



**SUMMARY RECORD OF THE 50th MEETING**

**Chairman: Mr. ABULHASAN (Kuwait)**

**CONTENTS**

AGENDA ITEM 101: REPORTING OBLIGATIONS OF STATES PARTIES TO UNITED NATIONS INSTRUMENTS ON HUMAN RIGHTS (continued)

AGENDA ITEM 102: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (continued)

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

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The meeting was called to order at 10.10 a.m.

**AGENDA ITEM 101: REPORTING OBLIGATIONS OF STATES PARTIES TO UNITED NATIONS INSTRUMENTS ON HUMAN RIGHTS (continued) (A/C.3/43/L.50/Rev.1)**

Draft resolution A/C.3/43/L.50/Rev.1

1. Mr. VAN WULFFTEN PALTHE (Netherlands) introduced draft resolution A/C.3/43/L.50/Rev.1 and noted that India and the United Kingdom had joined the list of sponsors. The draft resolution dealt with the reporting procedures laid down in international human rights instruments and the question of the effective functioning of bodies established pursuant to such instruments.

2. He expressed his gratitude to the delegation of Australia for making it possible to introduce the draft resolution and pointed out that, as a result of last minute consultations, it had been decided to delete the word "unanimously" from the fourth preambular paragraph and to delete the twelfth preambular paragraph.

**AGENDA ITEM 102: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (continued) (A/C.3/43/L.58-L.61)**

Draft resolution A/C.3/43/L.58

3. Mrs. BAGBENI (Zaire) introduced draft resolution A/C.3/43/L.58 on the International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa held at Oslo in August 1988. In submitting the draft resolution, the Group of African States wished to underscore the success achieved by the Conference, thanks to the participation of eminent African individuals, the valuable contribution of the Nordic countries and the support of the United Nations.

Draft resolution A/C.3/43/L.59

4. Mr. WILLE (Norway) introduced draft resolution A/C.3/43/L.59 and announced that Cyprus, the Philippines and New Zealand had become sponsors. The text followed the outline of General Assembly resolution 42/109 and had been drafted in consultation with all interested delegations, including those of the major countries of asylum and the major contributors to the Office of the United Nations High Commissioner for Refugees (UNHCR). Among other things, it reaffirmed the fundamental nature of UNHCR, recognized the importance of eliminating the root causes of refugee movements; noted with particular concern the continued violation of the principle of non-refoulement; appealed to all States to abide by their international obligations in that respect and commended the High Commissioner for his work to meet the needs of refugee children.

Draft resolution A/C.3/43/L.60

5. Mr. MARTINEZ ORDOÑEZ (Honduras) introduced draft resolution A/C.3/43/L.60, which reflected the decision by the Governments of Costa Rica, El Salvador, Guatemala, Honduras, Mexico and Nicaragua to seek lasting solutions to the plight

(Mr. Martínez Ordoñez, Honduras)

of refugees and displaced persons in Central America. He expressed his gratitude to the many countries which had demonstrated their solidarity with those nations concerning such an important task, in particular the Republic of Guatemala, which had offered to host the Conference, and to the Governments of Italy, Norway and the United States, which had announced that they would contribute to activities to assist Central American refugees. After announcing that the delegations of Chile, Denmark, Finland, Haiti, Iceland, Malaysia, Norway, Spain and Sweden had become sponsors of the draft resolution, he pointed out that the following amendments had been made in the text: in the penultimate line of paragraph 5, the phrase "and co-operation" had been inserted after the word "resources"; and in paragraph 6, the phrase "increase its assistance" had been replaced by the phrase "provide all necessary assistance".

Draft resolution A/C.3/43/L.61

6. Mrs. KAMAL (Secretary of the Committee) informed the Committee that the fifth preambular paragraph of draft resolution A/C.3/43/L.61 should be amended in all languages to read as follows:

"Taking note of the call in the Joint Ministerial Statement of the States members of the Association of South-East Asian Nations at their Twenty-first Ministerial Meeting, issued in Bangkok on 4 July 1988, for the convening of an International Conference on Indo-Chinese Refugees at the ministerial level, in early 1989, to be preceded by a preparatory conference at the senior official level".

7. Mr. PIBULSONGGRAM (Thailand) introduced draft resolution A/C.3/43/L.61 and pointed out that Canada, Chad, Denmark, Djibouti, Finland, Iceland, Norway, Singapore, Sudan and Sweden had become sponsors.

8. The call by the countries of the South-East Asian region for the convening of an International Conference on Indo-Chinese Refugees was all the more warranted because the Conference was requested to address a humanitarian problem that could be solved only on the basis of a new international consensus accommodating the legitimate concerns of all the parties involved.

9. In view of the urgency of the situation, the countries concerned were convinced that the Conference should be convened as soon as possible, and no later than during the first half of 1989.

10. Miss DE SILVA (Sri Lanka), explaining her vote, said that although her delegation had joined the consensus in adopting draft resolution A/C.3/43/L.38/Rev.1, it wished to place on record that it considered the phrase "similar emergency situations" to be ambiguous, since the nature of those situations was not defined. Moreover, it felt that access by non-governmental organizations to affected countries during emergency situations should be granted strictly at the discretion of the receiving State.

11. Mr. COSTELLO (Australia) stressed the value of the investigative machinery established by the Commission on Human Rights whereby global analyses could be made of cases of violations of human rights, urgent action could be taken where required and pressure could be placed on Governments to improve the human rights situation in their territories. Five special rapporteurs responsible for specific subjects could conduct independent investigations and intervene in emergency situations. Their existence permitted individuals more immediate access to the human rights mechanisms of the United Nations. The renewal of their mandate for two additional years would strengthen their effectiveness by ensuring continuity. With regard to the special rapporteurs responsible for studying the human rights situation in specific countries, it was significant to note that most of the Governments under scrutiny had agreed to co-operate with them. Criticism was frequently heard that those rapporteurs were relatively less effective. While agreeing that that was a procedure of last resort, his delegation did not exclude it in situations involving gross violations of the right to life, such as summary executions, torture and disappearances.

12. The Committee had before it the provisional report of the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran (A/43/705), which was the only report prepared without the benefit of a visit to the country in question. His delegation believed that the appropriate way for Iran to deal with allegedly inaccurate reports on the human rights situation in its territory was to admit the Special Representative to enable him to investigate the situation at first hand. The recently arranged cease-fire between the Governments of Iran and Iraq, while very encouraging, would not in itself produce an improvement in the human rights situation in those countries. It was disturbing to receive allegations that, between July and September 1988, a large number of prisoners, mainly members of opposition groups, had been executed in Iran. It was also disturbing to receive reports, in the immediate post-cess-fire period, of extensive human rights violations by the Government of Iraq against its Kurdish population.

13. The Geneva agreements constituted a positive development with regard to the human rights situation in Afghanistan. When fully implemented, they would contribute to the creation of a situation which would permit the full enjoyment of human rights. A welcome development was the significant decrease in the number of political prisoners and the improvement in conditions of detention. Nevertheless, there were continuing allegations of human rights violations, including the torture and ill-treatment of political prisoners and disappearances. His delegation again urged all parties to the conflict to apply fully the principles of humanitarian law and to co-operate fully with international humanitarian organizations. With regard to the question of the voluntary return of Afghan refugees in Pakistan and Iran, he noted that very few had returned to their areas of origin, because of the continuing insecurity there, brought about by bombardments and the presence of mines throughout the territory. Concerted international efforts must be made to create conditions which allowed for the safe and voluntary return of the millions of Afghan refugees.

14. He expressed concern at the serious violations of human rights committed in El Salvador and the recent deterioration of the human rights situation in that

(Mr. Costello, Australia)

country. While it was true that, under the Government of President Duarte, genuine efforts had been made to promote greater respect for human rights, it was most disturbing to note that violations of human rights continued to be committed with impunity. It was also disturbing that civilian control over all parts of the State apparatus was lacking and that the judiciary had been the target of violent attacks, including assassinations. His Government regretted the breakdown of negotiations between the Government and the FMLN/FDR. The recent evolution of the human rights situation in El Salvador required that the Special Rapporteur's mandate should be renewed.

15. Reports also indicated that Guatemala was another country in which the number of serious human rights violations had increased. It was to be hoped that the Commission on Human Rights, at its following session, would give serious consideration to the evolution of the human rights situation in Guatemala.

16. His delegation welcomed the report of the Special Rapporteur on the situation of human rights in Chile (A/43/624) and the co-operation extended to him by the Government of Chile. It was gratifying to note the results of the plebiscite of 5 October and the manner in which it had been conducted. The recognition of public freedoms must be encouraged as an essential basis for open, constructive dialogue and the holding of direct and free elections. A number of other developments in Chile were also encouraging. The states of emergency had been lifted, a large number of political exiles had been authorized to return to Chile and a number of opposition figures had been released from detention. Nevertheless, serious abuses of human rights continued to occur, including cases of torture and disappearances, the use of incommunicado detention and harassment, intimidation and detention of journalists. The international community must therefore continue to monitor the human rights situation in Chile closely.

17. In conclusion, he said that the investigative mechanisms of the United Nations had developed over the years into an effective complement to its other activities. Accordingly, his delegation urged all Governments where serious violations of human rights continued to occur to lend their full and practical support to those mechanisms.

18. Mr. RICHTER (German Democratic Republic) said that the recent encouraging developments in international relations were striking evidence that the safeguarding of peace and disarmament had become the foremost concerns of international politics. Under current conditions, international security could be maintained and strengthened only through political measures.

19. The Universal Declaration of Human Rights had still not been fully implemented 40 years after its adoption. In some parts of the world, the right of peoples to self-determination was still being violated and millions of people were still subjected to apartheid, racism and Fascist or terrorist oppression. His delegation therefore welcomed the outcome of the referendum held in Chile on 5 October as representing a decisive victory for democratic forces. However, the power structures of the military dictatorship were still in existence and the possibility that acts of repression and terror would continue could not be ruled out.

(Mr. Richter, German Democratic Republic)

Consequently, his delegation supported the conclusions and recommendations of the Special Rapporteur on the situation of human rights in Chile.

20. The situation in El Salvador was disturbing. Acts of violence continued to overshadow political life. There were a growing number of demonstrations in protest against the economic and political situation. In the light of all those facts, support for the just struggle of the people of El Salvador should be expressed in a resolution.

21. Recently, millions of Jews had commemorated the fiftieth anniversary of the anti-Jewish pogrom in Nazi Germany. That anniversary should be the occasion for closing ranks against the forces for which fascism was still a model. In times of crisis, the apologists of fascism intensified their activities and racial, religious and other kinds of discrimination, xenophobia, violence and terror gained ground. It was satisfying, therefore, to note that a number of States had adopted measures to combat Fascist activities and had committed themselves to the struggle against apartheid practices. His delegation would shortly submit a draft resolution calling for measures against all manifestations of fascism and nazism.

22. Mr. GUTIERREZ (Costa Rica) said that the international community's commitment to uphold human rights predated the adoption of the Universal Declaration of Human Rights and the International Covenants on Human Rights, in that the Charter of the United Nations reaffirmed faith in fundamental human rights and the dignity and worth of the human person.

23. The observance and protection of human rights should be considered not as a matter exclusively for the internal jurisdiction of States, but as an international duty. In practice, the method adopted in discharging that duty had been to appoint special rapporteurs to investigate reports of flagrant violations in various countries. However, that method was inadequate, and better results would have been achieved by the adoption of the approach proposed by Costa Rica in 1965, namely, the appointment of a United Nations high commissioner for human rights who could focus efforts on one region or on a limited number of countries. As stated by the Minister for Foreign Affairs, Costa Rica reiterated its proposal that a high commissioner for human rights should be appointed. The time had come to give serious consideration to that idea and put it into practice.

24. One of the problems posed by the system of special rapporteurs was the appointment of special rapporteurs on a selective basis, an approach that was open to criticism. However, the special reports were important documents that highlighted the humanity and generosity of spirit of the special rapporteurs, who honestly and ably performed their task of obtaining information on the human rights situation in the countries which they were called upon to investigate. In addition, the special rapporteurs had succeeded in making States increasingly aware that the international community had a right to monitor compliance with the duty that all Members of the United Nations had to respect human rights. While some crisis situations might warrant temporary restrictions on the rights of citizens, Governments had a duty to act in accordance with established norms once the emergency was over.

(Mr. Gutierrez, Costa Rica)

25. His delegation hoped that the international community would one day be able to take immediate action in response to complaints of human rights violations by means of a high commissioner with broad powers. However, until such an office was established, there would be a need to maintain and make full use of the system of special rapporteurs. It was encouraging that none of the countries which was under study at the current time had refused to co-operate with a special rapporteur in clarifying its human rights situation. That was important because every Member State, by the mere fact of ratifying the Charter, had accepted that human rights fell within the purview of the international community.

26. In conclusion, he recalled that Costa Rica had ratified the International Covenants on Human Rights, had accepted the compulsory jurisdiction of the bodies set up under the Covenants and, whenever a complaint had been made against it, had recognized the competence of the international organs and had provided an explanation of the Government's conduct. In addition, it had assumed obligations under the Inter-American system and served as the headquarters of the Inter-American Court of Human Right.

27. Mr. TELLMAN (Norway) emphasized that the Universal Declaration of Human Rights had been the driving force in placing human rights on the international political agenda. However, it was a regrettable fact that blatant violations of human rights persisted in many parts of the world. The fortieth anniversary of the Universal Declaration provided the international community with an opportunity to redouble its efforts to live up to the commitments it had assumed in 1948. The results would largely depend on the willingness of Member States to use the United Nations as an active instrument for promoting and protecting human rights. It was to be hoped that the increasingly active role assigned to the United Nations in conflict settlement and peace-keeping would have a positive impact on the role it was given in the field of human rights.

28. Norway had traditionally accorded high priority to the activities of the United Nations in the field of human rights. As a member of the Commission on Human Rights for the past three years, it had put forward proposals for strengthening the existing mechanisms for fact-finding and monitoring compliance with human rights instruments. In particular, it had supported the strengthening of the system of special rapporteurs and working groups, since they supplemented the monitoring system based on periodic reporting under the different international treaties, could intervene urgently in connection with communications on specific violations, and, in many cases, represented the only means which the international community had of preventing a potential violation of human rights.

29. The special procedures involving country visits and on-site investigations should be strengthened in order to facilitate the formulation of specific recommendations in particular situations. That mechanism was not a substitute for, but rather a complement to, the functions of special rapporteurs.

30. His country was seriously concerned at the continued and brutal violations of human rights by the apartheid régime in South Africa, and at the human rights situations in Afghanistan, El Salvador, Chile and Iran, as well as in other

(Mr. Tellman, Norway)

countries with similar problems; it called upon all Governments to promote measures to guarantee the protection of human rights and fundamental freedoms.

31. Given the importance of information in the field of human rights, his country welcomed the development of United Nations public information activities and stressed the need for a longer-term strategy based on close co-operation between the United Nations and individual Governments.

32. In the Commission on Human Rights, Norway had advocated greater emphasis on advisory services to Governments. It therefore welcomed the increased interest in that area, but it hoped that advisory services would not become a substitute for other mechanisms aimed at ensuring the implementation of human rights norms. The programme of advisory services and the voluntary fund should aim at providing practical assistance to countries in establishing basic infrastructures for the promotion and protection of human rights. The Centre for Human Rights should be the focal point for such assistance.

33. MR. ANDREYCHUK (Canada) said that one of the dominant political themes of the past year had been reconciliation, and, as a result, settlements to some major internal and international disputes were closer. Such positive developments gave grounds for hope that a sound foundation was being laid for ensuring greater respect for human rights, although the human rights situation in general continued to cause concern.

34. The importance of reconciliation was nowhere more evident than in Central America, and it was a welcome development that various countries of that region were in the midst of a transition from repressive régimes to Governments committed to the protection of human rights. It was regrettable that, in El Salvador, following a period of favourable developments under President Duarte, the human rights situation had worsened in the past year. In Guatemala, while human rights violations had diminished significantly since the beginning of the decade, the level of political violence was still unacceptably high. The Esquipulas Agreement represented a historic effort to promote peace, respect for human rights and democratic values. Canada therefore urged the five Central American Presidents to sign that Agreement in order to give renewed impetus to the commitment to pursue regional reconciliation with greater vigour.

35. Reconciliation was also a central theme in the conflict between Iran and Iraq. Her Government was concerned at the policies pursued by the Iraqi authorities with respect to the Kurdish minority, especially the use of chemical weapons against civilians. It had repeatedly condemned the use of chemical weapons during the war between Iran and Iraq and considered it crucial to conclude a peace which would help to ensure greater respect for human rights in Iraq. In Iran, available information indicated that widespread human rights abuses continued, although there appeared to be some improvement with regard to the discriminatory campaign against members of the Baha'i sect.

36. The progress made in settling the conflict in Afghanistan was encouraging, but the human rights situation there remained grim. Allegations of torture were still



(Ms. Andreychuk, Canada)

being received. Accordingly, Canada supported the recommendation that the International Committee of the Red Cross should be granted access to the prisons. There was also the continuing problem of lethal mines and booby-trap bombs, which was a major obstacle to the return of Afghan refugees.

37. The desire for reconciliation was also evident in the conflict between Turkey and Bulgaria, countries having signed a protocol at the beginning of the year aimed at settling problems relating to the Turkish minority in Bulgaria.

38. In Chile, the desire for national reconciliation had been demonstrated in a recent plebiscite, which had afforded the people of Chile an opportunity to speak out in favour of the restoration of democracy. She expressed the hope that progress would continue to be made, in particular in investigating past cases of disappeared persons and the involvement of members of the armed forces in torture and other violations of human rights.

39. The situation in the Territories occupied by Israel was cause for great concern. The Fourth Geneva Convention should be applied in those Territories, since respect for human rights was an essential component of the peace process.

40. The concept of reconciliation was important because of the close interrelationship that existed between human rights problems and political conflicts. The large number of deaths and the mass exodus that had occurred in Burundi following ethnic and tribal rivalries provided a dramatic example of that relationship.

41. Another major problem was that of timeliness. In Burma, for example, many people had died when peaceful demonstrations in support of greater democracy had been met with suppression, and it was reported that the army continued to practise torture and summary executions. At its next session, the Commission should consider ways of responding promptly to such situations; perhaps there could be an inter-sessional role for the bureau in order to achieve greater effectiveness.

42. Canada had always been concerned about the selectivity of the United Nations work in the field of human rights. For example, the Soviet Union had never figured very prominently on the Commission's agenda, and although major legal and constitutional changes had been announced and progress had been made in the treatment of minorities and dissidents, there continued to be many political and religious prisoners, families awaiting reunification and persons who were denied the right to leave their country. In other countries of eastern Europe the situation had also improved; however, some seemed unable to acknowledge many basic rights. Romania was a case in point; it had yet to resolve satisfactorily the case of Professor Dumitru Mazilu.

43. The mandates of the special rapporteurs should be continued until there was a marked improvement in the human rights situation. Political change was important but it was not enough, as could be seen from the case of Haiti. The temporary improvement in the political situation of Haiti had not had any effect on the human rights situation.

44. Mr. ROMARE (Sweden) said that 40 years had elapsed since the adoption of the Universal Declaration of Human Rights and the standard-setting process in the field of human rights was nearing completion. Unfortunately, the same could not be said with respect to the implementation of those standards. In recognition of that fact, the United Nations had shifted the emphasis of its work in recent years to implementation. Sweden attached great importance to the machinery established by the Commission on Human Rights, which consisted of the appointment of special rapporteurs to monitor the situation in specific countries and the establishment of working groups to monitor violations of a serious nature, although that machinery had a number of shortcomings, the principal one being the imbalance in the countries selected for scrutiny.

45. Turning to the situation in Afghanistan, where acts of war continued despite the Geneva Accords, he said that the Special Rapporteur had drawn attention to allegations of torture and ill-treatment of prisoners and political prisoners.

46. The Special Rapporteur on Chile had pointed out that acts of intimidation against citizens returning from exile or involved in opposition activities continued. During the past year there had been positive developments, not the least of which had been the lifting of the states of emergency prior to the recent plebiscite. Since the plebiscite, however, there had been no improvement in the human rights situation. The political and judicial systems had not been altered and the undemocratic constitution of 1980 remained in force.

47. With respect to El Salvador, his Government was gravely concerned at the number of politically motivated summary executions and disappearances. The situation would not improve so long as the war continued. That made it all the more urgent to implement the Central American peace plan.

48. The numerous allegations of human rights violations in Iran could not be disregarded and he appealed to the Government of Iran to co-operate fully with the special representative.

49. There had been positive developments in other parts of the world, for example in the Soviet Union, and in Hungary where the right of individuals to make complaints before the Human Rights Committee had recently been recognized. Romania, however, appeared to stand apart from that trend; it had initiated a vast programme in the countryside which threatened to worsen the situation of the population in general and that of ethnic minorities in particular.

50. In Turkey important measures had been adopted such as the recognition of the right of individuals to have recourse to the European Commission on Human Rights and Turkey's accession to the European and United Nations Conventions against torture. However, allegations of torture and of violation of fundamental rights, such as freedom of association and trade union rights, continued to appear frequently.

51. With regard to the situation in Iraq, the reports of the utilization of chemical weapons against the civilian Kurdish population were particularly alarming. There had also been reports of human rights violations - such as

(Mr. Romare, Sweden)

imprisonment without a trial, torture and summary executions - in Somalia. Recent internal political developments in Burma, which had been characterized by turbulence and violence, were no less disturbing.

52. Reliable reports had been received of declining respect for life and an alarming climate of violence in Colombia. Those developments called for increased international attention. Earlier in 1988 reports had been received of massive killings of civilians in Burundi. Subsequently, the Government had established a commission for human unity to prevent a repetition of those tragic events. In Paraguay, members of the opposition, trade unionists and peasants continued to be persecuted and there had been cases of arbitrary detentions although the state of siege was no longer in force.

53. The Commission on Human Rights had decided to discontinue monitoring of the situation in Guatemala, in the belief that the good will and intentions demonstrated by the Government would lead to sustained improvement of the situation. However, the decision had been premature. The same could be said with respect to Haiti.

54. Mr. THANT (Burma), speaking in exercise of the right of reply, said that a number of delegations had referred to the human rights situation in Burma. His delegation had already reported on human rights developments in Burma; the matter was not one which should be discussed in the Committee as it concerned the internal affairs of that country. He did not intend to refute any of the comments but simply wished to point out that no State had the right to say what kind of political system another State ought or ought not to have.

55. Mr. PRATOMO (Indonesia), speaking in exercise of the right of reply, said that he had not quite understood what the representative of Greece, speaking on behalf of the European Community, had sought to convey by referring to East Timor. Both the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, after listening to the same sources as the representative of Greece, had decided not to consider other similar allegations. The only conclusion to be drawn was that the EEC had succumbed to pressure from one of its newer members to interfere in an issue that the international community and the Commission on Human Rights itself had come to recognize as nothing more than a campaign against Indonesia.

56. Mr. CONSTANTINESCU (Romania) recalled that his delegation attached great importance to international co-operation in the field of human rights and it deeply regretted the unfounded allegations made by certain delegations concerning the human rights situation in Romania. Those allegations were not in keeping with the aim of improving international co-operation in the humanitarian field and they poisoned the political atmosphere in the Committee.

57. Romania had provided all necessary information on the subject in its report on the implementation of the International Covenants on Human Rights. He had no intention of engaging in polemics with those delegations but he pointed out that the notion of "systematization" alluded to by one delegation did not reflect the

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(Mr. Constantinescu, Romania)

developments that were taking place. It would be more appropriate to speak of the "modernization and socio-economic development of rural localities" since the aim of the process currently under way was to ensure better living and working conditions for the entire population.

58. With regard to the case of a former member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, he recalled that the Romanian authorities had repeatedly provided information to the United Nations showing clearly that the Convention on the Privileges and Immunities of the United Nations did not apply to that individual.

The meeting rose at 12.15 p.m.