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THIRTY-FOURTH (1990) REGULAR SESSION

GENERAL COMMITTEE

RECORD OF THE FIFTY-EIGHTH MEETING

Held at the Austria Center Vienna
on Tuesday, 18 September 1990, at 2.40 p.m.

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[*] GC(XXXIV)/914.

ATTENDANCE AT THE MEETING

Chairman

Mr. VAJDA (Hungary), President of the General Conference

Members

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

Mr. ZHOU, representing Mr. JIANG (China), Vice-President of the General Conference

Mr. LE GUELTE, representing Mr. ROUVILLOIS (France), Vice-President of the General Conference

Mr. AL-AWADHI (Kuwait), Vice-President of the General Conference

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

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

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

Mr. MONTESDEOCA (Uruguay), Vice-President of the General Conference

Mr. NEWLIN (United States of America), Chairman of the Committee of the Whole

Mr. PAREJA CUCALON (Ecuador), Additional Member

Mr. VEGLIA, representing Mr. SOLAMITO (Monaco), Additional Member

Mr. AL-NOWAISER (Saudi Arabia), Additional Member

Mr. ELAGIB (Sudan), Additional Member

Mr. ETTINGER (Israel)

Chairman of the Board of Governors

Mr. ENDO (Japan)

Secretariat

Mr. SANMUGANATHAN, Secretary of the Committee

Mr. ELBARADEI, Legal Counsel

Mr. WILMSHURST, Director, Division of External Relations

ADOPTION OF THE AGENDA FOR THE MEETING (GC(XXXIV)/GEN/80)

1. The CHAIRMAN asked the Committee whether it wished to adopt the provisional agenda contained in document GC(XXXIV)/GEN/80.
2. It was so decided.

ARRANGEMENTS FOR THE CONFERENCE

(a) ADOPTION OF THE AGENDA AND ALLOCATION OF ITEMS FOR INITIAL DISCUSSION
(GC(XXXIV)/914 with annotation to item 4(a), GC(XXXIV)/932)

3. The CHAIRMAN noted that items 21 and 22 had been included in the agenda at the request of the Philippines and that the Committee also had before it a proposal from the Board of Governors, contained in document GC(XXXIV)/932, relating to the inclusion of an additional item concerning Namibia's contribution to the 1990 Regular Budget. He further drew the Committee's attention to footnote [4] on page 5 of document GC(XXXIV)/914, which indicated that the conclusions of a special scientific programme on nuclear power plant upgrading and life extension, to be held in conjunction with the current session, would be reported to the General Conference at a plenary meeting.
4. Mr. NEWLIN (Chairman of the Committee of the Whole), speaking as the representative of the United States, and referring to item 22 of the agenda concerning the purchase of recreational facilities by the Agency on behalf of the Staff Association, said that in his Government's view that question had already been examined very thoroughly: all Member States had received the relevant explanatory note, as well as the summary records of the lengthy discussions in the Board of Governors, and had thus been provided with sufficient information on that particular matter, which had already been dealt with by the Board. Consequently, he wondered whether it was necessary to devote the General Conference's precious time to pursuing the discussion on that matter.
5. Mr. HALIM (Malaysia) said that it would be contrary to the spirit which usually prevailed in international organizations not to include in the agenda, without good reason, an item proposed by a Member State.

6. Mr. PAREJA CUCALON (Ecuador) and Mr. ZHOU (China) supported the statement made by the representative of the United States regarding the futility of continuing the debate on the purchase of recreational facilities by the Agency on behalf of the Staff Association within the General Conference.

7. Mr. CHIKELU (Nigeria) felt that if the Committee was empowered to delete an item from the agenda of the General Conference, then it was desirable that it should do so in the present case.

8. The CHAIRMAN said that, if there were no objections, he would take it that the Committee wished to recommend to the General Conference that it include in the agenda for its thirty-fourth regular session all the items listed in document GC(XXXIV)/914 except item 22, as well as the additional item proposed for inclusion by the Board of Governors and contained in document GC(XXXIV)/932.

9. It was so decided.

10. The CHAIRMAN, turning to the allocation of items for initial discussion, pointed out that document GC(XXXIV)/914 contained, for each item of the agenda, an annotation with a suggestion as to where the substance of that item might first be discussed (plenary meeting, Committee of the Whole or General Committee). Regarding the item entitled "Contribution of Namibia towards the 1990 Regular Budget", he proposed that it be initially discussed in the Committee of the Whole and that it be inserted between items 11 (The Agency's programme and budget for 1991 and 1992) and 12 (Scale of assessment of Members' contributions for 1991) of the existing provisional agenda.

11. It was so decided.

12. The CHAIRMAN recalled that Rule 15 of the Conference's Rules of Procedure stipulated that there must be a seven-day minimum period before the discussion of an additional item (i.e. the item relating to Namibia's contribution for 1990). He took it that, as the Board had proposed, the Committee wished to recommend to the General Conference that it waive that provision.

13. It was so decided.

14. The CHAIRMAN suggested that the order of items be kept as it appeared in document GC(XXXIV)/914, after the insertion of the additional item and the renumbering of the other items, on the understanding that circumstances or the efficient conduct of business might call for changes to be made in the Plenary or the Committee of the Whole.

15. It was so decided.

16. The CHAIRMAN, still referring to the order in which items would be discussed by the Conference, drew the Committee's attention to a request made by Israel and circulated in document GC(XXXIV)/INF/286. As the Jewish New Year, one of the most important holidays in the Jewish calendar, fell on Thursday, 20 and Friday, 21 September, the Israeli delegation would be absent on those two days from all meetings of the General Conference. It had therefore requested that matters pertaining directly to Israel should not be discussed during those days. The delegate of Israel had requested permission to address the Committee on that subject and, if there were no objections, he proposed to accede to that request.

17. Mr. ETTINGER (Israel) said that, on behalf of his Government, he wished to bring before the Committee a procedural matter concerning item 7 of the Conference's agenda.

18. On 7 September 1990, the Resident Representative of Israel had sent to the Director General a letter informing him that, as the Jewish New Year fell on 20 and 21 September, the Israeli delegation would not be able to participate in the General Conference during those two days. It should be emphasized that the Jewish New Year was not just one of many national holidays, but one of the two most revered holidays in the Jewish calendar.

19. Agenda item 7 concerned Israel, which felt that, in accordance with established international parliamentary codes, it should enjoy the basic rights of participation in the General Conference, namely the right to explain to delegates its position on matters directly relating to it, the right to participate in a vote following the debate, the right to propose amendments, the right of reply and the other rights specified by the Statute and the Rules of Procedure.

20. Since decisions concerning the agenda and the organization of work were the General Committee's responsibility, he urged the Committee to respond favourably to the request that item 7 be taken up on Wednesday, 19 September, at the latest. He also requested that his remarks be duly reflected in the summary record.

21. Mr. ELAGIB (Sudan) said that, having made a statement, the delegate of Israel, who was not a member of the General Committee, should withdraw before the Committee continued its deliberations.

22. Mr. AL-AWADHI (Kuwait), on a point of order, emphasized that the Committee members were elected by the General Conference. The delegate of Israel had been allowed to make a statement, but participation in the Committee's discussion should be restricted to members of the Committee.

23. Mr. ELBARADEI (Legal Counsel) emphasized that the Conference's Rules of Procedure clearly stipulated that participation in the General Committee's discussions was open only to Committee members and to Member States which had no representative in the Committee and had requested the inclusion of an item in the agenda. The representatives of other Member States had to obtain the permission of the Committee to take the floor before addressing it. In the present case, the Chairman had given the floor to the delegate of Israel after ascertaining that the Committee had no objections to that. The Rules were silent on whether such other Member States were entitled to attend its meetings; they did not say whether the Committee was a closed body - in the sense that no non-member of the Committee could listen to its discussions - or an open one. In the case of similar bodies within the United Nations system which he had seen in operation, non-members were allowed to attend their meetings and listen to their discussions. However, as the General Conference's Rules of Procedure were silent on the matter, it was for the Committee to decide whether it wished to meet in closed session or in open session.

24. Mr. AL-AWADHI (Kuwait) said that, before making a statement, he wished to know whether the delegate of Israel was going to remain.

25. Mr. NEWLIN (Chairman of the Committee of the Whole), expressing his appreciation for the clarification given by the Legal Counsel, said that

item 7 of the Conference's provisional agenda was clearly of direct concern to Israel, which had a practical problem of attendance on Thursday and Friday. The issue to be decided was whether the wish of the Israeli delegation should be accommodated, so that the delegation could be present during the Conference's discussion on item 7, or should that discussion take place in a vacuum - without the Israeli delegation being able to hear the views of other delegations and vice versa. He felt that it would be useful for the delegate of Israel to be present during the Committee's consideration of the issue - but, if opinions in the Committee were divided on the issue, not necessarily at the stage when the Committee was deciding what recommendation to make to the Conference.

26. Mr. ELAGIB (Sudan) said he saw no need for further discussion on whether the Israeli delegate should remain. He had made a statement, and now it was for the Committee members - who had been elected by the Conference - to discuss the issue among themselves. There were other Member States interested in the issue and, if the Israeli delegate was to remain, why should they not also be represented at the Committee's meeting?

27. Mr. AL-NOWAISER (Saudi Arabia) said that the Committee was faced with a procedural problem. As the Legal Counsel had explained, the Rules of Procedure were silent on the question posed by the presence of the Israeli delegate, so the Committee itself had to decide whether he should leave the room or whether he might be present during the Committee's discussion of the issue.

28. Mr. ZHOU (China) said that the Committee, having heard the statement of the Israeli delegate, should now discuss the issue in closed session.

29. Mr. LE GUELTE (France) said that, in his opinion, the Committee - having allowed the Israeli delegate to address it - should logically permit him to listen to its discussion of the issue, provided that he withdrew when the Committee was about to decide on its recommendation to the Conference.

30. The CHAIRMAN, noting that some Committee members were in favour of allowing the Israeli delegate to continue taking part in the meeting and some were against, proposed that the Committee vote on the matter.

31. Mr. ZOBOV (Union of Soviet Socialist Republics) did not think there was any need to vote. The Soviet delegation had no objection to the Israeli delegate listening to the Committee's discussion of a question concerning his delegation.

32. Mr. ELAGIB (Sudan) doubted whether the Committee - which had been elected by the Conference - had the right to allow the Israeli delegate to participate in its discussions. The Committee had allowed the Israeli delegate to state his delegation's case, but now the Committee members should discuss the issue among themselves.

33. Mr. PAREJA CUCALON (Ecuador) said that the situation of Israel was similar to that of a Member State which had no representative in the General Committee and had requested the inclusion of an item in the Conference's agenda. Such situations were covered by Rule 43 of the Conference's Rules of Procedure, the provisions of which should be applied in the present case so as to allow the Israeli delegate to participate in the Committee's discussion on the issue.

34. Mr. MONTESDEOCA (Uruguay) endorsed the opinion expressed by the delegate of Ecuador.

35. Mr. ELBARADEI (Legal Counsel) said that the General Committee was a body with a limited number of members, who were the only persons entitled to participate in its discussions as a matter of right. In addition, a Member State which had no representative in the Committee and which had requested the inclusion of an item in the Conference's agenda was entitled to participate - without vote - in the Committee discussion relating to its request. Thus, the Philippines would have been entitled to participate in the discussion which the Committee had just had regarding one of the items whose inclusion in the agenda it had requested.

36. In the present case, Israel was not requesting the inclusion of an item in the agenda - it had simply made a procedural request. In his opinion, the Chairman had been right in asking the Committee's permission to give the floor to the Israeli delegate. Permission had been given, and it was on that basis that the Israeli delegate had taken the floor. The question under consideration now was whether representatives of Member States which were not members of the Committee and had not requested the inclusion of an item in the

Conference's agenda should be entitled to attend meetings of the Committee and to listen to its discussions without participating in them. The Rules of Procedure were silent on that question, which the Committee would have to decide upon itself.

37. Mr. ELAGIB (Sudan) said that, as the Rules of Procedure were silent on that question and as they provided for a General Committee with a limited number of members, if a member wanted the Committee's discussions to take place in closed session that member's wish should be acceded to.

38. Mr. LEE (Canada) said he had no objection to voting if that would settle the matter. If some Committee members were opposed to a vote, perhaps the Committee could agree to the following compromise: the Israeli delegate to remain during the discussion of his request without taking the floor again - speaking only if a question were put to him. If such a compromise was not acceptable, the Committee should vote.

39. Mr. ELAGIB (Sudan) said that, having been allowed to make a statement, the Israeli delegate should now oblige the Committee by withdrawing from it. In his opinion, the Committee could not vote on such a matter, which would have to be referred to the General Conference if the Israeli delegate did not withdraw.

40. Mr. AL-NOWAISER (Saudi Arabia) proposed that the Israeli delegate be requested by the Chairman to leave the room so that the Committee might continue its deliberations.

41. Mr. LEE (Canada) proposed that the Committee vote on the matter.

42. Mr. ELAGIB (Sudan) reiterated that, if a Committee member wanted the Committee's discussions to take place in closed session, that member's wish should be acceded to. In his opinion, the matter was not one on which the Committee could vote.

43. Mr. ELBARADEI (Legal Counsel) said that the Committee was master of its own procedure and that, when the Rules of Procedure were silent, the Committee had to decide itself how it should proceed.

44. Mr. AL-AWADHI (Kuwait) proposed that the Committee now continue its meeting in closed session.

45. The CHAIRMAN, after consulting with the Legal Counsel on whether the Committee could vote on the proposal, suggested that a vote be held by a show of hands.

46. Mr. AL-NOWAISER (Saudi Arabia) said that he also doubted whether the Committee could vote on the matter.

47. Mr. ELBARADEI (Legal Counsel) said that, on matters of procedure, when the Rules were not explicit the Committee itself had to decide - either by voting or, preferably, by consensus. If there was no consensus, the only way out was to vote.

48. The CHAIRMAN invited the Committee to vote, by show of hands, on the proposal that the Committee now continue its meeting in closed session.

49. There were five votes for the proposal, five against and four abstentions.

50. Mr. AL-NOWAISER (Saudi Arabia) proposed that the Israeli delegation's request be referred to the General Conference by the Committee without a recommendation.

51. Mr. ELBARADEI (Legal Counsel) said that the Committee could act in the manner proposed. The substance of the issue would then be discussed at a plenary meeting of the Conference instead of in the Committee.

52. Mr. LE GUELTE (France) said that, as a vote had been taken, it was now simply a matter of drawing the necessary conclusions by applying the Rules of Procedure.

53. Mr. ZHOU (China) said that, as the vote had been indecisive, he supported the proposal just made by the delegate of Saudi Arabia.

54. Mr. AL-NOWAISER (Saudi Arabia), repeating his proposal, said that - given the differences of view on the matter among Committee members - further discussion within the Committee was unlikely to resolve it.

55. Mr. NEWLIN (Chairman of the Committee of the Whole), recalling that the vote had been equally divided, said that pursuant to Rule 78 of the Conference's Rules of Procedure the proposal which had been voted on should be considered as not adopted. That being so, the Committee should proceed to discuss the substance of the Israeli delegation's request.

56. Mr. ELAGIB (Sudan) considered that, as five members wanted the Committee's discussion to take place in closed session, the Israeli delegate should simply withdraw.

57. The CHAIRMAN, pointing out that he had to apply the Rules of Procedure, said that, as there had been an equally divided vote, the proposal that the Committee now continue its meeting in closed session had to be considered as not adopted. The Committee should next decide whether to make a recommendation to the Conference regarding the substance of the Israeli delegation's request.

58. Mr. ELAGIB (Sudan) requested a vote on whether the Israeli delegate should be permitted to take part in the Committee's discussion.

59. Mr. ELBARADEI (Legal Counsel) said that the Committee had decided, by voting, that the meeting should continue to be open - in other words, that a Member State not member of the Committee could be present. However, it had not decided whether the Israeli delegate should be permitted to take part in its discussion. It could vote on the latter question as well if it so wished.

60. Mr. AL-NOWAISER (Saudi Arabia) recalled that he had just made a proposal which had been supported by the representative of China. The Chairman, apparently in the light of the latest statement by the Chairman of the Committee of the Whole, had not reacted to his proposal. Perhaps the Chairman would explain why he had not done so.

61. Mr. ZHOU (China) considered that, given the result of the vote, there was no point in continuing the discussion. That was why he had supported the proposal that the issue be referred to the General Conference. If the conclusion to be drawn from the vote was that the meeting was an open one, all Member States should be informed.

62. The CHAIRMAN urged that the Committee, having decided that the meeting should be open, now pass on to the substance of the issue before it - the recommendation to be made with regard to the Israeli delegation's request.

63. Mr. AL-NOWAISER (Saudi Arabia), supported by Mr. ELAGIB (Sudan) and Mr. HALIM (Malaysia), suggested that a request be made - through the Chairman - to the delegate of Israel, whose statement the Committee had heard earlier, that he now be so kind as to withdraw from the Committee's deliberations.

64. Mr. AL-AWADHI (Kuwait) said he agreed with the representative of China that, if the meeting was now an open one, all Member States should be informed; their representatives had as much right to be present as the delegate of Israel.

65. The CHAIRMAN said that, in the light of the procedural discussion about whether the Israeli delegate should withdraw from the Committee, he considered it unlikely that the Committee would be able to agree on substance - namely, on a recommendation to the Conference regarding the Israeli delegation's request. He suggested that he report to the Conference that the Committee had no recommendation to make.

66. Mr. NEWLIN (Chairman of the Committee of the Whole) urged that the Committee try to agree on a recommendation to the Conference regarding the Israeli delegation's request.

67. Mr. LEE (Canada) regarded the Israeli delegation's request as a reasonable one. The Conference should do everything possible - short of extending the current session - to arrange its business in such a way that the Israeli delegation could be present during the consideration of item 7 of the provisional agenda.

68. Mr. ELBARADEI (Legal Counsel), in response to an intervention by Mr. ELAGIB (Sudan), said that the delegate of Saudi Arabia had in effect moved the closure of the discussion and referral of the Israeli delegation's request to the Conference without a recommendation.

69. Mr. ZOBOV (Union of Soviet Socialist Republics), opposing referral of the Israeli delegation's request to the Conference without a recommendation, said it was by no means certain that the Committee would not be able to decide on a recommendation. So far the Committee had not discussed the substance of the issue, and he proposed that it now do so.

70. Mr. ELBARADEI (Legal Counsel) pointed out that, under Rule 62 of the Rules of Procedure, procedural motions like the one put by the delegate of Saudi Arabia had precedence over all other proposals or motions.

71. Mr. AL-NOWAISER (Saudi Arabia), after once more repeating his proposal, recalled that he had also suggested that the Israeli delegate be requested to withdraw from the Committee's deliberations.

72. Mr. NEWLIN (Chairman of the Committee of the Whole), endorsing what had just been said by the representative of the Soviet Union, said that a decision to close the debate and refer the Israeli delegation's request to the Conference without a recommendation would be an admission by the Committee that it had been unable to carry out its responsibilities under the Rules of Procedure.

73. The CHAIRMAN said that the Committee appeared to be deadlocked. In his opinion, the result of the vote reflected the views of Committee members not only on the procedural matter of the continued presence of the Israeli delegate but also on the substantive issue of the Israeli delegation's request.

74. Mr. MONTESDEOCA (Uruguay), noting that representatives of several Member States not represented in the Committee were present in the room, said that the normal practice in the United Nations system was for meetings to be open for attendance by all member States unless expressly declared to be closed; Rule 52 of the Conference's Rules of Procedure was in line with that practice. That having been said, he supported the compromise suggested by the delegate of Canada early in the discussion and proposed that the Committee start to discuss substance as opposed to procedure.

75. Mr. AL-AWADHI (Kuwait), also noting the presence in the room of the representatives of several Member States not represented in the Committee, suggested that the Israeli delegate withdraw from the Committee and sit elsewhere in the room and that the "Israel" nameplate be removed.

76. Mr. AL-NOWAISER (Saudi Arabia), referring to Rule 62 of the Rules of Procedure, said he would like to propose - on behalf of several delegations - that the issue be discussed at a later meeting of the Committee or that the present meeting be suspended briefly so as to permit informal consultations among the Committee members and the groups which they represented.

77. Mr. PAREJA CUCALON (Ecuador) endorsed what had been said by the delegate of Uruguay in support of the compromise suggested by the delegate of Canada. If the delegate of Israel wished to take the floor again regarding his delegation's request, he could do so in another forum.

78. The CHAIRMAN suggested that he report to the Conference that the General Committee had had a discussion, but had not agreed on a recommendation

regarding the Israeli delegation's request and was therefore not making a recommendation to the Conference.

79. It was so decided.

(b) CLOSING DATE OF THE SESSION AND OPENING DATE OF THE NEXT SESSION
(GC(XXXIV)/914, annotation to item 4(b))

80. The CHAIRMAN said that one of the main factors in estimating the length of the Conference session was the probable duration of the general debate. Many delegations had already asked to speak during the general debate and it was likely that more would do so before the speakers' list was closed. He therefore suggested to the Committee that it recommend Friday, 21 September 1990 to the General Conference as the closing date of the present session.

81. It was so agreed.

82. The CHAIRMAN proposed that the Committee, taking into account the availability of facilities for the General Conference in 1991, recommend that the thirty-fifth regular session of the General Conference start on Monday, 16 September 1991.

83. It was so agreed.

84. The CHAIRMAN, replying to a question raised by Mr. ENDO (Chairman of the Board of Governors), confirmed that the Director General intended to organize a high-level safety conference in August 1991.

85. In response to a question asked by Mr. AL-NOWAISER (Saudi Arabia), the CHAIRMAN explained that the facilities needed for the General Conference would only be available during the week beginning on 16 September 1991 and that the session would take place in the Hofburg, as the Director General had indicated the previous day.

86. Mr. WILMSHURST (Director, Division of External Relations), replying to a question raised by Mr. ENDO (Chairman of the Board of Governors), explained that the Austria Center Vienna had unfortunately been reserved a year previously for the whole month of September 1991 and that the Austrian authorities had proposed the Hofburg in its place. For the following years, the Secretariat had already reserved the facilities of the Austria Center Vienna up to the year 2000. Also, holding the General Conference in the Hofburg would not involve any additional expenditure.

REQUESTS FOR THE RESTORATION OF VOTING RIGHTS (GC(XXXIV)/INF/283, 289)

87. The CHAIRMAN said that the Resident Representatives of Bolivia and Peru - two of the countries listed in document GC(XXXIV)/INF/288, entitled "Statement of financial contributions to the Agency as at 14 September 1990", which, within the meaning of Article XIX.A of the Statute, were in arrears with the payment of their financial contributions to the Agency - had requested that the second sentence of that article be applied to their countries so that they could continue to exercise their voting rights during the current session of the General Conference. The Committee's task was simply to make a recommendation to the General Conference on whether or not it should accede to those requests; in that connection, he recalled that the General Conference could permit a Member State to vote if it was satisfied that the failure to pay was due to conditions beyond that State's control.

88. Mr. NEWLIN (Chairman of the Committee of the Whole), speaking as the representative of the United States, said that according to document GC(XXXIV)/INF/288, 17 States were in arrears with their financial contributions within the meaning of Article XIX of the Statute. While his Government very much sympathized with the difficult circumstances of Bolivia and Peru which had prompted their requests, it felt that it would be prudent to keep to a strict application of Article XIX, and thus to avoid having to make a complicated choice between the States listed in the document. His Government therefore opposed the requests for the restoration of voting rights submitted by Bolivia and Peru.

89. Mr. ZOBOV (Union of Soviet Socialist Republics) inquired what the situation regarding Bolivia and Peru had been the preceding year. Also, recalling that some members' voting rights had been restored the previous year on the strength of promises that the contributions would be paid in due course, he wondered what the outcome had been.

90. Mr. SANMUGANATHAN (Secretary of the Committee) said that the General Conference the previous year had restored the voting rights of Niger and Peru. Niger was still in arrears. Peru's request was now under consideration.

91. Mr. ZOBOV (Union of Soviet Socialist Republics) said that his country, having recently been in a similar position and exposed to criticism

in the Board and the General Conference, fully understood the Member States which were requesting the restoration of their right to vote. None the less, it hoped that for 1990 the Agency's Member States would meet their obligations under the Statute. The Soviet delegation considered that the provisions of Article XIX should be strictly observed and therefore endorsed the comments made by the representative of the United States.

92. Mr. MONTESDEOCA (Uruguay) said that many Latin American countries facing a difficult economic situation wished to continue to exercise their right to vote at the General Conference, as was shown by the presence of their delegations. Many speakers, in plenary meetings, talked of the development of nuclear technology throughout the world and made constant reference to assistance from those countries which had the resources to create favourable conditions for such development. His delegation proposed acceding to the requests submitted by Peru and Bolivia, which, despite their difficult situation, had shown evidence of an intention to fulfil their obligations, as required implicitly by Article XIX. In an organization like the Agency, a moral right to be present existed for countries which were in a difficult financial situation, but nevertheless wished to participate in the General Conference, and that was independent of any need for the General Conference to remind them that they were expected to settle their debts as soon as possible.

93. Mr. PAREJA CUCALON (Ecuador) noted that Bolivia's arrears had until recently been far greater than they were at present. Despite very difficult economic circumstances, the Bolivian Government had paid almost two thirds of its arrears three months earlier. His delegation therefore felt that the second sentence of Article XIX.A should be applied and that the voting right of Bolivia and Peru should be restored in view of their special circumstances.

94. Mr. ELBARADEI (Legal Counsel) wished to inform the Committee, before it took its decision, that the Ambassador of Bolivia, in a further communication[*] had announced that, in addition to the payment already made, a cheque for US \$10 021 had been sent which would place Bolivia above the minimum requirement.

[*] Later issued as document GC(XXXIV)/INF/283/Add.1.

95. Mr. NEWLIN (Chairman of the Committee of the Whole), speaking as the representative of the United States, said that the announcement which had just been made changed the situation. His delegation no longer had any objection to meeting the request from Bolivia, but it continued to oppose the request from Peru. In practice, that would mean that Peru could still participate in the Agency's work, attend conferences, receive information and make statements, but would merely not be able to vote, which should not pose a major problem.

96. Mr. ELAGIB (Sudan) said that there was no longer any reason to deprive Bolivia of its right to vote - provided, of course, that the amount did actually reach the Agency.

97. Mr. PAREJA CUCALON (Ecuador) wondered whether the Committee should not make a more general recommendation concerning countries which informed the Agency that payments were on the way.

98. The CHAIRMAN replied that such a decision would be contrary to the Statute and that each case had to be considered individually.

99. He took it that the Committee wished to recommend that the General Conference permit Bolivia to vote pursuant to the second sentence of Article XIX.A of the Statute.

100. It was so decided.

101. Mr. MONTESDEOCA (Uruguay) said that he was not specifically defending a neighbouring country and that he would do so for any other country. The precarious economic situation of Peru, an active member of the United Nations and the Agency, was well known, and it would have difficulty in meeting its debts. In the spirit of the United Nations Charter and the Agency's Statute, he appealed to the Committee to respond favourably to the request of a country finding itself in a situation that could befall any country which was not technologically very advanced, but which hoped to be part of the modern world. Therefore, in a spirit of brotherhood, he urged that Peru be permitted to exercise the right to vote.

102. Mr. ELBARADEI (Legal Counsel) pointed out that Article XIX.A was one of the few rules of the Agency which called upon Member States to pay their contributions. Up to the current session of the General Conference, the

Agency had acceded to only seven requests for the restoration of voting rights, two by countries - Lebanon and Nicaragua - experiencing open hostilities, others by countries which were undergoing economic difficulties and whose failure to pay was very much a result of circumstances beyond their control, and others still, by countries such as Bolivia and Niger which had assured the Agency that their payment was on the way. Although the Agency was well aware of the financial difficulties of many Member States, it none the less needed the financial contributions of its Member States to be able to function itself.

103. Mr. NEWLIN (Chairman of the Committee of the Whole), speaking as the representative of the United States, said that his delegation continued to oppose the request made by Peru for the reasons which had just been given by the Legal Counsel.

104. The CHAIRMAN noted that so far two representatives had spoken in favour of restoring Peru's voting rights and two against. In the interests of keeping the discussion short, it might be simplest to restore Peru's rights.

105. Mr. LEE (Canada) said that, in the light of the useful explanations which the Legal Counsel had just given, his delegation was rather inclined to oppose Peru's request. The previous year, the Committee had acceded to that country's request, but he wondered how far the Committee could go and for how many years in succession it could accede to such requests. It was unfortunate for countries in that situation to be unable to vote, but there was nothing to stop them from taking the floor, and his delegation felt that restrictions were necessary.

106. Mr. HALIM (Malaysia) was on the whole very sympathetic to the situation of developing countries, but he was also aware of the long list of "offenders". The explanations provided by the Legal Counsel seemed very satisfactory and clear and, under the circumstances, his delegation agreed to reject Peru's request.

107. The CHAIRMAN took it that the Committee wished to recommend to the General Conference that it should not accede to Peru's request to restore its voting rights.

108. It was so decided.

The meeting rose at 4.45 p.m.