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GENERAL CONFERENCE

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Item 16 of the provisional agenda
(GC(XXX)/774)

REVISION OF ARTICLE VI OF THE STATUTE AS A WHOLE

Report by the Board of Governors

1. In 1985, the General Conference, in resolution GC(XXIX)/RES/455, invited the Board of Governors to present, for approval by the General Conference at its thirtieth regular session, its observations and recommendations on amending Article VI of the Statute.
2. In response to that resolution, the Board discussed the question of amending Article VI of the Statute at its February, June and September 1986 meetings in the light of reports made by the Chairman of the Board on informal consultations which she had conducted. Also, in September, the Board considered the Italian proposal for amending Article VI of the Statute which is contained in document GC(XXX)/780.
3. The Board agreed in September to transmit to the General Conference, for consideration at the Conference's thirtieth regular session, the summary records of its discussions on this matter since the Conference's twenty-ninth regular session, including the summary record of its discussion in September, parts of which constitute the Board's observations required under Article XVIII.C(i) of the Statute on the Italian proposal.

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ANNEX

Summary records of the discussion on the item
"Revision of Article VI of the Statute as a whole"
at meetings of the Board of Governors
held in February, June and September 1986

RECORD OF THE 647th MEETING (held on 19 February 1986)

- (e) REVISION OF ARTICLE VI OF THE STATUTE AS A WHOLE (GC(XXIX)/RES/455, GOV/2217 and Add.1 and 2)

98. The CHAIRMAN recalled that, in resolution GC(XXIX)/RES/455 adopted in 1985, the General Conference had invited the Board to present, for approval by the Conference at its thirtieth regular session, its observations and recommendations on amending Article VI of the Statute as a whole.

99. When the Board had met after the session of the General Conference in September 1985, it had been agreed that the Chairman should hold informal consultations on the matter. At one of the Board's meetings before the Conference session, an amendment to Article VI of the Statute proposed by Spain and co-sponsored by Belgium, Italy and Sweden (contained in document GOV/2217) had been extensively discussed, and there had also been some preliminary discussion of other ideas. However, it was her belief that further informal discussions were needed, so she suggested that in the interval before the June session of the Board she continue to hold consultations and that she report to the Board on their outcome in June.

100. Mr. NOE (Italy) commended the Chairman on her efforts with regard to Article VI and recalled that his delegation, together with those of Belgium and Sweden, had co-sponsored the Spanish proposal. His delegation continued to consider that proposal to be of interest and would co-operate constructively in the consultations suggested by the Chairman.

101. The CHAIRMAN took it that the Board wished her to continue with informal consultations, both individually and collectively, on the matter under discussion and to report to the Board again in June, when the Board could also consider the nature of the observations and recommendations it was expected to submit to the General Conference the following September pursuant to resolution GC(XXIX)/RES/455.

102. It was so decided.

RECORD OF THE 655th MEETING (held on 13 June 1986)

REVISION OF ARTICLE VI OF THE STATUTE AS A WHOLE (GC(XXIX)/RES/455)

131. The CHAIRMAN recalled that, when the matter had been before the Board in February, it had decided that she should continue within formal consultations on it, both individually and collectively, and report to the Board in June. She had accordingly held further informal consultations on the matter and had found the position to be very similar to that which she had described when reporting on her consultations under the previous agenda item, "Amendment of Article VI.A.2 of the Statute".

132. Mr. NOE (Italy) said that the problem of enlarging the Board, which had long been under discussion, required new efforts with a view to finding a solution in the near future, so that the issue would not become a source of tension.

133. The responsibilities and the importance of the Agency had increased continually in recent years and were likely to do so even more in the future. It was therefore understandable and logical that a larger number of Member States should consider it essential to participate more directly in the Agency's work; that would be possible, however, only if they were members of its principal policy-making organ.

134. In June 1985, the delegation of Spain had formally submitted a proposed amendment of Article VI of the Statute as a whole[10] which had been co-sponsored by Belgium, Italy and Sweden. That proposal had subsequently been the subject of consultations between the countries most concerned, which had attempted to find an acceptable solution without modifying the basic principles of the Spanish proposal. Following that process, a measure of agreement had emerged, to the effect that the current balance in the Board should be maintained and that the aspirations of the regional groups should, as far as possible, be satisfied.

135. Clearly, it was not realistic to hope for an ideal solution which would fully satisfy everyone. Efforts should be made to reach a compromise, since even a partial solution would be preferable to none at all. In that spirit,

[10] Reproduced in document GC(XXIX)/752.

the countries which had co-sponsored the Spanish proposal had decided, with the agreement of Spain, that the moment had come to introduce a proposal for an amendment whereby paragraph A of Article VI of the Statute would be replaced 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 seventeen members from among the most advanced in the technology of atomic energy including the production of source materials, so that the Board shall at all times include in this category two representatives of the area of North America, one representative of the area of Latin America, seven representatives of the area of Western Europe, two representatives of the area of Eastern Europe, one representative of the area of Africa, one representative of the area of the Middle East and South Asia, one representative of the area of South East Asia and the Pacific, and two representatives of the area of the Far East.

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

"(a) Twenty-six members, with due regard to equitable representation on the Board as a whole of the members in the areas mentioned in sub-paragraph A.1 of this article, so that the Board shall at all times include in this category six representatives of the area of Latin America, four representatives of the area of Western Europe, three representatives of the area of Eastern Europe, seven representatives of the area of Africa, four representatives of the area of the Middle East and South Asia, one representative of the area of South East Asia and the Pacific, and one representative of the area of the Far East. No member in this category in any one term of office will be eligible for re-election in the same category for the following term of office; and

"(b) One further member from among the members of the areas of South East Asia and the Pacific and the Far East, two consecutive terms of office served by members of the area of South East Asia and the Pacific alternating with one term of office served by a member of the area of the Far East."

136. The co-sponsors of the new proposal hoped that, after Governments had examined it carefully, they would find it a good basis for compromise with a view to reaching a solution rapidly.

137. It would be noted that the proposal provided for an increase by five elected seats for the countries belonging to the Group of 77 - namely, one for the area of Latin America, two and two thirds for the area of Africa, and one and one third for the area of the Middle East and South Asia. It also provided for three additional designated seats for Western Europe and one for Eastern Europe.

138. That proposal seemed to him a fair one; however, if the Chairman of the Board were to hold consultations on the proposal between the present time and September 1986, his delegation and the other co-sponsors would be willing to examine any suggestion aimed at improving it.

139. Mr. ERRERA (France) said that his Government remained in favour of limiting the size of the Board so as to keep it effective. Its current composition, which included almost a third of Member States, was broad enough to be representative and reflected satisfactorily the balance foreseen by the Statute with regard both to advancement in the technology of atomic energy and to geographical distribution. A modification in the current composition would require altering a statutory mechanism which had proved its effectiveness, and such an alteration might result in an imbalance with unforeseeable consequences. France was not intent on preserving the status quo at all costs, but it believed that, before deciding on a modification, it was necessary to be aware of all its consequences.

140. The CHAIRMAN took it to be the Board's wish that she should continue with informal consultations and report to it again in September, giving due consideration to the proposal submitted by Italy.

141. It was so agreed.

PROVISIONAL RECORD OF THE 659th MEETING (held on 23 September 1986)

REVISION OF ARTICLE VI OF THE STATUTE AS A WHOLE (GC(XXIX)/RES/455; GOV/2262 and Add.1)

56. The CHAIRMAN recalled that when the matter under consideration had come before the Board in June, it had been decided that she should continue with informal consultations thereon and report to the Board in September,

giving due consideration to the proposal for amending Article VI of the Statute submitted by Italy during the Board's June meetings.

57. Italy's proposal had in the meantime been formally submitted as document GOV/2262, and was co-sponsored by Belgium, Portugal, Spain and Sweden.

58. She had held further informal consultations on the matter, and recalled in that connection what she had said when she had reported under the previous agenda item on her consultations on the question of amending Article VI.A.2 of the Statute.

59. She presumed that the Board would wish to consider the Italian proposal contained in document GOV/2262 in the context of the present item and submit its observations on it, as required under Article XVIII.C(i) of the Statute, to the General Conference as part of the report to the Conference at its forthcoming session, in the manner foreseen in Conference resolution GC(XXIX)/RES/455 adopted the previous year.

60. That being so, she had circulated for the Board's consideration a draft text which the Board might adopt as its report to the General Conference pursuant to resolution GC(XXIX)/RES/455. [*]

61. Mr. NOE (Italy) said that the present item had been under consideration, both in the Board and at General Conferences, for some nine to ten years. He was convinced that the time for decision had now arrived, first, because the positions and interests of the different geographical groups had become clearer, and secondly, because any further delay - particularly in the present very delicate and important stage in the life of the Agency - could lead to a situation of tension and serious discontent among a number of Member States whose co-operation was essential in order to maintain the effectiveness of the Agency, to expand its activities and to ensure that the composition of the Board was both balanced and representative.

62. Through its proposal contained in document GOV/2262 Italy was seeking, together with a number of interested countries belonging to different geographical regions, to offer a solution which, in its opinion, could

[*] Subsequently used as document GC(XXX)/788.

represent the basis for a valid compromise offering a way out of the ten-year-old deadlock.

63. He agreed with the Governor from Sweden that a partial solution of the type advocated by certain delegations had no hope of being accepted. What was needed was an effort of goodwill by all concerned, together with less rigid attitudes. It was not good enough simply to refuse proposed solutions because they did not reflect to the letter the interests of all the countries involved.

64. By providing a moderate increase of nine seats, the proposal jointly submitted by Italy, Belgium, Spain and Sweden, which was co-sponsored by Portugal and supported by other countries, responded to the legitimate interests of the African countries and those of the Middle East and South Asia, while seeking to take account of the equally legitimate interests of other regions, such as Latin America and Europe. That proposal, moreover, maintained the existing important balance within the Board.

65. He was convinced that Italy's proposal, while not fully satisfying all the expectations of all the geographical regions, including Western Europe, did represent one of the most concrete and realistic solutions yet offered in connection with the problem of restructuring the Board so as to reflect the political and technological changes which had occurred over the previous decade.

66. The CHAIRMAN took it that the Board wished to adopt the draft text circulated earlier as its report to the General Conference, pursuant to resolution GC(XXIX)/RES/455, and to transmit to the General Conference, together with the report, the summary records of its discussions of that item since the Conference's previous session, including the record of the discussion during the present meeting of the Board, parts of which would constitute the Board's observations on the Italian proposal contained in document GOV/2262.

67. It was so agreed.

