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# GENERAL CONFERENCE SESSION

## FORTIETH (1996) REGULAR

### COMMITTEE OF THE WHOLE

### RECORD OF THE FOURTH MEETING

Held at the Austria Center Vienna  
on Wednesday, 18 September 1996, at 3.35 p.m.

Chairman: Mr. AYATOLLAHI (Islamic Republic of Iran)

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[\*] GC(40)/22.

The composition of delegations attending the session is given in document GC(40)/INF/13/Rev.2.

~~96-03413 (XXI)~~

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PERSONNEL QUESTIONS (continued)

(a) STAFFING OF THE AGENCY'S SECRETARIAT (GOV/2876-GC(40)/18, GC(40)/COM.5/8/Rev.1) (continued)

1. The CHAIRMAN, recalling his suggestion that interested delegations endeavour during the lunch break to arrive at a consensus version of the draft resolution contained in document GC(40)/COM.5/8/Rev.1, requested the representative of Greece, one of the Committee's two Vice-Chairmen, to report on the outcome of the consultations.

2. Mr. PAPADIMITROPOULOS (Greece) said that, in consultations involving representatives of Japan, France, Pakistan, Bangladesh and Kuwait, consensus had been reached on preambular paragraphs (b) and (c) and on operative paragraph 1, as follows:

- "(b) Taking note of the report submitted by the Director General in document GC(40)/18 and recognizing the efforts made, in response to the relevant resolutions adopted by the General Conference since 1981, to increase the recruitment of staff members from developing countries and those other Member States which are not represented or are underrepresented in the Agency's Secretariat,"
- "(c) Concerned that the representation of developing countries and certain other Member States in the Agency's Secretariat, particularly at the senior and policy-making levels, continues to be inadequate,"
- "1. Requests the Director General, pursuant to Article VII of the Statute, to intensify his efforts to increase accordingly, particularly at the senior and policy-making levels, the number of staff members from developing countries and those other Member States which are not represented or are under-represented in the Agency's Secretariat;"

3. Mr. JAMEEL (Pakistan), Mr. QUAYES (Bangladesh), Mr. YAMANAKA (Japan) and Mr. AL-GHAIS (Kuwait) confirmed the statement made by the representative of Greece.

4. The CHAIRMAN, after discussion involving the representatives of Brazil, Italy and the United Kingdom, said he took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(40)/COM.5/8/Rev.1 with preambular paragraphs (b) and (c) and operative paragraph 1 as read out by the representative of Greece.

5. It was so agreed.

EXTENSIVE USE OF ISOTOPE HYDROLOGY FOR WATER RESOURCES MANAGEMENT  
(GOV/2854-GC(40)/3, GC(40)/COM.5/5) (resumed)

6. The CHAIRMAN asked the representative of Pakistan to report on the outcome of consultations on the draft resolution contained in document GC(40)/COM.5/5.

7. Mr. JAMEEL (Pakistan) said in the consultations it had been agreed that in operative paragraph 2 the word "all" should be deleted and that in operative paragraph 4 "ensure" should be replaced by "encourage".

8. The CHAIRMAN said he took it that the Committee wished to recommend to the Conference that it adopt the draft resolution contained in document GC(40)/COM.5/5 with the changes referred to by the representative of Pakistan.

9. It was so agreed.

MEASURES TO STRENGTHEN INTERNATIONAL CO-OPERATION IN NUCLEAR, RADIATION  
AND WASTE SAFETY (GC(40)/INF/5, GC(40)/COM.5/2/Rev.1) (resumed)

10. The CHAIRMAN, recalling that the Committee had agreed to defer further consideration of the draft resolution contained in document GC(40)/COM.5/2 until interested delegations had held informal consultations, noted that a revised draft resolution had been distributed in document GC(40)/COM.5/2/Rev.1 and asked the representative of Turkey to introduce it.

11. Mr. KOÇ (Turkey) said that the revised draft resolution contained in document GC(40)/COM.5/2/Rev.1 took into account the different views which had been expressed with regard to the draft resolution contained in document GC(40)/COM.5/2.

12. Referring to operative paragraph 1 of the revised draft resolution, he said that in May the Agency, with the support of the Turkish Atomic Energy Authority, had carried out - at Turkey's Çekmecc Nuclear Research Centre - a demonstration of techniques for the processing and storage of radioactive waste from the application of nuclear techniques in medicine, research and industry.

13. The CHAIRMAN took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(40)/COM.5/2/Rev.1.

14. It was so agreed.

PLAN FOR PRODUCING POTABLE WATER ECONOMICALLY (GOV/2855-GC(40)/4 and Add.1, GC(40)/COM.5/14) (resumed)

15. The CHAIRMAN drew attention to the draft resolution contained in document GC(40)/COM.5/14, which had not been available during the Committee's previous meeting.

16. Mr. BENMOUSSA (Morocco) said that, given the dramatic water shortages being experienced in various parts of the world, the problems associated with the sharing of transboundary water supplies and the constantly increasing food requirements of the world's growing population, the Agency should give high priority to questions regarding the production of potable water and the purification and reutilization of waste water.

17. He thanked the Government of the Republic of Korea for its offer to host an international symposium on sea water desalination in 1997 and welcomed the call by the World Bank President for the holding in 1997 of a world conference on water.

18. Water resources were becoming less and less adequate for human needs, and water scarcity was adding to the tensions in the Middle East and in other regions. The Agency should support efforts to resolve what was becoming a worldwide security problem.

19. Mr. Chan-Ho HA (Republic of Korea) said that his country attached great importance to the Agency project concerned with the production of potable water through sea water desalination using nuclear energy. It had made an extrabudgetary contribution towards the project in 1995 and intended to make a further one before the end of the current year. Also, as indicated in preambular paragraph (g) of the draft resolution, it planned to host an international symposium on sea water desalination in 1997.

20. The CHAIRMAN took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(40)/COM.5/14.

21. It was so agreed.

PERSONNEL QUESTIONS (resumed)

(b) WOMEN IN THE SECRETARIAT (GOV/2877-GC(40)/19 and Corr.1, GC(40)/COM.5/9, GC(40)/COM.5/10) (resumed)

22. The CHAIRMAN said that intensive consultations had been held between the sponsors of the draft resolution contained in document GC(40)/COM.5/9 and the sponsors of the one contained in document GC(40)/COM.5/10 and that a new draft resolution was being prepared.

23. Mr. RITCH (United States of America) said that preambular paragraphs (a)-(d) of the new draft resolution would be the same as preambular paragraphs (a)-(d) of the draft resolutions contained in documents GC(40)/COM.5/9 and GC(40)/COM.5/10, that preambular paragraph (e) would read

"(e) Affirming the principle of equal gender representation throughout the Agency,"

that preambular paragraph (f) would be the same as preambular paragraph (f) of the draft resolution contained in document GC(40)/COM.5/9, that operative paragraph 1 would read

"1. Requests the Director General, pursuant to Article VII of the Statute, to secure employees of the highest standards of efficiency, technical

competence, and integrity, particularly drawing upon developing countries and upon those Member States which are under-represented, and to pursue a target of equal representation of women at all levels of Agency employment, including senior policy-level and decision-making posts;"

that operative paragraph 2 would be the same as operative paragraph 2 of the draft resolutions contained in documents GC(40)/COM.5/9 and GC(40)/COM.5/10, that operative paragraphs 3 and 4 would be the same as operative paragraphs 3 and 4 of the draft resolution contained in document GC(40)COM.5/10 and that operative paragraph 5 would be the same as operative paragraph 5 of the draft resolutions contained in documents GC(40)/COM.5/9 and GC(40)/COM.5/10.

24. The new draft resolution<sup>1</sup> envisaged "a target of equal representation of women at all levels of Agency employment", the original 35% target envisaged in the draft resolution contained in document GC(40)/COM.5/9 having already been exceeded.

25. Ms. BATACLAN (Philippines) said that her delegation, which had been one of the sponsors of the draft resolution contained in document GC(40)/COM.5/9, would like to be a sponsor of the new draft resolution now being prepared.

26. Mr. QUAYES (Bangladesh) said that, as his Government had been following a policy of affirmative action in favour of women, his delegation would also like to be a sponsor of the new draft resolution.

27. It was his delegation's understanding that efforts to increase the number of women serving at the Professional and higher levels in the Secretariat would not detract from efforts to increase the number of developing Member State nationals - female or male - serving at those levels.

28. Mr. BENMOUSSA (Morocco) said that his country traditionally supported draft resolutions which promoted the role of women in organizations of the United Nations system and that his delegation would therefore like to be a sponsor of the new draft resolution. The fact that Morocco had not been listed as a sponsor of either of

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<sup>1</sup> Subsequently issued in document GC(40)/COM.5/15.

the draft resolutions already issued was merely due to the fact that the authors had not approached his delegation.

29. Ms. DELLA CROCE (Italy), noting that the phrase "to secure employees of the highest standards of efficiency, technical competence, and integrity" in operative paragraph 1 of the new draft resolution - and of the draft resolutions contained in documents GC(40)/COM.5/9 and GC(40)/COM.5/10 - did not appear in the draft resolution on "Staffing of the Agency's Secretariat" which the Committee had agreed to recommend to the Conference for adoption, suggested that the Committee revert to the agenda sub-item on "Staffing of the Agency's Secretariat" in order to insert that phrase in the recommended draft resolution.

30. Mr. KAYSER (Luxembourg) expressed support for the suggestion made by the representative of Italy.

31. Mr. KOÇ (Turkey) said that his delegation, which had been a sponsor of the draft resolution contained in document GC(40)/COM.5/9, would like to be a sponsor of the new draft resolution.

32. Mr. AL-GHAIS (Kuwait) said that his delegation had been a sponsor or co-sponsor of draft resolutions on "Women in the Secretariat" in previous years and expressed support for the new draft resolution now being prepared, although his delegation would like operative paragraph 1 to refer also to Member States which were not represented at all in the Agency's Secretariat.

33. Mr. HAMADA (Tunisia) said that his delegation would like to be a sponsor of the new draft resolution.

34. Ms. ALEMAYEHU (Ethiopia), having expressed appreciation of the report of the Director General contained in document GC(40)/19, said that her delegation was

in favour of "a target of equal representation of women at all levels of Agency employment" and would therefore like to be a co-sponsor of the new draft resolution.

35. Mr. NASSER (Egypt) said his delegation had misgivings about the reference, in the new draft resolution, to "the principle of equal gender representation throughout the Agency". Perhaps a phrase containing the words "equal opportunity" would be more appropriate.

36. Ms. HASAN (Pakistan), supported by Mr. OKONKWO (Nigeria), suggested that further consideration of the new draft resolution be deferred.

ARTICLE VI OF THE STATUTE

- (a) AMENDMENT OF ARTICLE VI (GC(40)/20 and Add.1, GC(40)/COM.5/12/Rev.1, GC(40)/COM.5/16)

37. The CHAIRMAN, drawing attention to the draft resolution contained in document GC(40)/COM.5/12/Rev.1, said he understood that a further draft resolution on the Article VI amendment issue was being prepared and suggested that the Committee first have a general discussion on the issue without taking up a specific draft resolution.

38. Mr. BØJER (Denmark), commenting on the report which he had made the previous week to the Board of Governors as Chairman of the Open-ended Consultative Group on Article VI of the Statute (contained in the Attachment to document GC(40)/20), said that there had been some progress in the Group. All those participating in the Group's work had co-operated in good faith, and he sensed a convergence of views towards the acceptance of a small increase in the number of Board seats.

39. Most participants believed that the number of areas should remain as currently provided for in Article VI.A.1 and that the provision barring Member States from immediate re-election should be modified.

40. It was his belief that the solution to the question of amending Article VI would have to be arrived at by consensus and that it would have to include a gentleman's agreement that the question would be put to rest for a period of about ten years after the approval of an amendment.

41. He believed that consensus was possible if the Group was given a little more time.

42. Mr. BENMOUSSA (Morocco), introducing the draft resolution contained in document GC(40)/COM.5/12/Rev.1, pointed out that the "AMENDMENT TO ARTICLE VI OF THE STATUTE PROPOSED BY THE KINGDOM OF MOROCCO" was attached to it. The amendment had been proposed by Morocco, certified by the Director of the Agency's Legal Division and communicated by the Director General to all Member States more

than ninety days before the start of the General Conference's thirty-ninth regular session, so that Member States had had over a year in which to study it. Also, it had been discussed in the Board of Governors and the Open-ended Consultative Group, and there had been many expressions of support for it.

43. Some colleagues with whom he had discussed the amendment proposed by Morocco had expressed concern about having to vote on it. As he had indicated in the Moroccan general debate statement, he believed that every effort should be made to reach a consensus on the proposed amendment. In the event of an impasse, however, he would have no choice but to call for a vote, as provided for in Article XVIII.C(i) of the Statute.

44. The Chairman of the Open-ended Consultative Group, Ambassador Bøjer of Denmark, was to be commended for the report attached to document GC(40)/20. He agreed entirely with Ambassador Bøjer's view, stated in paragraph 14 of the report, that "the objective of reaching such consensus [on amendments to Article VI] can only be realized if a little more time is allowed for the process of negotiations." As far as the Moroccan delegation was concerned, however, "a little more time" meant consensus before the end of the General Conference's present session; if consensus was not reached during the current week, a further year would be lost. The Article VI amendment issue involved nothing which was beyond the diplomatic expertise of the delegates to the Conference; all that was needed was a little good will.

45. Ambassador Ok of Turkey and Ambassador Bøjer of Denmark had done a good job in chairing the Open-ended Consultative Group, but the Article VI amendment issue had been under discussion for nearly 20 years. Since 1977, numerous resolutions on Article VI had been adopted by consensus - but never implemented. It would be shameful if yet another General Conference resolution on the Article VI amendment issue were to fail to be implemented following the Conference's present session.

46. Mr. KEMPEL (Austria) said that the Austrian delegation, together with some other delegations, was preparing a second draft resolution on the Article VI amendment issue.<sup>2</sup>

47. Preambular paragraph (d) of the draft resolution, which would be based on paragraph 6 of the report of the Chairman of the Open-ended Consultative Group, would refer to "a trend towards a convergence of opinions around considering a limited increase in the size of the Board to be justified, as well as a universally shared assumption that the solution should be reached through consensus." The operative paragraph would provide for the submission of a report and - if possible - recommendations by the Board to the General Conference.

48. Mr. BENMOUSSA (Morocco) said that, as could be seen from Article XVIII.C(i) of the Statute, there was no requirement that Conference approval of an amendment to the Statute be by consensus or that the Board submit recommendations on proposed amendments.

49. Mr. RUIZ (Spain) recalled that, during the most recent series of Board meetings, the Resident Representative of Spain had been critical of all but one of the four elements spelled out in paragraph 12 of the report of the Chairman of the Open-ended Consultative Group and had drawn attention to Annex 3 to that report, which contained "informal amendments" that had been suggested by Spain.<sup>3</sup>

50. Mr. EL FADHEL KHALIL (Tunisia), having thanked Ambassador Ok of Turkey and Ambassador Bøjer of Denmark for their efforts in chairing the Open-ended Consultative Group, said that his delegation had recently detected some movement in the Group; a number of Member States which had consistently opposed any amendment of Article VI seemed to have changed their positions.

51. Like Ambassador Bøjer, he believed that "a little more time" should now be allowed for negotiations. A vote at the Conference's present session on a proposed

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<sup>2</sup> Subsequently issued in document GC(40)/COM.5/16.

<sup>3</sup> See paras 5-12 of GOV/OR.901.

amendment to Article VI would almost certainly lead to a further delay in the process of resolving the Article VI amendment issue and should therefore be avoided. The aim should be to arrive at a consensus - now in the Conference, subsequently in the Open-ended Consultative Group and finally again in the Conference.

52. The General Conference had been adopting resolutions on the Article VI amendment issue for 20 years, but certain areas were still under-represented. Moreover, the number of seats had once been roughly equal to one third of the number of Agency Member States, but that was no longer the case. The increase of ten in the number of Board seats which was provided for in the amendment to Article VI proposed by Morocco - the only formal proposed amendment before the Conference - could, in his delegation's view, form a basis for negotiations in the Open-ended Consultative Group, and his delegation would like to see the participants in the Group's work getting down to negotiations.

53. Mr. Chan-Ho HA (Republic of Korea) said that, despite the efforts of the Chairman of the Open-ended Consultative Group, there had been a disappointing lack of progress in the Group. Given the changes which had taken place in the nuclear community during the past two decades, the Board's membership should be realigned without further delay.

54. Mr. WALKER (Australia), referring to Rule 100 of the Conference's Rules of Procedure, said he would like clarification from the Legal Adviser as to what scope there was for modifying the amendment to Article VI proposed by Morocco.

55. Mr. STURMS (Director, Legal Division) said that any proposed amendment to the Statute could be modified, Rule 63 of the Conference's Rules of Procedure stipulating that modification proposals had to be circulated by the Director General to all delegations not later than the day preceding the meeting at which they would be considered.

56. Rule 100 dealt with substantive modifications, which - after approval of the modified amendment proposal - could not be finally acted upon by the General Conference until at least 90 days after certified copies of the text of the modified

amendment had been sent by the Director General to all Member States and the Conference had considered the Board's observations on the modified amendment. It was for the Conference to decide what constituted a substantive modification.

57. Mr. MAZA (Guatemala) asked whether acceptance of the amendment to Article VI proposed by Morocco would have financial implications.

58. The CHAIRMAN said that, in his view, there might be financial implications if an increase in the number of Board seats led to an increase in the length of the Board's deliberations, but much would depend on how efficiently the larger Board conducted its business.

59. Noting that the draft resolution prepared by the Austrian delegation and four other delegations had just been circulated (in English) in document GC(40)/COM.5/16, he asked the Committee whether it wished to consider that draft resolution.

60. Mr. EL FADHEL KHALIL (Tunisia), noting that the new draft resolution was available in English only, requested further time for reflection.

61. Mr. BENMOUSSA (Morocco), commenting on preambular paragraph (g) of the new draft resolution, said that, as he had already indicated, Article XVIII.C(i) of the Statute referred to Board observations, not recommendations, and that observations of the Board on the amendment to Article VI proposed by Morocco were contained in the Attachment to document GC(40)/20/Add.1.

62. Preambular paragraph (d) implied an obligation to reach consensus, but - again as he had already indicated - no such obligation existed; consensus was desirable but not mandatory. As to the reference in that paragraph to "a limited increase", in his view the increase of ten envisaged in the amendment to Article VI proposed by Morocco was a very limited one, particularly given the under-representation of Africa and the Middle East and South Asia.

63. Mr. RUIZ (Spain), having noted that the new draft resolution was not yet available in Spanish and having supported the request made by the representative of Tunisia for more time for reflection, said that his delegation was about to submit the

"INFORMAL AMENDMENTS BY SPAIN TO MOROCCO'S PROPOSAL ON ARTICLE VI" contained in Annex 3 to the report of the Chairman of the Open-ended Consultative Group as a formal proposal for consideration by the Committee of the Whole.<sup>4</sup>

64. Mr. NASSER (Egypt) said that at first glance he had some difficulties with the new draft resolution: preambular paragraph (a) referred only to resolution GC(39)/RES/21, and the remainder of the draft resolution was incompatible with the tenor of that resolution; "a limited increase" - mentioned in preambular paragraph (d) - was a relative concept which might well mean different things to different Member States; the existence of "a universally shared assumption" - also mentioned in preambular paragraph (d) - was highly debatable; and the request in the operative paragraph for Board recommendations was not in line with Article XVIII.C(i) of the Statute.

65. He reserved the right to comment further on the new draft resolution when it became available in all working languages of the Conference.

66. Ms. BATACLAN (Philippines), commending the draft resolution contained in document GC(40)/COM.5/12/Rev.1, said that an expansion of the Board should of course be achieved through consensus if possible. That did not mean, however, that a small number of Member States should be allowed to continue exercising what amounted to a veto on the further democratization of the Board. Her country shared the impatience of those Member States which were seeking change in accordance with the provisions of the Statute and the Conference's Rules of Procedure.

67. With regard to the draft resolution contained in document GC(40)/COM.5/16, the operative paragraph was in effect a watered-down version of the operative paragraph of resolution GC(39)/RES/21, making no mention of recommendations *for approval* by the General Conference.

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<sup>4</sup> The amendments proposed by Spain were issued in document GC(40)/COM.5/17.

68. Mr. BENMOUSSA (Morocco) called for informal consultations, under the leadership of the Chairman of the Committee of the Whole, among the sponsors of the draft resolutions before the Committee in documents GC(40)/COM.5/12/Rev.1 and GC(40)/COM.5/16.

The meeting rose at 6 p.m.