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*Chairman:* Mr. Jan Paul BANNIER  
(Netherlands).

## AGENDA ITEM 62

Budget estimates for the financial year 1963 (A/5121 and Corr.1, A/5179, A/5205, A/5207, A/5243, A/5263, A/5267, A/5272 and Corr.1, A/5280, A/5299, A/5309, A/5312, A/5331, A/5336, A/5358, A/5369, A/C.5/919, A/C.5/923 and Add.1, A/C.5/925, A/C.5/926, A/C.5/928, A/C.5/930, A/C.5/931 and Corr.1, A/C.5/935, A/C.5/937, A/C.5/942, A/C.5/945 and Add.1, A/C.5/946, A/C.5/949, A/C.5/950, A/C.5/951, A/C.5/953, A/C.5/955, A/C.5/956, A/C.5/963, A/C.5/967, A/C.5/L.726, A/C.5/L.730, A/C.5/L.734, A/C.5/L.736, A/C.5/L.743, A/C.5/L.748, A/C.5/L.756, A/C.5/L.758, A/C.5/L.759) (continued)

### Question of taxes paid by the United Nations in the various countries in which it has offices

1. Mr. STAVROPOULOS (Legal Counsel) said that, in accordance with the wish expressed by the Fifth Committee at the sixteenth session, he would now present detailed information concerning the taxes paid by the United Nations in the various countries in which it had offices.

2. The legal basis for the exemption of the United Nations from taxation by Member States, apart from

internal laws, consisted in Article 105 of the Charter, the Convention on the Privileges and Immunities of the United Nations and such special agreements as might be applicable. Section 7 of the Convention provided that the United Nations should be exempt from "all direct taxes" and from customs duties in respect of "articles ... imported ... by the United Nations for its official use". With regard to excise duties and sales taxes which formed part of the price to be paid, section 8 of the Convention provided that the United Nations would not "as a general rule, claim exemption" from such taxes, but that when the United Nations was making important purchases for official use, Members would "whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax".

3. At present, seventy-six Member States were parties to the Convention and had thus undertaken to accord the United Nations exemption from taxes in the manner prescribed. Moreover, of some forty Member States in which it could be said that the United Nations maintained "offices", at least thirty-two were already parties to the Convention. In addition, some States, though not parties to the Convention, had, by special agreements such as those relating to technical assistance and/or the Special Fund, agreed to apply the terms of the Convention in respect of such specific operations.

4. He was happy to report that States which had thus assumed the obligation to grant exemption to the United Nations from taxation had, on the whole, strictly fulfilled that obligation. On occasion, a difference of opinion might arise on the meaning or scope of the Convention. One such difference might arise over the meaning of the term "official use"; if, for instance, the United Nations dispatched a film or recording it itself had produced as a part of its public information operations to a distributing agent for distribution in a Member State, there might be disagreement on whether the material so dispatched was for the "official use" of the United Nations.

5. Generally speaking, however, there had been few instances in which Member States had applied direct taxes to the United Nations.

6. With regard to excise and sales taxes, the Convention accorded no exemption to the United Nations but provided a generally available means for the remission or return of the amount of the taxes. The United Nations had generally enjoyed the generous co-operation of Member States parties to the Convention in that respect. For example, one Government had authorized a number of its bureaux to supply goods for the official use of the United Nations without the addition of purchase tax to the selling price.

7. With regard to Member States which had not acceded to the Convention, the Organization's claim

to exemption or remission could often be made only on the basis of general principle or on that of comity. In that connexion, he appealed to those Member States which had not yet acceded to that Convention to do so without delay—in accordance with the wishes of the General Assembly, as expressed in its resolution 259 (III).

8. Members of the Committee were no doubt especially concerned with the tax situation in the United States of America, which had not yet acceded to the Convention. The effect on the United Nations of various United States excise taxes and customs duties had been a subject of discussion at previous sessions and, in accordance with a decision of the Fifth Committee, he himself had embarked on negotiations on the matter with the United States Mission. As he had informed the Committee at the fourteenth session (748th meeting), those negotiations had been carried on in a spirit of good will and mutual accommodation. However, he regretted to have to report that the Secretariat had not as yet received information that exemption or remission of the excise taxes in question in the United States had been arranged or any other suggested measure taken. Nevertheless, it was hoped that further contacts with the United States Mission might bring about the desired objective, and he would report to the Committee on any progress in that direction.<sup>1/</sup>

#### FINANCIAL IMPLICATIONS OF THE DRAFT RESOLUTION CONTAINED IN DOCUMENT A/L.420 ON AGENDA ITEM 29\* (A/C.5/971)

9. The CHAIRMAN drew the Committee's attention to the Secretary-General's note (A/C.5/971), which indicated that the draft resolution (A/L.420) provided for the appointment of two United Nations representatives, one for the purpose of gathering information on conditions in Angola, and the other for the purpose of gathering information on conditions in Mozambique, who would draw up reports for consideration by the General Assembly at its eighteenth session. The Secretary-General estimated that additional appropriations of \$64,000 would be required under section 18—Special missions—of the 1963 budget estimates, if the draft resolution was adopted.

10. Mr. AGHNIDES (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Advisory Committee on Administrative and Budgetary Questions concurred in the Secretary-General's conclusions.

11. Mr. TSURKAN (Ukrainian Soviet Socialist Republic) considered that it was procedurally inadmissible for the Committee to consider the financial implications of a draft resolution which had not yet been taken up by the General Assembly.

12. By sending two representatives to gather information in Angola and Mozambique, the United Nations would also appear to be rejecting the findings of the Special Committee on Territories under Portuguese Administration. That Committee had submitted a very well documented report (A/5160 and Corr.1 and Add.1 and 2). Moreover, the situation in Angola and the other Portuguese territories was perfectly

clear: Portugal was engaged in a war against the people of those territories and it was the duty of the United Nations to intervene to put an end to the conflict. Consequently, the Ukrainian delegation could not support the provisions of the draft resolution (A/L.420) or the conclusions contained in the Secretary-General's note.

13. The CHAIRMAN pointed out that the General Assembly was the organ competent to discuss the substance of the draft resolution. Under rule 154 of its rules of procedure, the General Assembly would not consider any resolution in respect of which expenditures were anticipated by the Secretary-General until the Administrative and Budgetary Committee had had an opportunity of stating the effect of the proposal upon the budget estimates of the United Nations. He therefore suggested that the Committee should inform the General Assembly that, in the event of its adoption of the draft resolution, additional expenses of the order of \$64,000 would arise.

*It was so decided.*

#### AGENDA ITEM 67

##### Scale of assessments for the apportionment of the expenses of the United Nations: report of the Committee on Contributions (A/5210, A/C.5/920 and Add.1, A/C.5/L.769, A/C.5/L.775) (continued)\*\*

14. The CHAIRMAN drew attention to the note (A/C.5/L.775) which he had prepared after consulting the various delegations which had planned to submit draft resolutions. It was his understanding that the draft resolution which it contained would be acceptable to the majority of the members of the Committee. He pointed out that operative paragraph 2 should be corrected to read as follows:

*"Resolves that, in view of the fact that Sierra Leone became a Member of the United Nations on 27 September 1961, Mauritania and Mongolia on 27 October 1961, and Tanganyika on 14 December 1961, ..."*

15. Mr. MARQUES SERE (Uruguay), referring to operative paragraphs 5 and 6 of the draft resolution, said that he wished to pay a tribute to the Committee on Contributions and its Chairman, Ambassador Jha.

*The draft resolution contained in the Chairman's note (A/C.5/L.775), as amended, was adopted unanimously.*

16. Mr. MYSLIL (Czechoslovakia) expressed his gratification that the discussion had ended with a unanimous decision. The draft resolution which had been adopted reflected the desire of delegations to adopt the principle that the scale of assessments for the apportionment of the expenses of the United Nations should be acceptable to all Member States.

17. The CHAIRMAN, speaking on behalf of the Committee and on his own behalf, thanked the Chairman of the Committee on Contributions, who was taking part in the work of the Fifth Committee for the last time. Ambassador Jha had shown the highest competence in carrying out the difficult duties of Chairman of the Committee on Contributions.

18. Mr. JHA (Chairman of the Committee on Contributions) thanked the Chairman for his kind words. He also wished to thank the Committee for the confi-

\*The situation in Angola; reports of the Sub-Committee established under General Assembly resolution 1603 (XV) and of the Government of Portugal.

<sup>1/</sup> The complete text of the statement was subsequently circulated as document A/C.5/972.

\*\*Resumed from the 978th meeting.

dence shown in him. The draft resolution which had been adopted would facilitate consideration of the many problems raised during the discussion. The Committee on Contributions, which was in a good position to appreciate the serious differences of opinion on the issue, would be glad to learn the Committee had adopted a unanimous decision.

**FINANCIAL IMPLICATIONS OF THE DRAFT RESOLUTION SUBMITTED BY THE SPECIAL POLITICAL COMMITTEE IN DOCUMENT A/5387 ON AGENDA ITEM 31\* (A/C.5/969)**

19. Mr. AGHNIDES (Chairman of the Advisory Committee on Administrative and Budgetary Questions) observed that, under the terms of the draft resolution submitted by the Special Political Committee (A/5387, para. 16) the General Assembly would request the United Nations Conciliation Commission for Palestine to continue its endeavours with the Member States directly concerned, and would request the Secretary-General to provide the staff and facilities that the Commission might require in carrying on its work. As stated in the Secretary-General's note (A/C.5/969), the Technical Office of the Commission would therefore have to extend its work beyond the limited period contemplated in the initial 1963 estimates and the appropriation (\$34,400) provided for in those estimates (A/5205) would not be sufficient. Since it was not possible to make an accurate assessment of possible needs, the Secretary-General proposed to report fully to the Advisory Committee on Administrative and Budgetary Questions as soon as actual needs were determined, and, with its prior concurrence, to enter into commitments in 1963, under the terms of paragraph 1 of the resolution relating to unforeseen and extraordinary expenses for that year, for whatever further expenses might be necessary.

20. The Advisory Committee concurred in the Secretary-General's recommendations.

21. The CHAIRMAN suggested that the Committee should inform the General Assembly directly that it endorsed the Secretary-General's proposals.

*It was so decided.*

**AGENDA ITEMS 32 AND 63**

**United Nations Emergency Force:**

**(b) Cost estimates for the maintenance of the Force (A/5187, A/5274, A/C.5/970, A/C.5/L.774 and Add.1) (continued)\*\***

**United Nations operations in the Congo: cost estimates and financing (A/5352, A/5366, A/C.5/970, A/C.5/L.774 and Add.1) (continued)\*\***

22. The CHAIRMAN announced that Nigeria and Tunisia had joined Denmark, Norway and Sweden as co-sponsors of the three draft resolutions before the Committee (A/C.5/L.774 and Add.1).

23. Mr. HANCKE (Norway) introduced the three draft resolutions, which were the direct outcome of decisions taken earlier by the Committee. Draft resolutions I and II took account of the Secretary-General's proposals that he should be authorized to

incur the expenditures necessary for continuing the operations in the Middle East and the Congo pending a decision of principle as well as of the establishment of a Working Group of twenty-one members, which was to work out that decision of principle.

24. Draft resolution III dealt with the convening of a special session of the General Assembly, since it was essential for the Assembly to restore a measure of stability to the finances of the United Nations by 30 June 1963 at the latest. The sponsors of the draft resolution had thought it preferable to leave it to the Secretary-General, in consultation with the President of the seventeenth session of the General Assembly, to fix the date he regarded as most appropriate for convening the special session. It was essential not only that such a session should be held, but that it should be devoted exclusively to consideration of the financial situation of the Organization; the efforts of all Member States should be focused on that situation in the interests of the very survival of the United Nations.

25. Mr. CURTIS (Australia) said that he would vote for the three draft resolutions because they were essential to the continuation and success of the operations, which were the responsibility of the United Nations and, therefore, of all Member States. Nevertheless, the Australian delegation was somewhat disturbed at the magnitude of the expenditures relating to those operations. It was alarming to see that, two years after the operations had started, it was still impossible to prepare detailed budget estimates for ONUC and also that UNEF had developed some quasi-permanent features. It was also discouraging to be called on to authorize expenditure without any assurance that the United Nations would really have the funds to meet it. It was more than ever necessary to exercise the strictest possible economy in connexion with both operations. Draft resolution III was the logical outcome of the Committee's decisions on agenda item 64. In all the circumstances it seemed reasonable to close the debate on a note of cautious optimism.

26. Mr. BENDER (United States of America) emphasized that UNEF and ONUC had played a historic role in the development of the United Nations; he felt that, however great the divergency of views regarding those operations, no Member State could refuse to pay a tribute to the countries which had made contributions and, above all, provided troops to ensure the success of the two operations. Again, no Member State could grudge its gratitude to the men who had risked and even lost their lives in order to maintain peace in those two areas. It was, therefore, all the more extraordinary that some Member States refused to give those men the financial support to which they were entitled.

27. The United States would support draft resolutions I and II in the hope that it would be possible to reach a final solution of principle before 30 June 1963; it would also support draft resolution III, since, as the Norwegian representative had pointed out, it was obviously essential to convene a special session of the General Assembly for the sole purpose of considering the financial crisis facing the Organization. The Assembly had hitherto always been hampered in dealing with financial problems because of its inability to give its undivided attention to them. It was therefore to be hoped that the special session would lead Governments to consider the problem

\*Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

\*\*Resumed from the 979th meeting.

more closely and to make greater efforts to solve it. May would probably be the best time to convene the special session.

28. Mr. SINGH (India) said that India had never spared its efforts to support the United Nations operations for the maintenance of peace and security; it had not only paid its contributions and bought United Nations bonds, it had also provided the largest contingent of troops. The Indian Government hoped, nevertheless, that it would be possible gradually to reduce the expenditure on those operations and it wished to stress the need to observe the strictest possible economy and to avoid prolonging the operations unnecessarily. The Indian delegation shared the conclusions set out in documents A/5187, A/5274, A/5352 and A/5366 and would vote for the three draft resolutions in document A/C.5/L.774 and Add.1.

29. Mr. QUIJANO (Argentina) reiterated the three factors which determined his delegation's attitude to United Nations peace-keeping operations: first, it accepted the principle of the collective responsibility of all Member States with regard to financing; secondly, it was convinced that the costs of those operations should be shared according to a new scale of assessments that took due account of the actual resources of the developing countries, which should make only a token contribution; lastly, as the Committee had accepted the advisory opinion of 20 July 1962 of the International Court of Justice by a large majority, it should provide the Secretary-General with the necessary funds to continue those operations until it was possible to take final decisions of principle on the basis of a more detailed study.

30. The Argentine delegation welcomed the detailed cost estimates for the maintenance of UNEF (A/5187) and the efforts that had been made to achieve savings. Nevertheless, it shared the concern expressed by the Advisory Committee in paragraph 9 of its report (A/5274) regarding the tendency for arrangements to become quasi-permanent.

31. The cost estimates for ONUC were not so detailed: he regretted that it had still been impossible to submit detailed estimates or to prepare a proper budget. He fully shared the concern expressed by the Advisory Committee in paragraphs 4 and 6 of its report (A/5366).

32. Although he regretted that none of the three draft resolutions in document A/C.5/L.774 and Add.1 mentioned the necessity to prepare a new scale of assessments for apportioning the costs of peace-keeping operations, the Argentine delegation would vote for them.

33. Mr. QUAO (Ghana) said that his country had always fully supported the United Nations operations in the Middle East and the Congo. He would vote for the three draft resolutions in document A/C.5/L.774 and Add.1, for the Assembly would be failing in all its duties if it forced the Secretary-General to cut short those operations for lack of funds. His delegation would vote for draft resolutions I and II in the firm conviction that it was not participating in any illegal action or lending itself in any way to imperialist manoeuvring.

34. The Ghanaian delegation would also vote for draft resolution III in the hope that the special session would lead to a decisive reaffirmation of the principle of the collective responsibility of all Member States and to a generally acceptable solution.

35. Mr. GREZ (Chile) recalled that his Government had always supported all the peace-keeping operations undertaken by the United Nations, including those in the Middle East and the Congo. He fully shared the view expressed by the Argentine representative regarding the financing of those operations.

36. Mr. SANU (Nigeria) said that his delegation had decided to become a co-sponsor of the three draft resolutions in document A/C.5/L.774 and Add.1 out of loyalty to the principle of the collective financial responsibility of all Member States for United Nations peace-keeping operations under Article 1 of the Charter. Nigeria had sent troops and paid its contributions for the United Nations Operation in the Congo. Although it shared the concern expressed by the Australian representative, and by the Advisory Committee (A/5366, paras. 4 and 6), it felt that the Secretary-General must be given the necessary funds to continue the operations if the United Nations attempt to restore peace in that part of the world was not to be doomed to failure. The Nigerian delegation trusted that, by the eighteenth session, it would be possible to make a substantial reduction in the costs of those operations.

37. His delegation would vote for draft resolution III because it agreed with the Norwegian representative that it was essential to convene a special session of the General Assembly to deal exclusively with financial problems.

38. Mr. LIMA (Cameroon) associated himself with the representatives of Australia, Ghana and the United States and with the other speakers who had supported draft resolutions I, II and III. Those draft resolutions were the logical consequence of decisions which the Committee had already taken, as Member States had repeatedly reaffirmed their resolve to continue the operations in the Middle East and the Congo in order to safeguard world peace. Some delegations had tried to prove that the United Nations operations were illegal because they had been rendered necessary by only a few Member States, but the primary task of the United Nations was to restore peace, whatever the cause of the disturbances which necessitated its intervention. What was required now was to work out a general system for the financing of peace-keeping operations.

39. Mr. HODGES (United Kingdom) agreed with the Secretary-General that UNEF continued effectively to serve the cause of peace in helping to maintain quiet in the area under consideration (A/5187, para. 1). His delegation would therefore continue to favour the maintenance of the Force in 1963. At the same time, he shared the concern expressed by several delegations concerning the quasi-permanent character of some of the Force's installations. He urged the Secretary-General to ensure that the association which had developed between the Force and the local economy did not become so close that difficulties would arise when the Force was withdrawn.

40. He hoped that, in 1963, the Secretary-General would do everything in his power to reduce the expenses involved in maintaining the Force's present functions. Periodic checks should be made to ensure that its numbers and activities were in keeping with its mandate, which itself should be kept under review. He also hoped that the total expenditure of the Force in 1963 could be kept below the sum of \$19 million recommended by the Advisory Committee.

41. Like the Advisory Committee, his delegation was concerned that it was still impossible to submit detailed estimates of future ONUC expenditures or to draw up a proper budget. No specific appropriations had been made to cover the costs of ONUC after 30 June 1962. It would be unrealistic to assume that the General Assembly would make a further apportionment of the expenses at the present session. The Committee had requested the establishment of a Working Group of twenty-one members to study special methods for financing United Nations peace-keeping operations.

42. He was grateful to the Advisory Committee for having stressed in paragraph 6 of its report (A/5366) the need for ensuring the strictest control so that avoidable expenditures did not occur. Whatever difficulties the Secretariat faced in that field, the question of administrative and financial control must remain a primary concern.

43. His delegation supported the recommendations of the Advisory Committee concerning the estimates for UNEF (A/5274, para. 11) and those for ONUC (A/5366, para. 7) and would vote in favour of draft resolutions I, II and III.

44. Mr. SOARDI (Italy) was glad to note that UNEF was still serving its purpose satisfactorily, as the Secretary-General stressed in the foreword to his report (A/5187), and that as a result of various circumstances, the proposed expenditure was \$580,000 lower than the total estimate for 1962.

45. He associated himself with the remarks made by the Australian and United Kingdom representatives and hoped that the costs of peace-keeping operations could be reduced in 1963. As always, the Secretary-General would certainly do everything in his power to reduce expenditure.

46. In keeping with its traditional attitude to UNEF and to ONUC operations, he would support the three draft resolutions.

47. Mr. DIEZ DE MEDINA (Bolivia) was convinced that the continued existence of UNEF and ONUC constituted an effective means of keeping the peace in the Middle East and in the Congo respectively.

48. During the general debate, the Bolivian delegation had already expressed its concern at the critical financial situation of the Organization and had announced its decision to respect the advisory opinion of 20 July 1962 of the International Court of Justice concerning the expenditures of UNEF and ONUC. Unfortunately, in view of its own financial crisis, the Bolivian Government might not be able to participate in the financing of those expenses. For that reason, his delegation would have to abstain on draft resolutions I and II.

49. Mr. VELA (Ecuador) felt that the measures recommended in the three draft resolutions were the wisest possible, having regard to the decision which had already been taken to set up a Working Group of twenty-one members to try to settle the whole question of how to finance peace-keeping operations.

50. His delegation was concerned that the expenditures of ONUC were still so high, although more than two years had elapsed since the operations had begun. It was to be hoped that the Working Group would find a satisfactory solution to the problem of how to finance peace-keeping operations and that the prin-

ciple of collective responsibility of Member States for the financing of such operations would be maintained.

51. His Government had participated in the financing of those operations although it had not always approved the manner in which they had been conducted.

52. He would support the three draft resolutions and hoped that the expenditures involved in peace-keeping operations would be apportioned in conformity with principles the validity of which had already been recognized.

53. Mr. SOKIRKIN (Union of Soviet Socialist Republics) emphasized that the expenses of UNEF could not be considered as expenses of the Organization within the meaning of the Charter since UNEF had been set up in violation of the provisions of the Charter, without a decision by the Security Council.

54. His delegation had often pointed out that UNEF had been established as a result of the acts of aggression committed in 1956 by France, the United Kingdom and Israel and that the UNEF operations should consequently be financed by those States. The USSR delegation would vote against resolution I.

55. It would also vote against draft resolution II, for it considered that the operations in the Congo had been conducted in violation of the Charter without regard for the prerogatives of the Security Council and that the operations had yielded results contrary to those sought by the Security Council because the Congo was now divided.

56. With regard to draft resolution III, his delegation wished to point out that the method of financing peace-keeping operations was clearly set forth in the Charter, that it was therefore unnecessary to establish a special system for financing such expenses, and hence also unnecessary to convene a special session of the General Assembly to consider the question. Peace-keeping operations could not be undertaken except in pursuance of a decision by the Security Council and the financing of such operations could not be considered except by means of agreements concluded between the Security Council and Member States. All measures taken without reference to the Security Council for the financing of such operations would be taken in violation of the Charter. His delegation would abstain on draft resolution III.

57. The CHAIRMAN drew attention to the Secretary-General's report (A/C.5/970) concerning the financial implications of draft resolution III.

58. Mr. AGHNIDES (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Advisory Committee recommended that the Fifth Committee should approve the appropriation requested by the Secretary-General, on the understanding that, if the special session lasted longer than three weeks, the Secretary-General would request the approval of the Advisory Committee before incurring the necessary additional expenditure. It was now estimated that each additional week of the session would cost \$42,000. Such additional expenses should be made under the resolution relating to unforeseen and extraordinary expenses (for the financial year 1963).

59. The CHAIRMAN put to the vote separately draft resolutions I, II and III in document A/C.5/L.774 and Add.1.

*Draft resolution I on the United Nations Emergency Force was adopted by 48 votes to 11, with 13 abstentions.*

*Draft resolution II on the United Nations operations in the Congo was adopted by 52 votes to 12, with 12 abstentions.*

*Draft resolution III on the convening of a special session of the General Assembly was adopted by 53 votes to none, with 20 abstentions.*

60. The CHAIRMAN explained that, in view of the Advisory Committee's recommendation, if the General Assembly adopted draft resolution III the additional appropriation of \$130,000 requested by the Secretary-General would be included in the draft budget resolution for the financial year 1963 which the Committee would have to approve at its next meeting.

The meeting rose at 1 p.m.