

## TWO HUNDRED AND TWENTIETH MEETING

### Joint meeting of the Fifth Committee with the Joint Second and Third Committee

*Held at Lake Success, New York, on Tuesday, 8 November 1949, at 11 a.m.*

The record of this meeting will be found in the Official Records of the fourth session of the General Assembly, Joint Second and Third Committee, 43rd meeting.

## TWO HUNDRED AND TWENTY-FIRST MEETING

*Held at Lake Success, New York, on Tuesday, 8 November 1949 at 3 p.m.*

*Chairman: Mr. A. KYROU (Greece).*

### Budget estimates for the financial year 1950 (*first reading continued*)

BUDGET ESTIMATES FOR THE UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN, PREPARED BY THE SECRETARY-GENERAL

FINANCIAL IMPLICATIONS OF DECISIONS TAKEN BY THE ECONOMIC AND SOCIAL COUNCIL AT ITS NINTH SESSION

FINANCIAL IMPLICATIONS OF DRAFT RESOLUTIONS ADOPTED BY THE FIRST COMMITTEE

1. The CHAIRMAN drew the attention of the members of the Committee to the reports by the Secretary-General on the United Nations Commission for India and Pakistan (A/C.5/338) and on decisions taken by the Economic and Social Council at its ninth session (A/C.5/339). Those documents would be passed to the Advisory Committee on Administrative and Budgetary Questions for report.

2. He then read two letters he had received from the President of the General Assembly, one dated 7 November 1949 (A/C.5/345) and the other, 8 November 1949 (A/C.5/346), regarding decisions of the First Committee in connexion with threats to the political independence and territorial integrity of Greece and concerning the repatriation of Greek children, and asked if the Committee agreed that the Advisory Committee should examine the budgetary implications of the two resolutions adopted by the First Committee.

*It was so agreed.*

### Closing of bars at United Nations headquarters on Election Day

3. Mr. TARN (Poland), supported by Mr. DE HOLTE CASTELLO (Colombia), pointed out that the United Nations headquarters was international territory and therefore the laws of the State of New York should not apply to the bars in the delegates' lounge and press lounge.

4. Mr. FELLER (Secretariat) explained that the agreement between the United States of America and the United Nations, which had been adopted by the General Assembly and ratified by the United States Congress, provided that the law of the United States, including the laws of the State of New York, was applicable to the site occupied by the United Nations. If the General Assembly wished to set aside any provision of the law of the United States it could do so by passing a regulation, but so far it had not passed such a regulation.

5. The CHAIRMAN pointed out that such a question was a matter for the Sixth rather than the Fifth Committee. He would therefore convey the views expressed by the representatives of Poland and Colombia to the Chairman of the Sixth Committee.

### Establishment of an administrative tribunal (A/986, A/986/Add.1 and A/1003) (*concluded*)

ARTICLE 10 OF A DRAFT STATUTE OF AN ADMINISTRATIVE TRIBUNAL

6. Mr. TARN (Poland), introducing his amendment to paragraph 4 of article 10 of the draft statute, said that a similar amendment to paragraph 5 of article 7 had already been adopted by the Committee.

7. There being no objections, the CHAIRMAN put to the vote article 10 of the draft statute as amended by the Polish delegation.

*Article 10 was adopted, as amended, by 32 votes to none, with 1 abstention.*

ARTICLE 11 (*former article 12*)

8. Mr. FRENCH (United States of America) asked the legal representative of the Secretary-General whether, even in the absence of the Philippine amendment, a decision to amend the draft statute would not be taken by a majority vote of the General Assembly or such other organ of the United Nations as the General Assembly might designate.

9. Mrs. BASTID (France) enquired what was the exact meaning of the words "or such other organ of the United Nations as the General Assembly may designate".

10. Mr. MACHADO (Brazil) asked whether the rights of the General Assembly to amend the statute of the Administrative Tribunal would be misinterpreted if article 11 were deleted. He also wished to know whether the Committee would be establishing a precedent which might conflict with the procedure of the General Assembly if it adopted article 11.

11. Mr. LEBEAU (Belgium) could not support the Philippines amendment to article 11 as that article would then be in conflict with the provisions of the Charter. The adoption of the statute of the Administrative Tribunal was surely an "important question" within the meaning of Article 18 of the Charter, and paragraph 2 of that Article provided for decisions to be taken by a