

United Nations
**GENERAL
 ASSEMBLY**

TWENTY-SECOND SESSION

Official Records



**SIXTH COMMITTEE, 1017th
 MEETING**

Thursday, 7 December 1967,
 at 10.50 a.m.

NEW YORK

CONTENTS

<i>Agenda item 98:</i>	
<i>Question of diplomatic privileges and immunities (concluded):</i>	
<i>(a) Measures tending to implement the privileges and immunities of representatives of Member States to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations and the privileges and immunities of the staff and of the Organization itself, as well as the obligations of States concerning the protection of diplomatic personnel and property;</i>	
<i>(b) Reaffirmation of an important immunity of representatives of Member States to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations</i>	371
<i>Agenda item 95:</i>	
<i>Need to expedite the drafting of a definition of aggression in the light of the present international situation</i>	372

Chairman: Mr. Edvard HAMBRO (Norway).

AGENDA ITEM 98

Question of diplomatic privileges and immunities (concluded) (A/6832/Rev.1, A/6837, A/C.6/381, A/C.6/L.635/Rev.1 and Add.1):

- (a) Measures tending to implement the privileges and immunities of representatives of Member States to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations and the privileges and immunities of the staff and of the Organization itself, as well as the obligations of States concerning the protection of diplomatic personnel and property;
- (b) Reaffirmation of an important immunity of representatives of Member States to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations

1. Mr. HERRAN MEDINA (Colombia) said that the fact that his delegation had abstained in the vote on draft resolution A/C.6/L.635/Rev.1 and Add.1 did not imply that it was dissatisfied with the actual text of the resolution adopted, apart from operative paragraph 2, which it had voted against for the same reasons as the representative of Venezuela. His delegation realized that praiseworthy efforts had gone into the preparation of all the drafts submitted. It felt, however, that the discussion had dealt only

superficially with the question before the Committee. No delegation had denied the need for diplomatic privileges and immunities or opposed their implementation. Consequently, the fact of reaffirming them, when no objection had been raised concerning them, might lead world opinion to believe that some opposition had arisen regarding the nature of those privileges and immunities and their implementation.

2. His delegation thought it unfortunate that, presumably because sub-items (a) and (b) had not been considered separately, the Committee had not dealt with the substance of the problem and the discussion had centred on incidents that had impaired relations between two African States. As a result, some very useful ideas had been merely touched on by certain representatives in their statements and had not been reflected in the draft resolutions. In view of the course followed by the discussion, his delegation could only express the hope that it would not have an adverse influence on the dispute between the two States concerned. Both were members of the African group in the United Nations, which, like the Latin American group, had a regional organization with authority to make the initial attempt to settle disputes between its members. In most cases, that obviated the need to enlist the good offices of the United Nations—a course that could serve to aggravate the situation.

3. Mr. MOLINA LANDAETA (Venezuela) said that, having been unable to speak on the subject at the previous meeting, he would like to comment on the procedure followed in voting on draft resolution A/C.6/L.635/Rev.1 and Add.1. Like other delegations, his own was disturbed by the irregularities of that procedure and felt it necessary to discuss publicly an issue that could create a dangerous precedent. Furthermore, the Sixth Committee, which was composed of lawyers, could not give the impression of having no considered opinion concerning its procedure, which should be consistent in all circumstances. He recalled that when a vote had been taken at the conclusion of the debate on the consideration of principles of international law concerning friendly relations and co-operation among States many delegations had proposed that the Committee should vote first on certain individual paragraphs, then on the remaining paragraphs and, lastly, on the text as a whole; that method had been approved by the Chairman and employed on that occasion. At the 1016th meeting, however, the Chairman, who had initially wished to follow the same procedure, had yielded to the request of several delegations which had pressed for a different procedure on the grounds that the issues raised were not the same.

4. His delegation wished to state that the Committee could not employ different procedures on different

occasions, thus placing its Chairman in a difficult position. While the rules of procedure of the General Assembly were admittedly not clear on the subject, it was common knowledge that after a separate vote the sponsors of a draft resolution needed to know the Committee's views on the paragraphs that had not been voted on separately. Accordingly, his delegation, which approved of that procedure, wished publicly to dissociate itself from the ill-considered attitude adopted by a majority of the Committee's members.

5. The CHAIRMAN thought that it would be useful to ask the Secretariat to prepare a study of the practice followed with regard to the application of rule 130 of the rules of procedure of the General Assembly.

6. Mr. ENGO (Cameroon) said that, as a result of an error, his delegation had not been present at the previous meeting. Otherwise it would have had no hesitation in voting for operative paragraphs 2 and 3 of draft resolution A/C.6/L.635/Rev.1 and Add.1 and for the draft as a whole, which it regarded as the best of those which had been submitted to the Committee.

AGENDA ITEM 95

Need to expedite the drafting of a definition of aggression in the light of the present international situation (A/6833 and Corr.1, A/C.6/378, A/C.6/384, A/C.6/L.636)

7. Mr. KHESTOV (Union of Soviet Socialist Republics) said that his delegation thought it regrettable that the problem of defining aggression had not yet been solved. It noted, however, that the majority opinion emerging from the General Assembly's discussion of the question at its 1611th to 1618th plenary meetings favoured detailed consideration of the problem within the United Nations and the adoption of appropriate measures for its solution.

8. The Committee should approach the question in the light of the Assembly's debates. Since the position of the USSR had been stated at the current session of the General Assembly by Mr. Kuznetsov, the First Deputy Minister for Foreign Affairs of the USSR (1618th plenary meeting, paras. 259-282) and in the letter addressed to the President of the Assembly by his country's Minister for Foreign Affairs (A/6833 and Corr.1), he would not restate it.

9. However, his delegation wished to make some further comments in explanation of its views. If conflicts between nations were to be avoided, States must observe the rules of international law. The necessary task of codifying and progressively developing international law fell to the United Nations. Being anxious for the establishment of legal rules that would constitute a bulwark of peace—as was demonstrated by the Soviet initiative which had resulted in the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty, contained in General Assembly resolution 2131 (XX)—the USSR wanted a definition of aggression that would constitute an additional legal factor in the struggle for peace and would make action by the Security Council more effective.

10. As early as 1952, the General Assembly had stated in resolution 599 (VI) that it was possible and desirable to define aggression. However, because of the attitude adopted by certain countries, study of the question had been confined to procedural issues. Since 1957, those discussions had been continued in the Committee established under General Assembly resolution 1181 (XII), which had concluded that the time was not yet ripe for a definition of aggression.

11. At the twenty-second session, the debate had clearly shown that attitude to be mistaken, but a number of States had none the less opposed the formulation of a definition. Those States were the very ones that had been against the formulation of principles of international law concerning friendly relations and co-operation among States. The arguments which they had put forward did not stand up under examination.

12. The contention that it would be unwise to define aggression because the new rule would be violated by States was not convincing. There was no question that the law, both international and domestic, was all too often violated, but the fact remained that international law was essential to peace and the same was true of the definition of aggression.

13. The only answer to those who alleged that a definition would tie the hands of the Security Council was that in defining aggression the United Nations would be doing no more than laying down a rule of international law. If the Security Council was to take action on specific incidents, it should also be concerned with the rules applicable to individual cases and therefore could not act outside the framework of international law. In the opinion of his delegation, a definition of aggression could not fail to facilitate the maintenance of peace and assist the Security Council in its task.

14. As for the argument that United Nations bodies had already considered the question of defining aggression without achieving the desired result, he would point out that past discussions had helped to clarify the problem. At all events, sceptics had already been proved wrong by developments in another sphere, since the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, after an initial unsuccessful session, had achieved positive results and could now be expected to complete its work successfully.

15. Lastly, there were those who contended that the time was not ripe for defining aggression; references had been made, in that connexion, to the war in Viet-Nam and events in the Middle East. It was not the first time that such views had been put forward, for they had been heard in April 1962, at a time when United States aircraft had not yet been bombing the Democratic Republic of Viet-Nam and Israel's army was not occupying the territories of neighbouring Arab countries which it had seized. Such arguments showed an inexcusable lack of logic.

16. It was his delegation's hope that the General Assembly would, in accordance with a procedure adopted several times in the past, establish a special committee to define aggression. That was the proper way to approach a complex task. However, the com-

position of the new body would have to be different from that of its predecessors, since the membership of the United Nations had increased and many new States would wish to take part in its proceedings. The Sixth Committee would then take up the problem at the appropriate time and consider it on the basis of a report submitted by the special committee.

17. It would be an unsatisfactory solution to refer the question of defining aggression to an existing organ, since preparatory work of a specialized nature, comparable to that carried out in connexion with the principles of peaceful coexistence, would be required. His delegation felt that it would be equally inadvisable, for two important reasons, to entrust the preparatory work to the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States. First of all, out of the seven principles studied by that Committee, only two had any connexion with the definition of aggression: the principle concerning the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter, and 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. Incidentally, some provisions of the Declaration contained in General Assembly resolution 2131 (XX) could be considered during the discussion of aggression and some of the formulations concerning the use of force proposed in the 1967 Special Committee (see A/6799, paras. 24, 26 and 27) had to do with aggression even though they did not afford any basis for a definition. Secondly, it would be too great a burden for the Special Committee on Principles of International Law concerning

Friendly Relations and Co-operation among States to be assigned that additional task. On the other hand, his delegation could see no objection to parallel proceedings in the new committee and the old one. That method might even present advantages for both.

18. He wished to conclude by introducing his delegation's draft resolution (A/C.6/L.636), which called for the establishment of a special committee on the question of defining aggression and set forth its terms of reference. The new committee would be required to pursue the question further, taking due account of existing international legal instruments. His delegation thought that it would be very useful to consider the various positions taken on the subject of defining aggression. The main problem at present was to expedite consideration of the problem, particularly as regards working methods.

19. The CHAIRMAN, observing that the Soviet delegation appeared to feel that there was no need to reopen the discussion that had taken place in the General Assembly, said that the Committee's officers took the same view.

20. Mr. ROSENNE (Israel) said that he welcomed the intention stated by the Soviet representative not to reopen the debate that had taken place in the General Assembly, but regretted that it had not been carried out, since Mr. Khlestov had made certain unjustified references to his country. His delegation would merely recall the reply it had made in the General Assembly to the statements by the USSR representative (1618th plenary meeting, paras. 282-293).

The meeting rose at 11.45 a.m.