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Chairman: Prince WAN WAITHAYAKON (Thailand).

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

[Item 54]*

1. Mr. POVETYEV (Byelorussian Soviet Socialist Republic) said that his delegation, which attached considerable importance to the definition of aggression, unreservedly supported the draft resolution submitted by the USSR (A/C.6/L.264), in keeping with its position at the sixth session of the General Assembly.

2. Many delegations, among them those of Czechoslovakia, Poland, Bolivia, Haiti and Cuba, had proved convincingly that it was possible, desirable and even essential to define the notion of aggression and had pointed out that the adoption of a definition would help to ensure the maintenance of international peace and security.

3. The USSR draft definition was a warning to potential aggressors and was therefore likely to facilitate the Security Council's task not only of preventing aggression but of preventing preparations for that crime.

4. Those who opposed a definition criticized the USSR draft definition as being incomplete and failing to take into account all conceivable contingencies. They also claimed that the omissions in the definition might be exploited by future aggressors. That was a gratuitous assertion in utter conflict with the real intentions of those who truly desired peace. The latter were disturbed by the growing danger resulting from the aggressive acts which the countries of the Anglo-American bloc were committing with the object of precipitating another world war, more terrible and more destructive than the earlier wars.

5. Any definition of aggression should be based on one clear principle: any State which first committed aggressive acts should be categorically condemned. The USSR draft resolution was based specifically on that principle and the enumeration in its paragraph 1 had been made in the light of the methods to which aggressors had most frequently resorted in the past. Similarly, the enumeration in paragraph 2 was based on the justifications usually invoked by aggressors to conceal the true nature of their acts.

6. Recalling that the General Assembly, in its resolution 599 (VI), had considered it both possible and advisable to define aggression by reference to the elements which constituted it, he was surprised that some delegations should be re-opening that question and so unduly delaying the Committee's work, which should be directed exclusively to finding a definition likely to gain general acceptance in the interest of the maintenance of international peace and security.

7. He did not share the view of those delegations which had congratulated the Secretary-General upon his report (A/2211), for its main emphasis had been placed on the impossibility and inadvisability of defining aggression. Those opposed to a definition were reported quite fully while those who favoured it were only briefly mentioned. The representatives who had spoken against a definition in the current debate had also attempted to add to the complexity of the problem. They had contended that the USSR definition, which they described as incomplete, would merely aid future aggressors and be of no use to the victims of aggression. It should be borne in mind, however, that the USSR definition was a warning to aggressors and would be very useful in that it would identify them publicly and hamper their actions. The truth was that those opposing a definition, in particular the United States and United Kingdom delegations, wished to remain free to pursue their policy of aggression. The peoples of the world, after experiencing the horrors of two world wars, were constantly struggling against the danger of another war and against the manoeuvres of those new warmongers. The adoption of the USSR draft resolution would make available to those who wanted peace a valuable weapon to help them win their fight.

8. Eminent jurists like Le Fur and Lauterpacht had opposed the argument of those delegations which claimed that a definition could not stop the aggressor, and that there would be procedural difficulties in adopt-

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

ing it and substantial obstacles in the way of putting it into practice. Those delegations proceeded in a characteristic manner: they attributed to their adversaries arguments which the latter had never mentioned. Those favouring a definition had never claimed that the mere existence of one would by itself prevent any future aggression; they had simply said that a definition, together with other measures, would be very useful to world peace.

9. Those against a definition also contended that an incomplete definition would be useless; but he pointed out that the absence of any definition at all gave aggressors much greater latitude than the few defects in a generally agreed definition.

10. The Swedish representative had acknowledged that the USSR draft resolution was based on a sound idea, but had observed that it would be difficult to list all possible cases of aggression, and to support that contention he had given examples from history. That argument was not sound; the examples given were simply a distortion of history.

11. Some delegations had maintained that a definition of aggression would impose too rigid a procedure on international bodies. He thought the USSR draft resolution, on the contrary, gave such organs simple directives to facilitate their task.

12. He added that as early as 1933, seventeen States had supported the USSR view in the matter. It could therefore not be argued that a definition of aggression was neither possible nor desirable.

13. There were States which refused to reduce their armaments and to prohibit the use of the atomic bomb, but which continued to extend their air and naval bases, to remilitarize Germany and Japan and to refuse to conclude a general peace agreement. Those States were attempting to convince world public opinion that the USSR was threatening peace. Yet it was not the USSR which was building bases all around the borders of the United States, but rather the United States which was creating new hotbeds of war in every way. State Department jurists like John Clark had admitted that the right claimed by the United States to protect its nationals abroad was tantamount to interference in the internal affairs of other States.

14. Like the people of the USSR, the Byelorussian people wanted a general peace; that peaceful policy had its roots in the social structure of the countries where colonialism and enslavement of foreign populations was unknown. The tremendous achievements of communism were the best proof of the true intentions of the Soviet peoples, who had known the horrors of two world wars and were doing their utmost to stave off the danger of another universal catastrophe. In all countries great peace movements had been set in motion, as witnessed by the Stockholm Appeal which had obtained 600 million signatures in favour of a five-Power pact.

15. The United Nations had the political and moral duty to define aggression and the USSR draft resolu-

tion was intended precisely to enable it to discharge that duty. Mr. Povetyev therefore appealed to the members of the Committee to consider the draft with all the care it warranted.

16. Mr. McLEAN (Canada) said no delegation had contended that it would not be desirable to have a definition of aggression. It seemed to be generally agreed that it would be desirable to define such a crime if that were possible and useful. If, as those who considered it possible to define the term had conceded, no definition could include all possible forms of aggression, particularly all forms of indirect aggression, and if any definition was bound to be incomplete, the omissions might be helpful to a potential aggressor.

17. It had been argued that those who were against a definition at the present time had aggressive intentions. In that connexion, the parties to the North Atlantic Treaty had been specifically mentioned. He quoted the statements of the Prime Minister and Foreign Secretary of Canada to emphasize that the sole purpose of that Treaty was to resist possible aggression, in complete conformity with the principles and purposes of the United Nations and with Article 51 of the Charter.

18. He repeated that his delegation was not opposed to a definition of aggression, but that it entertained serious doubts regarding the possibility of agreeing, given the prevailing state of world affairs, on a definition which would further the aims of the United Nations in its efforts to prevent war. It might be said that the current debate had illustrated the presumably insurmountable difficulties of arriving at a useful definition of aggression in any form whatsoever, in view of the fact that it should include indirect aggression and the concept of self-defence. It was an impressive fact that the International Law Commission had been unable to agree on a workable definition. It was very difficult indeed to draft a comprehensive definition because of the constantly changing methods of direct and indirect aggression. An enumerative definition might include action which did not really constitute threats to peace and might be used primarily as an instrument of dangerous propaganda. If, on the other hand, the definition was not complete, it might be circumvented by a potential aggressor and so enable him to justify his action. Moreover, there was always the danger of differing interpretations. In the case of Korea, for example, Member States were not unanimously agreed on who was the aggressor.

19. Once again, he doubted whether a definition of aggression at the present time was possible and useful. Such a definition must not be an obstacle to the General Assembly or the Security Council in determining the existence of an aggressor. Further consideration might be useful. The Canadian delegation wished to reserve its position with respect to voting on the proposals before the Committee.

The meeting rose at 4.20 p.m.