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Chair: Mr BENHOUCINE (Algeria)

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¹ GC(59)/25.

Abbreviations used in this record:

ITDB	Incident and Trafficking Database
INSEN	International Nuclear Security Education Network
NSSC	Nuclear Security Support Centre
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
SLA	State-level approach
UNSC	United Nations Security Council

15. Nuclear security (resumed) (GC(59)/COM.5/L.4/Rev.1)

1. The CHAIR, on behalf of the Committee of the Whole, expressed condolences to the delegation of Chile following the earthquake that had struck Chile during the night.
2. The representative of the NETHERLANDS introduced the draft resolution contained in document GC(59)/COM.5/L.4/Rev.1 and highlighted the various changes to the draft resolution.
3. In paragraph (f), “for the Agency” had been deleted before “to raise awareness”.
4. Paragraph (l) on the importance of bringing together experts and policymakers to promote the exchange of information and experiences in computer security had been deleted, but additional text to that effect had been inserted into paragraph 33.
5. Paragraph (q) had been changed to reflect the concern of some Member States, with “financial, technical and human resources” being replaced by “technical, human and financial resources” and “including through the Nuclear Security Fund” being inserted in paired commas between “resources” and “for the Agency”.
6. In paragraph (t), “and welcoming” had been replaced by “as well as”.
7. The formulation of paragraph (y) had been changed to that used in the previous year’s resolution.
8. Paragraph (aa) had been changed to distinguish coordinated research projects from the Agency’s education and training programmes.
9. After consultations, paragraph (dd) had been deleted because paragraph 30 on the Incident and Trafficking Database (ITDB) already contained most of the information.
10. In paragraph 5, “or designate” had been inserted between “establish” and “and sustain”.
11. Paragraph 12 had been reworded to refer specifically to IAEA Nuclear Security Series No. 23-G and, more generally, to information security, highlighting the balance between security and transparency.
12. Paragraph 13 had been reworded to be closer to the wording used in resolution GC(58)/RES/11, while inviting Member States to make use of the Nuclear Security Series “at their national discretion in their efforts to strengthen nuclear security”.
13. In paragraph 18, a request that the Secretariat report on the activities of, inter alia, the Nuclear Security Support Centres (NSSCs) and the International Nuclear Security Education Network (INSEN) had been included.
14. In paragraph 24, “while avoiding duplication with the informal mechanism for assistance provided by the UNSC 1540 Committee” had been deleted.
15. Paragraph 27 had been redrafted considerably and paragraph 28 had been amended by referring to the Code of Conduct on the Safety and Security of Radioactive Sources and to ongoing discussions on guidance for the management of disused sealed sources respectively.

16. In paragraph 32, “assist Member States, upon request, to take further preventive and protective measures” had been changed to “advise Member States, upon request, on taking further preventive and protective measures”.

17. In paragraph 33, in addition to the above-mentioned addition, “its efforts to promote and strengthen” had been reduced to “its efforts to strengthen” to avoid unnecessary duplication.

18. The representative of SWITZERLAND said that the points raised by his country had unfortunately not been reflected in the revised draft resolution. Following extensive consultations with like-minded countries, he wished to propose a new preambular paragraph combining the previously proposed (b) bis and (b) ter into a single (b) quater, reading as follows: “Recognizing that, to promote effective nuclear security in an comprehensive manner, and to strengthen international peace and security, progress is urgently needed in the area of nuclear disarmament and non-proliferation, consistent with international obligations and objectives, bearing in mind the catastrophic humanitarian consequences of any use of nuclear weapons, as well as the threat posed by any act of nuclear terrorism.”

19. The proposed paragraph was a compromise that sought to reflect comments made on the “catastrophic human consequences” originally contained in (b) ter. It was not a Swiss proposal but the outcome of multilateral discussions involving many countries from around the world. His delegation and like-minded countries were open to further discussions on the matter.

20. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation could accept the text as it stood, but had concerns regarding paragraph 14, which had been revised in an attempt to cover a range of different initiatives. The Nuclear Security Summits, however, were completely irrelevant and his delegation was surprised that, despite long discussions in recent years on the issue, it was necessary to make the same points again. His delegation believed that, if no conclusion could be reached, it would be better to reinstate the wording used on nuclear security in resolution GC(58)/RES/11.

21. The representative of INDIA, while welcoming the extensive consultations, said that his country agreed to most of the text, but further consultations were required on paragraph (w) in order to reach a consensus. His delegation was dismayed that the preambular paragraph proposed by the representative of Switzerland had been raised again and could not agree to it.

22. The representative of the UNITED KINGDOM, hoping that consensus could be achieved, said that the key elements of proposed paragraph (b) quater were reflected in paragraph (r) and argued in favour of retaining the text contained in document GC(59)/COM.5/L.4/Rev.1.

23. The representative of EGYPT, while acknowledging the challenges that the drafters of the resolution faced in producing a document that would achieve consensus and reflect international priorities, regretted that a number of points discussed, including the Swiss proposal, had not been included in the revised draft resolution. Paragraph (r) was ineffective as it presented the issue of nuclear disarmament only in the context of United Nations General Assembly resolution 69/39 on measures to prevent terrorists from acquiring weapons of mass destruction and did not mention international obligations assumed by States in other forums and agreements. His delegation supported the proposals by the representative of Switzerland and was dismayed that no effort had been made to accommodate his delegation’s concern, echoed by many other States, about disarmament. The Agency did not exist in isolation; rather, it was part of the international community and must act accordingly, integrate international priorities into its work and should not allow itself to be swayed by unhelpful efforts aimed at distracting it from matters of immediate relevance to its work. As disarmament was a matter of crucial importance, which the co-sponsors were obliged to reflect in the draft resolution, his delegation called for paragraph (b) quater to be integrated into the text.

24. The representative of the NETHERLANDS said that the revised draft resolution on nuclear security was a work-in-progress and consultations remained open, including on paragraph (w). Turning to proposed paragraph (b) quater, she said that the draft resolution reflected a conservative approach based on the previous year's carefully agreed text that was most likely to achieve consensus. The Agency needed a strong operative resolution on nuclear security in order to continue its work in that area, and long debates on issues discussed elsewhere did not serve that end.

25. The representative of SOUTH AFRICA was disappointed that paragraphs (b) bis and (b) ter had not been integrated into the revised draft resolution contained in document GC(59)/COM.5/L.4/Rev.1. Reflecting on comments on the Agency's mandate for disarmament, she wondered how the role that the Agency had played in her country's abolition of its weapons programme might be characterized, as it had furthered worldwide disarmament. Eisenhower, in his "atoms for peace" speech, had clearly envisaged the Agency as a contributor to nuclear disarmament. The Agency had been established in the negative light of nuclear energy and had sought to harness its positive aspects precisely because of the devastating humanitarian consequences of the use of nuclear weapons.

26. She said that that United Nations policy was set out in General Assembly resolutions and treaties such as the NPT, which placed specific commitments on Member States. The first resolution adopted by the United Nations had dealt with disarmament and established a Commission to consider the problems raised by the discovery of atomic energy and to make proposals for the elimination from national armaments of atomic weapons and all other major weapons adaptable to mass destruction. Thus, the importance of disarmament had been carried through countless resolutions, such as Security Council resolution 1977 (2011), reaffirming the need for Member States to comply fully with their obligations and to fulfil their commitments in relation to arms control, disarmament, non-proliferation in all its aspects, all weapons of mass destruction and their means of delivery.

27. The year 2015 warranted a special effort in the light of the failure of the 2015 NPT Review Conference to produce a consensus-based final document and the 70th anniversary of the bombings of Hiroshima and Nagasaki. Furthermore, there was increasing international momentum towards disarmament, with the Humanitarian Pledge signed by more than 100 States reiterating their commitment to disarmament and the statement delivered on behalf of 159 countries at the General Assembly highlighting the devastating humanitarian consequences of nuclear weapons and raising the need for urgent progress towards disarmament.

28. Her delegation sought consensus on a resolution on nuclear security, but stressed that consensus was a two-way street that should reflect the views and voices of all Member States. As the draft resolution contained in document GC(59)/COM.5/L.4/Rev.1 failed to do so, her delegation called on the sponsors to hear its voice and consider proposed paragraph (b) quater.

29. The representative of BRAZIL wondered why the sponsors' conservative approach had been applied piecemeal to the resolution and not consistently throughout the document. His delegation advocated an evolutionary approach to the drafting of the resolution, stressing the need to reflect developments in the world and at the Agency. It was, thus, a great disappointment that neither the original nor the revised amendments proposed by the representative of Switzerland, which represented the views of many Member States from various several regions, had been properly considered. Paragraph (b) quater placed nuclear security in its proper non-proliferation and disarmament context, and called for progress to those ends. With a view to achieving consensus, the proposal had been modest and flexible, reflecting merely the essential substance of those countries' concern. He called on other States to display the same level of flexibility.

30. The representative of THAILAND reiterated her country's support for the original and the revised amendments proposed by the representative of Switzerland, which had accommodated

the views of many like-minded States. Her delegation had sought to include more elements, but had been willing to be flexible. While noting the co-sponsors' reasons for not including the original Swiss proposal in the revised draft resolution, she called on them to take different perspectives on board.

31. The representative of CUBA expressed her delegation's disappointment that the original amendment proposed by the representative of Switzerland had not been integrated into the draft resolution contained in document GC(59)/COM.5/L.4/Rev.1, as it had been the outcome of multilateral discussions involving many States. In proposed paragraph (b) quater, which retained the essence of (b) bis and (b) ter, like-minded States had opted for flexibility in a spirit of compromise instead of demanding more or using stronger wording. Sadly, that flexibility had not been recognized. Furthermore, paragraph 14, which referred to the United Nations Security Council Committee established under resolution 1540 (2004) and to Nuclear Security Summits, despite strong opposition from the outset and calls to reinstate the previous formulation, had been retained in the revised draft resolution. If the goal was consensus, that should apply to all parts of the resolution.

32. The representative of PAKISTAN, commending the drafting parties' efforts, said that GC(59)/COM.5/L.4/Rev.1 was a step in the right direction, but that there was very little prospect of consensus being achieved on the amendment just proposed by the representative of Switzerland.

33. The representative of INDONESIA said that, while his delegation had called for paragraph (w) to be deleted, it was open to further discussions on its formulation. In addition, his delegation supported the inclusion of paragraph (b) quater, as its content was consistent with the Agency's Statute. Furthermore, discussion of disarmament in other forums did not preclude its discussion by the Committee of the Whole.

34. The representative of MEXICO supported paragraph (b) quater, as it reflected the consultations among various States, which had approached the matter constructively and had displayed a great level of flexibility. His delegation called for further consultations on the matter with the drafting parties.

35. The representative of SINGAPORE called for further discussion of the amendment proposed by the representative of Switzerland, which had been widely supported. Paragraph (b) quater highlighted areas of immediate concern to nuclear security. The resolution on nuclear security was indeed an important one and his delegation hoped that consensus could be reached, including on paragraph (b) quater.

36. The representative of the BOLIVARIAN REPUBLIC OF VENEZUELA expressed his delegation's support for the amendment proposed by the representative of Switzerland, stating, as had the representative of Brazil, that the drafting parties should not be selective in their focus. He noted that paragraph 14, on which there had not been any consensus from the outset, still referred to irrelevant initiatives. Nevertheless, his delegation was open to continuing discussions on the matter.

37. The representative of PERU said that the draft resolution must reflect the views of all Member States. The States' determination to achieve consensus was reflected in the conservative nature of the amendment just proposed by the representative of Switzerland and the flexibility shown in drawing it up. It was important that the draft resolution on nuclear security reflect the humanitarian consequences of the use of nuclear weapons and the need for progress towards disarmament and non-proliferation.

38. The representative of the RUSSIAN FEDERATION said that, while the issues covered in the preambular paragraph proposed by the representative of Switzerland were of undoubted importance to the international community, they had no place in a draft resolution on nuclear security. There were many steps on the road to disarmament, which was a subject more properly discussed in other forums.

In his opinion, the draft resolution contained in document GC(59)/COM.5/L.4/Rev.1 provided a good basis for reaching consensus, following further informal consultations.

39. The representative of NAMIBIA, expressing support for the amendment proposed by the representative of Switzerland, said that it was particularly important to mention the catastrophic humanitarian consequences of any use of nuclear weapons.

40. The representative of GERMANY stressed the vital importance of the draft resolution to the technical work of the Agency. The version contained in document GC(59)/COM.5/L.4/Rev.1 reflected the significant efforts that had been made to achieve consensus at the previous session and was the only way of achieving consensus at the current session of the General Conference.

41. The representative of COLOMBIA supported the amendment proposed by the representative of Switzerland, as amended by the representative of Egypt.

42. The representative of ALGERIA supported the amendment proposed by the representative of Switzerland.

43. The representative of FRANCE said that the concerns reflected in the amendment proposed by the representative of Switzerland were not necessarily shared by all Member States and were, in any case, covered by the wording of paragraph (r).

44. The representative of the UNITED STATES OF AMERICA, emphasizing the importance of reaching consensus on the draft resolution, urged all interested parties to participate in informal consultations to that end.

45. The representative of DENMARK, echoing those comments, said that the main point of the draft resolution was to give guidance to the Secretariat in its work in the coming year. She considered that the previous year's text offered the only basis for reaching consensus.

46. The representative of ARMENIA regretted that his concerns had not been reflected in the revised draft resolution and he hoped that consensus could be reached on the text through informal consultations.

47. The representative of ECUADOR supported the amendment proposed by the representative of Switzerland and the comments made by the representatives of South Africa and Egypt. As the Agency's ultimate goal was to benefit humankind, it should not remain on the sidelines of debate on such important issues.

48. The representative of ESTONIA said that the Swiss proposal did not bring the Committee closer to a consensus. The draft resolution contained in document GC(59)/COM.5/L.4/Rev.1 should be the basis for further discussion.

49. The representative of ARGENTINA hoped that the widespread support for the Swiss proposal, which she echoed, would be duly taken into account in the attempt to achieve consensus on the draft resolution.

50. The representative of NEW ZEALAND said that the Swiss proposal, which she supported, placed the Agency's work on nuclear security appropriately in its broader context.

51. The representative of GUATEMALA supported the Swiss proposal, which was relevant to strengthening nuclear security.

52. The representative of SPAIN said that, although the subject of nuclear security had political implications, the draft resolution was predominantly technical. The amendment proposed by the representative of Switzerland exceeded the scope of the draft resolution, as it covered highly political

issues and potentially even the Agency's role and function. The sponsors of the draft resolution therefore wished to examine the proposed amendment closely and discuss it with all interested parties to ensure that it was consistent with the purpose of the draft resolution before they could consider including it in the text.

53. The representative of POLAND, stressing the tradition of achieving consensus on the subject of nuclear security, appealed to all delegations to take a realistic approach and avoid raising contentious issues on which there was no prospect of agreement. Consensus on the basis of the text set out in document GC(59)/COM.5/L.4/Rev.1 should be sought without delay through informal consultations.

54. The representative of AZERBAIJAN suggested that reinstatement of the previous year's text might be an acceptable compromise that would permit consensus.

55. The representative of CANADA said that further informal consultations should be held on the current draft of the text before reinstating the previous year's version; in view of the divergent views expressed, however, she doubted whether the desired consensus would be attainable.

56. The representative of ITALY highlighted the technical nature of the draft resolution and its importance to the Secretariat's work. He hoped that those divergent views could be accommodated in informal consultations.

57. The representative of ROMANIA stressed the need for consensus on such an important draft resolution. Use of wording agreed in previous years might be a solution.

58. The representative of PAKISTAN, expressing concern that the Swiss proposal covered areas outside the scope of the Agency's activities, suggested that paragraph (r) could serve as an alternative.

59. The representative of FINLAND considered that informal consultations should resume promptly and that the previous year's text might provide a basis for consensus.

60. The representative of SWEDEN highlighted the importance of the draft resolution and he hoped that consensus could be reached. The new text proposed must be discussed, but he cautioned against making proposals that could not be widely supported.

61. The representative of SWITZERLAND reassured the Committee that he had no intention of paralysing the work of the Agency, to which his country was fully committed. His delegation had resisted pressure from some quarters to suggest an operative paragraph that would have extended the mandate of the Agency and had merely proposed an addition to the preamble that had no operational effect.

62. The CHAIR urged those involved in informal consultations on the draft resolution to resume them forthwith. It was important to strive for consensus on the subject.

The meeting was suspended at 11.50 a.m. and resumed at 12.15 p.m.

16. Strengthening of the Agency's technical cooperation activities (resumed) (GC(59)/COM.5/L.6/Rev.1; GC(59)/COM.5/L.7/Rev.1)

63. The CHAIR said that he understood that consensus had been reached on the text of the draft resolution contained in document GC(59)/COM.5/L.6/Rev.1.

64. The representative of CHILE expressed appreciation for condolences extended by the Chair following the earthquake that had occurred in his country during the previous night.

65. Speaking on behalf of the Group of 77 and China, he commended the flexibility shown in productive and constructive informal consultations, which had permitted agreement on all controversial issues.

66. The representative of ITALY sought clarification regarding the word "allocated" in paragraph 2, which he understood had been changed to "assigned" during the informal consultations.

67. The representative of CHILE confirmed that that was an editorial error: the end of paragraph 2 should indeed read "appropriately assigned at all levels".

68. On that understanding, the CHAIR took it that the Committee agreed to recommend that the General Conference adopt the draft resolution contained in document GC(59)/COM.5/L.6/Rev.1.

69. It was so decided.

70. The CHAIR commended the extremely cooperative spirit that had prevailed and had permitted early agreement to be reached on the draft resolution on technical cooperation.

71. The representative of CANADA echoed that sentiment.

72. The CHAIR drew attention to the revised draft resolution on the Programme of Action on Cancer Therapy contained in document GC(59)/COM.5/L.7/Rev.1. He took it that the Committee agreed to recommend to the plenary that it adopt the draft resolution.

73. It was so decided.

74. The representative of AUSTRALIA wished to know whether the various resolutions on aspects of strengthening the Agency's technical cooperation activities would be clustered for submission to the plenary.

75. The representative of CHILE confirmed that, after some discussion, it had been agreed that they would.

76. The CHAIR said that the Committee had concluded its consideration of item 16 of the agenda.

18. Strengthening the effectiveness and improving the efficiency of Agency safeguards (resumed) (GC(59)/COM.5/L.1)

77. The CHAIR invited the representative of Austria to report on the progress made in the informal consultations on the draft resolution set out in document GC(59)/COM.5/L.1.

78. The representative of AUSTRIA commended the hard work of the negotiating delegations and the great progress that had been made.

79. With regard to paragraphs 23 and 24, a decision had been reached to revert to the text used in the 2014 resolution on strengthening the effectiveness and improving the efficiency of Agency safeguards contained in resolution GC(58)/RES/14. In paragraph 28, the figure “53” had been deleted. Consensus had been reached on both points.

80. Paragraph 28 bis had been added, reading “Encourages the Secretariat to continue to implement SLAs, making every effort to ensure optimal efficiency in the economical use of its resources without compromising effectiveness”, which was based on the original amendment proposed by the representative of Switzerland, inserting a paragraph after paragraph 24. She thanked the representative of Switzerland for his willingness to compromise.

81. The Islamic Republic of Iran had withdrawn its proposal on paragraph 8, which therefore remained unchanged.

82. With regard to paragraph 7, the delegation of India, among others, had requested that the Committee be informed of the compromise consisting in inserting “consistent with their respective safeguards undertakings” within paired commas after “urges all States”. Consensus had not yet been reached, but those delegations awaited reactions to the proposal.

83. Compromise had been reached with the Russian Federation concerning paragraphs 24 bis and 26, which were under consideration, pending agreement. Much discussion was still required on paragraph 27, however, as it was an important issue to many Member States.

84. Agreement had not yet been reached on the amendment proposed by the Russian Federation on paragraph 24 ter, but a compromise was expected.

85. The representative of PAKISTAN commended the efforts made to reach consensus on paragraph 7, which had not been achieved in previous years. His country held the same principled position as in the past, which had consistently led it to call for a vote in the General Conference on the paragraph, and so previous resolutions had not been adopted by consensus. Current efforts would therefore help to avoid another stalemate.

86. A compromise on the text of paragraph 7 had been reached; although none of the negotiators was entirely satisfied with the text, it was a step towards the adoption of the draft resolution. The inserted phrase had been taken directly from the introductory sentence to the operative part of the draft resolution, which had always been agreed upon, and his delegation therefore foresaw no reason for objections to the proposal, in particular, regarding the word “consistent”.

87. He requested all Member States to express their concerns about the proposal and warned that, if the wording reverted to that used in the 2014 resolution, his delegation would call for another vote by roll-call, which would be a waste of the Committee’s time.

88. The representative of INDIA, echoing the statement by the representative of Pakistan, thanked the drafters for the compromise that had been reached on paragraph 7. Although not entirely satisfactory, his delegation was willing to accept the proposed text, and he requested that other delegations show flexibility.

89. The representative of EGYPT said that the proposal for paragraph 7 was inconsistent with the concept of universalization of safeguards agreements, which should apply both to States not Parties to the NPT and to NPT States Parties that had not signed comprehensive safeguards agreements. The proposed text, however, limited the scope of universalization to the latter group. As the intention of

the paragraph was to achieve the universal application of the Agency's safeguards, given their importance to international peace and security, he insisted on retaining the wording used in the 2014 resolution.

90. The representative of INDIA explained that his delegation did not oppose the universalization of safeguards, but rather the universalization of comprehensive safeguards agreements, which were only one type of agreement, derived from a particular treaty to which some Member States had not acceded.

91. Calling on the Egyptian delegation to show flexibility on the issue, he stated that his delegation would be willing to delete "comprehensive" from paragraph 7.

92. The representative of PAKISTAN, echoing the statement made by the representative of India, recalled that, in previous years, the draft resolution had called for the universalization of comprehensive safeguards agreements, which stemmed from a treaty to which his country was not party. If the Egyptian delegation intended to refer to the universalization of safeguards, his delegation was willing to work on a text to that effect.

93. The representative of EGYPT, in clarification, stated that the caveat in paragraph 7 that read "universal application of Agency safeguards" had, for the sake of consensus, been diluted. As it was understood that "Agency safeguards" referred implicitly to comprehensive safeguards agreements, his delegation objected to the deletion of "comprehensive".

94. The representative of INDIA warned that, in claiming that comprehensive safeguards agreements were the only type of agreement concluded with the Agency, the Egyptian delegation was disregarding the validity of the safeguards agreements that had been reached between India and the Agency, to which India was fully committed. He called on the Office of Legal Affairs to give a legal opinion on the issue and urged the Egyptian delegation to reconsider its proposal.

95. The representative of PAKISTAN, echoing the statement made by the representative of India, stressed that the Statute did not specify that the Agency could enter only into comprehensive safeguards agreements with Member States. He emphasized that, as the proposed wording for paragraph 7 had been taken from an earlier draft resolution, it had already been agreed upon and it added value to the proposed text. His delegation was willing to continue working to reach a consensus, however.

96. The representative of EGYPT stressed that, despite the wish expressed earlier by the delegation of Pakistan to avoid wasting time on a vote, time was being wasted on extensive discussion. He stated that the wording used in paragraph 7 in resolutions adopted in previous years was clear and he proposed that it be reinstated.

97. The representative of INDIA supported further negotiation and encouraged Member States that were not satisfied with the proposed wording for paragraph 7 to call for a vote. Urging the negotiating parties to agree on the proposed text in a spirit of compromise, he stressed that the wording used in the 2014 resolution had not been agreed on by all parties, whereas the new wording was welcomed by his delegation. He was confident that consensus would be reached on the proposed text once it had been inserted into the draft resolution.

98. The representative of PAKISTAN said his delegation would work constructively for as long as necessary to reach a compromise and urged other delegations to do likewise. Given the majority support that had been expressed for proposed paragraph 7, he urged the sponsors to insert it into the latest version of the draft resolution and urged delegations that opposed the proposal to call for a vote.

99. The representative of the RUSSIAN FEDERATION stressed that consultations on the draft resolution were continuing, and that paragraph 7 was not the only paragraph on which an agreement

had not yet been reached. His delegation had further comments to make on the draft resolution and it hoped that they would be taken up.

100. The CHAIR commended the work accomplished by the negotiators and urged all interested parties to discuss the outstanding issues in informal consultations in order to reach a consensus before the evening meeting of the Committee.

The meeting rose at 12.54 p.m.