

Monday, 21 January 1952, at 10.30 a.m.

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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. The CHAIRMAN reminded members that the general debate had been concluded at the previous meeting and that the list of speakers to be granted the right of reply under rule 114 of the rules of procedure had also been closed. In accordance with the suggestion made by the Uruguayan representative at the previous meeting, and with the Committee's consent, he ruled that a time-limit of fifteen minutes should be fixed for all further statements.

2. Mr. P. D. MOROZOV (Union of Soviet Socialist Republics) said that he would not repeat his delegation's basic arguments since none of them had been refuted. At the same time, a certain measure of understanding had developed during the discussion, and he would not therefore reply in detail to the various attempts to distort the purpose of his delegation's definition and the slanderous accusations made against the USSR. It was interesting to note that, as their position became more and more hopeless from the legal and logical point of view, those who held that it was impossible to define aggression had become more and more virulent in their attacks on the USSR.

3. It was somewhat surprising that, after having argued consistently against a definition, the representative of Greece should finally have suggested that he might offer his services to the Committee to help find one. It would surely be better for the Committee to be without assistance from such a quarter. In his latest statement, the Greek representative had persisted in distorting the remarks made by General Nikitchenko at the London Conference on Military Trials of 1945, by taking them out of their proper context. Mr. Morozov had already made it perfectly clear that General

Nikitchenko had not been representing the USSR on the specific question of defining aggression, but had only been considering the question whether or not such a definition should be included in the Charter of the Nurnberg Tribunal. The Greek representative's claim to be a disciple of General Nikitchenko was clearly a pretext to hide his lack of logic. It was true that Mr. Spiropoulos' ideas were not original, for they had already been defended by Germany and Japan, and were now being taken over by the new pretenders to world domination.

4. The United Kingdom representative, for his part, had not even attempted to make a legal analysis of the USSR definition in his second statement (292nd meeting). He had simply continued to distort the facts and even to distort what had actually taken place in the discussions. For example, he had stated that it was the countries which had suffered most from aggression in the past which did not wish to adopt a definition. That, however, was certainly not the case. The delegations of France, the Byelorussian SSR, Poland, Czechoslovakia, the Ukrainian SSR and the USSR had all spoken in favour of a definition. The chief opponents of a definition were the United Kingdom, which had never had its own territory invaded, although it had suffered from aerial bombardment, and the United States, which had been very far removed from the theatre of the Second World War. The countries of the Middle East were in favour of a definition and so were most of the Latin-American Powers, in spite of the fact that they had not recently suffered any aggression. Belgium, Greece and the Netherlands were the only small Powers which opposed a definition, and even the representative of Belgium could hardly deny that his country would have benefited if a definition had existed in the past.

5. The United Kingdom representative had also suggested that the views of certain States should be given additional weight because those States were called upon to play a very important part in the campaign against aggression. He had obviously been referring to the United States at that point, but surely it was only natural that the circles in the United States which were

* Indicates the item number on the General Assembly agenda.

preparing for a third world war did not want a definition of aggression. In addition, the United Kingdom representative had made the surprising suggestion that the views of the military staffs should be taken into account in any attempt to define aggression. The military, however, were hardly likely to serve the cause of peace, and that suggestion was in fact an interesting indication of the real attitude of those who opposed a definition of aggression.

6. While admitting that the policy of the French and United Kingdom Governments at Munich had been ill-advised, the United Kingdom representative appeared to have failed to learn the lesson of Munich, because he still held the view that even in clear-cut cases of aggression, it might sometimes be expedient to refrain from condemning the aggressor State in case it might wish to reform.

7. Various slanderous remarks had been made, by the representatives of Belgium and the Netherlands among others, regarding the action taken by the USSR against Finland on the eve of the Second World War. It was perfectly clear, however, that the Finnish fascists had been the cause of that incident, and that Finland was to have been used as a starting-point for an attack against the USSR. The events leading up to the Second World War were perfectly well known. It had been the policy of France and the United Kingdom to encourage Hitler to attack the USSR rather than France and, in the circumstances, there was nothing that the USSR could have done but conclude its pact with Hitler. In the end, that had in fact helped all the Allies, and not only the USSR, because it had been one of the factors leading to the final defeat of Hitler, in which his country had played a decisive part.

8. The representative of Belgium at the previous meeting had once again attempted to draw false analogies between international law and domestic criminal law, but his arguments had not proved in the least convincing. It was encouraging to note that, in spite of the arguments of Belgium, Greece and the United Kingdom about the dangers of a definition, the majority in the Sixth Committee had come out clearly in support of the desirability and possibility of defining aggression. He was also glad to note that the majority of Member States had joined in condemning the concept of a preventive war waged under the pretext of self-defence. Most delegations had in fact shown good will and a sincere desire to find a definition of aggression with a view to strengthening world peace. Consequently, regardless of the result of the vote, the debate had been valuable and constructive. Whatever the immediate outcome, the discussion had helped towards greater understanding and co-operation and a first step had been taken towards the adoption of a definition of aggression.

9. Mr. MOUSSA (Egypt) replied first to the representative of Greece, who had questioned his theory that under Article 51 of the Charter self-defence by means of force could be exercised only in case of armed attack. He referred the Greek representative to the English text of that Article, in which the words "armed attack" were used as opposed to "*agression armée*" in the French text. He himself had based his interpretation on the English text. Mr. Spiropoulos had also implied that the United Nations should rely on experience in defining aggression rather than on an express definition interpreting the terms of the Charter. Mr. Moussa could not agree to such a suggestion; experience alone could not clarify the Charter, especially

since several precedents in the matter had been bad.

10. He could not agree with the United Kingdom representative's statement that those who favoured a definition were the representatives of countries which were unlikely to be exposed to future aggression. The Middle East was hardly an area which was unlikely to suffer from a future conflict, and the United Kingdom was in fact basing its actions in the Middle East on the pretext of the need to defend the area in the event of war. Every State was interested in the question of defining aggression, even if it was not itself either immediately or directly threatened with aggression. The United Kingdom representative had also referred to the predominant role played by certain Powers, and had implied that extra consideration should therefore be given to the views of the United States. The United States was not, however, the United Nations. All Member States had equal rights to self-defence. No Member of the United Nations was under trusteeship, and all had the right to take positions in the matter in accordance with their own interests.

11. The United Kingdom representative had even suggested that, in some cases, a State might be justified in intervening in the affairs of another State and might do so in good faith. All Member States had, however, undertaken very specific commitments in the Charter, and no State could possibly claim that it was entitled to intervene in the affairs of another, unless it was specifically asked to do so by the United Nations. Further confusion had been introduced into the discussion by the United Kingdom representative's reference to illegal acts as a sort of extension of indirect aggression. As he had already stated, Mr. Moussa was opposed to the inclusion of indirect aggression in any definition and he was equally opposed to the introduction of any new category of acts extending the concept of aggression.

12. Several delegations, including his own, had already replied to the United Kingdom representative's objections to the second part of the USSR draft resolution. In spite of that, however, the United Kingdom representative had referred to further cases which, in his view, might constitute justification for recourse to force. Among those, he had mentioned such cases as the ill-treatment of a country's nationals by a foreign State. In Mr. Moussa's opinion, however, such cases should be dealt with by arbitration or by the International Court of Justice. In any event, they could not justify the use of force.

13. He was glad to note that the United Kingdom representative had admitted that his country had made mistakes in the past. It seemed to him, however, that the past policy of the United Kingdom was continuing and had become a habit which it would be very difficult to overcome. In connexion with the violation of treaties, the United Kingdom representative had referred to the Egyptian Government's action in preventing free access to the Suez Canal, had mentioned the Security Council's recommendation (S/2322) on that point, and had asked who had violated a treaty in that case. Egypt's action, however, had not been in violation of any treaty. It had in fact been in application of article 10 of the Treaty of Constantinople, which provided that Egypt could take the necessary measures for its own security with respect to the Suez Canal. Egypt had considered itself to be legally in a state of war and had thus been fully entitled to avail itself of that provision. The case was an example of

the dangers of granting arbitrary power to the Security Council. His delegation had requested that the matter, being essentially legal, should be referred to the International Court of Justice, but the Security Council had ignored all legal considerations and had taken its decision on purely political grounds. The United Kingdom representative had also referred to the 1899 Anglo-Egyptian Agreement relative to the Administration of Sudan. It was, however, the United Kingdom which had consistently violated that treaty. The Governor of the Sudan was appointed by the Egyptian Government, and the only country whose sovereignty over the Sudan he represented was Egypt; but the United Kingdom had used the Governor and his troops to try to separate the Sudan from Egypt, to act against Egyptian interests and to promote exclusively its own interests in the Sudan. That policy had reached its climax when the United Kingdom had artificially set up one political party after another to serve its interests, and had refused to accept the challenge addressed to it from the tribunal of the United Nations to organize a plebiscite in the Sudan. As regards the 1936 Treaty, he had already made it perfectly clear that it was the United Kingdom and not Egypt which had violated it. Egypt had eventually denounced the treaty by a political act, which was quite a different thing from violating it. The consistent violations by the United Kingdom, and the fact that the dispute over the validity of the Treaty had been brought before the Security Council, as well as the impasse in which the Council found itself with regard to the dispute, were ample justification for Egypt's action in denouncing it.

14. Mr. ABDOH (Iran) said that, while he had so far sought to deal with the problem from a strictly legal point of view, the position taken by the United Kingdom representative that force would be justified in certain cases mentioned in paragraph 2 of the USSR draft resolution (A/C.6/L.208) obliged him to comment on the dangers inherent for the smaller Powers in the acceptance of such a view.

15. In the light of experience, which had shown that the aggressor sought to intervene in the internal affairs of other States on pretexts such as those listed in that paragraph, his delegation had strongly supported its terms, since it considered that provisions of that nature would help to deter, and make things difficult for, potential aggressors.

16. The United Kingdom representative had said that he well understood the Iranian delegation's defence of that paragraph since it would enable the Iranian Government to pursue the policy it had recently adopted. He would like to know what policy the United Kingdom representative was thus criticizing. To remove any misunderstanding to which the United Kingdom representative's remarks might give rise, he would detail certain facts.

17. His Government had nationalized its oil industry for reasons of the overriding interests of the State. No one contested a State's right to nationalize key industries essential to the life and prosperity of the nation. Nationalization was the basis of the political and economic systems of the State and thus an essential element in the right of peoples to self-determination. The only question from the point of international law was that of indemnity to those whose status had been affected by nationalization. In that connexion Iran had clearly announced its readiness to negotiate on the basis of precedents in other countries. In view of that attitude,

and of the United Kingdom Government's recognition of Iran's right to nationalize its oil industry, it was difficult to understand the criticism of his country's policy.

18. As to the judicial settlement of disputes to which the United Kingdom representative had referred, he would state that, since his Government had declared that it would accept the obligatory jurisdiction of the International Court of Justice only in respect of disputes concerning situations or facts relating to treaties concluded after the said declaration, and the Act of Concession concluded in 1933 between Iran and the Anglo-Iranian Oil Company was not a treaty, but a contract under private law and so subject to the jurisdiction of Iranian national courts, his Government, in conformity with Article 2 of the Charter, considered that it was not subject to the jurisdiction of the Court. That position had been confirmed by the Security Council.

19. The United Kingdom representative had also felt that a country should not be allowed to ill-treat foreigners and that the country of which such foreigners were nationals should not be prevented from defending their interests, if necessary, by the use of force. He had further regarded such ill-treatment as an act of aggression and action by the foreigners' country as taken in the exercise of the right of self-defence. That view was erroneous both in fact and in law. No British subject had been maltreated in Iran, nor had accusations been made to that effect by the United Kingdom Government. The United Kingdom Government had, however, sent warships and parachutists to the area in an attempt to bring pressure on the Iranian people, for economic ends and those acts were flagrant examples of the aggression described in paragraph 2 of the USSR draft resolution; hence his delegation's warm support of that proposal. To interpret that as meaning that his Government was indifferent to its international obligations was to distort its motives for propaganda purposes.

20. In the light of Article 2, paragraph 4 of the Charter, he also took issue with the United Kingdom representative's view that the motives enumerated in paragraph 2 of the USSR draft resolution could not be declared as not justifying resort to force. That representative's attempt to interpret Article 51 of the Charter as authorizing a State to resort to force for the protection of its nationals who had been maltreated was also disturbing; it revealed the real intentions of the United Kingdom Government, explained its opposition to the idea that political, strategic and economic considerations did not justify aggression and demonstrated the need for such provisions in a definition of aggression.

21. In holding that there was a contradiction between economic assistance to under-developed countries by industrial countries and the adoption of paragraph 2 of the USSR draft resolution, the United Kingdom representative had wrongly interpreted his previous statement. Subject to the sovereignty of the State concerned, certain of the motives listed in that paragraph would give rise to international disputes, which must be settled in accordance with the provisions of the Charter. Failure on the part of a State to pay a debt did not justify a resort to force. In view of the United Kingdom representative's doubts in the matter, it was desirable that the United Nations should clarify the point, so as to deter one State from exploiting the resources of another, to show the imperialist States that their ideas in the matter no longer held good and to

warn them of possible sanctions if they continued to rely on such considerations.

22. The United Kingdom representative's reference to economic assistance to under-developed countries called for the following observations : first, the Iranian Government would not have required economic assistance if it had been allowed to enjoy the revenues from its natural wealth; secondly, technical assistance was no longer a matter of philanthropy, but the most effective means of ensuring the economic stability on which international peace and security depended; thirdly, the United Kingdom, with its strained economy, could probably not offer economic assistance and Iran did not ask for such assistance, for all it wished was to be allowed to develop its own resources for the benefit of its people; fourthly, as the United Kingdom Government had not voted for the recently-adopted General Assembly resolution (A/L.32) for the financing of economic development and industrialization of under-developed countries, it should be the last to invoke such an argument.

23. The United Kingdom representative's remarks about the mistakes made by great Powers might have been encouraging, were it not for the continuance of such mistakes on the part of the United Kingdom, which were due to the fact that the United Kingdom Government relied too much on old "dossiers" in dealing with situations that required a different and more liberal solution. The same cause seemed to underlie the United Kingdom delegation's attitude towards the definition of aggression.

24. Mr. OGRDZINSKI (Poland) said, with regard to the Belgian representative's observations at the 292nd meeting, that while there was a definite element of rigidity in the USSR proposal, the real point was that that rigidity was feared by some but welcomed by others. It was because it would prevent attempts at evasion that the German representatives at the Disarmament Conference in 1933 had objected to such rigidity and that his delegation, on the other hand, was supporting it.

25. The United Kingdom representative had asked whether so rigid a definition would not preclude legitimate defence by one State of the interests of its nationals whose property had been nationalized in another State, or of its own interests when its troops were not allowed to remain on the territory of another State. Under the rigid USSR definition a colonial war was a war like any other war and a colonial armed expedition was a form of armed aggression. It was not surprising, therefore, that the champions of colonialism objected to such a definition of aggression or that the Latin-American countries and countries that had recently acquired their independence took the opposite view. The attitude of Greece and Belgium, moreover, was probably affected by their adherence to the Atlantic bloc, and it was well-known that the United States was master there.

26. If the Belgian representative had found his previous remarks to be somewhat unkind, the unkindness was in no way personal; the truth was often unkind. Finally, as it was obvious that the Belgian representative did not know much about the history of Poland, he would not pursue the argument on that subject.

27. Mr. ITURRALDE (Bolivia), replying to the Netherlands representative (289th meeting), confirmed that in submitting its proposal (A/C.6/L.214), his delegation had seen a clear distinction between the first two paragraphs and the third paragraph of the operative part.

Paragraphs 1 and 2 covered acts which were objective and about which there could be no doubt, the occurrence of which automatically gave rise to the right of self-defence. Paragraph 3, on the other hand, included acts which were less clearly marked, and which required to be proved and verified.

28. Invasion was an act of aggression that admitted of no doubt, and was quite distinct from frontier incidents. It only occurred when demarcated frontiers were crossed by armed forces or when armed attacks affected a territory under the effective jurisdiction of a State. He could not agree with the Netherlands representative's view with regard to frontier incidents. As history had shown, they could take place in very different circumstances and not every frontier incident was an act with which the Security Council would have to deal. Again, a declaration of war by one State was an overt act of aggression, if there had been no prior aggression on the part of another State to justify it. Other clear acts of aggression were enumerated in paragraph 2 of his delegation's draft resolution, which did not cover attacks made by mistake, but only deliberate attacks like that against Pearl Harbour.

29. All such acts were objective and clearly distinguishable from the threats mentioned in paragraph 3, which could be purely moral in character or could take the form of economic pressure. The acts enumerated in paragraphs 1 and 2 conferred the right of individual or collective self-defence, even before the Security Council or General Assembly had taken a decision in a particular case. Threats could not be dealt with in the same manner, for they, like cases of economic aggression, had to be investigated. Before action could be taken in such cases, the matter had to be referred under Article 14 or Article 34 of the Charter to the General Assembly or the Security Council with the request that action be taken to cause the aggressor to desist. Following implementation of Articles 14 and 34 of the Charter, a State that had been proved to have indulged in such indirect aggression must be informed that its action was likely to endanger world peace and be requested to desist. The adoption of his delegation's draft resolution would mean that there would be an indisputable right to bring the cases covered by paragraph 3 before the organs of the United Nations.

30. The United Kingdom representative had said that, in order to avoid the risk of creating dangerous international situations, indirect aggression in the form of economic pressure should be dealt with through treaties. In that connexion, however, it would be noted that, although there was legal equality as between States, there was no economic equality, and the economically powerful were in a position to exercise pressure on economically weaker States, with the result that such treaties might not always be fair to all parties. When because of such pressure, a treaty was not just, it constituted aggression.

31. The aim of his delegation in submitting its proposal had therefore been to draw up a list of acts generally recognized as acts of aggression which would involve automatic and speedy measures for individual or collective self-defence, and to qualify as aggression the threats mentioned in paragraph 3. Indirect aggression could take many forms and economic pressure had been cited only as an example.

32. As to the question raised with regard to the relation between the enumeration of acts of aggression as pro-

posed in his draft resolution and arbitrary action on the part of the Security Council, his delegation's enumerative definition would get over the difficulty of the veto, to the extent that the Security Council would be obliged to take automatic action in the specific cases enumerated. Adoption of its draft resolution would also save time when it came to consideration of specific cases of alleged aggression, for debate would be necessary only in cases covered by paragraph 3. Discussion would also be simplified, because of the presumption of responsibility and the fact that the onus of proof would be upon the State accused of aggression. His proposal should make it possible to arrest aggressive action in the early stages, because the guilty State's attention would be drawn to the fact that its action was considered as aggression and it would be called upon to desist. It was neither difficult nor dangerous to enumerate acts of aggression in the manner proposed by the Bolivian delegation.

33. It was the Committee's duty to strengthen international law and to formulate the legal implications of the pertinent provisions of the Charter, in order to ensure peace and to remove all causes of friction and aggression.

34. Mr. PETRZELKA (Czechoslovakia) said that various representatives had opposed a definition on the ground that indirect aggression existed as well as direct aggression, and that there was a distinction between aggression and aggressive war. Their objective had been merely to obscure the clear concept of aggression embodied in the USSR draft resolution (A/C.6/L.208) and to distract attention from the substance of the question by emphasizing its formal aspect.

35. On the USSR representative pointing out that sub-paragraph 1 (b) of the operative part of the USSR draft resolution disposed of the United Kingdom representative's allegation that the USSR definition could not be applied to the events of Munich, the United Kingdom representative had repeated that those events were acts of indirect aggression and that indirect aggression was not defined in the USSR draft resolution.

36. Facts made available since the Second World War had, however, shown that in point of fact, the Hitlerite aggression against Czechoslovakia was a case of direct aggression, which had the support of consent by the western Powers. In 1933 John Foster Dulles had been instrumental in putting Hitler in touch with von Papen, Krupp and Schacht, who were in close contact with certain American companies, following which Hitler, the Hitlerite army and the SS had received financial backing or assistance in arming from numerous American enterprises. Sumner Welles had written in his memoirs that financial and commercial circles in the western democracies believed that a war between Germany and the USSR would be to their advantage, since the USSR would be defeated in such a war, and with it communism. After his visit to Berlin, Prague and London in March 1938, Hoover had stated that he was convinced that the fascist States did not desire war with the western democracies, unless the latter hindered their expansion in the East. On 22 May 1938 the British Ambassador in Paris had declared that, even with the assistance of the USSR, France and England could not prevent Germany from overwhelming Czechoslovakia; and on 9 September 1938 the United States President had declared that the United States could not support a united anti-Hitler front. Instead of acceding to the Czechoslovak Government's request of 25 Sep-

tember 1938, that the United States should declare that it would never permit the invasion of Czechoslovakia, the United States Government had asked Chamberlain, Daladier and Hitler to continue their negotiations, while during those negotiations at Berchtesgaden, on 17 September, Chamberlain had servilely asked Hitler whether the annexation of the Sudetenland would satisfy him or if there was anything else he wanted.

37. The United Kingdom representative's statement that it was not advisable to condemn the aggressor in some cases because it might spoil the chance of peaceful negotiations, thus appeared in its true light. By the Munich negotiations the western Powers had handed over to Hitler strategic positions which had enabled him to overwhelm Czechoslovakia.

38. Operative paragraph 1 (b) of the USSR draft resolution and the earlier 1933 USSR definition,¹ directly applied to Munich. Moreover the USSR had been alone in trying to stave off Hitler's aggression until the very last moment, by making various proposals to the League of Nations, by calling upon France to honour the Treaty of Mutual Assistance of 1935, and by its offer of assistance to the Czechoslovak Government. It had shown thereby, as it had continued to demonstrate since, its concern for the independence of small States and its respect for Article 2, paragraph 1 of the United Nations Charter. Further, in its note of 18 March 1939 to the German Government concerning the possible incorporation of Bohemia, Moravia and Slovakia in the German Reich, the USSR had stressed the principles contained in paragraph 2 of its current draft resolution.

39. The USSR draft resolution would protect small States from modern aggressors and help to unmask those aggressors. Czechoslovakia would never permit a new threat to its independence, either in the form of another Munich or in that of a repetition of the events of 15 March 1949. His delegation consequently supported the USSR draft resolution, which would enable international law more effectively to preserve collective security and world peace.

40. Mr. CHAUMONT (France) observed that the Greek representative had not convinced him that the "natural" notion of aggression deserved support. It was a contradiction to assert that, on the one hand, people knew what they meant when they spoke of aggression, and on the other that all aspects of the problem had to be examined, for that was hardly consistent with the existence of a clear natural notion which could be applied immediately to any particular case. Moreover, the Court of the University of Athens, referred to by the Greek representative, could hardly be compared with the Security Council, since the latter was a political, not a juridical, body. The long discussions in the Committee on the political aspects of the question and the divergent interpretations of past cases of aggression had shown how difficult it was to determine whether or not aggression had occurred, simply in the light of the natural notion. The Greek representative had admitted that interpretation of that notion was a matter of the discretionary power, or free judgment, of each person, State or international organ. That representative's state-

¹ See *League of Nations, Conference for the Reduction and Limitation of Armaments*, Series B, Minutes of the General Commission, vol. II, page 237.

ment that there was no need for a definition because the most powerful State would prevail amounted to the negation of all international law.

41. The Egyptian representative had said that he, Mr. Chaumont, was wrong in dealing with the matter on the level of international criminal justice. But the General Assembly and the International Law Commission had regarded it in that light, and the Commission had listed it in its report (A/1856)² among the offences covered by the draft Code. What he had meant was that the Security Council would not be bound by a definition, but might use it as it thought fit, whereas an international judicial body would be bound.

42. The Egyptian representative had deplored any tendency to shelve the problem of defining aggression, and appeared to suggest thereby that not only the Greek draft resolution, but the joint draft resolution (A/C.6/L.209), constituted an attempt to do so. No doubt the subsequent discussion, and in particular the statement of the representative of Iran, would have shown him that the sponsors of the joint draft resolution could not be accused of being actuated by hidden motives. Those representatives who were in favour of a definition being adopted forthwith could more justly be charged with shelving the question, for a definition hastily formulated would be unlikely to be generally accepted and would consequently prove useless. The *ad hoc* committee to be set up under the Colombian amendment (A/C.6/L.214/Rev.1) to the joint draft resolution might fail to adopt a definition, and in that case it could be argued that since the International Law Commission, a legal body, and the *ad hoc* committee, largely a political one, had both failed to adopt the definition, any definition was impossible.

43. No one could tell at the present juncture what States would benefit from a definition. He appealed to the United States representative to support the joint draft resolution, since that representative had admitted that there was a strong desire in the Committee to achieve positive results, and also to the USSR representative. The USSR draft resolution, which was largely in line with French thought on the subject, had not received sufficient study and required amendment. If the USSR draft resolution was rejected, it would not mean that no definition at all would be adopted. Other representatives were largely in favour of the joint draft, which was at the same time idealistic and realistic, took the existing situation into account, and had no hidden motives behind it.

44. Mr. TARAZI (Syria) observed that most delegations were agreed that a definition was possible, but differed as to whether it should be adopted at once or at some later date. The USSR representative had led the supporters of an immediate definition. The Latin-American delegations and some others, which were clearly quite independent of the USSR, had recognized that the USSR draft resolution would protect the independence of States. That was his own view. The French representative, however, had declared that the USSR draft resolution had not as yet been sufficiently studied.

45. He could vote for the USSR draft resolution (A/C.6/L.208) as modified by the Egyptian amendment thereto (A/C.6/L.213 and Corr.1). If the USSR draft resolution was rejected, he would vote for the joint draft

resolution (A/C.6/L.209) and his own delegation's amendment thereto (A/C.6/L.215). He had submitted the amendment to make it easier for the General Assembly to adopt a definition at an early date.

46. The United Kingdom representative had stated that he could not vote for the joint draft resolution if the Syrian amendment was incorporated in it because the amendment altered the substance. But it was not true that the Syrian amendment altered the resolution's substance, and precedents for the instructions to the Secretary-General to report to the General Assembly, contained in them, were to be found in General Assembly resolution 331 (IV) of 2 December 1949 concerning Non-Self-Governing Territories, General Assembly resolution 489 (V) on international criminal jurisdiction, and General Assembly resolution 178 (II) on the rights and duties of States.

47. Allusions had been made to the Middle and Near Eastern States having suffered from subversive action. But the only subversive action against the Middle East had been that of those States from which the region had suffered so greatly in the past, and which were still attempting to undermine their independence. He agreed with the Egyptian representative that if the principle of the sovereign equality of States were fully applied, no State would be under trusteeship.

48. The Colombian amendment (A/C.6/214/Rev.1) to the joint draft resolution went further than his own amendment and contained a decision to include the question in the agenda of the seventh session of the Assembly. He accepted that paragraph of the Colombian amendment.

49. U ZAW WIN (Burma) observed that disagreement between delegations in the Committee was due to their different standpoints. The United Nations was not a world government, and no country could be forced to adopt a measure it felt unable to accept, whether selfishly or otherwise. Nevertheless his delegation wished to set forth its views on the subject of self-defence. Although what he had to say might not change the views of representatives in the Committee, it might affect the attitude of other bodies considering the question *ater*.

50. By self-defence his delegation meant common action against the common danger of the consequences of aggression, whereas other delegations appeared to mean individual self-defence undertaken when aggression began to touch the individual State's interests. From the latter point of view Japan had threatened only the United States when its fleet was approaching Pearl Harbor; but from the former, the threat had existed as soon as Japan committed its first act of aggression on the Asian mainland. Had there been a definition of aggression of the enumerative type, together with provisions for self-defence and provisions enabling competent international organs to designate new types of aggression the United States would have been justified in attacking, and indeed bound to attack Japan, not only as its fleet approached Pearl Harbor, but years beforehand.

51. Nothing that could be cited concerning past cases of aggression indicated that a definition of aggression was unnecessary. Two new factors—the condemnation of war and of the use of armed force except in the common cause, on the one hand, and the machinery for collective measures against the aggressor on the other, imperfect as they might be, had altered the situation. Certain

² See *Official Records of the General Assembly, Sixth Session, Supplement No. 9*.

delegations appeared to have lost sight of those factors when advancing their arguments.

52. It had been argued against a definition that nations would fight and even attack first to defend their existence or way of life. But that did not mean that a definition was impossible or that it might not check an aggressor. It had also been argued, by a delegation whose country considered attack to be the best form of defence, that military authorities would not wish to be limited in their activities by a definition of aggression. Nations were involved in a vicious circle : hating war and knowing that wars were started by first attacks, they felt however that attack was the best form of defence; consequently, wars would continue; nevertheless they hated war. Such a circle was the inevitable outcome of the narrow view of self-defence. It revolved

around the idea of war, instead of around that of peace.

53. His delegation still believed a definition of aggression to be possible and necessary, and it would vote on the documents before the Committee in the light of that belief.

54. He appealed to representatives, even if a definition was not adopted during the current session, to ensure that, in the event of the territory of one Member State being invaded by the armed forces of another, their governments took prompt action to eject those forces and did not plead that they could not do so because aggression had not been defined, or have recourse to undesirable measures, which would turn the invaded country into a second Korea.

The meeting rose at 1.15 p.m.