

GENERAL
ASSEMBLY

SIXTH SESSION

Official Records

INDEX UNIT

29 FEB 1952



Thursday, 17 January 1952, at 10.30 a.m.

Palais de Chaillot, Paris

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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. MAJID ABBAS (Iraq) said that, while a historical survey of the problem of the definition of aggression was useful, it might be dangerous because of its complexity, and special care had to be exercised if it was to have any real value.

2. The term " aggression " was a relatively modern expression. The concept of international aggression had been covered in medieval Christendom by the expression " unjust war ", from which it was evident that a war was not a war of aggression if motivated by a just cause. Little wonder, therefore, that theological and legal discussion had long been focused on the definition of just causes of war, among which religious causes had always been paramount. A somewhat similar situation had obtained in the Moslem world, where no war between Moslems had been justified unless one contending party questioned the legitimacy of the authority of the other over the universal State. Holy wars between the Moslem and non-Moslem worlds had been considered justifiable, if not just *ab initio*, and the only judge of such wars had been the established authority, advised and influenced by theologians.

3. On the emergence of the modern State after the Peace of Westphalia in 1648, the world had continued to muddle through on such vague concepts. As the modern family of nations grew, however, and theology tended to become divorced from politics, the concept of unjust war had undergone a gradual change and it had come to be recognized, tacitly or explicitly, that independent States were more or less free to make war at their own discretion, on the basis of national interest, economic advantage and so forth, and that despite attempts to limit the extent to which resort was had to

war for trivial reasons. Thus alliances and power politics had come to be regarded as part of the game of war and peace.

4. It was only at the beginning of the twentieth century that the right of States to resort to war at their own discretion had been questioned, and not until the Treaty of Versailles of 1919 had a State been condemned for launching a war, which by implication had been regarded as a war of aggression. The Covenant of the League of Nations, drawn up at the same Conference in 1919, had not outlawed war or stated which wars were wars of aggression, so that the general position remained largely unaltered. It was only in 1928 that war had been outlawed in the Briand-Kellogg Pact, which had laid on States parties to it the obligation not to resort to war as an instrument of national policy, and implied that any State which failed to comply would be regarded as an aggressor and also that war waged in self-defence was legitimate. The reaction had been for States to justify their acts by alleging self-defence and, as a consequence, it had become essential to define both self-defence and aggression. In such an atmosphere, the Litvinov-Politis definition had been regarded by many as a considerable improvement. It was meant to be exhaustive, but it shortly became evident that it was only a list of examples. None the less, although it had been rejected by many States at one time or another, a considerable part of the world attached importance to it as the most suitable method of establishing criteria for detecting aggression.

5. The Charter of the United Nations went further than the Covenant of the League of Nations in outlawing war and aggression but did not define the latter. In Mr. Majid Abbas' opinion the definition of aggression had been left for subsequent action by competent organs of the United Nations, and consequently there was nothing to prevent the General Assembly and its subsidiary organs from defining aggression, if they so wished.

6. The question was whether a definition of aggression was possible and desirable. His delegation was inclined to consider provisionally that it was possible. If a competent organ of the United Nations had to judge a

* Indicates the item number on the General Assembly agenda.

particular case, it would do so on the basis of certain criteria, which, in the opinion of his delegation, would constitute the basis for a definition. As to the desirability of a definition undertaken separately from the task of defining other international crimes, his delegation was inclined to support the view of the three sponsors of the joint draft resolution (A/C.6/L.209). The crime of international aggression was only one of the crimes which an international criminal code would take into consideration, and the many likely forms of aggression were suitable for the enumerative method of penal codes. Considerations of logical execution of the task should prevail over the desire for expeditious action. Again, as the question of a definition of aggression involved many social and political considerations, thus making it difficult to obtain a suitable definition immediately, some delay would be appropriate. Delay was also desirable on the ground that many traditional concepts in international law were undergoing change. There was, for example, a strong tendency for the domain of domestic jurisdiction to shrink owing to the growing inter-State solidarity and to mutual dependence, and certain acts, formerly regarded as coming within that sphere, were now under international control; that tendency was likely to increase. It was also probable that after the adoption of the draft Declaration on the Rights and Duties of States, States would be in duty bound not to commit certain acts. Some of those acts might also be covered by an enumerative definition of aggression.

7. Without going into the question of the inclusion of various acts of aggression in a comprehensive international penal code, he stated that his delegation was not hostile to an attempt to define international aggression. Such an effort would, however, have more chance of success, if exerted in connexion with the preparation of an international criminal code and a code of the rights and duties of States.

8. The records of the Committee's discussions would be extremely useful when the time came to take more definite steps in that direction.

9. Mr. RIVEIRA SCHREIBER (Peru) said that, although there was considerable divergence between the arguments and draft resolutions put forward in the Committee, they were nevertheless a valuable contribution for the clarification of that important problem.

10. In view of the complexity of the question, it was necessary to have regard to the development of international law, the continual change in the actions and behaviour of States and advances in the technique of modern warfare.

11. His delegation believed in the possibility of a definition of aggression that would be in conformity with the provisions of the Charter. The development in that connexion within the inter-American system pointed to certain aspects that were fundamental to the solution of the problem. Recalling the statements of other representatives on that development, he said that the conditions prevailing in the American continent, which frequently were not the same as in the world in general, had undoubtedly been favourable to the progress that had been made there. He could not, however, accept the extreme view that any American doctrine was not suitable for universal application, for neither the doctrine nor the system was substantially different from international law in general. Care had been taken to assimilate the procedure of that system to the Charter, both inside and outside the American continent.

12. It was also obvious that the Organization of American States had encountered the same difficulties in achieving a definition as were now being faced in the United Nations. The Eighth International Conference of American States, in referring the question of a definition of aggression to the International Conference of American Jurists, had stated that it had not been possible to unify the various concepts and formulae relating to such a definition and to the determination of the aggressor.¹ The Rio de Janeiro Inter-American Treaty of Reciprocal Assistance, however, contained a definition. The latter could not be said to be a purely abstract legal definition, nor an analytical definition nor one inspired by the *Politis* formula. His delegation could not agree with the Brazilian representative, who on the grounds that it was confined to acts of attack or armed invasion and a system of consultations for determining other cases, combining a *posteriori* verification with a limited enumeration, had called it a formal definition. It should rather be described as a definition by exemplification.

13. There were various provisions relating to the concept of aggression among the rules governing American collective security, but the issue was the specific question of the definition of that concept with a view to determining the aggressor. In that connexion, his delegation wished to stress the undoubted progress made under the American system.

14. Apart from Article 9 of the Rio de Janeiro Treaty, Article 7, which was without prejudice to Article 51 of the Charter, was a considerable advance over Article 40 of the Charter. Article 7 first referred to consultative meetings, in cases of conflict between two or more American States, in order to bring about a suspension of hostilities and to restore and maintain inter-American peace and security, and also to bring about a solution of a conflict by peaceful means; it then laid down that the rejection of pacificatory action would be taken into consideration in determining the aggressor and the immediate application of measures agreed on at the consultative meeting. That was an innovation worthy of the closest attention.

15. Article 40 of the Charter also provided for provisional measures, failure to comply with which would be taken into account by the Security Council. The Security Council would presumably take that failure into consideration in establishing responsibility for the event, and that implied an element of judgment. Thus what was implicit and presumptive in Article 40 of the Charter had become explicit and obligatory in Article 7 of the Rio de Janeiro Treaty. If the Security Council were not functioning, the General Assembly would prescribe the conciliatory measures it deemed advisable. The State rejecting such measures would be regarded as the aggressor. Such a procedure, adopted in the case of Korea and China, belonged to the American system where the obligation of determining the aggressor was linked with simultaneous punitive action.

16. Both the element of consultation and that of the legal consequences of rejection of conciliation incorporated in Article 7 of the Rio de Janeiro Treaty and in the Act of Chapultepec were implicit in Article 40 of the Charter. Article 7 had the advantage of fixing responsibility not only in cases of threats to the peace or breach of the peace but also in cases where conciliatory action was rejected.

¹ See *Final Act of the Eighth International Conference of American States*, item XXIV.

17. Thus the achievement of the American system had been to exemplify acts of aggression and to characterize as aggressors those States that rejected provisional conciliatory action, without, however, any restrictive effect.

18. Stress had been laid on the dangers of an enumerative definition, and the United States representative had urged that the provisions of the Charter and their flexibility should be relied upon to solve the problem. The American system fitted with the Charter and implemented its provisions. It did so by adopting a definition by exemplification and by providing for consultations, and that in no way impaired the spirit or the application of the Charter. In fact, it showed how the dangers of a definition could be avoided without prejudice to the Charter.

19. While not necessarily proposing a solution of that sort, he felt strongly that the American doctrine possessed qualities which warranted closer consideration. If a definition could not be exhaustive, a rigid enumeration was clearly out of the question. That, however, would not prevent the establishment of a guide based on examples. On the other hand, as the Mexican representative had said, a basis of law seemed necessary on which to administer international justice. It was a question of avoiding injustice, and a definition would achieve that purpose.

20. A definition of aggression should also be elastic. The omission of certain acts would not guarantee impunity for those committing them, if, in addition to an enumeration, there was scope for a fair judgment of such acts.

21. The Charter spoke not only of acts of aggression, but also of breaches of the peace and threats to the peace, which involved moral imputations similar to those involved in a clear case of aggression. Provision must be made for all situations contemplated by the Charter. It should be recognized that consideration of the problem was still in the initial stages and clearly justified more thorough analysis.

22. His delegation thus considered that aggression could be defined and would support the idea of a definition with examples that was in line with the Charter, but only as an element in the process of a continuing careful study of the problem in the light of the Committee's discussions, and making due allowance for timeliness, the political aspects, the subjective elements and the new and different forms of international life.

23. Mr. FARZAND ALI (Pakistan) did not feel that the debate was either disappointing or disquieting. The problem had been under constant review for twenty-five years by eminent jurists and politicians and it was undoubtedly the most important item on the Committee's agenda. It consequently deserved the most thoughtful consideration.

24. The USSR delegation was to be congratulated on its draft resolution (A/C.6/L.208) because it had provoked a most illuminating, thoughtful and useful discussion.

25. Doubts had been expressed as to the nature of the task conferred upon the International Law Commission, and the Greek representative had thought that the Commission had made the mistake of deciding that its task was to define aggression. That point, Mr. Farzand Ali felt, deserved to be cleared up. General Assembly resolution 378 B (V) read thus :

"Considering that the question raised by the proposal of the Union of Soviet Socialist Republics...

"Decides to refer the proposal... dealing with this question to the International Law Commission ...". It was clear from the terms of the USSR proposal that the question was "to define the concept of aggression as accurately as possible".

26. It was gratifying to note that the majority of the Commission held the view that it had been requested by the General Assembly to make an attempt to define aggression and to submit a report on the results of its efforts.

27. Although criticizing the attitude of the Commission, the Greek representative appeared to have appreciated the essence of the USSR proposal when drafting the first paragraph of the preamble to his delegation's draft resolution (A/C.6/L.206). In the circumstances he would leave it to the Committee to decide whether there was reasonable justification for showing that the Commission had made a mistake.

28. The possibility of a third world war could not be excluded. The mad race to pile up atomic and other destructive weapons was continuing and threatened to seal the fate of the world. However sincere its efforts, mankind had failed to live together in peace with one another, but that was no ground for abandoning hope. Even if it were impossible to abolish or prevent war, something could be done to postpone its imminence by putting obstacles in the way of a potential aggressor. He thought that would be a sound approach to the problem under discussion. Not all were obsessed by the historical argument that previous behaviour reflected upon the *bona fides* of sponsors of proposals; it should not influence the Committee's decision.

29. His delegation was inclined to the view that it was both possible and desirable to define aggression. It believed that the USSR draft resolution contained no hidden motives, that it was prompted by good faith and that it was an excellent contribution to the task of building world peace and security as well as to that of solving the problem before the Committee. To meet the objection that an enumerative definition would not be exhaustive, he had considered the possibility of inserting a clause to cover all other acts, direct or indirect, on the principle of *ejusdem generis* and had found the result satisfactory. Aggression might mean not only actual invasion or attack but any unprovoked act of a State which, directly or indirectly, endangered or threatened the territorial, political or economic independence and security of another State.

30. After carefully considering the pros and cons, his delegation regretted that it could not support the USSR draft resolution in its existing form. Additions and subtractions were required to make it more effective and comprehensive. In that connexion he agreed with the United States and United Kingdom representatives that some of the situations contemplated in that draft resolution were likely to prove dangerous in certain cases and left the door open for abuse by a potential aggressor.

31. His delegation would not wish to be charged before the bar of world public opinion as one of those that had buried the question in the Legal Committee for political reasons. It found certain merits in the joint draft resolution submitted by France, Iran and Venezuela (A/C.6/L.209) but reserved its right to take a final position on the subject.

32. Mr. ROLING (Netherlands) said that the problem of defining aggression was a difficult one, not only owing to the difficulties of definition, which had been mentioned by the Israel representative, but also owing to difficulties connected with the concept of aggression itself. Some representatives had been speaking about the general concept of aggression, others about the concept of aggressive war; some about aggression as involving individual criminal responsibility, others about aggression as grounds for the use of armed force in legitimate self-defence; those were ideas which ought to be kept strictly separate.

33. The problem was also very important. According to the Greek representative, the desire to define aggression sprang from the faith that by making such a definition and punishing the aggressor war would be rendered impossible. Such a faith was too naïve to merit attention. There were more cogent reasons for desiring a definition. In the first place, it was necessary to know the meaning of a term in common use in international affairs and employed in the agenda of the General Assembly. Secondly, something less vague than the natural notion of aggression referred to by the Greek representative was required to protect individuals from arbitrary decisions by international courts. Thirdly, since the subject of aggression had originally arisen in connexion with the item "Duties of States in the event of the outbreak of hostilities", that is to say as a political issue concerning, not individuals, but the policy of States, a definition of aggression would give countries with different legal systems and general backgrounds a clearer understanding of the prevailing policies of States which concluded treaties excluding aggression or adopted resolutions condemning it, and of what they meant by the term. A clear concept of aggression could hamper States pursuing an aggressive policy, and in particular make it more difficult for them to identify self-defence with others of their interests to which they attached importance. It might also make it harder for Governments to justify aggression to their peoples.

34. For many delegations, however, a definition was important because it would express the prevailing opinion in the United Nations. A definition could show reality of the present tense international situation. Distrustful of official statements, people were genuinely puzzled to know whether the parties in the cold war were bent on attaining world power or were simply frightened of one another, whether they were rearming to protect their own way of life or to impose it on others. A legal definition of aggression would help to enlighten them.

35. The legal aspect of the question of defining aggression was merely a matter of the exact wording of the definition and of the relation of that wording to existing legal texts. But basically the question was political, as the USSR representative had stated in the First Committee at the fifth session,² when requesting that the USSR draft resolution³ should not be referred to the International Law Commission. Not only the content of any definition, but the question whether or not there should be a definition at all, was a political issue: that had been illustrated by the change of positions on the subject effected by the USSR and the United States between 1945 and 1951.

36. It was difficult for jurists to work on a problem that was essentially political. That task was particularly difficult since it was not clear whether it was a question of defining aggression or aggressive war, a

kind of war or a kind of State activity which aimed at depriving another State of its independence. The origin of the item under discussion, "Question of defining aggression", did not in that respect provide a clear guide. The item took its rise from the heading of a chapter in the report of the International Law Commission, and the fact that the Commission had been required to deal with the question by General Assembly resolution 378 B (V), adopted on the report of the First Committee under the agenda item "Duties of States in the event of the outbreak of hostilities", suggested that it concerned aggressive war. But on the other hand, as the discussion in the First Committee proceeded it had come to deal with the wider problem of aggression.

37. What was the distinction between the two concepts? The basis of the concept of aggression was a nation's longing for peace and hatred of war. But the longing for peace was not a desire for peace at any price: nations were prepared to fight to protect their own way of life. Their way of life could be destroyed by other means than war, namely by indirect aggression, economic and ideological, which had now come to be feared even more than war itself. Protection of a nation's way of life was thus related to the concept of aggression, and hatred of war to that of aggressive war.

38. The two problems were related, and perhaps inseparable. Prohibition of aggressive war tended to involve the prohibition of any resort to force except in self-defence, and self-defence had to include defence against those mixed forms of military, economic and ideological aggression which had proved so effective in the past decade and which achieved the same results as aggressive war. But was the use of armed force justified to combat those special forms of aggression? Article 51 of the Charter referred only to the inherent right of self-defence in the event of "armed attack". But if the right of self-defence was based on the right of self-preservation, a State must surely have the right to defend itself against both types of aggression.

39. There was no general agreement about the scope of the right of self-defence. Consequently to define aggressive war as any use of armed force except in self-defence merely evaded the problem by introducing a new concept which required definition. The use of the notion of self-defence, in a definition of aggression was dangerous because, as the USSR representative had pointed out, an aggressor would claim that he had acted in self-defence, as Germany and Japan had done. A further reason against using the concept of self-defence to define aggression was that there had been a tendency, discernible in the General Assembly resolution (380 (V)) on "Peace through deeds" and in the draft Code of Offences against the Peace and Security of Mankind, to extend the scope of crimes against peace to include not only aggressive war but any criminal State activity. That meant extending the scope of self-defence to include defence against aggression as well as aggressive war. Nevertheless the concept of self-defence had possibilities for use in the future, when it might be more easily possible to determine the forms of aggression and the policies against which resort to war in self-defence was justified.

40. The vagueness of a definition of aggressive war employing the concept of self-defence did not mean, however, that a statement to the effect that all use of armed force was forbidden except in cases of self-defence would be useless. Though it would not indicate precisely which wars were permissible, it would be very

² See *Official Records of the General Assembly, Fifth Session, First Committee*, 389th meeting.

³ *Ibid.*, Annexes, agenda item 72, document A/C.1/608.

valuable in ruling out a certain kind of war, namely the crusade against capitalism or against communism.

41. Though he agreed with the Greek representative that an abstract definition of aggression was undesirable, he felt that it was only undesirable at the moment, and that it was necessary to continue to work to achieve one.

42. The USSR draft resolution (A/C.6/L.208) contained an attempt, not to define aggression, but to indicate the aggressor by enumerating the acts of aggression. But those acts might be committed in self-defence. And though such a method of definition might be useful in some circumstances it could hardly have been said to have worked well in the Western Hemisphere. Further, of the eleven States which had signed the Conventions of London of 1933 with the USSR, treaties including a definition of that type, three had become part of the USSR and three now belonged to the Soviet bloc. The method hardly commended itself, therefore, to States which did not want to turn Communist.

43. Further, was the USSR draft resolution as clear as it purported to be? It stated in paragraph 1 (b) that the State must be declared the attacker which first invaded the territory of another State with its armed forces, and in paragraph 2 B (j) that frontier incidents might not be used as justifications for attack. Where did the dividing line come? The frontier fighting between the USSR and Japan in 1938-1939 had been referred to at the time in the Soviet Government's notes as frontier incidents carrying the danger of war, but at the Tokyo trial Japan was accused of having waged aggressive war against the USSR. That showed that what was involved was not precise legal concepts, but political ones.

44. His delegation was strongly opposed to the USSR draft resolution. It could not support any amendments containing a list of acts which might not be used as justifications for attack, similar to those appearing in the USSR draft resolution, and consequently was unable to support the Colombian amendment (A/C.6/L.210) in spite of the improvements it introduced.

45. He asked the Bolivian representative why, in paragraph 4 of the Bolivian draft resolution (A/C.6/L.211), only the cases referred to in paragraphs 1 and 2 were declared to justify the automatic exercise of the right of self-defence, and not those in paragraph 3, which included "use of force against the territorial integrity or political independence of any State"; and whether economic aggression such as "unilateral action to deprive a State of ... economic resources ... or to endanger its basic economy", mentioned in paragraph 3, also justified exercise of the right of self-defence by armed force.

46. His delegation would vote for the joint draft resolution of France, Iran and Venezuela, which proposed to defer consideration of the question until the Sixth Committee examined the draft Code. It had particular reasons for doing so. The question of defining aggression related to aggressive State activity, while the draft Code dealt with international crimes; the former concerned the problem whether an attacked State might reply with armed force, and the latter the problem of the persons individually responsible for crimes. The question "For which acts of international policy are individuals criminally responsible?" and the question "For which acts of international policy is war in self-defence justified?" were not identical. If the two types of acts were discussed together the problems involved in the distinction between them would be brought more clearly to light. To postpone consideration of the question for a year, on the other hand, would enable

the Sixth Committee to prepare itself more thoroughly to deal with it.

47. His delegation felt that a definition ought not to be given at the present juncture because it was too difficult and complex, and because it was politically undesirable. A country wishing to engage in aggression would naturally want any resort to armed force in self-defence against it to be forbidden, while a country fearing such aggression would want to remain at liberty to resist it by every means, including war in self-defence. It would be clear to which category his country belonged.

48. Mr. BARTOS (Yugoslavia) emphasized that his delegation attached particular importance to the question of defining aggression. The experience of the two world wars had shown how urgent it was to take all possible steps to spare mankind any repetition of the horrors of war. In recent years, the conscience of the world had become alive to many things about which far less concern had been expressed in the past. Thus it was that the world Organization had been continually pre-occupied with such questions as human rights, the right of peoples to self-determination and the rights and duties of States. At the beginning of the Second World War, the aggressors had started out with the idea that they were justified in embarking on a war of conquest and that they would be successful, for at that time there had been no speedy machinery to organize immediate sanctions against an aggressor State. At the end of the war, however, the aggressors had been punished, a fact which showed a highly significant evolution in world public opinion. The world had decided once and for all that aggression was a crime against humanity, that it could and must be punished and that all peace-loving States should combine their efforts to prevent any further war of aggression. The idea that the right to go to war was a normal part of a State's policy could no longer be tolerated and had been replaced by the prohibition of aggressive war as embodied in the Charter.

49. Accordingly, the only possible solution to the concrete question before the Committee—the only solution which would coincide with the wishes of mankind—was that aggression must be defined. It was true that a definition of aggression and its prohibition under international law would not suffice to prevent war, but it would help by deterring potential aggressors and enabling the peace-loving States to organize their efforts against aggression. The past attempts at defining aggression had not prevented the Second World War, but they had contributed towards the joint action of all peace-loving States against the aggressor. At the same time, they had quite rightly formed the basis for the judgments of the Nürnberg and Tokyo Tribunals, which had with full justification tried the nationals of countries that had never accepted the original definitions. It was also perfectly natural that aggression had been prohibited at San Francisco and that the Assembly had later placed aggression at the head of the list of crimes against humanity when adopting the formulation of the Nürnberg Principles (resolution 488 (V)). However, neither the United Nations Charter nor the formulation of the Nürnberg Principles contained any definition of aggression. That was not because the United Nations did not wish to define aggression, but simply because it had left the matter until some more appropriate time when further study could be given to it.

50. In 1950, at his delegation's initiative, the Assembly had adopted its resolution 378 A (V) on the duties of

States in the event of the outbreak of hostilities. The USSR had taken that opportunity, for purely demagogic reasons, to submit a definition of aggression, which took over the Politis-Litvinov formula but omitted the reference to indirect aggression. As Yugoslavia had accepted the original Politis-Litvinov formula in its 1933 treaty with the USSR, his delegation had stated that it would vote in favour of each paragraph of the USSR definition but would abstain from voting on the text as a whole, because it did not wish to adopt a text which retreated from some of the progress achieved in the past.

51. When the question had been referred to the International Law Commission, his delegation had expected the Commission to submit a new definition in the light of more recent experience. He fully agreed with those who had stated that the Commission had failed to carry out the instructions given by the General Assembly. He had no wish to underestimate the efforts made by the Commission, but he felt that it could well have reached an entirely different conclusion. Consequently, he could not agree that because the Commission had failed to define aggression the Assembly should also give up any attempt to find a definition. The Assembly had been known to disagree with the Commission in the past, for example on the question of reservations to multilateral conventions, and there was no reason whatever why it should be bound by the Commission's conclusions.

52. At the same time, he could not agree to a negative solution simply because past attempts to define aggression had met with little success. The London Conventions of 1933 and the Rio de Janeiro Treaty of 1947 showed that it was possible to define aggression. To deny that would be to deny all possibility of progress. If the theory that past failures rendered all fresh attempts impossible had prevailed at the end of the Second World War, the United Nations itself would never have been created. It was the clear duty of the United Nations under the Charter to do its best to encourage progress in spite of any failures of the past.

53. Considering the question as a whole and taking into account both the political and the legal aspects, his delegation was convinced that it was both politically desirable and legally possible to define aggression. The existence of a definition would not prevent war, but that was no reason to give up the attempt altogether, for even an incomplete and very flexible definition could be extremely useful. It would make aggression more difficult and, by its very flexibility, would cover all possible forms of aggression. Furthermore, the existence of a definition accepted by all the States Members of the United Nations would make it easier for the competent organs of the United Nations to determine the aggressor in any given case. The Sixth Committee was rather too apt to forget about the hopes placed in it by world public opinion. It should not abuse those hopes for purposes of propaganda or demagoguery, but should carry out constructive work and achieve positive results so that the hopes of all the peoples of the world would be fulfilled. Accordingly, all Member States should co-operate sincerely in the attempt to perfect the international machinery for the prevention of aggression and, in particular, to make it impossible in future for an aggressor to claim that his action was justified on one pretext or another. He was convinced that the Organization would be stronger in its campaign against aggression if subjective political criteria were replaced by

precise legal rules which all would be bound to respect.

54. The delegations which considered that a definition was impossible had drawn an analogy with the domestic penal codes of States. The comparison, however, was unconvincing, as other speakers had already pointed out: It was true that the existence of a penal code did not prevent crime, but it did help to reduce crime and, in his view, the same would be true of a definition of aggression.

55. He fully recognized the defects of both the general and the enumerative methods and did not believe that either method on its own would be satisfactory. That, however, did not mean that it was impossible to define aggression. In his opinion, the two methods should be combined, with the enumeration serving as a set of examples but not as an exhaustive list. At the same time, the competent organs of the United Nations would use their own discretion in the case of acts of aggression which were not covered by the list. That method had already been used before, for example in the definition of the crime of genocide.

56. Turning to the various draft resolutions, he said that he could not accept the purely negative approach of the Greek proposal (A/C.6/L.206), because it denied the progress already made on the subject in the past. With regard to the USSR draft resolution (A/C.6/L.208), his delegation would vote in favour of each individual paragraph but would abstain on the text as a whole as it had stated it would do in 1950,⁴ because the draft presented all the dangers of an incomplete enumeration which was supposed to be exhaustive. The Colombian amendments (A/C.6/L.210) to the USSR draft were an extremely useful contribution, and would certainly improve the original text and bring it more in line with the purposes of the United Nations. As for the Indian amendment (A/C.6/L.212), his delegation would adopt the same attitude towards it as towards the USSR draft resolution to which it referred. He had much more sympathy for the Bolivian draft resolution (A/C.6/L.211), which was basically satisfactory because it comprised a synthetic definition including the new forms of indirect aggression and at the same time left sufficient freedom to the competent organs of the United Nations. With a few amendments to make its purpose even clearer, that text would be the most acceptable to his delegation. Finally, the draft resolution submitted by France, Iran and Venezuela (A/C.6/L.209) was positive in that it left the question open but, on the other hand, it would delay the solution of the problem. Consequently, while having some sympathy for that draft, he reserved the right to express his delegation's attitude on it at a later stage.

57. In conclusion, he emphasized that, in the view of his delegation, the General Assembly should take all the necessary steps towards the adoption of a definition. At the same time, however, the definition should be flexible so as to leave sufficient freedom of action to the competent organs of the United Nations, for that was the only possible way to ensure effective action on the part of the United Nations against aggression.

58. Mr. ABDOH (Iran) proposed that the meeting scheduled for that evening should be cancelled.

The proposal was adopted by 22 votes to 3, with 13 abstentions.

The meeting rose at 1.5 p.m.

⁴ *Ibid.*, 390th meeting.