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Held at Headquarters, New York, on Monday, 15 November 1999, at 10.30 a.m.

President: Mr. Fulci (Italy)

Contents

Tribute to the memory of the victims of the crash of the World Food Programme aircraft in Kosovo

Adoption of the agenda

Statement on the work of the Administrative Committee on Coordination (ACC)

Consideration of the draft resolution of the Commission on Human Rights entitled "Situation of human rights in East Timor" (*continued*)

Election of a member of the Executive Board of the World Food Programme

Consideration of the draft decision entitled "Participation of non-governmental organizations in the thirty-eighth session of the Commission for Social Development"

Other matters

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The meeting was called to order at 10.40 a.m.

Tribute to the memory of the victims of the crash of the World Food Programme aircraft in Kosovo

1. *At the invitation of the President, the members of the Council observed a minute of silence in tribute to the memory of the victims of the crash of the World Food Programme aircraft in Kosovo.*

Adoption of the agenda

2. *The agenda was adopted.*

Agenda item 1: Statement on the work of the Administrative Committee on Coordination (ACC)

3. **Mr. Civili** (Assistant Secretary-General for Policy Coordination and Inter-Agency Affairs), reporting on the results of the most recent session of the Administrative Committee on Coordination (ACC) held the previous month, informed the Council members that they would find up-to-date and detailed information concerning ACC and its subsidiary organs on the Committee's new web site at the address: <http://acc.unsystem.org>. At the session, participants had been able to exchange views on current developments, while continuing the thematic discussions, including those concerning the capacity of the system to respond flexibly and effectively to the challenges of the new century.

4. In the first instance, ACC had sought to elaborate the shared values that defined the common identity of the system and to identify the key challenges facing it in the twenty-first century. The system would have to make its own contribution to effective international governance, adapted to the new requirements and circumstances; it would also have to bring the benefits of globalization to peoples and countries left out; lastly, it would have to promote and strengthen the rule of law globally.

5. In that context, the participants had also conducted a critical assessment of the strengths of the United Nations system and of its main weaknesses; in the light of that analysis, they had identified some areas for action and had concluded that it was essential to set clear goals and to work towards them collectively, with benchmarks to measure the progress made; to give priority attention to the mobilization of resources to promote the global agenda; and to forge

new partnerships and strategic alliances based on United Nations values, in order to achieve global objectives.

6. The ACC members had reiterated that poverty eradication and the promotion of equity at all levels should remain the over-arching goals for the Committee and should guide the partnerships and coalitions being launched within the system. They had recognized that the United Nations system should play a key role in promoting coalitions involving a broad range of actors, identifying public policy issues that required a global commitment.

7. In the discussion of the impact of globalization and identification of areas where the organizations of the system could make mutually reinforcing contributions, emphasis had been placed on harnessing information and communication technologies in support of sustainable development.

8. Another issue that had attracted a great deal of attention was the link between poverty eradication and social development, on the one hand, and the expanded Heavily Indebted Poor Countries Debt Initiative, on the other. That link provided an important basis for more purposeful collaboration between the Bretton Woods institutions and the United Nations agencies and programmes at both global and national levels. There had been a strong common interest on the part of all ACC members in joining forces so that the Initiative could contribute to the strengthening of social services and anti-poverty programmes, help the countries concerned to put in place the structures and economic and social policies that would enable them to derive maximum benefits from the Initiative and refocus policies and programmes on human-centred development. Members had also stressed that the magnitude of the financial resources required for the Initiative should not erode donor flows for development assistance and reaffirmed the critical importance of maintaining the principle of additionality of ODA resources.

9. Members had also considered the follow-up to the Beijing Platform for Action. They had considered that the measures advocated in the Ministerial Communiqué adopted by the Economic and Social Council at its 1999 high-level segment, integrating employment questions, gender issues and poverty eradication goals within a coherent policy framework, should enhance the follow-up to the Beijing Conference. Nevertheless,

they had felt that gender concerns were still far from being adequately addressed in macroeconomic policy and that the gender dimensions of globalization were a key area for further study. Measures must be identified that would enable women to derive the maximum benefit from globalization. As the system's contribution to the Beijing+5 review process, ACC had confirmed its intention to issue a joint statement on the link between poverty eradication and gender issues.

10. On management issues, ACC had noted that significant advances had been made in the secretariats of organizations in the system towards the goal of gender parity; UNFPA had already met that goal. However, much remained to be done in terms of career opportunities and conditions of service for women.

11. The Committee had organized its work so as to address a wide range of general policy issues, while keeping its previous decisions under systematic review, focusing on the coordinated implementation of directives of the Council and of other intergovernmental bodies. The Committee had given particular attention to the need to coordinate the many activities under way in Africa, particularly in view of the Council's decision to convene regional inter-agency meetings under the chairmanship of the Deputy Secretary-General and the agreed conclusions of the coordination segment of the Council session. At its previous session, ACC had endorsed the broad thrust of the measures agreed at the first inter-agency meeting for Africa. In that context, ACC had taken action to organize at the inter-agency level the follow-up to the Declaration and Programme of Action on a Culture of Peace. The Committee had also addressed various administrative issues and had met with the Chairman of the International Civil Service Commission (ICSC) and with staff representatives. It had expressed support for a proposed review of the functioning of ICSC, which was currently under discussion in the Fifth Committee. It had voiced concern at the deterioration of conditions affecting the security of United Nations staff and the acts of violence against civilian United Nations staff, and had adopted a decision concerning the security of United Nations staff.

12. In conclusion, he stressed that the reforms launched by ACC and the Economic and Social Council were very useful and should be continued in order to enhance the capacity of the system to meet the emerging challenges. For its part, ACC had started to review its own methods of work and the structure of its

machinery. The interaction between ACC and the Council was one of the main themes of a report of the Joint Inspection Unit (JIU) on the functioning of ACC, which would shortly be before the Council. It was to be hoped that the report would provide a further opportunity to strengthen the dialogue between the Committee and the Council, which was crucial to the effort of enhancing the impact and effectiveness of the system.

13. **Mr. Chowdhury** (Observer for Bangladesh) asked how ACC was taking Council resolution 1998/46 into account in the context of the reform of the Council's subsidiary organs, what impact it might have on the Committee's work and what specific measures had been taken by ACC within the framework of the Declaration and Programme of Action on a Culture of Peace. In that connection, he welcomed the ACC decision to launch the International Year for the Culture of Peace on 14 September, which was International Day of Peace.

14. **Mr. Civili** (Assistant Secretary-General for Policy Coordination and Inter-Agency Affairs) said that the Council would have an opportunity to deal with the questions raised by Mr. Chowdhury when it considered the JIU report on the functioning of ACC, which covered the issue of the interaction between the Committee and the Economic and Social Council. The Committee's comments on that report showed how the reforms implemented by the Council, in particular in pursuance of resolution 1998/46, and those of ACC were complementary and helped to build confidence. The results of the inter-agency meetings organized at the regional level in pursuance of that resolution had been one of the main areas of study of ACC. With reference to the Declaration and Programme of Action on a Culture of Peace, he recalled that ACC had endorsed the proposal of the Director-General of UNESCO concerning the adoption of a pragmatic approach to the implementation of the Programme of Action, whereby the results to be achieved over a ten-year period would be defined for each objective. The organizations in the system had been asked to formulate their own objectives and to submit them to a meeting to be held in 2000 at UNESCO headquarters.

15. **The President** drew the attention of members to one of the points in the ACC decision on United Nations staff security and safety, concerning a review of the arrangements for compensating the families of

staff members killed in the line of duty. All would agree on the urgency of such a review.

16. **Mr. Chowdhury** (Observer for Bangladesh) noted that the process for compensating families was extremely slow. He drew attention to another point in the ACC decision: only 29 Member States had ratified the Convention on the Safety of United Nations and Associated Personnel. It was essential to urge Governments which had not yet done so to ratify that instrument.

Agenda item 2: Consideration of the draft resolution of the Commission on Human Rights entitled “Situation of human rights in East Timor”
(*continued*) (E/1999/23/Add.1)

17. **Mr. Mangoaela** (Lesotho), Vice-President of the Council, reported on the results of the informal consultations which he had held on the text, in accordance with Council practice. After the adoption of a resolution on the situation of human rights in East Timor at its fourth special session (1999/S-4/1), the bureau of the Economic and Social Council had decided that members would try to reach a consensus on the draft resolution. He had chaired two meetings and consultations for that purpose but the necessary support had not been forthcoming for the emergence of a consensus. The question was therefore referred back to the Council.

18. The President, noting the absence of consensus, proposed under the Council’s rules of procedure that a vote should be taken by show of hands, unless a roll-call vote was requested.

19. **Mr. Wibisono** (Indonesia) requested a roll-call vote on the draft resolution.

20. **Mr. Kamal** (Observer for Malaysia) expressed concern about the way in which the fourth special session of the Commission on Human Rights had been organized. If the Commission was to perform its functions as the organ responsible for the coordination of human rights questions, it must maintain its credibility and legitimacy by ensuring that its sessions were governed by the established rules and procedures. It was regrettable that the session had been convened despite the reservations expressed by various States. It was the United Nations High Commissioner for Human Rights who had strongly encouraged Member States to request the session; that showed a lack of impartiality and cast doubt on the integrity of the Office of the

United Nations High Commissioner for Human Rights. The procedure followed by that Office was contrary to the rules of procedure, according to which it was the Member States that decided by a majority decision in writing to convene a special session. The Office of the High Commissioner had accepted a statement made orally by one Member State and had interpreted the abstention of another Member State as signifying that it supported the proposal to convene the session. He wondered whether it had been appropriate to convene a special session of the Commission when the question had been under study in the General Assembly and the Security Council. His delegation was concerned about the lack of objectivity, transparency and impartiality displayed by the Office of the United Nations High Commissioner for Human Rights in the manner in which it had handled the issue, with disregard for the rules and procedures in force. It would therefore oppose the draft resolution, on the grounds that it was the result of a process which was inappropriate and contrary to the rules of procedure of the Commission on Human Rights.

21. **Mr. Monteiro** (Observer for Portugal) expressed his complete disagreement with the observer for Malaysia, who had questioned the legitimacy of the approach followed by the office of the United Nations High Commissioner for Human Rights in convening the special session of the Commission on Human Rights. He regretted the failure of Mr. Mangoaela’s efforts to achieve consensus on the draft resolution on East Timor.

22. He wished to emphasize several points concerning the statement by the observer for Malaysia. With regard to the legitimacy and credibility of the Commission on Human Rights, he said that the reputation of that body was well established and categorically rejected the criticism regarding its lack of impartiality, stressing that delegations should not welcome the Commission’s conclusions only in cases in which they were favourable to them. In that connection, the United Nations High Commissioner for Human Rights had an important role to play and the Economic and Social Council, if it really wanted to revitalize its work, should support her. Lastly, with regard to the inclusion of the question of East Timor on the agenda of the current session of the General Assembly, it should be remembered that the Assembly had been considering the item since 1975 and that the special session of the Commission on Human Rights

had been convened for highly relevant reasons — the flagrant violations of human rights observed in East Timor — and in accordance with the mission of the United Nations, which was to protect human safety. Accordingly, the authority of the Commission and the validity of its decision should be respected.

23. **Mr. Hynes** (Canada) said that he also wished to make some comments on the statement by the observer for Malaysia. The United Nations High Commissioner for Human Rights had been given a crucially important mandate by the General Assembly: to promote and defend universally recognized human rights. The measures taken by the High Commissioner and by her Office had remained within the limits of that mandate throughout the process. The Council should refrain from casting doubt on the objectivity and integrity of the Office of the High Commissioner and of all the other Secretariat bodies whenever complex and difficult questions had to be considered.

24. **Mr. Rytovuori** (Observer for Finland), speaking on behalf of the members of the European Union, reaffirmed the views of the Union on the mandate of the United Nations High Commissioner for Human Rights, which were in line with the comments made by the representative of Canada and the observer for Portugal. In accordance with the principle of the universality of human rights, monitoring of the situation prevailing in the various countries constituted an important component of the work of the United Nations and particularly of the Commission on Human Rights, which was perfectly entitled to check on the observance of human rights in a particular country, even if other United Nations bodies were already seized of the question.

25. **The President** invited delegations which wished to do so to explain their vote before the vote on the draft resolution on the situation of human rights in East Timor.

26. **Mr. Wibisono** (Indonesia) said that his delegation would vote against the draft resolution for several reasons. Indonesia had already rejected the draft resolution adopted at the fourth special session of the Commission on Human Rights: its legitimacy and the procedural methods adopted had been widely contested. It was the first time that a special session of the Commission had been convened without the support of the countries in the region concerned. The session had been difficult to justify because the

question had already been under consideration in the Security Council and the General Assembly. Lastly, from the procedural viewpoint, only 26 Member States had given their opinion before the deadline set, so that the simple majority required for the convening of the session had not been obtained. The rules of procedure were quite clear on that score: only written replies from Member States received before the deadline should have been counted. Disregarding the established rules, the Office of the United Nations High Commissioner for Human Rights had taken the initiative of holding a second ballot to ensure that the oral reply of one State, which had been followed by a written reply sent after the expiry of the deadline in mysterious circumstances, could be counted so as to obtain the required majority. The Member States in the Asian Group had, for their part, considered that the required majority had not been obtained, in accordance with the procedure established by decision 1993/286 of the Economic and Social Council, and other delegations had agreed with them.

27. Further irregularities had occurred later in the process, after the High Commissioner had taken the initiative of convening the special session, in flagrant violation of Article 100, paragraph 1, of the Charter of the United Nations. The High Commissioner had asked that the draft resolution recommended by the Commission on Human Rights should be considered as soon as possible, although the report of the Commission had not been circulated in accordance with the rules in force and the statement of programme budget implications had not yet been issued. In addition, the High Commissioner had asked the bureau of the Economic and Social Council to authorize the international commission of inquiry to start work immediately, although that type of decision should be taken by the members of the Council.

28. The Commission on Human Rights derived its legitimacy and credibility from the strength of its moral positions and should therefore be extremely circumspect in its pronouncements. Having failed scrupulously to respect the rules of procedure, it had provoked a certain animosity and undermined the trust which was essential to the smooth functioning of the Office of the High Commissioner. The concerns expressed by the Asian States about the lack of objectivity, transparency and impartiality displayed by the Office during the process of convening the special session deserved to be registered in order to avoid other errors which might further undermine Member

States' confidence in the Office. It was to be hoped that the Council would express its disapproval of the procedures used by the Commission on Human Rights.

29. Despite the reservations which it had expressed concerning the process, Indonesia had honoured the commitments made under the New York Agreement of May 1999 and had thus cut its ties with East Timor and transferred power to the United Nations. It had established a national Fact-Finding Commission for Post-Ballot Human Rights Violations, which had already started work, and would shortly publish its conclusions. It intended to punish those responsible for the human rights violations, when they had been proved. It had thus demonstrated its willingness to cooperate fully. However, the creation of an international commission of inquiry might encroach on the work of the national commission, and involve duplication and considerable expenditure. Moreover, if the Council wished to make a constructive contribution to the promotion and defence of human rights, it should take into account the new situation in East Timor, the new democracy in Indonesia and the desire of those two countries to work towards reconciliation and to establish fruitful bilateral relations, which were essential for geographical reasons.

30. **Mr. Umeda** (Japan) announced that his delegation would abstain in the vote, for several reasons. From the procedural standpoint, it agreed that serious irregularities had been committed and that the Office of the High Commissioner should learn the necessary lessons from that unfortunate episode and, in future, consult Member States carefully before taking such decisions. Regarding the substance, it should be remembered that the common goal of all Member States was to clarify the human rights situation in East Timor and to bring to justice the persons responsible for the violations. To that end, it was obviously necessary to enlist the collaboration of the Indonesian Government. Japan was afraid that the inquiries of the international commission would remain incomplete unless they received assistance from the new Indonesian Government, which seemed determined to deal very seriously with the human rights issue.

31. The Indonesian National Commission on Human Rights had commenced work and had issued a first report with conclusions that would be very useful to all concerned, including the members of the International Commission. A new chapter was opening in the history of Indonesia and East Timor. If those countries were to

be able to pursue the most promising course, the international community must calmly evaluate the efforts made by the Indonesian Government and replace flagging confidence and failing cooperation by relations of collaboration conducive to the attainment of the common goal.

32. **Mr. Pal** (India) said that his country would vote against the draft resolution for various reasons. As other delegations had emphasized, the serious procedural irregularities which had been committed cast doubt on the impartiality of the Commission on Human Rights and violated its rules of procedure, calling into question the legitimacy of its decisions.

33. In addition, the mandate given to the international commission of inquiry was not properly defined. The commission had been asked to inquire not only into human rights violations but also into acts which might constitute breaches of international humanitarian law. The Secretariat seemed to be systematically confusing the concepts of human rights and international humanitarian law. Humanitarian law was a law applicable in wartime. However, no one could state that the events in East Timor constituted war or armed conflict. There had been no violation of international humanitarian law, strictly speaking. Part of the mandate of the commission of inquiry was therefore otiose. Paragraph 5 of the resolution of the Commission on Human Rights requested the Indonesian Government to conduct its own inquiry. The new democratically elected Government had already taken steps in that direction; it was therefore pointless for the commission of inquiry to conduct parallel investigations, wasting time and money. Lastly, that superfluous mandate would be costly: the statement of programme budget implications (E/1999/L.59) of the resolution of the Commission on Human Rights showed that, if the Council adopted the resolution, expenses of over \$660,000 would be incurred. As several delegations had already emphasized in the Third Committee, far too much money was allocated to the monitoring activities of the Office of the High Commissioner, at the expense of technical cooperation.

34. **Mr. Yu Wenzhe** (China) recalled that, under Article 12 of the Charter of the United Nations, if the Security Council was considering a dispute, the General Assembly should make no recommendation on the subject, unless requested to do so by the Security Council. In his view, the recommendation to convene the special session was contrary to that provision of the

Charter. Indeed, the convening of the session raised procedural and legal problems. For that reason, the Chinese delegation would vote against the recommendation made at the special session of the Commission on Human Rights.

35. *At the request of the representative of Indonesia, a vote was taken by roll-call on draft resolution 1999/S-4/1 of the Commission on Human Rights.*

36. *The Democratic Republic of the Congo, having been drawn by lot by the President, was called upon to vote first; in the absence of that delegation, Denmark was called upon to vote first.*

In favour:

Belgium, Bolivia, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Czech Republic, Denmark, El Salvador, France, Germany, Guinea-Bissau, Honduras, Iceland, Italy, Latvia, Lesotho, Mauritius, Mozambique, New Zealand, Norway, Poland, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against:

China, India, Indonesia, Oman, Pakistan, Russian Federation, Saudi Arabia, Sri Lanka, Syrian Arab Republic, Viet Nam.

Abstaining:

Algeria, Belarus, Cuba, Djibouti, Japan, Mexico, Morocco, Republic of Korea, Sierra Leone, Turkey, Venezuela.

37. *Draft resolution 1999/S-4/1 of the Commission on Human Rights was adopted by 27 votes to 10, with 11 abstentions.*

38. **Mr. Le Hoai Trung** (Viet Nam) explained that his delegation had been unable to vote for the draft resolution for the reasons already given in the Asian Group and at the fourth ASEAN Meeting devoted to human rights, held in September 1999 in Geneva. It had also taken into account the efforts of the Indonesian Government to investigate the allegations of human rights violations in East Timor and the cooperation which Indonesia had extended to the international community to settle the question of East Timor. Viet Nam's decision was motivated by its desire to adopt a constructive approach to the process of reconciliation, reconstruction and creation of lasting peace and security in the region.

39. **Ms. de Armas García** (Cuba) reaffirmed her delegation's support for the principles of impartiality, objectivity and non-selectivity within all the organs of the United Nations and advocated respect for the procedures and the relevant resolutions and decisions regulating the performance of their functions and of the functions of the Secretariat.

40. **Mr. Bivero** (Venezuela) recalled that his delegation had participated constructively in the debate in the Commission on Human Rights which had resulted in the adoption of the draft resolution before the Council. Venezuela acknowledged the efforts made by the Indonesian Government to investigate the facts and obtain the reconciliation of the parties, and believed that they should be given priority. However, it shared the concerns expressed by other delegations with regard to the organs following up that decision and particularly the parallel role of the General Assembly and of the Security Council.

41. **Mr. Wibisono** (Indonesia) said that his delegation had voted against the draft resolution and that Indonesia was therefore not legally bound by the decision just taken by the Council, including the Council's endorsement of the establishment of an international commission of inquiry. The new Government was, however, determined to cooperate fully with the United Nations human rights machinery, provided that that machinery was based on mutual respect and effective promotion of human rights. It also undertook to promote a culture of respect for human rights in Indonesia, in particular by prosecuting individuals who were guilty of post-ballot human rights violations in East Timor.

42. **Mr. Monteiro** (Observer for Portugal) emphasized that cooperation with democratic Indonesia was essential for the investigation of human rights violations in East Timor. The decision just taken was very good for the future of East Timor, since it would promote the process of reconciliation. With regard to the criticisms of certain United Nations bodies at the current meeting, he said that it would be preferable not to put procedural issues before substance. The question under consideration was very important as regards democracy and transparency in human rights matters, and the right of peoples to self-determination, which was the lesson to be learnt from the events in East Timor. It was to be hoped that it would be possible to

count on the full participation of democratic Indonesia and that the new independent State of East Timor would have its place in the region.

Agenda item 3: Election of a member of the Executive Board of the World Food Programme

43. **The President** informed the members of the Council that the Conference of the Food and Agriculture Organization of the United Nations had just agreed to the revisions to the general regulations of the World Food Programme (WFP), which therefore took effect immediately. He recalled that, in accordance with the revisions, the Council had to elect one member from the Eastern European Group to the WFP Executive Board, for a term commencing on 1 January 2000 and expiring on 31 December 2002. In that connection, he informed the Council that the Secretariat had received a letter from the Permanent Representative of Croatia, the Chairman of the Eastern European Group for the month of November, indicating that the Group endorsed the candidacy of Hungary. He proposed that the Council should decide to elect Hungary to the WFP Executive Board.

44. *It was so decided.*

Agenda item 4: Consideration of the draft decision entitled "Participation of non-governmental organizations in the thirty-eighth session of the Commission for Social Development" (E/1999/L.60)

45. **Mr. Mangoela** (Lesotho), Vice-President of the Council, said that the informal consultations which he had chaired had resulted in a consensus on the draft decision submitted by Spain (E/1999/L.60).

46. **The President** suggested that the Council should adopt the draft decision submitted by Spain.

47. *It was so decided.*

Agenda item 5: Other matters

Letter dated 19 October 1999 from the Secretary-General addressed to the President of the Economic and Social Council (E/1999/121)

48. **The President** drew the attention of members to the letter dated 19 October 1999 addressed to him by the Secretary-General concerning the implementation of the advisory opinion of the International Court of

Justice of 29 April 1999 on the Difference relating to immunity from legal process of a Special Rapporteur of the Commission on Human Rights, and indicated that several delegations wanted more time to hold consultations on the subject. He suggested that consideration of the question should be deferred to the following meeting of the Council.

49. *It was so decided.*

Arrangements for the next meeting of the Economic and Social Council

50. **The President** suggested that the Council should hold its last meeting of the year on Thursday, 9 December 1999 at 10.30 a.m.; it would be devoted to a discussion with the Special Committee of Twenty-Four on matters related to assistance to Non-Self-Governing Territories from the United Nations system and all other matters still before the Council: the report of the Joint Inspection Unit on ACC, the meeting of the Ad Hoc Group of Experts on International Cooperation in Tax Matters, the programme of work of the Committee for Development Planning and the above-mentioned advisory opinion of the International Court of Justice. In accordance with established practice, informal consultations on all those items would be held on the day before the meeting.

51. *It was so decided.*

Strengthening of the coordinating role of the Economic and Social Council

52. **The President** recalled the seven-point plan which he had announced at the beginning of the year to restore the identity and authority of the Economic and Social Council. There remained only one point to be considered: the strengthening of the role of the Economic and Social Council as the central coordinating body in the United Nations system. A comprehensive study should be undertaken of the Council's relationship with the funds, programmes and specialized agencies and specific means should be identified to coordinate their work. For that purpose, he proposed that a good offices mission should be entrusted to a small working group composed of five ambassadors, who would report to the Council at its session in July 2000. Consultations would be held to designate the ambassadors to whom the mission would be entrusted.

53. If he heard no objection, he would take it that the members of the Council endorsed his proposal.

54. *It was so decided.*

The meeting rose at 12.15 p.m.