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HISTORY OF THE DRAFT STATUTE OF THE
INTERNATIONAL ATOMIC ENERGY AGENCY
As Adopted by the
TWELVE-NATION WORKING LEVEL MEETING
On April 18, 1956

DIVISION OF INTERNATIONAL AFFAIRS

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OFFICIAL USE ONLY**ARTICLE I****ESTABLISHMENT OF THE AGENCY**

The text of Article I of the Draft Statute of August 22, 1955 was adopted unanimously at the thirteenth session. The Drafting Committee inserted the word "the" in the title. The Delegation of the USSR at the first session proposed to add to this article a provision to the effect that the Agency work under the general supervision and control of the United Nations and that it be established as a component part of the United Nations more closely related to it than the specialized agencies. At the suggestion of Australia and India, consideration of Article I was postponed until after discussion of other articles in the Statute bearing more directly on the question of the relationship of the Agency and the United Nations, especially Article XVIII. After Article XVIII was adopted, the USSR Delegation stated that it would not insist upon the amendment it had proposed.

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ARTICLE II - OBJECTIVES

The equivalent article in the August 22, 1955 draft Statute was Article III. Although the intent was not changed, there was a considerable change in the language. At its second session the Meeting agreed in principle to the text proposed by the United States in its revised Draft Statute of February 18, 1956, subject at a later date to the consideration of its place of order in the Statute and subject to redrafting by the Drafting Committee of the phrase "so far as it is able" to meet an Indian amendment which would substitute for this phrase, the words "to the extent that it is empowered to do so." This decision was confirmed at the fourth session. The Drafting Committee made no change in the United States text and accepted the United States' view as to its place of order in the Statute.

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ARTICLE III - FUNCTIONS

The equivalent article in the Draft Statute of August 22, 1955 was Article II.

The introductory sentence of paragraph A was an amendment offered by the United States Delegation taken from its revised draft of February 18, 1956, and unanimously adopted by the Meeting. The USSR and Indian Delegations supported the August 22/¹⁹⁵⁵ text, which read "The functions of the Agency shall be:" but did not object to the United States amendment when it became clear that the amendment had the support of the majority.

Paragraph A-1 was the United States text as it appeared in the revised Statute of February 18, 1956 with the addition of the words "or the supplying of materials, equipment or facilities" which the United States Delegation proposed at the sixth session. This paragraph is similar to paragraph A-1 of the August 22, 1955 draft. The Meeting adopted the first section of the United States amendment, up to the words "and to perform", by a unanimous vote at the sixth session. The final clause was adopted at the sixth session by a vote of 10 to 1 (South Africa) with one abstention (Australia). The Delegation of the Union of South Africa with the support of the Australian Delegation asserted that the addition of the last clause in the United amendment (beginning "and to perform") broadened the

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concept of the Agency beyond that contemplated in the draft of August 22, 1955.

An Australian amendment which would have added at the end of paragraph A-1, the words "if both parties so request" was withdrawn, since its intent was met by the adoption of the United States amendment.

Paragraph A-2, up to the words "with due consideration", was a United States' amendment taken from the revised draft of February 18, 1956, and is similar to the corresponding paragraph of the August 22, 1955 draft. The United States' amendment was adopted unanimously by the Meeting at its sixth session.

The words "with due consideration for the needs of the under-developed areas of the world" were added as the result of a Brazilian amendment which was adopted unanimously by the Meeting at its sixth session.

Paragraph A-3 was a United States amendment taken from the revised draft of February 18, 1956, and is similar to the corresponding paragraph of the August 22, 1955 draft. The Meeting adopted this amendment unanimously at its sixth session. The Drafting Committee subsequently substituted the word "exchange" for the word "interchange".

Paragraph A-4 was a Czechoslovak amendment which the Meeting adopted unanimously at its seventh session. The Drafting Committee proposed its present place in the Statute and substituted the word

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"exchange" for the word "interchange".

Paragraph A-5 with the exception of the words "special fissionable and other" was a United States amendment taken from the revised draft of February 18, 1956. The Czechoslovak Delegation offered an amendment which would add the words "with due respect for the sovereign rights of States" after the word "administer" in the United States' amendment. The Meeting at its sixth session unanimously adopted the United States' amendment in substance subject to further discussion of the Czechoslovak amendment. The Meeting subsequently adopted a United Kingdom amendment concerning sovereign rights (Article III, paragraph D). This amendment did not satisfy the Czechoslovak Delegation and it expressed the hope that the problem would be solved along the lines it had advocated at a general conference; it did not press its amendment to a vote.

After the adoption of paragraph B-2 at the seventh session, the United States Delegation requested that the words "fissionable and other" be added to Paragraph A-5 after the words "designed to ensure that". The Meeting agreed. "Special" was added in accordance with definitions later adopted.

Paragraph A-6, with the exception of the parenthetical phrase "including standards for labor conditions" was a United States amendment taken from the revised draft of February 18, 1956. Certain minor word changes were made by the Drafting Committee and the United States Delegation added the words "or adopt" in its amendment after the words "to establish". The Meeting unanimously adopted the United States'

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amendment at its seventh session.

The Indian Delegation had proposed a comprehensive redrafting of this article and the Indian version contained some phrases which were not in the United States amendment. After consultation between the United States and Indian Delegations, the two Delegations at the thirteenth session proposed the insertion of the phrase "(including standards for labor conditions)" after the words "and property". The Meeting unanimously adopted this proposal.

Paragraph A-7 was the result of a United States amendment. The substance of this amendment was contained in Article IV of the Draft Statute of August 22, 1955. The first part of the paragraph, up to the words "whenever such facilities", came from a United States amendment offered at the seventh session and is identical with paragraph A-6 of the revised draft of February 18, 1956. The remaining part of the United States amendment read as follows: "and to utilize any facilities, plant and equipment made available to it by a Member or group of Members". The Indian Delegation stated that the United States' amendment did not include certain phrases which were contained in the comprehensive Indian revision of this article. One such phrase in the Indian revision was "and in so doing ensure that such facilities and equipment are available in all parts of the world on the basis of equitable, geographic distribution." The Czechoslovak Delegation supported the Indian amendment and suggested that it be included in this paragraph. Further discussion of this article was postponed until

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until after consideration of the article on Finance at the request of the USSR Delegation. At the thirteenth session the United States Delegation stated that as a result of consultation with the Indian Delegation it was proposed to change the United States amendment by adding after the words "authorized functions", the words

whenever such facilities, plant, and equipment otherwise available to it in the area concerned are inadequate or available on terms it deems unsatisfactory

and to delete the remainder of the sentence beginning with "and to utilize." The USSR Delegation requested postponement of further consideration of the amendment since it wished to propose an amendment to this amendment. The USSR amendment, which was introduced at the fourteenth session would have added at the end of the paragraph the following sentence:

Acquisition or construction of technical facilities and equipment shall be realized at the expense of voluntary supplementary contributions on the part of States-Members of the Agency.

The Soviet Delegation stated that it would support the United States amendment if its amendment thereto were accepted. The Meeting voted to reject the Soviet amendment. Czechoslovakia and the USSR voted in favor of the amendment, India abstained, and the other Delegations opposed. The Indian Delegation stated that it wished to reserve its position on this matter.

The Meeting then voted to accept the United States amendment with 9 in favor, 2 opposed (Czechoslovakia and the USSR) and one abstention (Australia).

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Paragraph B-1, with the exception of a minor drafting change was the same as the corresponding paragraph in the draft Statute of August 22, 1955. The one change which was an amendment offered by the United States, was the substitution of "furthering" for "to further". The Meeting at its seventh session unanimously adopted the paragraph as amended.

Paragraph B-2 was a Soviet amendment which was unanimously adopted by the Meeting at its seventh session. The word "special" was added in accordance with the definitions suggested by the Scientific Committee.

Paragraph B-3 was an Indian amendment which was adopted unanimously by the Meeting at its seventh session. This amendment was similar to a Brazilian amendment and (except that the underdeveloped areas were given special recognition in both the Indian and Brazilian amendments) to the corresponding paragraph of the draft of August 22, 1955.

Paragraph B-4 was a Soviet amendment which was adopted unanimously by the Meeting at its seventh session. Certain minor drafting changes were made by the Drafting Committee.

Paragraph B-5 was a United States amendment to the Soviet amendments to this article. The Meeting at its seventh session unanimously adopted this amendment with a slight drafting change suggested in the Meeting.

Paragraph C was a United Kingdom amendment which was adopted at the fourteenth session by a vote of ten in favor and two abstentions (Czechoslovakia and the USSR). The USSR Delegation stated that it had abstained from voting on the United Kingdom amendment not because of any

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objections to what the amendment contained but because it felt that the amendment was inadequate, and it reserved the right of the USSR to raise this point at a general conference in the form of the original rather than the revised amendment it had offered. Both the Soviet amendments contained the phrase "incompatible with the sovereign rights of States, except as provided for in the present Statute". The United States Delegation stated that it could accept the Soviet amendments if the phrase "or in agreements concluded in accordance with the Statute" were added to those amendments. The USSR Delegation could not accept the proposed addition whereupon the United States gave its support to the United Kingdom amendment. The revised Soviet amendment was rejected by a vote of three in favor (Czechoslovakia, India, and the USSR) and nine opposed. The USSR Delegation then moved to amend the United Kingdom amendment by the insertion of the words "the sovereign rights of States and" after the words "conditions incompatible with." This Soviet amendment also was rejected by an identical vote. The Meeting then voted to adopt the United Kingdom amendment.

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Paragraph D was a United Kingdom amendment which was adopted by the Meeting at its seventeenth session by a vote of nine in favor, two opposed (Czechoslovakia and the USSR) and one abstention (India). Attempts had been made earlier by the Delegations of Czechoslovakia and the USSR to have inserted in this article a provision regarding the sovereign rights of nations. At the sixteenth session the United States Delegation stated that as a result of consultations outside the Meeting, the Delegations of the USSR and the United States were proposing jointly to add a paragraph to Article III which would deal with the sovereign rights of states. The proposed amendment read as follows:

The activities of the Agency shall be carried out consistently with agreements concluded between a State or group of States and the Agency, having due regard for the sovereign rights of the States Members of the Agency.

The United Kingdom Delegation stated that it did not think it could accept this amendment, as worded, and proposed its own amendment to make it clear that the Statute and agreements concluded between States and the Agency could contain provisions which might be a derogation of the sovereign rights of Members.

At its seventeenth session, the Meeting voted to reject the USSR-United States amendment. (As revised by the two Delegations at the seventeenth session the words "the observance of" were inserted after the words "due regard for"). The amendment received five opposing votes (Australia, France, Portugal, the Union of South Africa, and the

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United Kingdom), four favoring votes (Czechoslovakia, India, the USSR, and the United States), and three Delegations abstained (Belgium, Brazil, and Canada). The USSR Delegation stated that it could not agree with the wording of the United Kingdom amendment which, it asserted, tended to legalize the infringement of the sovereign rights of Agency Members. The USSR Delegation reserved the right to raise this question at a general conference.

The United States Delegation, in explaining its vote, stated that it had believed that the language of the joint amendment would be satisfactory to all concerned. The United States Delegation could not agree with the assertion made by the USSR Delegation and stated that it would support the United Kingdom amendment. The amendment of the United Kingdom was adopted as noted above.

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ARTICLE IV - Membership

Paragraph A came from the corresponding article of the draft Statute of August 22, 1956. The only change was the substitution of the word "this" for the words "the present" by the Drafting Committee. A Soviet amendment to delete reference to "Members of the United Nations or of any of the specialized agencies" was rejected by the Meeting at its fourth session by a vote of nine opposed and three in favor (Czechoslovakia, India, and the USSR).

Paragraph B is the result of separate amendments put forward by the United Kingdom and the United States. The first sentence of the paragraph was an amendment proposed by the United Kingdom delegation. This wording, which gave approving power to the General Conference and recommendatory power to the Board of Governors, appeared also in the United States revised draft of February 18, 1956. The amendment was adopted unanimously at the fourth session.

A Czechoslovak amendment to delete the words "whether or not members of the United Nations or of any of the specialized agencies" was withdrawn by its sponsors in view of the outcome of the vote on Paragraph A since the purpose of the amendment was closely related to that of the USSR. The Czechoslovak Delegation reserved the right to reintroduce its amendment.

Another amendment was offered by the Czechoslovak Delegation for the second sentence of Paragraph B. This amendment would have deleted

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the words "to carry out the obligations contained in the Charter of the United Nations and." The amendment was not acceptable to the United States Delegation, although it was willing to change the word "determine", it suggested a substitute amendment which read as follows:

Delete the words "contained in the Charter of the United Nations and to accept the obligations as well as the privileges" and add after the words "of membership in the Agency", the words "giving due consideration to its ability and willingness to act in accordance with the purposes and principles of the Charter of the United Nations."

The Czechoslovak amendment was rejected by the Meeting at its seventh session by a vote of four in favor (Czechoslovakia, India, Union of South Africa, and USSR), one opposed (Brazil), and seven abstentions.

The Meeting then adopted the United States amendment by a vote of eight in favor, none opposed, with four abstentions (Canada, Czechoslovakia, India, and USSR).

Paragraph C was an Indian amendment which was adopted unanimously by the Meeting at its seventh session. This amendment was a revision of an earlier ^{Indian} text; the changes were made after the Brazilian Delegation had suggested alternative wording.

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the words "to carry out the obligations contained in the Charter of the United Nations and." The amendment was not acceptable to the United States Delegation, although it was willing to change the word "determine", it suggested a substitute amendment which read as follows:

Delete the words "contained in the Charter of the United Nations and to accept the obligations as well as the privileges" and add after the words "of membership in the Agency", the words "giving due consideration to its ability and willingness to act in accordance with the purposes and principles of the Charter of the United Nations."

The Czechoslovak amendment was rejected by the Meeting at its seventh session by a vote of four in favor (Czechoslovakia, India, Union of South Africa, and USSR), one opposed (Brazil), and seven abstentions.

The Meeting then adopted the United States amendment by a vote of eight in favor, none opposed, with four abstentions (Canada, Czechoslovakia, India, and USSR).

Paragraph C was an Indian amendment which was adopted unanimously by the Meeting at its seventh session. This amendment was a revision of an earlier ^{Indian} text; the changes were made after the Brazilian Delegation had suggested alternative wording.

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ARTICLE V - General Conference

Paragraph A was essentially the same as the corresponding article in the draft of August 22, 1955. The Meeting approved unanimously at its fourth session a United States' amendment deleting the words "provided for in Article VIII" which appeared in the original draft. The Meeting then unanimously approved an Indian amendment to change the term "General Manager" to "Director General" in this paragraph and throughout the Statute.

The Drafting Committee moved the phrase "by the Director General" from the end of the paragraph to the position it now occupies after the words "may be convened".

Paragraph B was approved as it appeared in the draft Statute of August 22, 1955.

Paragraph C was approved as it appeared in the draft Statute of August 22, 1955 with the following changes suggested by the Indian Delegation: delete the words "in the General Conference" after the words "shall have one vote", substitute the word "this" for "the present" before the word "Statute", delete the word "vote" after the words "adopted by a majority".

Paragraph D, subparagraphs 1 - 4 were adopted as they appeared in the August 22, 1955 draft Statute with the exception of minor drafting changes made by the Drafting Committee.

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The United States' amendment incorporated suggestions made by the Indian Delegation in an amendment of its own to this subparagraph. These suggestions are embodied in the phrases "entirety or parts", and "for resubmission to the General Conference."

Subparagraph 6 was a United States' amendment which was adopted unanimously by the Meeting at its seventh session. This was a second revision of the United States' amendment and it incorporated an Indian amendment which substituted the words "as required by the relationship" for "in accordance with any". The United Kingdom Delegation proposed the term "relationship agreement" and this compromise was accepted by the Meeting.

Subparagraph 7 was an amendment proposed by the United States Delegation. It was adopted unanimously by the Meeting at the sixth session. This was a second revision of the amendment and it was offered by the United States as a compromise between its original amendment, which made reference only to a United Nations agreement, and an Indian amendment, which would have inserted the words "other than the United Nations" after the word "Organizations". The Indian amendment, in effect, would have placed the United Nations in a category different from the category of organizations requiring agreements.

Subparagraph 8 was a United States amendment which in its original version read as follows: "Approve incurrence of indebtedness by the Agency in accordance with Article XVI F".

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After consideration of Article XVI - Finance, which was re-numbered eventually as Article XIV, the Meeting at its thirteenth session voted to accept the United States amendment. The Czechoslovak and Soviet Delegations voted against the amendment and the other ten Delegations voted in favor. At the suggestion of the Canadian Delegation, the Drafting Committee revised the wording of this amendment to correspond to the wording of Article XIV, paragraph G.

Subparagraph 9 was a United States amendment which was adopted unanimously by the Meeting at its fifth session. The Drafting Committee made minor drafting changes.

Paragraph E, subparagraphs 1 and 2 were taken from the draft Statute of August 22, 1955. Minor drafting changes were effected by the Drafting Committee.

The Meeting rejected Soviet and Indian amendments to these subparagraphs. The intent of both amendments was to give the highest authority in the Agency to the General Conference, and make decisions of the General Conference binding on the Board of Governors.

The Soviet amendment was as follows:

- E. 1. To make decisions binding on the Board of Governors on any question dealing with the functions of the Agency.
2. To make decisions which are binding on the Board of Governors or to make recommendations on any question referred to it by the Board of Governors.

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Both paragraphs of this amendment were rejected at the fifth session by separate votes of nine opposed and three in favor (Czechoslovakia, India, and the USSR).

The Indian amendment read as follows:

- E. The General Conference shall have the authority to make decisions, and recommendations to the Board on any matter relating to the functioning of the Agency and to request reports thereon.

This amendment was rejected by the Meeting at its fifth session by a vote of nine opposed and three in favor (Czechoslovakia, India, and USSR).

The USSR Delegation stated that it reserved the right of the USSR to raise at a future general conference the question under discussion.

Subparagraph E.3 was a United States amendment taken from the United States' revised draft Statute of February 18, 1956. It was adopted unanimously by the Meeting at its fifth session.

The draft Statute of August 22, 1955 included a paragraph F under Article VI which read as follows:

- F. The regular annual session, and any special session, shall not exceed thirty days in length.

The United States' revised text of February 18, 1956 omitted this paragraph. The United States Delegation proposed as an amendment the deletion of the paragraph from the draft Statute and this amendment was adopted unanimously by the Meeting. In view of this vote the Indian Delegation withdrew an amendment which it had proposed for this paragraph. Its amendment would have inserted the word "normally" after the word "not".

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ARTICLE VI - Board of Governors

This article was the most controversial of the Statute and several proposals were put forward by various delegations. Two concepts were at issue in this article. On the one hand, there was the principle that technically advanced nations and suppliers of source and fissionable materials should be given special preference for seats on the Board. The producers of source materials were particularly concerned about this point but the issue was important for the United States because of its concern for a responsible and "friendly" Board. On the other hand, the principle of geographical representation on the Board was asserted by India, supported by Czechoslovakia and the USSR. The meeting stood adjourned from March 21 to April 18, 1956, during which time consultations on this article were held. At the final session on April 18, the Meeting agreed to consider an Indian amendment as the controlling document in connection with paragraph A. A United States amendment was the controlling document for the remainder of the article.

Paragraph A-1 of the Indian proposal as revised by editorial changes suggested by the United States Delegation was adopted unanimously by the Meeting.

The USSR Delegation introduced an amendment proposing the inclusion of the Chinese People's Republic. This amendment was rejected by the Meeting by a vote of three in favor (Czechoslovakia, India, USSR), eight against, and one abstention (Portugal).

Paragraph A-2 was a joint Australian, Brazilian, and United States amendment to the Indian amendment. The Meeting unanimously adopted the first part of the joint amendment up to the words "and shall also designate."

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The Meeting adopted the second part of the amendment beginning with the words, "and shall also designate," by a vote of nine in favor, one opposed (India), and two abstentions (Czechoslovakia and the USSR). The USSR Delegation stated that the last part of the amendment was unsatisfactory since the proposal for a technical assistance seat was too vague. The Indian Delegation stated that the joint amendment to its amendment disturbed the balance of the composition of the Board of Governors. At the suggestion of the USSR and the United States, the Meeting agreed to insert the phrase, "(or in the case of the first Board, the Preparatory Commission referred to in Annex 1)" after the words, "outgoing Board of Governors."

Paragraph A-3 was a joint Australian, Brazilian, and United States amendment to the Indian amendment. The joint amendment changed "nine" to "ten" and added the present last sentence. The United States suggested certain editorial changes. The Meeting voted eleven in favor with one abstention (India), to adopt the change of "nine" to "ten" and the editorial changes suggested by the United States Delegation. The Indian Delegation stated that it had abstained from voting because of the acceptance of the change in the second part of paragraph A-2. The Meeting unanimously adopted the joint amendment for adding the final sentence to the end of paragraph A-3.

Paragraphs B, C, D, E, F, G, H, I, J.

The Meeting unanimously adopted these paragraphs as set forth in the United States amendment with the following revisions:

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1. Paragraph E - At the end of the first sentence add the words, "except as otherwise provided in this Statute"
2. Paragraph F - Delete the words, "as set forth in Paragraph D of Article V" following "General Conference" and substitute, "as provided in this Statute."

With reference to paragraph F, the Czechoslovak Delegation referred to its position on Article V (General Conference). The Delegation stated that it reserved the right to raise the question of the competence of the principal Agency organs at the international conference on the Statute.

The Meeting voted to accept Article VI as a whole by a vote of 11 in favor and one abstention (India). The USSR Delegation stated that it had voted for the Article as a whole with two reservations. One concerned the intention of the USSR to propose at the international conference on the Statute the inclusion of the Chinese People's Republic on the Board of Governors. The other concerned its abstention in the vote on the second part of paragraph A-2. The Delegation pointed out, however, that it was not making a reservation on the whole Article and except for these two points, accepted the obligations derived from voting for the Article. The Indian Delegation stated that it had abstained as an indication of the reservations on points to be raised at the conference on the Statute, as demonstrated by India's vote on paragraphs A-1 and A-2. The Australian Delegation stated that it would accept its responsibility for supporting the adoption of the Article at the conference on the Statute, but that if the Article should run into serious difficulties, it reserved the right to accept an alternative Article of a more functional nature.

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ARTICLE VII - Staff

Paragraph A was the result of a proposed USSR amendment to the corresponding paragraph in the draft Statute of August 22, 1955. The Soviet amendment was as follows:

To replace in paragraph A the words "who shall be appointed for a fixed term by the Board" with the following sentences:

'The Director General shall be appointed by the Board of Governors for a term of two to three years. In appointing persons to this office, the Board of Governors shall apply the principle of choosing persons representing different areas of the world on a rotation basis'.

The Meeting at its fourteenth session voted nine to three (Czechoslovakia, India, and the USSR) against adoption of the second sentence of the Soviet amendment. The Delegations of Australia, Canada, France, the United Kingdom, and the United States stated that they could accept the idea of incorporating into the Statute a fixed term of office of about four years for the Director General. The Indian Delegation was in favor of a three year term and the South African Delegation stated it would not support any such limitation in the Statute since the matter should be left to the Board of Governors to determine on grounds of competence alone.

The Meeting voted on inclusion in the Statute of a fixed term of four years for the Director General. This provision was adopted by a vote of eight in favor, two opposed (Czechoslovakia and the USSR),

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and two abstentions (India and the Union of South Africa).

The Meeting then voted to adopt paragraph A, revised as indicated above, with eight in favor, two opposed, (Czechoslovakia and the USSR) and two abstentions (India and the Union of South Africa).

Paragraph B was paragraph C in the draft Statute of August 22, 1955. The United States Delegation proposed the renumbering which was accepted, and the Meeting, at its eighth session unanimously adopted the paragraph as contained in the original draft Statute. The Drafting Committee made a minor drafting change.

Paragraph C was taken from paragraph B of the draft of August 22, 1955. The United States Delegation proposed the renumbering and this was accepted. The United States Delegation also proposed the deletion of the final sentence of this paragraph which read as follows:

The Agency shall be guided by the principle that its permanent staff shall be kept to a minimum and that wherever possible, the temporary services of persons possessing the requisite qualifications who are already employed in the atomic energy field shall be utilized.

The United Kingdom Delegation supported the United States' amendment. The Delegation of the Union of South Africa proposed retaining the final sentence up through the words "shall be kept to a minimum." The USSR Delegation supported this proposal, the Australian and Indian Delegations suggested retention of the sentence, changing the word "may" for "shall" before the words "be utilized" at the end of the sentence. After some discussion the Meeting at its eighth session adopted unanimously the proposal of the Union of South Africa.

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Paragraph D was taken from paragraph E of the draft of August 22, 1955. The renumbering was proposed by the United States' Delegation. The United States Delegation proposed also the substitution of the words "to secure employees" for the words "the necessity of securing". This amendment was adopted unanimously by the Meeting at its eighth session with the word "with" added after "employees". The Drafting Committee changed "with" to "of".

The Soviet Delegation proposed an amendment for an additional sentence at the end of the paragraph:

With this objective in view, quotas shall be established for each Member of the Agency in proportion to the contribution of the given state to the budget of the Agency.

The Canadian Delegation proposed compromise language which is now the last sentence of this paragraph. At the thirteenth session, the USSR Delegation stated that it would withdraw its amendment and accept the Canadian amendment. It was proposed by the United States Delegation that the words "including guards" might be added, following the words "recruiting the staff", ⁱⁿ the Canadian amendment in order to meet a point raised by the USSR Delegation in connection with Article XIII.

The Canadian amendment so revised was unanimously accepted at the thirteenth session. The Drafting Committee, however, did not include the words "including guards" in the final draft of the paragraph. Instead, a new paragraph "G" was added to cover this point.

Paragraph E was taken from paragraph D of the draft Statute of August 22, 1955. The Indian Delegation proposed an amendment verbally under which terms and conditions of Staff employment would be laid down

by the General Conference on the recommendation of the Board of Governors. After some discussion, during which the United States Delegation expressed reservations concerning the amendment and the Czechoslovak and Soviet Delegations supported the amendment, the Indian Delegation suggested changes to make this paragraph read as follows:

Subject to the provisions of this Statute, the general rules relating to the terms and conditions under which the Staff shall be appointed, remunerated and dismissed shall be laid down (approved) by the General Conference on the recommendation of the Board.

The Delegations of the United Kingdom and the United States stated they could probably accept the Indian amendment with some such language. The Meeting at its thirteenth session agreed unanimously to the substance of the Indian amendment subject to redrafting by the Drafting Committee which was to take into consideration the suggestions made by the Indian and Canadian Delegations and the inquiry of the Australian and Belgian Delegations as to who could lay down rules other than "general rules". There was no further discussion of the paragraph when it was submitted by the Drafting Committee.

Paragraph F was adopted as it appeared in the draft Statute of August 22, 1955. No amendments to this paragraph were offered.

Paragraph G was added by the Drafting Committee to cover a point raised by the USSR Delegation in connection with Article XII and supported by the United States Delegation for inclusion in paragraph D. (See discussion of paragraph D).

Paragraph D was taken from paragraph E of the draft of August 22, 1955. The renumbering was proposed by the United States' Delegation. The United States Delegation proposed also the substitution of the words "to secure employees" for the words "the necessity of securing". This amendment was adopted unanimously by the Meeting at its eighth session with the word "with" added after "employees". The Drafting Committee changed "with" to "of".

The Soviet Delegation proposed an amendment for an additional sentence at the end of the paragraph:

With this objective in view, quotas shall be established for each Member of the Agency in proportion to the contribution of the given state to the budget of the Agency.

The Canadian Delegation proposed compromise language which is now the last sentence of this paragraph. At the thirteenth session, the USSR Delegation stated that it would withdraw its amendment and accept the Canadian amendment. It was proposed by the United States Delegation that the words "including guards" might be added, following in the words "recruiting the staff",/the Canadian amendment in order to meet a point raised by the USSR Delegation in connection with Article XII.

The Canadian amendment so revised was unanimously accepted at the thirteenth session. The Drafting Committee, however, did not include the words "including guards" in the final draft of the paragraph. Instead, a new paragraph "G" was added to cover this point.

Paragraph E was taken from paragraph D of the draft Statute of August 22, 1955. The Indian Delegation proposed an amendment verbally under which terms and conditions of Staff employment would be laid down

by the General Conference on the recommendation of the Board of Governors. After some discussion, during which the United States Delegation expressed reservations concerning the amendment and the Czechoslovak and Soviet Delegations supported the amendment, the Indian Delegation suggested changes to make this paragraph read as follows:

Subject to the provisions of this Statute, the general rules relating to the terms and conditions under which the Staff shall be appointed, remunerated and dismissed shall be laid down (approved) by the General Conference on the recommendation of the Board.

The Delegations of the United Kingdom and the United States stated they could probably accept the Indian amendment with some such language. The Meeting at its thirteenth session agreed unanimously to the substance of the Indian amendment subject to redrafting by the Drafting Committee which was to take into consideration the suggestions made by the Indian and Canadian Delegations and the inquiry of the Australian and Belgian Delegations as to who could lay down rules other than "general rules". There was no further discussion of the paragraph when it was submitted by the Drafting Committee.

Paragraph F was adopted as it appeared in the draft Statute of August 22, 1955. No amendments to this paragraph were offered.

Paragraph G was added by the Drafting Committee to cover a point raised by the USSR Delegation in connection with Article XII and supported by the United States Delegation for inclusion in paragraph D. (See discussion of paragraph D).

OFFICIAL USE ONLYARTICLE VIII - Exchange of Information

The Meeting discussed this article at the eighth session and the Belgian Delegation proposed an amendment covering all three paragraphs at the thirteenth session. This amendment explained it was intended to rearrange in a more logical order what the Meeting had already agreed to in substance. The Meeting unanimously adopted the amendment. The title had been changed to "Interchange of Information" from "Interchange of Scientific and Technical Information" at the eighth session by unanimous vote. Minor drafting changes were made by the Drafting Committee.

The Indian Delegation proposed a new paragraph "D" covering patents. The Meeting agreed at the eighth session to postpone further discussion of the amendment until after consideration of Articles XI and XII. The amendment was not considered again for inclusion in this article.

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OFFICIAL USE ONLYARTICLE IX - Supplying of Materials

The title of this Article ("Contributions of Materials to Agency" in the draft of August 22, 1955) was changed by the unanimous adoption of a United Kingdom amendment at the eighth session of the Meeting. The United States Delegation also had proposed substitution of the word "supplying" for "contributions of".

The first sentence of Paragraph A was a United Kingdom amendment adopted unanimously by the Meeting at its eighth session. The United States Delegation had proposed an amendment along the same lines which it withdrew in favor of the United Kingdom amendment. The Indian Delegation withdrew its amendment which would have added the words "but shall exclude natural uranium and thorium" to the end of the paragraph. After consultation among the Delegations of the USSR, the United Kingdom, and the United States the three delegations proposed an amendment which now appears as the last sentence of paragraph A. This amendment was adopted unanimously by the Meeting at its fourteenth session.

Paragraph B was a Brazilian amendment which was adopted unanimously by the Meeting at the fourteenth session. The Brazilian amendment was revised during the discussion by the United States Delegation which said it could accept the amendment if the words "and other materials" were added after the words "as defined in Article XI".

Paragraph C was a United Kingdom amendment which the Meeting adopted unanimously at the eighth session. The Indian Delegation had proposed an amendment to this article but the Delegation stated that it

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was prepared to accept the United Kingdom amendment and withdrew its own amendment before the vote. In view of the adoption at the fourteenth session of the Brazilian amendment to paragraph B and to conform to the definitions contained in the Report of the Scientific Committee, the United Kingdom proposed certain modifications in terminology which were unanimously accepted at the fourteenth session.

Paragraph D was an amendment proposed by the Delegations of the USSR, the United Kingdom, and the United States. It was adopted unanimously by the Meeting at the fourteenth session. The amendment was based on paragraph G of the draft Statute of August 22, 1955, and on a Soviet amendment to paragraph F of the draft Statute of August 22, 1955.

Paragraph E was a United Kingdom amendment to paragraph D of the draft Statute of August 22, 1955. This amendment was adopted unanimously at the eighth session. The United States Delegation had advanced a similar amendment which it withdrew before the vote in favor of the United Kingdom amendment.

Paragraph F was a United States amendment based on paragraph E of the draft Statute of August 22, 1955. The Meeting adopted this amendment unanimously at the eighth session.

Paragraph G was a United Kingdom amendment based in part on paragraph F of the draft Statute of August 22, 1955. The Meeting adopted this amendment unanimously at the fourteenth session.

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Paragraph H, first two sentences, was a United Kingdom amendment based on part of paragraph F in the draft Statute of August 22, 1955. This amendment was adopted unanimously by the Meeting at its fourteenth session.

The last sentence of paragraph H was an amendment proposed by the Delegations of the USSR, the United Kingdom, and the United States after consultations. It was adopted unanimously by the Meeting at the fourteenth session. The amendment stemmed from an Indian amendment proposed for paragraph F of the draft Statute of August 22, 1955.

Paragraph I was a United States amendment based on paragraph H of the draft Statute of August 22, 1955. The Meeting adopted this amendment without vote at its fourteenth session. The USSR Delegation stated that had a vote been taken it would have abstained in view of its position on the financial implications involved in the acquisition of plants and facilities by the Agency (See Article XIV).

Paragraph J was a United States amendment based on paragraph K of the draft Statute of August 22, 1955. The Meeting adopted this amendment unanimously at its fourteenth session.

NOTE: Paragraph I of this article in the draft Statute of August 22, 1955 was deleted at the suggestion of the United States Delegation which pointed out that the substance of this paragraph was contained in Article III of the draft Statute revised by the Meeting. This Meeting at its fourteenth session unanimously agreed to delete this paragraph.

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Paragraph J of the draft Statute of August 22, 1955 was deleted at the suggestion of the Indian Delegation which asserted that this paragraph seemed to be merely an invitation to Members to supply large quantities of materials to the Agency. The United States Delegation stated that it had no objection to the deletion of this paragraph and the Meeting unanimously agreed to delete it at the fourteenth session.

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OFFICIAL USE ONLYARTICLE X - Services, Equipment, and Facilities

This article was a United States amendment based on Article XI of the draft Statute of August 22, 1955.

At the ninth session, the Meeting unanimously adopted the present title of the article, a title proposed by the United States Delegation. At the same session the Meeting considered a United States amendment which proposed certain minor changes in the first paragraph and deletion of the second paragraph of the article as it appeared in the draft Statute of August 22, 1955. The Meeting unanimously adopted this amendment suggested by the Indian Delegation:

In the second sentence insert after the words "an intermediary", the words "if requested to do so by the Parties concerned".

In view of the acceptance of the United States amendment an Indian amendment to the deleted paragraph was not considered.

The Drafting Committee subsequently pointed out that the substance of the second sentence was already covered by III A-1 and therefore suggested its deletion. The Meeting at its fifteenth session confirmed the suggestion of the Drafting Committee.

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ARTICLE XI - Agency Projects

Paragraph A was a United States amendment based on paragraph A of the corresponding article in the draft Statute of August 22, 1955. The Meeting adopted this amendment unanimously at the ninth session.

Paragraph B is identical with paragraph B of this article as it appeared in the draft Statute of August 22, 1955.

Paragraph C was a United States amendment which appeared for the first time in the United States revised draft Statute of February 18, 1956. The Meeting adopted the amendment unanimously at the ninth session.

Paragraph D was a United States amendment to paragraph C of the 1955 draft Statute. At its ninth session the Meeting accepted this amendment in principle, the last sentence being revised to call for approval by the Members being assisted of the use for examining projects of both the Agency's own staff and nationals of Member States. In the original language, approval was required only for nationals of Members. The change was made at the request of the USSR Delegation which reserved its final approval of the amendment until it had an opportunity to see the revised sentence in writing. The USSR Delegation at the thirteenth session stated that it agreed with the substance of the United States amendment subject to review by the Drafting Committee.

Paragraph E was a United States amendment based on paragraph A of Article XIII (Approval of Projects) of the draft Statute of August 22, 1955. Subparagraphs 1, 2, 3, 5 and 6 were adopted unanimously at the

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ninth session as contained in the amendment. After suggestions made by the Delegations of Belgium, France, India, and the USSR, subparagraph 4 was revised and unanimously accepted by the Meeting. The changes made in the United States amendment were as follows: substitute "inability" for "capabilities" and add "finances" after "necessary."

Paragraph F was a United States amendment based on paragraph B of Article XIII (Approval of Projects) of the draft Statute of August 22, 1955. The Meeting at the tenth session adopted the United States amendments to Subparagraphs 1 and 2 subject to the substitution of "making available" for "earmarking" in paragraph 2. Subparagraph F-3 which first appeared in the United States revised draft Statute of February 18, 1956, was adopted unanimously by the Meeting at the tenth session. The USSR Delegation moved that the subparagraph be amended to include the principle that due consideration should be given to making nuclear materials and equipment available to underdeveloped countries at a lower cost, or in some cases of underdeveloped countries, at no cost. The USSR Delegation stated that if there were support for its proposal, it would offer a formal amendment in writing. The Meeting rejected the proposal by a vote of seven to two (Czechoslovakia, USSR) with three abstentions (Brazil, Canada, India). The Delegations which opposed or abstained stated that they were not against the principle of special assistance for underdeveloped countries but considered that this principle was more appropriately taken care of elsewhere in the Statute (Brazilian amendments to Article III A.2 and B.3).

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Subparagraph F-4 was adopted unanimously by the Meeting at the tenth session. At the fifteenth session this subparagraph was re-committed on the motion of the Indian Delegation on the grounds that at the time the paragraph was adopted, decision had not been reached on Article XII, referred to in Article XI. The Indian Delegation agreed to a suggestion of the United Kingdom Delegation to add the words "the relevant safeguards being specified in the Agreement" at the end of the subparagraph. The Meeting unanimously voted to adopt the subparagraph in accordance with the amendment proposed by the United Kingdom Delegation.

Subparagraph F-5 stemmed from an Indian amendment proposed for Article VIII - Exchange of Information. At the eighth session, the Indian Delegation had agreed to consult with the United Kingdom Delegation regarding a general provision to take the place of the Indian amendment. The Meeting had agreed also at that time to postpone further discussion of the Indian amendment until after consideration of Articles XI and XII. At the tenth session, the Meeting unanimously accepted subparagraph F-6, a United States amendment based on a similar paragraph in the draft Statute of August 22, 1955, subject to consideration by the Drafting Committee of the inclusion of the Indian amendment on patents. There was no objection to the subparagraph prepared by the Drafting Committee.

Paragraph G was an amendment proposed by the United States. It was based on a corresponding paragraph (Article XII - D) of the draft Statute of August 22, 1955. The amendment was accepted unanimously by the Meeting at its tenth session.

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An amendment proposed by the Brazilian Delegation was rejected by the Meeting at the tenth session by a vote of five in favor (Australia, Brazil, Portugal, the United Kingdom, and the United States), none opposed, and seven abstentions (Belgium, Canada, Czechoslovakia, France, India, the Union of South Africa, and the USSR). The proposed amendment was as follows:

Upon the approval of a project by the Agency and on request of financial assistance by the submitting state, the Agency shall recommend such project to the attention of the International Bank for Reconstruction and Development or other appropriate organizations.

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ARTICLE XII - Agency Safeguards

At the tenth session, the Meeting unanimously accepted the United States amendment to substitute "Agency Safeguards" in place of "Approval of Projects" as a new title to the Article.

Paragraph A - Introductory Paragraph - was the first part of a proposed Indian amendment to this paragraph. It was adopted unanimously by the Meeting at the fifteenth session. The remainder of the proposed Indian amendment read as follows:

and as provided in the Agreement between the Agency and the party or parties to the project or arrangement.

The United States Delegation held that this phrase would permit parties to contract out of controls. The Indian Delegation stated that its intent was that parties concerned should know what was meant when they accepted safeguards to be applied in a project or arrangement. The remainder of the Indian amendment was rejected by the Meeting by a vote of eight opposed, three in favor (Czechoslovakia, India, and the USSR) and one abstention (Brazil).

The part of the Indian amendment which was adopted was essentially the same as a United States amendment proposed for this introductory paragraph. The Indian Delegation stated that it attached great importance to the substance of the second part of its amendment and that it reserved the right of India to raise this matter at a general conference.

Subparagraphs A.1 and A.2 were United States amendments to the corresponding paragraphs in the draft Statute of August 22, 1955. These amendments were accepted unanimously by the Meeting at the tenth session.

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Subparagraph A.3 was a United States amendment to the corresponding paragraph of the first draft Statute. The Indian Delegation questioned the suggested addition of the words "source, and" in this subparagraph. In the subsequent voting on the inclusion of these words, the Delegations of Czechoslovakia, India, and the USSR voted against the additional words. The remaining Delegations voted in favor of including the words "source, and" in the paragraph. The Meeting then unanimously adopted at the tenth session the inclusion of the paragraph as revised, with the Indian Delegation reserving the right to discuss this matter at a general conference.

Subparagraph A.4 came from the first draft Statute. The amendment, which deleted part of the original paragraph, was proposed by the United States and was adopted unanimously by the Meeting at the tenth session.

Subparagraph A.5 was an amendment proposed by the United States and adopted at the fifteenth session with only one change by a vote of eleven to one (India). The change was to replace the words "turned over to" by "deposited with". This amendment appeared for the first time in the United States' revised draft of February 18, 1956.

An Indian amendment proposed for this paragraph read as follows:

to account for such fissionable materials produced or recovered from materials supplied by the country or countries concerned for the development of the peaceful uses of atomic energy; and to approve of means for chemical processing of spent fuel elements supplied by the Agency;

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In the discussion of this paragraph, the Delegations of Australia, Canada, the Union of South Africa and the United Kingdom supported the United States amendment. The Canadian Delegation offered to move an amendment as a compromise between the Indian and United States amendments; the Canadian proposal would delete all the words after "by-product" in the United States amendment. This suggestion was not acceptable to the United States Delegation.

In response to a question put by the Delegation of Brazil, the United States Delegation stated that it was not the intention of this amendment that title of by-product fissionable material would necessarily pass to the Agency; the Agency would hold this material in escrow until the country to whom this material belonged had need of the material for non-military uses. A country might transfer ownership of this material to the Agency if the country so desired.

The Delegations of Canada and France suggested that this intention might be clarified in this paragraph if the words "turned over to" could be replaced by the words "deposited with". The Delegation of the Union of South Africa suggested that the words "placed under control of" might replace the words "turned over to". The United States Delegation stated it could accept the words "deposited with" although it felt this substitution would involve some loss of flexibility. The United States Delegation found the South African suggestion unacceptable because of the connotation that at some time special fissionable material might not be under control of the Agency. The United Kingdom Delegation was of the opinion that the substitution of the words "deposited with" in place of "turned over to" seemed to prejudge conditions of ownership of materials turned over to the Agency.

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The Indian Delegation opposed the United States amendment and held that the terms for Agency assistance would be unduly onerous if this amendment were accepted.

The Chairman called for a vote on the Indian amendment and the Meeting rejected this amendment by a vote of three in favor and nine opposed. The Delegations of Czechoslovakia, India and the USSR voted in favor of this amendment and the Delegations of Australia, Belgium, Brazil, Canada, France, Portugal, the Union of South Africa, the United Kingdom and the United States voted against the amendment.

The Canadian Delegation withdrew its proposal to delete from the United States amendment all the words after "by-product".

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Subparagraph A.6 was an amendment proposed by the United States Delegation. With the exception of two changes the subparagraph is the same as that appearing in the United States' revised Statute of February 18, 1956. The first change was the addition after the word "inspectors" of the phrase "designated by the Agency after consultation with the State or States concerned." This addition was offered by the United States Delegation to meet a suggestion of the Czechoslovak and Soviet Delegations. During the discussion of this paragraph at the fifteenth session, the Czechoslovak Delegation called the attention of the Chairman to the suggestion of the Czechoslovak Delegation made at the Tenth Session that this paragraph should include, as was agreed in the case of Article XII, that countries would have the right to object to certain persons for certain reasons as persona non grata.

The USSR Delegation stated that it had understood that the Meeting had agreed that a Member had the right to object to certain individuals who might come into its territory in connection with any function of the Agency. The USSR Delegation thought it was clear that the Czechoslovak suggestion, with which it agreed, was to give Members the right to object to certain persons on reasonable grounds; it felt that any country was entitled to object to any representative of the Agency irrespective of the purpose of his visit. The Meeting accepted the proposed change in the United States amendment.

The other change in the United States amendment was the change in of the original wording at the end of the subparagraph from "with any other prescribed conditions" to the wording now in the draft, viz.,

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"with any other conditions prescribed in the agreement between the Agency and the State or States concerned". This change was suggested by the Drafting Committee to make the wording consistent with the wording of paragraph C.

Indian and Soviet amendments to this subparagraph were rejected by the Meeting. The United States Delegation stated that it could not accept the Indian proposal for the deletion of the words "source" and "and" from the phrase "to account for source and fissionable materials supplied and fissionable by-products" and the insertion immediately following the word "by-products" of "of source materials supplied by the Agency and thus". It agreed that less rigorous safeguards would be required for source material but that some accounting for this material was needed. The Delegations of Canada and the United Kingdom likewise stated that some accounting for source material was necessary.

The Indian Delegation, after explaining its position in this matter said it would withdraw its amendment regarding the deletion of the words "source and" but would insist on consideration of the addition of the phrase "of source materials supplied by the Agency and thus". The Indian Delegation also suggested that the word "by-product" be replaced with the word "product". This suggestion was accepted by the United States Delegation.

The Meeting rejected the Indian amendment by a vote of three in favor, five opposed and four abstentions. The Delegations of Czechoslovakia, India and the USSR voted in favor of the amendment. The Delegations of Australia, Canada, Union of South Africa, United Kingdom and United States opposed, and the Delegations of Belgium, Brazil, France and Portugal abstained.

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The United States Delegation opposed the USSR amendment, stating that the effect of this amendment at this particular point would be to weaken a minimum safeguard system. It stated that the Meeting had paid close attention to the sovereign rights of nations and that Article IV C dealt specifically with this matter. The Delegations of Australia, Belgium and Canada likewise opposed the USSR amendment.

The USSR Delegation stated that Article IV C dealt with the sovereign equality of nations, which was a concept different from the sovereign rights of nations. The USSR Delegation noted that this was the third time it had asked the Meeting to provide in the Statute that functions of the Agency would be carried out with due observance of the sovereign rights of nations; its proposed amendments dealing with this matter had been twice rejected.

If the USSR amendment was not accepted by the Meeting, the USSR Delegation would reserve the right of the USSR to raise this matter again at a general conference and it would have to vote against the United States amendment. The USSR Delegation felt that the Statute must recognize that the Agency must not be permitted to infringe upon its agreements with Members. The USSR Delegation attached very great importance to this amendment and stated that many States could not accept the Statute without this amendment.

The Czechoslovak Delegation supported the USSR amendment and referred to its statements made during the previous discussions on Article XIII stressing, in particular, that the control and inspection measures contained in Article XIII should conform with the requirements of due respect for the sovereign rights of States.

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The Indian Delegation asked whether there would be any objection to inserting a provision that the Agency would give due observance to the sovereign rights of States at some suitable place in the Statute other than in the paragraph under consideration. The USSR Delegation stated that this suggestion would be fully acceptable to it. The United States Delegation stated that it felt that Article IV C covered the substance of the Soviet amendment. The United Kingdom Delegation stated that there would be the same difficulty with a general clause as there would be with the USSR amendment, namely, that it would create doubts and confusion as to the rights of the Agency inspectorate.

The Meeting rejected the USSR amendment by a vote of 3 in favor and 9 opposed. The Delegations of Czechoslovakia, India and the USSR voted in favor of the amendment and the Delegations of Australia, Belgium, Brazil, Canada, France, Portugal, Union of South Africa, the United Kingdom and the United States voted against the amendment.

The Indian Delegation noted that it had intended to abstain in the voting on the United States amendment to paragraph 6 but that in view of the vote on the USSR amendment it would now have to vote against the United States amendment.

Subparagraph A.7 was a United States amendment which first appeared in the United States' revised draft of February 18, 1956. The Meeting adopted this amendment unanimously at the tenth session. At the fifteenth session the Indian Delegation proposed that the words

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"an Agency" replace the word "the" after "in furtherance of" and before "project". The United States Delegation stated that it could not accept this amendment. The Indian Delegation stated that it did not attach great importance to the amendment, which it withdrew. The Meeting then unanimously adopted this paragraph as contained in the United States amendment.

Paragraph B was a United States amendment which first appeared in the United States' revised Statute of February 18, 1956. This paragraph and paragraph C replaced paragraph D in the corresponding article of the draft Statute of August 22, 1955. At its tenth session the Meeting unanimously agreed to the provisional adoption of this paragraph. At the fifteenth session, the Indian Delegation proposed to amend this paragraph to delete the word "promptly" which had appeared in the first line of the United States amendment after the words "The Agency shall". When the United States Delegation expressed reservations concerning the proposed deletion, the Indian Delegation suggested the phrase "as necessary" to replace "promptly". The United States Delegation stated that this suggestion was acceptable and the Meeting unanimously adopted paragraph B as contained in the United States amendment thus revised.

Paragraph C was a United States amendment which first appeared in the United States' revised draft of February 18, 1956. This paragraph and paragraph B replaced paragraph D in the corresponding article of the draft Statute of August 22, 1955. The Meeting unanimously agreed to the provisional adoption of this paragraph at the tenth session. The Indian Delegation proposed that the wording of the

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United States amendment should be changed in the following respect:

With all other prescribed conditions of the
project prescribed in the Agreement.

The United States Delegation agreed to this change and paragraph C,
so revised, was unanimously adopted by the Meeting at its fifteenth
session.

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ARTICLE XIII - Reimbursement of Members

This article is a revision of Article XV of the draft Statute of August 22, 1955. The changes effected were proposed by the United States and adopted unanimously by the Meeting at its tenth session.

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ARTICLE XIV - Finance

The Delegation of Canada submitted a comprehensive amendment for this Article which, on the motion of the USSR Delegation, the Meeting at the tenth session agreed to use as the basis of discussion in considering the Article.

Paragraph A of the Canadian amendment was adopted unanimously at the eleventh session.

Paragraph B.1 was from the Canadian amendment. This paragraph consists of paragraphs B.1 and B.2 of the Canadian amendment, combined at the suggestion of the USSR Delegation accepted unanimously at the eleventh session. Minor changes were made by the Drafting Committee.

Paragraph B.2 was from the Canadian amendment. The Soviet renumbering amendment accepted at the eleventh session changed the paragraph in the Canadian amendment from B.3 to B.2.

The adoption of paragraph B signified that the Meeting accepted the principle of two budgets as described in paragraphs B.1 and B.2.

Paragraph C was a South African amendment which was adopted unanimously by the Meeting at the eleventh session. The Soviet Delegation had proposed deletion of the reference in paragraph B.1(b) to costs of implementing safeguards in relation to bilateral and multilateral arrangements. The Soviet Delegation withdrew its amendment, however, and stated its willingness to accept the South African amendment.

Paragraph D was from the Canadian amendment. It was accepted unanimously by the Meeting at the eleventh session.

The Soviet Delegation proposed the following amendment to this paragraph:

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to add at the end the following words:

considering that the maximum contribution of any State shall not exceed 15% of the established budget of the Agency.

The amount of the Agency's budget shall not exceed _____ million dollars.

The Delegations of Australia, Belgium, Brazil, Canada, the Union of South Africa, the United Kingdom, and the United States opposed the establishment in the Statute of a ceiling for the budget of the Agency and expressed reservations on the fixing in the Statute of the maximum contribution of a Member State on the basis of a percentage of the established budget.

The Czechoslovak Delegation supported the USSR amendments. The Indian Delegation suggested that the amendments might be changed to make the General Conference and Board of Governors responsible for fixing appropriate ceilings from time to time. The Australian Delegation suggested that these problems might be handled by a redrafting of paragraph F of the Canadian amendments.

The Chairman called for a two part vote on the USSR amendments, the first on that section concerning the maximum contribution of a State to the budget.

The first section of the USSR amendment was rejected by a vote of nine opposed; two in favor; and one abstention. The Delegations of Australia, Belgium, Brazil, Canada, France, Portugal, the Union of South Africa, the United Kingdom, and the United States opposed the

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amendment; the Delegations of Czechoslovakia and the USSR favored the amendment; and the Indian Delegation abstained.

The USSR Delegation then moved to amend the second sentence of the USSR amendment as follows: in place of the second sentence substitute a sentence "The Board of Governors shall endeavor that insofar as possible the Agency should have a stable budget."

The Delegations of Australia and the United Kingdom stated that while this Soviet amendment was unobjectionable, they had doubts that it would accomplish any useful purpose. The Canadian Delegation stated that while it would not oppose the Soviet amendment, it preferred its own draft.

The Chairman called for a vote on the USSR amendment. The amendment was rejected in accordance with the Rules of Procedure by a vote of two in favor and ten abstentions. The Delegations of Czechoslovakia and the USSR voted in favor and the Delegations of Australia, Belgium, Brazil, Canada, France, India, Portugal, the Union of South Africa, the United Kingdom, and the United States abstained.

Paragraph E was from the Canadian amendment and was adopted unanimately by the Meeting at the eleventh session.

Paragraph F was from the Canadian amendment as revised by a Soviet amendment. The USSR Delegation proposed adding a sentence after the words, "may be incurred by the Agency itself" which now appear in Paragraph E and before the last sentence of the paragraph, which dealt with excess revenues being placed in a "general fund" and which now appears in Paragraph F. The sentence was as follows:

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The expenditures referred to in Paragraph B-2 may also be incurred through voluntary contributions of the Member States of the Agency.

The United States Delegation suggested that the USSR amendment might be broadened by changing the amendment to state that contributions could be used for purposes other than those referred to in Paragraph B-2. At the eleventh session the Meeting adopted unanimously the substance of the USSR amendment subject to review by the Drafting Committee in the light of the United States suggestion. The Drafting Committee incorporated the substance of the Soviet amendment in the sentence which formerly concluded present Paragraph E and thus created present Paragraph F.

Paragraph G was a South African revision of the Canadian amendment, and was adopted at the eleventh session by a vote of ten in favor and two abstentions (Czechoslovakia and the USSR). The original Canadian amendment read as follows:

The Board of Governors with the approval of the General Conference shall have the authority to incur indebtedness on behalf of the Agency.

The USSR Delegation had proposed deletion of the article which gave the Agency the authority to incur indebtedness. After some discussion during which several Delegations commented on the necessity of the Agency's being able to incur some form of indebtedness, it was agreed that the South African Delegation would prepare an amendment which would set limitations on the authority of the Agency to incur indebtedness. This

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was done and the Delegation of the USSR withdrew its amendment, noting that the majority of members had opposed the USSR amendment. The Delegation of France suggested that new wording be found to replace the phrase in the South African amendment, "to incur indebtedness," such as "exercise borrowing powers." This was done by the Drafting Committee.

Paragraph H was from the Canadian amendment as revised by an Australian amendment. The revised amendment was adopted by the Meeting at the thirteenth session by a vote of eleven in favor and one abstaining (Belgium). The amendment offered by the Australian Delegation was as follows: After the words "financial questions" add the words "and of the Board of Governors in respect of the amount of the Agency's budget". A South African amendment for this paragraph was rejected by the Meeting just before the vote on the Australian amendment. This amendment was as follows:

If the total amount to be included in the draft budget for any year exceeds the amount of the budget approved for the previous year, such draft budget shall not be submitted to the General Conference unless a resolution recommending that provision be made for the increase has been adopted by the Board by a majority of two-thirds of its members present and voting.

The Meeting rejected the South African amendment by a vote of three in favor, two opposed, and seven abstentions. The Delegations of Czechoslovakia, Union of South Africa, and the USSR voted in favor; the Delegations of Canada, and the United Kingdom against; and the Delegations of Australia, Belgium, Brazil, France, India, Portugal, and the United States abstained.

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The Soviet Delegation had proposed the following language
for paragraph H:

Decisions of the General Conference and the
Board of Governors on financial matters shall
be adopted by a three-fourths majority vote.

At the fifteenth session the USSR Delegation stated that it
had agreed to the paragraph in the Drafting Committee and had no
further comment to make.

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ARTICLE XV - Privileges and Immunities

Paragraph A was a United States amendment adopted unanimously at the eleventh session. The words "for the fulfillment of its objectives and" which followed the words "necessary for" in the draft Statute of August 22, 1955 were deleted.

An Australian amendment to this paragraph was withdrawn. This amendment would have added the words "Subject to paragraph B of this Article" at the start of paragraph A, relettering paragraph C as paragraph B.

In the discussion of paragraphs B and C of the draft of August 22, 1955, the Australian Delegation opposed the wording of the article, which it stated was of a self-executing nature. The Australian Delegation proposed the following amendments for these paragraphs

Make paragraph B paragraph A-2
Make paragraph C paragraph B and amend
it as follows:

- (a) Delete the commencing words, "without prejudice to the immediate effectiveness of paragraphs A and B of this Article.
- (b) Add the words "and subject to" after the words "defined in".
- (c) Add before the words "the Members concerned" at the end of the paragraph, the words "each of".

The Australian Delegation proposed to revise its amendment by dropping "each of" and deleting the word "concerned" at the end of former paragraph C.

The United States Delegation opposed the Australian amendment, stating that some immunities and privileges were necessary for getting the Agency started.

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The Indian Delegation stated that it would oppose amending paragraphs A and B but would support the Australian amendment to paragraph C with the exception of the words "and subject to". The Australian Delegation stated that the Indian suggestion would be satisfactory to it.

In response to a question by the United States Delegation, the Indian Delegation stated that it was the intention that paragraphs A and B would be a statement of principles setting forth a minimum of privileges and immunities for the initial period of the Agency and before the conclusion of individual agreements.

The Meeting adopted paragraph B unchanged and the amendment to paragraph C as revised by the Australian and Indian Delegations.

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ARTICLE XVI - Relationship with Other Organizations

This article is based on the corresponding article in the draft Statute of August 22, 1955 and on Indian and United States amendments thereto. Both the Indian and United States Delegations submitted amendments to this article, the Indian amendment being more extensive than that of the United States. The United States Delegation subsequently tabled a revised amendment similar to the Indian amendment. At the thirteenth session the Indian Delegation stated that the substance of the United States amendment was acceptable to it subject to the deletion of certain words as follows:

In paragraph B-1 delete the words "to the United Nations, on an annual basis or as requested",; in paragraph B-2 the words "in due course," after the word "submission" and before the words "of reports", and the words "if any" after the word "action" and before the words "taken by".

These deletions were acceptable to the United States Delegation.

The South African Delegation proposed a verbal amendment to delete the word "it" in paragraph B-2 after the words "relating to" and before the words "adopted by" and to substitute the words "the peaceful uses of atomic energy". The South African Delegation asserted that without this amendment, the language of the United States amendment could lead to direct United Nations control over Agency activities.

The Delegations of Australia, France, India, the USSR, and the United States spoke in favor of leaving the text unchanged.

The Meeting rejected the South African amendment by a vote of seven opposed, one in favor, and four abstaining. The Delegations of Canada, Czechoslovakia, France, India, the United Kingdom, the USSR, the

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and the United States voted against the amendment; the South African Delegation was in favor; and the Delegations of Australia, Brazil, Belgium, and Portugal abstained.

The South African Delegation then proposed a second amendment to delete the following words "or by its Members" in paragraph B-2 after the words "by the Agency" and before the words "as a result of".

The Canadian Delegation suggested some compromise language but withdrew the suggestion upon objection to it by the USSR Delegation. The French Delegation stated its preference for the text as it stood.

The South African amendment was rejected by a vote of three opposed, one in favor, and eight abstaining. The Delegations of Czechoslovakia, India, and the USSR voted against the amendment; the South African Delegation in favor; and the Delegations of Australia, Belgium, Brazil, Canada, France, Portugal, the United Kingdom, and the United States abstained.

The Meeting adopted the United States amendment with the Indian deletions by a vote of eleven in favor; one opposed (Union of South Africa), and no abstentions.

At the fifteenth session, the South African Delegation stated that it thought paragraph B-2 had been adopted hastily and regretted that it had not asked for postponement of consideration of this paragraph in order that the Meeting might more fully consider the deletion of words which it believed would at least greatly delay membership of the Union of South Africa in the Agency. It therefore moved that the Meeting consider deleting from paragraph B-2 the words "by the Agency or by its Members" after the words "on the action taken" and before the words "as a result of".

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The South African Delegation stated that it would have found acceptable a Canadian suggestion, made at the time this paragraph was being discussed, to end the paragraph either after the words "the appropriate organ of the United Nations" or after the words "on the action taken", but that this suggestion had been withdrawn before it was put to a vote. It reiterated its fears that if the text remained as adopted it could result in unwarranted interference by the United Nations.

The Canadian Delegation stated that it would not question the ruling of the Chair, but that it would be willing to put forth its original suggestion if the question were reopened.

The Meeting voted to recommit Article XVI, B-2, for consideration with nine in favor (Australia, Belgium, Brazil, Canada, France, Portugal, Union of South Africa, United Kingdom, and the United States), two opposed (Czechoslovakia and USSR), and one abstention (reservation) (India).

The Czechoslovak, Indian and USSR Delegations spoke in favor of leaving the text unchanged, pointing out that no sinister motive was behind the language to which the South African Delegation objected. The Delegations of Belgium and the United States spoke in favor of the proposed South African deletion.

The Canadian Delegation stated that it would be willing to make a motion to terminate paragraph B-2 at the end of the words "the appropriate organ of the United Nations" or at the end of "of the action taken" if that would serve a useful purpose in solving the dilemma. The Australian Delegation supported the Canadian Delegation's suggestion.

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The Belgian Delegation stated that it would have no objection to the retention of the language if the point were made clear that the questions involved would be restricted to Agency matters and suggested the insertion of the words "in accordance with this Statute" after the words "on the action taken".

This suggestion was generally agreeable although the Indian Delegation felt that it was not adequate in scope.

When put to a vote, the Meeting unanimously adopted the Belgian Delegation's proposal.

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OFFICIAL USE ONLYARTICLE XVII - Settlement of Disputes

At the twelfth session, during the discussion of the paragraph on disputes (XIX-E in the draft Statute of August 22, 1955), it was agreed that a Committee consisting of representatives of Czechoslovakia, India, the USSR, the United Kingdom, and the United States should meet to consider changes in the paragraph. The Committee's report was considered at the fourteenth session. It proposed that a new Article XVII - Settlement of Disputes - should replace the former paragraph. The wording of the article was based on the relevant provisions of the Constitution of the World Health Organization.

The Meeting voted to adopt the new article with nine in favor, one opposed (Australia), and two abstentions (Czechoslovakia and the USSR). The Australian Delegation explained that it had voted against the text on the grounds that its language was ambiguous and susceptible to a variety of interpretations. It reserved the right of Australia to raise this matter at the World Conference. The USSR Delegation explained that it had abstained because of a discrepancy between the Russian and English texts. The Czechoslovak Delegation explained that it had abstained since it appeared that there was more than one interpretation of the language.

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OFFICIAL USE ONLYARTICLE XVIII - Amendments and Withdrawals

The corresponding article in the draft Statute of August 22, 1955 was entitled "Amendments, Withdrawals, Disputes" but the paragraph on disputes was deleted and a separate article on disputes written into the Statute so that the title of this article became "Amendments and Withdrawals".

Paragraph A is based on the corresponding paragraph in the draft Statute of August 22, 1955 (Article XIX-A). The amendments were proposed by the United States Delegation and were adopted unanimously by the Meeting at the eleventh session.

Paragraph B was adopted by the Meeting at the twelfth session after Soviet amendments to this paragraph had been rejected. The paragraph which was accepted was a United States revision of the corresponding paragraph in the draft Statute of August 22, 1955. One change was made in the United States' amendment during the discussion when the Belgian Delegation pointed out an inconsistency in the amendment by which only a simple majority in the General Conference would be required to approve amendments to the Statute. The United States Delegation stated its willingness to accept the principle of approval of amendments by a two-thirds vote of the General Conference subject to its insertion in the text by the Drafting Committee.

The USSR Delegation presented an amendment to the effect that amendments to the Statute should come into force on approval of three-quarters of the Board of Governors and by two-thirds of the General

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Conference as well as requiring ratification by two-thirds of all Members. The Indian Delegation supported the new Soviet amendment.

The new USSR amendment was voted on by the Meeting and was rejected by a vote of eight opposed, three in favor and one abstention. The Delegations of Australia, Belgium, Canada, France, Portugal, the Union of South Africa, the United Kingdom, and the United States voted against the amendment. The Delegations of Czechoslovakia, India, and the USSR voted in favor of the amendment, and the Brazilian Delegation abstained.

In view of the result of the voting, the USSR Delegation reintroduced an amendment to this paragraph which it had presented earlier. This called for approval of amendments by three-quarters of all Members. The original USSR amendment was voted on and was rejected by the Meeting by a vote of eight opposed, three in favor, one abstention. The Delegations of Australia, Belgium, Brazil, France, Portugal, the Union of South Africa, the United Kingdom, and the United States voted against the amendment. The Delegations of Czechoslovakia, India, and the USSR voted in favor of the amendment, and the Canadian Delegation abstained.

Paragraph C resulted from a United States amendment to the corresponding paragraph in the Statute of August 22, 1955. This amendment was accepted unanimously by the Meeting at the twelfth session.

Paragraph D was taken from the draft Statute of August 22, 1955, amended as suggested by the South African and Canadian Delegations.

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The Delegation of the Union of South Africa stated that as a result of the adoption of the United States amendment to paragraph C, a consequential amendment should be made in paragraph D, as follows: after the words "Article XI", add the phrase "its budgetary obligations for the year in which it withdraws and outstanding budgetary obligations, if any".

The Delegations of Belgium and the USSR opposed that part of the South African amendment dealing with "outstanding budgetary obligations", and the United States and Belgian Delegations suggested that this might be replaced by reference to "arrears" in the budgetary obligations. The South African Delegation suggested rewording the phrase to read: "and its arrears in budgetary contributions, if any." The Canadian Delegation suggested that the Meeting might accept the first part of the South African amendment while rejecting the second part.

The Meeting accepted this Canadian suggestion and subject to review by a Drafting Committee, unanimously adopted paragraph D with the additions of the words "its budgetary obligations for the year in which it withdraws".

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OFFICIAL USE ONLYARTICLE XIX -- Suspension of Privileges

This article was an amendment to the corresponding article of the draft Statute of August 22, 1955. Except for one phrase proposed by the Indian Delegation, the amendments were those of the United States Delegation. The Indian amendment was to add the phrase "of the Members present and voting" after the words "two-thirds majority" in the last sentence of the article. The Meeting at the twelfth session unanimously adopted the Indian and United States amendments after the United States Delegation stated that the Indian amendment was acceptable to it and could be incorporated in the United States amendment.

An amendment proposed by the Delegation of the Union of South Africa during the discussion was withdrawn when it became apparent that it had no support. This amendment would have retained the clause on suspension of privileges and rights of membership as well as the new language on voting proposed by the United States Delegation.

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ARTICLE XX - Definitions

In accordance with decisions taken by the Meeting at its second and eighth sessions, a Scientific Committee was established to consider definitions in the Statute. The Committee adopted a set of definitions which was a revision of a draft prepared by the United States representatives. The definitions were adopted by the Committee by a vote of ten in favor and one abstention (India). The Indian representative stated that he had abstained because an inconsistency appeared in the definitions. Australia was not represented on the Committee.

The Meeting considered the Report of the Scientific Committee at its fourteenth session. In discussing the definitions proposed, the Indian Delegation asserted that there was an inconsistency between paragraphs 1 and 3 of the definitions whereby uranium depleted in the isotope 235 but containing the isotope 233 could be classified as either special fissionable material or source material. After some discussion, during which the Indian Delegation stated its preference for an earlier draft of the definitions prepared by the Scientific Committee, the Chairman called for a vote on adoption of the Report. The Report was adopted by the Meeting by a vote of eleven in favor and one opposed (India).

The Drafting Committee proposed that definitions should be included in the Statute as Article XX. There were no objections to this proposal and it was so decided.

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The Meeting agreed to the recommendation of the Scientific Committee to use the term "special fissionable material" in the Statute in place of the term "fissionable material" wherever this last term occurred.

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ARTICLE XXI -- Signature, Acceptance, and Entry into Force

This article corresponds to Article XXI of the draft Statute of August 22, 1955. The changes made, except for the word "eighteen" in paragraph E, were suggested by the United States Delegation.

Paragraph A was a United States amendment adopted by the Meeting at the twelfth session by a vote of nine in favor and three abstentions (Czechoslovakia, India, and the USSR).

The Soviet Delegation had offered an amendment to delete the words "Members of the United Nations or any of the specialized agencies" after the words "all States" in the United States' amendment. The Meeting rejected the USSR amendment by a vote of eight opposed, three in favor (Czechoslovakia, India, the USSR), and one abstention (Canada).

Paragraph B was adopted unanimously by the Meeting at the twelfth session as the paragraph appeared in the draft Statute of August 22, 1955.

Paragraph C was an amendment proposed by the United States and adopted unanimously by the Meeting at the twelfth session. The Brazilian Delegation proposed that the Government of the United States be designated the depository Government. This proposal was accepted unanimously by the Meeting at the twelfth session.

Paragraph D was adopted as it stood in the draft Statute of August 22, 1955. Minor drafting changes were made by the Drafting Committee.

Paragraph E was amended by the Meeting at the twelfth session to raise the number of ratifying States necessary to bring the Statute into effect from eight to eighteen. Other minor amendments were proposed by the United States Delegation. The Czechoslovak Delegation started

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the discussion by suggesting that the number should be increased.

The Delegation of the USSR supported the Czechoslovak suggestion and proposed that twenty-six ratifications should be required.

The Delegations of Australia, Belgium, Brazil, and Canada indicated their willingness to increase the required number. The South African Delegation supported the original figure of eight.

After some discussion, the Meeting agreed to the figure of eighteen in place of eight and the paragraph was adopted unanimously.

Minor changes were made in Paragraph F at the suggestion of the United States Delegation. The Meeting accepted the changes unanimously at the twelfth session.

Paragraph G of the draft Statute of August 22, 1955 was adopted by the Meeting at the twelfth session. The Drafting Committee, however, deleted the paragraph and no objection was offered to the deletion.

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ARTICLE XXII - Registration with the United Nations

At its twelfth session the Meeting unanimously adopted this article with drafting changes suggested by the United States Delegation. The article is essentially the same as Article XXII of the draft Statute of August 22, 1955.

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ARTICLE XXIII -- Authentic Texts and Certified Copies

This article is essentially the same as Article XXIII of the draft Statute of August 22, 1955. The changes made were the result of amendments proposed by the United States^{and}/revised by the USSR. These amendments were adopted unanimously by the Meeting at the twelfth session.

The Soviet amendment to the United States' amendment was as follows:

To delete the following sentence:

In witness whereof the duly authorized representatives of the States-Members of the United Nations or of the Specialized Agencies signed this Statute.

To insert instead of this sentence the following sentence:

In witness whereof the undersigned, duly authorized, have signed this Statute.

The Delegations of the United Kingdom and the United States stated that they were prepared to accept the USSR amendment.

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ANNEX I

At the final session on April 18, the Meeting unanimously adopted
this Annex, a United States amendment.

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