

General Conference

GC(48)/GEN/OR.2

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Forty-Eighth (2004) Regular Session

General Committee

Record of the Second Meeting

Held at the Austria Center Vienna on Thursday, 23 September 2004, at 9.05 a.m.

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[*] GC(48)/25.

Attendance

Chairman

Mr. RÓNAKY (Hungary), President of the General Conference

Members

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

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

Mr. Chang-beom CHO (Republic of Korea), Vice-President of the General Conference

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

Mr. RUÍZ RODRÍGUEZ, representing Mr. NÚÑEZ GARCÍA-SAÚCO (Spain), Vice-President of the General Conference

Mr. Mr. BAHRAN (Yemen), Vice-President of the General Conference

Mr. OTHMAN (Syrian Arab Republic), Chairman of the Committee of the Whole

Ms. BOGORE-AGNEKETOM, representing Mr. BONOU (Burkina Faso), Additional Member

Ms. ROSAS, representing Ms. OLAMENDI (Mexico), Additional Member

Mr. NIEWODNICZAŃSKI (Poland), Additional Member

Mr. STRUB, representing Mr. STEINMANN (Switzerland), Additional Member

Mr. ERPUL, representing Mr. ŞAHİNBAŞ (Turkey), Additional Member

Speaker invited by the Committee

Ms. GAFNI (Israel)

Secretariat

Mr. WALLER, Deputy Director General, Department of Management

Mr. EIDET, Director, Division of Budget and Finance

Mr. RAUTENBACH, Director, Office of Legal Affairs

Mr. ANING, Secretary of the Committee

– **Adoption of the agenda for the meeting**
(GC(48)/GEN/2)

1. The CHAIRMAN asked whether the Committee wished to adopt the proposed agenda contained in document GC(48)/GEN/2.
2. It was so decided.

– **Restoration of voting rights (resumed)**
(GC(48)/INF/9, GC(48)/INF/10, GC(48)/INF/11, GC(48)/INF/12 and
GC(48)/INF/15)

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 Afghanistan, Armenia, Iraq 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 a five-year payment plan agreement which had been concluded on 11 July 2003. At the request of the Government of Armenia, that payment period had subsequently been extended to ten years following the Board's decision of July 2003 to extend the maximum period of such plans from five to ten years. In accordance with the terms of that agreement, Armenia's first and second arrears payments as well as the amounts payable as assessed contributions for 2003 and 2004 had been received in full and on time by the Secretariat.
5. Afghanistan sought the restoration of its voting rights on the basis of a ten-year payment plan agreement which had been concluded on 5 August 2004. In accordance with the terms of that agreement, the first arrears instalment as well as the amounts payable as assessed contributions for 2004 had been received in full and on time by the Secretariat.
6. Kazakhstan sought the restoration of its voting rights on the basis of a five-year payment plan agreement which had been concluded on 22 May 2001. In accordance with the terms of that agreement, the first, second, third and fourth arrears instalments as well as the amounts payable as assessed contributions for 2001 to 2004 had been received in full.
7. Iraq sought exemption under Article XIX.A of the Statute and requested that the last sentence of that Article be invoked in order that its right to vote at the Agency be restored. The delegation of Iraq to the General Conference had informed the Secretariat that a payment of \$20 000 had very recently been made to the account of the Secretariat. That payment had not as yet been credited to the Agency's account, but the Secretariat would monitor the account and inform the Committee when the payment was received.

8. The CHAIRMAN took it that it was the opinion of the Committee that Afghanistan's failure to pay the amount necessary to avoid the application of Article XIX.A of the Statute had been due to conditions beyond its control and, as Afghanistan had entered into a payment plan and had paid the first instalment according to that plan as well as its assessed contribution for 2004, Afghanistan's right to vote in the Agency should be restored during the current session of the Conference and until the end of its payment plan on the understanding that it continued to meet the requirements of the payment plan and that the Secretariat would report annually on the status of the payment plan.

9. It was so decided.

10. The CHAIRMAN took it that it was the opinion of the Committee that Armenia's failure to pay the amount necessary to avoid the application of Article XIX.A of the Statute had been due to conditions beyond its control and, as Armenia had entered into a payment plan and had paid its instalments according to that plan as well as its assessed contribution for 2004, Armenia's right to vote in the Agency should be restored during the current session of the Conference and until the end of its payment plan on the understanding that it continued to meet the requirements of the payment plan and that the Secretariat would report annually on the status of the payment plan.

11. It was so decided.

12. The CHAIRMAN took it that it was the opinion of the Committee that Kazakhstan's failure to pay the amount necessary to avoid the application of Article XIX.A of the Statute had been due to conditions beyond its control and, as Kazakhstan had entered into a payment plan and had paid all its arrears instalments as well as its assessed contributions for 2004, its right to vote in the Agency should be restored during the current session of the Conference and until the end of its payment plan on the understanding that it continued to meet the requirements of the payment plan and that the Secretariat would report annually on the status of the payment plan.

13. It was so decided.

14. Ms. ROSAS (Mexico) expressed the hope that Iraq was committed to meeting its financial commitments for 2004 by a specific date, and that its case be considered an exception and not set a precedent for other countries that might find themselves in similar circumstances.

15. Mr. WALLER (Deputy Director General for Management) said that that could not occur as, according to Agency procedure, each case was judged on its individual merits.

16. The CHAIRMAN took it that it was the opinion of the Committee that, as Iraq's failure to pay the amount necessary to avoid the application of Article XIX.A of the Statute had been due to conditions beyond its control, its right to vote in the Agency should be restored during the current session of the Conference until immediately prior to the 49th Regular Session of the General Conference.

17. It was so decided.

22. Examination of delegates' credentials (GC(48)/23 and GC(48)/24)

18. The CHAIRMAN, recalling Rules 27, 28 and 29 of the Rules of Procedure, said 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 89 delegates and the Secretariat had also received communications in respect of 35 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.

19. The Committee had before it document GC(48)23, 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(48)/24, in which Israel had set out its position with regard to those reservations.

20. He 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 accordance 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-eighth regular session, which is set forth in document GC(48)/28.”

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 9.25 a.m.