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Chairman: Mr. Santiago PEREZ PEREZ (Venezuela).

Expression of good wishes for the speedy recovery of
Mr. Morozov, representative of the Union of Soviet
Socialist Republics

1. The CHAIRMAN conveyed the sympathies of the members of the Committee to the delegation of the Union of Soviet Socialist Republics on Mr. Morozov's illness, and wished Mr. Morozov a speedy recovery.

AGENDA ITEM 54

Question of defining aggression: report of the Special
Committee (A/3574; A/C.6/L.399, A/C.6/L.401, A/
C.6/L.403/Rev.1, A/C.6/L.404, A/C.6/L.406, A/
C.6/L.409) (continued)CONSIDERATION OF DRAFT RESOLUTIONS AND PRO-
POSALS BEFORE THE COMMITTEE (continued)

2. Mr. TABIBI (Afghanistan) said he would like first of all to make it clear that since the United States amendment was now incorporated in the revised text of the seven-Power draft resolution (A/C.6/L.403/Rev.1), the amendment of which his delegation was a co-sponsor (A/C.6/L.404) was designed to replace operative paragraphs 2 to 5 of that draft and not merely paragraphs 2 and 3.

3. The representative of the Philippines had said (535th meeting) that, in view of the failure of past efforts to define aggression, any attempt to do so would be futile, and he had criticized the attitude of the Afghanistan delegation, which he had described as impractical. That struck his delegation as somewhat surprising, seeing that when the Committee was discussing its programme of work, the same representative had asserted (508th meeting) that the question of defining aggression constituted the most important task for the maintenance of world peace. The failure of past efforts to settle international problems in no way justified abandoning those efforts—witness the question of the admission of new Members to the United Nations, which after eleven years of unsuccessful attempts had finally been settled in a satisfactory way.

4. In reply to the United States representative, who had intimated that the co-sponsors of the joint amendment (A/C.6/L.404) had adopted an attitude similar to that of certain other Powers, he wished to state emphatically that Afghanistan was a peaceful country whose only political allegiance was to the United Nations, and it did not need exhortation from any other nation whatever to work for the maintenance of peace.

5. Afghanistan had always been in favour of defining aggression. It had stated as much in the League of Nations, and it had not allowed its attitude to be changed by international events. It was proud of its ties of friendship with all nations, large and small, and it was always prepared to join in the efforts of those who defended principles of justice. In that spirit it had associated itself with five other countries in proposing the re-establishment of the Special Committee. It was in the interest of small nations to have aggression defined, since they were generally its victims; they would show poor judgement if they supported the United States proposal.

6. Like the delegations of Mexico and Egypt, the Afghan delegation thought that the amendment of which it was a co-sponsor (A/C.6/L.404) should be put to the vote first; if it was rejected, Afghanistan would vote in favour of the new Egyptian amendment (A/C.6/L.409). If that amendment too was rejected it would request that a roll-call vote be taken on the revised draft resolution (A/C.6/L.403/Rev.1), paragraph by paragraph.

7. Mr. MALOLES (Philippines) said he was still in favour of defining aggression, but thought that it would be a good thing to wait until the time was ripe.

8. Mr. RIFAI (Syria) said that his delegation was among those favouring immediate definition, and considered that any attempt to delay the solution of the problem would be harmful to the cause of peace.

9. The delegations which favoured postponing the question argued that the present international atmosphere was hardly propitious for preparing a definition which would win general acceptance, and that it would be better to wait until mutual confidence and harmony prevailed among nations. That was a purely negative attitude, and efforts to create the right atmosphere should take the form of concrete action and not pious wishes.

10. The Syrian delegation could not support proposals which would be tantamount to adjourning the question *sine die*. It would therefore vote against the revised draft resolution containing the United States amendment.

11. In its opinion, the adoption of the original draft (A/C.6/L.403 and Corr.1), amended as suggested by the six Powers (A/C.6/L.404) and by the delegations of Ceylon, Egypt and Indonesia (A/C.6/L.406), would

bring the Assembly closer to a solution. For that reason, his delegation would vote for those amendments; but if they were rejected, it would support the new Egyptian amendment (A/C.6/L.409) which advocated a very simple solution with none of the defects of the procedure suggested by the United States.

12. The Committee should be optimistic and look to an agreement being reached on a definition at the fourteenth session. If that did not materialize, the Assembly could always defer consideration of the question once more.

13. Mr. COOPER (Liberia) said he could not support the proposal to re-establish the Special Committee, for, although he was in favour of defining aggression, he was convinced that in the tense situation prevailing at the present time the Committee had no reasonable possibility of success. He would therefore oppose the six-Power amendment and vote for the revised draft resolution, the procedure suggested by the United States delegation being the most reasonable and business-like prospect before the General Assembly.

14. Mr. ILLUECA (Panama) recalled the opinion expressed in 1951 by Mr. Alfaro, who had pointed out the need for defining aggression in a memorandum (A/CN.4/L.8) to the International Law Commission. The desirability of such a definition had also been acknowledged by other eminent jurists, such as Nicolas Politis and Justice Jackson.

15. Since the delegation of Panama was convinced of the need for a definition, it had joined with the delegation of Iran in submitting a draft (A/C.6/L.401) which it hoped would provide a basis for discussion in any subsequent study of the question. For the time being, it would vote in favour of the revised draft resolution.

16. Mr. HSUEH (China) said that his views were very similar to those of a large number of other delegations. Some had said that the United States proposal would constitute a regrettable precedent, by making a political committee responsible for a legal question, and was at variance with the rules of procedure of the General Assembly regarding the General Committee. Actually, the United States proposal was a compromise.

17. The new formula had two main characteristics. Firstly, the new committee would be representative in any given year, since it would reflect the membership of the General Committee at the most recent regular session, and, by virtue of rule 38 of the rules of procedure, the members of the General Committee were chosen in such a way as to ensure its representative character. There could be no better guarantee. Furthermore, the proposed procedure did not create a precedent. In General Assembly resolution 957 (X) regarding the procedure for review of United Nations Administrative Tribunal judgements, the General Assembly had established a committee which it had "authorized under paragraph 2 of Article 96 of the Charter to request advisory opinions of the Court". The resolution provided that "The Committee shall be composed of the Member States the representatives of which have served on the General Committee of the most recent regular session of the General Assembly". Thus a committee which could be described as a political committee was responsible for deciding whether to request advisory opinions, i.e., for settling a technical question. The committee concerned had already met twice, and all were agreed that it had

carried out its work very satisfactorily. There was no reason why the same should not be true of the new committee proposed in the United States amendment.

18. The second characteristic of the United States proposal was its flexibility. Figures showed that the majority in favour of defining aggression was not a real majority. Premature discussion would lead to nothing, and although those taking part in the discussion might be tireless, public opinion was growing weary of the perennial debates on the question. It was far better for a subsidiary body to determine first of all when the time was ripe for resuming discussion of the question; that was the great virtue of the United States amendment. The proposed committee would not take the place of the General Committee, as it would do no more than inform the Secretary-General that in its view the time had come for further discussions; and no provision of the rules of procedure would be infringed. The committee could not prevent any Member State from requesting the inclusion of the question on the agenda of the fourteenth or any subsequent session, and the General Assembly would always be free to decide for or against inclusion of the question, whatever the opinion of the proposed committee or the General Committee might be. He entirely agreed with the remarks made at the 536th meeting in that connexion by the representatives of France and the United States. The United States proposal deserved support from all those seeking a practical way out of the present deadlock.

19. Mr. ABDESSELAM (Tunisia) said that if, as the French representative had maintained (536th meeting), operative paragraph 3 of the seven-Power draft resolution, as revised, in no way limited the prerogatives of the General Committee, then the establishment of the committee proposed by the United States was completely pointless. Any Member State could request the inclusion of the question in the agenda of the thirteenth session, and even if no request was received before the fourteenth session, the proposed committee might just as well not exist. The Tunisian delegation was unable to support the establishment of a superfluous body.

20. Mr. NINCIC (Yugoslavia) felt that the work should go on; since the United Nations first took up the question, slow but substantial progress had been made regarding both the scope of the definition and the type of definition to be adopted. The difficulties encountered did not seem to be such as to warrant abandoning the task. The Yugoslav delegation would therefore support the six-Power amendment (A/C.6/L.404) and the sub-amendment (A/C.6/L.406) which had the virtue of making the question more comprehensive than it had been hitherto, while limiting its scope for the time being to armed aggression. If those proposals were rejected, Yugoslavia would vote in favour of the Egyptian amendment (A/C.6/L.409).

21. The revised draft resolution, incorporating the amendments of the United States of America, was not a desirable compromise; it amounted to shelving the question, and raised such legal and procedural difficulties that the Yugoslav delegation would be unable to support it.

22. Mr. EL-ERIAN (Egypt) fell in with the request by the Afghan representative that the Committee should vote on the six-Power amendment before taking a vote on the Egyptian amendment. The Polish delegation was

joining the Egyptian delegation as co-sponsor of that amendment.

23. Mr. PERERA (Ceylon), speaking on behalf of his own delegation and those of Egypt and Indonesia, proposed the addition of the following paragraph after the second paragraph of the preamble to the revised draft resolution (A/C.6/L.403/Rev.1):

"Considering that the debate on the question of defining aggression at the twelfth session of the General Assembly has revealed the desire of a great number of delegations that priority should be given to the elaboration of the notion of armed aggression".

He asked that the vote on his proposal be taken by roll-call.

24. Mr. PETRZELKA (Czechoslovakia) said that the six-Power amendment (A/C.6/L.404) and the sub-amendment (A/C.6/L.406) contained procedural proposals which approximated more closely than any others to his delegation's position and to the resolutions already adopted by the General Assembly. If those proposals were rejected, the Czechoslovak delegation would vote in favour of the Egyptian and Polish amendment (A/C.6/L.409), which did not touch on the substance of the question and offered a simpler solution than did the revised draft resolution (A/C.6/L.403/Rev.1).

25. Mr. CHAUMONT (France), replying to the Tunisian representative, said that in his view the committee proposed by the United States would be valuable in two essential ways. First, those in favour of a definition would be assured that the question would not be buried, and that the General Assembly would not lose sight of the political importance of the question; secondly, the committee could undertake preparatory work and, among other things, study replies from Governments.

26. At the request of Mr. KLUTZNICK (United States of America), the CHAIRMAN explained that the verbal amendment submitted by the delegations of Ceylon, Egypt and Indonesia (para.23 above) was distinct from the sub-amendment submitted by them in document A/C.6/L.406.

27. Mr. VALLAT (United Kingdom) said that, as the fate of the verbal amendment depended on the vote taken on the sub-amendment, it would be better for the Committee to vote on the operative part of the revised draft resolution before voting on the preamble.

It was so decided.

28. The CHAIRMAN said that the Sixth Committee had before it two draft resolutions on questions of substance (A/C.6/L.399 and A/C.6/L.401) and one procedural draft resolution (A/C.6/L.403/Rev.1) to which several amendments had been submitted. In conformity with established practice, the procedural draft resolution (A/C.6/L.403/Rev.1) would be put to the vote first.

29. The Chairman called for a vote on operative paragraph 1 of the revised draft resolution (A/C.6/L.403/Rev.1).

Operative paragraph 1 of the revised draft resolution was adopted by 61 votes to none, with 9 abstentions.

30. At the request of Mr. TREJOS (Costa Rica) and Mr. CASTAÑEDA (Mexico), the CHAIRMAN then put to the vote operative paragraph 2 as proposed in the six-Power amendment (A/C.6/L.404) to the effect that the Special Committee be re-established.

At the request of the representative of the United Kingdom, a vote was taken by roll-call.

Mexico, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Mexico, Panama, Peru, Poland, Romania, Saudi Arabia, Syria, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia, Afghanistan, Albania, Bolivia, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Ceylon, Czechoslovakia, Egypt, Ethiopia, Guatemala, Haiti, Hungary, Indonesia, Iran, Iraq.

Against: Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Paraguay, Philippines, Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Australia, Belgium, Brazil, Canada, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Honduras, Iceland, Israel, Italy, Japan, Liberia, Luxembourg.

Abstaining: Nepal, Thailand, Uruguay, Argentina, Austria, Cambodia, Chile, Costa Rica, Greece, India, Malaya (Federation of).

Operative paragraph 2, as proposed in the six-Power amendment, was rejected by 34 votes to 28, with 11 abstentions.

31. The CHAIRMAN said that in view of the result of the vote there was no point in putting to the vote operative paragraph 3 as proposed in the six-Power amendment (A/C.6/L.404) or the sub-amendment to it (A/C.6/L.406).

32. He then put to the vote operative paragraphs 2 and 3 as proposed in the amendment submitted by Egypt and Poland (A/C.6/L.409).

At the request of the representative of the United Kingdom, a vote was taken by roll-call.

Denmark, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Egypt, Ethiopia, Greece, Guatemala, Haiti, Hungary, India, Indonesia, Iran, Iraq, Mexico, Panama, Poland, Romania, Saudi Arabia, Syria, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia, Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Ceylon, Czechoslovakia.

Against: Denmark, Dominican Republic, Ecuador, El Salvador, France, Honduras, Iceland, Israel, Italy, Japan, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Paraguay, Philippines, Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Argentina, Australia, Belgium, Brazil, Canada, China, Colombia, Costa Rica, Cuba.

Abstaining: Finland, Malaya (Federation of), Nepal, Peru, Thailand, Uruguay, Austria, Bolivia, Cambodia, Chile.

Operative paragraphs 2 and 3 as proposed in the amendment submitted by Egypt and Poland were rejected by 35 votes to 28, with 10 abstentions.

33. The CHAIRMAN put to the vote operative paragraphs 2, 3, 4 and 5 of the revised draft resolution (A/C.6/L.403/Rev.1).

Operative paragraphs 2, 3, 4 and 5 of the revised draft resolution were adopted by 41 votes to 23, with 9 abstentions.

34. The CHAIRMAN said that, at the request of Mr. MAURTUA (Peru), he would put to the vote separately the second paragraph of the preamble to the revised draft resolution.

35. Mr. AHMED (India) recalled that he had proposed verbally the substitution, in that paragraph, of the words "of the definition of aggression" by "of a definition of aggression" (535th meeting, para.36).

36. The CHAIRMAN proposed that the Indian amendment be incorporated in the draft resolution.

It was so agreed.

The second paragraph of the preamble, as thus modified, was adopted by 54 votes to none, with 16 abstentions.

37. The CHAIRMAN put to the vote the preamble as a whole.

The preamble as a whole was adopted by 43 votes to none, with 27 abstentions.

38. The CHAIRMAN put to the vote the revised draft resolution (A/C.6/L.403/Rev.1) as a whole.

At the request of the representative of the Union of Soviet Socialist Republics, a vote was taken by roll-call.

El Salvador, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: El Salvador, Ethiopia, Finland, France, Honduras, Iceland, Israel, Italy, Japan, Liberia, Luxembourg, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Paraguay, Philippines, Portugal, Spain, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Argentina, Australia, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador.

Against: Guatemala, Haiti, Hungary, Indonesia, Mexico, Poland, Romania, Saudi Arabia, Syria, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia, Afghanistan, Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Ceylon, Czechoslovakia, Egypt.

Abstaining: Greece, India, Iran, Iraq, Malaya (Federation of), Panama, Peru, Austria, Bolivia, Burma, Cambodia.

The revised draft resolution as a whole was adopted by 41 votes to 21, with 11 abstentions.

39. The CHAIRMAN noted that, by adopting that draft resolution, the Sixth Committee had decided to postpone consideration of the question; it was therefore unnecessary to put to the vote the draft resolutions dealing with the substance of the question (A/C.6/L.399 and A/C.6/L.401). Item 54 could thus be considered disposed of, subject to explanations of vote.

40. Mr. ALFONSIN (Uruguay) said he had abstained from voting on the six-Power amendment (A/C.6/L.404) because, although interest in the question of defining aggression would thereby be kept alive, the 1956 Special Committee had done all it could to arrive at a solution, and there would be no point in reverting to the same procedure.

41. He had also abstained from voting on the amendment proposed by Egypt and Poland (A/C.6/L.409), because, although it would guarantee that consideration of the question would be resumed, the date fixed for such consideration was too close.

42. He had voted in favour of the draft resolution adopted by the Committee as constituting the most realistic method of resuming the discussions without prejudice to the substance of the question.

43. Ato Addiman TESEMMA (Ethiopia) said he had previously indicated that he would vote in favour of the six-Power amendment (A/C.6/L.404). As to the United States amendment (A/C.6/L.407), although it constituted a compromise, particularly in deleting the word "indefinitely" from the original United States draft resolution (A/C.6/L.402), the Ethiopian delegation had been unable to support it because operative paragraphs 3 and 4 prevented the question from being placed on the agenda before the fourteenth session, and seemed to imply a dangerous procedure. It was not time that had been lacking since 1950 but co-operation among the Powers. The Ethiopian delegation had, however, voted in favour of the revised draft resolution as a whole (A/C.6/L.403/Rev.1), with the United States amendments incorporated in it, because no other course was open.

The meeting rose at 12.50 p.m.