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**93rd
PLENARY MEETING**

Monday, 10 December 1984,
at 3.30 p.m.

NEW YORK

**President: Mr. Paul J. F. LUSAKA
(Zambia).**

AGENDA ITEM 99

**Torture and other cruel, inhuman or degrading
treatment or punishment: reports of the Secretary-
General**

1. Mr. POLOWCZYK (Poland), Rapporteur of the Third Committee: I have the honour to introduce the report of the Third Committee on agenda item 99 contained in document A/39/708. In paragraph 18 of its report, the Third Committee recommends to the General Assembly the adoption of a draft resolution which was adopted in the Committee without a vote. I take this opportunity of adding that, owing to a technical error, the names of the following sponsors were omitted: Italy and New Zealand. This will be rectified in the official records of the General Assembly.

I submit the recommendation of the Third Committee to the General Assembly for adoption.

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

2. The PRESIDENT: Statements will be limited to explanations of vote. The positions of delegations regarding the various recommendations of the Third Committee have been made clear in the Committee and are reflected in the relevant official records.

3. May I remind members that in paragraph 7 of its decision 34/401 the General Assembly decided that, when the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, that is, either in the Committee or in plenary meeting, unless that delegation's vote in plenary meeting is different from its vote in the Committee. May I also remind members that, in accordance with decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

4. The Assembly will now take a decision on the draft resolution entitled "Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment", recommended by the Third Committee in paragraph 18 of its report [A/39/708].

5. The Third Committee adopted that draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 39/46).

6. The PRESIDENT: The General Assembly has just taken an important decision in adopting this Convention, which crowns the success of seven years of hard work. I wish to congratulate all concerned, on the constructive and co-operative spirit in which they approached this task. The Convention represents a major step towards creating a more humane world and I am especially pleased that the Assembly has taken this decision on this day, the thirty-sixth anniversary of the adoption of the Universal Declaration of Human Rights.

7. I shall now call on those representatives who wish to explain their position on this resolution.

8. Mr. HAMER (Netherlands): My delegation had asked to explain its position on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. We have listened with attention to your words, Mr. President, and we concur. We are extremely pleased that this resolution has been adopted by consensus. I will not use the opportunity to say more or to explain our position.

9. Mr. FERM (Sweden): The Governments of the five Nordic countries, Denmark, Finland, Iceland, Norway and my own country, Sweden, are highly gratified at the unanimous adoption of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

10. The fact that the Assembly has taken this important decision on Human Rights Day, the thirty-sixth anniversary of the adoption of the Universal Declaration of Human Rights, reminds us of the significant progress made by the United Nations in the standard-setting field. The Nordic countries hope that the unanimous adoption of this Convention will contribute to eliminating once and for all this scourge which has continued to plague mankind despite the international ban.

11. Ever since Sweden, in 1977, took the initiative to elaborate the Convention, the Nordic countries have been closely associated with this work. The road towards the Convention has been long and sometimes difficult. It is important now that the Convention enter into force as early as possible and that it be made effective by truly universal adherence.

12. I have the honour and pleasure to announce that the Nordic countries will sign the Convention as soon as it is opened for signature and take steps towards early ratification.

13. Mr. GÓMEZ-GÓMEZ (Colombia) (*interpretation from Spanish*): The effort made by the Third Committee to prepare, consider and agree on the text of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment must be applauded in the General Assembly. This has been given final approval today, for the benefit of all peoples, on a particularly important date, since it

commemorates the adoption by the United Nations 36 years ago of the Universal Declaration of Human Rights.

14. It implies a triumph of the human being's victory over brutality and violence and no opportunity should be lost to reaffirm and reiterate the lofty values that should enjoy juridical protection and be the constant concern of States and of all leaders who bear the responsibility for guiding them politically. It must not be possible in the present era, when we evoke humanism as an element of Government programmes, the letters and the arts, for anyone to repeat Nietzsche's cynical comment that "the State is the coldest of cold monsters".

15. Today we are not faced with a situation of peace or war—war which is the source of all evils for the individual. But there are various areas in the world where violence upsets the normal life of States and impairs the implementation of norms which would ensure the individual rights and social guarantees as provided for in national legislation. I am referring particularly to those countries with a juridical system that has been established in order to ensure that those individual rights and social prerogatives will be protected and where electoral legislation guarantees free and independent elections which are organized by independent institutions, thus ensuring no interference in the normal development of functions.

16. It is necessary to connect the internal situation, founded on a respectable and efficient juridical system aimed at protecting such important individual rights and social guarantees, to democratic political development and the protection of human rights.

17. The Universal Declaration of Human Rights is a noble document whose moral and political importance should be constantly emphasized because the struggle of mankind which is so widely represented in this world parliament, the universal Organization in which we are participating, must be an uninterrupted struggle and there must be constant vigilance. The task is to ensure that the dignity of man is respected and his rights protected so that he can express himself without fear or risk to his physical integrity, either orally or in writing. He should be able to express his own political convictions and he should be able to express what he basically needs and what his spiritual aspirations are within the framework of established law guaranteeing his rights.

18. Today, peace, which is the undeniable contribution that the United Nations has made, is a great force with tremendous power, and it must be used in order to ensure that peace and anti-violence will be given the importance that war and violence have been accorded in the past. In some parts of the world violence is causing grave suffering to peoples, destroying their wealth, paralysing productive activity, requiring the manufacture of subversive arms and controlling vast economic and financial resources which could be used to solve the crushing problems of peoples. These are solutions that mankind has needed since its beginning because man, either isolated individually or as part of society, has always had shortcomings, and this has meant that there are needs that require solutions. Since the most ancient times, we have seen that there must be an individual with his own aspirations but who is also part of the social nucleus. The success of these solutions will ensure that Governments are effective and that their prestige will be greater—because they must be Gov-

ernments supported by public opinion which will make it possible to ensure respect for human rights. The greatest eras of mankind occurred at times when humanism governed. The United Nations is the most appropriate forum for leaders of States to yield in their dogmatism and pre-determined ideas, because they run contrary to tolerance as tolerance is tantamount to respect for the beliefs of the individual as long as the individual has recourse to the legal provisions protecting his rights.

19. Mankind has received much from the desire for peace and justice that has been indicated by wise Governments, and there are social systems which are designed to improve man's lot. This will for peace, anti-violence and justice has given mankind much more than calculating political cunning. Albert Einstein said that international political astuteness is what, in the final analysis, engenders universal distrust, and he said that Moses was a better reformer of mankind than Machiavelli ever was. Therefore, when violence tries to replace entrenched systems or totalitarian systems which do not admit any changes in order to improve man's condition, or in order to give each and every inhabitant a legal basis on which to call for his own justice or freedom, the first victim is truth. In conditions of violence, truth is seriously violated and there are occasions when well-intentioned investigations are destroyed because of *de facto* circumstances and because rights are held in check. When there is suffering in some sectors of the population, it is necessary to be extremely objective to act as judge rather than as a party to the conflict. We must ensure that one party does not prevail over another by means of violence, when there is an attempt to kill in order to achieve power rather than to conduct oneself in a civilized fashion in order to attain power by means of the majority in an electoral process.

20. In order to preserve and to contribute to the preservation of human rights in their entire range, it is necessary to take into consideration how national juridical systems guarantee them in the framework established for this purpose. We must encourage the reform of political and social institutions. They must be modernized, they must be broadened and they must be extended to various sectors which have different views so that there can be pluralism enabling the participation of minorities in political life, of opposing forces, since unanimity is not possible among human beings. Without freedom of political organization of parties, without trade union organizations and without State statutes guaranteeing participation and suffrage among all sectors, it will not be possible to consolidate the democratic structure of a nation. In view of the violence, we have to attack two sources, and this is the lofty purpose of the United Nations, its committees and its various representatives. Here they can continue to contribute to eliminate the various causes of violence in order to protect the human rights of all inhabitants of any given country. Mediation must be pursued in political action and in a productive dialogue which will narrow differences among men. Enough can never be done to ensure that the electoral process will prevail so that legality will prevail in resolving antagonism in society—and there will be antagonism as long as man lives on earth. We must evince these values so that we shall not be prisoners of our dogmatism and so that we shall be ready to accept having our conflicts settled by means of mediation.

21. A comparative study should be undertaken of the domestic legislation of States in whose territories there are cases of violence. This would make it possible to prepare a report on how human rights are being guaranteed. Human rights should be the privilege not only of the supporters of the Government in power but, rather, of the entire population.

22. The PRESIDENT: I remind the representative of Colombia that the 10-minute limit has been reached. I therefore ask him kindly to conclude his statement.

23. Mr. GÓMEZ-GÓMEZ (Colombia): We interpret the great desire of all peoples when we consider and advocate the elimination of all forms of religious intolerance, when we contribute to the study of a convention on the rights of the child and when we discuss cruel and inhuman or degrading treatment, all of which is implicit in the body of humanitarian law establishing effective human rights for every being on Earth.

24. If we refer to rights for human beings which are established in a given geographical region, the United Nations should now renew its faith in man and his place in society, and his moral, economic and juridical status as well.

25. Mr. SCHIFTER (United States of America): Thirty-six years ago today, the General Assembly proclaimed, in article 5 of the Universal Declaration of Human Rights, that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". This clear statement has since been repeated and amplified in numerous international documents, including the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 9 December 1975 [*resolution 3452 (XXX), annex*]. These international instruments have served an important function in the struggle against torture by establishing the standard against which we can measure the behaviour of Governments and their officials.

26. From a legal and historical perspective, the process of standard-setting in this field must be counted as a significant achievement. It is no longer acceptable, in the eyes of the international community, for a Government to claim that the way it treats its own citizens is solely an internal matter if the treatment in question violates the provisions of international instruments which set human rights standards. The States Members of the United Nations can be justly proud of this positive evolution in international opinion, launched so dramatically by the adoption of the Universal Declaration of Human Rights. But the mere setting of standards, as we all know, is not enough.

27. There is ample evidence of a wide gulf between lofty words and the unacceptable practices which continue unabated in many parts of the world. One of the most flagrant continuing violations of human rights is torture, a crude violation of everything that we understand by the word "human". As long as it persists, further steps are needed to translate our words into action to eliminate this abhorrent practice.

28. Therefore, the United States was pleased to join the consensus on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which we have just adopted. The Convention is the product of seven years of arduous

negotiations in a Working Group of the Commission on Human Rights, as well as informal consultations and final revisions agreed at the present session of the General Assembly. It is a compromise text which, to our sincere regret, limits the implementation mechanism of the Convention.

29. In the final analysis, however, it is the States members of the international community which are morally responsible for implementing the existing prohibition against torture and other forms of ill treatment.

30. We hope that the Convention just adopted will help to mobilize the political will of States to end the resort to torture as an accepted practice of law enforcement agencies.

31. Mr. YEDID (Israel): My delegation has been pleased to join the consensus on the draft resolution contained in document A/39/708 on the understanding that the Convention does not supersede the 1949 Geneva Conventions¹ regarding applicability to armed conflicts.

32. Mr. RUIZ CABAÑAS (Mexico) (*interpretation from Spanish*): Pursuant to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, just adopted by the General Assembly, it is a pleasure for me to inform the Assembly that the Secretary of Foreign Relations of Mexico, in the course of his appearance before the Senate on 27 November 1984, stated, in response to a specific question, that Mexico supports the Convention against torture "... not only because it appears in the text of our Constitution itself, but also because it signifies elemental respect for human rights and for the freedom, dignity and integrity of mankind". Moreover, he stated:

"All of us consider that it is indispensable and necessary for harmonious coexistence of mankind for there to be complete respect for human rights and fundamental freedoms. Mexico, which has been an energetic advocate of these causes of human rights and fundamental freedoms in international forums, does bear the commitment of ensuring that, both domestically and externally, elemental respect for fundamental freedoms and human rights must exist."

33. Mr. YAKOVLEV (Union of Soviet Socialist Republics) (*interpretation from Russian*): On Human Rights Day, which we are celebrating today, the General Assembly has adopted the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This Day is marked by the adoption of a Convention, as well as by the adoption, on the initiative of the Third Committee, of a number of important decisions guaranteeing the right of peoples and of each individual to life, the right to fight against a State policy of *apartheid* and racism, which has been declared an international crime, and expressing condemnation of dictatorial régimes and encouragement of the struggle against the neo-Nazi practices and ideologies.

34. In marking this day, the United Nations has undertaken new efforts to oppose the most intolerable, flagrant and massive violations of fundamental human rights and freedoms which are directly linked with the imperialist policy of enslavement, racism and lawlessness.

35. On the eve of the fortieth anniversary of the victory over Hitlerite fascism, the peoples of the world will remember the Nazi jails, gas chambers

and death camps in Maidanek, Dachau, Auschwitz and Mauthausen, where millions upon millions of people were brutalized, tortured and burnt in ovens. The Convention against torture, like the important decisions I have mentioned, is designed to prevent and avert in the future any repetition of such atrocities. Today, the policies of racism and enslavement of peoples include the practice of terror, brutality and torture as a fundamental element. In the contemporary racist jails of *apartheid* and dictatorial and totalitarian régimes, the same methods and weapons of torture are used that were used by the Hitlerite butchers. The Nazi criminals, hiding from the retribution of the peoples with the help of their protectors, who are known to all, often take personal charge of the business of butchery and pass on their experience in destroying people.

36. True to our socialist ideals, the Soviet Union, like other socialist countries, is in favour of the total elimination of the shameful practice of torture and inhuman treatment, and supports the adoption by the United Nations of immediate measures to eliminate such practices and policies. In the work on the draft Convention against torture, in the course of its discussion in the Third Committee, the Soviet delegation consistently proposed intensifying and expanding the definition in the Convention of the concept of torture, so as to close any loopholes or any possibility of using torture on the pretext of various reservations.

37. The socialist countries have made great efforts to achieve constructive agreements, particularly with regard to the competence of the Committee against Torture, to be established in accordance with article 17 of the Convention, which should be consistent with the principles of the Charter of the United Nations and contemporary international law. The inclusion in the draft Convention of changes put forward by the socialist and other countries makes it possible to bring the competence of this Committee into line with the provisions of the important human rights covenants and conventions in this field. This, in the final stages, ensured unanimous approval for the draft Convention. While supporting the adoption of this compromise document, the Soviet Union opposes, and will continue to oppose, the outrageous practice of torture and those criminal régimes which resort to that practice.

AGENDA ITEM 16

Elections to fill vacancies in subsidiary organs and other elections:

- (a) Election of fifteen members of the Industrial Development Board;
- (b) Election of twenty members of the Governing Council of the United Nations Environment Programme;
- (c) Election of twelve members of the World Food Council;

- (d) Election of seven members of the Committee for Programme and Co-ordination;
- (e) Election of the members of the Board of Governors of the United Nations Special Fund for Land-locked Developing Countries;
- (f) Election of the Executive Director of the United Nations Environment Programme

38. The PRESIDENT: The Assembly will proceed first to the election of 15 members of the Industrial Development Board to replace those members whose term of office expires on 31 December 1984.

39. The 15 outgoing members are: Australia, China, Germany, Federal Republic of, Iraq, Lesotho, Liberia, Malaysia, Mexico, Panama, Sierra Leone, Spain, Turkey, the Ukrainian Soviet Socialist Republic, the United Kingdom of Great Britain and Northern Ireland and Venezuela. Those members are eligible for immediate re-election.

40. I should like to remind delegations that after 1 January 1985 the following States will still be members of the Industrial Development Board: Argentina, Austria, Belgium, Brazil, Bulgaria, Chad, Chile, Democratic Yemen, Finland, France, Ghana, Hungary, India, Indonesia, Italy, Japan, the Libyan Arab Jamahiriya, Malawi, the Netherlands, Norway, Pakistan, Peru, Romania, Rwanda, Sudan, Switzerland, Uganda, the Union of Soviet Socialist Republics, the United Arab Emirates and the United States of America. Those 30 States are therefore not eligible for election.

41. Under rule 92 of the General Assembly rules of procedure, all elections must be held by secret ballot and there shall be no nominations. May I, however, recall paragraph 16 of General Assembly decision 34/401, whereby "The practice of dispensing with the secret ballot for elections to subsidiary organs when the number of candidates corresponds to the number of seats to be filled should become standard . . . unless a delegation specifically requests a vote on a given election."

42. In the absence of such a request, may I take it that the Assembly decides to proceed to the election on that basis?

It was so decided.

43. The PRESIDENT: I shall now read the names of the candidates which have been endorsed by their respective groups.

44. For six seats from list A: China, Iraq, Ivory Coast, Lesotho, the Philippines and Sierra Leone; for five seats from list B: Australia, the Federal Republic of Germany, Spain, Turkey and the United Kingdom of Great Britain and Northern Ireland; for one seat from list D: Czechoslovakia.

45. Since the number of candidates endorsed by groups A, B and D corresponds to the number of seats to be filled in those groups, I declare those candidates elected members of the Industrial Development Board for a three-year term beginning on 1 January 1985.

46. I call on the representative of Suriname as Chairman of the Group of Latin American States.

47. Mr. GUDA (Suriname): I should like to inform the Assembly that Nicaragua has withdrawn and that the Latin American Group therefore endorses the

candidacies of Ecuador, Mexico and Venezuela for election to the Industrial Development Board.

48. The PRESIDENT: Since the number of candidates in list C now also corresponds to the number of seats to be filled, I declare Ecuador, Mexico and Venezuela elected members of the Industrial Development Board for a three-year term beginning 1 January 1985.

Australia, China, Czechoslovakia, Ecuador, Germany, Federal Republic of, Iraq, the Ivory Coast, Lesotho, Mexico, the Philippines, Sierra Leone, Spain, Turkey, the United Kingdom of Great Britain and Northern Ireland and Venezuela were elected members of the Industrial Development Board for a three-year term beginning on 1 January 1985 (decision 39/309).

49. The PRESIDENT: On behalf of the General Assembly, I congratulate the States which have been elected members of the Industrial Development Board.

50. The General Assembly will now proceed to the election of 20 members of the Governing Council of the United Nations Environment Programme to replace those members whose term of office expires on 31 December 1984.

51. The 20 outgoing members are: Afghanistan, Botswana, Burundi, the Byelorussian Soviet Socialist Republic, Canada, Colombia, Greece, Guinea, India, Jamaica, Mexico, Morocco, Oman, Poland, Senegal, Spain, Thailand, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and Uruguay. Those members are eligible for immediate re-election.

52. I should like to remind members that after 1 January 1985 the following States will still be members of the Governing Council: Algeria, Argentina, Australia, Austria, Belgium, Brazil, Cameroon, Chile, China, Finland, France, Germany, Federal Republic of, Haiti, Hungary, Indonesia, Italy, Ivory Coast, Japan, Kuwait, Lesotho, Malaysia, Nepal, Nigeria, Norway, Papua New Guinea, Peru, the Philippines, Rwanda, Saudi Arabia, Sudan, Togo, Uganda, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United States of America, Venezuela, Yugoslavia and Zaire. Therefore those 38 States are not eligible for election.

53. Under rule 92 of the rules of procedure, all elections must be held by secret ballot and there shall be no nominations. May I, however, recall paragraph 16 of General Assembly decision 34/401, which has been reproduced as annex VI to the rules of procedure, whereby "The practice of dispensing with the secret ballot for elections to subsidiary organs when the number of candidates corresponds to the number of seats to be filled should become standard . . . unless a delegation specifically requests a vote on a given election". In the absence of such a request, may I take it that the Assembly decides to proceed to the election on that basis?

It was so decided.

54. The PRESIDENT: I should like to announce that the Chairmen of the regional groups have informed me of the following candidatures which have been endorsed by their respective groups: for six seats from Africa: Botswana, Ghana, Kenya, the Libyan Arab Jamahiriya, Niger and Tunisia; for four seats from Asia: India, Jordan, Oman and Sri Lanka; for two seats from Eastern Europe: Bulgaria and Poland; for four seats from Latin America: Colom-

bia, Jamaica, Mexico and Panama; and for four seats from Western European and other States: Canada, Malta, Turkey and the United Kingdom of Great Britain and Northern Ireland.

55. Since the number of candidates from each group corresponds to the number of seats to be filled in that group, I declare those candidates elected members of the Governing Council of the United Nations Environment Programme for a three-year term beginning on 1 January 1985.

Botswana, Bulgaria, Canada, Colombia, Ghana, India, Jamaica, Jordan, Kenya, the Libyan Arab Jamahiriya, Malta, Mexico, Niger, Oman, Panama, Poland, Sri Lanka, Tunisia, Turkey and the United Kingdom of Great Britain and Northern Ireland were elected members of the Governing Council of the United Nations Environment Programme for a three-year term beginning on 1 January 1985 (decision 39/310).

56. The PRESIDENT: I congratulate all the States which have been elected members of the Governing Council of the United Nations Environment Programme.

57. The Assembly will now consider agenda item 16 (c), concerning the election of twelve members of the World Food Council. In this connection, the Assembly has before it a note by the Secretary-General [A/39/297], containing a list of the nominations by the Economic and Social Council.

58. The 12 retiring members are Botswana, Canada, China, Colombia, Gambia, Greece, India, Mexico, Thailand, the United Republic of Tanzania, the United States of America and Yugoslavia.

59. The following States have been nominated by the Economic and Social Council: three African States for three vacancies: the Ivory Coast, Kenya and Zambia; three Asian States for three vacancies: China, Sri Lanka and Thailand; three Latin American States for two vacancies: Brazil, Colombia and Mexico; one Socialist State of Eastern Europe for one vacancy—Bulgaria; three Western European or other States for three vacancies: Canada, Turkey and the United States of America.

60. I call on the representative of Colombia.

61. Mr. GÓMEZ-GÓMEZ (Colombia) (*interpretation from Spanish*): Two months ago we informed the Economic and Social Council of the withdrawal of Colombia's candidature in this election.

62. The PRESIDENT: I have to inform representatives that the Chairman of the Group of Latin American States, in a letter dated 22 October 1984, informed me that the candidatures of Brazil and Mexico have since been endorsed by that group for the two seats allocated to it on the World Food Council, and members have just heard the statement by the representative of Colombia.

63. In accordance with paragraph 16 of General Assembly decision 34/401, the Assembly may dispense with balloting when the number of States nominated from among the groups is equal to the number of seats allocated to each of those groups.

64. May I take it, therefore, that the Assembly wishes to declare those States elected members of the World Food Council for a three-year term beginning 1 January 1985?

Brazil, Bulgaria, Canada, China, Ivory Coast, Kenya, Mexico, Sri Lanka, Thailand, Turkey, the United States of America and Zambia were elected

members of the World Food Council for a three-year term beginning on 1 January 1985 (decision 39/311).

65. The PRESIDENT: On behalf of the Assembly, I wish to congratulate all the States which have been elected members of the World Food Council.

66. We shall now turn to agenda item 16 (d), concerning the election of seven members of the Committee for Programme and Co-ordination.

67. In this connection, the Assembly has before it a note by the Secretary-General [A/39/298], which contains a list of the nominations by the Economic and Social Council to fill the vacancies in the Committee which will occur as a result of the expiration on 31 December 1984 of the terms of office of the following States: Germany, Federal Republic of, the Netherlands, Pakistan, Romania, Trinidad and Tobago, the United Kingdom of Great Britain and Northern Ireland and Yugoslavia.

68. The following States have been nominated by the Economic and Social Council: three Asian States for one vacancy: Bangladesh, Iraq and Sri Lanka; two Latin American States for one vacancy: Bolivia and Trinidad and Tobago; two Socialist States of Eastern Europe for two vacancies: the Byelorussian Soviet Socialist Republic and Yugoslavia; and three Western European or other States for three vacancies: Germany, Federal Republic of, the Netherlands and the United Kingdom of Great Britain and Northern Ireland.

69. Mr. ZIADA (Iraq): As part of the consensus package agreed upon earlier by the Group of Asian States, Iraq withdrew its candidature for the Committee for Programme and Co-ordination. We would like to confirm that withdrawal of our candidature.

70. Mr. WIJEWARDANE (Sri Lanka): Although the Economic and Social Council nominated Sri Lanka to the Committee for Programme and Co-ordination, as indicated in document A/39/298, my delegation decided in a spirit of co-operation and compromise to abide by the decision of the Group of Asian States to endorse Bangladesh's candidature to fill the Asian vacancy on the Committee for Programme and Co-ordination. Sri Lanka therefore wishes to withdraw its candidature.

71. The PRESIDENT: I should like to inform representatives that the Chairman of the Group of Asian States, in a letter dated 22 October 1984, informed me that Bangladesh was the candidate chosen by consensus for the one seat allocated to that group on the Committee for Programme and Co-ordination. In that regard, members of the Assembly have just heard statements by the representatives of Iraq and Sri Lanka.

72. I call on the representative of Suriname, in his capacity as Chairman of the Group of Latin American States.

73. Mr. GUDA (Suriname): I have the honour to inform the Assembly that Bolivia has withdrawn as a candidate for the Committee for Programme and Co-ordination, and that therefore we have only one endorsed candidate, that is, Trinidad and Tobago.

74. Mrs. ASHTON (Bolivia) (*interpretation from Spanish*): My delegation simply wishes to confirm what the Chairman of the Latin American Group has said, that Bolivia, for the sake of the unity of the group, has decided to withdraw its candidature for the Committee for Programme and Co-ordination.

75. The PRESIDENT: The number of States nominated by the Group of Asian States, the Group of Socialist States of Eastern Europe, the Group of Western European and other States and the Group of Latin American States corresponds to the number of seats allocated to each of those Groups.

76. In accordance with paragraph 16 of General Assembly decision 34/401, I take it that the Assembly wishes to declare those States elected members of the Committee for Programme and Co-ordination for a three-year term beginning on 1 January 1985.

Bangladesh, the Byelorussian Soviet Socialist Republic, Germany, Federal Republic of, the Netherlands, Trinidad and Tobago, the United Kingdom of Great Britain and Northern Ireland and Yugoslavia were elected members of the Committee for Programme and Co-ordination for a three-year term beginning on 1 January 1985 (decision 39/312).

77. The PRESIDENT: I congratulate the States which have been elected members of the Committee for Programme and Co-ordination.

78. The Assembly will now turn its attention to agenda item 16 (e), which concerns the election of the members of the Board of Governors of the United Nations Special Fund for Land-locked Developing Countries.

79. Since no candidate has been put forward, I suggest that the General Assembly decide to defer until its fortieth session the election of the members of the Board of Governors of the United Nations Special Fund for Land-locked Developing Countries. If I hear no objection, I shall take it that such is the wish of the Assembly.

It was so decided (decision 39/313).

80. The PRESIDENT: I invite members to turn their attention to the note by the Secretary-General dealing with the election of the Executive Director of the United Nations Environment Programme [A/39/799]. In this note, the Secretary-General informs the General Assembly that he proposes to nominate Mr. Mostafa Kamal Tolba to be Executive Director of the United Nations Environment Programme for a further four-year term beginning on 1 January 1985.

81. May I take it that the General Assembly wishes to elect Mr. Mostafa Kamal Tolba Executive Director of the United Nations Environment Programme for a four-year term beginning on 1 January 1985, as recommended by the Secretary-General?

It was so decided (decision 39/314).

AGENDA ITEM 17

Appointments to fill vacancies in subsidiary organs and other appointments (*continued*):*

(b) Confirmation of the appointment of the executive director of the United Nations Industrial Development Organization;

(k) Confirmation of the appointment of the Executive Director of the United Nations Special Fund for Land-locked Developing Countries

82. The PRESIDENT: I invite members of the Assembly to turn to the note by the Secretary-General

*Resumed from the 3rd meeting.

al on agenda item 17 (h) [A/39/800], in which he proposes to reappoint Mr. Abd-El Rahman Khane as Executive Director of the United Nations Industrial Development Organization for a further period of two years ending on 31 December 1986, or until the date on which the Director-General of the new United Nations Industrial Development Organization assumes office, whichever is the earlier. May I take it that the General Assembly wishes to confirm that appointment?

It was so decided (decision 39/315).

83. The PRESIDENT: I call on the representative of the United States, who wishes to explain its position.

84. Mr. KEYES (United States of America): My delegation simply wishes to state that we have acquiesced in the appointment proposed by the Secretary-General in his note in the interest of an expeditious transition of the United Nations Industrial Development Organization into a specialized agency, and we hope that this process of transition will proceed to a conclusion with the briefest possible delay. However, our acquiescence should in no way be taken as prejudicing our choice of the permanent Executive Director of the United Nations Industrial Development Organization once that transition is concluded.

85. The PRESIDENT: The Assembly will now turn its attention to agenda item 17 (k).

86. In his note relating to the confirmation of the appointment of the Executive Director of the United Nations Special Fund for Land-locked Developing Countries [A/39/798], the Secretary-General states that he is not submitting an appointment for confirmation by the General Assembly. May I take it that the General Assembly decides to take note of the information contained in the note by the Secretary-General?

It was so decided (decision 39/316).

AGENDA ITEM 30

Co-operation between the United Nations and the Asian-African Legal Consultative Committee: report of the Secretary-General

87. The PRESIDENT: I now call on the Secretary-General of the Asian-African Legal Consultative Committee, Mr. B. Sen, in accordance with General Assembly resolution 35/2 of 13 October 1980.

88. Mr. SEN (Secretary-General of the Asian-African Legal Consultative Committee): Sir, please allow me, on behalf of the Asian-African Legal Consultative Committee, to offer our warmest felicitations to you on your election to the high office of President of the General Assembly. We are fully aware of the outstanding role of your country in the cause of Afro-Asian solidarity and the leadership you have yourself provided in the efforts of the United Nations in so many areas, particularly in the struggle against *apartheid*.

89. It is barely three years since the General Assembly, by its resolution 36/38, adopted on the occasion of the commemoration of the twenty-fifth anniversary of the Asian-African Legal Consultative Committee, requested the Secretary-General of the United Nations to carry out consultations with the Secretary-General of the Asian-African Legal Consultative

Committee with a view to further strengthening the co-operation between the two organizations and widening the scope of such co-operation. The report [A/39/565] presented by the Secretary-General at the present session amply bears out the progress that we have already achieved within this short time span. This satisfactory outcome is no doubt due to the significance that our member Governments attach to the Committee's role in support of the work of the United Nations; but equally important has been the active interest that the Secretary-General of the United Nations has taken in promoting co-operation in wider areas between the United Nations and our organization.

90. The areas of co-operation between our organization and the United Nations and its various organs and agencies have over the years covered extensive fields, including law, economic relations, the environment, the problem of refugees, resources of the ocean and outer space. Some of the substantive issues included in our work programme, whether by way of reference from member Governments or that were taken up by the Committee as being matters of common concern, relate to items of ongoing work of the United Nations and thus contribute to better understanding and progress of the work of the United Nations in important areas. In addition, we have undertaken specific programmes and initiatives to assist our member Governments in their participation in the work of the United Nations, to promote wider acceptance of the treaties and conventions adopted under United Nations auspices and to enhance the role of the International Court of Justice.

91. One specific area of special interest to our organization has been the work of the Sixth Committee. At the suggestion of several of our member Governments, we have during the past three years undertaken the task of preparing notes and comments on the major agenda items of the General Assembly relative to the work of the Sixth Committee and have endeavoured to arrange for informal exchanges of views within our membership on such issues. In this process, we felt convinced that continued consultations between interested delegations on the complex and intricate issues that are dealt with in the Sixth Committee were necessary for the meaningful progress of work in that forum, and that time had to be found for in-depth discussion in the Sixth Committee of those items which were in the final stages of consideration and those that related to progressive development and codification. This, it was felt, might become feasible by a rationalization of the work schedule of the Sixth Committee.

92. At a meeting of legal advisers of our member States held in November last year, some collective thinking and reflection was focused on these questions, and an informal paper was prepared containing various suggestions that had been put forward in the meeting. The ideas contained in the paper were of a preliminary nature and were advanced simply to generate discussion among interested delegations. One of the objectives behind the suggestions contained in the paper was to find ways and means to avoid the almost automatic repetition of some of the agenda items and debates, which the Secretary-General of the United Nations in his report on the work of the Organization [A/39/1] had occasion to describe as expensive, time-consuming and ineffective in terms of practical results. The informal paper was circulated as a document of the Sixth Committee

[A/C.6/38/8] at the request of 64 delegations, in order to facilitate further consultations, which were carried out at an informal level in April this year, during the meeting of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and also at the beginning of the present session of the General Assembly. It was felt that the ideas contained in the paper could be tried out gradually in the work of the Sixth Committee, and we were gratified to note the careful consideration the informal paper received from the Chairman and the other members of the Sixth Committee.

93. In our work in support of the United Nations we have attached a great deal of importance to the working out of the framework and modalities through which States could reap benefits in practical terms from the norms and practices recognized in the United Nations Convention on the Law of the Sea, particularly with regard to optimum utilization of the resources of the oceans, both living and non-living. Our organization was closely involved in the process of negotiations on the law of the sea for more than a decade, and we regard the conclusion of the Convention as an outstanding achievement of the United Nations in an area where principles of international law, economic interests of nations and political realities are so inextricably interwoven. Many nations had looked forward to the new order of the oceans to meet their goals and aspirations for betterment of the living conditions of their people through access to the vast resources of the oceans, and it is in this area that efforts may now need to be made to translate the norms into reality.

94. The work of the Preparatory Commission for the International Sea-Bed Authority, to be located in Jamaica, is of great significance in spelling out the principles of common heritage over the resources of the deep sea-bed. Our organization is participating in that work and has presented papers for consideration of the Special Commission on the Enterprise. At the same time, we feel that efforts are needed to assist developing countries to reap maximum benefits from the resources that have now been brought within national jurisdictions. Even before the adoption of the Convention, some of the United Nations agencies had already drawn up plans and programmes for conservation and management of the living resources and had also taken steps towards promoting better knowledge about non-living resources that could be exploited with advantage.

95. We have felt in the course of our study on the economic, scientific and technical co-operation in the use of the Indian Ocean, which we undertook at the initiative of the Government of Sri Lanka, that if the programmes undertaken or proposed to be undertaken by the various United Nations agencies could be properly co-ordinated with the needed support and inputs by Governments, a great deal of progress could be expected towards optimum utilization of such resources. There might still be some areas which would need to be tackled through regional co-operation or national efforts, but the areas where such efforts would be productive could best be identified after due appreciation of the plans and programmes undertaken by the United Nations agencies themselves. I am happy to be able to report that our process of thinking has already found some support, and we have had the benefit of consultations with the United Nations offices and agencies concerned at an

informal meeting held here at the end of September this year.

96. I should perhaps mention that the concept of regional or subregional co-operation for reaping the benefits from the resources of the oceans in an orderly manner is rapidly gaining ground in our region. For example, a subregional grouping between a number of island States, including Mauritius, Seychelles and Reunion, has already come into existence, and the Government of Sri Lanka is actively pursuing the idea of convening a conference of a group of States bordering the Indian Ocean. But even in the field of regional co-operation, a great deal of assistance and advice will be needed from the United Nations agencies. To promote national capabilities and expertise, assistance may also be needed for preparation of legal instruments in consonance with the provisions of the Convention, and perhaps also in finding matching partners for joint venture projects. We on our part have now prepared a model of legislation relating to fishery resources in the Exclusive Economic Zone; this model has been widely distributed. We have also prepared a model of an agreement for fishing by foreign nationals, as well as two models of possible joint ventures; but much more still needs to be done in co-operation with the appropriate offices and agencies of the United Nations.

97. Our organization has also been engaged for some years towards assisting in the process of international economic co-operation for development. Soon after the eleventh special session of the General Assembly, which was held from 25 August to 15 September 1980, a Ministerial Meeting on Regional Co-operation in Industry, held in Kuala Lumpur on 8 and 9 December 1980, recommended that our organization should co-ordinate the formation of an open-ended informal group of technical experts in the legal and economic fields for rendering assistance to Governments on technical aspects of issues that could be the subject matter of global negotiations. We had looked forward to the launching of global negotiations, in the expectation that the two-phased approach, as worked out at the Seventh Conference of Heads of State or Government of Non-Aligned Countries, held at New Delhi in March 1983, and at the Ministerial Meeting of the Group of 77 held at Buenos Aires in April 1983 would be a realistic move towards a breakthrough. We sincerely believe that negotiations on a wide range of interrelated issues at a global level would be the best means of ensuring long-term stability in the world economic system and accelerating the economic growth of developing nations. At the same time, taking into account that the process of economic co-operation is neither an abstract nor a static concept, reflecting as it must the growing interdependence of nations, we have felt it necessary to embark on certain areas of work that could promote, encourage and strengthen that ongoing process.

98. Recognizing the fact that any form of co-operation in the economic field must necessarily depend on the mutual interests of nations, whether developed or developing, we consider it important to bring about sufficient awareness of the need for adoption of new strategies for the 1980s which could promote a concept of partnership between the North and the South, as well as between the countries of the South *inter se*—a partnership that would be equitable and beneficial to both sides and that could relate to the

traditional industrial sectors and to new areas such as economic wealth in the Exclusive Economic Zone. It would be unrealistic in the present context to conceive of trading and investments without some benefits being imparted to the country of investment in a tangible fashion. It would be equally unrealistic to expect a flow of investments without ensuring adequate protection, whether such investments emanate from a developed or developing country. To this end, we are continuing our efforts towards improvement of the climate for investments through model bilateral agreements for promotion and protection of investments, adoption of an integrated scheme for settlement of economic and commercial disputes and preparation of a framework and guidelines for joint ventures.

99. By way of another initiative, we have decided to sponsor an informal meeting in New York this week which will bring together a selected group of participants at the senior level, drawn from our member Governments, with representatives of trade, industry and banking, including specialized institutions and United Nations agencies. The purpose of the meeting would be to identify possible sectors of investments where the concept of partnership could be promoted, types of co-operative arrangements or joint ventures that might be appropriate, and the financing of investments; also to spell out the essential factors conducive to investments, such as the protection of investments, investment incentives and modalities for settlement of disputes. We hope to plan similar meetings in the future, and we look to the United Nations offices and agencies for their continued support.

100. As a supportive step to the United Nations programmes for development in Africa, our organization, in association with the Government of Egypt, wishes to sponsor a meeting in Cairo in March next year at the senior official level to discuss the framework for bilateral co-operation in economic development between the countries of the region through the harnessing of their resources. The meeting would also consider the concrete framework needed to attract a wider flow of investments in mining and development sectors.

101. The Secretary-General, in his report on the work of the Organization [*ibid.*], has drawn attention to the important work that was being done by the United Nations in the humanitarian field, including the problem of refugees. Our organization initiated a study on the subject in co-operation with UNHCR as early as 1964, which culminated in the adoption of a set of principles known as the Bangkok Principles, 1966. The Bangkok Principles largely contributed to the adoption of the Declaration on Territorial Asylum [*resolution 2312 (XXII)*] in 1967. Further work in this area was continued in subsequent years, which resulted in the preparation of an addendum to the Bangkok Principles as well as the adoption in 1969 of a resolution on Palestinian refugees. At our Tokyo session, held last year, we decided to take up the subject once again at the suggestion of the United Nations High Commissioner for Refugees, and a preliminary study on the principle of burden-sharing will be presented at our Katmandu session in February 1985. The main purpose of the study would be to assist the efforts of the High Commissioner in the humanitarian task of dealing with the problems of refugees by incorporation of the norms and practices that have gradually emerged into a set of legal

principles for application in the practices of States. We may also examine in due course matters relating to "International co-operation to avert the flow of refugees" in the context of General Assembly resolution 37/121.

102. I have tried to give an account of the background of our thinking in respect of some of the important items mentioned in the Secretary-General's report on co-operation between the United Nations and the Asian-African Legal Consultative Committee. It would be our endeavour to continue the process of active co-operation as called for by General Assembly resolution 36/38 so as to ensure that our potentials are at the disposal of the United Nations when it deals with major issues in the fields of law and economic relations, as well as other areas within our competence.

103. In a few days the new year will be ushered in, which will be the fortieth anniversary year of the United Nations—a time for reflection on what we have achieved and what more can be achieved in realizing the goals and ideals of the universal Organization. The year 1985 will also mark the thirtieth anniversary of the historic Conference of Afro-Asiatic Countries, held at Bandung in 1955, out of which our organization had emerged. That Conference had also given the impetus for the Movement of Non-Aligned Countries, embracing as it does as many as 103 nations from all parts of the globe. The fortieth anniversary of the United Nations will call for the harnessing of our energies and resources in support of the United Nations, to set in motion an era of peace and economic co-operation among nations for development. In this endeavour, we will sadly miss the guiding hand of Mrs. Indira Gandhi, the late Prime Minister of India and the Chairperson of the Movement of Non-Aligned Countries. We deeply mourn her loss and pay our humble homage to the memory of the departed soul.

104. The PRESIDENT: I call now on the representative of Japan to introduce draft resolution A/39/L.34 and Add.1.

105. Mr. KURODA (Japan): I should like first of all to thank Mr. Sen, the Secretary-General of the Asian-African Legal Consultative Committee, for his useful introductory statement which I listened to with great interest. I am also grateful to the Secretary-General of the United Nations for his informative report on co-operation between the United Nations and the Asian-African Legal Consultative Committee [A/39/565].

106. As one of its founding members, Japan attaches great importance to the work of the Asian-African Legal Consultative Committee. Established in 1956 for the study of legal and technical questions common to Asia and Africa, the Committee has since become a major forum for Asian-African co-operation in legal matters. Gradually orienting its activities to complement the work of the United Nations at the regional level, the Committee was accorded observer status with the United Nations during the thirty-fifth session of the General Assembly [*resolution 35/2*]. Its membership has grown from the original seven States to 40 States from the two continents, reflecting both the expansion of its activities and the spirit of co-operation among the Committee's members, as well as the untiring efforts of the Secretariat.

107. I should like to pay particular tribute to Mr. Sen, who has faithfully served as the Committee's Secretary-General ever since it was created. Indeed, the steady development of the Committee is in large part traceable to his unflagging enthusiasm and purposeful leadership, which have been a source of encouragement to each of the Committee's members.

108. I wish to take this opportunity to pay tribute also to the late Mr. Soeleimar H. Tajibnapis, who was the Permanent Observer of the Asian-African Legal Consultative Committee to the United Nations. Until his untimely death last summer, Mr. Tajibnapis worked tirelessly for the Committee, particularly in advancing its co-operation with the United Nations. He will long be remembered for the valuable contribution he made to the work of the Committee.

109. In providing a forum for the free exchange of views and the discussion of common legal problems among experts from Asian and African countries having diverse economic and social systems, the Committee continues to contribute to the deepening of understanding and the promotion of friendly relations among countries in the two regions. But interest in the Committee extends beyond Asia and Africa, as evidenced by the increasing number of observers from countries on other continents which attend the regular sessions of the Committee. In fact, more than 30 such countries participated in the latest session, which was held in May 1983 at Tokyo.

110. Through its co-operation with the various bodies of the United Nations, the Asian-African Legal Consultative Committee has clearly contributed to the promotion of peace and prosperity not only in the Asian-African region but throughout the international community as a whole. In addition to conducting regular consultations with the relevant United Nations bodies, during the past year the Committee organized joint seminars with the United Nations Commission on International Trade Law, as well as meetings between legal advisers and Sixth Committee representatives to discuss various matters falling within the competence of the Committee. The Committee has also been actively promoting wider acceptance and ratification of multilateral treaties concluded under the auspices of the United Nations. It is also undertaking studies for the promotion of a wider use of the International Court of Justice by Asian-African countries.

111. These are just some areas in which the Asian-African Legal Consultative Committee and the United Nations are working together to pursue common goals and to strengthen co-operation on legal matters of common concern.

112. We are convinced that the ever-deepening relations of co-operation between the Asian-African Legal Consultative Committee and the world Organization will greatly benefit the countries of Asia and Africa and, indeed, countries throughout the international community.

113. Accordingly, on behalf of all the sponsors, I have great pleasure in introducing draft resolution A/39/L.34 and Add.1, which I recommend that the General Assembly adopt by consensus.

114. Mr. PEMMARAJU (India): It is with great interest and appreciation that we read the report of the Secretary-General on the work of the Organization and heard the statement made by the Secretary-General of the Asian-African Legal Consultative Committee on the ongoing co-operation between the

United Nations and the Committee. It is a matter of pleasure and pride for us members of the Committee to see and to contribute to the growing work and importance of the Committee in various areas of international law. Its work covers not only highly important and technical fields of international law, such as the law of treaties, commercial arbitration and judicial assistance, but also extends to such vital areas of interest to the international community as the environment, outer space, optimum utilization of ocean space and its resources, international trade and economic relations. Over the years, the Committee has also made, and continues to make, significant contributions to the humanitarian aspects of law, including the law of refugees.

115. Thanks to the imaginative leadership provided by Mr. Sen, Secretary-General of the Asian-African Legal Consultative Committee, and the dedicated efforts of a small but highly competent staff, the Committee has grown not only as a respectable body providing reports and analysis on contemporary issues, but also as a significant forum for the exchange of views and the articulation of common interests. The meetings sponsored by the Asian-African Legal Consultative Committee—be they annual sessions or other inter-sessional meetings on specialized topics and seminars—are attended not only by members of the Asian-African Legal Consultative Committee, which now includes 40 States, but also by several other States from all parts and regions of the world, representatives of the United Nations, its specialized agencies, representatives of the International Court of Justice, the International Law Commission and the United Nations Commission on International Trade Law. Such wide and distinguished participation in the work of the Committee is indeed an indication of the measure of the value attached by the international community to the Asian-African Legal Consultative Committee as a forum for exchange and harmonization of views. In this connection, we have no doubt that the next annual meeting of the Committee, scheduled to be held in Katmandu, will be a success, as was its session in Tokyo in 1983. The agenda for that meeting promises a rich fare on matters of current interest and of practical significance, not only to members of the Asian-African Legal Consultative Committee but also to the Members of the United Nations in general.

116. As the reports of the Secretaries-General of the United Nations and the Asian-African Legal Consultative Committee have made very clear, the work and activities undertaken by the Committee are closely co-ordinated to promote objectives and matters of specific interest to the United Nations. The Committee effectively participates as an observer in the work of the United Nations, particularly during the sessions of the General Assembly. Its contribution to the work of the Sixth Committee, in particular, deserves special mention. In the last three years, since it has been admitted as an observer, the Committee has been able not only to help its member States with notes, memoranda and briefs on various agenda items before the Sixth Committee but was also able to recommend a number of ideas for rationalization of the procedures of the work of the Sixth Committee. In this connection, the informal meetings organized by the Committee involving legal advisers of the member States of the Committee and attended also by several other representatives as

observers, last year proved very timely and yielded an excellent and frank exchange of views which were welcomed by the Sixth Committee.

117. This year the Committee has taken yet another positive and innovative initiative to promote the broader goals of the global negotiations in a concrete manner by organizing three-day informal consultations in New York between the representatives of the member Governments of the Committee and representatives of trade, industry and banking, which are also to be attended by United Nations specialized agencies and other institutions. The informal atmosphere expected at this meeting on global economic partnership, preceded by a careful preparation by the Committee, will help us consider various ideas on joint ventures, experience of foreign investment in traditional sectors as well as new areas, a framework for investment, conditions for investment and mode of financing, control, management, modalities for settlement of disputes, and of course, the most important problem of debt crisis.

118. We are confident that the mutually advantageous co-operation that exists between the United Nations and the Asian-African Legal Consultative Committee will continue to expand to the benefit of the international community. Such co-operation is

essential and will surely serve the cause of world peace and order, based on respect for international law and justice. Accordingly, as a sponsor of draft resolution A/39/L.34 and Add.1, and like the representative of Japan, we commend it to the General Assembly for adoption by consensus.

119. May I conclude my statement by paying our humble homage to Mr. Tajibnapi, in whose death we have lost a friend, a diplomat and a tireless worker for the cause of the Asian-African Legal Consultative Committee.

120. The PRESIDENT: I wish to inform Members that Senegal has also become a sponsor of the draft resolution.

121. May I take it that the General Assembly wishes to adopt draft resolution A/39/L.34 Add.1?

The draft resolution was adopted (resolution 39/47).

The meeting rose at 5.05 p.m.

NOTES

¹United Nations, *Treaty Series*, vol. 75, Nos. 970-973.