**GC**GC(43)/12
26 September 1999

International Atomic Energy Agency

GENERAL CONFERENCEGENERAL Distr.
Original: ENGLISHForty-third regular session
Item 20 of the provisional agenda
GC(43)/1**AMENDMENT OF ARTICLE VI OF THE STATUTE****Report by the Board of Governors**

1. At its 1998 regular session, the General Conference took note of the report of the Board of Governors contained in document GC(42)/19 and decided to refer all issues relating to Article VI of the Statute back to the Board of Governors for further consideration. The Conference urged "the Board to redouble its efforts to achieve a solution to this long-standing issue pursuant to the mandate previously conferred on it by the Conference in resolution GC(41)/RES/20 and decision GC(41)/DEC/10 and to report to the Conference at its 43rd regular session on a finalised formula, taking into account the progress achieved so far" (GC(42)/DEC/10).
2. At the end of the discussion of this issue at the post-General Conference session of the Board on 28 September 1998, the Chairman indicated that he would initiate early consultations with all interested Member States with a view to reaching a common understanding on how best to respond to the requests made by the General Conference with respect to Article VI and assured the Board that he would continue the consultations using the Japanese proposal which was before the General Conference (as contained in Annex I of document GC(42)/19) as the basis of further consultations on the matter. It was further understood that the finalised formula requested by the General Conference would constitute a package of proposals relating to the size and distribution, the composition of areas listed in Article VI. A. 1 of the Statute and the criteria and indicators to be used in designating members to the Board of Governors.
3. The Japanese proposal which was before the Conference last year, provided for the ratification process of an amendment to Article VI relating to the size and distribution, to begin immediately following the adoption by the General Conference of the amendment. The Japanese proposal, if adopted last year, was to be accompanied by an agreed Presidential Statement having the force of a decision by the Conference regarding the manner of preparation of the list of Member States by area. However, the amendment would not come into operation until the list of Member States by area had been agreed upon by the Board and the General Conference by a two-thirds majority in each case. Changes to the list, apart from requiring a two-thirds majority would also require the consent of the Member State which is the subject of the change.

For reasons of economy, this document has been printed in a limited number. Delegates are kindly requested to bring their copies of documents to meetings.

4. The Chairman held a series of consultations with interested Member States in October and November, 1998. In reporting the outcome of his consultations to the Board at its November 1998 session, he noted that positions appeared to remain the same and that he did not detect any change or willingness on the part of all concerned parties to be flexible. He, therefore, emphasised that for the consultations to move forward, flexibility and genuine will to compromise by all members would be necessary. Most members shared the Chairman's perception of entrenched positions but encouraged him to continue with his consultations with all interested members in order to facilitate a meaningful discussion of the issue at the March 1999 session of the Board.

5. Between December 1998 and March this year, the Chairman held several bilateral and multilateral consultations with interested delegations and he reported to the Board at its March (1999) session that some new ideas had emerged from his consultations with regard to the question of the composition of area groups. The Board generally welcomed the Chairman's efforts and encouraged him to continue his consultations with a view to resolving the issue this year.

6. Following the March session, further extensive consultations were held by the Chairman with interested Member States which culminated in an informal proposal by the Chairman to amend paragraph K of the Japanese proposal along the following lines:

- (a) Increase the required majority for the adoption by the Board and the General Conference of the list of Member States by area groups to 90% of those present and voting;
- (b) Increase the required majority for changes to the list to 90% of those present and voting; and
- (c) Delete the reference to the prior consent of the country concerned being obtained before any change is made to an adopted list.

It was felt that adoption of these proposed changes will obviate the need for a Presidential statement at the General Conference.

7. This informal proposal was initially circulated in written form by letters addressed to some interested delegations by the Chairman. Four initial responses were received, some of which were negative. This informal proposal was subsequently circulated to all Member States by a Note by the Chairman dated 8 June 1999 (Annex I).

8. The Board, at its June 1999 session, had an extensive discussion on the Chairman's proposal contained in the Note of 8 June 1999. While recognising that the issue of amendment of the Statute requires most careful consideration and attention, the Board commended the Chairman's initiative in his continuing efforts and consultations which were designed to bring the difficult negotiations on the amendment of Article VI of the Statute to a successful conclusion.

9. Opinion was, however, divided on the substance of the Chairman's proposal. There was considerable support for it by several delegations which regarded the proposal as the best so far formulated and providing the best prospect at the moment for resolving this long-standing

issue and which, with some fine-tuning with respect to size and distribution and also with some flexibility, could result in consensus at the General Conference this year. At the same time, several others reiterated their position that they saw no need to change the existing size of the Board and stressed that it was only in the interest of compromise that they had been prepared to accept the package approach as contained in the Canadian (Appendix II to document GC(41)/11) and Japanese proposals. Some others also emphasised that any resolution of the matter should take into consideration the legitimate concerns and interests of all area groups while a few others reiterated the view that there was no linkage between expansion of the Board and the composition of regional groups.

10. At the end of the discussion, it was generally recognised, however, that the Chairman's informal paper had considerable merit and deserved further consideration. The Board, therefore, encouraged the Chairman to continue his consultations with all interested Member States with a view to a compromise formal proposal for submission to the General Conference this year.

11. Comments were also made on the two other related matters of the package, namely the size of expansion and the criteria and indicators for Board designations.

(a) Regarding the size of expansion, several delegations reiterated their support for an expansion of the Board by additional 6 seats, while several others called for a slightly higher increase (7 or 8) in order to meet the concerns and interests of all under-represented area groups. A member of one area group also noted that all of the current proposals did not provide for a regular elected seat for that area group.

(b) With regard to the criteria and indicators for designation of members to the Board of Governors, it was generally assumed that the criteria and indicators contained in Annex 2 of document GC(42)/19 could be acceptable in a spirit of compromise by all parties for use in a flexible manner. Many, however, felt that the few remaining question marks against some criteria should be removed. A view was also expressed, that items with remaining question marks should be deleted (reproduced herewith as Annex 7).

12. Following the discussion at the June session, several delegations expressed their views and those of their area groups on the Chairman's informal proposals in formal correspondence addressed to him (Egypt for the African Group, Israel, Kuwait for the Council of Arab Ambassadors, Cuba for the GRULAC, Iraq, and India on behalf of the MESA group). These were circulated to all Member States by the Chairman by three Notes dated 23 and 30 June 1999 (Annexes 2, 3, and 4). A letter was also received from the Syrian Arab Republic (Annex 5).

13. Following further consultations, the Chairman, in a letter addressed to the Director General on 25 June 1999 pursuant to Article XVIII.A of the Statute, formally proposed a modification to paragraph K of the Japanese proposal on behalf of Slovenia along the following lines:

(a) Increase the required majority for the adoption by the Board and the General Conference of the list of Member States by area groups to 90% of those present and voting;

- (b) Increase the required majority for changes to the list to 90% of those present and voting; and
- (c) Require consensus on the proposed change within any area affected by the change.

The Board noted the Chairman's view that modification of paragraph K was the only area of consensus apparent at the moment, but that this consensus was closely linked to a successful resolution of the question of the size of the expansion.

14. Certified copies of the text of the Slovenian modification were communicated by the Director General to all Member States by Circular Letter N5.11.6 Circ. of 28 June 1999 (Annex 6).

15. Further communications regarding the Slovenian modification to the Japanese proposal were received from Kuwait (on behalf of the Council of Arab Ambassadors) and India (on behalf of the MESA Group) (Annex 8).

16. At its pre-General Conference session, the Board, discussed the question of the criteria and indicators to be used in Board designations, the size and composition of the Board and also, pursuant to the requirements of Article XVIII.C (i) of the Statute, the Slovenian modification contained in document GOV/1999/43.

17. The Board approved Annex 7 to document GOV/1999/52 entitled "The criteria and indicators to be used as guidelines in designating members to the Board of Governors" on the understanding that, account being taken of statutory requirements, they will serve as a reference, and that not every criterion and indicator needs to be applied in the case of every Member State which is to be designated. A few questioned the applicability of the criteria and indicators against which there are question marks. It was further understood that the criteria and indicators would be applied only after Article VI as amended had entered into force. The Board noted the practice of rotation within some areas.

18. There was general agreement to maintain the present language of the Statute to the extent possible. In this connection, it was agreed that the words "on the basis of advancement" in Article VI.A.1 of the Japanese proposal should be replaced by the words "most advanced". Furthermore, it was agreed that the first and second sentences in Article VI.A.1 of the Japanese proposal be joined to form a single sentence, the introductory paragraph of Article VI.A.1 to read as follows:

"The outgoing Board of Governors shall designate for membership on the Board seventeen members most advanced in the technology of atomic energy including the production of source materials, the designated seats to be distributed among the areas mentioned below as follows:"

19. There was overwhelming support for the Slovenian proposal to modify paragraph K of the Japanese proposal, and the Board recommended to the General Conference the adoption of the modified paragraph K. Several members urged full regard to the official communications contained in Annex 8.

20. Many members advocated an expansion of the Board slightly in excess of that provided for by the Japanese proposal. Some others reiterated that they questioned the value of Board expansion but could go along with an increase of six in the Board's membership, as provided for in the Japanese proposal, but no more than six. Many supported an increase of eight in the Board's membership.

21. In these circumstances, the Board was not able to make a recommendation with regard to the size of the expansion and the manner of composition of the Board and urged that further consultations be held during the forthcoming session of the General Conference with a view to resolving this matter at that session. In this regard, the Board agreed that the recommendation in paragraph 19 should be implemented only if there was agreement at the General Conference on the issue of size and distribution. It was further understood that agreement on each of the elements was contingent on final agreement on the package as a whole.

22. The Board also agreed to submit to the General Conference for further consideration the four draft resolutions (submitted by the Chairman of the Board, Pakistan, Slovakia and Morocco) contained in Annex 9 of this report.

23. The Board decided to transmit this report to the General Conference as constituting its observations on the Slovenian proposal required by Article XVIII.C of the Statute and as its response pursuant to decision GC(42)/DEC/10 adopted by the General Conference last year. The summary record of the Board's discussion will also be before the Conference.



GC(43)/12
Annex I

الوكالة الدولية للطاقة الذرية
国际原子能机构
INTERNATIONAL ATOMIC ENERGY AGENCY
AGENCE INTERNATIONALE DE L'ENERGIE ATOMIQUE
МЕЖДУНАРОДНОЕ АГЕНТСТВО ПО АТОМНОЙ ЭНЕРГИИ
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NOTE BY THE CHAIRMAN OF THE BOARD OF GOVERNORS

ARTICLE VI OF THE STATUTE

As I reported to the Board in March, I have been engaged in intensive consultations on the question of Article VI of the Statute.

Following from these consultations, I addressed a letter dated 17 May 1999 to Ambassadors of a number of interested States who had been active in these consultations, setting out some ideas designed to move us closer to a resolution of this long-standing issue. The text of my letter is attached.

At the request of Ambassador Faisal R. Al-Ghais of Kuwait, in his capacity as Dean of the Arab Ambassadors in Vienna, the response of the Council of the Arab Ambassadors in Vienna, dated 7 June 1999, is also attached.



Miroslav Gregoric

1999-06-08



INTERNATIONAL ATOMIC ENERGY AGENCY

CHAIRMAN
BOARD OF GOVERNORS

17 May 1999

Dear Colleague,

As I stated at the last Board session, I have been conducting consultations on the question of Article VI of the Statute with a view to arriving at a finalized formula as requested by last year's General Conference. In the course of my consultations I realised that if we are to move forward the Japanese proposal of 1998 must form the basis of the finalized formula. Therefore I concentrated on the one unresolved issue in the consultations of my predecessor last year, namely the composition of area groups.

In the light of my consultations I believe that agreement may be possible by amending paragraph K of the Japanese proposal on the following lines:

- (1) increase the required majority for the adoption by the Board and General Conference of the list of Member States by area groups from two thirds of those present and voting to **ninety percent** of those present and voting,
- (2) increase the required majority for changes to the list to **ninety percent** of those present and voting, and
- (3) delete the last part of the second sentence which reads "only with the consent of the Member State which is the subject of the change".

These proposals, if accepted, will eliminate the need for a Presidential statement at the General Conference.

As was requested during my consultations I have set out the proposed changes in a Chairman's informal paper which is attached to this letter.

As I stated at a meeting which I had with Members of the League of Arab States on 12 May 1999 in Vienna I would greatly welcome receiving the early reactions of your Government to my proposals, in order to enable me to take appropriate steps in time for the June Board and General Conference.

Under the Statute the Board must be consulted on any proposals for the amendment of the Statute, and if we must do this in June, it is necessary that I have your views very soon. I need time also to seek co-sponsors, but I cannot take any steps in this direction unless my proposals meet with broad agreement in advance.

I believe that with these proposed changes the amendment submitted by Japan represents the best prospect at the present moment for resolving the question of Article VI which has been outstanding for more than twenty years. In my view the modified package is balanced and takes account of the varying interests of the area groups.

With best wishes,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Gregorič', written in a cursive style.

Miroslav Gregorič

1999-05-17

Chairman's Informal Paper

Draft modifications to Paragraph K of amendment to Article VI of the Statute introduced by Japan in 1998 and contained in document GC(42)/19 Annex I:

K.

The provisions of paragraph A of this Article, as approved by the General Conference on1998 1999, shall enter into force when the requirements of Article XVIII.C are met and the General Conference confirms a list of all Member States of the Agency which has been adopted by the Board, in both cases by ~~a two-thirds~~ *ninety percent majority* of those present and voting, whereby each member State is allocated to one of the areas referred to in sub-paragraph 1 of paragraph A of this Article.

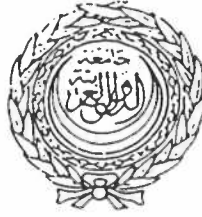
Any change to the list thereafter may be made by the Board with the confirmation of the General Conference, in both cases by ~~a two-thirds~~ *ninety percent majority* of those present and voting, ~~and only with the consent of the Member State which is the subject of the change.~~

(Note 1: Both sentences are taken directly from the proposal made by Japan in 1998. Proposed modifications to that proposal are indicated.

Note 2: In practice, with present Board size of 35 Member States, the envisaged blocking minority at the Board would be four votes, and at the General Conference about ten votes.

Note 3: In contrast to the Canadian proposal of 1997 (which included acceptance of the list which accompanied the proposed amendment) the Japanese proposal of 1998 does not envisage the attachment of a list of Member States by area groups to the proposed amendment of Article VI.)

Liga der Arabischen Staaten
Wien



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Vienna, 7 June 1999

Sir,

On behalf of the Council of the Arab Ambassadors in Vienna, I would like to express my deep appreciation for your efforts and for the intensive consultations you have been conducting, during the last months, on the issue of the amendment of Article VI of the IAEA Statute.

The Arab countries have had, all the time and as expressed in previous letters to your predecessor, a very positive and forthcoming position in favour of reaching a final solution to the expansion and the democratization of the Board of Governors.

In this context, the Council of the Arab Ambassadors in Vienna believes that the last proposal, contained in your letter of May 17, 1999, is the best proposal formulated so far and presents many positive elements. It represents also the best prospects at the moment for resolving this long-standing issue.

While considering in a favourable way this proposal, the Council of the Arab Ambassadors in Vienna is ready to work with you on fine-tuning, before the legal deadline, some modalities of a finalized formula to be adopted during the next General Conference.

We appeal to all our colleagues and Governors on the Board to likewise adopt a positive attitude, in order to assist the Chairman of the Board to present a formal co-sponsored proposal for the amendment of Article VI of the Statute.

Please accept, Sir, the assurance of my highest consideration.

Faisal R. Al-Ghais
Dean of the Arab Ambassadors,
Ambassador of the State of Kuwait

H.E. Mr. Miroslav Gregoric
Chairman of the Board of Governors
Vienna



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NOTE BY THE CHAIRMAN OF THE BOARD OF GOVERNORS

ARTICLE VI OF THE STATUTE

Following the discussions in the June session of the Board, and my subsequent consultations, I have received three communications regarding my most recent text. These communications comprise:

- (a) a letter dated 21 June 1999 from the Ambassador of the Arab Republic of Egypt on behalf of the African Group;
- (b) a letter dated 21 June 1999 from the Ambassador of Israel; and
- (c) a letter dated 22 June 1999 from the Ambassador of Kuwait on behalf of the Council of Arab Ambassadors in Vienna.

As requested by them, these communications are hereby circulated for the information of Member States.

1999-06-23



fv (Miroslav Gregoric)



Vienna 21st June 1999

Dear Sir,

I have the honour to inform you that the African Group has convened a plenary meeting today the 21st of June 1999 to discuss the latest developments of the amendment of Article VI of the IAEA statute.

In that regard, the Group has decided the following : -

1. To extend its appreciation to you, Mr. Chairman, for your tedious efforts in resolving this complicated and long-standing issue.
2. To support the amended paragraph "K" of the Japanese proposal, as attached.
3. To support any proposal on the expansion of the Board of Governors provided that it encompasses the African position on expanding the Board by 7 seats as a minimum.
4. To Join in co-sponsoring your formal proposal which is to be formulated in light of the above mentioned considerations, and to be presented for action to the 43rd session of the General Conference.

Finally, the African Group encourages you, Mr. Chairman, to continue your consultations on the issue and finalize it so as to present a formal proposal before the legal deadline for submission to the next General Conference.

Requesting you to circulate this letter, I seize this opportunity to renew to you, Mr. Chairman, the assurances of my highest consideration.

M. El Feki

Dr. Mostafa El-Feki
Ambassador of the Arab
Republic of Egypt
Chairman of the African Group

Mr. Miroslav GREGORIC
Chairman of the IAEA
Board of Governors

Paragraph « K » as amended

II. Add at the end of Article VI the following new paragraph :

K « The provisions of paragraph A of this Article, as approved by the General Conference on 1999, shall enter into force when the requirements of Article XVIII.C are met and the General Conference confirms a list of all Member States of the Agency which has been adopted by the Board, in both cases by 90% of those present and voting, whereby each Member State is allocated to one of the areas referred to in sub-paragraph 1 of paragraph A of this Article. Any change to the list thereafter may be made by the Board with the confirmation of the General Conference, in both cases by 90% of those present and voting and only after a consensus on the proposed change is reached within any area affected by the change.



21 June, 1999

1-2 - 929 -99

Sir,

I refer to your recent consultations in the course of which you presented a revised text for the amendment to Article VI of the IAEA Statute.

Paragraph K in your revised text now reads as follows:

"K. The provisions of paragraph A of this Article, as approved by the General Conference on .. 1999, shall enter into force when the requirements of Article XVIII.C are met and the General Conference confirms a list of all Member States of the Agency which has been adopted by the Board, in both cases by ninety per cent of those present and voting, whereby each Member State is allocated to one of the areas referred to in sub-paragraph 1 of paragraph A of this Article. Any change to the list thereafter may be made by the Board with the confirmation of the General Conference, in both cases by ninety per cent of those present and voting and only after a consensus on the proposed change is reached within any area affected by the change."

As you are well aware, we find the original text of Paragraph K of the Japanese proposal (circulated on June 22, 1998 as N5.11.6 Circ.) to be the most fair and accommodating the concerns of all sides. However in a spirit of cooperation and as a contribution to facilitate your efforts to make an agreement possible, I am pleased to inform you that the above revised text of Paragraph K is acceptable to my delegation.

Please accept our deep appreciation for your dedicated efforts to resolve this issue.

I would like to request that this letter be circulated.

Accept, Sir, the assurance of my highest considerations.

A handwritten signature in black ink, appearing to read 'G. Amir'.

G. Amir
Ambassador

Mr. Miroslav GREGORIĆ
Chairman of the Board of Governors
IAEA

Liga der Arabischen Staaten
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Vienna, 22 June 1999

Sir,

After the conclusion of the June Board session, the Council of Arab Ambassadors in Vienna held a special meeting to evaluate the discussions that took place during the session in connection with the Amendment of Article VI of the IAEA Statute.

On the basis of that meeting, I have the honour to inform you that the Arab Council confirms its position as contained in my letter to you of June 7th 1999, which was adopted by consensus with the exception of two Arab heads of mission who have expressed their reservations to you in writing.

Furthermore, the Council has agreed, by consensus and with the exception of the two reservations mentioned above, to support the paragraph "K" as recently amended, and which now reads as follows:

"The provisions of paragraph A of this Article, as approved by the General Conference on 1999, shall enter into force when the requirements of Article XVIII.C are met and the General Conference confirms a list of all Member States of the Agency which has been adopted by the Board, in both cases by 90% of those present and voting, whereby each Member State is allocated to one of the areas referred to in subparagraph 1 of paragraph A of this Article. Any change to the list thereafter may be made by the Board with the confirmation of the General Conference, in both cases by 90% of those present and voting and only after a consensus on the proposed change is reached within any area affected by the change".

Finally, while renewing its support to the expansion of the Board of Governors by minimum seven seats, the Council of Arab Ambassadors in Vienna encourages you to pursue your commendable consultations with a view to settling this pending issue, and to present a formal proposal, before the statutory deadline, to be submitted for observations to the next Board and for action to the General Conference at its 43rd regular session.

I kindly request you to circulate this letter and to accept the assurances of my highest consideration

Faisal Al-Ghais

Ambassador of the State of Kuwait
Dean of the Arab ambassadors

Mr. Miroslav Grigoric
Chairman of the Board of Governors



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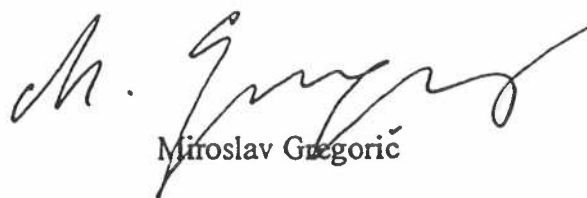
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NOTE BY THE CHAIRMAN OF THE BOARD OF GOVERNORS

ARTICLE VI OF THE STATUTE

Following the discussions in the June session of the Board, and my subsequent consultations, I have received two additional communications which I herewith circulate for the information of Member States. These communications comprise:

- (a) a letter dated 25 June 1999 from the Ambassador of Cuba on behalf of GRULAC (an English translation provided by the Secretariat is also attached); and
- (b) a letter dated 30 June 1999 from the Ambassador of Iraq.


Miroslav Gregorić

1999-06-30



MISION PERMANENTE DE CUBA
ANTE LA OFICINA DE LAS NACIONES UNIDAS
Y LOS ORGANISMOS INTERNACIONALES
VIENA

Viena, 25 de junio de 1999

GRULI 063/99

File Ref. Enmienda del Artículo VI del Estatuto.

Estimado Sr. Gregoric:

Me refiero a la "Versión I de la Enmienda al Artículo VI del Estatuto del OIEA propuesta por Japón y modificada en junio de 1999", que tan amablemente me dirigiera usted el pasado viernes día 18 de junio para presentar a la consideración del GRULAC.

Al respecto, y luego de una primera revisión del documento, el GRULAC ha considerado oportuno expresarle de forma preliminar su posición sobre el asunto, sin menoscabo de otras consideraciones que en el futuro podríamos hacerle saber como resultado del estudio que sobre el mismo se está llevando a cabo en nuestras respectivas capitales, así como de consultas adicionales que sin duda se llevarán a efecto.

En relación con el "romano" I del documento, el GRULAC da la bienvenida a los esfuerzos del Presidente en la búsqueda de fórmulas o variantes de las propuestas de incremento en el número de miembros de la Junta de Gobernadores del OIEA. El GRULAC considera que la distribución regional de cualquier incremento en el número de miembros debe ser precedido por intensas negociaciones, a la luz de los compromisos de las distintas regiones con el uso pacífico de la energía nuclear y la no-proliferación.

Sobre el "romano" II del documento, relativo a la composición de los Grupos Regionales, el GRULAC estaría en condiciones de unirse a una propuesta que resultare aceptable para todos.

En relación con los "Criterios e indicadores a utilizar como directrices para la designación de los miembros de la Junta de Gobernadores", si bien no han sido reflejados en este documento al que nos referimos, hemos considerado oportuno anticiparle que en opinión del GRULAC, aún no se ha alcanzado acuerdo en la formulación de los mismos y, por tanto, requiérense de más consultas al respecto.

Aprovecho la ocasión para reiterarle a usted el testimonio de mi más alta y distinguida consideración.


Luis García Peraza
Presidente del GRULAC

Sr. Miroslav Gregoric
Presidente
Junta de Gobernadores
OIEA

Translated from Spanish

PERMANENT MISSION OF CUBA TO THE
UNITED NATIONS OFFICE AND THE INTERNATIONAL
ORGANIZATIONS IN VIENNA

Ref.: GRU 063/99
File Ref.: Amendment of Article VI of the Statute

Vienna, 25 June 1999

Dear Mr. Gregoric,

I am writing with reference to "Version I of the Amendment to Article VI of the Statute of the IAEA proposed by Japan and modified in June 1999" which you kindly sent me last Friday, 18 June, for submission to GRULAC's consideration.

In this connection, and after a first review of the document, GRULAC wishes to make a preliminary statement of its position on this matter, without prejudice to any other considerations which it may convey in the future as a result of the studies which are being made of this proposal in the respective capitals and of additional consultations which will no doubt take place.

With reference to section I of the document, GRULAC welcomes the Chairman's efforts to find formulas or variants of the proposals for increasing the number of members of the IAEA Board of Governors. GRULAC considers that the regional distribution of any increase in the number of members will need to be the subject of intensive prior negotiations in the light of the commitment of the various regions to the peaceful use of nuclear energy and non-proliferation.

As to section II of the document relating to the composition of the regional groups, GRULAC would be able to join a proposal that was acceptable to everyone.

With regard to the "Criteria and indicators to be used as guidelines in designating members to the Board of Governors", these were not reflected in the document to which we are referring, but we would nevertheless like to inform you in advance that in GRULAC's opinion no agreement has yet been reached on the formulation of these criteria and further consultations are therefore required on them.

Yours, etc.,

(signed)

Luis García Peraza
Chairman, GRULAC

Mr. M. Gregoric
Chairman
Board of Governors, IAEA

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

EMBASSY
OF THE REPUBLIC OF IRAQ
VIENNA



الجمهورية العراقية
1999

No.12/99
30 June 1999

Excellency,

Reference to the MESA Group's letter dated 28th June 1999 addressed to you (a copy attached). I would like to point out that Iraq has expressed reservation towards the amendment discussed during the group's plenary meeting on 25/6/1999 (a copy of the amendment is attached)

Iraq's reservation was not mentioned in the above letter. Therefore, as the amendment does not meet Iraq's position and concerns vis-à-vis the recomposition of area groups, I find it necessary to confirm Iraq's reservation with regard to the said amendment. Iraq confirms that the list of any area has to be initially composed with the unanimous approval of its member states. Therefore we support a deletion of the word "consensus" from Mesa's amendment and its substitution by the word "unanimity"

Accept, Excellency, the assurances of my highest consideration.

Najm al-Hadithi

Dr Najm al-Hadithi
Ambassador & Permanent Representative
of Iraq

H E Mr Miroslav Gregoric
Chairman, Board of Governors,
IAEA
Vienna



الوكالة الدولية للطاقة الذرية
国际原子能机构
INTERNATIONAL ATOMIC ENERGY AGENCY
AGENCE INTERNATIONALE DE L'ENERGIE ATOMIQUE
МЕЖДУНАРОДНОЕ АГЕНТСТВО ПО АТОМНОЙ ЭНЕРГИИ
ORGANISMO INTERNACIONAL DE ENERGIA ATOMICA

WAGRAMER STRASSE 5, P.O. BOX 100, A-1400 VIENNA, AUSTRIA
TELEPHONE: (+43 1) 2600, FACSIMILE: (+43 1) 26007, TELEX: 112645 ATO, E-MAIL: Official.Mail@iaea.org, INTERNET: <http://www.iaea.org>

IN REPLY PLEASE REFER TO:
PRIERE DE RAPPELER LA REFERENCE:

DIAL DIRECTLY TO EXTENSION:
COMPOSER DIRECTEMENT LE NUMERO DE POSTE:

21000

NOTE BY THE CHAIRMAN OF THE BOARD OF GOVERNORS

ARTICLE VI OF THE STATUTE

Following the discussions in the June session of the Board, and my subsequent consultations, I have received an additional communication dated 28 June 1999 from the Ambassador of India on behalf of MESA.

As requested by him, this communication is hereby circulated for the information of Member States.



Miroslav Gregorič

1999-06-30



भारत का यन्द्त, वियाना
AMBASSADOR OF INDIA, VIENNA

No.Vien/110/1/97

June 28, 1999

Dear Sir,

I have the honour to inform you that the MESA Group convened a plenary meeting today the 25th of June, 1999 to discuss the latest developments on amendment to Article VI of the Statute of the IAEA.

In this regard, the Group decided the following

- 1 To extend its appreciation to you, Mr. Chairman, for the painstaking efforts and hard work put in by you towards arriving at a solution to this long-standing issue.
- 2 To support the amended paragraph "K" of the Japanese proposal, with the following further amendments, as attached
- 3 To support the proposal on expansion of the Board of Governors by 8 seats.

The amendment suggested by MESA makes the entire paragraph shorter. In paragraph K, as forwarded by you, consensus is reflected only in the second part dealing with any change to the list of Member States of the Agency. MESA feels that the same principle of consensus should apply in the first part also, where the list of Member States is first being confirmed, rendering paragraph K symmetrical, elegant and equitable.

While requesting you to circulate this letter, I wish to avail of this opportunity to renew to you the assurances of my highest consideration.


(Yogesh M. Tiwari)
Ambassador of India
Chairman of the MESA Group

Mr. Miroslav Gregoric
Chairman, Board of Governors,
IAEA
Vienna

Paragraph "K" as amended by MESA

IL Add at the end of Article VI the following new paragraph :

K. The provisions of paragraph A of this Article, as approved by the General Conference on 1999, shall enter into force when the requirements of Article XVIII.C are met and the General Conference confirms a list of all Member States of the Agency which has been adopted by the Board, *on the basis of the consensus reached within any of the areas possibly affected by the change and in both fora cases* by 90% of those present and voting, whereby each Member State is allocated to one of the areas referred to in subparagraph 1 of paragraph A of this Article. ~~Any change to the list thereafter may be made by the Board with the confirmation of the General Conference, in both cases by 90% of those present and voting and only after a consensus on the proposed change is reached within any area affected by the change.~~

*Embassy of the Syrian
Arab Republic
Vienna*



سفارة
الجمهورية العربية السورية
فيينا

SMV/42/99

8.June 1999

H.E. Ambassador
Mr. Miroslav Gregoric
Chairman of the Board of Governors
of the IAEA

Dear Mr. Gregoric!

I would like to thank you for your letter of 17. May 1999, regarding the Chairman's informal paper on the proposed amendment of Article VI.

I have the pleasure to convey to you my government's stance regarding the proposed amendment:

We are fully in favour of the expansion of the Board of Governors.

- We can accept a paragraph K provided that the following factors are taken into consideration:
- GC (39)/Res/22 is embedded into the text of the paragraph.
- The percentage suggested by you (ninety per cent) represents a precedent in international forums we could not accept. We would rather prefer to strict to percentage pertained in amendment articles in UN Charter and other International conventions, such as Nuclear Safety – Physical Protection – Supplementary Compensation for Nuclear Damage. In such articles the required majority for accepting any amendment is two thirds of Member States (or State Parties).
- Accept the deletion of the last part of the second sentence.

Therefore may I suggest the following text to replace the proposed paragraph K:

„K- The provisions of paragraph a of this Article, as approved by the GC on1999 shall enter into force when the requirements of Article XVII.C are met, and the General Conference confirms a list of all Member States of the Agency, the formation of which shall take into full account the principle that the primary responsibility for deciding upon the composition of regional groups lies with the respective groups themselves.

The Board and the GC will adopt this list by a of two thirds majority the Member States, whereby each Member State is allocated to one of the areas preferred to in sub-paragraph 1 of paragraph a of Article VI. Any change to the list thereafter may be made by the Board with the confirmation of the General Conference, in both cases by a two thirds majority of the Member States.

With best wishes

Yours sincerely

Ambassador Dr. Riad Siage
Resident Representative





الوكالة الدولية للطاقة الذرية
国际原子能机构
INTERNATIONAL ATOMIC ENERGY AGENCY
AGENCE INTERNATIONALE DE L'ENERGIE ATOMIQUE
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DIAL DIRECTLY TO EXTENSION:
COMPOSER DIRECTEMENT LE NUMERO DE POSTE:

N5.11.6 Circ.

The Director General of the International Atomic Energy Agency presents his compliments to the Ministers of Foreign Affairs of Member States and has the honour to communicate herewith a certified copy of the text of a modification submitted by Slovenia to the proposal previously submitted by Japan for amendment of Article VI of the Statute of the Agency.

The Director General of the International Atomic Energy Agency avails himself of this opportunity to renew to the Ministers of Foreign Affairs of Member States the assurances of his highest consideration and esteem.

28 June 1999

Enclosure

The criteria and indicators to be used as guidelines
in designating members to the Board of Governors^{2/}

CRITERIA

INDICATORS

1. Nuclear Reactors

(1) nuclear power plants	<ul style="list-style-type: none">• Number of power reactors• Total nuclear power generation capacity• Total nuclear power generation capacity per capita• Percentage of total nuclear power generation• Total operating experience
(2) research reactors	<ul style="list-style-type: none">• Number and type of research reactors• Number of criticality facilities• Total operating experience
(3) other nuclear reactors (e.g. FBR, advanced reactors)	<ul style="list-style-type: none">• Number of reactors• Total operating experience
(4) (siting), design, construction, operation and decommissioning	<ul style="list-style-type: none">Δ Design and construction capabilityΔ Decommissioning capabilityΔ Life extension & upgrading capability
(5) manufacturing and fabrication of major components	<ul style="list-style-type: none">• Number of technology transfersΔ Capability to manufacture major components

^{2/} The above criteria and indicators are the result of the work of the Open-ended Expert Group on criteria for Board designation. The symbols against the indicators mean:

- (a) Indicators with round bullets (•) could be, subject to the availability of appropriate statistics, definable and measurable in terms of quantity.
 - (b) Indicators with triangles (Δ) could be evaluated either in positive/negative terms (i.e. "yes"/"no") or by some other possible grading method.
 - (c) Indicators with diamonds (◆) would be difficult to evaluate or measure in their current form.
2. Question marks (?) signify that views are divided on the utility of including these items in the list of criteria.

2. Production of Source Material and Nuclear Fuel Cycle Activities

- | | |
|---|--|
| (1) mining and ore processing | <ul style="list-style-type: none">• Production of uranium and other nuclear materialsΔ Exploration of nuclear materialsΔ Technology for processing low-grade uranium ore |
| (2) conversion | <ul style="list-style-type: none">• Number of conversion plants• Annual capacity for conversion |
| (3) enrichment | <ul style="list-style-type: none">• Annual production capacity of enriched uranium |
| (4) fuel fabrication | <ul style="list-style-type: none">• Annual production of uranium and thorium fuel• Annual production of MOX fuelΔ Capability to produce any other nuclear fuel |
| (5) moderators | <ul style="list-style-type: none">• Fabrication of moderator materials (e.g. beryllium and graphite)• Annual capacity to produce and upgrade heavy water |
| (6) reprocessing | <ul style="list-style-type: none">• Number of operating plants• Tons of heavy metals reprocessed per yearΔ Capability for reprocessingΔ Capability for recycling plutonium in reactors |
| (7) waste management (infrastructure including depository site) | <ul style="list-style-type: none">Δ Capability for treatment of LLW, MLW and HLWΔ Capability for treatment of mining and milling wasteΔ Spent fuel storage capabilityΔ Interim storage capabilityΔ Ultimate storage capability (repository)Δ Compliance with minimum IAEA criteria for waste management |

3. Radiation Protection and Nuclear Safety

General:

- | | |
|--------------------------|---|
| (1) radiation protection | <ul style="list-style-type: none">Δ Effective and independent regulatory system in placeΔ Adherence to IAEA supported international conventions and application of IAEA safety standardsΔ Monitoring system in placeΔ Personnel training |
| (2) nuclear safety | |

(3) physical protection

4. Research and Development

General:

(1) R&D in basic nuclear sciences

(2) R&D in applied and engineering sciences

- Number of papers or reports presented and adopted in refereed journals, etc.
- Total R&D budget and its percentage of GNP
- Number of researchers holding doctorate degrees in fields of nuclear engineering, nuclear science, etc.
- Number of patents filed related to nuclear technology
- Δ Universities/research institutions have relevant activities in their programmes
- Δ Existence of internationally recognized programme

5. Nuclear Applications

(1) production and use of radioisotopes

(2) nuclear applications in:

- Total production of RI
- Types of RI produced (from reactors and accelerators)
- Total amount of RI used
- Types of RI used
- Number of facilities authorized to use RI
- Δ Processing, handling and encapsulation capacity
- Δ Health and medicine
- Δ Food irradiation
- Δ Agriculture
- Δ Hydrology
- Δ Geology
- Δ Environmental monitoring
- Δ Industry

6. Contribution to International Collaboration

(1) demonstrated training capabilities

- Number of trainees and scientific visitors received
- Number of training courses organized or hosted
- Number of experts from the country made available to IAEA for its activities for assisting the Agency's work as consultants in Advisory Groups/Technical Committees

~~GC(42)/19
Annex 2
page 4~~

(2) financial contribution to the IAEA (?)

- Payment of assessed contribution
- Payment of full share of TACF
- Voluntary and exceptional contributions other than regular budget and TACF

7. Safeguards and Non-Proliferation (?)

- Δ Party to the NPT
- Δ Conclusion of comprehensive safeguards agreements with the IAEA
- Δ Member of a nuclear-weapon-free-zone treaty
- Δ Adherence to NSG or relevant guidelines
- ◆ Commitment to the promotion of peaceful uses of nuclear energy
- ◆ Commitment to universal nuclear disarmament

Liga der Arabischen Staaten
Wien



بعثة جامعة الدول العربية
فيينا

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Tel.: +43 1 713 81 52

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E-Mail: arab.league.vienna@aon.at

Vienna, 9 September 1999

Mr. Miroslav Gregoric
Chairman of the Board of Governors
IAEA

Dear Sir,

I wish to inform you that the Council of Arab Ambassadors, during its regular monthly meeting on 8th September 1999, reviewed the item concerning the amendment of article VI of the statute of IAEA and decided to reaffirm its position on this issue as explained in my letter to you of 22nd June 1999. More specifically, I wish to reaffirm the following:

- 1) The Council of Arab Ambassadors, with the exception of a reservation of two heads of mission, reiterates its acceptance of the text of paragraph "K" as quoted in my afore-mentioned letter.
- 2) The Council, unanimously and without any reservation, makes its acceptance conditional on the expansion of the Board of Governors by not less than seven seats.

With best regards,

Faisal R. Al- Ghais

Ambassador of the State of Kuwait
Dean of the Arab Ambassadors



भारत का राजदूत, वियाना
AMBASSADOR OF INDIA, VIENNA

No.Vien/110/1/97

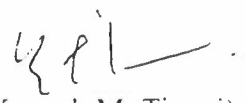
September 13, 1999

Dear Sir,

I have the honour to inform you that at the plenary meeting of the MESA Group on 10th of September, 1999 the latest developments on amendment to Article VI of the Statute of the IAEA were discussed. The Group wished to confirm the following on its position on Article VI:

1. The MESA Group, with the exception of reservations expressed by Iran and two other members, reiterates its acceptance of the text of paragraph "K" as contained in GOV/1999/43 dated 30 June 1999. The Group also seeks an assurance that inclusion of Israel in MESA is conditional on a successful conclusion of the Middle East peace process.
2. The Group supports the expansion of the Board by 8 seats.

While requesting you to circulate this letter, I wish to avail of this opportunity to renew to you the assurances of my highest consideration.


(Yogesh M. Tiwari)
Ambassador of India
Chairman of the MESA Group

Mr. Miroslav Gregoric
Chairman, Board of Governors,
IAEA
Vienna

**PROPOSAL BY THE CHAIRMAN
[DRAFT RESOLUTION RECOMMENDED BY THE BOARD OF GOVERNORS]
AMENDMENT OF
ARTICLE VI OF THE STATUTE**

The General Conference

- (a) Recalling its decision GC(42)/DEC/10 which requested the Board of Governors, inter alia, to submit its report on a finalized formula on amending Article VI of the Statute and all previous resolutions and decisions on the subject,
- (b) Having examined the proposal for amendment of Article VI of the Statute submitted by Japan in accordance with Article XVIII.A of the Statute, contained in Annex 1 to document GC(42)/19,
- (c) Having also examined the proposal for the modification of the Japanese amendment submitted by Slovenia in accordance with Article XVIII.A of the Statute, contained in document GC(43)/12,
- (d) Having also considered the report and recommendations of the Board of Governors contained in document GC(43)/12, which constitute the Board's observations on the aforesaid modification to the Japanese proposal proposed by Slovenia,
- (e) Having also considered the Board's observations on the aforesaid Japanese proposal to amend Article VI,
- (1) Approves the aforesaid modification proposed by Slovenia to the amendment of Article VI proposed by Japan;
- (2) Approves the amendment proposed by Japan, as modified in operative paragraph (1) and as further modified, by which Article VI of the Agency's Statute is amended as follows:
- I. Replace paragraph A of Article VI of the Agency's Statute 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 eighteen members most advanced in the technology of atomic energy including the production of source materials, the designated seats to be distributed among the areas mentioned below as follows:
- | | |
|----------------|---|
| North America | 2 |
| Latin America | 2 |
| Western Europe | 4 |
| Eastern Europe | 2 |
| Africa | 2 |

Middle East and South Asia	2
South East Asia and the Pacific	1
Far East	3

(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:

four representatives of the area of Latin America,
four representatives of the area of Western Europe,
four representatives of the area of Eastern Europe,
five representatives of the area of Africa,
three representatives of the area of the Middle East and South Asia,
two representatives of the area of South East Asia and the Pacific, and

(b) One further member from among the members in the following areas:

Western Europe
Latin America
Middle East and South Asia

(c) One further member from among the members in the following areas:

Latin America
Far East
Eastern Europe

(d) One further member from among the members in the following areas:

Western Europe
Far East
Middle East and South East Asia

and

II. Add at the end of Article VI the following new paragraph:

“K. The provisions of paragraph A of this Article, as approved by the General Conference on September , 1999, shall enter into force when the requirements of Article XVIII.C are met and the General Conference confirms a list of all Member States of the Agency which has been adopted by the Board, in both cases by ninety per cent of those present and voting, whereby each Member State is allocated to one of the areas referred to in sub-paragraph 1 of paragraph A of this Article. Any change to the list thereafter may be made by the Board with the confirmation of the General Conference, in both cases by ninety per cent of those present and voting and only after a consensus

on the proposed change is reached within any area affected by the change”.

- (3) Urges all Member States of the Agency to accept this amendment as soon as possible in accordance with their respective constitutional processes, as provided for in Article XVIII. C(ii) of the Statute;
- (4) Requests the Director General to report to the General Conference, at its 45th regular session on the progress made towards the entry into force of this amendment.

PROPOSAL BY PAKISTAN
[DRAFT RESOLUTION RECOMMENDED BY THE BOARD OF GOVERNORS]
AMENDMENT OF
ARTICLE VI OF THE STATUTE

The General Conference

- (a) Recalling its decision GC(42)/DEC/10 which requested the Board of Governors, inter alia, to submit its report on a finalized formula on amending Article VI of the Statute and all previous resolutions and decisions on the subject,
 - (b) Having examined the proposal for amendment of Article VI of the Statute submitted by Japan in accordance with Article XVIII.C of the Statute, contained in Annex 1 to document GC(42)/19,
 - (c) Having also examined the proposal for the modification of the Japanese amendment submitted by Slovenia in accordance with Article XVIII.C of the Statute, contained in document GC(43)/12,
 - (d) Having also considered the report and recommendations of the Board of Governors contained in document GC(43)/12, which constitute the Board's observations on the aforesaid modification to the Japanese proposal proposed by Slovenia,
 - (e) Having also considered the Board's observations on the aforesaid Japanese proposal to amend Article VI,
- (1) Approves the aforesaid modification proposed by Slovenia to the amendment of Article VI proposed by Japan;
 - (2) Approves the aforesaid proposal by Japan to amend Article VI, as modified in operative paragraph 1 above, by which Article VI of the Agency's Statute is amended as follows:
 - I. Replace paragraph A of Article VI of the Agency's Statute 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 eighteen members most advanced in the technology of atomic energy including the production of source materials, the designated seats to be distributed among the areas mentioned below as follows:

North America	2
Latin America	2
Western Europe	4
Eastern Europe	2
Africa	2
Middle East and South Asia	2
South East Asia and the Pacific	1
Far East	3

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

(a) Twenty-three 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 the area of Latin America,
four representatives of the area of Western Europe,
four representatives of the area of Eastern Europe,
five representatives of the area of Africa,
three representatives of the area of the Middle East and South Asia,
two representatives of the area of South East Asia and the Pacific, and
one representative of the area of the Far East;

(b) Two further members from among the members in the following areas:

Latin America,
Western Europe,
Middle East and South Asia”.

and

II. Add at the end of Article VI the following new paragraph:

“K. The provisions of paragraph A of this Article, as approved by the General Conference on September , 1999, shall enter into force when the requirements of Article XVIII.C are met and the General Conference confirms a list of all Member States of the Agency which has been adopted by the Board, in both cases by ninety per cent of those present and voting, whereby each Member State is allocated to one of the areas referred to in sub-paragraph 1 of paragraph A of this Article. Any change to the list thereafter may be made by the Board with the confirmation of the General Conference, in both cases by

ninety per cent of those present and voting and only after a consensus on the proposed change is reached within any area affected by the change”.

- (3) Urges all Member States of the Agency to accept this amendment as soon as possible in accordance with their respective constitutional processes, as provided for in Article XVIII. C(ii) of the Statute;
- (4) Requests the Director General to report to the General Conference, at its 45th regular session on the progress made towards the entry into force of this amendment.

PROPOSAL OF PAKISTAN AS AMENDED BY SLOVAKIA
[DRAFT RESOLUTION RECOMMENDED BY THE BOARD OF GOVERNORS]
AMENDMENT OF
ARTICLE VI OF THE STATUTE

The General Conference

- (a) Recalling its decision GC(42)/DEC/10 which requested the Board of Governors, inter alia, to submit its report on a finalized formula on amending Article VI of the Statute and all previous resolutions and decisions on the subject,
- (b) Having examined the proposal for amendment of Article VI of the Statute submitted by Japan in accordance with Article XVIII.A of the Statute, contained in Annex 1 to document GC(42)/19,
- (c) Having also examined the proposal for the modification of the Japanese amendment submitted by Slovenia in accordance with Article XVIII.A of the Statute, contained in document GC(43)/12,
- (d) Having also considered the report and recommendations of the Board of Governors contained in document GC(43)/12, which constitute the Board's observations on the aforesaid modification to the Japanese proposal proposed by Slovenia,
- (e) Having also considered the Board's observations on the aforesaid Japanese proposal to amend Article VI,
- (1) Approves the aforesaid modification proposed by Slovenia to the amendment of Article VI proposed by Japan;
- (2) Approves the following further modification to the aforesaid proposal by Japan:

In the text of paragraph A in Part I of the proposal submitted by Japan for amendment of Article VI of the Statute and communicated by the Director General to Member States on 22 June 1998 (Circular Letter N5.11.6 Circ. - see also GC(42)/19, Annex 1):

- In sub-paragraph 1,
replace the word "seventeen" with "eighteen" in line 2 and the "one" designated seat allocated to Africa with "two" in line 10;
- In sub-paragraph 2(a),
replace "twenty one" with "twenty three" in line 1, 'three' representatives of the area of Eastern Europe with "four" in line 7, and further, add the words "one representative of the area of the Far East" as a separate line at the end of the sub-paragraph;

- In sub-paragraph 2(b),
replace “Two” with “One” in line 1, delete “Africa” and “Far East” in the sub-paragraph and substitute with “Western Europe” and “Middle East and South Asia”,

(3) Approves the aforesaid proposal by Japan to amend Article VI, as modified in operative paragraphs 1 and 2 above, by which Article VI of the Agency’s Statute is amended as follows:

I. Replace paragraph A of Article VI of the Agency’s Statute 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 eighteen members most advanced in the technology of atomic energy including the production of source materials, the designated seats to be distributed among the areas mentioned below as follows:

North America	2
Latin America	2
Western Europe	4
Eastern Europe	2
Africa	2
Middle East and South Asia	2
South East Asia and the Pacific	1
Far East	3

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

(a) Twenty-three 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 the area of Latin America,
four representatives of the area of Western Europe,
four representatives of the area of Eastern Europe,
five representatives of the area of Africa,
three representatives of the area of the Middle East and South Asia,
two representatives of the area of South East Asia and the Pacific, and
one representative of the area of the Far East

(b) One further member from among the members in the following areas:

Western Europe
Eastern Europe
Middle East and South Asia

(c) One further member from among the members in the following areas:

Latin America
Western Europe

Middle East and South Asia”

and

II. Add at the end of Article VI the following new paragraph:

“K. The provisions of paragraph A of this Article, as approved by the General Conference on September , 1999, shall enter into force when the requirements of Article XVIII.C are met and the General Conference confirms a list of all Member States of the Agency which has been adopted by the Board, in both cases by ninety per cent of those present and voting, whereby each Member State is allocated to one of the areas referred to in sub-paragraph 1 of paragraph A of this Article. Any change to the list thereafter may be made by the Board with the confirmation of the General Conference, in both cases by ninety per cent of those present and voting and only after a consensus on the proposed change is reached within any area affected by the change”.

(4) Urges all Member States of the Agency to accept this amendment as soon as possible in accordance with their respective constitutional processes, as provided for in Article XVIII. C(ii) of the Statute;

(5) Requests the Director General to report to the General Conference, at its 45th regular session on the progress made towards the entry into force of this amendment.

PROPOSAL BY MOROCCO
DRAFT RESOLUTION RECOMMENDED BY THE BOARD OF GOVERNORS
AMENDMENT OF
ARTICLE VI OF THE STATUTE

The General Conference

- (a) Recalling its decision GC(42)/DEC/10 which requested the Board of Governors, inter alia, to submit its report on a finalized formula on amending Article VI of the Statute and all previous resolutions and decisions on the subject,
 - (b) Having examined the proposal for amendment of Article VI of the Statute submitted by Japan in accordance with Article XVIII.A of the Statute, contained in Annex 1 to document GC(42)/19,
 - (c) Having also examined the proposal for the modification of the Japanese amendment submitted by Slovenia in accordance with Article XVIII.A of the Statute, contained in document GC(43)/12,
 - (d) Having also considered the report and recommendations of the Board of Governors contained in document GC(43)/12, which constitute the Board's observations on the aforesaid modification to the Japanese proposal proposed by Slovenia,
 - (e) Having also considered the Board's observations on the aforesaid Japanese proposal to amend Article VI,
- (1) Approves the aforesaid modification proposed by Slovenia to the amendment of Article VI proposed by Japan;
- (2) Approves the amendment proposed by Japan, as modified in operative paragraph (1) and as further modified, by which Article VI of the Agency's Statute is amended as follows:
- I. Replace paragraph A of Article VI of the Agency's Statute 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 eighteen members most advanced in the technology of atomic energy including the production of source materials, the designated seats to be distributed among the areas mentioned below as follows:

North America	2
Latin America	2
Western Europe	4
Eastern Europe	2
Africa	2

Middle East and South Asia	2
South East Asia and the Pacific	1
Far East	3

(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:

four representatives of the area of Latin America,
 four representatives of the area of Western Europe,
 three representatives of the area of Eastern Europe,
 five representatives of the area of Africa,
 three representatives of the area of the Middle East and South Asia,
 two representatives of the area of South East Asia and the Pacific, and
 one representative of the area of Far East.

(b) Two further members from among the members in the following areas:

Western Europe
 Eastern Europe
 Middle East and South Asia

(c) One further member from among the members in the following areas:

Latin America
 Eastern Europe

and

II. Add at the end of Article VI the following new paragraph:

“K. The provisions of paragraph A of this Article, as approved by the General Conference on September , 1999, shall enter into force when the requirements of Article XVIII.C are met and the General Conference confirms a list of all Member States of the Agency which has been adopted by the Board, in both cases by ninety per cent of those present and voting, whereby each Member State is allocated to one of the areas referred to in sub-paragraph 1 of paragraph A of this Article. Any change to the list thereafter may be made by the Board with the confirmation of the General Conference, in both cases by ninety per cent of those present and voting and only after a consensus on the proposed change is reached within any area affected by the change”.

- (3) Urges all Member States of the Agency to accept this amendment as soon as possible in accordance with their respective constitutional processes, as provided for in Article XVIII. C(ii) of the Statute;
- (4) Requests the Director General to report to the General Conference, at its 45th regular session on the progress made towards the entry into force of this amendment.