



International Atomic Energy Agency

General Conference

GC(V)/GEN/OR.9
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FIFTH REGULAR SESSION

GENERAL COMMITTEE

OFFICIAL RECORD OF THE NINTH MEETING

Held at the Neue Hofburg, Vienna,
on Tuesday, 26 September 1961, at 3.20 p.m.

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* GC(V)/GEN/19.

Present*

Chairman:

Mr. QUIHILLALT (Argentina), President of the General Conference

Members:

Mr. WERSHOF (Canada), Additional Member

Mr. PETRZELKA (Czechoslovak Socialist Republic), Chairman of the Program, Technical and Budget Committee

Mr. FONTAINE, representing Mr. COUTURE (France), Vice-President of the General Conference

Mr. MITRA, representing Mr. BHABHA (India), Vice-President of the General Conference

Mr. DIAH (Indonesia), Vice-President of the General Conference

Mr. TAKAHASHI, representing Mr. MIKI (Japan), Vice-President of the General Conference

Mr. REGALA (Philippines), Chairman of the Administrative and Legal Committee

Mr. EMBELYANOV (Union of Soviet Socialist Republics), Vice-President of the General Conference

Mr. MICHAELS, representing Sir Roger MAKINS (United Kingdom of Great Britain and Northern Ireland), Additional Member

Mr. SMYTH, representing Mr. SEABORG (United States of America), Vice-President of the General Conference

Mr. FLEURE, representing Mr. NAKICENOVIC (Yugoslavia), Additional Member

Also Present:

Mr. McKNIGHT, Chairman of the Board of Governors

Secretariat:

Mr. KRACZKIEWICZ, Acting Deputy Director General for Administration, Liaison and Secretariat

Mr. BOLTON, Secretary of the Committee

* The structure of the General Committee is laid down in Rule 40 of the Rules of Procedure. The composition of the Committee at the fifth regular session is given in document GC(V)/INF/42/Rev.3.

ADOPTION OF THE AGENDA FOR THE MEETING (GC(V)/GEN/19)

1. The agenda for the meeting was adopted.

ADOPTION OF THE AGENDA AND ALLOCATION OF ITEMS FOR INITIAL DISCUSSION
(GC(V)/152 and Add.1, 162)

Supplementary item requested for inclusion in the agenda (GC(V)/152/Add.1, 162)

2. Mr. MITRA (India) said he could see no objection to including in the agenda for the General Conference the question of the establishment, under the auspices of the Agency, of an international insurance scheme for scientists (GC(V)/152/Add.1). In view of the late appearance of the explanatory memorandum by Greece (GC(V)/162), however, his delegation might not be in a position to express an opinion on the matter during the session.

3. Mr. WERSHOF (Canada) also saw no major objection to inclusion of the item in the agenda. He shared the views of the delegate of India, and was doubtful whether the Conference could reach a decision at its present session, the explanatory memorandum having appeared so recently. He also regretted that the delegate of Greece was not taking part in the Committee's discussions, as his elucidations would have been extremely valuable.

4. The Committee decided to recommend to the General Conference that it include in its agenda the item proposed by Greece.

Provisional agenda

5. The Committee decided to recommend to the General Conference that it include in its agenda all the items in document GC(V)/152, together with the item just recommended for inclusion; this would constitute item 25, the existing item 25 of the provisional agenda becoming item 26.

Allocation of items for initial discussion (GC(V)/152 and Add.1)

6. The CHAIRMAN said that in the past the Committee had gone no further than to make recommendations in its report on the agenda with regard to the allocation of items for initial discussion, leaving the President of the Conference to decide, in consultation with the Secretariat, the best order in which to take the items so as to meet the wishes of the largest possible number of delegates. To facilitate the smooth progress of the session,

it would seem advisable for the Committee again to give the President a similar degree of latitude. However, he invited members of the Committee to put forward their views on the matter, which would be taken into account to the maximum extent possible.

7. The funeral of the late Secretary-General of the United Nations would take place in Sweden in the afternoon of Friday, 29 September, and the Director General would represent the Agency. As a plenary meeting was forecast for that Friday afternoon, he (Mr. Quihillalt) intended to make a suitable announcement at the beginning of the meeting so as to enable the Agency to pay tribute to the memory of Mr. Hammarskjöld. He would inform the General Conference of his intention at the beginning of the forty-ninth plenary meeting.

8. Mr. PETRZELKA (Czechoslovakia), Chairman of the Program, Technical and Budget Committee, was of the opinion that item 17 - The question of a general review of the provisions of the Statute - should first be considered in plenary meeting, as it presented many important political aspects not within the competence of the Administrative and Legal Committee.

9. Mr. WERSHOF (Canada) also considered that item 17 should be taken initially in plenary meeting, but for different reasons. A discussion in plenary meeting would certainly be more fruitful; furthermore, in the event that the General Conference decided to convene in 1962 a conference to review the provisions of the Statute, it would always be possible subsequently to request that the matter be referred back to the General Committee, for the latter to decide whether it should be taken up by the Administrative and Legal Committee.

10. Referring to paragraph 3(a) of the note by the Director General (GC(V)/152), he pointed out that in most of the organizations and organs of the United Nations family, including the General Assembly itself, the report of the Credentials Committee was submitted towards the end of the session. The Rules of Procedure of the General Conference did provide that the Credentials Committee should report without delay to the General Conference (Rule 28), but did not specify whether the Conference had to consider the report immediately or near the end of its session.

11. The report of the Credentials Committee always gave rise to a painful discussion; it therefore seemed preferable not to disturb the harmonious atmosphere of the Conference and to wait until the last days of the session before taking the matter up. However, he did not wish to submit a formal proposal on the subject.

12. Mr. MITRA (India) said he was in favor of adhering to the Rules of Procedure, which provided for the Credentials Committee to report to the General Conference without delay. In his opinion, that implied that the report would be considered forthwith by the General Conference; otherwise, the provision would be pointless.

13. The delegate of Canada had referred to practice in the United Nations, where the report of the Credentials Committee was usually considered at the end of the General Assembly. However, the fact that the United Nations, for political reasons, did not observe the provisions of its rules of procedure did not entitle the Agency to do likewise.

14. If the Committee pursued the idea of postponing consideration of the report of the Credentials Committee until the end of the session, it would be necessary to seek the underlying motives, which were, in his opinion, purely political.

15. The Indian delegation considered it better to avoid an acrimonious discussion and to apply the Rules of Procedure purely and simply.

16. Mr. REGALA (Philippines), Chairman of the Administrative and Legal Committee, favored submission of the report of the Credentials Committee at the end of the session. He was basing his preference on the procedure established at the two preceding sessions and pointed out that even when that procedure was followed, it frequently happened that some credentials did not arrive in time.

17. The sole purpose of the Rules of Procedure was to give guidance to the organs of the General Conference, and he could not see why the latter should abandon a procedure it had followed for several years, and which had also been followed by the General Assembly of the United Nations and the recent United Nations Conference on Diplomatic Intercourse and Immunities.

18. In deciding that the report of the Credentials Committee would be discussed by the General Conference at the end of the session, the General Committee would be acting in the interest of the Conference and also in the interest of delegations, which would thus have more time in which to receive their credentials.

19. The CHAIRMAN said that after the report of the Credentials Committee had been circulated, he would approach delegations with a view to deciding the most opportune moment for discussion of it at a plenary meeting.

20. Mr. FONTAINE (France) considered that discussion of item 22 - Appointment of the Director General - was of great importance to the Agency. He understood that the heads of some delegations would not be staying in Vienna till the end of the session and thought it would be preferable to consider the matter sufficiently early to find the maximum number of delegations still at full strength; he therefore suggested assigning a high priority to the item.

21. Mr. MITRA (India) said that he was not opposed in principle to the suggestion made by the delegate of France, but wished to point out that while certain heads of delegations might not be able to attend the end of the session, others, on the other hand, were unable to be present at the beginning. In any case there could be no question of taking item 22 before the general debate had been held.

22. Mr. MICHAELS (United Kingdom) thought it should be possible to reach a compromise on a question which was not of a political nature. He would suggest that item 22 be discussed on Friday, 29 September, even if that meant interrupting the general debate, the duration of which could not be foreseen.

23. Apart from the question whether heads of delegations would be present, it seemed desirable to settle the question of appointing the Director General before the General Conference took up the other items on its agenda, if only to facilitate the conduct of the debates.

24. The CHAIRMAN suggested that he should consult delegations on a suitable date for the General Conference to take up item 22 and subsequently arrange for an announcement on the subject in the Journal.

25. Mr. EMELYANOV (Union of Soviet Socialist Republics) considered that before discussing item 22, the General Conference should examine the Board's annual report^{1/} and hold the general debate, during which delegates could comment on the Agency's future activities and assess the work done during the past year. It was only after examining the Program and Budget^{2/} that delegates would be able to decide who should be recommended for the post of Director General.
26. The CHAIRMAN said he would take the remarks of the delegate of the Soviet Union into consideration during his consultations.
27. Mr. WERSHOF (Canada) said he was willing to approve the Chairman's suggestion, but he noted that there were certain differences of opinion among members of the General Committee. The Canadian delegation would agree to item 22 being discussed on Friday, 29 September, or on Monday, 2 October, but it could not agree to the item being deferred, as requested by the delegate of the Soviet Union, until after the discussion of the Program and Budget, which might continue until the last day of the session.
28. Mr. MITRA (India) thought it would certainly be useful for the Chairman to consult delegations. He understood, however, that the delegate of France would not object to the choice of Tuesday, 3 October, a date which would fully satisfy the Indian delegation.
29. Mr. SMYTH (United States of America) thought it inadvisable to set a date for the discussion of item 22 immediately; he therefore supported the Chairman's suggestion.
30. The General Committee decided to recommend that the General Conference approve the allocation of items proposed in documents GC(V)/152 and Add.1, except in the case of item 17 (The question of a general review of the provisions of the Statute), which should be taken at a plenary meeting.

1/ GC(V)/154.

2/ GC(V)/155.

31. The CHAIRMAN suggested that, with regard to the order in which the various items were to be taken, the General Committee should decide that:

- (a) After the report of the Credentials Committee had been circulated, the President should consult delegations as to when it should be considered in plenary meeting; and
- (b) The President should hold consultations to determine the date on which the General Conference should take up item 22, and should make an announcement on the subject in the Journal.

The General Committee might also decide that a report presenting to the General Conference its recommendations on the agenda and the allocation of items for initial discussion should be drafted by the Chairman with the assistance of the Secretariat^{3/}.

32. It was so decided.

CLOSING DATE FOR THE SESSION

33. The CHAIRMAN suggested that the General Committee recommend the General Conference provisionally to fix 6 October as the closing date for the session.

34. It was so decided.

ELECTION OF MEMBERS TO THE BOARD OF GOVERNORS (GC(V)/160; GC(V)/GEN/18)

35. Mr. MITRA (India), referring to the draft document annexed to the Director General's memorandum (GC(V)/GEN/18), pointed out that according to paragraph 1 the General Conference must elect five Members to the Board, while paragraph 2 stated that elections were required in respect of three geographical areas: Eastern Europe, South Asia and the Far East. As five Members had to be elected from only three geographical areas, he thought it should somehow be specified that the two extra Members could be chosen from among the representatives of any geographical area. The Indian delegation attached no importance to the precise wording of the sentence that would have to be added.

^{3/} Subsequently issued as document GC(V)/170.

36. Mr. WERSHOF (Canada) pointed out that the draft document before the General Committee was identical with the reports that the Committee had submitted to the General Conference at each of its previous sessions. There was no provision in the Rules of Procedure which obliged the General Committee to state an opinion on how Members of the Board should be elected. Paragraph 3 of the draft was not even necessary, though it was of some use. In those circumstances it would be better not to depart from the practice followed hitherto.

37. Mr. MITRA (India) maintained his view that, as it stood, the General Committee's draft report was not clear. It would be fully in accordance with the Rules of Procedure to point out that the two Members in question could be elected from among the representatives of any geographical area. It was a fact that of the five seats on the Board which had to be filled by election, two were floating seats, and that should be made clear in the General Committee's report.

38. Contrary to what the delegate of Canada had said, paragraph 3 of the draft was absolutely necessary and was in conformity with Rule 83 of the Rules of Procedure.

39. Mr. REGALA (Philippines), Chairman of the Administrative and Legal Committee, supported the proposal made by the delegate of India.

40. Mr. MICHAELS (United Kingdom) pointed out that Rule 86 of the Rules of Procedure, which was the General Committee's authority for considering the question, made no mention of floating seats. The ten Members elected by the General Conference comprised one representative from each of the seven geographical areas referred to in Article VI.A.3 of the Statute, and three other Members, concerning whom no particulars were given either in the Statute or in the Rules of Procedure. If, for the sake of being logical, the General Committee ventured to interpret the provisions of the Statute and the Rules of Procedure in a document such as its report, a dangerous precedent might be created. Moreover, the draft report was in every way similar to those which the General Committee had submitted to the General Conference at each of its regular sessions, and which had never given rise to the slightest difficulty. Hence there was absolutely no need to change it.

41. Mr. FLEURE (Yugoslavia) pointed out that no legal argument had been advanced against the proposal made by the delegate of India. The only criticism he had heard was that the proposed clarification was unnecessary; but in his opinion, something not strictly necessary could be accepted when it served some useful purpose, which was so in the present case.
42. Mr. MITRA (India) said he did not understand why members should refuse to accept a simple statement of fact. His proposal was merely to add, at the end of paragraph 3, some such sentence as: "The other two Members of the Board of Governors may be elected from the entire membership of the Agency."
43. Mr. MICHAELS (United Kingdom) pointed out that the wording proposed by the delegate of India was contrary to the final sentence of Article VI.A.3 of the Statute, which provided that certain Members were not eligible.
44. Mr. WERSHOF (Canada) considered that the sentence proposed by the delegate of India was not in accordance with the facts. In any case, he thought it useless to continue the discussion, and suggested that the proposal be put to the vote. Even if the text were amended, he would vote against it.
45. Mr. MITRA (India) amended the sentence he had suggested by way of example to read as follows: "The other two Members may be elected from any geographical area, except those Members who are ineligible in accordance with Article VI of the Statute."
46. Mr. PETRZELKA (Czechoslovakia), Chairman of the Program, Technical and Budget Committee, pointed out that there had been some confusion at previous sessions during the election of Members of the Board. He supported the Indian proposal.
47. Mr. MICHAELS (United Kingdom) hoped that if the Committee decided to create a dangerous precedent in spite of all the arguments against it, at least the text of the sentence proposed by the Indian delegate would be revised.
48. Mr. MITRA (India) said he was perfectly willing to let the United Kingdom delegate draft the proposed sentence himself. He only wished the Committee's report to specify that the two remaining seats were floating seats.
49. Mr. REGALA (Philippines), Chairman of the Administrative and Legal Committee, thought that the only difficulty was in the wording of the text. He therefore suggested that the Secretariat should draft a new text.

50. Mr. MITRA (India) asked that the Committee should take a decision on the substance of his proposal only.

51. Mr. EMELYANOV (Union of Soviet Socialist Republics) said that the Indian delegation had made a simple and clear proposal concerning the election of five Members; he recommended the Committee to adopt it.

52. The CHAIRMAN invited the General Committee to vote on the substance of the proposal submitted by the delegate of India.

53. The proposal was adopted by 6 votes to 4, with 1 abstention.

54. The CHAIRMAN said that the Secretariat would frame a sentence in a suitable form.

55. Thus amended, the draft report to the General Conference annexed to document GC(V)/GEN/18 was approved.

OPENING DATE OF THE SIXTH REGULAR SESSION

56. The CHAIRMAN reminded the Committee that under Rule 1 of the Rules of Procedure, the General Conference was required to fix the date for the opening of the sixth regular session. He proposed that the Committee recommend the General Conference to fix Tuesday, 18 September 1962, as the opening date of the sixth regular session.

57. The Chairman's proposal was adopted.

The meeting rose at 5 p.m.

