



GC

International Atomic Energy Agency

GENERAL CONFERENCE

GC(41)/GEN/OR.1
6 October 1997
GENERAL Distr.

Original: ENGLISH

FORTY-FIRST (1997) REGULAR SESSION

GENERAL COMMITTEE

RECORD OF THE FIRST MEETING

Held at the Austria Center Vienna
on Monday, 29 September 1997, at 5.40 p.m.

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[*] GC(41)/GEN/1.

ATTENDANCE AT THE MEETING

Chairman

Mr. NIEWODNICZAŃSKI (Poland), President of the General Conference

Members

Mr. WALKER (Canada), Vice-President of the General Conference

Mr. BORCHARD , representing Ms. WÜLFING (Germany), Vice-President of the
General Conference

Mr. HA, representing Mr. KWUN (Republic of Korea),
Vice-President of the General Conference

Mr. AL-GHAIS (Kuwait), Vice-President of the General Conference

Ms. LEONG SOOK LEI, representing Mr. HASHIM (Malaysia),
Vice-President of the General Conference

Mr. YAKOVENKO, representing Mr. MIKHAILOV (Russian Federation),
Vice-President of the General Conference

Mr. NSIMBI (Zimbabwe), Vice-President of the General Conference

Mr. STRATFORD (United States of America), Chairman of the Committee
of the Whole

Mr. QUAIYUM, representing Mr. SADIQUE (Bangladesh), Additional Member

Mr. KAHILUOTO, representing Mr. KILLIOMÄKI (Finland),
Additional Member

Mr. YENNIMATAS (Greece), Additional Member

Mr. MINTY (South Africa), Additional Member

Mr. BOERSNER STEDER (Venezuela), Additional Member

Secretariat

Mr. SANMUGANATHAN, Secretary of the Committee

**ADOPTION OF THE COMMITTEE'S AGENDA
(GC(41)/GEN/1)**

1. The CHAIRMAN pointed out that, in addition to the traditional item "Arrangements for the Conference", the provisional agenda contained an item dealing with requests for the restoration of voting rights.
2. If there were no objections, he would take it that the Committee wished to adopt the agenda proposed in document GC(41)/GEN/1.
3. It was so decided.

ARRANGEMENTS FOR THE CONFERENCE

- (a) **ADOPTION OF THE AGENDA AND ALLOCATION OF ITEMS FOR INITIAL DISCUSSION**
(GC(41)/1 and Add.1-2)

List of items

4. The CHAIRMAN drew the Committee's attention to the provisional agenda for the Conference in document GC(41)/1 and to two addenda thereto which had been issued containing requests for the inclusion of two supplementary items in the Conference's agenda.
5. Supplementary item A, entitled "Co-operation agreements with intergovernmental organizations", had been requested by Argentina and Brazil, and was set out in document GC(41)/1/Add.1 together with the explanatory memorandum required under the Rules of Procedure of the General Conference. In addition, document GC(41)/26 contained a recommendation by the Board of Governors relating to a co-operation agreement with the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC).
6. Supplementary item B, entitled "International Initiative for Chernobyl Sarcophagus", had been requested by the United States of America and was set out together with the required explanatory memorandum in document GC(41)/1/Add.2.

7. He took it that the Committee wished to recommend to the Conference that the agenda for the current session consist of all the items contained in documents GC(41)/1 and Add.1 and 2.

8. It was so decided.

Allocation of items for initial discussion and order of items

9. The CHAIRMAN, drawing attention to the annotations in document GC(41)/1 containing suggestions as to where the substance of individual items might first be discussed, said he took it that the Committee wished to recommend to the General Conference the allocation of items for initial discussion set forth in document GC(41)/1.

10. It was so decided.

11. The CHAIRMAN noted that no suggestion had been made with regard to the allocation of the two supplementary items for initial discussion, and the Committee would therefore have to agree on a recommendation to make to the Plenary. Accordingly, he suggested recommending that both supplementary items A and B should first be taken up in the Committee of the Whole.

12. It was so decided.

13. The CHAIRMAN further suggested, with regard to the order of items, that supplementary items A and B should be taken up immediately after item 20 of the agenda, thus becoming items 21 and 22, respectively, and that the rest of the order of items set forth in document GC(41)/1 should be retained.

14. The order of items would be agreed by the Committee on the understanding that the exigencies of the moment or the efficient conduct of business might call for changes to be made by the Plenary or the Committee of the Whole, with adequate notice being given of such changes.

15. The Chairman's suggestions were accepted.

(b) CLOSING DATE OF THE SESSION AND OPENING DATE OF THE NEXT SESSION

16. The CHAIRMAN said that although some 90 delegates had already entered their names on the speakers' list for the general debate, he considered that the Committee should recommend to the Conference that the closing date of the session be Friday, 3 October 1997.

17. It was so decided.

18. The CHAIRMAN proposed that the Committee recommend to the Conference that the opening date of the 1998 regular session of the General Conference be Monday, 21 September 1998.

19. It was so decided.

RESTORATION OF VOTING RIGHTS
(GC(41)/INF/7, 9, 11, 14 and 18)

20. The CHAIRMAN said that requests for the restoration of voting rights had been received from Iraq, Belarus, Tanzania and Uruguay, whose cases were explained in documents GC(41)/INF/7, 9, 14 and 18, respectively. The Committee also had before it document GC(41)/INF/11, which contained a communication from Kuwait in connection with the request of Iraq. The Committee's task was to recommend to the General Conference whether or not it should accede to those requests. Under Article XIX.A of the Statute, the General Conference could permit a Member State disqualified from voting because of default in the payment of its contributions to vote if it was satisfied that the failure to pay was due to conditions beyond the Member State's control.

21. Document GC(41)/INF/16, "Statement of Financial Contributions to the Agency as at 26 September 1997", listed the countries in arrears in the payment of financial contributions within the meaning of Article XIX.A of the Statute. However, since that document had been issued the Libyan Arab Jamahiriya and Niger had made payments resulting in their deletion from the list of those without voting rights.

22. Mr. AL-GHAIS (Kuwait), referring to Iraq's request in document GC(41)/INF/7, said that the second sentence of Article XIX.A of the Statute was clearly not applicable to that Member State, since its failure to pay its contributions was by no means due to conditions beyond its control. Iraq's predicament was of a political nature, arising from a wilful act of aggression against a neighbouring country which had resulted in a serious international conflict, and from subsequent action taken against Iraq by the international community in accordance with the relevant resolutions of the United Nations Security Council pursuant to Chapter VII of the Charter of the United Nations.

23. Recently, the United Nations General Assembly had confirmed the distinct character of Iraq's situation by rejecting its request for the restoration of its voting rights while accepting the legitimate requests of other States. He urged the Committee to follow its own previous practice and do likewise.

24. Mr. STRATFORD (Chairman of the Committee of the Whole) said that the statement made by the delegate of Kuwait seemed fully to reflect the thinking behind the rejection of similar requests by Iraq at previous sessions of the General Conference, namely that Iraq's misfortunes were of its own making, rather than due to conditions beyond its control.

25. By contrast, the requests by Belarus and Uruguay, and to a lesser extent Tanzania, seemed to set out strong cases for acceptance.

26. Mr. NSIMBI (Zimbabwe) said that although the African Group would wish as many African Member States as possible to pay their contributions, Tanzania was one of many undergoing severe difficulties owing to the reconstruction of its economy. He would therefore like to support the request from the United Republic of Tanzania.

27. Mr. YAKOVENKO (Russian Federation) said that Iraq was correct in claiming that force majeure conditions had prevented it from paying its assessed contributions to the Regular Budget, given that Iraq had been subject to a full embargo since 1990 and that its assets abroad had all been frozen.

28. Iraq's request was therefore in a different category from those of the other countries being discussed since, despite having the willingness and resources to pay its assessed contributions, it had been deprived of a mechanism for doing so.

29. Moreover, as the international community's sanctions against Iraq did not provide for the denial of that country's right to vote at the Agency's General Conference, there was a sense in which the Agency was punishing Iraq twice over in continuing to deny it its voting rights - a situation which seemed problematic from a legal point of view, and which appeared to run counter to the progress which had been reported in the Summary and Conclusions¹ of the Director General's report on the implementation of United Nations Security Council resolutions relating to Iraq. In that light, it seemed worth cautioning that the Agency might be exposing itself to the charge that it was behaving in a prejudicial manner against a Member State and even that its actions were affected by a certain politicization, although naturally none of the Agency's Member States, including the Russian Federation, would subscribe to such a view.

30. In conclusion, he urged the Committee to accede to Iraq's request, bearing in mind the exceptional force majeure situation which that country faced.

31. Mr. BORCHARD (Germany) said that he supported the views expressed by the delegate of Kuwait and the Chairman of the Committee of the Whole. The arguments advanced in the discussions on the matter held in recent years at the General Conference and in the Security Council had changed little. The Committee should accordingly follow the precedents adopted on those occasions.

32. Mr. YAKOVENKO (Russian Federation) said that while his delegation would continue to hold the view he had put forward, it would not block a consensus decision by the Committee to deny Iraq the right to vote at the General Conference.

33. Mr. AL-GHAIS (Kuwait) thanked the representative of the Russian Federation for his statement and said it was his impression that the Committee would be able to reach a consensus decision on the matter.

¹ Section V of the Attachment to document GC(41)/20.

34. The CHAIRMAN said he took it that the Committee did not wish to recommend that Iraq be permitted to vote pursuant to the second sentence of Article XIX.A of the Statute.

35. It was so decided.

36. Mr. YAKOVENKO (Russian Federation), referring to the request made by Belarus, said it was important to remember that Belarus was second only to Ukraine in the amount of damage it had suffered as a result of the Chernobyl disaster. Both those countries were currently receiving considerable assistance from all over the world, including from the Agency. Unfortunately, Belarus was not in a position to make use of all the assistance it might receive, and moreover was forced to spend up to 20% of its annual budget on attempting to remedy the problems caused by the Chernobyl accident.

37. It was thus understandable that Belarus should be unable to keep up with its contributions to international organizations. He urged members of the Committee to approve Belarus's request as a morale-boosting expression of political support for its Government's attempts to deal with the problems resulting from Chernobyl.

38. The CHAIRMAN said he took it that the Committee wished to recommend that the Conference permit Belarus to vote pursuant to the second sentence of Article XIX.A of the Statute.

39. It was so decided.

40. Mr. NSIMBI (Zimbabwe), referring to the request made by the United Republic of Tanzania, said that the African Group felt very strongly that Tanzania, as one of the poorest countries in the world, should not be denied the right to vote at the General Conference.

41. The CHAIRMAN said that he took it that the Committee wished to recommend that the Conference permit the United Republic of Tanzania to vote pursuant to the second sentence of Article XIX.A of the Statute.

42. It was so decided.

43. Mr. BOERSNER STEDER (Venezuela) said that the request made by Uruguay in document GC(41)/INF/18 deserved to be favourably received by the Committee. Like Venezuela, which had only recently paid its contributions, Uruguay was currently experiencing considerable financial difficulties. As a result, the Ministry of Economics and Finance of Uruguay had only recently been able to instruct the New York branch of its bank to effect the necessary payment.

44. Since Uruguay was thus fulfilling its obligation to the Agency, he urged the Committee to accept its request.

45. The CHAIRMAN took it that the Committee wished to recommend that the Conference permit Uruguay to vote pursuant to the second sentence of Article XIX.A of the Statute.

46. It was so decided.

47. The CHAIRMAN proposed that the Committee meet again as a credentials committee, in accordance with Rule 28 of the Rules of Procedure, on Thursday, 2 October 1997, at 9.15 a.m.

48. It was so decided.

The meeting rose at 6.25 p.m.

