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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. Mrs. SEKANINOVA-CAKARTOVA (Czechoslovakia) said it was regrettable that although the United Nations had been established primarily for the purpose of saving humanity from the scourge of war, peace had not yet been achieved. The world was witnessing on the one hand a war of aggression waged by the United States against the heroic Korean people and the People's Republic of China and on the other hand a campaign of economic aggression by the imperialist nations against a number of European countries and the peoples of the Near and Middle East. The peace-loving nations, becoming increasingly aware of the danger of a new world conflict, were uniting their efforts to try to halt the war preparations and to foil the schemes of the potential aggressors.

2. At the previous session of the General Assembly, the Czechoslovak delegation had emphasized the importance of the Sixth Committee's responsibilities in the struggle to maintain international peace and security. Resolution 599 (VI), which the General Assembly had adopted on the Sixth Committee's recommendation and which declared that it was not only possible but desirable to define aggression, was an important step in that direction. The Sixth Committee should therefore set to work and draw up a definition of the crime of aggression at the present session.

3. In his speech at the 331st meeting of the Sixth Committee, Mr. Vyshinsky had explained why the attempt to induce the League of Nations to adopt a definition of aggression had failed: the imperialist Powers, who were in the very process of preparing acts of aggression, had done their utmost to oppose the idea, as the definition of aggression was intimately related to the organization of collective defence and reduction of armaments, and accordingly constituted an effective weapon for the maintenance of peace. The USSR, in 1933, had been the

first to propose a definition of aggression. The unceasing efforts which, in accordance with its policy of peace, it had made ever since that time to unmask, brand and punish all aggressors, were entirely to its credit.

4. The Czechoslovak delegation supported the USSR draft resolution on the question of defining aggression (A/C.6/L.264), a proposal which, based on past experience and on the principles of the Charter and of international law, constituted a consistent and well-balanced whole. Paragraph 1 listed each of the acts constituting aggression, with their fundamental characteristics. Paragraph 2 offered the means for frustrating the manoeuvres generally used to camouflage aggression; and paragraph 3 complemented the other two paragraphs by affirming the duty of States to seek a peaceful settlement of their disputes, thereby prohibiting any so-called preventive wars waged on the pretext of alleged self-defence.

5. She was in favour of the enumerative method used by the USSR delegation in working out its definition, since an abstract definition would inevitably rest on concepts which themselves had not yet been defined in international law. Some delegations criticized the Soviet definition on the ground that it did not list all possible acts of aggression; but it rested with any delegation which considered the list incomplete to suggest amendments designed to fill possible gaps.

6. The USSR proposal affirmed the well-known principle of international law that a sovereign State should not tolerate any interference in its affairs, and should therefore refrain from interfering in the affairs of other States. The foreign policy of the USSR was based on that principle, and the definition it had proposed was a further demonstration of its sincere and untiring efforts to ensure the maintenance of peace throughout the world.

7. The importance of the USSR proposal from the standpoint of international politics lay in the fact that it would strengthen the democratic and peaceful ties which should unite the States signatories to the Charter. Its legal importance derived from the fact that the text would make it possible speedily to determine when

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

an act of aggression had been committed and who was the guilty party.

8. The USSR proposal was encountering the opposition of those reluctant to admit that international law outlawed wars of aggression and of those who were preparing fresh acts of aggression. None of the arguments advanced by those opposing the USSR proposal would, however, withstand scrutiny. No one claimed that it was undesirable or impossible to define murder, theft or arson on the pretext that those crimes were being committed despite the definitions which appeared in all domestic criminal legislation. True, the mere definition of a crime was not sufficient in itself to produce the arrest, trial and punishment of criminals, but it served as a basis for action to secure his arrest, trial and punishment. The same reasoning applied to the crime of aggression.

9. The United Kingdom and other delegations had maintained that in some cases it was wiser to negotiate with an aggressor with a view to preventing fresh acts of aggression rather than to brand him as an aggressor and punish him as such. That position was untenable if considered from the purely legal viewpoint. Its consequences from the political viewpoint were disastrous. For example, the Munich agreement of 29 September 1938 had not only left unpunished the acts of terrorism Hitler had committed in the Saar as well as his aggression against Austria, but had left him completely free to invade Czechoslovakia despite the express commitments undertaken by the western Powers *vis-à-vis* that country. As a matter of fact the Munich agreement, concluded in pursuance of the theory maintained by the United Kingdom delegation, had led directly to the Second World War. It had violated the principles of the League of Nations Covenant and of international law and had permitted the Hitlerite troops to carry out their brutal occupation of Czechoslovakia, which had been ended only by the victorious entry of the Soviet army. Citing certain passages from the note of protest which Mr. Litvinov had sent on 18 March 1939 to the German Ambassador, she remarked that the USSR was the only Power which had never recognized Hitler's act of aggression against Czechoslovakia.

10. Those who opposed the definition of aggression had said that it would be useless, as no organ would be able to apply it. Mr. Vyshinsky replied to that objection when he pointed out that merely by reason of its existence a definition would be useful and would hamper the execution of aggressive policies. Furthermore, a definition adopted by the General Assembly would greatly facilitate the organization of a system of collective security and would assist the Security Council in the performance of its functions under the Charter. The United States Government, which was following a policy of aggression, presumably did not support that opinion, and did everything to paralyse the work of the Security Council. Indeed, the United States representative had stated at the Sixth Committee's 282nd meeting¹ that the Security Council should not declare the party which violated the rules of international law an aggressor but the party which did not comply with a General Assembly recommendation, adopted as the result of pressure brought to bear on the majority of

the members, such as, for example, the illegal and invalid resolution entitled "Uniting for peace", adopted on 3 November 1950.

11. Replying to the Australian representative, who had thought that the Czechoslovak delegation's attitude conflicted with its previous attitude as regards a question of procedure discussed by the Committee, she said that in that connexion, as well as in regard to the question of procedure, her delegation was in favour of any flexible formula likely to lead to the naming and punishment of the aggressor.

12. The Czechoslovak delegation did not agree that aggression could not be defined so long as the notion of self-defence and the cases in which force might be used for self-defence had not been defined. Aggression should first be defined, and from its definition would follow the definition of self-defence, which in any case was merely a reply to real aggression.

13. Those who opposed the definition of aggression hid behind what they wrongly called self-defence in order to camouflage what were, in fact, acts of aggression. She mentioned two wars in which the United Kingdom had invoked the pretext of self-defence, and referred to paragraph 10 of the United Kingdom Government's note of 19 May 1928² containing reservations to the Pact of Paris of 1928. Events had shown that that insistence on alleged cases of self-defence had caused it to take the side of the aggressors or to assist them. That was the case with the Anglo-German negotiations of 1938.

14. The existing world tension had its origin mainly in the expansionist and aggressive policy of the United States of America. American business men, not satisfied with the considerable profits they had earned during the last war, had become aggressors and oppressors with the obvious aim of provoking a third world war. The aggression committed in Korea had been for them a means of attaining that end, thanks to their majority in the United Nations. That aggression was linked with the unlawful occupation of Formosa, the unwarranted blockade of the coast of China and the bombing of Chinese territory, all of them obviously aggressive acts aimed at ensuring United States domination over Asia and the whole world.

15. Those plans were carried out by various methods: United States diplomacy, armaments, the cold war, the Truman Doctrine, the Marshall Plan, the North Atlantic Treaty and others. On numerous occasions the United States of America had resorted to war or followed an aggressive policy, which had enabled it to obtain possession of distant and rich countries and to control many Latin-American and Caribbean countries. Since the end of the nineteenth century, the United States had aimed at hegemony in the Western Hemisphere and since the last war at domination of the world, especially by means of the North Atlantic Treaty, the provisions of which were contrary to the purposes and principles of the United Nations. The continued division of Germany and the incorporation of Western Germany into the American system were revealing examples of those aggressive plans, as was also the policy embodied in the Mutual Security Act. Under that Act, \$100 million had been spent in 1951 on subsidizing the activ-

¹ See *Official Records of the General Assembly, Sixth Session, Sixth Committee*.

² See *U.S. Foreign Relations*, 1928, vol. I, p. 66.

ities of terrorists and spies against the people's democracies.

16. "Point Four" was also actually aimed at the conquest of new territories and new markets for United States products, and the investment of private capital in other countries, at the cost of the loss of economic and political independence by the countries thus exploited.

17. The United States policy of aggression, in all its forms, was directed towards preparing and precipitating another war. That policy hid behind statements which proclaimed self-defence and which alleged that the people's democracies and communism threatened the world. Yet it was common knowledge that peace, freedom and independence were threatened by American imperialism, while the Soviet Union merely sought peaceful co-operation which respected each country's rights. The adoption of a complete definition of aggression would effectively serve the cause of peace. Aggressors notoriously always refused to discuss and accept a definition of aggression. The objections raised in that connexion hid the true intentions of certain governments which did not wish any restrictions to hamper in any way their preparations for another war of aggression.

18. Mr. Vyshinsky had shown that the need for a definition of aggression was particularly acute during periods of political tension. The United Nations were under a duty to adopt a definition, which was one of the necessary preliminary conditions for the maintenance of international peace and security.

19. She thanked the Soviet Union for its efforts in that connexion and repeated that her delegation would fully support the USSR draft resolution (A/C.6/L.264).

20. Mr. MITCHELL (Liberia) said that perhaps the future happiness of mankind depended on the decision on the definition of aggression, a reflection which dictated the utmost caution. The Secretary-General's remarkable and very complete report (A/2211) and the comments of several delegations were very interesting, but it did not seem as though aggression could be defined in the troubled condition of the world without serious risk.

21. He failed to see what benefits humanity would derive from the adoption of the USSR draft resolution. Articles 39, 41 and 42 of the Charter provided for a system of powers to be exercised and measures to be taken in cases of aggression. To define aggression at the moment would be to show a lack of respect for the Charter and to encroach on the functions of the Security Council and of the General Assembly. Such a definition would not only be impracticable but would complicate rather than help to solve international problems. Besides, it was virtually impossible to arrive at a definition which covered every possible aspect of aggression, and the slightest omission might prove dangerous in the future. There was nothing that could be done except to amend the Charter in conformity with the provisions of Article 108.

22. Accordingly his delegation would vote against the USSR draft resolution.

23. Mr. FITZMAURICE (United Kingdom) said that the long statement made by the leader of the USSR

delegation at the 331st meeting had clearly shown that the question of defining aggression was neither legal nor technical, but rather political; the statement by the leader of the Czechoslovak delegation at the current meeting confirmed him in that view. It was therefore pertinent to inquire what were the political motives behind the USSR draft resolution.

24. The definition proposed by the USSR was meant to be used for propaganda purposes, and in particular for the purpose of misinterpreting the intentions of the States parties to the North Atlantic Treaty. The definition was bound to serve USSR policy, since it listed acts which the so-called imperialist Powers were allegedly in the habit of committing but omitted acts of indirect aggression in which the USSR usually engaged. Thus the definition would constitute a screen from behind which the USSR would be able to attack the acts and intentions of the western Powers with impunity.

25. Mr. Vyshinsky had dwelt on the invariable purity of the USSR's motives, claiming that unlike the western Powers, the USSR had always wanted to define and to resist aggression, and that it had always championed the cause of the oppressed. The statement would make it appear as if history had stopped in 1934. No one would deny that some regrettable events had occurred between the two world wars, but apart from Germany, Italy and Japan, the rest of the world had tried, though sometimes perhaps misguidedly, to avert the Second World War. The armaments of the peace-loving nations had reached a very low level, and they had needed years to rearm. That was evidence of the intensely pacific attitude of the western Powers; they had rejected the definition of aggression which the USSR had proposed in 1933 not because they had been secretly preparing for aggression, but because they had been aware of the dangers of such a definition.

26. After 1934, having realized the aggressive nature of Hitler's policy, the United Kingdom had offered a guarantee to the threatened States, among them Poland, and it was to honour that guarantee that the United Kingdom had declared war on Germany. During that same period, the USSR had concluded a treaty with Germany giving that country full freedom of action in Poland and elsewhere, and after Hitler had invaded half of Poland, the USSR had invaded the other half. The USSR had then invaded, successively, Finland and the Baltic States, although it had signed treaties with those countries containing a definition of aggression similar to that contained in the USSR draft resolution before the Committee.

27. The leader of the USSR delegation had stated that a definition of aggression would be useful, and had said that the definition had formed the basis of the friendly relations between the USSR and other countries. There was reason to doubt the utility of that definition to the Baltic States; and it was also noteworthy that almost all the States which had concluded such agreements had already lost their independence. In the case of Korea, the USSR delegation would not fail to assert that under its definition South Korea was the aggressor, which showed what such a definition was worth. In the case of the invasion of Poland, Finland and the Baltic States, the USSR representative would presumably have asserted that it had been a matter of self-

defence for his country or that those States had been the aggressors. The Latin saying *Timeo Danaos et dona ferentes* might be applied to the USSR draft resolution.

28. Mr. Vyshinsky had quite properly admitted that no convention or definition could deter a State bent on aggression, that the definition proposed by the USSR would have been doomed to failure in the international situation existing in 1933, and that in applying any definition account must be taken of the facts of the case. The existing situation did not differ materially from that in 1933, and since a definition of aggression had to take account of the circumstances, such a definition would serve no practical purpose.

29. Hence the statement by the leader of the USSR delegation showed the perverted use to which a definition of aggression might lend itself and the purposes which such definition might serve since, if such a definition had existed at the time of the outbreak of the Korean affair, the USSR would assuredly have claimed that North Korea was not the aggressor under the terms of the definition. In the circumstances, the United Kingdom maintained its position that a definition of aggression was not possible at the moment.

30. Mr. MOROZOV (Union of Soviet Socialist Republics), reserving the right to examine the preceding statements in greater detail later, noted that the United Kingdom representative had departed from the calm

attitude necessary for the solution of the problems before the Committee, and had refrained from going into the legal and historical arguments presented by the leader of the USSR delegation. At the sixth session of the General Assembly the United Kingdom representative had admitted that the policy of Munich had resulted in Czechoslovakia's being delivered to Hitler, whereas at the current meeting he was representing it as part of the so-called pacific policy of his country. Without wishing to pursue that discussion, he would merely point out that the United Kingdom representative in referring to the non-aggression pact with Germany of 1939 had not only slandered the USSR but misrepresented historical facts. The abandonment of eastern Europe by the West had left the USSR no alternative but to take a step which had ultimately enabled it to emerge from the Second World War as a victor. He urged the members of the Committee to confine themselves to the legal aspect of the question, instead of making slanderous allegations concerning his country.

31. The CHAIRMAN said that he intended to close the list of speakers at the end of the following meeting.

32. Mr. MOROZOV (Union of Soviet Socialist Republics) reserved the right to ask the Chairman to keep the list open until a later meeting.

The meeting rose at 12 noon.