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COMMITTEE OF THE WHOLE

RECORD OF THE TWENTY-NINTH MEETING

Held at the Neue Hofburg, Vienna,
on Thursday, 23 September 1982, at 10.30 a.m.

Chairman: Mr. COPITHORNE (Canada)

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*/ A provisional version of this document was issued on 7 October 1982.

**/ GC(XXVI)/674.

The composition of delegations attending the session is given in document
GC(XXVI)/INF/208/Rev.4.

THE FINANCING OF TECHNICAL ASSISTANCE (GC(XXVI)/669, GC(XXVI)/COM.5/19)
(continued)

1. The CHAIRMAN said that the Committee still had before it, under agenda item 13, the draft resolution submitted by Belgium^{1/} in document GC(XXVI)/COM.5/19; also the Chilean delegation had submitted (in document GC(XXVI)/COM.5/20) a draft resolution^{2/} concerned with agenda item 10 to which the Committee would revert in due course.^{3/}

2. Mr. ERNEMANN (Belgium) said that although the draft resolution submitted by his country had been favourably received by some delegations it had caused others concern. His delegation did not want the draft resolution to be a source of controversy and proposed that it be studied in closer detail by the Technical Assistance and Co-operation Committee and the Board of Governors, although Belgium was not a member of those bodies. As the General Conference had provided his delegation with the opportunity to voice its opinions, it wished to make two comments. First, his delegation had misgivings about the adoption of indicative planning figures; it was afraid that the practice was based on wishful thinking and that in 1983 - and even more so in 1984 and 1985 - several countries, including Belgium, would not be able to contribute to the Technical Assistance and Co-operation Fund at the level corresponding to their base rate of assessment. That question should be taken up by the Board as soon as possible. Secondly, the targets for contributions to the Fund, which themselves were only indicative, were recommended by the Board without external consultations. Contributions in line with a particular target were calculated for Member States by the Secretariat using their base rates of assessment. The Secretariat notified Member States of what was in effect the resulting "scale of assessment" for such contributions and subsequently sent out reminders and injunctions urging Member States to contribute in accordance with it. The Belgian authorities felt that those Secretariat communications did not take sufficient account of the voluntary nature of contributions to the Fund and were hence couched in inadmissible terms. However, it was not for Belgium, which was not a member of the Board, to resolve the contradiction between the

^{1/} See GC(XXVI)/COM.5/OR.28, para. 42.

^{2/} See GC(XXVI)/COM.5/OR.28, paras 4-7.

^{3/} See paras 33-42 of this record.

voluntary nature of those contributions and the corresponding "scale of assessment".

3. The CHAIRMAN asked whether, in the light of the discussions on the draft resolution, it was the desire of the Committee not to put it to a vote but simply to bring it, together with the records of the Committee's discussions on agenda item 13, to the attention of the Board of Governors and Technical Assistance and Co-operation Committee at their next meetings.

4. It was so decided.

AMENDMENT OF ARTICLE VI.A.2 OF THE STATUTE (GC(XXVI)/670)

5. Mr. MALU wa KALENGA (Zaire) recalled that it was his country which had submitted the first draft amendment to Article VI, at the General Conference session held in 1965. A spirit of compromise had prevailed at that time and a solution had been found in 1973 which was still in force. The era of compromise now seemed to be over, as was demonstrated by the proliferation of draft resolutions. Some progress seemed to have been made, however, for, according to document GC(XXVI)/670, a consensus appeared to be emerging on the question of unofficial consultations in the Board of Governors aimed at the Board's submission of a draft resolution to the General Conference. So far it had always been the General Conference which took the initiative and it was time that the Board worked towards a consensus which it could transmit to the General Conference. The composition of the Board of Governors should ensure both equitable geographical distribution and representation of the countries most advanced in the technology of atomic energy. The different areas would help to find a solution if they could agree on the amendments to be made on the basis of those two criteria.

6. Mr. MAHMOUD (Iraq) said that all the calculations made to date regarding the distribution of seats on the Board of Governors had shown that the areas of Africa and the Middle East and South Asia were substantially under-represented. It was all the more important to rectify that situation in that the number of Member States from those two particular areas and the applications of nuclear energy in them had increased. No solution had yet been found either by the Board of Governors or by the General Conference. The unjust situation thus created prevented the Agency from effectively fulfilling its

mission. The question of the amendment of Article VI in general and subparagraph A.2 in particular must therefore be studied, for which purpose a committee of the Board of Governors should be set up and have the responsibility of making clear and precise recommendations.

7. Mr. KIM (Republic of Korea) considered that the Members of the Board of Governors should be selected in a way which not only ensured equitable geographical and political representation but also did justice to countries such as a large number of developing Member States which in recent years had made marked headway in developing the applications of nuclear energy.

8. Mr. ASSI (Lebanon) pointed out that the need to enlarge the Board of Governors had been clear for several years but that the requests made by developing Member States had consistently been turned down for various reasons. He supported the proposal of the Iraqi delegation that a committee be set up to examine the matter so that the under-representation of the developing countries could be ended in the near future.

9. Mr. UKPONG (Nigeria), expressing the sense of frustration felt by African countries at the blatant under-representation of their area, recalled that, despite repeated requests, no solution had yet been found. Despite General Conference resolutions, the Board of Governors had done nothing to right that wrong. Nigeria had taken part in various talks on the subject and it had to be stated that a number of countries had shown complete apathy. The lack of progress was not due to ignorance of the situation, and Nigeria would therefore not put forward any new proposals. In consultation with other States from Africa and the Middle East and South Asia, his country would strive to establish a real dialogue. He was convinced that the task of seeking solutions was not beyond the ability of the Committee of the Whole.

10. Mr. BIRIDO (Sudan) said that document GC(XXVI)/670 showed that efforts had in fact been made to implement the resolution adopted at the last session of the General Conference. He wished to make two comments on the document. First, Annex I indicated that the composition of the Board of Governors took into account not only a certain geographical distribution of the Member States of the Agency but also a very delicate political and technical balance. In his opinion, however, the present composition was not politically and technically well balanced; the Statute did not permit developing countries to be

equitably represented on the Board for the reason that, since the time when Article VI was first amended, several such countries had become Agency Members and many Member States had advanced in their economic and technical status. Secondly, many delegations opposed the enlargement of the Board of Governors on the grounds that too many seats would render it ineffective. Many international organizations had boards of 40 to 50 members and that did not hamper their work. It was to be hoped that that question, which had been pending for so long, would finally be resolved, since the continuing injustice was preventing the Agency from fulfilling its role properly. His delegation supported the Iraqi proposal to set up a committee.

11. Mr. HAWAS (Egypt) pointed out that the representation of different regions on the Board of Governors was not well balanced since, for example, the area of Africa had only 21% of the seats while other areas had up to 38%. The General Assembly of the United Nations had asked the Agency to remedy that situation and to consider the need for increasing the representation of the areas of Africa and the Middle East and South Asia; also, the General Conference had requested the Board of Governors to examine measures with the same object in view. His delegation regretted the lack of positive results and considered that the Board should engage in more intensive consultations. As it had already stated in the Board, three new seats must be established for Africa and two for the Middle East and South Asia. His delegation supported the proposal by Iraq and Sudan to set up a special committee to study the question so that the Conference would not be faced with the same situation again at its twenty-seventh session.

12. Mr. IONESCU (Romania) favoured a more equitable representation for the developing Member States, which would enable them to participate more fully in the Agency's activities.

13. Mr. SUAREZ de PUGA y VILLEGAS (Spain) felt that it was high time a solution was found to the problem and that the Agency would bring discredit upon itself if it waited any longer. All the Agency's Member States must be equitably represented on the Board of Governors so that they could participate in determining its activities. A number of delegations had stressed that it was necessary to amend Article VI to ensure equitable representation not only of all areas but also of those countries which were most advanced in the

nuclear field. Those delegations reinforced his own delegation's position, already made clear in the Board of Governors and at the General Conference, which was that it was Article VI as a whole which required amendment. The proposal to set up a committee to study amendments to the Article was wholly acceptable. His delegation had distributed an unofficial document on the issue and would support any resolution tending in that direction.

14. Mr. DERPSCH BARTSCH (Chile) said that, even if more and more countries became more advanced in nuclear technology, the number of Board Members could not be increased indefinitely but should remain small enough to allow the Board to continue to work efficiently. One solution would be to limit the number of Members represented on the Board to a specific percentage of the total number of Member States. Referring to the statement by the representative of the Republic of Korea, he added that, in order to assess the technological advancement of a country, not only its nuclear power programme but also its nuclear activities in other fields should be taken into account.

15. Mr. TBER (Morocco) declared that he was ready to approve any initiative which might lead to an equitable solution for the under-represented areas, particularly Africa. The proposal by the delegation of Iraq, which was the minimum that he could accept, should be given general approval.

16. Mr. KHAN (Pakistan) said that it was high time to settle a problem that would otherwise end by doing harm to the smooth running of the Agency. His delegation was not against widening the scope of the debate to include Article VI as a whole. However, it had originally been decided to confine attention to sub-paragraph A.2, in order not to raise too many problems which would be difficult to solve owing to their political implications and because the proposed amendment of sub-paragraph A.2 would improve the position of the two most seriously under-represented areas, i.e. Africa and the Middle East and South Asia. It had initially been proposed to grant three new seats to Africa and two to the Middle East and South Asia, but some delegations had considered that a proposal to increase the number of Board Members to what they regarded as the excessive figure of 39 was unacceptable. In a spirit of compromise, his delegation had then proposed the granting of one additional seat to each of those two areas. Although in 1978 the majority of Members represented at the General Conference had endorsed the proposal, it had not gained

the required two-thirds majority in the Board. The matter should be referred back to the Board so that it could decide whether the discussion should be extended to cover Article VI as a whole or confined to sub-paragraph A.2. The Group of 77 was currently drafting a resolution to that effect.

17. Mr. AL-MINAYES (Kuwait) said that he supported the view expressed by the representative of Pakistan.

18. Mr. KATTAN (Saudi Arabia) reported that his delegation's position had not changed. He approved the proposal to amend the Statute in order to give the under-represented areas a reasonable number of seats on the Board. He regretted that for years the matter had been shunted back and forth between the Board and the General Conference with no decision. He agreed with the delegate of Pakistan that the amendment should be confined to Article VI.A.2 in order not to complicate matters unduly.

19. Mr. CASTRO NEVES (Brazil) stated that the imbalance in the composition of the Board was essentially due to the fact that an ever-increasing number of developing countries were taking an interest in the peaceful uses of nuclear energy. That was particularly so in Latin America, where several countries had also gained independence recently. His delegation therefore agreed that the composition of the Board should be amended, provided that the change was not made at the expense of certain developing areas and that under no circumstances the proportion of Latin American seats was reduced. That having been said, he supported the proposal to refer the matter back to the Board.

20. Mr. TAYLHARDAT (Venezuela) considered that it would be difficult to find a solution without revising Article VI as a whole. Nevertheless, he was prepared to consider any proposal, provided that it did not have the effect of reducing the proportion of Latin American seats on the Board.

21. Mr. GALVEZ VILLARROEL (Peru), Mr. KOREF (Panama), Mr. OTALORA (Colombia) and Mr. PIÑEROS RIVERA (Ecuador) declared that they supported the views expressed by the representatives of Brazil and Venezuela.

22. Mr. MAPARA (Zambia) said that it was regrettable that no solution had yet been found, even though no one disputed the under-representation of the areas of Africa and of the Middle East and South Asia, nor questioned the need

to correct the imbalance. He was ready to accept any formula, provided that it redressed an injustice which had lasted all too long and gave the two areas in question equitable representation on the Board.

23. Mr. BEN REDJEB (Tunisia), endorsing the remarks of the representatives of other African countries, said that, although the efficiency of the Board must be preserved, it was no less important to respect the principle of universality. It was necessary to reconcile the spirit and the letter of Article VI, taking into account the changes which had occurred since the Statute had been drafted, and above all to repair the injustice done to the continent of Africa.

24. Mr. MALU wa KALENGA (Zaire) added that the discussions in the Committee of the Whole on the subject were a fine example of an empty dialogue. If all sides did not realize that they had to show a spirit of compromise, the future of the Agency would be threatened.

25. Mr. KHLESTOV (Union of Soviet Socialist Republics) stated that, pursuant to resolution GC(XXV)/RES/389, the Board had made an immense effort to find solutions to the problem. The Chairman and two Vice-Chairmen had also engaged in very intensive consultations, for which they should be thanked. All points of view had been expressed during those discussions, and the reality of the situation had emerged. On the one hand, even within the regional groups there was not one common view on how Article VI.A.2 should be amended. On the other hand, there was no agreement between the groups on how a solution should be sought. Consequently, and in the light of the present discussion, the situation was not ripe and more time was needed. It would, therefore, be more reasonable to request the Board - which had many other important subjects to consider, such as the development of the peaceful uses of nuclear energy - to present a report on the subject not at the next regular session of the General Conference but at the one thereafter. Without wishing to submit a formal proposal to that effect, he appealed to the representative of Pakistan and other representatives to allow the Board more time to go into the matter.

26. Mr. SUAREZ de PUGA y VILLEGAS (Spain) said that the Board, together with its Chairman and Vice-Chairmen, had indeed accomplished a great deal, so that it should now be possible to move forward. Truly the Board had many other tasks to perform, and the time had come for the General Conference to come directly to grips with the problem. So far the regional groups had not succeeded

in reaching an agreement because they had not tackled the problem in its entirety. Some delegations were now recommending that the discussion be broadened to encompass Article VI as a whole, and there was also an idea to bring not only geographical criteria into play but also factors relating, for instance, to the technical development of States. A solution might, therefore, be in sight.

27. Mr. HAWAS (Egypt) said that he was grateful to the delegate of the Soviet Union for having drawn attention to the importance of the other tasks assigned to the Board. That was precisely why an equitable geographical distribution of seats was a necessity, especially in the view of the African countries. He hoped that a prompt solution would be found to a problem which had existed for too long.

28. Mr. MORALES (Cuba), agreeing with the delegate of the Soviet Union, said that he was prepared to consider any realistic proposal which took due account of the needs of the developing countries, particularly the Latin American countries.

29. Mr. KHAN (Pakistan) stressed that it was not a matter of amending the whole of the Statute but only Article VI.A.2. The problem should not be complicated unduly. If delegations had suggestions to make concerning Article VI as a whole, they were free to submit them to the Board. However, it would not be wise to delay matters further, and the Board should be requested to submit its comments and recommendations to the General Conference at its next session. As he had already indicated, the Group of 77 would shortly submit a draft resolution on the subject.

30. Mr. ERNEMANN (Belgium) emphasized that his country was not calling for a revision of Article VI of the Statute; in his opinion, the requisite majority for such a revision did not exist at present. That having been said, however, he wondered why, if a revision of Article VI.A.2 was being proposed, a revision of Article VI as a whole was not attempted.

31. The CHAIRMAN suggested that the Committee resume the discussion at its next meeting since a draft resolution was to be tabled. Meanwhile, delegations would have been able to consult one another.

32. It was so agreed.

THE AGENCY'S PROGRAMME FOR 1983-1988 AND BUDGET FOR 1983
(GC(XXVI)/COM.5/20/Rev.1) (resumed)

33. Mr. KELLY (United Kingdom), introducing the draft resolution in document GC(XXVI)/COM.5/20/Rev.1 on behalf of its co-sponsors, explained that it was a modified version of a draft resolution which had been submitted by the Chilean delegation in document GC(XXVI)/COM.5/20 and to which the Chairman had referred at the start of the meeting; the substance remained unchanged.

Radioactive waste disposal was a matter of particular concern to the sponsors, who wished to be kept informed of what was being done in that domain at a time when a global approach to the problems involved was the order of the day. It was not a new topic but one in which the Agency had already taken an interest, both alone and in collaboration with other international organizations, and it would be useful to have a report on the relevant work being done by the Agency. It was not a matter of the Agency's taking an initiative but merely submitting a report.

34. Mr. KOREF (Panama) said that he supported the draft resolution and hoped that it would be adopted by consensus.

35. Mr. MALU wa KALENGA (Zaire) said that he wondered what the point of the draft resolution was since it seemed certain that the Agency would be submitting a report on the matter.

36. Replying to a question from Mr. Khlestov (Union of Soviet Socialist Republics), Mr. DERPSCH BARTSCH (Chile) explained that the co-sponsors merely wished the Agency to provide information on its work relating to radioactive waste disposal and, in particular, on its collaboration with other organizations (for instance UNEP).

37. Mr. SUAREZ de PUGA y VILLEGAS (Spain), explaining why his delegation was co-sponsoring the draft resolution, pointed out that as yet no general report had been issued on the Agency's work relating to radioactive waste disposal.

38. Mr. KELLY (United Kingdom) added that it would be interesting for all countries to know what the Agency had been able to do, and with which organizations - for instance, OECD, EURATOM and IMO.

39. Mr. SIEVERING (Deputy Director General, Head of the Department of Administration) said that in the field in question the Agency was working with a number of organizations - including, for instance, UNEP, UNESCO, OECD and IMO.

40. Mr. HOSSAIN (Bangladesh), supported by Mr. ERNEMANN (Belgium) and Mr. OYEGUN (Nigeria), stated that the wording of the draft was not satisfactory. The word "invites" did not seem appropriate, and it was not clear for whom the report would be ultimately intended.

41. The CHAIRMAN proposed that the co-sponsors hold consultations with interested delegations. The Committee could return to the draft resolution at its next meeting.

42. It was so agreed.

REVIEW OF THE AGENCY'S ACTIVITIES (GC(XXVI)/COM.5/24)

43. Mr. IBRAHIM (Egypt), introducing the draft resolution in document GC(XXVI)/COM.5/24, recalled that, at its tenth regular session, the General Conference had considered that a review of the Agency's activities during the first decade of its existence would be useful. A similar review on the occasion of the Agency's twenty-fifth anniversary would seem appropriate in view of the increased membership of the Agency, the growth of its activities and the widening of its responsibilities. The review would aim at directing the Agency's activities to fields which were most responsive to the growing needs of the developing countries in the peaceful uses of atomic energy.

44. The CHAIRMAN said that the draft resolution would be distributed shortly to all delegations and proposed that the discussion be deferred to the next meeting.

45. It was so agreed.

The meeting rose at 12.50 p.m.