



GC

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FORTY-SIXTH (2002) REGULAR SESSION

GENERAL COMMITTEE

RECORD OF THE FIRST MEETING

Held at the Austria Center Vienna
on Monday, 16 September 2002, at 2.20 p.m.

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[*] GC(46)/1.

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ATTENDANCE AT THE MEETING

Chairman

Mr. RAJASA (Indonesia), President of the General Conference

Members

Mr. BENDJABALLAH (Algeria), Vice-President of the General Conference

Mr. TOUQ (Jordan), Vice-President of the General Conference

Mr. Sang-mo YEON, representing Mr. Young-bok CHAE (Republic of Korea),
Vice-President of the General Conference

Mr. RAMAKER (Netherlands), Vice-President of the General Conference

Mr. CHISTYAKOV, representing Mr. RUMYANTSEV (Russian Federation),
Vice-President of the General Conference

Mr. ARAMRATTANA, representing Mr. PROMPOJ (Thailand), Vice-President of the
General Conference

Mr. BRILL (United States of America), Vice-President of the General Conference

Mr. MOLTENI (Argentina), Chairman of the Committee of the Whole

Ms. ASATURIAN, representing Mr. TABIBIAN (Armenia), Additional Member

Ms. HALL (Canada), Additional Member

Mr. MOLNÁRI, representing Mr. RÓNAKY (Hungary), Additional Member

Mr. NAQVI, representing Mr. BUTT (Pakistan), Additional Member

Mr. JENKINS, representing Mr. O'SHEA (United Kingdom of Great Britain and
Northern Ireland), Additional Member

Secretariat

Mr. WALLER, Deputy Director General, Department of Management

Mr. ANING, Secretary of the Committee

Mr. RAUTENBACH, Director, Office of Legal Affairs

ADOPTION OF THE AGENDA FOR THE MEETING
(GC(46)/GEN/1)

1. The CHAIRMAN said that in conducting the Committee's business, he intended to follow the established practice whereby its meetings were private, but representatives of Member States which had requested the inclusion of an item in the agenda were entitled, pursuant to Rule 43 of the Rules of Procedure, to attend relevant meetings and to participate, without vote, in the discussion of their request. Representatives of other Member States could also attend the Committee's meetings and participate in discussions as decided by the Committee.

2. In addition to the two traditional sub-items under the item "Arrangements for the Conference", namely "Adoption of the agenda and allocation of items for initial discussion" and "Closing date of the session and opening date of the next session", the proposed agenda for the meeting contained a third item dealing with requests for the restoration of voting rights. So far, the Secretariat had received three such requests, from Iraq (GC(46)/INF/3), Mali (GC(46)/INF/7) and Georgia (GC(46)/INF/10).

3. If there were no objections, he would take it that the Committee wished to adopt the agenda proposed in document GC(46)/GEN/1.

4. It was so decided.

ARRANGEMENTS FOR THE CONFERENCE

(a) ADOPTION OF THE AGENDA AND ALLOCATION OF ITEMS FOR INITIAL DISCUSSION
(GC(46)/1 and Corr.1 and Add. 1)

5. The CHAIRMAN drew the Committee's attention to the provisional agenda for the Conference (GC(46)/1 and Corr.1 and Add.1). The addendum related to a request from the Libyan Arab Jamahiriya for the inclusion of a supplementary item entitled "Israeli nuclear capabilities and threat".

6. He proposed that the agenda for the current session consist of all the items listed in document GC(46)/1 and Add.1.

7. It was so agreed.

8. The CHAIRMAN noted that it was suggested in the addendum that the supplementary item should be discussed in the Plenary and should follow item 20 of the provisional agenda; subsequent agenda items would then be renumbered accordingly.

9. If there were no objections, he would take it that the Committee wished to recommend to the General Conference the allocation of items and order of discussion suggested in documents GC(46)/1 and Add.1.

10. It was so decided.

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

11. The CHAIRMAN proposed that the Committee recommend to the General Conference that the closing date of the session be Friday, 20 September 2002.

12. It was so decided.

13. The CHAIRMAN said that the proposed date for the opening of the next regular session was Monday, 15 September 2003.

14. Mr. BRILL (United States of America) said that his Government would accept the proposed date for the next session. However, he hoped that, in future, it would be possible to hold the General Conference later in the year. It was difficult both for Member States and for the Secretariat to prepare for such a major conference so soon after the summer holiday period.

15. Mr. JENKINS (United Kingdom) said that his country and other Member States of the European Union agreed that the General Conference should take place later, at the end of September or the beginning of October.

16. The CHAIRMAN said he was sure that the Secretariat would do its best to comply with those requests with regard to future sessions. For the next regular session, he proposed that the Committee recommend to the General Conference that the opening date be Monday, 15 September 2003.

17. It was so decided.

RESTORATION OF VOTING RIGHTS
(GC(46)/INF/3, 7 and 10)

18. The CHAIRMAN said that requests for restoration of voting rights had been submitted by Iraq, Mali and Georgia in documents GC(46)/INF/3, GC(46)/INF/7 and GC(46)/INF/10, respectively.

19. 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. 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, Mali and Georgia had applied to have their votes restored.

20. In 1998, the General Conference had adopted, through resolution GC(42)/RES/4, criteria and guidelines for consideration by the Conference of future requests for the restoration of voting rights. In November 1998, at the request of the General Conference, the Board of Governors had adopted measures to facilitate the payment 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. Those criteria and guidelines, and the measures adopted by the Board, were set out in Attachments 1 and 2 to document GC(46)/INF/6.

21. Mr. JENKINS (United Kingdom) suggested that the requests from the three countries should be considered one by one in the order in which they had been submitted, starting with Iraq's request.

22. It was so agreed.

23. Mr. BRILL (United States of America), supported by Ms. HALL (Canada), Mr. RAMAKER (Netherlands) and Mr. MOLNÁRI (Hungary), expressed firm opposition to the restoration of Iraq's voting rights since its request was blatantly political and did not meet the established criteria, nor was Iraq living up to its agreements with the Agency. Its claims of victimization and penury were risible, since millions were being spent on palaces for Saddam Hussein and the country was concluding multimillion-dollar contracts with other countries. The circumstances currently prevailing were the same as in 2001, the only change being that Iraq was displaying more reasons why its request should not be supported. Accordingly, the Committee should adopt the same decision as in 2001.

24. Mr. TOUQ (Jordan) suggested that the Committee should be discussing whether Iraq's request should be included in the agenda, not the rights and wrongs of its case.

25. Mr. ANING (Secretary of the Committee) replied that the General Conference had that morning referred the issue to the General Committee, which was meeting to discuss it and propose to the Conference a course of action, which it could accept or reject.

26. Mr. JENKINS (United Kingdom) said he concurred with the view expressed by the representative of the United States. There was evidence that Iraq had the resources to pay its arrears, but was making no attempt to do so. In those circumstances, there was nothing in the Statute that could permit Iraq's voting rights to be restored.

27. Mr. BENDJABALLAH (Algeria), supported by Mr. TOUQ (Jordan), said that, while he wished to see Iraq's voting rights restored, he would go along with the consensus in the Committee.

28. The CHAIRMAN asked whether he could take it that the Committee held that Iraq's failure to pay the amount necessary to avoid the application of Article XIX.A of the Statute was not due to conditions beyond its control and that it therefore recommended that Iraq not be permitted to vote.

29. It was so decided.

30. The CHAIRMAN, noting that the hour was late, said that the remaining requests for restoration of voting rights would be considered at the Committee's next meeting.

The meeting rose at 3.00 p.m.