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Appointments to fill vacancies in the membership of subsidiary organs of the General Assembly:
(a) Advisory Committee on Administrative and Budgetary Questions

REPORT OF THE FIFTH COMMITTEE (A/32/291)

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AGENDA ITEM 108

Personnel questions:

- (a) Composition of the Secretariat: report of the Secretary-General;
- (b) Other personnel questions: report of the Secretary-General

REPORT OF THE FIFTH COMMITTEE (A/32/314)

1. The PRESIDENT: I request the Rapporteur of the Fifth Committee, Mr. Belyaev of the Byelorussian Soviet Socialist Republic, to present the five reports in one statement.
2. Mr. BELYAEV (Byelorussian Soviet Socialist Republic), Rapporteur of the Fifth Committee (*interpretation from Russian*): I have the honour, on behalf of the Fifth Committee, to introduce the reports containing the recommendations of the Fifth Committee for consideration and adoption by the General Assembly.
3. The report on agenda item 98 is contained in document A/32/330. Paragraph 11 of that report contains a draft resolution adopted by the Committee without objection.
4. The report on agenda item 107 (a) refers to the nominations of candidates to fill vacancies on the Advisory Committee on Administrative and Budgetary Questions that were considered on 4 November, and is contained in document A/32/291. Paragraph 3 of that report indicates that the Fifth Committee took a unanimous decision to dispense with the secret ballot in view of the fact that there were six candidates for the six vacancies. The Fifth Committee recommends the appointment of five candidates for a three-year term to begin 1 January 1978, and one candidate for a term beginning on 15 November 1977 and ending on 31 December 1978. Those recommendations are contained in paragraph 5 (a) and (b) of the report.

President: Mr. Lazar MOJSOV (Yugoslavia).

AGENDA ITEM 98

Financial reports and accounts, and reports of the Board of Auditors:
(a) United Nations Development Programme;
(b) United Nations Children's Fund;
(c) United Nations Relief and Works Agency for Palestine Refugees in the Near East;
(d) United Nations Institute for Training and Research;
(e) Voluntary funds administered by the United Nations High Commissioner for Refugees;
(f) United Nations Fund for Population Activities

REPORT OF THE FIFTH COMMITTEE (A/32/330)

5. The Fifth Committee's report on agenda item 107 (c) concerning appointments to fill vacancies in the Board of Auditors is contained in document A/32/293. The result of the secret ballot which was held on this question on 4 November of this year is presented in paragraph 4 of that document. In paragraph 5 of its report, the Fifth Committee recommends to the Assembly the appointment of the Auditor-General of Bangladesh as a member of the Board of Auditors for a three-year term beginning on 1 July 1978.

6. The report of the Fifth Committee on agenda item 107 (e), concerning appointments to the United Nations Administrative Tribunal, is contained in A/32/295. Paragraph 4 of that report indicates that the Fifth Committee on 14 October of this year decided by acclamation to recommend to the General Assembly the appointment of Mr. Francis T. P. Flimpton and Sir Roger Bentham Stevens as members of the United Nations Administrative Tribunal for a three-year term beginning on 1 January 1978. The recommendation of the Committee to that effect is contained in paragraph 5 of the report.

7. On agenda item 108, concerning personnel questions, I have the honour to present the report of the Fifth Committee contained in document A/32/314.

8. On item 108 (a), dealing with the composition of the Secretariat, the Committee decided by consensus to recommend to the General Assembly for adoption the two draft resolutions, A and B, that are contained in paragraph 16 of its report. The representative of the United States declared that he did not associate himself with the consensus on draft resolution A. The representative of the United Kingdom stated that, had there been a vote on that draft resolution, his delegation would have abstained. On draft resolution B, after the Chairman of the Committee had announced the consensus, the representatives of the United States and of the United Kingdom stated that their delegations could not participate in the consensus.

9. The recommendation of the Committee on item 108 (b), concerning other personnel questions, is contained in paragraph 17 of the report.

10. I hope that the recommendations contained in these five reports of the Fifth Committee will be adopted by the General Assembly.

Pursuant to rule 66 of the rules of procedure, it was decided not to discuss the reports of the Fifth Committee.

11. The PRESIDENT: May I now invite members to turn to the report of the Fifth Committee on agenda item 98, [A/32/330]. We shall now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 11 of its report. Since the Fifth Committee adopted that draft resolution without objection, may I consider that the General Assembly wishes to do likewise?

The draft resolution was adopted (resolution 32/16).

12. The PRESIDENT: The General Assembly will now consider the reports of the Fifth Committee on subitems (a), (c) and (e) of agenda item 107. The Assembly will now

take a decision on the recommendations of the Fifth Committee.

13. The report on agenda item 107 (a) [A/32/291] relates to the vacancies in the membership of the Advisory Committee on Administrative and Budgetary Questions. The recommendation of the Fifth Committee appears in paragraph 5 of its report. May I take it that the General Assembly decides to adopt that recommendation?

The recommendation was adopted (decision 32/308 A).

14. The PRESIDENT: We turn now to the report on item 107 (c) dealing with a vacancy in the Board of Auditors [A/32/293]. The recommendation of the Fifth Committee appears in paragraph 5 of its report. May I take it that the Assembly adopts that recommendation?

The recommendation was adopted (decision 32/309).

15. The PRESIDENT: We come now to the report on item 107 (e) dealing with vacancies in the membership of the United Nations Administrative Tribunal [A/32/295]. The recommendation of the Fifth Committee appears in paragraph 5 of its report. May I consider that the General Assembly adopts that recommendation?

The recommendation was adopted (decision 32/310).

16. The PRESIDENT: I now call on the representative of Colombia, who wishes to speak at this stage.

17. Mr. LASCARRO (Colombia) (*interpretation from Spanish*): With regard to agenda item 107 (c), the appointment to fill a vacancy on the Board of Auditors, the Colombian delegation would like to take this opportunity, on behalf of our Government, sincerely to thank the United Nations Secretariat for its consistent and effective co-operation throughout our membership on the Board of Auditors.

18. We would also like to reiterate our warm congratulations to the Government of Bangladesh on its election to the Board to replace our country. We wish it success in the task it will assume in July 1978.

19. Mr. KAISER (Bangladesh): I should like to thank the General Assembly for the great honour done to my country and its Auditor-General by electing him a United Nations auditor. We are overwhelmed by the confidence that has been shown in us and the honour done to us.

20. I should like to take this opportunity to convey to the other United Nations auditors the assurance of our sincerest co-operation in carrying out our task in the highest traditions of the United Nations.

21. I should like also to acknowledge, on behalf of my delegation, the unstinted services rendered by the Auditor-General of Colombia, who filled the post with such distinction for quite a number of years. Our Auditor-General will look to him for advice and guidance.

22. The PRESIDENT: We shall now consider the report of the Fifth Committee on agenda item 108 [A/32/314]. The Assembly will take a decision on the draft resolutions

recommended by the Fifth Committee in paragraph 16 of its report.

23. We turn first to draft resolution A. The Fifth Committee adopted that draft resolution by consensus. May I take it that the Assembly wishes to do the same?

Draft resolution A was adopted (resolution 32/17 A).

24. The PRESIDENT: We come now to draft resolution L. The Committee adopted draft resolution B also by consensus. May I take it that the Assembly decides to do the same?

Draft resolution B was adopted (resolution 32/17 B).

25. The PRESIDENT: I shall now call on representatives who wish to explain their position on the resolutions under this item.

26. Mr. WOLFF (United States of America): I regret that the United States was unable to support draft resolutions A and B in document A/32/314 when they were considered by the Fifth Committee because of references to resolution 31/26. Resolution 31/26 has many good aspects which my delegation can support; however, our position on those elements that we cannot support remains the same.

27. Mr. RELLIE (United Kingdom): My delegation did not stand in the way of a consensus on the two draft resolutions which were recommended by the Fifth Committee to the Assembly in document A/32/314. However, my delegation's position on resolution 31/26 is on record and has not changed. We voted against paragraph 2 of that resolution last year and abstained in the vote on the resolution as a whole, although, as we made clear at the time, much of it had our support. Certain references to resolution 31/26 in these two resolutions therefore present us with great difficulty. Accordingly, my delegation would like to put on record that, had there been a vote on the two draft resolutions, we would have abstained in the vote on each.

28. The PRESIDENT: I now invite representatives to turn to the recommendation of the Fifth Committee in paragraph 17 of its report in document A/32/314. The Committee adopted the recommendation without objection. May I take it that the General Assembly wishes to do the same?

The recommendation was adopted (decision 32/405).

AGENDA ITEM 26

Restitution of works of art to countries victims of expropriation: report of the Secretary-General (concluded)

29. Mr. EL SHEIBANI (Libyan Arab Jamahiriya) (*interpretation from Arabic*): No one is unaware that a cultural heritage in its broadest sense constitutes the basis on which any nation builds both its present and its future; and when the General Assembly adopted resolution 3187 (XXVIII), as well as other relevant prior and subsequent resolutions, the international community wished to express its active interest in the cultural heritage of nations and the importance of safeguarding it.

30. While my delegation expresses its satisfaction that agenda item 26 on the restitution of works of art to countries victims of expropriation is being considered here, we also feel regret that no progress has been made in implementing the General Assembly resolutions on the subject.

31. The restitution of works of art to countries victims of expropriation is a matter of concern to the developing countries, which attach the utmost importance to it, for those countries have suffered under the imperialist yoke in all its forms, and by the time they threw off that yoke irrevocably imperialism had plundered their works of art, thus gravely encroaching on their cultural heritage and on their civilization. We, in the Libyan Arab Jamahiriya, are still suffering from the harmful consequences of colonialism in regard to our national cultural heritage. Throughout the centuries, Libya experienced the greatest civilization and the best evidence of this fact can be found in the historical remains still extant, as represented by the cities of archeological interest along the Mediterranean coast and in our desert and also manuscripts, drawings, museum pieces and works of art. Moreover, colonialism, before leaving Libya's shores for ever, strove to plunder these remains and to keep them for itself in its archeological museums, forgetting that these objects constitute one of the aspects of Libya's renaissance, that they were created on Libyan soil and that they should of necessity be restored to Libya. This should help us to assess Libya's contribution throughout history and to draw from it a culture with which we need to be familiar and of which our present culture is but the continuation. The Libyan Arab Jamahiriya, after carrying out an exhaustive survey of the art treasures still in its possession, discovered that a number of them had been stolen. The people of the Libyan Arab Jamahiriya feel grief and regret especially when their student sons visit museums abroad and realize that their cultural heritage is being kept in those museums instead of remaining in their country of origin, where they would be a continuing adornment of Libyan cultural life.

32. Our President, Muammar Al-Qadhafi spoke of this problem at the Fourth Conference of Heads of State or Government of Non-Aligned Countries, held in Algiers in September 1973, when he said:

"We are speaking about imperialism and we are suffering the effects of imperialism. That is why we need to mount a battle against this plunder of our works of art. We have suffered from imperialism through the wars which were unleashed against our country; that is why a part of our country suffered from imperialism and why our heritage—our manuscripts and our works of art—found its way to museums in imperialist countries following the imperialist attack unleashed against our country. Are we going to remain with our arms folded? Are we going to be plundered again?"

President Al-Qadhafi also mentioned this problem at the Fifth Conference of Heads of State or Government of Non-Aligned Countries, held in Colombo in August 1976, when he said:

"The Libyan Arab Jamahiriya is one of the countries which had suffered grievously in the imperialist epoch.

We now call upon international organizations to see to it that the imperialist countries take the responsibility for the crimes they have perpetrated against our country and the other countries of the third world which were enslaved. This idea must be supported by those peoples that have suffered from imperialism and that continue to pay a very high price for that crime, which has, moreover, sanctioned the international theft of manuscripts and of works of art. This plunder, which has corrupted international values, has led to those works being kept in the world's museums. We now call upon the robbers to make restitution for their crimes, because such an international crime must not be allowed to occur again in the future. We must demand an accounting and exact retribution for any such theft; only thus will imperialism never dare again to loot our national heritage, or sabotage it, or to dilute its character or to steal our manuscripts and *objets d'art* because it will know that the international community will remain vigilant and will demand a reckoning."

33. On this subject my country presented to the Colombo Conference a draft resolution reaffirming previous resolutions of the General Assembly and calling on all countries in possession of such works of art to safeguard them and to restore them promptly to their countries of origin, since that would tend to strengthen international relations. The draft resolution also called upon the UNESCO Committee of Experts to keep under review the restitution of works of art to countries victims of expropriation and to adopt without delay adequate measures for the restoration of those works of art to their countries of origin.¹

34. My delegation has taken note of the report of the Secretary-General [A/32/203], which indicates that certain countries have reacted positively on this question and are giving it their attention. We hope that the General Conference of UNESCO at its next session will be able to appoint a joint intergovernmental committee to consider ways and means of facilitating bilateral negotiations with a view to the restoration of works of art to their countries of origin, since such objects were expropriated during the imperialist period. These measures will make it possible to safeguard human rights and human values.

35. Mr. KANE (Mauritania) (*interpretation from French*): On 4 October 1973, in this Assembly, President Mobutu Sese Seko said:

"Among the claims of the under-equipped countries, particularly the former colonial countries, there is a matter of vital importance. This relates to the cultural heritage of our countries. During the colonial period we suffered not only from colonialism, slavery, economic exploitation, but also and above all from the barbarous, systematic pillaging of all our works of art."²

36. Since that memorable date, the General Assembly has decided to take action with a view to the restitution of those works of art to the countries victims of expropria-

tion. Several resolutions have been adopted since 14 December 1973, all inviting the States Members of the Organization to co-operate fully in order to facilitate the implementation of the decisions and recommendations adopted by the Assembly.

37. For its part, my delegation since 14 December 1973 has not failed to give its full and complete support to all the draft resolutions on this question submitted to the General Assembly. That support is justified by the important decisions taken by our party, the Mauritanian People's Party, immediately after our accession to independence. Our people, aware of the fact that political independence is not and cannot be an end in itself, took, through the intermediary of its party, a certain number of fundamental decisions, namely: first, to implement a policy of cultural independence; secondly, to implement a policy of economic independence; and thirdly, to implement a policy of social independence.

38. Thus it is easy to understand from the order in which the three requirements I have just cited are given that the cultural requirement is by far the most important, because it is the very basis of a people's sense of itself and consequently the most authentic expression of a nation's desire for independence. Therefore the restitution of works of art is an important prerequisite for the implementation of any policy of cultural independence in the developing countries since those works of art are the most basic element of the cultural heritage of our peoples. My delegation, therefore, can only reiterate its support for draft resolution A/32/L.18/Rev.2 now before us, of which it is, indeed, one of the sponsors. We hope that all the delegations present will support the draft resolution and help the United Nations to implement the decisions contained therein.

39. The PRESIDENT: There are no further speakers on agenda item 26. The Assembly will now vote on draft resolution A/32/L.18/Rev.2.

The draft resolution was adopted by 105 votes to none, with 12 abstentions (resolution 32/18).

40. The PRESIDENT: I call on the representative of Belgium, who wishes to explain his vote after the vote.

41. Mr. VAN COPPENOLLE (Belgium) (*interpretation from French*): On behalf of the member countries of the European Community, the Belgian delegation wishes to recall that we share the legitimate aspirations of the sponsors of the draft resolution A/32/L.18/Rev.2 on the restitution of works of art to countries victims of expropriation.

42. Unfortunately, the nine members of the Community were not in a position to vote for the draft resolution for legal reasons. In particular, some member States have not yet ratified the UNESCO Convention of 1970,³ which causes them certain difficulties. It is for that reason that we

¹ See document A/31/197, annex IV, resolution NAC/CONF.5/S/RES.17.

² See *Official Records of the General Assembly, Twenty-eighth Session, Plenary Meetings*, 2140th meeting, para. 176.

³ Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 November 1970.

abstained in the vote. We also note that the draft resolution proposes that the study of this question should be continued at the thirty-fourth session of the General Assembly. We would have preferred that this question, which has already been studied in depth by UNESCO, should be kept under review within that specialized agency rather than in the General Assembly of the United Nations.

43. I should like to add on behalf of Belgium, which has settled this matter by satisfactory bilateral arrangements with Zaire, that I take pleasure in thanking the Permanent Representative of Rwanda for the kind words he addressed to my country.

AGENDA ITEM 29

Co-operation between the United Nations and the Organization of African Unity: report of the Secretary-General (concluded)

44. Mr. CLARK (Nigeria): My delegation actively and fully participated at every stage in the preparation of draft

resolution A/32/L.19 and Add.1. We therefore approve of it and support it. We also highly pride ourselves on our membership in the Organization of African Unity [OAU], the purposes and objectives of which we are unequivocally committed to realize. I hardly need to add that we strongly believe in co-operation between the United Nations and the OAU. We have pleaded for it, and have said so in the past and we do so again. It therefore gives us special pride and satisfaction to announce from this rostrum that Nigeria is a sponsor of the draft resolution relating to co-operation between the United Nations and the OAU.

45. The PRESIDENT: We shall now take a decision on draft resolution A/32/L.19 and Add.1. At the thirty-first session of the General Assembly a draft resolution containing similar provisions was adopted without a vote. There is no request for a vote. May I take it that the Assembly adopts that draft resolution?

The draft resolution was adopted (resolution 32/19).

The meeting rose at 4.35 p.m.