



GC

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International Atomic Energy Agency

# GENERAL CONFERENCE

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## FORTY-FOURTH (2000) REGULAR SESSION

### GENERAL COMMITTEE

#### RECORD OF THE SECOND MEETING

Held at the Austria Center Vienna  
on Thursday, 21 September 2000, at 9.20 a.m.

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[\*] GC(44)/21.

## ATTENDANCE AT THE MEETING

### Chairman

Mr. OTHMAN (Syrian Arab Republic), President of the General Conference

### Members

Ms. AL-MULLA (Kuwait), Vice-President of the General Conference

Mr. BUTTIGIEG SCICLUNA (Malta), Vice-President of the General Conference

Mr. BADDYOU (Morocco), Vice-President of the General Conference

Mr. PAULINICH (Peru), Vice-President of the General Conference

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

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

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

Mr. GREGORIČ (Slovenia), Chairman of the Committee of the Whole

Mr. WOOD, representing Mr. DUBOIS (Canada), Additional Member

Mr. DELACROIX, representing Mr. COLOMBANI (France), Additional Member

Mr. SANTER (Luxembourg), Additional Member

### Chairman of the Board of Governors

Mr. de QUEIROZ DUARTE (Brazil)

### Speaker invited by the Committee

Mr. AMIR (Israel)

### Secretariat

Mr. ANING, Secretary of the Committee

Mr. ESPINO, Director of the Division of Budget and Finance

Mr. JOHNSON, Director of the Legal Division

ADOPTION OF THE AGENDA FOR THE MEETING  
(GC(44)/GEN/2)

1. The CHAIRMAN asked whether the Committee wished to adopt the proposed agenda contained in document GC(44)/GEN/2.
2. It was so decided.

EXAMINATION OF DELEGATES' CREDENTIALS  
(GC(44)/23 and 24)

3. The CHAIRMAN, after drawing the Committee's attention to the relevant rules of the Rules of Procedure and recalling that credentials designated the delegate of a Member State to a given session of the General Conference, that they were submitted to the Director General and that they were issued by the Head of State or Government or by the Minister of Foreign Affairs of the Member State concerned, said that the Director General had received credentials in due form as required by Rule 27 of the Rules of Procedure from 86 delegates and that the Secretariat had also received communications in respect of 28 delegates that did not constitute formal credentials meeting the requirements of that Rule. All the delegates to the current session of the General Conference fell within one of those categories.
4. In addition, the Committee had before it document GC(44)/23, containing reservations submitted by the Libyan Arab Jamahiriya on behalf of Arab delegations participating in the session, concerning the credentials of the Israeli delegation, and document GC(44)/24, in which Israel had set out its position with regard to those reservations.
5. Mr. BADDOU (Morocco), noting that the issue of the Israeli delegate's credentials was a sensitive one which would continue to be raised until there was a just and lasting peace in the Middle East, proposed, in order to enable the General Conference to proceed, that the same decision on the issue be adopted as the previous year; that the Committee take note of the two communications received; and that the legal opinion given the previous year be reiterated in the Committee's report.
6. Mr. AMIR (Israel) said that, in order to keep matters simple, he would accept the proposal by the representative of Morocco as long as the two points of view expressed were given equal status.
7. The CHAIRMAN suggested that the Committee submit to the General Conference a report stating that it had met to examine the credentials of delegates in accordance with Rule 28 of the Rules of Procedure and containing a list of Member States whose delegates had, in the Committee's opinion, submitted credentials satisfying the requirements of Rule 27 of the Rules of Procedure, and another list indicating the Member States for whose delegates the Director General had not received communications complying with that Rule. In line with past practice, the report could indicate that the Committee considered that delegates in the latter category should nevertheless be allowed to participate in the work of the Conference on the understanding that credentials in due form would be submitted for each of them as soon as possible, preferably before the end of the session. The

report should further state that the Committee had had before it a statement submitted by the Libyan Arab Jamahiriya on behalf of the delegations of Arab States participating in the session concerning their reservations about the credentials of the delegation of Israel, as well as a document setting out the position of Israel with regard to those reservations. It would also recall the text of the 1999 legal opinion on the matter. Finally, the report could recommend that the General Conference adopt, with the reservations and position just mentioned, 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 forty-fourth regular session which is set forth in document (GC(44)/... .”

8. The CHAIRMAN asked whether he could take it that the General Committee wished a report on those lines to be prepared and submitted to the General Conference.

9. It was so decided.

ARRANGEMENTS FOR THE CONFERENCE

(c) RESTORATION OF VOTING RIGHTS  
(GC(44)/INF/17)

10. The CHAIRMAN said that since the Committee’s last meeting, one further request for restoration of voting rights had been submitted: as indicated in document GC(44)/INF/17, Belarus had been participating in a payment plan agreed with the Agency since 1999 and accordingly was requesting that its voting rights be restored for the remaining three years of the plan.

11. Under Article XIX.A of the Statute, a Member State which was in arrears with the payment of its financial contributions to the Agency had no vote in the Agency if the amount of its arrears equalled or exceeded the amount of the contributions due from it for the preceding two years. However, the General Conference could nevertheless permit such a member to vote if it was satisfied that the failure to pay was due to conditions beyond the control of the member. It was on that basis that Belarus had applied to have its vote restored.

12. At the Committee’s first meeting the previous Monday, he had drawn attention to the criteria and guidelines for consideration of such requests which the General Conference had adopted in 1998 and to the measures to facilitate the payment of contributions by Member States in arrears which the Board had approved the same year; those measures included agreed payment plans like the one in which Belarus was participating.

13. Mr. KALININ (Russian Federation) proposed that since Belarus had fulfilled its obligations in 1999 and 2000 under its payment plan, the Committee should send a positive

signal to the Government of Belarus and recommend to the General Conference that the voting rights of Belarus be restored for the next three years during which the payment plan would continue to be in effect.

14. Mr. FITZPATRICK (United States of America) sought clarification whether the General Conference had the authority to restore voting rights for a period of three years rather than just one year, and, if so, whether a decision to restore voting rights for three years would remain in effect even if Belarus were for some reason unable to fulfil the payment plan.

15. Mr. JOHNSON (Director of the Legal Division) said that there was no legal obstacle to the General Conference restoring voting rights for three years. At the United Nations General Assembly, there had been a precedent of voting rights being restored beyond a session for about one and a half years. The text of Article XIX of the Agency's Statute was the same as that of the relevant article of the United Nations Charter.

16. Mr. ESPINO (Director of the Division of Budget and Finance) pointed out that paragraph 9 of document GOV/1998/54/Rev.2 provided that "Any decision which may be taken by the General Conference to permit a Member State which is in arrears in the payment of its contributions to vote notwithstanding such arrears shall be made conditional upon the member complying with the agreed arrangements for settling the arrears and the Member State shall be automatically deprived of its voting rights if its outstanding advances to the Working Capital Fund, its agreed amount of arrears and its current assessed contribution are not received by the Agency at least two weeks before the commencement of the relevant session of the General Conference".

17. The CHAIRMAN took it that, in view of the continued adherence by Belarus to its payment plan with the Agency, the Committee recommended that Belarus be permitted to vote during the present session of the Conference, and further that the voting rights of Belarus be restored until the end of its payment plan on the understanding that the Secretariat would report annually on the status of that plan.

18. It was so decided.

The meeting rose at 9.40 a.m.