

SUMMARY RECORD OF THE NINETY-NINTH MEETING
Held on Friday, 3 March 1972, at 11.25 a.m.

Chairman:

Mr. ROSSIDES

Cyprus

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ADOPTION OF THE REPORT (A/AC.134/L.40)

Mr. TEYMOUR (Egypt), Rapporteur, read out the draft report of the Special Committee to the General Assembly (A/AC.134/L.40).

Mr. BIGOMBE (Uganda) said that the draft report was straightforward; it was purely factual and left no room for controversy.

As to the work of the session, it had been understood that the members of the Special Committee who were not members of the Working Group could take part in the Group's work but not in its decisions (A/AC.134/L.40, para. 6) and his delegation deplored the fact that, for lack of space, some members had been excluded from the deliberations of the Working Group. In addition, it felt that more use should have been made of informal consultations. In fact, the report of the informal negotiating group showed that some progress had been made - but that progress no longer showed in the report of the Committee.

Mr. SECARIN (Romania), referring to paragraph 10 of the draft report, said that he failed to see why the word "recognized" had been translated into French by the word "admise". In his view, the word "reconnue", for example, would be more suitable.

Mr. SIVANI (France) noted that, in General Assembly resolution 2330 (XXII), which the representative of Australia had used as the basis for his amendment, the expression "generally recognized definition of aggression" had been translated by "une définition généralement acceptée de l'agression".

The CHAIRMAN said he felt that the word "reconnue" would be more appropriate, but he suggested that the matter be left to the Secretariat.

Mr. JACOVIDES (Cyprus) said it was regrettable that the Committee had not made more progress in the course of the session, but he had good hope of success in the future.

He thanked the representative of Guyana for not pressing his proposal (A/AC.134/L.39) to a vote in order not to complicate the work of the Committee. Nevertheless, the representative of Guyana's approach was a sound one; the Committee would probably have to decide which text was to serve as the basis for its future work.

(Mr. Jacovides, Cyprus)

The most striking thing to emerge from the session was the fact that 20 countries, i.e., a very clear majority of the members of the Special Committee, had joined in supporting the 13-Power draft - something which would have to be taken into account in the future work of the Committee.

Mr. EL-MEKKI (Sudan), speaking as the representative of a non-aligned country, said it was very important for the Committee to fulfil its task, for a definition of aggression would unquestionably strengthen the feeling of security of all countries, particularly the small countries. The definition should confine itself to the more salient points, so as to avoid any controversy, such as had occurred in connexion with the matter of indirect aggression. The outcome of the session now drawing to a close augured well for the future. The draft report posed no difficulty for his delegation, which was ready to support its adoption.

Mr. YAÑEZ-BARNUEVO (Spain) commended the Rapporteur on the objectivity of the text that he had submitted to the Special Committee. As in previous years, the report confined itself to transmitting the report of the Working Group to the General Assembly. In approving the report of the Working Group, as was stated in paragraph 13, the Special Committee had in fact approved solely the first four paragraphs of the report and had merely taken note of the proposals of the informal negotiating group contained in annex I.

His delegation, like that of Cyprus, believed that the greatest step forward had been the decision by 20 countries to reaffirm their position on the basis of the 13-Power draft (A/AC.134/L.37/Add.2). Those countries had shown that they were united by common interests; that unanimity was a very important positive factor for the future work of the Committee.

At the previous meeting, all kinds of arguments had been put forward as to whether the definition should be "generally acceptable" or "generally recognized". He was of the view that each delegation must show a willingness to compromise doing everything in its power to reach agreement and formulate a common definition which would be the outcome of the joint efforts of everyone. He feared that in order to combat a supposed tyranny of the majority, some delegations might be trying to impose a tyranny of minorities. The importance of the statement of the 20 countries was to be seen in that context, for those countries, which constituted a

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(Mr. Yañez-Barnuevo, Spain)

majority in the Committee, were reaffirming their position but were still open to a dialogue.

As the Chairman had suggested, all delegations should continue their consultations before the twenty-seventh session of the General Assembly, since such a course would advance the work of the Special Committee and assist the renewal of its mandate.

Mr. GÜNEY (Turkey) agreed with the representative of Spain that the approval of the report of the Working Group should not be regarded as approval of the annexes thereto. The Committee had in fact decided to transmit the annexes without adopting any position.

Mr. WANG (Canada) congratulated the Rapporteur on his excellent report. He noted, however, that the Special Committee had adopted draft resolution A/AC.134/L.38 not unanimously, as stated in paragraph 14, but without objection. The difference was slight perhaps, but the expression used in the report did not appear to be in line with the usual practice.

The CHAIRMAN remarked that it was true that, when a proposal was not put to the vote, it was usually regarded as adopted "without objection".

Mr. KOLESNIK (Union of Soviet Socialist Republics) said that, for his part, he remembered hearing the Chairman say at the previous meeting that the draft resolution had been adopted "unanimously" and "by acclamation". If it helped matters, the word "unanimously" could be replaced by the words "by acclamation".

The draft report reflected the facts as they had occurred and his delegation was ready to support its adoption. He none the less wondered whether it might not be useful to include the suggestion made by the Chairman at the previous meeting, namely, that the members of the Committee should hold consultations before the twenty-seventh session of the General Assembly.

Mr. KUMI (Ghana) joined in commending the Rapporteur on the objectivity and brevity of his report.

Mr. REIS (United States of America) thanked the sponsors of draft resolution A/AC.134/L.38 for agreeing to certain amendments in a spirit of conciliation, since that had made it possible for his delegation not to oppose

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(Mr. Reis, United States)

the adoption of the text. He emphasized, however, that the adoption of the resolution did not prejudice the position the United States would adopt at the twenty-seventh session of the General Assembly. Like the representative of Canada, he felt that the words "adopted without objection" would be more accurate than "adopted unanimously". Those were, moreover, the words used by the Committee in its 1969 report and they were in no sense pejorative.

Mr. EL-FAITAL (Syrian Arab Republic) observed that the sponsors of the draft resolution had accepted the proposals put forward by Canada and Australia precisely because they had wanted the resolution to be adopted unanimously. To say that the resolution had been adopted "without objection" would therefore be contrary to the understanding that had been reached.

Mr. TEYMOUR (Egypt), Rapporteur, recalled that, at the previous session, the Committee had adopted a similar resolution "unanimously" (A/8419, para. 66).

Mr. FREELAND (United Kingdom) said that, to the best of his recollection, the Chairman had suggested that the Committee might adopt the draft resolution "without objection", which was in fact the normal practice when a proposal was adopted without being put to the vote. In any case, the question was not important enough to justify a long debate and he would be content to accept the preference of the majority, as long as the position of his own delegation was clear. That was why his delegation had raised no objection to the draft resolution, on the understanding that the United Kingdom would be free to adopt at the twenty-seventh session of the General Assembly whatever attitude to the recommendation it might consider appropriate.

His delegation saw no objection to the inclusion in the report of a passage recalling the Chairman's suggestion, but it could not give its assent before knowing the exact wording, and that might give rise to difficulties because of the shortness of the time available. Since the suggestion would in any event appear in the summary records, to which reference was made in the report, it might perhaps not be necessary to include it in the report.

The CHAIRMAN suggested that, in order to take account of the comments by the United Kingdom representative, the word "unanimously" in paragraph 14 of the draft report should be replaced by the words "by acclamation".

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Mr. FREELAND (United Kingdom) said that, in order not to prolong debate, he could accept the present wording.

The CHAIRMAN suggested that the Rapporteur should draft a sentence for inclusion in the report which would be submitted to the Committee for its approval.

It was so decided.

Mr. GUARIGLIA (Italy) said that, in view of the meagre progress achieved, his delegation doubted whether it was appropriate to recommend the renewal of the Committee's mandate. In a spirit of conciliation, however, and to show goodwill, it had given its full support to draft resolution A/AC.134/L.38. But his delegation would have preferred to leave the General Assembly to decide whether or not the Special Committee's mandate should be renewed.

Miss DUBRA (Uruguay) said that her delegation found the report acceptable. It did not intend to take a stand on the question of the choice between the expressions "unanimously" and "without objection", although a question of substance was involved.

Mr. SECARIN (Romania) considered that the report reflected the facts exactly: all members of the Special Committee agreed that progress had been achieved since the previous session - although it was difficult to assess accurately - and the report reflected that agreement. As to the expression "unanimously", he agreed with the representative of the Syrian Arab Republic that, during the consultations that had taken place on the previous day, as a result of which his group had accepted the amendment proposed by the Canadian delegation, it had been understood that the concession would permit unanimous adoption of the report. At the previous session, the Special Committee's report had been adopted unanimously also, and if it was true that progress had been achieved since then, there was no reason why the same procedure should not apply at the current session.

He agreed in principle with the inclusion in the report of the statement made on the previous day by the Chairman but he wished to know the exact wording of the text.

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Mr. RACHMAD (Indonesia) said he supported the 13-Power draft definition, although his delegation was not one of the sponsors, since he felt that all members of the Special Committee should show a spirit of accommodation.

Mr. WANG (Canada) said that, during the previous day's consultations, to which two representatives had referred, he had simply stated that the revised version of the draft resolution would be acceptable. However, there was only a slight difference of meaning between the expressions "unanimously" and "without objection", and he would not oppose retention of the first formula.

He welcomed the appeal to the members of the Special Committee, which the Chairman had made on the previous day, but before stating his position he wished to know the exact wording that would appear in the report.

Mr. GANDA (Sierra Leone) said the fact that no delegation had voiced any objection meant that the Special Committee's recommendation had been adopted unanimously. While he regretted that the Committee had not succeeded in formulating a definition of aggression at the current session, he felt that noticeable progress had been achieved and that the positions had become closer. The Committee could not bring itself to accept a definition that ignored the position of certain delegations and, while he understood the spirit in which the Guyanese delegation had made its proposal, he felt that the Committee should pursue its efforts to arrive at a generally recognized definition. He therefore supported the Special Committee's recommendation to the General Assembly, although he felt that it would perhaps have been preferable not to meet until 1974. Furthermore, he wished to warn the Committee against the dangers of an incomplete definition. Any omission would subsequently give rise to difficulties; his country, for instance, could not accept a definition that did not take account of the right of peoples to self-determination.

Mr. RAKOTOSIHANAKA (Madagascar) felt that the difference between the expressions "unanimously" and "without objection" was not very marked and he noted in addition that the Canadian representative was not pressing for the use of the second formula. The Chairman's suggestion was interesting. Any new method of work could have satisfactory results, as was shown by the experience of the current session: by setting up an informal negotiating group, the Special Committee

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(Mr. Rakotosihanaka, Madagascar)

had taken a new path and real progress had been achieved. It was true that the results did not entirely meet the wishes of the General Assembly; but tension had progressively given way to a willingness to negotiate that had been lacking in previous years and the positions had become closer.

Mr. CHKHIKVADZE (Union of Soviet Socialist Republics) said that the members of the Special Committee who were not satisfied with the results fell into two groups: on the one hand there were those who had always been sceptical or indifferent and who, without wishing to admit it, would have preferred to see no progress; on the other hand there were those who wished to arrive at a definition come what might and felt that progress was too slow. He belonged to neither of those groups: while he did not wish to appear over-optimistic, he felt that a great step forward had been made and that the progress achieved might serve as a basis for the Special Committee's future work and would make it possible to arrive at a definition of aggression.

As to any consultations that might take place before the twenty-seventh session of the General Assembly, they would be useful only if they were frank and if the diplomats who participated forgot the saying that speech had been given to man to disguise his thoughts. He felt it should be possible to arrive at a definition of aggression in 1973, since the United Nations had resolved other and even more difficult problems. However, the Special Committee's task would be facilitated if all representatives would take the trouble to deepen their knowledge of international law.

Mr. REIS (United States of America) stated that the vitriolic tone of the USSR representative's comments did nothing for the cause of defining aggression; he particularly objected to the tendency of the USSR representative to attribute hidden motives to certain delegations.

Mr. SIVAN (France) welcomed the way in which the Committee's work had been conducted and paid a special tribute to the Rapporteur, whose ideas and competence had been a great help.

Now that the Committee had concluded its deliberations, time must do its work. However, it could justly be stated that perceptible progress had been made; there was at last a growing tendency towards optimism. What should be stressed was

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(Mr. Sivan, France)

that the work of the current session had been carried out in a spirit of understanding and that the Committee had finally taken the right path.

Mr. TEYMOUR (Egypt), Rapporteur, proposed that the Chairman's suggestion should read: "At its 99th meeting on 3 March 1972, the Special Committee decided, at the suggestion of the Chairman, that in the period between now and the twenty-seventh session of the General Assembly, the members of the Working Group -- or of the different groups of the Special Committee -- should carry on informal consultations with a view to overcoming existing differences and difficulties, for which time was not allowed during the session of the Special Committee. By such a process the way may be paved towards achieving agreement on a definition of aggression to which utmost efforts should be exerted."

Mr. REIS (United States of America) said that the length of that formulation might raise difficulties, and that the Committee might embark on a long debate on semantics, as had happened at the previous meeting. The words "the members of the Working Group or of the different groups of the Special Committee", in particular, might give rise to controversy. Moreover, conciseness and brevity were to be desired, and the text would gain by being shortened to read: "At its 99th meeting on 3 March 1972, the Special Committee decided, at the suggestion of the Chairman, that the members of the Special Committee should carry on, in the period between now and the twenty-seventh session of the General Assembly, informal consultations with a view to overcoming existing differences and difficulties".

The CHAIRMAN pointed out that it was the usual practice to request the parties concerned to spare no effort to ensure that their work was successful.

Mr. EL-FATTAL (Syrian Arab Republic), supported by Mr. GUNEY (Turkey), said that the bare reference to informal consultations was vague. He would prefer a text specifying whether those consultations would be bilateral or multilateral, and whether they would take place on the initiative of one or several delegations.

The CHAIRMAN said that there was no need to specify how and in what form the informal consultations would be held. The important matter was that they should in fact take place.

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Mr. GANDA (Sierra Leone) said that it was obvious that the informal consultations would be undertaken on the initiative of a number of delegations. He supported the wording proposed by the representative of the United States.

Mr. KOLESNIK (Union of Soviet Socialist Republics) said that the texts proposed by the Rapporteur and by the delegation of the United States both contained a word which was unacceptable to his delegation: the verb "decided" should be replaced by the verb "recommended".

Mr. EL-FATTAL (Syrian Arab Republic) said that the text should specify that the informal consultations would be held between all the members, so that it would not be possible for one delegation to be excluded from them.

Sir Laurence McINTYRE (Australia) said that he could not accept that suggestion. He considered that the text submitted by the United States delegation was quite satisfactory, while agreeing with the representative of the Soviet Union that "decided" should be replaced by "recommended".

The CHAIRMAN then read out the following text, and proposed that the Committee should adopt it for inclusion in its report:

"At its 99th meeting on 3 March 1972, the Special Committee recommended, at the suggestion of the Chairman, that in the period between now and the twenty-seventh session of the General Assembly the members of the Special Committee should carry on informal consultations with a view to overcoming existing differences and difficulties, and should devote their utmost efforts to ensuring the success of their common task."

The text was adopted unanimously.

The CHAIRMAN proposed that the Special Committee should adopt its report (A/AC.134/L.40), as amended.

The report of the Special Committee (A/AC.134/L.40), as amended was adopted unanimously.

CLOSURE OF THE SESSION

After the customary exchange of courtesies, in which Mr. HASSOUNA (Egypt), Mr. STARCEVIC (Yugoslavia), Mr. ALCIVAR (Ecuador) and Mr. KAWAKAMI (Japan)

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took part, the CHAIRMAN said that the work of the Committee had been conducted in a spirit of co-operation, and that the undoubted progress which had been made augured well for the future. He hoped that the planned consultations would result in a lessening of remaining differences.

The CHAIRMAN declared closed the 1972 session of the Special Committee on the Question of Defining Aggression.

The meeting rose at 2.20 p.m.
