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General Conference

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Agenda item 18
(GC(XIV)/442)

AMENDMENT OF ARTICLE VI OF THE STATUTE

Report of the Administrative and Legal Committee

Rapporteur: Mr. C.L. LAMB (Australia)

1. The Committee considered agenda item 18, which was referred to it for initial discussion, from its 52nd to 57th meeting, held from 23 to 26 September 1970. The Committee studied first the five proposed amendments to Article VI of the Statute, together with the report and observations thereon by the Board of Governors^{1/}.

During the course of the Committee's deliberations the following four draft resolutions were introduced:

- (a) A joint draft resolution by Argentina and 33 other Members^{2/};
- (b) A joint draft resolution by Iraq and five other Members^{3/};
- (c) A draft resolution by Mexico^{4/}; and
- (d) A joint draft resolution by Bulgaria and six other Members^{5/}.

Poland submitted amendments^{6/} to the joint draft resolution by Argentina and 33 other Members.

2. After an extensive discussion^{7/} the Committee proceeded to vote on the joint draft resolution by Argentina and 33 other Members and on the Polish amendments thereto. Before voting began the Chairman recalled that in accordance with

^{1/} GC(XIV)/437 and Add.1 and 2.

^{2/} GC(XIV)/COM.2/50 and Add.1, 2, 3 and 4.

^{3/} GC(XIV)/COM.2/51/Rev.1.

^{4/} GC(XIV)/COM.2/52.

^{5/} GC(XIV)/COM.2/53.

^{6/} GC(XIV)/COM.2/54.

^{7/} Summarized in documents GC(XIV)/COM.2/OR.52-OR.57 inclusive (in preparation).

Rule 69 of the Rules of Procedure, a two-thirds majority of the Members present and voting would be required for the adoption of the amendments as well as of the draft resolution itself. In ~~regard to that~~ statement the delegate of Pakistan indicated that there were various ways by which a Committee of the Conference could determine the substance of its recommendations to the Conference and the manner in which they would be transmitted thereto. He further indicated that, although he accepted the Chairman's statement for the purpose of the current discussion, it should not be regarded as a precedent for the work of the General Conference or any of its committees at future sessions.

3. The Polish amendments were not adopted, as there were ten votes in favour of them, 38 against and 24 abstentions. Thereafter the Committee voted on the joint draft resolution by Argentina and 33 other Members deciding by 46 votes in favour, ten against and 16 abstentions to recommend to the General Conference the adoption of that draft resolution, which is accordingly reproduced in the Annex to this report.

4. Having taken that course, the Committee did not proceed to vote on the other three draft resolutions before it. In reply to an enquiry from the delegate of Pakistan, the Chairman indicated that in his view the action taken by the Committee did not imply that the General Conference could not consider the proposals for amendment of Article VI of the Statute, reproduced in document GC(XIV)/437.

A N N E X

AMENDMENT OF ARTICLE VI OF THE STATUTE

The General Conference,

- (a) Recalling Resolutions GC(XII)/RES/241 and GC(XIII)/RES/261 whereby it requested the Board of Governors to undertake a review of Article VI of the Statute, and to continue the study of the problem as an urgent matter, respectively,
 - (b) Noting that the Ad Hoc Committee of the Whole to Review Article VI of the Statute, established by the Board in February 1969, has afforded an opportunity to all Members of the Agency to participate in the discussions which took place during eleven meetings of the Committee,
 - (c) Noting further that the Board has also studied the problem in the course of nine meetings,
 - (d) Having examined the proposals for amendment of Article VI contained in part A of document GC(XIV)/437, and
 - (e) Having considered the Board's report contained in part B of, and in the Appendix to, document GC(XIV)/437, which constitute the Board's observations on the amendments, submitted in accordance with Article XVIII.C(i) of the Statute,
1. Approves the following amendment of paragraphs A, B, C and D of Article VI of the Statute:

- (a) Replace sub-paragraphs A.1-A.3 by the following:

1. The outgoing Board of Governors shall designate for membership on the Board the nine members most advanced in the technology of atomic energy including the production of source materials, and the member most advanced in the technology of atomic energy including the production of source materials in each of the following areas in which none of the aforesaid nine is located:

- (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

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

(a) Twenty members, with due regard to equitable representation on the Board as a whole of the members in the areas listed in sub-paragraph A-1 of this article, so that the Board shall at all times include in this category five representatives of the area of Latin America, four representatives of the area of Western Europe, three representatives of the area of Eastern Europe, four representatives of the area of Africa, two 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

[office]; and

(b) One further member from among the members in the following areas:

Middle East and South Asia
South East Asia and the Pacific
Far East;

(c) One further member from among the members in the following areas:

Africa
Middle East and South Asia
South East Asia and the Pacific.

(b) In paragraph B:

(i) First sentence - replace "sub-paragraphs A-1 and A-2" by "sub-paragraph A-1" and

(ii) Second sentence - replace "sub-paragraph A-3" by "sub-paragraph A-2".

(c) In paragraph C, replace "sub-paragraphs A-1 and A-2" by "sub-paragraph A-1"; and

(d) In paragraph D, replace "sub-paragraph A-3" by "sub-paragraph A-2", and delete the second sentence.

2. Urges all Members of the Agency to accept this amendment as soon as possible in accordance with their respective constitutional procedures, as provided for in Article XVIII.C(ii) of the Statute; and
3. Requests the Director General to report to the General Conference at its fifteenth regular session on the progress made towards entry into force of the amendment.

