

Information Circular

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General Distribution

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Communication dated 11 June 2021 received from the Permanent Mission of the Republic of Kazakhstan to the Agency

1. The Secretariat has received a communication dated 11 June 2021 from the Permanent Mission of the Republic of Kazakhstan to the Agency, enclosing a statement delivered by the Resident Representative of Kazakhstan in the Board of Governors on 10 June 2021.
2. The communication and, as requested by the Permanent Mission, the statement are circulated herewith for information.



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

№30-35/140

The Permanent Mission of the Republic of Kazakhstan to the International Organizations in Vienna presents its compliments to the International Atomic Energy Agency and following the last session of the Board of Governors (7-11 June 2021) has the honour to request to forward this Note Verbal to all IAEA Member States as an information circular.

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

Attachment: 2 pages.

June 11, 2021



INTERNATIONAL ATOMIC ENERGY AGENCY

VIENNA

Prinz Eugen Strasse 32, 1040 Vienna, tel. +431 890 80 08 10
<https://www.gov.kz/memleket/entities/mfa-vienna>, email: un@kazakhstan.at

**Statement to the IAEA Board of Governors
(7 – 11 June 2021)**

Agenda item 8. Provisional Agenda for the 65th regular session of the General Conference

**Distinguished chair,
Dear Governors, Excellencies, colleagues,**

I would like to make this statement on behalf of six countries: five Central Asian states – Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan – and Palau. We bring to your attention an issue of existing inequality among the IAEA member states and highlight a need to bring the current unfair practice of the IAEA in conformity with its Statute. Delegation of Kazakhstan has been constantly raising this issue during the last four years in all meetings of the Board of Governors, the General Conferences and bilateral contacts to no avail. So, now we have to raise it again as a group of six countries who do not belong to any regional group.

As we all know the IAEA Statute maintains the principle of the sovereign equality of all its Member States. But regrettably it is not the case in the IAEA practice. Since the Statute does not define the composition of the eight regional areas that are represented on the Board of Governors, the affiliation of countries, especially the newly-accepted ones, is not clearly defined. So, some Central Asian states are “homeless” from the early 90s as well as other countries, including Palau. It means one thing – they are deprived of their sovereign right to be elected to the IAEA governing bodies.

We often hear the referral to the amendment to Article VI of 1999 of the Agency's Statute. But it does not tackle this issue either. Since it deals with expanding the number of seats in the Board of Governors, it leaves again the fate of the “homeless” member states out of picture. Even though 22 years have passed, the amendment is still far from entering into force and those member states are continuing to be infringed in their rights.

Sovereign equality of the IAEA members is an issue within the regional groups as well. We know it from dozens of rounds of consultations with the IAEA members we did during all the years of our “homeless” status. The lack of regulations in groups 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.

From the time of establishment of the IAEA we have over 20 “homeless” states. And the number of them is raising. The Central Asian states in particular have been waiting patiently for almost 30 years. Also there are other countries in the same position, including Palau. The situation is critically matured. Six sovereign states – the full-fledged IAEA members are still “homeless” within the IAEA and deprived of their legitimate right to participate in the Agency's

decision-making process. There is an urgent need to resolve the issue once and for all on bringing the current IAEA practice in conformity with its Statute in order to restore the sovereign equality of all the IAEA members.

We should affirm the inalienable sovereign right of every Member-State on the basis of its geographical location to join instantly one of the eight areas. The membership in regional groups is not a political issue, but a common international order and a matter of equality. It is the legitimate right of any member states of the Agency.

There is a positive precedent of resolving the issue. For instance, African group accepts all the states instantly based on their geographical belonging. That is a common international order and it should be a normal legal practice for all other groups, except those who have already practicing it. Those who have not – should follow the suit.

In this regard, I would like to pose two questions: since the regional groups are informal in nature why should we set the formal procedures to rectify a common international practice. And the second – why the Secretariat, being aware of the issue for many years and as a guardian of the Statute, passively watching the gross violation of sovereign rights of the Member States. Does it mean that “homeless” countries, being a full-fledged IAEA members, are less important than others? That is why we call to take urgent measures to reconcile the issue.

Madam Chair,

Taking into account our continuous efforts to find a solution in this outrageous situation, we would like to resort to the assistance of all the IAEA members during the General Conference. It is important for the health and future of the Agency.

We intend to propose the inclusion of a supplementary item on bringing the current IAEA Practice in conformity with its Statute to restore the sovereign equality of all IAEA members into the agenda of 65th regular session of the IAEA General Conference.

We hope that this agenda item will help to resolve this issue. All Member States who fulfil in good faith their obligations assumed in accordance with the Statute must have the right for the ownership of the Agency.

We request the Secretariat to include this statement to the official documents of the BoG for further referencing.

I thank you.