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AMENDMENT OF ARTICLE VI OF THE STATUTE

1. On 11 September 1995, it was agreed in the Board of Governors that the attached report by the Chairperson of the Open-ended Consultative Group on Article VI of the Statute be transmitted to the General Conference, for consideration at its thirty-ninth regular session, together with the summary record of the Board's discussion on "Amendment of Article VI of the Statute".
2. The summary record of the Board's discussion will be issued as an Addendum to the present document.
3. The Board's observations on the proposal submitted by Morocco for amendment of Article VI of the Statute (reproduced in Annex 8 to the Attachment), which are required under Article XVIII.C(i) of the Statute, are contained in the summary record of the Board's discussion.

AMENDMENT OF ARTICLE VI OF THE STATUTE

Report to the Board of Governors by the Chairperson of the Open-ended Consultative Group on Article VI of the Statute

1. On 23 September 1994, the General Conference of the IAEA adopted by consensus resolution GC(XXXVIII)/RES/14, which requested "the Board of Governors to continue consultations with Member States through an effective mechanism and to submit its recommendations on proposed amendments to Article VI for approval by the General Conference at its thirty-ninth regular session".
2. The Board, at its meeting on 9 December 1994, decided to establish an "Open-ended Consultative Group" as the effective mechanism to deal with the request contained in resolution GC(XXXVIII)/RES/14 and also appointed Ambassador Fügen OK of Turkey as the Chairperson of the Group.
3. Following extensive informal bilateral consultations with various delegations, a first meeting of the Open-ended Consultative Group was held on 24 February 1995. The meeting, which was attended by representatives of 61 Member States, had before it the following:
 - (a) a proposal by a group of Member States for modification of Article VI of the IAEA Statute (otherwise referred to as the "Sherry Group" proposal) (Annex 1);
 - (b) a non-paper on the "criteria" for the designation of members to the Board of Governors.
4. Reporting on her informal consultations, the Chairperson noted that the following issues were raised during her consultations:
 - (i) whether the current eight regional groupings in the IAEA were satisfactory in view of the lack of any definitive mechanism for determining the composition of the various areas;

- (ii) how the size of the Board could conform to current nuclear capabilities of a number of Member States as well as the increase in number of Member States of the Agency; and
- (iii) the request of the Board made at its meeting on 9 June 1994 that the Working Group on Article VI should give special attention to the application of rules regarding designation of Board members under Article VI.A.1 and to submit its views in time for the consultations this year on the designations for 1995-96.

5. The Chair noted that the Sherry Group proposal was the only formal proposal before the Group and consequently the meeting had a detailed and extensive discussion of the proposal.

6. There was however no agreement on the contents of the "Sherry Group" proposal. Those in favour of the proposal noted that regional groupings, as contained in the IAEA Statute, and criteria for their classification which were established 38 years ago were no longer valid. They also argued that the current size and composition of the Board do not correspond to the significant increase in the membership of the IAEA and therefore felt that both issues - regional groupings and size of the Board - need to be reviewed to correspond to current global realities. A larger number of Member States opposed to the "Sherry Group" proposal felt that the present size and composition of the Board was adequate and efficient and does not see the need for a change. They were also opposed to any change in the current regional group classification. It was generally agreed, however, that the "Sherry Group" proposal was a good starting point for further in-depth deliberations for possible amendments, changes or modifications of Article VI.

7. After further informal consultations a second meeting was held on 3 May 1995 (with another planned for May 29, 1995). The meeting, which was attended by representatives of 48 Member States, had before it, the following documentation:

- (a) a listing of a set of ideas and suggestions (see Annex 2);
- (b) copy of a letter and attachment received by the Chair from the Philippine Governor relating to the criteria for Board designation (Annex 3).

8. During the discussion of the question of criteria for Board designation, the Belgian representative drew the attention of the Consultative Group to a non-paper (which was subsequently circulated at the meeting) relating to "qualifications for designation to the Board of Governors of the IAEA" (Annex 4).

9. In addition to the question of criteria for designation, the meeting discussed other ideas/suggestions relating to possible amendments of Article VI. In this connection, the issue of regional classification in the context of the various suggestions was also elaborated upon.

10. The Chairperson indicated that the ideas/suggestions which were before the Group emerged from her informal bilateral consultations and are meant to serve as basis for further deliberations on the issue as no other formal proposals have yet been submitted, apart from that of the "Sherry Group". She therefore urged those delegations that raised the various ideas with her during the informal consultations to elaborate on them during the meeting. She also requested members to endeavour to clearly and unambiguously indicate their national or group positions on the various ideas/suggestions which were before the Group.

11. With regard to the issue of criteria for designation of members to the Board, the meeting expressed appreciation for the Philippine and Belgian contributions which it considered as useful reference materials that could be used in future deliberations on the issue. However, there was no convergence of views on any of the suggested criteria in both papers which were before the Group. Most members considered the issue to be very complex and difficult to resolve and it was generally agreed that it requires further continuing deliberations and consultations. In the circumstances, it was recognized that the present practice of designating members to the Board in alphabetical order is, at least for the time being, satisfactory and should be continued.

12. There was no agreement on the suggestion that the present eight-area classification in Article VI.A be changed.

13. There was equally a divergence of views on the various ideas and suggestions for amendments to Article VI which were before the Group. In fact, none of the suggested ideas enjoyed considerably wide support. Seven delegations supported the Sherry Group proposal which had been discussed at the first meeting. Four Member States supported the suggestion for an increase of six designated seats which would result in an increase of the size of the Board to 41. Five delegations supported the idea of an increase in the number of globally-advanced members by two to accommodate the Republic of Korea and Ukraine as well as

an additional floating designated seat for five out of the existing eight regional groups. 16 Member States were opposed to any change in the current size of the Board. The other 16 participants expressed no views.

14. Some delegations, however, while expressing their preference for some specific idea or suggestion also indicated that they were flexible and willing to consider some variations of other ideas or suggestions if certain elements of all or some of the various ideas/suggestions that were before the Group could be combined to attain a consensus. Some delegations also indicated that they would be consulting with other like-minded delegations before the next meeting of the Consultative Group, with a view to formulating some more concrete ideas in a specific form.

15. The African Group indicated its position on the question in the following terms:

- (a) supports expansion of the Board to a level that will correspond to a third of total membership of the IAEA;
- (b) prefers five regional groups instead of the existing eight regional groups; and
- (c) supports amendment of Article VI.A.2 to permit immediate "re-election" to regional seats; and
- (d) the expansion of the Board should reflect an equitable geographical distribution of the members of the Agency, so that the under-representation of Africa is rectified and further ensure that the interests of the LDCs are well represented. (Full details of the African position are contained in Annex 5.)

16. In the course of the discussions, other matters such as the balance between designated and elective seats and re-election to "area seats" were also taken up. It was noted by some that all the ideas/suggestions currently being discussed appear to concentrate on possible increase of designated seats and it was stressed that consideration should equally be given to probable increase in the number of elected seats. In this connection, the need to make election to regional seats under Article VI.A.2 not only equitable but also rotational within the various area groups was highlighted.

17. At its third meeting on 29 May 1995, the Open-ended Consultative Group, in addition to the earlier proposals/suggestions, also had before it the following:

- (a) a revised "Sherry Group" proposal including the arguments in support thereto (Annex 6); and
- (b) a Moroccan proposal (Annex 7).

51 delegations were present at this meeting.

18. Although there was an exhaustive debate on these as well as the earlier proposals, none of the suggested proposals enjoyed a wide degree of support or consensus in the Group. Some delegations were also unable to comment extensively on the Moroccan proposal because they claimed it was received late. Similarly, although the revised Sherry Group proposal was generally considered a better formulation than its original version, many delegations were still not prepared to lend their support to it, though it was recognized as a valuable contribution to the ongoing consultations on the issue of amendment of Article VI.

19. After a further series of bilateral consultations, the Chairperson convened the fourth and final meeting of the Open-ended Consultative Group on 30 August. At the meeting, which was attended by representatives of 60 Member States, the Group concentrated on a consideration of the formal Moroccan proposal, certified copies of which had been circulated by the Director General to Member States on 15 June 1995 (Annex 8).

20. In spite of some reservations expressed by some delegations, discussion at the meeting revealed some support for the Moroccan proposal which was the only formal proposal submitted so far. It was felt that that proposal constituted a good basis for further negotiations, for example on the size and distribution of seats on the Board. Some delegations however, reiterated their opposition to any increase in the current size of the Board.

21. In these circumstances, although several delegations stressed the need for a change in the current size and composition of the Board of Governors, none of the specific proposals which were considered in the Open-ended Consultative Group enjoyed sufficiently wide support to enable the Group to make a recommendation through the Board of Governors to the General Conference as requested in resolution GC(XXXVIII)/RES/14.

22. Similarly, on the issue of criteria for designation of members to the Board of Governors, although some delegations felt the current practice of designation requires a review, it was generally agreed that the issue is a very complex and difficult one and, therefore, required greater reflection and consultations. It was therefore recognized that the present practice of designating members to the Board in alphabetical order is satisfactory and should be continued, at least for the time being. In this connection, the Board might consider establishing an Open-ended Expert Group to consider the issue and make recommendations to it.

CONCLUSION

23. Following from the above, it is obvious that there is, as yet, no agreement for a change in the present size and composition of the Board. It is therefore my view that the Board should consider retaining the existing mechanism of an open-ended consultative group to continue consultations among Member States with the ultimate objective of reaching a consensus on the formal Moroccan proposal in its current or amended form after the General Conference if by that time no decision has been reached on it.

Proposal of the "SHERRY GROUP"

~~ARTICLE VI. BOARD OF GOVERNORS~~

A. The Board of Governors shall be composed as follows:

1. The outgoing Board of governors shall designate for membership on the Board the ten members most advanced in the technology of atomic energy including the production of source materials, and, for each of the following areas, three additional members considered to be more advanced in the technology of atomic energy including the production of source material:

- . Western Europe and Others
- Latin America
- Eastern Europe
- Africa
- Asia

2. The General Conference shall elect to membership of the Board of Governors 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 four representatives of Latin America, four representatives of the area Western Europe and Others, two representatives of Eastern Europe, five representatives of the area of Africa and five representatives of Asia. 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.

B. The designations ...

(rest unchanged).

IAEA BOARD OF GOVERNORS COMPOSITION

Geographical Areas	Number of countries	Present situation			Amendment			
		Designated seats	Elected seats	Total seats	Designated seats	Elected seats	Total seats	Increase
N E O G	27	7	4	11	9	4	13	2
LATIN AMERICA	20	1	5	6	3	4	7	1
EASTERN EUROPE	17	1	3	4	4	2	6	2
AFRICA	28	1	4 1/3	5 1/3	3	5	8	2 2/3
ASIA	33	3	5 2/3	8 2/3	6	5	11	2 1/3
TOTAL	125	13	22	35	25	20	45	10

ARGUMENTS IN FAVOUR OF THE MODIFICATION OF ARTICLE VI OF THE
IAEA'S STATUTE

The text of paragraph A) of article VI of the IAEA's Statute is no longer in keeping with the requirements of the Agency, the interests of its members and the political and technical evolution of our society in the last few years.

When the IAEA was created in 1957 it had 57 members and counted with a Board of 23 Governors. Now that the membership has increased to 124, the Board should count with 50 Governors, if the ratio of 1957 is maintained. Since 1968, when the last significant enlargement of the Board was made, IAEA's membership has passed from 96 to 124. If for a membership of 96 it was considered that the Board should be composed of 34 members, for a membership of 126 the number of Governors should be increased to 44. The proposal of an increase to 45 seems therefore reasonable..

In the last 26 years our world has undergone dramatic changes, both in the political and the technical fields. On the one hand, the end of the East-West confrontation has open new ways for co-operation in the international arena, and the balance of power reflected in the composition of the IAEA's Board has lost its meaning. A new balance reflecting these changes should be established in the Board's composition.

On the other hand, an increasing number of States has developed in the latest years a significant peaceful nuclear sector and these States are interested in participating more actively in the work of the Agency. They can offer their experience and their expertise to the work of the IAEA's Board.

Finally, the present distribution of the non-designated seats of the Board among 8 regional groups is no longer in keeping with the present needs of the Agency, and a distribution in accordance with the UN traditional pattern of 5 regional groups seems more adequate.

The suggested modification of paragraph A) of article VI rests on the following basis:

1) Increase of the Board's composition from 35 to 45 members in order to take into account the increase in the IAEA's membership and the need of a greater degree of representation of Member States in the Agency.

2) Distribution of the designated seats -other than those of the "ten most advanced"- and of the elected seats will be made among the 5 traditional UN regional groups: Western European and Others Group, Eastern European Group, African Group, Asian Group and Latinoamerican Group.

3) the "ten most advanced" nuclear powers will have a seat on the Board.

4) A second group of 15 members will be designated among the next most advanced nuclear powers in each of the 5 regions.

5) A third group of 20 members will be elected among the various regions in accordance with the following quota: 5 each for the Asian and African Groups, 4 each for the Latinamerican Group and the WEOG, and 2 for the Eastern European Group. Although at first sight it would appear that some groups will have its present quota reduced, the actual fact is that -taking into consideration that 15 members, which used to be regular candidates as elected members of the Board will now be designated- the possibility of election by members of the third group will be greater than it is at present.

The increase of 10 seats in the composition of the Board does not necessarily have to affect adversely its functioning. The new members will inject new blood in the Board, which will benefit from the experience and expertise of various members which have so far contributed only esporadically to the work of the main organ of the Agency.

The selection proceedings will be simplified by reducing the number of regional groups and dropping the complex concept of "floating seats". It will gain in transparency and efficiency.

Vienna, February 6, 1995

OPEN-ENDED CONSULTATIVE GROUP ON ARTICLE VI OF THE STATUTE

OUTLINE OF PROPOSALS

Proposal I - Sherry Group Proposal

The text of this proposal was circulated and discussed at the first meeting of the Consultative Group held on 24 February 1995.

Proposal II - No change from the present position

Justification

Present Board membership when compared with present total membership of the Agency does not warrant an expansion in the composition of the Board. In some other UN organizations this ratio is even lower.

Present Board composition taken together with the liberal application of Rule 50 of the Board's Rules of Procedure permits participation of all Agency Member States in the work of the Board and its Committees.

The Agency works very well and the size of the Board has contributed to its efficiency.

Proposal III

- (a) No changes to the present (8) geographical groupings as set out in Article VI of the Statute.
- (b) But, a proposed increase of six designated seats to be distributed as follows:
one to be allocated to each geographical group except the North American Group and South East Asian and Pacific Group.
- (c) As a consequence, the total composition of the Board will increase from 35 to 41.

Proposal IV

- (a) No changes to the present (8) geographical groupings as set out in Article VI of the Statute.
- (b) But, a proposed increase in the number of the globally advanced members by two (i.e. from 10 to 12) together with a gentlemen's agreement among the Agency's membership that these two additional designated seats will be filled by the Republic of Korea and Ukraine.
- (c) An increase by one in the number of designated seats; the additional designated seat will be a floating seat to be rotated among the following five regional groups:
- Latin America
 - Western Europe
 - Africa
 - Middle East and South Asia
 - South East Asia and the Pacific.

Republika ng Pilipinas  Embassy / Mission of the
Philippines
Vienna

12 April 1995

Dear Ambassador Ok,

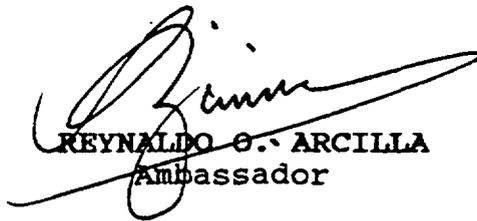
Anent our conversation last week, I am pleased to send herewith the proposed criteria for determining the countries most advanced in atomic energy technology under Article VI.A.I of the IAEA Statute.

The proposed criteria were prepared by the Director of the Philippine Nuclear Research Institute (PNRI).

In addition, we feel that only countries who have adhered to the NPT or to comparable multilateral nuclear non-proliferation regimes should sit in the Board.

Warm regards.

Sincerely yours,


REYNALDO G. ARCILLA
Ambassador

H.E. Ambassador Fugen Ok
Permanent Mission of Turkey to UNIDO
Rennweg 17/1st Floor
1030 Vienna

Proposed Criteria

for

Determining Countries Advanced in Atomic Energy Technology

Prepared by

CARLITO R. ALETA

Philippine Nuclear Research Institute

Note:

At first thought, countries which have developed and tested atomic weapons including their delivery systems may be construed as advanced in atomic energy technology since such development requires a high level of technical skills and sophistication. However, the International Atomic Energy Agency (IAEA) is concerned with the peaceful applications of nuclear energy and for purposes of determining advanced countries to sit on the Board of Governors, the ability to produce and deliver nuclear weapons should not be considered a criterion.

Criteria

The suggested criteria enumerated in the Table are not inclusive nor complete, but merely provide discussion points for further refinements and/or agreement, if found already acceptable.

For purposes of classification, two complementary sets of criteria are suggested: one on the ATOMIC ENERGY INFRASTRUCTURE of the country and another on the ADMINISTRATIVE aspects of the country's IAEA membership.

There are ten (10) suggested criteria under INFRASTRUCTURE as follows:

1. An effective regulatory system is in place.
2. Indigenous capability to undertake the designs, construction, operation and decommissioning of nuclear facilities.
3. A final depository site for radioactive waste already identified or being constructed or in operation.
4. Radiation protection practices are the latest and within industry standard.
5. Widespread application of nuclear energy in agriculture, health, industry, power and environment.
6. Extent of engagement in the nuclear fuel cycle.
7. Extent of engagement in pioneering applications of nuclear energy.
8. Extent of nuclear energy R & D Budget as percent of GNP.
9. Manpower engaged in nuclear energy applications.
10. Number of technological spin-offs generated from the nuclear industry.

There are three (3) criteria under ADMINISTRATIVE as follows:

1. Ability to support IAEA's programs/statute.
2. Extent of compliance to IAEA-supported international agreements.
3. Extent of contribution to IAEA policies.

For each of the criteria, some suggested measures or indicators are enumerated as shown in the Table.

If the suggested criteria are acceptable, further refinements such as points system may be considered.

CRITERIA	REMARKS/INDICATORS
I. ATOMIC ENERGY INFRASTRUCTURE CRITERIA	
1. An effective regulatory system is in place.	The promotion and regulatory functions must be separate; applicable IAEA safety standards or their equivalent are adopted; adequately trained regulatory staff available.
2. Indigenous capability to undertake the design, construction, operation and decommissioning of nuclear facilities.	A very advanced country is where almost 100% of resources needed are available in the country to do design, construction, operation and decommissioning of nuclear facilities.
3. A final depository for Radwaste already identified, constructed or operational.	A country with a depository site already operational for high level wastes would be considered very advanced and would get high marks. Low marks would be given to a country with an ongoing nuclear energy program which has not yet established even a low level wastes depository.
4. Radiation protection practices up to the latest acceptable industry practice.	A measure would be the adoption of the latest IAEA safety standards on radiation protection; low or no incidences of overexposure or accidents involving radiation would be an indication that practices are acceptable and a country is well advanced.
5. Widespread application of nuclear energy in agriculture, health, industry, power and environment.	<p>In agriculture, an indicator would be the successful areas where nuclear energy has been applied such as mutation breeding, animal health, food irradiation, pest control and others.</p> <p>In health, the number of nuclear medical centers per million population could be an indicator.</p>

CRITERIA	REMARKS/INDICATORS
I. ATOMIC ENERGY INFRASTRUCTURE CRITERIA	
	<p>In industry, the number of installed nuclear gauges per industrial firm could be used as a measure.</p> <p>In power, the number of nuclear power plants in operation, or the share of nuclear electricity, or the diversified nuclear power designs could be taken as indicators.</p> <p>In environment, the number of nuclear applications used to solve environmental problems could be a measure.</p>
6. Extent of engagement in the nuclear fuel cycle.	A country engaged in all aspects of the nuclear fuel cycle would be very advanced and will have high marks.
7. Extent of engagement in pioneering applications of nuclear energy.	A country engaged in advanced applications, such as breeder reactors, fusion reactors, ion beam applications, new synthetic materials development using nuclear energy, would be considered advanced also.
8. Extent of Budget earmarked for R & D.	The percent of GNP used for R & D nuclear technology would be an indicator. The higher the percentage, the more advanced the country.
9. Manpower engaged in nuclear energy applications.	<p>The number of people engaged in the following, per million population:</p> <ul style="list-style-type: none"> - R & D/nuclear facility designs/developmental works; - operations of nuclear facilities; - provision of nuclear energy services.

CRITERIA	REMARKS/INDICATORS
I. ATOMIC ENERGY INFRASTRUCTURE CRITERIA	
10. Number of technological spin-off from the nuclear industry	Technologies which spun off from the local development of nuclear technologies can be considered a measure of the advanced state of a country.
II. ADMINISTRATIVE CRITERIA	
1. Ability to support IAEA's programs/statutes.	Extent of timely donations to IAEA could be a measure such as funds, experts, fellowship and equipment assistance; number of footnote a/ projects funded/year; participation in missions; provision of cost-free services; permitting nationals on secondment to IAEA.
2. Extent of compliance to international agreements.	Are the countries signatories to various treaties and conventions and what is the degree of their compliance? Examples are the NPT, Convention on Emergency Notification, etc. A country is not considered advanced if it does not comply with these agreements.
3. Extent of contributions to policies.	Country's contributions of ideas that lead to policy changes in IAEA. (This may be difficult to measure.)

QUALIFICATIONS FOR DESIGNATION TO THE BOARD OF GOVERNORS OF THE IAEA

Evaluation criteria of 1989 by Aamodt, Binner and Böhm

The following criteria are based on the assessment made by Goldschmidt, Haefele and Marshall in 1977, but has been extended and modified by the group also making allowance for suggestions by countries competing for designation.

For each item attention and marks should be given in respect of the importance of the sub-items.

Item 1. Nuclear Energy Production and Industrial Capability. Weight: 7.

- (a) percentage of total power production generated by nuclear power plants.
- (b) indigenous capability in design and construction of nuclear power plants; and other nuclear energy applications (process and district heat);
- (c) indigenous capability in operating and maintaining nuclear power plants; load factors of operating nuclear power plants should be taken into account;
- (d) export performance of nuclear reactors or components;

Item 2. Fuel Cycle. Weight: 7.

- (a) enrichment technology. This refers to commercial or demonstration plant;
- (b) fuel element manufacture and related activities.
- (c) standard in managing back end of the fuel cycle, in particular reprocessing technology. This specifically refers to the operation of commercial or demonstration plant;
- (d) plutonium recycling in thermal and fast breeder reactors;
- (e) waste management. This refers to the total importance given to this subject in the country's overall programme;

Item 3. Nuclear Safety and Radiation Protection. Weight: 5.

- (a) scientific and technological research activities linked to the safety problems and their transfer into design and management criteria;
- (b) radiation protection;
- (c) criteria regarding engineered safety features of the plants;
- (d) training and qualification of plant personnel for normal operation and emergency situations (simulators).
- (e) system of nuclear laws and regulations;

Item 4. Nuclear Research. Weight: 5.

- (a) research and development supporting present industrial programmes;

(b) research and development related to advanced reactors and nuclear technologies:

(c) research in nuclear fusion

Item 5. Contribution to International Collaboration. Weight: 3.

(a) technical contribution of the country to safeguards and the overall aims of non-proliferation;

(b) appropriate export of equipment and technology;

(c) appropriate training of foreign scientists, technologists and operators;

(d) voluntary and exceptional contributions (i.e. more than their normal assessed contribution) to the IAEA.

Item 6. Other Nuclear Applications. Weight: 3.

Activities concerning the application and development of nuclear techniques in the areas of health and medicine, food preservation and agriculture, industry, hydrology and the exploration of mineral resources.

Item 7. Production of Natural Uranium. Weight: 1.

(a) actual production of uranium from within the national territory;

(b) actual prospecting and exploitation success funded by the country whether nationally or abroad;

(c) demonstration of successful technology for processing low grade ores.

Use of guidelines (content taken from the guidelines of 1976 and 1977)

For each of the items 1 to 7 a mark should be given to the overall subject in assessment of a country's performance or contribution (7 being the highest mark). In order to achieve the total marks of a country the marks for each of the seven items should be multiplied by the corresponding weight.

Minor differences between countries in total marks should not be considered significant and these countries would then have to be considered essentially equal within the level of judgement recommended.

***AFRICAN POSITION ON THE AMENDMENT
OF ARTICLE VI OF THE STATUTE***

The Group restates that the composition of the Board should take into account the present day realities and the fundamental and structural changes that have taken place in the past two decades in the international scene.

In the light of the above-mentioned facts, the Group also supports strongly the expansion of the Board, not only in terms of designated seats but also in terms of the elected seats. The expansion on this occasion should lead to a more representative Board comprising at least one-third (1/3) of the total number of the present membership.

The Group supports as well the principle of five (5) regional groups, as practised in the United Nations System, instead of the current eight (8).

In addition, the Group supports an amendment to Article VI, part A.2, to allow an immediate re-election to the regional seats on the Board within the limitation of two (2) terms.

Finally, The African Group remains fully committed to the activities of the IAEA, particularly in the benefits generated through technical co-operation and peaceful use of nuclear energy.

Given the fact that the region of Africa has a significant membership in the Agency, and also comprises most of the least developed countries in the world, the Group holds firmly to the view that the expansion of the Board should reflect an equitable geographical distribution of the members of the Agency, so that the present under-representation of Africa is rectified and further ensure that the interests of the LDCs are well represented.

Sherry Group's revised proposal

ARTICLE VI - BOARD OF GOVERNORS

A. The Board of Governors shall be composed as follows:

1. The outgoing Board of Governors shall designate for membership on the Board the ten members most advanced in the technology of atomic energy including the production of source materials, and, (a) for each of the following areas: Western European and Others, Latin America, Africa and Asia, two additional members considered to be more advanced in the technology of atomic energy including the production of source material, (b) for Eastern Europe, one additional member equally considered to be more advanced in the technology of atomic energy including the production of source material.

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

(a) twenty-two 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 Latin America, four representatives of the area Western Europe and Others, three representatives of Eastern Europe, five representatives of the area of Africa and five representatives of the area of Asia. No member in this category in any one term of office will be eligible for re-election in the same category for more than another term of office.

(b) one further member from among the members of the following areas:

- Africa (1/3)
- Asia (2/3)

B. The designations

(rest unchanged).

IAEA BOARD OF GOVERNORS COMPOSITION

Geographical Areas	Number of countries	Present situation			Amendment			
		Designated	Elected	Total	Designated	Elected	Total	Increase
WEOG	27	7	4	11	8	4	12	1
LATIN AMERICA	20	1	5	6	2	5	7	1
EASTERN EUROPE	17	1	3	4	2	3	5	1
AFRICA	28	1	4 1/3	5 1/3	2	5 1/3	7 1/3	2
ASIA	33	3	5 2/3	8 2/3	5	5 2/3	10 2/3	2
TOTAL	125	13	22	35	19	23	42	7

ARGUMENTS IN FAVOUR OF THE SHERRY GROUP'S MODIFIED PROPOSAL ON
AMENDMENTS TO ARTICLE VI OF THE IAEA'S STATUTE

On 6 February 1995 the "Sherry Group" submitted a proposal to amend article VI of the IAEA's Statute. It aimed at increasing the Board's composition from 35 to 45 members, at replacing the present distribution system from 8 to 5 regions -in accordance with UN practice-, and at introducing in the Board 15 new regionally designated members among nuclear powers, 3 on behalf of each of the 5 regions.

The proposal was partially supported by the African Group and was criticised by various members of WEOG and of the Asian Group, some of which opposed any change to the present **status quo**, against the mandate given to the Consultative Group by resolution GC(XXXVIII)/RES/14, of 23 September 1994.

No other proposal has been so far submitted to the Consultative Group, and no negotiation has therefore been made. Nevertheless, the "Sherry Group" -in a spirit of compromise and heeding the request of the Chairperson of the Consultative Group, Ambassador Fügen Ok- has decided to submit a revised proposal, in order to improve the possibilities of consensus on the desired modification of article VI. Taking into account some of the remarks made by various members, especially by those of the African Group, the "Sherry Group" has introduced the following modifications in its revised proposal:

1.-The increase in the Board's composition has been reduced from 10 to 7, in accordance with the comments of various members, which considered excessive an increase of 10 members.

2.-The number of regionally designated members have been reduced from 15 to 9, and that of designated members in total from 25 to 19. In a parallel way, the number of elected members has increased, passing from 20 to 23. In this way, the opinion of the Africa Group has been taken into account.

3.-In accordance with the request of the African Group, the possibility of re-election for an additional term of office has been introduced.

4.-Account has also been taken of the recommendation of the General Conference that a greater representation should be given to the African and Asian Groups. Accordingly, whereas WEOG, GRULAC and the Eastern European Group only see their respective membership increased in one member, the African and Asian Groups will have each two additional posts in the Board.

Vienna, 23 May 1995

PROPOSED AMENDMENT TO ARTICLE VI OF
THE STATUTE PRESENTED BY THE KINGDOM OF
MOROCCO

A- SUBSTANCE-A OF THE PROPOSED AMENDMENT :

1) The proposed amendment consists in adding Five Elected Seats and Five Designated Seats .

2) These additions are distributed according to the annexed tables :

- TABLE I : Proposal for extension of the Board membership according to eight regional groups ;
- TABLE II: Distribution of the elected and designated seats among the eight regional groups;
- TABLE III : Proposal for extension of the Board membership according to five regional groups ;
- TABLE IV : Distribution of elected and designated seats among the five regional groups .

3) This proposal is flexible on the issue of groupings . However , and for the sake of clarity , preference is given to the existing system of eight regional groups .

4) This proposal is also flexible on the Issue of immediate re-election to the regional seats . This matter should be dealt with within regional groups .

B- RATIONALE AND CRITERIA OF THE PROPOSED
AMENDMENT :

1- This proposal is made in accordance with the General Conference resolution GC/25/Res/389 which underlined the fact that both Africa and The Middle East and South Asia are underrepresented and consequently their representation on the Board should be reviewed .

2- The proposed amendment takes into account the advancement in the technology of atomic energy including the production of source materials as criteria in the process of designation ;

3- It also takes into consideration the criterion of equitable geographical representation on the Board ;

4- Previous acquired rights of all regions are preserved;

5- According to the proposed amendment , The principle of the floating seats among regions is deleted and the two floating seats are allocated as elected seats to the region of Asia .

6- Efficiency of the Board will be preserved :

7- Proportional balance between elected seats and designated seats is duly reflected ;

8- This proposal is widely inspired by the Sherry Group and other proposals .

TABLE IMOROCCO

PROPOSAL FOR EXTENSION OF THE MEMBERSHIP OF THE BOARD .
(8 REGIONS)

Regions	<u>ELECTED SEATS</u>					<u>DESIGNATED SEATS</u>				
	<u>Current Situation</u>	<u>%</u>	<u>Extension</u>	<u>Total</u>	<u>%</u>	<u>Current Situation</u>	<u>%</u>	<u>Extension</u>	<u>Total</u>	<u>%</u>
North America	---	---	---	---	---	2	5.71 %	---	2	4.44 %
Western Europe	4	11.42 %	+1	5	11.11%	4	11.42%	+1	5	11.11%
Eastern Europe	3	8.57 %	---	3	6.67 %	1	2.86 %	+1	2	4.44 %
Latin America	5	14.28 %	---	5	11.11%	1	2.86 %	+1	2	4.44 %
Africa	4 ¹ / ₃	12.37 %	+1 ² / ₃	6	13.33%	1	2.86 %	+1	2	4.44 %
MESA	2 ² / ₃	7.6 %	+1 ¹ / ₃	4	8.89 %	1	2.86 %	+1	2	4.44 %
SEAP	1 ² / ₃	4.74 %	+1 ¹ / ₃	2	4.44 %	1	2.86 %	---	1	2.22 %
Far East	1 ¹ / ₃	3.8 %	+2 ² / ₃	2	4.44 %	2	5.71 %	---	2	4.44 %
<u>TOTAL</u>	22	62.78 %	+5	27	59.99%	13	37.14%	+5	18	39.97%

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TABLE II

DISTRIBUTION OF ELECTED AND DESIGNATED SEATS AMONG
 THE EIGHT (8) REGIONAL GROUPS

Regions	<u>Elected Seats</u> <u>Current situation</u>	<u>Designated Seats</u> <u>Current situation</u>	<u>Total</u>	<u>%</u>	<u>Elected Seats</u> <u>Situation After</u> <u>extension</u>	<u>Designated Seats</u> <u>Situation After</u> <u>extension</u>	<u>Total</u>	<u>%</u>
North America	---	2	2	5.71 %	---	2	2	4.44 %
Western Europe	4	4	8	22.85%	5	5	10	22.22%
Eastern Europe	3	1	4	11.42 %	3	2	5	11.11%
Latin America	5	1	6	17.14 %	5	2	7	15.55%
Africa	4 ¹ / ₃	1	5 ¹ / ₃	15.22 %	6	2	8	17.77%
MESA	2 ² / ₃	1	3 ² / ₃	10.45 %	4	2	6	13.33 %
SEAP	1 ¹ / ₃	1	2 ² / ₃	7.6 %	2	1	3	6.66 %
Far East	1 ¹ / ₃	2	3 ¹ / ₃	9.51 %	2	2	4	8.88%
Total	22	13	35	99.9 %	27	18	45	99.96%

TABLE IIIMOROCCO

PROPOSAL FOR EXTENSION OF THE BOARD MEMBERSHIP
 ACCORDING TO FIVE (5) REGIONAL GROUPS

Regions	<u>ELECTED SEATS</u>					<u>DESIGNATED SEATS</u>				
	<u>Current Situation</u>	<u>%</u>	<u>Extension</u>	<u>Total</u>	<u>%</u>	<u>Current Situation</u>	<u>%</u>	<u>Extension</u>	<u>Total</u>	<u>%</u>
WEOG *	4	11.42 %	+1	5	11.11%	7	20 %	+1	8	17.77%
Eastern Europe	3	8.57 %	---	3	6.67 %	1	2.86 %	+1	2	4.44 %
Latin America	5	14.28 %	---	5	11.11%	1	2.86 %	+1	2	4.44 %
Africa	4 ¹ / ₃	12.37 %	+1 ² / ₃	6	13.33%	1	2.86 %	+1	2	4.44 %
ASIA	5 ² / ₃	16.17%	+2 ¹ / ₃	8	17.77 %	3	8.57 %	+1	4	8.88 %
TOTAL	22	62.81%	+5	27	59.99%	13	37.15%	+5	18	39.97%

MOROCCO

TABLE IV

DISTRIBUTION OF ELECTED AND DESIGNATED SEATS AMONG THE FIVE REGIONAL GROUPS

Regions	Elected Seats Current Situation	Designated seats Current Situation	Total	%	Elected seats Situation after Extension	Designated seats Situation after extension	Total	%
WEOG *	4	7	11	31.42 %	5	8	13	28.88 %
Eastern Europe	3	1	4	11.42 %	3	2	5	11.11 %
Latin America	5	1	6	17.14 %	5	2	7	15.55 %
Africa	41/3	1	51/3	15.22 %	6	2	8	17.77 %
Asia	52/3	3	82/3	24.74 %	8	4	12	26.66 %
TOTAL	22	13	35	99.94 %	27	18	45	99.97 %

AMENDMENT TO ARTICLE VI OF THE STATUTE
PROPOSED BY THE KINGDOM OF MOROCCO

Replace sub-paragraphs 1 and 2 of Article VI.A. by the following:

"A. The Board of Governors shall be composed as follows:

1. The outgoing Board of Governors shall designate for membership on the Board the ten members most advanced in the technology of atomic energy including the production of source materials, and eight (8) additional members more advanced within their regions in the technology of atomic energy including the production of source materials so that the total number of the designated seats will be distributed among the under-mentioned areas as follows:

(1) North America	2
(2) Latin America	1
(3) Western Europe	5
(4) Eastern Europe	2
(5) Africa	2
(6) Middle East and South Asia	2
(7) South East Asia and the Pacific	1
(8) Far East	3

2. The General Conference shall elect to membership of the Board of Governors twenty-seven 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 six representatives of the area of Latin America, four representatives of the area of Western Europe, three representatives of the area of Eastern Europe, six representatives of the area of Africa, four representatives of the area of the Middle East and South Asia, two representatives of the area of South East Asia and the Pacific, and two representatives of the area of the Far East. A member in this category can be eligible for immediate re-election in the same category to the regional seats on the Board within the limitation of two terms."

On behalf of the Director General of the International Atomic Energy Agency, I, Wouter W. Sturms, Director of the Legal Division of the Secretariat, hereby certify that the foregoing is a true copy of the text of an amendment to Article VI of the Statute of the Agency which is proposed, pursuant to Article XVIII.A of the Statute, by Morocco.

