

General Conference

GC(52)/GEN/OR.2

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Fifty-second regular session

General Committee

Record of the Second Meeting

Held at the Austria Center, Vienna on Friday, 3 October 2008, at 9.20 a.m.

Contents

Item of the agenda ¹		Paragraphs
–	Adoption of the agenda for the meeting	1–2
23	Examination of delegates' credentials	3–17
5	Arrangements for the Conference	18–30
(a)	Adoption of the agenda and allocation of items for initial discussion (<i>resumed</i>)	

¹ GC(52)/21.

Attendance

Chairman

Mr GHISI (Italy), President of the General Conference

Members

Mr VALLIM GUERREIRO (Brazil), Vice-President of the General Conference

Mr. WOOD, representing Ms GERVAIS-VIDRICAIRE (Canada), Vice-President of the General Conference

Mr BJÖRNSSON (Iceland), Vice-President of the General Conference

Ms TOBING (Indonesia), Vice-President of the General Conference

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

Mr MWIRIA, representing Ms KOSGEI (Kenya), Vice-President of the General Conference

Mr ENKHSAIKHAN (Mongolia), Vice-President of the General Conference

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

Mr NIEWODNICZANSKI (Poland), Chairman of the Committee of the Whole

Mr HORVATIC (Croatia), Additional Member

Ms BENMOUSSA, representing Mr ZNIBER (Morocco), Additional Member

Mr OTHMAN (Syrian Arab Republic), Additional Member

Mr SCHELAND, representing Mr BODMAN (United States of America), Additional Member

Mr UZCÁTEGUI DUQUE, representing Mr MOLINA (Bolivarian Republic of Venezuela), Additional Member

Secretariat

Mr RAUTENBACH, Director, Office of Legal Affairs

Mr ANING, Secretary of the Committee

– **Adoption of the agenda for the meeting**
(GC(52)/GEN/2)

1. The CHAIRMAN asked whether the Committee wished to adopt the provisional agenda contained in document GC(52)/GEN/2.
2. The agenda was adopted.

23. Examination of delegates' credentials
(GC(52)/27 and 28)

3. 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. The Director General had received credentials satisfying the requirements of Rule 27 of the Rules of Procedure for 102 delegates. The Secretariat had also received communications in respect of 33 delegates that did not constitute formal credentials meeting the requirements of that Rule. 10 Member States were not participating and had not submitted any credentials.
4. He drew attention to document GC(52)/27 containing reservations submitted by the Ambassador of the Kingdom of Morocco on behalf of certain Arab delegations participating in the work of the 52nd session of the General Conference concerning the credentials of the Israeli delegate. Document GC(52)/28 contained a communication from Israel setting out its position with regard to those reservations.
5. Mr WOOD (Canada) asked the Secretariat to clarify whether the countries that had sent communications not constituting formal credentials had voting rights. He also asked how many Member States were present at the General Conference and how many of them had voting rights.
6. Mr RAUTENBACH (Director, Office of Legal Affairs) said that it was standard practice for the Plenary to decide to allow States that had sent communications not constituting formal credentials to continue to be seated at the General Conference, pending submission of formal credentials at a later stage. They would then have full participatory rights. There were 135 delegations participating in the Conference who could be seated.
7. Mr WOOD (Canada) asked whether all 135 participating countries had voting rights.
8. Mr RAUTENBACH (Director, Office of Legal Affairs) explained that voting rights would not be affected by credentials.
9. Mr OTHMAN (Syrian Arab Republic) said it was his understanding that seating was different to voting. Seating meant allowing a delegation to attend a meeting pending submission of its credentials. Credentials allowed a delegation to vote and participate fully in the conference. Those countries that had not submitted credentials should not be allowed to vote.

10. Mr VALLIM GUERREIRO (Brazil) said it was his understanding that voting rights were linked not to credentials but rather the extent to which a country was in arrears with its contributions.

11. Mr RAUTENBACH (Director, Office of Legal Affairs) said that, for a delegation to be seated in the Plenary, it had to have credentials. If the decision were taken not to allow those countries that had sent communications not constituting formal credentials to be seated, then they could not be seated. Being seated was a prerequisite for participating in the meeting and voting. It was normal procedure for the Committee to recommend that the Plenary allow countries in that position to be seated at the meeting. Voting rights were determined by financial and other criteria.

12. 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 Kingdom of Morocco 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-second regular session, which is set forth in document GC(52)/29."

13. Mr SOLTANIEH (Islamic Republic of Iran) said that his country supported the reservations expressed by Morocco on behalf of certain Arab countries. Iran's joining the consensus on the report should not be construed as recognition of Israel.

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

15. It was so decided.

16. Mr SCHELAND (United States of America) asked for confirmation that those countries that were seated would be able to participate in the General Conference and therefore vote, as long as their voting rights were not affected by their arrears status.

17. Mr RAUTENBACH (Director, Office of Legal Affairs) confirmed that, since the Committee had agreed that countries without formal credentials could be seated, all delegations seated would be able to vote. A delegation could only be prevented from voting on the basis of its financial status.

5. Arrangements for the Conference

(a) Adoption of the agenda and allocation of items for initial discussion (resumed) (GC(52)/21)

18. Ms BENMOUSSA (Morocco), speaking on behalf of certain Arab countries, requested that the draft resolution submitted by those countries on Israeli nuclear capabilities be discussed before 5 p.m. that day.

19. The CHAIRMAN said that he would have to consult other groups to ascertain the prevailing opinion on the matter. The order of agenda items proposed by the Committee had been approved by the General Conference. Changing that order required a decision by consensus or a two-thirds majority in a vote. There did not appear to be a consensus on such a change. It would clearly be impossible to discuss the item before 6 p.m., but he should be able to give a more definite answer once he had consulted with regional groups.

20. Mr SOLTANIEH (Islamic Republic of Iran), endorsing the request of the representative of Morocco, recalled the concerns of many countries, particularly those in the Non-Aligned Movement. Over 100 countries had officially requested that the issue of Israeli nuclear capabilities be placed on the agenda and it should be addressed in an appropriate and timely manner. He expressed confidence in the Chairman's ability to deal with such a sensitive issue. According to the Rules of Procedure, the General Committee had the authority to determine the order of discussion.

21. The CHAIRMAN said that, with some difficulty, the Secretariat had managed to arrange a very prolonged Plenary meeting lasting until 9 p.m., which should help resolve the issues related to the Middle East that day. However, any decision on the order of the agenda would have to be taken by the General Conference.

22. Mr SCHELAND (United States of America) said that, as the General Conference had adopted the agenda by consensus, it was not within the Committee's competence to amend it.

23. The CHAIRMAN noted that the General Committee only provided advice on procedural matters, it did not take decisions.

24. Mr WOOD (Canada) said that, when the agenda had been adopted by consensus, that decision had been based on the order as presented. It would be highly problematic and unhelpful to efforts to reach a consensus if the order were altered.

25. Mr SOLTANIEH (Islamic Republic of Iran), citing Rule 42 of the Rules of Procedure, said that the Committee was tasked with assisting the President of the General Conference and had full authority over the Conference's work. If its decisions did not enjoy a consensus, they could be put to a vote.

26. Mr SCHELAND (United States of America) said that it was his delegation's understanding that the Committee had authority with regard to such issues prior to, or in the course of, the adoption of the agenda. Since the agenda had already been adopted by the Plenary, the Committee did not have the authority to amend it.

27. Mr RAUTENBACH (Director, Office of Legal Affairs) said that, according to Rule 42, the role of the Committee was to assist the President in conducting and coordinating the work of the General Conference.
28. Mr SOLTANIEH (Islamic Republic of Iran) acknowledged that the General Conference was the highest decision-making body. However, the Committee could pass on recommendations to the General Conference to assist it in its decisions.
29. Mr SCHELAND (United States of America) pointed out that the Plenary had already taken a decision on the agenda.
30. The CHAIRMAN said that he would consult the Committee again if necessary.

The meeting rose at 9.55 a.m.