

addressed an invitation to it in resolution 31/33, paragraph 8. The pertinent issue was therefore whether the Council could refuse to consider an item referred to it by the Assembly.

44. Mr. BENHOCINE (Algeria) said that the United Kingdom proposal seemed to mean different things to different delegations. In his delegation's view, adoption of that proposal would be tantamount to the Council's failing to act on a request from the General Assembly at the appropriate time. The Assembly had asked the Council to study the question and to submit a report to it at its thirty-third session. Consequently, if the item was not referred to the Commission on Human Rights immediately, it would not be possible to complete the study by the appointed date. He believed that the Council should take a decision as to whether it was competent to vote on the United Kingdom proposal.

45. Mr. LINDENBERG SETTE (Brazil) said that he tended to agree with the representative of Algeria. If the point at issue was simply whether or not the Council would require the collaboration of the Commission on Human Rights, a subsidiary body, he would be inclined to agree with the view that the Council might dispense with such collaboration if it so desired. However, the item must appear somewhere in the Council's agenda since the Council could not simply ignore a request by the General Assembly.

46. Mr. AMIRDIVANI (Iran) said that his delegation considered the United Kingdom proposal to be an amendment in accordance with rule 66 of the rules of procedure.

47. Mr. BAMBA (Upper Volta) agreed with the representative of Brazil that, even if the question was not referred to the Commission on Human Rights, it must be included in the Council's agenda. At the same time, he was not at all sure that the Council was empowered to question the General Assembly's judgement that the Commission on Human Rights was the competent body to study the item.

48. Mr. MARSHALL (United Kingdom) said that the motion concerning the Council's competence to decide whether or not it could delete some wording in its draft work programme was misleading. The substance of his delegation's proposal was simply that the Council should not decide at the present juncture to refer the matter to the Commission on Human Rights. It was ridiculous to assert that the Council was not competent to take such a decision.

49. Mr. YANKOV (Bulgaria) said that he disagreed with the reasoning of the United Kingdom delegation. The United Kingdom proposal was unconstitutional, and it was therefore necessary for the Council to decide first of all whether the proposal could be the subject of a formal decision.

The meeting rose at 1 p.m.

2044th meeting

Friday, 14 January 1977, at 4.45 p.m.

President: Mr. Ladislav ŠMÍD (Czechoslovakia).

E/SR.2044

AGENDA ITEM 3

Basic programme of work of the Council for 1977 (concluded) (E/5900, E/5905, E/L.1743)

1. The PRESIDENT invited members of the Council to comment on the two proposals made orally at the preceding meeting, and urged them to be flexible with regard to the application of the rules of procedure.

2. Mr. EHSASSI (Iran) proposed that the words referring to General Assembly resolution 31/33 in document E/L.1743, paragraph 4 (e), should be voted on separately. He was making the proposal on the understanding that the representatives of the United Kingdom and Bulgaria would allow it to be given priority.

3. Mr. RIVAS (Colombia) said that, in view of the situation in which the Council found itself, he supported the Iranian proposal. Although his delegation did not find the United Kingdom proposal acceptable, it did not believe that it constituted a challenge to the Council's competence, since the United Kingdom representative had said his sole concern was that the Council should not decide at the

current stage whether to refer resolution 31/33 to the Commission on Human Rights. If the United Kingdom proposal was put to the vote directly, it might lead to a reopening of the discussion on the document as a whole and thus prolong the debate. The Iranian proposal would give an opportunity to delegations which had expressed reservations to register them formally through their votes.

4. Mr. YANKOV (Bulgaria), reiterated his view that, although any member of the Council had the right to make any proposal or amendment, the United Kingdom proposal could not be put to the Council for a decision because to do so would have procedural and constitutional implications that might create confusion in other instances. It would be unconstitutional for the Council to challenge a resolution adopted by the General Assembly. Nevertheless, in a spirit of accommodation, he would not press for a vote on the constitutionality of the United Kingdom proposal.

5. Mr. QADRUD-DIN (Pakistan), reiterating his delegation's position on the constitutional question, said that the Council should not take a position that would contravene the directives of the General Assembly. The Iranian proposal offered a way out of the dilemma facing the

Council. By taking a separate vote on whether or not to retain the words in question, the Council would be deciding whether it should refer resolution 31/33 to the Commission on Human Rights immediately or later, and it would not be going into the question whether there was any challenge to the Council's competence. His delegation believed that, if the Council was to implement fully the General Assembly's directives, taking into account the timing of the resolution and of the Commission's meeting, that action should be taken immediately, and it would therefore vote in favour of retaining the words in question. However, his earlier appeal that the Council should simply adopt the document by consensus and leave it to delegations to make their interpretative statements for the record still stood.

6. Mr. MAHGOUB (Sudan) said that his delegation reluctantly accepted the proposal of the representative of Iran. However, that did not mean that it accepted the implication that the substance of the General Assembly resolution was open to question.

7. Mr. WARSAMA (Somalia) said that the Council should be quite clear about what it was voting on. The representative of Colombia had said that the intention was to refrain from taking a decision at the present time to refer the matter to the Commission on Human Rights. His delegation's understanding had been that the United Kingdom was proposing the deletion of the words stating the Council's decision to refer resolution 31/33 to the Commission. If the Council was going to vote on whether it should decide at the current stage to refer the resolution to the Commission, his delegation could agree to that proposal in a spirit of co-operation. If, however, the Council was voting on whether the resolution should at any time be referred to the Commission, his delegation's position remained as stated previously.

8. Mr. MARSHALL (United Kingdom) said it was evident from the debate that there had been some misunderstanding of his proposal. He was grateful to the two Vice-Presidents, the representatives of Iran and Colombia, for their suggestion. The interpretation of the proposal given by the representative of Colombia was correct. His delegation would be happy to go along with the proposal of the representative of Iran that the words in question should be voted on separately, on the understanding that both his delegation and the Bulgarian delegation withdrew their proposals.

9. Mr. MYERSON (United States of America) associated his delegation with the expressions of appreciation to the representative of Iran. His delegation assumed that each delegation was free to interpret matters as it wished; accordingly, the statements of other delegations were not binding on it.

10. Mr. IBRAHIM (Ethiopia) said that, as he had stated at the preceding meeting, his delegation still considered that the question need not be put to a vote, since it was not included in the agenda of the organizational session. His delegation's agreement to the Iranian proposal should not be interpreted as challenging in any way General Assembly resolution 31/33.

11. The PRESIDENT invited the Council to vote on the words "31/33 on adverse consequences for the enjoyment

of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa" in draft decision E/L.1743, paragraph 4 (e).

At the request of the representative of the United States of America, the vote was taken by roll-call.

Austria, having been drawn by lot by the President, was called upon to vote first.

In favour: Bangladesh, Bolivia, Brazil, Bulgaria, China, Colombia, Cuba, Ecuador, Ethiopia, Iraq, Jamaica, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Peru, Philippines, Rwanda, Somalia, Sudan, Syrian Arab Republic, Togo, Tunisia, Uganda, Upper Volta, Venezuela, Yemen, Yugoslavia, Zaire, Afghanistan, Algeria, Argentina.

Against: Denmark, France, Germany, Federal Republic of Italy, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Canada, Czechoslovakia, Iran, New Zealand, Norway, Poland, Portugal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

The words in question were adopted by 33 votes to 8, with 10 abstentions.

Draft decision E/L.1743, as orally amended, was adopted (decision 204 (ORG-77)).

12. Mr. MAKEYEV (Union of Soviet Socialist Republics) said that his delegation had abstained from voting on draft decision E/L.1743 for the same reasons that had caused it to abstain on General Assembly resolution 31/33. At the time when that resolution had been adopted, his delegation, while unreservedly supporting all those of its provisions that were designed to end all forms of assistance to colonial and racist régimes in southern Africa, had had serious objections to paragraph 8 on the ground that it conflicted with other provisions of the resolution. An invitation to the Commission on Human Rights to study adverse consequences of assistance to colonial and racist régimes in southern Africa could be interpreted as meaning that those consequences were not yet known and required further study, thereby weakening the position of Member States which favoured the immediate adoption of measures against those régimes. Furthermore, paragraph 8 of General Assembly resolution 31/33 could be used to undermine the principle of unanimity among the members of the Security Council. His delegation would continue to oppose any attempt to revise that principle. It was not the right of veto, but the policies and practices of certain countries, that had adverse consequences for the enjoyment of human rights.

13. Mr. CZARKOWSKI (Poland) said that his delegation had abstained from voting on the draft decision because of its constitutional implications. His delegation's position with regard to the principles of the Charter had already been expressed in the Third Committee. He supported the main objectives of the draft decision.

14. Mr. BAMBA (Upper Volta) said that his delegation had voted for the retention of the reference to General

Assembly resolution 31/33 because it considered the proposal to delete it unconstitutional. As far as the procedure adopted by the Council was concerned, his delegation did not regard the vote taken as constituting a precedent. It was in the interest of the small countries, such as his own, scrupulously to respect the constitutional texts of the United Nations.

15. Mr. YANKOV (Bulgaria) said that his delegation had voted for the adoption of the existing wording of paragraph 4 (e) of draft decision E/L.1743 on the understanding that it was not the constitutional principle of unanimity in the Security Council that was at stake, but rather the constitutionality of including on the Council's agenda a question which had already been decided by the General Assembly.

16. When General Assembly resolution 31/33 had been adopted, his delegation had endorsed all its provisions except paragraph 8, which it considered went beyond the terms of reference of the Council and its subsidiary bodies.

17. Miss BALOGUN (Nigeria) said that her delegation's participation in the vote should not be construed as detracting from General Assembly resolution 31/33. The Council had no right to suggest at its organizational session that certain aspects of the programme adopted by the General Assembly should not be accepted. Consequently, her delegation had voted for the adoption of the existing wording of paragraph 4 (e) in order to ensure that the provisions of General Assembly resolution 31/33 were observed.

18. Mr. QADRUD-DIN (Pakistan) said that his delegation had participated in the vote on paragraph 4 (e) of draft decision E/L.1743 because it felt that such a vote in no way constituted a challenge to General Assembly resolution 31/33, but simply concerned the advisability of transmitting the resolution to the Commission on Human Rights at the current time.

19. Mr. BARCELO (Mexico) said that, for procedural reasons and in the light of rule 9, paragraph 2 (b), of the Council's rules of procedure, his delegation had voted for the retention in draft decision E/L.1743 of the wording proposed by the Secretariat, which reflected the decisions taken at the thirty-first session of the General Assembly.

20. Mr. MARSHALL (United Kingdom) observed that document E/5900 provided the Council with a very valuable tool for analysis of its work, and said he hoped that a similar single document could be produced for future organizational sessions. Such a document would be even more helpful if an annex listing the dates of the meetings which the Council was to consider were added and the introduction were reshaped to indicate clearly what was to be found in each section of the document. Although document E/5900 had been designed specifically to serve the limited purpose of the adoption of the agenda for the coming sessions of the Council, it could be of use at those sessions in considering the progress made in various areas. Finally, he suggested that the document might be transmitted to the *Ad Hoc* Committee on the Restructuring of the Economic and Social Sectors of the United Nations System as an annex to draft decision E/L.1743, since it was

the best guide to developments between sessions of the General Assembly.

21. The PRESIDENT announced that the Council had concluded its consideration of agenda item 3.

AGENDA ITEM 7

Elections to subsidiary bodies of the Council and confirmation of representatives on the functional commissions (concluded)*

COMMITTEE ON SCIENCE AND TECHNOLOGY FOR DEVELOPMENT

22. The PRESIDENT said the African Group had informed him that it would like the Council to postpone until the sixty-second session the election of one member from African States to the Committee on Science and Technology for Development for a term of four years beginning on the date of election and expiring on 31 December 1980. If there were no objection, he would take it that the Council agreed to that request.

It was so decided.

AGENDA ITEM 2

Adoption of the agenda and other organizational matters (concluded) (E/L.1744, E/L.1745)**

23. The PRESIDENT drew attention to draft decision E/L.1744, regarding arrangements for meetings of the Committee on Negotiations with Intergovernmental Agencies.

Draft decision E/L.1744 was adopted (decision 205 (ORG-77)).

24. The PRESIDENT invited the Council to consider draft decision E/L.1745, regarding the Preparatory Sub-Committee for the World Conference to Combat Racism and Racial Discrimination established by Council resolution 1990 (LX), which he, as President, was submitting on the basis of his consultations with the Chairmen of the regional groups.

25. It had been agreed to enlarge the membership of the Sub-Committee from 16 to 23, with the following distribution of seats: six from African States, four from Asian States, four from Latin American States, four from Eastern European States and five from Western European and other States.

26. A number of delegations had requested that the Sub-Committee should hold its first session in New York rather than Geneva. He understood that that would be possible if the dates of the session were 14-18 March instead of 14-25 March 1977, as originally proposed.

27. Mr. RUTLEDGE (Department of Conference Services) recalled that the original suggestion that the Sub-

* Resumed from the 2042nd meeting.

** Resumed from the 2039th meeting.

Committee should meet at Geneva had been based on General Assembly resolutions stating that bodies should meet at their established headquarters. However, the Sub-Committee could meet in New York if the Council so wished. The permanent staff of the Headquarters Secretariat was committed for the period in question, but even at Geneva it would have been necessary to recruit temporary staff. In view of the shorter session suggested, he believed that the expenditure could be met from existing funds.

28. Mr. MAHGOUB (Sudan), supported by Mr. BENHOCINE (Algeria), proposed that, in view of the importance of the session and the volume of work facing the Sub-Committee, the session should continue at least until 21 March. The Council should also recommend that the session should have priority in the provision of conference facilities.

29. Mr. WARSAMA (Somalia) said he was of the view that the original dates of 14-25 March should be retained.

30. Mr. RUTLEDGE (Department of Conference Services) said he was not sure at the current stage what would be the full impact of a two-week session at Headquarters during that period, since it would coincide with the United Nations Water Conference. In any case, the Secretary-General was required under the relevant General Assembly resolutions to transmit the decision of the Council to the Committee on Conferences, which would be informed of the financial implications.

31. Mr. MAHGOUB (Sudan) proposed that the Council's wish that the duration of the Sub-Committee's session should be two working weeks should be conveyed to the Committee on Conferences.

32. The PRESIDENT suggested that the Council should adopt draft decision E/L.1745, amended as proposed by the representatives of the Sudan, Algeria and Somalia to indicate that the Council wished the Sub-Committee to meet in New York for two working weeks.

It was so decided (decision 206 (ORG-77)).

COMMITTEE ON NATURAL RESOURCES

33. Mr. CORDOVEZ (Secretary of the Council) recalled that the General Assembly, in its resolution 31/140, had approved the convening of the sixth session of the Third United Nations Conference on the Law of the Sea in New York for a period of seven to eight weeks, starting on 23 May 1977. It had been recognized that changes would be required in the programme of scheduled meetings in order to accommodate the Conference. Among the meetings to be changed was the fifth session of the Committee on Natural Resources, scheduled to meet at Headquarters from 16 to 27 May 1977. The proposal had been made to convene the Committee at Geneva from 9 to 20 May 1977, since the services at Geneva could not accommodate the session on the dates already scheduled.

34. A statement of the administrative and financial implications of the proposal regarding the holding of the Conference in New York had been submitted to the General Assembly in document A/C.5/31/50.

35. The fifth session of the Committee on Natural Resources could be held at Geneva from 9 to 20 May 1977, unless the Council decided otherwise or unless a Member State should offer to act as host.

36. At its 74th meeting, the Committee on Conferences had taken note of those arrangements.

INTERGOVERNMENTAL WORKING GROUP ON A CODE OF CONDUCT

37. Mr. CORDOVEZ (Secretary of the Council) informed the Council that the Intergovernmental Working Group on a Code of Conduct had decided to recommend that its second session, scheduled to be held in New York from 21 February to 4 March 1977, should be postponed until 18-22 April 1977. The Working Group felt that more time was needed for Governments to prepare their views on the annotated outline of a code of conduct for transnational corporations. Since conference services would be fully committed on the new dates proposed, there would be financial implications. Details were not yet available; they would, however, be submitted to the Committee on Conferences and to the Council at its sixty-second session.

38. The PRESIDENT said that, if there were no objection, he would take it that the Council agreed to the two changes in scheduling mentioned by the Secretary.

It was so decided (decision 211 (ORG-77)).

AGENDA ITEM 8

Provisional agenda for the sixty-second session (E/L.1743)

39. The PRESIDENT pointed out that the list of items in part A of paragraph 1 of draft decision E/L.1743, which the Council had adopted at the current meeting, would constitute the provisional agenda for the sixty-second session, with the addition of items relating to the consideration of the provisional agenda for the sixty-third session and the elections which the Council had postponed.

40. Mr. CORDOVEZ (Secretary of the Council) noted that item 10, concerning the advancement of women, would have to be reworded in the light of the decision taken at the preceding meeting.

41. The PRESIDENT said that, if there were no objection, he would take it that the Council approved as the provisional agenda for the sixty-second session the list of items contained in part A of paragraph 1 of the draft decision, with the additions he had mentioned.

It was so decided.

Other matters

SPECIAL RESPONSIBILITIES OF THE VICE-PRESIDENTS

42. The PRESIDENT informed the Council that, as a result of the consultations which he had held in accordance with rule 18 of the rules of procedure, it had been decided that during 1977 Mr. Rivas (Colombia) would be Chairman

of the Economic Committee, Mr. Ålgård (Norway) would be Chairman of the Social Committee, Mr. Ehsassi (Iran) would be Chairman of the Policy and Programme Co-ordination Committee and Mr. Mahgoub (Sudan) would be Chairman of the *Ad Hoc* Committee on Human Settlements.

HUMANITARIAN ASSISTANCE TO LEBANON

43. The PRESIDENT said that, in informal consultations, it had been agreed that he should make, on behalf of the Council, the following statement:

“The Economic and Social Council has taken note with satisfaction of the appeals made by the Secretary-General to the international community to respond to the urgent humanitarian needs created by the tragic conflict in Lebanon. It has also noted the establishment of a Special

Fund for that country, the appointment of Under-Secretary-General William B. Buffum as Co-ordinator of International Relief, and the progress made thus far in the administration of such relief.

“The Economic and Social Council commends the Secretary-General for the efforts he has made to provide humanitarian relief to the people of Lebanon and welcomes the programmes already started within the United Nations system to that effect, and expresses the hope that the international community will contribute generously to these endeavours.”

Closure of the session

44. The PRESIDENT declared the organizational session for 1977 closed.

The meeting rose at 6.15 p.m.
