



GC

International Atomic Energy Agency

GENERAL CONFERENCE

GC(41)/11/Add.1

20 August 1997

GENERAL Distr.

Original: ENGLISH

Forty-first regular session
Item 20 of the provisional agenda
(GC(41)/1)

ARTICLE VI OF THE STATUTE

The summary records of the discussion in the Board of Governors on 11 and 12 June 1997 under the agenda sub-item "Review of Article VI" are reproduced in the Attachments.

**EXCERPT FROM THE RECORD OF THE BOARD'S 922nd MEETING
(11 June 1997)**

ARTICLE VI OF THE STATUTE

**(b) REVIEW OF ARTICLE VI
(GOV/2918 and Add.1, GOV/2926, GOV/2932, 1997/NOTE 12)**

62. The CHAIRMAN recalled that in its resolution GC(40)/RES/20 the General Conference had requested the Board "to develop within a timetable a process of negotiations among Member States through the existing Open-Ended Consultative Group [on Article VI of the Statute]", taking account of a formal proposal submitted by Morocco, a sub-amendment submitted by Spain, informal suggestions made by other Member States and elements identified by the Chairman of the Open-Ended Consultative Group in a report contained in document GOV/2880. It had further requested the Board "to submit its report on a finalized formula for approval by the General Conference at its forty-first regular session in accordance with Article XVIII of the Statute".

63. On 23 September 1996, the Board had endorsed the reappointment of Ambassador Bøjer of Denmark as Chairman of the Open-Ended Consultative Group, and Ambassador Bøjer had subsequently held extensive consultations with Member States, both bilaterally and in groups, including a "core group" of representatives of major interested parties. Following those consultations, the Open-Ended Consultative Group had on 9 April 1997 held a formal meeting at which it had been evident that, despite the extensive consultations and various proposals and suggestions which had been made, a divergence of views still existed.

64. On 16 June 1995, the Board had agreed that an Open-Ended Expert Group should examine the subject of criteria to be followed in designating Member States for Board membership. Subsequently, Ambassador Akao of Japan and his successor Ambassador Ikeda had conducted intensive consultations on that subject. As a result of those consultations there now seemed to be a fair level of support for various criteria and

the indicators to be used as guidelines in designating Member States to serve on the Board. However, the Open-Ended Expert Group was divided regarding two criteria, against which question marks had been placed in Attachment 2 to document GOV/2918. Also, the Group had been unable to agree on the weighting to be given to the criteria and indicators.

65. On 20 September 1996, the General Conference, endorsing a statement made by the President of the Conference, had requested the Chairman of the Board “to consult with Member States not yet listed in a regional area [one of the areas referred to in Article VI of the Statute] as well as with other Member States, including representatives of the regional areas”, and “report for consideration at the forty-first General Conference specific proposals to include each Member State within the appropriate area”. He had consulted with interested Member States, but had not found there to be any agreement.

66. There were thus three separate ongoing processes related to three aspects of the Article VI issue - the size and composition of the Board, the criteria for the designation of Member States for Board membership, and the area group membership of Member States. Although progress had been made, as yet no agreement had been reached on any of them.

67. Owing to the continued impasse, and in order to move matters forward, he had decided, in consultation with Ambassadors Bøjer and Ikeda, to submit a package of proposals to the Board for its consideration. His decision had been based on a strong personal conviction that the three aforementioned aspects of the Article VI issue should be considered together.

68. In his capacity as Chairman of the Board, he had accordingly submitted, in documents GOV/2918 and the Addendum thereto, a memorandum setting out a package of proposals on the three interrelated aspects of the Article VI issue. As stated in document GOV/2918, the proposals were presented on the understanding that no part of the package would be implemented until the entry into force of the amendment to Article VI set out in Attachment 1 to that document.

69. Also before the Board was document GOV/2926 containing a proposed amendment to Article VI submitted by Canada; it was identical with the amendment set out in Attachment 1 to document GOV/2918. In accordance with Article XVIII.C(i) of the Statute, the Board was required to submit its observations on the proposed amendment before it was considered by the General Conference.

70. In addition, the Board had before it 1997/NOTE 12 containing a report by Ambassador Ikeda on the work of the Open-Ended Expert Group on the criteria to be followed in designating Member States for Board membership and document GOV/2932 containing a proposal for amending Article VI.A submitted by Sudan on behalf of the African Group. The latter addressed an important facet of Article VI and should be taken into account during the Board's discussion.

71. Mr. HALIM MOHAMED (Sudan)*, speaking on behalf of the African Group, thanked the Chairman of the Board and the present and previous Chairmen of the Open-Ended Consultative Group and the Open-Ended Expert Group for their efforts in seeking a solution to the long-standing Article VI issue. The African Group believed that much important ground had been covered and that the issue had been thoroughly explored.

72. The African Group did not believe that it was helpful to consider the three aspects of the Article VI issue together, since it was convinced that little progress could be made at the present stage on the area group aspect. It would like to see the numerical representation aspect considered separately as that was an aspect on which it believed some progress was possible.

73. The Group had reservations, however, about the action recommended to the Board on the numerical representation aspect in document GOV/2918. Firstly, it was generally acknowledged that Africa was under-represented on the Board; the General Conference had adopted resolutions to that effect. Secondly, subsequent to the adoption of those resolutions the number of African Member States had increased considerably, with the result that Africa was even more under-represented than before; many African Member

* Member States not members of the Board of Governors are indicated by an asterisk.

States had not yet served on the Board, whereas virtually all the States belonging to certain areas had already been Board members at some time or other.

74. Despite that situation, the proposals contained in document GOV/2918 would not substantially alter the position of Africa as compared to other areas - in fact, its relative position would be somewhat weaker. Moreover, as far as designated seats were concerned, the African Group was the only group among those seeking greater representation for which no improvement had been proposed.

75. The African Group had therefore produced its own proposal, which differed from the Canadian proposal only in that it provided for an increase of seven - instead of six - in the number of designated seats, the extra seat to be allocated to Africa. At the same time, one third of a floating elective seat would be transferred from Africa to GRULAC. He commended the African Group's proposal to the Board as an acceptable compromise.

76. Even if the African Group's proposal was accepted, Africa would continue to have the lowest regional representation on the Board. Nevertheless, in a spirit of compromise the African Group had restrained its desire for more equitable representation so as to accommodate those Member States which did not favour a large increase in Board membership.

77. Finally, commenting on why the African Group favoured separation of the various aspects of the Article VI issue, he said that the expansion of the Board was a question on which there had been consensus in the General Conference, whereas the question of the size and composition of area groups was an extremely sensitive one on which (as paragraph 6 of document GOV/2918 made clear) Member States had not yet reached agreement. The effect of linking the two questions would be to delay expansion of the Board unduly.

78. Mr. FÖRSTER (Netherlands), speaking on behalf of the European Union (EU) and the associated countries Bulgaria, Cyprus, the Czech Republic, Hungary, Lithuania, Poland, Romania, Slovakia and Slovenia, thanked the Chairman and those other

colleagues who had been involved in seeking a consensus on the Article VI issue, which had been one of the thorniest issues before the Board and the General Conference in recent years. The possible expansion of the Board's membership, the criteria for designating Board members and the composition of the area groups were questions which had given rise to a wide variety of views and a substantial number of proposals, some of which had been made as formal proposals for amending the Statute.

79. Many EU member States and associated countries were basically in favour of keeping the size of the Board as it was. Their view stemmed from concern for the Board's effectiveness and efficiency, which should be the main consideration, not from self-interest; in fact, the EU associated countries were predominantly members of the under-represented Eastern Europe group. Nevertheless, the EU and associated countries would be ready to go along with a small increase in the size of the Board. Such an increase, if it were to materialize, should take into account the fact that the EU and associated countries included a large number of States which were particularly advanced in the technology of atomic energy and had a legitimate interest in being more frequently represented in the Board. To those States, it was a question not of prestige but of a natural desire to be closely involved with the taking of decisions with a direct bearing on their large nuclear industries.

80. In the opinion of the EU and associated countries, however, the Board's size was only one aspect of the Article VI issue, all aspects of which needed to be addressed together. Another aspect was the composition of the area groups. The EU and associated countries remained firmly committed to the principle of the sovereign equality of all Agency Member States, which should all be eligible for a seat on the Board and have equal opportunities for seeking nomination by an area group. That implied, inter alia, that no Member State should be excluded from the area group to which it geographically belonged.

81. There were two amendment proposals before the Board at its current session. However, the proposal submitted by Sudan addressed only one aspect of the Article VI issue, the size of the Board, whereas that submitted by Canada was part of a package of proposals which had been put together by the Chairman, which addressed the three

aforementioned aspects of the Article VI issue and which the EU and associated countries - wishing the discussion of the Article VI issue to be laid to rest for a substantial number of years to come - had noted with considerable interest. Some elements of the package were more and others less appealing to the EU and associated countries, but in their view the package represented the only acceptable way forward; also, it was in line with General Conference resolution GC(40)/RES/20, in which the Board had been requested "to submit its report on a finalized formula for approval by the General Conference".

82. For the EU and associated countries, only the package carefully put together by the Chairman would be acceptable, and any attempt - now or later - to disassemble it would not receive their support.

83. The Board now had an opportunity to resolve the Article VI issue and should take it. If the Chairman's package was acceptable to others, the EU and associated countries would support it provided that its character as a package was preserved and discussion of the Article VI issue could be laid to rest for a substantial number of years to come.

84. Ms. DALENZ DE VIDAURRE (Bolivia)*, speaking on behalf of GRULAC, said that GRULAC had been following with great interest the negotiations conducted in recent years on the Article VI issue. In the various working groups dealing with that issue, it had not stated its position, believing that it was thereby helping in the search for a consensus, but now it felt that the time had come for it to state that position clearly.

85. Given the complexity and sensitivity of the issue with its technical, legal and political aspects, GRULAC was of the opinion that a consensus could best be reached through an approach which took into account all those aspects. At the same time, it believed that, if a compromise was to be achieved, the focus should be primarily a regional one.

86. It hoped that, if an understanding did not emerge at the Board's current session, the momentum which had developed would result in consultations among the area groups with a view to reaching a basic agreement before the forthcoming General Conference session.

87. Before the start of such consultations, GRULAC wished to state clearly that the proposal submitted by Canada - reflecting paragraphs 9-11 of document GOV/2918 - was the basis on which it would, wishing to maintain the regional proportionality currently existing in the Board's composition, be prepared to participate in them.

88. Mr. NASSER (Egypt), having thanked the Chairman, Ambassador Bøjer of Denmark and Ambassador Ikeda of Japan for their efforts to find a solution to the Article VI issue, pointed out that the amendment proposal contained in document GOV/2926 did not provide for an increase in the number of designated seats for Africa.

89. The General Conference had long before confirmed that Africa was one of the areas most under-represented on the Board, and Africa's situation as regards representation on the Board had deteriorated since that time as the number of African Member States had risen. That was the reason for the amendment proposal (in document GOV/2932) submitted by Sudan on behalf of the African Group.

90. Referring to Attachment 2 to document GOV/2918, which listed criteria and indicators to be used as guidelines in designating Member States to serve on the Board, he made the following suggestions:

- under "4. Research and Development
General:"

the insertion of a criterion

"(3) Availability of facilities for nuclear fuel cycle R&D" with possible indicators

- Nuclear raw materials laboratories and pilot units
- Fuel conversion laboratories and pilot units
- Fuel fabrication laboratories and pilot units
- Reactor materials testing laboratories
- Local portion of reactor design and reactor component fabrication
- Heavy water laboratories and pilot units
- Waste treatment pilot facilities
- Advanced analytical and surface examination laboratories"

- under "5. Nuclear Applications"
the addition of "and radiation sources" after "(1) production and use of radioisotopes", with the indicator "Number and capacity of radiation sources"
- under "6. Contribution to International Collaboration"
the addition of the indicator
 - Number of experts from country assisting in regional and international training courses held by the IAEA or regional nuclear organizations".

91. In conclusion, he associated himself with the statement made by the Ambassador of Sudan on behalf of the African Group, and especially with what he had said about the separation of various aspects of the Article VI issue.

92. Mr. Seung-Kon LEE (Republic of Korea), having thanked Ambassador Bøjer of Denmark, Ambassador Ikeda of Japan and the Chairman for their efforts in connection with the Article VI issue, expressed support for the overall direction of the Chairman's proposals and for the methodology underlying them. All three aspects of the Article VI issue were very sensitive and complex, containing elements which would make it rather difficult to resolve the issue quickly. In fact, there appeared still to be a wide divergence of views on essential points.

93. His delegation feared that, if the three aspects of the Article VI issue were tackled separately, the debate would never end; after all, it had already been going on for some 20 years.

94. Commenting on the Chairman's proposals, he said that some elements might not be attractive to certain Member States and that the question of the composition of area groups made matters more complicated. Nevertheless, his delegation felt that the package of proposals - although perhaps not the best solution - was acceptable under present circumstances, particularly when it considered what the alternatives might be. Acceptance of the package would put an end to an excessively long debate, so that his delegation was very much in favour of the Board's taking the action recommended in paragraph 18 of document GOV/2918.

95. Mr. TIWARI (India), speaking on behalf of the MESA Group, said that the Group greatly appreciated the sincere and untiring efforts of the Chairman, Ambassador Bøjer and Ambassador Ikeda in connection with the Article VI issue, the various aspects of which were both significant and complex.

96. The Group, which had carefully considered the package of proposals contained in document GOV/2918, did not think it was appropriate to discuss the three elements of the package together since they were not interrelated. Also, it felt that working groups were not the right fora in which to discuss the element relating to the composition of area groups. It believed that responsibility for deciding on the composition of the area groups rested primarily with the members of the respective area groups. At present, the MESA Group saw no justification for making changes in its current composition.

97. Ms LEONG (Malaysia), having expressed appreciation of the efforts of the Chairman, Ambassador Bøjer and Ambassador Ikeda, said that Malaysia was pleased that both the Chairman's package of proposals and the amendment proposal submitted by Sudan took into account the concerns of the SEAP Group.

98. However, with regard to the question of the composition of area groups, her delegation shared the views just expressed by the Ambassador of India on behalf of the MESA Group.

99. Mr. WU Chengjiang (China), thanking the Chairman for his efforts, said that progress had been made in the discussions on the three elements of his package but regrettably no consensus had yet been reached.

100. As regards the question of the Board's size, his delegation had long felt that there should be an increase given the fact that the number of Member States was continuing to grow - an increase which did not, however, impair the Board's efficiency or upset the geographical balance in the Board. In particular, something needed to be done about the representation of Africa and MESA.

101. Amendment proposals submitted by Morocco, Pakistan and Canada were “on the table”, each with its own underlying logic. Most recently, a proposal had been submitted by Sudan on behalf of the African Group, and his delegation had a great deal of sympathy with it. However, none of those proposals commanded a consensus. His delegation hoped that consultations would continue on the question of the Board’s size with a view to the achievement of a solution in the not-too-distant future.

102. As regards the question of designation criteria, his delegation was grateful to Ambassador Ikeda for his tremendous efforts. Regrettably, however, those efforts had not led to consensus on the criteria and indicators listed in Attachment 2 to document GOV/2918, and his delegation therefore felt that they should not be used as guidelines in designating Member States to serve on the Board.

103. Mr. CODORNIÚ PUJALS (Cuba), having associated himself with the statement made by the representative of Bolivia on behalf of GRULAC, said that his delegation believed very strongly in the need for a regional focus in matters such as those relating to the size of the Board and the criteria for designation to the Board. At the same time, it did not believe that Member States - even when seeking solutions which might be acceptable to all - should interfere in the affairs of area groups to which they did not belong. Accordingly, it felt that, although containing elements which might constitute a good point of departure for regional and interregional negotiations, document GOV/2918 also contained elements which did not fall within the competence of most of the countries represented at the current meeting as they had not yet been agreed upon by the countries directly concerned.

104. In his delegation’s view, in order to qualify for service on the Board a Member State should act in strict conformity with the Statute and have the support of the group representing the area to which it belonged.

105. Mr. UMAR (Nigeria), having commended the efforts of Ambassadors Ikeda and Bøjer and of the Chairman, said that his delegation associated itself fully with the statement made on behalf of the African Group by the Ambassador of Sudan.

106. Mr. RYZHOV (Russian Federation) said that his delegation, which attached great importance to the Article VI issue, continued to believe that a Board membership of 35 - although rather large by UN Common System standards - was the numerical optimum and that the present arrangements for constituting the Board were appropriate to the tasks involved in ensuring the effective functioning of the Agency. At the same time, one could not ignore present-day political and geographical realities and the related question of the representation of the various areas in the Board.

107. As regards the proposal submitted by Canada, it was part of an impressive attempt to resolve a complex set of difficult questions through a package approach. In his delegation's view, the most important of those questions related to the composition of area groups; his delegation hoped that all Member States would ultimately be admitted with their agreement to one or other of the area groups.

108. The proposed arrangements for constituting the Board were not ideal, but his delegation felt that they could form the basis for a compromise.

109. Mr. BØJER (Denmark), having endorsed the statement made by the Governor from the Netherlands on behalf of the EU and associated States, expressed support for the package of proposals put together by the Chairman of the Board. That package contained three components which, in his delegation's view, were inextricably linked in the sense that all three were necessary if a fair and lasting solution to the Article VI issue was to be found. As former Chairman of the former Open-Ended Consultative Group on Article VI of the Statute, he was convinced that the package offered the only way of resolving that issue.

110. From extensive consultations and conversations which he had had since the 40th regular session of the General Conference, he was convinced

- that there was no prospect of a consensus on keeping the size of the Board unchanged;
- that, at the same time, there was a widespread reluctance to accept a substantial increase in the size of the Board; and
- that there was no objective standard indicating the appropriate size of the Board.

111. During those consultations and conversations on the question of the Board's size, people had frequently raised the question of designation criteria and that of the composition of area groups, and he believed that they had linked the three questions not as a negotiating tactic or for political reasons but because of the inherent logic on which the functioning of the Agency was based.

112. Against that background, he had reached the conclusion that the package put together by the Chairman was the closest one could get to a point of convergence - if convergence was possible.

113. If consensus was not reached in the Board now or in the General Conference at its forthcoming session, that would be due not to the contents of the package but to a lack of political will - a lack of political will which concerned more than just the Agency. If the political will did one day materialize, permitting a consensus on Article VI, the point of convergence would be the Chairman's package.

114. That being so, the Board's members should - as diplomats and negotiators - try to reach agreement on a positive recommendation to the General Conference. Above all, however, they should preserve the possibility of reaching consensus when consensus became possible - and where consensus became possible. They should behave responsibly, helping each other to identify the common ground and saving themselves and their successors a great deal of unpleasant work.

115. Mr. GORGOL (Czech Republic), having associated himself with the statement made by the Governor from the Netherlands on behalf of the European Union, said that some years previously it had been concluded that Africa and MESA were under-represented on the Board. Recently, however, there had been an increase of eight in the number of Member States belonging to the area of Eastern Europe. That area was now fourth among the areas referred to in the Statute as regards numbers of Member States and first as regards numbers of countries with advanced nuclear programmes. Nevertheless, wishing to maintain the highest possible level of efficiency and effectiveness in the work of the Board and believing that any increase in Board membership might have a negative effect, the Eastern Europe Group had made no proposal for amending Article VI in order to take the recent changes into account. For its part, the Czech Republic would have difficulty in accepting any resolution of the complex and sensitive issue under discussion that failed to take into account the present situation of Eastern Europe or that led to a deterioration in the position of the Eastern Europe Group relative to that of the other area groups.

116. Although his delegation did not find the Canadian proposal contained in document GOV/2926 a completely satisfactory solution, it was prepared, in a spirit of compromise, to support it as part of the Chairman's package of proposals, including the element referred to in document GOV/2918/Add.1.

117. Mr. IKEDA (Japan), referring to 1997/NOTE 12, said that in his view the Open-Ended Expert Group had under his chairmanship gone as far as it could in seeking a consensus on designation criteria and the guidelines which it had produced were meaningful only as part of the Chairman's package of proposals.

118. Japan supported that package as the only solution to an issue on which there had been interminable, exhausting discussion. Since any solution needed to be based on a delicate balance of all the elements concerned, he was sceptical of any attempt to deal with the package's elements separately.

119. Mr. EL FADHEL KHALIL (Tunisia), endorsing the statement made by the Ambassador of Sudan on behalf of the African Group, said that, although it was the Board's practice to resolve matters by consensus, it had become clear that no consensus was at present possible on the matter of area group composition; furthermore, the situation was unlikely to change.

120. Since consensus seemed possible with regard to the size and composition of the Board and to designation criteria and indicators, his delegation felt that those matters should be settled now and the matter of area group composition left for a later date.

121. Mr. ABDULLA MAHMOUD (United Arab Emirates), endorsing the statement made by the Governor from India on behalf of MESA, said that his delegation, which was in favour of an enlargement of the Board to reflect present-day realities, considered that the three elements of the Chairman's package should be dealt with separately, enlargement of the Board having the highest priority.

122. With regard to the composition of the areas listed in Article VI.A.1 of the Statute, his delegation believed that geographical location should not be the only consideration when it was being determined to which areas Member States belonged; political understanding and common interests were also important. Member States should be allowed to join area groups only with the agreement of the countries already members of those groups.

123. Mr. HEATHCOTE (United Kingdom), associating himself with the statement made by the Governor from the Netherlands on behalf of the European Union and associated countries, said that the Chairman's package of proposals represented a very skilful attempt to resolve a number of related questions.

124. The United Kingdom had consistently taken the position that, for various reasons, there was no need for change: the current arrangements worked well; the Board's practice of allowing non-members to speak under Rule 50 of the Provisional Rules of Procedure ensured that all interested Member States could air their views in and influence the

proceedings of the Board; and a change in the structure of the Board would not make it more efficient or more effective. Nevertheless, his country recognized that, as a result of the expansion of the Agency's membership in recent years and advances made in the use of atomic energy by some Member States, the current arrangements did not meet with the full satisfaction of a significant number of Member States. Furthermore, it was inequitable that Member States should be denied the chance of becoming Board members on the grounds that they were not members of any area group.

125. While not regarding the Chairman's package as perfect, the United Kingdom was - in a spirit of compromise - prepared to support it on the understanding that the elements of the package would become applicable only when the amendment set out in Attachment 1 to document GOV/2918 entered into force. The package should be considered as a whole, since it would be counterproductive to seek to settle the question of Board expansion in isolation from that of ensuring at least the possibility of Board membership for all Member States.

126. The United Kingdom hoped that the issue would be settled at the forty-first General Conference session so that the Board would not have to return to it for a number of years.

127. Mr. RITCH (United States of America) said that the Agency was one of the world's most successful and indispensable international institutions and that any changes in the composition of its Board of Governors should be made with the utmost care.

128. His Government was strongly in favour of the status quo. However, a modest expansion of the Board was being sought by a number of governments which had legitimate grievances with regard to the Board's composition. His delegation was therefore prepared to support the Chairman's package of proposals provided that, if the package was adopted, the Article VI issue would be laid to rest for a substantial time. If the package was not successful, his delegation would oppose any alternative proposal. In his delegation's view, the Board did not have a choice.

**RECORD OF THE BOARD'S 923rd MEETING
(12 June 1997)**

ARTICLE VI OF THE STATUTE (continued)

**(b) REVIEW OF ARTICLE VI (continued)
(GOV/2918 and Add.1, GOV/2926, GOV/2932, 1997/NOTE 12)**

1. Mr. DIMITROV (Bulgaria), having endorsed the statement made during the previous meeting by the Governor from the Netherlands on behalf of the European Union and associated countries, said his country favoured a resolution of the Article VI issue which would provide for adequate representation of the Eastern Europe Group, a group which had increased significantly in numbers in recent years and now included many countries very advanced in the nuclear field. Although the Chairman's package of proposals did not fully meet Bulgaria's wishes, it was realistic and balanced; his country was therefore prepared to support it in a spirit of compromise.

2. Mr. MAYOR (Switzerland) said his country's fundamental concern was that the effectiveness of the Board, and hence the effectiveness of the Agency itself, should be maintained. Continuing effectiveness should be provided for in any proposal to restructure Article VI.

3. In order to be designated for membership of the Board, countries had to support the objectives of the Agency as set forth in Article II of the Statute and be advanced in the technology of atomic energy (Article VI). That dual requirement should be preserved, whatever the size of the Board's membership. At all events, since any increase in membership would inevitably affect the functioning of the Board, Switzerland considered that such an increase should be extremely modest.

4. While holding those basic views, his country was aware of the need to reconcile the interests of the Agency with those of the international community and the need to take into account the increase in the number of Member States. If most Board members were in favour of amending Article VI, then he believed that the proposals contained in document

GOV/2918 represented the most appropriate solution, provided that they were accepted as they stood. On the understanding that they would be, he could support the action recommended in paragraph 18 of that document.

5. Mr. de OURO-PRETO (Brazil) said that the package of proposals contained in document GOV/2918 provided for only a very small increase in the number of Board seats for Latin America, where very considerable progress in the nuclear field had been made in recent years and several countries were participating very actively in the development of Agency safeguards. His delegation could therefore not support the package, despite the fact that it provided for an increase in the number of designated seats for Latin America.

6. His delegation had noted with interest that in the proposal submitted by Sudan on behalf of the African Group the share of Board seats to be allocated to Latin America would be larger than the share envisaged in document GOV/2918, and he might comment on that proposal at a later stage.

7. Mr. HASAN (Kuwait) expressed support for the statement made by the Governor from India on behalf of the MESA Group during the previous meeting.

8. Mr. COOK (New Zealand), thanking the Chairman and Ambassadors Bøjer and Ikeda for their efforts, said his country supported the Chairman's package of proposals as it stood. Although New Zealand was satisfied with the Board's current size and structure, it realized that many Member States felt that they were not adequately represented on the Board. It was therefore ready to consider the possibility of a small increase in the size of the Board provided that the SEAP Group was not disadvantaged; the amendment proposed by Canada would satisfy that condition.

9. The three questions addressed in the package were interrelated and should be tackled together. The package proposals offered an opportunity to resolve the various problems relating to Article VI, which had already taken up a great deal of time both in the Board

and in the General Conference. Once those problems had been resolved, the Agency could concentrate on its core responsibilities vis-à-vis the international community.

10. Some had suggested that the various elements of the package could be dealt with individually, but his delegation believed that nothing was to be gained by such an approach. The Board had not been able to settle the Article VI problems individually in the past, and he saw no reason to believe that it could do so now. The package represented a finely balanced compromise, which was the only possible basis for agreement, and he hoped that consensus would be reached on it by September.

11. Mr. TIWARI (India) said that the Chairman's package contained three separate elements. On the first, relating to the size of the Board, the Indian position was that the representation of countries on important international bodies should reflect current international circumstances, and accordingly his country could accept a small increase in the number of Board members.

12. As to the second element, relating to the criteria for the designation of Member States to serve on the Board, Ambassador Ikeda was to be commended for having produced a list of criteria and indicators. The list was not comprehensive, however, and it did not command a consensus, partly because progress in the field of nuclear technology was very difficult to measure. Moreover, the indicators listed under criterion No. 7 ("Safeguards and Non-Proliferation") in Attachment 2 to document GOV/2918 were in no way a measure of technical advancement in the field of atomic energy: the parties to the NPT included States which were technically very advanced in that field and States which were technically not advanced at all, so it was irrelevant whether a State was party to the NPT.

13. Nor could the conclusion of a comprehensive safeguards agreement with the Agency be considered an indicator of advancement: none of the nuclear-weapon States, which were surely among the countries most advanced in the nuclear field, had concluded such an agreement. A more valid criterion would be whether the State concerned had honoured its safeguards agreement with the Agency both in the letter and in the spirit. He would

therefore suggest that criterion No. 7 (“Safeguards and Non-Proliferation”) be deleted from the list, although the indicator “Commitment to universal nuclear disarmament” might be considered for retention.

14. In conclusion, he expressed support for the suggestion made during the previous meeting by the representative of Egypt for additional criteria and indicators.

15. Mr. BORCHARD (Germany), having endorsed the statement made by the Governor from the Netherlands on behalf of the European Union and associated countries and having thanked the Chairman and Ambassadors Bøjer and Ikeda for their efforts, said that in Germany’s opinion the Board in its present form was working effectively and efficiently. His country saw no need for change, although it was aware that some Member States were not fully satisfied with the present arrangements.

16. The Chairman’s package of proposals was a bold compromise, but it represented the step needed if the Board was to resolve three interrelated problems which could not be resolved individually. Germany was willing to support the package, provided that it was accepted as it stood and that discussion on Article VI was not re-opened for some years to come.

17. Mr. GHERMAN (Romania), having endorsed the statement made by the Governor from the Netherlands, said that in his view, if the Board did not succeed in reaching consensus on the very reasonable proposals put forward by the Chairman, the Article VI issue was likely to remain unresolved for many years to come.

18. Mr. PRETTRE (France), having endorsed the position of the European Union as presented by the Governor from the Netherlands, said that his delegation attached great importance to the Board’s role and to the Board’s fulfilling that role effectively.

19. The question of the composition of the Board had been under discussion for a long time, but no proposal for modifying it had gained wide support. The deadlock was evidence of the complexity of the problems involved and justified the package of proposals

contained in document GOV/2918, which was based on efforts to reconcile the widely differing positions of Member States.

20. As was the case with any compromise, no country was likely to be completely satisfied with the package. However, the general interests of the Agency required that very careful consideration be given to a proposal which would enable the Board to “turn the page” and concentrate on its many important tasks in a somewhat calmer atmosphere. Giving priority to the interests of the Agency would mean, in his country’s case, renouncing preferences which it had voiced on numerous occasions, for France continued to believe that, on the whole, the Board in its present form worked very satisfactorily.

21. Caution should be exercised in making any attempt at reform in response to General Conference resolution GC(40)/RES/20. As he saw it, however, the package of proposals contained in document GOV/2918 provided an opportunity which should be seized if the Board wished to avoid a prolongation of sterile discussions which could well have an adverse effect on its work.

22. Mr. MINTY (South Africa), having associated himself with the statement made by the Ambassador of Sudan on behalf of the African Group, said he was surprised at the inflexible attitude of some Board members on the question of numerical representation on the Board. Acceptance of the Chairman’s package of proposals was being urged by them virtually in the form of an ultimatum, and he found that unacceptable. He would like to see a more reasonable and flexible approach being taken towards the proposal put forward by the African Group, which, although now the largest area group, had a very low level of Board representation. The African Group had an important role to play within the Agency and in related fields such as global disarmament, and it would be unwise to disparage or block its attempts to seek a more equitable distribution of Board seats.

23. His delegation appreciated the efforts of those who had tried so hard to bring about progress on the various aspects of the Article VI issue, but linkages had been created which

made a crucial element of the package completely unacceptable to some Board members, for reasons which were well understood by all.

24. His delegation rejected the notion that the increased representation of States in the governing bodies of UN organizations necessarily led to inefficiency: the status quo did not, as some claimed, mean a correct balance. In the post-Cold War world, where the United Nations itself was considering how to achieve such increased representation, the Agency should surely not still be bound to a balance that imposed more and more obligations on developing countries - obligations which some might consider to be to the advantage of developed countries.

25. It had long been agreed that Africa was under-represented on the Board, and it was in that context that the African Group had put forward its proposal for an increase of seven in the number of Board members - an increase well in line with the relative sizes of the various area groups. The Board should accept that proposal as a reasonable solution to a long-standing problem, so that at least one aspect of the Article VI issue could be settled for a long time to come.

26. In conclusion, emphasizing that South Africa's commitment to the NPT could not be doubted, he said that at the NPT Review and Extension Conference his country's delegation had helped to ensure that in the Principles and Objectives for Nuclear Non-Proliferation and Disarmament full backing was given to the entire range of Agency activities. South Africa was acting in accordance with the Principles and Objectives and would like to see all other States doing so.

27. Mr. INDELICATO (Italy)^{*}, having endorsed the European Union position as presented by the Governor from the Netherlands, said that his country would prefer the size of the Board not to be increased; efficiency and effectiveness should prevail over all other considerations, and in the case of the Board "small was beautiful" - or at least more efficient.

* Member States not members of the Board of Governors are indicated by an asterisk.

28. Italy could nevertheless go along with a small increase in the number of Board members for the sake of compromise, on the understanding that the Article VI issue would not be raised again for many years to come and that such an increase would be part of a package providing for the absolute right of each Member State to belong to the area group representing the area where it was geographically located and for criteria and indicators to be used as guidelines in the designation of Member States to serve on the Board. In the latter connection, his delegation considered that "financial contribution to the IAEA" should be a designation criterion and that consequently the question mark against criterion No. 6(2) in Attachment 2 to document GOV/2918 should be deleted.

29. His delegation hoped that the package of proposals - with that amendment - would be approved at the current session of the Board and ratified by the General Conference at its forthcoming session.

30. Mr. AMIR (Israel)* said that the proposal for amending Article VI.A submitted in document GOV/2932 on behalf of the African Group was incomplete and unacceptable because it addressed only one element of the Chairman's package - namely, the Board expansion element. In particular, it ignored the pressing question of discrimination against Israel through exclusion from membership of the area group representing the area to which Israel belonged geographically - which prevented Israel from being elected to the Board and from participating equally and effectively in the Agency's activities.

31. Israel was strongly opposed to any proposal for amending Article VI and expanding the Board unless it ensured that each Member State fully enjoyed all the sovereign rights associated with membership of the Agency. The exclusion of Israel from the MESA Group constituted a severe violation of the principle of sovereign equality laid down in Article IV.C of the Statute. Rectification of that long-standing abuse was a matter of utmost urgency, and Israel expected the Board's members - as the guardians of the Statute - to take long overdue action to rectify it. Such action should be taken before the representation of area groups on the Board was increased.

32. The members of the Board should not support the proposal contained in document GOV/2932, but stand firm behind the Chairman's package.

33. Mr. ORTIZ (Spain)*, having endorsed the statement made on behalf of the European Union and associated countries, said that the Western Europe Group - to which Spain belonged - was making a great sacrifice in supporting the package of proposals contained in document GOV/2918 since it implied a considerable reduction in the Group's relative representation on the Board. The impact of the package would be felt particularly by countries which, like Spain, had advanced programmes in the field of nuclear energy technology and therefore considered themselves to be entitled to greater representation on the Board.

34. Spain had been actively involved in recent years in various initiatives designed to produce an amendment to Article VI that would satisfy all parties. At the last session of the General Conference, it had submitted various sub-amendments to a formal proposal by Morocco and an informal proposal by Pakistan. The General Conference had referred them to the Open-Ended Consultative Group, where they had unfortunately failed to obtain the support which his country had hoped for. His delegation therefore considered them to have lapsed and was lending its full and exclusive support to the Chairman's package.

35. Mr. DRAIA (Algeria)*, having thanked the Chairman and Ambassadors Bøjer and Ikeda for their efforts, said that document GOV/2918 represented an attempt to find a way out of the impasse regarding the size of the Board by linking that question closely with the politically sensitive question of the composition of the MESA Group. His delegation supported the statement made in that connection by the Ambassador of Sudan on behalf of the African Group.

36. The package submitted in document GOV/2918 had no legal basis inasmuch as the "finalized formula" called for in General Conference resolution GC(40)/RES/20 related to the question of the Board's size and the General Conference had not linked that resolution with the statement made by its President on 20 September 1996 under the heading

“Composition of regional groups”. The idea of making an expansion of the Board conditional on a change in the composition of the MESA Group constituted a fresh source of difficulties. Moreover, responsibility for the admission or non-admission of a Member State into an area group lay exclusively with the States already belonging to that group.

37. With regard to the representation of Africa on the Board, he drew attention to a position paper of the African Group dated 3 April 1997 which had been circulated in the Open-Ended Consultative Group and expressed support for the proposal of the African Group contained in document GOV/2932.

38. Mr. HOBEICA (Lebanon)* said it was unfortunate that the question of the composition of area groups - and specifically that of Israel's possible membership in the MESA Group - had been linked so closely to the other questions concerning Article VI. The proposal for an expansion of the Board set out in Attachment 1 to document GOV/2918 was acceptable from the point of view of equitable geographical distribution, and the criteria in Attachment 2 were reasonable except for criterion No. 7 (“Safeguards and Non-Proliferation”). In Attachment 3, however, Israel appeared under “Middle East and South Asia” despite the divergence of views on that matter.

39. Document GOV/2918/Add.1 referred to a prospective statement by Israel which would be viewed as an undertaking not to seek Board membership for four years after the Chairman's package took effect. That approach sounded like an admission that the time was not ripe for Israel to become a member of the Board and that the matter could be deferred for four years. His delegation therefore proposed that the Board adopt the elements of the package relating to the expansion of its membership and the criteria for designation and leave the matter of Israel's possible membership in the MESA Group until a period of four years had elapsed.

40. The matter had obvious political dimensions resulting from many years of conflict in the Middle East. He hoped to see the day when peace would prevail in the Middle East, but the peace process had been faltering for several months because Israel had reneged on

its commitments; for its part, Lebanon was still suffering the consequences of Israel's "Grapes of Wrath" military operation. Moreover, Israel had not acceded to the NPT or concluded a comprehensive safeguards agreement with the Agency. In his delegation's view, therefore, consideration of the sensitive question of the composition of area groups should be deferred until the climate was more favourable and the proposals relating to an expansion of the Board and to designation criteria should be adopted.

41. Mr. SANTIAGO (Philippines)*, having thanked the Chairman and Ambassadors Bøjer and Ikeda for their efforts, said that the Chairman's package was obviously unacceptable to some - perhaps many - Member States. It was unfortunate that the Philippines, which very much wanted a change in the size and composition of the Board and clearly defined designation criteria, was unable to endorse the package as proposed.

42. The three elements of the package should perhaps be considered and decided upon separately. The criteria for designation could, in his delegation's view, be accepted immediately despite their imperfections; his delegation was prepared to accept them provided that they were acceptable to the Board as a whole and on the understanding that they would be universally observed in practice. The other two elements of the package needed further examination, account being taken of the principle that the composition of each area group was the responsibility of the members of that group and full respect being accorded to the principle - stated in Article IV.C of the Statute - of the sovereign equality of all Member States.

43. Regarding the allocation of Board seats, in his delegation's view an area group with more members than the number of designated seats assigned to it should be assured of at least one regular elective seat. Accordingly, his delegation could not support the proposal contained in document GOV/2926 or that contained in document GOV/2932.

44. Mr. OTHMAN (Syrian Arab Republic)*, endorsing the statements made on behalf of the MESA Group and the African Group, said that in 1996 the General Conference - in resolution GC(40)/RES/20 - had requested the Board to submit a "finalized

formula” for an expansion of the Board, whereas the President of the General Conference had requested the Chairman of the Board to consult with Member States regarding the “composition of regional groups”. The two questions were therefore separate and should not be linked. The Board expansion question had direct implications for the wording of Article VI, which should be amended before the area group composition question and the designation criteria question became the focus of attention.

45. The composition of area groups was not necessarily based on geography; in some area groups there were Member States which were located in areas other than the ones which those groups represented. In any case, what was the point of imposing a Member State on an area group if that group’s meetings would thereby be disrupted? At a time when the political situation in the Middle East was extremely troubled, it was unwise to force an issue that could lead to severe complications within the Agency.

46. The Board and the General Conference had endorsed the principle that the composition of each area group should be determined by its members and the principle that each Member State had the right to seek membership of any area group. His delegation therefore failed to understand why Israel had not sought membership of a group that would welcome it.

47. Ms. AL-HADID (Jordan)*, having endorsed the statement made by the Governor from India on behalf of the MESA Group and the statements made by the representative of Egypt and the Governor from Tunisia, said that her delegation supported the proposal submitted by Sudan on behalf of the African Group.

48. Ms. BOH (Slovenia)*, speaking also on behalf of Bosnia and Herzegovina, Croatia and the former Yugoslav Republic of Macedonia, said that the proposed package contained an unacceptable element - the inclusion of “Yugoslavia” as a Member State under “Eastern Europe” in Attachment 3 to document GOV/2918; it was the position of the four countries on behalf of which she was speaking and of most States members of the United Nations that the former Yugoslavia had ceased to exist and that the Federal

Republic of Yugoslavia (Serbia and Montenegro) was not its automatic or its sole successor. She drew attention in that connection to Security Council resolution 777 (1992) and General Assembly resolution A/47/1 and to General Conference resolution GC(XXXVI)/RES/576, in which it was stated that “the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the Agency”.

49. Requesting that Attachment 3 to document GOV/2916 be corrected and that her statement be reflected in the Chairman’s conclusion, she said that, although the matter raised by her was of considerable legal and political importance, she would not wish it to interfere with the efforts being made to achieve a realistic compromise on the Article VI issue.

50. Mr. JAMEEL (Pakistan)*, having endorsed the statement made by the Governor from India on behalf of the MESA Group, said he was confident that the momentum built up through initiatives such as the proposals made by Morocco, Pakistan, Spain, the African Group and the Chairman of the Board would not be allowed to slacken and requested the Chairman to continue consultations with a view to achieving a consensus resolution of the Article VI issue before the General Conference’s forthcoming session.

51. Mr. AYATOLLAHI (Islamic Republic of Iran)*, having endorsed the statement made by the Governor from India on behalf of the MESA Group, said that each of the three elements of the Chairman’s package was important in its own right and should be considered at an appropriate time. The Board enlargement question, which had been under discussion for many years, and the designation criteria question could perhaps be addressed together by the Vienna-based representatives of Member States, but the area group composition question was highly political and sensitive and should not be included in the same package.

52. An area group could not function properly without the mutual political understanding among its members which was a prerequisite for the peaceful utilization of nuclear energy in the area represented by that group. However, the proposed package

sought to impose an unwelcome member on one area group, in pursuit of a political objective which seemed to have assumed greater importance than the Board enlargement question. Nobody disputed the principle of the sovereign equality of the Agency's Member States, which should have equal opportunities for seeking election to the Board. It was incontestable, however, that the taking of decisions on the admission of new members to an area group was primarily a prerogative of the group itself. Failure to give due consideration to the views of area groups had helped to prolong the debate on the question of amending Article VI.

53. Ms. BEŠKER (Croatia)*, having endorsed the statement just made by the Ambassador of Slovenia and also - although Croatia was not yet an associated country of the European Union - the statement made earlier by the Governor from the Netherlands on behalf of the European Union and associated countries, said that a solution to the Article VI issue was long overdue. Ambassadors Bøjer and Ikeda had made every effort to reconcile the legitimate interests and grievances of Member States, but their tasks had been impossible ones.

54. Now the Board had before it a package put together by its Chairman, and her delegation - while appreciating the difficulties which some States had with it and feeling sympathetic towards the proposal submitted by Sudan on behalf of the African Group - considered that package to be reasonable and well balanced.

55. She hoped that the Board would summon up the necessary political will and accept the Chairman's package in a spirit of compromise.

56. Ms. ROZGONOVA (Slovakia)*, having expressed her delegation's wish for a long-term comprehensive solution of the Article VI issue, endorsed the comments made by the representative of the Czech Republic at the previous meeting in relation to the under-representation of Eastern Europe.

57. Mr. HALIM MOHAMED (Sudan)*, having thanked the Chairman and Ambassadors Bøjer and Ikeda for their efforts and emphasized his country's support for the

position of the African Group, said that the Board expansion question was a question on which agreement had essentially been reached and that it should not be linked to questions - such as that of the composition of area groups - which appeared impossible to settle at the present juncture. Questions were being linked by those who had consistently resisted efforts to expand the Board, perhaps with the intention of implying that the African Group was not going to obtain its fair share of Board seats or that the position taken by the MESA Group was not important.

58. Attaching high priority to questions other than the Board expansion question would simply make it even more difficult to resolve the Article VI issue. The area group composition question was a political rather than a geographical question, and a solution would not be found in the Boardroom - only in the Middle East. The fact that Israel would undertake not to seek Board membership for four years after the Chairman's package took effect illustrated the impossibility of reaching an agreement at present.

59. Urging that the Board focus on the other two elements of the package, he said that Africa would not accept a delay in being allotted its fair share of Board seats due to the linking of the Board expansion question with questions on which agreement could not be reached.

60. Ms. EDDIB (Libyan Arab Jamahiriya)*, having thanked the Chairman and the Ambassadors of Denmark, Japan and Turkey for their efforts to resolve the Article VI issue, said that her delegation would like to see an expansion of the Board, and particularly an increase in the representation of Africa and the MESA, in accordance with present-day geographical and political realities.

61. Endorsing the statement made by the Ambassador of Sudan on behalf of the African Group, however, she urged that the Board expansion question not be linked to other questions. The primary responsibility for settling matters relating to the composition of the area groups lay with those groups, in line with the situation in the United Nations as described in paragraph 17 of document GOV/2864.

62. If it was not possible to reach a consensus on the Article VI issue at the Board's current session, representatives should hold further consultations and the issue should be taken up in the General Conference, where all Member States would have an opportunity to express their views.

63. Mr. BENMOUSSA (Morocco)*, having commended the efforts of Ambassadors Bøjer and Ok, said that in his view it was premature to insist that the Chairman's package should not be tampered with; such packages were usually put together after - not before - discussion in the Board.

64. The Chairman's package consisted of three elements, for only the first of which - that relating to the size and composition of the Board - an amendment of the Statute was required. The second element - that relating to designation criteria - was a technical one which fell within the competence of the Board, but the third one - relating to the composition of area groups - was highly political and depended on the situation in the Middle East.

65. With regard to the third element, there appeared to be an assumption that Israel was a victim, deprived of the rights associated with membership in the Agency. Those rights included the right to receive Agency technical assistance, the right to serve on the Board and the right to belong to an area group. Well, Israel was receiving Agency technical assistance, and the African Group - and no doubt the MESA Group - would not object if Israel were elected to serve on the Board as a member from another area group. Any attempt to pressure the MESA Group into accepting Israel as a member, however, would inevitably backfire. In that connection, it should be remembered that South Africa had never been a member of the African Group during the apartheid era; geography was not the only consideration governing the membership of area groups.

66. Israel was not the only Member State never to have had served on the Board: 37 other Member States were in the same situation, 9 of them having joined the Agency in the same year as Israel - 1957. However, the problem was not the right of Israel to serve

on the Board, but its political acceptability; Israel had that right but, for political reasons, could not enjoy it.

67. Turning to the criteria and indicators in Attachment 2 to document GOV/2918, he suggested that they all be used - without weighting - as guidelines in the designation of Member States to serve on the Board.

68. Turning to the African Group's proposal for an expansion of the Board, he pointed out that the only difference between it and the Canadian proposal was that it envisaged one extra designated seat for Africa. Urging that the African Group's proposal be accepted, he also pointed out that there were 25 African countries which had not yet become Agency Member States; the African Group had to bear their interests in mind. Even if the African Group's proposal was accepted, Africa would still be badly under-represented on the Board, a fact which should not be dismissed on the grounds that Africa was the least advanced continent in the nuclear field.

69. Turning to Attachment 3 to document GOV/2918, he said that future consultations on the area group composition question might be facilitated if the tentative nature of the "list of States by areas" was made clear, perhaps by means of a footnote. Also, it might be helpful to have a footnote stating that the Federal Republic of Yugoslavia (Serbia and Montenegro) could become a member of the Eastern Europe Group only if it became an Agency Member State. In addition, he would like to see a footnote relating to Kazakstan and Uzbekistan, whose membership of the MESA Group was not a foregone conclusion; perhaps the Chairman could discuss the question of their membership with the MESA Group.

70. As regards Israel, there was clearly a need for negotiations with the MESA Group. A statement made by the Chairman, after its approval by the MESA Group, might enable the conflict to be resolved before the General Conference's forthcoming session.

71. At all events, in the immediate future the key person in the efforts to reach a consensus would be the Chairman, whose sensitivity regarding all aspects of the Article VI issue was well known and greatly appreciated.

72. Mr. AL-ERYANI (Yemen)*, having endorsed the statements made on behalf of the MESA Group and the African Group, said that in his view the three elements of the Chairman's package should not be interlinked. One of those elements was highly political, and a period of time should be allowed for the political efforts currently under way.

73. Mr. AL-NOWAISER (Saudi Arabia) said that he had expected the Chairman to impose a time limit on the statements of Board members and non-Board members and that, given the amount of time already devoted to the Article VI issue at the Board's current session, he would confine himself to endorsing the statement made by the Governor from India on behalf of the MESA Group and the statement made by the Governor from South Africa.

74. Mr. JOSEPH (Australia), having expressed support for the Chairman's package and endorsed the statement made on behalf of the European Union, said that, although some progress had been achieved, there remained a problem which related not to linguistic formulations but to the situation in the Middle East. Experience had shown, however, that accommodation was possible even when Middle East-related difficulties existed - for example, in the CTBT context.

75. The Chairman and Ambassadors Bøjer, Ikeda and Ok were to be commended for their considerable efforts, but the remaining problem called for a particular display of flexibility and imagination.

76. The CHAIRMAN summed up the discussion as follows:

"I have no more speakers on my list on both matters under this sub-item.

"As was my introduction, the conclusion will be a bit longer than usual given the extent of the discussion and the complexity of the issues.

“As is customary, all comments made in our discussion will be reflected in the relevant summary record.

“In their comments, members of the Board dealt with this subject from a variety of perspectives.

“A number of Governors welcomed the initiative of the Chairman in association with Ambassadors Bøjer and Ikeda in presenting the package of proposals as a possible way of resolving a series of interrelated matters which had been the subject of discussion over many years. Even though there were differences of opinion on individual elements of the Chairman’s package, a number of members nevertheless were willing to live with the package and accept it in the larger interest of the Agency. On the other hand, there were a number of other States that felt that the three issues were not interlinked, that a package approach was inappropriate at this time and that a renewed attempt should be made to deal with the individual elements separately.

“I might perhaps highlight a few of the more specific comments made on the Chairman’s package:

(i) On the proposal to amend Article VI, some members of one area group (the Eastern Europe Group) felt that not enough attention had been paid to their claims, which were based on the number of power reactors in their region and their advancement in nuclear technology. Another area group (the African Group) argued that it was already under-represented on the Board of Governors and proposed that a second designated seat be allocated to it, thus making the net increase in the size of the Board seven. Some members of yet another area group (GRULAC) felt that the proposed change in the Chairman’s package would adversely affect the relative strength of that group’s representation on the Board.

(ii) On the criteria for Board designation, there was a significant degree of support for the inclusion of the criteria and indicators listed in Attachment 2 to document GOV/2918. There was, however, a difference of views regarding the question marks against criteria No. 7, “Safeguards and Non-Proliferation”. In addition, one delegation proposed amendments to three of the other criteria.

(iii) The list of States by areas (Attachment 3) came in for considerable comment as well. Firstly, there was objection by a number of States to the inclusion of Israel in the MESA Group. Those States felt that the responsibility for the composition of the area groups rests mainly with the members of the respective groups. On the other hand, a number of other States were of the view that Israel had been properly included in the Middle East and South Asia and that the principle of the sovereign equality of States implied that all Member States belonged to area groups. Second, there was objection to the inclusion of Yugoslavia in the list. With regard to the

inclusion of Yugoslavia, I would stress that this does not prejudice in any way the successor State question.

“As I said a moment ago, there is clearly a significant amount of support for the package. At the same time, there are also strongly held views of a number of other delegations opposed at the moment to a package approach. We are therefore as yet some distance away from a consensus. In the circumstances, I am inclined not to make a definitive conclusion here today regarding the Chairman’s proposal. Instead, I would propose that we defer further Board discussion on this package proposal until the September Board session. In the meantime, I hope that informal discussions will take place on the review of Article VI, building on the wide-ranging and useful debate we have had under this item.

“With regard to the proposal submitted by Sudan on behalf of the African Group, my sense of the discussion is that opinion is also divided on that proposal. While some members supported the proposal, several others were opposed to it or had reservations about it.

“I take it that the Board wishes to take note of the African Group’s proposal. All views expressed will be fully reflected in the relevant summary records, which will be available to the General Conference. I would suggest that the African Group’s proposal form part of the material for discussion at the September Board session.

“May I take it that this summing-up is acceptable? “

77. Mr. NASSER (Egypt) suggested that the Board postpone the conclusion of its consideration of agenda sub-item 9(b) until its afternoon meeting in order to give delegations time for a closer examination of the Chairman’s summing-up and for consultations.

**EXCERPT FROM THE RECORD OF THE BOARD'S 924th MEETING
(12 June 1997)**

ARTICLE VI OF THE STATUTE (continued)

**(b) REVIEW OF ARTICLE VI (continued)
(GOV/2918 and Add.1, GOV/2926, GOV/2932, 1997/NOTE 12)**

1. The CHAIRMAN, having invited the Board to examine his proposed summing-up¹ one paragraph at a time, suggested - following a discussion in which the Governors from/representatives of Argentina, Australia, Bolivia, Brazil, Bulgaria, Cuba, the Czech Republic, Denmark, Egypt, France, Germany, India, Kuwait, Namibia, the Netherlands, Nigeria, Romania, Saudi Arabia, Slovenia* , South Africa, Sudan*, Switzerland, Tunisia, Turkey*, the United Kingdom and the United States of America participated - that the summing-up be shortened, principally through the deletion of subparagraphs (i), (ii) and (iii), and that the second and third sentences of the paragraph starting "A number of Governors welcomed the initiative ..." be amended to read "... and accept it in the interest of a consensus compromise. While motivated by the same spirit, a number of other States felt ...", so that his summing-up would read as follows:

"I have no more speakers on my list on both matters under this sub-item.

"As is customary, all comments made in our discussion will be reflected in the relevant summary records.

"In their comments, members of the Board dealt with this subject from a variety of perspectives.

"A number of Governors welcomed the initiative of the Chairman in association with Ambassadors Bøjer and Ikeda in presenting the package of proposals as a possible way of resolving a series of interrelated matters which had been the subject of discussion over many years. Even though there were differences of opinion on individual elements of the Chairman's package, a number of members nevertheless were willing to live with the package and accept it in the interest of a consensus

¹ See para. 76 of GOV/OR.923.

* Member States not members of the Board of Governors are indicated by an asterisk.

compromise. While motivated by the same spirit, a number of other States felt that the three issues were not interlinked, that a package approach was inappropriate at this time and that a renewed attempt should be made to deal with the individual elements separately.

“As we are still some distance away from a consensus, I am inclined not to make a definitive conclusion here today regarding the Chairman’s proposal. Instead, I would propose that we defer further Board discussion on this package proposal until the September Board session. In the meantime, I hope that informal discussions will take place on the review of Article VI, building on the wide-ranging and useful debate we have had under this item.

“With regard to the proposal submitted by Sudan on behalf of the African Group, my sense of the discussion is that opinion is also divided on that proposal. I take it that the Board wishes to take note of the African Group’s proposal, and I would suggest that the African Group’s proposal form part of the material for discussion at the September Board session.

“All views expressed will be fully reflected in the relevant summary records, which will be available to the General Conference.

“May I take it that this summing-up is acceptable?”

2. The Chairman’s summing-up was accepted.