

General Conference

GC(SPL.3)/GEN/OR.1

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Third special session

General Committee

Record of the First Meeting

Held at Headquarters, Vienna, on Friday, 27 January 2023, at 10.30 a.m.

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¹ GC(SPL.3)/GEN/1

Attendance

Chair

Mr CORTESE (Italy), President of the General Conference

Members

Mr STOJANOVSKI, representing Mr SADLEIR (Australia), Vice-President of the General Conference

Mr LULASHNYK (Canada), Vice-President of the General Conference

Mr WANG Qun (China), Vice-President of the General Conference

Mr SOLANO ORTIZ (Costa Rica), Vice-President of the General Conference

Ms DEDU, representing Mr STOIAN (Romania), Vice-President of the General Conference

Ms MARKOVIC (Sweden), Vice-President of the General Conference

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

Mr SARA, representing Ms GJERMENI (Albania), Additional Member

Ms VUKOVIĆ-SIMONOVIĆ, representing Mr ŠUKOVIĆ (Montenegro), Additional Member

Ms MUJICA (Paraguay), Additional Member

Mr LAGGNER (Switzerland), Additional Member

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(SPL.3)/GEN/1)

1. The CHAIR said that the provisional agenda for the meeting contained two sub-items under the item ‘Arrangements for the Conference’, namely ‘Adoption of the agenda and allocation of items for initial discussion’ and ‘Closing date of the current special session’.
2. It also contained an item entitled ‘Examination of delegates’ credentials’, which would be considered by the General Committee meeting as a credentials committee.
3. The agenda was adopted.

2. Arrangements for the Conference

(a) Adoption of the agenda and allocation of items for initial discussion
(GC(SPL.3)/1)

4. The CHAIR suggested that the Committee recommend to the Conference that the agenda for the current special session should consist of all the items listed in document GC(SPL.3)/1.
5. It was so decided.
6. The CHAIR took it that the Committee wished to recommend to the General Conference the suggested allocation of items for initial discussion as contained in document GC(SPL.3)/1.
7. It was so decided.
8. The CHAIR took it that the Committee wished to recommend to the General Conference the suggested order of items suggested in document GC(SPL.3)/1.
9. It was so decided.

(b) Closing date of the session

10. The CHAIR suggested that the Committee recommend to the General Conference a closing date for the current special session of Friday, 27 January 2023.
11. It was so decided.

3. Examination of delegates’ credentials (GC(SPL.3)/6–8)

12. The CHAIR proposed that the General Committee meet as a credentials committee and take up the examination of delegates’ credentials.

13. Recalling Rule 27 of the Rules of Procedure of the General Conference, he 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 Committee's task was limited to ascertaining whether the requirements of Rule 27 had been satisfied.

14. Credentials for 64 delegates had been received in due form. In addition, the Secretariat had received communications in respect of 49 delegates that did not constitute formal credentials meeting the requirements of Rule 27. Sixty-two Member States were not participating and had not submitted any credentials.

15. Document GC(SPL.3)/6 contained a statement issued by Arab Member States of the Agency participating in the third special session of the General Conference, expressing their reservations concerning the credentials of the Israeli delegate.

16. Document GC(SPL.3)/7 contained a communication from Israel setting out its position with regard to those reservations.

17. Document GC(SPL.3)/8 contained a communication from the Islamic Republic of Iran setting out its position regarding the credentials of Israel.

18. Ms JOHNSON (Director, Office of Legal Affairs) said that the Agency and the United Nations in New York had once again received conflicting credentials from the Permanent Missions of the Republic of the Union of Myanmar in Vienna and New York respectively. She stressed that it was for the UN General Assembly to consider such cases and that the attitude that it adopted should be taken into account by other UN bodies and specialized agencies.

19. She recalled the General Conference resolution of 20 September 2021², in which the Conference accepted the report by the General Committee³ recommending that it defer a decision on the credentials of Myanmar pending guidance from the Credentials Committee of the UN General Assembly, thereby leaving Myanmar's seat empty for the Conference. Since the adoption of that resolution, credentials committees of the Review Meeting of the Contracting Parties to the Convention on Nuclear Safety, the Conference of the Parties to the Amendment to the Convention on the Physical Protection of Nuclear Material, the General Assembly of the World Intellectual Property Organization, the United Nations Conference on Trade and Development, the General Conference of the United Nations Educational, Scientific and Cultural Organization, the Conference of the States Parties of the Organisation for the Prohibition of Chemical Weapons, the World Health Assembly, the International Maritime Organization Assembly, the General Assembly of the UN World Tourism Organization and the Agency's General Conference during its sixty-sixth regular session had all decided to defer their decisions on the credentials pertaining to the representatives of Myanmar.

20. On 12 December 2022, the Credentials Committee of the 77th session of the UN General Assembly had once again decided to postpone its consideration of the credentials pertaining to the representatives of Myanmar. On that basis, she proposed that the Committee continue with existing practice until such time that it received guidance from the United Nations in New York.

21. Noting that Myanmar was currently listed among the countries that had submitted formal credentials, she said that the report of the General Committee to the General Conference on the examination of delegates' credentials should be adjusted to accurately reflect the situation.

² GC(65)/RES/16

³ GC(65)29

22. The CHAIR 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.

23. 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, except in the case of Myanmar.

24. The report should further state that the Committee had had before it, in document GC(SPL.3)/6, a statement by a number of Arab States members of the Agency participating in the third special session of the General Conference, as listed in that document, regarding their reservations about the credentials of the Israeli delegate and that the Committee had also had before it a communication setting out Israel's position with regard to those reservations, contained in document GC(SPL.3)/7 and a communication setting out the position the Islamic Republic of Iran regarding Israel's credentials, contained in document GC(SPL.3)/8.

25. With regard to the credentials of Myanmar, the report should state the relevant past practice at the Agency and other UN system organizations regarding the credentials of the delegation of Myanmar, as contained in the statement made by the Legal Adviser concerning those credentials. The Committee may wish not to accredit any delegate for that Member State and to recommend to the Conference that it defer a decision on the credentials of Myanmar, pending guidance from the Credentials Committee of the UN General Assembly, thereby leaving the seat empty for the Conference.

26. Lastly, 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 third special session of the General Conference, which is set forth in document GC(SPL.3)/4.”

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

28. It was so decided.

The meeting rose at 11 a.m.