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AMENDMENT OF ARTICLE VI, A. 2 OF THE STATUTE

Note by the Director General

Since the General Conference met in December 1979, the Board had further discussions on the question of the amendment of Article VI, A. 2 of the Statute, and those parts of the summary records dealing with the item "Amendment of Article VI, A. 2 of the Statute" at its meetings in March and June 1980 are accordingly reproduced in this document.

Summary records of the discussion on the item - Amendment
of Article VI.A.2 of the Statute - at the meetings
of the Board of Governors held in
March and June 1980

RECORD OF THE FIVE HUNDRED AND FORTY-FIFTH MEETING

Held at Headquarters, Vienna, on Thursday, 6 March 1980, at 10 a.m.

AMENDMENT OF ARTICLE VI.A.2 OF THE STATUTE

61. Mr. NAMEK (Egypt) said that the proposal to amend Article VI.A.2 was limited in scope because it concerned only sub-paragraph A.2(a) and had been presented on behalf of only two areas, namely Africa and the Middle East and South Asia, with a view to redressing their disproportionately weak representation on the Board. The Members from those two areas had no wish to disturb the delicate balance on the Board, but did not understand why it should be maintained at their expense.

62. The fact that the two areas were not adequately represented was generally recognized, and none of the comments made during the discussions on the subject over the past three years had cast any doubt on the importance of maintaining equitable representation.

63. He sought the Board's approval for frank and constructive discussions, if necessary at an informal level, on the original proposal, co-sponsored by his country, that the number of seats on the Board allocated to Africa should be increased by three.

64. Mr. KHAN (Pakistan) observed with regret that three years had elapsed since the matter of amending Article VI.A.2 had first been raised, and still no agreement had been reached. In an attempt to secure a consensus acceptable to at least two thirds of the delegations present at the General Conference, his country had put forward a compromise proposal which had been discussed together with the original proposal.

65. From the text of the resolutions adopted by the General Conference on the question, viz. GC(XXI)/RES/353, GC(XXII)/RES/361 and GC(XXIII)/RES/370, it was evident that any amendment of Article VI.A should be focused on the position of Africa and of the Middle East and South Asia. The majority of Member States represented at the General Conference had concluded that the increase in representation should be moderate and should be implemented immediately or at least in the near future.

66. Thirty-four Member States were currently represented on the Board, constituting 31% of the Agency's total membership. However, Africa and the Middle East and South Asia were the two least represented areas on the Board, having only 21% and 23% representation respectively.

67. Both areas recognized the vital importance of nuclear energy at the national and international level and wished to share fully in the obligations and rights stemming from membership of the Agency. Accordingly, his country requested that each area be granted one additional seat on the Board, thus raising the proportion of representation to 25% for Africa and 29% for the Middle East and South Asia, compared with an average of 33% for the whole of the Agency's membership. A total of 36 Members would also be entirely consistent with past practice, since the Board had always been composed of about one third of the Member States. The last amendment, in 1973, had raised the Board's membership to 34 when the total membership of the Agency had been 103.

68. If Member States were not willing to accept such a modest increase, they would have to face the inevitable prospect of a much larger increase at a subsequent stage. In any event, the countries of Africa and of the Middle East and South Asia would first require the present imbalance to be corrected before considering adjustments for other areas or for the Board as a whole.

69. The request for increased representation was prompted not only by the tremendous growth in nuclear energy programmes in the two areas concerned, but also by the crucial importance of energy resources for the world's economic survival. In that respect, both areas would have a very important role to play, since they were not only major suppliers of oil but also major producers of uranium. Their co-operation in maintaining conventional fuel supplies to other areas - even at the cost of depleting their own resources - meant that the necessary time could be found to develop alternative sources of energy. With more representatives on the Board, the Member States concerned would have a more comprehensive grasp of the nature of the energy crisis and identify possible solutions.

70. He urged the Board to give very serious consideration to his country's request. Consultations should continue under the guidance of the Chairman and Vice-Chairmen with the aim of drawing up a consensus position on the issue for consideration at the June meetings of the Board and subsequent presentation to the General Conference.

71. Mr. KABBANI (Saudi Arabia), supporting the proposal to continue active consultations, recalled that, at the twenty-third regular session of the General Conference, some Member States had suggested the creation of another area. He wished to appeal to the Board not to tamper with the present arrangement of areas and to confine its attention to the representation of Africa and of the Middle East and South Asia. Otherwise, the Middle East, which was now represented in the Agency by more than ten countries, might claim to be treated as a separate area.

72. Mr. MESSAN (Niger) said that it was necessary to move on from informative discussions to the search for a just solution. The Member States concerned were at the very centre of the energy crisis, and it would be most unwise to frustrate their wishes on such a crucial issue as their representation on the Board. His delegation hoped that rapid progress would be made at the next series of Board meetings, so that the problem could be tackled in a very specific way at the next session of the General Conference.

73. Mr. GARCÍA-LÓPEZ SANTAOLALLA (Mexico) declared that the question should not be handled in a precipitate manner. Very careful study was required in order to find an equitable solution. He would, therefore, support the proposal to hold informal consultations, bearing in mind the terms of Resolution GC(XXIII)/RES/370.

74. Mr. SIAZON (Philippines) said it was essential that the Board's membership should properly reflect the membership of the Agency. His delegation strongly supported the proposal to increase the representation of Africa and of the Middle East and South Asia. He did not consider that an enlarged membership would result in a less efficient Board. In any event, the prime concern should be the Board's effectiveness, which could only be enhanced by increasing the number of Member States represented.

75. The CHAIRMAN took it to be the Board's wish that, pursuant to Resolution GC(XXIII)/RES/370, further consultations should take place as soon as possible, and he requested Mr. García-López Santaolalla to arrange, in his capacity as one of the Vice-Chairmen, for consultations with a view to resuming consideration of the amendment of Article VI.A.2 in June.

76. It was so agreed.

RECORD OF THE FIVE HUNDRED AND FIFTY-SECOND MEETING

Held at Headquarters, Vienna, on Thursday, 19 June 1980, at 3.5 p.m.

AMENDMENT OF ARTICLE VI.A.2 OF THE STATUTE

21. The CHAIRMAN reported that no solution had been found to the problem of the Board's membership. A number of countries were in favour of a change in membership, whereas others supported the status quo. The advocates of change could be broken down into four groups. Pakistan, in particular, favoured a "one-plus-one" allocation for the areas of Africa, the Middle East and South Asia, some countries preferred a "three-plus-two" solution for those areas, some would like to see a complete change, and some had not made up their minds. There was no majority in favour of any one of the various possible solutions.

22. Mr. KABBANI (Saudi Arabia) urged the Board to find a rapid solution to the problem. There was no point in rehearsing the arguments which had already been put forward to the Board and General Conference concerning the injustice suffered by the areas of Africa, the Middle East and South Asia. The main thing was to assist the General Conference in its work in September. It was in any case preferable that the Board should deal with that matter rather than the General Conference, in the interest of the Board and of the Agency in general. He hoped that the Members of the Board would display the same goodwill that had allowed the target for voluntary contributions in 1981 to be set so quickly at the meeting the previous day.

23. On the proposal of Mr. KHAN (Pakistan), the Board decided to defer consideration of the matter in hand until the next meeting in order to allow the delegations to hold consultations.

RECORD OF THE FIVE HUNDRED AND FIFTY-THIRD MEETING

Held at Headquarters, Vienna, on Friday, 20 June 1980, at 10.40 a.m.

AMENDMENT OF ARTICLE VI.A.2 OF THE STATUTE (resumed)

18. Mr. KHAN (Pakistan), supported by Mr. NAMEK (Egypt) and Mr. VELLODI (India), said that the problem of the under-representation of certain areas on the Board had been under discussion for several years without any satisfactory conclusion having been reached. In 1978 it had been proposed that the Board should be expanded by three seats for the area of Africa and two for the Middle East and South Asia. It was evident that those two areas were under-represented on the Board in comparison with other areas, and at the present time there appeared to be a large majority in favour of a more modest expansion by one seat for each of those areas. Nevertheless, no decision had yet been taken to that effect. If agreement could not be reached in the near future, it would become necessary to re-open the question of a much greater expansion of the Board as a whole. Although the proposal to increase the Board by two seats was not fully satisfactory, it was the one most likely to be accepted by the Board and the General Conference. It would not for the moment be necessary to proceed to a vote, but consultations should continue, and the views of the Board should be transmitted to the General Conference at its next regular session.

19. Mr. MESSAN (Niger) agreed with the previous speakers that the two areas in question were not fairly represented on the Board, and suggested that the General Conference might establish a working group to study the possibility of a more acceptable and just solution.

20. Mr. KIRK (United States of America) expressed his disagreement with the idea that there was a consensus that an expansion of the Board was required. His Government was opposed to any such expansion, but had no objection to continuing consultations as in the past.

21. The CHAIRMAN said that he was willing to continue informal consultations on the matter.

