



**CONTENTS**

	<i>Page</i>
Agenda item 51:	
Question of defining aggression: report of the Special Committee on the Question of Defining Aggression ( <i>continued</i> ) .....	123
Agenda item 49:	
Report of the International Law Commission on the work of its sixth session (chapter III) .....	124

**Chairman: Mr. Francisco V. GARCIA AMADOR**  
**(Cuba).**

**AGENDA ITEM 51**

**Question of defining aggression: report of the Special Committee on the Question of Defining Aggression (A/2638, A/2689 and Corr.1 and Add.1, A/C.6/L.332/Rev.1, A/C.6/L.334/Rev.1, A/C.6/L.335/Rev.1, A/C.6/L.336/Rev.2, A/C.6/L.337/Rev.1 and Add.1) (*continued*)**

**CONSIDERATION OF DRAFT RESOLUTIONS AND PROPOSALS BEFORE THE COMMITTEE (*concluded*)**

1. Mr. CASTAÑEDA (Mexico) said the Yugoslav representative had drawn attention to some important points, among others to the fact that the joint draft resolution of Lebanon, Syria and Yemen (A/C.6/L.337/Rev.1) made no reference to the progress achieved in the course of discussions in the Sixth Committee and in the Special Committee on the Question of Defining Aggression.
2. He therefore felt that the draft resolution should take note of the Special Committee's report, and that the preamble should be amended to indicate that the discussions at the General Assembly's ninth session had shown that an increasing number of States considered it possible and desirable to define aggression and that some agreement had been reached on several essential points.
3. Sir Gerald FITZMAURICE (United Kingdom) said that at its previous meeting the Committee had begun voting on two closely interrelated proposals. The amendments that the Mexican representative had just proposed to the joint draft resolution concerning the establishment of a special committee might perhaps have affected the vote on the proposal concerning the establishment of a working group.
4. Moreover, if the Sixth Committee decided to recommend the establishment of a special committee, that body should be given ample latitude. It was doubtful whether many delegations had changed their views on the question of defining aggression. As a matter of fact, few delegations had been genuinely hostile to the idea of a definition from the very beginning. On the other hand some had doubted whether a satisfactory

definition could be drawn up until the political situation improved and had accordingly spoken against any attempt to define aggression. A few were perhaps more optimistic about the political situation than they had been, but on the whole those delegations still thought it would be better not to define aggression so long as it was impossible to arrive at a really satisfactory and generally acceptable definition. Furthermore, while most members of the Committee agreed that a definition of aggression should cover only the notion of armed attack, it was by no means certain that the different views of what that notion entailed had come appreciably closer together. Lastly, while on the whole members appeared rather to favour a mixed definition, it would nevertheless be preferable to leave the proposed special committee complete freedom of choice as to the type of definition.

5. Mr. TRIKUMDAS (India) doubted whether the differences of view were any less marked than in the past.

6. Mr. TARAZI (Syria) said that the sponsors of the joint draft resolution (A/C.6/L.337/Rev.1) had no objection to accepting the Mexican delegation's amendments. Since, however, some delegations appeared not to favour those amendments, it would be preferable, should the need arise, to vote separately on the amendments and on the draft resolution. Furthermore, the ideas that the Mexican representative had expressed were implicit in the joint draft resolution; its sponsors had felt it unnecessary to state them explicitly since the proposed special committee would have the summary records of the Sixth Committee's meetings at its disposal.

7. Mr. CHAUMONT (France) welcomed the attitude that the sponsors of the joint resolution (A/C.6/L.337/Rev.1) had taken with regard to the Mexican amendments.

8. He shared the United Kingdom representative's doubts as to the timeliness of those last-minute amendments. The Committee had rejected the proposal for the establishment of a working group (419th meeting) because most members were prepared to accept the text submitted jointly by Lebanon, Syria and Yemen. That text represented an attempt to reconcile the views of those in favour of an immediate definition and of those who regarded the prevailing political conditions as unfavourable to a definition. The introduction into the text of new elements might destroy the compromise thus effected.

9. With regard to the substance of the Mexican amendments, he thought there would be no objection to the addition of some such words as "Taking note of the report of the Special Committee..." to the preamble. But to say that an increasing number of States had expressed themselves in favour of defining

aggression seemed to him rather rash. Before one could be satisfied that such a statement was correct, one would have to review the earlier position of each delegation—virtually an impossible undertaking. Similarly, to say that States were tending to agree on more and more points amounted to the expression of a judgment that would be hard to justify. At all events, the fact that there had been a measure of agreement among the members of the Sixth Committee at the ninth session would not be particularly useful to the special committee.

10. Lastly, the Mexican delegation should appreciate how undesirable it would be to disturb the balance of a compromise text that it had not been easy to work out. Hence he, too, opposed the insertion of the Mexican amendments in the joint draft resolution.

11. Mr. CASTAÑEDA (Mexico) emphasized that the changes his delegation had proposed were purely drafting changes. In view of the observations various delegations had made, however, and in order not to prejudice the chances the joint draft resolution had of being adopted, he withdrew his amendments.

12. In reply to a question from the CHAIRMAN, Mr. TARAZI (Syria) said that, in his view, the members of the proposed special committee (paragraph 1 of the operative part) should be designated after the joint draft resolution had been put to the vote. The States concerned should be nominated by the Chairman, and the Sixth Committee should then vote on the nominations.

13. In paragraph 1, after the list of members, the following words should be added: "to meet at the Headquarters of the United Nations in 1956".

14. Mr. LIANG (Secretary of the Committee) said, in connexion with the financial implications of the adoption of the joint draft resolution, that the Fifth Committee would have to take a decision at the current session although the special committee was not to meet until 1956.

15. Therefore the only change necessary in document A/C.6/L.337/Add.1 was that the date "1955" in paragraph 2 should be amended to read "1956".

16. The CHAIRMAN put to the vote the draft resolution submitted by Lebanon, Syria and Yemen (A/C.6/L.337/Rev.1).

*The joint draft resolution (A/C.6/L.337/Rev.1) was adopted by 33 votes to 3, with 14 abstentions.*

17. Mr. ESKELUND (Denmark) said he had not voted against the draft resolution, because he did not wish to hamper efforts to work out a definition. He had abstained, because in his opinion a large majority in favour of an agreed definition would never materialize in the Committee.

18. Mr. AMADO (Brazil) said he had voted against the draft resolution because he would have preferred the question to be postponed *sine die* until the revision of the Charter and the work of the Disarmament Commission were completed. The special committee was unlikely to produce anything new before then.

19. Mr. MENDEZ (Philippines) explained that his delegation had voted in favour of the draft resolution because it hoped that in the time allowed the political climate would improve and consequently a definition would have a better chance of adoption.

#### AGENDA ITEM 49

#### Report of the International Law Commission on the work of its sixth session (chapter III) (A/2693)

#### GENERAL DEBATE

20. The CHAIRMAN invited the Committee to consider chapter III of the report of the International Law Commission (A/2693), concerning the draft code of crimes against the peace and security of mankind.

21. Sir Gerald FITZMAURICE (United Kingdom) pointed out that one of the most important provisions of the draft code, namely article 2 paragraph (1), was closely linked with the definition of aggression. The Sixth Committee could hardly begin to consider it when the question of the definition itself had just been referred to a special committee that would not report to the General Assembly until 1956. It was inconceivable that the text of the draft code should not be in keeping with whatever definition was finally adopted.

22. The Committee could therefore confine itself to taking note of chapter III of the International Law Commission's report; such action would not prejudice future decisions.

23. The Committee could, of course, discuss in detail the provisions of the draft code that were not connected with the notion of aggression, but that would involve a very long discussion that might have to recommence in 1956.

24. He pointed out, lastly, that when preparing the revised draft code, the International Law Commission had had at its disposal the observations of only fourteen or fifteen Governments, and that those observations had dealt almost exclusively with the question of aggression. In short, hardly any Governments had commented on the other provisions of the draft code.

25. For all those reasons the Committee should confine itself to taking note of chapter III of the report, though it might endeavour to obtain observations from the largest possible number of Governments.

The meeting rose at 4.30 p.m.