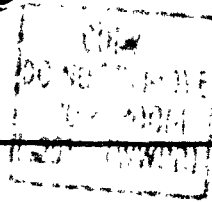


United Nations
**GENERAL
ASSEMBLY**

THIRTY-SEVENTH SESSION

*Official Records**



FIFTH COMMITTEE
24th meeting
held on
Tuesday, 2 November 1982
at 10.30 a.m.
New York

SUMMARY RECORD OF THE 24th MEETING

Chairman: Mr. ABRASZEWSKI (Poland)

Chairman of the Advisory Committee on Administrative and
Budgetary Questions: Mr. MSELLE

CONTENTS

AGENDA ITEM 105: FINANCIAL EMERGENCY OF THE UNITED NATIONS (continued)

ORGANIZATION OF WORK

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The meeting was called to order at 10.45 a.m.

AGENDA ITEM 105: FINANCIAL EMERGENCY OF THE UNITED NATIONS (continued)
(A/C.5/37/15 and Corr.1)

1. Mr. MONSHEMVULA (Zaire) said that the rate of payment of assessed contributions clearly indicated that, despite the measures recommended by the General Assembly in resolution 36/116, much remained to be done. Almost half of the Member States had not yet paid anything, including, naturally enough, most of the developing countries. Nevertheless, it was surprising to note that even certain major Powers had contributions outstanding which far exceeded the total contributions unpaid by 30 developing countries, and that certain States continue to demonstrate bad faith in the payment of their contributions.
2. His delegation viewed the non-payment of contributions by the 30 developing countries as being merely late payment. The delay could be explained by the difficult conditions affecting third-world countries, the economies of which were subject to the vicissitudes of the world market, characterized by a decline in developing countries' output of raw materials, minerals and agro-industrial products and by lower prices for their commodities, which in turn had led to a deterioration in their terms of trade and an indebtedness, aggravated by excessive interest rates, of increasingly disquieting proportions. It should, of course, be recognized that those countries must do whatever was necessary to pay their contributions in good time. In that regard, he pointed out that his Government had done everything possible to pay off its arrears and to pay the first portion of its assessed contribution to the budget for the biennium 1982-1983.
3. Mr. BRUGAL (Cuba) said that the various interpretations of the causes of the financial emergency of the Organization were sometimes tainted by subjective judgements. The reasons for delay in the payment of assessed contributions varied in individual cases. Many countries - in particular the developing countries, which were in difficult, indeed desperate economic straits - had to make enormous sacrifices to pay their increasing contributions to the Organization's budget on time. Yet that was not true of some other countries which withheld their contributions even though they had the necessary financial resources available. It followed that it would be unjust and unacceptable to establish a penalty system for late payment or rewards for prompt payment of contributions.
4. The true causes of the financial emergency of the Organization were, firstly, the galloping inflation which had originated and which continued in the developed capitalist countries where United Nations agencies were located and where most of the expenses associated with the use of the goods and services necessary for the operation of the Organization were incurred. Careful study of that aspect of the problem was required in order to lighten the burden imposed on a large number of nations which bore no responsibility for the inflation. A second factor was currency instability, particularly the fluctuations of the United States dollar, which affected the regular budget. Another group of factors related to the

(Mr. Brugal, Cuba)

inappropriate use of the Organization's resources: unrestrained growth in the bureaucracy, unjustified reclassification of some posts, indiscriminate grants of salary increases, management shortcomings, inopportune investments and the retention of obsolete and marginally useful activities.

5. The withholding of certain contributions to the expenses of the Organization was the prerogative of sovereign Member States and was not governed by the Financial Regulations. That said, if the activities of the United Nations had not been hampered by the unilateral decision of one country, it would not now have to face a deficit of more than \$140 million for peace-keeping operations. The best way of stemming such wanton waste of United Nations resources was to put an end to aggression.

6. Mr. MERIEUX (France) observed that the Organization's short-term deficit now represented an amount comparable to the total amount of contributions paid by States for a budget period. The Organization was making use of all the means at its disposal to meet its expenses, but without a great deal of success, as indicated by the Member States' failure to respond to General Assembly resolution 36/116. Firstly, the appeal to Member States to pay their contributions in good time had not been heeded. Secondly, with regard to the increase in the Working Capital Fund, since the same causes produced the same effects, there were good grounds for fearing that the aggravation of the crisis might induce the Secretariat to propose a new increase in that Fund, a solution which would be both unjust and inappropriate. Thirdly, with regard to the suspension of certain provisions of the Financial Regulations, his delegation was perplexed by the explanation given by the Secretary-General in paragraph 12 of his report (A/C.5/37/15), in which he reduced the unobligated balance of appropriations for the biennium 1980-1981 from \$9.9 million to \$5.4 million. It would be of interest to know what the amount of appropriations refunded to Member States would have been had the relevant provisions of the Financial Regulations not been suspended. Generally speaking, his delegation was concerned over the amount of unobligated appropriations which, year after year, considerably increased the Organization's cash holdings, as in the case of the \$32 million paid into an account for UNEF and UNDOF.

7. The measures taken to date did not provide much hope of an early solution to another aspect of the problem, too often overlooked, namely Member States' claims on the Organization, particularly the claims of those directly participating in the formation of peace-keeping forces. It was regrettable that the status of Member States' claims were not known in the same detail as their debts. Because of the very lengthy delays in the reimbursement of their expenses, States participating in peace-keeping forces were obliged to shoulder a very heavy financial burden. Such a penalization was all the more unjust since they provided support to an essential United Nations activity for which all Member States should bear responsibility. That said, his delegation appreciated the efforts made by the Secretariat to cope with a crisis which had arisen because of the attitude of certain States, an attitude which was as much politically motivated as economically.

(Mr. Merieux, France)

8. His delegation did not consider that offering an incentive, of necessity modest, to countries which paid their contributions early in the year would provide a real solution, since such a procedure would be cumbersome and its effectiveness would be limited.

9. Similarly, the establishment of a penalty system for late payments could adversely affect the Organization, to the extent that creditor States could take advantage of such a provision to request the payment of interest on delayed reimbursements. Changing the attitude of States towards the Organization would no doubt be more difficult: the financial credibility of the United Nations would have to be improved. The United Nations should draw some inferences from the international economic crisis, which was forcing Member States to manage their resources more frugally, and should make maximum use of the resources available to it.

10. The Secretariat should provide more detailed and more balanced information on the actual financial situation. In that regard, his delegation was compelled to reiterate its comments of the year before on the inadequate nature of the information given on cash holdings in the report of the Secretary-General. That information should be accompanied by a summary table covering the expenses not only of the regular budget but also of the peace-keeping forces. The table should indicate, quarter by quarter, the various means used by the Secretariat to defray those expenses, in particular withdrawals from the Working Capital Fund. Only if they received comprehensive information would Member States realize the difficulties of the Organization and be induced to make greater efforts.

11. Mr. KABA (Guinea) congratulated the Secretary-General on the clarity of his report (A/C.5/37/15) and said that the Guinean delegation was greatly concerned at the worsening of the financial emergency that threatened the very existence of the Organization, despite the General Assembly's appeal to all Member States, with which Guinea associated itself, for the prompt payment of contributions.

12. He noted in that connection that, despite its meagre resources, the Guinean Government had made a supreme effort to pay the whole amount of its contribution to the regular budget, up to 30 September 1982. The Guinean delegation believed that the world economic crisis was one of the main causes of the Organization's financial emergency and was itself the result of the exacerbation of national egoisms and the persistence of a general climate of mistrust. It was absurd that a world where more than \$600 billion were spent each year on developing and producing instruments of death should be incapable of devoting a six-hundredth part of that sum to the operation of an Organization which it had itself created to serve peace and the progress of mankind.

13. The Guinean Government maintained the view that the activities of the United Nations system required substantial resources and that certain obligations involved expenditures that could not be reduced. It therefore renewed its appeal for an increase in the funds allocated to capital investment. In conclusion, he assured the Committee of his delegation's willingness to work to improve the operation of the Organization.

14. Mr. ZAKHAROV (Union of Soviet Socialist Republics) said that the steps taken by the General Assembly at its thirty-sixth session had not succeeded in alleviating the Organization's financial emergency. The Soviet delegation understood the difficulties that the Secretariat encountered in carrying out its activities and appreciated the efforts of the Secretary-General to solve that important problem. Unfortunately, in his report, the Secretary-General failed to examine the real reasons for the situation and, given his mistaken diagnosis of the position, it was not surprising that despite resort to a number of palliatives there had been no improvement. The Soviet delegation had stressed on many occasions that the basic cause of the Organization's current financial difficulties lay in the appropriation under the regular budget of funds to finance activities that were illegal and contrary to the Charter, such as those arising from the separate agreement concluded between Egypt and Israel on 4 September 1975 and the aggression against Lebanon. The refusal of a considerable number of countries to finance those activities and the position of principle they had adopted in regard to the Israeli acts of aggression were the perfectly appropriate reaction of sovereign States to flagrant violations of the Charter. Consequently, the Soviet delegation could not accept the statements made by some delegations in the course of the discussion that such a stand by an important group of States was one of the causes of the Organization's financial difficulties.

15. The Soviet delegation also believed that the continuous and unjustified growth of the Organization's budget, which was already on a very large scale, helped to give the Organization a chronic deficit. Excessive increases in the salaries and benefits of Secretariat staff, the irrational use of appropriations for the conference and documents services, and the defects in the system of evaluating programmes only made the situation worse. The pernicious effect of the growth of the Organization's budget was illustrated by the fact that a growing number of States were in arrears in paying their contributions. The Secretary-General's report showed that on 30 September 1982, only 48.65 per cent of the assessed contributions for 1982 had been paid, as against 52.53 per cent in 1981 and 67.91 per cent in 1980. Those figures clearly showed that the vast majority of States had great difficulty in sustaining the burden imposed on them by the Organization's excessively large budget.

16. The Soviet delegation was convinced that improving the financial situation of the Organization required a limit on budgetary growth, a rational and effective use of appropriations, and a better utilization of the available resources. It therefore urged Member States to abide by those principles when called upon to examine the statements of administrative and financial implications that would be put before the Committee. In the opinion of the USSR, strict respect for the provisions of the Charter and the refusal to agree to finance activities that were contrary to the Charter were the only way of avoiding a repetition of such financial problems.

17. With regard to the comment in paragraph 11 of the Secretary-General's report on the need for collective action to reverse the steadily worsening rate of payment of contributions, the Soviet delegation wished to state its firm opposition to that method of solving the Organization's financial problems. The application of sanctions against sovereign States was a serious political matter which could only be determined in conformity with the provisions of the Charter. Neither the

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(Mr. Zakharov, USSR)

Secretariat nor even the Fifth Committee were entitled to impose such sanctions. Furthermore, the Soviet delegation did not understand why there was a reference in the Secretary-General's report to delays in the payment of contributions to bodies other than the United Nations. The Secretary-General's report concerned only the Organization itself and could not be taken as an overall analysis of the situation of the various organizations of the United Nations system.

18. Ms. ZONICLE (Bahamas) thought that the Secretary-General's report (A/C.5/37/15) showed the inadequacy of the partial solutions adopted by the General Assembly in its resolution 36/116 D to facilitate the solution of the Organization's financial problems. In the opinion of the Bahamian delegation, it was important to understand the real causes of the Organization's financial emergency. In that respect, the figures in annexes III and IV of the Secretary-General's report showed that the largest part of the Organization's deficit could be imputed to the fact that, owing to their positions of principle, certain Member States did not participate in the financing of certain expenses that were part of the regular budget or in the financing of peace-keeping operations. The other basic cause of the financial difficulties facing the Organization had to do with delays in the payment of Member States' contributions. It appeared in that case that the problem was legal and managerial rather than political. Under international law, of which the Charter was an essential element, States were obliged to give effect to their treaty obligations through their domestic law. Therefore, all States Members of the Organization which had deposited their instruments of ratification with the Secretary-General of the United Nations could not, except in conjunction with Article 19 of the Charter, invoke administrative difficulties to excuse their failure to pay their contributions promptly.

19. In the opinion of the Bahamian delegation, in order to find a practical, comprehensive and lasting solution to the Organization's financial problems it was important above all for Governments to fulfil their obligations under the Charter. As the Secretary-General had noted in his report on the work of the Organization (A/37/1), "Certainly we have strayed far from the Charter in recent years".

20. The Member States directly responsible for the deficit should, in a spirit of conciliation, start negotiations with a view to paying off their arrears in stages. The practice of certain States of withholding part of their contributions resulted in putting the burden of the deficit on Member States which were in no way responsible for it but on the contrary displayed their attachment to the Organization by their participation in peace-keeping operations and by the sacrifices that they made for it. In addition to the advisory opinion of the International Court of Justice on the matter, the Manila Declaration on the Peaceful Settlement of Disputes, the adoption of which the Sixth Committee had just recommended to the General Assembly and which reaffirmed the essential role conferred on the General Assembly by the Charter in that field, should also be recalled in that connection.

21. To prevent new financial crises from arising in the future, it was important to undertake collective and concerted action to prevent the use of the

(Ms. Zonicle, Bahamas)

Organization's budget as a political tool. To that end, measures should be worked out which would make it possible to foresee and resolve potential conflicts.

22. Those Member States which withheld a part of their contributions had perhaps not envisaged that that way of emphasizing their positions of principle through the budget would precipitate a general collapse of the Organization's financial stability. Only the action of the Secretary-General, who was obliged to resort to expedients, had won a reprieve so far. Accordingly, Member States must show courage and a sense of responsibility and must take effective action.

23. Mr. ALI (Bangladesh) said that his delegation was concerned about the deteriorating financial situation of the United Nations. It was unfortunate that the General Assembly had been discussing the subject for many years but had not been able to do anything to improve the situation significantly. The financial difficulties were rooted primarily in the fact that certain Member States had decided, for reasons of principle, to withhold contributions from United Nations peace-keeping operations and from some programmes in the regular budget, such as United Nations bonds and the programme of technical assistance. It was alarming to note that the short-term deficit for 1982 had risen by 10.6 per cent. His delegation hoped that those Member States which continued to withhold payment, of their contributions would be able to assume their financial responsibility fully, while maintaining their positions of principle on certain programmes and activities. In that connection, his delegation had noted with appreciation the decision taken by China.

24. Another source of the financial difficulty was the delay in the payment of assessed contributions by Member States. It was discouraging to note that, although in several of its resolutions the General Assembly had urged Member States to pay their contributions on time, the situation had deteriorated further. The rate of payment for 1982 was the lowest in recent years. His delegation had noted with concern that, as a result, it had been necessary to borrow from funds contributed to the United Nations for other purposes and to delay the payment of commitments to Governments and other entities. It would have liked to have seen more details about those operations in the report of the Secretary-General.

25. It appeared that the Organization had not derived the intended benefit from the increase in the level of the Working Capital Fund, because payments made to that Fund by various Member States had actually been intended as payments towards their assessed contribution to the regular budget. Member States must now pay the balance of their contributions promptly so that the increase in the Working Capital Fund could have the desired results.

26. The other measure adopted by the General Assembly in its resolution 36/116 B, namely the suspension of the provisions of regulations 5.2 (d), 4.3 and 4.4 of the Financial Regulations, which allowed the United Nations to retain unused surpluses, had so far had no effect on the cash shortage. His delegation endorsed the wise remarks made by the Chairman of the Advisory Committee that it was incumbent on the Secretary-General and the Advisory Committee to ensure that allocations requested

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(Mr. Ali, Bangladesh)

from the General Assembly by the Fifth Committee were the minimum needed to carry out the approved programme of work and that any attempt to inflate the estimates so as to secure a larger surplus would be contrary to the spirit of the Financial Regulations.

27. The discussion of the item which the Fifth Committee was considering had shown that all delegations were deeply aware of the seriousness of the financial difficulties which the United Nations was experiencing as a result of delays in the payment of contributions and of the need for urgent action to change the situation. The fact that several delegations had taken the trouble to explain the reasons for the delay in the payment of their contributions bore out that observation. Whether the delays were due to administrative difficulties or to the adverse economic situation, Member States should make every effort to fulfil their obligations. In that connection, his delegation could not accept any imposition of punitive measures for the late payment of contributions. On the other hand, it favoured the idea broached by certain delegations regarding incentives for payment in due time. Specific proposals to that end and their financial implications should be carefully considered, however. Such measures might become a reward to Member States for abiding by the rules, and many delegations had pointed out the implications that that interpretation would have in other fields.

28. His delegation had noted with interest from paragraph 10 of the report of the Secretary-General that at least 25 per cent of the current year's assessed contributions must be received each quarter if the General Fund was to remain solvent. It therefore appeared that, even if some Member States, for valid reasons, were not in a position at a given time to make their payments promptly, they could still help to maintain the solvency of the United Nations by making quarterly instalment payments. That formula would allow the cash flow to be improved and help the Member States which had difficulties in making payments in full to cope with their problems. His delegation was convinced that the proposal, which would involve changing the Financial Regulations, was worth the Committee's consideration.

29. Mr. RAKAU (German Democratic Republic) said that his delegation regretted that the Secretary-General's analysis of the financial emergency of the United Nations was limited to the financial and technical aspects and failed to describe the real reasons for the financial difficulties. Those difficulties, all of which, as many delegations had pointed out, could not be resolved overnight, were the result of well-known measures, among them the inclusion in the regular budget of expenditure for anti-Charter activities or for technical assistance programmes and the financing of separate agreements concerning the Middle East.

30. There was also a direct link between the continuous growth of the regular budget and the increase of the Organization's deficit, as proved by the fact that, by the end of September 1982, 104 Member States had not paid the total of their assessed contributions.

31. His delegation was prepared to participate in the search for realistic ways to overcome the present situation, but believed that it was first necessary to refrain

(Mr. Rakau, German Democratic Republic)

from incurring additional expenditure from the approved budget for the biennium 1982-1983. The resources of the United Nations must be used more effectively and rationally, in particular by identifying and eliminating activities that had been completed or were obsolete or of marginal usefulness. Furthermore, the practice of transferring to the regular budget posts financed so far by extrabudgetary resources should be abolished. In that connection, his delegation wished to know how many such posts had been transferred in 1981 and 1982 and what were the financial implications of those transfers.

32. With regard to the proposal to charge interest on outstanding contributions, his delegation wished to note that the activities of the United Nations went on all year round, and that it was therefore illogical to insist that Member States pay their entire contribution at the start of the biennium. Despite that position of principle, his delegation had endeavoured to help the Organization by paying nearly all of its assessed contribution by September, but, it could not accept the idea of charging interest on outstanding contributions. That would be contrary to Article 19 of the Charter, which stipulated the procedure to be followed in case of arrears by Member States; there was no need to change the Charter provisions on that subject.

33. Mr. HEMMINGS (Australia) said that the financial emergency of the Organization, which currently posed a genuine threat to its survival, still showed no sign of being solved, despite the fact that the Committee regularly considered the issue. Since the principal cause of the emergency was the withholding of contributions by certain Member States, the only solution was to prevail upon those States to shoulder their share of the collective financial burden of the Organization. Citing a variety of reasons, several Member States had followed the lead of those who, for reasons of principle refused to contribute towards peace-keeping operations, thereby calling into question the very principles on which the United Nations stood. The emergency could not be solved unless those States agreed to review their positions.

34. A secondary and increasingly serious aspect of the emergency was the late payment of contributions evident in the table in the Secretary-General's report showing the trend in the rate of payment of assessed contributions. His delegation was not aware of any principle that could justify such a practice, which gave rise to particular concern in the case of assessed contributions whether it be to United Nations agencies or to the regular budget. To make matters worse, it had been necessary to borrow from funds contributed for other purposes in order to meet regular commitments. One might well wonder what the future held in store for an organization whose members haggled interminably over the rate of their subscriptions and then did not pay them. In the real world, non-payers eventually suffered the consequences of their acts. So far, the United Nations had survived on the good will of those members who honoured their obligations, but the Secretary-General's report gave a clear warning that the day of reckoning would come and that the habit of late payment could not continue.

35. His delegation also noted with concern that a large proportion of the increase in the Working Capital Fund had in fact come out of payments which, without that

(Mr. Hemmings, Australia)

increase, would have been made directly to the regular budget, while payments towards contributions due continued to slacken. The emergency therefore appeared less acute than it really was, but it was the regular payers who continued to subsidize the others. It was not in attacking the symptoms that a disease could be cured. While measures to prevent activities grinding to a halt for lack of funds must be looked at, they should not divert attention from the fundamental cause of the problem, however intractable it might appear. His delegation was greatly concerned that the financial position of the Organization continued to deteriorate and it saw no signs of the emergence of the political will that alone could solve the crisis.

36. Mr. LADOR (Israel), speaking in exercise of the right of reply, said that the representative of the Soviet Union and those of other ideologically similar countries never missed an opportunity to offend Israel by making extraneous remarks on subjects beyond the jurisdiction of the Committee. The Soviet delegation contended that the cost of the United Nations peace-keeping forces in the Middle East should be defrayed by the State which it deemed responsible for the problem. However, the fact was that peace-keeping forces were the responsibility of the United Nations, as provided for in the Charter. He reminded the Committee that the forces had been established at the specific request of the international community not at Israel's request, although his country had assented to the stationing of the forces pursuant to the decision of the Organization and had paid its share accordingly. It was therefore the United Nations which must be held responsible for the costs of its own decision. The inverse of that logic was clearly apparent in the lack of such a United Nations force in Afghanistan or in other areas under the super-Power domination of the Soviet Union. It should be accepted practice for a permanent member of the Security Council to set an example to other Members of the Organization by heeding majority decisions, rather than hiding behind flimsy rationalizations which had no basis in normal international practice. It was because of such behaviour that the Committee was obliged to discuss the financial emergency of the Organization.

37. Mr. EL SAFTY (Egypt), speaking in exercise of the right of reply, observed that the statement made by the representative of the Soviet Union on the financial emergency of the Organization, in which specific reference had been made to Egypt, had contained allegations which could only be described as lies.

38. Every country certainly had the right to interpret the Charter of the United Nations in whatever way it considered best, but in no case could it impose its interpretation on any other country, especially when that went against an advisory opinion of the International Court of Justice, such as the one it had given in July 1962 at the request of the United Nations, which had been endorsed by the General Assembly in resolution 1854 (XVII) of 19 December 1962.

39. The representative of the Soviet Union had referred to a separate agreement between Egypt and Israel. He wondered what agreement that was. If he meant the agreements concluded in 1973 and in 1975 then it should be remembered that those two agreements had been concluded within the framework of the Geneva Peace

(Mr. El Safty, Egypt)

Conference. In that case, the statement made by the representative of the Soviet Union was all the more astonishing in that his country had not only been present but indeed had also co-chaired that Conference. If the Soviet Union was referring to the agreement concluded in 1979, it should be remembered that that agreement had not cost the United Nations a penny. Because of the Soviet Union's refusal to contribute to the financing of the United Nations forces, the Security Council had not been able to assume its full role in maintaining peace and security. The Soviet Union's

allegations were totally false and groundless; it was making them only out of spite because it had not succeeded in sabotaging the agreements that it was denouncing.

40. Egypt was an independent sovereign State which did not recognize the right of the Soviet Union or of any other country to block its initiatives.

41. Mr. ZAKHAROV (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, said that out of a concern to keep to the agenda, he would not respond to the statements made by the previous speaker. His country's position on the peaceful settlement of the Middle East conflict was well-known to the international community and was shared by millions of Arabs. He simply wished to stress once again that his country had never had any intention of denying any country its sovereignty. His delegation believed that the settlement of the Middle East conflict could be achieved within the framework of the relevant General Assembly resolutions.

ORGANIZATION OF WORK

2. The CHAIRMAN said that he wished to draw the Committee's attention to a technical point concerning the exercise of the right of reply. So far, rights of reply had been exercised at the end of the meeting in accordance with the provisions of annex V to the Rules of Procedure of the General Assembly in which it was recommended that statements made in the exercise of the right of reply should be delivered, as a general rule, at the end of meetings. In response to a request for a legal opinion from the Chairman, the Under-Secretary-General for Legal Affairs had confirmed in his memorandum that the practice being followed by the Fifth Committee was fully in accord with annex V of the Rules of Procedure. He had also referred to a provision in annex VI also dealing with rights of reply which stipulated that delegations should exercise their right of reply at the end of the day whenever two meetings had been scheduled for that day and whenever such meetings were devoted to the consideration of the same item. That latter recommendation would seem to apply only when the agenda comprised a single item; therefore supplemented the former recommendation. Moreover, the Office of Legal Affairs had pointed out that the General Assembly, meeting in plenary session, postponed all statements made in exercise of the right of reply until immediately prior to the conclusion of consideration of an agenda item. It might therefore be advisable for the Fifth Committee to adopt the same practice, especially since the representatives of the Member States concerned as well as the representatives of

(The Chairman)

the Secretariat were usually present when consideration of an item was being concluded. He said that, if he heard no objection, he would take it that thenceforth the Fifth Committee would follow the same practice as plenary meetings of the General Assembly in that regard.

43. It was so decided.

The meeting rose at 12.25 p.m.