

General Conference

GC(51)/GEN/OR.2

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Fifty-first (2007) Regular Session

General Committee

Record of the Second Meeting

Held at the Austria Center, Vienna, on Thursday, 20 September 2007, at 9.20 a.m.

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¹ GC(51)/22.

Attendance

Chairman

Mr. HAMZE (Lebanon), President of the General Conference

Members

Mr. FAWZY (Egypt), Vice-President of the General Conference, and Mr. KHALIL,
representing Mr. FAWZY

Mr. GOTTWALD, representing Mr. WUERMELING (Germany), Vice-President of the
General Conference

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

Mr. HIGUERAS RAMOS (Peru), Vice-President of the General Conference

Ms. LACANLALE (Philippines), Vice-President of the General Conference

Mr. SERGEEV, representing Mr. KIRIYENKO (Russian Federation), Vice-President of the
General Conference

Mr. OTHMAN (Syrian Arab Republic), Vice-President of the General Conference

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

Ms. FEROUKHI (Algeria), Chairperson of the Committee of the Whole

Mr. HORVATIC (Croatia), Additional Member

Mr. CHAMERO, representing Ms. GOICOCHEA ESTENOZ (Cuba), Additional Member

Mr. BANACH, representing Mr. MAMBERTI (Holy See), Additional Member

Mr. DAINIUS (Lithuania), Additional Member

Mr. JOHANSEN, representing Mr. RAAS (Norway), Additional Member

Secretariat

Mr. WALLER, Deputy Director General, Department of Management

Mr. ANING, Secretary of the Committee

- Adoption of the agenda for the meeting
(GC(51)/GEN/2)

1. The CHAIRMAN asked whether the Committee wished to adopt the provisional agenda contained in document GC(51)/GEN/2.
2. The agenda was adopted.

6. Arrangements for the Conference

(b) Closing date of the session and opening date of the next session (resumed)

3. The CHAIRMAN recalled that, on the Committee's recommendation following its first meeting, the Plenary had agreed on an opening date for the next regular session of Monday, 29 September 2008. As the Eid al-Fitr holiday, an official United Nations holiday, fell on the Thursday of that week, i.e. 2 October 2008, it had been envisaged that the General Conference proceedings would be suspended for that day and would resume on the following day, and continue on Saturday if required.
4. He suggested instead that the Conference work throughout the week and finish on Friday, to allow delegates to return home and spend the weekend with their families.
5. Mr. OTHMAN (Syrian Arab Republic) said that, as some delegations would be celebrating Eid al-Fitr which began with early morning prayer, it would be better to suspend proceedings on Thursday and complete the work of the Conference on Friday, or Saturday if required.
6. Mr. FAWZY (Egypt) said that the proposal to work throughout the week would facilitate the work of delegations travelling from their capitals.
7. The CHAIRMAN, supported by Ms. FEROUKHI (Algeria), suggested a compromise solution whereby the proceedings of the Conference would be suspended in the morning on Thursday and continue in the afternoon.
8. It was so agreed.

— Restoration of voting rights
(GC(51)/INF/8, 9 and 10)

9. The CHAIRMAN said that three requests for the restoration of voting rights were before the Committee, from the Republic of Moldova, Georgia and the Dominican Republic. Under Article XIX.A of the Statute, a member of the Agency 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. 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.

10. Mr. WALLER (Deputy Director General for Management) said that one of the criteria for consideration of requests for the restoration of voting rights, as set forth in document GC(42)/10, was whether the applicant Member State had taken specific measures to wipe out its arrears. In 2006, the Republic of Moldova had entered into a seven-year payment plan to settle its Regular Budget arrears, and Georgia had concluded a ten-year payment plan to settle its Regular Budget arrears and a three-year payment plan to settle its assessed programme costs arrears. Payment under those plans had started in 2007 and the Secretariat had received all payments necessary to fulfil the requirements of the agreements. The Dominican Republic had recently concluded a ten-year payment plan to settle its Regular Budget arrears and another ten-year payment plan to settle its assessed programme costs arrears. Payments under both plans would commence in 2008. In his letter contained in document GC(51)/INF/10, the Secretary of State and Chairman of the National Energy Commission of the Dominican Republic had given a commitment on behalf of his Government to settle all arrears with the Agency within the ten-year period stipulated in the agreement.

11. The conclusion of a payment plan, while facilitating the process, did not automatically result in the restoration of voting rights. A written request also had to be submitted. Where initial payments had been made in accordance with the agreement, as in the cases of Moldova and Georgia, the Committee's recent practice had been to recommend the restoration of voting rights for the period of the payment plan, on the understanding that the Member State continued to meet the requirements of the plan. Recent examples of that kind had been Afghanistan, Armenia and Kazakhstan. Where a payment plan had been agreed but had not yet come into operation, as was the case with the Dominican Republic, the Committee's past practice had been mixed. In 2005, the voting rights of Iraq had been restored for one year subject to reports on payments under a plan which had been due to start in 2006. In 2006, however, the voting rights of Moldova and Georgia had not been restored when they had concluded plans under which payments were to start in 2007. Although the 2006 precedent was the more recent, he asked the Committee to consider the case of Iraq in 2005 as the appropriate precedent with respect to the Dominican Republic.

12. The External Auditor and Member States had encouraged the Secretariat to try to recover unpaid Regular Budget contributions, which amounted to over €100 million, and there were currently 24 Member States without voting rights. The prospect of retaining voting rights provided an incentive to Member States to enter into payment plans, and they might be encouraged to do so if the voting rights of the Dominican Republic were restored for one year. In addition, pursuant to paragraph 9 of document GOV/1998/54/Rev.2 on measures to facilitate the payment of contributions, a Member State was automatically deprived of its voting rights if it failed to make a payment under its plan in any given year at least two weeks before the relevant session of the General Conference.

13. The CHAIRMAN took it that it was the opinion of the Committee that the failure by the Republic of Moldova to pay the amount necessary to avoid the application of Article XIX.A of the Statute had been due to conditions beyond its control and that, accordingly, its right to vote in the Agency should be restored during the current session of the Conference and until the end of its payment plan, on the understanding that it continued to meet the requirements of the payment plan and that the Secretariat would report annually on the status of the payment plan.

14. It was so decided.

15. The CHAIRMAN took it that it was the opinion of the Committee that the failure by Georgia to pay the amount necessary to avoid the application of Article XIX.A of the Statute had been due to

conditions beyond its control and that, accordingly, its right to vote in the Agency should be restored during the current session of the Conference and until the end of its payment plan, on the understanding that it continued to meet the requirements of the payment plan and that the Secretariat would report annually on the status of the payment plan.

16. It was so decided.

17. Mr. GOTTWALD (Germany), supported by Mr. JOHANSEN (Norway), commended Moldova and Georgia on having concluded their payment plans, which was an excellent way of resuming full membership rights. The Deputy Director General for Management had provided good arguments for considering the precedent of Iraq appropriate to the case of the Dominican Republic. To simplify matters in the future, the Secretariat could consider ensuring that the first instalment was paid when the payment plan was concluded.

18. The CHAIRMAN took it that it was the opinion of the Committee that the failure by the Dominican Republic to pay the amount necessary to avoid the application of Article XIX.A of the Statute had been due to conditions beyond its control and that, accordingly, its right to vote in the Agency should be restored during the current session of the Conference and until the end of its payment plan, on the understanding that it continued to meet the requirements of the payment plan and that the Secretariat would report annually on the status of the payment plan.

19. It was so decided.

25. Examination of delegates' credentials (GC(51)/29 and 30)

20. The CHAIRMAN, recalling Rules 27, 28 and 29 of the Rules of Procedure, said that credentials designated the delegate of a Member State to a given session of the General Conference, that credentials were submitted to the Director General and that they were issued by the Head of State or Government or by the Minister of Foreign Affairs of the Member State concerned.

21. Mr. JOHANSEN (Norway) apologized that the Secretariat had not received his country's credentials in due form. He now had the correctly prepared credentials and would be able to submit them to the Secretariat.

22. The CHAIRMAN suggested that the Committee submit to the General Conference a report stating that it had met to examine the credentials of delegates in accordance with Rule 28 of the Rules of Procedure, and containing a list of Member States whose delegates had, in the Committee's opinion, submitted credentials satisfying the requirements of Rule 27 of the Rules of Procedure, and another list indicating the Member States for whose delegates the Director General had received communications that did not comply with that Rule. In accordance with past practice, the report could indicate that the Committee considered that delegates in the latter category should nevertheless be allowed to participate in the work of the Conference on the understanding that they would submit credentials in due form as soon as possible, preferably before the end of the current session. The report should further state that the Committee had had before it a statement submitted by the Ambassador of the League of Arab States on behalf of certain Arab delegations participating in the session concerning their reservations about the credentials of the Israeli delegation, as well as a document setting out the position of Israel with regard to those reservations. Finally, the report could recommend that the

General Conference adopt, with the reservations and position mentioned, 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 fifty-first regular session, which is set forth in document GC(51)/31."

23. He asked whether the General Committee wished a report on the lines he had described to be prepared and submitted to the General Conference.

24. It was so decided.

6. Arrangements for the Conference

(a) Adoption of the agenda and allocation of items for initial discussion (resumed)

25. Following a discussion during which Mr. KHALIL (Egypt) expressed his country's wish that agenda item 21 be addressed as soon as possible and certainly no later than that day, the CHAIRMAN said that the Plenary would meet later that day to discuss agenda items 20, 21 and 22 in the hope of reaching a consensus.

The meeting rose at 10 a.m.