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Chairman : Mr. Manfred LACHS (Poland).

**Report of the International Law Commission covering the work of its third session (A/1858), including : (a) Question of defining aggression (chapter III) (*continued*)**

[Item 49 (b)]\*

1. Mr. LERENA ACEVEDO (Uruguay) said that his delegation had studied with interest chapter III of the International Law Commission's report on the work of its third session (A/1858)<sup>1</sup> which dealt with the question of defining aggression, and was closely following the discussions on the subject in the Sixth Committee. The fact that so many politicians and legal experts had devoted themselves to the problem justified its thorough examination by the members of the Sixth Committee.

2. His delegation's position was based on four main considerations : first, the scope of the definition put forward by the International Law Commission; second, the possibility that a definition adopted by the General Assembly might serve in the future as a rule to guide the organs of the United Nations; next, the contribution to legal progress that would be made by the adoption of one or other of the definitions proposed, and last, the methods to be adopted to combat aggression.

3. General Assembly resolution 378 B (V) had referred the USSR draft resolution<sup>2</sup> and the other documents before the First Committee<sup>3</sup> to the International Law Commission. After considering the report submitted by Mr. Spiropoulos and the definitions proposed by Messrs. Amado, Alfaro, Yepes, Hsu and Córdova, the Commission, on the proposal of Mr. Scelle, had decided to adopt a definition to be embodied in the draft Code of Offences against the Peace and Security of Mankind. The effect of that procedure was, he thought, to take the problem out of its original context.

4. Instead of a broad definition that could serve as a guide for the organs of the United Nations, the International Law Commission had merely given a didactic

formula dealing with the penal responsibility of individuals committing acts of aggression. Sub-paragraph 58 (c) of its report, in the chapter on the draft Code of Offences, was very clear in that respect. The formula was intended for the international tribunal responsible for trying persons committing crimes under international law (sub-paragraph 58 (d)). The discrepancy between the General Assembly's resolution and the text proposed by the International Law Commission was obvious. The Commission had not answered the question put to it by the General Assembly.

5. He asked whether the General Assembly could adopt an alternative definition. Such a definition would not, he thought, be binding on the Security Council, since Articles 24 and 39 of the Charter conferred broad powers on the Security Council to determine the existence of threats to the peace and the spirit in which that decision had been taken showed clearly that it had not been intended to limit the powers of the Security Council in the matter. Mr. Paul-Boncour's report to Commission III at the San Francisco Conference<sup>4</sup> set forth the reasons for the retention of the Dumbarton Oaks text, and it could be stated that any attempt to limit the powers of the Security Council was contrary to the Charter.

6. A definition of aggression might, however, be of some value in regard to the powers of the General Assembly in the cases covered by General Assembly resolution 377 (V). In such cases a definition would serve as a precedent but would not constitute a binding rule of law, and its importance would therefore be considerably less.

7. It was important also to consider whether the proposed definitions of aggression made a contribution to the development of law and to international security which might be a ground for their adoption. He appreciated the efforts made by the International Law Commission and various delegations to put forward an adequate

\* Indicates the item number on the General Assembly agenda.

<sup>1</sup> See *Official Records of the General Assembly, Sixth Session, Supplement No. 9*.

<sup>2</sup> *Ibid.*, Fifth Session, Annexes, agenda item 72, document A/C.1/608.

<sup>3</sup> *Ibid.*, document A/1500.

<sup>4</sup> See *Documents of the United Nations Conference on International Organization*, San Francisco, 1945, vol. XII, Commission III, pp. 502-14.

definition of aggression. At San Francisco and Geneva some countries had attempted to define aggression as an illegal act punishable by sanctions, thus barring the competent organs from examining the facts and possibly tying their hands. Those efforts had been fruitless.

8. The abstract definitions proposed were, he thought, inadequate. The formulas considered by the International Law Commission covered the open use of force and omitted indirect forms of aggression, or covered indirect aggression but not infiltration or subversion. Consequently none of those definitions could serve as a guide to organs of the United Nations. Moreover, as the United Kingdom representative had pointed out, each used terms which would themselves have to be defined.

9. Enumerative definitions, such as the USSR proposal (A/C.6/L.208) based on Mr. Litvinov's formula submitted at the 1933 Disarmament Conference<sup>5</sup>, had grave shortcomings. The USSR draft in particular mentioned facts but did not and could not cover all possible cases of aggression. It deliberately excluded the subjective element which could not be ignored in assessing any human phenomenon. It would oblige the principal organs of the United Nations to recognize aggression in a completely mechanical fashion, which would make a just solution difficult. Lastly, it ignored indirect aggression, which in the modern world was one of the most dangerous forms of aggression.

10. He stressed that defect, for it was misleading to define only open aggression at a time when underhand aggression was so widespread. The relationship between the Soviet State and Communist propaganda was a well-known historical fact, and it had become hard to tell whether a nation was now serving a doctrine, or a doctrine serving a nation.

11. Since 1933, when the Litvinov formula had been included in the Conventions signed in London by the USSR and its neighbours<sup>6</sup>, the Soviet definition had not proved to be of great practical value. As the representatives of the United States and Belgium had pointed out, Estonia and Latvia, which were signatories of the London Conventions, had lost their political independence and territorial integrity, and Finland had been invaded six years after the signature of the Conventions.

12. The compromise formulas proposed combined the shortcomings of the abstract and the enumerative definitions. The Inter-American Treaty of Reciprocal Assistance signed at Rio de Janeiro on 2 September 1947 was little more satisfactory than the London Conventions, although it introduced the concept of provocation as an essential factor in the act of aggression, and took account of population instead of relying on a strictly territorial criterion.

13. The conclusions he had drawn were not discouraging, because the definition of aggression was not an essential factor in the system of international security. It was futile to hope to adopt a legal definition of aggression which would be the principal instrument in the achievement of international peace. Aggression was an expression of international anarchy originating in repudiation of the law.

14. At the Inter-American Conference on Problems of

War and Peace held at Chapultepec in 1945, Uruguay had contended that recourse to force by any State should be met by the automatic reaction of all the American nations in order to put an end to the use of violence and to re-establish the *status quo*. Once those objectives were attained, it was necessary to determine the aggressor and, in conformity with the Protocol for the Pacific Settlement of International Disputes signed at Geneva in 1924, to settle the dispute by one of the methods for the peaceful settlement of disputes. Those considerations had also led Uruguay to propose the inclusion in the Charter of a clause submitting international disputes to the International Court of Justice or to arbitration tribunals.

15. Thus a definition of aggression was not essential, since it rested with the Security Council to put an end to the use of violence and to refer the dispute to judicial organs. The problem of aggression had undoubtedly to be faced, but it had been raised in the wrong way and the deadlock reached by the League of Nations would be repeated. It was therefore essential to extend the competence of international organs and to recognize that effective international law could be based only on the primacy of the *jus gentium*. It was essential that international disputes should be settled by arbitration. That was the New World's message to mankind.

16. Mr. P. D. MOROZOV (Union of Soviet Socialist Republics) felt bound to reply to certain comments made by other delegations, and in particular to the objections raised to the USSR draft resolution (A/C.6/L.208). The representatives of the United States, the United Kingdom and Greece had said that the very nature of aggression prevented its definition, and that to enumerate specific acts of aggression would benefit only an aggressor. That statement was a clumsy travesty of the principles of international law. Several delegations had proved that the definition was legally and politically possible, that statements to the contrary were inconsistent, and that the existence of a definition would actually help to maintain peace and security. The USSR draft resolution had not been refuted or even shaken.

17. The representatives of the United States, the United Kingdom and a few other countries, unable to present convincing arguments, had grossly distorted the substance of the USSR draft resolution. That procedure was of course familiar to them: it consisted of refuting points which they had themselves invented.

18. The representative of the United States had said that it was impossible to define aggression and that, if a definition were arrived at, only an aggressor would profit by it. That was a mistaken argument. He had said that the statements of the representatives of the United Kingdom and Greece made it unnecessary for him to bring any evidence. Presumably he had adopted their arguments as his own. Those speeches had been designed to show that the definition proposed by the USSR was incomplete and made no provision for indirect forms of aggression. Paragraph 1 (f) of the USSR draft resolution amply showed that the draft resolution did cover indirect aggression.

19. The United Kingdom representative had said that, according to the definition proposed by the USSR, Hitler's occupations of Czechoslovakia and Austria would not have constituted acts of aggression. The answer was that, according to the reply made on

<sup>5</sup> See *League of Nations, Records of the Conference for the Reduction and Limitation of Armaments, Minutes of the General Commission, Series B, vol. II, page 237.*

<sup>6</sup> See *League of Nations, Treaty Series, vol. CXLVII, No. 3391; vol. CXLVIII, Nos. 3405 and 3414.*

25 September 1938 by the Czech Government to Mr. Chamberlain, Hitler's acts would have come under paragraph 1(b) of the USSR draft resolution. Moreover, paragraph 2, part B, dealt with acts which could not justify aggression. The representative of the United Kingdom, in alleging that there had been no aggression, must have forgotten the shameful conduct of his country in 1938. His argument was an attempt to justify the manoeuvres of the French and British Governments which had handed Czechoslovakia over to Hitler. At the Munich Conference on 29 September 1938 the fate of Czechoslovakia had been settled without that country's participation. At that Conference it had been proposed to hand over to Germany not only the Sudetenland but also the frontier areas, which Czechoslovakia was to evacuate between 1 and 10 October. Stalin had revealed the true meaning of Munich when he had said that the Germans had been given that territory as the price for an obligation to start the war against the USSR. Moreover, the USSR had stood by the agreements because, in answer to the question put by France and the United Kingdom regarding its attitude, it had replied that it would fulfil its undertakings if France did the same. The pact which had linked the USSR and France had only obliged the USSR to give assistance if France gave it also. Since France had wished to get out of the pact, the USSR also had been set free. However, it would have been ready to come to the aid of Czechoslovakia if the Czech Government had called upon it; on 18 March 1939 it had condemned the occupation of Czechoslovakia as an arbitrary act of violence and aggression. The attempts of the United Kingdom representative to claim that the act would not be covered by the Soviet Union's definition of aggression were therefore groundless.

20. The same applied to Hitler's aggression against Austria. On 21 September 1938, in the Assembly of the League of Nations, the Soviet Union delegation had proposed that the consequences of the occupation of Austria should be examined.<sup>7</sup> That proposal had not received due consideration. The allegation of the United Kingdom representative that there had been no direct aggression could be refuted by quoting the declaration on Austria of the three Foreign Ministers, including the Foreign Minister of the United Kingdom, adopted at Moscow in October 1943. That decision had declared the annexation of Austria an aggression and null and void. The United Kingdom representative's contention was therefore baseless.

21. The opponents of the USSR draft resolution had gone even farther in claiming that the definition proposed by the USSR might lead to the unfair dubbing of a State as an aggressor, thus preventing any assistance to the victim and any punishment of the real aggressor, who would thus be the only one to profit by the definition. In order to show that the argument was wellfounded, the United Kingdom representative had claimed that if the definition proposed by the USSR had been applied, the United Kingdom might have been declared guilty of an act of aggression in declaring war on Germany when Poland had been invaded by the German forces. The representative of the United States, for his part, had sought to prove that according to the USSR proposal, if the Government of the United States had been able to foresee the attack on Pearl Harbor, it would have committed an act of aggression by taking steps to prevent

the attack. Obviously there was no need to be a legal expert to realize that such an argument was without foundation. All those members of the Committee who based their views on simple honesty would have no difficulty in convincing themselves that the two examples quoted were contrary to the spirit and the letter of the USSR draft resolution. It was obvious that neither the action of the United Kingdom in 1939 nor any action which the United States might have undertaken at the time of Pearl Harbor could be classed among the acts of aggression covered by the USSR draft resolution, since the one had been designed to combat German fascism and the other would have been intended to crush Japan's imperialist attack.

22. Moreover, with regard to the allegation that the USSR draft resolution would tend to prevent the assistance of the victim and the punishment of the aggressor, Mr. Morozov recalled that he had just shown how the USSR in 1938 had been the only Power to declare itself ready to fulfil its obligations with regard to Czechoslovakia. There was no point in dwelling any further on that fact, which was sufficient to disprove the allegation. Clearly none of the arguments advanced against the USSR draft resolution could stand up to an impartial analysis, and all were designed simply to create confusion by distorting and misrepresenting the acts and intentions of the USSR, for a purpose which was far removed from the maintenance of international peace and security.

23. In order to repudiate the calumnies which had been directed against the USSR draft resolution, he would be obliged to make further comment on the resolution. It provided that "in an international conflict, that State shall be declared the attacker which first commits one of the following acts..."; and then listed all the cases of aggression thus far known. The wording was perfectly clear and should not give rise to any comment. Unfortunately, that clarity was precisely what troubled the United Kingdom, United States, Greek and Belgian delegations, who were trying to prove that a definition of aggression was impossible. The United Kingdom representative had gone so far as to ask what was meant by the word "first", explaining that when a conflict broke out it was often difficult to determine the State which had first committed an act of aggression. By so doing the United Kingdom representative had substituted one question for another. His line of argument was tantamount to an attempt to prove that the determination of what constituted a particular crime should depend on the difficulties encountered in identifying and apprehending the criminal.

24. In the USSR representative's opinion the United Kingdom representative had done so for the simple reason that he had been trying to refute the irrefutable. Furthermore, by affirming that it would be impossible to determine who had first committed an act of aggression, the United Kingdom representative was attempting to disguise a refusal to take the measures necessary to unmask the aggressor. In that connexion the Brazilian representative had at least had the merit of being more frank when he had asked the Committee to postpone a definition of aggression until international relations had returned to normal. There could be no doubt, for the majority of the members of the Committee, that the word "first" was meant to distinguish military operations which constituted aggression from those which were carried out purely in self-defence. As the French representative had pointed out, refusal to define aggression would introduce into international relations an

<sup>7</sup> *Ibid.*, *Records of the Nineteenth Assembly*, seventh plenary meeting, page 77.

arbitrary element which could benefit only potential aggressors.

25. In their attack on the second part of the USSR draft resolution the United Kingdom and United States representatives had stated that the considerations listed as not available to justify attack constituted an inducement to violate the principles of international law in the knowledge that the violation would go unpunished. He would confine himself to re-reading the second part of his draft resolution, as in his view the best way of refuting those erroneous statements. Everybody was aware that the colonial Powers had always resorted to the arguments set forth in paragraph 2, parts A and B, of the USSR draft resolution to justify their attempts to plunder and put at their mercy territories which they coveted, and it could easily be understood that the colonial Powers were opposed to that part of the draft resolution. He did not see how the United Kingdom representative could maintain that under paragraph 2 B, sub-paragraph (a), Great Britain would have rendered itself guilty of an act of aggression by taking the side of Belgium in 1914, since Germany and not Great Britain had invaded Belgium first. In any case the United Kingdom representative understood very well the meaning of that sub-paragraph, and was wilfully misinterpreting it.

26. The USSR representative declined to dwell upon the United Kingdom and United States representatives' argument that it was often better not publicly to declare an aggressor guilty of an act of aggression which he had actually committed, since to do so would prevent him from mending his ways. One might ask the purpose of such propaganda in favour of leniency towards an aggressor. Neither would he dwell upon the fact that the United States representative, in order to conform to his Government's instructions, had wilfully set aside the legal aspects of the matter. Those were arguments and motives upon which no comment was required.

27. In another line of thought, the opponents of a definition of aggression had attempted to show that the satisfactory results of the definition of aggression adopted by the American States did not prove that a definition of aggression was desirable or capable of giving good results within the international community. In that connexion the argument had once again been put forward that what was good for the "family of American States" was not good for the United Nations; and the United States representative, joined by the Belgian representative, had gone so far as to say that the greater the danger of aggression, the less desirable was a definition of aggression. He hoped that that argument, which had convinced no one during the debate on reservations to multilateral conventions, would be no more convincing when applied to aggression.

28. The United States and Belgian representatives had made great efforts to show that the definition of aggression would be unable to prevent aggression; from that point to an argument for rejecting the USSR draft resolution was but a step. He had taken care in his first speech (278th meeting) to explain that the definition of aggression could not by itself prevent aggression, and that aggression could only be prevented by the measures which peace-loving States were prepared to take for that purpose.

29. He regretted that he was obliged to refer to the clumsy examples with which the United States representative had seen fit to illustrate his case. The Burmese representative had already demonstrated the futility

of the example in which a murderer was forbidden to carry a weapon in his left-hand but left free to carry it in his right-hand pocket. He could only add that the USSR draft resolution had precisely the effect of prohibiting the use of the weapon whether it was placed in the left-hand or the right-hand pocket of the murderer. To the Burmese representative, who had compared the international community to a garden, the United States representative had replied that he would prefer to compare the world to a cemetery. That might well arouse concern and indignation in those who knew that in Korea, as a result of United States machinations, that comparison had become a reality. In any case all those anecdotes and comparisons, which were out of place in the Committee's discussions, could not conceal from anyone that the adoption of the USSR draft resolution would constitute a severe warning to States with aggressive intentions and a powerful weapon in the hands of peace-loving States.

30. The argument that the failure of the International Law Commission to define aggression proved that such a definition was impossible had already been refuted by the French representative; moreover, it had rightly been observed that the International Law Commission had given very little time to the study of that question. That argument was therefore no more convincing than the others, and obviously if those who opposed the definition of aggression had to resort to such weak arguments, the only possible reason was that they could find no others.

31. He would not refer to the tone used at the previous meeting by the representative of Belgium, who had apparently wished to take the part of an examining magistrate. According to that representative, the fact that Germany, after opposing a definition of aggression in 1933, had committed an act of aggression in 1939 proved the uselessness of a definition. It was difficult to see how such a conclusion could be logically arrived at, and he could not help comparing the Belgian representative to a conjurer whose tricks became obvious when his movements were filmed in slow motion. The Belgian representative's slanderous statements deceived no one, and he would not trouble to refute them.

32. In addition, the Belgian representative had repeated the argument advanced by a number of delegations to show that the USSR had reversed its position on the definition of aggression. He cited a number of passages from Mr. Jackson's report,<sup>\*</sup> from which the United States representative had taken a number of quotations and had skilfully chosen and altered them to support his statements. Those passages showed that General Nikitchenko had not stated the Soviet view on the definition of aggression in general but solely on the inclusion of a definition of aggression in the Statute of the Nürnberg Tribunal. General Nikitchenko had explained that in the opinion of the USSR such a definition should not be included in the statute of a tribunal whose sole duty was to punish war criminals in pursuance of existing definitions. If any delegation had reversed its position, therefore, it was not the USSR but only the United States delegation.

33. In justification of his sudden change of attitude, the United States representative had merely stated flatly that the international situation had changed;

<sup>\*</sup> Report of Robert H. Jackson, United States Representative to the International Conference on Military Trials, Department of State Publication 3080, Washington, 1949.

but he had refrained from explaining how it had changed. Mr. Morozov could readily supply the information which the United States representative had omitted: the reason why the United States was now opposing a definition of aggression was that the American monopolies were preparing for a third world war and their plans would be impeded by a definition of aggression.

34. That conclusion was confirmed by the arguments advanced by those who opposed the USSR draft resolution. What, in fact, were their constructive proposals? The representative of Greece had said that a definition of aggression must take into account the subjective element—i.e., intent. The United Kingdom representative had said that it was essential to decide whether an act had been committed without sufficient justification. They were thus introducing two ideas which they could not define. The United States representative's claim that the country which attacked first was not necessarily the aggressor proved that the only argument brought against the USSR's constructive proposal was a theory justifying preventive war. It was that theory, directed against the USSR and the peoples' democracies, that the leaders of the United States openly defended. It was only natural, therefore, that such statements should have been criticized not only by the USSR but also by a number of other delegations. The representatives of the United States and Greece had tried to justify preventive war by arguing that domestic penal codes provided that any person who knew his life to be threatened by another person could get rid of him. In reply to the representative of Chile, who had stressed the danger of such a theory, Mr. Van Glabbeke had quoted the Belgian penal code, adding that the Chilean penal code was of no interest to him. He had cited the provision of the Belgian penal code that anyone might fire at a person whom he found climbing the walls of his property by night. But that act was entirely different from the one it was intended to justify, since it concerned self-defence. It postulated the commencement of an act, and not a mere supposition that attack was imminent. On the other hand, those who defended the theory of preventive war wished to justify the illegal use of armed force when the victim was merely supposed to have the intention of breaking into their home, even if in reality he was some distance away. That attempt to justify arbitrary attack, either national or international, had failed.

35. Two lines of argument had emerged in the debate. The first, that of the USSR and a number of other delegations, was that aggression should be condemned and a definition formulated which should make any justification of aggression impossible. The second, whose supporters included the United Kingdom and the United States, was to prevent any definition of aggression in order to give a free hand to the reactionaries of the countries preparing a third world war. Those who had argued that it was impossible to define aggression were apprehensive of the reaction their attitude might provoke from world public opinion. The representative of Belgium especially had shown such apprehensions; the whole world knew that in thirty years the people of his country had twice been the victims of aggression, that they did not want war, and that no propaganda for aggression, from whatever quarter it came, would succeed in convincing them. The manner in which the Belgian

representative had reversed his position at the end of his statement showed that certain statesmen sometimes followed the lead of countries which were not primarily concerned for peace, thus doing the gravest harm to their peoples and to the world.

36. He asked those members of the Committee who were sincerely trying to defend international peace and security to support the USSR draft resolution.

37. Mr. TARAZI (Syria) recalled the circumstances in which the First Committee had proposed to refer the question of defining aggression to the International Law Commission: El-Khoury Bey, head of the Syrian delegation, had then pointed out<sup>9</sup> the danger that consideration of such a question by a political body would remain fruitless, and had said that it was for the International Law Commission, the General Assembly's technical adviser in legal matters, to study a problem whose solution fell within the legal rather than the political sphere. The Bolivian delegation had joined with the Syrian delegation in submitting a draft resolution,<sup>10</sup> which had formed the basis for resolution 378B (V). The International Law Commission had applied itself to the study of the question and its conclusions had been variously received by the members of the Sixth Committee. There was reason for retaining the results of the efforts made by some members of the International Law Commission to arrive at a synthetic definition, while at the same time noting that some of the draft definitions did not take account of certain facts, especially the existence of treaties signed by unequal parties.

38. The question at present exercising the Committee was whether, in the light of the International Law Commission's report, it was in a position to define aggression. He then reviewed the three arguments put forward.

39. Was it possible to define aggression? Some had said that aggression was a *de facto* situation or a state of mind. It had even been compared to love, but, just as Stendhal had shown that there were two different ways in which love came about, by gradual development and at first sight, it would be possible to determine the circumstances leading to aggression. It was in order to alleviate the disastrous effects of those circumstances that a definition of aggression was needed.

40. There had been recent attempts to define aggression, in particular during the framing of the League of Nations Covenant and the conclusion of the London Conventions. At the San Francisco Conference in 1945 the Philippines had submitted a draft<sup>11</sup> listing various acts of aggression. Bolivia had also presented a draft<sup>12</sup> enumerating specific cases of aggression. But those attempts had not succeeded and the Committee now found itself faced with the same problem. Political considerations had crept into the debate because the law reflected the state of a society at a given stage of its development. The study of society fell within the scope of sociology, which was attempting to evolve standards for the purpose of maintaining the *status quo* of the society or promoting its development. In the eyes of governments those standards should be reflected in injunctions, taking the form of laws based upon political considerations. Moreover, the Committee could not study the question solely from an abstract and intel-

<sup>9</sup> See *Official Records of the General Assembly, Fifth Session, First Committee*, 389th meeting.

<sup>10</sup> *Ibid.*, 390th meeting, paragraph 11.

<sup>11</sup> See *Documents of the Conference on International Organization*, vol. III, page 538.

<sup>12</sup> *Ibid.*, pages 578, 579 and 585.

lectual point of view. The United Nations had been established in order to enable humanity to become balanced and to ensure its well-being. A French thinker had said: "Nothing that is human is foreign to me". Everything that would aid in the defence of man should therefore stimulate the efforts of the members of the Committee. Nothing was more serious for man than to see the accumulated treasures of centuries destroyed, nothing more tragic than to be threatened with his own extinction. That danger and that threat must be banished by an attempt to define aggression.

41. Aggression was already prohibited by the Charter. The acts listed in paragraph 1 of the USSR draft resolution (A/C.6/L.208) might be considered to come within the four corners of the Charter provisions. To deny that would be to place an erroneous interpretation on the Charter. The draft resolution, in paragraph 2, prohibited resort to force in certain specified cases. The Lebanese representative had anxiously wondered whether the prohibiting of aggression in reprisal for one of the cases laid down in that paragraph would not be tantamount to denying the right that any State would claim for its own. He considered that the purpose of the USSR draft resolution was simply to deny to any State the right, in the international field, to take justice into its own hands. But there were international judicial bodies whose duty was to settle disputes.

42. The opponents of the USSR view stressed the danger of the enumerative method, which would leave the door open to cases that a possible aggressor would duly discover, if not invent. Some wanted the synthetic method adopted. That was the method recommended in the Bolivian draft resolution (A/C.6/L.211) and the Colombian amendment (A/C.6/L.210) to the USSR draft resolution.

43. The Syrian delegation would not be in favour of any extreme solution, but did consider that aggression could be defined. If, however, it was decided to include the definition of aggression in the draft Code of Offences against the Peace and Security of Mankind, as was proposed in the joint draft resolution (A/C.6/L.209), one step forward would have to be taken at once. In drafting the final text of the code it might perhaps be useful to delve into the records of the Sixth Committee. Even if the Committee considered that the present international situation made a definition of aggression undesirable,

it was at least necessary to sort out the various ingredients of such a definition and to be quite sure what they were, with a view to incorporating them later in the draft code.

44. Mr. VAN GLABBEKE (Belgium), in reply to the USSR representative, who had said that his statement contained slanders, referred Mr. Morozov to his actual words.

45. According to Mr. Morozov he had stated that Germany had been opposed to defining aggression in 1933. On the contrary, he had said that the German delegation had at that time emphasized the preventive value of a definition of aggression and that the falseness of that argument had been proved by the fact that Germany itself started the Second World War.

46. Mr. Morozov had also said that a number of representatives had claimed that any definition of aggression could only assist the aggressor. That was not correct. He himself had stated that there was a danger that a definition of aggression might in the event assist an aggressor.

47. Nor had he said, as Mr. Morozov asserted, that the penal code of Chile did not interest him. He had merely said that he was not acquainted with it and that conversely the Chilean representative probably did not know the Belgian penal code. He had then quoted two provisions from that code, in reply to the Chilean representative's statement that there was no provision in the penal codes of civilized countries for the use of force by possible victims. He also protested against the fact that the USSR representative, to help his own argument, had combined the two provisions he had quoted into one.

48. The USSR representative had asserted that he had expressed fears about the reaction of public opinion to the statement made by his delegation. In point of fact he had merely stressed that there was a danger that unjustified conclusions might one day be drawn from the Committee's discussions for purposes of propaganda.

49. He regretted that Mr. Morozov, who had accused him of having recourse to a conjurer's tricks, had himself used sleight-of-hand to keep up his sleeve the replies to the questions he had been asked.

The meeting rose at 6.5 p.m.