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Item 15 of the provisional agenda
(GC(XXXI)/799)

AMENDMENT OF ARTICLE VI.A.2 OF THE STATUTE

Report by the Board of Governors

1. In response to General Conference resolution GC(XXX)/RES/466, consultations were held with Member States on the question of proposed amendments to Article VI.A.2 of the Statute and the Board had discussions at its meetings in February and June 1987 in the light of reports made by the Chairman of the Board on those consultations.

2. The Board agreed in June that the summary records of its discussions since the thirtieth regular session of the General Conference should be transmitted to the General Conference for consideration at its thirty-first regular session. The summary records are reproduced in the Annex.

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Summary records of the discussion on the item
"Amendment of Article VI.A.2 of the Statute"
at meetings of the Board of Governors
held in February and June 1987

RECORD OF THE 670th MEETING (held on 20 February 1987)

(c) AMENDMENT OF ARTICLE VI.A.2 OF THE STATUTE (GC(XXX)/RES/466)

55. The CHAIRMAN recalled that the present item of the agenda had been before the Board for a number of years. As on previous occasions, there was now a resolution before the Board requesting it to consider the matter and to submit its observations and recommendations on proposed amendments to the General Conference at its thirty-first regular session.

56. When the Board had met the previous October, it had been agreed that he would hold consultations on that matter. The consultations which he had held since then indicated that Members still held the basically different points of view which had been reported the previous year by the Board to the General Conference.

57. In view of the divergent views which still existed, he suggested that he hold further consultations in the period between the present and the forthcoming Board sessions and that he report to the Board in June on the outcome of those consultations in order to enable it to decide on the nature of its report to the General Conference.

58. Mr. ABDELBARI (Algeria) said that the present item had been under discussion within the Agency for over ten years. It had originally been introduced by the areas of Africa and Middle East and South Asia, which were calling for equitable representation on the Board through the granting of three additional seats to Africa and two to the area of Middle East and South Asia.

59. He noted with disappointment, however, that no progress had as yet been made in responding to the legitimate and reasonable claims of those two areas. That was a denial of justice to which Governors should give attention. The objections expressed by certain delegations as to the possible effects of the proposed amendment on the efficiency of the Board's work seemed

unjustified. That being so, his delegation hoped that the Board would at last adopt a constructive attitude on the matter and take the positive step of recommending to the forthcoming session of the General Conference that the additional seats should be granted.

60. Mr. OLUMOKO (Nigeria) said that his delegation supported the statement made by the Governor from Algeria.

61. Ms. HYDER (Pakistan) said that the proposed amendment under discussion had been based on the realization that two geographical areas, namely Africa and the Middle East and South Asia, were under-represented on the Board, and that an equitable solution had to be found for that problem. In the meantime certain other proposals had been put forward which called for a substantial increase in the membership of the Board through the provision of additional seats, both designated and elective. At the present stage she would not go into the merit of such proposals; however, it would be well to keep in mind that the proposal for amendment of Article VI.A.2 had a different historical background from those seeking a more general review of Article VI. It had been under consideration by both the General Conference and the Board for a number of years, and the Conference had taken a definite decision on it by adopting a resolution. It was, moreover, different in nature as it confined itself to rectifying an imbalance within the Board and did not link that intention with any proposals for changing the process of designation under Article VI.A.1. The proposed amendment of Article VI.A.2 should therefore maintain its separate identity and be considered in the specific context in which it had been made and for so long been discussed. She urged Member States to show the necessary political will to resolve the matter in a spirit of compromise, and thereby to avoid further bitterness and frustration among the Member States affected.

62. Mr. AL-KITAL (Iraq) expressed his delegation's support for the position adopted by previous speakers on the matter and said that a working group should be established, under the chairmanship of the Chairman of the Board and including representatives of all the area groups, to discuss the matter and to prepare a report for submission to the Board at its meetings in June.

63. Mr. ZHOU (China), referring both to the proposed amendment of Article VI.A.2 of the Statute and the proposed revision of Article VI of the Statute as a whole, said that China had maintained a consistent position on those matters. It supported the demands made by the Member States in the areas of Africa and the Middle East and South Asia for equitable representation on the Board.

64. His country was not opposed to the establishment, pursuant to resolution GC(XXX)/RES/467, of an informal working group to examine the different proposals on the revision of Article VI, but it was to be hoped that the group's discussions would not complicate matters as regards the question of amending Article VI.A.2, thereby making it more difficult to solve the question.

65. Mr. SHAKER (Egypt) said that his delegation supported the views expressed by the Governor from Algeria and also by other Governors. Egypt felt that efforts to find a solution to the problem should be maintained.

66. The CHAIRMAN said that the statement and observations made would, as was the usual practice, be recorded in the summary records. He took it that the Board wished him to continue with informal consultations and to report to the Board again in June, when it could decide on the nature of the report it was expected to make to the General Conference, pursuant to resolution GC(XXX)/RES/466. Meanwhile, an item entitled "Amendment of Article VI.A.2 of the Statute" would be placed on the provisional agenda for the Board's June session.

67. It was so decided.

PROVISIONAL RECORD OF THE 678th MEETING (held on 13 June 1987)

AMENDMENT OF ARTICLE VI.A.2 OF THE STATUTE (GC(XXX)/RES/466)

90. The CHAIRMAN recalled that in February 1987 he had reported to the Board on the results of informal consultations which he had conducted following the thirtieth regular session of the General Conference. The Board had then decided that he should continue his informal consultations with various Member States and groups of States and report to it on that matter in June. Some delegations had reiterated the opinions they had expressed in February, namely that the matter, which had been under review for more than ten years in the Agency, should continue to be the subject of a separate agenda item and be examined in its own context. Since the different points of view expressed at the last session of the General Conference had not changed, he had distributed a text on that question, in accordance with resolution GC(XXX)/RES/466.

91. Ms. HYDER (Pakistan) said that the question of the amendment of Article VI.A.2 of the Statute had been before the Board and the General Conference for more than ten years. The amendment had been proposed because two geographical regions, "Africa" and "Middle East and South Asia", were under-represented on the Board and it was necessary to find a just solution to that problem. Her delegation had stated its position on that subject on several occasions and would therefore limit itself to recalling that the objective of the proposal to amend Article VI.A.2 was to resolve the specific problem of the under-representation of those regions, a problem which had been recognized in a General Conference resolution. Moreover, that proposal was not linked to the question of the designation of Board Members, which was more complex. The number of additional seats proposed was very modest and would, in fact, only partially correct the existing under-representation of those two regions.

92. Discussions on that issue had not led to any satisfactory solution, since some Members were still not convinced of the need to increase the number of seats on the Board. However, it was equally evident that the present

situation was unacceptable to the majority of Members. Members of the Board should therefore show the political will needed to find a solution which would meet the legitimate request of those two regions to be equitably represented and thereby eliminate a source of permanent frustration.

93. Mr. OLUMOKO (Nigeria) said it was high time that the question of amending Article VI.A.2 was treated with the seriousness it deserved. The regions "Africa" and "Middle East and South Asia" were clearly under-represented on the Board, which was a very important policy-making organ of the Agency. Thus, Africa, the region with the greatest number of Member States, had only five seats on the Board, whereas Western Europe, of which 23 States were Members of the Agency, had eight. That situation was profoundly unjust.

94. The purpose of the Agency was to accelerate and increase the contribution of atomic energy to peace, health and prosperity throughout the world, not just in specific regions. How could that objective be achieved if the regions which had the greatest number of Agency Member States did not have adequate access to an important policy-making organ whose decisions had a considerable effect on all Members of the Agency? That was neither logical nor just, particularly since Article VI.A.2 stressed the need to take due account of the principle of equitable geographical representation in the Board.

95. In order to improve that anomalous situation, the African group had proposed in 1977 that three seats be assigned to the "Africa" region and two to the "Middle East and South Asia" region, but that had not been accepted. Subsequently, his delegation had even proposed two seats for Africa, one for Asia and one for Latin America, but that proposal, too, had for very strange reasons not proved acceptable.

96. The matter had been pending for too long and the Board should devote to it the time and attention needed to come up with specific proposals to correct the existing imbalance. One way would be to set up a special open-ended working group to examine the question, as had been done in the case of the revision of Article VI of the Statute as a whole.

97. Mr. ZHOU (China) said that his country had always had a clear position on the subject of the amendment of Article VI.A.2, namely that the distribution of seats on the Board should reflect the principle of equitable geographical distribution. During the past ten years, an increasing number of countries from the regions "Middle East and South Asia" and "Africa" had joined the Agency, whereas the number of seats they held on the Board had not risen in proportion. There was no doubt that those two regions were under-represented. That unjust distribution should be corrected in accordance with the principle generally applied in United Nations organizations. That problem could be resolved in a rational manner by making the relevant adjustment to the Board's composition, a step which would not have any effect on the efficiency of its work. China supported the requests made by Egypt, Pakistan and other countries in the "Africa" and "Middle East and South Asia" regions and hoped that all parties would hold consultations in a spirit of mutual understanding and compromise so as to resolve the problem without further delay.

98. Mr. ABDELBARI (Algeria) said that the issue of the amendment of Article VI.A.2 had been under consideration for ten years without any tangible result. His delegation reiterated its support for the proposed amendment now before the Board. The regions of "Africa" and "Middle East and South Asia" were right to ask for fairer representation on the Board in accordance with the principle of equitable geographical distribution contained in the Agency's Statute. The General Conference had recognized the justification of the claims of those two regions by adopting resolution GC(XXV)/RES/381. His delegation was also concerned about the Board's efficiency, but felt that the proposed amendment submitted by the African countries was very reasonable and was hardly likely to jeopardize that efficiency.

99. Mr. GOMAA (Egypt) supported the opinions expressed by the Governors from Pakistan, Nigeria, China and Algeria regarding the under-representation of the regions "Africa" and "Middle East and South Asia" on the Board and requested the Chairman to continue his efforts to resolve a matter which had been on the Board's agenda for more than ten years. There was no point in going into the details of that situation, the injustice of which had been amply demonstrated by the figures quoted at numerous Board meetings and

was reflected in the inadequate number of Board seats assigned to those two regions by comparison with the number of Member States in those regions and the number of seats available to other regions. Discussions on that matter, which was the subject of resolution GC(XXX)/RES/466, confirmed that all Member States were aware of the need to conduct an objective examination so that an equitable solution could be found to that continuing problem. His delegation had earlier proposed a modest increase in the number of seats held by the regions in question so that "Africa" would have three additional seats and "Middle East and South Asia" a further two seats. That was a legitimate claim and his delegation was ready to support and examine any other proposal which would make it possible to attain the desired objectives and to reach a consensus.

100. The CHAIRMAN took it that the Board wished to adopt the draft text which he had circulated as its report to the General Conference, in accordance with the operative part of resolution GC(XXX)/RES/466. As was indicated in that report, the summary records of the Board's discussions on the matter since the last session of the General Conference, including those of the present meeting, would be annexed to the report.

101. It was so decided.

