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President: Mr. Raymond SCHEYVEN (Belgium).

Present:

The representatives of the following countries: Argentina, Australia, Belgium, China, Cuba, Egypt, France, India, Philippines, Poland, Sweden, Turkey, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia.

Observers from the following countries: Dominican Republic, Indonesia, Netherlands.

The representatives of the following specialized agencies: International Labour Organisation, World Health Organization, World Meteorological Organization.

Annual Report of the United Nations High Commissioner for Refugees (A/2394, E/L.521/Rev.1 and Add.1, and E/L.523 and Add.1) (*continued*)

[Agenda item 19]

1. The PRESIDENT invited the Council to resume its discussion of the annual report of the United Nations High Commissioner for Refugees (A/2394).
2. Mr. BIHIN (Belgium) said that his delegation had been deeply interested in the report of the High Commissioner for Refugees. It had also followed the activities of the High Commissioner's representative in Belgium, whose devotion and ability deserved mention.
3. Referring to the passages in the report applying to Belgium, he pointed out with regard to paragraph 32 that, since the drafting of the report, the Belgian Parliament had ratified the Convention relating to the Status of Refugees and the Convention on the Declaration of Death of Missing Persons, the latter of which was referred to in paragraph 40.
4. In paragraph 69 the High Commissioner stated that "in Belgium there are 59,000 refugees within the mandate". He would have preferred the High Commissioner to say "approximately 60,000 refugees" rather than to give an exact figure.
5. The *certificat d'immatriculation* referred to in paragraph 73 had not yet passed the proposal stage. At

that time, refugees crossing the frontier clandestinely received a *sauv conduit*, which was valid for two months and renewable, until a decision had been taken on their status as refugees.

6. With regard to paragraph 78, it should be noted that the High Commissioner's representative was not a member of the special consultative commission, but could submit memoranda to the commission on behalf of refugees against whom expulsion orders had been issued.

7. A slight error had been made in the table in paragraph 311; the Belgian Government had indeed undertaken to contribute \$40,000, but that sum represented not 200,000, but 2 million Belgian francs.

8. Since the High Commissioner's task, in his opinion, was not yet complete, he would support the joint draft resolution (E/L.521/Rev.1), and in particular the continuance of the High Commissioner's Office for a further five years. Similarly, the Belgian delegation approved the French draft resolution (E/L.523), which, without changing the character of the Advisory Committee, would enable it to give the High Commissioner more help.

9. Mr. HESSEL (France) had noted with great interest the annual report and the oral statement by the High Commissioner for Refugees. France, a land of asylum to refugees from all countries, was deeply concerned about the fate of refugees. As a member of the International Refugee Organization (IRO) from its inception, France had always stressed the need to give the idea of international protection the broadest possible legal and material interpretation. The High Commissioner had endeavoured to translate that concept into reality.

10. The present discussion in the Council was valuable as a means of defining the obstacles to the effective solution of the refugee problem and of helping the High Commissioner to overcome those obstacles. The French delegation was convinced that the Council would recommend the continuance of the High Commissioner's Office.

11. The time was ripe to sum up the results of the three years' work of the High Commissioner's Office. At the fifth session of the General Assembly, the French delegation had outlined the tasks which it thought should be performed by the High Commissioner—namely, to keep the main United Nations organs informed on all problems concerning refugees; to provide legal protection for refugees; and, lastly, to furnish material and financial aid to certain particularly unfortunate categories of refugees, within the limits of the public and private funds available to the High Commissioner.

12. If those long-term tasks were to be accomplished, it was desirable that the United Nations should for

several years more have the services of a high official and a specialized staff working in close co-operation with the States mainly concerned—that was, the former members of IRO and the present members of the Advisory Committee.

13. Since the conditions in which the High Commissioner worked were intrinsically variable, the French delegation would have preferred the High Commissioner's Office not to be continued for five years. However, in view of the provision to the effect that the arrangements of the Office should be reviewed at least one year before the expiry of the period, the French delegation was prepared to vote for the joint draft resolution (E/L.521/Rev.1).

14. It might be asked what stage the High Commissioner had now reached in the accomplishment of his task. In the field of information, it was a long time since he had submitted a general picture of the refugee situation; such a picture would have given an accurate idea of the urgent problems raised by the existence of refugees. The preliminary study undertaken in 1950, and severely criticized by the General Assembly, had not been completed by a more detailed study. It was not possible from the annual report of the High Commissioner (A/2394) to form a complete picture of the situation or to classify the measures required in order of urgency. The result was a tendency to perpetuate half-measures, immediate solutions being lost in ambitious and sometimes illusory plans. In such a problem, one must have the will to take concrete action, and that will the High Commissioner certainly possessed.

15. He took that opportunity to explain that the annual budget appropriation of 350 million francs mentioned in paragraph 100 was intended to satisfy the essential needs of refugees in France. The main forms of aid were assistance in cash, assistance in kind, and medical, vocational and cultural assistance. Thanks to the funds allotted to France by IRO, it had been possible to carry out an extensive hospital programme, through a semi-official body known as the Association pour l'établissement des réfugiés étrangers (Association for the Settlement of Foreign Refugees). Under that programme, 1,528 beds had been provided for old people, spread over twelve new institutions and eight older ones, 315 beds had been provided for disabled persons, 675 for cases of tuberculosis and chronic illness and fifty-seven for students. Lastly, a special institution for mental cases was shortly to be opened. The daily maintenance of refugees thus sent to hospital was provided out of the general social welfare budget at a cost of about 500 million francs. That showed, once again, that the problem of refugees was not a single whole, but was divided into separate problems, for which practical solutions must be found in a definite order of priority.

16. With regard to the High Commissioner's second task, the provision of legal protection for refugees, the Convention relating to the Status of Refugees of 28 July 1951 was an essential working instrument. The necessary measures had been taken for early parliamentary ratification of the Convention, which France had signed in 1952. In that field, the High Commissioner had obtained satisfactory results, and he had established small but well-chosen delegations in the countries mainly concerned.

17. For material and financial assistance to certain categories of refugee, the High Commissioner had been unable to count on the help he had expected to obtain, and the United Nations Refugee Emergency Fund had not operated so well as might have been desired. In that connexion, it seemed that there had been some confusion in the use of the various special funds. The measures contemplated for the various categories of refugee had, for lack of money, too often remained hypothetical.

18. It was in the hope of moving to a new stage that the French delegation had submitted a draft resolution designed to increase the powers and responsibilities of the Advisory Committee. It was neither possible nor desirable that the Council or the General Assembly should exercise inter-governmental supervision over the High Commissioner's work. Failing such supervision, however, the rapid changes in the situation of refugees throughout the world confronted the High Commissioner with difficult problems regarding which he should be able to consult a competent authority. That would make it possible to find resources better adapted to needs, and to improve the lot of tens of thousands of refugees, which depended on a direct act of solidarity by the international community.

19. The French draft resolution in no way proposed to change the character of the Advisory Committee. The High Commissioner was requested to communicate his budget to the Advisory Committee, which only submitted comments to him. The Committee's powers were rather vaguely described in Council resolution 393 B (XIII), under which it had been set up; the purpose of the French proposal was to clarify and supplement them. The French draft resolution also recommended that the Advisory Committee should hold two regular sessions every year. If necessary, however, the French delegation was prepared to amend that provision to the effect that the Committee should hold at least one regular annual session.

20. Mr. REYES (Philippines) commended the High Commissioner for the skill and devotion with which he had discharged his exacting responsibilities, and pledged his Government's support for the future work of the High Commissioner's Office. He would like, however, to see the international character of that Office more fully reflected in the scope of its activities, which tended at present to be confined to Europe. That question could, he suggested, be most appropriately considered at the forthcoming eighth session of the General Assembly. After referring to the important part played by his country in providing asylum for refugees, he expressed support for the joint draft resolution (E/L.251/Rev.1).

21. Mr. VAN HEUVEN GOEDHART (United Nations High Commissioner for Refugees) thanked representatives for their constructive and encouraging remarks on his report and undertook to take full account of them. He paid tribute to his efficient and devoted staff, which had made possible his Office's achievements.

22. He did not wish to take up in any detail the observations passed on his report, but felt obliged to dispel certain misconceptions based on the impression

that his Office was empowered to take operational measures. That was not so. The Statute of his Office merely authorized him to promote steps for the solution of the refugee problem; it went no farther. In the field of re-settlement, for example, responsibility for the movement of migrants, including refugees, devolved on the Intergovernmental Committee for European Migration, which lay outside the United Nations. His Office had, however, seized every occasion, within the limits imposed by its Statute, of seeking re-settlement opportunities for refugees, and had devoted to that end approximately 200,000 dollars out of the total made available to it by the Ford Foundation.

23. The same restrictions on his Office's activities explained its inability to organize the repatriation of refugees, with which the Soviet Union representative had reproached him, to finance the return of Yugoslav refugees to their own country (a point raised by the Yugoslav representative) or to finance the return home of Yugoslav children, an aim with which he was in complete sympathy.

24. Proposals for an extension of his Office's functions to empower it to carry out operational activities, he suggested, could best be raised in the General Assembly.

25. He gathered that some representatives would have liked the report to give an even fuller account of his Office's concrete achievements; in view of its length, he himself had feared a charge of prolixity. His Office, however, was always at the disposal of any representative who wished for further information.

26. He wished to take the present opportunity of dilating on one point in the report. Unlike operational agencies, his Office was unable to produce spectacular results. Nevertheless, the progress recorded was gratifying, particularly in the field of the economic integration of refugees. Two years previously, the emphasis had been almost exclusively on re-settlement overseas, and his Office's conception of assimilating the refugee to his or her country of residence had been fairly novel. Since then, pressure of events had facilitated the acceptance of that objective. He realized, however, that some countries were unable to pursue such a policy. Egypt, for example, with its 700,000 refugees from Palestine, was clearly in no position to deal with an influx from Europe. Similarly, he fully understood the inability of the Italian Government, with over 2 million unemployed in the country, to agree to a policy of integration.

27. He thought that the French representative's desire for even fuller information on a number of points might be satisfied by reference to the final version of *The Refugee in the Post-war World*, by Mr. J. Vernant, reference to the first version of which had been made at the sixth session of the General Assembly in Paris in 1951.¹ The English version was already out, and a French translation was due to appear in about two months. That report, which had been written quite independently of the United Nations, provided an

exhaustive examination of all the facets of the problem and would, he was sure, greatly contribute to its understanding.

28. He was gratified by the proposal in the revised joint draft resolution, submitted by the Australian, Swedish and United Kingdom delegations (E/L.521/Rev.1), that his Office should be continued for a further period of five years, but could assure the Council that he—and, indeed, anyone in his shoes—would be delighted were the solution of the refugee problem to make it possible to wind up his Office. Although, in the final analysis, the perpetuation of the Office would be governed by the need for it, its proposed extension was welcome, since it would, if approved, make it possible for him to undertake certain long-range planning, for which a measure of certainty of tenure was essential.

29. He would comment on the French draft resolution (E/L.523) concerning the terms of reference of the Advisory Committee when he had had the benefit of representatives' remarks on it.

30. Mr. PEROTTI (Uruguay) drew the President's attention to certain discrepancies between the Spanish and French texts of the joint draft resolution (E/L.521/Rev.1), and suggested that the vote be taken on the English text.

It was so agreed.

31. Mr. ORLOVSKI (Union of Soviet Socialist Republics) said that in the course of the discussion several members, including the Yugoslav and Egyptian representatives, had proposed to broaden the scope of activities of the Office of the High Commissioner for Refugees and in so doing had sought to create artificial problems which, they proposed, should be referred to the High Commissioner for settlement by him. In the view of the Soviet Union delegation, however, the question to be raised was not that of broadening those activities, but, on the contrary, of abolishing the Office.

32. The PRESIDENT suggested that the Council take up the revised joint draft resolution (E/L.521/Rev.1).

33. Mr. PLEIĆ (Yugoslavia) thanked the High Commissioner for his supplementary remarks, and particularly for the information he had given on the question of Yugoslav refugees. A large number of Yugoslav children had not yet returned home. That constituted a painful problem for which a rapid solution must be found.

34. The Yugoslav delegation supported the joint draft resolution (E/L.521/Rev.1), which stated in unequivocal terms that refugees who freely expressed the wish to return to their country should be repatriated.

35. In reply to an observation by Mr. AZMI (Egypt), the PRESIDENT, after consulting the Secretariat, suggested that the apparent contradiction noted in paragraph 3 of the revised joint draft resolution (E/L.521/Rev.1) was explained by the fact that it was not certain whether the eighth session of the General Assembly would in fact approve the resolution submitted to it by the Council and that the phrase "the period which it [the General Assembly] will determine" took account of that fact.

¹ See *Official Records of the General Assembly, Sixth Session, Third Committee*, 379th and 383rd meetings (pages 184 and 213-216).

36. Mr. CHENG PAONAN (China) said that he would vote for the revised joint draft resolution (E/L.521/Rev.1).

The joint draft resolution was adopted by 16 votes to 2.

37. The PRESIDENT requested the Council to take up the French draft resolution (E/L.523).

38. Mr. GEORGES-PICOT (Assistant Secretary-General in charge of the Departments of Economic Affairs and Social Affairs) drew attention to an important point arising out of the French draft resolution. In the document on the financial implications of that proposal (E/L.521/Add.1), the Secretariat had cited the provisions in the Statute of the Office of the United Nations High Commissioner for Refugees relating to the budgetary control of that organ. The budget of the Office of the High Commissioner, an integral part of the United Nations budget, was subject to review by the Advisory Committee on Administrative and Budgetary Questions, which submitted its recommendations to the General Assembly. Hence, the presentation of the Organization's budget was the exclusive responsibility of the Secretary-General, who did not consult any United Nations organ or any government. The examination of the budget was the exclusive responsibility of the General Assembly and its organs. It was therefore for the General Assembly itself to make any changes in the matter that it might consider desirable. The Secretary-General would have to enter an express reservation with regard to any other procedure.

39. Mr. CHENG PAONAN (China) said that he had extensive reservations to make on the terms of the French draft resolution. The first paragraph, for example, referred to "certain groups of refugees in special need of international assistance". He agreed with the Philippine representative's views about the need for broadening the geographical scope of the High Commissioner's activities, and he could not, therefore, see his way to support a draft resolution containing the discriminatory phrase he had quoted.

40. He would be inclined to approve the recommendation that the Advisory Committee should hold not more than two sessions each year, but he would be glad first to hear the views of the High Commissioner on the strain which such a request would impose on his Office.

41. As to the first request addressed to the High Commissioner, he observed that, as had been pointed out by the Assistant Secretary-General, the approval of the High Commissioner's ordinary budget was a matter on which the General Assembly alone was competent to pronounce. Moreover, reference of that budget to the Advisory Committee would involve a triple scrutiny, since the budget was already examined, first, by the Advisory Committee on Administrative and Budgetary Questions and subsequently by the Fifth Committee of the General Assembly.

42. The second request concerned the position of the Emergency Fund. If the High Commissioner were compelled to consult the Advisory Committee about the Emergency Fund, the emergency might well have disappeared before the Committee could meet. That proposal, too, was therefore too restrictive.

43. As regards the third request, an examination of earlier agenda of the Advisory Committee had convinced him that that body had in fact been discussing emergency measures. The French proposal to that effect was therefore superfluous. Finally, he observed that the Statute of the High Commissioner's Office (chapter I, paragraph 1, second sub-paragraph), already covered the fourth request.

44. Accordingly, the most that he could vote for was the proposal that the Advisory Committee should hold at least one regular session each year.

45. Mr. RAMIREZ (Venezuela) said that he would support the French draft resolution with the oral amendment introduced at that meeting by the French representative himself to the first paragraph of the operative part. His delegation believed that one regular session of the Advisory Committee each year would be sufficient, but agreed that provision should be made for extra sessions if necessary. His delegation's support of the French proposal was based on its experience of the work of the Advisory Committee. Often the Committee produced ideas which were intrinsically useful, but which, because the Committee had no information about the financial situation, bore no relation to reality. Some representatives had doubted the competence of the Advisory Committee to consider the High Commissioner's budget. He would emphasize, however, that the French draft did not call for a scrutiny of the budget by the Advisory Committee; it simply requested the High Commissioner to communicate the budget to the Committee for information.

46. Mr. SHAW (Australia) said that the High Commissioner's Advisory Committee had itself touched on the problem raised in the French draft resolution, and at its third session, held recently in Geneva, it had been suggested that more precise information should be made available to the Committee. Although many interesting papers had been submitted to the Committee, it had never received a detailed statement of the problems facing the High Commissioner together with the resources available to meet those problems. One statement along those lines had been submitted—relating to the position of refugees of European origin in China—and it would be useful if similar though more comprehensive statements could be submitted periodically. He therefore welcomed the French delegation's initiative in raising the issue and was, in principle, in favour of the French draft resolution.

47. In order to meet the first point raised by the Chinese representative, he suggested that the first paragraph of the preamble might be amended to refer to refugees in general, rather than to "certain groups of refugees in special need of international assistance". The paragraph would then be more in accordance with the first paragraph of the resolution just adopted (E/L.521/Rev.1).

48. With regard to the operative part of the draft resolution, he would again draw attention to the word "communicate", and emphasize that it did not necessarily imply that the Committee's prior approval would be required before the High Commissioner could take any action. Similarly, he did not believe that to express the hope that the Committee would "examine" the

High Commissioner's proposals meant that it must necessarily pass judgment on them, or that its formal approval would be required. However, as certain delegations had expressed doubts about the wording, he suggested that the final paragraph might be amended to read:

"Expresses the hope that the Advisory Committee will examine the High Commissioner's proposed plan of operations, bearing in mind the financial aspects of the plan, and will tender interpretative advice to the High Commissioner on matters falling within the competence of his Office".

49. Mr. DHARMA VIRA (India) said that he would be unable to take any definite stand on the French draft resolution until he had received some clarification of its exact implications. The French representative had referred to the need for more effective control over the functioning of the High Commissioner's Office. Consequently, he wondered whether the Advisory Committee was now to become a controlling, rather than an advisory body. If that was the intention, it should be made perfectly clear. If, however, the Advisory Committee was to remain a consultative body, he could not quite understand the purpose of the request to the High Commissioner to communicate certain documents to it. It would seem that the Advisory Committee would normally have access to all the relevant material, and that the High Commissioner would, in the ordinary course of events, give it any information it might need in order to be able to advise him properly. Furthermore, the Council must make sure that, in giving certain directives to the Advisory Committee, it did not hamper the work of the High Commissioner's Office. In that connexion, he doubted whether it was wise to ask the High Commissioner to communicate to the Committee any proposals concerning measures taken to deal with emergency situations and any questions relating to the interpretation of the High Commissioner's competence as defined in General Assembly resolution 428 (V). The High Commissioner could hardly consult the Committee before taking action on emergency situations if the Committee was to meet only once a year. It might also hamper his work if he had to consult the Advisory Committee in advance whenever a question of the interpretation of his competence arose. Finally, the Assistant Secretary-General had raised the question of procedure regarding the review of the High Commissioner's budget, and that question, too, would have to be carefully considered before any decision was taken on the draft resolution.

50. Mr. WARNER (United Kingdom) fully sympathized with the French representative's desire that the fullest possible use should be made of the High Commissioner's Advisory Committee. He had, however, certain misgivings about the actual wording of the proposal, and had been impressed by some of the points raised by the Indian representative. Since the whole question depended upon the General Assembly's approval of the recommendation that the Office of the High Commissioner should be continued for a further period of five years, he suggested that the Council might defer its decision on the issues raised in the French draft resolution until its seventeenth session. In the mean-

time, the High Commissioner would undoubtedly bear in mind the importance of keeping the Advisory Committee fully informed about the financial position of his Office.

51. Mr. PLEIĆ (Yugoslavia) recalled that, in setting up the High Commissioner's Office, the General Assembly had had in view the establishment of an institution directly responsible to it. Its intention, in acting on those lines, had been to avoid creating a body the composition of which would not be in full keeping with the interests of all States Members of the Organization. However, the existing composition of the Advisory Committee did not appear to accord fully with that intention.

52. The Yugoslav delegation could not approve the second paragraph of the preamble to the French draft resolution. Certain members of the Advisory Committee had less important interests in the question of refugees than, for example, Yugoslavia, which was not represented on the Committee. If it broadened the Committee's scope, the Council would be acting contrary to the very principles which had inspired the General Assembly in setting it up.

53. Mr. TUNCEL (Turkey) fully supported the French draft resolution. Turkey was a member of the Advisory Committee, and had taken an active part in its work. The need to define more clearly the Committee's functions had been borne in on all the members of the Committee during the past three years. The duty of doing so rested with the Council, the body which had set up the Advisory Committee in accordance with paragraph 4 of the Statute of the Office of the High Commissioner.

54. The Council should give the Advisory Committee power to make recommendations. The Committee, by reason of the limited terms of reference assigned to it, had so far been unable to give the High Commissioner effective assistance in carrying out his work.

55. He (Mr. Tuncel) would give general support to the United Kingdom proposal that consideration of the question be deferred until the seventeenth session, provided the Council took an immediate decision in principle on the need for broadening the Advisory Committee's powers.

56. Mr. MICHANEK (Sweden) said that he was not prepared, at such short notice, to take a definite stand on a complicated question which was apparently controversial. He therefore supported the United Kingdom representative's suggestion.

57. Mr. HESSEL (France) explained that the French draft resolution was intended to cover the objectives specified by the representatives of Turkey, Belgium and Australia. Its sole purpose was to define the terms of reference of the Advisory Committee with greater clarity. In order to take account of the United Kingdom suggestion, however, he would like to confer with the members of the Council who had supported his proposal, and either submit a modified text to the Council or else give his full support to the United Kingdom suggestion.

58. The PRESIDENT *ruled* that the discussion on the French draft resolution (E/L.523) would be suspended until the following meeting, when the French representa-

tive would inform the Council whether or not he intended to maintain his draft resolution.

Non-governmental Organizations: (a) Hearings by the Council Committee on Non-governmental Organizations under rules 84 and 85 of the rules of procedure of the Council and applications for hearings by the Council under rule 86 (E/2475 and Corr.1 and E/2477)

[Agenda item 32]

59. At the invitation of the PRESIDENT, Mr. MEADE (United Kingdom), Chairman of the Council Committee on Non-governmental Organizations, introduced the Committee's reports (E/2475 and Corr.1, and E/2477).

60. With regard to paragraph 2 under section A of document E/2475, he explained that a problem of procedure had been involved. The Committee intended to discuss the question in the hope of reaching a satisfactory arrangement to ensure that such a situation did not recur.

61. Mr. MUÑOZ (Argentina) said that he would not make a formal objection to any of the proposed hearings, but wished to record his delegation's reservation on two points.

62. The first reservation was with regard to the recommendation that the World Federation of Trade Unions be permitted to comment upon the relevant portions of the report of the International Labour Organisation during its statement on item 17 of the agenda (allegations regarding infringements of trade union rights received under Council resolutions 277 (X) and 474 (XV)). That recommendation was contrary to the rules of procedure, and he did not see the purpose of hearing observations on items other than those which were actually under discussion. He understood that the Committee must

have had its reasons for making the exception, but he still wished to reserve his delegation's position on the point. He would not object to the hearing for the time being, but if other reasons of a practical nature arose in addition to the question of principle, he would have to insist on strict observance of the rules of procedure.

63. His second reservation was in connexion with the hearings to be granted to various other non-governmental organizations on item 17 of the agenda. That item included allegations concerning certain non-Member States, Spain being one of them. His delegation considered that United Nations organs had no legal right to discuss the affairs of non-Member States, since the latter were not bound by the obligations imposed on States Members by the Charter. In the case of Spain, the issue was even clearer, since the United Nations had taken a political decision at San Francisco barring Spain from membership in the United Nations. He emphasized that his main concern in making those reservations was to avoid discussions which could not lead to any result.

64. Mr. NUÑEZ PORTUONDO (Cuba) fully endorsed the remarks made by the representative of Argentina.

65. Mr. SOLOVIEV (Union of Soviet Socialist Republics) emphasized that it was not the fault of the representative of the World Federation of Trade Unions that he had been unable to submit his comments on item 22 of the agenda (report of the International Labour Organisation) at the correct time. The Committee had not considered the applications for hearings until after item 22 had been disposed of. It was, therefore, only fair that the WFTU representative should be allowed to comment on item 22 during the debate on item 17.

The reports were adopted.

The meeting rose at 12.55 p.m.