

# General Conference

**GC(67)/GEN/OR.2**

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## Sixty-seventh regular session

# General Committee

## Record of the Second Meeting

*Held at Headquarters, Vienna, on Thursday, 28 September 2023, at 9 a.m.*

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<sup>1</sup> GC(67)/24

## **Attendance**

### Chair

Ms MANGKLATANAKUL (Thailand), President of the General Conference

### Members

Ms MEAD, representing Mr BIGGS (Australia), Vice-President of the General Conference

Mr WANG Chang, representing Mr LI Song (China), Vice-President of the General Conference

Ms NAVARRO ANGEL, representing Ms GIL (Colombia), Vice-President of the General Conference

Ms HOURNAU-POUËZAT (France), Vice-President of the General Conference

Ms MUGWANJA (Kenya), Vice-President of the General Conference

Mr USTINOV (Russian Federation), Vice-President of the General Conference

Ms HOLGATE (United States of America), Vice-President of the General Conference

Mr SHOJA'AADIN (Yemen), Vice-President of the General Conference

Mr CSERVENY (Hungary), Chair of the Committee of the Whole

Mr LULASHNYK (Canada), Additional Member

Mr GRØNBECH-JENSEN (Denmark), Additional Member

Ms FREIJE MURILLO, representing Mr RODRÍGUEZ (Honduras), Additional Member

Ms KROIS (Poland), Additional Member

Mr MOFADAL EL NOUR (Sudan), Additional Member

Mr ALZAABI, representing Mr ALKAABI (United Arab Emirates), Additional Member

### Secretariat

Ms DOANE, Deputy Director General, Department of Management

Ms JOHNSON, Director, Office of Legal Affairs

Ms RAYOS NATIVIDAD, Secretary of the Committee

– **Adoption of the agenda for the meeting**  
(GC(67)/GEN/2)

1. The CHAIR asked whether the Committee wished to adopt the provisional agenda contained in document GC(67)/GEN/2.
2. The agenda was adopted.

– **Restoration of voting rights**  
(GC(67)/INF/9)

3. The CHAIR said that there was one request for the restoration of voting rights before the Committee, from the Dominican Republic. Under Article XIX.A of the Statute, a Member State which was in arrears in 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 that member.
4. Ms DOANE (Deputy Director General for Management) said that, in a letter contained in document GC(67)/INF/9, the Permanent Mission of the Dominican Republic to the International Organizations in Vienna had requested the restoration of the Dominican Republic's voting rights on the basis of the payment plan agreed with the Agency on 31 August 2023. The total outstanding assessments for 1998–2023 amounted to €2 503 789 and \$64 105. The amount to be paid in 2023, which represented the first instalment under the payment plan, was €458 244 and \$36 872, consisting of €230 046 related to one-tenth of the assessments outstanding from prior years plus the current year's assessment of €228 198 and \$36 872.
5. Referring to criteria for the consideration of requests for the restoration of voting rights, contained in document GC(42)/10, she noted that the Dominican Republic had made a payment in 2022 covering its arrears for 1977–1992, including the required advance to the Working Capital Fund and that it had paid the first instalment under its current payment plan. She also noted that, in 2007, the Dominican Republic had entered into a payment plan and had requested the restoration of its voting rights, which the General Conference had approved that year. However, since the country had defaulted in payment according to the payment plan, it had lost its voting rights again in 2008 and had had no voting rights since then.
6. Without a payment plan, to automatically restore its voting rights in 2023 without going to the General Conference for approval, the Dominican Republic would need to make a minimum payment of €1 911 032.
7. The CHAIR said that a report on measures taken to facilitate payment of contributions and a status report on Member States participating in a payment plan had been issued as document GC(67)/INF/8. Since the issuance of that document, the Dominican Republic had paid the required amount for 2023 under the payment plan.

8. She took it that it was the opinion of the Committee that the failure by the Dominican Republic to pay the amount necessary to avoid the application of Article XIX.A of the Statute was due to conditions beyond its control and that, accordingly, its right to vote in the Agency be restored during the current session of the General Conference and until the end of the payment plan that it had entered into in 2023, on the understanding that it would continue 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.

## **25. Examination of delegates' credentials** (GC(67)/27 and 28)

10. The CHAIR proposed that the General Committee meet as a credentials committee and take up the examination of delegates' credentials.
11. Recalling Rule 27 of the Rules of Procedure of the General Conference, she 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.
12. The Committee's task was limited to ascertaining whether the requirements of Rule 27 had been satisfied.
13. Credentials for 115 delegates had been received in due form. In addition, the Secretariat had received communications in respect of 36 delegates that did not constitute formal credentials meeting the requirements of Rule 27. Twenty-seven Member States were not participating and, with the exception of Myanmar, in respect of which reference could be made to the resolution contained in paragraph 5 of document GC(67)/25, had not submitted any credentials.
14. Document GC(67)/27 contained a statement submitted by the Arab States members of the Agency participating in the sixty-seventh regular session of the General Conference, regarding their reservations concerning the credentials of the Israeli delegate.
15. Document GC(67)/28 contained a communication from Israel setting out its position with regard to those reservations.
16. Ms JOHNSON (Director, Office of Legal Affairs) said that, on 25 September 2023, the Agency had received, through the Permanent Mission of the Niger, a copy of credentials signed by Colonel Major Abdourahamane Amadou, Acting Minister of Foreign Affairs, designating Mr Mossi Salou, General Secretary of the Presidency of the National Council for the Safeguard of the Homeland (CNSP), as head of delegation for the sixty-seventh regular session of the General Conference.
17. On 28 July 2023, the UN Security Council had issued a press statement on the situation in the Niger, in which it had "strongly condemned the efforts to unconstitutionally change the legitimate Government of the Republic of Niger on 26 July 2023" and had "called for the immediate and unconditional release of the democratically elected President of the Republic, Mohammed Bazoum, and underscored the need to protect him, his family and members of his Government".
18. In that regard, the United Nations continued to list President Bazoum as the head of State, Mr Ouhoumoudou Mahamadou as the Prime Minister, and Mr Hassoumi Massoudou as the Minister of Foreign Affairs. The UN Secretariat had informed the Office of Legal Affairs that Mr Yaou Sangaré

Bakary, whom the CNSP had appointed as its Minister of Foreign Affairs, had been the Permanent Representative of the Niger to the United Nations until the previous week and that Mr Massoudou had informed the UN Secretary-General in writing that Mr Bakary was no longer in that role.

19. She recalled that, pursuant to UN General Assembly resolution 396 (V) of 14 December 1950, in cases where different authorities claimed to be the legitimate representatives of a government, the attitude adopted by the General Assembly should be taken into account by other UN bodies and the specialized agencies. Furthermore, no meeting of the Credentials Committee of the seventy-eighth session of the UN General Assembly had been scheduled.
20. Accordingly, and given that the credentials submitted to the Agency had not been signed by an authority in the list of heads of State and Government and ministers of foreign affairs maintained by the Protocol and Liaison Service in New York — the official reference list referred to on such issues — the General Committee might wish to not accredit at the current stage any delegate for the Niger, and to recommend to the General Conference that it defer a decision on the credentials of the Niger, pending guidance from the Credentials Committee of the UN General Assembly, thereby leaving the seat empty for the Conference.
21. Responding to a question from the CHAIR, she clarified that although the Agency had not received competing credentials, unlike the United Nations in New York, the issue was that the credentials received by the Agency were not signed by an authority on the above list. As members of the same family of organizations based on relationship agreements with the United Nations, it was the long-standing practice throughout the UN system, including at the Agency, to defer to the United Nations in such situations. The most relevant precedent was from 2011 when questions had been raised within the Committee as to whether the competent authority in Libya had submitted the credentials received by the Agency, who specifically had signed them, and whether the authority submitting them had been the same as for the credentials in New York. In contrast to the present case, however, the signatory had indeed been from the same authority that had submitted the credentials to the United Nations.
22. Mr ALZAABI (United Arab Emirates) said that his country had submitted digital credentials and asked why it was not on the list of States whose credentials satisfied Rule 27 of the Rules of Procedure.
23. Ms JOHNSON (Director, Office of Legal Affairs), noting that digital credentials were considered copies, said that the UAE could be moved to that list if it submitted original credentials before the Committee's report was delivered to the plenary that morning.
24. The CHAIR suggested that the Committee submit to the General Conference a report, in document GC(67)/29, 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.
25. 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.
26. The report should also state that, having considered the legal adviser's report, the Committee recommended that the General Conference not accredit at the current stage any delegate for the Niger and that it defer a decision on the credentials of the Niger, pending guidance from the

Credentials Committee of the UN General Assembly, thereby leaving the seat empty for the Conference.

27. The report should further state that the Committee had had before it, in document GC(67)/27, a statement submitted by the Arab States members of the Agency participating in the current session, as listed in that document, regarding their reservations about the credentials of the Israeli delegate; and in document GC(67)/28, a communication setting out Israel's position with regard to those reservations.
28. She said that the report should state that the Committee had agreed, with the aforementioned reservations and positions, to recommend that the General Conference adopt 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 sixty-seventh regular session, which is set forth in document GC(67)/29”.
29. She asked whether the Committee wished a report on the lines she had described to be prepared and submitted to the General Conference.
30. It was so decided.
31. Ms JOHNSON (Director, Office of Legal Affairs), responding to a question from the CHAIR, said that, upon delivery of the Committee’s report to the plenary, a delegation might wish to put its position on record. However, a challenge had never been made and was therefore highly unlikely.

**The meeting rose at 9.45 a.m.**