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## AMENDMENT OF ARTICLE VI.A.2 OF THE STATUTE

Since the General Conference met in September 1980, the Board has had further discussion on the question of the amendment of Article VI.A.2 of the Statute, and the part of the summary record dealing with the discussion on the item "Amendment of Article VI.A.2 of the Statute" at its meeting on 12 June 1981 is accordingly reproduced below.

Summary record of the discussion on the item "Amendment of  
Article VI.A.2 of the Statute" at the meeting of the  
Board on 12 June 1981

### RECORD OF THE FIVE HUNDRED AND SIXTY-EIGHTH MEETING

Held at Headquarters, Vienna, on Friday, 12 June 1981, at 2.50 p.m.

#### AMENDMENT OF ARTICLE VI.A.2 OF THE STATUTE

156. The CHAIRMAN said that in General Conference Resolution GC(XXIV)/RES/378 the Board had been requested to give further consideration to the matter of the amendment of Article VI.A.2 of the Statute and to submit its observations to the General Conference at its twenty-fifth regular session.

157. Mr. KHAN (Pakistan) said that the proposals made to amend Article VI.A.2 of the Statute were of great importance to the two regions of Africa and of the Middle East and South Asia since they related to their representation on the Board. While every other region was represented to a

reasonable extent, the region of Africa was represented to the extent of only 21% while the region of the Middle East and South Asia was represented to the extent of 23%. It was time to rectify that imbalance.

158. Before 1970, when the last amendment to Article VI had been approved, the situation had been even worse. He hoped that a sense of fair play would prevail and that equitable representation would now be achieved. In the past it had been said that the areas under discussion were not sufficiently advanced in nuclear technology and had no active nuclear programmes. In the last ten years, however, a radical change had occurred and rapid progress had been made. In addition, the increase in political awareness in those regions made it very difficult for them to accept their poor representation on the Board.

159. At the Board's meetings in February 1977, his delegation had proposed that three extra seats should be allotted to the region of Africa and two to the region of the Middle East and South Asia. That proposal would have increased the membership of the Board to 39; the extent of representation of the region of Africa would have increased to 33% and that of the Middle East and South Asia to 35%, the average representation on the Board being about 35%. Many countries had considered that such a proposal might upset the delicate balance in the Board. In response, his delegation had proposed a compromise solution whereby the two regions would each receive only one additional seat, thereby increasing the representation of the region of Africa to only 24% and that of the Middle East and South Asia to 28%, while the average representation on the Board as a whole would have been 32%. Thus, despite the increase, the two regions would still have been underrepresented. His delegation had been willing to approve such a formula despite the fact that it did not involve an entirely equitable adjustment but merely a small improvement. In his opinion that proposal did not entail any dilution of the representation of other regions since those regions would lose no seats; nor would the size of the Board become cumbersome, as the increase was a very small one.

160. After the Board's discussions in 1977, the General Conference had approved Resolution GC(XXI)/RES/353, in which a clear indication was given that discussions on the amendment of Article VI.A.2 should be confined to the question of increasing the representation of the two regions of Africa and the Middle East and South Asia. It had thus been agreed not to reopen the question of amending the entire Article and of modifying the representation of all regions. In 1978 the General Conference had approved Resolution GC(XXII)/RES/361, which was very important in that it noted that

the proposal for an increase of one seat for each of the two regions was acceptable to a majority of the Member States who had participated in the discussions at the twenty-second regular session. Although that compromise solution had been acceptable to a majority at the General Conference, his delegation had not requested a vote since it felt that the question should be settled by consensus. His Government was very disappointed that no clear action had yet been taken and that the two General Conference resolutions on the matter in 1979 and 1980 had merely referred it to the Board again.

161. The time had come to take positive action, especially since considerable progress had been made in the nuclear programmes of the two regions concerned. For example, Africa was a major supplier of uranium for the nuclear power programmes of Western European and other countries. African countries also produced oil for industrialized countries. The region of the Middle East and South Asia was a major supplier of energy to the Western world and to other countries, who apparently expected the two regions to continue to supply oil and other energy resources but even so were reluctant to allow them proper representation in the Agency. The increase requested was only a modest one. If there were further delay in approving it, he feared that it might be necessary to increase the size of the Board more dramatically, so that in the end it would have more than 40 seats. He therefore appealed to the Board to find a solution to the problem as soon as possible.

162. Mr. HAWAS (Egypt) pointed out that none of the comments made in the course of the long discussion of Article VI.A.2 had cast any doubt on the need to abide by the principle of equitable representation. It had also been generally recognized that the two regions in question were not as well represented on the Board as other areas were. The countries belonging to the two areas had nothing against the delicate balance said to exist in the Board, but nevertheless failed to see why that balance should be maintained at their expense. The principle of equitable representation should be reflected in the composition of the Board by the addition of three seats for Africa and two seats for the Middle East and South Asia.

163. Mr. BRUSH (United States of America) said that his Government considered that the present composition of the Board reflected the balance of geographical and other factors foreseen in the Statute. The balance was a wise one which strengthened the Agency. The Board was already one of the largest executive bodies in the United Nations system, and might well have reached the maximum size compatible with effectiveness. Since his Government believed it essential to maximize the Board's effectiveness, it was strongly opposed to any amendment of Article VI.A.2.

164. Mr. SIAZON (Philippines) associated himself with the views expressed by the Governors from Pakistan and Egypt.

165. Mr. DALAL (India) said that the arguments put forward so far had strengthened his Government in the conviction that equitable geographical representation on the Board was essential and that the number of seats for Africa and for the Middle East and South Asia should be increased. The Board should conform to the norms applicable to international organizations generally and should be representative of the Agency's membership. The Board had only just welcomed Zimbabwe's application for membership, and that increase in the number of African countries Members of the Agency added to the problem of equitable representation on the Board.

166. Mr. MESSAN (Niger) said that the Board's recommendation to the General Conference that it approve Zimbabwe for membership of the Agency highlighted a situation which was becoming less and less acceptable. There were many African countries which might still join the Agency in the future, so the representation of Africa was likely to deteriorate further if Article VI.A.2 were not amended. He was surprised that the Governor from the United States of America considered the existing balance equitable.

167. Mr. HAMIYÉ (Lebanon) associated himself with those speakers who favoured increasing the Board by one seat for Africa and one seat for the Middle East and South Asia.

168. Mr. BIRIDO (Sudan) said that the inadequate representation of Africa on the Board was an obvious fact. At the time of drafting of the Statute and of the Charter of the United Nations, many African countries had not yet gained independence; a certain injustice to the African and other developing countries was consequently inherent in those documents, and they should be revised to reflect the situation existing at the present time. Moreover, a number of African countries were likely to join the Agency in the future as a result of economic development, and the composition of the Board should reflect the increased importance of that region.

169. The Governor from the United States of America had suggested that the Board was already one of the largest executive bodies in the United Nations system, but in fact the corresponding bodies of ILO, UNESCC, FAO, UNIDO and UNDP were all larger than the Board would be if its Members were more equitably represented.

170. Mr. KELLY (United Kingdom) agreed with the Governor from the United States that the Board had already reached the largest size that was acceptable and compatible with efficiency.

171. Mr. AL-MASHAT (Iraq) suggested that the Board should first agree in principle that there was an imbalance in the representation of certain geographical areas and should then consider recommending a particular increase in the number of seats on the Board.

172. Mr. AGIOBU-KEMMER (Nigeria) recalled that, whereas Article VI.A.1 of the Statute provided for the designation of Members of the Board on the basis of advancement in the technology of atomic energy including the production of source materials, the designation of Members under Article VI.A.2 was based only on the principle of "due regard to equitable representation on the Board as a whole". However, it was clear that two of the areas listed in Article VI.A.1 were less well represented than the other areas in terms of the ratio of the number of seats on the Board to the total number of States Members of the Agency in each area. The present composition of the Board therefore did not reflect the principle of equitable representation, and Article VI.A.2 was consequently in need of amendment.

173. It was not true that a delicate balance existed in the Board which it was important to preserve. There was in fact an imbalance, and the Agency could only be strengthened by elimination of that imbalance. Nor was it true that the Board was in danger of becoming too large to work effectively. In other organizations long struggles had taken place in connection with the same problem, and the executive bodies had not suffered from ineffectiveness since their membership had been increased. Organizations were not strengthened, but weakened, by continuation of the debate concerning equitable representation.

174. Article VI.A.2 contained an intrinsic inconsistency, since it called in general terms for equitable representation on the Board but then provided for a distribution of seats which was not equitable. It should therefore be subjected to a revision, which need not entail an increase in the total number of seats at all, but which should allow for fair and universal representation, not only in the present but also in the future. Those who opposed amendment of the Article should let themselves be guided by the high principles of justice, fairness and human rights which they so often invoked, and agree to

a redistribution of the seats on the Board which would more nearly reflect the composition of the membership of the Agency.

175. Mr. MOROZOV (Union of Soviet Socialist Republics) considered that there was as yet no possibility of a general consensus on the matter and that consultations on the amendment of Article VI.A.2 should be continued.

176. Mr. HAWAS (Egypt) recalled that the discussion of the matter in hand had been going on for years. The General Conference had recognized the problem and had requested the Board to find a solution which would enable the Board to continue to operate effectively. Since some delegations felt that the total number of seats on the Board should not be increased, it might be possible to find a more equitable distribution of the present number of seats. If the area of Africa was already underrepresented at a time when only half the countries in that area were Members of the Agency, the situation was likely to become worse as their economic development led further African countries to join the Agency.

177. The CHAIRMAN suggested that the records of the Board's deliberations on the matter be transmitted to the General Conference, as had been done on previous occasions.

178. It was so agreed.

179. Mr. KHAN (Pakistan) felt that the Board should also reconsider the matter at its meetings in September just before the General Conference.

180. Mr. AGIOBU-KEMMER (Nigeria) requested that the item be placed higher on the agenda of those meetings than on the present agenda.

181. Mr. DALAL (India), supported by Mr. HAWAS (Egypt), proposed that the Chairman should arrange for informal consultations to take place in the intervening period.

182. The CHAIRMAN took it that the Board wished the item to be placed on the provisional agenda for its meetings in September and that he conduct informal consultations in the meantime.

183. It was so agreed.