

# General Conference

**GC(55)/GEN/OR.2**

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## Fifty-fifth regular session

# General Committee

## Record of the Second Meeting

*Held at Headquarters, Vienna, on Thursday, 22 September 2011, at 9.20 a.m.*

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<sup>1</sup> GC(55)25.

## **Attendance**

### Chairman

Mr FERUTA (Romania), President of the General Conference

### Members

Mr POTTS (Australia), Vice-President of the General Conference

Mr SOLTANIEH, representing Mr ABBASI DAVANI (Islamic Republic of Iran),  
Vice-President of the General Conference

Mr GRIMA (Malta), Vice-President of the General Conference

Ms LAOSE, representing Mr OSAISAI (Nigeria), Vice-President of the General  
Conference

Mr POSTNIKOV, representing Mr KIRIENKO (Russian Federation), Vice-President of the  
General Conference

Mr DAVIES (United States of America), Vice-President of the General Conference

Ms YPARRAGUIRRE (Philippines), Chairperson of the Committee of the Whole

Mr DAVIDOVIC (Bosnia and Herzegovina), Additional Member

Mr BARRETT (Canada), Additional Member

Mr LUEDEKING, representing Mr OTTO (Germany), Additional Member

Mr EL-KHOURY (Lebanon), Additional Member

Mr UZCÁTEGUI DUQUE (Bolivarian Republic of Venezuela), Additional Member

### Chairman of the Board of Governors

Mr PARVEZ (Pakistan)

### Secretariat

Ms JOHNSON, Director, Office of Legal Affairs

Mr GIOIA, Credentials Officer

Mr CSERVENY, Secretary of the Committee

– **Adoption of the agenda for the meeting**  
(GC(55)/GEN/2)

1. The CHAIRMAN asked whether the Committee wished to adopt the provisional agenda contained in document GC(55)/GEN/2.
2. The agenda was adopted.

**25. Examination of delegates' credentials**  
(GC(55)/28 and 29)

3. 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 satisfying the requirements of Rule 27 of the Rules of Procedure for 102 delegates. The Secretariat had also received communications in respect of 39 delegates that did not constitute formal credentials meeting the requirements of that Rule. Ten Member States had not submitted any credentials.
4. Mr EL-KHOURY (Lebanon) said he understood that the new Government of Libya, which country had formerly been known as the Libyan Arab Jamahiriya, now wished that State to be referred to as the Republic of Libya. He asked whether the Secretariat had received any notification in that regard.
5. Mr GIOIA (Credentials Officer) said that such a request had indeed been received from Libya, but the Secretariat had decided to wait until credentials were approved before acceding to it.
6. Mr BARRETT (Canada) asked for clarification on the process involved in changing the name of a State.
7. Ms JOHNSON (Director, Office of Legal Affairs) said that the Secretariat was guided in that regard by United Nations practice. In the case under discussion, after Libya's credentials had been approved by the United Nations Secretariat, the latter had then moved for the name of the State, along with the flag, to be changed. The same approach was envisaged within the Agency.
8. Mr UZCÁTEGUI DUQUE (Bolivarian Republic of Venezuela) said that it was important to confirm that the relevant competent authority in Libya, as recognized by the United Nations, had submitted the credentials. He asked who specifically had signed the document provided to the Secretariat.
9. Ms JOHNSON (Director, Office of Legal Affairs) said that Libya's credentials had been signed by Mr Mahmoud Jibril Ibrahim El-Warfally as Chairman of the Executive Board of the National Transitional Council of Libya.

10. Mr UZCÁTEGUI DUQUE (Bolivarian Republic of Venezuela) thanked the Legal Adviser for her clarification and said that, in view of the transitional nature of the authority that had signed the credentials, and the fact that it did not yet have the authorization of the people of Libya, his country wished to record its reservation regarding the credentials submitted on behalf of Libya.

11. The CHAIRMAN pointed out that, on 21 September 2011, the United Nations General Assembly had accepted the credentials submitted by Libya and he recommended that the Agency take its long-standing approach of following United Nations practice in such cases.

12. Mr SOLTANIEH (Islamic Republic of Iran) asked whether the credentials accepted by the General Assembly had been submitted by the same authority and signed by the same person as those submitted to the General Conference.

13. Ms JOHNSON (Director, Office of Legal Affairs) said that the credentials submitted to the General Assembly had been signed by Mr Mustafa Mohammed Abdul Jalil as President of the National Transitional Council of Libya.

14. Mr SOLTANIEH (Islamic Republic of Iran) noted that the two sets of credentials had been signed by different individuals and he requested clarification on their authority to represent Libya.

15. Mr DAVIES (United States of America) suggested that the two sets of credentials had perhaps been signed by two different individuals in the same government.

16. Ms JOHNSON (Director, Office of Legal Affairs) said that it was her understanding that Libya's current equivalent of the Minister of Foreign Affairs had signed the document submitted to the General Conference.

17. Mr DAVIES (United States of America) requested that the representative of Venezuela clarify the nature of his country's reservation regarding the credentials submitted by Libya.

18. Mr UZCÁTEGUI DUQUE (Bolivarian Republic of Venezuela) said that he simply wished his country's reservation to be recorded in the report of the General Committee.

19. Mr DAVIES (United States of America) asked whether there was a technical basis for the reservation. If not, he requested clarification as to whether reservations with regard to credentials based on political reasons were admissible.

20. Mr SOLTANIEH (Islamic Republic of Iran) said that, in his view, countries had the right to express and put on record their reservations for whatever political or legal reason they saw fit.

21. Mr DAVIES (United States of America) agreed with the position expressed by the representative of Iran and withdrew his request for further clarification.

22. The CHAIRMAN drew attention to document GC(55)/28 containing reservations submitted by the Ambassador of the Lebanese Republic on behalf of Arab delegations participating in the work of the 55th session of the General Conference concerning the credentials of the Israeli delegate. Document GC(55)/29 contained a communication from Israel setting out its position with regard to those reservations.

23. Mr SOLTANIEH (Islamic Republic of Iran) reiterated his country's position that it did not recognize Israel, as it considered it to have occupied Palestine. His country therefore supported the views put forward by the Ambassador of Lebanon in his letter and the reservations expressed regarding the credentials submitted to the General Conference by Israel.

24. Mr UZCÁTEGUI DUQUE (Bolivarian Republic of Venezuela) said that his country supported the position taken by the Arab States.

25. Ms JOHNSON (Director, Office of Legal Affairs) recalled the legal opinion provided at the 43rd regular 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 the credentials should be signed, nor did international law impose any requirement in that regard. Therefore, the place of signature had no bearing on the validity of credentials. Likewise, the acceptance of credentials did not imply that the accepting authority was adopting a position on the status of the place of signature.

26. Mr SOLTANIEH (Islamic Republic of Iran) declined to accept the opinion expressed by the Legal Adviser and maintained his reservation with regard to the credentials of Israel.

27. Mr LUEDEKING (Germany) said that he saw the role of the General Committee as being to check that credentials had been duly issued. Based on the opinion of the Legal Adviser, that seemed to be the case for Israel, so he saw no justification for any qualification to be placed on that country's credentials.

28. Mr SOLTANIEH (Islamic Republic of Iran) reiterated his position that States had the right to express and put on record their reservations for whatever political or legal reason they saw fit. The Secretariat could deal with simply checking the correctness of signatures; but if the consideration of political reasons were disbarred, there would be no need for the General Committee to meet.

29. Mr POTTS (Australia) and Mr EL-KHOURY (Lebanon) suggested that the General Committee follow the same procedure in relation to the credentials submitted by Israel as it had at the preceding session of the General Conference.

30. 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 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 Lebanon 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. It should also reflect the reservations expressed by the Islamic Republic of Iran and the Bolivarian Republic of Venezuela. Finally, the report could recommend that the General Conference adopt, with the reservations and positions 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 fifty-fifth regular session, which is set forth in document GC(55)/27."

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

32. It was so decided.

**The meeting rose at 9.50 a.m.**