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## CONTENTS

Agenda item 95:

*Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories (continued) . . . .*

Page

59

**Chairman:** Mrs. Halima EMBAREK WARZAZI  
(Morocco).

## AGENDA ITEM 95

Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories (continued) (A/6303, chap. XI, sect. II; A/6442, A/C.3/L.1335, A/C.3/L.1337, A/C.3/L.1338, A/C.3/L.1339/Rev.1, A/C.3/L.1340, A/C.3/L.1342, A/C.3/L.1342/Rev.1)

1. Mr. REYES (Philippines), referring to draft resolution A/C.3/L.1342, said that his delegation had pressed for the inclusion of certain ideas in that text. In order to indicate clearly that the concern aroused by violations of human rights and fundamental freedoms in all their forms was universal in character, his delegation had wished to see the words "wherever they occur" included in operative paragraph 1. That phrase not only conveyed an idea to which his delegation attached great importance, it also had the merit of being closer than the wording used in the sixty-one-Power draft resolution (A/C.3/L.1340) to the title of the agenda item and of avoiding an unfortunate reference to the Republic of South Africa—an independent State—among colonial and dependent territories. His delegation had furthermore agreed with other countries of the Afro-Asian group that the condemnation of apartheid should be given the greatest possible emphasis and given maximum practical effect.

2. The Philippine delegation was glad that operative paragraph 4 of draft resolution A/C.3/L.1342 reproduced operative paragraph 5 of the draft resolution recommended by the Economic and Social Council (A/6442, annex I), for otherwise the scope of the new text would have been considerably reduced. It was also pleased that operative paragraph 8 was the same as operative paragraph 8 of the sixty-one-Power text, thus preserving the phrase "in accordance with their domestic laws", which it considered important. In that

connexion he drew attention to the fact that his country did not issue visas to South African citizens unless they declared that they were opposed to apartheid. Referring to operative paragraph 11, he expressed his delegation's satisfaction at seeing the Economic and Social Council again given its proper role in the concerted effort of the United Nations to combat violations of human rights and fundamental freedoms more effectively. The Council was in a better position to fill that role since its newly expanded membership was better balanced and, in particular, took more fully into account the participation by African and Asian nations in the work of the United Nations. With regard to operative paragraph 12, he would prefer to postpone his comments until he had an idea of the costs involved in the establishment of the proposed unit.

3. His delegation was prepared to vote in favour of the Polish and Saudi Arabian draft resolution (A/C.3/L.1339/Rev.1); for it would be entirely appropriate that the General Assembly should appeal to the Security Council as proposed in that text.

4. Mr. RESICH (Poland) said that his delegation would vote in favour of draft resolution A/C.3/L.1342.

5. With reference to draft resolution A/C.3/L.1339/Rev.1, of which his delegation was a sponsor, he still believed that the Security Council could be asked to take action under Chapter VII of the Charter. The proposal made at the previous meeting by the Bulgarian representative went in that direction. If the other sponsor agreed, his delegation was prepared to accept that proposal and thereby in operative paragraph 1 insert the words "in particular economic and diplomatic sanctions in accordance with Chapter VII of the United Nations Charter" between the words "effective measures" and "with a view to". In adopting that proposal the Committee would in no way be going beyond its terms of reference, under which it was authorized to express its opinion through the General Assembly.

6. Mr. QUADRI (Argentina), referring to draft resolution A/C.3/L.1342, said that the text had dispelled some of the doubts his delegation had entertained, particularly with regard to the conclusions and recommendations of the United Nations human rights seminar on apartheid (A/6412, para. 138) held at Brasilia, in which Argentina had participated. His delegation would vote in favour of that text, which it considered on the whole satisfactory, despite the misgivings it had felt during the debate at the waste of effort and the many digressions due to the fact that the Committee had often ventured into spheres which were the responsibility of other bodies. On grounds of logic he proposed that the second preambular para-

graph should be taken out of its present place and inserted between the fifth and sixth preambular paragraphs, and that operative paragraph 5 should be moved to the beginning of the operative part; the text would thus proceed from the general—violations of human rights—to the particular—policies of racial discrimination and apartheid. With regard to operative paragraph 12, he said that in his Government's view the proliferation of bodies should be avoided. He interpreted the paragraph as implying, not the establishment of a new body, but simply the best possible use of existing facilities, which his delegation believed should be sufficient.

7. He would vote in favour of the draft resolution submitted by Poland and Saudi Arabia (A/C.3/L.1339/Rev.1) if it was not altered by any amendment telling the Security Council what measures it should take to eradicate apartheid; any such action would be contrary to Article 41 of the Charter.

8. Mrs. QUEIROZ (Brazil) said that her delegation supported draft resolution A/C.3/L.1342 but, to avoid any misunderstanding, it would prefer to see the references to Angola, Mozambique, Portuguese Guinea, Cabinda, São Tomé and Príncipe deleted from the sixth preambular paragraph and operative paragraph 1. Her delegation would have to abstain in the vote on operative paragraph 3, as it disputed the contention that Portugal practised racial policies.

9. Observing that Brazil was a multiracial democracy, she reaffirmed that the Brazilian Government deprecated all forms of racial discrimination.

10. Mr. ABDEL-RAHIM (Sudan) said that he unreservedly supported draft resolution A/C.3/L.1342 and whole-heartedly endorsed both its content and spirit. He asked that his country's name should be added to the list of sponsors. His delegation would vote in favour of any draft resolution which would ensure the effective implementation of that text.

11. The CHAIRMAN announced that, as the Tanzanian delegation had withdrawn its name from the list of speakers in favour of the delegation of Burundi, the representative of Burundi would be able to speak at that meeting.

12. Mrs. AFNAN (Iraq) said she feared that draft resolution A/C.3/L.1342, adoption of which, in her view, was the smallest contribution the Committee could make towards the eradication of apartheid, could not be adopted unanimously, even though all delegations approved it in principle.

13. She regretted that the United States delegation felt that it had been unable to play a useful part in the negotiations; however, she wondered if it could be considered that that delegation had really wished to do so, since it had stated that it wished to base itself on the draft resolution recommended by the Economic and Social Council (A/6442, annex I), in other words, on a text which contained no explicit condemnation of apartheid and made no reference to the resolution that had given rise to the item before the Committee, i.e. the resolution adopted on 18 June 1965 by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

14. She was glad that the representatives of the Latin American countries found their views reflected in draft resolution A/C.3/L.1342; she would have been pleased had that also been the case of the representatives of certain European countries. The Belgian representative had expressed the hope that agreement could be reached on a joint text, but her delegation had had no illusions on that subject, since the gap between the opposing groups' views on the question under consideration was too wide. The Afro-Asian group, for its part, could not dissociate apartheid from colonialism, because, while the two phenomena were not necessarily linked, it noted with concern that racial discrimination was becoming the weapon to which minorities even outside of South Africa seemed to resort to ensure their supremacy.

15. Referring to operative paragraph 2 of draft resolution A/C.3/L.1342, which some delegations seemed to have difficulty in understanding, she said that the circumvention of the rights of the people under the domination of the colonial Powers by the dispossession, deportation and eviction of the indigenous inhabitants was a frequently noted historical fact which the paragraph simply recalled. The colonial Powers which did not follow that policy and had never followed it and which therefore, quite naturally, wished to see the statement in that paragraph qualified should not consider that reference was being made to them.

16. While she regretted that certain European States could not vote in favour of the draft resolution, she was very pleased to note that the general condemnation of apartheid was already accepted and that if the text before the Committee had gone no further it could have been adopted unanimously. The United States delegation had even been willing to agree to the maintenance of operative paragraph 5 of the Council's resolution, if that had been taken as the basic text. That represented substantial progress over previous years. If there was further progress, the delegations unable in 1966 to subscribe to the proposed draft resolution would soon be able to make common cause with its supporters.

17. Mr. NASINOVSKY (Union of Soviet Socialist Republics) said that his Government, which actively opposed apartheid and favoured specific measures for the eradication of that evil, regretted that the draft resolution submitted by the United Arab Republic and the United Republic of Tanzania (A/C.3/L.1337) had not received the support it deserved and that the Committee had to vote on a softer compromise text which had been weakened in both substance and form, which, instead of vigorously condemning racial discrimination and apartheid, merely deplored them, and in which a number of secondary considerations would obscure the main point, which was the struggle against apartheid.

18. The text before the Committee (A/C.3/L.1342) was also a compromise in comparison with the sixty-one-Power draft resolution (A/C.3/L.1340). He regretted that the last preambular paragraph, which in the sixty-one-Power text endorsed the conclusions and recommendations of the United Nations human rights seminar on apartheid, now merely took note of them although they represented the results of the work of many experts, eye-witnesses and victims of

the policy of apartheid and deserved to be approved by the United Nations.

19. While in the sixty-one-Power text operative paragraph 1 referred directly to the struggle against apartheid, draft resolution A/C.3/L.1342 referred merely to violations of human rights and fundamental freedoms—clearly that wording was immeasurably less forceful; what the Committee was concerned with was apartheid as a manifestation of such violations.

20. His delegation would also have preferred stronger wording for operative paragraphs 2 and 3. It considered operative paragraph 11 out of place and saw no reason for the introduction into a resolution dealing with apartheid of a matter which was of only secondary interest.

21. The main issue was therefore a decisive effort to eradicate apartheid and, for the moment, the best means of working towards that goal was to apply, promptly and without reservation, the sanctions provided for under Article 41 of the Charter. Unfortunately that intention was not reflected in draft resolution A/C.3/L.1342.

22. Nor was that intention reflected in the Polish-Saudi Arabian draft resolution (A/C.3/L.1339/Rev.1), which, in his opinion, would greatly gain from being revised to take account of the Bulgarian proposal.

23. Nevertheless, while he regretted the lack of firmness in the drafts submitted to the Committee, his delegation was prepared to support draft resolutions A/C.3/L.1339/Rev.1 and A/C.3/L.1342, on the understanding that the latter represented a compromise.

24. Mrs. FRANCK (Central African Republic) requested that her country should be listed as a sponsor of draft resolution A/C.3/L.1342. Her delegation fully supported that text which, it thought, reflected the wishes of all justice- and peace-loving persons.

25. Mrs. POCEK-MATIC (Yugoslavia) said that, with the exception of the South African representative, all speakers had condemned racial segregation and the policy of apartheid in the colonial and dependent Territories. The resolution to be adopted by the Committee should reflect that unanimity. Her delegation would have liked the resolution adopted to have referred the matter to the Security Council so that that body could apply the provisions of Chapter VII of the Charter. Despite that omission, draft resolution A/C.3/L.1342 was acceptable and should be adopted unanimously. Her delegation would also support the draft submitted by Poland and Saudi Arabia (A/C.3/L.1339/Rev.1).

26. In view of the sufferings of the Africans who were the victims of racist régimes, the Third Committee could not confine its disapproval merely to the social aspects of the matter on the pretext that the political and economic aspects were not within its competence. Its profound indignation should be reflected in a condemnation sweeping enough to embrace all aspects of that policy.

27. Lady GAITSKELL (United Kingdom) expressed her disappointment that the Committee would be obliged to vote on a draft resolution which had not been given proper consideration and analysis and that

the Committee's proceedings had hardly been conducive to the production of a constructive resolution.

28. The Committee was united in its abhorrence of apartheid, in recognition of the need for constructive measures to remove its injustices, in concern about all deprivations of human rights and in the belief that colonialism was an anachronism.

29. The United Kingdom had shown that its purpose was to bring to independence those peoples living in territories still under British administration in accordance with their expressed wish and her Government was co-operating with all appropriate organs of the United Nations in that process. There was nothing whatever in common between the methods applied by her country in the Territories it administered and the policy of apartheid, and any attempt to confuse the problems of the peoples living under such different systems was a disservice to their interests. An honest recognition of those basic facts and use of normal procedures would have made possible a clear resolution appropriate to the Assembly. But the text to be voted on was of a quite different kind and was in places very hard to interpret. She was puzzled by operative paragraph 2. The explanation given by the Tanzanian representative made it clear that the paragraph was designed to condemn errors which the colonial Powers, including the United Kingdom, had committed in the past. In point of fact, her delegation thought that the Tanzanian representative's interpretation of history was quite debatable. It would be unprofitable to give further examples as the possibility of amendments had been ruled out.

30. In her view, the Third Committee was not competent to decide on the issue of sanctions, and should avoid dividing its attention by dealing with other problems which were also not within its competence and thus straying from the issue before it, a course which would doom it to ineffectiveness.

31. In the circumstances, her delegation expected to abstain in the voting on draft resolution A/C.3/L.1342 as a whole and on each of its paragraphs if they were voted upon separately.

32. Mrs. ZEYDNER-REMPT (Netherlands) said that she had certain reservations with regard to draft resolution A/C.3/L.1342. She regretted that the question of violations of human rights in all countries had been mentioned only in passing and that a certain balance between the general aspects of the problem and particular cases had not been maintained.

33. Her Government sincerely condemned apartheid. It had complied with the recommendation of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa concerning an embargo on arms deliveries to South Africa and had made a substantial contribution to the United Nations Trust Fund for South Africa established to help the victims of apartheid. Her delegation was ready to support any action aimed at mitigating the deplorable social and humanitarian consequences of the policy of apartheid, which were within the competence of the Third Committee. In that connexion, she endorsed the remarks of the Guinean representative to the effect that the Committee should not encroach

on the functions of other United Nations bodies which were in a better position to solve certain problems.

34. The representative of Iran had asked members of the Committee, in view of the importance of the objective sought in draft resolution A/C.3/L.1342, to vote for it in spite of its inadequacies. However, the resolution gave rise to too many objections for it to command her delegation's support. It was precisely because her Government sought to discharge its obligations faithfully that she would be unable to vote for a text which her delegation did not endorse in its entirety. Since minor changes might still be made, her delegation would state its views on the various paragraphs when it explained its vote.

35. With regard to draft resolution A/C.3/L.1339/Rev.1, she would observe that the Security Council was already seized with the question relating to the policies of apartheid and that that body was sufficiently diligent to make it unnecessary to address any recommendations to it on the subject. In any case, such recommendations should come from those bodies which had been instructed to study the policy of apartheid as such and report on it directly to the Security Council.

36. She was surprised at the Bulgarian delegation's proposal, which would have the effect of giving directives to the Security Council even though that delegation was a staunch defender of the Council's prerogatives in the sphere of peace and security.

37. Mr. Ronald MACDONALD (Canada) expressed appreciation of the efforts which had resulted in the drafting of the compromise text contained in document A/C.3/L.1342.

38. Canada attached the highest value to human dignity and the protection of human rights; in the opinion of his delegation, a unanimously adopted resolution condemning apartheid would have carried more weight and been more effective, and it regretted that the debate had taken a different turn.

39. He shared the view of the Guinean representative that consideration of the political aspects of apartheid should be left to specialists in those problems and that the Third Committee should confine itself to matters relating to human rights and humanitarian questions.

40. The draft resolution submitted by the Economic and Social Council (A/6442, annex I) provided a good basis on which the Committee could proceed, although his delegation had reservations concerning operative paragraph 5. Draft resolution A/C.3/L.1342 had a number of positive elements which met with his delegation's approval, such as the recommendation concerning ratification of the conventions aimed at protecting human rights, the appeal to contribute to the United Nations Trust Fund for South Africa, and the invitation to the Economic and Social Council and the Commission on Human Rights to strive to improve the capacity of the United Nations to put a stop to violations of human rights. Operative paragraphs 3, 4 and 6, on the other hand, were unrealistic; the measures proposed should be considered in terms of how likely they were to produce concrete results, and the paragraphs in question did not meet that test. His delegation would

therefore be unable to vote for the resolution as a whole. Operative paragraph 12 also gave rise to difficulties. There was no question that the evils of the policy of apartheid should be widely publicized, but he was not certain that the method envisaged in the draft resolution was the most appropriate. At the United Nations human rights seminar on apartheid, many representatives had expressed reservations with regard to the establishment of a special unit within the United Nations Secretariat. Moreover, the financial implications of such a project had not been determined. In the circumstances, it would be best to adopt the proposal of India, Nigeria and Pakistan (A/C.3/L.1335) that the feasibility of establishing an information centre should receive study.

41. Mr. SILVA (Portugal) said that he categorically rejected the allegations contained in the sixth preambular paragraph and operative paragraphs 1 and 3 of draft resolution A/C.3/L.1342. Portugal did not practise any form of discrimination based on race, colour or religion. All Portuguese were equal before the law, and Portuguese society was genuinely integrated. The allegations in question were prompted by obvious political considerations, and Portugal would vote against the draft resolution.

42. Mr. NSANZE (Burundi), noting that his delegation was joining the sponsors of draft resolution A/C.3/L.1342, observed that it was the Africans who had suffered most from racial discrimination. It was therefore natural that the African delegations had been particularly active and had tried to unite as many delegations as possible in support of their draft resolution.

43. Racist doctrines denied the intrinsic worth of human life. No religion, no philosophical movement, no system of ethics could countenance those pernicious doctrines. In view of the gravity of the situation, the Committee should have formulated a solemn expression of condemnation. A resolution that had been so watered down was unlikely to have any effect on the South African leaders, who were totally blind

44. The argument that the political aspects of apartheid should be dissociated from its social aspects was unsound, for the two were interrelated; moreover, where a policy was an affront to the human person in its very essence, it would be absurd to condemn only certain aspects of it.

45. Mr. A. A. MOHAMMED (Nigeria), referring to the Portuguese representative's statement, said that the Portuguese colonies were among the countries where racial discrimination assumed extreme forms. He wondered how it was possible to deny the existence of racial discrimination in countries where the African inhabitants were oppressed, despoiled and deported by a foreign minority. The situation in the Portuguese territories was well known, and, contrary to what the representatives of certain Western countries had said, the reference to the Portuguese colonies did not introduce any ambiguity into the sixth preambular paragraph or operative paragraph 1 of draft resolution A/C.3/L.1342. The text should be clear, concise and honest, even if such frankness kept some delegations from supporting it. That was why the suggestions of the Brazilian representative could not be accepted.

46. Introducing the revised draft resolution (A/C.3/L.1342/Rev.1) on behalf of the forty sponsors, he said that account had been taken of two suggestions made by the Secretariat; that attested to the conciliatory spirit by which its sponsors were animated. He would like to make it clear, for the benefit of the United States delegation, that the sponsors were willing to consider any constructive suggestion, and he regretted that that delegation had expressed nothing but criticism. The changes made in the revised text affected primarily operative paragraphs 10, 11 and 12. The former paragraph 12, in its new wording, called for the establishment of a unit having a political character rather than an informational role; in addition, a new paragraph had been inserted between paragraphs 10 and 11. The revised text by no means met the hopes of the African delegations. Yet, there were some delegations which still felt that the resolution went too far. If those delegations really wished to contribute to a solution of the problem, they should show the same spirit of compromise as that in which the African delegations had acted.

47. Mr. BAHNEV (Bulgaria) said he shared the Nigerian representative's view that the task of the United Nations was to put an end to the policy of apartheid by halting the forces which supported it and that draft resolution A/C.3/L.1342/Rev.1 did not contain any specific provisions in that regard. The United Nations should employ all available means to compel the Governments concerned to exert pressure on the capitalist monopolies which bore primary responsibility for the continued existence of apartheid. However, the resolution, far from compelling, confined itself to requesting, inviting and appealing. The Security Council must be called upon to take the necessary steps, i.e. rigorous economic and diplomatic sanctions, in conformity with Chapter VII of the Charter. It had been said that apartheid was a humanitarian problem; however, it was a political problem as well, and it could be solved only through political action by the Security Council. It had also been asserted that there were procedural difficulties, but the General Assembly, a political organ, could draw the Security Council's attention to any question by means of a resolution stressing its humanitarian or political aspects. Most countries were convinced of the necessity of applying diplomatic and economic sanctions. That view had been expressed during the general debate and should be recorded in the Committee's report to the General Assembly. It was to be hoped, therefore, that the Assembly would communicate that view to the Security Council when it considered the draft resolution which the Committee was preparing to adopt. However, the task of both the Assembly and the Council would be facilitated if the Committee indicated in its resolution that it wished to see the Council apply the sanctions provided for in Chapter VII of the Charter. It was for the Council, of course, to choose the means it considered most effective in combating apartheid, but the Committee should make its views known to the Council. To do so would in no sense exceed the Committee's competence, for although apartheid was a humanitarian problem, it could be solved only by political means.

48. Mr. SINHA (India) said that draft resolution A/C.3/L.1342/Rev.1, of which India was a sponsor,

reflected the spirit of compromise in which it had been drafted and was the result of a commendable effort by the Afro-Asian group to reconcile the various points of view, as the Canadian representative had recognized. He was glad to note the wide support given to the draft resolution, particularly by the Latin American and socialist groups. He also noted with satisfaction that even those who disapproved of its wording did not oppose its objective, which was the elimination of racial discrimination and apartheid. However, the essential question was what means should be employed in order to achieve that objective. In that regard, the revised draft was clearer and more specific on certain points than the one submitted by the Economic and Social Council.

49. Replying to the objections raised with regard to operative paragraph 2 of draft resolution A/C.3/L.1342/Rev.1—which dealt, *inter alia*, with the systematic influx of foreign immigrants—and, more particularly, to a question asked by the Panamanian representative on the subject, he provided some data on European immigration into South Africa. From 1956 to 1961, for example, 100,000 Europeans had emigrated to Southern Rhodesia, 85,000 to South Africa and 37,000 to Mozambique. Those figures spoke for themselves and justified the inclusion of operative paragraph 2.

50. With regard to the criticisms of operative paragraphs 3 and 4, he did not see how the humanitarian aspect of the problem could be separated from its political aspect. It was obvious that political means had to be employed to compel respect for human rights and to combat apartheid. He therefore supported the Polish-Saudi Arabian draft resolution (A/C.3/L.1339/Rev.1) and shared the Uruguayan representative's hope that the Committee would adopt it in its present form.

51. Mr. EREDO (Mongolia) congratulated the Chairman and the other members of the Bureau on their election. He would vote for draft resolution A/C.3/L.1342/Rev.1 even though he considered it too weak. He would also support the Polish-Saudi Arabian draft resolution and the Bulgarian proposal, since he believed that the Committee should ask the Security Council to apply economic sanctions against South Africa and that it would in no sense be exceeding its competence by adopting a resolution to that effect.

52. Mr. BAROODY (Saudi Arabia) said he was gratified to note that the draft resolution submitted jointly by his delegation and that of Poland had already gained the support of many countries, including Guinea, Senegal and Uruguay. To those who said that the Committee was exceeding its competence in dealing with a political question which was within the jurisdiction of other United Nations bodies, he would point out that human rights included political rights and, that the draft International Covenants on Human Rights, which appeared on the Committee's agenda, were also a political question. In any event, that procedural argument was merely a pretext used by certain countries to justify their abstention, which was equivalent to opposition where human rights were concerned. Those countries thought they were protecting their interests by supporting the Governments of South Africa and Southern Rhodesia. They

should know, however, that the maintenance of apartheid might provoke a general revolt of blacks against whites, which would deal a fatal blow to those countries' interests and endanger world peace. The Security Council must therefore be asked now, before it was too late, to take the necessary steps to put an end to a situation which was both scandalous and dangerous. Those countries which refused to endorse the draft resolutions already submitted merely had to propose a draft themselves instead of taking refuge in a purely negative position of abstention. However, they unquestionably hoped to cite their present position later as justification for abstaining in the Security Council, when they would have to vote on the same question again. He urged those countries to reconsider their stand, to abandon political subterfuges which were unworthy of a body responsible for protecting human rights and to give those rights precedence over all other considerations.

53. Mr. SCHREIBER (Director, Division of Human Rights) pointed out that under rule 154 of the rules of

procedure of the General Assembly, no resolution involving expenditure could be recommended by a committee for approval by the General Assembly unless it was accompanied by an estimate of expenditures prepared by the Secretary-General. The establishment within the United Nations Secretariat of a unit intended to deal exclusively with the policies of apartheid, as provided in operative paragraph 13 of the revised draft resolution (A/C.3/L.1342/Rev.1), would have financial implications. The expenditure required for that unit could not yet be estimated with precision, since it would depend on the extent of the responsibilities assigned to it, but the Secretary-General suggested that it should be provisionally set at \$54,100.<sup>1/</sup>

*The meeting rose at 6.25 p.m.*

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<sup>1/</sup> The statement of the financial implications was subsequently issued as document A/C.3/L.1343.