



Security Council

Seventy-seventh year

Provisional

9180th meeting

Wednesday, 2 November 2022, 4.50 p.m.

New York

<i>President:</i>	Mr. Agyeman.	(Ghana)
<i>Members:</i>	Albania	Mr. Hoxha
	Brazil.	Mr. De Almeida Filho
	China	Mr. Geng Shuang
	France	Mr. De Rivière
	Gabon	Mrs. Koumba Pambo
	India	Mr. Asokan
	Ireland	Ms. Moran
	Kenya.	Mr. Kiboino
	Mexico	Mr. Gómez Robledo Verduzco
	Norway	Ms. Heimerback
	Russian Federation.	Mr. Polyanskiy
	United Arab Emirates	Mr. Abushahab
	United Kingdom of Great Britain and Northern Ireland . .	Dame Barbara Woodward
	United States of America.	Mrs. Thomas-Greenfield

Agenda

Threats to international peace and security

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The meeting was called to order at 4.50 p.m.

Adoption of the agenda

The agenda was adopted.

Threats to international peace and security

The President: The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2022/821, which contains the text of a draft resolution submitted by the Russian Federation.

The Council is ready to proceed to the vote on the draft resolution before it.

I shall now give the floor to those members of the Council who wish to make statements before the voting.

Mr. Polyanskiy (Russian Federation) (*spoke in Russian*): The upcoming vote is a considerable milestone for the Security Council. We will have to decide whether the Council shows readiness to act in line with international law, in this specific case, with the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BWC). We explained our positions in this regard in detail at the Security Council meeting held on 27 October (see S/PV.9171). I am not going to repeat them.

After that meeting, we conducted two rounds of expert consultations on the draft resolution contained in document S/2022/821, but what we heard from our former Western partners — only the old talking points about so-called Russian propaganda and their statements that the evidence we provided is not sufficiently convincing and that it does not merit further consideration — were conclusions that they arrived at unilaterally, prejudging any outcomes that could issue from the Security Council, and in essence they replaced the decisions about to be taken by the key body of the United Nations responsible for maintaining international peace and security with their own biased national assessments.

We regret the fact that our Western colleagues essentially derailed the negotiations on the draft resolution. It became obvious that Western countries are simply fearful of establishing the kind of commission that would consider the materials presented by Russia

and will investigate them, as provided for in the BWC. In particular, they are not satisfied with the fact that this commission will consist of all members of Security Council because they are trying to unilaterally make decisions on behalf of the entire international community. Indeed, they are also not satisfied with other forms of international cooperation because they do not fit in with the concept they are promoting: the so-called rules-based order where the rules are to be set by themselves.

The accusations against us by Western countries and Ukraine without providing any evidence whatsoever are immediately presented as the absolute truth. Whenever we voice any kind of concern with supporting documentation, we are immediately accused of spreading propaganda. Generally speaking, Western countries remember the United Nations Charter and international law only when they need to. The idea that such norms could be or should be applied to them as well sparks categorical rejection among our Western colleagues. Work on the draft resolution was a very eloquent illustration of that fact.

We expect that respect for the standards of international law, including the BWC, will prevail in the Council today. Those delegations that are committed to upholding those standards and which are not afraid of taking an independent stance that could anger Washington and its satellites will support our draft.

The President: I shall now put the draft resolution to the vote now.

A vote was taken by a show of hands.

In favour:

China, Russian Federation

Against:

France, United States of America, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Albania, Brazil, Gabon, Ghana, India, Ireland, Kenya, Mexico, Norway, United Arab Emirates

The President: The draft resolution received 2 votes in favour, 3 against and 10 abstentions.

The draft resolution has not been adopted, having failed to obtain the required number of votes.

I shall now give the floor to those members of the Council who wish to make statements after the voting.

Mr. Polyanskiy (Russian Federation) (*spoke in Russian*): We are extremely disappointed by the fact that the Security Council today did not manage to activate the mechanism provided for under Article VI of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BWC). Let me recall that, according to section 2 of Article VI,

“[e]ach State Party to this Convention undertakes to cooperate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council...”.

In the course of our work on the draft resolution, Western countries demonstrated in every way that the law does not apply to them and that they have no intention of abiding by the provision I just quoted, and for this so they are ready to trample on any norm or to flout any rule. This is the usual colonialist mentality to which we are accustomed, and we are not surprised by it now.

Regardless of the outcome of the vote today, we retain our questions for the United States and Ukraine to answer, and the evidence that accompanied our complaint still requires clarification. We will continue to further act within the framework of the BWC and make the efforts needed to establish all of the facts having to do with the violations by the United States and Ukraine of their obligations under the Convention in the context of the activities of biological laboratories on the territory of Ukraine. Sooner or later, all the violators will be held accountable by the international community for such illegal activities. In order to ensure national, regional and global biosecurity, Russia will unflinchingly work on further strengthening the regime of the Convention. We will make such efforts during the ninth Review Conference of the BWC, slated to take place in Geneva from 28 November to 16 December 2022.

Mr. Gómez Robledo Verduzco (Mexico) (*spoke in Spanish*): Mexico abstained from voting on the draft resolution contained in document S/2022/821 for the following reasons.

Mexico is not opposed to the Security Council being seized of a situation covered by Article VI of the Convention on the Prohibition of the Development,

Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction of 1970, and such a possibility should not be ruled out in advance. The absence of a precedent in the practice of the Security Council is not, in our view, a reason to dismiss a priori the request contained in the draft resolution that is the subject of today's meeting.

However, the condition set forth in Article VI of the Convention, namely, that the party alleging violations of the Convention must provide credible evidence to trigger an investigation at a later stage, has not been met. This has not occurred either in the debate or in the consultation process surrounding the draft resolution. In our opinion, neither the terms nor the timing of the draft resolution are likely to meet the requirements of Article VI of the Convention. In the first place, it is unrealistic to think that a commission such as the one proposed could be set up, granted a mandate to carry out an investigation and submit a report with recommendations to the Security Council — all within 28 days.

Secondly, no State can be judge and jury of any commission that claims to be independent and objective. In this case, the Russian Federation should be excluded, as it is one of the parties involved in the armed conflict. Undoubtedly, the Security Council has proven experience in investigating alleged programmes of weapons of mass destruction. A good example is the establishment in 1999 of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) in Iraq, pursuant to resolution 1284 (1999). In that resolution, the Council set out in great detail the terms of reference and the mandate governing UNMOVIC's work, all of which was based on a series of established facts.

Nevertheless, the forthcoming review conference of the Biological and Toxin Weapons Convention is the ideal forum to consider the points made by the Russian Federation and, in particular, to generate the agreements necessary to initiating the consideration of a genuine verification mechanism for the Convention.

Mexico will participate actively in that conference in order to advance towards the establishment of the necessary institutional architecture for an objective, rigorous and impartial assessment of allegations such as those contained within the draft resolution, which, for the reasons I mentioned, it is improper to support.

Mrs. Thomas-Greenfield (United States of America): The United States voted against draft resolution S/2022/821 because it is based on disinformation, dishonesty, bad faith and a total lack of respect for this organ.

The Biological Weapons Convention (BWC) is important. It addresses the grave threat posed by biological weapons. The United States takes its responsibilities seriously and fully complies with and fulfils its obligations under the BWC. That includes assisting partners around the world to strengthen global health security and reduce the impact of infectious diseases on their societies.

We cannot allow such life-saving cooperation to be stigmatized. Russia tried and failed to claim that we had violated the BWC at the article V meeting in Geneva in September. Russia failed to provide any credible evidence to support those false allegations. Despite Russia's abuse of the process and precisely because we respect the BWC and its provisions, the United States and Ukraine went through Russia's allegations in Geneva point by point and debunked every single one. Russia knows that our cooperative threat-reduction efforts are not for military purposes. We know that Russia knows this because, for nearly two decades, Russia participated in that very kind of cooperation with us, including on biological threats.

The truth is that Russia's questions are insincere, and Russia is uninterested in our answer. Russia said that this is a milestone, and it is. It is a milestone for Russia's deception and lies, and the world sees it. An overwhelming number of State parties that spoke at the Geneva meeting considered that the issues raised by Russia were unsubstantiated and had been conclusively addressed.

But that was not enough for Russia. Instead, when Russia failed in Geneva, it inappropriately raised the same false claims here, abusing its position and abusing us. And Russia should not be surprised or disappointed by what happened here today. Russia showed zero appreciation for the precedent it has set in invoking article VI of the BWC for the first time in the Convention's history, and as one can see from the vote today, no one is buying it except China. I will not devote any more time, energy or resources to those lies from Russia, and neither should the rest of the Security Council — not while troops still occupy Ukrainian territory and not while Russian forces continue to attack

Ukrainian civilians and commit war crimes. Instead of letting Russia waste our time, we should focus on the truth and the horrors Russia has inflicted upon the Ukrainian people.

Mr. Asokan (India): India attaches high importance to the Biological Weapons Convention (BWC), which is the first non-discriminatory disarmament treaty banning a complete category of weapons of mass destruction. We remain committed to enhancing the effectiveness of the BWC and strengthening its implementation in letter and spirit.

India participated in the article V consultations in Geneva in September on the matter under consideration today and has expressed our views on that issue. We have also expressed them during previous Security Council meetings. I reiterate that any matter relating to the obligations under the BWC should be addressed as per the provisions of the Convention and through consultations and cooperation between the relevant parties.

Nonetheless, India would like to underline the important role of international cooperation in the field of peaceful biological activities and the related exchange of scientific and technical information. India emphasizes the full and effective implementation of article X of the Convention and underlines that biological-related activities for peaceful purposes that are fully consistent with the Convention's obligations should not be undermined. India also reiterates the need to negotiate a comprehensive, legally binding protocol providing for an effective universal and non-discriminatory verification mechanism in order to strengthen the implementation of the Convention. That is necessary in order to strengthen the BWC and its implementation by the State parties, and we hope that the current situation will provide impetus for the early consideration, negotiation and finalization of such a protocol by the State parties.

Factoring in all of those aspects, India decided to abstain in the voting on draft resolution S/2022/821.

Ms. Moran (Ireland): Ireland upholds the right of any State party to the Biological and Toxin Weapons Convention (BWC), under article VI, to bring a complaint to the Security Council if it finds that another State is acting in breach of its obligations under the BWC.

We duly listened to the complaint brought by the Russian Federation. We consider that no substantive or credible evidence has been presented by Russia to support its allegations, either through the article V consultative meeting in Geneva in September or in materials submitted to the Security Council. As such, the Russian Federation's complaint has no validity. We do not see the proposed investigation by the Council as either justifiable or useful.

We therefore abstained in the voting on draft resolution S/2022/821, which the Russian Federation has brought to Council.

Ireland believes that this matter has been comprehensively addressed through the provisions set out in the Convention. Regrettably, Russia is attempting to misuse the Convention and the Security Council as a platform for its disinformation in an attempt to justify its unjustifiable and unlawful invasion of Ukraine. We ask Russia to stop these deeply cynical and harmful actions, which risk undermining key multilateral arms control agreements as well as international cooperation into vital health research.

Mr. Hoxha (Albania): Just a few days ago, we had a thorough discussion on the substance of the matter (see S/PV.9171), the latest of a series of the same during the year. We made our position clear, and it has not changed.

We take very seriously any and all issues related to threats of the proliferation of weapons of mass destruction, anywhere and at any time. They are prohibited by international law and must never be used by anyone, under any circumstance. In that respect, we remain convinced that the Biological Weapons Convention (BWC) is a key element in the international community's efforts to address the proliferation of such weapons, as the Convention has established a strong norm against biological weapons.

As to draft resolution S/2022/821, presented by the Russian Federation, it is our conviction that the claims presented by Russia remain unsubstantiated and uncorroborated. The Russian Federation has yet to provide credible evidence to justify its requests for an article VI investigation. As we have seen several times during this year, no credible report thus far — none whatsoever, including from the Office for Disarmament Affairs — has shown that foreign assistance by one or more countries to public health programmes in Ukraine runs contrary to article X of the BWC or poses any public health or security risks.

The result of the voting showed clearly that Russia has still a long way to go and must provide convincing information to the Council, instead of sticking with its unconvincing claims. We therefore reiterate the need for the BWC and its mechanism to be fully used without any undue politicization, while supporting constructive and much-needed public health assistance and cooperation among Member States.

For all those reasons, Albania abstained in the voting, and we welcome that all 10 non-permanent members are united with the same position on that issue.

Finally, instead of misusing the Council and polluting its work with disinformation and fantasies, the Russian Federation must do the only right thing we have been calling for incessantly — to stop the war, get all of its occupying troops home and respect the sovereignty and territorial integrity of Ukraine.

Lastly, if I heard correctly, the representative of the Russian Federation said that those who would not support his delegation's draft resolution are satellites. Russia must have felt well-served, since there were quite a lot today: 13 out of 15 members did not vote in favour of the draft resolution.

Ms. Heimerback (Norway): Norway abstained in the voting on draft resolution S/2022/821, as we want to avoid setting a negative precedent in the use of article VI of the Biological and Toxin Weapons Convention (BWC). Russia's complaint is not set forward in good faith, and neither is the draft resolution before us. Setting up a commission would be an abuse of the Security Council's time and resources. We therefore find an abstention necessary in order to safeguard the integrity of future good-faith requests under article VI.

Norway remains determined to uphold the total ban on biological weapons. Allegations of violations of the Biological and Toxin Weapons Convention are something we take seriously, and they merit our scrutiny. Norway meticulously reviewed the documents annexed to the Russian complaint under article VI of the BWC. We note that it consists predominantly of assertions, interpretations and conclusions by the Russian Federation itself. The same accusations were also dealt with in September during the formal article V consultations. We listened carefully to the representatives of Russia, the United States and Ukraine. And Norway then, as now, reviewed the documents provided by Russia in detail.

However, no evidence has been put forward. In fact, contrary to Russia's assertions, the documentation strongly suggests that the cited cooperation between the United States and Ukraine indeed has a legitimate peaceful purpose fully in line with the provisions on international assistance and cooperation under article X of the BWC. It is therefore our firm conclusion that Russia has failed to demonstrate probable cause for further investigative steps. Russia's spurious allegations do not justify a request for the consideration of the Security Council under article VI of the BWC.

It is deeply problematic that the State that has lodged the complaint with the Security Council itself has taken the pen and submitted the draft resolution that addresses the complaint. The process shows the importance of ensuring that the Secretary-General's Mechanism for Investigation of the Alleged Use of Chemical, Biological or Toxin Weapons retains its independence and impartiality, free from the Security Council's veto mechanism.

I will conclude with an appeal to the Russian Federation to end its relentless campaign of disinformation and stop congesting the Council's agenda with patently unfounded requests related to the situation in Ukraine.

Dame Barbara Woodward (United Kingdom): The United Kingdom voted against draft resolution S/2022/821 in order to protect the integrity of the Biological and Toxin Weapons Convention and to prevent it from being undermined by unfounded accusations. Russia has claimed that the United States, Ukraine and their allies have failed to consider the evidence they have presented. This is completely false. Russia's allegations of United States and Ukrainian biological activities were given a full hearing in September under Article V of the Convention. At that meeting, Ukraine and the United States provided a comprehensive response to Russia's allegations. The United Kingdom shared its own extensive technical analysis of the evidence that Russia presented. Russia's allegations have no credible basis in fact.

Russia's long-standing disinformation efforts undermine peaceful biological cooperation under article X, a vitally important aspect of the Convention. We must defend peaceful biological cooperation against unfounded malicious allegations. The United Kingdom remains deeply committed to the Biological and Toxin Weapons Convention. We value article VI as

an important mechanism for States parties to address real and valid concerns arising under the Convention.

Mr. Kiboino (Kenya): Kenya reaffirms its commitment to the Biological Weapons Convention, which remains the global norm against biological weapons and a fundamental pillar of the international community's efforts to prevent their use. It is our conviction that any actions that may undermine the Convention, especially in a world grappling with the effects of a pandemic, should be avoided. The coronavirus disease has demonstrated the importance of international cooperation and partnership in biological research and technologies in accordance with article X of the Convention.

Any actions that breed mistrust with regard to such cooperation would be detrimental to global public health. It is therefore important that the utmost respect be given to the existing conventions and norms that ensure that such cooperation remains unimpeded. As we have said before, any credible allegations of the use of any weapon of mass destruction should be treated with the seriousness that they deserve and be duly, transparently and impartially investigated. Such an investigation would require that all parties concerned have confidence and faith in the Secretariat to conduct it in an independent, transparent and professional manner. Kenya therefore abstained in the voting on draft resolution S/2022/821.

Mr. Geng Shuang (China) (*spoke in Chinese*): China voted in favour of draft resolution S/2022/821, submitted by the Russian Federation, in which article VI of the Biological Weapons Convention (BWC) is invoked requesting the Security Council to initiate an investigation into compliance violation.

I would like to explain China's position.

Biosecurity knows no borders and has an impact on the common interests of all humankind. Since March, Russia has repeatedly lodged complaints with the Security Council with regard to the United States suspected biomilitary activities in Ukraine, about which China is gravely concerned. We believe that any evidence or indications related to compliance issues concerning the Convention should receive the full attention of the international community and deserve thorough and purposeful responses and clarifications by the party concerned.

The BWC clearly provides for how to address compliance concerns of its States parties, which in September held a formal consultative meeting under article V of the Convention and demonstrated the aspiration shared by all parties to use the BWC mechanism to clarify and resolve compliance issues. It also sharply revealed the need to show unity in dealing with security challenges against the backdrop of international conflicts.

Regrettably, the series of questions raised by Russia at the meeting were not fully answered. As such, in the exercise of its right as a State party under article VI of the Convention, as well as in accordance with the final document of the previous Review Conference, Russia submitted its complaints to the Council and requested that the Council initiate an investigation, which is reasonable and legitimate and should not be blocked. China believes that a fair and transparent investigation by the Council can effectively address compliance concerns and help uphold the authority and effectiveness of the Convention.

China has always advocated for a full prohibition and thorough destruction of all weapons of mass destruction, including biological weapons. We firmly oppose the development, stockpiling or use of biological weapons by any country and under any circumstances.

Last April, President Xi Jinping proposed the Global Security Initiative, stressing the need for joint international efforts to address global issues, including biosecurity. To that end, China calls on all countries to adhere to the concept of common, comprehensive, cooperative and sustainable security, to continue to strengthen global cooperation on biosecurity and to work together to overcome challenges in that regard.

We hope that all States parties will actively and constructively participate in the ninth Review Conference of the States Parties to the Convention, to be held in November, further strengthen confidence-building mechanisms; resume negotiations as soon as possible on a verification protocol, which have been at a standstill for more than 20 years; promote the swift establishment of a multilateral verification mechanism; further enhance global biosecurity governance and take global biosecurity to a new level.

Mr. De Almeida Filho (Brazil): As many delegations indicated at our most recent meeting on the subject, held on 27 October (see S/PV.9171), we take note of the complaint lodged by the Russian Federation

to the Security Council, in accordance with article VI of the Biological Weapons Convention (BWC).

Brazil participated in the formal consultations held in Geneva, from 5 to 9 September, under article V of the BWC. On that occasion, Russia presented its concerns regarding alleged biological activities developed jointly by the United States and Ukraine on Ukrainian territory. The parties to the Convention also listened to the comments of the representatives of both countries on Russia's queries.

Having considered the documents made available by the Russian Federation, and bearing in mind the discussions held in Geneva, Brazil believes that, at the moment, the necessary conditions for the initiation of investigations under article VI of the BWC have not been met. Brazil reiterated its commitment to the resumption of negotiations towards the adoption of a binding verification protocol that strengthens the implementation of the Biological Weapons Convention regarding the exclusively peaceful use of knowledge and technology in the field of life sciences.

The situation before the Council today only reinforces the need to establish such a mechanism. The next Review Conference of the States Parties to the BWC represents an opportunity for us to re-engage in such discussions, without delay. While such a protocol is not adopted, we call upon the States parties to strengthen the mechanisms of transparency and confidence-building available under the framework of the Convention by sharing the broadest possible range of information regarding research projects on topics related to the objectives of the Convention.

Mr. Abushahab (United Arab Emirates): The United Arab Emirates has a long-standing position of support and commitment to the Biological Weapons Convention and recognizes it as an important part of the global non-proliferation architecture. The Convention's prohibition on the development, production, stockpiling, acquisition or retention of biological weapons is core to the international consensus that biological weapons must never be used.

Article VI of the Biological Weapons Convention has the potential to play an important role in promoting compliance with the Convention. However, given that article VI has never before been applied, the Security Council should be prudent and deliberate when establishing important new precedents on compliance. We believe it is particularly important for there to

be broad agreement among members of the Security Council on the triggers and modalities for proceeding under article VI. Given the lack of such broad agreement on the draft resolution presented today, the United Arab Emirates chose to abstain in the voting on the draft resolution.

The Biological Weapons Convention remains crucial both in prohibiting biological weapons and in supporting cooperation in the study of biological agents and toxins for peaceful purposes. To that end, the United Arab Emirates looks forward to participating in the ninth Review Conference of the States Parties to the Biological Weapons Convention to be held in Geneva at the end of this month.

Mr. De Rivi re (France) (*spoke in French*): The result of today's vote is clear — Russia is isolated more than ever before, and its lies deceive no one.

France voted against the draft resolution presented by Russia, because we refuse to allow the Council to become a propaganda platform. If words no longer have any meaning and if truth and lies are both permitted, then diplomacy is no longer possible.

The Biological Weapons Convention clearly states that a complaint under article VI must include all possible evidence confirming its validity. We have already assessed that so-called evidence in detail, and it does not merit further consideration. The truth is that Russia's allegations are completely groundless. That point was made during the consultations in Geneva. Russia itself made it clear that it had no new evidence. The Secretariat has repeatedly stated in this Council that it has no information on the subject.

Now, Russia will attempt to play the victim. It will school us on respect for international law, which might be laughable, were the disaster unfolding not cause for tears. Let us be serious and focus on the facts — it is Russia that started a war of aggression against its neighbour and illegally annexed its territories. It is now creating confusion to serve as a distraction. Russia must stop this irresponsible disinformation campaign.

France reiterates its commitment to the Biological Weapons Convention and deplores the fact that it is being exploited by Russia. Its provisions relating to peaceful cooperation among States parties are essential. As we approach the ninth Review Conference of the States

Parties to the Convention, we must focus all our efforts on safeguarding and implementing the Convention so as to prevent the use of such weapons.

The President: I shall now make a statement in my capacity as the representative of Ghana.

As a State party to the Biological Weapons Convention (BWC), Ghana is fully supportive of the objectives of the Convention, which bans biological weapons by prohibiting the development, production and stockpiling of biological agents, as well as related equipment and delivery systems that are intended for hostile use.

The BWC forms the foundation of the international biological arms control regime and must continue to be strengthened to enhance the effectiveness of its mechanisms, including in the area of verification. While we believe in the right of States parties to consult and cooperate with each other in order to reach solutions in the event of any complaints or violations of the BWC, as agreed in article V of the Convention, we are of the view that a necessary condition for the invocation of article VI for a formal investigation into a complaint should be a compelling *prima facie* case.

Ghana therefore abstained in the voting on the draft resolution on that account and given the non-consensus-based outcome of the article V consultative meeting, held in Geneva in September, while also taking into account our repeated proposition that a conclusive determination of Ukraine's biological programmes can be made only after further assessment by the relevant institutions. We wish to reiterate that we take seriously any issues related to the threat of use and proliferation of weapons of mass destruction. We have also acknowledged the provisions of article X of the BWC, which accords States parties the right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological agents and toxins for peaceful purposes.

I now resume my functions as President of the Council.

There are no more names inscribed on the list of speakers.

The meeting rose at 5.30 p.m.