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A Long and Tiresome Journey: A Negotiating History of the Composition of the IAEA Board of Governors

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About the VCDNP

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IAEA Director General Dr. Sigvard Eklund welcomes President Echeverria and his suite in the Board of Governors Room. Vienna, Austria. 12 February 1974. Credit: IAEA.

Introduction

At the dawn of the nuclear age, following the first and only use of nuclear weapons in war, the international community set to the task of establishing an international governance structure to ensure that atomic energy could be harnessed for peace and development while curbing the risk that it could be used for the destruction of humanity. The first such attempt was the United Nations Atomic Energy Commission (UNAEC), established by the very first United Nations General Assembly Resolution in 1946.¹ After six years of near fruitless debate on the level of access nuclear inspectors would have and the kinds of measurements they could take, the UNAEC was all but defunct. In 1952, it was dissolved and replaced with a Disarmament Commission under the United Nations Security Council.² In 1953, the United States President Dwight D. Eisenhower delivered a speech before the United Nations, today famously known as the “Atoms for Peace” speech.³ In his speech, President Eisenhower argued for the establishment of “an international atomic energy agency” that would devise methods whereby nuclear material would be “allocated to serve the peaceful pursuits of mankind.”

¹ United Nations General Assembly, “Establishment of a Commission to Deal with the Problems Raised by the Discovery of Atomic Energy” (A/RES/1(I)), United Nations, 24 January 1946. Available at: [https://docs.un.org/en/A/RES/1\(I\)](https://docs.un.org/en/A/RES/1(I)).

² United Nations General Assembly, “Regulation, Limitation and Balanced Reduction of All Armed Forces and All Armaments; International Control of Atomic Energy” (A/RES/502(VI)), United Nations, 11 January 1952. Available at: <https://digitallibrary.un.org/record/211031?ln=ar&v=pdf>.

³ Dwight D. Eisenhower, “Atoms for Peace” (speech delivered to the United Nations General Assembly), United Nations, 8 December 1953. Available at: <https://ahf.nuclearmuseum.org/ahf/key-documents/eisenhowers-atoms-peace-speech/>.

So began the idea of the International Atomic Energy Agency (IAEA), an organisation that from its inception was tasked with spreading access to the peaceful uses of nuclear science and technology across the globe for peace and development while applying verification measures—safeguards—to ensure that nuclear material was not diverted for the development of nuclear weapons.

The IAEA was established on 29 July 1957, once its Statute entered into force. One of the most controversial debates during the negotiation of the Statute—and indeed has been ever since—was the composition of the Agency’s policymaking organs and what the balance of their respective responsibilities would be. In the end, the IAEA’s policymaking organs ended up as the annual General Conference, at which all Member States are represented, and the Board of Governors (hereafter “the Board”), comprised of a smaller number of Member States. For all of the IAEA’s history, the Board has consisted of Members designated annually by the outgoing Board and those elected by the General Conference.

Later, as the IAEA’s membership expanded, Member States continued to interrogate the composition of the Board and argue for its expansion. This paper details the history of those negotiations, including:

- The 12-Nation Working-Level Meeting on the Draft Statute of the IAEA and the Conference on the Statute, which took place between 1955 and 1956;
- The statutory amendment that resulted in the first expansion of the Board, which was negotiated between 1960 and 1961 and entered into force in 1963;
- The amendment that resulted in the second expansion, which was negotiated between 1968 and 1970 and entered into force in 1973;
- The period between 1977 and 1999, during which Member States engaged in lengthy debates on the geographic distribution of elected seats, resulting in one amendment that as of 2026 has yet to enter into force, and one amendment on designated seats that was adopted in 1984 and entered into force in 1990; and
- The period since 1999, during which the membership of the IAEA continued to grow without any progress on expanding the Board.

The paper concludes with some overarching observations on the factors that have played a role in the negotiations on the Board’s composition and how those negotiations have evolved over the years.



The newly constituted Board of Governors of the International Atomic Energy Agency, the fifth in the Agency's history, convenes for a short meeting at the close of the General Conference Session. Credit: IAEA.

Deciding the Board's Composition: "So Torturous a Method"

The 12-Nation Working-Level Meeting on the Draft Statute of the IAEA

Following President Eisenhower's 1953 "Atoms for Peace" speech, the United States and the Soviet Union began quiet discussions on the establishment of the IAEA.⁴ Concurrent with these discussions, the United States began negotiating a draft IAEA statute with seven other interested States.⁵ On 29 July 1955, the United States shared that draft with the Soviet Union and requested its comments. In August of the same year, the United States also distributed the draft to the 84 States who were at that time members of the United Nations or of specialised agencies, through their respective missions/embassies in Washington, D.C., for comment.⁶ Of these States, 40 provided comments on the draft text.

⁴ United States Department of State, "International Atomic Energy Agency Conference: History of IAEA Negotiations" (Document 01), National Security Archive, George Washington University, 2 October 1956. Available at: <https://nsarchive.gwu.edu/document/15833-document-01-u-s-department-state>.

⁵ Working Level Meeting on the Draft Statute of the International Atomic Energy Agency (hereafter IAEA), "Report of the Working Level Meeting on the Draft Statute of the IAEA (Washington DC, 27 February–8 June 1956)" (Doc. 31), IAEA Archives, 2 July 1956.

⁶ Ibid.

Over the course of their correspondence, the United States and the Soviet Union countries agreed to convene a Working Level Meeting on the Draft statute of the International Atomic Energy Agency (hereafter “the working group”), which consisted of 12 States.⁷ The draft statute and the comments received on it formed the basis for the working group’s deliberations.⁸

The draft statute identified three categories of States serving on the Board: (a) five designated members of the IAEA that were the most important contributors of technical assistance and nuclear material; (b) five other members designated from the principal producers and contributors of nuclear material; and (c) six elected by the General Conference with due regard to those not identified in the first two categories, equitable geographic distribution and contributions to the Agency in terms of services, equipment, facilities and information.⁹ In this regard, Israel commented that “there is no major international organisation in existence which follows so tortuous a method for the selection of its governing body as the one proposed for the International Atomic Energy Agency in this draft statute.”¹⁰

The other proposals discussed by the working group followed similar formulas, ranging from the initial 16-member composition up to 24. There was great variety in the proposals in terms of: the proportion of Board members that should be designated by the outgoing Board vis-à-vis those to be elected by the General Conference; whether the latter could be re-elected immediately for an additional term; and whether the statute should specify the areas from which designated or elected members should be chosen.¹¹

The working group spent considerable time discussing the balance between the number of Member States with designated seats versus those elected by the General Conference. Most participants agreed that it made sense for some seats to be designated (with some participants explicitly referring to these as “permanent seats”) as the “most important contributors of technical assistance and nuclear material” or similar formulations. Some of the participants, particularly those from developing countries, expressed reservations about the second category of designated seats (i.e. the principal producers and contributors of nuclear material), suggesting that this could lead to a “monopoly” by some countries on the Board (as expressed by Burma) or “a new division of nations into groups of unequal status” (as expressed by Denmark).¹² Egypt further argued that, if superiority in atomic energy and the production of nuclear material were to be the criteria for Board membership, countries that claim that status should be expected to provide proof. On the other hand, Belgium (one of the principal producers of source material at the time) argued that “the producers of source material, without whom there would be no Agency, and without whose contributions the Agency could not exist, should receive equitable representation on the Board as a right accruing to them as producers.”¹³

Many of the participating States argued that the General Conference should be the higher level of the two policymaking organs and that the proportion of designated seats to elected seats should favour the seats elected by the General Conference.¹⁴

7 Working Level Meeting on the Draft Statute of the IAEA, “Final List of Participants” (Doc. 4), IAEA Archives, 18 April 1956. The 12 countries were Australia, Belgium, Brazil, Canada, Czechoslovakia, France, India, Portugal, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom and United States.

8 Working Level Meeting on the Draft Statute of the IAEA, “Comments on the August 22, 1955 Draft Statute of the IAEA (Received in the Department of State as of February 14, 1956)” (Doc. 3), IAEA Archives, 27 February 1956.

9 Working Level Meeting on the Draft Statute of the IAEA, “Draft Statute of the International Atomic Energy Agency” (Doc. 2), IAEA Archives, 27 February 1956.

10 Working Level Meeting on the Draft Statute of the IAEA, “Comments on the August 22, 1955 Draft Statute of the IAEA (Received in the Department of State as of February 14, 1956)” (Doc. 3), IAEA Archives, 27 February 1956.

11 Working Level Meeting on the Draft Statute of the IAEA, “Proposed Revisions of Article VII of the August 22, 1955 Draft Statute of the IAEA” (Doc. 2 (Add.7)), IAEA Archives, 28 February 1956.

12 Working Level Meeting on the Draft Statute of the IAEA, “Comments on the August 22, 1955 Draft Statute of the IAEA (Received in the Department of State as of February 14, 1956)” (Doc. 3), IAEA Archives, 27 February 1956.

13 Working Level Meeting on the Draft Statute of the IAEA, “Summary Record – Fifteenth Session (March 17, 1956)” (Doc. 19 (Rev.1)), IAEA Archives, 22 March 1956. Attachment 5, page 20.

14 Ibid. (general).

This was in large part due to the interest of developing countries in ensuring that they would have an equitable hand in the operation of the IAEA. This sentiment was starkly expressed by India, whose delegate said that, since “a few of the industrially advanced countries [...] are also likely to dominate the Board of Governors, as has been repeatedly stressed by Members around this table, this would produce in the atomic age a colonial situation as bad or worse than any that has been experienced hitherto.”¹⁵

The issue of whether to in any way define the area groups was also reflected in the various proposals. India was the first delegation to suggest eight geographical regions: North America; South America; Western Europe; Eastern Europe; Africa and the Middle East; South Asia; Southeast Asia and the Pacific; and East Asia.¹⁶ While other geographic regions were suggested during the deliberations, the initial Indian proposal was the closest to the formula upon which the working group ultimately agreed, with “East Asia” and “South America” revised to “Far East” and “Latin America” respectively.

There were also proposals to allocate specific States to specific geographic regions or areas, but those proposals were not taken forward.¹⁷

Ultimately, the draft statute on which the working group was able to agree – the formula for which IAEA Member States would for decades to follow refer to as a “delicate balance” – was to be comprised of 23 members from the eight areas to be specified in the statute.¹⁸

Towards the conclusion of the working group’s deliberations, participants discussed the convening of an international conference on the draft statute, which would conclude with the statute being opened for signature.¹⁹ While some participants noted that they would raise reservations at the conference, no State actually blocked consensus during the working group and the text of the draft statute was adopted for consideration by the 1956 Conference on the Statute.²⁰ That draft statute is reflected in the working group’s final report (Doc.31, Annex III) and the Conference on the Statute document IAEA/CS/3.²¹

The Conference on the Statute

Eighty-six States and seven specialised UN agencies participated in the Conference on the Statute, which took place in New York from 20 September through 26 October 1956.²² Though the deliberations were wide-ranging, participants from the 12-nation working group and likeminded countries were reticent to upset the “delicate balance” that had been struck during the group’s negotiations on the Board’s composition.²³ However, some issues raised in the working group did carry over into the Conference on the Statute.

15 Working Level Meeting on the Draft Statute of the IAEA, "Summary Record – Fifteenth Session (March 17, 1956)" (Doc. 19 (Rev.1)), IAEA Archives, 22 March 1956. Attachment 4, page 19.

16 Working Level Meeting on the Draft Statute of the IAEA, "Proposed Revisions of Article VII of the August 22, 1955 Draft Statute of the IAEA" (Doc. 2 (Add.7)), IAEA Archives, 28 February 1956.

17 Working Level Meeting on the Draft Statute of the IAEA, "Proposed Revisions of Annex II of the August 22, 1955 Draft Statute of the IAEA" (Doc. 2 (Add.25)) — Soviet proposal, IAEA Archives, 29 February 1956.

18 Working Level Meeting on the Draft Statute of the IAEA, "Summary Record – Eighteenth Session (April 18, 1956)" (Doc. 26 (Rev.2)), IAEA Archives, 25 June 1956, section 2.A; Working Level Meeting on the Draft Statute of the IAEA, "Report of the Working Level Meeting on the Draft Statute of the IAEA" (Doc. 31), IAEA Archives, 2 July 1956.

19 Working Level Meeting on the Draft Statute of the IAEA, "Summary Record – Eighteenth Session (April 18, 1956)" (Doc. 26 (Rev.2)), IAEA Archives, 25 June 1956; Working Level Meeting on the Draft Statute of the IAEA, "Summary Record – Nineteenth Session (June 22, 1956)" (Doc. 27 (Rev.1)), IAEA Archives, 6 July 1956.

20 Working Level Meeting on the Draft Statute of the IAEA, "Summary Record – Eighteenth Session (April 18, 1956)" (Doc. 26 (Rev.2)), IAEA Archives, 25 June 1956, Attachments 2, 3, 4 and 5. One recurring question in this regard was whether to address an invitation to the international conference on the Statute to the Republic of China or to the People’s Republic of China; the delegations of Czechoslovakia and the Soviet Union argued for the extension of an invitation to the People’s Republic of China.

21 Conference on the Statute of the IAEA, "Draft Statute of the IAEA" (IAEA/CS/3), IAEA Archives, 10 September 1956.

22 Conference on the Statute of the IAEA, "List of Delegates to the Conference on the Statute of the IAEA (Revised)" (IAEA/CS/INF.1/Rev.2), IAEA Archives, 1956.

23 Conference on the Statute of the IAEA, "Record of the 10th Meeting of the Main Committee" (IAEA/CS/OR.23), IAEA Archives, 10 October 1956. Page 16.

One of those issues was the second category of designated seats, with the draft providing for the designation of two seats for producers of source material and one seat for a provider of technical assistance. An amendment proposed by the Philippines would have removed this category entirely and allocated all three seats to those elected by the General Conference, rather than designated seats.²⁴ This reflected a wider drive by developing countries to ensure their broad representation in IAEA policymaking and to increase the weight of the General Conference vis-à-vis the Board. However, in an effort to demonstrate its willingness to cooperate with “any project that might lead eventually to the establishment of the Agency”, the Philippines did not push for a vote on its amendment.²⁵

Another issue that carried over into the discussions at the conference was equitable representation on the Board, especially for Africa and the Middle East, which, under the draft statute, would constitute one single geographic area. Two amendments had been tabled in this respect.

One amendment, tabled by Liberia, would have resulted in nine geographic areas rather than eight, in order to ensure that both Africa and the Middle East had a guaranteed elected seat.²⁶ The amendment was brought to a vote and was unsuccessful.

The second amendment, tabled by Egypt, Ethiopia, Indonesia and Syria, would have retained the eight geographic areas, but would have included additional wording that the General Conference would elect 10 members “with the understanding that Africa and the Middle East shall be represented by two seats”.²⁷ Before this amendment came to a vote, the delegation of Mexico remarked that, if it were to be adopted, Latin America would table a corresponding amendment for its group.²⁸ The Egyptian amendment was also brought to a vote and not adopted.

Ultimately, the tensions that characterised the initial negotiations on Board composition would reappear in later negotiations, especially as regards the appropriate balance between designated seats and elected seats, and the equitable representation of Africa and the Middle East.

The IAEA Statute and Board Composition as of 1957

With some minor editorial changes unrelated to the composition of the Board, the draft introduced to the Conference on the Statute, including the text of Article VI, was approved on 10 October 1956.²⁹

Annex I of the Statute provided for the establishment of a Preparatory Commission to make arrangements ahead of the Statute’s entry into force and the first General Conference, tasking it, inter alia, with designating members of the first Board under Articles VI.A.1 and VI.A.2.³⁰ The elected members were to be chosen under Article VI.A.3 during the first General Conference.

24 Conference on the Statute of the IAEA, “Amendment to Article VI” (IAEA/CS/Art.VI/Amend.4), IAEA Archives, 2 October 1956.

25 Conference on the Statute of the IAEA, “Record of the 10th Meeting of the Main Committee” (IAEA/CS/OR.23), IAEA Archives, 10 October 1956. Page 5.

26 Conference on the Statute of the IAEA, “Amendment to Article VI” (IAEA/CS/Art.VI/Amend.5), IAEA Archives, 2 October 1956.

27 Conference on the Statute of the IAEA, “Amendment to Article VI” (IAEA/CS/Art.VI/Amend.6), IAEA Archives, 2 October 1956.

28 Conference on the Statute of the IAEA, “Record of the 10th Meeting of the Main Committee” (IAEA/CS/OR.23), IAEA Archives, 10 October 1956. Page 6.

29 Conference on the Statute of the IAEA, “Draft Statute of the IAEA, Article VI as Approved by the Main Committee” (IAEA/CS/8/Add.1), IAEA Archives, 10 October 1956.

30 Conference on the Statute of the IAEA, “Draft Statute of the IAEA, Annex I as Approved by the Main Committee” (IAEA/CS/8/Add.6), IAEA Archives, 19 October 1956.

The Statute was signed by 70 States and entered into force on 29 July 1957 upon the 18th State's deposit of its instrument of ratification.³¹

The first IAEA General Conference was convened in October 1957, at which time the remaining members of the Board were elected. The Board was composed as follows, corresponding to the relevant article in the Statute.

Article VI.A.1: five designated members most advanced in the technology of atomic energy including the production of source materials and the member most advanced in the technology of atomic energy including the production of source materials in each of the following areas not represented by the aforesaid five: North America; Latin America; Western Europe; Eastern Europe; Africa and the Middle East; South Asia; Southeast Asia and the Pacific; and Far East.

Article VI.A.2: two designated members from the following other producers of source materials: Belgium, Czechoslovakia, Poland and Portugal; one other designated member as a supplier of technical assistance. No member in this category in any one year was eligible for redesignation in the same category in the following year.

Article VI.A.3: 10 members elected by the General Conference "with due regard to equitable representation on the Board as a whole of the members in the areas listed in" Article VI.A.1. These elected seats were for terms of two years, except that five seats in the first Board were elected for terms of only one year.

The Board was thus composed as such following the 1957 General Conference:

VI.A.1 ³²	"most advanced in the technology of atomic energy..."	Canada, France, Soviet Union, United Kingdom, United States (5)
	"most advanced [...] not represented by the aforesaid five"	Brazil (Latin America), South Africa (Africa and the Middle East), India (South Asia), Australia (Southeast Asia and the Pacific), Japan (Far East) (5)
VI.A.2 ³³	"producers of source materials" and "technical assistance"	Czechoslovakia, Portugal, Sweden (3)
VI.A.3 ³⁴	"10 members elected by the General Conference"	Argentina (Latin America), Italy (Western Europe), Romania (Eastern Europe), Egypt (Africa and the Middle East), Pakistan (South Asia), Indonesia (Southeast Asia and the Pacific), Korea (Far East) (7); Guatemala, Peru, Turkey (3)
Total Board composition: 23		

Table 1. Composition of the first IAEA Board of Governors

31 Conference on the Statute of the IAEA, "Verbatim Record of the Sixteenth Plenary Meeting" (IAEA/CS/OR.40), IAEA Archives, 26 October 1956.

32 IAEA General Conference, "Designations for Membership on the First Board of Governors of the Agency" (GC(I)/10), IAEA, 14 August 1957.

33 Ibid.

34 IAEA General Conference, "Statement by the President on the Results of the Election to the Board of Governors" (GC(II)/GEN/5), IAEA, 1958. Available at: https://www.iaea.org/sites/default/files/gc/gc02gen-5_en.pdf.



The Soviet delegation to the fourth IAEA General Conference, 24 September 1960. Credit: IAEA

The First Expansion: A “Gentleman’s Agreement” and Cold War Politics

It became clear in the first years of the Agency’s operations that tensions over equitable geographic representation on the Board had not dissipated. The fourth General Conference, convened in 1960, just three years after the Statute had entered into force, adopted resolution GC(IV)/RES/85, which included a recommendation that the Board prepare and submit to the next General Conference a draft amendment to the Statute to improve representation by African and Middle Eastern countries.³⁵

One driving factor appeared to be a so-called “gentlemen’s agreement” that some (but not all) Member States insisted had been reached during the 1955-1956 working group meetings. The South African delegation described that agreement and asserted that it had been breached:

³⁵ IAEA Board of Governors, “Record of the Two Hundred and Fortieth Meeting” (GOV/OR.240), IAEA, 1 February 1961. Page 3, paragraph 3.

“An understanding had been reached that the three seats which were not specifically assigned to a geographical area (i.e. the floating seats) should, in practice, be divided between Africa and the Middle East and Latin America, one floating seat going to the former and two to the latter. That understanding had not been formally embodied in writing; it reflected the compromise implicitly endorsed by the Negotiating Group in Washington.”³⁶ [...] “When the question of changes in the Washington recommendations had arisen at the Conference on the Statute, all members of the Negotiating Group had agreed to defend the compromise, and had successfully opposed proposals to introduce changes. At the same time, there had been considerable feeling among African States that the Statute should contain some guarantee that Africa and the Middle East would receive their deserved complement of two elective seats, and an amendment to that effect, presented by Egypt, Ethiopia, Indonesia and Syria, had resulted in a tied vote, indicating strong support for the idea.”³⁷ [...] “The first elections to the Board under Article VI of the Statute had taken place in 1957; and it was then the trouble had begun: the candidate put forward by the Africa and the Middle East for one of the three floating seats had not been elected. Thus the States in that area had been entitled to feel that the gentleman’s agreement – though not all Governments were committed to it – had not been implemented, which created a psychological situation of mistrust.”³⁸

The one elected seat for Africa and the Middle East at the 1957 General Conference had gone to Egypt. Morocco, the second candidate for the group, was not elected for one of the “floating seats”.³⁹

At its February 1961 meeting, the Board considered two proposals in response to the 1960 General Conference resolution. The first proposal, by South Africa, entailed recommendation of two resolutions by the Board to the General Conference: (1) to amend Article VI.A.3 to include 12 (rather than 10) elected seats, two of which should go to Africa and the Middle East; and (2) to invite the General Conference to bear in mind the assurances given at the Conference on the Statute with respect to the claim of Africa and the Middle East to fill two elective seats.⁴⁰

The second proposal, by Argentina, entailed an increase of two designated seats, rather than elected seats; one seat would be allocated to Africa and the Middle East and another seat to Latin America under Article VI.A.1.⁴¹ Argentina’s stated concern with the South African proposal was that Latin America might lose seats if it were adopted, leaving only one floating seat under Article VI.A.3.⁴²

Against this backdrop, a small number of Member States, most vocally the Soviet Union, began to call for a profound reassessment of the composition of the Board rather than the addition of a few seats. While no formal proposal was tabled, the Soviet Union and like-minded Member States argued at the February 1961 Board meeting that a new composition of the Board should be created dividing the members between socialist countries, capitalist countries and neutral countries, each receiving an even one-third of the seats.⁴³ The Soviet delegation argued that the composition of the Board “should reflect the world situation as it actually was” and that the then-current composition of the Board unfairly advantaged Western countries’ perspectives in Board decisions.

36 IAEA Board of Governors, “Record of the Two Hundred and Fortieth Meeting” (GOV/OR.240), IAEA, 1 February 1961. Page 14, paragraph 57.

37 IAEA Board of Governors, “Record of the Two Hundred and Fortieth Meeting” (GOV/OR.240), IAEA, 1 February 1961. Page 14, paragraph 58.

38 IAEA Board of Governors, “Record of the Two Hundred and Fortieth Meeting” (GOV/OR.240), IAEA, 1 February 1961. Page 14-15, paragraph 57-61.

39 IAEA Board of Governors, “Amendment of Article VI.A.3 of the Statute” (GOV/686/Add.1), IAEA, 1961. Page 3.

40 IAEA Board of Governors, “Amendment of Article VI.A.3 of the Statute” (GOV/644), IAEA, 1961. Page 10, paragraph 26.

41 IAEA Board of Governors, “Amendment of Article VI.A.3 of the Statute” (GOV/669), IAEA, 1961.

42 IAEA Board of Governors, “Record of the Two Hundred and Fortieth Meeting” (GOV/OR.240), IAEA, 1 February 1961. Page 6, paragraphs 13–14.

43 IAEA Board of Governors, “Record of the Two Hundred and Fortieth Meeting” (GOV/OR.240), IAEA, 1 February 1961. Page 7, paragraphs 18 and 35.

By the April 1961 Board meeting, the South African proposal had been recast and resubmitted as a joint proposal by Iraq and Mexico.⁴⁴ The amendment contained in that proposal was to expand the number of elected seats from 10 to 12 and specified that this should include three representatives from Latin America and three representatives of Africa and the Middle East.⁴⁵

In the meantime, Argentina decided to withdraw its resolution due to lack of support and stated that it would vote against the Iraqi-Mexican proposal as it did not take into account Latin American interests.⁴⁶ The Soviet Union, for its part, continued to express its concern at what it referred to as an “automatic voting majority” of the “Western Powers and their allies”.⁴⁷

Despite misgivings about the Iraqi-Mexican proposal by some and preferences for alternatives by others (Canada, for example, said it would vote in favour “without enthusiasm”), all Board members other than Argentina indicated that they would vote in favour of the proposal as it stood.⁴⁸ Accordingly, the Chair of the Board prepared a report for submission to the General Conference which recommended the Iraqi-Mexican amendment for adoption.⁴⁹

In accordance with Article XVIII.C of the Statute, statutory amendments enter into force once: (1) they are approved by a two-thirds majority of those present and voting at the General Conference after consideration of observations submitted by the Board; and (2) two-thirds of IAEA Member States have deposited their instruments of acceptance.⁵⁰

The 1961 General Conference adopted the resolution recommended by the Board.⁵¹

Proposal	Designated seats	Elected seats	Other relevant information
South Africa GOV/644 (1961)	Unchanged	+2: 1 seat allocated to Africa/Middle East; 1 further “floating” seat expected, but not guaranteed, to go to the same area	Board 23 → 25 overall
Argentina GOV/669 (1961)	+2: 1 seat for Africa/Middle East, 1 for Latin America	Unchanged	Board 23 → 25 overall
Iraq–Mexico joint proposal (adopted)	Unchanged	+2, with 3 seats to Latin America, 3 to Africa/Middle East	Adopted version. Board 23 → 25 overall

Table 2. Summary of the proposals for the 1961 amendment of Article VI of the IAEA Statute.

44 IAEA Board of Governors, “Record of the Two Hundred and Forty-Fifth Meeting” (GOV/OR.251), IAEA, 1961. Pages 3–5, paragraphs 1–13.

45 IAEA Board of Governors, “Amendment of Article VI.A.3 of the Statute” (GOV/703), IAEA, 1961.

46 IAEA Board of Governors, “Record of the Two Hundred and Fifty-Second Meeting” (GOV/OR.252), IAEA, 10 April 1961. Page 3, paragraph 1.

47 IAEA Board of Governors, “Record of the Two Hundred and Fifty-First Meeting” (GOV/OR.251), IAEA, 10 April 1961. Pages 8–9, paragraph 24.

48 IAEA Board of Governors, “Record of the Two Hundred and Fifty-Second Meeting” (GOV/OR.252), IAEA, 10 April 1961. Page 18, paragraph 58.

49 IAEA Board of Governors, “Amendment of Article VI.A.3 of the Statute” (GOV/707), IAEA, 1961.

50 IAEA Statute, Article XVIII.C.

51 IAEA General Conference, “Amendment of Article VI.A.3 of the Statute” (GC(V)/RES/92), IAEA, 13 October 1961. Available at: https://www.iaea.org/sites/default/files/gc/gc05res-92_en.pdf.

However, at the same General Conference in which the amendment to ensure representation by Member States from Africa and the Middle East and Latin America had been adopted, an elected seat again failed to go to an African country. At the Board meeting following the 1961 General Conference, India remarked that it was “somewhat amazing, to put it mildly, that the same General Conference which had adopted by acclamation a resolution calling for a constitutional amendment to increase the membership of the Board by two representatives from a certain area should by an almost habitual majority find it desirable to deny any membership to the area of Africa and the Middle East in the elections to the Board, even though there was an African candidate.”⁵²

In an apparent attempt to remedy the lack of representation on the Board by African nations, the United Kingdom tabled a draft resolution at the Board meeting following the General Conference that requested the Board Chair to consult with Member States in the Africa and Middle East group to determine if two African Member States would be interested in participating in the Board’s work until the next General Conference.⁵³ These two Member States would have the same rights as Board members, except the right to vote. While some Board members were critical of this proposal, a few referring to this as “second-class membership”, the resolution passed with no votes against.⁵⁴

At the February 1962 Board meeting, the Chair informed members that Ghana and Tunisia would be interested in the Board’s offer to participate as observers.⁵⁵ The Chair officially extended an invitation to the two countries who, at the first Board meeting after the 1962 General Conference (which had yet again failed to elect an African country to the Board), assumed observer status.^{56 57}

The 1961 amendment to Article VI.A.3 of the IAEA Statute entered into force on 20 February 1963.⁵⁸

The IAEA Statute and Board Composition as of 1963

Following entry into force of the 1961 amendment, the following represented the composition of the Board.

Article VI.A.1: five designated members most advanced in the technology of atomic energy including the production of source materials and the member most advanced in the technology of atomic energy including the production of source materials in each of the following areas not represented by the aforesaid five: (1) North America; (2) Latin America; (3) Western Europe; (4) Eastern Europe; (5) Africa and the Middle East; (6) South Asia; (7) Southeast Asia and the Pacific; and (8) Far East.

Article VI.A.2: two designated members from the following other producers of source materials: Belgium, Czechoslovakia, Poland and Portugal; one other designated member as a supplier of technical assistance. No member in this category in any one year was eligible for redesignation in the same category in the following year.

Article VI.A.3: 12 members elected by the General Conference “with due regard to equitable representation on the Board as a whole of the members in the areas listed in” Article VI.A.1. Three of the seats go to Latin America, three further go to Africa and the Middle East and one further to each of the geographic areas in Article VI.A.1 except North America.

52 IAEA Board of Governors, “Record of the Two Hundred and Seventy-Sixth Meeting” (GOV/OR.276), IAEA, 9 October 1961. Page 4, paragraph 7.

53 IAEA Board of Governors, “Invitation to Ghana and Tunisia to Participate in the Work of the Board” (GOV/759), IAEA, 9 October 1961.

54 IAEA Board of Governors, “Record of the Two Hundred and Seventy-Sixth Meeting” (GOV/OR.276), IAEA, 9 October 1961. Page 20, paragraph 79.

55 IAEA Board of Governors, “Record of the Two Hundred and Seventy-Seventh Meeting” (GOV/OR.277), IAEA, 27 February 1962. Page 6, paragraph 20.

56 IAEA Board of Governors, “Record of the Three Hundred and Fourth Meeting” (GOV/OR.304), IAEA, 27 September 1962. Pages 7–8, paragraphs 30–34.

57 IAEA General Conference, “Membership of Ghana and Tunisia” (GC(VI)/DEC/9), IAEA, 1962. Available at: https://www.iaea.org/sites/default/files/gc/gc06dec-9_en.pdf.

58 IAEA, “Amendment to Article VI.A.3 of the Statute” (INFCIRC/41), IAEA, 20 February 1963. Available at: <https://www.iaea.org/sites/default/files/infcirc41.pdf>.

The Members of the Board immediately after the 1963 General Conference were:

VI.A.1 ⁵⁹	“most advanced in the technology of atomic energy...” and “most advanced [...] not represented by the aforesaid five”	Argentina, Australia, Canada, France, India, Japan, South Africa, Soviet Union, United Kingdom, United States (10)
VI.A.2 ⁶⁰	“producers of source materials” and “technical assistance”	Czechoslovakia, Portugal, Norway (3)
VI.A.3 ⁶¹	12 members elected by the General Conference “with due regard to equitable representation on the Board as a whole”	Afghanistan (South Asia), Brazil (Floating; Latin America), Congo (Africa and the Middle East), China (Far East), Indonesia (Southeast Asia and the Pacific), Iran (Africa and the Middle East), Italy (Floating; Western Europe), Mexico (Floating; Latin America), Morocco (Africa and the Middle East), Romania (Eastern Europe), Switzerland (Floating, Western Europe), Uruguay (Latin America)
Total Board composition: 25		

Table 3. Composition of the IAEA Board of Governors in September 1963, following the General Conference.

59 Only at the first General Conference did the Board’s memorandum explicitly differentiate which of the designated seats went to “the five most advanced in the technology of atomic energy” and which went to the other Member States under Article VI.A.1. See: IAEA Board of Governors, “Election of Members to the Board of Governors — Memorandum by the Board of Governors” (GC(VII)/239), IAEA, 26 July 1963. Available at: https://www.iaea.org/sites/default/files/gc/gc07-239_en.pdf.

60 Ibid.

61 IAEA General Conference, “Amendment to Article VI.A.3 of the Statute — Related Decisions” (GC(VII)/DEC/11, GC(VII)/239, GC(VI)/DEC/9), IAEA, 1961–1963. Available at: https://www.iaea.org/sites/default/files/gc/gc07dec-11_en.pdf; https://www.iaea.org/sites/default/files/gc/gc07-239_en.pdf; https://www.iaea.org/sites/default/files/gc/gc06dec-9_en.pdf.



The Former IAEA headquarters in Vienna, Austria, at the Grand Hotel. September 1977. Credit: IAEA

The Second Expansion: A “Hornet’s Nest” and “Preoccupation with the Present”

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was opened for signature on 1 July 1968, roughly five years after the IAEA Board was expanded for the first time. The NPT envisaged an expanded role for the IAEA, including the requirement for all non-nuclear-weapon States to conclude comprehensive safeguards agreements with the Agency.⁶² During the negotiation of the NPT, many of the non-nuclear-weapon States also insisted upon a provision to ensure that nothing in the treaty would infringe on the “inalienable right” to the peaceful uses of nuclear energy.⁶³

Following the NPT’s opening for signature, a Conference of Non-Nuclear-Weapon States was convened by the United Nations from 29 August to 28 September 1968.⁶⁴ The purpose of the Conference was to ensure the interests of non-nuclear-weapon States were taken into account upon entry into force of the NPT, including as concerns the expanding activities of the IAEA. The Conference adopted 14 resolutions, two of which directly addressed the composition of the Board.

62 IAEA, “Treaty on the Non-Proliferation of Nuclear Weapons” (INFCIRC/140), IAEA, 22 April 1970. Article III.1. Available at: <https://www.iaea.org/sites/default/files/publications/documents/infircs/1970/infirc140.pdf>.

63 Ibid., Article IV.1.

64 United Nations General Assembly, “Final Document of the Conference of Non-Nuclear-Weapon States” (Official Records of the 23rd Session), United Nations, 1968. Available at: <https://s3.amazonaws.com/unoda-web/documents/library/conf/Final%20Document.pdf>.

In Resolution H, the conference expressed “its assumption that the Agency will examine at an appropriate time its procedures and arrangements, as well as the question of the composition of the Board of Governors, with a view to adapting them as necessary in the light of its new responsibilities.”⁶⁵ In Resolution K, the conference recommended “that representation on [the Agency’s] Board of Governors be broadened so as to reflect equitable geographical distribution and the views of a broad spectrum of the developing countries.”⁶⁶

With this in mind, the 1968 General Conference adopted resolution GC(XII)/RES/241 requesting the Board to review Article VI of the Statute. Specifically, the resolution requested the Board to submit a report detailing ways and means by which the Board’s membership could reflect: (1) progress and developments in the peaceful uses of nuclear energy, in particular among developing countries; (2) equitable geographic distribution; and (3) the continuing need for the Board’s effectiveness as the IAEA’s executive body.⁶⁷

In February 1969, the Board discussed the General Conference’s request and resolved to establish an “ad hoc committee of the whole” to review Article VI of the Statute.⁶⁸ This committee was also known as Committee 20, one of the to-date 25 special committees that the Board has established under Rule 57 of its Rules of Procedure.⁶⁹

During Committee 20’s deliberations and the Board’s negotiations that followed, there was a broad sense that the composition of the Board should be tailored to the rapidly growing membership of the Agency for years to come. In one Board meeting, for example, Singapore remarked that: “Article VI was like a hornets’ nest; the less frequently one had to touch it, the better for all concerned. [The delegate] therefore wished to appeal to the sponsors of proposals to abandon their preoccupation with the present and to introduce a badly needed element of flexibility into the composition of the Board.”⁷⁰

Committee 20 on Article VI (1969-1970)

Committee 20 began its substantive work in 1969 with three competing proposals on the table.

Mexico’s initial proposal (GOV/1322) envisaged a Board of 34 members and would have eliminated the designated seats reserved under Article VI.A.2 for producers of source materials and suppliers of technical assistance, redistributing the resulting seats among an enlarged designated category (five “most advanced” members plus three further members from five regional groupings) and 14 elected seats.⁷¹

65 United Nations General Assembly, “Final Document of the Conference of Non-Nuclear-Weapon States” (Official Records of the 23rd Session), United Nations, 1968. Resolution H, page 12. Available at: <https://s3.amazonaws.com/unoda-web/documents/library/conf/Final%20Document.pdf>.

66 United Nations General Assembly, “Final Document of the Conference of Non-Nuclear-Weapon States” (Official Records of the 23rd Session), United Nations, 1968. Resolution K, page 15. Available at: <https://s3.amazonaws.com/unoda-web/documents/library/conf/Final%20Document.pdf>.

67 IAEA General Conference, “Amendment of the Statute” (GC(XII)/RES/241), IAEA, 7 October 1968. Available at: https://www.iaea.org/sites/default/files/gc/gc12res-241_en.pdf.

68 IAEA Board of Governors, “Establishment of a Committee to Review Article VI of the Statute” (GOV/DEC/57(XII)), IAEA, 1969, paragraph 1; IAEA Board of Governors, “Record of the Four Hundred and Eighth and Four Hundred and Sixth Meetings” (GOV/OR.408, GOV/OR.406), IAEA, 1969.

69 IAEA Board of Governors, “Provisional Rules of Procedure of the Board of Governors”, Rule 57, IAEA. Available at: <https://www.iaea.org/about/policy/rules-and-procedures-of-the-board-of-governors>. The Board also established two other special committees around this time in light of the NPT’s opening for signature in 1968 and entry into force in 1970: one on peaceful nuclear explosions, the other on safeguards pursuant to the NPT’s Article III.

70 IAEA Board of Governors, “Part of the Official Record of the Four Hundred and Twenty-Eighth Meeting (Addendum)” (GOV/OR.428/Add.1), IAEA, 11 June 1970. Page 4, paragraph 12.

71 Mexico, “Review of Article VI of the Statute” (GOV/1322; reproduced as GOV/COM.20/2), IAEA, 27 March 1969.

Italy (GOV/1307) preferred to keep the existing formula largely intact while adding four designated seats and four elected seats, framing the exercise in terms of the many newly independent States that had joined the Agency since 1957. Introducing the proposal to the Committee, the Italian delegate credited the underlying rationale to the United States, which he said had “well expressed” the motives for the review: “the emergence of the developing countries, as a new force, could almost be likened to the creation of a new continent.”⁷²

Pakistan (GOV/1324) took a different approach altogether, proposing that the nuclear-weapon States be recognised as permanent Board members in their own right: “if permanent seats have to be retained on the Board,” the Pakistani delegation argued, “the only Members of the Agency which could claim them are the nuclear-weapon States.”⁷³ The proposal found little support elsewhere in the Committee. Underlying much of this debate was an awareness, voiced by the United States, that the existing designated seats already functioned as “11 de facto permanent members” of the Board in all but name.⁷⁴

As the Committee continued its deliberations through 1969, the number of proposals increased and the underlying disagreements sharpened into a debate over first principles. Belgium argued that installed nuclear power-generating capacity and fuel-cycle capability, not general technological advancement alone, should factor into any revised designation criteria.⁷⁵ India, for its part, welcomed Italy’s account of “the main philosophy of the Statute as originally drafted”, under which “the criterion of geographical representation on the Board had to be realistically combined with the need to call upon the most advanced States to participate directly and continuously in the work of the Agency.”⁷⁶ The Philippines offered a more colourful assessment of the Statute as it stood, likening it to “a house designed by the world’s foremost architects to accommodate 60 people but built near the sea, partly on solid rock and partly on shifting sands” — a house, moreover, whose foundations had never been re-examined despite the 1961 expansion.⁷⁷ Greece was more succinct, describing the review of Article VI as “a delicate task [...] fraught with danger.”⁷⁸ Ghana offered useful historical context for why Africa and the Middle East had originally been grouped as a single area, recalling that Africa “had been all but non-existent for the rest of the world up to about 1957.”⁷⁹

The most far-reaching proposal came from the United Arab Republic (UAR), which called for a wholesale “review of the philosophy and criteria on which [Article VI] based” (GOV/COM.20/4) and envisaged a smaller Board of 31 members: four seats reserved for the nuclear-weapon States other than China, and the remaining 27 divided among Asia and Africa (12), Western Europe and other States (7), Latin America (5) and Eastern Europe (3).⁸⁰

Belgium’s proposal (GOV/COM.20/8) went furthest in detaching Board composition from geography, proposing three categories of seats based on installed nuclear-power capacity, fuel-cycle activity and “manifold interests in or contribution to nuclear technology for economic, social and scientific development”. Belgium’s proposal included nine geographic areas, splitting Africa in two along the Sahara.⁸¹

72 IAEA Committee of the Whole to Review Article VI of the Statute (Committee 20), “Official Record of the First Meeting” (GOV/COM.20/OR.1), IAEA, 15 April 1969. Paragraphs 24–25.

73 IAEA Board of Governors, “Review of Article VI of the Statute” (GOV/1324), IAEA, 1969; IAEA Committee of the Whole to Review Article VI of the Statute (Committee 20), “Official Record of the First Meeting” (GOV/COM.20/OR.1), IAEA, 15 April 1969.

74 IAEA Committee of the Whole to Review Article VI of the Statute (Committee 20), “Official Record of the First Meeting” (GOV/COM.20/OR.1), IAEA, 15 April 1969.

75 IAEA Committee of the Whole to Review Article VI of the Statute (Committee 20), “Official Record of the Second Meeting” (GOV/COM.20/OR.2), IAEA, 16 April 1969.

76 IAEA Board of Governors, “Article VI.A of the Statute — Proposal by Italy” (GOV/COM.20/10), IAEA, 3 September 1969. Paragraph 6.

77 IAEA Committee of the Whole to Review Article VI of the Statute (Committee 20), “Official Record of the Second Meeting” (GOV/COM.20/OR.2), IAEA, 16 April 1969.

78 IAEA Committee of the Whole to Review Article VI of the Statute (Committee 20), “Official Record of the Third Meeting” (GOV/COM.20/OR.3), IAEA, 16 April 1969.

79 Ibid.

80 IAEA Board of Governors, “Review of Article VI of the Statute — Memorandum by the United Arab Republic” (GOV/COM.20/4), IAEA, 12 May 1969.

81 IAEA Board of Governors, “Review of Article VI of the Statute — Memorandum by Belgium” (GOV/COM.20/8), IAEA, 27 May 1969.

By February 1970, the Committee had eight competing proposals before it — from Belgium, the Congo, Italy, Mexico, Nigeria, Pakistan, the Soviet Union and the UAR — reflecting disagreement on the size of the Board, the number and definition of geographic areas and the method for selecting designated members.⁸²

Among these proposals, the revised Italian formula (GOV/COM.20/10, later recast as GOV/COM.20/17) gradually attracted the broadest base of support, with 27 Member States co-sponsoring it.⁸³ Even so, the Committee could not achieve consensus on a single text, and the same open questions were reiterated in its final sessions: which Member States should benefit from any seat left unallocated by a given formula, e.g. the floating seats; whether Africa and the Middle East should be separated into distinct areas and whether elected seats within each area should rotate among a fixed group of States.⁸⁴ With Committee 20's mandate exhausted and the 1970 General Conference approaching, the matter passed to the Board itself.

The Board's Negotiations (1970-1971)

When the Board took up the review of Article VI at its meeting on 10 June 1970, it did so on the basis of two formal amendments transmitted to the Director General, one supported by 12 Member States (GOV/1411), the other supported by seven (GOV/1413, tied to GOV/COM.20/18), as well as a draft resolution sponsored by eight Members (GOV/1412).⁸⁵

The Soviet Union, whose proposal numbered among the two (GOV/1413), objected that the draft resolution mischaracterised the Board's role: under the Statute, it was argued, the Board was "entitled only to submit observations on proposed amendments communicated by the Director General to the General Conference" (emphasis added), and adopting a single draft resolution would improperly present one amendment as the only one worth considering.⁸⁶

The United Kingdom offered a blunter verdict on the Committee's work: "it had so far proved impossible to arrive at a consensus and it was unlikely that one would ever be reached."⁸⁷

A procedural dispute then consumed much of the meeting: whether to consider the amendments immediately, considering that some delegations had travelled long distances to attend the meeting, or wait until closer to the 24 June deadline by which time the Director General would have received any further proposals. A narrow majority, 13 Governors to eight, favoured considering them during the current round of meetings. The Chairman nonetheless invited Governors to submit further observations at the Board's next meeting.⁸⁸

At the Board's meeting the following day, a third amendment was tabled by Pakistan (GOV/1414). Mexico and Lebanon/UAR signalled their intentions to propose amendments over the following weeks.⁸⁹

82 IAEA Committee of the Whole to Review Article VI of the Statute (Committee 20), "Official Record of the Ninth Meeting" (GOV/COM.20/OR.9), IAEA, 19 February 1970.

83 IAEA Board of Governors, "Article VI.A of the Statute — The Modified Text in Document GOV/COM.20/17" (GOV/COM.20/17/Mod.1), IAEA, 12 March 1970; Argentina and Venezuela, "Article VI.A of the Statute — Proposal Submitted Jointly by Argentina and Venezuela" (GOV/COM.20/17/Rev.1/Add.1), IAEA, 8 June 1970.

84 IAEA Committee of the Whole to Review Article VI of the Statute (Committee 20), "Official Record of the Tenth Meeting" (GOV/COM.20/OR.10), IAEA, 20 February 1970. Paragraph 12; IAEA Committee of the Whole to Review Article VI of the Statute (Committee 20), "Official Record of the Eleventh Meeting" (GOV/COM.20/OR.11), IAEA, 8 June 1970.

85 IAEA Board of Governors, "Part of the Official Record of the Four Hundred and Twenty-Seventh Meeting (Addendum)" (GOV/OR.427/Add.1), IAEA, 10 June 1970. Paragraph 15.

86 IAEA Board of Governors, "Part of the Official Record of the Four Hundred and Twenty-Seventh Meeting (Addendum)" (GOV/OR.427/Add.1), IAEA, 10 June 1970. Paragraphs 21–22.

87 IAEA Board of Governors, "Part of the Official Record of the Four Hundred and Twenty-Seventh Meeting (Addendum)" (GOV/OR.427/Add.1), IAEA, 10 June 1970. Paragraph 25.

88 IAEA Board of Governors, "Part of the Official Record of the Four Hundred and Twenty-Seventh Meeting (Addendum)" (GOV/OR.427/Add.1), IAEA, 10 June 1970. Paragraph 49.

89 IAEA Board of Governors, "Official Record of the Four Hundred and Twenty-Eighth Meeting" (GOV/OR.428), IAEA, 11 June 1970; IAEA Board of Governors, "Amendment to Article VI" (GOV/1414), IAEA, 1970; IAEA Board of Governors, "Amendment to Article VI" (GOV/1416), IAEA, 1970; Mexico, "Amendment to Article VI" (GOV/1417), IAEA, 1970.

The debate, however, focused primarily on the two proposals initially tabled. The debate, however, focused primarily on the two proposals initially tabled.

GOV/1411, which the Soviet delegation described as a revival of the earlier Italian proposal, drew support from France, Canada, Brazil, the United States, Japan, Spain, Uruguay, Venezuela, Argentina, Nigeria and the United Kingdom. This proposal envisaged a Board of 33 members: raising designated seats from five to nine (plus a further three in practice, as the nine were to be the “most advanced in the technology of atomic energy”); and for elected seats, five elected from Latin America, four from Africa, four from Western Europe, three from Eastern Europe, two from West and South Asia, and one each from Southeast Asia and the Pacific, and the Far East, together with one additional floating seat.⁹⁰

GOV/1413, the Soviet-aligned alternative tied to GOV/COM.20/18, proposed a smaller Board of 31 members — ten designated and 21 elected — on the reasoning that a smaller Board gave proportionately greater weight to developing countries. The Soviet delegation warned that disturbing the “political balance” achieved by the original Article VI, negotiated with such difficulty in 1955 and 1956, risked discouraging Member States from acceding to the NPT.⁹¹ Czechoslovakia went further, arguing that the proposed amendment in GOV/1411 gave “undue weight to Western Europe in the permanent seats on the Board.”⁹²

Pakistan’s attempt at a compromise, GOV/1414, retained five “most advanced” designated seats, six further designated seats and 23 elected seats, while dropping the restriction on immediate re-election. Lebanon and the UAR (GOV/1416) and Mexico (GOV/1417) tabled still further variations, neither of which drew comment from other delegations when the Board reconvened later that month.⁹³

Unable to reconcile these positions, the July 1970 Board resolved to transmit all five proposals to the General Conference without a recommendation, noting that consensus had eluded five Board meetings and four meetings of Committee 20 since the process had begun in 1969.⁹⁴ The Director General’s accompanying note to the General Conference (GC(XIV)/437) summarised the Board’s discussions and reproduced the various proposals.

Of the Board’s 25 members, 23 submitted observations and 20 expressed support for the Western-backed proposal (GOV/1411). Only Czechoslovakia, Hungary and the Soviet Union spoke in favour of the Soviet alternative.⁹⁵

At the General Conference, Poland, Hungary and Czechoslovakia, proposed reducing the number of designated seats proposed in GOV/1411 from nine to seven and to convert two of Western Europe’s prospective designated seats into elected ones — “avoiding”, as Poland suggested, “the difficulty that would inevitably arise if two additional permanent seats were assigned to Western Europe.”⁹⁶ The amendment contained in GOV/1411 (later revised and resubmitted as GOV/1418) nonetheless was put to a vote and was approved, 54 in favour to nine against with 13 abstentions.⁹⁷

90 IAEA Board of Governors, “Amendment to Article VI” (GOV/1411), IAEA, 1970; IAEA Board of Governors, “Official Record of the Four Hundred and Twenty-Eighth Meeting” (GOV/OR.428), IAEA, 11 June 1970.

91 IAEA Board of Governors, “Amendment to Article VI, Tied to Document GOV/COM.20/18” (GOV/1413), IAEA, 1970; IAEA Board of Governors, “Review of Article VI of the Statute” (GOV/COM.20/18), IAEA, 19 February 1970; IAEA Board of Governors, “Official Record of the Four Hundred and Twenty-Eighth Meeting” (GOV/OR.428), IAEA, 11 June 1970.

92 IAEA Board of Governors, “Official Record of the Four Hundred and Twenty-Eighth Meeting” (GOV/OR.428), IAEA, 11 June 1970.

93 IAEA Board of Governors, “Amendment to Article VI” (GOV/1414), IAEA, 1970; IAEA Board of Governors, “Amendment to Article VI” (GOV/1416), IAEA, 1970; IAEA Board of Governors, “Amendment to Article VI” (GOV/1417), IAEA, 1970; IAEA Board of Governors, “Record of the Four Hundred and Twenty-Ninth Meeting” (GOV/OR.429), IAEA, 7 July 1970.

94 IAEA Board of Governors, “Record of the Four Hundred and Thirtieth Meeting” (GOV/OR.430), IAEA, 8 July 1970; IAEA General Conference, “Amendment of Article VI of the Statute” (GC(XIV)/437), IAEA, 1970. Available at: https://www.iaea.org/sites/default/files/gc/gc14-437_en.pdf.

95 IAEA General Conference, “One Hundred and Forty-Second Plenary Meeting” (GC(XIV)/OR.142), IAEA, 25 February 1971. Available at: https://www.iaea.org/sites/default/files/gc/gc14or-142_en.pdf.

96 Ibid

97 Ibid

Proposal	Designated seats	Elected seats	Other relevant information
Western/non-aligned bloc GOV/1411 (9 June 1970), revised and resubmitted as GOV/1418 (22 June 1970)	12 total: 9 members most advanced in nuclear technology, plus 1 further member from each area not already represented among the 9 (12 total in practice)	22 total: 20 by area (5 Latin America, 4 Western Europe, 3 Eastern Europe, 4 Africa, 2 MESA, 1 SEAP, 1 Far East), plus 1 further seat (MESA/SEAP/Far East), plus 1 further seat (Africa/MESA/SEAP).	No immediate re-election for the elected seats
Soviet bloc GOV/1413 (9 June 1970), adopting the text of GOV/COM.20/18 (19 February 1970)	Up to 12 total: 5 members most advanced, plus 1 further member from each area not represented	19–21 total: 4 [5] Latin America, 4 [5] Africa/Middle East, 3 Eastern Europe, 4 [5] Western Europe, and 1 each of the remaining areas except North America; the higher figures apply if the floating seat transfers to Western Europe	No immediate re-election for the elected seats
Pakistan GOV/1414 (10 June 1970)	Up to 13 total: 5 members most advanced, plus 1 further member from each area not represented	24 total: 23 by area (5 Latin America, 6 Western Europe, 3 Eastern Europe, 4 Africa, 3 MESA, 1 SEAP, 1 Far East), plus 1 further seat (Africa/SEAP/Far East)	Explicitly remove the restriction on immediate re-election
Lebanon–United Arab Republic GOV/1416 (19 June 1970)	10 total. Replace the designation mechanism with 10 seats elected annually by the outgoing Board: 2 North America, 1 Latin America, 2 Western Europe, 1 Eastern Europe, 1 Africa, 1 MESA, 1 SEAP, 1 Far East	23 total: 5 Latin America, 5 Western Europe, 3 Eastern Europe, 5 Africa, 3 MESA, 1 SEAP, 1 Far East	One member for each of 5 areas (Latin America, Western Europe, Eastern Europe, Africa, MESA) eligible for immediate re-election in the elected category
Mexico GOV/1417 (15 June 1970), resubmitting Mexico's 1969 memorandum GOV/COM.20/2 (reproduced in GOV/1322)	20 total: 5 members most advanced, plus 3 further members from each of 5 regional groupings	14 total	Eliminate the Statute's second “most advanced”) designated category entirely

Table 4. The proposals for Article VI amendments as they stood in 1970.

The IAEA Statute and Board Composition as of 1973

The amendment to Article VI entered into force on 1 June 1973, bringing the total Board membership to 34. The amendment removed the second category of designated seats, raising the total number of designated seats to twelve (nine plus three), raising the number of elected seats to 22 (20 plus two floating seats), making Africa its own group and combining the Middle East with South Asia (MESA).⁹⁸

Article VI.A.1: nine members most advanced in the technology of atomic energy including the production of source materials, and the member most advanced in the technology of atomic energy including the production of source materials in each of the following areas in which none of the aforesaid nine is located: (1) North America; (2) Latin America; (3) Western Europe; (4) Eastern Europe; (5) Africa; (6) MESA; (7) South East Asia and the Pacific (SEAP); (8) Far East.

Article VI.A.2: 20 members elected by the General Conference “with due regard to equitable representation on the Board as a whole of the members in the areas listed in sub-paragraph A-I of this article, so that the Board shall at all times include in this category five representatives of the area of Latin America, four representatives of the area of Western Europe, three representatives of the area of Eastern Europe, four representatives of the area of Africa, two representatives of the area of the Middle East and South Asia, one representative of the area of South East Asia and the Pacific, and one representative of the area of the Far East.” In addition: (1) one further member from the Middle East and South Asia, South East Asia and the Pacific; and (2) one further member from Africa, MESA or SEAP.

The Members of the Board immediately after the 1973 General Conference were:

VI.A.1 ⁹⁹	“most advanced in the technology of atomic energy...” and “most advanced [...] in which none of the aforesaid nine is located”	Australia, Brazil, Canada, France, Germany (Federal Republic of), India, Italy, Japan, South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America (12)
VI.A.2 ¹⁰⁰	22 members elected by the General Conference “with due regard to equitable representation on the Board as a whole”	Algeria, Argentina, Bulgaria, Chile, Costa Rica, Czechoslovakia, Denmark, Gabon, Ghana, Hungary, Indonesia, Ireland, Lebanon (floating), Mexico, Pakistan, Peru, Philippines (floating), Republic of Korea, Saudi Arabia, Sudan, Sweden, Switzerland (22)
Total Board composition: 34		

Table 5. Composition of the IAEA Board of Governors in September 1973, following the General Conference.

98 IAEA General Conference, “Amendment of Article VI of the Statute” (GC(XIV)/RES/272), IAEA, 5 October 1970. Available at: https://www.iaea.org/sites/default/files/gc/gc14res-272_en.pdf.

99 IAEA Board of Governors, “Election of Members to the Board of Governors” (GC(XVII)/502), IAEA, 12 July 1973. Available at: https://www.iaea.org/sites/default/files/gc/gc17-502_en.pdf.

100 IAEA General Conference, “Election of Members to the Board of Governors” (GC(XVII)/DEC/10), IAEA, 24 September 1973. Available at: https://www.iaea.org/sites/default/files/gc/gc17dec-10_en.pdf; IAEA General Conference, “Election of Members to the Board of Governors — Note by the Director General” (GC(XVII)/GEN/43), IAEA, 17 September 1973. Available at: https://www.iaea.org/sites/default/files/gc/gc17gen-43_en.pdf.



The Chinese delegation during the 1984 General Conference. Vienna, Austria. 24 September 1984. Credit: IAEA.

The Third Expansion: “A Long and Tiresome Journey” (1977 – 1999)

Pressure to revisit the Board’s elected seats resurfaced within four years of the amendment’s entry into force. Between 1977 and 1999, negotiations on further expanding the Board became more arduous, intensive and eventually repetitive. The debate largely focused on the number and composition of elected seats, though one amendment regarding designated seats was quickly and quietly approved in 1984. In this midst of this process, one delegate reflected that the question had been “making a long and tiresome journey between the Board and the General Conference”.¹⁰¹

The 1977–1978 Proposal to Amend Article VI.A.2

In 1977, Bangladesh, Egypt, Libya, Nigeria and Pakistan proposed an amendment to Article VI.A.2 to raise the number of elected seats from 20 to 25 (hereafter, the “Africa/MESA proposal”).¹⁰² The proposed amendment would mean five seats for Latin America (GRULAC), four for Western Europe, three for Eastern Europe, seven for Africa, four for MESA, one for SEAP and one for the Far East, for a Board of 39 members in total. The amendment would also abolish the restriction on immediate re-election for elected seats.

¹⁰¹ IAEA Board of Governors, “Record of the Six Hundred and Twenty-Fifth Meeting” (GOV/OR.625), IAEA, 8 June 1984. Paragraph 48.

¹⁰² IAEA General Conference, “Amendment of Article VI.A.2 of the Statute — Note by the Director General” (GC(XXI)/584), IAEA, 1 August 1977. Annexes I–II. Available at: https://www.iaea.org/sites/default/files/gc/gc21-584_en.pdf.

In proposing this amendment, Pakistan pointed out that “the average rotation interval for the areas of Africa and of the Middle East and South Asia was over nine years and for the other six areas less than six years.”¹⁰³ The United Kingdom was sceptical that a larger Board would remain efficient and doubted that Member States would even want the added burden of membership. The United States and Canada likewise opposed lifting the restriction on immediate re-election. The Group of 77 (G-77) pushed back on this last point in particular, noting that no other international organisation imposed such a restriction and that it treated elected members unequally as compared to designated ones.¹⁰⁴

Rather than establish another ad hoc committee, the Board opted to pursue the matter informally, “at the direction of the Chairman of the Board.”¹⁰⁵ In June 1977, the Chair reported broad sympathy for increasing the representation of developing countries on the one hand and, on the other, concern that the time was not yet ripe and that accommodating Africa and MESA might simply invite every other area to press its own case. The Chair proposed that he and the two Vice-Chairs work with the Legal Division on the Africa/MESA proposal specifically.¹⁰⁶

The case for the Africa/MESA proposal rested on simple arithmetic: “the area of Africa, with 25 Member States out of a total of 109, had only 15% of the seats on the Board; the area of [MESA], with 16 Member States, had only 10% of the seats on the Board.”¹⁰⁷ A parallel debate over the size of the Board (e.g. efficiency versus inclusiveness) ran alongside the numerical arguments. During the Board’s June 1977 meetings, a further procedural question arose as to whether a draft resolution could even be forwarded to the General Conference under Rule 100 of its Rules of Procedure, given its proximity to the General Conference dates. The Legal Division advised that, while the General Conference could suspend Rule 100, doing so risked undermining the 90-day advance-notice requirement for statutory amendments under Article XVIII.A of the Statute.¹⁰⁸

The 1977 General Conference ultimately asked the Board only to “give further consideration” to the matter and to submit observations ahead of the 1978 session, the co-sponsors of the Africa/MESA proposal having by then spent nine months on informal consultations and consideration at both the February and June Board meetings.¹⁰⁹

In the ensuing debate, the United States argued that “the degree of advancement in the technology of atomic energy” and “the financial support given to the Agency’s programme” ought to weigh alongside geography.¹¹⁰ Niger rejected the premise outright: “It would be absurd if the regions of “Africa” and “[MESA]”, which included the principal producers of uranium, had not the means to make themselves heard in the Board.”¹¹¹

¹⁰³ Ibid.

¹⁰⁴ IAEA General Conference, “Amendment of Article VI.A.2 of the Statute — Note by the Director General” (GC(XXI)/584), IAEA, 1 August 1977. Annex IV, Four Hundred and Ninety-Fifth Meeting, 23 February 1977. Paragraphs 64–67. Available at: https://www.iaea.org/sites/default/files/gc/gc21-584_en.pdf.

¹⁰⁵ IAEA General Conference, “Amendment of Article VI.A.2 of the Statute — Note by the Director General” (GC(XXI)/584), IAEA, 1 August 1977. Annex IV, Four Hundred and Ninety-Sixth Meeting, 24 February 1977. Paragraphs 32–33. Available at: https://www.iaea.org/sites/default/files/gc/gc21-584_en.pdf.

¹⁰⁶ IAEA General Conference, “Amendment of Article VI.A.2 of the Statute — Note by the Director General” (GC(XXI)/584), IAEA, 1 August 1977. Annex IV, Four Hundred and Ninety-Ninth Meeting, 15 June 1977. Paragraphs 33–61. Available at: https://www.iaea.org/sites/default/files/gc/gc21-584_en.pdf.

¹⁰⁷ Ibid.

¹⁰⁸ IAEA General Conference, “Amendment of Article VI.A.2 of the Statute — Note by the Director General” (GC(XXI)/584), IAEA, 1 August 1977. Annex IV, Five Hundred and Second Meeting, 17 June 1977 (morning). Paragraphs 17–18; Five Hundred and Third Meeting, 17 June 1977 (afternoon). Paragraphs 1–9. Available at: https://www.iaea.org/sites/default/files/gc/gc21-584_en.pdf.

¹⁰⁹ IAEA General Conference, “Amendment of Article VI.A.2 of the Statute” (GC(XXI)/RES/353), IAEA, 30 September 1977. Available at: https://www.iaea.org/sites/default/files/gc/gc21res-353_en.pdf.

¹¹⁰ IAEA General Conference, “Amendment of Article VI.A.2 of the Statute” (GC(XXI)/COM.5/OR.5), IAEA, 28 September 1977. Paragraphs 45–51. Available at: https://www.iaea.org/sites/default/files/gc/gc21com5or-5_en.pdf.

¹¹¹ IAEA General Conference, “Amendment of Article VI.A.2 of the Statute” (GC(XXI)/COM.5/OR.5), IAEA, 28 September 1977. Paragraph 54. Available at: https://www.iaea.org/sites/default/files/gc/gc21com5or-5_en.pdf.

Bangladesh was blunter still, remarking that the United States “had discovered a new definition of equitable geographical distribution which relied on abundance of technical knowledge.”¹¹² Belgium pointed to the Agency’s shifting priorities from the promotion of peaceful uses toward non-proliferation, while the Philippines observed that, when Article VI was first negotiated, “the Board could not have known what amplitude the Treaty and the safeguards which it called for were going to acquire.”¹¹³

Amid these exchanges, Yugoslavia tabled a compromise proposal that, with amendments, would prove more durable than the Africa/MESA proposal. At the following meeting, the resolutions tabled by Pakistan and the Latin American countries were both withdrawn in its favour.¹¹⁴

The debate carried into 1978 largely unchanged. Pakistan argued that the interval since the last amendment should not be thought of as an obstacle. The first amendment had come four years after the Agency’s founding, the second nine years after that and a third amendment in 1978 would follow the second by only eight years: “an interval of that duration could not be regarded as too short.”¹¹⁵ Canada disagreed, maintaining that the case for enlarging the Board “to provide more representation” had still not been made.¹¹⁶ The co-sponsors scaled back their ask, from three additional seats for Africa and two for MESA to one additional seat for each area, but even the reduced proposal could not attract consensus. The 1978 General Conference, once again, called for “further consideration” and observations.¹¹⁷

Senegal offered a memorable summary of the state of play in the General Conference’s general debate, lamenting a discussion that had “given rise to such a wealth of sophisms, with the supporters of equity advocating the very contrary thereof, the champions of democracy showing that the representation of a country depended on financial and other factors, the defenders of historical materialism insisting on stability and the revolutionaries providing every evidence of conservatism”. Senegal added that those who insisted an increase in Board membership required unanimity should recall that the 1970 amendment had been adopted by a vote.¹¹⁸

Consultations Without End (1979–1981)

The following three years settled into a pattern that would recur for the rest of the decade: consideration at the Board’s regular sessions, a report to the General Conference and a resolution asking for more consultations. At the 1979 General Conference, Tanzania complained that “discussion of this issue of amendment of Article VI.A.2, simple as it appears, was taking a disproportionate amount of the Board’s time”.¹¹⁹ The General Conference nonetheless adopted essentially the same resolution as the year before.

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ IAEA General Conference, “Amendment of Article VI.A.2 of the Statute” (GC(XXI)/COM.5/OR.7), IAEA, 29 September 1977. Paragraphs 22–23. Available at: https://www.iaea.org/sites/default/files/gc/gc21com5or-7_en.pdf.

¹¹⁵ IAEA General Conference, “Amendment of Article VI.A.2 of the Statute — Note by the Director General” (GC(XXII)/602), IAEA, 7 September 1978. Annex I, Five Hundred and Thirteenth Meeting, 22 February 1978. Paragraphs 2–5. Available at: https://www.iaea.org/sites/default/files/gc/gc22-602_en.pdf.

¹¹⁶ IAEA General Conference, “Amendment of Article VI.A.2 of the Statute — Note by the Director General” (GC(XXII)/602), IAEA, 7 September 1978. Annex I, Five Hundred and Twentieth Meeting, 9 June 1978. Paragraph 55. Available at: https://www.iaea.org/sites/default/files/gc/gc22-602_en.pdf.

¹¹⁷ IAEA General Conference, “Amendment of Article VI.A.2 of the Statute” (GC(XXII)/RES/361), IAEA, 22 September 1978. Available at: https://www.iaea.org/sites/default/files/gc/gc22res-361_en.pdf.

¹¹⁸ IAEA General Conference, “Amendment of Article VI.A.2 of the Statute” (GC(XXII)/COM.5/OR.11), IAEA, January 1979. Eleventh Meeting, 21 September 1978. Paragraph 29. Available at: https://www.iaea.org/sites/default/files/gc/gc22com5or-11_en.pdf; and (GC(XXII)/COM.5/OR.12), IAEA, January 1979. Twelfth Meeting, 21 September 1978. Paragraph 4. Available at: https://www.iaea.org/sites/default/files/gc/gc22com5or-12_en.pdf.

¹¹⁹ IAEA General Conference, “Amendment of Article VI.A.2 of the Statute — Note by the Director General” (GC(XXIII)/616), IAEA, 16 November 1979. Five Hundred and Thirty-Fourth Meeting, 28 June 1979. Paragraph 9. Available at: https://www.iaea.org/sites/default/files/gc/gc23-616_en.pdf.

In 1980, Egypt continued to press for the 1977 Africa/MESA proposal. Never having been put to a vote, it remained, at least in principle, on the table. Pakistan, for its part, continued to push for its own compromise formula. Saudi Arabia raised the possibility, apparently floated at the 1979 General Conference, of carving a separate area out of MESA, though the Saudi delegation itself was not persuaded of the idea.¹²⁰

At the June 1980 Board, the Chairman identified four camps: Pakistan's "one-plus-one" proposal (one additional seat for Africa and one for MESA); a larger group favouring "three-plus-two" (three additional seats for Africa and two for MESA); others calling for a total reassessment of Article VI; and a fourth group who were undecided. Saudi Arabia appealed for the same goodwill that had allowed the Board to agree on targets for voluntary contributions so quickly the previous day, while Pakistan expressed concern that continued inaction might force a wholesale review of the Board's composition.¹²¹ The year again ended with further informal consultations and an unchanged resolution.

By 1981, the rhythm was well established: talk, record, refer to the General Conference, defer. Pakistan warned that the 1980 General Conference "had merely referred it to the Board again" and that continued delay might force an increase "more dramatically, so that in the end it would have more than 40 seats."¹²² The United States, with Canada and several others, had by now become explicit that the Board did not need enlarging at all, noting that it was already among the largest bodies of its kind in the UN system.

The underlying stalemate was, by this point, structural rather than merely rhetorical. Africa and MESA wanted expansion, GRULAC wanted a study but was broadly sympathetic, while the industrialised States largely saw no problem to solve. The 1981 General Conference again received the Board's records and asked the Chairman to continue consultations.¹²³

The Spanish Proposal and the Turn to 'Article VI as a Whole' (1982–1984)

By 1982, the Board Chair was prepared to state openly what the preceding five years had already demonstrated: there existed "no formula or set of ideas — including the two formal proposals for amendment that have already been submitted to the General Conference — that could find general favour as a possible solution to this issue". He further explained that "opinions vary not only from one geographical area group to another but sometimes even within a single group", such that "the difficulties and frustrations experienced so far on this issue are leading to undesirable tension."¹²⁴

Zambia and Malaysia both signalled a new openness to alternatives, while Malaysia noted that the dispute "tended to disrupt the harmony of relations between developed and developing countries in the Agency."¹²⁵ It was against this backdrop that Spain and Panama first suggested amending Article VI as a whole rather than through piecemeal changes to Article VI.A.2.

120 IAEA General Conference, "Amendment of Article VI.A.2 of the Statute — Note by the Director General" (GC(XXIV)/632), IAEA, 31 July 1980. Five Hundred and Forty-Fifth Meeting, 6 March 1980. Paragraphs 61–71. Available at: https://www.iaea.org/sites/default/files/gc/gc24-632_en.pdf.

121 Ibid. Five Hundred and Fifty-Second Meeting, 19 June 1980. Paragraphs 21–22; Five Hundred and Fifty-Third Meeting, 20 June 1980. Paragraph 18.

122 IAEA General Conference, "Amendment of Article VI.A.2 of the Statute" (GC(XXV)/649), IAEA, 14 August 1981. Five Hundred and Sixty-Eighth Meeting, 12 June 1981. Paragraphs 160–161. Available at: https://www.iaea.org/sites/default/files/gc/gc25-649_en.pdf.

123 IAEA General Conference, "Amendment of Article VI.A.2 of the Statute" (GC(XXV)/RES/389), IAEA, 20 October 1981. Available at: https://www.iaea.org/sites/default/files/gc/gc25res-389_en.pdf.

124 IAEA General Conference, "Amendment of Article VI.A.2 of the Statute — Report by the Board of Governors" (GC(XXVI)/670), IAEA, 10 August 1982. Annex I, Statement made by the Chairman of the Board of Governors, 11 June 1982. Available at: https://www.iaea.org/sites/default/files/gc/gc26-670_en.pdf.

125 IAEA General Conference, "Amendment of Article VI.A.2 of the Statute — Report by the Board of Governors" (GC(XXVI)/670), IAEA, 10 August 1982. Annex II, 590th Meeting, 25 February 1982. Paragraph 65. Available at: https://www.iaea.org/sites/default/files/gc/gc26-670_en.pdf.

Nigeria called the cycle of consultations and deferrals a “vicious circle” and proposed redistributing existing seats rather than adding new ones.¹²⁶

Spain tabled its own proposal that June: designated and elected seats alike would be calculated by dividing total IAEA membership by a factor to be agreed by the Board and applied equally across all areas, with one additional designated seat on top. Designated seats would go to Member States that, “according to information available to and verified by the Agency, had the greatest nuclear power generating capacity” at the end of the preceding year. SEAP and the Far East would be combined into one area under the proposal.¹²⁷ Spain projected that, based on this formula, 20 members would qualify for designation in 1983 and 23 by 1987, with a parallel growth in elected seats. This envisaged a Board that would grow automatically with the Agency’s own membership, reaching roughly 43 seats.¹²⁸

In 1983, Zambia registered its frustration that “the initial issue, which had been simply one of correcting an imbalance in the composition of the Board, had become the thorny problem of amending Article VI as a whole.”¹²⁹ Developing countries largely ignored the Spanish proposal and continued to press for the formula in the Africa/MESA proposal. The United States reiterated its position on balancing technological advancement and geographic distribution, though by now without the financial contribution factor it had proposed in 1977.¹³⁰

Egypt offered a historical illustration of the underlying grievance that would continue to recur: “in 1957, out of 60 Members of the Agency, 23 had been represented on the Board; in 1963, out of 75, 25 had been represented; and in 1973, out of 103, 34 Members had been represented”, meaning a steadily shrinking proportion of the membership with a seat at the table.¹³¹

Quiet Amendment Amid the Impasse: Article VI.A.1 and the Seat for China (1984)

By 1984, the issues associated with the elected seats had been on the Board’s and the General Conference’s agenda for seven consecutive years without resolution. That same year, and with none of the acrimony associated with Article VI.A.2 on elected seats, the Board agreed “unanimously and even without any discussion” to recommend to the General Conference an amendment to Article VI.A.1 on designated seats. This amendment was to accommodate accession by the People’s Republic of China to the Agency and its consequent entitlement to a designated seat.¹³² The 1984 General Conference adopted the amendment without the difficulties that had characterised every attempt to address Article VI since 1977. Though the amendment did not enter into force until 1990, China has held a designated Board seat since 1984, bringing Board membership to 35.¹³³

The contrast between this amendment and the long fight over elected seats was not lost on delegations. Pakistan warned that “if a modest increase in the number of seats for the [Africa and MESA] were not agreed to, the Board would have to face the question of a much bigger increase. That moment had now arrived.”¹³⁴

¹²⁶ Ibid. Annex II, 590th Meeting, 25 February 1982. Paragraphs 82–84.

¹²⁷ Ibid. Annex II, 596th Meeting, 11 June 1982. Paragraph 114.

¹²⁸ Ibid.

¹²⁹ IAEA General Conference, “Amendment of Article VI.A.2 of the Statute — Report by the Board of Governors” (GC/XXVII/689), IAEA, 19 August 1983. Annex, 604th Meeting, 24 February 1983. Paragraph 35. Available at: https://www.iaea.org/sites/default/files/gc/gc27-689_en.pdf.

¹³⁰ Ibid. Annex, 611th Meeting, 10 June 1983. Paragraph 52.

¹³¹ Ibid.

¹³² IAEA Board of Governors, “Record of the Six Hundred and Twenty-Fifth Meeting” (GOV/OR.625), IAEA, 8 June 1984. Paragraph 57.

¹³³ IAEA Board of Governors, “Record of the Six Hundred and Twenty-Fifth Meeting” (GOV/OR.625), IAEA, 8 June 1984; IAEA Board of Governors, “Amendment of Article VI.A.1 of the Statute: Explanatory Memorandum” (GOV/2169), IAEA, 1 June 1984.

¹³⁴ IAEA General Conference, “Amendment of Article VI.A.2 of the Statute — Report by the Board of Governors” (GC/XXVIII/728), IAEA, 24 September 1984. Annex, 625th Meeting, 8 June 1984. Paragraphs 75, 79. Available at: https://www.iaea.org/sites/default/files/gc/gc28-728_en.pdf.

The Philippines, responding to renewed calls (Italy among them) to consider Article VI in its entirety, worried aloud about an “escalation of expectation” among those seeking a comprehensive revision that might be followed by “an escalation of frustration” for those who did not want the Board’s existing balance of areas disturbed.¹³⁵ Canada, meanwhile, questioned the propriety of reopening the question of elected seats so soon after the Board had just agreed to add a new designated one for China.¹³⁶

Two Agenda Items: The Spanish and Italian Proposals (1985–1987)

Starting in 1985, the General Conference’s agenda on Article VI was formally split into two: one item on Article VI.A.2, tied to an annual resolution, and a second, more open-ended item on Article VI as a whole.¹³⁷ Spain’s proposal evolved again, settling on a total of 44 seats, which found qualified support from Belgium.¹³⁸

At the pre-General Conference September 1985 Board, reactions diverged along familiar lines. Egypt thanked Spain but insisted that Article VI.A.2 still required attention first. Chile warned that the Spanish proposal would reduce GRULAC’s relative representation. Indonesia noted that SEAP and the Far East would be left unchanged. Finally, some African and MESA delegations judged the Spanish proposal to be at least a step in the right direction, pending separate progress on Article VI.A.2.¹³⁹

Belgium argued that the Spanish formula, described in document GOV/2217, might be “the only way out”, since it “preserved the main balances within the Board and provide[d] for maintenance of the ‘blocking third’, without which — however regrettable that might seem — no proposal for revision had any chance of success”¹⁴⁰. The Soviet Union, by contrast, saw “no sufficient justification for adopting the radical measures proposed in document GOV/2217, which could have serious consequences.”¹⁴¹

In August 1986, Italy tabled its own proposal (GOV/2262), described below, which was co-sponsored by Belgium, Spain and Sweden (and later Portugal).¹⁴² Italy warned that any further delay, “particularly in the present very delicate and important stage in the life of the Agency [...] could lead to a situation of tension and serious discontent among a number of Member States whose co-operation was essential.”¹⁴³

An informal working group, established by the 1986 General Conference and chaired by Mexico, met six times over the following year with participants from 30 Member States, submitting its report in 1987 (GC(XXXI)/806).¹⁴⁴

¹³⁵ Ibid.

¹³⁶ Ibid.

¹³⁷ IAEA Board of Governors, “Revision of Article VI of the Statute as a Whole: Explanatory Memorandum” (GOV/2187), IAEA, 10 January 1985.

¹³⁸ IAEA Board of Governors, “Explanatory Memorandum”, Annex II to IAEA Board of Governors, “Revision of Article VI of the Statute as a Whole: Note by the Secretariat” (GOV/2217), IAEA, 1 July 1985.

¹³⁹ IAEA Board of Governors, “Record of the Six Hundred and Forty-Third Meeting” (GOV/OR.643), IAEA, 20 September 1985.

¹⁴⁰ IAEA Board of Governors, “Record of the Six Hundred and Forty-Third Meeting” (GOV/OR.643), IAEA, 20 September 1985. Paragraph 35.

¹⁴¹ IAEA Board of Governors, “Record of the Six Hundred and Forty-Third Meeting” (GOV/OR.643), IAEA, 20 September 1985. Paragraph 48.

¹⁴² IAEA Board of Governors, “Article VI of the Statute” (GOV/2262), IAEA, 7 August 1986; IAEA Board of Governors, “Article VI of the Statute (Addendum)” (GOV/2262/Add.1), IAEA, September 1986.

¹⁴³ IAEA Board of Governors, “Record of the Six Hundred and Fifty-Ninth Meeting” (GOV/OR.659), IAEA, 23 September 1986. Paragraph 61

¹⁴⁴ IAEA General Conference, “Report of the Informal Working Group on Article VI of the Statute” (GC(XXXI)/806), IAEA, 1987. Available at: https://www.iaea.org/sites/default/files/gc/gc31-806_en.pdf.

In that context, the United States circulated a paper cataloguing its concerns about a 44-member Board: heavier pressure on whoever chaired the Board to conduct effective consultations; the difficulty of reaching consensus among more members; the risk that an “executive body” might drift toward becoming a “legislative” one at the General Conference’s expense; increased reliance on negotiation among the Board’s three broad political groupings; higher administrative costs; and greater scheduling difficulty.¹⁴⁵

Italy, Belgium, Portugal, Spain and Sweden countered with a paper of their own, arguing that a larger Board would satisfy Africa and MESA, strengthen the responsibility of those groups, satisfy Western Europe, bring in more medium-sized non-nuclear-weapon States, recognise additional nuclear-capable States in Eastern Europe and GRULAC, improve transparency, ease pressure on the Chair and do all of this without disturbing the Board’s existing balance.¹⁴⁶

The Italian proposal, GOV/2262, called for 17 designated members (two from North America, one from GRULAC, seven from Western Europe, two from Eastern Europe, two from the Far East and one each from Africa, MESA and SEAP) and 26 elected members, plus a further floating seat, for 44 in total.¹⁴⁷ The Spanish proposal, by contrast, called for 20 designated members, 23 elected members and a floating seat, also for a total of 44.¹⁴⁸ Argentina tabled a further “simplified” proposal consolidating the Board’s eight areas into six, envisaging a smaller Board of 38, with 15 designated and 23 elected.¹⁴⁹ Speaking to the underlying rationale shared by all three proposals, Spain observed that “different States had made progress in the uses of nuclear energy and now wanted to assume some responsibility and play a greater role in international life”, and cautioned that it “may even be dangerous to ignore that wish.”¹⁵⁰

145 IAEA Board of Governors, “Paper on Board Enlargement”, Annex to IAEA General Conference, “Report of the Informal Working Group on Article VI of the Statute” (GC(XXXI)/806), IAEA, 1987. Available at: https://www.iaea.org/sites/default/files/gc/gc31-806_en.pdf.

146 IAEA Board of Governors, “Paper on Board Enlargement”, Annex to IAEA General Conference, “Report of the Informal Working Group on Article VI of the Statute” (GC(XXXI)/806), IAEA, 1987. Available at: https://www.iaea.org/sites/default/files/gc/gc31-806_en.pdf.

147 IAEA Board of Governors, “Article VI of the Statute” (GOV/2262), IAEA, 7 August 1986; IAEA Board of Governors, “Article VI of the Statute (Addendum)” (GOV/2262/Add.1), IAEA, September 1986.

148 IAEA Board of Governors, “Amendment to Article VI of the Statute Proposed by Spain” (GC(XXIX)/752), IAEA, 1 July 1985. Annex I Available at: https://www.iaea.org/sites/default/files/gc/gc29-752_en.pdf; IAEA Board of Governors, “Amendment to Article VI of the Statute,” (GC(XXX)/780), IAEA, 14 August 1986. Annex.

149 IAEA General Conference, “Revision of Article VI of the Statute as a Whole — Report by the Board of Governors” (GC(XXXI)/806), IAEA, 4 August 1987. Attachment 1, Annex 6, Informal Proposal Submitted by a Participant from Argentina, “A Simplified Version of Article VI of the Statute.” Available at: https://www.iaea.org/sites/default/files/gc/gc31-806_en.pdf.

150 Ibid. Attachment 2, 678th Meeting, 13 June 1987. Paragraph 77.

Proposal	Designated seats	Elected seats	Other relevant information
Spain GOV/2217 (1 July 1985)	20 total: 2 North America, 2 Latin America, 7 Western Europe, 2 Eastern Europe, 2 Africa, 2 MESA, 1 SEAP, 2 Far East	24 total: 23 by area (5 Latin America, 4 Western Europe, 3 Eastern Europe, 6 Africa, 3 MESA, 1 SEAP, 1 Far East), plus 1 further seat rotating between SEAP and Far East	Board of 44 total. Retain the restriction on immediate re-election for the elected seats
Italy, Belgium, Spain and Sweden (later also Portugal) GOV/2262 (7 August 1986)	17 total: 2 North America, 1 Latin America, 7 Western Europe, 2 Eastern Europe, 1 Africa, 1 MESA, 1 SEAP, 2 Far East	27 total: 26 by area (6 Latin America, 4 Western Europe, 3 Eastern Europe, 7 Africa, 4 MESA, 1 SEAP, 1 Far East), plus 1 further seat rotating between SEAP and Far East	Board of 44 total. Retain the restriction on immediate re-election for the elected seats
Argentina, "simplified" proposal	15 total: consolidates the Board's 8 areas into 6	23 total	Board of 38 total

Table 6. Proposals under consideration for amendment of Article VI in 1985 and 1986.

The 1988 Informal Working Group and the Limits of Reform

The working group chaired by Mexico gave way to a second informal working group established by the 1987 General Conference and chaired by Brazil, which met nine times over the course of the year.¹⁵¹ By then, interest in Article VI.A.2 itself appeared to be waning. At the September Board meeting preceding the General Conference, Colombia observed that the working group's own report "contained no specific recommendations to alter the composition of the Board".¹⁵² The Philippines restated a more fundamental objection to the whole enterprise of designated seats: "Differentiation in membership, such as in the Board of the IAEA, a body which was open to membership of all States, could not be justified. The small group that had originally negotiated the Statute had seen the matter differently."¹⁵³

The working group organised its efforts around three considerations relevant to any future expansion: the Board's political balance; the equitable representation of Member States; and the Board's continued effectiveness and efficiency as an executive body. The working group also considered the criteria for designation under Article VI.A.1, the restriction on immediate re-election under Article VI.A.2, and the geographic areas specified in Article VI itself.¹⁵⁴ Annex 1 to its report described six possible models for apportioning Board seats:

- By the number of Member States in each area;
- By population;
- By level of nuclear power development;
- By nuclear research capability;
- By level of source-material production; and
- By assessed financial contribution.

¹⁵¹ IAEA Board of Governors, "Establishment of a Second Informal Working Group on Article VI of the Statute" (GOV/2364), IAEA, 1988.

¹⁵² IAEA Board of Governors, "Record of the Seven Hundred and Second Meeting" (GOV/OR.702), IAEA, 15 September 1988.

¹⁵³ IAEA Board of Governors, "Record of the Seven Hundred and Second Meeting" (GOV/OR.702), IAEA, 15 September 1988. Paragraphs 29–30.

¹⁵⁴ IAEA General Conference, "Revision of Article VI of the Statute as a Whole" (GC(XXXII)/851), IAEA, 19 September 1988. Appendix 1, Report of the Informal Working Group. Paragraphs 5–6. Available at: https://www.iaea.org/sites/default/files/gc/gc32-851_en.pdf.

One of the conclusions contained in its report was that “the foregoing analysis demonstrates the futility of adopting any single factor as the ‘touchstone’ for achieving an ideal composition for the IAEA Board of Governors.”¹⁵⁵ The only concrete result from the working group was the decision to open the Technical Assistance and Co-operation Committee and the Administrative and Budget Committees to non-Board members, which the Board could do on its own authority without amending the Statute.¹⁵⁶

By the end of 1988, eleven years of consultation on Article VI.A.2 had produced two competing proposals, a substantial paper trail and no amendment.

Continued Consultations and the Chair’s Package (1988–1997)

The pattern of annual deferral continued into the 1990s. In October 1993, the General Conference requested the Board to re-establish the informal working group and to submit a report on its deliberations. The Director General also reported on the work on Article VI the following August.¹⁵⁷ In September 1994, the Board took up a further memorandum on amending Article VI.A.2 in response to resolution to the General Conference’s resolution of the preceding year, which had requested the Board to “continue to conduct consultations with Member States” and report back.¹⁵⁸ The same instruction, in substantially the same words, recurred in GC(XXXVIII)/RES/14 (1995) and GC(39)/RES/21 (1996), each generating its own report and each producing, in essence, an instruction to keep talking.¹⁵⁹

A related but narrower issue — the composition of the regional groups, as distinct from the number of seats themselves — was addressed in the 1996 report by the Director General.¹⁶⁰ This dispute came to a head during the General Conference that year. Unable to secure consensus on a formal resolution, the General Conference President instead read into the record an agreed statement, reached through informal consultations, that “reiterate[d] the principle of the sovereign equality of all Member States of the Agency, as provided for in Article IV.C of the Statute” and affirmed that this principle required every Member State to sit within one of the areas listed in Article VI.A.1.

Iran and Pakistan objected that the statement, though it avoided naming Israel, amounted in substance to an unadopted 1995 Israeli draft resolution on the same subject. Morocco, defending the statement, reached for a pointed historical parallel: South Africa, had been excluded from the Africa Group throughout apartheid and welcomed back once it ended, “a fine example,” Morocco’s ambassador told the Conference, “for Israel to follow in its relations with its neighbours.”¹⁶¹

In September 1996, the Board endorsed the re-appointment of the Chairman of the Open-ended Consultative Group on Article VI, the body through which this decade of consultation was principally conducted. Over the following months the Chair pursued, in their own description, “an intense process of consultations both within the Open-ended Consultative Group and outside it”, on the premise that any solution would have to be reached by consensus.¹⁶²

155 Ibid. Appendix 1, Annex 1, “‘Equitable Representation’ under IAEA Statute Article VI: Some Factors for Assessment.”

156 Ibid. Appendix 1. Paragraph 18.

157 Director General of the IAEA, “Article VI of the Statute — Revision of Article VI as a Whole” (GOV/2745), IAEA, 4 August 1994.

158 Director General of the IAEA, “Article VI of the Statute — Amendment of Article VI.A.2” (GOV/2760), IAEA, 8 September 1994.

159 Director General of the IAEA, “Amendment of Article VI of the Statute” (GOV/2814), IAEA, 8 June 1995; Director General of the IAEA, “Article VI of the Statute (b) Amendment of Article VI” (GOV/2880), IAEA, 9 September 1996.

160 Director General of the IAEA, “Article VI of the Statute (b) Composition of Regional Groups — Report by the Director General on the Implications of Draft Resolution GC(39)/COM.5/10” (GOV/2864), IAEA, 10 May 1996.

161 IAEA General Conference, “Record of the Tenth Plenary Meeting” (GC(40)/OR.10), IAEA, 20 September 1996. Paragraphs 75, 79–88. Available at: https://www.iaea.org/sites/default/files/gc/gc40or-10_en.pdf.

162 IAEA Board of Governors, “Review of Article VI of the Statute” (GOV/2918), IAEA, 30 April 1997. Paragraphs 3–4.

In parallel, an Open-ended Expert Group established by the Board in 1995 had been developing criteria and indicators for designating Board members under Article VI.A.1 since June 1995. The Board Chair reported that the “a fair measure of support” had been achieved on the criteria themselves but the Group could not agree on how the criteria should be weighted against one another.¹⁶³

In April 1997, the Board Chair informed sitting Governors that these three separate efforts looking at the size and composition of the Board (the Open-ended Consultative Group on Article VI), the criteria for designation (Open-ended Expert Group), and the assignment of every Member State to one of the eight areas listed in Article VI.A.1 (conducted by the Board Chair in informal consultations) had become entangled. The Chair proposed that the issues discussed in each effort should be resolved together and put to the Board a “package proposal” combining all three.¹⁶⁴

- The size-and-composition element, tabled formally by Canada, would abolish the “globally advanced” designated category, add four designated seats and a net two elected seats, bringing the Board from 35 members to 41.¹⁶⁵
- The Board would adopt the list of indicators developed by the Open-ended Expert Group as non-binding guidelines for future designations.
- A list would be developed assigning each Member State of the Agency to an area “on the basis of geographic proximity”.

The Board Chair considered this third element unavoidable, since a Member State outside any area would be ineligible for Board membership, “contrary to the principle of sovereign equality of all Member States [...] enshrined in Article IV.C.”¹⁶⁶ He was explicit that the three elements formed “a carefully balanced package” that would take effect together or not at all, and only once the underlying amendment itself entered into force.¹⁶⁷

The package did not hold. Sudan, speaking on behalf of the African Group, at the Board meeting in June 1997 tabled its own formal amendment to Article VI.A. This was followed later in June by an alternative text submitted on behalf of the African Group pursuant to Article XVIII.A of the Statute, which requires proposed Statutory amendments to be submitted to the Director General at least 90 days before the General Conference should consider them.¹⁶⁸

Morocco also put forward a separate proposal of its own. When the General Conference met that autumn, it could do no more than welcome “the three formal proposals then on the table, from Sudan on behalf of the African Group, from Canada as part of “the Chairman’s package”, and from Morocco, without endorsing any of them. The General Conference once again asked the Board to continue its work.”¹⁶⁹

163 IAEA Board of Governors, “Review of Article VI of the Statute” (GOV/2918), IAEA, 30 April 1997. Paragraph 5.

164 IAEA Board of Governors, “Review of Article VI of the Statute” (GOV/2918), IAEA, 30 April 1997. Paragraphs 7–8 and 17.

165 IAEA Board of Governors, “Review of Article VI of the Statute” (GOV/2918), IAEA, 30 April 1997. Paragraphs 9–12; IAEA Board of Governors, “Review of Article VI of the Statute — Amendment Proposed by Canada” (GOV/2926), IAEA, 12 May 1997.

166 IAEA Board of Governors, “Review of Article VI of the Statute” (GOV/2918), IAEA, 30 April 1997. Paragraphs 15–16.

167 IAEA Board of Governors, “Review of Article VI of the Statute” (GOV/2918), IAEA, 30 April 1997. Paragraph 17.

168 IAEA Board of Governors “Review of Article VI — Proposal by Sudan on Behalf of the African Group to Amend Article VI.A” (GOV/2932), IAEA, 5 June 1997; IAEA Board of Governors, “Revised Proposal for Amending Article VI.A Submitted by Sudan on Behalf of the African Group” (GOV/2932/Rev.1), IAEA, 2 July 1997.

169 IAEA Board of Governors, “Amendment of Article VI of the Statute — Report by the Chairman of the Board of Governors” (GOV/1998/32), IAEA, 27 May 1998; IAEA Board of Governors, “Amendment of Article VI of the Statute — Corrigenda” (GOV/1998/32/Corr.1), IAEA, 3 June 1998.

The Japanese Proposal, the Slovenian Modification and the 1999 Amendment

Resolution came from a delegation that had not previously tabled a formal proposal of its own: Japan.¹⁷⁰ Reaction from the Arab Group came quickly. Writing on behalf of the Arab members of the Agency, Kuwait told the Chairman of the Board in mid-July 1998 that the Japanese text was “a good basis for negotiations” but conditioned its support. The Kuwaiti counterproposal was an increase in Board seats by seven rather than six, the right of each area to decide who might join it and adoption of the list of members for each area as a matter separate from the rest of the package.¹⁷¹

A second response from Kuwait later that month made the underlying concern explicit: the Arab Group could accept “any solution” provided it did not entail “the inclusion of Israel in the [MESA] area” ahead of “a just, comprehensive and permanent peace in the Middle East”, though it insisted this reservation should not be allowed to hold up the wider amendment.¹⁷²

A Board report that September, adopted as the Board’s formal observations on the Japanese proposal under Article XVIII.C, reflected both the progress made and what remained unresolved. It recommended that the General Conference, on adopting the amendment, have its President read into the record a statement confirming that the list the amendment required would be “prepared by the Chairman of the Board in consultation with the area groups”, subject to Board and General Conference approval. The report also recommended that any “political consultations and co-ordination” among interested States over the list would be “conducted in a manner which respects their wishes”.¹⁷³ The General Conference took note of the Board report, referred the matter back to the Board once more, and urged it to “redouble its efforts” ahead of the following year’s General Conference.¹⁷⁴

The breakthrough, when it came in mid-1999, touched only a single paragraph. On 25 June 1999, Slovenia wrote to the Director General proposing a modification to the provision governing how the list of Member States by area could be adopted and later amended, as needed.¹⁷⁵ As Slovenia’s letter explained, modifying this provision was “the only area of consensus apparent” in its own consultations as Board Chair, though even that consensus remained contingent on resolving the separate, still-open question of the number of seats by which the Board should be expanded.¹⁷⁶ The modification raised the threshold for the General Conference approval of a list adopted by the Board from a simple two-thirds majority to a majority of ninety percent of those present and voting. It also added an entirely new condition for any later change to the list: prior consensus “within any area affected by the change.”¹⁷⁷ It amounted, in substance, to the guardrails the Arab Group had sought the year before.

170 IAEA Board of Governors, “Amendment of Article VI of the Statute — Modification Proposed by Slovenia” (GOV/1999/43, Attachment), IAEA, 30 June 1999.

171 IAEA General Conference, “Article VI of the Statute” (GC(42)/INF/12, Attachment 1), IAEA, 21 September 1998. Available at: https://www.iaea.org/sites/default/files/gc/gc42inf-12_en.pdf.

172 IAEA General Conference, “Article VI of the Statute” (GC(42)/INF/12, Attachment 2), IAEA, 21 September 1998. Available at: https://www.iaea.org/sites/default/files/gc/gc42inf-12_en.pdf.

173 IAEA Board of Governors, “Article VI of the Statute — Draft Report of the Board of Governors” (GOV/1998/56), IAEA, 17 September 1998.

174 IAEA General Conference, “Article VI of the Statute” (GC(42)/DEC/10), IAEA, 25 September 1998. Available at: https://www.iaea.org/sites/default/files/gc/gc42dec-10_en.pdf.

175 IAEA Board of Governors, “Amendment of Article VI of the Statute — Modification Proposed by Slovenia” (GOV/1999/43, Attachment), IAEA, 30 June 1999.

176 Ibid.

177 Ibid.

The Board finalised its report to the General Conference over the summer, circulating a Chair's draft in August and an addendum in September attaching further communications from interested delegations.¹⁷⁸ On 1 October 1999, at the ninth plenary meeting of its forty-third regular session, the General Conference adopted resolution GC(43)/RES/19 approving the amendment of Article VI in two aspects: Amendment of Article VI.A, which would raise the number of the Board's designated seats from thirteen to eighteen and its elected seats from twenty-two to twenty-five.¹⁷⁹ Twenty-two of the elected seats would be allocated by area as before, bringing the Board to forty-three members in total, an increase of eight over the 35-member Board that had prevailed since China had joined the Board.¹⁸⁰

There were also novel requirements for entry into force of the amendment, spelled out in a new Article VI.K. The Article stipulated that the amendment will enter into force: (a) when the requisite number of States have accepted it; and (2) "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 Article VI.A.1." The resolution urged all Member States to accept the amendment "as soon as possible" and asked the Director General to report on progress toward its entry into force at the Conference's forty-fifth regular session.¹⁸¹

While the mood on the Conference floor that day was not uniformly celebratory, the President of the Conference closed the meeting on a positive note, observing that the process had "culminated in the resolution of the long-standing problem of the amendment of Article VI."¹⁸²

178 IAEA Board of Governors, "Amendments to the Statute of the IAEA (a) Amendment to Article VI of the Statute" (GOV/1999/52), IAEA, 12 August 1999; IAEA Board of Governors, "Amendments to the Statute of the IAEA (a) Amendment to Article VI of the Statute — Addendum" (GOV/1999/52/Add.1), IAEA, 15 September 1999.

179 IAEA General Conference, "Amendment to Article VI of the Statute" (GC(43)/RES/19), IAEA, 1 October 1999. Available at: <https://www.iaea.org/sites/default/files/gc/gc43-res19.pdf>.

180 Ibid.

181 Ibid.

182 Ibid. Paragraph 22.



Afternoon session of the IAEA Board of Governors meeting. IAEA, Vienna, Austria. 13 June 2005. Credit: Dean Calma/ IAEA.

From 1999 On: Stagnation and Arealess States

An Amendment Twenty-Six Years in the Waiting

Under Article XVIII.C.(ii) of the Statute, entry into force of any amendment to the Statute requires acceptance by two-thirds of the Agency's Member States, a threshold that has proven far harder to reach in practice than the 1999 vote's near-unanimity might have suggested. Acceptances crept from a handful in the early 2000s to 60 by 2017, 62 by 2019, 64 by 2023 and 68 by 2025. This is an average of fewer than two new acceptances a year.¹⁸³

Moreover, the target of two-thirds acceptance by Member States is becoming more difficult to achieve. Because the two-thirds threshold is calculated against total IAEA membership, and that membership has grown steadily as new States have joined the Agency, the number of acceptances required has itself climbed from 96 in 2007 to 120 by 2025.^{184 185}

¹⁸³ Director General of the IAEA, "Amendment to Article VI of the Statute" (GC(61)/9), IAEA, 20 July 2017; Director General of the IAEA, "Amendment to Article VI of the Statute" (GC(63)/11), IAEA, 18 July 2019; Director General of the IAEA, "Amendment to Article VI of the Statute" (GC(65)/12), IAEA, 6 July 2021; Director General of the IAEA, "Amendment to Article VI of the Statute" (GC(67)/9), IAEA, 11 August 2023; Director General of the IAEA, "Amendment to Article VI of the Statute" (GC(69)/10), IAEA, 21 July 2025. Available at: https://www.iaea.org/sites/default/files/gc/gc69-10_0.pdf.

¹⁸⁴ Director General of the IAEA, "Amendment to Article VI of the Statute" (GC(51)/7), IAEA, 14 August 2007; (GC(53)/10), 9 July 2009; (GC(55)/9), 9 September 2011; (GC(57)/6), 24 July 2013; (GC(59)/10), 22 July 2015; (GC(61)/9), 20 July 2017; (GC(63)/11), 18 July 2019; (GC(65)/12), 6 July 2021; (GC(67)/9), 11 August 2023; (GC(69)/10), 21 July 2025.

¹⁸⁵ Director General of the IAEA, "Amendment to Article VI of the Statute" (GC(69)/10), IAEA, 21 July 2025. Available at: https://www.iaea.org/sites/default/files/gc/gc69-10_0.pdf.

Notwithstanding, the language in General Conference resolutions encouraging acceptance of the amendment has hardly changed since 2005, suggesting a sense of fatigue with the topic or even indifference.¹⁸⁶

Debate during the General Conference in the Committee of the Whole reflects moments of pointed frustration rather than a change of course. In 2005, the Republic of Korea, marking six years since adoption of the amendment, warned that States “should not conduct themselves indefinitely as though there were no agreement.”¹⁸⁷ A decade later the criticism sharpened. Beginning in 2015, Iran used a separate, recurring agenda item on the Agency’s “efficiency and effectiveness” to argue that the Board’s “self-perpetuating, quasi-permanent membership of certain States with advanced levels of nuclear technology” left the more representative General Conference subordinate to a body most Member States could never sit on.

Some Board members pushed back, defending the resolution and asserting the Board’s status as the “executive organ”. The United Kingdom insisted that the Board remained “the Agency’s highest policy-making body”; the United States defended the 1999 resolution as “the appropriate process by which to alter the composition of the Board of Governors.”^{188 189 190}

Neither position moved the other.

Arealess States and the Politics of the List

Entry into force of the amendment also depends on the Board adopting, and the General Conference confirming by a ninety percent supermajority, “a list of all Member States of the Agency [...] whereby each Member State is allocated to one of the [eight] areas” named in Article VI.A.¹⁹¹ No such list has yet been adopted. In its absence, the Agency has accumulated a growing number of what have become known as “arealess States”, i.e. Member States belonging to no area group who, for as long as that remains true, remain ineligible for election to the Board under Article VI.A.2.¹⁹² A list of 17 number of such States was circulated in 2023 by Kazakhstan.¹⁹³

The frustration of arealess States in this regard came to the fore in 2021 when Kazakhstan commented in the Committee of the Whole that it had “been trying unsuccessfully to join [a regional] group for 30 years” despite full compliance with its obligations as a Member State.¹⁹⁴ While the term “arealess States” entered into the lexicon of the Agency relatively recently, the underlying grievance was not new. The IAEA Secretariat does not decide which State is in which area and no area is under an obligation to accept States in their group. And contrary to the term so often used, “regional groups” need not be composed of States actually in the region.

¹⁸⁶ Director General of the IAEA, “Amendment to Article VI of the Statute” (GC(50)/7), IAEA, 24 August 2006, quoting IAEA General Conference, “Amendment to Article VI of the Statute” (GC(49)/DEC/12), IAEA, 2005 Available at: https://www.iaea.org/sites/default/files/gc/gc49dec-12_en.pdf; IAEA General Conference, “Amendment to Article VI of the Statute” (GC(69)/DEC/12), IAEA, September 2025.

¹⁸⁷ IAEA General Conference, “Committee of the Whole — Record of the Sixth Meeting” (GC(49)/COM.5/OR.6), IAEA, 29 September 2005. Paragraphs 1, 4. Available at: https://www.iaea.org/sites/default/files/gc/gc49com5or-6_en.pdf.

¹⁸⁸ IAEA General Conference, “Committee of the Whole — Record of the Fifth Meeting” (GC(59)/COM.5/OR.5), IAEA, 16 September 2015. Paragraphs 15–16. Available at: https://www.iaea.org/sites/default/files/gc/gc59com5or-5_en.pdf.

¹⁸⁹ IAEA General Conference, “Committee of the Whole — Record of the Fourth Meeting” (GC(61)/COM.5/OR.4), IAEA, 20 September 2017. Paragraphs 21–23, 25. Available at: https://www.iaea.org/sites/default/files/gc/gc61com5or-4_en.pdf.

¹⁹⁰ IAEA General Conference, “Committee of the Whole — Record of the Second Meeting” (GC(63)/COM.5/OR.2), IAEA, 17 September 2019. Paragraphs 20–21, 24. Available at: https://www.iaea.org/sites/default/files/gc/gc63-com5-or2_0.pdf.

¹⁹¹ IAEA General Conference, “Amendment to Article VI of the Statute” (GC(43)/RES/19), IAEA, 1 October 1999. Available at: https://www.iaea.org/sites/default/files/gc/gc43res-19_en.pdf.

¹⁹² IAEA General Conference, “Restoration of the Sovereign Equality of Member States in the IAEA” (GC(67)/RES/15), IAEA, 29 September 2023. Available at: <https://www.iaea.org/sites/default/files/gc/gc67-res15.pdf>.

¹⁹³ IAEA, “Communication dated 8 August 2023 Received from the Permanent Mission of the Republic of Kazakhstan to the Agency” (INFCIRC/1116), IAEA, 10 August 2023. Available at: <https://www.iaea.org/sites/default/files/publications/documents/infcircs/2023/infcirc1116.pdf>.

¹⁹⁴ IAEA General Conference, “Committee of the Whole — Record of the Second Meeting” (GC(65)/COM.5/OR.2), IAEA, 21 September 2021. Paragraphs 13, 21.

In resolution GC(67)/RES/15, the 2023 General Conference, by a vote of 99 in favour, two against and 16 abstentions, could therefore do little more than encourage regional groups “to exercise appropriate flexibility” and endorse a “Group of Friends of Arealess States” to work toward the list required to achieve entry into force of the 1999 amendment.¹⁹⁵

At least two informal proposals have since been tabled in an effort to address growing discontent among arealess Member States. In a November 2024 note, the Group of Friends of Arealess States (chaired at the time by Argentina) floated a transitional arrangement under which a regional group that had left an arealess State’s application unanswered would forgo nominating a candidate for one of its own elected seats on a single occasion. This would free up that seat for an arealess State without conceding the State’s membership in the group.

A separate paper from the Group (then chaired by Slovenia) proposed specific placements for arealess States, including:

- SEAP: Brunei Darussalam, Fiji, Palau, Papua New Guinea, Samoa, Tonga and Vanuatu;
- Far East: Cambodia, Kyrgyzstan and Laos;
- MESA: Bahrain, Nepal, Turkmenistan and Tajikistan;
- Eastern Europe: Kazakhstan and Uzbekistan; and
- Western Europe: Israel.

Neither proposal has gained traction.

The 2025 General Conference

As a matter of practice, the area groups decide among themselves which State’s “turn” it is for an elected seat in accordance with its own procedures for doing so. Just ahead of the 2025 General Conference, Kazakhstan announced that, after more than three decades of denial from membership in an area group, it would nominate itself for a seat in the Far East group in competition with the Philippines, who was ostensibly up for the same seat.

Concerns were raised by some Member States that this issue could dominate or disrupt deliberations during the conference.

After intensive negotiations, much of which took place informally on the floor of the General Conference plenary hall, a deal was struck. Kazakhstan, together with Kyrgyzstan, would be admitted to the Far East group under a silence procedure, subject to no objection being raised before the Board’s November meeting. Kazakhstan reportedly requested that its name be on a separate ballot from Kyrgyzstan, possibly so that, if Kazakhstan was denied admission to the group, it would have to deny Kazakhstan specifically and relatively publicly. Kazakhstan was subsequently admitted to the Far East group.

While Kazakhstan now has a path to a Board seat, the issues of arealess States, sovereign equality and equitable representation on the Board of Governors has not been put to rest. As of the time of the writing, there are still 12 arealess Member States, most of which have not adopted the 1999 amendment. Meanwhile, adoption of the 1999 amendment has stagnated further, some arguing that the amendment itself is antiquated and no longer reflective of the IAEA’s membership. The issues of equitable representation and sovereign equality will likely continue to be the subject of frustration and difficult negotiation into the future.

¹⁹⁵ IAEA General Conference, “Restoration of the Sovereign Equality of Member States in the IAEA” (GC(67)/RES/15), IAEA, 29 September 2023. Available at: <https://www.iaea.org/sites/default/files/gc/gc67-res15.pdf>.



The Ambassador of Ghana and former Board Chair speaking with the current Board Chair and the Secretariat of the Policymaking Organs at the IAEA Board of Governors. Vienna, Austria. 19 November 2025. Credit: Dean Calma/ IAEA

Taking Stock: Where We Are and How We Got Here

This paper has traced the negotiating history of the composition of the IAEA's Board of Governors from 1955 to today, examining in particular the diplomatic efforts that it took to agree on the initial composition of the Board in the Statute and three successive amendments to the Statute to expand the Board. In that time, the composition of the Board grew from 23 to 35 Members, adding both seats designated by the previous outgoing Board and seats elected by the General Conference. Two distinct areas of concern run through these deliberations.

One long-standing concern is about equitable representation: how should the available seats be divided, and by what criteria does a State qualify for one? Questions persist regarding floating seats for Africa and Latin America, the number of elected seats, and the criteria for Board membership. As far back as 1956, India warned about a Board dominated by "a few of the industrially advanced countries" would produce "a colonial situation as bad or worse than any that has been".

Another, newer concern involves a more basic issue: whether a State is able to be a candidate for the Board at all. Most arealess States are not arguing that their areas are under-represented. They argue that being prevented from becoming part of any area deprives it of the right to a pathway for Board membership regardless of any representation formula.

A fault line runs through both of these areas of concern. With some exceptions, expansion of the Board and eligibility for membership have been pressed by developing countries and resisted or slow-walked by developed countries.

This is apparent from the scepticism of the United States, the United Kingdom and other developed countries in the late 1970s and 1980s about the Board's enlargement and their defence of the Board's existing composition against complaints of a "self-perpetuating, quasi-permanent membership" three decades later.¹⁹⁶

The question of how Board seats are allocated has fared no better than the question of the number of seats. The Board's own 1988 working-group report, having tested six different formulas for apportioning seats concluded only with "the futility of adopting any single factor as the 'touchstone' for achieving an ideal composition for the IAEA Board of Governors."¹⁹⁷ A decade later, the Open-ended Expert Group fared only marginally better. It achieved, in the Board Chair's own description, "a fair measure of support" on which criteria should count, but could not agree on how they should be weighted against one another.¹⁹⁸ No comparable exercise has been attempted since.

A further, more recent split concerns not the destination but the vehicle. For some Member States, the 1999 amendment itself is beginning to look dated. Iran's recurring critique of the Board is not so much an argument for bringing the 1999 amendment into force as an argument that the Board's structure needs a complete conceptual overhaul. For most arealess States and the Group of Friends organised around them, the priority runs the opposite way: implement the amendment that already exists, rather than reopen a settlement that took the better part of a decade to negotiate the first time. The two positions are not easily reconciled. One treats 1999 as unfinished business, the other as an antiquated debate or an outdated argument.

Finally, the list of member states by area required by the 1999 amendment to ensure that all States belong to a regional group has gone nowhere. In conducting research for this paper, the author inquired of a number of States as to whether even a draft list existed. The answer from some was that the mere existence of such a list would be untouchably sensitive in political terms. The answer from others was that there were multiple such lists.

As Tanzania observed in 1979, discussion of the Board's composition, "simple as it appears, was taking a disproportionate amount of the Board's time."¹⁹⁹ Nearly half a century later, and more than a quarter-century past the amendment that was meant to make that observation obsolete, it reads less as a longstanding debate and more as a standing description of the state of play.

196 IAEA General Conference, "Committee of the Whole — Record of the Fifth Meeting" (GC(59)/COM.5/OR.5), IAEA, 16 September 2015. Paragraphs 15–16. Available at: https://www.iaea.org/sites/default/files/gc/gc59com5or-5_en.pdf.

197 IAEA General Conference, "Revision of Article VI of the Statute as a Whole" (GC(XXXII)/851), IAEA, 19 September 1988. Appendix 1, Annex 1, "'Equitable Representation' under IAEA Statute Article VI: Some Factors for Assessment."

198 Peter Walker, Chairman of the IAEA Board of Governors, "Review of Article VI of the Statute" (GOV/2918), IAEA, 30 April 1997. Paragraph 5.

199 IAEA General Conference, "Amendment of Article VI.A.2 of the Statute — Note by the Director General" (GC(XXIII)/616), IAEA, 16 November 1979. Five Hundred and Thirty-Fourth Meeting, 28 June 1979. Paragraph 9.



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