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CONTENTS

	<i>Page</i>
Provisional agenda (S/Agenda/2242)	1
Adoption of the agenda	1
The situation in the Middle East:	
Letter dated 28 May 1980 from the Acting Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council (S/13966)	1

NOTE

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2242nd MEETING

Held in New York on Monday, 30 June 1980, at 3.30 p.m.

President: Mr. Ole ÅLGÅRD (Norway).

Present: The representatives of the following States: Bangladesh, China, France, German Democratic Republic, Jamaica, Mexico, Niger, Norway, Philippines, Portugal, Tunisia, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Zambia.

Provisional agenda (S/Agenda/2242)

1. Adoption of the agenda
2. The situation in the Middle East:
Letter dated 28 May 1980 from the Acting Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council (S/13966)

The meeting was called to order at 4.10 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East:

Letter dated 28 May 1980 from the Acting Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council (S/13966)

1. The PRESIDENT: In accordance with the decisions taken at previous meetings [2233rd to 2236th, 2238th and 2241st meetings], I invite the representatives of Israel and Pakistan to take a place at the Council table, I invite the representatives of Algeria, Bahrain, Chad, Cuba, Democratic Yemen, Djibouti, Egypt, Gabon, Guinea, Guinea-Bissau, Indonesia, Iran, Iraq, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Senegal, Somalia, the Sudan, the Syrian Arab Republic, Turkey, Uganda, the United Arab Emirates, the United Republic of Cameroon, the Upper Volta, Yemen and Yugoslavia to take the places reserved for them at the side of the Council chamber and I invite the representative of the Palestine Liberation Organization (PLO) to take a place at the Council table.

At the invitation of the President, Mr. Blum (Israel) and Mr. Naik (Pakistan) took places at the Council table, Mr. Bouzarbia (Algeria), Mr. Al-Saffar (Bah-

rain), Mr. Kessely (Chad), Mr. Roa Kourí (Cuba), Mr. Al-Hamzah (Democratic Yemen), Mr. Farah Dirar (Djibouti), Mr. Elaraby (Egypt), Mr. Nguema-Mba (Gabon), Mr. Kouyaté (Guinea), Mr. Fernandes (Guinea-Bissau), Mr. Suwondo (Indonesia), Mr. Shemirani (Iran), Mr. Al-Ali (Iraq), Mr. Nuseibeh (Jordan), Mr. Bishara (Kuwait), Mr. Tuéni (Lebanon), Mr. Elgariani (Libyan Arab Jamahiriya), Mr. Halim (Malaysia), Mr. Saleem (Maldives), Mr. Samake (Mali), Mr. Kane (Mauritania), Mr. Laraki (Morocco), Mr. Aboul-Nasr (Oman), Mr. Jamal (Qatar), Mr. Zowawi (Saudi Arabia), Mr. Djigo (Senegal), Mr. A. M. Adan (Somalia), Mr. Abdalla (Sudan), Mr. Mansouri (Syrian Arab Republic), Mr. Eralp (Turkey), Mr. Kilara (Uganda), Mr. Humaidan (United Arab Emirates), Mr. Oyono (United Republic of Cameroon), Mr. Ouédraogo (Upper Volta), Mr. Alaini (Yemen) and Mr. Mujezinović (Yugoslavia) took the places reserved for them at the side of the Council chamber and Mr. Terzi (Palestine Liberation Organization) took a place at the Council table.

2. The PRESIDENT: I should like to inform members of the Council that I have received a letter from the representative of the Gambia, in which he requests to be invited to participate in the discussion of the item on the agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote in accordance with the provisions of the Charter and rule 37 of the provisional rules of procedure.

At the invitation of the President, Mr. Blain (Gambia) took a place reserved for him at the side of the Council chamber.

3. The PRESIDENT: I should like to draw the attention of members of the Council to document S/14032, which contains the text of a letter dated 30 June 1980 from the Chargé d'affaires *ad interim* of the Observer Mission of the Holy See addressed to the President of the Council.

4. I have further been asked by the sponsors to announce that the Gambia has become a sponsor of the draft resolution contained in document S/14031.

5. I shall now make a statement in my capacity as the representative of NORWAY.

6. For more than three decades the attitude of Norway towards the question of Jerusalem has been

dictated by the special status of the City under both international law and the relevant resolutions of the United Nations and spiritually as the Holy City of three world religions.

7. The special status and international régime of Jerusalem is defined in General Assembly resolutions 181 (II), 194 (III) and 303 (IV). This status was at the outset recognized by the Government of Israel. The special status of Jerusalem was also recognized in the Protocol signed at Lausanne on 12 May 1949 by Israel and its Arab neighbours.¹

8. My Government has consistently supported those resolutions as well as the relevant Security Council resolutions on Jerusalem. Furthermore, Norway has consistently maintained the view that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,² applies to all the territories occupied by Israel as a result of the hostilities in 1967, including the part of Jerusalem occupied by Israel in that year.

9. In our view, the final status of the City of Jerusalem can be settled only through a comprehensive solution to the Middle East conflict. Such a solution would have to maintain and guarantee the free access to the Holy Places and places of worship for the followers of Judaism, Christianity and Islam. Pending such a comprehensive solution, my Government, together with the overwhelming majority of the international community, has opposed all unilateral steps which might alter the status of Jerusalem. Such steps would constitute a serious obstacle to achieving a comprehensive, just and lasting peace in the Middle East.

10. Thus, supporting the main thrust of the draft resolution before us—and viewing the developments in Jerusalem in the context of the urgent need for a comprehensive peace settlement—my delegation will cast a positive vote, although we do not associate ourselves with each and every formulation of the resolution. In particular, we want to be on record as stating that in our view the steps called for in operative paragraph 6 are not such measures as are envisaged under Chapter VII of the Charter.

11. I now resume my functions as PRESIDENT of the Council.

12. It is my understanding that the Council is ready to proceed to the vote on the draft resolution sponsored by three members of the Council: Bangladesh, the Niger and Tunisia, and by 36 delegations invited to participate in the discussion. Unless I hear any objection, I shall put the draft resolution to the vote.

13. I shall first give the floor to the representative of the United States, who wishes to make a statement before the vote.

14. Mr. McHENRY (United States of America): The United States is deeply committed to making practical progress towards a just and lasting peace in the Middle East which would permit the people of all faiths to live in peace in an undivided Jerusalem. We strongly believe that Jerusalem must become a city of peace, undivided, with free access for people of all faiths. We also believe that its status should be determined in the course of the negotiations for a comprehensive peace. The process of achieving a durable peace requires negotiation among the parties. Only in the give and take of negotiation can solutions be worked out with which all parties to an agreement can live in dignity and at peace with each other.

15. In recent weeks and months we have faced in the Council a series of debates on issues related to the Middle East. These debates and the unilateral actions of the parties have the effect, if not the intention, of undermining the one active negotiation currently in progress.

16. Progress in any negotiation will be more difficult so long as we are expending our energy on the treadmill of actions and reactions, resulting in resolutions in the Council, rather than devoting those energies to a realistic process of negotiation.

17. The United States, Israel and Egypt are currently engaged in a process of negotiations designed to provide full autonomy to the inhabitants of the West Bank and Gaza. Those negotiations, under the Camp David accords, are designed to resolve the Palestinian problem in all of its aspects, while fully protecting the security of Israel. They are the first effort in 30 years aimed at resolving some of the most intractable problems that stand in the way of a just and lasting peace. We do not believe that resolutions which undermine the negotiating process are consistent with the search for a peaceful settlement to which the Council and its members are committed.

18. The draft resolution before us contains a number of deficiencies in its formulations. It does not, for instance, root consideration of the Jerusalem issue in the context of the negotiated peace envisioned in Security Council resolution 242 (1967) but rather quotes selectively from that resolution. It contains a provision which affirms the need for Israeli withdrawal from territories occupied in 1967, without any reference to the other central provision of resolution 242 (1967)—Israel's right to secure and recognized boundaries in a just and lasting peace. Resolution 242 (1967), in all its parts, remains the basis for a comprehensive peace.

19. What is really needed is a resolution on Jerusalem which would provide a practical method for bringing peace to the people of that City. We must establish the basis for a negotiation to resolve the final status of Jerusalem in the context of peace. We must find a way to ensure in clear and unequivocal

terms that the City is not again divided and that the people of all faiths have free access to the Holy Places. The real challenge to those who seek peace in that Holy City is to develop the basis for such a negotiation. In such a negotiation, the issues must be addressed in a more realistic manner than the impractical call in the draft resolution for rescinding past actions.

20. At the same time, I must note that the draft resolution in question contains much that is consistent with the policy of the United States because in it are deplored the unilateral acts which have sought to change the character of the City outside a negotiated settlement. The significance of those acts is that they are inconsistent not only with international law but with the very nature of negotiations essential for peace.

21. The position of the United States on Jerusalem has been stated consistently by successive American Administrations, and remains as stated in the United Nations by Ambassador Goldberg on 14 July 1967³ and by Ambassador Yost on 1 July 1969 [1483rd meeting]. Beyond that, the policy of the United States is reflected in a framework for peace in the Middle East accord agreed at Camp David. It remains the view of the United States that the comprehensive peace envisioned in that accord can come about only when an agreement has been negotiated on the final status of Jerusalem.

22. We do not intend to be diverted from our course of negotiation by a series of actions and reactions resulting in resolutions in the Council which do not contribute to a negotiated peace. The clearest way for us to indicate that determination is for us to abstain in the vote on the draft resolution before the Council.

23. The PRESIDENT: I shall now put the draft resolution to the vote [S/14031].

A vote was taken by show of hands.

In favour: Bangladesh, China, France, German Democratic Republic, Jamaica, Mexico, Niger, Norway, Philippines, Portugal, Tunisia, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Zambia.

Against: None.

Abstaining: United States of America.

The draft resolution was adopted by 14 votes to none, with 1 abstention (resolution 476 (1980)).

24. The PRESIDENT: I call on the representative of the United Kingdom, who has asked to speak following the voting.

25. Sir Anthony PARSONS (United Kingdom): My delegation does not regard itself as committed to any specific courses of action by the provisions of paragraph 6 of the resolution just adopted.

26. The PRESIDENT: I call on the representative of Pakistan.

27. Mr. NAIK (Pakistan): On behalf of the members of the Islamic Conference, I wish to express our gratification over the adoption of the draft resolution contained in document S/14031. I also wish to express our gratitude to the members of the Council for their support of the resolution. They have once again upheld, by categorically reaffirming, the principles of the inadmissibility of the acquisition of territory by force and the specific status of the Holy City of Jerusalem, which cannot be permitted to become a spoil of war.

28. Expressing grave concern over the legislative steps initiated in the Knesset aimed at changing the character and status of the Holy City of Jerusalem, the Council has once again declared that all legislative and administrative measures and actions taken by Israel, the occupying Power, which purport to alter the character and status of the Holy City have no legal authority and constitute a flagrant violation of international law. The Council has again called upon Israel to rescind those measures and to desist forthwith from persisting in the policy and measures affecting the character and status of the Holy City of Jerusalem. The Council has further reaffirmed its determination, in the event of non-compliance by Israel with the resolution, to examine practical ways and means in accordance with relevant provisions of the Charter to secure the full implementation of the resolution.

29. The comprehensive support which the resolution has received from the members of the Council clearly demonstrates that the Council is determined to abide by its decisions, to uphold its principles and never to acquiesce in the cynical designs by Israel to legitimize its occupation of Al-Quds Al-Sharif. It is our hope that the message from the Council will not be lost on Israel and that Israel will refrain forthwith from carrying out its policy of the annexation of Al-Quds Al-Sharif and the destruction of the historical and the spiritual personality of the Holy City.

30. The Council's decision is a clear warning to Israel and to those who support Israel, as well as to those whose support has encouraged Israel's belligerent defiance of the repeated verdict of the international community, which, if it persists, would lead to greater violence and bloodshed, aggravating a situation already on the brink of a major conflict. Only respect for the decisions of the Council and the United Nations can avert such a cataclysm and sustain hope for achieving a just and lasting peace in the Middle East.

31. The decision adopted today by the Council and the statements made in the Council are no shrill voices of hate, incitement or prejudice, but are voices of sanity, peace and justice. These voices represent the will of the international community, which demands respect for the rule of law in international relations and an end to injustice against a people being denied its

inalienable national rights and evicted from its homeland which it has inhabited since time immemorial and where it has maintained the greatest spiritual tradition of monotheistic religions and developed a most splendid culture and civilization.

32. On behalf of the members of the Islamic Conference, I wish to state our understanding that the only practical ways and means prescribed by the Charter to deal with non-compliance by the aggressor with the decisions of the Council are those provided under Chapter VII of the Charter. The Council should not hesitate to invoke the measures under Chapter VII of the Charter if Israel disregards the decisions of the Council and persists in its policy of annexing Al-Quds Al-Sharif and altering the character and status of the Holy City. The Foreign Ministers of the Islamic Conference will shortly meet in extraordinary session to review the situation. They will be left with no alternative but to call for the imposition of these measures under Chapter VII of the Charter if Israel persists in its design to occupy permanently the Holy City.

33. The representative of Israel has alleged that the purpose of convening the Security Council has been to divert attention from some other international issues. At the same time, he has asserted that we, the sponsors of this debate, should have approached the question of Al-Quds Al-Sharif with serenity and devotion. If the Israeli representative were true to his words, he would himself have refrained from bringing such a bizarre insinuation into this solemn debate about a Holy City. Al-Quds Al-Sharif evokes the deepest reverence among Muslims throughout the world. They regard the liberation of the Holy City as an article of faith. Their indignation at the designs pursued by Israel to annex the Holy City and desecrate its historical and spiritual character is immeasurable. It was for this reason that the Islamic Foreign Ministers, who met at Islamabad last month, issued a unanimous call for the convening of an urgent meeting of the Council to consider the latest Israeli moves in the Knesset. They also entrusted to the Foreign Minister of Pakistan, in his capacity as Chairman of the Islamic Foreign Ministers, the honourable mandate of conveying the sentiments of the Islamic nations to the Council.

34. Al-Quds Al-Sharif, as the very meaning signifies, is a sacred and noble trust which Muslims have nurtured and preserved for more than 13 centuries. It is a most valuable spiritual heritage which they cannot be deprived of. They will not desist from making the highest sacrifices, as their struggle has already shown, to save the Holy City from becoming a victim of aggression and perfidy. Spurious professions of permitting access to the holy shrines cannot justify annexation of the Holy City.

35. The Chargé d'affaires of the Observer Mission of the Holy See has distributed today in document S/14032 the text of an article published in the 30 June issue of *L'Osservatore Romano* which reflects the position of the Holy See concerning Jerusalem and

the Holy Places. The text very clearly declares that "the Jerusalem question cannot be reduced to mere 'free access for all to the Holy Places' ". The statement fully underlines the deep religious significance and spiritual value of the Holy City for Christians, Jews and Muslims, which surpasses the interests of any State or bilateral agreements between one State and others.

36. Al-Quds Al-Sharif remains an occupied city in the hands of an aggressor. The international community—the Islamic countries in particular—is committed to bringing an end to this occupation which is out of harmony with the spiritual heritage of the Holy City, the universal precepts of justice and peace and the norms of international law.

37. Let me conclude by stressing that Muslims throughout the world are dedicated to realizing this objective and to fulfilling their cherished desire to pray in the holy Al-Aqsa Mosque of a liberated and free Al-Quds Al-Sharif.

38. The PRESIDENT: I call on the representative of the Palestine Liberation Organization, who has asked to speak.

39. Mr. TERZI (Palestine Liberation Organization): In the name of the people of Jerusalem, in the name of the Palestinian people and their representative, the PLO, I wish to thank all those who voted in favour of the draft resolution concerning the future of Jerusalem.

40. We express our thanks to the Chairman of the Islamic Conference of Foreign Ministers, Mr. Agha Shahi, who came personally to initiate the deliberations on this very serious issue, and also to Mr. Laraki of Morocco.

41. We also wish to extend our thanks to the sponsors of the draft resolution which has now been adopted, as well as to the representative of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the representative of Malta, and also to the Chairman of the Non-Aligned Group.

42. We are really grateful to His Holiness the Pope that a statement was issued in *L'Osservatore Romano* and was distributed in very timely fashion today to add substance to our fears and to our hopes.

43. The resolution just adopted unanimously—and I say "unanimously" intentionally, because we know that the United States is in bondage now and cannot really take a position; I will refer to that later—shows the unanimous support of the international community for the elements shown here: the overriding necessity to end the prolonged occupation of Arab territories occupied since 1967, including Jerusalem, and the necessity of Israel's rescinding all the acts and measures it has taken in the occupied territories, and par-

ticularly in the Holy City of Jerusalem. Moreover, the international community is unanimous in calling upon Israel, as the occupying Power, to abide by this and previous Council resolutions and to desist from pursuing the policies and measures affecting the character and status of the Holy City.

44. The Council met upon the request of the Islamic Conference. The Conference will meet again in a special session early next month to consider the results of the present deliberations. The Conference will meet at the ministerial level to take note of the resolution just adopted, especially paragraph 6, in which the Council has reaffirmed its determination to examine practical ways and means in accordance with the relevant provisions of the Charter to secure the full implementation of the resolution. Our understanding is that every single paragraph, every single sentence and every single word of the Charter applies. That is not up to us to decide. That will be up to the Council to decide at a later stage. But we shall take this resolution to the Conference as the decision of the Council.

45. The Council has unanimously asserted its rejection of the action which Israel unilaterally took in Jerusalem. The Council has unanimously affirmed its rejection of the Israeli diktat in the Holy Land. The Council has unanimously affirmed its support of the Palestinian people.

46. Peace, as Chairman Arafat told the General Assembly in 1974,⁴ starts in Palestine. If Chairman Arafat were here today, he would say that peace and Jerusalem are inseparable.

47. The representative of the United States made a very eloquent statement, but I would say it was rather confusing and confused. The statement was inconsistent and not in line with what we had heard in the statements made by Mr. Goldberg and Mr. Yost. The representative spoke about a comprehensive peace and said that the status of Jerusalem would be resolved in the framework of a comprehensive peace. Yet, the statement defended very eloquently the current negotiations and accused the supporters of this resolution of trying to undermine the current negotiations. Well, it is either comprehensive peace or bilateral negotiations: it cannot be both. It is high time for the United States to make up its mind. Does it want comprehensive peace in the Middle East or does it want bilateral arrangements in the area?

48. What I inferred from the statement—I do not have the text before me—is that the aim of the representative of the United States was to make sure that the process of negotiation continues. My question is this: is the aim negotiations or are negotiations a method to reach an aim? And if so, what is that aim? If the aim is to secure what he calls “full autonomy to the residents in the West Bank and Gaza” [*para. 17 above*], I think that is a self-defeating aim. As we have explained in previous Council meetings, the aim

should be to provide guarantees for the future of 4 million Palestinians, and not only for those residents in the West Bank and in Gaza. If the United States is really interested in peace, it will start thinking seriously about the fate of the 2 million Palestinians who are denied the right to return to their own homes and to their own country.

49. The representative of the United States spoke about resolution 242 (1967) as being the basis for a settlement. In resolution 242 (1967) there is no word about Palestinian rights, there is no word about self-determination for the Palestinian people and nowhere does it stress the necessity for the return of the Palestinian refugees to their homes and their property. That is why I say that the statement was rather confused and confusing.

50. Yet we were told that the framework for peace deals with the settlement of the Palestinian question in all its aspects. What are the aspects of the question of the Palestinian people? The perpetuation of the exile of 2 million Palestinians outside their homes and the perpetuation of Israeli, Zionist racist domination with boots and bayonets for the other 2 million? If that is what the United States understands by peace for a people, then we beg to differ from them and we are determined to correct their concepts.

51. If the United States is really interested in peace, why does it not just revert to the peace formula that was accepted by the General Assembly? Let us remember that on 1 October 1977, they presented a formula, together with the co-Chairman of the peace negotiations, the representative of the Soviet Union, and within 72 hours they retracted it. Are they really interested in peace? I don't know—I would say that they are not.

52. What is the road to peace? There is only one road to peace, namely, that the rights of all the people should be recognized, respected and guaranteed. That is exactly what the Camp David accords deny to the Palestinian people. We were told about active negotiations currently taking place, How active are they? The world was sort of traumatized or given some type of sedative until 26 May. But what took place on 26 May? It was just another day. Apparently it is not clear to the Government of the United States that it is dealing with the World Zionist Organization, which has no intention whatsoever of bringing peace to the Middle East. I challenge those who support the World Zionist Organization, whether it is called the Jewish Agency or the State of Israel, to come out and say, “Yes, it is high time to guarantee and implement the right of the Palestinian people to return to their homes”. The Palestinians should be enabled to return to their homes because, believe me, Mr. President, with 2 million Palestinians denied that right there will be no peace.

53. We shall take this resolution and we shall keep under close observation how the friends or the bene-

factors of Israel will deal with it when the Knesset resumes debate on trying to legitimize Israel's military occupation of Jerusalem.

54. Mr. President, this has been a very long month for you. It started when the Israelis attempted to assassinate the elected Mayors of Palestinian towns. It was followed by a debate on the assassination of Africans by South Africa. And while we were debating the future of Jerusalem, the South African racists attacked Angola and the Israelis attacked southern Lebanon, so the linkage is very clear. I do realize that you have done an excellent job during this month and I wish to commend your great ability.

55. The PRESIDENT: The representative of Israel has asked to speak.

56. Mr. BLUM (Israel): In my statement this morning [2241st meeting], I pointed out that a balanced approach required in the deliberations on the matter before us cannot be achieved in the contentious atmosphere prevailing in the Council.

57. The resolution just adopted, with its obvious one-sidedness and blatant bias, fully bears out the conclusion as to the unsuitability of the Council to address itself in a proper and positive manner to this issue. It is, of course, superfluous to point out that resolutions of this kind cannot affect the realities of the situation prevailing in Jerusalem which I described in detail in my statement. This resolution serves neither the cause of peace in the Middle East nor the genuine interests and concerns with regard to Jerusalem, nor those of the people of Jerusalem. The resolution comes in the wake of a long series of other resolutions which have

equally ignored the fundamental rights and interests as well as the legitimate concerns of Israel.

58. Israel has always recognized the existence of genuine universal interests in Jerusalem. However, the debate that has taken place in the Council over the last week, as well as the resolution that has emerged from it, do not reflect those interests. Instead, the resolution caters to the views and interests of those who have sought all along to exploit the discussions here in their relentless and ongoing warfare against Israel. The time has surely come for all here to recognize that exercises of this kind do not and cannot contribute to the promotion of peace in our region. That objective can be attained only through honest dialogue and negotiation and not by deliberation conducted in an atmosphere of incitement or by rancorous and biased resolutions emanating from them.

59. The PRESIDENT: There are no further speakers. The Council has thus concluded the present stage of its consideration of the item on the agenda.

The meeting rose at 4.55 p.m.

NOTES

¹ *Official Records of the General Assembly, Fourth Session, Ad Hoc Political Committee, Annex, vol. II, document A/927, annexes A and B.*

² *United Nations, Treaty Series, vol. 75, No. 973, p. 287.*

³ *Official Records of the General Assembly, Fifth Emergency Special Session, Plenary Meetings, 1554th meeting.*

⁴ *Ibid., Twenty-ninth Session, Plenary Meetings, 2282nd meeting.*