



International Atomic Energy Agency

# GENERAL CONFERENCE

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Item 22(a) of the provisional agenda  
(GC(XXXVII)/1052)

## ARTICLE VI OF THE STATUTE

### (a) AMENDMENT OF ARTICLE VI.A.2

#### Report by the Board of Governors

1. In resolution GC(XXXVI)/RES/600, the General Conference last year requested the Board of Governors "to continue to conduct consultations with Member States and to submit its observations and recommendations on proposed amendments regarding this matter for approval by the General Conference at its thirty-seventh regular session".
2. At its post-1992 General Conference meeting (last September) the Board agreed that its Chairman would undertake consultations on its behalf and report to it in due course so that the Board could decide on the nature of its report to the General Conference at its next session. During those consultations, he would take into account the discussions of the working group on the Revision of Article VI as a whole.
3. During the Chairman's consultations, it was evident that there have been no major changes or breakthroughs in the position of the various (interested) delegations and groups on this item. Some members maintained their long-held position that the existing imbalances in the current composition of the Board ought to be rectified urgently given the length of time the issue had been on the Board's agenda. Others, however, felt that any revision of the Board's composition can only be realistically and objectively decided upon after the effects of the on-going geo-political changes in the international system become clearer.
4. It was, however, generally agreed that while the revision of Article VI.A.2 is perhaps important, necessary and probably inevitable, there was need for greater reflection and some more patience on the issue before it is ultimately resolved.

5. At the same time, some Member States expressed the view that in order to facilitate the work of the Board through the widest possible membership, it was perhaps necessary to review the provision of Article VI.A.2(a) as it now stands relating to re-election to the Board of members vacating seats classified for "area" groups.
6. The current provision states that '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'. In other words, a member occupying what are generally and commonly regarded as 'area seats' is not eligible for IMMEDIATE re-election for the 'area seat'. This is in contrast to the provision for the so-called 'floating seats' as stated in Article VI.A.2(b) and (c) which does not bar either re-election to the 'floating seat' or the election to an 'area seat' immediately after vacating a 'floating seat' or vice-versa.
7. The view was, therefore, expressed that the 'no re-election' provision of Article VI.A.2(a) was unduly restrictive and unnecessary as it creates difficulties for certain areas/regions whose participation in the Board would have enhanced its work but who are unable to serve on the Board because of the restriction imposed by the provision. It was suggested that in order to facilitate its work and as an interim measure and without prejudice to the on-going discussions on the overall revision of the Article as a whole, to recommend to the General Conference to approve an amendment to Article VI.A.2 (a) of the Statute to make immediate re-election to 'area seats' on the Board possible, as provided for in the other parts of the Article, i.e. Article VI.A.2.(b) and (c). In making this suggestion, it was noted that for procedural reasons, the earliest time at which such an amendment could be formally taken up by the General Conference would be in 1994. (See Article XVIII of the Statute). If it is so decided, this objective may be achieved by simply deleting the last sentence of subparagraph (a) of Article VI.A.2 of the Statute.
8. At the same time, the view was also expressed that it is not desirable to make partial or ad-hoc amendments of the Article, and that any amendments to that Article should be global and comprehensive in character.
9. These positions are consistent with the views reflected in the informal consultations of the working group on the revision of Article VI of the Statute as a whole.
10. The summary record of the Board's discussion on 22 September 1993 relating to this item will be issued as an Addendum to the present document.