

General Conference

GC(54)/GEN/OR.2

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Fifty-fourth regular session

General Committee

Record of the Second Meeting

Held at Headquarters, Vienna, on Thursday, 23 September 2010, at 9.20 a.m.

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¹ GC(54)/16.

Attendance

Chairman

Mr ENKHSAIKHAN (Mongolia), President of the General Conference

Members

Mr WOOD, representing Mr BARRETT (Canada), Vice-President of the General Conference

Mr HU Xiaodi, representing Mr CHEN Qiufa (China), Vice-President of the General Conference

Ms MANGIN, representing Mr BIGOT (France), Vice-President of the General Conference

Mr PUJA, representing Mr SURAPRANATA (Indonesia), Vice-President of the General Conference

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

Mr MABHONGO, representing Mr MINTY (South Africa), Vice-President of the General Conference

Mr YATANI, representing Mr RUTO (Kenya), Additional Member

Ms KOTHBAUER-LIECHTENSTEIN (Liechtenstein), Additional Member

Mr BERG, representing Ms CONZEMIUS (Luxembourg), Additional Member

Mr WALIGORSKI, representing Ms TROJANOWSKA (Poland), Additional Member

Mr PEŠKO, representing Ms ŽIAKOVÁ (Slovakia), 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(54)/GEN/2)

1. The CHAIRMAN asked whether the Committee wished to adopt the provisional agenda contained in document GC(54)/GEN/2.
2. The agenda was adopted.

– **Restoration of voting rights**
(GC(54)/INF/12)

3. The CHAIRMAN said that there was one request for the restoration of voting rights before the Committee, from Uzbekistan. 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 had been adopted via resolution GC(42)/RES/4, was whether the requesting Member State had taken specific measures to eliminate its arrears. In April 2009, Uzbekistan had entered into a 10-year payment plan to settle its Regular Budget arrears for the years 1998 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 annual instalment, due in 2009, had been duly paid in August 2009, as had most of its Regular Budget assessment, with a shortfall of just €13 from the requirements of the payment plan. In February and August 2010, Uzbekistan had paid that outstanding €13, together with the second annual instalment of its payment plan and its Regular Budget assessment for 2010.
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 a member's voting rights. As set forth in document GC(42)/10, a written request also had to be submitted. Uzbekistan had done so in its letter contained in document GC(54)/INF/12. Where initial payments had been made in accordance with the plan, as in the case of Uzbekistan, the Committee's recent practice had been to recommend the restoration of voting rights for the whole 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, Gabon and the Republic of Moldova. 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.

6. The CHAIRMAN 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(54)/INF/10.

7. With regard to the request by Uzbekistan, contained in document GC(54)/INF/12, that its voting rights be restored, he took it that it was the opinion of the Committee that the failure by Uzbekistan 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 2009, 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.

8. It was so decided.

22. Examination of delegates' credentials (GC(54)/20 and 21)

9. The CHAIRMAN, recalling Rules 27, 28 and 29 of the Rules of Procedure concerning delegates' credentials, said that the Director General had received credentials satisfying the requirements of Rule 27 for 102 delegates. The Secretariat had also received communications in respect of 37 delegates that did not constitute formal credentials meeting those requirements. Twelve Member States were not participating and had not submitted any credentials.

10. Document GC(54)/20 contained reservations submitted by the Ambassador of Sudan on behalf of Arab delegations participating in the work of the 54th session of the General Conference concerning the credentials of the Israeli delegate. Document GC(54)/21 contained a communication from Israel setting out its position with regard to those reservations.

11. He 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 Sudan 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-fourth regular session, which is set forth in document GC(54)/22.”

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

13. It was so decided.

The meeting rose at 9.35 a.m.