

# GENERAL ASSEMBLY

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**Chairman:** Mr. Santiago PEREZ PEREZ (Venezuela).

### 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.402, A/C.6/L.403 and Corr.1, A/C.6/L.404, A/C.6/L.406, A/C.6/L.407) (continued)**

#### CONSIDERATION OF DRAFT RESOLUTIONS AND PROPOSALS BEFORE THE COMMITTEE (continued)

1. Mr. KLUTZNICK (United States of America) said that the sponsors of the draft resolutions and amendments on procedure had met several times in an effort to reach some common ground. From the outset, there had been three clearly divergent viewpoints: one group of delegations wished to abandon any attempt to define aggression; a second group wished to keep the subject on the agenda, but recognized that there should be some delay before the debate was resumed; a third group, while accepting the second group's premise, felt that during the waiting period, another Special Committee should continue to study the matter.

2. A genuine effort had been made to reconcile those conflicting viewpoints. The first two groups, while maintaining their views on the substance, had succeeded in agreeing on a procedural resolution; unfortunately, the third group had been unable to support that proposal. In the circumstances, the United States delegation had decided to withdraw its draft resolution (A/C.6/L.402) and to submit an amendment (A/C.6/L.407) to the seven-Power draft resolution (A/C.6/L.403 and Corr.1).

3. The United States amendment would set up a committee whose composition would change each year, being the same as that of the General Committee of the preceding session, and its function would be to determine when the General Assembly should again take up the question of defining aggression. A factor in that decision would be the replies of the Members regarding the question of defining aggression. The decision could be taken at the fourteenth session of the General Assembly or at any subsequent session.

4. The United States had submitted its amendment in view of the prospect that a large number of delegations, although divided on the substance, might be in a position to accept it. Like any compromise, it did not satisfy the supporters of the rival points of view completely, but it did attempt to preserve the integrity of the various delegations' positions.

5. Mr. MALOLES (Philippines), as a co-sponsor of the joint draft resolution (A/C.6/L.403 and Corr.1), accepted the United States amendment (A/C.6/L.407) and hoped that it would be incorporated in the joint draft with the consent of the other sponsors.

6. As amended by the United States proposal, the seven-Power draft resolution answered the requirements of a large number of Member States and took into account the wishes of those who wanted to see a definition of aggression adopted one day. Some delegations were anxious to decide immediately at what session the question would be taken up again, while others wished to postpone the study of the problem indefinitely. There was a middle way between those two courses—to leave it to a committee to decide when the international climate seemed to be in favour of resuming the debate. It seemed rather unwise to settle on a date at once, since when the time came the position might be the same as at present; the United States solution was preferable, and he hoped that it would be adopted by a large majority.

7. Mr. NOGUEIRA (Brazil) supported the United States amendment. In his view, the amendment made the seven-Power draft resolution acceptable both to those in favour of a definition, who would have an assurance that the United Nations would continue to give the matter its attention, and to those delegations which had serious doubts on the matter.

8. Mr. VAZQUEZ CARRIZOSA (Colombia) accepted the United States amendment, which would further the aims of the sponsors of the joint draft resolution, of which his delegation was one.

9. Mr. PONCE ENRIQUEZ (Ecuador) said that the joint draft resolution, co-sponsored by Ecuador, offered a formula which, instead of jettisoning the seven-year effort to define aggression, would make it possible to continue the study of the matter, to obtain the views of the new Members, and to take up the debate again at a more favourable juncture. The United States amendment proposed a different procedure, but its objective was the same. The Ecuadorian delegation would therefore have to hesitation in accepting it.

10. Mr. ROSENNE (Israel) supported in principle, the United States amendment as a happy compromise between two diametrically opposed points of view on the procedural aspects of the question. It was in keeping with the views of the Israel delegation as stated at the 532nd meeting. However, there was no way of telling at the moment whether at the fourteenth session of the Assembly conditions would be propitious for a resumption of the debate.

11. Mr. MARTINO (Italy) said he would support the United States amendment as the outcome of a praiseworthy attempt to reconcile divergent points of view.

12. Mr. TABIBI (Afghanistan) was glad to note that in

deference to the wishes of the majority of the members of the Committee, the delegations of Iran and Panama, and the delegation of the USSR, seemed to be willing to accept a procedural solution. Thus strictly, the Committee now had before it only the seven-Power draft resolution and the amendments to it.

13. The amendment submitted by the delegation of Afghanistan and five other delegations (A/C.6/L.404) was intended to give the Special Committee another opportunity to seek out, without further substantive discussion, new formulas for defining aggression; it was also intended to increase the number of members of the special Committee, in view of the admission of new Members to the United Nations. One advantage was that it would not place the Sixth Committee, at the fourteenth session, in the difficult position it was in at present, because it would then have before it the text prepared by the Special Committee and would only have to take a final decision upon it.

14. On the other hand, the United States amendment (A/C.6/L.407) seemed somewhat pointless. Never before in the history of the United Nations had any legal question been sent to the General Committee, whose functions and membership were entirely different from those of the other Assembly Committees. The General Committee was a political body whose members were chosen for political reasons; it would therefore be most unwise to refer to it an essentially legal question. Moreover, it would be contrary to the spirit of General Assembly resolution 378 B (V) which had referred the question of defining aggression, previously dealt with by the First Committee—the Political and Security Committee—to the International Law Commission. The Assembly had wanted the question to be dealt with by a legal body.

15. The delegation of Afghanistan thought that the adoption of the United States amendment would be a serious mistake and would establish a dangerous precedent. Therefore, together with the five other co-sponsors, it would maintain the joint amendment (A/C.6/L.404), which seemed to constitute a practical solution in keeping with the wishes of the majority.

16. Mr. VALLAT (United Kingdom) recalled that although the 1956 Special Committee had done excellent work, it had nevertheless failed; it would thus hardly be realistic to set it up again, since no better results could be expected in the future. The United Kingdom delegation would therefore oppose the six-Powers amendment.

17. The idea of giving priority to the concept of armed aggression, which was the basis of the sub-amendment of Ceylon, Egypt and Indonesia (A/C.6/L.406), had some point. However, since (a) the sub-amendment would imply that the Special Committee should at some stage deal with so-called "economic" and "ideological" aggression, and (b) it would be illogical to vote in favour of the sub-amendment without supporting the amendment itself, the United Kingdom delegation would have to vote against the sub-amendment also.

18. On the other hand, it would support the United States amendment (A/C.6/L.407). It would not stand out against a future decision to consider the question of defining aggression if that were the wish of the majority. The General Committee was responsible for recommending to the Assembly the inclusion or exclu-

sion of agenda items. The proposed Committee, whose membership would be the same as that of the General Committee of the previous session, would have no other duties and would not, of course, be required to reach any decision on substance. A procedure which would greatly facilitate the Assembly's work could hardly be called a dangerous precedent, as the representative of Afghanistan had termed it.

19. Mr. GOTLIEB (Canada) said that the procedural resolutions and amendments before the Committee reflected the divergence of views of various members on the question of defining aggression. The draft resolution originally submitted by the United States (A/C.6/L.402) had not met the views of delegations which desired that the question of definition should not be entirely dropped. The joint draft resolution (A/C.6/L.403 and Corr.1), the six-Power amendment (A/C.6/L.404) and the sub-amendment (A/C.6/L.406), on the other hand, did not satisfy those delegations which thought it probably could not now be determined that an attempt should be made again, either at present or in the near future, to define aggression, nor those which, like his own delegation, thought that a special committee to study further the question of a definition from the substantive point of view would serve no useful purpose. In the circumstances, the United States amendment (A/C.6/L.407) represented a useful compromise and the Canadian delegation would support it.

20. Mr. LOPEZ HERRERA (Venezuela) said that his delegation would be able to vote for the United States amendment (A/C.6/L.407).

21. Mr. OGISO (Japan) was glad that the United States representative had withdrawn his resolution (A/C.6/L.402), since the Japanese delegation, while it saw no purpose in continuing the discussion, did not want to close the debate for an indefinite period. The seven-Power draft resolution would give new Member States an opportunity for stating their opinions; but paragraph 3 of the operative part hardly seemed wise, as it was doubtful whether the climate would have improved by the fourteenth session. The United States amendment (A/C.6/L.407), on the other hand, appeared to cater for all difficulties; his delegation would accordingly be glad to support it.

22. Mr. FRANCISCO LIMA (El Salvador) noted that the majority thought a definition of aggression possible, useful and desirable. He regretted that his delegation's efforts at conciliation had failed, but pointed out that the majority had declared in favour of further efforts. The United States amendment would make it possible to resume discussion of the question later. Some speakers had criticized the idea of leaving to a committee with the same composition as the General Committee of the General Assembly the task of determining that the time was appropriate for resuming the debate. He personally thought that the establishment of such a committee would be very sensible, and he would vote for the United States amendment.

23. Mr. CHAUMONT (France) regretted that the sponsors of the amendment contained in document (A/C.6/L.404) had maintained their text; the re-establishment of the Special Committee would be a mistake, experience having shown that nothing more could be expected from that direction. His delegation accordingly could not support that amendment.

24. The United States amendment (A/C.6/L.407) provided a compromise, and the sponsors of the joint draft resolution (A/C.6/L.403 and Corr.1), with the exception of the representatives of Chile and Cuba, had already announced their acceptance of it. He had not yet received any instructions from his Government on the subject, but his own reactions were favourable. The United States amendment maintained the preamble of the joint draft resolution, in particular the third paragraph which indicated that the work already done had not been in vain. Unlike the representative of Afghanistan, his delegation thought that paragraph 3 of the operative part as amended by the United States provided a satisfactory procedure. Since the proposed committee was a political body, it should not be asked to carry out a legal study. Its only task would be to take an *ad hoc* political decision, the majority having recognized that the time was not ripe for the juridical work of defining aggression. There would be grounds for the Afghanistan representative's criticisms only if the proposed committee itself were to be instructed to define aggression.

25. Incidentally, the committee would not be the General Committee of the General Assembly, but a committee with the same membership. It would be more representative than the Special Committee as it might be constituted at present; it might even be pointed out that a majority in a committee with the same membership as the General Committee of the current session would be favourable to a definition of aggression. Such a committee would not be any less a legal body than a Special Committee consisting of representatives of Governments, since there had never been any question of appointing a Special Committee of jurists independent of government action.

26. He hoped that the United States amendment would secure the support of all those in favour of definition, as the prospect of a solution favourable to definition would thereby be thoroughly safeguarded.

27. Mr. HSUEH (China) said that the Sixth Committee had devoted nineteen meetings to the question of defining aggression; fifty-four delegations had taken part in the general debate. Many of the ideas expressed were interesting and whatever recommendations the Sixth Committee might make to the General Assembly, the work done would prove to have been very valuable.

28. It had frequently been said that there was an increasing majority in favour of defining aggression. At first sight that statement might seem to be true, but it was unfortunately not possible to put the question in so simple a manner, so that the majority was really an illusion. Among those delegations which had declared themselves in favour of definition, fifteen at most might perhaps agree together on a precise definition; the rest, even leaving out those opposed to any definition, had widely divergent views. It would accordingly be impossible to secure a large majority, not only at the current session but at later sessions. The question could usefully only be taken up again when the international community was better organized and there was a majority prepared to place its confidence in a common definition of aggression. It was to be hoped that the time would come soon, but it was impossible to set a date. That was why his delegation doubted the value of the seven-Power draft resolution, advocating that the question should be placed on the provisional agenda of the fourteenth session, and noted with satisfaction that

the sponsors had accepted the United States amendment, a compromise which did not prejudge the substance of the question. In addition to enabling the General Assembly to ascertain the opinion of new Members, it gave the draft resolution the flexibility it had hitherto lacked. For those reasons, his delegation would support the amendment.

29. Mr. BIERRING (Denmark) had been prepared to support the first United States draft resolution (A/C.6/L.402), on the grounds that it was neither desirable nor appropriate to discuss the question further; but since that draft had been withdrawn, in a spirit of compromise, in favour of an amendment (A/C.6/L.407), his delegation was prepared to support the amendment.

30. Mr. GEORGIEV (Bulgaria) thought that there were two points of view in the Committee: one in favour of indefinite postponement, and the other in favour of keeping the item on the agenda. He would like, however, to hear the representatives of a number of other countries before making a decision. For the moment he would make only two points.

31. The United States amendment was presented as a compromise, but that was not the case, since it was all take and no give. The postponement procedure it proposed made the chances of a resumption of the question so unlikely as virtually to dispose of it altogether. It amounted to shelving the issue indefinitely. The question was whether or not there was a desire to keep it alive.

32. Moreover, despite the statement of the French representative, the procedure proposed in the amendment was not in keeping with the structure of the United Nations. The establishment of a committee to determine when it would be appropriate to include an item on the agenda would mean taking a decision on a point which, under rule 40 of the rules of procedure, fell within the competence of the General Committee. The French representative had pointed out that while the committee would have the same members as the General Committee, it would nevertheless be another organ. Was the Sixth Committee entitled to change the terms of reference set forth in the General Assembly's rules of procedure? It would first have to inform the Assembly of its intention to establish a body whose responsibilities would encroach upon those of the General Committee. That argument alone was sufficient to rule out the new proposal submitted by the United States.

33. Mr. BHUTTO (Pakistan) was convinced that the Bulgarian representative was mistaken, and that the United States amendment had been submitted in a spirit of compromise in order to extricate the Committee from an impasse. His delegation considered that it would be neither useful nor desirable to define aggression, and would therefore support the amendment.

34. Mr. BRAVO (Chile) said that, since he had not received any new instructions from his Government, he would have to continue to uphold the draft resolution of which his country was a co-sponsor (A/C.6/L.403 and Corr.1) and could not, at any rate at present, accept the United States amendment.

35. Mr. EL-ERIAN (Egypt) was of the opinion that laudable conciliatory efforts had been made and that agreement had been reached on some points. Delega-

tions were agreed in general that there was little possibility of arriving at a definition at the current session, but that it would be advisable for the United Nations to continue its consideration of the question.

36. On the other hand, no agreement had been reached on the time at which the Assembly should take up the question again or on the way in which it should be done. In that connexion, his delegation noted with satisfaction that the United States had withdrawn its first proposal for indefinite postponement (A/C.6/L.402); but it was unable to accept the procedure set forth in the seven-Power draft resolution as amended by the United States (A/C.6/L.407). The Sixth Committee should proceed with caution; it should never pre-judge the issue, and it should take the background into account. It must not be forgotten that the question had been under consideration for at least seven years, and that the General Assembly had stated that it was both possible and desirable to define aggression. To assign to a Committee the task of determining when it would be appropriate to reopen the discussion would be to disregard the background of the question.

37. Some delegations had criticized the proposal to re-establish the Special Committee (A/C.6/L.404), which they felt would not furnish any new approach. It was to preclude that possibility that Egypt, Ceylon and Indonesia had submitted a sub-amendment (A/C.6/L.406). The 1953 and 1956 Special Committees had dealt with many questions, including the various types

of indirect aggression. If the sub-amendment were accepted, the new special committee would concentrate on one question only, that of armed aggression. The problem would thus be placed in a new light.

38. The question of disarmament was quite as complex as that of defining aggression, but the General Assembly had not decided therefore to postpone consideration of the question indefinitely or left it to a committee to decide when it would be appropriate to proceed. The United Nations was pursuing its efforts in regard to disarmament and should do the same in regard to defining aggression.

39. Mr. DE THIER (Belgium) said he had hesitated to support the seven-Power draft resolution since it seemed arbitrary to select a particular date; but the amendment submitted by the United States disposed of that objection, since it left open the decision as to when it would be appropriate to consider the question again. The amendment had the further virtue of effecting a compromise among the various points of view. He would therefore vote for the seven-Power draft resolution as amended by the United States.

40. Mr. SECADES (Cuba) said he would accept the United States amendment. Cuba had always held that on a subject as complex as the present one, an effort should be made to muster a large majority among the Member States.

The meeting rose at 5.35 p.m.