

# General Conference

**GC(47)/GEN/OR.2**

Issued: October 2003

General Distribution

Original: English

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**Forty-Seventh (2003) Regular Session**

## General Committee

### Record of the Second Meeting

*Held at the Austria Center Vienna on Thursday, 18 September 2003, at 9.05 a.m.*

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**Contents**

Item of the agenda*	Paragraphs
- Adoption of the agenda for the meeting	1 - 2
- Restoration of voting rights ( <i>resumed</i> )	3 - 13
24 Examination of delegates' credentials	14 - 22

[\*] GC(47)/21

03-05275 (LXII)

## **Attendance**

### Chairman

Mr. TAKASU (Japan), President of the General Conference

### Members

Ms. FEROUKHI, representing Mr. BENDJABALLAH (Algeria), Vice-President of the General Conference

Ms. HALL (Canada), Vice-President of the General Conference

Mr. GONZÁLEZ ANINAT (Chile), Vice-President of the General Conference

Mr. VILLEMUR, representing Mr. BUGAT (France), Vice-President of the General Conference

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

Mr. ALANG MD. RASHID, representing Mr. HASHIM (Malaysia), Vice-President of the General Conference

Mr. KVOK, representing Mr. RUMYANTSEV (Russian Federation), Vice-President of the General Conference

Mr. GARCIA (Philippines), Chairman of the Committee of the Whole

Mr. VACEK, representing Ms. DRÁBOVÁ (Czech Republic), Additional Member

Mr. HONSOWITZ, representing Mr. ADAMOWITSCH (Germany), Additional Member

Mr. NAQVI, representing Mr. BUTT (Pakistan), Additional Member

Mr. PERSSON, representing Ms. MELIN (Sweden), Additional Member

Mr. NOBEL, representing Mr. BRILL (United States of America), Additional Member

Mr. CHIKANDA, representing Mr. KANGAI (Zimbabwe), Additional Member

### Speaker invited by the Committee

Ms. GAFNI (Israel)

### Secretariat

Mr. WALLER, Deputy Director General, Department of Management

Mr. ANING, Secretary of the Committee

Mr. RAUTENBACH, Director, Office of Legal Affairs

Mr. EIDET, Director, Division of Budget and Finance

**- Adoption of the agenda for the meeting**  
(GC(47)/GEN/2)

1. The CHAIRMAN asked whether the Committee wished to adopt the proposed agenda contained in document GC(47)/GEN/2.
2. It was so decided.

**- Restoration of voting rights (resumed)**  
(GC(47)/INF/9 and 10)

3. The CHAIRMAN said that under Article XIX.A of the Statute, a member of the Agency 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. 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 Armenia and Kazakhstan had applied to have their votes restored.
4. Mr. WALLER (Deputy Director General for Management) said that Armenia sought the restoration of its voting rights on the basis of the five-year payment plan agreement concluded between Armenia and the Agency on 11th July 2003. In accordance with the terms of that agreement, the first arrears payment - one fifth of the outstanding arrears - as well as the amounts payable as the assessed contribution for 2003 had been received in full by the Secretariat.
5. Kazakhstan had officially informed the Secretariat on 27th August 2003 that it would not be able to meet fully its financial obligations in accordance with the terms of the five-year payment plan agreement concluded between Kazakhstan and the Agency in 2001. However, Kazakhstan sought to secure the continuation of its voting rights, which were restored by the General Conference in 2001, the year in which it had entered into its payment plan. The Government of Kazakhstan was therefore applying for an exemption under Article XIX.A of the Statute on the basis that a substantial part of the amount payable in 2003 had been made. To date, Kazakhstan had paid slightly over 91 % of the total amount payable by it in 2003. Moreover, the head of Kazakhstan's delegation to the General Conference had expressed his Government's intention to pay the remaining 9 % by the end of November 2003. The Secretariat had been informed on 9th September 2003 that the shortfall had been largely the result of exchange rate losses suffered by Kazakhstan.
6. Mr. NOBLE (United States of America) and Mr. KVOK (Russian Federation) voiced support for the restoration of voting rights to Armenia.
7. The CHAIRMAN took it that the Committee wished to recommend that Armenia's voting rights be restored.
8. It was so decided.

9. Mr. NOBLE (United States of America), having taken into account the efforts made by Kazakhstan to meet its payment obligations prior to the General Conference and its promise to fulfil them by the end of November, supported the continuation of that country's voting rights in the General Conference.

10. Mr. KVOK (Russian Federation), noting that the Kazakhstan authorities had already paid a significant sum amounting to \$254 720 towards the total amount payable for 2003 and their firm indication that the outstanding balance would be paid in the near future, also asked members of the Committee to view Kazakhstan's request favourably.

11. Mr. VILLEMUR (France) echoed the sentiments expressed by the two previous speakers.

12. The CHAIRMAN took it that it was the opinion of the Committee that the failure by Kazakhstan to pay the amount necessary to avoid the application of Article XIX of the Statute had been due to conditions beyond its control and that accordingly the Committee recommended that Kazakhstan be permitted to vote.

13. It was so decided.

## **24. Examination of delegates' credentials**

(GC(47)/22 and Rev.1, and 23)

14. The CHAIRMAN, after requesting Mr. ANING (Secretary of the Committee) to read out Rules 27, 28 and 29 of the Rules of Procedure, recalled that credentials designated the delegate of a Member State to a given session of the General Conference, that credentials 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. The Director General had received credentials in due form as required by Rule 27 of the Rules of Procedure from 82 delegates and the Secretariat had also received communications in respect of 40 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.

15. The Committee had before it document GC(47)22 and Rev.1, containing reservations submitted by the Ambassador of Oman, in his capacity as Dean of the Arab Diplomatic Corps in Vienna, on behalf of certain Arab delegations participating in the session concerning the credentials of the Israeli delegation, and document GC(47)/23, in which Israel had set out its position with regard to those reservations.

16. Ms. AL-MULLA (Kuwait) said that Arab delegations wished to state their reservations on the credentials of the delegation of Israel due to the fact that they had been issued from Jerusalem. She clarified that not all the Arab delegations participating in the Conference were signatories to the reservations contained in document GC(47)/22.

17. Ms. FEROUKHI (Algeria) said that the Arab delegations that had signed document GC(47)/22 wished their reservations on the credentials of the delegation of Israel to be included in the report of the General Committee submitted to the General Conference.

18. Ms. GAFNI (Israel) read out the text of document GOV(47)/23 setting out her country's position with regard to those reservations.

19. Mr. RAUTENBACH (Director, Office of Legal Affairs) recalled the legal opinion provided at the 43rd session of the General Conference that Rule 27 of the Rules of Procedure only stipulated that credentials had to be issued by the Head of State or Government or by the Minister of Foreign Affairs; it did not stipulate where credentials should be signed. Nor did international law impose any requirements in that regard. Therefore, the place of signature had no bearing on the validity of the credentials. Likewise, the acceptance of credentials did not imply that the accepting authority was adopting a position with respect to the status of the place of signature under either international or national law.

20. 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 received communications that did not comply 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 that session. The report should further state that the Committee had had before it a statement submitted by the Ambassador of Oman, Dean of the Arab Diplomatic Corps in Vienna, on behalf of certain Arab States participating in the session concerning their reservations about the credentials of the Israeli delegation, as well as a document setting out the position of Israel with regard to those reservations. Finally, the report could recommend that the General Conference adopt, with the reservations and position 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-seventh regular session, which is set forth in document GC(47)/24."

21. He asked whether the General Committee wished a report on the lines he had described to be prepared and submitted to the General Conference.

22. It was so decided.

**The meeting rose at 9.30 a.m.**