

General Conference

GC(49)/GEN/OR.2

Issued: October 2005

General Distribution

Original: English

Forty-Ninth (2005) Regular Session

General Committee

Record of the Second Meeting

Held at the Austria Center Vienna on Thursday, 29 September 2005, at 9.30 a.m.

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¹ GC(49)/20.

Attendance

Chairman

Mr. BAZOBERRY (Bolivia), President of the General Conference

Members

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

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

Mr. WU Hailong, representing Mr. ZHANG Huazhu (China), Vice-President of the General Conference

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

Ms. WIJewardane (Sri Lanka), Vice-President of the General Conference

Mr. ARAMRATTANA, representing Mr. PANUPONG (Thailand), Vice-President of the General Conference

Mr. JENKINS, representing Mr. WRIGHT (United Kingdom of Great Britain and Northern Ireland), Vice-President of the General Conference

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

Mr. BEKOE (Ghana), Additional Member

Mr. NIEWODNICZAŃSKI (Poland), Additional Member

Ms. ŽIAKOVÁ (Slovakia), Additional Member

Ms. KASHLAN, representing Mr. OTHMAN (Syrian Arab Republic), Additional Member

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(49)/GEN/2)

1. The CHAIRMAN, having noted that item 3 of the provisional agenda should refer to item 26 and not 25 of the General Conference's adopted agenda, asked whether the Committee wished to adopt the provisional agenda contained in document GC(49)/GEN/2.
2. It was so decided.

– **Restoration of voting rights**
(GC(49)/INF/13)

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 Iraq had applied to have its vote restored.
4. Mr. WALLER (Deputy Director General for Management) said that document GC(49)/INF/13 contained a note verbale dated 12 September 2005 from the Permanent Mission of Iraq to the Agency concerning restoration of voting rights. The note verbale enclosed a letter from the Acting Iraqi Minister of Science and Technology to the Director General, dated 11 September 2005, in which the Acting Minister explained that the Iraqi government, because of the continuing conflict and lack of sufficient funding, had had to allocate most of its available funds to the attempted provision of basic services and security, resulting in Iraq's non-payment of its dues to the Agency for a number of years. The Acting Minister expressed Iraq's intention to again become an active Member State of the Agency and that, to that end, it had concluded with the Agency a ten-year payment plan to begin in January 2006.
5. The General Conference had acceded to a similar request from Iraq the previous year. Iraq's voting rights had been restored for a period of one year, which had ended just prior to the commencement of the current session of the General Conference. He confirmed that a payment plan agreement for a ten-year period had indeed been concluded recently between the Agency and the Government of Iraq, with payment of the first instalment due in 2006.
6. The CHAIRMAN took it that it was the opinion of the Committee that 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 and that, accordingly, its right to vote in the Agency should be restored during the current session of the Conference for a period of one year, ending prior to the commencement of the fiftieth regular session of the General Conference.
7. It was so decided.

26. Examination of delegates' credentials (GC(49)24 and GC(49)26)

8. 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 96 delegates and the Secretariat had also received communications in respect of 30 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.

9. The Committee had before it document GC(49)24, containing reservations submitted by the Ambassador of the Sultanate 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(49)/26, in which Israel had set out its position with regard to those reservations.

10. 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 the 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 they would submit credentials in due form as soon as possible, preferably before the end of the current session. The report should further state that the Committee had had before it a statement submitted by the Ambassador of the Sultanate of Oman, Dean of the Arab Diplomatic Corps in Vienna, on behalf of certain Arab delegations 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-ninth regular session, which is set forth in document GC(49)/27."

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

12. It was so decided.

The meeting rose at 9.50 a.m.