

GENERAL  
ASSEMBLY

## SEVENTH SESSION

## Official Records



## SIXTH COMMITTEE, 346th

MEETING

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Headquarters, New York

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**Chairman:** Prince WAN WAITHAYAKON (Thailand).

**Question of defining aggression: report of the Secretary-General (A/2162, A/2162/Add.1, A/2211) (*concluded*)**

[Item 54]\*

1. Mr. MOROZOV (Union of Soviet Socialist Republics), speaking on a point of order, stated that in the *Journal of the United Nations*, No. 516, his delegation had been wrongly reported as having withdrawn its draft resolution (A/C.6/L.264) at the Committee's 345th meeting. He recalled having said that his delegation would not press for a vote on its draft resolution, in order to meet half-way the wishes of those delegations which, while supporting the idea of defining aggression, had preferred that the question should first be studied in greater detail by a special committee. Only the delegation making a proposal was competent to determine how it wished that proposal to be dealt with. He accordingly asked that a suitable corrigendum should be published in the following issue of the *Journal*.

2. Mr. MAKOTOS (United States of America) recalled that the United States representative had inquired at the 345th meeting whether or not the USSR delegation had withdrawn its draft resolution and that the Chairman had answered that he construed the USSR representative's statement as signifying withdrawal of the draft. Since the USSR representative had not at that time disputed that interpretation, the Committee could reasonably assume that the USSR delegation had accepted the Chairman's ruling and hence could in no circumstance ask for reconsideration of its draft resolution.

3. Mr. MOROZOV (Union of Soviet Socialist Republics) repeated that the allegation of the United States representative to the effect that the USSR

delegation had withdrawn its proposal was not in conformity with the facts. The USSR representative had merely stated that he would not press for a vote on his draft resolution, for the above-mentioned reasons. Even, however, if his draft resolution had been withdrawn—and that was not the case—the United States representative's observation that the Soviet Union delegation would thereafter be debarred from resubmitting it at a later stage of the discussion of the question, in the General Assembly or in the special committee, was not correct. The USSR delegation was certainly entitled to resubmit its draft resolution in plenary meeting, in the special committee, or at a later session of the General Assembly. The attitude of the United States representative reflected the United States delegation's fear of the definition of aggression proposed by the USSR. Mr. Morozov again stressed that only the author of a proposal was qualified to determine how he wished it to be dealt with. He hoped that the summary record of the 345th meeting would accurately reproduce the relevant remarks and insisted that the following issue of the *Journal* should include a suitable corrigendum. He pointed out that a representative was not bound to answer a question put by another representative, and no one could force him to do so. The United States representative had misinterpreted the Chairman's remarks, and the United States delegation's concern for the USSR draft resolution would deceive no one.

4. The CHAIRMAN confirmed that the USSR representative had stated at the Committee's 345th meeting that he would not press for a vote on his delegation's draft resolution. The United States representative had thereupon asked whether the draft had been withdrawn, and the Chairman had replied that, in conformity with general practice, the draft was to be considered as withdrawn. The United States representative had then again asked if the draft resolution had in fact been withdrawn, and the Chairman had replied that he con-

\* Indicates the item number on the agenda of the General Assembly.

sidered the draft as withdrawn. He was sure that the summary record of the 345th meeting would faithfully reflect those statements.

5. Mr. MAKTOS (United States of America) agreed with the Chairman's remarks; he explained, however, that the issue was not whether the USSR delegation could subsequently re-introduce its draft resolution but whether, since the USSR representative had not challenged the Chairman's remarks at the 345th meeting, the draft was still before the Committee.

6. The CHAIRMAN said that admittedly there was a difference between the USSR representative's statement to the effect that he had not pressed for a vote on his draft resolution and the Chairman's statement that he considered the draft as having been withdrawn.

7. Mr. MOROZOV (Union of Soviet Socialist Republics) stated that, contrary to the United States representative's assertion, the Chairman had not given a ruling; had he done so, the USSR delegation would certainly have commented on it. He thanked the Chairman for confirming that at the 345th meeting the USSR representative had merely stated that he would not press for a vote on his delegation's draft resolution. Mr. Morozov said he was not asking that the *Journal* should specify the reasons for the USSR delegation's position with respect to its draft resolution; he did feel, however, that he had the right to ask for the publication of a corrigendum.

8. Mr. NISOT (Belgium) expressed the view that the corrigendum requested by the USSR representative should also include the following sentence: "The Chairman stated that, in conformity with established procedure, he considered the USSR draft resolution as withdrawn."

9. The CHAIRMAN agreed with the Belgian representative's suggestion.

10. Mr. MAKTOS (United States of America) also endorsed the suggestion but stressed that it had been necessary at the 345th meeting to know exactly whether or not the USSR draft resolution had been withdrawn, so that, in the event of the rejection of the revised joint draft resolution (A/C.6/L.265/Rev.1) as a whole, any subsequent manoeuvre on the part of the USSR delegation to press for a vote on its draft resolution could be forestalled.

11. Mr. MOROZOV (Union of Soviet Socialist Republics) protested against the previous speaker's remarks, which represented an attempt to disguise the defeat suffered by the United States and Yugoslav delegations during the 354th meeting. The revised joint draft resolution (A/C.6/L.265/Rev.1), which related to procedure, would in any case and in accordance with all precedents have had to be put to the vote before the USSR draft resolution (A/C.6/L.264), which concerned substance. He recalled the reasons why his delegation, although it had not withdrawn its draft resolution, had not pressed for a vote thereon. He did not think that the implications of his statements on that point were open to the least doubt. Obviously his delegation intended to submit its draft definition for the consideration of the special committee. With reference to the corrigendum to be inserted in the *Journal*, he said that if the text proposed by the Belgian representa-

tive were adopted, it would be necessary to add to that text an explanation of the reason why the USSR delegation had not pressed for a vote on its draft resolution.

12. Mr. CUTTS (Australia) thought that the Chairman might put an end to the discussion by ruling whether the USSR proposal was in fact withdrawn or was still before the Committee. Members of the Committee disagreeing with the Chairman's view could challenge his ruling, and the challenge would then be put to the vote immediately.

13. The CHAIRMAN observed that the point of order raised by the USSR representative did not involve an interpretation of what had happened during the previous meeting, since the facts were not disputed; the object of the point of order was simply to correct a statement in the *Journal of the United Nations*, No. 516. The reference to the USSR draft resolution appearing in that number of the *Journal* would be corrected; there was therefore no need for the Chairman to give a ruling regarding the draft resolution.

14. He invited members of the Committee wishing to explain the votes they had cast at the 345th meeting to do so before the Committee proceeded to the other items on its agenda.

15. Mr. SPIROPOULOS (Greece) stated that, if the United States had maintained its motion for adjournment (A/C.6/L.266/Rev.1), the Greek delegation would have voted for that motion, since it considered that it was impossible to define aggression. The majority of the Committee, however, had felt that further study was desirable, and the Greek delegation had not wished to raise objections. It had therefore voted for the proposal which made provision for further study.

16. U SIN KOI (Burma) stated that his delegation was in favour of defining aggression, provided, however, that the definition was exhaustive and could be applied in all cases, irrespective of the circumstances. As yet, his delegation did not know whether or not it was possible to formulate such a definition.

17. However that might be, the question clearly called for thorough study. Accordingly his delegation had voted for the revised joint draft resolution (A/C.6/L.265/Rev.1) and had abstained from the votes on the other proposals submitted to the Committee. He added, however, that his delegation would not vote for the adoption of the definition which might be formulated as a result of that study unless that definition fully satisfied the conditions he had mentioned; if it failed to do so, his delegation would oppose its adoption.

18. Mr. PETREN (Sweden) emphasized that his delegation was not opposed to the actual principle of defining aggression, but considered that such a definition should be part of the code of offences against the peace and security of mankind. It questioned the practical value of any definition of aggression adopted by means of a General Assembly resolution.

19. He considered, moreover, that if a special committee was to be asked to carry out a broader study of the question, its terms of reference should rather follow the lines proposed in the French amendment

(A/C.6/L.268) to paragraph 2 of the operative part of the revised joint draft resolution (A/C.6/L.265/Rev.1). Since that amendment had been rejected, the Swedish delegation had voted against the revised joint draft resolution as a whole.

20. Mr. MENDEZ (Philippines) recalled that ever since the sixth session of the General Assembly his delegation, although believing it was not only possible but desirable to define aggression, had maintained that the present international climate hardly favoured the adoption of such a definition. His delegation would have voted in favour of the United States motion for adjournment (A/C.6/L.266/Rev.1) if that motion had not been withdrawn.

21. His delegation had voted for the French amendment concerning the special committee's terms of reference, for, unlike representatives who had opposed that amendment, it thought that the committee should have the widest possible latitude to study as it thought best the problems involved in the drafting of the definition of aggression, and that the discussion of those problems would make it possible to define the constituent elements of the notion of aggression.

22. His delegation had voted against the amendments (A/C.6/L.269/Rev.1 and Corr.1 and A/C.6/L.272) which proposed that the question should be reviewed again at the eighth instead of the ninth session of the General Assembly, since it considered that the special committee and Member States should have two years to do the considerable work expected of them.

23. As a conciliatory gesture, his delegation had voted for the draft resolution (A/C.6/L.265/Rev.1) as a whole.

**Status of claims for injuries incurred in the service of the United Nations: report of the Secretary-General (A/2180)**

[Item 57]\*

24. The CHAIRMAN informed the Committee that the Secretariat expected shortly to receive a reply from the Government of the Hashemite Kingdom of Jordan relating to one of the claims mentioned in the Secretary-General's report (A/2180). In deference to the Secretariat's request, he proposed that the report should be considered as the last item on the Committee's agenda.

*It was so decided.*

**Measures to limit the duration of regular sessions of the General Assembly: memorandum by the Secretary-General (A/2206, A/C.6/399/Add.1)**

[Item 50]\*

25. Mr. ROBERTS (Union of South Africa) asked whether the Sixth Committee's terms of reference concerning the item of the agenda before related to the question as a whole or whether they meant merely that the Committee should consider the relevant amendments to the rules of procedure which had been proposed.

26. The CHAIRMAN read out the letter of 31 October 1952 (A/C.6/339/Add.1) in which the President of the General Assembly had referred the item to the Sixth Committee. The scope of the Committee's work

would be defined from the terms of the letter. The Committee was to consider the proposed amendments annexed to document A/2206, as well as any other amendment to the rules of procedure proposed by members of the Committee.

27. Mrs. BASTID (France) said that Committee members should of course be free to express their opinions as to how the duration of sessions of the General Assembly could be limited. She suggested, however, that the Committee should first consider the various suggestions contained in the Secretary-General's memorandum (A/2206) and decide, in the course of that consideration, how and to what extent the rules of procedure should be amended. That procedure would have the advantage of avoiding lengthy statements on the item as a whole.

28. The CHAIRMAN thought that procedure was acceptable. It would involve a general debate which would, however, remain within the limits of the Secretary-General's memorandum and which would be based on the suggestions contained in the annex thereto. General considerations should not be excluded from the debate, but the words "general considerations" should not be interpreted too broadly.

29. Mr. MOROZOV (Union of Soviet Socialist Republics) said that if the Committee adopted the procedure proposed by the French representative there would be a general debate on each of the six amendments proposed by the Secretary-General. It would be preferable to have a single general debate on the problem and the suggestions, considered as a whole. Only in that way could the Committee obtain a comprehensive view and avoid distorting the general picture, which must govern the details. That was the customary procedure. The Committee should have a general debate, which could be brief, and then study any proposals submitted. The texts annexed to the Secretary-General's memorandum would not become formal proposals unless one or more delegations put them forward as their own.

30. The CHAIRMAN explained that he had intended to rule out not a general debate but only certain philosophical considerations, such as comments on limitations of national sovereignty, which had already been discussed elsewhere.

31. Mr. ROBINSON (Israel) pointed out that in referring a matter to a committee the General Assembly had the choice of two procedures. The usual one was merely to refer an item without precise instructions. The alternative was for the General Assembly to discuss a question before referring it to a committee and to give the committee precise terms of reference. In the present case the latter procedure had been followed. The General Assembly had considered the matter during its 387th and 388th plenary meetings. At the 387th meeting, the President of the Assembly had proposed that the Sixth Committee should, in the light of the debates in the plenary meetings, examine what amendments to the rules of procedure would be required and that the Committee should have before it the amendments contained in the annex to the Secretary-General's memorandum, together with any other amendments agreed upon in plenary meeting. No objection had been raised to that proposal. At the 388th meeting, the President had proposed that the Sixth

Committee should be instructed to present a report on the amendments proposed in the Secretary-General's memorandum and on any other amendments proposed by members of the Committee. The proposal had been adopted by forty-two votes to five, with one abstention. It was clear therefore that the Committee should not enter into a broad general debate but should examine, first, the amendments proposed in the annex to the Secretary-General's memorandum—which might be said to have been submitted to the Committee by sixty delegations—and, secondly, whatever other amendments might be submitted by members of the Committee. Subject to those specific limitations, there could be a general discussion, inasmuch as there was already a general idea: that the duration of sessions should be reduced, without prejudice to the rights of Member States.

32. The CHAIRMAN endorsed the statement made by the representative of Israel. He proposed to invite discussion on all the texts annexed to the Secretary-General's memorandum (A/2206); during the discussion members of the Committee could, if they wished, submit other amendments to the rules of procedure.

33. Mr. MAKOTOS (United States of America) proposed that the general debate should be regarded as closed and that the Committee should forthwith proceed to examine the amendments. Moreover, only those representatives who intended to submit concrete proposals should speak.

34. Mr. SPIROPOULOS (Greece) supported the Chairman's proposal to limit the scope of the general debate and, in the course of that debate, to discuss the proposals in detail.

35. Mr. MOROZOV (Union of Soviet Socialist Republics) explained that it was not his intention to extend the discussion beyond the limits of the amendments proposed in the annex to the Secretary-General's memorandum. If a member of the Committee introduced as his own one or more of the draft amendments in that annex, or proposed other amendments, the Committee would discuss, in detail and successively, the various concrete proposals thus submitted to it.

36. The CHAIRMAN noted that agreement had been reached on the question of procedure.

37. Mr. MAKOTOS (United States of America) read out the text of the first amendment proposed in the annex to the Secretary-General's memorandum (A/2206). It seemed a reasonable suggestion and might be adopted immediately.

38. Mr. ROBERTS (Union of South Africa) thought it would be preferable to adjourn the meeting, so that Committee members might have time to study the texts.

39. Mr. VALLAT (United Kingdom) expressed the hope that delegations would submit draft resolutions which would form a basis for the Committee's discussion.

40. Mr. STAVROPOULOS (Secretary of the Committee) wished to place it on record that the Secretary-General's right to submit proposals to a committee, a right which the USSR representative had contested, was confirmed by many precedents. A committee to which proposals of the Secretary-General had been referred could discuss and vote on them. Amendments could also be submitted to the Secretary-General's proposals.

41. Mr. MOROZOV (Union of Soviet Socialist Republics) drew a distinction between the Secretary-General's right to submit proposals to a committee and his right to submit proposals which were voted on. In the latter case, the Secretary-General did not enjoy the rights of a sovereign State. The USSR delegation could not accept the interpretation just given by the Secretariat. The Committee could only vote on proposals submitted by one or more delegations. Unless a delegation sponsored the amendments annexed to the Secretary-General's memorandum, or submitted other amendments, the Committee would be working in a vacuum.

The meeting rose at 12.30 p.m.