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THIRTY-SEVENTH (1993) REGULAR SESSION

GENERAL COMMITTEE

RECORD OF THE SIXTY-SIXTH MEETING

Held at the Austria Center Vienna
on Thursday, 30 September 1993, at 9.20 a.m.

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[*] GC(XXXVII)/1085.

ATTENDANCE AT THE MEETING

Chairman

Mr. AL-ATHEL (Saudi Arabia), President of the General Conference

Members

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

Mr. GUTTIEREZ-LEYTON (Chile), Vice-President of the General Conference

Mr. YIMER (Ethiopia), Vice-President of the General Conference

Ms. BATACLAN, representing Mr. ARCILLA (Philippines), Vice-President of the General Conference

Mr. JAMAL (Qatar), Vice-President of the General Conference

Mr. PAVLINOV, representing Mr. MIKHAILOV (Russian Federation),
Vice-President of the General Conference

Mr. VETTOVAGLIA (Switzerland), Vice-President of the General Conference

Mr. SANGIAMBUT (Thailand), Vice-President of the General Conference

Mr. POSTA (Hungary), Chairman of the Committee of the Whole

Mr. GEORGIEV, representing Mr. YANEV (Bulgaria), Additional Member

Mr. ORJUELA BERMEO (Colombia), Additional Member

Mr. LABROSSE, representing Mr. ROUVILLOIS (France), Additional Member

Mr. ADEKANYE, representing Mr. UMAR (Nigeria), Additional Member

Mr. STOIBER, representing Ms. O'LEARY (United States of America)
Additional Member

ADOPTION OF THE AGENDA (GC(XXXVII)/GEN/87)

1. The CHAIRMAN asked whether the Committee was prepared to approve the proposed agenda contained in document GC(XXXVII)/GEN/87.
2. It was so decided.

EXAMINATION OF DELEGATES' CREDENTIALS

3. The CHAIRMAN, after drawing attention to Rules 27, 28 and 29 of the Conference's Rules of Procedure, reported that so far 83 delegates had submitted credentials complying with Rule 27, while in respect of 19 delegates the Secretariat had received communications which did not constitute credentials satisfying the requirements of that Rule.
4. Mr. JAMAL (Qatar), speaking on behalf of the Arab countries members of the League of Arab States participating in the Conference session, expressed their reservations about the credentials of the delegate of Israel.
5. In addition to occupying the West Bank and the Gaza Strip, Israel had annexed Jerusalem, regarding it as its capital in spite of the relevant United Nations resolutions, and in particular General Assembly resolution E169/35 of 15 December 1980, in which the General Assembly had stated that it considered all administrative and legal measures following the occupation of the city of Jerusalem to be null and void and unlawful and had called upon all States and specialized agencies and other international organizations to disregard any measure contravening the provisions of that resolution. In spite of the provisions of that resolution, the credentials submitted by the delegate of Israel had been issued in occupied Jerusalem.
6. Moreover, apart from continuing to occupy South Lebanon and the Western Beqaa in contravention of Security Council resolution 425, Israel had annexed the Syrian Arab Golan area and refused to implement the Security Council and General Assembly resolutions relating to the annulment of the annexation measures.
7. Mr. STOIBER (United States of America) said that, in view of the far-reaching developments that had recently taken place in the Middle East, culminating in the agreement concluded recently in Washington between the Government of Israel and the

Palestine Liberation Organization (PLO), his delegation regretted the reservations expressed about the credentials of the delegate of Israel.

8. Mr. JAMAL (Qatar) said that the efforts being made by the United States of America to achieve an equitable and lasting peace in the Middle East were worthy of recognition and respect. However, although all Arab States had supported the rapprochement between Israel and the PLO, they would continue to express certain reservations while awaiting the outcome of the entire peace process.

9. Mr. LABROSSE (France) expressed the hope that the recent encouraging developments in the Middle East peace process would have a positive impact on the discussion of such issues in international organizations, including the Agency.

10. Then, speaking on behalf of the 12 member States of the European Community, he stated that the presence at the General Conference's current session of a Zairian delegation representing the government of Mr. Faustin Birindwa in no way implied that the Community and its member States recognized that government.

11. Mr. STOIBER (United States of America) associated himself with the statement made by the representative of France regarding the credentials of the delegate of Zaire.

12. Mr. VETTOVAGLIA (Switzerland), noting that - as stated by the Chairman - 19 delegates were deemed not to have submitted proper credentials, inquired about the legal implications for the delegates in question.

13. Mr. STURMS (Director of the Legal Division) said that, pursuant to Rule 29, those delegates should be seated provisionally until the General Conference had taken a decision on the basis of a report from the General Committee.

14. Mr. YIMER (Ethiopia) said that, in his opinion, Rule 29 did not apply as no objection had been made to the admission of the delegates in question - despite the fact that they had not submitted proper credentials.

15. The CHAIRMAN said that the issue seemed to be whether delegates who had not submitted proper credentials had the right to participate in the work of the General Conference.

16. Mr. STURMS (Director of the Legal Division) said that the delegates in question had the right, under Rule 29, to be seated provisionally pending consideration of the General Committee's report.

17. Mr. VETTOVAGLIA (Switzerland), referring to the word "objection" in Rule 29, said it was not possible for a Member State to object to the admission of any of the 19 delegates who had not submitted proper credentials if the identities of those delegates were not known to it.

18. Mr. ORJUELA BERMEO (Colombia) said that, while Rule 29 could be considered to cover the case of the delegate of Israel, against whose admission formal objections had been made, he did not see how it could apply to the 19.

19. Mr. YIMER (Ethiopia) said that, under Rule 27, the 19 delegates who had not submitted proper credentials should not be participating in the work of the Conference; the question of whether objection had been made to their admission was not relevant. The General Committee should determine the legal basis (if any) on which the 19 delegates were to be allowed to participate in the Conference's work.

20. Mr. STOIBER (United States of America) said that a delegate who had not submitted proper credentials could be barred from participating in the Conference's work by a decision of the Conference following consideration of the General Committee's report. It was not the function of the Committee to exclude delegates from the work of the Conference.

21. Any member of the Committee was entitled to examine the communications received from the 19 delegates referred to by the Chairman and make an objection for inclusion in the Committee's report to the General Conference.

22. Ms. BATACLAN (Philippines) said that the matter under consideration was to some extent an academic one; the Conference session was in its fourth day and it was

almost certain that at least some of the 19 delegates in question had already voted in the proceedings of the Conference.

23. Either the General Committee should meet as a credentials committee earlier during the session or, given the fact that delegates were required to submit their credentials not less than seven days in advance of the session to be attended, the Secretariat should inform delegates before the Conference session began of any credentials problems that might have arisen.

24. She suggested that the Committee examine the communications received from the 19 delegates referred to by the Chairman.

25. Mr. YIMER (Ethiopia) said that, if, as seemed likely, the General Conference accepted the General Committee's report without the Committee having made a recommendation regarding objections to credentials, no distinction would be made in practice between delegates whose credentials were in order and those whose credentials were not. He therefore wondered whether there was any real value in submitting credentials.

26. The CHAIRMAN suggested that, in its report to the General Conference, the Committee propose the suspension of Rule 27 for the current session of the Conference in the case of the 19 delegates concerned, who could thus be permitted to participate fully in the remainder of the Conference's work.

27. Mr. YIMER (Ethiopia), noting that the question of suspending Rules of Procedure was covered by Rule 102, said that the Committee should confine itself to matters falling under Rules 27, 28 and 29.

28. Mr. ADEKANYE (Nigeria) said that the Committee should adopt a flexible approach; often credentials were not in order for purely circumstantial reasons, such as the absence of the Minister of Foreign Affairs at the time when they were being issued. An acceptable basis for permitting the 19 delegates in question to participate in the work of the Conference was the practice followed for many years.

29. Mr. STOIBER (United States of America), associating himself with the comments made by the two previous speakers, said that a recommendation to suspend one

of the Rules of Procedure would probably give rise to protracted debate in the Plenary. The Committee should submit to the Conference a report on the lines of the reports which it had submitted in recent years.

30. Mr. VETTOVAGLIA (Switzerland) said that the 19 delegates should be identified in the Committee's report.

31. Mr. STURMS (Director of the Legal Division) pointed out that, under Rule 27, credentials had to be submitted if possible not less than seven days in advance of the session. In practice, many delegates submitted their credentials only upon arrival in Vienna, whereupon the Secretariat informed them immediately if the credentials were not in order.

32. He also pointed out that the General Committee's reports normally did identify those delegates who had not yet submitted proper credentials.

33. The CHAIRMAN further suggested that the Committee's report to the General Conference should first state that the Committee had met to examine the credentials of delegates in accordance with Rule 28 of the Rules of Procedure. It should then contain summaries of the statements which had been heard concerning the credentials of the Israeli and Zairian delegates. Next, the report should contain a list of those Member States whose delegates, in the General Committee's opinion, were in possession of satisfactory credentials.

34. In the light of the foregoing discussion, he felt that the customary practice of including in the report a list indicating those Member States for whose delegates the Director General had received communications which did not comply with Rule 27 should not be followed on the present occasion.

35. MR. YIMER (Ethiopia) and MR. STOIBER (United States of America) said that, in their opinion, a list of the latter kind should be included.

36. The CHAIRMAN said that, if the opinion just expressed reflected the prevailing view in the Committee, the report might after all include a list indicating those Member States for whose delegates the Director General had received communications which did not comply with Rule 27. As in previous years, the report could also indicate that the

General Committee considered that the delegates in question should be allowed to participate in the work of the Conference, it being understood that for each such delegate proper credentials would be submitted to the Director General as soon as possible. Finally, the report could 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 thirty-seventh regular session, which is set forth in document GC(XXXVII)/..."

37. **MR. GUTIERREZ LEYTON** (Chile) said that he was sceptical about the phrase "as soon as possible". Might it not be better to set a time limit ?

38. The **CHAIRMAN** asked the delegate of Chile whether he would like to propose a time limit.

39. **MR. GUTIERREZ LEYTON** (Chile) said that it would be more appropriate for the President to set one.

40. **MR. STOIBER** (United States of America), urging flexibility, expressed doubts about the idea of setting a time limit.

41. **MR. GUTIERREZ LEYTON** (Chile) said he would not press the idea.

42. The **CHAIRMAN**, thanking the delegate of Chile for his co-operation, asked the members of the Committee whether they were prepared to accept his suggestions.

43. **It was so decided.**

The meeting rose at 10.15 a.m.