



GC

International Atomic Energy Agency

# GENERAL CONFERENCE

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GC(43)/29/Add.1  
27 September 1999  
GENERAL Distr.

Original: ENGLISH

Forty-third regular session  
Item 20 of the provisional agenda  
(GC(43)/1 and Add.1)

## ARTICLE VI OF THE STATUTE

The draft summary records of the discussion in the Board of Governors on 24 September 1999 under the agenda item "Amendment to Article VI of the Statute" are reproduced in the Attachments.

**DRAFT RECORD OF THE BOARD'S 993rd MEETING  
(24 September 1999)**

AMENDMENTS TO THE STATUTE OF THE IAEA

(a) AMENDMENT TO ARTICLE VI OF THE STATUTE (continued)  
(GOV/1999/43, GOV/1999/52 and Add.1)

1. The CHAIRMAN drew attention to the latest version of the text designed to complete the draft report contained in document GOV/1999/52.
2. Mr. BENMOUSSA (Morocco), urging that the Board not attempt to improve on that text for the time being, said that in his view the main difficulty at present was the competing claims of Eastern Europe and Latin America to a one-third share in one of the floating seats. In the light of the Board's discussions, and having considered - inter alia - the statistical tables which had been provided to it<sup>1</sup>, he wished to propose a modified draft resolution.
3. The CHAIRMAN said that the draft resolution proposed by the Governor from Morocco was being circulated.<sup>2</sup>
4. Mr. PELAEZ (Argentina) said that the distribution of Board seats was a matter of dispute not between just two area groups; virtually all area groups had legitimate claims. The problem was due to the fact that the areas listed in Article VI related to a world situation which no longer existed.
5. Mr. RITCH (United States of America) said that the draft resolution proposed by the Governor from Morocco warranted careful study and suggested that the meeting be suspended in order that Board Members might study it.
6. Mr. PALACIOS CEVALLOS (Ecuador)\*, speaking on behalf of GRULAC, said that the Governor from Morocco had not consulted with GRULAC before proposing the new draft resolution. To obtain GRULAC support, any proposal would have to accommodate GRULAC's legitimate aspirations.
7. Mr. JOSEPH (Australia), speaking on behalf of the SEAP Group, said that the various proposals being made during the Board's current session were not taking into account the interests of the Group, perhaps because it was smaller and less vocal than most of the other area groups.

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<sup>1</sup> See Annex 1 to Attachment 6.

<sup>2</sup> See Annex 2 to Attachment 6.

\* Member States not members of the Board of Governors are indicated by an asterisk.

8. He had no objection to a suspension of the meeting, but in his view the draft resolution proposed by the Governor from Morocco should not be the only subject of study during the break.

9. Mr. GARCIA (Philippines)\*, speaking on behalf of the Member States belonging to ASEAN, expressed general support for the idea of a Board expansion by eight seats. Whatever the increase in the size of the Board, the distribution of Board seats should be acceptable to the SEAP Group and the Far East Group, there should not be a reduction in the number of elective seats and the representation of developing countries - including those belonging to ASEAN - should be improved.

10. He urged the Board to depart from the tradition of always sharing floating seats among three Member States; other ways of sharing them should be considered.

11. Ms. HOANG THI NINH (Viet Nam) expressed support for the statement made by the Ambassador of the Philippines.

12. The CHAIRMAN said - after statements by Mr. POSTA (Hungary), Mr. HERRERA ANDRADE (Mexico), Mr. NÉMETHY (Slovakia) and Mr. UMER (Pakistan) - that he assumed the Board wished to suspend the meeting as suggested by the Resident Representative of the United States.

The meeting was suspended at 11.50 p.m. and resumed at 12.50 p.m.

13. The CHAIRMAN said that the Board now had before it a completed draft report to the General Conference, some statistical tables and four versions of a draft resolution - the one circulated at the beginning of the Board's 989th meeting, the one resulting from modifications proposed by the Ambassador of Pakistan, the one resulting from modifications proposed by the Ambassador of Slovakia and the one just proposed by the Governor from Morocco.

14. He believed that, using that material, the Board could bring its work on the Article VI issue to a successful conclusion.

The meeting rose at 1.05 p.m.

REGIONAL AREA	PROPOSAL for 8				TOTAL diff.	diff to Japan	% of seats	%seat per MS	AVG		REGIONAL AREA	NUM OF COUNTR	AVG ELECT ROT YEARS
	E	D	F	T					ROT YEARS	% el.se per MS			
NORTH AMERICA	0	2	0	2	0	0	4.7	100.0	1.0	#####	NORTH AMERICA	2	
LATIN AMERICA	4	2	2/3	6 2/3	2/3	1/3	15.5	33.3	3.0	25.9	LATIN AMERICA	20	3.9
WESTERN EUROPE	4	4	2/3	8 2/3	2/3	1/3	20.2	36.1	2.8	23.3	WESTERN EUROPE	24	4.3
EASTERN EUROPE	4	2	1/3	6 1/3	2 1/3	2/3	14.7	30.2	3.3	22.8	EASTERN EUROPE	21	4.4
AFRICA	5	2	0	7	1 2/3	1/3	16.3	25.0	4.0	19.2	AFRICA	28	5.2
MESA	3	2	2/3	5 2/3	2	1/3	13.2	31.5	3.2	22.9	MESA	18	4.4
SEAP	2	1	0	3	1/3	0	7.0	37.5	2.7	28.6	SEAP	8	3.5
FAR EAST	0	3	2/3	3 2/3	1/3	0	8.5	52.4	1.9	16.7	FAR EAST	7	6.0
<b>TOTAL</b>	<b>22</b>	<b>18</b>	<b>3</b>	<b>43</b>	<b>8</b>	<b>2</b>	<b>100.0</b>	<b>33.6</b>	<b>3.0</b>		<b>TOTAL</b>	<b>128</b>	

E - Elected  
D - Designated  
T - Total

PROPOSAL BY MOROCCO

REGIONAL AREA	PROPOSAL for 8				TOTAL diff.	diff to Japan	% of seats	%seat per MS	AVG		REGIONAL AREA	NUM OF COUNTR	AVG ELECT ROT YEARS
	E	D	F	T					ROT YEARS	% el.se per MS			
NORTH AMERICA	0	2	0	2	0	0	4.7	100.0	1.0	#####	NORTH AMERICA	2	
LATIN AMERICA	4	2	1/2	6 1/2	1/2	1/6	15.1	32.5	3.1	25.0	LATIN AMERICA	20	4.0
WESTERN EUROPE	4	4	2/3	8 2/3	2/3	1/3	20.2	36.1	2.8	23.3	WESTERN EUROPE	24	4.3
EASTERN EUROPE	4	2	1/6	6 1/6	2 1/6	1/2	14.3	29.4	3.4	21.9	EASTERN EUROPE	21	4.6
AFRICA	5	2	0	7	1 2/3	1/3	16.3	25.0	4.0	19.2	AFRICA	28	5.2
MESA	3	2	2/3	5 2/3	2	1/3	13.2	31.5	3.2	22.9	MESA	18	4.4
SEAP	2	1	0	3	1/3	0	7.0	37.5	2.7	28.6	SEAP	8	3.5
FAR EAST	1	3	0	4	2/3	1/3	9.3	57.1	1.8	25.0	FAR EAST	7	4.0
<b>TOTAL</b>	<b>23</b>	<b>18</b>	<b>2</b>	<b>43</b>	<b>8</b>	<b>2</b>	<b>100.0</b>	<b>33.6</b>	<b>3.0</b>		<b>TOTAL</b>	<b>128</b>	

PROPOSAL BY PAKISTAN

REGIONAL AREA	PROPOSAL for 8				TOTAL diff.	diff to Japan	% of seats	%seat per MS	AVG		REGIONAL AREA	NUM OF COUNTR	AVG ELECT ROT YEARS
	E	D	F	T					ROT YEARS	% el.se per MS			
NORTH AMERICA	0	2	0	2	0	0	4.7	100.0	1.0	#####	NORTH AMERICA	2	
LATIN AMERICA	4	2	2/3	6 2/3	2/3	1/3	15.5	33.3	3.0	25.9	LATIN AMERICA	20	3.9
WESTERN EUROPE	4	4	2/3	8 2/3	2/3	1/3	20.2	36.1	2.8	23.3	WESTERN EUROPE	24	4.3
EASTERN EUROPE	4	2	0	6	2	1/3	14.0	28.6	3.5	21.1	EASTERN EUROPE	21	4.8
AFRICA	5	2	0	7	1 2/3	1/3	16.3	25.0	4.0	19.2	AFRICA	28	5.2
MESA	3	2	2/3	5 2/3	2	1/3	13.2	31.5	3.2	22.9	MESA	18	4.4
SEAP	2	1	0	3	1/3	0	7.0	37.5	2.7	28.6	SEAP	8	3.5
FAR EAST	1	3	0	4	2/3	1/3	9.3	57.1	1.8	25.0	FAR EAST	7	4.0
<b>TOTAL</b>	<b>23</b>	<b>18</b>	<b>2</b>	<b>43</b>	<b>8</b>	<b>2</b>	<b>100.0</b>	<b>33.6</b>	<b>3.0</b>		<b>TOTAL</b>	<b>128</b>	

PROPOSAL BY SLOVAKIA

REGIONAL AREA	PROPOSAL for 8				TOTAL diff.	diff to Japan	% of seats	%seat per MS	AVG		REGIONAL AREA	NUM OF COUNTR	AVG ELECT ROT YEARS
	E	D	F	T					ROT YEARS	% el.se per MS			
NORTH AMERICA	0	2	0	2	0	0	4.7	100.0	1.0	#####	NORTH AMERICA	2	
LATIN AMERICA	4	2	1/3	6 1/3	1/3	0	14.7	31.7	3.2	24.1	LATIN AMERICA	20	4.2
WESTERN EUROPE	4	4	2/3	8 2/3	2/3	1/3	20.2	36.1	2.8	23.3	WESTERN EUROPE	24	4.3
EASTERN EUROPE	4	2	1/3	6 1/3	2 1/3	2/3	14.7	30.2	3.3	22.8	EASTERN EUROPE	21	4.4
AFRICA	5	2	0	7	1 2/3	1/3	16.3	25.0	4.0	19.2	AFRICA	28	5.2
MESA	3	2	2/3	5 2/3	2	1/3	13.2	31.5	3.2	22.9	MESA	18	4.4
SEAP	2	1	0	3	1/3	0	7.0	37.5	2.7	28.6	SEAP	8	3.5
FAR EAST	1	3	0	4	2/3	1/3	9.3	57.1	1.8	25.0	FAR EAST	7	4.0
<b>TOTAL</b>	<b>23</b>	<b>18</b>	<b>2</b>	<b>43</b>	<b>8</b>	<b>2</b>	<b>100.0</b>	<b>33.6</b>	<b>3.0</b>		<b>TOTAL</b>	<b>128</b>	

PROPOSAL BY JAPAN

REGIONAL AREA	PROPOSAL for 6				TOTAL diff.	diff to Japan	% of seats	%seat per MS	AVG		REGIONAL AREA	NUM OF COUNTR	AVG ELECT ROT YEARS
	E	D	F	T					ROT YEARS	% el.se per MS			
NORTH AMERICA	0	2	0	2	0	0	4.9	100.0	1.0	#####	NORTH AMERICA	2	
LATIN AMERICA	4	2	1/3	6 1/3	1/3	0	15.4	31.7	3.2	24.1	LATIN AMERICA	20	4.2
WESTERN EUROPE	4	4	1/3	8 1/3	1/3	0	20.3	34.7	2.9	21.7	WESTERN EUROPE	24	4.6
EASTERN EUROPE	3	2	2/3	5 2/3	1 2/3	0	13.8	27.0	3.7	19.3	EASTERN EUROPE	21	5.2
AFRICA	5	1	2/3	6 2/3	1 1/3	0	16.3	23.8	4.2	21.0	AFRICA	28	4.8
MESA	3	2	1/3	5 1/3	1 2/3	0	13.0	29.6	3.4	20.8	MESA	18	4.8
SEAP	2	1	0	3	1/3	0	7.3	37.5	2.7	28.6	SEAP	8	3.5
FAR EAST	0	3	2/3	3 2/3	1/3	0	8.9	52.4	1.9	16.7	FAR EAST	7	6.0
<b>TOTAL</b>	<b>21</b>	<b>17</b>	<b>3</b>	<b>41</b>	<b>6</b>	<b>0</b>	<b>100.0</b>	<b>32.0</b>	<b>3.1</b>		<b>TOTAL</b>	<b>128</b>	

1999-09-24

PROPOSAL BY MOROCCO  
DRAFT RESOLUTION RECOMMENDED BY THE BOARD OF GOVERNORS  
AMENDMENT OF  
ARTICLE VI OF THE STATUTE

The General Conference

- (a) Recalling its decision GC(42)/DEC/10 which requested the Board of Governors, inter alia, to submit its report on a finalized formula on amending Article VI of the Statute and all previous resolutions and decisions on the subject,
- (b) Having examined the proposal for amendment of Article VI of the Statute submitted by Japan in accordance with Article XVIII.A of the Statute, contained in Annex 1 to document GC(42)/19,
- (c) Having also examined the proposal for the modification of the Japanese amendment submitted by Slovenia in accordance with Article XVIII.A of the Statute, contained in document GC(43)/\_\_,
- (d) Having also considered the report and recommendations of the Board of Governors contained in document GC(43)/\_\_, which constitute the Board's observations on the aforesaid modification to the Japanese proposal proposed by Slovenia,
- (e) Having also considered the Board's observations on the aforesaid Japanese proposal to amend Article VI,
- (1) Approves the aforesaid modification proposed by Slovenia to the amendment of Article VI proposed by Japan;
- (2) Approves the amendment proposed by Japan, as modified in operative paragraph (1) and as further modified, by which Article VI of the Agency's Statute is amended as follows:
- I. Replace paragraph A of Article VI of the Agency's Statute by the following:
- "A. The Board of Governors shall be composed as follows:
- (1) The outgoing Board of Governors shall designate for membership on the Board eighteen members most advanced in the technology of atomic energy including the production of source materials, the designated seats to be distributed among the areas mentioned below as follows:
- |                |   |
|----------------|---|
| North America  | 2 |
| Latin America  | 2 |
| Western Europe | 4 |
| Eastern Europe | 2 |

Africa	2
Middle East and South Asia	2
South East Asia and the Pacific	1
Far East	3

(2) The General Conference shall elect to membership of the Board of Governors:

(a) Twenty-two members, with due regard to equitable representation on the Board as a whole of the members in the areas listed in sub-paragraph A.1 of this article, so that the Board shall at all times include in this category:

four representatives of the area of Latin America,  
four representatives of the area of Western Europe,  
three representatives of the area of Eastern Europe,  
five representatives of the area of Africa,  
three representatives of the area of the Middle East and South Asia,  
two representatives of the area of South East Asia and the Pacific, and  
one representative of the area of Far East.

(b) Two further members from among the members in the following areas:

Western Europe  
Eastern Europe  
Middle East and South Asia

(c) One further member from among the members in the following areas:

Latin America  
Eastern Europe

and

II. Add at the end of Article VI the following new paragraph:

"K. The provisions of paragraph A of this Article, as approved by the General Conference on September , 1999, shall enter into force when the requirements of Article XVIII.C are met and the General Conference confirms a list of all Member States of the Agency which has been adopted by the Board, in both cases by ninety per cent of those present and voting, whereby each Member State is allocated to one of the areas referred to in sub-paragraph 1 of paragraph A of this Article. Any change to the list thereafter may be made by the Board with the confirmation of the General Conference, in both cases by ninety per cent of those present and voting and only after a consensus

on the proposed change is reached within any area affected by the change”.

- (4) Urges all Member States of the Agency to accept this amendment as soon as possible in accordance with their respective constitutional processes, as provided for in Article XVIII. C(ii) of the Statute;
- (5) Requests the Director General to report to the General Conference, at its 45<sup>th</sup> regular session on the progress made towards the entry into force of this amendment.

**EXCERPT FROM THE DRAFT RECORD OF THE BOARD'S 994th MEETING  
(24 September 1999)**

AMENDMENTS TO THE STATUTE OF THE IAEA

(a) AMENDMENT TO ARTICLE VI OF THE STATUTE (continued)  
(GOV/1999/43, GOV/1999/52 and Add.1)

1. The CHAIRMAN said that in his view the Board now needed only to reach agreement with regard to the sharing of one floating seat among six areas.
2. He emphasized the importance of the Board's agreeing on its observations to be submitted to the General Conference.

The meeting was suspended at 5.05 p.m. and resumed at 5.40 p.m.

3. The CHAIRMAN invited the Board to consider the following documentation: a slightly modified version of the incomplete draft report contained in document GOV/1999/52; the latest version of the proposed remainder of that draft report (paragraphs 15-23); a draft resolution as proposed by the Ambassador of Pakistan (PROPOSAL BY PAKISTAN - see Annex 1 to Attachment 7); and a draft resolution as proposed by the Ambassador of Slovakia (PROPOSAL OF PAKISTAN AS AMENDED BY SLOVAKIA - see Annex 2 to Attachment 7).
4. Mr. TIWARI (India), speaking on behalf of the MESA Group, said that the Group no longer had any problem with the formulation of paragraph 19 of the proposed remainder of the draft report.
5. Mr. IKEDA (Japan) said it was his understanding that paragraphs 20-23 of the proposed remainder of the draft report would have to be modified.

The meeting was suspended at 5.55 p.m. and resumed at 6.10 p.m.

6. Mr. GRÖNBERG (Finland)\*, speaking on behalf of the European Union, said that paragraph 21 gave the impression that the Board favoured an increase of eight in the Board's membership regardless of how the additional eight seats were allocated.<sup>1</sup> The European Union, which still believed that the number of Board seats should not be increased by more than six, wished the draft resolution contained in the Attachment to document GOV/1999/43 ("the Slovenian proposal") to be among the proposals "on the table".

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\* Member States not members of the Board of Governors are indicated by an asterisk.

<sup>1</sup> Paragraph 21 read as follows: "The Board agreed, in a spirit of compromise, to recommend to the General Conference the increase of eight in the Board's membership."

7. Mr. PALACIOS CEVALLOS (Ecuador)\*, speaking on behalf of GRULAC, said that all the proposals still on the table should be brought to the General Conference's attention.
8. Mr. BENMOUSSA (Morocco) said that it was imperative to agree on a report to the General Conference which accurately reflected the substantial progress made during the Board's current session.
9. Ms. MXAKATO-DISEKO (South Africa), agreeing with the Governor from Morocco, said that the report should indicate clearly those topics on which consensus had been - or had almost been - achieved and those on which substantial further work was necessary in order for a package acceptable to the General Conference to be produced.
10. The CHAIRMAN suggested the addition to paragraph 20 of a sentence reading "Many supported an increase of eight in the Board's membership."
11. He also suggested that paragraph 21 be replaced by a paragraph reading "In these circumstances, the Board was not able to make a recommendation with regard to the size of the expansion and the manner of composition of the Board and urged that further consultations be held during the forthcoming session of the General Conference with a view to resolving this matter at that session."
12. In addition, he suggested that paragraph 22 be replaced<sup>2</sup> by a paragraph reading: "The Board also agreed to submit to the General Conference for further consideration the four draft resolutions (submitted by the Chairman of the Board, Pakistan, Slovakia and Morocco) contained in Annex ... to this report."
13. Lastly, he suggested that paragraph 23 be modified to read "The Board decided to transmit this report to the General Conference as constituting its observations on the Slovenian proposal required by Article XVIII.C of the Statute and as its response pursuant to decision GC(42)/DEC/10 adopted by the General Conference last year. The summary record of the Board's discussion will also be before the Conference."
14. Mr. TWAL (Jordan) said that in his view the sentence "Many supported an increase of eight in the Board's membership." did not reflect the clear consensus which had been achieved on increasing the size of the Board by eight seats.
15. Ms. MXAKATO-DISEKO (South Africa), supported by Mr. BENMOUSSA (Morocco), said that the recommendation in paragraph 19 was contingent on agreement regarding the size of the Board and the distribution of seats and that agreement on each of the elements constituting the envisaged packet was contingent on final agreement on the package as a whole. That should be made clear in the report.

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<sup>2</sup> Paragraph 22 read as follows: "The Board also agreed to recommend to the General Conference the adoption of the draft resolution contained in Annex ... to this report."

16. Mr. GRÖNBERG (Finland)\*, speaking on behalf of the European Union, expressed support for the suggestions just made by the Chairman and said that the European Union, which originally wanted no Board expansion at all, had ultimately agreed to go along with an increase of - at the most - six in the number of Board seats. That represented very substantial flexibility on the part of the European Union, which could go along with an increase of more than six only under certain very specific conditions.

17. Mr. RITCH (United States of America) said that his delegation was willing to consider a proposal which included a provision for an increase of eight in the number of Board seats, but it was not willing to accept the abstract principle of an increase in the size of Board by eight seats.

18. Ms. MXAKATO-DISEKO (South Africa) said it would be a pity if the Board became bogged down over the sharing of one floating seat among six areas - in other words, over one sixth of a seat.

19. Mr. JOSEPH (Australia) noted that no area group was offering to renounce its one-sixth share of the floating seat in question.

20. Mr. UMER (Pakistan) suggested a short suspension of the meeting.

The meeting was suspended at 6.50 p.m. and resumed at 7.45 p.m.

21. The DIRECTOR GENERAL said that, as he understood the discussion which had taken place in the Board during the preceding days, agreement had been reached on the size of the Board subject to agreement being reached on the distribution of seats and there was an understanding that nothing was agreed until everything was agreed. He accordingly suggested the inclusion of the following sentences in the Board's report:

- "The Board has reached an initial agreement to increase the composition of the Board by eight in accordance with Annex 9 (Moroccan proposal). The agreement is, however, to be confirmed at the forthcoming General Conference in view of the need for one area group for further consultations on the proposed distribution of seats."
- "It was further understood that agreement on each of the elements was contingent on final agreement on the package as a whole."

22. Mr. GRÖNBERG (Finland)\*, speaking on behalf of the European Union and welcoming the suggestions made by the Director General, said that there was "an initial agreement to increase the composition of the Board by eight" only within the context of a specific proposal - not under any circumstances.

23. Mr. BENMOUSSA (Morocco) said that he could go along with the views expressed by the Ambassador of Finland on the understanding that the General Conference's Committee of the Whole would be free to take up the Article VI issue at the point where the Board had left off.
24. Mr. REGUIEG (Algeria)\*, Mr. TWAL (Jordan) and Mr. AL-GHAIS (Kuwait)\* associated themselves with the comment made by the Governor from Morocco.
25. Mr. RYZHOV (Russian Federation) said that his delegation, which could go along with the Director General's suggestions, still had problems with some elements of the envisaged package.
26. Ms. MXAKATO-DISEKO (South Africa) and Mr. POSTA (Hungary) expressed support for the Director General's suggestions.
27. Mr. AL-BESBAS (Libyan Arab Jamahiriya)\*, speaking on behalf of the African Group, expressed support for the Director General's suggestions.
28. Mr. PALACIOS CEVALLOS (Ecuador)\*, speaking on behalf of GRULAC, said that the Group could not accept the Director General's suggestions.
29. Mr. GRÖNBERG (Finland)\* said that, if GRULAC could not accept the Director General's suggestions, the Board should perhaps re-focus on the Slovenian proposal.
30. Mr. HOJMAN GUIÑERMAN (Chile), referring to the first sentence suggested by the Director General, said he did not think that only the Moroccan proposal should be discussed at the General Conference's forthcoming session.
31. Mr. UMER (Pakistan) referring to the second sentence suggested by the Director General, said he was unhappy about the reference to "one area group". Perhaps the sentence could be modified to read "... General Conference, taking into account the need for consultations among area groups ...".
32. Ms. MXAKATO-DISEKO (South Africa), Mr. HOJMAN GUIÑERMAN (Chile) and Mr. PALACIOS CEVALLOS (Ecuador)\* endorsed the comments made by the Ambassador of Pakistan.
33. Mr. HERRERA ANDRADE (Mexico), endorsing the comments made by the Ambassador of Pakistan, said that GRULAC would undoubtedly not wish to consider only the Moroccan proposal during the General Conference's forthcoming session.
34. Mr. BENMOUSSA (Morocco) said that he had no personal stake in the Moroccan proposal and would be ready to discuss also the draft resolution submitted by Pakistan.

35. He could not go along with the idea - put forward by the Ambassador of Finland - of the Board's re-focusing on the Slovenian proposal; the MESA Group and the Arab Group had agreed to accept the modified paragraph K of the Japanese proposal only on certain conditions, and those conditions would not be fulfilled if the Board confined itself to consideration of the Slovenian proposal.

36. Mr. CASTERTON (Canada) suggested that the following sentence be added at the end of the version of paragraph 21 suggested earlier by the Chairman: "In this regard, the Board agreed that the recommendation in paragraph 19 should be implemented only if there was agreement at the General Conference on the issue of size and distribution."

37. The CHAIRMAN proposed, after a discussion in which Ms. MXAKATO-DISEKO (South Africa), Mr. POSTA (Hungary), Mr. AL-GHAIS (Kuwait)\*, Mr. HERRERA ANDRADE (Mexico), Mr. GRÖNBERG (Finland)\*, Mr. PALACIOS CEVALLOS (Ecuador)\*, Mr. RITCH (United States of America), Mr. NÉMETHY (Slovakia), Mr. BENMOUSSA (Morocco), Mr. TIWARI (India), Mr. SANTIAGO (Philippines)\*, Mr. WULF (United States of America), Mr. SARWAT (Egypt), Mr. UMER (Pakistan), Mr. TWAL (Jordan) and Mr. IKEDA (Japan) participated,

- that, as he had suggested earlier, the sentence "Many supported an increase of eight in the Board's membership." be added at the end of paragraph 20;
- that paragraph 21 consist of (i) the sentence: "In these circumstances, the Board was not able to make a recommendation with regard to the size of the expansion and the manner of composition of the Board and urged that further consultations be held during the forthcoming session of the General Conference with a view to resolving the matter at that session." which he had suggested earlier, (ii) the sentence "In this regard, the Board agreed that the recommendation in paragraph 19 should be implemented only if there was agreement at the General Conference on the issue of size and distribution." suggested by the representative of Canada and (iii) the sentence "It was further understood that agreement on each of the elements was contingent on final agreement on the package as a whole." suggested by the Director General;
- that, as he had suggested earlier, paragraph 22 be replaced by a paragraph reading "The Board also agreed to submit to the General Conference for further consideration the four draft resolutions (submitted by the Chairman of the Board, Pakistan, Slovakia and Morocco) contained in Annex ... to this report."; and

- that, as he had suggested earlier, paragraph 23 be modified to read “The Board decided to transmit this report to the General Conference as constituting its observations on the Slovenian proposal required by Article XVIII.C of the Statute and as its response pursuant to decision GC(42)/DEC/10 adopted by the General Conference last year. The summary record of the Board’s discussion will also be before the General Conference.”
38. The Chairman’s proposals were accepted.
39. The Board adopted its report to the General Conference.<sup>3</sup>

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<sup>3</sup> The report was issued as document GC(43)/12.

1999-09-22

PROPOSAL BY PAKISTAN

[DRAFT RESOLUTION RECOMMENDED BY THE BOARD OF GOVERNORS]

AMENDMENT OF  
ARTICLE VI OF THE STATUTE

The General Conference

- (a) Recalling its decision GC(42)/DEC/10 which requested the Board of Governors, inter alia, to submit its report on a finalized formula on amending Article VI of the Statute and all previous resolutions and decisions on the subject,
- (b) Having examined the proposal for amendment of Article VI of the Statute submitted by Japan in accordance with Article XVIII.C of the Statute, contained in Annex 1 to document GC(42)/19,
- (c) Having also examined the proposal for the modification of the Japanese amendment submitted by Slovenia in accordance with Article XVIII.C of the Statute, contained in document GC(43)/\_\_, (GOV/1999/43),
- (d) Having also considered the report and recommendations of the Board of Governors contained in document GC(43)/\_\_, which constitute the Board's observations on the aforesaid modification to the Japanese proposal proposed by Slovenia,
- (e) Having also considered the Board's observations on the aforesaid Japanese proposal to amend Article VI,
- (1) Approves the aforesaid modification proposed by Slovenia to the amendment of Article VI proposed by Japan;
- (2) Approves the aforesaid proposal by Japan to amend Article VI, as modified in operative paragraph 1 above, by which Article VI of the Agency's Statute is amended as follows:
- I. Replace paragraph A of Article VI of the Agency's Statute by the following:
- A. "The Board of Governors shall be composed as follows:
1. The outgoing Board of Governors shall designate for membership on the Board eighteen members most advanced in the technology of atomic

energy including the production of source materials. The designated seats shall be distributed among the areas mentioned below as follows:

North America	2
Latin America	2
Western Europe	4
Eastern Europe	2
Africa	5
Middle East and South Asia	2
South East Asia and the Pacific	1
Far East	3

2. The General Conference shall elect to membership of the Board of Governors:

(a) ~~Twenty-three~~ members, with due regard to equitable representation on the Board as a whole of the members in the areas listed in subparagraph A.1 of this article, so that the Board shall at all times include in this category:

four representatives of the area of Latin America,  
four representatives of the area of Western Europe,  
~~four~~ four representatives of the area of Eastern Europe,  
five representatives of the area of Africa,  
three representatives of the area of the Middle East and South Asia,  
two representatives of the area of South East Asia and the Pacific, and  
~~one representative of the area of the Far East;~~

(b) ~~Two~~ two further members from among the members in the following areas:

Latin America,  
Western Europe,  
Middle East and South Asia”.

and

II. Add at the end of Article VI the following new paragraph:

“K. The provisions of paragraph A of this Article, as approved by the General Conference on September , 1999, shall enter into force when the requirements of Article XVIII.C are met and the General Conference confirms a list of all Member States of the Agency which has been adopted by the Board, in both cases by ninety per cent of those present and voting, whereby each Member State is allocated to

one of the areas referred to in sub-paragraph 1 of paragraph A of this Article. Any change to the list thereafter may be made by the Board with the confirmation of the General Conference, in both cases by ninety per cent of those present and voting and only after a consensus on the proposed change is reached within any area affected by the change”.

- (3) Urges all Member States of the Agency to accept this amendment as soon as possible in accordance with their respective constitutional processes, as provided for in Article XVIII. C(ii) of the Statute;
- (4) Requests the Director General to report to the General Conference, at its 45<sup>th</sup> regular session on the progress made towards the entry into force of this amendment.

1999-09-23

PROPOSAL OF PAKISTAN AS AMENDED BY SLOVAKIA  
[DRAFT RESOLUTION RECOMMENDED BY THE BOARD OF GOVERNORS]  
AMENDMENT OF  
ARTICLE VI OF THE STATUTE

The General Conference

- (a) Recalling its decision GC(42)/DEC/10 which requested the Board of Governors, inter alia, to submit its report on a finalized formula on amending Article VI of the Statute and all previous resolutions and decisions on the subject,
- (b) Having examined the proposal for amendment of Article VI of the Statute submitted by Japan in accordance with Article XVIII.A of the Statute, contained in Annex 1 to document GC(42)/19,
- (c) Having also examined the proposal for the modification of the Japanese amendment submitted by Slovenia in accordance with Article XVIII.A of the Statute, contained in document GC(43)/\_\_,
- (d) Having also considered the report and recommendations of the Board of Governors contained in document GC(43)/\_\_, which constitute the Board's observations on the aforesaid modification to the Japanese proposal proposed by Slovenia,
- (e) Having also considered the Board's observations on the aforesaid Japanese proposal to amend Article VI,
- (1) Approves the aforesaid modification proposed by Slovenia to the amendment of Article VI proposed by Japan;
- (2) Approves the following further modification to the aforesaid proposal by Japan:

In the text of paragraph A in Part I of the proposal submitted by Japan for amendment of Article VI of the Statute and communicated by the Director General to Member States on 22 June 1998 (Circular Letter N5.11.6 Circ. - see also GC(42)/19, Annex 1):

- In sub-paragraph 1,  
replace the word "seventeen" with "eighteen" in line 2 and the "one" designated seat allocated to Africa with "two" in line 10;
- In sub-paragraph 2(a),  
replace "twenty one" with "twenty three" in line 1, 'three' representatives of the area of Eastern Europe with "four" in line 7, and further, add the words "one representative of the area of the Far East" as a separate line at the end of the sub-paragraph;

- In sub-paragraph 2(b),  
replace "Two" with "One" in line 1, delete "Africa" and "Far East" in the sub-paragraph and substitute with "Western Europe" and "Middle East and South Asia",

(3) Approves the aforesaid proposal by Japan to amend Article VI, as modified in operative paragraphs 1 and 2 above, by which Article VI of the Agency's Statute is amended as follows:

I. Replace paragraph A of Article VI of the Agency's Statute by the following:

"A. The Board of Governors shall be composed as follows:

(1) The outgoing Board of Governors shall designate for membership on the Board **eighteen** members **most advanced** in the technology of atomic energy including the production of source materials, the designated seats to be distributed among the areas mentioned below as follows:

North America	2
Latin America	2
Western Europe	4
Eastern Europe	2
Africa	2
Middle East and South Asia	2
South East Asia and the Pacific	1
Far East	3

(2) The General Conference shall elect to membership of the Board of Governors:

(a) **Twenty-three** members, with due regard to equitable representation on the Board as a whole of the members in the areas listed in sub-paragraph A.1 of this article, so that the Board shall at all times include in this category:

four representatives of the area of Latin America,  
four representatives of the area of Western Europe,  
**four** representatives of the area of Eastern Europe,  
five representatives of the area of Africa,  
three representatives of the area of the Middle East and South Asia,  
two representatives of the area of South East Asia and the Pacific, and  
**one representative of the area of the Far East**

(b) **One** further member from among the members in the following areas:

**Western Europe**  
Eastern Europe  
**Middle East and South Asia**

(c) **One** further member from among the members in the following areas:

Latin America  
Western Europe

Middle East and South Asia”

and

II. Add at the end of Article VI the following new paragraph:

“K. The provisions of paragraph A of this Article, as approved by the General Conference on September , 1999, shall enter into force when the requirements of Article XVIII.C are met and the General Conference confirms a list of all Member States of the Agency which has been adopted by the Board, in both cases by ninety per cent of those present and voting, whereby each Member State is allocated to one of the areas referred to in sub-paragraph 1 of paragraph A of this Article. Any change to the list thereafter may be made by the Board with the confirmation of the General Conference, in both cases by ninety per cent of those present and voting and only after a consensus on the proposed change is reached within any area affected by the change”.

(4) Urges all Member States of the Agency to accept this amendment as soon as possible in accordance with their respective constitutional processes, as provided for in Article XVIII. C(ii) of the Statute;

(5) Requests the Director General to report to the General Conference, at its 45<sup>th</sup> regular session on the progress made towards the entry into force of this amendment.