

General Conference

GC(68)/1/Add.3

Date: 14 August 2024

General Distribution

Original: English

Sixty-eighth regular session

Provisional agenda

Supplementary item for inclusion in the provisional agenda

1. On 12 August 2024, the Secretariat received a request, submitted by the Permanent Mission of the Republic of Kazakhstan, for the inclusion of an item entitled “Restoration of the Sovereign Equality of Member States in the IAEA” in the agenda of the 68th (2024) regular session of the General Conference.
2. Pursuant to the Rules of Procedure of the General Conference¹, this item is hereby placed on a supplementary list which will be circulated not later than 24 August 2024. The letter from the Permanent Mission of the Republic of Kazakhstan and the accompanying explanatory memorandum relating to the inclusion of this item are attached hereto.
3. It is suggested, for consideration by the General Committee, that this item follow the item circulated in GC(68)/1/Add.2 and be discussed first in the Committee of the Whole.

¹ Rules 13 and 20, GC(XXXI)/INF/245/Rev.1.



**PERMANENT MISSION
OF THE REPUBLIC OF KAZAKHSTAN
TO THE INTERNATIONAL ORGANIZATIONS
IN VIENNA**

30-35/219-2024

The Permanent Mission of the Republic of Kazakhstan to the International Organizations in Vienna presents its compliments to the International Atomic Energy Agency and as a follow up of the deliberations of the 66th and 67th sessions of the General Conference and in accordance with the Resolution GC(67)/RES/15 from 29 September 2023 entitled “*Restoration of the Sovereign Equality of Member States in the IAEA*” has the honour to request the inclusion of an item entitled “**Restoration of the Sovereign Equality of Member States in the IAEA**” into the agenda of the 68th regular session of the IAEA General Conference to be held on 16-20 September 2024.

The relevant explanatory note and GC(67)/RES/15 are attached.

The Permanent Mission avails itself of this opportunity to renew its compliments to the IAEA the assurances of its highest consideration.

Attachment: 3 p.

« 12 » August 2024



**INTERNATIONAL
ATOMIC ENERGY AGENCY**
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**Explanatory Note
on the agenda item entitled:
“Restoration of the Sovereign Equality of Member States in the IAEA”**

As a follow up of the deliberations of the 66th and 67th sessions of the General Conference and the following sessions of the Board of Governors under the same agenda item, the issue of “Restoration of the Sovereign Equality of Member States in the IAEA” requires further concrete progress.

The Agency is based on the principle of the sovereign equality of all its members; and ensures to all of them the rights and benefits resulting from membership (Article IV.C). Thus, the activities of the Agency shall be carried out with due observance of the sovereign rights of States (Article III.D).

The membership of the Board of Governors requires representation in the areas (Article VI.A). But taking into account that the Statute does not assign members to specific areas as defined in its Article VI.A.1., some full-fledged Member States are outside geographic areas and have no further perspective to join them.

As a first significant step towards elimination of this illegal and unfair practice, 67th Session of the IAEA General Conference adopted the Resolution GC(67)/RES/15 from 29 September 2023 entitled “Restoration of the Sovereign Equality of Member States in the IAEA” with overwhelming support of all Member States. The resolution was co-sponsored by 56 IAEA Member States from all geographic areas and enjoyed cross-regional support.

This Resolution constitutes an important footstep in a quest to restore sovereign equality in the Agency and creates a legal and political platform to finally allocate the so-called arealess Member States to the relevant geographical areas as soon as possible. It is encouraging that from the time of the adoption of the resolution, the number of arealess states were reduced from 17 to 14. The Chair of the “Group of Friends of Arealess States” has already conducted two meetings of the Group and proposed some criteria and principles, as well a draft allocation aimed at resolving this long-standing problem. In this regard, IAEA Member States shall urgently implement the provisions of GC(67)/RES/15 and restore the legitimate rights of all Member States of the Agency.

The inclusion of an item entitled “Restoration of the Sovereign Equality of Member States in the IAEA” in the agenda of the 68th regular session of the General Conference will contribute to finding a solution on restoration of equality in a democratic way for the benefit of the IAEA and its Member States.

General Conference

GC(67)/RES/15

Date: September 2023

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Sixty-seventh regular session

Item 23 of the agenda
(GC(67)/24)

Restoration of the Sovereign Equality of Member States in the IAEA

Resolution adopted on 29 September 2023 during the 11th plenary meeting

The General Conference,¹

- (a) Recalling relevant provisions of the Agency's Statute that relate to the due observance of the sovereign rights of States in the conduct of the Agency's activities and the principle of the sovereign equality of all of the Agency's members,
- (b) Further recalling that Article VI.A of the Statute identifies eight areas (North America, Latin America, Western Europe, Eastern Europe, Africa, Middle East and South Asia, South East Asia and the Pacific, and the Far East) from which Member States are to be elected to the Board of Governors, but that the Statute does not include procedures for the assignment of Member States to these areas,
- (c) Recognizing that, in practice, regional groups corresponding to the eight areas identified in Article VI.A of the Statute have provided candidates to the General Conference for election to the Board of Governors,
- (d) Noting with concern, however, that in practice 17 IAEA Member States listed in INFCIRC/1116 of 10 August 2023 are not yet included in any regional groups,
- (e) Bearing in mind the amendment to Article VI of the Statute, approved by resolution GC(43)/RES/19 of 1999, the entry into force of which would also require the Board of Governors to adopt, and the General Conference to confirm, a list in which all Member States have been allocated to one of the eight areas listed in Article VI.A,
- (f) Recognizing that to date 64 Member States have accepted the Amendment, well below the two-thirds majority required in order for the Amendment to enter into force,

¹ The resolution was adopted with 99 in favour, 2 against and 16 abstentions.

(g) Noting with appreciation the Director General's efforts to date to encourage all Member States to accept the Amendment,

1. Encourages all regional groups to exercise appropriate flexibility regarding the expansion of their groups to include Member States that do not currently belong to any regional group, for the sake of inclusivity and sovereign equality of Member States in accordance with the Statute;
2. Welcomes the establishment of the Group of Friends of Arealess States and the Group's efforts to identify opportunities for the inclusion of the 17 Member States listed in INFCIRC/1116 in regional groups as soon as possible and to advance the entry into force of the amendment to Article VI of the Statute, including efforts relating to the development of a comprehensive list of Member States and areas in the context of that amendment, and invites the Secretariat to support these efforts;
3. Calls upon all Member States of the Agency to accept the amendment to Article VI of the Statute as soon as possible in accordance with their respective constitutional processes, as provided for in Article XVIII.C(ii) of the Statute; and
4. Recommends the Board of Governors to remain seized of this issue.