



International Atomic Energy Agency

GENERAL CONFERENCE

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GENERAL COMMITTEE
Item 4 (c) of the provisional agenda
(GC(XXXIII)/871)

ARRANGEMENTS FOR THE CONFERENCE:

(c) REVIEW OF THE CONFERENCE'S WORKING PRACTICES

Report of the inter-sessional working group

Introduction

1. At the thirty-second regular session of the General Conference, the Conference's President, Ambassador Halim of Malaysia, informed the Conference (a) that the General Committee had recommended that an inter-sessional working group be set up to consider ways of streamlining the Conference's working practices and timing, and (b) that, as Chairman of the General Committee, he would hold consultations with regional groups and other interested parties and would set up a small but representative group which would report to the General Conference in 1989.^{1/}

2. The working group met under the chairmanship of Ambassador Halim on 1 February 1989, with representatives of 32 Member States attending the meeting, on 4 April 1989, again with representatives of 32 Member States attending the meeting, and on 2 May 1989, with representatives of 31 Member States attending the meeting.

^{1/} See para. 1 of GC(XXXII)/OR.309, paras 19-26 of GC(XXXII)/GEN/OR.52 and paras 1-22 of GC(XXXII)/GEN/OR.53.

3. The working group conducted its deliberations under the following headings:

- (a) Commencement and duration of General Conference sessions, and pre-session consultations
- (b) General Debate
- (c) Elections to the Board of Governors
- (d) Nomination of and tributes to the President
- (e) Parallel meetings
- (f) Speakers' list

(a) Commencement and duration of General Conference sessions, and pre-session consultations

4. The working group considered a suggestion - made by the delegate of the Syrian Arab Republic in 1987 - that regular sessions of the Conference start on Tuesday or Wednesday and end the following Monday or Tuesday, in order to give delegations more time for consultations.

5. It concluded that, particularly for cost reasons, the Conference should continue to start its regular sessions at 10 a.m. on Monday and endeavour to complete its business by the late afternoon/early evening of Friday of the same week.

6. At the same time, however, it recommends that the Conference request the Director General to arrange for the provision of facilities for group meetings, especially of representatives from the areas referred to in Article VI of the Statute, during the weekend preceding the start of each regular session and to announce the availability of such facilities both in the provisional agenda and in the GC(...)/INF document "Advance information for delegations". Moreover, it recommends that the Conference strongly urge Member States to avail themselves of those facilities, with a view to achieving early agreement on organizational matters and thereby contributing to the smooth running of Conference sessions, by ensuring - where necessary - that their representatives arrive in Vienna in time to participate in pre-session group meetings and the associated group decision-making.

7. The working group also considered a suggestion that, should the Conference not be in a position to appoint a General Committee on the opening day of the session, the General Committee appointed at the previous session - or some members thereof - be re-appointed temporarily in order that the Conference may be advised on the "Adoption of the agenda and allocation of items for initial discussion". In the light of an opinion provided by the Agency's Legal Counsel (see part I of Attachment 1), the working group concluded that such a course of action was impractical.

8. Subsequently, the working group considered a suggestion that the General Committee be authorized by the Conference to meet and conduct business even if not fully constituted. In the light of a further opinion provided by the Agency's Legal Counsel (see part II of Attachment 1), the working group concluded that such a course of action was also impractical.

(b) General Debate

9. The working group agreed that the duration of individual General Debate statements should not be greater than 15 minutes and noted that, under Rule 50 of the Conference's Rules of Procedure, the President "may propose to the General Conference the limitation of the time to be allowed to speakers". There was wide support for the Secretariat's continuing to encourage delegates to keep the duration of their General Debate statements down to 15 minutes.

10. The working group recommends that the Conference explicitly authorize the President to limit speeches to a maximum duration of 15 minutes, either by taking a decision valid until such time as it may be revoked or, each year, by taking a decision at the start of the General Debate.

11. There was also wide support for the maintenance of a high level of discipline at General Conference sessions, with meetings starting on time. In this connection, it was suggested that the Conference set a target of 12 statements per meeting at meetings devoted entirely to the General Debate and

that, if necessary, meetings be extended beyond the normal three-hour limit in order to achieve this target. In addition, it was suggested that each delegate about to make a General Debate statement wait near the podium during the final stages of the preceding statement, in order to reduce the delays which occur when delegates are making their way to the podium.

12. There was no support for the idea that only half of the Conference delegates deliver statements in a given year.

13. The working group concluded that no drastic reduction in the duration of the General Debate was possible, but that some saving of time could be achieved through a high level of discipline.

(c) Elections to the Board of Governors

14. In the light of an opinion provided by the Agency's Legal Counsel (see Attachment 2), the working group recommends that, when there is agreement among the Member States belonging to any one of the areas referred to in Article VI of the Statute regarding the question of which Member State(s) shall fill the seat(s) on the Board about to fall vacant to which that area is entitled, Rule 79 of the Conference's Rules of Procedure be suspended and no secret ballot be held in respect of that area. In cases where there was such agreement within area groups, the President would, with the concurrence of the Conference, declare the Member State(s) so agreed upon to be duly elected.

(d) Nomination of and tributes to the President

15. With regard to the nomination of the President, in the interest of saving time the working group recommends that there be only a nominating statement - made by the delegate of a Member State belonging to the same area (of the eight referred to in Article VI of the Statute) as the Member State from which the nominated person comes - without seconding statements and that, in the absence of other nominations, the Temporary President declare the nominated person elected President by acclamation.

16. The working group also recommends that the Conference consider the desirability of only one delegate paying tribute to the President at the end of the session - for example, the delegate of the Member State from which the the President of the Conference at its previous session came.

(e) Parallel meetings

17. The working group, having concluded that no drastic reduction in the duration of the General Debate was possible (see para. 13 above), concluded that parallel meetings of the Conference in plenary session and of the Committee of the Whole were inevitable.

18. The working group noted that the Secretariat was scheduling an increasing number of scientific meetings and meetings relating to regional co-operation (e.g. ARCAL and RCA meetings) in parallel with formal meetings of the Conference, so that it was difficult for members of small delegations to participate fully both in the Conference and in associated events.

19. The working group recommends that the Secretariat be requested to ensure, as far as possible, that such associated events do not clash with meetings of the Conference in plenary session or with meetings of the Committee of the Whole. In this connection, it was suggested that meetings like those relating to RCA and ARCAL might be held in the evenings.

(f) Speakers' list

20. The working group also discussed the question of how the speakers' list for the general debate should be drawn up. There was agreement on the desirability of a change in the arrangement whereby representatives of Member States whose delegates wish to speak early in the general debate spend many hours at the Agency's Headquarters waiting for the speakers' list to be opened.

21. The working group accordingly recommends the following procedure for determining the order of speakers in the general debate^{2/} :

- (a) At a previously announced date and time, the Secretary of the Policy-making Organs shall be available for a period of one hour to receive applications from Member States wishing to speak early during the general debate. All those who apply during this period shall be eligible for inclusion in a ballot, which shall be held shortly after the closure of the application period. The ballot shall be organized by representatives of the Secretariat and held in the presence of any representatives of Member States who indicate a wish to attend. The ballot shall determine an order of priority among all the participating Member States.
- (b) The names of any Member States applying for inclusion in the speakers' list after the end of the period designated for application for inclusion in the ballot shall be added to the list in the order in which they apply.
- (c) By mutual agreement, Member States shall be permitted to exchange places on the speakers' list.
- (d) The practice of giving special priority to Ministers shall continue, the Secretariat being guided entirely by information provided by Member States.

^{2/} As agreed in the working group, the recommended procedure was implemented in June on a trial basis for the General Conference's forthcoming regular session.

ATTACHMENT 1

Part I. Appointment of the General Committee (legal opinion)

1. With regard to the General Committee, you ask whether, if it has not been possible to constitute the Committee because of disagreement within certain area groups, it would be in order for the Conference to elect members of the previous year's Committee to serve on this year's Committee temporarily - i.e. pending agreement within all the area groups.

2. The proposal is that the General Conference appoint an ad hoc and ad interim General Committee composed of the members of the previous year's General Committee. Having regard to Rule 40 of the Rules of Procedure, the proposed action could, in the absence of an amendment of the Rules, only be undertaken if a decision were taken to suspend the relevant Rules pursuant to Rule 102 of the Rules of Procedure. Although such action is legally feasible, careful consideration would need to be given to whether it would, in fact, facilitate the smooth running of the General Conference. I assume that, if such action were taken, the General Conference would authorize the "interim" General Committee to consider the provisional agenda (together with any supplementary list) and report thereon to the General Conference and to propose to the General Conference the allocation of agenda items to Committees and, possibly, the establishment of any additional Committees considered necessary (see Rule 42). Problems, however, would arise if the current year's Committee did not agree with actions taken by the "interim" Committee and sought to overturn that action. If the Conference had adopted proposals made by the "interim" General Committee, such proposals and the action taken on the basis thereof could, as Rule 66 seems to apply, be reconsidered if a two-thirds majority of Members present and voting so decided.

Part II. Constitution of the General Committee (legal opinion)

1. You request a legal opinion on the suggestion, made at the second meeting of the inter-sessional working group, that the General Committee be authorized

by the General Conference to meet and conduct business even though it may not be fully constituted. Also, you enquire whether, by suspending the Conference's Rules of Procedure, it would be possible to have a "smaller" General Committee and, if so, whether there is a threshold number of members below which the Committee would not be duly constituted.

2. It is not feasible under the Rules of Procedure to establish a "smaller" General Committee. If, however, the relevant Rules were suspended, then the General Conference could establish another - "interim" - Committee with a different composition and authorize it to perform General Committee functions prescribed in the Rules (see, in this connection, Part I above). The threshold number of Committee members would have to be established by the Conference.

3. In the legal opinion concerning the appointment of the General Committee I dealt with problems that might arise if the current year's General Committee, once established, wished to overturn actions taken by an "interim" Committee and with the situation if the Conference had adopted proposals made by the "interim" Committee.

ATTACHMENT 2

Election of Members to the Board of Governors (legal opinion)

1. With regard to elections to the Board of Governors, you ask whether, when the Member States in one of the areas referred to in Article VI of the Statute have agreed among themselves how they would like to fill the vacant seat(s) falling to that area, it would be in order for the Conference to dispense with secret balloting in respect of that area and for the President simply to announce the agreement among those Member States as one of the "election" results (i.e. to declare the State or States in question duly elected).

2. In considering this question, it is necessary to have regard to both the Statute and the Rules of Procedure of the General Conference ("the Rules"). First, although Article VI.A.2 of the Statute requires an election to be held to fill vacant seats in the areas referred to in that Article, it does not require that such election be held by secret ballot. The requirement of Rule 79 of the Rules that "(e)lection of Members to the Board of Governors shall be by secret ballot" is not therefore a statutory requirement. Accordingly, an amendment or suspension of Rule 79 (and consequential amendments to or suspensions of Part XIV of the Rules) that enabled election by some means other than secret ballot (e.g. by show of hands, by acclamation or by the President announcing that - as he hears no objection - "X" is elected) would not be in breach of the Statute. However, you should note that, as Article VI.A.2 requires the General Conference to elect the relevant Members of the Board of Governors, the agreement only of the Member States in one of the areas referred to in Article VI would not satisfy the statutory requirement that the General Conference "shall elect". Thus, the President could not announce the agreement among those Member States as one of the "election" results.

3. Accordingly, in the absence of an appropriate amendment to the relevant Rules, the General Conference could, by a two-thirds majority of Members present and voting, suspend Rules 79 and 84 and provide for the General Conference to elect the relevant Board Members by a means other than secret ballot.

