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CONTENTS

Chairman : Mr. Manfred LACHS (Poland).

Report of the International Law Commission covering the work of its third session (A/1858), including : (*a*) Question of defining aggression (chapter III) (*continued*)

[Item 49 (*b*)]*

1. Mr. OGRODZINSKI (Poland) said that, in his delegation's view, the question of the definition of aggression was important and that adoption of such a definition by the United Nations would constitute a great step forward in the development of international law and contribute substantially to the cause of peace. The General Assembly consequently must face the issue squarely.

2. Unfortunately, the Greek representative early in the debate (279th meeting) had advanced an unexpected view, given concrete form in his delegation's draft resolution (A/C.6/L.206), that it was impossible and inadvisable to define aggression. To say the least of it, his supporting arguments had been odd : that the definition of aggression was a matter of faith and that aggression was something natural which was incapable of being expressed in legal terms. The Greek representative had not, as he had claimed, based his position on legal principles, but on mystical, elusive considerations. The most concrete example he had given had been the case of two children quarrelling. There, he had said, a definition was useless, since each child could tell clearly which had attacked. Such an analogy, however, was patently false, for in such a case the child would not suffer the legal consequences of his act. Were it, on the other hand, a question of two adults, a national penal code would come into play and a legal definition would be required. The Greek representative's example would apply when States were not bound by international law, but to state the problem in that manner implied the existence of a super-state and a denial of the principles of the equality of States and of collective security on which the Charter was based. All penal codes contained definitions of crimes, and if such definitions were somewhat different from those in international law, it was because the object was different.

3. In the face of such facts, the Greek representative had been obliged to contradict himself, now contending that a definition of aggression was impossible, now that a definition was possible but would be necessarily abstract, now that several definitions were possible but that none could be exhaustive. By admitting the possibility of defining aggression, the Greek representative had undermined his whole position. He had even finally indicated his willingness to collaborate in the elaboration of any definition that would not be dangerous. It was clear that the Greek representative's arguments were based on unsound and artificial premises.

4. He had further sought to rely on political considerations and had speciously referred to certain events. When stating that he did not ask for replies to his political arguments, he had expressed the view that the Sixth Committee was not a political body and should not engage in political discussions. He had thus arbitrarily assumed the exclusive right to present the question *ex cathedra*. Having failed on the legal plane, he had based his whole case on political considerations. The fact that his attitude was founded on other than legal considerations was confirmed by a book he had written in 1933,[1] wherein he had regretted that the Covenant of the League of Nations left to Members of the Organization the right to determine who was the aggressor.

5. Definition of aggression was both possible and absolutely necessary. History before the establishment of any international organization confirmed that point of view, and a definition was all the more necessary under the existing system of collective security. The Security Council, charged with the maintenance of international peace and security, should be given guidance to enable it to determine the aggressor in specific cases. A definition would facilitate the work of international organs and make collective security more effective ;

* Indicates the item number on the General Assembly agenda.

[1] Spiropoulos, Jean, *Traité théorique et pratique du droit international public*, Paris, Librairie générale de droit et de jurisprudence, 1933.

it would also be a warning to potential aggressors.

6. Attempts already made to define aggression, and the progress made, showed that it was possible to formulate a definition; the Geneva Protocol on the Pacific Settlement of International Disputes of 2 October 1924, the resolution on aggression adopted at the Sixth International Conference of American States at Havana in 1928 and the definitions adopted at the Buenos Aires and Rio de Janeiro Conferences were cases in point. The most important contribution, however, had been the definition proposed by the Soviet Union in 1933.[2] He felt it unnecessary to comment on the fact that at that time three States—Germany, Italy and Hungary—had considered the USSR definition as too restrictive. The soundness of the definition had been confirmed by the events of the Second World War and the Nürnberg and Tokyo Judgments.

7. The collective security system required and would benefit from a definition of aggression, and the task of the Security Council under Article 39 of the Charter would thereby be facilitated. Such a definition was closely linked with the definition of self-defence and justification, for both were to be found in the Charter. The French representative (280th meeting) had rightly urged that it was wrong to have recourse to natural law, and had emphasized the point by reference to measures for guaranteeing human rights taken by the United Nations. The definition of aggression would similarly contribute to guaranteeing the rights of States.

8. The Chilean and Colombian representatives (281st meeting) had adequately demonstrated that the USSR draft resolution (A/C.6/208) was justified, that it was legally possible to draft a definition of aggression and that the absence of a definition in the Charter was not an argument in favour of the United States position. The decisions of the Buenos Aires and Rio de Janeiro conferences were also ample proof that it was possible to define aggression.

9. The United States and United Kingdom representatives, in supporting the Greek position, had endeavoured to show that the USSR draft resolution was incomplete. However, there were no gaps in the list of acts of aggression enumerated in that document. As to the question of frontier incidents, the United Kingdom representative had pushed his argument *ad absurdum*. The expression "frontier incident" could mean nothing more than frontier incident, and any situation that went beyond mere incident would fall within a different category: for example, military invasion. The dividing line between certain situations and possible acts of aggression must be established in accordance with certain notions and those notions had to be defined in words.

10. The United States representative had clearly stated the problem, but his arguments regarding the impossibility of defining aggression were neither clear nor convincing. It was clear, however, that the United States did not wish the United Nations to define aggression. Points he had already made would show that the United States contention that attempts to define aggression made over the past thirty years had been in vain, was entirely unfounded. Nor could that representative's views that a definition was possible in Latin America, and not elsewhere, be taken seriously. While he did not share the view that the USSR draft resolution was incomplete, he felt that those who held the contrary view could have proposed amendments to it, thus showing that they wished to discuss the matter on a concrete basis.

11. Nor could he accept the United States contention that a definition of aggression would be incompatible with the Charter, where aggression was mentioned in Articles 39, 51 and 53 but left undefined, and the more especially as that representative had given no reason for such a view.

12. To the rhetorical question put by the United States representative as to whether the Second World War would have taken place if aggression had been defined before 1939, he would answer that a definition of aggression was not sufficient to preserve peace, but that such a definition would undoubtedly hamper the activities of instigators of war and of actual and potential aggressors, and that it would make things more difficult for the aggressor and would not be to his liking. No arguments could refute the evidence of history; hitlerite Germany and Fascist Italy had opposed a definition of aggression only a few years before committing the most brutal acts of aggression known to history.

13. While the United States representative had regretted that the USSR draft resolution did not make it possible to recognize China as an aggressor, it was well to recall that the absurd and unjustified resolution 384 (V) adopted at the fifth session of the General Assembly was now regretted by many representatives and had contributed more than anything else to undermining the prestige of the United Nations. The pressure exerted to obtain the necessary votes for the adoption of that resolution was similar to that used for the election of Greece to the Security Council.

14. He deplored the fact that the United States representative, instead of adducing serious arguments, had expressed unjustified doubts as to the goodwill of the USSR delegation in submitting its draft. Such an attitude was all the more absurd for those who knew of the desire and work done by the Soviet Union for peace and its long-standing, clear and logical approach to the problem of the definition of aggression.

15. As it was legally and logically possible to define aggression, the question was not whether a definition should be adopted, but what sort of definition should be adopted. The Colombian representative had clearly shown that there could be no return to the question of principle. The Assembly had already decided in favour of a definition. The issue before the Committee was, therefore, what the definition—not an abstract but a concrete definition—should be. The trend of the Chilean and Colombian representatives' statements had been in that direction. The Chilean representative had, however, been wrong in concluding that the USSR draft resolution was not adapted to action by the United Nations. Surely its preamble was clearly formulated to that end.

16. The USSR formula provided every facility for defining aggression; the acts enumerated in paragraph 1 of the draft resolution were acts which must necessarily be recognized as acts of aggression; and the motives enumerated in paragraph 2 could not in any circumstances justify aggression. Among other things, adoption of that draft resolution would put an end to such situations as had occurred in the past, where States

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

had sought to justify violations of the law by alleging economic or strategic needs.

17. The adoption of a definition of aggression was not only legally possible, but politically essential; it would deter potential aggressors, who would thus be made aware of the possible consequences of their intended action. Failure on the part of the Committee to take concrete action would weaken efforts to preserve peace. The members of the Committee should, therefore, seriously analyse the USSR proposal and adopt a definition of aggression couched in its terms.

18. Mr. PEREZ PEROZO (Venezuela) said that the International Law Commission, to which the question had been referred by resolution 378 B (V) of the General Assembly, had tried but had failed to elaborate a precise definition of aggression, and finally had only included aggression in general terms in the draft Code of Offences against the Peace and Security of Mankind (A/1858,[3] chapter IV).

19. As the General Assembly would not be discussing the draft code until its seventh session, the sponsors of the joint draft resolution submitted by France, Iran and Venezuela (A/C.6/L.209) had concluded that it would be desirable to postpone the question of the definition of aggression until then. There seemed to be no point in the Committee's applying istelf to that question, taking into account what was included in the draft code. Since the latter had been submitted to governments for their comments, the governments would probably express their views as to how the concept of aggression should be inserted in the draft code. The joint draft resolution contained a corresponding invitation to governments, whose comments would undoubtedly be useful to the General Assembly. In his delegation's opinion, the Assembly would then have sufficient elements of appreciation to determine whether it was satisfied with the inclusion of aggression in the code in its existing form, whether an express and separate definition was necessary or whether it should abandon the idea of defining aggression.

20. With regard to the proposal that the matter be referred back to the International Law Commission, his delegation found that the fate of other such proposals advanced in the Sixth Committee was discouraging, in that they had not obtained the necessary support. It had been rightly said that it was very difficult for a group of experts, such as the Commission, to modify points of view taken in the light of scientific knowledge on the request of a superior organ. It was also questionable whether it was advisable for a superior organ to appear to bring pressure on members of a subsidiary organ to abandon such points of view.

21. Nor did his delegation favour the idea that the General Assembly should set up an *ad hoc* committee to study the question before the seventh session of the General Assembly, because his delegation was opposed for economic and other reasons to the marked tendency to multiply the number of such bodies. On the other hand, governments should be given as much time as possible to take a position in the matter.

22. When the question of the draft code came up before the Committee at the seventh session of the General Assembly, the Committee could set up a sub-committee to consider the question of the definition of aggression in the light of the text in the draft Code, the proposals submitted to the International Law Commission and the observations of governments.

23. His delegation seriously doubted whether the Committee, with the limited time at its disposal, could possibly work out a satisfactory definition at the present session, for the task was most difficult and delicate. The difficulties encountered by the twelve members of the International Law Commission should serve as a warning to the Committee, with its very much larger membership.

24. At the same time, his delegation considered that the General Assembly should not abandon the idea of defining aggression, for such action would discourage public opinion. The joint draft resolution was thus a compromise between doing what was now impossible and deciding to abandon all attempts to define aggression.

25. Mr. CHAUMONT (France) said that his delegation had sponsored the joint draft resolution (A/C.6/L.209) because it felt that the extreme views advanced by Greece and the United States on the one hand, and by the USSR on the other, did not express the feeling of the Committee. The question of defining aggression ought to be dealt with within the framework of the draft Code of Offences against the Peace and Security of Mankind; that had been the General Assembly's intention in its resolution 378 B (V), as well as the conclusion of the International Law Commission in its report. His delegation was therefore unable to accept the Greek draft resolution (A/C.6/L.206). Aggression could not be omitted from the list of crimes given in the code, and accorded less rigorous treatment than other crimes. General Assembly resolution 380 (V) solemnly affirmed that any aggression was " the gravest of all crimes against peace and security throughout the world ". Aggression must therefore be defined and included in the draft code; and, since it was to be included in the code, it could not be defined at the present juncture by the Committee.

26. He accordingly proposed a solution of adjournment, which was certainly not a negative solution. The importance which his Government attached to international criminal justice was well-known. The joint draft resolution ought to be acceptable by the advocates of both the extreme views. It left the door open for any possible solution, including that contained in the USSR draft resolution (A/C.6/L.208). The United States representative had said that that draft resolution presupposed that aggression could be defined. The French delegation did, indeed, believe that definition was legally possible, and he would not add to what had already been said on that point. The United States representative has also pointed out that political considerations were of the greatest importance in the problem of defining aggression. That was true, and the fifth paragraph of the preamble of the joint draft resolution recognized that the problem had important political aspects.

27. He could not agree with the United States representative's statement that, since the International Law Commission had found it impossible to agree on a definition of aggression, no further action could be taken to achieve a definition. The Commission had devoted relatively few meetings to the question, and was a body of jurists, for whom political considerations were necessarily secondary. The members had failed to read the summary records of the First Committee, which were political in character. Each had submitted a separate

[3] See *Official Records of the General Assembly, Sixth Session, Supplement No. 9.*

definition to the Commission, reflecting his own attitude and that of the legal system in which he had been trained. Moreover, no enumerative definition had been studied by the Commission, in spite of its instructions to examine the USSR proposal[4] and to formulate conclusions. It could not be asserted, therefore, that the question of a definition had been exhausted, for it had not been studied either enumeratively or from a political point of view. The political aspect of the question required study by a political body, such as the First Committee.

28. The United States representative had been right in remarking that each case of aggression should be examined on its merits. It was undesirable to attempt to make an automatically applicable definition which was not subject to interpretation by a competent court, such as that contained in the first version of the Yugoslav draft resolution submitted to the First Committee at the last session,[5] which in his opinion appeared to derogate from the powers of the Security Council. But a definition of aggression would be useful as it would be left to be applied by a majority vote of the competent organs. The competent organs in question would be the Security Council and the General Assembly, which were both political bodies; so that once again political considerations would be taken into account. There would be no danger of excessive rigidity.

29. The joint draft resolution was drafted in a realistic spirit, took as full account as possible of political considerations, and, while recognizing the limits of United Nations action, aimed at making that action as far-reaching and as effective as possible.

30. So far the question of definition had been considered from the point of view of preventing arbitrary action on the part of an aggressor; but there was also the problem of arbitrary decision on the part of the body responsible for determining the fact of aggression, whether that body was each individual State, as under the League of Nations system, or an organ of the United Nations. The danger of the Greek view that aggression was a natural notion lay in the fact that it was difficult to distinguish that natural notion from subjective appreciation by the body determining aggression.

31. The Greek representative, in questioning the analogy which Mr. Chaumont had drawn between aggression and human rights, had said that the idea of aggression was centuries old, while that of human rights was much more recent and had at any rate not arisen before the abolition of slavery. That was not true. The idea of aggression, in the sense of the punishable offence of initiating war, dated only from 1918, whereas the notion of human rights went back to Greek antiquity. As for the Greek representative's justification of preventive war, he did not think that any criminal code left application of the right to shoot first in self-defence to the subjective appreciation of the individual.

32. The USSR representative had observed that it was impossible to make a different definition of aggression for different organs. That was correct. But there was a distinction between international policing and international justice. A national police force was responsible for making arrests and restoring order, whereas a national court determined responsibility and pronounced sentence. Chapter VII of the Charter established an international system of policing. Article 39 mentioned aggression together with " threat to the peace " and " breach of the peace ", and the subsequent Articles provided for the means to be taken by the Security Council to restore order. But the Security Council was not given judicial authority; it was merely a political organ performing an executive function.

33. Now, should a definition of aggression be adopted by a General Assembly resolution, it would be useful as a guide to the Security Council, but would not be binding on the Council. But if an international criminal code, defining aggression among other crimes, were to form part of an international convention laying legal obligations upon individual States or upon some special organ, then the States or the organ would be obliged to apply the definition. Thus the legal obligation of the Security Council and of the organ, regarding the application of a definition of aggression, would be different : the Security Council would only be bound by the definition in so far as its members were bound by the convention, whereas the organ appointed to apply the definition under the convention would be bound absolutely to apply it.

34. He hoped the USSR representative would understand from the foregoing explanation that he had not meant to assert, in his earlier statement, that different definitions should be provided for different bodies, but only that a single definition would have different legal effects in different bodies.

35. Mr. HERRERA BAEZ (Dominican Republic) observed that the question of defining aggression had been influenced by two historical periods, both of which agreed, however, in the aim of uniting States in an international organization for the achievement of the concept of peace and solidarity. The question had therefore a distinctly modern tone. The attempts made by classical jurists of the Christian world to reconcile the Christian spirit with the realities of feudal society by means of the concept of the *bellum justum* had met with failure. The establishment of the League of Nations marked a considerable advance from the idea of individualism to that of community and solidarity in international relations. Nevertheless, the Covenant of the League of Nations had failed to take a clearly defined stand in regard to the problem of war, with the result that, when the Covenant came into force, a decisive movement of international public opinion developed with a view to overcoming the defects and limitations of the Covenant in respect of the problem of the maintenance of peace. That gave an unprecedented impetus to the movement for the definition of aggression. He referred to the draft Treaty of Mutual Assistance of 1923, the Geneva Protocol of 1924 and the Conventions of London of 1933. He added that the determining factor in the failure to define aggression during the period of the League of Nations had been the fundamental defects in the collective security system then in force. Attempts to define aggression and procedures to determine the aggressor could only be successful if an effective collective security system existed. In that sense the Charter of the United Nations was an instrument which left no doubt as to its fundamental purpose, namely the categorical condemnation of the use of force in international relations, with the single exception of self-defence.

36. The delegation of the Dominican Republic supported an eclectic rather than an exclusive method for the definition of aggression. It was desirable to indicate

[4] *Ibid., Fifth Session, Annexes*, agenda item 72, document A/C.1/608.

[5] *Ibid.*, document A/C.1/604.

some types of aggression without, however, thereby paralysing the action of the collective security organs, either in the necessarily broad and flexible exercise of their activities for the maintenance of peace or in their condemnation of other types of aggression.

37. He cited national criminal codes as an example to prove that restricted definitions were neither necessary nor appropriate. Such codes included all kinds of definitions of infringements but did not attempt to define every single act which constituted an infringement, as that would result in an endless series of definitions. In such cases legal definitions were supplemented by a judicial appraisal of the facts. That meant that the collective security organs were called upon to carry out a task of extraordinary importance in applying the definitions or enumerations, whether general or limited, to the infinite variety of acts constituting aggression which might arise in each case. Clearly, Article 39 of the Charter endowed the Security Council with wider powers than those provided under Article 16 of the Covenant of the League of Nations. However, that Article of the Charter was imperfect in that it contained no indication, criterion or definition which would give a measure of certainty to the function of collective security which the Security Council was called upon to exercise.

38. The need for defining aggression had become all the more imperative with the appearance of new and hitherto unknown forms of aggression, namely so-called indirect aggression. The International Law Commission had made an important positive contribution to that end by referring in paragraph 47 of its report to the need for including indirect aggression in any definition of aggression.

39. He could not support the USSR draft resolution (A/C.6/L.208) because, as the Canadian representative had pointed out, it failed to mention indirect aggression and individual or collective self-defence. Nor could he support the Greek draft resolution (A/C.6/L.206), because it denied the possibility of defining aggression altogether. Perhaps the Sixth Committee could not arrive at any definition which would be entirely satisfactory. In that case, his delegation would support the joint draft resolution (A/C.6/L.209) submitted by France, Iran and Venezuela. But he suggested that the third paragraph of the preamble to the draft resolution should be recast so as to indicate the importance of the problem of defining aggression, not only for the development of international criminal law, but also from the point of view of collective security.

40. Mr. ITURRALDE (Bolivia) noted that the discussion had already shown a marked divergence of views between the supporters of the USSR delegation's contention that the Assembly should seek to define the acts which constituted aggression and those who felt, with the representatives of Greece, the United States and the United Kingdom, that it would be useless and even dangerous to attempt to define aggression. In addition, there was the joint proposal to postpone the decision until the draft Code of Offences against the Peace and Security of Mankind came up for discussion. Bolivia had always taken an active part in the past discussions on the problem of defining aggression and attached particular importance to the question.

41. Mankind's innate desire for collective security had first taken concrete form at the time of the League of Nations. The first international instrument for collective security, the League of Nations Covenant, had been based on the condemnation of any war of aggression and, under Article 16, any State resorting to war in disregard of its obligations under Articles 12, 13 or 15 of the Covenant was regarded *ipso facto* as having committed an act of war against all the other Members of the League. Apart from that automatic procedure for the prevention and punishment of aggression in certain specific cases, there had been no precise definition of aggression in the Covenant. An attempt had been made to fill that gap in the draft Treaty of Mutual Assistance of 1923 which, though containing no positive definition, had mentioned certain cases in which a war should not be considered a war of aggression. Referring to the report by Mr. Spiropoulos to the International Law Commission (A/CN.4/44), he recalled that the next attempt to define aggression had been reflected in Article 10 of the Geneva Protocol which had stipulated that any State resorting to war in violation of its undertakings under the Covenant or the Protocol would, by an automatic criterion depending on presumptions, be deemed an aggressor unless the Council unanimously decided to the contrary. He then went on to mention the Disarmament Conference of 1932 to 1934 and the Litvinov and Politis definitions.

42. At the same time, much thought had been given to the matter on the American continent. In the Anti-War Treaty of Non-Aggression and Conciliation signed at Rio de Janeiro on 10 October 1933, the contracting parties had solemnly condemned all wars of aggression and had determined that all disputes should be settled by the peaceful means prescribed under international law; Colombia, in a reservation to that Treaty, had set out the characteristic elements of aggression. At the Inter-American Conference for the Maintenance of Peace, held in 1936 at Buenos Aires, Bolivia had submitted a definition enumerating some of the most obvious cases of aggression and that definition had been supported at almost all the later Pan-American conferences. The decisions taken at the Eighth Pan-American Conference in 1938, and at the First Meeting of Consultation of the Ministers of Foreign Affairs in 1939, had eventually led to the Havana Declaration of 1940, which stipulated that an act of aggression by any State outside the American continent against any American State would be regarded as aggression against all American States. At the Chapultepec Conference, the basic elements of aggression had been defined, and a final definition had been incorporated in the Treaty of Reciprocal Assistance adopted at Rio de Janeiro in 1947. He referred in particular to article 9 of that Treaty, and to article 24 of the Charter of the Organization of American States. Thus the American States had arrived at a clear and well-defined concept of collective security.

43. After the Second World War, the international community had again addressed itself to the question of defining aggression. At the London International Conference on Military Trials, held in 1945, the United States delegation had submitted a definition based to a large extent on the proposals put forward at the Chapultepec Conference. No definition had, however, been adopted and by the time of the San Francisco Conference a change of stand had become apparent. At that stage neither the United States nor the USSR had favoured the adoption of a definition of aggression. Instead, it had been proposed that the whole structure of the United Nations should rest upon the principle of unanimity among the great Powers and it had been argued that the great Powers should be allowed full freedom of action. That idea had already been crystallized at Dumbarton Oaks and had been submitted as a final draft at San

Francisco to the countries which had not been present at Dumbarton Oaks.

44. The Bolivian delegation at San Francisco had supported the proposed creation of a Security Council based on the principle of unanimity, because, after its own bitter experience of aggression, his country had welcomed the idea that the weaker Powers would no longer have to rely solely on themselves to resist aggression, but would in future be protected by the guarantee of the great Powers to maintain world peace and security and to safeguard the political independence and territorial integrity of States. At the time of the San Francisco Conference, the relations between the great Powers had been extremely cordial, but even then the Bolivian delegation had had some doubts about the wisdom of relying entirely on the unanimity rule. In international affairs there was no guarantee that the relations between Powers, especially between great Powers, would remain the same, and his delegation had feared that at some future date the unity among the great Powers might break down. Then there would always be the possibility that one permanent member of the Security Council might indirectly support an aggressor and use the veto to prevent any other Member States from coming to the help of the victim. Consequently, Bolivia had submitted a draft definition which did not claim to be exhaustive, but did at least provide for automatic sanctions in the case of certain obvious acts of aggression. Since then, his country's worst fears had been realized, the great Powers had become far from cordial in their relations, and in many cases the Security Council had been prevented from functioning properly owing to misuse of the veto. Had his delegation's definition been adopted, many of those difficult situations would have been avoided. As it was, however, the General Assembly had had to intervene and to adopt resolution 378 (V) on the duties of States in the event of the outbreak of hostilities and resolution 380 (V) on peace through deeds.

45. Turning to the report of the International Law Commission, he expressed regret at the fact that the Commission had devoted so little study to the USSR proposal and had decided from the outset not to attempt to draft an enumerative definition. Mr. Spiropoulos, indeed, had opposed any attempt at definition and had put forward his theory of the "natural notion" of aggression (A/1858, paragraph 39). In support of that theory, he had drawn an analogy between internal criminal law and international law, contending that it was not the practice to define the crimes covered by the various criminal codes. There were, however, many criminal codes, including that of Bolivia, in which the crimes covered were quite clearly defined.

46. In his opinion, the best of the general definitions discussed by the International Law Commission was that submitted by Mr. Amado (A/1858, paragraph 40), which stated that any war not waged in exercise of the right of self-defence or in application of the provisions of Article 42 of the Charter of the United Nations was an aggressive war. That definition was based solidly on the provisions of the Charter, and even if the Assembly decided that it was impracticable to attempt to achieve a precise definition of aggression, it could not but recognize that any war not waged in application of the provisions of the Charter was an aggressive war.

47. As he still had several further points to make, Mr. Iturralde suggested that he should continue his statement at the following meeting.

48. The CHAIRMAN agreed to that suggestion.

The meeting rose at 1.15 p.m.

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