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# GENERAL CONFERENCE

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TWENTY-EIGHTH REGULAR SESSION: 24-28 SEPTEMBER 1984

COMMITTEE OF THE WHOLE

RECORD OF THE FORTIETH MEETING

Held at the Neue Hofburg, Vienna,  
on Friday, 28 September 1984, at 9.25 a.m.

Chairman: Mr. UMAR (Nigeria)

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\*/ A provisional version of this document was issued on 5 October 1984.

\*\*/ GC (XXVIII)/730.

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The composition of delegations attending the session is given in document  
GC (XXVIII)/INF/223/Rev.4.

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AMENDMENT OF ARTICLE VI.A.2 OF THE STATUTE (GC(XXVIII)/728,  
GC(XXVIII)/COM.5/36) (resumed)

1. Mr. ERNEMANN (Belgium) said that informal consultations held the previous day<sup>1/</sup> had been useful, but had not led to a consensus. A proposal to add an operative paragraph concerning a review of Article VI as a whole to the draft resolution contained in document GC(XXVIII)/COM.5/36 had not met with the approval of all delegations. Nonetheless, he was convinced that, having facilitated China's admission to the Agency and its Board of Governors, Member States should not limit their attention to Article VI.A.2, but should consider the entire Article with a view to possible amendment. He believed that an amendment proposal limited to Article VI.A.2 had no chance of success and that accordingly the amendment of Article VI as a whole should form the subject of an agenda item at the next regular session of the General Conference. At all events, his delegation would be unable to join any consensus in favour of the draft resolution set forth in document GC(XXVIII)/COM.5/36.

2. Mr. MIGLIORINI (Italy) said he supported the views expressed by the representative of Belgium to a large extent and could not, therefore, support the draft resolution before the Committee. However, in a spirit of compromise, his delegation would abstain if there was a vote on the matter.

3. Mr. ORNSTEIN (Argentina) said he agreed to a considerable degree with the previous speakers. At the June session of the Board, a number of countries had clearly expressed their desire - which seemed to him perfectly reasonable - that Article VI should be considered as a whole.

4. Mr. MAPARA (Zambia) noted, firstly, that the present item had been on the agenda of the General Conference and the Board for over seven years. Secondly, the question of amending Article VI as a whole had never appeared as an item on the agenda of either body. Thirdly, it could not be stated that there had ever been a consensus regarding Article VI as the Article had never been discussed extensively and some delegations had not, therefore, expressed their opinion on it. Fourthly, he was not aware that any proposals relating to Article VI as a whole had been submitted either to the General Conference or to the Board, whereas definite proposals had been made regarding Article VI.A.2. Lastly, there had been no substantive discussion on

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<sup>1/</sup> See GC(XXVIII)/COM.5/OR.38, paras 50 and 51.

what parts of the Article needed to be amended. He could not, therefore, support the idea of adding to draft resolution GC(XXVIII)/COM.5/36 an operative paragraph concerning Article VI as a whole. If such an operative paragraph was to be added, however, it might read as follows:

"Further requests the Board to include in the agenda for its next session an item on a review of Article VI as a whole, in view of the desires and opinions expressed by some delegations both in the General Conference and in the Board of Governors."

5. The CHAIRMAN said he hoped that, in a spirit of compromise, the representatives of Belgium, Italy and Argentina would be able to accept the draft resolution contained in document GC(XXVIII)/COM.5/36 provided that their views regarding a review of Article VI as a whole were mentioned in the Chairman's report to the Conference. With regard to the suggestion just made by the representative of Zambia, he felt that the Committee should concentrate on the draft resolution before it and should not attempt to deal with matters not directly connected with the item under consideration.

6. Mr. HERNANDEZ MATA (Mexico) supported the draft resolution contained in document GC(XXVIII)/COM.5/36, the text of which was essentially the same as that of corresponding resolutions adopted in the past three years and enjoyed the full support of the Group of 77. With regard to the statements made by the representatives of Belgium, Italy and Argentina, he wished to recall that in June it had been stated in the Board of Governors that nothing prevented Board Members from considering Article VI as a whole.

7. Mr. CHAUDRI (Pakistan) said his delegation fully supported the views expressed by the representative of Mexico and the draft resolution contained in document GC(XXVIII)/COM.5/36.

8. Mr. FAHMY (Egypt) expressed his delegation's support for the draft resolution before the Committee.

9. Mr. HOFFMANN (Federal Republic of Germany) said that his delegation was prepared to join a consensus to recommend to the General Conference that it adopt the draft resolution contained in document GC(XXVIII)/COM.5/36.

10. Mr. LOPEZ-MENCHERO y ORDONEZ (Spain) said that the representative of Zambia had introduced an interesting new element - namely, the idea that the Board of Governors should consider Article VI as a whole under a separate agenda item during its next session. He agreed with the representative

of Mexico that nothing prevented Board Members from discussing Article VI as a whole under an agenda item entitled "Amendment of Article VI.A.2 of the Statute", but in the light of what had been said by the representative of Zambia he could not join a consensus on the draft resolution set forth in document GC(XXVIII)/COM.5/36 unless the Chairman's report also contained a recommendation to the Conference that it request the Board to include in the agenda for its next session a separate item on Article VI as a whole.

11. Mr. WANGURU (Kenya) supported the Chairman's comments with regard to the draft resolution.

12. Ms. AJAKAIYE (Nigeria) associated herself with the remarks made by the representatives of Pakistan and Kenya. The question of amending Article VI.A.2 of the Statute had been before the Conference for seven years and it was time that a decision was taken.

13. The question of amending Article VI as a whole, which was more complex, could be dealt with later.

14. Mr. MIGLIORINI (Italy) said he would not oppose a consensus on the draft resolution before the Committee, but expressed interest in the proposal by the representative of Zambia that the Board also place the question of a review of Article VI as a whole on the agenda for its next session.

15. Mr. ERNEMANN (Belgium), noting that the question of reviewing Article VI as a whole could well be placed on the agenda for the General Conference in the coming year, said he was prepared to go along with the wish of the Chairman in order to facilitate his task, but he would not abandon his position of principle.

16. Mr. LOPEZ-MENCHERO y ORDONEZ (Spain), referring to his previous statement, said that the Chairman's report to the Conference might contain the following form of words: "Some representatives felt that the Board should be requested to consider the question of revising Article VI as a whole, taking into account all proposals so far submitted and the opinions expressed both in the General Conference and in the Board itself, and to submit the results of its deliberations to the General Conference at its twenty-ninth regular session." If a passage of that kind were not included in the Chairman's report, he would like the Chairman to inform the Conference that his

delegation had reservations about the draft resolution in document GC(XXVIII)/COM.5/36. He regretted having to take such a formalistic attitude, but difficulties had arisen in the past precisely because a formalistic attitude had not been taken by his delegation or by other delegations sharing its views.

17. The CHAIRMAN suggested that in his report to the Conference he might say simply that the Committee recommended the adoption of the draft resolution set forth in document GC(XXVIII)/COM.5/36, but that some Members had expressed the wish that the Board should consider the question of reviewing Article VI as a whole.

18. Mr. FAHMY (Egypt) noted that the Chairman's suggestion singled out the position of some Member States. He felt that the position of other delegations should also be reflected in the Chairman's formulation.

19. The CHAIRMAN said that the issue would only be further complicated if an attempt was made to reflect the opinions of all Member States in detail and that he hoped the representative of Egypt would not insist on his position too much.

20. Mr. LOPEZ-MENCHERO y ORDONEZ (Spain) said that he could accept the Chairman's formulation.

21. Mr. CHAUDRI (Pakistan) considered that, in the Chairman's formulation, the words "a few" would give a more accurate impression of the Committee's discussion than "some".

22. The CHAIRMAN asked whether the proposal to substitute "a few" for "some" was acceptable.

23. Mr. TROENDLE (Switzerland) and Mr. NANIOV (Bulgaria) expressed support for the Chairman's formulation.

24. Mr. SPAANS (Netherlands) said he felt that in the Chairman's report there should be an indication that some delegations were not convinced of the need to review Article VI at all.

25. The CHAIRMAN said he did not consider that to be necessary.

26. As there were no further speakers, he took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(XXVIII)/COM.5/36 on the understanding that, in his oral report, he would inform the Conference that some Committee members had expressed the wish for a review of Article VI as a whole.

27. It was so agreed.

TRIBUTE TO THE CHAIRMAN

28. Mr. HAWAS (Egypt) and Mr. KENYERES (Hungary) paid tribute to the Chairman for the tact and skill with which he had guided the Committee's work.

The meeting rose at 10.50 a.m.