

# General Conference

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**Fifty-seventh regular session**

## Committee of the Whole

### Record of the Sixth Meeting

*Held at Headquarters, Vienna, on Thursday, 19 September 2013, at 3.20 p.m.*

**Chairman:** Mr STRATFORD (United States of America)

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<sup>1</sup> GC(57)/24.

**Abbreviations used in this record:**

INES	International Nuclear and Radiological Event Scale
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
Rarotonga Treaty	South Pacific Nuclear Free Zone Treaty
TCF	Technical Cooperation Fund
Tlatelolco Treaty	Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean
Transport Regulations	Regulations for the Safe Transport of Radioactive Material

## **23. Promotion of Efficiency and Effectiveness of the IAEA Decision Making Process**

(GC(57)/1/Add.2)

1. The representative of the ISLAMIC REPUBLIC OF IRAN said that the Agency's decision-making process had remained unchanged for over 50 years, and it needed to be brought into line with present global realities.
2. Article IV.C of the Agency's Statute guaranteed the rights and benefits of membership for all sovereign Member States, and there had been fundamental structural changes in international relations in recent decades, particularly within the global community engaged in the peaceful utilization of nuclear energy.
3. All Member States should participate directly in the taking of decisions regarding all fundamental issues related to the Agency's work or having an impact on States' sovereign rights.
4. Although the General Conference represented all Member States, it was not the main policy-making body of the Agency, as was the corresponding body in other international organizations; most of the issues that it discussed had been agreed upon in advance by the Board of Governors.
5. The balance of power between the two bodies should be reviewed, and the composition of the Board should be reconsidered with a view to putting an end to the self-perpetuating, quasi-permanent membership of certain States with advanced levels of nuclear technology.
6. All Member States should have an opportunity to be elected to the Board on a regional basis. The amendment of Article VI adopted in 1999 had been a positive step, but, owing to various political and regional issues, it had not yet entered into force.
7. An open-ended working group should be set up to consider the issue and make recommendations to the General Conference.
8. The representative of CUBA said that, in her country's view, the issue was relevant to Member States' national security and should be considered in a transparent manner.
9. It was essential to strengthen the General Conference, which represented all Member States, and reconsider the composition of the Board in order to preserve the credibility of the Agency and prevent manipulation of its work for geopolitical purposes.
10. As stated by the representative of the Islamic Republic of Iran, an open-ended working group should be set up to consider the decision-making process and make recommendations to the General Conference at its 2014 session.
11. The representative of LEBANON said that it was a good sign when an international organization reviewed its procedures; such action should be commended whatever the outcome.
12. It was essential to devote the necessary time to discussing the issue thoroughly, and he hoped that the discussion would not degenerate into a sterile, politicized debate and that all Member States would have the opportunity to participate fully.

13. The representative of ALGERIA said that her country was in favour of setting up a working group.
14. The representatives of PAKISTAN and ECUADOR said that the issue merited serious consideration.
15. The representative of the BOLIVARIAN REPUBLIC OF VENEZUELA, welcoming the remarks of the representative of the Islamic Republic of Iran, said that all Member States should be enabled to participate in the debate on the peaceful uses of nuclear energy.
16. The General Conference, as the Agency's main decision-making body, should reflect that principle of inclusivity.
17. The representative of EGYPT said that, given the very limited time available for discussion during General Conference sessions, an open-ended working group might be the best solution.
18. The Secretariat should prepare a report indicating possible ways forward.
19. The representative of the UNITED STATES OF AMERICA said that her delegation, which agreed about the need to avoid a politicized debate, considered it important to ensure that Member States worked effectively with one another and with the Secretariat.
20. It was essential that any new working group contribute to the achievement of the Agency's objectives. All Member States would have a valuable role to play in that regard.
21. All Member States should be represented in regional groups, but not every Member State had been accepted by a regional group yet. Until that happened, the 1999 amendment of Article VI of the Statute, adopted by consensus, albeit after considerable debate, could not enter into force.
22. The representative of the SYRIAN ARAB REPUBLIC said that it was important to promote effective and efficient decision-making within the Agency.
23. She hoped that all Member States would be able to contribute to the envisaged debate in a balanced and serious manner, without politicization and undue pressure.
24. The representative of NICARAGUA, expressing support for the statement made by the representative of the Islamic Republic of Iran, said that the issue should be considered thoroughly by the General Conference. The Agency's decision-making bodies should be strengthened in order to ensure that their activities were transparent and inclusive.
25. The representative of the NETHERLANDS said that the issue was clearly very important for many Member States. However, it must be considered thoroughly before a new working group was set up, in order to define exactly what the working group was to do.
26. The representative of FRANCE said that it was important to diagnose the disease accurately before proposing a remedy. The creation of a new working group might not be the best remedy.
27. The Board of Governors did not include all Member States, it was true, but there were important features absent in many other international organizations, such as the procedure for the rotation of Board membership within regional groups and the opportunities afforded to Member States not currently members of the Board to state their views (under Rule 50 of the Board's Provisional Rules of Procedure).
28. The 1999 amendment of Article VI of the Statute already represented a move towards reform, and his country would like to see all Member States ratifying it without further delay.

29. The representative of ROMANIA said that her country would also like to see all Member States ratifying the 1999 amendment of Article VI without further delay.
30. In her country's view, the Board of Governors was the appropriate body to consider the issue of improving the effectiveness and efficiency of the Agency's decision-making procedures.
31. The representative of the SYRIAN ARAB REPUBLIC said that exactly the same points were being made during the current discussion as had been made in the Committee in 2012. The time had come to discuss the issue thoroughly and reach a decision.
32. The representative of ITALY said that measures to improve effectiveness and efficiency were already provided for in the amendments to Articles VI and XIV.A of the Statute, but those amendments had not yet entered into force.
33. The representative of LIBYA, expressing support for the comments made by the representative of the Islamic Republic of Iran, said he hoped that the debate would not become politicized and that all Member States would be allowed to contribute to improving the effectiveness and efficiency of the Agency's work.
34. The representative of the ISLAMIC REPUBLIC OF IRAN said that it was important for the General Conference to reflect on the reasons why the 1999 amendment of Article VI had still not entered into force even though it had been adopted by consensus.
35. The discussion within the Committee should act as a starting-point for action in the form of the adoption of a resolution or the creation of a working group.
36. The representative of SLOVENIA said that there was not enough time to discuss the issue thoroughly during the General Conference's current session.
37. Her country was strongly in favour of universal acceptance of the 1999 amendment of Article VI of the Statute as it had been providing the Chairman of the Board at the time of its adoption and considered that the amendment provided the necessary legal basis for reform.
38. The representative of AUSTRALIA said that it would be preferable to improve existing procedures, as was already being done with the proposed measures to change the way Member States in different regional groups were represented in the Board, before setting up new bodies such as a working group.
39. The representative of POLAND said that, in his view, the 1999 amendment of Article VI offered a good way of ensuring that Member States' real needs were taken into account.
40. The Board of Governors, which held four sessions a year, was an appropriate vehicle for informing the Secretariat of Member States' views; it was premature to consider setting up a new working group straight away.
41. The representative of CUBA said that, clearly, many delegations supported the idea of setting up a working group and requesting the Secretariat to prepare an initial report on the issue for the working group's consideration, and a document could be drawn up specifying exactly what the working group should discuss.
42. The representative of GERMANY said that the Board was the appropriate forum for Member States to make their views known. The rotation procedure for membership of the Board worked well, and Member States that were not currently Board members were able to share their views at Board meetings under Rule 50 of the Board's Provisional Rules of Procedure.

43. The CHAIRMAN proposed that he prepare a statement summarizing the discussion, for consideration at a later meeting of the Committee.

44. It was so agreed.

## **17. Strengthening of the Agency's technical cooperation activities (resumed) (GC(57)/COM.5/L.13)**

45. The CHAIRMAN invited the representative of Egypt to report on the progress made in the informal consultations on the draft resolution contained in document GC(57)/COM.5/L.13.

46. The representative of EGYPT said that the informal consultations had been very constructive, with participants showing great flexibility.

47. Turning to Section 1 of the draft resolution, "Principles and Provisions", she said that there had been agreement on the addition of the following paragraph regarding the issue of shared responsibility and reflecting a proposal made by the representative of Canada: "Mindful of the shared responsibility of all Member States towards enhancing and supporting TC activities of the Agency,".

48. With regard to Section 2, "Strengthening Technical Cooperation Activities", it had been agreed that the following language, based on that used in paragraph 5 of Section 2 of resolution GC(56)/RES/11, should be added at the end of paragraph 5: ", as well as continuing their efforts in mitigating the consequences of the Chernobyl disaster and rehabilitating the contaminated territories".

49. One of the most controversial issues had been the wording of paragraph (e) in Section 3, "Effective execution of the Technical Cooperation Programme", which should now read "Recognizing the growing number of Member States and their increasing demands on the TC programme and the importance of aligning within available resources the number of Agency staff with the needs of Member States, so as to effectively service Member States in line with the Agency's statutory requirements, in particular Articles II and III of the Statute, and further recognizing the valuable contribution of the general service staff,". Paragraph 2, which was linked to paragraph (e), should now read "Requests the Secretariat, within available resources, to enhance TC project implementation capacity through ensuring that staff are appropriately allocated at all levels;". In addition, in response to a request from the European Union, it had been agreed that the following preambular paragraph should be added: "Recalling the IAEA Medium Term Strategy 2012–2017 provision: The recruitment and retention of staff of the highest standards of efficiency, technical competence and integrity are essential for the success and impact of the Agency's programme. Subject to the above, the Secretariat will continue to promote to the extent possible gender equality and equitable geographical representation in the Agency, especially at managerial levels,".

50. With regard to Section 4, "Technical Cooperation Programme Resources and Delivery", it had been agreed that in paragraph (b) "welcoming" should be replaced by "recognizing". Although some delegations had wanted to replace "Emphasizing" in paragraph (h) by "Recalling", she hoped that they would be prepared to accept "Stressing". It had been agreed that in paragraph (h) "welcoming" should be replaced by "recognizing", and "the TCF target in 2013" might be replaced by either "the TCF target for 2012–2013 and the indicative planning figure for 2014–2015" or "the TCF target (as per decision GOV/2011/37)". It was envisaged that paragraph 6 would be replaced by two paragraphs, one on the compliance of shipments of radioactive materials with the Agency's Transport Regulations and

one on the transfer of equipment necessary for technical cooperation activities. Language on the following lines had been proposed as a good basis for a compromise on paragraph 13: “Looks forward to examining ways and means of making the resources of the TCF sufficient, assured and predictable in the deliberations of the working group to be established in accordance with the decision of the Board of Governors as contained in document GOV/2013/30/Rev.1;”.

51. With regard to Section 5, “Partnerships and Cooperation”, it had been agreed that in paragraph (g) the wording after “in further disseminating” should read “the contribution of the IAEA in nuclear applications for peaceful uses, health, and prosperity, maximizing the impact of TC projects and integrating TC activities into relevant international development frameworks”.

52. A revised text of the draft resolution would be circulated shortly.

53. The representative of GERMANY, having praised the role played by the delegation of Egypt in the informal consultations, said that his delegation still had some concerns about paragraph 13 of Section 4.

54. The representative of the UNITED STATES OF AMERICA thanked the delegation of Egypt for its efforts and said that she was confident that consensus on the draft resolution could be achieved.

55. The representative of the RUSSIAN FEDERATION noted that the 1986 events at Chernobyl were referred to as “the Chernobyl disaster” in General Conference resolutions while the 2011 events at Fukushima were referred to as “the Fukushima accident”. The two sets of events had been given the same rating on INES, so perhaps the same terminology should be used for both.

56. The representative of JAPAN said that she would prefer that the term “accident” continue to be used in connection with the 2011 events at Fukushima.

57. The representative of UKRAINE said that the draft resolution should refer to “the Chernobyl disaster”. He hoped that the full text of paragraph 5 of Section 2 of resolution GC(56)/RES/11 would be reproduced in the draft resolution now under consideration.

58. The representative of EGYPT said that she had omitted to read out two proposals made by the delegation of the United States of America that would be reflected in the revised text of the draft resolution. Another round of informal consultations would be held once the revised text had been made available.

## **16. Nuclear security (resumed)** (GC(57)/COM.5/L.10/Rev.2)

59. The CHAIRMAN invited the representative of France to report on the progress made in informal consultations.

60. The representative of FRANCE, referring to the draft resolution contained in document GC(57)/COM.5/L.10/Rev.2, said that, thanks to the very active chairmanship of the Chairman, a number of issues regarding the draft resolution contained in document GC(57)/COM.5/L.10/Rev.1 had been resolved the previous day. Discussions were still ongoing with respect to paragraphs (d), (e), (l) and 26. Paragraph 30 bis, concerning the preparation of the next International Conference on Nuclear Security, had been drafted in consultation with the delegation of Cuba.

61. With regard to paragraph 10, he recalled that the representative of the Russian Federation had proposed that it be amended to read “Encourages the Secretariat to continue facilitating, in close cooperation with Member States, a coordination process ...”.

62. The CHAIRMAN noted that there were no objections to paragraph 10 as contained in document GC(57)/COM/5/L.10/Rev.2.

63. The representative of FRANCE said that in paragraph 25 the words “national nuclear forensics library and supporting material databases” had been amended to read “national nuclear material databases”, which was the wording used in paragraph 18 of resolution GC(56)/RES/10.

64. The Nuclear Security Guidance Committee would address the issue of terminology at its next session.

65. The CHAIRMAN noted that there were no objections to paragraph 25 as contained in document GC(57)/COM/5/L.10/Rev.2.

66. The representative of SINGAPORE sought clarification regarding paragraph 30 bis, which appeared to imply that a decision had already been taken to hold the next International Conference on Nuclear Security in 2016. In paragraph 24 of the Ministerial Declaration adopted at the International Conference on Nuclear Security held in July 2013, the Agency was merely called on to consider organizing international conferences on nuclear security every three years.

67. The representative of FRANCE pointed out that in paragraph 30 bis the Secretariat was not requested to prepare for the next International Conference, but to report on the preparation of the next International Conference. A dialogue with the Secretariat would have to take place in order to decide when exactly the next International Conference should be held. A paragraph should perhaps be included in the Nuclear Security Report 2014 outlining, for consideration, elements of the decision-making process.

68. The representative of SINGAPORE said that she welcomed the explanation just given but considered that the language of paragraph 30 bis required further work.

69. The CHAIRMAN suggested that paragraph 30 bis might be amended to read “Requests the Secretariat to report on any preparations for a further International Conference on Nuclear Security, to be held in 2016;”.

70. The representative of SINGAPORE said that she would need time to consider the wording suggested by the Chairman.

71. The representative of CUBA said that her delegation had some difficulty with the wording suggested by the Chairman, since it was incumbent on the General Conference at its current session, the first session to be held after the 2013 International Conference on Nuclear Security, to respond to the call made in the Ministerial Declaration.

72. Paragraph 30 bis could, in her view, provide a basis for consensus; the format and exact date of the next International Conference on Nuclear Security would be determined in the light of the Secretariat’s report.

73. The representative of SPAIN said that paragraph 30 bis should be as faithful as possible to the sense of paragraph 24 of the Ministerial Declaration. In her view, the Secretariat should be given adequate time to decide how to proceed with regard to the holding of the next International Conference on Nuclear Security.

74. The representative of FRANCE suggested that paragraph 30 bis might be worded along the following lines: “Requests the Secretariat to report on its response to the call made in the Ministerial Declaration on the Agency to consider organizing international conferences on nuclear security every three years;”.

75. The representative of CUBA said that it was incumbent on Member States — not the Secretariat — to decide when to hold the next International Conference on Nuclear Security.

76. The DIRECTOR OF THE OFFICE OF NUCLEAR SECURITY said that the Secretariat had not yet begun to prepare for the next International Conference on Nuclear Security. It was currently preparing for a conference on nuclear forensics to be held in 2014 and for a conference on cyber security to be held in 2015.

77. The representative of FRANCE invited interested delegations to submit to his delegation, in writing, suggested wording for paragraph 30 bis in order to facilitate further informal consultations.

78. The representative of SINGAPORE said that it would be difficult to move forward without a common understanding of paragraph 24 of the Ministerial Declaration. Her delegation would be prepared to go along with the wording just suggested by the representative of France.

79. The CHAIRMAN called for further consultations on paragraph 30 bis.

80. The representative of FRANCE said that there was a point that he would like to see clarified before he engaged in further consultations; in his view, in paragraph 24 of the Ministerial Declaration the words “consider organizing international conferences on nuclear security every three years” could mean either that the Agency should consider whether to organize international conferences on nuclear security at all or that the Agency should consider whether such conferences should take place every three years.

81. Without agreement on the interpretation of paragraph 24 of the Ministerial Declaration, it would be difficult to find the right wording for paragraph 30 bis of the draft resolution.

82. The representative of the NETHERLANDS said he did not understand why it should be difficult for the Secretariat to report on the preparation of any conferences being organized by the Agency.

83. The DIRECTOR OF THE OFFICE OF NUCLEAR SECURITY said that the Director General had reported on preparations for the July 2013 International Conference on Nuclear Security in the Nuclear Security Report 2012 (GC(56)/15). When a conference had been approved by the Board and endorsed by the General Conference, the Secretariat started reporting on activities relating to its preparation.

84. The representative of FRANCE, referring to paragraph (r) of the draft resolution, which dealt with non-nuclear technologies, said that consultations had shown that it would be difficult to achieve a consensus on it during the General Conference’s current session. In accordance with “the spirit of Vienna” and in the interests of saving time, the sponsors of the draft resolution were willing to see it deleted.

85. The CHAIRMAN took it that the Committee wished paragraph (r) to be deleted.

86. The representative of FRANCE said that there was an error in paragraph (o); “Noting the requirements ...” should read “Noting the recommendations”.

87. The CHAIRMAN, following comments made by the representative of the ISLAMIC REPUBLIC OF IRAN about the terminology used in IAEA Nuclear Security Series No. 13, requested the delegation of France to check whether the terminology used in paragraph (o) was correct.

88. The representative of CANADA, recalling that the previous morning he had expressed his delegation's misgivings about the phrase "as emphasized for instance by the 16th NAM summit held in Teheran in August 2012," in paragraph (j), requested that the phrase be placed in square brackets.

**The meeting was suspended at 5.05 p.m. and resumed at 5.35 p.m.**

## **23. Promotion of Efficiency and Effectiveness of the IAEA Decision Making Process (resumed)**

(GC(57)/1/Add.2)

89. The CHAIRMAN read out his proposed summing-up of the discussion under agenda item 23, "Promotion of efficiency and effectiveness of the IAEA Decision Making Process", for the approval of the Committee:

"Under item 23, "Promotion of Efficiency and Effectiveness of the IAEA Decision Making Process", the importance of maintaining and promoting the efficiency and effectiveness of the Agency's decision-making processes and strengthening the Agency and its governing bodies was highlighted.

"The expansion of the Board of Governors' membership and enhancing the role and authority of the General Conference and the importance of maintaining an appropriate balance between the two bodies were underlined by several members.

"Caution was expressed against distracting the Agency from its ability to effectively implement its activities.

"The relevance and importance of the process currently underway for the early ratification of the amendment of Article VI of the Agency's Statute was referred to in this context. The importance of respect for the decisions of the Agency's policy-making organs and the need to avoid the politicization of the Agency were also emphasized.

"The necessity for the continuation of common efforts by all Member States, together with the Secretariat, to strengthen the Agency and achieve mutual interests was also emphasized.

"It was noted that several members called for consultations in an open-ended manner on this issue and expressed their desire to continue its consideration by the next regular session, 2014, of the General Conference."

90. If there were no objections to his summing-up, he would include it in his next report to the General Conference.

91. It was so agreed.

## **19. Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol (resumed)**

(GC(57)/COM.5/L.9/Rev.1)

92. The CHAIRMAN proposed that the Committee go through the draft resolution contained in document GC(57)/COM.5/L.9/Rev.1 paragraph by paragraph in order to ensure that the issues raised in the Committee's meeting of Tuesday afternoon had been addressed.

93. He asked whether the changes to the title were acceptable to the Committee.

94. The representative of EGYPT, noting that the title had changed, said that he could not understand the logic behind the change. What was wrong with a title taken from the Agency's Medium Term Strategy 2012–2017, where one of the six strategic objectives was "Strengthening the effectiveness and improving the efficiency of the Agency's safeguards and other verification activities"? In the agenda adopted by the Board of Governors for its meetings starting on 9 September 2013, the agenda item title "Nuclear verification" had been used, and he considered that the word "verification" should appear in the title of the draft resolution now before the Committee.

95. The representative of the SYRIAN ARAB REPUBLIC said that the title proposed now did not meet her country's concerns.

96. The representative of the UNITED STATES OF AMERICA noted that the word "verification" appeared only once in the Statute — in section I.4 of Article IX (Supplying of materials), which read "4. Control laboratories for the analysis and verification of materials received;".

97. The representative of EGYPT recalled that in the Board's meetings starting on 9 September 2013 the Governor from the United States of America had referred, in the discussion under agenda sub-item 6(b), to "the Agency's ability to fulfil its core verification mandate".

98. The CHAIRMAN suggested adding "and other verification activities" in square brackets at the end of the title.

99. The representative of SAUDI ARABIA requested that the words "and other relevant treaties" in paragraph (c) be deleted.

100. The CHAIRMAN recalled that the representative of Saudi Arabia had requested clarification regarding the words "other relevant treaties" during the Committee's meeting on Tuesday afternoon and that he had responded.

101. The representative of SPAIN asked whether safeguards agreements between the Agency and States were international treaties. He believed that, if they were, the phrase "other relevant treaties" could refer to such safeguards agreements.

102. The LEGAL OFFICER FOR THE COMMITTEE OF THE WHOLE said that, in the view of the Office of Legal Affairs, safeguards agreements between the Agency and States were international treaties.

103. The CHAIRMAN proposed, following comments by the representatives of SAUDI ARABIA, SPAIN, BRAZIL and CHINA, that paragraph (c) be amended to read "... in accordance with the relevant articles of its Statute, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), nuclear-weapon-free zone treaties and Agency bilateral and multilateral safeguards agreements,".

104. The representative of SAUDI ARABIA said that the Chairman's proposal was acceptable to him.

105. The representative of EGYPT said that, in his view, the words "in applying safeguards in accordance with the relevant articles of its Statute" were sufficient; the phrase "the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), nuclear-weapon-free zone treaties and Agency bilateral and multilateral agreements" could be taken to imply that the Agency was in some cases applying safeguards not in accordance with the relevant articles of its Statute.

106. The CHAIRMAN said that the application of full-scope safeguards in non-nuclear-weapon States was a requirement of the NPT, and the Agency applied such safeguards pursuant to the NPT — not pursuant to the Statute. In the case of nuclear-weapon-free zone treaties like the Tlatelolco Treaty and the Rarotonga Treaty, the Agency applied safeguards under the authority of those treaties.

107. The LEGAL OFFICER FOR THE COMMITTEE OF THE WHOLE said that Article III.A.5 of the Statute authorized the Agency to apply safeguards. All Agency safeguards agreements were concluded and implemented, and all Agency verification activities were carried out, pursuant to Article III.A.5.

108. It was not for her to say whether the draft resolution should refer to "treaties which called for the application of safeguards by the Agency".

109. The CHAIRMAN, noting that paragraph (c) in document GC(57)/COM.5.L.9/Rev.1 was the same as paragraph (c) of resolution GC(56)/RES/13, said that the words "other relevant treaties" had served their purpose and that perhaps the time had come to replace them by the words "Agency bilateral and multilateral safeguards agreements". He asked the representative of Egypt whether that change was acceptable to him.

110. The representative of EGYPT said that he had only been seeking clarification.

111. The CHAIRMAN took it that the Committee would accept the change.

112. It was so agreed.

113. The representative of SAUDI ARABIA said that he was concerned about the words "the existing initiatives" in paragraph (d).

114. The CHAIRMAN requested the sponsors of the draft resolution to look into why those words had been used in 2012 in resolution GC(56)/RES/13.

115. Perhaps at that time there had been "existing initiatives" which no longer existed.

**The meeting rose at 6 p.m.**