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Item 20 of the provisional agenda
(GC(XXVIII)/711)

AMENDMENT OF ARTICLE VI.A.2 OF THE STATUTE

Report by the Board of Governors

1. In response to General Conference resolution GC(XXVII)/RES/420, the Board discussed amendment of Article VI.A.2 of the Statute at its February, June and September meetings in the light of reports made by the Chairman on informal consultations which he had conducted.
2. The Board agreed that the summary records of its discussions on this matter since the twenty-seventh regular session of the General Conference be transmitted to the General Conference at its twenty-eighth regular session (see Annex).

A N N E X

Summary records of the discussion on the item "Amendment of Article VI.A.2 of the Statute" at meetings of the Board of Governors held in February, June and September 1984

RECORD OF THE 617TH MEETING (held on 22 February 1984)

(e) AMENDMENT OF ARTICLE VI.A.2 OF THE STATUTE (GC(XXVII)/RES/420;
GOV/INF/447)

85. The CHAIRMAN recalled that the present sub-item was before the Board pursuant to resolution GC(XXVII)/RES/420 adopted by the General Conference in 1983. That resolution requested the Board "to consider and submit its observations and recommendations on proposed amendments regarding this matter for approval by the General Conference at its twenty-eighth regular session".

86. The Board also had before it document GOV/INF/447, in which were reproduced the summary records of the discussion of that matter by the Committee of the Whole during the twenty-seventh session of the General Conference. Those summary records had been transmitted to the Board at the request of the Committee of the Whole. The matter had been discussed in intensive consultations both before and since the last session of the General Conference. However, he felt that further consultations were necessary, as the matter was an important one for all Member States. He therefore suggested holding such consultations during the period up to the June meetings, when he would report to the Board on their outcome.

87. Mr. HAWAS (Egypt) said that the position of his delegation and of the African Group had been stated repeatedly in the Board and the General Conference. At the last session of the General Conference his delegation had stated that the Board should take action to implement the relevant General Conference resolutions with a view to correcting the under-representation of the areas of Africa and the Middle East and South Asia on the Board. It had suggested that the Board set up a working group to study the question and propose a solution in response to resolution GC(XXV)/RES/389 and other General Conference resolutions on the same subject. His delegation left it to the wisdom of the Board as to whether the matter should be examined immediately or after the consultations suggested by the Chairman. At all events, it wished to reiterate its position that the number of seats on the Board should be increased by three for Africa and two for the Middle East and South Asia.

88. Mr. NASCIMENTO (Brazil), reiterating the position of the Latin American group, said that proposals to amend Article VI.A.2 of the Statute could be examined only on condition that they did not alter the relative representation of the Latin American countries on the Board. He wholeheartedly approved of the Chairman's proposal to continue consultations and report to the Board in June.

89. Mr. TAYLHARDAT (Venezuela) supported the statement made by the Governor from Brazil on behalf of the Latin American countries. He wished to reiterate what he had said in the Committee of the Whole during the last session of the General Conference - that the Board should consider revising Article VI as a whole. Any amendment designed to respond to the aspirations of a single country or group of countries could upset the delicate balance reflected in Article VI. His delegation considered, therefore, that the Board should - when it judged the time to be right - set up a working group to review Article VI and submit to the Board proposals aimed at eliminating its flaws. He requested that his delegation's proposal to review Article VI in its entirety be taken into consideration in the consultations proposed by the Chairman.

90. Mr. OBIAGA (Nigeria) recalled that so far the Board and the General Conference had failed to find a just and equitable solution to the problem of Africa's under-representation on the Board. The present item had been on the agenda of the Board and the General Conference for seven years. For want of political will, however, it had proved impossible to amend Article VI.A.2 of the Statute. Departing from decisions taken earlier, some delegations were now proposing that the whole of Article VI be revised. Other Governors had implied that the assignment of additional seats to Africa and Asia would impair the Board's effectiveness. His delegation wished to state categorically that amending Article VI.A.2 had nothing to do with China's joining the Agency and it could not be party to any action which amounted to keeping China out of the Board for any length of time. The question of amending Article VI.A.2 should not be linked with China's membership of the Agency.

91. His delegation supported the proposal to set up a working group to examine the question and make recommendations in June to the Board, which he hoped would produce concrete proposals for submission at the next session of the General Conference.

92. Mr. GHEZAL (Tunisia) recalled that the question of amending Article VI.A.2 of the Agency's Statute with a view to increasing the number of seats on the Board for Africa and the Middle East and South Asia had appeared regularly on the agenda of the Board and the General Conference since 1977. Delegations from those two areas had repeatedly pointed out the extremely inequitable character of their representation on the Board in relation to that of all other areas, and the arguments of those opposed to any increase did not remove the inequality. Expanding the Board would not impair its efficiency at all. His delegation considered that it would be unwise to further delay the search for a satisfactory solution which would put an end to the indisputable discrimination against Africa and the Middle East and South Asia.

93. Mr. HADDAD (Syrian Arab Republic) regretted that the present issue had still not been settled despite being on the agenda of the Board and the General Conference for over five years. The under-representation of the two geographical areas concerned was a mathematically proven fact and there was no point in going over the argument again. However, it would be worth analysing the reasons repeatedly adduced for opposing the proposed amendment of the Statute. In the first place, it was claimed that increasing the number of Governors would weaken the Board and the Agency. If that implied that reducing the number of Governors would have the effect of increasing the effectiveness of the Board and the Agency, his delegation would not object to a reduction, provided that the criteria of justice and equitable geographical distribution were applied and account was taken of advancement in nuclear technology. But it was probably easier to increase rather than reduce the Board's membership. Secondly, those in favour of the status quo held that

the present composition of the Board accurately reflected the balance established by the Statute on a dual basis: advancement in nuclear technology and geographical distribution. What might have obtained in 1973, when the Statute had last been amended, was no longer valid now that the Agency had ten or so more Members, most of which belonged to the two under-represented areas. It was completely logical to raise the question of amending Article VI.A.2, for the 1973 amendment did not take sufficient account of the criterion of geographical representation.

94. Mr. NOE (Italy) attributed the lack of progress in the matter to the fact that different delegations did not attach the same significance to the various criteria relating to representation. His delegation was in favour of the Chairman's proposal to continue consultations with a view to reaching a consensus on the matter.

95. Mr. AL-KITAL (Iraq) said that his country was not in principle opposed to consultations but was more inclined to support Egypt's proposal to set up a working group in which all parties were represented. Although repeated reference had been made to figures which spoke in favour of amending the Statute, it was worth recalling that the two areas concerned accounted for 42 Members but occupied only nine seats on the Board, whereas the other 69 Members of the Agency held 25 seats. That was indeed an unjust situation. His delegation therefore recommended that Article VI.A.2 of the Statute be amended so as to rectify the situation and ensure that those areas were more adequately represented. Once again, it was not so much a question of increasing the number of Governors as one of ensuring equitable representation on the Board and thereby enabling it to work efficiently, each area being granted a number of votes proportional to its size.

96. Mr. KENNEDY (United States of America) did not wish to go over positions which were well-known, but nonetheless felt it important to point out that some delegations were opposed to any significant expansion of the Board. It was necessary to have a variety of interests represented on the

Board so that the Agency could fulfil its mandate. Reference had been made to the geographical distribution of Members. Representation should also take into account Members' increasing use of the Agency's services to keep pace with the growth of their nuclear industries and world nuclear trade and of participation in providing experts, equipment, materials and training. It was quite natural that many countries from virtually every region of the globe should wish to have their say in the management of the Agency. However, the latter was faced with a practical problem - namely, that a Board which was too large was bound to be less effective. It was already difficult enough to hold regular and timely consultations with the other 33 Members of the Board. His Government therefore considered that the present composition of the Board represented a delicate balance of many different interests and that its size should not be significantly increased. He welcomed and supported, however, the Chairman's proposal to continue consultations with a view to resolving what constituted a very important problem.

97. Mr. WILMSHURST (United Kingdom) said that the various delegations' positions on the present matter had already been expressed - without change - on many occasions. His Government continued to oppose any substantial increase in the Board's membership for the reasons which it had often stated in the past. His delegation was ready, however, to take part in the consultations proposed by the Chairman.

98. The CHAIRMAN took it that the Board wished to hold further consultations during the period up to June, as he had suggested in introducing the present item of the agenda.

99. It was so decided.

RECORD OF THE 625TH MEETING (held on 8 June 1984)

AMENDMENT OF ARTICLE VI.A.2 OF THE STATUTE

46. The CHAIRMAN, noting that the item was before the Board pursuant to resolution GC(XXVII)/RES/420 adopted by the General Conference in October 1983, recalled that the Board had had a discussion on the matter in February and had decided that he should continue informal consultations and report to it in June.

47. Since February he had had informal consultations with Governors and with representatives from the eight geographical areas referred to in Article VI. Those consultations indicated that there were still fundamental differences of view in a matter where a broad consensus among Board Members was essential.

48. Mr. SHASH (Egypt) pointed out that since 30 September 1977, when the General Conference had - in resolution GC(XXI)/RES/353 - requested the Board to give further consideration to and submit its observations on the representation of the areas of Africa and of the Middle East and South Asia, the issue had been making a long and tiresome journey between the Board and the General Conference. Successive Chairmen of the Board had held intensive consultations with Board Members and had reported that further consultations would be necessary. The General Conference, for its part, had adopted virtually the same resolution at one session after another.

49. The conclusions which could be drawn from the experience of the last seven years were the following. First of all, the right of the areas of Africa and of the Middle East and South Asia to a just and equitable representation on the Board and the need to amend Article VI.A.2 so as to satisfy their legitimate claim were recognized. Although it was true that concern had been expressed about the effectiveness of an enlarged Board, those concerns related to a substantial increase in the Board's membership and did not alter the fact that the under-representation of the areas of Africa

and of the Middle East and South Asia was recognized by both the General Conference and the Board. Secondly, in spite of that fact and notwithstanding the laudable efforts made by successive Chairmen of the Board in holding intensive consultations with Board Members, the problem remained and no solution was in sight.

50. His delegation considered that a new mechanism was needed which would enable Board Members to sit together and to exchange views and arguments. Nothing was static in international relations and organizations, and the Agency was no exception. Its membership had greatly increased; that was an encouraging sign indicating a growing interest on the part of States in the Agency's role and activities. At present, 27 States in Africa and 16 in the area of the Middle East and South Asia were Members of the Agency. Regrettably, those were the only areas whose representation on the Board was below 30% (20.5% for the former and 22.9% for the latter). The representation for the other areas ranged from 30% in the case of Latin America to 100% for North America. He wondered whether it was right for the Agency to increase its membership when it welcomed new Member States by telling them that they could not be represented equitably on the Board.

51. Equitable geographical distribution was a democratic principle recognized and applied throughout the United Nations system. Moreover, that principle was embodied in the Agency's Statute. The Board should establish a committee or a working group open to all Board Members which would consider the amendment of Article VI.A.2 of the Statute, in pursuance of resolution GC(XXVII)/RES/420, and report to the Board on its work.

52. Mr. HADDAD (Syrian Arab Republic) respectfully urged Board Members to unite for world peace and development and to put an end to the long political and diplomatic battle over the amendment of Article VI.A.2 of the Statute.

53. He wondered whether it was fair and wise to stifle the wishes and will of 43 Member States which were demanding to exercise their legitimate rights. The enlargement resulting from increased representation of the areas of Africa and of the Middle East and South Asia would not affect the balance in the Board. Representation might have been adequate in 1957, when the total

membership of the Agency had been 60 and the Board had consisted of 23 Governors. Now, however the Agency's membership was 112; in other words, it had nearly doubled since 1957. The Board ought therefore to have 45 Members instead of only 35, which meant that 10 more Members could be added without changing either the basis or the criteria laid down in the Statute for the composition of the Board.

54. Such an increase would not reduce the Board's effectiveness; the policy-making bodies of several United Nations agencies had more than 35 members, which did not prevent them from functioning very well. If some delegations continued to hold the view that the Board's effectiveness would decline, his delegation would have no objection to reducing the size of the Board provided that a correct representational basis was maintained.

55. Lastly, he appealed to the Board to show the same spirit as in the amendment of Article VI.A.1, where a very satisfactory result had been achieved.

56. Mr. GHEZAL (Tunisia) pointed out that the matter under consideration had been on the agenda of the Board and the General Conference for more than seven years. There was no need to recapitulate the arguments which had been put forward repeatedly and at length since 1977 in support of the claim of the States in the areas of Africa and of the Middle East and South Asia. In any case, some of those arguments had just been recalled by the Governors from Egypt and the Syrian Arab Republic.

57. The time had come to undertake a review and to make a concerted effort to do justice to those two areas and to remove the discrimination against them. The arguments advanced by some delegations concerning a decline in the Agency's effectiveness and the problem of striking a balance were neither satisfactory nor convincing. For instance, at the present series of meetings the Board had decided unanimously and even without any discussion to increase its membership and to recommend to the General Conference an amendment of Article VI.A.1 of the Statute.

58. He supported the call made by the Governor from Egypt for the establishment of a working group which would make a thorough study of the matter and submit its conclusions to the Board.

59. Mr. BRADY ROCHE (Chile) considered that what was needed in connection with Article VI was not minor "improvements" but a comprehensive solution which would satisfy the interests of all areas. For that purpose, Article VI should be reviewed and modified as a whole, it being understood, however, that the modification should in no way affect the relative representation of Latin America. He suggested that a working group representing all areas be set up with a view to arriving at a formula acceptable to all within a specified time.

60. Mr. OBIAGA (Nigeria) expressed his dissatisfaction at the Board's attitude to the important proposal for amendment of Article VI.A.2 which had been co-sponsored by Nigeria seven years earlier. On 5 June of the current year, on the other hand, Nigeria had co-sponsored a draft resolution calling for the addition of one member to the Board and the Board had unanimously decided to recommend its adoption by the General Conference.

61. The adoption of resolution GC(XXVII)/RES/420 by the General Conference in October 1983 had marked the seventh anniversary of the adoption of a simple and straightforward suggestion calling for adjustments which would ensure equitable representation of all areas on the Agency's Board of Governors. His delegation was still unable to understand why the area of Africa, with 28 Member States, was represented by only four members in the Board, whereas areas with a smaller number of Member States had a higher representation and were even asking for more. Seven resolutions had already been adopted on the subject. He did not wish to repeat the well-known arguments in favour of amendment, but he was sure that, contrary to the views of its opponents, amendment could only enhance the Board's efficiency. His delegation supported the suggestion to recast Article VI as a whole and strongly hoped that the exercise would not result in enlarging the representation of some groups which was already disproportionately high.

62. He commended successive Chairmen on their efforts to implement the General Conference's recommendations for a continued dialogue on the issue. As no concrete result had been obtained in seven years, however, he was in favour of the suggestion to establish a special working committee which would give serious consideration to the matter and report its findings and recommendations within a specified period.

63. Mr. MALU wa KALENGA (Zaire) also supported the establishment of a working group on the amendment of Article VI.A.2 of the Statute, as had been suggested by the Governor from Egypt. He noted with regret that, whereas the decision to amend Article VI.A.1 had been taken in less than a year, the amendment of Article VI.A.2 was still under discussion after seven years.

64. Mr. ERNEMANN (Belgium) doubted whether the subject under discussion, which had been on the Board's agenda for many years, had ever been treated seriously. One of the reasons was that China had been expected before long to join the Agency and then become a Member of the Board, necessitating a revision of the Statute. That was why many States had not pressed for examination or discussion, or had kept quiet about their claims.

65. It had now been decided that China would be admitted to the Board at the end of the twenty-eighth session of the General Conference. The Belgian delegation welcomed that decision, which had been taken on the basis of a liberal interpretation of the Statute. There had been an urgent need to bring the Statute into line with reality. There remained the problem of the amendment of Article VI which had been demanded for a long time by the African, Asian and Latin American States and which had been expected also by some European countries. In that connection, it was worth mentioning that at present those European countries, which included a group highly advanced in nuclear technology, had to wait five years or more before being elected to the Board. He therefore suggested that, instead of confining itself to sub-paragraph A.2, the Board should consider amendment of Article VI as a whole, as had already been proposed at various times by the Governors from Venezuela, Argentina and Chile.

66. The Belgian delegation had no preconceived ideas and did not know whether it would be possible to satisfy the wishes of everyone. The Board should be of an acceptable size and the existing balance should not be upset. There were various possibilities open to the Board: establishing a technical committee or a working group of the Board or holding informal group consultations. The last formula was probably the least costly. Participation should be open to all Members of the Agency. The discussions could be chaired either by the Chairman of the Board or by a member chosen by him and having no

direct interest in the matter. Perhaps it would be possible to find a temporary formula before the Board met in September. In any event, the time had come to study the claims of everyone. If the Board did not do that, the General Conference would have to take up the matter, which would be regrettable.

67. Mr. HASSAN (Iraq) noted with regret that the thorny issue of the under-representation of the areas of Africa and of the Middle East and South Asia, which the General Conference and the Board had been discussing for seven years, had not yet been resolved.

68. Those two areas, comprising 42 Member States, had only nine seats on the Board, whereas there were 25 seats for the 69 other Member States. It was high time to rectify that injustice by undertaking a thorough review of Article VI of the Statute. At the twenty-seventh session of the General Conference his delegation had suggested the establishment of a committee of the Board in which all areas would be represented and which would submit specific proposals at the following session of the Board. As for the contention of some Member States that an increase in the size of the Board would make it ineffective, it was not out of place to mention that the governing bodies of other United Nations agencies had more than 40 members - for example, FAO's governing body had 42, UNIDO's 45, UNESCO's 48 and ILO's 56, and those organizations could scarcely be accused of ineffectiveness.

69. He wished to reiterate that the number of seats for the two areas concerned should without further delay be increased by three seats for Africa and by two for the Middle East and South Asia.

70. Mr. TAYLHARDAT (Venezuela) recalled that in the past the representatives of the Latin American countries had indicated their willingness to consider any proposal which would maintain the relative representation of the area of Latin America. That position had not changed. Moreover, in February his delegation had called for a review of Article VI as a whole during the consultations on the subject and had suggested, as a first step, the establishment of a group to carry out that review and to submit proposals to the Board. If the suggestion of the Governor from Egypt about the establishment of a working group was accepted, his delegation would emphasize that the group should review Article VI as a whole and that Latin America's relative representation should not be modified.

71. Mr. KHAN (Pakistan) said that the arguments and logic underlying the proposal to amend Article VI.A.2 of the Statute were well known. It might be recalled that in 1977 the proposal submitted by Egypt, the Libyan Arab Jamahiriya, Bangladesh, Nigeria and Pakistan had called for the addition of three seats for Africa and two for the Middle East and South Asia. Those two areas were obviously the least represented on the Board. The discussion on the subject during the preceding two years had been disappointing. In 1978, in response to the objection that the proposed amendment would upset the balance in the composition of the Board, Pakistan had suggested a compromise formula involving only one additional seat for each of the two areas. That suggestion had been taken into account in resolution GC(XXII)/RES/361. Unfortunately, it had not received a two-thirds majority. His delegation had repeatedly stressed that, if a modest increase in the number of seats for the two areas were not agreed to, the Board would have to face the question of a much bigger increase. That moment had now arrived.

72. The countries in the areas of Africa and of the Middle East and South Asia were making their contributions to the Agency's programmes relating to the peaceful uses of nuclear energy in the world; in particular, they were notable suppliers of nuclear raw materials. It was therefore high time to give them their due share of representation.

73. He had no objection to the proposal to establish a working group or a committee and to review Article VI as a whole with a view to striking a balance in the representation of the various areas. However, the primary concern must always be to rectify the under-representation of the two areas, which would not be satisfied with 21% and 22% but would require shares equal to those of other areas or to the average figure for them.

74. If the consultations did not lead to a consensus, the matter would have to be placed directly before the General Conference. Nevertheless, in his opinion, the best solution was to continue the consultations actively under the guidance of the Chairman of the Board with a view to formulating a specific proposal to be submitted to the Board at its next series of meetings.

75. Mr. RUGGIERO (Italy) said that the consultations held on the subject of the amendment of Article VI.A.2 had clearly shown how difficult it was to arrive at a consensus among the various groups and even within the groups themselves. He recalled that in his report to the Board in June 1982 the then Chairman had mentioned one point on which there had been general agreement among the various delegations: the need to preserve the existing technological, political and geographical balance in the Board. That report had also underlined the apprehension of many delegations that the difficulties and frustrations to which the problem had thus far given rise might lead to undesirable tension and had concluded that consultations should continue since, despite the consultations which had taken place already, the difficulties persisted. However, a new element had emerged from the latest discussions - namely, many delegations felt that the revision of Article VI should not be limited to sub-paragraph A.2 but should cover Article VI as a whole.

76. Recalling his Government's interest in the Agency's activities, demonstrated by the increasing technical and financial support which it was giving to the Agency, and its constant concern to preserve and indeed strengthen the efficiency of the organization, he expressed his conviction that the delicate problem of the revision of Article VI should be tackled in such a manner as would avoid friction or antagonism among the various delegations and groups. The next steps must be taken thoughtfully and cautiously, without any hasty decisions. The aim was to improve the representativeness of the Board not merely from the geographical point of view but also in terms of Member States' experience in the nuclear field and their support for the Agency's activities, while maintaining the overall balance in the Board's composition and efficiency.

77. There had so far been no consensus either on the establishment or on the terms of reference of a committee or a working group to be entrusted with the task. Many delegations were, however, convinced of the need to continue discussing the possible revision of Article VI on the lines which he had indicated. He therefore urged the Chairman to continue his consultations, extending them in scope to cover the whole of Article VI, and to report to the Board at its September meetings.

78. Mr. SIAZON (Philippines) said that his delegation had always supported the aspirations of the areas of Africa and of the Middle East and South Asia and that, when the proposal to allot an additional seat to each of those regions had been put forward, his delegation had been willing to endorse it.

79. The matter had been under discussion for a long time and he understood the frustrations which it was engendering. However, in his opinion the solution did not lie in establishing a committee or a working group on whose terms of reference no agreement had been reached yet. Some delegations were now calling for the revision of the whole of Article VI, while others did not want the relative representation of the various groups to be modified. There was an "escalation" of expectation which he feared might be followed by an "escalation" of frustration. The only possible solution was that the Chairman should intensify his consultations with a view to ascertaining whether the whole of Article VI or only sub-paragraph A.2 should be revised and, in the latter case, whether the representation only of two areas or of all areas should be reviewed.

80. It was pointless to consider the establishment of a working group until those questions had been answered. Moreover, it should not be forgotten that, under Rule 34 of the Provisional Rules of Procedure of the Board of Governors, a proposal involving expenditure by the Agency required a report from the Director General on its administrative and financial implications. Hence it was too late to set up a working group at the present meeting; that could only be done in September. Therefore, he recommended that the Chairman actively continue his consultations.

81. Mr. WILMSHURST (United Kingdom) observed that the question of the Board's composition had been under consideration in one way or another ever since the Board had been established. His delegation had in the past expressed reservations about future expansion of the Board and was still not convinced that a bigger Board would be better or more efficient. Nevertheless, he recognized that holding perpetual consultations was not a solution. The question was what else could be done. The views expressed on the subject were divergent. Some Governors called for a review of Article VI.A.2; others wanted to review Article VI.A.1 as well. Some were in favour of recasting Article VI as a whole and others would prefer to leave matters where they stood.

82. He considered, therefore, that the Board should look to the Chairman for help in finding a way out of the difficulty. If, as a number of delegations had suggested, the Chairman were to establish a group entrusted with further consideration of the matter, his delegation would be willing to participate in the consultations, whatever their purpose. If there was sufficient support for the establishment of a new committee or working group, as had been advocated by some Governors, the United Kingdom delegation would very carefully examine the composition and terms of reference of that group, which he hoped would have the widest possible terms of reference with regard to Article VI of the Statute.

83. Mr. KHLESTOV (Union of Soviet Socialist Republics) said that he had always devoted much interest and attention to the question of the amendment of Article VI.A.2 of the Statute as the idea of amending it seemed justified in many respects.

84. The discussions which had taken place thus far on that subject, including those which had followed the Board decisions under agenda items 9 and 10, confirmed his delegation's impression that the most efficient procedure was to continue the consultations under the guidance of the Chairman of the Board. The Governor from the Philippines had described the situation well and had brought out all the arguments and conclusions which had come to his (Mr. Khlestov's) mind. Without wishing to repeat them, he would merely emphasize that consideration of the matter should continue in the form of consultations, especially since prolonging the present discussion in the Board seemed likely to bring to light other contradictory positions. In the case of agenda item 9 it had been clearly shown that consultations held under the Chairman's guidance afforded a better chance of finding solutions. In any event, it was too early now to establish a working group.

85. Mr. ROSALES (Cuba) said that his delegation had always taken an interest in the subject of amendment of Article VI.A.2 of the Statute. The demand for more equitable representation on the Board of Governors for some areas where developing countries predominated was a just cause which deserved attention.

86. In that connection, Cuba was willing to examine any proposal which did not affect the existing representation of the area of Latin America. It had no objection to the establishment of a working group. However, the Board should authorize its Chairman to hold consultations in order to clarify the details of the proposal and to settle the terms of reference of such a group.

87. Mr. PLACER (Argentina) said that since the matter had been discussed on several occasions by the Board and the well-known position of the Latin American group had been explained again by the Governors from Chile and Venezuela, he would merely refer to his statement in connection with agenda item 10 and add that the proposal to establish machinery for reviewing Article VI put forward by the Governor from Belgium deserved serious consideration by the Board.

88. Mr. KENNEDY (United States of America) felt that the numerous comments made so far proved how complex the issue was. His delegation believed that the present composition of the Board, which would soon also include China, satisfactorily reflected the balance envisaged in the Statute, the level of development attained by various countries in the field of nuclear energy and geographical distribution. Enlargement of the Board would only make it more unwieldy and thereby weaken the Agency. While it was understandable that those who were seeking to expand the Board were feeling frustrated, the United States must oppose any proposals which would weaken the Agency. In view of the divergence of opinion among the different regional groups, his delegation, like several others, had doubts about the need for establishing another committee or working group and associated itself with others in requesting the Chairman to continue intensive consultations and to report thereon to the Board at its September meetings. Such a procedure would be the most efficient means of arriving at a fair and equitable solution.

89. Mr. KOCH (Denmark) regarded the amendment of Article VI.A.2 of the Statute as a complex issue which was of vital importance for all Member States. It should therefore be discussed by all Member States, and the most suitable forum for that purpose would be a working group of the Board with membership open to all. In view of the complexity of the matter, the working group's terms of reference should cover amendment of sub-paragraphs A.1 and A.2 of Article VI. A start could be made by requesting the Chairman to hold consultations with a view to presenting, at the earliest opportunity, the terms of reference of such a group on the possible amendment of Article VI.

90. Mr. SULLIVAN (Canada), recalling that suggestions had been made concerning the nature of the consultations to be held on the difficult issue under consideration, wondered whether it was the right moment to go beyond the changes made in Article VI.A.1 during the present series of meetings and to seek changes in Article VI.A.2. Although maintaining the status quo was not always the best solution, he felt that before a change was made there should first be a consensus as to the nature of that change. No such consensus existed at present, which was not surprising since there were fundamental differences of view.

91. The Canadian delegation was always prepared to co-operate with the Chairman. However, given the delicate balance between the different interests in the Board and the vigour with which its possible enlargement had been sought during the preceding months, it would probably be best - for the sound reasons advanced by the Governor from the Philippines - for the Chairman to continue his consultations for a time, if necessary beyond the next series of Board meetings.

92. Mr. THABAULT (France), noting that the topic under discussion had been before the Board for a long time, stressed that the agenda item was concerned with the possibility of amending Article VI.A.2 of the Statute; the French delegation saw no reason to consider Article VI.A.1, which related to designated Members. However, if some countries insisted, the study to be undertaken with a view to establishing a working group would have to deal not only with the composition of the group and the financing of its work but also with determining its terms of reference. That would be an extremely important question, and his delegation would not be able to support such a study without being sure that it was to be conducted seriously and with due preparation. For that reason, intensive consultations should be held before taking any decision to establish a working group.

93. Mr. SHASH (Egypt) said that the point at issue was not to review the whole of Article VI but only sub-paragraph A.2. However, under the Rules of Procedure there was no obstacle to proposing consideration of another item. Moreover, he did not understand how it could be demanded that no

amendment whatever should modify the relative representation of various areas in the Board; in his opinion, that was precisely the purpose of amending Article VI.A.2. Finally, the Chairman should consult Member States on the question of establishing a working group or committee, the financial implications of which should not be a problem.

94. Mr. NANIOV (Bulgaria) shared the views of those speakers who considered that a solution to the complex problem of amending Article VI.A.2 could best be found in consultations conducted by the Chairman.

95. The CHAIRMAN informed the Board that the Resident Representative of Spain had asked for the floor under Rule 50 of the Provisional Rules of Procedure and, if there was no objection, he would grant that request.

96. Mr. SUAREZ de PUGA (Spain), thanking the Chairman and the Members of the Board for allowing him to take the floor, said his country considered that the Board should become more democratic and establish the practice of permitting participation in its debates by States which, although not members of the Board, were especially interested in particular items of the agenda. That was the case with Spain insofar as agenda item 17 was concerned.

97. In the Committee of the Whole, during the twenty-fifth regular session of the General Conference, Spain had stated that it had joined in the consensus on resolution GC(XXIV)/RES/378 at the twenty-fourth regular session on the understanding that the Board would be empowered, when studying the amendment of Article VI.A.2 of the Statute, to take into account all the consequences of any modification of Article VI; that, in doing so, it would take into consideration all the interests involved; that it would therefore study the amendment in the context of Article VI as a whole; and that in any event care had to be taken, in trying to render the Board more representative, not to impair its efficiency.

98. As could be seen from paragraph 103 of document GC(XXV)/OR.237, the delegation of Spain had not objected to the adoption of resolution GC(XXV)/RES/389 on the understanding that the Board would take full account of the records of the discussions in the Committee of the Whole and that it would, therefore, study the amendment of Article VI as a whole.

99. Paragraph 114 of document GOV/OR.596 reproduced a proposed version of Article VI which Spain had submitted for consideration by the Board at its 596th meeting, on 11 June 1982. In order to incorporate the amendment to the Statute which the Board had decided to recommend to the General Conference for adoption at its next session into that proposed version, he wished to modify the latter in the following manner:

"ARTICLE VI

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

1. The outgoing Board of Governors shall designate for membership on the Board one of the members most advanced in the technology of atomic energy including the production of source materials in each of the following areas:

- (1) North America
- (2) Latin America
- (3) Western Europe
- (4) Eastern Europe
- (5) Africa
- (6) Middle East and South Asia
- (7) South East Asia and the Pacific
- (8) Far East.

In addition, the outgoing Board of Governors shall designate in each of the aforesaid areas a number of members which, according to information available to and verifiable by the Agency, had a nuclear power generating capacity at the end of the preceding year. The maximum number of members which may be so designated from each of the aforesaid areas shall be calculated by dividing the number of members in the area by four. Fractions of a seat equal to or greater than 0.5 shall be counted as one seat and fractions smaller than 0.5 shall be disregarded.

2. The General Conference shall elect to membership of the Board of Governors a number of members from among those not designated under sub-paragraph A.1. The number of members to be so elected for each of the areas mentioned in sub-paragraph A.1 shall be calculated by dividing by four the difference between the number of members in that area and the number of members in that area designated under sub-paragraph A.1. Fractions of seats for different areas may be added together by agreement among the members from those areas to constitute one seat to which a member from those areas shall be elected.

B. [Unchanged]

- C. Members of the Board shall hold office from the end of the regular annual session of the General Conference that follows their designation by the Board or during which they have been elected by the General Conference until the end of the following regular annual session of the General Conference.
- D. [Deleted]
- E. Each member of the Board of Governors shall have one vote. Decisions shall be taken by a two-thirds majority of the members present and voting. Two thirds of the members of the Board shall constitute a quorum.
- F, G, H, I and J. [Unchanged]."

100. The following table showed the difference between the composition of the Board in 1984-1985 and that which would result from the proposed version.

Area	Composition of the Agency	Composition of the Board					
		1984-1985 (Statute of 1973)			Proposed version		
		Designated members	Elected members	Total	Designated members	Elected members	Total
1. North America	2	2	0	2	2	0	2
2. Latin America	20	1	5	6	2	4.50	6.50
3. Western Europe	23	4	4	8	7	4	11
4. Eastern Europe	11	1	3	4	4	1.75	5.75
5. Africa	27	1	4.33	5.33	1	6.50	7.50
6. Middle East and South Asia	16	1	2.66	3.66	2	3.50	5.50
7. South East Asia and the Pacific	7	1	1.66	2.66	1	1.50	2.50
8. Far East	9	2	1.33	3.33	3	1.25	4.25
Total	115	13	22	35	22	23	45

101. The Spanish delegation favoured enlarging the Board and welcomed the fact that China was soon to become a Board Member, although it did not fully support the procedure adopted for amending Article VI.A.1; that was why his country had not co-sponsored the amendment proposal. In his opinion, such a procedure disregarded the justified claims of countries which, like Spain, considered themselves to be among the most advanced in nuclear technology. Accordingly, he felt that the Chairman of the Board should accept, with the Board's approval, the task suggested by several Governors and continue active and detailed consultations with all Member States interested in the restructuring of Article VI as a whole. As for the comments made by some Governors regarding the establishment of a working group and its mandate, he pointed out that as time passed the problems became more serious. He supported, in particular, the remarks of the Governors from Belgium and Denmark, who had stressed the urgency of the matter, and hoped that at the September meetings of the Board the Chairman would be in a position to report on the results of his consultations.

102. He requested that his statement and the proposal contained therein should be reported in extenso in the records of the meeting.

103. Mr. OSZTROVSZKY (Hungary) welcomed the success of the consultations held on the amendment of Article VI.A.1 and agreed with the analysis by the Governor from the Philippines of the contradictory positions regarding the amendment of Article VI.A.2. His delegation held the view that the best way of arriving at a solution was to request the Chairman to continue his consultations on the matter.

104. Mr. PEŠIĆ (Yugoslavia), recalling that his delegation had on several occasions stated its views on the topic under discussion, wished only to say that he supported the suggestion that the Chairman should continue his consultations.

105. Mr. LOOSCH (Federal Republic of Germany) said that his views on the amendment of Article VI.A.2 had been stated on numerous occasions and were therefore known to Governors. The best method of tackling such a complex issue, if progress was to be made, was to request the Chairman to continue his consultations until the September meetings of the Board.

106. The CHAIRMAN said that during the discussion on the agenda item under consideration three broad lines of thinking had emerged:

- Some Governors, with regard to General Conference resolution GC(XXVII)/RES/420, were in favour of amending Article VI.A.2;
- There were others who proposed reviewing Article VI as a whole;
- There were still others who were opposed to any amendment of Article VI.

107. He took it, therefore, that the Board wished him to hold, between the present time and September, intensive consultations on the substance of the question, including the possibility of establishing an appropriate mechanism for studying the question. He would inform the Board of the results of his consultations in September, when the Board could also consider the nature of the report to be submitted to the General Conference.

108. It was so decided.

PROVISIONAL RECORD OF THE 628TH MEETING (held on 21 September 1984)

AMENDMENT OF ARTICLE VI.A.2 OF THE STATUTE (GC(XXVII)/RES/420)

The CHAIRMAN said that the amendment of Article VI.A.2 had been discussed by the Board at its meetings in February and June pursuant to General Conference resolution GC(XXVII)/RES/420. In June, he had again been requested by the Board to continue consultations on the matter and report to the Board in September on the results of those consultations, so that the Board could consider the nature of its report to the General Conference. As Governors were aware, he had held extensive consultations with members of all regional groups covering all aspects of substance and of procedure, including - in the latter category - the idea of setting up a working group or a committee. A frank exchange of views had taken place on measures which might help the Board to fulfil the task entrusted to it by the General Conference in that matter.

His impression, as a result of those consultations, was that there were still basic differences of opinion in a matter where a very broad consensus of Board members - and of Agency Member States in general - was essential. On the substance of the problem, there were three broad lines of thinking: some Governors, with regard to General Conference resolution GC(XXVII)/RES/420, proposed amending Article VI.A.2; others were in favour of reviewing Article VI as a whole; others still were opposed to any amendment of Article VI.

On procedural aspects there were also basic differences of view: some Governors favoured the establishment of a committee with a mandate limited to the study of Article VI.A.2; there were others who proposed a committee with a mandate to consider Article VI as a whole; and there were still others who were opposed to the establishment of any committee or working group.

In the light of the consultations and in order to assist the Board in preparing the report it was required to make to the General Conference, he had taken the liberty of preparing and circulating a draft report. As could be seen from paragraph 2 of the draft report, it was suggested that the summary records of the Board's discussions on that matter since the last session of the General Conference should be transmitted to the present session of the Conference.

Mr. HAWAS (Egypt) said the position of his delegation with regard to the implementation of General Conference resolutions on the amendment of Article VI.A.2 of the Statute was well known. His delegation believed that Africa was entitled to three additional seats on the Board and the area of the Middle East and South Asia to two additional seats. His delegation was ready to discuss the question with representatives of other areas and to consider other proposals for amending that Article.

He pointed out that the item on the agenda was the amendment of Article VI.A.2 pursuant to resolution GC(XXVII)/RES/420 and that any decision taken by the Board should be confined to implementing that resolution and remedying the under-representation of the two areas mentioned. That could be the first step. A just solution could be worked out to satisfy those two under-represented areas, thus putting an end to the discussions on that item, which had lasted more than seven years. That first step could then be followed by consideration of other proposals.

Mr. HADDAD (Syria) noted that resolution GC(XXVII)/RES/420 requested the Board to consider and submit its observations and recommendations on proposed amendments to Article VI.A.2 for approval by the General Conference. The draft report before the Board, however, contained no such observations or recommendations. The Board was thus ignoring the wishes and rights of more

than 40 Member States or more than one third of the Agency's total membership. The arguments put forward in opposition to the amendment of that Article had no technical justification and were purely political in nature. The Board should in future consider the matter seriously and take steps to conclude it once and for all.

Mr. GHEZAL (Tunisia) said that the General Conference would be discussing the amendment of Article VI.A.2 for the eighth time, and yet no proper dialogue had so far been established to correct the under-representation of the African and Middle East and South Asian areas on the Board. He associated himself with the views expressed by the Governors from Egypt and Syria and appealed to the Board to submit to the General Conference a recommendation which was just and equitable and which would correct the present discriminatory situation.

Mr. BELTRAMINO (Argentina) repeated the position of his delegation that Article VI as a whole should be the subject of a thorough study aimed at improving its overall structure. The Latin American group was prepared to consider any proposal which took account of its interests or, in other words, which did not lead to a reduction in the relative representation of that area on the Board. The consultations to be held by the Chairman on that question should therefore not be confined to Article VI.A.2 but should cover the whole of Article VI. The time was not right for a wide-ranging discussion of the issue, but there was a need to establish clearly the form in which the matter was to be transmitted in the relevant documents to the General Conference.

Mr. TAYLHARDAT (Venezuela), referring to the Chairman's summary of the results of the consultations he had conducted on that topic and to the various positions of delegations outlined in that summary, and taking into account comments made by - among others - the Governor from Argentina, proposed that the first paragraph of the draft report to be submitted by the Board to the General Conference be amended to read:

"In response to General Conference resolution GC(XXVII)/RES/420, the Board continued to discuss this question at its February, June and September meetings in the light of reports made by the Chairman on informal consultations which he had conducted, taking into account the various proposals made and the different opinions expressed both in the General Conference and in the Board of Governors."

The purpose of the amendment was to take into account the summary the Chairman had made and the fact that different opinions had been expressed and proposals put forward in informal consultations, in the Board and at the General Conference.

Mr. BINTOU'a-TSHIABOLA (Zaire) supported the views expressed by the Governors from Egypt and Tunisia. While it was true that some progress had been made with regard to the representation of Africa within the Secretariat, the same could not be said of the representation of that area on the Board of Governors. The main obstacle to progress was simply a lack of willingness to compromise, and he appealed to all members of the Board to show greater flexibility so that a just solution could finally be reached.

Mr. KHAN (Pakistan) thanked the Chairman for his efforts and for the consultations which he had conducted; it was nevertheless a matter for regret that, despite such efforts, no agreement on a solution had been reached. In view of the lack of agreement it would probably be best to submit the unamended Chairman's draft report to the General Conference together with the summary records of the discussion on the matter. Any amendments to the draft report would only create further difficulties.

The subject under discussion was Article VI.A.2 and not Article VI as a whole. A further General Conference resolution would be required before any amendment of Article VI.A.2 could be considered. During the seven years of debate on the question of amending Article VI.A.2., the under-representation of the areas of Africa and the Middle East and South Asia had become worse with the increase in African membership. In the circumstances, those two regions had shown great patience and co-operation. It was to be hoped that, through informal conversations within the Group of 77, the Board of Governors and the whole membership of the Agency, a solution would ultimately be found.

Mr. UMAR (Nigeria) supported the statements of other representatives of Africa and welcomed the statement made by the Governor from Pakistan. Although it was sometimes difficult for some African representatives to attend meetings, it was noteworthy that all were attending the present discussions.

Suggestions that the debate should be extended to Article VI as a whole were unjust; the Group of 77 should be given a further opportunity to reach agreement on that matter. It was a well-known fact that Africa was under-represented. He appealed for understanding and fairness and hoped that the present Chairman's successor would be given better opportunities to find a solution.

Mr. WANGURU (Kenya) supported the statement made by the Governor from Nigeria. He regretted the statement of the Governor from the United States, supported by the Governor from Argentina, that the main issue was not an increase in the representation of Africa but the question whether the Board of Governors would be effective if enlarged. Africa should clearly be given stronger representation, and he therefore supported the proposal put forward by the Governor from Egypt. He proposed that in the addition under Article VI.A.2 (a) should be two members from the area of Africa, two from the Middle East and South Asia and one from Latin America; and that Article VI.A.2 (c) should be amended to provide for two members from each of the three regions listed. Finally, he felt that it would be better to arrive at a firm decision rather than simply to set up a working group.

Mr. ERNEMANN (Belgium) stressed that the position of his Government on the matter had not changed since the Board's meetings in June. He would support the setting up of a working group in which all interested Member States could participate to examine Article VI as a whole, taking account of all the opinions expressed and proposals put forward. That study should ensure among other things that the Board remained efficient and that the present balance was retained. If the discussions were to be successful, it was obviously essential to discuss the matter as a whole, not piecemeal. It was to be hoped that continuing consultations would bring forth a realistic resolution which could be put to the General Conference.

He had no objection to the draft report being amended as proposed by Venezuela.

Mr. KELSO (Australia), speaking as a member of the South East Asian and Pacific area, wished to stress that action regarding amendment of Article VI affected the interests of all groups and that all groups would wish to consider all proposals submitted on that question.

Mr. LOOSCH (Federal Republic of Germany) supported the proposal that the draft report should be submitted to the General Conference under the condition that the summary records must contain all the different points raised and indicate that consultations under the auspices of the Chairman of the Board of Governors would continue.

Mr. SHABOUN (Libyan Arab Jamahiriya) supported the statements made by the Governors from African countries and from Syria and Pakistan.

Mr. KENNEDY (United States of America) stressed the difficulty of reaching a consensus on the matter and supported the proposal of submitting to the General Conference the draft report and summary records and of noting that consultations to reach a solution would be continued.

Mr. LAMPARELLI (Italy) reiterated his delegation's view that in order to maintain the efficiency of the Agency and fruitful co-operation between Member States, discussions concerning the amendment of Article VI, whether as a whole or in part, must be conducted very carefully, avoiding friction and antagonism; however, a study of the matter should be undertaken as soon as possible. He believed that it was possible to establish an appropriate mechanism for discussing the amendment of Article VI as a whole. The results of the Chairman's consultations had been disappointing, for without wide agreement on the scope and objectives of any revision of Article VI there was no point in continuing general discussions. It was to be hoped that the new Chairman of the Board of Governors would continue to conduct bilateral and multilateral consultations on the possible terms of reference of a working group to review Article VI of the Statute as a whole. The representativeness of the Board should be improved from a geographical point of view, but Member States'

technical experience in the nuclear field and their support to the Agency's activities should be taken into account while maintaining the overall balance in the Board's composition and preserving its effectiveness.

Mr. BELTRAMINO (Argentina) wished to clarify the position of his delegation: whilst it supported the Governor from the United States in emphasizing the efficiency of the Board, it also felt that there should be just representation of all areas on the Board of Governors.

The CHAIRMAN took it that, since the proposal by the Governor from Venezuela would be covered by submitting the summary records of the discussion to the General Conference, the Board wished to approve the submission of the draft report to the General Conference pursuant to resolution GC(XXVII)/RES/420 and wished consultations under the auspices of the Chairman of the Board of Governors to continue.

Mr. TAYLHARDAT (Venezuela) pointed out that his proposal did not involve any substantial change; his concern was that the Chairman of the Board should take into account all the proposals and views expressed in the Board of Governors and at the General Conference.

The CHAIRMAN assured the Governor from Venezuela that account would be taken of all views expressed on the subject since the Agency was established and took it that the Board wished to proceed as he had just suggested.

It was so agreed.