

General Conference

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Fifty third regular session

General Committee

Record of the Second Meeting

Held at Headquarters, Vienna, on Thursday, 17 September 2009, at 9.20 a.m.

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¹ GC(53)/24.

Attendance

Chairman

Ms MACMILLAN (New Zealand), President of the General Conference

Members

Mr HUTTUNEN, representing Ms RASI (Finland), Vice-President of the General Conference

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

Mr GARCÍA REVILLA (Peru), Vice-President of the General Conference

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

Mr TAN (Singapore), Vice-President of the General Conference

Mr OMER (Sudan), Vice-President of the General Conference

Mr SCHELAND, representing Mr CHU (United States of America), Vice-President of the
General Conference

Mr SMITH (United Kingdom of Great Britain and Northern Ireland), Chairman of the
Committee of the Whole

Mr MACKAY, representing Mr ALEINIK (Belarus), Additional Member

Mr WOOD, representing Mr BARRETT (Canada), Additional Member

Mr FERNÁNDEZ RONDÓN (Cuba), Additional Member

Mr GHISI, representing Mr SCOTTI (Italy), Additional Member

Mr ELMESALLATI, representing Mr ALOBIDI (Libyan Arab Jamahiriya), Additional
Member

Secretariat

Mr. WALLER, Deputy Director General, Department of Management

Mr RAUTENBACH, Director, Office of Legal Affairs

Mr ANING, Secretary of the Committee

– **Adoption of the agenda for the meeting**
(GC(53)/GEN/2)

1. The CHAIRPERSON asked whether the Committee wished to adopt the provisional agenda contained in document GC(53)/GEN/2.
2. The agenda was adopted.

– **Restoration of voting rights**
(GC(53)/INF/10)

3. The CHAIRPERSON said that there was one request for the restoration of voting rights before the Committee, from Gabon. Under Article XIX.A of the Statute, a member of the Agency which was in arrears in 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.
4. 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 which was adopted via resolution GC(42)/RES/4, was whether the requesting Member State had taken specific measures to eliminate its arrears. In 2008, Gabon had entered into a 10-year payment plan to settle its Regular Budget arrears for the years 1995 to 2008. The Government had also confirmed its intention to pay its future assessed contributions in full and within the time-frames stipulated by the Agency's Financial Regulations, and to clear its arrears in accordance with the payment plan. Under that plan, the first instalment of €27 811, due in 2009, had been duly paid in January and March 2009, as well as the contribution to the Regular Budget for 2009, amounting to €15 820 and US \$3760. Thus, the requirements of the plan had been met for 2009. In March 2009, the Secretariat had also received from Gabon an advance payment of €16 691 towards the second instalment of the payment plan, due in 2010. In his letter contained in the Attachment to document GC(53)/INF/10, the Minister of Mines, Petroleum and Hydrocarbons of Gabon requested the restoration of his country's voting rights based on regular, and even advance settlement of arrears.
5. The conclusion of a payment plan and timely execution of payments in accordance with the plan, while facilitating the process, did not automatically result in the restoration of Gabon's voting rights. A written request also had to be submitted, as set forth in document GC(42)/10. Where initial payments had been made in accordance with the plan, as in the case of Gabon, 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 had been Georgia, the Dominican Republic and the Republic of Moldova.
6. The External Auditor and Member States had continually encouraged the Secretariat to make best efforts to recover unpaid Regular Budget contributions. In 2007, unpaid contributions had amounted to over €100 million and there had been 24 Member States without voting rights. Since then

the situation had improved, with unpaid Regular Budget contributions totalling slightly over €93 million and only 16 Member States without voting rights. Payment plans therefore seemed to have had some effect. 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.

7. The CHAIRPERSON said that a report on measures taken to facilitate payment of contributions and a status report on Member States participating in a payment plan had been issued as document GC(53)/INF/9.

8. She took it that it was the opinion of the Committee that the failure by Gabon to pay the amount necessary to avoid the application of Article XIX.A of the Statute was 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 the payment plan it had entered into in 2008, 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.

9. It was so decided.

10. Mr WOOD (Canada) requested that the Secretariat supply a list of Member States in attendance at the General Conference with voting rights, which would be useful for voting in the plenary.

– **Organizational matters: Time limitation on statements in the general debate**

11. The CHAIRPERSON said that many Member States failed to observe the time limit for statements in the general debate. She referred to the 1998 General Conference decision GC(42)/DEC/13, which approved recommendations stipulating, inter alia, that there should be a limitation on the time allowed to speakers of 15 minutes in the Plenary and 5 minutes in committee sessions. There was a warning light on the speaker's desk that alerted speakers two minutes before the expiry of the 15 minutes, but it did not seem to have the intended effect. To avoid late evening and night sessions and allow the Conference to finish its business on time, Member States had to cooperate with the Secretariat and keep within the time limits. Interpretation was very expensive — costing around €16 000 for three hours — and had to be planned well in advance owing to strict time limits on interpreters' work. One additional session of the plenary had already been necessary the preceding evening to catch up on the list of speakers. Possible solutions were to switch off the microphone after 15 minutes, as was the practice in other organizations, or to have a message appear on the monitor stating "15 minutes are up".

12. Mr ANING (Secretary of the Committee) said that, in earlier years, the number of speakers in the general debate had been below 100. That number had increased to 102 in 2008 and 112 in 2009. Ten additional speakers took about 2.5 hours to make their speeches, which was a whole meeting. If efforts were not made to enforce the 15-minute time limit, the General Conference would have to be extended beyond a week. Another possibility was that even stricter limits of 10 minutes would have to be imposed.

13. Mr WOOD (Canada) said that his delegation fully shared the concerns expressed regarding compliance with time limits but felt that the problem was more fundamental in nature. More than three

days were being spent on the general debate and the room was often empty, regardless of the length of the statements. His delegation questioned the usefulness of such a debate and suggested looking at more significant reforms, such as the electronic filing of statements for review by Member States. The general debate was very time-consuming and expensive, at a time when there were insufficient resources to deal with resolutions that were becoming increasingly problematic. He stressed the need for more substantive consideration of the issue, which was unfortunately becoming symptomatic of the broader malaise at the Agency.

14. Mr SCHELAND (United States of America) expressed sympathy for some of the points raised by the representative of Canada but, for the current session of the General Conference, his delegation could only support measures to contain in a dignified way the time of the remaining speeches in the general debate.

15. Mr GHISI (Italy) expressed support for the proposal made by the representative of Canada but said that it would be of no assistance in the current session, since it would be unfair to treat the remaining speakers differently from those who had already spoken. Possible solutions could be to switch off the microphone after 15 minutes, or to encourage speakers to deliver a shortened version of their speeches but circulate the full text.

16. Mr GARCÍA REVILLA (Peru) said that at such conferences, plenary meetings were not as useful as other types of meeting dealing with such issues as funding and resolutions. His delegation would therefore support any measure to limit the time of speeches in the general debate for the remainder of the current session.

17. Mr OMER (Sudan) agreed that a solution to the issue needed to be found. General debate statements were, for the most part, a repetition of what had been said the preceding year. They also contained a lot of repetition within themselves and many unnecessary greetings. A lot of time could be saved if speakers addressed the important issues directly and he suggested that some kind of rules should be imposed to that end.

18. Mr ENKHSAIKHAN (Mongolia) said that the issue was very important, affecting not only the debate itself but also the attitude of delegations toward the debate. However, it was important not to treat the remaining speakers at the present session differently from those who had already spoken. He suggested that the warning light shown to the speaker could also be shown to the rest of the floor, which was a gentler measure than cutting off the microphone.

19. The CHAIRPERSON said that there was no time to address the wider systemic issues raised by the representative of Canada, but they should be examined in a wider context.

20. Agreeing that no measures could be taken at the current session, she took it that the Committee agreed to recommend to the Conference that in future sessions, in addition to the warning light, the practice of either switching off the microphone, or displaying a "15 minutes are up" message on the monitors, or some other indication to the floor when the time limit had elapsed, should be adopted.

21. Mr TAN (Singapore) expressed support for the suggestion put forward by the representative of Mongolia that the warning light be shown to the floor during the general debate in the next session. That would still be in keeping with decision GC(42)/DEC/13. If that measure proved unsuccessful, the General Committee could then consider further restrictions.

27. Examination of delegates' credentials (GC(53)/29 and 30)

22. The CHAIRPERSON, 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 106 delegates. The Secretariat had also received communications in respect of 30 delegates that did not constitute formal credentials meeting the requirements of that Rule. 14 Member States were not participating and had not submitted any credentials.

23. She drew attention to document GC(53)/29 containing reservations submitted by the Ambassador of the Lebanese Republic on behalf of Arab delegations participating in the work of the 53rd session of the General Conference concerning the credentials of the Israeli delegate. Document GC(53)/30 contained a communication from Israel setting out its position with regard to those reservations.

24. Mr ELMESALLATI (Libyan Arab Jamahiriya) said that Israel had annexed the city of Jerusalem, occupied the territory of neighbouring countries and violated international law. Furthermore, it had not respected the decisions of international organizations. His delegation had reservations regarding Israel's credentials and considered them null and void because they had been issued in an occupied city.

25. Mr SCHELAND (United States of America), supported by Mr WOOD (Canada), said that political views on the status of Jerusalem did not alter the fact that Israel, a Member State in good standing in the Agency, had supplied its credentials in accordance with Rule 27. He advocated that, as in preceding years, the Committee's report reflect both the reservations of the Arab delegations and the response of the Israeli delegation.

26. Mr OMER (Sudan) asked whether the Agency was part of the United Nations? If the Agency respected United Nations resolutions dealing with the issues raised by the Libyan delegation, it should not accept Israel's credentials.

27. Mr GHISI (Italy), supported by Mr WOOD (Canada), said that he respected the reservations of the Arab delegations, but there could be no objection to Israel's credentials since they clearly complied with the Rules of Procedure.

28. Mr RAUTENBACH (Director of the Office of Legal Affairs) recalled the legal opinion delivered originally at the 43rd regular session of the General Conference and repeated several times since. Rule 27 of the Rules of Procedure did not stipulate where the credentials should be signed, nor did international law impose any requirements in that regard. Therefore the place of signature had no bearing on the validity of credentials. Likewise, the acceptance of credentials did not imply under national or international law that the accepting authority was adopting a position with respect to the place of signature. The Agency was an independent organization and was part of the United Nations common system. It was the practice of the Agency's General Conference and the General Assembly of the United Nations to accept Israel's credentials and to take note of delegations' reservations.

29. The CHAIRPERSON 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 Lebanon 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 positions 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-third regular session, which is set forth in document GC(53)/31.”

30. She asked whether the General Committee wished a report on the lines she had described to be prepared and submitted to the General Conference.

31. It was so decided.

The meeting rose at 9.55 a.m.