



# General Assembly

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## Durban Review Conference

### Summary record of the 12th meeting

Held at the Palais des Nations, Geneva, on Friday, 24 April 2009 at 3 p.m.

*President:* Mr. Wako ..... (Kenya)

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*The meeting was called to order at 3.05 p.m.*

**Issues arising from the objectives of the Conference (agenda item 9) (continued)**

1. **Mr. Trambo** (International Council for Human Rights, International Human Rights Association of American Minorities, Indigenous Peoples and Nations Coalition, Indian Council for South America) said that it was regrettable that the Review Conference had been boycotted by delegations which, had they been present, could have made a valid contribution to the debate. In view of the fact that persons who were Stateless and without a nationality, particularly those under occupation, suffered disproportionately — which could not happen without the tacit acceptance of racism by States — a stronger reference to their rights should be included in paragraph 5 of the outcome document. Those least able to make their voice heard — particularly the inhabitants of Indian-occupied Kashmir — and to influence the outcome document had been denied a voice at the Review Conference. Moreover, following the introduction of more stringent immigration policies by certain States, it was disheartening to see that, since the Durban Conference, it had become more difficult for those seeking refuge and asylum to find the peace they so desperately needed.
2. **Mr. Swaid** (International Islamic Federation of Student Organizations) said that the human rights situation had deteriorated since 2001 and that he feared it would have become even worse by the next Review Conference. He highlighted the importance of freedom of expression, one of the most important rights, which seemed to be understood differently around the world. Young Muslims were suffering in two ways: they could not make their voices and political opinions heard, which meant they could not participate in society; and yet they were also being insulted under the pretext of freedom of expression. The rise of Islamophobia was a matter of deep concern, especially since the current financial crisis was likely to favour the rise of extreme right-wing parties in Europe. Young Muslim women, particularly, were already deprived of their freedom of religion by being banned from wearing headscarves at school or work. He paid tribute to the children, women and elderly people who had been killed in Palestine during brutal attacks by the Israeli armed forces or who had to endure the inhuman siege of Gaza.
3. **Ms. Gamboa** (Enlace Continental de Mujeres Indígenas Región Sudamérica) said that although in theory laws protected everyone equally, in practice indigenous peoples, and women and children especially, did not enjoy the same protection. In addition, international treaties and national laws relating to women's and indigenous people's rights diverged in content and, moreover, were not applied when important economic interests were at stake (extraction of resources such as hydrocarbons or water). Several Latin American and Caribbean countries still used their security forces to suppress protests by indigenous groups. Faced with that situation, her organization considered that States must implement mechanisms to ensure that women and indigenous groups were consulted and informed before any decisions concerning them were made, especially those relating to natural resources; countries such as Argentina, Peru, Guatemala, Colombia and Nicaragua must recognize the debt they owed to their indigenous peoples; Governments must put an end to the current climate of confrontation by exploring peaceful ways to solve internal and external conflicts and must recognize that environmental degradation and the disappearance of indigenous cultures were irreversible.
4. **Mr. Jackson** (African Hebrew Development Agency) said that in spite of technological and industrial progress and material abundance, the value of human life continued to decline because of racism, racial discrimination, xenophobia and related intolerance. Since the future offered little cause for hope, given the situation regarding HIV/AIDS, cancer, cardiovascular diseases and abject poverty, and since the world's current problems were the result of leaders never having been able — or never wanting — to align the human agenda with the principles of truth, it was necessary to counter fundamental and institutional lies and to advocate truth to put an end to racism.

5. **Ms. Muhammad** (Bilaal Justice Center International) said that the unfortunate reality was that there had been no decline in human rights violations. In many countries, women, children and men were the victims of labour exploitation, rape, abuse and trafficking. In addition, the situation of Americans of African descent was far from enviable. They were the victims of racial profiling, institutionalized discrimination in housing, employment and education, and were the targets of hate crimes and police brutality. Many, on account of their Muslim faith, were doubly discriminated against, because of their race and their religion. As with other human rights violations committed in the past, the international community had to take a courageous first step by acknowledging the transatlantic slave trade and by offering restitution at the social, economic, political and cultural levels.

**Credentials of representatives to the Conference (agenda item 6) (A/CONF.211/7)**

6. **The President** drew attention to the report of the Credentials Committee (A/CONF.211/7) and, at the request of the Chairperson of the Committee, informed the Review Conference that, since the meeting of the Committee, Bulgaria, El Salvador, Finland, Iceland, Indonesia, Ireland, Senegal, Uganda and Viet Nam had submitted formal credentials to the Secretary-General of the Review Conference, pursuant to rule 3 of the rules of procedure of the Conference. He urged all delegations that had not yet submitted formal credentials to do so. He also informed the Conference that a formal communication had been received from the Central African Republic appointing its representatives to the Conference; that the Czech Republic had indicated on 22 April 2009 that it had withdrawn from the Review Conference as of 21 April 2009; and that the Italian Government had indicated on 23 April 2009 that it would not participate in the Review Conference.

7. Having drawn attention to the draft resolution entitled “Credentials of representatives to the Conference”, as contained in paragraph 13 of the report, he said that, if he heard no objection, he would take it that the Conference wished to adopt it.

8. *It was so decided.*

**Adoption of the final document and the report of the Durban Review Conference (agenda item 10)**

9. **Mr. Fernández Palacios** (Rapporteur-General of the Review Conference) introduced the draft report of the Conference (A/CONF.211/L.1), pointing out that it was a preliminary version that would be duly finalized to take account of the work carried out in the final meetings of the Conference. Delegations would have 15 days to submit any corrections to the secretariat. As was the usual practice, the report would be adopted *ad referendum*.

10. He congratulated the President, the secretariat and all delegations on a week of intense work. In spite of the tension and splits which had emerged during preparations for the Conference and the Conference itself, participants’ collective commitment and desire to press ahead had prevailed.

11. **The President** invited representatives to make general observations on the outcome document.

12. **Mr. Santos** (Brazil) said that he welcomed the adoption of a balanced and strong document which did not single out any particular country. The document highlighted tragedies of the past and condemned Islamophobia, anti-Semitism and other forms of intolerance. It gave a central place to the individual and the victims of racism and forcefully reaffirmed the international community’s commitment to combating racism, racial discrimination and xenophobia. His delegation regretted that certain fundamental issues, such as gender and sexual orientation, had not been addressed but acknowledged the value

of the consensus reached by the Conference, which had been a victory for the multilateral system.

13. Those who had rejected debate and dialogue by not participating in the Review Conference had refused to strengthen the common cause of combating racism. Some had wanted to use the Conference to accuse and divide. Fortunately, thanks to the political will of participants and their responsible and constructive attitude, what had seemed a mission impossible a few months previously had now been accomplished.

14. **Mr. Tan Yok Chor** (Singapore) said that, by adopting the outcome document, participants had proved they had the collective political will to prevail over popular politics. Had they been unable to agree on such an outcome, they would have sent out a very bad signal, particularly to the victims of racism. All groups and delegations should be thanked for their flexibility, without which the Conference would have come to nought. By adopting the document, the international community had shown that it could be united in its aims. Henceforth, States had to work together to match their words with action.

15. **Ms. Bustamente** (Mexico) said that the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance had given a powerful boost to the ratification of international instruments such as the Convention on the Rights of Persons with Disabilities and the Declaration on the Rights of Indigenous Peoples. At the national level, the Mexican Government had taken numerous measures in that respect, beginning with the establishment of a national institution responsible for preventing all forms of discrimination and for drafting federal and local laws. All sectors of Mexican society had been involved in preparations for the Review Conference, and that was reflected in the diverse make-up of her delegation.

16. Much work remained to be done to implement the Durban Declaration and Programme of Action, particularly, in her country, with regard to combating discrimination against indigenous people, migrants and persons with disabilities. The Review Conference would provide States with the tools they needed to redouble their efforts. She would therefore like to thank all the participants who, in the face of the scepticism of some and the provocation of others, had joined together to reach consensus. She was pleased to have been able to contribute to such a satisfactory outcome.

17. **Mr. Nambo-Wezet** (Gabon) said that racism and discrimination were global problems that required global solutions. The spirit of openness and solidarity ensuing from mutual understanding, which had prevailed throughout the Conference, showed how seriously such questions were treated, both at the level of States and at the international level. Racism and racial discrimination accentuated social conflicts, which were in themselves a source of political and economic instability. The momentum gained from the solidarity shown by the international community as a whole must not be slowed or stopped. What was at stake was the credibility of the United Nations, which must use all its influence to ensure the application of article 1 of the Universal Declaration of Human Rights.

18. Eight years after the Durban Conference, important progress had been made but much remained to be done to put an end to racism, racial discrimination, xenophobia and related intolerance. The outcome document reaffirmed the unity of the human family and its wealth of diversity. It reaffirmed that all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination as well as all acts of violence must be declared offences punishable by law. It also called on States not to resort to profiling founded on racial, ethnic or religious grounds.

19. His Government had not awaited the 2001 World Conference to legislate against racism and all forms of discrimination. Its efforts had been reinforced by the Durban Declaration and Programme of Action. His Government intended to strengthen its laws and

regulations and to continue promoting dialogue and cooperation between nations and civilizations. He called on all States to implement the provisions in the outcome document, which they had willingly accepted.

20. **Mr. Gooderham** (United Kingdom) said that he welcomed the adoption by consensus of the outcome document of the Review Conference, on the understanding that it was a generic document which did not single out any particular country or region and which applied equally to all States. He reaffirmed the clarifications contained in the statement made by the representative of Belgium on behalf of the European Union at the 20th plenary meeting of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, following the adoption of the Durban Declaration and Programme of Action.

21. Regarding paragraphs 13, 60, 69, and 99 of the outcome document, the United Kingdom had a long tradition of freedom of expression, which allowed individuals and organizations to express views that might be offensive or distasteful to the majority, so long as they were not expressed violently and did not incite hatred. His Government maintained its interpretation of article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and considered that the same interpretation applied to the relevant provisions of the outcome document.

22. Positive action could be a powerful tool to tackle inequality, when carefully targeted. Paragraph 72 of the outcome document cited two particular groups, but they must be interpreted as examples. His Government reiterated its general position on collective rights, as explained in its interpretative statement made at the adoption of the Declaration on the Rights of Indigenous Peoples. It especially endorsed the references to multiple discrimination in paragraphs 35, 85, 87 and 94. Laws in the United Kingdom protected people from discrimination on grounds of race, gender, disability, sexual orientation, religion or belief, and age. None of those grounds was more acceptable than any other.

23. His delegation would have liked to have been informed of the programme budget implications of the outcome document before its adoption. In the absence of that information, he stressed that any additional costs arising from the document must be met from within existing resources. He requested that the present statement should be reflected in full in the report of the Conference.

24. **The President** invited participants to adopt the report of the Durban Review Conference *ad referendum*, on the understanding that it would be finalized by the Rapporteur with the assistance of the secretariat. If he heard no objection, he would take it that the Conference wished to adopt the report.

25. *The report of the Durban Review Conference was adopted, subject to any editorial changes that might be made.*

#### **Closure of the Conference**

26. **Mr. Akram** (Pakistan), speaking on behalf of the Organization of the Islamic Conference, welcomed the adoption of the outcome document of the Review Conference, which showed that States, in spite of differences of opinion, shared a common desire to combat the scourge of racism. He said that the document, while reaffirming the continued relevance and comprehensive nature of the Durban Declaration and Programme of Action, made a significant contribution by identifying new forms of discrimination and intolerance, in particular those based on religion.

27. The Organization of the Islamic Conference had made significant sacrifices to ensure the adoption of a consensus document. He commended the role played by the Palestinian, Syrian and Iranian delegations and also appreciated the spirit of cooperation shown by other delegations, as well as the work of the President of the Review Conference

and all Bureau members, the Chairperson of the Preparatory Committee, the United Nations High Commissioner for Human Rights, the chairperson-rapporteur of the intersessional open-ended intergovernmental working group, and the valuable contribution of civil society. The Organization of the Islamic Conference, although it had shown restraint, had not abandoned its positions, which it would continue to pursue in all international forums. It remained concerned by the defamation of Islam under the pretext of freedom of expression. All freedoms should be exercised within the parameters of internationally accepted norms. Muslims continued to be subjected to repression and racial and religious discrimination in their own lands.

28. The only civilized and pragmatic course was one of dialogue between religions and cultures. That would require the necessary political will on the part of stakeholders to unite against racism in order to ensure the effective implementation of the outcome document of the Review Conference and thus safeguard equality, dignity and justice for all.

29. **Ms. Mtshali** (South Africa), speaking on behalf of the Group of African States, said that the Review Conference had raised to prominence a number of issues, such as contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance, in particular incitement to racial hatred; the need to protect human rights when countering terrorism; and the importance of acknowledging the permissible limitations of the right of freedom of expression. She commended those who, by remaining engaged in the process despite many challenges, had enabled the Conference to reach a consensual outcome, including non-governmental organizations and civil society, whose role was pivotal. She expressed concern at the absence of some States that had chosen not to be represented or to withdraw when the outcome text had been negotiated, as well as at the manner in which some parties had articulated their opposition to the statement by a head of State. The common objective should be to make a tangible change in the lives of the victims of racism and intolerance. However, without political will, the outcome document would not be implemented in practice. Consequently, the Group of African States called on all parties to cooperate and work together in the spirit of multilateralism. The Review Conference was only one step in a continuing process to make the world a better place for all.

30. **Mr. Fernández Palacios** (Cuba), speaking on behalf of the Non-Aligned Movement, said that if States had reached the end of a long journey punctuated by divisions, contradictions and difficulties, it was thanks to their collective wisdom and to the flexibility of many, including various members of the Non-Aligned Movement, who had made important sacrifices to reach a consensual outcome. He commended the role of the chairperson-rapporteur of the intersessional open-ended intergovernmental working group, Mr. Yury Boichenko, and the work of the Chairperson of the Preparatory Committee, Ms. Najat Al-Hajjaji, and the United Nations High Commissioner for Human Rights. The closing of the Durban Review Conference did not mean the end of the fight against racism and discrimination. The full implementation of the far-reaching Durban Declaration and Programme of Action adopted in 2001 should be a priority for all. The Human Rights Council, the General Assembly and all other relevant United Nations organs should strengthen their actions to promote a world free of racism and discrimination. The Non-Aligned Movement would continue to work to that end with determination.

31. **Mr. Portales** (Chile), speaking on behalf of the Group of Latin American and Caribbean States, said that he was satisfied that the collective interest in protecting human rights had prevailed at the end of an arduous and complex process that had severely tested the concept of multilateralism, which was an essential tool for tackling challenges of such magnitude.

32. The Latin American and Caribbean States participated in the Durban process with a firm commitment to fighting racism, racial discrimination and intolerance and viewed it as

a forum within which national and regional initiatives against racism could be strengthened. They had organized a regional conference in Santiago in 2000 in preparation for the Durban Conference, and one in Brasilia in 2008 in preparation for the Review Conference, to which civil society had made an active contribution. It was the wish of those States to convey a message of hope to the victims of racism and discrimination. The participants had adopted a balanced outcome document, the product of a long negotiating process, which should guide Governments and civil society as they travelled, united in their diversity, on the long road ahead of them towards their aim of eliminating any form of discrimination. The adoption of the document had shown that it was possible to reach constructive understandings to defend collectively the rights of all.

33. The Latin American and Caribbean States wished to thank all those who had contributed to the outcome, particularly Mr. Yury Boichenko, who, with the support of the representatives of Belgium, Egypt and Norway, had galvanized and refocused delegations' efforts to achieve consensus. He commended the spirit of cooperation shown by the delegations and the untiring efforts of the United Nations High Commissioner for Human Rights and her staff.

34. The Review Conference was important but it was only a step. It was necessary to look ahead and to continue to work with the same conviction and dedication with a view to eliminating all racism, racial discrimination, xenophobia and related intolerance.

35. He requested that his statement be reflected in full in the Review Conference report.

36. **Mr. Achamkulangare** (India), speaking on behalf of the Group of Asian States, expressed his gratitude to all those whose efforts had contributed to the success of the Durban Review Conference. He thanked in particular Mr. Wako, who had presided over the Conference, and Ms. Pillay, the United Nations High Commissioner for Human Rights, in her role as Secretary-General of the Conference, as well as Ms. Najat Al-Hajjaji, Chairperson of the Preparatory Committee, the Bureau and the Main Committee. He also commended the decisive role of Mr. Yury Boichenko, chairperson-rapporteur of the intersessional open-ended intergovernmental working group, and the contribution of Mr. Fernández Palacios, Rapporteur-General of the Conference. Lastly, he said that nothing would have been possible without the constructive participation of those Member States that had remained committed to the Conference and its objectives, or without the vibrant participation of civil society.

37. **Mr. Dahlgren** (Sweden), speaking on behalf of his Government and 21 other States (Austria, Belgium, Bulgaria, Cyprus, Denmark, Estonia, Finland, France, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Portugal, Romania, Slovakia, Slovenia, Spain and the United Kingdom expressed his appreciation for the work done by the United Nations High Commissioner for Human Rights and her staff, for the patience and determination of the chairperson-rapporteur of the intersessional open-ended intergovernmental working group and of those who had assisted him, particularly the representatives of Belgium, Norway and Egypt, and for the contribution of the members of the Bureau. He also expressed his gratitude to the delegations for their willingness to compromise, which had enabled them to adopt a consensual outcome document. He regretted that some delegations had used the Conference as a platform to pursue agendas that were contrary to the spirit and objectives of the Conference, but recognized that the fight against racism was too important to be compromised by a few extreme statements.

38. **Mr. Loshchinin** (Russian Federation) welcomed the outcome of the Review Conference, which was the fruit of the political will of States to continue working together to combat racism, and reminded those that had not been able to, or had not wanted, to participate that the door was still open. Noting that the German Government had indicated that it supported the outcome document of the Conference, he said the outcome would not

have been possible without the continuing efforts of the United Nations High Commissioner for Human Rights, the Chairperson of the Preparatory Committee, the President of the Conference and the members of the Bureau, or without the contribution of all the delegations who had consented to reasonable compromises in a constructive spirit. They were too numerous to be mentioned in their entirety, but he thanked in particular Egypt, Algeria, and Nigeria (representing the Group of African States), Cuba, Brazil and Chile (representing the Group of Latin American and Caribbean States), France and Belgium (representing European States), India, Philippines and Singapore (representing the Group of Asian States), and Pakistan, Norway, and Switzerland, as well as the Organization of the Islamic Conference and the delegation of Palestine.

39. **Mr. Martinelli** (Switzerland) said that participants could be satisfied with the outcome of the Review Conference, which had adopted by consensus a compromise text which would allow progress in the fight against racism, not only at the global level but also tangibly at the national level. The text confirmed the conviction that every individual had human rights by virtue of their humanity, whatever the colour of their skin, their nationality, their political or religious opinions, their social status, sex or age.

40. His delegation was pleased that the outcome document reflected progress made since 2001: for example, it required that the fight against terrorism should respect human rights and, in particular, the principle of non-discrimination; that States should protect migrant domestic staff; and that they should adopt criminal or civil provisions to eradicate multiple and aggravated forms of discrimination. His delegation was also pleased that the document emphasized the essential role of freedom of expression, democracy, information networks, human rights education and a competent, independent and impartial judicial system.

41. It was of crucial importance that the vast majority of the international community had been able to agree on the approach to issues such as genocide, the Holocaust, tragedies of the past, colonialism, slavery, freedom of expression and its limits, migrant workers and discrimination against women. All those issues posed real challenges to society, difficult challenges to the dialogue among civilizations, and historic challenges to North-South relations. Solid foundations had been laid for the implementation work that lay ahead. The conduct of the negotiations and of the Conference had shown to what degree debate on those issues could become heated. Civil society had, of course, played a commendable role. The compromise reached was a victory for moderation and international law.

42. **Ms. Pillay** (United Nations High Commissioner for Human Rights and Secretary-General of the Review Conference) said that in spite of the misgivings of some, the Review Conference had been a celebration of tolerance and dignity for all. Everyone would be able to leave with a sense of accomplishment and with renewed determination and purpose, which would sustain them in the work ahead, namely, the urgent task of giving effect to the Conference outcome and the imperative of erasing the age-old shame of racism. In the past week, Member States had wisely and generously chosen to take a united stand against racism, racial discrimination, xenophobia and related intolerance and they had overcome their divisions to adopt an outcome document which they could all support and which offered the prospect of real change for the millions of victims of racism and racial discrimination.

43. In the context of the current financial crisis and economic recession, poverty and exclusion would continue to hamper the implementation of the Durban Declaration and Programme of Action adopted eight years previously. The convergence of those crises and the effects of climate change affected disproportionately all vulnerable groups within societies. Globalization highlighted the challenge of ensuring mutual respect for and by people of diverse backgrounds in multicultural societies, where migrants were often



perceived as a threat and where the exploitation of ethnic, racial or religious differences, continued to fuel armed conflict or communal strife.

44. The outcome document was a balanced, yet meaningful outcome, enshrining a common aspiration: to stamp out racism in all its forms. It reconciled divergent opinions which had erroneously been presented as a confrontation between cultures and it encapsulated several important achievements. By reaffirming the Durban Declaration and Programme of Action, it reinvigorated the political commitment of Member States to pursue the anti-racism agenda. The document urged States to prevent manifestations of racism, racial discrimination and xenophobia, especially in relation to migrants, refugees and asylum-seekers, and to promote greater participation and opportunities for people of African and Asian descent, indigenous peoples and individuals belonging to ethnic, religious or linguistic minorities. Moreover, the document reaffirmed the centrality of freedom of expression and stressed its compatibility with the prohibition of incitement to hatred, thereby reconciling two equally fundamental principles of international human rights law.

45. The Durban Review Conference had provided a platform for a new beginning. The few States that had chosen to stay away should evaluate the outcome document on its own merit and substance. Many of them had participated in its drafting, and she was hopeful that they would soon rejoin international efforts to combat racism. The magnitude of the task ahead should prompt all the participants to gather and make the best use of their energies to create a world of equal opportunity and treatment for all, irrespective of their race, colour, sex, language, religion, political or other opinion, national or social origin, birth or other status. As the international community had succeeded in finding common ground, she urged all States, international organizations and civil society to build on that common ground an edifice of tolerance that they could proudly bequeath to their children and future generations.

46. **The President** said that a momentous week had come to an end that would be remembered as a week during which the international community had taken another concrete step in advancing the global struggle against racism, racial discrimination, xenophobia and related intolerance. After a period of painstaking negotiations and in spite of the incidents which had marked the start of the Conference, the participants had recovered their calm and their sense of diplomacy and had managed, during the second day of the Conference, to adopt by consensus a pivotal document, which, together with the Durban Declaration and Programme of Action adopted in 2001, would facilitate the implementation of strategies aimed at providing protection against racism and racial discrimination currently and in the future.

47. By adopting the outcome document well before the conclusion of the Conference, the participants had sent a clear message to sceptics that the world remained united in its struggle against racism. The adoption of such a carefully balanced document showed the virtue of constructive commitment. He appealed to the few Member States who had decided not to participate in the Review Conference to join with the rest of the international community in its march towards a world free of any trace of racism and to ensure the wide dissemination of the contents of the outcome document and the expeditious implementation of its provisions.

48. The Review Conference had been an opportunity to listen to many statements and interventions which had made clear that important steps had been taken against racism, racial discrimination, xenophobia and related intolerance in different parts of the world, but had also shown that much remained to be done. The number of victims of those vices continued to grow; several recommended plans of action of the Durban Declaration and Programme of Action continued to be disregarded and there was a worrisome resurgence of racist phenomena in parts of the world, and even a negation of the existence of the problem

in others. The task ahead was monumental, but, henceforth, the members of the international community had at their disposal effective tools to face the challenges with renewed confidence and to honour the slogan of the Review Conference: “United against racism: dignity and justice for all.”

49. **The President** declared the Durban Review Conference closed.

*The meeting rose at 5 p.m.*