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FORTY-SECOND (1998) REGULAR SESSION

GENERAL COMMITTEE

RECORD OF THE THIRD MEETING

Held at the Austria Center Vienna
on Thursday, 24 September 1998, at 9.15 a.m.

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[*] GC(42)/20.

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ATTENDANCE AT THE MEETING

Chairman

Ms. LAJOUS VARGAS (Mexico), President of the General Conference

Members

Mr. CODURNIÚ PUJALS (Cuba), Vice-President of the General Conference

Mr. FÖRSTER (Netherlands), Vice-President of the General Conference

Mr. ZAIDE (Philippines), Vice-President of the General Conference

Mr. PAVLINOV, representing Mr. ADAMOV (Russian Federation),
Vice-President of the General Conference

Mr. DAVIES, representing Mr. MADUNA (South Africa), Vice-President
of the General Conference

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

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

Ms. OGNJANOVAC, representing Mr. PORGES, (Croatia), Additional Member

Mr. TWIST, representing Ms. DORAN (Ireland), Additional Member

Mr. AL-GHAIS (Kuwait), Additional Member

Mr. BENMOUSSA, representing Mr. TAHIRI (Morocco), Additional Member

Mr. BERTONCELJ, representing Mr. GREGORIČ (Slovenia), Additional Member

Ms. CLIFF, representing Mr. HEATHCOTE (United Kingdom of Great Britain and
Northern Ireland), Additional Member

Secretariat

Mr. SANMUGANATHAN, Secretary of the Committee

Mr. BASHUA, Assistant Secretary of the Committee

Mr. JOHNSON, Legal Division

Mr. BOULANENKOV, Legal Division

Mr. ESPINO, Division of Budget and Finance

Mr. BOULANENKOV, Legal Division

ADOPTION OF THE AGENDA FOR THE MEETING
(GC(42)/GEN/2)

1. The CHAIRMAN asked whether the Committee wished to adopt the proposed agenda contained in document GC(42)/GEN/2.
2. The agenda was adopted.

EXAMINATION OF DELEGATES' CREDENTIALS
(GC(42)/22, GC(42)/27 and Corr.1)

3. The CHAIRMAN, after drawing the Committee's attention to Rules 27, 28 and 29 of the Rules of Procedure of the General Conference and recalling that under Rule 27 credentials designating the delegate of a Member State to a given session of the General Conference had to be submitted to the Director General and issued by the Head of State or Government or by the Minister of Foreign Affairs, said that 101 delegates had submitted credentials complying with Rule 27 and that in respect of 15 others, the Secretariat had received communications that did not constitute credentials satisfying the requirements of that Rule. All the delegates to the current session of the General Conference fell within one or other of those two categories.
4. Mr. BENMOUSSA (Morocco) said that a distinction had to be made, in the case of the 15 delegates for whom the Secretariat had received communications which did not constitute credentials satisfying the requirements of Rule 27, between those for whom the Secretariat had received copies of credentials in due form and those for whom it had received only a Note Verbale from an authority other than those provided for in that Rule, for example, a Note Verbale from their Mission in Vienna. For delegates in the latter category the Secretariat had no assurance that credentials in due form would be forthcoming, and he wondered whether the matter was followed up at all once the General Conference had finished. Whatever the case, he would like to know which were the delegates for whom the Secretariat had received a copy of credentials in due form and which were the ones for whom it had received some other document.
5. Mr. BOULANENKOV (Legal Division) said that the Secretariat had received a copy of credentials in due form for the delegates of Bosnia-Herzegovina, Burkina Faso, Georgia, Italy, Lebanon, Mali, Qatar and Zimbabwe. It had received communications from an authority other than that indicated in Rule 27 for the delegates of Cameroon, the Democratic Republic of the Congo, Guatemala, Liberia, Senegal, Sierra Leone and Sudan.
6. Mr. AL-GHAIS (Kuwait), speaking on behalf of the Arab delegations listed in document GC(42)/22, said that it was not a question of the delegations concerned contesting Israel's right to participate in the General Conference as a State, but rather a legal question, namely the fact that the credentials of the Israeli delegation had been drawn up and signed in a city which was not the capital of the State of Israel, and were therefore unlawful. The delegations concerned were anxious to ensure compliance with the relevant resolutions of the Security Council, the General Assembly and various regional bodies. To accept Israel's

credentials would in a sense be tantamount to endorsing the act by which Israel had declared Jerusalem to be its capital, as well as the Israeli Government's policy of expanding its settlements at the expense of the city's inhabitants.

7. Mr. BENMOUSSA (Morocco) said that he did not see anything in the provisions of the Rules of Procedure quoted by the Chairman that authorized the Ambassador of Israel to attend the General Committee's meeting. Rule 43 of the Rules of Procedure was not applicable to the Israeli Ambassador, since he had not requested the inclusion of an item in the agenda.

8. Speaking as representative of the King of Morocco, the Chairman of the Al-Quds Committee, he noted that the question of Jerusalem was extremely grave and the annexation of that city had very serious consequences. It had been declared illegal by the Security Council in the name of the whole international community. The General Assembly resolution quoted in the statement contained in document GC(42)/22 considered all measures taken after the occupation of the city to be null, void and unlawful. The General Committee must respect international law and could not therefore just take note of the reservations expressed by the Arab delegations and the reply made by the Israeli delegation, thereby placing lawfulness and unlawfulness on the same footing.

9. As far as that reply was concerned, he doubted whether the credentials of the Israeli delegation had been issued "properly", as stated in the second paragraph of that document (GC(42)/27), and he believed, contrary to what was stated in the third paragraph, that the procedure was indeed a political one. To apply double standards in favour of Israel, as was frequently the case, led to an erosion of international law and encouraged extremists in the Muslim world. The reservations of the Arab delegations and Israel's reply could therefore not be placed on the same footing in the Committee's report.

10. The CHAIRMAN drew the attention of the representative of Morocco to Rule 52 of the Rules of Procedure of the General Conference, which indicated that the meetings of the General Conference, its committees and other subsidiary bodies should be held in public. There was therefore no reason why the Ambassador of Israel should not attend the Committee's meeting. Nonetheless, no one was treating the reservations of the Arab delegations lightly and everyone was well aware of the seriousness of the Jerusalem issue.

11. The CHAIRMAN proposed that the Committee submit to the General Conference a report stating that it had met to examine the credentials of delegates as provided in accordance with Rule 28 of the Rules of Procedure, and containing the list of those Member States whose delegates had, in its view, submitted satisfactory credentials and of those for whose delegates the Director General had received communications not complying with Rule 27, or alternatively, had not received any communication at all. The report could indicate that, following previous practice, the Committee considered that delegates in the latter category should be allowed to participate in the work of the General Conference, on the understanding that for each of them proper credentials would be submitted to the Director General as soon as possible - preferably before the end of the session. The report should then indicate that the General Committee had considered a statement by the Arab delegations

expressing their reservations about the credentials of the Israeli delegation (GC(42)/22) which had been submitted by the delegate of Kuwait and supported by the representative of Morocco, who had made some observations, as well as a communication setting forth the position of the Israeli Government on the reservations expressed regarding its delegation's credentials (GC(42)/27), and that it had taken note of those two documents as well as of the comments which had been made regarding them.

12. Mr. BENMOUSSA (Morocco) wished to know how the two documents would be qualified when the Committee's report was submitted to the Plenary. He stressed that a document based on international law could not be submitted in the same fashion as a document based on illegality.

13. Mr. FÖRSTER (Netherlands) said that he was well aware of the gravity of the Jerusalem question but considered that the President, in her capacity as Chairman of the Committee, did not have the necessary powers to qualify communications received by the Credentials Committee.

14. Mr. JOSEPH (Australia) said that freedom of speech was also very important for the Australian delegation and that it would defend it vigorously. It supported the view of the delegate of the Netherlands, namely that the Chairman was not competent to qualify communications received by the General Committee.

15. Ms. CLIFF (United Kingdom) and Mr. ZAIDE (Philippines) supported the remarks of the delegate of the Netherlands and the Chairman's proposal regarding the report.

16. The CHAIRMAN proposed that in its report the General Committee recommend that the General Conference adopt the following draft resolution:

"EXAMINATION OF DELEGATES' CREDENTIALS

"The General Conference

"Approves the report of the General Committee on its examination of the credentials of delegates to the 42nd regular session of the General Conference which is set forth in document GC(42)/..."

17. It was so decided.

**RESTORATION OF VOTING RIGHTS
(GC(42)/INF/17 and 18)**

18. The CHAIRMAN recalled that, when the General Committee had adjourned its meeting the previous Tuesday, it had agreed to re-examine the request for restoration of voting rights submitted by Kazakhstan if additional information was available. She asked whether the Secretariat had received additional information and if, moreover, the contribution from Kenya had been received.

19. Mr. ESPINO (Director, Division of Budget and Finance) said that the Secretariat had received no additional information from Kazakhstan and that, as regarded Kenya, there was no evidence that it had paid its contribution. The Kenyan Mission had shown the Secretariat a copy of a payment voucher dated January 1998 for an amount of US \$2832, but that sum had not been received by the Agency. In any case, the amount would not suffice to justify restoration of Kenya's voting rights.

20. Mr. JOSEPH (Australia) regretted that Kazakhstan had not been able to present additional information. He understood that the nuclear facilities and sites in Kazakhstan were in a very poor state and he had wished to express sympathy for that country.

21. The CHAIRMAN took it that the General Committee considered it inappropriate to reconsider the decisions which had been taken.

22. It was so decided.

The meeting rose at 10.30 a.m.