



GC

International Atomic Energy Agency

# GENERAL CONFERENCE

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TWENTY-THIRD REGULAR SESSION: 4-10 DECEMBER 1979

GENERAL COMMITTEE

RECORD OF THE THIRTY-FIRST MEETING

Held at Vigyan Bhavan, New Delhi,  
on Wednesday, 5 December 1979, at 9.40 a.m.

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provisional  
agenda\*\*

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\*/ A provisional version of this document was issued on 29 January 1980.

\*\*/ GC(XXIII)/609.

ATTENDANCE AT THE MEETING\*

Chairman

Mr. SETHNA (India), President of the General Conference

Members

Mr. SAMANIEGO (Ecuador), Vice-President of the General Conference

Mr. de PEYSTER, representing Mr. PECQUEUR (France), Vice-President of the General Conference

Mr. ARAI, representing Mr. KANAZAWA (Japan), Vice-President of the General Conference

Mr. KHOR (Malaysia), Vice-President of the General Conference

Mr. OMOLODUN (Nigeria), Vice-President of the General Conference

Mr. FARAHAT, representing Mr. AL-KHATER (Qatar), Vice-President of the General Conference

Mr. KHLESTOV, representing Mr. MOROZOV (Union of Soviet Socialist Republics), Vice-President of the General Conference

Mr. KIRK, representing Mr. SMITH (United States of America), Vice-President of the General Conference

Mr. COSTA ALONSO (Mexico), Chairman of the Committee of the Whole

Mr. COPITHORNE (Canada), Additional Member

Mr. BARABAS (Czechoslovakia), Additional Member

Mr. UNGERER, representing Mr. HAUNSCHILD (Federal Republic of Germany), Additional Member

Mr. GHEZAL (Tunisia), Additional Member

Mr. CROMARTIE, representing Sir JOHN HILL (United Kingdom of Great Britain and Northern Ireland), Additional Member

Secretariat

Mr. HALL, Deputy Director General, Department of Administration

Mr. HERRON, Director, Legal Division

Mr. LE GUELTE, Secretary of the Committee

\*/ The composition of the General Committee at the twenty-third regular session will be found in document GC(XXIII)/INF/188/Rev.5.

EXAMINATION OF DELEGATES' CREDENTIALS

1. The CHAIRMAN recalled that at the 210th plenary meeting of the General Conference the delegate of Nigeria had raised a point of order concerning the credentials of the South African delegation. He therefore invited the Committee to examine the validity of the credentials of that delegation on the understanding that he would report back to the General Conference on the outcome.

2. Mr. OMOLODUN (Nigeria), contesting the validity of the credentials of the South African delegation, demanded that that country be excluded from the Agency. It was known that South Africa now possessed nuclear explosives and it remained to be proved that the co-operation agreements between France and South Africa had not provided the latter country with the means to use nuclear technology for military purposes. Moreover, it was well known that South Africa was constantly violating the United Nations Charter and had acted on numerous occasions contrary to decisions taken by the United Nations, in particular as regards the sanctions against Rhodesia.

3. Mr. KHLESTOV (Union of Soviet Socialist Republics) also held the credentials of the South African delegation to be invalid.

4. Mr. FARAHAT (Qatar) stated that Qatar had always condemned South Africa's apartheid policy and was thus opposed to that country participating in the General Conference.

5. The CHAIRMAN recalled that India had been one of the first countries to denounce South Africa's racist policy and to break off all relations with that country. The Indian delegation was amongst those which had taken the initiative in demanding that South Africa be excluded from the United Nations. Consequently, India fully shared Nigeria's point of view.

6. Mr. GHEZAL (Tunisia) supported the proposal by the Nigerian delegation for the reasons already stated by the Chairman and in view of the fact that South Africa had violated the provisions of the Agency's Statute, particularly those contained in Article IV.

7. Mr. KHOR (Malaysia) said that Malaysia had always deprecated South Africa's policy of apartheid and his delegation associated itself unreservedly with the remarks made by the Nigerian delegate.

8. Mr. KIRK (United States of America) said that the United States also strongly disapproved of South Africa's racist policy and that his country's position on that subject was well known. However, the task of the Committee was simply to determine whether the credentials of the South African delegation were in order without reference to political considerations, bearing in mind the technical character of the Agency. It should be remembered, moreover, that South Africa had been a Member of the Agency for many years and its exclusion would be detrimental to the common goal of non-proliferation and acceptance of Agency safeguards by all countries.
9. Mr. SAMANIEGO (Ecuador) announced that the Latin American countries had decided not to adopt a position on the question of the credentials of the South African delegation.
10. Mr. BARABAS (Czechoslovakia) expressed support for the Nigerian proposal.
11. Mr. CROMARTIE (United Kingdom) said that the United Kingdom's opposition to apartheid was well known; however, the question of South Africa's credentials had to be considered purely in the context of Rules 27 and 28 of the Rules of Procedure of the General Conference.
12. Mr. de PEYSTER (France) said that France totally condemned apartheid but that the question of the validity of South Africa's credentials should be settled remote from political considerations.
13. Mr. UNGERER (Federal Republic of Germany), recalling his country's well-known opposition to apartheid, said he wished, however, to point out that the business of the Committee was simply to determine whether the credentials of the South African delegation satisfied the provisions of Rules 27 and 28 of the Rules of Procedure of the General Conference. The matter was therefore a purely legal one.
14. Mr. COPITHORNE (Canada) said that Canada had always been opposed to apartheid but that the matter in question should be settled remote from any moral or political considerations, bearing in mind the universal function and technical character of the Agency. The Canadian delegation could not therefore support the Nigerian proposal.
15. Mr. ARAI (Japan) said that while Japan vigorously denounced South Africa's apartheid policy, it felt that consideration of South Africa's representation at the Agency should be restricted to verifying that the credentials

- of the South African delegation complied with the provisions of Rules 27 and 28 of the Rules of Procedure of the General Conference.
16. The CHAIRMAN said that the majority of the Committee appeared to be in favour of the proposal made by the Nigerian delegate. He would inform the General Conference to that effect and provide it with a precise account of the proceedings.
17. After Mr. KIRK (United States of America) had contested the existence of such a majority, the CHAIRMAN proposed that the Nigerian proposal be put to the vote. In conformity with Rule 51 of the Rules of Procedure he would not participate in the vote himself but would appoint another member of his delegation to vote in his place.
18. Mr. KIRK (United States of America) and Mr. UNGERER (Federal Republic of Germany) pointed out that Rule 51 applied to the conduct of business at plenary meetings of the General Conference. The Director of the Legal Division of the Agency should be asked to adjudge whether that rule applied in the present case.
19. The CHAIRMAN stated that, according to Rule 82, the procedure governing the conduct of business in subsidiary bodies of the General Conference should conform as far as was appropriate to the rules governing the conduct of business at plenary meetings of the General Conference.
20. Mr. HERRON (Director, Legal Division) said that Rules 51 and 82 had to be read in conjunction with Rule 40, according to which no two members of the General Committee should be members of the same delegation. For Rule 51 to apply, it would be necessary for the Chairman and a second member of his country's delegation to be in the General Committee, which would be contrary to the provisions of Rule 40.
21. The CHAIRMAN pointed out that that interpretation deprived one member of the Committee of the right to vote and was prejudicial to the interests of the geographical region to which he belonged. It was therefore also in contradiction with Rule 40, which stipulated that the members of the Committee should be so constituted as to ensure its representative character.
22. Mr. GHEZAL (Tunisia) could not accept the interpretation given by the Director of the Legal Division. It was Rule 51 dealing with voting procedure which should be applied in the present case, not Rule 40 relating to the conduct of business.

23. Mr. COPITHORNE (Canada) recalled that it was in his capacity as President of the General Conference that Mr. Sethna was presiding over the work of the Committee. The situation was certainly ambiguous, but in his opinion the Chairman could not appoint another member of his delegation to vote for him. Account had to be taken of the practice followed hitherto and also of Rule 78, according to which, in the event of an equally divided vote, the proposal voted upon should be considered as not adopted.

24. The CHAIRMAN suggested that the Committee vote on the proposal by Nigeria according to the procedure laid down in Rule 51 and then submit an account of its proceedings to the General Conference. In that way it could break the deadlock into which it had fallen.

25. Mr. KIRK (United States of America) said that to follow such a procedure would be to prejudge the question whether the Chairman had the right to vote.

26. Mr. OMOLODUN (Nigeria) said he regarded the Chairman as a full member of the Committee. He proposed that a vote be taken.

27. The CHAIRMAN proposed the following procedure to avoid a vote: the Chairman should inform the General Conference that the members of the Committee had not been able to reach a decision on the Nigerian delegate's proposal, owing to differences in interpretation of certain rules in the Rules of Procedure, and that seven delegations had been in favour of the proposal and six against, with two abstentions.

28. Mr. COPITHORNE (Canada) said that, as the Committee was composed of 14 members and chaired by the President of the General Conference, it would be more correct to say that six delegations had been for that proposal and six against with two abstentions, and to add that the question as to whether the Chairman could vote had not been settled.

29. The CHAIRMAN having announced his intention to absent himself during the vote and to appoint a Vice-President to replace him, Mr. KIRK (United States of America) asked whether that Vice-President could himself designate a member of his delegation to vote in his place.

30. Mr. HERRON (Director, Legal Division) said that, as no delegation could have more than one representative under Rule 40, the Vice-President appointed to replace the Chairman would in turn be debarred from voting.

31. The CHAIRMAN proposed that the meeting be suspended to enable the Members of the Committee to hold consultations.

The meeting was suspended at 10.40 a.m. and resumed at 10.45 a.m.

32. The CHAIRMAN announced that it had not been possible to break the deadlock during the suspension. He proposed that, without prejudice to the interpretation to be given to Rule 51, he should absent himself during the vote, and asked the representative of the United States of America, a Vice-President of the General Conference, to replace him.

33. Mr. KIRK (United States of America) declined to do so.

34. The CHAIRMAN restated the proposal which he had made before the meeting was suspended, namely to inform the General Conference that, owing to differences in interpretation of Rules 40 and 51, the members of the Committee had not been able to reach an understanding on the proposal by the delegate of Nigeria, and that seven delegations had been in favour of that proposal and six against, with two delegations abstaining.

35. Mr. COPITHORNE (Canada) said that the Chairman's proposal was acceptable only if the Committee's report to the General Conference laid due emphasis on the subject of disagreement, namely the voting procedure.

36. The Chairman's proposal was adopted.

37. Mr. SAMANIEGO (Ecuador) requested that it be clearly indicated to the General Conference that Ecuador had spoken on behalf of the majority of the countries of Latin America.

The meeting rose at 11 a.m.