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ONE HUNDRED AND FORTY-SECOND PLENARY MEETING

Held at the Neue Hofburg, Vienna,
on Monday, 28 September 1970, at 3.15 p.m.

President: Mr. SARABHAL (India)

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** GC(XIV)/442.

THE AGENCY'S ACCOUNTS FOR 1969
(GC(XIV)/444)

1. Mr. LAMB (Australia), Rapporteur of the Administrative and Legal Committee, presented the Committee's report on the Agency's accounts for 1969 (GC(XIV)/444).

2. *The draft resolution contained in document GC(XIV)/444 was adopted.*

THE AGENCY'S RELATIONS WITH
INTERGOVERNMENTAL ORGANIZATIONS
(GC(XIV)/445)

3. Mr. LAMB (Australia), Rapporteur of the Administrative and Legal Committee, submitted the Committee's report on the Agency's relations with intergovernmental organizations (GC(XIV)/445).

4. *The draft resolution contained in document GC(XIV)/445 was adopted.*

AMENDMENT OF ARTICLE VI OF THE
STATUTE (GC(XIV)/437 and Add.1 and 2,
450 and Corr.1, 451)

5. Mr. LAMB (Australia), Rapporteur of the Administrative and Legal Committee, submitted the Committee's report on the question of amendment of Article VI of the Statute (GC(XIV)/450 and Corr.1).

6. Mr. ANDRZEJEWSKI (Poland) said that the review of Article VI of the Statute had brought to light very different points of view during the meetings of the Administrative and Legal Committee. It had not been possible to arrive at a consensus, although many delegations had urged the necessity of doing so when a question of such importance for the Agency was at issue. The Polish delegation still did not think it was too late to reach a broad consensus which, by making it easier for Members to ratify, would hasten the entry into force of an amended Article VI. That was why it was submitting, jointly with the Czechoslovak and Hungarian delegations, a compromise solution in the form of amendments (GC(XIV)/451) to the draft resolution annexed to the report of the Administrative and Legal Committee.

7. The purpose of the amendments was, firstly, to ensure broader representation of the developing countries by limiting the number of permanent seats held on the Board of Governors by the advanced countries and by increasing the number of elective seats from 20 to 22. Secondly, they were designed to satisfy the claims of Western Europe by increasing the number of elective seats from four to six, thereby removing the imbalance between permanent and elective seats in that area and at the same time avoiding the difficulty that would inevitably arise

if two additional permanent seats were assigned to Western Europe. Three States in that area could claim the right to occupy the two new seats to be held by designation. Finally, the amendments would allow the two European States which were so eager to become permanent Members of the Board to be elected and re-elected, which in fact amounted to the same thing.

8. Hence the amendments, far from bearing prejudice to those States, actually put them in a privileged position because under the existing provisions of Article VI they could not be re-elected. Moreover, in submitting those amendments to the draft resolution the Polish delegation was taking one more step towards accommodating the standpoint of countries that wished to obtain permanent seats on the Board.

9. The socialist countries had already made a number of concessions, as was clear from the text of section A.1 of document GC(XIV)/437. They had abandoned paragraph A.2 of Article VI, which assigned a seat on the Board alternately to Poland and Czechoslovakia, and had accepted the compromise amendment proposed by Pakistan (GC(XIV)/437, section A.2). They strongly urged other countries to show the same spirit of compromise in order to arrive at a consensus which would ensure that all geographical areas were fairly represented on the Board. The draft resolution as it stood would, on the other hand, have serious consequences for the good understanding which was essential in the various bodies of the Agency.

10. Mr. de CARVALHO (Brazil) recalled that the draft resolution before the Conference had been adopted by an overwhelming majority in the Administrative and Legal Committee; further discussion was therefore unnecessary and the draft resolution should be put to the vote immediately.

11. Mr. NEUMANN (Czechoslovakia) said that his delegation had already explained its point of view on the draft resolution under consideration and had also pointed out why the socialist countries considered it unacceptable in its present form. It was regrettable that some delegations should attempt to force the adoption of a proposal which many countries could not accept. To proceed in such a manner was to invite a confrontation which might paralyse the Agency's activities. That would be all the more regrettable as the Agency was now called upon to assume extremely important responsibilities under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)¹⁾. The Czechoslovak delegation had decided to support the Polish proposals in the hope that a compromise acceptable to all groups could be reached. It urged all delegations to take account of the present situation and to put aside all considerations of prestige.

12. Mr. ARKADIEV (Union of Soviet Socialist Republics) reaffirmed the constant desire of the

1) Reproduced in document INFCIRC/140.

Soviet Union and the other socialist countries to arrive at an amendment of Article VI which all Member States could accept. The proposal submitted to the Administrative and Legal Committee by the Polish delegation (GC(XIV)/COM.2/54) was designed precisely to resolve that fundamental question in a realistic fashion; but, in view of the arbitrary manner in which the debate had been conducted in committee, a third of the delegations had not had time to obtain instructions from their Governments and had not been able to take part in the vote. The Polish proposal had been rejected in committee by 38 votes, scarcely more than one third of the total membership of the Agency. In view of that, the wisest course would be to postpone any decision for a reasonable period so that delegations might have the necessary time to study the socialist countries' proposals and to consult one another, in order to arrive at a solution acceptable to all. Such a formula would not only conform with Agency practice but would serve to expedite a solution of the question of Article VI, for there was unlikely to be any obstacle to ratification of a proposal that had been unanimously agreed upon in advance.

13. The Soviet delegation saw a possible compromise in the amendments now submitted by Hungary, Poland and Czechoslovakia. The new suggestions, very similar to the Polish amendments proposed in committee, improved the draft resolution before the Conference considerably and made it acceptable. They aimed at making the Board of Governors more democratic by allowing both Western countries and the developing countries broader representation and by granting the major nuclear countries permanent representation through election — without affecting the position of the great Powers and without discriminating against anyone. The amendments complied with the wishes expressed by many developing countries, Madagascar in particular.

14. However, the proponents of the proposal contained in the draft resolution — a proposal emanating initially from Italy — insisted on resolving the question of Article VI without further delay. But a settlement could not be hurried, nor could ratification be obtained promptly unless two essential conditions were fulfilled: the countries which were so insistently claiming permanent seats on the Board should ratify NPT as soon as possible and should show that, if they genuinely wished to help increase the Agency's effectiveness, they were prepared to promote its universality by putting an end to an iniquitous situation maintained artificially to the detriment of countries which had a full right to membership of the Agency.

15. Mr. SIAZON (Philippines) said that the developing countries would also have liked to see the efforts of the Ad Hoc Committee of the Whole, which had devoted two years to its review of Article VI, crowned by a unanimous agreement. But as it was obviously impossible to arrive at a con-

sensus, they had felt that the best solution was after all to support the proposal which seemed likely to find favour with the greatest number of countries. They had been urged to support the amendments submitted by the three socialist countries, which were no more than a variation of formulas already examined at length by the Ad Hoc Committee of the Whole, on the grounds that the draft resolution before the Conference had received only 46 votes in committee; but it seemed to the developing countries more significant that the Polish proposal had obtained only 10 votes. The amendments introduced by the socialist countries therefore had little chance of rallying two thirds of the votes; on the other hand, it seemed likely that the proposal in the draft resolution would in fact be supported by an even larger majority. Consequently, he felt that there was no point in discussing the amendments of the three socialist countries further, and that they should be put to the vote without further delay.

16. The PRESIDENT put to the vote the amendments to the draft resolution annexed to document GC(XIV)/450, proposed by Hungary, Poland and Czechoslovakia in document GC(XIV)/451.

17. *There were 11 votes in favour and 41 against, with 25 abstentions. The amendments were rejected.*

18. The PRESIDENT put to the vote the draft resolution annexed to document GC(XIV)/450.

19. *There were 54 votes in favour and 9 against, with 13 abstentions. The draft resolution was adopted.*

20. Mr. WECKMANN-MUÑOZ (Mexico) said that he had abstained from voting because the draft resolution did not appear to have enough support to ensure prompt ratification. On the other hand, he had not been able to vote against a draft which counted many Latin American countries among its sponsors. However, Mexico would follow with the greatest interest the deposition of instruments of ratification of the revised Article, which henceforward represented the only possible way of changing the composition of the Board. The version now adopted had the advantage of granting quasi-permanent seats to countries very advanced in nuclear technology, and it also enabled a larger number of developing countries of Africa, Asia and Latin America to sit on the Board.

21. Mr. AGUNG (Indonesia) said that he had voted in favour of the draft resolution, as it gave the area of South East Asia the most satisfactory representation on the Board.

22. Mr. HOLLIST (Nigeria) recalled that the Ad Hoc Committee of the Whole had been set up at the instigation of the developing countries; their feeling had been that the amendment of the Statute should be carried out principally in the interests of those among them which had not yet attained independence at the time of the Agency's founding.

23. In supporting the proposal in the resolution just adopted, Nigeria's intention had not been to provide any European countries with permanent seats; nor had it been to contest their right to those seats. That was why the amendments proposed by Poland had not seemed unacceptable to Nigeria; unfortunately they had not been submitted in good time, and no one could say what their fate would have been had they been submitted earlier, but in any case the Nigerian delegation would have been in a position to support them.

24. Thus, in all the circumstances, he hoped that those who had offered bitter opposition to the present amendment would respect the rules of the game and bow gracefully to the will of the majority.

25. In a world in constant evolution, Article VI might well be amended again if the need were felt; but in the meantime he appealed to all Member States of the Agency to ratify as quickly as possible the amendment which had just been adopted.

26. Mr. ARKADIEV (Union of Soviet Socialist Republics) said that he wished to explain his vote and outline his delegation's position once more.

27. The Soviet Union was in favour of enlarging the composition of the Board in view of the legitimate wish of the developing countries of Africa, Asia and Latin America to be more fairly represented. Any modification of the Statute should be such as to enable the Agency to accomplish its tasks most effectively, particularly those associated with NPT. It was important not to disrupt the political equilibrium among different groups of countries which, from the beginning, had enabled the Agency to conduct its business efficiently.

28. The Agency should be truly universal, and for that reason the Soviet Union considered it vital to arrive at a consensus. The amendment of Article VI was causing a division in the Agency which would harm the spirit of understanding and co-operation without which it could not work satisfactorily.

29. At a time when the Agency was about to shoulder new responsibilities as a result of the entry into force of NPT, it would be desirable for the Board to include more representatives of States Parties to the Treaty. The work of the Safeguards Committee (1970), which was formulating a model agreement, was of the utmost importance and he

noted with satisfaction that positive results had already been obtained. The Secretariat was already in a position to open negotiations with Parties to the Treaty so that the agreements might enter into force at the appointed time, and he was convinced that the Secretariat would deal creditably with that important task.

CLOSING OF THE SESSION

30. Mr. HILL (Jamaica) spoke on behalf of the General Conference in paying a tribute to the President. His task was all the easier as Jamaica had well-established ties with India, ties of friendship based on the belief that the ultimate goal of all efforts should be the well-being of the individual.

31. The President had never betrayed the confidence which the Conference had rightly placed in him; doubtless he would continue to put his considerable gifts at the service of the Agency, helping it to improve the circumstances of men who had not yet benefited from the peaceful uses of atomic energy.

32. Sir Philip BAXTER (Australia) thanked the President on behalf of his delegation for the way in which he had conducted the business of the Conference. Australia had close ties with India, in particular in the field of atomic energy; those ties had been formed at the outset, when Mr. Bhabha had presided over the first session of the General Conference, and had been growing stronger ever since. Thus he spoke for all Member States in heartily thanking the President.

33. The PRESIDENT said that he was deeply moved by the words that had been addressed to him. To be sure, differences had arisen during the debates, but the General Conference had none the less successfully completed its work. He was convinced that in future the Agency's work would be marked by an even profounder spirit of co-operation than in the past. In accordance with Rule 48 of the Rules of Procedure, he invited delegates to observe one minute of silence dedicated to prayer or meditation.

34. *All present rose and stood in silence for one minute.*

35. The PRESIDENT then declared the fourteenth regular session of the General Conference closed.

The meeting rose at 5 p.m.