



GC

GC(40)/COM.5/OR.5  
October 1996

GENERAL Distr.

Original: ENGLISH

International Atomic Energy Agency

# GENERAL CONFERENCE

## FORTIETH (1996) REGULAR SESSION

COMMITTEE OF THE WHOLE

RECORD OF THE FIFTH MEETING

Held at the Austria Center Vienna  
on Thursday, 19 September 1996, at 10.35 a.m.

Chairman: Mr. AYATOLLAHI (Islamic Republic of Iran)  
Later: Mr. GREGORIČ (Slovenia)

### CONTENTS

<u>Item of the agenda*</u>		<u>Paragraphs</u>
18	Personnel questions (resumed)	1 - 19
	(b) Women in the Secretariat (resumed)	1 - 19
19	Article VI of the Statute (resumed)	20 - 49
	(a) Amendment of Article VI (resumed)	20 - 49

---

[\*] GC(40)/22.

---

The composition of delegations attending the session is given in document GC(40)/INF/13/Rev.1.

96-03419 (XXI)

---

This record is subject to correction. Corrections should be submitted in one of the working languages, in a memorandum and/or incorporated in a copy of the record. They should be sent to the Division of Languages, International Atomic Energy Agency, Wagramerstrasse 5, P.O. Box 100, A-1400 Vienna, Austria. Corrections should be submitted within three weeks of the receipt of the record.

PERSONNEL QUESTIONS (resumed)

(b) WOMEN IN THE SECRETARIAT (GOV/2877-GC(40)/19 and Corr.1, GC(40)/COM.5/15) (resumed)

1. The CHAIRMAN said that the Committee now had before it, in document GC(40)/COM.5/15, a single draft resolution on "Women in the Secretariat".
2. Mr. RITCH (United States of America) said that his delegation, one of the sponsors of the draft resolution, felt that preambular paragraph (e) should be modified to read: "Asserting the principle of equal gender representation throughout the Secretariat as an ultimate goal" and placed after preambular paragraph (f). The proposed modification had the support of the European Union.
3. Ms. DORAN (Ireland) expressed her delegation's wish to co-sponsor the draft resolution as modified.
4. Ms. HASAN (Pakistan) proposed that the phrase "to secure employees of the highest standards of efficiency, technical competence, and integrity" in operative paragraph 1 be deleted.
5. Ms. LAJOUS VARGAS (Mexico) noted that there were far fewer women than men participating in the deliberations of the Committee of the Whole, which suggested that the Director General might ultimately be requested to do something which Member States were failing to do. If the target of "equal representation of women at all levels of Agency employment" was to be achieved, there would have to be a greater effort to ensure that more women acquired decision-making positions in Member States.
6. Mr. NASSER (Egypt) said his delegation had misgivings about the reference to "the principle of equal gender representation throughout the Agency" in the draft resolution under consideration. Equal rights for women was a principle enshrined in Egyptian law, but it was an unfortunate fact that developing countries often had difficulty in finding sufficiently qualified women candidates for senior posts in organizations like the Agency. It would perhaps be better to speak of "the need for appropriate gender representation throughout the Agency". By the same token, his

delegation felt that "equal representation" in operative paragraph 1 should be replaced by something like "increased representation".

7. Mr. RITCH (United States of America) said that the modification of preambular paragraph (e) which he had just proposed was intended to accommodate concerns such as those expressed by the representative of Egypt.

8. Mr. KEMPEL (Austria) expressed support for the modification of preambular paragraph (e) proposed by the representative of the United States and said that his delegation would like to co-sponsor the draft resolution as modified.

9. Ms. BATACLAN (Philippines), having expressed support for the modification proposed by the United States representative, suggested that the phrase "to secure employees of the highest standards of efficiency, technical competence, and integrity" be added to the draft resolution on "Staffing of the Agency's Secretariat" rather than deleted from the draft resolution now under consideration.

10. Mr. PECSTEEN (Belgium) said his delegation would like the phrase to be retained in operative paragraph 1 of the draft resolution now before the Committee.

11. Mr. QUAYES (Bangladesh) urged that operative paragraph 1 be left unchanged.

12. The CHAIRMAN suggested that the phrase "to secure employees of the highest standards of efficiency, technical competence, and integrity" be added to operative paragraph 1 of the draft resolution on "Staffing of the Agency's Secretariat" which the Committee had agreed to recommend to the Conference and which had since been circulated in document GC(40)/38.

13. Mr. RITCH (United States of America) supported that suggestion.

14. Mr. KOÇ (Turkey) expressed support for the modification proposed by the representative of the United States.

15. Mr. ØDEGAARD (Norway), Mr. WERNHOFF (Sweden), Mr. MACKINNON (Canada), Mr. MICHAELIDES (Cyprus), Mr. BØJER (Denmark), Mr. MEADWAY (United Kingdom), Mr. GREGORIČ (Slovenia), Mr. PACALA (Slovak Republic), Mr. NEDERLOF

(Netherlands) and Mr. KAYSER (Luxembourg) said that their delegations wished to co-sponsor the draft resolution as modified.

16. The CHAIRMAN invited the Committee to recommend the adoption of the draft resolution with the modification proposed by the representative of the United States.

17. Ms. HASAN (Pakistan) said her delegation would have no objection to the Committee's making that recommendation on the understanding that the Chairman's suggestion regarding the draft resolution on "Staffing of the Agency's Secretariat" (GC(40)/38) was followed.

18. The CHAIRMAN said he assumed that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(40)/COM.5/15 with the modification proposed by the representative of the United States, it being understood that the phrase "to secure employees of the highest standards of efficiency, technical competence, and integrity" would be inserted in the draft resolution on "Staffing of the Agency's Secretariat".<sup>1</sup>

19. It was so agreed.

#### ARTICLE VI OF THE STATUTE (resumed)

(a) AMENDMENT OF ARTICLE VI (GC(40)/20 and Add.1, GC(40)/COM.5/12/Rev.1, GC(40)/COM.5/16 and GC(40)/COM.5/17) (resumed)

20. Mr. RUIZ (Spain), drawing attention to document GC(40)/COM.5/17, said that the amendments proposed by Spain would provide for a system of five areas instead of eight and for the ten additional Board seats envisaged in the amendment to Article VI proposed by Morocco to consist of six designated and four elective seats rather than five designated and five elective ones.

21. The draft resolution submitted in document GC(40)/COM.5/16 was to a large extent inspired by the report of the Chairman of the Open-ended Consultative Group

---

<sup>1</sup> The draft resolution on "Staffing of the Agency's Secretariat" was subsequently re-issued, with the phrase added, in document GC(40)/38/Rev.1.

(GC(40)/20, Attachment). Spain had difficulties with many aspects of that report, but his delegation would accept the draft resolution as a compromise if the phrase "including a trend towards a convergence of opinions around considering a limited increase in the size of the Board to be justified," in preambular paragraph (d) was deleted, if the word "universally" in the same paragraph was replaced by "widely" and if reference was made to the Spanish proposal contained in document GC(40)/COM.5/17.

22. Mr. BENMOUSSA (Morocco) said that, unlike the amendment to Article VI proposed by Morocco, the amendments proposed by Spain in document GC(40)/COM.5/17 had not been certified by the Director of the Legal Division, communicated by the Director General to Member States more than 90 days in advance of the General Conference's session and considered by the Board of Governors. Thus, they did not have the same legal status as the amendment proposed by Morocco. If it came to a vote on the amendment proposed by Morocco, however, the amendments proposed by Spain would have to be voted on first. Such priority of the amendments proposed by Spain was obviously artificial, but he was prepared to accept that.

23. What he would find very hard to accept was the reduction from eight to five in the number of areas provided for in Article VI - perhaps the most important feature of the amendments proposed by Spain.

24. Mr. WALKER (Australia), speaking on behalf of the South East Asia and the Pacific Group, said that the Group had difficulties with the amendments proposed by Spain as their acceptance would result in the disbanding of the Group and a reduction in the frequency with which its members served on the Board; the Far East Group would be similarly affected.

25. The amendment proposed by Morocco represented a genuine attempt to find common ground and respected the interests of various groups, but it did not affect them evenly and the South East Asia and the Pacific Group could not support it in its present form.

26. The Group could not go along with any attempt to impose an immediate decision to amend Article VI when Member States were still a long way from consensus on what the changes should be. It would be out of keeping with normal United Nations system practice for the Conference to adopt an amendment to the Statute by a vote, and the necessary ratifications would be very difficult to secure.

27. The Group did not have a closed mind regarding the idea of increasing the number of Board seats, but it would like the negotiations to take place in the Board, the aim being to find a solution acceptable to all. Accordingly, the Group was inclined to favour the draft resolution contained in document GC(40)/COM.5/16 with certain adjustments.

28. Mr. KONACHKOV (Russian Federation) said that neither the amendment proposed by Morocco nor the amendments proposed by Spain provided for the equitable representation of under-represented areas, which had been the main objective of the General Conference in adopting resolution GC(XXV)/RES/389 in 1981. One often had the impression that the issue under discussion was not equitable representation in the Board, but rather the size of the Board.

29. The draft resolution contained in document GC(40)/COM.5/16 would be acceptable if it reflected more closely the spirit of the report of the Chairman of the Open-ended Consultative Group; it spoke of "the progress achieved" in the Group, but not of the fact - referred to in paragraph 5 of the report - that a number of Member States were reluctant to accept any amendment of Article VI.

30. The General Conference should not take a precipitate decision on amending Article VI and hence changing the composition of the Board, especially if the Article VI amendment issue was then to be "put to rest" for ten years during which Member States in under-represented areas would simply have to live with their disadvantaged situation.

31. Mr. KEMPEL (Austria), speaking on behalf of the sponsors of the draft resolution contained in document GC(40)/COM.5/16, said that they intended to submit

a revised draft which took into account - inter alia - views expressed during the Committee's discussions.

32. Mr. QUAYES (Bangladesh) said that, in his view, a convergence of opinions in favour of expanding the Board had clearly taken place and suggested that the Conference accordingly adopt a two-track approach: provide for the Open-ended Consultative Group to continue its deliberations and - as an interim measure and without prejudice to the outcome of those deliberations - amend Article VI in such a way as to increase the representation of certain under-represented areas.

33. Mr. NEDERLOF (Netherlands), having expressed appreciation for the efforts of the Ambassador of Morocco to give the Article VI amendment issue greater prominence on the Agency's political agenda and the efforts of Ambassador Bøjer in chairing the Open-ended Consultative Group, said that the issue was too important to force. An amendment approved by the General Conference by a vote would almost certainly receive the necessary number of ratifications less quickly than one approved by consensus, so that the time gained in the short term would be lost in the longer term.

34. Mr. MEADWAY (United Kingdom) said that, although there was a place for voting on amendments to the Statute, such amendments had to be accepted by two thirds of the Agency's Member States in accordance with their respective constitutional processes, which implied very wide support in the General Conference. In his view, none of the proposals currently before the Conference had such support, so that it would not be wise to vote on any of them.

35. His delegation was among those which believed that approximately one more year would be sufficient for completing the process started by Ambassador Ok, carried forward by Ambassador Bøjer and facilitated by the constructive contributions of the delegations of Morocco and Spain. The United Kingdom was coming round to the view that a modest increase in the size of the Board in the interests of improved representation of the Agency's membership as a whole could be achieved without an adverse effect on the Board's efficiency. His delegation would therefore like to see

further consultations, involving the Ambassador of Morocco, taking place and further progress being made.

36. Mr. BENMOUSSA (Morocco) said that the question of ratification was at the heart of the Article VI amendment issue. Acceptance of any approved amendment by two thirds of the Agency's Member States would take a long time, and he therefore believed that the sense of urgency which now appeared to exist with regard to the Article VI amendment issue should be maintained. If the Conference deferred a decision and nothing new was proposed, that sense of urgency would be lost. Allowing "a little more time" for negotiations would, in his opinion, merely perpetuate the pattern of recent years.

Mr. Gregorič (Slovenia) took the Chair.

37. Mr. PECSTEEN (Belgium) said that Belgium supported the idea of a small increase in the membership of the Board to include further Member States with significant nuclear programmes.

38. The draft resolution contained in document GC(40)/COM.5/16 was realistic and reasonable, but it could be improved, and his delegation was pleased that the sponsors intended to submit a revised draft resolution.

39. Mr. AMIRKHZI (Islamic Republic of Iran) said that the many years of discussion on the question of amending Article VI had resulted merely in a consensus view that the Board's membership should be expanded. Morocco had then proposed a compromise amendment text based on all the views put forward, and the Iranian delegation had co-sponsored it. The Committee now needed to find a way forward so that a decision might at last be taken.

40. The amendments proposed by Spain would mean a reduction in the number of areas from eight to five, whereas the purpose of an expansion of the Board's membership was surely to increase the representation of those of the existing areas which were under-represented. The question of changing the number of areas was one which might more appropriately be pursued in some other forum.

Mr. Ayatollahi resumed the Chair.

41. Mr. LABROSSE (France) warned against forcing the Article VI amendment issue at the present session of the General Conference. The progress made in the Open-ended Consultative Group gave reason to believe that the issue would be resolved in the not-too-distant future, so that, in his view, the best thing for the General Conference to do at the moment would be to adopt a suitably revised version of the draft resolution contained in document GC(40)/COM.5/16.

42. Mr. POSTA (Hungary) said that his delegation could go along with all but one of the elements identified in the report of the Chairman of the Open-ended Consultative Group. The element which it found hard to accept was the "possibility of immediate re-election to the area seats of the Board", which might lead to less rotation of area seats among the Member States located in certain areas.

43. In that connection, a list indicating which Member States were located in which area would be very useful.

44. His delegation appreciated the amendment proposed by Morocco and those proposed by Spain, but it was a sponsor of the draft resolution contained in document GC(40)/COM.5/16 because it believed that a consensus decision was both desirable and achievable and the draft resolution would allow additional time for an appropriate solution to be found.

45. Mr. OKONKWO (Nigeria) said that his delegation greatly appreciated the untiring efforts of the Moroccan delegation and the contributions of the Spanish and Pakistan delegations. Also, the Chairman of the Open-ended Consultative Group had done an excellent job over the past year.

46. An expansion of the Board was long overdue, but an amendment to Article VI was unlikely to be approved by the Conference at its present session. Accordingly, the Committee should recommend to the General Conference for adoption a draft resolution which took account of the progress made during the past year in the Open-ended Consultative Group and adequately reflected the present mood - and especially the

growing willingness of those Member States which had previously opposed an expansion of the Board to accept one.

47. The draft resolution contained in document GC(40)/COM.5/12/Rev.1 might meet the concerns of all delegations if it was amended slightly - for example, if the words "and adopt" in operative paragraph 1 were deleted and the word "ratification" in operative paragraph 2 was replaced by "approval".

48. The Nigerian delegation was willing to participate in informal consultations aimed at producing a recommendation which the General Conference could accept by consensus.

49. The CHAIRMAN suggested informal consultations aimed at producing such a recommendation.

The meeting rose at 1.5 p.m.