



International Atomic Energy Agency

# GENERAL CONFERENCE

GC(XXXV)/GEN/OR.61

21 October 1991

GENERAL Distr.

Original: ENGLISH

## THIRTY-FIFTH (1991) REGULAR SESSION

### GENERAL COMMITTEE

#### RECORD OF THE SIXTY-FIRST MEETING

Held at the Neue Hofburg, Vienna,  
on Thursday, 19 September 1991, at 9.35 a.m.

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[\*] GC(XXXV)/982.

ATTENDANCE AT THE MEETING

Chairman

Mr. SANTANA CARVALHO (Brazil), President of the General Conference

Members

Mr. ROSALES ARIAS, representing Mr. CASTRO DIAZ BALART (Cuba),  
Vice-President of the General Conference

Mr. LOOSCH (Germany), Vice-President of the General Conference

Mr. ENDO (Japan), Vice-President of the General Conference

Mr. AAMODT (Norway), Vice-President of the General Conference

Mr. HADDAD (Syrian Arab Republic), Vice-President of the General  
Conference, and Mr. MASSARANI

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

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

Mr. WILSON (Australia), Chairman of the Committee of the Whole

Mr. LEE (Canada), Additional Member

Ms. TALLAWY (Egypt), Additional Member

Mr. SALLOUKH (Lebanon), Additional Member

Mr. PLUG (Netherlands), Additional Member

Secretariat

Mr. SANMUGANATHAN, Secretary of the Committee

ADOPTION OF THE AGENDA FOR THE MEETING (GC(XXXV)/GEN/83)

1. The CHAIRMAN enquired whether the Committee was prepared to approve the provisional agenda contained in document GC(XXXV)/GEN/83.

2. It was so decided.

EXAMINATION OF DELEGATES' CREDENTIALS

3. The CHAIRMAN, after referring to Rules 27, 28 and 29 of the Rules of Procedure and recalling the requirements of Rule 27, said that the Committee's task was simply to ascertain that those requirements had been satisfied. The present situation was the following: 74 delegates had submitted credentials complying with Rule 27 of the Rules of Procedure, while in respect of 20 delegates the Secretariat had received communications which did not constitute proper credentials satisfying the requirements of that Rule. If the Committee or any of its members wished to know to which category a particular delegate belonged, that information would be provided by the Credentials Officers, who were present at the meeting.

4. He drew the Committee's attention to document GC(XXXV)/981, which set forth the reservations of the Arab delegations members of the League of Arab States participating in the current session of the Conference concerning the credentials of the delegate of Israel. He proposed that the Committee take note of those reservations, which would be fully reflected in the Committee's report to the Conference and in the record of the present meeting.

5. Ms. TALLAWY (Egypt), speaking on behalf of the African Group, expressed strong reservations concerning the credentials of the delegate of South Africa. The Government and régime in South Africa did not represent the majority of its people and regularly violated the Charter of the United Nations. South Africa should not be admitted to any international forum as long as apartheid continued. The African Group would like their reservations reproduced in an annex to the Committee's report.

6. Mr. McGUINNESS (United States of America) regretted that some delegations had expressed reservations about the credentials of the delegates of Israel and South Africa. The Committee had no mandate to question a

delegate's credentials on purely political grounds, but should accept all credentials submitted to it unless they clearly did not meet the requirements of the Rules of Procedure.

7. Mr. LOOSCH (Germany) said that he did not object that reservations by some delegations about the credentials of Israel and South Africa would be reflected in the Committee's report and in the summary records of the meeting. He pointed out, however, that while the content of reservations in respect of the Israeli delegation's credentials were known, reservations about the credentials of the South African delegation were presented orally, and for that reason he would like to see how those reservations were phrased before the Committee's report was issued.

8. His delegation fully recognized the credentials of the South African delegation and doubted that there could be any reservations about those credentials taking into account that South Africa had adhered to the Treaty on the Non-Proliferation of Nuclear Weapons and concluded a safeguards agreement with the Agency which had entered into force upon signature.

9. Mr. LEE (Canada) said his delegation had no objection to the attachment of an annex to the Committee's report setting out the views of certain delegations about the participation of Israel and South Africa. The report should also show, however, that universality of participation in the organs of the United Nations was still a governing principle. While his delegation understood the views expressed by other delegations concerning the credentials of Israel and South Africa, that principle must be primary.

10. Ms. TALLAWY (Egypt) said that the African Group's reservations concerning South Africa had been clearly expressed: it did not have a representative government and had consistently violated the Charter of the United Nations. The accession of South Africa to NPT was welcome but did not in itself constitute acceptable credentials. Many Agency Member States, and indeed some represented on the Board of Governors, had not yet become parties to NPT. Her delegation supported the principle of universality, but on a legal basis.

11. Mr. AAMODT (Norway) said his delegation found the credentials of South Africa acceptable, provided they were issued in accordance with the Rules of Procedure.

12. Mr. ROSALES ARIAS (Cuba) said his delegation strongly supported the views of the Arab Member States concerning the credentials of Israel, set out in document GC(XXXV)/981, and also supported the views expressed by Egypt concerning the credentials of South Africa, for reasons that were well known.

13. Mr. SALLOUKH (Lebanon), noting that the credentials of South Africa and Israel were now being treated as a single item on the agenda, expressed his delegation's reservations, which were shared by the Arab countries and many others, concerning the credentials of Israel. Their arguments were solid, and related to international rules and instruments. Israel had violated international rules, in particular the Fourth Geneva Convention (1949) by occupying land in a number of Arab countries, particularly the city of Jerusalem and the Golan plateau in Syria, and its tanks were still present on the soil of Lebanon. In particular, the annexation of the holy city of Jerusalem had not been recognized internationally. He appealed to heads of delegations to ask themselves how they would feel in a situation such as Lebanon was now in. The daily violations and the annexation carried out by Israel incited his country to adopt its position.

14. Mr. MAYORSKY (Union of Soviet Socialist Republics) said that, in the opinion of his delegation, South Africa's adherence to NPT, and its conclusion of a safeguards agreement with the Agency which included full-scope safeguards, meant that the question of its credentials within the Agency should not arise.

15. Mr. HADDAD (Syrian Arab Republic) said that his delegation regarded the annexation of Jerusalem by Israel and its designation as capital of that country as a wholly illegal act, and reminded the Committee of General Assembly resolution 35/169E of 15 December 1980, which considered all administrative and legal measures following the occupation of the city as null and void and unlawful, and in which the General Assembly called upon all States, specialized agencies and other international organizations to disregard any measure taken by Israel contravening that resolution.

16. Ms. TALLAWY (Egypt) reiterated that her country was in a special position regarding the credentials of Israel and its annexation of Jerusalem and continuing occupation of Arab territories.

17. The CHAIRMAN suggested that the Committee submit to the General Conference a report stating that the Committee had met to examine the credentials of delegates in accordance with Rule 28 of the Rules of Procedure and fully reflect the reservations regarding the credentials of the delegate of Israel contained in document GC(XXXV)/981 as well as those concerning the credentials of the delegate of South Africa, together with lists of the Member States whose delegates were in possession of satisfactory credentials and of those for whose delegates the Director General had received communications not complying with Rule 27. The report could indicate that, following the practice of previous years, the General Committee considered that delegates in the latter category should be allowed to participate in the work of the Conference on the understanding that for each such delegate proper credentials would be submitted to the Director General as soon as possible. Lastly, the report could recommend that the General Conference adopt the following draft resolution:

"EXAMINATION OF DELEGATES' CREDENTIALS

"The General Conference,

"Accepts the report by the General Committee on its examination of the credentials of delegates to the Conference's thirty-fifth regular session which is set forth in document GC(XXXV)/..."

18. It was so decided.

REQUESTS FOR THE RESTORATION OF VOTING RIGHTS (GC(XXXV)/INF/303, 304 and 305)

19. The CHAIRMAN said that Bolivia and Senegal, to which, as indicated in document GC(XXXV)/INF/303, Article XIX.A of the Statute had applied on 13 September 1991, had requested, in letters reproduced in documents GC(XXXV)/INF/304 and GC(XXXV)/INF/305, respectively, that they not be deprived of their right to vote during the current session. The Committee's task was simply to make a recommendation to the General Conference on whether or not it should accede to those requests.

20. Mr. ROSALES ARIAS (Cuba) said that, in the light of the explanations given by the Resident Representative of Bolivia in document GC(XXXV)/INF/304, and in view of the critical financial situation facing

Latin American countries generally, his delegation favoured the restoration of Bolivia's right to vote - especially as Bolivia was at present acting as Chairman of the Latin American and Caribbean Group.

21. Ms. TALLAWY (Egypt), while acknowledging the need for countries to meet their financial obligations to the Agency as quickly as possible, nevertheless supported the application from Senegal, in view of the small amount involved and the clear intention to pay, and also that of Bolivia, for the economic reasons cited in its application.

22. Mr. SALLOUKH (Lebanon) endorsed the statements of Egypt and Cuba. Bolivia and Senegal were facing financial, administrative and other difficulties that could afflict any country. They were both very effective members of the international organizations, and should not be deprived of the right to vote.

23. Mr. LOOSCH (Germany) acknowledged that many countries were suffering financial problems, but pointed out that the Agency was absolutely dependent on the financial contributions of its Members. Although he sympathized with the problems that had been mentioned, the rules had to be observed, and, in the present case, the right to vote withheld. Since the countries involved had considerable influence within their regions, their views would still be felt at the General Conference, even if they had no right to vote.

24. Mr. MAYORSKY (Union of Soviet Socialist Republics) said his delegation supported the requests of Bolivia and Senegal for the reasons so eloquently expressed by the representative of Lebanon, and reminded the Committee that those requests also had widespread regional support.

25. Mr. ENDO (Japan) expressed his delegation's sympathy with the financial and administrative difficulties experienced by Bolivia and Senegal. However, the reasons they cited were of a general nature, and his delegation felt that in the two cases under consideration the rules should be strictly applied.

26. Mr. McGUINNESS (United States of America) said that, in common with the German and Japanese delegations, his delegation sympathized with the problems of Bolivia and Senegal. However, they would both still have ample

opportunity to participate in the affairs of the Agency, even if the rule set out in Article XIX.A of the Statute were upheld. Strict observance of that rule was very much in the interests of good management within the Agency.

27. Mr. AAMODT (Norway) said that early payment of assessed contributions was essential to the operations of the Agency. His delegation could see no special reason that would justify the restoration of voting rights to Senegal and Bolivia.

28. Mr. LEE (Canada) said that all 18 countries listed in document GC(XXXV)/INF/303 could have used the same arguments as Bolivia. He welcomed the participation of all of them, but pointed out that membership of any United Nations organization, while according certain rights and privileges, also entailed certain important duties, among which was the payment of assessed contributions.

29. However, his delegation drew a distinction between the request from Bolivia and that from Senegal. In the latter case, human error, obviously, was involved and the intention to pay was clear. The amount of US \$2672 might already have been paid. The case indicated exactly why some powers of discretion were provided for in the Rules of Procedure. Therefore, his delegation supported the request from Senegal, while rejecting that of Bolivia.

30. Mr. PLUG (Netherlands) said that his delegation supported the views expressed by Germany, Japan, the United States and Norway. He expressed his delegation's sympathy for the two countries involved but pointed out that membership of an international organization carried with it certain obligations. If they were not met, the rights derived from them had to be suspended. Also, as had been pointed out, the two countries would still be able to play a substantial part in the affairs of the Conference through their regional groups. Suspension of voting rights was a fairly small price to pay for non-fulfilment of one's obligations, and the Agency should enforce the only sanction available to it in such a case.

31. Mr. ROSALES ARIAS (Cuba) said that his delegation had so far only expressed its support for Bolivia, but would like to request that Senegal also be accorded the right to vote. Cuba had fervently argued in the past that the poorer countries' failure to pay contributions should not be regarded as an



impediment to the functioning of the Agency. Sometimes even developed countries were in arrears with contributions, delayed payment of which clearly had a much greater impact on the financial situation of the Agency than any delay in payment of the small contributions of developing countries could possibly have.

32. It was worth noting, moreover, that not all the 18 countries in arrears had asked to have their voting rights restored, and indeed not all of them showed the same level of active participation in the Agency's affairs. By contrast, Bolivia and Senegal amply deserved the restoration of their voting rights.

33. The CHAIRMAN said he assumed that the Committee did not wish to recommend that Bolivia be permitted to vote pursuant to Article XIX.A of the Statute. In the case of Senegal, since the Committee was equally divided, the proposal to recommend that that country be permitted to vote pursuant to Article XIX.A had to be treated as rejected under Rule 78 of the Rules of Procedure of the General Conference.

34. Ms. TALLAWY (Egypt) suggested that, in the case of Senegal, the Committee consider the matter further.

35. Mr. LOOSCH (Germany) said his delegation agreed with the Chairman's recommendation not to restore voting rights to either country. In the case of Senegal, if the appropriate steps had already been taken to transfer the outstanding balance owed to the Agency before the end of the Conference, the question of its arrears under Article XIX.A would not have arisen.

36. In response to the point made by the delegate of Cuba, he felt it was precisely because the payment of dues by both developing and developed countries was so important that the rules had to be applied.

37. Mr. LEE (Canada) said he believed that the request from Senegal was not necessary, as its current arrears did not amount to two years' assessed contributions.

38. Mr. ELBARADEI (Director, Legal Division) replied that the amount indicated was only that which would bring Senegal below the financial threshold which triggered the application of Article XIX.A. In other words, it was the minimum payment required to restore voting rights, not Senegal's total debt to the Agency.

39. Mr. HADDAD (Syrian Arab Republic) said his delegation supported the restoration of voting rights to both Bolivia and Senegal.

40. Mr. WILSON (Chairman of the Committee of the Whole) said that in his opinion the request of Bolivia must be rejected but that the Committee should approve a waiver in the case of Senegal.

41. Mr. McGUINNESS (United States of America) said his delegation wished to associate itself with the views so ably expressed by the delegate of Germany, although there was obviously a distinction to be made between the case of Bolivia and that of Senegal. Even so, the facts presented by Senegal in document GC(XXXV)/INF/305 did not show beyond any doubt that its failure to pay had been due to conditions beyond its control. Therefore the conditions for waiver under Article XIX.A had not been met.

42. He reaffirmed his delegation's view that the Committee should adhere strictly to the terms of Article XIX.A in the interests of good management of the Agency.

43. The CHAIRMAN, following a vote by show of hands, said that the Committee would recommend to the General Conference that Senegal be permitted to vote under the waiver option in Article XIX.A of the Statute. It was his understanding, however, that the Committee did not wish to make that recommendation in the case of Bolivia.

44. It was so decided.

#### OTHER MATTERS

45. Mr. PLUG (Netherlands) recalled that a draft resolution on strengthening of the Agency's promotional activities had been submitted in document GC(XXXV)/983 under item 7 of the agenda. Since the nature of the subject and the content of the document were likely to give rise to much discussion, he suggested that the draft resolution be discussed by the

Committee of the Whole before being taken up in Plenary. That procedure would probably save a lot of time.

46. Mr. WILSON (Chairman of the Committee of the Whole) said that, in his opinion, the Committee of the Whole might discuss the draft resolution after it had disposed of the other business before it, some of which related to certain points mentioned in document GC(XXXV)/983. However, he wondered whether the General Committee was entitled to make such a request to the Committee of the Whole without reference to the Conference.

47. Mr. ROSALES ARIAS (Cuba) said that, since the draft resolution was to be considered under the item "General debate and annual report for 1990", it should be discussed in Plenary. That was the agreed view of the Group of 77.

48. Mr. McGUINNESS (United States of America), Mr. AAMODT (Norway), Mr. ENDO (Japan) and Mr. LOOSCH (Germany) supported the suggestion put forward by the representative of the Netherlands.

49. Ms. TALLAWY (Egypt) endorsed the view expressed by the representative of Cuba.

50. Mr. HADDAD (Syrian Arab Republic) wondered whether any time would be saved by a procedure involving the Committee of the Whole: the Committee could not take a final decision on the draft resolution and its discussion of the draft would simply be repeated in Plenary.

51. Mr. MAYORSKY (Union of Soviet Socialist Republics) pointed out that the draft resolution involved certain new trends and shifts of emphasis in the Agency's activities, issues which required detailed preliminary consideration. For that reason, the Committee of the Whole should discuss it first. Moreover, the General Committee was fully entitled to request the Committee of the Whole to discuss a draft resolution, regardless of the agenda item to which it belonged, in the exercise of its function of assisting the President of the Conference.

52. Mr. SALLOUKH (Lebanon) endorsed the views of the representative of the Syrian Arab Republic.

53. Mr. LOOSCH (Germany) pointed out that the proposal before the Committee did not change the original allocation of item 7 of the agenda to the Plenary. A preliminary discussion by the Committee of the Whole would, he felt, ultimately save time in Plenary.

54. Ms. TALLAWY (Egypt) considered it unusual in international forums for one body to hold a general debate on an item while another took a decision thereon. Time was never gained by assigning matters to committees.

55. Mr. ROSALES ARIAS (Cuba) said that he could go along with the proposal under consideration provided the draft resolution could be discussed again in Plenary and provided the Committee of the Whole's recommendation on it was not simply transmitted to the Plenary for approval.

56. The CHAIRMAN requested the Director of the Agency's Legal Division to give his views on the question asked by the Chairman of the Committee of the Whole - namely, whether the General Committee was entitled to refer the draft resolution to the Committee of the Whole without securing the Conference's approval of that procedure.

57. Mr. ELBARADEI (Director, Legal Division) said that one of the functions of the General Committee was to assist the President of the Conference in conducting and co-ordinating its work. In exercising that function, the General Committee could request the Committee of the Whole to have a preliminary discussion on the draft resolution and to report on that discussion to the Conference at a Plenary meeting. As the draft resolution had been submitted under an item which had been allocated to Plenary, delegations would have the right to discuss that draft again at a Plenary meeting also.

58. The CHAIRMAN took it to be the General Committee's wish that, in view of the draft resolutions's rather technical character, and to assist in the efficient conduct of business at the Conference's Plenary meetings, the Committee of the Whole should have a preliminary discussion on the draft resolution contained in document GC(XXXV)/983, while the Plenary remained seized of the matter and would discuss it further, and that he should make a report on the Committee's wish at the following Plenary meeting of the Conference.

59. It was so decided.

60. Ms. TALLAWY (Egypt), referring to the allocation of items listed in the Conference's agenda (GC(XXXV)/982), suggested that item 9 should be taken up before item 8 in Plenary because delegations needed more time to complete their consultations on the latter item. If the General Committee did not agree, it might authorize the Chairman, in his capacity as President of the Conference, to deal with the matter in such a way as to enable those consultations to be completed.
61. Mr. McGUINNESS (United States of America) was in favour of retaining the order of items as it stood on the agenda.
62. Mr. PLUG (Netherlands) considered that it might be best to empower the Chairman to act as he deemed fit in the light of the circumstances. In that case, it would not be necessary formally to change the order of the items.
63. Mr. MAYORSKY (Union of Soviet Socialist Republics) and Mr. LOOSCH (Germany) supported the suggestion of the Netherlands representative.
64. The CHAIRMAN requested the Director of the Agency's Legal Division to give his opinion on the subject.
65. Mr. ELBARADEI (Director, Legal Division) said that the priority accorded to items by the Conference at a Plenary meeting could be changed only by that body. If it so wished, the Committee might leave it to its Chairman, who was the President of the Conference, to exercise flexibility in arranging matters and to report to the Conference as he saw fit.
66. The CHAIRMAN assumed that it was the General Committee's wish that, subject to the overriding control of the Conference, he should have the flexibility to proceed as he considered fit, having regard to the exigencies of the efficient conduct of the Conference's business.
67. It was so decided.

The meeting rose at 11.5 a.m.

