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(GC(XXIX)/746)

REVISION OF ARTICLE VI OF THE STATUTE AS A WHOLE

Report by the Board of Governors

1. On 20 September 1985, the Board of Governors discussed an amendment to Article VI of the Statute proposed by Spain and co-sponsored by Belgium, Italy and Sweden, together with an explanatory memorandum submitted by Spain. The texts of these are set forth in Annexes I and II to document GC(XXIX)/752.
2. The Board decided that the summary record of its discussion on the proposed amendment should be transmitted to the General Conference as its observations pursuant to Article XVIII.C(i) of the Statute.
3. The summary record of the Board's discussion on 20 September 1985 under the item "Revision of Article VI of the Statute as a whole" is accordingly attached to the present document.

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Summary record of the discussion on the item "Revision of Article VI of
the Statute as a whole" at a meeting of the Board of Governors
held on 20 September 1985

PROVISIONAL RECORD OF THE 643rd MEETING (held on 20 September 1985)

REVISION OF ARTICLE VI OF THE STATUTE AS A WHOLE (GOV/2217 and Add.1 and 2)

Mr. ERNEMANN (Belgium) said that his country's reasons for co-sponsoring the revision of Article VI of the Statute proposed by Spain and annexed to document GOV/2217 had been made clear on several occasions, particularly during the Board's meetings in June.

The experience of the past eight years had shown that there could never be agreement on an amendment of Article VI which was limited to Article VI.A.2; eight years had been wasted on useless consultations.

The Spanish proposal attempted to take account of the legitimate claims of Africa and the Middle East and South Asia, which needed to be met as a matter of priority within the framework of Article VI.A.2, and, although it did not fully meet the legitimate claims of those European countries which were advanced in the technology of atomic energy, it had his country's support as a compromise proposal.

The Spanish proposal provided for a modest increase in the size of the Board, from 35 to 44 Members. It preserved the main balances within the Board and provided for maintenance of the "blocking third", without which - however regrettable that might seem - no proposal for revision had any chance of success. And it attempted to take the fullest account possible of all legitimate claims under both Article VI.A.2 and Article VI.A.1. Clearly, it was easier to maintain the balances within the Board while increasing its size by revising Article VI as a whole than by changing any one part of it.

Nine seemed to be the minimum figure for an increase that would give some satisfaction to all the geographical groups and many of the countries concerned. No group would be entirely satisfied, nor would all interested countries, and it would be asking too much to expect the support of all countries with designated seats on the Board.

The Spanish proposal was an attempt to solve the problem at least for the next few years. He hoped that the General Conference would take advantage of the opportunity offered to it and that the Spanish proposal would be examined carefully and approved.

Mr. INCISA di CAMERANA (Italy) supported the remarks made by the Governor from Belgium and pointed out that his country was also a co-sponsor of the Spanish proposal. The problem of amendment of Article VI had been discussed for many years and it was time for a positive conclusion to be made. It was essential that the Board should be as representative as possible of the membership of the Agency in order to preserve the efficiency of the organization and to avoid confrontation between delegations or groups. The Spanish proposal would not satisfy all wishes, but it was a good compromise and deserved support.

Mr. KENNEDY (United States of America) appreciated the desire of some regions to have greater representation on the Board but pointed out that any solution to the problem must ensure that the balance in the Board was maintained so as to enable the Board to continue to operate efficiently and in a way which respected the interests of all regions.

Further discussion was necessary; no consensus appeared to have been reached on the Spanish proposal, and in the absence of any such consensus his delegation believed that it was necessary to maintain the existing size and composition of the Board.

The summary record of the Board's discussion would indicate the need for further consideration of the matter and that a mechanism within the Board for that purpose was in order, and it should be transmitted to the General Conference.

Mr. ERRERA (France) said that it was difficult to defend the merits of an existing system without being accused or suspected of clinging to one's acquired rights and denying those rights to others. That was not his Government's intention. No system could be perfect. The existing system was large enough to be representative and small enough to be efficient. In view of the Board's increasing importance it was essential to ensure that the

balances within the Board should not be modified without the absolute certainty that those modifications would not create more problems than they solved. The problem was a very important one and discussions on it should continue.

Mr. SEMENOV (Union of Soviet Socialist Republics) said that, in its present form, the Statute was an important political compromise among Member States and constituted a balanced reflection of the existing situation in the world with regard to the peaceful utilization of nuclear energy and the aim of ensuring the non-proliferation of nuclear weapons. The success and effectiveness of the Agency as a whole depended on the consistency and steadfastness with which Member States implemented the provisions of the Statute and the decisions of the Board of Governors and the General Conference. Modifications of the existing time-tested effective statutory mechanism would only be detrimental.

The existing composition of the Board was in conformity with the main principle governing its composition, namely that it should be representative in the sense of reflecting the interests of those countries most advanced in the technology of atomic energy as well as of the countries that received technical assistance.

The Agency was an unusual member of the United Nations family, dealing as it did with highly specific problems and bearing responsibility for the important function of promoting the peaceful uses of nuclear energy by its Member States.

The main groups of Member States and all the geographical regions were represented on the Board in a balanced way, as laid down in the Statute. The existing Board, comprising about one third of the total number of Member States, appeared to be of the most suitable size to ensure the Agency's efficiency.

For those reasons his delegation believed that any change in the Board's composition was unjustified. The Board of Governors should be well organized and capable of taking rapid decisions; any enlargement could only

lead to a decrease in its efficiency. There was also the very real danger that steps taken to satisfy the demands of one group of countries would lead to a chain reaction on the part of other groups of countries which might also consider themselves under-represented.

There was no sufficient justification for adopting the radical measures proposed in document GOV/2217, which could have serious consequences.

His delegation approved the draft report by the Board of Governors on the revision of Article VI of the Statute as a whole, as circulated by the Chairman.

Mr. MORPHET (United Kingdom) said it was clear from the statements which had been made that further discussions were necessary. His country would favour the continuation of consultations under the Chairman's guidance. There was a danger that any increase in the size of the Board of Governors would result in a loss of efficiency.

Mr. MURATA (Japan) shared the concerns expressed by previous speakers regarding the enlargement of the Board. It was not at all certain that such an enlargement would improve the efficiency and effectiveness of the Board as a very important policy-making organ of the Agency.

Mr. BADDOU (Morocco) asked the Secretariat to what extent the Board was entitled to ignore the details of resolutions adopted by the General Conference. The Conference had, after all, given the Board the task of submitting recommendations on the problem of amending Article VI.A.2.

The DIRECTOR GENERAL said that the General Conference had indeed requested the Board to make recommendations. If the Board was unsuccessful in its attempts to agree on recommendations, however, it could only report its lack of success to the Conference. It was then for the General Conference to decide whether it would give the task to the Board again or choose some other mechanism.

The CHAIRMAN recalled that the General Conference had requested the Board "to consider and submit its observations and recommendations on proposed amendments". The Board had responded to the Conference's resolution insofar as its observations would be contained in the summary record; since no agreement had been reached, however, there could be no recommendations.

Mr. BADDOU (Morocco) said that a satisfactory answer had to be given to the General Conference. Otherwise the problem was likely to be referred to the Board again.

Mr. BELTRAMINO (Argentina) requested a suspension of the meeting in order that the Board Members who belonged to the Group of 77 might hold brief consultations.

The CHAIRMAN said that, if there were no objections, the meeting would be suspended.

It was so decided.

The meeting was suspended at 11.55 a.m. and resumed at 12.35 p.m.

The CHAIRMAN took it that the Board wished to submit to the General Conference the observations required by Article XVIII.C(i) of the Statute in the form of the summary record of its discussion on the proposed amendment, to be attached to the draft report to the General Conference which had been circulated earlier.

It was so decided.

Mr. BADDOU (Morocco) requested that the Chairman of the Group of 77 be asked to report to the Board on the consultations which the Group members had held while the meeting was suspended.

Mr. BELTRAMINO (Argentina) said that the conclusions reached by the members of the Group of 77 were completely consonant with the Board's decision. It had been noted, among other things, during those consultations that any delegation or group had the right to revert to the matter of Article VI as a whole or Article VI.A.2 at the forthcoming session of the General Conference.

