

United Nations
**GENERAL
 ASSEMBLY**

TWENTY-SECOND SESSION

Official Records



**1618th
 PLENARY MEETING**

Monday, 4 December 1967,
 at 3 p.m.

NEW YORK

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of fifteen members of the Industrial Development Board. However, in order that the debate on agenda item 95 shall not be interrupted, the Assembly will hear those representatives whose names are inscribed on the list of speakers on this item while the ballots are being counted.

AGENDA ITEM 17

Election of fifteen members of the Industrial Development Board

2. The PRESIDENT: We shall proceed now to the election of fifteen members of the Industrial Development Board to replace the fifteen members whose terms of office expire on 31 December 1967. The fifteen outgoing members are: Austria, Belgium, Czechoslovakia, Guinea, Indonesia, Italy, Nigeria, Peru, Rwanda, Somalia, Sweden, Switzerland, Trinidad and Tobago, the Union of Soviet Socialist Republics and Zambia. Those fifteen countries are eligible for immediate re-election.

3. I should like to remind the members of the Assembly that after 1 January 1968 the following States will still be members of the Industrial Development Board: Argentina, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Cuba, Federal Republic of Germany, Finland, France, Ghana, India, Iran, Ivory Coast, Japan, Jordan, Kuwait, the Netherlands, Pakistan, Philippines, Romania, Spain, Sudan, Thailand, Turkey, the United Arab Republic, the United Kingdom, the United States of America and Uruguay. Therefore, those thirty names do not appear on the ballot papers.

4. Pursuant to rule 94 of the rules of procedure the election shall be held by secret ballot and there shall be no nominations.

5. The ballot papers which are being distributed are marked on the back with the letters A, B, C and D, corresponding to the four lists of States indicated in General Assembly resolution 2152 (XXI) of 17 November 1966. Each ballot paper indicates the number of members to be elected from each list.

6. In accordance with existing practice, the required number of candidates in each list which receives the greatest number of votes and not less than a majority of the votes cast will be declared elected. In the case of a tie for the last place, there will be a restricted ballot limited to those candidates which have obtained an equal number of votes.

7. May I take it that the Assembly agrees to that procedure?

It was so decided.

8. The PRESIDENT: The voting will now begin.

President: Mr. Corneliu MANESCU (Romania).

In the absence of the President, Mr. Khatri (Nepal), Vice-President, took the Chair.

Organization of work

1. The PRESIDENT: It has been suggested that we take up as the first item this afternoon the election

At the invitation of the President, the following representatives acted as tellers: Group A, Mr. Uggeldahl (Finland); Group B, Mr. Mardovich (Byelorussian Soviet Socialist Republic); Group C, Mr. Diakité (Mali); Group D, Mr. Verceles (Philippines).

The result of the voting was as follows:

GROUP A

Number of ballot papers:	106
Invalid ballots:	0
Number of valid ballots:	106
Abstentions:	0
Number of Members voting:	106
Required majority:	54
Number of votes obtained:	
Nigeria	101
Rwanda	101
Somalia	100
Guinea	98
Zambia	96
Indonesia	90
United Republic of Tanzania	4
South Africa	3
Afghanistan	2
Liberia	2
Morocco	2
Botswana	1
Burma	1
Congo (Brazzaville)	1
Congo (Democratic Republic of)	1
Dahomey	1
Malaysia	1
Niger	1
Singapore	1

GROUP B

Number of ballot papers:	106
Invalid ballots:	1
Number of valid ballots:	105
Abstentions:	3
Number of Members voting:	102
Required majority:	52
Number of votes obtained:	
Switzerland	102
Italy	99
Belgium	97
Sweden	97
Austria	91
Australia	9
Ireland	2
New Zealand	2
Denmark	1
Norway	1

GROUP C

Number of ballot papers:	106
Invalid ballots:	1
Number of valid ballots:	105
Abstentions:	4
Number of Members voting:	101
Required majority:	51
Number of votes obtained:	
Peru	99
Trinidad and Tobago	96

Mexico	2
Barbados	1
Jamaica	1
Panama	1
Venezuela	1

GROUP D

Number of ballot papers:	101
Invalid ballots:	1
Number of valid ballots:	100
Abstentions:	4
Number of Members voting:	96
Required majority:	49
Number of votes obtained:	
Czechoslovakia	94
Union of Soviet Socialist Republics	91
Poland	5
Albania	4
Byelorussian Soviet Socialist Republic	1
Hungary	1
Ukrainian Soviet Socialist Republic	1

The following countries, having obtained the required majority, were elected members of the Industrial Development Board for a period of three years beginning 1 January 1968: Austria, Belgium, Czechoslovakia, Guinea, Indonesia, Italy, Nigeria, Peru, Rwanda, Somalia, Sweden, Switzerland, Trinidad and Tobago, Union of Soviet Socialist Republics and Zambia.

Mr. MANESCU (Romania) took the Chair.

9. The PRESIDENT (translated from French): I should like to thank the tellers for their assistance and to congratulate the States that have been elected members of the Industrial Development Board.

AGENDA ITEM 95

Need to expedite the drafting of a definition of aggression in the light of the present international situation (continued)

10. Mr. Sant Bux SINGH (India): My delegation wishes to offer its condolences to the Government and people of the Byelorussian Soviet Socialist Republic for the great loss that they have suffered in the passing away of the President of the Presidium of the Supreme Soviet of their country. We also grieve for and offer our condolences to the people and Government of Gabon over the demise of their President.

11. Ten years have elapsed since the General Assembly last considered the problem of defining aggression. During that time the world has witnessed international conflicts many of which involved the use of armed force, and some of which even brought the whole world to the brink of another major war. Every now and again we witness situations in which the maintenance of international peace and security is threatened. But all this time we have made no serious attempt to continue our efforts to find a generally acceptable definition of aggression, though all of us know that in any form of collective security system—and this certainly applies to the one we have accepted in the United Nations Charter—prevention of aggression is the central problem which that system has to tackle.

12. The Indian delegation, therefore, welcomes the initiative taken by the delegation of the Soviet Union with regard to the item under consideration. We have given careful consideration to the necessity of expediting a definition of aggression and we believe that it is now time to take up this problem once again, rather than to bury it for all time or at least indefinitely. We must see if we can make some progress towards its solution and towards the evolution of a United Nations definition of the concept of aggression, which can materially help this Organization in achieving its primary purposes, namely, the maintenance of international peace and security and the development of friendly relations among nations.

13. It is unnecessary for us to point out that the United Nations Charter enjoins all Member States to refrain 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". It requires the Security Council to "determine the existence of any threat to the peace, breach of the peace, or act of aggression" and states that the very first purpose of the United Nations is "to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace". It is obvious, therefore, that if we could find a generally acceptable definition of aggression it would help this Organization to discharge its responsibilities better, for a suitable definition of aggression seems to be central to the entire work of the United Nations.

14. Because of the difficulty of formulating such a definition, it would appear that many States have come to believe that collective security through the United Nations is impracticable and that States must depend for security on their capacity to defend themselves by their own arms, or on collective self-defence commitments in regional or other alliances. But we believe that in the present international situation there is in fact no alternative to collective security, especially for the smaller nations, and it is essential for us to do everything to strengthen the collective security system of the Charter, particularly in the interest of the progress of the developing countries in the economic, social, cultural and humanitarian fields. It is true that real progress towards the prevention of armed conflicts will depend ultimately on the improvement of the atmosphere of world opinion against the use of force in international relations and in favour of the settlement of disputes through peaceful means, but meanwhile we must do whatever we can to improve the peace-keeping and peace-enforcement procedures of the United Nations, and an attempt to find an acceptable definition of aggression which could be used by the United Nations organs in the discharge of their functions would be a worthwhile attempt in that direction.

15. We are aware, of course, of the long history of this problem. Indeed, the problem of defining aggression is not new. The League of Nations tried it before the Second World War. We are well aware of the famous Litvinov definition put forward at the Disarmament Conference.^{1/} The problem was also dis-

^{1/} Official Records of the General Assembly, Seventh Session, Annexes, agenda item 54, document A/2211, para. 76.

cussed in 1945 at the San Francisco Conference and from 1950 to 1957 it was considered in the United Nations, first in the International Law Commission and from 1952 in the Sixth Committee and the Special Committees of the General Assembly. It is not necessary for us to recount the detailed history of that consideration here. It is true that no agreement on a definition of aggression could be reached at that time, but it is equally true that the majority of representatives who took part in those discussions considered that it was possible to achieve a definition of aggression, despite the many difficulties.

16. We may recall that the main reason for the postponement of our efforts at defining aggression in 1957, when we adopted General Assembly resolution 1181 (XII) upon the recommendation of the Sixth Committee, was to give the States which had then recently been admitted to the United Nations the opportunity to consider the work done by the 1956 Special Committee on the Question of Defining Aggression and to offer their views on the matter. It is true that by that resolution the Assembly referred the question to a Committee composed of the Member States whose representatives had served on the General Committee at the most recent regular session of the General Assembly, to report and recommend to the Secretary-General when it considered the time appropriate for further consideration of the question by the General Assembly. The Indian delegation abstained on that resolution in 1957. This Committee has not recommended the time as being appropriate for further consideration of the question of defining aggression by the General Assembly so far, though ten years have elapsed since the adoption of General Assembly resolution 1181 (XII). That does not mean however that we should not consider this question in this Assembly today, when Member States consider it important enough to be taken up without further delay.

17. It is not my intention to go into a legal discussion here of the concept of aggression. Such a discussion would, I realize, be more appropriate in the Sixth Committee, which is to consider this item next week. But I should like to say that, whether we like it or not, the concept of aggression is one which has not only contributed to the vocabulary of international law but also substantially reinforced the content of that law. Broadly speaking, it denotes the use of force in a manner which is not compatible with the present-day rule of international law, i.e., the use of force other than by way of self-defence or pursuant to United Nations decisions.

18. The word "aggression" itself was originally used as a technical term to indicate the first transgression of a frontier, but as Mr. Pompe has pointed out:

"Since the 'outlawry' of war has loaded the concept of aggression with the notions of illegality and criminality, assistance and recourse to armed force on the side of the attacked State can no longer be qualified as aggression."

19. The report of the United Nations Secretary-General of October 1952 has pointed out:

"The concept of aggression, which is closely bound up with the system of collective security,

was introduced into positive law by the League of Nations."^{2/}

Again, an eminent jurist, Professor Quincy Wright, has stated:

"The words 'aggressor' and 'aggression' appear very little in treatises on international law until after the world war, but in editions published since 1925, they are often to be found in the indexes and since that date the subject has been dealt with in books on international organizations and in numerous pamphlets and articles by both statesmen and jurists as well as in official texts."^{3/}

20. Therefore, the basic question now is whether it would not be fruitful to attempt any further elaboration of the concept of aggression in legal or juridical terms. Does a concept of aggression have any special significance, or can the problem simply be by-passed? The answer to those questions has to be found in the concept of collective security incorporated in both the League of Nations Covenant and the United Nations Charter. Since the concept of aggression is closely bound up with, and is in fact central to, the whole concept of collective security, it is obvious that the question of the further elaboration of that concept in legal or juridical terms cannot simply be brushed aside. It emphasizes the illegality, and even the criminality, of resort to force except by way of self-defence or in pursuit of United Nations decisions. It emphasizes the collective interest of all Members of the United Nations—indeed of the world community—in preventing resort to force.

21. I may recall here that in the past when this question was considered in the General Assembly, my delegation had stressed that a definition of aggression would have to be related to contemporary concepts and should not constitute an ossification of outmoded conceptions. The central problem would, of course, be to keep the definition alive, as it were. We realize that the definition should not be of such a character which would in the words of a former British statesman, Sir Austin Chamberlain, "be a trap for the innocent and a signpost for the guilty".^{4/} Different delegations might have different views on the content of the concept of aggression. In fact, the records of the 1952 and 1956 Special Committees on the subject as well as the valuable report of the Secretary-General^{5/} demonstrate the problems in this regard. My delegation is fully aware that the definition of aggression has a bearing on the problem of disarmament. Speaking at the eleventh session of the General Assembly in 1957 the representative of India had pointed out that the definition of aggression was linked with the prohibition of nuclear weapons. Since 1957 we have witnessed the adoption of resolution 1653 (XVI) which contains the declaration on the prohibition of the use of nuclear and thermonuclear weapons. We are also encouraged by the fact that the Assembly presently has under consideration a draft convention on the subject of the prohibition of such weapons. The

^{2/} *Ibid.*, para. 4.

^{3/} Quincy Wright, "The Concept of Aggression in International Law" (*American Journal of International Law*, 1935, vol. 29, p. 373-374).

^{4/} *Official Records of the General Assembly, Seventh Session, Annexes*, agenda item 54, document A/2211, para. 158.

^{5/} *Ibid.*, document A/2211.

trend of international opinion, as a result of the emergence into independence of a large number of States in Africa and Asia over the last ten years, is also now increasingly against the use of such weapons in any circumstances. From this point of view, my delegation considers that the time may now be propitious for re-embarking on the quest for the definition of aggression.

22. In addition, my delegation is also conscious of the progress made by the General Assembly in related fields. Thus by resolution 2160 (XXI) the General Assembly adopted a declaration setting forth *inter alia* its understanding of the principle that States shall refrain from the use of force or any threat thereof. That question has also been under consideration by the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States. I might point out that the various formulations put forward in the Special Committee on that principle stipulate, *inter alia* that "wars of aggression constitute international crimes against peace". This is in line with General Assembly resolution 95 (1) of 11 December 1946, by which the Assembly unanimously affirmed the Nürnberg principles.

23. The Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States has not completed its task. Nevertheless, the discussion at various sessions of the Special Committee as well as in the General Assembly on the principle of the non-use of force throws valuable light on the subject. The Special Committee's mandate is very wide, and, in addition, in dealing with the principle of the non-use of force, the Committee will have to approach its task from a broader perspective than that of defining aggression. However, as has been rightly pointed out in the memorandum of the Soviet Foreign Minister of 22 September 1967 [A/6833 and Corr.1], there is an urgent need for a generally accepted concept of aggression which would prevent States from resorting to force on various pretexts. It would, therefore, be appropriate, having regard to all these considerations, if the General Assembly were to focus attention on this concept and try to expedite the elaboration of the concept of aggression.

24. My delegation, therefore, believes that we must in all sincerity make a serious effort once again to arrive at a generally acceptable definition of aggression which can help the United Nations organs in improving their peace enforcement procedures and strengthen the collective security system of the United Nations Charter, which is so vital to all Member States, especially to the smaller countries and the developing countries. We would, therefore, support the Soviet Union's proposal to establish a Special Committee whose task should be to endeavour to define "aggression" with this view in mind.

25. Mr. NAINA MARIKKAR (Ceylon): May I, on behalf of the delegation of Ceylon convey to the delegations of Gabon and that of the Byelorussian Soviet Socialist Republic our sincere sympathy at the sad and untimely deaths of their distinguished and patriotic sons, Léon Mba, the President of the Republic of Gabon, and Vasily Ivanovich Kozlov, the President of the Presidium of the Supreme Soviet of the Byelo-

russian Soviet Socialist Republic. We share with them their deep sorrow at the loss of those two great men.

26. The item before us is "The need to expedite the drafting of a definition of aggression in the light of the present international situation". We must admit to having been somewhat puzzled at first as to the import of this last phrase: "in the light of the present international situation". It seemed to us that any group assigned the difficult, if constructive, task of definition should be required not only to consider the evidence of the present, but to draw upon the totality of experience past and present, and indeed, to ensure that to the extent possible, its efforts comprehended the future as well. But in our view the phrase is not to be interpreted as having any bearing whatever on the nature and scope of the definition. It is rather intended to emphasize that the present international situation, in which disputes have given rise to armed conflict on a more or less continuing basis in several areas, demands that the community endorse a definition of the military adventures it seeks to eliminate.

27. As all of us are well aware, the problem of defining aggression is not a new one. The question of when a war might be characterized as "just" and when "unjust" has occupied men's minds for centuries and is at least as old as natural law itself. In the first half of this century, which saw two world wars and numerous military adventures in the years between, and subsequently, much attention has been devoted to the subject by States, institutions, politicians and teachers of law.

28. Mentioned specifically in Article 10 of the Covenant of the League of Nations, by the abortive Draft Treaty of Mutual Assistance elaborated by the Third Committee of the League's Assembly in 1923, by the Geneva Protocol of 2 October 1924, by the Pact of Paris of 1928, and by a variety of other instruments and abortive drafts which strove to outlaw force as a tool of national policy, the term "aggression" eluded all legal and political efforts of the period towards a precise "self applying" definition. Those efforts gathered momentum in the thirties with the drive toward general disarmament, and out of that ferment of ideas came the definition offered by the Soviet delegation in 1933 at the Disarmament Conference. Born of the bitter experience of the country at the hands of external forces in the early days of its existence as a socialist State, the Soviet definition has been discussed for more than thirty years without gaining wide acceptance, but also, significantly, without being rejected outright. Finally, the concept of aggression has found a place in the Charter of the United Nations—without, however being defined—alongside other like terms such as "threat to the peace", "breach of the peace" and "armed attack". It will be recalled that, after some years of preliminary discussion, the General Assembly adopted resolution 599 (VI) on 31 January 1952, the fourth preambular paragraph of which reflects the Assembly's view that:

"although the existence of the crime of aggression may be inferred from the circumstances peculiar to each particular case, it is nevertheless possible and desirable, with a view to ensuring international peace and security and to developing international

criminal law, to define aggression by reference to the elements which constitute it".

29. But the optimism of that paragraph was not renewed in subsequent years, and with the reluctance of the International Law Commission to deal with the matter, a mood of disillusionment began to mark out discussion of the issue growing in intensity with time. A variety of definitions have, of course, been proposed. Notable attempts to define "aggression" have been made by Iraq, Iran, the Netherlands and several Latin American countries, besides those of the Soviet Union. We have had enumerative definitions, general abstract definitions, as well as definitions which partake of the character of both. All thus far have been thought to have flaws of one kind or another, and have failed to gain adequate support. Philosophical and semantic problems of fascinating complexity have been raised and volumes written in their analysis. Then, there are the political overtones. There are those who would characterize every proposed definition as self-serving, and therefore suspect, and others who would in turn accuse the latter of subverting efforts toward defining aggression, on the ground that they could not but stand condemned by the terms of any such definition. Finally, the further question is posed: having got yourself a definition, what do you do with it? You obviously cannot end aggression by defining it.

30. My delegation has carefully examined a substantial part of the very considerable literature dealing with aggression published by the United Nations and private groups, and has concluded that an effort can and should be made by the General Assembly to arrive at a definition of aggression which would be acceptable to the great majority of States. In reaching this conclusion we have paid due regard to the several arguments advanced—and advanced, we feel, cogently and in all good faith—by those who oppose definition as being undesirable, unnecessary, impracticable and even dangerous. Many of these arguments are summarized in paragraph 30 of the report of the 1956 Special Committee on the Question of Defining Aggression made to the twelfth session of the Assembly in 1957.^{6/} We do not find any of those arguments decisive. But we believe it essential that the problems or misgivings that those arguments reflect should be studied with the greatest care and sense of responsibility, with a view to ensuring their resolution or removal in the elaboration of the final definition.

31. We have from the outset tried to study the question of defining aggression from the point of view of the function that a definition will be required to fulfil. In our view, a definition would be a point of reference for public opinion, a yardstick against which to measure the conduct of a State, a bulwark against arbitrary characterization of the use of force as "aggression", as well as a stern warning to the would-be aggressor as to the norms of conduct and restraint endorsed by the community against which all its actions will be judged.

32. As to whether or not our aim should be a definition capable of "automatic" application, we have not yet reached a conclusion. But we do believe, first, that

^{6/} *Ibid.*, Twelfth Session, Supplement No. 16.

a definition should, as far as possible, avoid specifying criteria for the establishment of which it will be necessary to prove "intent" on the part of a State, and should, rather, refer to criteria which are objectively ascertainable, such as—and we mention these only by way of example—the crossing of a boundary by the military forces of a State other than in accordance with the laws of that other State, the supply of arms to groups hostile to the régime within a State, etc; and, second, that in such a definition there must be build-in safeguards which would provide for exemption in cases where force is used in self-defence or in the implementation of decisions of organs of the United Nations. As only genuine cases of self-defence should qualify for exemption, and since as we have said the definition should, in our view, not set up criteria involving proof of intent, we have doubts as to whether self-defence should be specifically exempted under the definition. It might be preferable to set up dispute settlement machinery with compulsory jurisdiction to determine aggression, before which the plea of self-defence may be raised and established. My delegation may wish to submit concrete proposals on this matter in writing to any special committee which may be established as a result of our deliberations.

33. We believe it would be unwise to look upon a definition of "aggression" as a major step toward its ultimate elimination. Unfortunately, man seems to lack the wisdom and maturity to comprehend that the solution to problems between nations is not achieved in the mindless, wasteful, so to speak, orgasm of war, but rather in the inevitable negotiations for settlement in the weary aftermath of peace. Aggression, and war generally, can be eliminated only by eliminating the causes of war. The abolition of war, a cultural institution so deeply entrenched in the ethos of every people in every age, is a task of staggering proportions. To attack it we shall need to enlist the support of those with expertise in a whole range of disciplines other than our own, not the least of which would be the anthropologists and the social scientists of our time.

34. Ours is a far more modest endeavour. Defining aggression will not stop the guided missile already launched on its terrible journey nor prevent the massing of tanks along a border. It has no significance in the cause and the timing of events. All we can hope for from a suitable definition is that it will assist in polarizing the opinion of the world community through setting up standards of restraint and responsibility to which all can look for guidance. To this modest but, in our opinion, worth-while endeavour we shall give our support. We shall, for our part, be ready to do our best to ensure that due regard is paid to all the real misgivings of States as to the nature, scope, drafting or any other aspect of definition of aggression, and to ensure, to the extent possible, that the ultimate result will contain such safeguards against its abuse as might appear necessary.

35. Mr. ALARCON de QUESADA (Cuba) (translated from Spanish): Undoubtedly the Soviet delegation's initiative [A/6833/Corr.1] has enabled the Assembly to debate one of the questions of greatest importance for the international community. The prohibition of aggression and non-interference in the internal affairs

of each State, respect for the sovereign equality of all, the right of peoples to self-determination and abstention from the use of force in international relations are the very foundations of the Charter of the United Nations and the principles which the Organization would like to see implemented among all nations.

36. It is fitting that we should hold this debate in the light of the present international situation and of facts open to analysis by all, since the imperialists are evidently using all their skill to confuse the principles of law, present white as black and vice versa, and distort legal concepts into mere instruments for their machinations against the peoples. The imperialist alchemy, however, overlooks one detail, one decisive factor—the peoples, who, besides being its victims and witnesses, are also the actors in the drama and, in the last analysis, will be the ones who settle the score.

37. The practice of aggression as a norm in relations between States has a long history, and reached its height when imperialism was world-wide. In those days it was absolutely impossible to embody the exclusion of aggression in legal instruments of world-wide scope.

38. The Second World War, in which the majority of States of the world were engaged in the struggle against nazi and fascist aggression, made possible the bringing together, in the United Nations Charter, of a set of principles and legal standards which it was hoped would provide a framework for future relations between peoples and nations.

39. Even now, however, twenty-two years after the adoption of the San Francisco Charter, some cardinal concepts of the new order, such as that of aggression, have failed even to be defined. The first question which we must ask ourselves is why it has hitherto been impossible to achieve a definition of this concept. Nobody, we feel, will be surprised if we contend that this lack of a definition is due not to technical reasons, nor to any lack of knowledge by our jurists, nor to any lag in the development of contemporary international law. The reason why no such definition has been achieved is precisely that a number of States continue to exercise aggression as the very essence of their policy, and clearly have no interest in anything which might lead to condemnation of their aggressive practices, even if it only consisted of principles and written rules. The reason for this Organization's inability so far to arrive at a definition of aggression is precisely that one of its Members—the United States—is a stubborn and unrepentant aggressor, which has been committing the crime uninterruptedly from 1945 to the present time, and even before the United Nations came into being. The reason why the United States Government has for so long exerted the utmost pressure to prevent an agreement on this topic is that the United States not only has no intention of abandoning its policy or position but also seeks to use this Organization in whatever way it deems suitable for carrying out its sinister designs.

40. My delegation does not consider that discussion of the principles of international law is a laboratory task. We do not believe that these principles can be suitably studied by removing them from everyday reality or from the experience of history. They arise

from the actual life of human society; it is social reality which confirms or disproves their validity.

41. The present reality of international life is marked by an increasingly bitter struggle between the peoples and their oppressors. The decisive battles of humanity are being fought today. Faced with the irrepressible surge of the peoples the world's entire forces of reaction, united behind their main bastion—United States imperialism—are clinging to their privileges and trying to stem the tide of history.

42. Today there is no question of preventing or punishing isolated or occasional acts of aggression. What the peoples of the world now face is a policy of coherent, global aggression, planned in detail and having a common aim, unleashed by United States imperialism in its endeavour to crush the revolutionary movement, to establish the undivided hegemony of its monopolies and to dominate the world.

43. The aggressive policy of imperialism is expressed at its crudest in the barbaric, cruel and cowardly war being waged by the United States against the people of Viet-Nam. The Washington Government is today using against Viet-Nam all its military resources save only nuclear and thermonuclear weapons. The forces of aggression have more than a million troops fruitlessly seeking to subdue the people of South Viet-Nam. Fields, villages and towns are being devastated with napalm and with chemical and bacteriological substances. The territory of the Democratic Republic of Viet-Nam is being ruthlessly bombed by the Yankee air force.

44. Viet-Nam, however, still stands—heroic, exemplary and victorious. The peoples' national liberation forces in the south are daily dealing the invaders fresh and harder blows. The people and Government of the Democratic Republic of Viet-Nam are successfully withstanding the brutal assault of imperialism, and do not flinch in their valient resolve to defend their homeland's independence at all costs.

45. All that the imperialists can expect from this criminal war is the most scandalous, humiliating and thorough-going defeat. The Viet-Nameese people are fighting for their inalienable rights; but more than that, they are fighting for us all, for all the peoples of the world. The Viet-Nameese people with their blood, their sacrifices and their heroism, are setting humanity the most inspiring example. They show us that in the face of imperialist aggression there is but one course to take: resistance and struggle. They also teach us that this course of resistance and struggle leads inevitably to the victory of the people.

46. United States imperialism, however, like its Hitlerite predecessors now long since vanquished, sets no limits on its plan for oppression. To each new setback in Viet-Nam it responds with new threats and further attempts to extend the war to other areas of South-East Asia. It continues to send its troops into Laotian territory and increasingly threatens the Kingdom of Cambodia. Anyone who doubts how the imperialists plot and plan their acts of aggression should read the Yankee Press of the last few days, which contains an utterly shameless discussion on the possibility of unleashing a direct attack against Cambodia.

47. The aggression against the Peoples' Democratic Republic of Korea continues. As is well known, the United States Government attacked that country in 1950, and since their humiliating defeat United States troops have continued to occupy South Korea, keeping that country divided by force and carrying out ever-growing armed provocation north of the thirty-eighth parallel.

48. Recently the United Arab Republic, Syria and Jordan were victims of United States imperialist aggression carried out through the State of Israel. The occupation of Arab territory and the inability of the United Nations to settle the conflict can be attributed only to the Washington Government's aggressive designs in the Middle East. In Africa the United States has helped to maintain the last vestiges of colonialism and the racist régimes which constitute a serious threat to the security of the independent States of that continent.

49. Latin America has the quite unenviable distinction of having borne the brunt of the greater part of the Yankee aggression. The history of our continent has been essentially the history of its peoples' struggle to assert their independence in the face of United States hegemony and expansionist designs. United States marines have landed many times on Caribbean beaches to protect Yankee monopoly interests, overthrow intractable governments and spread tyranny and poverty throughout our republics.

50. Since the adoption of the Charter signed in San Francisco the United States Government has not changed its high-handed attitude toward the Latin-American nations. The direct military interventions against Guatemala in 1954 and San Domingo in 1965 bear witness to Yankee disregard for the sovereignty of States in this part of the world.

51. We shall shortly be celebrating the ninth anniversary triumph of the revolution in Cuba. During these nine years our peoples have been hard at work creating a better life and overcoming economic backwardness and the legacy of poverty, disease and ignorance bequeathed to us by a past of tragic subjugation to foreign interests. Those nine years have also been a period of constant harassment, pressure, blackmail, threats and aggression against our people by United States imperialism. The Washington Government has admitted and proclaimed these acts of aggression against the Cuban people, thus adding cynicism to crime. We need only recall that the then President Kennedy publicly admitted his entire responsibility for the organization, direction, training and financing of the mercenary invasion launched in such a cowardly fashion at Playa Girón in April 1961. We need only recall the ample evidence submitted during the general debate in this Assembly by our Foreign Minister, in proof of the persistent policy of aggression, pressure and subversion, as stubborn as it is infamous. Express declarations of their unvarying aim to destroy the Cuban revolution abound in the statements of high officials of the United States Government and are to be found in books circulated throughout the world in many editions, such as those written about Kennedy by his close collaborators Arthur M. Schlesinger and Theodore C. Sorensen.

52. Our people, however, are forging ahead in building the first socialist society in America, convinced that their unswerving determination to fight will frustrate all the assaults of imperialism and its lackeys.

53. The problem of knowing how to act in the face of imperialist aggression occupies a key place in the strategy of peoples struggling to win or consolidate their independence. To produce a definition of aggression would be a legal contribution to that process. The decisive act, however, will be the actual struggle to isolate and overthrow the aggressors on their own ground. This is the goal of the increasingly rapid growth of freedom movements in Asia, Africa and Latin America. The United States Government has for years been able to impose its will on this Assembly and prevent it from adopting precise definitions of the principles covered by the Charter; but it cannot keep for ever its domination of the world, because oppressed peoples everywhere are already bent on disarming and overthrowing the aggressor.

54. Mr. LOPEZ (Philippines): To the question of defining aggression, the Philippines can contribute only the expertise proper to a country that has been the victim of aggression not once but many times in the course of its history.

55. There are other countries that know much more than we do about the practice of aggression and should not wish to compete with them. But when the very country that asks the General Assembly to expedite a definition of aggression comes to this rostrum and deliberately utilizes the present debate as an occasion to level propaganda attacks against other countries, then one must seriously doubt the bona fides behind the submission of this item. This exercise in deception becomes all the more transparent when the proposer of the item goes so far as to accuse the Philippines of being an aggressor in Viet-Nam. When this great Power, whose expertise on the question of aggression in all its aspects is probably unequalled, feels compelled to offer the Philippines as an example of an aggressor nation, then the situation becomes really ludicrous.

56. There are two thousand Filipino troops in South Viet-Nam—mostly army engineers, doctors and nurses. They are there at the request of the Government of the Republic of Viet-Nam to help bind the wounds of the cruel war and to co-operate in the effort to assist the people of that country to defend themselves against subversion from within and infiltration and aggression from without. There are no Filipino or other allied troops in North Viet-Nam, but there are uncounted thousands of North Viet-Nameese troops trained, equipped and armed by the Soviet Union and its allies and sent across the border to make war upon the people and Government of South Viet-Nam.

57. The Philippines also contributed troops to the successful United Nations action to repel aggression against the Republic of Korea. By the now familiar device of twisting the meaning of words in order to suit their tactical posture at any given time, the Communist allies and supporters of North Korea have been saying for the last fifteen years that we were guilty of aggression in Korea. Doubtless they

are bent on following the same propaganda technique in Viet-Nam.

58. We are, therefore, obliged to conclude that in the Communist lexicon any country is guilty of aggression whenever it dares to resist a Communist attempt to subvert, invade or attack it, and doubtly guilty when it actually succeeds in doing so. By the same token, any and all countries which are so ill-advised and so unco-operative as to proffer assistance to a country threatened by a communist take-over are automatically considered accessories to the "crime" of resisting communism and must be denounced as aggressors.

59. Despite all this, my delegation would be prepared to support a proposal to expedite the definition of aggression. We assume that a serious effort to this end would not be influenced by the sort of tendentious propaganda that we have heard from this rostrum. We should like to see the General Assembly get on with this task as speedily as possible, bearing in mind that the only kind of definition that can be of practical assistance in the work of the United Nations organs concerned would be one that is as rigorously objective and impartial as human ingenuity can make it. Any other kind of definition would be self-serving and of no value whatsoever.

60. We must regretfully point out that the accomplishment of this task is not likely to be facilitated by the kind of recriminatory debate which has taken place in the General Assembly. Recrimination is a futile and wasteful exercise at best, for the simple reason that there are few of the older countries, and possibly none of the great Powers, that can come here with clean hands and say that they are, or have been, totally guiltless of aggression.

61. Most, if not all, of the great Powers, from the mere fact that they have been or are great Powers today, would find it difficult to make such a claim. The pages of history, ancient or modern, past or contemporary, would constitute a standing refutation of such a claim, if they even dared to make it. Therefore, our plain and simple view would be: let us be done with this bootless bickering as to who is or has been an aggressor, and who is not or has not been an aggressor, and agree instead to resume without further delay the long-deferred task of defining aggression if we really want to—by isolating this important task from the familiar and tiresome invective of the cold war.

62. Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) (translated from Russian): The agenda of the twenty-second session of the United Nations General Assembly contains a considerable number of questions that have been discussed more than once already during the years of the United Nations existence but which so far have not been resolved in a satisfactory manner. These questions differ as to substance, yet they have something in common which prevents the achievement of effective resolutions and harms the work of the United Nations. It is the hesitation shown by our Organization in overcoming the resistance of the group of countries which are violating the United Nations Charter, carrying out their policy of aggression and repression of national liberation movements

and impeding the economic and social progress of the peoples. Those unsolved problems include the prevention of aggression, disarmament, the final elimination of the vestige of colonialism, the struggle against racial discrimination, the punishment of war criminals and the question we are now discussing—that of expediting the drafting of a definition of aggression.

63. The main reason for the abnormal situation as regards the solution of these problems lies in the position taken by the United States of America and its allies in aggressive military blocs and pacts, a position which is contrary to the interests of peace. However, it cannot be said that other countries have done their utmost to overcome the resistance of the imperialist forces. The facts must be faced. Very often we are witnesses of passivity, indecision and inconsistency on the part of some delegations that willy-nilly play into the hands of aggressive and reactionary forces.

64. Concerted, united and resolute action by all peace-loving and progressive forces in the United Nations can and must overcome the intrigues of the imperialists and ensure the triumph of the purposes and principles of the United Nations aimed at preserving peace and international security, freedom and social progress.

65. The delegation of the Byelorussian SSR hopes that, in considering the urgent and important question of the "need to expedite the drafting of a definition of aggression in the light of the present international situation", which has been submitted by the Soviet Union, our Organization will at last demonstrate the will of the majority and outline specific measures for the preparation of a definition that will become a powerful barrier against the aggressors and their accomplices.

66. The elaboration of a definition of aggression is of urgent and topical interest to all peoples. Its need is quite clearly understood by the peoples who were or still are the victims of aggression, the people of countries and territories that are fighting for their liberation and the strengthening of their independence, the peoples of those states that live under the threat of aggression and the peoples who, because of the adventurist policies of the ruling circles in their own countries, have been involved in wars of aggression and, as a result, have also endured great suffering and losses.

67. The Governments of the socialist and other peace-loving countries are in favour of a definition of aggression. But there are those who oppose such a definition, among them the United States, the United Kingdom and some other countries which are dependent on them. The representatives of these States dare not speak openly of the real reasons for their unwillingness to have a definition of aggression. They resort to such prevarications as hastily labelling the Soviet proposal as propaganda. But such conclusions are not very convincing and despite the accusations of propaganda made by the Western Powers, the General Assembly has already adopted a Soviet proposal on the inadmissibility of intervention in the

domestic affairs of States,^{7/} a Czechoslovak proposal to prohibit the use of force in international relations,^{8/} and a proposal by Hungary calling upon all States to adhere to the Geneva protocol of 1925 prohibiting the use of chemical and bacteriological weapons.^{9/}

68. Much has been said by Western representatives about so-called propaganda when socialist and other States have spoken in favour of eliminating colonialism and when the Soviet Union proposed the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples.^{10/} Nevertheless, that Declaration was adopted by the General Assembly, and the colonial empires which had been built up over the centuries, including the British colonial empire, have collapsed in a matter of a few years.

69. We hope that the United Nations will act similarly at this juncture when examining the question of drafting a definition of aggression and that we shall again see the failure of the hopes of the United Kingdom representative, who said he trusted that "the debate on this item will be quickly concluded and soon forgotten". [1612th meeting, p.7].

70. In connexion with the discussion of the question of the definition of aggression, it must be recalled that socialism, which first proclaimed itself as the way of life of the people of Soviet Russia fifty years ago, proclaimed peace and peaceful relations with all peoples as one of the most important principles of its State policy. The first political act of the Soviet State was the Decree on Peace, and that was a symbolic gesture. The revolutionary Government, headed by Lenin, called upon all of the countries participating in the First World War to conclude a just and democratic peace, a peace without annexations or indemnities. It described aggressive war as "the greatest crime against mankind", and that was the first act of its kind in the history of States.

71. The changes that have taken place in the world during the past fifty years give grounds for the belief that new international ethics are coming into force which will make it impossible to overcome completely the forces of imperialism.

72. At the time of the Paris Peace Conference in 1919 one of its committees indicated that aggressive war could not be regarded as an act in direct contradiction of positive law, that is, of the standards of international law existing at that time. The criminal nature of aggression is now no longer doubted and has been expressed in the United Nations Charter.

73. However, much remains to be done for that provision to become a normal standard of everyday life among States. Undoubtedly, one step in that direction would be the elaboration of a definition of aggression. Just as a Government proceeds to defend law and order by determining precisely the legal régime in its country, so the international community should possess clearly elaborated legal standards which would deter-

^{7/} Official Records of the General Assembly, XXI session, Annexes, agenda item 96, document A/6598, p.5.

^{8/} Ibid., agenda item 92, documents A/6393 and A/L.493 and Add.1-2.

^{9/} Ibid., agenda item 27, document A/6529, p.5.

^{10/} Ibid., XV session, Annexes, agenda item 87, document A/4502.

mine the substance of such a grave crime against humanity as aggression in order to facilitate the fight for its prevention and elimination.

74. In their efforts to prevent the adoption of a decision on the definition of aggression, the representatives of the United States and other countries have raised the question of the distinction made by Marxists between just and unjust wars and also the question of support for the national liberation struggle of oppressed peoples [1611th meeting]. In so doing, the representatives of the United Kingdom [1612th meeting] and Australia [1616th meeting] referred to the words of Lenin, apparently believing that, if they do not like some of Lenin's ideas concerning just and unjust wars, those ideas are wrong in themselves. This is imperialist logic in its purest form, which accepts as good only what it likes.

75. In this connexion, it might be recalled that the idea of the dual nature of war is not only a Marxist-Leninist approach. It has been confirmed in the United Nations Charter, adopted by all the Member States, since the Charter makes a clear distinction between aggression and the inalienable right to individual and collective self-defence against aggression.

76. With regard to national liberation movements, it is sufficient to quote a provision of resolution 2189 (XXI) on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, in which the General Assembly:

"Reaffirms its recognition of the legitimacy of the struggle of the peoples under colonial rule to exercise their right to self-determination and independence and urges all States to provide material and moral assistance to the national liberation movements in colonial Territories."

77. That is our opinion with respect to the just character of the struggle being waged by the peoples against colonialism and imperialist wars. As a result of the adoption of this General Assembly resolution, our conviction has become one of the principal norms in the field of international relations. This decision of the General Assembly, which was adopted by an overwhelming majority of the States Members of the United Nations, fully refutes the idle inventions of those speakers who launch into arguments about the unjust character of the national liberation struggle and who oppose support for that struggle.

78. The representative of Australia endeavoured to justify the participation of his country in the unjust and criminal war against the Viet-Nameese people. In so doing, of course, he did not say that Viet-Nam had never attacked far distant Australia. On the contrary, his country, tied to a foreign leash, was dragged into the American adventure in Viet-Nam. The representative of Australia made certain statements about the Democratic Republic of Viet-Nam, to which the following words of Lenin are the best reply:

"There are people who scream about red militarism. They are political scoundrels who pretend that they believe such nonsense. They throw out such accusations right and left and use their law-
yer's cunning to make up false arguments and blind the masses."

79. We address this quotation from Lenin also to other enthusiasts of anti-communist pronouncements.

80. The delegation of the Byelorussian SSR hopes that the definition of aggression worked out as an important international legal document will have an effective restraining influence on present and potential aggressors. We should like the document that will be prepared to acquire universal significance and that its recognition should serve as one of the most important criteria of the desire for peace in the policy of any State. We also hope that such a document will close the loop-holes for direct military aggression and will also assist independent States that are under constant pressure from imperialist and colonial circles.

81. The United States representative, speaking in this hall on 28 November (1611th meeting), once again took advantage of the absence of a definition of aggression in order to justify the aggressive acts of the United States. He even went so far as to accuse those who would like to define aggression of being guilty of aggressiveness. We reject such slanderous fabrications.

82. Our Republic, like other countries, has frequently been subjected to devastating attacks by aggressors. Twice in the last half-century our land has been invaded by the hordes of militarist Germany, first those of the Kaiser and those of Hitlerite Germany, which sowed death and destruction and brought untold suffering to millions of people. The Byelorussian people made a valuable contribution to the destruction of Hitlerite Germany. As the First Secretary of the Central Committee of the Communist Party of Byelorussia, P. M. Masherov, has stated:

"The partisans and underground workers of undaunted Byelorussia dealt a mortal blow to the Fascist invaders. By the time the enemy had been routed from Byelorussian soil by the avengers of the Republic half a million Hitlerite officers and men had been annihilated or put out of action, that is to say, considerably more than had been achieved by the middle of 1944 by the British and American armies combined."

83. At present a new military State is being born in West Germany, with the help of the United States. It is true that its leaders so far discourse on their peaceful disposition, their desire to co-operate and so on. But assurances of that kind were not lacking even when German tanks were rolling across the plains of Europe. If we look at the facts and not at some fanciful interpretation of them, it becomes clear that the revival of revanchism and militarism in the Federal Republic of Germany represents a real threat to peace. This danger is aggravated by overt and covert attempts to obtain nuclear weapons so as to be able to blackmail and threaten other peoples.

84. We oppose and will continue to oppose the revival of militarism and revanchism in West Germany. We believe that the military circles of the Federal Republic of Germany should carefully study the Soviet proposal for the definition of aggression and should not forget the decisions of the Nürnberg and other military tribunals which convincingly show the outcome of attempts to re-define the frontiers of Europe and to upset the peace and security of the peoples.

85. When listening to the statement made by the United States representative and his assertions that the United States "opposes aggression of any kind, anywhere, at any time" [1611th meeting], one cannot help recalling the information contained in the Bulletin of the United States State Department, which gave a long list of instances when American armed forces have been used on the Territories of other States in time of peace. If we add the new data to that list, it becomes obvious that the United States of America has carried out armed intervention against other States about a hundred times under various pretexts, such as "defending the lives of American citizens", "to atone for insults to the flag and procure apology", "punishing local inhabitants for killing a white man", "restoring law and order", "extinguishing fires on American property", "helping to implement the right of self-determination", "by invitation" and so forth. Strange as it may seem, the United States took part in armed intervention against Soviet Russia also "by invitation". From the memoirs of the United States Ambassador Francis, entitled Russia from the American Embassy,^{11/} published in 1921, we know that in the capture of Archangel, the foreign interventionists, including United States forces, invited themselves to land and trampled underfoot the interests of the Soviet people and its Government.

86. The whole world knows that on the basis of similar fabricated "invitations", and sometimes even without such formalities, the United States has carried out or organized aggressive attacks on other countries during recent years. Suffice it to recall United States intervention in Korea, Guatemala, Cuba, the Dominican Republic, the landings in the Middle East and in the Congo, Israel's aggression against the United Arab Republic, Syria and Jordan, which was prepared, encouraged and equipped by the United States, and the ever-growing war against the people of Viet-Nam.

87. The general debate at the present session of the General Assembly has convincingly shown that the overwhelming majority of the delegations, though for obvious reasons they do not always call a spade a spade, regard both the United States and Israel as the guilty parties, that is to say, as the aggressors. It is no coincidence that we so often hear appeals addressed to the United States to stop the bombing of the Territory of the Democratic Republic of Viet-Nam as a first step towards a normalization of the situation in Viet-Nam. It is no coincidence that many delegations have emphasized, with Israel in mind, the unlawfulness and inadmissibility of territorial conquest and military means of settling existing disputes or those that have been fomented by propaganda.

88. The situation in Viet-Nam and the Middle East are at the moment the most serious, but not the only centre of aggression. From this point of view, which is fully justified, we cannot overlook the situation that has arisen, for example, in Southern Rhodesia and in the Republic of South Africa, which undermines the foundations of international peace, the arbitrary action of the Government of Ian Smith, which discriminates against the overwhelming majority of the people, who are entitled to their independent and free expres-

sion of will, and the arrogant policy of apartheid of the Pretoria régime, which is an obstacle to the decolonization of South West Africa. All these manifestations of colonialism are made even worse by militant and aggressive attitudes.

89. Colonialism engenders aggression and carries out policies of inequality, suppression of the sovereign rights of the peoples, force and exploitation. When calling upon the United Nations to become more active in its work on the definition of aggression, we cannot overlook such types of aggression as that against the peoples of Angola, Mozambique, so-called "Portuguese" Guinea, Oman and other Territories, whose peoples are shedding their blood to defend their lives and national dignity in the struggle against the Portuguese, British and other colonialists.

90. The United Nations should tackle without delay the task of defining aggression. We have already pointed out that the lack of international action to define aggression creates favourable conditions for the aggressors. If we have a definition of aggression we shall always be able to catch the offender in time and increase the effectiveness of the United Nations in its struggle against aggressors and aggression.

91. The contemporary international situation and the interests of peace demand that an urgent solution be found to the question of defining aggression. We should adopt such measures as would guarantee us against the mistakes and the passivity of the past. We cannot allow a repetition of what has already happened in the examination of the definition of aggression in the past, when, despite the adoption of a resolution, matters were at a standstill and sometimes we even moved backwards. We all remember that as far back as the sixth session of the General Assembly a resolution [599 (VI)] was adopted recognizing that "... it is ... possible and desirable, with a view to ensuring international peace and security, ... to define aggression by reference to the elements which constitute it". Other decisions have been adopted, in particular at the ninth session of the General Assembly, when over two-thirds of the Member States of the United Nations voted in favour of a resolution approving preparatory steps towards a definition of aggression. However, those resolutions were not implemented, and at the twelfth session we had a solution which virtually "froze" the elaboration of a definition of aggression. The time has come to examine and positively resolve the question of the definition of aggression in all seriousness and with a sense of responsibility for the destinies of the world. In order to do so a special committee, with a limited composition must be set up as proposed in the draft resolution submitted by the Soviet delegation. We cannot accept the view of the Canadian representative (1615th meeting) and some other representatives who suggested that the question should be referred to the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States. That Committee has its own important and responsible tasks to fulfil. Any additional task would merely complicate its work and hamper the elaboration of principles of international law concerning friendly relations and co-operation among States in conformity with the United Nations Charter. The speedy elaboration of a defini-

^{11/} David Rowland Francis, Russia from the American Embassy, April 1916—November 1918, New York, Charles Scribner's Sons, 1921.

tion of aggression can be carried out only by an organ specially created for that purpose.

92. In order to succeed in this matter we must weigh carefully and settle in a sensible manner the question of the qualitative composition of the body which will work out the draft definition of aggression. In our opinion, such a committee should have, as is the case in the Organization as a whole, a preponderance of those forces that are fighting against aggression and that favour an international legal definition of that grave crime against peace and security.

93. Only in such circumstances will the future committee on the definition of aggression be able to cope with the problem in the shortest period of time and report on the results of its work to a regular session of the General Assembly. Our conviction that it is possible to elaborate a definition of aggression rapidly is based on the fact that we have at our disposal the documents already introduced on this question by the Soviet Union. Furthermore, it is not really so difficult to define aggression, although we can hear some sceptical voice here, if one gives a fair description of the preparation and implementation of Hitlerite aggression and adds to that the latest aggressive acts of the United States in Viet-Nam, of Israel in the Middle East and of Portugal and other colonialists in Africa.

94. The delegation of the Byelorussian SSR, a country which suffered irreparable losses in its fight against the aggressors, expresses the profound conviction that a clear definition of aggression would be of great importance for the maintenance of peace and the adoption of effective measures designed to arrest such criminal acts as armed attack by one State against another, the invasion by armed forces of one State of the territory of another State, and the seizure or occupation by the armed forces of one State of the territory of another State. In the light of these considerations, our delegation supports the draft resolution on this question submitted by the delegation of the Soviet Union, [A/6833].

95. We are convinced that this draft resolution will be supported by all those who are interested in ensuring international law and order and who wish to erect a new and effective barrier against aggression. It is the duty of the United Nations to do its utmost to restore and strengthen the peace which is now being shattered by the forces of imperialism and colonialism. That purpose would undoubtedly be served by the adoption of the Soviet draft resolution, which emphasizes the pressing need to expedite the drafting of a definition of aggression and indicates measures to ensure the implementation of that urgent and important task.

96. Our position on the question under examination stems from the fact that Byelorussia is a State which was born with the word "peace" on its lips, that it fought against the interventionists, that it has already given and continues to give help to the victims of aggression, that it condemns aggressors and demands the elimination of the consequences of their crime. We are now voicing our support for a definition of aggression so that the aggressors may clearly understand that if they commit any crime against peace or against mankind they will meet with the retribution due to them.

97. Mr. IDZUMBUIR (Democratic Republic of the Congo) (translated from French): The Democratic Republic of the Congo attaches great importance to the need to expedite the drafting of an agreement on the legal definition of the term "aggression". The importance it attaches to this question is not due to its adherence to any special philosophical or legal school or to any sort of adherence to one of the ideologies that separate States; it arises out of the flesh, the blood and the afflictions of the Congolese people, it is one of the given factors in a real-life situation and it is henceforth an integral part of the conscience and feelings of the Congolese people.

98. The first seven years of our regained independence will be for ever marked in history by the evil efforts of certain States Members of this Organization and signatories of the Charter to transform Congolese Governments into tame and obedient tools in their hands.

99. Those interventionist policies failed. Their latest failure occurred with the burial of their powerful agency, the Union Minière de Haut-Katanga, and with the rout of their mercenaries followed by the condemnation of Portugal in the most severe terms by the resolution of the Security Council [resolution 241 (1967)].

100. The use of mercenaries must be regarded as one of the characteristic forms of armed and indirect aggression being exercised by some Powers. It may be that those Powers were under the impression that their recourse to that new type of aggression would not incur any disapproval from the world. They were wrong, for the world today condemns the use of mercenaries; it was unanimously condemned both by the Security Council and by the Organization of African Unity.^{12/}

101. In addition, the Secretary-General of the United Nations is keeping a watchful eye on the matter, while the Ad Hoc Committee of the Organization of African Unity on the activities of mercenaries is continuing its work, about which all of you have already heard very favourable reports.

102. Thus the attention of the United Nations and the Organization of African Unity has been centred on the use of mercenaries; the use of mercenaries has revolted, shocked and offended the hearts and minds of the members of the international community and has threatened international public order.

103. The use of mercenaries has been designated as a crime against peace and against mankind by resolutions of the Security Council and the Conference of Heads of State of the Organization of African Unity; it is also regarded as an obstacle to the development of friendly relations and co-operation among States.

104. That form of aggression is of course the most recent, but it is not the only one. The forms of aggression to which we Congolese have been subjected are many and subtle: at times aggression has been in the form of hostile and disparaging propaganda spread

^{12/} Resolution on mercenaries [A/FC/Res.49(IV)] adopted at the fourth session of the Assembly of Heads of State and Government of the Organization of African Unity held at Kinshasa (Democratic Republic of the Congo) from 11 to 14 September 1967.

by the Press in certain foreign capitals; at times aggression occurred in the form of pressure and haggling during the concluding or implementing of economic, commercial or cultural agreements; at other times again, it took the form of aid and support to armed gangs.

105. It took the courage, daring and integrity of citizen-general Mobutu, President of the Republic of the Congo, to face all those hidden forces.

106. That is why my delegation considers that no definition of the term "aggression" will be of a satisfactory nature unless it includes those factual situations, which range from propaganda to assistance lent to armed gangs against another State. Propaganda about the political régime of another State can in fact be aggression, because it is very frequently the preparatory step in the process of intervention, a step by means of which leaders prepare to rally opinion behind their foreign policy.

107. Any pressure on the organs of a State must also be included in the list of forms of aggression, regardless of the area in which it is used, and of course any assistance, whether passive or active, to armed gangs operating against the political or economic institutions of another State or against its natural resources. Those gangs can be made up of volunteers or adventurers, aliens or nationals; such distinctions are of no importance in these cases.

108. In my delegation's opinion, aggression exists when the following three conditions are present: first, there must have been, on the part of a State, an act or omission as a result of which one of the principles of the Charter is violated, for clearly if a State's active or passive behaviour is in conformity with the Charter, there can be no aggression against another State; secondly, that act or omission must have the effect of limiting or hindering the freedom of decision of another State in matters concerning its sovereignty; thirdly, such limitation or hindrance must not be freely consented to; in other words, any limitation or hindrance resulting from a violation of the Charter and experienced by a State in the exercise of its independence and not accepted by it of its own accord, in the exercise of its sovereignty, must be designated as aggression.

109. The last two conditions define the specific nature of aggression compared with other Charter violations: aggression is characterized by its injurious and limiting action on the independence of other States. Nevertheless, it must be made clear that it is impossible, even if the first two conditions exist, to deny to a State its sovereign right freely to take a decision at variance with another State or in a sense that another State might deem to be unfavourable.

110. To support the opposite view, that is, to deny States that right, is to encourage the interventionist spirit. If we lay down principles, we must accept all the logical consequences.

111. I would also add that in formulating this definition, my delegation does not maintain that every type of aggression justifies recourse to legitimate defence, that is, legitimate recourse to armed force,

since recourse to force is not legitimate unless, on the one hand, there is a threat to or a serious and imminent attempt against the territorial integrity or political independence of a State and, on the other hand, there is no possibility of having recourse to the established procedures for the settlement of disputes; finally, the force employed must be proportionate to the aim envisaged, which is to avert danger immediately and for the time being pending the use of machinery for a procedural settlement of the matter.

112. It is feasible and desirable to develop international penal law and to define the constituent elements of aggression, so that law, not the balance of power, can safeguard peace. Moreover, we must beware of the enumerative method which can only list examples and is incomplete as a result.

113. The process of expediting a legal definition has been delayed not by the fact that aggression has been on the decline since the first time the question was entered on the General Assembly's agenda, but rather by the tacit desire on the part of some foreign ministries to preserve a marginal area outside the scope of international law where they can work out and execute their interventionist plans.

114. We young countries are still very much in favour of the further development of international law and the formulation of its basic concepts, for its development is the sole guarantee of our interests, representing as it does the progressive expression of the world's legal conscience and of its noblest ideals.

115. Thus a useful method would be to establish a special committee entrusted with the drafting of a single document containing the various views and definitions put forward since the question was first included in the General Assembly's agenda for it would make it possible to sort out the constituent elements of aggression which are generally accepted and to discover various possibilities of agreement that have so far not been examined.

116. However, if such a committee is set up, my delegation would prefer a limited one whose members would be chosen according to their competence in this field and according to the legal systems in which they were expert; those criteria, in my delegation's opinion, would not prejudice the interests of States since the work would be basically one of analysis. These are merely preferences which my delegation wishes to express at this stage.

117. Mr. GRAUERT (Uruguay) (translated from Spanish): With unusual haste agenda item 95, entitled "Need to expedite the drafting of a definition of aggression in the light of the present international situation" has been brought before the twenty-second session of the General Assembly.

118. The very introduction of the item seems to reveal a political concern and objective that would to some extent weaken the otherwise praiseworthy purpose of achieving such a definition of the concept of aggression as would facilitate the work of the organs entrusted with peace-keeping and with applying appropriate sanctions should the standards of limitation be violated. We agree up to this point with what has been said of the need for a definition. We do not

believe, however, that the present world situation makes either suitable or propitious a study of the item in such an essentially political forum as the General Assembly.

119. We consider that this politically-inspired haste to obtain a definition of aggression cannot be justified in the same way as a common effort by all States could unquestionably be justified by the extreme anxiety of all mankind to settle the present armed conflicts and threats to peace which are undermining the stability of the world. Definitions of legal concepts based on a technical, scientific and objective approach, leaving aside all interests and passions, are of great value and unquestionable service in the teaching of law; they contribute to the development of the conscience of peoples and rulers, and even restrain political ambitions. But we are not very optimistic about their retrospective effectiveness in settling outstanding disputes, especially if they are linked to the causes, motives or consequences of those conflicts, and thereby lose the virtues of impartiality and objectivity which belong to any technical drafting free from contaminations and impurities.

120. Interference of political factors in the scientific work of defining those concepts which should be applied to the solution of current controversial problems would be retrograde and harmful. It would damage the prospects for that task, and would serve neither to settle current conflicts nor to prevent imminent threats. Passion and hatred have no place in the technique of law. The representative of the Soviet Union, the Under-Secretary for Foreign Affairs, Mr. V. V. Kuznetsov, told us a few days ago:

"Of course the reasons for the present tension in the world cannot be ascribed to the fact that the United Nations has not yet concluded its work on the preparation of a definition of aggression". [1611th meeting, pp.3-5].

121. The Ambassador of the United States, Mr. Goldberg, also expressed his views on the timeliness and environment desirable for the definition of this concept, and said that "expertise in the practice of aggression does not necessarily confer expertise in the definition of it". [*ibid.*, p.22].

122. Lastly Lord Caradon, the United Kingdom representative, having said that it would be misleading to imagine that a new definition, quickly found, would constitute a barrier against all aggression, made the point that "in legal questions we should advance on the sure ground of expert examination". [1612th meeting, p.6.].

123. Our country, which lacks material power and wealth, is bound to be in favour of the rule of law and the prohibition of any type of force, pressure or violence in international relations. Its destiny, like that of all small countries, depends on the United Nations becoming ever more a legal community and ever less a political body. Thus, in the higher interests of mankind's chief needs, my country looks to the furtherance of the codification and the progressive development of international law for the promotion of peace and co-existence between States. It therefore sympathizes deeply with any efforts to clarify and specify a concept as fundamental as that of aggression.

124. That does not mean, however, that such a task should be removed from its natural setting or should not be carried out by impartial experts free from preconceptions, passions and special interests. We want the law to progress, but not to abandon its own instruments. Nevertheless, our position is not based on a mere abstraction, nor is it a mere exercise in intellectual speculation. We start, of course, from the assumption that aggression is generally in itself a political fact; but that does not mean that the definition of that fact should be based on its political motives. It is a very different thing to say that a legal definition of the concept of aggression should take into account political or any other factors which together make up that concept as it is technically accepted in international law.

125. A pure politician generally speaks for his times and reacts to the circumstances of the moment. This type of conduct has been justified by the need for realistic action, and has thus served the theories of the dominance of force and of the fear which engenders violence, to the detriment of those principles of morality and logic on which law is based. Therefore politics, and especially the particular politics of today, should not lay down for us those realistic guidelines which are so often advocated as the only means of defining aggression.

126. To define aggression is a legal task, comprising the objective and scientific evaluation of the applicable elements of law without overlooking the political, economic, ideological, cultural and other factors involved in this concept, or the constituent facts or phenomena of the "social complex", which appears to us as an indivisible whole although its study belongs to separate disciplines.

127. International law is not an abstract science. All the political factors capable of legal integration have been and continue to be incorporated into the rules governing international relations. Nevertheless, definition of legal concepts cannot be left open to the passions and vacillations of a political forum.

128. In seeking to define aggression, or many other concepts of public and especially of international law, we shall, whether we like it or not, come up against political implications and thus encounter a complication of the intrinsically legal elements of the problem. This is a natural and inevitable contingency, and precisely on this account we must deal with the matter in its proper context and not raise difficulties in addition to those which will unavoidably arise. The natural forum for this matter is the Sixth Committee which, on account of its specialized functions and background, is the organ of the United Nations best suited to formulate the required definition.

129. Aggression is as old as mankind. The problem of defining it is as old as the United Nations. The history of all the attempts and failures to define aggression has given rise to numerous explanations, and no purpose would be served by a lengthy reiteration of matters with which you are all familiar.

130. Uruguay hopes to co-operate in a definition of aggression, in the most precise legal terms, in accordance with the provisions of Article 13 (a) of the Charter which call upon us to encourage "the progres-

sive development of international law and its codification". It feels that the purposes and principles set forth in Articles 1 and 2, the provisions of Charters VI and VII of the Charter and the General Assembly resolutions dealing with the concept of aggression—resolution 2131 (XX) on non-intervention and resolution 2160 (XXI) on prohibition of the threat or use of force—should govern the judgement of the United Nations in defining this important concept of international law.

131. Other important antecedents should be mentioned in this connexion: the Covenant of the League of Nations (Articles 10-15); the Briand-Kellog Treaty of 26 August 1928; the Charters and judgements of the Tribunals of Nürnberg (1946) and Tokyo (1946-1948); and the culmination in the Charter of the United Nations of what is called jus ad pacem. All these multilateral conventions contain elements for the definition and development of the concept of armed aggression.

132. The United Nations then tried to supplement the concept of armed aggression with other new forms and methods, and entrusted that task to various bodies in which the concepts of "indirect aggression", "economic aggression", "ideological aggression", "cultural aggression" and so forth were examined. We think we should mention by way of example General Assembly resolutions 380 (V), 599 (VI), 1815 (XVII), 2181 (XXI), 1514 (XV) and 2160 (XXI), and should take account of the work of the General Assembly's Special Committee on the Question of Defining Aggression.

133. Of equally high value are the reports and conclusions of another body: the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States. These reports and conclusions are still being debated in the Sixth Committee.

134. Turning from the work of the United Nations to the Latin-American region, we find more invaluable material on this highly important topic. In relation to the consensus on the principle of non-intervention arising from the Conferences of Montevideo in 1933 and Buenos Aires in 1936 and from the Treaty of Reciprocal Assistance signed at Rio de Janeiro in 1947, particular note should be made of the Charter of the Organization of American States, of which articles 15, 16, 17, 18, 24 and 25 among others contain elements of immense value for a legal definition of aggression in its different and varied forms. Summing up the characteristics of the regional Latin-American system, Professor Supervielle of the University of Montevideo very accurately points out:

"Aggression within the ambit of the regional unity of the Organization of American States, may therefore be distinguished by the following elements: (a) direct or indirect intervention, including interference in the internal or external affairs of another State affecting its personality in any of its political, economic or cultural aspects, or pressure exerted by one State on another so as to coerce its sovereign will in order to obtain from it advantages of any kind; and (b) the endangering by such acts or measures, due to their gravity, of the collective peace and security of the international community.

"We understand, therefore, that aggression may be presumed where a State suffers intervention, compulsion or moral violence endangering collective peace and security."^{13/}

135. Material for a judgement abounds. If a just, precise and impartial definition is not reached, we shall have to agree with those commentators on international law who hold that the United Nations is acting evasively in this matter.

136. We have stated our views clearly. However, we should not wish to leave this rostrum without saying that the legal task of defining aggression will be of no avail whatsoever as long as Governments and peoples continue to approach the world's problems from the standpoint of the selfish interests of their individual sovereignties, instead of adapting themselves to the ideas and feelings of a united and interdependent international community governed by rules which are respected and observed. Otherwise any definitions, however perfect, will only spread more scepticism in a world whose one hope lies with the United Nations.

137. Miss BROOKS (Liberia): May I be permitted to make a few preliminary remarks on agenda item 95: "Need to expedite the drafting of a definition of aggression in the light of the present international situation". The views of the Liberian delegation will be more fully reflected when the subject is being considered by the Sixth Committee.

138. The delegation of Liberia believes that the importance of closing the gap which has enabled the strong and powerful to commit acts against the weak, thereby depriving the suppressed, or their victims, from enjoying the fundamental rights guaranteed to the peoples of the world under the provisions of the Charter of the United Nations, cannot be underestimated.

139. The concept of aggression, in whatever form it might have been stated, is as old as the history of mankind itself. Backed by moral convictions, acts of aggression have been challenged through the ages, although there were times when peoples succumbed to the vicious norm of might over right.

140. As has been mentioned, the concept of international law to regulate the relations between States dates back in history to Grotius, who imposed the first restrictions against the use of force in inter-State relations. As this is a preliminary statement, I shall not take up the Assembly's time in tracing developments as regards international legal principles which could contribute to the formulation of a definition of aggression; however, two world wars, bringing untold sorrow to mankind, re-established in the peoples of the world faith in fundamental human freedoms, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small; and by the Charter, the peoples of the world resolved to practice tolerance and live together in peace with one another as good neighbours, uniting together to maintain international peace and security and yet, in spite of this background, we

^{13/} Bernardo Supervielle, Las nuevas formas de agresión, Montevideo Martín Bianchi Altuna, 1961, p.39.

will agree that what we conceive as aggression, although without a common definition, is taking place today in many and varied forms.

141. That is why my delegation cannot agree with my learned colleague from Australia, and other representatives who share his views, that there is no need to formulate a definition of aggression.

142. I sincerely believe that the Charter provisions lay the foundation by which Member States of this Organization may spell out those acts which the world community condemns as against the interest of mankind and the peace and security of the world under the concept of aggression, although the framers of the Charter did not undertake to enumerate such acts at the San Francisco Conference.

143. In conformity with the provisions of the Charter of the United Nations, a principle was spelt out by Members of the United Nations regarding dependent peoples in resolution 1514 (XV) of 14 December 1960 on the granting of independence to colonial countries and peoples. While some of the powerful nations did not fully accept the combined wisdom of the overwhelming majority, it was acclaimed by the peoples of the world, and even those who showed some reluctance have acceded to this principle, in particular, the United Kingdom Government.

144. Let us refer briefly to some of the provisions of the Charter which may serve as a basis for spelling out the acts which may be regarded as aggression. First, we should bear in mind the purposes and principles of the United Nations Charter. Further, I should like to refer to Article 2, sub-paragraphs 3, 4 and 5 which are as follows:

"3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

"4. All Members 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.

"5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any State against which the United Nations is taking preventive or enforcement action,"

145. When we continue to witness the violations of these principles by some Member States who have subscribed to the Charter; when we observe that, obsessed with the dogma of racial superiority, the Ian Smith régime continues to entrench itself illegally and suppresses the aspirations of the true owners of Rhodesia, aided and abetted directly and indirectly by nations which ignore the Security Council resolution [232 (1966)] on sanctions against the Ian Smith régime in Rhodesia; when diehard colonialists like South Africa increase their suppression daily against the Africans and institute a so-called Terrorist Act for mock trials to kill nationalists in their homeland, thirty-six of whom from South West Africa are now on trial, one having died in prison; when Portugal,

through force, continues to deprive the peoples of Mozambique, Angola and so-called Portuguese Guinea of their fundamental freedoms, waging war against those who dare to defend their rights; when we note that neo-colonialism is taking the place of colonialism; when, because of its natural wealth, mercenaries are occupying parts of an African country by force; when we note the cry of the world that peace should come to the war-torn country of Viet-Nam and some condemn the United Nations for what they call its failure to take an active role as the guardian of peace and bring a solution to the problem, how can I, then, representing a small African nation which has always abided by the principles of the Charter of the United Nations, believing in its letter and spirit, conceive otherwise than as the truth that there is need to expedite the drafting of a definition of aggression?

146. But I do not believe that the definition of aggression must necessarily be linked to the present international situation per se. I share partly the views of Mr. Benites, the representative of Ecuador, in this respect [1615th meeting]. I say partly, because I do not think that we can escape the fact that the trend of international developments which tend to operate against peace and security in the world will have some bearing on the subject, but because linking a definition to the present world situation per se will not solve the problem.

147. While it is not unusual that a political body would desire to draft a definition of aggression, we are aware that the regulation of relations between States is based on international legal principles. In view of the fact that the United Nations has a Legal Committee—its Sixth Committee—as one of its Main Committees, it would seem more advisable that that Committee should be given the responsibility of drafting such a definition, especially when the Assembly has decided to refer the question to the Sixth Committee after consideration by this plenary Assembly.

148. The representative of Ecuador has adequately outlined the various stages through which the question of a definition of aggression has passed. Again I shall not take up the time of the Assembly to refer to them, except to stress the point that between 1954 and 1957 twenty-two new Member States had not had the opportunity to consider the item; since that time there has been an increase in the membership of the United Nations. With broad geographical representation in the Legal Committee, this would lead to greater success regarding a definition of aggression. It is to be considered that some work has already been done on the subject and that with co-operation and goodwill from all the Member States, the Legal Committee could proceed to draft a definition within a specified time. I feel that a definition thus formulated could serve to aid the Security Council, under Article 39 of the Charter, to determine from the facts available whether or not an act of aggression has been committed by a Member State.

149. In view of the foregoing, my delegation does not feel that in a search for a universally accepted definition of aggression the procedure advanced by the Soviet delegation to the effect of setting up a Committee by the plenary Assembly to formulate a definition of aggression is proper or advisable, although we

agree with that delegation that there is a need to formulate such a definition. The Assembly took a decision to refer the question to the Sixth Committee after discussion. Why then should this political body seek to formulate a legal definition and usurp the functions of the Sixth Committee?

150. I will agree that there should not be undue delay with regard to the subject and would like to suggest to the Soviet delegation that, in transmitting the subject to the Sixth Committee, we might request it to set up a sub-committee for drafting a definition of aggression and require the Sixth Committee, within a specified time, to report to the General Assembly thereon.

151. Before I return to my seat, permit me on behalf of the Liberian delegation to extend sincere condolences to the delegation of Gabon and, through that delegation, to the Government and people of Gabon on the death of the President of the Republic of Gabon, Mr. Léon Mba. It is the hope of my delegation that the people of Gabon will soon recover from their grief and that the future of the country will continue to hold for them peace, prosperity and happiness.

152. Mr. SUCHARITKUL (Thailand): In reviewing the question of defining aggression, or more precisely the need to expedite the drafting of a definition of aggression in the light of the present international situation, several salient points must be noted at the outset.

153. In the first place, my delegation, as representative of a smaller country, considers it necessary to emphasize its desire to eliminate all forms of aggression, direct or indirect, armed or unarmed, overt or covert. The delegation of Thailand does not seek to encourage or promote acts of aggression. Nor does it welcome, condone or even tolerate such acts. Yet its country has long been subjected to a systematic campaign of subversion, infiltration and aggression in various forms and manifestations. It has become a living reality in Asia, however undesirable, that aggression is often planned, initiated, directed or conducted by or with the assistance or under the supervision of a larger Power, with intent to extend its hegemony or domination over its neighbouring victims.

154. Several Asian countries have been exposed to the threat of such aggression or are already subjected to its actual perpetration. As victims or prospective victims of aggression, the smaller countries in Asia desire nothing more than the liquidation of aggression in all its forms and manifestations, so that we of the weaker and smaller nations can live together and work together in peace with one another, free from external influence and domination from outside Powers. If the aggression which is now looming large on the Asian horizon could be brought to an end, the return to peace and stability would be a welcome change in Asia. The countries of the region could then engage more actively in their constructive efforts to bring about speedier economic development and to achieve progress in all positive fields of human endeavour.

155. The question for our consideration at present is not whether there should or should not be a definition of aggression, or even whether further efforts should or

should not be made to define aggression. The question is simply whether it is now, at this moment, appropriate for the General Assembly to consider again the question of defining aggression or to expedite the definition thereof. We should try first of all to give an answer to the latter question by examining whether the propitious moment has arrived to renew the mandate to the Committee established under General Assembly resolution 1181 (XII) or to create a new body so as to expedite, or otherwise to enable the General Assembly to give further consideration to, the question of defining aggression.

156. As appears from the records of the fourth session of the Committee, held in April 1967, there was no consensus on this particular point. The representatives of several countries, including, notably, Costa Rica, Bolivia and four of the five permanent members of the Security Council, seemed to agree in principle that there was no fundamental change or improvement of the situation since the previous session of the Committee which would warrant a useful and productive debate in the General Assembly on the subject. The only possible conclusion to be drawn from the facts concerning the world situation would seem to be that the appropriate time has not yet come for reopening or re-examining the question of defining aggression.

157. This very question, namely to devise a definition of aggression, has been before the General Assembly since, or even before, the twelfth session. Earlier, the question had engaged the attention of international lawyers and publicists, even before the advent of the United Nations. Nevertheless, there has yet been no generally accepted definition of aggression, nor have the circumstances so radically changed as to encourage any further or fresh attempt at such a definition.

158. The experience of the League of Nations amply showed that, with or without a definition of aggression, the competent organs of that international organization were able to reach decisions or conclusions involving the determination of the existence of aggression. Nevertheless, the victims of aggression hardly received, under the League, sufficient protection, even after the discovery and determination of the aggression and the identification of the aggressor, the only available solution akin to a sanction being, at best, expulsion or gracious withdrawal of the adjudged aggressor from the organization. In only one instance was the victim of aggression saved from actual annexation after application of such sanction. The facts are well known to representatives and I need not go into details here.

159. Similarly, the United Nations, through its competent organs, and given a correct measure of fortitude, has been able to reach a decision or conclusion involving the determination of an act of aggression, even without any generally accepted definition. In these more fortunate circumstances, the world Organization has been able to play a useful role in checking aggression and coming to the rescue of the victim thereof. It should be noted, however, that in less fortuitous circumstances, or where an act of aggression has been successfully perpetrated, the machinery has not yet been invented to pronounce

upon the act of aggression contemplated or consummated, let alone to undo its dire consequences. For smaller and weaker nations, international life seems harsh and unpleasant. But the facts of life must be viewed at close range and stock should be taken of existing defects and imperfections with a view to remedying them.

160. The preceding illustrations would tend to support the proposition that both world Organizations, that is the League of Nations and the United Nations, notwithstanding their faults and imperfections in several respects, were not prevented from exercising their competence or performing their functions because of the absence of a generally recognized or accepted definition of aggression. It is of far greater practical importance for international authorities to be able to identify the aggressor than to find even a most perfect definition of aggression.

161. It might be asked, in this particular connexion, whether a definition of aggression could in any way contribute to improvement of the prevailing situation in the world. While it is clear that a definition would not help cure the existing defects in the machinery of the world Organization, such a definition might be considered to be of assistance to several organs or agencies of the United Nations when they are called upon to pass judgement or to give an opinion on the question of whether or not an act of aggression has actually been committed or attempted.

162. Without going too deeply, at this stage, into the substance of the question of a legal definition of aggression, it is useful to point out that the notion of aggression is relevant in more connexions than one: for instance, the maintenance of peace and security, offences against the peace and security of mankind, and the rights and duties of States.

163. The general notion of aggression is clear and simple enough, in the view of my delegation. But the various types of definition proposed at different levels and in various forums, such as the Conference for the Reduction and Limitation of Armaments in 1933 and the first Special Committee on the Question of Defining Aggression in 1953, are without exception still far from satisfactory, whether they are enumerative definitions, or general, abstract definitions or mixed definitions. Nor has the general notion of aggression been of adequate assistance, since there now appear to be more and more divergent views as to the scope of the natural notion and the growing concept of aggression. This is due to the natural phenomenon that methods of aggression have been and still are in a constant process of evolution and continuous improvement in efficiency. It is therefore difficult to arrive at an agreed definition of aggression, let alone one which is comprehensive and conclusive. A perfect legal definition which must comprehend the various indirect and more subtle forms of aggression is accordingly virtually impossible.

164. On the other hand, an imperfect and not fully comprehensive definition, if adopted, would have dangerous potentialities. It might serve to reverse the positions of the true aggressor and the victim of aggression. The conclusion is warranted that, generally speaking, it is better not to have a definition

at all than to force the adoption of one which is essentially defective in substance and dangerously misleading in application.

165. It has sometimes been argued, somewhat out of context, that a definition of aggression is indispensable under the oft-cited maxim nullum crimen, nulla poena sine lege, without law there is no crime, no punishment. It should first be noted that this maxim relates exclusively to an entirely separate and distinct context of international crimes, and, secondly, that the maxim has been repeatedly considered not to hamper a competent tribunal from passing judgement on a person charged with a war crime or crime against the peace and security of mankind even in the absence of a definition of aggression. It has been established that there was in existence and operation a customary law regarding war of aggression, and it is further agreed that a definition of aggression, in this particular context, although not indispensable, might be useful and even serviceable. In its criminal aspect therefore, a legal definition of a war of aggression as a criminal offence under international law, however imperfect, would seem more wanting than in other connexions. For this limited purpose, the existing definition incorporated in the draft codes of offences against the peace and security of mankind prepared by the International Law Commission in 1951 and 1954,¹⁴ would seem adequately to satisfy the initial requirements of a special definition. It might conveniently serve as a starting point for a definition of this limited aspect of aggression.

166. A further conclusion to be drawn from the reviews of the prevailing situation is that in a wider context, the forms of aggression are innumerable and infinitely varied, from direct use of armed forces to the use of so-called national liberation movements, and that the only hopeful approach to a constructive search for a legal definition of aggression in its widest sense which is closest to perfection must take into consideration every possible form and manifestation of aggression, particularly the less direct methods and the more sophisticated techniques, including notably the subversive types, especially since such indirect forms are now becoming the more usual types of aggression in current practice.

167. Allusions have been made in this Assembly to the fighting and depredations as well as the acts of terrorism now raging in Viet-Nam. My delegation feels that the record should be set straight. In this particular connexion, whatever definition is adopted and whatever test objectively applied or, indeed, in spite of the absence of an agreed definition of aggression, it is clear from the reports and findings of impartial observers, such as the International Commission for Supervision and Control, and from the evidence available that North Viet-Nam has committed aggression against the Republic of Viet-Nam and the Kingdom of Laos, and that regrettably further aggression still continues to be committed by the North Viet-Nameese régime with the assistance and encouragement from its co-ideologists against its peace-loving Asian neighbours. Indeed, Thailand has long been one of

¹⁴/ Official Records of the General Assembly, Sixth Session, Supplement No. 9 (A/1858), chap. IV, and *ibid.*, Ninth Session, Supplement No. 9 (A/2693), chap. III.

the prime targets of aggression, which has been openly admitted as being planned and co-ordinated by Hanoi and Peking.

168. An important element which is often overlooked is that of intention. In the Viet-Nam war, the intent to commit aggression is more than apparent on the part of the North Viet-Nameese régime. Hitherto, Hanoi has never indicated any intention other than taking over another free and independent entity by military means. A recent article by General Giap has confirmed this conviction. On the other hand, it has been made clear again and again that the Republic of Viet-Nam has no other intention except to defend its freedom and to safeguard its territorial integrity and political independence. The objectives of the Allies are equally clear on this point.

169. For these reasons, and in response to the request made by the Government of the Republic of Viet-Nam, the Government of Thailand has decided to come to the assistance of the victim of aggression and to help the South Viet-Nameese resist and repel the aggression planned, initiated and conducted by the communist régime in the North.

170. Indeed, Thailand has taken steps to inform the United Nations of this decision, by a letter dated 16 May 1966, in which it was explicitly stated:

"In adopting such a decision, Thailand bases herself on her inherent right of collective self-defence and is acting in conformity with the spirit and the express provisions of the Charter, and with a view to foiling the colonialist and expansionist attempts to dominate and control that country [the Republic of Viet-Nam] which is struggling to preserve its free and independent existence."

171. It is somewhat paradoxical that discussions of the question of defining aggression in an international forum could be just as useful and constructive as they could be wasteful and destructive. A definition may be helpful to competent authorities dealing with a situation involving aggression, although they have been able to function as effectively as they could regardless of the absence of a definition. On the other hand, an imperfect definition, which is the more likely, would tend to provide a devious aggressor with the required signpost. The paradox becomes even more ironic when the request for an examination of the definition has come neither from prospective victims of aggression nor indeed from those who are suffering from, and who have had to defend themselves against, acts of aggression.

172. My delegation cannot help querying the considerations which have motivated such a request. If the purpose is to open up a new area for polemical discussion, as appears to be the case at present, and for the use of such polemics to cover up the acts of aggression and their true authors, then it is submitted that no amount of polemics could alter the true nature of an act of aggression, so as to convert the victim of aggression into an "aggressor" and the aggressors, together with those who aid and abet their acts of aggression, into "angels of peace." My delegation does not think it possible to disguise the wolf as a lamb, because the painful truth could not be long hidden.

173. In the light of the above reasoning, my delegation is of the view that the time is not yet ripe for

further attempts to be made in the search of an agreed definition of aggression. In reaching this conclusion, my delegation does not preclude the possibility in the future of a propitious moment to continue such endeavours with better chances of fruitful results. Having pointed out the potential dangers and undesirability of an imperfect definition of aggression, it remains to be stressed on the other hand that the delegation of Thailand is in no way opposed to a generally accepted definition of aggression, which should be as near as possible to perfection.

174. But such constructive and meaningful efforts are not likely to be forthcoming, nor are world conditions favourable or conducive to a fruitful debate on the subject. For these reasons my delegation will support further efforts in this direction only if and when circumstances more propitious to useful and constructive discussion permit. Meanwhile, international authorities can function without a definition of aggression, as they have been able to do so in the past without the lack of such a definition resulting in any injustice. Indeed, a rigid definition may even operate to freeze or paralyse the functioning of an international organization.

175. In the course of this morning's debate [1617th meeting], the Cambodian representative once again took occasion to make polemical and defamatory remarks against Thailand. His allegations are rejected categorically as totally false and without foundation.

176. It is a great pity that the Cambodian representative is still obsessed by the past colonial history of pre-independence days. It is a fact that Thailand had to defend and to fight for her sovereign and independent existence and, during the period of colonial expansionism, had to ward off encroachment by colonial Powers. But during those days Cambodia did not yet have an independent existence and the disputes Thailand had with the colonial Powers had no relation whatever to Cambodia.

177. Indeed, international relations have been made more difficult because of the fact that, unlike others, the Cambodian representative has not been either able or willing to rid himself of the vestiges of his colonial upbringing. It should be observed that while Thailand has maintained friendly relations with all her neighbours, with the sole exception of Cambodia, the Cambodian leaders have continued to pursue a policy of hostility against all Cambodia's neighbours, without exception.

178. For instance, my delegation had an opportunity to expose the insidious role played by Cambodia in our statement of 28 November [1610th meeting]. No amount of denial by the Cambodian representative can possibly suppress the truth. The use of Cambodian territory as a sanctuary for the forces of the aggressor, while the Cambodian Government professes neutrality, is now an open secret and indeed provides a typical example of a covert form of aggression which is prevalent in the world today.

179. Mr. CHIMIDDORJ (Mongolia) (translated from Russian): At its present session the General Assembly is considering one of the most important and urgent problems in the world at the present time—the question of defining aggression.

180. The very fact that this question is being discussed in the plenary meetings of the General Assembly emphasizes its great political importance. The need for a clear definition of aggression was apparent a long time ago. The question was first raised in the General Assembly at the initiative of the Soviet Union as far back as 1950^{15/} and the Assembly then took a decision that a definition of aggression should be drawn up in the near future. The reason why a precise international legal definition of aggression has not yet been worked out is merely that there has been calculated obstruction to this by the representatives of certain States, and in particular by the United States, which rely on a policy of force, aggression and gross interference in the internal affairs of other States. They still do not want the United Nations to define the concept of aggression.

181. This was clear, too, from the objections raised by the representative of the United States and certain other Powers to the discussion of this question at the plenary meeting of the General Assembly during its current session, and also from the statements made by the American representative in this Assembly on 28 November (1611th meeting) when he tried to justify Washington's policy of international banditry and to divert the attention of the Assembly from the realities of the present, describing *inter alia* the new Soviet initiative as an act of pure propaganda.

182. In contrast to such a position, the majority of the States Members of the United Nations believe that the need to expedite the drafting of the definition of aggression is urgently dictated by the present alarming international situation which has arisen as a result of the aggressive acts of the forces of imperialism and colonialism.

183. Although contemporary international law has long since condemned and outlawed aggression as one of the gravest crimes against humanity, some imperialist Powers, in violation of the United Nations Charter and the various well-known declarations and resolutions adopted by the United Nations, continue their gross interference in the internal affairs of other States, resort to acts of armed aggression against sovereign States and commit acts of violence against people who are fighting for their national and social liberation.

184. As a result of this, there now exists in the world an extremely dangerous situation which is fraught with serious consequences for universal peace and the security of nations. The most threatening situation is being created by the increasing intervention of the United States in South Viet-Nam and the intensification of the barbaric bombing of the Democratic Republic of Viet-Nam. Washington continues the insane escalation of military operations against the whole Viet-Nameese people and is trying to spread the conflagration to Laos and Cambodia. The ruling circles of the United States flagrantly trample underfoot the most elementary principles of human ethics and the recognized standards of international law. They have disregarded the Geneva Agreements of 1954 which represented the basis for a political settlement in Viet-Nam.

185. They are trying also to mislead the peoples of the world, including the American people by demagogic declarations concerning the alleged desire of the United States Government to achieve a peaceful settlement in Viet-Nam.

186. Everyone knows that the Government of the Democratic Republic of Viet-Nam has clearly stated that when the bombing and other military activities against it are stopped unconditionally, negotiations between the Democratic Republic of Viet-Nam and the United States will become possible. The position would seem to be clear—one has only to accept it. But instead of heeding the voice of reason, the United States of America rejects the peaceful proposals of the Democratic Republic of Viet-Nam and continues the escalation of its criminal activities in Viet-Nam, dragging into that shameful war some of its allies in military blocs and other puppets.

187. Numerous facts show convincingly that the violations of international law by the American aggressors and their monstrous crimes against the Viet-Nameese people are now taking on an increasingly menacing character and are unprecedented in scale. Bombs, rockets, napalm and gas—everything is being used to stifle the liberation struggle of the people of South Viet-Nam. The peaceable cities, villages, hospitals, schools, houses and temples of the Democratic Republic of Viet-Nam are being subjected to systematic bombing, and since the end of August 1967 there have been massive American air raids daily against the capital of the Democratic Republic of Viet-Nam, Hanoi, and other densely populated regions.

188. Having mobilized a colossal military machine, spending thousands of millions of dollars and ignoring their ever-increasing losses of men and equipment, the ruling circles of the United States are trying vainly to break the heroic resistance of the population of the Democratic Republic of Viet-Nam and the patriotic forces of South Viet-Nam. Yet it is quite clear to any objective observer that, whatever the escalation of the scope of aggression, however large the number of soldiers sent by the United States to Viet-Nam, however many thousands of millions dollars are poured into that sordid war, the result will be the same. The adventurous designs of the United States in Viet-Nam have no future and are doomed to complete failure. The only correct path for a peaceful settlement in Viet-Nam and the restoration of peace in South-East Asia is indicated in the well-known position of the Government of the Democratic Republic of Viet-Nam and the National Liberation Front of South Viet-Nam. The aggressor, who is committing bloody deeds in foreign territory, should withdraw and the Viet-Nameese people should be given the opportunity to settle the question of the unification of their own country without any outside interference.

189. Another thorny question which seriously complicates the situation in the world is the continuation of aggression by Israel military circles against the Arab States. The occupiers continue to hold the territories they have conquered which belong to the United Arab Republic, Syria and Jordan. Despite the resolute demands of world public opinion and despite a number of resolutions of the United Nations, they arrogantly declare that they have no intention of withdrawing. In

^{15/} *Ibid.*, fifth session, Annexes, agenda item 72, document A/C.1/608/Rev.1.

addition, the situation is aggravated by the fact that some Western Powers, primarily the United States of America, openly support the Israel invaders, who stubbornly reject the legitimate demands of the Arab countries that the first and indispensable prerequisite for any settlement of the conflict in the Middle East should be the immediate and unconditional withdrawal of the armed forces of the aggressor from the Arab territories which they occupy. As a result of this, the situation in the Middle East remains tense and dangerous.

190. There has recently been an increase in acts of armed intervention by imperialist powers in the internal affairs of other States in other regions of the world as well, particularly in Asia, Africa and Latin America. In this context, many representatives, when speaking in the general debate at the present session of the General Assembly and also in connexion with the question we are now discussing, have already pointed to the continuing aggressive activities of the United States against the Republic of Cuba, the Dominican Republic and the Democratic People's Republic of Korea, and the intrigues of the colonialists in the Congo and in other places. Many other instances could be listed of the use of armed force or the threat of force against sovereign States, including the overt claims of the Bonn revanchists to redefine by force the frontiers of post-war Europe.

191. Thus, this far from complete list of recent world events shows that we are directly faced with threats to international peace and security. Moreover, all these aggressive activities are to some extent connected with the lack of a clear definition of aggression in international law. Taking advantage of the absence of such clear definition, States which have recourse to acts of aggression and violence and which interfere in the internal affairs of other States in violation of the United Nations Charter, try to cover up and justify their aggression by various kinds of unfounded pretexts and arguments. Those who are guilty of aggression often depict themselves as the victims of aggression and thus try to mislead world public opinion. A typical example of this is the official American version of the so-called "aggression" of the Democratic Republic of Viet-Nam and of "American assistance in repulsing armed attack", which is a clumsy subterfuge attempting to lay the blame on others and to evade responsibility for one's own crimes.

192. In these circumstances it is natural that peace-loving peoples, profoundly concerned by the present development of world events, should expect the United Nations, the most representative forum of the nations—to adopt decisive collective measures to prevent and to put an end to any aggression. The United Nations Charter calls upon all Member States to maintain international peace and security, and to that end to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace.

193. That is why new constructive steps directed towards peace and based on the principles of the United Nations Charter mentioned by the Secretary-General in the Introduction to his Annual Report [A/6701/Add.1,

paras.154-160] are really urgently necessary. In this connexion, the delegation of the People's Republic of Mongolia warmly welcomes the new and important initiative taken by the Government of the Union of Soviet Socialist Republics for the purpose of expediting the drafting of a definition of aggression. This initiative has been welcomed with great satisfaction by world public opinion and is being supported by many countries of the world.

194. The question under consideration and the draft resolution introduced by the Soviet Union which proposes the creation of a special body to prepare a definition of aggression, deserve serious consideration and wide support.

195. In speaking of the importance of this particular question, the Minister for Foreign Affairs of the People's Republic of Mongolia, in his statement in the general debate of the General Assembly on 5 October 1967, stressed:

"The implementation of this proposal would be significant for the activities of the United Nations itself, and for the confirmation and development of the principles of its Charter related to the maintenance of international peace and world security.

"The exact definition of aggression would render important political and juridical assistance to peoples in their struggle against the war-mongering and reactionary forces". [1580th meeting].

196. The adoption by the General Assembly of the definition of aggression would provide the peace-loving forces with yet another international legal instrument for their struggle against aggression and war and would demonstrate the determination of our Organization to act in conformity with the principles and aims of its Charter.

197. It is the duty of the United Nations and all its Members to continue to prevent aggressive imperialist circles from carrying out their crimes with impunity and to safeguard the peoples from barbarous invasions and attacks by foreign military.

198. All the afore-mentioned considerations enable the delegation of the People's Republic of Mongolia once again to give its most resolute support to the initiative of the Soviet Union and to declare itself in favour of the draft resolution which has been submitted in document A/6833.

199. Mr. ROSSIDES (Cyprus): The definition of aggression is a subject of a legal rather than a political nature and should therefore, as such, be considered by a legal body. The title of the item before us, however, primarily concerns not the actual definition but the need to expedite the definition of aggression, and that is a matter which has its political aspects as well, particularly in respect of examining the best ways of achieving a convergence of political wills which is so necessary to achieve the objective of definition, that political will which has been lacking so far.

200. As we all know, the question of defining aggression has been discussed in various organs of the United Nations since 1951. Sixteen years have elapsed, but the span of time allotted to the discussion of the item is not long in the aggregate. It should be mentioned that the desirability and possibility of a definition was

considered at times during those discussions. That issue has, however, already been decided by relevant resolutions of the General Assembly and other organs of the United Nations which dealt with the subject, particularly General Assembly resolution 599 (VI), which gave a clearly affirmative answer on this matter. It considered it

"possible and desirable, with a view to ensuring international peace and security and to developing international criminal law, to define aggression by reference to the elements which constitute it"

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".

That is, that it is necessary that criteria should be established upon which the determination of aggression might be based. Of course such criteria should by no means be exhaustive.

201. It might also be mentioned that the overwhelming majority of members of the 1956 Special Committee on the Question of Defining Aggression considered it both desirable and possible. We believe that a definition is desirable, and indeed necessary, in the interests of the world community. We consider such a definition generally as an indispensable attribute of law. Without it the very basis of legal order would be lacking.

202. The position of my delegation has all along been in favour of a definition. Cyprus, as a small country depending for its security and the protection of its territorial integrity and sovereignty on international order, strongly supports all measures leading to the establishment of such order through the rule of law. The progress of man in civilization has been marked the degree of his capacity to define. Inability of definition would unquestionably be a mark of failure in that progress. If the over-all purpose of the United Nations under its Charter is to move towards international law and order, in place of international anarchy, the definition of aggression is certainly a necessary element. That should be particularly stressed at the present time when there are growing manifestations of the naked use or threat of force. Acts of intervention in the affairs of small States and threats of armed attack with the aim of imposing upon a smaller country the will of a stronger neighbour are obvious. What is still worse is that such a policy of threats, such a policy of the use of force, such gun-boat diplomacy, are unabashedly and boastfully proclaimed.

203. Such instances of contemptuous abandonment of the Charter, such utter disregard of international law, demonstrate a regression to the law of the jungle and are the most ominous portents for the future of the world community.

204. There can be no doubt that a definition of direct aggression, the very aggression which requires definition today, would act as a deterrent to such destructive policies of violence and force. Definition *per se* may not be expected to act like magic to prevent aggression, but it is our submission that it would certainly exercise a restraining influence on possible aggressors

if the act were described clearly as aggression. The very fact of a consensus on a definition of aggression would also be a hopeful indication that the world was determined to abandon the concept of force as an instrument of policy and move towards international law and order. The psychological effect of such a positive consensus as a factor of peace would be far-reaching.

205. In its more specific effects a definition of aggression would ensure that any decisions taken by the Security Council, or other international organ, in a given situation would be objectively and equitably based on an existing juridical definition and not be dependent on an arbitrary determination of the moment, unavoidably affected by political influences and subjective considerations in relation to the particular case in point.

206. It has on some occasions been suggested that the term "aggression" is in our time used so loosely and with so many connotations that it has become incapable of definition, but we would say that precisely because of that confusion it is necessary to render the actual legal meaning of aggression, as referred to in the Charter, and in regard to its application under the Charter. There are also other collateral reasons, both cogent and pressing, for such a definition.

207. It should be remembered that the draft Code of Offences against the Peace and Security of Mankind, a vitally important measure formulated by the International Law Commission in 1951 and submitted to the General Assembly of that year, has in all the years since 1951 remained in abeyance, awaiting a definition of aggression. Thus the General Assembly decided, by its resolution 1186 (XII):

"to defer consideration of the question of the draft Code of Offences against the Peace and Security of Mankind until such time as the General Assembly takes up again the question of defining aggression".

208. Furthermore, on the same grounds the General Assembly decided, by its resolution 1187 (XII), similarly to defer consideration of the question of an international criminal jurisdiction. Consideration and action by the General Assembly on those two essential measures has thus been long delayed, endlessly awaiting the definition of aggression.

209. The difficulties encountered in respect of a definition arose mainly from the effort to achieve an all-inclusive definition expressly covering direct as well as indirect aggression in all its imaginable forms. That is both impractical and unnecessary. What is needed for the purpose of maintaining peace under the Charter is a legal definition such as would meet the requirements of the Charter, particularly of Articles 1 and 39 and Articles 42, 43 and 51, which mention aggression and are directly related to it.

210. In Articles 1 and 39 a distinction is made between "acts of aggression" and "other breaches of the peace". For, not every breach of peace is an "act of aggression" in terms of the Charter. What are called economic or ideological acts of aggression are essentially "threats to peace". They are, no doubt, violations of the Charter, particularly of Articles 1

and 39, entitling recourse to the Security Council. They do not come, however, under the term "aggression", in the sense of entitling the use of military action in self-defence under the provision of Article 51 or of calling for military enforcement action by the Security Council under Articles 42 and 51 of the Charter. This is the "aggression" that essentially requires definition, and it is an achievable objective. For, as I have already said, the whole difficulty of definition was created by the desire to include indirect aggression.

211. This view would be strengthened if we took into account the fact that the drafters of the Charter persistently and wisely urged the need for defining direct aggression with the purpose of making action by the Security Council easily achievable.

212. It is along these lines that the well-known legal authority, Professor Quincy Wright, referred to the fact that the United Nations General Assembly had recognized the need for a definition of aggression which would command universal acceptance and pertinently pointed out that the efforts had failed because of the desire of some States to include indirect aggression. He thus stresses that

"the purpose of a definition of aggression is, however, to designate the circumstances which justify military action in self-defence or as an international sanction. That such action is permissible only in response to illegal use of 'armed force' has been affirmed by practices and by Article 42 and 51 of the Charter."

A definition of aggression would provide the objective criteria that would be a guide for the Security Council in all cases.

213. It has been said that the determination of aggression should in each case be left to the Security Council. But it has not perhaps been realized that when there is a concrete case before the Security Council, political considerations interfere with the necessary objectivity in determining the aggressor, whereas a definition when not related to any particular instance would be far more objective. It has thus been shown in very recent cases that the Security Council had been unable to determine whether there had been any aggression at all in spite of the fact that an actual war had been well in progress. If there had been a definition the Security Council might not have evaded its responsibility and it would have had objective criteria on which to determine aggression. These criteria might thus have prevailed over political considerations.

214. The purpose of my referring to this matter in the present forum is that we feel that it is the duty of the General Assembly, in sending this item to a legal committee to work out a definition—whatever that committee might be, whether it is a special committee or not, in any case the item will have to go first to a legal committee—to give directives for the purpose of expediting the definition of aggression. To do so the General Assembly must in its directives propose practical means of facilitating the task of defining aggression and overcoming the obstacles that had prevented the definition so far.

215. We can think of no better way of attaining this objective of achieving a definition than to overcome the obstacles arising from the unrealistic effort to achieve an all-inclusive definition, particularly as such obstacles are in the opinion of many authorities unnecessary because an all-inclusive definition is not necessary. It is our submission that there should be directives by the General Assembly to the Sixth Committee that will deal with this matter and that the resolution to be adopted by the General Assembly should contain directives to the effect that the definition of direct aggression should first be dealt with separately, leaving indirect aggression to be considered at a later stage.

216. Mr. RUDA (Argentina) (translated from Spanish): The definition of aggression is not a new item on the agenda of the General Assembly. On the contrary, as other speakers have noted, it was the subject of detailed discussion on a number of occasions during the fifth session of the General Assembly in 1950. It was studied by the International Law Commission, which could not agree on a definition although aggression was included in the offences listed in its Draft Code of Offences against the Peace and Security of Mankind. The matter was considered again in 1953 and in 1955 by special committees which, however, did not adopt a definition. In 1957 a third committee was formed in accordance with resolution 1181 (XII) for the purpose of determining when it should be appropriate for the General Assembly to consider again the question of defining aggression.

217. This Committee met in 1959, 1962 and 1965, and each time deferred consideration of the item. A further session was held, pursuant to resolution 1181 (XII), from 3 April to 26 May 1967, that is to say this year. It then suspended its meetings and has not met since.

218. On 22 September the Soviet Union requested the inclusion in the agenda of the General Assembly of an item entitled "Need to expedite the drafting of a definition of aggression in the light of the present international situation" [A/6833 and Corr.1].

219. Consideration of the report of the General Committee [A/6840/Add.1] on the inclusion of this item in the agenda of the General Assembly gave rise to an interesting debate at the 1572nd plenary meeting. The Assembly then adopted a proposal by Algeria that the question should be first discussed in a plenary meeting and the records of the debate then transmitted to the Sixth Committee, which would continue consideration of it. My delegation voted for this proposal for the following reasons. First, the definition itself was a strictly legal problem and should therefore be formulated in the Sixth Committee. I believe there was unanimous agreement on that decision. Secondly, consideration of the item in plenary would not be a study of the elements of the definition in themselves, but rather a debate on the political problem of whether at the time it was necessary or not to expedite such a definition. In other words, the Assembly would not deal with the substance of the issue but only with the aspect linked to the question whether the definition should or should not be expedited in accordance with what had happened recently.

220. In this context my delegation felt that the current political situation should be analysed for features which would show not only the need but also the feasibility of expediting the definition of this concept, which is of fundamental importance for the proper application of the Charter. A definition has always been necessary; whether it is feasible or timely is another question. There have been times when international tension was as high as or higher than it is now. It has been perhaps constantly present since the Second World War, and there have been many acts of aggression, direct and indirect, since 1945. This is why we feel that the need for definition is permanent, which does not necessarily mean that definition is yet feasible.

221. In support of this contention we would recall that the Special Committee set up in 1956 to discuss the question of defining aggression—the last time the matter was studied at length—met between 8 October and 9 November 1956, during which period a series of events in Europe and the Middle East brought on a major international crisis. However, despite the high standard of discussion at that time and the interesting background documentary material which was compiled, and perhaps precisely because of the diversity of approach to the events of that crisis, no consensus could then be reached either on the definition itself or even on whether it was desirable and possible.

222. My country has never opposed—on the contrary, it has favoured—the idea of defining aggression, although we are not blind to its immense difficulties. The important contributions by many countries towards a definition of aggression have been a worthy effort to strengthen international peace and security. These contributions, however, also reveal the existence of highly diverse opinions, chiefly on the methodology of definition. We regret to say that in the existence of diverse opinions we find no sign of progress towards a constructive synthesis.

223. What, then, is the difficult dilemma we face today? There is undoubtedly a need, as there was before the United Nations existed, to define aggression. On the other hand, however, there is the problem of the feasibility or timeliness of doing so. We must beware lest our desire, instead of being useful, should entrench existing differences even more deeply or become a mere tool of political propaganda. On that my delegation wishes to state that it cannot assent to or support any effort which has not behind it a clear intention to progress along the difficult path towards a real definition.

224. Furthermore, we have always agreed that, without departure from political reality, which undoubtedly promotes the establishment of any legal rule, national or international, the definition should be established in a dispassionate, objective and impartial atmosphere. Only there can results be reached which would be real, desired and accepted by all countries, especially the great Powers.

225. My delegation believes that the possibility of defining aggression cannot be denied, *a priori*, but that some conditions must be fulfilled if the definition is to be an effective instrument and not merely an academic, even hazardous exercise.

226. In the first place it must serve the purpose for which States are seeking it, namely the maintenance of peace and security. It must not be stated in an instrument which would allow the exact opposite—disruption of peace and security under the guise of a legal concept. The definition of aggression is desirable to the extent that it would be a positive factor for the establishment of peace.

227. Secondly, as we have already mentioned—and I believe this to be acknowledged—this definition must, if it is to be of any real value, have the support and consent of the great Powers as well as of a considerable majority of the Members of the United Nations. My delegation therefore feels that for the definition of aggression we must seek a moment when all these conditions can be present and when the permanent prevails over the circumstantial.

228. To sum up what has been said, we believe that there is and has always been a permanent need to achieve a definition of aggression, but that constructive results can be obtained only by working in an atmosphere favourable to a solution. In our view the present discussion proves that such an atmosphere does not seem to exist at this time.

229. We agree that the definition of aggression will come to be a positive and valuable factor in international relations; but it cannot be achieved in any circumstances unless there exists a genuine desire, especially in the great Powers, to reach a definition which will serve the cause of peace and not the partisan political purposes or interests of a particular moment in history.

230. Mr. GHAUS (Afghanistan): No one can deny the importance which the item before the General Assembly holds for the entire world, and particularly for the small countries. Therefore, the interest of Afghanistan in this discussion is self-evident and basically derived from the position it shares with all small countries which are possible victims of aggression. The majority of the countries represented in the United Nations are small countries. Therefore, this question should be a matter of great interest to most of the Members of this Organization—and so it is.

231. We have been listening with great interest to the statements made on this subject. Many relevant and useful references have been made by the representatives who have preceded me to this rostrum with regard to the history and the meaning of the question of aggression. At this stage, therefore, I shall not dwell upon the background and history of either past or recent events. Right now, our foremost preoccupation, which is also the main concern of the entire membership, is to find an effective instrument with which to halt aggression.

232. Before expressing the general views of the Afghan delegation, I should like to recall the position which my delegation took on the various resolutions to which reference has been made in the course of this debate. In so doing, we expect that our point of view may be better understood.

233. Afghanistan voted in favour of resolution 378 (V) of 17 November 1950, which referred certain questions connected with the outbreak of hostilities and

aggression to the International Law Commission. By supporting that resolution, we expressed our interest in the matter and also our view that the matter merited examination by a qualified subsidiary organ of the United Nations.

234. By our favourable vote on resolution 599 (VI), of 31 January 1952, which referred the item to the seventh session, Afghanistan reaffirmed its belief in the desirability of continued United Nations consideration of the matter. In supporting that resolution, the Afghan delegation was conscious of certain considerations of which we should now be reminded.

235. First, although the International Law Commission, at that time, did not in its report furnish an express definition of aggression, it did include aggression among the offences defined in its draft Code of Offences against the Peace and Security of Mankind. Secondly, we appreciated that under all circumstances, resolution 599 (VI) of 31 January 1952 considered it both "possible and desirable, with a view to ensuring international peace and security and to developing international criminal law, to define aggression by reference to the elements which constitute it."

236. Afghanistan voted in favour of both resolution 688 (VII) of 20 December 1952 and resolution 895 (IX) of 4 December 1954. By the former we re-emphasized the need for a detailed study of the question of aggression in all its forms together with any other problems which might be an outcome of such a study. In 1954, as our vote indicates, we stressed the necessity of a detailed report to be followed by a draft definition of aggression. When resolution 1181 (XII) was put before the Assembly for a decision, we voted against it because we opposed any interruption of the work of the United Nations on this important issue.

237. One of the arguments advanced at that time for the desirability of such an interruption was that some twenty-two additional States had recently joined the Organization and that it would be useful to know their views on the matter. We had every respect for the views of those new Members but we were equally certain that every one of them was a State for whom the conditions of peace were essential, and we were fully acquainted with their aspirations for peace and security. Therefore, none of them would conceivably object to the continuation of a study which concerned their own security from aggression.

238. After Afghanistan voted for resolution 1514 (XV) of 14 December 1960 we continued to maintain our position by casting a favourable vote when resolution 2131 (XX) was put before the Assembly for a decision, and particularly so when resolution 2160 (XXI) was being decided upon. The basic provisions of the two latter resolutions were concerned, on the one hand, with the inadmissibility of intervention in the domestic affairs of States and, on the other hand, with the threat or use of force in international relations and the right of people to self-determination. These are of particular importance to the question before the Assembly.

239. From the consistent position we have taken in the past, it is not difficult to understand our approach

to the question of expediting the drafting by the United Nations of a definition of aggression. Having explained the position of my delegation in the past on questions relating to the definition of aggression, I should like to place on record our viewpoint as it stands at present.

240. With full awareness of the present international situation to which the title of the item proposed by the Soviet Union refers, and with full realization of the importance of that aspect of the question, my delegation would have been much happier if the discussion of this matter had been approached by the consideration of the basic point—which is the expediting of the drafting of a definition of aggression.

241. We fully agree with the Deputy Foreign Minister of the Soviet Union when he said:

"The absence of a United Nations definition of aggression is a serious drawback, one which makes it easier for the aggressor to cover up violations of the basic provisions of the United Nations Charter and to avoid responsibility for such violations." [1611th meeting, para. 4.]

242. We also wish to associate ourselves with the point of view which the representative of the Soviet Union expressed when he said:

"Of course, it would be wrong to exaggerate the importance of the drafting of such a definition... But we cannot fail to see that political and legal means are of great importance in the fight against aggression. International law must play its part in safeguarding the security of the peoples. The establishment of progressive principles and standards of international law in international relationships should contribute to the maintenance of international peace and legality. The formulation of a precise definition of aggression should be one of the substantive steps in this direction. The existence of such a definition would greatly facilitate the adoption of decisions to prevent and halt acts of aggression." [*Ibid.*, paras. 27 and 28].

243. Most of all, we have taken note of that part of the statement of the representative of the Soviet Union which stresses the important point that the United Nations Organization should: "ensure favourable conditions for the successful discussion of this question..." [*Ibid.*, para. 41].

244. As a representative of a small country, the Afghan delegation is gratified that the initiative for the consideration of this item was taken by one of the greatest Powers, and we are further satisfied to note that in principle other great Powers have not shown any lack of interest in its discussion.

245. This is particularly evident from the statement made by the representative of the United States. We should like to associate ourselves with him when he said:

"The United Nations is founded on the sovereign equality of all States, strong and weak, great and small. Its existence is intended as a guarantee to small and weak States that they can live in safety beside their stronger neighbours.

"If a definition of aggression is to serve that basic concept, it must be one which means the same thing to all of us regardless of ideology or power or political interest for we all have or should have one supreme interest, and that is peace." [*Ibid.*, paras. 58 and 59.]

246. We also favourably take note of the statement of the United Kingdom representative, where he said:

"We believe that if the definition of aggression is to have any meaning and use at all it must not be a biased definition and it must not be a partial definition but it must be a complete definition. It must moreover be a definition which commands broad acceptance and respect." [1612th meeting, para. 10.]

247. We are also glad to note that although the representative of France pointed out certain difficulties [1615th meeting], his delegation, too, recognizes the usefulness of engaging in an extensive exchange of views on the subject.

248. I have deliberately quoted these passages from the statements of the big Powers, first to explain, as a representative of a small country, our own approach to the discussion of this item and to show with which attitudes small countries can associate themselves regardless of the special considerations that any of the big Powers may have in the prevailing circumstances; and secondly, to stress that the permanent members of the Security Council, who have a special responsibility in this matter, have expressed their willingness for a study of the question and further exchange of views in the interest of formulating a definition of aggression. My delegation does not agree with the point of view expressed here that a legal formulation of aggression may, in some way, limit the action of the Security Council. On the contrary, if such a definition is agreed upon by the overwhelming majority of the Member States and the permanent members of the Security Council, it will help the Council, which is primarily responsible for the maintenance of peace and security within the framework of the Charter.

249. In our view, the question should be discussed on its merit. It should be considered primarily as a matter of international law, and the only purpose sought from its discussion should be a legal purpose, with a view to halting aggression and punishing the aggressor.

250. In doing this, we should be guided by the principles of international law and by the provisions of the Charter of the United Nations, as the only common denominator to which the entire membership adheres and thus the only source from which an adequate definition of aggression could be expected to evolve. I refer, in particular, to the provisions of Article 1; paragraphs 3 and 4 of Article 2, and the resolutions of the General Assembly which contain relevant provisions in connexion with this subject.

251. We do not think that it will be proper to go into the details of the question at this stage. This fact has been realized by all Members and we are happy to see that the delegation which proposed the inclusion of this item on the agenda shares the same view. This is

evident from the draft resolution which has been submitted.

252. The Afghan delegation will give its support to the draft resolution, which has been submitted by the delegation of the Union of Soviet Socialist Republics [A/6833 and Corr.1]. We do so in the light of the principles that I have outlined in my statement.

253. In the interest of being able to offer the special committee—the composition of which is proposed in the draft resolution—better conditions in which to make a constructive contribution towards the formulation of a scientific definition of aggression, we think it is better not to refer to it, even in the form of interpretation, highly controversial and complex situations.

254. We say this because we think that one of the main causes for the delay of the success of the United Nations in defining aggression has been the existence of such political controversies which make the expediting of the definition of aggression so urgent and so important. Involvement of controversies may cause further delay and thus may not serve the purpose of expediting the formulation of the definition of aggression.

255. The Afghan delegation will not hesitate to cooperate with the Members of the United Nations in this task, and I hope that our objective point of view will be favourably considered by our colleagues in the General Assembly and in the special committee when it embarks on this important task.

256. In concluding, allow me to convey to the delegation of the Byelorussian Soviet Socialist Republic the profound regrets of the Afghan delegation on the sad event of the passing of Mr. Vasily Ivanovich Kozlov, Chairman of the Presidium of the Supreme Soviet of the Byelorussian Soviet Socialist Republic.

257. My delegation was also deeply grieved to hear of the loss suffered by the Government and people of Gabon upon the passing away of His Excellency Mr. Léon Mba, President of the Republic of Gabon, and conveys to the delegation of Gabon its heartfelt condolences.

258. The PRESIDENT (translated from French): I shall now call on the representatives wishing to speak in exercise of their right of reply.

259. Mr. KUZNETSOV (Union of Soviet Socialist Republics) (translated from Russian): Before turning to the question under consideration, allow me, on behalf of the Soviet delegation, to express to the delegation of the Byelorussian Soviet Socialist Republic our deepest sympathy on the occasion of the death of the President of the Presidium of the Supreme Soviet of the Byelorussian Soviet Socialist Republic, and a Vice-President of the Presidium of the Supreme Soviet of the USSR, Mr. Vasily Ivanovich Kozlov, and to request that our condolences be conveyed to the Presidium of the Supreme Soviet of the Byelorussian SSR, to the Government and the Central Committee of the Party, and also to the family of the deceased.

260. In the person of Vasily Ivanovich Kozlov the Byelorussian SSR and the whole of the Soviet Union have lost an eminent statesman who devoted his entire life to selfless service on behalf of the people in the struggle for its happiness and well-being.

*Provisional English version taken from interpretation.

261. We should also like to take this opportunity to express our condolences to the delegation of the Republic of Gabon on the occasion of the death of the President of the Republic of Gabon, Mr. Léon Mba.

262. At the present time the consideration of the question of the need to expedite the drafting of a definition of aggression in the light of the contemporary international situation is nearing its end in the plenary meetings of the General Assembly. The Soviet delegation would now like to put forward a few observations at the end of this debate in the plenary meetings.

263. The debate has shown, first of all, that the question of expediting the drafting of a definition of aggression [A/6833], submitted by the Soviet Union for consideration by the twenty-second session of the General Assembly, is both topical and useful. Almost all the delegations that have taken the floor at the plenary meetings have supported this proposal and have expressed the desire that the United Nations should seriously approach this problem and take measures to resolve it as rapidly as possible. In this connexion we should like to express our gratitude to the delegations that have supported our proposal.

264. In the course of the discussion the attention of our Organization has been drawn to the most dangerous phenomena of the present international situation, namely, to acts of aggression that create a dangerous situation in various regions of the world and increase the threat to universal peace. Most representatives have convincingly shown in their speeches that when there has been an increase in the number of cases of the use of armed force against independent sovereign States and against the national liberation movements of the peoples, all means of combatting aggression must be used. The speakers have rightly pointed out that from the point of view of the Charter and of the tasks confronting the United Nations in maintaining world peace and preventing acts of aggression, a definition of aggression represents an important link in that necessary chain of measures which must be taken in order to maintain peace.

265. The discussion has also shown that, at the moment, the United Nations has at its disposal a sufficient number of possibilities and that conditions are propitious to start work again on elaborating a definition of aggression. In this connexion many delegations have referred to important decisions of the United Nations which can undoubtedly be of use in the drafting of a definition of aggression. Particular stress has been laid on the fact that, in connexion with the admission to the United Nations of new and independent States, there has also been an increase in the number of countries which can and wish to play an active part in the drafting of so important an instrument in the struggle for peace as the definition of aggression.

266. Against the background of those statements in support of the proposal, a dissonant note was struck by the interventions of isolated representatives who tried to divert our attention from the proposal under consideration and to lead the Assembly in an entirely different direction. The United States delegation drifted especially far from the problem under consideration. Instead of dealing with the substance of the question he allowed himself to indulge in gross

and unworthy attacks on the peace-loving foreign policy of the Soviet Union. The attempts of the United States representative to divert attention from the aggressive policy of the United States by false statements about the Soviet Union and the Soviet Baltic Republics cannot mislead anyone. Lithuania, Latvia and Estonia, in conformity with the will of the peoples of those countries, entered the Union of Soviet Socialist Republics in August 1940 as equal members of that Union. Since that time the Baltic Republics have achieved tremendous successes in their economic, social and cultural development. They live as full and equal members of the large and harmonious family of peoples of the Soviet Union. It is high time for the representatives of the United States to become familiar with these obvious historical facts, to stop playing the role of unwanted advisors, to stop lecturing other peoples on how they should organize their own lives.

267. I should like to say a few words about the statement made by the representative of the United Kingdom [1612th meeting]. Repeating the old well-known anti-Soviet tunes which we have heard before from the representative of the United States, he called upon us to put an end to the discussion and to consign to oblivion as soon as possible the question of the need to expedite the drafting of a definition of aggression. It is only a matter of regret that the representative of the United Kingdom should choose to substitute a series of hackneyed propaganda phrases for a discussion of a serious question, and this with pretensions to irony and humour. But these ambitions on the part of Lord Caradon led to nothing more than confusion, as was to be expected. His ammunition was too light for the purpose.

268. The representative of the United Kingdom claimed that the proposals submitted by the Soviet Union at the sessions of the General Assembly were of a propaganda character only. He even tried to lecture us by saying that the Soviet Union ought to submit practical and constructive proposals that would help to achieve the objectives of the United Nations and increase its effectiveness.

269. What did the distinguished Lord have in mind when he launched into such inappropriate moralizing? Perhaps he was referring to the Declaration on the Granting of Independence to Colonial Countries and Peoples which was adopted by the General Assembly on the initiative of the Soviet Union.^{16/} But that was a most practical and constructive proposal. The representatives present here, especially those of former colonial countries which have received their independence in recent years, know the practical usefulness of the Declaration on the Granting of Independence to Colonial Countries and Peoples for the peoples fighting colonialism and, not least, British colonialism. Apparently this Declaration is not to the liking of the United Kingdom representative. But that is quite another matter.

270. Perhaps the Soviet Union's proposal on the drafting of a Declaration on non-intervention was similarly not based on anything real. But we all know that such a Declaration [resolution 2131 (XX)] was

^{16/} *Ibid.*, fifteenth session, Annexes, agenda item 87, document A/4502.

unanimously adopted at the twentieth session of the General Assembly and that the Members of the United Nations, especially the States of Asia, Africa and Latin America, attach particular importance to this Declaration. The Declaration is aimed against interference in the internal affairs of other States, and it would seem that that is the reason why it is not to the liking of the representative of the United Kingdom, whose Government supports, for instance, United States aggression in Viet-Nam.

271. Soviet foreign policy requires no tendentious and hostile interpretations from the representative of the United Kingdom. The acts of the Soviet State speak for themselves. The Soviet State recently drew up the balance-sheet of its fifty years of existence, including the balance-sheet of its foreign policy. What is the essence of that foreign policy? The Soviet State, guided by the teachings of Lenin, built and continues to build its relations with other States on the principles of mutual respect for sovereignty, territorial integrity, recognition that all disputes between States should be settled by peaceful means, that is to say, by means of negotiations. The Soviet State spares no effort in the struggle to ensure a stable peace on earth and to ensure the security of the peoples. The Soviet people and the Soviet State wholeheartedly support the peoples who are fighting colonial and imperialist domination, for their freedom and independence and for social progress. In the works of Lenin one cannot find a single line, a single word in defence of the policy of oppression of peoples, in defence of the colonial imperialist system and in support of aggression. Aggressive wars are alien to socialist society because of the very nature of that society.

272. That is precisely why Soviet foreign policy has deservedly been recognized and supported by the overwhelming majority of States. This was made particularly manifest here within the walls of the United Nations on 7 November. Despite the resistance of the representatives of a few States, including the representative of the United Kingdom, the date of 7 November, when the Soviet State was created, was widely observed as an event of universal historical significance. I should like to take this opportunity of voicing once again my heartfelt thanks to all the delegations which congratulated us at the time on the 50th anniversary of the creation of the Soviet State.

273. We realize that the activities of the Soviet Government in the international arena are not to the liking of those Governments which base their foreign policy on a position of strength, which would like to maintain in the world the domination of a small handful of monopolists, to oppress and exploit millions and millions of working people.

274. Those Governments do not like the fact that the Soviet Union supports the national liberation movement of the peoples and their fight for freedom and independence. However, the policy of oppression and the policy of settling international questions from a position of strength is doomed to failure. The peoples' urge to put an end to all forms of oppression and exploitation cannot be stopped in any way nor can their fight for freedom, independence and social progress. The Soviet Union views its task as continuing to give

every assistance to this irreversible, progressive historical process.

275. Guided by its desire to help maintain international peace and prevent acts of aggression, the Soviet Union has submitted a proposal at this session of the Assembly to expedite the drafting of a definition of aggression, since, as a result of the counter-measures taken by certain Western countries, this important question has not succeeded during the past ten years in escaping the vicious circle of procedural debate.

276. Some delegations, in speaking on the substance of the questions, have recognized the fact that the problem of defining aggression and of taking measures for its prevention is indeed ripe for solution; yet they have expressed doubts as to whether it is possible to carry out this task. They have claimed that the drafting of a definition of aggression is a complex and difficult undertaking, and that even though the United Nations has been dealing with this question for a long time it has not yet been able to achieve any positive results.

277. But is this a convincing argument against expediting the drafting of a definition of aggression? On the contrary, it would seem to us that it merely confirms the need to continue efforts in that direction. The drafting of a definition of aggression is without doubt a complex undertaking; it requires serious and persistent work because it is a very topical problem.

278. We fully agree with the view of representatives who said that the work should at first be limited to the definition of direct military aggression, so that later on the problem of indirect aggression might be dealt with.

279. Thus the debate during the plenary meetings has convincingly shown that an overwhelming majority of delegations is in favour of expediting the drafting of a definition of aggression and of taking practical steps to solve that problem. This may be regarded as the principal encouraging result of this stage of the discussion in the General Assembly.

280. The Sixth Committee, the Legal Committee, must now, in the light of our debates, continue its examination of this problem so as to prepare an appropriate draft resolution for the General Assembly. As we proposed in our draft resolution, we base our position on the fact that the Sixth Committee will prepare a proposal for the creation of a special committee whose task will include the drafting of a definition of aggression, and that that committee will embark on this important work as soon as possible.

281. We should like to express our confidence that the Sixth Committee will be successful in preparing the corresponding draft resolution, whose adoption by the twenty-second session of the General Assembly will represent a significant contribution to the acceleration of work on drafting a definition of aggression.

282. In conclusion, I should like to say that the preparation of a clear-cut definition of aggression will have considerable importance for the adoption of effective measures for halting such acts as armed attack by one State against another, invasion of a State

by the armed forces of another State and the seizure or occupation by the armed forces of one State of the territory of another. This would undoubtedly be an important contribution to the maintenance of international peace.

283. Mr. ROSENNE (Israel): I have asked to exercise my right of reply in order to respond to statements we have heard in the course of the debate on this item from certain representatives, in which efforts have been made to postulate, as an uncontroverted fact, that Israel committed aggression when it exercised its right of self-defence on 5 June last. We have heard this allegation many times in many different places since last June. It was repeated at the beginning of this debate, at the 1611th meeting, by the Deputy Foreign Minister of the Soviet Union, and the theme has been taken up by other speakers, who have embellished it with their own extraordinary and fanciful versions of history, of both the remote and the recent past. But allegations and insinuations are not transformed into facts merely because they are constantly repeated.

284. The allegation that Israel committed aggression last June was brought before the Security Council, the only competent organ in these matters, where it was flatly rejected. I wish to refer to the voting on the various draft resolutions which took place at the 1360th meeting of the Security Council on 14 June last. The same baseless charge was later brought before the fifth emergency special session of the General Assembly, where it was again not only flatly rejected, but rejected in circumstances which implied a rebuke to those who brought it forward. In this connexion, I refer to the voting which took place on the various draft resolutions at the 1548th meeting of the General Assembly on 4 July 1967.

285. For over nineteen years now Israel has been the victim of constant hostility, belligerency, blockade and armed aggression, by Governments which have always regarded themselves, and to this very day regard themselves, as being in a state of war with Israel and whose avowed aim is to eradicate it, and which have obstinately refused to enter upon negotiations for the settlement of outstanding problems. That is the heart of the matter. It is internationally recognized that Israel's resistance last June was not aggression, but resistance to aggression; and we reject every attempt to portray Israel's decision to survive, Israel's refusal to be blockaded and Israel's self-defence, as aggression.

286. In his statement on 25 September 1967, in the course of the general debate, the Minister for Foreign Affairs of Israel, Mr. Eban, stated, in reference to this item:

"All that the appropriate committee has to do is to enumerate what Israel has suffered from the Arab States in the past two decades. It will then have a complete and detailed draft for a convention on the definition of aggression." [1566th meeting, para. 166.]

I want to give some illustrations of this.

287. In the draft definition of aggression submitted by the USSR to the 1956 Special Committee on the Question of Defining Aggression—which has been re-

ferred to frequently in this debate—the General Assembly was asked to declare that "In an international conflict that State shall be declared the attacker which first commits one of the following acts", and the very first act there set forth is "Declaration of war against another State".^{17/} The same idea is expressed with no less clarity in the proposed definition of aggression advanced by the delegation of Syria at the 517th meeting of the Sixth Committee, on 14 October 1957. The Arab States have made no secret of the fact that they have consistently, since 15 May 1948, regarded themselves as being in a state of war with Israel, and they have been acting accordingly. It is in this doctrine of belligerency, as proclaimed and practised by the Arab States, that the cause of the tension and crisis of the Middle East lies. There is the aggression.

288. The Security Council, in its resolution 242 (1967) of 22 November, in which it charted a course which could lead to a just and lasting peace in which every State in the area can live in security, specifically referred to the termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure, recognized boundaries, free from threats or acts of force.

289. Statements which have been made since that resolution was adopted by spokesmen for the different Arab Governments have not yet given any indication that those Governments are prepared to pay heed to this exhortation of the Security Council, and to terminate once and for all their state of belligerency, with all its attendant threats and the accompanying acts of violence directed against the security of Israel. There is no sign that those Governments are prepared to make peace.

290. A state of war proclaimed by one State or group of States against another is aggression. When a State claims to enjoy the status and the rights of a belligerent, it is asserting its aggressive interest. It cannot be anything else. It is a perverse logic which enables the spokesmen of the Arab States to accuse Israel of aggression, when those same Arab States have been for more than nineteen years in a permanent state of aggression, and have asserted their title to exercise belligerent rights, in flagrant violation of the Charter and other international obligations. It is an equally perverse logic which leads other States not directly concerned in the conflict to repeat those charges and give them currency. That is aiding and abetting the aggressor.

291. Let us now look at another example. That same Soviet draft definition of aggression, as well as that proposed a little later by Syria, both, correctly, castigate the imposition of a blockade on the coasts or ports of another State as an act of aggression. It is a matter of public record, and it is not disputed, that the United Arab Republic, after having summarily evicted the United Nations Emergency Force in May of this year, reimposed its illegal blockade against Israel shipping. This policy and action of blockade and boycott has been constant for the last nineteen

^{17/} *Ibid.*, Twelfth Session, Supplement No. 16 (A/3574), annex II, sect. 1.

and a half years. That was a wanton act of aggression and hostility, all the more serious since it was taken in the teeth of a clear resolution of the Security Council that such acts could not be justified. Blockade is a classic act of war. Those who ask their listeners to believe that the victim of a blockade, a State which refuses to be throttled, is ipso facto guilty of aggression are really asking too much. Such oversimplification cannot further the cause of peace and security, neither in the Middle East nor elsewhere. We have not heard from the spokesmen of the Arab States that they are prepared now to guarantee freedom of navigation in all the waterways in the area, as stated by the Security Council in its resolution 242 (1967) of 22 November last. There is no sign that these Governments are prepared to cease their blockade and similar illegal practices. These are two examples taken from the two well-known draft definitions of aggression found in the records of the United Nations.

292. In fact, I could go through the whole list of acts formulated in the Soviet draft resolution, as well as those contained in other different draft definitions of aggression, and give precise details of all the acts of aggression committed against Israel by one or other of the Arab States since 1948. However, since this statement is made in exercise of my right of reply, I will not take up the time of the General Assembly by doing this now.

293. I wish to reserve the right of my delegation to speak to the substance of the matter, namely, the necessity to expedite the drafting of the definition of aggression in the light of the present international situation, on a subsequent occasion either here or in the appropriate Committee, should this be necessary. However, I will take this opportunity of recalling the general statement of our position expressed at the 388th meeting of the First Committee on 8 November 1950. Then, some other delegations, which in this session have been complaining at the lack of progress made on this topic, blaming this on the fact that it was dealt with initially by the legal organs of the General Assembly, were in 1950 anxious for the question of the definition of aggression to be examined by the legal organs. At that time the delegation of Israel warned and protested against referring the question to the International Law Commission, in the belief that this would not advance the consideration of the item. We also expressed the view that there would be doubtful value in a list purporting to be a definition of aggression, which did not and could not exhaust all forms of aggression, as is the case, in our opinion, with all the detailed lists of acts of aggression which have so far been presented. We continue to believe now, as we believed in 1950, in the light of our bitter experience of the countless acts of aggression to which we have been subjected, and some of which I have mentioned, that the decision on whether certain actions constitute aggression can only be made by the proper organ of the United Nations after it has fully considered the merits of each case. I would also like to refer to the statements amplifying this point of view made by my delegation at the 337th meeting of the Sixth Committee in 1952 and more particularly at the 412th meeting of that Committee in 1954.

294. Mr. VAZ PINTO (Portugal): My delegation has come to this rostrum in the exercise of its right of reply. In the course of the debate on item 95 some delegations referred to my country and alleged that we supported mercenary forces which had attacked an African country. These delegations invoked the Security Council as if it had confirmed such charges. My delegation wishes to point out that the Security Council on no occasion determined that the charges of this nature levelled against Portugal had been proved. My delegation rejects these charges as completely false and groundless.

295. On the other hand, my delegation wishes to draw the attention of the General Assembly to the aggression which even now is being committed against us in our African provinces, an aggression avowedly financed and aided from outside by some of the very countries which have come to this rostrum to make false charges against us in a gross inversion of the facts. As the world well knows, in our Territories we are defending the lives and property of our populations, and it is our legitimate right and duty to do so against attacks directed from outside. It is those who are responsible for these attacks who are committing aggression, and since the General Assembly is dealing with the question of defining aggression, my delegation hopes that it will not fail to examine, in the light of the principles of justice, the blatant acts of aggression committed against us in open and declared defiance of the Charter and of the Security Council, which is still seized of the matter.

296. Mr. NACHABE (Syria) (translated from French): The representative of Tel Aviv, speaking in exercise of his right of reply, has once again attempted to falsify and distort the facts in order to justify the war of aggression unleashed by the Tel Aviv authorities on 5 June of last year against the Arab countries, in particular the United Arab Republic, Jordan and my own country. Those empty allegations no longer deceive anyone. Israel committed an aggression on 5 June 1967. That aggression is still being blatantly carried on by the continuing annexation of the city of Jerusalem, by the continuing occupation of Arab territories that were taken by force, and by the settling of new colonists in the occupied territories.

297. To say that Israel was acting in self-defence is a further unfounded assertion. In order to be acting in legitimate self-defence, one has to be attacked. The representative of Tel Aviv should once again re-read Article 51 of the Charter, which recognizes the inherent right of self-defence if an armed attack occurs against a Member of the United Nations. Is there any doubt in the mind of the representative of Tel Aviv that the Israel forces unleashed the war of 5 June? Once again, the futile assertions of the Tel Aviv representative cannot justify the aggressive actions taken by the authorities he represents and they will convince no one.

298. The PRESIDENT (translated from French): The Assembly has completed its debate on agenda item 95. In accordance with the decision taken at the 257th meeting on 25 September 1967, that item will be referred for consideration to the Sixth Committee. I shall inform the Chairman of the Sixth Committee that the Assembly has concluded its debate on that

agenda item and shall at the same time transmit to him document A/6833, relating to that question, as well as the verbatim records of the plenary meetings during which that question was discussed. The Sixth Committee will thus be able to begin its consideration of that agenda item.

AGENDA ITEM 42

External financing of economic development of the developing countries:

- (a) Accelerated flow of capital and technical assistance to the developing countries: report of the Secretary-General;
- (b) Outflow of capital from the developing countries: report of the Secretary-General

REPORT OF THE SECOND COMMITTEE (A/6915)

AGENDA ITEM 45

United Nations Institute for Training and Research: report of the Executive Director

REPORT OF THE SECOND COMMITTEE (A/6927)

AGENDA ITEM 46

Operational activities for development:

- (a) Activities of the United Nations Development Programme: reports of the Governing Council;
- (b) Activities undertaken by the Secretary-General

REPORT OF THE SECOND COMMITTEE (A/6916)

AGENDA ITEM 48

General review of the programmes and activities in the economic, social, technical co-operation and related fields of the United Nations, the specialized agencies, the International Atomic Energy Agency, the United Nations Children's Fund and all other institutions and agencies related to the United Nations system; report of the Enlarged Committee for Programme and Co-ordination

REPORT OF THE SECOND COMMITTEE (A/6917)

Mr. Chadha (India), Rapporteur of the Second Committee, presented the reports of that Committee and then spoke as follows:

299. Mr. CHADHA (India), Rapporteur of the Second Committee: The first report [A/6915] relates to agenda item 42. Under this item the Second Committee considered a number of documents which served as a very useful background for the Committee's discussion. This focused attention once again on the urgent need for increasing the flow of external resources to developing countries and for improving the terms and conditions on which such resources are made available. At the conclusion of the discussion the Committee recommended three draft resolutions [*ibid.*, para. 22] for adoption by the Assembly, draft resolution I on the flow of external resources to developing countries, draft resolution II on the replenishment of the resources of the International Development Association and draft resolution III on the outflow of capital from developing countries and the measurement of the flow of resources to developing countries.

300. The Committee also had before it another draft resolution [A/6915, para. 8] in which the Secretary-General was requested to prepare a study on the feasibility of setting up a system of economic co-operation based on the fixing of a progressive contribution from the national income of each and every Member State to supplement the internal efforts and savings of the developing countries in their earnest desire to accelerate the pace of their economic growth. This draft resolution, however, was rejected by the Committee.

301. The next report [A/6927] of the Committee, is on agenda item 45, under which it considered the report of the Executive Director of the United Nations Institute for Training and Research. The report was introduced by the Acting Executive Director, Mr. Schachter. The members of the Committee generally welcomed the progress made by the Institute and paid tributes to the outgoing Executive Director, Mr. Gabriel d'Arboussier, as well as to the new Executive Director, Chief Adébo. At the conclusion of the discussion the Committee unanimously adopted a draft resolution [*ibid.*, para. 7], which takes note with satisfaction of the Executive Director's report and welcomes the progress made by the Institute, and the text of the draft resolution, which the Committee has recommended for adoption by the General Assembly.

302. The third report [A/6916] relates to agenda item 46. Under this item the Committee heard introductory statements by Mr. Victor Hoo, Commissioner for Technical Co-operation, Mr. Paul Hoffmann, Administrator of the United Nations Development Programme, Mr. David Owen, Co-Administrator of the United Nations Development Programme and other officials of the UNDP secretariat.

303. After a very useful discussion, the Committee approved three draft resolutions [*ibid.*, para. 18], which it recommended for adoption by the General Assembly. In draft resolution I the General Assembly is invited to take note of the two reports of the Governing Council, and in draft resolution II it is asked to approve the new procedures recommended by the Governing Council for the preparation, approval and implementation of the projects of the Technical Assistance component of the United Nations Development Programme for 1969 and future years. Draft resolution III contains an appeal to Member States to do everything possible to increase the resources of the United Nations Development Programme, bearing in mind the targets suggested by the Secretary-General in the introduction to his annual report to the General Assembly at its twenty-first session.

304. Draft resolution III also contains a request to the Governing Council of the UNDP to examine the means whereby the Programme could do more to stimulate and facilitate the financing of projects which have already been the recipients of the Programme's pre-investment. As is pointed out in paragraph 15 of the Committee's report, the co-sponsors explained before the vote on the draft resolution that operative paragraph 2 would not in any way prejudice any action with regard to the Capital Development Fund or the implementation of the resolutions relating to it.

305. It was also explained that the fifth paragraph of the preamble merely recalled the target suggested by the Secretary-General and did not commit countries which had reservations regarding the target.

306. The Committee has also recommended to the General Assembly the temporary authorization of the continued use of the funds of the Technical Assistance component of the UNDP for the provision of operational personnel for the year 1969 [*ibid.*, para. 19].

307. Finally, I should like to draw attention to paragraph 17 of the report, which mentions the possibility of the reopening of the discussion of this item at a later stage.

308. The last report [A/6917] to be considered today concerns agenda item 48. Under this item the Committee had before it the first report of the Enlarged Committee for Programme and Co-ordination, established last year to undertake the tasks assigned to it in General Assembly resolution 2188 (XXI). After a brief discussion the Committee took note with appreciation of the report of the Enlarged Committee for Programme and Co-ordination and requested the members of the United Nations family of organizations to continue to extend their co-operation to the enlarged Committee. The Committee has accordingly recommended a draft resolution on those lines [*ibid.*, para. 5] for adoption by the General Assembly.

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the reports of the Second Committee.

309. The PRESIDENT (translated from French): I invite the Assembly to consider agenda item 42. The Second Committee has submitted a report on that item containing the three draft resolutions—I, II, and III—the adoption of which it recommends [A/6915, para. 22].

310. I recall that in accordance with the decision just taken by the Assembly, statements must be limited to explanations of vote. Speakers wishing to explain their votes may, of course, refer to the three draft resolutions in one statement.

311. Mr. DELEAU (France) (translated from French): This year the General Assembly has before it three draft resolutions concerning the external financing of economic development of the developing countries.

312. Following the important work done in that same area both by the Economic and Social Council and by the Committee on Invisibles and Financing related to Trade of the United Nations Conference on Trade and Development, the texts submitted to us do not claim to establish a new doctrine, nor even to be a synthesis of earlier data. The purpose was rather to complete in certain respects the work we have already accomplished in a favourite field of economic co-operation. It must be said that that effort on the part of the Second Committee has had uneven results.

313. It has been especially fruitful in the case of draft resolution III, dealing with capital outflow in developing countries. My delegation will vote in favour of that text, with the sole reservation it has already expressed in the Committee [1145th meeting]

regarding paragraph 1, sub-paragraph (a), which refers to an Economic and Social Council resolution that we also did not unreservedly accept.

314. My delegation will also be able to vote in favour of draft resolution II, which does no more than repeat in identical terms a hope already expressed by the Economic and Social Council and by the Trade and Development Board.

315. However, my delegation must abstain from the vote on draft resolution I, dealing with the inflow of external resources to developing countries. In the operative part of the draft, it is in fact recommended that developed countries should study the need to apply various measures to increase their financial assistance to developing countries. The French authorities, after studying the text submitted to us, are of the opinion that they could not adopt some of the measures contemplated for reasons connected with the existence of organic laws and regulations.

316. I should in addition like to question the wisdom of various other proposals in the Committee's report,^{18/} that are referred to in draft resolution I. Those proposals may provide a stimulus for some developed countries, but we for our part are convinced that where France is concerned some of them would work against the desired goals and might even result in a reduction in the considerable financial assistance my country is giving to the developing countries. You will therefore easily understand that we would have some hesitation in associating ourselves with a resolution that might produce such effects.

317. Mr. O'CONNOR, JR. (United States of America): The Assembly has before it three draft resolutions bearing on external financing of economic development of the developing countries [A/6915, para. 22], and I am pleased to state that my delegation will vote affirmatively on all three. We have consistently favoured an increase in the flow of external resources to developing countries and supported resolutions adopted for that purpose by the General Assembly, the Economic and Social Council and the United Nations Conference on Trade and Development.

318. With your permission, Sir, I should like to make some very brief remarks on each of these draft resolutions in explanation of our vote.

319. On draft resolution II [A/6915, para. 22], which calls for the implementation of the resolutions of the International Development Association, we offer our unqualified support. On draft resolutions I and III [*ibid.*], which concern the flow of external resources to developing countries and the outflow of capital from developing countries and measurement of the flow of resources to developing countries respectively, we mention again, as we did before voting for those draft resolutions in the Committee, that we did not subscribe to all of the recommendations of ECOSOC resolution 1183 (XLI), to which those drafts refer, and we must maintain our previously expressed reservations.

^{18/} Official Records of the Economic and Social Council, 43rd session, Annexes, agenda item 5, document E/4375.

320. Moreover, we should like it to be clearly understood that our affirmative vote on draft resolution I is based on the following interpretation of the text.

321. First, that the citation of three specific ideas from the Secretary-General's report^{19/} the third operative paragraph does not mean that they are the principal conclusions of the report, nor does it constitute approval of those three conclusions.

322. Second, concerning the fourth operative paragraph we make it clear that in agreeing to a study of the possibility of implementing measures suggested in the Secretary-General's report on factors affecting the ability of the developed countries to provide resources to developing countries we have not necessarily accepted the conclusions and observations of that report.

323. Finally, we have no objection to requesting the Secretary-General to submit a report on the implementation of resolution 1183 (XLI) of the Economic and Social Council and on action taken in accordance with operative paragraph 4 as requested in the operative paragraph 5. We shall be glad to keep the Secretary-General informed of action taken in regard to the suggestions contained in his report but do not undertake any obligation beyond this.

324. Mr. WOULBROUN (Belgium) (translated from French): In the Second Committee, the Belgian delegation abstained in the vote on paragraph 1, subparagraph (a), of draft resolution III, concerning capital outflow from developing countries. That provision makes reference to Economic and Social Council resolution 1183 (XLI), and Belgium was unable to endorse all the provisions of that resolution for reasons which were brought out both in the Economic and Social Council and in the Second Committee. My country nevertheless views with sympathy the objectives of the aforementioned paragraph, that is, the easing of terms and conditions and my delegation will vote in favour of the draft resolution as a whole.

325. Mr. KURIYAMA (Japan): My delegation will vote for all the three draft resolutions concerning agenda item 42 [A/6915, para. 22]. However, we should like to make the following remarks in explanation of our vote. First, with respect to draft resolution I, I should like to recall that in the Second Committee my delegation reserved its position with regard to operative paragraph 4 because, in our view, the report of the Secretary-General in question required a further refinement before its recommendations could be considered seriously for the possibility of being implemented by the Governments concerned. My delegation wishes to place on record that it still maintains the reservation to which I have just referred.

326. With respect to draft resolution III, I should like to confirm our understanding, with regard to operative paragraph 1, which my delegation recorded in the Second Committee, namely, that in supporting that paragraph we are not necessarily committing ourselves to the recommendations contained in resolution 1183 (XLI) of the Economic and Social Council, referred to in subparagraph (a) and that, in considering the terms and conditions of debt rescheduling or

consolidation, due account should be taken of the debt structure and other relevant factors of the debtor countries concerned as well as of the capacity of the individual creditor countries to give aid.

327. The PRESIDENT (translated from French): The Assembly will now vote on the three draft resolutions—I, II and III—contained in the Second Committee's report [A/6195, para. 72]. I shall first put draft resolution I to the vote.

Draft resolution I was adopted by 76 votes to none with 9 abstentions [resolution 2274 (XXII)].

328. The PRESIDENT (translated from French): I now ask the Assembly to vote on draft resolution II. Given the fact that this draft was unanimously adopted by the Second Committee, may I take it that the General Assembly also adopts it unanimously?

Draft resolution II was adopted unanimously [resolution 2275 (XXII)].

329. The PRESIDENT (translated from French): We now come to draft resolution III. Since that draft was unanimously adopted by the Second Committee, may I take it that the General Assembly also adopts it unanimously?

330. I call on the representative of the Ukrainian Soviet Socialist Republic on a point of order concerned with voting procedure.

331. Mr. BOIKO (Ukrainian Soviet Socialist Republic) (translated from Russian): The Ukrainian delegation would like a separate vote to be taken on operative paragraph 1 of draft resolution III.

332. The PRESIDENT (translated from French): The representative of the Ukrainian SSR has requested a separate vote on paragraph 1. If there are no objections, I shall put that paragraph to the vote first.

Paragraph 1 was adopted by 78 votes to none with 9 abstentions.

333. The PRESIDENT (translated from French): I shall now put to the vote draft resolution III as a whole.

Draft resolution III as a whole was adopted by 87 votes to none [resolution 2276 (XXII)].

334. The PRESIDENT (translated from French): I call on the representative of Argentina, who has asked to speak in explanation of his vote after the vote.

335. Mr. PEREZ TOMAS (Argentina) (translated from Spanish): Although the Argentine delegation voted for draft resolution III as a whole, it felt obliged to abstain from voting on operative paragraph 1, since this refers to resolution 1183 (XLI) of the Economic and Social Council, which mentions the possibility of promoting in international trade practices subject to consideration and final decision by the Argentine Government.

336. The PRESIDENT (translated from French): The Assembly will now consider agenda item 45. The Second Committee has submitted a draft resolution on that item in its report [A/6927, para. 7] and which it recommends for adoption. Given the fact that that draft was unanimously adopted by the Second Committee, may I take it that the General Assembly also unanimously adopts it?

^{19/} Ibid.

The draft resolution was adopted unanimously [resolution 2277 (XXII)].

337. The PRESIDENT (translated from French): We now turn to agenda item 46. The Second Committee has submitted three draft resolutions in connexion with that item—I, II and III—which it recommends for adoption and which are contained in its report [A/6916, para. 18]. I shall now put draft resolution I to the vote. Since that draft was adopted unanimously by the Second Committee, may I take it that the General Assembly also adopts it unanimously?

Draft resolution I was adopted unanimously [resolution 2278 (XXII)].

338. The PRESIDENT (translated from French): I now put to the vote draft resolution II, which was also adopted unanimously by the Second Committee. May I take it that the General Assembly also adopts it in the same way?

Draft resolution II was adopted unanimously [resolution 2279 (XXII)].

339. The PRESIDENT (translated from French): Now I put to the vote draft resolution III.

Draft resolution III was adopted by 81 votes to none, with 6 abstentions [resolution 2280 (XXII)].

340. The PRESIDENT (translated from French): I now invite the Assembly to vote on the Second Committee's recommendations contained in paragraph 19 of its report [A/6916]. May I take it that the General Assembly adopts that recommendation?

The recommendation was adopted without objection.

341. The PRESIDENT (translated from French): Before going on to the next agenda item, I would ask Members of the General Assembly to be good enough to take note of paragraph 17 of the Second Committee's report [A/6916].

342. We shall now turn to agenda item 48. The Second Committee has submitted a draft resolution on that item which appears in paragraph 5 of its report [A/6917], and which it recommends for adoption. May I take it that the General Assembly adopts that draft?

The draft resolution was adopted without objection [resolution 2281 (XXII)].

The meeting rose at 9.5 p.m.