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COMMITTEE OF THE WHOLE

RECORD OF THE SEVENTY-SEVENTH MEETING

Held at the Hofburg, Vienna,  
on Wednesday, 18 September 1991, at 3.25 p.m.

Chairman: Mr. WILSON (Australia)

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[\*] GC(XXXV)/982.

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The composition of delegations attending the session is given in document  
GC(XXXV)/INF/301/Rev.2.

STAFFING OF THE AGENCY'S SECRETARIAT (GC(XXXIV)/RES/541 and GC(XXXV)/COM.5/99)

1. Ms. HUSSEIN (Egypt) said her delegation supported the draft resolution on the staffing of the Agency's Secretariat (GC(XXXV)/COM.5/99) submitted by Chile on behalf of the Group of 77. The draft merely reworked ideas expressed in a similar resolution at the thirty-fourth session. The wording of preambular paragraph (f), for example, ("Convinced also that the implementation of this resolution would not affect the due representation of any particular area"), had been taken from earlier General Conference resolutions and provided for a measure of balance within the draft resolution as a whole.

2. Paragraph 1 commended the Director General for the efforts made to increase the number of staff members from developing countries, but imbalance in representation was still a fact of life in the Agency. The Group of 77 sought a 33% level of representation, a modest target considering that developing countries accounted for two-thirds of the Agency's membership. Yet there was still a long way to go before the level of 33% was reached.

3. In paragraph 2, the draft resolution quoted the conditions set out in Article VII.D of the Agency's Statute concerning recruitment of staff, conditions that included competence and a concern for equitable geographical distribution. It was hard to understand why anyone would want to delete such a straightforward paragraph that merely quoted the terms of the Agency's Statute. Ostensibly, the objective was to simplify the resolution - or was the intention really to weaken it?

4. In paragraph 3, the Director General was requested to report annually on the continuing implementation of General Conference resolution GC(XXV)/RES/386.

5. Her delegation would be deeply disappointed if the draft resolution was not adopted by consensus.

6. Mr. LAVIÑA (Philippines) endorsed the comments made by the representative of Egypt. The draft resolution simply reiterated resolutions already adopted by the General Conference. Deletion of paragraph 2 would be most inadvisable, since it contained the real essence of the draft resolution. It was reasonable and contemplated an increase in staff that was well within the terms of the Statute.

7. His delegation endorsed the comments made by the representative of the United States concerning recruitment of women, especially at the highest levels. The informal rules on appointment of the Director General worked out by the Board of Governors might be applied to all the higher echelons.

8. Finally, his delegation urged all members of the Committee to support the draft resolution submitted by the Group of 77.

9. Mr. LOOSCH (Germany) said his proposal to delete paragraph 2 of the draft resolution was designed to highlight the progress made since 1981, when the General Conference had adopted a resolution calling for greater representation of nationals of developing countries on the Agency's staff. The situation had been problematic at that time, but figures now showed that the percentage of nationals of developing countries employed on the Agency's staff had doubled. Paragraph 2 was thus outdated, and there was no justification for retaining it. The terms of paragraphs 1 and 3 were entirely adequate: the Director General would be commended for what had been done to increase the number of posts for nationals from developing countries and would be requested to continue his efforts and to report on them in 1992.

10. He hoped the draft resolution could be adopted by consensus, with the following amendments. In preambular paragraph (c), the word "inadequate" should be replaced by "an important consideration". In preambular paragraph (e), "rectify the existing imbalance" should be replaced by "rectify existing imbalances". Paragraph 2 should be deleted. In paragraph 3, the phrase "both region-wise and as a whole from year to year" should be replaced by "as well as an equitable presence of women on the staff of the Agency".

11. Ms. HUSSEIN (Egypt) said her delegation could not accept the proposed amendment to preambular paragraph (c) because the developing countries attached great importance to improving the representation of their nationals at senior levels of the Agency's staff. Egypt could accept the proposed amendment to preambular paragraph (e), provided other developing countries were also in agreement.

12. As to the deletion of paragraph 2, her delegation strongly opposed both the letter and the spirit of the proposal.

13. Finally, on paragraph 3, she said the inclusion of wording on improvement of the representation of women was acceptable, but the German proposal was not entirely satisfactory. She would propose instead the replacement of the phrase "both region-wise and as a whole from year to year" by "both region-wise, gender-wise and as a whole from year to year".

14. Mr. GOMES de MATTOS (Brazil), referring to the proposed amendment to preambular paragraph (c), said the phrase "an important consideration" was not an improvement over the word "inadequate" - in fact, it conveyed less of the urgency of rectifying deficiencies in the representation of developing countries at the senior and policy-making levels. If the word must be changed, it would be preferable to replace it with "insufficient".

15. Mr. ADEKANYE (Nigeria) said he agreed that preambular paragraph (c) should be left unchanged, but if an amendment was to be made, it should be in accordance with the suggestion of the Brazilian delegation.

16. Mr. HAMADA (Tunisia) said that preambular paragraph (c) should be retained unchanged.

17. Mr. RIOBO (Chile) called on the representative of Germany to comment on the Brazilian proposal to replace "inadequate" with "insufficient" in preambular paragraph (c), and to explain the reasoning behind the proposal to delete paragraph 2.

18. Mr. von PREUSCHEN (Germany) said his delegation's reasons for proposing the deletion of paragraph 2 had been clearly explained. Over the years, there had been a significant increase in the number of persons from developing countries in the Agency's staff. The General Conference's resolutions should be amended in the light of the evolving situation. The proposal to delete paragraph 2 had been supported by other delegations and was in no way intended to undermine efforts to increase the representation of developing countries on the Agency's staff.

19. Ms. BERTEL (France) said that paragraph 1 should certainly be retained, for it commended the Director General on efforts which had borne fruit: the representation of developing countries on the Agency's staff had doubled in recent years. Paragraphs 2 and 3, however, were mutually redundant and should be shortened and combined.

20. Mr. LAVIÑA (Philippines) said that, although recruitment from developing countries had doubled, the point of departure for that increase had been so low that the developing countries justifiably felt that further efforts should be made.

21. He endorsed the proposal to incorporate in paragraph 3 a provision referring to the need to increase the representation of women on the Agency's staff.

22. Mr. PAPADIMITROPOULOS (Greece) suggested that the representatives of Germany and Egypt, with the assistance of a Secretariat staff member, should hold consultations with a view to revising the draft resolution for resubmission to the Committee, later on.

23. The CHAIRMAN said that, in the absence of any objection, he would take it that the Committee wished to follow that procedure.

24. It was so decided.

AMENDMENT OF ARTICLE VI.A.2 OF THE STATUTE (GC(XXXV)/976 and Add.1;  
GC(XXXV)/COM.5/103)

25. Ms. HUSSEIN (Egypt), introducing the draft resolution contained in document GC(XXXV)/COM.5/103, submitted by Zaire, on behalf of the African Group, and by Pakistan, said that, although the subject had been on the agenda of the Board and Conference for many years, the regions of Africa and the Middle East and South Asia continued to be under-represented on the Board. Africa's original proposal on behalf of the Group of 77, calling for the allocation of three additional seats for Africa and two for the Middle East and South Asia, had failed to obtain a consensus, as had Pakistan's subsequent proposal calling for one additional seat only for each region. Although world events, combined with the increased number of Member States of the Agency from the regions concerned, would justify more ambitious demands, the present resolution merely recalled the original African proposal contained in resolution GC(XXV)/RES/389.

26. Stressing the need for sufficient will to correct the imbalances in the representation of the regions on the Board, she said that the sponsors of the draft resolution were ready to hold consultations on any other serious proposal aimed at finding a swift solution to the problem.

27. Mr. SILANGWA (Zambia) pointed out that the resolution before the Committee was based on the previous year's resolution on the same subject and sought merely to ensure that the Board continued to give the matter its consideration.

28. Mr. LAVIÑA (Philippines) said that his delegation would support any proposal to expand membership of the Board that was based on the principle of equitable representation for the different regions.

29. Mr. HASHIMI (Pakistan) expressed his delegation's wholehearted support for the draft resolution before the Committee and recalled his comments in the Board the previous week to the effect that the number of States from the African and Middle East and South Asia regions was increasing as the years passed, so that the problem of their under-representation was now more acute than ever. It was to be hoped that more intensive consultations would eventually lead to a solution of the problem.

30. The CHAIRMAN assumed that the Committee wished to recommend to the General Conference that it adopt the draft resolution in document GC(XXXV)/COM.5/103.

31. It was so agreed.

REVISION OF ARTICLE VI OF THE STATUTE AS A WHOLE (GC(XXXV)/977 and Add.1, GC(XXXIV)/RES/543)

32. Mr. GLEISSNER (Austria), speaking as Chairman of the informal working group set up the previous year to consider the revision of Article VI as a whole, said he did not wish to repeat his comments in the Board the previous week except to stress that there was a growing awareness that if Article VI were to be drafted today it would be formulated quite differently. The tremendous changes taking place in the international arena would lead to changes in the language of Article VI. It was impossible to say at present when the time would come for such action, but in the meantime reflection on the subject should continue.

33. Mr. LAVIÑA (Philippines), having thanked Ambassador Gleissner for his able chairmanship of the informal working group, drew attention to issues such as equitable representation, designation, geographical division, political balance and the enlargement of the Board's composition, which were

still to be resolved in connection with Article VI of the Statute. Unless those issues were linked in a practical way with other problems, especially the financing of safeguards and technical assistance, they would never be resolved satisfactorily and the Board would remain restrictive, undemocratic and anachronistic. Furthermore, the very wording of the Article needed to be recast to make it more comprehensible to those less familiar with its history.

34. Mr. NORDIN (Malaysia) agreed with previous speakers that Article VI should be re-examined in the light of world events and the expanded membership of the Agency.

35. Mr. HASHIMI (Pakistan) thanked Ambassador Gleissner for his dedicated efforts as Chairman of the working group and, expressing support for his comments on the need to reformulate Article VI, suggested that Ambassador Gleissner should continue to chair the working group if it were reinstated.

36. The CHAIRMAN took it that the Committee would like the Board to re-establish, with no financial implications, an informal working group open to all Member States to continue to examine the different proposals for the revision of Article VI as a whole with a view to preparing a report to be submitted through the Board to the General Conference at its next regular session and that the Committee accordingly wished to recommend to the General Conference that it adopt a draft resolution incorporating a corresponding request to the Board.

37. It was so agreed.[\*]

RULE AND POLICY ON THE APPOINTMENT OF THE DIRECTOR GENERAL (GC(XXXV)/965 and Add.1)

38. Mr. LAVIÑA (Philippines) requested that documents GC(XXXV)/965 and GC(XXXV)/965/Add.1 be attached to the summary record of the present meeting in order to obviate the need for his delegation to repeat its views on the matter.

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[\*] The draft resolution - adopted by the Conference - was submitted in document GC(XXXV)/991.

39. He wished to add, however, that the procedures adopted by the Board in response to resolution GC(XXXIV)/RES/544 were informal, since they did not amend or form part of the existing rules. Furthermore, the Board had not, in its consideration of the subject, taken account of the mandate given to it by the General Conference to adopt a policy regarding the appointment of the Director General. The Board's failure to respond to the proposals submitted by the Group of 77 in 1981, 1985 and 1989 regarding the establishment of a maximum tenure of two consecutive terms or eight years had resulted in a situation in which the post had been held by incumbents from only two developed countries. Such a lack of rotation was completely out of line with United Nations practice as observed in other international bodies.

40. While not wishing to submit any proposal or resolution on the matter at the present juncture, he reserved the right to do so in future.

41. The CHAIRMAN assumed that the Committee wished to take note of the request by the representative of the Philippines regarding the attachment of document GC(XXXV)/965 and its addendum to the summary record of the present meeting and that the Committee wished to recommend to the General Conference that it take note of the report by the Chairman of the Board of Governors contained in document GC(XXXV)/965.

42. It was so agreed.

The meeting rose at 4.45 p.m.