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Chairman: Mr. Erik NETTEL (Austria).

AGENDA ITEM 62

International Year for Human Rights (*continued*)
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(a) Measures and activities undertaken in connexion
with the International Year for Human Rights:
report of the Secretary-General;

(b) International Conference on Human Rights

CONSIDERATION OF DRAFT RESOLUTION
A/C.3/L.1626 AND ADD.1 (*continued*)

1. Miss TAYLOR (Sierre Leone) said that, after carefully studying the draft resolution (A/C.3/L.1626 and Add.1), her delegation had concluded that it was not strictly humanitarian in character and had certain political overtones. A strictly humanitarian text would have had to cover, for instance, the situation of the Jews in Arab countries. In her view, such a resolution would only impede the efforts of the Secretary-General, his representative and the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to achieve a lasting peace in the Middle East. The problem was highly complex and required full and unstinting co-operation with the Secretary-General. Much more could be achieved if the question of human rights in the Middle East were approached in a more constructive spirit. For those reasons, her delegation would be unable to support the draft resolution.

2. Mrs. PICKER (United States of America) said that her Government had repeatedly spoken out, clearly and publicly, in support of respect for human rights in occupied areas in the Middle East. In particular, the United States had urged the Government of Israel, with respect to its actions in the occupied territories,

to fulfil its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949.^{1/} In addition, it continued to consider Israel a military occupant, subject to all of the obligations of a State in such a position.

3. Her delegation believed that the United Nations should concern itself with the fate of all those who had suffered in the conflict, and supported an approach to that issue on the basis of Security Council resolution 237 (1967). However, it did not believe, that draft resolution A/C.3/L.1626 and Add.1 would further the implementation of that resolution.

4. It was clear that violations of human rights in the Middle East—which must have occurred on both sides—could be eliminated only by a just and lasting settlement of the dispute which had given rise to them. To that end, the Secretary-General had appointed a Special Representative, whose efforts deserved all the support they could be given. The only way of securing human rights in the area was the restoration of peace, which meant, in the case in question, acceptance of the territorial integrity of all States in the area. The Committee knew full well that the problem was a very complex one, in which the humanitarian factors could not be separated from the political factors. Where the humanitarian aspect of the question was concerned, her delegation believed that other, more effective instruments than the draft resolution before the Committee had been formulated. The United States had voted in favour of Security Council resolution 237 (1967) and General Assembly resolution 2252 (ES-V), and supported full implementation of those resolutions in the firm belief that any examination that was conducted should be into the fate of all those, without exception, who had suffered as a result of the conflict. In its opinion, that was the just and reasonable approach, rather than the one taken in the draft resolution, which was limited to the population of the areas occupied by Israel forces.

5. Again, although her delegation sympathized fully with the principle that the inhabitants who had fled the area of military operations had the right to return to their homes, it believed that other, more appropriate instruments had been adopted to give expression to it. Not only had the Security Council and the General Assembly adopted resolutions on the subject, but the Special Political Committee was considering the problem at that very time.

6. For all those reasons, her delegation would vote against the draft resolution. She wished to reiterate that the opposition of the United States to the draft resolution did not indicate that it believed there was no problem or that it was unconcerned about it. It

^{1/} United Nations, *Treaty Series*, vol. 75 (1950), No. 973.

meant only that it disagreed with that approach, which it considered unbalanced and, consequently, unlikely to be effective.

7. Mrs. LAWSON (Togo) congratulated the organizers of the Teheran Conference and said she was glad that the results of the Conference were reflected in resolutions of an undeniably humanitarian character. Togo had been a sponsor of draft resolution A/C.3/L.1623/Rev.1 and would give its full support to other draft resolutions which had been submitted. It had reservations, however, about draft resolution A/C.3/L.1626 and Add.1 and would therefore abstain in the vote, not because it was indifferent to the problem, but because it believed that the parties to the conflict could find common ground for a solution, if they displayed the necessary goodwill.

8. Mr. GLINNE (Belgium) said that he appreciated and shared the concern of the sponsors of the draft resolution about the treatment accorded to the population of the territories occupied by Israel. The reference to certain principles in the preamble of the draft resolution was most appropriate and his delegation would have no difficulty in supporting them, since it had recently co-sponsored a text which had also reflected its desire to ensure that those principles of international law were strictly observed on all occasions. Nevertheless, those same humanitarian principles had already been the subject of Security Council resolutions 237 (1967) and 259 (1968); in addition, the General Assembly, in its resolution 2252 (ES-V), had recommended that the Secretary-General should dispatch a mission similar to the one specifically mentioned in the draft resolution under consideration. For those reasons, his delegation thought that the draft resolution might complicate the task entrusted to the Secretary-General and affect the efforts being made by Ambassador Jarring, which for the time being seemed to be the best way of keeping the peace in the Middle East and laying the foundations for a just and lasting settlement. He therefore regretted that he would be unable to vote for the draft resolution.

9. Mr. PAOLINI (France) said that draft resolution A/C.3/L.1626 and Add.1 dealt with a question of concern to the whole Organization. The Security Council and the General Assembly had adopted a number of resolutions relating to the situation of the inhabitants of the occupied territories. The Special Political Committee was currently engaged in a study of the question. It was thus right and natural that the Third Committee should also concern itself with that distressing problem, at least from the purely humanitarian viewpoint.

10. The French delegation had always spoken, in the appropriate organs of the United Nations, in favour of resolutions and recommendations designed to improve the lot of the civilian population, who were the innocent victims of the conflict. Nevertheless, at the Teheran Conference, it had not been able to vote for the resolution on human rights in the occupied Arab territories because, in its view, the resolution had not taken into account the limited terms of reference of the Conference or the jurisdictional rules which the Charter itself had laid down for the various organs of the United Nations, and first and foremost, the Security Council. For that reason, it had not been possible at

Teheran to decide on the establishment of a fact-finding committee, the Secretary-General having appointed a new Special Representative to deal precisely with the humanitarian aspects of the question and to prepare a report on the treatment of civilians in the area.

11. Unfortunately, his delegation was in the same position with regard to draft resolution A/C.3/L.1626 and Add.1. It was true that the text made no condemnations and even avoided using the word "violation" of human rights. Nevertheless, the legal difficulties were still the same or perhaps greater, because, since the Teheran Conference, the Security Council had adopted resolution 259 (1968), proposing that a representative of the Secretary-General should be sent to the occupied territories to investigate the situation of the inhabitants of the area. In that connexion, it should be remembered that Article 12 of the United Nations Charter prohibited the General Assembly from making recommendations on a matter which was being dealt with by the Security Council. From a practical point of view, it was obvious that, if the General Assembly adopted a decision different from that of the Security Council, it would be injecting an entirely improper element of confusion into the issue.

12. His delegation therefore hoped that the sponsors of the draft resolution would accede to the Italian representative's request and change the operative part of the draft resolution to bring it into line with the decision of the Security Council or, if they failed to do so, that Italy would submit a formal amendment to that effect. Otherwise, France would be obliged to vote against the draft resolution. Lastly, he expressed the hope that the text ultimately arrived at would command a substantial majority of votes, in view of its essentially humanitarian character.

13. Mr. KACHURENKO (Ukrainian Soviet Socialist Republic) welcomed the efforts of the sponsors to give effect to one of the recommendations of the Teheran Conference. Apart from the political aspects of the question, the objections to draft resolution A/C.3/L.1626 and Add.1 could be reduced to a single point, namely, that it was not humanitarian in character. That allegation was wholly unfounded. No one could say that the United Nations Charter and the Universal Declaration of Human Rights, which were referred to in the first preambular paragraph of the draft resolution, were not of a humanitarian character. The Geneva Convention, referred to in the second preambular paragraph, related precisely to the protection of civilian persons in time of war. The third preambular paragraph recalled the resolutions of the Security Council, the General Assembly and the Economic and Social Council that referred specifically to the situation of the population in the occupied territories. Later there were references to the telegram dispatched by the Commission on Human Rights to the Government of Israel, to Security Council resolution 259 (1968) and to resolution I of the Teheran Conference, all of which in one way or another reflected the general concern for the welfare of the population of the territories under military occupation by Israel.

14. Furthermore, the operative part of the draft resolution proposed specific measures for implement-

ing resolution I of the Teheran Conference. It was not the first time that the establishment of a committee to investigate a given situation had been proposed. The representative of Israel had said that such a committee was unnecessary, since the rights of the Arab population in the occupied territories had not been violated. He failed to understand why, in that case, Israel should oppose the establishment of the committee. Since the investigation would be carried out in the occupied territories, it could not be regarded as interference in the internal affairs of Israel.

15. Some delegations had said that the Third Committee was not competent to deal with the question which was currently before the Special Political Committee. It had also been claimed that the Third Committee was contravening Article 12 of the United Nations Charter by taking up a question currently being considered by the Security Council. However, that was obviously not so; for, as indicated in the preamble, the question was being dealt with simultaneously by various United Nations organs.

16. In her statement, the United States representative had described the draft resolution as "unbalanced"; that criticism was very vague and imprecise. On 8 March 1968, the United States Department of State had declared that Israel should respect the provisions of the Geneva Convention and the relevant resolutions of the United Nations in the occupied territories. He did not understand, therefore, why the United States should now vote against the draft resolution.

17. Mr. CALOVSKI (Yugoslavia) said that like many other delegations, his delegation, which was one of the sponsors of draft resolution A/C.3/L.1626 and Add.1, had pointed out in the general debate that during the current International Year for Human Rights violation of human rights and fundamental freedoms was continuing; one of the areas where that situation had become most serious was the territories in the Middle East occupied by Israel. More than 350,000 new refugees from southern Syria, the West Bank of the Jordan, Gaza and Sinai had been forced to leave their homes for the camps of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, while 175,000 former refugees had been compelled to abandon their temporary shelter for the second time. The report of the Commissioner-General of the Agency gave a clear account of the tragic sufferings of the Palestine refugees and of the so-called "newly displaced persons". At the Teheran Conference many speakers had referred to the violation of human rights and the difficult situation in which the population of the occupied territories had found themselves, and the Conference had adopted a resolution similar to the draft resolution now under discussion. The sole aim of the draft resolution was to put an end to the sufferings of those unfortunate people, and it should therefore be adopted unanimously by the Committee.

18. Mrs. CONDE (Guinea) said that draft resolution A/C.3/L.1626 and Add.1 embodied the guidelines laid down in resolution I adopted at Teheran by the International Conference on Human Rights. During the current International Year for Human Rights, the Committee was in duty bound to aid those whose human rights were being threatened. Consequently, the establishment of a special committee to investigate Israeli

practices affecting the human rights of the population of the occupied territories was a matter of urgency, and the draft resolution proposing that measure should be adopted unanimously.

19. Miss KHUHRO (Pakistan) said it had been established beyond a shadow of doubt that violations of human rights had occurred in the territories occupied by Israel. Although the over-all problem was undeniably of a political nature, draft resolution A/C.3/L.1626 and Add.1 was concerned only with the humanitarian aspects of the situation. The representative of Israel, however, in her statement at the 1631st meeting, had referred solely to political questions, and had described the circumstances of the population in the occupied territories in optimistic terms. If that description was true, the Government of Israel should have no objection whatever to receiving the special committee, the establishment of which was proposed in the draft resolution, and she urged the Third Committee to adopt it unanimously.

20. Mr. NASINOVSKY (Union of Soviet Socialist Republics) said that his delegation supported draft resolution A/C.3/L.1626 and Add.1 and would vote for it, even though it was weak, especially when compared with resolution I adopted at the Teheran Conference on respect for and implementation of human rights in occupied territories. To some degree, the draft resolution represented a backward step and a weakening of the premises of the Teheran resolution. He suggested to the sponsors that operative paragraph 4 should specify that the special committee should submit a report on its activities to the Secretary-General for transmittal to the competent organs of the United Nations.

21. With respect to the objections raised against the draft resolution, he did not understand how it could be described as unbalanced, when its sole aim was to study the problem of the Arab civilian population in the territories occupied by Israel. If any Arab State had occupied part of Israel's territory, it would have been appropriate to speak of violations on both sides and there would have been some point in seeking a balance, but that was not the case, and such objections were merely an excuse for voting against a draft resolution of a humanitarian character and perpetuating the violation of human rights in the territories occupied by Israel.

22. Mr. ABOUL-NASR (United Arab Republic) moved the closure of the debate on draft resolution A/C.3/L.1626 and Add.1 and requested a roll-call vote on it.

23. Mrs. PICKER (United States of America) and Mr. RIOS (Panama) opposed the closure of debate before the list of speakers had been exhausted.

The motion was adopted by 51 votes to 39, with 14 abstentions.

24. After a procedural debate in which Mrs. WARZAZI (Morocco), Mr. TOMEH (Syria) and Mr. ABOUL-NASR (United Arab Republic) took part, Mr. PAOLINI (France), speaking in exercise of his right of reply, said that in his earlier intervention he had stated that draft resolution A/C.3/L.1626 and Add.1 dealt with a question in which all the United Nations had a legitimate interest. He had also stated that the speakers who had participated in the debate had referred to

various Security Council and General Assembly resolutions relating to the condition of the population in the occupied territories and that the Special Political Committee was currently dealing with the condition of the Palestine refugees in its examination of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;^{2/} and consequently it was perfectly natural and right that the Third Committee should also deal with those distressing problems, at least from the essentially humanitarian and objective standpoint that was proper to it.

At the request of the United Arab Republic representative, the vote on draft resolution A/C.3/L.1626 and Add.1 was taken by roll call.

Greece, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Greece, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Japan, Jordan, Kenya, Kuwait, Lebanon, Libya, Malaysia, Maldive Islands, Poland, Romania, Saudi Arabia, Senegal, Somalia, Southern Yemen, Spain, Sudan, Syria, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Venezuela, Yemen, Yugoslavia, Zambia, Afghanistan, Algeria, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, China, Congo (Brazzaville), Cuba, Cyprus, Czechoslovakia.

Against: Israel, Lesotho, Malawi, Mauritius, Nicaragua, Panama, Paraguay, United States of America, Australia, Bolivia, Costa Rica, Dahomey, Dominican Republic, El Salvador, Gabon, Gambia.

Abstaining: Guatemala, Iceland, Ireland, Italy, Ivory Coast, Liberia, Luxembourg, Madagascar, Mexico, Nepal, Netherlands, New Zealand, Niger, Norway, Peru, Philippines, Portugal, Rwanda, Sierra Leone, Singapore, Sweden, Thailand, Togo, United Kingdom of Great Britain and Northern Ireland, Upper Volta, Uruguay, Argentina, Austria, Barbados, Belgium, Brazil, Cameroon, Canada, Central African Republic, Chile, Colombia, Denmark, Ecuador, Finland, France, Ghana.

Draft resolution A/C.3/L.1626 and Add.1 was adopted by 55 votes to 16, with 41 abstentions.

25. Mr. CHENG (China) explained that he had voted in favour of draft resolution A/C.3/L.1626 and Add.1 because it was in line with Security Council resolution 237 (1967) and consistent with the position taken by China at the International Conference on Human Rights. He pointed out, however, that on that occasion the Chinese delegation, although it had voted in favour of resolution I of the Teheran Conference as a whole, had abstained on the twelve-Power amendment in the belief that it prejudged the findings of the proposed committee of inquiry. That amendment had been incorporated in sub-paragraph (a) of the last preambular paragraph of the text now adopted by the Committee and, because of the reservations previously stated, his delegation would have abstained on that sub-paragraph if it had been put to a separate vote.

26. Mr. FRANZI (Italy) said that the sponsors of draft resolution A/C.3/L.1626 and Add.1 should have heeded the appeals which had been made to them during the debate to bring the text into line with the provisions of Security Council resolution 259 (1968) on the same question. The closure of the debate, which his delegation had voted against, had prevented more careful consideration of the subject and the incorporation of amendments that might have improved the text. For those reasons, his delegation had abstained from voting on the draft resolution, and it again urged the sponsors, particularly those who had participated in the deliberations of the Security Council which had led to the adoption of resolution 259 (1968), to re-examine in conjunction with that Security Council resolution the text that had now been adopted, before it was submitted to the General Assembly for its consideration.

27. Mr. RIBEIRO (Uruguay) said that his abstention on draft resolution A/C.3/L.1626 and Add.1 reflected his country's consistent position with regard to special committees of inquiry and its difficulties with the clearly political intent of the text. The draft resolution not only omitted all mention of the innumerable violations of human rights being perpetrated in various parts of the world and confined itself solely to the territories occupied by Israel, but it also took for granted unproven facts which should be investigated.

28. Miss BEHARRY (Guyana) said that she had voted in favour of the draft resolution because she believed that it was the duty of the United Nations to ensure the safety of the civilian population of any territory under military occupation, who had no other defence against the vicissitudes of the conflict in which they were involved.

29. Mr. READ VITTINI (Dominican Republic) stated in explanation of his vote on draft resolution A/C.3/L.1626 and Add.1, that the problem involved in establishing special committees to investigate specific situations was quite as material as were the specific facts to which the text that had been adopted referred. He cited the example of the Human Rights Commission which had operated within the inter-American regional agency for many years and whose activities in territories subject to national sovereignty had never ceased to give rise to understandable misgivings. When a struggle had the dual aims of securing the observance of human rights and preventing outside interference in the domestic affairs of each State, the granting of priority to one of those aims generally operated to the detriment of the other.

30. His country was well aware that interference by international bodies in the domestic affairs of States, even with the best intentions, caused friction which often deeply offended national feeling and left behind bitter resentment. The painful experience of the Dominican Republic in that respect was the reason for his delegation's reservations of principle with regard to measures of the kind envisaged in the draft resolution which the Committee had now adopted. Only if they were more general in their scope would such measures be acceptable to all countries. He pointed out in that connexion that foreign troops were in action in many places throughout the world, particularly

^{2/} Official Records of the General Assembly, Twenty-third Session, Supplement No. 13.

South-East Asia and Eastern Europe—a situation which obviously affected the rights of the civilian population.

31. Moreover, the draft resolution now adopted seemed to treat as established facts the practices in violation of human rights attributed to Israel, and that led his delegation to wonder what purpose, then, the special committee's mission would serve.

32. In view of the fact that decisions of the United Nations could exert only moral force in inducing States to fulfil their domestic and external obligations, it was essential that those decisions should always reflect a sincere concern for justice and never be the expression of a special interest.

33. His delegation had in the past suggested the drafting of a prior agreement under which all States would undertake to allow committees appointed to investigate alleged infringements of human rights to enter their territories; that would, in his opinion, remove any apprehension concerning national sovereignty.

34. Because of the approach taken in the draft resolution and because its application was limited to one of the parties to the dispute, his delegation had been compelled to vote against it.

35. Mrs. OGATA (Japan) stressed that her delegation had voted in favour of draft resolution A/C.3/L.1626 and Add.1 entirely for humanitarian reasons and that its vote did not affect Japan's position on the broader aspects of the same problem, which were being considered in political organs of the United Nations. She believed it essential that, in cases such as that under discussion, the machinery of the United Nations should operate with the maximum of impartiality—a consideration which had led her delegation to abstain from voting at the Teheran Conference on those parts of resolution I were prejudged the results of the proposed investigation by asserting the existence of violations of human rights by Israel.

36. Mr. PAPADATOS (Greece) said that he had voted in favour of the draft resolution on the understanding that the mission of the proposed special committee would be strictly humanitarian, as the statement introducing the draft resolution had indicated.

37. Miss BARONI (Venezuela) expressed the view that the draft resolution was of a humanitarian nature and that it reaffirmed earlier decisions adopted by the Economic and Social Council and the Commission on Human Rights with the support of her delegation. Although she had voted in favour of the draft resolution, she had reservations about the establishment of a special investigating committee and believed that the problem should be submitted for more detailed study to the appropriate organs of the United Nations.

38. Mrs. RUSSOMANO (Brazil) reaffirmed her country's concern for the lot of the Arab civilian population, who were the innocent victims of the Palestine conflict; that concern had found practical expression in the humanitarian measures proposed by her delegation in the Security Council. Nevertheless, the inclusion in the text that had been adopted of a passage from resolution I of the International Conference on Human Rights on which the Brazilian delegation had had to abstain at Teheran had compelled it to abstain

again in the voting which had just taken place. She hoped that the conflicting parties could arrive at a peaceful settlement that would guarantee the application of the provisions of the Universal Declaration on Human Rights.

39. Mr. RIOS (Panama) said that he had voted against the draft resolution because, contrary to what had been stated, it was not of a purely humanitarian character and was not devoid of political implications. The text treated as proven certain violations of human rights which, although they might have been committed, had not been confirmed. On the other hand, other palpable violations, such as those which had resulted from the occupation of a Member State—Czechoslovakia—by the forces of other Member States, had been ignored and there had been no demand to have them investigated. If the draft resolution had been of a genuinely humanitarian character or had covered, in a general way, those other cases of violation of human rights, instead of showing a bias against one country, his delegation would have had no difficulty at all in voting favour of it.

40. He recalled the USSR representative's comment that the creation of the post of United Nations High Commissioner for Human Rights might lead to interference in the domestic affairs of States, and he asked whether the draft resolution now adopted did not also imply such interference.

41. He agreed with the statements of the Dominican delegation concerning the establishment of committees of inquiry, and he would add that the findings of such committees seldom proved to be devoid of political leanings or partiality.

42. In conclusion, he said that his delegation's position on the subject in no way impaired the affection and friendship it felt for the Arab countries.

43. Mrs. BARISH (Costa Rica) recalled that her delegation had supported General Assembly resolution 2252 (ES-V), which took account of all the humanitarian aspects of the sufferings of the civilian population in times of conflict and the respect of essential and inalienable human rights during the vicissitudes of war. Among those rights was the right of every person to return to his own country, to freedom of movement within the borders of each State, including his own, and to seek asylum in other countries, as also, of course, the right not to be subjected to arbitrary arrest, detention or exile and the right of the prisoner to communicate with whomsoever he might need to consult in order to ensure his defence or to protect his essential interests. Despite the fact that there was an unquestionable connexion between those rights and a draft resolution such as the one that had just been approved, there was no mention of them in the text of the draft resolution.

44. In addition to its reservations regarding that omission, her delegation wished to point out that the draft resolution referred to one section only of the people who were suffering and made no mention of others in the same region who were also in distress. Similarly, it had serious doubts about the timeliness and advisability of the provisions of operative paragraph 1, which would interfere with the work of Mr. Jarring, the Special Representative of the Secretary-

General, whose mission had originated from the Security Council. Although her delegation did not think that the objections made, on the grounds of national sovereignty, to the action of the international community for the purpose of protecting and strengthening the exercise of human rights were valid, it pointed out that in the present case it was a matter of investigating the practices of a given State, and of that State alone. Moreover, she wondered on what basis the members of the proposed special committee would be chosen in order to avoid its becoming incapable of action owing to the different points of view that might be expressed with regard to a problem of such current political importance. In that respect, she thought that individual action, such as that being taken by the Special Representative of the Secretary-General, who was dealing with the difficult situation in the Middle East, was much more effective. Operative paragraph 4 seemed to imply that the proposed special committee would be of a permanent nature,

which was in contradiction with its specific purpose of investigating the practices of one State.

45. Her delegation had repeatedly declared that it favoured the establishment, within the United Nations, of an organ which would concern itself with the protection, strengthening, application and exercise of human rights, not merely in the special case of one State but in connexion with any violation of human rights, wherever it might occur. For that reason it supported the creation of the office of United Nations High Commissioner for Human Rights, for such an official would be able to act to good effect in cases such as the present one, his efforts being devoid of any political character.

46. In the light of those considerations, it had been impossible for her delegation to vote in favour of the draft resolution which had just been approved.

The meeting rose at 1.5 p.m.