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Third Committee**Summary record of the 36th meeting**

Held at Headquarters, New York, on Friday, 9 November 2001, at 3 p.m.

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In the absence of Mr. Al-Hinai (Oman), Mr. Oda (Egypt), Vice-Chairman, took the Chair.

The meeting was called to order at 3.15 p.m.

Agenda item 118: Right of peoples to self-determination (continued) (A/C.3/56/L.33)

Draft resolution A/C.3/56/L.33: The right of the Palestinian people to self-determination

1. **Mr. Roshdy** (Egypt) introduced the draft resolution on behalf of the original sponsors and Chile, China, the Congo, the Czech Republic, Guinea, Hungary and Suriname.

Agenda item 119: Human rights questions (continued)

(b) **Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued)** (A/56/168, 190, 204, 207 and Add.1, 209, 212, 230, 253, 254 and Add.1, 255, 256, 258, 263, 271, 292, 310, 334, 341 and 344)

(c) **Human rights situations and reports of special rapporteurs and representatives (continued)** (210, 217, 220, 278, 281, 312, 327, 336, 337, 340, 409 and Add.1, 440, 460, 479 and 505; A/C.3/56/4 and 7)

(d) **Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (continued)** (A/C.3/56/36 and Add.1)

(e) **Report of the United Nations High Commissioner for Human Rights (continued)** (A/56/36 and Add.1)

2. **Ms. Keita-Bocoum** (Special Rapporteur on the situation of human rights in Burundi) introduced her interim report (A/56/479), expressing the hope that the people of Burundi would seize the opportunities presented by the recent political transformations in the country to secure a better future for human rights.

3. **Mr. Nteturuye** (Burundi), while acknowledging efforts made by the Special Rapporteur to produce a balanced interim report, regretted that her visit to Burundi had again been too short to enable her to properly verify all her material, particularly the

allegations of human-rights violations. His delegation took note, however, of her recommendations to the Burundian authorities (paras. 143-148).

4. Over the reporting period (1 February to 31 August 2001), the country had suffered persistent armed conflict, particularly in its southern and south-eastern provinces. Rebel incursions from the United Republic of Tanzania and the Democratic Republic of the Congo had led to the burning of villages and the destruction of local infrastructure. Thousands of civilians had been rendered homeless. The Government could only condemn the deplorable humanitarian situation, which was a direct result of the permeability of the country's borders.

5. Despite the fact that the new transitional Government enjoyed both national and international legitimacy, rebel hostilities had intensified in the days since it had assumed office. Some 300 schoolchildren had been abducted by rebels only the previous day, their whereabouts as yet unknown. The international community must declare the situation inadmissible and persuade the rebel factions to desist from violence and to embark on peace negotiations without delay.

6. His delegation wished to correct a number of misapprehensions in the report. The provinces of Makamba, Rutana and Bujumbura-rural were in fact under the exclusive control of the army. At night, it was not that armed groups held sway (para. 10), but that the roads were cleared for security reasons.

7. The "guardians of the peace" enjoyed widespread local support and could hardly be described as "militia" (para. 98). In most parts of the country, the civilian self-defence policy encouraged by the Government had actually succeeded in reducing the frequency of rebel attacks and in protecting civilians and their property. The armed forces could not, after all, be expected to be present on every hillside.

8. Contrary to the impression given in paragraph 22 of the report, the dismantlement of the army had never been on the agenda for the transition. As for the foreign troops, they had been used only to ensure the safety of dignitaries to be exiled.

9. The new Government was determined to take action against any proven cases of torture attributed to State officials (para. 60) and to encourage the denunciation of mistreatment by victims and the mobilization of civil society to combat torture. An

arsenal of legislation was in place to give effect to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Burundi in 1992.

10. The newly established Governmental Commission on Human Rights was accused in paragraph 126 of the report of “ineffectiveness”, despite the fact that it was already beginning to perform a useful function. The mechanism certainly had limited experience and would benefit from international support.

11. The Government had made efforts to ensure the freedom of the press and to strengthen political democracy, but would succeed in its overall mission only if the international community brought sufficient pressure to bear on the rebel groups.

12. **Mr. van den Bossche** (Belgium), speaking on behalf of the European Union, requested further details of the efforts of the Office of the United Nations High Commissioner for Human Rights in Burundi to encourage revision of the Penal Code and ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (para. 125). Information on recent executions would also be appreciated, as would any details of the status of the commission on political prisoners to be established under the Arusha Agreement. His delegation would also welcome details of efforts under way in Burundi to involve women in the peace process and to revise discriminatory legislation.

13. **Ms. Kapalata** (United Republic of Tanzania) said that her delegation wished to correct the impression that the United Republic of Tanzania — host to half a million refugees from Burundi — was in any way responsible for the human-rights situation in that country. Her Government stood ready to answer the allegation — evidently based on pure hearsay — that rebels from the United Republic of Tanzania had crossed the border to steal cows from Burundi (para. 16).

14. **Ms. Keita-Bocoum** (Special Rapporteur on the situation of human rights in Burundi) said that the information on border relations had been provided by the Government of Burundi and the Office of the United Nations High Commissioner for Refugees in Burundi. The permeability of the borders was no secret. Indeed, it was a problem experienced by many

countries in Africa. She had requested authorization to visit the United Republic of Tanzania in order to confirm or refute the said allegations and to investigate the situation in the refugee camps.

15. Responding to the questions put to her by the representative of Belgium on behalf of the European Union, she said that the Legal Assistance Programme of the Office of the United Nations High Commissioner for Human Rights in Burundi had organized seminars in Burundi with a view to raising awareness of the importance of abolishing capital punishment. It was a matter of concern that the death penalty was still in force in Burundi, even if it had not been applied for years. Some 250 people currently awaited imposition of the penalty.

16. Under the Arusha Agreement, the establishment of several commissions was envisaged, but only one had as yet begun to function. It would be particularly desirable for a follow-up mechanism to be established in Bujumbura-rural.

17. The situation of women in Burundi was particularly precarious and should be accorded priority attention by the new Government. The establishment (under the aegis of the new Minister for Social Action and Advancement of Women) of an inclusive national women’s organization (*Rassemblement national des femmes*) was a welcome development. However, no significant progress had yet been made in the revision of discriminatory legal provisions. The United Nations Development Fund for Women (UNIFEM) had made efforts at country level to advocate increased participation of women in the national peace process, and support was also being provided by UNIFEM and the European Union for human-rights training for Burundian women.

18. The response provided by the representative of Burundi had only confirmed her concern that many civilians were involved in self-defence — a matter best left to specialized forces. On her recent visit to Burundi, she had witnessed children under 18 years of age being trained as “guardians of the peace”.

19. **Mr. Amor** (Special Rapporteur on freedom of religion or belief) introducing his interim report (A/56/253), said that he had paid 13 *in situ* visits during the period of his mandate, to States in Africa, North America, South America, Asia, Europe and Oceania. Six States had not replied to his request to visit them, and he had been unable to visit the occupied

Palestinian territory as a result of Israel's refusal to cooperate with the Commission on Human Rights (*ibid.*, para.13). The number of communications he had addressed to States had increased exponentially, although urgent appeals remained few in number and concerned only very serious cases; in 2001, two appeals had concerned Afghanistan, where the representation of Islam by the Taliban regime constituted a distortion of that religion. Although most States eventually replied to the Special Rapporteur's communications, more cooperation was needed from all. In that regard he welcomed the spontaneous information regularly received from States concerning developments or changes in matters of religious tolerance.

20. He had observed the following trends: a progressive decline in anti-religious policies and in control of religious matters in the name of political ideology; the maintenance of policies discriminating against minorities in States practising an official religion and in secular anti-religious States; a sharp growth in policies to combat minorities viewed as cults; an increase in extremist activism in all religions, which was the work of professional extremists who used religious matters for political ends; a progressive and militant atheism; the persistence of discrimination and intolerance imputed to religion and to traditions affecting women; limited progress in interreligious dialogue for conflict management; and considerable diversity among the victims of intolerance, particularly vulnerable groups, such as women and minorities.

21. It was essential that efforts should be made to consolidate the prevention of intolerance. The report contained information on interreligious and intrareligious dialogue and on prevention through school education (paras. 122-130 and para. 164). The international consultative conference on school education in relation to freedom of religion or belief, tolerance and non-discrimination to be held in Madrid later in November 2001 (para. 108) would be attended by numerous States, members of religious communities, non-governmental organizations and experts, and he hoped that it would be a landmark event for the better protection of human rights through tolerance and non-discrimination and an opportunity to educate children in a spirit of pride in their own identity and tolerance for others. There was a need for long-term thinking and for considering how future generations should be formed.

22. His mandate embraced the wider context of human rights. The implementation of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (General Assembly resolution 36/55) could not be dissociated from the question of the promotion of all human rights, which should encapsulate action to consolidate democracy as a political expression of human rights and to encourage the rights of individuals and peoples to justice and development as the economic, social and cultural expression of human rights.

23. That challenge required cooperation from all international bodies, non-governmental organizations and civil society. He himself had contributed to the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001. With reference to the follow-up to the relevant resolutions of the Commission on Human Rights and the General Assembly on the questions of defamation of religions and the status of women, he said that there was a need to ensure that efforts to combat defamation were not used to restrict freedom of expression and that United Nations mechanisms formulated a plan of action to combat discrimination against women imputed to religion and traditions. He stressed the vital role of non-governmental organizations in ensuring compliance with the 1981 Declaration by contributing to the activities of his mandate. The twentieth anniversary of the adoption of the Declaration represented an opportunity to summarize the situation regarding freedom of religion and belief and also provided a basis for commitment in the twenty-first century to the protection of those freedoms for future generations.

24. **Mr. Cherif** (Tunisia) asked how the Special Rapporteur viewed the development of the conclusions and resolutions of the forthcoming Madrid conference, and how they could be included in the political and educational programmes of States.

25. **Mr. van den Bossche** (Belgium), speaking on behalf of the European Union, asked what the main threats were to the elimination of all forms of intolerance and of discrimination based on religion or belief. He asked how States could ensure respect for all forms of religion and belief in a context of growing discrimination and violence, and wondered about the outcome of the Madrid conference.

26. **Mr. De Palacio** (Spain) said that his Government gave special importance to the matters to be discussed at the Madrid conference, for which preparations had been exhaustive. He reiterated the Special Rapporteur's invitation to all Member States and observers to send representatives to the conference; their contributions would enhance the promotion, through school education, of freedom of religion and belief, tolerance and non-discrimination.

27. **Ms. El-Hajjaji** (Libyan Arab Jamahiriya) said that the question of vulnerable groups who were the victims of religious intolerance and discrimination was a potential minefield in view of its sensitivity. Her Government appreciated the efforts of the United Nations High Commissioner for Human Rights and the Government of Spain with regard to the Madrid conference. There was a need to ensure that the principles of freedom of religion or belief, tolerance and non-discrimination were reflected in all educational situations, whether at home or in school.

28. Following the recent events in the United States of America, Muslims had been the victims of an orchestrated anti-Islamic campaign and there was a great need for tolerance to offset its negative effects. The lack of culture affected relations between States and increased security risks at the international level. The disintegration of the former Soviet Union had signalled the start of a new period of history in which it seemed that Islam might be about to replace the Communist enemy. The issue was a very serious one and it was to be hoped that the risk of defamation of Islam would not lead to the condemnation of millions of human beings who practised that religion. Her delegation hoped that the Special Rapporteur's next report would analyse the phenomenon in full.

29. **Mr. Ndiaye** (Senegal) asked what impact the change in the Special Rapporteur's title had had on the exercise of his mandate. Referring to the Madrid conference, he went on to ask how many participants were expected and what their level of representation would be. He also wondered what criteria determined the choice of countries to be visited by the Special Rapporteur, to what extent his mandate limited comprehensive coverage, and how selectivity could be avoided. The Special Rapporteur had proposed that common principles should be drawn up to combat religious extremism; further clarification would be welcome in that regard.

30. **Mr. Le Hoai Trung** (Viet Nam) said it was important that the international community should be concerned about extremism and fanaticism and that further study should be made of the abuse of religion leading to intolerance. His Government's policy was to ensure the right of its citizens to their own beliefs.

31. **Mr. Amor** (Special Rapporteur on freedom of religion or belief), replying to the questions raised, said that conflicts in the world stemmed from a rejection of order and dialogue; interreligious and intrareligious dialogue was particularly difficult. Each religion believed itself to be the repository of the only truth and wished to impart it to others; that was no transitory phenomenon.

32. The Madrid conference came within the remit of his mandate and was supported by the General Assembly, the Commission on Human Rights and the Government of Spain. It had been planned to be a consultative, not a decision-making event, and to be consensual and not conflictive; it would propose a platform for consensus and appeal internationally for a more constant dialogue on prevention of religious intolerance and discrimination. He hoped that concrete ideas would emerge from it so that nations could help each other, and that it would establish principles and values common to them all.

33. The main threats and discriminations in the modern world came from extremism; its very existence was an insult to human intelligence and divine wisdom, and it was not the monopoly of any one religion.

34. Throughout the world, the situation of women had evolved, but religions still failed to recognize gender equality. Over time, attitudes towards women had been conditioned by the context; that context had now changed and women's rights had to be taken into account. He had prepared a study on the status of women in relation to religion and tradition, which he hoped the Third Committee would discuss when it was issued. There was often an immense difference between a religion and how it was interpreted, and a misogynous reading of religious texts had hindered the development of women's rights. He was not trying to denounce specific situations, but to analyse them as carefully as possible. When the phenomenon was considered in its totality, it appeared that it was a problem of culture rather than of religion. Discrimination was also a result of an amalgam of all the ideas that surrounded ethnic, racial or religious

minorities and gave rise to tensions between old and new religious movements. There was also the issue of movements that used religion for their own ends.

35. Replying to the representative of Senegal, he said that the Madrid conference represented the end of long process. It was hoped that there would be as many as 1,000 participants from 100 nations, including representatives of the State, the different religions and non-governmental organizations.

36. The tragedy of 11 September was a heinous crime, and the authors should be prosecuted and tried under international law. It would leave deep scars, because public opinion and politicians had reacted with an excess of emotion, which heightened the tension between peoples and religions. That emotion was understandable, but the hatred expressed had given rise to many incidents where Muslims were victims. There had been more incidents of intolerance in one week, following 11 September, than during the whole of the preceding year. It was unacceptable that people in both industrialized and developing countries were being killed in the name of religion. He was establishing a dossier for each country and the cases would be included in his next report.

37. Certain negative views had been expressed about Islam, as if the Taliban were the only spokesmen for that religion; but passion should not stifle reason and, within the United Nations, all nations should speak with one voice.

38. The change in the title of the Special Rapporteur from "Special Rapporteur on religious intolerance" to "Special Rapporteur on freedom of religion or belief" responded to a change in the perception of the mandate, from the management of intolerance to the role of educator. It underlined the importance of preventing intolerance through interreligious dialogue and education within the community, schools and the family.

39. The countries visited were selected using different criteria. At times, they were chosen as the result of a request from the General Assembly. The intention was to look at a balanced selection; it was neither within his mandate nor possible, with the limited resources available, to examine the situation in every State.

40. **Mr. Ziegler** (Special Rapporteur on the right to food), introducing his report (A/56/210), said that the

atrocities of 11 September had prompted an examination of the origin of such hatred and had shown that extreme poverty and hunger were the breeding ground for all types of extremism, including Islamic fundamentalism. Accordingly, while President Bush had called for a global coalition against terrorism, it was also necessary to create a global coalition against the misery and hunger in the world.

41. Every day about 100,000 people died of hunger, particularly members of vulnerable groups. Over 1.2 billion people lived in extreme poverty and over 815 million persons suffered from chronic malnutrition. Malnutrition handicapped people for life, since children under 5 years of age who were victims of malnutrition would never recover and undernourished mothers gave birth to weak and sickly babies. It was an outrage that hunger existed on such a scale, because the world already produced more than enough to feed the current global population of 6 billion and, according to the Food and Agriculture Organization of the United Nations, could produce enough to feed twice that number.

42. The right to food had been upheld in President Roosevelt's "Third Freedom", the freedom from want and freedom from hunger. In his report (A/56/210, para. 22) it was defined as "the right to have regular, permanent and unobstructed access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free from anxiety".

43. However, the rights-based approach to food security added a new and vital element: accountability. The States parties to the International Covenant on Economic, Social and Cultural Rights were legally bound to respect, protect and fulfil the right to food, or be accountable under international law if they failed to do so. Accountability required that a victim of the violation of the right to food could seek a judicial remedy.

44. An immense tragedy was looming in Afghanistan. The number of Afghans dependent on international food aid had increased to over 7 million since the events of 11 September; 50,000 tons of food aid a month were needed to keep them alive. The bombing should cease immediately so that food being stockpiled

could be transported to those in need. Currently, some food was being taken into Afghanistan from Pakistan in unmarked trucks, with the danger that they could be mistaken for Taliban convoys.

45. At the 1996 World Food Summit, world leaders had committed themselves to halving malnutrition by 2015; however, since then, the number of those suffering from malnutrition had increased. The follow-up conference, scheduled to take place in Rome in November 2001, had been deferred until June 2002.

46. In 2000, although world trade had increased by 12.5 per cent, poverty and hunger had also increased. International trade and macroeconomic policies should not be allowed to endanger life by contributing to malnutrition. There was a dichotomy within the United Nations system: some agencies were fighting hunger, but their efforts were countered by actions of the Bretton Woods institutions, such as the structural-adjustment programmes of the International Monetary Fund. It was urgent to re-establish a coherent, unified development strategy and to forge a global coalition against hunger.

47. **Ms. Ahmed** (Sudan) said that her delegation shared the approach to the issue of the right to food and stressed the need to ensure sufficient food and drinking water, particularly for all schoolchildren. It would be useful if, in future, the Special Rapporteur could report on the awareness of the right to food, since it appeared that other human rights were considered to have greater importance.

48. Paragraph 114 of the report stated that the right to food, along with other economic, social and cultural rights, must be treated as equal in status and implementation to civil and political rights. She would like to know how the Special Rapporteur understood the effect of globalization on the right to food and how that right could be guaranteed at the international level, particularly in the light of the future follow-up conference.

49. **Mr. Cha Young-cheol** (Republic of Korea), referring to paragraph 60 of the report, which stated that 30 to 40 per cent of the population of Seoul lacked access to drinking water, said that that was incorrect. According to figures of the Organisation for Economic Cooperation and Development and the World Health Organization, nearly 100 per cent of the residents of Seoul had access to drinking water.

50. **Mr. Foley** (United States of America), referring to paragraph 30 of the report, which stated that 12 to 15 percent of the population of the Democratic People's Republic of Korea — some 2.7 million people — had died during the famine of the 1990s, inquired as to the source of those figures and whether they agreed with information from the World Food Programme.

51. The Special Rapporteur, in paragraphs 72-87, had suggested that free trade in agriculture was harmful to developing countries. However, the report did not take into account the positive impact of liberalized trade on development. The regions which had been the most involved in trade, including South and East Asia, were projected to make the greatest progress in reducing hunger over the next 15 years. In contrast, sub-Saharan Africa, where trade volume had grown slowly or even declined in recent years, showed the least progress in reducing hunger.

52. Lastly, his delegation strongly disagreed with the conclusions concerning Cuba and Iraq contained in paragraphs 56 and 57 of the report.

53. **Mr. van den Bossche** (Belgium), speaking on behalf of the European Union, said that the Special Rapporteur had recommended that food security should be taken into account in World Trade Organization negotiations so that trade rules would not conflict with international human rights instruments. He asked how, in the view of the Special Rapporteur, human rights could be integrated into WTO rules. In response to the call for greater involvement by local authorities in reaching the most vulnerable groups, he would like to hear more about the role which United Nations agencies could play in that area.

54. **Ms. El-Hajjaji** (Libyan Arab Jamahiriya) said that the link which the Special Rapporteur had made between drinking water and the right to food was very important. The areas south of the Mediterranean Sea and East Africa were the most vulnerable in terms of water security, and it was possible that future conflicts could erupt over water. She outlined her country's experience in dealing with its human and industrial water needs as an encouragement to other countries facing similar problems.

55. **Ms. Elisha** (Benin), referring to paragraph 4 of the report, asked whether the Special Rapporteur had planned any activities to raise awareness of the right to food.

56. **Mr. Amorós Núñez** (Cuba) expressed his delegation's concern over the statement by the representative of the United States regarding paragraph 57. His view was contrary to that of the international community, which had expressed disapproval of the blockade on numerous occasions. His delegation also agreed with the Special Rapporteur on the need to end the bombing of Afghanistan in order to permit the delivery of food aid. Attacking hunger was the best way to attack terror.

57. **Mr. Ziegler** (Special Rapporteur on the right to food), responding to the representatives of the Sudan and Belgium on the subject of globalization, said that neo-liberalism maintained that total freedom of trade would lead to maximum profit and an increase in wealth, which would result in a "trickle-down" effect, or voluntary redistribution of wealth. The United States defended that position, and in fact had voted against his first report in the Commission on Human Rights out of the conviction that market forces alone would result in appropriate prices, and that, until the adjustment was completed, humanitarian aid would compensate the victims of globalization.

58. He thanked the representative of the Republic of Korea for bringing to his attention the updated statistics concerning access to safe drinking water. In response to the representative of the United States, its blockade of Cuba was a clear violation of the right to food. Because the Cuban revolution had created an exemplary social system, where the right to food was recognized in the Constitution, its consequences had been mitigated. By the same token, the sanctions on Iraq were also a violation, even if the United Nations itself was imposing them, as they affected the people much more severely than the leadership. The countries where liberalization had made the least progress, for example the Niger, were often the countries carrying the heaviest burden of debt; debt created hunger.

59. With regard to the situation in the Democratic People's Republic of Korea, the non-governmental organizations mentioned in paragraph 31 of his report had sent a memorandum to the United Nations drawing attention to irregularities in distribution of food aid. He could not enter into the substance of the matter, but his mandate was to receive reports from credible sources within the community of non-governmental organizations and transmit the information. He had mentioned the position of the World Food Programme

as well, and had also reported that the situation had improved since February 2000.

60. In reply to the representative of Belgium, he saw no place for consideration of human rights in the current round of WTO negotiations taking place in Qatar, as only a limited number of visas would be granted to representatives of civil society. Norway, as a member of WTO, was planning to introduce the concept of food security as a public good into the negotiations.

61. **Mr. Mun Jong Chol** (Democratic People's Republic of Korea) said that his delegation found the statements contained in paragraphs 30 and 31 of the report groundless; no data confirming them could be found from any source. He regretted that the complaints of Action contre la Faim (ACF) of France, against his Government had been taken at face value. That organization had not observed proper conduct or respected his country's culture, and its aims were more political than humanitarian. He hoped that the Special Rapporteur would be more balanced in discharging his mandate in the future.

62. **Mr. Khani Jooyabad** (Islamic Republic of Iran) asked if ACF France was well enough known to represent the donor community.

63. **Ms. Al Haj Ali** (Syrian Arab Republic) called on the Special Rapporteur to verify his sources and not to rely on a single source in future reports.

64. **Mr. Ziegler** (Special Rapporteur on the right to food), replying to the representative of the Democratic People's Republic of Korea, said he had great respect for the efforts it had made to overcome its problems, and welcomed the recent improvements in the situation. In response to the representatives of the Islamic Republic of Iran and the Syrian Arab Republic, he said that his mandate was to gather and disseminate information from civil society. In his view, ACF (France) was a well-known and credible source of information.

The meeting rose at 6.15 p.m.