

**GC**

International Atomic Energy Agency

GENERAL CONFERENCEGC(XX)/GEN/OR.25
13 January 1977 *RESTRICTED Distr.
ENGLISH

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TWENTIETH REGULAR SESSION: 21–28 SEPTEMBER 1976

GENERAL COMMITTEE

RECORD OF THE TWENTY-FIFTH MEETING

Held at the Conference Centre, Hotel Nacional-Rio, Rio de Janeiro
on Wednesday, 22 September 1976, at 6.20 p.m.

Item of the provisional agenda**	Subject	Paragraphs
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* A provisional version of this document was issued on 28 October 1976.

** GC(XX)/562, 562/Add.1.

ATTENDANCE AT THE MEETING*

Chairman

Mr. de CARVALHO (Brazil), President of the General Conference

Members

Mr. BEESLEY (Canada), Vice-President of the General Conference
Mr. GOLDSCHMIDT, representing Mr. GIRAUD (France), Vice-President of the General Conference
Mr. MEHTA, representing Mr. SETHNA (India), Vice-President of the General Conference
Mr. KATORI (Japan), Vice-President of the General Conference
Mr. NAVARRETE, representing Mr. VELEZ OCON (Mexico), Vice-President of the General Conference
Mr. ADENLI (Nigeria), Vice-President of the General Conference
Mr. GHENEA (Romania), Vice-President of the General Conference
Mr. PANYARACHUN (Thailand), Vice-President of the General Conference
Mr. EROFEEV, representing Mr. MOROKHOV (Union of Soviet Socialist Republics), Vice-President of the General Conference
Mr. MALU wa KALENGA (Zaire), Chairman of the Committee of the Whole
Mr. THOMAS, representing Mr. SITZLACK (German Democratic Republic), Additional Member
Mr. HOFFMANN, representing Mr. HAUNSCHILD (Federal Republic of Germany), Additional Member
Mr. ABU-EID (Kuwait), Additional Member
Mr. SLATER, representing Mr. ALLEN (United Kingdom of Great Britain and Northern Ireland), Additional Member
Mr. TAPE, representing Mr. SEAMANS (United States of America), Additional Member

Also present

Mr. CASTRO MADERO (Argentina), Chairman of the Board of Governors
Mr. AL-SHAWI (Iraq), in accordance with Rule 43 of the Rules of Procedure

Secretariat

Mr. EKLUND, Director General
Mr. GARRETT, Secretary of the Committee

* The composition of the General Committee at the twentieth regular session will be found in document GC(XX)/INF/163/Rev. 3.

THE RECORD

ADOPTION OF THE AGENDA FOR THE MEETING (GC(XX)/GEN/48)

- 1. The agenda proposed for the meeting (GC(XX)/GEN/48) was adopted.

ADOPTION OF THE AGENDA AND ALLOCATION OF ITEMS FOR INITIAL DISCUSSION (GC(XX)/562, 562/Add.1, 568)

2. The CHAIRMAN announced that the delegate of Iraq wished to attend the present meeting of the General Committee at which the request of the Iraq Government for inclusion of an additional item in the agenda would be considered. In accordance with Rule 43 of the Rules of Procedure, he invited the delegate of Iraq to join in the Committee's deliberations.

- Mr. Al-Shawi (Iraq) joined in the Committee's deliberations.

3. Mr. TAPE (United States of America) said that, in considering Iraq's request for the inclusion in the agenda of the General Conference of an item entitled "Invitation to the Palestine Liberation Organization to attend the sessions of the General Conference in the capacity of an observer" (GC(XX)/568), the General Committee should take the following considerations into account.

4. Firstly, there was no provision in the Statute or in the Rules of Procedure under which an organization such as the Palestine Liberation Organization (PLO) could attend a session of the General Conference as an observer. Rule 30 of the Rules of Procedure provided for representation of States not Members of the Agency, but PLO was not, and did not claim to be, a State. Neither of the other Rules of Part V of the Rules of Procedure applied to such an organization.

5. Secondly, since the Rules of Procedure did not cover the matter, it was necessary to refer back to precedents and to find out what organizations had been invited to attend sessions of the General Conference. The organizations in question fell into two categories: (a) as early as 1960, the General Conference had recognized that it would be in the Agency's interest to invite certain intergovernmental organizations in addition to those covered by Rule 32(a) of the Rules of Procedure to attend sessions of the General Conference; the General Conference at its fourth regular session had therefore, by Resolution GC(IV)/RES/69, authorized the Board of Governors to invite such organizations to be represented at the following session. That authorization had been renewed at each subsequent session up to 1972. The General Conference had left it to the Board to decide which of the intergovernmental organizations among those concerned with the peaceful uses of nuclear energy it would be in the Agency's

interest to invite to be represented by observers at General Conference sessions. From 1972 onwards, that authorization had become a standing one under the provisions of Resolution GC(XVI)/RES/291; (b) in 1975, the General Conference had taken similar action with respect to non-governmental organizations not covered by Rule 32(b), i. e. those not enjoying consultative status with the Agency, and under Resolution GC(XIX)/RES/332 the Board had been given the same latitude as under the above-mentioned resolutions.

6. Thirdly, it was clear from that record that the Board, on the basis of criteria laid down by the Conference, had authority to invite organizations other than those covered by Part V of the Rules of Procedure, to attend the General Conference. In 1972 and 1975, the Conference had left it to the Board's discretion to decide whether representation of an organization - even one meeting the criteria specified - would be in the Agency's interest. For the General Conference to invite PLO to participate as an observer at its sessions would be contrary to the established precedents and procedures of the Conference.

7. Fourthly, the General Conference was not therefore in a position to decide whether an invitation to PLO would be appropriate without having at least a recommendation from the Board of Governors before it. To do otherwise would establish a new precedent, which might open the way to representation at sessions of the General Conference of a host of organizations, thus possibly impeding the effective functioning of the Agency. The rules and precedents set in the past had certainly been designed to avoid such a situation, and it would be well to continue in the same way.

8. Fifthly, the explanatory memorandum contained in document GC(XX)/568 cited Resolution 3237 (XXIX) of the General Assembly of the United Nations under which PLO had been invited to participate as an observer in sessions of the General Assembly, and deduced that accordingly PLO was entitled to participate as an observer in the sessions of all international conferences convened under the auspices of United Nations bodies. The General Conference was not obliged to take into account the provisions of that resolution, since the Agency did not fall within any of the categories of organizations mentioned therein. Accordingly, the resolution in question did not relate to the Agency in the sense of Article V of the Relationship Agreement between the United Nations and the Agency (INFCIRC/11, part I.A) which stated that "The Agency shall consider any resolution relating to the Agency adopted by the General Assembly or by a Council of the United Nations."

9. Sixthly, the explanatory memorandum cited examples of invitations issued to PLO. Those examples did not constitute a precedent binding on the General Conference in considering the question of an invitation to PLO to attend its

sessions as an observer. The Agency had to act in accordance with its own principles and rules of procedure. As stated in Article I, paragraph 2, of the Relationship Agreement between the United Nations and the Agency, "The United Nations recognizes that the Agency, by virtue of its intergovernmental character and international responsibilities, will function under its Statute as an autonomous international organization" Thus, it was entirely within the Agency's prerogatives, in accordance with its own Statute, to decide for itself questions of representation and attendance at General Conference sessions. The Agency had done so to date, in a circumspect manner commensurate with its unique international responsibilities, and it was the duty of the General Committee to avoid any departure from that practice in its recommendations to the General Conference.

10. In the light of all those considerations, the General Committee should reject the request contained in document GC(XX)/568, or, alternatively, should recommend inclusion of the item in the provisional agenda for the twenty-first regular session of the General Conference, in order that the Board of Governors might give the matter prior consideration and put forward a recommendation to the General Conference at that session.

11. Mr. AL-SHAWI (Iraq) pointed out that in accordance with the provisions of Rule 42 of the Rules of Procedure, which defined the functions of the General Committee, it was the Committee's duty to make a procedural recommendation, not to discuss the substance of the question or to take a final decision.

12. In order to make the Committee's task easier, he wished to explain briefly that a large number of international organizations and conferences had invited PLO to take part in their work as an observer; it was therefore surprising that the Agency should not itself have taken such a decision long ago. There was no provision in the Rules of Procedure precluding a decision to invite PLO to attend the present and all subsequent sessions. There were no grounds for thinking that Rules 30 to 32 of the Rules of Procedure established an exhaustive list of observers. The General Conference had previously shown flexibility in its interpretation of its Rules of Procedure, notably by inviting to its sessions organizations that had concluded no relationship agreements with the Agency. Moreover, Rule 2 of the Rules of Procedure, which concerned notifications of sessions, mentioned "such other organizations as the General Conference or the Board of Governors may from time to time decide"; that clearly applied to organizations not belonging to any of the categories listed in the first part of the Rule.

13. The Committee would be quite right in deciding to recommend to the General Conference that item 3 of the provisional agenda should be included in the agenda of the twentieth regular session, and in requesting it to give priority to

the examination of that item. He strongly urged the Committee to adopt a recommendation to that effect.

14. Mr. ADENJI (Nigeria) considered that in accordance with Rule 30 of the Rules of Procedure the Committee should automatically recommend to the General Conference that it include in its agenda the question of PLO representation. It would be for the General Conference to discuss the substance of the matter in plenary meeting. The note by the Director General contained in document GC(XX)/568 indicated that consultations on the subject of including the item in the provisional agenda of the twentieth regular session had taken place the previous June during the meetings of the Board of Governors. Referring the matter to the Board would thus be illogical, since it had already been considered there.

15. Mr. ABU-EID (Kuwait) did not think that the Committee could take the place of the General Conference in deciding whether or not to invite PLO to send a representative to its meetings. However, he considered that the Agency should follow the example of the General Assembly of the United Nations and issue an invitation to PLO. He therefore supported the request of the representative of Iraq.

16. Mr. MEHTA (India) believed that the Committee could not deprive the General Conference of its right to decide whether or not to invite PLO.

17. Mr. EROFEEV (Union of Soviet Socialist Republics) supported the proposal to include item 3 in the agenda of the General Conference.

18. Mr. NAVARRETE (Mexico) and Mr. GHENEA (Romania) associated themselves with the remarks of the delegates of India, Kuwait and Nigeria.

19. Mr. THOMAS (German Democratic Republic) considered that the inclusion in the agenda of the item in question was in perfect accord with the Rules of Procedure.

20. The CHAIRMAN took it that on the whole the Committee wished to recommend to the General Conference that the agenda of the session should include all the items listed in the provisional agenda (GC(XX)/562).

● 21. It was so agreed.

● Mr. Al-Shawi (Iraq) withdrew from the Committee's deliberations.

22. With respect to the order in which the items should be considered, the CHAIRMAN pointed out that in the past the Committee had left it to the President of the General Conference to determine that order, in consultation with the Secretariat, in order to comply with the wishes of as many delegations as possible. He thought it might be desirable for the Committee again to leave that latitude to the President.

● 23. The Committee decided to recommend the General Conference to approve the allocation of agenda items for initial discussion suggested in document GC(XX)/562.

● 24. The Committee authorized the Chairman to make an oral report in its name to the General Conference.

CLOSING DATE OF THE SESSION AND
OPENING DATE OF THE NEXT SESSION

25. The CHAIRMAN said that in accordance with Rule 8 of the Rules of Procedure, the Committee had to make a recommendation on the closing date of the session. The general debate would probably continue until the morning of Tuesday, 28 September. Thus the session might be closed that day if the Committee of the Whole had completed its work by the end of the current week.

26. He took it that the Committee would be willing to authorize him to recommend in its name to the General Conference that it fix Tuesday, 28 September as the closing date of the session.

● 27. It was so agreed.

28. The CHAIRMAN recalled that it was customary for the President to present to the General Conference a recommendation by the Committee concerning the opening date of the next regular session. He understood that the general view was that it would be preferable for the following regular session to open on a Monday rather than a Tuesday, and he therefore suggested to the Committee that it recommend to the General Conference to fix Monday, 26 September 1977 as the opening date of the twenty-first regular session.

● 29. It was so agreed.

● The meeting rose at 7.10 p. m.

