

UNITED NATIONS

GENERAL ASSEMBLY



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COMMITTEE ESTABLISHED UNDER GENERAL ASSEMBLY RESOLUTION 1181 (XII) (QUESTION OF DEFINING AGGRESSION)

REPORT OF THE COMMITTEE

Rapporteur: Mr. Basile VITSAXIS (Greece)

INTRODUCTION

1. At its 724th plenary meeting, on 29 November 1957, the General Assembly adopted resolution 1181 (XII) on the proposal of the Sixth Committee. The text of this resolution is as follows:

"The General Assembly,

"Recalling its resolutions 599 (VI) of 31 January 1952, 688 (VII) of 20 December 1952 and 895 (IX) of 4 December 1954, all referring to a definition of aggression,

"Considering that in spite of the progress made in the study of the question, the discussion at the present session shows the need for the elucidation of other aspects of a definition of aggression,

"Considering that the report presented by the 1956 Special Committee on the Question of Defining Aggression (A/3574) is an important study based on the views expressed by States Members of the United Nations up to the date of the preparation of the report,

"Considering that twenty-two additional States have recently joined the Organization and that it would be useful to know their views on the matter,

"Resolves:

"1. To take note of the report of the 1956 Special Committee on the Question of Defining Aggression and to express appreciation for the valuable work done;

"2. To ask the Secretary-General to request the views of the new Member States on the question, and to renew the request to Member States to submit comments as provided in General Assembly resolution 688 (VII) of 20 December 1952, furnishing them with the documentation produced after the adoption of that resolution;

"3. To ask the Secretary-General to refer the replies of Member States to a committee composed of the Member States whose representatives have served on the General Committee at the most recent regular session of the General Assembly, which committee shall study the replies for the purpose of determining when it shall be appropriate for the General Assembly to consider again the question of defining aggression, and shall report to the Secretary-General when it has determined that the time is appropriate, setting forth the considerations which led to its decision;

"4. To request the Secretary-General to place the question of defining aggression on the provisional agenda of the General Assembly, not earlier than at its fourteenth session, when the committee has advised him that it considers the time appropriate;

"5. To request the Secretary-General to convene the first meeting of the committee prior to the fourteenth session of the General Assembly."

2. In conformity with this resolution, on 10 march 1958, the Secretary-General sent out two circular letters, one requesting the views of the new Member States on the question of defining aggression and the other renewing the request to the other Member States to submit comments on the same question.

3. Fourteen replies were received and transmitted (document A/AC.91/1) to the Committee provided for in operative paragraph 3 of resolution 1181 (XII).

4. In accordance with the same paragraph, the Secretary-General convened the Committee on 14 April 1959 at United Nations Headquarters. Between that date and 24 April 1959, the Committee held seven meetings.

5. The following is a list of the representatives and alternate representatives of the States members of the Committee:

<u>Australia</u>	Mr. J.D.L. Hood, Mr. R.H. Robertson;
<u>Ceylon:</u>	Mr. H.O. Wijegoonawardena;
<u>China:</u>	Mr. Yu-Chi Hsueh

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<u>Czechoslovakia:</u>	Mr. Karel Kurka, Mr. Zdenek Cernik;
<u>Ecuador:</u>	Mr. José A. Correa;
<u>El Salvador:</u>	Mr. Miguel Rafael Urquía, Mr. Francisco Antonio Carillo;
<u>France:</u>	Mr. Claude Chayet;
<u>Greece:</u>	Mr. Basile Vitsaxis;
<u>Indonesia:</u>	Mr. Ali Sastroamidjojo, Mr. Amin Azeharie;
<u>Ireland:</u>	Mr. Frederick H. Boland, Mr. Eamonn L. Kennedy;
<u>Japan:</u>	Mr. Koto Matsudaira;
<u>Lebanon:</u>	Mr. Georges Hakim;
<u>Mexico:</u>	Mr. Francisco Cuevas Cancino;
<u>Nepal:</u>	Mr. Rishikesh Shaha;
<u>Netherlands:</u>	Mr. Jan Polderman;
<u>Pakistan:</u>	Mr. Agha Shahi, Mr. R.S. Chhatari;
<u>Romania:</u>	Mr. Mihai Magheru;
<u>Union of Soviet Socialist Republics:</u>	Mr. Arkady Aleskandrovich Sobolev, Mr. Vladimir Pavlovich Suslov;
<u>United Kingdom of Great Britain and Northern Ireland:</u>	Mr. W.V.J. Evans;
<u>United States of America:</u>	Mr. Albert Bender, Jr., Mr. Ernest L. Kerley;
<u>Uruguay:</u>	Mr. Enrique Rodríguez Fabregat.

6. The Committee elected the following officers:

<u>Chairman:</u>	Mr. Ali Sastroamidjojo (Indonesia);
<u>Vice-Chairman:</u>	Mr. José A. Correa (Ecuador);
<u>Rapporteur:</u>	Mr. Basile Vitsaxis (Greece).

7. When the Committee considered the wording of item 3 of its agenda (A/AC.91/L.1), "Study of the replies of Member States in accordance with paragraph 3 of General Assembly resolution 1181 (XII) of 29 November 1957", it decided to reword the item as follows: "Study of the replies of Member States in accordance with paragraph 3 of General Assembly resolution 1181 (XII) of 29 November 1957 and determination of the question whether the time is appropriate for the General Assembly to consider against the question of defining aggression".

DRAFT RESOLUTIONS AND AMENDMENT

8. The Committee had before it two draft resolutions.

9. The representative of the Union of Soviet Socialist Republics submitted the following draft resolution (A/AC.91/L.2):

"The Committee,

"Taking into account the directive in General Assembly resolution 1181 (XII) concerning the determination of the appropriate time for the United Nations to consider again the question of defining aggression,

"Taking into account that during the discussion of the question of defining aggression at the twelfth session of the General Assembly the majority of States Members of the United Nations favoured the preparation of a definition of aggression by the United Nations,

"Having also studied the replies from States Members of the United Nations submitted to the Secretary-General in accordance with paragraph 3 of General Assembly resolution 1181 (XII) of 29 November 1957,

"Recommends that the Secretary-General place on the provisional agenda of the fourteenth session of the General Assembly an item entitled 'Question of defining aggression'."

10. The representative of El Salvador submitted a draft resolution which he revised in the course of the discussion.^{1/} In its revised form, (A/AC.91/L.3/Rev.1), this draft is identical to the resolution adopted by the Committee (see para. 14 below) with the exception of the words "April 1962" in operative paragraph 1, which the representative of Ireland proposed orally should be substituted for the words "April 1961".

^{1/} The revision was of the third preambular paragraph, which in its original form read as follows:

"Having regard to the fact that nine of these States still adhere to the views they expressed in the General Assembly, three have no comments to make on the question at present, another considers that it would be inappropriate to try to reach hasty conclusions on the matter and that no useful purpose would be served by discussion of the substance of the question until there has been an improvement of atmosphere in international relations and unless a good prospect is in sight for reaching an agreement on the contents of such a definition among the Member States, and yet another reiterates its opinion that it would not be appropriate to resume discussion until there had been a change in the attitudes of a substantial number of Member States towards the question of defining aggression,".

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VOTING

11. On the proposal of the Salvadorian representative, the Committee decided by 12 votes to 4, with 4 abstentions, at its sixth meeting, on 16 April 1959, to vote first on the revised draft resolution submitted by El Salvador (A/AC.91/L.3/Rev.1).
12. The Committee then adopted:
- (a) the Irish representative's oral amendment by 10 votes to 7, with 3 abstentions;
 - (b) the revised draft resolution submitted by El Salvador (A/AC.91/L.3/Rev.1), as amended, by 17 votes to none, with 3 abstentions.
13. As the revised Salvadorian draft resolution had been adopted, the Committee did not proceed to a vote on the draft resolution submitted by the Union of Soviet Socialist Republics (A/AC.91/L.2).

DECISION

14. The Committee accordingly adopted the following resolution:

"The Committee

"Having been established by General Assembly resolution 1181 (XII) of 29 November 1957 in order to study the replies of the States Members of the United Nations to the request made by the Secretary-General pursuant to that resolution, for the purpose of determining when it shall be appropriate for the General Assembly to consider again the question of defining aggression,

"Having considered the replies submitted by fourteen Member States (A/AC.91/L.3/Rev.1),

"Having regard to the fact that these replies indicate no change in the attitudes of Member States and give no reason to think that the appropriate time has come for the General Assembly to consider again the question of defining aggression,

"Confident that many Member States will wish to facilitate the work of the Committee and to submit their views and comments on the question in conformity with paragraph 2 of General Assembly resolution 1181 (XII) of 29 November 1957,

"Decides:

"1. To adjourn until April 1962 further consideration of the question of determining when it shall be appropriate for the General Assembly to consider again the question of defining aggression, unless an absolute majority of the members of the Committee, in the light of the views and comments received and the situation prevailing in international relations, considers it desirable for the Committee to meet at an earlier date and requests the Secretary-General to convene it;

"2. To request the Secretary-General to transmit this resolution to all Member States and to reconvene the Committee in either of the two cases provided for in the preceding paragraph."
