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45th meeting

held on

Monday, 6 December 1982

at 10.30 a.m.

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SUMMARY RECORD OF THE 45th MEETING

Chairman: Mr. MUBAREZ (Yemen)

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The meeting was called to order at 10.45 a.m.

AGENDA ITEM 65: UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST (continued) (A/SPC/37/L.10-L.12, L.13/Rev.2, L.14, L.19 to L.25 and L.40)

1. The CHAIRMAN announced that, in the course of the meeting, the Committee would conclude its consideration of agenda item 65, after hearing the explanations of vote of delegations on the draft resolutions on which a vote had been taken at the previous meeting.

2. Mr. LICHENSTEIN (United States of America) said that his delegation had been pleased to join the consensus on draft resolutions A/SPC/37/L.10 and L.11 and had voted in favour of draft resolution L.14 but continued to oppose efforts by the United Nations to establish a University of Jerusalem for Palestine Refugees, since it considered those efforts as an inappropriate and unrealistic approach toward meeting the higher education needs of the refugees, and it had, consequently, voted against the draft resolution.

3. His delegation opposed draft resolution A/SPC/37/L.19 because of its biased nature, inasmuch as it singled out for censure the destruction by Israeli authorities of certain refugee shelters, while ignoring the fact, as reported by the Secretary-General, that Israel had made available new and superior housing to many refugees in the Gaza Strip. The United States also opposed draft resolutions A/SPC/37/L.21 and L.22, because they purported to prejudge issues of repatriation and compensation, which could only be settled through negotiations between the concerned parties.

4. With respect to the three draft resolutions introduced at the current session under the UNRWA item, his delegation could not support the request made in draft resolution A/SPC/37/L.20 to the Commissioner-General of UNRWA to resume as soon as possible and on a continuing basis the general ration distribution to the Palestinian refugees in all fields, because it regarded it as an unwise intrusion into the administrative discretion of UNRWA's management, which had reached a commendable decision on that matter for sound fiscal and programme reasons. In that regard, it should be brought to the Committee's attention that his delegation was informed that, if the Agency was compelled to resume the full general ration distribution programme in all fields, its disturbing projected 1983 deficit of \$60,600,000 could reach as high as \$90 to 110 million - a staggering sum, which would throw the future of UNRWA and all of its services to refugees into serious jeopardy.

5. Nor could his delegation support draft resolution A/SPC/37/L.23, regarding special identification cards to all Palestinian refugees or draft resolution L.24, regarding protection of Palestinian refugees. Both of the draft resolutions had been drawn up hastily and with too little thought given to their effect. His delegation took note of the legal and practical complexities attending those draft resolutions and of the serious problem of possible conflicting jurisdictional authorities. Finally, his delegation pointed to the enormous costs that would be

(Mr. Lichenstein, United States)

required for the implementation of draft resolution A/SPC/37/L.23, estimated by the Secretary-General in document A/SPC/37/L.40 at no less than \$10 million. Given the financial crisis which already faced UNRWA, such an additional fiscal burden might bankrupt the Agency.

6. Mr. WARD (New Zealand) said that New Zealand was pleased that it had been able to support most of the draft resolutions adopted under agenda item 65. With regard to draft resolutions A/SPC/37/L.20 and L.21, New Zealand had abstained for the same reasons which had led it to abstain on those items in previous years.

7. In his statement before the Special Political Committee on 9 November 1982, the Commissioner-General of UNRWA had described the consequences which the Israeli invasion of Lebanon had had for the operations of the Agency, as well as the latter's concern about the general protection need of the population displaced by that invasion. The Governments of Israel and Lebanon, as well as the United Nations, had obligations in that regard.

8. With regard to draft resolution A/SPC/37/L.24, his delegation had reservations concerning the feasibility of paragraph 1, in which the Secretary-General was given a mandate the gravity and difficulty of which had been described by the Secretary-General's representative for legal affairs himself before the draft resolution had been put to the vote. Nevertheless, motivated by concern for the Palestinian refugee population, his delegation had voted in favour of the draft resolution in question.

9. Mrs. NOWOTNY (Austria) said that her delegation wished to emphasize its continued commitment to the important work of UNRWA, which had found tangible expression in the positive vote of her delegation on the majority of the draft resolutions relating to agenda item 65.

10. Nevertheless, with regard to draft resolution A/SPC/37/L.13/Rev.2, concerning the University of Jerusalem for Palestine Refugees, it would seem to her delegation preferable to expand existing educational facilities in order to meet the increased demand, rather than embarking on an adventure of such considerable proportion.

11. Her delegation had abstained in the vote on draft resolutions A/SPC/37/L.20, L.22 and L.23, because it had serious doubts whether the draft resolutions could be implemented by UNRWA, because of either financial or political and legal impediments. On the other hand, her delegation had supported draft resolution L.24, concerning the protection of Palestinian refugees, because it shared the concern expressed therein and was in agreement with the call for the adoption of effective measures to guarantee the security of the Palestinian refugees. Nevertheless, her delegation doubted whether, in the prevailing political situation, the Secretary-General would find it possible to implement that resolution in all its parts and, therefore, wished to register its reservation on that point.

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12. Mr. HANSEN (Denmark), speaking on behalf of the ten States members of the European community, said that the Ten had voted in favour of draft resolution A/SPC/37/L.13/Rev.2, because, in their view, the need for the proposed University reflected the need for better facilities for higher education generally. At the same time, the Ten considered that the report of the Secretary-General contained constructive suggestions on how to meet the need for higher education in the area by building on existing facilities.
13. Draft resolution A/SPC/37/L.19, concerning Palestine refugees in the Gaza Strip, which the Ten had supported, referred, in the last preambular paragraph, to the demolition by Israel, on punitive grounds, of shelters occupied by refugee families. In that connection, the Ten noted that, according to the reports of the Commissioner-General, no incidents of that sort had occurred in the period under review. The Ten also stressed that nothing in the resolution in question should be held to interfere with the refugee's freedom to choose where they wished to live.
14. As to draft resolution A/SPC/37/L.22, the Ten reaffirmed their deep regret that there still had been no repatriation of or compensation for the refugees as provided for in paragraph 11 of General Assembly resolution 194 (III). At the same time, the Ten believed that a solution to the problem of Palestinian property rights, and of the return of the refugees, must be sought in the framework of a just, lasting and comprehensive Middle East peace settlement.
15. With regard to draft resolution A/SPC/37/L.24, the Ten stressed the need to ensure the effective protection of all Palestinian refugees, especially in view of recent tragic events in refugee camps in Beirut. The Ten had doubts, however, as to the appropriateness of a number of the operative paragraphs of the resolution, in particular concerning the practicality of the call on the Secretary-General to guarantee the safety and security and legal and human rights of the Palestinian refugees in the occupied territories. It was also important not to detract in any way from the responsibility of Israel, as the occupying Power, to protect the civilian population, a fundamental obligation which the occupying Power must under all circumstances respect and carry out.
16. Mr. HUMFREY (United Kingdom) said that his delegation was in full agreement with the explanation of vote made by the representative of Denmark on behalf of the Ten Member States of the European Community. With regard to draft resolution A/SPC/37/L.23, his Government understood the wish to express a Palestinian identity which, it believed, underlay that resolution. At the same time, it believed that the draft resolution did not give proper consideration to the far-reaching legal, administrative and financial implications involved in the measure proposed. For that reason it had voted against it even though it was sympathetic, for example, to the provision of special identification cards for Palestinian refugees registered with UNRWA, as the Commissioner-General of UNRWA had already proposed.
17. Mr. BRATTSTROM (Sweden) said that his delegation had voted in favour of most of the resolutions submitted under agenda item 65 but wished to comment on some of the resolutions adopted by the Committee.

(Mr. Brattstrom, Sweden)

18. Draft resolution A/SPC/37/L.20 clearly illustrated the continuous financial plight of UNRWA and the need to establish strict priorities. Sweden supported the Commissioner-General's decision to accord highest priority to educational needs, health care and the relief of the most needy among the Palestinian refugees. Without sufficient financial resources a resumption of general ration distribution to the Palestinian refugees would endanger those vital activities and pose the continued threat of a forced close-down of UNRWA's schools in some or all of the fields of operation. Sweden had therefore abstained in the vote on draft resolution A/SPC/37/L.20.

19. With regard to draft resolution A/SPC/37/L.21, although his delegation supported the right of return of the Palestinian refugees displaced since 1967, it believed that the formulation of operative paragraph 1 of the draft resolution was too categorical and seemed to rule out discussions and negotiations between the parties concerned as to the modalities of repatriation. For that reason it had abstained in the vote on draft resolution A/SPC/37/L.21.

20. With regard to draft resolution A/SPC/37/L.22, his delegation agreed in principle with the sponsors that the Palestinian refugees were entitled to their property or for compensation therefor but believed that in the existing circumstances it was unrealistic to expect the Secretary-General to accomplish the task the resolution sought to entrust to him; Sweden had therefore abstained in the vote on the draft resolution.

21. His delegation had also abstained in the vote on draft resolution A/SPC/37/L.23 because it placed upon the Secretary-General new tasks which would be extremely difficult to carry out in current circumstances. Sweden shared with the sponsors of draft resolution A/SPC/37/L.24 a deep concern for the safety, security and legal and human rights of the Palestinian refugees and did not believe it proper to place that responsibility on the Secretary-General in urging him to "guarantee" the safety of those refugees. Nevertheless, Sweden could support an appeal to the Secretary-General to do whatever was possible within his competence to contribute to the objectives laid down in operative paragraph 1 of the draft resolution and in that understanding it had voted in favour of the draft resolution.

22. Mr. VOLLEBAEK (Norway) said that it was his delegation's understanding that draft resolution A/SPC/37/L.20 did not mean that the Commissioner-General had any obligation to change the practices and priorities of UNRWA. His delegation also understood that operative paragraph 2 of the draft resolution requested the Commissioner-General to resume on a continuing basis and as soon as possible the general ration distribution to the Palestinian refugees only when UNRWA had secured the necessary resources to resume that distribution, without prejudice to its educational programme. Moreover, his delegation wished to draw the Committee's attention to the Special Report of the Working Group on the Financing of UNRWA (A/36/866) which, in paragraph 3 of its recommendations, noted that "the General Assembly should call on Governments and organizations making contributions in kind either to give cash instead or to allow UNRWA to sell their contributions for cash".

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23. Mr. VAN HOUTUH (Netherlands) said that, after listening to the explanation of vote made on behalf of the ten Member States of the European Community by the representative of Denmark, his delegation only wished to add that, although it understood the desire for a Palestinian identity, it had had to vote against draft resolution A/SPC/37/L.23 because the question of requesting the Secretary-General to issue identification cards to Palestine refugees, and in particular those not registered with UNRWA, had obvious far-reaching legal, financial and administrative consequences which required more detailed consideration.

24. Mr. CRAIG (Ireland) said that, in the view of his delegation, the request contained in operative paragraph 2 of draft resolution A/SPC/37/L.20 clearly ran counter to the decision made by the Commissioner-General to phase out the programme of basic rations, the reasons for which were known to the Committee. His delegation understood the Commissioner-General's dilemma and, given the resources likely to be available to him, could not dissent from his decision. It had therefore voted against the draft resolution.

25. As to draft resolution A/SPC/37/L.23, Ireland fully supported the right of the Palestinian people to self-determination and understood the wish of the Palestinians to maintain their identity in difficult circumstances; it felt, however, that operative paragraph 1 of the draft resolution raised a number of political, legal and financial issues which should be carefully considered by all those concerned. Thus Ireland had abstained in the vote on that draft resolution not out of any political reservations concerning the Palestine problem but out of the conviction that the task entrusted to the Secretary-General could not be satisfactorily carried out.

26. With regard to draft resolution A/SPC/37/L.24, Ireland's concern for the safety of Palestine refugees had repeatedly been made clear, in particular in the statement made by the Irish Minister for Foreign Affairs to the General Assembly at its current session. Ireland welcomed the inclusion of a new draft resolution on "Protection of Palestinian refugees" but had doubts that the draft in its existing form would in practice ensure such protection and accordingly had abstained in the vote. In particular, it doubted whether the Secretary-General had sufficient means at his disposal to discharge the onerous task entrusted to him under operative paragraph 1 and had also taken note of the statement by the Legal Counsel in that regard. Moreover, it was important not to detract in any way from the responsibility of Israel, as the occupying Power, for the protection of the civilian population.

27. Mr. KERGIN (Canada) said that his delegation had voted in favour of draft resolution A/SPC/37/L.19 in order to register its concern at the Commissioner-General's report on the Israeli policy of demolishing shelters occupied by refugee families, a policy which affected whole refugee families indiscriminately rather than being limited to individuals charged with offences. His delegation had also voted in favour of draft resolution L.25 and particularly supported the call for all governments, as a matter of urgency to make the most generous efforts possible to meet UNRWA's anticipated needs, particularly in the light of the budgetary deficit projected by the Agency.

(Mr. Kergin, Canada)

28. With regard to draft resolution A/SPC/37/L.13/Rev.2, at the current session his delegation had changed its vote from an abstention to a positive vote in recognition of the changes made by the sponsors in order to emphasize the need to strengthen the educational system in the occupied territories. Canada's vote did not, however, mean that it believed that the establishment of the proposed university was necessarily the most effective means to that end.

29. With regard to draft resolution A/SPC/37/L.20, his delegation agreed with the Commissioner-General's decision to phase out the basic rations programme in order to concentrate the Agency's limited resources on the important education programme. His delegation did not therefore consider the recommendation in draft resolution L.20 to be necessary and had abstained in the vote on that resolution.

30. With regard to draft resolution A/SPC/37/L.21, his delegation had always supported the general thrust of that resolution but not the contents of operative paragraph 2, which was an implicit criticism of the Camp David Accords. His Government strongly supported those Accords in the belief that they provided a possible basis for a negotiated settlement of the Palestinian problem. His delegation had therefore abstained in the vote on draft resolution L.21.

31. His delegation had also abstained in the vote on draft resolution A/SPC/37/L.22 in the belief that the complicated property and compensation questions raised by that resolution would be more appropriately considered in the context of a comprehensive negotiated settlement.

32. With regard to draft resolutions A/SPC/37/L.23 and L.24, his delegation believed that the various important provisions involving the Secretary-General in those resolutions suffered from a lack of juridical and administrative authority. In the case of draft resolution L.23, it was not clear under what authority the Secretary-General, in co-operation with the Commissioner-General of UNRWA, would be able to issue identification cards to all Palestine refugees and their descendants, irrespective of their location. Canada had therefore voted against the draft resolution. In the case of draft resolution L.24, it was not clear how the Secretary-General would be able to guarantee the safety and security and legal and human rights of the Palestinian refugees in the occupied territories. In his delegation's view, the appropriate instrument for that purpose was the Fourth Geneva Convention. His delegation also questioned whether UNRWA's resources should be devoted to the preparation of such an extensive report as that requested in operative paragraph 7, when the Agency was already so greatly burdened with humanitarian priorities. His delegation had therefore been obliged to abstain in the vote on that resolution.

33. Mr. JAMES (Australia) said that, although his country's position was well known, he wished to explain why it had been unable to support some of the draft resolutions. With regard to draft resolution A/SPC/37/L.20, Australia supported UNRWA and was concerned at its financial situation, which was why it had increased its contributions over the past 3 years. It also understood the problem of distributing rations to the refugees and, in that connection, endorsed the

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(Mr. James, Australia)

Commissioner-General's priorities. It believed, however, that contributions to UNRWA must be made in cash and not in kind and had therefore abstained in the vote on the draft resolution.

34. With regard to draft resolution A/SPC/37/L.23, while Australia respected the Palestinians' desire for an identity, the aim of the draft resolution was not clear and would require further study. His delegation was also concerned at the financial implications of the resolution since, as the Secretary-General had indicated, it would be difficult to find the necessary funds. His delegation could not therefore support draft resolution A/SPC/37/L.25 because it would clearly be difficult to implement.

35. Mr. VALTASAARI (Finland) said that his delegation had voted in favour of draft resolution A/SPC/37/L.24 to demonstrate its support for the efforts being made to protect the Palestine refugees. It had serious doubts, however, as to the possibility of implementing operative paragraphs 1 and 7.

36. Mr. VILLA (Philippines) said that his delegation had abstained in the vote on draft resolution A/SPC/37/L.23 because it did not have a clear idea of the practical benefits to be derived from issuing special identification cards to all Palestine refugees, or of the possible legal implications of such a measure. Moreover, the administrative and financial implications of the draft resolution, as contained in document A/SPC/37/L.40 were out of all proportion to the possible advantages to be derived from the issue of such identification cards.

37. His delegation had voted in favour of draft resolution A/SPC/37/L.20 on the resumption of the ration distribution to the Palestinian refugees on the understanding that the increase in contributions to UNRWA requested in operative paragraph 1 would actually take place. His delegation had taken note of the statement made by the Commissioner-General of UNRWA in the Committee, to the effect that the general ration distribution had been interrupted for financial reasons but that it would be resumed and that the quality of the rations might even be improved.

38. His delegation had also voted in favour of draft resolution A/SPC/37/L.24. Had a separate vote been taken on paragraph 1 of the draft resolution, however, it would have abstained in the light of the statements made by the Legal Counsel.

39. Mr. PORTUGAL (Peru) said that he agreed with the explanation given by the Legal Counsel regarding operative paragraph 1 of draft resolution A/SPC/37/L.24 and wished to express his reservations as to the meaning of that paragraph and the obvious difficulties that would arise in implementing the mandate set forth therein, which seemed to contain major legal inconsistencies. His delegation had voted in favour of the draft resolution as a whole however, as a demonstration of its support for the Palestinian people.

40. Mr. ELFENKÄMPER (Federal Republic of Germany) said that he endorsed the statement made by the representative of Denmark on behalf of the ten member countries of the European Community. With regard to draft resolution A/SPC/37/L.23, his delegation understood its overall objectives but would have

(Mr. Elfenkämper,
Federal Republic of Germany)

liked its legal, administrative and financial implications to have been studied in greater depth before it was put to the vote. His delegation could not therefore support the draft resolution.

41. Mr. DEBOUTTE (Belgium) said that he endorsed fully the statement made by the representative of Denmark. With regard to draft resolution A/SPC/37/L.23, while he understood the usefulness of distributing identification cards to the refugees, his delegation had voted against the draft resolution in the belief that it required further study, as indicated by the Commissioner-General of UNRWA. That did not mean that his delegation was opposed to issuing identification cards to Palestine refugees registered with the Agency.

42. Mr. HAMADNEH (Jordan) said that his country had supported draft resolution A/SPC/37/L.23 on the understanding that it guaranteed the right of the Palestinian refugees and displaced persons to return to their country and property without in any way prejudicing the sovereignty of Jordan.

43. Mr. REMEDI (Uruguay), explaining his vote on draft resolutions A/SPC/37/L.23 and L.24, said that the problem of the Palestinian refugees was a matter of continuing concern for his country and it supported all initiatives seeking to deal with the various aspects of the problem. It also supported efforts by the Secretary-General, the Commissioner-General, UNRWA and the agencies concerned to establish a university in Jerusalem. Even so, and in spite of its support for the overall thrust of draft resolution A/SPC/37/L.23, his delegation could not vote in favour of that draft because the wording of operative paragraph 2, in failing to mention due respect for the rights and sovereignty of the States in the area, ignored a fundamental principle of international law. His delegation had accordingly abstained in the vote.

44. While his delegation had voted in favour of draft resolution A/SPC/37/L.24 because it agreed with its overall objectives, it did not agree with the contents of operative paragraph 1, in which the Secretary-General was asked to take action not within the competence of the Secretary-General, but within that of the occupying Power, as laid down by the 1949 Geneva Convention. Had a separate vote been taken on that paragraph, he would have abstained.

45. Mr. LOGOĞLU (Turkey) said that his delegation had voted in favour of draft resolution A/SPC/37/L.20 and supported the request in operative paragraph 2, which should be considered in the context of an increase in contributions to the UNRWA budget. He hoped and wished that generous contributions would be made so that the Commissioner-General could comply with the resolution.

46. Mr. NOVAK (Poland) said that his delegation firmly supported the Palestinian cause and all the relevant resolutions of the United Nations. He had therefore voted in favour of the resolution on special identification cards contained in document A/SPC/37/L.23, but wished to express his concern at the high and

(Mr. Novak, Poland)

unwarranted expenditure involved in implementing of the resolution as indicated in document A/SPC/37/L.40.

47. Mr. HUSSAINI (Observer, Palestine Liberation Organization) thanked all States that had voted in favour of the draft resolutions on support for the Palestinian refugees, on behalf of his organization and the Palestinian people. He hoped that the resolutions would be put into effect so as to bring about the self-determination and independence of his people. In reference to the statement made the previous week by the Legal Counsel, he said that the United Nations had since 1947 held a mandate to protect the rights of the Palestinians, and must once again provide moral, legal and practical support for the more than 500,000 Palestinian refugees in southern Lebanon. The resolutions of the Security Council and General Assembly, even if they were not respected by Israel, should afford protection to the Palestinians until they could exercise their legitimate rights. UNIFIL had provided protection and security for Palestinian and Lebanese civilians in southern Lebanon since 1978, and had managed to maintain a modicum of order. Since the Israeli military occupation, it was necessary to protect the refugees in southern Lebanon without interfering with the sovereignty of that country, and the task should be undertaken in full co-operation with the Lebanese Government and the representatives of PLO. Abandoning efforts to help the Palestinian people when they most needed it, four months after the war, would be extremely destructive. The United Nations must shoulder the responsibility for protecting the displaced Palestinians and Palestinian refugees until they attained self-determination and the establishment of an independent State.

AGENDA ITEM 66: INTERNATIONAL CO-OPERATION TO AVERT NEW FLOWS OF REFUGEES: REPORT OF THE SECRETARY-GENERAL (A/37/416 and Add.1; A/SPC/37/3; A/SPC/37/L.36/Rev.1 and L.37)

48. Mr. VILLA (Philippines) said that his country entirely shared the grave concern of the international community in the face of growing flows of refugees, and was making a modest contribution to alleviate the plight of such people. Working in co-operation with UNHCR, it had accepted 40,000 refugees and displaced persons, mostly "boat people" from Indo-China, and offered them temporary shelter, rehabilitation facilities and the opportunity to prepare themselves, through vocational training, for a productive life in their countries of final destination.

49. His delegation believed that purely humanitarian considerations were not sufficient; consideration had to be given to practical ways of averting further flows of refugees, which placed serious political, economic and social burdens on the receiving countries, particularly developing countries with scarce resources. Such population displacements had caused tension and conflicts between States and, although there were unpredictable and uncontrollable natural causes that provoked refugee flows, efforts must be made to halt the policy of aggression pursued by some States which produced massive flows of refugees.

50. His delegation had previously sponsored General Assembly resolutions 35/124 and 36/148 on international co-operation to avert new flows of refugees. The latter resolution had contained a decision to establish a Group of Governmental

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(Mr. Villa, Philippines)

Experts to conduct a broad-ranging study with a view to formulating recommendations on suitable means of international co-operation in that sphere. In accordance with paragraph 8 of that resolution his country had submitted its views and comments on the problem (A/37/416). Unfortunately, the Group had never been established, although not for lack of interest as the Secretary-General explained in document A/SPC/37/3. It was thus necessary to renew the Group's mandate, enlarging its membership from 17 to 24 in order to include States seriously affected by the refugee problem if that would facilitate the establishment of the Group. A fair and equitable balance between all regional groups should be maintained in the composition of the Group. And the Group should operate on a highly cost-effective basis.

51. He hoped that draft resolution A/SPC/37/L.36/Rev.1 would be adopted by consensus so that the United Nations could play a decisive part in the development of effective international machinery to avert new flows of refugees.

52. Mr. NOORANI (Pakistan) said that although the refugee phenomenon had existed throughout history, the problem had taken on new dimensions in recent years; the number of refugees currently stood at 20 million and that was seriously affecting the economies, stability and relations of countries in the areas concerned. The problem could not be tackled exclusively from a humanitarian and human rights point of view. Relief assistance was not the final solution to the refugee problem: steps must be taken to attack the political roots of the problem directly. Many basic situations could give rise to flows of refugees, but the causes which had emerged with alarming frequency in recent times were foreign occupation and intervention. New international machinery was needed to prevent and deal with such situations since, although the United Nations did possess the means to deal with flows of refugees provoked by violations of human rights or economic problems, the system was ineffective when the flows were caused by armed conflicts between States or within a State, or by foreign occupation or domination.

53. His country was at present sheltering some 3 million Afghan refugees for humanitarian reasons. The exodus of Afghan refugees was the largest in the world, and represented more than a fifth of the total population of Afghanistan. It was the greatest concentration of refugees in any single country and, in view of the historical, cultural and religious links between Pakistan and the Afghan people, his Government had taken in the refugees in fulfilment of its international responsibilities. That act, however, had placed a huge burden on his country's limited resources. Between April 1978 and January 1980, his Government had met the costs almost exclusively from its own meagre resources. Since then, the international community had been co-operative and generous with its contributions. Nevertheless, Pakistan would still bear 43 per cent of the total \$555 million budget for the fiscal year 1982-1983 out of its own resources.

54. Pakistan fully shared the view that it was of paramount importance to concentrate on the causes which led to the uprooting of such a large number of human beings. It was of the opinion that the Member States should supplement their humanitarian efforts in behalf of refugees by political action. There were varying

(Mr. Noorani, Pakistan)

reasons for the problem. In the case of Afghan, Palestinian and South East Asian refugees, military intervention and occupation along with the denial of the right of the people to determine their own future had undoubtedly resulted in mass exoduses. In southern Africa, the cause was colonialism, racial discrimination and apartheid. In Somalia, the Sudan, Ethiopia, Djibouti and some other parts of Africa, the problem was due to other factors. The solution to the Afghan refugee problem lay in the withdrawal of foreign forces and the creation of conditions conducive to the return of the refugees to their homes. The problem of the Palestinian refugees could be solved only with the restoration of their inalienable rights, including the right to establish a State of their own in Palestine, and total Israeli withdrawal from all the occupied Arab and Palestinian territories, including Jerusalem.

55. If all the Member States were to honour the various existing international instruments, perhaps the world would not be faced with such a complex and colossal refugee problem. His delegation therefore supported draft resolution A/SPC/37/L.36/Rev.1 enlarging the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees.

56. Mr. KERGIN (Canada) said that Canada was pleased once again to co-sponsor the draft resolution (A/SPC/37/L.36/Rev.1) entitled "International co-operation to avert new flows of refugees". The international community, UNHCR and many other inter-governmental and non-governmental organizations had responded effectively and compassionately to the many refugee crises since the late 1970s. The time had come, however, to move beyond that responsive approach. The root causes of mass flows of refugees must be examined and effective mechanisms developed to prevent, or at least limit, the occurrence of such tragic situations. Mass flows of refugees had, in addition to the human suffering, cost the international community hundreds of millions of dollars, imposed a heavy burden on countries of first asylum and often undermined the stability of entire regions.

57. His delegation was confident that at the current session the question of the size of the Group of Governmental Experts would be resolved and trusted that all Member States would be flexible in that regard. Canada urged all countries to support that important effort and to approach the work of the Group of Governmental Experts in a spirit of co-operation.

58. Mr. NSAHLAI (United Republic of Cameroon) said that his delegation had welcomed and supported General Assembly resolutions 35/124 and 36/148 on the item under discussion. By its support, it was sharing the deep concern of the international community over the ever-increasing flows of refugees throughout the world, and it shared the view that the refugee question had so far been dealt with only superficially and that it was high time to consider its root causes.

59. The United Republic of Cameroon had always lived with refugees. As a result, it had come to understand that, though material assistance to the refugees was important, it was still more important to create proper conditions for their return to their homeland. His delegation was convinced that sincere, honest and close collaboration and co-operation, devoid of prejudices and demagoguery, would not only

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(Mr. Nsahlai, United Republic of Cameroon)

curb new flows of refugees but would help to solve the existing refugee problems throughout the world.

60. A close examination of those regions that were suffering refugee problems indicated clearly that the involuntary exodus of people was caused by several factors, some of which were armed conflict, internal, external or international; foreign occupation; the policies of apartheid and racial discrimination; expansionisms; non-respect for the right of peoples to self-determination; the deplorable economic situation prevailing in the developing countries, aggravated by the unjust international economic order; and gross violations of human rights. Many times, a combination of those factors was the root cause of the refugee problem.

61. It was therefore evident that the refugee problem was a result of either internal or external frictions or a combination of both, and that in either case it was largely a serious political problem that demanded a strong political will to cope with it. It was such political will that States Members of the United Nations were lacking, the international community was still lacking and the United Nations itself was also lacking. Because of that, the United Nations had been powerless in the face of flagrant violations of its Charter by some Member States.

62. His delegation was deeply concerned about the image of the United Nations, especially as it had observed that the younger generations in developing countries, particularly of African origin, were beginning to lose faith in the Organization. They could not understand why the United Nations should be so powerless in the face of the racist and inhuman régime of Pretoria, or why Namibia had not yet gained its independence, or why a lasting political solution had not yet been found to the problem of the Middle East. It was important to rescue the United Nations from ridicule and dishonour, and that could be done better by concrete action and not by propaganda.

63. International co-operation to avert new flows of refugees provided another opportunity for reassuring the international community that the United Nations was still the only hope for mankind's survival on earth, the only guarantee of international peace and security. His delegation supported the establishment of the Group of Governmental Experts and its expansion from 17 to 24 members, and shared the view that it would be useful to compile the principles and declarations related to the question of refugees in a comprehensive document. It should be noted, however, that the essential guiding principles, such as declarations, legal instruments and resolutions of direct relevance to the subject, already existed.

64. It was very important for the international community to adopt new attitudes, and that should start with a self-examination; consequently, every country should consider what its conduct had been in regard to economic affairs with poorer countries, development assistance, assistance and advice to friendly countries on their internal problems with respect to their observance of United Nations resolutions, and so on. His delegation also strongly recommended a change of attitude in the conduct of affairs at the United Nations, particularly when

(Mr. Nsahlai, United Republic of Cameroon)

debating crucial issues affecting mankind such as the refugee problem, combating racial discrimination and apartheid or measures to avoid a nuclear holocaust; in short, when matters that affected human dignity were discussed human interest should be placed first, above national interest.

65. That difficult task needed the total co-operation of the whole international community, the organs and specialized agencies of the United Nations and other organizations, national or regional, non-governmental or voluntary, together with the Department of Public Information of the United Nations and the mass media, if the present crisis was to be averted and even solved.

66. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that the question of international co-operation to avert new flows of refugees was multi-faceted and complex. The Soviet Union had presented its position on the question in a letter to the Secretary-General contained in document A/37/416/Add.1. Refugee problems arose because of wars and armed conflicts, the seizure of foreign territory, the creation of hotbeds of tension, interference in the internal affairs of States, the policy of apartheid, the difficult economic situation of countries that had just emerged from colonialism and colonialist and neo-colonialist occupation, the inequity of the world economic system and natural disasters.

67. Consideration of the problem should focus on the need, first of all, to normalize the international situation, strengthen world peace and security, develop good-neighbourly relations and trust, strictly observe the Charter and the principle of non-interference in the internal affairs of States and take measures within the international community for the peaceful settlement of disputes. Those factors affecting the refugee problem required a restructuring of international economic relations on a more just and equitable basis.

68. It was clear that there were organs available to deal with the economic problem and the economic consequences of flows of refugees, namely, the Security Council, the General Assembly and the Economic and Social Council. The United Nations also had appropriate machinery to solve the humanitarian aspects of the problem, namely, the High Commissioner for Refugees, UNRWA and the Office of the United Nations Disaster Relief Co-ordinator. It was important in that regard to avoid any duplication of activities by United Nations bodies. The Charter and other important United Nations documents contained norms and principles of international law to deal with the problem. For that reason, it was inadvisable to set up any additional machinery within the United Nations or draw up any guidelines relating to the problem. In the opinion of the Soviet Union, the consideration of the problem should be conducted in a business-like manner, taking into account the points of view already expressed with the States directly involved, without interference of any kind in the internal affairs of States.

69. The Soviet Union had no objection to adoption of resolution A/SPC/37/L.36/Rev.1 on the item, and it agreed with the reference in the draft resolution to the importance of adopting a constructive approach in considering the question. However, it could not agree to the kind of excessive and unjustified

(Mr. Smirnov, USSR)

costs indicated in document A/SPC/37/L.37, which clearly reflected reckless expenditure on pre-session documentation and translation and interpretation services. Two short sessions could be held with available services. An attempt should therefore be made to reduce to a minimum the costs relating to the Group of Governmental Experts, which should be covered by means of savings within the appropriations already approved under the budget for the biennium 1982-1983.

70. Mr. LOGOGLU (Turkey) said that the refugee problem affected all regions of the globe and all social systems; moreover, it created serious problems in the countries of origin and in the host countries. It was both an effect and a cause of instability and placed significant demands on the material and moral resources of mankind. There should therefore be a more concerted effort towards understanding the phenomenon so that more effective ways to cope with it could be devised.

71. The reasons that impelled people to flee their country were diverse, but the most frequent cause was international conflict; that was why the refugee question was intimately connected with international peace and security. A proper understanding of the refugee issue would provide insights into ways of eliminating it. Turkey was in an area that had always been the scene of large flows of refugees throughout history, and it had accumulated a great deal of experience in that regard. For all those reasons, the Government of Turkey supported the effort to promote international co-operation in the matter. The efforts of international organizations, especially the United Nations High Commissioner for Refugees, must be maintained and expanded, but fresh approaches through systematic and concerted machinery were also needed.

72. His delegation favoured the enlargement of the Group of Governmental Experts to 24 members, in order to accommodate the legitimate concerns of all Member States in different parts of the world. It was crucial to reach complete agreement on the composition of the Group prior to its establishment, so that it could then proceed without delay to the work assigned to it by the General Assembly in resolution 36/148.

73. Mr. KINDE (Ethiopia) said the fact that a growing number of Member States and international organizations were submitting their views on the item indicated the interest of the international community in that humanitarian problem. The establishment of a Group of Governmental Experts was further evidence of that interest. Ethiopia would shortly submit its views on the topic to the Secretary-General, and its membership in the Group of Governmental Experts would provide it with an opportunity to make a positive contribution to the Group's work. He suggested that the Group should address itself to such questions as the formulation of a definition of the term "refugee", the ratification and observance of the principles contained in the relevant legal instruments, the status of displaced persons who might not cross international borders but were uprooted for reasons not very different from those that gave rise to flows of refugees, and the establishment of the essential machinery for monitoring purposes.

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(Mr. Kinde, Ethiopia)

74. In the view of his delegation, international co-operation in that field was possible only through reaffirmation of the cardinal principles of the United Nations Charter relating to interference in the internal affairs of Member States, respect for sovereignty and territorial integrity, repudiation of subversive activities, promotion of peaceful coexistence among States and, finally, rejection of war and aggression as instruments of national policy. Viewed in that context, the causes could be handled and new flows of refugees prevented. Within the framework of international co-operation, an attempt should also be made to identify possible future causes, including violation of human rights, racism, racial discrimination, apartheid and colonialism, plus incitement to murder and violence, foreign invasion, attempts at destabilization, acts of aggression and terrorism against States which had opted for systems of their own choice and internal instability. Economic inequalities between nations or regions, the technological gap between the developing and the developed countries, unemployment, imbalances in assistance, the brain drain, which resulted in a loss of skilled manpower, ecological deterioration and natural disasters such as drought were also causes for the uprooting and displacement of people.

75. Appropriate and realistic measures must be taken to prevent the refugee problem from assuming alarming proportions. His delegation believed that the attainment of independence by Namibia and the establishment of a majority régime in the Republic of South Africa would contribute to solving the problem of refugees in southern Africa. The same could be said of the establishment of an independent Palestinian State in the Middle East.

76. With regard to the violation of human rights, his delegation believed that States had a responsibility to respect the political and civil, as well as the economic and cultural rights of their citizens and, to that end, should adopt policies based on equality and justice.

77. The new international economic order and the new international information order would also have a tremendous impact on flows of refugees by contributing to economic and social justice at the global level. Aid should be standardized so that the receiving countries could carry out structural changes which would lessen their dependence. Where the loss of skilled manpower was concerned, the best solution would be to create conditions for the people involved to return to their countries of origin; failing that, the developing countries should be compensated.

78. With regard to natural calamities, international co-operation would be needed to implement the recommendations of FAO and of the United Nations Disaster Relief Co-ordinator.

79. In the fifth preambular paragraph of resolution A/SPC/36/L.27/Rev.1, aggression was identified as one of the root causes for flows of refugees. Besides providing assistance to rebuild what had been destroyed by aggression, the international community should also assist the victims of aggression in the rehabilitation of refugees and of displaced persons, who might become refugees in the future.

80. Mr. SUDIRMAN (Indonesia) said that although natural disasters were among the causes of refugee problems, one of the major causes was conflict between States, aggression and interference in internal affairs. The responsibility for such situations must be borne by the States whose actions precipitated them. It must also be kept in mind that it was the third-world countries, with limited resources for providing for the welfare of their own people, which most often faced a major influx of refugees. The countries members of the Association of South-East Asian Nations (ASEAN) had been burdened by the influx of refugees, which could have serious repercussions for regional stability and development. Indonesia, like other ASEAN States had fulfilled its humanitarian obligations and had taken steps to find a global solution. His country therefore fully supported efforts to deal with the problem on a world level, in the spirit of co-operation which had always guided its action to assist refugees in its own region.

81. His delegation endorsed the action of the Federal Republic of Germany designed to seek a co-operative approach and also supported the enlargement of the Group of Governmental Experts envisaged by General Assembly resolution 36/148. Since that resolution called upon the Group to submit a report at the current session, it was imperative that the Group should be constituted without further delay. To avoid overlapping of tasks, it should be made clear that the Group's terms of reference should be confined to undertaking a comprehensive study of the problem with a view to making recommendations on international co-operation. A distinction should be made between relief efforts which came within the competence of existing bodies and the preventive measures to be taken on the basis of the Group's recommendations; such measures would undoubtedly help in preventing new flows of refugees and thereby contribute to the maintenance of international peace and security. It was most significant that the United Nations was prepared to move beyond the humanitarian aspects of the refugee problem to deal with the root causes of the problem.

82. Miss MAVROMMATIS (Cyprus) expressed concern about the increasing number of refugees and said that the refugee problem should be dealt with on a permanent basis by the international community as a whole, since it was a constant threat to international peace and security. The mass exodus of millions of people was not caused solely by natural disasters, but was due also to conditions of insecurity and war which forced people to leave their homes. The Palestinian people had been living in refugee camps for many years and the situation would not be resolved until they could return to their homeland. The South African régime's policy of oppression and apartheid had forced thousands of people to flee to neighbouring countries. Such discriminatory policies must be condemned without reservation and such régimes should be isolated politically and economically until they were forced to respect and recognize the human and political rights of all people irrespective of colour, race or creed.

83. Cyprus believed that the international community could prevent new flows of refugees. However, it should speak of refugees not only in the technical sense: it should also include people who were displaced in their own land and forced to flee their homes in the face of advancing foreign armies. In the past eight years one third of the people of Cyprus had become refugees in their own land and the problem would not be solved unless they could exercise their right to return to their homes in safety.

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(Miss Mavrommatis, Cyprus)

84. There was a need for a system of international relations based on respect for the independence, sovereignty and self-determination of peoples, in order to prevent a repetition of the tragic situations witnessed in various parts of the world. The political will must be found to look into the root causes of the problem and find solutions which would ensure respect for the principles of the Charter, thus putting an end to the problem and ensuring the rights of refugees to return to their homes.

85. Mr. SAFIULLAH (Bangladesh) said that, despite all the efforts of the United Nations in respect of the refugee problem, the situation had worsened in many parts of the world and the international community must therefore intensify its efforts. The fundamental aspects of the problem must be viewed in the context of the political, social and economic injustices in the international order. To begin with, efforts must be made to achieve a few basic goals, such as building an international order which would ensure respect for self-determination and independence, co-operation and development based on equality and justice and the recognition of human rights. An immediate need was the total elimination of the racist policies of apartheid and zionism in all their manifestations. The deep concern of Bangladesh stemmed from its practical experience as a victim of the refugee problem. Massive flows of refugees not only caused grave suffering but also gave rise to social and political instability and jeopardized the economic development of the receiving States. The problem could go far beyond that and become a threat to the peace and security of the region and of the whole world. His country had always condemned the oppressive policies and practices of racist régimes, as well as aggression and foreign occupation, which were primarily responsible for the existence of the problem.

86. His delegation was aware of the need for an objective study of the whole refugee problem, and in 1981 had strongly supported the establishment of a group of governmental experts to undertake a comprehensive review of the problem in all its aspects, as provided in General Assembly resolution 36/148. It therefore regretted that the Group had not yet been constituted; nevertheless, it was encouraged by the Secretary-General's statement (A/SPC/37/3) to the effect that great interest had been shown in the work of the Group of Experts by a large number of Member States, and that several regional groups wished the number of experts to be more than the 17 stipulated in the resolution. His delegation therefore had no hesitation in supporting the enlargement of the Group to 24, as suggested by the Secretary-General.

87. The CHAIRMAN said that the general debate on item 66 had been concluded.

88. Mr. KA (Senegal), introducing draft resolution A/SPC/37/L.36/Rev.1, on behalf of his own country and the other sponsors, said that, in addition to the 24 members of the Group of Governmental Experts referred to in paragraph 4, one additional seat was to be rotated among the Latin American, African and Asian regions. The footnote on page 2 of the draft resolution referred specifically to that point.

(Mr. Ka, Senegal)

89. The sponsors considered that that small change, which appeared to be the result of consultations, would enable the Group of Governmental Experts to be constituted, through the addition of the seat which would be rotated. Chad, Comoros and Djibouti should be added to the 41 sponsors of the revised draft. On behalf of the sponsors, his delegation wished to express appreciation to the delegation of the Soviet Union for its pertinent comments on the financial implications set forth in document A/SPC/37/L.37, in particular the expenditure on conference services, which should be taken into account by the Fifth Committee.

90. The CHAIRMAN announced that, pursuant to the consultations which had been held, the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees would comprise 24 members, distributed in the following way: 6 from Africa, 4 from Latin America, 6 from Asia, 5 from Western European and other States and 3 from Eastern Europe. Provision would also be made for one additional seat which would rotate among the regions of Latin America, Africa and Asia, in that order. He stressed that such a distribution of seats would not create a precedent for any other organ of the General Assembly. If there were no objections, he would take it that the Committee approved that arrangement.

91. It was so decided.

92. Mr. KA (Senegal), on behalf of the sponsors of the revised draft resolution A/SPC/37/L.36/Rev.1, expressed appreciation to the Chairman for the consultations which had made it possible to achieve a dynamic solution of the problem involving the Group of Governmental Experts through the provision of an additional seat which would be rotated annually among the Latin American, African and Asian regions. Such a solution was satisfactory to the African Group because it guaranteed them better representation in the Group of Experts. He hoped that Latin America and Asia would also accept the compromise formula which had been the subject of such arduous negotiations.

93. Mr. RODRIGUEZ-MEDINA (Colombia) said that the Latin American Group accepted the figure of 5 members including the rotational membership of Latin America for the first year. He considered that the importance of the rotating post, for Latin America as well as for Africa and Asia, was that it provided a satisfactory formula which reflected not only geographical representation - and, what was more important, the image projected by the nations of those three continents in the international community and in the Group of Experts itself - but also, as the representative of Senegal had pointed out, the fact that those three continents had the most pressing refugee problems.

94. Mr. RATHORE (India), speaking on behalf of the Asian Group, said that the Group had joined the consensus in favour of enlarging the Group of Governmental Experts from 24 to 25 members, on the understanding that the additional post would rotate among Africa, Asia and Latin America.

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95. The CHAIRMAN said that, if there were no objections, he would take it that the Committee was ready to adopt draft resolution A/SPC/37/L.36/Rev.1, sponsored by Australia, Austria, Bangladesh, Belgium, Canada, Chad, Comoros, Costa Rica, Denmark, Djibouti, Egypt, France, Gambia, Germany, Federal Republic of, Honduras, Iceland, Indonesia, Ireland, Italy, Japan, Jordan, Luxembourg, Malaysia, Mali, Netherlands, Norway, Pakistan, Philippines, Qatar, Rwanda, Saint Lucia, Samoa, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Thailand, Togo, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America and Zaire, the administrative and financial implications of which were contained in document A/SPC/37/L.37.

96. It was so decided.

97. Mr. LICHENSTEIN (United States of America), referring to draft resolution A/SPC/37/L.36/Rev.1, said that every effort must be made to ensure that travel costs entailed under that draft resolution were met from existing funds, as his country could not support any increase in budgetary appropriations during the current session.

98. Mr. KINDE (Ethiopia) said that the problems involved in refugee flows were very complex and that in the past their main cause had been acts of aggression. Any effort to avoid new refugee flows must therefore take account of persons displaced as a consequence of aggression. His delegation had supported the draft resolution on the understanding that future efforts under the item, including the creation of the Group of Governmental Experts, would take that problem into consideration.

99. Mr. XIE Qimei (China) said that he had joined the consensus for the adoption of draft resolution A/SPC/37/L.36/Rev.1. So that the Group of Governmental Experts could fulfil its mandate under that draft resolution, it should base its work on the study and analysis of the causes which produced massive flows of refugees, particularly the most recent, and should reach appropriate conclusions which would serve as a future reference point. His delegation would interpret the contents of the third preambular paragraph and paragraph 5 in the light of those comments and of existing resolutions on the issue.

100. Mr. HUSA (Somalia), exercising the right of reply, said that he did not wish to lower himself to the level of the representative of Ethiopia, who had impugned and insulted his delegation. He would therefore simply reject such accusations with contempt. It would suffice to say that the Head of State of Ethiopia had on more than one occasion murdered his own colleagues. The representative of Ethiopia had attempted to justify the violations of human rights which had been committed in his country as the usual excesses that took place in the early stages of any revolution. Nevertheless he had been unable to deny the crimes against humanity which continued to be committed against the Ethiopian people and other peoples in the Horn of Africa. The policy followed by Ethiopia had justified the case study on human rights violations in that country contained in document E/CN.4/1503. Ethiopia was simply a country in captivity.

(Mr. Husa, Somalia)

101. With reference to the question of the humanitarian assistance given to the refugees in Somalia, it was clear from paragraph 135 of the report of the United Nations High Commissioner for Refugees (A/37/12) that the delivery and distribution of food for the refugees in Somalia had been entrusted to a voluntary agency. The agency in question was CARE. Contrary to the assertions of the representative of Ethiopia therefore, the Government of Somalia had had nothing to do with the transportation and distribution of the food donated to the refugees by the international community. Clearly the representative of Ethiopia had not bothered to read the relevant documents.

102. In connection with the number of refugees in Somalia, the representative of his country had informed the Third Committee that, for the purpose of planning international programmes, his Government had agreed to a planning figure of 700,000 for registered refugees in camps but that did not signify that such a figure represented the total number of refugees within the country, as there were at least another 600,000 living at large, either in towns or at rural centres. That figure was corroborated by paragraph 26 of the case study on human rights violations in Ethiopia, which had stated that over a period of seven years millions of persons had been displaced within the country or had fled to neighbouring countries. The fate of those millions was unknown and it was clear that they had sought refuge in countries like Somalia.

103. It could be said that the Addis Ababa régime shared three attributes with the animal world. First, the leaders of the régime wept crocodile tears in order to obtain assistance from the international community while at the same time it shed the blood of the peoples of the Horn of Africa. An example of that attitude was the "Red Star" campaign which, under the guise of reconstruction, represented a deadly offensive against the Eritrean people. Second, like the proverbial ostrich, Ethiopia hid its head in the sand in its futile attempt to deny the presence in Somalia of refugees from Ethiopia, a reality acknowledged by the international community. Third, like the leopard, Ethiopia's spots never changed: oppression, persecution and genocide continued in that country and millions of persons were obliged to take refuge in neighbouring countries.

104. Mr. WEEDY (Afghanistan) said that he reserved his right to reply to the statement made by the representative of Pakistan until a subsequent meeting.

105. The CHAIRMAN suggested that the representative of Ethiopia should reserve his right of reply until the following meeting of the Committee. Finally, he said that the list of speakers on item 68, concerning Israel's decision to build a canal linking the Mediterranean Sea to the Dead Sea, would be closed at the end of the morning meeting on Tuesday 7 December.

The meeting rose at 1.20 p.m.