

**United Nations**  
**GENERAL**  
**ASSEMBLY**

TWENTY-NINTH SESSION

Official Records



**2319th**  
**PLENARY MEETING**

Saturday, 14 December 1974,  
at 10.30 a.m.

**NEW YORK**

**CONTENTS**

**CONTENTS (continued)**

	<i>Page</i>		<i>Page</i>
<b>Agenda item 23:</b> Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples ( <i>continued</i> ) .....	1474	<b>Agenda item 86:</b> Report of the Special Committee on the Question of Defining Aggression Report of the Sixth Committee .....	
<b>Agenda item 72:</b> Financial reports and accounts for the year 1973 and reports of the Board of Auditors ( <i>concluded</i> ): (b) United Nations Development Programme Report of the Fifth Committee .....	1474	<b>Agenda item 87:</b> Report of the International Law Commission on the work of its twenty-sixth session: Report of the Sixth Committee .....	
<b>Agenda item 75:</b> Administrative and budgetary co-ordination of the United Nations with the specialized agencies and the International Atomic Energy Agency: report of the Advisory Committee on Administrative and Budgetary Questions Report of the Fifth Committee .....	1474	<b>Agenda item 89:</b> Report of the United Nations Commission on International Trade Law on the work of its seventh session Report of the Sixth Committee .....	
<b>Agenda item 80:</b> Appointments to fill vacancies in the membership of subsidiary organs of the General Assembly ( <i>concluded</i> ): (d) Investments Committee: confirmation of the appointments made by the Secretary-General Report of the Fifth Committee .....		<b>Agenda item 90:</b> United Nations Conference on Prescription (Limitation) in the International Sale of Goods: report of the Secretary-General Report of the Sixth Committee .....	
<b>Agenda item 43:</b> United Nations Industrial Development Organization ( <i>continued</i> ): (a) Report of the Industrial Development Board; (b) Second General Conference of the United Nations Industrial Development Organization: report of the Executive Director; (c) Establishment of a United Nations industrial development fund: report of the Secretary-General; (d) Confirmation of the appointment of the Executive Director of the United Nations Industrial Development Organization Report of the Second Committee .....		<b>Agenda item 91:</b> Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms, and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes: report of the <i>Ad Hoc</i> Committee on International Terrorism Report of the Sixth Committee .....	1477
<b>Agenda item 42:</b> United Nations Conference on Trade and Development: report of the Trade and Development Board ( <i>concluded</i> ) Report of the Second Committee (part II) .....	1475	<b>Agenda items 92 and 12:</b> Respect for human rights in armed conflicts: report of the Secretary-General Report of the Economic and Social Council ( <i>continued</i> ) Report of the Sixth Committee .....	
<b>Agenda item 47:</b> Reduction of the increasing gap between the developed countries and the developing countries ( <i>concluded</i> ) Report of the Second Committee .....		<b>Agenda item 94:</b> Report of the Committee on Relations with the Host Country Report of the Sixth Committee .....	
<b>Agenda item 50:</b> Quantification of scientific and technological activities related to development, including the definition of the quantitative targets contemplated in paragraph 63 of the International Development Strategy for the Second United Nations Development Decade ( <i>concluded</i> ) Report of the Second Committee .....		<b>Agenda item 105:</b> Diplomatic asylum Report of the Sixth Committee .....	
<b>Agenda item 51:</b> United Nations University: report of the University Council ( <i>concluded</i> ) Report of the Second Committee .....		<b>Agenda item 112:</b> Implementation by States of the provisions of the Vienna Convention on Diplomatic Relations of 1961 and measures to increase the number of parties to the Convention Report of the Sixth Committee .....	

**President: Mr. Abdelaziz BOUTEFLIKA**  
**(Algeria).**

*In the absence of the President, Mr. Jankowitsch (Austria), Vice-President, took the Chair.*

## AGENDA ITEM 23

**Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (continued)**

1. The PRESIDENT: Before we take up the agenda items for this morning's meeting, I should like to inform the Assembly that, at the meeting yesterday evening, the request of the representative of the United States to speak in exercise of the right of reply under agenda item 23, on decolonization, was inadvertently overlooked by the Secretariat. With the concurrence of the Assembly, I shall now call on the representative of the United States.

2. Ms. WHITE (United States of America): Since the question of Puerto Rico was raised in the debate on this item yesterday [2317th meeting], my delegation asked to be allowed to speak in order to reiterate the views of the United States. These views were last stated on 18 November by the United States representative at the 2113th meeting of the Fourth Committee. They are based on the relevant provisions of the Charter, various resolutions of the United Nations and the facts of the situation in Puerto Rico.

3. My Government voluntarily acknowledged Puerto Rico to be a Non-Self-Governing Territory under the purview of Chapter XI of the United Nations Charter on 19 August 1946, in a letter to the Secretary-General of the United Nations. Subsequently, however, Puerto Rico exercised its right to self-determination.

4. On 3 March 1952, the people of Puerto Rico attained self-government by freely and fully participating in a referendum. They voted in that referendum to establish a Commonwealth of Puerto Rico freely associated with the United States and they adopted the Constitution for that Commonwealth.

5. On 27 November 1953, the General Assembly, at its eighth session, recognized Puerto Rico's attainment of self-government by adopting resolution 748 (VIII). Paragraphs 5 and 6 of that resolution read:

*"Recognizes that, in the framework of their Constitution and of the compact agreed upon with the United States of America, the people of the Commonwealth of Puerto Rico have been invested with attributes of political sovereignty which clearly identify the status of self-government attained by the Puerto Rican people as that of an autonomous political entity;*

*"Considers that, due to these circumstances, the Declaration regarding Non-Self-Governing Territories and the provisions established under it in Chapter XI of the Charter can no longer be applied to the Commonwealth of Puerto Rico."*

6. In paragraph 8, dealing with the transmission of information on Non-Self-Governing Territories to the United Nations, the Assembly

*"Considers it appropriate that the transmission of this information should cease."*

7. By rejecting a proposal to include Puerto Rico in its agenda, the General Assembly at its twenty-

sixth session, in 1971, in effect reaffirmed its previous decision that Puerto Rico is self-governing.

8. My delegation would also like to bring to the attention of the Assembly the following facts. In general elections in 1956, 1960, 1964, 1968 and 1972, as well as in a 1967 referendum on status, the people of Puerto Rico freely chose to retain their present relationship with the United States. On six separate occasions they have reaffirmed their original decision. Repetition of falsehoods to the contrary cannot and does not change these facts. The future of Puerto Rico will continue to be shaped by the will of the majority of the Puerto Rican people as expressed in regularly scheduled elections in which all shades of political opinion are free to participate.

9. It is the people of Puerto Rico who, through universal adult suffrage, have decided what their status and their form of government should be. They have acted within both the spirit and the letter of the United Nations Charter. The United Nations General Assembly has so recognized.

10. Those are the facts. I only regret that it has been necessary for me to take the time of the General Assembly to repeat them today.

## AGENDA ITEM 72

**Financial reports and accounts for the year 1973 and reports of the Board of Auditors (concluded):\***

**(b) United Nations Development Programme**

**REPORT OF THE FIFTH COMMITTEE  
(A/9823/Add.1)**

## AGENDA ITEM 75

**Administrative and budgetary co-ordination of the United Nations with the specialized agencies and the International Atomic Energy Agency: report of the Advisory Committee on Administrative and Budgetary Questions**

**REPORT OF THE FIFTH COMMITTEE (A/9966)**

## AGENDA ITEM 80

**Appointments to fill vacancies in the membership of subsidiary organs of the General Assembly (concluded):\*\***

**(d) Investments Committee: confirmation of the appointments made by the Secretary-General**

**REPORT OF THE FIFTH COMMITTEE (A/9834)**

11. Mr. OSMAN (Egypt), Rapporteur of the Fifth Committee: I have the honour to introduce first to the General Assembly part II of the report of the Fifth Committee on agenda item 72, concerning the financial reports and accounts for the year 1973 and reports of the Board of Auditors. The report is contained in document A/9823/Add.1, and the recommendation of the Fifth Committee appears in paragraph 3.

12. Secondly, I should like to introduce to the General Assembly the report of the Fifth Committee on

\* Resumed from the 2280th meeting.

\*\* Resumed from the 2303rd meeting.

agenda item 75, concerning administrative and budgetary co-ordination of the United Nations with the specialized agencies and the International Atomic Energy Agency [A/9966]. At its 1688th meeting, the Fifth Committee adopted its decisions on this item without objection. The decisions relevant to the item are to be found in paragraphs 7, 8 and 9 of the report.

13. Finally, I should also like to introduce to the General Assembly the Committee's report on agenda item 80 (d). Item 80 concerns appointments to fill vacancies in the subsidiary organs of the General Assembly; subitem (d) is entitled "Investments Committee: confirmation of the appointments made by the Secretary-General". The recommendation of the Fifth Committee in this regard appears in paragraph 4 of document A/9834.

*Pursuant to rule 66 of the rules of procedure, it was decided not to discuss the reports of the Fifth Committee on agenda items 72, 75 and 80 (d)*

14. The PRESIDENT: We shall first consider part II of the report of the Fifth Committee on agenda item 72 [A/9823/Add.1]. The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 3 of its report. The Fifth Committee adopted that draft resolution without objection. May I take it that the General Assembly wishes to do the same?

*The draft resolution was adopted (resolution 3303 (XXIX)).*

15. The PRESIDENT: We turn now to the report of the Fifth Committee on agenda item 75, concerning administrative and budgetary co-ordination of the United Nations with the specialized agencies and the International Atomic Energy Agency [A/9966]. The recommendations of the Committee appear in paragraphs 7, 8 and 9 of the report.

16. We turn first to the recommendation contained in paragraph 7. The Fifth Committee adopted that recommendation without objection. May I take it that the General Assembly wishes to do the same?

*It was so decided.*

17. The PRESIDENT: We come now to the recommendation in paragraph 8. The Fifth Committee adopted that recommendation without objection. May I take it that the Assembly also wishes to adopt it without objection?

*It was so decided.*

18. The PRESIDENT: The recommendation in paragraph 9 was adopted by the Fifth Committee by consensus. May I take it that the Assembly wishes to do the same?

*It was so decided.*

19. The PRESIDENT: We turn now to the report of the Fifth Committee on agenda item 80 (d), dealing with the confirmation of the appointments made by the Secretary-General to the Investments Committee [A/9834]. The draft resolution appearing in paragraph 4 of the report was adopted by the Fifth Committee without objection. May I take it that the General Assembly wishes to do the same?

*The draft resolution was adopted (resolution 3304 (XXIX)).*

20. The PRESIDENT: I now call on the representative of Algeria to speak in explanation of vote.

21. Mr. BOUAYAD-AGHA (Algeria) (*interpretation from French*): Yesterday, at the 1693rd meeting of the Fifth Committee, the Algerian delegation expressed some reservations about the way in which the Secretary-General had made appointments to the Investments Committee. We expressed those reservations because the Investments Committee has a very important task, involving many aspects of the question of investments. For that reason we have always believed that it is the General Assembly that should appoint the members of that Committee.

22. Furthermore, we asked some questions about the two persons who had been chosen by the Secretary-General. Obviously, we were in no way questioning the personal qualifications or skills of those two persons. What we were questioning was their capacity as presidents or directors of corporations that could have trade, industrial or social relations with firms operating in South Africa, Namibia or Southern Rhodesia. This year we shall accept the assurances given by the representative of the Secretary-General. But I must remind the Assembly that two years ago there was a troublesome individual in the Investments Committee who was the president of a mining company operating in South Africa.

#### AGENDA ITEM 43

**United Nations Industrial Development Organization (*continued*)\***

- (a) Report of the Industrial Development Board;
- (b) Second General Conference of the United Nations Industrial Development Organization: report of the Executive Director;
- (c) Establishment of a United Nations industrial development fund: report of the Secretary-General;
- (d) Confirmation of the appointment of the Executive Director of the United Nations Industrial Development Organization

REPORT OF THE SECOND COMMITTEE (A/9873)

#### AGENDA ITEM 42

**United Nations Conference on Trade and Development: report of the Trade and Development Board (*concluded*)\***

REPORT OF THE SECOND COMMITTEE  
(PART II) (A/9826/ADD.1)

#### AGENDA ITEM 47

**Reduction of the increasing gap between the developed countries and the developing countries (*concluded*)\***

REPORT OF THE SECOND COMMITTEE (A/9936)

\* Resumed from the 2315th meeting.

## AGENDA ITEM 50

**Quantification of scientific and technological activities related to development, including the definition of the quantitative targets contemplated in paragraph 63 of the International Development Strategy for the Second United Nations Development Decade (concluded)\***

## REPORT OF THE SECOND COMMITTEE (A/9930)

## AGENDA ITEM 51

**United Nations University: report of the University Council (concluded)\***

## REPORT OF THE SECOND COMMITTEE (A/9916)

23. The PRESIDENT: The Assembly will now consider the reports of the Second Committee on agenda items 43, 42, 47, 50 and 51. Members will recall that the Rapporteur introduced these reports at the 2315th meeting on 12 December 1974.

24. I invite Members to turn their attention first to the report of the Second Committee on agenda item 43, concerning UNIDO. The report is contained in document A/9873. We shall now take a decision on the draft resolutions recommended by the Second Committee in paragraph 19 of its report.

25. Draft resolution I is entitled "Revision of the lists of States eligible for membership in the Industrial Development Board". The Second Committee adopted that draft resolution without a vote. May I take it that the General Assembly wishes to do likewise?

*Draft resolution I was adopted (resolution 3305 (XXIX)).*

26. The PRESIDENT: Draft resolution II is entitled "Second General Conference of the United Nations Industrial Development Organization". The Assembly will now vote on this draft resolution.

*Draft resolution II was adopted by 119 votes to none, with 3 abstentions (resolution 3306 (XXIX)).*

27. The PRESIDENT: We now turn to draft resolution III, on the establishment of a United Nations industrial development fund. The Second Committee adopted that draft resolution without a vote. May I take it that the Assembly wishes to do likewise?

*Draft resolution III was adopted (resolution 3307 (XXIX)).*

28. The PRESIDENT: That concludes our consideration of subitems (a) to (c) of agenda item 43. Subitem (d), dealing with the confirmation of the appointment of the Executive Director of UNIDO, will be before the General Assembly at a later meeting.

29. We shall now consider part II of the report of the Second Committee on agenda item 42, dealing with UNCTAD. The report is contained in document A/9826/Add.1. The Assembly will now vote on the four draft resolutions recommended by the Second Committee in paragraph 15 of its report.

30. Draft resolution I is entitled "Report of the Trade and Development Board". The report of the

Fifth Committee on the administrative and financial implications of that draft resolution is contained in document A/9933. I now put draft resolution I to the vote.

*Draft resolution I was adopted by 122 votes to 1, with 4 abstentions (resolution 3308 (XXIX)).*

31. The PRESIDENT: Draft resolution II relates to multilateral trade negotiations. The Second Committee adopted draft resolution II without a vote. May I take it that the General Assembly wishes to do likewise?

*Draft resolution II was adopted (resolution 3309 (XXIX)).*

32. The PRESIDENT: Draft resolution III is entitled "Participation of the Secretary-General of the United Nations Conference on Trade and Development in the multilateral trade negotiations". I now put this draft resolution to the vote.

*Draft resolution III was adopted by 106 votes to 13, with 7 abstentions (resolution 3310 (XXIX)).*

33. The PRESIDENT: We come now to draft resolution IV concerning special measures related to the particular needs of the land-locked developing countries. The report of the Fifth Committee on the administrative and financial implications of draft resolution IV is contained in document A/9933. I now put draft resolution IV to the vote.

*Draft resolution IV was adopted by 121 votes to none, with 4 abstentions (resolution 3311 (XXIX)).*

34. The PRESIDENT: I shall now call on those delegations which have asked to speak in explanation of vote after the vote.

35. Mr. ROUGÉ (France) (*interpretation from French*): The European Economic Community [EEC] has always said that it is in favour of the Secretary-General of UNCTAD being invited, when appropriate, to attend meetings of the Trade Negotiations Committee of GATT and its subsidiary organs and that he should receive the necessary documentation. This point was settled in 1973 at the Ministerial Meeting in Tokyo<sup>1</sup> in a way which was accepted by all participants. Since nothing new has occurred in the meantime, there was no point in going back to this. However, the delegations of States members of EEC, on behalf of which I have the honour of speaking, agreed to reopen this matter at the last session of the Trade and Development Board held at Geneva last August. Once again there was complete agreement among all delegations.

36. In the Second Committee, several delegations questioned the Geneva agreement and submitted new proposals. However, in the subsequent negotiations those delegations did not press their demands. Yielding to the arguments put forward by other delegations, particularly those of EEC, they offered a compromise, then proposed purely and simply to withdraw the controversial paragraph of the draft resolution on multilateral trade negotiations, which meant, quite simply, going back to the provisions adopted by common agreement at Geneva. That was in fact the essential condition for a consensus on this text.

37. At the last moment, however, the delegations I have referred to once again changed their minds

\* Resumed from the 2315th meeting.

by submitting draft resolution III, which has just been adopted. The negative vote of the delegations of the members of EEC on this draft resolution reflects not only their opposition to the substance but also their disapproval of the procedure I have just described.

38. Mr. STURKEY (Australia): The Australian delegation abstained on draft resolution I in document A/9826/Add.1 when it was voted on in the Second Committee. In supporting that draft resolution today my Government wishes to record its concern about the complexity of the question of indexation. Australia does not oppose further examination of indexation but believes that its utility and practicability should not be prejudged before such examination.

39. The PRESIDENT: The Assembly will now turn to the report of the Second Committee on agenda item 47, entitled "Reduction of the increasing gap between the developed countries and the developing countries" [A/9936]. The draft resolution recommended by the Second Committee in paragraph 4 of its report was adopted by the Committee without a vote. May I take it that the Assembly wishes to do likewise?

*The draft resolution was adopted (resolution 3312 (XXIX)).*

40. The PRESIDENT: We shall turn now to the report of the Second Committee on agenda item 50, entitled "Quantification of scientific and technological activities related to development, including the definition of the quantitative targets contemplated in paragraph 63 of the International Development Strategy for the Second United Nations Development Decade". The report is contained in document A/9930.

41. The draft decision recommended by the Second Committee appears in paragraph 6 of its report. The Committee adopted this draft decision without a vote. May I take it that the Assembly wishes to do likewise?

*It was so decided.*

42. The PRESIDENT: We turn now to the report of the Second Committee on agenda item 51, entitled "United Nations University" [A/9916]. The draft resolution recommended by the Second Committee in paragraph 8 of its report was adopted by the Committee without a vote. May I take it that the General Assembly wishes to do likewise?

*The draft resolution was adopted (resolution 3313 (XXIX)).*

#### AGENDA ITEM 86

**Report of the Special Committee on the Question of Defining Aggression**

REPORT OF THE SIXTH COMMITTEE (A/9890)

#### AGENDA ITEM 87

**Report of the International Law Commission on the work of its twenty-sixth session**

REPORT OF THE SIXTH COMMITTEE (A/9897)

#### AGENDA ITEM 89

**Report of the United Nations Commission on International Trade Law on the work of its seventh session**

REPORT OF THE SIXTH COMMITTEE (A/9920)

#### AGENDA ITEM 90

**United Nations Conference on Prescription (Limitation) in the International Sale of Goods: report of the Secretary-General**

REPORT OF THE SIXTH COMMITTEE (A/9921)

#### AGENDA ITEM 91

**Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms, and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes: report of the Ad Hoc Committee on International Terrorism**

REPORT OF THE SIXTH COMMITTEE (A/9947)

#### AGENDA ITEMS 92 AND 12

**Respect for human rights in armed conflicts: report of the Secretary-General**

**Report of the Economic and Social Council (continued)**

REPORT OF THE SIXTH COMMITTEE (A/9948)

#### AGENDA ITEM 94

**Report of the Committee on Relations with the Host Country**

REPORT OF THE SIXTH COMMITTEE (A/9949)

#### AGENDA ITEM 105

**Diplomatic asylum**

REPORT OF THE SIXTH COMMITTEE (A/9913)

#### AGENDA ITEM 112

**Implementation by States of the provisions of the Vienna Convention on Diplomatic Relations of 1961 and measures to increase the number of parties to the Convention**

REPORT OF THE SIXTH COMMITTEE (A/9951)

43. Mr. SANDERS (Guyana), Rapporteur of the Sixth Committee: The Sixth Committee's report on its debate on item 86, "Report of the Special Committee on the Question of Defining Aggression", is contained in document A/9890. The Sixth Committee considered the proposed definition submitted by the Special Committee in its report [A/9619 and Corr.1]



during 17 meetings and finally adopted without a vote the draft Definition of Aggression appearing in paragraph 13 of document A/9890. During the debate on the item, the Sixth Committee agreed that nothing in the Definition, and in particular article 3 (c), shall be construed as a justification for a State to block, contrary to international law, the routes of free access of a landlocked country to and from the sea. The Committee also agreed that nothing in the Definition, and in particular article 3 (d), shall be construed as in any way prejudicing the authority of a State to exercise its rights within its national jurisdiction, provided such exercise is not inconsistent with the Charter of the United Nations. The agreements are stated in paragraphs 9 and 10 of the report.

44. As I have said, the Sixth Committee adopted the draft Definition of Aggression without a vote, and it is my hope that it will so be adopted by the Assembly.

45. The Sixth Committee's report on its debate on item 87, "Report of the International Law Commission on the work of its twenty-sixth session", is contained in document A/9897. The Committee spent 16 meetings on the report of the International Law Commission [A/9610/Rev.1] which, this year, dealt with succession of States in respect of treaties; state responsibility; the question of treaties concluded between States and international organizations or between two or more international organizations; and the law of the non-navigational uses of international watercourses.

46. The co-operation between the Sixth Committee and the International Law Commission, which is invaluable for the very important work of the codification and progressive development of international law, makes it highly desirable for us to summarize annually the debate in the Sixth Committee on the work of the International Law Commission.

47. Accordingly, document A/9897 contains the now traditional summary of the Sixth Committee's debate, and in paragraph 193 of the report we find the draft resolution which the Committee adopted without a vote and which I hope will be so adopted by the Assembly.

48. But I should now like to draw the Assembly's attention to paragraph 194 of the report—the last paragraph—which concerns the matter of including the United Nations Secretariat in the list of addressees that are sent notifications by depositaries of multilateral treaties.

49. It was intended that all depositaries, whether they be States or international organizations, should be covered. Therefore, I should now like to propose two changes in paragraph 194 to take account of an omission, so that the paragraph would read as follows:

"The General Assembly recommends to States and to international organizations that are depositaries of multilateral treaties to include automatically the United Nations Secretariat in the list of addressees for reporting notifications that such States and international organizations are called upon to send as depositaries."

In other words, we include international organizations after States for which the recommendation is to be made.

50. I turn now to item 89, "Report of the United Nations Commission on International Trade Law on the work of its seventh session". The Sixth Committee's report on its debate on this item is in document A/9920. This year, the report of the United Nations Commission on International Trade Law [UNCITRAL] [A/9617] dealt, among other things, with a review of its work on the international sale of goods, international payments, international legislation on shipping, multinational enterprises, ratification of or adherence to conventions concerning international trade law, training and assistance in the field of international trade law, and liability for damage caused by products intended for or involved in international trade.

51. Since we are again here dealing with the codification and progressive development of international law—this time in the field of trade—the Sixth Committee decided that its report should contain the main trends of opinion expressed in its debate on the work of UNCITRAL.

52. A draft resolution appears in paragraph 42 of the report [A/9920]. This draft resolution was adopted by the Sixth Committee without a vote, and it is my hope that the Assembly will so adopt it.

53. The Sixth Committee's report of its debate on a related item—item 90—is contained in document A/9921, and concerns the United Nations Conference on Prescription (Limitation) in the International Sale of Goods. This was the first diplomatic conference to emerge from UNCITRAL. It was convened earlier this year, and it gave birth to a Convention on the Limitation Period in the International Sale of Goods.<sup>2</sup>

54. The Sixth Committee considered this item during eight meetings and adopted without a vote the draft resolution in paragraph 7 of document A/9921. The draft resolution invites all States which have not yet done so to consider the possibility of signing, ratifying or acceding to the Convention. Again, I hope that the draft resolution will be adopted by the Assembly without a vote.

55. The Sixth Committee did not have time this year to consider item 91, on measures to prevent international terrorism. Accordingly, in document A/9947 the Committee recommends to the General Assembly that the item should be included in the provisional agenda of the thirtieth session.

56. Item 92, "Respect for human rights in armed conflicts", and, under item 12, that section of the report of the Economic and Social Council which deals with the protection of women and children in periods of emergency and armed conflict in the struggle for peace, self-determination, national liberation and independence [A/9603, chap. V, sect. D, para. 423] were considered together by the Sixth Committee. The Sixth Committee recommends to the Assembly for adoption the draft resolutions contained in paragraph 17 of its report on these items [A/9948].

57. The Sixth Committee considered item 94, "Report of the Committee on Relations with the Host Country", during six of its meetings. The report of the debate is contained in document A/9949. The debate in the Sixth Committee focused mainly on incidents which have taken place at some missions accredited to the United Nations, parking problems encountered

occasionally by diplomats, and the measures being adopted by the host country, the New York City community and the New York City Commission for the United Nations to accommodate the needs, interests and requirements of diplomats and to provide hospitality.

58. The draft resolution in paragraph 6 of document A/9949 was adopted by the Committee without a vote, and once again it is my hope that it will be so adopted by the Assembly.

59. Item 105 refers to diplomatic asylum, and the report of the Sixth Committee's debate on this item is contained in document A/9913. The Committee considered the item during seven meetings, as a result of which there emerged the draft resolution contained in paragraph 11 of the report.

60. The last report I am submitting today concerns item 112, "Implementation by States of the provisions of the Vienna Convention on Diplomatic Relations of 1961 and measures to increase the number of parties to the Convention".

61. A draft resolution on the item was introduced in the Sixth Committee, but the Committee did not have time this year to complete its consideration of the item. Accordingly, in paragraph 5 of its report [A/9951], the Committee recommends to the General Assembly that the item should be included in the provisional agenda of the thirtieth session.

62. Although I have taken up so much of the Assembly's time in submitting these reports on behalf of the Sixth Committee, I should like to return briefly to the first matter which the Assembly will now take up, under your direction, Mr. President. I refer to the Definition of Aggression.

63. At the moment when the Assembly adopts the Definition of Aggression—and I hope it will adopt it without a vote—history will be made not only in this Organization but also in international law, for that moment will mark the end of more than 50 years of attempts by the international community to achieve a viable definition of aggression.

64. Since the Assembly, in adopting the resolution, will thereby call the attention of the Security Council to the Definition and recommend that the Council should, as appropriate, take account of the Definition as guidance in determining, in accordance with the Charter, the existence of an act of aggression, I venture to express the hope that mankind will have taken another step forward towards peace.

*Pursuant to rule 66 of the rules of procedure, it was decided not to discuss the nine reports of the Sixth Committee.*

65. The PRESIDENT: We shall first consider the report of the Sixth Committee on agenda item 86, entitled "Report of the Special Committee on the Question of Defining Aggression". The report is contained in document A/9890. I shall now call on those representatives who wish to explain their vote before the vote.

66. Mr. GODOY (Paraguay) (*interpretation from Spanish*): The Paraguayan delegation is convinced, as we always have been, that the rule of true justice and law in the international arena is the only guarantee that the majority of countries have for their security

and for their full enjoyment of harmonious coexistence in the community of nations.

67. That conviction and the solid basis provided by the principles and norms of international law, set forth in the United Nations Charter and in dozens of other legal instruments, led my delegation, together with 17 other delegations in the Sixth Committee, to sponsor a working paper, contained in document A/C.6/L.990, proposing a draft addendum whereby the blocking of routes of access to the sea of a land-locked country by the armed forces of a State would also be considered and described as an act of aggression.

68. The inclusion of that proposal in the draft prepared and recommended by the Special Committee on the Question of Defining Aggression could have corrected the omission of the above-mentioned principles that was patently discriminatory. That omission disregarded the interests of almost 30 sovereign States whose geographical position, in the majority of cases, may be explained by historico-political developments in which the countries affected today played no part whatsoever, or as a result of which they were made into land-locked countries and, in consequence, geographically dependent.

69. We are well aware of the fact that the Definition of Aggression as proposed refers solely to the type of the aggression carried out by the use of arms on the part of one State against another. We know that in order to reach the stage we have reached today, 50 years of arduous and complex negotiations had to take place, principally among the major Powers. We also know that the delicate balance achieved in the draft we have before us today is the result of mutual compromise and concessions among some of the parties which took part in its preparation.

70. Consequently, we believe that in any true negotiations, it is only natural and even necessary that there should be reciprocal concessions among all the parties, that is, that a spirit of compromise, of give-and-take, should prevail. In this process of accommodation, and especially as regards blockade and the right of access to the sea, land-locked countries had nothing at all to offer, not because they wanted to bypass the rules of the negotiating game but because they were in an eminently passive position of geographical dependence.

71. But we cannot for that reason abandon our efforts to have this right specifically protected in a document of such overriding importance as that containing the Definition of Aggression, though we agree that the list of acts described in this document as acts of aggression is not exhaustive and that the present Definition will only act as a guide to the body entrusted by the Charter with the task of determining definitively the existence of an act of this kind. I am referring of course to the Security Council.

72. In presenting this request, we were not demanding preferential treatment or special privileges. We only wanted to be considered on a completely equal footing with those States which have coastlines, whose ports and coasts are duly protected in the very text of the Definition to which we have been referring.

73. Furthermore, it could not be clearer that in the area of aggression those countries which do not have

the lungs and arteries that a coastline represents are those least likely to dare to commit the international crime of aggression because of their very geographical position and the relatively lower level of technological and military development they have attained.

74. Is it perhaps for that reason that they have not been heeded, that they have been placed on the sidelines, because they do not represent a greater threat, in particular to those Powers that have had most influence in the final drafting of this document?

75. In the Sixth Committee,<sup>3</sup> my delegation set forth in detail the legal and other arguments underlying and justifying that request of the land-locked countries. We also denounced the way in which that proposal had been disregarded and, speaking euphemistically, the pressure to which we have been subjected and the grave warnings to desist in our demands. The many concessions we offered at that time in no way contributed to ensuring a better fate for our modest proposal.

76. Consequently, we cannot honestly say that we accept this fragile consensus in support of the Definition of Aggression, but rather, that we are obliged not to oppose it formally—not because the Definition is fundamentally bad but because it has an inherent defect in the sense that it is discriminatory by omission, which in itself is a troubling violation of the principle of sovereign equality of all States.

77. By ignoring the interests and the situation of a sizable number of countries, the Definition will be inconclusive, since it will not have the firm and unanimous support of all States, which must spring from the respect, founded on their own convictions, for the spirit and letter of this great document.

78. The process *de lege ferenda* requires that in the near future this work must be completed and strengthened. Then and only then can the ancient principle *pacta sunt servanda* be invoked conscientiously.

79. Paraguay cannot agree that a reference to the protection of its legitimate and inalienable interests—in this case against possible acts of aggression—should be included only in a foot-note, in a position that is less than secondary, and take the form of a mere declaration rather than being part of the text of the Definition itself.

80. Unlike what was promised, which prompted a number of the sponsors to accept the so-called compromise, the terms of this innocuous and inoperative statement do not appear in a foot-note but in an obscure paragraph, paragraph 9, of the report of the Sixth Committee [A/9890].

81. Can representatives tell us what kind of legal deterrent that disjointed and isolated statement will act as? It is not even published as a foot-note or as part of the text of the Definition.

82. For all the reasons I have mentioned, my delegation wishes to state for the record that, if the draft definition before us, which was adopted and recommended by the Sixth Committee, had been put to the vote, the Paraguayan delegation would have opposed the present language of article 3 (c).

83. Miss VEGA (Peru) (*interpretation from Spanish*): The Peruvian delegation explained its vote on the Definition of Aggression in the Sixth Committee.<sup>4</sup>

so I need not dwell on the subject today. I should simply like to refer to the foot-note to the Definition, which refers to statements on the Definition in paragraphs 9 and 10 of the report of the Sixth Committee [A/9890].

84. Those statements were the subject of agreement in the Sixth Committee, as was the text of the Definition itself. The Definition cannot be read save in connexion with those agreements. For the purposes of application and interpretation referred to in article 8, they constitute part of the original context. Those agreements could very easily have been incorporated in the text of the Definition itself. That would have made the reading of the text much easier.

85. On the understanding that the agreements to which I have referred have the same value and legal scope as the articles of the Definition, my delegation can accept the Definition.

86. The PRESIDENT: The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 13 of its report [A/9890]. The Committee adopted this draft resolution without a vote. May I consider that the General Assembly wishes to do the same?

*The draft resolution was adopted (resolution 3314 (XXIX)).*

87. The PRESIDENT: I shall now call upon those delegations who wish to explain their votes.

88. Mr. AN Chih-yuan (China) (*interpretation from Chinese*): The Chinese delegation would like to make the following statement on the resolution concerning the Definition of Aggression just adopted by the General Assembly.

89. We expounded in detail our position and views on the question of defining aggression in the Sixth Committee.<sup>5</sup> When the Committee adopted the relevant resolution, the Chinese delegation made clear its position of non-participation in the voting.<sup>6</sup> In our view, although the Definition of Aggression has reflected in certain aspects the just position of the third-world countries against aggression, thanks to their prolonged struggle and endeavour, yet as a result of the super-Power sabotage and obstruction, it still has some serious loopholes and defects on some key issues, which might be used by the super-Powers to justify their acts of aggression. For this reason, the Chinese delegation deems it necessary to reiterate that if the Assembly had put to the vote the report of the Sixth Committee on the question of defining aggression and the related resolution, it would not have participated in the voting.

90. Mr. YOKOTA (Japan): My delegation welcomes the General Assembly's adoption by consensus of the Definition of Aggression. It is indeed a monumental achievement of the twenty-ninth session of the General Assembly, and on this momentous occasion I should like to pay a tribute to all those—and particularly to Mr. Broms of Finland—whose untiring efforts contributed to the successful conclusion of this long-discussed and important task. The fact that the Definition was adopted without opposition augurs well for the future of our world Organization and the international community at large.

91. As regards the understanding concerning article 3 (d) in paragraph 10 of the report of the Sixth



Committee [A/9890], my delegation felt that this understanding was, in essence, superfluous. This is because we believe that if we read article 3 (d) carefully in the context of the whole Definition, especially in the context of article 2, the introductory part of article 3, and article 6, the Definition itself makes it most clear without a shadow of ambiguity that the exercise, in a manner permitted by international law, of a coastal State's rights recognized under international law cannot, in any way, qualify as an act of aggression, provided such exercise is not inconsistent with the Charter of the United Nations.

92. However, since a number of delegations strongly favoured the inclusion of an understanding on article 3 (d), my delegation, in a spirit of compromise, agreed to include it in the report of the Sixth Committee. It is the view of my delegation that this understanding does not add anything to the Definition or detract anything from it, but confirms, as I have just explained, what is already implied in the Definition.

93. Mr. ALEMÁN (Ecuador) (*interpretation from Spanish*): On this occasion I should like to reiterate each and every observation made by the representative of Ecuador in the Sixth Committee when the draft resolution on the Definition of Aggression was adopted.<sup>7</sup>

94. Furthermore, as regards paragraph 10 of the report of the Sixth Committee [A/9890], I wish to say that it is an inseparable part of the Definition and that its scope and legal value are the same as the remaining provisions of the Definition.

95. Finally, as regards the Spanish translation of paragraph 10, in the clause "*a condición de que ese ejercicio sea compatible con la Carta de las Naciones Unidas*", I should like formally to request that a correction be made; the agreed English text states: "provided such exercise". The English term "provided" can be translated into Spanish as "*siempre que*" or "*en tanto que*", but never as "*a condición de que*", as it is at present translated.

96. Mr. BENNETT (United States of America): The United States delegation believes the adoption by consensus of this Definition is one of the positive achievements of the General Assembly at this twenty-ninth session. The adoption of this Definition coming after so many years of consideration and negotiation is, in fact, in our view, an historic moment. We believe this accomplishment may in large measure be attributed to the working methods used by the Special Committee on the Question of Defining Aggression. My delegation has expressed its views on the details of the Definition in the Sixth Committee<sup>8</sup> as well as at the 113th meeting of the Special Committee. These remain our views, and I see no need to reiterate them *in extenso* here today.

97. We indicated there that, while we should have preferred more explicit and detailed coverage of certain very contemporary forms of violence, we were satisfied that these indirect uses of force were indeed covered. We have stressed the importance that we attach to the express recognition of the fact that the specific list of acts set forth in article 3 of the Definition is not exhaustive, and we have stressed the importance we attach to the fact that the text neither expands nor diminishes the permissible uses of force.

98. We believe the recommendations included in the Definition are, by and large, likely to provide useful guidance to the Security Council, which, after all, is the function of the Definition. This is particularly so since, as is made clear by paragraph 4 of the resolution, nothing in the Definition alters or purports to alter the discretion of the Security Council. This is quite proper, of course, since neither the General Assembly nor indeed the Security Council itself is empowered to change the discretion of the Council, that discretion being derived from the language of the Charter itself.

99. We see nothing in any of the various explanatory notes which affects the substance of the text of the Definition or affects our views of it.

100. The United States fully shares the hope expressed in the preamble to these guidelines that they will contribute to the more effective functioning of the collective security system of the United Nations, and thus to the maintenance of international peace and security.

101. Mr. STEEL (United Kingdom): It is not necessary for my delegation to say again, on this occasion, how gratified it is at the final adoption of a definition of aggression after approximately 50 years of effort by the international community. We expressed that gratification when we took part in the concluding debate in the Special Committee on the Question of Defining Aggression itself and again when we spoke in the general debate on this item in the Sixth Committee this session. Nor do we need now to repeat what we said on those occasions about particular provisions of the Definition or about the significance to be attached to the Definition as a whole.

102. However, since we did not speak when the Sixth Committee gave its blessing to the draft resolution the Assembly has just adopted, I should like to say a few words on two specific matters arising out of the proceedings that took place then. The first concerns the two statements of understanding that are recorded in paragraphs 9 and 10 respectively of the report of the Sixth Committee [A/9890]. As regards the latter of these, the statement referring to article 3 (d) of the Definition, my delegation said, when we spoke during the general debate on this item in the Sixth Committee,<sup>9</sup> that we had no objections to the substance of such a statement, but that we thought it to be totally unnecessary, very difficult to draft in meaningful terms and liable to expose the Committee, in the course of attempting such a draft, to the risk of opening up all sorts of problems which would be better left alone.

103. We would also have said much the same about the former of the two statements, the one in paragraph 9 of the report relating to article 3 (c) of the Definition, if the issue had arisen at that point. In fact, it arose later and as a direct consequence—as we had warned—of the demand for the inclusion of a statement on the lines of what now appears in paragraph 10.

104. As it is, and by a process of hard negotiation, the Sixth Committee managed to agree on formulations for each of these statements which my delegation finds no difficulty in accepting. The statements seem to us to be truisms and to be largely irrelevant to the Definition of Aggression. But if they make other dele-

gations happier—and of course we recognize the importance of the issues involved: it is simply their relevance in this context that we question—we have no objection. In any event, we pay a tribute to the spirit of compromise on all sides that eventually allowed us to reach agreement on them.

105. The other matter that I want to mention concerns operative paragraph 4 of the draft resolution we have just adopted. That paragraph reads:

*“Calls the attention of the Security Council to the Definition of Aggression, as set out below, and recommends that it should, as appropriate, take account of that Definition as guidance in determining, in accordance with the Charter, the existence of an act of aggression.”*

106. Lest there should be any doubt, my delegation would wish to make clear again what we have said at all stages of this exercise, namely, that while we accept that the Definition may prove to be valuable guidance to the Security Council in discharging its function under Article 39 of the Charter, it cannot affect the discretion of the Security Council in deciding whether or not to make a finding in any specific case that an act of aggression has been committed—and we do not read it as even purporting to affect that discretion.

107. In this connexion, I would add that my delegation attaches no value to the suggestion that was made in the Sixth Committee by certain speakers that the Security Council should somehow adopt the Definition in a way which would make it binding on the Council itself. The Security Council has no power to do anything of this sort, and we consider that it would be a pity for anybody seriously to suggest that it should go through the farce of pretending that it had.

108. Mr. COSTE (France) (*interpretation from French*): I should simply like to state that my delegation is gratified at the important decision just taken by the General Assembly in adopting this draft resolution. The Definition of Aggression that we have arrived at has won very wide approval. This is a sign of the profound agreement that unites the Members of our Organization, rising above their differences of interest, when the issue at stake is helping to maintain international peace and security. Although this Definition is nothing but a recommendation and is not binding, my delegation is convinced that it can usefully contribute to facilitating the task of the Security Council.

*Mr. Lang (Nicaragua), Vice-President, took the Chair.*

109. Mr. FLORIN (German Democratic Republic) (*interpretation from Russian*): The delegation of the German Democratic Republic welcomes with deep satisfaction the adoption by consensus of the Definition of Aggression. The adoption of that Definition is an historic event for the United Nations. We are convinced that this document will promote the further strengthening of democratic international law.

110. It will particularly help the Security Council, in accordance with the great responsibility it bears, to prevent and overcome aggression. We should therefore welcome a declaration by the Security Council making this Definition universally binding.

111. At this time, I believe it is appropriate to remind the Assembly that, at the dawn of our epoch, the young Soviet State, in its first legislative act—the Decree on Peace—condemned aggressive war and called upon the peoples of the world to fight aggression and national oppression. If, in the years after that, the efforts of the Soviet Union to have aggression defined had been successful at the time, it would have been much harder for German imperialism to have launched the Second World War. So, as a result of the victory over fascism, and on the basis of the changed balance of forces in the world and a change in people's consciousness that arose from the indescribable sufferings of the peoples of the world, it has become possible to establish a new international legal order in the form of the United Nations Charter, which condemns aggressive war and also national and colonial oppression.

112. The German Democratic Republic has learnt the lessons of history and has enshrined in its Constitution the principle that the German Democratic Republic will never wage aggressive war or use its armed forces against the freedom of any other people.

113. The German Democratic Republic is situated at the junction between the States of the Warsaw Pact and those of the North Atlantic Treaty Organization [NATO], and there is no State which has a greater interest than the German Democratic Republic in seeing the area that in our time has twice been the hotbed of devastating wars become an area of durable peace. This is the first time in recent history that we have known such a long period of peace in Europe.

114. The decisive pre-condition for *détente* in Europe was the recognition, in accordance with international law, of the results of the Second World War and post-war developments; this, as we know, is the very purpose of the series of treaties that have been signed in Europe since 1970.

115. We mention this once again because the conclusion of the Definition of Aggression is a consequence of the fact that *détente* has become the prevailing trend in international relations.

116. Our delegation would like to express the hope that the Definition of Aggression will promote an intensification of *détente* and encourage the process of the improvement of the international climate and will make those processes irreversible.

117. In that sense the German Democratic Republic will attempt to make its own contribution to the early and successful conclusion of the Conference on Security and Co-operation in Europe. The results of that Conference will, we hope, create conditions that will prevent a situation requiring the application of the Definition of Aggression to events in Europe.

118. In conclusion, we should like to express our conviction that the adoption of the Definition of Aggression will be a strong deterrent to potential aggressors and will thus promote the preservation of peace throughout the world.

119. Mr. MAÏGA (Mali) (*interpretation from French*): As my delegation stated in the debate on the draft Definition of Aggression in the Sixth Committee:

*“In the system of security which we wish to build, the definition of aggression represents an*

essential element. In deciding to define armed aggression, our Organization wished above all to prevent breaches of the peace and to eliminate the use of force or the threat of the use of force in relations between States. . . .

“The definition of aggression fills one of the gaps in the legal structure of the United Nations in regard to international peace and security.”<sup>10</sup>

120. But after lengthy negotiations, one of the serious gaps in the draft was filled by the Sixth Committee, and this is commented on in paragraph 9 of its report [A/9890], where reference is made to article 3 (c). This explanatory statement reads:

“. . . nothing in the Definition of Aggression, and in particular article 3 (c), shall be construed as a justification for a State to block, contrary to international law, the routes of free access of a land-locked country to and from the sea.”

That is an integral part of the Definition of Aggression. Article 8 of the Definition states very clearly that:

“In their interpretation and application the above provisions are interrelated and each provision should be construed in the context of the other provisions.”

121. That is in keeping with article 31 of the Vienna Convention on the Law of Treaties, which concerns the general rule of interpretation. That article provides that:

“The context for the purpose of the interpretation of a treaty shall comprise, in addition to the text, including its preamble and annexes:

“(a) any agreement relating to the treaty which was made between all the parties in connexion with the conclusion of the Treaty;

“(b) any instrument which was made by one or more parties in connexion with the conclusion of the treaty and accepted by the other parties as an instrument related to the treaty.”<sup>11</sup>

122. There can then be no doubt that a blockade by a State, in contradiction of international law, of free access to and from the sea by a land-locked country is an act of aggression under the Definition we have just adopted. Hence, there can no longer be any misunderstanding about its interpretation. That is why we voted in favour of the document that was submitted to us.

123. Mr. ROSSIDES (Cyprus): This is a most felicitous occasion: the General Assembly is adopting a definition of aggression. A definition of aggression has eluded the legal world and the political world since 1933, when the first committee started dealing with the subject. Since that time the most eminent legal minds in the international community have been focused on the problem, but each time they seemed to be reaching agreement, something prevented it. Special committees were appointed by the League of Nations. But progress was stopped by the rise of nazism in Germany and eventually by the Second World War.

124. Soon after the end of that war, the International Law Commission was established, and one of its first terms of reference was to prepare a draft code of offences against the peace and security of mankind

which would incorporate the principles of international law recognized in the Charter of the Nürnberg Tribunal. Of course, the aim was to prevent another war by curbing the tendency towards aggression and the use of force, by making the use of force an international crime, as it was declared to be by the Nürnberg Tribunal. The International Law Commission fully discussed and prepared a draft code of offences against the peace and security of mankind and international criminal jurisdiction, and presented it to the General Assembly in 1954.<sup>12</sup> It was fully prepared in every detail, but it lacked one thing: the term “aggression” was in it but there was no definition of aggression, and therefore the Commission said that aggression must be defined [*see resolution 897 (IX)*].

125. As is well known, since then various committees have been established one after the other, but failed to define aggression, probably not because of any legal difficulty, but because of the political opposition to a definition.

126. The matter went back to the International Law Commission for it to define aggression. The International Law Commission, after long discussions, also failed. So it came back to another committee and finally it was postponed for 10 years to allow time for the idea to mature in the minds of the political leaders of the world that a definition was necessary.

127. The last committee was established in 1967 and it began its work in 1968. As it failed to arrive at an agreement in the first year and as all previous committees had worked only for one year, the Secretary-General felt that this was probably another failure and proposed the introduction into the agenda of the General Assembly of that year of an item on the draft code of offences against the peace and security of mankind and on international criminal jurisdiction. The Secretary-General felt that in view of the difficulty of defining aggression, the General Assembly might think it advisable to proceed in some way to adopt this code of offences against the peace and security of mankind, which was so necessary.

128. But the General Committee unanimously decided in 1968 that it would wait anxiously, and it insisted that there should be a definition of aggression so that we might proceed with the code of offences. That was the decision taken.

129. Now we have the result—there is a definition of aggression after all. The Secretary-General, in his report this year, reminded the Assembly that the adoption of the Definition of Aggression would make it possible to proceed with the adoption of the code of offences against the peace and security of mankind and international criminal jurisdiction. Therefore, there is no impediment any longer to the discussion in and adoption by the General Assembly of the code of offences against the peace and security of mankind. This also applies to the international criminal jurisdiction.

130. Therefore, I suggest that this matter should be considered during the next session of the General Assembly so that the code of offences and the criminal jurisdiction can be adopted. It is high time that this action should be taken. It is very fortunate that these efforts have been undertaken by all countries, and particularly that we have had the consensus of the big

Powers, because without that there could not have been any definition. Praise is due to the representatives of the big Powers, permanent members of the Security Council, for being constructive and helpful in proceeding towards a definition of aggression. I take this opportunity to offer my congratulations to the big Powers on that achievement, which, as I have said, could not have taken place without their co-operation. This is a subject that must be borne in mind, namely, that the co-operation of the big Powers is necessary for progress in the world.

131. On this occasion I should like to commend the work done by the Chairman of the Special Committee on the Question of Defining Aggression, Mr. Broms. It was during his term of office that this achievement took place. I should also like to commend the Chairman of the Sixth Committee, Mr. Šahović, who also greatly contributed to this achievement in the Sixth Committee. No less praise is due to the Rapporteur of both Committees, the Special Committee on the Question of Defining Aggression and the Sixth Committee, Mr. Sanders. Therefore, I wish to express my congratulations to them.

132. As I have said, this is an important time for a definition of aggression to be adopted, because there is so much evidence of the trend towards the use of force. Unfortunately, a great deal of evidence in that respect has recently been forthcoming, and we can see it in the fact that the arms race is escalating instead of diminishing. It has reached the amount of \$160,000 million a year at a time when so much is needed for the development, and assistance of poor nations, when famine is threatening the world, particularly this winter. Still there is enough money to be thrown away—because it is actually thrown away in an arms race—when we know very well that a major war is not compatible with survival. Therefore, all these armaments and nuclear weapons are merely intended—unless it is the intention to destroy the world completely—to absorb the resources that are needed for other constructive and necessary purposes for the peoples of the world who are in dire need of such assistance. It is necessary to keep this in mind. We should also be mindful of the trend that we have seen towards the use of force in the Middle East generally and, more particularly, the unprecedented case of the armed attack and aggression affecting my country.

133. Therefore, if ever a definition of aggression was needed, it is now, in this critical period in the history of mankind.

134. Mr. LEKAUKAU (Botswana): Although my delegation subscribes to this consensus, we want to repeat that Botswana as a land-locked State still regards with deep concern the decision of the Sixth Committee not to include in the body of the draft the request of the land-locked States with respect to the right of transit to the high seas. We still maintain the same views that we expressed in the Sixth Committee,<sup>13</sup> in support of the working paper in document A/C.6/L.990, as well as our remarks and explanation of vote after the adoption of this draft resolution. This consideration is of the utmost importance to those countries, including my own, in the southern strip of Africa. The statements annexed to the Definition do not just make us happier but are directly relevant in interpreting the whole Definition of Aggression.

135. Mr. KOLESNIK (Union of Soviet Socialist Republics) (*interpretation from Russian*): The Soviet delegation, with a feeling of deep satisfaction, welcomes the approval by the General Assembly on the basis of consensus of the draft resolution containing the text of the Definition of Aggression. The Definition of Aggression that has been adopted marks a new major victory on the part of diplomacy for peace, a victory for the forces that have, for almost half a century, consistently and stubbornly striven to achieve the adoption of a mutually agreed definition of aggression.

*Mr. Jankowitsch (Austria), Vice-President, resumed the Chair.*

136. The adoption of a definition represents also a major success on the part of all peace-loving forces, which have been struggling actively for a radical improvement of the international situation in order to give to the process of international *détente* an irreversible character. We are particularly gratified because the Soviet Union has always been and always will be on the side of those who are striving to strengthen international peace and security, including its legal aspects, and this is precisely the objective of the Definition of Aggression.

137. The overwhelming majority of States are also pleased by this success, for they realise what an important step has been taken as a result of the agreement which has been reached on such a controversial and complicated question. One delegation still refuses to co-operate in this matter and, in essence, is really opposing the international community. But we will pass over in silence these routine statements they have made because they cannot change anything.

138. The Soviet delegation, at all stages of preparing the Definition of Aggression, has persistently and consistently striven for a reflection in this definition of universally acknowledged principles and norms of contemporary international law, proceeding from the need for strict and unswerving compliance with the provisions of the Charter. We are convinced that the Definition of Aggression adopted will serve as a juridical deterrent to forces which are hatching plans for new militaristic adventures and unsuccessfully attempting to reverse the process of international *détente* and return to the era of the cold war. It is a very important auxiliary instrument, which will help the Security Council to carry out its difficult task of defining acts of aggression and taking appropriate measures against aggressors as provided for in the Charter.

139. Of course, we do understand that this Definition of Aggression, like any compromise, is not fully satisfactory to certain delegations. Like some other delegations, the Soviet delegation has already had occasion to express its views and its stand on certain points in the Definition. These comments have been reflected in the report of the Special Committee on the Question of Defining Aggression and also in the records of the Sixth Committee. In a spirit of compromise, the Soviet delegation agreed to the inclusion in article 1 of the Definition of the word "sovereignty", bearing in mind that by a violation of state sovereignty in this context we should understand encroachment by means of arms on the territorial integrity and political independence of a State. The



Soviet delegation also made a number of other reservations, which, I repeat, have been reflected either in the report of the Special Committee or in the report of the Sixth Committee, and I will not repeat them now.

140. In spite of these shortcomings we, in a spirit of co-operation and compromise, agreed in approving the text of the Definition which, in our view, in present circumstances, is the maximum attainable, therefore, on this extremely complex and delicate question from a political viewpoint.

141. The Soviet delegation also feels it necessary to say something about certain points in the introductory resolution to the definition. In paragraph 4 of the resolution the General Assembly calls the attention of the Security Council to the Definition of Aggression and recommends that it should, as appropriate, take account of that Definition as guidance in determining, in accordance with the Charter, the existence of an act of aggression.

142. The Soviet delegation understands this provision of the resolution as meaning that the Security Council, at a given stage of its work, can consider the Definition of Aggression we have adopted and take an appropriate decision, which will invest this Definition with binding force. Once this decision has been taken by the Security Council on the basis of Article 25 of the Charter, the Definition of Aggression will become binding on the Members of the United Nations and will thus be a very firm criterion for the use of the Security Council in its work. This, in its turn, will undoubtedly enhance the effectiveness of that organ and the whole Organization in the maintenance of international peace and security.

143. In conclusion, and in connexion with the inclusion in the report of the Sixth Committee of agreed statements, the Soviet delegation would like to make the following point. First, we are deeply convinced that none of the provisions of this Definition of Aggression can be interpreted as in any way whatsoever being prejudicial to the rights of any given State or group of States. Accordingly, the statement on article 3 (c) in the report of the Sixth Committee is gratuitous, although we do not object to it since any provision of the Definition relates equally, without any discrimination, both to land-locked and to coastal States.

144. Secondly, the Soviet delegation considers that the statement on article 3 (d) contained in the report of the Sixth Committee cannot be viewed as in any measure whatsoever prejudging consideration or the results of consideration of the relevant problems by the Third United Nations Conference on the Law of the Sea, and this includes questions on the limits of national jurisdiction of coastal States and questions of the legal régime of the so-called economic zone.

145. Mr. SINGH (Nepal): My delegation had already expressed its view on the right of free access to the sea of the land-locked countries in the Sixth Committee.<sup>14</sup> It is highly regrettable that land-locked countries are not on a par with the other countries and are subjected to injustice and discrimination, contrary to the principle of sovereign equality of States enshrined in the Charter.

146. My delegation, however, would accept the inclusion of the statement in paragraph 9 of the report of the Sixth Committee [A/9890] to the effect that nothing in the Definition of Aggression, and in particular article 3 (c), shall be construed as a justification for a State to block, contrary to international law, the routes of free access of a land-locked country to and from the sea, on the explicit understanding that it would be interpreted in accordance with article 31 of the Vienna Convention on the Law of Treaties.

147. Mr. GHAUSSY (Afghanistan) (*interpretation from French*): La Bruyère said, "Everything has been said, and we are too late", but Alain said, "Everything has been said, and we are too late, but nothing has been understood". It is by those quotations that I wish to explain the vote of my delegation on the Definition of Aggression.

148. The delegation of Afghanistan has already made known its views on the Definition of Aggression,<sup>15</sup> which we have just adopted by consensus. My delegation, as a sponsor of the working paper contained in document A/C.6/L.990, agreed to a compromise, for reasons well known to the Sixth Committee and the Special Committee on the Question of Defining Aggression, on the subject of article 3 (c).

149. I should like to make it clear that, in the view of my delegation, the foot-note to the Definition of Aggression contained in the report of the Sixth Committee [A/9890], is an integral part of the Definition. I should like to add that according to international law everything included in an agreement concluded or signed by the parties is an integral part of the agreement and of the very text of the agreement. This goes for annexes as well as for foot-notes. The foot-note is intended to clarify the article to which it relates, and this is precisely the case with article 3 (c) of the Definition of Aggression. To explain this, I would refer to the spirit of article 31 of the Vienna Convention, which is the model for interpretation. Accordingly, the foot-note in the text we have just adopted is, in keeping with the spirit of the Vienna Convention, an integral part of the text itself.

150. My delegation feels that the Definition we have just adopted by consensus is incomplete. We accepted it in a spirit of compromise only for the reasons already explained. In the view of my delegation, this Definition is just a first stage, and the efforts of the international community must continue unflinchingly so that we can establish a more complete and more just definition embracing all the elements of aggression.

151. The PRESIDENT: We come now to the report of the Sixth Committee on agenda item 87, entitled "Report of the International Law Commission on the work of its twenty-sixth session". The report is contained in document A/9897.

152. I now call on the representative of El Salvador to speak in explanation of vote.

153. Mr. CLAROS (El Salvador) (*interpretation from Spanish*): For reasons beyond its control, my delegation was not able to participate in the debate in the International Law Commission at its twenty-sixth session as it would have wished. For that reason, we should like now to say that El Salvador is very pleased with the work done during that session by the Commission. Its efforts are clearly reflected in the



report which is now before representatives for consideration by the General Assembly [A/9610/Rev.1].

154. There have been a few unfavourable comments and suggestions. However, almost all representatives who took the floor at the meetings of the Sixth Committee to state their views spoke in one way or another in support of the working methods and achievements of the International Law Commission. The draft resolution recommended by the Sixth Committee in its report [A/9897, para. 193] was adopted by consensus, which only confirms all those favourable comments. My delegation hopes that it will be adopted in the same way by the General Assembly.

155. The PRESIDENT: The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 193 of its report [A/9897]. The report of the Fifth Committee on the administrative and financial implications of the draft resolution is contained in document A/9967. In the Sixth Committee the draft resolution was adopted by consensus. May I take it that the General Assembly wishes to do likewise?

*The draft resolution was adopted (resolution 3315 (XXIX)).*

156. The PRESIDENT: We turn now to the recommendation contained in paragraph 194 of the report of the Sixth Committee [A/9897]. In this connexion, I should like to recall the proposal submitted earlier by the Rapporteur [see para. 49 above] to insert the words "and to international organizations" after the word "States" the first time it occurs and, similarly, to add the words "and international organizations" after the word "States" in the last clause of the recommendation.

157. No vote was taken in the Committee on the recommendation in paragraph 194, and I assume that the General Assembly would wish to proceed in the same manner and adopt the recommendation, as orally revised, without a vote.

*The recommendation, as orally revised, was adopted.*

158. The PRESIDENT: The Assembly will now consider the report of the Sixth Committee on agenda item 89, entitled "Report of the United Nations Commission on International Trade Law on the Work of its seventh session". The report is contained in document A/9920.

159. We shall now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 42 of its report. The Committee adopted this draft resolution by consensus. May I take it that the Assembly wishes to do likewise?

*The draft resolution was adopted (resolution 3316 (XXIX)).*

160. The PRESIDENT: Next, the Assembly will consider the report of the Sixth Committee on agenda item 90, on the United Nations Conference on Prescription (Limitation) in the International Sale of Goods. The report is contained in document A/9921.

161. We shall now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 7 of its report. The Committee adopted the

draft resolution by consensus. Is there any objection to the Assembly's proceeding in the same fashion?

*The draft resolution was adopted (resolution 3317 (XXIX)).*

162. The PRESIDENT: I call upon the representative of France, who wishes to speak in explanation of vote after the vote.

163. Mr. COSTE (France) (*interpretation from French*): If the draft resolution contained in document A/9921 on the United Nations Conference on Prescription (Limitation) in the International Sale of Goods had been put to the vote my delegation would have abstained, although we welcome the efforts made by the international community to define uniform rules governing trade law. We have certain reservations in respect of this draft resolution, which we explained in the Sixth Committee.<sup>16</sup>

164. The PRESIDENT: The Assembly will now turn to the report of the Sixth Committee on agenda item 91, concerning measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms, and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes. The report is contained in document A/9947.

165. May I take it that the Assembly approves the recommendation of the Sixth Committee [see para. 55 above] appearing in paragraph 5 of its report?

*It was so decided.*

166. The PRESIDENT: The Assembly will now turn to agenda items 92 and 12 concerning respect for human rights in armed conflicts and chapter V, section D, paragraph 493 of the report of the Economic and Social Council. The report of the Sixth Committee is contained in document A/9948. In paragraph 17 of its report, the Committee recommends two draft resolutions for adoption by the Assembly.

167. We shall now vote on draft resolution I, entitled "Declaration on the Protection of Women and Children in Emergency and Armed Conflict".

*Draft resolution I was adopted by 110 votes to none, with 14 abstentions (resolution 3318 (XXIX)).*

168. The PRESIDENT: We come now to draft resolution II, entitled "Respect for human rights in armed conflicts". The report of the Fifth Committee on the administrative and financial implications of this draft resolution is contained in document A/9968. The Sixth Committee adopted this draft resolution unanimously. May I take it that the Assembly wishes to do likewise?

*Draft resolution II was adopted (resolution 3319 (XXIX)).*

169. The PRESIDENT: I shall now call on those delegations wishing to speak in explanation of vote after the vote.

170. Mrs. d'HAUSSY (France) (*interpretation from French*): The French delegation abstained in the vote on the draft resolution entitled "Declaration on the Protection of Women and Children in Emergency

and Armed Conflict". As we have already indicated in the Sixth Committee,<sup>17</sup> we feel that the General Assembly is not the appropriate body to deal with problems such as those referred to in this document, which really fall within the competence of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts.

171. The French delegation wishes to take this opportunity of reaffirming its support for the protection of women and children in all forms of conflict, without discrimination.

172. If there had been a vote, my delegation would have voted in favour of the draft resolution concerning respect for human rights in armed conflicts. As we said in the Sixth Committee,<sup>18</sup> it is appreciated that the reminder in the second preambular paragraph of the successive resolutions in this connexion adopted by the General Assembly does not imply any modification of our position concerning some of those resolutions. Furthermore, with regard to the fourth preambular paragraph, the French delegation would like to remind the Assembly of the reservations which it has already expressed on various occasions.

173. I would also note that the world "Welcoming" in the fifth preambular paragraph does not correspond to the conclusions which several delegations, including ours, drew from the results of the first session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts. However, we sincerely hope that the next session of the Conference will make possible a constructive examination of the texts submitted to it.

174. Mr. STEEL (United Kingdom): My delegation wishes to explain its vote on the draft resolution concerning the protection of women and children in emergency and armed conflict in the struggle for peace, self-determination, national liberation and independence.

175. It is one of the purposes of the United Nations to encourage respect for human rights, and this Organization has always shown a ready concern to establish and enunciate principles and procedures for the protection of human rights, both in peace and in war. That is a task in which my Government is proud to play its part.

176. But our efforts will not serve the humanitarian cause unless they are properly directed and well considered. If this Assembly is to adopt a resolution in this field, then, even though that resolution is not law and is not in any respect binding on States, it should be in accord with—it should reflect—the general principles of the law which is applicable.

177. It is with regret that my delegation considers it necessary to record its view that the resolution just adopted by this Assembly not only fails to reflect the established law on this subject but seriously distorts it. We cannot accept the propriety of any departure from the fundamental principle of humanitarian law that the protection to be accorded to the victims of war should be without discrimination. In particular, it should be without any discrimination based on the motives of the combatants. It is because the resolution does tend to encourage such a departure, as well

as because of the inaccurate and tendentious language which it uses, that my delegation abstained in the voting on it. Our decision to do so was reinforced by our conviction that the right course in any event would be for the Assembly to refrain from taking up any position on this problem. It is a problem which is on the agenda of the Diplomatic Conference at Geneva, and it should be left to be considered in the proper way at that Conference.

178. Mr. FERGUSON (United States of America): My delegation would not wish it thought that the fact that draft resolution I, which has just been adopted, was forwarded to the Assembly by the Sixth Committee means that the matter was considered by that Committee.

179. The unfortunate fact is that the matter was never even discussed in the Sixth Committee, much less subjected to analysis—legal or otherwise. This sort of working method reflects no credit on the Committee or on this Assembly.

180. We are confident that, had the draft resolution been considered from a legal point of view, it would have been substantially revised. From what one can infer as to the intentions behind this murky and convoluted text, we are inclined to regard the basic intentions as understandable and, in some respects, perhaps even praiseworthy. Unfortunately, the actual language of the draft resolution is so confusing, contains such imprecise descriptions of existing conventions and also contains so many statements that bear no resemblance either to existing laws or reasonable precepts *de lege ferenda* that we are unable to support it. We cannot accept distinctions among civilians based either on sex or on the perceived justice of the cause involved in the fighting. If the text were to be understood as reflecting an attempt at such distinctions, it would be a major step backwards in the laws of war and, indeed, for international law in general.

181. For these reasons, my delegation abstained in the voting on the draft resolution.

182. With regard to the draft resolution relating to the current Diplomatic Conference at Geneva, my delegation would merely note that our affirmative vote should not be interpreted as acceptance of all of the language in the preamble to that resolution.

183. The PRESIDENT: The next report of the Sixth Committee before us is on agenda item 94, "Report of the Committee on Relations with the Host Country". The report is contained in document A/9949.

184. In paragraph 6 of its report, the Sixth Committee recommends a draft resolution for adoption by the General Assembly. The draft resolution was adopted in the Committee without a vote. May I take it that the Assembly wishes to do likewise?

*The draft resolution was adopted (resolution 3320 (XXIX)).*

185. The PRESIDENT: We shall now consider the report of the Sixth Committee on agenda item 105, "Diplomatic asylum" [A/9913].

186. We shall vote on the draft resolution recommended by the Sixth Committee in paragraph 11 of its report. The report of the Fifth Committee on the

administrative and financial implications of that draft resolution is contained in document A/9969.

*The draft resolution was adopted by 110 votes to none, with 16 abstentions (resolution 3321 (XXIX)).*

187. The PRESIDENT: The last item for consideration by the Assembly at this meeting is agenda item 112, "Implementation by States of the provisions of the Vienna Convention on Diplomatic Relations of 1961 and measures to increase the number of parties to the Convention". The report of the Sixth Committee is contained in document A/9951.

188. The recommendation of the Committee appears in paragraph 5 of its report. The Committee adopted the recommendation without a vote. May I consider that the General Assembly wishes to do likewise?

*It was so decided.*

*The meeting rose at 1.20 p.m.*

---

NOTES

<sup>1</sup> Ministerial Meeting of the Contracting Parties to the General Agreement on Tariffs and Trade held in Tokyo in September 1973.

<sup>2</sup> See *Official Records of the United Nations Conference on Prescription (Limitation) in the International Sale of Goods* (United Nations publication, Sales No. E.74.V.8), document A/CONF.63/15.

<sup>3</sup> *Official Records of the General Assembly, Twenty-ninth Session, Sixth Committee*, 1483rd meeting, para. 5; 1488th meeting, paras. 27-29; and 1503rd meeting, para. 16.

<sup>4</sup> *Ibid.*, 1503rd meeting, para. 17.

<sup>5</sup> *Ibid.*, 1475th meeting, paras. 13-18.

<sup>6</sup> *Ibid.*, 1503rd meeting, paras. 9-11.

<sup>7</sup> *Ibid.*, 1476th meeting, paras. 1-4; and 1504th meeting, para. 1.

<sup>8</sup> *Ibid.*, 1480th meeting, paras. 66-75.

<sup>9</sup> *Ibid.*, 1477th meeting, paras. 16-26.

<sup>10</sup> For a summary of this statement, see *Official Records of the General Assembly, Twenty-ninth Session, Sixth Committee*, 1480th meeting, paras. 6-7.

<sup>11</sup> See *Official Records of the United Nations Conference on the Law of Treaties, Documents of the Conference* (United Nations publication, Sales No. E.70.V.5), document A/CONF.39/27, p. 287.

<sup>12</sup> See *Official Records of the General Assembly, Ninth Session, Supplement No. 9 (A/2806)*, chap. III.

<sup>13</sup> *Ibid.*, *Twenty-ninth Session, Sixth Committee*, 1489th meeting, paras. 31-32; and 1504th meeting, para. 12.

<sup>14</sup> *Ibid.*, 1483rd meeting, paras. 20-21; and 1488th meeting, para. 33.

<sup>15</sup> *Ibid.*, 1479th meeting, paras. 45-51; and 1488th meeting, paras. 22-26.

<sup>16</sup> *Ibid.*, 1508th meeting, paras. 18-19.

<sup>17</sup> *Ibid.*, 1519th meeting, para. 19.

<sup>18</sup> *Ibid.*, para. 55.