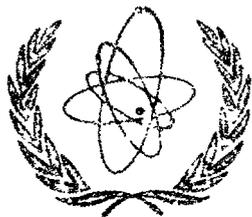


GC



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Agenda item 18
(GC(XVII)/512)

AMENDMENT OF THE RULES OF PROCEDURE

Report of the Administrative and Legal Committee

Rapporteur: Mr. R. MÜLLER (Finland)

1. The Committee considered agenda item 18: Amendment of the Rules of Procedure, which was referred to it for initial discussion, during its 63rd to 67th meetings, which were held from 17 to 20 September^{1/}. The Committee had before it a memorandum by the Director General to which was annexed a draft of an amended set of the Rules of Procedure^{2/}. During the course of the Committee's deliberations amendments to the draft Rules were introduced by Belgium, the Federal Republic of Germany and the United Kingdom of Great Britain and Northern Ireland^{3/}, Mexico^{4/}, Turkey^{5/}, the Republic of Zaire^{6/} and Ghana^{7/}.
2. After an initial general discussion the Committee reached a consensus to consider first those amendments to the current Rules of Procedure^{8/} which are

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- 1/ The Committee's deliberations are summarized in documents GC(XVII)/COM.2/OR.63-67.
 - 2/ GC(XVII)/503 and Corr.1.
 - 3/ GC(XVII)/COM.2/58.
 - 4/ GC(XVII)/COM.2/59.
 - 5/ GC(XVII)/COM.2/60.
 - 6/ GC(XVII)/COM.2/61/Rev.1.
 - 7/ GC(XVII)/COM.2/63.
 - 8/ GC(VII)/INF/60.

immediately required as a result of the entry into force last June of the amended version of Article VI.A.2 of the Statute^{2/} so as to enable the Conference to elect Members to the Board of Governors during the current session. Having done so, it decided to recommend the Conference to adopt the draft resolution which is annexed to this report.

3. In the course of a general exchange of views on some of the concepts underlying the set of draft Rules which was before the Committee, it became apparent that there was broad agreement on the desirability of replacing the existing two Main Committees by a Committee of the Whole, competent to handle matters now dealt with by these two Committees. Although a great deal of support was expressed for the concept of establishing a Bureau essentially in place of the General Committee and Credentials Committee, some delegates indicated that they would have to reserve their positions, which would depend, among other things, on the composition and functions that the Bureau would have.

4. Although the Committee considered briefly the amendments to the set of draft Rules introduced by various delegations, it took no decision on them. It emerged from the discussion that the set of draft Rules required revision, but that such a task could not be attempted at the current session mainly owing to lack of time. In the circumstances the Committee concluded that a revised set of draft Rules would have to be presented to the General Conference at its next session, and consequently agreed to recommend the Conference that the following steps should be taken to achieve this:

- (a) The Conference would request the Director General to call for comments from Member States on the proposal to revise its Rules of Procedure on the basis of the set of draft Rules annexed to GC(XVII)/503, requesting the communication of comments to him by 31 December 1973;
- (b) The Conference would further request the Director General to collate the comments received and subsequently prepare a revised set of draft Rules, with the assistance of a small working group. Such a revised set of draft Rules should take account of the discussion on the material annexed to document GC(XVII)/503 and the amendments introduced thereto, and of the comments received from Member States;

^{2/} See document INFCIRC/159/Rev.3.

- (c) The Conference would decide that the working group would consist of Messrs. Fujiyama (Japan), Jaipal (India) and Müller (Finland) and would help the Secretariat, in accordance with the request made by the latter, in its task of preparing a revised set of draft Rules in consultation with Member States;
- (d) The Conference would request the Director General to circulate the revised set of draft Rules to Members, together with a collation of the comments they had earlier communicated to him, well in advance of the next session of the Conference; and
- (e) The Conference would consider the revised set of draft Rules as a matter of priority at its next session.

5. Commenting on an observation made in the Committee the Chairman confirmed that Members commenting on the set of draft Rules would be at liberty to make at the same time suggestions on other matters relating to the organization of sessions of the Conference. In that connection reference was made to the desirability of the Director General circulating the text of his annual statement to the Conference in advance of the opening date of the session.

A N N E X

AMENDMENT OF THE RULES OF PROCEDURE

The General Conference,

Desirous of amending its Rules of Procedure^{*} in such a way as will enable it to give effect to the provisions of Article VI.A.2 of the Statute that came into force on 1 June 1973^{**},

Decides to make the following changes in its Rules of Procedure:

- (a) In Rule 42(b), the second sentence is deleted;
- (b) Rules 83 to 88 inclusive are replaced by the following:

Rule 83. Elective places to be filled

Before the General Conference at each regular session proceeds to elections to the Board of Governors, the presiding officer shall indicate to the General Conference those elective places on the Board which must be filled so as to ensure that after the end of that session the Board will be constituted in accordance with Article VI.A of the Statute.

Rule 84. Ballotting

There shall be a single ballot in respect of all the elective places to be filled. The ballot paper shall specify those elective places which are to be filled in each geographical area or group of areas in the order that these areas or groups of areas are referred to in Article VI.A.2 of the Statute. However:

- (a) If in this ballot a Member of the Agency receives the majority of votes required for election in respect of more than one elective place, the Member shall be considered elected to whichever of these elective places appears first on the ballot paper; or
- (b) If after this ballot one or more elective places remain to be filled, further ballots shall be held, to which the provisions in Rule 80 or 81, as appropriate, shall apply.

Rule 85. Invalid votes

In elections to the Board of Governors invalid votes shall include those cast for a Member of the Agency:

- (a) Whose term of office as a designated Member will begin after the end of the session at which the election is being held;
- (b) Whose term of office as an elected Member will not expire at the end of the session in which the election is being held;
- (c) Who is ineligible under Article VI.A.2(a) of the Statute for re-election; or
- (d) Who is not in that area or group of areas referred to in Article VI.A.2 of the Statute in respect of which the election is being held.

- (c) Rules 89 to 106 are renumbered as 86 to 103, and the reference in Rule 69(e) to Rule "105" is changed to read "102".

*/ GC(VII)/INF/60.

**/ See document INFCIRC/159/Rev.3.