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## REVIEW OF ARTICLE VI OF THE STATUTE

### Note by the Director General

Within the framework of its review of Article VI of the Statute pursuant to General Conference Resolution GC(XII)/RES/241, the Board of Governors adopted on 12 June the resolution which is reproduced below.

## REVIEW OF ARTICLE VI OF THE STATUTE

The Board of Governors,

Recalling Resolution GC(XII)/RES/241 whereby the General Conference requested the Board to review Article VI of the Statute and to submit to it at its thirteenth regular session a report containing a study of ways and means by which the membership of the Board would adequately reflect:

- (a) The progress and developments in the peaceful uses of nuclear energy achieved by many Members of the Agency, including the developing countries;
- (b) An equitable geographical distribution; and
- (c) The continuing need for the effectiveness of the Board as the executive body of the Agency,

1. Transmits the annexed report of its Ad Hoc Committee of the Whole to Review Article VI of the Statute to the General Conference as an interim report on its review of Article VI;
2. Expresses its appreciation to the Member States that were represented at the Ad Hoc Committee's meetings, and to those Members that submitted views, for their valuable contribution to the review;
3. Informs the Conference of its intention to continue the study of Article VI as an urgent matter with a view to proposing an amendment to the Article as soon as it is able to do so, which would provide a modest expansion in the size of the Board, would conform with the provisions of General Conference Resolution GC(XII)/RES/241 and could command the support of the greatest possible number of Member States; and

4. Further informs the Conference that it has requested the Chairman of the Board to continue consultations on the subject, and to reconvene the Ad Hoc Committee as a matter of urgency when these consultations give promise of further progress.

A N N E X

Report by the Ad Hoc Committee of the Whole  
to Review Article VI of the Statute

1. In Resolution GC(XII)/RES/241 the General Conference requested the Board to review Article VI of the Statute and to submit to it at its thirteenth regular session a report containing a study of ways and means by which the membership of the Board would adequately reflect:
  - (a) The progress and developments in the peaceful uses of nuclear energy achieved by many Members of the Agency, including the developing countries;
  - (b) An equitable geographical distribution; and
  - (c) The continuing need for the effectiveness of the Board as the executive body of the Agency.
2. The Board discussed the Conference's request at meetings held on 26 and 27 February[1], and decided to set up an ad hoc committee of the whole to continue the review of Article VI of the Statute at meetings to be held during the week beginning on 14 April.[2] The Board invited Members of the Agency not serving on the Board to be represented at those meetings, in accordance with Rule 50 of its Provisional Rules of Procedure, to present their views on the subject, or to submit views in writing before the meetings. The Board also requested the Ad Hoc Committee to submit a report for consideration at its meetings starting on 10 June.
3. Fifty Members were represented at the series of four meetings which the Ad Hoc Committee held between 15 and 17 April.[3] At the conclusion of the meetings the Chairman summed up its work in the following manner:

"Member States represented at the meetings of the Ad Hoc Committee of the Whole to Review Article VI of the Statute held in the period 15-17 April had exchanged views concerning ways and means by which the membership of the Board of Governors could be made to reflect the principles enunciated in General Conference Resolution GC(XII)/RES/241; the Committee had had before it memoranda submitted by Italy, Mexico and Pakistan[4] and suggestions had been put forward by several speakers, including the text of an amendment submitted by the Philippines[5]. A memorandum had also been circulated by the United Arab Republic[6]. The consensus of the

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[1] See documents GOV/OR.408, paras 62-76 and GOV/OR.409, paras 1-20.

[2] By para. 1 of the resolution . . . . [of which the text is to be found in document GOV/1323].

[3] A list is given at the end of document GOV/COM.20/OR.4.

[4] GOV/1307, [GOV/1322, subsequently replaced by] GOV/COM.20/2, and GOV/1324 respectively.

[5] GOV/COM.20/OR.2, para. 39.

[6] GOV/COM.20/4.

participants was that there should be a modest expansion in the size of the Board and that adjustments should be made in Article VI on the basis of Resolution GC(XII)/RES/241. It was agreed that further study and consultations were necessary concerning the ways and means of providing for such an expansion and adjustments in an amendment to Article VI which could command the broadest possible support of the membership of the Agency. It was also agreed that the Chairman of the Board should render appropriate assistance to advance those consultations, and should reconvene the Committee on 3 June so that the Committee could have a further exchange of views before preparing its report to the Board." [7]

4. The Ad Hoc Committee held two further meetings on 3 and 4 June respectively at which 48 Members were represented. On this occasion the Committee had before it the memorandum circulated by the United Arab Republic, as well as new memoranda submitted by the Democratic Republic of the Congo and Belgium [8].

5. The Committee took note of the wide range of opinion that had been expressed during its review of Article VI and its consideration of the possibilities of making adjustments to the provisions of the Article. Reaffirming its views as formulated by the Chairman in April, the Committee concluded that further study and negotiation would be necessary in order to devise an amendment of the Article conforming with the provisions of Resolution GC(XII)/RES/241 which could command the support of the greatest possible number of Member States, and which could therefore be readily adopted by the General Conference and subsequently be brought into effect. The Committee consequently agreed to recommend the Board to request the Chairman to reconvene the Committee as a matter of urgency once the consultations that he should be asked to continue gave promise of further progress in the study of Article VI.

6. The Committee decided to send forward to the Board its working papers and records. They are:

<u>Working papers</u>		<u>Records</u>
GOV/COM.20/2	Memorandum by Mexico	GOV/COM.20/OR.1-4
/3 and Add.1	Views communicated by Members not serving on the Board	Records of meetings held in April
/4	Memorandum by the United Arab Republic	/OR.5-6
/5	Communications from the Democratic Republic of the Congo	Records of meetings held in June
/7	Note by the Director General on the allocation of Members to the areas listed in Article VI. A. 1.	
/8	Memorandum by Belgium	

[7] GOV/COM.20/OR.4, paras 1 and 28.

[8] GOV/COM.20/5 and GOV/COM.20/8 respectively.

