

General Conference

GC(65)/1/Add.2

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Provisional Agenda

Supplementary item for inclusion in the provisional agenda

1. On 29 July 2021, the Director General received a request, submitted by the Permanent Mission of Kazakhstan to the Agency, for the inclusion of an item entitled “Restoration of the sovereign equality of all IAEA members” in the agenda of the 65th (2021) regular session of the General Conference.
2. Pursuant to the Rules of Procedure of the General Conference¹, this item is hereby placed on a supplementary list which will be circulated not later than 31 August 2021. The note verbale from the Permanent Mission of Kazakhstan and the accompanying explanatory memorandum relating to the inclusion of this item are attached hereto.
3. It is suggested, for consideration by the General Committee, that in the provisional agenda this item follow the item circulated in document GC(65)/1/Add.1 and be discussed first in the Committee of the Whole.

¹ Rules 13 and 20, GC(XXXI)/INF/245/Rev.1.



**PERMANENT MISSION
OF THE REPUBLIC OF KAZAKHSTAN
TO THE INTERNATIONAL ORGANIZATIONS
IN VIENNA**

30-35/172

The Permanent Mission of the Republic of Kazakhstan to the International Organizations in Vienna presents its compliments to the International Atomic Energy Agency and has the honour to request the inclusion of a supplementary item entitled “Restoration of the sovereign equality of all IAEA members” into the agenda of 65th regular session of the IAEA General Conference to be held on 20-25 of September 2021. The relevant explanatory note is attached.

The Permanent Mission of the Republic of Kazakhstan to the International Organizations in Vienna avails itself of this opportunity to renew its compliments to the International Atomic Energy Agency the assurances of its highest consideration.

Attachment: 2 p.

28 July 2021

INTERNATIONAL ATOMIC ENERGY AGENCY

Vienna



Explanatory Note
on the New Agenda Item entitled:
“Restoration of the sovereign equality of all IAEA members”

The IAEA Statute maintains the principle of the sovereign equality of all its Member States (Article III.D and Article IV.C). At the same time, the Statute (Article VI) does not define the compositions of the eight regional areas that are represented on the Board of Governors. Traditionally, the Agency Member States are UNOFFICIALLY divided among regional groups based on geographic representation, as in other UN-system organization, but affiliation is not strictly defined. Furthermore, the IAEA Statute does not define membership affiliation for newly-accepted Member States.

An amendment to Article VI of the Agency’s Statute of 1999 does not tackle the issue because it has overcomplicated procedure of agreement to allocate all the members into the geographical areas. 22 years the amendment has been under the process, whilst the member states are still deprived of their sovereign right to fully participate in the work of the Agency.

Moreover, sovereign equality of the IAEA members is an issue within the regional groups. The lack of regulations in groups as such leads to a violation of the fundamental principle of equality in an international organization. It contradicts all the norms of international order and law per se undermining the credibility and accountability of our Agency.

Therefore, there is an urgent need for having a comprehensive discussion on bringing the IAEA practice in conformity with its Statute to explore ways and means to restore the sovereign equality of all IAEA members, particularly in light of the following points:

- recognizing that the activities of the Agency shall be carried out with due observance of the sovereign rights of States (Article III.D);

- acknowledging the Agency’s principle of the sovereign equality of all its members and ensuring to all the rights and benefits resulting from the membership (Article IV.C);

- recognizing further that all independent sovereign States, Members of the United Nations and the Agency, exist within defined borders in specific geographical areas [regions] of the world;

- recognizing that the Statute does not assign specific Member States to specific regional areas as defined in its Article VI.A.1, and further that this matter is not defined and properly addressed in any document of the policy making organs of the Agency;

- affirm the inalienable sovereign right of every Member-State on the basis of its geographical location to join instantly one of the eight areas (Article VI.A.1).

The inclusion of an item entitled “Restoration of the sovereign equality of all IAEA members” in the agenda of the 65th regular session of the General Conference would facilitate an open and comprehensive discussion on the issue. All members who fulfil in good faith the obligation assumed in accordance with the Statute (Article IV.C) have the right to feel the ownership of the Agency.