



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
LIMITED

A/AC.91/5
26 April 1965

ORIGINAL: ENGLISH

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

REPORT OF THE COMMITTEE

Rapporteur: Mr. Rafik ASHA (Syria)

INTRODUCTION

1. The General Assembly, by resolution 1181 (XII) of 29 November 1957, noted inter alia that twenty-two States had recently joined the United Nations, asked the Secretary-General to request the views of the new Member States on the Question of defining aggression, and further asked 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."

2. The Committee held its first session in April 1959, and adopted a resolution which is reproduced in its report (A/AC.91/2). By that resolution the Committee decided

"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."

3. In pursuance of that resolution the Committee held its second session in April 1962, and adopted a further resolution, reproduced in its report (A/AC.91/3), by which it decided:

"1. To adjourn until April 1965 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 ask the Secretary-General to request States admitted to the United Nations since the session of the Committee in 1959 to submit, not later than 1 November 1964, their views on the question in conformity with paragraph 2 of General Assembly resolution 1181 (XII) of 29 November 1957, and to renew the request to the other Member States to submit their views;

"3. 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 paragraph 1."

4. Accordingly, the Secretary-General reconvened the Committee on 5 April 1965 at United Nations Headquarters. As the General Assembly, at its nineteenth session, elected only a President but not the other members of the General Committee, the Secretary-General extended invitations on the basis of the composition of the General Committee at the eighteenth session of the General Assembly, and also invited Ghana, whose representative had been elected President of the nineteenth session. Between 5 and 16 April 1965, the Committee held ten meetings.^{1/}

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

| | |
|-------------------|---|
| <u>Argentina:</u> | Mr. Carlos Alberto Goñi Demarchi; |
| <u>Bulgaria:</u> | Mr. Milko Tarabanov, Mr. Matey Karasimecnov; |
| <u>Cameroon:</u> | Mr. William F. Lima Forcho; |
| <u>Canada:</u> | Mr. Gordon E. Cox, Miss M.A. Macpherson; |
| <u>Chile:</u> | Mr. Javier Illanes, Miss Leonora Kracht, Mr. Ronald Geiger; |
| <u>China:</u> | Mr. Yu Chi Hsueh, Mr. Erh Chung Peng; |
| <u>Cyprus:</u> | Mr. Zenon Rossides |

^{1/} See A/AC.91/SR.13-22.

- El Salvador: Mr. Antonio Alvarez Vidaurre, Mr. Carlos Alberto Lievano,
Mr. Felipe Vega-Gomez, Mr. José Martino Seguí;
- France: Mr. Claude Arnaud, Mr. Jean-Noël de Bouillane de Lacoste;
- Ghana: Mr. N.A. Quao, Mr. W.W.K. Vanderpuije, Mr. E.Y. Agorsor;
- Guinea: Mr. Achkar Marof, Mr. M'Baye Cheik Omar;
- Iceland: Mr. Hannes Kjartansson;
- Netherlands: Mr. J. Polderman, Mr. L.H.J.B. van Gorkom;
- Romania: Mr. Mihail Haseganu, Mr. Constantin Nedelea,
Mr. Dinu Marasescu;
- Somalia: Mr. Ahmed Mohamed Darman;
- Syria: Mr. Rafik Asha, Mr. Adnan Nachabe;
- Turkey: Mr. Muammer Tunçer, Mr. Aydin Yegen;
- Union of Soviet Socialist Republics: Mr. Nikolai Trofimovich Fedorenko,
Mr. Platon Dmitrivich Morozov,
Mr. Yakov Arkadyevich Ostrovski,
Mr. Anatoly Vasilyevich Grodsky,
Mr. Leonid Ivanovich Verenikin;
- United Kingdom of Great Britain and Northern Ireland: Mr. C. Peter Hope,
Mr. I.M. Sinclair;
- United States of America: Mr. Francis T.P. Plimpton, Mr. Albert F. Bender, Jr.,
Mr. Seymour M. Finger, Mr. J. Lawrence Hargrove,
Mrs. Carmel Carrington Marr, Mr. Robert B. Rosenstock,
Mr. Donald R. Toussaint;
- Venezuela: Mr. Tulio Alvarado.
6. The Committee elected the following officers:
- Chairman: Mr. Antonio Alvarez Vidaurre;
- Vice-Chairman: Mr. Zenon Rossides;
- Rapporteur: Mr. Rafik Asha.

/...

DRAFT RESOLUTIONS AND AMENDMENTS

7. Argentina and the United Kingdom submitted a draft resolution (A/AC.91/L.11) which reads as follows:

The Committee,

Considering its terms of reference as laid down in General Assembly resolution 1181 (XII) of 29 November 1957,

Noting that there have not been sufficient indications of the attitudes of Member States to allow the determination of any particular time as appropriate for the General Assembly to consider again the question of defining aggression,

Further noting that, since the Committee last met in April 1962, the General Assembly has been discussing an agenda item entitled "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations",

Taking into account that, among the principles of international law now under consideration in the context of this agenda item, is the principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Recognizing that the work now in progress with respect to this principle would in part be duplicated if the General Assembly were to consider again at this stage the question of defining aggression,

Decides:

"1. To adjourn further consideration of the question of determining when it shall be appropriate for the General Assembly to consider again the question of defining aggression until such time as a 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 and requests the Secretary-General to convene it;

"2. To ask the Secretary-General to request States admitted to the United Nations since the session of the Committee in 1962 to submit their views on the question in conformity with paragraph 2 of General Assembly resolution 1181 (XII) of 29 November 1957;

"3. To request the Secretary-General to transmit this resolution to all Member States, and to reconvene the Committee in the case provided for in paragraph 1."

8. To this draft resolution Chile submitted an amendment (A/AC.91/L.14) which would replace the first operative paragraph by the following text:

"1. To adjourn until April 1968 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 a 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 with a view to considering the possibility of recommending to the General Assembly that it should study the question again and requests the Secretary-General to convene it;"

9. The Union of Soviet Socialist Republics submitted a draft resolution (A/AC.91/L.12) reading as follows:

The Committee,

Considering that it was requested in General Assembly resolution 1181 (XII) to determine when it should be appropriate for the General Assembly to consider again the question of defining aggression,

Recalling that, in the discussion at the sessions of the General Assembly of the question of defining aggression, the majority of States Members of the United Nations supported the adoption of such a definition, based on the Charter of the United Nations, considering that this could have great significance for the maintenance of friendly relations between nations, the prevention of acts of aggression and the strengthening of universal peace and security,

Having regard to the replies from Member States submitted to the Secretary-General in accordance with paragraph 3 of General Assembly resolution 1181 (XII) of 29 November 1957,

Noting that experience has shown that the lack of a precise definition of aggression plays into the hands of those Powers which are pursuing a policy of interference in the internal affairs of other States and which, for the attainment of their purposes, even resort to the use of armed force,

Recognizing that the drafting and adoption by the United Nations of a definition of aggression would correspond to the interests of all peace-loving States and be in accord with the purposes and principles of the United Nations,

Decides to recommend that the General Assembly of the United Nations should at its twentieth session resume work on the definition of the concept of aggression, and accordingly requests the Secretary-General of the United Nations to include in the provisional agenda of the twentieth session of the General Assembly the item: "Question of defining aggression: Report of the Committee established pursuant to resolution 1181 (XII) of 29 November 1957".

10. To this draft resolution an oral amendment was submitted by Ghana which would replace "twentieth session" in the operative paragraph by "twenty-second session".

11. Cameroon, Ghana, Guinea, Somalia and Syria submitted a draft resolution (A/AC.91/L.13) reading as follows:

The Committee,

Considering that its terms of reference as laid down in General Assembly resolution 1181 (XII) of 29 November 1957 are to determine when it should be appropriate for the General Assembly to consider again the question of defining aggression,

Recalling that by its resolution 599 (VI) of 31 January 1952, the General Assembly considered that it was "possible and desirable, with a view to ensuring international peace and security and to developing international criminal law, to define aggression", and that "it would be of definite advantage if directives were formulated for the future guidance of such international bodies as may be called upon to determine the aggressor",

Having regard to the replies from Member States submitted to the Secretary-General in accordance with paragraph 3 of General Assembly resolution 1181 (XII) of 29 November 1957,

Noting that, since the Committee last met in April 1962, the General Assembly has been discussing an agenda item entitled "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations",

Taking into account that, among the principles of international law now under consideration in the context of this agenda item, is the principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purpose of the United Nations,

Recognizing that a definition of aggression will be helpful in further consideration of this principle,

Further recognizing that the drafting and adoption by the United Nations of a definition of aggression would correspond to the interests of all States and be in accord with the purposes and principles of the United Nations,

Decides:

"1. To adjourn and reconvene in April 1966 with a view to recommending to the General Assembly that it should resume consideration of the question of defining aggression;

"2. To ask the Secretary-General to request States admitted to the United Nations since the session of the Committee in 1962 to submit their views on the question in conformity with paragraph 2 of General Assembly resolution 1181 (XII) of 29 November 1957."

12. At the close of the discussion, Cyprus submitted a draft resolution (A/AC.91/L.15 and Corr.1, Spanish only) which was adopted by the Committee and is reproduced at the end of this report.

VOTING

13. At its twenty-second meeting the Committee adopted without objection the draft resolution submitted by Cyprus (A/AC.91/L.15 and Corr.1, Spanish only). The representative of the USSR explained his position in regard to the resolution.

RESOLUTION

14. The Committee thus adopted the following resolution:

The Committee,

Considering its terms of reference as laid down in General Assembly resolution 1181 (XII) of 29 November 1957,

Decides:

1. To reconvene in April 1967 with a view to consider recommending to the General Assembly that it should study again the question of defining aggression, unless a majority of the members of the Committee, who will be consulted in writing in January 1966 by the Secretary-General, considers that it is desirable for the Committee to meet in April 1966, and request the Secretary-General to convene it at that time;

2. To ask the Secretary-General to request States admitted to the United Nations since the session of the Committee in 1962 to submit their views on the question in conformity with paragraph 2 of General Assembly resolution 1181 (XII) of 29 November 1957;

3. To request the Secretary-General to transmit this resolution to all Member States, and to reconvene the Committee as provided for in paragraph 1.
