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FORTY-THIRD (1999) REGULAR SESSION

GENERAL COMMITTEE

RECORD OF THE FIRST MEETING

Held at the Austria Center Vienna
on Monday, 27 September 1999, at 6.05 p.m.

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[*] GC(43)/1.

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ATTENDANCE AT THE MEETING

Chairman

Mr. KADRI (Algeria), President of the General Conference

Members

Mr. ADAM (Belgium), Vice-President of the General Conference

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

Mr. SOERIAATMADJA (Indonesia), Vice-President of the General Conference

Mr. SALEHI, representing Mr. AGHAZADEH (Islamic Republic of Iran),
Vice-President of the General Conference

Mr. Ki-Moon BAN, representing Mr. Jung-Uck SEO (Republic of Korea),
Vice-President of the General Conference

Mr. ABDULAATI (Libyan Arab Jamahiriya), Vice-President of the General
Conference

Mr. CHAUNY de PORTURAS-HOYLE (Peru), Vice-President of the General
Conference

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

Mr. BENMOUSSA (Morocco), Chairman of the Committee of the Whole

Mr. NAYDENOV, representing Mr. KASTCHIEV (Bulgaria), Additional Member

Mr. AL-GHAIS (Kuwait), Additional Member

Mr. HOOP (Liechtenstein), Additional Member

Mr. HERRERA ANDRADE, representing Ms. PELLICER (Mexico),
Additional Member

Mr. PACALA, representing Mr. HAMŔÍK (Slovakia), Additional Member

Ms. KENNEDY, representing Mr. RICHARDSON (United States of America),
Additional Member

Chairman of the Board of Governors

Mr. GREGORIŔ (Slovenia)

Secretariat

Mr. SANMUGANATHAN, Secretary of the Committee

Mr. BASHUA, Assistant Secretary of the Committee

Mr. ESPINO, Director of the Division of Budget and Finance

ADOPTION OF THE COMMITTEE'S AGENDA
(GC(43)/GEN/1)

1. The CHAIRMAN pointed out that, in addition to the traditional item "Arrangements for the Conference", the provisional agenda contained an item dealing with requests for the restoration of voting rights.

2. If there were no objections, he would take it that the Committee wished to adopt the agenda proposed in document GC(43)/GEN/1.

3. It was so decided.

ARRANGEMENTS FOR THE CONFERENCE

(a) ADOPTION OF THE AGENDA AND ALLOCATION OF ITEMS FOR INITIAL DISCUSSION
(GC(43)/1, Corr.1 and Add.1)

4. The CHAIRMAN drew the Committee's attention to the provisional agenda for the Conference contained in document GC(43)/1 and the corrigendum and addendum thereto.

5. The addendum related to a request by Slovenia for inclusion in the agenda of a supplementary item entitled "Amendment to Article XIV of the Statute". The Board of Governors had considered the matter the previous week and its report and recommendations were set out in document GC(43)/24.

6. He proposed that the agenda for the current session consist of all the items listed in document GC(43)/1 and the supplementary item proposed by Slovenia.

7. It was so agreed.

8. Mr. DUBOIS (Canada) suggested that the item on Article XIV be inserted immediately after item 10 on the Agency's budget for 2000.

9. Ms. KENNEDY (United States of America) proposed that the order of the items on the application of safeguards in the Middle East and on Israeli nuclear capabilities and threat be reversed. At the previous session of the General Conference the length and difficulty of the discussion on those two items had been partly due to their order on the agenda. Given the controversy surrounding those issues, reversing the items would give more time for the discussion of other important matters such as the amendment of Article VI.

10. Mr. ABDULAATI (Libyan Arab Jamahiriya), supported by Mr. SALEHI (Islamic Republic of Iran) and Mr. PAVLINOV (Russian Federation), said that satisfactory results had been achieved at the 1998 session with the items in their original order. Reversing the order could make it more difficult to reach an agreement because the item regarding Israel was linked to the issue of safeguards in the whole of the Middle East region.

11. Mr. ADAM (Belgium) was concerned at the views just expressed. The discussion on one item should not be made dependent on the outcome of discussion on the other. The United States proposal to deal with the most difficult issues before going back to find a consensus was a practical one and therefore had his support.

12. Mr. BENMOUSSA (Morocco) noted that the previous year's lengthy debates had been due largely to the amount of time devoted to the issue of nuclear testing. He saw no need to renumber any items on the agenda as it was the President's privilege to bring items forward if necessary. That would be particularly helpful in the present instance, since the Arab Group had decided that the delegate of Egypt would present a resolution on the application of IAEA safeguards in the Middle East, and that delegate, being obliged to depart on 1 October, had asked that the discussion on it begin at an earlier stage.

13. He therefore proposed that the President of the Conference be given the authority to decide on the appropriate order and timing of items.

14. Ms. KENNEDY said that that proposal was acceptable in the circumstances.

15. The CHAIRMAN said he took it that the Committee wished to allocate the items as set out in document GC(43)/1, Corr.1 and Add.1, with the item entitled "Amendment to Article XIV of the Statute" inserted after item 10 and all subsequent items renumbered accordingly.

16. With regard to the items on Israel and the Middle East, it was his understanding that the Committee had given him the flexibility to deal with those items in an appropriate order and in due time.

17. It was so decided.

(b) CLOSING DATE OF THE SESSION AND OPENING DATE OF THE NEXT SESSION

18. The CHAIRMAN proposed that the Committee recommend to the General Conference that the closing date of the session be Friday, 1 October 1999.

19. It was so decided.

20. The CHAIRMAN proposed that the Committee recommend to the General Conference that the opening date of the next regular session be Monday, 18 September 2000.

21. Mr. BENMOUSSA (Morocco) suggested maintaining flexibility regarding that date since it coincided with the Millennium Assembly of the United Nations, which many Ministers might be attending.

22. The CHAIRMAN, noting that it might be difficult to change the date at a later stage, proposed that the Committee agree on 18 September 2000 even if only provisionally.

23. It was so decided.

RESTORATION OF VOTING RIGHTS (GC(43)/INF/9 and Add.1, INF/10 and Add.1)

24. The CHAIRMAN said that requests for restoration of voting rights had been submitted by Iraq and Belarus in documents GC(43)/INF/9 and Add.1 and GC(43)/INF/10 and Add.1.

25. Under Article XIX.A of the Statute, a Member State which was in arrears with the payment of its financial contributions to the Agency had no vote in the Agency if the amount of its arrears equalled or exceeded the amount of the contributions due from it for the preceding two years. However, the General Conference could nevertheless permit such a member to vote if it was satisfied that the failure to pay was due to conditions beyond the control of the member. It was on that basis that Iraq and Belarus had applied to have their votes restored.

26. During its preceding session, the General Conference had adopted, through resolution GC(42)/RES/4, the criteria and guidelines for consideration by the Conference of future requests for the restoration of voting rights contained in document GC(42)/10. Subsequently, in November 1998, at the request of the General Conference, the Board of Governors had adopted some measures to facilitate the payment and settlement of contributions by Member States in arrears. Compliance by affected Member States with agreed arrangements for settling arrears in accordance with measures adopted by the Board had been intended to be one of the criteria by which the Conference would be guided in its consideration of requests for the restoration of voting rights.

27. Mr. ESPINO (Director, Division of Budget and Finance) informed the Committee that, on 5 February 1999, letters had been sent to 37 Member States which had no right to vote in the Agency during 1999 unless a specified minimum amount was paid. Their attention had been drawn to the decisions of the General Conference and the Board, so that they could take action to settle their arrears and have their voting rights restored if they so wished. The availability of a payment plan to facilitate the process had been explained. In response to those letters, five Member States had paid the amount required to have their voting rights restored, and one Member State, the Republic of Belarus, had opted for a five-year payment plan with the Agency.

28. On 20 July 1999, reminders had been sent to 32 Member States urging them to take the necessary action to settle their arrears. Since then, two Member States had paid the required amount and two had made partial payments towards the amount required to restore their voting rights.

29. A final reminder had been sent on 3 September 1999 to 30 Member States still faced with the loss of their voting rights. To date, three of those Member States had paid the required amount to have their voting rights restored and one had made a partial payment.

30. Mr. BENMOUSSA (Morocco), noting that only two requests for restoration of voting rights had so far been received for consideration by the General Conference, asked whether the Committee would also be discussing other requests received later, and whether there was a fixed deadline for such requests. He urged the Committee to consider favourably requests from countries which had made clear efforts to settle their arrears, mentioning in particular Belarus, Bosnia and Herzegovina, Madagascar and Zambia.

31. The CHAIRMAN said that, to the extent that the Rules of Procedure of the General Conference, the Statute and time allowed, any subsequent requests which were submitted would be given consideration.

32. Mr. ABDULAATI (Libyan Arab Jamahiriya) agreed with the Chairman of the Committee of the Whole that Member States in arrears owing to circumstances beyond their control, especially African Member States in such a position, should be given the opportunity to submit requests to have their voting rights restored. In particular, he supported restoration of Belarus's voting rights.

33. Mr. ADAM (Belgium) said that in considering requests for the restoration of voting rights the Committee should not ignore the criteria and guidelines which had been approved. One of those criteria stipulated that the affected Member State should submit in a timely fashion factual and well-documented evidence that it had serious financial difficulties. The countries which had not yet submitted requests had been warned three times of their position and had thus been given ample opportunity to take action.

34. Mr. DUBOIS (Canada) endorsed the comments of the representative of Belgium. Only two actual requests were before the Committee. That of Belarus should be approved in view of the considerable efforts that country had made to clear its arrears. The situation with regard to Iraq was very different since it could not be deemed not to have paid owing to a situation which was beyond its control. Another point which argued in Iraq's disfavour was the lack of co-operation it had shown the Agency. Iraq's request should therefore be refused.

35. Mr. SALEHI (Islamic Republic of Iran), supported by Mr. ADAM (Belgium), noted that time was too short to discuss hypothetical requests. Belarus appeared to have met the criteria contained in document GC(42)/10 and its request could therefore be approved. Iraq had not met the criteria and so its request could not be approved.

36. Mr. BENMOUSSA (Morocco) and Mr. PAVLINOV (Russian Federation) concurred that Belarus had clearly fulfilled the relevant criteria and that its request should be approved.

37. The CHAIRMAN said he took it that the Committee wished to recommend that Belarus's voting rights be restored.

38. It was so decided.

39. Ms. KENNEDY (United States of America) asked the Chairman to clarify whether Belarus would be able to vote only in the General Conference, or whether it could also vote subsequently in the Board. The CHAIRMAN replied that Belarus's voting rights had been restored until the next session of the General Conference, and then invited the Committee to turn to Iraq's request.

40. Mr. ADAM (Belgium) said that Iraq did not meet criterion 2(c) in document GC(42)/10, nor was there any sign that it intended to adopt measures to pay its outstanding contributions. Its request should therefore be refused.

41. Mr. ABDULAATI (Libyan Arab Jamahiriya) said that the criteria and guidelines which had been approved had to be respected. However, he wondered whether information was available regarding the situation in Iraq, and suggested that Iraq might well not be paying for reasons beyond its control.

42. Ms. KENNEDY (United States of America) said she did not believe that Iraq's inability to pay was beyond its control. If Iraq complied with the terms which had been imposed upon it by the Security Council the sanctions against it would be lifted.

43. The CHAIRMAN said that since there was clearly no consensus in favour of approving Iraq's request, he assumed that the Committee wished to reject it.

44. It was so decided.

The meeting rose at 7.35 p.m.