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COMMITTEE OF THE WHOLE

RECORD OF THE FORTY-NINTH MEETING

Held at the Neue Hofburg, Vienna,
on Thursday, 2 October 1986, at 11 a.m.

Chairman: Mr. de la BARRE d'ERQUELINNES (Belgium)

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[*] A provisional version of this document was issued on 14 October 1986.

[**] GC(XXX)/789.

The composition of delegations attending the session is given in document GC(XXX)/INF/238/Rev.4.

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AMENDMENT OF ARTICLE VI.A.2 OF THE STATUTE (GC(XXX)/787, GC(XXX)/COM.5/49)
(resumed)

1. The CHAIRMAN invited the representative of Egypt to inform the Committee as to the outcome of the consultations which had been held since the previous meeting.

2. Mr. GOMAA (Egypt) reported that the sponsors of the draft resolution contained in document GC(XXX)/COM.5/49 wished to propose certain changes to the text of that resolution: preambular paragraph (b) was to be deleted, and in the operative paragraph the words "the Chairman of" were to be deleted and the word "his" replaced by "its". With those changes, the draft resolution would be substantially the same as the one approved by consensus the previous year. It was to be understood that any agreement on the agenda item "Amendment of Article VI.A.2 of the Statute" would not prejudice any discussion on the agenda item "Revision of Article VI of the Statute as a whole".

3. Mr. ALESSI (Italy) took note of the understanding that a decision on "Amendment of Article VI.A.2 of the Statute" would not prejudice discussions on "Revision of Article VI of the Statute as a whole" and was therefore able to support the proposed draft resolution.

4. The CHAIRMAN took it that the Committee wished to recommend that the General Conference adopt the draft resolution contained in document GC(XXX)/COM.5/49 as amended.

5. It was so decided.

REVISION OF ARTICLE VI OF THE STATUTE AS A WHOLE (GC(XXX)/780 and 788,
GC(XXX)/COM.5/50) (resumed)

6. The CHAIRMAN asked the Committee to turn to the next item, "Revision of Article VI of the Statute as a whole".

7. Mr. BESROUR (Tunisia) said that his delegation wished to make some changes in the operative paragraph of the draft resolution it had submitted in document GC(XXX)/COM.5/50. As amended, the text of that paragraph would read:

"Requests the Board of Governors to establish, without cost, a working group open to all Member States to examine the different proposals with a view to formulating a recommendation on the revision of Article VI of the Statute as a whole, to be submitted in the first instance to the Board of Governors and subsequently to the General Conference at its next regular session."

8. Mr. WERNLY (Switzerland) felt that, since the Board of Governors, in its present composition, was a body which had always worked effectively, there was no urgent need to change its composition. A revision of Article VI was too complex a matter for a vote to be taken on the present occasion, so it would be preferable to continue discussions among Member States in the hope of reaching a consensus at a later stage. The proposal submitted by Tunisia therefore appeared to offer a satisfactory solution.

9. Mr. SILANGWA (Zambia) expressed his delegation's support for the proposal submitted by Tunisia.

10. Ms. GALLINI (United States of America) reiterated her delegation's view that the existing composition of the Board was fair and effective and well reflected the balance established in the Statute between the representation of the States most advanced in nuclear technology and the demands of equitable geographical representation. Nevertheless, her delegation was willing to consider the setting up of a working group to review the proposals which had been put forward and to examine new possibilities which might serve to resolve the problem, bearing in mind that the overriding objective must be to maintain an effective and efficient governing body. However, her delegation would have to reserve its position on the proposed working group pending clarification of several points regarding the organization and financing of such a group as well as its schedule of meetings. In particular, the mandate of the working group should not be defined in such a way as to prejudice the outcome of its deliberations.

11. Mr. ALESSI (Italy) said it was time a decision was arrived at on the question of revising Article VI of the Statute; that was why his delegation and others had presented the draft resolution contained in the Annex to document GC(XXX)/780. His delegation would have to reserve its position regarding the follow-up to its proposed resolution until it had become clear what procedural solution was to be adopted. His delegation had

given careful consideration to the Tunisian proposal for the setting up of a working group and could support it provided that the thirty-first regular session of the General Conference was made the deadline for the group's recommendations.

12. Mr. PROENCA ROSA (Brazil) said that his delegation had difficulties in supporting the proposal submitted by Italy in document GC(XXX)/780. He welcomed the procedural solution proposed by Tunisia in document GC(XXX)/COM.5/50.

13. Mr. BAMSEY (Australia) suggested that, in the amended version of the operative paragraph of the Tunisian draft resolution, the words "a working group" should be replaced by "an informal working group". In that case, the proposal might gain greater support.

14. Mr. ZOBOV (Union of Soviet Socialist Republics) had substantial reservations about the proposal submitted by Italy and other countries, which was not likely to achieve a consensus. With regard to the Tunisian draft resolution, as amended, he was not in a position yet to express a final view, but he considered it impractical to give such a restricted mandate to the working group. The best solution, which might be acceptable to all, would be to continue informal consultations on the subject under the leadership of the Chairman of the Board.

15. Mr. FERREIRA (Portugal), expressing his support for the proposal made by Italy and others, said that he, too, was concerned about the effectiveness of the Board. However, recent developments had shown that even countries less developed in the nuclear field had a great interest in the working of the Board. He was therefore in general agreement with the procedure suggested by Tunisia.

16. Mr. MOSES (Netherlands) said that he could support the Tunisian proposal with the amendment suggested by Australia. His country attached the utmost importance to the Board's remaining an effective and efficient body, and considered that the proposal submitted by Italy and others would guarantee that objective.

17. Mr. CHAUDHRI (Pakistan) pointed out that, since the question of revising Article VI as a whole was of interest to all groups of States, any

consultations on the subject should involve more Member States than were represented on the Board. Also, clarification was needed as to who would be members of the proposed working group and whether there could really be no financial implications. As the difference between the two agenda items relating to Article VI was only of a procedural nature, he was in favour of formulating the operative paragraph of the Tunisian draft resolution on the same lines as that of the draft resolution referring to Article VI.A.2 which the Committee had approved in an amended version earlier on.

18. Mr. MORALES (Cuba) felt that the Tunisian draft resolution and the proposed amendments needed more detailed study with a view to clarification of the many ambiguities that remained.

19. Mr. BAEYENS (France) said that the topic under discussion ought to be examined further, but that it was not clear whether the procedure suggested by Tunisia commanded a consensus. Moreover, a number of questions mentioned by the representative of the United States must be answered before France could give a definite view concerning the mandate of the proposed working group. He therefore urged the sponsors to recast the wording of the draft.

20. Mr. MALU wa KALENGA (Zaire) said that he had too often heard the argument in favour of "preserving the effectiveness of the Board", which expression meant that the existing composition of the Board served the interests of certain States and that they wished it to continue doing so. That argument was weak, since a newly constituted Board would also regard any future changes in its composition as affecting its effectiveness. He strongly supported the draft resolution submitted by Tunisia, which was democratic in that it would enable States not members of the Board to express their views on proposals to alter the Board's composition.

21. Mr. SURYOKUSUMO (Indonesia) supported the draft resolution proposed by Tunisia with the amendment suggested by the Australian delegation.

22. Mr. STORHAUG (Norway) said that, as in the previous year, the Committee was faced with two different procedures for dealing with the same question. He could have supported the Tunisian proposal concerning the question of a revision of Article VI as a whole if a conflicting decision dealing with the amendment of Article VI.A.2 had not already been taken. In

any case, he had certain doubts about the Tunisian draft resolution, particularly the request that a working group be established with no financial implications, and so he favoured adopting a simple procedure similar to that just approved in connection with Article VI.A.2.

23. Mr. ABDALI (Syrian Arab Republic) endorsed the amended draft resolution proposed by Tunisia.

24. Mr. TSUKADA (Japan) said that the present composition of the Board was optimal from the point of view of effectiveness and efficiency and of the equitable representation of Member States with differing nuclear capabilities. He had certain reservations regarding the draft resolution submitted by Tunisia and doubted whether establishing a large working group was the best way of achieving good results. However, if a consensus emerged on that proposal, his delegation would not stand in its way.

25. Mr. JANOWSKI (Poland) thought increasing the membership of the Board by nine would be unlikely to enhance its efficiency. The existing composition of the Board was in keeping with the interests of all Member States. Regarding the draft resolution and the amendment thereto proposed by Tunisia, he felt it should be left to the Board to decide what should be done with the recommendations of the proposed working group. Finally, his delegation supported the amendment put forward by the Australian representative.

The meeting rose at 11.55 a.m.