period of exactly one year. Under Article III.1(a) of the Relationship Agreement with the United Nations, the Agency must "submit reports covering its activities to the General Assembly at each regular session", and under Article V.E.6 of the Statute these must be approved by the General Conference. These reports likewise need not cover exactly one year. If, however, the date of the next regular session of the General Conference is to be later than the next regular session of the General Assembly, special measures will have to be taken to allow the Agency to submit a report to the General Assembly in 1959.

5. During the preliminary discussions in the General Committee, the alternatives of a session early in the year and late in the year were mentioned.^{2/} The following are some of the advantages and disadvantages which may result from selecting either of these seasons for the regular session.

September/October session

6. Advantages.

- (a) The holding of the regular session in September or October each year would be in accordance with the pattern already established by the

^{2/} Ibid., paras 7 - 15 of the provisional record.

the General Conference. It would thus not alter, except possibly by a month, the terms of office of Members elected or designated to serve on the Board of Governors and would permit the maintenance of the financial year prescribed in the Financial Regulations at the present time; and

- (b) It would also ensure that the annual reports on its activities which the Agency submits to the General Assembly would be as up to date as possible.

7. Disadvantages

- (a) Sessions in September or October may continue to overlap with the regular sessions of the General Assembly, and therefore might impair the submission of the Agency's reports to that body; and
- (b) If the Agency decides to submit an annual report to the Economic and Social Council (ECOSOC) for the latter's session in July each year,^{3/} the report will be some nine to ten months out of date. To meet these difficulties it might be necessary for the General Conference to authorize the Board of Governors annually to submit a report to ECOSOC for consideration at its first session each year.

April/May session

8. Advantages

- (a) The choice of this period for the annual session of the General Conference would avoid an overlap with the regular session of the General Assembly;
- (b) Sessions in April or May would accord with the spirit of a recommendation by the United Nations that the specialized agencies should hold their regular sessions during the first six months of the year, and would enable the General Conference to submit up to date reports to ECOSOC on matters within its competence; and

^{3/} Most of the specialized agencies report to ECOSOC at its second session each year, but the International Bank and International Monetary Fund submit their reports at the first session of the year.

- (c) A session in April or May would permit the establishment of a financial year on a July to June basis which has a number of advantages.

9. Disadvantages.

- (a) As has been indicated above, the terms of office of Member States designated or elected to serve on the Board of Governors would be appreciably shortened during the year in which the change to a session in April or May was made,
- (b) The reports approved by the General Conference for submission to the General Assembly would be three to four months out of date by the normal date of opening of the General Assembly's session. This does not seem to be excessive;
- (c) The Agency's financial year as at present prescribed in the Financial Regulations is the calendar year. If the General Conference were to hold its regular sessions in April or May, more than half a year would elapse before the programme and budget approved at that session could be brought into operation, and an even greater interval would occur between the preparation and consideration of the programme and budget estimates by the Secretariat and the Board of Governors respectively, and their eventual implementation. This would increase the difficulties of effective and realistic planning and budgeting. To meet this difficulty it might be desirable to change the Financial Regulations to provide for a financial year lasting from 1 July to 30 June. While the necessary amendment of the Financial Regulations is not likely to raise serious difficulties, there would be some dislocation of the planning of the programme and budget in the year during which the change-over took place. Thus, for instance, if the third regular session of the General Conference were to be held in April or May of 1959 and the financial year changed at that time, financial provision would have to be made to cover the operations of the Agency between 31 December 1959 and 1 July 1960, the latter being the date on which the budget approved by the General Conference at its fourth regular session would enter into operation. This difficulty could be overcome if at its third regular session the General Conference were to approve

a special six-months budget covering the first half of 1960, but it would be difficult in the relatively short period between the end of the present session and April next year to prepare a fully satisfactory and realistic budget for that period; in fact, the budget in question could be little more than an extrapolation of estimated expenses to the end of 1959. This disadvantage is not a serious one and can readily be accommodated; and

- (d) A session in April or May might overlap with the regular annual or bi-annual sessions of one or more of the specialized agencies.

Considerations of accommodation

10. In regard to the question of hotel accommodation, the General Committee has invited the delegate of Austria to be present at its meeting during which this matter is discussed, and to provide information as may be required on the normal demands for hotel rooms at various times of the year. Preliminary information available to the Secretariat indicates that the difficulties of finding accommodation are likely to be greatest from 1 June to 15 September each year.

Conclusion

11. On balance, after consideration of all factors involved and if serious consideration is to be given to a change, it is the recommendation of the Director General that the opening date of the regular sessions of the General Conference should be fixed for the third Monday of May each year and that appropriate changes in the Financial Regulations should be made to accommodate this change.

