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on Wednesday, 20 September 1978, at 10.45 a.m.

Chairman: Mr. GILLON (Belgium)

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** GC(XXII)/605.

AMENDMENT OF ARTICLE VI.A.2 OF THE STATUTE (GC(XXII)/602, 602/Add.1-4)
(continued)

1. Mr. KHAN (Pakistan) thanked the Chairman for having consented to suspend the debate the previous afternoon, thereby giving delegations a chance for reflection and possibly enabling the co-sponsors of the draft amendment to win more support. The draft amendment was of crucial importance, as it concerned the Article governing the composition of the executive organ of the Agency. The Pakistan delegation had always been conscious of the need to maintain the efficiency of operation of the Board and it felt that the very under-representation of certain Members of the Agency was prejudicial to such efficiency.
2. He recalled that in 1957, when the Agency had been set up, the Board had consisted of 23 Members with only four from the areas of Africa and of the Middle East and South Asia, the proportional representation of which was thus 20% at most. In 1961 the General Conference had adopted a first amendment to Article VI of the Statute - an amendment subsequently ratified - which accorded two additional seats to the area of Africa, raised the membership of the Board from 23 to 25, but only increased to 25% the proportional representation of the areas of Africa and of the Middle East and South Asia. In 1965 the Congo had requested a re-examination of the matter of representation, which had not been undertaken until 1969 after the conclusion in 1968 of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)^{1/} and which had culminated in 1970 in the approval by the General Conference of a new amendment (ratified in 1972) increasing the membership of the Board from 25 to 34. However, the areas of Africa and of the Middle East and South Asia, with a proportional representation of less than 26%, remained under-represented.
3. The composition of the Board had thus progressively increased, to take into account events that had occurred since the founding of the Agency, but the increase had not been inordinate, considering that at the present time the number of Members on the Board was but a third of the number of States Members of the Agency. The draft amendment submitted in February 1977 by a number of countries^{2/} was in fact a reasonable and justifiable continuation of that trend, involving as

it did the creating of three additional places for the area of Africa and two for the area of the Middle East and South Asia. It had been based on the fact that the proportional representations of the area of Africa and the area of the Middle East and South Asia were only 21% and 23% respectively, compared with an overall average representation of States Members of the Agency of 31%. The draft amendment, if adopted, would have raised those figures to 33% for the area of Africa and 35% for the area of the Middle East and South Asia, while the average would have risen from 31 to 36%. The proposal had been debated at the previous session of the General Conference without a vote being taken and, thanks to the good offices of Yugoslavia, a resolution had been adopted^{3/} requesting the Board of Governors to give further consideration to the matter and submit its views on the representation of those two areas on the Board to the twenty-second regular session. The Board had duly examined the proposal in February and June. In addition, informal consultations had taken place and the Chairman of the Board had done all in his power to try and reconcile the different points of view. It was appropriate to recall that the proposed increase had related exclusively to two regions, that it had in no way called into question the overall representation on the Board and that it had not involved an excessive expansion of the Board which would have impeded its functioning.

4. Nevertheless, in an endeavour to progress swiftly and achieve a consensus, Pakistan along with other countries had proposed a compromise which was the subject of the draft resolution contained in Annex III of document GC(XXII)/602 and which involved creating one extra seat each for the area of Africa and the area of the Middle East and South Asia. That formula could not in any way upset the efficiency of the Board nor would it disturb the present balance of membership, as it merely involved obtaining equitable representation for the areas of Africa and of the Middle East and South Asia, which they did not possess at present. To put it more precisely, the area of Africa would be

^{3/} GC(XXI)/RES/353.

^{1/} Reproduced in document INFCIRC/140.

^{2/} GC(XXI)/584.

allocated $6\frac{1}{3}$ seats instead of $5\frac{1}{3}$ and the area of the Middle East and South Asia $4\frac{2}{3}$ seats instead of $3\frac{2}{3}$. That new proposal was not only reasonable but generous and merited consideration by Member States from other areas; the Pakistan delegation urged such Members to reciprocate the spirit of compromise.

5. Spelling out the main reasons behind the draft amendment, he said that since 1970 several events that had occurred on the international scene had modified the character of the Agency and increased the tasks devolving upon it, namely the energy crisis, the progress of knowledge in the field of nuclear technology and the entry into force of NPT. Those same events had conferred a new importance, whether one cared to admit it or not, on Africa, the Middle East and South Asia. Africa was a producer not only of oil but also of uranium, which had become a rare and strategic commodity. Moreover, it had made great strides in the peaceful uses of nuclear energy. Lastly, as an appreciable part of world energy production was attributable to Africa, it carried more weight in international politics. As for the area of the Middle East and South Asia, it possessed 50% of world oil reserves, thus providing the basis for the industries of Europe and Japan to operate and in particular enabling them to develop nuclear reactors and conduct research on nuclear energy. Iran was becoming one of the principal reactor building countries, and Iraq, Pakistan, India and Bangladesh had embarked on nuclear power programmes. Thus the two regions were contributing at an enhanced level to the development of atomic energy. It was therefore logical that they should be given the chance to play a more active role on the Board and thereby participate more closely in the development and application of the Agency's policies, standards and regulations; for that to come about, their representation on the Board needed to be more equitable. It was not a question of simply increasing the membership of those areas but of increasing their proportional representation in line with their significance in the field of nuclear power.

6. In conclusion, he stressed that the draft amendment was not opposed to the vital interests of any other region and represented a compromise proposal on which it ought to be possible to reach a consensus.

7. Mr. FARAHAT (Qatar) said that he had little to add to the lucid remarks of the delegate of Pakistan. However, he wished to stress that his country had actively participated in the efforts to obtain more equitable representation for Africa and for the Middle East and South Asia, and that it was one of the co-sponsors of the draft resolutions presented at the twenty-first and twenty-second regular sessions of the Conference. It was necessary to redress the prevailing imbalance on the Board of Governors, and the proposed expansion would, he was convinced, increase the effectiveness of the Board by ensuring more equitable representation of the two areas. He hoped a consensus could be reached on the matter.

8. Mr. KHOR (Malaysia) observed that it had been impossible to find a satisfactory solution that would allow a consensus to be reached, in spite of the efforts made by the preceding Chairman of the Board and by himself during his own term of office. The General Conference could not evade a thorough discussion of all the arguments put forward with remarkable steadfastness by those Member States that sought more equitable representation on the Board of Governors. It did not seem desirable to prolong the debate further, and the Malaysian delegation, which had always been in favour of increasing the number of representatives of the areas of Africa and of the Middle East and South Asia, was prepared to work towards a just solution that was acceptable to all.

9. Mr. KOREF (Panama) said that his delegation was in favour of adopting by consensus the amendment of Article VI of the Statute proposed in the draft resolution reproduced in Annex III of document GC(XXII)/602.

10. Mr. CUMES (Australia) hoped that a solution might be found by consensus. His delegation recognized the need to preserve the effective functioning of the Board and to maintain or ensure equitable representation of all Member States on it, while avoiding any solution that might be a source of disagreement. Perhaps the moment had come to reconsider the composition of the Board and to adjust it to the situation which now existed. In the interests of the Agency and of the proper functioning of its organs the Australian delegation was therefore willing to support the formula proposed

in the draft resolution contained in Annex III of document GC(XXII)/602 in the hope that it would satisfy the wishes of the countries seeking to improve their representation on the Board. The adoption of that document by consensus should enable the policy-making organs of the Agency to recover the serenity and harmony which had always characterized their activities.

11. Mr. DIOUF (Senegal) commended the masterly statement by the delegate of Pakistan. No international organization could function satisfactorily without respecting the fundamental principles by which the international community was guided; equity, justice and universality should be upheld even when they seemed to run counter to the interests of one or other Member State.

12. The delegate of Pakistan had eloquently described the technical progress achieved by the developing countries and the important part they had come to play in the field of energy.

13. The Senegalese delegation urged the General Conference to confirm the supremacy of the principles of justice and equity, which should prevail over individual interests.

14. Mr. SINGH (India) pointed out that the principle of equitable geographical representation was laid down in the Statute and that his country had always supported it, in particular in the conclusions of the Conference of Non-Aligned States held in Belgrade in 1978.

15. The admittance to membership of the Agency of a larger number of States in the areas of Africa and of the Middle East and South Asia had produced a marked imbalance in the representation of those areas on the Board of Governors; it would be only fair to rectify that situation at a time when nuclear power was acquiring a new, crucial importance for the economies of the developing countries. He therefore urged all delegations to reach a consensus on the matter, and expressed his gratification at the positive attitude adopted by the Australian delegation.

16. Mr. KAMIL (Indonesia) said that in spite of the increasingly obvious discontent of the developing countries with their representation on the Board, the consultations on that matter were often very difficult and had not led to a consensus. His delegation resolutely supported the increase in the number of seats proposed in the draft resolution reproduced in Annex III of document GC(XXII)/602.

17. Mr. SAMANIEGO (Ecuador) said that the Latin American Group considered it just to rectify the imbalance of which the countries of Africa and of the Middle East and South Asia were victims. The Latin American Group therefore favoured a moderate increase in the membership of the Board; every country of the Group was prepared individually to endorse that position.

18. Mr. MESSAN (Niger) said that he appreciated the efforts of certain delegations to eliminate the imbalance of which Africa and the Middle East and South Asia were victims. If, as had been said, the representation of Member States on the Board had to depend on their contribution to the development of the peaceful uses of atomic energy, then it was worth pointing out that Africa was a major producer of nuclear source materials. His delegation was therefore in favour of the amendment of Article VI because that would enable under-represented areas to participate properly in the work of international organizations concerned with atomic energy.

19. Mr. VYCHEGZHANIN (Byelorussian Soviet Socialist Republic) said that ever since the establishment of the Agency his country had always considered it necessary to observe the principle of equitable geographical distribution in the membership of the Board. Nevertheless, an increase in that membership would undoubtedly lower efficiency. In his opinion, all the areas were equitably represented because the areas of Africa and of the Middle East and South Asia together occupied a quarter of the total number of places and more than a third of the elective places. The present arrangement therefore ensured a satisfactory balance which it would be unwise to upset, for any proposal to amend the Statute on that matter might cause a chain reaction on the part of the other areas.

20. Mr. OLARIU (Romania) said that his delegation understood and fully supported the efforts of the countries concerned to obtain more equitable representation on the Board, and was willing to respond positively to those countries' request to that effect.
21. Mr. LINDSAY (Ghana), endorsing the draft resolution contained in Annex III of document GC(XXII)/602, said that it was fair, soundly based and thoroughly legitimate. Far from affecting the efficiency of operation of the Board, an increase in its size was bound to enrich its resources and make it more representative of the Agency's membership as a whole. His delegation hoped that it would be possible to reach a consensus on the basis of a solution acceptable to all.
22. Mr. SUKIJBAMRUNG (Thailand) reaffirmed his country's faith in the principle of equitable representation on the Board and supported the draft resolution contained in Annex III of document GC(XXII)/602. He hoped that the General Conference would adopt it by consensus.
23. Mr. ABU-ELID (Kuwait), recalling that his delegation had been a co-sponsor of the original draft amendment^{4/}, observed that it continued to believe that the solution recommended in that document conformed most closely to the principle of equitable representation. In the interests of maximum efficiency, however, it had agreed to co-sponsor the draft resolution contained in Annex III of document GC(XXII)/602, which it considered to be a compromise solution.
24. He suggested that the General Conference should in future establish machinery for reviewing - for example, every five years - the composition of the Board in a spirit of justice and equity. He wished to point out, in reply to certain statements, that the calculation of representation was not based on the number of areas but on the number of Member States belonging to each area.
25. Mr. CARTER (Canada) thanked the Malaysian representative for the efforts which he had made in the search for a solution through consultations. He recalled that his delegation had already had the occasion to express its position with respect to the issue under consideration. It had noted with satisfaction the stand taken by the sponsors of the draft resolutions, who had regularly affirmed their concern for reaching a solution which would command a consensus. He wished to point out, however, that the pre-requisites for a consensus on the draft resolution under discussion did

^{4/} GC(XXI)/584.

- not exist and that he would be unable to associate himself with a decision in favour of that formula.
26. Mr. ABBAS HAMAD (Sudan) said that it was now time to eliminate the flagrant imbalance of which the areas of Africa and of the Middle East and South Asia were victims. His delegation hoped the General Conference would adopt the draft resolution contained in Annex III of document GC(XXII)/602.
27. Mr. JIMETA (Nigeria) recalled that his delegation was a co-sponsor of the original proposal. He was grateful to the delegate of Pakistan for his efforts to clarify the situation to the members of the Committee and to try to obtain a consensus. However, as the delegate of Canada had pointed out, that consensus did not seem to have yet been reached.
28. The Agency was a United Nations body, i.e. a political body. Nevertheless, it was also a specialized organ entrusted with specific functions, and if certain areas were requesting wider participation in the activities of the Board, that was because they wished no longer to be subjected to discrimination but to be fully involved in the Board's responsibilities and to make the Agency a respectable and respected organization. Furthermore, considering the special nature of the Agency's activities connected with the development of the peaceful uses of atomic energy, it was proper that the currently under-represented areas in question should take part in decision making because, even if they were not technologically as advanced, they had important responsibilities as producers of uranium or oil and as consumers of technology.
29. In conclusion, he wished to endorse most of the features of the statement made by the delegate of Pakistan, although he considered that it would be more equitable to arrive at a still wider representation of the areas concerned on the Board. He hoped that the Committee of the Whole and subsequently the General Conference would accord justice to those areas.
30. Mr. OSREDKAR (Yugoslavia) observed that the present matter had been under consideration for 15 months. At the outset the proposal had been to increase the number of seats on the Board allotted to the areas of Africa and of the Middle East and South Asia by three and two respectively, which had been justified. However, numerous arguments had been put forward against that proposal; in particular, it had been feared that the Board's efficiency might suffer if its membership was increased to that extent.

31. The views which had just been expressed in the Committee were in conformity with the discussions at the last Conference of Non-Aligned States, held in Belgrade, where it had been recognized that developing countries should be better represented not only for reasons of equity but also because of the currently increasing importance of atomic energy and of the very special role of those countries as producers of uranium and oil.

32. However, most States were aware of the need to reach a consensus. That was the reason for the new proposal, under which the number of additional seats requested was reduced to one for each of the two areas in question. That was important, for the argument about efficiency was then no longer valid: a 6% increase in the Board's membership would not affect its efficiency.

33. His delegation believed that the newly proposed amendment should meet with general acceptance and would give the delegations opposed to the first proposal the chance to show that the Agency was a truly democratic organization.

34. The CHAIRMAN, summarizing the situation, said that the new proposal was embodied in a draft resolution which had been submitted by Pakistan and co-sponsored by a number of other countries and which appeared in Annex III of document GC(XXII)/602. It was a correct and proper proposal, and it had been submitted within the prescribed period. It therefore satisfied all the conditions required for it to be discussed. The original proposal from the previous year (document GC(XXI)/584) which had been referred to the Committee was no longer the subject of any draft resolution before the present session of the Conference. That being so, he wondered whether any delegation wished, by means of a draft resolution, to support the original proposal, i.e. that there should be three plus two additional places.

35. Mr. DIOUF (Senegal) observed that his delegation was waiting to hear the attitude of others before deciding whether to submit a draft resolution. It was ready to join in discussions and accept a compromise but did not wish to take an immediate stand against the reintroduction of the original proposal.

36. Mr. JIMETA (Nigeria) thought it was still too early for the question to be put. As a co-sponsor of the original proposal, he would also like to know the feeling of the Committee about the new proposed amendment before he committed himself.

37. The CHAIRMAN noted that, according to the Rules of Procedure, if the two proposals were to be examined separately they must be discussed in the order in which they had been presented.

38. Mr. KHAN (Pakistan) warned the Committee against a procedural debate which would be contrary to the spirit in which the discussions were being held. It might be preferable not to ask at once for a new draft resolution but to let the discussion on the substance of the matter continue.

39. Mr. DIOUF (Senegal) said he agreed with the views expressed by the Pakistan delegation. In the hope of arriving at a consensus, his delegation remained ready to take part in any discussions, but it naturally reserved the right to revert to the original proposal.

40. Mr. MESSAN (Niger) said that, at the present stage, the main concern of the African Member States which had been co-sponsors of the original proposal was that agreement should be reached on the principle that the existing disequilibrium within the Board should be rectified. The vast majority of delegations accepted the principle and he appealed to the delegations of the Soviet Union, Canada and the nine countries belonging to the European Community also to accept it. Agreement on the question of the number of additional seats could be reached at a later stage. Meanwhile, his delegation - as a member of the African Group - reserved its position on that question and would wait to see how the discussion developed.

41. Mr. KHOR (Malaysia) said there was uncertainty about the procedure to be followed, but that since no decision had been taken to reject the original proposal (three plus two additional places), that proposal was still before the Committee. A further amendment had been submitted on 15 June and the normal procedure should be followed in dealing with the two proposals.

42. Mr. MCGILCHRIST (Jamaica) said he had two points to make: first, he wondered why the developing countries should have to struggle to obtain a modest increase in the representation on the Board of two areas which in fact deserved to be better represented. Secondly, the new proposal was reasonable and his delegation supported it. The proposal did not, it was true, restore the balance or accord to the areas in question the importance they deserved by virtue of the resources they supplied, but for the moment it appeared to be reasonable. He appealed to delegations to reach a consensus in favour of it.

43. Mr. EFFAT (Egypt) said that, as a co-sponsor of the original proposal, he remained convinced that the number of places requested had been justified for the reasons explained by the Pakistan delegation. The two areas under consideration included numerous technically advanced countries which had undertaken ambitious energy programmes and which as suppliers of uranium and oil represented major energy sources. It was encouraging to see the efforts made to arrive at a consensus. The suggestion by the delegate of Malaysia was welcome, and for the moment the debate should be continued.

The meeting rose at 12.55 p.m.

