

**Preparatory Committee for the Review Conference
of the Parties to the Treaty on the Prohibition of
the Emplacement of Nuclear Weapons and Other
Weapons of Mass Destruction on the Sea-Bed and
the Ocean Floor and in the Subsoil Thereof**

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SUMMARY RECORD OF THE SEVENTH MEETING (CLOSED)

held at the Palais des Nations, Geneva,
on Thursday, 10 February 1977, at 10.45 a.m.

<u>Chairman:</u>	Mr. WYZNER	(Poland)
later:	Mr. di BERNARDO	(Italy)

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BUSINESS PERTAINING TO THE SEA-BED TREATY REVIEW CONFERENCE

Languages and documentation, records, etc. (agenda item I (e)) (SBT/PC.I/CRD.5)

1. The CHAIRMAN invited the Committee to consider the proposal by the Netherlands delegation (SBT/PC.I/CRD.5).
2. Mr. TUDOR (Romania) asked whether it was intended to issue invitations to States a month before the Conference began. What was the relationship between the Netherlands proposal and rule 24 of the rules of procedure?
3. Mr. ALLEN (United Kingdom) pointed out that the Secretary-General of the Conference would not be confirmed in his office until the Conference had begun; consequently, proposals could not be submitted to him beforehand, as was suggested in the Netherlands proposal.
4. The CHAIRMAN said that the Secretary-General of the United Nations would nominate a person to act as provisional Secretary-General of the Conference until his appointment was confirmed by the Conference itself.
5. Mr. van der KLAUW (Netherlands) said that his delegation's proposal was intended to ensure that delegations would come to the Conference fully aware of the main issues to be discussed there, so that no time would be lost.
6. In reply to the Romanian representative's question, he pointed out that the proposal was merely a recommendation and did not conflict with rule 24, which would naturally hold good for the Conference.
7. Perhaps the point raised by the United Kingdom representative might be covered by the addition of the word "provisional" before the words "Secretary-General" in the last two paragraphs of the proposal.
8. With regard to the date on which invitations should be sent to States Parties to attend the Conference, he was in favour of their being sent one month beforehand or even a little earlier.
9. He hoped that the report on the Preparatory Committee's session would be circulated to the States Parties to the Treaty as soon as possible.
10. Mr. ALLEN (United Kingdom) said he accepted the Netherlands representative's suggestion that the word "provisional" could be inserted before the words "Secretary-General" wherever they occurred in the proposal.
11. Mr. TUDOR (Romania) said that, though he agreed with the Netherlands representative that the work of the Conference would be expedited if important documents and proposals were circulated as early as possible, he thought it would be better not to set a rigid time-limit; it should be left to Governments to decide when they would be able to make their proposals. He therefore suggested that the words "at least one month" in the penultimate paragraph should be replaced by the words "as soon as possible".

12. Mr. ALKUDAIRY (Iraq) supported the Romanian representative's suggestion.
13. Mr. van der KLAUW (Netherlands) said that, in his view, the words "as soon as possible" put more pressure on Governments than the reference to "one month"; his delegation was merely making a recommendation, which was not binding on Governments.
14. Mr. SCHØN (Denmark) agreed with the Netherlands representative. The words "as soon as possible" were too vague and better results would be obtained by setting a definite time-limit.
15. Mr. NIKOLOV (Bulgaria) suggested that the words "if possible" might be inserted before the words "at least one month ...".
16. Mr. van der KLAUW (Netherlands) accepted that suggestion.
17. Mr. TUDOR (Romania) said he too accepted the Bulgarian representative's suggestion.
18. The CHAIRMAN said he would take it that, if there were no objections, the Committee approved the Netherlands proposal, which would then become part of the report.
19. It was so decided.

Participation (agenda item I(c))

20. The CHAIRMAN said that there was a precedent in paragraph 13 of the final report of the Non-Proliferation Treaty (NPT) Preparatory Committee (NPT/CONF/3) for the procedure to be followed when inviting States Parties to attend the Review Conference on the Sea-Bed Treaty. That paragraph stated that invitations were to be issued by the Chairman of the third session of the Preparatory Committee. The Secretariat therefore suggested that, in the present case, the Chairman of the Preparatory Committee should issue invitations to Governments and to the Secretary-General of the United Nations on the Committee's behalf. They would be sent out approximately one month before the Conference began.
21. Mr. TUDOR (Romania) thought that they should be sent out more than a month beforehand; perhaps the expression "as soon as possible" could be used. With regard to participation by States in the organs of the Conference, he presumed that the new arrangement established in the rules of procedure would be followed.
22. Mr. DAVIS (Australia) pointed out that it was necessary to have the replies from States as soon as possible, since definitive cost estimates could not be worked out until it was known how many would be attending the Conference. The invitations should therefore be sent out three or four weeks before the Conference.
23. The CHAIRMAN said that, if there were no objections, he would take it that the Committee wished Governments to inform the provisional Secretary-General one month beforehand of their intention of attending the Conference, in other words by 20 May.
24. It was so decided.

25. Mr. ALLEN (United Kingdom) asked which States were to be invited to the Conference. It seemed to him that under the rules of procedure for the Non-Proliferation Treaty Review Conference and paragraph 12 of the final report of the Preparatory Committee for that Conference, ratifying and signatory States were entitled to participate, whereas States qualifying for observer status had to apply to attend.
26. The CHAIRMAN agreed that that had been the position. If there were no objections, he would take it that the Committee wished invitations to be sent only to ratifying and signatory States and not to States qualifying for observer status, which could attend the Conference at their own request.
27. It was so decided.

BACKGROUND PAPER ON THE SEA-BED TREATY PREPARED BY THE SECRETARIAT (SBT/PC.I/CRD.2)
(continued)

28. The CHAIRMAN said the Committee would need to decide whether to submit the background paper prepared by the Secretariat (SBT/PC.I/CRD.2) to the Conference itself.
29. Mr. NIKOLOV (Bulgaria) said he thought that the document should be communicated to the Governments of States Parties and signatories in the form of an annex to the report of the Preparatory Committee. The information contained in the document would be of use to Governments in preparing their delegations to the conference.
30. The CHAIRMAN noted that, in a sense, the document would then become a document of the Conference.
31. Mr. MIHAJLOVIC (Yugoslavia) said he agreed with the representative of Bulgaria. Governments should have as much information as possible on the Review Conference. There were a number of issues which ought to be mentioned in the document and his delegation wondered whether the onus of supplying the information would be placed entirely on individual governments or whether the Preparatory Committee would be responsible for supplying it. Examples of such issues were recent technological developments and the relationship of the Sea-Bed Treaty to the Law of the Sea.
32. Mr. TUDOR (Romania) said he found the suggestions and observations made by the representatives of Bulgaria and Yugoslavia extremely pertinent. His delegation wondered whether the background paper (SBT/PC.I/CRD.2) would be the only document submitted to the Conference and whether it was in final form. There was a need to study certain matters such as those mentioned by the representative of Yugoslavia, and to make information on them available to governments at the time of the Conference.
33. The content of document SBT/PC.I/CRD.2 should be reviewed by the secretariat, particularly where it dealt with the main provisions of the Treaty. In his delegation's opinion, that section of the background paper should follow the text of the Treaty more closely and the reference to the preamble should not be so selective. For example, the passage about "the common interest of mankind in the progress of the exploration and use of the sea-bed and the ocean floor for peaceful purposes" should also be mentioned.

34. His delegation strongly believed that the Treaty formed part of the progress towards general and complete disarmament and should not remain the subject of a purely academic discussion within the walls of the conference hall. Disarmament was of concern to all mankind. The United Nations Secretary-General should be asked to help to provide documentation for the Conference. It might cover subjects such as the operation and effectiveness of the Treaty as a step towards a treaty on general and complete disarmament; the arms race, particularly the nuclear arms race, in the naval sector, including recent technological developments; and the role of the Treaty in international efforts to promote the development of the resources of the sea-bed and the ocean floor for peaceful purposes. He asked that the full text of his delegation's proposals should be circulated so that an exchange of views could take place.

35. Mr. di BERNARDO (Italy) took the Chair.

36. Ms. SEGARCA (Secretary of the Committee), explained that the background paper (SBT/PC.I/CRD/2) concentrated on developments since the Treaty had come into force in 1972. Those developments had been few in number and an examination of the records of the debates of the First Committee of the United Nations General Assembly had not brought to light many references to the Treaty or to its implementation. The background paper included a condensed version of some of the material submitted at the fourth session of the third Conference on the Law of the Sea, and that could be expanded if the Committee so desired. A fuller description of the Treaty, article by article, could be provided, as requested by the Romanian representative; alternatively, the full text of the Treaty might form an annex to the background document. The other proposals made by the Romanian delegation would require further research on the part of the secretariat of the Committee to discover if the necessary information was available.

37. The full text of the Romanian proposals would be made available to the Committee as soon as possible.

38. Mr. TUDOR (Romania) said he welcomed the Secretary's proposal to append the full text of the Treaty to the background document. He realized that the Secretariat would require time to reflect on the other issues he had raised, but the Committee could discuss them once the text of his delegation's proposals had been circulated.

39. The CHAIRMAN said that he agreed that the Preparatory Committee should make every effort to place all available documentation at the disposal of the Governments participating in the Conference, and documentation could be requested from the Secretary-General of the United Nations. He did not consider, however, that the secretariat of the Preparatory Committee, with its limited staff, could itself prepare detailed reports on all the issues referred to.

40. Mr. TUDOR (Romania) said that his delegation was not asking the Committee to prepare the documents, but to request documentation from the Secretary-General of the United Nations, who in turn could appeal to other bodies such as the International Atomic Energy Agency, which had furnished documentation for the NPT Review Conference.

41. Mr. LIKHACHEV (Union of Soviet Socialist Republics) asked for clarification on the submission of documents for the Conference. Was the Preparatory Committee being asked to submit such documents itself, or was it merely being asked to pass on documents received from other bodies, without first examining them? It would be difficult for the Committee to recommend documents to the Conference which it had had no hand in preparing.

42. The CHAIRMAN said that the preparatory committee was obviously not a study group and therefore could not draw up detailed documentation; but he felt sure that the problem could be resolved when the Romanian proposals were examined.

43. Mr. LIKHACHEV (Union of Soviet Socialist Republics) said he would revert to the matter when the text of the Romanian proposals was available.

44. Ms. SEGARRA (Secretary of the Preparatory Committee) said that the Romanian proposal that the background paper should be revised so as to follow the text of the Treaty more closely would require a decision by the Committee.

45. Mr. MEYERS (United States of America) said that it would be difficult for the Committee to respond to the question just raised by the secretariat before it had had time to study the numerous Romanian proposals. He would prefer the background document to be shorter and to confine itself to the actual Sea-Bed Treaty Review. He agreed, however, that it would be advisable to append the text of the Treaty to the document.

46. The meeting was suspended at 12 noon and resumed at 12.20 p.m.

47. The CHAIRMAN read out the text of the Romanian proposal (SBT/PC.I/CRD.8), which was worded as follows:

"Documents which might be prepared by the
United Nations Secretariat for the Conference

1. The implementation of the Treaty; its effectiveness as a step towards a treaty on general and complete disarmament.
2. Developments in the arms race, particularly the nuclear arms race, in the naval sector; recent technological developments.
3. The effect of the Treaty on international efforts to promote the exploitation of the natural resources of the seas and oceans for the purposes of development".

48. Baron HAMILTON (Sweden) said his delegation supported the Romanian proposal, but thought that more background material should be made available by the Secretariat.

49. First, a paper should be submitted to take into account any new technological developments, as indicated in article VII, and also in connexion with articles I, III, V and VII. He realized that it would be difficult for the Secretariat to obtain all the necessary material, but Governments would perhaps help to provide information, particularly with respect to peaceful uses. Secondly, it would be helpful if the Secretariat could prepare a paper showing how the Conference on the Law of the Sea affected articles II, III and IV. Thirdly, the Secretariat's background paper should provide more specific information concerning each article.

50. His delegation hoped that those points would be taken into account if the Romanian proposal was accepted.

51. Mr. VASSILYEV (Byelorussian Soviet Socialist Republic) said that his delegation would reserve its position with respect to the Romanian proposal until it had had an opportunity to consider the Russian translation.

52. Mr. van der KLAUW (Netherlands) said that his delegation was prepared to accept the very reasonable proposals put forward by the Swedish delegation.

53. Mr. DAVIS (Australia) said that, in general, his delegation could support the Swedish proposals. It was obvious that information concerning technological developments would have to be supplied either by the Secretariat or by those States Members which were competent and willing to do so. He hoped that it would be possible for such information to be submitted prior to the Conference.

54. Mr. VASSILYEV (Byelorussian Soviet Socialist Republic) said that it would be helpful if the Swedish proposal could be submitted in writing.

PRESS AND PUBLICITY

55. The CHAIRMAN drew attention to the document outlining suggested arrangements for press and publicity for the Conference prepared by the United Nations Office of Public Information at Geneva.

The meeting rose at 12.45 p.m.

BUSINESS PERTAINING TO THE SEA-BED TREATY REVIEW CONFERENCE (agenda item 1)
(SBT/PC.I/CRD.1)

(a) RULES OF PROCEDURE (continued)

1. The CHAIRMAN said that the Committee had not yet taken all the necessary decisions on the structural organization of the Conference, and that some of the rules of procedure had yet to be considered.
2. Mr. van der KLAUW (Netherlands) said it was his understanding that the members of the Committee had agreed that there should be a Credentials Committee and a Drafting Committee but no main committee. If necessary, the plenary could hold informal meetings.
3. Mr. JAY (Canada) agreed that a committee of the whole was unnecessary.
4. The CHAIRMAN drew attention to the structure recommended by the Bureau of the Preparatory Committee, namely, a plenary, a General Committee, a Credentials Committee and a Drafting Committee.
5. Mr. TUDOR (Romania) thought that a sound procedure should be devised for the consideration of substantive questions because, in certain situations, it might be of decisive importance. Item 11 of the draft agenda proposed for the Conference (SBT/PC.I/CRD.4) could, it seemed, be tackled in three different ways. The first would be to have a general debate in plenary and then refer various aspects of the item to different bodies. The second would be to examine most of the questions in plenary but to entrust consideration of the others to a committee of the whole. The third would be to take up all the questions in plenary meetings of the Conference and authorize the latter to create appropriate bodies for the consideration of specific questions. The States represented at the Conference would be entitled to participate in all those bodies.
6. Mr. van der KLAUW (Netherlands) pointed out that there would be only two meetings a day and only one meeting at a time. The membership of the body that was meeting would remain unchanged, regardless of its name; only its chairman might be different. He did not see why the same persons should have to meet sometimes in plenary and sometimes in a main committee. Moreover, the submission of a report by a committee of the whole to the plenary might reopen a discussion to no purpose. For practical reasons, therefore, it would be preferable to have a plenary only.
7. Mr. MEYERS (United States of America) said the Committee seemed to be losing some of the ground it had gained the day before. There was nothing in the recommendations of its Bureau or in the proposals of the Netherlands representative to prevent all the questions that might be raised during the review of the Treaty from being taken up. That should be borne in mind when it decided whether or not to support the recommendations and proposals made.

8. The CHAIRMAN thought that, in order to reconcile different points of view, it might be useful to go along with the third possibility suggested by the representative of Romania and to empower the Conference to create appropriate bodies, if it considered them necessary. All that need be done was to amend rule 34 of the draft rules of procedure for the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which was a working paper of the Committee; the Committee could delete the first sentence of rule 34 and then state that the Conference could set up appropriate bodies.

9. Mr. JAY (Canada) endorsed that solution, and hoped that it would satisfy the Romanian representative.

10. Mr. HAMILTON (Sweden) approved the Chairman's suggestion, which would make it possible to reach compromise solutions and agreements more easily than in plenary.

11. Mr. di BERNARDO (Italy) agreed that the solution suggested by the Chairman was quite reasonable, and hoped it was acceptable to the Romanian representative.

12. Mr. COOMSON (Ghana) was in favour of the structure recommended by the Bureau of the Committee and of the creation of working groups as the need arose.

13. Mr. TUDOR (Romania) said that the aim of the Romanian delegation was to ensure that all Parties would participate in the Conference on an equal footing, and that an exhaustive review would be made of the operation of the Treaty. He pointed out that draft rule 36 relating to the Drafting Committee stated that that Committee "shall co-ordinate the drafting of and edit all texts referred to it by the Conference ... without altering the substance of the texts." The end of that sentence showed that it was necessary to be able to set up bodies capable of substantive drafting. That was why he had put forward three solutions, the last of which seemed to be acceptable. The text adopted should make it clear that, in order to accomplish its task, the Conference should be able to create, should the need arise, appropriate bodies on which each Party to the Treaty participating in the Conference could be represented.

14. The CHAIRMAN suggested that rule 34 might be reworded as follows:

"The Conference may establish appropriate bodies. As a general rule each State Party to the Treaty participating in the Conference may be represented in these appropriate bodies unless otherwise decided.",

and Mr. JAY (Canada) approved that wording.

15. Mr. MEYERS (United States of America), proposed, for the sake of clarity, that the words "appropriate bodies" should be replaced by "appropriate working bodies", in order to specify that they really were working bodies and not main committees under another name.

16. Mr. SCHOEN (Denmark) endorsed the United States proposal.

17. Mr. TUDOR (Romania) explained that the question was not to set up committees in another guise but bodies capable of doing the necessary work.

18. Mr. MEYERS (United States of America) said that he would not press for the adoption of his proposal if the Committee's report clearly indicated that the bodies in question would be working bodies.
19. Mr. van der KLAUW (Netherlands) said that the second sentence of the new text proposed showed that the groups were open-ended and not main committees. Consequently, the clarification requested by the United States representative was not absolutely necessary.
20. The CHAIRMAN too thought that the text indicated quite clearly that the bodies in mind were working bodies and not main committees. The Romanian representative's suggestion could therefore be adopted if the United States representative had no objection.
21. Mr. MEYERS (United States of America) said that he was satisfied with the Chairman's explanation.
22. Mr. van der KLAUW (Netherlands) thought that the word "appropriate" in the second sentence of the text proposed for rule 34 should be deleted.
23. In the light of that suggestion, the CHAIRMAN read out the text for rule 34 which would be worded as follows:

"The Conference may establish appropriate bodies. As a general rule each State Party to the Treaty participating in the Conference may be represented in those bodies unless otherwise decided."

If there were no objections, he would take it that the Committee adopted rule 34, as amended.

24. It was so decided.
25. Mr. DAVIS (Australia) wondered what heading should now be used for rule 34.
26. The CHAIRMAN suggested that the Committee should proceed to its third reading of the draft rules of procedure before deciding upon the heading for rule 34.

DRAFT RULES OF PROCEDURE: THIRD READING

Chapter I - Representation and credentials

Rules 1 and 2

27. Draft rules 1 and 2 were adopted on third reading.

Rule 3

28. The CHAIRMAN read out the first sentence of draft rule 3, which was now worded:

"The Conference shall establish a Credentials Committee composed of a Chairman and one Vice-Chairman elected in accordance with rule 5, and five members appointed by the Conference on the proposal of the President...".

29. Draft rule 3, as amended, was adopted on third reading.

Rule 4

30. Draft rule 4 was adopted on third reading.

31. Chapter I as a whole was adopted on third reading.

Chapter II - Officers

Rule 5

32. The CHAIRMAN said that draft rule 5 would now read as follows:

"The Conference shall elect the following officers: a President, ...
Vice-Presidents, as well as a Chairman and one Vice-Chairman for the Drafting
Committee and the Credentials Committee."

He noted that the decision concerning the number of Vice-Presidents of the Conference was bound up with the question of geographical distribution.

33. Mr. TUDOR (Romania) asked what officers there would be for the "appropriate bodies" that the Conference might set up.

34. Mr. van der KLAUW (Netherlands) thought that the usual practice was to ask a Vice-Chairman to assume the chairmanship of any body created by a conference of the kind in question.

35. Mr. TUDOR (Romania) said that the Sea-Bed Treaty Review Conference might have as many as 12 Vice-Presidents.

36. Mr. OGISO (Japan) thought that the problem could be solved by reference to rule 37 (a), on the understanding that the term "working group" would be replaced by "appropriate body".

37. The CHAIRMAN suggested that the number of Vice-Presidents should be left blank until rule 37 had been adopted.

38. Subject to that reservation, draft rule 5 was adopted on third reading.

Rules 6 and 7.

39. Draft rules 6 and 7 were adopted on third reading.

40. Subject to the reservation concerning rule 5, chapter II, as a whole, was adopted on third reading.

Chapter III - General Committee

Rule 8

41. The CHAIRMAN said that all references to main committees in that rule should be deleted. The number of Vice-Presidents would be indicated when rule 37 had been adopted.

42. Subject to that reservation, draft rule 8 was adopted on third reading.

Rule 9

43. Draft rule 9 was adopted on third reading.

44. Subject to the reservation concerning rule 8, chapter III as a whole was adopted on third reading.

Chapter IV - Conference Secretariat

Rules 10 and 11

45. Draft rules 10 and 11 were adopted on third reading.

Rule 12

46. The CHAIRMAN recalled that that rule had been left in abeyance pending the Committee's decision on the question of financing.

47. Subject to the reservation concerning rule 12, section IV as a whole was adopted on third reading.

Chapter V - Conduct of business and Chapter VI - Voting and elections

Rules 13 to 33

48. Draft rules 13 to 33 were adopted on third reading.

49. Chapters V and VI as a whole were adopted on third reading.

Chapter VII - Committees

50. The CHAIRMAN recalled that draft rule 34 had been approved in principle on second reading, subject to the amendment of its heading.

51. Mr. van der KLAUW (Netherlands) said he felt it was also necessary to amend the heading of chapter VII, which should apply both to the "appropriate bodies" and the Drafting Committee. In addition, rule 35 and its heading should be deleted. Moreover, it would be more logical to place rule 36 before rule 34.

52. Mr. TUDOR (Romania) said he preferred the present order, as it seemed that any "appropriate body" which the Conference might set up would be broader and more representative than the Drafting Committee, which was merely a technical body.
53. The CHAIRMAN agreed that the text and heading of rule 35 should be deleted. Moreover, chapter VII could be divided into two, as rules 34 and 36 dealt with different bodies. On the other hand, rule 37 presented a problem, because it applied to both of them.
54. Mr. van der KLAUW (Netherlands) was of the view that rule 37 applied essentially to the conduct of business of bodies which the Conference might set up under rule 34. For that reason, the words "working group" or "working groups" in rule 37 could simply be replaced by "appropriate body" or "appropriate bodies", and the text placed before that of rule 36 relating to the Drafting Committee, to which it did not apply.
55. The CHAIRMAN pointed out that rule 37 applied both to the officers and the procedures of the "appropriate bodies", the Drafting Committee and the Credentials Committee. In his opinion, therefore, it might be better to maintain the general tenor of that article, and to divide the present chapter VII into three separate chapters, one dealing with the "appropriate bodies", the next with the Drafting Committee and the third with the officers and procedures of all those bodies.
56. Following a further exchange of views between the representative of the Netherlands and the Chairman, it was decided to delete rule 35, and to divide the present chapter VII into three new chapters, namely, VII. APPROPRIATE BODIES OF THE CONFERENCE (rule 34); VIII. DRAFTING COMMITTEE (rule 36, which would become rule 35), and IX. OFFICERS AND PROCEDURE (rule 37, which would become rule 36), on the understanding that the subsequent chapters and rules would be renumbered accordingly.
- Rule 37 (new rule 36)
57. The CHAIRMAN proposed that the end of the first paragraph should be amended to read as follows: "... shall be applicable, mutatis mutandis, to the proceedings of the Credentials Committee, the Drafting Committee and the appropriate bodies, except that: ...".
58. Mr. TUDOR (Romania) considered it would be better to mention the appropriate bodies set up by the Conference first.
59. Mr. MEYERS (United States of America) said he thought it was illogical, in the light of what had previously been decided, to give a kind of precedence to "appropriate bodies" over the other bodies of the Conference.
60. Mr. TUDOR (Romania) wondered whether the problem could be solved by simply referring to "subsidiary bodies of the Conference" at the end of that paragraph.

61. Mr. MEYERS (United States of America) feared that such a simplification might become a source of confusion for Conference participants who had not taken part in the work of the Preparatory Committee. He preferred the text suggested by the Chairman which was more in line with the decisions already taken.
62. Mr. TUDOR (Romania) said he could agree to a reference to the "appropriate bodies" after the Credentials Committee.
63. The CHAIRMAN thought that the matter was not of vital importance, and wondered whether the Committee could accept the text he had proposed, on the understanding that no particular significance was attached to the order in which the various bodies were listed.
64. Mr. TUDOR (Romania) accepted the Chairman's proposal.
65. Mr. SCHLAICH (Federal Republic of Germany) reminded the Committee of the former heading of chapter VII and the text of former rule 37, and said he thought a simple reference to the proceedings of the "committees and other appropriate bodies" would be sufficient.
66. It was so decided.
67. Mr. DAVIS (Australia) suggested that paragraph (a) of rule 37, (new rule 36) should be amended to read as follows: "unless otherwise decided, any body established under rule 34 shall elect a Chairman and such other officers as it may require". In paragraph (b) it would be sufficient to replace the words "working groups" by "appropriate bodies". As for paragraph (c), the words "working group" should be replaced by "appropriate body", and the second part of the paragraph, beginning with the words "The chairman of a Main Committee ...", should be deleted.
68. Mr. van der KLAUW (Netherlands) said that, as the "appropriate bodies" established under rule 34 would be open to all, it was impossible to speak of a quorum. It would therefore be better to retain the second part of paragraph (c) simply replacing the words "of a Main Committee" by "of an appropriate body".
69. Mr. SCHLAICH (Federal Republic of Germany) said it was just possible to imagine an "appropriate body" consisting of only two members. It was not normal practice to stop the proceedings of such bodies when some of the representatives who were supposed to attend failed to turn up at a particular meeting. In any case, the results of the deliberations of such bodies were invariably submitted for approval to higher bodies in which a quorum was necessary.
70. Mr. TUDOR (Romania) pointed out that the composition of an "appropriate body" of that type was always known once participants had given their names to the chairman. In his opinion, therefore, it was necessary to require a quorum.
71. Mr. van der KLAUW (Netherlands) said he believed the crux of the issue was whether those "appropriate bodies" would actually be open to all. It was true that the chairman asked members wishing to take part to indicate their intention of doing so when such bodies were set up, but there was always the possibility that other delegations

might decide to join in the proceedings if they were interesting, or withdraw if they were not. Very often the number of delegations which had indicated their intention of participating in a new body was greater than the number of actual participants. It would appear preferable therefore, purely for reasons of efficiency, to leave the chairman of any such body to decide whether or not the number of representatives was sufficient for a valid discussion. In any case, that was the procedure which, in the view of his delegation, ought to be followed if, as it hoped, the idea of setting up "appropriate bodies" open to all was a good one.

72. Mr. TUDOR (Romania) pointed out that, although rule 34 of the draft rules of procedure of the Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons provided for the establishment of working groups open to all, it had nevertheless been considered useful in rule 37 (c) to specify a quorum and procedures for those working groups. Surely any amendment to that paragraph would imply that the importance of the "appropriate bodies" set up by the Conference could be diminished.

73. The CHAIRMAN said that he tended to agree with the representative of the Netherlands that it was very difficult to talk about a quorum for an open-ended body. As a lawyer with some experience of United Nations work, he had to confess that he found rule 37 of the rules of procedure for the Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons rather illogical. By amending it, the Preparatory Committee would doubtless improve it from a legal standpoint without in any way diminishing the importance attached to the "appropriate bodies" that the Conference might set up.

74. Mr. van der KLAUW (Netherlands) also pointed out that the rule in question had never been applied during the NPT Review Conference because its working groups had always been open to all, in other words, their members had never been explicitly appointed.

75. Mr. TUDOR (Romania) felt it was casuistic to quote that precedent, because reference could also be made to the procedure followed by UNCTAD, for instance, where discussions often took place in ad hoc working groups in which a quorum was always required. It had never been necessary to invoke the procedure provided for in rule 37 at the NPT Review Conference because a consensus had always been sought. Matters were therefore not always as simple as they appeared at first sight.

76. The CHAIRMAN asked members of the Committee whether they had any objection to the following wording of paragraph (c) of rule 37, which would take account of the Romanian representative's arguments:

"a majority of the representatives on the General, Drafting or Credentials Committees or on any appropriate body established under rule 34, shall constitute a quorum".

77. Mr. van der KLAAUW (Netherlands) agreed that it was possible to specify that half the Conference participants plus one constituted a majority in an "appropriate body". However, it should be borne in mind that smaller bodies, which were often extremely useful might be set up. In his opinion, the idea of a quorum could be accepted only if it were decided that the "appropriate bodies" would in every case be established by the Conference in a strictly formal manner.

78. Mr. SCHLAICH (Federal Republic of Germany) proposed a compromise formula consisting in the deletion of the words "any working group" in the first phrase of paragraph (c), and the replacement of the second phrase by the following: "the same may apply to any body established under rule 34 if the Conference so decides". That would leave the Conference free to decide on the need for a quorum if the "appropriate body" it wished to set up was particularly important.

79. Mr. TUDOR (Romania) and Mr. van der KLAAUW (Netherlands) supported that proposal.

80. Draft rule 37 (new rule 36 forming a new chapter IX), was adopted as amended on third reading.

Chapter VIII (new chapter X) - Languages and records

Rule 42 (new rule 41)

81. The CHAIRMAN pointed out that the wording of the rule would have to be amended to take account of the fact that there would be no main committees; the Secretariat could be entrusted with that task.

82. Subject to that drafting amendment, draft rule 42 (new rule 41) was adopted on third reading.

83. Subject to the reservation concerning rule 42 (new rule 41), chapter VIII (new chapter X) as a whole was adopted on third reading.

Chapter IX (new chapter XI) - Public and private meetings

Rule 43 (new rule 42)

84. The CHAIRMAN said that the words "and the meetings of the Main Committees" in paragraph 1 should be deleted.

85. Mr. van der KLAAUW (Netherlands) pointed out that the words "unless the body concerned decides otherwise" at the end of paragraph 1 would also have to be amended to read "unless otherwise decided".

86. The CHAIRMAN said that, if there were no objections, he would consider those amendments adopted.

87. It was so decided.

88. Draft rule 43 (new rule 42, forming the new chapter XI) was adopted on third reading.

Chapter X (new chapter XII) - Participation and attendance

Rule 44 (new rule 43)

89. The CHAIRMAN said that the Secretariat could make the necessary changes in that rule in the light of the decision taken on the structure of the Conference.

90. Subject to those changes, rule 44 (new rule 43, forming the new chapter XII) was adopted on third reading.

91. The CHAIRMAN noted that the Preparatory Committee had completed its work on the rules of procedure, except for those dealing with costs and the number of Vice-Presidents. He asked participants whether they wished to proceed immediately with the discussion of the number of Vice-Presidents - and in that connexion drew attention to the proposal submitted by the representative of the Federal Republic of Germany - or whether they needed more time before embarking on that subject.

92. He said it was most important, in the light of the experience gained at the NPT Review Conference, to make satisfactory arrangements concerning the composition of the Bureau and the geographical distribution of offices in order to ensure the smooth functioning of the Conference. Unless agreement was reached on that point, several days might well be wasted at the beginning of the Conference. He reminded members that, during the informal consultations which had taken place in New York, it had been suggested that the Preparatory Committee might not have to meet two days prior to the Conference. If the Committee accepted that idea and therefore had to complete its work during the current session, it would be essential to reach agreement on the composition of the Bureau. He therefore appealed to all members of the Preparatory Committee to proceed with their consultations on the subject and, if possible, to make some suggestions. It would be possible to take a decision in the immediate future on the formula proposed by the Federal Republic of Germany but, in view of the information available to him, he felt it would be well if informal consultations were to continue. He stressed the need to draw up a recommendation on that subject in order to avoid wasting time at the beginning of the Conference.

93. Mr. DJOKIC (Yugoslavia) proposed that the meeting should be adjourned and the discussion continued at the following meeting so as to allow members of the Committee time to consider the proposal of the Federal Republic of Germany and to engage in consultations.

94. Mr. BARRINGTON-SMYTHE (New Zealand) said that a list of the States parties to the Sea-Bed Treaty must be made available if the question of geographical distribution was to be discussed.

95. Miss SEGARRA (Secretary of the Committee) said that the delegation of one of the Depository Governments had just informed her that the Secretariat would shortly be provided with that Government's official list of parties to the Treaty; the list would be passed on to the members of the Committee as soon as it was received.

The meeting rose at 5.10 p.m.