



International Atomic Energy Agency

General Conference

GC(XIV)/437

7 August 1970

GENERAL Distr.

Original: ENGLISH, FRENCH
RUSSIAN and SPANISH

Fourteenth regular session

Item 18 of the provisional agenda
(GC(XIV)/429)

AMENDMENT OF ARTICLE VI OF THE STATUTE

Note by the Director General

1. On 24 June 1970 the Director General communicated to all Members of the Agency, pursuant to Article XVIII. A of the Statute, certified copies of five separate proposals for amendment of Article VI thereof.
2. The proposed amendments are reproduced in part A below in the chronological order of their submission to the Director General. In part B the General Conference will find a report by the Board of Governors in response to its Resolution GC(XIII)/RES/261, which also constitutes the observations on the amendments submitted by the Board pursuant to Article XVIII. C(i) of the Statute.

A. PROPOSED AMENDMENTS TO ARTICLE VI OF THE STATUTE

1. Proposed by Bulgaria, the Byelorussian Soviet Socialist Republic, the Czechoslovak Socialist Republic, Hungary, Poland, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics

(a) Replace sub-paragraphs A.1-A.3 by the following:

1. The outgoing Board of Governors shall designate for membership on the Board the five members most advanced in the technology of atomic energy including the production of source materials and the member most advanced in the technology of atomic energy including the production of source materials in each of the following areas not represented by the aforesaid five:

- (1) North America
- (2) Latin America
- (3) Western Europe
- (4) Eastern Europe
- (5) Africa and the Middle East
- (6) South Asia
- (7) South East Asia and the Pacific
- (8) Far East.

2. The General Conference shall elect nineteen [twenty-one] members to membership on the Board of Governors, with due regard to equitable representation on the Board as a whole of the members in the areas listed in sub-paragraph A-1 of this article, so that the Board shall at all times include in

this category four [five] representatives of the area of Latin America, four [five] representatives of the area of Africa and the Middle East, three representatives of the area of Eastern Europe, four (five [1]) representatives of the area of Western Europe and a representative of each of the remaining areas except North America. No member in this category in any one term of office will be eligible for re-election in the same category for the following term of office.

- (b) Corresponding changes should be made in the subsequent paragraphs of Article VI.

[1] If there is agreement to the transfer of the "floating" seat to the area of Western Europe.

2. Proposed by Pakistan

- (a) Replace sub-paragraphs A. 1-A. 3 by the following:

1. The outgoing Board of Governors shall designate for membership on the Board the five members most advanced in the technology of atomic energy including the production of source materials, and the member most advanced in the technology of atomic energy including the production of source materials in each of the following areas in which none of the aforesaid five is located:

- (1) North America
- (2) Latin America
- (3) Western Europe
- (4) Eastern Europe
- (5) Africa
- (6) Middle East and South Asia
- (7) South East Asia and the Pacific
- (8) Far East.

2. The General Conference shall elect to membership of the Board of Governors:

(a) Twenty-three members, with due regard to equitable representation on the Board as a whole of the members in the areas listed in sub-paragraph A-1 of this article, so that the Board shall at all times include in this category five representatives of the area of Latin America, six representatives of the area of Western Europe, three representatives of the area of Eastern Europe, four representatives of the area of Africa, three representatives of the area of the Middle East and South Asia, one representative of the area of South East Asia and the Pacific, and one representative of the area of the Far East.

- (b) One further member from among the members in the following areas:

Africa
South East Asia and the Pacific
Far East.

- (b) In paragraph B:

(i) First sentence - replace "sub-paragraphs A-1 and A-2" by "sub-paragraph A-1"; and

- (ii) Second sentence - replace "sub-paragraph A-3" by "sub-paragraph A-2";
- (c) In paragraph C, replace "sub-paragraphs A-1 and A-2" by "sub-paragraph A-1"; and
- (d) In paragraph D, replace "sub-paragraph A-3" by "sub-paragraph A-2", and delete the second sentence.

3. Proposed by Mexico

- (a) Replace sub-paragraphs A.1-A.3 by the following:

1. The outgoing Board of Governors shall designate for membership on the Board the five members most advanced in the technology of atomic energy including the production of source materials.

2. From among the remaining members it shall designate the three States which are most advanced in the technology of atomic energy, including the production of source materials, or which are the principal suppliers of source materials in each of the following groups of States:

- (a) African and Middle Eastern States
- (b) Latin American States
- (c) Asian States
- (d) Western European and other States
- (e) Eastern European States.

3. The General Conference shall elect fourteen members to membership on the Board of Governors, with due regard to equitable representation on the Board as a whole of the members in the groups of States listed in sub-paragraph A-2 of this article, so that the Board shall at all times include eight representatives of African and Middle Eastern States, six representatives of Latin American States, seven representatives of Asian States, nine representatives of Western European and other States and four representatives of Eastern European States. No member in this category in any one term of office shall be eligible for re-election in the same category for the following term of office.

- (b) Delete the final sentence of paragraph D.

4. Proposed by Lebanon and the United Arab Republic

- (a) Replace sub-paragraphs A.1-A.3 by the following:

1. The outgoing Board of Governors shall elect annually ten members for membership on the Board from the following areas:

- Two representatives from North America
- One representative from Latin America
- Two representatives from Western Europe
- One representative from Eastern Europe
- One representative from Africa
- One representative from West and South Asia
- One representative from South East Asia and the Pacific, and
- One representative from the Far East.

2. The General Conference shall elect twenty-three members to membership on the Board of Governors, as follows:

Five representatives of the area of Latin America
Five representatives of the area of Western Europe
Three representatives of the area of Eastern Europe
Five representatives of the area of Africa
Three representatives of the area of West and South Asia
One representative of the area of South East Asia and the Pacific, and
One representative of the area of Far East.

One representative of each of the areas of Latin America, Western Europe, Eastern Europe, Africa and West and South Asia shall be eligible for immediate re-election; the remaining members elected in this category for any one term of office shall not be eligible for re-election for the immediately following term.

(b) In paragraph B:

(i) Amend the beginning of the first sentence to read: "The elections provided for in sub-paragraph A-1 of this article"; and

(ii) In the second sentence, replace "sub-paragraph A-3" by "sub-paragraph A-2".

(c) In paragraph C, replace "sub-paragraphs A-1 and A-2" by "sub-paragraph A-1", and the word "designation" by "election"; and

(d) In paragraph D, replace "sub-paragraph A-3" by "sub-paragraph A-2", and delete the second sentence.

5. Proposed by Argentina, Brazil, Canada, Chile, Colombia, Ecuador, France, the Federal Republic of Germany, Ghana, Italy, Japan, the Netherlands, Peru, the Philippines, Thailand, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Venezuela

(a) Replace sub-paragraphs A. 1-A. 3 by the following:

1. The outgoing Board of Governors shall designate for membership on the Board the nine members most advanced in the technology of atomic energy including the production of source materials, and the member most advanced in the technology of atomic energy including the production of source materials in each of the following areas in which none of the aforesaid nine is located:

(1) North America
(2) Latin America
(3) Western Europe
(4) Eastern Europe
(5) Africa
(6) Middle East and South Asia
(7) South East Asia and the Pacific
(8) Far East

2. The General Conference shall elect to membership of the Board of Governors:

(a) Twenty members, with due regard to equitable representation on the Board as a whole of the members in the areas listed in sub-paragraph A-1 of this article, so that the Board shall at all times include in this category five representatives of the area of

Latin America, four representatives of the area of Western Europe, three representatives of the area of Eastern Europe, four representatives of the area of Africa, two representatives of the area of the Middle East and South Asia, one representative of the area of South East Asia and the Pacific, and one representative of the area of the Far East. No member in this category in any one term of office will be eligible for re-election in the same category for the following term of office; and

- (b) One further member from among the members in the following areas:

Middle East and South Asia
South East Asia and the Pacific
Far East;

- (c) One further member from among the members in the following areas:

Africa
Middle East and South Asia
South East Asia and the Pacific.

- (b) In paragraph B:

(i) First sentence - replace "sub-paragraphs A-1 and A-2" by "sub-paragraph A-1" and

(ii) Second sentence - replace "sub-paragraph A-3" by "sub-paragraph A-2".

- (c) In paragraph C, replace "sub-paragraphs A-1 and A-2" by "sub-paragraph A-1", and

- (d) In paragraph D, replace "sub-paragraph A-3" by "sub-paragraph A-2", and delete the second sentence.

B. REPORT AND OBSERVATIONS BY THE BOARD OF GOVERNORS

1. Pursuant to General Conference Resolution GC(XIII)/RES/261 the Board of Governors continued its study of Article VI of the Statute during five meetings held since the Conference adjourned last September. In addition the Board's Ad Hoc Committee of the Whole to Review Article VI of the Statute held four meetings; its records and reports were submitted to the Board.
2. The Board also considered the five proposals for amendment of Article VI of the Statute which are reproduced in part A of this document.
3. The Board was unable to reach a general consensus on any of the five amendments submitted to it for observations under Article XVIII. C(i) of the Statute.
4. The Board accordingly transmits to the Conference the records of its own discussions, as well as those of the Ad Hoc Committee, of the proposals before it [1], and appends a summary drawn up in consultation between the Chairman of the Board and each individual Governor reflecting his Government's views with respect to the proposals in question.

[1] The Board's records are in documents GOV/OR. 418, paras 41-47; OR. 427/Add. 1; OR. 428/Add. 1; OR. 429/Add. 1; and OR. 430/Add. 1. Those of the Ad Hoc Committee are in documents GOV/COM. 20/OR. 8-OR. 11 inclusive.

APPENDIX

THE FIVE PROPOSED AMENDMENTS OF ARTICLE VI OF THE STATUTE

Views of individual Governments

ARGENTINA

After examining all the proposed amendments, Argentina supports that reproduced in part A.5 of this document and considers it fully meets the criteria laid down in General Conference Resolution GC(XII)/RES/241.

AUSTRALIA

Australia has always stressed that it is of paramount importance that Article VI should be amended in such a way as not to harm the effective functioning of the Board and the Agency. Australia believes that this can be done more easily by providing for continuity of service through the allocation of some designated seats, and by maintaining the present system of geographic distribution - although Australia understands the desire that Africa and the Middle East be separated. A proposal which meets these criteria is that reproduced in part A.5 of this document, although close examination of some of the other proposals might show that they too have interesting features which merit consideration.

BRAZIL

After examining all the proposed amendments, Brazil supports that reproduced in Part A.5 of this document and considers it fully meets the criteria laid down in General Conference Resolution GC(XII)/RES/241. The Brazilian delegation wishes to recall that at one stage or another during the meetings of the Ad Hoc Committee, this formula was co-sponsored or supported by 13 Latin American countries, namely: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Paraguay, Peru, Uruguay and Venezuela.

CANADA

After considering all the amendments proposed, the Canadian Government favours and supports the proposal reproduced in part A.5 of this document. It considers it meets fully the criteria laid down in General Conference Resolution GC(XII)/RES/241.

CZECHOSLOVAK SOCIALIST REPUBLIC

1. The Czechoslovak views on the revision of Article VI of the Statute are set forth in document GOV/COM 20/18, paragraph 2. The proposal for amendment of Article VI submitted jointly by Czechoslovakia and six other socialist countries which is reproduced in part A.1 of this document takes into consideration the interests of all geographical groups within the Agency.

2. The amendment proposed by 20 Members which is reproduced in part A.5 is unacceptable, mainly because it would give undue weight to Western Europe in the allocation of permanent seats on the Board.

3. Czechoslovakia has no objection to the rearrangement of areas, for example the establishment of Africa and of West and South Asia as separate areas, provided it actually reflects the wishes of the Members in the areas concerned.
4. The proposal by Pakistan reproduced in part A. 2 of this document contains a number of positive features which Czechoslovakia will study carefully. Czechoslovakia will also give due consideration to the proposals submitted by Lebanon and the United Arab Republic and by Mexico which are reproduced in parts A. 4 and A. 3 respectively.
5. Czechoslovakia expresses the hope that the procedure adopted both in the Board and in the General Conference will enable a generally acceptable solution to the question of the composition of the Board to be found, which will lead to the strengthening of the effectiveness of the Board.

FRANCE

1. At the end of its 430th meeting the Board of Governors decided to transmit to the General Conference, together with the five official proposals for amendment of Article VI of the Statute, a summary of the views of each Member of the Board on those proposals.
2. The French Government has already made its own position clear by co-sponsoring the proposed amendment contained in part A. 5 of this document.

HUNGARY

Hungary, having considered all the proposals for amendment of Article VI, will continue to support the proposal by the socialist countries which is reproduced in part A. 1 of this document, which it co-sponsors. It wishes to emphasize that this proposal would best serve the interests of all groups of Members. Nevertheless, it is prepared to examine the positive features of other proposals which might lead to a compromise solution, but it rejects any attempt to disturb the existing balance in the Board's composition, such as that reflected in that reproduced in part A. 5 of this document.

INDIA

India has examined the various proposed amendments. It considers that the one that is reproduced in part A. 5 of this document fully meets the three criteria laid down in General Conference Resolution GC(XII)/RES/241, and accordingly supports it.

IRAN

After examining all the proposed amendments, Iran considers that the amendment reproduced in part A. 5 of this document fully meets the criteria laid down in General Conference Resolution GC(XII)/RES/241. It is prepared to support that amendment on the understanding that it would result in the allocation of an additional seat on the Board to the area of the Middle East and South Asia.

ITALY

After having examined the five proposed amendments, Italy supports that reproduced in part A. 5 and considers it fully meets the criteria laid down in General Conference Resolution GC(XII)/RES/241. Italy has received, and transmitted to the Secretariat, official communications from the Governments of Kenya and Senegal informing it that they have decided to co-sponsor the amendment to Article VI reproduced in part A. 5 of this document. It has also received official communications from the Governments of China and Indonesia expressing their support for that amendment. [1]

JAPAN

Since it has been confirmed that the Members which will be considered as most advanced in the technology of atomic energy will be those that are most advanced in the peaceful uses of the technology of atomic energy, Japan has asked to be listed as a proposer of the amendment reproduced in part A. 5 of this document.

MOROCCO

NIGERIA

After having carefully examined the five proposed amendments to Article VI, Nigeria supports that reproduced in part A. 5 of this document and considers that it fully meets the criteria laid down in General Conference Resolution GC(XII)/RES/241.

PAKISTAN

1. Pakistan's proposal for amendment of Article VI reproduced in part A. 2 of this document is in keeping with the spirit of General Conference Resolution GC(XII)/RES/241 and offers a practical and democratic solution of the problem of the composition of the Board which would meet the current and future needs of the Agency, give adequate representation to various areas and retain the necessary balance between different groups of Member States. The salient points in Pakistan's proposal are:

- (a) Although it is clearly possible to identify the five Members most advanced in the technology of atomic energy including the production of source materials on a global basis, it would be difficult, if not impossible, to lay down technical criteria which would permit the designation of the nine most advanced Members without giving rise to complications in their designation by the Board;
- (b) Just as the Board has the option to redesignate Members originally designated from each area under Article VI. A. 1 of the Statute, the General Conference should also have the right to re-elect a Member under Article VI. A. 3;
- (c) The total number of Members should be increased to 34 so as to reflect adequately the increase in the membership of the Agency from 60 in 1957 to 103 at present.

2. The proposal for amendment by Pakistan is made in a spirit of compromise to narrow down the differences existing in the other proposed amendments so that the harmonious relationship, which has so far characterized the working of the Board, can be retained and the basic interest of all Member States preserved.

[1] The Government of Gabon has communicated its support for the amendment to the Director General.

PORTUGAL

1. Portugal considers that the five proposals for amendment of Article VI contain elements which merit consideration but that further work must be done in order to reach a consensus on the main questions at issue.
2. The membership of the Board should not exceed one third of the membership of the Agency. A membership of 33 or 34 would be acceptable, since it would afford Member States of the Agency equitable representation on the Board.
3. As it would be in accordance with the traditional practice and ensure continuity in the Board's work, the Board should continue to be composed of designated Members and elected Members. The former, to be designated by the Board, should be kept as small in number as practicable, as any increase in their number would reduce the number of elected Members and lead to difficulties in determining the criteria to be used for designation.
4. It has been the practice for elected Members to be formally elected by the General Conference, but their regular rotation within the geographical areas laid down would have certain advantages. Indeed, all Members must have an equitable opportunity to serve on the Board, either as a privilege or an obligation, and Portugal therefore strongly advocates the system of rotation, since it is just, easy to apply, and meets this important criterion.
5. Some of the proposals made would alter the geographical areas laid down in the Statute and, consequently, the new areas proposed must be clearly defined. Otherwise, it will be difficult, if not impossible, to make a correct allocation of seats on the Board. The geographical areas should be determined not on the basis of political considerations but with a view to ensuring an equitable distribution of seats.

SINGAPORE

SOUTH AFRICA

Having studied all the proposed amendments, South Africa is refraining for the time being from stating its preference.

SPAIN

Spain supports the proposal to amend Article VI which is reproduced in part A. 5 of this document since it meets the criteria laid down in General Conference Resolution GC(XII)/RES/241. Spain understands that, if that proposal is accepted, all producers of raw materials, suppliers of technical assistance, and Members traditionally elected to the Board pursuant to Article VI, A. 3 will continue to enjoy equitable representation under the new distribution of geographical areas.

SWEDEN

Sweden finds some merits in all the proposals reproduced in part A of this document, but it cannot consider any of them satisfactory. It does not think it advisable to increase the number of designated seats, which is already too high. It continues to believe that a compromise solution can be found, given enough time.

UNION OF SOVIET SOCIALIST REPUBLICS

1. The Soviet Union considers that the proposal submitted by the socialist countries which is reproduced in part A. 1 of this document fully satisfies the criteria laid down by the General Conference in Resolution GC(XII)/RES/241. The proposal takes into account the new circumstances and the interests of developing countries throughout the world and is not aimed at securing any specific advantages for the countries of Eastern Europe. It constitutes a basis on which the problem of the review of Article VI could be solved, and would provide the various geographical areas with equitable representation on the Board, while at the same time ensuring the effectiveness of the Board's work.

2. The Soviet Union has expressed the view in the Board that many of the points contained in the proposals submitted by Lebanon and the United Arab Republic, Mexico and Pakistan, which are reproduced in parts A. 4, A. 3 and A. 2 of this document respectively merit serious consideration, and accordingly it is further studying these proposals.

3. As to the proposal reproduced in part A. 5, the changes made in the course of its evolution have not eliminated a fundamental weakness, namely that it would lead to an unwarranted alteration and enlargement of the designated membership of the Board. The Soviet Union finds that proposal unacceptable and wishes to stress that it would upset the political balance that is essential to the Agency if it is to carry out its activities in a normal way - activities which, in the light of its new and important responsibilities in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, assume particular importance.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

The United Kingdom of Great Britain and Northern Ireland, having examined all the proposed amendments, supports the amendment which it co-sponsored and which is reproduced in part A. 5 of this document, and considers that it fully meets the criteria laid down by the General Conference in its Resolution GC(XII)/RES/241.

UNITED STATES OF AMERICA

The United States has examined the five proposals before the Board for the amendment of Article VI and supports the proposal reproduced in part A. 5 of this document, which fully meets the criteria laid down in General Conference Resolution GC(XII)/RES/241.

URUGUAY

After examining all the proposed amendments, Uruguay supports that reproduced in part A. 5 of this document and considers it fully meets the criteria laid down in General Conference Resolution GC(XII)/RES/241.

VENEZUELA

After examining all the proposed amendments, Venezuela supports that reproduced in part A. 5 of this document and considers it fully meets the criteria laid down in General Conference Resolution GC(XII)/RES/241.

VIET-NAM

Viet-Nam supports the proposal reproduced in part A.5 of this document and believes that it best meets the criteria laid down in General Conference Resolution GC(XII)/RES/241. Viet-Nam considers, however, that the proposal should be amended to provide for the election by the General Conference to the Board of two Members from the area of the Far East, in view of the substantial increase in the number of seats allocated to all other areas. It would also be very helpful if the sponsors of the proposal listed the Members in the three areas of the Middle East and South Asia, South East Asia and the Pacific, and the Far East respectively.

