



International Atomic Energy Agency

GENERAL CONFERENCE

GC(XXXII)/850
19 September 1988

GENERAL Distr.
Original: ENGLISH

Thirty-second regular session
Item 18 of the provisional agenda
(GC(XXXII)/834)

AMENDMENT OF ARTICLE VI.A.2 OF THE STATUTE

Report by the Board of Governors

1. In response to General Conference resolution GC(XXXI)/RES/483, consultations were held with Member States on the question of proposed amendments to Article VI.A.2 of the Statute and the Board had discussions at its meetings in February, June and September 1988 in the light of reports made by the Chairman of the Board on those consultations.
2. In the context of discussions which took place during the year both on the question of amending Article VI.A.2 of the Statute and on that of the revision of Article VI of the Statute as a whole, sponsors of the proposal – made in 1977 – that three additional seats on the Board be created for Africa and two for the Middle East and South Asia stated that, while maintaining their proposal, they would not be opposed to other proposals for enlarging the Board provided that the present imbalance in respect of these two areas was corrected. At the same time, they reiterated their position that the separate and distinct identity of the agenda item "Amendment of Article VI.A.2 of the Statute" should be retained.
3. The Board agreed in September that the summary records of its discussions since the thirty-first regular session of the General Conference should be transmitted to the General Conference for consideration at its thirty-second regular session. The summary records are reproduced in the Annex.

Summary records of the discussions under the item
"Amendment of Article VI.A.2 of the Statute"
at meetings of the Board of Governors held
in February, June and September 1988

RECORD OF THE 690th MEETING (held on 25 February 1988)

AMENDMENT OF ARTICLE VI.A.2 OF THE STATUTE (GC(XXXI)/RES/483)

86. The CHAIRMAN said that the matter of amendment of Article VI.A.2 of the Statute, to which reference had been made in many of the statements on the preceding item, had been on the agenda of the Board and of the General Conference for a number of years. The General Conference, when adopting resolution GC(XXXI)/RES/483 the previous year, had requested the Board to institute consultations with Member States and to submit its observations and recommendations on proposed amendments for approval by the General Conference at its thirty-second regular session.

87. At its meeting on 28 September 1987, after the General Conference, the Board had agreed that the Chairman would hold consultations on the subject. The consultations which he had had since then with countries of all the geographical areas listed in Article VI of the Statute had taken place in a constructive and open-minded atmosphere; however, the opinions expressed during the informal consultations had shown that Members still held the basically different points of view as presented to the General Conference in the reports which the Board had submitted over the past few years.

88. Certain delegations wished to preserve the present balance in the Board and felt that enlarging the Board would impair its efficiency; they were consequently opposed to any amendment of Article VI. Others had been in favour of an amendment to Article VI.A.2 in order to increase the representation of the "Africa" and "Middle East and South Asia" regions. Yet other delegations had said they would accept an amendment to that effect on the understanding that it would not reduce the relative representation of their areas. Lastly, there had been some delegations which - while recognizing the claims of the "Africa" and "Middle East and South Asia" regions - considered that advancement in the technology of atomic energy should be borne in mind, and that consequently other regions were also under-represented.

89. Considering that views were still divergent, he suggested that further consultations be held and that he report to the Board in June or September on their outcome, to enable the Board to decide on the contents and nature of its report to the next session of the General Conference.

90. Mr. CHIKELU (Nigeria), taking the floor on behalf of the Africa Group, said that the matter of amendment of Article VI.A.2 of the Statute had been under consideration for a long time. The Africa Group considered that it was time to address the issue seriously and to set in motion arrangements to resolve it once and for all. The "Africa" and the "Middle East and South Asia" regions were grossly under-represented on the Board of Governors, a very important policy-making organ of the Agency. Africa, for instance, which had the largest number of members in the Agency, had only five seats on the Board: that represented a gross imbalance. In order to remedy the situation, Africa had in 1977 proposed three additional seats for the "Africa" region and two for the "Middle East and South Asia" region but, for lack of political will, that proposal had evoked no positive reaction.

91. The Agency had been founded, among other things, to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world. Such an objective could be effectively achieved through equitable representation in the main policy-making organ of the Agency. That was all the more true since Article VI.A.2 stressed that due regard should be given to the principle of equitable geographical representation in the Board. The issue had been pending for far too long, and the Board should devote to it the time and attention necessary for putting forward concrete proposals to redress the imbalance in representation of the two regions. For example, an open-ended working group could be set up to deal specifically with that issue. The Africa Group at the same time wished to stress that it accorded priority to the amendment of Article VI.A.2 and that that item should retain its distinct and separate identity. In conclusion, the Africa Group called upon all members of the Board for support and appealed to them to display the political will necessary to make that objective achievable.

92. Mr. LEYE (Senegal) said that his delegation attached very great importance to the item under consideration and fully supported the statement made in that connection by the Governor from Nigeria. As Members were aware, the Board of Governors and the General Conference had been considering the matter for more than ten years. His delegation believed that the distribution of seats on the Board should properly reflect the commonly accepted principle of equitable geographical distribution. Unfortunately, the "Africa" and "Middle East and South Asia" regions were under-represented on the Board of Governors, a very important Agency organ.

93. An equitable solution to the problem, which had already been the subject of a General Conference resolution, must be found quickly. His delegation felt that such a demand was legitimate and reasonable. The objections always raised by certain delegations - that amendment of Article VI.A.2 of the Statute would reduce the Board's efficiency - were in his opinion unfounded. In a spirit of compromise, his delegation appealed to the Board to adopt a constructive attitude towards that important question.

94. Mr. GOMAA (Egypt) stressed his support for what had been said by the Governors from Nigeria and Senegal. His delegation had officially stated its position on the matter each year for the past 12 years, and considered it high time that in-depth consultations were held in order to achieve positive results.

95. Mr. DAUKI (Libyan Arab Jamahiriya) recalled that the item before the Board had been the subject of prolonged discussions year after year, without yielding a solution acceptable to all. The "Africa" and "Middle East and South Asia" regions were not adequately represented on the Board and, in order to remedy that situation, it was necessary to establish criteria for determining what constituted a fair balance. In that connection he wondered whether the concept of a just balance was, as some delegations thought, a concept which evolved with time, so that what had been acceptable ten years previously would no longer be so at present. He urged Board members to redouble their efforts to reconcile the various points of view instead of each tenaciously holding to his own opinion.

96. The CHAIRMAN said that, if there were no objections, he would take it that the Board wished him to continue his informal consultations, both individually and, where practical, collectively; and to report to the Board again in June or in September, when it would have to decide on the nature of the report it would make to the General Conference pursuant to resolution GC(XXXI)/RES/483.

97. It was so decided.

98. The CHAIRMAN said that, accordingly, the item "Amendment of Article VI.A.2 of the Statute" would be placed on the provisional agenda, as a distinct item, for the Board's meetings in June or in September, as appropriate.

RECORD OF THE 697th MEETING (held on 9 June 1988)

AMENDMENT OF ARTICLE VI.A.2 OF THE STATUTE (GC(XXXI)/RES/483)

114. The CHAIRMAN recalled that the question of amendment of Article VI.A.2 of the Statute had also been on the agenda in February, pursuant to General Conference resolution GC(XXXI)/RES/483, in which the Conference last year had requested the Board to conduct consultations with Member States and to submit its observations and recommendations on proposed amendments for approval by the General Conference at its thirty-second regular session in September.

115. In February it had been agreed that further consultations should be held, independently of the deliberations of the informal working group on Article VI of the Statute as a whole, which had been re-established. The consultations had again reflected the basic views reported in February.

116. Certain delegations wished to preserve the present balance in the Board and felt that enlarging the Board would impair its efficiency; they were consequently opposed to any amendment of Article VI. Others were in favour of an amendment to Article VI.A.2 in order to increase the representation of the "Africa" and "Middle East and South Asia" regions and felt that that should be

given priority. Yet other delegations would accept an amendment to that effect on the understanding that it would not reduce the relative representation of their areas. Finally, there were some delegations which, while recognizing the claims of the "Africa" and "Middle East and South Asia" regions, considered that advancement in the technology of atomic energy should be borne in mind, and that consequently other regions were also under-represented.

117. In addition, some members had reiterated the view that the question of amending Article VI.A.2, which had been under discussion within the Agency for over ten years, should retain its separate identity - although they would have no objection to discussing that matter also in the context of the continuing discussions under the heading "Revision of Article VI of the Statute as a whole".

118. Under the circumstances, it did not seem possible to make any recommendation to the General Conference at present, and he accordingly suggested that the Board return to the item in September. He also suggested that the Secretariat be asked to prepare, for consideration by the Board in September, the draft of a report which the Board could submit to the General Conference pursuant to resolution GC(XXXI)/RES/483.

119. It was so agreed.

PROVISIONAL RECORD OF THE 702nd MEETING (held on 15 September 1988)

AMENDMENT OF ARTICLE VI.A.2 OF THE STATUTE (GC(XXXI)/RES/483)

The CHAIRMAN reminded the Board that, during its June meetings, he had reported on the informal consultations which had taken place since the thirty-first regular session of the General Conference on the item in question. It had been apparent that further consultations were needed, and that information on the outcome of such further discussions, and of the discussions in the informal working group on the question of revising Article VI of the Statute as a whole, was required before the Board reverted

to the matter. It had been decided that the subject would be taken up during the current series of meetings, and it had been suggested that the Secretariat might prepare a draft report which the Board could submit to the General Conference pursuant to its resolution GC(XXXI)/RES/483. Copies of that draft report had already been made available to Governors. The report was short and factual, and was to be complemented by the summary records of the Board's discussions on that item since the thirty-first regular session of the General Conference.

If there were no speakers, he would assume that the Board wished to adopt the draft report as its report to the General Conference pursuant to resolution GC(XXXI)/RES/483.

It was so agreed.