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Chairman: Prince WAN WAITHAYAKON (Thailand).

In the absence of the Chairman, Mr. Manfred Lachs (Poland), Vice-Chairman, took the Chair.

Question of defining aggression: report by the Secretary-General (A/2162, A/2162/Add.1, A/2211) (continued)

[Item 54]*

1. Mr. VYSHINSKY (Union of Soviet Socialist Republics) said the discussion on the question of defining aggression had raised keen interest among many delegations, a circumstance which demonstrated the importance of the question. But the discussion had not brought a solution of the problem any nearer. General Assembly resolution 599 (VI) had instructed the Secretariat to submit a report at the seventh session, and had held that it was possible to define aggression by reference to the elements which constituted it and to formulate directives for the guidance of such international bodies as might be called upon to determine the aggressor. Unlike some delegations, he was of the opinion that, far from aiming at a definition of aggression, the report of the Secretary-General (A/2211) was only a superficial compilation displaying inadmissible tendencies to discount arguments in support of a definition of aggression, to distort historical facts and to slander the USSR. The defects of the report had influenced the Committee's work, which was not accomplishing anything, owing to the machinations of those wishing to prevent the United Nations from following the precepts of the Charter.

2. The representative of the United Kingdom had stated that a definition would be dangerous and useless and would not facilitate the work of the international organs; he had failed to realize that security could not be ensured unless political considerations were taken into account, and he had asserted that the USSR had invoked political considerations purely for purposes of propaganda. As a matter of fact, a number of delegations, including those of Afghanistan, Iran and Bolivia, had spoken in favour of a definition of aggression on the grounds that such a definition would be likely to reduce international tension.

3. The position of the Anglo-American bloc was not new; for more than twenty-five years that group of countries had consistently frustrated attempts to define aggression. Its representatives falsified history in their endeavour to prove that the 1933 treaties embodying the Soviet definition of aggression had not led to friendly and peaceful co-operation with the USSR. The fact was, however, that the treaties which the USSR had signed with Lithuania on 28 September 1926, Latvia on 5 February 1932 and Estonia on 4 May 1932 had provided a firm basis for friendship between the USSR and those countries, despite the efforts of their leaders to get rid of the treaties in defiance of the people's will. In the elections held in July 1940, the masses of the people in the Baltic countries had shown that they had lost confidence in their former leaders and that they inclined in favour of a system of collaboration and friendship with the USSR. As early as the autumn of 1939, the USSR had signed with the Baltic States pacts of mutual assistance providing in particular for military assistance in the case of attack by a great Power and embodying the undertaking to defend the sovereignty and integrity of those countries, a circumstance which had spared them from becoming colonies of Hitlerite Germany. During the last twelve years, the new policy of those countries had produced remarkable results, for in spite of the damage caused by the war, industrial production was 2.4 times greater than before the war in Lithuania, 3.6 times in Latvia and 4.1 times in Estonia, while in Norway, Belgium and the Netherlands industrial production had scarcely increased at all. The same was true of agricultural production.

4. The representatives of the Anglo-American bloc had also falsified the history of the relations between the USSR and Finland. In the summer of 1939, Halder, the Hitlerite Chief of Staff, had gone to Finland to prepare that country for use as a jumping-off ground for an attack upon the USSR, and Finland had rejected the USSR's offer of a pact of mutual assistance and friendly concessions. The United Kingdom and France made preparations for sending an expeditionary force of 100,000 men to Finland, as revealed in Chamberlain's statements in the House

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

of Commons on 19 March 1940 and the Gunter memorandum of 2 March 1940, which was included in the Swedish White Book. By their provocative actions, those Powers and their satellites had tried first to isolate the USSR and then to induce Hitlerite Germany to attack it. In 1934 the Poland of Beck had signed a pact with Germany; in 1935 Hoare and Ribbentrop had signed an agreement by exchange of letters, and in 1939, the United Kingdom and France had signed the shameful Munich Agreement with Hitler and Mussolini.

5. The German-Soviet Pact of Non-Aggression had been a great political victory for the USSR, for it had enabled that country to maintain peace for eighteen months and so to prepare itself better for its victorious resistance against Hitlerite aggression. Those were irrefutable facts, and Mr. Churchill had himself admitted, on 1 October 1939, that the establishment of an eastern front had been necessary to the security of the Soviet Union and had held in check the Nazi designs on the Baltic States and the Ukraine.

6. The representative of the United States of America had claimed that a definition of aggression could not be a useful instrument for the Security Council, and he had quoted the case of Korea, asserting that North Korea had been the aggressor. Two years before, however, he himself (Mr. Vyshinsky) had produced a map proving that the aggression had come from the south; and in that connexion he observed that at the present session Mr. Acheson had promised the First Committee to produce a map to prove the aggression came from North Korea, but he had not kept his promise.

7. Furthermore, Article 2, paragraph 7, of the Charter recognized the principle of non-intervention in the internal affairs of States.

8. International law made a very clear distinction between internal conflicts and wars between States. Not only did no one regard as an aggression a conflict in which one section of a population might be opposed to another section inside the frontiers of a State, but it was generally admitted, in accordance with the principles of international law, that the intervention of a State in an internal conflict in another State constituted an act of aggression. Thus, for example, when the Civil War broke out in the United States between the forces of the North and the South, no one claimed that either of the parties involved had become guilty of aggression, but world public opinion did not fail to describe as a policy of intervention in matters reserved to the United States the support given to the forces of the South by the Government of the United Kingdom. The same applied in the case of United States policy towards the Kuomintang.

9. Since the notion of aggression did not apply in cases of civil war, the word "aggression" could not be used in connexion with the conflict between the North Koreans and the South Koreans. If an act of aggression had been committed in Korea, it was not the Koreans who were guilty of it, but the leaders of the United States of America, who by describing the North Koreans as aggressors, were trying to deceive public opinion.

10. The Governments of the United States, the United Kingdom and France maintained that the definition

of aggression would have no effect on the course of events and that only a programme of disarmament could safeguard mankind against the danger of aggression. Those same governments, however, were doing all they could to prevent the realization of such a programme and even of a more modest programme for the reduction of armaments and armed forces. Under futile and wholly fabricated pretexts, they rejected the Soviet proposals and boasted of their peaceful policy, while at the same time they were instituting a system of pacts like the North Atlantic Treaty with its transparent aims.

11. He quoted from a letter by Senator Kirsten to Mr. Austin, permanent representative of the United States of America to the United Nations, on the subject of the draft Code of Offences against the Peace and Security of Mankind. The letter had been sent when the General Assembly, at its sixth session, was considering article 2 of the draft, designed to prohibit States from encouraging terrorist activities in other States. In the letter, Mr. Kirsten—the author of an amendment to the Act of 10 October 1951 to authorize the Government of the United States to appropriate \$100 million for financing subversive activities against the USSR, the People's Republic of China and the countries of the people's democracies in Europe—had expressed the fear that the adoption of article 2 would prevent the implementation of the measures provided for in the Act, had drawn attention to the interpretation which might be placed on the expression "terrorist activities" and had added that the former rules of international law should be departed from. The result of that letter from Mr. Kirsten was a radical change in the attitude of the United States delegation, which had been prepared to support article 2 of the draft code. Acting in the same spirit, the Government of the United States was currently opposing the adoption of a definition of aggression.

12. Proceeding to deal with the legal aspect of the problem, he said he would like to answer the contention that the General Assembly could define aggression only by the process of amending the Charter. The supporters of that contention maintained that a definition of aggression would be a general interpretation of the Charter, and that neither the Assembly nor the Security Council was competent to interpret the Charter except in the specific cases brought before them. The USSR delegation for its part considered that a definition of aggression, like the definition of any other notion contained in the Charter, was in no way a general interpretation of the Charter. To define aggression was merely to describe its characteristics, to point out its constituent elements. And since the General Assembly was empowered, under the Charter, to consider the general principles of co-operation in the maintenance of international peace and security, it certainly had the power to consider the general principles relating to aggression. An amendment of the Charter was needed to modify the principles it expressed, to incorporate a new principle or to effect a change in the powers it conferred upon the various organs of the United Nations. But the definition of aggression involved nothing of the sort.

13. It was likewise incorrect to say that it had been admitted at San Francisco that a general interpretation of the Charter could not be given except by an amend-

ment of the Charter. What had actually been recognized at San Francisco was that in some cases it might be necessary to make use of the revision method in order to interpret the Charter. That meant that in other cases there was no need for an amendment of the Charter, and the case under discussion was precisely one of those other cases. The definition of aggression might well be the outcome of a study initiated by the General Assembly under Article 13, paragraph 1, of the Charter, and a definition of aggression would indisputably assist the progressive development of international law.

14. Some delegations had asserted that, by reason of the right of self-defence, a State threatened with aggression could attack the State that threatened it. The USSR delegation considered that such an utterly false assertion could only have the effect of providing any possible aggressors with a justification for their action. The USSR draft definition expressly provided that no consideration could be allowed to justify aggression and, in paragraph 3, it outlined the measures of self-defence which a State was authorized to take when threatened by another State. Thus there were no lacunae in the definition, which left no loopholes that could be used by aggressors to disguise their action.

15. In conclusion, he said that the arguments of the opponents of a definition of aggression had not withstood criticism. They had all been refuted and the long discussion that had taken place had revealed the importance of such a definition.

16. He proceeded to read out his delegation's draft resolution (A/C.6/L.264), and added that the USSR definition fulfilled all the requirements of a definition of aggression, that it appeared in various treaties which formed the basis for peaceful and friendly relations between the USSR and eleven States, that it had gained the approval of many members of the Committee and that its adoption would place the strong weapon of truth at the disposal of the international organs called upon to determine an aggression and name the aggressor.

17. It was imperative that a decision should be taken without delay on the subject of defining aggression. The USSR proposals, which had already received the support of many countries, would lead to a prompt and satisfactory solution of that vital question, in the interests of international peace and security.

18. Mr. TOUS (Ecuador) noted that, from the very outset of the discussion, there had been a noticeable trend in favour of the idea that the interests of justice should be subordinated to the necessity to maintain peace. The supporters of that view had contended that any definition would be unfortunate, for it would embarrass the Security Council in the exercise of its right to determine the facts. They had maintained that under the Charter the maintenance of international peace and security should prevail over all other considerations and that, if justice were found to be incompatible with the maintenance of peace, it was justice that would have to give way. That was a deplorable idea which filled his delegation with acute fears. He realized the facts and knew that political motives would always carry great weight in the interpretation of the Charter, but surely political considerations must not take precedence over the principles of

international law. The acceptance of that idea would be a fatal blow to the prestige of the United Nations. It would mean authorizing the use of differing standards in relations between small nations, relations between great Powers, and relations between small and large Powers. It had been said, for example, that when dealing with a frontier incident involving major Powers the Security Council should not be bound by whatever it might have decided in a similar incident between small States. That idea was directly prejudicial to international justice and to the principle of the equality of all States, which lay at the very foundation of the United Nations.

19. He was familiar with the difficulties in the way of drafting a definition of aggression. The idea of aggression was constantly evolving; the forms which aggression might take could not be foreseen. According to some delegations the definition should include economic, cultural and moral aggression. The difficulties were indeed real, as were the dangers. An enumerative definition could never be complete. The USSR definition (A/C.6/L.264) referred to armed bands but ignored certain cases which represented methods particularly favoured by contemporary aggressors. The difficulties and dangers should not engender a spirit of surrender and defeatism; they should serve to encourage careful and thorough study. The problem should be reduced to its most simple elements. The human mind sought after truth and certitude, to which the only alternative was arbitrary judgment.

20. Ecuador had been the victim of aggressions which had torn it apart. The existence of a definition of aggression might have been a great help to it in those tragic circumstances. The definition would be a solemn warning to the aggressor, a valuable guide to international organs and a guarantee of respect for the principle of the equality of States.

21. His delegation would support the revised joint draft resolution (A/C.6/L.265/Rev.1) but would like its sponsors to amend it in such a way as to specify that the special committee was to present a definition of the so-called "combined" type, which combined the advantages of the two other types.

22. Mr. SHAWWAF (Saudi Arabia), after praising the Secretary-General's report (A/2211), said that he shared the views expressed by the representatives of several Arab States, particularly Syria and Egypt. A definition was both necessary and desirable; it would constitute a step forward in the development of international law and would serve the cause of peace. The best formula seemed to be the combined type. The question should not be postponed *sine die*, but the difficulties the discussion had revealed showed that more study was needed.

23. He would support the revised joint draft resolution (A/C.6/L.265/Rev.1) and the joint amendment submitted by Colombia, Egypt, Mexico and Syria (A/C.6/L.269).

24. Mr. BANERJEE (India) said his delegation, in keeping with its attitude at the sixth session, was still against the idea of defining aggression. The international situation was unhappily very disturbed and the definition might introduce yet another element of tension. The authors of the Charter had been wise

to refuse to define aggression. Since the days of San Francisco, the situation had not developed sufficiently to allow of any modification of that prudent attitude. The definition by itself would not stop a possible aggressor. It was the duty of the great Powers to relieve the strain and to foster an atmosphere of calm in which aggression could be defined without any danger. Those conditions would materialize as soon as the great Powers diverted to economic progress the efforts that they were now expending on the development of armaments.

25. Mr. PETREN (Sweden), replying to the USSR representative, was sorry that the latter had misunderstood a statement to which he had referred. In the speech in question, the Swedish representative had not passed judgment on the USSR policy; he had merely mentioned the fact that the Treaty of Non-Aggression between Finland and the USSR had not prevented the two countries from fighting each other in 1939. He had used that fact as an argument against the practical value of the clauses of the treaty and, in particular, of the definition of aggression contained in the treaty. The events of 1940 did not weaken that argument in any way.

26. Mrs. BASTID (France) reminded Mr. Vyshinsky that at the time when, according to him, France had been following a policy of *rapprochement* with Hitlerite Germany, it had signed a Pact of Non-Aggression and Treaty of Mutual Assistance with the USSR. The French Government had had to decide what constituted aggression. On 1 September 1939, the French Ambassador to Berlin had informed the Government of the Reich that the German attack on Poland constituted an aggression according to the terms of the Franco-Polish Agreement of 1921 and that France considered that the circumstances in which it was bound to support Poland had occurred. She was surprised, moreover, that the USSR should place such different interpretations on two agreements which had been concluded for similar reasons and which had the same character of temporization, namely, the

Munich Agreement, which the USSR attacked with such violence, and the agreement concluded in 1939 between the USSR and Germany, which Mr. Vyshinsky had praised.

27. She would like to know whether the USSR was visualizing the inclusion of the definition of aggression in an international convention or in a General Assembly resolution. In practice, the two systems would produce very different effects. Furthermore, she felt the General Assembly should specify how the definition of aggression would fit into the machinery described in the Charter. A revision of the Charter, including a definition of aggression, would undoubtedly have more significance than a General Assembly resolution. Article 39 of the Charter provided for action by the Security Council in other cases besides that of aggression. By reason of the machinery of the Charter, the advocates of a definition were themselves under a duty to eliminate any chance of ambiguity.

28. Mr. VYSHINSKY (Union of Soviet Socialist Republics), replying to the two foregoing speakers, stated that the Swedish representative had declared, at the 332nd meeting, that in 1939 the USSR had rejected a request by Finland for the application of the provisions of the Treaty of Non-Aggression and had denounced the Treaty. That allegation was a distortion of historic fact, for actually it was Finland that had rejected the USSR's offers and had proceeded to attack. As far as France was concerned, he supported his earlier statements by quoting from a work by Mr. de Kérillis, in which the author stated that he had learned from Mr. Paul Reynaud that in 1940 France and the United Kingdom had contemplated a scheme, based on plans drawn up by Generals de Gaulle, Gamelin and Weygand, of attacking the USSR from the north, in the Leningrad area, and from the south by bombing Baku.

29. The CHAIRMAN declared the general debate closed. He noted that the Committee was not ready to consider the various proposals immediately.

The meeting rose at 5.45 p.m.