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SESSIONAL WORKING GROUP OF GOVERNMENTAL EXPERTS ON THE IMPLEMENTATION
OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 7th MEETING

Held at Headquarters, New York,
on Thursday, 17 April 1986, at 3 p.m.

Chairman: Mr. RUIZ-CABAÑAS (Mexico)

CONTENTS

Consideration of reports submitted in accordance with Council resolution 1988 (LX)
by States parties to the Covenant concerning rights covered by articles 10 to 12
(continued)

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX)
BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 10 TO 12
(continued)

Initial and second periodic reports of the Hungarian People's Republic (continued)
(E/1980/6/Add.37 and E/1986/4/Add.1)

1. At the invitation of the Chairman, Mr. Endreffy (Hungary) took a seat at the table.
2. Mr. MRACHKOV (Bulgaria) said that the meaning of the term "State care" in paragraph 56 of the initial report (E/1980/6/Add.37) was unclear. Additional information would be welcome on State policy regarding housing, tenant protection against abusive rent increases, and the setting of rents. It would be useful to have a full account of the new decree on social and cultural benefits mentioned in paragraph 5 of the second periodic report (E/1986/4/Add.1), additional details on government policy with regard to the benefits mentioned in paragraph 41 of that report, further information concerning demographic trends, and the results of government policy to encourage natality.
3. Mrs. JIMENEZ BUTRAGUENO (Spain) said that more information would be welcome concerning the number and nationalities of foreign workers, and government social-security, health and housing policies towards them.
4. It was unclear whether unmarried partners had the same rights as spouses, and whether children born out of wedlock had the same rights as those born in wedlock. It would be useful to know what provisions had been made for widowed working women. More information should be provided concerning maternity leave and leave to attend to sick children. With regard to paragraph 89 in the initial report, it would be interesting to learn whether consideration had been given to technological developments which might make it possible to lift certain work prohibitions. Additional details would also be welcome on paragraphs 36 and 79 of the initial report, and on unemployment rates.
5. With regard to social security, it was unclear whether steps had been taken to increase pensions or whether special consideration was given to low-income groups.
6. With regard to housing, the meaning of the term "acquisition" in paragraph 124 of the initial report was unclear. It would be useful to know whether there were facilities for buying homes.
7. The CHAIRMAN, speaking as a member of the Working Group, said that it would be useful to learn which industries were responsible for the pollution mentioned in paragraph 85 of the second periodic report. With regard to paragraph 52 of that report, it would be useful to learn why premature births were the major cause of infant mortality, and what other causes there were. Additional details should be provided concerning population growth rates.

8. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that the socialist path chosen by Hungary had made it possible to implement the provisions of the Covenant successfully in a short period of time. The Hungarian legal structure had so evolved as to reflect human rights fully, especially those enshrined in the Covenant. Hungary believed that it was duty-bound to ensure social justice for citizen and non-citizen alike, as seen by the high standard of living enjoyed by all, through full respect for the Covenant.

9. Hungary's housing problems were not unique, nor were they particular to socialist countries. Improved living standards of large groups everywhere gave rise to needs, aspirations and problems. Socialist countries attempted to solve problems while achieving the highest possible degree of social justice.

10. The efforts of socialist societies to bring about greater social justice required that greater resources should be allocated to such areas as health care, education and housing.

11. He would welcome replies to a number of specific questions. What were the short-term and long-term priorities of the social policies of Hungary? Was there any differentiation based on the financial status of a family in the implementation of social policies? What percentage of the national budget was allocated to social needs? He would also welcome further information on the Institute for Premarital Consultations and on charitable institutions for children.

12. Mr. BENDIX (Denmark) said that there was great value in considering the two reports of Hungary (E/1986/4/Add.1 and E/1980/6/Add.37) simultaneously. Together they presented an updated picture of the situation with regard to the implementation of articles 10 to 12 of the Covenant. Not only were the reports structurally well prepared but also they described in a candid manner the problems faced by the country. He would confine his comments and questions to the report in document E/1986/4/Add.1.

13. He wished to know whether the granting of a family allowance to parents with only one child was intended to encourage parents to have fewer children. He also wished clarification as to whether it was possible for parents to benefit at the same time from both the child-care allowance and the child-care benefit described in paragraph 14.

14. With regard to paragraph 26, he would welcome additional information on Hungary's experience on the new feature of the sick-pay scheme.

15. There was an apparent discrepancy between the number of hours in the work week stated in paragraphs 34 and 39 respectively. He felt sure, however, that the 40-hour work week also applied to minors.

16. With regard to paragraph 41, he wished to know whether the fact that pensions and social benefits had increased faster than incomes from work was due to the performance of Hungary's economy in recent years or to a correction of the common situation in which pensions and social benefits lagged behind incomes.

(Mr. Bendix, Denmark)

17. He had noted from paragraph 52 that there had been no essential change in the rate of premature births, and wondered whether any research had been undertaken to determine the reasons.

18. In addition to the problem of pollution described in paragraph 85, he inquired whether there was also a problem of pollution from agricultural fertilizers, and if so, what progress had been made towards its solution.

19. With reference to paragraph 91, he wished to know whether the number of reported cases of occupational disease during the previous five years represented a change in the trend prior to that period.

20. He was aware that problems of the environment and housing were of great concern to Hungary, and that despite its successes, from which other European countries could benefit, the country realized that much remained to be done.

21. Mr. Endreffy (Hungary) withdrew.

Second periodic report of Austria (continued) (E/1986/4/Add.8 and Corr.1)

22. At the invitation of the Chairman, Mr. Cermak (Austria) took a place at the table.

23. Mr. CERMAK (Austria), replying to questions raised at an earlier meeting, said that, unlike the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Economic, Social and Cultural Rights did not have the status of constitutional law in Austria. Before international instruments could become part of Austrian law, Austrian legislative bodies were required to ensure that the provisions of such instruments conformed in principle to Austrian law. The instrument was then ratified by the Austrian Parliament. The Austrian Constitution provided for generally recognized rules of international law to be considered part of federal law. Self-executing international treaties were enforced in accordance with their provisions, while non-self-executing treaties required the passage of national legislation to make their provisions applicable in Austria. The Covenant, while a part of Austrian law, was therefore not directly applicable.

24. With regard to paragraph 5 of the report (E/1986/4/Add.8), family subsidies were received by persons in whose household a child or children lived. While employment was not a pre-condition for receiving such a subsidy, the recipient must be domiciled in Austria. Students under 27 years of age with children were entitled to family subsidies. A cut-off age of 27 years had been set since, in Austria, students normally completed their university education by age 27. Subsidies were not related to the level of income of recipients.

25. Both travel to school and textbooks were free of charge. The level of income of recipients of such assistance was not taken into account.

(Mr. Cermak, Austria)

26. On the question of the circumstances in which assistance was provided to families in cases of hardship, he explained that such assistance must be based on the occurrence of a particular event, such as the death or illness of the breadwinner, or a natural catastrophe. Members of the family must also include children, and recipients must be citizens of Austria, stateless persons whose exclusive domicile was in Austria, or refugees under the terms of the Geneva Conventions. The amount of assistance was determined on a case-by-case basis.

27. With reference to paragraph 10, the amount of the housing subsidy depended on the amount of the rent, the size of the dwelling and the size of the household. Persons earning above S 200,000 (Austrian schillings) annually were not entitled to such subsidies.

28. On the question of taxation (para. 11 of the report), tax returns were filed separately if both husband and wife were employed. In that case, however, the special tax allowance granted to a sole income earner was lost. The amount of the subsidy for children was the same whether or not the parents were married.

29. In 1984 the average pre-tax income of Austrians had been S 16,840. The average monthly pay of construction and industrial workers had been S 4,600 in 1970, S 10,900 in 1978 and S 15,400 in 1984. In 1970 the inflation rate had been 4.4 per cent, in 1982 3.2 per cent, in 1984 5.6 per cent and in 1985 3.2 per cent.

30. With regard to maternity benefits, the law provided for working mothers to receive eight weeks' paid leave before childbirth and eight weeks after delivery. After the second eight-week period mothers could either return to work or remain on maternity leave until the child's first birthday. During that period married mothers received a subsidy of S 4,160 and unmarried mothers S 6,220. In 1984 the Government had spent S 2.3 billion on such subsidies. Ninety-five per cent of all mothers took advantage of the 16-week paid maternity leave, and 90 per cent remained on leave for a full year, during which period employers were required to keep their jobs open. The third option available for mothers was to remain on maternity leave until the child's third birthday. The subsidy in such cases was based on the last pay packet received before the birth of the child. In 1983, 8,500 women had taken such leave. The system of maternity benefits worked quite well in Austria and there had been no complaints by women about benefits.

31. With regard to the status of women in the family, the principle of equal partnership prevailed in Austria. Since the 1970s, the husband was no longer the head of the family. The responsibility of raising children was shared equally between husband and wife, and all rights and duties were also shared.

32. On the question of whether men were also entitled to special benefits under unemployment insurance (para. 21), the Austrian Parliament was currently considering the question of whether such benefits could be extended to men. The benefits had been increased in 1986 to S 139 per day for married mothers and S 207 per day for single mothers.

33. Social-security pensions were paid to a surviving spouse 14 times per year and were equivalent to 60 per cent of the pension of the insured person. Children up

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(Mr. Cermak, Austria)

to the age of 18 years, or 27 if attending university, were entitled to 40 per cent of that pension if they had lost one parent and 60 per cent if they had lost both parents. If the death of the insured person was due to an accident or to an occupational disease, an additional subsidy of 20 per cent of the former income of the insured person was payable, up to a maximum of S 4,900 for each payment. That percentage was increased to 40 per cent if the widow was over 60 years of age, or the widower over 65 years, and to 30 per cent in the case of a child who had lost both parents. The total amount of all such benefits could not, however, exceed 80 per cent of the former remuneration of the deceased. The right to such benefits was a subjective right and the benefits were paid upon request.

34. Under the Maintenance Advances Act, the Government was required to ensure maintenance payments for minors. Such payments were not made, however, if the person responsible for the child lived in the same household or if the child was resident in an institution. Children born out of wedlock were entitled to receive the same benefits.

35. With regard to the protection of children, anyone could request a court to ensure the welfare of children if such welfare was endangered.

36. On the question of juvenile offenders, in 1982 3,900 juveniles had been found guilty of minor offences, and 4,500 had been convicted of serious crimes of violence. The trend since then had shown a decline for both categories of offenders. Under the Young People's Welfare Act, in 1984, 6,100 juveniles had been sent to institutions for juveniles, 20,900 had been returned to their families by the courts, and 6,900 had been sent by the courts to other families. There were currently in Austria 50 juveniles in confinement and 70 on remand. Priority was given to rehabilitation, education and job training. Juvenile offenders were kept for up to six months in the juvenile sections of regular prisons. For longer periods they were sent to the only juvenile-detention centre in Austria.

37. With regard to the abduction of minors referred to in paragraph 31 (b) of the report, the cases which came under section 103 of the Penal Code, although not very numerous, were particularly difficult to handle since they often involved abduction by a father to a foreign country with different social, cultural and religious conceptions. Perhaps the convention on the rights of the child being drafted in the Commission on Human Rights could establish some regulations to deal with that problem.

38. Divorces in Austria, as elsewhere in the world, were on the rise. Compared with 10,000 divorces in 1951, there had been approximately 15,000 in 1984, 80 per cent of them by mutual consent. Most divorces occurred in the first five years of a marriage; social status did not seem to affect the number of divorces among women, but among men, the higher the social status, the fewer the divorces. Divorces were also three times higher in the cities. Perhaps one of the reasons for the rise in divorces was the fact that women were more independent and more of them were working, and that social security had improved. The Government was trying to deal with the problem, if possible, as a component of sex education in the schools.

(Mr. Cermak, Austria)

39. Regarding the protection of children, it was a fact that children were living at home longer, probably because they continued their education longer and were marrying later. That fact did not, however, bear any relation to the youth unemployment rate. In 1971, 14,000 young people under the age of 29 had been unemployed, in 1981 only 10,000, but in 1984 there had been a sharp rise to almost 40,000, of which about 20,000 had been unemployed less than one month and 1,100 for more than one year. In contrast, the number of families with children had increased by 57,000 between 1975 and 1981. The unemployment rate was worst in the 19-to-24 age group. Forty per cent of unemployed young people had finished their compulsory education and 48 per cent their apprenticeships.

40. In 1984/85, S 700 million had been spent on assistance to 60,000 unemployed young people; of that sum, S 151 million had gone towards "Action 8000", a programme to create 8,000 additional jobs for young people up to the age of 25 unemployed for over three months, particularly the disadvantaged and recent graduates. The Government also offered information and counselling services as well as additional training and apprenticeship programmes, and sought to encourage more mobility.

41. In Austria, children born in or out of wedlock had the same rights except where the Law of Succession was concerned, which stipulated that, where the father had not left a will, the widow and children born in wedlock had entitlement to an inheritance before any children born out of wedlock.

42. The representative of the Soviet Union had asked whether families were taking any special measures to promote world peace and mutual understanding among nations. That was entirely up to them. In the schools, of course, the law determined the curricula.

43. Unemployed workers received 30 weeks of unemployment benefits based on the pay of the last month of work; the average benefit was S 7,600 per month, and in 1984 71,000 persons had received unemployment benefits. After those 30 weeks, the unemployed were eligible for so-called emergency assistance, which with no time-limit, the amount to be assessed in each individual case. In 1984, 27,000 families had received an average of S 6,700 in such benefits.

44. Regarding the right to food and the recent wine scandal, there had been 10 court decisions imposing four-year prison terms on the guilty firms. In 1986 Austria had passed a new wine law, one of the strictest in Europe.

45. As part of its international co-operation, Austria combined food aid with its development assistance to third-world countries. It favoured the use of counterpart funds as an incentive to food production, the earnings from the sale of food products being used to promote agriculture. It had given S 77.5 million in food aid to various African countries, as well as S 14 million to Nicaragua. Austrian disaster relief and refugee aid had amounted to S 44 million in 1984; and in 1985 Austria had contributed S 34 million to the Food and Agriculture Organization and \$US 10 million to the International Fund for Agricultural Development.

(Mr. Cermak, Austria)

46. He had no specific information on sanctions that had been imposed in cases of violations of the Food Act (para. 44 of the report) but he knew that the fines had been quite high and that there had been prison terms in the more serious cases.

47. The amount of the housing loans described in paragraph 49 of the report depended on the family income but could not exceed the amounts listed in the report. He had not been able to secure figures for the total amount so allocated. The amount of the housing subsidies described in paragraph 52 of the report depended on the size of the family, the family income and the cost of rent. Housing regulations also stipulated that, if approval was given for the termination of a lease, the tenant must within three months be offered comparable accommodation according to certain official guidelines, which then had to have court approval. In an attempt to relieve the housing shortage, 360,000 new dwellings had been built between 1978 and 1984, a period during which the population had remained stable. It should be added to the statistics in paragraph 57 of the report that 41,000 dwellings had been constructed in 1984; and it should be explained that the figure for 1980 was particularly high because it included statistics which had been reported late. The number of apartments without running water had been reduced by half since 1976, to 9 per cent of the total. Although the housing market was generally a free market in Austria and there was no government planning as such, the Government encouraged construction through tax reductions and subsidies, largely through the provincial governments.

48. Recent housing legislation stipulated that landlords were entitled to a net profit of 20 per cent of their expenses for improvements and maintenance. They could, however, increase rent under certain conditions and were also given tax allowances. All apartments built before 1945 came under rent control, those built between 1945 and 1953 came under "adequate rent" provisions and those built since 1953 fell into four categories of rent control, depending on the quality of the accommodation. Rent disputes could be solved through arbitration or court action.

49. Regarding health care, as indicated in the report, 2 per cent of the population was not covered but those persons would be treated in certain ambulatory public hospitals or institutions. Certain steps had been taken to deal with the acquired immune deficiency syndrome (AIDS): a bill before Parliament would make it compulsory to screen any blood used for transfusions and to promote research and counselling. No specific information was available on whether any court cases had been brought with regard to contagious diseases, but they would involve mainly venereal diseases.

50. It was hard to give a figure for the minimum wage in Austria because of the many special allowances. The minimum individual retirement pension, however, was S 4,000.

51. In the area of the environment, citizens' initiatives had prevented the opening of an atomic power plant which had been completed in 1979. There had also been public protest against hydroelectric power plants. Powerful pressure groups were represented in local - but not federal - parliaments. In the 1983 elections, the United Green Party had received 94,000 votes and the "alternate list" had received 66,000 votes. In recent elections in Vorarlberg Province, they had

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(Mr. Cermak, Austria)

together received 22,000 votes and gained four seats in the provincial parliament and two seats on the Salzburg City Council.

52. No sanctions had yet been imposed for non-compliance with the law which made the use of unleaded petrol compulsory in Austria. Petrol deliveries were centralized by an Austrian State-owned petroleum company which did not supply leaded petrol.

53. Since 1982, the number of drug addicts in Austria had stabilized and drug-related crimes had decreased, while the average age of drug addicts had increased. Two thirds of drug violations involved hashish, while the rest involved heroin and pharmaceutical drugs. In Austria, priority was given to the prevention of drug addiction, and to therapy instead of punishment. During treatment, addicts received low amounts of the drug to which they were addicted. Families and schools played a role in the prevention of drug addiction.

54. Of the 270,000 foreigners currently in Austria, 139,000 were migrant workers, including 83,000 from Yugoslavia, and 28,000 from Turkey, while the rest were mainly from other European countries. Permission to reunite families of migrant workers was granted quite generously, since social benefits - such as assistance for children - remained the same as for Austrian nationals. Migrant workers were engaged principally in the construction, tourist and textile industries. They received the same pay as Austrians for the same work. While the granting of work permits depended on the situation in the relevant sector of the economy, young persons who had already been integrated in Austrian society were given priority consideration. Because of unemployment, the Austrian Government was currently opposed to increasing the number of migrant workers in the country. However, it took measures to assist second- and third-generation foreigners and children of migrant workers to find jobs. Migrant workers received the same social assistance as Austrian citizens, except that emergency aid after employment benefits had ended was not available to migrant workers. Such aid was replaced by social assistance from the provincial governments.

55. The overall crime rate in Austria had decreased since 1982. In 1982, there had been 58,100 guilty verdicts; in 1983, 57,300; and in 1984, 56,300. There had also been a decrease in such verdicts for serious and more violent crimes: 31,560 in 1982; 32,050 in 1983; and 31,450 in 1984.

56. Austria's report on articles 6 to 9 of the Covenant had been submitted to the Centre for Human Rights at Geneva, and its report on articles 13 to 15 was currently being prepared.

57. Since 1945, the State had had a certain but limited influence on economic development in Austria. It had been helpful in promoting high growth rates in the 1970s and, in the 1980s, the rate had remained between 2 and 3 per cent. Social partnership was an important factor in Austria. Employees and employers worked together to keep wages and prices in check. The Parity Commission, which had no legal basis, consisted of representatives of unions, industry and ministries which determined - on a voluntary basis - wages and prices. The Commission was consulted

(Mr. Cermak, Austria)

whenever price or wage increases were envisaged. The Austrian economy had suffered as a result of the international economic crisis which had begun in the 1970s, and Austria had maintained a certain amount of deficit spending in order to control unemployment.

58. The representative of the USSR had asked what Austrian families thought about the arms race and nuclear war. Of course, Austrian families were very fearful of nuclear war. The Austrian Government had expressed its views on the arms race in other forums and would not repeat them in the Working Group.

59. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that, when he had formulated his questions concerning the reaction of Austrian families to such problems as the nuclear-arms race, he had sought an answer which would provide information about dialogue between the delegation of Austria and the other parties concerned.

60. The CHAIRMAN said that the Working Group had concluded its consideration of the second periodic report of Austria.

61. Mr. Cermak (Austria) withdrew.

Initial report of Zambia (continued) (E/1986/3/Add.2)

62. At the invitation of the Chairman, Mr. Lichilana (Zambia) took a place at the table.

63. Mr. LICHILANA (Zambia), replying to questions raised by the Working Group, said that the international economic situation had indeed affected the living standards in his country. For half a century, Zambia's economy had depended on its mineral exports, and copper still accounted for 90 per cent of foreign-exchange earnings and 11 per cent of internal revenue. From the mid-1970s, however, falling copper prices had led to losses in foreign-exchange earnings which, compounded by a sharp rise in the price of imported petroleum, had caused a reduction of domestic investment in fields like agriculture, accompanied by a huge rise in imports of both capital and consumer goods. Furthermore, Zambia was a victim of the conditions laid down by the International Monetary Fund. Its currency had lost 88 per cent of its dollar value since 1982, while copper prices during the same period had declined by 80 per cent. All imported consumer goods were therefore very expensive.

64. Regarding the role of the State in promoting economic and social development, it should be recalled that, during the colonial era, the rulers' main concerns had been administrative and exploitative, with the result that at independence the new Government had had to give priority to development in all areas. It had founded the Zambia Industrial and Mining Corporation (ZIMCO) which was responsible for all economic operations, sometimes in partnership with private investors. ZIMCO had a section responsible for mining, the Zambia Consolidated Copper Mines; another responsible for the industrial sector, the Industrial Development Corporation (INDECO); and still others responsible for financial institutions and commercial and transport organizations.

(Mr. Lichilana, Zambia)

65. In answer to the doubts voiced regarding the one-party system in Zambia, he noted that politics in Africa had traditionally been organized on a one-party basis because it was the most democratic under prevailing circumstances. Official opposition parties had regularly been used by outside forces to stir up internal strife, while the one-party system allowed more constructive and less subversive opposition. Moreover, under a multi-party system, candidates were elected not as individuals but as candidates on a party ticket; under the one-party system, many candidates could campaign in an election and address voters at joint meetings, thus giving the electorate a chance to elect the best ones.

66. His Government was not planning to extend the institution of ombudsman to the private sector where, indeed, businesses had the right to hire and fire as they wished. However, since most economic operations were State-owned or para-State, the ombudsman had been very effective in improving working conditions.

67. As to the link between the right to development and economic and social rights, Zambia did not distinguish between them, since there was no way to achieve development without economic and social rights.

68. Regarding the structure of Zambian society, some Zambian families were matrilineal, others were patrilineal. There were about 50 local languages in the country, with English as the official language.

69. As to whether the average Zambian lived in daily fear of a nuclear holocaust, he did not think that was the case. Zambians were most worried about the possibility that the South African racist régime would attack them with nuclear weapons, and about the nuclear arsenals maintained by the super-Powers.

70. Zambia's primary concern was to develop its economy, now that the blacks' exercise of political rights had been ensured. Since independence, all citizens had those rights in Zambia, for the law made no distinction as to colour or creed.

71. He was distributing among the members of the Working Group a document containing statistical data on student enrolment, medical facilities, and major causes of out-patient morbidity and in-patient mortality.

72. The legal age in Zambia was 21. From that age, persons could enter into business contracts, marry and apply for a passport without the consent of a parent or guardian. The voting age was 18, and persons reaching that age were entitled to stand for local-government or parliamentary elections. Zambians who reached the age of 16 were obliged to obtain a national registration card in order to seek employment. Persons of that age could also apply for a driver's licence and they could marry, with the consent of a parent or guardian.

73. The Anti-Corruption Commission had been established because human beings were by nature corruptible. Its aim was to ensure that persons who abused positions of responsibility were dismissed.

(Mr. Lichilana, Zambia)

74. In Zambia, a single person earning less than 2,000 kwacha a year did not pay income tax. For those with higher incomes, there was a 10-per-cent tax on the next 2,000 kwacha, rising to 75 per cent on incomes above 8,000 kwacha. The incomes of working couples were lumped together for tax purposes. Family and marriage allowances, as well as the rent, were deducted from the husband's income. After deductions, his income might be taxed at only 10 per cent, while his wife's income might be taxed more heavily.

75. Zambia was experiencing difficulties in servicing its external debt of \$6 billion, and was seeking ways and means of negotiating with its creditors to ensure that the burden was not excessive. That was an item to be discussed during the forthcoming special session of the General Assembly.

76. Mr. LY (Senegal) pointed out that that session would be based not on debt but on the will of African countries to co-operate with the international community in formulating a recovery plan for the whole of Africa.

77. The CHAIRMAN said that the Working Group had concluded its consideration of the initial report of Zambia.

The meeting rose at 6.10 p.m.