

the inherent right of self-defence from the provisions of Article 51 was to disregard both the letter and the spirit of the Charter. Kenya held that the right of self-defence under Article 51 existed independently of the Charter, which could not and should not be used as a pretext for enlarging the scope of what was recognized as the legal use of force, especially under Chapter VII of the Charter.

The representative of the USSR observed that the principle of proportionality had long been accepted in international law in connexion with the right of self-defence. However, under Article 51 of the Charter, the right of self-defence could be exercised only in response to armed aggression; that limitation had achieved the objective previously sought-by the principle of proportionality, which therefore should not be included in the definition.

Some representatives, including those of Greece and Zaire, favoured including the principle of proportionality in the definition, on the grounds that it would guarantee that a defensive action would remain defensive and would not be a cover for an aggressive act.

Several Members referred to the question of international organizations and organs empowered to use force. Hungary maintained that the Security Council alone had the authority to use force on behalf of the United Nations to maintain or re-establish international peace. Ecuador held that it was sufficient to state that the right to authorize the use of force was vested in the international community; it was unnecessary to specify which organ of the United Nations could exercise the right. Cuba was opposed to including in the definition of aggression a provision that would recognize the legitimacy of the use of force by regional organizations or by virtue of regional arrangements without the prior authorization of the Security Council.

In the opinion of a number of Members, including Iraq, Kenya, the Ukrainian SSR and Zambia, the definition of aggression should include a provision on the right of peoples to self-determination; the right of enslaved peoples to fight for their freedom and independence could in no way be considered an act of aggression, and this should be stated explicitly in any definition. The Ukrainian SSR, among others, held that the use

of force by peoples under colonial domination was justified under Article 51 of the Charter, since colonial domination was a form of continued aggression. Iraq said that military occupation was also a form of continued aggression, which gave its victims the right to seek to recover the territories occupied.

On the other hand, Portugal felt there was no basis in the Charter for linking the concept of aggression to the right to self-determination. The Charter did not permit any alternative to the peaceful settlement of disputes in the area of self-determination; nor could there be any exception to Article 2(4), which guaranteed respect for the principle of non-intervention in the internal affairs of States.

Some representatives believed that the definition should contain a provision concerning the legal consequences of aggression. Finland, for example, said that it was necessary to make it clear that no territorial gains or special advantages resulting from aggression would be recognized.

#### Decision by General Assembly

On 14 December 1972, the General Assembly (1) decided that the Special Committee on the Question of Defining Aggression should resume its work as early as possible after 1 April 1973; (2) requested the Secretary-General to provide the Special Committee with the necessary facilities and services; (3) decided to include the question of defining aggression in the provisional agenda of its 1973 session.

Those Assembly decisions were set forth in resolution 2967(XXVII), which was adopted, by a vote of 121 to 0, on the recommendation of the Sixth Committee.

The text was based on a proposal put forward in the Sixth Committee by the following 21 Members: Bulgaria, Cyprus, Czechoslovakia, Ecuador, Egypt, Guyana, Iran, Kenya, Madagascar, Mexico, Morocco, Nicaragua, Romania, Spain, Sudan, Uganda, the Ukrainian SSR, Uruguay, Yugoslavia, Zaire and Zambia.

The 21-power draft resolution was approved by the Sixth Committee on 24 November 1972 by a vote of 101 to 0, with 2 abstentions.

(For text of resolution, see DOCUMENTARY REFERENCES **below**.)

#### Documentary references

General Assembly—27th session  
Sixth Committee, meetings 1346-1352, 1366, 1371.  
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A/8701. Report of Secretary-General on work of the

Organization, 15 June 1871-15 June 1972, Part Four, Chapter IV A.  
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A/C.6/L.868. Bulgaria, Cyprus, Czechoslovakia, Ecuador, Egypt, Guyana, Iran, Kenya, Madagascar, Mexico,