SUMMARY RECORD OF THE 51st MEETING

Chairman: Mr. ABULHASAN (Kuwait)

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The meeting was called to order at 3.15 p.m.


1. Mr. KOPENEN (Finland) said that, during the past 15 years, human rights had begun to play a major role in world affairs. Human rights principles, however, would remain mere abstractions unless they were accompanied by an effective system of implementation and enforcement. The United Nations human rights treaty bodies had a special responsibility in that connection and their proper functioning was therefore of the utmost importance.

2. Even though both the tools and the framework existed for the protection of human rights and fundamental freedoms, the latter continued to be widely disregarded. One major problem was to ensure that human rights norms were effectively enforced at the national level. It was also important to complete ongoing codification efforts. Among those efforts, he wished to emphasize the draft convention on the rights of the child, which should include provisions regarding special protection for children in times of crisis and war. His country also supported the elaboration of a second optional protocol to the International Covenant on Civil and Political Rights whereby States parties might make an international commitment to abolish the death penalty. With those two instruments and the draft convention on the rights of migrant workers, the codification of human rights had reached an adequate level and it was now urgently necessary to focus on effective implementation.

3. In monitoring the implementation of human rights instruments, the United Nations should strive to be consistent and impartial in responding to allegations of human rights violations. The system of special rapporteurs and special representatives had proved a major achievement and his delegation was particularly encouraged by Governments' increasing willingness to co-operate with them. There was a direct relationship between that willingness and the manner in which the United Nations carried out its role and it was therefore essential that the mechanism of co-operation in the human rights field be strengthened and extended.

4. Mr. FAHIYA (Somalia), speaking in exercise of the right of reply, said that the remarks made by the representative of Sweden concerning the human rights situation in his country had been unfair. Somalia was known to be a country which respected the human rights of its citizens and the allegations against it were baseless and constituted interference in its internal affairs.

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AGENDA ITEM 97: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued) (A/C.3/43/L.53)

Draft resolution A/C.3/43/L.53

5. The CHAIRMAN said that the draft resolution had no programme budget implications.

6. Draft resolution A/C.3/43/L.53 was adopted.


Draft resolution A/C.3/43/L.45

7. The CHAIRMAN said that the draft resolution had no programme budget implications.

8. Draft resolution A/C.3/43/L.45 was adopted.

Draft resolution A/C.3/43/L.47

9. The CHAIRMAN said that the draft resolution had no programme budget implications.

10. At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/43/L.47.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Congo, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Guatemala, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.
Abstaining: Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

11. Draft resolution A/C.3/43/L.47 was adopted by 106 votes to none, with 23 abstentions.

12. Mrs. KIMATA (Japan), speaking in explanation of vote, said that her delegation had abstained in the vote on draft resolution A/C.3/43/L.47. Operative paragraph 6 referred to several resolutions of the Commission on Human Rights; Japan had abstained in the vote on those resolutions in the Commission.

13. Mr. DIOP (Senegal) said that, had his delegation been present during the voting, it would have voted in favour of draft resolution A/C.3/43/L.47.

14. Mr. STUART (Australia) said that, had his delegation been present during the voting, it would have abstained in the vote on the draft resolution.

15. Mrs. JARAMILLO (Panama) said that, had her delegation been present during the voting, it would have voted in favour of the draft resolution.

Draft resolution A/C.3/43/L.48

16. The CHAIRMAN said that the draft resolution had no programme budget implications and that Romania had become a sponsor.

17. Mrs. MUKHERJEE (India) said that negotiations on the draft resolution were continuing and it was hoped that a consensus decision would soon be achieved. She therefore requested that consideration of draft resolution A/C.3/43/L.48 be postponed.

18. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that his delegation was grateful to the delegations of India and other countries for their efforts to reach agreement on the text of the draft resolution. There should be no problem in overcoming any remaining difficulties and he therefore supported the suggestion to postpone consideration of the draft resolution.

19. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to postpone consideration of draft resolution A/C.3/43/L.48.

20. It was so decided.

Draft resolution A/C.3/43/L.46

21. The CHAIRMAN said that some States had requested that the Committee postpone its consideration of the draft resolution. If he heard no objection, therefore, he would take it that the Committee wished to postpone consideration of draft resolution A/C.3/43/L.46.

22. It was so decided.

AGENDA ITEM 100: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued) (A/C.3/43/L.44 and L.54)

Draft resolution A/C.3/43/L.44

23. The CHAIRMAN said that the draft resolution had no programme budget implications.

24. Mr. CHRYSANTHOPoulos (Greece), speaking on behalf of the 12 States members of the European Community, said that the Twelve would abstain in the vote on draft resolution A/C.3/43/L.44. While attaching great importance to the implementation of the International Covenants, the Twelve had a number of serious reservations about the text of the draft resolution. The assertion in the title and in the fifth preambular paragraph that all human rights were interdependent was not acceptable. While they agreed that certain rights were interrelated, the Twelve could not accept any implication that the enjoyment of economic, social and cultural rights, which required gradual implementation, was a pre-condition for the enjoyment of civil and political rights, which required full and immediate implementation. Furthermore, the Twelve could not accept the assertion implicit in the seventh preambular paragraph that the main obstacles to the full realization of human rights were those listed in that paragraph. A complete list would have to include other elements, such as totalitarian practices. The Twelve could not support the eighth preambular paragraph, since its language did not correspond to the language of the International Covenant on Economic, Social and Cultural Rights. They also had difficulties with the ninth preambular paragraph, which oversimplified the complex relationship between disarmament, security and development. Lastly, in the opinion of the Twelve, one comprehensive resolution on the International Covenants, as contained in draft resolution A/C.3/43/L.54, was sufficient to deal with the relevant issues and there was no need for a separate resolution dealing selectively with certain aspects.

25. A recorded vote was taken on the eighth preambular paragraph of draft resolution A/C.3/43/L.44.

\begin{itemize}
\item In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, 
\end{itemize}
Central African Republic, Chad, Chile, China, Colombia, Congo, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, German Democratic Republic, Ghana, Guatemala, Guinea, Guyana, Honduras, Hungary, India, Indonesia, I-ran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Belgium, France, Germany, Federal Republic of, Luxembourg, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Canada, Denmark, Dominica, Finland, Greece, Iceland, Ireland, Israel, Italy, Japan, New Zealand, Norway, Portugal, Spain, Swaziland, Sweden.

26. The eighth preambular paragraph of draft resolution A/C.3/43/L.44 was adopted by 109 votes to 7, with 17 abstentions.

27. A recorded vote was taken on draft resolution A/C.3/43/L.44 as a whole.

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Guatemala, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.
Against: United States of America.

Abstaining: Austria, Belgium, Canada, Chile, Denmark, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Spain, Swaziland, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland.

28. Draft resolution A/C.3/43/L.44 was adopted by 111 votes to 1, with 23 abstentions.

29. Mrs. KIMATA (Japan), speaking in explanation of vote, said that her delegation had abstained in the vote on draft resolution A/C.3/43/L.44 because it had difficulty in accepting the concept, expressed in the title of the resolution, of the indivisibility of economic, social, cultural, civil and political rights. Her delegation believed that careful consideration had to be given to the differences between economic, social and cultural rights on the one hand and civil and political rights on the other. The gradual achievement of economic, social and cultural rights should not be a pre-condition for the enjoyment of civil and political rights. Her delegation also had difficulties in accepting certain paragraphs of the resolution.

30. Mr. DAMW (Chile) said that his delegation had abstained in the vote on draft resolution A/C.3/43/L.44 because it considered the eighth preambular paragraph to be incomplete; that paragraph should have mentioned terrorism as an obstacle to the full realization of human rights.

Draft resolution A/C.3/43/L.54

31. The CHAIRMAN said that the draft resolution had no programme budget implications.

32. Mr. SKIBSTED (Denmark) said that the words "rights and" should be inserted before the word "principles" in operative paragraph 11.

33. Mr. GALAL (Egypt) said that in operative paragraph 13, the word "review" should be replaced by the words "consider reviewing". After operative paragraph 12, a new paragraph should be inserted, to read as follows: "Emphasizes the sovereign right of all States on acceding to any convention to make any reservations in accordance with the Vienna Convention on the Law of Treaties." The addition of that paragraph would bring the draft resolution into line with the principles of international law and the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations.

34. Mr. LINDHOLM (Sweden) said that his delegation objected to both the amendments proposed by Egypt. Operative paragraph 13, as it stood, was a consensus text. The same wording had been agreed upon the previous year, in the form of operative paragraph 11 of resolution 42/103, and his delegation saw no need to change it. With respect to Egypt's second amendment, the proposed new paragraph was
superfluous. Since the Covenants contained special provisions concerning reservations; there was no need to refer to the Vienna Convention on the Law of Treaties. The Vienna Convention applied only when an instrument had no special provisions dealing with reservations.

35. Mr. BEN HAMIDA (Tunisia) said that the French text of operative paragraph 13 of the draft resolution did not correspond to the previous year's text. His delegation felt that the Committee should seriously consider the second amendment proposed by Egypt because it would be inappropriate to refer in the draft resolution to a principle of international law that was recognised by the international community.

36. Mr. KRENKEL (Austria) pointed out that the International Covenants contained provisions concerning reservations; the Vienna Convention applied only to legal instruments with no such provisions.

37. Mrs. KABA CAMARA (Côte d'Ivoire) said that the word "strictement" in the French text of operative paragraph 11 of the draft resolution did not correspond to the words used in the English and Spanish texts.

38. The CHAIRMAN said that the original text had been drafted in English; the Secretariat would take care of the point raised.

39. Mr. YOUSIF (Iraq) said that his delegation supported the second Egyptian amendment; out of concern for the implementation of the general rules of international law, especially in the area of human rights; it was necessary to refer to the sovereign right of any State to make any reservation in accordance with the Vienna Convention and the Covenants.

40. Mrs. CHOCHAN (Pakistan) said that her delegation supported the Egyptian amendment; it was important to refer to the Vienna Convention because it had a specific chapter on reservations.

41. Mr. WALDROP (United States of America) said that he did not feel that there was any essential dispute; since everyone agreed that the substance of the Egyptian amendment was fully in accordance with international law, it should be possible to support it.

42. Miss AIQUAZE (Algeria) suggested that the sponsors might wish to delete operative paragraph 13, enabling the representative of Egypt to withdraw his amendments.

43. Mrs. WARZAZI (Morocco) said that the second amendment proposed by Egypt was superfluous since the International Covenants contained provisions concerning reservations. Operative paragraph 13 was also superfluous because, when there were reservations States parties had to review them.

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44. The CHAIRMAN suggested that the Committee postpone its consideration of draft resolution A/C.3/43/L.54.

45. It was so decided.


46. The CHAIRMAN drew attention to the programme budget implications of draft resolution A/C.3/43/L.50/Rev.1, contained in document A/C.3/43/L.62. He announced that Austria, India, Sweden and Yugoslavia had become sponsors of the draft resolution.

Draft resolution A/C.3/43/L.50/Rev.1

47. Ms. KÂMAL (Secretary of the Committee) recalled that the representative of the Netherlands had introduced three amendments to the draft resolution: the word "unanimously" should be deleted from the fourth preambular paragraph; the twelfth preambular paragraph should be deleted; and the words "taking due consideration of the relevant provisions of those instruments" should be added at the end of operative paragraph 2.

48. Mr. GALAL (Egypt) said that operative paragraphs 14, 15 and 16 referred to the meeting of chairpersons of human rights treaty bodies as though it had been an official meeting, when it had actually been an informal meeting.

49. Mr. JUARTE (Australia) said that the meeting of chairpersons had been called pursuant to the request made by the General Assembly in resolution 42/105, which had been adopted by consensus.

50. Mr. WULFFEN PALTTE (Netherlands) observed that operative paragraph 16 referred only to the "possibility" of a further meeting.

51. Mr. GALAL (Egypt) said that his delegation was fully aware of what had happened at the forty-second session of the General Assembly. While it had no objection to the consideration of procedural and reporting matters at the meeting of chairpersons, it would have difficulty in going along with the implications of draft resolution A/C.3/43/L.50/Rev.1.

52. Mr. KRENDEL (Austria) said that the meeting of chairpersons had been an official meeting; it had been called for by the General Assembly and the Third Committee had received a report on its results. It was therefore appropriate that the Committee should take up its recommendations.

53. Mrs. WARZAZI (Morocco) said that, since the meeting had been called for by the General Assembly, it had been an official meeting.

54. Mr. MUKHERJEE (India) said that the meeting of chairpersons had been held to explore ways of improving the work of the various human rights treaty bodies, an objective to which the Egyptian delegation was clearly committed. When the
possibility of institutionalizing such meetings had been considered, it had been decided that a further meeting should be held in 1990, at which time the General Assembly could decide whether or not to institutionalize the meetings.

55. Draft resolution A/C.3/43/L.50/Rev.1 as amended, was adopted.

56. Mr. GOLEMANOV (Bulgaria), speaking in explanation of vote, said that his delegation had joined in the consensus on draft resolution A/C.3/43/L.50/Rev.1 but would have preferred to see the task defined in operative paragraph 15 (a) entrusted to a working group of an appropriate United Nations body in order to ensure that all geographical groups had an input in accordance with the principle of equitable geographical representation.

AGENDA ITEM 106: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued) (A/C.3/43/L.49, L.51 and L.52)

Draft resolution A/C.3/43/L.49

57. The CHAIRMAN said that the draft resolution had no programme budget implications.

58. Draft resolution A/C.3/43/L.49 was adopted.

59. Mrs. KIMATA (Japan), speaking in explanation of vote, said that her delegation had joined in the consensus on draft resolution A/C.3/43/L.49 because it greatly appreciated the Convention's goal of eliminating torture and other cruel, inhuman or degrading treatment or punishment. However, there had been no change in her delegation's position as explained at the time of the adoption of the Convention at the thirty-ninth session of the General Assembly.

Draft resolution A/C.3/43/L.51

60. The CHAIRMAN said that the draft resolution had no programme budget implications.

61. Draft resolution A/C.3/43/L.51 was adopted.

Draft resolution A/C.3/43/L.52

62. The CHAIRMAN announced that Austria, Burkina Faso, Congo, Cuba, Egypt, Greece, Ireland, Libyan Arab Jamahiriya, Mongolia, Nigeria, Norway, Philippines, Sudan, Sweden, Tunisia, Zaire and Zambia had joined the sponsors of the draft resolution, which had no programme budget implications.

63. Draft resolution A/C.3/43/L.52 was adopted.

Draft resolution A/C.3/43/L.58

64. The CHAIRMAN said that the draft resolution had no programme budget implications.

65. Mr. SILVA (Angola) said that, in the Spanish text of operative paragraph 4, the words "de primera linea" should be changed to "de la linea del frente".

66. Draft resolution A/C.3/43/L.58 was adopted.

Draft resolution A/C.3/43/L.59

67. The CHAIRMAN said that Ethiopia, Honduras and Pakistan had become sponsors of the draft resolution, which had no programme budget implications.

68. Mrs. ALVAREZ (Dominican Republic) said that, contrary to its practice in previous years and although it fully appreciated the selfless work done by the High Commissioner and his staff, her delegation was regrettably unable to sponsor draft resolution A/C.3/43/L.59. The draft resolution would have benefited from the inclusion of a specific reference to the precarious and particularly difficult situation of elderly and disabled refugees. In developing countries, where the family was the principal and sometimes the only means of economic and social support, the elderly and the disabled deserved special attention. Her delegation had in mind not only tending to the needs of those two groups within refugee camps but also the possibility of devoting special attention to them in programmes of family reunification, from which they were often excluded because of their age or physical impediments.

69. Draft resolution A/C.3/43/L.59 was adopted.

Draft resolution A/C.3/43/L.60

70. Mr. RYAMBUXA (Budget Division) said that the draft resolution had implications for the programme budget. He had been assured by the High Commissioner for Refugees that it would be possible to raise extrabudgetary resources to cover the expenses of the International Conference on Central American Refugees and its Preparatory Committee. The Department of Conference Services would be consulted about conference-servicing requirements when the International Conference took place.

71. The CHAIRMAN announced that Denmark, Finland, Iceland, Norway, Pakistan, Spain and Sweden had become sponsors of the draft resolution.

72. Ms. KANAL (Secretary of the Committee) said that the word "co-operation" should be added after the words "support and resources" in operative paragraph 5.

73. Draft resolution A/C.3/43/L.60, as amended, was adopted.
74. Mr. SYLVESTER (Belize), speaking in explanation of vote, said that he welcomed the increased attention paid by the international community to the plight of Central American refugees, returnees and displaced persons, particularly the assistance being provided by the specialized agencies, UNHCR and UNDP in alleviating the burden created by the refugees. As both a Caribbean and a Central American country, Belize had supported the draft resolution, on which a consensus had been crucial. He wished to enter a strong reservation, however, at the fact that while Belize was mentioned in the fifth preambular paragraph as a country of asylum, it had been excluded from the list of countries comprising the Preparatory Committee of the International Conference, given in the seventh preambular paragraph. He regretted the fact that his country had not been invited to attend the first meeting of the Preparatory Committee. In view of the magnitude of the problem facing Belize, it should be included in all phases of preparations for the Conference and his delegation had joined in the consensus on the draft resolution on the understanding that it would.

75. Mr. AGUILAR-HECHT (Guatemala) said that he was pleased that a consensus had been reached on the draft resolution and that all States would participate in the Conference.

Draft resolution A/C.3/43/L.61

76. The CHAIRMAN said that draft resolution A/C.3/43/L.61 had no programme budget implications.

77. Mr. RWAMBUYA (Budget Division) said that no information was as yet available concerning the venue, documentation and other details of the proposed conference and that no exact costing could be made, but that funding would in any case come from extrabudgetary resources.

78. The CHAIRMAN announced that Denmark, Finland, Iceland, Norway, Sweden and Turkey had become sponsors of draft resolution A/C.3/43/L.61.

79. Draft resolution A/C.3/43/L.61 was adopted.

The meeting rose at 4.50 p.m.